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James Harrington, *The Oceana and Other Works* [1656]



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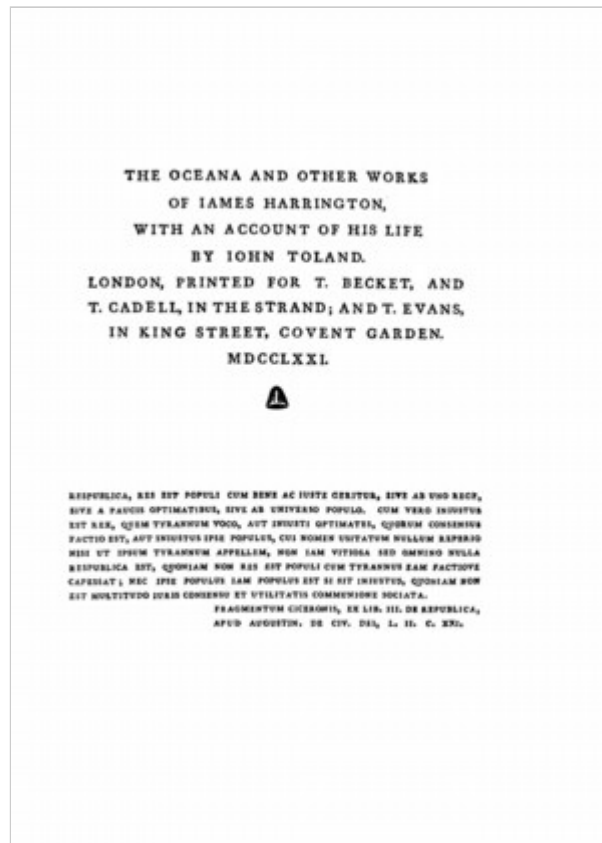
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Edition Used:

The Oceana and Other Works of James Harrington, with an Account of His Life by John Toland (London: Becket and Cadell, 1771).

Author: [James Harrington](#)

Introduction: [John Toland](#)

About This Title:

An edition of Harrington's works by an 18th century Commonwealthman.

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Advertisement To The Reader.

THE Reputation of Mr. Harrington's Writings is so well established, that nothing more is necessary than to acquaint the Reader, that no Expence nor Care have been spared to make the former and present Edition as complete as possible. They contain the whole of Mr. Toland's Edition, which was become extremely scarce, and sold at a very high Price. To these are added the several political Pieces of our Author, which Mr. Toland thought proper to omit in his Edition: a Liberty which few Readers will excuse. Most of these Pieces were republished by Mr. Harrington at *London*, in one Volume in Quarto, in 1660, under the general Title of *Political Discourses, tending to the Introduction of a free and equal Commonwealth in England*.

I take this opportunity of acknowledging my Obligation to the Rev. Mr. Thomas Birch, F. R. S. for obliging the Publick with the Political Discourses above-mentioned.

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TO THE LORD MAYOR, ALDERMEN, SHERIFS, AND COMMON COUNCIL OF LONDON.

IT is not better known to you, most worthy magistrats, that government is the preserving cause of all societys, than that every society is in a languishing or flourishing condition, answerable to the particular constitution of its government: and if the goodness of the laws in any place be thus distinguishable by the happiness of the people, so the wisdom of the people is best discern'd by the laws they have made, or by which they have chosen to be govern'd. The truth of these observations is no where more conspicuous than in the present state of that most antient and famous society you have the honor to rule, and which reciprocally enjoys the chearful influence of your administration. 'Tis solely to its government that *London* owes being universally acknowleg'd the largest, fairest, richest, and most populous city in the world; all which glorious attributes could have no foundation in history or nature, if it were not likewise the most free. 'Tis confest indeed that it derives infinite advantages above other places from its incomparable situation, as being an inland city, seated in the middle of a vale no less delicious than healthy, and on the banks of a noble river, in respect of which (if we regard how many score miles it is navigable, the clearness and depth of its channel, or its smooth and even course) the *Seine* is but a brook, and the celebrated *Tyber* it self a rivulet: yet all this could never raise it to any considerable pitch without the inestimable blessings of Liberty, which has chosen her peculiar residence, and more eminently fixt her throne in this place. Liberty is the true spring of its prodigious trade and commerce with all the known parts of the universe, and is the original planter of its many fruitful colonys in *America*, with its numberless factorys in *Europe*, *Asia*, and *Africa*: hence it is that every sea is cover'd with our ships, that the very air is scarce exemted from our inventions, and that all the productions of art or nature are imported to this common storehouse of mankind; or rather as if the whole variety of things wherewith the earth is stockt had bin principally design'd for our profit or delight, and no more of 'em allow'd to the rest of men, than what they must necessarily use as our purveyors or laborers. As Liberty has elevated the native citizens of *London* to so high a degree of riches and politeness, that for their stately houses, fine equipages, and sumtuous tables, they excede the port of som foren princes; so is it naturally becom every man's country, and the happy refuge of those in all nations, who prefer the secure enjoymnt of life and property to the glittering pomp and slavery, as well as to the arbitrary lust and rapine of their several tyrants. To the same cause is owing the splendor and magnificence of the public structures, as palaces, temples, halls, colleges, hospitals, schools, courts of judicature, and a great many others of all kinds, which, tho singly excel'd where the wealth or state of any town cannot reach further than one building, yet, taking them all together, they are to be equal'd no where besides. The delicat country seats, and the large villages crouded on all hands around it, are manifest indications how happily the citizens live, and makes a stranger apt to believe himself in the city before he approaches it by som miles. Nor is it to the felicity of the present times that *London* is only indebted: for in all ages, and under all changes, it ever shew'd a most passionat love of Liberty, which it has not more bravely preserv'd than wisely manag'd, infusing the same genius into

all quarters of the land, which are influenc'd from hence as the several parts of the animal body are duly supply'd with blood and nourishment from the heart. Whenever therefore the execrable design was hatcht to inslave the inhabitants of this country, the first attempts were still made on the government of the city, as there also the strongest and most successful efforts were first us'd to restore freedom: for we may remember (to name one instance for all) when the late king was fled, and every thing in confusion, that then the chief nobility and gentry resorted to *Guildhall* for protection, and to concert proper methods for settling the nation hereafter on a basis of liberty never to be shaken. But what greater demonstration can the world require concerning the excellency of our national government, or the particular power and freedom of this city, than the Bank of *England*, which, like the temple of Saturn among the *Romans*, is esteem'd so sacred a repository, that even sorenors think their treasure more safely lodg'd there than with themselves at home; and this not only don by the subjects of absolute princes, where there can be no room for any public credit, but likewise by the inhabitants of those commonwealths where alone such banks were hitherto reputed secure. I am the more willing to make this remark, because the constitution of our bank is both preferable to that of all others, and comes the nearest of any government to Harrington's model. In this respect a particular commendation is due to the city which produc'd such persons to whose wisdom we owe so beneficial an establishment: and therefore from my own small observation on men or things I fear not to prophesy, that, before the term of years be expir'd to which the bank is now limited, the desires of all people will gladly concur to have it render'd perpetual. Neither is it one of the last things on which you ought to value your selves, most worthy citizens, that there is scarce a way of honoring the deity known any where, but is either already allow'd, or may be safely exercis'd among you; toleration being only deny'd to immoral practices, and the opinions of men being left as free to them as their possessions, excepting only Popery, and such other rites and notions as directly tend to disturb or dissolve society. Besides the political advantages of union, wealth, and numbers of people, which are the certain consequents of this impartial liberty, 'tis also highly congruous to the nature of true religion; and if any thing on earth can be imagin'd to ingage the interest of heaven, it must be specially that which procures it the sincere and voluntary respect of mankind. I might here display the renown of the city for military glory, and recite those former valiant atchievements which our historians carefully record; but I should never finish if I inlarg'd on those things which I only hint, or if I would mention the extraordinary privileges which *London* now enjoys, and may likely possess hereafter, for which she well deserves the name of a *New Rome in the West*, and, like the old one, to become the sovereign mistress of the universe.

The government of the city is so wisely and completely contriv'd, that Harrington made very few alterations in it, tho in all the other parts of our national constitution he scarce left any thing as he found it. And without question it is a most excellent model. The lord mayor, as to the solemnity of his election, the magnificence of his state, or the extent of his authority, tho inferior to a *Roman* consul (to whom in many respects he may be fitly compar'd) yet he far outshines the figure made by an *Athenian archon*, or the grandeur of any magistrat presiding over the best citys now in the world. During a vacancy of the throne he is the chief person in the nation, and is at all times vested with a very extraordinary trust, which is the reason that this dignity is not

often confer'd on undeserving persons; of which we need not go further for an instance than the Right Honorable Sir Richard Levet, who now so worthily fills that eminent post, into which he was not more freely chosen by the suffrages of his fellow-citizens, than he continues to discharge the functions of it with approv'd moderation and justice. But of the great caution generally us'd in the choice of magistrats, we may give a true judgment by the present worshipful sherifs, Sir Charles Duncomb and Sir Jeffery Jefferies, who are not the creatures of petty factions and cabals, nor (as in the late reigns) illegally obtruded on the city to serve a turn for the court, but unanimously elected for those good qualitys which alone should be the proper recommendations to magistracy; that as having the greatest stakes to lose they will be the more concern'd for securing the property of others, so their willingness to serve their country is known not to be inferior to their zeal for king William; and while they are, for the credit of the city generously equalling the expences of the *Roman prætors*, such at the same time is their tender care of the distrest, as if to be overseers of the poor were their sole and immediat charge. As the common council is the popular representative, so the court of aldermen is the aristocratical senat of the city. To enter on the particular merits of those names who compose this illustrious assembly, as it must be own'd by all to be a labor no less arduous than extremely nice and invidious, yet to pass it quite over in such a manner as not to give at least a specimen of so much worth, would argue a pusillanimity inconsistent with Liberty, and a disrespect to those I wou'd be always understood to honor. In regard therfore that the eldest alderman is the same at *London* with what the prince of the senat was at *Rome*, I shall only presume to mention the honorable Sir Robert Clayton as well in that capacity, as by reason he universally passes for the perfect pattern of a good citizen. That this character is not exaggerated will be evident to all those who consider him, either as raising a plentiful fortune by his industry and merit, or as disposing his estate with no less liberality and judgment than he got it with honesty and care: for as to his public and privat donations, and the provision he has made for his relations or friends, I will not say that he is unequal'd by any, but that he deserves to be imitated by all. Yet these are small commendations if compar'd to his steddly conduct when he supply'd the highest stations of this great city. The danger of defending the liberty of the subject in those calamitous times is not better remember'd than the courage with which he acted, particularly in bringing in the bill for excluding a Popish successor from the crown, his brave appearance on the behalf of your charter, and the general applause with which he discharg'd his trust in all other respects; nor ought the gratitude of the people be forgot, who on this occasion first stil'd him *the father of the city*, as Cicero for the like reason was the first of all *Romans* call'd *the father of his country*. That he still assists in the government of *London* as eldest alderman, and in that of the whole nation as a member of the high court of parlament, is not so great an honor as that he deserves it; while the posterity of those familys he supports, and the memory of his other laudable actions, will be the living and eternal monuments of his virtue, when time has consum'd the most durable brass or marble.

To whom therfore shou'd I inscribe a book containing the rules of good polity, but to a society so admirably constituted, and producing such great and excellent men? that elsewhere there may be found who understand government better, distribute justice wiser, or love liberty more, I could never persuade myself to imagin: nor can the person wish for a nobler address, or the subject be made happy in a more suitable

patronage than THE SENAT AND PEOPLE OF *LONDON*; to whose uninterrupted increase of wealth and dignity, none can be a heartier welwisher, than the greatest admirer of their constitution, and their most humble servant,

JOHN TOLAND.

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THE PREFACE.

HOW allowable it is for any man to write the history of another, without intitling himself to his opinions, or becoming answerable for his actions, I have expresly treated in the Life of John Milton, and in the just defence of the same under the title of AMYNTOR. The reasons there alleg'd are excuse and authority enough for the task I have since impos'd on my self, which is, to transmit to posterity the worthy memory of James Harrington, a bright ornament to useful learning, a hearty lover of his native country, and a generous benefactor to the whole world; a person who obscur'd the false lustre of our modern politicians, and that equal'd (if not exceded) all the antient legislators.

BUT there are some people more formidable for their noise than number, and for their number more considerable than their power, who will not fail with open mouths to proclaim, that this is a seditious attempt against the very being of monarchy, and that there's a pernicious design on foot of speedily introducing a republican form of government into the Britannic islands; in order to which the person (continue they) whom we have for som time distinguisht as a zealous promoter of this cause, has now publisht the Life and Works of Harrington, who was the greatest commonwealthsman in the world. This is the substance of what these roaring and hoarse trumpeters of detraction will sound; for what's likely to be said by men, who talk all by rote, is as easy to guess as to answer, tho 'tis commonly so silly as to deserve no animadversion. Those who in the late reigns were invidiously nicknam'd Commonwealthsmen, are by this time sufficiently clear'd of that imputation by their actions, a much better apology than any words: for they valiantly rescu'd our antient government from the devouring jaws of arbitrary power, and did not only unanimously concur to fix the imperial crown of England on the most deserving head in the universe, but also settl'd the monarchy for the future, not as if they intended to bring it soon to a period, but under such wise regulations as are most likely to continue it for ever, consisting of such excellent laws as indeed set bounds to the will of the king, but that render him thereby the more safe, equally binding up his and the subjects hands from unjustly seizing one another's prescrib'd rights or privileges.

'T IS confest, that in every society there will be always found som persons prepar'd to enterprize any thing (tho never so flagitious) grown desperat by their villanies, their profuseness, their ambition, or the more raging madness of superstition; and this evil is not within the compass of art or nature to remedy. But that a whole people, or any considerable number of them, shou'd rebel against a king that well and wisely administers his government, as it cannot be instanc'd out of any history, so it is a thing in it self impossible. An infallible expedient therefore to exclude a commonwealth, is for the king to be the man of his people, and, according to his present Majesty's glorious example, to find out the secret of so happily uniting two seemingly incompatible things, principality and liberty.

'TIS strange that men shou'd be cheated by mere names! yet how frequently are they seen to admire one denomination, what going under another they wou d undoubtedly

detest; which observation made Tacitus lay down for a maxim, That the secret of setting up a new state consists in retaining the image of the old. Now if a commonwealth be a government of laws enacted for the common good of all the people, not without their own consent or approbation; and that they are not wholly excluded, as in absolute monarchy, which is a government of men who forcibly rule over others for their own private interest: then it is undeniably manifest that the English government is already a commonwealth, the most free and best constituted in all the world. This was frankly acknowleg'd by King James the First, who stiled himself the great servant of the commonwealth. It is the language of our best lawyers, and allow'd by our author, who only makes it a less perfect and more unequal form than that of his Oceana, wherein, he thinks, better provision is made against external violence or internal diseases. Nor dos it at all import by what names either persons, or places, or things, are call'd, since the commonwealthsman finds he enjoys liberty under the security of equal laws, and that the rest of the subjects are fully satisfy'd they live under a government which is a monarchy in effect as well as in name. There's not a man alive that exceeds my affection to a mixt form of government, by the antients counted the most perfect; yet I am not so blinded with admiring the good constitution of our own, but that every day I can discern in it many things deficient, som things redundant, and others that require emendation or change. And of this the supreme legislative powers are so sensible, that we see nothing more frequent with them than the enacting, abrogating, explaining, and altering of laws, with regard to the very form of the administration. Nevertheless I hope the king and both houses of parlament will not be counted republicans; or, if they be, I am the readiest in the world to run the same good or bad fortune with them in this as well as in all other respects.

BUT, what Harrington was oblig'd to say on the like occasion I must now produce for my self. It was in the time of Alexander, the greatest prince and commander of his age, that Aristotle (with scarce inferior applause, and equal fame) wrote that excellent piece of prudence in his closet which is call'd his Politics, going upon far other principles than Alexander's government, which it has long outliv'd. The like did Livy without disturbance in the time of Augustus, Sir Thomas More in that of Henry the Eighth, and Machiavel when Italy was under princes that afforded him not the ear. If these and many other celebrated men wrote not only with honor and safety, but even of commonwealths under despotic or tyrannical princes, who can be so notoriously stupid as to wonder that in a free government, and under a king that is both the restorer and supporter of the liberty of Europe, I shou'd do justice to an author who far outdos all that went before him, in his exquisit knowlege of the politics?

THIS liberty of writing freely, fully, and impartially, is a part of those rights which in the last reigns were so barbarously invaded by such as had no inclination to hear of their own enormous violations of the laws of God and man; nor is it undeserving observation, that such as raise the loudest clamors against it now, are the known enemys of King William's title and person, being sure that the abdicated King James can never be reinthron'd so long as the press is open for brave and free spirits to display the mischiefs of tyranny in their true colors, and to shew the infinit advantages of liberty. But not to dismiss even such unreasonable people without

perfect satisfaction, let 'em know that I don't recommend a commonwealth, but write the history of a commonwealthsman, fairly divulging the principles and pretences of that party, and leaving every body to approve or dislike what he pleases, without imposing on his judgment by the deluding arts of sophistry, eloquence, or any other specious but unfair methods of persuasion. Men, to the best of their ability, ought to be ignorant of nothing; and while they talk so much for and against a commonwealth, 'tis fit they shou'd at least understand the subject of their discourse, which is not every body's case. Now as Harrington's Oceana is, in my opinion, the most perfect form of popular government that ever was; so this, with his other writings, contain the history, reasons, nature and effects of all sorts of government, with so much learning and perspicuity, that nothing can be more preferably read on such occasions.

LET not those therefore, who make no opposition to the reprinting or reading of Plato's Heathen commonwealth, ridiculously declaim against the better and Christian model of Harrington; but peruse both of 'em with as little prejudice, passion, or concern, as they would a book of travels into the Indys for their improvement and diversion. Yet so contrary are the tempers of many to this equitable disposition, that Dionysius the Sicilian tyrant, and such beasts of prey, are the worthy examples they wou'd recommend to the imitation of our governors, tho, if they cou'd be able to persuade 'em, they wou'd still miss of their foolish aim: for it is ever with all books, as formerly with those of Cremutius Cordus, who was condemn'd by that monster Tiberius for speaking honorably of the immortal tyrannicides Brutus and Cassius. Tacitus records the last words of this historian, and subjoins this judicious remark: The senat, says he, order'd his books to be burnt by the ediles; but som copys were conceal'd, and afterwards publish'd; whence we may take occasion to laugh at the sottishness of those who imagin that their present power can also abolish the memory of succeeding time: for, on the contrary, authors acquire additional reputation by their punishment; nor have foren kings, and such others as have us'd the like severity, got any thing by it, except to themselves disgrace, and glory to the writers. But the works of Harrington were neither suppress at their first publication under the usurper, nor ever since call'd in by lawful authority, but as inestimable treasures preserv'd by all that had the happiness to possess 'em intire; so that what was a precious rarity before, is now becom a public good, with extraordinary advantages of correctness, paper, and print. What I have perform'd in the history of his life, I leave the readers to judg for themselves; but in that and all my other studys, I constantly aim'd as much at least at the benefit of mankind, and especially of my fellow citizens, as at my own particular entertainment or reputation.

THE politics, no less than arms, are the proper study of a gentleman, tho he shou'd confine himself to nothing, but carefully adorn his mind and body with all useful and becoming accomplishments; and not imitat the servile drudgery of those mean spirits, who, for the sake of som one science, neglect the knowlege of all other matters, and in the end are many times neither masters of what they profess, nor vers'd enough in any thing else to speak of it agreeably or pertinently: which renders 'em untractable in conversation, as in dispute they are opinionative and passionate, envious of their fame who eclipse their littleness, and the sworn enemys of what they do not understand.

BUT Heaven be duly prais'd, learning begins to flourish again in its proper soil among our gentlemen, in imitation of the Roman patricians, who did not love to walk in leading-strings, and to be guided blindfold, nor lazily to abandon the care of their proper business to the management of men having a distinct profession and interest: for the greatest part of their best authors were persons of consular dignity, the ablest statesmen, and the most gallant commanders. Wherefore the amplest satisfaction I can injoy of this sort will be, to find those delighted with reading this work, for whose service it was intended by the author; and which, with the study of other good books, but especially a careful perusal of the Greec and Roman historians, will make 'em in reality deserve the title and respect of gentlemen, help 'em to make an advantageous figure in their own time, and perpetuat their illustrious fame and solid worth to be admir'd by future generations.

AS for my self, tho no imployment or condition of life shall make me disrelish the lasting entertainment which books afford; yet I have resolv'd not to write the life of any modern person again, except that only of one man still alive, and whom in the ordinary course of nature I am like to survive a long while, he being already far advanc'd in his declining time, and I but this present day beginning the thirtieth year of my age.

Canon near Banstead, Novemb. 30. 1699.

THE LIFE OF JAMES HARRINGTON.

1. *JAMES HARRINGTON* (who was born in *January* 1611) was descended of an antient and noble family in *Rutlandshire*, being great grandson to Sir James Harrington; of whom it is observ'd by the* historian of that county, that there were sprung in his time eight dukes, three marquisses, seventy earls, twenty-seven viscounts, and thirty-six barons; of which number sixteen were knights of the garter: to confirm which account, we shall annex a copy of the inscription on his monument and that of his three sons at *Exton*, with notes on the same by an uncertain hand. As for our author, he was the eldest son of Sir Sapcotes Harrington, and Jane the daughter of Sir William Samuel of *Upton* in *Northamptonshire*. His father had children besides him, William, a merchant in *London*; Elizabeth, marry'd to Sir Ralph Ashton in *Lancashire*, baronet; Ann, marry'd to Arthur Evelyn, Esq; And by a second wife he had John, kill'd at sea; Edward, a captain in the army, yet living; Frances, marry'd to John Bagshaw of *Culworth* in *Northamptonshire*, Esq; and Dorothy, marry'd to Allan Bellingham of *Levens* in *Westmorland*, Esq; This lady is still alive, and, when she understood my design, was pleas'd to put me in possession of all the remaining letters, and other manuscript papers of her brother, with the collections and observations relating to him, made by his other sister the lady Ashton, a woman of very extraordinary parts and accomplishments. These, with the account given of him by Anthony Wood, in the second volum of his *Athenae Oxonienses*, and what I cou'd learn from the mouths of his surviving acquaintance, are the materials whereof I compos'd this insuing history of his life.

2. In his very childhood he gave sure hopes of his future abilitys, as well by his inclination and capacity to learn whatever was propos'd to him, as by a kind of natural

gravity; whence his parents and masters were wont to say, That he rather kept them in awe, than needed their correction: yet when grown a man, none could easily surpass him for quickness of wit, and a most facetious temper. He was enter'd a gentleman commoner of *Trinity College* in *Oxford* in the year 1629, and became a pupil to that great master of reason Dr. Chillingworth, who discovering the errors, impostures, and tyranny of the *Popish* church (whereof he was for some time a member) attackt it with more proper and successful arms than all before, or perhaps any since have don. After considerably improving his knowlege in the university, he was more particularly fitting himself for his intended travels, by learning several foren languages, when his father dy'd, leaving him under age. Tho the court of wards was still in being, yet by the soccage tenure of his estate he was at liberty to chuse his own guardian; and accordingly pitch'd upon his grandmother the lady Samuel, a woman eminent for her wisdom and virtue. Of her and the rest of his governors he soon obtain'd a permission to satisfy his eager desire of seeing som other parts of the world, where he could make such observations on men and manners, as might best fit him in due time to serve and adorn his native country.

3. His first step was into *Holland*, then the principal school of martial disciplin, and (what toucht him more sensibly) a place wonderfully flourishing under the influence of their liberty, which they had so lately asserted, by breaking the yoke of a severe master, the *Spanish* tyrant. And here, no doubt, it was that he begun to make government the subject of his meditations: for he was often heard to say, that, before he left *England*, he knew no more of monarchy, anarchy, aristocracy, democracy, oligarchy, or the like, than as hard words, wherof he learnt the signification in his dictionary. For some months he listed himself in my lord Craven's regiment and Sir Robert Stone's; during which time being much at the *Hague*, he had the opportunity of further accomplishing himself in two courts, namely, those of the prince of *Orange* and the queen of *Bohemia*, the daughter of our K. James I. then a fugitive in *Holland*, her husband having bin abandon'd by his father in law, betray'd by the king of *Spain*, and stript of all his territorys by the emperor. This excellent princess entertain'd him with extraordinary favor and civility on the account of his uncle the lord Harrington, who had bin her governor; but particularly for the sake of his own merit. The prince elector also courted him into his service, ingag'd him to attend him in a journey he made to the court of *Denmark*, and, after his return from travelling, committed the chief management of all his affairs in *England* to his care. Nor were the young princesses less delighted with his company, his conversation being always extremely pleasant, as well as learned and polite; to which good qualitys those unfortunat ladies were far from being strangers, as appears by the letters of the great philosopher Cartesius, and by the other writers of those times.

4. Tho he found many charms inviting his longer stay in this place, yet none were strong enough to keep him from pursuing his main design of travelling; and therefore he went next thro *Flanders* into *France*, where having perfected himself in the language, seen what deserv'd his curiosity, and made such remarks on their government as will best appear in his works, he remov'd thence into *Italy*. It happen'd to be then (as it is now) the year of *jubilee*. He always us'd to admire the great dexterity wherewith the *Popish* clergy could maintain their severe government over so great a part of the world, and that men otherwise reasonable enough should be

enchanted out of their senses, as well as cheated out of their mony, by these ridiculous tricks of religious pageantry. Except the small respect he shew'd to the miracles they daily told him were perform'd in their churches, he did in all other things behave himself very prudently and inoffensively. But going on a *Candlemas* day with several other Protestants, to see the Pope perform the ceremony of consecrating wax lights; and perceiving that none could obtain any of those torches, except such as kist the Pope's toe (which he expos'd to 'em for that purpose) tho he had a great mind to one of the lights, yet he would not accept it on so hard a condition. The rest of his companions were not so scrupulous, and after their return complain'd of his squeamishness to the king; who telling him he might have don it only as a respect to a temporal prince, he presently reply'd, that since he had the honor to kiss his majesty's hand, he thought it beneath him to kiss any other prince's foot. The king was pleased with his answer, and did afterwards admit him to be one of his privy chamber extraordinary, in which quality he attended him in his first expedition against the *Scots*.

5. He prefer'd *Venice* to all other places in *Italy*, as he did its government to all those of the whole world, it being in his opinion immutable by any external or internal causes, and to finish only with mankind; of which assertion you may find various proofs alleg'd in his works. Here he furnish'd himself with a collection of all the valuable books in the *Italian* language, especially treating of politics, and contracted acquaintance with every one of whom he might receive any benefit by instruction or otherwise.

6. After having thus seen *Italy*, *France*, the *Low Country*s, *Denmark*, and som parts of *Germany*, he return'd home into *England*, to the great joy of all his friends and acquaintance. But he was in a special manner the darling of his relations, of whom he acknowleg'd to receive reciprocal satisfaction. His brothers and sisters were now pretty well grown, which made it his next care so to provide for each of 'em as might render 'em independent of others, and easy to themselves. His brother William he bred to be a merchant, in which calling he became a considerable man; he was a good architect, and was so much notic'd for his ingenious contrivances, that he was receiv'd a fellow of the royal society. How his other brothers were dispos'd, we mention'd in the beginning of this discourse. He took all the care of a parent in the education of his sisters, and wou'd himself make large discourses to 'em concerning the reverence that was due to Almighty God; the benevolence they were oblig'd to shew all mankind; how they ought to furnish their minds with knowlege by reading of useful books, and to shew the goodness of their disposition by a constant practice of virtue: in a word, he taught 'em the true rules of humanity and decency, always inculcating to 'em, that good manners did not so much consist in a fashionable carriage (which ought not to be neglected) as in becoming words and actions, an obliging address, and a modest behavior. He treated his mother in law as if she were his own, and made no distinction between her children and the rest of his brothers and sisters; which good example had such effects on 'em all, that no family has bin more remarkable for their mutual friendship.

7. He was of a very liberal and compassionate nature, nor could he indure to see a friend want any thing he might spare; and when the relief that was necessary exceeded

the bounds of his estate, he persuaded his sisters not only to contribute themselves, but likewise to go about to the rest of their relations to complete what was wanting. And if at any time they alleg'd that this bounty had been thrown away on ungrateful persons, he would answer with a smile, that he saw they were mercenary, and that they plainly sold their gifts, since they expected so great a return as gratitude.

8. His natural inclinations to study kept him from seeking after any public imployments. But in the year 1646, attending out of curiosity the commissioners appointed by parliament to bring King Charles the First from *Newcastle* nearer to *London*, he was by som of 'em nam'd to wait on his majesty, as a person known to him before, and ingag'd to no party or faction. The king approv'd the proposal, yet our author would never presume to come into his presence except in public, till he was particularly commanded by the king; and that he, with Thomas Herbert (created a baronet after the restoration of the monarchy) were made grooms of the bedchamber at *Holmby*, together with James Maxwell and Patrick Maule (afterwards earl of *Penmoore* in *Scotland*) which two only remain'd of his old servants in that station.

9. He had the good luck to grow very acceptable to the king, who much convers'd with him about books and foren countrys. In his sister's papers I find it exprest, that at the king's command he translated into *English* Dr. Sanderson's book concerning the obligation of oaths: but Anthony Wood says it was the king's own doing, and that he shew'd it at different times to Harrington, Herbert, Dr. Juxon, Dr. Hammond, and Dr. Sheldon, for their approbation. However that be, 'tis certain he serv'd his master with untainted fidelity, without doing any thing inconsistent with the liberty of his country; and that he made use of his interest with his friends in parliament to have matters accommodated for the satisfaction of all partys. During the treaty in the *Isle of Wight*, he frequently warn'd the divines of his acquaintance to take heed how far they prest the king to insist upon any thing which, however it concern'd their dignity, was no essential point of religion; and that such matters driven too far wou'd infallibly ruin all the indeavours us'd for a peace; which prophecy was prov'd too true by the event. *His majesty lov'd his company, says Anthony Wood, and, finding him to be an ingenious man, chose rather to converse with him than with others of his chamber: they had often discourses concerning government; but when they happen'd to talk of a commonwealth, the king seem'd not to indure it.* Here I know not which most to commend, the king for trusting a man of republican principles, or Harrington for owning his principles while he serv'd a king.

10. After the king was remov'd out of the *Isle of Wight* to *Hurstcastle* in *Hampshire*, Harrington was forcibly turn'd out of service, because he vindicated som of his majesty's arguments against the parliament commissioners at *Newport*, and thought his concessions not so unsatisfactory as did som others. As they were taking the king to *Windsor*, he beg'd admittance to the boot of the coach, that he might bid his master farewell; which being granted, and he preparing to kneel, the king took him by the hand, and pull'd him in to him. He was for three or four days permitted to stay: but because he would not take an oath against assisting or concealing the king's escape, he was not only discharg'd from his office, but also for som time detain'd in custody, till major-general Ireton obtain'd his liberty. He afterwards found means to

see the king at St. *James's*, and accompany'd him on the scaffold, where, or a little before, he receiv'd a token of his majesty's affection.

11. After the king's death he was observ'd to keep much in his library, and more retir'd than usually, which was by his friends a long time attributed to melancholy or discontent. At length when they weary'd him with their importunities to change this sort of life, he thought fit to shew 'em at the same time their mistake and a copy of his *Oceana*, which he was privatly writing all that while: telling 'em withal, that ever since he began to examin things seriously, he had principally addicted himself to the study of civil government, as being of the highest importance to the peace and felicity of mankind; and that he succeeded at least to his own satisfaction, being now convinc'd that no government is of so accidental or arbitrary an institution as people are wont to imagin, there being in societys natural causes producing their necessary effects, as well as in the earth or the air. Hence he frequently argu'd, that the troubles of his time were not to be wholly attributed to wilfulness or faction, neither to the misgovernment of the prince, nor the stubbornness of the people; but to change in the balance of property, which ever since Henry the Seventh's time was daily falling into the scale of the commons from that of the king and the lords, as in his book he evidently demonstrats and explains. Not that hereby he approv'd either the breaches which the king had made on the laws, or excus'd the severity which som of the subjects exercis'd on the king; but to shew that as long as the causes of these disorder's remain'd, so long would the like effects unavoidably follow: while on the one hand a king would be always indeavoring to govern according to the example of his predecessors when the best part of the national property was in their own hands, and consequently the greatest command of mony and men, as one of a thousand pounds a year can entertain more servants, or influence more tenants than another that has but one hundred, out of which he cannot allow one valet; and on the other hand he said, the people would be sure to struggle for preserving the property wherof they were in possession, never failing to obtain more privileges, and to inlarge the basis of their liberty, as often as they met with any success (which they generally did) in quarrels of this kind. His chief aim therefore was to find out a method of preventing such distempers, or to apply the best remedys when they happen'd to break out. But as long as the balance remain'd in this unequal state, he affirm'd that no king whatsoever could keep himself easy, let him never so much indeavor to please his people; and that though a good king might manage affairs tolerably well during his life, yet this did not prove the government to be good, since under a less prudent prince it would fall to pieces again, while the orders of a well constituted state make wicked men virtuous, and fools to act wisely.

12. That *empire follows the balance of property*, whether lodg'd in one, in a few, or in many hands, he was the first that ever made out; and is a noble discovery, wherof the honor solely belongs to him, as much as those of the circulation of the blood, of printing, of guns, of the compass, or of optic glasses, to the several authors. 'Tis incredible to think what gross and numberless errors were committed by all the writers before him, even by the best of them, for want of understanding this plain truth, which is the foundation of all politics. He no sooner discours'd publicly of this new doctrin, being a man of universal acquaintance, but it ingag'd all sorts of people to busy themselves about it as they were variously affected. Som, because they

understood him, despis'd it, alleging it was plain to every man's capacity, as if his highest merit did not consist in making it so. Others, and those in number the fewest, disputed with him about it, merely to be better inform'd; with which he was well pleas'd, as reckoning a pertinent objection of greater advantage to the discovery of truth (which was his aim) than a complaisant applause or approbation. But a third sort, of which there never wants in all places a numerous company, did out of pure envy strive all they could to lessen or defame him; and one of 'em (since they could not find any precedent writer out of whose works they might make him a plagiary) did endeavor, after a very singular manner, to rob him of the glory of this invention: for our author having friendly lent him a part of his papers, he publish'd a small piece to the same purpose, intitled, *A letter from an officer of the army in Ireland, &c.* Major Wildman was then reputed the author by som, and Henry Nevil by others; which latter, by reason of this thing, and his great intimacy with Harrington, was by his detractors reported to be the author of his works, or that at least he had a principal hand in composing of them. Notwithstanding which provocations, so true was he to the friendship he profest to Nevil and Wildman, that he avoided all harsh expressions or public censures on this occasion, contenting himself with the justice which the world was soon oblig'd to yield to him by reason of his other writings, where no such clubbing of brains could be reasonably suspected.

13. But the publication of his book met with greater difficultys from the opposition of the several partys then set against one another, and all against him; but none more than som of those who pretended to be for a commonwealth, which was the specious name under which they cover'd the rankest tyranny of Oliver Cromwel, while Harrington, like Paul at *Athens*, endeavor'd to make known to the people what they ignorantly ador'd. By shewing that a commonwealth was a government of laws, and not of the sword, he could not but detect the violent administration of the protector by his bashaws, intendants, or majors general, which created him no small danger: while the cavaliers on the other side tax'd him with ingratitude to the memory of the late king, and prefer'd the monarchy even of a usurper to the best order'd commonwealth. To these he answer'd, that it was enough for him to forbear publishing his sentiments during that king's life; but the monarchy being now quite dissolv'd, and the nation in a state of anarchy, or (what was worse) groaning under a horrid usurpation, he was not only at liberty, but even oblig'd as a good citizen to offer a helping hand to his countrymen, and to shew 'em such a model of government as he thought most conducing to their tranquillity, wealth and power: that the cavaliers ought of all people to be best pleas'd with him, since if his model succeeded, they were sure to enjoy equal privileges with others, and so be deliver'd from their present oppression; for in a well-constituted commonwealth there can be no distinction of partys, the passage to preferment is open to merit in all persons, and no honest man can be uneasy: but that if the prince should happen to be restor'd, his doctrin of the balance would be a light to shew him what and with whom he had to do, and so either to amend or avoid the miscarriages of his father; since all that is said of this doctrin may as well be accommodated to a monarchy regulated by laws, as to a democracy or more popular form of a commonwealth. He us'd to add on such occasions another reason of writing this model, which was, That if it should ever be the fate of this nation to be, like *Italy* of old, overrun by any barbarous people, or to have its government and records destroy'd by the rage of som merciless conqueror, they might

not be then left to their own invention in framing a new government; for few people can be expected to succede so happily as the *Venetians* have don in such a case.

14. In the mean time it was known to som of the courtiers, that the book was a printing; whereupon, after hunting it from one press to another, they seiz'd their prey at last, and convey'd it to *Whitehall*. All the sollicitations he could make were not able to relieve his papers, till he remember'd that Oliver's favorit daughter, the lady Claypole, acted the part of a princess very naturally, obliging all persons with her civility, and frequently interceding for the unhappy. To this lady, tho an absolute stranger to him, he thought fit to make his application; and being led into her antichamber, he sent in his name, with his humble request that she would admit him to her presence. While he attended, som of her women coming into the room were follow'd by her little daughter about three years old, who staid behind them. He entertain'd the child so divertingly, that she suffer'd him to take her up in his arms till her mother came; whereupon he stepping towards her, and setting the child down at her feet, said, Madam, 'tis well you are com at this nick of time, or I had certainly stolen this pretty little lady. Stolen her, reply'd the mother! pray, what to do with her? for she is yet too young to becom your mistress. Madam, said he, tho her charms assure her of a more considerable conquest, yet I must confess it is not love but revenge that prompted me to commit this theft. Lord, answer'd the lady again, what injury have I don you that you should steal my child? none at all, reply'd he, but that you might be induc'd to prevail with your father to do me justice, by restoring my child that he has stolen. But she urging it was impossible, because her father had children enough of his own; he told her at last it was the issue of his brain which was misrepresented to the protector, and taken out of the press by his order. She immediately promis'd to procure it for him, if it contain'd nothing prejudicial to her father's government; and he assur'd her it was only a kind of a political romance, so far from any treason against her father, that he hop'd she would acquaint him that he design'd to dedicat it to him, and promis'd that she her self should be presented with one of the first copys. The lady was so well pleas'd with his manner of address, that he had his book speedily restor'd to him; and he did accordingly inscribe it to Oliver Cromwel, who, after the perusal of it, said, the gentleman had like to trapan him out of his power, but that what he got by the sword he would not quit for a little paper shot: adding in his usual cant, that he approv'd the government of a single person as little as any of 'em, but that he was forc'd to take upon him the office of a high constable, to preserve the peace among the several partys in the nation, since he saw that being left to themselves, they would never agree to any certain form of government, and would only spend their whole power in defeating the designs, or destroying the persons of one another.

15. But nothing in the world could better discover Cromwel's dissimulation than this speech, since Harrington had demonstrated in his book, that no commonwealth could be so easily or perfectly establish'd as one by a sole legislator, it being in his power (if he were a man of good invention himself, or had a good model propos'd to him by others) to set up a government in the whole piece at once, and in perfection; but an assembly, being of better judgment than invention, generally make patching work in forming a government, and are whole ages about that which is seldom or never brought by 'em to any perfection; but is commonly ruin'd by the way, leaving the

noblest attempts under reproach, and the authors of 'em expos'd to the greatest dangers while they live, and to a certain infamy when dead. Wherefore the wisest assemblies, in mending or making a government, have pitch'd upon a sole legislator, whose model they could rightly approve, tho not so well digest; as musicians can play in consort, and judge of an air that is laid before them, tho to invent a part of music they could never agree, nor succeed so happily as one person. If Cromwel therefore had meant as he spoke, no man had ever such an opportunity of reforming what was amiss in the old government, or setting up one wholly new, either according to the plan of *Oceana*, or any other. This would have made him indeed a *hero* superior in lasting fame to Solon, Lycurgus, Zaleucus, and Charondas; and render his glory far more resplendent, his security greater, and his renown more durable than all the pomp of his ill acquir'd greatness could afford: whereas on the contrary he liv'd in continual fears of those he had enslav'd, dy'd abhor'd as a monstrous betrayer of those liberties with which he was intrusted by his country, and his posterity not possessing a foot of what for their only sakes he was generally thought to usurp. But this last is a mistaken notion, for some of the most notorious tyrants liv'd and dy'd without any hopes of children; which is a good reason why no mortal ought to be trusted with too much power on that score. Lycurgus and Andrew Doria, who, when it was in their power to continue princes, chose rather to be the founders of their country's liberty, will be celebrated for their virtue thro the course of all ages, and their very names convey the highest ideas of Godlike generosity; while Julius Cæsar, Oliver Cromwel, and such others as at any time enslav'd their fellow citizens, will be for ever remember'd with detestation, and cited as the most execrable examples of the vilest treachery and ingratitude. It is only a refin'd and excellent genius, a noble soul ambitious of solid praise, a sincere lover of virtue and the good of all mankind, that is capable of executing so glorious an undertaking as making a people free. 'Tis my fix'd opinion, that if the protector's mind had the least tincture of true greatness, he could not be proof against the incomparable rewards propos'd by Harrington in the *corollary* of his *Oceana*; as no prince truly generous, whether with or without heirs, is able to resist their charms, provided he has opportunity to advance the happiness of his people. 'Twas this disposition that brought the prince of Orange to head us when we lately contended for our liberty; to this we owe those inestimable laws we have obtain'd, since out of a grateful confidence we made him our king; and how great things, or after what manner, we may expect from him in time to come, is as hard to be truly conceiv'd as worthily express'd.

16. I shall now give some account of the book itself, intitl'd by the author, *The Commonwealth of Oceana*, a name by which he design'd *England*, as being the noblest island of the *Northern* ocean. But before I proceed further, I must explain some other words occurring in this book, which is written after the manner of a romance, in imitation of Plato's *Atlantic story*, and is a method ordinarily follow'd by lawgivers.

Adoxus	<i>King</i> JOHN.
Alma	<i>The palace of St.</i> JAMES.
Convallium	<i>Hamton Court.</i>
Coraunus	HENRY VIII.
Dicotome	RICHARD II.
Emporium	<i>London.</i>
Halcionia	<i>The Thames.</i>
Halo	<i>Whitehall.</i>
Hemisua	<i>The river Trent.</i>
Hiera	<i>Westminster.</i>
Leviathan	HOBBS.
Marpesia	<i>Scotland.</i>
Morpheus	JAMES I.
Mount Celia	<i>Windsor.</i>
Neustrians	<i>Normans.</i>
Olphaus Megaletor	OLIVER CROMWEL.
Panopæa	<i>Ireland.</i>
Pantheon	<i>Westminster Hall.</i>
Panurgus	HENRY VII.
Parthenia	<i>Queen</i> ELIZABETH.
Scandians	<i>Danes.</i>
Teutons	<i>Saxons.</i>
Turbo	WILLIAM <i>the Conqueror.</i>
Verulamius	<i>Lord Chancellor</i> BACON.

17. The book consists of *Preliminarys* divided into two parts, and a third section called the *Council of Legislators*; then follows the *Model* of the Commonwealth, or the body of the book; and lastly comes the *Corollary* or Conclusion. The preliminary discourses contain the principles, generation, and effects of all governments, whether monarchical, aristocratical, or popular, and their several corruptions, as tyranny, oligarchy, and anarchy, with all the good or bad mixtures that naturally result from them. But the first part does in a more particular manner treat of antient prudence, or that genius of government which most prevail'd in the world till the time of Julius Cæsar. None can consult a more certain oracle that would conceive the nature of foren or domestic empire; the balance of land or mony; arms or contracts; magistracy and judicatures; agrarian laws; elections by the ballot; rotation of officers, with a great many such heads, especially the inconveniences and preeminences of each kind of government, or the true comparison of 'em all together. These subjects have bin generally treated distinctly, and every one of them seems to require a volum; yet I am of opinion that in this short discourse there is a more full and clearer account of them, than can be easily found elsewhere: at least I must own to have receiv'd greater satisfaction here than in all my reading before, and the same thing has bin frankly own'd to me by others.

18. The second part of the Preliminarys treats of modern prudence, or that genius of government which has most obtain'd in the world since the expiration of the *Roman* liberty, particularly the *Gothic* constitution, beginning with the inundation of the barbarous northern nations over the *Roman* empire. In this discourse there is a very clear account of the *English* government under the *Romans*, *Saxons*, *Danes*, and *Normans*, till the foundations of it were cunningly undermin'd by Henry VII. terribly shaken by Henry VIII. and utterly ruin'd under Charles I. Here he must read, who in a little compass would completely understand the antient feuds and tenures, the original and degrees of our nobility, with the inferior orders of the rest of the people: under the *Saxons*, what was meant by ealdorman, or earls; king's thane; middle thane or vavasors; their shiremoots, sherifs, and viscounts; their halymoots, weidenagemoots, and such others. Here likewise one may learn to understand the baronage of the *Normans*, as the barons by their possessions, by writ, or by letters patent; with many other particulars which give an insight into the springs and management of the barons wars, so frequent and famous in our annals. The rest of this discourse is spent in shewing the natural causes of the dissolution of the *Norman* monarchy under Charles the First, and the generation of the commonwealth, or rather the anarchy that succeeded.

19. Next follows the Council of Legislators: for Harrington being about to give the most perfect model of government, he made himself master of all the antient and modern politicians, that he might as well imitat whatever was excellent or practicable in them, as his care was to avoid all things which were impracticable or inconvenient. These were the justest measures that could possibly be taken by any body, whether he design'd to be rightly inform'd, and sufficiently furnish'd with the best materials; or whether he would have his model meet with an easy reception: for since his own sentiments (tho' never so true) were sure to be rejected as privat speculations or impracticable chimeras, this was the readiest way to make 'em pass currently, as both authoriz'd by the wisest men in all nations, and as what in all times and places had bin practis'd with success. To this end therefore he introduces, under feign'd names, nine legislators, who perfectly understood the several governments, they were appointed to represent. The province of the first was the commonwealth of *Israel*; that of the second, *Athens*; of the third, *Sparta*; of the fourth, *Carthage*; of the fifth, the *Achæans*, *Ætolians*, and *Lycians*; of the sixth, *Rome*; of the seventh, *Venice*; of the eighth, *Switzerland*; and of the ninth, *Holland*. Out of the excellencys of all these, supply'd with the fruits of his own invention, he fram'd the model of his *Oceana*; and indeed he shews himself in that work so throly vers'd in their several historys and constitutions, that to any man who would rightly understand them, I could not easily recommend a more proper teacher: for here they are dissected and laid open to all capacitys, their perfections applauded, their inconveniencys expos'd, and parallels frequently made between 'em no less entertaining than usual. Nor are the antient and modern *Eastern* or *European* monarchys forgot, but exhibited with all their advantages and corruptions, without the least dissimulation or partiality.

20. As for the model, I shall say nothing of it in particular, as well because I would not forestal the pleasure of the reader, as by reason an abridgment of it is once or twice made by himself, and inserted among his works. The method he observes is to lay down his orders or laws in so many positive propositions, to each of which he

subjoins an explanatory discourse; and if there be occasion, adds a speech suppos'd to be deliver'd by the lord Archon, or som of the legislators. These speeches are extraordinary fine, contain a world of good learning and observation, and are perpetual commentaries on his laws. In the *Corollary*, which is the conclusion of the whole work, he shews how the last hand was put to his commonwealth; which we must not imagin to treat only of the form of the senat and affemblys of the people, or the manner of waging war and governing in peace. It contains besides, the disciplin of a national religion, and the security of a liberty of conscience: a form of government for *Scotland*, for *Ireland*, and the other provinces of the commonwealth; governments for *London* and *Westminster*, proportionably to which the other corporations of the nation are to be model'd; directions for the incouraging of trade; laws for regulating academys; and most excellent rules for the education of our youth, as well to the wars or the sea, to manufactures or husbandry, as to law, physic, or divinity, and chiefly to the breeding and true figure of accomplish'd gentlemen: there are admirable orders for reforming the stage; the number, choice and business of the officers of state and the revenue, with all sorts of officers; and an exact account both of their salarys, and the ordinary yearly charge of the whole commonwealth, which for two rarely consistent things, the grandeur of its state, and the frugal management of its revenues, exceeds all the governments that ever were. I ought not to omit telling here, that this model gives a full answer to those who imagin that there can be no distinctions, or degrees, neither nobility nor gentry in a democracy, being led into this mistake, because they ignorantly think all commonwealths to be constituted alike; when, if they were but never so little vers'd in history, they might know that no order of men now in the world can com near the figure that was made by the noblemen and gentlemen of the *Roman* state: nor in this respect dos the commonwealth of *Oceana* com any thing behind them; for, as Harrington says very truly, *an army may as well consist of soldiers without officers, or of officers without soldiers, as a commonwealth (especially such an one as is capable of greatness) consist of a people without a gentry, or of a gentry without a people*. So much may suffice for understanding the scope of this book: I shall only add, that none ought to be offended with a few odd terms in it, such as the prime magnitude, the pillar of *Nilus*, the galaxy, and the tropic of magistrats, since the author explains what he means by 'em, and that any other may call 'em by what more significative names he pleases; for t' e things themselves are absolutely necessary.

21. No sooner did this treatise appear in public, but it was greedily bought up, and becom the subject of all men's discourse. The first that made exceptions to it was Dr. Henry Ferne, afterwards bishop of *Chester*. The lady Ashton presented him with one of the books, and desir'd his opinion of it, which he quickly sent in such a manner as shew'd he did not approve of the doctrin, tho he treated the person and his learning with due respect. To this letter a reply was made, and som querys sent along with it by Harrington, to every one of which a distinct answer was return'd by the doctor; which being again confuted by Harrington, he publish'd the whole in the year 1656, under the title of *Pian Piano, or an Intercourse between H. Fernedoctor in divinity, and James Harrington, Esq; upon occasion of the doctor's censure of the commonwealth of Oceana*. 'Tis a treatise of little importance, and contains nothing but what he has much better discours'd in his answers to other antagonists, which is the reason that I give the reader no more trouble about it.

22. The next that wrote against *Oceana* was Matthew Wren, eldest son to the bishop of *Ely*. His book was intitl'd *Considerations*, and restrain'd only to the first part of the preliminaries. To this our author publish'd an answer in the first book of his *Prerogative of Popular Government*, where he enlarges, explains, and vindicats his assertions. How inequal this combat was, and after what manner he treated his adversary, I leave the reader to judg; only minding him that as Wren was one of the *virtuosi* who met at Dr. Wilkins's (the seminary of the now royal society) Harrington jokingly said, That *they had an excellent faculty of magnifying a louse, and diminishing a commonwealth*. But the subjects he handles on this occasion are very curious, and reduc'd to the twelve following questions:

- (1) Whether prudence (or the politics) be well distinguish'd into antient and modern?
- (2.) Whether a commonwealth be rightly defin'd to be a government of laws and not of men; and monarchy to be a government of som men or a few men, and not of laws?
- (3.) Whether the balance of dominion in land be the natural cause of empire?
- (4.) Whether the balance of empire be well divided into national and provincial? and whether these two, or any nations that are of a distinct balance, coming to depend on one and the same head, such a mixture creates a new balance?
- (5.) Whether there be any common right or interest of mankind distinct from the interest of the parts taken severally? and how by the orders of a commonwealth this may best be distinguish'd from privat interest?
- (6.) Whether the *senatusconsulta*, or decrees of the *Roman* senat, had the power of laws?
- (7.) Whether the ten commandments, propos'd by God or Moses, were voted and past into laws by the people of *Israel*?
- (8.) Whether a commonwealth, coming up to the perfection of the kind, coms not up to the perfection of government, and has no flaw in it? that is, whether the best commonwealth be not the best government?
- (9.) Whether monarchy, coming up to the perfection of the kind, coms not short of the perfection of government, and has not som flaw in it? that is, whether the best monarchy be not the worst government? Under this head are also explain'd the balance of *France*, the original of a landed clergy, arms, and their several kinds.
- (10.) Whether any commonwealth, that was not first broken or divided by it self, was ever conquer'd by any monarch? where he shews that none ever were, and that the greatest monarchys have bin broken by very small commonwealths.
- (11.) Whether there be not an *agrarian*, or som law or laws to supply the defects of it, in every commonwealth? Whether the *agrarian*, as it is stated in *Oceana*, be not equally satisfactory to all interests or partys?

(12.) Whether a rotation, or courses and turns, be necessary to a well-order'd commonwealth? In which is contain'd the *parembole* or courses of *Israel* before the captivity, together with an epitome of the commonwealth of *Athens*, as also another of the commonwealth of *Venice*.

23. The second book of the *Prerogative of Popular Government* chiefly concerns ordination in the Christian church, and the orders of the commonwealth of *Israel*, against the opinions of Dr. Hammond, Dr. Seaman, and the authors they follow. His dispute with these learned persons (the one of the Episcopal, and the other of the Presbyterian communion) is comprehended in five chapters.

(1.) The first, explaining the words *chirotonia* and *chirothesia*, paraphrastically relates the story of the perambulation made by the apostles Paul and Barnabas thro the citys of *Lycaonia*, *Pisidia*, &c.

(2.) The second shews that those citys, or most of 'em, were at the time of this perambulation under popular government; in which is also contain'd the whole administration of a *Roman* province.

(3.) The third shews the deduction of the *chirotonia*, or holding up of hands, from popular government, and that the original of ordination is from this custom; in which is also contain'd the institution of the *sanhedrim* or senat of *Israel* by Moses, and of that of *Rome* by Romulus.

(4.) The fourth shews the deduction of the *chirothesia*, or the laying on of hands, from monarchical or aristocratical government, and so the second way of ordination proceeds from this custom: here is also declar'd how the commonwealth of the *Jews* stood after the captivity.

(5.) The fifth debates whether the *chirotonia* us'd in the citys mention'd was (as is pretended by Dr. Hammond, Dr. Seaman, and the authors they follow) the same with the *chirothesia*, or a far different thing. In which are contain'd the divers kinds of church government introduc'd and exercis'd in the age of the apostles. By these heads we may perceive that a great deal of useful learning is contain'd in this book; and questionless he makes those subjects more plain and intelligible than any writer I ever yet consulted.

24. Against *Oceana* chiefly did Richard Baxter write his *Holy Commonwealth*, of which our author made so slight, that he vouchsaf'd no other answer to it but half a sheet of cant and ridicule. It dos not appear that *he rail'd at all the ministers as a parcel of fools and knaves*. But the rest of Baxter's complaint seems better grounded, as that Harrington maintain'd *neither he nor any ministers understood at all what polity was, but prated against they knew not what, &c.* This made him publish his *Holy Commonwealth in answer to Harrington's Heathenish Commonwealth; in which*, adds he, *I plead the cause of monarchy as better than democracy or aristocracy*; an odd way of modelling a commonwealth. And yet the royalists were so far from thinking his book for their service, that in the year 1683 it was by a decree of the university of *Oxford* condemn'd to be publicly burnt; which sentence was accordingly

executed upon it, in company with some of the books of Hobbes, Milton, and others; whereas no censure past on Harrington's *Oceana*, or the rest of his works. As for divines meddling with politics, he has in the former part of the preliminaries to *Oceana* deliver'd his opinion, That *there is something first in the making of a commonwealth, then in the governing of it, and last of all in the leading of its armys, which (tho there be great divines, great lawyers, great men in all professions) seems to be peculiar only to the genius of a gentleman: for it is plain in the universal series of story, that if any man founded a commonwealth, he was first a gentleman;* the truth of which assertion he proves from Moses downwards.

25. Being much importun'd from all hands to publish an abridgment of his *Oceana*, he consented at length; and so, in the year 1659, was printed his *Art of Lawgiving* (or of legislation) in three books. The first, which treats *of the foundation and superstructures of all kinds of government*, is an abstract of his preliminaries to the *Oceana*: and the third book, shewing *a model of popular government fitted to the present state or balance of this nation*, is an exact epitome of his *Oceana*, with short discourses explaining the propositions. By the way, the pamphlet called the *Rota* is nothing else but these propositions without the discourses, and therefore, to avoid a needless repetition, not printed among his works. The second book between these two, is a full *account of the commonwealth of Israel, with all the variations it underwent*. Without this book it is plainly impossible to understand that admirable government concerning which no author wrote common sense before Harrington, who was persuaded to complete this treatise by such as observ'd his judicious remarks on the same subject in his other writings. To *the Art of Lawgiving* is annex'd a small dissertation, or a *Word concerning a House of Peers*, which to abridg were to transcribe.

26. In the same year, 1659, Wren comes out with another book call'd *Monarchy asserted*, in vindication of his *Considerations*. If he could not press hard on our author's reasonings, he was resolv'd to overbear him with impertinence and calumny, treating him neither with the respect due to a gentleman, nor the fair dealing becoming an ingenuous adversary, but on the contrary with the utmost chicanery and insolence. The least thing to be admir'd is, that he would needs make the university a party against him, and bring the heavy weight of the church's displeasure on his shoulders: for as corrupt ministers stile themselves the government, by which artifice they oblige better men to suppress their complaints, for fear of having their loyalty suspected; so every ignorant pedant that affronts a gentleman, is presently a learned university; or if he is but in deacon's orders, he's forthwith transform'd into the catholic church, and it becomes sacrilege to touch him. But as great bodys no less than privat persons, grow wiser by experience, and come to a clearer discernment of their true interest; so I believe that neither the church nor universitys will be now so ready to espouse the quarrels of those, who, under pretence of serving them, ingage in disputes they no ways understand, whereby all the discredit redounds to their patrons, themselves being too mean to suffer any diminution of honor. Harrington was not likewise less blamable in being provok'd to such a degree by this pitiful libel, as made him forget his natural character of gravity and greatness of mind. Were not the best of men subject to their peculiar weaknesses, he had never written such a farce as his *Politicester, or Comical Discourse in answer to Mr. Wren*. It relates little or nothing to

the argument, which was not so much amiss, considering the ignorance of his antagonist: but it is of so very small merit, that I would not insert it among his other works, as a piece not capable to instruct or please any man now alive. I have not omitted his *Answer to Dr. Stubbe concerning a select senat*, as being so little worth; but as being only a repetition of what he has much better and more amply treated in some of his other pieces. Now we must note, that upon the first appearance of his *Oceana* this Stubbe was so great an admirer of him, that, in his preface to the *Good Old Cause*, he says *he would enlarge in his praise, did he not think himself too inconsiderable to add any thing to those applauses which the understanding part of the world must bestow upon him, and which, tho eloquence should turn panegyrist, he not only merits but transcends.*

27. Other treatises of his, which are omitted for the same reason, are, 1. *A Discourse upon this Saying, The Spirit of the Nation is not yet to be trusted with Liberty, lest it introduce Monarchy, or invade the Liberty of Conscience*; which proposition he disapprov'd. 2. *A Discourse shewing that the Spirit of Parlements, with a Council in the Intervals, is not to be trusted for a Settlement, lest it introduce Monarchy, and Persecution for Conscience.* 3. *A Parallel of the Spirit of the People with the Spirit of Mr. Rogers, with an Appeal to the Reader, whether the Spirit of the People, or the Spirit of Men like Mr. Rogers, be the fitter to be trusted with the Government.* This Rogers was an Anabaptist, a seditious enthusiast, or fifthmonarchy man. 4. *Pour enclour le canon, or the nailing of the Enemys Artillery.* 5. *The Stumbling-block of Disobedience and Rebellion, cunningly imputed by Peter Heyl into Calvin, remov'd in a Letter to the said P. H.* who wrote a long answer to it in the third part of his letter combat. 'Tis obvious by the bare perusal of the titles, that these are but pamphlets solely calculated for that time; and it certainly argues a mighty want of judgment in those editors who make no distinction between the elaborat works which an author intended for universal benefit, and his more slight or temporary compositions, which were written to serve a present turn, and becom afterwards not only useless, but many times not intelligible. Of this nature are the pieces I now mention'd: all their good things are much better treated in his other books, and the personal reflections are (as I said before) neither instructive nor diverting. On this occasion I must signify, that tho the history I wrote of Milton's life be prefix'd to his works, yet I had no hand in the edition of those volumes; or otherwise his logic, his grammar, and the like, had not increas'd the bulk or price of his other useful pieces. Our author translated into *English* verse som of *Virgil's Eclogs*, and about six books of his *Æneids*; which, with his Epigrams, and other poetical conceits, are neither worthy of him nor the light.

28. Som other small books he wrote which are more deserving, and therefore transmitted to posterity with his greater works; namely, 1. *Valerius and Publicola, or, The true Form of a Popular Commonwealth*, a dialog. 2. *Political Aphorisms*, in number 120. 3. *Seven Models of a Commonwealth, antient and modern; or, Brief Directions shewing how a fit and perfect Model of Popular Government may be made, found, or understood.* These are all the commonwealths in the world for their kinds, tho not for their number. 4. *The Ways and Means whereby an equal and lasting Commonwealth may be suddenly introduc'd, and perfectly founded, with the free Consent and actual Confirmation of the whole People of England.* 5. There is added, *The Petition of divers well-affected Persons*, drawn up by Harrington, and containing

the abstract of his *Oceana*; but presented to the house of commons by Henry Nevil the 6th of *July* 1659, to which a satisfactory answer was return'd, but nothing don. 6. Besides all these, finding his doctrin of elections by balloting not so well understood as could be desir'd, he publish'd on one side of a large sheet of paper, his *Use and Manner of the Ballot*, with a copper cut in the middle representing such an election in the great assembly of the commonwealth: but 'tis now inserted in its proper place in the body of *Oceana*. Most of these contain abridgments of his model, adapted to the various circumstances and occurrences of those times; but containing likewise some materials peculiar to themselves, and for that reason thought fit to be printed a second time. He did not write *The Grounds and Reasons of Monarchy exemplify'd in the Scottish Line* (which book is prefix'd to his works) but one John Hall, born in the city of *Durham*, educated at *Cambridg*, and a student of *Gray's Inn*. Being commanded by the counsil of state (of whom he had a yearly pension) to attend Oliver into *Scotland*, it occasion'd him to publish that piece. He wrote several other things in prose and verse, and dy'd before he was fully thirty, lamented as a prodigy of his age.

29. Harrington having thus exhausted all that could be written on this subject, he likewise endeavor'd to promote his cause by public discourses at a nightly meeting of several curious gentlemen in the *New Palace Yard* at *Westminster*. This club was call'd the *Rota*, of which I shall give a short account from Anthony Wood, who mortally hated all republicans, and was as much prejudic'd in favor of the royalists, tho, to his honor be it spoken, he never deny'd justice to either side. "Their discourses about government, says he, and of ordering a commonwealth, were the most ingenious and smart that ever were heard; for the arguments in the parliament-house were but flat to those. This gang had a balloting box, and balloted how things should be carry'd by way of essay; which not being us'd or known in *England* before on this account, the room was every evening very full. Besides our author and H. Nevil, who were the prime men of this club, were Cyriac Skinner, Major Wildman, Major Venner, Charles Wolsley, afterwards knighted, Roger Coke, the author of the *Detection of the four last Reigns*, William Poultney, afterwards made a knight, John Aubry, Maximilian Petty, and Dr. Petty, who was afterwards Sir William, Sir John Hoskyns, and a great many others, some whereof are still living.—The doctrin was very taking, and the more because, as to human foresight, there was no possibility of the king's return. The greatest of the parliamentmen hated this rotation and balloting, as being against their power. Eight or ten were for it, of which number H. Nevil was one, who propos'd it to the house, and made it out to the members, that, except they imbrac'd that sort of government, they must be ruin'd. The model of it was, that the third part of the senat or house should rote out by ballot every year (not capable of being elected again for three years to come) so that every ninth year the senat would be wholly alter'd. No magistrat was to continue above three years, and all to be chosen by the ballot, than which nothing could be invented more fair and impartial, as 'twas then thought, tho oppos'd by many for several reasons. This club of commonwealthsmen lasted till about the 21st of *Febr.* 1659, at which time the secluded members being restor'd by General George Monk, all their models vanish'd."

30. When the whole matter is duly consider'd, it's impossible a commonwealth should have succeeded in *England* at that time, since Cromwel, who alone had the

power, yet wanted the will to set it up. They were comparatively but very few that entertain'd such a design from the beginning of the troubles; and, as it usually happens, a great part of these did afterwards desert their principles, being seduc'd by the honors and preferments wherby they were retain'd in the service of the reigning powers. The body of the people were either exasperated on a religious account, only to obtain that liberty which they afterwards mutually deny'd each other, or by the change of the balance they grew weary of monarchy, and did not know it. The republicans indeed made an advantage of their discontents to destroy the establish'd government, without acquainting 'em with their real designs; and when this was effectually don, the people (who had no settl'd form in their view, and thought all things safe by the victory they had gain'd over the king and the church) fell in with what was first offer'd by those in whom they confided, and would as well have accepted a better government if they had been manag'd by men of honest and public designs. But the multitude can feel, tho they cannot see. Instead of injoying their desir'd liberty, they soon found themselves under a most heavy yoke, which they naturally labor'd to shake off; and yet in all the changes then made, two things were remarkable, that every one of 'em would be stil'd a commonwealth, and yet none of 'em would mend or take warning by the errors of those that preceded, but still continu'd to abuse the nation, and unnaturally to ingross the government into a few hands. The people being all this while told they were under a commonwealth, and not being able to see thro the deceit, begun to think themselves mistaken in the choice they had made, since their sufferings under these pretended commonwealths were infinitely greater than what induc'd 'em to dissolve the former monarchy. In this condition the several partys might (as Harrington us'd to say) be fitly compar'd to a company of puppydogs in a bag, where finding themselves uneasy for want of room, every one of 'em bites the tail or foot of the next, supposing that to be the cause of his misery. By this means whatever was said against a commonwealth obtain'd ready belief, as, that it is the most seditious sort of government, and that instead of one tyrant there are a great many, who enrich themselves by laying intolerable taxes on others. All this and much more the people in *England* then experienc'd, and therefore detesting their new commonwealth, they reftor'd the old monarchy. But to do all governments the justice due from an impartial historian, they never had a commonwealth, but were interchangeably under anarchy, tyranny, and oligarchy, to which commonwealths have ever bin the greatest enemys, and have frequently lent their voluntary assistance to deliver other nations from the like oppressions. Thus the people of *England* came to hate the name of a commonwealth, without loving their liberty the less.

31. But to return whence we digress'd: Our author, not concern'd in the excessive fears and hopes of those that favor'd or oppos'd the restoration of Charles the Second, continu'd to live in a peaceable manner at his own house, demeaning himself as became a person blindly ingag'd to no party or factions. But tho his life was retir'd, it was not solitary, being frequented with people of all sorts, som with a malicious design to fish something to his prejudice, and others to gain advantage to themselves by his learned conversation, or to put him upon something towards the better settlement of the kingdom. Among these there was an eminent royalist, who prevail'd with him to draw up som instructions for the king's service, wherby he might be inabl'd to govern with satisfaction to the people and safety to himself: which being

perform'd and sign'd with his own hand, his friend, after shewing it to several of the courtiers, found they did not approve a scheme that was not likely to further their selfish designs. At last he put his paper into the hands of a great minister about the king; and how well our author was rewarded for his good intentions, we are now going to relate. About this time he was busy in reducing his politics into short and easy *aphorisms*, yet methodically digested in their natural order, and suted to the most vulgar capacitys. Of this he made no secret, and freely communicated his papers to all that visited him. While he was putting the last hand to this system, and as an innocent man apprehensive of no danger, he was by an order from the king, on the 28th of *December* 1661, seiz'd by Sir William Poultney and others, and committed to the tower of *London* for treasonable designs and practices. He had the written sheets of his aphorisms then lying loose on the table before him, and understanding they intended to carry 'em to the council, he beg'd the favor that he might stitch 'em together; which was granted, and so remov'd with som other papers to *Whitehall*. I have that manuscript now in my hands, and another copy of the same which was given me by one of his acquaintance, from both which I have printed it among the rest of his works. It is a complete *System of Politics*, and discovers the true springs of the rise, temper, and dissolution of all sorts of governments, in a very brief and perspicuous manner.

32. He had no time given him to take leave of any body, but was straight convey'd to the Tower, where none were allow'd to com to his sight or speech. His sisters were inconsolable, and the more so, the less they knew what was laid to their brother's charge. One of them, who on another occasion had experienc'd the king's favour, threw her self now at his feet, and petition'd him to have compassion on her brother, who thro a great mistake was fallen under his majesty's displeasure: for as she was sure that none of his subjects exceded his loyalty, so his majesty might see he was not the man they design'd, since the warrant was for Sir James Harrington, wheras her brother was never honor'd with such a title by his majesty's ancestors, and he would not have accepted it from Oliver. To this the king made answer, that tho they might be mistaken in his title, he doubted he might be found more guilty of the crimes alleg'd against him, than he wish'd any brother of hers to be. Then she press'd he might be examin'd before his majesty, or be brought to a speedy trial. Shortly after my Lord Lauderdale, Sir George Carteret, and Sir Edward Walker, were sent to the Tower to question him about a plot which, they said, he had contriv'd against his majesty's person and government. At this he was extraordinarily reviv'd, not being able to divine before the cause of his confinement, and knowing himself wholly innocent of this charge. He found means to transmit a copy of his examination to his sisters, giving 'em leave to publish it, which was never hitherto don, and is as follows:

33. THE Examination Of James Harrington, Taken In The Tower Of London By The Earl Of Lauderdale, Sir George Carteret, And Sir Edward Walker.

LORD LAUDERDALE.

Sir, I have heretofore accounted it an honor to be your kinsman, but am now sorry to see you upon this occasion; very sorry, I assure you.

HARRINGTON.

My lord, seeing this is an occasion, I am glad to see you upon this occasion. Which said, the commissioners sat down; and Mr. Harrington standing before my lord, he began in this manner.

LORD.

Sir, the king thinks it strange that you, who have so eminently appear'd in principles contrary to his majesty's government, and the laws of this nation, should ever since he came over live so quiet and unmolested, and yet should be so ungrateful. Were you disturb'd? were you so much as affronted, that you should enter into such desperat practices?

HAR.

My lord, when I know why this is said, I shall know what to say.

LORD.

Well then, without any longer preamble, will you answer me ingenuously, and as you are a gentleman, to what I have to propose?

HAR.

My lord, I value the asseveration (*as I am a gentleman*) as high as any man, but think it an asseveration too low upon this occasion; wherfore, with your leave, I shall make use of som greater asseveration.

LORD.

For that do as you see good: do you know Mr. Wildman?

HAR.

My lord, I have som acquaintance with him.

LORD.

When did you see him?

HAR.

My lord, he and I have not bin in one house together these two years.

LORD.

Will you say so?

HAR.

Yes, my lord.

LORD.

Where did you see him last?

HAR.

About a year ago I met him in a street that gos to *Drury-lane*.

LORD.

Did you go into no house?

HAR.

No, my lord.

SIR *G. CARTERET*.

That's strange!

LORD.

Com, this will do you no good: had not you, in *March* last, meetings with him in *Bowstreet* in *Coventgarden*? where there were about twenty more of you; where you made a speech about half an hour long, that they should lay by distinguishing names, and betake themselves together into one work, which was to dissolve this parliament, and bring in a new one, or the old one again. Was not this meeting adjourn'd from thence to the *Mill Bank*? were not you there also?

HAR.

My lord, you may think, if these things be true, I have no refuge but to the mercy of God and of the king.

LORD.

True.

HAR.

Well then, my lord, solemnly and deliberately, with my eyes to heaven, I renounce the mercy of God and the king, if any of this be true, or if ever I I thought or heard of this till now that you tell it me.

SIR *G. C.*

This is strange!

LORD.

Do you know Barebones?

HAR.

Yes, my lord.

LORD.

When did you see him?

HAR.

I think that I have call'd at his house or shop thrice in my life.

LORD.

Had you never any meetings with him since the king came over?

HAR.

No, my lord.

SIR *G. C.*

This is strange!

LORD.

Do you know Mr. Nevil?

HAR.

Very well, my lord.

LORD.

When did you see him?

HAR.

My lord, I seldom us'd to visit him; but when he was in town, he us'd to see me at my house every evening, as duly almost as the day went over his head.

LORD.

Were you not with him at som public meeting?

HAR.

My lord, the publickest meeting I have bin with him at, was at dinner at his own lodging, where I met Sir Bernard Gascoin, and I think Col. Leg.

SIR *EDW. WALKER.*

They were good safe company.

LORD.

What time was it?

HAR.

In venison time I am sure, for we had a good venison pasty.

LORD.

Do you know one Portman?

HAR.

No, my lord, I never heard of his name before.

SIR *G. C.*

This is strange!

LORD.

Com, deal ingenuously, you had better confess the things.

HAR.

My lord, you do not look upon me (for I saw he did not firmly) I pray look upon me. Do you not know an innocent face from a guilty one? com, you do, my lord, every one dos: my lord, you are great men, you com from the king, you are the messengers of death.

LORD.

Is that a small matter? (at which my lord gave a shrug.)

HAR

If I be a malefactor, I am no old malefactor: why am not I pale? why do not I tremble? why does not my tongue falter? why have you not taken me tripping? My lord, these are unavoidable symtoms of guilt. Do you find any such thing in me?

LORD.

No (which he spoke with a kind of amazement) and then added, I have said all that I think I have to say.

HAR.

My lord, but I have not.

LORD.

Com then.

HAR.

This plainly is a practice, a wicked practice, a practice for innocent blood; and as weak a one as it is wicked. Ah, my lord, if you had taken half the pains to examin the guilty that you have don to examin the innocent, you had found it; it could not have escap'd you. Now, my lord, consider if this be a practice, what kind of persons you are that are thus far made instrumental in the hands of wicked men. Nay, whither will wickedness go? Is not the king's authority (which should be sacred) made instrumental? My lord, for your own sake, the king's fake, for the Lord's sake, let

such villanys be found out and punish'd. At this my lord Lauderdale, as was thought somewhat out of countenance, rose up; and fumbling with his hand upon the table, said:

LORD.

Why if it be as you say, they deserve punishment enough, but otherwise look it will com severely upon you.

HAR.

My lord, I accepted of that condition before.

LORD.

Com, Mr. Vice-Chamberlain, it is late.

HAR.

My lord, now if I might I could answer the preamble.

LORD.

Com, say; and so he sat down again.

HAR.

My lord, in the preamble you charge me with being eminent in principles contrary to the king's government, and the laws of this nation. Som, my lord, have aggravated this, saying, that *I being a privat man have bin so mad as to meddle with politics: what had a privat man to do with government?* My lord, there is not any public person, not any magistrat, that has written in the politics worth a button. All they that have bin excellent in this way, have bin privat men, as privat men, my lord, as my self. There is Plato, there is Aristotle, there is Livy, there is Machiavel. My lord, I can sum up Aristotle's *spolitics* in a very few words; he says there is the barbarous monarchy (such a one where the people have no votes in making the laws) he says there is the heroic monarchy (such a one where the people have their votes in making the laws) and then he says there is democracy; and affirms that a man cannot be said to have liberty, but in a democracy only.

My lord Lauderdale, who thus far had bin very attentive, at this shew'd som impatience.

HAR.

I say, Aristotle says so; I have not said so much. And under what prince was it? Was it not under Alexander, the greatest prince then in the world? I beseech you, my lord,

did Alexander hang up Aristotle, did he molest him? Livy for a commonwealth is one of the fullest authors; did not he write under Augustus Cæsar? did Cæsar hang up Livy, did he molest him? Machiavel, what a commonwealthsman was he? but he wrote under the *Medici* when they were princes in *Florence*; did they hang up Machiavel, or did they molest him? I have don no otherwise than as the greatest politicians, the king will do no otherwise than as the greatest princes. But, my lord, these authors had not that to say for themselves that I have; I did not write under a prince, I wrote under a usurper, Oliver. He having started up into the throne, his officers (as pretending to be for a commonwealth) kept a murmuring, at which he told them that he knew not what they meant, nor themselves; but let any of them shew him what they meant by a commonwealth (or that there was any such thing) they should see that he sought not himself: the Lord knew he sought not himself, but to make good the cause. Upon this som sober men came to me and told me, if any man in *England* could shew what a commonwealth was, it was my self. Upon this persuasion I wrote; and after I had written, Oliver never answer'd his officers as he had don before, therfore I wrote not against the king's government. And for the law, if the law could have punish'd me, Oliver had don it; therfore my writing was not obnoxious to the law. After Oliver the parlament said they were a commonwealth; I said they were not, and prov'd it: insomuch that the parlament accounted me a cavalier, and one that had no other design in my writing, than to bring in the king; and now the king first of any man makes me a roundhead.

LORD.

These things are out of doors; if you be no plotter, the king dos not reflect upon your writings.

And so rising up, they went out; my lord being at the head of the stairs, I said to him, My lord, there is one thing more; you tax me with ingratitude to the king, who had suffer'd me to live undisturb'd: truly, my lord, had I bin taken right by the king, it had (by this example already given) bin no more than my due. But I know well enough I have bin mistaken by the king; the king therfore taking me for no friend, and yet using me not as an enemy, is such a thing as I have mention'd to all I have convers'd with, as a high character of ingenuity and honor in the king's nature.

LORD.

I am glad you have had a sense of it; and so went down.

HAR.

My lord, it is my duty to wait on you no farther.

34. Notwithstanding the apparent innocence of our author, he was still detain'd a close prisoner; and chancellor Hide, at a conference of the lords and commons, charg'd him with being concern'd in the plot, wherof one and thirty persons were the chief managers, after this manner: That they met in *Bowstreet*, *Coventgarden*, in *St. Martin's-le-grand*, at the *Mill-Bank*, and in other places; and that they were of seven

different partys or interests, as three for the commonwealth, three for the long parlament, three for the city, three for the purchasers, three for the disbanded army, three for the independents, and three for the fifthmonarchy men. That their first consideration was how to agree on the choice of parlamentmen against the insuing fession: and that a special care ought to be had about members for the city of *London*, as a precedent for the rest of the kingdom to follow; wherupon they nominated the four members after chosen, and now sitting in parlament: but three of these, being then present, stood up, and clear'd themselves of this aspersion. Their next care was to frame a petition to the parlament for a preaching ministry, and liberty of conscience. Then they were to divide and subdivide themselves into several councils and committees, for the better carrying on their business by themselves or their agents and accomplices all over the kingdom. In these meetings Harrington was said to be often in the chair; that they had taken an oath of secresy, and concerted measures for levying men and mony.

35. The chancellor added, that tho he had certain information of the times and places of their meetings, and particularly those of Harrington and Wildman, they were nevertheless so fixt in their nefarious design, that none of those they had taken would confess any thing, not so much as that they had seen or spoken to one another at those times or places: which obstinacy he thought must needs procede from a faithfulness to their oath. But a committee of lords and commons, after several sittings, could make nothing of this imaginary plot, and did not ever name our author in all their reports.

36. His sisters in the mean time being impatient to see him, and to know his condition, after several fruitless petitions, obtain'd an order of council at last to be admitted into the Tower, where they found him barbarously treated by the lieutenant, whom they sosten'd into more humanity with a present of fifty pounds under the notion of fees. By them he deliver'd a petition to the king, importing, that in the late times he was no public person, nor acted to any man's detriment in his life, body, or estate, but on the contrary had don his endeavors to help all persons in distress; that he had oppos'd the usurper in such a manner as was judg'd even by the royalists themselves to be very much to his disadvantage; and that it was not probable that he, who had liv'd so peaceably before, would attempt any novelty after his majesty's restoration: wherefore he beg'd the favor of a public trial, or a more easy confinement. But tho he had bin now a prisoner during the space of five months, neither he nor any on his behalf could receive an answer to their petitions; which made him somewhat impatient, not so much to enjoy his liberty, as to vindicat himself from the base aspersions of his enemys. He therfore continually urged his fister Ashton to procure him a trial, which she not being able to effect, he petition'd the parlament, shewing that he had lain a close prisoner in the Tower for five months upon a bare suspicion of som disaffection to the government, which in all his examinations did not in the least appear; and that he hop d e'er that time so to have clear'd his innocence by a public trial, as to deserve his liberty. But because he understood these matters were in som measure represented to their house, he would not presume, without first making his application to them, to sue for his freedom by other legal means. "May it therefore please this honorable house, says he, to take tender consideration of the sufferings of an *Englishman* hitherto innocent; and that the long continuance of him in prison without trial may be hereafter the case of others, and a precedent for the like case: and that this honorable

house would please to move his majesty that your petitioner may be proceeded against by a legal way of trial, or that he may have his freedom; that so he may no longer languish in prison to the ruin of his health and estate.” These are not the words of a man conscious of guilt, or afraid of power.

37. His sister could get no member to deliver this petition, or to give her any encouragement; som alleging that she was more likely to destroy than serve her brother, and others, that by unseasonable pressing she might precipitat his danger; wheras if he would be patient under his sufferings, he might be safe in his restraint. Then he advis’d her to move for his *habeas corpus*; which at first was flatly deny’d, but afterwards when it was granted and duly serv’d, his warder came one day to his sisters at *Westminster*, and acquainted them, that between one and two a clock that morning their brother was put on board a ship to be transported he knew not whither, without any time given him either to see his friends, or to make provision of mony, linen, or other necessarys. Nor could his relations for a whole fortnight, either at the Tower or in the secretarys office, learn what was becom of him, till they receiv’d a note from himself on board one of the king’s ships then lying under *Hurst* castle, informing them that he believ’d he was bound for *Plymouth*. About a month after he sent ’em word by another letter that he was landed on a kind of rock opposite to *Plymouth*, call’d *St. Nicholas’s Island*, whence he afterwards had frequent opportunitys of writing to ’em many pious and moral admonitions, as well as letters of business and entertainment.

38. But his close restraint to this small spot of earth, where there was no fresh water, and scarce any room to move his body, quickly chang’d the state of his health; this occasion’d him to petition he might be remov’d to *Plymouth*, which was granted, his brother William, and his uncle Anthony Samuel, obliging themselves in a bond of 5000 *l.* for his safe imprisonment. Here he had not only the liberty of walking on the hoe, but was also us’d with extraordinary respect by the deputy-governor of the fort, Sir John Skelton, who frequently invited him to his table, and much lov’d his conversation. Among the other acquaintance he made at *Plymouth*, one was Dr. Dunstan, who advis’d him to take a preparation of *guaiacum* in coffee, as a certain cure for the scurvy, with which he was then troubled. He drank of this liquor in great quantitys, every morning and evening. But after using it for som time, his sisters, to their no small amazement, receiv’d no more answers to their letters. At length advice was brought ’em from his landlady, that his fancy was much disorder’d, and desiring som body might com to look after him. Immediately one of them address’d her self to the earl of *Bath*, then chief governor of *Plymouth*, and inform’d him of his prisoner’s sad condition. This noble lord, who laid many obligations on him before, and gave frequent orders for his good usage, went hereupon to intercede for him with the king, representing the danger of his life if he were not remov’d from that unwholsom place to *London*, where he might have the advice of able physicians: and the king was accordingly pleas’d to grant a warrant for his release, since nothing appear’d against him supported by good proof or probable presumptions.

39. The next day the lady Ashton, with another of his sisters, took their journey towards *Plymouth*, where they found their poor brother so transform’d in body and mind, that they scarce could persuade themselves it was the same person. He was

reduc'd to a skeleton, not able to walk alone, slept very little, his imagination disturb'd, often fainted when he took his drink, and yet so fond of it that he would by no means be advis'd to forbear it. Dr. Prujean, and other eminent physicians, greatly blam'd Dr. Dunsten's prescriptions, giving their opinion under their hands, that *guaiacum* and the other drying things, which he administer'd to his patient in coffee, were enough of themselves to beget melancholy or phrenzy, where there was no previous disposition to it. A rumor at *Plymouth*, that Harrington had taken some drink which would make any man mad in a month; the surliness of his doctor, and something blab'd by a maid that was put against his will to attend him, made his sister suspect he had foul play lest he should write any more *Oceanas*. 'Tis certain, that (tho his recovery was never perfect) he mended finely as soon as he was persuaded to abstain from this liquor. In less than a month he was able to bear the journey to *London* in a coach, where he was no sooner arriv'd, but Sir John Skelton, who was then in town, paid him a visit. My lady Ashton complaining to him that she had not timely notice of her brother's distemper, he protested he would have sent her word of it, had not his doctor assur'd him that he only counterfeited; and yet at the same time he made him take strong doses of *hellebor*, and God knows what besides.

40. He past som time at *Ashted* in *Surrey*, to drink the *Epsom* waters, by which he found no benefit. At *London* he was put wholly under the care of Dr. Prujean, who with all his art could afford little help to the weakness of his body, and none at all to the disorder of his mind, to his dying day. He was allow'd to discourse of most other things as rationally as any man, except his own distemper, fancying strange things in the operation of his animal spirits, which he thought to transpire from him in the shape of birds, of flies, of bees, or the like. And those about him reported that he talk'd much of good and evil spirits, which made them have frightful apprehensions. But he us'd, they said, sometimes to argue so strenuously that this was no deprav'd imagination, that his doctor was often put to his shifts for an answer. He would on such occasions compare himself to Democritus, who for his admirable discoveries in anatomy was reckon'd distracted by his fellow-citizens, till Hippocrates cur'd 'em of their mistake. I confess I did not know at first what to make of these things from the informations of his acquaintance, till I met with a letter of Dr. Burthogge to his sister, wherein are contain'd certain querys propos'd to him by Harrington, with a state of his case written by the doctor, who was his intimat friend, and a very good judg, whether consider'd as a physician or a philosopher, as appears by his late treatise *of the Soul of the World*, &c. and as I have particular reason to affirm from his letters to my lady Ashton, which are all now before me. Among other things the doctor says, that he ever exprest the highest satisfaction in thinking of what he had at any time written, as the best service he was capable to do his country, and sincerely intended by him to the glory of God, which he thought in som measure to be the good of mankind: so far was he from being under any remorse of conscience on that score, as his ill-wishers maliciously reported. Now, tho I was somewhat stagger'd concerning the nature of his distemper by Dr. Burthogge's letter, I grew perfectly amaz'd when I found among his papers the beginning of a little treatise written by himself, wherein (without raillery) he proves 'em to be all mad that thought him so with respect to what he discours'd of nature, which he maintain'd to work mechanically or mathematically, as Bellini, Borelli, Dr. Pitcairne, and other eminent men, have since evidently shewn. It appears there that his pretended visions of angels and devils were nothing else but good or bad

animal spirits, and that his flies and bees were only similitudes wherby he us'd to express the various figures and forms of those particles. I own that he might probably enough be much decay'd in his understanding, by reason of his great and long weakness of body; but I shall never be convinc'd that he was delirious in that only instance which they allege: and to satisfy the learned in this point (which, in my opinion, is a memorable story that concerns 'em all) I shall subjoin his own discourse to this history.

41. Were he really out of order, it had bin his misfortune, not his fault, and was the case of som of the best men that ever liv'd. An action that will better persuade the world he was not truly himself, was his marrying in this condition. The lady was a very agreeable woman, whose person and conversation he always admir'd; she was the daughter of Sir Marmaduke Dorrel of *Buckinghamshire*, fam'd for wit more than became her pretensions to good sense, had long liv'd among his relations with the respect of a friend and a sister; but now would needs change the office of a voluntary attendant for the name of a wife. It soon appear'd that this match was not so much disinterested as she would pretend, which occasion'd som difference between 'em; but they were quickly reconcil'd, and she was always treated by him afterwards with the highest generosity, tho she did not use him so handsomly when they were both young and healthy, and might have made a more seasonable match than at this time. Towards his latter end he was subject to the gout, and enjoy'd little ease, but languishing and drooping a good while, he fell at last into a palsy, and departed this life at *Westminster*, the 11th of *September*, in the year 1677 (leaving his estate to his brother's children) and lys bury'd there in *St. Margaret's* church, on the south side of the altar, next to the grave of Sir Walter Raleigh, with this inscription over him: *Hic jacet Jacobus Harrington Armiger (filius maximus natu Sapcotis Harrington de Rand, in Com. Linc. Equitis aurati, & Janæ uxoris ejus, filia Gulielmi Samuel de Upton in Com. Northampton, Militis) qui obiit septimo die Septembris, ætatis suæ sexagesimo sexto, anno Dom. 1677. Nec virtus, nec animi dotes (arrha licet æterni in animam amoris Dei) corruptione eximere queant corpus.*

42. Thus dy'd James Harrington, whose name is sure to live so long as learning and liberty bear any reputation in *England*. But tho he did not think so highly of himself, yet he was strongly persuaded that his *Oceana* was the model of an equal commonwealth, or a government wherin no party can be at variance with or gain ground upon another, and never to be conquer'd by any foren power; whence he concluded it must needs be likewise immortal: for as the people, who are the materials, never dy; so the form, which is the motion, must (without som opposition) be endless. The *immortality of a commonwealth* is such a new and curious problem, that I could not assure my self of the reader's pardon, without giving him som brief account of the arguments for it, and they run much after this manner. The perfection of government is such a libration in the frame of it, that no man or men under it can have the interest, or (having the interest) can have the power to disturb it with sedition. This will be granted at first sight, and Harrington appeals to all mankind, whether his *Oceana* (examin'd by this principle) be not such an equal government, completely and intirely fram'd in all its necessary orders or fundamental laws, without any contradiction to it self, to reason, or truth. If this be so (as the contrary dos not yet appear) then it has no internal cause of dissolution, and consequently such a

government can never be ruin'd any way; for he farther shews (what all history cannot contradict) that a commonwealth, if not first broken or divided by factions at home, was never conquer'd by the arms of any monarch from the beginning of the world to this day: but the commonwealth of *Oceana* having no factions within, and so not to be conquer'd from without, is therefore an equal, perfect, and immortal government. For want of this equality in the frame, he clearly demonstrates how the commonwealths of *Rome*, *Athens*, and others, came to be destroy'd by their contending and overtopping partys; whereas that of *Venice* can never change or finish. He proves that this equality is yet more wanting in monarchys, for an absolute monarchy (as that of the *Turk*, for example) the *Janizarys* have frequent interest, and perpetual power to raise sedition to the ruin of the emperor, and, when they please, of the empire: this cannot be said of the armys of *Oceana*, and therefore an absolute monarchy is no perfect government. In what they improperly call a mix'd monarchy the nobility are sometimes putting chains on the king, at other times domineering over the people; the king is either oppressing the people without control, or contending with the nobility as their protectors; and the people are frequently in arms against both king and nobility, till at last one of the three estates becoms master of the other two, or till they so mutually weaken one another that either they fall a prey to some more potent government, or naturally grow into a commonwealth: therefore mix'd monarchy is not a perfect government; and if no such partys or contentions can possibly exist in *Oceana*, then on the contrary is it a most equal, perfect, and immortal commonwealth, *Quod erat demonstrandum*.

43. It will not be objected to the disparagement of this model, that it was no better receiv'd by Oliver Cromwel; nor is it fair to judg of things at any time by their success. If it should be said, that, after the expiration of his tyranny, the people did not think fit to establish it; I shall only answer, that all the attempts which have bin us'd for introducing arbitrary power have prov'd as unfortunat, whereby it appears at least that the character which Tacitus gave the *Romans* of his time, may as well agree to the people of *England*: and it is, that *They are able to bear neither absolute liberty, nor absolute slavery*.

CONCLUSION.

I am dispos'd to believe that my lady Ashton's memory fail'd her, when she said that her brother was at *Rome* during the jubilee; for as chronology seems to contradict it, so she might easily mistake the jubilee for the ceremony of consecrating candles, or any other solemnity; his remarks being equally applicable to all those of the Popish church. But as to the whole of this history, tho it be manag'd with due moderation, and contains nothing but bare matters of fact, or such observations as they naturally suggest; yet I was sensible before I wrote it, that I could not escape the displeasure of three sorts of persons: such as have resolv'd to be angry at whatever I do; such as neither rightly understand what is written by me nor any body else; and those who, without any particular spite against an author, yet to get a penny will pretend to answer any book that makes a considerable figure. Therefore I find my self oblig'd beforehand to disclaim all explanations made of my meaning, beyond what is warranted by the express words of my book; having constantly endeavor'd not only to write intelligibly, but so as that none can possibly misunderstand me. I renounce all the designs that may be imputed to me by such as are so far from being admitted into

my secret, that they were never in my company; but I especially disown whatever is said by those who first presume to divine my thoughts, and then to vent their own rash conjectures as my undoubted opinions. I slight their artifice who, when unable to object against the point in question, labor to ingage their adversary in matters wholly besides the purpose; and when their evasions have no better fortune than their attacks, fall to railing against his person, because they cannot confute his arguments. I am as much above the malice of some, as they are below my resentments; and I wou'd at any time chuse to be rather the object of their envy than of their favor: but as I am far from thinking my self exempt from all the indiscretions of youth, or the frailties of human nature; so I am not conscious of entertaining higher thoughts of my own performances than are becoming, or meaner of other mens than they deserve. I know that to enterprize any thing out of the common road is to undergo undoubted envy or peril; and that he, who is not beforehand resolv'd to bear opposition, will never do any great or beneficial exploit: yet 'tis no small incouragement to me, that from the beginning of the world to this time not a single instance can be produc'd of one who either was or would be eminent, but he met with enemys to his person and same. Notwithstanding this consideration be just, yet if I write any thing hereafter (either as oblig'd by duty, or to amuze idle time) I have determin'd it shall not concern personal disputes, or the narrow interests of jarring factions, but something of universal benefit, and which all sides may indifferently read. Without such provocations as no man ought to endure, this is my fix'd resolution; and I particularly desire that none may blame me for acting otherwise, who force me to do so themselves. I shall never be wanting to my own defence, when either the cause or the aggressor deserves it: for as to those authors who conceal their names, if they write matters of fact, 'tis a sign they cannot make them good; and all men are agreed to reject their testimony, except such as resolve to deny others common justice: but the ill opinion of these prejudic'd persons can no more injure any man, than their good opinion will do him honor. Besides other reasons of mentioning my suppos'd designs, one is to disabuse several people, who (as I am told) are made to believe, that in the history of Socrates I draw a parallel between that philosopher and Jesus Christ. This is a most scandalous and unchristian calumny, as will more fully appear to the world whenever the book it self is publish'd: for that I have bin some time about it, I freely avow; yet not in the manner those officious informers report, but as becoms a disinterested historian, and a friend to all mankind.

The Inscription On The Monument Of Sir James Harrington And His Three Sons, At Exton In Rutlandshire.

HERE lieth Sir *James Harrington* of *Exton* Kt. with [\(a\)](#)*Lucy* his wife, daughter to Sir *William Sidney* Kt. by whom he had 18 children, wherof 3 sons and 8 daughters marry'd as follows:

The eldest son, Sir [\(b\)](#)*John*, marry'd the heiress of *Robert Keylwoy*, surveyor of the court of wards and liverys. The 2^d son, Sir [\(c\)](#)*Henry*, took to wife one of the coheirs of *Francis Agar*, one of his Majesty's Privy Council in *Ireland*. The 3^d son, *James* [\(d\)](#)*Harrington* Esq; had to wife one of the coheirs of *Robert Sapcotes* Esq; The eldest daughter, *Elizabeth*, was married to Sir *Edward* [\(e\)](#)*Montague* Kt. The 2^d,

Frances, to Sir William([f](#))*Lee* Kt. The 3d, *Margaret*, to Don([g](#))*Bonitto de Sisnores* of *Spain*, of the family of the Dukes of *Frantasquo*. The 4th, *Katherine*, to Sir *Edward*([h](#))*Dimmock* Kt. The 5th, *Mary*, to Sir *Edward*([i](#))*Wingfield* Kt. The 6th, *Maball*, to Sir *Andrew*([k](#))*Noell* Kt. The 7th, *Sarah*, was marry'd to the Lord *Hastings*, heir to the Earl of *Huntingdon*. The 8th, *Theodosia*,([l](#)) to the Lord *Dudley* of *Dudley* castle.

The same Sir *James* and *Lucy* were marry'd fifty years: she died first, in the 72d year of her age; he shortly after yielded to nature, being 80 years old, in the year of our Lord 1591, and of Queen *Elizabeth*'s reign 34, their son *James* being made sole executor to them both; who, that he might as well perform to his parents their rites, as leave a testimony of his own piety to posterity, hath erected and dedicated this monument to their eternal memory.

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The Mechanics Of Nature:

or,

An imperfect Treatise written by James Harrington during his Sickness, to prove against his Doctors that the Notions he had of his own Distemper were not, as they alleg'd, hypochondriac Whimsys or delirious Fancys.

The PREFACE.

HAVING bin about nine months, som say in a disease, I in a cure, I have bin the wonder of physicians, and they mine; not but that we might have bin reconcil'd, for books (I grant) if they keep close to nature, must be good ones, but I deny that nature is bound to books. I am no study'd naturalist, having long since given over that philosophy as inscrutable and incertain: for thus I thought with myself; "Nature, to whom it is given to work as it were under a veil or behind the curtain, is the art of God: now if there be arts of men who have wrought openly enough to the understanding (for example that of Titian) nevertheless whose excellency I shall never reach; how shall I thus, sticking in the bark at the arts of men, be able to look thence to the roots, or dive into the abyss of things in the art of God?" And nevertheless, Si placidum caput undis extulerit, should Nature afford me a sight of her, I do not think so meanly of myself but that I would know her as soon as another, tho more learned man. Laying therefore arts wholly, and books almost all aside, I shall truly deliver to the world how I felt and saw Nature; that is, how she came first into my senses, and by the senses into the understanding. Yet for the sake of my readers, and also for my own, I must invert the order of my discourse; for theirs, because, till I can speak to men that have had the same sensations with myself, I must speak to such as have a like understanding with others: for my own, because, being like in this discourse to be the monkey that play'd at chess with his master, I have need of som cushion on my head, that being in all I have spoken hitherto more laid at than my reason. My discourse then is to consist of two parts: the first, in which I appeal to his understanding who will use his reason, is a platform of nature drawn out into certain aphorisms; and the second, in which I shall appeal to his senses who in a disease very common will make farther trial, is a narrative of my case.

A Platform Or Scheme Of Nature.

1. NATURE is the *fiat*, the breath, and in the whole sphere of her activity is the very word of God.
2. She is a spirit, that same spirit of God which in the beginning mov'd upon the waters, his plastic virtue, the Δύναμις ? διαπλα?ι??, ?νεργεία ξωτι??.

3. She is the Providence of God in his government of the things of this world, even that Providence of which it is said, that without it a sparrow cannot fall to the ground, *Mat.* 10. 29.

4. She is the *anima mundi*, or soul of the world;

*Principio cælum, ac terras, camposque liquentes,
Lucentemque globum lunæ, Titaniaque astra
Spiritus intus alit, totamque effusa per artus
Mens agitat molem, & magno se corpore miscet.
Inde hominum pecudumque genus, vitæque volantum,
Et quæ marmoreo fert monstra sub æquore pontus.
Igneus est ollis vigor, & cælestis origo
Seminibus, quantum non noxia corpora tardant,
Terrenique hebetant artus, moribundaque membra.
Hinc metuunt, cupiuntque, dolent, gaudentque, neque auras
Dispiciunt clausæ tenebris & carcere cæco.*

Virgil. *Æn.* 1. 6.

5. She is infallible: for the law of an infallible lawgiver must needs be infallible, and Nature is the law as well as the art of God.

6. Tho Nature be not fallible, yet she is limited, and can do nothing above her matter; therefore no miracles are to be expected from her.

7. As defects, redundancys, or such other rude qualitys of matter, ought not to be attributed to the artificer or his art; so neither is Nature, or the art of God, to be charg'd with monsters or imperfections, the things so reputed being the regular effects both of the matter and the art that forms it.

8. Nature is not only a spirit, but is furnish'd, or rather furnishes her self with innumerable ministerial spirits, by which she operats on her whole matter, as the universe; or on the separat parts, as man's body.

9. These ministerial spirits are certain æthereal particles invisibly mix'd with elementary matter; they work ordinarily unseen or unfelt, and may be call'd animal spirits.

10. As in sound bodys there must needs be GOOD SPIRITS managing the œconomy of health; so in unsound bodies, as in chronical diseases, there must needs be EVIL SPIRITS managing the œconomy of distempers.

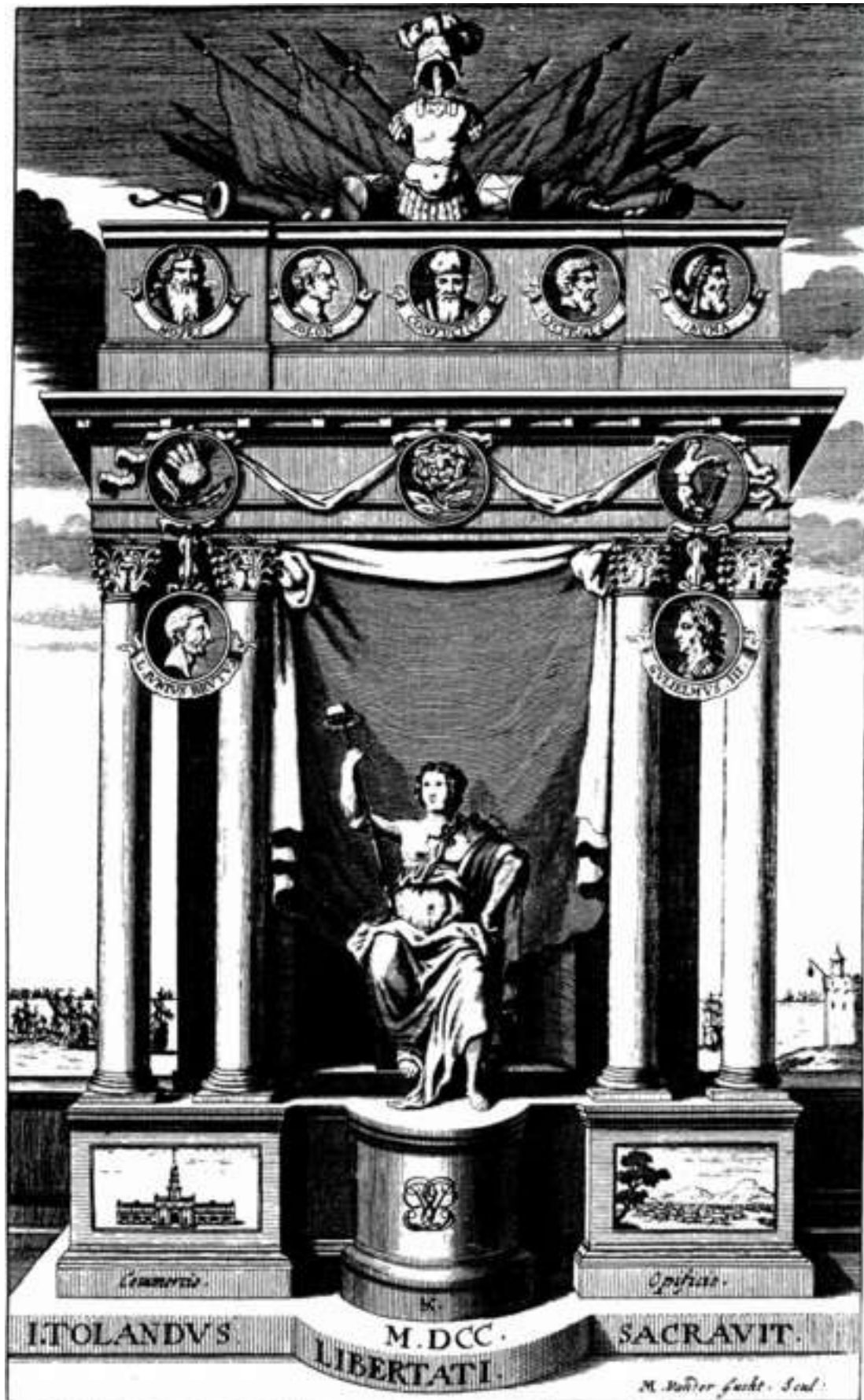
11. Animal spirits, whether in the universe, or in man's body, are good or evil spirits, according to the matter wherin and wherof they are generated.

12. What is a good spirit to one creature, is evil to another, as the food of som beasts is poison to man; whence the gentleness of the dove, and the fierceness of the hawk.

13. Between the animal spirits of the whole or universe, and of the parts, as of man's body, there is an intercourse or cooperation which preserves the common order of Nature unseen; and in som things often foretels or discovers it, which is what we call *presages, signs, and prodigys*.
14. The work of good spirits, as health for example, is felicitous, and as it were angelical; and that of evil spirits, as in diseases, is noxious, and as it were diabolical, a sort of fascination or witchcraft.
15. All fermentation is caus'd by unlocking, unbinding, or letting loose of spirits; as all attenuation is occasion'd by stirring, working, or provoking of spirits; and all transpiration by the emission or sending abroad of spirits.
16. Nothing in Nature is annihilated or lost, and therefore whatever is transpir'd, is receiv'd and put to som use by the spirits of the universe.
17. Scarce any man but at som time or other has felt such a motion as country people call the *lifeblood*; if in his ey, perhaps there has flown out somthing like a dusky cloud, which is a transpiration or emission of spirits, perhaps as it were a flash of fire, which also was an emission of spirits; but differenc'd according to the matter wherin and wherof they were wrought, as choler, &c.
18. Animal spirits are ordinarily emitted streaking themselves into various figures, answerable to little arms or hands, by which they work out the matter by transpiration, no otherwise than they unlock'd it, and wrought it up in the body by attenuation, that is, by manufacture: for these operations are perfectly mechanical, and downright handy work as any in our shops or workhouses.
19. If we find Nature in her operations not only using hands, but likewise somthing analogous to any art, tool, engin, or instrument which we have or use, it cannot be said that Nature had these things of men, because we know that men must have these things of Nature.
20. In attenuation and transpiration, where the matter of the disease is not only copious but inveterat, the work will not as I may say be inarticulat, as in the trembling call'd the *lifeblood*: but articulat, and obviously so to the sense of the patient by immediat strokes of the humor upon his organs, which somtimes may be strong enough (tho not ordinarily) to reach another's.
21. Nature can work no otherwise than as God taught her, nor any man than as she taught him.
22. When I see a curious piece from the hands of an apprentice, I cannot imagin that his master was a bungler, or that he wrought not after the same manner as his servant learn'd of him: which I apply to God and Nature.
23. Physicians somtimes take the prudence of Nature for the phrensy of the patient.

24. If any man can shew why these things are not thus, or that they may be otherwise, then I have don, and there is said in this part already more than enough; but if they can neither shew that these things are not thus, nor know how they should be otherwise, then so far I stand my ground, and am now arm'd for my narrative *cap a pè*.

'TIS a thousand pitys that we have not this narrative, to which no doubt he apply'd these principles, and thence form'd the state of his distemper. But the manuscript containing no more, we may however evidently conclude, that the writer of it was not so greatly disorder'd in his thoughts, which are for the most part very just, and all as close and coherent as any man's.



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THE GROUNDS AND REASONS OF MONARCHY CONSIDERED:

And Exemplify'D In The Scottish Line, Out Of Their Own Best
Authors And Records.

THE PREFACE.

THERE is nothing that has more confounded knowledge among men, than the reciprocal violences of the understanding and the will; or, to speak plainly, the passion of the one and blindness of the other: since som by chance or interest take up principles which they force the understanding by strain'd arguments to maintain; others by the habit of som opinion so bewitch the will into confederacy, that they can never quit it, even after confutation. To remedy this disorder, since I had resolv'd with my self to say something to this point (which tho' it be but as a small wyre, yet the great weight of civil felicity lys upon it) I know no better method than to take the scales from the eys of the understanding, and shew the will how better to bring about her great design of good. And in the prosecution of this, I would not skirmish with every argument, which had bin a thing of immense slavery, and not for every ey; but I chose rather to strike at the foundations, that the understanding might lose its passion, and more freely consider upon what quicksands they lay. And in this I needed not to be positive, because I undertake a task in which most men are commonly successful, that is, to support error rather than to assert truth. Hence I consider Kingship simply, not troubling my self to maintain any other form, or to consider oaths, ends, changes of government, or the particular necessity or reasons of safety: they being distinct considerations and subjects by themselves. Now if this negative method satisfys not, I see no such great cause to be discourag'd; for, I confess, I do not perceive it so easy a thing to discover an error; and I had rather tell a man he was out of the way, than by endeavoring to bring him to the end of his journey, lead him further about. And it is my opinion, that as scepticism is not only useless, but dangerous; if in setting our thoughts in a posture of defence, it makes us absolutely wavering and incredulous: yet had I rather be sceptical in my opinion, than maintain it upon grounds taken upon trust, and not demonstrated.

The second part is merely an instance accommodated to the arguments of the first, wherein I would not be understood to be a writer of an epitome (for I have other employments for my time and thoughts, and those nobler too) but to set down a true series by way of example; and therefore I was only to note accesses to government, and recesses from it, with the effects proceeding from the persons of governors. And here as I needed not much trouble chronology: so lest it might be a bare skeleton, I sprinkled some observations that came to hand, and seem to afford either pleasure or use. Thus much, lest I might be misunderstood, I thought necessary to premise.

THE FIRST PART.

I HAVE often thought it strange, that among all the governments, either past or present, the *monarchical* should so far in extent and number exceed the *popular*, as that they could never yet come into comparison. I could never be persuaded but it was more happy for a people to be dispos'd of by a number of persons jointly interested and concern'd with them, than to be number'd as the herd and inheritance of one, to whose lust and madness they were absolutely subject; and that any man of the weakest reason and generosity would not rather chuse for his habitation that spot of earth where there was access to honour by virtue, and no worth could be excluded, rather than that where all advancement should proceed from the will of one scarcely hearing and seeing with his own organs, and gain'd for the most part by means leud and indirect: and all this in the end to amount to nothing else but a more splendid and dangerous slavery. To clear this point, I consider'd how inscrutably providence carries on the turns and stops of all governments, so that most people rather found than made them. The constitutions of men, som not fit to be masters of their liberty, som not capable, som not willing; the ambition of settled tyrants, who breaking their own bonds have brought in violent alterations; and lastly, civil discord have either corrupted or altered better settlements.

But these are observations rather than arguments, and relate to fact rather than reason. That which astonish'd me most was to see those of this heroic and learned age, not only not rising to thoughts of liberty, but instead thereof foolishly turning their wits and swords against themselves in the maintenance of them whose slaves they are: and indeed they can be no weak causes that produce so long and settled a distemper; tho' some of those I mention'd, if not most of them, are the true ones.

He knows nothing that knows not how superstitiously the generality of mankind is given to retain traditions, and how pertinacious they are in the maintenance of their first prejudices, insomuch that a discovery or more refin'd reason is as insupportable to them, as the sun is to an ey newly brought out of darkness. Hence opiniativeness (which is commonly proportion'd to their ignorance) and a generous obstinacy sometimes to death and ruin. So that it is no wonder if we see many gentlemen, whose education inabled them only to use their senses and first thoughts, so dazled with the splendor of a court, prepossest with the affection of a prince, or bewitch'd with som subdolous favor, that they chuse rather any hazard than the inchantment should be dissolv'd. Others, perhaps a degree above these, yet in respect of some title stuck upon the family (which has bin as fortunat a mystery of kingcraft as any other) or in reverence to som glorious former atchievements (minding not that in all these cases the people are the only effective means, and the king only imaginary) think they should degenerat from bravery in bringing on a change. Others are withheld by sloth and timorousness, either not daring, or unwilling to be happy: som looking no further than their privat welfare, indifferent at the multiplication of public evils; others (and these the worst of all) out of a pravity of nature sacrificing to their ambition and avarice, and in order to that, following any power, concurring with any machinations, and supporting their authors: while princes themselves (train'd up in these arts, or receiving them by tradition) know how to wind all their humours to their own advantage, now foisting the divinity of their titles into pulpits, now amuzing the

people with pomps and shews, now diverting their hot spirits to som unprofitable foren war (making way to their accurs'd ends of revenge or glory, with the effusion of that blood which should be as dear to them as their own) now stroking the people with som feeble but inforc'd law, for which notwithstanding they will be paid (and 'tis observ'd, the most notorious tyrants have taken this course) now giving up the eminentest of their ministers (which they part with as indifferently as their robes) to the rage and fury of the people; so that they are commanded and condemn'd by the same mouth, and the credulous and ignorant, believing their king divinely set over them, sit still, and by degrees grow into quiet and admiration, especially if lull'd asleep with som small continuance of peace (be it never so unjust, unsound, or dangerous) as if the body politic could not languish of an internal disease, tho' its complexion be fresh and chearful.

Those are the reasons which (if I conceive aright) have stupify'd the less knowing part of mankind. Now, how the more searching part have so odly miscarry'd, will fall under consideration.

First then, we need not take the pains to demonstrat how easy a thing it is for men of acuteness, not conversant in civil affairs, not only to miscarry in the apprehension, but even in their judgment of them: for they, instead of bringing the series and reason of things into rule and method, use on the contrary to measure them by their own presuppos'd speculation; and by that means becom incapable of weighing rightly the various incidences and circumstances of business. For it is to be observ'd, that the theorems of no art or profession are either more easily found, or of more difficult practice than those of policy; so that it is no wonder if men merely contemplative, fail so oft in the very laying of grounds, as we shall anon instance. Now how fruitful daintys error and absurdity are, we all know. But more especially the contentions of contemplative men are most numerous, various, and endless; for wrangling is with them an art, and they are indu'd with that ungenerous shame, never to acknowledge their mistakes. Moreover their principles are most times ill-grounded, and it is to be fear'd that in their superstructures they as often call in their imaginations as their judgment to frame arguments. Besides, these men fighting only with pen, ink and paper, seldom arrive at a means to decide the quarrel, by which he that gains the last word is suppos'd conqueror; or the other leaves almost as inglorious a conquest to the victor, as if he had bin overthrown.

That which I would infer from all this, is, that the generality of speculative men, for the most part guiding their understandings by those notions which they find in books, fall not seldom by this means into considerable errors. For all books, those I mean that are human, and fall directly under our consideration, either lay down practical things and observations of kingship, or som general and universal notions, or else controversially assert *monarchy* against som opposers. Now in the two latter there are generally found two grand and insupportable fallacys, the first whereof is, that they fraudulently converse in generals, and (to borrow the school-terms) speak of that in the *abstract* which they should do in the *concrete*: as for example, where they should assert the particular right of this or that prince, they cunningly or ignorantly lay out most of their discourse about *monarchy* in general, and often weary and amaze the dispute before they com to the true ground and stating of the quarrel, whereby the

readers (diverted by such prepossession, and entangled by general notions of authority, power and government) seldom descend into the consideration of particulars, where the great scruple and difficulty for the most part lies. So that any king (be his access to the government never so fraudulent and unjustifiable) comes to be look'd on as sacred, authoritative, and by degrees begins not to blush at the attributes of sacred majesty, grace, and highness, or any other terms that the servile flattery and witty barbarity of courtiers can give to them: nay, some even of the wickedest of the Roman emperors could be content to be saluted with *perennitys* and *divinities*; whereas if men would call their reason into counsel, they might find that these blazing stars were opaque bodies, and did shine only by reflection: these men having no more luster than either the cabal of their own state and distance, or the wretched imposition upon the people, casts on them. For did man divest the authority from the person, they would then commonly find it inconsiderable, if not positively evil. And again, consider authority in itself as a thing fixed, real, immutable, and (when justly administer'd) sacred, they might find, that granting a prince to be the most regular, just person in all the world, yet many men as good join'd with him, intrusted, and concurring to the same end, might do much more good; and that to deny this, were to be as irrational as to deny that one person could do any good at all. But however, this I take to be certain and demonstrable out of their own principles, that kings being only to be consider'd in respect of the trust and power lodg'd in them, a number of men by as just means (not to say better) invested with the same trust and power, are every jot as sacred, and of as much divine right as any monarch is, the power being as essentially the same, united or divided, as if a commission be to one or three. It will follow then, that republics may be as just and authoritative as kingships; and then their radical argument of the *jure divino* of kingship is wholly enervated, and the other render'd equally as sovereign. And I am to note (but this is only transiently) the poorness, or, to say better, the blasphemy of that argument which flourishes out kings as the types of divinity, and vainly lavishes some metaphysics, to prove that all things have a natural tendency to oneness; nay, the itch of some merry wits has carry'd them to run over most of the divine attributes (as some English lawyers have talk'd of the legal, I must say phantastical ubiquity and omniscience of our kings, tho' we see the contrary; and some civilians have said much about the emperor before them) whereas they should consider, that the immense simplicity of God flows out in its several operations with ineffable variety, God being every where and the same, or, as the *Platonists* say, a center in every part of its circle, a spirit without quantity, distance, and comprehension; whereas man is a determinate narrow being, who doing one thing, ceases to do another, and thinking of one thing, is forc'd to quit his former thought. Now how fit he is to be a shadow of this archetype, let any judge, unless he could be refin'd from his corporeity, and enlarg'd into a proportionable immensity. Besides, I know not whether it be safe to think or no, That as God, who, for the most part, indues men with gifts suitable to the places to which he calls them, would in some measure pour out his spirit proportionate to these men, whereas most commonly we find them, notwithstanding their extraordinary advantages of society, education, and business, as weak men as any other: and good princes being sway'd by the advice of men, good and wise, and the bad seduc'd by men of their own inclinations, what are all monarchys but in reality optimacys? for a few only essentially govern under the name of one, who is utterly as unable as the meanest of those over whom he claims superiority.

The second fallacy is this, That men, while they labor thus to support monarchy, tell us not what kind of monarchy it is, and consequently gain nothing, tho' we should grant them the former proposition be true. For what does it avail to tell me of the title of such a prince, if I know not by what title he holds? Grant it were visible to me that such a man was mark'd out by Providence to be my governor, yet if I cannot tell what kind of one, whether absolute, mixt, limited, merely executive, or only first in order, how shall I know to direct my obedience? If he be absolute, my very natural liberty is taken away from me; nor do I know any power that can make any man such, the Scripture setting just limitations and restrictions to all governors. If mixt and limited, I must know the due temper and bounds whereby he is to rule, or else he may usurp or be mistaken, and I oppress or injur'd. If executive, the power fundamentally resides not in him, but in the great council, or them intrusted by the people; then I adore only a shadow. Now if any prince of *Europe* can really clear up these mists, and shew the lines of his government drawn fairly, and his charter whole and authentic, like that of *Venice* and ancient *Rome*, for my part, I'll be the first man shall swear him allegiance, and the last that will preserve him. But you will find that they will tell you in general about their office, and in particular of their claims of succession, inheritance, and ancestors; when but look three or four storys back, and you will meet either som savage unnatural intrusion, disguiz'd under som forc'd title or chimerical cognation, or else som violent alteration, or possibly som slender oath or articles, hardly extorted and imperfectly kept. Now if any man that will but run over these rules, and apply them to any history whatever (as we shall exemplify in that of *Scotland*, upon which for the present we have pitcht) and not find most titles ambiguous, the effects of former monarchys (for where, in a catalogue of forty kings, can you almost shew me three good ones, but things merely struggling to maintain their titles and domestic interest?) ruinous to the people, who for the most part consider them no otherwise than as to be rescu'd from violent confusion, not as they conduce to the positive happiness of a civil life; I say, all this will be found to be true, or my small conversation in books is extremely false. And truly I conceive reading of history to be the most rational course to set any judgment right, because it instructs by experience and effects, and grounds the judgment upon material observations, and not blindly gropes after notions and causes, which to him are *tantum non inscrutabile*; but of that anon. A vain mistake under this topic has bin an erroneous comparison and application of matters civil and military; for men observing that mixt councils about generals, plurality, equality of commands, frequent and sudden military alterations, have brought no small distempers and dangers to several governments and attempts; therefore they presently conclude, that in civils also it is the safest to continue a command in one hand for preventing the like disturbances. But here they are deceiv'd; civil matters consist in long debate, great consideration, patient expectation, and wary foresight, which is better to be found in a number of choice experienc'd heads, than in one single person, whose youth and vigor of spirit inables him rather to action, and fills him with that noble temerity which is commonly so happy in martial affairs; that must be guided always to improve occasions, which are seldom to be found again, and, which mistaken, are to be scarcely amended. Besides, the ferocity of daring spirits can hardly be bounded while they stand level; so that it is no wonder if they extinguish all emulations by putting the power into the hands of one, whereas in a commonwealth it is quite otherwise: and factions (unless they be cruelly exorbitant) do but poise and balance one another; and many times, like the discord of humors

upon the natural body, produce real good to the government. That slender conceit, that Nature seems to dress out a principality in most of her works, as among birds, bees, &c. is so slender indeed (in regard they are no more chiefs than what they fancy them, but all their prepotency is merely predatory or oppressive; and even lions, elephants, crocodils and eagles, have small inconsiderable enemys, of which they stand in fear, and by which they are often ruin'd) that the recital confutes it; and if it were so, yet unless they cou'd prove their one man to be as much more excellent than the rest as those are, and that solely too, I see not what it would advantage them, since to comply with the design of Nature in one, they would contradict it in others, where she is equally concern'd. But these philological and rhetorical arguments have not a little hinder'd the severer disquisition of reason, and prepossess'd the more easy minds with notions so much harder to be laid aside, as they are more erroneous and pleasing.

These are the fundamental errors that have misled the judgment; now those which have misguided the conscience, have principally proceeded from the misinterpretation of Scripture; and therefore seeming sacred, have bin less examin'd and doubted, as carrying the most authority. Thus in the Old Testament, there being such frequent mention of kings, which notwithstanding were given in wrath, they superstitiously maintain not only the necessity, but even the impunity of kings; whereas we know not their powers and limitations, and it is inconsequent to argue, That because *Judea* was so govern'd, we should follow the same pattern, when we find neither precept, consequence, nor necessity convincing us. And it is madness to think, that while the Divine Spirit so freely and vehemently exclaims against the iniquity of men, God would authorize it so far as to leave it in them only unpunishable who should exterminat and reform it. As for the antiquity from Adam, it is true, before his fall his dominion was large and wide, but it was over the beasts that after his fall learn'd to rebel against him; and œconomically, not despotically, over his wife and children. But what is this to civil government? In the New Testament (for I the brieflier pass over this head, in regard it has bin so copiously treated upon by those under whose profession it falls, and that it does not immediately conduce to my design) the principal argument has been the meekness of Christ and his compliance with civil powers, which certainly, if he had bin dispos'd to have resisted, say they, he could as easily have overthrown, as with a few cords whip the buyers and sellers out of the temple. But he, that was the wisdom of his Father, rather thought fit to build up his kingdom (which is not earthly, nor known of earthly men) in meekness and obedience to civil powers, which are perpetually chang'd and hurry'd at the will of the first mover, otherwise he would never have concern'd himself so much in giving dues to Cæsar, and to God what is God's; intimating the distinct obedience owing by all men, as Christians, and citizens. When, granting monarchy the most and only lawful government, yet every one knows, that knows any thing of the *Roman* story, that Augustus had no more title to that government, than to any of those over whom he usurp'd, and that his access to the government was as fraudulent and violent as could be. Another error is the mistaking of the word **Powers*, when it's clear the Scripture speaks of it in a latitude, as extending it to all sorts of established governments. Now men have falsly pretended, that those powers were only meant of kings; and what by an indiscrete collation of the places of the Old, and violent wrestings of others of the New Testament, they perfected the other grand mistake; which since it has bin already

clear'd up, and, as we said, is but collateral with us for the present, we shall no further mention it.

As for the alleg'd examples and speeches of the primitive times, I see not much in them considerable: for tho' insurrections against princes cannot be produc'd, or rather much is said against them, yet we are to consider, that the gospel of Christ (which was at that time not much defil'd by the world) engages not to any domination, but (wholly taken up with its own extacys, spiritual delights and expectations) neglects all other affairs as strange and dangerous. And moreover (though I know what has been said to the contrary) I cannot find, after well considering those ages, any probable ground how, if they would have rebel'd, they could have made any head. They were indeed numerous, but then they had legionarys among them; and who knows not what an ineffectual thing a people is (be it never so desirous) when overaw'd by the soldiery? And they were a people (as greatness to God and man is different) not considerable for their worldly power (for how few eminent commanders were converted in the first ages?) but out of his own mere choice, so that it was not strange if they could not do much. For God, as he chose the weakest means in planting the gospel, even fishermen; so in the primitive propagation he call'd the weaker men, tho' Christianity afterwards grew ample and august, and kings were proud to give their names to it.

As for the fathers (supposing them free of their many adulterations, interpolations, and all those errors and incertaintys which the process of time and fraud of men has foisted into them) they are to be accepted only as witnesses, not as judges: that is to say, they may prove matter of fact, but none of their words matter of right; especially if we consider their writings, either homilys, commentaries, or controversys, which are ever directed to another end than this is, and they themselves (men secluded from business) are so much more unable to judg, and resolve civil controversys, in regard the unhappiness of the latter times has produc'd many controversys not known or thought of in those days, which not falling directly under their profession, cannot receive any light or authority from them.

Having thus consider'd kingship, and how well it has appear'd thro the false lights of the understanding, we shall now consider, whether, taking it by itself, its foundations be laid upon a cylinder or upon a cube: and this, I think, we are the likeliest to do, if we consider them in their rights and uses, or, to speak plainer, in their legality and policy; so that if we find that none of the ways of retaining their crowns can be authentic except one, and that one makes against them, we shall see we have no just causes of blind adoration or implicit obligation to truckle under any of their commands. And if again we discover that sort of government itself is not so profitable to the end of civil happiness, but rather diametrically opposit to it; we may suppose that men are either strangely obstinat, or else they might eradicat an error which not only offers so many prejudices to their understanding, but that has such an evil influence upon their external welbeing.

We have then to consider, that for one man to rule over many, there must necessarily be pretended some right, tho it be but colorable; for either he must be chosen by the people as their arbitrator and supreme judg, or else he must by force of arms invade

them, and bring them to obedience, which he by force preserving for his sons or successors, makes way for a third claim, which is inheritance. A fourth some have invented, tho were it real, it is but a difference of the last, and I therefore shall mention it under that head. But to the consideration.

First therefore election, supposing the people, either finding themselves unable to wield their own happiness, or for preventing of disorder, make choice of one man to be set over them, it here instantly follows, that the authority is in the people, and flowing from them; for choice argues a power, and being elected a subordination to it; in the end, I mean, tho not in every act. Now there is none chosen but for some end, or for some intentions reciprocal betwixt both parties; for otherwise such a choice were but dotage, and consequently invalid: wherefor thus it will follow, that those who pretend to king it upon this topic, must either shew a formal election (which I think many kings are not able to do) or if he can shew one, produce also the conditions and ends for which he was chosen. Now all parts being either implicit or explain'd, let him exhibit the covenant, that it may be known whether he governs according to it or not; for if he transgresses, he forfeits, and the others are absolv'd from their promis'd obedience. If the agreement be unwritten or intentional, either party is relatively ty'd; and then if he dos any thing against the welfare of the people (that sovereign law and end of all governments) the people may not only justly suppose the former capitulation broken, but even endeavor, by what possible means they can, to restore themselves to their former rights: for why should the making of a compact prejudice any when it is once broken? And here comes in another fallacy, with which the assertors of royalty have so flourish'd, that an agreement between a people and one man should descend to his posterity; whereas it is to be consider'd, that the people choosing one man is commonly in consideration of his person and personal merit; which not being the same in his son (as commonly families in the horizon are in the meridian, the founders being braver than any that follow after them) that very intent is frustrated and ceases; and the people providing for the happiness of a few years, which are determinable with incertainty of the latter part of the life of one man, run themselves and their posterity into an eternal inconvenience (for any thing they know) of bad governors. And if the people would never so formally agree with him, that in regard of his merits or felicity of actions, his son should be receiv'd in that place, yet would they not stand to it, that very pact expiring with the life of either. For my father may leave me notionally a slave in a tenure (a thing frequent with our ancestors) or, as civilians term it, a feodary, with which I am content, in respect of the advantage it brings me, or because my own estate is too little to be independent, and therefore I think it good prudence to be shelter'd under the protection of the greater; but my natural liberty, that is to say, to make my life as justly happy and advantageous to me as I may, he can no more give away from me than my understanding or eyesight: for these are privileges with which God and Nature have indu'd me, and these I cannot be deny'd but by him that will also deny me a being. But to go on, Suppose a second generation should accept the son, and a third a grandson, yet this confirms not a fourth; and the people very impolitically strengthen and confirm the power by continuance, and in a manner with their own hands lay the foundation of absoluteness; their governors themselves growing in interests, increasing in alliances and forces: so it is very improbable but that within a little they grow too big and formidable, and leave nothing of liberty except the name, and (if they be less cunning) not that. A

pertinent example of this, and so near us that I cannot pass it, we see in young Orange and the *Low Countrys* at this day, who continuing his progenitors for their signal services, and him for theirs, are now punish'd for their generous and indiscrete rewarding of virtue, that their liberty was lately almost blown up before they well perceiv'd it to be undermin'd, and they are now at charge to maintain their own oppression. As for that formal election and stipulation, who sees not what a vain and ridiculous cheat it is they coming with swords in their hands to demand the scepter of a weak and stupid multitude, that appears only to gaze upon the ceremonys, and whose refusal were ineffectual? but it is a gracious piece of the cabal of *tyranny* to deceive the people with shadows, fantasm, and names of liberty.

As for those that intrude by force, they cannot certainly have the forehead to infer any right, they being but, as the pirate said to Alexander, public and more magnificent robbers. Certainly these are the Nimrods, the great hunters, God's scourges, and the burdens of the earth; and whether they be founders of empires, or great captains (as Boccalin distinguishes them) they ought rather to be remember'd with horror and detestation, than have that undue reverence with which they commonly meet.

Yet these are they that lay the foundations of succession, and from these do the successors claim, and enjoy with the less reluctance, because the regret of the violences, and hate of the first, daily wears out; whether it be by the continuance of peace that charms men into a love of ease, or the continuance of slavery enfeebles their minds, that they rather chuse to look at their present enjoyment than real happiness; so that it is not strange if the person of their oppressor becomes in time adorable, and he himself thinks that confirm'd and justify'd to him in process of time, to which in the beginning he had no right. Put if we consider the business a little higher, we might find, that since neither the people (as we have prov'd before) have power to make themselves vassals, and the intruders themselves cannot pretend any just title; their domination is merely illegal, and apt to be shaken off with the first conveniency, it being every whit as equitable, that these men should be judg'd enemys of mankind, and condemn'd to die the death of parricides for usurping a power, as Nero for abusing it. But I would fain ask the *regious defenders*, by what law they can maintain governments to be inherent in one, and to be transmitted to his offspring? if they say by the law of God, I would demand again how they can make this law appear to me? if they say that the scripture contains the right and sacredness of kings, I ask them again, how they know that God extends that privilege and authority to this king? if they say, that he is involv'd in the general right, they do but run into a circle; unless they can show me, that all his approaches to the government were regular, and such as God was pleas'd with, or else God had by som sign and wonder declar'd his approbation of him; for without these two, they must make God the author of evil, which is impious, and pretend his commission for an unlawful act; and by the same right, any other (as a tyrant, for example) may pretend it to an action never so unjust, it being no unusual thing to borrow the face of divinity, even upon some foul impostures, as (to forbear further instances) Numa's conference with *Ægeria*, Scipio's retirement into the capitol, and Sertorius's white hart.

Now if they pretend the law of nature, they must demonstrat to us, both that she endow'd men with inequal freedom, and that she shap'd out such a man to rule;

whereas it appears on the contrary, that all men naturally are equal: for tho nature with a noble variety has made different the features and lineaments of men, yet as to freedom, till it be lost by som external means, she has made every one alike, and given them the same desires. But suppose she had intended such a family for government, and had given them som illustrious Marks, as we read of som that had, whether by the imagination of their mothers, or by deceit; yet then would nature fall into a double irregularity, first in deserting her method of making all free, and secondly in making her general work merely subservient, and secondary to her particular; which how contrary it is to that beautiful harmony of hers, I need not much insist. Now if they say, they are fathers of the people, and for that reason they call themselves the heads, inferring the people to be no more than a trunk, it's only metaphorical, and proves nothing: for they must remember, that since *father* has a relation upon which it depends, and upon whose removal it vanishes, they themselves cannot bring any such: for by physical procreation they will not offer it; and for metaphorical dependence, it will com to nothing, we seeing people languish when their princes are fullest, and, like leeches, rather willing to burst than to fall off; and on the contrary, the people upon the removal of a prince cheerful and reliev'd. Now if there were so strict a union between these two, such a contrariety and antipathy could never appear; for certainly when any two persons endeavour to gain ground one upon another, there is an enmity, whatever is pretended. Besides, if these men would be fathers, it were then their duty to do like fathers, which is to provide for, defend and cherish; wheras on the contrary, it is they themselves that eat the bread out of the mouths of their children, and thro the groans of the poor. And wheras flattery has said, that what they draw up in vapours they send down in showers, yet are we sure that such rains are for the most part unfruitful, if not ominous and infectious. If they pretend the law of nations, it were well they would declare to us first what this law is, and whether generally agreed on or no by nations. If they say, yes, they must resolve whether explicitly or implicitly: if they say the former, let them produce them; if the latter, they must demonstrat, that all nations are agreed in such and such notions, and all men of these nations, since every one must be of equal capacity: when on the contrary, tho the understandings of most men, whom we know or have convers'd with, seem to agree in som general maxims, but unpolish'd, unnumbered, and unmethodiz'd, yet we see many nations differing from us in many things, which we think clearly, fundamentally, and naturally true; neither do climats and education only so diversify the minds of men, but even their understandings, and the different ways of thinking so distinguish even those of one country, that tho we may please our selves in thinking that all mens thoughts follow the fantastical method of ours, yet we might find, if we were perfectly conversant with all men of the world, and well read in their authors (as we are not with half of them, no, nor any one man with the twentieth part) that there are scarce four or five axioms, excepting as they make a part of the law of nature, would be universally receiv'd. Now (for I have bin the longer by reason that this imaginary law has been so held up by the civilians, and made the subterfuge of so many considerable disputes) if it be so weak as that we can scarce tell whether it has a being or no, for even that which we account the most sacred piece of it, the violation of publick messengers, the *Tartar* and *Muscovite*, unless restrain'd by fear, break it every day. What then are the arguments deduc'd from it? or if there was such a law, what would it avail such a particular man? for why should other nations impose a governor where they are not concern'd? And if they pretend this law as to the

preservation and impunity of their persons, the same answer will serve again, with this addition, That they make an offender incapable of punishment, which is but to give them a commission to offend. Now if they run upon that distinction of suspending only, and not punishing (as if forsooth this kind of people must be preserv'd, tho by the ruin of mankind, to immediat vengeance) then I say, that suspension is really a punishment; and if his demerits can deserve that, I see not but that upon a proportionable increase, they may deserve dethronization or death, as clearly as two and two make four, and four more make eight. If they allege positive or municipal laws, and number *homages*, they are not much the nearer, since that all such laws are but rivulets and branches of them we before examin'd; and since we found that those speak so little in their favor, that which these do cannot signify much, especially since princes, who are ever watchful to improve all occasions of this nature, can either by terror or artifice draw assemblys, or the major part of them, to their own lure; nay, even the worst of them have not forgot to be solicitous in this case. But it must be remark'd, that whatever positive laws are repugnant to those general ones, they are injurious, and ought to be repeal'd. And truly it is a sad observation, that as monarchs grow, either out of the weakness of government, and (as I may say) its pupilage, as Romulus and Theseus did at *Rome* and *Athens*, or else out of the disease or depravation of it, as Cæsar again invaded *Rome*: so have the people bin never more fond of them, than when manners were at the highest corruption, which ever gave access of strength to them; nor have they more distasted them, than when their spirits and disciplin were the most brave and healthful: so fatally disagreeing are true liberty, which is the very source of virtue and generosity, and the impotent domination of a single tyrant, who commonly reigns by no other means than the discords of braver citizens, who can neither indure equality or superiority among themselves, and rather admit a general vassalage, than just equality; or by the vices of the baser sort, which naturally reconcile them and kings, and concern them both in a bad example. But suppose succession a thing sacred and inviolable, yet once break and interrupt it, it is little worth, either the usurper being to be acknowleg'd regular, or the whole series dash'd out of order. Nay, we see aspirers themselves either so blinded with their pretences, or with animosity, and so crying up their own titles, that it is almost impossible for any privat judgment to do right in this case, themselves thwarting one another; and it cannot be in the power of nature that both should be right. But who can instance one monarch whose crown is come to him by untainted succession? and what history will not confirm the example I shall anon bring? certainly tho succession were a thing that had not so little reason and reality, yet I see not why men should with such a strange pertinacy defend it. Matters of government ought to be manag'd by prudence; but succession puts them into the hands of fortune, when a child incapable or infirm, under the regiment of a nurse, must (possibly) be supreme governor, and those whom either their abilities or virtues fit for it, subordinat or laid aside. But what if the person whom necessity has set at the stern be incapable, lunatic, weak, or vitious, is not this a good way to prevent controversys? yet this plainly enervats all good council, when a king should have need of tutors, and that a multitude of people should be commanded by one who commands not himself; and, when we scarce obey even excellent princes, to adore shadows and weak ones.

As for Boxhornius's distinction of succession, wherein the next heir must necessarily succede by the original right of the former, I would ask him, whether the predecessor

were a possessor or usufructuary? If the first, all our former arguments fall on him; if the latter, it makes not for his successor, the people being owners: and besides, the distinction is one of his own coining, never pretended before; upon the first controversy it is invalid, altho the first founder had a right, as we have prov'd the contrary.

Having, with what brevity I could, brought to an end my first intention, I shall now fall upon the second, which is the intrinsic value and expediency of this government, and som little comparison with others; but herein we shall be short, and only so far as concerns this. And indeed it is a business so ticklish, that even Mr. Hobs in his piece *de cive*, tho he assur'd himself that the rest of his book (which is principally calculated for the assertion of monarchy) is demonstrated, yet he doubts whether the arguments which he brings to this business be so firm or not; and Malvezzi contrarily remonstrats (in his discourses upon Tacitus) that optimacys are clearly better than monarchys, as to all advantages. And indeed if we look on the arguments for monarchy, they are either flourishes, or merely notions; such are the reference and perfection of unity, which, say they, must needs work better and more naturally as one simple cause (besides that it stills and restrains all other claims) than many coordinat: wheras they never consider that tho among many joint causes there may be some jarring, yet like cross wheels in an engine, they tend to the regulation of the whole. What violent mischiefs are brought in by the contentions of pretenders in monarchys, the ambiguities of titles, and lawless ambition of aspirers? wheras in a settled republic all this is clear and unperplex'd; and in case any particular man aspires, they know against whom to join, and punish as a common enemy. As for that reason which alleges the advantage of secresy in business, it carries not much with it, in regard that under that even most pernicious designs may be carried on; and for wholsom councils (bating som more nice transactions) it matters not how much they be tost among those who are so much intrusted and concern'd in them, all bad designs being never in probability so feeble and ineffectual, as when there are many eyes to overlook them, and voices to decry them. As for that expedition in which they say monarchs are so happy, it may as well further a bad intention, as give effect to a just council, it depending on the judgment of a single man, to whose will and ends all must refer; wheras a select number of intrusted persons may hasten every opportunity with a just slowness as well as they, tho indeed (unless it be in som military critical minutes) I see not such an excellency in the swiftness of heady dispatch, precipitation in councils being so dangerous and ominous. As for what concerns privat suitors, they may as speedily and effectually (if not more) be answer'd in staid republics, as in the court of a king, where bribery and unworthy favorits do not what is just, but what is desir'd.

With these and many others as considerable (which partly willingly, and partly in this penury of books, forgettingly I pass) do they intend to strengthen this fantastical and airy building; but as sly controverters many times leave out the principal text or argument, because should it be produc'd, it could not be so easily answer'd: so these men tell us all the advantages of monarchy, supposing them still well settled, and under virtuous men; but you shall never hear them talk of it in its corrupt state under leud kings and unsettled laws; they never let fall a word of the dangers of Interreigns, the minoritys and vices of princes, misgovernments, evil councils, ambitions, ambiguities of titles, and the animositys and calamities that follow them, the necessary

injustices and oppressions by which monarchs (using the peoples wealth and blood against themselves) hold them fast in their seats, and by some suspension of divine justice, dy not violently.

Wheras other governments, establish'd against all these evils, being ever of vigor and just age, settled in their own right, freed from pretences, serv'd by experienc'd and engag'd councils, and (as nothing under the moon is perfect) sometimes gaining and advantag'd in their controversys, which have not seldom (as we may see in old *Rome*) brought forth good laws and augmentations of freedom; wheras once declining from their purity and vigor, and (which is the effect of that) ravish'd by an invader, they languish in a brutish servitude, (monarchy being truly a disease of government) and like slaves, stupid with harshness and continuance of the lash, wax old under it, till they either arrive at that period which God prescribes to all people and governments, or else better stars and posterity awaken them out of that lethargy, and restore them to their pristin liberty, and its daughter happiness.

But this is but to converse in notions, wandering, and ill abstracted from things; let us now descend to practical observation, and clearly manifest out the whole series of time and actions, what circumstances and events have either usher'd or follow'd one race of kings, that if there were all the justice in the world that the government of a nation should be intail'd upon one family, yet certainly we could not grant it to such a one whose criminal lives and formidable deaths have bin evidences of God's wrath upon it for so many generations.

And since no country that I know yields such an illustrious example of this as *Scotland* dos, and it may be charity to bring into the way such as are misled, I have pitch'd upon the *Scotish* history, wherein as I have only consulted their own authors, as my fittest witnesses in this case; so have I (not as a just history, but as far as concerns this purpose) faithfully, and as much as the thing would permit, without glosses represented it: so that any calm understanding may conclude that the vengeance which now is level'd against that nation, is but an attendant of this new introduc'd person; and that he himself, tho' for the present he seems a *log* among his frogs, and suffers them to play about him, yet God will suffer him (if the *English* army prevents not) to turn *stork* and devour them, while their crys shall not be heard, as those that (in spite of the warning of providence, and the light of their own reasons, for their own corrupt interest and greedy ambition) brought these miserys upon themselves.

An Instance Of The Preceding REASONS Out Of The SCOTISH HISTORY.

THE SECOND PART.

AND now we com to our main business, which is the review of story, wherein we may find such a direct and uninterrupted series, such mutual endearments between prince and people, and so many of them crown'd with happy reigns and quiet deaths (two successively scarce dying naturally) that we may conclude, they have not only the most reason, but a great deal of excellent interest who espouse the person and quarrel

of the hopeful descendent of such a family: nor shall we be so injurious to the glory of a nation, proud with a catalogue of names and kings, as to expunge a great part of their number; tho som, who have done it, affirm there can be no probability that they had any other being than what Hector Boyes, and the black book of *Pasley* (out of which Buchanan had most of his materials) are pleas'd to bestow on them, there being no mention of the name of *Scot* in any authentic writer, till four hundred years after Christ. No, we shall no more envy these old heroes to them, than their placing the red lion in the dexter point of their escutcheon. But tho we might in justice reject them as fabulous and monkish, yet since they themselves acknowledge them, and they equally make against them, we shall run them over like genuin history. The first of this blessed race was Fergus; first general, and afterwards got himself made king: but no sooner cast away on the coast of *Ireland*, but a contention arises about the validity of their oath to him, and uncles are appointed to succede, which argues it elective: so Feritharis, brother to Fergus, is king, but his nephew forms a conspiracy against him, forces him to resign and fly to the iles, where he dy'd. Feritharis dying soon after, was suspected to be poison'd. After him coms in Main (Fergus's second son) who with his son Dornadilla, reign'd quietly fifty-seven years. But Reuther his son not being of age, the people make his uncle Nothat take the government; but he misruling, Reuther, by the help of one Doual, rais'd a party against him, and beheads him, makes himself king with the indignation of the people that he was not elected; so that by the kindred of Nothat he is fought, taken, and displac'd; but afterwards makes a party, and regains. His son Thereus was too young, so that his brother Rheutha succeeded, but after seventeen years was glad to resign. Well, Thereus reigns, but after six years declines to such leudness that they force him to fly, and govern by a *Prorex*. After his death Josina his brother, and his son Finan are kings, and quietly dy so.

But then comes Durst, one who slays all the nobility at a banquet, and is by the people slain. After his death the validity of the oath to Fergus is call'd in question, and the elective power vindicated; but at length Even his brother is admitted, who tho he rul'd valiantly and well, yet he had Gillus a bastard son, *vafer & regni cupidus*. The next of the line are twins, Docham and Dorgal, sons of Durst: they, while they disputed about priority of age, are, by the artifice of Gillus, slain in a tumult; who makes a strong party, and seizing of a hold, says he was made supervisor by his father, and so becoms king, cuts off all the race of Durst: but is after forc'd out of the kingdom, and taken by Even the second his successor (who was chosen by the people) and by him put to death in *Ireland*. After Even comes Eder: after Eder his son Even the third, who for making a law, that the nobility should have the enjoyment of all new marry'd women before they were touch'd by their husbands, was doom'd to prison during his life, and there strangl'd. His successor was his kinsman Metellan: after whom was elected Caratac, whom his brother Corbret succeded. But then came Dardan (whom the lords made to take on him the government, by reason of the nonage of Corbret's son) who for his leudness was taken by the people, and beheaded.

Afterhim Corbret the second, whose son Luctat for his leudness was by the people put to death; then was elected Mogald, who following his vitious predecessors steps, found his death like theirs violent.

His son Conar, one of the conspirators against him, succeeded, but misgoverning, was clapt in prison, and there dy'd.

Ethodius his sister's son succeeded, who was slain in the night in his chamber by his piper.

His son being a minor, Satrael his brother was accepted, who seeking to place the succession in his own line, grew so hateful to the people, that, not daring to come abroad, he was strangl'd in the night by his own servants, which made way for the youngest brother.

Donald, who outdid the others vices by contrary virtues, and had a happy reign of one and twenty years.

Ethodius the second, son of the first of that name, was next, a dull inactive prince, *familiarium tumultu occisus*.

His son Athirco promis'd fair, but deceiv'd their expectations with most horrid leudness, and at length vitiated the daughters of Nathalock a nobleman, and caus'd them to be whipt before his eys; but seeing himself surrounded by conspirators, eluded their fury with his own sword; his brother and children being forc'd to fly to the *Picts*. Nathalock, turning his injury into ambition, made himself king, and govern'd answerably; for he made most of the nobility to be strangl'd, under pretence of calling them to council, and was after slain by his own servants.

After his death, Athirco's children were call'd back, and Findoc, his son, being of excellent hopes, accepted, who made good what his youth promis'd: he beat in sundry battles Donald the Ilander; who seeing he could not prevail by force, sent two as renegados to the king, who (being not accepted) conspire with his brother, by whose means one of them slew him with a spear when he was hunting.

His brother Donald succedes (the youngest of the three) who, about to revenge his brother's death, hears the Ilander is enter'd *Murray*; whom he incountring with unequal forces, is taken prisoner, with thirty of the nobility, and, whether of grief, or his wounds, dy's in prison.

The Ilander that had before usurp'd the name, now assum'd the power (the nobles, by reason of their kindred prisoners, being overaw'd). This man, wanting nothing of an exquisit tyrant, was, after twelve years butcherys, slain by Crathlinth, son of Findoc, who under a disguise found address and opportunity. The brave Tyrannicid was universally accepted, and gave no cause of repentance: his reign is famous for a war begun between the *Scots* and *Picts* about a dog (as that between the *Trojans* and *Italians* for a white hart) and the defection of Carausius from Dioclesian, which happen'd in his time.

His kinsman Fincormac succeeded, worthy of memory for little but the piety of the *Culdys* (an order of religious men of that time overborn by others succeeding). He being dead, three sons of his three brothers contended for the crown: Romach, as the

eldest, strengthen'd by his alliance with the *Picts*, with their assistance seiz'd on it, forcing others to fly; but proving cruel, the nobility conspir'd and slew him.

Angusian, another pretender, succedes, who being assail'd by Nectham, king of the *Picts*, who came to revenge Romach, routed his army in a pitcht battel; but Nectham coming again, he was routed, and both he and Nectham slain.

Fethelmac, the third pretender, came next, who beating the *Picts*, and wasting their fields, Hergust, when he saw there could be no advantage by the sword, suborn'd two *Picts* to murder him, who drawing to conspiracy the piper that lay in his chamber (as the manner was then) he at the appointed time admitted them, and there slew him.

The next was Evgen, son of Fincormac, who was slain in a battel with the *Picts*, to the almost extirpation and banishment of the *Scots*; but at last the *Picts*, taking distast at the *Romans*, enter'd into a secret league with the *Scots*, and agreed that Fergus (whose uncle the last king was) being then in banishment, and of a military breeding and inclination, should be chosen king. With him the *Danes* maintain'd a long war against the *Romans*, and pull'd down the *Picts* wall: at last he and the king of *Picts* were in one day slain in a battel against them. This man's access to government was strange, *ignotus rex ab ignoto populo accersitus*, and may be thought temerarious; he having no land for his people, and the *Roman* name inimical; yet founded he a monarchy, there having been kings ever since; and we are to note, this is the first man that the sounder writers will allow to be real, and not fabulous. Him succeeded his son Eugenius (whose grandfather, Graham, had all the power) a warlike prince, whom some say slain, some dead of a disease. After him his brother Dongard, who, after the spending of five superstitious years, left the crown (as they call it) to his youngest brother Constantin; who from a good privat man turn'd a leud prince, and was slain by a nobleman, whose daughter he had ravish'd. He was succeeded by Congal, Constantin's son, who came a tolerable good prince to a loose people; and having spent som two and twenty years in slight excursions against the *Saxons*, left the rule to his brother Goran, who notwithstanding he made a good league against the *Britans*, which much conduc'd to his and the peoples settlement, yet in requital, after thirty-four years, they made away with him; which brought in Eugenius, the third of that name, the son of Congal, who was strongly suspected to have a hand in his death, insomuch that Goran's widow was forc'd to fly into *Ireland* with her children. This man, in thirty-three years time, did nothing but reign, and make short incursions upon the borders; he left the rule to his brother Congal, a monastical, superstitious, and inactive prince, who reign'd ten years. Kinnatel his brother was design'd for successor; yet Aidan, the son of Goran, laid his claim, but was content to suspend, in respect of the age and diseases of Kinnatel, which after fourteen months took him out of the world, and clear'd the controversy, and Aidan, by the consent of Columba, (a priest that govern'd all in those days) came to be king; a man that, after thirty-four years turbulently spent, being beaten by the *Saxons*, and struck with the death of Columba, dy'd of grief.

After him was chosen Kenneth, who has left nothing behind him but his name. Then came Eugenius the Fourth, the son of Aidan (so irregular is the *Scots* succession, that we see it inverted by usurpation or cross elections in every two or three generations).

This man left an ambiguous fame; for Hector Boetius says he was peaceable; the manuscript, implacably severe: he reign'd sixteen years, and left his son Ferchard successor, who, endeavoring to heighten the prerogative by the dissensions of the nobility, was, on the contrary, impeach'd by them, and call'd to an account, which he denying, was clapt in prison, where he himself sav'd the executioner a labor. So that his brother Donald succeeded, who being taken up with the piety of those days, left nothing memorable, except that he in person interpreted *Scots* sermons to the *Saxons*. He was follow'd by his nephew Ferchard, son to the first of that name, a thing like a king in nothing but his exorbitancys, who in hunting was wounded by a wolf, which cast him into a fever, wherein he not observing the impos'd temperance, brought on himself the lousy disease; upon which discomforted, he was, by the persuasion of Colman (a religious man) brought out in his bed cover'd with hair-cloth, where he made a public acknowledgement to the people, and soon after dy'd. Maldwin, Donald's son, follow'd, who, after twenty years ignoble reign, was strangled by his wife. Eugenius the Fifth succeeded, son (they say) of King Dongard, tho chronology seems to refute it. This man spent five years in slight incursions, and was succeeded by Eugenius the Sixth, son of Ferchard. This man is famous for a little learning, as the times went, and the prodigy of raining blood seven days, all milkmeats turning into blood. Amberkelleth, nephew to Eugenius the Fifth, who succeeded this rude prince, while he was discharging the burthen of nature, was slain by an arrow from an unknown hand. Eugenius the Seventh follow'd, who being attempted by conspirators, had his new marry'd wife slain in bed beside him; for which he being accus'd, produc'd the murderers before his trial, and was acquitted, and so ended the rest of his seventeen years in peace, recommending to the people Mordac, son of Amberkelleth, who continuing a blank reign, or it may be a happy one, in regard it was peaceable, left it to Etfyn, son of Eugenius the Seventh: the first part of his reign was peaceable; but age obliging him to put the government into the hands of four of his servants, it happen'd to him, as it dos to other princes, whose fortunes decay commonly with their strength, that it was very unhappy and turbulent: which miserys Eugenius the Eighth, son of Mordac, restrain'd. But he, it seems, having a nature fitter to appease tumults than to enjoy rest, at the first enjoyment of peace broke into such leudness, that the nobility at a meeting stab'd him, and made way for Fergus, the son of Etfyn, one like his predecessor in manner, death, and continuance of reign, which was three years; the only dissimilitude was, that the latter's wife brought his death; for which others being impeach'd, she stept in and confest it; and to avoid punishment, punish'd herself with a knife. Soluath, son of Eugenius the Eighth, follow'd him, who, tho his gout made him of less action, yet it made his prudence more visible, and himself not illaudable: his death brought in Achaius, the son of Etfyn, whose reign was innobled with an *Irish* war, and many learned men; besides the assistance lent Hungus to fight against the *Northumbrians*, whom he beat in a famous battel, which (if I may mention the matter) was presignify'd to Hungus in a dream, St. *Andrew* appearing to him, and assuring him of it; and in the time of battel a white cross (that which the heralds call a saltier, and we see commonly in the *Scots* banners) appear'd in the sky; and this I think to have bin the occasion of that bearing, and an order of knights of St. *Andrew*, sometimes in reputation in *Scotland*, but extinguish'd, for aught I can perceive, before the time of James the Sixth, tho the collar and pendant of it are at this day worn about the *Scots* arms. To this man Congal his cousin succeeded, who left nothing behind him but five years to stretch out the account of time. Dongal, the son of Soluath, came

next, who being of a nature fierce and insupportable, there was an endeavour to set up Alpin, son of Achaius, which design by Alpin himself was frustrated, which made the king willinger to assist Alpin in his pretension to the kingdom of *Picts*; in which attempt he was drown'd, and left to Alpin that which he before had so nobly refus'd, who making use of the former, rais'd an army, beat the *Picts* in many signal victorys; but at last was slain by them, leaving his name to the place of his death, and the kingdom to his son Kenneth. This man, seeing the people broken with the late war, and unwilling to fight, drew them on by this subtilty; he invites the nobility to dinner, and after plying them with drink till midnight, leaves them sleeping on the floor (as the manner was) and then hanging fishskins about the walls of the chamber, and making one speak thro a tube, and call them to war; they waking, and half asleep, suppos'd something of divinity to be in it, and the next morning not only consented to war, but (so strange is deluded imagination) with unspeakable courage fell upon the enemy, and put them to the rout; which being confirm'd by other great victorys, utterly ruin'd the *Pictish* name. This man may be added to the two Ferguses, and truly may be said to be the founder of the *Scots* empire, not only in making that the middle of his dominion, which was once the bounds, but in confirming his acquisitions with good laws, having the opportunity of a long peace, which was sixteen years, his whole time of government being twenty. This was he that plac'd that stone, famous for that illusory prophecy, *Ni fallat fatum*, &c. (which first was brought out of *Spain* into *Ireland*, and from thence into *Argyle*) at *Scoon*; where he put it in a chair, in which all his successors (till Edward the First brought it away) were crown'd, and since that all the kings of *England*, till the happiness of our commonwealth made it useless. His brother Donald was his successor, a man made up of extremitys of virtues and vices; no man had more bravery in the field, nor more vice at home, which increasing with his years, the nobility put him in prison, where, either for fear or scorn, he put an end to his days, leaving behind him his brother Constantin, a man wanting nothing of him but his vices, who struggling with a potent enemy (for the *Picts* had call'd in the *Danes*) and driving them much into despair (a bravery that has not seldom ruin'd many excellent captains) was taken by them, put into a little cave, and there slain. He was succeeded by Ethus, his brother, who had all his eldest brother's vices, and none of his second's virtues; Nature, it seems, making two extremes and a middle in the three brethren. This man, voluptuous and cowardly, was forc'd to resign; or, as others say, dy'd of wounds receiv'd in a duel from his successor, who was Gregory, son of Dongal, who was not only an excellent man, but an excellent prince, that both recover'd what the others had lost, and victoriously travers'd the northern countys of *England*, and a great part of *Ireland*; of whose king, a minor, and in his power, he generously made no advantage, but settled his country, and provided faithful and able guardians for him. These things justly yield him the name of *Great*. Donald, son of Constantin the Second, by his recommendation, succeeded in his power and virtues, notwithstanding some say he was remov'd by poison. Next was Constantin the Third, son of Ethus, an unstable person, who assisted the *Danes*, which none of his predecessors would do; and after they had deserted him basely, yet yielded them succors, consisting of the chief of the *Scots* nobility, which, with the whole *Danish* army, were routed by the *Saxons*. This struck him so, that he retir'd among the *Culdys* (which were as the Greec Caloyers, or Romish monks at this day) and there bury'd himself alive. After him was Milcom, son of Donald the Third, who, tho' a good prince, and well skill'd in the arts of peace, was slain by a conspiracy of those to

whom his virtue was burdensom. His successor was Indulf (by what title I find not) who fighting with the *Danes*, that with a navy unexpectedly came into the *Frith*, was slain. Duf, his son, succedes, famous for an accident, which, if it be true, seems nearly distant from a fable. He was suddenly afflicted by a sweating disease, by which he painfully languish'd, yet nobody could find the cause, till at last a girl, that had scattered som words, after torments, confest that her mother and som other women had made an image of wax, which, as it wasted, the king should wast, by sweating much: the place being diligently search'd, it was found accordingly; so the image being broke, he instantly recover'd. That which disturb'd his five years reign was the turbulency of the northern people, whom when he had reduc'd and taken, with intent to make exemplary punishment, Donald, the commander of the castle of *Forres*, where he then lay, interceded for som of them; but being repuls'd, and exasperated by his wife, after he had made all his servants drunk, slew him in his bed, and bury'd him under a little bridg (left the cutting of turfs might discover a grave) near *Kilros* abby: tho others say, he turn'd aside a river, and after he had bury'd him, suffer'd it to take its former chanel. Culen the son of Indulf, by the election of parlament, or convention of the people, succeded, good only in this one action, of inquiring and punishing his predecessor's death; but after, by the neglect of discipline, and the exquisiteness of his vices, became a monster, and so continued three years, till being weakned and exhausted in his body, and vext with perpetual diseases, he was summon'd by the parlament, and in the way was slain by a *Thane* (so they then call'd lieutenants of counties) whose daughter he had ravish'd.

Then came Kenneth, brother to Duf (tho the forepart of his reign was totally unlike his) who being invaded by the *Danes*, beat them in that famous battle, which was won by the three Hays, husbandmen (from whom all the Hays now give three shields gules) who with their sythes reinforc'd the lost battle; but in his latter time he lost his reputation, by poisoning Milcolm son of Duf, to preserve the crown for a son of his name, tho of less merit (for says Buchanan, *They use to chuse the fittest, not the nearest*) which being don, he got ordain'd in a parlament, that the succession should be lineal, the son should inherit, and be call'd Prince of *Scots*; and if he were a minor, be govern'd by som wise man (here coms the pretence of succession, wheras before it was clearly elective) and at fifteen he should chuse his guardian himself. But the divine vengeance, which seldom, even in this life, passes by murder, overtook him; for he was ensnar'd by a lady, whose son he had caus'd to be executed, and slain by an arrow out of an ambush she had laid. Constantin, the son of Culen, notwithstanding all the artifice of Kenneth, by his reasoning against the act, perswaded most of the nobility to make him king, so that Milcolm the son of Kenneth and he made up two factions, which tore the kingdom; till at length Milcolm's bastard brother (himself being in *England* assisting the *Danes*) fought him, routed his army, and with the loss of his own life took away his, they dying of mutual wounds. Grime, of whose birth they do not certainly agree, was chosen by the *Constantinians*, who made a good party; but at the intercession of Forard (an accounted rabbi of the times) they at last agreed, Grime being to enjoy the kingdom for his life, after which Milcolumb should succede, his father's law standing in force. But he, after declining into leudness, cruelty and spoil (as princes drunk with greatness and prosperity use to do) the people call'd back Milcolumb, who rather receiving battel than giving it (for it was upon Ascension-day, his principal holy-day) routed his forces, wounded himself, took him,

pull'd out his eyes, which altogether made an end of his life, all factions and humors being reconcil'd.

Milcolumb, who with various fortune fought many signal battles with the *Danes*, that under their king Sueno had invaded *Scotland*, in his latter time grew to such covetousness and oppression, that all authors agree he was murder'd, tho they disagree about the manner; som say by confederacy with his servants; som by his kinsmen and competitors; som by the friends of a maid whom he had ravish'd. Donald his grandchild succeeded, a good-natur'd and inactive prince, who with a stratagem of sleepy drink destroy'd a *Danish* army that had invaded and distress'd him; but at last being insnar'd by his kinsman Mackbeth (who was prick'd forward by ambition, and a former vision of three women of a sour human shape, whereof one saluted him *Thane of Angus*, another Earl of *Murray*, the third King) he was beheaded.

The severity and cruelty of Mackbeth was so known, that both the sons of the murder'd king were forc'd to retire, and yield to the times, while he courted the nobility with largesses. The first ten years he spent virtuously, but the remainder was so savage and tyrannical, that Macduf Thane of *Fife* fled into *England* to Milcolm, son of Donald, who by his persuasions, and the assistance of the king of *England*, enter'd *Scotland*, where he found such great accessions to his party, that Mackbeth was forc'd to fly; his death is hid in such a mist of fables, that it is not certainly known.

Milcolumb, the third of that name, now being quietly seated, was the first that brought in those gay inventions and distinctions of honors, as dukes, marquesses (that now are become so airy, that som carry them from places to which they have as little relation as to any iland in *America*, and others from cottages and dovecotes). His first trouble was Forfar, Mackbeth's son, who claim'd the crown, but was soon after cut off. Som war he had with that William whom we call falsly the Conqueror, som with his own people, which by the intercession of the bishops were ended. At length quarrelling with our William the Second, he laid siege to *Alnwick* castle, which being forc'd to extremity, a knight came out with the keys on a spear, as if it were to present them to him, and to yield the castle; but he not with due heed receiving them, was run thro the ey and slain. Som from hence derive the name of Piercy (how truly I know not). His son and successor Edward following his revenge too hotly, receiv'd some wounds, of which within a few days he dy'd.

Donald Bane (that is in Irish, *white*) who had fled into the iles for fear of Mackbeth, promis'd them to the king of *Norway*, if he would procure him to be king, which was don with ease, as the times then stood; but this usurper being hated by the people, who generally lov'd the memory of Milcolm, they set Duncan, Milcolm's bastard, against him, who forc'd him to retire to his iles. Duncan, a military man, shew'd himself unfit for civil government; so that Donald, waiting all advantages, caus'd him to be beheaded, and restor'd himself: but his reign was so turbulent, the islanders and *English* invading on both sides, that they call'd in Edgar, son of Milcolm, then in *England*, who with small assistances possest himself, all men deserting Donald, who being taken and brought to the king, dy'd in prison. Edgar, secure by his good

qualitys, and strengthen'd by the *English* alliance, spent nine years virtuously and peaceably; and gave the people leave to breathe and rest, after so much trouble and bloodshed. His brother Alexander, surnam'd Acer, or the *Fierce*, succeeded; the beginning of whose reign being disturb'd by a rebellion, he speedily met them at the *Spey*, which being a swift river, and the enemy on the other side, he offer'd himself to ford it on horseback: but Alexander Car taking the imployment from him, forded the river with such courage, that the enemy fled, and were quiet the rest of his reign. Som say he had the name of Acer, becaule som conspirators being by the fraud of the chamberlain admitted into his chamber, he casually waking, first slew the chamberlain, and after him six of the conspirators, not ceasing to pursue the rest, till he had slain most of them with his own hand: this, with the building of som abbys, and seventeen years reign, is all we know of him.

His brother David succeeded, one whose profuse prodigality upon the abbys brought the revenue of the crown (so prevalent was the superstition of those days) almost to nothing. He had many battels with our Stephen about the title of Maud the empress; and having lost his excellent wife and hopeful son in the flower of their days, he left the kingdom to his grandchildren, the eldest whereof was Milcolumb a simple king, baffl'd and led up and down into *France* by our Henry the second; which brought him to such content, that he was vex'd by frequent insurrections, especially them of *Murray*, whom he almost extirpated. The latter part of his reign was spent in building monasterys; he himself ty'd by a vow of chastity, would never marry, but left for his successor his brother William, who expostulating for the earldom of *Northumberland*, gave occasion for a war, in which he was surprised and taken, but afterwards releas'd upon his doing homage for the kingdom of *Scotland* to king Henry, of whom he acknowledg'd to hold it, and putting in caution the castles of *Roxboro* (once strong, now nothing but ruins) *Barwic*, *Edinburg*, *Sterling*, all which notwithstanding was after releas'd by Richard *Cœur de Lyon*, who was then upon an expedition to the holy war; from whence returning, both he and David earl of *Huntingdon*, brother to the king of *Scots*, were taken prisoners. The rest of his reign (except the rebuilding of *St. Johnston*, which had bin destroy'd by waters, whereby he lost his eldest son, and som treatys with our king John) was little worth memory; only you will wonder that a *Scotish* king could reign forty-nine years, and yet die in peace.

Alexander his son succeeded, famous for little, except som expeditions against our king John, som insurrections, and a reign two years longer than his father's. His son was the third of that name, a boy of eight years old, whose minority was infested with the turbulent Cummins; who when he was of age, being call'd to account, not only refus'd to appear, but surpris'd him at *Sterling*, governing him at their pleasure. But soon after he was awak'd by a furious invasion of Acho king of *Norway* (under the pretence of som ilands given him by Mackbeth) whom he forc'd to accept a peace, and spent the latter part amidst the turbulencys of the priests (drunk at that time with their wealth and ease) and at last having seen the continu'd funerals of his sons David, Alexander, his wife, and his daughter, he himself with a fall from his horse broke his neck, leaving of all his race only a grandchild by his daughter, which dy'd soon after.

This man's family being extinguish'd, they were forc'd to run to another line, which, that we may see how happy an expedient immediat succession is for the peace of the

kingdom, and what miseries it prevents, I shall, as briefly and as pertinently as I can, set down.

David, brother to K. William, had three daughters, Margaret married to Allan lord of *Galloway*, Isabel married to Robert Bruce lord of *Annandale* and *Cleveland*, Ada married to Henry Hastings earl of *Huntingdon*. Now Allan begot on his wife Dornadilla, married to John Baliol afterwards king of *Scotland*, and two other daughters. Bruce on his wife got Robert Bruce earl of *Carick*, having married the heretrix therof. As for Huntingdon he desisted his claim. The question is, whether Baliol in right of the eldest daughter, or Bruce being com of the second (but a man) should have the crown, he being in the same degree, and of the more worthy sex. The controversy being tost up and down, at last was refer'd to Edward, the first of that name, king of *England*. He thinking to fish in these troubled waters, stirs up eight other competitors, the more to entangle the business, and with twenty-four counsellors, half *English*, half *Scots*, and abundance of lawyers fit enough to perplex the matter, so handled the business, after cunning delays, that at length he secretly tampers with Bruce (who was then conceiv'd to have the better right of the business) that if he would acknowlege the crown of him, he would adjudg it for him; but he generously answering, that he valu'd a crown at a less rate, than for it to put his country under a foren yoke: he made the same motion to Baliol, who accepted it; and so we have a king again, by what right we all see: but it is good reason to think that kings, com they by their power never so unjustly, may justly keep it.

Baliol having thus got a crown, as unhappily kept it; for no sooner was he crown'd, and had don homage to Edward, but the Abernethys having slain Macduf earl of *Fife*, he not only pardon'd them, but gave them a piece of land in controversy: whereupon Macduf's brother complains against him to Edward, who makes him rise from his seat in parliament, and go to the bar: he hereupon enrag'd, denies Edward assistance against the *French*, and renounces his homage. Edward immediately coms to *Berwic*, takes and kills seven thousand, most of the nobility of *Fife* and *Lowthian*, and afterwards gave them a great defeat at *Dunbar*, whose castle instantly surrender'd. After this he march'd to *Montrose*, where Baliol resign'd himself and crown, all the nobility giving homage to Edward. Baliol is sent prisoner to *London*, and from thence, after a year's detention, into *France*. While Edward was possest of all *Scotland*, one William Wallace arose, who being a privat man, bestir'd himself in the calamity of his country, and gave the *English* several notable foils. Edward coming again with an army, beat him that was already overcom with envy and emulation as well as power; upon which he laid by his command, and never acted more, but only in slight incursions. But the *English* being beaten at *Roslin*, Edward comes in again, takes *Sterling*, and makes them all render homage; but at length Bruce seeing all his promises nothing but smoke, enters into league with Cummin to get the kingdom: but being betray'd by him to Edward, he stab'd Cummin at *Drumfreis*, and made himself king. This man, tho he came with disadvantage, yet wanted neither patience, courage, nor conduct; so that after he had miserably lurk'd in the mountains, he came down, and gathering together som force, gave our Edward the second such a defeat near *Sterling*, as *Scotland* never gave the like to our nation: and continu'd the war with various fortune with the third, till at last age and leprosy brought him to his grave. His son David, a boy of eight years, inherited that which he with so much danger obtain'd,

and wisdom kept. In his minority he was govern'd by Thomas Randolph earl of *Murray*, whose severity in punishing was no less dreaded than his valor had bin honor'd. But he soon after dying of poison; and Edward Baliol, son of John, coming with a fleet and strengthen'd with the assistance of the *English*, and som robbers, the governor the earl of *Mar* was routed, so that Baliol makes himself king, and David was glad to retire into *France*. Amidst these parties (Edward the third backing Baliol) was *Scotland* miserably torn, and the Bruces in a manner extinguish'd, till Robert (after king) with them of *Argile* and his own family and friends, began to renew the claim, and bring it into a war again; which was carry'd on by Andrew Murray the governor, and afterwards by himself: so that David, after nine years banishment, durst return, where making frequent incursions, he at length in the fourth year of his return march'd into *England*, and in the bishoprick of *Durham* was routed, and fled to an obscure bridg, shew'd to this day by the inhabitants. There he was by John Copland taken prisoner, where he continu'd nine years, and in the thirty-ninth year of his reign he dy'd.

Robert his sister's son, whom he had intended to put by, succedes, and first brought the Stuarts (which at this day are a plague to the nation) into play. This man after he was king, whether it were age or sloth, did little; but his lieutenants and the *English* were perpetually in action. He left his kingdom to John his bastard son, by the lady More his concubin, whom he marry'd, either to legitimat the three children (as the manner was then) he had by her, or else for old acquaintance, his wife and her husband dying much about a time. This John would be crown'd by the name of Robert (his own, they say, being unhappy for kings) a wretched inactive prince, lame, and only govern'd by his brother Walter, who having David the prince upon complaint of som exorbitancys deliver'd to his care, caus'd him to be starv'd; upon which the king intending to send his son James into *France*, the boy was taken at *Flamburg*, and kept by our Henry the Fourth: upon the hearing of which his father swounded, and soon after dy'd. His reign was memorable for nothing but his breaking with George earl of *March* (to whose daughter, upon the payment of a great part of her portion which he never would repay, he had promis'd his son David for a husband) to take the daughter of Douglas who had a greater; which occasion'd the earl of *March* to make many inrodes with our Henry Hotspur; and a famous duel of three hundred men apiece, whereof on the one side ten remain'd, and on the other one, which was the only way to appease the deadly feuds of these two familys. The interreign was govern'd by Robert, who enjoying the power he had too much coveted, little minded the liberty of his nephew, only he sent som auxiliariys into *France*, who, they say, behav'd themselves worthily; and his slothful son Mordac, who making his sons so bold with indulgence, that one of them kill'd a falcon on his fist, which he deny'd to give him: he in revenge procur'd the parliament to ransom the king, who had bin eighteen years a prisoner. This James was the first of that name, and tho he was an excellent prince, yet had a troublesom reign; first, in regard of a great pension rais'd for his ransom; next, for domestic commotions; and lastly, for raising of mony; which, tho the revenue was exhausted, was call'd covetousness. This having offended Robert Graham, he conspir'd with the earl of *Athol*, slew him in his chamber, his wife receiving two wounds, endeavoring to defend him.

This James left the Second, a boy of six years, whose infancy, by the misguidance of the governor, made a miserable people, and betray'd the earl Douglas to death, and almost all that great family to ruin; but being supplanted by another earl Douglas, the king in his just age suffer'd minority under him, who upon displeasure rebel'd, and was kill'd by the king's own hand. Afterwards having his middle years perpetually molested with civil broils, yet going to assist the duke of *York* against Henry the Sixth, he was diverted by an *English* gentleman that counterfeited himself a *Nuncio* (which I mention out of a manuscript, because I do not remember it in our storys) and broke up his army. Soon after besieging *Roxburg*, he was slain by the bursting of a cannon in the twenty-ninth year of his age.

James the Second left a boy of seven years, govern'd by his mother, and afterwards by the Boyds; thro the persuasions of astrologers and witches, to whom he was strongly addicted, he declin'd to cruelty; which so inrag'd the nobility, that, headed by his son, they conspir'd against him, routing his forces near *Sterling*, where he flying to a mill, and asking for a confessor, a priest came, who told him, that *tho he was no good priest, yet he was a good leech*, and with that stab'd him to the heart. A parliament approv'd his death, and order'd indemnitys to all that had fought against him.

James the Fourth, a boy of fifteen years, is made king, govern'd by the murderers of his father; a prodigal, vainglorious prince, slain at *Floddon* field, or, as som suppose, at *Kelsy* by the Humes, which (as the manuscript alleges) seems more probable, in regard that the iron belt (to which he added a ring every year) which he wore in repentance for the death of his father, was never found, and there were many, the day of battle, habited like him. His successor was his son James, the Fifth of that name, a boy of not above two years of age; under whose minority, what by the misgovernment of tutors, and what by the factions of the nobility, *Scotland* was wasted almost into famin and solitude: however in his just age he prov'd an industrious prince, yet could not so satisfy the nobility, but that he and they continued in a mutual hate, till that barbarous execution of young Hamilton so fill'd him with remorse, that he dream'd he came and cut off his two arms, and threaten'd after to cut off his head. And he displeas'd the people so much, that he could not make his army fight with the *English* then in *Scotland*; whereupon he dy'd of grief, having first heard the death of his two sons, who dy'd at the instant of his dream, and leaving a daughter of five days old, whom he never saw.

This was that Mary under whose minority (by the weakness of the governor, and ambition of the cardinal) the kingdom felt all those woes that are threaten'd to them whose king is a child; till at length the prevalency of the *English* arms (awak'd for her cause) brought the great design of sending her into *France* to perfection: so that at five years old she was transported, and at fifteen marry'd to the *Dolphin* Francis, after king; while her mother, a daughter of the Guise, in her regency, exercis'd all rage against the professors of the pure religion then in the dawn. Francis after two years left her a childless widow, so that at eighteen she return'd into *Scotland* to succeed her mother (then newly dead) in her exorbitancys.

I had almost forgot to tell, that this young couple in the transport of their nuptial solemnity took the arms and title of *England*; which indiscrete ambition we may suppose first quicken'd the jealousy of Elizabeth against her, which after kindl'd so great a flame.

In *Scotland* she shew'd what a strange influence loose education has upon youth, and the weaker sex. All the *French* effeminacys came over with her, and the court lost that little severity which was left. David Rizio, an *Italian* fidler, was the only favorit, and it is too much fear'd, had those enjoyments which no woman can give but she that gives away her honor and chastity.

But a little after, Henry lord *Darnly* coming with Matthew earl of *Lenox*, his father, into *Scotland*, she cast an ey upon him, and marry'd him. Whether it were to strengthen her pretension to *England*, he being com of Henry the Seventh's daughter, as we shall tell anon, or to color her adulterys, and hide the shame of an impregnation (tho some have whisper'd, that she never conceiv'd, and that the son was supposititious) or som phrenzy of affection drew her that way; certain it is she soon declin'd her affection to her husband, and increas'd it to David (he being her perpetual companion at board, and managing all affairs, while the king with a contentible train was sent away) insomuch that som of the nobility that could not digest this, enter'd into a conspiracy, which the king headed, and slew him in her chamber.

This turn'd all her neglect of the king into rage, so that her chiefest business was to appease her favorit's ghost with the slaughter of her husband; poison was first attempted, but it being (it seems) too weak, or his youth overcoming it, that expectation fail'd. But the devil and Bothwel furnish'd her with another that succeeded; she so intices him, being so sick that they were forc'd to bring him in a horslitter to *Edinburg*, where she cherish'd him extremely, till the credulous young man began to lay aside suspicion, and to hope better: so she puts him into a ruinous house near the palace, from whence no news can be had, brings in her own bed, and lys in the house with him; and at length when the design was ripe, causes him one Sunday night, with his servant, to be strangl'd, thrown out of the window, and the house to be blown up with gunpowder, her own rich bed having bin before secretly convey'd away. This and other performances made her favor upon Bothwel so hot, that she must marry him; the only obstacle was, he had a wife already; but she was compel'd to sue for a divorce, which (so great persons being concern'd) it was a wonder it should be granting so long as ten days. Well, she marrys; but the more honest nobility amaz'd at those exorbitancys, assemble together, and with arms in their hands begin to expostulat. The newmarry'd couple are forc'd to make back southwards; where finding but slender assistance, and the queen foolishly coming from *Dunbar* to *Leith*, was glad at last to delay a parly till her dear was escap'd; and then (clad in an old tatter'd coat) to yield herself a prisoner.

Being brought to *Edinburg*, and us'd rather with hate of her former enormitys, than pity of her present fortune, she receiv'd a message, that she must either resign the crown to her son James (that was born in the time of her marriage with Darnly) or else they would procede to another election, and was forc'd to obey. So the child then in

his cradle was acknowleg'd James the Sixth, better known afterwards by the title of *Great Britain*.

The wretched mother flying after into *England*, was entertain'd (tho with a guard) by queen Elizabeth; but after that being suborn'd by the Papists, and exasperated by the Guizes, she enter'd into plots and machinations, so inconsistent with the safety of *England*, that by an act of parlament she was condemn'd to death, which she receiv'd by a hatchet at *Fotheringay* castle.

The infancy of her son was attended with those domestic evils that accompany the minority of kings. In his youth he took to wife the daughter of *Denmark* (a woman I hear little of, saving the character Salust gives Sempronia, that she could dance better than became a virtuous woman) with whom he supposing the earl Gowry too much in league, caus'd him and his brother to be slain at their own house whither he was invited; he giving out, that they had an intent to murder him; and that by miracle and the assistance of som men (whom he had instructed for that purpose, and taught their tale) he escap'd. For this deliverance (or to say better, assassination) he blasphem'd God with a solemn thanksgiving once a year all the remainder of his life.

Well had it bin for us, if our forefathers had laid hold of that happy opportunity of Elizabeth's death (in which the Teuthors took a period) to have perform'd that which, perhaps in due punishment, has cost us so much blood and sweat; and not have bow'd under the sway of a stranger, disdain'd by the most generous and wise at that time, and only supported by the faction of som, and the sloth of others; who brought but a slender title, and (however the flattery of the times cry'd him up for a Solomon) weak commendations for such an advancement.

His title stood thus, Margaret, eldest daughter to Henry the Seventh, was marry'd to James the Fourth, whose son James the Fifth had Mary the mother of James the Sixth. Margaret after her first husband's death, marrys Archibald Douglas earl of *Angus*, who upon her begot Margaret wife of Matthew earl of *Lenox*, and mother of that Henry Darnly, whose tragical end we just now mention'd. Now upon this slender title, and our internal dissensions (for the *Cecilians* and *Essexians*, for several ends, made perpetual applications) got Jammy from a revenue of 30,000 *l.* to one of almost two millions, tho there were others that had as fair pretences (and what else can any of them make?) the statute of 25 *Edw.* 3. expresly excluding foreners from the crown: and so the children of Charles Brandon by Mary the second daughter, dowager of *France*, being next to com in. And the lady Arabella being sprung from a third husband (the lord Stuart) of the said Margaret, and by a male line, carry'd surely so formidable a pretension (it should seem) that even that iniquity which was personally inherent to her, made her days very unhappy, and for most part captive, and her death ('tis thought) somewhat too early; so cruel are the persecutions of cowardly minds, even against the weakest and most unprotected innocence.

And indeed his right to the crown was so unsatisfactory even to the most judicious of those days, that Toby Matthews having suit about som privileges which he claim'd to his bishoprick (which was then *Durham*) wherin the king oppos'd him; and having one day stated the case before som of his friends, who seem'd to approve of it; yes,

says he, I could wish he had but half so good a title to the crown. And 'tis known that som speeches of Sir Walter Rawley, too generous and English for the times, was that which brought him to trial and condemnation for a feign'd crime; and afterwards so facilitated that barbarous design of Gundamar, to cut off his head for a crime, for which he was condemn'd fourteen years before, and which by the commissions he after receiv'd (according to the opinion of the then lord chancellor, and the greatest lawyers) was in law pardon'd.

This may appear besides our purpose; but we could not sever this consideration, unless we would draw him with a half-face, and leave as much in umbrage as we exprest. That which most solemniz'd his person was, first the consideration of his adhering to the Protestant religion; wheras we are to consider that those slight velitations he had with Bellarmin and the *Romanists*, tended rather to make his own authority more intrinsically intense and venerable, than to confute any thing they said: for he had before shak'd them off as to foren jurisdiction; and for matter of popery, it appear'd in his latter time that he was no such enemy to it, both by his own compliances with the Spanish ambassadors, the design of the Spanish match (in which his son was personally imbarkt) and the slow assistances sent to his daughter, in whose safety and protection Protestantism was at that time so much concern'd.

For his knowlege, he had some glancings and nibblings, which the severity of the excellent Buchanan forc'd into him in his younger time, and after conversation somewhat polish'd. But tho I bear not so great a content to his other works, as Ben Johnson did to his poetry, yet if they among many others were going to the fire, they would not be one of the first I should rescue, as possibly expecting a more severe and refin'd judgment in many others; and knowing that he had so many able wits at command, might easily give their oracles thro his mouth. But suppose the things generous and fit to live (as I am not yet convinc'd) yet what condemnation is this to a king, who should have other business than spinning and weaving fine theoris, and engaging in school chiquaneries? which was well understood by Henry the Fourth, who hearing som men celebrat him with these attributes; yes (answer'd he, very tartly) *He is a fine king, and writes little books.*

'Tis true, he was a good drol, and possibly after Greec wine somewhat factious: but of his substantial and heroic wisdom I have not heard any great instances. He himself us'd to brag of his *kingcraft*, which was not to render his people happy, and to prosecute the ends of a good king, but to scrue up the prerogative, divert parlaments from the due disquisition and prosecution of their freedoms, and to break them up at pleasure; and indeed his parting with the cautionary towns of the *low countrys*, and that for so small a sum, shew'd him a person not so quick-sighted, or unfit to be overreach'd.

For his peaceable reign, honourable and just quarrels he wanted not; but sloth and cowardice witheld him: and indeed the ease and luxury of those times fomented and nourish'd those lurking and pestilent humours, which afterwards so dangerously broke out in his son's reign.

We shall not trouble his ashes with the mention of his personal faults; only, if we may compare God's judgments with apparent sins, we may find the latter end of his life neither fortunat nor comfortable to him. His wife distasted by him, and som say, languishing of a foul disease; his eldest son dying with too violent symptoms of poison, and that, as is fear'd, by a hand too much ally'd; his second (against whom he ever had a secret antipathy) scarce return'd from a mad and dangerous voyage; his daughter (all that was left of that sex) banish'd, with her numerous issue, out of her husband's dominion, and living in miserable exile; and lastly, himself dying of a violent death by poison, in which his son was more than suspected to have a hand, as may be infer'd from Buckingham's plea, that he did it by the command of the prince, and Charles's dissolution of the parlament that took in hand to examin it; and lastly his indifferency at *Buckingham's* death (tho he pretended all love to him alive) as glad to be rid of so dangerous and so considerable a partner of his guilt. Yet the miter'd Parasits of those times could say, that one went to heaven in *Noah's* ark, the other in *Elisha's* chariot, he dying of a pretended fever, she (as they said) of a dropsy.

Charles having now obtain'd his brother's inheritance, carry'd himself in managing of it like one that gain'd it as he did. The first of his acts was that glorious attempt upon the ile of *Rhee*. The next, that noble and christian betraying of *Rochel*, and consequently in a manner the whole Protestant interest in *France*. The middle of the reign was heightening of prerogative and prelacy, and conforming our churches to the pattern of *Rome*; till at last just indignation brought his subjects of *Scotland* into *England*, and so forc'd him to call a parlament: which tho he shamelesly says in the first line of the book, call'd his, was out of his *own inclination to parlaments*, yet how well he lik'd them, may appear by his first tampering with his own army in the north, to surprize and dissolve them; then with the *Scots*, who at that time were court proof; then raising up the *Irish* rebellion, which has wasted millions of lives; and lastly, his open secession from *Westminster*, and hostility against the two houses, which maintain'd a first and second sharp war, that had almost ruin'd the nation, had not Providence in a manner immediatly interpos'd and rescu'd us to liberty, and made us such signal instruments of his vengeance, that all wicked kings may tremble at the example.

In a word, never was man so resolute and obstinat in a tyranny; never people more strangely besotted with it. To paint the image of David with his face, and blasphemously to parallel him with Christ, would make one at first thought think him a saint: but to compare his protestations and actions; his actions of the day, his actions of the night; his Protestant religion, and his courting of the Pope; and obedience to his wife; we may justly say, he was one of the most consummat in the arts of tyranny that ever was. And it could be no other than God's hand that arrested him in the height of his designs and greatness, and cut off him and his family, making good his own imprecations on his own head.

Our scene is again in *Scotland*, which has accepted his son, whom for distinction sake we will be content to call Charles the Second. Certainly these people were strangely blind as to God's judgments perpetually pour'd out upon a family; or else wonderfully addicted to their own interest, to admit the spray of such a stock; one that has so little to commend him, and so great improbability to further their designs and happiness ; a

Popish education, if not religion too, however for the present he may seem to dissemble it; *France*, the Jesuits, and his mother, good means of such an improvement; the dangerous maxims of his father, besides the revenge he owes his death, of which he will never totally acquit the *Scots*; his hate to the whole nation; his sense of Montrose's death; his backwardness to com to them till all other means fail'd (both his foren beg'd assistances, his propositions to the Pope, and commissions to Montrose) and lastly, his late running away to his old friends in the north; so that any man may see his present compliance to be but histrionical and forc'd, and that as soon as he has led them into the snare, and got power into his own hands, so as that he may appear once more barefac'd, he will be a scourge upon them for their gross hypocrisy, and leave them a sad instance to all nations, how dangerous it is to espouse such an interest, against which God with so visible and severe a hand does fight, carry'd on by and for the support of a tyrannizing nobility and clergy, and wherein the poor people are blindly led on by those afrighting (but false and ungrounded) pretensions of perfidy and perjury, and made instrumental with their own estates and blood towards enslaving and ruining themselves.

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THE COMMONWEALTH OF OCEANA. TO HIS HIGHNESS

The Lord Protector Of The Commonwealth Of *England*,
Scotland, And *Ireland*.

—*Quid rides? mutato nomine, de te Fabula narratur.*—

Horat.

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THE INTRODUCTION, OR ORDER OF THE WORK.

OCEANA is saluted by the Panegyrist after this manner; O the most blest and fortunat of all countrys, OCEANA! how deservedly has Nature with the bountys of heaven and earth indu'd thee? thy ever-fruitful womb not clos'd with ice, nor dissolv'd by the raging star; where Ceres and Bacchus are perpetual twins. Thy woods are not the harbor of devouring beasts, nor thy continual verdure the ambush of serpents, but the food of innumerable herds and flocks presenting thee their shepherdess with distended dugs, or golden fleeces. The wings of thy night involve thee not in the horror of darkness, but have still som white feather; and thy day is (that for which we esteem life) the longest. But this extasy of Pliny (as is observ'd by Bertius) seems to allude as well to Marpesia and Panopea, now provinces of this commonwealth, as to Oceana it self.

Pliny's description of Oceana.

To speak of the people in each of these countrys, this of Oceana for so soft a one, is the most martial in the whole world. Let states that aim at greatness (says Verulamius) take heed how their nobility and gentlemen multiply too fast, for that makes the common subject grow to be a peasant and base swain driven out of heart, and in effect but a gentleman's laborer; just as you may see in coppice woods, if you leave the staddels too thick, you shall never have clean underwood, but shrubs and bushes: so in countrys, if the gentlemen be too many, the commons will be base; and you will bring it to that at last, that not the hundredth poll will be fit for a helmet, specially as to the infantry, which is the nerve of an army, and so there will be great population and little strength. This of which I speak has bin no where better seen than by comparing of Oceana and France, whereof Oceana, tho far less in territory and population, has bin nevertheless an overmatch, in regard the middle people of Oceana make good soldiers, which the peasants in France do not. In which words Verulamius (as Machiavel has don before him) harps much upon a string which he has not perfectly tun'd, and that is the balance of dominion or property: as it follows more plainly in his praise of the profound and admirable device of Panurgus king of Oceana, in making farms and houses of husbandry of a standard; that is, maintain'd with such a proportion of land to them, as may breed a subject to live in convenient plenty, and no servil condition, and to keep the plow in the hand of the owners, and not mere hirelings. And thus indeed (says he) you shall attain to Virgil's character which he gives of antient Italy.*

The nature of the People.

But the tillage bringing up a good soldiery, brings up a good commonwealth; which the author in the praise of Panurgus did not mind, nor Panurgus in deserving that praise: for where the owner of the plow coms to have the sword too, he will use it in defence of his own; whence it has happen'd that the people of *Oceana* in proportion to their property have bin always free. And the genius of this nation has ever had som resemblance with that of antient *Italy*, which was wholly addicted to commonwealths, and where *Rome* came to make the greatest account of her rustic tribes, and to call her consuls from the plow; for in the way of parlaments, which was the government of this realm, men of country-lives have bin still intrusted with the greatest affairs, and

the people have constantly had an aversion to the ways of the court. Ambition loving to be gay, and to fawn, has bin a gallantry look'd upon as having something in it of the livery; and husbandry, or the country way of life, tho of a grosser spinning, as the best stuff of a commonwealth, according to Aristotle, such a one being the most obstinate assertress of her liberty, and the least subject to innovation or turbulency. Wherefore till the foundations (as will be hereafter shew'd) were remov'd, this people was observ'd to be the least subject to shakings and turbulency of any: whereas commonwealths, upon which the city life has had the stronger influence, as *Athens*, have seldom or never bin quiet; but at the best are found to have injur'd their own business by overdoing it. Whence the Urban tribes of *Rome*, consisting of the *Turba forensis*, and *Libertins* that had receiv'd their freedom by manumission, were of no reputation in comparison of the rustics. It is true, that with *Venice* it may seem to be otherwise, in regard the gentlemen (for so are all such call'd as have a right to that government) are wholly addicted to the city life: but then the *Turba forensis*, the secretaries, *Cittadini*, with the rest of the populace, are wholly excluded. Otherwise a commonwealth, consisting but of one city, would doubtless be stormy, in regard that ambition would be every man's trade: but where it consists of a country, the plow in the hands of the owner finds him a better calling, and produces the most innocent and steadily genius of a commonwealth, such as is that of *Oceana*.

Marpesia, being the northern part of the same island, is the dry nurse of a populous and hardy nation, but where the staddels have bin formerly too thick: whence their courage answer'd not their hardiness, except in the nobility, who govern'd that country much after the manner of *Poland*; but that the king was not elective till the people receiv'd their liberty, the yoke of the nobility being broke by the commonwealth of *Oceana*, which in grateful return is thereby provided with an inexhaustible magazin of auxiliaries.

The nature of the Marpesians.

Panopea, the soft mother of a slothful and pusillanimous people, is a neighbor island, antiently subjected by the arms of *Oceana*; since almost depopulated for shaking the yoke, and at length replanted with a new race. But (thro what virtues of the soil, or vice of the air soever it be) they com still to degenerat. Wherefore seeing it is neither likely to yield men fit for arms, nor necessary it should; it had bin the interest of *Oceana* so to have dispos'd of this province, being both rich in the nature of the soil, and full of commodious ports for trade, that it might have bin order'd for the best in relation to her purse: which in my opinion (if it had bin thought upon in time) might have bin best don by planting it with *Jews*, allowing them their own rites and laws; for that would have brought them suddenly from all parts of the world, and in sufficient numbers. And tho the *Jews* be now altogether for merchandize, yet in the land of *Canaan* (except since their exile from whence they have not bin landlords) they were altogether for agriculture: and there is no cause why a man should doubt, but having a fruitful country, and excellent ports too, they would be good at both. *Panopea* well peopled, would be worth a matter of four millions dry rents; that is, besides the advantage of the agriculture and trade, which, with a nation of that industry, coms at least to as much more. Wherefore *Panopea* being farm'd out to the *Jews* and their heirs for ever, for the pay of a provincial army to protect them during the term of seven years, and for two millions annual revenue from that time forward, besides the customs which would pay the

The nature of the Panopeans.

provincial army, would have bin a bargain of such advantage, both to them and this commonwealth, as is not to be found otherwise by either. To receive the *Jews* after any other manner into a commonwealth, were to maim it: for they of all nations never incorporat, but taking up the room of a limb, are of no use or office to the body, while they suck the nourishment which would sustain a natural and useful member.

If *Panopea* had bin so dispos'd of, that knapsack, with the *Marpesian* auxiliary, had bin an inestimable treasure; the situation of these countrys being ilands (as appears by *Venice* how advantageous such a one is to the like government) seems to have bin design'd by God for a commonwealth.

And yet that, thro the streitness of the place and defect of proper arms, can be no more than a commonwealth for preservation: wheras this, reduc'd to the like government, is a commonwealth for increase, and upon the mightiest foundation that any has bin laid from the beginning of the world to this day.

The situation of the
commonwealth of
Oceana.

*Illam arctâ capiens Neptunus compede stringit:
Hanc autem glaucis captus complectitur ulnis.*

The sea gives law to the growth of *Venice*, but the growth of *Oceana* gives law to the sea.

These countrys having bin antiently distinct and hostile kingdoms, came by Morpheus the *Marpesian* (who succeeded by hereditary right to the crown of *Oceana*) not only to be join'd under one head; but to be cast, as it were by a charm, into that profound sleep, which, broken at length by the trumpet of civil war, has produc'd those effects, that have given occasion to the insuing discourse, divided into four parts.

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OCEANA.

- 1. The Preliminarys, shewing the principles of government.*
- 2. The Council of Legislators, shewing the art of making a commonwealth.*
- 3. The Model of the Commonwealth of Oceana, shewing the effect of such an art.*
- 4. The Corollary, shewing som consequences of such a government.*

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The Preliminarys, Shewing The Principles Of Government.

JANOTTI, the most excellent describer of the commonwealth of *Venice*, divides the whole series of government into two times or periods: the one ending with the liberty of *Rome*, which was the course or empire, as I may call it, of antient prudence, first discover'd to mankind by God himself in the fabric of the commonwealth of *Israel*, and afterwards pick'd out of his footsteps in nature, and unanimously follow'd by the *Greeks* and *Romans*: the other beginning with the arms of Cæsar, which, extinguishing liberty, were the transition of antient into modern prudence, introduc'd by those inundations of *Huns*, *Goths*, *Vandals*, *Lombards*, *Saxons*, which, breaking the *Roman* empire, deform'd the whole face of the world with those ill features of government, which at this time are becom far worse in these western parts, except *Venice*, which escaping the hands of the *Barbarians*, by virtue of its impregnable situation, has had its ey fix'd upon antient prudence, and is attain'd to a perfection even beyond the copy.

Relation being had to these two times, government (to define it *de jure*, or according to antient prudence) is an art wherby a civil society of men is instituted and preserv'd upon the foundation of common right or interest; or (to follow Aristotle and Livy) it is the empire of laws, and not of men.

Definitions of government.

And government (to define it *de facto*, or according to modern prudence) is an art wherby som man, or som few men, subject a city or a nation, and rule it according to his or their privat interest: which, because the laws in such cases are made according to the interest of a man, or of som few familys, may be said to be the empire of men, and not of laws.

The former kind is that which Machiavel (whose books are neglected) is the only politician that has gon about to retrieve; and that Leviathan (who would have his book impos'd upon the universitys) gos about to destroy.

For, *It is* (says he) *another error of Aristotle's politics, that in a well-order'd commonwealth not men should govern, but the laws.*

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*What man that has his natural senses, tho he can neither write nor read, dos not find himself govern'd by them he fears, and believes can kill or hurt him when he obeys not? Or, who believes that the law can hurt him, which is but words and paper, without the hands and swords of men? I confess, that * the magistrat upon his bench is that to the law, which a gunner upon his platform is to his cannon. Nevertheless, I should not dare to argue with a man of any ingenuity after this manner. A whole army, tho they can neither write nor read, are not afraid of a platform, which they know is but earth or stone; nor of a cannon, which without a hand to give fire to it, is but cold iron; therfore a whole army is afraid of one man. But of this kind is the ratiocination of Leviathan (as I shall shew in divers places that com in my way) throout his whole politics, or worse; as where he says of Aristotle and of Cicero, of the Greeks, and of the Romans, who liv'd under popular*

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states, that they deriv'd those rights not from the principles of nature, but transcrib'd them into their books, out of the practice of their own commonwealths, as grammarians describe the rules of language out of poets.

Which is as if a man should tell famous Hervy, that he transcrib'd his circulation of the blood not out of the principles of nature, but out of the anatomy of this or that body.

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To go on therfore with his preliminary discourse, I shall divide it (according to the two definitions of government relating to Janotti's two times) in two parts. The first treating of the principles of government in general, and according to the antients: the second treating of the late governments of *Oceana* in particular, and in that of modern prudence.

Government, according to the antients, and their learn'd disciple Machiavel, the only politician of later ages, is of three kinds; the government of one man, or of the better sort, or of the whole people: which by their more learn'd names are call'd *monarchy*, *aristocracy*, and *democracy*. These they hold, thro their proneness to degenerat, to be all evil. For wheras they that govern should govern according to reason, if they govern according to passion, they do that which they should not do. Wherefore as reason and passion are two things, so government by reason is one thing, and the corruption of government by passion is another thing, but not always another government: as a body that is alive is one thing, and a body that is dead is another thing, but not always another creature, tho the corruption of one coms at length to be the generation of another. The corruption then of *monarchy* is call'd *tyranny*; that of *aristocracy*, *oligarchy*; and that of *democracy*, *anarchy*. But legislators having found these three governments at the best to be naught, have invented another consisting of a mixture of them all, which only is good. This is the doctrin of the antients.

Division of government.

But Leviathan is positive, that they are all deceiv'd, and that there is no other government in nature than one of the three; as also that the flesh of them cannot stink, the names of their corruptions being but the names of mens phansies, which will be understood when we are shown which of them was *Senatus Populusque Romanus*.

To go my own way, and yet to follow the antients, the principles of government are twofold; internal, or the goods of the mind; and external, or the goods of fortune.

The goods of the mind are natural or acquir'd virtues, as wisdom, prudence, and courage, &c. The goods of fortune are riches.

Goods of the mind and of fortune.

There be goods also of the body, as health, beauty, strength; but these are not to be brought into account upon this score, because if a man or an army acquires victory or empire, it is more from their disciplin, arms, and courage, than from their natural health, beauty, or strength, in regard that a people conquer'd may have more of natural strength, beauty and health, and yet find little remedy. The principles of government then are in the goods of the mind, or in the goods of fortune.

To the goods of the mind answers authority; to the goods of fortune, power or empire. Wherefore Leviathan, tho he be right

Empire and authority.

where he says that *riches are power*, is mistaken where he says that *prudence, or the reputation of prudence, is power*: for the learning or prudence of a man is no more

power than the learning or prudence of a book or author, which is properly authority. A learned writer may have authority tho he has no power; and a foolish magistrat may have power, tho he has otherwise no esteem or authority. The difference of these two is observ'd by Livy in Evander, of whom he says,* that he govern'd rather by the authority of others, than by his own power.

To begin with riches, in regard that men are hung upon these, not of choice as upon the other, but of necessity and by the teeth: for as much as he who wants bread, is his servant that will feed him; if a man thus feeds a whole people, they are under his empire.

Empire.

Empire is of two kinds, domestic and national, or foren and provincial.

Division of empire.

Domestic empire is founded upon dominion.

Domestic empire.

Dominion is property real or personal, that is to say, in lands, or in mony and goods.

Dominion.

Lands, or the parts and parcels of a territory, are held by the proprietor or proprietors, lord or lords of it, in som proportion; and such (except it be in a city that has little or no land, and whose revenue is in trade) as is the proportion or balance of dominion or property in land, such is the nature of the empire.

Balance in lands.

If one man be sole landlord of a territory, or overbalance the people, for example three parts in four, he is Grand Signior: for so the *Turk* is call'd from his property; and his empire is absolute monarchy.

Absolute monarchy.

If the few or a nobility, or a nobility with the clergy be landlords, or overbalance the people to the like proportion, it makes the *Gothic* balance (to be shewn at large in the second part of this discourse) and the empire is mix'd monarchy, as that of *Spain*, *Poland*, and late of *Oceana*.

Mix'd monarchy.

And if the whole people be landlords, or hold the lands so divided among them, that no one man, or number of men, within the compass of the *few* or *aristocracy*, overbalance them, the empire (without the interposition of force) is a commonwealth.

Popular government.

If force be interpos'd in any of these three cases, it must either frame the government to the foundation, or the foundation to the government;

Tyranny.

or holding the government not according to the balance, it is not natural, but violent:

Oligarchy.

and therefore if it be at the devotion of a prince, it is *tyranny*; if at the devotion of the few, *oligarchy*; or if in the power of the people, *anarchy*. Each of which confusions, the balance standing otherwise, is but of short continuance, because against the nature of the balance, which, not destroy'd, destroys that which opposes it.

Anarchy.

But there be certain other confusions, which, being rooted in the balance, are of longer continuance, and of worse consequence; as, first, where a nobility holds half the property, or about that proportion, and the people the other half; in which case, without altering the balance, there is no remedy but the one must eat out the other: as the people did the nobility in *Athens*, and the nobility the people in *Rome*. Secondly, when a prince holds about half the dominion, and the people the other half (which was the case of the *Roman* emperors, planted partly upon their military colonies, and partly upon the senate and the people) the government becomes a very shambles both of the princes and the people. Somewhat of this nature are certain governments at this day, which are said to subsist by confusion. In this case, to fix the balance, is to entail misery: but in the three former, not to fix it, is to lose the government. Wherefore it being unlawful in *Turky*, that any should possess land but the Grand Signior, the balance is fix'd by the law, and that empire firm. Nor, tho the kings often fell, was the throne of *Oceana* known to shake, until the statute of *alienations* broke the pillars, by giving way to the nobility to sell their estates.* While *Lacedemon* held to the division of land made by Lycurgus, it was immoveable; but, breaking that, could stand no longer. This kind of law fixing the balance in lands is call'd *Agrarian*, and was first introduc'd by God himself, who divided the land of *Canaan* to his people by lots, and is of such virtue, that wherever it has held, that government has not alter'd, except by consent; as in that unparallel'd example of the people of *Israel*, when being in liberty they would needs chuse a king. But without an *Agrarian*, government, whether monarchical, aristocratical, or popular, has no long lease.

As for dominion personal or in money, it may now and then stir up a Melius or a Manlius, which, if the commonwealth be not provided with some kind of *dictatorian* power, may be dangerous, tho it has bin seldom or never successful: because to property producing empire, it is requir'd that it should have some certain root or foothold, which, except in land, it cannot have, being otherwise as it were upon the wing.

Nevertheless, in such cities as subsist mostly by trade, and have little or no land, as *Holland* and *Genoa*, the balance of treasure may be equal to that of land in the cases mention'd.

Balance in money.

But Leviathan, tho he seems to scow at antiquity, following his furious master Carneades, has caught hold of the public sword, to which he reduces all manner and matter of government; as, where he affirms this opinion [*that any monarch receives his power by covenant, that is to say, upon conditions*] to procede from the not understanding this easy truth, *That covenants being but words and breath, have no power to oblige, contain, constrain, or protect any man, but what they have from the public sword.*

But as he said of the law, that without this sword it is but paper; so he might have thought of this sword, that without a hand it is but cold iron. The hand which holds this sword is the militia of a nation; and the militia of a nation is either an army in the field, or ready for the field upon occasion. But an army is a beast that has a great belly, and must be fed; wherefore this will com to what pastures you have, and what pastures you have will com to the balance of property, without which the public sword is but a name or mere spitfrog.

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Wherefore to set that which Leviathan says of arms and of contracts a little streighter; he that can graze this beast with the great belly, as the *Turk* does his *Timariots*, may well deride him that imagines he receiv'd his power by covenant, or is oblig'd to any such toy: it being in this case only that covenants are but words and breath. But if the property of the nobility, stock'd with their tenants and retainers, be the pasture of that beast, the ox knows his master's crib; and it is impossible for a king in such a constitution to reign otherwise than by covenant; or if he breaks it, it is words that com to blows.

Arms and contracts.

But, says he, *when an assembly of men is made sovereign, then no man imagins any such covenant to have past in the institution.*

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But what was that by Publicola of appeal to the people, or that wherby the people had their tribuns? *Fy*, says he, *no body is so dull as to say, that the people of Rome made a covenant with the Romans, to hold the sovereignty on such or such conditions; which not perform'd, the Romans might depose the Roman people.* In which there be several remarkable things; for he holds the commonwealth of *Rome* to have consisted of one assembly, wheras it consisted of the senat and the people; That they were not upon covenant, wheras every law enacted by them was a covenant between them; That the one assembly was made sovereign, wheras the people, who only were sovereign, were such from the beginning, as appears by the antient stile of their covenants or laws. **The senat has resolv'd, the people have decreed;* That a council being made sovereign, cannot be made such upon conditions, wheras the *Decemvirs* being a council that was made sovereign, was made such upon conditions; That all conditions or covenants making a sovereign, the sovereign being made, are void; whence it must follow, that, the *Decemviri* being made, were ever after the lawful government of *Rome*, and that it was unlawful for the commonwealth of *Rome* to depose the *Decemvirs*; as also that Cicero, if he wrote otherwise out of his commonwealth, did not write out of nature.

But to com to others that see more of this balance.

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You have Aristotle full of it in divers places, especially where he says, that immoderate wealth, as where one man or the few have

B. 5, 3. 3. 9.

greater possessions than the equality or the frame of the commonwealth will bear, is an occasion of sedition, which ends for the greater part in monarchy; and that for this cause the ostracism has bin receiv'd in divers places, as in Argos and Athens. But that it were better to prevent the growth in the beginning, than, when it has got head, to seek the remedy of such an evil.

Machiavel has miss'd it very narrowly and more dangerously; for not fully perceiving that if a commonwealth be gall'd by the

D. B. 1, c. 55.

gentry, it is by their overbalance, he speaks of the gentry as hostile to popular governments, and of popular governments as hostile to the gentry; and makes us believe that the people in such are so inrag'd against them, that where they meet a gentleman they kill him: which can never be prov'd by any one example, unless in civil war; seeing that even in *Switzerland* the gentry are not only safe, but in honor. But the balance, as I have laid it down, tho unseen by Machiavel, is that which interprets him, and that which he confirms by his judgment in many others as well as in this place, where he concludes, *That he who will go about to make a*

commonwealth where there be many gentlemen, unless he first destroys them, undertakes an impossibility. And that he who goes about to introduce monarchy where the condition of the people is equal, shall never bring it to pass, unless he cull out such of them as are the most turbulent and ambitious, and make them gentlemen or noblemen, not in name but in effect; that is, by enriching them with lands, castles, and treasures, that may gain them power among therest, and bring in the rest to dependence upon themselves, to the end that they maintaining their ambition by the prince, the prince may maintain his power by them.

Wherefore as in this place I agree with Machiavel, that a nobility or gentry, overbalancing a popular government, is the utter bane and destruction of it; so I shall shew in another, that a nobility or gentry, in a popular government, not overbalancing it, is the very life and soul of it.

By what has bin said, it should seem that we may lay aside further disputes of the public sword, or of the right of the militia; which, be the government what it will, or let it change how it can, is inseparable from the overbalance in dominion: nor, if otherwise stated by the law or custom (as in the commonwealth of *Rome*^{*}, where the people having the sword, the nobility came to have the overbalance) avails it to any other end than destruction. For as a building swaying from the foundation must fall, so it fares with the law swaying from reason, and the militia from the balance of dominion. And thus much for the balance of national or domestic empire, which is in dominion.

The right of the militia stated.

The balance of foren or provincial empire is of a contrary nature. A man may as well say, that it is unlawful for him who has made a fair and honest purchase to have tenants, as for a government that has made a just progress, and inlargement of it self, to have provinces. But how a province may be justly acquir'd, appertains to another place. In this I am to shew no more than how or upon what kind of balance it is to be held; in order wherto I shall first shew upon what kind of balance it is not to be held. It has bin said, that national or independent empire, of what kind soever, is to be exercis'd by them that have the proper balance of dominion in the nation; wherefore provincial or dependent empire is not to be exercis'd by them that have the balance of dominion in the province, because that would bring the government from provincial and dependent, to national and independent. Absolute monarchy, as that of the *Turks*, neither plants its people at home nor abroad, otherwise than as tenants for life or at will; wherefore its national and provincial government is all one. But in governments that admit the citizen or subject to dominion in lands, the richest are they that share most of the power at home; wheras the richest among the provincials, tho native subjects, or citizens that have bin transplanted, are least admitted to the government abroad; for men, like flowers or roots being transplanted, take after the soil wherin they grow. Wherefore the commonwealth of *Rome*, by planting colonys of its citizens within the bounds of *Italy*, took the best way of propagating itself, and naturalizing the country; wheras if it had planted such colonys without the bounds of *Italy*, it would have alienated the citizens, and given a root to liberty abroad, that might have sprung up foren, or savage, and hostile to her: wherefore it never made any such dispersion of itself and its strength, till it was under the yoke of the emperors, who disburdening themselves of the people, as

The balance of foren empire.

having less apprehension of what they could do abroad than at home, took a contrary course.

The *Mamelucs* (which till any man shew me the contrary, I shall presume to have bin a commonwealth consisting of an army, wherof the common soldier was the people, the commission officer the senat, and the general the prince) were foreners, and by nation *Circassians*, that govern'd *Egypt*; wherfore these never durst plant themselves upon dominion, which growing naturally up into the national interest, must have dissolv'd the foren yoke in that province.

The like in some sort may be said of *Venice*, the government wherof is usually mistaken: for *Venice*, tho it dos not take in the people, never excluded them. This commonwealth, the orders wherof are the most democratical or popular of all others, in regard of the exquisit rotation of the senat, at the first institution took in the whole people; they that now live under the government without participation of it, are such as have since either voluntarily chosen so to do, or were subdu'd by arms. Wherfore the subject of *Venice* is govern'd by provinces; and the balance of dominion not standing, as has bin said, with provincial government: as the *Mamelucs* durst not cast their government upon this balance in their provinces, lest the national interest should have rooted out the foren, so neither dare the *Venetians* take in their subjects upon this balance, lest the foren interest should root out the national (which is that of the 3000 now governing) and by diffusing the commonwealth throout her territorys, lose the advantage of her situation, by which in great part it subsists. And such also is the government of the *Spaniard* in the *Indies*, to which he deutes natives of his own country, not admitting the *Creolios* to the government of those provinces, tho descended from *Spaniards*.

But if a prince or a commonwealth may hold a territory that is foren in this, it may be ask'd, why he may not hold one that is native in the like manner? To which I answer, because he can hold a foren by a native territory, but not a native by a foren: and as hitherto I have shewn what is not the provincial balance, so by this answer it may appear what it is, namely, the overbalance of a native territory to a foren; for as one country balances itself by the distribution of property according to the proportion of the same, so one country overbalances another by advantage of divers kinds. For example, the commonwealth of *Rome* overbalanc'd her provinces by the vigor of a more excellent government oppos'd to a crazier, or by a more exquisit militia oppos'd to one inferior in courage or disciplin. The like was that of the *Mamelucs*, being a hardy people, to the *Ægyptians* that were a sost one. And the balance of situation is in this kind of wonderful effect; seeing the king of *Denmark*, being none of the most potent princes, is able at the *Sound* to take toll of the greatest: and as this king by the advantage of the land can make the sea tributary; so *Venice*, by the advantage of the sea, in whose arms she is impregnable, can make the land to feed her *Gulf*. For the colonys in the *Indies*, they are yet babes that cannot live without sucking the breasts of their mother citys, but such as I mistake if when they com of age they do not wean themselves: which causes me to wonder at princes that delight to be exhausted in that way. And so much for the principles of power, whether national or provincial, domestic or foren; being such as are external, and founded in the goods of fortune.

I com to the principles of authority, which are internal, and founded upon the goods of the mind. These the legislator that can unite in his government with those of fortune, coms nearest to the work of God, whose government consists of heaven and earth: which was said by Plato, tho in different words, as, when princes should be philosophers, or philosophers princes, the world would be happy.

Authority.

And says Solomon, *There is an evil which I have seen under the sun, which procedes from the ruler (enimvero neque nobilem, neque ingenuum,*

Eccles. 10. 15.

nec libertinum quidem armis præponere, regia utilitas est) Folly is set in great dignity,

Tacit.

and the rich (either in virtue and wisdom, in the goods of the mind, or those of fortune upon that balance which gives them a sense of the national interest) *sit in low places. I have seen servants upon horses, and princes walking as servants upon the earth.* Sad complaints, that the principles of power and of authority, the goods of the mind and of fortune, do not meet and twine in the wreath or crown of empire! wherefore, if we have any thing of piety or of prudence, let us raise our selves out of the mire of privat interest to the contemplation of virtue, and put a hand to the removal of *this evil from under the sun*; this evil against which no government that is not secur'd, can be good; this evil from which no government that is secure must be perfect. Solomon tells us, that the cause of it is from the ruler, from those principles of power, which, balanc'd upon earthly trash, exclude the heavenly treasures of virtue, and that influence of it upon government, which is authority. We have wander'd the earth to find out the balance of power: but to find out that of authority, we must ascend, as I said, nearer heaven, or to the image of God, which is the soul of man.

Grot.

The *soul of man* (whose life or motion is perpetual contemplation or thought) is the mistress of two potent rivals, the one reason, the other passion, that are in continual suit; and, according as she gives up her will to these or either of them, is the felicity or misery which man partakes in this mortal life.

For as whatever was passion in the contemplation of a man, being brought forth by his will into action, is vice and the bondage of sin; so whatever was reason in the contemplation of a man, being brought forth by his will into action, is virtue and the freedom of soul.

Again, as those actions of a man that were sin acquire to himself repentance or shame, and affect others with scorn or pity; so those actions of a man that are virtue acquire to himself honor, and upon others authority.

Now government is no other than the soul of a nation or city: wherefore that which was reason in the debate of a commonwealth being brought forth by the result, must be virtue; and forasmuch as the soul of a city or nation is the sovereign power, her virtue must be law. But the government whose law is virtue, and whose virtue is law, is the same whose empire is authority, and whose authority is empire.

Again, if the liberty of a man consists in the empire of his reason, the absence wherof would betray him to the bondage of his passions; then the liberty of a commonwealth consists in the empire of her laws, the absence wherof would betray her to the lust of tyrants. And these I conceive to be the principles upon which Aristotle and Livy (injuriously accus'd by Leviathan for not writing out of nature) have grounded their assertion, *That a commonwealth is an empire of laws, and not of men.*

But they must not carry it so. *For*, says he, *the liberty, wherof there is so frequent and honourable mention in the historys and philosophy of the antient Greecs and Romans, and the writings and discourses of those that from them have receiv'd all their learning in the politics, is not the liberty of particular men, but the liberty of the commonwealth.* He might as well have said, that the estates of particular men in a commonwealth are not the riches of particular men, but the riches of the commonwealth; for equality of estates causes equality of power, and equality of power is the liberty not only of the commonwealth, but of every man. But sure a man would never be thus irreverent with the greatest authors, and positive against all antiquity, without som certain demonstration of truth: and, what is it? why, *there is written on the turrets of the city of Lucca in great characters at this day the word LIBERTAS; yet no man can thence infer, that a particular man has more liberty or immunity from the service of the commonwealth there, than in Constantinople. Whether a commonwealth be monarchical or popular, the freedom is the same.* The mountain has brought forth, and we have a little equivocation! for to say, that a *Luccbese* has no more liberty or immunity from the laws of *Lucca*, than a *Turk* has from those of *Constantinople*; and to say that a *Lucchese* has no more liberty or immunity by the laws of *Lucca*, than a *Turk* has by those of *Constantinople*, are pretty different speeches. The first may be said of all governments alike; the second scarce of any two; much less of these, seeing it is known, that wheras the greatest *Basha* is a tenant, as well of his head as of his estate, at the will of his lord, the meanest *Lucchese* that has land, is a freeholder of both, and not to be control'd but by the law, and that fram'd by every privat man to no other end (or they may thank themselves) than to protect the liberty of every privat man, which by that means coms to be the liberty of the commonwealth.

Pag. 110.

But seeing they that make the laws in commonwealths are but men, the main question seems to be, how a commonwealth coms to be an empire of laws, and not of men? or how the debate or result of a commonwealth is so sure to be according to reason; seeing they who debate, and they who resolve, be but men? *and as often as reason is against a man, so often will a man be against reason.*

Hobs.

This is thought to be a shrewd saying, but will do no harm; for be it so that reason is nothing but interest, there be divers interests, and so divers reasons.

As first, There is privat reason, which is the interest of a privat man.

Secondly, There is reason of state, which is the interest (or error, as was said by Solomon) of the ruler or rulers, that is to say, of the prince, of the nobility, or of the people.

Thirdly, There is that reason, which is the interest of mankind, or of the whole.

Now if we see even in those natural agents that want sense, that as in themselves they have a law which directs them in the means whereby they tend to their own perfection, so likewise that another law there is, which touches them as they are sociable parts united into one body, a law which binds them each to serve to others good, and all to prefer the good of the whole, before whatsoever their own particular; as when stones, or heavy things forsake their ordinary wont or center, and fly upwards, as if they heard themselves commanded to let go the good they privately wish, and to relieve the present distress of nature in common. There is a common right, law of nature, or interest of the whole; which is more excellent, and so acknowledg'd to be by the agents themselves, than the right or interest of the parts only.

Hooker. B. 1.

Wherefore tho it may be truly said that the creatures are naturally carry'd forth to their proper utility or profit, that ought not to be taken in too general a sense; seeing divers of them abstain from their own profit, either in regard of those of the same kind, or at least of their young.

Grot.

Mankind then must either be less just than the creature, or acknowledge also his common interest to be common right. And if reason be nothing else but interest, and the interest of mankind be the right interest, then the reason of mankind must be right reason. Now compute well; for if the interest of popular government com the nearest to the interest of mankind, then the reason of popular government must com the nearest to right reason.

But it may be said, that the difficulty remains yet; for be the interest of popular government right reason, a man does not look upon reason as it is right or wrong in itself, but as it makes for him or against him. Wherefore unless you can shew such orders of a government, as, like those of God in nature, shall be able to constrain this or that creature to shake off that inclination which is more peculiar to it, and take up that which regards the common good or interest; all this is to no more end, than to persuade every man in a popular government not to carve himself of that which he desires most, but to be mannerly at the public table, and give the best from himself to decency and the common interest. But that such orders may be establish'd, as may, nay must give the upper hand in all cases to common right or interest, notwithstanding the nearness of that which sticks to every man in privat, and this in a way of equal certainty and facility, is known even to girls, being no other than those that are of common practice with them in divers cases. For example, two of them have a cake yet undivided, which was given between them: that each of them therfore might have that which is due, divide, says one to the other, and I will chuse; or let me divide, and you shall chuse. If this be but once agreed upon, it is enough: for the dividant, dividing unequally, loses, in regard that the other takes the better half; wherefore she divides equally, and so both have right. *O the depth of the wisdom of God!* and yet *by the mouths of babes and sucklings has he set forth his strength*; that which great philosophers are disputing upon in vain, is brought to light by two harmless girls, even the whole mystery of a commonwealth, which lys only in dividing and chusing. Nor has God (if his works in nature be understood) left so much to mankind to dispute upon, as who shall divide, and who chuse, but distributed them for ever into two orders, wherof the one has the natural right of dividing, and the other of chusing. For example:

A Commonwealth is but a civil society of men: let us take any number of men (as twenty) and immediatly make a commonwealth. Twenty men (if they be not all idiots, perhaps if they be) can never com so together, but there will be such a difference in them, that about a third will be wiser, or at least less foolish than all the rest; these upon acquaintance, tho it be but small, will be discover'd, and (as stags that have the largest heads) lead the herd: for while the six discoursing and arguing one with another, shew the eminence of their parts, the fourteen discover things that they never thought on; or are clear'd in divers truths which had formerly perplex'd them. Wherefore in matter of common concernment, difficulty, or danger, they hang upon their lips as children upon their fathers; and the influence thus acquir'd by the fix, the eminence of whose parts are found to be a stay and comfort to the fourteen, is* the *authority of the fathers*. Wherefore this can be no other than a natural aristocracy diffus'd by God throout the whole body of mankind to this end and purpose; and therfore such as the people have not only a natural, but a positive obligation to make use of as their guides; as where the people of *Israel* are commanded to *take wise men, and understanding, and known among their tribes, to be made rulers over them*.

The orders of popular government in nature.

The six then approv'd of, as in the present case, are the senat, not by hereditary right, or in regard of the greatness of their estates only (which would tend to such power as might force or draw the people) but by election for their excellent parts, which tends to the advancement of the influence of their virtue or authority that leads the people. Wherefore the office of the senat is not to be commanders, but counsellors of the people; and that which is proper to counsellors is first to debate, and afterward to give advice in the business whereupon they have debated; whence the decrees of the senat are never laws, nor so† call'd: and these being maturely fram'd, it is their duty‡ to propose in the case to the people. Wherefore the senat is no more than the debate of the commonwealth. But to debate, is to discern or put a difference between things that, being alike, are not the same; or it is separating and weighing this reason against that, and that reason against this, which is dividing.

Deut. 1. 13.

The Senat then having divided, who shall chuse? ask the girls: for if she that divided must have chosen also, it had bin little worse for the other in case she had not divided at all, but kept the whole cake to her self, in regard that being to chuse too, she divided accordingly. Wherefore if the Senat have any farther power than to divide, the commonwealth can never be equal. But in a commonwealth consisting of a single council, there is no other to chuse than that which divided; whence it is, that such a council fails not to scramble, that is, to be factious, there being no other dividing of the cake in that case but among themselves.

The people.

Nor is there any remedy but to have another council to chuse. The wisdom of the few may be the light of mankind; but the interest of the few is not the profit of mankind, nor of a commonwealth. Wherefore seeing we have granted interest to be reason, they must not chuse, left it put out their light. But as the council dividing consists of the wisdom of the commonwealth, so the assembly or council chusing should consist of the interest of the commonwealth: as the wisdom of the commonwealth is in the aristocracy, so the interest of the commonwealth is in the whole body of the people. And wheras this, in case the commonwealth consist of a whole nation, is too unweildy

a body to be assembled, this council is to consist of such a representative as may be equal, and so constituted, as can never contract any other interest than that of the whole people; the manner wherof, being such as is best shewn by exemplification, I remit to the model. But in the present case, the six dividing, and the fourteen chusing, must of necessity take in the whole interest of the twenty.

Dividing and chusing in the language of a commonwealth is debating and resolving; and whatsoever upon debate of the senat is propos'd to the people, and resolv'd by them, is enacted* by the authority of the fathers, and by the power of the people, which concurring, make a law.

But the law being made, says Leviathan, *is but words and paper without the bands and swords of men*; wherfore as these two orders of a commonwealth, namely the senat and the people, are legislative, so of necessity there must be a third to be executive of the laws made, and this is the magistracy; in which order, with the rest being wrought up by art, the commonwealth consists of *the senat proposing, the people resolving, and the magistracy executing*: wherby partaking of the *aristocracy* as in the senat, of the *democracy* as in the people, and of *monarchy* as in the magistracy, it is complete. Now there being no other commonwealth but this in art or nature, it is no wonder if Machiavel has shew'd us that the ancients held this only to be good; but it seems strange to me, that they should hold that there could be any other: for if there be such a thing as pure *monarchy*, yet that there should be such a one as pure *aristocracy*, or pure *democracy*, is not in my understanding. But the magistracy both in number and function is different in different commonwealths. Nevertheless there is one condition of it that must be the same in every one, or it dissolves the commonwealth where it is wanting. And this is no less than that as the hand of the magistrat is the executive power of the law, so the head of the magistrat is answerable to the people, that his execution be according to the law; by which Leviathan may see that the hand or sword that executes the law is in it, and not above it.

The magistracy.

Now whether I have rightly transcrib'd these principles of a commonwealth out of nature, I shall appeal to God, and to the world. To God in the fabric of the commonwealth of *Israel*: and to the world in the universal series of antient prudence. But in regard the same commonwealths will be open'd at large in the council of legislators, I shall touch them for the present but slightly, beginning with that of *Israel*.

The orders of a commonwealth in experience, as that

The commonwealth of *Israel* consisted of the senat, the people, and the magistracy.

Of Israel.

The people by their first division, which was genealogical, were contain'd under their thirteen tribes, houses, or familys; wherof the firstborn in each was prince of his tribe, and had the leading of it: the tribe of Levi only being set apart to serve at the altar, had no other prince but the high priest.

In their second division they were divided locally by their agrarian, or the distribution of the land of *Canaan* to them by lot,

Numb. 1.

the tithe of all remaining to Levi; whence according to their local division, the tribes are reckon'd but twelve.

The assemblys of the people thus divided were methodically gather'd by trumpets to the congregation; which was, it should seem, of two sorts.

Josh. ch. 13, to ch. 42.

The people.

For if it were call'd with one trumpet only, the princes of the tribes and the elders only assembl'd;

Numb. 10. 7.

but if it were call'd with two, the whole people gather'd themselves to the congregation, for so it is render'd by the

Numb. 10. 4.

English;

but in the *Greec* it is call'd *Ecclesia*, or the church of God, and by the *Talmudist*, the great Synagog.

Numb. 10. 3.

The word *Ecclesia* was also anciently and properly us'd for the civil congregations or assemblys of the people in *Athens*,

Judg. 20. 2.

Lacedemon, and *Ephesus*, where it is so call'd in Scripture, tho it be otherwise render'd by the translators, not much as I conceive to their commendation, seeing by that means they have lost us a good lesson, the apostles borrowing that name for their spiritual congregations, to the end that we might see they intended the government of the church to be democratical or popular, as is also plain in the rest of their constitutions.

Acts 19. 23.

The church or congregation of the people of *Israel* assembl'd in a military manner, and had the result of the commonwealth, or the power of confirming all their laws, tho propos'd even by God himself; as where they make him king; and where they reject or depose him as civil magistrat, and elect Saul.

It is manifest, that he gives no such example to a legislator in a popular government as to deny or evade the power of the people, which were a contradiction: but tho he deservedly blames the ingratitude of the people in that action, he commands Samuel, being next under himself supreme magistrat, *to hearken to their voice* (for where the suffrage of the people goes for nothing, it is

Judg. 20. 2

Exod. 19.

1 Sam. 8. 7.

no commonwealth) and comforts him saying, *They have not rejected thee, but they have rejected me that I should not reign over them*. But to reject him that he should not reign over them, was as civil magistrat to depose him. The power therfore which the people had to depose even God himself as he was civil magistrat, leaves little doubt but that they had power to have rejected any of those laws confirmed by them throout the Scripture,

which (to omit the several parcels) are generally contain'd under two heads, those that were made by covenant with the people in

Deut. 29.

the land of *Moab*, and those which were made by covenant with the people in *Horeb*; which two, I think, amount to the whole body of the *Israelitish* laws.

But if all and every one of the laws of *Israel* being propos'd by God, were no otherwise enacted than by covenant with the people,

Josh. 7. 16.

then that only which was resolv'd by the people of *Israel* was their law;

Judg 20. 8, 9, 10.

and so the result of that commonwealth was in the people. Nor had the people the result only in matter of law, but the power in som cases of judicature; as also the right of levying war; cognizance in matter of religion; and the election of their magistrats, as the judg or dictator, the king, the prince: which functions were exercised by the *Synagoga magna* or congregation of *Israel*, not always in one manner; for sometimes they were perform'd by the suffrage of the people, *viva voce*; sometimes by the lot only; and at others by the ballot, or by a mixture of the lot with the suffrage, as in the case of Eldad and Medad, which I shall open with the senate.

1 Sam. 7. 6, 7, 8.

1 Chron. 13. 2.

2 Chron. 30. 4.

Judg. 11. 11.

1 Sam. 10. 17.

1 Mac. [Editor: illegible character]

Exod. 9. 3, 4, 5.

Josh. 7.

The senat of *Israel* call'd in the Old Testament the *seventy elders*, and in the New the *sanhedrim* (which word is usually translated the *council*) was appointed by God, and consisted of seventy elders besides Moses, which were at first elected by the people; but in what manner is rather intimated than shewn. Nevertheless, because I cannot otherwise understand the passage concerning Eldad and Medad,

1 Sam. 10. [Editor: illegible character]

of whom it is said *that they were of them that were written, but went not up to the tabernacle*, then with the *Talmudists*,

Numb. 11.

I conceive that Eldad and Medad had the suffrage of the tribes, and so were written as competitors for magistracy; but coming afterwards to the lot, fail'd of it, and therfore went not up to the tabernacle, or place of confirmation by God, or to the

Deut. [Editor: illegible character]

Numb. 11.

sessionhouse of the senat with the seventy upon whom the lot fell to be senators: for the sessionhouse of the *sanhedrim* was first in the court of the tabernacle, and afterwards in that of the temple, where it came to be call'd the stone chamber or pavement.

If this were the *ballot* of *Israel*, that of *Venice* is the same transpos'd: for in *Venice* the competitor is chosen as it were by the lot, in regard that the electors are so made, and the magistrat is chosen by the *suffrage of the great council or assembly of the people*. But the *sanhedrim* of *Israel* being thus constituted, Moses for his time, and after him his successor, sat in the midst of it as *prince* or *archon*, and at his left hand the orator or father of the senat; the rest or the bench coming round with either horn like a crescent, had a scribe attending upon the tip of it.

John.

This senat, in regard the legislator of *Israel* was infallible, and the laws given by God such as were not fit to be altered by men, is much different in the exercise of their power from all other senats, except that of the *Areopagits* in *Athens*, which also was little more than a supreme judicatory; for it will hardly, as I conceive, be found that the *sanhedrim* propos'd to the people till the return of the children of *Israel* out of captivity under *Esdras*, at which time there was a new law made, namely, for a kind of excommunication, or rather banishment, which had never bin before in *Israel*. Nevertheless it is not to be thought that the *sanhedrim* had not always that right,

which from the time of *Esdras* is more frequently exercis'd, of proposing to the people, but that they forbore it in regard of the fulness and infallibility of the law already made, wherby it was needless.

Wherefore the function of this council, which is very rare in a
senat, was executive, and consisted in the administration of the
law made; and wheras the council it self is often und rstood in Scripture by the priest
and the Levit, there is no more in that save only that the priests and the Levits, who
otherwise had no power at all, being in the younger years of this commonwealth,
those that were best study'd in the laws were the most frequently elected into the
sanhedrim.

The magistracy.

For the courts consisting of three and twenty elders sitting in the
gates of every city, and the *triumvirats* of judges constituted
almost in every village, which were parts of the executive magistracy subordinat to
the *sanhedrim*, I shall take them at better leisure, and in the larger discourse; but these
being that part of this commonwealth which was instituted by Moses upon the advice
of Jethro the priest of *Midian* (as I conceive a Heathen) are to me a sufficient warrant
even from God himself who confirm'd them, to make farther use of human prudence,
wherever I find it bearing a testimony to it self, whether in Heathen commonwealths
or others: and the rather, because so it is, that we who have the holy Scriptures, and in
them the original of a commonwealth, made by the same hand that made the world,
are either altogether blind or negligent of it; while the Heathens have all written
theirs, as if they had had no other copy: as, to be more brief in the present account of
that which you shall have more at large hereafter:

Deut. 17. 9. 10, 11.

Athens consisted of the senat of the *Bean* proposing, of the
church or assembly of the people resolving, and too often
debating, which was the ruin of it; as also of the senat of the
Areopagits, the nine *archons*, with divers other magistrats executing.

Exod. 18.

Of Athens.

Lacedemon consisted of the senat proposing; of the church or
congregation of the people resolving only and never debating,
which was the long life of it; and of the two kings, the court of the *Ephors*, with divers
other magistrats executing.

Of Lacedemon.

Carthage consisted of the senat proposing and sometimes
resolving too; of the people resolving and sometimes debating too,
for which fault she was reprehended by Aristotle; and she had her *suffetes*, and her
hundred men, with other magistrats executing.

Of Carthage.

Rome consisted of the senat proposing, the *concio* or people
resolving, and too often debating, which caused her storms; as
also of the consuls, censors, ædils, tribuns, pretors, questors, and other magistrats
executing.

Of Rome.

Venice consists of the senat or *pregati* proposing, and sometimes
resolving too; of the great council or assembly of the people, in
whom the result is constitutively; as also of the *doge*, the *signory*, the *censors*, the
dieci, the *quazancies*, and other magistrats executing.

Of Venice.

The proceeding of the commonwealths of *Switzerland* and *Holland* is of a like nature, tho after a more obscure manner; for the sovereintys, whether cantons, provinces, or citys, which are the people, send their deputies commission'd and instructed by themselves (wherin they reserve the result in their own power) to the provincial or general convention, or senat, where the deputies debate, but have no other power of result than what was confer'd upon them by the people, or is farther confer'd by the same upon farther occasion. And for the executive part they have magistrats or judges in every canton, province or city, besides those which are more public, and relate to the league, as for adjusting controversies between one canton, province or city, and another; or the like between such persons as are not of the same canton, province or city.

Of Switzerland and
Holland.

But that we may observe a little farther how the Heathen politicians have written, not only out of nature, but as it were out of Scripture: as in the commonwealth of *Israel* God is said to have bin king; so the commonwealth where the law is king, is said by Aristotle to be *the kingdom of God*. And where by the lusts or passions of men a power is set above that of the law deriving from reason, which is the dictat of God, God in that sense is rejected or depos'd that he should not reign over them, as he was in *Israel*.

And yet Leviathan will have it, that *by reading of these Greec and Latin* (he might as well in this sense have said *Hebrew*) *authors, young men, and all others that are unprovided of the antidot of solid reason, receiving a strong and delightful impression of the great exploits of war, atchiev'd by the conductors of their armys, receive withal a pleasing idea of all they have don besides; and imagin their great prosperity not to have proceded from the emulation of particular men, but from the virtue of their popular form of government, not considering the frequent seditions and civil wars produc'd by the imperfection of their polity.* Where, first, the blame he lays to the Heathen authors, is in his sense laid to the Scripture; and wheras he holds them to be young men, or men of no antidot that are of like opinions, it should seem that Machiavel, the sole retriever of this antient prudence, is to his solid reason, a beardless boy that has newly read Livy. And how solid his reason is, may appear, where he grants the great prosperity of antient commonwealths, which is to give up the controversy. For such an effect must have som adequat cause; which to evade he insinuat that it was nothing else but the emulation of particular men: as if so great an emulation could have bin generated without as great virtue; so great virtue without the best education; and best education without the best law; or the best laws any otherwise than by the excellency of their polity.

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But if som of these commonwealths, as being less perfect in their polity than others, have bin more seditious, it is not more an argument of the infirmity of this or that commonwealth in particular, than of the excellency of that kind of polity in general; which if they, that have not altogether reach'd, have nevertheless had greater prosperity, what would befall them that should reach?

In answer to which question let me invite Leviathan, who of all other governments gives the advantage to monarchy for perfection, to a better disquisition of it by these three assertions.

The first, That the perfection of government lyes upon such a libration in the frame of it, that no man or men in or under it can have the interest; or having the interest, can have the power to disturb it with sedition.

The second, That monarchy, reaching the perfection of the kind, reaches not to the perfection of government; but must have some dangerous flaw in it.

The third, That popular government, reaching the perfection of the kind, reaches the perfection of government, and has no flaw in it.

The first assertion requires no proof.

For the proof of the second; monarchy, as has been shewn, is of two kinds, the one by arms, the other by a nobility, and there is no other kind in art or nature: for if there have been antiently some governments call'd kingdoms, as one of the *Goths* in *Spain*, and another of the *Vandals* in *Africa*, where the king rul'd without a nobility, and by a council of the people only; it is expressly said by the authors that mention them, that the kings were but the captains, and that the people not only gave them laws, but depos'd them as often as they pleas'd. Nor is it possible in reason that it should be otherwise in like cases; wherefore these were either no monarchys, or had greater flaws in them than any other.

But for a monarchy by arms, as that of the *Turc* (which of all models that ever were, comes up to the perfection of the kind) it is not in the wit or power of man to cure it of this dangerous flaw, That the *Janizarys* have frequent interest and perpetual power to raise sedition, and to tear the magistrat, even the prince himself, in pieces. Therefore the monarchy of *Turky* is no perfect government.

And for a monarchy by nobility, as of late in *Oceana* (which of all other models before the declination of it came up to the perfection in that kind) it was not in the power or wit of man to cure it of that dangerous flaw, That the nobility had frequent interest and perpetual power by their retainers and tenants to raise sedition; and (whereas the *Janizarys* occasion this kind of calamity no sooner than they make an end of it) to levy a lasting war, to the vast effusion of blood, and that even upon occasions wherein the people, but for their dependence upon their lords, had no concernment, as in the feud of the *Red* and *White*. The like has been frequent in *Spain*, *France*, *Germany*, and other monarchys of this kind; wherefore monarchy by a nobility is no perfect government.

For the proof of the third assertion; Leviathan yields it to me, that there is no other commonwealth but monarchical or popular: wherefore if no monarchy be a perfect government, then either there is no perfect government, or it must be popular; for which kind of constitution I have something more to say, than Leviathan has said or ever will be able to say for monarchy. As,

First, That it is the government that was never conquer'd by any monarch, from the beginning of the world to this day: for if the commonwealths of *Greece* came under the yoke of the kings of *Macedon*, they were first broken by themselves.

Secondly, That it is the government that has frequently led mighty monarchs in triumph.

Thirdly, That it is the government, which, if it has bin seditious, it has not bin so from any imperfection in the kind, but in the particular constitution; which, wherever the like has happen'd, must have bin inequal.

Fourthly, That it is the government, which, if it has bin any thing near equal, was never seditious; or let him shew me what sedition has happen'd in *Lacedemon* or *Venice*.

Fifthly, That it is the government, which, attaining to perfect equality, has such a libration in the frame of it, that no man living can shew which way any man or men, in or under it, can contract any such interest or power as should be able to disturb the commonwealth with sedition; wherfore an equal commonwealth is that only which is without flaw, and contains in it the full perfection of government. But to return.

By what has been shewn in reason and experience it may appear, that tho commonwealths in general be governments of the senat proposing, the people resolving, and the magistracy executing; yet som are not so good at these orders as others, thro some impediment or defect in the frame, balance, or capacity of them, according to which they are of divers kinds.

The first division of them is into such as are single, as *Israel*, *Athens*, *Lacedemon*, &c. and such as are by leagues, as those of the *Acheans*, *Etolians*, *Lycians*, *Switz*, and *Hollanders*.

Division of
commonwealths.

The second (being Machiavel's) is into such as are for preservation, as *Lacedemon* and *Venice*, and such as are for increase, as *Athens* and *Rome*; in which I can see no more than that the former takes in no more citizens than are necessary for defence, and the latter so many as are capable of increase.

The third division (unseen hitherto) is into equal and inequal, and this is the main point, especially as to domestic peace and tranquillity; for to make a commonwealth inequal, is to divide it into partys, which sets them at perpetual variance, the one party endeavouring to preserve their eminence and inequality, and the other to attain to equality: whence the people of *Rome* deriv'd their perpetual strife with the nobility and senat. But in an equal commonwealth there can be no more strife than there can be overbalance in equal weights; wherfore the commonwealth of *Venice*, being that which of all others is the most equal in the constitution, is that wherein there never happen'd any strife between the senat and the people.

An equal commonwealth is such a one as is equal both in the balance or foundation, and in the superstructure; that is to say, in her Agrarian law, and in her rotation.

An equal *Agrarian* is a perpetual law establishing and preserving the balance of dominion by such a distribution, that no one man or number of men, within the compass of the few of *aristocracy*, can com to overpower the whole people by their possessions in lands.

Equal Agrarian.

As the *Agrarian* answers to the foundation, so dos *rotation* to the superstructures.

Equal *rotation* is equal vicissitude in government, or succession to magistracy confer'd for such convenient terms, enjoying equal vacations, as take in the whole body by parts, succeeding others, thro the free election or suffrage of the people.

Rotation.

The contrary wherunto is prolongation of magistracy, which, trashing the wheel of rotation, destroys the life or natural motion of a commonwealth.

Prolongation of magistracy.

The election or suffrage of the people is most free, where it is made or given in such a manner, that it can neither oblige* nor disoblige another; nor thro fear of an enemy, or bashfulness towards a friend, impair a man's liberty.

Ballot.

Wherefore, says Cicero†, the tablet or ballot of the people of *Rome* (who gave their votes by throwing tablets or little pieces of wood secretly into urns mark'd for the negative or affirmative) was a welcom constitution to the people, as that which, not impairing the assurance of their brows, increas'd the freedom of their judgment. I have not stood upon a more particular description of this ballot, because that of *Venice* exemplify'd in the model is of all others the most perfect.

An equal commonwealth (by that which has bin said) is a government establish'd upon an equal *Agrarian*, arising into the superstructures or three orders, the senat debating and proposing, the people resolving, and the magistracy executing by an equal rotation thro the suffrage of the people given by the ballot. For tho rotation may be without the ballot, and the ballot without rotation, yet the ballot not only as to the insuing model includes both, but is by far the most equal way; for which cause under the name of the ballot I shall hereafter understand both that and rotation too.

Definition of an equal commonwealth.

Now having reason'd the principles of an equal commonwealth, I should com to give an instance of such a one in experience, if I could find it; but if this work be of any value, it lys in that it is the first example of a commonwealth that is perfectly equal. For *Venice*, tho it coms the nearest, yet is a commonwealth for preservation; and such a one, considering the paucity of citizens taken in, and the number not taken in, is externally unequal: and tho every commonwealth that holds provinces must in that regard be such, yet not to that degree. Nevertheless *Venice* internally, and for her capacity, is by far the most equal, tho it has not in my judgment arriv'd at the full perfection of equality; both because her laws supplying the defect of an *Agrarian*, are not so clear nor effectual at the foundation, nor her superstructures by the virtue of her ballot or rotation exactly librated; in regard that thro the paucity of her citizens, her greater magistracys are continually wheel'd thro a few hands, as is confest by Janotti, where he says, that if a gentleman coms once to be *Savio di terra ferma*, it seldom happens that he fails from thenceforward to be adorn'd with som one of the greater magistracys, as *Savi di mare*, *Savi di terra ferma*, *Savi Grandi*, counsellors, those of the decemvirat or dictatorian council, the *aurogatori* or censors, which require no

vacation or interval. Wherefore if this in *Venice*, or that in *Lacedemon*, where the kings were hereditary, and the senators (tho elected by the people) for life, cause no inequality (which is hard to be conceiv'd) in a commonwealth for preservation, or such a one as consists of a few citizens; yet is it manifest, that it would cause a very great one in a commonwealth for increase, or consisting of the many, which, by ingrossing the magistracys in a few hands, would be obstructed in their rotation.

But there be who say (and think it a strong objection) that let a commonwealth be as equal as you can imagin, two or three men when all is don will govern it; and there is that in it, which, notwithstanding the pretended sufficiency of a popular state, amounts to a plain confession of the imbecility of that policy, and of the prerogative of monarchy: for as much as popular governments in difficult cases have had recourse to dictatorial power, as in *Rome*.

To which I answer, That as truth is a spark to which objections are like bellows, so in this respect our commonwealth shines; for the eminence acquir'd by suffrage of the people in a commonwealth, especially if it be popular and equal, can be ascended by no other steps than the universal acknowledgement of virtue: and where men excel in virtue, the commonwealth is stupid and unjust, if accordingly they do not excel in authority. Wherefore this is both the advantage of virtue, which has her due incouragement, and of the commonwealth, which has her due services. These are the philosophers which Plato would have to be princes, the princes which Solomon would have to be mounted, and their steeds are those of authority, not empire: or, if they be buckl'd to the chariot of empire, as that of the dictatorial power, like the chariot of the sun, it is glorious for terms and vacations, or intervals. And as a commonwealth is a government of laws and not of men, so is this the principality of virtue, and not of man; if that fail or set in one, it rises in another* who is created his immediat successor. And this takes away that vanity from under the sun, which is an error proceeding more or less from all other rulers under heaven but an equal commonwealth.

These things consider'd, it will be convenient in this place to speak a word to such as go about to insinuat to the nobility or gentry a fear of the people, or to the people a fear of the nobility or gentry, as if their interests were destructive to each other; when indeed an army may as well consist of soldiers without officers, or of officers without soldiers, as a commonwealth (especially such a one as is capable of greatness) of a people without a gentry, or of a gentry without a people. Wherefore this (tho not always so intended as may appear by Machiavel, who else would be guilty) is a pernicious error. There is something first in the making of a commonwealth, then in the governing of it, and last of all in the leading of its armys; which (tho there be great divines, great lawyers, great men in all professions) seems to be peculiar only to the genius of a gentleman. For so it is in the universal series of story, that if any man has founded a commonwealth, he was first a gentleman. Moses had his education by the daughter of Pharaoh; Theseus and Solon, of noble birth, were held by the *Athenians* worthy to be kings; Lycurgus was of the royal blood; Romulus and Numa princes; Brutus and Publico a *Patricians*; the Gracchi, that lost their lives for the people of *Rome* and the restitution of that commonwealth, were the sons of a father adorn'd with two triumphs, and of Cornelia the daughter of Scipio, who being demanded in

marriage by King Ptolemy, disdain'd to become the queen of *Egypt*. And the most renown'd OLPHAUS MEGALETOR, sole legislator (as you will see anon) of the commonwealth of *Oceana*, was deriv'd from a noble family: nor will it be any occasion of scruple in this case, that Leviathan affirms the politics to be no antienter than his book *de Cive*. Such also as have got any fame in the civil government of a commonwealth, or by the leading of its armys, have bin gentlemen; for so in all other respects were those plebeian magistrates elected by the people of *Rome*, being of known descents, and of equal virtues, except only that they were excluded from the name by the usurpation of the *Patricians*. *Holland*, thro this defect at home, has borrow'd princes for generals, and gentlemen of divers nations for commanders: and the *Switzers*, if they have any defect in this kind, rather lend their people to the colors of other princes, than make that noble use of them at home, which should assert the liberty of mankind. For where there is not a nobility to hearten the people, they are slothful, regardless of the world, and of the public interest of liberty, as even those of *Rome* had bin without their gentry: wherefore let the people embrace the gentry in peace, as the light of their eys; and in war, as the trophy of their arms; and if Cornelia disdain'd to be queen of *Egypt*, if a Roman consul look'd down from his tribunal upon the greatest king; let the nobility love and cherish the people that afford them a throne so much higher in a commonwealth in the acknowledgement of their virtue, than the crowns of monarchs.

But if the equality of a commonwealth consist in the equality first of the Agrarian, and next of the rotation, then the inequality of a commonwealth must consist in the absence or inequality of the Agrarian, or of the rotation, or of both.

An unequal:
commonwealth.

Israel and *Lacedemon*, which commonwealths (as the people of this, in Josephus, claims kindred of that) have great resemblance, were each of them equal in their Agrarian, and unequal in their rotation; especially *Israel*, where the *sanhedrim* or senat, first elected by the people, as appears by the words of Moses, took upon them ever after, without any precept of God, to substitute their successors by ordination; which having bin there of civil use, as excommunication, community of goods, and other customs of the *Esseans*, who were many of them converted, came afterward to be introduced into the Christian church. And the election of the judg, *suffes* or dictator, was irregular, both for the occasion, the term, and the vacation of that magistracy; as you find in the book of *Judges*, where it is often repeated, That in those days there was no king in *Israel*, that is, no judg: and in the first of Samuel, where Ely judg'd *Israel* forty years, and Samuel, all his life. In *Lacedemon* the election of the senat being by suffrage of the people, tho for life, was not altogether so unequal yet the hereditary right of kings, were it not for the Agrarian, had ruin'd her.

Deut. 1.

Athens and *Rome* were unequal as to their Agrarian, that of *Athens* being infirm, and this of *Rome* none at all; for if it were more antiently carry'd, it was never observ'd. Whence by the time of Tiberius Gracchus the nobility had almost eaten the people quite out of their lands, which they held in the occupation of tenants and servants: whereupon the remedy being too late, and too vehemently apply'd, that commonwealth was ruin'd.

These also were unequal in their rotation, but in a contrary manner. *Athens*, in regard that the senat (chosen at once by lot, not by suffrage, and chang'd every year, not in part, but in the whole) consisted not of the natural aristocracy; nor sitting long enough to understand, or to be perfect in their office, had no sufficient authority to restrain the people from that perpetual turbulence in the end, which was their ruin, notwithstanding the efforts of Nicias, who did all a man could do to help it. But as *Athens* by the headiness of the people, so *Rome* fell by the ambition of the nobility, thro the want of an equal rotation; which if the people had got into the senat, and timely into the magistracys (whereof the former was always usurp'd by the *Patricians*, and the latter for the most part) they had both carry'd and held their Agrarian, and that had render'd that commonwealth immovable.

But let a commonwealth be equal or unequal, it must consist, as has bin shewn by reason and all experience, of the three general orders; that is to say, of the senat debating and proposing, of the people resolving, and of the magistracy executing. Wherefore I can never wonder enough at Leviathan, who, without any reason or example, will have it that a commonwealth consists of a single person, or of a single assembly; nor can I sufficiently pity those *thousand gentlemen, whose minds, which otherwise would have waver'd, he has fram'd* (as is affirm'd by himself) *into a conscientious obedience* (for so he is pleas'd to call it) *of such a government*.

But to finish this part of the discourse, which I intend for as complete an epitome of antient prudence, and in that of the whole art of politics, as I am able to frame in so short a time;

The two first orders, that is to say, the senat and the people, are legislative, wherunto answers that part of this science which by politicians is intitl'd *of laws*; and the third order is executive, to which answers that part of the same science which is stil'd *of the frame and course of courts or judicatorys*. A word to each of these will be necessary.

And first for laws, they are either ecclesiastical or civil, such as concern religion or government.

Of laws.

Laws ecclesiastical, or such as concern religion, according to the universal course of antient prudence, are in the power of the magistrat; but according to the common practice of modern prudence, since the papacy, torn out of his hands.

But, as a government pretending to liberty, and yet suppressing liberty of conscience (which, because religion not according to a man's conscience can to him be none at all, is the main) must be a contradiction; so a man that, pleading for the liberty of private conscience, refuses liberty to the national conscience, must be absurd.

A commonwealth is nothing else but the national conscience. And if the conviction of a man's privat conscience produces his privat religion, the conviction of the national conscience must produce a national religion. Whether this be well reason'd, as also whether these two may stand together, will best be shewn by the examples of the antient commonwealths taken in their order.

In that of *Israel* the government of the national religion appertain'd not to the Priests and Levites, otherwise than as they happen'd to be of the *sanhedrim* or senat, to which they had no right at all but by election.

It is in this capacity therefore that the people are commanded under pain of death *to hearken to them, and to do according to the sentence of the law which they should teach*; but in *Israel* the law ecclesiastical and civil was the same, therefore the *sanhedrim* having the power of one, had the power of both. But as the national religion appertain'd to the jurisdiction of the *sanhedrim*, so the liberty of conscience appertain'd, from the same date, and by the same right, to the prophets and their disciples; as where it is said, *I will raise up a prophet—and whoever will not hearken to my words which he shall speak in my name, I will require it of him*.

Deut. 17.

The words relate to prophetic right, which was above all the orders of this commonwealth; whence Elijah not only refus'd to obey the king, but destroy'd his messengers with fire.

Deut. 18. 10.

And whereas it was not lawful by the national religion to sacrifice in any other place than the temple, a prophet was his own temple, and might sacrifice where he would, as Elijah did in *Mount Carmel*.

2 Kings 1.

By this right John the *Baptist* and our Saviour, to whom it more particularly related, had their disciples, and taught the people; whence is deriv'd our present right of GATHER'D CONGREGATIONS: wherefore the Christian religion grew up according to the orders of the commonwealth of *Israel*, and not against them. Nor was liberty of conscience infring'd by this government, till the civil liberty of the same was lost, as under Herod, Pilat, and Tiberius, a threepil'd tyranny.

1 Kings 18, 19.

To procede, *Athens* preserv'd her religion, by the testimony of Paul, with great superstition: if Alcibiades, that atheistical fellow, had not shew'd them a pair of heels, they had shaven off his head for shaving their Mercurys, and making their gods look ridiculously upon them without beards. Nevertheless, if Paul reason'd with them, they lov'd news, for which he was the more weleom; and if he converted Dionysius the *Areopagit*, that is, one of the senators, there follow'd neither any hurt to him, nor lots of honor to Dionysius. And for *Rome*, if Cicero, in his most excellent book *de natura deorum*, overthrew the national religion of that commonwealth, he was never the farther from being consul. But there is a meanness and poorness in modern prudence, not only to the damage of civil government, but of religion it self: for to make a man in matter of religion, which admits not of sensible demonstration (*jurare in verba magistri*) engage to believe no otherwise than is believ'd by my Lord Bishop, or Goodman Presbyter, is a pedantism, that has made the sword to be a rod in the hands of schoolmasters; by which means, whereas the Christian religion is the farthest of any from countenancing war, there never was a war of religion but since Christianity: for which we are beholden to the Pope; for the Pope not giving liberty of conscience to princes and commonwealths, they cannot give that to their subjects which they have not themselves: whence both princes and subjects, either thro his instigation, or their own disputes, have introduc'd that execrable custom, never known in the world before, of fighting for religion, and denying the magistrat to have any jurisdiction concerning it; whereas the magistrat's losing the power of religion loses the liberty of conscience, which in that case has nothing to protect it. But if the people be otherwise

taught, it concerns them to look about them, and to distinguish between the shrieking of the lapwing, and the voice of the turtle.

To com to civil laws, if they stand one way and the balance another, it is the case of a government which of necessity must be new model'd; wherefore your lawyers advising you upon the like occasions to fit your government to their laws, are no more to be regarded, than your taylor if he should desire you to fit your body to his doublet. There is also danger in the plausible pretence of reforming the law, except the government be first good, in which case it is a good tree, and (trouble not yourselves overmuch) brings not forth evil fruit; otherwise, if the tree be evil, you can never reform the fruit: or if a root that is naught bring forth fruit of this kind that seems to be good, take the more heed, for it is the ranker poison. It was no wise probable, if Augustus had not made excellent laws, that the bowels of *Rome* could have com to be so miserably eaten out by the tyranny of Tiberius and his successors. The best rule as to your laws in general is, that they be few. *Rome* by the testimony of Cicero was best govern'd under those of the twelve tables; and by that of Tacitus, *Plurimæ leges, corruptissima respublica*. You will be told, That where the laws be few, they leave much to arbitrary power; but where they be many, they leave more: the laws in this case, according to Justinian and the best lawyers, being as litigious as the suitors. Solon made few; Lycurgus fewer laws: and commonwealths have the fewest at this day of all other governments.

Now to conclude this part with a word *de judiciis*, or of the *constitution or course of courts*; it is a discourse not otherwise capable of being well manag'd but by particular examples, both the constitution and course of courts being divers in different governments, but best beyond compare in *Venice*, where they regard not so much the arbitrary power of their courts, as the constitution of them; wherby that arbitrary power being altogether unable to retard or do hurt to business, produces and must produce the quickest dispatch, and the most righteous dictats of justice that are perhaps in human nature. The manner I shall not stand in this place to describe, because it is exemplify'd at large in the judicature of the people of *Oceana*. And thus much of antient prudence, and the first branch of this preliminary discourse.

Of courts.

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The Second Part Of The *Preliminaries*.

IN the second part I shall endeavor to shew the rise, progress, and declination of modern prudence.

The date of this kind of policy is to be computed, as was shewn, from those inundations of *Goths*, *Vandals*, *Huns*, and *Lombards*, that overwhelm'd the *Roman* empire. But as there is no appearance in the bulk or constitution of modern prudence, that it should ever have bin able to com up and grapple with the antient, so something of necessity must have interpos'd, wherby this came to be enervated, and that to receive strength and incouragement. And this was the execrable reign of the *Roman* emperors taking rise from (that *fælix scelus*) the arms of Cæsar, in which storm the ship of the *Roman* commonwealth was forc'd to disburden itself of that precious freight, which never since could emerge or raise its head but in the *gulf of Venice*.

It is said in Scripture, *Thy evil is of thyself, O Israel!* To which answers that of the moralists, **None is hurt but by himself*, as also the whole matter of the politics; at present this example of the *Romans*, who, thro a negligence committed in their Agrarian laws, let in the sink of luxury, and forfeited the inestimable treasure of liberty for themselves and their posterity.

The transition of antient into modern prudence.

Their Agrarian laws were such, wherby their lands ought to have bin divided among the people, either without mention of a colony, in which case they were not oblig'd to change their abode; or with mention and upon condition of a colony, in which case they were to change their abode; and leaving the city, to plant themselves upon the lands so assign'd.

The Agrarian laws of the Romans.

The lands assign'd, or that ought to have bin assign'd in either of these ways, were of three kinds: such as were taken from the enemy and distributed to the people; or such as were taken from the enemy, and under color of being reserv'd to the public use, were thro stealth possess'd by the nobility; or such as were bought with the public money to be distributed. Of the laws offer'd in these cases, those which divided the lands taken from the enemy, or purchas'd with the public money, never occasion'd any dispute; but such as drove at dispossessing the nobility of their usurpations, and dividing the *common purchase of the sword among the people*, were never touch'd but they caus'd earthquakes, nor could they ever be obtain'd by the people; or being obtain'd, be observ'd by the nobility, who not only preserv'd their prey, but growing vastly rich upon it, bought the people by degrees quite out of those shares that had been confer'd upon them. This the Gracchi coming too late to perceive, found the balance of the commonwealth to be lost; but putting the people (when they had least force) by forcible means upon the recovery of it, did ill, seeing it neither could nor did tend to any more than to shew them by worse effects, that what the wisdom of their leaders had discover'd was true. For (quite contrary to what has happen'd in *Oceana*, where, *the balance falling to the people, they have overthrown the nobility*) that nobility of *Rome*, under the conduct of Sylla,

Sigonius de Ant. Ro.

overthrew the people and the commonwealth: seeing Sylla first introduc'd that new balance, which was the foundation of the succeeding monarchy, in the plantation of military colonys, instituted by his distribution of the conquer'd lands, not now of enemys, but of citizens, to forty-seven legions of his soldiers; so that how he came to be PERPETUAL DICTATOR, or other magistrats to succede him in like power, is no miracle.

These military colonys (in which manner succeeding emperors continu'd, as Augustus by the distribution of the *Veterans*, whereby he had overcom Brutus and Cassius, to plant their soldiery) consisted of such as I conceive were they that are call'd *milites beneficiarii*; in regard that the tenure of their lands was by way of benefices, that is, for life, and upon condition of duty or service in the war upon their own charge. These benefices Alexander Severus granted to the heirs of the incumbents, but upon the same conditions. And such was the dominion by which the *Roman* emperors gave their balance. But to the beneficiars, as was no less than necessary for the safety of the prince, a matter of eight thousand by the example of Augustus were added, which departed not from his sides, but were his perpetual guard, call'd *Pretorian bands*; tho these, according to the incurable flaw already observ'd in this kind of government, became the most frequent butchers of their lords that are to be found in story. Thus far the *Roman* monarchy is much the same with that at this day in *Turky*, consisting of a camp, and a horse-quarter; a camp in regard of the *Spahys* and *Janizarys*, the perpetual guard of the prince, except they also chance to be liquorish after his blood; and a horse-quarter in regard of the distribution of his whole land to tenants for life, upon condition of continual service, or as often as they shall be commanded at their own charge by *timars*, being a word which they say signifys *benefices*, that it shall save me a labor of opening the government.

Military colony.

The balance of the Roman empire.

But the fame of Mahomet and his prudence, is especially founded in this, that whereas the *Roman* monarchy, except that of *Israel*, was the most imperfect, the *Turkish* is the most perfect that ever was. Which happen'd in that the *Roman* (as the *Israelitish* of the *sanhedrim* and the congregation) had a mixture of the senat and the people; and the *Turkish* is pure. And that this was pure, and the other mix'd, happen'd not thro the wisdom of the legislators, but the different genius of the nations; the people of the eastern parts, except the *Israelits*, which is to be attributed to their agrarian, having bin such as scarce ever knew any other condition than that of slavery; and these of the western having ever had such a relish of liberty, as thro what despair soever could never be brought to stand still while the yoke was putting on their necks, but by being fed with som hopes of reserving to themselves som part of their freedom.

Wherefore Julius Cæsar (saith [*Suetonius](#)) contented himself in naming half the magistrats, to leave the rest to the suffrage of the people.

And Mæcenæ, tho he would not have Augustus to give the people their liberty, would not have him take it quite away†.

Dion.

Whence this empire being neither *hawk* nor *buzzard*, made a flight accordingly; and the prince being perpetually tost (having the avarice of the soldiery on this hand to satisfy upon the people, and the senat and the people on the other to be defended from

the soldiery) seldom dy'd any other death than by one horn of this *dilemma*, as is noted more at large by Machiavel.

But the *Pretorian bands*, those bestial executioners of their captain's tyranny upon others, and of their own upon him, having continued from the time of Augustus, were by Constantin the Great (incens'd against them for taking part with his adversary Maxentius) remov'd from their strong garison which they held in *Rome*, and distributed into divers provinces. The benefices of the soldiers that were hitherto held for life and upon duty, were by this prince made hereditary: so that the whole foundation wherupon this empire was first built being now remov'd, shews plainly, that the emperors must long before this have found out som other way of support; and this was by stipendiating the *Goths*, a people that, deriving their roots from the northern parts of *Germany*, or out of *Sweden*, had (thro their victoriys obtain'd against Domitian) long since spread their branches to so near a neighbourhood with the *Roman* territoriys, that they began to overshadow them. For the emperors making use of them in their armys (as the *French* do at this day of the *Switz*) gave them that under the notion of a stipend, which they receiv'd as tribute, coming (if there were any default in the payment) so often to distrein for it, that in the time of Honorius they sack'd *Rome*, and possest themselves of *Italy*. And such was the transition of antient into modern prudence; or that breach which being follow'd in every part of the *Roman* empire with inundations of *Vandals*, *Huns*, *Lombards*, *Franks*, *Saxons*, overwhelm'd antient languages, learning, prudence, manners, citys, changing the names of rivers, countrys, seas, mountains, and men; Camillus, Cæsar, and Pompey, being com to Edmund, Richard, and Geoffrey.

P. cap. 19.

To open the groundwork or balance of these new politicians:

Feudum, says Calvin the lawyer, is a *Gothic* word of divers significations; for it is taken either for *war*, or for a *possession of conquer'd lands, distributed by the victor to such of his captains and soldiers as had merited in his wars, upon condition to acknowledge him to be their perpetual lord, and themselves to be his subjects.*

Machiavel.

The Gothic balance.

Of these there were three kinds or orders: the first of nobility, distinguish'd by the titles of dukes, marquisses, earls; and these being gratified with the citys, castles, and villages of the conquer'd *Italians*, their feuds participated of royal dignity, and were call'd *regalia*, by which they had right to coin mony, create magistrats, take toll, customs, confiscations, and the like.

Institution of
feudatory
principalitys.

Feuds of the second order were such as, with the consent of the king, were bestow'd by these feudatory princes upon men of inferior quality, call'd their *barons*, on condition that next to the king they should defend the dignitys and fortunes of their lords in arms.

The lowest order of *feuds* were such as being confer'd by those of the second order upon privat men, whether noble or not noble, oblig'd them in the like duty to their superiors; these were call'd *vavasors*. And this is the *Gothic* balance, by which all the kingdoms this day in Christendom were at first erected; for which cause, if I had time, I should open in this place the empire of *Germany*, and the kingdoms of *France*,

Spain, and *Poland*: but so much as has bin said being sufficient for the discovery of the principles of modern prudence in general, I shall divide the remainder of my discourse, which is more particular, into three parts.

The first shewing the constitution of the late monarchy of *Oceana*.

The second, the dissolution of the same. And

The third, the generation of the present commonwealth.

The constitution of the late monarchy of *Oceana* is to be consider'd in relation to the different nations by whom it has bin successively subdu'd and govern'd. The first of these were the *Romans*, the second the *Teutons*, the third the *Scandians*, and the fourth the *Neustrians*.

The government of the *Romans*, who held it as a province, I shall omit, because I am to speak of their provincial government in another place; only it is to be remember'd here, that if we have given over running up and down naked, and with dappl'd hides, learn'd to write and read, and to be instructed with good arts, for all these we are beholden to the *Romans*, either immediatly, or mediatly by the *Teutons*: for that the *Teutons* had the arts from no other hand, is plain enough by their language, which has yet no word to signify either writing or reading, but what is deriv'd from the *Latin*. Furthermore, by the help of these arts so learn'd, we have bin capable of that religion which we have long since receiv'd; wherfore it seems to me, that we ought not to detract from the memory of the *Romans*, by whose means we are, as it were, of beasts becom men, and by whose means we might yet of obsoure and ignorant men (if we thought not too well of our selves) becom a wife and a great people.

The *Romans* having govern'd *Oceana* provincially, the *Teutons* were the first that introduc'd the form of the late monarchy. To these succeeded the *Scandians*, of whom (because their reign was short, as also because they made little alteration in the government as to the form) I shall take no notice. But the *Teutons* going to work upon the *Gothic* balance, divided the whole nation into three sorts of *feuds*, that of *ealdorman*, that of *kings thane*, and that of *middle thane*.

For the proof of the ensuing discourse out of records and antiquities see Selden's titles of honor from pag. 593, to pag. 837.

When the kingdom was first divided into precincts will be as hard to shew, as when it began first to be govern'd; it being impossible that there should be any government without som division. The division that was in use with the *Teutons*, was by countys, and every county had either its *ealdorman*, or *high reeve*. The title of *ealdorman* came in time to *eorl*, or *erl*, and that of *high reeve* to *high sheriff*.

The Teuton monarchy.

Earl of the shire or county denoted the *king's thane*, or tenant by grand serjeantry or knights service, in chief or *in capite*; his possessions were somtimes the whole territory from whence he had his denomination, that is, the whole county, somtimes more than one county, and somtimes less, the

Earls.

remaining part being in the crown. He had also sometimes a third, or som other customary part of the profits of certain citys, boroughs, or other places within his earldom. For an example of the possessions of earls in antient times, Ethelred had to him and his heirs the whole kingdom of *Mercia*, containing three or four countys; and there were others that had little less.

King's *sthane* was also an honorary title, to which he was qualify'd that had five hides of land held immediatly of the king by service of personal attendance; insomuch that if a churl or countryman had thriven to this proportion, having a church, a kitchen, a belhouse (that is, a hall with a bell in it to call his family to dinner) a boroughgate with a seat (that is, a porch) of his own, and any distinct office in the king's court, then was he the *king's thane*. But the proportion of a hide land, otherwise call'd *caruca*, or a plow land, is difficult to be understood, because it was not certain; nevertheless it is generally conceiv'd to be so much as may be manag'd with one plow, and would yield the maintenance of the same, with the appurtenances in all kinds.

King's thane.

The *middle thane* was feudal, but not honorary; he was also call'd a *vavasor*, and his lands a *vavasory*, which held of som mesn lord, and not immediatly of the king.

Middle thane.

Possessions and their tenures, being of this nature, shew the balance of the *Teuton* monarchy; wherein the riches of earls were so vast, that to arise from the balance of their dominion to their power, they were not only call'd *reguli* or little kings, but were such indeed; their jurisdiction being of two sorts, either that which was exercis'd by them in the court of their countrys, or in the high court of the kingdom.

In the territory denominating an earl, if it were all his own, the courts held, and the profits of that jurisdiction were to his own use and benefit. But if he had but som part of his county, then his jurisdiction and courts (saving perhaps in those possessions that were his own) were held by him to the king's use and benefit; that is, he commonly supply'd the office which the sheriffs regularly executed in countys that had no earls, and whence they came to be call'd *viscounts*.

Shiremoot.

The court of the county that had an earl was held by the earl and the bishop of the diocess, after the manner of the sheriffs turns to this day; by which means both the ecclesiastical and temporal laws were given in charge together to the country. The causes of *vavasors* or *vavasorys* appertain'd to the cognizance of this court, where wills were prov'd, judgment and execution given, cases criminal and civil determin'd.

Viscounts.

The *king's thanes* had the like jurisdiction in their *thane lands*, as lords in their manors, where they also kept courts.

Halymoot.

Besides these in particular, both the earls and *king's thanes*, together with the bishops, abbots, and *vavasors*, or *middle thanes*, had in the high court or parlament in the kingdom, a more public jurisdiction, consisting first of deliberative power for

advising upon, and assenting to new laws: secondly, of giving counsel in matters of state: and thirdly, of judicature upon suits and complaints.

I shall not omit to inlighten the obscurity of these times (in which there is little to be found of a methodical constitution of this high court) by the addition of an argument, which I conceive to bear a strong testimony to it self, tho taken out of a late writing that conceals the author. “It is well known, says he, that in every quarter of the realm a great many boroughs do yet send burgesses to the parlament, which nevertheless be so antiently and so long since decay’d and gon to nought, that they cannot be shew’d to have bin of any reputation since the conquest, much less to have obtain’d any such privilege by the grant of any succeeding king: wherfore these must have had this right by more antient usage, and before the conquest, they being inable now to shew whence they deriv’d it.”

Weidenagemoots.

This argument (tho there be more) I shall pitch upon as sufficient to prove; first, that the lower sort of the people had right to session in parlament during the time of the *Teutons*. Secondly, that they were qualify’d to the same by election in their boroughs, and, if knights of the shire (as no doubt they are) be as antient in the countrys. Thirdly, if it be a good argument to say, that the commons during the reign of the *Teutons* were elected into parlament, because they are so now, and no man can shew when this custom began; I see not which way it should be an ill one to say, that the commons during the reign of the *Teutons* constituted also a distinct house, because they do so now; unless any man can shew that they did ever sit in the same house with the lords. Wherfore to conclud this part, I conceive for these, and other reasons to be mention’d hereafter, that the parlament of the *Teutons* consisted of the king, the lords spiritual and temporal, and the commons of the nation, notwithstanding the stile of divers acts of parlament, which runs as that of *magna charta* in the king’s name only, seeing the same was nevertheless enacted by the king, peers, and commons of the land, as is testify’d in those words by a subsequent act.

25 Edw. 3. c. 1.

The monarchy of the *Teutons* had stood in this posture about two hundred and twenty years; when Turbo duke of *Neustria* making his claim to the crown of one of their kings that dy’d childless, follow’d it with successful arms; and being posses of the kingdom, us’d it as conquer’d, distributing the earldoms, thane lands, bishoprics and prelacys of the whole realm among his *Neustrians*. From this time the earl came to be call’d *comes*, *consul*, and *dux* (tho *consul* and *dux* grew afterward out of use) the *king’s thanes* came to be call’d *barons*, and their lands baronys; the *middle thane* holding still of a mean lord, retain’d the name of *vavasor*.

Monarchy of the
Neustrians.

The *earl* or *comes* continu’d to have the third part of the pleas of the county paid to him by the sheriff or *vice-comes*, now a distinct officer in every county depending upon the king; saving that such earls as had their countys to their own use, were now *counts palatin*, and had under the king regal jurisdiction; insomuch that they constituted their own sheriffs, granted pardons, and issu’d writs in their own names; nor did the king’s writ of ordinary justice run in their dominions till a late statute, wherby much of this privilege was taken away.

Their earls.

27 H. 8.

For *barons* they came from henceforth to be in different times of three kinds; barons by their estates and tenures, barons by writ, and barons created by letters patent. From Turbo the first to Adoxus the seventh king from the conquest, barons had their denomination from their possessions and tenures. And these were either spiritual or temporal; for not only the thane lands, but the possessions of bishops, as also of som twenty-six abbats, and two priors, were now erected into baronys, whence the lords spiritual that had suffrage in the *Teuton* parlament as spiritual lords, came to have it in the *Neustrian* parlament as barons, and were made subject (which they had not formerly bin) to knights service in chief.

Their barons.

Barony coming henceforth to signify all honorary possessions as well of earls as barons, and baronage to denote all kinds of lords as well spiritual as temporal having right to sit in parlament, the baronys in this sense were somtimes more, and somtimes fewer, but commonly about 200 or 250, containing in them a matter of sixty thousand *feuda militum*, or knights fees, wherof some twenty-eight thousand were in the clergy. It is ill luck that no man can tell what the land of a knight's fee (reckon'd in som writs at 40 *l.* a year, and in others at 10) was certainly worth; for by such a help we might have exactly demonstrated the balance of this government.

Barons by their possessions.

But, says Coke, it contain'd twelve plow lands, and that was thought to be the most certain account. But this again is extremely uncertain; for one plow out of som land that was fruitful, might work more than ten out of som other that was barren.

Coke 11 inst. pag. 596.

Nevertheless, seeing it appears by Bracton, that of earldoms and baronys it was wont to be said, that the whole kingdom was compos'd; as also, that these consisting of 60,000 knights fees, furnish'd 60,000 men for the king's service, being the whole militia of this monarchy, it cannot be imagin'd that the *vavasorys* or freeholds in the people amounted to any considerable proportion. Wherefore the balance and foundation of this government was in the 60,000 knights fees, and these being possest by the 250 lords, it was a government of the few, or of the nobility; wherein the people might also assemble, but could have no more than a mere name. And the clergy holding a third of the whole nation, as is plain by the parlament roll; it is an absurdity (seeing the clergy of *France* came first thro their riches to be a state of that kingdom) to acknowledge the people to have bin a state of this realm, and not to allow it to the clergy, who were so much more weighty in the balance, which is that of all other whence a state or order in a government is denominated. Wherefore this monarchy consisted of the king, and of the three (*ordines regni*, or) estates, the lords spiritual and temporal, and the commons: it consisted of these I say as to the balance, tho during the reign of som of these kings, not as to the administration.

Balance of the Neustrian monarchy.

4 Rich. 2.

Numb. 13.

For the ambition of Turbo, and som of those that more immediately succeded him, to be absolute princes, strove against the nature of their foundation, and, inasmuch as he had divided almost the whole realm among his *Neustrians*, with som incouragement for a while. But the *Neustrians* while they were but foren plants, having no security against the natives, but in growing up by their princes sides, were no sooner well rooted in their vast dominions, than they came up

Administration of the Neustrian monarchy during the reign of the first kings.

according to the infallible consequence of the balance domestic, and, contracting the national interest of the baronage, grew as fierce in the vindication of the antient rights and liberties of the same, as if they had bin always natives: whence, the kings being as obstinat on the one side for their absolute power, as these on the other for their immunitys, grew certain wars which took their denomination from the barons.

This fire about the middle of the reign of Adoxus began to break out.

And wheras the predecessors of this king had divers times bin forc'd to summon councils resembling those of the *Teutons*, to which the lords only that were barons by dominion and tenure had hitherto repair'd, Adoxus seeing the effects of such dominion, began first not to call such as were barons by writ (for that was according to the practice of antient times) but to call such by writs as were otherwise no barons; by which means striving to avoid the consequence of the balance, in coming unwillingly to set the government streight, he was the first that set it awry. For the barons in his reign, and his successors, having vindicated their antient authority, restor'd the parlament with all the rights and privileges of the same, saving that from thenceforth the kings had found out a way wherby to help themselves against the mighty, by creatures of their own, and such as had no other support but by their favor. By which means this government, being indeed the masterpiece of modern prudence, has bin cry'd up to the skys, as the only invention wherby at once to maintain the sovereignty of a prince, and the liberty of the people. Wheras indeed it has bin no other than a wrestling match, wherein the nobility, as they have bin stronger, have thrown the king; or the king, if he has bin stronger, has thrown the nobility; or the king, where he has had a nobility, and could bring them to his party, has thrown the people, as in *France* and *Spain*; or the people where they have had no nobility, or could get them to be of their party, have thrown the king, as in *Holland*, and of later times in *Oceana*.

Barons by writ.

But they came not to this strength but by such approaches and degrees, as remain to be further open'd. For wheras the barons by writ (as the sixty-four abbats, and thirty-six priors that were so call'd) were but *pro tempore*, Dicotome being the twelfth king from the conquest, began to make barons by letters patent, with the addition of honorary pensions for the maintenance of their dignitys to them and their heirs; so that they were hands in the king's purse, and had no shoulders for his throne.

49 H. 3.

Of these when the house of peers came once to be full, as will be seen hereafter, there was nothing more empty. But for the present, the throne having other supports, they did not hurt that so much as they did the king: for the old barons taking Dicotome's prodigality to such creatures so ill, that they depos'd him, got the trick of it, and never gave over setting up and pulling down their kings according to their various interests, and that faction of the *white* and *red*, into which they have bin thenceforth divided, till Panurgus the eighteenth king from the conquest, was more by their favor than his right advanc'd to the crown.

Barons by letters patent.

This king thro his natural subtilty reflecting at once upon the greatness of their power, and the inconstancy of their favor, began to find another flaw in this kind of government, which is also noted by Machiavel, namely that a throne supported by a nobility, is not so hard to be ascended, as kept warm. Wherefore his secret jealousy, lest the dissension of the

Dissolution of the late monarchy of Oceana.

nobility, as it brought him in, might throw him out, made him travel in ways undiscover'd by them, to ends as little foreseen by himself: while to establish his own safety, he by mixing water with their wine, first began to open those sluices that have since overwhelm'd not the king only, but the throne. For whereas a nobility strikes not at the throne without which they cannot subsist, but at some king that they do not like; popular power strikes thro the king at the throne, as that which is incompatible with it. Now that Panurgus in abating the power of the nobility, was the cause whence it came to fall into the hands of the people, appears by those several statutes that were made in his reign, as that for *population*, those against *retainers*, and that for *alienations*.

By the statute of population, all houses of husbandry that were us'd with twenty acres of ground and upwards, were to be maintain'd, and kept up for ever with a competent proportion of land laid to them, and in no wise, as appears by a subsequent statute, to be sever'd. By which means the houses being kept up, did of necessity inforce dwellers; and the proportion of land to be till'd being kept up, did of necessity inforce the dweller not to be a begger or cottager, but a man of some substance, that might keep hinds and servants, and set the plow a going. This did mightily concern (says the historian of that prince) the might and manhood of the kingdom, and in effect amortize a great part of the lands to the hold and possession of the yeomanry or middle people, who living not in a servile or indigent fashion, were much unlink'd from dependence upon their lords, and living in a free and plentiful manner, became a more excellent infantry; but such a one upon which the lords had so little power, that from henceforth they may be computed to have bin disarm'd.

And as they lost their infantry after this manner, so their cavalry and commanders were cut off by the statute of retainers: for whereas it was the custom of the nobility to have younger brothers of good houses, metal'd fellows, and such as were knowing in the feats of arms about them; they who were longer follow'd with so dangerous a train, escap'd not such punishments, as made them take up.

Henceforth the country-lives, and great tables of the nobility, which no longer nourish'd veins that would bleed for them, were fruitless and loathsome till they chang'd the air, and of princes became courtiers; where their revenues, never to have bin exhausted by beef and mutton, were found narrow, whence follow'd racking of rents, and at length sale of lands: the riddance thro the statute of alienations being render'd far more quick and facile than formerly it had bin thro the new invention of entails.

To this it happen'd, that Coraunus the successor of that king dissolving the abbys, brought with the declining state of the nobility so vast a prey to the industry of the people, that the balance of the commonwealth was too apparently in the popular party, to be unseen by the wise council of queen Parthenia, who converting her reign thro the perpetual lovetricks that past between her and her people into a kind of romance, wholly neglected the nobility. And by these degrees came the house of commons to raise that head, which since has bin so high and formidable to their princes, that they have look'd pale upon those assemblies. Nor was there any thing now wanting to the destruction of the throne, but that the people, not apt to see their own strength, should be put to feel it; when a prince, as stiff in disputes as the nerve of monarchy was

grown slack, receiv'd that unhappy incouragement from his clergy which became his utter ruin, while trusting more to their logic than the rough philosophy of his parliament, it came to an irreparable breach; for the house of peers, which alone had stood in this gap, now sinking down between the king and the commons, shew'd that Crassus was dead, and the *isthmus* broken. But a monarchy devested of its nobility, has no refuge under heaven but an army. Wherefore the dissolution of this government caus'd the war, not the war the dissolution of this government.

Of the king's success with his arms it is not necessary to give any further account, than that they prov'd as ineffectual as his nobility; but without a nobility or an army (as has bin shew'd) there can be no monarchy. Wherefore what is there in nature that can arise out of these ashes, but a popular government, or a new monarchy to be erected by the victorious army?

To erect a monarchy, be it never so new, unless like Leviathan you can hang it, as the country-fellow speaks, by geometry, (for what else is it to say, that every other man must give up his will to the will of this one man without any other foundation?) it must stand upon old principles, that is, upon a nobility or an army planted on a due balance of dominion. *Aut viam inveniam aut faciam*, was an adage of Cæsar; and there is no standing for a monarchy unless it finds this balance, or makes it. If it finds it, the work's don to its hand: for, where there is inequality of estates, there must be inequality of power; and where there is inequality of power, there can be no commonwealth. To make it, the sword must extirpat out of dominion all other roots of power, and plant an army upon that ground. An army may be planted nationally or provincially. To plant it nationally, it must be in one of the four ways mention'd, that is, either monarchically in part, as the *Roman beneficiarii*; or monarchically, in the whole, as the *Turkish timariots*; aristocratically, that is, by earls and barons, as the *Neustrians* were planted by Turbo; or democratically, that is, by equal lots, as the Israelitish army in the land of *Canaan* by Joshua. In every one of these ways there must not only be confiscations, but confiscations to such a proportion as may answer to the work intended.

Confiscation of a people that never fought against you, but whose arms you have born, and in which you have bin victorious, and this upon premeditation, and in cold blood, I should have thought to be against any example in human nature, but for those alleg'd by Machiavel of Agathocles, and Oliverettodi *Fermo*: the former wherof being captain general of the *Syracusans*, upon a day assembl'd the senat and the people, as if he had something to communicat with them, when at a sign given he cut the senators in pieces to a man, and all the richest of the people, by which means he came to be king. The proceedings of Oliveretto in making himself prince of *Fermo*, were somewhat different in circumstances, but of the same nature. Nevertheless Catilin, who had a spirit equal to any of these in his intended mischief, could never bring the like to pass in *Rome*. The head of a small commonwealth, such a one as was that of *Syracusa* or *Fermo*, is easily brought to the block; but that a populous nation, such as *Rome*, had not such a one, was the grief of Nero. If Sylvia or Cæsar attain'd to be princes, it was by civil war, and such civil war as yielded rich spoils, there being a vast nobility to be confiscated; which also was the case in *Oceana*, when it yielded earth by earldoms and baronys to the *Neustrian*, for the plantation of his new potentates.

Where a conqueror finds the riches of a land in the hands of the few, the forfeitures are easy, and amount to vast advantage; but where the people have equal shares, the confiscation of many coms to little, and is not only dangerous, but fruitless.

The *Romans* in one of their defeats of the *Volsci* found among the captives certain *Tusculans*, who, upon examination, confest that the arms they bore were by command of their state; wherupon information being given to the senat by the general Camillus, he was forthwith commanded to march against *Tusculum*; which doing accordingly, he found the *Tusculan* fields full of husbandmen, that stir'd not otherwise from the plow, than to furnish his army with all kind of accommodations and victuals: drawing near to the city, he saw the gates wide open, the magistrats coming out in their gowns to salute and bid him welcom: entring, the shops were all at work, and open; the streets sounded with the noise of schoolboys at their books; there was no face of war. Whereupon Camillus causing the senat to assemble, told them, That tho the art was understood, yet had they at length found out the true arms wherby the *Romans* were most undoubtedly to be conquer'd, for which cause he would not anticipat the senat, to which he desir'd them forthwith to send, which they did accordingly; and their dictator with the rest of their ambassadors being found by the *Roman* senators as they went into the house standing sadly at the door, were sent for in as friends, and not as enemys: where the dictator having said, If we have offended, the fault was not so great as is our penitence and your virtue; the senat gave them peace forthwith, and soon after made the *Tusculans* citizens of Rome.

But putting the case, of which the world is not able to shew an example, that the forfeiture of a populous nation, not conquer'd, but friends, and in cool blood, might be taken; your army must be planted in one of the ways mention'd. To plant it in the way of absolute monarchy, that is, upon feuds for life, such as the *Timars*, a country as large and fruitful as that of *Greece*, would afford you but sixteen thousand *Timariots*, for that is the most the *Turc* (being the best husband that ever was of this kind) makes of it at this day: and if *Oceana*, which is less in fruitfulness by one half, and in extent by three parts, should have no greater a force, whoever breaks her in one battel, may be sure she shall never rise; for such (as was noted by Machiavel) is the nature of the *Turkish* monarchy, if you break it in two battels, you have destroy'd its whole militia; and the rest being all slaves, you hold it without any further resistance. Wherefore the erection of an absolute monarchy in *Oceana*, or in any other country that is no larger, without making it a certain prey to the first invader, is altogether impossible.

To plant by halves, as the *Roman* emperors did their beneficiarys, or military colonys, it must be either for life; and this an army of *Oceaners* in their own country (especially having estates of inheritance) will never bear; because such an army so planted is as well confiscated as the people; nor had the *Mamalucs* bin contented with such usage in *Egypt*, but that they were foreners, and daring not to mix with the natives, it was of absolute necessity to their being.

Or planting them upon inheritance, whether aristocratically as the *Neustrians*, or democratically as the *Israelits*, they grow up by certain consequence into the national interest: and this, if they be planted popularly, coms to a commonwealth; if by way of nobility, to a mix'd monarchy, which of all other will be found to be the only kind of

monarchy, wherof this nation, or any other that is of no greater extent, has bin or can be capable: for if the *Israelits* (tho their democratical balance, being fix'd by their agrarian, stood firm) be yet found to have elected kings, it was because, their territory lying open, they were perpetually invaded, and being perpetually invaded, turn'd themselves to any thing which thro the want of experience they thought might be a remedy; whence their mistake in election of their kings (under whom they gain'd nothing, but on the contrary lost all they had acquir'd by their commonwealth, both estates and libertys) is not only apparent, but without parallel. And if there have bin (as was shewn) a kingdom of the *Goths* in *Spain*, and of the *Vandals* in *Asia*, consisting of a single person and a parlament (taking a parlament to be a council of the people only, without a nobility) it is expresly said of those councils, that they depos'd their kings as often as they pleas'd: nor can there be any other consequence of such a government, seeing where there is a council of the people, they do never receive laws, but give them; and a council giving laws to a single person, he has no means in the world wherby to be any more than a subordinat magistrat, but force: in which case he is not a single person and a parlament, but a single person and an army, which army again must be planted as has bin shewn, or can be of no long continuance.

It is true, that the provincial balance being in nature quite contrary to the national, you are no way to plant a provincial army upon dominion. But then you must have a native territory in strength, situation, or government, able to overbalance the foren, or you can never hold it. That an army should in any other case be long supported by a mere tax, is a mere phansy as void of all reason and experience, as if a man should think to maintain such a one by robbing of orchards: for *a mere tax is but pulling of plumtrees, the roots wherof are in others mens grounds*, who suffering perpetual violence, com to hate the author of it: and it is a maxim, that *no prince that is hated by his people can be safe*. Arms planted upon dominion extirpat enemys, and make friends: but maintain'd by a mere tax, have enemys that have roots, and friends that have none.

To conclude, *Oceana*, or any other nation of no greater extent, must have a competent nobility, or is altogether incapable of monarchy: for where there is equality of estates, there must be equality of power: and where there is equality of power, there can be no monarchy.

To com then to the generation of the commonwealth; it has bin shewn how thro the ways and means us'd by Panurgus to abase the nobility, and so to mend that flaw which we have asserted to be incurable in this kind of constitution, he suffer'd the balance to fall into the power of the people, and so broke the government: but the balance being in the people, the commonwealth (tho they do not see it) is already in the nature of* them. There wants nothing else but time (which is slow and dangerous) or art (which would be more quick and secure) for the bringing those native arms (wherwithal they are found already) to resist they know not how every thing that opposes them, to such maturity as may fix them upon their own strength and bottom.

The generation of the commonwealth.

But wheras this art is prudence; and that part of prudence which regards the present work, is nothing else but the skill of raising

What prudence is.

such superstructures of government, as are natural to the known foundations: they never mind the foundation, but thro certain animosities (wherewith by striving one against another they are infected) or thro freaks, by which, not regarding the course of things, nor how they conduce to their purpose, they are given to building in the air, com to be divided and subdivided into endless partys and factions, both civil and ecclesiastical: which briefly to open, I shall first speak of the people in general, and then of their divisions.

A People (says Machiavel) that is corrupt, is not capable of a commonwealth. But in shewing what a corrupt people is, he has either involv'd himself, or me; nor can I otherwise com out of the labyrinth, than by saying, the balance altering a people, as to the foregoing government, must of necessity be corrupt: but corruption in this sense signifys no more than that the corruption of one government (as in natural bodys) is the generation of another. Wherefore if the balance alters from monarchy, the corruption of the people in this case is that which makes them capable of a commonwealth. But wheras I am not ignorant, that the corruption which he means is in manners, this also is from the balance. For the balance leading from monarchical into popular, abates the luxury of the nobility, and, enriching the people, brings the government from a more privat to a more public interest; which coming nearer, as has bin shewn, to justice and right reason, the people upon a like alteration is so far from such a corruption of manners, as should render them incapable of a commonwealth, that of necessity they must therby contract such a reformation of manners as will bear no other kind of government. On the other side, where the balance changes from popular to oligarchical or monarchical, the public interest, with the reason and justice included in the same, becoms more privat; luxury is introduc'd in the room of temperance, and servitude in that of freedom; which causes such a corruption of manners both in the nobility and people, as, by the example of *Rome* in the time of the *Triumvirs*, is more at large discover'd by the author to have bin altogether incapable of a commonwealth.

But the balance of *Oceana* changing quite contrary to that of *Rome*, the manners of the people were not therby corrupted, but on the contrary adapted to a commonwealth. For differences of opinion in a people not rightly inform'd of their balance, or a division into partys (while there is not any common ligament of power sufficient to reconcile or hold them) is no sufficient proof of corruption. Nevertheless, seeing this must needs be matter of scandal and danger, it will not be amiss, in shewing what were the partys, to shew what were their errors.

The partys into which this nation was divided, were temporal, or spiritual: and the temporal partys were especially two, the one *royalists*, the other *republicans*: each of which asserted their different causes, either out of prudence or ignorance, out of interest or conscience.

For prudence, either that of the antients is inferior to the modern (which we have hitherto bin setting face to face, that any one may judg) or that of the royalist must be inferior to that of the commonwealthsman.

And for interest, taking the commonwealthsman to have really intended the public (for otherwise he is a hypocrit and the worst

The royalist.

of men) that of the royalist must of necessity have bin more privat. Wherefore the whole dispute will com upon matter of conscience: and this, whether it be urg'd by the right of kings, the obligation of former laws, or of the oath of allegiance, is absolv'd by the balance.

For if the right of kings were as immediatly deriv'd from the breath of God as the life of man, yet this excludes not death and dissolution. But, that the dissolution of the late monarchy was as natural as the death of a man, has bin already shewn. Wherefore it remains with the royalists to discover by what reason or experience it is possible for a monarchy to stand upon a popular balance; or, the balance being popular, as well the oath of allegiance, as all other monarchical laws, imply an impossibility, and are therefore void.

To the commonwealthsman I have no more to say, but that if he excludes any party, he is not truly such; nor shall ever found a commonwealth upon the natural principle of the same, which is justice. And the royalist for having not oppos'd a commonwealth in *Oceana* (where the laws were so ambiguous that they might be eternally disputed, and never reconcil'd) can neither be justly for that cause excluded from his full and equal share in the government; nor prudently, for this reason, that a commonwealth consisting of a party will be in perpetual labor of her own destruction: whence it was that the *Romans* having conquer'd the *Albans*, incorporated them with equal right into the commonwealth. And if the royalists be *flesh of your flesh*, and nearer of blood than were the *Albans* to the *Romans*, you being also both Christians, the argument's the stronger. Nevertheless there is no reason that a commonwealth should any more favor a party remaining in fix'd opposition against it, than Brutus did his own sons. But if it fixes them upon that opposition, it is its own fault, not theirs; and this is done by excluding them. Men that have equal possessions, and the same security for their estates and their libertys that you have, have the same cause with you to defend both: but if you will be trampling, they fight for liberty, tho for monarchy; and you for tyranny, tho under the name of a commonwealth: the nature of orders in a government rightly instituted being void of all jealousy, because, let the partys which it imbraces be what they will, its orders are such as they neither would resist if they could, nor could if they would, as has bin partly already shewn, and will appear more at large by the following model

The
commonwealthsman.

The partys that are spiritual are of more kinds than I need mention; some for a national religion, and others for liberty of conscience, with such animosity on both sides, as if these two could not consist together, and of which I have already sufficiently spoken, to shew, that indeed the one cannot well subsist without the other. But they of all the rest are the most dangerous, who, holding that the saints must govern, go about to reduce the commonwealth to a party, as well for the reasons already shewn, as that their pretences are against Scripture, where the saints are commanded to submit to the higher powers, and to be subject to the ordinance of man. And that men, pretending under the notion of saints or religion to civil power, have hitherto never fail'd to dishonor that profession, the world is full of examples, whereof I shall confine myself at present only to a couple, the one of old, the other of new *Rome*.

Religious partys.

In old *Rome* the patricians or nobility pretending to be the godly party, were question'd by the people for ingrossing all the magistracys of that commonwealth, and had nothing to say why they did so, but* that magistracy requir'd a kind of holiness which was not in the people† : at which the people were fill'd with such indignation as had com to cutting of throats, if the nobility had not immediatly laid by the insolency of that plea; which nevertheless when they had don, the people for a long time after continu'd to elect no other but patrician magistrats.

The example of new *Rome* in the rise and practise of the hierarchy (too well known to require any further illustration) is far more immodest.

This has bin the course of nature: and when it has pleas'd or shall please God to introduce any thing that is above the course of nature, he will, as he has always don, confirm it by miracle; for so in his prophecy of the reign of Christ upon earth, he expressly promises: seeing that *the souls of them that were beheaded for Jesus, shall be seen to live and reign with him*; which will be an object of sense, the rather, because the rest of the dead are not to live again till the thousand years be finish'd. And it is not lawful for men to persuade us that a thing already is, tho there be no such object of our sense, which God has told us shall not be till it be an object of our sense.

The saintship of a people as to government, consists in the election of magistrats fearing God, and hating covetousness, and not in their confining themselves, or being confin'd to men of this or that party or profession. It consists in making the most prudent and religious choice they can; yet not in trusting to men, but, next God, to their own orders. *Give us good men, and they will make us good laws*, is the maxim of a demagog, and is (thro the alteration which is commonly perceivable in men, when they have power to work their own wills) exceeding fallible. But *give us good orders, and they will make us good men*, is the maxim of a legislator, and the most infallible in the politics.

But these divisions (however there be some good men that look sadly on them) are trivial things; first as to the civil concern, because the government, wherof this nation is capable, being once seen, takes in all interests. And, secondly, as to the spiritual; because as the pretence of religion has always bin turbulent in broken governments, so where the government has bin sound and stedly, religion has never shew'd it self with any other face than that of the natural sweetness and tranquillity: nor is there any reason why it should; wherfore the errors of the people are occasion'd by their governors.

If they be doubtful of the way, or wander from it, it is because their guides misled them; and the guides of the people are never so well qualify'd for leading by any virtue of their own, as by that of the government.

The errors of the people are from their governors.

The government of *Oceana* (as it stood at the time wherof we discourse, consisting of one single council of the people, exclusively of the king and the lords) was call'd a parliament: nevertheless the parlements of the *Teutons* and of the *Neustrians* consisted, as has bin shewn, of the king, lords and commons; wherfore this under an old name was a new thing: a parliament consisting of a single assembly elected by the people,

and invested with the whole power of the government, without any covenants, conditions, or orders whatsoever. So new a thing, that neither antient nor modern prudence can shew any avow'd example of the like. And there is scarce any thing that seems to me so strange as that (wheras there was nothing more familiar with these counsellors, than to bring the Scripture to the house) there should not be a man of them that so much as offer'd to bring the house to the Scripture, wherein, as has bin shewn, is contain'd that original, wherof all the rest of the commonwealths seem to be copys. Certainly if Leviathan (who is surer of nothing than that a popular commonwealth consists but of one council) transcrib'd his doctrin out of this assembly, for him to except against Aristotle and Cicero for writing out of their own commonwealths, was not so fair play; or if the parlament transcrib'd out of him, it had been an honor better due to Moses. But where one of them should have an example but from the other, I cannot imagin, there being nothing of this kind that I can find in story, but the oligarchy of *Athens*, the thirty tyrants of the same, and the *Roman decemvirs*.

For the oligarchy, Thucydides tells us, that it was a senat or council of four hundred, pretending to a balancing council of the people consisting of five thousand, but not producing them; wherein you have the definition of an *oligarchy*, which is a single council both debating and resolving, dividing and chusing; and what that must com to, was shewn by the example of the girls, and is apparent by the experience of all times: wherfore the thirty set up by the *Lacedemonians* (when they had conquer'd *Athens*) are call'd tyrants by all authors, Leviathan only excepted, who will have them against all the world to have bin an *aristocracy*; but for what reason I cannot imagin, these also, as void of any balance, having been void of that which is essential to every commonwealth, whether aristocratical or popular; except he be pleas'd with them, because that, according to the testimony of Xenophon, they kill'd more men in eight months, than the *Lacedemonians* had don in ten years; *oppressing the people* (to use Sir Walter Raleigh's words) *with all base and intolerable slavery*.

Lib. 8.

The usurp'd government of the *decemvirs* in *Rome* was of the same kind. Wherfore in the fear of God let Christian legislators (setting the pattern given in the mount on the one side, and these execrable examples on the other) know the right hand from the left; and so much the rather, because those things which do not conduce to the good of the govern'd, are fallacious, if they appear to be good for the governors. God, in chastising a people, is accustom'd to burn his rod. The empire of these oligarchys was not so violent as short, nor did they fall upon the people, but in their own immediat ruin. A council without a balance is not a commonwealth, but an oligarchy; and every oligarchy, except it be put to the defence of its wickedness or power against som outward danger, is factious. Wherfore the errors of the people being from their governors (which maxim in the politics bearing a sufficient testimony to it self, is also prov'd by Machiavel) if the people of *Oceana* have bin factious, the cause is apparent: but what remedy?

In answer to this question, I com now to the army; of which the most victorious captain, and incomparable patriot, Olphaus Megaletor, was now general: who being a much greater master of that art wherof I

The generals

have made a rough draught in these preliminaries, had such sad reflections upon the ways and proceedings of the parliament, as cast him upon books, and all other means of diversion, among which he happen'd on this place of Machiavel: "Thrice happy is that people which chances to have a man able to give them such a government at once, as without alteration may secure them of their libertys; seeing it was certain that *Lacedemon*, in observing the laws of Lycurgus, continu'd about eight hundred years without any dangerous tumult or corruption." My Lord General (as it is said of Themistocles, that he could not sleep for the glory obtain'd by Miltiades at the battel of *Maratho*) took so new and deep an impression at these words of the much greater glory of Lycurgus, that, being on this side assaulted with the emulation of his illustrious object, and on the other with the misery of the nation, which seem'd (as it were ruin'd by his victory) to cast itself at his feet, he was almost wholly depriv'd of his natural rest, till the debate he had within himself came to a firm resolution, that the greatest advantages of a commonwealth are, first, that the legislator should be one man: and, secondly, that the government should be made all together, or at once.

For the first, It is certain, says Machiavel, that a commonwealth is seldom or never well turn'd or constituted, except it has bin the work of one man; for which cause a wise legislator, and one whose mind is firmly set, not upon privat but the public interest, not upon his posterity but upon his country, may justly endeavour to get the sovereign power into his own hands; nor shall any man that is master of reason blame such extraordinary means as in that case will be necessary, the end proving no other than the constitution of a well-order'd commonwealth.

Des. B. 1. c. 9.

The reason of this is demonstrable: for the ordinary means not failing, the commonwealth has no need of a legislator; but the ordinary means failing, there is no recourse to be had but to such as are extraordinary. And, whereas a book or a building has not bin known to attain to its perfection, if it has not had a sole author or architect; a commonwealth, as to the fabric of it, is of the like nature.

That a legislator is to be one.

And thus it may be made at once; in which there be great advantages: for a commonwealth made at once, takes security at the same time it lends mony; and trusts not itself to the faith of men, but lanches immediatly forth into the empire of laws: and being set streight, brings the manners of its citizens to its rule; whence follow'd that uprightness which was in *Lacedemon*. But manners that are rooted in men, bow the tenderness of a commonwealth coming up by twigs to their bent; whence follow'd the obliquity that was in *Rome*, and those perpetual repairs by the consuls axes, and tribuns hammers, which could never finish that commonwealth but in destruction.

That a commonwealth is to be made at once.

My Lord General being clear in these points, and of the necessity of som other course than would be thought upon by the parliament, appointed a meeting of the army, where he spoke his sense agreeable to these preliminaries with such success to the soldiery, that the parliament was soon after depos'd; and he himself (in the great hall of the *pantheon* or palace of justice, situated in *Emporium* the capital city) was created by the universal suffrage of the army, Lord Archon, or sole legislator of *Oceana*: upon which theatre you have, to conclude this piece, a person introduc'd, whose fame shall never draw its curtain.

The Lord Archon being created, fifty select persons to assist him (by laboring in the mines of antient prudence, and bringing its hidden treasures to new light) were added, with the stile also of *legislators*, and sat as a council, wherof he was the sole director and president.

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The Council Of Legislators.

OF this piece, being the greater half of the whole work, I shall be able at this time to give no farther account, than very briefly to shew at what it aims.

My Lord Archon, in opening the council of legislators, made it appear how unsafe a thing it is to follow phansy in the fabric of a commonwealth; and how necessary that the archives of antient prudence should be ransack'd before any counsellor should presume to offer any other matter in order to the work in hand, or towards the consideration to be had by the council upon a model of government. Wherefore he caus'd an urn to be brought, and every one of the counsellors to draw a lot. By the lots as they were drawn,

The commonwealth of }	<i>ISRAEL</i>	fell to	PHOSPHORUS DE } AUGE.
The commonwealth of }	<i>ATHENS</i>	fell to	NAVARCHUS DE } PARALO.
The commonwealth of }	<i>LACEDEMON</i>	fell to	LACO DE SCYTALE.
The commonwealth of }	<i>CARTHAGE</i>	fell to	MAGO DE SYRTIBUS.
The commonwealth of }	the <i>ACHEANS ÆTOLIANS</i> , and <i>LYCIANS</i>	fell to	ARATUS DE ISTHMO.
The commonwealth of }	the <i>SWITZ</i>	fell to	ALPESTER DE } FULMINE.
The commonwealth of }	<i>HOLLAND</i> , and the <i>UNITED</i> <i>PROVINCES</i>	fell to	GLAUCUS DE ULNA.
The commonwealth of }	<i>ROME</i>	fell to	DOLABELLA DE } ENYO.
The commonwealth of }	<i>VENICE</i>	fell to	LYNCEUS DE } STELLA.

These contain'd in them all those excellencys wherof a commonwealth is capable; so that to have added more, had bin to no purpose. Upon time given to the counsellors, by their own studys and those of their friends, to prepare themselves, they were open'd in the order, and by the persons mention'd at the council of legislators, and afterwards by order of the same were repeated at the council of the *prytans* to the people: for in drawing of the lots, there were about a dozen of them inscrib'd with the letter P. wherby the counsellors that drew them became *prytans*.

The *prytans* were a committee or council sitting in the great hall of *Pantheon*, to whom it was lawful for any man to offer any thing in order to the fabrick of the commonwealth: for which cause, that they might not be opprest by the throng, there was a rail about the table wher they sat, and on each side of the same a pulpit; that on the right hand for any man that would propose any thing, and that on the left for any

other that would oppose him. And all partys (being indemnify'd by proclamation of the Archon) were invited to dispute their own interests, or propose whatever they thought fit (in order to the future government) to the council of the *prytans*, (who having a guard of about two or three hundred men, lest the heat of dispute might break the peace) had the right of moderators, and were to report from time to time such propositions or occurrences as they thought fit, to the council of legislators sitting more privatly in the palace call'd *Alma*.

This was that which made the people (who were neither safely to be admitted, nor conveniently to be excluded in the framing of the commonwealth) verily believe when it came forth, that it was no other than that wherof they themselves had bin the makers.

Moreover, this council sat divers months after the publishing, and during the promulgation of the model to the people; by which means there is scarce any thing was said or written for or against the said model, but you shall have it with the next impression of this work, by way of oration addrest to, and moderated by the *prytans*.

By this means the council of legislators had their necessary solitude and due aim in their greater work, as being acquainted from time to time with the pulse of the people, and yet without any manner of interruption or disturbance.

Wherefore every commonwealth in its place having bin open'd by due method, that is, first, by the people; secondly, by the senat; and, thirdly, by the magistracy; the council upon mature debate took such results or orders out of each, and out of every part of each of them, as upon opening the same they thought fit; which being put from time to time in writing by the clerk or secretary, there remain'd no more in the conclusion, than putting the orders so taken together, to view and examin them with a diligent ey, that it might be clearly discover'd whether they did interfere, or could any wise com to interfere or jostle one with the other. For as such orders jostling, or coming to jostle one another, are the certain dissolution of the commonwealth; so taken upon the proof of like experience, and neither jostling, nor shewing which way they can possibly come to jostle one another, they make a perfect, and (for aught that in human prudence can be foreseen) an immortal commonwealth.

And such was the art wherby my Lord Archon (taking council of the commonwealth of *Israel*, as of Moses; and of the rest of the commonwealths, as of Jethro) fram'd the model of the commonwealth of *Oceana*.

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OCEANA: THE MODEL OF THE Commonwealth Of OCEANA.

WHEREAS my Lord Archon being from Moses and Lycurgus the first legislator that hitherto is found in history to have introduc'd or erected an intire commonwealth at once, happen'd, like them also, to be more intent upon putting the same into execution or action, than into writing; by which means the model came to be promulgated or publish'd with more brevity and less illustration than is necessary for their understanding who have not bin acquainted with the whole proceedings of the council of legislators, and of the *prytans*, where it was asserted and clear'd from all objections and doubts: to the end that I may supply what was wanting in the promulgated epitome to a more full and perfect narrative of the whole, I shall rather take the commonwealth practically; and as it has now given an account of it self in som years revolutions (as Dicearchus is said to have don that of *Lacedemon*, first transcrib'd by his hand som three or four hundred years after the institution) yet not omitting to add for proof to every order such debates and speeches of the legislators in their council, or at least such parts of them as may best discover the reason of the government; nor such ways and means as were us'd in the institution or rise of the building, not to be so well conceiv'd, without som knowlege given of the engines wherewithal the mighty weight was mov'd. But thro the intire omission of the council of legislators or workmen that squar'd every stone to this structure in the quarrys of antient prudence, the proof of the first part of this discourse will be lame, except I insert, as well for illustration as to avoid frequent repetition, three remarkable testimonys in this place.

The first is taken out of the commonwealth of *Israel*:

Suidas.

So Moses hearken'd to the voice of (Jethro) his father-in-law, and did all that he had said.

Exod. 18. 24.

And Moses chose able men out of all Israel, and made them heads over the people; tribuns, as it is in the vulgar Latin; or *phylarchs*, that is, *princes of the tribes*, sitting upon twelve* thrones, and judging the twelve tribes of *Israel*: and next to these he chose rulers of thousands, rulers of hundreds, rulers of fiftys, and rulers of tens, which were the steps and rise of this commonwealth from its foundation or root to its proper elevation or accomplishment in the *sanhedrim*, and the congregation, already open'd in the preliminaries.

Numb. 1. 16.

The second is taken out of *Lacedemon*, as Lycurgus (for the greater impression of his institutions upon the minds of his citizens) pretended to have receiv'd the model of that commonwealth from the oracle of Apollo at *Delphos*, the words wherof are thus recorded by Plutarch in the life of that famous legislator: 'When thou shalt have divided the people into tribes (which were fix) and *obas* (which were five in every tribe) thou shalt constitut the senat, consisting, with the two kings, of thirty counsellors, who, according as occasion requires, shall cause the congregation to be assembled between the bridg and the river *Gnacion*,

Matth.

Crag. de Rep.

Lac. lib. 1. c. 6.

where the senat shall propose to the people, and dismiss them without suffering them to debate.' The *obæ* were linages into which every tribe was divided, and in each tribe there was another division containing all those of the same that were of military age; which being call'd the *mora*, was subdivided into troops and companys that were kept in perpetual disciplin under the command of a magistrat call'd the *polemarch*.

The third is taken out of the commonwealth of *Rome*, or those parts of it which are compris'd in the first and second books of Livy, where the people, according to the institution by Romulus, are first divided into thirty *curias* or parishes, wherof he elected (by three out of each *curia*) the senat, which from his reign to that of Servius Tullus proposed to the parishes or parochial congregations; and these being call'd the *comitia curiata*, had the election of the* kings, the confirmation of their† laws, and the last appeal in matters of judicature, as appears in the case of Horatius that kill'd his sister; till in the reign of Servius (for the other kings kept not to the institution of Romulus) the people being grown somewhat, the power of the *curiata* was for the greater part translated to the *centuriata comitia* instituted by this king, which distributed the people according to the cense or valuation of their estates into six classes, every one containing about forty centurys, divided into youth and elders; the youth for field-service, the elders for the defence of their territory, all arm'd and under continual disciplin, in which they assembl'd both upon military and civil occasions. But when the senat propos'd to the people, the horse only, Halicar. wherof there were twelve centurys consisting of the richest sort over and above those of the foot enumerated, were call'd with the first classis of the foot to the suffrage; or if these accorded not, then the second classis was call'd to them, but seldom or never any of the rest. Wherefore the people after the expulsion of the kings, growing impatient of this inequality, rested not till they had reduc'd the suffrage as it had bin in the *comitia curiata* to the whole people again: but in another way, that is to say, by the *comitia tributa*, which thereupon were instituted, being a council where the people in exigencys made laws without the senat; which laws were call'd *phlebiscita*. This council is that in regard wherof Cicero and other great wits so frequently inveigh against the people, and somtimes even Livy, as at the first† institution of it. To say the truth, it was a kind of anarchy, wherof the people could not be excusable, if there had not, thro the courses taken by the senat, bin otherwise a necessity that they must have seen the commonwealth run into oligarchy.

The manner how the *comitia curiata*, *centuriata* or *tributa*, were call'd, during the time of the commonwealth, to the suffrage, was Sigonius. by lot: the *curia*, century, or tribe, whereon the first lot fell, being stil'd *principium*, or the prerogative; and the other *curiæ*, centurys or tribes, whereon the second, third, and fourth lots, & c. fell, the *jure vocatæ*: From henceforth not the first classis, as in the times of Servius, but the prerogative, whether *curia*, century, or tribe, came first to the suffrage, whose vote was call'd *omen prærogativum*, and seldom fail'd to be leading to the rest of the tribes. The *jure vocatæ* in the order of their lots came next: the manner of giving suffrage was, by casting wooden tablets, mark'd for the affirmative or the negative, into certain urns standing upon a scaffold, as they march'd over it in files; which for the resemblance it bore, was call'd the bridg. The candidat or competitor, who had most suffrages in a *curia*, century, or tribe, was said to have that

curia, century, or tribe; and he who had most of the *curiæ*, centurys, or tribes, carry'd the magistracy.

These three places being premis'd, as such upon which there will be frequent reflection, I com to the narrative, divided into two parts, the first containing the institution, the second the constitution of the commonwealth; in each wherof I shall distinguish the orders, as those which contain the whole model, from the rest of the discourse, which tends only to the explanation or proof of them.

In the institution or building of a commonwealth, the first work (as that of builders) can be no other than fitting and distributing the materials.

Institution of the commonwealth.

The materials of a commonwealth are the people; and the people of *Oceana* were distributed by casting them into certain divisions, regarding their quality, their age, their wealth, and the places of their residence or habitation, which was don by the insuing orders.

Divisions of the people.

The first ORDER distributes the people into freemen or citizens, and servants, while such; for if they attain to liberty, that is, to live of themselves, they are freemen or citizens.

1 Order. Into freemen and servants.

This order needs no proof, in regard of the nature of servitude, which is inconsistent with freedom, or participation of government in a commonwealth.

The second ORDER distributes citizens into youth and elders (such as are from 18 years of age to 30, being accounted youth; and such as are of 30 and upwards, elders) and establishes that the youth shall be the marching armys, and the elders the standing garisons of this nation.

2 Order. Into youth and elders.

A commonwealth whose arms are in the hands of her servants, had need be situated (as is elegantly said of *Venice* by [*Contarini](#)) out of the reach of their clutches; witness the danger run by that of *Carthage* in the rebellion of Spendius and Matho. But tho a city (if one swallow makes a summer) may thus chance to be safe, yet shall it never be great; for it *Carthage* or *Venice* acquir'd any fame in their arms, it is known to have happen'd thro the mere virtue of their captains, and not of their orders: wherefore *Israel*, *Lacedemon*, and *Rome* intail'd their arms upon the prime of their citizens, divided (at least in *Lacedemon* and *Rome*) into youth and elders; the youth for the field, and the elders for defence of the territory.

The third ORDER distributes the citizens into horse and foot by the cense or valuation of their estates; they who have above one hundred pounds a year in lands, goods, or monys, being oblig'd to be of the horse; and they who have under that sum, to be of the foot. But if a man has prodigally wasted and spent his patrimony, he is neither capable of magistracy, office, or suffrage in the commonwealth.

3 Order. Into horse and foot.

Citizens are not only to defend the commonwealth, but according to their abilities, as the *Romans* under Servius Tullus (regard had to their estates) were som inrol'd in the horse centurys, and others of the foot, with arms injoin'd accordingly; nor could it be otherwise in the rest of the commonwealths, tho out of historical remains, that are so much darker, it be not so clearly probable. And the necessary prerogative to be given by a commonwealth to estates, is in som measure in the nature of industry, and the use of it to the public. § *The Roman people, says Julius Exuperantius, were divided into classes, and tax'd according to the value of their estates. All that were worth the sums appointed were imploy'd in the wars; for they most eagerly contend for the victory, who fight for liberty in defence of their country and possessions. But the poorer sort were pol'd only for their heads (which was all they had) and kept in garison at home in time of war: for these might betray the armys for bread, by reason of their poverty; which is the reason that Marius, to whom the care of the government ought not to have bin committed, was the first that led 'em into the field; and his success was accordingly. There is a mean in things; as exorbitant riches overthrow the balance of a commonwealth, so extreme poverty cannot hold it, nor is by any means to be trusted with it. The clause in the order concerning the prodigal is Athenian, and a very laudable one; for he that could not live upon his patrimony, if he coms to touch the public mony, makes a commonwealth bankrupt.*

The fourth ORDER distributes the people according to the places of their habitation, into parishes, hundreds, and tribes.

4 Order. Into parishes, hundreds, and tribes.

For except the people be methodically distributed, they cannot be methodically collected; but the being of a commonwealth consists in the methodical collection of the people: wherfore you have the *Israelitish* divisions into rulers of thousands, of hundreds, of fiftys, and of tens; and of the whole commonwealth into tribes: the *Laconic* into *obas*, *moras*, and tribes; the *Roman* into tribes, centurys, and classes; and something there must of necessity be in every government of the like nature; as that in the late monarchy, by countys. But this being the only institution in *Oceana* (except that of the agrarian) which requir'd any charge or included any difficulty, engages me to a more particular description of the manner how it was perform'd, as follows.

A thousand surveyors commissioned and instructed by the lord Archon and the council, being divided into two equal numbers, each under the inspection of two surveyors general, were

The use and method of the surveyors.

distributed into the northern and southern parts of the territory, divided by the river *Hemisua*, the whole wherof contains about ten thousand parishes, som ten of those being assign'd to each surveyor: for as to this matter there needed no great exactness, it tending only (by shewing whither every one was to repair, and wherabout to begin) to the more orderly carrying on of the work; the nature of their instructions otherwise regarding rather the number of the inhabitants, than of the parishes. The surveyors therfore being every one furnish'd with a convenient proportion of urns, balls and balloting boxes (in the use wherof they had bin formerly exercis'd) and now arriving each at his respective parishes, began with the people, by teaching them their first lesson, which was the ballot; and tho they found them in the beginning somewhat forward as at toys, with which (while they were in expectation of greater matters from a council of legislators) they conceiv'd themselves to be abus'd, they came within a

little while to think them pretty sport, and at length such as might very soberly be us'd in good earnest: wherupon the surveyors began the institution included in

The first ORDER, requiring, That upon the first Monday next insuing the last of December, the bigger bell in every parish throout the nation be rung at eight of the clock in the morning, and continue ringing for the space of one hour; and that all the elders of the parish respectively repair to the church, before the bell has don ringing; where dividing themselves into two equal numbers, or as near equal as may be, they shall take their places according to their dignitys (if they be of divers qualitys) and according to their seniority (if they be of the same) the one half on the one side, and the other half on the other, in the body of the church: which don, they shall make oath to the overseers of the parish for the time being (instead of these the surveyors were to officiat at the institution or first assembly) by holding up their hands, to make a fair election according to the laws of the ballot, as they are hereafter explain'd, of such persons, amounting to a fifth part of their whole number, to be their deputys, and to exercise their power in manner hereafter explain'd, as they shall think in their consciences to be fittest for that trust, and will acquit themselves of it to the best advantage of the commonwealth. And oath being thus made, they shall procede to election, if the elders of the parish amount to one thousand by the ballot of the tribe (as it is in due place explain'd) and if the elders of the parish amount to fifty or upwards, but within the number of one thousand, by the ballot of the hundred (as it is in due place explain'd). But if the elders amount not to fifty, then they shall procede to the ballot of the parish, as it is in this place, and after this manner explain'd. The two overseers for the time being shall seat themselves at the upper end of the middle ally, with a table before them, their faces being towards the congregation: and the constable for the time being shall set an urn before the table, into which he shall put so many balls as there be elders present, wherof there shall be one that is gilded, the rest being white; and when the constable has shaken the urn, sufficiently to mix the balls, the overseers shall call the elders to the urn, who from each side of the church shall com up the middle ally in two files, every man passing by the urn, and drawing out one ball; which if it be silver, he shall cast into a bowl standing at the foot of the urn, and return by the outward ally on his side to his place. But he who draws the golden ball is the proposer, and shall be seated between the overseers, where he shall begin in what order he pleases, and name such as (upon his oath already taken) he conceives fittest to be chosen, one by one, to the elders; and the party nam'd shall withdraw while the congregation is balloting hisname by the double box or boxes appointed and mark'd on the outward part, to shew which side is affirmative and which negative, being carry'd by a boy or boys appointed by the overseers, to every one of the elders, who shall hold up a pellet made of linen rags between his finger and his thumb, and put it after such a manner into the box, as tho no man can see into which side he puts it, yet any man may see that he puts in but one pellet or suffrage. And the suffrage of the congregation being thus given, shall be return'd with the box or boxes to the overseers, who opening the same, shall pour the affirmative balls into a white bowl standing upon the table on the right hand, to be number'd by the first overseer; and the negative into a green bowl standing on the left hand, to be number'd by the second overseer: and the suffrages being number'd, he who has the major part in the affirmative is one of the deputys of the parish: and when so many

5 Order. Institution of the parishes, of the ballot, and of the deputys.

deputys are chosen as amount to a full fifth part of the whole number of the elders, the ballot for that time shall cease. The deputys being chosen are to be listed by the overseers in order as they were chosen, except only that such as are horse must be listed in the first place with the rest, proportionable to the number of the congregation, after this manner:

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Anno Dom.

The list of the first mover.

- | | | |
|-------------|---|--|
| Ord. | } | <i>of the parish of — in the hundred of — and the tribe of — which parish</i> |
| A.A. Eq. 1 | | <i>at the present election contains 20 elders, wherof one is of the horse or</i> |
| Dep. | | <i>equestrian order.</i> |
| B. | } | <i>of the parish of — in the hundred of — and the tribe of — which parish</i> |
| B. 2 Dep. | | <i>at the present election contains 20 elders, wherof one is of the horse or</i> |
| | | <i>equestrian order.</i> |
| C. | } | <i>of the parish of — in the hundred of — and the tribe of — which parish</i> |
| C. 3 Dep. | | <i>at the present election contains 20 elders, wherof one is of the horse or</i> |
| | | <i>equestrian order.</i> |
| D.D. 4 Dep. | | <i>of the parish of — in the hundred of — and the tribe of — which parish</i> |
| | | <i>at the present election contains 20 elders, wherof one is of the horse or</i> |
| | | <i>equestrian order.</i> |
| E. | } | <i>of the parish of — in the hundred of — and the tribe of — which parish</i> |
| E. 5 Dep. | | <i>at the present election contains 20 elders, wherof one is of the horse or</i> |
| | | <i>equestrian order.</i> |

THE first and second in the list are overseers by consequence: the third is the constable, and the fourth and fifth are churchwardens; the persons so chosen are deputys of the parish for the space of one year from their election, and no longer; nor may they be elected two years together. This list being the primum mobile, or first mover of the commonwealth, is to be register'd in a book diligently kept and preserv'd by the overseers, who are responsible in their places for these and other dutys to be hereafter mentioned, to the censors of the tribe: and the congregation is to observe the present order, as they will answer the contrary to the phylarch, or prerogative troop of the tribe; which, in case of failure in the whole or any part of it, have power to fine them or any of them at discretion, but under an appeal to the parliament.

For proof of this order; first, in reason: it is with all politicians past dispute, that paternal power is in the right of nature; and this is no other than the derivation of power from fathers of familys, as the natural root of a commonwealth. And for experience, if it be otherwise in that of *Holland*, I know no other example of the like kind.

In *Israel*, the sovereign power came clearly from the natural root, the elders of the whole people; and *Rome* was born (*comitiis curiatis*) in her parochial congregations, out of which Romulus first rais'd her senat, then all the rest of the orders of that commonwealth, which rose so high: for the depth of a commonwealth is the just height of it.

Jos. 24. 1.

**She raises up her head unto the skys,
Near as her root unto the center lys.*

And if the commonwealth of *Rome* was born of thirty parishes, this of *Oceana* was born of ten thousand. But whereas mention in the birth of this is made of an equestrian order, it may startle such as know that the division of the people of *Rome*, at the institution of that commonwealth into orders, was the occasion of its ruin. The distinction of the patrician as a hereditary order from the very institution, ingrossing all the magistracies, was indeed the destruction of *Rome*; but to a knight or one of the equestrian order, says Horace,

*Si quadringentis sex septem millia desunt,
Plebs eris.*

By which it should seem that this order was not otherwise hereditary than a man's estate, nor did it give any claim to magistracy; wherefore you shall never find that it disquieted the commonwealth; nor does the name denote any more in *Oceana*, than the duty of such a man's estate to the public.

But the surveyors both in this place and in others, forasmuch as they could not observe all the circumstances of this order, especially that of the time of election, did for the first as well as they could; and, the elections being made and register'd, took each of them copies of those lists which were within their allotments; which don they produc'd

The sixth ORDER, directing, in case a parson or vicar of a parish comes to be remov'd by death or by the censors, that the congregation of the parish assemble and depute one or two elders by the ballot, who upon the charge of the parish shall repair to one of the universities of this nation with a certificat sign'd by the overseers, and address to the Vice-Chancellor: which certificat giving notice of the death or removal of the parson or vicar, of the value of the parsonage or vicarage, and of the desire of the congregation to receive a probationer from that university, the Vice-Chancellor upon the receipt thereof shall call a convocation, and having made choice of a fit person, shall return him in due time to the parish, where the person so return'd shall return the full fruits of the benefice or vicarage, and do the duty of the parson or vicar, for the space of one year, as probationer: and that being expir'd, the congregation of the elders shall put their probationer to the ballot: and if he attains not to two parts in three of the suffrage affirmative, he shall take his leave of the parish, and they shall send in like manner as before for another probationer; but if their probationer obtains two parts in three of the suffrage affirmative, he is then pastor of that parish. And the pastor of the parish shall pray with the congregation, preach the word, and administer the sacraments to the same, according to the directory to be hereafter appointed by the parliament. Nevertheless such as are of gather'd congregations, or from time to time shall join with any of them, are in no wise oblig'd to this way of electing their teachers, or to give their votes in this case, but wholly left to the liberty of their own consciences, and to that way of worship which they shall chuse, being not Popish, Jewish, or idolatrous. And to the end they may be the better protected by the state in the exercise of the same, they are desir'd to make choice, in such manner as they best like, of certain magistrats in every one of their congregations, which we could wish might be four in each of them,

6 Order. Of ordination, a national religion, and liberty of conscience.

to be auditors in cases of differences of distast, if any thro variety of opinions, that may be grievous or injurious to them, shall fall out. And such auditors or magistrats shall have power to examin the matter, and inform themselves, to the end that if they think it of sufficient weight, they may acquaint the phylarch with it, or introduce it into the council of religion; where all such causes as those magistrats introduce, shall from time to time be heard and determin'd according to such laws as are or shall hereafter be provided by the parlament for the just defeuce of the liberty of conscience.

This order consists of three parts, the first restoring the power of ordination to the people, which, that it originally belongs to them, is clear, tho not in English yet in Scripture, where the apostles *ordain'd elders by the holding up of hands in every congregation*, that is, by the suffrage of the people, which was also giver. in som of those citys by the ballot. And tho it may be shewn that the apostles ordain'd som by the laying on of hands, it will not be shewn that they did so in every congregation.

Acts 14. 23.

Excommunication, as not clearly provable out of the scripture, being omitted, the second part of the order implys and establishes a national religion: for there be degrees of knowlege in divine things; true religion is not to be learnt without searching the Scripture: the Scriptures cannot be search'd by us unless we have them to search: and if we have nothing else, or (which is all one) understand nothing else but a translation, we may be (as in the place alleg'd we have bin) beguil'd or misled by the translation, while we should be searching the true sense of the Scripture, which cannot be attain'd in a natural way (and a commonwealth is not to presume upon that which is supernatural) but by the knowlege of the original and of antiquity, acquir'd by our own studys, or those of som others, for even *faith coms by hearing*. Wherefore a commonwealth not making provision of men from time to time, knowing in the original languages wherin the Scriptures were written, and vers'd in those antiquitys to which they so frequently relate, that the true sense of them depends in great part upon that knowlege, can never be secure that she shall not lose the Scripture, and by consequence her religion; which to preserve she must institut som method of this knowlege, and som use of such as have acquir'd it, which amounts to a national religion.

The commonwealth having thus perform'd her duty towards God, as a rational creature, by the best application of her reason to Scripture, and for the preservation of religion in the purity of the same, yet pretends not to infallibility, but coms in the third part of the order, establishing liberty of conscience according to the instructions given to her council of religion, to raise up her hands to heaven for further light; in which proceeding she follows that (as was shewn in the preliminaries) of *Israel*, who tho her national religion was always a part of her civil law, gave to her prophets the upper hand of all her orders.

But the surveyors having now done with the parishes, took their leaves; so a parish is the first division of land occasion'd by the first collection of the people of *Oceana*, whose function proper to that place is compriz'd in the six preceding orders.

Definition of a parish.

The next step in the progress of the surveyors was to a meeting of the nearest of them, as their work lay, by twentys; where conferring their lists, and computing the deputys contain'd

Institution of the hundred.

therin, as the number of them in parishes, being nearest neighbors, amounted to one hundred, or as even as might conveniently be brought with that account, they cast them and those parishes into the precinct which (be the deputys ever since more or fewer) is still call'd the *hundred*: and to every one of these precincts they appointed a certain place, being the most convenient town within the same, for the annual rendezvous; which don, each surveyor returning to his hundred, and summoning the deputys contain'd in his lists to the rendezvous, they appear'd and receiv'd

The seventh ORDER, requiring, That upon the first Monday next insuing the last of January, the deputys of every parish annually

7 Order.

assemble in arms at the rendezvous of the hundred, and there elect out of their number one justice of the peace, one jurymen, one captain, one ensign of their troop or century, each of these out of the horse; and one jurymen, one crowner, one high constable, out of the foot; the election to be made by the ballot in this manner. The jurymen for the time being are to be overseers of the ballot (instead of these, the surveyors are to officiat at the first assembly) and to look to the performance of the same according to what was directed in the ballot of the parishes, saving that the high constable setting forth the urn, shall have five several sutes of gold balls, and one dozen of every sute; wherof the first shall be mark'd with the letter A, the second with the letter B, the third with C, the fourth with D, and the fifth with E: and of each of these sutes he shall cast one ball into his hat, or into a little urn, and shaking the balls together, present them to the first overseer, who shall draw one, and the sute which is so drawn by the overseer, shall be of use for that day, and no other: for example, if the overseer drew an A, the high constable shall put seven gold balls mark'd with the letter A into the urn, with so many silver ones as shall bring them even with the number of the deputys, who being sworn, as before, at the ballot of the parish to make a fair election, shall be call'd to the urn; and every man coming in manner as was there shew'd, shall draw one ball, which if it be silver, he shall cast it into a bowl standing at the foot of the urn, aad return to his place; but the first that draws a gold ball (shewing it to the overseers, who, if it has not the letter of the present ballot, have power to apprehend and punish him) is the first elector, the second the second elector, and so to the seventh; which order they are to observe in their function. The electors as they are drawn shall be plac'd upon the bench by the overseers, till the whole number be complete, and then be conducted, with the list of the officers to be chosen, into a place apart, where being privat, the first elector shall name a person to the first office in the list; and if the person so nam'd, being balloted by the rest of the electors, attains not to the better half of the suffrages in the affirmative, the first elector shall continue nominating others, till one of them so nominated by him attains to the plurality of the suffrages in the affirmative, and be written first competitor to the first office. This don, the second elector shall observe in his turn the like order; and so the rest of the electors, naming competitors each to his respective office in the list, till one competitor be chosen to every office: and when one competitor is chosen to every office, the first elector shall begin again to name a second competitor to the first office, and the rest successively shall name to the rest of the offices till two competitors be chosen to every office; the like shall be repeated till three competitors

be chosen to every office. And when three competitors are chosen to every office, the list shall bereturn'd to the overseers, or such as the overseers, in case they or either of them happen'd to be electors, have substituted in his or their place or places: and the overseers or substitutes having caus'd the list to be read to the congregation, shall put the competitors, in order as they are written, to the ballot of the congregation: and the rest of the proceedings being carry'd on in the manner directed in the fifth order, that competitor, of the three written to each office, who has most of the suffrages above half in the affirmative, is the officer. The list being after this manner completed, shall be entred into a register, to be kept at the rendezvous of the hundred, under inspection of the magistrats of the same, after the manner following:

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Anno Domini.

The list of the nebuloſa.

A.	Ord. Eq. Juſtice of	} of the hundred of — in the tribe of — which hundred
A.	the Peace	conſiſts at this election of 105 deputys.
B.	Ord. Eq. Firſt	} of the hundred of — in the tribe of — which hundred
B.	Juryman	conſiſts at this election of 105 deputys.
C.	Ord. Eq. Captain of	} of the hundred of — in the tribe of — which hundred
C.	the Hundred	conſiſts at this election of 105 deputys.
D.	Ord. Eq. Enſign	} of the hundred of — in the tribe of — which hundred
D.		conſiſts at this election of 105 deputys.
E.	Second Juryman	} of the hundred of — in the tribe of — which hundred
E.		conſiſts at this election of 105 deputys.
F.	High Conſtable	} of the hundred of — in the tribe of — which hundred
F.		conſiſts at this election of 105 deputys.
G.	Crowner	} of the hundred of — in the tribe of — which hundred
G.		conſiſts at this election of 105 deputys.

THE liſt being enter'd, the high conſtable ſhall take three copys of the ſame, wherof he ſhall preſently return one to the lord high ſheriff of the tribe, a ſecond to the lord cuſtos rotulorum, and a third to the cenſors; or theſe, thro the want of ſuch magiſtrats at the firſt muſter, may be return'd to the orator, to be appointed for that tribe. To the obſervation of all and every part of this order, the officers and deputys of the hundred are all and every of them oblig'd, as they will answer it to the phylarch, who has power in caſe of failure in the whole or any part, to fine all or any of them ſo failing at diſcretion, or according to ſuch laws as ſhall hereafter be provided in that caſe; but under an appeal to the parliament.

There is little in this order worthy of any further account, but that it answers to the rulers of hundreds in *Israel*, to the *mora* or military part of the tribe in *Lacedemon*, and to the century in *Rome*. The jurymen, being two in a hundred, and ſo forty in a tribe, give the latitude allow'd by the law for exceptions. And wheras the golden balls at this ballot begin to be mark'd with letters, wherof one is to be drawn immediatly before it begins; this is to the end that the letter being unknown, men may be fruſtrated of tricks or foul play, wheras otherwiſe a man may bring a golden ball with him, and make as if he had drawn it out of the urn. The ſurveyors, when they had taken copys of theſe liſts, had accompliſh'd their work in the hundreds.

So a hundred is the ſecond diviſion of land occaſion'd by the ſecond collection of the people, whoſe civil and military functions proper to this place are compriz'd in the foregoing order.

Definition of the
hundred.

Having ſtated the hundreds, they met once again by twentys, where there was nothing more eaſy than to caſt every twenty hundreds, as they lay moſt conveniently together,

into one tribe; so the whole territory of *Oceana*, consisting of about ten thousand parishes, came to be cast into one thousand hundreds, and into fifty tribes.

In every tribe at the place appointed for the annual rendezvous of the same, were then, or soon after, begun those buildings which are now call'd *pavilions*; each of them standing with one open side upon fair columns, like the porch of some antient temple, and looking into a field, capable of the muster of some four thousand men:

Institution of the tribe.

before each pavilion stand three pillars sustaining urns for the ballot, that on the right-hand equal in height to the brow of a horseman, being call'd the *horse urn*; that on the left-hand, with bridges on either side to bring it equal in height with the brow of a footman, being call'd the *foot urn*; and the *middle urn* with a bridge on the side towards the foot urn, the other side, as left for the horse, being without one: and here ended the whole work of the surveyors, who return'd to the lord Archon with this

Of the pavilion.

Account of the charge.

	<i>l.</i>	<i>s.</i>
The whole charge of the institution. <i>IMPRIMIS</i> , Urns, balls, and balloting boxes for ten thousand parishes, the same being wooden ware,	20000	00
<i>ITEM</i> , Provisions of the like kind for a thousand hundreds	3000	00
<i>ITEM</i> , Urns and balls of metal, with balloting boxes for fifty tribes,	2000	00
<i>ITEM</i> , For erecting of fifty pavilions,	60000	00
<i>ITEM</i> , Wages for four surveyors general at 1000 <i>l.</i> a man,	4000	00
<i>ITEM</i> , Wages for the rest of the surveyors, being 1000, at 250 <i>l.</i> a man,	250000	00
Sum Total,	39000	00

This is no great matter of charge for the building of a commonwealth, in regard that it has cost (which was pleaded by the surveyors) as much to rig a few ships. Nevertheless that proves not them to be honest, nor their account to be just; but they had their money for once, tho' their reckoning be plainly guilty of a crime, to cost him his neck that commits it another time, it being impossible for a commonwealth (without an exact provision that it be not abus'd in this kind) to subsist: for if no regard should be had of the charge (tho' that may go deep) yet the debauchery and corruption, wherto, by negligence in accounts, it infallibly exposes its citizens, and thereby lessens the public faith, which is the nerve and ligament of government, ought to be prevented. But the surveyors being dispatch'd, the lord Archon was very curious in giving names to his tribes, which having caus'd to be written in scrolls cast into an urn, and presented to the counsellors, each of them drew one, and was accordingly sent to the tribe in his lot, as orators of the same, a magistracy no otherwise instituted, than for once and *pro tempore*, to the end that the council upon so great an occasion might both congratulate with the tribes, and assist at the first muster in some things of necessity to be differently carry'd from the establish'd administration, and future course of the commonwealth.

The orators being arriv'd, every one as soon as might be, at the rendezvous of his tribe, gave notice to the hundreds, and summon'd the muster, which appear'd for the most part upon good horses, and already indifferently well arm'd; as to instance in one for all, the tribe of *Nubia*, where Hermes de Caduceo, lord orator of the same, after a short salutation and a hearty welcome, apply'd himself to his business, which began with

The eighth ORDER, requiring, *That the lord high sheriff as commander in chief, and the lord Custos Rotulorum as mustermaster of the tribe (or the orator for the first muster) upon reception of the lists of their hundreds, return'd to them by the high constables of the same, presently cause them to be cast up, dividing the horse from the foot, and listing the horse by their names in troops, each troop containing about a hundred in number, to be inscrib'd, first, second or third troop, &c. according to the order agreed upon by the said magistrats: which don, they shall list the foot in like manner, and inscribe the companys in like order. These lists upon the eve of the muster shall be deliver'd to certain trumpeters and drummers, wherof there shall be fifteen of each sort (as well for the present as otherwise to be hereafter mentioned) stipendiated by the tribe. And the trumpeters and drummers shall be in the field before the pavilion, upon the day of the muster, so soon as it is light, where they shall stand every one with his list in his hand, at a due distance, placed according to the order of the list; the trumpeters with the lists of the horse on the right hand, and the drummers with the lists of the foot on the left hand: where having sounded a while, each of them shall begin to call, and continue calling the names of the deputys, as they com into the field, till both the horse and foot be gather'd by that means into their due order. The horse and foot being in order, the lord lieutenant of the tribe shall cast so many gold balls mark'd with the figures, 1, 2, 3, 4, &c. as there be troops of horse in the field, together with so many silver balls as there be companys, mark'd in the same manner, into a little urn, to which he shall call the captains; and the captains drawing the gold balls shall command the horse, and those that draw the silver the foot, each in the order of his lot. The like shall be don by the conductor at the same time for the ensigns at another urn; and they that draw the gold balls shall be cornets, the rest ensigns.*

8 Order.

This order may puzzle the reader, but tends to a wonderful speed of the muster, to which it would be a great matter to lose a day in ranging and martialling, whereas by virtue of this the tribe is no sooner in the field than in battalia, nor sooner in battalia than call'd to the urns or the ballot by virtue of

The ninth ORDER, wherby the censors (or the orator for the first muster) upon reception of the lists of the hundreds from the high constables, according as is directed by the seventh order, are to make their notes for the urns beforehand, with regard had to the lists of the magistrats, to be elected by the ensuing orders, that is to say, by the first list call'd the *prime magnitude*, six; and by the second call'd the *galaxy*, nine. Wherefore the censors are to put into the middle urn for the election of the first list twenty four gold balls, with twenty six blanks or silver balls, in all sixty; and into the side urns sixty gold balls divided into each according to the different number of the horse and foot: that is to say, if the horse and the foot be equal, equally; and if the horse and the foot be unequal, inequally, by an arithmetical

9 Order.

proportion. The like shall be don the second day of the muster, for the second list, except that the censors shall put into the middle urn 36 gold balls with 24 blanks, in all sixty; and sixty gold balls into the side urns, divided respectively into the number of the horse and the foot: and the gold balls in the side urns at either ballot are by the addition of blanks to be brought even with the number of the ballotants at either urn respectively. The censors having prepar'd their notes, as has bin shewn, and being com at the day appointed into the field, shall present a little urn to the lord high sheriff, who is to draw twice for the letters to be us'd that day, the one at the side urns, and the other at the middle. And the censors having fitted the urns accordingly, shall place themselves in certain movable seats or pulpits (to be kept for that use in the pavilion) the first censor before the horse urn, the second before the foot urn, the lord lieutenant doing the office of censor *pro tempore* at the middle urn; where all and every one of them shall cause the laws of the ballot to be diligently observ'd, taking a special care that no man be suffer'd to com above once to the urn, (wherof it more particularly concerns the subcensors, that is to say, the overseers of every parish, to be careful; they being each in this regard responsible for their respective parishes) or to draw above one ball, which if it be gold, he is to present to the censor, who shall look upon the letter; and if it be not that of the day, and of the respective urn, apprehend the party, who for this or any other like disorder, is obnoxious to the *phylarch*.

This order being observ'd by the censors, it is not possible for the people, if they can but draw the balls, tho they understand nothing at all of the ballot, to be out. To philosophize further upon this art, tho there be nothing more rational, were not worth the while; because in writing it will be perplex'd, and the first practice of it gives the demonstration: whence it came to pass, that the orator, after some needless pains in the explanation of the two foregoing orders, betaking himself to exemplify the same, found the work don to his hand; for the tribe, as eager upon a business of this nature, had retain'd one of the surveyors, out of whom (before the orator arriv'd) they had got the whole mystery by a stoln muster, at which in order to the ballot they had made certain magistrats *pro tempore*. Wherefore he found not only the pavilion (for this time a tent) erected with three posts, supplying the place of pillars to the urns; but the urns being prepar'd with a just number of balls for the first ballot, to becom the field, and the occasion very gallantly, with their covers made in the manner of helmets, open at either ear to give passage to the hands of the ballotants, and flanting with noble plumes to direct the march of the people. Wherefore he proceeded to

The tenth ORDER, requiring of the deputys of the parishes, That upon every *Monday* next ensuing the last of *February*, they make their personal appearance, horse and foot in arms accordingly, at the rendezvous of the tribe; where being in disciplin, the horse upon the right, and the foot upon the left, before the pavilion, and having made oath by holding up their hands upon the tender of it by the lord high sheriff, to make election without favour, and of such only as they shall judg fittest for the commonwealth: the conductor shall take three balls, the one inscrib'd with these words [*outward files*] another with these words [*inward files*] and the third with these [*middle files*] which balls he shall cast into a little urn, and present it to the lord high sheriff, who drawing one, shall give the words of command, as they are therupon inscrib'd, and the ballot shall begin accordingly. For example, if the ball be inscrib'd *middle files*, the ballot shall begin by the middle; that is, the two

10 Order.

files that are middle to the horse, shall draw out first to the horse urn, and the two files that are middle to the foot, shall draw out first to the foot urn, and be follow'd by all the rest of the files as they are next to them in order. The like shall be don by the inward, or by the outward files, in case they be first call'd. And the files, as every man has drawn his ball, if it be silver, shall begin at the urn to countermarch to their places; but he that has dxawn a gold ball at a side urn, shall procede to the middle urn, where if the ball he draws be silver, he shall also countermarch: but if it be gold, he shall take his place upon a form set cross the pavilion, with his face toward the lord high sheriff, who shall be seated in the middle of the pavilion, with certain clerks by him, one of which shall write down the names of every elector, that is, of every one that drew a gold ball at the middle urn, and in the order his ball was drawn, till the electors amount to six in number. And the first six electors, horse and foot promiscuously, are the first order of electors; the second six (still accounting them as they are drawn) the second order; the third six, the third order; and the fourth six, the fourth order of electors: every elector having place in his order, according to the order wherein he was drawn. But so soon as the first order of electors is complete, the lord high sheriff shall send them with a copy of the following list, and a clerk that understands the ballot, immediatly to a little tent standing before the pavilion in his ey, to which no other person but themselves, during the election, shall approach. The list shall be written in this manner:

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Anno Domini.

The list of the prime magnitude or first day's election of magistrats.

- | | |
|---|---|
| 1. The lord high sheriff,
commander in chief | } of the tribe of Nubia, containing at this present muster
700 horse, and 1500 foot, in all 22000 deputys. |
| 2. Lord lieutenant | } of the tribe of Nubia, containing at this present muster
700 horse, and 1500 foot, in all 22000 deputys. |
| 3. Lord custos rotulorum,
mustermaster general | } of the tribe of Nubia, containing at this present muster
700 horse, and 1500 foot, in all 22000 deputys. |
| 4. The conductor, being
quartermaster general | } of the tribe of Nubia, containing at this present muster
700 horse, and 1500 foot, in all 22000 deputys. |
| 5. The first censor | } of the tribe of Nubia, containing at this present muster
700 horse, and 1500 foot, in all 22000 deputys. |
| 6. The second censor | } of the tribe of Nubia, containing at this present muster
700 horse, and 1500 foot, in all 22000 deputys. |

If it be objected against this order, that the magistrats to be elected by it, will be men of more inferior rank than those of the hundreds, in regard that those are chosen first; it may be remember'd, that so were the burgesses in the former government, nevertheless the knights of the shire were men of greater quality: and the election at the hundred is made by a council of electors, of whom less cannot be expected than the discretion of naming persons fittest for those capacitys, with an ey upon these to be elected at the tribe. As for what may be objected in point of difficulty, it is demonstrable by the foregoing orders, that a man might bring ten thousand men (if there were occasion) with as much ease, and as suddenly to perform the ballot, as he can make five thousand men (drawing them out by double files) to march a quarter of a mile. But because at this ballot, to go up and down the field, distributing the linen pellets to every man, with which he is to ballot or give suffrage, would lose a great deal of time, therefore a man's wife, his daughters, or others, make him his provision of pellets before the ballot; and he comes into the field with a matter of a score of them in his pocket. And now I have as good as don with the sport. The next is

The eleventh ORDER, explaining the dutys and functions of the magistrats contain'd in the list of the prime magnitude: and those of the hundreds, beginning with the lord high sheriff, who, over and above his more antient offices, and those added by the former order, is the first magistrat of the *phylarch*, or prerogative troop. The lord lieutenant, over and above his duty mentioned, is commander in chief of the musters of the youth, and second magistrat of the *phylarch*. The *custos rotulorum* is to return the yearly muster-rolls of the tribe, as well that of the youth as of the elders, to the rolls in *emporium*, and is the third magistrat of the *phylarch*. The censors by themselves, and their subcensors, that is, the overseers of the parishes, are to see that the respective laws of the ballot be observ'd in all the popular assemblys of the tribe. They have power also to put such national ministers, as in preaching shall intermeddle with matters of government, out of their livings: except the party appeals to the

11 Order. Functions of the magistrats of the prime magnitude.

phylarch, or to the council of religion, where in that case the censors shall prosecute. All and every one of these magistrats, together with the justices of peace, and the jurymen of the hundreds, amounting in the whole number to threescore and six, are the prerogative troop or *phylarch* of the tribe.

THE function of the phylarch or prerogative troop is fivesold.

*First, They are the council of the tribe, and as such to govern the musters of the same according to the foregoing orders, having cognizance of what has past in the congregation or elections made in the parishes or the hundreds, with power to punish any undue practices, or variation from their respective rules and orders, under an appeal to the parliament. A marriage legitimatly is to be pronounc'd by the parochial congregation, the muster of the hundred, or the *phylarch*. And if a tribe have a desire (which they are to express at the muster by their captains, every troop by his own) to petition the parliament, the *phylarch*, as the counsil, shall frame the petition in the pavilion, and propose it by clauses to the ballot of the whole tribe; and the clauses that shall be affirm'd by the ballot of the tribe, and sign'd by the hands of the six magistrats of the prime magnitude, shall be receiv'd and esteem'd by the parliament as the petition of the tribe, and no other.*

Functions of the
phylarch.

Secondly, The phylarch has power to call to their assistance what other troops of the tribe they please (be they elders or youth, whose disciplin will be hereafter directed) and with these to receive the judges itinerant in their circuits, whom the magistrats of the phylarch shall assist upon the bench, and the jurys elsewhere in their proper functions according to the more antient laws and customs of this nation.

Thirdly, The phylarch shall hold the court called the quarter sessions according to the antient custom, and therin shall also hear causes in order to the protection of liberty of conscience, by such rules as are or shall hereafter be appointed by the parliament.

Fourthly, All commissions issu'd into the tribes by the parliament, or by the chancery, are to be directed to the phylarch, or som of that troop, and executed by the same respectively.

Fifthly, In the case of levys of mony the parliament shall tax the phylarchs, the phylarchs shall tax the hundreds, the hundreds the parishes, and the parishes shall levy it upon themselves. The parishes having levy'd the tax-mony, accordingly shall return it to the officers of the hundreds, the hundreds to the phylarchs, and the phylarchs to the Exchequer. But if a man has ten children living, he shall pay no taxes; if he has five living, he shall pay but half taxes; if he has bin marry'd three years, or be above twenty five years of age, and has no child or children lawfully begotten, he shall pay double taxes. And if there happen to grow any dispute upon these or such other orders as shall or may hereto be added hereafter, the phylarchs shall judg the tribes, and the parliament shall judg the phylarchs. For the rest, if any man shall go about to introduce the right or power of debate into any popular council or congregation of this nation, the phylarch or any magistrat of the hundred, or of the tribe, shall cause him presently to be sent in custody to the council of war.

The part of the order relating to the rolls in *Emporium* being of singular use, is not unworthy to be somewhat better open'd. In what manner the lists of the parishes, hundreds, and tribes are made, has bin shewn in their respective orders, where after the partys are elected, they give an account of the whole number of the elders or deputys in their respective assemblys or musters; the like for this part exactly is don by the youth in their disciplin (to be hereafter shewn) wherfore the lists of the parishes, youth and elders, being sum'd up, give the whole number of the people able to bear arms; and the lists of the tribes, youth and elders, being sum'd up, give the whole number of the people bearing arms. This account, being annually recorded by the master of the rolls, is call'd the *pillar of Nilus*, because the people being the riches of the commonwealth, as they are found to rise or fall by the degrees of this pillar, like that river, give an account of the public harvest.

Institution of the roll call'd the *pillar of Nilus*.

Thus much for the description of the first day's work at the muster, which happen'd, as has bin shewn, to be done as soon as said: for as in practice it is of small difficulty, so requires it not much time, seeing the great council of *Venice*, consisting of a like number, begins at twelve of the clock, and elects nine magistrats in one afternoon. But the tribe being dismiss'd for this night, repair'd to their quarters, under the conduct of their new magistrats. The next morning returning to the field very early, the orator proceeded to

The twelfth ORDER, directing the muster of the tribe in the second day's election, being that of the list call'd the *galaxy*; in which the censors shall prepare the urns according to the directions given in the ninth order for the second ballot; that is to say, with 36 gold balls in the middle urn, making four orders, and nine electors in every order, according to the number of the magistrats in the list of the *galaxy*, which is as follows:

12 Order. Institution of the *galaxy*.

1. Knight } to be chosen out of the horse.
2. Knight } to be chosen out of the horse.
3. Deputy } to be chosen out of the horse.
4. Deputy } to be chosen out of the horse.
5. Deputy } to be chosen out of the horse.
6. Deputy } to be chosen out of the foot.
7. Deputy } to be chosen out of the foot.
8. Deputy } to be chosen out of the foot.
9. Deputy } to be chosen out of the foot.

THE rest of the ballot shall procede exactly according to that of the first day. But forasmuch as the commonwealth demands as well the fruits of a man's body as of his mind, he that has not bin marry'd shall not be capable of these magistracys till he be marry'd. If a deputy, already chosen to be an officer in the parish, in the hundred, or in the tribe, be afterwards chosen of the galaxy, it shall be lawful for him to delegat his office in the parish, in the hundred, or in the tribe, to any one of his own order, being not already chosen into office. The knights and deputys being chosen, shall be brought to the head of the tribe by the lord high sheriff, who shall administer to them

this oath; Ye shall well and truly observe and keep the orders and customs of this commonwealth which the people have chosen. And if any of them shall refuse the oath, he shall be rejected, and that competitor which had the most voices next shall be call'd, in his place; who if he takes the oath shall be entered in the list; but if he also refuses the oath, he who had most voices next shall be call'd, and so till the number of nine out of those competitors which had most voices be sworn knights and deputys of the galaxy. [This clause, in regard of the late divisions, and to the end that no violence be offer'd to any man's conscience, to be of force but for the first three years only.] The knights of the galaxy being elected and sworn, are to repair, by the Monday next insuing the last of March, to the pantheon or palace of justice, situated in the metropolis of this commonwealth (except the parlament, by reason of a contagious sickness, or som other occasion, has adjourn'd to another part of the nation) where they are to take their places in the senat, and continue in full power and commission as senators for the full term of three years next insuing the date of their election. The deputys of the galaxy are to repair by the same day (except as before excepted) to the halo situated in Emporium, where they are to be listed of the prerogative tribe, or equal representative of the people; and to continue in full power and commission as their deputys for the full term of three years next insuing their election. But forasmuch as the term of every magistracy or office in this commonwealth requires an equal vacation, a knight or deputy of the galaxy, having fulfill'd his term of three years, shall not be reelected into the same galaxy, or any other, till he has also fulfill'd his three years vacation.

Whoever shall rightly consider the foregoing orders, will be as little able to find how it is possible, that a worshipful knight should declare himself in ale and beef worthy to serve his country, as how my lord high sheriff's honour, in case he were protected from the law, could play the knave. But tho the foregoing orders, so far as they regard the constitution of the senat and the people, requiring no more as to an ordinary election than is therein explain'd, that is but one third part of their knights and deputys, are perfect; yet must we in this place, and as to the institution, of necessity erect a scaffold. For the commonwealth to the first creation of her councils in full number, requir'd thrice as many as are eligible by the foregoing orders. Wherefore the orator, whose aid in this place was most necessary, rightly informing the people of the reason, staid them two days longer at the muster, and took this course. One list containing two knights and seven deputys, he caus'd to be chosen upon the second day; which list being call'd the *first galaxy*, qualify'd the partys elected of it with power for the term of one year and no longer: another list containing two knights and seven deputys more, he caus'd to be chosen the third day, which list being call'd the *second galaxy*, qualify'd the partys elected of it with power for the term of two years and no longer. And upon the fourth day he chose the *third galaxy*, according as it is directed by the order, impower'd for three years; which lists successively falling (like the sign: or constellations of one hemisphere, which setting, cause those of the other to rise) cast the great orbs of this commonwealth into an annual, triennial, and perpetual revolution.

The business of the muster being thus happily finish'd, Hermes de Caduceo, lord orator of the tribe of *Nubia*, being now put into her first rapture, caus'd one of the

censors pulpits to be planted in front of the squadron, and ascending into the same, spake after this manner.

My Lords, The Magistrats And The People Of The Tribe Of Nubia.

“WE have this day solemniz’d the happy nuptials of the two greatest princes that are upon the earth or in nature, arms and councils: in the mutual embraces wherof consists your whole commonwealth; whose councils upon their perpetual wheelings, marches, and countermarches, create her armys; and whose armys with the golden vollys of the ballot at once create and salute her councils. There be those (such is the world at present) that think it ridiculous to see a nation exercising its civil functions in military disciplin; while they, committing their buff to their servants, com themselves to hold trenchards. For what avails it such as are unarm’d, or (which is all one) whose education acquaints them not with the proper use of their swords, to be call’d citizens? What were two or three thousand of you, tho never so well affected to your country, but naked, to one troop of mercenary soldiers? If they should com upon the field and say, Gentlemen, It is thought fit that such and such men should be chosen by you; where were your liberty; Or, Gentlemen, parlaments are exceeding good, but you are to have a little patience, these times are not so fit for them; where were your commonwealth? What causes the monarchy of the *Turcs* but servants in arms? What was it that begot the glorious commonwealth of *Rome*, but the sword in the hands of her citizens? Wherefore my glad eys salute the serenity and brightness of this day with a showr that shall not cloud it. Behold the army of *Israel* becom a commonwealth, and the commonwealth of *Israel* remaining an army, with her rulers of tens and of fiftys, her rulers of hundreds and thousands, drawing near (as this day throout our happy fields) to the lot by her tribes, increas’d above threefold, and led up by her *phylarchs* or princes, to sit upon* fifty thrones, judging the fifty tribes of *Oceana*! Or, Is it *Athens*, breaking from her iron sepulcher, where she has bin so long trampled by hosts of *janizarys*? For certainly that is the voice of Theseus, having gather’d his scatter’d *Athenians* into one city.† This freeborn nation lives not upon the dole or bounty of one man, but distributing her annual magistracys and honours with her own hand, is herself king PEOPLE—at which the orator was a while interrupted with shouts, but at length proceeded)—Is it grave *Lacedemon* in her arm’d tribe divided by her *obæ* and her *mora*, which appears to chide me that I teach the people to talk, or conceive such language as is drest like a woman, to be a fit usher of the joys of liberty into the hearts of men? Is it *Rome* in her victorious arms (for so she held her *concio* or congregation) that congratulats with us, for finding out that which she could not hit on, and binding up her *comitia curiata*, *centuriata*, and *tributa*, in one inviolable league of union? Or is it the great council of incomparable *Venice*, bowling forth by the self-same ballot her immortal commonwealth? For, neither by reason nor by experience is it impossible that a commonwealth should be immortal; seeing the people being the materials, never dy; and the form, which is motion, must, without opposition, be endless. The bowl which is thrown from your hand, if there be no rub, no impediment, shall never cease: for which cause the glorious luminarys that are the bowls of God, were once thrown for ever; and next these, those of *Venice*. But certainly, my lords, whatever these great examples may have shewn us, we are the

first that have shewn to the world a commonwealth establish'd in her rise upon fifty such towers, and so garnizon'd as are the tribes of *Oceana*, containing a hundred thousand elders upon the annual list, and yet but an outguard; besides her marching armies to be equal in the disciplin, and in the number of her youth.

“And forasmuch as sovereign power is a necessary but a formidable creature, not unlike the powder which (as you are soldiers) is at once your safety and your danger, being subject to take fire against you as well as for you; how well and securely is she by your *galaxys* so collected as to be in full force and vigor, and yet so distributed that it is impossible you should be blown up by your own magazine? Let them who will have it, that power if it be confin'd cannot be sovereign, tell us, whether our rivers do not enjoy a more secure and fruitful reign within their proper banks, than if it were lawful for them, in ravaging our harvests, to spill themselves? whether souls, not confin'd to their peculiar bodys, do govern them any more than those of witches in their trances? whether power, not confin'd to the bounds of reason and virtue, has any other bounds than those of vice and passion? or if vice and passion be boundless, and reason and virtue have certain limits, on which of these thrones holy men should anoint their sovereign? but to blow away this dust, the sovereign power of a commonwealth is no more bounded, that is to say straitned, than that of a monarch; but is balanc'd. The eagle mounts not to her proper pitch, if she be bounded; nor is free, if she be not balanc'd. And lest a monarch should think he can reach further with his scepter, the Roman eagle upon such a balance spread her wings from the ocean to *Euphrates*. Receive the sovereign power; you have received it, hold it fast, imbrace it for ever in your shining arms. The virtue of the loadstone is not impair'd or limited, but receives strength and nourishment by being bound in iron. And so giving your lordships much joy, I take my leave of this tribe.”

The orator descending, had the period of his speech made with a vast applause and exultation of the whole tribe, attending him for that night to his quarter, as the *phylarch* with some commanded troops did the next day to the frontiers of the tribe, where leave was taken on both sides with more tears than grief.

So, a tribe is the third division of land occasion'd by the third collection of the people, whose functions proper to that place are contain'd in the five foregoing orders.

Definition of the tribe.

The institution of the commonwealth was such as needed those props and scaffolds which may have troubled the reader; but I shall here take them away, and com to the constitution which stands by it self, and yields a clearer prospect.

The motions, by what has bin already shown, are spherical; and spherical motions have their proper center: for which cause (e'er I procede further) it will be necessary, for the better understanding of the whole, that I discover the center wherupon the motions of this commonwealth are form'd.

Constitution of the commonwealth.

The center, or basis of every government, is no other than the fundamental laws of the same.

Fundamental laws are such as state what it is that a man may call his own, that is to say, property; and what the means be whereby a man may enjoy his own, that is to say, protection. The first is also call'd dominion, and the second empire or sovereign power, wherof this (as has been shewn) is the natural product of the former: for such as is the balance of dominion in a nation, such is the nature of its empire.

Wherefore the fundamental laws of *Oceana*, or the center of this commonwealth, are the agrarian and the ballot: the agrarian by the balance of dominion preserving equality in the root; and the ballot by an equal rotation conveying it into the branch, or exercise of sovereign power: as, to begin with the former, appears by

The thirteenth ORDER, constituting the agrarian laws of Oceana, Marpesia, and Panopea, whereby it is ordain'd, first, for all such lands as are lying and being within the proper territorys of Oceana, that every man who is at present possess, or shall hereafter be possess of an estate in land exceeding the revenue of two thousand pounds a year, and having more than one son, shall leave his lands either equally divided among them, in case the lands amount to above 2000 l. a year to each; or so near equally in case they com under, that the greater part or portion of the same remaining to the eldest, excede not the value of two thousand pounds revenue. And no man, not in present possession of lands above the value of two thousand pounds by the year, shall receive, enjoy (except by lawful inheritance) acquire, or purchase to himself lands within the said territorys, amounting, with those already in his possession, above the said revenue. And if a man has a daughter, or daughters, except she be an heiress, or they be heiresses, he shall not leave or give to any one of them in marriage, or otherwise, for her portion, above the value of one thousand five hundred pounds in lands, goods, and monys. Nor shall any friend, kinsman, or kinswoman, add to her or their portion or portions that are so provided for, to make any one of them greater. Nor shall any man demand, or have more in marriage with any woman. Nevertheless an heiress shall enjoy her lawful inheritance, and a widow, whatsoever the bounty or affection of her husband shall bequeath to her, to be divided in the first generation, wherein it is divisible according as has bin shewn.

Secondly, For lands lying and being within the territorys of Marpesia, the agrarian shall hold in all parts as it is established in Oceana, except only in the standard or proportion of estates in land, which shall be set for Marpesia at five hundred pounds. And,

Thirdly, For Panopea, the agrarian shall hold in all parts, as in Oceana. And whosoever possessing above the proportion allow'd by these laws, shall be lawfully convicted of the same, shall forfeit the overplus to the use of the state.

Agrarian laws of all others have ever bin the greatest bugbears, and so in the institution were these, at which time it was ridiculous to see how strange a fear appear'd in every body of that which, being good for all, could hurt no body. But instead of the proof of this order, I shall out of those many debates that happen'd e'er it could be past, insert two speeches that were made at the council of legislators, the first by the right honourable Philautus de Garbo, a young man, being heir apparent to a very noble family, and one of the counsellors, who exprest himself as follows.

May It Please Your Highness, My LordArchonOf Oceana.

“IF I did not, to my capacity, know from how profound a counsellor I dissent, it would certainly be no hard task to make it as light as the day: first, That an agrarian is altogether unnecessary. Secondly, That it is dangerous to a commonwealth. Thirdly, That it is insufficient to keep out monarchy. Fourthly, That it ruins familys. Fifthly, That it destroys industry. And last of all, That tho it were indeed of any good use, it will be a matter of such difficulty to introduce in this nation, and so to settle that it may be lasting, as is altogether invincible.

“First, That an agrarian is unnecessary to a commonwealth, what clearer testimony can there be, than that the commonwealths which are our coteremporarys (*Venice*, to which your highness gives the upperhand of all antiquity, being one) have no such thing? and there can be no reason why they have it not, seeing it is in the sovereign power at any time to establish such an order, but that they need it not; wherefore no wonder if Aristotle, who pretends to be a good commonwealthsman has long since derided Phaleas, to whom it was attributed by the *Greecs*, for his invention.

“Secondly, That an agrarian is dangerous to a commonwealth is affirm’d upon no slight authority, seeing Machiavel is positive, that it was the dissension which happen’d about the agrarian that caus’d the destruction of *Rome*; nor do I think that it did much better in *Lacedemon*, as I shall shew anon.

“Thirdly, That it is insufficient to keep out monarchy cannot without impiety be deny’d, the holy Scriptures bearing witness, that the commonwealth of *Israel*, notwithstanding her agrarian, submitted her neck to the arbitrary yoke of her princes.

“Fourthly, therefore to com to my next assertion, That it is destructive to familys; this also is so apparent, that it needs pity rather than proof. Why, alas, do you bind a nobility (which no generation shall deny to have bin the first that freely sacrific’d their blood to the antient libertys of this people) on an unholy altar? why are the people taught, that their liberty, which, except our noble ancestors had bin born, must have long since bin bury’d, cannot now be born except we be bury’d? a commonwealth should have the innocence of the dove. Let us leave this purchase of her birth to the serpent, which eats itself out of the womb of its mother.

“Fifthly, but it may be said, perhaps, That we are fallen from our first love, becom proud and idle. It is certain, my lords, that the hand of God is not upon us for nothing. But take heed how you admit of such assaults and sallys upon mens estates, as may slacken the nerve of labor, and give others also reason to believe that their sweat is vain; or else, whatsoever be pretended, your agrarian (which is my fifth assertion) must indeed destroy industry. For, that so it did in *Lacedemon* is most apparent, as also that it could do no otherwise, where every man having his 40 quarters of barley, with wine proportionable, supply’d him out of his own lot by his laborer or helot; and being confin’d in that to the scantling above which he might not live, there was not any such thing as a trade, or other art, except that of war, in exercise. Wherefore a *Spartan*, if he were not in arms, must sit and play with his fingers, whence insu’d perpetual war, and, the estate of the city being as little capable of increase as that of

the citizens, her inevitable ruin. Now what better ends you can propose to your selves in the like ways, I do not so well see as I perceive that there may be worse: for *Lacedemon* yet was free from civil war: but if you employ your citizens no better than she did, I cannot promise you that you shall fare so well, because they are still desirous of war that hope it may be profitable to them; and the strongest security you can give of peace, is to make it gainful. Otherwise men will rather chuse that wherby they may break your laws, than that wherby your laws may break them. Which I speak not so much in relation to the nobility or such as would be holding, as to the people or them that would be getting; the passion in these being so much the stronger, as a man's felicity is weaker in the fruition of things, than in their prosecution and increase.

"Truly, my lords, it is my fear, that by taking of more hands, and the best from industry, you will farther indamage it, than can be repair'd by laying on a few, and the worst; while the nobility must be forc'd to send their sons to the plow, and, as if this were not enough, to marry their daughters also to farmers.

"Sixthly, but I do not see (to come to the last point) how it is possible that this thing should be brought about, to your good I mean, tho it may to the destruction of many. For that the agrarian of *Israel*, or that of *Lacedemon* might stand, is no such miracle; the lands, without any consideration of the former proprietor, being survey'd and cast into equal lots, which could neither be bought, nor sold, nor multiply'd: so that they knew wherabout to have a man. But in this nation no such division can be introduc'd, the lands being already in the hands of proprietors, and such whose estates ly very rarely together, but mix'd one with another; being also of tenures in nature so different, that as there is no experience that an agrarian was ever introduc'd in such a case, so there is no appearance how, or reason why it should: but that which is against reason and experience is impossible."

The case of my lord Philautus was the most concern'd in the whole nation; for he had four younger brothers, his father being yet living to whom he was heir of ten thousand pounds a year. Wherefore being a man both of good parts and esteem, his words wrought both upon mens reason and passions, and had born a stroke at the head of the business, if my lord Archon had not interpos'd the buckler in this oration.

My Lords, The Legislators Of Oceana,

"MY lord Philautus has made a thing which is easy to seem hard; if the thanks were due to his eloquence, it would be worthy of less praise, than that he owes it to his merit, and the love he has most deservedly purchas'd of all men: nor is it rationally to be fear'd, that he who is so much beforehand in his privat, should be in arrear in his public capacity. Wherefore my lord's tenderness throout his speech arising from no other principle than his solicitude lest the agrarian should be hurtful to his country; it is no less than my duty to give the best satisfaction I am able to so good a patriot, taking every one of his doubts in the order propos'd. And,

"First, Whereas my lord, upon observation of the modern commonwealths, is of opinion, that an agrarian is not necessary: it must be confest, that at the first sight of

them there is som appearance favoring his assertion, but upon accidents of no precedent to us. For the commonwealths of *Switzerland* and *Holland*, I mean of those leagues, being situated in countrys not alluring the inhabitants to wantonness, but obliging them to universal industry, have an implicit agrarian in the nature of them: and being not obnoxious to a growing nobility (which, as long as their former monarchys had spread the wing over them, could either not at all be hatch'd, or was soon broken) are of no example to us, whose experience in this point has bin to the contrary. But what if even in these governments there be indeed an explicit agrarian? for when the law commands an equal or near equal distribution of a man's estate in land among his children, as it is don in those countrys, a nobility cannot grow; and so there needs no agrarian, or rather there is one. And for the growth of the nobility in *Venice* (if so it be, for Machiavel observes in that republic, as a cause of it, a great mediocrity of estates) it is not a point that she is to fear, but might study, seeing she consists of nothing else but nobility; by which, whatever their estates suck from the people, especially, if it comes equally, is digested into the better blood of that commonwealth, which is all, or the greatest benefit they can have by accumulation. For how inequal soever you will have them to be in their incoms, they have officers of the pomp, to bring them equal in expences, or at least in the ostentation or shew of them. And so unless the advantage of an estate consists more in the measure than in the use of it, the authority of *Venice* does but enforce our agrarian; nor shall a man evade or elude the prudence of it, by the authority of any other commonwealth. For if a commonwealth has bin introduc'd at once, as those of *Israel* and *Lacedemon*, you are certain to find her underlaid with this as the main foundation; nor, if she is oblig'd more to fortune than prudence, has she rais'd her head without musing upon this matter, as appears by that of *Athens*, which thro her defect in this point, says Aristotle, introduc'd her *ostracism*, as most of the democracys of *Grece*.

Polit. 1. 3. c. 9.

But, not to restrain a fundamental of such latitude to any one kind of government, do we not yet see, that if there be a sole landlord of a vast territory, he is the *Turc*? that if a few landlords overbalance a populous country, they have store of servants? that if a people be in an equal balance, they can have no lords? that no government can otherwise be erected, than upon som one of these foundations? that no one of these foundations (each being else apt to change into som other) can give any security to the government, unless it be fix'd: that thro the want of this fixation, potent monarchy and commonwealths have faln upon the heads of the people, and accompany'd their own sad ruins with vast effusions of innocent blood? let the fame, as was the merit of the antient nobility of this nation, be equal to, or above what has bin already said, or can be spoken; yet have we seen not only their glory, but that of a throne, the most indulgent to, and least invasive for so many ages upon the liberty of a people that the world has known, thro the mere want of fixing her foot by a proportionable agrarian upon her proper foundation, to have faln with such horror, as has bin a spectacle of astonishment to the whole earth. And were it well argu'd from one calamity, that we ought not to prevent another? nor is Aristotle so good a commonwealthsman for deriding the invention of Phaleas, as in recollecting himself, where he says, That democracys, when a less part of their citizens overtop the rest in wealth, degenerat into oligarchys and principalitys; and, which comes nearer to the present purpose, that the greater part of the nobility of *Tarentum* coming accidentally to be ruin'd, the government of the few came by consequence to be chang'd into that of the many.

“These things consider’d, I cannot see how an agrarian, as to the fixation or security of a government, can be less than necessary. Polit. 1. 5. c. 3. And if a cure be necessary, it excuses not the patient, his disease being otherwise desperat, that it is dangerous; which was the case of *Rome*, not so stated by Machiavel, where he says, *That the strife about the agrarian caus’d the destruction of that commonwealth*. As if when a senator was not rich (as Crassus held) except he could pay an army, that commonwealth could expect nothing but ruin whether in strife about the agrarian, or without it. **Of late, says Livy, riches have introduc’d avarice; and voluptuous pleasures abounding, have thro lust and luxury begot a desire of blasting and destroying all good orders*. If the greatest security of a commonwealth consists in being provided with the proper antidote against this poison, her greatest danger must be from the absence of an agrarian, which is the whole truth of the *Roman* example. For the *laconic*, I shall reserve the farther explication of it, as my lord also did, to another place: and first see whether an agrarian proportion’d to a popular government be sufficient to keep out monarchy. My lord is for the negative, and fortify’d by the people of *Israel* electing a king. To which I say, That the action of the people therin exprest is a full answer to the objection of that example: for the monarchy neither grew upon them, nor could, by reason of the agrarian, possibly have invaded them, if they had not pull’d it upon themselves by the election of a king. Which being an accident, the like wherof is not to be found in any other people so planted, nor in this, till, as it is manifest, they were given up by God to infatuation (for says he to Samuel, *They have not rejected thee, but they have rejected me, that I should not reign over them*) has something in it which is apparent, by what went before, to have bin besides the course of nature, and by what follow’d. For the king having no other foundation than the calamitys of the people, so often beaten by their enemys, that despairing of themselves, they were contented with any change; if he had peace as in the days of Solomon, left but a slippery throne to his successor, as appear’d by Rehoboam. And the agrarian, notwithstanding the monarchy thus introduc’d, so faithfully preserv’d the root of that commonwealth, that it shot forth oftner, and by intervals continu’d longer than any other government, as may be computed from the institution of the same by Joshua, 1465 years before Christ, to the total dissolution of it, which happen’d in the reign of the emperor Adrian, 135 years after the incarnation. A people planted upon an equal agrarian, and holding to it, if they part with their liberty, must do it upon good-will, and make but a bad title of their bounty. As to instance yet further in that which is propos’d by the present order to this nation, the standard wherof is at 2000 *l.* a year: the whole territory of *Oceana* being divided by this proportion, amounts to 5000 lots. So the lands of *Oceana* being thus distributed, and bound to this distribution, can never fall to fewer than five thousand proprietors. But five thousand proprietors so seiz’d will not agree to break the agrarian, for that were to agree to rob one another; nor to bring in a king, because they must maintain him, and can have no benefit by him; nor to exclude the people, because they can have as little by that, and must spoil their militia. So the commonwealth continuing upon the balance propos’d, tho it should come into five thousand hands, can never alter; and that it should ever come into five thousand hands, is as improbable as any thing in the world that is not altogether impossible.

“My lord’s other considerations are more privat: as that this order destroys familys; which is as if one should lay the ruin of some antient castle to the herbs which usually

grow out of them; the destruction of those familys being that indeed which naturally produc'd this order. For we do not now argue for that which we would have, but for that which we are already possess of; as would appear, if a note were but taken of all such as have at this day above two thousand pounds a year in *Oceana*. If my lord should grant (and I will put it with the most) that they who are proprietors in land, exceeding this proportion, exceed not three hundred; with what brow can the interest of so few be balanc'd with that of the whole nation? or rather, what interest have they to put in such a balance? they would live as they had bin accusom'd to do; who hinders them? they would enjoy their estates; who touches them? they would dispose of what they have according to the interest of their familys: it is that which we desire. A man has one son; let him be call'd: would he enjoy his father's estate? it is his, his son's, and his son's son's after him. A man has five sons; let them be call'd: would they enjoy their father's estate? it is divided among them: for we have four votes for one in the same family, and therefore this must be the interest of the family, or the family knows not its own interest. If a man shall dispute otherwise, he must draw his arguments from custom, and from greatness, which was the interest of the monarchy, not of the family: and we are now a commonwealth. If the monarchy could not bear with such divisions because they tended to a commonwealth; neither can a commonwealth connive at such accumulations, because they tend to a monarchy. If the monarchy might make bold with so many for the good of one, we may make bold with one for the good of so many; nay, for the good of all. My lords, it coms into my mind, that which upon occasion of the variety of partys enumerated in our late civil wars, was said by a friend of mine coming home from his travels, about the latter end of these troubles: That he admir'd how it came to pass, that younger brothers, especially being so many more in number than their elder, did not unite as one man against a tyranny, the like wherof has not bin exercis'd in any other nation. And truly, when I consider that our countrymen are none of the worst natur'd, I must confess I marvel much how it coms to pass, that we should use our children as we do our puppys; take one, lay it in the lap, feed it with every good bit, and drown five: nay yet worse; forasmuch as the puppys are once drown'd, wheras the children are left perpetually drowning. Really, my lords, it is a flinty custom! and all this for his cruel ambition, that would raise himself a pillar, a golden pillar for his monument, tho he has children, his own reviving flesh, and a kind of immortality. And this is that interest of a family, for which we are to think ill of a government that will not indure it. But quiet ourselves: the land thro which the river *Nilus* wanders in one stream, is barren; but where it parts into seven, it multiplies its fertil shores by distributing, yet keeping and improving such a propriety and nutrition, as is a prudent agrarian to a well-order'd commonwealth.

“Nor (to com to the fifth assertion) is a political body render'd any fitter for industry, by having one gouty and another wither'd leg, than a natural. It tends not to the improvement of merchandize that there be som who have no need of their trading, and others that are not able to follow it. If confinement discourages industry, an estate in mony is not confin'd; and lest industry should want wherupon to work, land is not ingrost or intail'd upon any man, but remains at its devotion. I wonder whence the computation can arise, that this should discourage industry. Two thousand pounds a year a man may enjoy in *Oceana*, as much in *Panopea*, five hundred in *Marpesia*: there be other plantations, and the commonwealth will have more. Who knows how

far the arms of our agrarian may extend themselves? and whether he that might have left a pillar, may not leave a temple of many pillars to his more pious memory? where there is some measure in riches, a man may be rich; but if you will have them to be infinite, there will be no end of starving himself, and wanting what he has: and what pains does such a one take to be poor! furthermore, if a man shall think that there may be an industry less greasy, or more noble, and so cast his thoughts upon the commonwealth, he will have leisure for her, and she riches and honors for him; his sweat shall smell like Alexander's. My lord Philautus is a young man, who enjoying his ten thousand pounds a year, may keep a noble house in the old way, and have homely guests; and having but two, by the means proposed, may take the upper hand of his great ancestors; with reverence to whom, I may say, there has not been one of them would have disputed his place with a *Roman* consul. My lord, do not break my heart; the nobility shall go to no other plows than those which we call our consuls. But, says he, it having been so with *Lacedemon*, that neither the city nor the citizens were capable of increase, a blow was given by that agrarian, which ruined both. And what are we concerned with that agrarian, or that blow, while our citizens and our city (and that by our agrarian) are both capable of increase? the *Spartan*, if he made a conquest, had no citizens to hold it: the *Oceaner* will have enough: the *Spartan* could have no trade, the *Oceaner* may have all. The agrarian in *Laconia*, that it might bind on knapsacks, forbidding all other arts but that of war, could not make an army of above 30000 citizens. The agrarian in *Oceana* without interruption of traffic, provides us in the fifth part of the youth an annual source or fresh spring of 100000, besides our provincial auxiliaries, out of which to draw marching armies; and as many elders, not feeble, but men most of them in the flower of their age, and in arms for the defence of our territories. The agrarian in *Laconia* banished money, this multiplies it: that allowed a matter of twenty or thirty acres to a man; this two or three thousand: there is no comparison between them. And yet I differ so much from my lord, or his opinion that the agrarian was the ruin of *Lacedemon*, that I hold it no less than demonstrable to have been her main support. For if, banishing all other diversions, it could not make an army of above 30000; then letting in all other diversions, it must have broken that army. Wherefore Lysander bringing in the golden spoils of *Athens*, irrecoverably ruined that commonwealth; and is a warning to us, that in giving encouragement to industry, we also remember, that covetousness is the root of all evil. And our agrarian can never be the cause of those seditions threatened by my lord, but is the proper cure of them, as *Lucan* notes well in the state of *Rome* before the civil wars, which happened through the want of such an antidote.

“Why then are we mistaken, as if we intended not equal advantages in our commonwealth to either sex, because we would not have women's fortunes consist in that metal, which exposes them to cutpurses? if a man cuts my purse, I may have him by the heels or by the neck for it; whereas a man may cut a woman's purse, and have her for his pains in fetters. How brutish, and much more than brutish, is that commonwealth, which prefers the earth before the fruits of the womb? if the people be her treasure, the staff by which she is sustained and comforted, with what justice can she suffer them, by whom she is most enriched, to be for that cause the most impoverished? and yet we see the gifts of God, and the bounties of heaven in fruitful families, through this wretched custom of marrying for money, become their insupportable grief and poverty. Nor falls this so heavy upon the lower sort, being better able to shift

for themselves, as upon the nobility or gentry. For what avails it in this case, from whence their veins have deriv'd their blood; while they shall see the tallow of a chandler sooner converted into that beauty which is requir'd in a bride? I appeal, whether my lord Philautus or my self be the advocat of nobility; against which in the case propos'd by me, there would be nothing to hold the balance. And why is a woman, if she may have but fifteen hundred pounds, undon? if she be unmarried, what nobleman allows his daughter in that case a greater revenue, than so much money may command? and if she marry, no nobleman can give his daughter a greater portion than she has. Who is hurt in this case? nay, who is not benefited? if the agrarian gives us the sweat of our brows without diminution; if it prepares our table, if it makes our cup to overflow; and above all this, in providing for our children, anoints our heads with that oil which takes away the greatest of worldly cares; what man, that is not besotted with a covetousness as vain as endless, can imagin such a constitution to be his poverty? seeing where no woman can be considerable for her portion, no portion will be considerable with a woman; and so his children will not only find better preferments without his brokage, but more freedom of their own affections. We are wonderful severe in laws, that they shall not marry without our consent; as if it were care and tenderness over them: but is it not lest we should not have the other thousand pounds with this son, or the other hundred pounds a year more in jointure for that daughter? these, when we are crost in them, are the sins for which we water our couch with tears, but not of penitence; seeing wheras it is a mischief beyond any that we can do to our enemys, we persist to make nothing of breaking the affection of our children. But there is in this agrarian a homage to pure and spotless love, the consequence wherof I will not give for all your romances. An alderman makes not his daughter a countess till he has given her 20000 *l.* nor a romance a considerable mistress till she be a princess; these are characters of bastard love. But if our agrarian excludes ambition and covetousness, we shall at length have the care of our own breed, in which we have bin curious as to our dogs and horses. The marriage-bed will be truly legitimat, and the race of the commonwealth not spurious.

“But(*impar magnanimis ausis, imparque dolori*) I am hurl'd from all my hopes by my lord's last assertion of impossibility, that the root from whence we imagin these fruits, should be planted or thrive in this soil. And why? because of the mixture of estates, and variety of tenures. Nevertheless, there is yet extant in the *exchequer* an old survey of the whole nation; wherfore such a thing is not impossible. Now if a new survey were taken at the present rates, and the law made, that no man should hold hereafter above so much land as is valu'd therein at 2000 *l.* a year, it would amount to a good and sufficient agrarian. It is true, that there would remain som difficulty in the different kind of rents, and that it is a matter requiring not only more leisure than we have, but an authority which may be better able to bow men to a more general consent, than is to be wrought out of them by such as are in our capacity. Wherfore, as to the manner, it is necessary that we refer it to the parliament; but as to the matter, they cannot otherwise fix their government upon the right balance.

“I shall conclude with a few words to som parts of the order, which my lord has omitted. As first to the consequences of the agrarian to be settled in *Marpesia*, which irreparably breaks the aristocracy of that nation; being of such a nature, as standing, it is not possible that you should govern. For while the people of that country are little

better than the cattel of the nobility, you must not wonder if, according as these can make their markets with foren princes, you find those to be driven upon your grounds. And if you be so tender, now you have it in your power, as not to hold a hand upon them that may prevent the slaughter which must otherwise insue in like cases, the blood will lie at your door. But in holding such a hand upon them, you may settle the agrarian; and in settling the agrarian, you give that people not only liberty, but lands; which makes your protection necessary to their security; and their contribution due to your protection, as to their own safety.

“For the agrarian of *Panopea*, it allowing such proportions of so good land, men that conceive themselves straiten’d by this in *Oceana*, will begin there to let themselves forth, where every citizen will in time have his *villa*. And there is no question, but the improvement of that country by this means must be far greater than it has bin in the best of former times.

“I have no more to say, but that in those antient and heroic ages (when men thought that to be necessary which was virtuous) the nobility of *Athens* having the people so much ingag’d in their debt, that there remain’d no other question among these, than which of those should be king, no sooner heard Solon speak than they quitted their debts, and restor’d the commonwealth; which ever after held a solemn and annual feast call’d the *Sisacthia*, or *Recision*, in memory of that action. Nor is this example the *phænix*; for at the institution by Lycurgus, the nobility having estates (as ours here) in the lands of *Laconia*, upon no other valuable consideration than the commonwealth propos’d by him, threw them up to be parcel’d by his agrarian. But now when no man is desir’d to throw up a farthing of his mony, or a shovel full of his earth, and that all we can do is but to make a virtue of necessity; we are disputing whether we should have peace or war: for peace you cannot have without som government, nor any government without the proper balance. Wherefore if you will not fix this which you have, the rest is blood, for without blood you can bring in no other.”

By these speeches made at the institution of the agrarian, you may perceive what were the grounds of it. The next is

The fourteenth ORDER, constituting the ballot of *Venice*, as it is fitted by several alterations, and appointed to every assembly, to be the constant and only way of giving suffrage in this commonwealth, according to the following scheme.

14 Order.

I shall indeavour by the preceding figure to demonstrat the manner of the *VENETIAN BALLOT* (a thing as difficult in discourse or writing, as facil in practice) according to the use of it in *Oceana*. The whole figure represents the senat, containing, as to the house or form of sitting, a square and a half; the tribunal at the upper end being ascended by four steps. On the uppermost of these sit the magistrats that constitute the signory of the commonwealth, that is to say, A the strategus; B the orator; C the three commissioners of the great seal; D the three commissioners of the treasury, whereof one, E, exercises for the present the office of a censor at the middle urn F.

To the two upper steps of the tribunal answer GG. GG. the two long benches next the wall on each side of the house; the outwardmost of which are equal in height to the uppermost step, and the innermost equal in height to the next. Of these four benches consists the first seat; as the second seat consists in like manner of those four benches HH. HH. which being next the floor, are equal in height to the two nethermost steps of the throne. *So the whole house is distributed into two seats, each consisting of four benches.*

This distribution causes not only the greater conveniency, as will be shewn, to the senators in the exercise of their function at the ballot, but a greater grace to the aspect of the senat. In the middle of the outward benches stand I. I. the chairs of the censors, those being their ordinary places, tho upon occasion of the ballot they descend, and sit where they are shewn by K. K. at each of the outward urns L. L. Those M. M. that sit with their tables, and the bowls N. N. before them, upon the half space or second step of the tribunal from the floor, are the clerks or secretaries of the house. Upon the short seats O. O. on the floor (which should have bin represented by woollsacks) sit P the two tribuns of the horse; Q the two tribuns of the foot; and RR. RR. the judges: all which magistrats are assistants, but have no suffrage. This posture of the senat consider'd, the ballot is perform'd as follows.

First, whereas the gold balls are of several sutes, and accordingly mark'd with several letters of the alphabet, a secretary presents a litle urn (wherin there is one ball of every sute or mark) to the strategus and the orator; and look what letter the strategus draws, the same and no other is to be us'd for that time in the middle urn F; the like for the letter drawn by the orator is to be observ'd for the side urns L. L. that is to say, if the strategus drew a ball with an *A*, all the gold balls in the middle urn for that day are mark'd with the letter *A*; and if the orator drew a *B*, all the gold balls in the side urn for that day are mark'd with the letter *B*: which don immediatly before the ballot, and so the letter unknown to the ballotants, they can use no fraud or juggling; otherwise a man might carry a gold ball in his hand, and seem to have drawn it out of an urn. He that draws a gold ball at any urn, delivers it to the censor or assessor of that urn, who views the character, and allows accordingly of his lot.

The strategus and the orator having drawn for the letters, the urns are prepar'd accordingly by one of the commissioners and the two censors. The preparation of the urns is after this manner. If the senat be to elect, for example, the list call'd the *tropic of magistrats*, which is this;

1. *The lord STRATEGUS;*
2. *The lord ORATOR;*
3. *The third COMMISSIONER of the great seal;*
4. *The third COMMISSIONER of the treasury;*
5. *The first CENSOR;*
6. *The second CENSOR;*

This list or schedule consists of six magistracyes, and to every magistracy there are to be four competitors, that is, in all four and twenty competitors propos'd to the house. They that are to propose the competitors are call'd electors, and no elector can

propose above one competitor: wherefore for the proposing of four and twenty competitors you must have four and twenty electors; and whereas the ballot consists of a *lot* and of a *suffrage*, the lot is for no other use than for the designation of electors; and he that draws a gold ball at the middle urn is an elector. Now, as to have four and twenty competitors propos'd, you must have four and twenty electors made; so to have four and twenty electors made by lot, you must have four and twenty gold balls in the middle urn; and these (because otherwise it would be no lot) mix'd with a competent number of blanks, or silver balls. Wherefore to the four and twenty gold balls cast six and twenty silver ones, and those (reckoning the blanks with the prizes) make fifty balls in the middle urn. This don (because no man can com to the middle urn that has not first drawn a gold ball at one of the side urns) and to be sure that the prizes or gold balls in this urn be all drawn, there must com to it fifty persons: therefore there must be in each of the side urns five and twenty gold balls, which in both com to fifty; and to the end that every senator may have his lot, the gold balls in the side urns are to be made up with blanks equal to the number of the ballotants at either urn: for example, the house consisting of 300 senators, there must be in each of the side urns 125 blanks and 25 prizes, which com in both the side urns to 300 balls. This is the whole mystery of preparing the urns, which the censors having skill to do accordingly, the rest of the ballot, whether the partys balloting understand it or no, must of necessary consequence com right; and they can neither be out, nor fall into any confusion in the exercise of this art.

But the ballot, as I said, is of two parts, *lot* and *suffrage*, or the *proposition* and *result*. The lot determins who shall propose the competitors; and the result of the senat, which of the competitors shall be the magistrats. The whole, to begin with the lot, procedes in this manner.

The first secretary with an audible voice reads first the list of the magistrats to be chosen for the day; then the oath for fair election, at which the senators hold up their hands; which don, another secretary presents a little urn to the strategus, in which are four balls, each of them having one of these four inscriptions: *FIRST SEAT AT THE UPPER END. FIRST SEAT AT THE LOWER END. SECOND SEAT AT THE UPPER END. SECOND SEAT AT THE LOWER END.* And look which of them the strategus draws, the secretary pronouncing the inscription with a loud voice, the seat so call'd coms accordingly to the urns: this in the figure is the *SECOND SEAT AT THE UPPER END*. The manner of their coming to the side urns is in double files, there being two holes in the cover of each side urn, by which means two may draw at once. The senators therefore SS. SS. are coming from the upper end of their seats HH. HH. to the side urns L. L. The senators TT. T. are drawing. The senator V has drawn a gold ball at his side urn, and is going to the middle urn F, where the senator W having don the like at the other side urn, is already drawing. But the senators XX. XX. having drawn blanks at their side urns, and thrown them into the bowls Y. Y. standing at the feet of the urns, are marching by the lower end into their seats again; the senator *a* having don the like at the middle urn, is also throwing his blank into the bowl *b*, and marching to his seat again: for a man by a prize at a side urn gains no more than right to com to the middle urn, where if he draws a blank, his fortune at the side urn comes to nothing at all; wherefore he also returns to his place. But the senator *c* has had a prize at the middle urn, where the commissioner having viewed his ball, and found the

mark to be right, he marches up the steps to the seat of the electors, which is the form *d* set cross the tribunal, where he places himself according as he was drawn with the other electors *e e e* drawn before him. These are not to look back, but sit with their faces towards the signory or state, till their number amount to that of the magistrats to be that day chosen, which for the present, as was shewn, are six; wherfore six electors being made, they are reckon'd according as they were drawn: first, second, third, fourth, fifth, sixth, in their order; and the first six that are chosen are the *FIRST ORDER OF ELECTORS*.

THE first order of electors being made, are conducted by a secretary with a copy of the list to be chosen, out of the senat, and into a committee or council-chamber, being neither suffered by the way, nor in their room (till the ballot be ended) to have conference with any but themselves; wherfore the secretary, having given them their oath that they shall make election according to the law and their conscience, delivers them the list, and seats himself at the lower end of the table with his pen and paper, while another secretary keeps the door.

By such time as the first order of electors are thus seated, the second order of electors is drawn, who with a second copy of the same list are conducted into another committee-chamber, by other secretaries performing the same office with the former.

The like exactly is don by the third and by the fourth orders (or *hands*, as the *Venetians* call them) of electors, by which means you have the four and twenty electors divided according to the four copys of the same list, by six, into four hands or orders; and every one of these orders names one competitor to every magistracy in the list; that is to say, the first elector names to the first magistracy, the second elector to the second magistracy, and so forth. But tho the electors, as has bin shewn, are chosen by mere lot, yet the competitors by them nam'd are not chosen by any lot, but by the suffrage of the whole order: for example; the first elector in the first order proposes a name to be Strategus, which name is balloted by himself and the other five electors: and if the name so balloted attain not to above half the suffrages, it is laid aside, and the first elector names another to the same magistracy; and so in case this also fails, another, till one he has nam'd, whether it be himself, or som other, has attained to above half the suffrages in the affirmative; and the name so attaining to above half the suffrages in the affirmative is written to the first magistracy in the list by the secretary; which being don, the second elector of the first order names to the second magistracy till one of his nomination be chosen to the same. The like is don by the rest of the electors of the first order, till one competitor be chosen, and written to every magistracy in their list. Now the second, third, and fourth orders of electors doing exactly after the same manner, it coms to pass that one competitor to every magistracy being chosen in each order, there be in all four competitors chosen to every magistracy.

If any controversy arises in an order of electors, one of the censors (these being at this game the groomporters) is advertis'd by the secretary, who brings him in, and the electors, disputing are bound to acquiesce in his sentence. For which cause it is that the censors do not ballot at the urns; the signory also abstains, lest it should deform the house: wherfore the blanks in the side urns are by so many the fewer. And so

much for the lot, which is of the greater art but less consequence, because it concerns *proposition* only: but all, (except the tribuns and the judges, which being but assistants have no suffrage) are to ballot at the *result*, to which I now com.

The four orders of electors having perfected their lists, the face of the house is chang'd: for the urns are taken away, and every senator and magistrat is seated in his proper place, saving the electors, who, having given their suffrages already, may not stir out of their chambers till the house have given theirs, and the rest of the ballot be perform'd; which follows in this manner.

The four lists being presented by the secretaries of each council of electors to the signory, are first read, according to their order, to the house with an audible voice; and then the competitors are put to the ballot or suffrage of the whole senat in this manner: *A. A.* nam'd to be strategus in the first order; wherupon eight ballotins or pages, such as are express'd by the figures *f. f.* take eight of the boxes represented, tho rudely, by the figures, *g. g.* and go four on the one, and four on the other side of the house, that is, one to every bench, signifying *A. A. nam'd to be the strategus in the first order*: and every magistrat or senator (beginning by the strategus and the orator first) holds up a little pellet of linen, as the box passes, between his finger and his thumb, that men may see he has but one, and then puts it into the same. The box consisting in the inner part of two boxes, being painted on the outside white and green, to distinguish the affirmative from the negative side, is so made, that when your hand is in it, no man can see to which of the sides you put the suffrage, nor hear to which it falls, because the pellet being linen, makes no noise. The strategus and the orator having begun, all the rest do the like.

The ballotins having thus gather'd the suffrages, bring them before the signory, in whose presence the outward boxes being open'd, they take out the inner boxes, wherof the affirmative is white, and the negative green, and pour the white in the bowl *N.* on the right hand, which is white also, and the green into the bowl *N.* on the left, which is also green. These bowls or basons (better represented at the lower end of the figure by *h. i.*) being upon this occasion set before the tables of the secretaries at the upper end *N. N.* the white on the right hand, and the green on the left, the secretaries on each side number the balls: by which if they find that the affirmatives amount not to above one half, they write not the name that was balloted; but if they amount to above one half, they write it, adding the number of above half the suffrages to which it attain'd. The first name being written, or laid aside, the next that is put is *B. B.* nam'd to be strategus in the second order; the third *C. C.* nam'd to be strategus in the third order; the fourth *D. D.* nam'd to be strategus in the fourth order: and he of these four competitors that has most above half in the affirmative, is the magistrat; or if none of them attain to above half, the nomination for that magistracy is to be repeated by such new electors as shall be chosen at the next ballot. And so, as is exemplify'd in the first magistracy, proceeds the ballot of the rest; first in the first, then in the second, and so in the third and fourth orders.

Now wheras it may happen that *A. A.* (for example) being nam'd strategus in the first order, may also be nam'd to the same or som one or more other magistracys in one or more of the other orders; his name is first balloted where it is first written, that is to

the more worthy magistracy, wherof if he misses, he is balloted as it coms in course for the next, and so for the rest, if he misses of that, as often as he is nam'd.

And because to be nam'd twice, or oftner, whether to the same or som other magistracy, is the stronger recommendation; the note must not fail to be given upon the name, at the proposition in this manner; A. A. *nam'd to be strategus in the first, and in the second order*: or A. A. *nam'd to be strategus in the first and the third; in the first and the fourth, &c.* But if he be nam'd to the same magistracy in the first, second, third, and fourth orders, he can have no competitor; wherfore attaining to above half the suffrages, he is the magistrat. Or thus: A. A. *nam'd to be strategus in the first, to be censor in the second, to be orator in the third, and to be commissioner of the seal in the fourth order*, or the like in more or fewer orders: in which cases if he misses of the first magistracy, he is balloted to the second; if he misses of the second, to the third; and if he misses of the third, to the fourth.

The ballot not finish'd before sunset, tho the election of the magistrats already chosen be good, voids the election of such competitors as being chosen are not yet furnish'd with magistracys, as if they had never bin nam'd (for this is no jugling box, but an art that must see the sun) and the ballot for the remaining magistracys is to be repeated the next day by new orders of electors, and such competitors as by them shall be elected. And so in the like manner, if of all the names propos'd to the same magistracy, no one of them attains to above half the suffrages in the affirmative.

The senatorian ballot of *Oceana* being thus describ'd, those of the parish, of the hundred, and of the tribe, being so little different, that in this they are all contain'd, and by this may be easily understood, are yet fully describ'd, and made plain enough before in the *5th, 6th, 7th, 8th, 9th, and 10th* orders.

This therfore is the general order, whence those branches of the ballot, som wherof you have already seen, are deriv'd; which, with those that follow were all read and debated in this place at the institution. When my lord Epimonus de Garrula, being one of the counsellors, and having no farther patience (tho the rulers were compos'd by the agent of this commonwealth, residing for that purpose at *Venice*) than to hear the direction for the parishes, stood up and made way for himself in this manner.

May It Please Your Highness, My LordArchon,

“UNDER correction of Mr. Peregrin Spy, our very learn'd agent and intelligencer, I have seen the world a little, *Venice*, and (as gentlemen are permitted to do) the great council balloting. And truly I must needs say, that it is for a dumb shew the goodliest that I ever beheld with my eys. You should have som would take it ill, as if the noble *Venetians* thought themselves too good to speak to strangers, but they observ'd them not so narrowly. The truth is, they have nothing to say to their acquaintance; or men that are in council sure would have tongues: for a council, and not a word spoken in it, is a contradiction. But there is such a pudder with their marching and countermarching, as, tho never a one of them draw a sword, you would think they were training; which till I found that they did it only to entertain strangers, I came from among them as wise as I went thither. But in the parlament of *Oceana* you had

no balls nor dancing, but sober conversation; a man might know and be known, shew his parts, and improve 'em. And now if you take the advice of this same fellow, you will spoil all with his whimsys. *Mr. Speaker*,—Cry you mercy, my lord Archon, I mean; set the wisest man of your house in the great council of *Venice*, and you will not know him from a fool. Whereas nothing is more certain, than that flat and dull fellows in the judgment of all such as us'd to keep company with them before, upon election into our house, have immediatly chitted like barley in the fat, where it acquires a new spirit, and flow'd forth into language, that I am as confident as I am here, if there were not such as delight to abuse us, is far better than Tully's; or, let any body but translate one of his orations, and speak it in the house, and see if every body do not laugh at him. This is a great matter, *Mr. Speaker*; they do not cant it with your book-learning, your orbs, your centers, your prime magnitudes, and your nebulones, things I profess that would make a sober man run stark mad to hear 'em; while we, who should be considering the honor of our country, and that it gos now or never upon our hand, whether it shall be ridiculous to all the world, are going to nineholes, or trow madam for our business, like your dumb *Venetian*, whom this same Sir Politic your resident, that never saw him do any thing but make faces, would insinuat into you, at this distance, to have the only knack of state. Whereas if you should take the pains, as I have don, to look a little nearer, you would find these same wonderful things to be nothing else but mere natural fopperys, or *capricios*, as they call them in *Italian*, even of the meanest of that nation. For, put the case you be travelling in *Italy*, ask your *contadino*, that is, the next country-fellow you meet, som question, and presently he ballots you an answer with a nod, which is affirmative; or a shake with his head, which is the negative box; or a shrug with his shoulder, which is the *bossolo di non sinceri*.—Good! You will admire Sands for telling you, that *grotta di cane* is a miracle: and I shall be laugh'd at for assuring you, that it is nothing else but such a damp (continu'd by the neighborhood of certain sulphur mines) as thro accidental heat dos sometimes happen in our coalpits. But ingratitude must not discourage an honest man from doing good. There is not, I say, such a tonguety'd generation under heaven as your *Italian*; that you should not wonder if he make signs. But our people must have somthing in their diurnals, we must ever and anon be telling 'em our minds; or if we be at it when we raise taxes, like those gentlemen with the finger and the thumb, they will swear that we are cutpurses.—Com, I know what I have heard 'em say, when som men had mony that wrought hard enough for it; and do you conceive they will be better pleas'd when they shall be told, that upon like occasions you are at mumchance or stoolball? I do not speak for myself; for tho I shall always acknowledge, that I got more by one year's sitting in the house, than by my three years travels, it was not of that kind. But I hate that this same spy, for pretending to have play'd at billiards with the most serene commonwealth of *Venice*, should make such fools of us here, when I know that he must have had his intelligence from som corncutter upon the *Rialta*; for a noble *Venetian* would be hang'd if he should keep such a fellow company. And yet if I do not think he has made you all dote, never trust me, my lord Archon is sometimes in such strange raptures. Why, good my lord, let me be heard as well as your apple squire; *Venice* has fresh blood in her cheeks, I must confess, yet she is but an old lady. Nor has he pick'd her cabinet; these he sends you are none of her receits, I can assure you; he bought them for a *Julio* at *St. Marc's* of a mountebank. She has no other wash, upon my knowlege, for that same envy'd complexion of hers but her *marshes*, being a little better scented, saving your

presence, than a chamberpot. My lords, I know what I say, but you will never have don with it, That neither the great *Turc*, nor any of those little *Turcs* her neighbors, have bin able to spoil her! Why you may as well wonder that weesels do not suck eggs in swans nests. Do you think that it has lain in the devotion of her beads; which you that have puk'd so much at Popery, are now at length resolv'd shall consecrat *M. Parson*, and be drop'd by every one of his congregation, while those same whimsical intelligences your surveyors (you will break my heart) give the turn to your *primum mobile*? and so I think they will; for you will find, that mony is the *primum mobile*, and they will turn you thus out of som three or four hundred thousand pounds: a pretty sum for urns and balls, for boxes and pills, which these same quacksalvers are to administer to the parishes; and for what disease I marvel! Or how dos it work? Out coms a constable, an overseer, and a churchwarden! Mr. *Speaker*, I am amaz'd!”

Never was there goose so stuck with lard as my lord Epimonus's speech with laughter; the Archon having much ado to recover himself, in such manner as might enable him to return these thanks.

“IN your whole lives, my lords, were you never entertain'd with so much ingenuity; my lord Epimonus having at once mended all the faults of travellers. For, first, wheras they are abominable lyars, he has not told you (except som malicious body has misinform'd him concerning poor Spy) one syllable of falshood. And, secondly, wheras they never fail to give the upper hand in all their discourses to foren nations, still justling their own into the kennel; he bears an honor to his country that will not dissolve in *Cephalonia*, nor be corrupted with figs and melons, which I can assure you is no ordinary obligation: and therfore hold it a matter of public concern, that we be no occasion of quenching my lord's affections; nor is there any such great matter between us, but, in my opinion, might be easily reconcil'd: for tho that which my lord gain'd by sitting in the house, I stedfastly believe, as he can affirm, was got fairly; yet dare I not, nor do I think, that upon consideration he will promise so much for other gamesters, especially when they were at it so high, as he intimats not only to have bin in use, but to be like enough to come about again. Wherefore, say I, let them throw with boxes; for unless we will be below the politics of an ordinary, there is no such bar to cogging. It is known to his lordship, that our game is *most at a throw*, and that every cast of our dice is in our suffrages; nor will he deny, that partiality in a suffrage is downright cogging. Now if the *Venetian* boxes be the most sovereign of all remedies against this same cogging, is it not a strange thing that they should be thrown first into the fire by a fair gamester? Men are naturally subject to all kinds of passions: som you have that are not able to withstand the brow of an enemy; and others that make nothing of this, are less proof against that of a friend. So that if your suffrage be barefac'd, I dare say you shall not have one fair cast in twenty. But whatever a man's fortune be at the box, he neither knows whom to thank, nor whom to challenge. Wherefore (that my lord may have a charitable opinion of the choice affection which I confess to have, above all other beautys, for that of incomparable *Venice*) there is in this way of suffrage no less than a demonstration that it is the most pure: and the purity of the suffrage in a popular government is the health, if not the life of it; seeing the soul is no otherwise breath'd into the sovereign power, than by the suffrage of the people. Wherefore no wonder if Postellus be of opinion, that this use of the ball is the very same with that of the bean in *Athens*; or, that others, by the text concerning

Eldad and Medad, derive it from the commonwealth of *Israel*. There is another thing, tho not so material to us, that my lord will excuse me if I be not willing to yield, which is, that *Venice* subsists only by her situation. It is true, that a man in time of war may be more secure from his enemys by being in a citadel, but not from his diseases: wherfore the first cause, if he lives long, is his good constitution, without which his citadel were to little purpose; and it is not otherwise with *Venice*.”

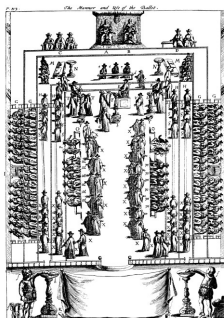
With this speech of the Archon I conclude the proof of the agrarian, and the ballot, being the fundamental laws of this commonwealth; and com now from the center to the circumferences or orbs, wherof som have bin already shewn: as how the parishes annually pour themselves into the hundreds, the hundreds into the tribes, and the tribes into the galaxy; the annual galaxy of every tribe consisting of two knights and seven deputys, wherof the knights constitute the senat; the deputys, the prerogative tribe, commonly call'd the *people*; and the senat and people constitute the sovereign power or parlament of *Oceana*. Wherof to shew what the parlament is, I must first open the senat, and then the prerogative tribe.

To begin with the senat, of which (as a man is differently represented by a picturedrawer, and by an anatomist) I shall first discover the face or aspect, and then the parts, with the use of them. Every Monday morning in the summer at seven, and in the winter at eight, the great bell in the clockhouse at the *pantheon* begins, and continues ringing for the space of one hour: in which time the magistrates of the senat, being attended according to their quality, with a respective number of the ballotins, doorkeepers, and messengers; and having the ensigns of their magistracys born before them, as the sword before the strategus, the mace before the orator, a mace with the seal before the commissioners of the chancery, the like with the purse before the commissioners of the treasury; and a silver wand, like those in use with the universitys, before each of the censors, being chancellors of the same. These with the knights, in all three hundred, assemble in the house or hall of the senat.

The face of the senat.

The house or hall of the senat, being situated in the *pantheon* or palace of justice, is a room consisting of a square and a half. In the middle of the lower end is the door; at the upper end hangs a rich state overshadowing the greater part of a large throne, or half pace of two stages; the first ascended by two steps from the floor, and the second about the middle rising two steps higher. Upon this stand two chairs, in that on the right hand sits the strategus, in the other the orator, adorn'd with scarlet robes, after the fashion that was us'd by the dukes in the aristocracy. At the right end of the upper stage stand three chairs, in which the three commissioners of the seal are plac'd; and at the other end sit the three commissioners of the treasury, every one in a robe or habit like that of the earls. Of these magistrats of this upper stage consists the signory. At either end of the lower stage stands a little table, to which the secretaries of the senat are set with their tufted sleeves in the habit of civil lawyers. To the four steps, wherby the two stages of the throne are ascended, answer four long benches, which successively deriving from every one of the steps, continue their respective height, and extend themselves by the side walls towards the lower end of the house, every bench being divided by numeral characters into the thirty seven parts or places. Upon the upper benches sit the censors in the robes of barons; the first in the middle of the

right hand bench, and the second directly opposit to him on the other side. Upon the rest of the benches sit the knights, who if they be call'd to the urns, distributing themselves by the figures, com in equal files, either by the first seat, which consists of the two upper benches on either side; or by the second seat, consisting of the two lower benches on either side: beginning also at the upper, or at the lower ends of the same, according to the lot wherby they are call'd; for which end the benches are open, and ascended at either end with easy stairs and large passages. The rest of the ballot is conformable to that of the tribe; the censors of the house sitting at the side urn, and the youngest magistrat of the signory at the middle: the urns being plac'd before the throne, and prepar'd according to the number of the magistrats to be at that time chosen by the rules already given to the censors of the tribes. But before the benches of the knights on either side stands one being shorter; and at the upper end of this sit the two tribuns of the horse. At the upper end of the other, the two tribuns of the foot in their arms; the rest of the benches being cover'd by the judges of the land in their robes. But these magistrats have no suffrage, nor the tribuns, though they derive their presence in the senat from the *Romans*; nor the judges, though they derive theirs from the antient senat of *Oceana*. Every Monday this assembly sits of course; at other times, if there be occasion, any magistrat of the house, by giving order for the bell, or by his lictor or ensignbearer, calls a senat. And every magistrat or knight during his session has the title, place and honor, of a duke, earl, baron, or knight, respectively. And every one that has born the same magistracy by his third session, has his respective place and title during the term of his life, which is all the honor confer'd by this commonwealth, except upon the master of the ceremonys, the master of the horse, and the king of the heralds, who are knights by their places. And thus you have the face of the senat, in which there is scarce any feature that is not *Roman* or *Venetian*; nor do the horns of the crescent extend themselves much unlike those of the *sanhedrim*, on either hand of the prince, and of the father of that senat. But upon beauty, in which every man has his phansy, we will not otherwise philosophize than to remember that there is something more than decency in the robe of a judg, that would not be well spar'd from the bench; and that the gravest magistrat, to whom you can commit the sword of justice, will find a quickness in the spurs of honour, which if they be not laid to virtue, will lay themselves to that which may rout a commonwealth.



To com from the face of the senat, to the constitution and use of the parts; It is contain'd in the peculiar orders. And the orders which are peculiar to the senat, are either of election or instruction.

Constitution of the senat.

Elections in the senat are of three sorts, annual, biennial, and extraordinary.

Annual elections are performed by the schedule call'd the *tropic*: and the *tropic* consists of two parts; the one containing the magistrats, and the other the councils to be yearly elected. The schedule or *tropic* of the magistrats is as follows in

The fifteenth ORDER, requiring, That upon every Monday next insuing the last of March, the knights of the annual galaxys taking their places in the senat, be call'd the third region of the same; and that the house having dismiss'd the first region, and receiv'd the third, procede to election of the magistrats contain'd in the first part of the tropic, by the insuing schedule:

15 Order. Tropic of the magistrats.

The lord strategus,	} <i>annual magistrats.</i>
The lord orator,	} <i>annual magistrats.</i>
The first censor,	} <i>annual magistrats.</i>
The second censor,	} <i>annual magistrats.</i>
The third commissioner of the seal,	} <i>triennial magistrats.</i>
The third commissioner of the treasury,	} <i>triennial magistrats.</i>

THE annual magistrats (provided that no one man bears above one of those honors during the term of one session) may be elected out of any region. But the triennial magistrats may not be elected out of any other than the third region only, left the term of their session expire before that of their honor; and (it being unlawful for a man to bear magistracy any longer than he is therto qualify'd by the election of the people) cause a fraction in the rotation of this commonwealth.

THE *strategus* is first president of the senat, and general of the army, if it be commanded to march; in which case there shall be a second *strategus* elected to be first president of the senat, and general of the second army: and if this also be commanded to march, a third *strategus* shall be chosen; and so on, as long as the commonwealth sends forth armys.

Of the strategus.

THE lord *orator* is the second and more peculiar president of the senat to whom it appertains to keep the house to orders.

Of the orator.

THE *censors*, whereof the first by consequence of his election is chancellor of the university of *Clio*, and the second of that of *Calliope*, are presidents of the council for religion and magistrats, to whom it belongs to keep the house to the order of the ballot. They are also inquisitors into the ways and means of acquiring magistracy; and have power to punish indirect proceedings in the same, by removing a knight or magistrat out of the house, under appeal to the senat.

Of the censors.

THE commissioners of the seal being three, wherof the third is annually chosen out of the third region, are judges in chancery.

Of the commissioners of the seal.

THE commissioners of the treasury being three, wherof the third is annually chosen out of the third region, are judges in the exchequer; and every magistrat of this schedule has right to propose to the senat.

Of the commissioners of the treasury.

BUT the *strategus* with the six commissioners, are the *signory* of this commonwealth, having right of session and suffrage in every council of the senat, and power either jointly or severally to propose in all or any of them.

Of the signory.

I have little in this order to observe and prove, but that the *strategus* is the same honor both in name and thing that was born, among others, by Philopemen and Aratus in the commonwealth of the *Achæans*; the like having bin in use also with the *Ætolians*. The *orator*, call'd otherwise the *speaker*, is with small alteration the same that had bin of former use in this nation. These two, if you will, may be compar'd to the consuls in *Rome*, or the suffetes in *Carthage*; for their magistracy is scarce different.

The censors derive their power of removing a senator from those of *Rome*; the government of the ballot, from those of *Venice*; and that of animadversion upon the *ambitus*, or canvass for magistracy from both.

The *signory*, with the whole right and use of that magistracy, to be hereafter more fully explain'd, is almost purely *Venetian*.

The second part of the tropic is directed by

The sixteenth ORDER, wherby the constitution of the councils, being four; that is to say, the council of state, the council of war, the council of religion, and the council of trade, is render'd conformable in their revolutions to that of the senat. As, first, by the annual election of five knights out of the first region of the senat into the council of state, consisting of fifteen knights, five in every region.

*16 Order.
Constitution of the councils.*

Secondly, By the annual election of three knights out of the third region of the council of state, to be propos'd by the provosts, and elected by that council, into the council of war,

Of the council of state.

consisting of nine knights, three in every region, not excluded by this election from remaining members also of the council of state. The four tribuns of the people have right of session and suffrage in the council of war.

Of the council of war.

Thirdly, By the annual election of four knights out of the third region of the senat into the council of religion, consisting of twelve knights, four in every region. Of this council the censors are presidents Fourthly,

Of the council of religion.

By the annual election of four knights out of the third region of the senat into the council of trade, consisting of twelve knights, four in every region. And each region, in every one of these councils thus constituted,

Of the council of trade.

Of the provosts.

shall weekly and interchangeably elect one provost, whose magistracy shall continue for one week; nor shall he be reelected into the same, till every knight of that region in the same council has once born the same magistracy.

And the provosts being one in every region, three in every council, and twelve in all, beside their other capacitys, shall assemble and be a council, or rather an academy apart, to certain ends and purposes to be hereafter further explain'd with those of the rest of the councils.

Of the council of the provosts.

This order is of no other use than the frame and turn of the councils, and yet of no small one: for in motion consists life; and the motion of a commonwealth will never be current, unless it be circular. Men that, like my lord Epimonus, not enduring the resemblance of this kind of government to orbs and spheres, fall on physicing and purging it, do no more than is necessary; for if it be not in rotation both as to persons and things, it will be very sick. The people of *Rome*, as to persons, if they had not bin taken up by the wheel of magistracy, had overturn'd the chariot of the senat. And those of *Lacedemon*, as to things, had not bin so quiet when the senat trash'd their business, by incroaching upon the result, if by the institution of the *ephors* they had not brought it about again. So that if you allow not a commonwealth her rotation, in which consists her equality, you reduce her to a party, and then it is necessary that you be physicians indeed, or rather farriers; for you will have strong patients, and such as must be halter'd and cast, or your selves may need bonesetters. Wherefore the councils of this commonwealth, both in regard of their elections, and, as will be shewn, of their affairs, are uniform with the senat in their revolutions; not as whirlpits to swallow, but to bite, and with the scrues of their rotation to hold and turn a business (like the vice of a smith) to the hand of the workman. Without engins of which nature it is not possible for the senat, much less for the people, to be perfect artificers in a political capacity. But I shall not hold you longer from

The seventeenth ORDER, directing biennial elections, or the constitution of the orb of ambassadors in ordinary, consisting of four residences, the revolution wherof is perform'd in eight years, and preserv'd thro the election of one ambassador in two years by the ballot of the senat to repair to the court of *France*, and reside there for the term of two years; and the term of two

*17 Order.
Constitution of the
biennial election or
orb of ambassadors in
ordinary.*

years being expir'd, to remove from thence to the court of *Spain*, there to continue for the space of two years, and thence to remove to the state of *Venice*; and after two years residence in that city, to conclude with his residence at *Constantinople* for a like term of time, and so to return. A knight of the senat, or a deputy of the prerogative, may not be elected ambassador in ordinary, because a knight or deputy so chosen, must either lose his session, which would cause an unevenness in the motion of this commonwealth, or accumulat magistracy, which agrees not with the equality of the same. Nor may any man be elected into this capacity that is above five and thirty years of age, lest the commonwealth lose the charge of his education, by being depriv'd at his return of the fruit of it, or else enjoy it not long thro the defects of nature.

This order is the perspective of the commonwealth, wherby she foresees; danger or the traffic, wherby she receives every two years the return of a statesman inrich'd with eight years experience, from the prime marts of negotiation in *Europe*. And so much for the elections in the senat that are ordinary; such as are extraordinary follow in

The eighteenth ORDER, appointing all elections upon emergent occasions, except that of the dictator, to be made by the scrutiny, or that kind of election, wherby a council comes to be a fifth order of electors. For example, if there be occasion of an ambassador extraordinary, the provosts of the council of state, or any two of them, shall propose to the same, till one competitor be chosen by that council: and the council having chosen a competitor, shall bring his name into the senat, which in the usual way shall chuse four more competitors to the same magistracy; and put them, with the competitor of the council, to the ballot of the house, by which he of the five that is chosen is said to be elected by the scrutiny of the council of state. A vice-admiral, a polemarch, or field officer, shall be elected after the same manner, by the scrutiny of the council of war. A judge or serjeant at law, by the scrutiny of the commissioners of the seal. A baron, or considerable officer of the exchequer, by the scrutiny of the commissioners of the treasury. Men in magistracy, or out of it, are equally capable of election by the scrutiny; but a magistrat or officer elected by the scrutiny to a military employment, if he be neither a knight of the senat, nor a deputy of the prerogative, ought to have his office confirm'd by the prerogative, because the militia in a commonwealth, where the people are sovereign, is not lawful to be touch'd *injussu populi*.

18 Order. Constitution of election extraordinary, or by the scrutiny.

The *Romans* were so curious, that tho their consuls were elected in the **centuriat assemblies*, they might not touch the militia, except they were confirm'd in the *†parochial assemblies*: for a magistrat not receiving his power from the people, takes it from them; and to take away their power, is to take away their liberty. As to the election by the scrutiny, it is easily perceiv'd to be *Venetian*, there being no such way to take in the knowledge, which in all reason must be best in every council of such men as are most fit for their turns, and yet to keep them from the bias of particular affection or interest under that pretence: for the cause why the great council in *Venice* scarce ever elects any other than the name that is brought in by the scrutiny, is very probable to be, that they may This election is the last of those appertaining to the senat. The councils being chosen by the orders already shewn, it remains that we come to those wherby they are instructed: and the orders of instruction to the councils are two, the first for the matter wherupon they are to procede: and the second for the manner of their proceeding. The matter of the councils is distributed to them by

The nineteenth ORDER, distributing to every council such businesses as are properly to belong to their cognizance, whereof some they shall receive and determine; and others they shall receive, prepare, and introduce into the house: as, first,

19 Order. Instructions for the councils as to their matter.

THE council of state is to receive all addresses, intelligences, and letters of negotiation; to give audience to ambassadors sent to, and to draw up instructions for such as shall be sent by, this commonwealth; to receive propositions from, and hold intelligence with the provincial councils; to consider upon all laws to be enacted, amended, or repeal'd; and upon all levys of men or money, war or peace, leagues or associations to be made by this commonwealth, so far forth as is conducive to the orderly preparation of the same to be introduc'd by them into the senat. Provided that all such affairs, as otherwise appertaining to the council of state, are, for the good of the commonwealth, to be carry'd with greater secrecy, be manag'd by the council of war, with power to receive and send forth agents, spys, emissarys, intelligencers, frigots; and to manage affairs of that nature, if it be necessary, without communication to the senat, till such time as it may be had without detriment to the business.

For the council of state.

But they shall have no power to engage the commonwealth in a war without the consent of the senat and the people. It appertains also to this council to take charge of the fleet as admiral; and of all storehouses, armorys, arsenals, and magazins appertaining to this commonwealth. They shall keep a diligent record of the military expeditions from time to time reported by him that was strategus or general, or one of the polemarchs in that action; or at least so far as the experience of such commanders may tend to the improvement of the military disciplin, which they shall digest and introduce into the senat: and if the senat shall therupon frame any article, they shall see that it be observ'd in the musters or education of the youth. And wheras the council of war is the sentinel or scout of this commonwealth, if any person or persons shall go about to introduce debate into any popular assembly of the same, or otherwise to alter the present government, or strike at the root of it, they shall apprehend, or cause to be apprehended, seiz'd, imprison'd; and examin, arraign, acquit, or condemn, and cause to be executed any such person or persons, by their proper power and authority, and without appeal.

For the council of war.

THE council of religion, as the arbiter of this commonwealth in cases of conscience more peculiarly appertaining to religion, christian charity, and a pious life, shall have the care of the national religion, and the protection of the liberty of conscience, with the cognizance of all causes relating to either of them. And first as to the national religion; they shall cause all places or preferments of the best revenue in either of the universitys to be conser'd upon no other than such of the most learn'd and pious men, as have dedicated themselves to the study of theology. They shall also take a special care that by such augmentations as be or shall hereafter be appointed by the senat, every benefice in this nation be improv'd at least to the value of one hundred pounds a year. And to the end that there be no interest at all, wherby the divines or teachers of the national religion may be corrupted, or corrupt religion, they shall be capable of no other kind of imployment or preferment in this commonwealth. And wheras a directory for the administration of the national religion is to be prepar'd by this council, they shall in this and other debates of this nature procede in manner following: a question arising in matter of religion shall be put and stated by the council in writing; which writing the censors shall send by their beadles (being proctors chosen to attend them) each to the university wherof he is chancellor; and the

For the council of religion.

vice-chancellor of the same receiving the writing, shall call a convocation of all the divines of that univerfity, being above forty years of age. And the universitys upon a point so propos'd, shall have no manner of intelligence or correspondence one with another, till their debates be ended, and they have made return of their answers to the council of religion by two or three of their own members, that they may clear their sense, if any doubt should arise, to the council; which don, they shall return, and the council having receiv'd such information, shall procede according to their own judgments, in the preparation of the whole matter for the senat: that so the interest of the learned being remov'd, there may be a right application of reason to scripture, which is the foundation of the national religion.

SECONDLY, This council, as to the protection of the liberty of conscience, shall suffer no coercive power in the matter of religion to be exercis'd in this nation: the teachers of the natural religion being no other than such as voluntarily undertake that calling; and their auditors or hearers, no other than are also voluntary. Nor shall any gather'd congregation be molested or interrupted in their way of worship (being neither Jewish or idolatrous) but vigilantly and vigorously protected and defended in the injoyment, practice, and prosession of the same. And if there be officers or auditors appointed by any such congregation for the introduction of causes into the council of religion, all such causes so introduc'd shall be receiv'd, heard, and determin'd by the same, with recourse had, if need be, to the senat.

THIRDLY, Every petition addrest to the senat, except that of a tribe, shall be receiv'd, examin'd, and debated by this council; and such only as they, upon such examination and debate had, shall think fit, may be introduc'd into the senat.

THE council of trade being the *vena porta* of this nation, shall hereafter receive instructions more at large. For the present, their experience attaining to a right understanding of those trades and mysterys that feed the veins of this commonwealth, and a true distinction of them from those that suck or exhaust the same, they shall acquaint the senat with the conveniences and inconveniences, to the end that incouragement may be apply'd to the one, and remedy to the other.

For the council of trade.

THE academy of the provosts, being the affability of the commonwealth, shall assemble every day towards the evening in a fair room, having certain withdrawing rooms therto belonging. And all sorts of company that will repair thither for conversation or discourse, so it be upon matters of government, news, or intelligence, or to propose any thing to the councils, shall be freely and affably receiv'd in the outer chamber, and heard in the way of civil conversation, which is to be manag'd without any other aw or ceremony than is therto usually appertaining; to the end that every man may be free, and that what is propos'd by one, may be argu'd or discours'd by the rest, except the matter be of secrecy; in which case the provosts, or som of them, shall take such as desire audience into one of the withdrawing rooms. And the provosts are to give their minds, that this academy be so govern'd, adorn'd, and preserv'd, as may be most attractive to men of parts and good affections to the commonwealth, for the excellency of the conversation.

For the academy of the provosts.

FURTHERMORE, if any man, not being able or willing to com in person, has any advice to give which he judges may be for the good of the commonwealth, he may write his mind to the academy of the provosts, in a letter sign'd or not sign'd; which letter shall be left with the doorkeeper of the academy. Nor shall any person delivering such a letter be seiz'd, molested, or detain'd, tho it should prove to be a libel. But the letters so deliver'd shall be presented to the provosts; and in case they be so many that they cannot well be perus'd by the provosts themselves, they shall distribute them as they please to be read by the gentlemen of the academy, who finding any thing in them material, will find matter of discourse: or if they happen upon a business that requires privacy, return it with a note upon it to a provost. And the provosts by the secretarys attending shall cause such notes out of discourses or letters to be taken as they please, to the end that they may propose, as occasion serves, what any two of them shall think fit out of their notes so taken to their respective councils: to the end that not only the ear of the commonwealth be open to all, but that men of such education being in her ey, she may upon emergent elections or occasions be always provided of her choice of fit persons.

EVERY council being adorn'd with a state for the signory, shall be attended by two secretarys, two doorkeepers, and two messengers in ordinary, and have power to command more upon emergencys, as occasion requires. And the academy shall be attended with two secretarys, two messengers, and two doorkeepers; this with the other councils being provided with their farther conveniences at the charge of the state.

For the attendance of the councils.

BUT wheras it is incident to commonwealths, upon emergencys requiring extraordinary speed or secrecy, either thro their natural delays or unnatural hast, to incur equal danger, while holding to the slow pace of their orders, they com not in time to defend themselves from som sudden blow; or breaking them for the greater speed, they but hast to their own destruction: if the senat shall at any time make election of nine knights extraordinary, to be added to the council of war, as a *juncta* for the term of three months, the council of war, with the *juncta* so added, is for the term of the same dictater of *Oceana*, having power to levy men and mony, to make war and peace, as also to enact laws, which shall be good for the space of one year (if they be not sooner repcol'd by the senat and the people) and for no longer time, except they be confirm'd by the senat and the people. And the whole administration of the commonwealth for the term of the said three months shall be in the dictator; provided, that the dictator shall have no power to do any thing that tends not to his proper end and institution, but all to the preservation of the commonwealth as it is establish'd, and for the sudden restitution of the some to the natural channel and common course of government. And all acts, orders, decrees, or laws of the council of war with the *juncta*, being thus created, shall be sign'd,

For the dictator.

DICTATOR OCEANÆ.

This order of instructions to the councils being (as in a matter of that nature is requisit) very large, I have us'd my best skill to abbreviat it in such manner as might shew no more of it than is necessary to the understanding of the whole; tho as to the

parts, or further dutys of the councils, I have omitted many things of singular use in a commonwealth. But it was discours'd at the council by the Archon in this manner:

My Lords, The Legislators,

“YOUR councils, except the dictator only, are proper and native springs and sources, you see, which (hanging a few sticks and straws, that, as less considerable, would otherwise be more troublesom, upon the banks of their peculiar channels) derive the full stream of business into the senat, so pure, and so far from the possibility of being troubl'd or stain'd (as will undeniably appear by the course contain'd in the insuing order) with any kind of privat interest or partiality, that it shall never be possible for any assembly hearkning to the advice or information of this or that worthy member (either instructed upon his pillow, or while he was making himself ready, or by the petition or ticket which he receiv'd at the door) to have half the security in his faith, or advantage by his wisdom; such a senat or council being, thro the incertainty of the winds, like a wave of the sea. Nor shall it otherwise mend the matter by flowing up into dry ditches, or referring businesses to be better examin'd by committees, than to go farther about with it to less purpose; if it dos not ebb back again with the more mud in it. For in a case refer'd to an occasional committee, of which any member that is desirous may get himself nam'd, and to which nobody will com, but either for the sake of his friend, or his own interest; it fares little better as to the Information of the senat, than if it had bin refer'd to the partys. Wherefore the *Athenians* being distributed into four tribes, out of which by equal numbers they annually chose four hundred men, call'd, *the senat of the Bean* (because the ballot at their election was perform'd by the use of beans) divided them by fiftys into eight parts. And every fifty in their turn, for one eighth part of the year, was a council apart call'd the *Prytans*. The *Prytans* in their distinct council receiving all comers, and giving ear to every man that had any thing to propose concerning the commonwealth, had power to debate and prepare all the businesses that were to be introduc'd into the senat. The *Achæans* had ten selected magistrats call'd the *demiurgs*, constituting a council apart call'd the *synarchy*, which with the *strategus* prepar'd all the business that was introduc'd into their senat. But both the senat of the *Athenians*, and that of the *Achæans*, would have wonder'd if a man had told them, that they were to receive all comers and discourses, to the end that they might refer them afterwards, to the *Prytans* or the *synarchy*; much less to an occasional committee, expos'd to the catch that catch may of the partys interested. And yet *Venice*, in this, as in most of her orders, excels them all by the constitution of her councils, that of the college, and the other of the *dieci*, or council of ten. The course of the college is exactly describ'd in the insuing order: and for that of the *dieci*, it so little differs from what it has bestow'd upon our *dictator*, that I need not make any particular description of it. But to *dictatorian* power in general, and the use of it, because it must needs be of difficult digestion to such as, puking still at antient prudence, shew themselves to be in the nursery of motherwit; it is no less than necessary to say something. And, first, in a commonwealth that is not wrought up, or perfected, this power will be of very frequent, if not continual use; wherefore it is said more than once, upon defects of the government, in the book of *Judges*, *that in those days there was no king in Israel*. Nor has the translator, tho for *no king* he should have said *no judg*, abus'd you so much; seeing that the dictator (and such was the *judg* of

Israel) or the dictatorial power being in a single person, so little differs from monarchy, which follow'd in that, that from the same cause there has bin no other effect in any commonwealth; as in *Rome* was manifest by Sylla and Cesar, who to make themselves absolute or soverain, had no more to do than to prolong their magistracy; for* the dictatorial power was reputed divine, and therfore irresistible. Nevertheless, so it is, that without this power, which is so dangerous, and subject to introduce monarchy, a commonwealth cannot be safe from falling into the like dissolution; unless you have an expedient in this case of your own, and bound up by your providence from recoiling. Expedients in som cases you must not only have, but be beholden for them to such whom you must trust at a pinch, when you have not leisure to stand with them for security; which will be a thousand times more dangerous. And there can never be a commonwealth otherwise than by the order in debate wrought up to that perfection; but this necessity must somtimes happen in regard of her natural slowness and openness, and the suddenness of assaults that may be made upon her, as also the secresy which in som cases may be of absolute necessity to her affairs. Whence Machiavel concludes it positively, that a commonwealth unprovided of such a refuge, must fall to ruin: for her course is either broken by the blow in one of those cases, or by herself, while it startles her out of her orders. And indeed a commonwealth is like a greyhound, which having once coasted, will never after run fair, but grow slothful; and when it coms to make a common practice of taking nearer ways than its orders, it is dissolv'd: for the being of a commonwealth consists in its orders. Wherfore at this lift you will be expos'd to danger, if you have not provided before-hand for the safety of your resort in the like cases: nor is it sufficient that your resort be safe, unless it be as secret and quick; for if it be slow or open, your former inconveniences are not remedy'd. Now for our imitation in this part, there is nothing in experience like that of the council of ten in *Venice*; the benefit wherof would be too long to be shewn in the whole piece, and therfore I shall take but a pattern out of Janotti. In the war, says he, which the *Venetians* had with *Florence* in *Casentin*, the *Florentins* finding a necessity in their affairs far from any other inclination in themselves to ask their peace, sent ambassadors about it to *Venice*, where they were no sooner heard, than the bargain was struck up by the council of ten: and every body admiring (seeing this commonwealth stood upon the higher ground) what should be the reason of such hast; the council upon the return of the ambassadors imparted letters to the senat, wherby it appear'd, that the *Turc* had newly lanch'd a formidable fleet against their state; which had it bin understood by the *Florentins*, it was well enough known they would have made no peace. Wherfore the service of the ten was highly applauded by the senat, and celebrated by the *Venetians*. Wherby may appear, not only in part what use there is of dictatorial power in that government, but that it is assum'd at the discretion of that council; wheras in this of *Oceana* it is not otherwise intrusted than when the senat, in the election of nine knights extraordinary, gives at once the commission, and takes security in a balance, added to the council of war, tho securer before by the tribuns of the people than that of *Venice*, which yet never incur'd jealousy: for if the younger nobility have bin often girding at it, that happen'd not so much thro the apprehension of danger in it to the commonwealth, as thro the aw of it upon themselves. Wherfore the graver have doubtlesly shewn their prudence in the law; wherby the magistracy of these counsillors being to last till their successors be created, the council is establish'd.

The instructions of the councils for their matter being shewn, it remains that I shew the instructions for the manner of their proceeding, as they follow in

The twentieth ORDER, containing the method of debates to be observ'd by the magistrats and the councils successively in order to a decree of the senat.

20 Order. Instructions for the councils as to their manner of proceeding.

THE magistrats of the signory, as counsellors of this commonwealth, shall take into their consideration all matters of state, or of government; and, having right to propose in any council, may any one or more of them propose what business he or they please in that council to which it most properly belongs. And, that the councils may be held to their duty, the said magistrats are superintendants and inspectors of the same, with right to propose to the senat.

THE censors have equal power with these magistrats, but in relation to the council of religion only.

ANY two of the three provosts in every council may propose to, and are the more peculiar proposers of, the same council; to the end that there be not only an inspection and superintendency of business in general, but that every work be also committed to a peculiar hand.

ANY one or more of the magistrats, or any two of the provosts respectively having propos'd, the council shall debate the business so propos'd, to which they of the third region that are willing shall speak first in their order; they of the second, next; and they of the first, last: and the opinions of those that propos'd or spoke, as they shall be thought the most considerable by the council, shall be taken by the secretary of the same in writing, and each of them sign'd with the name of the author.

THE opinions being thus prepar'd, any magistrat of the signory, the censors, or any two of the provosts of that council, upon this occasion may assemble the senat.

THE senat being assembled, the opinions (for example, if they be four) shall be read in their order, that is, according to the order or dignity of the magistrats or counsellors by which they were sign'd. And being read, if any of the council introducing them will speak, they, as best acquainted with the business, shall have precedence; and after them the senators shall speak according to their regions, beginning by the third first, and so continuing till every man that will has spoken: and when the opinions have bin sufficiently debated, they shall be put all together to the ballot after this manner.

FOUR secretarys carrying each of them one of the opinions in one hand, with a white box in the other, and each following the other, according to the order of the opinions, shall present his box, naming the author of his opinion to every senator; and one secretary or ballotin with a green box shall follow the four white ones; and one secretary or ballotin with a red box shall follow the green one: and every senator shall put one ball into som one of these six boxes. The suffrage being gather'd and open'd before the signory, if the red box or nonsincere had above half the suffrages,

*the opinions shall be all cast out, for the major part of the house is not clear in the business. If no one of the four opinions had above half the suffrages in the affirmative, that which had fewest shall be cast out, and the other three shall be balloted again. If no one of the three had above half, that which had fewest shall be cast out, and the other two shall ballot again. If neither of the two had above half, that which had fewest shall be cast out, and the remaining opinion shall be balloted again. And if the remaining opinion has not above half, it shall also be cast out. But the first of the opinions that arrives at most above half in the affirmative, is the decree of the senat. The opinions being all of them cast out by the nonsincere, may be review'd, if occasion permits, by the council, and brought in again. If they be cast out by the negative, the case being of advice only, the house approves not, and there is an end of it: the case being necessary, and admitting delay, the council is to think again upon the business, and to bring in new opinions; but the case being necessary, and not admitting delay, the senat immediately electing the juncta, shall create the dictator.*And let the dictator, as the Roman saying is, take care that the commonwealth receives no harm.*

THIS in case the debate concludes not in a decree. But if a decree be past, it is either in matter of state or government according to law enacted already, and then it is good without going any further: or it is in matter of law to be enacted, repeal'd or amended; and then the decree of the senat, especially if it be for a war, or for a levy of men or mony, is invalid, without the result of the commonwealth, which is in the prerogative tribe, or representative of the people.

THE senat having prepar'd a decree to be propos'd to the people, shall appoint their proposers; and no other may propose for the senat to the people but the magistrats of the house: that is to say, the three commissioners of the seal, or any two of them; the three of the treasury, or any two of them; or the two censors.

THE senat having appointed their proposers, shall require of the tribuns a muster of the people at a set time and place: and the tribuns or any two of them having muster'd the people accordingly, the proposers shall propose the sense or decree of the senat by clauses to the people. And that which is propos'd by the authority of the senat, and resolv'd by the command of the people, is the law of Oceana.

To this order, implicitly containing the sum very near of the whole civil part of the commonwealth, my lord Archon spoke thus in council.

My Dear Lords;

“THERE is a saying, that a man must cut his coat according to his cloth. When I consider what God has allow'd or furnish'd to our present work, I am amaz'd. You would have a popular government, he has weigh'd it to you in the present balance, as I may say, to a dram; you have no more to do, but to fix it. For the superstructures of such a government, they require a good aristocracy: and you have, or have had a nobility or gentry the best study'd, and the best writers, at least next that of *Italy*, in the whole world; nor have they bin inferior, when so exercis'd, in the leading of armys. But the people are the main body of a commonwealth; shew me from the

treasuries of the snow (as it is in Job) to the burning zone, a people whose shoulder so universally and so exactly fit the corslet. Nevertheless it were convenient to be well provided with auxiliaries. There is *Marpesia* thro her fruitfulness inexhaustible of men, and men thro her barrenness not only inur'd to hardship, but in your arms. It may be said, that *Venice*, excepting only that she takes not in the people, is the most incomparable situation of a commonwealth. You are *Venice* taking in your people and your auxiliaries too. My lords, the children of *Israel* were makers of brick, before they were builders of a commonwealth: but our brick is made, our mortar temper'd, the cedars of *Lebanon* are hew'd and squar'd to our hands. Has this bin the work of man? or is it in man to withstand this work? *shall he that contends with the Almighty, instruct him? he that reproves God, let him answer it.* For our parts, every thing is so laid, that when we come to have use of it, it is the next at hand; and unless we can conceive that God and nature do any thing in vain, there is no more for us to do but to dispatch. The piece, which we have reach'd to us in the foregoing orders, is the aristocracy. *Athens*, as has bin shewn, was plainly lost thro the want of a good aristocracy. But the sufficiency of an aristocracy gos demonstrably upon the hand of the nobility or gentry: for that the politics can be master'd without study, or that the people can have leisure to study, is a vain imagination; and what kind of aristocracy divines and lawyers would make, let their incurable running upon their own narrow biass, and their perpetual invectives against Machiavel (tho in som places justly reprobable, yet the only politician, and incomparable patron of the people) serve for instruction. I will stand no more to the judgment of lawyers and divines in this work, than to that of so many other tradesmen; but if this model chances to wander abroad, I recommend it to the *Roman speculativi* (the most complete gentlemen of this age) for their censure: or with my lord Epimonus his leave, send three or four hundred coppers to your agent at *Venice* to be presented to the magistrats there; and when they have consider'd them, to be propos'd to the debate of the senat, the most competent judges under heaven, who, tho they have great affairs, will not refuse to return you the oracle of their ballot. The counsellors of princes I will not trust; they are but journyemen. *The wisdom of these later times in princes affairs* (says Verulamius) *is rather fine deliverys and shiftings of dangers when they be near, than solid and grounded courses to keep them off.* Their counsellors do not derive their proceedings from any sound root of government that may contain the demonstration, and assure the success of them, but are expedient-mongers, givers of themselves to help a lame dog over a stile; else how coms it to pass, that the fame of cardinal Richlieu has bin like thunder, wherof we hear the noise, but can make no demonstration of the reason? but to return, if neither the people, nor divines, and lawyers, can be the aristocracy of a nation, there remains only the nobility; in which stile, to avoid farther repetition, I shall understand the gentry also, as the *French* do by the word *noblesse*.

“Now to treat of the nobility in such sort as may be less obnoxious to mistake, it will be convenient, and answerable to the present occasion, that I divide my discourse into four parts.

“The first treating of nobility, and the kinds of it.

“The second, of their capacity of the senat.

“The third, of the divers kinds of senats.

“The fourth, of the senat, according to the foregoing orders.

“Nobility may be defin’d divers ways; for it is either antient riches, or antient virtue, or a title confer’d by a prince or a commonwealth.

“Nobility of the first kind may be subdivided into two others, such as hold an overbalance in dominion or property to the whole people, or such as hold not an overbalance. In the former case, a nobility (such was the *Gothic*, of which sufficient has bin spoken) is incompatible with popular government; for to popular government it is essential that power should be in the people, but the overbalance of a nobility in dominion draws the power to themselves. Wherefore in this sense it is that Machiavel is to be understood, where he says,† that these are pernicious in a commonwealth; and of *France, Spain, and Italy*, that they are nations‡ which for this cause are the corruption of the world: for otherwise nobility may according to his definition (which is, *that they are such as live upon their own revenues in plenty, without ingagement either to the tilling of their lands, or other work for their livelihood*) hold an underbalance to the people; in which cafe they are not only safe, but necessary to the natural mixture of a well-order’d commonwealth. For how else can you have a commonwealth that is not altogether mechanic? or what comparison is there of such commonwelaths as are, or com nearest to mechanic, for example, *Athens, Switzerland, Holland, to Lacedemon, Rome, and Venice*, plum’d with their aristocracys? your mechanics, till they have first feather’d their nests, like the fowls of the air, whose whole employment is to seek their food, are so busy’d in their private concerns, that they have neither leisure to study the public, nor are safely to be trusted with it,* because a man is not faithfully imbarck’d in this kind of ship, if he has no share in the freight. But if his share be such as gives him leisure by his privat advantage to reflect upon that of the public, what other name is there for this sort of men, being *a leur aise*, but (as Machiavel you see calls them) Nobility? especially when their familys com to be such as are noted for their services don to the commonwealth, and so take into their antient riches antient virtue, which is the second definition of nobility, but such a one as is scarce possible in nature without the former. *For as the baggage*, says Verulamius,*is to an army, so are riches to virtue; they cannot be spar’d nor left behind, tho they be impediments, such as not only hinder the march, but sometimes thro the care of them lose or disturb the victory.* Of this latter sort is the nobility of *Oceana*; the best of all others, because they, having no stamp whence to derive their price, can have it no otherwise than by their intrinsic value. The third definition of nobility, is a title, honor, or distinction from the people, confer’d or allow’d by the prince or the commonwealth. And this may be two ways, either without any stamp or privilege, as in *Oceana*; or with such privileges as are inconsiderable, as in *Athens* after the battel of *Plateæ*, whence the nobility had no right, as such, but to religious offices, or inspection of the public games, to which they were also to be elected by the people: or with privileges, and those considerable ones, as the nobility in *Athens* before the battel of *Plateæ*, and the *Patricians* in *Rome*, each of which had right, or claim’d it, to the senat and all the magistracys; wherein for som time they only by their stamp were current.

“But to begin higher, and to speak more at large of nobility in their several capacitys of the senat. The phylarchs or princes of the tribes of *Israel* were the most ren wn’d, or, as the *Latin*, the most noble of the congregation, wherof by hereditary right they had the leading and judging.

The patriarchs, or princes of familys, according as they declar’d their pedigrees, had the like right as to their familys; but neither in these nor the former, was there any hereditary right to the *sanhedrim*:

Numb. 1. 16.

tho there be little question but the wise men, and understanding, and known among their tribes, which the people took or elected

Ver. 18.

into those or other magistracys, and whom Moses made rulers over them, must have bin of these; seeing they could not chuse but be the most known among the tribes, and were likeliest by the advantages of education to be the most wise and understanding

Deut. 1. 13.

“Solon having found the *Athenians* neither locally nor

genealogically, but by their different ways of life, divided into four tribes, that is, into the soldiery, the tradesmen, the husbandmen, and the goatherds, instituted a new distribution of them, according to the cense or valuation of their estates, into four classes: the first, second, and third, consisting of such as were proprietors in land, distinguish’d by the rate of their freeholds, with that stamp upon them, which making them capable of adding honor to their riches, that is to say, of the senat, and all the magistracys, excluded the fourth, being the body of the people, and far greater in number than the former three, from all other right, as to those capacitys, except the election of these, who by this means became a hereditary aristocracy or senatorian order of nobility. This was that course which came afterwards to be the destruction of *Rome*, and had now ruin’d *Athens*. The nobility, according to the inevitable nature of such a one, having laid the plot how to devest the people of the result, and so to draw the whole power of the commonwealth to themselves; which in all likelihood they had don, if the people, coming by mere chance to be victorious in the battel of *Plateæ*, and famous for defending *Greece* against the *Persians*, had not return’d with such courage as irresistibly broke the classes, to which of old they had born a white tooth, brought the nobility to equal terms, and the senat with the magistracys to be common to both; the magistracys by suffrage, and the senat (which was the mischief of it, as I shall shew anon in that constitution) by lot only.

“The *Lacedemonians* were in the manner, and for the same cause with the *Venetians* at this day, no other than a nobility, even according to the definition given of nobility by Machiavel; for they neither exercis’d any trade, nor labor’d their lands or lots, which was don by their *helots*: wherfore som nobility may be far from pernicious in a commonwealth by Machiavel’s own testimony, who is an admirer of this, tho the servants therof were more in number than the citizens. To these servants I hold the answer of Lyncurgus, when he bad him who ask’d why he did not admit the people to the government of his commonwealth, to go home and admit his servants to the government of his family, to relate: for neither were the *Lacedemonians* servants, nor farther capable of the government, unless, wheras the congregation had the result, he should have given them the debate also; every one of these that attain’d to sixty years of age, and the major vote of the congregation, being equally capable of the senat.

“The nobility of *Rome*, and their capacity of the senat, I have already describ’d by that of *Athens* before the battel of *Plateæ*; saving only that the *Athenian* was never eligible into the senat without the suffrage of the people, till the introduction of the lot, but the *Roman* nobility ever: for the *patricians* were elected into the senat by the kings, by the consuls, or the censors; or if a plebeian happen’d to be conscrib’d, he and his posterity became patricians. Nor, tho the people had many disputes with the nobility, did this ever com in controversy, which, if there had bin nothing else, might in my judgment have bin enough to overturn that commonwealth.

“The *Venetian* nobility, but that they are richer, and not military, resemble at all other points the *Lacedemonian*, as I have already shewn. These Machiavel excepts from his rule, by saying, that their estates are rather personal than real, or of any great revenue in land; which coms to our account, and shews, that a nobility or party of the nobility, not overbalancing in dominion, is not dangerous, but of necessary use in every commonwealth, provided it be rightly order’d; for if it be so order’d as was that of *Rome*, tho they do not overbalance at the beginning, as they did not there, it will not be long e’er they do, as is clear both in reason and experience towards the latter end. That the nobility only be capable of the senat, is there only not dangerous, where there be no other citizens, as in this government and that of *Lacedemon*.

“The nobility of *Holland* and *Switzerland*, tho but few, have privileges not only distinct from the people, but so great, that in som sovaintys they have a negative voice; an example which I am far from commending, being such as (if those governments were not cantoniz’d, divided, and subdivided into many petty sovaintys that balance one another, and in which the nobility, except they had a prince at the head of them, can never join to make work) would be the most dangerous that ever was but the *Gothic*, of which it savors. For in antient commonwealths you shall never find a nobility to have had a negative but by the poll, which, the people being far more in number, came to nothing; wheras these have it, be they never so few, by their stamp or order.

“Ours of *Oceana* have nothing else but their education and their leisure for the public, furnish’d by their ease and competent riches: and their intrinsic value, which, according as it coms to hold weight in the judgment or suffrage of the people, is their only way to honor and preferment. Wherefore I would have your lordships to look upon your children as such, who if they com to shake off som part of their baggage, shall make the more quick and glorious march: for it was nothing else but the baggage sordidly plunder’d by the nobility of *Rome*, that lost the victory of the whole world in the midst of her triumph.

“Having follow’d the nobility thus close, they bring us, according to their natural course and divers kinds, to the divers constitutions of the senat.

“That of *Israel* (as was shew’d by my right noble lord Phosphorus de Augf, in the opening of the commonwealth) consisted of seventy elders, elected at first by the people. But wheras they were for life, they ever after (tho without any divine precept for it) substituted their successors by ordination, which ceremony was most usually perform’d by imposition of hands; and by this means a commonwealth of as popular

institution as can be found, became, as it is accounted by Josephus, aristocratical. From this ordination derives that which was introduc'd by the apostles into the Christian church; for which cause I think it is, that the Presbyterians would have the government of the church to be aristocratical: tho the apostles, to the end, as I conceive, that they might give no occasion to such a mistake, but shew that they intended the government of the church to be popular, *ordain'd elders*, as has bin shewn, *by the holding up of hands* (or free suffrage of the people) *in every congregation or ecclesia*: for that is the word in the original, being borrow'd from the civil congregations of the people in *Athens* and *Lacedemon*, which were so call'd; and the word for *holding up of hands* in the text, is also the very same, which signify'd the suffrage of the people in *Athens*, χειροτονήσαντες; for the suffrage of the *Athenians* was given *per chirotonian*, says Emmius.

“The council of the bean (as was shewn by my lord Navarchus de Paralo in his full discourse) being the proposing senat of *Athens* (for that of the *areopagits* was a judicatory) consisted of four, som say five hundred senators, elected annually, all at once, and by a mere lot without suffrage. Wherefore tho the senat, to correct the temerity of the lot, had power to cast out such as they should judg unworthy of that honor; this related to manners only, and was not sufficient to repair the commonwealth, which by such means became impotent: and forasmuch as her senat consisted not of the natural aristocracy, which in a commonwealth is the only spur and rein of the people, it was cast headlong by the rashness of her demagoges or grandees into ruin; while her senat, like the *Roman* tribuns (**who almost always, instead of governing, were rather govern'd by the multitude*) propos'd not to the result only, but to the debate also of the people, who were therefore call'd to the pulpits, where som vomited, and others drank poison.

“The senat of *Lacedemon*, most truly discover'd by my lord Laco de Scytale, consisted but of 30 for life, wherof the two kings having but single votes, were hereditary, the rest elected by the free suffrage of the people, but out of such as were sixty years of age. These had the whole debate of the commonwealth in themselves, and propos'd to the result only of the people. And now the riddle which I have heretofore found troublesom to unfold, is out; that is to say, why *Athens* and *Lacedemon*, consisting each of the senat and the people, the one should be held a democracy, and the other an aristocracy, or laudable oligarchy, as it is term'd by Isocrates; for that word is not, wherever you meet it, to be branded, seeing it is us'd also by Aristotle, Plutarch, and others, sometimes in a good sense. The main difference was, that the people in this had the result only, and in that the debate and result too. But for my part, where the people have the election of the senat, not bound to a distinct order, and the result, which is the sovereign power, I hold them to have that share in the government (the senat being not for life) wherof, with the safety of the commonwealth, they are capable in nature; and such a government, for that cause, to be democracy: tho I do not deny, but in *Lacedemon*, the paucity of the senators consider'd, it might be call'd *oligarchy*, in comparison of *Athens*; or, if we look on their continuance for life, tho they had bin more, *aristocracy*.

“The senat of *Rome* (whose fame has bin heard to thunder in the eloquence of my lord Dolabella d'Enyo) consisting of 300, was, in regard of the number, less oligarchical

than that of *Lacedemon*; but more in regard of the *patrician*, who, having a hereditary capacity of the same, were not elected to that honor by the people; but, being conscrib'd by the censors, enjoy'd it for life. Wherefore these, if they had their wills, would have resolv'd as well as debated; which set the people at such variance with them, as dissolv'd the commonwealth; whereas if the people had enjoy'd the result, that about the agrarian, as well as all other strife, must of necessity have ceas'd.

“The senats of *Switzerland* and *Holland* (as I have learnt of my lords Alpester and Glaucus) being bound up (like the sheaf of arrows which the latter gives) by leagues, ly like those in their quivers: but arrows, when they com to be drawn, fly som this way, and som that; and I am contented that these concern'd us not.

“That of *Venice* (by the faithful testimony of my most excellent lord Linceus de Stella) has oblig'd a world, sufficiently punish'd by its own blindness and ingratitude, to repent and be wiser: for whereas a commonwealth in which there is no senat, or where the senat is corrupt, cannot stand; the great council of *Venice*, like the statue of *Nilus*, leans upon an urn or waterpot, which pours forth the senat in so pure and perpetual a stream, as being inabled to stagnat, is for ever incapable of corruption. The fuller description of this senat is contain'd in that of *Oceana*; and that of *Oceana* in the foregoing orders. To every one of which, because something has bin already said, I shall not speak in particular. But in general, your senat, and the other assembly, or the prerogative, as I shall shew in due place, are perpetual, not as lakes or puddles, but as the rivers of *Eden*; and are beds made, as you have seen, to receive the whole people, by a due and faithful vicissitude, into their current. They are not, as in the late way, alternat. Alternat life in government is the alternat* death of it.

“This was the *Gothic* work, wherby the former government (which was not only a ship, but a gust too) could never open her fails, but in danger to overset herself; neither could make any voyage, nor ly safe in her own harbor. The wars of later ages, says Verulamius, seem to be made in the dark, in respect of the glory and honor which reflected on men from the wars in antient times. Their shipping of this sort was for voyages, ours dare not lanch; nor lys it safe at home. Your *Gothic* politicians seem to me rather to have invented som new ammunition or gunpowder, in their king and parlament, than government. For what is becom of the princes (a kind of people) in *Germany*? blown up. Where are the estates, or the power of the people in *France*? blown up. Where is that of the people in *Arragon*, and the rest of the *Spanish* kingdoms? blown up. On the other side, where is the king of *Spain*'s power in *Holland*? blown up. Where is that of the *Austrian* princes in *Switzerland*? blown up. This perpetual peevishness and jealousy, under the alternat empire of the prince, and of the people, is obnoxious to every spark. Nor shall any man shew a reason that will be holding in prudence, why the people of *Oceana* have blown up their king, but that their kings did not first blow up them. The rest is discourse for ladys. Wherefore your parlaments are not henceforth to com out of the bag of *Æolus*, but by your galaxys, to be the perpetual food of the fire of Vesta.

“Your galaxys, which divide the house into so many regions, are three; one of which constituting the third region is annually chosen, but for the term of three years; which causes the house (having at once blossoms, fruit half ripe, and others dropping off in

full maturity) to resemble an orange tree, such as is at the same time an education or spring, and a harvest too: for the people have made a very ill choice in the man, who is not easily capable of the perfect knowledge in one year of the senatorian orders; which knowledge, allowing him for the first to have bin a novice, brings him the second year to practice, and time enough. For at this rate you must always have two hundred knowing men in the government. And thus the vicissitude of your senators is not perceivable in the steadiness and perpetuity of your senat; which, like that of *Venice*, being always changing, is for ever the same. And tho other politicians have not so well imitated their pattern, there is nothing more obvious in nature, seeing a man who wears the same flesh but a short time, is nevertheless the same man, and of the same genius; and whence is this but from the constancy of nature, in holding a man to her orders? Wherefore keep also to your orders. But this is a mean request, your orders will be worth little, if they do not hold you to them: wherefore imbarck. They are like a ship, if you be once aboard, you do not carry them, but they you; and see how *Venice* stands to her tackling: you will no more forsake them, than you will leap into the sea.

“But they are very many, and difficult. O, my lords, what seaman casts away his card, because it has four and twenty points of the compass? and yet those are very near as many, and as difficult as the orders in the whole circumference of your commonwealth. Consider, how have we bin tost with every wind of doctrin, lost by the glib tongues of your demagoges and grandees in our own havens? A company of fiddlers that have disturb’d your rest for your groat; two to one, three thousand pounds a year to another, has bin nothing. And for what? Is there one of them that yet knows what a commonwealth is? And are you yet afraid of such a government in which these shall not dare to scrape, for fear of the statute? Themistocles could not fiddle, but could make of a small city a great commonwealth: these have fiddel’d, and for your mony, till they have brought a great commonwealth to a small city.

“It grieves me, while I consider how, and from what causes imaginary difficultys will be aggravated, that the foregoing orders are not capable of any greater clearness in discourse or writing: but if a man should make a book, describing every trick and passage, it would fare no otherwise with a game at cards; and this is no more, if a man plays upon the square. *There is a great difference, says Verulamius, between a cunning man and a wise man (between a demagog and a legislator) not only in point of honesty, but in point of ability: as there be that can pack the cards, and yet cannot play well; so there be som that are good in canvasses and factions, that are otherwise weak men.* Allow me but these orders, and let them com with their cards in their sleeves, or pack if they can. *Again, says he, it is one thing to understand persons, and another to understand matters; for many are perfect in men’s humors, that are not greatly capable of the real part of business: which is the constitution of one that has study’d men more than books. But there is nothing more hurtful in a state, than that cunning men should pass for wise.* His words are an oracle. As Dionysius, when he could no longer exercise his tyranny among men, turn’d schoolmaster, that he might exercise it among boys. Allow me but these orders, and your grandees so well skill’d in the baits and palats of men, shall turn ratcatchers.

“And whereas *councils* (as is discretely observ’d by the same author in his time) *are at this day, in most places, but familiar meetings* (somewhat like the academy of our provosts) *where matters are rather talk’d on than debated, and run too swift to order an act of council*; give me my orders, and see if I have not puzzel’d your demagogs.

“It is not so much my desire to return upon hants, as theirs that will not be satisfy’d; wherfore if, notwithstanding what was said of dividing and chusing in our preliminary discourses, men will yet be returning to the question, Why the senat must be a council apart (tho even in *Athens*, where it was of no other constitution than the popular assembly, the distinction of it from the other was never held less than necessary) this may be added to the former reasons, that if the aristocracy be not for the debate, it is for nothing; but if it be for debate, it must have convenience for it: and what convenience is there for debate in a croud, where there is nothing but jostling, treading upon one another, and stirring of blood, than which in this case there is nothing more dangerous? Truly, it was not ill said of my lord Epimonus, That *Venice* plays her game, as it were, at billiards or nineholes; and so may your lordships, unless your ribs be so strong, that you think better of footbal: for such sport is debate in a popular assembly, as, notwithstanding the distinction of the senat, was the destruction of *Athens*.”

This speech concluded the debate which happen’d at the institution of the senat. The next assembly is that of the people or prerogative tribe.

The face, or mien of the prerogative tribe for the arms, the horses, and the disciplin, but more especially for the select men, is that of a very noble regiment, or rather of two; the one of horse, divided into three troops, (besides that of the provinces, which will be shewn hereafter) with their captains, cornets, and two tribuns of the horse at the head of them; the other of foot in three companys (besides that of the provinces) with their captains, ensigns, and two tribuns of the foot at the head of them. The first troop is call’d the *phænix*; the second the *pelican*; and the third the *swallow*. The first company the *cypress*; the second the *myrtle*; and the third the *spray*. Of these again (not without a near resemblance of the *Roman* division of a tribe) the *phænix* and the *cypress* constitute the first class; the *pelican* and the *myrtle* the second; and the *swallow* with the *spray* the third, renew’d every spring by

The face of the prerogative tribe.

The one and twentieth ORDER, directing, that upon every Monday next insuing the last of March, the deputys of the annual galaxy arriving at the pavilion in the halo, and electing one captain and one cornet of the swallow (triennial officers) by and out of the cavalry at the horse urn, according to the rules contain’d in the ballot of the hundred; and one captain with one ensign of the spray (triennial officers) by and out of the infantry at the foot urn, after the same way of balloting; constitute and becom the third classes of the prerogative tribe.

21 Order. The change or election of the triennial officers of the prerogative.

Seven deputys are annually return’d by every tribe, wherof three are horse, and four are foot; and there be fifty tribes: so the *swallow* must consist of 150 horse, the *spray* of 200 foot. And the rest of the classes being two, each of them in number equal; the

whole prerogative (besides the provinces, that is, the knights and deputys of *Marpesia* and *Panopea*) must consist of 1050 deputys. And these troops and companys may as well be call'd centurys as those of the *Romans*; for the *Romans* related not, in so naming theirs, to the number. And wheras they were distributed according to the valuation of their estates, so are these; which by virtue of the last order, are now accommodated with their triennial officers. But there be others appertaining to this tribe, whose election, being of far greater importance, is annual, as follows in

The twenty-second ORDER; wherby the first class having elected their triennial officers, and made oath to the old tribuns, that they will neither introduce, cause, nor to their power suffer debate to be introduc'd into any popular assembly of this government, but to their utmost be aiding and assisting to seize and deliver any person or persons in that way offending, and striking at the root of this commonwealth, to the council of war; are to procede with the other two classes of the prerogative tribe to election of the new tribuns, being four annual magistrats, wherof two are to be elected out of the cavalry at the horse urn, and two out of the infantry at the foot urn, according to the common ballot of the tribes. And they may be promiscuously chosen out of any classis, provided that the same person shall not be capable of bearing the tribunitian honor twice in the term of one galaxy. The tribuns thus chosen shall receive the tribe (in reference to the power of mustering and disciplining the same) as commanders in chief; and for the rest as magistrats, whose proper function is prescrib'd by the next order. The tribuns may give leave to any number of the prerogative, not exceeding one hundred at a time, to be absent, so they be not magistrats, nor officers, and return within three months. If a magistrat or officer has a necessary occasion, he may also be absent for the space of one month; provided, that there be not above three cornets or ensigns, two captains, or one tribun so absent at one time.

22 Order. The charge or election of the annual magistrats of the prerogative.

To this the Archon spoke at the institution after this manner.

My Lords;

“IT is affirm'd by Cicero in his oration for Flaccus, that the commonwealths of *Greece* were all shaken or ruin'd by the intemperance of their *comitia*, or assemblies of the people. The truth is, if good heed in this point be not taken, a commonwealth will have bad legs. But all the world knows he should have excepted *Lacedemon*, where the people, as has bin shewn by the oracle, had no power at all of debate, nor (till after Lysander, whose avarice open'd a gulf, that was not long e'er it swallow'd up his country) came it ever to be exercis'd by them. Whence that commonwealth stood longest and firmest of any other, but this, in our days, of *Venice*: which having underlaid her self with the like institution, owes a great, if not the greatest part of her steddiess to the same principle; the great council, which is with her the people, by the authority of my lord Epimonus, never speaking a word. Nor shall any commonwealth, where the people in their political capacity is talkative, ever see half the days of one of these: but being carry'd away by vain-glorious men (that, as Overbury says, piss more than they drink) swim down the stream; as did *Athens*, the most prating of these dames, when that same ranting fellow Alcibiades fell a

demagoging for the *Sicilian* war. But whereas debate by the authority and experience of *Lacedemon* and *Venice*, is not to be committed to the people in a well order'd government, it may be said, That the order specify'd is but a slight bar in a matter of like danger; for so much as an oath, if there be no recourse upon the breach of it, is a weak ty for such hands as have the sword in them: wherefore what should hinder the people of *Oceana*, if they happen not to regard an oath, from assuming debate, and making themselves as much an anarchy as those of *Athens*? To which I answer, Take the common sort in a privat capacity, and, except they be injur'd, you shall find them to have a bashfulness in the presence of the better sort, or wiser men; acknowledging their abilitys by attention, and accounting it no mean honor to receive respect from them: but if they be injur'd by them, they hate them, and the more for being wife or great, because that makes it the greater injury. Nor refrain they in this case from any kind of intemperance of speech, if of action. It is no otherwise with a people in their political capacity; you shall never find that they have assum'd debate for it self, but for somthing else. Wherefore in *Lacedemon* where there was, and in *Venice* where there is nothing else for which they should assume it, they have never shewn so much as an inclination to it. Nor was there any appearance of such a desire in the people of *Rome* (who from the time of Romulus had bin very well contented with the power of result either in the* parochial assemblies, as it was settled upon them by him; or in the meetings of the† hundreds, as it was alter'd in their regard for the worse by Servius Tullius) till news was brought som fifteen years after the exile of Tarquin their late king (during which time the senat had govern'd pretty well) that he was dead at the court of Aristodemus the tyrant of *Cumæ*.‡ Wherupon the *patricians*, or nobility, began to let out the hitherto-dissembl'd venom, which is inherent in the root of oligarchy, and fell immediatly upon injuring the people beyond all moderation. For whereas the people had serv'd both gallantly and contentedly in arms upon their own charges, and, tho joint purchasers by their swords of the conquer'd lands, had not participated in the same to above two acres a man (the rest being secretly usurp'd by the *patricians*) they thro the meanness of their support, and the greatness of their expence, being generally indebted, no sooner return'd home with victory to lay down their arms, than they were snatch'd up by their creditors, the nobility, to cram goals. Wherupon, but with the greatest modesty that was ever known in the like case, they first fell upon debate, affirming,§that they were opprest and captivated at home, while abroad they fought for liberty and empire; and that the freedom of the common peoplewas safer in time of war than peace, among their enemys than their fellow-citizens. It is true, that when they could not get the senat, thro fear, as was pretended by the *patricians*, to assemble and take their grievances into consideration, they grew so much the warmer, that it was glad to meet; where Appius Claudius, a fierce spirit, was of opinion, that recourse should be had to consular power, wherby som of the brands of sedition being taken off, the flame might be extinguish'd. Servilius being of another temper, thought it better and safer to try if the people might be bow'd than broken. But this debate was interrupted by tumultuous news of the near approach of the *Volsci*, a case in which the senat had no recourse but to the people, who contrary to their former custom upon the like occasions would not stir a foot, but fell a laughing, and saying,* Let them fight that have something to fight for. The senat that had purses, and could not sing so well before the thief, being in a great perplexity, found no possible way out of it, but to beseech Servilius, one of a genius well known to be popular, That he would accept of the consulship, and make som such use of it as

might be helpful to the *patrician* interest. Servilius accepting of the offer, and making use of his interest with the people, persuaded them to hope well of the good intention of the fathers, whom it would little beseem to be forc'd to those things which would lose their grace, and that in view of the enemy, if they came not freely; and withal publish'd an edict, that no man should withhold a citizen of *Rome* by imprisonment from giving his name (for that was the way, as I shall have opportunity hereafter to shew more at large, wherby they drew out their armys) nor to seize or sell any man's goods or children that was in the camp. Wherupon the people with a mighty concourse immediatly took arms, march'd forth, and (which to them was as easy as to be put into the humor, and that, as appears in this place, was not hard) totally defeated the *Volsci* first, then the *Sabins* (for the neighbor nations, hoping to have had a good bargain of the discord in *Rome*, were up in arms on all sides) and after the *Sabins*, the *Aurunci*. Whence returning victorious in three battels, they expected no less than that the senat would have made good their words: when Appius Claudius, the other consul, of his innate pride, and that he might frustrat the faith of his colleague, caus'd the soldiers (who being set at liberty, had behav'd themselves with such valor) to be restor'd at their return to their creditors and their goals. Great resort upon this was made by the people to Servilius, shewing him their wounds, calling him to witness how they had behav'd themselves, and minding him of his promise. Poor Servilius was sorry, but so overaw'd with the headiness of his colleague, and the obstinacy of the whole faction of the nobility, that not daring to do any thing either way, he lost both partys: the fathers conceiving that he was ambitious, and the people that he was false; while the consul Claudius continuing to countenance such as daily seiz'd and imprison'd som of the indebted people, had still new and dangerous controversys with them, insomuch that the commonwealth was torn with horrid division, and the people (because they found it not so safe, or so effectual in public) minded nothing but laying their heads together in privat conventicles. For this Aulus Virginius, and Titus Vetusius, the new consuls, were reprov'd by the senat as slothful, and upbraided with the virtue of Appius Claudius. Wherupon the consuls having desir'd the senat, that they might know their pleasure, shew'd afterwards their readiness to obey it, by summoning the people according to command, and requiring names wherby to draw forth an army for diversion, but no man would answer. Report hereof being made to the senat, the younger sort of the fathers grew so hot with the consuls, that they desir'd them to abdicat the magistracy, which they had not the courage to defend.

“The consuls, tho they conceiv'd themselves to be roughly handled, made this soft answer: *fathers conscript*, that you may please to take notice it was foretold som horrid sedition is at hand, we shall only desire, that they whose valor in this place is so great, may stand by us to see how we behave our selves, and then be as resolute in your commands as you will: your fatherhoods may know if we be wanting in the performance.

“At this som of the hot young noblemen return'd with the consuls to the tribunal, before which the people were yet standing; and the consuls having generally requir'd names in vain, to put it to something, requir'd the name of one that was in their ey particularly; on whom, when he mov'd not, they commanded a lictor to lay hands: but the people thronging about the party summon'd, forbad the lictor, who durst not touch him; at which the hotspurs that came with the consuls, inrag'd by the affront,

descended from the throne to the aid of the lictor; from whom in so doing they turn'd the indignation of the people upon themselves with such heat, that the consuls interposing, thought fit, by remitting the assembly, to appease the tumult; in which nevertheless there had bin nothing but noise. Nor was there less in the senat, being suddenly rally'd upon this occasion, where they that receiv'd the repulse, with others whose heads were as addle as their own, fell upon the business as if it had bin to be determin'd by clamor, till the consuls, upbraiding the senat that it differ'd not from the marketplace, reduc'd the house to orders. And the fathers having bin consulted accordingly, there were three opinions; Publius Virginius conceiv'd, that the consideration to be had upon the matter in question, or aid of the indebted and imprison'd people, was not to be further extended than to such as had ingag'd upon the promise made by Servilius: Titus Largius, that it was no time to think it enough, if mens merits were acknowleg'd, while the whole people, sunk under the weight of their debts, could not emerge without som common aid; which to restrain, by putting som into a better condition than others, would rather more inflame the discord than extinguish it. Appius Claudius (still upon the old hant) would have it, that the people were rather wanton than fierce: it was not oppression that necessitated, but their power that invited them to these freaks; the empire of the consuls since the appeal to the people (wherby a Plebeian might ask his fellows if he were a thief) being but a mere scarecrow. Go to, says he, let us create the dictator, from whom there is no appeal, and then let me see more of this work, or him that shall forbid my lictor. The advice of Appius was abhor'd by many; and to introduce a general recision of debts with Largius, was to violat all faith: that of Virginius, as the most moderat, would have past best, but that there were privat interests, that constant bane of the public, which withstood it. So they concluded with Appius, who also had bin dictator, if the consuls, and som of the graver sort had not thought it altogether unseasonable, at a time when the *Volsci* and the *Sabins* were up again, to venture so far upon alienation of the people: for which cause Valerius, being descended from the Publicolas, the most popular family, as also in his own person of a mild nature, was rather trusted with so rigid a magistracy. Whence it happen'd, that the people, tho they knew well enough against whom the dictator was created, fear'd nothing from Valerius; but upon a new promise made to the same effect with that of Servilius, hop'd better another time, and throwing away all disputes, gave their names roundly, went out, and to be brief, came home again as victorious as in the former action, the dictator entring the city in triumph. Nevertheless when he came to press the senat to make good his promise, and do something for the ease of the people, they regarded him no more as to that point than they had don Servilius. Wherupon the dictator, in disdain to be made a stale, abdicated his magistracy, and went home. Here then was a victorious army, without a captain, and a senat pulling it by the beard in their gowns. What is it (if you have read the story, for there is not such another) that must follow? can any man imagin, that such only should be the opportunity upon which this people could run away? alas, poor men, the *Æqui* and the *Volsci*, and the *Sabins* were nothing, but the fathers invincible! there they sat som three hundred of them arm'd all in robes, and thundering with their tongues, without any hopes in the earth to reduce them to any tolerable conditions. Wherefore, not thinking it convenient to abide long so near them, away marches the army, and incamps in the fields. This retreat of the people is call'd the *secession of Mount Aventin*, where they lodg'd very sad at their condition; but not letting fall so much as a word of murmur against the fathers. The senat by this time

were great lords, had the whole city to themselves; but certain neighbours were upon the way that might com to speak with them, not asking leave of the porter. Wherefore their minds became troubl'd, and an orator was posted to the people to make as good conditions with them as he could; but, whatever the terms were, to bring them home, and with all speed. And here it was covenanted between the senat and the people, that these should have magistrats of their own election, call'd the *tribuns*; upon which they return'd.

“To hold you no longer, the senat having don this upon necessity, made frequent attempts to retract it again; while the tribuns on the other side, to defend what they had got, instituted their *tributa comitia*, or council of the people; where they came in time, and, as disputes increas'd, to make laws without the authority of the senat, call'd *plebiscita*. Now to conclude in the point at which I drive; such were the steps wherby the people of *Rome* came to assume debate: nor is it in art or nature to debar a people of the like effect, where there is the like cause. For Romulus having in the election of his senat squar'd out a nobility for the support of a throne, by making that of the *Patricians* a distinct and hereditary order, planted the commonwealth upon two contrary interests or roots, which shooting forth in time produc'd two commonwealths, the one oligarchical in the nobility, the other a mere anarchy of the people, and ever after caus'd a perpetual feud and enmity between the senat and the people, even to death.

“There is not a more noble or useful question in the politics than that which is started by Machiavel, Whether means were to be found wherby the enmity that was between the senat and the people of *Rome* could have bin remov'd? nor is there any other in which we, or the present occasion, are so much concern'd, particularly in relation to this author; forasmuch as his judgment in the determination of the question standing, our commonwealth falls. And he that will erect a commonwealth against the judgment of Machiavel, is oblig'd to give such reasons for his enterprize as must not go a begging. Wherefore to repeat the politician very honestly, but somewhat more briefly, he disputes thus:

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THERE be two sorts of commonwealths, the one for preservation, as Lacedemon and Venice; the other for increase, as Rome.

Mach. Disc. B. 1. c. 6.

“Lacedemon being govern'd by a king and a small senat, could maintain it self a long time in that condition, because the inhabitants, being few, having put a bar upon the reception of strangers, and living in a strict observation of the laws of Lycurgus, which now had got reputation, and taken away all occasion of tumults, might well continue long in tranquillity. For the laws of Lycurgus introduc'd a greater equality in estates, and a less equality in honours, whence there was equal poverty; and the Plebeians were less ambitious, because the honors or magistracys of the city could extend but to a few, and were not communicable to the people: nor did the nobility by using them ill, ever give them a desire to participat of the same. This proceded from the kings, whose principality being plac'd in the midst of the nobility, had no greater means wherby to support it self, than to shield the people from all injury; whence the

people not fearing empire, desir'd it not: and so all occasion of enmity between the senat and the people was taken away. But this union happen'd especially from two causes; the one, that the inhabitants of Lacedemon being few, could be govern'd by the few: the other, that, not receiving strangers into their commonwealth, they did not corrupt it, nor increase it to such a proportion as was not governable by the few.

“Venice has not divided with her Plebeians, but all are call'd gentlemen that be in administration of the government; for which government she is more beholden to chance than the wisdom of her lawmakers: for many retiring to those islands, where that city is now built, from the inundations of Barbarians that overwhelm'd the Roman empire, when they were increas'd to such a number, that to live together it was necessary to have laws; they ordain'd a form of government, wherby assembling often in council upon affairs, and finding their number sufficient for government, they put a bar upon all such as repairing afterwards to their city should become inhabitants, excluding them from participation of power. Whence they that were included in the administration had right; and they that were excluded, coming afterwards, and being receiv'd upon no other conditions to be inhabitants, had no wrong; and therefore had no occasion, nor (being never trusted with arms) any means to be tumultuous. Wherefore this commonwealth might very well maintain it self in tranquillity.

“THESE things consider'd, it is plain that the Roman legislators, to have introduc'd a quiet state, must have don one of these two things; either shut out strangers, as the Lacedemonians; or, as the Venetians, not allow'd the people to bear arms. But they did neither. By which means the people having power and increase, were in perpetual tumult. Nor is this to be help'd in a commonwealth for increase, seeing if Rome had cut off the occasion of her tumults, she must have cut off the means of her increase, and by consequence of her greatness.

“WHEREFORE let a legislator consider with himself, whether he would make his commonwealth for preservation, in which case she may be free from tumults; or for increase, in which case she must be infested with them.

“IF he makes her for preservation, she may be quiet at home; but will be in danger abroad. First, Because her foundation must be narrow, and therefore weak, as that of Lacedemon, which lay but upon 30000 citizens; or that of Venice, which lys but upon 3000. Secondly, Such a commonwealth must either be in peace, or war: if she be in peace, the few are soonest effeminated and corrupted, and so obnoxious also to faction. If in war, succeding ill, she is an easy prey; or succeding well, ruin'd by increase: a weight which her foundation is not able to bear. For Lacedemon, when she had made her self mistriss, upon the matter, of all Greece, thro a slight accident, the rebellion of Thebes, occasion'd by the conspiracy of Pelopidas discovering this infirmity of her nature, the rest of her conquer'd citys immediatly fell off, and in the turn as it were of a band reduc'd her from the fullest tide to the lowest eb of her fortune. And Venice having possest her self of a great part of Italy by her purse, was no sooner in defence of it put to the trial of arms, than she lost all in one battel.

“WHENCE I conclude, that in the ordination of a commonwealth a legislator is to think upon that which is most honourable; and laying aside models for preservation, to follow the example of Rome conniving at, and temporizing with the enmity between the senat and the people, as a necessary step to the Roman greatness. For that any man should find out a balance that may take in the conveniences, and shut out the inconveniences of both, I do not think it possible. These are the words of the author, tho the method be somewhat alter’d, to the end that I may the better turn them to my purpose.

“My Lords, I do not know how you hearken to this sound; but to hear the greatest artist in the modern world, giving sentence against our commonwealth, is that with which I am nearly concern’d. Wherefore, with all honor due to the prince of politicians, let us examin his reasoning with the same liberty which he has asserted to be the right of a free people. But we shall never com up to him, except by taking the business a little lower, we descend from effects to their causes. The causes of commotion in a commonwealth are either external or internal. External are from enemys, from subjects, or from servants. To dispute then what was the cause why *Rome* was infested by the *Italian*, or by the servil wars; why the slaves took the capitol; why the *Lacedemonians* were near as frequently troubl’d with their helots, as *Rome* with all those; or why *Venice*, whose situation is not trusted to the faith of men, has as good or better quarter with them whom she governs, than *Rome* had with the *Latins*; were to dispute upon external causes. The question put by Machiavel is of internal causes; whether the enmity that was between the senat and the people of *Rome* might have bin remov’d. And to determin otherwise of this question than he dos, I must lay down other principles than he has don. To which end I affirm, that a commonwealth internally consider’d, is either equal or inequal. A commonwealth that is internally equal, has no internal cause of commotion, and therfore can have no such effect but from without. A commonwealth internally inequal has no internal cause of quiet, and therfore can have no such effect but by diversion.

“To prove my assertions, I shall at this time make use of no other than his examples. *Lacedemon* was externally unquiet, because she was externally inequal, that is as to her *belots*; and she was internally at rest, because she was equal in her self, both in root and branch: in the root by her agrarian, and in branch by the senat, inasmuch as no man was therto qualify’d, but by election of the people.

Which institution of Lycurgus is mention’d by Aristotle, where he says, that rendering his citizens emulous (not careless) of that honor, he assign’d to the people the election of the senat. Wherefore Machiavel in this, as in other places, having his ey upon the division of *Patrician* and *Plebeian* familys as they were in *Rome*, has quite mistaken the orders of this commonwealth, where there was no such thing. Nor did the quiet of it derive from the power of the kings, who were so far from shielding the people from the injury of the nobility, of which there was none in his sense but the senat, that one declar’d end of the senat at the institution was to shield the people from the kings, who from that time had but single votes. Neither did it procede from the straitness of the senat, or their keeping the people excluded from the government, that they were quiet, but from the equality of their administration, seeing the senat (as is plain by the oracle, their fundamental law) had no more than the debate, and the result of the commonwealth belong’d to the

Arist. Polit. b. 2.

people. Wherefore when Theopompus and Polydorus kings of *Lacedemon*, would have kept the people excluded from the government, by adding to the antient law this clause, *If the determination of the people be faulty, it shall be lawful for the senat to resume the debate*; the people immediately became unquiet, and resum'd that debate, which ended not till they had set up their *ephors*, and caus'd that magistracy to be confirm'd by their kings. **For when Theopompus first ordain'd that the ephori or overseers should be created at Lacedemon, to be such a restraint upon the kings there as the tribuns were upon the consuls at Rome, the queen complain'd to him, that by this means he transmitted the royal authority greatly diminish'd to his children: I leave indeed less, answer'd he, but more lasting. And this was excellently said; for that power only is safe which is limited from doing hurt.* Theopompus therefore, by confining the kingly power within the bounds of the laws, did recommend it by so much to the people's affection, as he remov'd it from being arbitrary. By which it may appear, that a commonwealth for preservation, if she comes to be unequal, is as obnoxious to enmity between the senat and the people, as a commonwealth for increase; and that the tranquillity of *Lacedemon* was deriv'd from no other cause than her equality.

“For *Venice*, to say that she is quiet because she disarms her subjects, is to forget that *Lacedemon* disarm'd her *helots*, and yet could not in their regard be quiet; wherefore if *Venice* be defended from external causes of commotion, it is first thro her situation, in which respect her subjects have no hope (and this indeed may be attributed to her fortune); and, secondly, thro her exquisit justice, whence they have no will to invade her. But this can be attributed to no other cause than her prudence; which will appear to be greater, as we look nearer; for the effects that procede from fortune, if there be any such thing, are like their cause, inconstant. But there never happen'd to any other commonwealth so undisturb'd and constant a tranquillity and peace in her self, as is in that of *Venice*; wherefore this must procede from some other cause than chance. And we see that as she is of all others the most quiet, so the most equal commonwealth. Her body consists of one order, and her senat is like a rolling stone, as was said, which never did, nor, while it continues upon that rotation, never shall gather the moss of a divided or ambitious interest; much less such a one as that which grasp'd the people of *Rome* in the talons of their own eagles. And if Machiavel, averse from doing this commonwealth right, had consider'd her orders, as his reader shall easily perceive he never did, he must have bin so far from attributing the prudence of them to chance, that he would have touch'd up his admirable work to that perfection, which, as to the civil part, has no pattern in the universal world but this of *Venice*.

“*Rome*, secure by her potent and victorious arms from all external causes of commotion, was either beholden for her peace at home to her enemys abroad, or could never rest her head. My LORDS, you that are parents of a commonwealth, and so freer agents than such as are merely natural, have a care. For, as no man shall shew me a commonwealth born streight, that ever became crooked; so, no man shall shew me a commonwealth born crooked, that ever became streight. *Rome* was crooked in her birth, or rather prodigious. Her twins the *Patricians* and *Plebeian* orders came, as was shewn by the foregoing story, into the world, one body but two heads, or rather two bellys: for, notwithstanding the fable out of *Æsop*, wherby Menenius Agrippa the orator that was sent from the senat to the people at mount *Aventin*, shew'd the fathers

to be the belly, and the people to be the arms and the legs (which except that, how slothful soever it might seem, they were nourish'd, not these only, but the whole body must languish and be dissolv'd) it is plain, that the fathers were a distinct belly; such a one as took the meat indeed out of the people's mouths, but abhorring the agrarian, return'd it not in the due and necessary nutrition of a commonwealth. Nevertheless, as the people that live about the cataracts of *Nilus* are said not to hear the noise, so neither the *Roman* writers, nor Machiavel the most conversant with them, seem among so many of the tribunitian storms, to hear their natural voice: for tho they could not miss of it so far as to attribute them to the strife of the people for participation in magistracy, or, in which Machiavel more particularly joins, to that about the agrarian; this was to take the business short, and the remedy for the disease.

“A people, when they are reduc'd to misery and despair, becom their own politicians, as certain beasts when they are sick becom their own physicians, and are carry'd by a natural instinct to the desire of such herbs as are their proper cure; but the people, for the greater part, are beneath the beasts in the use of them. Thus the people of *Rome*, tho in their misery they had recourse by instinct, as it were, to the two main fundamentals of a commonwealth, participation of magistracy, and the agrarian, did but tast and spit at them, not (which is necessary in physic) drink down the potion, and in that their healths. For when they had obtain'd participation of magistracy, it was but lamely, not to a full and equal rotation in all elections; nor did they greatly regard it in what they had got. And when they had attain'd to the agrarian, they neglected it so far as to suffer the law to grow obsolete: but if you do not take the due dose of your medicins (as there be slight tastes which a man may have of philosophy that incline to atheism) it may chance to be poison, there being a like tast of the politics that inclines to confusion, as appears in the institution of the *Roman* tribuns, by which magistracy and no more, the people were so far from attaining to peace, that they in getting but so much, got but heads for an eternal feud; whereas if they had attain'd in perfection either to the agrarian, they had introduc'd the equality and calm of *Lacedemon*, or to rotation, and they had introduc'd that of *Venice*: and so there could have bin no more enmity between the senat and the people of *Rome*, than there was between those orders in *Lacedemon*, or is now in *Venice*. Wherefore Machiavel seems to me, in attributing the peace of *Venice* more to her luck than her prudence, of the whole stable to have saddled the wrong horse; for tho *Rome** in her military part could beat it better, beyond all comparison, upon the sounding hoof, *Venice* for the civil part has plainly had the wings of *Pegasus*.

“The whole question then will come upon this point, Whether the people of *Rome* could have obtain'd these orders? and first, to say, that they could not have obtain'd them without altering the commonwealth, is no argument; seeing neither could they, without altering the commonwealth, have obtain'd their tribuns, which nevertheless were obtain'd. And if a man considers the posture that the people were in when they obtain'd their tribuns, they might as well, and with as great ease (forasmuch as the reason why the nobility yielded to the tribuns was no other, than that there was no remedy) have obtain'd any thing else. And for experience, it was in the like case that the *Lacedemonians* did set up their *ephors*, and the *Athenians* after the battel of *Plateæ* bow'd the senat (so hard a thing it is for a commonwealth that was born crooked to becom streight) as much the other way. Nor, if it be objected, that this

must have ruin'd the nobility (and in that depriv'd the commonwealth of the greatness which she acquir'd by them) is this opinion holding; but confuted by the sequel of the story, shewing plainly, that the nobility thro the defect of such orders, that is to say, of rotation and the agrarian, came to eat up the people: and battenning themselves in luxury, to be, as Salust speaks of them, *a most sluggish and lazy nobility, in whom, besides the name, there was no more than in a statue*; and to bring so mighty a commonwealth, and of so huge a glory, to so deplorable an end. Wherefore means might have bin found to remove the enmity that was between the senat and the people of *Rome*.

“My lords, If I have argu'd well, I have given you the comfort and assurance, that notwithstanding the judgment of Machiavel, your commonwealth is both safe and sound: but if I have not argu'd well, then take the comfort and assurance which he gives you while he is firm, That a legislator is to lay aside all other examples, and follow that of *Rome* only, conniving and temporizing with the enmity between the senat and the people, as a necessary step to the *Roman* greatness. Whence it follows, that your commonwealth, at the worst, is that which he has given you his word is the best.

“I have held your lordships long, but upon an account of no small importance, which I can now sum up in these few words: Where there is a liquorishness in a popular assembly to debate, it proceeds not from the constitution of the people, but of the commonwealth. Now that your commonwealth is of such a constitution as is naturally free from this kind of intemperance, is that which, to make good, I must divide the remainder of my discourse into two parts.

“The first, shewing the several constitutions of the assemblys of the people in other commonwealths.

“The second, comparing our assembly of the people with theirs; and shewing how it excludes the inconveniences, and embraces the conveniences of them all.

“In the beginning of the first part I must take notice, that among the popular errors of our days it is no small one, that men imagin the antient governments of this kind to have consisted for the most part of one city, that is, of one town; wheras by what we have learnt of my lords that open'd them, it appears that there was not any considerable one of such a constitution but *Carthage*, till this in our days of *Venice*.

“For to begin with *Israel*, it consisted of the twelve tribes, locally spread or quarter'd throout the whole territory; and these being call'd together by trumpets, constituted the church or assembly of the people. The vastness of this weight, as also the slowness thence inavoidable, became a great cause (as has bin shewn at large by my lord Phosphorus) of the breaking that commonwealth; notwithstanding that the temple, and those religious ceremonys for which the people were at least annually oblig'd to repair thither, were no small ligament of the tribes, otherwise but slightly tack'd together.

“Athens consisted of four tribes, taking in the whole people both of the city and of the territory; not so gather’d by Theseus into one town, as to exclude the country, but to the end that there might be som capital of the commonwealth: tho true it be, that the congregation consisting of the inhabitants within the walls, was sufficient to all intents and purposes, without those of the country. These also being exceding numerous, became burdensom to themselves, and dangerous to the commonwealth; the more for their ill education, as is observ’d by Xenophon and Polybius, who compare them to mariners that in a calm are perpetually disputing and swaggering one with another, and never lay their hands to the common tackling or safety, till they be all indanger’d by som storm. Which caus’d Thucydides, when he saw this people thro the purchase of their misery becom so much wiser, as to reduce their *comitia* or assemblys to five thousand, to say in his eighth book; *And now, at least in my time, the Athenians seem to have order’d their state aright, consisting of a moderat temper both of the few* (by which he means the senat of the bean) *and of the many*, or the five thousand. And he does not only give you his judgment, but the best proof of it; for *this*, says he, *was the first thing that, after so many misfortunes past, made the city again to raise her head*. The place I would desire your lordships to note, as the first example that I find, or think is to be found, of a popular assembly by way of representative.

“Lacedemon consisted of thirty thousand citizens dispers’d throout *Laconia*, one of the greatest provinces in all *Greece*, and divided, as by som authors is probable, into six tribes. Of the whole body of these, being gather’d, consisted the great church or assembly, which had the legislative power; the little church, gather’d somtimes for matters of concern within the city, consisted of the *Spartans* only. These happen’d, like that of *Venice*, to be good constitutions of a congregation, but from an ill cause the infirmity of a commonwealth, which thro her paucity was oligarchical.

“Wherefore, go which way you will, it should seem, that without a representative of the people, your commonwealth consisting of a whole nation, can never avoid falling either into oligarchy or confusion.

“This was seen by the *Romans*, whose rustic tribes extending themselves from the river *Arno* to the *Vulturnus*, that is, from *Fesulæ* or *Florence* to *Capua*, invented a way of representative by lots: the tribe upon which the first fell, being the prerogative; and som two or three more that had the rest, the *jure vocatæ*. These gave the suffrage of the commonwealth in* two meetings; the prerogative at the first assembly, and the *jure vocatæ* at a second.

“Now to make the parallel, all the inconveniences that you have observ’d in these assemblys are shut out, and all the conveniences taken into your prerogative. For first, it is that for which *Athens*, shaking off the blame of Xenophon and Polybius, came to deserve the praise of Thucydides, a representative. And, secondly, not as I suspect in that of *Athens*, and is past suspicion in this of *Rome*, by lot, but by suffrage, as was also the late house of commons, by which means in your prerogatives all the tribes of *Oceana* are *jure vocatæ*; and if a man shall except against the paucity of the standing number, it is a wheel, which in the revolution of a few years turns every hand that is fit, or fits every hand that it turns to the public work. Moreover, I am deceiv’d if upon

due consideration it dos not fetch your tribes, with greater equality and ease to themselves and to the government, from the frontiers of *Marpesia*, than *Rome* ever brought any one of hers out of her *pomæria*, or the nearest parts of her adjoining territorys. To this you may add, That wheras a commonwealth, which in regard of the people is not of facility in execution, were sure enough in this nation to be cast off thro impatience; your musters and galaxyes are given to the people, as milk to babes, wherby when they are brought up thro four days election in a whole year (one at the parish, one at the hundred, and two at the tribe) to their strongest meat, it is of no harder digestion, than to give their negative or affirmative as they see cause. There be gallant men among us that laugh at such an appeal or umpire; but I refer it whether you be more inclining to pardon them or me, who I confess have been this day laughing at a sober man, but without meaning him any harm, and that is Petrus Cunæus, where speaking of the nature of the people, he says, *that taking them apart, they are very simple, but yet in their assemblys they see and know something*: and so runs away without troubling himself with what that something is. Wheras the people, taken apart, are but so many privat interests; but if you take them together, they are the public interest. The public interest of a commonwealth, as has bin shewn, is nearest that of mankind, and that of mankind is right reason; but with aristocracy (whose reason or interest, when they are all together, as appear'd by the *Patricians*, is but that of a party) it is quite contrary: for as, taken apart, they are far wiser than the people consider'd in that manner; so being put together, they are such fools, who by deposing the people, as did those of *Rome*, will saw off the branch wherupon they sit, or rather destroy the root of their own greatness. Wherfore Machiavel following Aristotle, and yet going before him, may well assert, **That the people are wiser and more constant in their resolutions than a prince*: which is the prerogative of popular government for wisdom. And hence it is that the prerogative of your commonwealth, as for wisdom so for power, is in the people: which (tho I am not ignorant that the *Roman* prerogative was so call'd à *prærogando*, because their suffrage was first ask'd) gives the denomination to your prerogative tribe."

The elections, whether annual or triennial, being shewn by the twenty-second, that which coms in the next place to be consider'd is

The twenty-third ORDER, shewing the power, function, and manner of proceeding of the prerogative tribe.

23 Order. The constitution, function, and manner of proceeding of the prerogative.

THE power or function of the prerogative is of two parts, the one of result, in which it is the legislative power; the other of judicature, in which regard it is the highest court, and the last appeal in this commonwealth.

FOR the former part (the people by this constitution being not oblig'd by any law that is not of their own making or confirmation, by the result of the prerogative, their equal representative) it shall not be lawful for the senat to require obedience from the people, nor for the people to give obedience to the senat in or by any law that has not bin promulgated, or printed and publish'd for the space of six weeks; and afterwards propos'd by the authority of the senat to the prerogative tribe, and resolv'd by the major vote of the same in the affirmative. Nor shall the senat have any power to levy

war, men, or money, otherwise than by the consent of the people so given, or by a law so enacted, except in cases of exigence, in which it is agreed, that the power both of the senate and the people shall be in the dictator, so qualify'd, and for such a term of time, as is according to that constitution already prescrib'd. While a law is in promulgation, the censors shall animadvert upon the senate, and the tribuns upon the people, that there be no laying of heads together, no conventicles or canvassing to carry on or oppose any thing; but that all may be done in a free and open way.

FOR the latter part of the power of the prerogative, or that whereby they are the supreme judicatory of this nation, and of the provinces of the same, the cognizances of crimes against the majesty of the people, such as high treason, as also of peculat, that is, robbery of the treasury, or defraudation of the commonwealth, appertains to this tribe. And if any person or persons, provincials or citizens, shall appeal to the people, it belongs to the prerogative to judge and determine the case; provided that if the appeal be from any court of justice in this nation or the provinces, the appellant shall first deposit a hundred pounds in the court from which he appeals, to be forfeited to the same, if he be cast in his suit by the people. But the power of the council of war being the expedition of this commonwealth, and the martial law of the strategus in the field, are those only from which there shall be no appeal to the people.

THE proceeding of the prerogative in case of a proposition, is to be thus order'd. The magistrates, proposing by authority of the senate, shall rehearse the whole matter, and expound it to the people: which done, they shall put the whole together to the suffrage, with three boxes, the negative, the affirmative, and the nonsincere: and the suffrage being return'd to the tribuns, and number'd in the presence of the proposers, if the major vote be in the nonsincere, the proposers shall desist, and the senate shall resume the debate. If the major vote be in the negative, the proposers shall desist, and the senate too. But if the major vote be in the affirmative, then the tribe is clear, and the proposers shall begin and put the whole matter, with the negative and the affirmative (leaving out the nonsincere) by clauses; and the suffrages being taken and number'd by the tribuns in the presence of the proposers, shall be written and reported by the tribuns to the senate. And that which is propos'd by the authority of the senate, and confirm'd by the command of the people, is the law of Oceana.

THE proceeding of the prerogative in a case of judicature is to be thus order'd. The tribuns being auditors of all causes appertaining to the cognizance of the people, shall have notice of the suit or trial, whether of appeal or otherwise, that is to be commenc'd; and if any one of them shall accept of the same, it appertains to him to introduce it. A cause being introduc'd, and the people muster'd or assembl'd for the decision of the same, the tribuns are presidents of the court, having power to keep it to orders, and shall be seated upon a scaffold erected in the middle of the tribe. Upon the right hand shall stand a seat, or large pulpit assign'd to the plaintiff, or the accuser; and, upon the left, another for the defendant, each if they please with his council. And the tribuns (being attended upon such occasions with so many ballotins, secretaries, doorkeepers, and messengers of the senate as shall be requisite) one of them shall turn up a glass of the nature of an hourglass, but such a one as is to be of an hour and a half's running; which being turn'd up, the party or council on the right hand may begin to speak to the people. If there be papers to be read, or witnesses to

be examin'd, the officer shall lay the glass sideways till the papers be read, and the witnesses examin'd, and then turn it up again; and so long as the glass is running, the party on the right hand has liberty to speak, and no longer. The party on the right hand having had his time, the like shall be don in every respect for the party on the left. And the cause being thus heard, the tribuns shall put the question to the tribe with a white, a black, and a red box (or nonsincere) whether guilty, or not guilty. And if the suffrage being taken, the major vote be in the nonsincere, the cause shall be reheard upon the next juridical day following, and put to the question in the same manner. If the major vote coms the second time in the nonsincere, the cause shall be heard again upon the third day; but at the third hearing the question shall be put without the nonsincere. Upon the first of the three days in which the major vote coms in the white box, the party accus'd is absolv'd; and upon the first of them in which it coms in the black box, the party accus'd is condemn'd. The party accus'd being condemn'd, the tribuns (if the case be criminal) shall put with the white and the black box these questions, or such of them, as, regard had to the case, they shall conceive most proper.

1. *WHETHER he shall have a writ of case.*
2. *WHETHER he shall be fin'd so much, or so much.*
3. *WHETHER he shall be confiscated.*
4. *WHETHER he shall be render'd incapable of magistracy.*
5. *WHETHER he shall be banish'd.*
6. *WHETHER he shall be put to death.*

THESE, or any three of these questions, whether simple or such as shall be thought fitly mix'd, being put by the tribuns, that which has most above half the votes in the black box is the sentence of the people, which the troop of the third classis is to see executed accordingly.

BUT wheras by the constitution of this commonwealth it may appear that neither the propositions of the senat, nor the judicature of the people, will be so frequent as to hold the prerogative in continual imployment; the senat, a main part of whose office it is to teach and instruct the people, shall duly (if they have no greater affairs to divert them) cause an oration to be made to the prerogative by som knight or magistrat of the senat, to be chosen out of the ablest men, and from time to time appointed by the orator of the house, in the great hall of the pantheon, while the parlament resides in the town; or in some grove or sweet place in the field, while the parlament for the heat of the year shall reside in the country; upon every Tuesday, morning or afternoon.

AND the orator appointed for the time to this office, shall first repeat the orders of the commonwealth with all possible brevity; and then making choice of one or som part of it, discourse therof to the people. An oration or discourse of this nature, being afterwards perus'd by the council of state, may as they see cause be printed and publish'd.

The Archon's comment upon the order I find to have bin of this sense:

My Lords,

“TO crave pardon for a word or two in farther explanation of what was read, I shall briefly shew how the constitution of this tribe or assembly answers to their function; and how their function, which is of two parts, the former in the result or legislative power, the latter in the supreme judicature of the commonwealth, answers to their constitution. Machiavel has a discourse, where he puts the question, *Whether the guard of liberty may with more security be committed to the nobility, or to the people?* Which doubt of his arises thro the want of explaining his terms; for the guard of liberty can signify nothing else but the result of the commonwealth: so that to say, that the guard of liberty may be committed to the nobility, is to say, that the result may be committed to the senat, in which case the people signify nothing. Now to shew it was a mistake to affirm it to have bin thus in *Lacedemon*, sufficient has bin spoken; and wheras he will have it to be so in *Venice* also, **They, says Contarini, in whom resides the supreme power of the whole commonwealth, and of the laws, and upon whose orders depends the authority as well of the senat as of all the other magistrats, is the GREAT COUNCIL.* It is institutively in the great council, by the judgment of all that know that commonwealth; tho for the reasons shewn, it be sometimes exercis’d by the senat. Nor need I run over the commonwealths in this place for the proof of a thing so doubtless, and such as has bin already made so apparent, as that the result of each was in the popular part of it. The popular part of yours, or the prerogative tribe, consists of seven deputys (wherof three are of the horse) annually elected out of every tribe of *Oceana*; which being fifty, amounts to one hundred and fifty horse, and two hundred foot. And the prerogative consisting of three of these lists, consists of four hundred and fifty horse, and six hundred foot, besides those of the provinces to be hereafter mention’d; by which means the overbalance in the suffrage remaining to the foot by one hundred and fifty votes, you have to the support of a true and natural aristocracy, the deepest root of a democracy that has bin ever planted. Wherefore there is nothing in art or nature better qualify’d for the result than this assembly. It is noted out of Cicero by Machiavei, That the people, tho they are not so prone to find out truth of themselves, as to follow custom, or run into error; yet if they be shewn truth, they not only acknowledge and imbrace it very suddenly, but are the most constant and faithful guardians and conservators of it. It is your duty and office, wherto you are also qualify’d by the orders of this commonwealth, to have the people as you have your hauks and greyhounds, in leases and slips, to range the fields, and beat the bushes for them; for they are of a nature that is never good at this sport, but when you spring or start their proper quarry. Think not that they will stand to ask you what it is, or less know it than your hauks and greyhounds do theirs; but presently make such a flight or course, that a huntsman may as well undertake to run with his dogs, or a falconer to fly with his hawk, as an aristocracy at this game to compare with the people. The people of *Rome* were possest of no less a prey than the empire of the world, when the nobility turn’d tails, and perch’d among daws upon the tower of monarchy. For tho they did not all of them intend the thing, they would none of them indure the remedy, which was the agrarian.

“But the prerogative tribe has not only the result, but is the supreme judicature, and the ultimat appeal in this commonwealth. For the popular government that makes account to be of any standing, must make sure in the first place of the† appeal to the

people. As an estate in trust becomes a man's own, if he be not answerable for it, so the power of a magistracy not accountable to the people, from whom it was receiv'd, becoming of privat use, the commonwealth loses her liberty. Wherefore the right of supreme judicature in the people (without which there can be no such thing as popular government) is confirm'd by the constant practice of all commonwealths; as that of *Israel* in the cases of Achan, and of the tribe of Benjamin, adjudg'd by the congregation. The *dicasterian* or court call'd the *heliaia* in *Athens*, which (the *comitia* of that commonwealth consisting of the whole people, and so being too numerous to be a judicatory) was constituted somtimes of five hundred, at others of one thousand, or, according to the greatness of the cause, of fifteen hundred, elected by the lot out of the whole body of the people, had with the nine Archons that were presidents, the cognizance of such causes as were of highest importance in that state. The five ephors in *Lacedemon*, which were popular magistrats, might question their kings, as appears by the cases of Pausanias, and of Agis, who being upon his trial in this court, was cry'd to by his mother to appeal to the people, as Plutarch has it in his life. The tribuns of the people of *Rome* (like, in the nature of their magistracy, and for som time in number, to the ephors, as being, according to Halicarnasseus and Plutarch, instituted in imitation of them) had power* to summon any man, his magistracy at least being expir'd (for from the dictator there lay no appeal) to answer for himself to the people. As in the case of Coriolanus, who was going about to force the people, by withholding corn from them in a famin, to relinquish the magistracy of the tribuns; in that of Spurius Cassius for affecting tyranny; of Marcus Sergius for running away at *Veii*; of Caius Lucretius for spoiling his province; of Junius Silanus for making war, without a command from the people, against the *Cimbri*; with divers others. And the crimes of this nature were call'd *laesæ majestatis*, or high treason. Examples of such as were arrain'd or try'd for peculat, or defraudation of the commonwealth, were Marcus Curius, for intercepting the mony of the *Samnits*; Salinator, for the inequal division of spoils to his soldiers; Marcus Posthumius, for cheating the commonwealth by a feign'd shipwreck. Causes of these two kinds were of a more public nature; but the like power upon appeals was also exercis'd by the people in privat matters, even during the time of the kings; as in the case of Horatius. Nor is it otherwise with *Venice*, where the doge Loredano was sentenc'd by the great council; and Antonio Grimani, afterwards doge, question'd, for that he being admiral had suffer'd the *Turc* to take *Lepanto* in view of his fleet.

"Nevertheless, there lay no appeal from the *Roman* dictator to the people; which if there had, might have cost the commonwealth dear, when Spurius Melius affecting empire, circumvented and debauch'd the tribuns: wherupon Titus Quintus Cincinnatus was created dictator; who having chosen Servilius Ahala to be his lieutenant, or *magister equitum*, sent him to apprehend Melius, whom, while he disputed the commands of the dictator, and implor'd the aid of the people, Ahala cut off upon the place. By which example you may see in what cases the dictator may prevent the blow which is ready somtimes to fall e'er the people be aware of the danger. Wherefore there lys no appeal from the *dieci*, or the council of ten, in *Venice*, to the great council, nor from our council of war to the people. For the way of proceeding of this tribe, or the ballot, it is, as was once said for all, *Venetian*.

“This discourse of judicatorys wherupon we are faln, brings us rather naturally than of design from the two general orders of every commonwealth, that is to say, from the debating part or the senat, and the resolving part or the people, to the third, which is the executive part or the magistracy, wherupon I shall have no need to dwell: for the executive magistrats of this commonwealth are the strategus in arms; the signory in their several courts, as the chancery, the exchequer; as also the councils in divers cases within their instructions; the censors as well in their proper magistracy, as in the council of religion; the tribuns in the government of the prerogative, and that judicatory; and the judges with their courts: of all which so much is already said or known as may suffice.

“The Tuesday lectures or orations to the people will be of great benefit to the senat, the prerogative, and the whole nation. To the senat, because they will not only teach your senators elocution, but keep the system of the government in their memories. Elocution is of great use to your senators; for if they do not understand rhetoric (giving it at this time for granted, that the art were not otherwise good) and com to treat with, or vindicat the cause of the commonwealth against som other nation that is good at it, the advantage will be subject to remain upon the merit of the art, and not upon the merit of the cause. Futhermore, the genius or soul of this government being in the whole and in every part, they will never be of ability in determination upon any particular, unleis at the same time they have an idea of the whole. That this therfore muir be, in that regard, of equal benefit to the prerogative, is plain; tho these have a greater concernment in it. For this commonwealth is the estate of the people: and a man, you know, tho he be virtuous, yet if he dos not understand his estate, may run out or be cheated of it. Last of all, the treasures of the politics will by this means be so open’d, rifled, and dispers’d, that this nation will as soon dote, like the *Indians*, upon glass beads, as disturb your government with whimsys and freaks of motherwit; or suffer themselves to be stutter’d out of their libertys. There is not any reason why your grandees, your wise men of this age, that laugh out and openly at a commonwealth as the most ridiculous thing, do not appear to be, as in this regard they are, mere idiots, but that the people have not eys.

There remains no more relating to the senat and the people than

The twenty-fourth ORDER, wherby it is lawful for the province of *Marpesia* to have 30 knights of their own election continually present in the senat of *Oceana*, together with 60 deputys of horse, and 120 of foot in the prerogative tribe, indu’d with equal power (respect had to their quality and number) in the debate and result of this commonwealth: provided that they observe the course or rotation of the same by the annual return of 10 knights, 20 deputys of the horse, and 40 of the foot. The like in all respects is lawful for *Panopea*; and the horse of both the provinces amounting to one troop, and the foot to one company, one captain and one cornet of the horse shall be annually chosen by *Marpesia*, and one captain and one ensign of the foot shall be annually chosen by *Panopea*.

*24 Order.
Constitution of the
provincial part of the
senat and the people.*

The orb of the prerogative being thus complete, is not unnaturally compar’d to that of the moon, either in consideration of the light borrow’d from the senat, as from the

sun; or of the ebs and stoods of the people, which are mark'd by the negative or affirmative of this tribe.

And the constitution of the senat and the people being shewn, you have that of the parlament of *Oceana*, consisting of the senat proposing, and of the people resolving; which amounts to an act

Constitution of the parlament.

of parlament. So the parlament is the heart, which, consisting of two ventricles, the one greater and replenish'd with a grosser matter, the other less and full of a purer, sucks in, and spouts forth the vital blood of *Oceana* by a perpetual circulation.

Wherefore the life of this government is no more unnatural or obnoxious upon this score to dissolution, than that of a man; nor to giddiness than the world: seeing the earth, whether it be it self or the heavens that are in rotation, is so far from being giddy, that it could not subsist without motion. But why should not this government be much rather capable of duration and steddiess by motion? than which God has ordain'd no other to the universal commonwealth of mankind: seeing one generation coms, and another gos, but the earth remains firm for ever; that is, in her proper situation or place, whether she be mov'd or not mov'd upon her proper center. The senat, the people, and the magistracy, or the parlament so constituted, as you have seen, is the guardian of this commonwealth, and the husband of such a wife as is elegantly describ'd by Solomon.

She is like the merchant's ships; she brings her food from far.

Prov. 31.

She considers a field; and buys it: with the fruit of her hands she plants a vineyard. She perceives that her merchandize is good. She stretches forth her hands to the poor. She is not afraid of the snow for her houshold; for all her houshold are cloth'd with scarlet. She makes her self coverings of tapestry; her clothing is silk and purple. Her husband is known (by his robes) in the gates, when he sits among the senators of the land. The gates, or inferior courts, were branches as it were of the sanhedrim or senat of *Israel*. Nor is our commonwealth a worse houswife, or she has less regard to her magistrats; as may appear by

The twenty-fifth ORDER: That, wheras the public revenue is thro the late civil wars dilapidated, the excise, being improv'd or improvable to the revenue of one million, be apply'd for the space of eleven years to com, to the reparation of the same, and for the present maintenance of the magistrats, knights, deputys, and other officers, who, according to their several dignities and functions, shall annually receive towards the support of the same, as follows:

25 Order.

The lord strategus marching, is, upon another account, to have field pay as general.

	<i>lib. per ann.</i>
<i>THE lord strategus sitting</i>	2000
<i>THE lord orator</i>	2000
<i>THE three commissioners of the seal</i>	4500
<i>THE three commissioners of the treasury</i>	4500
<i>THE two censors</i>	3000
<i>THE 290 knights, at 500 l. a man.</i>	145000
<i>THE 4 ambassadors in ordinary</i>	12000
<i>THE council of war for intelligence</i>	3000
<i>THE master of the ceremonys</i>	500
<i>THE master of the horse</i>	500
<i>HIS substitute</i>	150
<i>THE 12 ballotins for their winter liverys</i>	240
<i>FOR their summer liverys</i>	120
<i>FOR their board-wages</i>	480
<i>FOR the keeping of three coaches of state, 24 coach-horses, with coachmen and postilions</i>	1500
<i>FOR the grooms, and keeping of 16 great horses for the master of the horse, and for the ballotins whom he is to govern and instruct in the art of riding</i>	480
<i>THE 20 secretarys of the parlament</i>	2000
<i>THE 20 doorkeepers, who are to attend with poleaxes; for their coats</i>	200
<i>FOR their board-wages</i>	1000
<i>THE 20 messengers, which are trumpeters, for their coats</i>	200
<i>For their board wages</i>	1000
<i>FOR ornament of the musters of the youth</i>	5000
	<i>Sum 189370</i>

OUT of the personal estates of every man, who at his death bequeaths not above forty shillings to the muster of that hundred wherein it lys, shall be levy'd one per cent. till the solid revenue of the muster of the hundred amounts to 50 l. per annum for the prizes of the youth.

THE twelve ballotins are to be divided into three regions, according to the course of the senat; the four of the first region to be elected at the tropic out of such children as the knights of the same shall offer, not being under eleven years of age, nor above thirteen. And their election shall be made by the lot at an urn set by the serjeant of the house for that purpose in the hall of the pantheon. The livery of the commonwealth for the fashion or the color may be chang'd at the election of the strategus according to his phansy. But every knight during his session shall be bound to give to his footman, or some one of his footmen, the livery of the commonwealth.

The prerogative tribe shall receive as follows:

	<i>lib. by the week.</i>	
<i>THE 2 tribuns of the horse</i>	14	
<i>THE 2 tribuns of the foot</i>	12	
<i>THE 3 captains of horse</i>	15	
<i>THE 3 cornets</i>	9	
<i>THE 3 captains of foot</i>	12	
<i>THE 3 ensigns</i>	7	
<i>THE 442 horse, at 2 l. a man</i>	884	
<i>THE 592 foot, at 1 l. 10 s. a man</i>	888	
<i>THE 6 trumpeters</i>	7	10s.
<i>THE 3 drummers</i>	2	5s.
<i>SUM by the week</i>	1850	15s.
<i>SUM by the year</i>	96239	
<i>THE total of the senat, the people, and the magistracy,</i>	287459	15s.

THE dignity of the commonwealth, and aids of the several magistracys and offices therto belonging, being provided for as aforesaid, the overplus of the excise, with the product of the sum rising, shall be carefully manag'd by the senat and the people thro the diligence of the officers of the exchequer, till it amount to eight millions, or to the purchase of about four hundred thousand pounds solid revenue. At which time, the term of eleven years being expir'd, the excise, except it be otherwise order'd by the senat and the people, shall be totally remitted and abolish'd for ever.

At this institution the takes, as will better appear in the corollary, were abated about one half, which made the order when it came to be tasted, to be of good relish with the people in the very beginning; tho the advantages then were no ways comparable to the consequences to be hereafter shewn. Nevertheless, my lord Epimonus, who with much ado had bin held till now, found it midsummer moon, and broke out of bedlam in this manner:

My LordArchon,

“I Have a singing in my head like that of a cartwheel, my brains are upon a rotation; and som are so merry, that a man cannot speak his griefs, but if your highshod prerogative, and those same slouching fellows your tribuns, do not take my lord strategus's, and my lord orator's heads, and jole them together under the canopy, then let me be ridiculous to all posterity. For here is a commonwealth, to which if a man should take that of the prentices in their ancient administration of justice at Shrovetide, it were an aristocracy. You have set the very rabble with troncheons in their hands, and the gentry of this nation, like cocks with scarlet gills, and the golden combs of their salaries to boot, lest they should not be thrown at.

“Not a night can I sleep for som horrid apparition or other; one while these myrmidons are measuring silks by their quarterstaves; another stuffing their greasy pouches with my lord high treasurer's *jacobusses*. For they are above a thousand in arms to three hundred, which, their gowns being pull'd over their ears, are but in their

doublets and hose. But what do I speak of a thousand? there be two thousand in every tribe, that is, a hundred thousand in the whole nation, not only in the posture of an army, but in a civil capacity sufficient to give us what laws they please. Now every body knows, that the lower sort of people regard nothing but mony; and you say it is the duty of a legislator to presume all men to be wicked: wherefore they must fall upon the richer, as they are an army; or, lest their minds should misgive them in such a villany, you have given them encouragement that they have a nearer way, seeing it may be don every whit as well as by the overbalancing power which they have in elections. There is a fair which is annually kept in the center of these territorys at *Kiberton*, a town famous for ale, and frequented by good fellows; where there is a solemnity of the pipers and fiddlers of this nation (I know not whether *Lacedemon*, where the senat kept account of the stops of the flutes and of the fiddle-strings of that commonwealth, had any such custom) call'd the *bulrunning*; and he that catches and holds the bull, is the annual and supreme magistrat of that *comitia* or congregation, call'd *king piper*; without whose licence it is not lawful for any of those citizens to injoy the liberty of his calling; nor is he otherwise legitimatly qualify'd (or *civitate donatus*) to lead apes or bears in any perambulation of the same. Mine host of the bear, in *Kiberton*, the father of ale, and patron of good footbal and cudgelplayers, has any time since I can remember, bin grand chancellor of this order. Now, say I, seeing great things arise from small beginnings, what should hinder the people, prone to their own advantage, and loving mony, from having intelligence convey'd to them by this same *king piper* and his chancellor, with their loyal subjects the minstrils and bearwards, masters of ceremonys, to which there is great recourse in their respective perambulations, and which they will commission and instruct, with directions to all the tribes, willing and commanding them, that as they with their own good, they chuse no other into the next *primum mobile*, but of the ablest cudgel and footbal-players? which don as soon as said, your *primum mobile* consisting of no other stuff, must of necessity be drawn forth into your *nebulones*, and your *galimosrys*; and so the silken purses of your senat and prerogative being made of sows ears, most of them blacksmiths, they will strike while the iron is hot, and beat your estates into hobnails; mine host of the bear being strategus, and king piper lord orator. Well, my lords, it might have bin otherwise exprest, but this is well enough a conscience. In your way, the wit of man shall not prevent this or the like inconvenience; but if this (for I have confer'd with artists) be a mathematical demonstration, I could kneel to you, that e'er it be too late we might return to som kind of sobriety.

“If we empty our purses with these pomps, salarys, coaches, lacquys, and pages, what can the people say less, than that we have drest a senat and a prerogative for nothing, but to go to the park with the ladys?”

My lord Archon, whose meekness resembl'd that of Moses, vouchsaf'd this answer:

My Lords,

“FOR all this, I can see my lord Epimonus every night in the park, and with ladys; nor do I blame this in a young man, or the respect which is and ought to be given to a sex that is one half of the commonwealth of mankind, and without which the other would be none: but our magistrats, I doubt, may be somewhat of the oldest to perform this

part with much acceptance; and, as the *Italian* proverb says, **Servire & non gradire è cosa da far morire*. Wherefore we will lay no certain obligation upon them in this point, but leave them, if it please you, to their own fate or discretion. But this (for I know my lord Epimonus loves me, tho I can never get his esteem) I will say, if he had a mistress should use him so, he would find it a sad life; or I appeal to your lordships, how I can resent it from such a friend, that he puts king piper's politics in the balance with mine. King piper, I deny not, may teach his bears to dance, but they have the worst ear of all creatures. Now how he should make them keep time in fifty several tribes, and that two years together, for else it will be to no purpose, may be a small matter with my lord to promise; but it seems to me of impossible performance. First, thro the nature of the bean; and, secondly, thro that of the ballot; or how what he has hitherto thought so hard, is now com to be easy: but he may think, that for expedition they will eat up these balls like apples. However, there is so much more in their way by the constitution of this, than is to be found in that of any other commonwealth, that I am reconcil'd; it now appearing plainly, that the points of my lord's arrows are directed at no other white, than to shew the excellency of our government above others; which, as he proceeds further, is yet plainer; while he makes it appear, that there can be no other elected by the people but smiths,

“Brontesque Steropesque & nudus membra Pyracmon:

“Othoniel, Aod, Gideon, Jephtha, Samson, as in *Israel*: Miltiades, Aristides, Themistocles, Cimon, Pericles, as in *Athens*: Papyrius, Cincinnatus, Camillus, Fabius Scipio, as in *Rome*: smiths of the fortune of the commonwealth; not such as forg'd hob-nails, but thunderbolts. Popular elections are of that kind, that all the rest of the world is not able, either in number or glory, to equal those of these three commonwealths. These indeed were the ablest cudgel and football-players; bright arms were their cudgels, and the world was the ball that lay at their feet. Wherefore we are not so to understand the maxim of legislators, which holds *all men to be wicked*, as if it related to mankind or a commonwealth, the interests wherof are the only strait lines they have wherby to reform the crooked; but as it relates to every man or party, under what color soever he or they pretend to be trusted apart, with or by the whole. Hence then it is deriv'd, which is made good in all experience, that the aristocracy is ravenous, and not the people. Your highwaymen are not such as have trades, or have bin brought up to industry; but such commonly whose education has pretended to that of gentlemen. My lord is so honest, he does not know the maxims that are of absolute necessity to the arts of wickedness; for it is most certain, if there be not more purses than thieves, that the thieves themselves must be forc'd to turn honest, because they cannot thrive by their trade: but now if the people should turn thieves, who sees not that there would be more thieves than purses? wherefore that a whole people should turn robbers or levellers, is as impossible in the end as in the means. But that I do not think your artist which you mention'd, whether astronomer or arithmetician, can tell me how many barleycorns would reach to the sun; I could be content he were call'd to the account, with which I shall conclude this point: when by the way I have chid my lords the legislators, who, as if they doubted my tackling could not hold, would leave me to flag in a perpetual calm, but for my lord Epimonus, who breaths now and then into my sails, and stirs the waters. A ship makes not her way so briskly, as when she is handsomly brush'd by the waves, and tumbles over those that seem to tumble

against her; in which case I have perceiv'd in the dark, that light has bin struck even out of the sea, as in this place, where my lord Epimonus seigning to give us a demonstration of one thing, has given it of another, and of a better. For the people of this nation, if they amount in each tribe to two thousand elders, and two thousand youths, upon the annual roll, holding a fifth to the whole tribe; then the whole of a tribe, not accounting women and children, must amount to twenty thousand; and so the whole of all the tribes being fifty, to one million. Now you have ten thousand parishes, and reckoning these one with another, each at one thousand pounds a year dry rent, the rent or revenue of the nation, as it is or might be let to farm, amounts to ten millions; and ten millions in revenue divided equally to one million of men, coms but to ten pounds a year to each wherwith to maintain himself, his wife and children. But he that has a cow upon the common, and earns his shilling by the day at his labor, has twice as much already as this would com to for his share; because if the land were thus divided, there would be no body to set him on work. So my lord Epimonus's footman, who costs him thrice as much as one of these could thus get, would certainly lose by his bargain. What should we speak of those innumerable trades wherupon men live, not only better than others upon good shares of lands, but becom also purchasers of greater estates? is not this the demonstration which my lord meant, that the revenue of industry in a nation, at least in this, is three or fourfold greater than that of the mere rent? if the people then obstruct industry, they obstruct their own livelihood; but if they make a war, they obstruct industry. Take the bread out of the peoples mouths, as did the *Roman* Patricians, and you are sure enough of a war, in which case they may be levellers; but our agrarian causes their industry to flow with milk and hony. It will be own'd, that this is true, if the people were given* to understand their own happiness; but where is it they do that? let me reply with the like question, where do they not? they do not know their happiness it should seem in *France*, *Spain* and *Italy*: but teach them what it is, and try whose sense is the truer. As to the late wars in *Germany*, it has bin affirm'd to me there, that the princes could never make the people to take arms while they had bread, and have therfore suffer'd countrys now and then to be wasted, that they might get soldiers. This you will find to be the certain pulse and temper of the people; and if they have bin already prov'd to be the most wif and constant order of a government, why should we think (when no man can produce one example of the common soldiery in an army mutinying because they had not captains pay) that the prerogative should jole the heads of the senat together, because these have the better salarys; when it must be as evident to the people in a nation as to the soldiery in an army, that it is no more possible their emoluments of this kind should be afforded by any commonwealth in the world to be made equal with those of the senat, than that the common soldiers should be equal with the captains? it is enough for the common soldier, that his virtue may bring him to be a captain, and more to the prerogative, that each of them is nearer to be a senator.

“If my lord thinks our salarys too great, and that the commonwealth is not houswife enough; whether is it better houswifery that she should keep her family from the snow, or suffer them to burn her house that they may warm themselves? for one of these must be. Do you think that she came off at a cheaper rate, when men had their rewards by a thousand, two thousand pounds a year in land of inheritance? if you say, that they will be more godly than they have bin, it may be ill taken; and if you cannot promise that, it is time we find out som way of stinting at least, if not curing them of

that same *sacra fames*. On the other side, if a poor man (as such a one may save a city) gives his sweat to the public, with what conscience can you suffer his family in the mean time to starve? but he that lays his hand to this plow, shall not lose by taking it off from his own: and a commonwealth that will mend this, shall be penny wise. The *sanhedrim* of *Israel* being the supreme, and a constant court of judicature, could not chuse but be exceding gainful. The *senat* of the *bean* in *Athens*, because it was but annual, was moderatly salaried; but that of the *areopagits* being for life, bountifully: and what advantages the senators of *Lacedemen* had, where there was little mony or use of it, were in honors for life. The *Patricians* having no profit, took all. *Venice* being a situation, where a man goes but to the door for his imployment, the honor is great, and the reward very little: but in *Holland* a counsellor of state has fifteen hundred *Flemish* pounds a year, besides other accommodations. The states general have more. And that commonwealth looks nearer her penny than ours needs to do.

“For the revenue of this nation, besides that of her industry, it amounts, as has bin shewn, to ten millions; and the salarys in the whole com not to three hundred thousand pounds a year. The beauty they will add to the commonwealth will be exceding great, and the people will delight in this beauty of their commonwealth; the encouragement they will give to the study of the public being very profitable, the accommodation they will afford to your magistrats very honorable and easy. And the sum, when it or twice as much was spent in hunting and housekeeping, was never any grievance to the people. I am asham’d to stand huckling upon this point; it is sordid. Your magistrats are rather to be provided with further accommodations. For what if there should be sickness? whither will you have them to remove? and this city in the soundest times, for the heat of the year, is no wholsom abode: have a care of their healths to whom you commit your own. I would have the *senat* and the people, except they see cause to the contrary, every first of *June* to remove into the country air for the space of three months. You are better fitted with summerhouses for them, than if you had built them to that purpose. There is som twelve miles distant the *convallium* upon the river *Halcionia*, for the tribuns and the prerogative, a palace capable of a thousand men: and twenty miles distant you have mount *Celia*, reverend as well for the antiquity as state of a castle completely capable of the *senat*: the proposers having lodgings in the *convallium*, and the tribuns in *Celia*, it holds the correspondency between the *senat* and the people exactly. And it is a small matter for the proposers, being attended with the coaches and officers of state, besides other conveniences of their own, to go a matter of five or ten miles (those seats are not much further distant) to meet the people upon any heath or field that shall be appointed: where, having dispatch’d their business, they may hunt their own venizon (for I would have the great wall’d park upon the *Halcionia* to belong to the signory, and those about the *convallium* to the tribuns) and so go to supper. Pray, my lords, see that they do not pull down these houses to sell the lead of them; for when you have consider’d on’t, they cannot be spar’d. The founders of the school in *Hiera* provided that the boys should have a summer seat. You should have as much care of these magistrats. But there is such a selling, such a *Jewish* humor in our republicans, that I cannot tell what to say to it; only this, any man that knows what belongs to a commonwealth, or how diligent every nation in that case has bin to preserve her ornaments, and shall see the wast lately made (the woods adjoining to this city, which serv’d for the delight and health of it, being cut down to be sold for three pence) will tell you, that they who did

such things would never have made a commonwealth. The like may be said of the ruin or damage don upon our cathedrals, ornaments in which this nation excels all others. Nor shall this ever be excus'd upon the score of religion; for tho it be true that God dwells not in houses made with hands, yet you cannot hold your assemblys but in such houses, and these are of the best that have bin made with hands. Nor is it well argu'd that they are pompous, and therfore profane, or less proper for divine service; seeing the christians in the primitive church, chose to meet with one accord in the temple; so far were they from any inclination to pull it down."

The orders of this commonwealth, so far, or near so far as they concern the elders, together with the several speeches at the institution, which may serve for the better understanding of them as so many commentaries, being shewn; I should now com from the elders to the youth, or from the civil constitution of this government to the military, but that I judg this the fittest place wherinto, by the way, to insert the government of the city, tho for the present but perfunctorily.

THE metropolis or capital city of *Oceana* is commonly call'd *Emporium*, tho it consists of two citys distinct, as well in name as in government, wherof the other is call'd *Hiera*: for which cause I shall treat of each apart, beginning with *Emporium*.

The government of Emporium.

Emporium with the libertys is under a twofold division, the one regarding the national, and the other the urban or city government. It is divided, in regard of the national government, into three tribes, and in respect of the urban into twenty-six, which for distinction sake are call'd *wards*, being contain'd under three tribes but inequally: wherfore the first tribe containing ten wards is call'd *scazon*, the second containing eight *metoche*, and the third containing as many *telicouta*: the bearing of which names in mind concerns the better understanding of the government.

The city tribes and wards.

EVERY ward has her wardmote, court, or inquest, consisting of all that are of the clothing or liverys of companys residing within the same.

Wardmote.

SUCH are of the livery or clothing as have attain'd to the dignity to wear gowns and particolor'd hoods or tippets, according to the rules and ancient customs of their respective companys.

The liverys.

A COMPANY is a brotherhood of tradesmen professing the same art, govern'd according to their charter by a master and wardens. Of these there be about sixty, wherof twelve are of greater dignity than the rest, that is to say, the mercers, grocers, drapers, fishmongers, goldsmiths, skinnners, merchant-taylors, haberdashers, salters, ironmongers, vintners, clothworkers; which, with most of the rest, have common halls, divers of them being of antient and magnificent structure, wherin they have frequent meetings at the summons of their master or wardens for the managing and regulation of their respective trades and mysteries.

The companys.

Common halls.

These companys, as I shall shew, are the roots of the whole government of the city. For the liverys that reside in the same ward, meeting at the wardmote inquest (to which it belongs to take cognizance of all sorts of nuisances, and violations of the customs and orders of the city, and to present them to the court of aldermen) have also power to make election of two sorts of magistrats or officers; the first of elders or aldermen of the ward, the second of deputys of the same, otherwise call'd *common-council men*.

THE wards in these elections, because they do not elect all at once, but som one year, and som another, observe the distinction of the three tribes; for example, the *scazon* consisting of ten wards, makes election the first year of ten aldermen, one in each ward, and of one hundred and fifty deputys, fifteen in each ward: all which are triennial magistrats or officers, that is to say, are to bear their dignity for the space of three years.

Election of aldermen, and of the common-council men.

THE second year the metoche, consisting of eight wards, elects eight aldermen, one in each ward, and a hundred and twenty deputys, fifteen in each ward; being also triennial magistrats.

THE third year telicouta, consisting of a like number of wards, elects an equal number of like magistrats for a like term. So that the whole number of the aldermen, according to that of the wards, amounts to twenty-six; and the whole number of the deputys, to three hundred and ninety.

THE aldermen thus elected have divers capacities: for, first, they are justices of the peace for the term, and in consequence of their election. Secondly, they are presidents of the wardmote, and governors each of that ward wherby he was elected. And last of all, these magistrats being assembled together, constitute the senat of the city, otherwise call'd the *court of aldermen*: but no man is capable of this election that is not worth ten thousand pounds. This court upon every new election, makes choice of nine censors out of their own number.

The court of aldermen.

THE deputys in like manner being assembled together, constitute the prerogative tribe of the city, otherwise call'd the *common council*: by which means the senat and the people of the city were comprehended, as it were, by the motion of the national government, into the same wheel of annual, triennial, and perpetual revolution.

The common council.

BUT the liverys, over and above the right of these elections by their divisions mention'd, being assembled all together at the *guild* of the city, constitute another assembly call'd the *common hall*.

The common hall.

THE common hall has the right of two other elections; the one of the lord mayor, and the other of the two sheriffs, being annual magistrats. The lord mayor can be elected out of no other than one of the twelve companys of the first ranks; and the common

The election of the lord mayor and sheriffs.

hall agrees by the plurality of suffrages upon two names: which being presented to the lord mayor for the time being, and the court of aldermen, they elect one by their scrutiny; for so they call it, tho it differs from that of the commonwealth. The orator or assistant to the lord mayor in holding of his courts, is som able lawyer elected by the court of aldermen, and call'd the recorder of *Emporium*.

THE lord mayor being thus elected, has two capacitys; one regarding the nation, and the other the city. In that which regards the city, he is president of the court of aldermen, having power to assemble the same, or any other council of the city, as the common council or common hall, at his will and pleasure: and in that which regards the nation, he is commander in chief of the three tribes wherinto the city is divided; one of which he is to bring up in person at the national muster to the ballot, as his vicecomites, or high sheriffs, are to do by the other two, each at their distinct pavilion, where the nine aldermen, elected censors, are to officiat by three in each tribe, according to the rules and orders already given to the censors of the rustic tribes. And the tribes of the city have no other than one common phylarch, which is the court of aldermen and the common council; for which cause they elect not at their muster the first list call'd the prime magnitude.

THE conveniences of this alteration of the city government, besides the bent of it to a conformity with that of the nation, were many, wherof I shall mention but a few: as first, wheras men under the former administration, when the burden of som of these magistracys lay for life, were oftentimes chosen not for their fitness, but rather unfitness, or at least unwillingness to undergo such a weight, wherby they were put at great rates to fine for their ease; a man might now take his share in magistracy with that equity which is due to the public, and without any inconvenience to his privat affairs. Secondly, wheras the city (inasmuch as the acts of the aristocracy, or court of aldermen, in their former way of proceding, were rather impositions than propositions) was frequently disquieted with the inevitable consequence of disorder in the power of debate exercis'd by the popular part, or common council; the right of debate being henceforth establish'd in the court of aldermen, and that of result in the common council, kill'd the branches of division in the root. Which for the present may suffice to have bin said of the city of *Emporium*.

Some conveniences in this alteration.

THAT of *Hiera* consists as to the national government of two tribes, the first call'd *agoræa*, the second *propola*: but as to the peculiar policy of twelve *manipuls*, or wards divided into three cohorts, each cohort containing four wards; wherof the wards of the first cohort elect for the first year four burgesses, one in each ward; the wards of the second cohort for the second year four burgesses, one in each ward; and the wards of the third cohort for the third year four burgesses, one in each ward; all triennial magistrats: by which the twelve burgesses, making one court for the government of this city, according to their instructions by act of parlament, fall likewise into an annual, triennial, and perpetual revolution.

The government of Hiera.

The court.

THIS court being thus constituted, makes election of divers magistrats; as first, of a high steward, who is commonly som

The high steward.

person of quality, and this magistracy is elected in the senat by the scrutiny of this court; with him they chuse som able lawyer to be his deputy, and to hold the court; and last of all they elect out of their own number six censors.

THE high steward is commander in chief of the two tribes, wherof he in person brings up the one at the national muster to the ballot, and his deputy the other at a distinct pavilion; the six censors chosen by the court, officiating by three in each tribe at the urns; and these tribes have no other phylarch but this court.

AS for the manner of elections and suffrage, both in Emporium and Hiera, it may be said once for all, that they are perform'd by ballot, and according to the respective rules already given.

THERE be other citys and corporations throout the territory, whose policy being much of this kind, would be tedious and not worth the labor to insert, nor dare I stay. Juvenum manus emicat ardens.

I return, according to the method of the commonwealth, to the remaining parts of her orbs, which are military and provincial; the military, except the strategus, and the polemarchs or field officers, consisting of the youth only, and the provincial consisting of a mixture both of elders and of the youth.

To begin with the youth, or the military orbs, they are circles to which the commonwealth must have a care to keep close. A man is a spirit rais'd by the magic of nature; if she dos not stand safe, and so that she may set him to som good and useful work, he spits fire, and blows up castles: for where there is life, there must be motion or work; and the work of idleness is mischief, but the work of industry is health. To set men to this, the commonwealth must begin betimes with them, or it will be too late: and the means wherby she sets them to it, is EDUCATION, the plastic art of government. But it is as frequent as sad in experience (whether thro negligence, or, which in the consequence is all one or worse, overfondness in the domestic performance of this duty) that innumerable children com to ow their utter perdition to their own parents; in each of which the commonwealth loses a citizen. Wherfore the laws of a government, how wholsom soever in themselves, are such as, if men by a congruity in their education be not bred to find a relish in them, they will be sure to loath and detest. The education therefore of a man's own children is not wholly to be committed or trusted to himself. You find in **Livy* the children of Brutus having bin bred under monarchy, and us'd to a court life, making faces at the commonwealth of *Rome*: *A king (say they) is a man with whom you may prevail when you have need there should be law, or when you have need there should be no law; he has favors in the right, and he frowns not in the wrong place; he knows his friends from his enemys. But laws are deaf inexorable things, such as make no difference between a gentleman and an ordinary fellow; a man can never be merry for them, for to trust altogether to his own innocence is a sad life.* Unhappy wantons! Scipio on the other side, when he was but a boy (about two or three and twenty) being inform'd that certain *Patricians* of *Roman* gentlemen, thro a qualm upon the defeat which Hannibal had given them at *Cannæ*, were laying their heads together and contriving their flight with the transportation of their goods out of *Rome*, drew his sword, and setting himself at the

door of the chamber where they were at council, protested, *That who did not immediatly swear not to desert the commonwealth, he would make his soul to desert his body.* Let men argue as they please for monarchy, or against a commonwealth, the world shall never see any man so sottish or wicked as in cool blood to prefer the education of the sons of Brutus before that of Scipio; and of this mould, except a Melius or a Manlius, was the whole youth of that commonwealth, tho not ordinarily so well cast. Now the health of a government, and the education of the youth being of the same pulse, no wonder if it has bin the constant practice of well-order'd commonwealths to commit the care and feeling of it to public magistrats. A duty that was perform'd in such a manner by the areopagits, as is elegantly prais'd by Isocrates. *The Athenians*, says he, *write not their laws upon dead walls, nor content themselves with having ordain'd punishments for crimes, but provide in such a way by the education of their youth, that there be no crimes for punishment.* He speaks of those laws which regarded manners, not of those orders which concerned the administration of the commonwealth, lest you should think he contradicts Xenophon and Polybius. The children of *Lacedemon*, at the seventh year of their age, were delivered to the *pædonomi*, or schoolmasters, not mercenary, but magistrats of the commonwealth, to which they were accountable for their charge: and by these at the age of fourteen they were presented to other magistrats call'd the *beidiæi*, having the inspection of the games and exercises, among which that of the *platanista* was famous, a kind of fight in squadrons, but somewhat too fierce. When they came to be of military age, they were listed of the *mora*, and so continu'd in readiness for public service under the discipline of the *polemarchs*. But the *Roman* education and disciplin by the centurys and classes is that to which the commonwealth of *Oceana* has had a more particular regard in her three essays, being certain degrees by which the youth commence as it were in arms for magistracy, as appears by

The twenty-sixth ORDER, instituting, That if a parent has but one son, the education of that one son shall be wholly at the disposition of that parent. But wheras there be free schools erected and endow'd, or to be erected and endow'd in every tribe of this nation, to a sufficient proportion for the education of the children of the same (which schools, to the end there be no detriment or hindrance to the scholars upon case of removing from one to another, are every of them to be govern'd by the strict inspection of the censors of the tribes, both upon the schoolmasters manner of life and teaching, and the proficiency of the children, after the rules and method of that in *Hiera*) if a parent has more sons than one, the censors of the tribes shall animadvert upon and punish him that sends not his sons within the ninth year of their age to som one of the schools of a tribe, there to be kept and taught, if he be able, at his own charges; and if he be not able, *gratis*, till they arrive at the age of fifteen years. And a parent may expect of his sons at the fifteenth year of their age according to his choice or ability, whether it be to service in the way of apprentices to som trade or otherwise, or to further study, as by sending them to the inns of court, of chancery, or to one of the universitys of this nation. But he that takes not upon him one of the professions proper to som of those places, shall not continue longer in any of them than till he has attain'd to the age of eighteen years; and every man having not at the age of eighteen years taken upon him, or addicted himself to the profession of the law, theology, or physick, and being no servant, shall be capable of the essays of the youth, and no other person whatsoever: except a man, having taken upon him such

26 Order.

a profession, happens to lay it by, e'er he arrives at three or four and twenty years of age, and be admitted to this capacity by the respective *phylarch*, being satisfy'd that he kept not out so long with any design to evade the service of the commonwealth; but, that being no sooner at his own disposal, it was no sooner in his choice to com in. And if any youth or other person of this nation have a desire to travel into foren countrys upon occasion of business, delight, or further improvement of his education; the same shall be lawful for him upon a pass obtain'd from the censors in parliament, putting a convenient limit to the time, and recommending him to the ambassadors by whom he shall be assisted, and to whom he shall yield honor and obedience in their respective residences. Every youth at his return from his travel is to present the censors with a paper of his own writing, containing the interest of state or form of government of the countrys, or som one of the countrys where he has bin; and if it be good, the censors shall cause it to be printed and publish'd, prefixing a line in commendation of the author.

EVERY Wednesday next insuing the last of December, the whole youth of every parish, that is to say every man (not excepted by the foregoing part of the order) being from eighteen years of age to thirty, shall repair at the sound of the bell to their respective church, and being there assembled in presence of the overseers, who are to govern the ballot, and the constable who is to officiat at the urn, shall, after the manner of the elders, elect every fifth man of their whole number (provided that they chuse not above one of two brothers at one election, nor above half if they be four or upward) to be a stratiot or deputy of the youth; and the list of the stratiots so elected being taken by the overseers, shall be enter'd in the parish book, and diligently preserv'd as a record, call'd the first essay. They whose estates by the law are able, or whose friends are willing to mount them, shall be of the horse, the rest are of the foot. And he who has bin one year of this list, is not capable of being reelected till after another year's interval.

EVERY Wednesday next insuing the last of January, the stratiots being muster'd at the rendevouz of their respective hundred, shall in the presence of the jurymen, who are overseers of that ballot, and of the high constable who is to officiat at the urn, elect out of the horse of their troop or company one captain, and one ensign or cornet, to the command of the same. And the jurymen having enter'd the list of the hundred into a record to be diligently kept at the rendevouz of the same; the first public game of this commonwealth shall begin and be perform'd in this manner. Whereas there is to be at every rendevouz of a hundred one cannon, culverin, or saker; the prize arms being forg'd by sworn armorers of this commonwealth, and for their proof, besides their beauty, view'd and try'd at the tower of Emporium, shall be expos'd by the justice of peace appertaining to that hundred (the said justice with the jurymen being judges of the game) and the judges shall deliver to the horseman that gains the prize at the career, one sute of arms being of the value of twenty pounds; to the pikeman that gains the prize at throwing the bullet, one sute of arms of the value of ten pounds; to the musketeer that gains the prize at the mark with his musket, one sute of arms of the value of ten pounds; and to the cannoneer that gains the prize at the mark with the cannon, culverin, or saker, a chain of silver being the value of ten pounds; provided, that no one man at the same muster plays above one of the prizes. Whosoever gains a prize is bound to wear it (if it be his lot) upon service; and no man

shall sell or give away any armor thus won, except he has lawfully attain'd to two or more of them at the games.

THE games being ended, and the muster dismiss, the captain of the troop or company shall repair with a copy of the list to the lord lieutenant of the tribe, and the high constable with a duplicat of the same to the custos rotulorum, or mustermaster general, to be also communicated to the censors; in each of which the jurymen giving a note upon every name of an only son, shall certify that the list is without subterfuge or evasion; or, if it be not, an account of those upon whom the evasion or subterfuge lys, to the end that the phylarch or the censors may animadvert accordingly.

AND every Wednesday next insuing the last of February, the lord lieutenant, custos rotulorum, the censors, and the conductor, shall receive the whole muster of the youth of that tribe at the rendevouz of the same, distributing the horse and foot with their officers, according to the directions given in the like case for the distribution of the elders; and the whole squadron being put by that means in battalia, the second game of this commonwealth shall begin by the exercise of the youth in all the parts of their military disciplin according to the orders of parlament, or direction of the council of war in that case. And the hundred pounds allow'd by the parlament for the ornament of the muster in every tribe, shall be expended by the phylarch upon such artificial castles, citadels, or the like devices, as may make the best and most profitable sport for the youth and their spectators. Which being ended, the censors having prepar'd the urns by putting into the horse-urn 220 gold balls, wherof ten are to be mark'd with the letter M, and other ten with the letter P; into the foot-urn 700 gold balls, whereof 50 are to be mark'd with the letter M, and 50 with the letter P: and after they have made the gold balls in each urn, by the addition of silver balls to the same, in number equal with the horse and foot of the stratiots, the lord lieutenant shall call the stratiots to the urns, where they that draw the silver balls shall return to their places, and they that draw the gold balls shall fall off to the pavilion, where, for the space of one hour, they may chop and change their balls according as one can agree with another, whose lot he likes better But the hour being out, the conductor separating them whose gold balls have no letter, from those whose balls are mark'd, shall cause the cryer to call the alphabet, as first A; wherupon all they whose gold balls are not mark'd, and whose sirnames begin with the letter A, shall repair to a clerck appertaining to the custos rotulorum, who shall first take the names of that letter; then those of B, and so on, till all the names be alphabetically inrol'd. And the youth of this list being six hundred foot in a tribe, that is, 30000 foot in all the tribes; and two hundred horse in a tribe, that is, 10000 horse in all the tribes, are the second essay of the stratiots, and the standing army of this commonwealth to be always ready upon command to march. They whose balls are mark'd with M, amounting, by 20 horse and 50 foot in a tribe, to 2500 foot, and 500 horse in all the tribes; and they whose balls are mark'd with P, in every point correspondent, are parts of the third essay: they in M being straight to march for Marpesia, and they of P for Panopea, to the ends, and according to the further directions following in the order for the provincial orbs.

IF the polemarchs or field officers be elected by the scrutiny of the council of war, and the strategus commanded by the parlament or the dictator to march, the lord

lieutenants (who have power to muster and disciplin the youth so often as they receive orders for the same from the council of war) are to deliver the second essay, or so many of them as shall be commanded, to the conductors, who shall present them to the lord strategus at the time and place appointed by his excellency to be the general rendezvous of Oceana, where the council of war shall have the accommodation of horses and arms for his men in readiness: and the lord strategus having arm'd, mounted and distributed them, whether according to the recommendation of their prize arms, or otherwise, shall lead them away to his shipping, being also ready and provided with victuals, ammunition, artillery, and all other necessaries; commanding them, and disposing of the whole conduct of the war by his sole power and authority. And this is the third essay of the stratiots, which being ship'd, or march'd out of their tribes, the lord lieutenants shall reelect the second essay out of the remaining part of the first; and the senat another strategus.

IF any veteran or veterans of this nation, the term of whose youth or militia is expir'd, having a desire to be entertain'd in the further service of the commonwealth, shall present him or themselves at the rendezvous of Oceana to the strategus, it is in his power to take on such and so many of them as shall be agreed by the polemarchs, and to send back an equal number of the stratiots.

AND for the better managing of the proper forces of this nation, the lord strategus, by appointment of the council of war, and out of such levys as they shall have made in either or both of the provinces to that end, shall receive auxiliaries by sea or elsewhere at som certain place, not exceeding his proper arms in number.

AND whosoever shall refuse any one of his three essays, except upon cause shewn he be dispens'd withal by the phylarch; or, if the phylarch be not assembled, by the censors of his tribe, shall be deem'd a helot or public servant, shall pay a fifth part of his yearly revenue, besides all other taxes, to the commonwealth for his protection, and be incapable of bearing any magistracy except such as is proper to the law. Nevertheless if a man has but two sons, the lord lieutenant shall not suffer above one of them to come to the urn at one election of the second essay: and tho he has above two sons, there shall not com above half the brothers at one election; and if a man has but one son, he shall not com to the urn at all without the consent of his parents, or his guardians; nor shall it be any reproach to him, or impediment to his bearing of magistracy.

This order, with relation to foren expeditions, will be prov'd and explain'd together with

The twenty-seventh ORDER, providing, in case of invasion apprehended, that the lords high sherifs of the tribes upon commands receiv'd from the parlament, or the dictator, distribute the bands of the elders into divisions after the nature of the essays of the youth; and that the second division or essay of the elders, being made and consisting of 30000 foot, and 10000 horse, be ready to march with the second essay of the youth, and be brought also by the conductors to the strategus.

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THE second essay of the elders and youth being march'd out of their tribes, the lords high sherifs and lieutenants shall have the remaining part of the annual hands both of elders and youth in readiness, which, if the beacons be fir'd, shall march to the rendevouz to be in that case appointed by the parlament, or the dictator. And the beacons being fir'd, the curiata comitia, or parochial congregations, shall elect a fourth both of elders and youth to be immediatly upon the guard of the tribes, and dividing themselves as aforesaid, to march also in their divisions according to orders: which method in case of extremity shall procede to the election of a third, or the levy of a second, or of the last man in the nation, by the power of the lords high sherifs; to the end that the commonwealth in her utmost pressure may shew her trust that God in his justice will remember mercy, by humbling her self, and yet preserving her courage, disciplin and constancy, even to the last drop of her blood, and the utmost farthing.

THE services perform'd by the youth, or by the elders, in case of invasion, and according to this order shall be at their proper cost and charges that are any ways able to endure it; but if there be such as are known in their parishes to be so indigent that they cannot march out of their tribes, nor undergo the burden in this case incumbent, then the congregations of their parishes shall furnish them with sufficient sums of mony to be repaid upon the certificat of the same by the parlament when the action shall be over. And of that which is respectively injoin'd by this order, any tribe, parish, magistrat, or person that shall fail, is to answer for it at the council of war, as a deserter of his country.

The Archon, being the greatest captain of his own, if not of any age, added much to the glory of this commonwealth, by interweaving the militia with more art and luster than any legislator from or before the time of Servius Tullius, who constituted the *Roman* militia. But as the bones or skeleton of a man, tho the greatest part of his beauty be contain'd in their proportion or symmetry, yet shewn without flesh, are a spectacle that is rather horrid than entertaining; so without discourses are the orders of a commonwealth; which, if she gos forth in that manner, may complain of her friends that they stand mute, and staring upon her. Wherefore this order was thus flesh'd by the lord Archon.

My Lords;

“*DIOGENES* seeing a young fellow drunk, told him that his father was drunk when he begot him. For this, in natural generation I must confess I see no reason; but in the political it is right. The vices of the people are from their governors; those of their governors from their laws or orders; and those of their laws or orders from their legislators.* Whatever was in the womb imperfect, as to her proper work, coms very rarely, or never at all to perfection afterwards: and the formation of a citizen in the womb of the commonwealth is his education.

“Education by the first of the foregoing orders is of six kinds: at the school, in the mechanics, at the universitys, at the ins of court or chancery, in travels, and in military disciplin: som of which I shall but touch, and som I shall handle more at large.

“That which is propos’d for the erecting and indowing of schools throout the tribes, capable of all the children of the same, and able to give to the poor the education of theirs *gratis*, is only matter of direction in case of very great charity, as easing the needy of the charge of their children from the ninth to the fifteenth year of their age, during which time their work cannot be profitable; and restoring them when they may be of use, furnished with tools wherof there are advantages to be made in every work, seeing he that can read and use his pen has som convenience by it in the meanest vocation. And it cannot be conceiv’d, but that which coms, tho in small parcels, to the advantage of every man in his vocation, must amount to the advantage of every vocation, and so to that of the whole commonwealth. Wherefore this is commended to the charity of every wisehearted and welminded man, to be don in time, and as God shall stir him up or inable him; there being such provision already in the case, as may give us leave to procede without obstruction.

Schools.

“Parents, under animadversion of the censors, are to dispose of their children at the fifteenth year of their age to something; but what, is left, according to their abilitys or inclination, at their own choice. This, with the multitude, must be to the mechanics, that is to say, to agriculture or husbandry; to manufactures, or to merchandize.

Mechanics in general.

“Agriculture is the bread of the nation; we are hung upon it by the teeth; it is a mighty nursery of strength, the best army, and the most assur’d knapsac; it is manag’d with the least turbulent or ambitious, and the most innocent hands of all other arts. Wherefore I am of Aristotle’s opinion, that a commonwealth of husbandmen, and such is ours, must be the best of all others. Certainly, my lords, you have no measure of what ought to be, but what can be don for the incouragement of this profession. I could wish I were husband good enough to direct something to this end; but racking of rents is a vile thing in the richer sort, an uncharitable one to the poorer, a perfect mark of slavery, and nips your commonwealth in the fairest blossom. On the other side, if there should be too much ease given in this kind, it would occasion sloth, and so destroy industry, the principal nerve of a commonwealth. But if ought might be don to hold the balance even between these two, it would be a work in this nation equal to that for which Fabius was sirnam’d Maximus by the *Romans*.

Husbandry.

“In manufactures and merchandize the *Hollander* has gotten the start of us; but at the long run it will be found, that a people working upon a foren commodity dos but farm the manufacture, and that it is really intail’d upon them only, where the growth of it is native: as also that it is one thing to have the carriage of other mens goods, and another for a man to bring his own to the best market. Wherefore (nature having provided incouragement for these arts in this nation above all others, where, the people growing, they of necessity must also increase) it cannot but establish them upon a far more sure and effectual foundation than that of the *Hollanders*. But these educations are in order to the first things, or necessitys of nature; as husbandry to the food, manufacture to the clothing, and merchandize to the purse of the commonwealth.

Manufactures and merchandize.

“There be other things in nature, which being second as to their order, for their dignity and value are first, and such to which the other are but accommodations; or this sort are especially these, religion, justice, courage, and wisdom.

“The education that answers to religion in our government is that of the universitys. Moses the divine legislator was not only skilful in all the learning of the *Egyptians*, but took also into the fabric of his commonwealth the learning of the *Midianites* in the advice of Jethro; and his foundation of a university laid in the tabernacle, and finish’d in the temple, became that pinnacle from whence (according to many *Jewish* and *Christian* authors) all the learning in the world has taken wing; as the philosophy of the *Stoics* from the *Pharisees*; that of the *Epicureans* from the *Sadduces*; and from the learning of the *Jews* so often quoted by our Savior, and fulfilled in him, the *Christian* religion. *Athens* was the most famous university in her days; and her senators, that is to say, the *Areopagits*, were all philosophers. *Lacedemon*, to speak truth, tho she could write and read, was not very bookish. But he that disputes hence against universitys, disputes by the same argument against agriculture, manufacture, and merchandize; every one of these having bin equally forbid by Lycurgus, not for itself (for if he had not bin learn’d in all the learning of *Crete*, and well travell’d in the knowledge of other governments, he had never made his commonwealth) but for the diversion which they must have given his citizens from their arms, who, being but few, if they had minded any thing else, must have deserted the commonwealth. For *Rome*, she had *ingenium par ingenio*, was as learned as great, and held her college of *augurs* in much reverence. *Venice* has taken her religion upon trust. *Holland* cannot attend it to be very studious. Nor dos *Switzerland* mind it much; yet are they all addicted to their universitys. We cut down trees to build houses; but I would have som body shew me, by what reason or experience the cutting down of a university should tend to the setting up of a commonwealth. Of this I am sure, that the perfection of a commonwealth is not to be attain’d without the knowlege of antient prudence; nor the knowlege of antient prudence without learning; nor learning without schools of good literature: and these are such as we call universitys. Now tho mere university learning of itself be that which (to speak the words of Verulamius) *crafty men contemn, and simple men only admire, yet is it such as wife men have use of; for studys do not teach their own use, but that is a wisdom without and above them, won by observation. Expert men may execute, and perhaps judge of particulars one by one; but the general counsils and the plots, and the marshalling of affairs, com best from those that are learned.* Wherefore if you would have your children to be statesmen, let them drink by all means of these fountains, where perhaps there were never any. But what tho the water a man drinks be not nourishment; it is the vehicle without which he cannot be nourish’d. Nor is religion less concern’d in this point than government; for take away your universitys, and in a few years you lose it.

“The holy Scriptures are written in *Hebrew* and *Greec*: they that have neither of these languages may think light of both; but find me a man that has one in perfection, the study of whose whole life it has not bin. Again, this is apparent to us in daily conversation, that if four or five persons that have liv’d together be talking, another speaking the same language may com in, and yet understand very little of their

discourse, in that it relates to circumstances, persons, things, times and places, which he knows not. It is no otherwise with a man, having no insight of the times in which they were written, and the circumstances to which they relate, in the reading of antient books, whether they be divine or human. For example, when we fall upon the discourse about baptism and regeneration that was between our Savior and Nicodemus, where Christ reproaches him with his ignorance in this matter: *Art thou a doctor in Israel, and understandest not these things?* What shall we think of it? or wherfore should a doctor in *Israel* have understood these things more than another, but that both baptism and regeneration, as was shew'd at large by my lord Phosphorus, were doctrins held in *Israel*? I instance in one place of a hundred, which he, that has not master'd the circumstances to which they relate, cannot understand. Wherfore to the understanding of the Scripture, it is necessary to have antient languages, and the knowlege of antient times, or the aid of them who have such knowlege: and to have such as may be always able and ready to give such aid (unless you would borrow it of another nation, which would not only be base, but deceitful) it is necessary to a commonwealth that she have schools of good literature, or universities of her own. We are commanded, as has been said more than once, to search the Scriptures; and which of 'em search the Scriptures, they that take this pains in antient languages and learning, or they that will not, but trust to translations only, and to words as they sound to present circumstances? than which nothing is more fallible, or certain to lose the true sense of Scriptures, pretended to be above human understanding, for no other cause than that they are below it. But in searching the Scriptures by the proper use of our universitys, we have bin heretofore blest with greater victorys and trophys against the purple hosts and golden standards of the *Romish* hierarchy, than any nation; and therfore why we should relinquish this upon the presumption of som, that because there is a greater light which they have, I do not know. There is a greater light than the sun, but it does not extinguish the sun, nor does any light of God's giving extinguish that of nature, but increase and sanctify it. Wherfore, neither the honor born by the *Israelitish*, *Roman*, or any other commonwealth that I have shewn, to their ecclesiastics, consisted in being govern'd by them, but in consulting them in matters of religion; upon whose responses or oracles they did afterwards as they thought fit. Nor would I be here mistaken, as if, by affirming the universitys to be, in order both to religion and government, of absolute necessity, I declar'd them or the ministry in any wife fit to be trusted, so far as to exercise any power not deriv'd from the civil magistrat in the administration of either. If the *Jewish* religion were directed and established by Moses, it was directed and establish'd by the civil magistrat; or if Moses exercis'd this administration as a prophet, the same prophet did invest with the same administration the *sanhedrim*, and not the priests; and so dos our commonwealth the senat, and not the clergy. They who had the supreme administration or government of the national religion in *Athens*, were the first Archon, the *rex sacrificus*, or high priest, and a *polemarch*; which magistrats were ordain'd or elected* by the holding up of hands in the church, congregation or *comitia* of the people. The religion of *Lacedemon* was govern'd by the kings, who were also high priests, and officiated at the sacrifice; these had power to substitute their *pythii*, ambassadors, or nuncios, by which, not without concurrence of the senat, they held intelligence with the oracle of Apollo at *Delphos*. And the ecclesiastical part of the commonwealth of *Rome* was govern'd by the *pontifex maximus*, the *rex sacrificulus*, and the *Flamins*, all ordain'd or elected by the people, the *pontifex* by

the† tribes, the king by the‡ centurys, and the *Flamins* by the§ parishes. I do not mind you of these things as if, for the matter, there were any parallel to be drawn out of their superstitions to our religion; but to shew that for the manner, antient prudence is as well a rule in divine as human things; nay, and such a one as the apostles themselves, ordaining elders by the holding up of hands in every congregation, have exactly follow'd: for som of the congregations where they thus ordain'd elders were those of *Antioch*, *Iconium*, *Lystra*, *Derbe*, the countrys of *Lycaonia*, *Pisidia*, *Pampbilia*, *Perga*, with *Attalia* Now that these citys and countrys, when the *Romans* propagated their empire into *Asia*, were found most of them commonwealths, and that many of the rest were indu'd with like power, so that the people living under the protection of the *Roman* emperors, continu'd to elect their own magistrats, is so known a thing, that I wonder whence it is that men, quite contrary to the universal proof of these examples, will have ecclesiastical government to be necessarily distinct from civil power, when the right of the elders ordain'd by the holding up of hands in every congregation to teach the people, was plainly deriv'd from the same civil power by which they ordain'd the rest of their magistrats. And it is not otherwise in our commonwealth, where the parochial congregation elects or ordains its pastor. To object the commonwealth of *Venice* in this place, were to shew us that it has bin no otherwise but where the civil power has lost the liberty of her conscience by imbracing popery; as also that to take away the liberty of conscience in this administration from the civil power, were a proceeding which has no other precedent than such as is popish. Wherefore your religion is settled after the following manner: the universitys are the seminarys of that part which is national, by which means others with all safety may be permitted to follow the liberty of their own consciences, in regard that, however they behave themselves, the ignorance of the unlearned in this case cannot lose your religion nor disturb your government, which otherwise it would most certainly do; and the universitys with their emoluments, as also the benefices of the whole nation, are to be improv'd by such augmentations as may make a very decent and comfortable subsistence for the ministry, which is neither to be allow'd synods nor assemblys, except upon the occasion shewn in the universitys, when they are consulted by the council of state, and suffer'd to meddle with affairs of religion, nor to be capable of any other public preferment whatsoever; by which means the interest of the learned can never com to corrupt your religion, nor disturb your government, which otherwise it would most certainly do. *Venice*, tho she dos not see, or cannot help the corruption of her religion, is yet so circumspect to avoid disturbance of her government in this kind, that her council procedes not to election of magistrats, till it be proclaim'd, *fora papalini*, by which words such as have consanguinity with red hats, or relation to the court of *Rome*, are warm'd to withdraw. If a minister in *Holland* meddles with matter of state, the magistrat sends him a *pair of shoes*; wherupon, if he dos not go, he is driven away from his charge. I wonder why ministers, of all men, should be perpetually tampering with government; first because they, as well as others, have it in express charge to submit themselves to the ordinances of men; and secondly, because these ordinances of men must go upon such political principles, as they of all others, by any thing that can be found in their writings or actions, least understand: whence you have the suffrage of all nations to this sense, that an ounce of wisdom is worth a pound of clergy. Your greatest clerics are not your wisest men: and when som foul absurdity in state is committed, it is common with the *French*, and even the *Italians*, to call it *pas de cleric*, or, *governo de*

prete. They may bear with men that will be preaching without study, while they will be governing without prudence. My lords, if you know not how to rule your clergy, you will most certainly, like a man that cannot rule his wife, have neither quiet at home, nor honor abroad. Their honest vocation is to teach your children at the schools and the universitys, and the people in the parishes; and yours is concern'd to see that they do not play the shrews: of which parts dos consist the education of your commonwealth, so far as it regards religion.

“To Justice, or that part of it which is commonly executive, answers the education of the ins of court and chancery. Upon which to philosophize requires a public kind of learning that I have not. But they who take upon them any profession proper to the educations mention'd, that is, theology, physic, or law, are not at leisure for the essays. Wherefore the essays being degrees wherby the youth commence for all magistracys, offices, and honors in the parish, hundred, tribe, senat or prerogative; divines, physicians, and lawyers, not taking these degrees, exclude themselves from all such magistracys, offices, and honors. And wheras lawyers are likest to exact further reason for this, they (growing up from the most gainful art at the bar to those magistracys upon the bench, which are continually appropriated to themselves, and not only indow'd with the greatest revenues, but also held for life) have the least reason of all the rest to pretend to any other; especially in an equal commonwealth, where accumulation of magistracy, or to take a person ingag'd by his profit to the laws, as they stand, into the power, which is legislative, and which should keep them to what they were, or ought to be, were a solœcism in prudence. It is true, that the legislative power may have need of advice and assistance from the executive magistracy, or such as are learned in the law; for which cause the judges are, as they have heretofore bin, assistants in the senat. Nor, however it came about, can I see any reason why a judg, being but an assistant or lawyer, should be member of a legislative council.

The ins of court and chancery.

“I deny not, that the *Roman* patricians were all patrons, and that the whole people were clients, som to one family, and som to another, by which means they had their causes pleaded and defended in som appearance *gratis*; for the patron took no mony, tho if he had a daughter to marry, his clients were to pay her portion: nor was this so great a grievance. But if the client accus'd his patron, gave testimony or suffrage against him, it was a crime of such a nature, that any man might lawfully kill him as a traitor; and this, as being the nerve of the optimacy, was a great cause of ruin to that commonwealth: for when the people would carry any thing that pleas'd not the senat, the senators were ill provided if they could not intercede, that is, oppose it by their clients; with whom, to vote otherwise than they pleas'd, was the highest crime. The observation of this bond till the time of the Gracchi, that is to say, till it was too late, or to no purpose to break it, was the cause, why in all the former heats and disputes that had happen'd between the senat and the people, it never came to blows, which indeed was good: but withal, the people could have no remedy, which was certainly evil. Wherefore I am of opinion, that a senator ought not to be a patron or advocat, nor a patron or advocat to be a senator: for if his practice be *gratis*, it debauches the people; and if it be mercenary, it debauches himself: take it which way you will, when he should be making of laws, he will be knitting of nets.

“Lycurgus, as I said, by being a traveller became a legislator, but in times when prudence was another thing. Nevertheless we may not shut out this part of education in a commonwealth, which will be herself a traveller; for those of this make have seen the world, especially because this is certain (tho it be not regarded in our times, when things being left to take their chance, it fares with us accordingly) that no man can be a politician, except he be first a historian or a traveller; for except he can see what must be, or what may be, he is no politician. Now if he has no knowledge in story, he cannot tell what has bin; and if he has not bin a traveller, he cannot tell what is: but he that neither knows what has bin, nor what is, can never tell what must be, or what may be. Furthermore, the embassys in ordinary by our constitution are the prizes of young men, more especially such as have bin travellers. Wherefore they of these inclinations having leave of the censors, ow them an account of their time, and cannot chuse but lay it out with som ambition of praise or reward, where both are open: whence you will have eys abroad, and better choice of public ministers; your gallants shewing themselves not more to the ladys at their balls, than to your commonwealth at her academy, when they return from their travels.

“But this commonwealth being constituted more especially of two elements, arms and councils, drives by a natural instinct at courage and wisdom; which he who has attain’d, is arriv’d at the perfection of human nature. It is true, that these virtues must have some natural root in him that is capable of them; but this amounts not to so great a matter as some will have it. For if poverty makes an industrious, a moderate estate a temperat, and a lavish fortune a wanton man, and this be the common course of things; wisdom then is rather of necessity than inclination. And that an army which was meditating upon flight, has bin brought by despair to win the field, is so far from being strange, that like causes will evermore produce like effects. Wherefore this commonwealth drives her citizens like wedges; there is no way with them but thorow, nor end but that glory wherof man is capable by art or nature. That the genius of the *Roman* familys commonly preserv’d it self throout the line (as to instance in som, the Manlii were still severe, the Publicolæ lovers, and the Appii haters of the people) is attributed by Machiavel to their education: nor, if interest might add to the reason why the genius of a *Patrician* was one thing, and that of a *Plebeian* another, is the like so apparent between different nations, who, according to their different educations, have yet as different manners. It was antiently noted, and long confirm’d by the actions of the *French*, that in their first assaults their courage was more than that of men; and for the rest less than that of women: which nevertheless, thro the amendment of their disciplin, we see now to be otherwise. I will not say, but that som man or nation upon an equal improvement of this kind may be lighter than som other; but certainly, education is the scale without which no man or nation can truly know his or her own weight or value. By our historys we can tell when one *Marpesian* would have beaten ten *Oceaners*, and when one *Oceaner* would have beaten ten *Marpesians*. Marc Anthony was a *Roman*, but how did that appear in the imbraces of Cleopatra? you must have som other education for your youth; or they, like that passage, will shew better in romance than true story.

“The custom of the commonwealth of *Rome* in distributing her magistracys without respect of age, happen’d to do well in Corvinus and Scipio; for which cause Machiavel (with whom that which was done by *Rome*, and that which is well don, is

for the most part all one) commends this course. Yet how much it did worse at other times, is obvious in Pompey and Cæsar; examples by which Boccalini illustrates the prudence of *Venice* in her contrary practice, affirming it to have bin no small step to the ruin of the *Roman* liberty, that these (having tasted in their youth of the supreme honors) had no greater in their age to hope for, but by perpetuating of the same in themselves; which came to blood, and ended in tyranny. The opinion of Verulamius is safe: *the errors*, says he, *of young men are the ruin of business; whereas the errors of old men amount but to this, that more might have bin don, or sooner*. But tho their wisdom be little, their courage is great: wherfore (to com to the main education of this commonwealth) the militia of *Oceana* is the province of youth.

“The distribution of this province by the essays is so fully describ’d in the order, that I need repeat nothing: the order itself being but a repetition or copy of that original, which in antient prudence is of all others the fairest: as that from whence the commonwealth of *Rome* more particularly deriv’d the empire of the world. And there is much more reason in this age, when governments are universally broken, or swerv’d from their foundations, and the people groan under tyranny, that the same causes (which could not be withstood when the world was full of popular governments) should have the like effects.

“The causes in the commonwealth of *Rome*, wherof the empire of the world was not any miraculous, but a natural (nay I may safely say a necessary) consequence, are contain’d in that part of her disciplin which was domestic, and in that which she exercis’d in her provinces or conquest. Of the latter I shall have better occasion to speak when we com to our provincial orbs; the former divided the whole people by tribes, amounting, as Livy and Cicero shew, at their full growth to thirty-five, and every tribe by the cense or valuation of estates into five classes: for the sixth being *proletary*, that is the nursery, or such as thro their poverty contributed nothing to the commonwealth but children, was not reckon’d nor us’d in arms. And this is the first point of the militia, in which modern prudence is quite contrary to the antient; for whereas we, excusing the rich, and arming the poor, becom the vassals of our servants, they, by excusing the poor, and arming such as were rich enough to be freemen, became lords of the earth. The nobility and gentry of this nation, who understand so little what it is to be the lords of the earth, that they have not bin able to keep their own lands, will think it a strange education for their children to be common soldiers, and oblig’d to all the dutys of arms: nevertheless it is not for 4 s. a week, but to be capable of being the best man in the field or in the city; the latter part of which consideration makes the common soldier herin a better man than the general of any monarchical army. And whereas it may be thought, that this would drink deep of noble blood, I dare boldly say, take the *Roman* nobility in the heat of their fiercest wars, and you shall not find such a shambles of them as has bin made of ours by mere luxury and slothfulness; which, killing the body, kill the soul also; *Animasque in vulnere ponunt*. Whereas common right is that which he who stands in the vindication of, has us’d that sword of justice for which he receives the purple of magistracy. The glory of a man on earth can go no higher, and if he falls he rises again, and coms sooner to that reward which is so much higher as heaven is above the earth. To return to the *Roman* example: every classis was divided, as has bin more than once shewn into centurys, and every century was equally divided into youth and elders; the youth for foren

service, and the elders for the guard of the territory. In the first classis were about eighteen centuries of horse, being those which by the institution of Servius were first call'd to the suffrage in the ^{*}centurial assemblys. But the *delectus*, or levy of an army, which is the present business, proceeded, according to Polybius, in this manner.

“Upon a war decreed, the consuls elected four and twenty military tribuns or colonels; wherof ten, being such as had merited their tenth stipend, were younger officers. The tribuns being chosen, the consuls appointed a day to the tribes, when those in them of military age were to appear at the capitol; the day being com, and the youth assembl'd accordingly, the consuls ascended their tribunal, and the younger tribuns were straight divided into four parts after this manner: four were assign'd to the first legion (a legion at the most consisted of 6000 foot, and 300 horse) three to the second, four to the third, and three to the fourth. The younger tribuns being thus distributed, two of the elder were assign'd to the first legion, three to the second, two to the third, and three to the fourth. And the officers of each legion thus assign'd, having drawn the tribes by lot, and being seated according to their divisions at a convenient distance from each other, the tribe of the first lot was call'd: wherupon they that were of it knowing the business, and being prepar'd, presently bolted out four of their number, in the choice wherof such care was taken, that they offer'd none that was not a citizen; no citizen that was not of the youth; no youth that was not of som one of the five classes; nor any one of the five classes that was not expert at his exercises. Moreover, they used such diligence in matching them for age and stature, that the officers of the legions, except they happen'd to be acquainted with the youth so bolted, were forc'd to put themselves upon fortune, while they of the first legion chose one; they of the second, the next; they of the third another; and the fourth youth fell to the last legion: and thus was the election (the legions and the tribes varying according to their lots) carry'd on till the foot were complete. The like course with little alteration was taken by the horse officers till the horse also were complete.

This was call'd giving of names, which the children of *Israel* did also by lot; and if any man refus'd to give his name, he was sold for a slave, or his estate confiscated to the commonwealth. *When†* Marcus Curius the consul was forc'd to make a sudden levy, and none of the youth would give in their names, all the tribes being put to the lot, he commanded the first name drawn out of the urn of the Pollian tribe (which happen'd to com first) to be call'd; but the youth not answering, he order'd his goods to be sold: which was conformable to the law in *Israel*, according to which Saul took a yoke of oxen, and hew'd them in pieces, and sent them throout the tribes, saying, *Whosoever coms not forth to battel after Saul and Samuel, so shall it be done to his oxen.*

Judg. 20. 9.

By which you may observe also, that they who had no cattel were not of the militia in *Israel*. But the age of the *Roman* youth by the *Tullian* law determin'd at 30; and by the law (tho it should seem by Machiavel and others, that this was not well observ'd) a man could not stand for magistracy till he was *miles emeritus*, or had fulfil'd the full term of his militia, which was complete in his tenth stipend or service: nor was he afterwards oblig'd under any penalty to give his name, except the commonwealth were invaded, in which case the elders were as well oblig'd as the youth.† The consul might also levy *milites evocatos*, or soldiers, commanded men out of such as had serv'd their turn, and this at his discretion. The legions being thus complete, were divided by two to each consul; and in these no man

1 Sam. 11. 7.

had right to serve but a *Roman* citizen: now because two legions made but a small army, the *Romans* added to every one of their arms an equal number of foot, and a double number of horse levy'd among their *Latin* or *Italian* associats; so a consular army, with the legions and auxiliars, amounted to about thirty thousand: and wheras they commonly levy'd two such armys together, these being join'd made about sixty thousand.

“The steps wherby our militia follows the greatest captain, are the three essays; the first, elected by a fifth man in the ¶ parishes, and amounting in the whole to one hundred thousand, chuse their officers at the § hundreds, where they fall also to their games or exercises, invited by handsom prizes, such as for themselves and the honor of them will be coveted; such as will render the hundred a place of sports, and exercise of arms all the year long; such as in the space of ten years will equip 30000 men horse and foot, with such arms for their forge, proof, and beauty, as (notwithstanding the *argyraspides*, or silver shields of Alexander's guards) were never worn by so many; such as will present marks of virtue and direction to your general or strategus in the distribution of his army, which doubles the value of them to the proprietors, who are bound to wear them, and eases the commonwealth of so much charge, so many being arm'd already.

“But here will be the objection now. How shall such a revenue be compas'd? fifty pounds a year in every hundred is a great deal, not so easily rais'd: men will not part with their mony; nor would the sum as it is propos'd by the order of *Pompey*, rise in many years. These are difficulties that fit our genius exactly: and yet a thousand pounds in each hundred once levy'd, establishes the revenue for ever. Now the hundreds one with another are worth ten thousand pounds a year dry rent, over and above personal estates, which bring it to twice the value: so that a twentieth part of one year's revenue of the hundred dos it. If you cannot afford this while you pay taxes, tho from henceforth they will be but small ones, do it when you pay none. If it be then too much for one year, do it in two: if it be too much for two years, do it in four. What husbands have we hitherto bin? what is becom of greater sums? my lords, if you should thus cast your bread upon the waters, after many days you shall find it: stand not huckling when you are offer'd corn and your mony again in the mouth of the sack.

“But to proceed: the first essay being officer'd at the hundreds, and muster'd at the * tribes (where they are entertain'd with other sports, which will be very fine ones) procedes to the election of the second essay, or standing army of this nation, consisting of thirty thousand foot, and ten thousand horse; and these, upon a war decreed, being deliver'd at the rendevous of *Oceana* to the strategus, are the third essay, which answers to the *Roman* legions. But you may observe, that wheras the consuls elected the military tribuns, and rais'd commanded men out of the veterans at their own discretion: our polemarchs or field officers are elected by the scrutiny of the council of war: and our veterans not otherwise taken on than as volunteers, and with the consent of the polemarchs; which may serve for the removal of certain scruples which might otherwise be incident in this place, tho without incouragement by the *Roman* way of proceeding, much less by that which is propos'd. But wheras the *Roman* legions in all amounted not in one army to above 30000 men, or little more, you have

here forty thousand; and whereas they added auxiliaries, it is in this regard that *Marpesia* will be a greater revenue to you, than if you had the *Indys*; for whereas heretofore she has yielded you nothing but her native thistles, in plowing out the rankness of her aristocracy by your agrarian, you will find her an inexhaustible magazin of men, and to her own advantage, who will make a far better account by the arms, than by the pins of *Poland*. Wherefore as a consular army consisted of about an equal number of auxiliaries added to their legions by their *Latin* or *Italian* associates, you may add to a parliamentary army an equal number of *Marpesians* or *Panopeans*, as that colony shall hereafter be able to supply you: by which means the commonwealth will be able to go forth to battel with fourscore thousand men. To make wars with small forces is no husbandry, but a wast, a disease, a lingring and painful consumption of men and mony; the *Romans* making theirs thick, made them short, and had little regard to mony; as that which they who have men enow, can command where it is fittest that it should be levy'd. All the antient monarchys by this means got on wing, and attain'd to vast riches. Whereas your modern princes being dear purchasers of small parcels, have but emty pockets. But it may be som will accuse the order of rashness, in that it commits the sole conduct of the war to the general; and the custom of *Venice* by her *proveditori*, or checks upon her commanders in chief, may seem to be of greater prudence: but in this part of our government neither *Venice* nor any nation that makes use of mercenary forces is for our instruction. A mercenary army, with a standing general, is like the fatal sister that spins; but proper forces, with an annual magistrat, are like her that cuts the thred. Their interests are quite contrary, and yet you have a better proveditor than the *Venetian*, another strategus sitting with an army standing by him; wherupon that which is marching, if there were any probability it should, would find as little possibility that it could recoil, as a foren enemy to invade you. These things consider'd, a war will appear to be of a contrary nature to that of all other reckonings, inasmuch as of this you must never look to have a good account if you be strict in imposing checks. Let a council of huntsmen assembled beforehand, tell you which way the stag shall run, where you shall cast about at the fault, and how you shall ride to be in at the chase all the day: but these may as well do that, as a council of war direct a general. The hours that have painted wings, and of different colors, are his council: he must be like the ey that makes not the scene, but has it so soon as it changes. That in many counsellors there is strength, is spoken of civil administrations: as to those that are military, there is nothing more certain, than that in many counsellors there is weakness. Joint commissions in military affairs, are like hunting your hounds in their couples. In the *Attic* war Cleomenes and Demaratus, kings of *Lacedemon*, being thus coupl'd, tug'd one against another; and while they should have join'd against the *Persian*, were the cause of the common calamity: wherupon that commonwealth took better counsel, and made a law, wherby from thenceforth there went at once but one of her kings to battel.

*“THE Fidenati being in rebellion, and having slain the colony of the Romans, four tribuns with consular power were created by the people of Rome, wherof one being left for the guard of the city, the other three were sent against the Fidenati, who, thro the division that happen'd among them, brought nothing home but dishonor: wherupon the Romans created the dictator, and Livy gives his judgment in these words: *the three tribuns with consular power were a lesson how useless in war is the*

joint command of several generals; for each following his own counsils, while they all differ'd in their opinions, gave by this opportunity an advantage to the enemy. When the consuls, Quintius and Agrippa were sent against the Æqui, Agrippa for this reason refus'd to go with his colleague, saying, § That in the administration of great actions it was most safe that the chief command should be lodg'd in one person. And if the ruin of modern armys were well consider'd, most of it would be found to have faln upon this point: it being in this case far safer to trust to any one man of common prudence, than to any two or more together of the greatest parts. The consuls indeed being equal in power, while one was present with the senat, and the other in the field with the army, made a good balance; and this with us is exactly follow'd by the election of a new strategus upon the march of the old one.

“The seven and twentieth order, wherby the elders in case of invasion are oblig'd to equal duty with the youth, and each upon their own charge, is suitable to reason (for every man defends his own estate) and to our copy, as in the war with the *Samnits* and *Tuscans*. † *The senat order'd a vacation to be proclaim'd, and a levy to be made of all sorts of persons: and not only the freemen and youths were listed, but cohorts of the old men were likewise form'd.* This nation of all others is the least obnoxious to invasion. *Oceana*, says a *French* politician, is a beast that cannot be devour'd but by herself; nevertheless, that government is not perfect which is not provided at all points; and in this (*ad triarios res rediit*) the elders being such as in a martial state must be veterans, the commonwealth invaded gathers strength like *Antæus* by her fall, while the whole number of the elders consisting of five hundred thousand, and the youth of as many, being brought up according to the order, give twelve successive battels, each battel consisting of eighty thousand men, half elders and half youth. And the commonwealth whose constitution can be no stranger to any of those virtues which are to be acquir'd in human life, grows familiar with death ere she dys. If the hand of God be upon her for her transgressions, she shall mourn for her sins, and ly in the dust for her iniquitys, without losing her manhood.

*Si fractus illabatur orbis,
Impavidam ferient ruinæ.*

The remaining part, being the constitution of the provincial orb, is partly civil, or consisting of the elders; and partly military, or consisting of the youth. The civil part of the provincial orb is directed by

The twenty eighth ORDER, wherby the council of a province being constituted of twelve knights, divided by four into three regions (for their term and revolution conformable to the parlament) is perpetuated by the annual election at the tropic of four knights (being triennial magistrats) out of the region of the senat whose term expires; and of one knight out of the same region to be strategus or general of the province, which magistracy is annual. The strategus or magistrat thus chosen, shall be as well president of the provincial council with power to propose to the same, as general of the army. The council for the rest shall elect weekly provosts, having any two of them also right to propose after the manner of the senatorian councils of *Oceana*. And wheras all provincial councils are members of the council of

*28 Order.
Constitution of the
civil part of the
provincial orb.*

state, they may and ought to keep diligent correspondence with the same, which is to be don after this manner: any opinion or opinions legitimately propos'd and debated at a provincial council, being therupon sign'd by the strategus, or any two of the provosts, may be transmitted to the council of state in *Oceana*; and the council of state proceeding upon the same in their natural course (whether by their own power, if it be a matter within their instructions, or by authority of the senat therupon consulted, if it be a matter of state which is not in their instructions; or by authority of the senat and command of the people, if it be a matter of law, as for the levys of men or mony upon common use and safety) shall return such answers, advice, or orders, as in any of the ways mention'd shall be determin'd upon the case. The provincial councils of *Marpesia* and *Panopea* respectively shall take special care that the agrarian laws, as also all other laws that be or shall from time to time be enacted by the parliament of *Oceana*, for either of them, be duly put in execution: they shall manage and receive the customs of either nation for the shipping of *Oceana*, being the common guard: they shall have a care that moderat and sufficient pay upon the respective province be duly rais'd for the support and maintenance of the officers and soldiers, or army of the same, in the most effectual, constant and convenient way: they shall receive the *regalia*, or public revenues of those nations, out of which every counsellor shall have for his term, and to his proper use, the sum of 500 *l. per annum*, and the strategus 500 *l.* as president, besides his pay as general, which shall be 1000 pounds: the remainder to go to the use of the knights and deputys of the respective provinces, to be paid, if it will reach, according to the rates of *Oceana*; if not, by an equal distribution, respectively; or the overplus, if there be any, to be return'd to the treasury of *Oceana*. They shall manage the lands (if there be any such held in either of the provinces by the commonwealth of *Oceana*, in dominion) and return the rents into the exchequer. If the commonwealth coms to be possest of richer provinces, the pay of the general or strategus, and of the councils, may be respectively increas'd. The people for the rest shall elect their own magistrats, and be govern'd by their own laws, having power also to appeal from their native or provincial magistrats, if they please, to the people of *Oceana*. And wheras there may be such as receiving injury, are not able to prosecute their appeals at so great a distance, eight serjeants at law being sworn by the commissioners of the seal, shall be sent by four into each province once in two years; who, dividing the same by circuits, shall hear such causes; and having gather'd and introduc'd them, shall return to the several appellants, *gratis*, the determinations and decrees of the people in their several cases.

THE term of a knight in a provincial orb, as to domestic magistracys, shall be esteemed a vacation, and no bar to present election to any other honor, his provincial magistracy being expir'd.

THE quorum of a provincial council, as also of every other council or assembly in Oceana, shall in time of health consist of two parts in three of the whole number proper to that council or assembly; and in a time of sickness, of one part in three: but of the senat there can be no quorum without three of the signory; nor of a council without two of the provosts.

The civil part of the provincial orb being declar'd by the foregoing order; the military part of the same is constituted by

The twenty ninth ORDER; whereby the stratiots of the third essay having drawn the gold balls mark'd with the letter *M*, and being ten horse and fifty foot in a tribe, that is to say, five hundred horse, and two thousand five hundred foot in all, the tribes shall be deliver'd by the respective conductors to the provincial strategus or general, at such a time and place, or rendezvous, as he shall appoint by order and certificat of his election: and the strategus having receiv'd the horse and foot mention'd, which are the third classis of his provincial guard or army, shall forthwith lead them away to *Marpesia*, where the army consists of three classes, each classis containing three thousand men, wherof five hundred are horse; and receiving the new strategus with the third classis, the old strategus with the first classis shall be dismiss'd by the provincial council. The same method with the stratiots of the letter *P*, is to be observ'd for the provincial orb of *Panopea*: and the commonwealth coming to acquire new provinces, the senat and the people may erect new orbs in like manner, consisting of greater or less numbers, according as is requir'd by the respective occasion. If a *stratiot* has once serv'd his term in a provincial orb, and happens afterwards to draw the letter of a province at the election of the second essay, he may refuse his lot; and if he refuses it, the censor of that urn shall cause the files balloting at the same to make a halt; and if the stratiot produces the certificat of his strategus or general, that he has serv'd his time accordingly, the censor throwing the ball that he drew into the urn again, and taking out a blank, shall dismiss the youth, and cause the ballot to procede.

29 Order.
Constitution of the military part of the provincial orb.

To perfect the whole structure of this commonwealth, som directions are given to the third essay, or army marching, in

The thirtieth ORDER. When thou goest to battel against thy enemys, and seest horses and chariots, and a people more than thou;

30 Order.

be not afraid of them, for the Lord thy God is he that gos with thee to fight for thee against thy enemys.

Deut. 20. 1.

And when thou dividest the spoil, it shall be as a statute and an ordinance to thee, that as his part is that gos down to the battel,

1 Sam. 30 24.

so shall his part be that tarrys by the stuff: that is, (as to the commonwealth of *Oceana*) the spoil taken of the enemy (except clothes, arms, horses, ammunition and victuals, to be divided to the soldiery by the strategus and the polemarchs upon the place according to their discretion) shall be deliver'd to four commissarys of the spoils elected and sworn by the council of war; which commissarys shall be allow'd shipping by the state, and convoys according as occasion shall require by the strategus; to the end that having a bill of lading sign'd by three or more of the polemarchs, they may ship and bring, or cause such spoils to be brought to the prize-office in *Oceana*, where they shall be sold; and the profit arising by such spoils shall be divided into three parts, wherof one shall go to the treasury, another shall be paid to the soldiery of this nation, and a third to the auxiliars at their return from their service, provided that the said auxiliars be equal in number to the proper forces of this nation, otherwise their share shall be so much less as they themselves are fewer in number: the rest of the two thirds to go to the officers and soldiers of the proper forces. And the spoils so divided to the proper forces, shall be subdivided into three

equal parts, wherof one shall go to the officers, and two to the common soldiers: the like for the auxiliars. And the share allotted to the officers shall be divided into four equal parts, wherof one shall go to the strategus, another to the polemarchs, a third to the colonels, and a fourth to the captains, cornets, ensigns, and under officers, receiving their share of the spoil as common soldiers: the like for the auxiliars. And this upon pain, in the case of failure, of what the people of *Oceana* (to whom the cognizance of peculat or crimes of this nature is properly appertaining) shall adjudg or decree.

Upon these three last orders the Archon seem'd to be haranguing at the head of his army in this manner:

My Dear Lords And Excellent Patriots,

“A Government of this make is a commonwealth for increase. Of those for preservation, the inconveniences and frailtys have bin shewn: their roots are narrow, such as do not run, have no fibers, their tops weak and dangerously expos'd to the weather; except you chance to find one, as *Venice*, planted in a flowerpot; and if she grows, she grows top-heavy, and falls too. But you cannot plant an oak in a flowerpot; she must have earth for her root, and heaven for her branches.

Imperium Oceano, famam quæ terminet astris.

“*ROME* was said to be broken by her own weight, but poetically: for that weight by which she was pretended to be ruin'd, was supported in her emperors by a far slighter foundation. And in the common experience of good architecture, there is nothing more known, than that buildings stand the firmer and the longer for their own weight; nor ever swerve thro any other internal cause, than that their materials are corruptible: but the people never dy; nor, as a political body, are subject to any other corruption than that which derives from their government. Unless a man will deny the chain of causes, in which he denys God, he must also acknowledge the chain of effects; wherfore there can be no effect in nature, that is not from the first cause, and those successive links of the chain, without which it could not have bin. Now except a man can shew the contrary in a commonwealth; if there be no cause of corruption in the first make of it, there can never be any such effect. Let no man's superstition impose profaneness upon this assertion; for as man is sinful, but yet the universe is perfect, so may the citizen be sinful, and yet the commonwealth be perfect. And as man, seeing the world is perfect, can never commit any such sin as shall render it imperfect, or bring it to a natural dissolution; so the citizen, where the commonwealth is perfect, can never commit any such crime as will render it imperfect, or bring it to a natural dissolution. To com to experience; *Venice*, notwithstanding we have found some flaws in it, is the only commonwealth in the make wherof no man can find a cause of dissolution; for which reason we behold her (tho she consists of men that are not without sin) at this day with one thousand years upon her back, yet for any internal cause, as young, as fresh, and free from decay, or any appearance of it, as she was born: but whatever in nature is not sensible of decay by the course of a thousand years, is capable of the whole age of nature; by which calculation, for any check that I am able to give my self, a commonwealth, rightly order'd, may, for any internal

causes, be as immortal or longliv'd as the world. But if this be true, those commonwealths that are naturally fall'n, must have deriv'd their ruin from the rise of them. *Israel* and *Athens* dy'd not natural but violent deaths; in which manner the world itself is to dy. We are speaking of those causes of dissolution which are natural to government; and they are but two, either contradiction or inequality: if a commonwealth be a contradiction, she must needs destroy her self; and if she be inequal, it tends to strife, and strife to ruin. By the former of these fell *Lacedemon*, by the latter *Rome*. *Lacedemon* being made altogether for war, and yet not for increase, her natural progress became her natural dissolution, and the building of her own victorious hand too heavy for her foundation; so that she fell indeed by her own weight. But *Rome* perish'd thro her native inequality, which how it inveterated the bosoms of the senat and the people each against other, and even to death, has bin shewn at large.

"Look well to it, my lords, for if there be a contradiction or inequality in your commonwealth, it must fall; but if it has neither of these, it has no principle of mortality. Do not think me impudent; if this be truth, I shall commit a gross indiscretion in concealing it. Sure I am that Machiavel is for the immortality of a commonwealth upon far weaker principles.

If a commonwealth, says he, were so happy as to be provided often with men, that, when she is swerving from her principles, should reduce her to her institution, she would be immortal. But

Dis. b. 3. c. 22 b 3. c. 29.

a commonwealth, as we have demonstrated, swerves not from her principles, but by and thro her institution; if she brought no biass into the world with her, her course for any internal cause must be streight forward, as we see is that of *Venice*. She cannot turn to the right hand, nor to the left, but by som rub, which is not an internal but external cause; against such she can be no way fortify'd, but thro her situation, as is *Venice*; or thro her militia, as was *Rome*: by which examples a commonwealth may be secure of those also. Think me not vain, for I cannot conceal my opinion here; a commonwealth that is rightly instituted can never swerve, nor one that is not rightly instituted be secur'd from swerving by reduction to her first principles: wherfore it is no less apparent in this place, that Machiavel understood not a commonwealth as to the whole piece, than where having told you, *That a tribun, or any other citizen of Rome, might propose a law to the people, and debate it with them*; he adds, *this order was good, while the people were good; but when the people became evil, it became most pernicious.*

As if this order (thro which, with the like, the people most apparently became evil) could ever have bin good; or that the

Dis. b. 1. c. 18.

people, or the commonwealth could ever have becom good, by being reduc'd to such principles as were the original of their evil. The disease of *Rome* was, as has bin shewn, from the native inequality of her balance, and no otherwise from the empire of the world, than as, this falling into one scale, that of the nobility (an evil in such a fabric inevitable) kick'd out the people. Wherfore a man that could have made her to throw away the empire of the world, might in that have reduc'd her to her principles; and yet have bin so far from rendring her immortal, that going no further, he should never have cur'd her. But your commonwealth is founded upon an equal agrarian; and if *the earth be given to the sons of men*, this balance is the balance of justice, such a

one as in having due regard to the different industry of different men, yet *faithfully judges the poor*.

And the king that faithfully judges the poor, his throne shall be establish'd for ever; much more the commonwealth, seeing that equality which is the necessary dissolution of monarchy, is the generation, the very life and soul of a commonwealth. And now, if ever, I may be excusable, seeing my assertion, that the throne of a commonwealth may be establish'd for ever, is consonant to the holy scriptures.

Prov. 29. 14.

“The balance of a commonwealth that is equal, is of such a nature, that whatever falls into her empire, must fall equally; and if the whole earth falls into your scales, it must fall equally; and so you may be a greater people, and yet not swerve from your principles one hair. Nay, you will be so far from that, that you must bring the world in such a case to your balance, even to the balance of justice. But hearken, my lords; are we on earth? do we see the sun? or are we visiting those shady places which are feign'd by the poets?

Continuò auditæ voces, vagitus & ingens.

“These *Gothic* empires that are yet in the world, were at the first, tho they had legs of their own, but a heavy and unweildy burden; but their foundations being now broken, the iron of them enters even into the souls of the opprest; and hear the voice of their comforters: *my father hath chastised you with whips, but I will chastise you with scorpions*. Hearken, I say; if thy brother crys to thee in affliction, wilt thou not hear him? this is a commonwealth of the fabric, that has an open ear and a public concern; she is not made for her self only, but given as a magistrat of God to mankind, for the vindication of common right, and the law of nature. Wherefore says Cicero of the like, that of the *Romans*, **we have rather undertaken the patronage, than the empire of the world*. If you, not regarding this example, like som other nations that are upon the point to smart for it, shall, having attain'd to your own liberty, *bear the sword* of your common magistracy *in vain*, sit still, and fold your arms, or, which is worse, let out the blood of your people to tyrants, to be shed in the defence of their yokes like water, and so not only *turn the grace of God into wantonness*, but his *justice into wormwood*: I say if you do thus, you are not now making a commonwealth, *but heaping coals of fire upon your own heads*. A commonwealth of this make is a minister of God upon earth, to the end that the world may be *govern'd with righteousness*. For which cause (that I may com at length to our present business) the orders last rehears'd are buds of empire, such as with the blessing of God may spread the arms of your commonwealth, like a holy *asylum* to the distress'd world, and give the earth her sabbath of years, or rest from her labors, under the shadow of your wings. It is upon this point where the writings of Machiavel, having for the rest excel'd all other authors, com as far to excel themselves.

“*COMMONWEALTHS*, says he, *have had three ways of propagating themselves*, one after the manner of monarchys, *by imposing the yoke, which was the way of Athens, and towards the latter times of Lacedemon; another by equal leagues, which is the way of Switzerland; (I shall add of Holland, tho since his time) a third by inequal leagues, which, to the shame of the*

Dis. b. 2. c. 4.

world, was never practis'd, nay nor so much as seen or minded, by any other commonwealth but that only of Rome. They will each of them, either for caution or imitation, be worthy to be well weigh'd, which is the proper work of this place. *Athens* and *Lacedemon* have bin the occasion of great scandal to the world, in two, or at least one of two regards: the first their emulation, which involv'd *Greece* in perpetual wars; the second their way of propagation, which by imposing yokes upon others, was plainly contradictory to their own principles.

“For the first: governments, be they of what kind soever, if they be planted too close, are like trees, that impatient in their growth to have it hinder'd, eat out one another. It was not unknown to these in speculation, or, if you read the story of *Agésilas*, in action, that either of them with thirty thousand men might have master'd the east; and certainly, if the one had not stood in the other's light, *Alexander* had com too late to that end, which was the means (and wou'd be if they were to live again) of ruin, at least to one of them: wherfore with any man that understands the nature of government this is excusable. So it was between *Oceana* and *Marpesia*; so it is between *France* and *Spain*, tho less excusable; and so it ever will be in the like cases. But to com to the second occasion of scandal by them given, which was in the way of their propagation, it is not excusable: for they brought their confederats under bondage; by which means *Athens* gave occasion of the *Peloponnesian* war, the wound of which she dy'd stinking, when *Lacedemon*, taking the same infection from her carcase, soon follow'd.

“Wherfore, my lords, let these be warnings to you, not to make that liberty which God has given you a snare to others in practising this kind of enlargement to your selves.

“The second way of propagation or enlargement us'd by commonwealths, is that of *Switzerland* and *Holland*, equal leagues: this, tho it be not otherwise mischievous, is useless to the world, and dangerous to themselves: useless to the world; for as the former governments were storks, these are blocks, have no sense of honor, or concern in the sufferings of others. But as the *Ætolians*, a state of the like fabric, were reproach'd by Philip of *Macedon*, to prostitute themselves, by letting out their arms to the lusts of others, while they leave their own liberty barren, and without legitimat issue; so I do not defame these people: the *Switzer* for valor has no superior, the *Hollander* for industry no equal; but themselves in the mean time shall so much the less excuse their governments, seeing that to the *Switz* it is well enough known that the ensigns of his commonwealth have no other motto than *in te converte manus*: and that of the *Hollander*, tho he sweats more gold than the *Spaniard* digs, lets him languish in debt; for she herself lives upon charity. These are dangerous to themselves, precarious governments, such as do not command, but beg their bread from province to province, in coats that being patch'd up of all colors are in effect of none. That their cantons and provinces are so many arrows, is good; but they are so many bows too, which is naught.

“Like to these was the commonwealth of the antient *Tuscans*, hung together like bobbins, without a hand to weave with them: therfore easily overcom by the *Romans*, tho at that time, for number, a far less considerable people. If your liberty be not a

root that grows, it will be a branch that withers; which consideration brings me to the paragon, the commonwealth of *Rome*.

“The ways and means wherby the *Romans* acquir’d the patronage, and in that the empire of the world, were different, according to the different condition of their commonwealth in her rise, and in her growth: in her rise she proceeded rather by colonys; in her growth by inequal leagues. Colonys without the bounds of *Italy* she planted none (such dispersion of the *Roman* citizen as to plant him in foren parts, till the contrary interest of the emperors brought in that practise, was unlawful) nor did she ever demolish any city within that compass, or devest it of liberty; but wheras the most of them were commonwealths, stir’d up by emulation of her great felicity to war against her, if she overcame any, she confiscated som part of their lands that were the greatest incendiarys, or causes of the trouble, upon which she planted colonys of her own people, preserving the rest of their lands and libertys for the natives or inhabitants. By this way of proceeding, that I may be as brief as possible, she did many and great things. For in confirming of liberty, she propagated her empire; in holding the inhabitants from rebellion, she put a curb upon the incursion of enemys; in exonerating her self of the poorer sort, she multiply’d her citizens; in rewarding her veterans, she render’d the rest less seditious; and in acquiring to her self the reverence of a common parent, she from time to time became the mother of newborn cities.

“In her farther growth the way of her propagation went more upon leagues, which for the first division were of two kinds, social and provincial.

“Again, social leagues, or leagues of society, were of two kinds.

“The first call’d *latinity* or *Latin*, the second *Italian right*.

“The league between the *Romans* and the *Latins*, or Latin right, approach’d nearest to *jus quiritium*, or the right of a native *Roman*. The man or the city that was honor’d with this right, was *civitate donatus cum suffragio*, adopted a citizen of *Rome*, with the right of giving suffrage with the people in som cases, as those of confirmation of law, or determination in judicature, if both the consuls were agreed, not otherwise; wherfore that coming to little, the greatest and most peculiar part of this privilege was, that who had born magistracy (at least that of *ædil* or *quæstor*) in any Latin city, was by consequence of the same, a citizen of *Rome* at all points.

“*Italian right* was also a donation of the city, but without suffrage: they who were in either of these leagues, were govern’d by their own laws and magistrats, having all the rights, as to liberty, of citizens of *Rome*, yielding and paying to the commonwealth as head of the league, and having in the conduct of all affairs appertaining to the common cause, such aid of men and mony as was particularly agreed to upon the merit of the cause, and specify’d in their respective leagues, whence such leagues came to be call’d equal or inequal accordingly.

“*Provincial leagues* were of different extension, according to the merit and capacity of a conquer’d people; but they were all of one kind: for every province was govern’d by *Roman* magistrats, as a prætor or a proconsul, according to the dignity of the

province, for the civil administration and conduct of the provincial army; and a quæstor for the gathering of the public revenue, from which magistrats a province might appeal to *Rome*.

“For the better understanding of these particulars, I shall exemplify in as many of them as is needful: and first in *Macedon*.

“The *Macedonians* were thrice conquer’d by the *Romans*, first under the conduct of Titus Quintus Flaminius; secondly, under that of Lucius Æmilius Paulus; and, thirdly, under that of Quintus Cæcilius Metellus, thence call’d Macedonicus.

“For the first time Philip of *Macedon*, who (possest of *acrocorinthus*) boasted no less than was true, that he had *Greece* in fetters, being overcom by Flaminius, had his kingdom restor’d to him, upon condition that he should immediatly set all the citys which he held in *Greece* and in *Asia* at liberty; and that he should not make war out of *Macedon*, but by leave of the senat of *Rome*; which Philip (having no other way to save any thing) agreed should be don accordingly.

“The *Grecians* being at this time assembl’d at the *Isthmian* games, where the concourse was mighty great, a crier, appointed to the office by Flaminius, was heard among them proclaiming all *Greece* to be free; to which the people being amaz’d at so hopeless a thing, gave little credit, till they receiv’d such testimony of the truth as put it past all doubt, wherupon they fell immediatly on running to the proconsul with flowers and garlands, and such violent expressions of their admiration and joy, as, if Flaminius, a young man, about thirty-three, had not also bin very strong, he must have dy’d of no other death than their kindness, while every one striving to touch his hand, they bore him up and down the field with an unruly throng, full of such ejaculations as these: How! Is there a people in the world, that at their own charge, at their own peril, will fight for the liberty of another? Did they live at the next door to this fire? Or what kind of men are these, whose business it is to pass the seas, that the world may be govern’d with righteousness? The citys of *Greece* and of *Asia* shake off their iron fetters at the voice of a cryer! Was it madness to imagin such a thing, and is it don? O virtue! O felicity! O fame!

“In this example your lordships have a donation of liberty, or of *Italian* right to a people, by restitution to what they had formerly enjoy’d; and som particular men, familys or citys, according to their merit of the *Romans*, if not upon this, yet upon the like occasions, were gratify’d with latinity.

“But Philip’s share by this means did not please him, wherfore the league was broken by his son Perseus; and the *Macedonians* therupon for the second time conquer’d by Æmilius Paulus, their king taken, and they som time after the victory summon’d to the tribunal of the general; where remembring how little hope they ought to have of pardon, they expected som dreadful sentence: when Æmilius in the first place declar’d the *Macedonians* to be free, in the full possession of their lands, goods, and laws, with right to elect annual magistrats, yielding and paying to the people of *Rome* one half of the tribute which they were accustom’d to pay to their own kings. This don he went on, making so skilful a division of the country in order to the methodizing of the

people, and casting them into the form of popular government, that the *Macedonians*, being first surpriz'd with the virtue of the *Romans*, began now to alter the scene of their admiration, that a stranger should do such things for them in their own country, and with such facility, as they had never so much as once imagin'd to be possible. Nor was this all; for Æmilius, as if not dictating to conquer'd enemys, but to som well-deserving friends, gave them in the last place laws so suitable, and contriv'd with such care and prudence, that long use and experience (the only correctress of works of this nature) could never find a fault in them.

“In this example you have a donation of liberty, or of *Italian* right, to a people that had not tasted of it before, but were now taught how to use it.

“My lords, the royalists should compare what we are doing, and we what hitherto we have don for them, with this example. It is a shame that while we are boasting up our selves above all others, we should yet be so far from imitating such examples as these, that we do not so much as understand that if government be the parent of manners, where there are no heroic virtues, there is no heroic government.

“But the *Macedonians* rebelling, at the name of a false Philip, the third time against the *Romans* were by them judg'd incapable of liberty, and reduc'd by Metellus to a province.

“Now wheras it remains, that I explain the nature of a province, I shall rather chuse that of *Sicily*, because having bin the first which the *Romans* made, the descriptions of the rest relate to it.

“*WE have so receiv'd the Sicilian citys into amity, says Cicero, that they injoy their antient laws; and upon no other condition than of the same obedience to the people of Rome, which they formerly yielded to their own princes or superiors.* So the *Sicilians*, wheras they had bin parcel'd out to divers princes, and into divers states (the cause of perpetual wars, wherby, hewing one another down, they became sacrifices to the ambition of their neighbors, or of som invader) were now receiv'd at the old rate into a new protection which could hold them, and in which no enemy durst touch them; nor was it possible, as the case then stood, for the *Sicilians* to receive, or for the *Romans* to give more.

“A Roman province is defin'd by Sigonius, *a region having provincial right.* Provincial right in general was to be govern'd by a *Roman prætor*, or *consul*, in matters at least of state, and of the *militia*: and by a *quæstor*, whose office it was to receive the public revenue. Provincial right in particular was different, according to the different leagues or agreements between the commonwealth, and the people reduc'd into a province. *Siculi hoc jure sunt, ut quod civis cum cive agat, domi certet suis legibus; quod siculus cum siculo non ejusdem civitatis, ut de eo prætor judices, ex P. Rupilii decreto, sortiatur. Quod privatus a populo petit, aut populus a privato, senatus ex aliqua civitate, qui judicet, datur, cui alternæ civitates rejectæ sunt. Quod vivis Romanus a siculo petit, siculus judex datur; quod siculus a cive Romano, civis Romanus datur. Cæterarum rerum selecti judices ex civium Romanorum conventu proponi solent. Inter aratores & decumanos lege frumentaria, quam Hicronicam*

appellant, judicia fiunt. Because the rest would oblige me to a discourse too large for this place, it shall suffice that I have shew'd you how it was in *Sicily*.

“My lords, Upon the fabric of your provincial orb I shall not hold you; because it is sufficiently describ'd in the order, and I cannot believe that you think it inferior to the way of a *prætor* and a *quæstor*. But whereas the provincial way of the *Roman* commonwealth was that wherby it held the empire of the world, and your orbs are intended to be capable at least of the like use; there may arise many controversys: as whether such a course be lawful; whether it be feizable; and, seeing that the *Romans* were ruin'd upon that point, whether it would not be to the destruction of the commonwealth.

“For the first, If the empire of a commonwealth be an occasion to ask whether it be lawful for a commonwealth to aspire to the empire of the world, it is to ask whether it be lawful for it to do its duty, or to put the world into a better condition than it was before.

“And to ask whether this be feizable, is to ask why the *Oceaner*, being under the like administration of government, may not do as much with two hundred men as the *Roman* did with one hundred; for comparing their commonwealths in their rise, the difference is yet greater: now that *Rome* (*seris avaritia luxuriaque*) thro the natural thirst of her constitution, came at length with the fulness of her provinces to burst herself, this is no otherwise to be understood, than as when a man that from his own evil constitution had contracted the dropsy, dys with drinking: it being apparent that in case her agrarian had held, she could never have bin thus ruin'd: and I have already demonstrated that your agrarian being once pois'd, can never break or swerve.

“Wherefore to draw towards some conclusion of this discourse, let me inculcat the use, by selecting a few considerations out of many. The regard had in this place to the empire of the world appertains to a well-order'd commonwealth, more especially for two reasons:

“1. The facility of this great enterprize, by a government of the model propos'd.

“2. The danger that you would run in the omission of such a government.

“The facility of this enterprize, upon the grounds already laid, must needs be great, forasmuch as the empire of the world has bin, both in reason and experience, the necessary consequence of a commonwealth of this nature only: for tho it has bin given to all kinds to drive at it, since that of *Athens* or *Lacedemon*, if the one had not hung in the other's light might have gain'd it; yet could neither of them have held it: not *Athens*, thro the manner of her propagation, which, being by downright tyranny, could not preserve what she had; nor *Lacedemon*, because she was overthrown by the weight of a less conquest. The facility then of this great enterprize being peculiar to popular government, I shall consider it, first, In gaining; and secondly, In holding

“For the former, *volenti non fit injuria*; it is said of the people under Eumenes, that they would not have chang'd their subjection for liberty; wherfore the *Romans* gave

them no disturbance. If a people be contented with their government, it is a certain sign that it is good, and much good do them with it. The sword of your magistracy is for a terror to them that do evil. Eumenes had the sear of God, or of the *Romans* before his eyes; concerning such he has given you no commission.

“But till we can say here are the *Romans*, where is Eumenes? do not think that the late *appearances of God* to you have bin altogether for your selves; *he has surely seen the affliction of your brethren, and heard their cry by reason of their taskmasters*. For to believe otherwise, is not only to be mindless of his ways, but altogether deaf. If you have ears to hear, this is the way in which you will certainly be call’d upon: for if, while there is no stock of liberty, no sanctuary of the afflicted, it be a common object to behold a people casting themselves out of the pan of one prince into the fire of another; what can you think, but if the world should see the *Roman* eagle again, she would renew her age, and her flight? nor did ever she spread her wings with better omen, than will be read in your ensigns; which if, call’d in by an oppress’d people they interpose between them and their yoke, the people themselves must either do nothing in the mean time, or have no more pains to take for their wish’d fruit than to gather it, if that be not likewise don for them. Wherefore this must needs be easy, and yet you have a greater facility than is in the arm of flesh; for if the cause of mankind be the cause of God, the Lord of Hosts will be your captain, and you shall be a praise to the whole earth.

“The facility of holding is in the way of your propagation; if you take that of *Athens* and *Lacedemon*, you shall rain snares; but either catch, or hold nothing. Lying lips are an abomination to the Lord: if setting up for liberty, you impose yokes, he will infallibly destroy you. On the other side, to go about a work of this nature by a league without a head, is to abdicat that magistracy, wherwith he has not only indu’d you, but wherof he will require an account of you; for, *cursed is he that dos the work of the Lord negligently*. Wherefore you are to take the course of *Rome*: if you have subdu’d a nation that is capable of liberty, you shall make them a present of it, as did Flaminius to *Greece*, and Æmilius to *Macedon*, reserving to your selves some part of that revenue which was legally paid to the former government, together with the right of being head of the league, which includes such levys of men and mony as shall be necessary for the carrying on of the public work. For if a people have by your means attain’d to freedom, they ow both to the cause and you, such aid as may propagat the like fruit to the rest of the world. But wheras every nation is not capable of her liberty to this degree, lest you be put to doing and undoing of things, as the *Romans* were in *Macedon*, you shall diligently observe what nation is fit for her liberty to this degree, and what not: which is to be don by two marks, the first if she be willing to *help the Lord against the mighty*; for if she has no care of the liberty of mankind, she deserves not her own. But because in this you may be deceiv’d by pretences, which, continuing for a while specious, may afterwards vanish; the other is more certain, and that is if she be capable of an equal agrarian; which that it was not observ’d by excellent Æmilius in his donation of liberty, and introduction of a popular state among the *Macedonians*, I am more than mov’d to believe for two reasons: the first, because at the same time the agrarian was odious to the Roman *Patricians*; the second, that the Pseudo-Philip could afterwards so easily recover *Macedon*, which could not have happen’d but by the nobility, and their impatience, having great estates, to be equal’d

with the people; for that the people should otherwise, at the mere sound of a name, have thrown away their liberty, is incredible. Wherefore be assur'd, that the nation where you cannot establish an equal agrarian, is incapable of its liberty as to this kind of donation. For example, except the aristocracy in *Marpesia* be dissolv'd, neither can that people have their liberty there, nor you govern at home; for they continuing still liable to be sold by their lords to foren princes, there will never (especially in a country of which there is no other profit to be made) be want of such merchants and drovers, while you must be the market where they are to receive their second payment.

“Nor can the aristocracy there be dissolv'd but by your means, in relation wherto you are provided with your provincial orb; which being proportion'd to the measure of the nation that you have vindicated or conquer'd, will easily hold it: for there is not a people in the world more difficult to be held than the *Marpesians*, which tho by themselves it be ascrib'd to their own nature, is truly to be attributed to that of their country. Nevertheless you having nine thousand men upon the continual guard of it, that, threaten'd by any sudden insurrection, have places of retreat; and an army of forty thousand men upon a day's warning ready to march to their rescue; it is not to be rationally shewn which way they can possibly slip out of your hands. And if a man should think that upon a province more remote and divided by the sea, you have not the like hold, he has not so well consider'd your wings as your talons, your shipping being of such a nature, as makes the descent of your armys almost of equal facility in any country: so that what you take you hold, both because your militia, being already populous, will be of great growth in it self; and also thro your confederats, by whom in taking and holding you are still more inabled to do both.

“Nor shall you easier hold, than the people under your empire or patronage may be held. My lords, I would not go to the door to see whether it be close shut; this is no underhand dealing, nor a game at which he shall have any advantage against you who sees your cards, but on the contrary the advantage shall be your own: for with eighteen thousand men (which number I put, because it circulats your orb by the annual change of six thousand) having establish'd your matters in the order shewn, you will be able to hold the greatest province; and eighteen thousand men, allowing them greater pay than any prince ever gave, will not stand the province in one million revenue;* in consideration wherof, they shall have their own estates free to themselves, and be govern'd by their own laws and magistrats; which, if the revenue of the province be in dry rent (as there may be som that are four times as big as *Oceana*) forty millions, will bring it with that of industry to speak with the least to twice the value: so that the people there, who at this day are so opprest that they have nothing at all wheron to live, shall for one million paid to you, receive at least seventy nine to their proper use: in which place I appeal to any man, whether the empire describ'd can be other than the patronage of the world.

“Now if you add to the propagation of civil liberty (so natural to this commonwealth that it cannot be omitted) the propagation of the liberty of conscience, this empire, this patronage of the world is the kingdom of Christ: for as the kingdom of God the father was a commonwealth, so shall the kingdom of God the son; *the people shall be willing in the day of his power.*

“Having shew’d you in this and other places, som of those inestimable benefits of this kind of government, together with the natural and facil emanation of them from their fountain, I com (lest God who has appear’d to you, for he is the God of nature, in the glorious constellation of these subordinat causes, wherof we have hitherto bin taking the true elevation, should shake off the dust of his feet against you) to warn you of the dangers which you, not taking the opportunity, will incur by omission.

Psal. 110. 3.

“*MACHIAVEL* speaking of the defect of *Venice*, thro her want of proper arms, crys our, **This cut her wings, and spoil’d her mount to heaven*. If you lay your commonwealth upon any other foundation than the people, you frustrat your self of proper arms, and so lose the empire of the world; nor is this all, but som other nation will have it.

“*COLUMBUS* offer’d gold to one of your kings, thro whose happy incredulity another prince has drunk the poison, even to the consumption of his people; but I do not offer you a nerve of war that is made of pursestrings, such a one as has drawn the face of the earth into convulsions, but such as is natural to her health and beauty. Look you to it, where there is tumbling and tossing upon the bed of sickness, it must end in death or recovery. Tho the people of the world, in the dregs of the *Gothic* empire, be yet tumbling and tossing upon the bed of sickness, they cannot dy; nor is there any means of recovery for them but by antient prudence, whence of necessity it must com to pass, that this drug be better known. If *France*, *Italy*, and *Spain*, were not all sick, all corrupted together, there would be none of them so; for the sick would not be able to withstand the sound, nor the sound to preserve their health without curing of the sick. The first of these nations (which, if you stay her leisure, will in my mind be *France*) that recovers the health of antient prudence, shall certainly govern the world; for what did *Italy* when she had it? and as you were in that, so shall you in the like case be reduced to a province; I do not speak at random. *Italy*, in the consulship of *Lucius Æmilius Papus*, and *Caius Atilius Regulus*, arm’d upon the *Gallic* tumult that then happen’d of her self, and without the aid of foren auxiliars, seventy thousand horse, and seven hundred thousand foot: but as *Italy* is the least of those three countrys in extent, so is *France* now the most populous.

I, decus, I, nostrum, melioribus utere fatis.

“*MY dear lords, Oceana is as the rose of Sharon, and the lilly of the vally. As the lilly among thorns, such is my love among the daughters. She is comly as the tents of Kedar, and terrible as an army with banners. Her neck is as the tower of David, builded for an armory, whereon there hang a thousand bucklers and shields of mighty men. Let me hear thy voice in the morning, whom my soul loves. The south has drop’d, and the west is breathing upon thy garden of spices. Arise, queen of the earth, arise, holy spouse of Jesus; for lo the winter is past, the rain is over and gon; the flowers appear on the earth, the time for the singing of birds is com, and the voice of the turtle is heard in our land. Arise, I say, com forth, and do not tarry: ah! wherfore should my eys behold thee by the rivers of Babylon, hanging thy harps upon the willows, thou fairest among women?*

“Excellent PATRIOTS; if the people be sovereign, here is that which establishes their prerogative: if we be sincere, here is that which disburdens our souls, and makes good all our engagements: if we be charitable, here is that which embraces all parties: if we would be settled, here is that which will stand, and last for ever.

“If our religion be any thing else but a vain boast, scratching and defacing human nature or reason, which, being the image of God, makes it a kind of murder; here is that empire whence *justice shall run down like a river, and judgment like a mighty stream.*

Who is it then that calls us? or what is in our way? a lion! is it not *the dragon that old serpent?* for what wretched shifts are these? here is a great deal, might we not have some of this at one time, and some at another?

Amos 5 24.

“My LORDS, permit me to give you the sum, or brief

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Epitome Of The Whole Commonwealth.

THE center or fundamental laws are, first, the agrarian, proportion'd at two thousand pounds a year in land, lying and being within the proper territory of Oceana, and stating property in land at such a balance, that the power can never swerve out of the hands of the many.

SECONDLY, the ballot conveying this equal sap from the root, by an equal election or rotation, into the branches of magistracy or sovereign power.

THE orbs of this commonwealth being civil, military or provincial, are, as it were, cast upon this mold or center by the divisions of the people; first, into citizens and servants: secondly, into youth and elders: thirdly, into such as have one hundred pounds a year in lands, goods or monys, who are of the horse; and such as have under, who are of the foot: fourthly, they are divided by their usual residence, into parishes, hundreds, and tribes.

THE civil orbs consist of the elders, and are thus created; every Monday next insuing the last of December, the elders in every parish elect the fifth man to be a deputy; which is but half a day's work: every Monday next insuing the last of January, the deputys meet at their respective hundred, and elect out of their number one justice of the peace, one juryman, one coroner, and one high constable of the foot; one day's work.

EVERY Monday next insuing the last of February, the hundreds meet at their respective tribe, and there elect the lords high sherif, lieutenant, custos rotulorum, the conductor, the two censors out of the horse, the magistrats of the tribe and of the hundreds, with the jurymen constituting the phylarch, and who assist in their respective offices at the assizes, hold the quarter-sessions, &c. The day following the tribe elects the annual galaxy, consisting of two knights, and three deputys out of the horse, with four deputys out of the foot, therby indu'd with power, as magistrats of the whole nation, for the term of three years. An officer chosen at the hundred may not be elected a magistrat of the tribe; but a magistrat or officer either of the hundred or of the tribe, being elected into the galaxy, may substitute any one of his own order to his magistracy or office in the hundred, or in the tribe. This of the muster is two days work. So the body of the people is annually, at the charge of three days work and a half, in their own tribes, for the perpetuation of their power, receiving over and above the magistracys so divided among them.

EVERY Monday next insuing the last of March, the knights, being a hundred in all the tribes, take their places in the senat; the knights, having taken their places in the senat, make the third region of the same; and the house procedes to the senatorian elections. Senatorian elections are annual, biennial, or emergent.

THE annual are perform'd by the tropic.

THE tropic is a schedule consisting of two parts; the first by which the senatorian magistrats are elected; and the second, by which the senatorian councils are perpetuated.

THE first part is of this tenor:

THE lord strategus, } Annual magistrats, and therefore such as may be elected out of any region; the term of every region having at the tropic one year at the least unexpir'd.

THE lord orator, } Annual magistrats, and therefore such as may be elected out of any region; the term of every region having at the tropic one year at the least unexpir'd.

THE first censor, } Annual magistrats, and therefore such as may be elected out of any region; the term of every region having at the tropic one year at the least unexpir'd.

THE second censor, } Annual magistrats, and therefore such as may be elected out of any region; the term of every region having at the tropic one year at the least unexpir'd.

THE third commissioner of the seal, } Triennial magistrats, and therefore such as can be chosen out of the third region only, as that alone which has the term of three years unexpir'd.

THE third commissioner of the treasury, } Triennial magistrats, and therefore such as can be chosen out of the third region only, as that alone which has the term of three years unexpir'd.

THE strategus and the orator sitting, are consuls, or presidents of the senat.

THE strategus marching is general of the army, in which case a new strategus is to be elected in his room.

THE strategus sitting with six commissioners, being counsellors of the nation, are the signory of the commonwealth.

THE censors are magistrats of the ballot, presidents of the council for religion, and chancellors of the universitys.

THE second part of the tropic perpetuats the council of state, by the election of five knights out of the first region of the senat, to be the first region of that council consisting of fifteen knights, five in every region.

THE like is don by the election of four into the council of religion, and four into the council of trade, out of the same region in the senat; each of these councils consisting of twelve knights, four in every region.

BUT the council of war consisting of nine knights, three in every region, is elected by and out of the council of state, as the other councils are elected by and out of the senat. And if the senat add a juncta of nine knights more, elected out of their own

number, for the term of three months, the council of war by virtue of that addition, is dictator of Oceana for the said term.

THE signory jointly or severally has right of session and suffrage in every senatorial council, and to propose either to the senat, or any of them. And every region in a council electing one weekly provost, any two of those provosts have power also to propose to their respective council, as the proper and peculiar proposers of the same: for which cause they hold an academy, where any man either by word of mouth, or writing, may propose to the proposers.

NEXT to the elections of the tropic is the biennial election of one ambassador in ordinary, by the ballot of the house, to the residence of France; at which time the resident of France removes to Spain, he of Spain to Venice, he of Venice to Constantinople, and he of Constantinople returns. So the orb of the residents is wheel'd about in eight years, by the biennial election of one ambassador in ordinary.

THE last kind of election is emergent. Emergent elections are made by the scrutiny. Election by scrutiny is when a competitor being made by a council, and brought into the senat, the senat chuses four more competitors to him; and putting all five to the ballot, he who has most above half the suffrages, is the magistrat. The polemarchs or field officers are chosen by the scrutiny of the council of war; an ambassador extraordinary by the scrutiny of the council of state; the judges and serjeants at law by the scrutiny of the seal; and the barons and prime officers of the exchequer, by the scrutiny of the treasury.

THE opinion or opinions that are legitimatly propos'd to any council must be debated by the same, and so many as are resolv'd upon the debate are introduc'd into the senat, where they are debated and resolved, or rejected by the whole house: that which is resolv'd by the senat is a decree which is good in matters of state, but no law, except it be propos'd to and resolv'd by the prerogative.

THE deputys of the galaxy being three horse and four foot in a tribe, amount in all the tribes to one hundred and fifty horse, and two hundred foot; which, having enter'd the prerogative, and chosen their captains, cornet and ensign (triennial officers) make the third classis, consisting of one troop, and one company; and so joining with the whole prerogative, elect four annual magistrats, call'd tribuns, wherof two are of the horse, and two of the foot. These have the command of the prerogative sessions, and suffrage in the council of war, and sessions without suffrage in the senat.

THE senat having past a decree which they would propose to the people, cause it to be printed and publish'd, or promulgated for the space of six weeks; which being order'd, they chuse their proposers. The proposers must be magistrats, that is, the commissioners of the seal, those of the treasury, or the censors. These being chosen, desire the muster of the tribuns, and appoint the day. The people being assembl'd at the day appointed, and the decree propos'd, that which is propos'd by authority of the senat, and commanded by the people, is the law of Oceana, or an act of parlament.

SO the parliament of Oceana consists of the senat proposing, and the people resolving.

THE people or prerogative are also the supreme judicatory of this nation, having power of hearing and determining all causes of appeal from all magistrats, or courts provincial, or domestic; as also to question any magistrat, the term of his magistracy being expir'd, if the case be introduc'd by the tribuns, or any one of them.

THE military orbs consist of the youth, that is, such as are from eighteen to thirty years of age; and are created in the following manner:

EVERY Wednesday next ensuing the last of December, the youth of every parish assembling, elect the fifth of their number to be their deputys; the deputys of the youth are call'd stratiots, and this is the first essay.

EVERY Wednesday next insuing the last of January, the stratiots assembling at the hundred, elect their captain and their ensign, and fall to their games and sports.

EVERY Wednesday next insuing the last of February, the stratiots are receiv'd by the lord lieutenant their commander in chief, with the conductors and the censors; and, having bin disciplin'd and entertain'd with other games, are call'd to the urns, where they elect the second essay, consisting of two hundred horse and six hundred foot in a tribe; that is, of ten thousand horse, and thirty thousand foot in all the tribes, which is the standing army of this nation, to march at any warning. They also elect at the same time a part of the third essay, by the mixture of balls mark'd with the letter M. and the letter P. for Marpesia and Panopea; they of either mark being ten horse and fifty foot in a tribe, that is, five hundred horse, and two thousand five hundred foot in all the tribes, which are forthwith to march to their respective provinces.

BUT the third essay of this nation more properly so call'd, is when the strategus with the polemarchs (the senat and the people, or the dictator having decreed a war) receive in return of his warrants the second essay from the hands of the conductors at the rendevous of Oceana; which army marching with all accommodations provided by the council of war, the senat elects a new strategus, and the lords lieutenants a new second essay.

A YOUTH, except he be an only son, refusing any one of his three essays, without sufficient cause shewn to the phylarch or the censors, is incapable of magistracy, and is fin'd a fifth part of his yearly rent, or of his estate, for protection. In case of invasion the elders are oblig'd to like duty with the youth, and upon their own charge.

THE provincial orb consisting in part of the elders, and in part of the youth, is thus created:

FOUR knights out of the first region falling, are elected in the senat to be the first region of the provincial orb of Marpesia; these being triennial magistrats, take their places in the provincial council, consisting of twelve knights, four in every region, each region chusing their weekly provosts of the council thus constituted. One knight more chosen out of the same region in the senat, being an annual magistrat, is

president, with power to propose; and the opinions propos'd by the president, or any two of the provosts, are debated by the council, and, if there be occasion of farther power or instruction than they yet have, transmitted to the council of state, with which the provincial is to hold intelligence.

THE president of this council is also strategus, or general of the provincial army; wherfore the conductors upon notice of his election, and appointment of his rendezvous, deliver to him the stratiots of his letter, which he takes with him into his province: and the provincial army having receiv'd the new strategus with the third classis, the council dismisses the old strategus with the first classis. The like is don for Panopea, or any other province.

BUT wheras the term of every other magistracy or election in this commonwealth, whether annual or triennial, requires an equal vacation, the term of a provincial counsiller or magistrat requires no vacation at all. The quorum of a provincial, as also that of every other council and assembly, requires two thirds in a time of health, and one third in a time of sickness.

“I think I have omitted nothing but the props and scaffolds, which are not of use but in building. And how much is here? shew me another commonwealth in this compass? how many things? shew me another intire government consisting but of thirty orders. If you now go to law with any body, there ly to som of our courts two hundred original writs: if you stir your hand, there go more nerves and bones to that motion: if you play, you have more cards in the pack; nay you could not sit with your ease in that chair, if it consisted not of more parts. Will you not then allow to your legislator, what you can afford your upholster; or to the throne, what is necessary to a chair?

“My LORDS, if you will have fewer orders in a commonwealth, you will have more; for where she is not perfect at first, every day, every hour will produce a new order, the end wherof is to have no order at all, but to grind with the clack of som demagog. Is he providing already for his golden thum? lift up your heads; away with ambition, that fulsom complexion of a statesman, temper'd, like Sylla's, with blood and muck. *And the Lord give to his senators wisdom; and make our faces to shine, that we may be a light to them that sit in darkness and the shadow of death, to guide their feet in the way of peace.*—In the name of God, what's the matter!

Philadelphus the secretary of the council having perform'd his task in reading the several orders as you have seen, upon the receipt of a packet from his correspondent Bocalini, secretary of *Parnassus*, in reading one of the letters, burst forth into such a violent passion of weeping and downright howling, that the legislators being startled with the apprehension of som horrid news; one of them had no sooner snatch'd the letter out of his hand, than the rest crying, read, read, he obey'd in this manner:

THE 3d instant his Phæbean majesty having taken the nature of free states into his royal consideration, and being steadily perswaded that the laws in such governments are incomparably better and more surely directed to the good of mankind than in any other; that the courage of such a people is the aptest tinder to noble fire; that the genius of such a soil is that wherin the roots of good literature are least worm-eaten

with pedantism, and where their fruits have ever com to the greatest maturity and highest relish; conceiv'd such a loathing of their ambition and tyranny, who, usurping the liberty of their native countrys, becom slaves to themselves, inasmuch as (be it never so contrary to their own nature or consciences) they have taken the earnest of sin, and are ingag'd to persecute all men that are good with the same or greater rigor than is ordain'd by laws for the wicked:

for **none* ever administer'd that power by good, which he purchas'd by ill arts: *Phoebus*, I say, having consider'd this, assembl'd all the senators residing in the learned court at the theatre of *Melpomene*, where he caus'd *Cæsar* the dictator to com upon the stage, and his sister *Actia*, his nephew *Augustus*, *Julia* his daughter, with the children which she had by *Marcus Agrippa*, *Lucius* and *Caius Cæsars*, *Agrippa Posthumus*, *Julia*, and *Agrippina*, with the numerous progeny which she bore to her renown'd husband *Germanicus*, to enter. A miserable scene in any, but most deplorable in the eys of *Cæsar*, thus beholding what havock his prodigious ambition, not satisfy'd with his own bloody ghost, had made upon his more innocent remains, even to the total extinction of his family. For it is (seeing where there is any humanity, there must be som compassion) not to be spoken without tears, that of the full branches deriving from *Octavia* the eldest sister, and *Julia* the daughter of *Augustus*, there should not be one fruit or blossom that was not cut off or blasted by the sword, famin, or poison. Now might the great soul of *Cæsar* have bin full; and yet that which pour'd in as much or more, was to behold that execrable rate of the *Claudii*, having hunted and suck'd his blood with the thirst of tigers, to be rewarded with the *Roman* empire, and remain in full possession of that famous patrimony: a spectacle to pollute the light of heaven! nevertheless as if *Cæsar* had not yet enough, his *Phæbean* majesty caus'd to be introauc'd on the other side of the theatre, the most illustrious and happy prince *Andrea Doria*, with his dear posterity, imbrac'd by the soft and constant arms of the city of *Genoa*, into whose bosom, ever fruitful in her gratitude, he had dropt her fair *Liberty* like the dew of heaven; which when the *Roman* tyrant beheld, and how much more fresh that laurel was worn with a firm root in the hearts of the people, than that which he had torn off, he fell into such a horrid distortion of limbs and countenance, that the senators who had thought themselves steel and flint at such an object, having hitherto stood in their reverend snowlike thawing Alps, now cover'd their faces with their large sleeves.

Trajano Boccalini,
Centuria 1. Raggual.
21.

“*MY lords*, said the Archon rising, witty *Philadelphus* has given us grave admonition in dreadful tragedy. *Discite justitiam moniti, & non temnere divos*. Great and glorious *Cæsar*, the highest character of flesh, yet could not rule but by that part of man which is the beast: but a commonwealth is a monarchy; to her God is king, in as much as reason, his dictat, is her sovereign power.”

Which said, he adjourn'd the council. And the model was soon after promulgated. *Quod bonum, fœlix, faustumque sit huic reipublicæ. Agite quirites, censuere patres, jubeat populus: The sea roar'd, and the floods clapt their hands.*

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LIBERTAS.

The Proclamation Of His Highness The Lord Archon Of Oceana Upon Promulgation Of The Model.

WHeras his highness and the council, in the framing of the model promulgated, have not had any private interest, or ambition, but the fear of God, and the good of this people before their eys; and it remains their desire that this great work may be carry'd on accordingly: This present greeting is to inform the good people of this land, that as the council of prytans sat during the framing of the model, to receive from time to time such propositions as should be offer'd by any wisehearted or public spirited man, towards the institution of a well-order'd commonwealth, so the said council is to sit as formerly in the great hall of the pantheon during promulgation (which is to continue for the space of three months) to receive, weigh, and, as there shall be occasion, transmit to the council of legislators, all such objections as shall be made against the said model, whether in the whole, or in any part. Wherefore that nothing be don rashly, or without the consent of the people, such, of what party soever, with whom there may remain any doubts or difficultys, are desir'd with all convenient speed to address themselves to the said prytans; where, if such objections, doubts, or difficultys, receive solution to the satisfaction of the auditory, they shall have public thanks: but if the said objections, doubts, or difficultys, receive no solution to the satisfaction of the auditory then the model promulgated shall be reviewed, and the party that was the occasion of the review, shall receive public thanks, together with the best horse in his highness's stable, and be one of the council of legislators. And so God have you in his keeping.

See the course of the *decemvirs* in the promulgation of the first ten of their twelve tables in *LIVY*.

I should now write the same council of the *prytans*, but for two reasons; the one, that having had but a small time for that which is already don, I am overlabour'd; the other, that there may be new objections. Wherefore, if my reader has any such as to the model, I intreat him to address himself by way of oration, as it were, to the *prytans*, that when this rough draught coms to be a work, his speech being faithfully inserted in this place, may give or receive correction to amendment: for what is written will be weigh'd. But conversation, in these days, is a game, at which they are best provided that have light gold: it is like the sport of women that make flowers of straws, which must be stuck up, but may not be touch'd. Nor, which is worse, is this the fault of conversation only: but to the examiner, I say, *If to invent method, and teach an art, be all one*, let him shew that this method is not truly invented, or this art is faithfully taught.

Arist. Rhet.

I cannot conclude a circle (and such is this commonwealth) without turning the end into the beginning. The time of promulgation being expir'd, the surveyors were sent down, who having in due season made report that their work was perfect, the orators follow'd; under the administration of which officers and magistrats the commonwealth was ratify'd and establish'd by the whole body of the

people, in their* parochial, hundred, and county assemblys. And the orators being, by virtue of their scrolls or lots, members of their respective tribes, were elected each the first knight of the third list, or galaxy; wherfore having at their return assisted the Archon in putting the senat and the people or prerogative into motion, they abdicated the magistracy both of orators and legislators.

The COROLLARY.

FOR the rest (says Plutarch, closing up the story of Lycurgus) when he saw that his government had taken root, and was in the very plantation strong enough to stand by it self, he conceiv'd such a delight within him, as GOD is describ'd by Plato to have don when he had finish'd the creation of the world, and saw his own orbs move below him: for in the art of man (being the imitation of nature, which is the? art of GOD) there is nothing so like the first call of beautiful order out of chaos and confusion, as the architecture of a well-order'd commonwealth. Wherfore Lycurgus seeing in effect, that his orders were good, fell into deep contemplation how he might render them, so far as could be effected by human providence, inalterable and immortal. To which end he assembl'd the people, and remonstrated to them, That for ought he could perceive, their policy was already such, and so well establish'd, as was sufficient to intail upon them and theirs all that virtue and felicity wherof human life is capable: nevertheless that there being another thing of greater concern than all the rest, wherof he was not yet provided to give them a perfect account, nor could till he had consulted the oracle of Apollo, he desired that they would observe his laws without any change or alteration whatsoever, till his return from *Delphos*; to which all the people chearfully and unanimously ingag'd themselves by promise, desiring him that he would make as much haste as he could. But Lycurgus, before he went, began with the kings and the senators, and thence taking the whole people in order, made them all swear to that which they had promis'd, and then took his journey. Being arriv'd at *Delphos*, he sacrific'd to Apollo, and afterwards inquir'd if the policy which he had establish'd, was good and sufficient for a virtuous and happy life? By the way it has bin a maxim with legislators not to give checks to the present superstition, but to make the best use of it, as that which is always the most powerful with the people; otherwise tho Plutarch being a priest, was interested in the cause, there is nothing plainer than Cicero in his book *De Divinatione* has made it, that there was never any such thing as an oracle, except in the cunning of the priests. But to be civil to the author, The God answer'd to Lycurgus, that his policy was exquisit, and that his city, holding to the strict observation of his form of government, should attain to the height of fame and glory. Which oracle Lycurgus causing to be written, fail'd not of transmitting to his *Lacedemon*. This don, that his citizens might be for ever inviolably bound by their oath, that they would alter nothing till his return, he took so firm a resolution to dy in the place, that from thenceforward receiving no manner of food, he soon after perform'd it accordingly. Nor was he deceiv'd in the consequence; for his city became the first in glory and excellency of government in the whole world. And so much for Lycurgus, according to Plutarch.

My lord Archon, when he beheld not only the rapture of motion, but of joy and harmony, into which his spheres (without any manner of obstruction or interfering, but as if it had been naturally) were cast, conceiv'd not less of exultation in his spirit;

but saw no more necessity or reason why he should administer an oath to the senat and the people that they would observe his institutions, than to a man in perfect health and felicity of constitution, that he would not kill himself. Nevertheless wheras Christianity, tho it forbids violent hands, consists no less in selfdenial than any other religion, he resolv'd that all unreasonable desires should dy upon the spot; to which end that no manner of food might be left to ambition, he enter d into the senat with a unanimous applause, and having spoken of his government as Lycurgus did when he assembl'd the people, he abdicated the magistracy of Archon. The senat, as struck with astonishment, continu'd silent; men upon so sudden an accident being altogether unprovided of what to say; till the Archon withdrawing, and being almost at the door, divers of the knights flew from their places, offering as it were to lay violent hands on him, while he escaping left the senat with the tears in their eyes, of children that had lost their father; and to rid himself of all farther importunity, retir'd to a country house of his, being remote, and very privat, in so much that no man could tell for some time what was becom of him.

Thus the lawmaker happen'd to be the first object and reflection of the law made: for as liberty of all things is the most welcom to a people, so is there nothing more abhorrent from their nature than ingratitude. We accusing the *Roman* people of this crime against som of their greatest benefactors, as Camillus, heap mistake upon mistake; for being not so competent judges of what belongs to liberty as they were, we take upon us to be more competent judges of virtue. And wheras virtue, for being a vulgar thing among them, was of no less rate than jewels are with such as wear the most; we are selling this precious stone, which we have ignorantly rak'd out of the *Roman* ruins at such a rate as the *Switzers* did that which they took in the baggage of Charles of *Burgundy*. For that Camillus had stood more firm against the ruin of *Rome* than her capitol, was acknowleg'd; but on the other side that he stood as firm for the *Patricians* against the liberty of the people, was as plain: wherfore he never wanted those of the people that would dy at his foot in the field, nor that would withstand him to his beard in the city. An example in which they that think Camillus had wrong, neither do themselves right, nor the people of *Rome*; who in this signify no less than that they had a scorn of slavery beyond the fear of ruin, which is the height of magnanimity. The like might be shewn by other examples objected against this, and other popular governments, as in the banishment of Aristides the *Just* from *Athens*, by the ostracism, which, first, was no punishment, nor ever understood for so much as a disparagement; but tended only to the security of the commonwealth, thro the removal of a citizen (whose riches or power with a party was suspected) out of harm's way for the space of ten years, neither to the diminution of his estate or honor. And next, tho the virtue of Aristides might in it self be unquestion'd, yet for him under the name of the *Just* to becom universal umpire of the people in all cases, even to the neglect of the legal ways and orders of the commonwealth, approach'd so much to the prince, that the *Athenians*, doing Aristides no wrong, did their government no more than right in removing him; which therfore is not so probable to have com to pass, as Plutarch presumes, thro the envy of Themistocles, seeing Aristides was far more popular than Themistocles, who soon after took the same walk upon a worse occasion. Wherfore as Machiavel, for any thing since alledg'd, has irrefragably prov'd that popular governments are of all others the least ingrateful; so the obscurity, I say,

Never ingratitude, but too much love, the constant fault of the people.

int which my lord Archon had now withdrawn himself, caus'd a universal sadness and clouds in the minds of men upon the glory of his rising commonwealth.

Much had bin ventilated in privat discourse, and the people (for the nation was yet divided into partys that had not lost their animositys) being troubl'd, bent their eys upon the senat, when, after some time spent in devotion, and the solemn action of thanksgiving, his excellency Navarchus de Paralo in the tribe of *Dorean*, lord *Strategus* of *Oceana* (tho in a new commonwealth a very prudent magistrat) propos'd his part or opinion in such a manner to the council or state, that passing the ballot of the same with great unanimity and applause, it was introduc'd into the senat, where it past with greater. Wherefore the decree being forthwith printed and publish'd, copys were return'd by the secretarys to the *phylarchs* (which is the manner of promulgation) and the commissioners of the seal, that is to say, the right honourable Phosphorus de Auge in the tribe of *Eudia*, Dolabella d'Enyo in the tribe of *Turmæ*, and Linceus de Stella in the tribe of *Nubia*, being elected proposers *pro tempore*, bespoke of the tribuns a muster of the people to be held that day six weeks, which was the time allow'd for promulgation at the *Halo*

The satisfaction which the people throout the tribes receiv'd upon promulgation of the decree, loaded the carriers with weekly letters between friend and friend, whether magistrats or privat persons. But the day for proposition being com, and the prerogative upon the place appointed in discipline, Sanguine de Ringwood in the tribe of *Saltum*, captain of the *phænix*, march'd by order of the tribuns with his troop to the piazza of the *pantheon*, where his trumpets entering into the great hall by their blazon gave notice of his arrival; at which the serjeant of the house came down, and returning inform'd the proposers, who descending were receiv'd at the foot of the stairs by the captain, and attended to the coaches of state with which Calcar de Gilvo in the tribe of *Phalera* master of the horse, and the ballotins upon their great horses, stood waiting at the gate.

The proposers being in their coaches, the train for the pomp, the same that is us'd at the reception of ambassadors, proceded in this order: In the front march'd the troop with the cornet in the van, and the captain in the rear: next the troop came the twenty messengers or trumpets; the ballotins upon the curvet with their usher in the van, and the master of the horse in the rear: next the ballotins, Bronchus de Rauco in the tribe of *Bestia* king of the heralds, with his fraternity in their coats of arms; and next to Sir Bronchus, Boristhenes de Holiwater in the tribe of *Ave*, master of the ceremonies: the mace and the seal of the chancery went immediately before the coaches; and on either side, the doorkeepers or guard of the senat, with their poleaxes, accompany'd with som three or four hundred footmen belonging to the knights or senators; the trumpeters, ballotins, guards, postilions, coachmen and footmen, being very gallant in the liverys of the commonwealth; but all, except the ballotins, without hats, in lieu wherof they wore black velvet calots, being pointed with a little peak at the forehead. After the proposers came a long file of coaches full of such gentlemen as use to grace the commonwealth upon the like occasions. In this posture they mov'd slowly thro the streets (affording in the gravity of the pomp, and the welcomness of the end, a most reverend and acceptable prospect to the people all the way from the *pantheon*, being about half a mile) and arriv'd at the *Halo*, where they found the prerogative in a close

body environ'd with scaffolds that were cover'd with spectators. The tribuns receiv'd the proposers, and conducted them into a seat plac'd in the front of the tribe, like a pulpit, but that it was of some length, and well adorn'd by the heralds with all manner of birds and beasts, except that they were ill painted, and never a one of his natural color. The tribuns were plac'd at a table that stood below the long seat, those of the horse in the middle, and those of the foot at either end, with each of them a bowl or basin before him, that on the right hand being white, and the other green: in the middle of the table stood a third which was red. And the housekeepers of the pavilion, who had already deliver'd a proportion of linen balls or pellets to every one of the tribe, now presented boxes to the ballotins. But the proposers as they enter'd the gallery, or long seat, having put off their hats by way of salutation, were answer'd by the people with a shout; whereupon the younger commissioners seated themselves at either end; and the first standing in the middle, spoke after this manner:

My Lords, The People Of Oceana,

“WHILE I find in myself what a felicity it is to salute you by this name, and in every face, anointed as it were with the oil of gladness, a full and sufficient testimony of the like sense, to go about to feast you with words, who are already fill'd with that food of the mind, which being of pleasing and wholesome digestion, takes in the definition of true joy, were a needless enterprize. I shall rather put you in mind of that thankfulness which is due, than puff you up with any thing that might seem vain. Is it from the arms of flesh that we derive these blessings? Behold the commonwealth of *Rome* falling upon her own victorious sword. Or is it from our own wisdom, whose counsils had brought it even to that pass, that we began to repent our selves of victory? Far be it from us, my lords, to sacrifice to our own nets, which we our selves have so narrowly escap'd! Let us rather lay our mouths in the dust, and look up (as was taught the other day when we were better instructed in this lesson) to the hills with our gratitude. Nevertheless seeing we read how God upon the neglect of his prophets has bin provok'd to wrath, it must needs follow that he expects honor should be given to them by whom he has chosen to work as his instruments. For which cause, nothing doubting of my warrant, I shall proceed to that which more particularly concerns the present occasion, the discovery of my lord Archon's virtues and merit, to be ever plac'd by this nation in their true meridian.

My Lords;

“I am not upon a subject which persuades me to balk, but necessitates me to seek out the greatest examples. To begin with Alexander erecting trophies common to his sword and the pestilence; To what good of mankind did he infect the air with his heap of carcasses? The sword of war, if it be any otherwise us'd than as the sword of magistracy, for the fear and punishment of those that do evil, is as guilty in the sight of God, as the sword of a murderer; nay more, for if the blood of Abel, of one innocent man, cry'd in the ears of the Lord for vengeance, what shall the blood of an innocent nation? Of this kind of empire, the throne of ambition, and the quarry of a mighty hunter, it has bin truly said, that it is but a great robbery. But if Alexander had restor'd the liberty of *Greece*, and propagated it to mankind, he had don like my lord

Archon, and might have bin truly call'd the Great. Alexander car'd not to steal a victory that would be given: but my lord Archon has torn away a victory which had bin stolen, while we went tamely yielding up obedience to a* nation reaping in our fields, whose fields he has subjected to our empire, and nail'd them with his victorious sword to their native *Caucasus*.

“*MACHIAVEL* gives a handsom caution, Let no man, says he, be circum vented with the glory of Cæsar, from the false reflection of their pens, who thro the longer continuance of his empire in the name than in the family, chang'd their freedom for flattery. But if a man would know truly what the *Romans* thought of Cæsar, let them observe what they said of Catilin.

“And yet by how much he who has perpetrated som heinous crime, is more execrable than he who did but attempt it; by so much is Cæsar more execrable than Catilin. On the contrary, let him that would know what antient and heroic times, what the *Greecs* and *Romans* would both have thought and said of my lord Archon, observe what they thought and said of Solon, Lycurgus, Brutus, and Publicola. And yet by how much his virtue, that is crown'd with the perfection of his work, is beyond theirs, who were either inferior in their aim, or in their performance; by so much is my lord Archon to be prefer'd before Solon, Lycurgus, Brutus, and Publicola.

“Nor will we shun the most illustrious example of Scipio: this hero, tho never so little less, yet was he not the founder of a commonwealth; and for the rest, allowing his virtue to have bin of the most untainted ray, in what did it outshine this of my lord Archon? But if dazling the eys of the magistrats it overaw'd liberty, *Rome* might be allow'd som excuse that she did not like it, and I, if I admit not of this comparison: for where is my lord Archon? Is there a genius, how free soever, which in his presence would not find it self to be under power? He is shrunk into clouds, he seeks obscurity in a nation that sees by his light. He is impatient of his own glory, lest it should stand between you and your liberty.

“Liberty! What is even that, if we may not be grateful? And if we may, we have none: for who has any thing that he dos not ow? My lords, there be som hard conditions of virtue: if this debt were exacted, it were not due; wheras being cancell'd, we are all enter'd into bonds. On the other side, if we make such a payment as will not stand with a free people, we do not inrich my lord Archon, but rob him of his whole estate, and his immense glory.

“These particulars had in due deliberation and mature debate, according to the order of this commonwealth, *It is propos'd by authority of the senat, to you my lords the people of Oceana*:

“I. That the dignity and office of Archon, or protector of the commonwealth of *Oceana*, be, and is hereby conferr'd by the senat and the people of *Oceana*, upon the most illustrious prince, and sole legislator of this commonwealth, Olphaus Megaletorpater *patriæ*, whom God preserve, for the term of his natural life.

“II. That three hundred and fifty thousand pounds *per annum* yet remaining of the antient revenue, be estated upon the said illustrious prince, or lord Archon, for the said term, and to the proper and peculiar use of his highness.

“III. That the lord Archon have the reception of all foren ambassadors, by and with the council of state, according to the orders of this commonwealth.

“IV. That the lord Archon have a standing army of twelve thousand men, defray’d upon a monthly tax, during the term of three years, for the protection of this commonwealth against dissenting partys; to be governed, directed, and commanded by and with the advice of the council of war, according to the orders of this commonwealth.

“V. That this commonwealth make no distinction of persons or partys, but every man being elected and sworn, according to the orders of the same, be equally capable of magistracy; or not elected, be equally capable of liberty, and the enjoyment of his estate free from all other than common taxes.

“VI. That a man putting a distinction upon himself, refusing the oath upon election, or declaring himself of a party not conformable to the civil government, may within any time of the three years standing of the army, transport himself and his estate, without molestation or impediment, into any other nation.

“VII. That in case there remains any distinction of partys not conforming to the civil government of this commonwealth, after the three years of the standing army being expir’d, and the commonwealth be therby forc’d to prolong the term of the said army, the pay from thenceforth of the said army be levy’d upon the estates of such partys so remaining unconformable to the civil government.”

The proposer having ended his oration, the trumpets sounded; and the tribuns of the horse being mounted to view the ballot, caus’d the tribe (which thronging up to the speech, came almost round the gallery) to retreat about twenty paces, when Linceus de Stella receiving the propositions, repair’d with Bronchus de Rauco the herald, to a little scaffold erected in the middle of the tribe, where he seated himself, the herald standing bare upon his right hand. The *ballotins* having their boxes ready, stood before the gallery, and at the command of the tribuns march’d, one to every troop on horseback, and one to every company on foot; each of them being follow’d by other children that bore red boxes: now this is putting the question whether the question should be put. And the suffrage being very suddenly return’d to the tribuns at the table, and number’d in the view of the proposers, the votes were all in the affirmative: wherupon the red or doubtful boxes were laid aside, it appearing that the tribe, whether for the negative or affirmative, was clear in the matter. Wherefore the herald began from the scaffold in the middle of the tribe, to pronounce the first proposition, and the *ballotins* marching with the negative or affirmative only, Bronchus, with his voice like thunder, continu’d to repeat the proposition over and over again, so long as it was in balloting. The like was don for every clause, till the ballot was finish’d, and the tribuns assembling, had sign’d the points, that is to say, the number of every suffrage, as it was taken by the secretary upon the tale of the tribuns, and in the sight

of the proposers; for this may not be omitted, it is the pulse of the people. Now whereas it appertains to the tribuns to report the suffrage of the people to the senat, they cast the lot for this office with three silver balls, and one gold one; and it fell upon the right worshipful Argus de Crookhorn in the tribe of *Pascua*, first tribun of the foot. Argus being a good sufficient man in his own country, was yet of the mind that he should make but a bad spokesman; and therefore became something blank at his luck, till his colleagues perswaded him that it was no such great matter, if he could but read, having his paper before him. The proposers taking coach, receiv'd a volly upon the field, and return'd in the same order, save that being accompany'd with the tribuns, they were also attended by the whole prerogative to the piazza of the *Pantheon*, where with another volly they took their leaves. Argus, who had not thought upon his wife and children all the way, went very gravely up: and every one being seated, the senat by their silence seem'd to call for the report; which Argus standing up, deliver'd in this wife:

Right honorable lords and fathers assembl'd in parlament;

SO it is, that it has fal'n to my lot to report to your excellencys the votes of the people, taken upon the third instant, in the first year of this commonwealth, at the *Halo*; the right honorable Phosphorus de Auoe in the tribe of *Eudia*, Dolabella de Enyo in the tribe of *Turmæ*, and Linceus de Stella in the tribe of *Nubia*, lords commissioners of the great seal of *Oceana*, and proposers *pro temporibus*—together with my brethren the tribuns, and my self being present. Wherefore these are to certify to your fatherhoods, that the said votes of the people were as follows; that is to say:

“To the first proposition, *Nemine contradicante*—

“To the second, *Nemine contradictante*—

“To the third, the like.

“To the fourth 211, above half.

“To the fifth 201, above half.

“To the sixth 150, above half, in the affirmative.

“To the seventh, *Nemine* again, and so forth—

“My LORDS, It is a language that is out of my prayers, and if I be out at it, no harm—

“But as concerning my lord Archon (as I was saying) these are to signify to you the true-heartedness and good-will which is in the people, seeing by joining with you, as one man, they confess that all they have to give, is too little for his highness. For truly, fathers, if he who is able to do harm, and dos none, may well be call'd honest; what shall we say to my lord Archon's highness, who having had it in his power to have don us the greatest mischief that ever befel a poor nation, so willing to trust such as they thought well of, has don us so much good, as we should never have known how to do ourselves? which was so sweetly deliver'd by my lord chancellor Phosphorus to the people, that I dare say there was never a one of them could forbear to do as I do—An't please your fatherhoods, they be tears of joy. Ay, my lord Archon shall walk the streets (if it be for his ease I mean) with a switch, while the people run after him and pray for him: he shall not wet his foot; they will strew flowers in his

way: he shall sit higher in their hearts, and in the judgment of all good men, than the kings that go up stairs to their seats; and one of these had as good pull two or three of his fellows out of their great chairs, as wrong him, or meddle with him; he has two or three hundred thousand men, that when you say the word, shall sell themselves to their shirts for him, and dy at his foot. His pillow is of down, and his grave shall be as soft, over which they that are alive shall wring their hands. And to com to your fatherhoods, most truly so call'd, as being the loving parents of the people, truly you do not know what a feeling they have of your kindness, seeing you are so bound up, that if there coms any harm, they may thank themselves. And, alas! poor souls, they see that they are given to be of so many minds, that tho they always mean well, yet if there coms any good, they may thank them that teach them better. Wherefore there was never such a thing as this invented, they do verily believe that it is no other than the same which they always had in their very heads, if they could have but told how to bring it out. As now for a sample; my lords the proposers had no sooner said your minds, than they found it to be that which heart could wish. And your fatherhoods may comfort yourselves, that there is not a people in the world more willing to learn what is for their own good, nor more apt to see it, when you have shew'd it them. Wherefore they do love you as they do their own selves; honour you as fathers; resolve to give you as it were obedience for ever: and so thanking you for your most good and excellent laws, they do pray for you as the very worthys of the land, right honorable lords and fathers assembl'd in parliament."

ARGUS came off beyond his own expectation; for thinking right, and speaking as he thought, it was apparent by the house, and the thanks they gave him, that they esteem'd him to be absolutely of the best sort of orators; upon which having a mind that till then misgave him, he became very crounse, and much delighted with that which might go down the next week in print to his wife and neighbors. Livy makes the *Roman* tribuns to speak in the same stile with the consuls, which could not be, and therefore for ought in him to the contrary, Volero and Canuleius might have spoken in no better stile than Argus. However, they were not created the first year of the commonwealth; and the tribuns of *Oceana* are since becom better orators than were needful. But the laws being enacted, had the preamble annex'd, and were deliver'd to Bronchus, who lov'd nothing in the earth so much as to go staring and bellowing up and down the town, like a stag in a forest, as he now did, with his fraternity in their coats of arms, and I know not how many trumpets, proclaiming the act of parlament; when meeting my lord Archon, who from a retreat that was without affectation, as being for devotion only, and to implore a blessing by prayer and fasting upon his labors, now newly arriv'd in town, the herald of the tribe of *Bestia* set up his throat, and having chanted out his lesson, past as haughtily by him, as if his own had bin the better office; which in this place was very well taken, tho Bronchus for his high mind happen'd afterward upon som disasters, too long to tell, that spoil'd much of his imbroidery.

My lord Archon's arrival being known, the signory, accompany'd by the tribuns, repair'd to him, with the news he had already heard by the herald; to which my lord strategus added, that his highness could not doubt upon the demonstrations given, but the minds of men were firm in the opinion, that he could be no seeker of himself in the way of earthly pomp and glory; and that the gratitude of the senat, and the people,

could not therefore be understood to have any such reflection upon him. But so it was, that in regard of dangers abroad, and partys at home, they durst not trust themselves without a standing army, nor a standing army in any man's hands but those of his highness.

The Archon made answer, that he ever expected this would be the sense of the senat and the people; and this being their sense, he should have bin sorry they had made choice of any other than himself for a standing general: first, because it could not have bin more to their own safety: and, secondly, because so long as they should have need of a standing army, his work was not done: that he would not dispute against the judgment of the senat and the people, nor ought that to be. Nevertheless, he made little doubt but experience would shew every party their own interest in this government, and that better improv'd than they could expect from any other; that mens animosities should overbalance their interest for any time, was impossible; that humour could never be lasting, nor thro the constitution of the government, of any effect at the first charge. For supposing the worst, and that the people had chosen no other into the senat and the prerogative than royalists, a matter of fourteen hundred men must have taken their oaths at their election, with an intention to go quite contrary, not only to their oaths so taken, but to their own interest; for being estated in the sovereign power, they must have decreed it from themselves (such an example for which there was never any experience, nor can there be any reason) or holding it, it must have don in their hands as well every whit as in any other. Furthermore, they must have remov'd the government from a foundation that apparently would hold, to set it upon another which apparently would not hold; which things if they could not com to pass, the senat and the people consisting wholly of royalists, much less by a parcel of them elected. But if the fear of the senat and of the people deriv'd from a party without, such a one as would not be elected, nor ingage themselves to the commonwealth by an oath; this again must be so large, as would go quite contrary to their own interest, they being as free and as fully estated in their liberty as any other, or so narrow that they could do no hurt, while the people being in arms, and at the beck of the strategus, every tribe would at any time make a better army than such a party: and there being no partys at home, fears from abroad would vanish. But seeing it was otherwise determin'd by the senat and the people, the best course was to take that which they held the safest, in which with his humble thanks for their great bounty, he was resolv'd to serve them with all duty and obedience.

A very short time after the royalists, now equal citizens, made good the Archon's judgment, there being no other that found any thing near so great a sweet in the government. For he who has not bin acquainted with affliction, says Seneca, knows but half the things of this world.

Moreover they saw plainly, that to restore the ancient government they must cast up their estates into the hands of three hundred men; wherfore in case the senat and the prerogative, consisting of thirteen hundred men, had bin all royalists, there must of necessity have bin, and be for ever, one thousand against this or any such vote. But the senat being inform'd by the signory, that the Archon had accepted of his dignity and office, caus'd a third chair to be set for his highness, between those of the strategus and the orator in the house, the like at every council; to which he repair'd,

not of necessity, but at his pleasure, being the best, and, as Argus not vainly said, the greatest prince in the world: for in the pomp of his court he was not inferior to any, and in the field he was follow'd with a force that was formidable to all. Nor was there a cause in the nature of this constitution to put him to the charge of guards, to spoil his stomach or his sleep: insomuch, as being handsomly disputed by the wits of the academy, whether my lord Archon, if he had bin ambitious, could have made himself so great, it was carry'd clear in the negative; not only for the reasons drawn from the present balance, which was popular; but putting the case the balance had bin monarchical. For there be som nations, wherof this is one, that will bear a prince in a commonwealth far higher than it is possible for them to bear a monarch. *Spain* look'd upon the prince of *Orange* as her most formidable enemy; but if ever there be a monarch in *Holland*, he will be the *Spaniards* best friend. For wheras a prince in a commonwealth derives his greatness from the root of the people, a monarch derives his from one of those balances which nip them in the root; by which means the *low countrys* under a monarch were poor and inconsiderable, but in bearing a prince could grow to a miraculous height, and give the glory of his actions by far the upper hand of the greatest king in *Christendom*. There are kings in *Europe*, to whom a king of *Oceana* would be put a *petit companion*. But the prince of this commonwealth is the terror and judg of them all.

That which my lord Archon now minded most, was the agrarian, upon which debate he incessantly thrust the senat and the council of state; to the end it might be planted upon som firm root, as the main point and basis of perpetuity to the commonwealth.

And these are som of the most remarkable passages that happen'd in the first year of this government. About the latter end of the second, the army was disbanded, but the taxes continu'd at thirty thousand pounds a month, for three years and a half. By which means a piece of artillery was planted, and a portion of land to the value of 50 *l.* a year purchas'd for the maintenance of the games, and of the prize arms for ever, in each hundred.

With the eleventh year of the commonwealth, the term of the excise, allotted for the maintenance of the senat and the people and for the raising of a public revenue expir'd. By which time the exchequer, over and above the annual salarys, amounting to three hundred thousand pounds, accumulating every year out of one million incom seven hundred thousand pounds in banco, brought it with a product of the sum, rising to about eight millions in the whole: wherby at several times they had purchas'd to the senat and the people four hundred thousand pounds *per annum* solid revenue; which, besides the lands held in *Panopea*, together with the perquisites of either province, was held sufficient for a public revenue. Nevertheless, taxes being now wholly taken off, the excise of no great burden (and many specious advantages not vainly propos'd in the heightning of the public revenue) was very chearfully establish'd by the senat and the people, for the term of ten years longer; and the same course being taken, the public revenue was found in the one and twentieth of the commonwealth, to be worth one million in good land. Wherupon the excise was so abolish'd for the present, as withal resolv'd to be the best, the most fruitful and easy way of raising taxes, according to future exigences. But the revenue being now such as was able to be a yearly purchaser, gave a jealousy that by this means the balance of the

commonwealth, consisting in privat fortunes, might be eaten out; whence this year is famous for that law wherby the senat and the people forbidding any further purchase of lands to the public within the dominions of *Oceana* and the adjacent provinces, put the agrarian upon the commonwealth herself. These increases are things which men, addicted to monarchy, deride as impossible, wherby they unwarily urge a strong argument against that which they would defend. For having their eys fix'd upon the pomp and expence, by which not only every child of a king being a prince, exhausts his father's coffers; but favorits and servil spirits, devoted to the flattery of those princes, grow insolent and profuse, returning a fit gratitude to their masters, whom while they hold it honorable to deceive, they suck and keep eternally poor: it follows that they do not see how it should be possible for a commonwealth to clothe her self in purple, and thrive so strangely upon that which would make a prince's hair grow thro his hood, and not afford him bread. As if it were a miracle that a careless and prodigal man should bring ten thousand pounds a year to nothing, or that an industrious and frugal man brings a little to ten thousand pounds a year. But the fruit of one man's industry and frugality can never be like that of a commonwealth; first, because the greatness of the increase follows the greatness of the stock or principal: and, secondly, because a frugal father is for the most part succeeded by a lavish son; whereas a commonwealth is her own heir.

This year a part was propos'd by the right honourable Aureus de Woolsack in the tribe of *Pecus*, first commissioner of the treasury, to the council of state, which soon after past the ballot of the senat and the people: by which the lands of the public revenue, amounting to one million, were equally divided into five thousand lots, enter'd by their names and parcels into a lotbook preserv'd in the exchequer. And if any orphan, being a maid, should cast her estate into the exchequer for fourteen hundred pounds, the treasury was bound by the law to pay her quarterly two hundred pounds a year, free from taxes, for her life, and to assign her a lot for her security: if she marry'd, her husband was neither to take out the principal without her consent (acknowledg'd by her self to one of the commissioners of the treasury, who according as he found it to be free, or forc'd, was to allow or disallow of it) nor any other way ingage it, than to her proper use. But if the principal were taken out, the treasury was not bound to repay any more of it than one thousand pounds; nor might that be repaid at any time, save within the first year of her marriage: the like was to be don by a half or quarter lot respectively.

This was found to be a great charity to the weaker sex, and as som say, who are more skilful in the like affairs than my self, of good profit to the commonwealth.

Now began the native spleen of *Oceana* to be much purg'd, and men not to affect sullenness and pedantism. The elders could remember that they had bin youth. Wit and gallantry were so far from being thought crimes in themselves, that care was taken to preserve their innocence. For which cause it was propos'd to the council for religion by the right honorable Cadiscus de Clero, in the tribe of *Stamnum*, first censor, that such women as living in gallantry and view about the town, were of evil fame, and could not shew that they were maintain'd by their own estates or industry; or such as having estates of their own, were yet wastful in their way of life, and of ill example to others, should be obnoxious to the animadversion of the council of

religion, or of the censors: in which the proceeding should be after this manner. Notice should be first given of the scandal to the party offending, in privat: if there were no amendment within the space of six months, she should be summon'd and rebuk'd before the said council or censors; and, if after other six months it were found that neither this avail'd, she should be censured not to appear at any public meetings, games, or recreations, upon penalty of being taken up by the doorkeepers, or guards of the senat, and by them to be detain'd, till for every such offence, five pounds were duly paid for her enlargement.

Furthermore, if any common strumpet should be found or any scurrility or profaneness represented at either of the theaters, the prelats for every such offence should be fin'd twenty pounds by the said council, and the poet, for every such offence on his part, should be whipt. This law relates to another, which was also enacted the same year upon this occasion.

The youth and wits of the academy having put the business so home in the defence of comedys, that the provosts had nothing but the consequences provided against by the foregoing law to object, prevail'd so far, that two of the provosts of the council of state join'd in a proposition, which after much ado came to a law, wherby one hundred thousand pounds was allotted for the building of two theaters on each side of the piazza of the *Halo*: and two annual magistrats called *prelats*, chosen out of the knights, were added to the tropic, the one call'd the prelat of the buskin, for inspection of the tragic scene call'd *Melpomene*; and the other the prelat of the sock, for the comic called *Thalia*, which magistrats had each five hundred pounds a year allow'd out of the profits of the theaters; the rest, except eight hundred a year to four poets, payable into the exchequer. A poet laureat created in one of these theaters, by the *strategus* receives a wreath of five hundred pounds in gold, paid out of the said profits. But no man is capable of this creation, that had not two parts in three of the suffrages at the academy, assembl'd after six weeks warning, and upon that occasion.

These things among us are sure enough to be censur'd, but by such only as do not know the nature of a commonwealth: for to tell men that they are free, and yet to curb the genius of a people in a lawful recreation, to which they are naturally inclin'd, is to tell a tale of a tub. I have heard the Protestant ministers in *France*, by men that were wise, and of their own profession, much blam'd in that they forbid dancing, a recreation to which the genius of that air is so inclining, that they lost many who would not lose that: nor do they less than blame the former determination of rashness, who now gently connive at that which they had so roughly forbidden. These sports in *Oceana* are so govern'd, that they are pleasing for privat diversion, and profitable to the public: for the theaters soon defray'd their own charge, and now bring in a good revenue. All this is so far from the detriment of virtue, that it is to the improvement of it, seeing women that heretofore made havock of their honors that they might have their pleasures, are now incapable of their pleasures, if they lose their honors.

About the one and fortieth year of the commonwealth, the censors, according to their annual custom, reported the pillar of *Nilus*, by which it was found that the people were increas'd very near one third. Wherupon the council of war was appointed by the senat to bring in a state of war, and the treasurers the state of the treasury. The

state of war, or the pay and charge of an army, was soon after exhibited by the council in this account.

The Field Pay of a Parliamentary Army.

	<i>l. per ann.</i>
THE lord strategus, <i>marching</i>	10000
Polemarchs. } General of the horse	2000
Polemarchs. } Lieutenant general	2000
Polemarchs. } General of the artillery	1000
Polemarchs. } Commissary general	1000
Polemarchs. } Major general	1000
Polemarchs. } Quartermaster general	1000
Two adjutants to the major general	1000
Forty colonels	40000
100 captains of horse, at 500 <i>l.</i> a man	50000
300 captains of foot, at 300 <i>l.</i> a man	90000
100 cornets, at 100 <i>l.</i> a man	10000
300 ensigns, at 50 <i>l.</i> a man	15000
800 } Quartermasters	} 20000
800 } Serjeants	} 20000
800 } Trumpeters	} 20000
800 } Drummers	} 20000
10000 Horse, at 2 <i>s.</i> 6 <i>d.</i> <i>per</i> day each	470000
30000 Foot, at 1 <i>s.</i> <i>per</i> day each	500000
Chirurgeons	400
Sum (carried forward)	1214400
Brought forward	1214400
40000 Auxiliaries, amounting to within a little as much	1100000
THE charge of mounting 20000 horse	300000
THE train of artillery, holding a 3 <i>d</i> to the whole	900000
Summa totalis	3514400

Arms and ammunition are not reckon'd, as those which are furnisht out of the store or arsenal of *Emporium*: nor waftage, as that which gos upon the account of the fleet, maintain'd by the customs; which customs, thro the care of the council for trade, and growth of traffic, were long since improv'd to about a million revenue. The house being thus inform'd of a state of war, the commissioners brough in

THE State of the Treasury this present Year, being the one and fortieth of the Commonwealth.

RECEIVED from the one and twentieth of this commonwealth, by 700000 *l.* a year in bank, with the product of the sum rising } 16000000

EXPENDED from the one and twentieth of this Commonwealth.

	l.
<i>IMPRIMIS</i> , For the addition of arms for 100000 men to the arsenal, or tower of <i>Emporium</i>	1000000
FOR the storing of the same with artillery	300000
FOR the storing of the same with ammunition	200000
FOR beautifying the citys, parks, gardens, public walks, and places for recreation of <i>Emporium</i> and <i>Hiera</i> , with public buildings, aquæducts, statues, and fountains, &c.	1500000
EXTRAORDINARY embassys	150000
	Sum 3150000

Remaining in the treasury, the salarys of the exchequer being defalk'd, 12000000

By comparison of which accounts if a war with an army of 80000 men were to be made by the penny, yet was the commonwealth able to maintain such a one above three years without levying a tax. But it is against all experience, sense and reason, that such an army should not be soon broken, or make a great progress; in either of which cases, the charge ceases; or rather if a right course be taken in the latter, profit coms in: for the *Romans* had no other considerable way but victory wherby to fill their treasury, which nevertheless was seldom emty. Alexander did not consult his purse upon his design for *Persia*: it is observ'd by Machiavel, that Livy arguing what the event in reason must have bin had that king invaded *Rome*, and diligently measuring what on each side was necessary to such a war, never speaks a word of mony. No man imagins that the *Gauls*, *Goths*, *Vandals*, *Huns*, *Lombards*, *Saxons*, *Normans*, made their inroads or conquests, by the strength of the purse; and if it be thought enough, according to the dialect of our age, to say in answer to these things, that those times are past and gon: what mony did the late Gustavus, the most victorious of modern princes, bring out of *Sweden* with him into *Germany*? an army that gos upon a golden leg, will be as lame as if it were a wooden one; but proper forces have nerves and muscles in them, such for which, having four or five millions, a sum easy enough, with a revenue like this of *Oceana*, to be had at any time in readiness, you need never, or very rarely charge the people with taxes. What influence the commonwealth by such arms has had upon the world, I leave to historians, whose custom it has bin of old, to be as diligent observers of foren actions, as careless of those domestic revolutions which (less pleasant it may be, as not partaking so much of the romance) are to statesmen of far greater profit; and this fault, if it be not mine, is so much more frequent with modern writers, as has caus'd me to undertake this work; on which to give my own judgment, it is perform'd as much above the time I have bin about it, as below the dignity of the matter.

But I cannot depart out of this country, till I have taken leave of my lord Archon, a prince of immense felicity, who having built as high with his counsils, as he dig'd deep with his sword, had now seen fifty years measur'd with his own inerring orbs.

TIMOLEON (such a hater of tyrants that not able to persuade his brother Timophanes to relinquish the tyranny of *Corinth*, he slew him) was afterwards elected by the people (the *Sicilians* groaning

Plutarch in the life of Timoleon.

to them from under the like burden) to be sent to their relief: wherupon Teleclides the man at that time of most authority in the commonwealth of *Corinth*, stood up, and giving an exhortation to Timoleon, how he should behave himself in this expedition, told him, that if he restor'd the *Sicilians* to liberty, it would be acknowledg'd that he destroy'd a tyrant; if otherwise, he must expect to hear he had murder'd a king. Timoleon taking his leave, with a very small provision for so great a design, pursu'd it with a courage not inferior to, and a felicity beyond any that had bin known to that day in mortal flesh, having in the space of eight years utterly rooted out of all *Sicily* those weeds of tyranny, thro the detestation wherof men fled in such abundance from their native country, that whole citys were left desolat; and brought it to such a pass, that others thro the fame of his virtues, and the excellency of the soil, flock'd as fast from all quarters to it, as to the garden of the world: while he, being presented by the people of *Syracusa* with his town-house, and his country retreat, the sweetest places in either, liv'd with his wife and children a most quiet, happy, and holy life; for he attributed no part of his success to himself, but all to the blessing and providence of the Gods. As he past his time in this manner, admir'd and honour'd by mankind, Laphistius an envious demagog, going to summon him upon som pretence or other to answer for himself before the assembly, the people fell into such a mutiny, as could not be appeas'd but by Timoleon, who understanding the matter, reprov'd them, by repeating the pains and travel which he had gone thro, to no other end than that every man might have the free use of the laws. Wherefore when Dæmenetus another demagog, had brought the same design about again, and blam'd him impertinently to the people for things which he did when he was general. Timoleon answer'd nothing, but raising up his hands, gave the Gods thanks for their return to his frequent prayers, that he might but live to see the *Syracusians* so free, that they could question whom they pleas'd.

Not long after, being old, thro som natural imperfection, he fell blind; but the *Syracusians* by their perpetual visits held him, tho he could not see, their greatest object: if there arriv'd strangers, they brought him to see this sight. Whatever came in debate at the assembly, if it were of small consequence, they determin'd it themselves; but if of importance, they always sent for Timoleon; who being brought by his servants in a chair, and set in the middle of the theater, there ever followed a great shout, after which som time was allow'd for the benedictions of the people; and then the matter propos'd, when Timoleon had spoken to it, was put to the suffrage; which given, his servants bore him back in his chair, accompany'd by the people clapping their hands, and making all expressions of joy and applause, till leaving him at his house, they return'd to the dispatch of their business. And this was the life of Timoleon, till he dy'd of age, and drop'd like a mature fruit while the eye of the people were as the showers of autumn.

The life and death of my lord Archon (but that he had his senses to the last, and that his character, as not the restorer, but the founder of a commonwealth, was greater) is so exactly the same, that (seeing by men wholly ignorant of antiquity, I am accus'd of writing romance) I shall repeat nothing: but tell you that this year the whole nation of *Oceana*, even to the women and children, were in mourning, where so great or sad a funeral pomp had never bin seen or known. Somtime after the performance of the exequys, a *Colossus*, mounted on a brazen horse of excellent fabric, was erected in the

piazza of the *pantheon*, ingrav'd with this inscription on the eastern side of the pedestal:

HIS NAME IS AS PRECIOUS OINTMENT.

And on the Western with the following:

GRATA PATRIA

Piæ & Perpetuæ Memorix

D. D.

OLPHAUS MEGALETOR *Lord Archon, and sole Legislator of OCEANA.*

pater patria.

*Invincible in the Field.
Inviolable in his Faith.
Unfained in his Zeal.
Immortal in his Fame.
The Greatest of Captains.
The Best of Princes.
The Happiest of Legislators.
The Most Sincere of Christians.
Who setting the Kingdoms of Earth at Liberty,
Took the Kingdom of the Heavens by Violence;*

Anno } Ætat. suæ 116.

Anno } Hujus Reipub. 50.

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THE PREROGATIVE OF POPULAR GOVERNMENT.

BEING A POLITICAL DISCOURSE IN TWO BOOKS.

The Former

Concerning the first Preliminary of Oceana, enlarg'd, interpreted, and vindicated from all such Mistakes or Slanders as have bin alleg'd against it under the Notion of Objections.

The Second

Concerning Ordination, against Dr. H. Hammond, Dr. L. Seaman, and the Authors they follow.

In which two Books is contain'd the whole Commonwealth of the *Hebrews*, or of *Israel*, Senat, People, and Magistracy, both as it stood in the Institution by Moses, and as it came to be form'd after the Captivity.

As also the different Policys introduc'd into the Church of Christ, during the Time of the Apostles.

Without Council Purposes are disappointed; but in the Multitude of Counsellors they are established.

Solomon.

La multitude è piu Savia è piu costante ch'un Principe.

Machiavel.

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EPISTLE To The READER.

WHOSOEVER sheds man's blood, by man shall his blood be shed, for in the image of God made he man. If this rule holds as well in shedding the blood of a Turk as of a Christian, then that wherein man is the image of God is REASON. Of all controversys those of the pen are the most honorable: for in those of force, there is more of the image of the beast, but in those of the pen there is more of the image of God. In the controversys of the sword, there is but too often no other reason than force; but the controversy of the pen has never any force but reason. Of all controversys of the pen next those of religion, those of government are the most honorable, and the most useful; the true end of each, tho in a different way, being that the will of God may be done in earth as it is in heaven. Of all controversys of government, those in the vindication of popular government are the most noble, as being that constitution alone, from whence all we have that is good is descended to us; and which, if it had not existed, mankind at this day had bin but a herd of beasts. The prerogative of popular government must either be in an ill hand, or else it is a game against which there is not a card in the whole pack; for we have the books of Moses, those of the Greeks and of the Romans, not to omit Machiavel, all for it. What have the asserters of monarchy; what can they have against us? a sword; but that rusts, or must have a scabbard; and the scabbard of this kind of sword is a good frame of government.

A MAN may be possest of a piece of ground by force, but to make use or profit of it, he must build upon it, and till it by reason; for whatever is not founded upon reason, cannot be permanent. In reason there are two parts, invention and judgment: as to the latter, in a multitude of counsellors (say both Solomon and Machiavel) there is strength. Nay as for judgment, there is not that order in art or nature that can compare with a popular assembly. THE VOICE OF THE PEOPLE IS THE VOICE OF GOD. Hence it is that in all well-order'd policys the people have the ultimat result: but unless there be som other to invent, a popular assembly can be of no effect at all but confusion. Invention is a solitary thing. All the physicians in the world put together, invented not the circulation of the blood, nor can invent any such thing, tho in their own art; yet this was invented by one alone, and being invented is unanimously voted and embrac'd by the generality of physicians. The plow and wheels were at first, you must think, the invention of some rare artists; but who or what shall ever be able to tear the use of them from the people? hence, where government is at a loss, a sole legislator is of absolute necessity; nay where it is not at a loss, if well model'd as in Venice, the proposers, tho frequently changeable, as in that case is necessary, are very few, as the counsellors, the savi, the provosts. Wherever a commonwealth is thus propos'd to, the balance or popular assembly will do her duty to admiration, but till then never. Yet so it has bin with us of late years, that altho in royal authority there was no more than the right of proposing, and the king himself was to stand (legibus & consuetudinibus quas vulgus elegerit) to the result of the people, yet the popular council has bin put upon invention, and they that have bin the prevailing party have us'd means to keep the result to themselves, quite contrary to the nature of popular administration. Let one speak, and the rest judg. Of whatever any one man can say or do, mankind is the natural and competent judg, in

which is contain'd the very reason of parlements; thro the want of understanding this came in confusion. Man that is in honor, and has no understanding, is like the beasts that perish. Nor can we possibly return to order, but by mending the hedg where it was broken. A prudent, intire and fit proposition made to a free parliament, recovers all. To them who are of the greatest eminency or authority in a commonwealth, belongs naturally that part of reason which is invention; and using this, they are to propose: but what did our grandees ever invent or propose, that might shew so much as that themselves knew what they would be at? and yet how confidently do they lay the fault upon the people, and their unfitness, forsooth, for government: in which they are wondrous wise! for, this I will boldly say, Where there was an aristocracy that perform'd their duty, there never was, nor ever can be a people unfit for government; but on the contrary, where the aristocracy have fail'd, the people being once under orders, have held very often. But while they are not under orders, if they fail it is not their fault, but the fault of the aristocracy; for who else should model a government but men of experience? there is not in England, I speak it to their shame, one Grandee that has any perfect knowledge of the orders of any one commonwealth that ever was in the world. Away with this same grave complexion, this huff of wisdom maintain'd by making faces. The people cannot do their duty consisting in judgment, but by virtue of such orders as may bring them together, and direct them; but the duty of the aristocracy consisting in invention, may be don by any one man, and in his study; and where is that one man among all the grandees that studys? they are so far from knowing their own duty, that a man for proposing that in which none can find a flaw, has don enough to be ridiculous to them, who are themselves ridiculous to the whole world, in that they could never yet propose any thing that would hold.

BUT if this amounts to a demonstration, it amounts to a clear detection of your profound grandees, and a full proof that they are phanatical persons, state jesuits, such as have reduc'd the politics to mental reservation, and implicit faith in their nods or nightcaps.

GOD, to propose his commandments to the people of Israel, wrote them on two tables; the Decemviri to propose their commandments to the people of Rome, wrote them on twelve tables; the Athenians propos'd in writing, sign'd with the name of the particular inventor; after this pattern do the Venetians, as was said, the same at this day. But no goosquill, no scribbling: your grandees are above this.

MOSES, who was the first writer in this kind, shall be pardon'd; but Machiavel, the first in later times that has reviv'd his principles, or trod in his steps, is deservedly pelted for it by sermons. They are not for the Scripture, but the cabala.

I WILL tell you a story out of Boccalini: Apollo having spy'd the philosopher and great master of silence Harpocrates in the court of Parnassus, us'd such importunity with him, that for once he was persuaded to speak; upon which such apparent discovery was made of the hypocrite, and the gross ignorance he had so long harbor'd under a deceitful silence, that he was immediately banish'd the court. Were there cause, I could be modest; but this virtue, to the diminution of sound and wholsom principles, would be none: wherfore let a grandee write, and I will shew you Harpocrates.

THUS having sufficiently defy'd Sir Guy, I may with the less impeachment of reputation descend to Tom Thum. Not that I hold my self a fit person to be exercis'd with boys play, but that som, who should have more wit, have so little as to think this something. A good ratcatcher is not so great a blessing to any city, as a good jugglercatcher would be to this nation. Now because I want an office, I shall shew my parts to my country, and how fit I am for the white staff, or long pole of so worshipful a preferment.

Ridiculus ne sis, esto.

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THE FIRST BOOK, CONTAINING

The first Preliminary of Oceana, enlarg'd, interpreted, and vindicated from all such Mistakes or Slanders as have bin alleg'd against it under the Notion of Objections.

ἢ μὲν ῥατί τοις ῥησας γελοῖο[Editor: illegible character] ἢ
Θιγών σ' ἢ μὲν με[Editor: illegible character] ἢ ὦ ἢ μίανον χείρας.

A Full Answer To All Such Objections As Have Hitherto Bin Made Against Oceana.

NEITHER the author or authors of the considerations upon Oceana, nor any other, have yet so much as once pretended one contradiction or one inequality to be in the whole commonwealth. Now this is certain, *That frame of government which is void of any contradiction, or any inequality, is void of all internal causes of dissolution, and must, for so much as it imbraces, have attain'd to full perfection.* This by wholesale is a full answer to the considerations, with all other objections hitherto; and will be (with any man that comprehends the nature of government) to thousands of such books, or myriads of such tittle tattle. Nevertheless, because every man is not provided with a sum, in the following discourse I shall comply with them that must have things by retail, or somewhat for their farthing.

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The PREFACE.

IT is commonly said, and not without incouragement by som who think they have Parnassus by the horns, that the university has lash'd me: so it seems I have to do with the university, and lashing is lawful; with both which I am contented. In Moorfields, while the people are busy at their sports, they often and ridiculously lose their buttons, their ribbands, and their purses, where if they light, as somtimes they do, upon the masters of that art, they fall a kicking them a while (which one may call a rude charge) and then to their work again. I know not whether I invite you to Moorfields, but (difficile est satiram non scribere) all the favor I desire at your hands is but this, that you would not so condemn one man for kicking, as in the same act to pardon another for cutting of purses. A gentleman that commits a fallacious argument to writing, or gos about to satisfy others with such reasons as he is not satisfy'd with himself, is no more a gentleman but a pickpocket; with this in my mind, I betake my self to my work, or rather to draw open the curtain, and begin the play.

ONE that has written considerations upon Oceana, speaks the prolog in this manner: I beseech you gentlemen, are not we the writers of politics somewhat a ridiculous sort of people? is it not a fine piece of folly Epist. *for private men sitting in their cabinets to rack their brains about models of government? certainly our labors make a very pleasant recreation for those great personages, who, sitting at the helm of affairs, have by their large experience not only acquir'd the perfect art of ruling, but have attain'd also to the comprehension of the nature and foundation of government. In which egregious complement the considerer has lost his considering cap.*

IT was in the time of Alexander, the greatest prince and commander of his age, that Aristotle, with scarce inferior applause and equal fame, being a private man, wrote that excellent piece of prudence in his cabinet, which is call'd his politics, going upon far other principles than those of Alexander's government, which it has long outliv'd. The like did Titus Livius in the time of Augustus, Sir Thomas Moor in the time of Henry the Eighth, and Machiavel when Italy was under princes that afforded him not the ear. These works nevertheless are all of the most esteemed and applauded in this kind; nor have I found any man, whose like indeavours have bin persecuted since Plato by Dionysius. I study not without great examples, nor out of my calling; either arms or this art being the proper trade of a gentleman. A man may be intrusted with a ship, and a good pilot too, yet not understand how to make sea-charts. To say that a man may not write of government except he be a magistrat, is as absurd as to say, that a man may not make a sea-chart, unless he be a pilot. It is known that Christopher Columbus made a chart in his cabinet, that found out the Indys. The magistrat that was good at his steerage never took it ill of him that brought him a chart, seeing whether he would use it or no, was at his own choice; and if flatterers, being the worst sort of crows, did not pick out the eys of the living, the ship of government at this day throout Christendom had not struck so often as she has don.

To treat of affairs, says Machiavel, which as to the conduct of 'em appertain to others, maybe thought a great boldness; but if I commit errors in writing, these may be known without danger, whereas i they commit errors in acting, such com not otherwise to be known, than in the ruin of the commonwealth. For which cause I presume to open the scene of my discourse, which is to change according to the variety of these following questions:

*Arte della Guer.
Proem.*

1. Whether prudence will be well distinguish'd into antient and modern?
2. Whether a commonwealth be rightly defin'd to be a government of laws, and not of men: and monarchy to be a government of som man, or a few men, and not of laws?
3. Whether the balance of dominion in land be the natural cause of empire?
4. Whether the balance of empire be well divided into national and provincial? and whether these two, or any nations that are of distinct balance, coming to depend upon one and the same head, such a mixture creates a new balance?
5. Whether there be any common right or interest of mankind distinct from the parts taken severally? and how by the orders of a commonwealth this may best be distinguish'd from privat interest?
6. Whether the *senatusconsulta*, or decrees of the *Roman* senat, had the power of laws?
7. Whether the ten commandments propos'd by GOD or Moses were voted by the people of *Israel*?
8. Whether a commonwealth coming up to the perfection of the kind, coms not up to the perfection of government, and has no flaw in it?
9. Whether monarchy, coming up to the perfection of the kind, coms not short of the perfection of government, and has not som flaw in it? in which is also treated of the balance of *France*, of the original of a landed clergy, of arms, and their kinds.
10. Whether a commonwealth that was not first broken by it self was ever conquer'd by any monarch?
11. Whether there be not an agrarian, or som law or laws of that nature to supply the defect of it, in every commonwealth? and whether the agrarian, as it is stated in *Oceana*, be not equal and satisfactory to all interests or partys?
12. Whether courses or a rotation be necessary to a well-order'd commonwealth? in which is contain'd the *parembole* or courses of *Israel* before the captivity; together with an epitome of the whole commonwealth of *Athens*, as also another of the commonwealth of *Venice*.

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Antient And Modern Prudence.

Chap. I.

CHAP. I.

Whether Prudence Be Well Distinguish'd Into Antient And Modern.

THE considerer (where by antient prudence I understand the policy of a commonwealth, and by modern prudence that of king, lords, and commons, which introduc'd by the *Goths* and *Vandals* upon the ruin of the *Roman* empire, has since reign'd in these western countrys, till by the predominating of som one of the three parts, it be now almost universally extinguish'd) thinks it enough for the confutation of this distinction, to shew out of Thucydides that of monarchy to be a more antient policy than that of a commonwealth. Upon which occasion, I must begin here to discover that which, the further I go, will be the more manifest; namely, that there is a difference between quoting authors, and saying some part of them without book: this may be don by their words, but the former no otherwise than by keeping to their sense. Now the sense of Thucydides, as he is translated by Mr. Hobbs in the place alleg'd, is thus:

*The manner, says he, of living in the most antient times of Greece was thieving; the stronger going abroad under the conduct of their most puissant men, both to enrich themselves, and fetch home maintenance for the weak: for there was neither traffic, property of lands, nor constant abode, till M nosbuilt a navy, and expelling the malefactors out of the islands, planted colonys of his own, by which means they who inhabited the seacoasts, becoming more addicted to riches, grew more constant to their dwellings: of whom som, grown now rich, compass'd their towns about with walls For out of a desire of gain, the meaner sort underwent servitude with the mighty; and the mighty (thus overbalancing at home) with their wealth, brought the lesser citys (abroad) into subjection. Thus Pelops,tho he was a stranger, obtain'd such power in Peloponnesus, that the country was call'd after his name. Thus Atriusobtain'd the kingdom of Mycenæ: and thus kingdoms with honors limited came to be hereditary; and rising to power, proceeded afterwards to the war against Troy. After the war with Troy, tho with much ado, and in a long time Greece had constant rest (and land without doubt came to property) for shifting their seats no longer, at length they sent colonys abroad; the Athenians into Ionia with the islands, the Peloponnesians into Italy, Sicily, and other parts. The power of Greece thus improv'd, and the desire of mony withal, their revenues (in what? not in mony, if yet there was no usury: therefore except a man can shew that there was usury in land) being inlarg'd, in most of the citys there were erected tyrannys. Let us lay this place to the former, when out of a desire of gain the meaner sort underwent servitude with the mighty, it caus'd hereditary kingdoms with honors limited, as happen'd also with us since the time of the *Goths* and *Vandals*. But when the people came to property in land, and their*

Thu. R. 1. P. 4. 5. 6.
7. 8. 9.

revenues were enlarg'd, such as assum'd power over them, not according to the nature of their property or balance, were tyrants: well, and what remedy?

why, then it was, says the considerer, that the Grecians out of an extreme aversion to that which was the cause of their present sufferings slipt into popular government, not that upon calm and mature debates they found it best, but that they might put themselves at the greatest distance (which spirit usually accompanys all reformatiōns) from that with which they were grown into dislike.

Consid. p. 4.

Whereby he agrees exactly with his author in making out the true force and nature of the balance, working even without

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deliberation, and whether men will or no. For the government that is natural and easy, being in no other direction than that of the respective balance, is not of choice but of necessity. The policy of king, lords and commons, was not so much from the prudence of our ancestors, as from their necessity. If three hundred men held at this day the like overbalance to the whole people, it was not in the power of prudence to institute any other than the same kind of government, thro the same necessity. Thus the meaner sort with Thucydides submitting to the mighty, it came to kingdoms with hereditary honors: but the people coming to be wealthy, call'd their kings, tho they knew not why, tyrants; nay, and using them accordingly, found out means, with as little deliberation it may be as a bull takes to toss a dog, or a hern to split a hawk (that is, rather, as at the long-run they will ever do in the like cases, by instinct, than prudence or debate) to throw down that, which by the mere information of sense they could no longer bear; and which being thrown down, they found themselves eas'd. But the question yet remains, and that is, forsooth, whether of these is to be call'd *antient prudence*. To this end, never man made a more unlucky choice than the considerer has don for himself of this author, who, in the very beginning of his book, speaking of the *Peloponnesian* war, or that between the commonwealths of *Athens* and *Lacedemon*, says, that *the actions which preceded this, and those again that were more antient, tho the truth of them thro length of time cannot by any means be clearly discover'd; yet for any argument that (looking into times far past) he had yet lighted on to persuade him, he does not think they have bin very great either for matter of war, or otherwise;* that is, for matter of peace or government.

And lest this should not be plain enough, he calls the prudence of the three periods, observ'd by Mr. Hobbs, viz. that from the beginning of the *Grecian* memory to the *Trojan* war, that of the *Trojan* war it self, and that from thence to the present commonwealths and wars, wherof he treats, *the imbecillity of antient times*.

Mr. Hobbs in the Magire.

Wherefore certainly this prevaricator, to give him his own fees, has *less discretion than a common attorney, who will be sure to examin only those witnesses that seem to make for the cause in which he is entertain'd*.

Thu. b. 1. p. 3.

Seeing that which he affirms to be antient prudence is depos'd by his own witness to have bin *the imbecillity of antient times*, for

Consid. p. 34.

which I could have so many more than I have leisure to examin, that, (to take only of the most authentic) as you have heard one *Greec*, I shall add no more than one *Roman*, and that is *Florus* in his prolog, where (computing the ages of the *Romans*, in the same manner as *Thucydides* did those of the *Greecs*) he affirms *the time while he liv'd under their kings, to have bin their infancy; that from the consuls till they*

conquer'd Italy, their youth; that from hence to their emperors, their manly age; and the rest (with a complement or Salvo to Trajan his present lord) their dotage.

These things, tho *originally all government amongst the Greeks and the Romans was regal*, are no more than *they who have not yet past their novitiat in story, might have known.*

Yet, says the considerer, *it seems to be a defect of experience to think that the Grec and the Roman actions are only*

Consid. p. 2, 3.

considerable in antiquity. But is it such a defect of experience to think them only considerable, as not to think them chiefly considerable in antiquity, or that the name of antient prudence dos not belong to that prudence which was chiefest in antiquity? *True*, says he, *it is very frequent with such as have bin conversant with Grec and Roman authors, to be led by them into a belief that the rest of the world was a rude inconsiderable people, and, which is a term they very much delight in, altogether barbarous.* This should be som fine gentleman that would have universitys pull'd down; for the office of a university is no more than to preserve so much of antiquity as may keep a nation from stinking, or being barbarous; which salt grew not in monarchys, but in commonwealths: or whence has the Christian world that religion and those laws which are now common, but from the *Hebrews* and *Romans*? or from whence have we arts but from these or the *Greecs*? that we have a doctor of divinity, or a master of arts, we may thank popular government; or with what languages, with what things are scholars conversant that are otherwise descended? will they so plead their own cause as to tell us it is possible there should be a nation at this day in the world without universitys, or universitys without *Hebrew*, *Grec* and *Latin*, and not be barbarous, that is to say, rude, unlearn'd, and inconsiderable? yes, *this humour even among the Greeks and Romans themselves was a servil addiction to narrow principles, and a piece of very pedantical pride.* What, man! the *Greecs* and the *Romans* that of all other would not serve, servil! their principles, their learning, with whose scraps we set up for batchelors, masters, and doctors of fine things, narrow! their inimitable eloquence a piece of very pedantical pride! the world can never make sense of this any otherwise than that since heads and fellows of colleges became the only *Greecs* and *Romans*, the *Greecs* and *Romans* are become servily addicted, of narrow principles, very pedants, and prouder of those things they do not understand, than the other were of those they did: for, say they, *in this question, the examples of the Babylonians, Persians and Egyptians (not to omit the antient and like modern discoverys of the queen of the Amazons, and of the king of China) cannot without gross partiality be neglected.* This is pretty; they who say nothing at all to the policy of these governments, accuse me, who have fully open'd it, of negligence. The *Babylonian*, *Persian*, and, for ought appears to the contrary, the *Chinese* policy, is summ'd up, and far excell'd by that at this day of *Turky*; and in opening this latter, I have open'd them all, so far from neglect, that I every where give the *Turc* his due, whose policy I assert to be the best of this kind, tho not of the best kind. But they will bear me down, and but with one argument, which I beseech you mark, that it is absolutely of the best kind; for say they, *it is of a more absolute form* (has more of the man and less of the law in it) *than is to be met with in any kingdom of Europe.*

I am amaz'd! this is that kind of government which to hold barbarous, was in the *Greecs* and *Romans* *pedantical pride*, but would be in us, who have not the same

temptation of interest, downright folly. The interest of a people is not their guide but their temptation! we that hold our land divided among us, have not the same temptation of interest that had the servil *Hebrews, Greeks* and *Romans*; but the same that had the free people of *Babylon, Persia* and *Egypt*, where not the people but the prince was sole landlord! O the arts in which these men are masters! to follow the pedantical pride of Moses, Lycurgus, Solon, Romulus, were with us downright folly; but to follow humble and learned Mahomet or Ottoman, in whose only model the perfection of the *Babylonian, Persian, Egyptian* policy is consummated, is antient prudence! exquisit politicians! egregious divines, for the leading of a people into *Egypt* or *Babylon*! these things consider'd, whether antient prudence, as I have stated it, be downright folly, or as they have stated it, be not downright knavery, I appeal to any court of claims in the world, where the judges, I mean, have not more in their caps than in their heads, and in their sleeves than the scarlet. And wheras men love compendious works, if I gain my cause, the reader, for an answer to the *Oxford* book, needs look no further than this chapter. For if riches and freedom be the end of government; and these men propose nothing but slavery, beggery, and Turcism, what need more words?

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CHAP. II.

Whether A Commonwealth Be Rightly Defin'd To Be A Government Of Laws And Not Of Men, And A Monarchy To Be The Government Of Som Man, Or A Few Men, And Not Of Laws?

THAT part of the preliminaries which the prevaricator, as is usual with him, recites in this place falsely and fraudulently, is thus: relation had to these two times (that of antient and that of modern prudence) the one, as is computed by Janotti, ending with the liberty of *Rome*, the other beginning with the arms of Cæsar (which extinguishing liberty, became the translation of antient into modern prudence, introduc'd in the ruin of the *Roman* empire by the *Goths* and *Vandals*) *GOVERNMENT* (to define it de jure, or according to antient prudence) *is an art wherby a civil society of men is instituted and preserv'd, upon the foundation of common right or interest; or (to follow Aristotle and Livy) it is an empire of laws, and not of men.*

AND government, to define it de facto, or according to modern prudence, is an art wherby som man, or som few men, subject a city or a nation, and rule it according to his or their privat interest; which, because laws in such cases are made according to the interest of a man, or som few familys, may be said to be an empire of men, and not of laws.

Hereby it is plain, whether in an empire of laws, and not of men, as a commonwealth; or in an empire of men, and not of laws, as monarchy: first, That law must equally procede from will, that is, either from the will of the whole people, as in a commonwealth; from the will of one man, as in an absolute, or from the will of a few men, as in a regulated monarchy.

Secondly, That will, whether of one or more, or all, is not presum'd to be, much less to act without a mover.

Thirdly, That the mover of the will is interest.

Fourthly, That interests also being of one, or more, or of all; those of one man, or of a few men, where laws are made accordingly, being more privat than comes duly up to the law, the nature wherof lies not in partiality but in justice, may be call'd the empire of men, and not of laws: and that of the whole people coming up to the public interest (which is no other than common right and justice, excluding all partiality or privat interest) may be call'd the empire of laws, and not of men. By all which put together, whereas it is demonstrable that in this division of government I do not stay at the will, which must have som motive or mover, but go to *the first and remotest notion of government, in the foundation and origination of it, in which lies the credit of this division, and the definition of the several members,*

that is to say, of interest, whether privat or public; the prevaricator tells me, that this *division of government having* (he knows not how) *lost its credit,*

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the definitions of the several members of it need not be consider'd further, than that they com not at all up to the first and remotest notion of government in the foundation and origination of it, in which lys all the difficulty; and being here neglected, there is little hope the subsequent discourse can have in it the light of probable satisfaction, much less the force of infallible demonstration.

Confid. p. 6.

Very good! interest it should seem then is not the *first and remotest notion of government*, but that which he will outthrow; and at this cast, by saying, *that the declaration of the will of the sovereign power is call'd law: which if it outlives the person whose will it was, it is only because the persons who succede in power are presum'd to have the same will, unless they manifest the contrary, and that is the abrogation of the law; so that still the government is not in the law, but in the person whose will gave a being to that law.* I might as well say, the declaration to all men by these presents that a man owes mony is call'd a bond; which if it outlives the person that enter'd into that bond, it is only because the persons that succede him in his estate, are presum'd to have the same will, unless they manifest the contrary, and that is, the abrogation or cancelling of the bond; so that still the debt is not in the bond, but in his will who gave a being to that bond. If it be alleg'd against this example, that it is a privat one, the case may be put between several princes, states or governments, or between several states of the same principality or government, whether it be a regulated monarchy or a commonwealth; for in the like obligation of the states (as of the king, the lords, and commons) or partys agreeing, *authoritate patrum & jussu populi*, till the partys that so agreed to the obligation, shall agree to repeal or cancel it, lys all law that is not merely in the will of one man, or of one state, or party, as the oligarchy. But not to dispute these things further in this place, let the government be what it will, for the prevaricator to fetch the origination of law no further than the will (while he knows very well that I fetch'd it from interest, the antecedent of will) and yet to boast that he has outthrown me, I say he is neither an *honest man, nor a good bowler*. No matter, he will be a better gunner; for where I said that the magistrat upon the bench is that to the law, which a gunner upon his platform is to his cannon, he gos about to take better aim, and says, *If the proportion of things be accurately consider'd, it will appear that the laden cannon answers not to the laws, but to the power of the person whose will created those laws:* which if som of them that the power of the person whose will created them, intended should be of as good stuff or carriage as the rest, do nevertheless according to the nature of their matter or of their charge, com short or over, and others break or recoil; sure this report of the prevaricator is not according to the bore of my gun, but according to the bore of such a gunner. Yet again, if he be not so good a gunner, he will be a better anatomist: for wheras I affirm, that to say, Aristotle and Cicero wrote not the rights or rules of their politics from the principles of nature, but transcrib'd them into their books out of the practice of their own commonwealths, is as if a man should say of famous Harvey, that he transcrib'd his circulation of the blood, not out of the principles of nature, but out of the anatomy of this or that body: he answers, that *the whole force of this objection amounts but to*

Consid. p. 8.

this, that because Harvey in his circulation has follow'd the principles of nature, therefore Aristotle and Cicero have don so in their discourses of government.

Pretty! it is said in Scripture, *Thy word is sweet as hony*: amounts that but to this, because hony is sweet, therefore the word of God is sweet? to say that my lord protector has not conquer'd many nations, were as if one should say, Cæsar had not conquer'd many nations: amounts that but to this, because Cæsar conquer'd many nations, therefore my lord protector has conquer'd many nations? what I produce as a similitude, he calls an objection; where I say, *as*, he says, *because*: what ingenious man dos not detest such a cheat! a similitude is brought to shew how a thing is or may be, not to prove that it is so; it is us'd for illustration, not as an argument: the candle I held did not set up the post, but shew where the post was set, and yet this blind buzzard has run his head against it. Nor has he yet enough; if he be not the better naturalist, he will be the better divine, tho he should make the worse sermon. My doctrin and use upon that of Solomon, *I have seen servants upon horses, and princes walking as servants upon the ground*, discovers the true means wherby the principles of power and authority, the goods of the mind and of fortune, may so meet and twine in the wreath or crown of empire, that the government standing upon earth like a holy altar, and breathing perpetual incense to heaven in justice and piety, may be something, as it were between heaven and earth; while that only which is propos'd by the best, and resolv'd by the most, becoms law, and so the whole government an empire of laws, and not of men.

This he says is a *goodby sermon*; it is honest, and sense. But let any man make sense or honesty of this doctrin, which is his own;

Consid. p. 7.

To say that laws do or can govern, is to amuse ourselves with a form of speech, as when we say time, or age, or death, dos such a thing; to which indeed the phansy of poets, and superstition of women, may adapt a person, and give a power of action; but wise men know they are only expressions of such actions or qualifications as belong to things or persons.

Speak out; is it the word of God, or the knavery and nonsense of such preachers that ought to govern? are we to hearken to that of the *Talmud*, *there is more in the word of a scribe, than in the words of the law*; or that which Christ therupon says to the Pharisees, *You have made the word of God of no effect by your traditions*?

say, is the commonwealth to be govern'd in the word of a priest or a Pharisee, or by the vote of the people, and the interest of mankind?

Mat. 15. 6.

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CHAP. III.

Whether The Balance Of Dominion In Land Be The Natural Cause Of Empire?

THE doctrin of the balance is that, tho he strains at it, which choaks the prevaricator; for this of all others is that principle which makes the politics, not so before the invention of the same, to be undeniable throout, and (not to meddle with the mathematics, an art I understand as little as mathematicians do this) the most demonstrable of any whatsoever.

For this cause I shall rather take pleasure than pains to look back, or tread the same path with other, and perhaps plainer steps: as thus; if a man having one hundred pounds a year may keep one servant, or have one man at his command, then having one hundred times so much, he may keep one hundred servants; and this multiply'd by a thousand, he may have one hundred thousand men at his command.

Now that the single person, or nobility of any country in *Europe*, that had but half so many men at command, would be king or prince, is that which I think no man will doubt. But **no mony, no Switzers*, as the *French* speak: if the mony be flown, so are the men also. Tho riches in general have wings, and be apt to bate; yet those in land are the most hooded, and ty'd to the perch, wheras those in mony have the least hold, and are the swiftest of flight. A bank where the mony takes not wing, but to come home seiz'd, or like a coyduck, may well be great; but the treasure of the *Indys* going out, and not upon returns, makes no bank. Whence a bank never paid an army; or paying an army, soon became no bank. But where a prince or a nobility has an estate in land, the revenue wherof will defray this charge, there their men are planted, have toes that are roots, and arms that bring forth what fruit you please.

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Thus a single person is made, or a nobility makes a king, not with difficulty, or any greater prudence, but with ease, the rest coming home, as the *ox that only knows his master's crib*, but must starve or repair to it. Nor for the same reason is government acquir'd with more ease than it is preserv'd; that is, if the foundation of property be in land: but if in mony, *lightly com, lightly go*. The reason why a single person, or the nobility that has one hundred thousand men, or half so many at command, will have the government, is that the estate in land, wherby they are able to maintain so many, in any *European* territory, must overbalance the rest that remains to the people, at least three parts in four, by which means they are no more able to dispute the government with him or them, than your servant is with you. Now for the same reason, if the people hold three parts in four of the territory, it is plain there can neither be any single person nor nobility able to dispute the government with them; in this case therefore, except force be interpos'd, they govern themselves. So by this computation of the balance of property or dominion in the land, you have according to the threefold foundation of property, the root or generation of the threefold kind of government or empire.

If one man be sole landlord of a territory, or overbalance the whole people, three parts in four, or thereabouts, he is Grand Signior; for so the *Turc*, not from his empire, but his property is call'd; and the empire in this case is absolute monarchy.

Oceana, p. 39.

If the few, or a nobility, or a nobility with a clergy, be landlords to such a proportion as overbalances the people in the like manner, they may make whom they please king; or if they be not pleas'd with their king, down with him and set up whom they like better; a Henry the Fourth, or the Seventh, a Guise, a Montfort, a Nevil, or a Porter, should they find that best for their own ends and purposes: for as not the balance of the king, but that of the nobility in this case is the cause of the government, so not the estate or riches of the prince or captain, but his virtue or ability, or fitness for the ends of the nobility, acquires that command or office. This for aristocracy, or mix'd monarchy. But if the whole people be landlords, or hold the land so divided among them, that no one man or number of men within the compass of the few, or aristocracy overbalance them, it is a commonwealth. Such is the branch in the root, or the balance of property naturally producing empire; which not confuted, no man shall be able to batter my superstructures, and which confuted, I lay down my arms. Till then, if the cause necessarily precede the effect, property must have a being before empire, or beginning with it, must be still first in order.

Property coms to have a being before empire or government two ways, either by a natural or violent revolution. Natural revolution happens from within, or by commerce, as when a government erected upon one balance, that for example of a nobility or a clergy, thro the decay of their estates coms to alter to another balance; which alteration in the root of property, leaves all to confusion, or produces a new branch or government, according to the kind or nature of the root. Violent revolution happens from without, or by arms, as when upon conquest there follows confiscation. Confiscation again is of three kinds, when the captain taking all to himself, plants his army by way of military colonys, benefices, or timars, which was the policy of Mahomet; or when the captain has som shares, or a nobility that divides with him, which was the policy introduc'd by the *Goths* and *Vandals*; or when the captain divides the inheritance by lots, or otherwise, to the whole people; which policy was instituted by God or Moses in the commonwealth of *Israel*. This triple distribution, whether from natural or violent revolution, returns as to the generation of empire to the same thing, that is, to the nature of the balance already stated and demonstrated. Now let us see what the prevaricator will say, which first is this:

THE assertion, that property producing empire consists only in land, appears too positive. A pig of my own sow; this is no more than I told him, only there is more imply'd in what I told him, than he will see; which therefore I shall now further explain. The balance in mony may be as good or better than that of land in three cases. First, where there is no property of land yet introduc'd, as in Greece during the time of her antient imbecillity; whence, as is noted by Thucydides, the meaner sort thro a desire of gain underwent the servitude of the mighty. Secondly, in citys of small territory and great trade, as Holland and Genoa, the land not being able to feed the people, who must live upon traffic, is overbalanc'd by the means of that traffic, which is mony. Thirdly, in a narrow country, where the

Consid. p. 14.

lots are at a low scantling, as among the *Israelits*, if care be not had of money in the regulation of the same, it will eat out the balance of land.

For which cause, tho an *Israelit* might both have money, and put it to usury (*thou shalt lend* [upon usury] *to many nations*) yet might he not lend it upon usury to a citizen or brother: whence two things are manifest: first, that usury in itself is not unlawful: and next, that usury in *Israel* was no otherwise forbidden, than as it might com to overthrow the balance or foundation of the government; for where a lot as to the general amounted not perhaps to four acres, a man that should have had a thousand pounds in his purse, would not have regarded such a lot in comparison of his money; and he that should have bin half so much in debt, would have bin quite eaten out. Usury is of such a nature, as, not forbidden in the like cases, must devour the government. The *Roman* people, while their territory was no bigger, and their lots, which exceeded not two acres a man, were yet scantier, were flead alive with it; and if they had not help'd themselves by their tumults, and the institution of their tribuns, it had totally ruin'd both them and their government. In a commonwealth, whose territory is very small, the balance of the government being laid upon the land, as in *Lacedemon*, it will not be sufficient to forbid usury, but money itself must be forbidden. Whence Lycurgus allow'd of none, or of such only as being of old, or otherwise useless iron, was little better, or if you will, little worse than none. The prudence of which law appear'd in the neglect of it, as when Lysander, general for the *Lacedemonians* in the *Peloponnesian* war, having taken *Athens*, and brought home the spoil of it, occasion'd the ruin of that commonwealth in her victory. The land of *Canaan* compar'd with *Spain* or *England*, was at the most but a *Yorkshire*, and *Laconia* was less than *Canaan*. Now if we imagin *Yorkshire* divided, as was *Canaan* into six hundred thousand lots, or as was *Laconia*, into thirty thousand; a *Yorkshire* man having one thousand pounds in his purse, would, I believe, have a better estate in money than in land; wherefore in this case, to make the land hold the balance, there is no way but either that of *Israel* by forbidding usury, or that of *Lacedemon* by forbidding money. Where a small sum may com to overbalance a man's estate in land, there I say usury or money for the preservation of the balance in land, must of necessity be forbidden, or the government will rather rest upon the balance of money, than upon that of land, as in *Holland* and *Genoa*. But in a territory of such extent as *Spain*, or *England*, the land being not to be overbalanc'd by money, there needs no forbidding of money or usury. In *Lacedemon* merchandize was forbidden, in *Israel* and *Rome* it was not exercis'd; wherefore to these usury must have bin the more destructive: but in a country where merchandize is exercis'd, it is so far from being destructive, that it is necessary; else that which might be of profit to the commonwealth would rust unprofitably in private purses, there being no man that will venture his money but thro hope of som gain; which if it be so regulated that the borrower may gain more by it than the lender, as at four in the hundred, or therabouts, usury becoms a mighty profit to the public, and a charity to privat men; in which sense we may not be persuaded by them that do not observe these different causes, that it is against Scripture. Had usury to a brother bin permitted in *Israel*, that government had bin overthrown: but that such a territory as *England* or *Spain* cannot be overbalanc'd by money, whether it be a scarce or plentiful commodity, whether it be accumulated by parsimony as in the purse of Henry the 7th, or presented by fortune, as in the revenue of the *Indys*, is sufficiently demonstrated, or shall be.

Deut. 15. 6. & 23. 19.

First, by an argument ad hominem, one good enough for the prevaricator, who argues thus: The wisdom or the riches of another man can never give him a title to my obedience, nor oblige Mr. *Harrington* to give his clothes or mony to the next man he meets, wiser or richer than himself.

Consid. p. 12.

If he had said stronger, he had spoil'd all; for the parting with a man's clothes or mony in that case, cannot be help'd: now the richer, as to the case in debate, is the stronger, that is, the advantage of strength remains to the balance. But well; he presumes me to have clothes and mony of my own, let him put the same case in the people, or the similitude does not hold. But if the people have clothes and mony of their own, these must either rise (for the bulk) out of property in land, or at least out of the cultivation of the land, or the revenue of industry; which if it be dependent, they must give such a part of their clothes and mony to preserve that dependence out of which the rest arises to him or them on whom they depend, as he or they shall think fit, or parting with nothing to this end, must lose all; that is, if they be tenants, they must pay their rent, or turn out. So if they have clothes or mony dependently, the balance of land is in the landlord or landlords of the people: but if they have clothes and mony independently, then the balance of land must of necessity be in the people themselves, in which case they neither would, if there were any such, nor can, because there be no such, give their mony or clothes to such as are wiser, or richer, or stronger than themselves. So it is not a man's clothes and mony or riches, that oblige him to acknowledge the title of his obedience to him that is wiser or richer, but a man's no clothes or mony, or his poverty, with which, if the prevaricator should come to want, he could not so finely prevaricat but he must serve som body, so he were rich, no matter if less wise than himself. Wherefore seeing the people cannot be said to have clothes and mony of their own without the balance in land, and having the balance in land, will never give their clothes, or mony, or obedience to a single person, or a nobility, tho these should be the richer in mony; the prevaricator by his own argument has evinc'd that in such a territory as *England* or *Spain*, mony can never com to overbalance land.

For a second demonstration of this truth, Henry the Seventh, tho he miss'd of the *Indys*, in which for my part I think him happy, was the richest in mony of *English* princes. Nevertheless this accession of revenue did not at all preponderat on the king's part, nor change the balance. But while making farms of a standard he increas'd the yeomanry, and cutting off retainers he abas'd the nobility, began that breach in the balance of land, which proceeding has ruin'd the nobility, and in them that government.

For a third, the monarchy of *Spain* since the *silver of Potosi sail'd up the Guadalquivir*, which in *English* is, since that king had the *Indys*, stands upon the same balance in the lands of the nobility on which it always stood.

And so the learned conclusion of the prevaricator (*That it is not to be doubted but a revenue sufficient to maintain a force able [to cry ware horns] or beat down all opposition, dos equally conduce to empire, whether it arises from rents, lands, profits of ready mony, dutys, customs, &c.*) asks you no more than where you saw her premises. For unless they ascended his *monti*,

Consid. p. 16.

and his banks, it is not to be imagin'd which way they went; and with these, because he is a profest zealot for monarchy, I would wish him by no means to be montebanking or meddling: for the purse of a prince never yet made a bank, nor, till spending and trading mony be all one, ever shall. The *Genoese*, which the king of *Spain* could never do with the *Indys*, can make you a bank out of letters of exchange, and the *Hollander* with herrings. Let him com no more here: where there is a bank, ten to one there is a commonwealth. A king is a soldier, or a lover, neither of which makes a good merchant, and without merchandize you will have a lean bank. It is true, the family of the Medici were both merchants and made a bank into a throne: but it was in commonwealth of merchants, in a small territory, by great purchases in land, and rather in a mere confusion than under any settl'd government; which causes, if he can give them all such another meeting, may do as much for another man. Otherwise let it be agreed and resolv'd, that in a territory of any extent, the balance of empire consists in land and not in mony; always provided that in case a prince has occasion to run away, as Henry the Third of *France* did out of *Poland*, *his balance in ready mony is absolutely the most proper for the carrying on of so great and sudden an enterprize.*

It is an excellent way of disputing, when a man has alleg'd no experience, no example, no reason, to conclude with *no doubt*. Certainly upon such occasions it is not unlawful nor unreasonable to be merry. *Reasons*, says one comedian, *are not so common as blackberrys*. For all that, says another comedian, *no doubt but arevenue in taxes is as good as a revenue in feesimple*; for this, in brief, is the sense of his former particular, or that part of it, which, the *monti* and the banks being already discharg'd, remains to be answer'd. Yet that the rents and profits of a man's land in feesimple or property, com in naturally and easily, by common consent or concernment, that is, by virtue of the law founded upon the public interest, and therfore voluntarily establish'd by the whole people, is an apparent thing. So a man that will receive the rents and profits of other mens land, must either take them by mere force, or bring the people to make a law divesting themselves of so much of their property; which upon the matter is all one, because a people posset of the balance, cannot be brought to make such a law, further than they see necessary for their common defence, but by force, nor to keep it any longer than that force continues. It is true, there is not only such a thing in nature as health, but sickness too: nor do I deny that there is such a thing as a government against the balance. But look about, seek, find where it stood, how it was nam'd, how lik'd, or how long it lasted. Otherwise the comical proposition coms to this, *it is not to be doubted but that violence may be permanent or durable*, and the *blackberry*, for it is because nature is permanent or durable! what other construction can be made of these words? *it is not to be doubted but a revenue sufficient to maintain a force able to beat down all opposition* (that is, a force able to raise such a revenue) *dos equally* (on which word grows the *blackberry*) *conduce to empire*; that is, as much as could any natural balance of the same! he may stain mouths, as he has don som, but he shall never make a politician. The earth yields her natural increase without losing her heart; but if you com once to force her, look your force continue, or she yields you nothing: and the balance of empire consisting of earth, is of the nature of her element.

Divines are given to speak much of things which the considerer balks in this place that wou'd check them, to the end he may fly out with them in others, wherto they do not belong, as where he says, *that government is founded either upon paternity, and the natural advantage the first father had over all the rest of mankind, who were his sons;*

or else from the increase of strength or power in som man or men, to whose will the rest submit, that by their submission they may avoid such mischief as otherwise would be brought upon them. Which two vagarys are to be fetch'd home to this place.

Consid. p. 23.

For the former; if Adam had liv'd till now, he could have seen no other than his own children; and so that he must have bin king by the right of nature, was his peculiar prerogative. But whether the eldest son of his house, if the prevaricator can find him at this time of day, has the same right, is somewhat disputable; because it was early when Abraham and Lot divided territorys, became several kings: and not long after when the sons of Jacob being all patriarchs, by the appointment of God, whose right sure was not inferior to that of Adam, tho he had liv'd, came under popular government. Wherefore the advantage of a first father is for grave men a pleasant fancy; nevertheless if he had liv'd till now, I hope they understand that the whole earth would have bin his demans, and so the balance of his property must have answer'd to his empire, as did that also of Abraham and Lot to theirs. Wherefore this way of deduction coms directly home again to the balance.

Paterfamilias Latifundia possidens, & neminem alia lege in suas terras recipiens quam ut ditioni suæ, qui recipiuntur, se

De jure belli, l. 1. c. 3.

subjjiciant, est Rex, says Grotius. Fathers of familys are of three sorts, either a sole landlord, as Adam, and then he is an absolute monarch; or a few landlords, as Lot and Abraham, with the patriarchs of those days; who if they join'd not together, were so many princes; or if they join'd made a mix'd monarchy; or, as Grotius believes, a kind of commonwealth administer'd in the land of *Canaan* by Melchisedec, to whom as king and priest Abraham paid tithes of all that he had. Such a magistracy was also that of Jethro, king and priest in the commonwealth of *Midian*. Father of familys for the third sort, as when the multitude are landlords (which happen'd in the division of the land of *Canaan*) make a commonwealth. And thus much, however it was out of the prevaricator's head in the place now deduc'd, he, excepting no further against the balance than that it might consist as well in mony as in land, had confest before.

His second vagary is in his deduction of empire from increase of strength, for which we must once more *round about our coalfire*. The strength wherby this effect can be expected, consists not in a pair of fists, but in an army; and an army is a beast with a great belly, which subsists not without very large pastures: so if one man has sufficient pasture, he may feed such a beast; if a few have the pasture, they must feed the beast, and the beast is theirs that feed it. But if the people be the sheep of their own pastures, they are not only a flock of sheep, but an army of lions, tho by som accidents, as I confest before, they be for a season confinable to their dens. So the advantage or increase of strength depends also upon the balance. There is nothing in the world to swear this principle out of countenance, but the fame of Phalaris, Gelon, Dionysius, Agathocles, Nabis, &c. with which much good do them that like it. It is proper to a government upon the balance to take root at home, and spread outwards;

and to a government against the balance to seek a root abroad, and to spread inwards. The former is sure, but the latter never successful. Agathocles for having conquer'd *Africa*, took not the better root in *Syracusa*. *Parvi sunt arma foras, nisi sit consilium domi*.

To conclude this chapter; the prevaricator gives me this thanks for finding out the balance of dominion (being as antient in nature as her self, and yet as new in art as my writing) *that I have given the world cause to complain of a great disappointment, who, while at my hand that satisfaction in the principles of government was expected, which several great wits had in vain study'd, have in diversifying riches in words only, as property, dominion, agrarian, balance, made up no more than a new lexicon, expressing the same thing that was known before; seeing the opinion that riches are power is* (as antient as the first book of Thucydides, or the politics of Aristotle, and) *not omitted by Mr. Hobbs, or any other politician. Which is as if he had told Dr. Harvey, that wheras the blood is the life was an opinion as antient as Moses, and no girl ever prick'd her finger, but knew it must have a course; he had given the world cause to complain of great disappointment in not shewing a man to be made of gingerbread, and his veins to run malmsy.*

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CHAP. IV.

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Whether The Balance Of Empire Be Well Divided Into National And Provincial; And Whether These Two, Or Any Nations That Are Of Distinct Balance, Coming To Depend Upon One And The Same Head, Such A Mixture Creates A New Balance.

THE balance of empire that is national, as it is stated in the former chapter, stands in a regulated or mix'd monarchy upon the property or native interest of the nobility; in a commonwealth, upon the property or native interest of the people; so these are very natural. But the balance of absolute monarchy, partaking of force as well as nature, is a mix'd thing, and not much different from the balance of provincial empire, or the manner of holding a province or conquer'd country. In a province, if the native that is rich be admitted to power, the power grows up native, and overtops the foren: therefore you must either not plant your citizens in your provinces, where in time they will become native; or, so planting them, neither trust them with power nor with arms. Thus the provincial balance coms to be contrary to the national. And as where empire is native or national, the administration of it can be no otherwise than according to the national balance; so where empire is foren or provincial, the administration of it can be no otherwise than contrary to the national balance.

That *this may be admitted without opposition* the considerer is inclining to allow, always provided he be *satisfy'd in this demand, whether distinct balances under the same head or governor, as those of Castile and Arragon, the power of the king* (I presume he means by the balance of a nobility) *being greater in the one, and that of the people in the other, may not so poise one the other, as to produce a new balance.* To which I answer, That no one government whatsoever has any more than one of two balances; that except in the cases excepted, of land which is national, or that of arms which is provincial. Wherefore if the king of *Spain* by his war against the commons altered the balance of *Arragon*, it must have bin one of two ways, either by strengthening the balance of the nobility, and governing the *Arragonian* people by them, in which case their balance, tho altered, remained yet national; or by holding both nobility and people by a provincial governor and an army, in which case his empire in that kingdom is provincial. There is no third way; nor, putting the case that the balance of *Castile* be national, and that of *Arragon* provincial, dos this any more create in the monarchy of *Spain* a third balance of empire, than did the multiplication of associations and provinces, divers for their balances, in the commonwealth of *Rome*. *England* and *Scotland* being united in one prince, made, if it had bin rightly us'd, an increase of strength, but not a third balance; nor do the kingdoms in *Spain*. Whether a sovereignty has many territorys and provinces in subjection, or in league, it is all one as to this point; the stronger union or league will give the stronger balance: and the case of the present sovereintys in *Europe* being no other, the more nice than wise speculation of

Consid. p. 16, 17.

the considerer, who has not bin able to discern the balance of a league from that of empire, is a mare's nest.

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CHAP. V.

Whether There Be Any Common Right Or Interest Of Mankind Distinct From The Parts Taken Severally; And How By The Orders Of A Commonwealth It May Be Best Distinguish'D From Privat Interest.

IN the next place the prevaricator dos not go about to play the man, but the unlucky boy. Where I say that the *soul of man is mistress of two potent rivals, reason and passion*; he dos not stand to weigh the truth of the thing, or the fitness of the comparison, either of which had been fair; but tumbles *Dick* upon *Sis*, the logic upon the rhetoric, the sense upon the figure, and scuds away in this manner:

If I could be persuaded Mr. Harrington was so far in earnest, as to expect any man shou'd be convinc'd by the metaphorical use of two or three words, som farther consideration might be propos'd. This is to use his readers as the fox dos the dogs, when having pist upon his tail, and flapt it in their eys, he gets away. Dos not his book deserve to be gilded and carry'd in statesmen's pokes? alas! mine are nothing? *Quis leget hæc? vel duo, vel nemo:* they break the stationer. And yet let me comfort myself, whose are better? the prevaricator seems to set every whit as light by those of Hooker and Grotius, at least where they favor me. *The opinions of Grotius*, says he, *cannot oblige us beyond the reasons wheron they are founded*; and what are those? he will dispute against that which he dares not repeat: that his comment may take you by the nose, he has left out the text. The words of Grotius are of this sense:

Consid. p. 19. 20.

Tho it be truly said that the creatures are naturally carry'd to their proper utility, this ought not to be taken in too general a sense, seeing divers of them abstain from their own profit, either in regard of those of the same kind, or at least of their young. Which words, says the prevaricator, *carry a great restriction in them, and the way of producing actions in beasts is so different from the emanation of human reason* (mark the impostor! the author is speaking of natural affection, and he wipes out that, and puts in *human reason*) *that the inferences from (the natural affection of) the one, to the (degree of reason which is in the) other, must needs be very weak.* Excellent! dos it therefore follow that the eminent degree of reason, wherewithal God has indu'd man, must in him deface that natural affection, and desertion in some cases of privat for common good, which is apparent even in beasts? what do reverend divines mean to cry up this infidel? nay, is *not be worse than an infidel that provides not for his own family?* a commonwealth is but a great family; and a family is a little commonwealth. Even beasts, in sparing out of their own mouths, and exposing themselves to danger for their young, provide for their familys; and in providing for their familys, provide for their whole commonwealth; that is, forsake in som things their privat good and safety, for the good of the public, or of the kind.

In Proleg. de jure B. ac P.

In this case it is that *even stones or heavy things*, says Hooker, *forsake their ordinary wont or centre, and fly upwards to*

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relieve the distress of nature in common. Wretch that he is, shall a stone upon this occasion fly upwards, and will he have a man to go downwards! yes, *Mr. Hooker's expression*, says he, *is altogether figurative; and it is easier to prove from thence that things wanting sense make discourses, and act by election, than that there is such a thing as a common interest of mankind.*

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This is like the rest, Hooker speaks of the necessity that is in nature, and this gentleman translates that sense into the word *election*. So because a stone is necessitated to comply with the common interest of nature, without discourse or election; therefore it rather follows from hence, *that things wanting sense make discourses, and act by election, than that there is such a thing as a common interest of mankind.* His old trick. I do not say, that because it is so with the other creatures, therefore it must be so with man: but as we see it is with the creatures in this part, so we find it to be with man. And that so, and more than so, we find it to be with man (who tho he *be evil, gives good things to his children*, will work hard, lay up, deny himself, venture his life for his little commonwealth) is thus further demonstrated. All civil laws acknowledge that there is a common interest of mankind, and all civil laws procede from the nature of man; therefore it is in the nature of man to acknowledge that there is a common interest of mankind. Upon this acknowledgement of mankind, a man that steals is put to death, which certainly is none of his privat interest: nor is a man put to death for any other man's privat interest: therefore there is a common interest of mankind distinct from the parts taken severally. But this, tho acknowleg'd in part by all governments, yet thro their natural frailty is nothing so well provided for in som as in others: for if the power be in one or a few men, one or a few men, we know, may be thieves, and the rather, because applying mony that is public, without a consideration that is public, to uses that are privat, is thieving. But such thieves will not be hang'd; in this case therefore the government gos not upon public but privat interest. In the frame of such a government as can go upon no other than the public interest, consists that *whole philosophy of the soul* which concerns policy: and this *whole philosophy of the soul* being throout the commonwealth of *Oceana* demonstrated; for the prevaricator to insinuat that I have omitted it, is to shew what it is that he loves more than truth. The main of this philosophy consists in deposing passion, and advancing reason to the throne of empire. I expected news in this place, that this were to promise more for the magistrat or the people than has bin perform'd by the stoics; but two girls, meaning no body any harm, have provok'd his wrath, forsooth, to such extravagancy by the way, that tho in all modesty it were forbid, as he confesses, by their cheeks, which discovering the green-sickness, shew'd that they were past the rod, he has taken them up! *Tantæne animis cælestibus iræ!* what he may have in school-divinity for so rude a charge, I do not know; but he shall never be able to shew any maxims for this kind of disciplin or *philosophy of the soul*, either in chevalry or the politics. The offence of the girls was no more, than that having a cake (by the gift of an uncle or aunt, or by purchase, or such a one perhaps as was of their own making) in common, or between them, the one had most accurately divided, and the other was about to chuse; when in coms this rude fellow:

how now, gentlemen, says he, *what dividing and chusing! will no less serve your turn than the whole mystery of a well-order'd commonwealth? who has taught you to cast away passion, an't please you, like the bran, and work up reason as pure as the flower of your cake? are you acquainted with the author of Oceana, that has seen foren countrys, convers'd with the*

Consid. p. 22, 23.

speculativi, learn'd of the most serene lady Venetia to work with bobbins, makes you a magistracy like a pippin py, and sells butterprints with S. P. Q. R? have don, as you dread ballads, fusty pamphlets, or the ostracism of Billingsgate. Have don, I say: will you vy that green in your cheeks with the purple of the state? must your mother, who was never there her self, seek you in the oven? com, when I live to see Machiavelin puffpaste, a commonwealth com out of a bakehouse, where smocks were the boulders, let me be a mill-horse—But now you must know coms the best jest of all, and I need not say that it coms from Oxford; he tells them that *their cake is do* (let it not be lost I beseech you) and so snatching it away, eats it, for all the world as Jackpudding eats the custard. Did you ever see such a *bestia*?

But wheras either office, that of dividing or chusing, was communicable to either of the girls, it is not indifferent in the distribution of a commonwealth, because dividing is separating one thing, one reason, one interest, or consideration from another, which they that can so discern in privat affairs are call'd *discrete*, but they that can do it in public are *prudent*; and the way of this kind of dividing in the language of a commonwealth is debating. But they that are capable of this kind of dividing or debating are few among many, that when things are thus divided and debated, are able enough to chuse, which in the language of a commonwealth is to resolve. Hence it is that the debate of the few, because there be but few that can debate, is the wisest debate; and the result of the many (because every man has an interest what to chuse, and that choice which sutes with every man's interest, excludes the distinct or privat interest or passion of any man, and so coms up to the common and public interest or reason) is the wisest result. To this end, God, who dos nothing in vain, has so divided mankind into the few or the natural aristocracy, and the many or the natural democracy, that there can hardly be upon any occasion a meeting of twenty men, wherin it will not be apparent, or in which you may not see all those lines which are requisite to the face of a beautiful commonwealth. For example, among any twenty men occasionally met, there will be some few, perhaps six, excelling the fourteen in greatness of parts. These six falling into discourse of business, or giving their judgment upon persons or things, tho but by way of mere conversation, will discover their abilitys; wherupon they shall be listen'd to and regarded by the fourteen; that is, the six will acquire an authority with, and imprint a reverence upon the fourteen: which action and passion in the *Roman* commonwealth were call'd *authoritas patrum, & verecundia plebis*. Nevertheless if the six indeavor to extend the authority which they find thus acquir'd, to power, that is, to bring the fourteen to terms or conditions of obedience, or such as would be advantageous to the few, but prejudicial to the many; the fourteen will soon find, that consenting, they hurt not only themselves by indamaging their own interests, but hurt the six also, who by this means com to lose their virtue, and so spoil their debate, which, while such advantages are procurable to themselves, will go no further upon the common good, but their privat benefit. Wherefore in this case they will not consent, and not consenting, they preserve not only their own liberty, but the integrity of the six also, who perceiving that they cannot impair the common interest, have no other interest left but to improve it. And neither any conversation, nor any people, how dull soever and subject by fits to be deluded, but will soon see thus much, which is enough, because what is thus propos'd by the authority of the six or of the senat, and resolv'd by the fourteen, or by the people, is enacted by the whole, and becoms that law, than which, tho mankind be not infallible,

there can be nothing less fallible in mankind. Art is the imitation of nature; by observation of such lines as these in the face of nature, a politician limns his commonwealth.

But says the prevaricator, *the paralogism lyes in this, that the twenty men are first suppos'd to be a commonwealth, and then it*

Consid. p. 26.

is consider'd how they would dispose of the government. What is this? art is the imitation of nature; therefore art presumes nature to be art. A picture is the representation of a face; therefore the picture-drawer presum'd the face to be a picture; and in this same, there is lying, being, or squatting, a thing call'd a paralogism. Did you ever hear such a paraketism? for to speak a word without understanding the sense of it, is like a parrat. And yet I wrong the parrat in this comparison; for she, tho she do not understand her self, is understood by others, wheras neither can this prevaricator tell what he means, nor any man else. Or riddle me, riddle me what is this?

the sense of want among men that are in equality of power may beget a desire of exchange; as let me have your horse, and you

Consid. p. 27.

shall have my cow, which is the fountain of privat contracts: but it is not to be with reason imagin'd, that this should be enough to make a man part with a natural freedom, and put himself into the hands of a power from which he can afterwards have no shield, tho it should be us'd to his own destruction.

Most victorious nonsense! for he that says nothing, cannot be answer'd. It should seem, if the twenty men were indeed a commonwealth, or in equality of power, for so he puts the case, they might truck horses and cows, but not by any means consider, or once let it enter into their heads, how by art to make good their natural freedom: that (unless they set up a prince, as you shall see anon) were *to part with their natural freedom, and put themselves into the hands of a power from which* (there being no other power but themselves) *they can afterwards have no shield. To read it thoroughly for the understanding, as is intimated in his epistle, will be more; I doubt, than his book will obtain of any reader.* Yet is he, in his own conceit, as surefooted as any mule, and knows the road. But Mr. Harrington *has not lost his way without company*; his brother Grotius *complains, that they who treat of jus gentium, do commonly mistake som part of the Roman jus civile for it*: and even so he laments (an't please you) *that while men profess to consider the principles of government, they fall upon notions which are the mere effects of government.* But as an ape is the more ugly for being like a man, so this prevaricator, for making faces like Grotius. I, who am complain'd of, deriving government from the true principle of the same, in the balance or foundation, set the superstructures accordingly; and he who complains forsooth, never so much as proposes any thing like a principle or superstructure, but runs altogether upon mere notions:

as where he asks me, *what security will you give, that the six in their consultations shall not rather aim at their own advantage,*

Consid p. 23.

than that of the fourteen, and so make use of the eminence of their parts to circumvent the rest? in another place he can answer himself and say, that the *fourteen, or the people in this constitution, have the vote and the sword too.* How then should the six circumvent them? what security has a prince, that his people will not pull him out of his throne? why, a nobility or an army: and are not the people in a commonwealth their own army? is this to mind principles? *on the other side, how, says he, shall we be satisfied that the fourteen will not soon begin to think themselves wife enough to*

consult too, and making use of their excess in power, pull the six off their cushions? as if there were any experience public or privat, any sense or reason, that men having the whole power in their own hands, would deprive themselves of counsellors; or that ever a commonwealth depos'd the senat, or can depose the senat, and remain a commonwealth. The people of *Capua* being inrag'd to the full height, resolv'd and assembl'd together (the senat, if the people will, being always in their power) on purpose to cut the throats of the senators, when Pacuvius Calavius exhorted them that e'er they went upon the design, they would first make election among themselves of a new senat, which, the throats of the old being cut, might for the safety of the commonwealth immediately take their places; for, said he, **you must either have a king, which is to be abhor'd; or whatever becoms of this, you must have som other senat: for the senat is a council of such a nature as without it no free city can subsist.* By which speech of Pacuvius, the people, who thought themselves, as the considerer has it, *wise enough to consult*, being convinc'd, fell to work for the election of a succeding senat out of themselves (the prevaricator should not tell me of notions, but learn that *in a commonwealth there must be a senat*, is a principle) while the people of *Capua* were intent upon chusing this new senat, the partys propos'd seem'd to them to be so ridiculously unfit for such an office, that by this means coming to a nearer sight of themselves, they were secretly so fill'd with the shame of their enterprize, that slinking away, they would never after be known so much as to have thought upon such a thing. Nor ever went any other people so far, not the *Florentins* themselves, tho addicted to innovation or changing of the senat beyond all other examples. Sons of the university, brothers of the college, heads and points; you love fine words. Whether tends to bring all things into servitude, my hypothesis, or his† hypothesis? for, says he, *I am willing to gratify Mr. Harrington with his partition of the twenty men into six and fourteen; but if I had been in a humor of contradiction, it had been as free for me to have said that som one of the twenty would have excel'd all the rest in judgment, experience, courage and height of genius, and then told him, that this had bin a natural monarchy, established by God himself over mankind:* as if the twenty would give their clothes or money to the next man they met wiser or richer than themselves, which before he deny'd; *Oportet mendacem esse memorem.* God establish'd kings no otherwise than by election of the people; and the twenty will neither give their clothes nor money: how then? why in coms a gallant with a file of musketeers; what, says he, are you dividing and chusing here? go to, I will have no dividing, give me all. Down go the pots, and up go their heels: what is this? why a *king!* what more? by *divine right!* as he took the cake from the girls?

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CHAP. VI.

Whether The Senatusconsulta, Or Decrees Of The Roman Senat, Had The Power Of Laws?

AMONG divers and weighty reasons why I would have that prince look well to his file of musketeers, this is no small one, that he being upon no balance, will be able never to give law without them, For to think that he succedes to the senat, or that the power of the senat may serve his turn, is a presumption that will fail him. The senat, as such, has no power at all, but mere authority of proposing to the people, who are the makers of their own laws; whence the decrees of the senat of *Rome* are never laws, nor so call'd, but *senatusconsulta*. It is true that a king coming in, the senat, as there it did, may remain to his aid and advantage; and then they propose not as formerly to the people, but to him, who coms not in upon the right of the senat, but upon that of the people: whence says Justinian: **the prince's pleasure has the force of law, since the people have by the lex regia, concerning his power, made over to him all their own empire and authority.*

Thus the *senatusconsultum Macedonicum*, with the rest that had place allow'd by Justinian in compilement of the Roman laws,

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were not laws in that they were *senatusconsulta*, or propos'd by the senat, but in that they were allow'd by Justinian or the prince, in whom was now the right of the people.

Wherefore the zealot for monarchy has made a *pas de clerc*, or foul step in his procession, where he argues thus out of

Consid. p. 30, 31.

Cujacius: *it was soon agreed that the distinct decrees of the senat and people should be extended to the nature of laws*; therefore the distinct decrees of the senat are laws, whether it be so agreed by the people, or by the prince, or no. For thus he has no sooner made his prince, than he kicks him heels overhead; seeing whether the decrees of the senat are laws without the king, that same is as much a king as the prevaricator a politician. A law is that which was past by the power of the people, or of the king.

But out of the light; in this place he takes a *Welsh* bait, and looking back, makes a muster of his victory, like the bussing

Consid. p. 32.

Gascon, who to shew what he had thrown out of the windows in his debauchery, made a formal repetition of the whole inventory of the house.

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CHAP. VII.

Whether The Ten Commandments Were Propos'd By God Or Moses, And Voted By The People Of Israel.

ONE would think the *Gascon* had don well; is he satisfy'd? no, he will now *throw the house out of the windows*.

The principal stones being already taken from the foundation, he has a bag of certain winds wherewithal *to reverse the superstructures*. The first wind he lets go is but a puff, where he tells me, *that I bring Switzerland and Holland into the enumeration of the Heathen commonwealths*: which if I had don, their libertys in many parts and places being more antient than the Christian religion in those countrys (as is plain by Tacitus, where he speaks of Civilis, and of the customs of the *Germans*) I had neither wrong'd them nor my self; but I do no such matter, for having enumerated the Heathen commonwealths, I add *that the proceedings of Holland and Switzerland, tho after a more obscure manner, are of the like nature*.

Consid. p. 33. 35.

The next is a storm, while reproaching me with rudeness, he brings in Dr. Fern and the clergy by head and shoulders, who till they undertake the quarrel of monarchy, to the confusion of the commonwealth of *Israel*, at least so far that there be no weight or obligation in such an example, are posted. As if for a Christian commonwealth to make so much use of *Israel*, as the *Roman* did of *Athens*, whose laws she transcrib'd, were against the interest of the clergy, which, it seems, is so hostile to popular power, that to say the laws of nature, tho they be the fountains of all civil law, are not the civil law, till they be the civil law; or thus, that *thou shalt not kill, thou shalt not steal*, tho they be in natural equity, yet were not the laws of *Israel* or of *England*, till voted by the people of *Israel*, or the parlament of *England*, is to *assert the people into the mighty liberty of being free from the whole moral law*; and, inasmuch as *to be the adviser or persuader of a thing, is less than to be the author or commander of it, to put an indignity upon God himself*.

Oceana. p. 51.

In which fopperys the prevaricator, boasting of principles, but minding none, first confounds authority and command or power; and next forgets that the dignity of the legislator, or, which is all one, of the senat succeeding to his office, as the *sanhedrim* to Moses, is the greatest dignity in a commonwealth: and yet that the laws or orders of a commonwealth derive no otherwise, whether from the legislator, as Moses, Lycurgus, Solon, &c. or the senat, as those of *Israel*, *Lacedemon*, or *Athens*, than from their authority receiv'd and confirm'd by the vote or command of the people. It is true, that with Almighty God it is otherwise than with a mortal legislator, but thro another nature which to him is peculiar, from whom as he is the cause of being, or the Creator of mankind, omnipotent power is inseparable; yet so equal is the goodness of this nature to the greatness therof, that as he is the cause of welbeing by way of election, for example in his chosen people *Israel*, or of redemption, as in the Christian church, himself has prefer'd his authority or proposition before his empire. What else is the meaning of these words, or of this proceeding of his?

Consid. p. 35. 40.

now therefore if ye will obey my voice indeed, and keep my covenant, ye shall be to me a kingdom, or I will be your king;

Exod. 19. 5.

which proposition being voted by the people in the affirmative, God proceeds to propose to them the ten commandments in so dreadful a manner, that the people being exceedingly affrighted, say to Moses, *speake thou with us, and we will hear thee*: that is, be thou henceforth our legislator or proposer, and we will resolve accordingly; *but let not God speak with us, lest we dy.*

From whenceforth God proposes to the people no otherwise than by Moses, whom he instructs in this manner: *these are the judgments which thou shalt propose or set before them.*

Exod. 20. 19.

Wherefore it is said of the book of *Deuteronomy*, containing the covenant which the Lord commanded Moses to make with the children of Israel in the land of Moab, besides the covenant which he made with them in Horeb; *this is the law which Moses set before the children of Israel.*

Deut. 29. 1.

Neither did God in this case make use of his omnipotent power, nor Christ in the like, who also is king after the same manner in his church, and would have bin in *Israel*, where when to this end he might have muster'd up legions of angels, and bin victorious with such armys, or *argyraspides*, as never prince could shew the like, he says no more than, *O Jerusalem, Jerusalem, how often would I have gather'd thee and thy children, as a hen gathers her chickens under her wings, and ye would not?*

Deut. 4. 44.

where it is plain that the *Jews* rejecting Christ, that he should not reign over them, the law of the gospel came not to be the law of

Matt. 23. 37.

the *Jews*; and so if the ten commandments came to be the law of *Israel*, it was not only because God propos'd them, seeing Christ also propos'd his law, which nevertheless came not to be the law of the *Jews*; but because the people receiv'd the one, and rejected the other. It is not in the nature of religion that it should be thought a profane saying, that if the bible be in *England*, or in any other government, the law or religion of the land, it is not only because God has propos'd it, but also because the people or magistrat has receiv'd it, or resolv'd upon it; otherwise we must set lighter by a nation or government than by a privat person, who can have no part nor portion in this law, unless he vote it to himself in his own conscience, without which, he remains in the condition he was before, and as the heathen, *who are a law to themselves*. Thus wheras in a covenant there must be two partys, the Old and New Testament being in sum the Old and New Covenant; these are that authority and proposition of God and Christ, to which they that refuse their vote or result may be under the empire of a clergy, but are none of his commonwealth. Nor, seeing I am gone so far, dos this at all imply freewill, but, as is admirably observ'd by Mr. Hobbs, the freedom of that which naturally precedes will, namely, deliberation or debate, in which, as the scale by the weight of reason or passion coms to be turn'd one way or other, the will is caus'd, and being caus'd is necessitated. When God coms in thus upon the soul of man, *he gives both the will and the deed*; from which like office of the senat in a commonwealth, that is, from the excellency of their deliberation and debate, which prudently and faithfully unfolded to the people, dos also frequently cause and necessitat both the will and the deed. God himself has said of the senat, *that they are gods*: an expression, tho divine, yet not unknown to the heathens; *Homo homini Deus*, one man, for the excellency of his aid, may be a God to another. But let the prevaricator look to it; for he that leads the blind out of his way, is his devil.

For the things I have of this kind, as also for what I have said upon the words *Chirotonia* and *Ecclesia*, the prevaricator is delighted to make me beholden underhand to Mr. Hobbs, notwithstanding the open enmity which he says I profess to his politics.

As if Josephus upon that of Samuel, *They have not rejected thee, but they have rejected me that I should not reign over them*, had not said of the people (Θεὸν ὑπεχειροτόν[Editor: illegible character]ν τῆς βασιλείας) that they unchirotoniz'd or unvoted God of the kingdom. Now if they unchirotoniz'd or unvoted God of the kingdom, then they had chirotoniz'd or voted him to the kingdom; and so not only the doctrine that God was king in *Israel* by compact or covenant, but the use of the word *Chirotonia* also in the sense I understand it, is more antient than Mr. Hobbs. I might add that of Capellus, **God was a political king and civil legislator of the Jews*. And for the use I have made of the word *Ecclesia*, as no man can read such as have written of the *Grecian* commonwealths, and miss it, so I do not remember that Mr. Hobbs has spoken of it. To these things fuller satisfaction will be given in the second book; which nevertheless I do not speak, to the end I might wave obligation to so excellent an author in his way. It is true, I have oppos'd the politics of Mr. Hobbs, to shew him what he taught me, with as much disdain as he oppos'd those of the greatest authors, in whose wholsom fame and doctrine the good of mankind being concern'd, my conscience bears me witness that I have don my duty. Nevertheless in most other things I firmly believe that Mr. Hobbs is and will in future ages be accounted the best writer, at this day, in the world. And for his treatises of human nature, and of liberty and necessity, they are the greatest of new lights, and those which I have follow'd, and shall follow.

1 Sim. 8. 7.

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CHAP. VIII.

Whether A Commonwealth Coming Up To The Perfection Of The Kind, Coms Not Up To The Perfection Of Government, And Has No Flaw In It.

WHAT a commonwealth coming up to the perfection of the kind is, I have shewn both by the definition of an equal commonwealth, and the exemplification of it in all the parts.

The definition is contain'd in the first of my preliminarys; which, because it is short, I shall repeat.

AN equal commonwealth is a government establish'd upon an equal agrarian, arising into the superstructures or three orders, the senat debating and proposing, the people resolving, and the magistracy executing, by an equal rotation, or interchangeable election, thro the suffrage of the people given by the ballot. The exemplification is the whole commonwealth of *Oceana*. Each of which by him, who, if his doctrin of pure and absolute monarchy be observ'd, can be no *Englishman*, is call'd an *Irish Bog*; as in som sense it is, seeing the prevaricator has set never a foot in it that will stand, nor has more to say, than that *Where there is one ambitious poor man, or one vicious rich man, it is impossible there should be any such government as can be secure from sedition.*

Consid. p. 43.

Which, first, is rather to make all governments ineffectual, or to make all governments alike, than to object against any, seeing That there should not be *one ambitious poor man, or one vicious rich man*, is equally, if not more, improbable in a monarchy than in a commonwealth.

Secondly, That one man alone, whether he be rich or poor, should without a party be able to disturb a commonwealth with sedition, is an absurdity; nor is such a party, as may be able in som sort to disturb the peace by robbing upon the highway, or som such disorder, always able to disturb a government with sedition. Wherefore this feat goes not so much upon the ability of any one man, rich or poor, as the power of the party he is able to make; and this strength of the party gos upon the nature of the government, and the content or discontents thence deriving to the few, or the many. The discontents, whether of the few or the many, derive from that which is, or by them is thought to be som bar to their interest; and those interests which are the causes of sedition are three, the desire of liberty, the desire of power, and the desire of riches; nor be there any more: for where the people thro want of bread, thro violence offer'd to their women, or oppression, rise up against their governors, it relates to the desire of liberty; those also under the name of religion make not a fourth, but come to one of the three.

Now to speak in the first place of the many, and anon of the few; the people in an equal commonwealth have none of these three interests: not the desire of liberty, because the whole frame of an equal commonwealth is nothing else but such a method wherby the liberty of the people is secur'd to them: not of power, because the power which otherwise they could not exercise, is thus estated in them: nor of riches, because where the rich are so bounded by an agrarian that they cannot overbalance (and therefore neither oppress the people, nor exclude their industry or merit from attaining to the like estate, power, or honor) the whole people have the whole riches of the nation already equally divided among them; for that the riches of a commonwealth should not go according to the difference of mens industry, but be distributed by the poll, were inequal.

Wherefore the people in an equal commonwealth having none of those interests which are the causes of sedition, can be subject to no such effect.

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To affirm then with the Considerer, *that the whole of this libration is reduc'd to the want of power to disturb the commonwealth*, must needs be a mistake, seeing in the commonwealth propos'd the people have the power, but can have no such interest; and the people having no such interest, no party can have any such power, it being impossible that a party should com to overbalance the people, having their arms in their own hands. *The whole matter being thus reduc'd to the want of power to disturb the government*: this, according to his own argument, will appear to be the libration in which the power, *wherof the governor is possest, so vastly exceeds the power remaining with those who are to obey* (which in case of contest must be so small a party) *that it would be desperately unreasonable for them to hope to maintain their cause. If the true method then of attaining to perfection in government be to make the governor absolute*, and the people in an equal commonwealth be absolute, then there can be none in this government, *that upon probable terms can dispute the power with the governor*, and so this state by his own argument must be free from sedition. Thus far upon occasion of the ambitious poor man objected. I have spoken of the many; and in speaking of the many, implicitly of the few: for as in an equal commonwealth, for example in *England* during the peerage or aristocracy, the many depended upon or were included in the few; so in an equal commonwealth the few depend upon or are included in the many, as the senat of *Venice* depends upon, or is included in the great council, by which it is annually elected in the whole or in som part. So what was said in an equal commonwealth of the many or the poorer sort, is also said of the few or of the richer; who, thro the virtue of the agrarian, as in *Oceana*, or of other orders supplying the defect of an agrarian, as in *Venice*, not able to overbalance the people, can never have any power to disturb the commonwealth in case they had such an interest, nor can have any such interest in case they had such power. For example in *Oceana*, putting the case that the few were as powerful as it is possible they should be; that is, that the whole land was fallen into five thousand hands: the five thousand, excluding the people, could get no more riches by it, because they have the whole land already; no more liberty by it, because they were in perfect liberty before; nor any more power by it, because thro the equality of the balance, or of their estates, they can be no more by themselves than an equal commonwealth, and that they were already with the people: but would be much less, the power or commonwealth, in which there be five thousand equals, being not greater, but much less than the power

or commonwealth wherein the whole people are equal; because the power or effect of a greater people is proportionably greater than the power or effect of a lesser people, and the few by this means would get no more than to be the lesser people. So the people being no bar to the riches, liberty, nor power of the five thousand, and the desire of liberty, riches, and power, being the only causes of sedition; there could arise no sedition in this commonwealth by reason of the nobility, who have no such interest if they had the power, nor have any such power if they had the interest, the people being equally possessors of the government, of the arms, and far superior in number. In sum, an equal commonwealth consists but of one hereditary order, the people, which is by election divided into two orders, as the senate and the congregation in *Lacedemon*, or the senate and the great council in *Venice*; for the gentlemen of *Venice*, as has been often said, are the people of *Venice*, the rest are subjects. And an unequal commonwealth consists of two hereditary orders, as the *Patricians* and *Plebeians* in *Rome*, whereof the former only had a hereditary capacity of the senate: whence it comes to pass that the senate and the people in an equal commonwealth having but one and the same interest, never were nor can be at variance; and that the senate and the people in an unequal commonwealth having two distinct interests, never did nor can agree. So an equal commonwealth cannot be seditious, and an unequal commonwealth can be no other than seditious.

If a man be resolv'd, as the Considerer is, to huddle these things together, there is no making any thing of this kind of policy; of which therefore it will be a folly to talk. For example, *Lacedemon* is either to be consider'd as not taking in the helots; and then in her self she was an equal commonwealth void of any sedition, or cause of it, how much soever she were troubl'd with the helots: so the objection made by him, of her troubles by the helots, is impertinently urg'd, to shew that she was a seditious commonwealth: or if he will needs have it, that she took in the helots, it is undeniable that she took them in inequally, and so was unequal; whence the troubles by the helots must needs be impertinently urg'd against an equal commonwealth.

Again, when I allege *Venice* from Piero Gradenigo, that is, for the space of about four hundred years from the present date, at which time the reformation, yet in force, began, as an example of an equal commonwealth; for him to instance in the times before, when tho the commonwealth, according to the intention, was as equal as now, yet being not bound by sufficient orders to give her self security of her native liberty, her dukes on the one side did what they pleas'd, and the inrag'd people on the other side banish'd, condemn'd to death, or murder'd them; who fees not the imposture? Indeed he blushes at it himself. Wherefore my assertion being not yet knock'd on the head, he promises to kill it better, first by the example of *Lacedemon leaving out the helots*, and next by that of *Venice since the time of Piero Gradenigo*.

For the first you must know that once upon a time there was a quarrel between Cleomenes and Demaratus kings of *Lacedemon* about succession, which was determin'd by the *Ephori*, that is, by a court of justice, and not by the sword;

Consid. p. [Editor: illegible character]

Pausan.

Lacon.

the like happen'd in Leotychides the known bastard of Alcibiades, or so confest to be by his mother to divers of her maids.

Now this is a maxim in the politics, *Where the differences of kings can go no further than a court of justice, there the*

Plut. Alcib.

government is seditious. Most ridiculous! Is there a stronger argument that such a government is not seditious? No matter, give him room; *Much more fatal was the contest between Cleonymus and his brother Areus the son of Acrotatus, by whose war Zarax was ruin'd, and Pyrrhus came into the game, who besieg'd the capital city: the reign of Agis and Cleomenes was so full of turbulency, as would put a man out of breath to relate.* Fair and softly: was not all this after Lysander, and the spoils of Athens had broken the agrarian, and so ruin'd Lacedemon? I affirm there can be no sedition in an equal commonwealth; and he to oppose me, shews that there was sedition in an unequal one; whether dos this affirm his assertion or mine?

But for better luck in Venice. *This city by Mr. Harrington's own confession is possest of several advantages.* Yes, I say that the commonwealth of Venice, thus seated, is like a man in a citadel, who therby may be the safer from his enemys, but ne'er a whit the safer from diseases. What conclusion would you expect he should infer from hence? *Why among these therfore there is good cause to reckon her immunity from seditions:* dos not our logician repeat faithfully, and dispute honestly? Again, Sir, *she is like a ship ready to be boarded by pirates, has the Turc on this frontier, the Pope on that, the king of Spain on another.* As if this were an argument every government must not be void of sedition, seeing there is none except they be ilands, whose frontiers are not bounded by the territorys of other princes. Well, *but since the last reglement* (in English, reformation) *in the time of Gradenigo,* you have had three seditions in Venice, that of Marino Bocconi, that of Baiamonte Tiepolo, and that of Marino Falerio.

BODIN has bin long since beaten for this like a stockfish, and yet our author will be serving it up for a courtly dish. Bocconi would have kill'd the duke, but was hang'd before he could do it. Felton kill'd a duke that had greater power here than the other in Venice, and was hang'd afterwards, therefore England was a seditious government; for this must either be undeniable for Felton's sake, or why must the other be so for Bocconi's? Again, Falerio and his complices would have destroy'd the great council, but were hang'd before they could do it. Vaux and his accomplices would have blown up the parlament, but were hang'd before they could do it; therfore England was in this relation a seditious government, else why was Venice? There passes not a month but there dy rogues at Tyburn; is the government therfore seditious? or is this one regard in which it is not? Where all that so invade the government are by virtue of the same brought to that end, there the commonwealth, or the orders of it, are not the cause but the cure of sedition; and so these are undeniable arguments that Venice is not seditious, where, since the reformation, there has not been a cut finger upon this score, save only thro the conspiracy of Baiamonte, which indeed came to blows. Nor for this yet can Venice be call'd a seditious commonwealth. You find no man accusing Rome of sedition, in that she had a Manlius or a Melius that dangerously affected monarchy, because to these her orders, by which they suffer'd death, as soon apply'd the remedy. But Rome was a seditious commonwealth, because the perpetual feud that was between the senat and the people sprung out of her orders, and was that

to which there was no remedy to apply. *England* was not a seditious government because it had a Vaux or a Felton, but because the power antiently of the nobility, and late of the people, was such by the orders of the same as might at any time occasion civil war. Put the case a slave or some desperat fellow has kill'd the great *Turk*, the government for that cannot be said to be seditious, but in this, that thro the very nature of the policy, the janizarys at any time may do as much, it is undeniably seditious. Baiamonte's conspiracy he will not say was of this nature. It was not a disease in the bones of the commonwealth, but a thing that no sooner appeared, or broke out (tho it be true, there happen'd a little scratching first) than it fell off like a scab; such an accident might befall the best constitution, and *Venice* never had the like but once: if he could say as much of a monarchy, he gains no advantage; yet let him say it, and prove it, I give him all. I omit many falshoods and absurditys in the proceeding of the prevaricator, as where he intimats the power of the dukes to have bin that wherby *Venice* gain'd I know not what, and yet to have bin that also by which Falerio had like to have spoil'd all: each of which, the duke of *Venice* having no power at all, is known to be false. Why should I stay to put you in mind that having affirm'd *Venice* to derive her immunity from intestin discord no otherwise than a ship that is ready to be boarded by pirates, he instances in such examples to the contrary, as took occasion by the hair of a foren scalp, while in those of Bocconi and Tiepolo the commonwealth by her wars with the *Genoese* and *Ferrara*, was put to her plunges, and in that of Falerio reduc'd to the last extremity? I shall only note, that if such sudden flashes as these may com under the name of sedition, he has done a fine office for monarchy, seeing no senat is so much expos'd to like blows as any prince.

Well; but for all this it is confest that there may be such a thing as a seditious commonwealth, in that the feud between the senat and the people of *Rome* cou'd not be cur'd; *what security*, says he, *will you give us, that the like may not happen in Oceana, or that the whole body of the people being intrusted with giving a vote, and keeping a sword, may not by way of council or arms, fall to such work as levelling the five thousand, or bringing the agrarian from two to one thousand pounds a year, or less, as they fancy.*

Consid. p. 48.

To which I answer by a like question, what security will he give me that the people of any commonwealth shall not cast themselves into the sea? a prince may be mad, and do so, but the people are naturally incapable of such madness. If men will boast of their knowledge in principles, and yet talk of nothing but effects, why may not a man fly as well as a bird? But if causes may be regarded, let him once shew how the will, seeing it is not free, nor mov'd without som object, should move the people in such a manner; or for what, they having all the liberty and all the power that can be had, should it strive? well, that is soon don, *for the land may come into the hands of five thousand, and so the booty may be great, and the resistance small.* Good: the *Romans* being the wisest of all people, went no further towards the remedy of their grievances, than to strive for the introduction of an agrarian, in which they fainted too, even to the destruction of that government. Except these, none have bin so wise; and if there be any such thing familiar with the nature of the people, why appear'd it but once, and then vanish'd without effect? why did not the people for example under the late monarchy (when the dominion or freehold of the nation, by greater shares, was in a smaller party, and they had not only riches, but liberty and power too, to whet them

on) ever so much as think of levelling three hundred men? for the nobility and clergy, in whom was the balance, were no more. If it be reply'd that the people were not arm'd; by whom did the barons make war with the kings? if they were not trusted with a vote; what was that of the house of commons? let dominion or freehold stand upon what balance you will, inequal or equal, from the beginning of the world you shall never find a people turning levellers. And as reason is experience in the root, so experience is reason in the branch, which might therefore be sufficient in the case. Nevertheless for clearer satisfaction in a point of such concernment, I shall endeavour to dig up and discover the root of this branch, or the reason of this experience. That which in beasts is instinct, wherof they can give no account, is in it self that wisdom of God wherby he provides for them; so it was with the people, they are not levellers, nor know they why, and yet it is, because to be levellers were to destroy themselves. For, seeing I must repeat, to repeat briefly; there is no territory of any extent and populousness where the revenue of industry is not twice as much as the dry rent. This has bin demonstrated in *Oceana*. The revenue of industry is in those that work, that is, the people: wherfore the revenue of the people, where their industry is not obstructed, is two-fold to that of the nobility, holding the whole territory in freehold. But where their industry is obstructed, their revenue is nothing. Civil war being of all other the greatest obstruction of industry, the people in taking arms must venture all they have, for that, which if they obtain they lose two for one; and if they obtain not, all for nothing. Wherfore a people never will, nor ever can; never did, nor ever shall take arms for levelling. *But they are intrusted with a vote*; and therefore taking away the lands of the five thousand, or diminishing the agrarian by way of counsel, they need not obstruct their industry: but, preserving the revenue of that, may bring themselves into the possession of the land too. This will they, this can they less do, because being in counsel they must propose something for the advantage of the commonwealth, or of themselves, as their end in such an action. But the land coming to be in the possession of five thousand, falls not into a number that is within the compass of the few, or such a one as can be princes, either in regard of their number, or of their estates; but to such a one as cannot consent to abolish the agrarian, because that were to consent to rob one another: nor can they have any party among them, or against their common interest, strong enough to force them, or to break it; which remaining, the five thousand neither are nor can be any more than a popular state, and the balance remains every whit as equal, as if the land were in never so many more hands. Wherfore the commonwealth being not to be better'd by this means, the people by counsel can never go about to level, nor diminish the agrarian for the good of the commonwealth. Nor can they undertake it for the inrichment of themselves, because the land of *Oceana*, as has bin demonstrated, being level'd or divided equally among the fathers of families only, coms not to above ten pounds a year to each of them, whereas every footman costs his master twenty pounds a year; and there is not a cottager having a cow upon the common, but with his own labour, at one shilling a day, gets twenty pounds a year; which, the land being level'd, were impossible, because there would be nobody able to set a labourer on work, or to keep a servant: wherfore neither would, nor could the people by counsel go about any such business. So there being no possible cause of disagreement between the few and the many, the senat and the people, there can be no such effect; whence this is the *government, which being perfectly equal, has such a libration in the frame of it, that no man in or*

under it can contract such an interest or power, as should be able to disturb the commonwealth with sedition.

Yet after all this, the prevaricator *will only tell Mr. Harrington* (for to deny the conclusion is a fair way of disputing) *that this libration is of the same nature with a perpetual motion in the mechanics.* But let me tell him, that in the politics there is nothing mechanic, or like it. This is but an idiotism of some mathematician resembling his, who imagin'd the stream of a river to be like that of his spigot.

Consid. p. 67.

*Rusticus expectat dum defluat amnis, at ille
Labitur & labetur in omne volubilis ævum.
The silly swain upon a river stood,
In hope the rolling bottom of the stood
Would once unwind it self, whose liquid clew
The silver thread for ever shall renew.*

The mathematician must not take God to be such a one as he is. Is that of the sun, of the stars, of a river, a perpetual motion? even so *one generation goes and another comes.*

Nature, says Galen, has a tendency to make her creature immortal, if it were in the capacity of the matter on which she has to work; but the people never dys. This motion of theirs is from the hand of a perpetual mover, even God himself, *in whom we live, and move, and have our being;* and to this current the politician adds nothing but the banks, to which end, or none, the same God has also created human prudence. Wherefore there is not any thing that raises it self against God or right reason, if I say that it is in human prudence so to apply these banks, that they may stand as long as the river runs; or let this Considerer consider again, and tell me out of Scripture or reason, why not. Mathematicians, it is true, pretended to be the monopolists of demonstration; but speak ingenuously, have they, as to the politics, hitherto given any other demonstration, than that *there is a difference between seeing, and making of spectacles?* much more is that comparison of the politics, going upon certain and demonstrable principles, to astrologers and fortunetellers, who have none at all, vain and injurious. For as in relation to what David has said, and experience confirm'd, of the age of man, that it is *threescore years and ten;* I may say, that if a man lys bed-rid, or dys before threescore years and ten, of any natural infirmity or disease, it was not thro any imperfection of mankind, but of his particular constitution: so in relation to the principles and definition of an equal commonwealth yet unshaken, nay untouch'd by this prevaricator, I may safely affirm, that a commonwealth is a government, which if it has bin seditious, it has not been from any imperfection in the kind, but in the particular constitution, which where the like has happen'd, must have bin unequal. My retreat to these principles is call'd *running into a bog;* as if such as have no principles were not bogs, *Informis limus, stygiæque paludes.*

Galen de usu partium,
l. 4.

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CHAP. IX.

Whether Monarchy Coming Up To The Perfection Of The Kind, Coms Not Short Of The Perfection Of Government, And Has Not Som Flaw In It. In Which Is Also Treated Of The Balance Of France; Of The Original Of A Landed Clergy; Of Arms, And Their Kinds.

ON monarchy I have said, that wheras it is of two kinds, the one by arms, the other by a nobility; for that by arms, as (to take the most perfect model) in *Turky*, it is not in art or nature to cure it of this dangerous flaw, that the *Janizarys* have frequent interest, and perpetual power to raise sedition, or tear the magistrat in pieces. For that by a nobility, as (to take the most perfect model) of late in *Oceana*, it was not in art or nature to cure it of that dangerous flaw, that the nobility had frequent interest and perpetual power by their retainers and tenants to raise sedition, and levy war:

whence I conclude that monarchy reaching the perfection of the kind, reaches not the perfection of government, but must still have some dangerous flaw in it.

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This place (tho I did not intend by it to make work for a tinker) could not be of less concernment, than it proves to the prevaricator, who, as if he were oblig'd to mend all, falls first to patching with a monarchy by arms, then with a monarchy by a nobility: at length despairing, throws away each, and betakes himself with egregious confidence, to make out of both a new monarchy, which is neither. By observation of these three flourishes, the present chapter may be brought into some method.

The first blow of his hammer, or that wherby he intends the flaw or hole in monarchy by arms shall henceforth be mended and

Consid. p. 46.

tite, is this: *that the guards of the kings person be not increas'd beyond the necessity of security: that they be not suffer'd to stagnat at court, but be by a perpetual circulation drawn out upon service; and chiefly that they consist not of one entire body united under the same head, but be divided into distinct partys and commands; as we may see in France, where tho (in proportion to the extent of their dominions) the king's guards be more numerous than those of the Roman or Turkish emperors, yet being divided into distinct bodys of French, Scots and Switzers, under their several colonels and captains, they have never bin the authors of any the least sedition. And in Turkey of late years they begin to learn the art of poisoning the Janizarys by the Spahys, and so have frequently evaded the danger of their mutinys.* Which fine work at first view gos upon this false ground, *that the foundation of monarchy by arms is laid upon the prince's guards or the court militia*, wheras monarchy by arms consists in no other balance than the prince's being sole landlord, which, where imperfect, as it was in that of the *Roman* emperors, the empire is the most troubl'd; and where perfect, as in *Turky*, the empire is less seditious. For that which he says of *France*, it relates to monarchy by a nobility; and therefore is not to be confounded, according to this method, with this, but refer'd to the next branch.

As to monarchy by arms, tho it be true that the balance of dominion in any of the three kinds may be said to be natural, in regard of the effect; yet seeing God *has given the earth to the sons of men*, that of a sole landlord, as *Turky*, is not so natural in the cause or foundation, as the *Timars*, and therefore requires the application of some kind of force, as the *Janizarys*, who are not the root of the government, that being planted in the earth of the *Timars*, or military farms and colonys (for that the *Janizarys* are not the foundation of this empire, which was founded long before, is plain, in that this order was not introduc'd till Amurath the Second) but the dragon that lyes at that root, and without which the fruit would fall into the mouths of the *Timariots* by way of property (as when the knights fees granted first for life, became afterwards hereditary in *Oceana*) which would cause such a fall from monarchy, that it would become, as we have seen, the rise of popular power (the lots, in case this should happen, of the *Timariots*, little differing from those divided by Joshua to the children of *Israel*) wherefore when this happens in the *Turkish* monarchy, it is at an end. And that this does not happen, tho there be divers other concurrent policys, I would have any man shew me, how it could be but for the *Janizarys*. Otherwise it is plain that the *Janizarys* being a flying army, on wing at all games, and upon all occasions, are not so much the guard of the prince, as of the empire; which ruin'd, the prey falls to the *Timariots*, as those that are in possession, except these be ruin'd too, who being all horse, and far greater in number than the *Janizarys* that are foot, would (in case the awe of the prince, and the policy of the government which holds them divided, were broken) be invincible by the *Janizarys*, who nevertheless by these aids can easily contain them. *Whence the sedition of the Janizarys, like that of a nobility, may be dangerous to the prince, but never threatens the throne; whereas the sedition of the Timariots, like that of a people, would be more against the throne than the prince.* These things consider'd, and in them the nature, constitution, or disease of monarchy by arms, we may consult the more rationally with the considerer upon the applications or remedies by him offer'd, which are three.

First, *That the guards of the king's person be not increas'd beyond the necessity of security.* But of what security, that of his person, or of his empire, or of both? for speaking of a monarchy by arms, in this latter sense only it is true: and if so, then this singular maxim of state (*Frustra fit per plura, quod fieri potest per pauciora*) might have bin spar'd (*Cela s'en va sans le dire, comme les heures de nostre curè.*)

Secondly, *That they be not suffer'd to stagnat at court, but be by a perpetual circulation drawn out upon service;* for if there be not perpetual service, it should seem, men might be apt to think that government was instituted for peace as well as war. I add no more than is imply'd in his words, which as to this of *Turky* have chanc'd well; where not the stagnation of the *Janizarys* only, but of the court it self (which by the institution should always be in exercise of arms) is the cause of that present decay, so perceivable in this empire. But the prince sitting still or stagnating, to what the circulation of the *Janizarys* (whose alienation from the government, or intelligence with the *Timariots*, must needs be of dangerous consequence) could tend, should have bin thought on: otherwise to expose the empire to danger for the safety of the prince, is no cure of the government.

But his chief remedy remains: *This court militia must not consist of one intire body united under the same head, but be divided under several colonels, captains, partys, brigades*, and distributed to several quarters. As if this were a cure, there were any army that could be mutinous: but where he says, *not united under the same head*, he intimats perhaps divers generals, and divers armys; now such are the *Turkish Beglerbeks*, and the provinces under their governments. That these therfore be kept divided, so that not any two of them can lay their heads together without having them cut off, nor any son succede the father in government, requires that there be always a sufficient force (distinct from the interest of the *Timariots* and *Beglerbeks*) united, and still ready upon occasion of this service; and the *Janizarys* with the *spahys* or court-horse being united, are no more than sufficient for this service. Wherefore if these also were so divided as therby to be weaken'd, they could not be sufficient for this service; and their division, except such as might weaken them, would be of no security to the prince. That the provinces, under this aw, are less apt to rebel, than the court guards to mutiny, is no wonder; but the court guards being cur'd by the prescription of this physician, of the possibility of mutiny, which without weakening them is impossible, the provinces, if liberty, or riches, or power be desirable, would never indure the yoke of this government. Wherefore it being inavoidable in the *Turkish* empire, that either the *Janizarys*, or the *Timariots* may do what they list (in regard that whether of them be able to give law to the other, must at the same time be able to give law to the prince; and to bring them to an equal balance, were to make a civil war, or at least to sow the seed of it) the native wound of monarchy by arms remains incur'd and incurable. What more may be don for monarchy, *founded upon a nobility*, coms next to be try'd. In this the considerer gives his word, that *there never rises any danger to the crown, but when either a great part of the sovereign power is put into the hands of the nobility, as in Germany and Poland* (where it should seem by him, that the electors and the gentry do not put power into the hands of the emperor, or king, but the emperor or king puts power into the hands of the electors or gentry) *or when som person or family is suffer'd to overtop the rest in riches, commands, and dependence, as the princes of the blood and Lorrain, not long since, in France; and of old the Montforts and Nevils in England*.

The first of these he declares to be *a vicious government, and a monarchy only in name*: the second he undertakes shall *easily admit of this remedy; that the great ones be reduc'd* (decimo sexto) *to a lesser volum, and level'd into an equality with the rest of their order*.

Consid. p. 47.

His putpin is pretty: *the emperor puts power into the hands of the electors; and the king of Poland puts power into the hands of the gentlemen: which governments therfore* (and all such like, as when the king of *England* did put power into the hands of the barons, at such a time as he was no longer able to keep it out of their fingers, by which means the antient and late government of king, lords and commons, was restor'd) *are vicious constitutions, and monarchys only in name*: such as he will not meddle with, and therfore let them go. Well; but where is the patient then? if these be not monarchys by nobility, what do we mean by that thing? or what government is it that we are to cure? why such a one, *where som person or family is suffer'd to overtop the rest in riches, commands, and dependence, as the princes of the blood and Lorrain, not long since, in France; and of old the Montforts and the Nevils in England*. So then the same again (for these are no other) upon recollection, are those *that admit*

of this easy cure. Let the great ones be reduc'd to a lesser volum, and level'd with the rest of their order. But how? if they be the weaker party, they are not the great ones; and if they be the stronger party, how will he reduce them? put the case a man has the gout, his physician dos not bid him reduce his overtopping toes to the volum of the other foot, nor to level them to equality with the rest of their order, but prescribes his remedys, and institutes the method that should do this feat. What is the method of our *Æsculapius; point de novelle;* or where are we to find it? *e'en where you please. The princes of the blood, and of Lorrain in France; the Montforts and the Nevils in England,* overtop'd not their order by their own riches or power, but by that of the party, which for their fidelity, courage, or conduct, intrusted them with the managing of their arms or affairs. So the prince that would have level'd them, must have level'd their party; which in case the controversy be upon the right, or pretended right of the nobility in the government, which commonly makes them hang together, may com to the whole order: what then?

why then, says he, the prince must *preserve his nobility weighty enough to keep the people under, and yet not tall enough in any particular person to measure with himself:* which, abating the figure, is the same again; and so I have nothing to answer but the figure. Now for this, the prince himself is no otherwise tall, than by being set upon the shoulders of the nobility; and so if they set another upon the same shoulders (as in Henry the 4th or the 7th, who had no titles to the crown, nor could otherwise have measur'd with the prince) be he never so low, he coms to be tall enough in his particular person to measure with the prince, and to be taller too, not only by those old examples, but others that are younger than our selves, tho such (the nobility having not of late bin weighty enough to keep the people under) as derive from another principle, that of popular balance. A prince therefore preserving his nobility weighty enough to keep the people under, must preserve in them the balance of that kind of empire: and the balance containing the riches, which are the power, and so the arms of the nation; this being in the nobility, the nobility, when willing, must be able to dispose of the king, or of the government. Nor under a less weight is a nobility qualify'd to keep down the people, as by an argument from the contrary. Henry the 7th having found the strength of his nobility, that set him in a throne to which he had no right, and fearing that the tide of their favour turning, they might do as much for another, abated the dependence of their tenants, and cut off their train of retainers; which diminution of their weight, releasing the people by degrees, has caus'd that plain or level into which we live to see the mountain of that monarchy now sunk and swallow'd: wherefore the balance of the nobility being such as failing, that kind of monarchy coms to ruin; and not failing, the nobility, if they join, may give law to the king, the inherent disease of a monarchy by a nobility remains also uncur'd and incurable.

Consid. p. 49.

These are points to which I had spoken before; but something concerning *France* and foren guards was mumbled by the prevaricator in a wrong place, while he was speaking of *Turky*, where there is no such thing. This, left I be thought to have courted opposition for nothing, shall open a new scene; while I take occasion in this place to speak first of the balance of the *French* monarchy, and next of the nature and use of foren guards.

The balance of France.

The whole territory of *France* except the crown lands, which on this account are not considerable, consists of three shares or parts, wherof the church holds one, the nobility another; and the presidents, advocats, other officers of the parlements, courts of justice, the citizens, merchants, tradesmen, the treasurers, receivers of the customs, aids, taxes, impositions, gabels, all which together make a vast body, hold a third: by how equal portions I am sorry that I do not know, nor where to learn: but this is the balance of the *French* monarchy, to which the peasant holding nothing, but living (tho in one of the best countrys of the world) in the meanest and most miserable condition of a laborer, or hynd, is of no account at all.

The partys that hold the balance in a territory are those of whom the government does naturally consist, wherfore these are call'd estates; so the clergy, the nobility, and the commons, are the three estates of *France*. Tho the third, because the peasant partaking not of the balance can (in relation to government) be of no account, is not call'd the commons, but only the third estate: wheras the yeomanry and gentry in *England* having weigh'd as well in the balance as the church and the nobility, the three estates of *England* (while the monarchy was in vigor) were the clergy, the nobility, and the commons.

The consent of nations evinces that the function of the clergy, or priest, except where otherwise determin'd by law, appertains to the magistrat. By this right Noah, Abraham, Job, *with the rest of the patriarchs, instructed their familys, or sacrific'd. There seems to have bin a kind of commonwealth in Canaan, while Melchizedec was both king and priest. Such also was Moses, till he consecrated Aaron, and conser'd the preisthood upon the Levits, who are expresly said to succede to the firstborn, that is to the patriarchs, who till then exercis'd that function. Nor was it otherwise with the Gentils, where they, who had the sovereign power, or were in eminent magistracy, did also the priestly office* (omnino apud veteres qui rerum potiebantur, iidem auguria tenebant: ut enim sapere, sic divinare, regale ducebant, says Cicero; and Virgil, Rex Anius, rex idem hominum, Phoebique facerdos.) *You find the heros, that is princes, in poets, sacrificing. The Ethiopian, Egyptian, Lacedemonian kings did the like. In Athens constantly and in Rome, when they had no kings, occasionally they elected a rex sacrorum, or king priest. So that a free people had thus far power of electing their priests, is not deny'd by any man.*

Grotius de imp. sum.
pot. circa sacra. c. 2.
f. 4.

This came, it should seem, to be otherwise establish'd by the law in *Egypt*, where the priests (whose lands Joseph when he bought those of the people did not buy) being great landlords, it may be to the third of the whole territory, were one of the three estates of the realm. And it is clear in Scripture that the people, till they sold their lands, became not servants to Pharaoh.

Original of a landed
clergy.

While Agesilaus was in *Egypt* they depos'd their king, which implys the recovery of their balance; but so, seeing they set up another, as withal shews the balance of the nobility to have bin predominant. These particulars seem to com near to the account of Diodorus Siculus, by whom the balance of *Egypt* should have stood thus:

Xenoph. in Orat. de
Ages.

the whole revenue was divided into three parts, wherof the priest had the first, the king had the second, and the nobility had the third. It seems to me that the priests had theirs by their antient right and title,

L. 1.

untouch'd by Joseph; that the kings had all the rest by the purchase of Joseph; and that in time, as is usual in like cases, a nobility came thro the bounty of succeeding kings to share with them in one half. But however it came about, *Egypt* by this means is the first example of a monarchy upon a nobility, at least distributed into three estates by means of a landed clergy, which by consequence came to be the greatest counsellors of state, and, fitting religion to their uses, to bring the people to be the most superstitious in the whole world.

Were it not for this example, I should have said, that the indowment of a clergy or religious order with lands, and the erecting of them into an estate of the realm or government, were no antienter than the *Goths* and *Vandals*, who introducing a like policy, which to this day takes place throout the Christian world, have bin the cause;

First, Why the clergy have bin generally great counsellors to kings, while the people are led into superstition?

Secondly, By planting a religious order in the earth, why religion has bin brought to serve worldly ends?

And, thirdly, by rendring the miter able to make war; why of latter ages we have had such a thing as war for religion, which till the clergy came to be a third state or landlords, was never known in the world:

for that some citys of *Greece*, taking arms upon the usurpation or violation of som temple, have call'd it the *holy war*; such disputes having bin put upon matter of fact, and not of faith, in which every man was free, came not to this account. Moses was learn'd in all the learning of the Egyptians; but a landed clergy introduced he not in *Israel*: nor went the apostles about to lay any such foundation of a church. Abating this one example of *Egypt*, till the *Goths* and *Vandals*, who brought in the third estate, a government, if it were unequal, consisted but of two estates; as that of *Rome*, whether under the kings or the commonwealth, consisted of the *Patricians* and *Plebeians*, or of the nobility and the people. And an equal commonwealth consists but of one, which is the people: for example of this you have *Lacedemon* and *Venice*, where the people being few, and having many subjects or servants, might also be call'd a nobility, as in regard of their subjects they are in *Venice*, and in regard of their helots or servants, they might have bin in *Lacedemon*. That, I say, which, introducing two estates, causes division, or makes a commonwealth unequal, is not that she has a nobility, without which she is depriv'd of her most special ornament, and weaken'd in her conduct, but when the nobility only is capable of magistracy, or of the senat; and where this is so order'd, she is unequal, as *Rome* But where the nobility is no otherwise capable of magistracy, nor of the senat, than by election of the people, the commonwealth consists but of one order, and is equal, as *Lacedemon* or *Venice*.

Thucyd. l. 1.

But for a politician commend me to the considerer, he will have *Rome* to have bin an equal commonwealth, and *Venice* to be an unequal one, which must be evinc'd by wiredrawing. For having elsewhere, as has bin shewn, admitted without opposition that the balance of *empire is well divided into natural and provincial*, the humor now

takes him to spin that wedg into such a thred, as by entangling of these two, may make them both easy to be broken.

Hereto he betakes himself in this manner. *As Mr. Harrington has well observ'd (p. 37.) where there are two partys in a republic with equal power (as in that of Rome, the people had one half, and the nobility had the other half) confusion and misery are there intail'd. For remedy wherof, or to avoid this, there can be no way but to make the commonwealth very unequal.*

Consid. p 16. 69. 70.

In answer to this, there will need no more than to repeat the same things honestly. Mr. Harrington speaks of the national balance of empire (p. 37) to this sense: *Where the nobility holds half the property, or about that proportion, and the people the other half* (the shares of the land may be equal; but in regard the nobility have much among few, and the people little among many, the few will not be contented to have authority, which is all their proper share in a commonwealth, but will be bringing the people under power, which is not their proper share in a commonwealth; wherfore this commonwealth must needs be unequal. And except by altering the balance, as the *Athenians* did by the *sisacthia*, or recision of debts; or as the *Romans* went about to do by an agrarian, it be brought to such an equality, that the whole power be in the people, and there remain no more than authority to the nobility) *there is no remedy but the one* (with perpetual feud) *will eat out the other, as the people did the nobility in Athens, and the nobility the people in Rome.* Where the carcass is, there will be the eagles also; where the riches are, there will be the power. So if a few be as rich as all the rest, a few will have as much power as all the rest; in which case the commonwealth is unequal, and there can be no end of staving and tailing, till it be brought to equality. Thus much for the national balance; for the provincial, there power dos not follow property, but the contrary: this the prevaricator having acknowleg'd, lets slip, to the end he may take a gripe of *Venice*, which (because the three or four thousand of which originally consisted, and now consists that whole government, having acquir'd provinces, and increase of their city by later comers, do not admit these to participation of power) he says is an unequal commonwealth. He will be a mill-horse, whether *the cake be dowe or not*; for this is to draw in a circle: and *Rome*, which by his former arguments should have bin equal, by this again must be unequal, seeing *Rome* as little admitted her provinces into the body of the commonwealth, as dos *Venice*. This clash is but by way of parenthesis; to return therfore to the business in present agitation.

The estates be they one, or two, or three, are such (as was said by virtue of the balance) upon which the government must naturally depend. Wherfore constitutively the government of *France* (and all other monarchys of like balance) was administer'd by an assembly of the three estates; and thus continu'd till that nation being vanquish'd by the *English*, Charles the 7th was put to such shifts as, for the recovery of himself in the greatest distress, he could make. To which recovery, while the estates could not be legally call'd, he happening to attain without them, so order'd his affairs, that his successors, by adding to his inventions, came to rule without this assembly; a way not suting with the nature of their balance, which therfore requir'd som assistance by force, and other concurring policys of the like nature, wherof the foren guards of that monarchy are one; the great baits alluring the nobility another; and the emergent interest of the church a third.

To begin with the last of these; the church (except it be in a war for religion, as when they join'd with the princes of *Lorrain*, and what party of the *French* nobility were made, or they could make against the king of *Navar*) are not of themselves so hot at hand, or prompt to arms: but the king being (to use their word) no heretic, thro their great apprehension of the third estate, as that which is most addicted to the Protestant religion, may be confident they will never side with the people. So by this emergent interest or accident he has the church sure enough.

For the nobility, which is exceeding gallant, this change has the greatest baits; for whereas the church being not spar'd, the third estate is laden, and the peasant overladen with taxes, the nobility is not only at better ease in this regard, but for the greater or more considerable part, receives advantage by it: the king having always, whether in peace or war, a great cavalry, than which there is no better in the world for the exercise, entertainment, and profit of the nobility: governments of citys, castles, provinces in abundance, which he rarely distributes to any other. The greater nobility are marechals, generals; the less officers in the armys, specially of the horse, the emoluments wherof they receive also in time of peace; and many of this order being pensioners, taste of the king's liberality, without taking pains, or having any imployment at all. By which both that *France* is a monarchy by a nobility, and how she holds her nobility, is apparent.

Now the church and the nobility standing thus ingag'd to the king, by which means he has two parts of the balance to one, it is demonstrable that the government must be quiet. Nor, seeing the church for the reason shewn is sure enough, coms the government (since the Protestant citys and holds were demolish'd) to be otherwise disquieted than by the flying out of the nobility, which, whenever it happens in any party considerable, either for the number, or the interest, causes the crown to shake; for it seldom coms to pass upon this occasion, but the third estate, or som part of it, takes arms immediately. In which place it is worthy to be observ'd, that wealth, according to the distribution of the balance, has contrary motions. The third estate in *France* having riches, and those laden with taxes, com to have something to lose, and something to save: which keeps them in continual fear or hope. The nobility holding to the king, the third estate has something to lose, which withholds them from arms thro fear; but the nobility flying out, the third estate has something to save, which precipitats them into arms thro hope: whereas the peasant having nothing to save or to lose, to hope or to fear, never stirs. The case standing thus, the sufficiency of the *French* politician (since the masterpiece of cardinal Richlieu, in demolishing those walls of the Protestants, which had otherwise by this time bin a refuge for the third estate, and perhaps overturn'd the monarchy) lys altogether in finding for the nobility work abroad, or balancing them in such sort at home, that if a party flys out, there may be a stronger within to reduce it, or at least to be oppos'd to it. In this case, left the native interest of the nobility, since the assemblys of the three estates were abolish'd, might cool the remaining party, or make them slower in the redress of such disorder or discontents than were requisit, the king is wisely provided of foren guards; which being always in readiness, and not obnoxious to the native interest, may upon like occasions be of more expedition and trust. Being com thus to foren arms, which is the point I more especially propos'd to myself in the present discourse, one objection in relation to what has bin already said, seems to interpose itself. Seeing

France, while it is not govern'd by the assembly of states, is yet of the same balance it was when govern'd by the assembly of states; it may be said that a government of the same balance may admit of divers administrations.

To which I need make no other answer, than to put you in mind, that while this government was natural, or administer'd by the assembly of states, it is celebrated by Machiavel to have bin the best order'd of any monarchy in the world; and that what it is, or has bin of later times, you may believe your own eys or ears.

There be yet, before I can com to foren guards, som previous considerations. All government, as is imply'd by what has bin already shewn, is of these three kinds: *a government of servants*:

Of arms, and their kind.

a government of subjects; or, *a government of citizens*. The first is absolute monarchy, as that of *Turky*: the second aristocratical monarchy, as that of *France*: the third a commonwealth, as those of *Israel*, of *Rome*, of *Holland*. Now (to follow Machiavel in part) of these, the government of servants is the harder to be conquer'd, and the easier to be held: the government of subjects is the easier to be conquer'd, and the harder to be held. To which I shall presume to add, that the government of citizens is both the hardest to be conquer'd, and the hardest to be held.

My author's reasons, why a government of servants is the hardest to be conquer'd, com to this, that they are under perpetual disciplin and command, void of such interests and factions, as have hands or power to lay hold upon advantages or innovation; whence he that invades the *Turk* must trust to his own strength, and not rely upon disorders in the government, or forces which he shall be sure enough to find united.

His reasons why this government being once broken, is easily held, are, that the armys once past hope of rallying, there being no such thing as familys hanging together, or nobility to stir up their dependents to further reluctancy for the present, or to preserve themselves by complacence with the conquerors for future discontents or advantages, he that has won the garland has no more to do but to extinguish the royal line, and wear it ever after in security. For the people having bin always slaves, are such whose condition he may better, in which case they are gainers by their conqueror; but can never make worse, and therefore they lose nothing by him. Hence Alexander having conquer'd the *Persian* empire, he and his captains after him could hold it without the least dispute, except it arose among themselves. Hence Mahomet the Second having taken *Constantinople*, and put Palæologus the *Greec* emperor (whose government was of like nature with the *Persian*) together with his whole family, to the sword, the *Turc* has held that empire without reluctancy.

On the other side, the reasons why a government of subjects is easilier conquer'd, are these: That it is supported by a nobility so antient, so powerful, and of such hold and influence upon the people, that the king without danger, if not ruin to himself or the throne (an example wherof was given in Hen. 7th of *England*) can neither invade their privileges, nor level their estates; which remaining, they have power upon every discontent to call in an enemy, as Robert count of *Artois* did the *English*, and the duke of *Guise* the *Spaniard* into *France*.

The reasons why a government of subjects being so easily conquer'd, is nevertheless the harder to be held, are these: That the nobility being soon out of countenance in such a case, and repenting themselves of such a bargain, have the same means in their hands wherby they brought in the enemy, to drive him out, as those of *France* did both the *English* and the *Spaniard*.

For the government of citizens, as it is of two kinds, an equal or an unequal commonwealth, the reasons why it is the hardest to be conquer'd, are also of two kinds; as first, the reasons why a government of citizens, where the commonwealth is equal, is hardest to be conquer'd, are, that the invader of such a society must not only trust to his own strength, inasmuch as the commonwealth being equal, he must needs find them united, but in regard that such citizens, being all soldiers or train'd up to their arms, which they use not for the defence of slavery, but of liberty (a condition not in this world to be better'd) they have more specially upon this occasion the highest soul of courage, and (if their territory be of any extent) the vastest body of a well disciplin'd militia that is possible in nature: wherfore *an example of such a one overcom by the arms of a monarch, is not to be found in the world*. And if som small city of this frame has happen'd to be vanquish'd by a potent commonwealth, *this is her prerogative, her towers are her funeral pile, and she expires in her own flame, leaving nothing to the conqueror but her ashes, as Saguntum overwhelm'd by Carthage, and Numantia by Rome*.

The reasons why a government of citizens, where the commonwealth is unequal, is, next the former, the hardest to be conquer'd, are the same, with this difference, that tho her peace be not perfect within, her condition is not to be better'd by any thing without. Wherfore *Rome* in all her strife never call'd in an enemy; and if an enemy upon occasion of her strife, and hopes of advantage by it, came without calling, he presented her with her most sovereign cure, who had no leisure to destroy her self, till having no enemy to find her work, she became her own.

—*Nondum tibi defuit hostis,
In te verte manus*—.

Nor is there any example that a government of this kind was ever subdu'd by the arms of a monarch; tho som indeed may be found that have call'd or suffer'd foren princes or force to com in, as *Holland* by marriages of their prince, and *Genoa* thro her factions, as those of the Fiesci and Adorni.

Guic. l. 11.

To conclude this part as to the reasons why a government of citizens so acquir'd or possess, as thro marriage, or faction, is the hardest to be held, there needs no more than that men accusom'd to their arms and their liberties will never indure the yoke. Wherfore the *Spaniard*, tho a mighty king, no sooner began in *Holland*, a small commonwealth, to innovat or break her orders, than she threw him off with such courage and disdain, as is admirable to the world. And somewhat of the like kind did *Genoa* by the help of her Doria in the vindication of her liberty from *France*.

To com by this farthest way about as I think the nearest way home: arms are of of two sorts, proper or improper; that is, native or foren.

Proper and native arms are, according to the triple nature of government, of three kinds; servants in arms, as the *helots* in *Lacedemon*, the *timariots* and *janizarys* in *Turky*; subjects in arms, as the horse in *France*, and the seaguards or forces in *Venice*; or citizens in arms, as those upon the *Lexiarcha* in *Athens*, of the *Moræ* in *Lacedemon*, and the legions in *Rome*.

Proper and improper arms.

Improper or foren arms are of two sorts; auxiliariys, and mercenarys.

Auxiliariys are such as are supply'd by virtue of som league, as were those of the *Latins* and *Italians* to the *Romans*; and those of the cantons of *Swiss* (except *Zuric*) to the king of *France*: or they may be such as are occasionally lent freely, or let forth for mony by one state to another, the latter wherof differ not much from mercenarys.

Mercenarys are soldiers of fortune that have no other trade than their arms, and let out themselves for mony; of such consisted the greatest part of the *Carthaginian* strength, such is the land force of *Venice*, and, notwithstanding the antient league of *France* with those nations, such at this day are the *Swiss* and *Scotish* guards (and somtimes a good part of the foot) in *France*.

MACHIAVEL discourses upon these particulars in his art of war, to admiration: by whom I shall therfore steer.

Where the arms in bulk are proper, and consisting of citizens, they have other trades, and therefore are no soldiers of fortune; and yet because the commonwealth has arms for her trade (in regard she is *a magistrat given for the good of mankind, and bears not her sword in vain*) they are all educated as well in military as civil disciplin, taking their turns in service of either nature according to the occasion, and the orders of the commonwealth, as in *Israel*, *Athens*, *Lacedemon*, and *Rome*, which had (if their territorys permitted, and somtimes, as I may say, whether their territorys permitted or no, as in *Israel*) the vastest, the highest temper'd, and the best disciplin'd militia, that is to be found in the whole compass of story. Som armys of *Israel* have consisted of three or four hundred thousand men:

Rome upon the rumor of a *Gallic* tumult, arm'd in *Italy* only, without foren aid, seventy thousand horse and seven hundred thousand foot; things in our days (when the *Turk* can hardly arm half so many) not to be credited.

Plin. L. Æmilio Papo, C. Atilio Regulo Coss.

Hence that a commonwealth, which had not first broken her self, or bin broken by som other commonwealth, should not be found to have bin conquer'd by the arms of any monarch, is not miraculous, but a natural effect of an apparent cause. In this place, or upon this text, divines whom I would desire not to be enemys of popular power, but to give Machiavel his due, shall, if they please, hear him make a goodly sermon, in these words:

If antient commonwealths and governments us'd diligence in any other order to make their people lovers of peace, faithful to their

Arte della Guer. Proem.

country, and to have the fear of God before their eyes, they doubl'd it in this of their militia: for of whom should your country expect greater faith, than of such as have offer'd themselves to dy for her? Whom should she endeavour to make greater lovers of peace, than them who only can inslave her by force? In whom should there be greater fear of God, than in such as carry their lives in their hands? This, when lawgivers and captains rightly consider'd, was the cause why soldiers were esteem'd, honor'd, follow'd and imitated above all men in the world; whereas since such orders are broken, and custom is altogether deviated from the course of antient prudence, men are com to detest the iniquity of the camp, and fly the conversation of such as are in arms, as the pestilence. *Where the arms in bulk are proper, but consist of subjects, they are the best next; and but the best next, as appears by all examples antient and modern. The arms with which Pyrrhus prince of Epirus invaded the Romans, were of subjects; yet that prince, tho he was not vanquish'd by the Romans, confest their advantage, and gave them over. The Spaniard being a far more potent king than was Pyrrhus, has acknowleg'd as much to the Hollanders, tho a far less commonwealth than Rome: so have the princes of Austria, and of Burgundy, to the Switzers. That the arms of subjects are nevertheless as much superior to the arms of servants, as inferior to the arms of citizens, is as plain; seeing as Alexander, with thirty thousand subjects, vanquish'd Darius, having innumerable slaves; so thirty thousand Christians are at this day a match for any army of Turks: and we see Venice, whose force by sea consists of subjects, to have made him quit that element near as fully to her dominion or empire, as did the Persian to Athens.*

To arms that are proper, but consist of servants, all the preeminence that can be given is, that they are better than foren arms; a proof wherof we have in those of Selimus, wherby he conquer'd the *Mamalucs*; who being but a foren force that held *Egypt* in subjection, the country was irrecoverably lost, and, for the reasons already shewn, as easily kept.

Improper arms, whether auxiliary or mercenary, where the force of a prince or of a commonwealth consists, for the bulk or greater part, of no other, are the least effectual, and the most dangerous of all. For auxiliariys, or what effect has bin found of them by princes or commonwealths, it was seen in *France* during the league by the *Spaniard*; and in *Holland* during the reign of Queen Elizabeth by the *English*; but especially in the *Goths* and *Vandals*, who having been auxiliariys or mercenaries, rely'd upon by the later emperors, came therby to ruin the *Roman* empire.

Mercenariys who make their arms their trade, must of all others be the most pernicious; for what can we expect less of such whose art is not otherwise so profitable, than that they should (as Machiavel shews) *be breakers of their faith, given up to rapin, enemys of peace and government.*

To instance in som commonwealths, that of *Carthage* after her first war with the *Romans*, fell thro the rebellion of Spendius and Matho, ringleaders of her mercenaries, into another that was far more dangerous. Of such a dilemma were the arms of this state, that if Hannibal had conquer'd *Rome*, he must have bin king of *Carthage*; and not conquering *Rome*, *Carthage* was ruin'd. The commonwealth of *Milan*, trusting herself to F. Sforza and his mercenaries, became the subject of her servant, and he her

duke. Nor is *Venice*, whose land-forces are of the same kind, otherwise in safety as to these, than by her situation. To give some instances of the same nature in princes: the father of F. Sforza being captain of a like mercenary army, forc'd Joan queen of *Naples*, whom he left disarm'd in the midst of her enemys, to lay herself at the feet of the king of *Arragon*; and Braccio by such another treachery had plainly possest himself of the kingdom of *Naples*, had he not bin broken at *Aquila*, where death intercepted his design. From what has bin said (first of government, and then of arms) if a government of servants be harder to be conquer'd, and easier to be held, then in this foren arms must needs be least necessary, and most dangerous.

If a government of subjects be easier to be conquer'd, and harder to be held, then in this foren arms may be more necessary, but must be less dangerous.

But tho a government of citizens be both hardest to be conquer'd, and hardest to be held, yet as it is again in this regard of two kinds, this cannot be said of each kind alike; wherfore I must distinguish.

In a government of citizens, if the commonwealth be not for increase, but preservation only, as *Lacedemon*, *Carthage*, *Venice*, foren arms are both necessary and dangerous; but in a government of citizens, where the commonwealth is both for increase and preservation, as *Rome*, foren arms are neither necessary nor dangerous.

To repeat the parts of this conclusion, which being brief is obscure, more fully and particularly.

The empire of *Turky* is of the harder kind to be conquer'd, wherfore the *Turk* needs not foren guards to defend him, but it is of the easier to be held; wherfore let him take heed of intrusting his person with foren guards, who having a foren interest, may have a foren nation to assist them: and so the person of the prince being in their hands, they have no more to do than to extinguish the royal line; and the empire being easily held, is their own thenceforth with security. Thus the *Mamalucs*, which were at first foren guards, extinguishing the royal line of the kings of *Egypt*, came to possess and hold that realm without opposition. Who well considers this point, will never enough admire the policy of the *Turc* in the creation (as it were) of his *Janizarys*, free from any national interest that might make them dream of, or desire liberty; and yet so void of all foren interest or knowledge, that they know not what, or who were their country or parents. Hence tho they have interest to murder the *Turc*, and sometimes do accordingly, they have no further interest in the world but what depends upon the government; and so the empire is safe, tho the prince be in danger: whereas if they were foren guards, or had any native interest, not only the prince, but the empire too, would be in danger, the rest being servants, and such whose condition might be better'd by a change, but could be no worse. Wherfore a government of servants must by no means admit of foren guards or *Mamalucs*.

But the empire of *France*, where the nobility are not only subject to fly out, but to call in strangers, may have use of foren guards, which not obnoxious to native interest and factions, as those of the nobility, are the readiest and best help at this lift; yet not dangerous, tho having the prince in their power, because by him they are safe from

the nobility, who, were it not for the prince, would be so far from bearing or brooking foren guards, that in case a forener came in upon their call, having the same means to help themselves wherby they brought him in, they would shake the yoke, and the ends why they call'd him in, being satisfy'd or repented of, drive him out again as they did the *Spaniards* and the *English*. But if this government being invaded or conquer'd, be so hard to be kept, how much harder being surpriz'd? Wherefore in a government by subjects, foren arms may be more necessary, but must be less dangerous.

In a commonwealth for preservation, as *Lacedemon*, *Carthage*, *Venice*, foren arms are necessary: so *Lacedemon*, tho able to defend her self by her proper forces against any one city, yet the wars in *Greece* going much upon leagues and confederats, were forced also to make use of her confederats, and somtimes of her *helots*.

But as antiently to *Carthage*, so now to *Venice*, foren or mercenary forces are essential, because for land-service such a constitution can have no other; yet is this course extremely dangerous, as appear'd by *Lacedemon*, who (being ever in fear of her *helots*) when she had acquir'd upon the matter the whole empire of *Greece*, came, by the rebellion of her confederats, not only to lose all, but likewise to ruin. For *Carthage*, upon the mutiny of Spendius and Matho, she escap'd, as at other times upon like occasions, very narrowly. That such an accident neither has befallen *Venice*, nor can befall her, is to be attributed to her situation, by which, in this regard, she is secure: nevertheless, her progress or increase, which by this means either cannot be great, or being great, must render her but the more infirm, is fully barr'd.

To a commonwealth for increase, which always takes in the whole body of the people, foren arms (seeing she abounds above all other kinds of policy, with such as are proper) must needs be the least necessary; and they are the most safe, because never admitting them, but for her mere convenience and frugality in expence of native blood, she receives no such charge of them as can recoil, but must carry point blank, and as vigorously at her proper interest, very near as her proper arms. Thus did the *Latin* and *Italian* auxiliaries, of which, join'd with the *Roman* legions, consisted a consular army.

By thus much it seems that an inference from the success of arms to the perfection of government, and from the perfection of government to the success of arms, should be no fallacious way of disputing.

But this being sweaty work with the considerer, who loves his ease, it is enough to argue thus: *The Switz, Scottish, and French guards, have never bin the authors of any sedition, therefore the seditiousness of a nobility may be mended by foren guards:* which is, as if one should say, such a physician has never bin the cause of the gout; therefore the gout may be cur'd by such a physician. That foren arms may be well enough apply'd in the case of a seditious nobility, and have som good effects, is not deny'd: but is *France* therfore cur'd of her sedition, or remains she, notwithstanding her foren guards, the most seditious example in the world? If thus she has not bin, nor be, what has he read of the princes of the blood in former times, or heard of late from them? But if thus she has bin, and be, is it not a fine way of cure, to give us an example of the disease for the remedy? Nor are her guards so void of sedition neither:

but the *Switzer*, if he wants his pay, dares threaten *Paris*: the *Scot*, at least of late years, has not bin so bold; but if a prince flys out, the ensigns of the *French* guards will one way or other be captains, while soldier and officer too follows his affections or interests, which way soever they frame. I should be glad to know when a dragon fell from that court, that it did not bear down stars with his train. But the prevaricator is set upon it: whereas of late years, the *Janizarys* are known to have bin far more imbru'd in the blood of their princes than ever; he gives us his honest word, *that of late years in Turkey they begin to learn the art of poisoning the Janizarys* (who are the foot of the prince's guard) *by the Spahys* (who are the horse of the same) *and so have frequently evaded the danger of their mutinys*. At which rate, seeing every army consists of horse and foot, no army could be mutinous. If these had not bin mere flights, and so intended, he might have don well to have shewn us one mutiny of the *Janizarys* appeas'd by the *Spahys*. But all the parts of his politics, as was said of those in rhetoric, consist of pronounciation.

Thus the wounds of monarchy, notwithstanding the former, or this last remedy of foren guards, are still bleeding or festering.

But his courage is undaunted (aut viam inveniet aut faciet) he will either mend a government, or make one, by asserting without any example, but with egregious confidence, That the perfection of monarchy is free from those flaws which are charg'd upon it, and that it consists in governing by a nobility, weighty enough to keep the people under, and yet not tall enough in any particular person to measure with the prince; and by a moderat army kept under the notion of guards and garisons, which may be sufficient to strangle all sedition in the cradle:
from which mixture or counterpoise of a nobility and an army,
arises the most excellent form of monarchical government.

Consid. p. 48, 49.

There's for your learning now, A model which is a short horse, and a legislator that has soon curry'd him. To the parts of it, consisting of a nobility, and in force, I have already spoken severally. I shall now speak to the whole together; that is, to the imagin'd mixture or counterpoise of a nobility and an army; and because there is nothing in nature that has not had a natural effect by som example.

The scale of arms, or of iron, continu'd in the line of William the Conqueror; and the scale of property, or gold, continu'd in the barons of *England*, and their successors. But in this before the barons wars consisted not the perfection of the monarchy, because it preponderated too much on the side of arms; nor after the barons wars, because the king, putting power (which he could not keep out of their fingers) into the hands of the nobility, it became *a vicious constitution, and a monarchy only in name* (so says the considerer) therefore the balance being then only even, when neither the king could overbalance or get the better of the barons, nor the barons overbalance or get the better of the king; the perfection of monarchy consisted in the barons wars? Lycurgus the second!

Mark; the king by all means must have a nobility weighty enough to keep down the people; and then he must have an army to hold gold weight with his nobility: as if the nobility in that case would keep down the people, and not fetch them up (as did the

barons) into their scale, that so together they might weigh down the army; which sooner or later is the infallible consequence of this phansy, or let it be shewn where it was ever otherwise. To instance in *France* is quite contrary, where all the considerable officers and commands being in the nobility, or the richer sort of that nation, the balance of arms and of property are not two, but one and the same. There is no way for monarchy, but to have no army, or no other than the nobility, which makes the regulated monarchy, as in *France, Spain, &c.* or to have an army that may weigh down nobility and people too; that is, destroy them both, which makes the absolute way of monarchy, as in *Turky*: the wit of man never found nor shall find a third, there being no such thing in nature.

This chapter is already with the longest, and yet I must give you a corollary, *pouce de roy*, or a piece above measure; relating to a question on which the greenest politician that ever brought his verjuice to the press has spur'd me.

Where he desires to know my opinion of the way of governing by councils, which he confesses he has always thought admirable; he dos not mean such as are coordinat with the prince (which have been seen in the world) but such as those of *Spain*, purely of advice and dispatch, with power only to inform and persuade, but not limit the prince's will. For almost all the weaknesses which have bin thought incident to monarchy are by this course prevented; and if there be any steadiness and maturity in the senat of a commonwealth, this takes it all in.

Consid. p. 49, 50.

To give my counsil without a fee, and deal sincerely with a prevaricator: let the prince (that is, such a one as his) hold himself contented with his *divan*, or cabinet. If this be that he means, we are agreed; but if he would have more, I can make no less of his words than a hankering after such councils as I have propos'd, and that these are such as he *always thought admirable, such as prevent almost all the weaknesses incident to monarchy, and take in the steadiness and maturity of a commonwealth.*

How may we make this agree with that other place, where he says, *that there is no frame of laws, or constitution of government, which will not decay and com to ruin, unless repair'd by the prudence and dexterity of them that govern?*

now that this may not be expected from a monarch, as well as from a senat or assembly of men, he has not yet met with any conviction, but rather finds it reasonable to think that where debates are clearest, the result of them most secret, and the execution sudden (which are the advantages of monarchy) there the disorders of a state will soonest be discover'd, and the necessary remedies best apply'd. In that former place he bethought himself that the debates of *Rome* were as clear as those of *Antiochus*, that her results were as secret as those of *Philip* or *Perseus*, and of more sudden execution than either of theirs. He doubted it might be true, which is affirm'd by good authors, and commonly enough known, that for the clearness of debate, and secresy of result, the world never saw any thing like the senat of *Venice*; and that in all appearance they are for execution as quick with the *Divan*, as the *Divan* can be with them. Now when all this is don, to banish such generous thoughts without shewing us for what cause, and knock under the table, is sad news. But he shall find me, in any thing that is reasonable, most ready to serve

Consid. p. 68.

him. To the question then, how such councils as I have propos'd would do with a prince; I answer, truly the best of them, I doubt, but untowardly. One, that is the popular assembly, has no mean, but is either the wisest in nature, or has no brains at all. When affairs go upon no other than the public interest, this having no other interest to follow, nor eys to see withal, is the wisest council: but such ways are destructive to a prince, and they will have no nay. The congregation of *Israel*, when Rehoboam would not hearken to their advice, depos'd him: and we know what popular councils, so soon as they came to sufficient power, did in *England*. If a prince put a popular council from this ward, he dos a great matter, and to little purpose; for they understand nothing else but themselves. Wherefore the kings of *France* and of *Spain* have dissolv'd all such assemblys. It is true, where a prince is not strong enough to get mony out of them but by their consent, they are necessary: yet then they are not purely of advice and dispatch, but share in the government, and he cannot be meddling with their purses, but they will be meddling with his laws. The senat is of fitter use for a prince, and yet, except he has the way of Tiberius, but a ticklish piece, as appears by Maximinus, who was destroy'd by Pupienus and Balbinus, captains set up against him by this order. To go to the root: these things are not otherwise in prudence or choice than by direction of the balance; where this is popular, no remedy but the prince must be advis'd by the people, which if the late king would have indur'd, the monarchy might have subsisted somewhat longer: but while the balance was aristocratical, as during the great estates of the nobility and the clergy, we find not the people to have bin great or wise counsellors. In sum, if a king governs by a popular council, or house of commons, the throne will not stand long: if he governs by a senat, or a house of lords, let him never fear the throne, but have a care of himself: there is no third, as I have said often enough, but the Divan.

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CHAP. X.

Whether A Commonwealth That Was Not First Broken By Her Self, Was Ever Conquer'D By The Arms Of Any Monarch?

I COM in this chapter to resume the discourse, where I broke off in the former, making good my assertion, that a commonwealth is the government, which from the beginning of the world to this day was never conquer'd by any monarch; for if the commonwealths of *Greece* came under the yoke of the kings of *Macedon*, they were first broken by themselves.

When I speak of a commonwealth, in relation to this point, I am no more to be argu'd against out of the little citys in *Asia*, or those of *Ragusa*, and *San Marino*, which cannot be shewn to have had the command of any considerable army, than I argue against the prevaricator, where he asserts monarchy to consist of a mixture of arms and of a nobility, from the king of *Yuetot*, who had neither.

This assertion in the judgment of any rational man ought not to be incounter'd, but where there was a natural possibility of defence, in regard that a city which has no army at all, as *Geneva* (which yet being invaded by the duke of *Savoy*, found means to defend her self) or such a one as is not considerable, should be subdu'd by some potent monarch (if we could find the example) concerns the government no more, than if it had been overwhelm'd by som inundation, or swallow'd up by som earthquake. And yet all that is oppos'd by the considerer, amounts not to thus much. The testimony he brings out of Pausanias coms far short; for it is recorded (says the author speaking of the *Lacedemonians*) *that being corrupted by the bounty of Cræsus, they were the first that contracted amity with the Barbarians at the time when that king added the territorys inhabited by the Dorians upon the border of Caria, with other commonwealths in Asia, to his empire.* So that Cræsus corrupted the *Lacedemonians* with gifts, Pausanias is express; but whether he obtain'd the *Asiatic* citys (likely in this case to have bin easilier corrupted than the *Lacedemonians*) by arms or by purchase, he is not express: and the presumption of the latter, as in other regards, so in this, is the stronger, that Cræsus by the testimony of Solon, was more potent in gold than in iron. Now if it were so (and if otherwise, let the considerer shew) that these commonwealths inveigl'd by the treasure of Cræsus, came first under the *Lydian*, and fell with that under the *Persian* empire, when Cræsus was subdu'd by Cyrus; all I can learn by this example is no more than that Cræsus, for ought that is perceivable, might have brought those commonwealths as Cosimo of Medicis did *Florence*; from whom it is affirm'd by Machiavel, that *there was not a considerable man in the whole city that had not receiv'd som considerable sum.* So this example presumes; but in the next, which is of *Sicily*, there is not so much as a presumption in favor of the assertor: the state of *Sicily*, before that which the *Romans* call the first *Carthaginian* war, being clear in story against his design.

Consid. p. 53. Paus. Messen.

For that *Africa* for the generation of monsters is not more famous than *Sicily* for that of tyrants, *they who have pass'd their novitiat in story are not ignorant*; nor how when Timoleon had freed her of this vermin, and with liberty she had recover'd some strength and virtue, she relaps'd under Agathocles and his horrid violation of faith, while he was trusted with the arms of her citizens; how after him Pyrrhus was call'd in from *Epirus*; after Pyrrhus, Hiero usurp'd; all by the same arts, getting first into trust or charge, and then recoiling upon them that would take no warning: by which it is apparent that the commonwealths of *Sicily*, like those of *Greece*, were ruin'd by themselves, and their own disorders; and no more subdu'd upon these changes by foren arms, than was *Israel* by the *Canaanites*, or *Rome* by the *Gauls* or *Decemvirs*.

Chap. X.

Fazello Hist de Sicil.
Polyb. l. 1.

ISRAEL having broken her orders, was indeed somtimes opprest by the *Canaanites*; *Rome* was sack'd by the *Gauls*, and usurp'd by the *Decemvirs*. But as the man that having got a fall in a duel, throws off his adversary, recovers himself and his sword, is not conquer'd, so neither the commonwealth:

wherfore neither *Holland* nor *Genoa*, tho they have bin under, being yet standing, can be said to be conquer'd by the arms of *Spain* or *France*, but rather the contrary; seeing the liberty of *Holland* (in many citys more ancient than any records or other monuments there can witness, and in it self than that of *Tacitus*, wherby Civilis, born of princely blood, is affirm'd to have vindicated the *Betavian* freedom) is still the same; and *Genoa*, tho happy in her *Doria*, remains as she was before he was born. Nor did the family of the Medicis banish'd out of *Florence* (where, by virtue of their prodigious wealth, and the inevitable consequence of the balance, their ancestors had bin princes many years before Charles the Fifth was a soldier) any more by the help of his arms, those of the Pope (at that time of the same family) and their party at home, than get into their known saddle. To insist a little more at large upon the storys of *Genoa* and *Florence* (because upon these the prevaricator sets up his rest that Mr. Harrington must needs be afflicted) *Genoa* was and is an oligarchy consisting of twenty-eight familys, making the great council, or aggregation, as they call it, none of these being capable of the senat or of magistracy; and if it could ever be said of a commonwealth, that she had broken her self, it might be said, at the time related to, of *Genoa*, where not only the faction of the *Guelphs* and *Gibelins*, which had destroy'd many citys in *Italy*, then reign'd; but the feud between the people included, and the subject excluded, was as great as ever had bin between the nobility and the people in *Rome*. Besides the quarrel of the Fieschi and the Adorni, two familys, like Cæsar and Pompey, which having many years together as it were ingroft the magistracy of duke, were nevertheless perpetually striving each with other, which should have it; and if one of these (as it did) brought in the king of *France*, there is nothing plainer than that this commonwealth was subdu'd by her own sedition, nor is there a man knowing any thing of her affairs, that makes any doubt of it. That of *Florence* indeed, if the prevaricator could shew it had bin ever up, I should grant were down; but to relate the story of this city, I must relate that of the house of Medicis. From Cosimo, a citizen famous throout *Europe*, both for his wisdom and his riches, this family for the space of sixty years exercis'd, under the pretext of some magistracy,

Decree of the States
of Holland apud Grot.
Hist. 4.

very great power in *Florence*.

Comines.

To Cosimo succeeded Peter, to Peter Laurence, a man in prudence and liberality resembling his grandfather,

P. Jovius.

save that he us'd more absolute power in managing the commonwealth; yet with gentleness, and not altogether to the suppression of liberty. Nevertheless he obtain'd of the signory

Machiavel.

(which did for the most part as he would have them) som small guard for his person: he was a man renown'd thro *Italy*, and look'd upon by foren princes with much respect. To him succeeded his son, another Peter, who thro youth and rashness conceiving the power exercis'd by his predecessors to be no more than his due, took upon him the government as absolute lord of all; and standing most formidably upon his guard, grew sottishly profuse of the public mony, and committed many absurditys and violences: by which means having incurr'd the hatred of the citizens, he was banish'd by the signory, with cardinal John and Julian his brothers. This John coming after to be Pope Leo the Tenth, requir'd the revocation of his brother's banishment, and the restitution of the house of Medicis; to which finding the prevailing party of the *Florentins* to be refractory, he stir'd up the arms of the emperor Charles the Fifth against them, by whose joint aid the city, after a long siege, was reduc'd to her old ward, and Alexander of Medicis, nephew to the Pope and son in law to the emperor, set in the known saddle of his ancestors. This is the action for which the prevaricator will have a commonwealth to have bin conquer'd by the arms of a monarch, tho whoever reads the story may very safely affirm, first, That *Florence* never attain'd to any such orders as could deserve the name of a commonwealth; and next, that the purse of Cosimo had don that long before, which is here attributed to the arms of the Pope and the emperor. Reason and experience, as I said, are like the roots and the branches of plants and trees: as of branches, fruits, and flowers, being open and obvious to the eye, the smell, the touch, and taste, every girl can judg; so examples to vulgar capacitys are the best arguments. Let him that says a commonwealth has bin at any time conquer'd by a monarch, to it again, and shew us the example. But tho fruits and flowers be easily known each from other, their roots are latent, and not only so, but of such resemblance, that to distinguish of these a man must be a gardener or a herbalist. In this manner, the reason why a commonwealth has not bin overcom by a monarch, has bin shewn in the distribution of arms, those of a prince consisting of subjects, or servants, and those of a commonwealth rightly order'd of citizens, which difference plainly relates to the perfection or imperfection of the government.

BUT, says the prevaricator, *this seems intended for a trial of our noses, whether they will serve us to discover the fallacy of an*

Consid. p. 51.

inference from the prosperous success of arms to the perfection of government. If the university, who should have som care of the vineyard of truth, shall ly pigging of wild boars, to grunt in this manner and tear with their tusks, and I happen to ring som of them (as I have don this *Marcassin* for rooting) there is nothing in my faith why such trial of their noses should be sin; but for fallacious inferences, such I leave to them whose caps are squarer than their play.

For all that, *great and well policy'd empires*, says he, *have bin subverted by people so eloign'd from the perfection of government, that we scarce know of any thing to ty them together, but the desire of booty.* Where, or how came he to know this? what

reason or experience dos he allege for the proof of it? may we not say of this, it is for *the trial of our noses, whether they will serve us to discover that a conclusion should have some premises?* he gives us leave to go look, and all the premises that I can find are quite contrary.

The arms of *Israel* were always victorious till the death of Joshua, wherupon the orders of that commonwealth being neglected, they came afterwards to be seldom prosperous.

Isocrates in his oration to the *Areopagits*, speaks thus of *Athens*:

Judg. ch. 1. & 2.

The Lacedemonians, who when we were under oligarchy, every day commanded us something; now while we are under popular administration, are our petitioners that we would not see them utterly ruin'd by the Thebans. Nor did *Lacedemon* fall to ruin till her agrarian, the foundation of her government was first broken. The arms of *Rome* (ever noted by historians, and clearly evinc'd by Machiavel to have bin the result of her policy) during the popular government were at such a pitch, as if victory had known no other wings than those of her eagles:

nor seeing the *Goths* and *Vandals* are the legislators, from whom we derive the government of king, lords, and commons, were

Arte della Guerra.

these when they overcame the *Roman* empire, a people so eloign'd from the perfection of government, but their policy was then far better than that of the emperors, which having bin at first founded upon a broken senat, and a few military colonys, was now com to a cabinet and a mercenary army. The judgment of all ages and writers upon the policy of the *Roman* emperors, is in this place worthy, and thro the pains already taken by Erasmus and Sleidan, easy to be inserted. *O miserable and deplorable state*, says Erasmus, *the authority of the senat, the power of the law, the liberty of the people being trod under foot!*

to a prince that got up in this manner, the whole world was a servant, while he himself was a servant to such, as no honest man would have indur'd the like servants in his house: the senat dreaded the emperor, the emperor dreaded his execrable militia: the emperor gave laws to kings, and receiv'd them from his mercenarys.

In his preface to Suetonius.

To this is added by Sleidan, *that the condition of these princes was so desperat, it was a wonderful thing ambition it self could*

De quat. Imp.

have the courage to run such a hazard; seeing from Caius Cæsarslain in the senat to Charles the Great, there had bin above thirty of them murder'd, and four that had laid violent hands upon themselves: for there was always something in them that offended the soldiery, which whether they were good or bad, was equally subject to pick quarrels, upon the least occasion rais'd tumults, and dispatch'd even such of them as they had forc'd to accept of that dignity, for example, Ælius Pertinax. But if this be true, that of the *Goths* and *Vandals*, when they subdu'd this empire, must have bin the better government; for so ill as this never was there any, except that only of the kings of *Israel*, which certainly was much worse. Those of the *Britains* and the *Gauls* were but the dregs of this of *Rome*, when they were overcome by the *Saxons* and *Franks*, who brought in the policy of the *Goths* and *Vandals*.

When Tamerlan overcame Bajazet, the *Turkish* policy had not attain'd to that ancient territory, which is plainly necessary to the nature of it, nor was the order of the *Janizarys* yet instituted. The *Hollander*, who under a potent prince was but a

fisherman, with the restitution of a popular government, is become the better soldier; nor has he bin match'd but by a rising commonwealth, whose policy you will say was yet worse, but then her balance (being that especially which produces men) was far better. For vastness, for fruitfulness of territory, for bodys of men, for number, for courage, nature never made a country more potent than *Germany*: yet this nation, antiently the seminary of nations, has of late years, merely thro the defect of her policy (which intending one commonwealth, has made a hundred monarchys in her bowels, whose cross interests twist her guts) bin the theater of the saddest tragedys under the sun; nor is she curable, unless som prince falling to work with the hammer of war, be able totally to destroy the old, and forge her a government intirely new. But if this coms to pass, neither shall it be said, that *a well-policy'd empire was subverted*, nor by *a people so eloign'd from perfection of government*, but theirs must be much better than the other. Let me be as ridiculous as you will, the world is (*in fæce romuli*) ripe for great changes which must com. And look to it, whether it be *Germany, Spain, France, Italy, or England*, that coms first to fix her self upon a firm foundation of policy, she shall give law to, and be obey'd by the rest. There was never so much fighting as of late days to so little purpose; arms, except they have a root in policy, are altogether fruitless. In the war between the king and the parlament, not the nation only, but the policy of it was divided; and which part of it was upon the better foundation?

BUT, says he, *Ragusa* and *San Marino* are commended for their upright and equal frame of government, and yet have hardly extended their dominion beyond the size of a handsom mannor.

Consid. p. 51

Have *Ragusa* or *San Marino* bin conquer'd by the arms of any monarch? for this (I take it) is the question; tho, if they had, these being commonwealths unarm'd, it were nothing to the purpose. The question of increase is another point. *Lacedemon* could not increase (because her frame was of another nature) without ruin; yet was she not conquer'd by any monarch.

Com, com, says he, for all this; it is not the perfection of government, but the populousness of a nation, the natural valor of the inhabitants, the abundance of horses, arms, and other things necessary for equipping of an army, assisted with a good military disciplin, that qualify a people for conquest; and where these concur, victory is intail'd upon them. *Very fine!*

Consid. p. 52.

As if these could concur any otherwise than by virtue of the policy. For example, there is no nation under heaven more populous than *France*: yet, says Sir Francis Bacon, *if the gentlemen be too many, the commons will be base, and not the hundredth poll fit for a helmet, as may be seen by comparison of England with France, wherof the former, tho far less in territory and populousness, has bin nevertheless the overmatch; in regard the middle people in England make good soldiers, which the peasants in France do not*. This therfore was from the policy, by which the one has bin the freest, and the other the most inslav'd subject in the world; and not from populousness, in which case *France* must have bin the overmatch.

Essay 29.

The like is observable in the natural valor of the people, there being no greater courage of an infantry, than that of the middle people in *England*, whereas the peasant having none at all, is never us'd in arms. Again, *France* has one of the best cavalrys in the world, which the *English* never had, yet it avail'd her not. Victory is more especially intail'd upon courage, and courage upon liberty, which grows not without a root planted in the policy or foundation of the government.

ALEXANDER with a handful of freemen overcame *the greatest abundance of horses, arms, and other things necessary for the equipping of an army*, the hugest armys, the most vast and populous empire in the world: and when he had don, could not by all these subdue that handful of freer men (tho he kill'd Clytus with his own hand in the quarrel) to the servil customs of that empire. And that the best military disciplin deriv'd from the policy of the *Romans*, I intimated before, and have shewn at large in other places.

But the prevaricator neither minds what is said, nor cares what he says; to affirm that a commonwealth was never conquer'd by any monarch, and that a commonwealth has conquer'd many monarchs, or frequently led mighty kings in triumph, is to run upon the foil, the second proposition being with him no more than only the conversion of the first.

As if that *Rome* was not conquer'd by the world, and that the world was conquer'd by *Rome*, were but a simple conversion. So the world having not conquer'd *Venice*, it must follow, that *Venice* has conquer'd the world. Do we take, or are we taken? nor is he thus satisfy'd to burn his fingers, but he will blister his tongue.

Chap. XI.

Consid. p. 55.

Where I said that the *commonwealth* of *Venice*, consisting of all them that first fled from the main land to those ilands where the city is now planted, at the institution took in the *whole people*, he would make you believe I had said that the *senat* of *Venice*, at the first institution, *took in the whole people*:

it is matter of fact, and that in which his integrity will be apparent to every man's judgment.

Consid. p. 70.

I pray see the places. And yet when he has put this trick upon me, he tells me, *perhaps it is not true*; and this only I grant him

Oceana, p. 41.

past peradventure is false, whether that I said it, or that the thing is possible. For how is it possible, that the *senat*, which is no otherwise such than as it consists of the aristocracy, or select part of the people, should take in the whole people? it is true, that good authors, both antient and modern, when they speak of the *senat* of *Rome*, or of *Venice* historically, imply the people. Machiavel speaks of the magistracy of Publilius Philo, as prolong'd by the *senat* of *Rome*, without making any mention of the people, by whom nevertheless it was granted: the like is usual with other authors. Thuanus seldom mentions the commonwealth of *Venice*, but by the name of the *senat*; which not understood by the learned Considerer, where Contarini speaks in the same manner of the courses taken by the commonwealth of *Venice*, for withholding the subject in the city from sedition, he takes him to be speaking of the means wherby the *senat* (an't please you) keeps the people under: and so having put one trick upon me, and another upon Contarini, these two are his premises, whence he draws this

conclusion; *that Venice is as much as any in the world an unequal commonwealth.*
Now the conclusion you know nobody can deny.

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CHAP. XI.

Whether There Be Not An Agrarian, Or Som Law Of Laws Of That Nature, To Supply The Defect Of It In Every Commonwealth: And Whether The Agrarian, As It Is Stated In Oceana, Be Not Equal And Satisfactory To All Interests.

IN this chapter the prevaricator's devices are the most welfavor'd: for wheras the agrarian of *Oceana* dos no more than pin the basket, which is already fill'd, he gets up into the tree where the birds have long since eaten all the cherrys, and with what clouts he can rake up, makes a most ridiculous scarecrow. This pains he needed not to have taken, if he had not slighted overmuch the *Lexicon*, of which he allows me to be the author; yet will have it, that he understood the words before, som of which nevertheless his ill understanding requires should be further interpreted in this place, as property, balance, agrarian, and levelling.

Property is that which is every man's own by the law of the land; and of this there is nothing stirr'd, but all intirely left as it was found by the agrarian of *Oceana*.

Property in mony (except, as has bin shewn, in citys that have little or no territory) coms not to the present account. But property in land, according to the distribution that happens to be of the same, causes the political balance producing empire of the like nature: that is, if the property in lands be so diffus'd thro the whole people that neither one landlord, nor a few landlords overbalance them, the empire is popular. If the property in lands be so ingrost by the few, that they overbalance the whole people, the empire is aristocratical, or mix'd monarchy; but if property in lands be in one landlord, to such a proportion as overbalances the whole people, the empire is absolute monarchy. So the political balance is threefold, democratical, aristocratical, and monarchical.

Each of these balances may be introduc'd either by the legislator at the institution of the government, or by civil vicissitude, alienation, or alteration of property under government.

Examples of the balance introduc'd at the institution, and by the legislator, are first those in *Israel*, and *Lacedemon*, introduc'd by God or Moses, and *Lycurgus*, which were democratical or popular. Secondly, those in *England*, *France*, and *Spain*, introduc'd by the *Goths*, *Vandals*, *Saxons*, and *Franks*, which were aristocratical, or such as produc'd the government of king, lords, and commons. Thirdly, those in the *East* and *Turky*, introduc'd by *Nimrod* and *Mahomet* or *Ottoman*, which were purely monarchical.

Examples of the balance introduc'd by civil vicissitude, alienation, or alteration of property under government, are in *Florence*, where the Medici attaining to excessive wealth, the balance alter'd from popular to monarchical:

in Greece, where the Argives being lovers of equality and liberty, reduc'd the power of their kings to so small a matter, that there remain'd to the children and successors of Cissus little more than the title, where the balance alter'd from monarchical to popular.

Pausan.

Corinth.

In Rome, about the time of Crassus, the nobility having eaten the people out of their lands, the balance alter'd from popular, first to aristocratical, as in the triumvirs, Cæsar, Pompey and Crassus; and then to monarchical, as when Crassus being dead, and Pompey conquer'd, the whole came to Cæsar.

In Tarentum, and not long after the war with the Medes, the nobility being wasted and overcome by Iapyges, the balance, and with that the commonwealth, chang'd from aristocratical to popular:

Arist. Pol. l. 5. c. 3.

the like of late has discover'd itself in Oceana. When a balance comes so thro civil vicissitude to be chang'd, that the change cannot be attributed to human providence, it is more peculiarly to be ascrib'd to the hand of God; and so when there happens to be an irresistible change of the balance, not the old government which God has repeal'd, but the new government which he dictates as present legislator, is of divine right.

This volubility of the balance being apparent, it belongs to legislators to have eyes, and to occur with some prudential or legal remedy or prevention: and the laws that are made in this case are call'd *agrarian*. So an *agrarian* is a law fixing the balance of a government in such a manner that it cannot alter.

This may be done divers ways, as by intailing the lands upon certain families, without power of alienation in any case, as in *Israel* and *Lacedæmon*; or, except with leave of the magistrat, as in *Spain* but this, by making some families too secure, as those in possession, and others too despairing, as those not in possession, may make the whole people less industrious.

Wherefore the other way, which by the regulation of purchases ordains only that a man's land shall not exceed some certain proportion; for example, two thousand pounds a year; or, exceeding such a proportion, shall divide in descending to the children, so soon as being more than one they shall be capable of such a division, or subdivision, till the greater share exceeds not two thousand pounds a year in land, lying and being within the native territory, is that which is receiv'd and establish'd by the commonwealth of *Oceana*.

By levelling, they who use the word seem to understand, when a people rising invades the lands and estates of the richer sort, and divides them equally among themselves; as for example,—no where in the world; this being that, both in the way and in the end, which I have already demonstrated to be impossible. Now the words of this *Lexicon* being thus interpreted, let us hearken what the prevaricator will say, and out it comes in this manner:

Consid. p. 73.

TO him that makes property, and that in lands, the foundation of empire, the establishing of an agrarian is of absolute necessity, that by it the power may be fix'd in those hands to whom it was at first committed.

What need we then procede any further, while he having no where disprov'd the balance in these words, gives up the whole cause? for as to that which he says of mony, seeing neither the vast treasure of Henry the 7th alter'd the balance of *England*, nor the revenue of the *Indys* alters that of *Spain*, this retrait (except in the cases excepted) is long since baricado'd. But he is on and off, and, any thing to the contrary notwithstanding, gives you this for certain.

THE examples of an agrarian are so infrequent, that Mr. Harrington is constrain'd to wave all but two commonwealths; and can find in the whole extent of history only Israel and Lacedemon to fasten upon.

A man that has read my writings, or is skill'd in history, cannot chuse but see how he slurs his dice; nevertheless to make this a little more apparent.

It has seem'd to som (says Aristotle) the main point of institution in government, to order riches right; whence otherwise derives all civil discord. Upon this ground Phaleas the Chalcedonian legislator made it his first work to introduce equality of goods; and Plato in his laws allows not increase to a possession beyond certain bounds. The Argives and the Messenians had each their agrarian after the manner of Lacedemon.

Pol. I. 2. c. 5.

If a man shall translate the words (ῥετή, δύναμις πολιτι, *virtus & facultas civilis*) *political virtue or faculty*, where he finds them in Aristotle's politics (as I make bold, and appeal to the reader whether too bold to do) by the words *political balance*, understood as I have stated the thing, it will give such a light to the author, as will go nearer than any thing alleg'd (as before by this prevaricator) to deprive me of the honor of that invention.

Plut. Lycurg.

For example, where Aristotle says, *If one man, or such a number of men, as to the capacity of government com within the compass of the few, excel all the rest (ἅτ' ῥετ'ν) in balance, or in such a manner, that the (δύναμις πολιτι) political faculties or estates of all the rest be not able to hold weight with him or them, they will never condescend to share equally with the rest in power, whom they excel in balance; nor is it to any purpose to give them laws, who will be as the gods, their own laws, and will answer the people as the lions are said by Antisthenes to have answered the hares, when they had concluded, that every one ought to have an equal portion. For this cause (he adds) citys that live under popular power, have instituted the ostracism for the preservation of equality; by which, if a man increase in riches, retinue, or popularity, above what is safe, they can remove him (without loss of honor or estate) for a time.*

Pol. I. 3. c. 9.

If the Considerer thinks that I have strain'd courtesy with Aristotle (who indeed is not always of one mind) further than is warrantable, in relation to the balance, be it as he pleases; I who must either have the more of authority, or the less of competition in the point, shall lose neither way. However, it is in this place enough *that the ostracism being of like nature, was that which supply'd the defect, in the Grecian citys, of an agrarian.* To procede then to *Rome*, that the people there, by striving for an agrarian,

strove to save their liberty, is apparent, in that thro the want of such a law, or the nonobservance of it, the commonwealth came plainly to ruin. If a *Venetian* should keep a table, or have his house furnish'd with retainers, he would be obnoxious to the council of ten; and if the best of them appear with other state or equipage than is allow'd to the meanest, he is obnoxious to the officers of the pomp: which two orders in a commonwealth, where the gentry have but small estates in land, are as much as needs be in lieu of an agrarian. But the *German* republics have no more to supply the place of this law, than that estates descending are divided among the children; which sure no man but will say must needs be both just and pious: and we ask you no more in *Oceana*, where grant this, and you grant the whole agrarian. Thus had I set him all the commonwealths in the world before; and so it is no fault of mine, that he will throw but at three of them: these are *Israel*, *Lacedemon*, and *Oceana*.

First at Israel: Mr. Harrington (says he) thinks not upon the promise of God to Abraham (whence the Israelites derived their right to the land of Canaan) but considers the division of the lands as a politic constitution upon which the government was founded, tho in the whole history of the bible there be not the least footstep of such a design.

Consid. p. 77.

What means the man! *the right of an Israelite to his land deriv'd from the promise of God to Abraham*, therfore the right of an *Oceaner* to his land must derive from the promise of God to Abraham? or, why else should I in speaking of *Oceana* (where property is taken as it was found, and not stirr'd a hair) think on the promise to Abraham? nor matters it for the manner of division, seeing that was made, and this was found made, each according to the law of the government. *But in the whole bible (says he) there is not the least footstep that the end of the Israelitish agrarian was political, or that it was intended to be the foundation of the government.*

THE footsteps of God, by the testimony of David, may be seen in the deep waters, much more, by the consent of the whole bible, in land, or in the foundation of empire; unless we make the footsteps of God to be one thing, and his ways another, which as to government are these.

God by the ballot of *Israel* (more fully describ'd in the next book) divided the land (som respect had to the princes and patriarchs for the rest) *to every one his inheritance, according to the number of names*, which were drawn out of one urn first, and the lots of land (the measure with the goodness of the same consider'd) drawn afterwards out of the other urn to those names. Wherefore God ordaining the cause, and the cause of necessity producing the effect, God in ordaining thi balance intended popular government. But when the people admitting of no nay, would have a king, God therupon commanding Samuel to *shew them the manner of the king*, Samuel declar'd to the people concerning the manner or policy of the king, saying, *He will take your fields and your vinyards, and your oliveyards, even the best of them, and give to his servants* (which kind of proceeding must needs create the balance of a nobility;) over and above this, *he will take the tenth of your seed, and of your vinyards, and of your sheep* (by way of tax, for the maintenance of his armys) and

[Editor: illegible character] ad l. 26. 53.

thus your *daughters shall com to be his cooks and confectioners, and your sons to run before his chariot.*

There is not from the balance to the superstructures a more perfect description of a monarchy by a nobility. For the third branch, the people of *Egypt* in time of the famin, which was very sore, com to Joseph, saying, *buy us and our land for bread, and we and our land will be servants to Pharaoh.*

1 Sam. 8.

And Joseph bought all the land of Egypt (except those of the priests) for Pharaoh. So the land became Pharaoh's, who lest the remembrance of their former property by lively marks and continual remembrancers should stir them up (as the Vandals in Africa, stript in like manner of their property, and yet remaining in their antient dwellings,

Gen. 47. 19, 20.

were stirr'd up by their women) to sedition, remov'd the people thus sold, or drave them like cattel *even from one end of the borders of Egypt to the other end therof.* In which you have the balance of a sole landlord or absolute prince, with the miserable, and yet necessary consequence of an inslav'd people. Now the balance of governments throout the Scriptures being of these kinds, and no other, the balance of *Oceana* is exactly calculated to the most approv'd way, and the clearest *footsteps of God in the whole history of the bible:* and wheras the *jubile* was a law instituted for preservation of the popular balance from alteration, so is the agrarian in *Oceana.*

Grot. ad

Gen. 47.

But says the prevaricator hocus pocus, or in the name of wonder, how can this agrarian be the foundation of that government which had subsisted more than forty five years without it? for they were so long after the giving of this law for the division of the land, before they had the land to divide.

Which is as if one should say upon that other law of the like date, *judges and officers shalt thou make thee in all thy gates; hocus pocus,* or in the name of wonder, how should the children of *Israel* make them judges and officers in their gates, before they had any gates to make them in? fine sport to be play'd by an attorney for the clergy with Scripture, where it is plain enough that the laws of a commonwealth were given by Moses to an army, to be put in execution when that army should become a commonwealth, as happen'd under Joshua.

But no saying will serve his turn. If this agrarian were meant as fundamental to the government, the provision (he will have it) was weak, and not proper for attaining the end propos'd, there being nothing in the nature of the agrarian to hinder, but that the whole country might for the space of near fifty years, that is, the time between the two jubiles, have com into the hands of one man, and so have destroy'd balance, agrarian, government and all.

This they that boast of their mathematics might have taken the pains (before they had bin so confident) to have demonstrated possible; as how or by what means one lot could com in fifty years to be multiply'd six hundred thousand times, and that without usury, which bar (the *Israelits* being no merchants) was thought sufficient to be given:

or thus to call the prudence of God by their impracticable phansys in question, is abominable.

I would have divines (as this prevaricator persuades, and it should seem has persuaded som of them) to overthrow the commonwealth of *Israel*; for otherwise I will give them my word they shall never be able to touch that of *Oceana*, which, except in the hereditary succession and dignity of the princes of the tribes, and the patriarchs, and that the senat was for life, differs not from the former: for as to the divers working up of the superstructures in divers commonwealths, according to the diversity of occasions, it coms to no accountable difference; and much, I conceive, of this carving or finishing in *Israel*; (which had it bin extant, would perhaps have shewn a greater resemblance) is lost. For the senats, as to their numbers, that of the 300 in *Oceana*, considering the bulk of the people, excedes not that of the seventy in *Israel*; the succession and dignity of the princes of the tribes and of the patriarchs was ordain'd for the preservation of the pedigrees, which (Christ being born) are not any more to be of like consequence; and that the senators were for life, deriv'd from a former custom of such a number of elders exercising som authority in *Egypt* (tho not that of the senat till it was instituted by God) from the descent of the patriarchs into that land, who being at thei descent seventy persons, and governing their familys by the right of paternity, as the people increas'd, and they came to dy, had their successors appointed in such a manner, that the number of seventy, in remembrance of those patriarchs, was diligently preserv'd. And for as much as the patriarchs governing their own familys (which at first were all) in their own right, were consequently for life, this also pleas'd in the substitution of others. These things rightly consider'd, I have not vary'd from the authority of *Israel* in a tittle, there being neither any such necessary use of pedigrees, nor uninterrupted succession of elders for life in *Oceana*; and unless a man will say, that we ought to have the like effect where there is not the like cause (which were absurd) the authority of a commonwealth holds no otherwise than from the cause to the effect.

OCEANA, I say, cannot be wounded but by piercing the authority of *Israel*, with which she is arm'd *cap a pe*.

It is true, as the prevaricator says in another place, that *law can oblige only those to whom it was given; and that the laws of Israel were given, as to the power or obligation of them, only to the children of Israel*. But the power, as has bin shewn, of a commonwealth, and her authority, are different things; her power extends no further than her own people, but her authority may govern others, as that of *Athens* did *Rome*, when the latter wrote her *twelve tables* by the copy of the former. In this manner, tho a man, or a commonwealth, writing out of antient governments, have liberty to chuse that which sutes best with the occasion, out of any; yet (whether we consider the wisdom and justice of the legislator supremely good, or the excellency of the laws) the prerogative of authority, where the nature of the thing admits it, must needs belong to *Israel*. That this opinion should go sore with divines, is strange; and yet if there be any feeling of their pulse by this their advocate or attorney, it is as true.

Consid. p. 36.

In his epist.

For while he finds me writing out of *Venice*, he tells me, I have *wisely put myself under protection or authority, against whom he dares not make war, lest he should take part with the Turk.*

But when he finds me writing out of *Israel*, he tells me, that *he is not aware of any prerogative of authority belonging to the Israelitish more than any other republic:* which is to take part with the devil.

Consid. p. 39.

So much for *Israel*. Now for *Lacedemon*; but you will permit me to shake a friend or two by the hand, as I go.

The first is Aristotle, in these words:

INEQUALITY is the source of all sedition, as when the riches of one or the few com to cause such an overbalance as draws the commonwealth into monarchy or oligarchy; for prevention wherof the ostracism has bin of use in divers places, as at *Argos* and *Athens*. But it were better to provide in the beginning, that there be no such disease in the commonwealth, than to com afterwards to her cure.

Pol. L. 5. c. 3.

The second is Plutarch, in these words:

Lycurgus judging that there ought to be no other inequality among citzens of the same commonwealth than what derives from their virtues, divided the land so equally among the *Lacedemonians*, that on a day beholding the harvest of their lots lying by cocks or ricks in the field, he laughing said, that it seem'd to him they were all brothers.

Plut. Lycur.

The third should have bin the considerer, but he is at feud with us all.

THE design of *Lycurgus*, *he professes*, was not so much to attain an equality in the frame of his government, as to drive into exile riches, and the effects of them, luxury and debauchery.

Consid. p. 78.

Gentlemen, What do you say? you have the judgment of three great philosophers, and may make your own choice; only except he that has but one hundred pounds a year, can have wine and women at as full command, and retainers in as great plenty, as he that has ten thousand, I should think these advantages accru'd from inequality, and that *Lycurgus* had skill enough in a commonwealth to see as much. No, says the prevaricator, it appears far otherwise, *in that he admitted of no mony but old iron, a cartload of which was worth little.* Well, but in *Israel*, where silver and gold was worth enough, my gentleman would have it, that *one man in the compass of fifty years might purchase the whole land*, tho that country was much larger than this: and yet where, if the people had us'd mony, they would have us'd trade, and using both, such a thing, thro the straitness of the territory, might have happen'd, he will not conceive the like to have bin possible. No, tho he has an example of it in *Lysander*, who by the spoil of *Athens* ruin'd the agrarian, first by the overbalance that a man's mony came to hold to his lot; then by eating out the lots themselves, and in those the equality of the commonwealth. But these things he interprets pleasantly, as if the *vow of*

voluntary poverty (so he calls it) *being broken, the commonwealth, like a forsworn wretch, had gon and hang'd her self*: a phansy too rank, I doubt, of the cloyster, to be good at this work.

But wheras Plutarch, upon the narrowness of these lots (which had they bin larger, must have made the citizens fewer than thirty thousand, and so unable to defend the commonwealth) and use of this same old and rusty iron instead of mony, observes it came by this means to pass that there was neither *a fine orator, fortune-teller, baud, nor goldsmith, to be found in Lacedemon*; our considerer professes,

Plut. Lycur.

THAT it is to him as strange as any thing in history, that Lycurgus should find credit enough to settle a government, which carry'd along with it so much want and hardship to particular men, that the total absence of government could scarce have put them into a worse condition; the laws that he made prohibiting the use of those things, which to injoy with security, is that only to other men that makes the yoke of laws supportable.

Here he is no monk again; I would ask him no more, than that he would hold to something, be it to any thing. It is true, we, who have bin us'd to our plumpottage, are like enough to make faces (as did the king of *Pontus*) at the *Lacedemonian* black broth: but who has open'd his mouth against plumpottage, gilded coaches, pages, lacquys, fair mannorhouses, good tables, rich furniture, full purses, universities, good benefices, scarlet robes, square caps, rich jewels, or said any thing that would not multiply all this? *Why, says he, you are so far right, that the voice of Lycurgus's agrarian was, Every man shall be thus poor; and that of yours is, that no man shall be more than thus rich.* This is an argument (an't please you) by which he thinks he has prov'd, that there is no difference between the agrarian that was in *Lacedemon*, and that which is in *Oceana*: for, Sir, whatsoever is thus and thus, is like: but the agrarian of *Lacedemon* was thus, A man could have no mony, or none that deserv'd that name; and the agrarian of *Oceana* is thus, A man's mony is not confin'd: therfore the agrarian of the one, and of the other, are like. Was it not a great grievance in *Lacedemon*, think you, that they had no such logic or logician? Be this as it will, *It had bin impossible, says he, for Lycurgo to have settl'd his government, had he not wisely obtain'd a response from the oracle at Delphos, magnifying and recommending it: after which all resistance would have bin downright impiety and disobedience, which concerns Mr. Harrington very little.* The Bible then is not so good an oracle as was that at *Delphos*. But this reflection has a tang with it, that makes me think it relates to that where he says, *I know not how, but Mr. Harrington has taken up a very great unkindness for the clergy.*

He will know nothing; neither that the oracle of the Scripture is of all other the clearest for a commonwealth, nor that the clergy being generally against a commonwealth, are in this below the priests of *Delphos*, who were more for Lycurgus than these are for Moses. But hav'at the agrarian of *Oceana* with the whole bail of dice, and at five throws.

Consid. p. 18.

The first throw is, *That it is unjust*: for,

IF it be truly asserted (in *Oceana*, page the 37th) that government is founded on property, then property consists in nature before government, and government is to be fitted to property, not property to government. How great a sin then would it be against the first and purest notion of justice, to bring in a government not only different from but directly destructive to the settl'd property of *Oceana*, where (in the 99th page) there are confest to be three hundred persons, whose estates in land excede the standard of two thousand pounds a year. Let me not be chok'd with the example of *Lacedemon*, till Mr. *Harrington* has shewn us the power of his persuasion with the nobility of *Oceana*, as *Lycurgus* with them of *Lacedemon*, to throw up their lands to be parcel'd by his agrarian (as page 103.) and when that is don, I shall cease to complain of the injustice of it. Nor need any one of these three hundred be put to own a shame, for preferring his own interest before that of a whole nation; for tho when government is once fix'd, it may be fit to submit privat to public utility, yet when the question is of chusing a government, every particular man is left to his own native right, which cannot be prescrib'd against by the interest of all the rest of mankind.

Consid. p. 81.

How many false dice there are in this throw (because you see I have little to do) will be worth counting.

Wheras I no where deny property to derive her being from law; he insinuat that I presume property to be in nature. There's *One*.

Wheras in natural and domestic vicissitude, I assert, That empire is to follow the legal state of property; he imposes, as if I had asserted, that empire must follow the natural state of property. *Two*.

Wheras in violent or foren vicissitude (as when the *Israelits* possest themselves of the land of *Canaan*, the *Goths* and *Vandals* of *Italy*, the *Franks* of *France*, the *Saxons* of *England*) property, in order to the government to be introduc'd, is alterable; he insinuat as if I had said, that empire must always follow the state of property, not as it may be alter'd in that relation, but as it is found. *Three*.

Wheras the government of *Oceana* is exactly fitted to property, as it was settl'd before; he insinuat it to be destructive to the settl'd property. *Four*.

Wheras I say, that to put it with the most, they that are proprietors of land in *Oceana*, exceding two thousand pounds a year, do not excede three hundred persons; he says, that I have confest they be three hundred. *Five*.

Wheras I shew that the nobility of *Lacedemon*, upon the persuasion of *Lycurgus*, threw up their estates to be parcel'd by his agrarian; but that in *Oceana*, it is not needful or requir'd that any man should part with a farthing, or throw up one shovelful of his earth; he imposes, as if I went about to persuade the nobility to throw up their lands. *Six*.

Wheras I have shewn that no one of those within the three hundred can have any interest against the agrarian; he, without shewing what such an interest can be, insinuats that they have an interest against it. *Seven.*

Wheras the government of *Oceana* gos altogether upon consent, and happens not only to fit privat to public, but even public to privat utility, by which means it is void of all objection; he insinuats, that it is against privat utility. *Eight.*

Where he says, that *in chusing a government every man is left to his own native right*; he insinuats that the agrarian (which dos no more than fix property, as she found it) is against native right. *Nine.*

Wheras God has given the earth to the sons of men, which native right (as in case a man for hunger takes so much as will feed him, and no more, of any other man's meat or herd) prescribes against legal property, and is the cause why the law esteems not such an action to be theft; he insinuats that there is a native right in legal property, *which cannot be prescrib'd against by the interest of all the rest of mankind.* *Ten.*

While he pleaded the case of monarchy, levelling was concluded lawful; in the case of a commonwealth, which asks no such favour, levelling is concluded unlawful. *Eleven.*

In the reformation or level as to monarchy, tho property subsisted before that level, yet property was to be fitted to the government, and not the government to property; but in the case of a commonwealth the government is to be fitted to property, and not property to the government. *Twelve.*

In that, any man was bound to relinquish his native right, else how could a prince level his nobility? In this, no man is bound to relinquish his native right. *Thirteen.*

In that, the same native right might be prescrib'd against by the prince; in this, it cannot be prescrib'd against by the interest of mankind. *Fourteen.*

In that, no nobleman but ought to own a shame if he preferr'd his interest before that of the prince; in this, *no nobleman ought to own a shame for preferring his own interest before that of a whole nation.* *Fifteen.*

Would you have any more? these fifteen *majors* and *minors*, or false dice, are soop'd up again, and put all into this conclusion or box, like themselves.

THUS the interest of the three hundred is not balanc'd with that of a whole nation, but that of som few extravagant spirits; who, by making dams in the current of other mens estates, hope to derive som water to their own parch'd fortunes.

CALUMNIARE fortiter, nihil adhærebit. If a river has but one natural bed or channel, what dam is made in it by this agrarian? but if a river has had many natural beds or channels, to which she has forgot to reach her breast, and whose mouths are dry'd up or obstructed; these are dams which the agrarian dos not make, but remove; and what parch'd fortunes can hereby hope to be water'd, but theirs only, whose veins having

drunk of the same blood, have a right in nature to drink of the same milk? The law of Moses allow'd the firstborn but a double portion: was his an extravagant spirit?

His second throw is, That *the nature of the agrarian is such as cannot be fix'd, in regard that the people being intrusted with a vote and a sword, may alter it for the less, or com to downright levelling.* But as to this, in the 8th chapter I have bar'd his dice, that being the place in which I thought most proper to give a full answer to this objection.

At the third throw, he is extreme awkward. For whereas the *Israelites* (notwithstanding the *voyages of Solomon*, and what is said of *the ships of Tharsis*) during their agrarian, or while they had land, were a commonwealth of husbandmen, and not of merchants, nor came to the exercise of this trade, till they had no land, or after their dispersion by the emperor Adrian; he scrues it in, after this manner—

As the Jews who have no lands, are every where great traders; so the possession of lands being limited by this agrarian, men

Consid. p. 85.

who are either covetous or ambitious (as if estates were not got by industry, but by covetousness and ambition) will employ themselves and their estates in foren traffic, which being in a manner wholly ingrost by the capital city of Oceana, that city, already too great, will immediately grow into an excess of power and riches, very dangerous to the commonwealth; Amsterdam being com by such means to exercise of late a tyranny in the disposal of som public affairs, much to the prejudice both of the liberty and interest of the rest of the union. An equal, if not greater incommodity to Oceana, would be created by the agrarian, which making Emporium a city of princes, would render the country a commonwealth of cottagers, able to dispute precedence with the beggers bush.

News, not from *Tripoli*, nor any other corner of the whole world but one. Bate me this, and shew me in what other city increase of houses or new foundations was ever held a nuisance. This sure is a phansy that regards not the old folks, or antient-prudence.

One of the blessings that God promis'd to Abraham, was, that *his seed should be multiply'd as the stars of heaven:* and the commonwealth of *Rome*, by multiplying her seed, came to bound her territory with the ocean, and her fame with the stars of heaven. That such a populousness is that without which there can be no great commonwealth, both reason and good authors are clear; but whether it ought to begin in the country, or in the city, is a scruple I have not known them make. That of *Israel* began in the country, that of *Rome* in the city. Except there be obstruction or impediment by the law, as in *Turky* where the country, and in *England* where the city is forbid to increase; wherever there is a populous country, for example *France*, it makes a populous city, as *Paris*; and wherever there is a populous city, as *Rome* after the ruin of *Alba*, and *Amsterdam* after the ruin (as to trade) of *Antwerp*, it makes a populous territory, as was that of the rustic tribes, and is that of *Holland*.

But the ways how a populous city coms to make a populous country, and how a populous country coms to make a populous city, are contrary; the one happening thro sucking, as that of the city, and the other thro weaning, as that of the country.

For proof of the former: the more mouths there be in a city, the more meat of necessity must be vented by the country, and so there will be more corn, more cattel, and better markets; which breeding more laborers, more husbandmen, and richer farmers, bring the country so far from a commonwealth of cottagers, that where the blessings of God, thro the fruitfulness of late years with us, render'd the husbandman unable to *dispute precedence with the beggars bush*, his trade thus uninterrupted, in that his markets are certain, gos on with increase of children, of servants, of corn, and of cattel: for there is no reason why the fields adjoining to *Emporium*, being but of a hard soil, should annually produce two crops, but the populousness of the city.

The country then growing more populous, and better stock'd with cattel, which also increases manure for the land, must proportionably increase in fruitfulness. Hence it is that (as the *Romans* also were good at such work) in *Holland* there is scarce a puddle undrain'd, nor a bank of sand cast up by the sea, that is not cover'd with earth, and made fruitful by the people; these being so strangely, with the growth of *Amsterdam*, increas'd, as coms perhaps to two parts in three: nor, the agrarian taking place in *Oceana*, would it be longer disputed, whether she might not destroy fishes to plant men. Thus a populous city makes a country milch, or populous by sucking; and wheras som may say, that such a city may suck from foren parts, it is true enough, and no where more apparent than in *Amsterdam*. But a city that has recourse to a foren dug, e'er she had first suck'd that of her proper nurse or territory dry, you shall hardly find; or finding (as in som plantation not yet wean'd) will hardly be able to make that objection hold, seeing it will not ly so much against the populousness of the place, as the contrary.

But a populous country makes a populous city by weaning; for when the people increase so much, that the dug of earth can do no more, the overplus must seek som other way of livelihood: which is either arms, such were those of the *Goths* and *Vandals*; or merchandize and manufacture, for which ends it being necessary that they lay their heads and their stock together, this makes populous citys. Thus *Holland* being a small territory, and suck'd dry, has upon the matter wean'd the whole people, and is therby become as it were one city that sucks all the world.

But by this means, says the considerer, *Emporium being already too great* (while indeed *Amsterdam*, considering the narrowness of the territory, or the smallness of *Holland*, is much more populous) *would immediately grow into an excess of power and riches, very dangerous to liberty, an example wherof was seen in the late tyranny of that city*: as if it were not sufficiently known that *Amsterdam* contributes and has contributed more to the defence of the commonwealth, or united provinces, than all the rest of the league, and had in those late actions which have bin scandaliz'd, resisted not the interest of liberty, but of a lord. That the increase of *Rome*, which was always study'd by her best citizens, should make her head too great for her body, or her power dangerous to the tribes, was never so much as imagin'd; and tho she were a *city of princes*, her rustic tribes were ever had in greatest esteem and honor; insomuch, that a patrician would be of no other.

But the authority of antient commonwealths is needless; the prevaricator by his own argumentation or might, lays himself neck and heels.

For, says he, *Were this agrarian once settl'd, Emporium would be a city of princes, and the nobility so throly plum'd, that they would be just as strong of wing, as wild fowl in moulting time.* There would be a city of princes, and yet no nobility. He is so fast that I have pity on him, if I knew but which way to let him loose. He means perhaps, that the merchants growing rich, would be the nobility; and the nobility growing poor, would be grasiers.

Consid. p 93.

But so for ought I know it was always, or worse, that is, men attain'd to riches and honors by such or worse arts, and in poverty made not always so honest retreats. To all which infirmitys of the state, I am deceiv'd if this agrarian dos not apply the proper remedys. For such an agrarian makes a commonwealth for increase: the trade of a commonwealth for increase, is arms; arms are not born by merchants, but by noblemen and gentlemen. The nobility therfore having these arms in their hands, by which provinces are to be acquir'd, new provinces yield new estates; so wheras the merchant has his returns in silk or canvas, the soldier will have his return in land. He that represents me as an enemy to the nobility, is the man he speaks of; for if ever the commonwealth attains to five new provinces (and such a commonwealth will have provinces enow) it is certain, that (besides honors, magistracys, and the revenues annex'd) there will be more estates in the nobility of *Oceana*, of fourteen thousand pounds land a year, than ever were, or can otherwise be of four; and that without any the least danger to the commonwealth: for if *Rome* had but look'd so far to it, as to have made good her agrarian in *Italy*, tho she had neglected the rest, the wealth of her nobility might have suck'd her provinces, but must have enrich'd the people; and so rather have water'd her roots, than starv'd and destroy'd them, as it did. In this case therfore the nobility of *Oceana* would not moult like wild fowl, but be strong of wing as the eagle.

One argument more I have heard urg'd against the populousness of the capital city, which is, that the rich in time of sickness forsaking the place, by which means the markets com to fail, the poor, lest they should starve, will run abroad, and infect the whole country. But should a man tell them at *Paris*, or *Grand Cairo* (in the latter wherof the plague is more frequent and furious than happens with us) that they are not to build houses, nor increase so much, lest they should have the plague; or that children are not to be born so fast, lest they dy, they would think it strange news. A commonwealth is furnish'd with laws, and power to add such as she shall find needful. In case a city be in that manner visited, it is the duty of the country, and of the government, to provide for them by contribution.

THE difficulty in making the agrarian equal and steddy thro the rise or fall that may happen in mony, which is the fourth throw of the prevaricator, is that which might have bin for his ease to have taken notice was long since sufficiently bar'd, where it is said, that if a new survey at the present rent was taken, an agrarian ordaining that no man should thenceforth hold above so much land as is there valu'd at the rate, however mony might alter, would be equal and steddy enough.

Consid. p. 87.

His last cast is, that the agrarian would make war against universal and immemorial custom; which being without doubt

Consid. p. 80.

more prevalent than that of reason, there is nothing of such difficulty as to persuade men at once, and crudely, that they and their forefathers have bin in an error.

Wise men, I see, may differ in judgment or counsel; for, says Sir Francis Bacon, Surely every medicin is an innovation, and he that will not apply new remedys must expect new evils; for time is the greatest innovator; and if time of course alters things to the worse, and wisdom and counsel may not alter them to the better, what must be the end?

Essay 24.

But the case of the agrarian receives equal strength from each of these counsellors or opinions: from the latter, in that it gos upon grounds which *time has not innovated for the worse, but for the better*; and so according to the former coms not to have bin at once, and crudely persuaded, but introduc'd by custom, now grown universal and immemorial. For who remembers the gentry of this nation to have worn the blue coats of the nobility, or the lower sort of people to have liv'd upon the smoak of their kitchens? on the contrary, is it not now an universal custom for men to rely upon their own fortunes or industry, and not to *put their trust in princes*, seeking in their liberality or dependence the means of living? the prevaricator might as well jump into his great grandfather's old breeches, and persuade us that he is *a la mode*, or in the new cut, as that the ways of our forefathers would agree with our customs. Dos not every man now see, that if the kings in those days had settl'd the estates of the nobility by a law, restraining them from selling their land, such a law had bin an agrarian, and yet not warring against their antient customs, but preserving them? wherfore neither dos the agrarian propos'd, taking the balance of estates as she now finds them, make war against, but confirm the present customs. The only objection that can seem in this place to ly, is, that wheras it has bin the custom of *Oceana* that the bulk of the estate should descend to the eldest son, by the agrarian he cannot, in case he has more brothers, inherit above two thousand pounds a year in land, or an equal share. But neither dos this, whether you regard the parents or the children, make war with custom. For putting the case the father has twenty thousand pounds a year in land, he gos not the less in his custom or way of life for the agrarian, because for this he has no less: and if he has more or fewer sons to whom his estate descends by equal or inequal portions, neither do they go less in their ways or customs of life for the agrarian, because they never had more.

But, says Aristotle (speaking of the ostracism as it supplys the defect of an agrarian) this course is as necessary to kings as to commonwealths. By this means the monarchys of *Turky* and of *Spain* preserve their balance; thro the neglect of this has that of the nobility of *Oceana* bin broken: and this is it which the prevaricator, in advising that the nobility be no further level'd than will serve to keep the people under, requires of his prince. So, that an agrarian is necessary to government, be it what it will, is on all hands concluded.

Pol. 1. 3. c. 9.

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CHAP. XII.

Whether Courses Or A Rotation Be Necessary To A Well-order'd Commonwealth. In Which Is Contain'd The Courses Or Parembol Of Israel Before The Captivity, Together With The Epitome Of Athens And Venice.

ONE bout more and we have don: this (as reason good) will be upon wheels or rotation: for,

As the agrarian answers to the equality of the foundation or root, so dos rotation to the equality of the superstructures or branches of a commonwealth.

Oceana, p. 51.

Equal rotation is equal vicissitude in, or succession to magistracy confer'd for equal terms, injoining such equal vacations, as cause the government to take in the body of the people, by parts succeeding others, thro the free election or suffrage of the whole.

The contrary wherto is prolongation of magistracy, which, trashing the wheel of rotation, destroys the life or natural motion of a commonwealth.

The prevaricator, whatever he has don for himself, has don this for me, that it will be out of doubt whether my principles *be capable of greater obligation or confirmation, than by having objections made against them*. Nor have I bin altogether ingrateful, or nice of my labor, but gon far (much farther than I needed) about, that I might return with the more valuable present to him that sent me on the errand: I shall not be short of like proceeding upon the present subject, but rather over.

Rotation in a commonwealth is of the magistracy, of the senat, of the people; of the magistracy and the people; of the magistracy and the senat; or of the magistracy, of the senat, and of the people: which in all com to six kinds.

For example of rotation in the magistracy, you have the judg of *Israel*, call'd in Hebrew *Shophet*.

The like magistracy after the kings Ithobal and Baal came in use with the *Tyrians*; from these, with their posterity the *Carthaginians*, who also call'd their supreme magistrats, being in number two, and for their term annual, *shophetim*, which the Latins by a softer pronunciation render *suffetes*.

Grot.

The *shophet* or *judg of Israel* was a magistrat, not, that I can find, oblig'd to any certain term, throout the book of *Judges*; nevertheless, it is plain, that his election was occasional, and but for a time, after the manner of a dictator.

True it is, that Eli and Samuel rul'd all their lives; but upon this such impatience in the people follow'd, thro the corruption of their sons, as was the main cause of the succeeding monarchy.

The magistrats in *Athens* (except the *Areopagits*, being a judicatory) were all upon rotation. The like for *Lacedemon* and *Rome*, except the kings in the former, who were indeed hereditary, but had no more power than the duke in *Venice*, where all the rest of the magistrats (except the *procuratori*, whose magistracy is but mere ornament) are also upon rotation.

For the rotation of the senat you have *Athens*, the *Achæans*, *Ætolians*, *Lycians*, the *Amphictionium*; and the senat of *Lacedemon* reprov'd, in that it was for life, by Aristotle: modern examples of like kind are the diet of *Switzerland*, but especially the senat of *Venice*.

Pol. l. 2. c. 7.

Chap. XII.

For the rotation of the people, you have first *Israel*, where the congregation (which the *Greecs* call *ecclesia*; the *Latins*, *comitia*, or *concio*) having a twofold capacity; first, that of an army, in which they were the constant guard of the country; and secondly, that of a representative, in which they gave the vote of the people, at the creation of their laws, or election of their magistrats, was monthly.

Now the children of Israel after their number, to wit, the chief fathers and captains of thousands and hundreds, and their officers that serv'd the king in any matter of the courses, which came in, and went out month by month, throout all the months of the year, of every course were twenty and four thousand.

1 Chron. 27. 1.

Such a multitude there was of military age, that without inconvenience, four and twenty thousand were every month in arms, whose term expiring, others succeeded, and so others; by which means the rotation of the whole people came about in the space of one year. The tribuns, or commanders of the tribes in arms, or of the prerogative for the month, are nam'd in the following part of the chapter, to the sixteenth verse; where begins the enumeration of the princes (tho Gad and Ashur, for what reason I know not, be omitted) of the tribes, remaining in their provinces, where they judg'd the people, and as they receiv'd orders, were to bring or send such farther inforcement or recruits as occasion requir'd to the army: after these, some other officers are mention'd. There is no question to be made but this rotation of the people, together with their prerogative or congregation, was preserv'd by the monthly election of two thousand deputys in each of the twelve tribes, which in all came to four and twenty thousand; or let any man shew how otherwise it was likely to be don, the nature of their office being to give the vote of the people, who therfore sure must have chosen them. By these the vote of the people was given to their laws, and at elections of their magistrats.

Grot. ad loc.

To their laws, as where David proposes the reduction of the ark: *and David consulted with the captains of thousands and hundreds, and with every leader. And David said to all the congregation of Israel, If it seems good to you, and it be of the Lord God, let us send abroad to our brethren every where (the*

1 Chron. 13.

princes of tribes in their provinces) *that are left in the land of Israel, and with them also to the priests and Levites, which are in the citys and suburbs, that they may gather themselves to us; and let us bring again the ark of our God to us, for we inquir'd not at it in the days of Saul. And all the eongregation* (gave their suffrage in the affirmative) *said that they would do so; for the thing was right in the eys of the people.*

Nulla lex sibi soli conscientiam justitiæ suæ debet, sed eis a quibus obsequium expectat. Now that the same congregation or representative gave the vote of the people also in the election of priests, officers and magistrats;

Grot. e Tertul.

moreover David and the captains of the host separated to the service of the sons of Asaph, and of Heman, and of Jethudun, who should prophesy with harps, with psalterys, and with cymbals.

1 Chron. 25.

But upon the occasion to which we are more especially beholden for the preservation and discovery of this admirable order (David having propos'd the business in a long and pious speech) the congregation *made Solomon the son of David king the second time,*

1 Chron. 28. 2.

and anointed him to the Lord to be chief governor, and Zadok to be priest.

1 Chron. 29. 22.

For as to the first time that Solomon was made king, it happen'd, thro the sedition of Adonijah, to have been don in hast and tumultuously by those only of *Jerusalem*; and the reason why Zadok is here made priest, is, that Abiathar was put out for being of the conspiracy with Adonijah.

1 Kings 1.

I may expect (by such objections as they afford me) it should be alleg'd, that to prove an order in a commonwealth, I instance in a monarchy; as if there were any thing in this order monarchical, or that it could, if it had not bin so receiv'd from the commonwealth, have bin introduc'd by the kings, to whom in the judgment of any sober man (the prevaricator only excepted, who has bin huckling about som such council for his prince) no less could have follow'd upon the first frown of the people, than did in Rehoboam, who having us'd them roughly, was depos'd by the congregation, or the *major* part.

It is true, that while *Israel* was an army, the congregation, as it needed not to assemble by way of election or representative, so I believe it did not; but that by all *Israel* assembl'd to this end, should be meant the whole people after they were planted upon their lots, and not their representative, which in a political sense is as properly so call'd, were absurd and impossible. Nor need I go upon presumption only, be the same never so strong, seeing it is said in Scripture of the *Korathites*, *that they were keepers of the gates of the tabernacle, and their fathers being over the host of the Lord, were keepers of the entry:*

1 Kings 12.

that is, (according to the interpretation of Grotius) the *Korathites* were now keepers of the gates, as it appears in the book of *Numbers*, their ancestors the *Kohathites* had bin in the camp, or while *Israel* was yet an army.

1 Chron. 9. 29.

But our translation is lame in the right foot, as to the true discovery of the antient manner of this service, which according to the Septuagint and the vulgar Latin was thus, *they were keepers of the gates of the tabernacle* (? πατέρες ?υτων ?π? τ?ς παρεμβολ?ς, & *familia eorum per vices*) and

Numb. 4.

their fathers by turns, or rotation. So that offices and services by courses, turns, or rotation, are plainly more antient than kings in the commonwealth of *Israel*, tho it be true that when the courses or rotation of the congregation or representative of the people were first introduc'd, is as hard to shew, as it would be how, after the people were once planted upon their lots, they could be otherwise assembl'd. If writers argue well and lawfully from what the *sanhedrim* was in the institution by Jehosaphat, to what it had more antiently bin; to argue from what the congregation was in the institution by David, to what it had more antiently bin, is sufficiently warranted.

These things rightly consider'd, there remains little doubt but we have the courses of *Israel* for the first example of rotation in a popular assembly. Now to com from the *Hebrew* to the *Grecian* prudence, the same is approv'd by Aristotle, which he exemplifys in the commonwealth of Thales Milesius, where the people, he says, assembl'd (το ἄτα μέρ[Editor: illegible character], ἅλλ' μὲν πάντα ῥόους) *by turns or rotation.*

Nor is the *Roman* prudence without som shadow of the like proceeding, where the prerogative (*pro tempore*) with the *jure vocatæ* being made by lot, gave frequently the suffrage of the whole people. But the *Gothic* prudence in the policy of the third state, runs altogether upon the collection of a representative by the suffrage of the people (tho not so diligently regulated, by terms and vacations, as to a standing assembly were necessary, by turns, rotation, preamble or courses) as in the election of the late house of commons, and the constitutive vicissitude of the knights and burgesses, is known by sufficient experience.

Pol. l. 4. c. 14.

When the rotation of a commonwealth is both in the magistracy and the people, I reckon it to be of a fourth kind, as in *Israel*, where both the judg and the congregation were so elected.

The fifth kind is when the rotation of a commonwealth is in the magistracy and the senat, as in those of *Athens*, of the *Achæans*, of the *Ætolians*, of the *Lycians*, and of *Venice*; upon which examples, rather for the influence each of them, at least *Athens*, may have upon the following book, than any great necessity from the present occasion, I shall inlarge in this place.

The commonwealth of *Athens*, was thus administer'd:

The senat of the *bean* being the proposing assembly (for that of the *Areopagits*, call'd also a *senat*, was a *judicatory*) consisted of four hundred citizens chosen by lot, which was perform'd with

Epitome of the
Athenia
commonwealth.

beans. These were annually remov'd all at once: by which means *Athens* became frustrated of the natural and necessary use of an aristocracy, while neither her senators were chosen for their parts, nor remain'd long enough in this function to acquire the right understanding of their proper office. These thus elected, were subdivided by lot into four equal parts, call'd *Prytanys*, each of which for one quarter of the year was in office. The *Prytany*, or *Prytans* in office, elected ten presidents, call'd *proedri*, out of which *proedri* or presidents they weekly chose one provost of the council, who was call'd the *epistata*. The *epistata* and the *proedri* were

the more peculiar proposers to the *Prytans*, and to the *Prytans* it belong'd especially to prepare business (ῥο? της β?λ?ς ? ῥο? τ?ς ???λησίας) for the *senat*.

They gave also audience to any that would propose any thing concerning the commonwealth, which if, when reported by the *Prytans*, it were approv'd by the *senat*, the party that propos'd might promulgate the business; and promulgation being made, the congregation assembl'd, and determin'd of it.

Petit. de Leg. Att.

Sic data concio Lælio est, processit ille, & Græcus apud Græcos non de culpa sua dixit, sed de pœna questus est; porrexerunt manus, Psephisma natum est.

Cic. pro Flac.

The *Prytans* and their magistrats had right to assemble the *senat*, and propose to them; and what the *senat* determin'd upon such a proposition, if forthwith to be offer'd to the people, as in privat cases, was call'd *proboulema*; but if not to be propos'd till the people had a year's trial of it, as was the ordinary way in order to laws to be enacted, it was call'd *psephisma*; each of which words, with that difference, signifys a decree. A decree of the *senat* in the latter sense had for one year the power of a law, after which trial it belong'd to the *thesmothetæ* (προγρά?ειν) to hang it in writing upon the statues of the heros, and assemble the congregation.

These magistrats were of the number of the *Archons*, which in all were nine;

Ulpian ad

the chief, more peculiarly so call'd, was *Archon Eponymus*,

Phil. 1.

he by whose name the year was reckon'd or denominated (his magistracy being of a civil concernment) the next was the king (a magistrat of a spiritual concernment) the third the polemarch

Poll. l. 8. c. 8.

(whose magistracy was of a military concernment) the other six were the *thesmothetæ*, who had several functions common with the nine; others peculiar or proper to themselves, as (προγ?άφειν) to give the people (by placarts) notice when the judicatorys were to assemble, that is, when the people were to assemble in that capacity, and to judg according to the law made; or, when the *senat* or the people were to assemble upon an ἵσα?γελία, a crime that was not provided against by the law, as that of Alcibiades (the wits about that time in *Athens* being most of them Atheists) for laughing at Ceres, discovering her secrets, and shaving of the Mercurys. If an *Archon* or *Demagog* was guilty of such a crime, it belong'd to the cognizance of the *senat*, otherwise to that of the people whom the *thesmothetæ* were also in like manner to warn, when they were to com to the suffrage.

L. 8. c. 16.

These six, like the electors in *Venice*, presided at all elections of magistrats whether made by the lot as the judges, or by suffrage as the new archons, the strategus or general, and most of the rest. They also had the hearing and introducing of all causes into the judicatorys.

But the right of assembling the *ecclesia* or congregation belong'd to the *Prytans*, by whom the *senat* propos'd to the people.

The congregation consisted of all them that were upon the roll of the *lexiarcha*, that is to say, of the whole people having right to the city The *Prytans* seated upon a tribunal, were presidents of this assembly; the assembly having sacrific'd and made oath of

fidelity to the commonwealth, the *proedri* or presidents of the *Prytans* propos'd by authority of the *senat* to the people in this manner: July the 16th *Policles* being archon, and the tribe of *Pandion* in the *prytaneat*, *Demosthenes* Pæaneus thought thus, or was of this opinion. The same custom wherby the first proposer subscribes his opinion or part with his name, is at this day in *Venice*. Proposition being made, such of the people as would speak were call'd to the pulpit; they that were fifty years of age, or upwards, were to com first, and the younger afterwards; which custom of prating in this manner made excellent orators or demagogs, but a bad commonwealth.

From this, that the people had not only the result of the commonwealth, but the debate also, *Athens* is call'd a democracy; and this kind of government is oppos'd to that of *Lacedemon*, which, because the people there had not the power of debate, but of result only, was call'd an *aristocracy*, sometimes an *oligarchy*: thus the *Greecs* commonly are to be understood, to distinguish these two; while according to my principles, if you like them, debate in the people makes anarchy; and where they have the result and no more, the rest being manag'd by a good aristocracy it makes that which is properly and truly to be call'd *democracy*, or *popular government*. Neither is this opinion of mine new, but according to the judgment of som of the *Athenians* themselves; for says *Isocrates* in his oration to the *areopagits* for reformation of the *Athenian* government, *I know the main reason why the Lacedemonians flourish to be, that their commonwealth is popular*. But to return. As many of the people as would, having shew'd their eloquence, and with these the demagogs, who were frequently brib'd, conceal'd their knavery; the *epistata*, or provost of the *proedri*, put the decree or question to the vote, and the people gave the result of the commonwealth by their *chirotonia*, that is, by holding up their hands: the result thus given, was the law or *psephisma* of the people.

Now for the functions of the congregation, they were divers; as first, election of magistrats (ὅτι χειροτονεῖτε δεῖ ξίμν ὑτν δέα Ταξίαρχους ? Στρατηγος ? Φυλάχους, ? ππάρχους δύο;) namely, the archons, the strategus or general, the field officers, the admirals, with divers others, all, or the chief of them annual, and commonly upon terms and vacations; tho it be true, as *Plutarch* has it, that *Phocion* was strategus four years together, having that honor still put upon him by the congregation, without his seeking. The next office of this assembly was to elect judges into five courts or judicatorys; for the people being in the bulk too unwieldy a body for the performance of this duty, they exercis'd the supreme judicature by way of representative, into which election was made by lottery, in such a manner that five hundred, one thousand, or 1500 of them (according to the importance of the occasion) being above thirty years of age, and within the rest of the qualifications in that case provided by the law, became the sovereign judicatory, call'd the *heliæa*. In all elections, whether by lot or suffrage, the *thesmothetæ* were presidents, and order'd the congregation. Furthermore, if they would amend, alter, repeal, or make a law, this also was don by a representative, of which no man was capable that had not bin of the *heliæa*, for the rest elected out of the whole people: this amounting to one thousand, was call'd the *nomothetæ* or legislators. No law receiv'd by the people could be abrogated but by the *nomothetæ*; by these any *Athenian*, having obtain'd leave of the *senat*, might abrogat a law, provided withal he put

Dem. Phil. 1.

another in the place of it. These laws the *proedri* of the *Prytans* were to put to the suffrage.

First, the old, whether it agreed with the *Athenian* people, or not? then the new; and whether of these happen'd to be chirotoniz'd or voted by the *nomothetae*, was ratify'd, according to that piece of the *Athenian* law cited by Demosthenes against Timocrates, *ἥ ὅτε τὸν δ' ἂν τῶν νόμων χειροτονήσωσιν ἢ νομοῖται*, τ[Editor: illegible character]τον ὅτιον εἶναι. What has bin said of the commonwealth of *Athens*, in relation to the present purpose, amounts to thus much, that not only the senat and the magistracy in this policy was upon rotation, but even the people also, at least as to the *nomothetae*, or their legislative power, and the supreme judicatory of the *heliæa*, each of these being a representative, constituted of one thousand, or fifteen hundred citizens.

But for what follows in the second book, it is necessary that I observe in this place the proceeding of certain divines, who endeavour to make use of this commonwealth for ends of their own, as particularly Dr. Seaman; who in his book call'd *Four Propositions*, argues after this manner:

CHIROTONTIA (as Suidas has it) signifys both *plebiscitum*, a law made by the people, and *psephisma*. Now, say he, *psephisma* is the ordinary word us'd in the *Attic* laws, and in Demosthenes for *senatusconsultum*, a law made by the senat: whence he draws this conclusion; as, when the people make a law, they are said to chirotonize; so may the rulers, in like manner, in those laws that are made by themselves alone.

These ways with divines are too bad. The words of Suidas are these (*χειροτονία, ὁ πολλοῖ, πάντων ὑπόσις*) *chirotonia* is *election or ratification by the many*: which expresly excludes the few or the senat from being otherwise contain'd by the word *chirotonia*, than a part is by the whole. Nor has the author the word *psephisma*, or *plebiscitum* in the place. I would fain know what other word there is in *Greec* for *plebiscitum* but *psephisma*; and yet the doctor puts it upon Suidas, that he distinguishes between these two, and taking that for granted where he finds *psephisma* in Demosthenes and the *Attic* laws, will have it to signify no more than a decree of the senat. It is true that som decrees of the senat were so call'd, but those of the people had no other name; and whenever you find *psephisma* in Demosthenes or the *Attic* laws, for a law, there is nothing more certain than that it is to be understood of the people: for to say that a law in a popular commonwealth can be made without the people, is a contradiction.

The second passage is a What think you of these words of

Poll. lib. 8. c. 9.

Pollux, *ἥ δία δε? ἢ με?ν ἐτμοῖται προγράψι, ὅτε δε? δι' ἄζειν τ? δι' αστήρια, ? τ?ς εισαγγελίας ἐσαγγέλλ?σιν ἐς τον δ?μον ? τας χειροτονίς*. Which the doctor having english'd in this manner, *the thesmothetae do privatly prescribe when judgment is to be given, and promulge public accusations and suffrages to the people*, asks you *whose suffrages were these, if not the rulers?* by which strange construction, where Pollux having first related in what part the function of the *thesmothetae* was common with that of the nine archons, coms (*ἥ δία δε?*) to shew you what was peculiar to themselves, namely, to give notice when the *heliæa* or

other judicatorys were to assemble; the doctor renders it, *they do privately prescribe*: as if the session of a court of justice, and such a one as contain'd a thousand judges, being the representative of the whole people, were to be privately prescrib'd. Then to this *privat prescribing of justice*, he adds, that they do *publicly promulge* (ἐ?σαγγελίας) citations upon crimes not within the written law: as if privat prescription and public promulgation could stand together. Next, whereas promulgation in the very nature of the word signifys an act before a law made, he presumes the law to be first made by the rulers, and then promulgated by the *thesmothetæ* to the people, kim kam to the experience of all commonwealths, the nature of promulgation, and the sense of his author, whose words, as I shew'd before, declare it to have bin the *proper or peculiar office of the thesmothetæ to give the people notice when they were to assemble for judicature, or when for giving their chirotonia or suffrage, by promulgation of the cause* (ἐ?ς τ?ν δ?µον) *upon which they were to determin.*

For the fourth passage, the doctor quoting a wrong place for these words, χει?οτονήσωσιν ?ι νομο?εται, that the *nomothetæ* (being a representative, as I shew'd, of the whole people, chosen by lot, and in number one thousand) *chirotoniz'd, or gave the legislative suffrage*; thence infers, that the *rulers chirotoniz'd, voted or made laws by themselves without the people*: which is as if one should say, that the prerogative tribe in *Rome*, or the house of commons in *England*, gave their vote to such or such a law, therefore it was made by the rulers alone, and not by the people of *Rome* or of *England*.

For the fourth passage, Stephanus quotes Demosthenes at large in these words, ?υτε β?λ?ς, ?υτε δ?µ? χειροτονήσαντος ?υτόν. This the doctor interprets of an officer; to which I shall say more, when he shews me where the sentence is, or what went before: for as yet I do not know of an officer in any commonwealth, whose election was indifferently made, either by the senat or by the people; nor do I think the doctor has look'd further for this than Stephens, who has not interpreted it.

The fifth passage is, *that a decree of the senat in Athens had the force of a law for one year, without the people*. So had the edicts of the prætors in *Rome*: but I would fain know, whence the senat in *Athens*, or the prætors in *Rome*, originally deriv'd this right (which was no more than that such laws might be probationers, and so better understood when they came to the vote) but from the *chirotonia*, or suffrage of the people.

The sixth passage stops the mouths of such as having nothing to say to the matter of my writing, pick quarrels with the manner or freedom of it, the liberty I take in the defence of truth; seeing the doctor takes a greater liberty upon other terms, while he bids his antagonist (one that defended the cause now in my hand) *go and consult his authors*, namely Stephens and Budæus again: for, says he, *you wrong those learned men, while you would have us believe that they were as ignorant of the Greec story as yourself, or that things are to be found in them which are not*. To which confidence I have better leave to say, that the doctor should do well to take no worse counsel than he gives.

But what is becom of my prevaricator? I have quite lost him, else I should have intreated him to compare his notes out of my sermon, with these out of the doctors; or retract that same affectation, in saying, *I know not how, but Mr. Harrington has conceiv'd a great unkindness for the clergy*. As if these their stratagems, with which they make perpetual war against the unwary people, did not concern a man that has undertaken the cause of popular government.

The policy of the *Achæans* consisted of divers commonwealths under one, which was thus administer'd. The citys sent their deputys twice every year of course, and oftner if they were summon'd by their *strategus*, or their *demiurges*, to the place appointed. The *strategus* was the supreme magistrat both military and civil, and the *demiurges* being ten, were his council, all annual magistrats elected by the people. This council thus constituted, was call'd the *synarchy*, and perform'd like dutys, in relation to the senat, consisting of the deputys sent by their peculiar sovereintys or citys, as the *Prytans* to that in *Athens*. The policys of the *Ætolians* and *Lycians* are so near the same again, that in one you have all. So both the senats and the magistracy of these commonwealths were upon rotation. To conclude with *Venice*.

The commonwealth of *Venice* consists of four parts; the great council, the senat, the college, and the signory.

Epitome of the
commonwealth of
Venice.

The great council is the aggregat body of the whole people, or citizens of *Venice*, which, for the paucity of their number, and the antiquity of their extraction, are call'd *gentlemen*, or *noble Venetians*. Every one of them at five and twenty years of age has right of session and suffrage in this council; which right of suffrage, because throout this commonwealth, in all debates and elections, it is given by the ballot, is call'd *the right of balloting*, wherby this council being the sovereign power, creates all the rest of the orders, councils, or magistracys; and has constitutively the ultimat result, both in cases of judicature, and the constitution of laws.

The great council.

The senat, call'd also the *pregati*, consists of sixty senators properly so stil'd, wherof the great council elects six on a day, beginning so long before the month of *October*, that these being all chosen by that time, then receive their magistracy: it consists also of sixty more, call'd the *junta*, which are elected by the scrutiny of the old senat, that is, by the senat proposing, and the great council resolving; the rest of their creation is after the same manner with the former. In the sixty of the senat, there cannot be above three of any one kindred or family, nor in the *junta* so many, unless there be fewer in the former. These magistracys are all annual, but without interval, so that it is at the pleasure of the great council, whether a senator having finish'd his year, they will elect him again.

The senat.

The college is a council consisting more especially of three orders of magistrats call'd in their language *savi*; as the *savi grandi*, to whose cognizance or care belong the whole affairs of sea and land; the *savi di terra ferma*, to whose care and cognizance belong the affairs of the land; and the *savi di mare*, to whose cognizance appertain the affairs of the sea, and of the ilands. These are elected by the senat, not all at once, but for the *savi grandi*, who are six, by

The college.

three at a time, with the interposition of three months; and for the *savi di terra ferma*, and the *savi di mare*, who are each five, after the same manner, save only that the first election consists of three, and the second of two. Each order of the *savi* elects weekly one provost, each of which provosts has right in any affair belonging to the cognizance of his order, to propose to the college. Audience of ambassadors, and matters of foren negotiation, belong properly to this council.

The signory consists of the duke and of his counsellors. The duke is a magistrat created by the great council for life, to whom the commonwealth acknowledges the reverence due to a prince, and all her acts run in his name; tho without the counsellors he has no power at all, while they can perform any function of the signory without him. The counsellors, whose magistracy is annual, are elected by the scrutiny of the senat, naming one out of each tribe (for the city is locally divided into six tribes) and the great council approving; so the counsellors are six, whose function in part is of the nature of masters of requests, having withal power to grant certain privileges: but their greatest preeminence is, that all, or any one of them may propose to any council in the commonwealth.

The signory.

The signory has session and suffrage in the college, the college has session and suffrage in the senat, and the senat has session and suffrage in the great council. The signory, or the provosts of the *savi*, have power to assemble the college, the college has power to assemble the senat, and the senat has power to assemble the great council; the *signiori*, but more peculiarly the provosts of the *savi*, in their own offices and functions, have power to propose to the college, the college has power to propose to the senat, and the senat has power to propose to the great council. Whatever is thus propos'd and resolv'd, either by the senat (for sometimes thro the security of this order, a proposition gos no further) or by the great council, is ratify'd, or becoms the law of the commonwealth. Over and above these orders, they have three judicatorys, two civil and one criminal, in each of which forty gentlemen elected by the great council are judges for the term of eight months; to these judicatorys belong the *avogadori* and the *auditori*, who are magistrats, having power to hear causes apart, and, as they judge fitting, to introduce them into the courts.

Certain rights of the councils.

If a man tells me, that I omit many things, he may perceive I write an epitome, in which no more should be comprehended, than that which understood may make a man understand the rest. But of these principal parts consists the whole body of admirable *Venice*.

The *consiglio de' dieci*, or council of ten, being that which partakes of dictatorial power, is not a limb of her, but as it were a sword in her hand. This council (in which the signory has also session and suffrage) consists more peculiarly of ten annual magistrats, created by the great council, who afterwards elect three of their own number by lot, which so elected are call'd *capi de' dieci*, their magistracy being monthly: again, out of the three *capi*, one is taken by lot, whose magistracy is weekly: this is he, who over against the tribunal in the great council sits like another duke, and is call'd the provost of the *dieci*. It belongs to these three magistrats to assemble the council of ten, which they are oblig'd to do weekly of course, and oftner as they see

occasion. The council being assembled, any one of the signory, or two of the *capi* may propose to it: the power which they now exercise (and wherein for their assistance they create three magistrates call'd the *grand inquisitors*) consists in the punishment of certain heinous crimes, especially that of treason; in relation wherto they are as it were sentinels, standing upon the guard of the commonwealth: but constitutively (with the addition of a *junta*, consisting of other fifteen, together with some of the chief magistrates having right in cases of important speed or secrecy to this council) they have the full and absolute power of the whole commonwealth as dictator.

That *Venice* either transcrib'd the whole and every part of her constitution out of *Athens* and *Lacedemon*, or happens to be fram'd as if she had so don, is most apparent. The result of this commonwealth is in the great council, and the debate in the senat; so was it in *Lacedemon*. A decree made by the senat of *Athens* had the power of a law for one year without the people, at the end wherof the people might revoke it: a decree of the senat of *Venice* stands good without the great council, unless these see reason to revoke it. The *Prytans* were a council preparing business for the senat; so is the *Collegio* in *Venice*: the presidents of the *Prytans* were the ten *Proedri*; those of the *Collegio* are the three provosts of the *Savi*. The archons or princes of *Athens* being nine, had a kind of sovereign inspection upon all the orders of the commonwealth; so has the signory of *Venice*, consisting of nine besides the duke. The quarancys in *Venice* are judicatorys of the nature of the *Heliæa* in *Athens*; and as the *Thesmothetæ* heard and introduc'd the causes into that judicatory, so do the *Avogadori* and the *Auditori* into these. The *Consiglio de' Dieci* in *Venice* is not of the body, but an appendix of the commonwealth; so was the court of the *Ephori* in *Lacedemon*: and as these had power to put a king, a magistrat, or any delinquent of what degree soever to death, so has the *Consiglio de' Dieci*. This again is wrought up with the *Capi de' Dieci*, and the weekly provost, as were the *Prytans* with the *Proedri*, and the weekly *Epistata*; and the ballot is lineally descended from the bean: yet is *Venice* in the whole, and in every part, a far more exquisit policy than either *Athens* or *Lacedemon*.

A political is like a natural body. Commonwealths resemble and differ, as men resemble and differ; among whom you shall not see two faces, or two dispositions, that are alike. Peter and Thomas in all their parts are equally men, and yet Peter and Thomas of all men may be the most unlike; one may have his greater strength in his arms, the other in his legs; one his greater beauty in his soul, the other in his body; one may be a fool, the other wise; one valiant, the other cowardly. These two, which at a distance you will not know one from the other, when you look nearer, or com to be better acquainted with, you will never mistake. Our considerer (who in his epistle would make you believe that *Oceana* is but a mere transcription out of *Venice*) has companions like himself; and how near they look into matters of this nature is plain, while one knows not Jethro from Moses, and the other takes a state of civil war to be the best model of a civil government.

Let a man look near, and he shall not find any one order in *Oceana* (the ballot only excepted) that has not as much difference from, or resemblance to any one order in *Rome* or *Venice*, as any one order in *Rome* or *Venice* has from, or to any one order in *Athens* or *Lacedemon*: which different temper of the parts must of necessity in the

whole yield a result, a soul or genius, altogether new in the world, as imbracing both the arms of *Rome*, and the counsils of *Venice*; and yet neither obnoxious to the turbulency of the one, nor the narrowness of the other.

But the sum of what has bin said of *Venice*, as to the business in hand, coms to no more than that the senat and the magistracy of this commonwealth are upon rotation. No more: nay I am well if it coms to so much. For the prevaricator catching me up, where I say, that for all this the greater magistracys in *Venice* are continually wheel'd thro a few hands, tells me, that *I have confest it to be otherwise*.

I have indeed confest, that tho the magistracys are all confer'd for certain terms, yet those terms do not necessitat vacations; that is, the term of a magistracy being expir'd, the party that bore it is capable upon a new election of bearing it again without interval or vacation: which does not altogether frustrat the rotation of the commonwealth, tho it renders the same very imperfect. This infirmity of *Venice* derives from a complication of causes, none of which is incident to a commonwealth consisting of the many: wherfore there lys no obligation upon me to discover the reason in this place. But on the contrary, seeing, let me shew things never so new, they are slighted as old, I have an obligation in this place, to try whether I may get esteem by concealing something. What is said, every body knew before; this is not said, who knows it?

Consid. p. 93.

Riddle me, riddle me, what is this? The magistracys in *Venice* (except such as are rather of ornament than of power) are all annual, or at most biennial. No man whose term is expir'd, can hold his magistracy longer, but by a new election. The elections are most of them made in the great council, and all by the ballot, which is the most equal and impartial way of suffrage. And yet the greater magistracys are perpetually wheel'd thro a few hands.

A riddle.

If I be worthy to give advice to a man that would study the politics, let him understand *Venice*; he that understands *Venice* right, shall go nearest to judg (notwithstanding the difference that is in every policy) right of any government in the world. Now the assault of the considerer deriving but from som pique or emulation which of us should be the abler politician, if the council of state had the curiosity to know either that, or who understands *Venice*, this riddle would make the discovery; for he that cannot easily unfold this riddle, dos not understand her.

The sixth kind of rotation is when a commonwealth gos upon it in all her orders, senat, people, and magistracy. Such a one taking in the many, and being fix'd upon the foot of a steady agrarian, has attain'd to perfect equality. But of this an example there is none, or you must accept of *Oceana*.

The rotation of *Oceana* is of two parts, the one of the electors which is annual, and the other of the elected which is triennial.

Rotation of Oceana.

Speaking of electors in this sense, I mean as the great council in *Venice* are electors of all other orders, councils or magistrats. But the commonwealth of *Oceana* taking in the whole people, cannot, as dos the great council of *Venice* (wherin they that have right are but a few) attain to this capacity at one step: for which cause she takes three

steps; one at the parishes, where every fifth elder is annually elected by the whole people. There is no doubt but there was som such order in *Israel* wherby the monthly rotation of her congregation or prerogative, by election of two thousand in each tribe, was preserv'd. The next step she takes is at the hundred, where by election of officers and magistrats, the troops chosen at the parishes, are very near form'd. Her third step is at the tribe, where the whole body of her deputys are in an exact form, disciplin and function, headed by proper officers and magistrats, these all together consisting of one fifth part of the whole people. This rotation being in itself annual, coms in regard of the body of the people to be quinquennial, or such as in the space of five years give every man his turn in the power of election.

But tho every man be so capable of being an elector, that he must have his turn; yet every man is not so capable of being elected into those magistracys that are sovereign, or have the leading of the whole commonwealth, that it can be safe to lay a necessity that every man must take his turn in these also; but it is enough that every man, who in the judgment and conscience of his country is fit, may take his turn. Wherefore upon the conscience of the electors, so constituted as has bin shewn, it gos to determin who shall partake of sovereign magistracy, or be at the assembly of a tribe elected into the senat or prerogative; which assemblys are so triennial, that one third part of each falling every year, and another being elected, the parlament is therby perpetuated.

Such was the constitution of those councils which the prevaricator has confest he always thought admirable, but now the toy takes him to be quite of another mind; for, says he, *That antient republics have thro a malicious jealousy (let them take it among them) made it unlawful even for persons of the clearest merit to continue long in command, but have by perpetual vicissitude substituted new men in the government, is manifest enough; but with what success they did this, will best appear by* Veturius, Varro, *and* Mancinus. He is still admirable: one would wonder what he means; if it be that there were but three weak or unfortunat generals in the whole course of *Rome*, how strange is it to urge this as an argument against rotation, which is as strong a one as can be urg'd for rotation? If the *Romans* by this way of election having experience of an able general, knew ever after where to have him; or lighting upon one they found not so fit for their purpose, could in the compass of one year be rid of him of course, without dishonor or reproach to him, taking therby a warning to come no more there; was this a proceeding to favor malice? or such a one as, removing the cause of malice, left no root for such a branch or possibility of like effect? Certainly by this assertion the prevaricator has jolted his presumptuous head not only against the prudence of antient commonwealths, but of God himself in that of *Israel*. Veturius, Varro, and Mancinus (tho som of them cannot be at all points excus'd) by this mark upon them, may be thought hardlier of than is needful; for which cause there being that also in their storys, which is neither unpleasant nor unprofitable, I shall indeavor to make the reader somewhat better acquainted with them.

Consid. p. 90.

One of the greatest blows *Rome* ever receiv'd was by Pontius, captain general of the *Samnits*, who having drawn her consuls, Posthumius and Veturius, by stratagem into the straits of *Caudium*, a vally of narrow entrance, and shut up the mouth of it by possessing himself of the only passage, the rest being environ'd with insuperable rocks, the *Samnit* came to have both the armys,

Liv. l. 9.

and so upon the matter the whole strength (in those days) of *Rome* inevitably at his discretion. Hereupon, having leisure, and being desirous (in a matter of such moment) of good advice, he dispatch'd a messenger to his father Herennius, the ablest counsellor in *Samnium*, to know what might be his best course with the *Romans* now inavoidably at his mercy, who answer'd, *that he should open the pass and let them return untouch'd*. The young general, amaz'd at this counsel, desir'd farther direction: wherupon Herennius for the second time made answer, *that he should cut them off to a man*. But the general, upon the strange disagreement of such opinions, having his father's age (for he was very old) in suspicion, took a third course, which *neither* (according to the first advice of wise Herennius) *making friends*, nor, according to the second, *destroying enemys*, became, as he prophesy'd, the utter ruin of the commonwealth of *Samnium*. For the *Romans* being dismiss safe, but ignominiously, the senat upon their return fell into the greatest strait and consternation that had bin known among them. On the one side, to live and not revenge such an affront was intolerable; on the other, to revenge it was against the faith of the consuls, whose necessity (the loss of two armys depending upon it) had in truth forc'd them to accept of a dishonorable league with the *Samnits*. Now not the armys, but the senat it self was in *Caudium*, not a man of them could find the way out of this vale environ'd with rocks, but he only that could not find it out of the other; Posthumius, who having first shew'd, that neither war nor peace could be so made, as to ingage the commonwealth (*injuffu populi*) without the command of the people, declar'd that the senat returning the consuls, with such others as had consented to so wicked and dishonorable a peace, naked, and bound to the *Samnits*; were free: nor ceas'd he till the senat (therto prest by the necessity of the commonwealth) resolving accordingly, he, Veturius, and som of the tribuns were deliver'd to the *Samnits*; who, nevertheless, to hold the *Romans* to their league, dismiss them with safety. The disputes on either side that arose hereupon, and, coming to arms, ended with the destruction of *Samnium*, I omit. That which as to the present occasion is material, is the reputation of the consuls; and Veturius, tho he were not the leading man, being for the rest as deep in the action as Posthumius, the people were so far from thinking themselves deceiv'd in this choice, that the consuls were more honour'd in *Rome* for having lost, than Pontius in *Samnium* for having won the day at *Caudium*.

I do not rob graves, nor steal windingsheets; my controversys are not but with the living, with none of these that have not shew'd themselves best able for their own defence; nor yet with such, but in the prosecution of truths oppos'd by them to the damage of mankind: yet the prevaricator accuses me of rude charges. What are his then in defence of falshood, and against such as cannot bite? or whether of these is the more noble?

For Varro, who being consul of *Rome*, lost the battel of *Cannæ* to Hannibal, captain general for the *Carthaginians*, tho without cowardice, yet by rashness, he is not so excusable.

But for Mancinus, brought (as was Posthumius by the *Samnits*) to dishonorable conditions by Megera, captain general of the *Numantins*, there be excuses: as first, the *Numantins*, for their number not exceeding

Florus, l 2. c. 18.

four thousand fighting men, were the gallantest of so many, on which the sun ever shone.

Fourteen years had their commonwealth held tack with the *Romans*, in courage, conduct, and virtue, having worsted Pompey the Great, and made a league with him, when she might have made an end of him, e'er ever Mancinus (of whom Cicero gives a fair character) came in play: so his misfortunes, having great examples, cannot want som excuse. But suppose none of them deserv'd any excuse, what is it at which these examples drive? against a commonwealth? sure the *Samnits*, the *Carthaginians*, the *Numantins* were as well commonwealths as the *Romans*; and so wherever the advantage gos, it must stay upon a commonwealth: or if it be rotation that he would be at (for we must guess) granting Pontius the *Samnit*, and Megera the *Numantin*, to have bin no more upon rotation, than Hannibal the *Carthaginian*; yet it is plain that *Rome* upon her rotation overcame not only Pontius, Hannibal and Megera, but *Samnium*, *Carthage*, and *Numantia*.

So much for *Rome*; but, says he, *no less appears by the rabble of generalsoften made use of by the Athenians, while men of valor and conduct have lain by the walls.*

Consid. p. 91.

A rabble of generals did I never hear of before; but not to meddle with his rhetoric, wheras each of his objections has at least som one contradiction in it, this has two (one *à priori*, another *à posteriori*) one in the snout, another in the tail of it. For had there bin formerly no rotation in *Athens*, how should there have bin *men of valor and conduct to ly by the walls?* and if rotation thenceforth should have ceas'd, how could *those men of valor and conduct* have don otherwise than *ly by the walls?* so this inavoidably confesses, that rotation was the means wherby *Athens* came to be stor'd with persons *of valor and conduct*, they to be capable of imployment, and the commonwealth to imploy the whole virtue of her citizens: and it being, in his own words, an *argument of much imperfection in a government not to dare to employ the whole virtue of the citizens*, this wholly routs a standing general; for the government that dares imploy but the virtue of one, dares not imploy the virtue of all. Yet he jogs one.

THOSE orders must needs be against nature, which, excluding persons of the best qualifications, give admission to others, who have nothing to commend them but their art in canvassing for the suffrage of the people. He never takes notice that the ballot bars canvassing beyond all possibility of any such thing; but we will let that go. Canvassing, it is confest, was more frequent in *Rome* and *Athens* than is laudable, where nevertheless it is the stronger argument for the integrity of popular suffrage, which, being free from any aid of art, produc'd in those commonwealths more illustrious examples (if a man gos no further than Plutarch's lives) than are to be found in all the rest of story.

Consid. p. 91.

YET, says he, *this law has bin as often broken as a commonwealth has bin brought into any exigence; for the hazard of trusting affairs in weak hands then appearing, no scruple has been made to trample upon this order, for giving the power to some able man at that time render'd incapable by the vacation this law requires. The continuation of the consulship*

Consid. p. 91.

of Marius is sufficient to be alleg'd for the proof of this, tho if occasion were, it might be back'd by plenty of examples. His choice confutes his pretended variety, who jests with edg'd tools: this example above all will cut his fingers; for by this prolongation of magistracy, or, to speak more properly, of empire (for the magistracy of the consul was civil, and confer'd by the people *centuriatis comitiis*, but his empire was military, and confer'd *curiatis*) Rome began to drive those wheels of her rotation heavily in Marius, which were quite taken off in Cæsar.

I have heretofore in vain persuaded them upon this occasion, to take notice of a chapter in Machiavel, so worthy of regard, that I have now inserted it at length, as follows:

THE proceedings of the *Roman* commonwealth being well consider'd, two things will be found to have bin the causes of her dissolution. The contention that happen'd thro the indeavor of the people (always oppos'd or eluded by the nobility) to introduce an agrarian, and the damage that accru'd from the prolongation of empire, which mischiefs, had they bin foreseen in due time, the government by application of fit remedys might have bin of longer life and better health. The diseases which this commonwealth, from contention about the agrarian, contracted, were acute and tumultuous; but those being flower and without tumult which she got by promulgation of empire, were chronical, and went home with her, giving a warning by her example, how dangerous it is to states that would injoy their liberty, to suffer magistracy (how deservedly soever confer'd) to remain long in the possession of the same man. Certainly if the rest of the *Romans*, whose empire happen'd to be prolong'd, had bin as virtuous and provident as *Lucius Quintius*, they had never run into this inconvenience. Of such wholsom example was the goodness of this man, that the senat and the people, after one of their ordinary disputes being com to som accord, wheras the people had prolong'd the magistracy of their present tribuns, in regard they were persons more fitly oppos'd to the ambition of the nobility, than by a new election they could readily have found; when hereupon the senat (to shew they needed not be worse at this game) would have prolong'd the consulat to *Quintius*, he refus'd his consent, saying, that ill examples were to be corrected by good ones, and not encourag'd by others like themselves; nor could they stir his resolution, by which means they were necessitated to make new consuls. Had this wisdom and virtue, I say, bin duly regarded, or rightly understood, it might have sav'd *Rome*, which thro this neglect came to ruin. The first whose empire happen'd to be prolong'd was *Publilius Philo*, his consulat expiring at the camp before *Palæpolis*, while it seem'd to the senat that he had the victory in his hand (*actum cum tribunis plebis est, ad populum ferrent ut cum Philo consulatu abiisset, proconsul rem gereret*) they sent him no successor, but prolong'd his empire, by which means he came to the first proconsul.

Mach. Dis. cor. b. 3 c. 24.

An expedient (tho introduc'd for the public good) that came in time to be the public bane: for by how much the *Roman* armys march'd further off, by so much the like course seeming to be the more necessary, became the more customary; whence insu'd two pernicious consequences: the one, that there being fewer generals, and men of known ability for conduct, the art with the reputation of the same came to be more ingrost, and obnoxious to ambition: the other, that a general standing long, got such hold upon his army, as could take them off from

Liv. l. 8.

the *senat*, and hang them on himself. Thus *Marius* and *Sylla* could be follow'd by the soldiery to the detriment of the commonwealth, and *Cæsar* to her perdition. Whereas had *Rome* never prolong'd empire, she might perhaps not so soon have arriv'd at greatness or acquisition, but would have made less haste to destruction.

All the *dilemma* that Machiavel observes in these words, is, that if a commonwealth will not be so slow in her acquisition as is requir'd by rotation, she will be less sure than is requisit to her preservation.

But the prevaricator (not vouchsafing to shew us upon what reasons or experience he grounds this maxim) is positive, *that the dilemma into which a commonwealth is in this case brought, is very dangerous; for either she must give her self a mortal blow by gaining the habit of insringing such orders as are necessary for her preservation, or receive one from without.*

Consid. p. 92.

This same is another *parakeetism*: these words are spoken by me, after Machiavel, in relation to dictatorial power, in which they are so far from concluding against rotation, that this in case of a dictator is more especially necessary (*maxima libertatis custodia est, ut magna imperia diuturna non sint, & temporis modus imponatur, quibus juris imponi non potest*) which could not be more confirm'd than by him, who in the example of *Marius* shews that the contrary course spoil'd all.

Mamercus apud Liv.
l. 4.

The *Romans*, if they had sent a successor to *Publius Philo* at *Palæpolis*, it may be might have let the victory slip out of his hands, it may be not; however this had bin no greater wound to the commonwealth, than that her acquisition would have bin slower, which ought not to com in competition with the safety of a government, and therefore amounts not to a dilemma, this being a kind of argument that should not be stub'd of one horn, but have each of equal length and danger. Nor is it so certain that increase is slower for rotation, seeing neither was this interrupted by that, nor that by this, as the greatest actions of *Rome*, the conquest of *Carthage* by *Scipio Africanus*, of *Macedon* by *Flaminius*, and of *Antiochus* by *Asiaticus*, are irrefragable testimonys.

I would be loth to spoil the considerer's preferment; but he is not a safe counsellor for a prince, whose providence not supplying the defect of rotation, whether in civil or military affairs, with somthing of like nature, exposes himself if not his empire as much to danger as a commonwealth.

Thus the sons of *Zerviah*, *Joab* captain of the host, and *Abishai* his brother, were too strong for *David*; thus the kings of *Israel* and of *Juda* fell most of them by their captains or favorits, as I have elsewhere observ'd more particularly. Thus *Brutus* being standing captain of the guards, could cast out *Tarquin*; thus *Sejanus* had means to attempt against *Tiberius*; *Otho* to be the rival of *Galba*, *Casperius Ælianus* of *Nerva*, *Cassius* of *Antoninus*, *Perennis* of *Commodus*, *Maximinus* of *Alexander*, *Philippus* of *Gordian*, *Æmilianus* of *Gallus*; *Ingebus Lollianus*, *Aureolus*, of *Gallienus*; *Magnesius* of *Constantius*, *Maximus* of *Gratian*, *Arbogastes* of *Valentinian*, *Ruffinus* of *Arcadius*, *Stilico* of *Honorius*. Go from the west into the east: upon the death of *Marcianus*, *Asparis* alone, having the command of the arms, could prefer *Leo* to the empire; *Phocas* deprive *Mauritius* of the same; *Heraclius* depose *Phocas*; *Leo Isaurias* do as much to *Theodosius*

2 Sam. 3. 39.

Adramyttenus; Nicephorus to Irene, Leo Armenius to Michael Curopalates, Romanus Lagapenus to Constantin, Nicephorus Phocas to Romanus Puer, Johannes Zismisces to Nicephorus Phocas, Isaac Comnenus to Michael Stratioticus, Botoniates to Michael the son of Ducas, Alexius Comnenus to Botoniates: which work continu'd in such manner till the destruction of that empire. Go from the east to the north: Gustavus attain'd to the kingdom of *Sweden*, by his power and command of an army: and thus Secechus came near to supplant Boleslaus the third of *Poland*. If Wallestein had liv'd, what had becom of his master? in *France* the race of Pharamond was extinguish'd by Pipin; and that of Pipin in like manner, each by the major of the palace, a standing magistracy of exorbitant trust. Go to the *Indys*: you shall find a king of *Pegu* to have bin thrust out of the realm of *Tangu* by his captain general. Nay, go where you will, tho this be pretty well, you shall add more than one example. But as to the prevaricator, if he was not given to make such mouths, as eat up nothing else but his own words, I needed not have brought any other testimony to absolve a commonwealth of malice in this order than his own, where he says, *that when som person overtops the rest in commands, it is a disease of monarchy which easily admits of this cure, that he be reduc'd to a less volum, and level'd to an equality with the rest of his order.*

Now a prince can no otherwise level a nobleman, that excels the rest thro command, to equality with his order, than by causing those of the same order to take their turns in like command. *Good wits have ill memorys.*

Consid. p. 47. 48.

But, says he, I know not what advantage Mr. Harrington may foresee from the orders of this rotation, for my part, I can discover no other effect of it than this, that in a commonwealth like that of Oceana, taking in the many (for in Venice he confesses it to be otherwise) where every man will press forward towards magistracy, this law, by taking off at the end of one year som officers, and all at the end of three, will keep the republic in a perpetual minority: no man having time allow'd him to gain that experience, which may serve to lead the commonwealth to the understanding of her true interest either at home or abroad.

Consid. p. 93.

What I have confest to be otherwise in *Venice*, I have shewn already at least so far as concerns the present occasion, the causes of that defect being incompatible with a commonwealth consisting of the many; otherwise why was not the like found in *Athens* or *Rome*? where tho every man prest forward towards magistracy, yet the magistrats were, for illustrious examples, more in weight and number than are to be found in all the rest of the world.

If where elections were the most expos'd to the ambition of the competitor, and the humors of the people, they yet fail'd not to excel all others that were not popular, what greater vindication can there be of the natural integrity of popular suffrage even at the worst? but this, where it is given by the baliot, is at the best, and free from all that pressing for magistracy in the competitor, or faction of the people that can any ways be laid to the former: or let the considerer consider again, and tell me by what means either of these in such a state can be dangerous or troublesom; or if at worst the orders for election in *Oceana* must not perform that part, better than a croud and a sherif. Well; but putting the case the elections which were not quarrel'd much withal

be rightly stated, yet this law for terms and vacations, *by taking off at the end of one year som officers, and all at the end of three, will keep the republic in perpetual minority, no man having time allow'd him to gain that experience, which may serve to lead the commonwealth to the understanding of her true interest at home or abroad.* Because every man will press forward for magistracy, therfore there ought not to be terms and vacations, lest these should keep the commonwealth in perpetual minority. I would once see an argument that might be reduc'd to mode and figure. The next objection is, that these orders *take off at the end of one year som officers*, which is true, *and that at the end of three years they take off all*, which is false; for wheras the leaders of the commonwealth are all triennial, the orders every year take off no more than such only as have finish'd their three years term, which is not all, but a third part. Wherefore let him speak out; three years is too short a term for acquiring that knowlege which is necessary to the leading of a commonwealth. To let the courses of *Israel* which were monthly, and the annual magistracys of *Athens* and *Rome* go; if three years be too short a term for this purpose, what was three months? a parlament in the late government was rarely longer liv'd than three months, nor more frequent than once in a year; so that a man having bin twelve years a parlament-man in *England*, could not have born his magistracy above three years, tho he were not necessarily subject to any vacation. Wheras a parlament in *Oceana* may in twelve years have born his magistracy six, notwithstanding the necessity of his vacations. Now which of these two are most straiten'd in the time necessary to the gaining of due experience or knowledge for the leading of a commonwealth? nevertheless the parlament of *England* was seldom or never without men of sufficient skill and ability; tho the orders there were more in number, less in method, not written, and of greater difficulty than they be in *Oceana*. There, if not the parlament man, the parlament itself was upon terms and vacations, which to a council of such a nature is the most dangerous thing in the world, seeing dissolution, whether to a body natural or political, is death. For if parlaments happen'd to rise again and again, this was not so much coming to themselves (seeing a council of so different genius has not bin known) as a new birth; and a council that is every year new born indeed must keep a commonwealth in perpetual minority, or rather infancy, always in danger of being overlaid by her nurse, or strangl'd by her guardian: wheras an assembly continu'd by succession, or due rotation regulated by terms, giving sufficient time for digestion, grows up, and is like a man, who tho he changes his flesh, neither changes his body nor his soul. Thus the senat of *Venice* changing flesh, tho not so often as in a commonwealth consisting of the many were requisit, yet oftenest of any other in the world, is, both in body and soul, or genius, the most unchangeable council under heaven. Flesh must be chang'd, or it will stink of it self; there is a term necessary to make a man able to lead the commonwealth to her interest, and there is a term that may inable a man to lead the commonwealth to his interest. In this regard it is, that, according to Mamercus, the vacations are (*maxima libertatis custodia*) the keepers of the libertys of *Oceana*.

The three regions into which each of the leading councils is divided, are three forms, as I may say, in the school of state: for them of the third, tho there be care in the choice, it is no such great matter what be their skill; the ballot which they practis'd in the tribe being that in the performance wherof no man can be out: and this is all that is necessary to their novitiat or first year, during which time they may be auditors. By

the second, they will have seen all the scenes, or the whole rotation of the orders, so facil, and so intelligible, that at one reading a man understands them as a book, but at once acting as a play; and so methodical, that he will remember them better. Tell me then what it is that can hinder him for the second year from being a speaker; or why for the third, should he not be a very able leader.

The senat and the prerogative, or representative of the people, being each of like constitution, drop annually four hundred, which in a matter of ten years amount to four thousand experienc'd leaders, ready upon new elections to resume their leading.

Another thing which I would have consider'd is, whether our most eminent men found their parts in parlament, or brought them thither. For if they brought them, think you not the military orders of the youth, the disciplin of the tribes, the eight years orbs of the ambassadors, the provincial armys of *Oceana*, likely to breed men of as good parts, as to such matters? nor have astronomers that familiarity with the stars, which men without these orbs will have with such as are in them. He is very dull, who cannot perceive that in a government of this frame the education must be universal, or diffus'd throout the whole body. Another thing which is as certain as comfortable, is, that the pretended depth and difficulty in matters of state is a mere cheat. From the beginning of the world to this day, you never found a commonwealth where the leaders having honesty enough, wanted skill enough to lead her to her true interest at home or abroad: that which is necessary to this end, is not so much skill as honesty; and let the leaders of *Oceana* be dishonest if they can. In the leading of a commonwealth aright, this is certain, wisdom and honesty are all one: and tho you shall find defects in their virtue, those that have had the fewest, have ever bin and for ever shall be, the wisest.

ROME was never ruin'd, till her balance being broken, the nobility forsaking their antient virtue, abandon'd themselves to their lusts; and the senators, who, as in the case of Jugurtha, were all brib'd, turn'd knaves; at which turn all their skill in government (and in this never men had bin better skill'd) could not keep the commonwealth from overturning. Cicero, an honest man, labor'd might and main; Pomponius Atticus another, despair'd; Cato tore out his own bowels; the poignards of Brutus and Cassius neither consider'd prince nor father: but the commonwealth had sprung her planks, and split her ballast; the world could not save her.

For the close, the prevaricator, who had judg'd before, that there was much reason to expect som of the clergy (against all of whom Mr. Harrington has declar'd war) would undertake the quarrel, tells me in the last line, that there be to whom he has recommended the disquisition of the Jewish commonwealth.

Consid. p. 36. p. 94.

It is a miserable thing to be condemn'd to the perpetual budget; once turn an honest man to me. In the mean time, that it may be further seen, how much I am delighted in fair play, since some divines, it may be, are already at work with me, and I have not so fully explain'd my self upon that point, which with them is of the greatest concernment, that they can yet say, they have peep'd into my hand, or seen my game;

as I have won this trick, gentlemen, or speak, so I play them out the last card in the next book for up.

An Advertisement to the Reader, or a Direction contain'd in certain Querys, how the Commonwealth of *Oceana* may be examin'd or answer'd by divers Sorts of Men, without spoiling their high Dance, or cutting off any Part of their Elegance, or Freeness of Expression.

To the Scholar that has pass'd his Novitiat in Story.

I. *WHETHER the balance of property in land coming thro civil vicissitude by slow and undiscern'd degrees, to alter as it did, and to stand as it dos in Oceana, any other government could have bin introduc'd, otherwise than by the interposition of foren arms, that could have subsisted naturally without violence or reluctancy, or steddily without frequent changes, alterations, and plunges, except that only of the commonwealth propos'd?*

II. *WHETHER the balance in land so standing, as has bin shewn, the commonwealth propos'd, being once establish'd, were without the immediat hand of God, as by pestilence, famin, or inundation, to be alter'd or broken; and which way?*

To the Godly Man.

I. *WHETHER human prudence be not a creature of God, and to what end God made this creature?*

II. *WHETHER the commonwealth of Israel in her main orders, that is to say, the senat, the people, and the magistracy, was not erected by the same rules of human prudence with other commonwealths?*

III. *WHETHER Jethro were not a Heathen?*

IV. *WHETHER God did not approve of the advice of Jethro, in the fabric of the commonwealth of Israel?*

V. *WHETHER the natural body of a godly man can any otherwise be said to support and nourish it self in the air, or between heaven and earth, than by a figurative speech? or whether it be any more possible for the political body of a people so to do, than for the natural body of a godly man?*

To the Grandee, or learned Commonwealthsman.

I. *WHETHER a noble housekeeper has a horsekeeper, that is as as well to live as himself; and whether the housekeeper, should he lose his estate, would not be a horsekeeper rather than want bread?*

II. *WHETHER riches and poverty, more or less, do not introduce command or obedience, more or less, as well in a public as in a privat estate?*

III. *WHETHER the introduction of command or obedience, more or less, either in a public or privat estate, dos not form or change the genius of a man, or of a people accordingly? or what is the reason why the peasant of France is base, and the lower people in England of a high courage?*

IV. *WHETHER the genius of the people of Oceana, has bin of late years, or be devoted or addicted to the nobility and clergy as in former times?*

V. *WHETHER the genius of the people of Oceana, not being addicted to the nobility and clergy as formerly, can be said to be for monarchy, or against it?*

VI. *WHETHER the people be not frequently mistaken in names, while as to things they mean otherwise; or whether the people of Oceana desiring*

monarchy in name, do not in truth desire a government of laws, and not of men?

VII. WHETHER for these reasons, not to know how to hold the balance or foundation of a government steady, nor yet to reform, or vary the orders of the same (as the foundation comes to vary) be not to deliver a nation to certain ruin and destruction?

To the rational Man.

I. WHETHER there be any thing in this fabric or model that is contradictory to itself, to reason, or to truth?

II. WHETHER a commonwealth that is fram'd intire or complete in all her necessary orders, without any manner of contradiction to her self, to reason, or to truth, can yet be false or insufficient?

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THE SECOND BOOK; OR, A POLITICAL DISCOURSE
CONCERNING ORDINATION:

AGAINST Dr. *H. HAMMOND*, Dr. *L. SEAMAN*, And The
Authors They Follow.

Optat Aprum aut fulvum descendere monte Leonem.

E. W.

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Advertisement To The READER.

BOOKS, especially whose Authors have got themselves Names, are Leaders; wherfore in case any of these err in Leading, it is not only lawful, but Matter of Conscience to a Man that perceives it, as far as he is able, to warn others. This were Apology enough for my writing against Dr. Hammond and Dr. Seaman; and yet I have happen'd to be brought under a farther Obligation to this Enterprise, their Books have bin sent me by way of Objection against what I have formerly said of Ordination, and am daily more and more confirm'd I shall make good. However, there can be no great Hurt in this Essay, Truth being, like Venison, not only the best Quarry, but the best Game.

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Order Of The Discourse.

TO manage the present controversy with the more clearness, I have divided my discourse into five parts or chapters.

THE first, explaining the words chirotonia and chirothesia, paraphrastically relates the story of the perambulation made by the apostles Paul and Barnabas thro the citys of Lycaonia, Pisidia, &c. by way of introduction.

THE second shews those citys, or most of them, at the time of this perambulation, to have bin under popular government. In which is contain'd the whole administration of a Roman province.

THE third shews the deduction of the chirotonia from popular government, and of the original right of ordination from the chirotonia. In which is contain'd the institution of the sanhedrim or senat of Israel by Moses, and of that at Rome by Romulus.

THE fourth shews the deduction of the chirothesia from monarchical or aristocratical government, and the second way of ordination from the chirothesia. In which is contain'd the commonwealth of the Jews as it stood after the captivity.

THE fifth debates whether the chirotonia, us'd in the citys mention'd, was (as is pretended by Dr. Hammond, Dr. Seaman, and the authors they follow) the same with the chirothesia, or a far different thing. In which are contain'd the divers kinds of church-government introduc'd and exercis'd in the age of the apostles.

I am entring into a discourse to run much, for the words, upon a language not vulgar, which therefore I shall use no otherwise than by way of parenthesis, not obstructing the sense; and for the things, upon customs that are foren, which therefore I shall interpret as well as I can. Now so to make my way into the parts of this discourse, that (wheras they who have hitherto manag'd it in *English*, might in regard of their readers have near as well written it in *Greec*) I may not be above the vulgar capacity, I shall open both the names wherof, and the things wherupon we are about to dispute, by way of introduction.

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A POLITICAL DISCOURSE CONCERNING ORDINATION.

The INTRODUCTION, OR FIRST CHAPTER.

THE names or words wherof we are about to dispute are *Greec*, the one *chirotonia*, the other *chirothesia*. The first signification of the word *chirotonia*, in Suidas, imports a certain leud action of the hand, which seems also by the *Greec* that renders it by the same word, to have bin intimated in *Isa.* 5. 9. In the second signification with Suidas, it is *ἐκλογή*, πάντων ὑψώσις, *election* (that is to say of magistrats) or *ratification* (that is to say of laws) *by the many*: which amounts both by his testimony, and that generally of antient authors, to this, that the most usual and natural signification of the word *chirotonia* is *popular suffrage*, whether given, as when they speak of *Athens*, by the holding up of hands; or as when they speak (as dos Suidas in the place mention'd) of *Rome*, and other commonwealths (whose suffrage was not given with this ceremony) without holding up of hands.

Chap. I.

CHIROTHESIA (ἐπίθεσις χειρῶν) is a word that in the strict signification imports *laying on of hands*, and no more: but the *Jews* using to confer their ordination most commonly by laying on of hands, and yet sometimes by word of mouth, or by letter, the word both as it relates to the custom of the *Jewish* commonwealth, and ordination thence transplanted into the church of Christ, signifys ordination confer'd by one man, or a few men, that is to say, by som distinct order from the people, whether with imposition of hands, or without it.

These words thus interpreted, I shall throout my discourse (which else must have run altogether upon the *Greec*) presume, as already I have don, to take for good *English*, and so procede to the things wherof we are to dispute; first, by opening the scene of this perambulation, which will be don best by the help of Erasmus, a man as for his learning not inferior to any, so for his freedom not addicted to interests or partys. For the remainder then of this introduction, I shall begin with the nineteenth verse of the eleventh, and continue my discourse to the end of the fourteenth chapter of the *Acts*; interweaving the text where it is darker with the paraphrase of that excellent author, for light, and his paraphrase with the text, where it is clearer, for brevity, in manner following:

THEY whom the heat of persecution from the death of *Stephen* had dispers'd, travel'd thro the citys and villages as far as *Phenice*, and the adjacent iland of *Cyprus*; as also thro *Antiochia*, which lies between *Phenice* and *Cilicia*, preaching the gospel receiv'd from the apostles, which nevertheless they dar'd not to communicat but to such only as were of the *Jewish* nation, not out of envy, but a kind of superstition, they believing that to do otherwise were to give the childrens bread to dogs, which Christ had forbid.

Book II.

Acts 11. 19.

BUT som of them that believ'd, being of Cyprus and Cyrene, when they came to Antioch, had the boldness to speak of Christ to the Greeks, preaching the Lord Jesus, in which they made such progress thro the blessing of God upon them and their

labors, that a great number of these also believing the Gospel, were turn'd to the Lord. The tidings of these things coming to the ears of the church which was at Jerusalem, a man of apostolical sincerity, Barnabas the Levite, a Cyprian born, was sent by the apostles to take a view of what was don upon the places; and if he found it to be according to the will of God, to approve of it, by authority of the apostles. So great caution in receiving the Gentils to the Gospel was not, that the thing was not greatly desir'd by the apostles; but lest it should afterwards be repeal'd or made void by the Jews, as don rashly, or that the Gentils should rely less upon what was don, as conceiving it needed ratification by the law. Wherefore Barnabas so soon as he came to Antioch, and found the Greeks by faith, and without profession of the law, to have receiv'd the same grace of God with the Jews, was very much joy'd that the number of believers increas'd, and exhorted them to remain constant in their enterprize of adhering to the Lord. For he was a good man, and full of the holy spirit, and of faith. Wherefore thro his ministry it came to pass, that a multitude of other believers were added to the former. Now Antioch being not far from Cilicia, the neighborhood of the place invited him to seek Paul, the fittest helper in this work, as chosen by Christ to preach his name to the Gentils and kings of the earth. For when Paul fled from Jerusalem. the disciples had conducted him to Cesarea of Phenice, whence he went to Tarsus; whom therfore when Barnabas had found there, he brought to Antioch, hoping in a city both famous and populous (but with a confus'd mixture of Jews and Greeks) to receive the better fruit thro the aid of an apostle more peculiarly design'd to this work. These two being conversant a whole year in the church of Antioch, which by the confluence both of Jews and Greeks became very numerous, so many were added by their preaching, that wheras hitherto, not exposing the name of Christ to envy, they had bin call'd Disciples, they now began first at Antioch from the name of their founder to be call'd Christians. In these times certain prophets came from the city of Jerusalem to Antioch, wherof one nam'd Agabus standing up in the congregation, signify'd by inspiration, that there should be a great dearth thro the whole world; which came to pass under Claudius Cæsar, the successor of Caligula. At this time they at Jerusalem, partly because they were poor at their conversion to the Gospel, partly because they had deposited their goods in common, and partly because they had bin spoil'd by the priests for their profession of Christ, ordain'd that by the contribution of such as had wherewithal, especially among the believing Gentils, mony should be sent to the relief of the Christians dwelling in Judea; but so that this contribution was not to be forc'd but free, and according to every man's ability. This mony thus gather'd was sent by Paul and Barnabas to the elders at Jerusalem, to be distributed at their discretion to such as were in need. While Paul and Barnabas were thus employ'd, king Herod, the same that beheaded John, and return'd Christ cloth'd, thro derision, in white, to Pilat, being griev'd to see this kind of people increase, and the name of Jesus king of the Jews to grow famous in divers nations, became concern'd to root out such a faction, and so spreading; wherfore he stretch'd forth his hand to vex certain of the church, kill'd James the brother of John with the sword; and because he saw it pleas'd the Jews, proceded further to take Peter also, who being imprison'd, was afterward miraculously deliver'd. But Paul and Barnabas having perform'd the trust committed to them by the brethren, and deliver'd the contribution for relief of the poor to the apostles, return'd from Jerusalem to Antioch, taking with them John, whose sirname was Marc.

NOW the church of Antioch flourish'd in such manner, that she had som fill'd with the gift of prophecy, and others with that of teaching; among whom was Barnabas and Simeon, alias Niger, together with Lucias a Cirenian, and Manaen who had bin brought up with Herod the Tetrarch, whom he left to com to Christ: but the chief of them was Saul, indow'd with all the gifts and graces apostolical. While all these were intent upon the ministry of the church, imploying their several gifts to the glory of God, and in his most acceptable service, the salvation of souls, with fasting and prayer, the Holy Ghost being stir'd up by their zeal, signified his will by the prophets, saying, Separat me Barnabas and Paul for the work wherto I have call'd them, namely, to be doctors of the Gentils, that by them I may propagat the gospel. The command of the Spirit was obey'd, and Barnabas with Paul, to the end that every one might see who are chosen, were separated from the rest; and when the congregation had unanimously implor'd the favor of God by prayer and fasting, the most eminent in authority among them laid their hands upon the persons so separated, and sent them wherever the spirit of God should direct them. By this impulse therfore Barnabas and Paul went to Seleucia, being a promontory of Antiochia, and thence sail'd into the iland of Cyprus, where they landed at Salamis, a famous city upon the eastern part of the iland; they preach'd not human inventions, but the word of God, nor that by stealth, but in the synagogs of the Jews, wherof thro the neighbourhood of Syria there was store. This honor by the commandment of Christ was always defer'd to the Jews, that the gospel should be first offer'd to them, lest they being a querulous and repining nation, should complain that they were despis'd. Thus travel'd these apostles thro the whole iland, till they came to Paphos, a city consecrated to Venus upon the western coast of Cyprus. Here they found a certain magician call'd Barjesus, that is, the son of Jesus a Jew, both by nation and religion, under which color he falsly pretended to the gift of prophesy. This man follow'd the court of Sergius Paulus, proconsul or governor of the iland for the Romans, otherwise a prudent man; but this sort of vermin insinuat it self into the best to chuse, that so their corruption may do the greater and more compendious mischief to mankind. The proconsul nevertheless having understood the gospel to be planting throout Cyprus, not only forbore to stop the ears of others, but by sending for Barnabas and Paul seem'd desirous to open his own. Wherfore Barjesus indeavoring to resist the growth of the word, as an enemy to Christ, and resisting the truth with falshood, a strife arose between the true prophets and a false one (for such is the interpretation of the Syriac word Elymas) whom Paul at length confuted of spiritual blindness, by taking away the eys of his body, miraculously struck in the presence of the proconsul, who at the same time receiving the light of the gospel, imbrac'd the Christian faith. This being don at Paphos, Paul imbark'd there with his associats for the lesser Asia, and came to Perga, being a city of Pamphylia; here John, whose sirname was Marc, left them, and return'd to Jerusalem, while they, when they had visited Pamphylia, travel'd to Antiochia, a city of Pisidia, where having enter'd a synagog, they sat after the usual manner with the rest, attentive to the law and the prophets; wherof when the parts appointed were read, and no man stood up, the rulers of the synagog perceiving that the strangers by their habit were Jews, and such as by their aspect promis'd more than ordinary, sent to them, desiring that if they had any word of exhortation for the people, they would speak. Wherupon Paul standing up, preach'd to them Christ; whence came the word of the Lord to be divulg'd throout that region, tho the Jews out of envy to the Gentils, stirring up the devoutest matrons (an art not unknown in these times) and by them the

chief of the city, rais'd such sedition in it, and tumult against the apostles, that Paul and Barnabas being cast out, shook off the dust from their feet against them, and went thence to Iconium a city of Lycaonia.

When they were com to *Iconium*, entring with the *Jews* after the custom into the synagog, they preach'd, as they had at *Antioch*, the gospel of *Jesus Christ*, and with such efficacy, that multitudes both of the *Jews* and *Greeks* believ'd. Here again the envy of the *Jews* became the author of sedition, by which means the city was divided into two parts or factions, wherof one stood for the unbelieving *Jews*, and the other for the apostles. At length when such of the *Gentils* as were join'd with the *Jews*, and the rulers of the city, made an assault upon the apostles, to offer violence and stone them; they being aware of it, fled to *Lystra* (a city of *Lycaonia*, which is a part of *Pamphylia*) and *Derbe*. At *Lystra* there was a man lame of his feet from the womb, who having listen'd to *Paul* with great attention and zeal, was miraculously cur'd by the apostle; when the people seeing what *Paul* had don, cry'd out, The gods were descended in the likeness of men: a persuasion that might gain the more easily upon the minds of the *Lycaonians* for the fable of *Jupiter* and *Mercury*, said to have descended in human shape, and bin entertain'd by *Lycaon*, from whom the *Lycaonians* receiv'd their name. Wherfore they call'd *Barnabas*, for the gravity of his aspect, *Jupiter*; *Paul* for his eloquence, *Mercury*: and the priest of *Jupiter*, who dwelt in the suburbs, brought bulls and garlands to the gates of the house where the apostles were, to have offer'd sacrifice with the people, which the apostles abhorring, vigorously dissuaded. In the mean time certain *Jews* by nation that were unbelievers, coming from *Antioch* of *Pisidia*, and *Iconium*, drew the people to the other extreme, who from sacrificing to the apostles fell on stoning them; a work which was brought so near to an end, that *Paul* being drawn by them out of the city, was left for dead, tho he soon after recover'd, and went thence with *Barnabas* to *Derbe*: when they had propagated the gospel there also, they return'd to *Lystra*, *Iconium*, and *Antiochia*, confirming the disciples whom they had converted. Now because the propagation of the gospel requir'd that the apostles should be moving thro divers nations, they *chirotonizing them elders in every congregation or church*, that is, *ordaining them elders by the votes of the people in every city*, left them to perform the dutys of the absent apostles, and when they had fasted and pray'd, commended them to the Lord. These things being brought to a conclusion, or finish'd at *Antioch* in *Pisidia*, when they had perambulated this country, they also visited *Pamphylia*; sowing the gospel where it was not yet sown, and confirming those who already believ'd, till they came to *Perga*: where having order'd their affairs, they proceded to *Attalia*, being a maritim city of *Pamphylia*; and from thence they sail'd back to *Antioch* of *Syria*, whence they first set out, with commission from the elders, to preach the gospel to the *Gentils*, and where by the *Chirothesia*, or *Imposition of hands*, prayer and fasting, they had bin recommended to the grace of God, and design'd to the work now finish'd.

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In this narrative you have mention both of the *Chirotonia* and of the *Chirothesia*, or imposition of hands, but of the former as of ordination; for by that such were made presbyters or church-officers as were not so before: of the latter not, I think, as of ordination, at least in the sense we now take it; but as of designation of persons to an occasional and temporary imployment, that had

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bin ordain'd before, for so sure had Paul at least. However, that which is offer'd by this narrative to present consideration, is no more than the bare story.

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CHAP. II.

That The Citys, Or Most Of Them Nam'd In The Perambulation Of The Apostles Paul And Barnabas, Were At That Time Under Popular Government. In Which Is Contain'd The Administration Of A Roman Province.

THE *Romans* of all nations under heaven were indow'd, as with the highest virtues, so with the greatest human glory; which proceeded from this especially, that they were in love with such as were in love with their liberty. To begin with their dawn, the *Privernates* (a free people inhabiting the city and parts adjoining, which at this day is call'd *Piperno*, som fifty miles from *Rome*, and five from *Sesse*) being the second time conquer'd by the *Romans*, it was consulted in the senat what course should be taken with them; where while som, according to the different temper of men, shew'd themselves hotter, and others cooler, one of the *Privernates* more mindful of the condition wherin he was born, than of that wherin he was faln, happen'd to render all more doubtful:

for being ask'd by a senator of the severer judgment, what punishment he thought the *Privernates* might deserve, *Such* (says he) *as they deserve who believe themselves worthy of liberty*. At the courage of which answer, the consul (perceiving in them that had bin vehement enough before against the *Privernates* but the greater animosity, to the end that by a gentler interrogatory he might draw som softer answer from him) reply'd, *And what if we inflict no punishment at all, but pardon you; what peace may we expect of you? Why if you give us a good one* (said the other) *a steady and perpetual peace, but if an ill one, not long*. At which a certain senator falling openly upon ruffling and threatning the *Privernat*, as if those words of his tended to som practice or intention to stir up the citys in peace to sedition, the better part of the fathers being quite of another mind, declar'd, *That they had heard the voice of a man, and of a freeman*. For why, said they, *should it be thought that any man or people will remain longer under such a burden as they are not able to bear, than till they can throw it down? There a peace is faithful, where it is voluntary; if you will have slaves, you are not to trust them but their fetters*. To this opinion the consul especially inclining, inclin'd others, while he openly profest, *That they who had no thought but upon their liberty, could not but be thought worthy to be Romans*: wherupon the decree past by authority of the fathers, which was afterwards propos'd to the congregation, and ratify'd by the command of the people, wherby the *Privernates* were made citizens of *Rome*. Such was the genius of the *Roman* commonwealth; where by the way you may also observe the manner of her debate and result (*authoritate patrum & jussu populi*) by the advice of the senat, and the *Chirotonia* of the people.

Liv. l. 8. c. 21.

But that which in this place is more particularly offer'd to consideration, is her usual way of proceeding in case of conquest with other nations: for tho bearing a haughty brow towards such as, not contented to injoy their liberty at home, would be her rivals

abroad, she dealt far otherwise, as with *Carthage*; this case excepted, and the pilling and polling of her provinces, which happen'd thro the avarice and luxury of her nobility, when the balance of popular power being broken, her empire began towards the latter end to languish and decline; the way which she took with the *Privernates* was that which she usually observ'd with others throout the course of her victorys, and was after the change of government made good at least in som part by the *Roman* emperors, under whom were now those citys mention'd in the present perambulation of the apostles Paul and Barnabas. Strabo for his credit among human authors is equal to any: he liv'd about the time of this perambulation, and being a *Greec*, is less likely to be partial: of that therefore which I have affirm'd to have bin the course of the *Romans* in their victorys, I shall make choice of this author for a witness; first where he epitomizes the story of *Athens* after this manner:

When the Carians by sea, and the Bœotians by land, wasted Attica, Cecrops the prince, to bring the people under shelter, planted them in twelve citys, Cecropia, Tetrapolis, Epacrea, Decelea, Eleusis, Aphydna, Thoricus, Brauron, Cytherus, Sphettus, Cephissia, Phalerus; which Theseus is said to have contracted into one call'd Athens. The government of this city had many changes; at first it was monarchical, then popular: this again was usurp'd by the tyrants Pisistratus and his sons; whence recover'd, it fell afterwards into the hands of the few, as when the four hundred once, and again the thirty tyrants were impos'd by the Lacedemonians, in the war of Peloponnesus: which yoke the Athenians (by means of their faithful army) shaking off, restored their popular government, and held it till the Romans attain'd to the dominion of Greece. Now tho it be true that they were not a little disturb'd by the kings of Macedon, to whom they were forc'd to yield som kind of obedience; they nevertheless preserv'd the form of their commonwealth so intire, that there be who affirm it never to have bin better administer'd, than at such time as Macedon was govern'd by Cassander: for this prince, tho in other things more inclining towards the tyrant, having taken Athens by surrender, us'd not the people ill, but made Demetrius Phalereus the disciple of Theophrastus the philosopher, chief magistrat among them; a man so far from ruining their popular state (as in the commentarys he wrote upon this kind of government is attested) that he repair'd it. Nevertheless, whether suspected or envy'd for his greatness without support by the Macedonians, after the death of Cassander he fled into Egypt, while his enemys breaking down his statues (as som say) made homely vessels of them. But the Romans having receiv'd the Athenians under their popular form, left them their laws and libertys untouch'd, till in the war with Mithridates they were forc'd to receive such tyrants as that king was pleas'd to give them; wherof Ariston the greatest, when the Romans had retaken the city from him, being found trampling upon the people, was put to death by Sylla, and the city pardon'd, which to this day (he wrote about the reign of Tiberius) not only enjoys her libertys, but is high in honor with the Romans. This is the testimony of Strabo agreeing with that of Cicero, where disputing of Divine Providence, he savs, that to affirm the world to be govern'd by chance, or without God, is as if one should say that Athens were not govern'd by the Areopagits. Nor did the Romans by the deposition of the same author (or indeed of any other) behave themselves worse in Asia (the scene of our present discourse, where the same Paul, of whom we are speaking, being born at Tarsus, a city of Cilicia, that had acquir'd like or greater privilege by the same bounty, was also a citizen of Rome) than in Greece. Asia is understood in three significations: first, for the third part of the world

Strab. 1. 9.

answering to *Europe* and *Africa*. Secondly, for that part of *Asia* which is now call'd *Natolia*. Thirdly, for that part of it which Attalus king of *Pergamum*, dying without heirs, bequeath'd and left to the people of *Rome*: this contain'd *Mysia*, *Phrygia*, *Aeolis*, *Ionia*, *Caria*, *Doris*, *Lydia*, *Lycaonia*, *Pisidia*, and by consequence the citys wherof we are speaking. To all these countrys the *Romans* gave their liberty, till in favor of Aristonicus, the bastard of Eumenes, many of them taking arms, they were recover'd, brought into subjection, and fram'd into a province.

When a consul had conquer'd a country, and the *Romans* intended to form it into a province, it was the custom of the senat to send (*decem legatos*) ten of their members, who with the consul had power to introduce and establish their provincial way of government. In this manner *Asia* was form'd by Marcus Aquilius consul; afterwards so excellently reform'd by Scævola, that the senat in their edicts us'd to propose his example to succeeding magistrats, and the inhabitants to celebrat a feast to his name. Nevertheless Mithridates king of *Pontus* (all the *Romans* in this province being massacred in one day) came to possess himself of it, till it was recover'd at several times by Sylla, Murena, Lucullus and Pompey. The *Romans*, in framing a country into a province, were not accusom'd to deal with all the inhabitants of the same in a like manner, but differently according to their different merit. Thus divers citys in this were left free by Sylla, as those of the *Ilienses*, the *Chians*, *Rhodians*, *Lycians* and *Magnesians*, with the *Cyzicens*, tho the last of these afterwards for their practices against the *Romans* forfeited their liberty to Tiberius, in whose reign they were for this reason depriv'd of the same.

Taking *Asia* in the first sense, that is, for one third part of the world, the next province of the *Romans* in this country was *Cilicia*, containing *Pamphylia*, *Isauria*, and *Cilicia* more peculiarly so call'd. Here Cicero was somtimes proconsul, in honor to whom part of *Phrygia*, with *Pisidia*, and *Lycaonia*, were taken from the former, and added to this jurisdiction, by which means the citys wherof we are speaking came to be of this province. Adjoining hereto was the commonwealth of the *Lycians*, which the *Romans* left free:

into this also the city of *Attalia* by som is computed, but *Iconium* both by Strabo and Cicero; the latter wherof being proconsul, in his journey from *Laodicea*, was receiv'd by the magistrats and deputys of this city. *Lystra* and *Derbe*, being citys of *Lycaonia*, must also have bin of the same province. Next to the province of *Cilicia* was that of *Syria*, containing *Comagene*, *Seleucis*, *Phœnicia*, *Cœlosyria*, and *Judea* or *Palestin*. In *Seleucis* were the four famous citys, *Seleucia*, *Antiochia*, *Apamea* (the last intire in her liberty) and *Laodicea*. *Comagene* and *Judea* were under kings, and not fram'd into provinces, till in the time of the emperors.

The fourth province of the *Romans* in *Asia* was that of *Bithynia* with *Pontus*: these were all acquir'd or confirm'd by the victorys of Pompey the Great. Strabo, who was a *Cappadocian* born at *Amasia*, relates a story worthy to be remember'd in this place. *From the time, says he, that the Romans, having conquer'd Antiochus, became moderators of Asia, they contracted leagues of amity with divers nations; where there were kings, the honor of address was deser'd to them, with whom the treaty that concern'd their countrys were concluded. But as concerning the Cappadocians, they*

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treated with the whole nation, for which cause the royal line of this realm coming afterwardsto fail, the Romans gave the people their freedom or leave to live under their own laws: and when the people hereupon sending ambassadors to Rome, renounc'd their liberty, being that to them which they said was intolerable, and demanded a king; the Romans amaz'd there should be men that could so far despair, permitted them to chuse, of their nation, whom they pleas'd; soAriobarzaneswas chosen, whose line again in the third generation coming to fail, Archelauswas made king byAntony (where you may observe, in passing, that the Romans impos'd not monarchical government, but for that matter us'd to leave a people as they found them) thus at the same time they leftPontusunder kingMithridates,who not containing himself within his bounds, but extending them afterwards as far as Colchis and Armenia the Less, was reduc'd to his terms byPompey;who divesting him of those countrys which he had usurp'd, distributed som part of them to such princes as had assisted the Romans in that war, and divided the rest into twelve commonwealths, of which, added to Bithynia, he made one province. When the Roman emperors became monarchs, they also upon like occasions made other distributions, constituting kings, princes, and citys, som more, som less, som wholly free, and others in subjection to themselves. Thus came a good, if not the greater part of the citys in the Lesser Asia, and the other adjoining provinces, to be som more, som less free; but the most of them to remain commonwealths, or to be erected into popular governments, as appears yet clearer by the intercourse of Pliny, while he was pretor or governor of Bithynia, with his master the emperor Trajan; a piece of which I have inserted in the letters following:

Pliny To Trajan.

SIR,

“IT is provided by Pompey’s laws for the *Bithynians*, that no man under thirty years of age be capable of magistracy, or of the senat: by the same it is also establish’d, that they who have born magistracy may be senators. Now because by a latter edict of Augustus, the lesser magistracys may be born by such as are above one and twenty; there remains with me these doubts, whether he that being under thirty, has born magistracy, may be elected by the censors into the senat; and if he may, whether of those also that have not born magistracy, a man being above one and twenty, seeing at that age he may bear magistracy, may not by the same interpretation be elected into the senat, tho he has not born it: which is here practis’d and pretended to be necessary, because it is somewhat better, they say, that the senat be fill’d with the children of good familys, than with the lower sort. My opinion being ask’d upon these points by the new censors, I thought such as being under thirty have born magistracy, both by Pompey’s laws, and the edict of Augustus, to be capable of the senat; seeing the edict allows a man under thirty to bear magistracy, and the law, a man that has born magistracy, to be a senator. But as to those that have not born magistracy, tho at the age in which they may bear it, I demur till I may understand your Majesty’s pleasure, to whom I have sent the heads both of the law and of the edict.”

Plin Epist. l. 10.

Trajan To Pliny.

“YOU and I, dearest Pliny, are of one mind. Pompey’s laws are so far qualify’d by the edict of Augustus, that they who are not under one and twenty may bear magistracy, and they who have born magistracy may be senators in their respective citys: but for such as have not born magistracy, tho they might have born it, I conceive them not eligible into the senat till they be thirty years of age.”

Pliny To Trajan.

“**SIR,**

“POWER is granted to the *Bithynian* citys by Pompey’s law, to adopt to themselves what citizens they please, so they be not foreners, but of the same province; by the same law it is shewn in what cases the censors may remove a man from the senat: among which nevertheless it is not provided what is to be don in case a foren citizen be a senator. Wherefore certain of the censors have thought fit to consult me, whether they ought to remove a man that is of a foren city for that cause out of the senat. Now because the law, tho it forbids the adoption of a forener, commands not that a forener for that cause should be remov d out of the senat, and I am inform’d there be foren citizens almost in every senat; so that many, not only men, but citys might suffer concussion by the restitution of the law in that part, which thro a kind of consent seems to be now grown obsolete; I conceive it necessary to have your Majesty’s resolution in the case, to which end I have sent a breviat of the law annex’d.”

Trajan To Pliny.

“WITH good cause, dearest Pliny, have you doubted what answer to return to the censors, inquiring whether they ought to elect a man into the senat that is of another city, tho of the same province; seeing on the one side the authority of the law, and of custom on the other to the contrary, might well disorder you. To innovat nothing for the time past, I think well of this expedient: they who are already elected senators, tho not according to the law, of what city soever they be, may remain for the present; but for the future Pompey’s laws should return to their full virtue, which if we should cause to look back, might create trouble.”

This might serve, but there will be no hurt in being a little fuller in the discovery of provincial government.

The provinces so fram’d, as has bin shewn, were subdivided into certain circuits call’d *dioceses*; that of *Asia* had six, *Alabandæ*, *Sardes* (antiently the senat of Cræsus) *Smyrna*, *Ephesus*, *Adramytis*, *Pergamum*. That of *Cilicia* had also six, the *Pamphylian*, *Isaurian*, and *Cilician*, the metropolis wherof was *Tarsus*, a free city; to these were taken out of the province of *Asia*, *Cibyra*, *Sinnadæ*, *Apamea*: what were the dioceses of the other two Sigonius, whom I follow, dos not shew. At these in the winter (for the summer was spent commonly with the army) the people of the

province assembl'd at set times, as at our assizes, where the *Roman* governors did them justice.

The governors or magistrats, to whose care a province was committed, were of two kinds: the first and chief was consul or pretor, which appellations differ'd not in power, but in dignity, that of consul being more honorable, who had twelve lictors, whereas the pretor had but six; if the annual magistracy of either of these came to be prorogu'd, he was call'd *proconsul* or *propretor*.

The second kind of magistrat in a province was the questor, receiver or treasurer, who being also annual, was attended by lictors of his own; if he dy'd within his year, the consul, proconsul, or pretor might appoint one for that time in his place, who was call'd proquestor. The power of the consul, proconsul, or pretor, was of two kinds, the one civil, the other military; the former call'd magistracy, the latter empire.

The pomp of these assuming and exercising their magistracy was reverend; the consul or proconsul had legats, sometimes more but never under three, appointed him by the senat: these were in the nature of counsellors to assist him in all affairs of his province; he had tribuns, colonels, or field officers, for the military part of his administration; he had also secretaries, serjeants, heralds or criers, lictors or insignbearers, interpreters, messengers, divines, chamberlains, physicians; and besides these his companions, which for the most part were of the younger sort of gentlemen or gallants that accompany'd him for his ornament, and their own education. Into this the somewhat like train of the questor (who by the law was in place of a son to the proconsul, and to whom the proconsul was to give the regard of a father) being cast, it made the pretorian cohort or guard always about the person of the proconsul, who in this equipage having don his devotions at the capitol, departed the city, *paludatus*, that is in his royal mantle of gold and purple, follow'd for some part of the way with the whole train of his friends, wishing him much joy and good speed.

In his province he executed his twofold office, the one of captain general, the other of the supreme magistrat. In the former relation he had an army either receiv'd from his predecessor, or new levy'd in the city; this consisted in the one half of the legions (as I have elsewhere shewn) and in the other of associats: for the greatness of the same, it was proportion'd to the province, or the occasion; to an ordinary province in times of peace, I believe an army amounted not to above one legion with as many auxiliaries, that is, to a matter of twelve thousand foot, and twelve hundred horse. The magistracy or jurisdiction of the proconsul, or pretor, was executed at the Metropolitan city of each *diæcis*, which upon this occasion was to furnish the pretorian cohort with lodging, salt, wood, hay, and stable-room at the charge of the country. These, tho Cicero would hardly receive any of them, were, towards the latter time of the commonwealth, extended by the provincial magistrats to so great a burden to the people, that it caus'd divers laws to be pass'd in *Rome* (*de repetundis*) for restitution to be made to the provinces, by such as had injur'd them. Upon such laws was the prosecution of Verres by Cicero. When and where this kind of court was to be held, the consul, proconsul, or pretor, by proclamation gave timely notice. Being assembl'd at the time, and the city appointed, in the townhall stood a tribunal; upon this the *sella curulis*, or a chair of state, in which sat the consul, proconsul, or pretor, with his

pretorian cohort or band about him, furnish'd with all manner of pomp, and officers requisit to the ornament or administration of so high a magistracy. The jurisdiction of this court was according to the laws made for the administration of the province; but because they could not foresee all things (as appear'd by the questions which Pliny put upon the laws of Pompey, to Trajan) it came to pass, that much was permitted to the edicts of the provincial pretors, as was also in use at *Rome* with the pretors of the city: and if any man had judg'd otherwise in his province, than he ought to have don in the city, made an edict contrary to the law of his province, or judg'd any thing otherwise than according to his own edict, he was held guilty of, and questionable for a heinous crime. But what the law of this or that province (which differ'd in each) was, would be hard particularly to say; only in general it was for the main very much resembling that of *Sicily*, call'd *Rupilia*.

LEGE Rupilia, or by the law of Rupilius, a cause between one citizen and another being of the same city, was to be try'd at home by their own laws. A cause between one provincial and another being of divers citys, was to be try'd by judges whom the pretor should appoint by lot. What a privat man claim'd of a people, or a people of a privat man, was to be refer'd to the senat of som third city. Upon what a Roman claim'd of a provincial, a provincial was to be appointed judg. Upon what a provincial claim'd of a Roman, a Roman was to be appointed judg. For decision of other controversys, select judges from among the Romans (not out of the pretorian cohort, but out of such Romans, or other citizens free of Rome, as were present in the same court) were to be given. In criminal causes, as violence, peculat, or treason, the law, and the manner of proceeding was the same in the provinces, as in Rome.

For the tributs, customs, taxes, levys of men, mony, shipping, ordinary or extraordinary, for the common defence of the *Roman* republic, and her provinces, the consuls, proconsuls, or pretors proceeding according to such decrees of the senat as were in that case standing or renew'd upon emergent occasions; in gathering these lay the magistracy or office of the questor: if the proconsul were indispos'd, or had more business than he could well turn his hand to, courts of this nature might be held by one or more of his legats. With matter of religion they meddl'd not; every nation being so far left to the liberty of conscience, that no violence for this cause was offer'd to any man: by which means both *Jews* and *Christians*, at least till the time of the persecuting emperors, had the free exercise of their religion throout the *Roman* provinces. This the *Jews* lik'd well for themselves, nor were they troubl'd for the Heathens; but to the *Christians* they always grudg'd the like privilege. Thus when they could no otherwise induce Pilat to put Christ to death, they accus'd Christ of affecting monarchy, and so affrighted Pilat, being a mean condition'd fellow, while they threaten'd to let Tiberius know he was not Cæsar's friend, that he comply'd with their ends. But when at *Corinth*, where Gallio (a man of another temper) was proconsul of *Achaia*, they would have bin at this sport again, and with a great deal of tumult had brought Paul before the tribunal, Gallio took it not well, that they should think he had nothing else to do than to judg of *words, and names, and questions of their law*; for he car'd no more for the disputes between the *Christians* and the *Jews*, than for those between the *Epicureans* and the *Stoics*. Wherefore his lictors drave them from the tribunal, and the officious *Corinthians*, to shew their love to the proconsul, fell on knocking them out of the way of other business.

Now tho the commonwealth of the *Achæans*, being at this time a *Roman* province under the proconsul Gallio, injoy'd no longer her common senat, *strategus* and *demiurges*, according to the model shewn in the former book; yet remain'd each particular city under her antient form of popular government, so that in these, especially at *Corinth*, many of the *Greecs* being of the same judgment, the *Jews* could not dispute with the Christians without tumult. Of this kind was that which happen'd at *Ephesus*, where Christianity growing so fast, that the silversmiths of Diana's temple began to fear they should lose their trade; the *Jews* liking better of Heathenism than Christianity, set Alexander, one of their pack, against Paul.

Act. 19.

This place (in times when men will understand no otherwise of human story than makes for their ends) is fallen happily unto my hand; seeing that which I have said of a *Roman* province, will be thus no less than prov'd out of Scripture. For the chancellor of *Ephesus* perceiving the *ecclesia* (so it is in the original) or assembly (as in our translation) uncall'd by the senat, or the magistracy to be tumultuously gather'd in the theater (their usual place, as in *Syracusa* and other citys, of meeting) betakes himself to appease the people with divers arguments: among which he has these. First, as to matter of religion. *You have brought hither*, says he, *these men which are neither robbers of temples*, (*Churches* our bible has it before there was any church to be robb'd) *nor yet blasphemers of the goddess*: in which words (seeing that they offering no scandal, but only propagating that which was according to their own judgment, were not obnoxious to punishment) he shews that every man had *liberty of conscience*. Secondly, as to law: if *Demetrius and the craftsmen which are with him have a matter against any man, the law*, says he, *is open*. Thirdly, as to the matter of government, which appears to be of two parts, the one provincial, the other domestic: for the former, says he, there are (*ἡνὶ ὑπατοῖ*) proconsuls (he speaks in the plural number with relation to the legats, by whom the proconsul somtimes held his courts; otherwise this magistrat was but one in a province, as at this time for *Asia* Publius Suilius) and to the latter, says he, *if you desire any thing concerning other matters*, that is, such as appertain to the government of the city (in which the care of the temple was included) *it shall be determin'd in a lawful ecclesia, or assembly of the people*. By which you may see that notwithstanding the provincial government, *Ephesus*, tho she was no free city, (for with a free city the proconsul had nothing of this kind to do) had (*ἡνὶ* [Editor: illegible character] *οὐνομίας*) the government of her self (as those other citys mention'd in Pliny's epistles) by the senat, and the people; for wherever one of these is nam'd, as the senat by Pliny, or the people by Luke, the other is understood. When the chancellor had thus spoken, he dismiss'd the *ecclesia*. It is Luke's own word, and so often as I have now repeated it, so often has he us'd it, upon the same occasion. Wherefore I might henceforth expect two things of divines; first, that it might be acknowleg'd that I have good authors, Luke and the chancellor of *Ephesus*, for the word *ecclesia* in this sense; and secondly, that they would not persuade us, the word *ecclesia* has lost its signification, lest they condemn this place of Scripture to be no more understood. The manner of provincial government being thus prov'd, not only out of profane authors, but out of Scripture it self; and the citys that were least free having had such power over themselves, and their territorys; why, if the *Romans* took no more of them for this protection, than was paid to their former lords, did they *not rather undertake the patronage of the world than the empire*; seeing *Venice*, and

Dantzic, while the one was tributary to the *Turk*, the other to the king of *Poland*, were nevertheless so free estates, that of a king, or a commonwealth that should have put the rest of the world into the like condition, no less in our day could have bin said? and yet that the *Romans*, when the nature of the eastern monarchys shall be rightly consider'd, took far less of these citys than their old masters, will admit of little doubt. Cicero surely would not ly; he, when proconsul of *Cilicia*, wrote in this manner concerning his circuit, to his friend Servilius: *two days I staid at Laodicea, at Apamea five, at Sinnadæ three, at Pilomenis five, at Iconium ten; than which jurisdiction or government there is nothing more just or equal.* Why then had not those citys their senats and their *ecclesiæ*, or congregations of the people, as well as that of *Ephesus*, and those wherof Pliny gives an account to Trajan?

CORINTH was in *Achaia*; *Perga* of *Pamphylia*, *Antioch* of *Pisidia*, *Iconium*, *Lystra*, *Derbe* of *Lycaonia*, were in *Cilicia*; and with these, as som reckon, *Attalia*, *Ephesus* and the other *Antioch* were in *Syria*. *Achaia*, *Cilicia*, and *Syria*, were Roman provinces at the time of this perambulation of the apostles: the citys under provincial administration, whether free or not free, were under popular government; whence it follows, that *Corinth*, *Ephesus*, *Antioch* of *Syria*, *Antioch* of *Pisidia*, *Perga*, *Iconium*, *Lystra*, *Derbe*, *Attalia*, being at this time under provincial administration, were at the same time under popular government. There has been no hurt in going about, for the proof of this; tho indeed to shew that these citys (had *quandam* ?υτονομίαν) were under popular government, we needed have gone no further than the text, as where the chancellor of *Ephesus*, to get rid of a tumultuous *ecclesia* or assembly of the people, promises them a lawful one. In *Iconium*, *Lystra*, *Derbe*, and the rest, you hear not of any king (as where Herod stretch'd out his hand to please the *Jews*, and vex the church) but of the people, of their rulers, of their assemblys, and of their tumults. The people at *Lystra* are now agreed to give the apostles divine honors; and anon, both at *Iconium* and *Lystra*, to stone them. Now to determin of divine honor or of life and death, are acts of sovereign power. It is true, these nevertheless may happen to be usurp'd by a mere tumult; but that cannot be said of these congregations, which consisted as well of the magistrats and rulers, as of the people, and where the magistrats shew that they had no distinct power wherby to restrain the people, nor other means to prevail against them, than by making of partys: which passages, as they prove these commonwealths on the one side to have bin ill constituted, evince on the other, that these citys were under popular government.

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CHAP. III.

The Deduction Of The Chirotonia From Popular Government, And Of The Original Right Of Ordination From The Chirotonia. In Which Is Contain'd The Institution Of The Sanhedrim Or Senat Of Israel By Moses, And That Of Rome By Romulus.

DIVINES generally in their way of disputing have a bias that runs more upon words than upon things; so that in this place it will be necessary to give the interpretation of som other words, wherof they pretend to take a strong hold in their controversys. The chief of these has bin spoken to already: *chirotonia* being a word that properly signifys *the suffrage of the people*, wherever it is properly us'd, implys power; wherfore tho the senat decrees by suffrage as well as the people, yet there being no more in a decree of the senat than authority, the senat is never said to *chirotonize*, or very seldom and improperly, this word being peculiar to the people. And thus much is imply'd in what went before.

The next word in controversy is *psephisma*, which signifies a *decree* or *law*; and this always implying power, always implys the suffrage of the people, that is, where it is spoken of popular government: for tho a *psephisma* or decree of the *Athenian* senat was a law for a year before it came to the suffrage or *chirotonia* of the people, yet the law or constitution of Solon, wherby the senat had this power, originally deriv'd from the *chirotonia* of the people.

The third word (ᾠ?ἰ?ᾠναι) signifys to *constitute* or *ordain*; this in the political sense of the same implys not *power*, but *authority*: for a man that writes or proposes a decree or form of government, may be said (ᾠ?ἰ?ᾠναι) to *propose* or *constitute* it, whether it be confirm'd by the *chirotonia* of the people or not; nay with Halicarnassæus the word signifys no more than barely to call or assemble a senat, βουλ?ν ?περ τιν?ς ᾠ?ἰ?ᾠναι.

Now if these words be sometimes otherwise taken, what words be there in any language that are not often us'd improperly? but that understood politically, they must of necessity be understood as I have shewn, or will so intangle and disorder government, that no man shall either make head or foot of it, is that which I make little question to evince in the surest way, that is, by opening the nature of the things whence they derive, and wherof they are spoken by the best authors.

And because the words (tho the things they signify were much more antient) derive all from *Athens*, I shall begin by this constitution to shew the proper use of them. *Chirotonia* in *Athens*, as has bin shewn out of Suidas (who speaking of *Rome* refers to this) was election of magistrats, or enacting laws by the suffrage of of the people; which, because they gave by holding up their hands, came thence to be call'd

chirotonia, which signifys *holding up of hands*. The legislative assembly, or representative of the people, call'd the *nomothetæ*, upon occasion of repealing an old law, and enacting a new one, gave the *chirotonia* of the people:

and yet says the *Athenian* law (διαχειροτονίαν δε? [Editor: illegible character] τ[Editor: illegible character]ς προέδρ?ς περί τ[Editor: illegible character]των τ[Editor: illegible character]ν νόμων) *Let the proedri give or make the chirotonia to either law*. The *proedri*, as was shewn in the former book, were the ten presidents of the *prytans*; which *prytans* upon this occasion were presidents of the *nomothetæ*.

Demost. contra Timocr.

Again, wheras it was the undoubted right and practice of the people to elect their magistrats by their *chirotonia* (??ν ?με?ς ?να, ??ν ?λεί?ς, ??ν τον δε?να, ??ν ?ντιν[Editor: illegible character]ν χειροτονήσητε ?[Editor: illegible character]ατηγ?ν) it is nevertheless shewn by Pollux to have bin the peculiar office of the *thesmothetæ*, (?ρατηγ[Editor: illegible character]ς χειροτονε?ν) to *chirotonize* the magistrats.

Chap. III.

For as the *proedri* were presidents of the people in their legislative capacity, so were the *thesmothetæ*, upon occasion of elections:

Phil. 1.

thus the *chirotonia* of the *proedri* or of the *thesmothetæ* signifys nothing else but the *chirotonia* of the people, by which they had enacted all their laws, and elected all their civil or ecclesiastical magistrats or priests, as the *rex sacrificus*, and the *orgeones*, except som by the lot; which ordination, as is observ'd by Aristotle, is equally popular. This whether ignorantly or wilfully unregarded, has bin, as will be seen hereafter, the cause of great absurdity; for who sees not that to put the *chirotonia*, or sovereign power of *Athens* upon the *proedri* or the *thesmothetæ*, is to make such a thing of that government as can no wise be understood?

L. 8. c. 8.

What the people had past by their *chirotonia*, was call'd *psephisma*, an act or law. And because in the *nomothetæ* there were always two laws put together to the vote, that is to say, the old one, and that which was offer'd in the room of it, they that were for the old law were said (?ποψηφίζειν) to pronounce in the negative; and they that were for the new (?αταψηφί[Editor: illegible character]ειν) to pronounce for the affirmative.

These laws, these propositions, or this frame of government, having bin propos'd first by Solon, and then ratify'd or establish'd by the *chirotonia* of the *Athenian* people; Aristotle says of him (τ?ν δε? δημο?ρατίαν ?ατα??σαι) that he *instituted* or *constituted* the popular government; which constitution implys not any power in Solon, who absolutely refus'd to be a king, and therefore the word ?ατα??σαι as to him implys no more than authority. I have shew'd you the words in controversy, and the things together in the mint; now whether they that as to *Athens* introduc'd them both, understood either, I leave my reader by comparing them to judg.

It is true that the things exprest by these words have bin in som commonwealths more, in others less antient than the *Greec* language; but this hinders not the *Greecs* to apply the words to the like constitutions or things, wherever they find them, as, by following Halicarnassæus. I shall exemplify in *Rome*.

ἢ ΔΕ Ρώμῳ[Editor: illegible character], ἢπειδ' ταῦτα διεῖς, βουλευτὴς ἑυθὺς
ἔγνω ἡσασθαι.

Romulus, when he had distributed the people into tribes and
parishes, proceeded to ordain the senate: in this manner the tribes
were three, and the parishes thirty; out of every tribe he elected three senators, and out
of every parish three more, all by the suffrage of the people. These therefore came to
ninety nine chosen by the *chirotonia*; to which he added one more, not chosen by the
chirotonia, but by himself only: which election we may therefore say was made by the
chirothesia; for as in this chapter I am shewing that the *chirotonia* is election by the
many, so in the next I shall shew that the *chirothesia*, is election by one, or by the
few. But to keep to the matter in hand; the magistrat thus chosen by Romulus was
(*præsectus urbi*) the protector of the commonwealth, or he who, when the king was
out of the nation or the city, as upon occasion of war, had the exercise of royal power
at home. In like manner with the civil magistracy were the priests created (tho som of
them not so antiently) for the *pontifex maximus*, the *rex sacrificus*, and the *flamens*,
were all ordain'd by the suffrage of the people (*pontifex tributis*, *rex centuriatis*,
flaminescuriatis) the latter of which, being no more than parish priests, had no other
ordination than by their parishes. All the laws, and all the magistrats in Rome, even
the kings themselves, were according to the orders of this commonwealth to be
created by the *chirotonia* of the people; which nevertheless is by Appian sometimes
call'd *δεμάρχων χειροτονία*, the *chirotonia* of the tribuns, whether these magistrats
were presidents of the assemblys of the people, or elected by them.

Lib. 2.

*Sic Romani historici non raro loquuntur, consulem qui comitia
habuerit creasse novos magistratus, non aliam ob causam nisi
quia suffragia receperit, & populum moderatus est in eligendo.*

Galv. Inst. l. 4. cap. 3.
§ 15.

What past the *chirotonia* of the people, by the *Greeks* is call'd
psephisma: μελλούσης δε διαλύεσθαι τῆς ἐκκλησίας, ἡνὰ τὴν
Μάτην[Editor: illegible character] ἔφη. ὃ μὲν εἰρήνην τῶν οἰκόνων ἔχει ἡ ἀλγὴν.
When the congregation of the people was to be dismiss, Marcus standing up, said, Your
psephisma, that is your act, is exceding good, &c.

Dion. Hal. l. 8.

This policy, for the greater part, is that which Romulus (as was shewn) is said
(ἡσασθαι) to have *instituted* or *ordain'd*, tho it be plain that he ordain'd it no
otherwise than by the *chirotonia* of the people.

Thus you have another example of the three words in controversy (*Chirotonia*,
ἡσασθαι, *psephisma*) still apply'd in the same sense, and to the same things. Have I
not also discover'd already the original right of ordination, whether in civil or
religious orders? This will be scandalous. How! derive ordination as it is in the church
of Christ, or as it was in the church of the *Jews*, from the religion, or rather
superstition of the heathens! I meddle not with their religion, nor yet with their
superstition, but with their ordination which was neither, but a part of their policy And
why is not ordination in the church or commonwealth of Christ, as well a political
thing as it was in the churches or commonwealths of the *Jews*, or of the heathens?
Why is not election of officers in the church as well a political thing, as election of
officers in the state? and why may not this be as lawfully perform'd by the *chirotonia*
in the one, as in the other?

That Moses introduc'd the *chirotonia*, is expresly said by Philo; tho he opposes it to the ballot, in which I believe he is mistaken, as not seeing that the ballot including the suffrage of the people, by that means came as properly under the denomination of the *chirotonia*, as the suffrage of the *Roman* people; which tho it were given by the tablet, is so called by *Greec* authors. All ordination of magistrats, or of the senators or elders of the *sanhedrim*, of the judges or elders of inferior courts, of the judg or suffes of *Israel*, of the king, of the priests, of the Levits, whether with the ballot or *viva voce*, was perform'd by the *chirotonia* or suffrage of the people. In this (especially if you admit the authority of the *Jewish* lawyers, and divines call'd the Talmudists) the Scripture will be clear, but their names are hard; wherfore not to make any discourse more rough than I need, I shall here set them together. The authors or writings I use, by way of paraphrase upon the Scripture, are the *Gemara*, *Babylonia*, *Midbar Rabba*, *Sepher Siphri*, *Sepher Tanchuma*, *Solomon Jarchius*, *Chiskuny*, *Abarbanel*, *Ajin Israel*, *Pesiktha Zotertha*. These and many more being for the election of the *sanhedrim* by the ballot, I might have spoken them more briefly; for the truth is, in all that is talmudical I am assisted by Selden, Grotius, and their quotations out of the rabbys, having in this learning so little skill, that if I miscall'd none of them, I shew'd a good part of my acquaintance with them.

Philo de Inst.

Princ.

Nor am I wedded to Grotius or Selden, whom somtimes I follow, and somtimes I leave, making use of their learning, but of my own reason. As to the things in this present controversy, they were no other in *Athens* and *Rome* than they had been in the commonwealth of *Israel*.

When Moses came to institute the senat, he ask'd counsel of God.

And the Lord said, Gather to me seventy men of the elders of Israel; and Moses went out and told the people the words of the

Numb. 11. v. 16, 24.

Lord: that is, propos'd the dictat of the supreme legislator to the *chirotonia* of the congregation. What else can we make of these words of Moses to the people?

Take ye wise men, and understanding, and known among your tribes (? ἀταρήσω ὑτς φ' μν γγουμενους ? ων) *and I will*

Deut. 1. v. 13, 14, 15.

constitute them rulers over you. Now how the people could otherwise take or chuse these rulers or magistrats thus propos'd, than by their *chirotonia*, let divines—shew; or notwithstanding the constitution of Moses, both the senat of *Israel*, and the inferior courts, were decreed by the *chirotonia* of the people. For the people upon this proposition resolv'd in the affirmative, or *answer'd and said*, *The thing which thou hast spoken is good for us to do*. This then was the *psephisma* or decree of the people of *Israel*, whereupon says Moses (? ἀτέησα ὑτ[Editor: illegible character]ς γεσται) *I constituted or ordain'd them governors*. In which example you have the three words, or the three things again; nor as to the things, is it, or ever was it, otherwise in any commonwealth. Whence it is admirable in our divines, who will have ? ἀτέησα, *constituted*, to be the word of power; that they do not see by this means they must make two powers in the same government; the ? ἀτέησα or constitution of the *legislator*, and the *chirotonia* or suffrage of the people: or else say that the commonwealth of *Israel* was instituted by the power of the legislator, and the authority of the people, than which there is nothing more absurd. But the people staid not upon their first *psephisma*, or result, that *the thing was good for them to do*, but

did accordingly. The manner of their proceeding at different times was somewhat different; for it was sometimes *viva voce*, sometimes by the lot, without the suffrage; and sometimes by the ballot, which consisted not of the lot only, but of the suffrage. Each of these are equally popular (for neither of them gives an advantage to any person or party) but not equally prudent ways of proceeding; the lot committing too much to fortune, except in some kinds of businesses, as first in the division of lands, whence the suffrage was properly excluded: for the divisions being made by three deputies out of each tribe, if there happen'd to fall some advantage or disadvantage to any man by the lot, it was equal or impartial; whereas if it had fallen by the suffrage, it must have been unequal, or partial. Such was the cause why the lot in the division of the land of *Canaan* was us'd without the suffrage. In case of a crime committed by an unknown author, but among many of whom some one or more must have been guilty, as in the cases of Achan and Jonathan, the lot was also us'd without the suffrage, somewhat after the manner of decimation in an army, when many that are guilty throw the dice, and he on whom the lot falls is punish'd; yet with considerable difference, for whereas decimation is not us'd but for punishment, where the persons are as well known as the guilt; this use of the lot in *Israel* was for the discovery of the unknown author of some known crime, that some one of many being put to the question (who if either by his own confession, or other proof he were found guilty, was punish'd accordingly, otherwise not) men might have less encouragement that their crimes would be the more hidden, or less punishable for company, or the shadow of it.

When the people were set upon the introduction of a new magistracy, and car'd not at all who should be the man, as in the election of Saul, at which time the *Philistines* lay hard upon them, and they look'd upon the ease they hop'd from a king, without coveting the trouble which he was like to have; it seems to me there was a third use of the lot without the suffrage.

But that the common use of the lot in *Israel* imply'd also the suffrage, and was of the nature of the ballot at this day in *Venice*, is little to be doubted; or you may satisfy your self, when you have consider'd the manner how the senate or sanhedrim was first elected (ᾠαῖ?αμένη) or constituted by Moses.

Upon the *psephisma*, or decree of the legislator and the people, *The thing which thou hast spoken is good for us to do*, they proceeded to election of competitors in this manner. Each of the twelve tribes (to be hereafter as well locally, as they were yet but genealogically divided) were to make the election, not excluding the thirteenth, nor yet nominally taking it in; for Levi, tho genealogically as distinct a tribe as any of them, yet was not design'd locally so to be, but to have the right of promiscuous inhabiting, cohabiting, or marriage with all or any of the rest, and with right of suffrage accordingly; for this cause the tribes being thirteen, are reckon'd but twelve. So each of the twelve tribes elected among themselves by their suffrages, six wise men, and understanding, and known among them; who being elected, were written; and being written, were deliver'd each in a several scroll to Moses. Moses having receiv'd all the scrolls, had seventy two competitors, which caus'd a fraction; for the senate, as is plain by the text (*gather me seventy men, that they may stand with thee*) was to consist but of seventy with Moses, that is, in all, of seventy one. So Moses having two competitors more than he needed, caus'd two urns to be brought, into one

of which he cast the seventy two competitors, or names written in the scrolls; and into the other seventy two scrolls, of which two were blanks, and seventy were inscrib'd with the word *presbyter*. This being don, the whole congregation pray'd, and when they had pray'd gave forth their lots.

The lots were given forth after this manner. First a lot was drawn out of the urn of the magistracys, then another out of the urn of the competitors. The competitor to whose name a blank was drawn, departed: but he to whose name a prize was drawn, or given forth, became a magistrat.

They who had thus gain'd magistracy were συν?αταψηφιζόμενοι, by this *psephisma* decreed to be together of the number of the seventy elders. But wheras in the urn of magistracy there were two blanks, two that had bin written competitors must of necessity have fail'd of magistracy.

So Eldad and Medad being of them that were written competitors by the tribes, yet went not up to the tabernacle; that is, attain'd not to be (συν?αταψηφιζόμενοι) numbred among the seventy, who were to sit in the court of the tabernacle; as afterwards they did in the pavement, or stonechamber, in the court of the temple.

Numb. 11. 26.

In this place I shall mind you but once more of the three words in controversy. Moses the legislator (?ατέ?ησε) constituted the people chirotoniz'd; and that which they had chirotoniz'd, was *psephisma*, their decree.

There be in these times that are coif'd with such opinions, that to shew scripture to be reason, is to make it lose weight with them; and to talk of the *Talmudists*, is to profane it: of these I shall only desire to know how they understand that place of Eldad and Medad; for if they can no otherwise make sense of it than as I have don, it is a sufficient proof (letting the *Talmudists* go) of all that I have said. What therefore has the hierarchy, and the presbytery for their opinion that the sanhedrim was instituted by the *chirothesia*, or imposition of hands?

There is in the Old Testament no mention of laying on of hands by way of ordination, or election, but only by Moses in the designation of Joshua for his successor: and in this Moses did first as Romulus afterwards in the election of the prefect or protector of *Rome*, but upon a far greater exigence; for the commonwealth of *Rome*, when Romulus did the like, was seated or planted, but the commonwealth of *Israel*, when Moses did this, was neither seated nor planted, nor indeed a commonwealth, but an army design'd to be a commonwealth. Now between the government that is necessary to an army, and that which is necessary to a commonwealth, there is a vast difference. The government even of the armys of *Rome*, when she was a commonwealth, was nevertheless monarchical: in this regard Moses himself exercis'd a kind of dictatorial power for his life; and the commonwealth being not yet planted, nor having any balance wherupon to weigh her self, must either have bin left at his death to the care of som man whom he knew best able to lay her foundation, or to extreme hazard. Wherefore this ordination, which was but accidental, regarding the present military condition of the people, Moses most prudently distinguishes from the other; in that he shew'd them how they should manage their commonwealth, in this he bequeaths them

the man whom he thinks the most likely to bring them to be a commonwealth: of which judgment and undertaking of Moses, Joshua the next illustrious example, most worthily acquitted himself.

There is in these elections another remarkable passage, but such a one as, being so far from political that it is supernatural, dos not properly appertain to this discourse, and so I shall but point at it.

When the elders, thus chosen, were set *round about the tabernacle, the Lord came down in a cloud, and took of the spirit of Moses, and gave it to the seventy elders; and it came to pass, that when the spirit rested upon them, they prophesy'd and did not cease.*

Num 11. 24, 25.

So Joshua was full of the spirit of wisdom, for Moses had laid his hands upon him. And Paul minds Timothy, *Stir up the gift of God which is in thee by the laying on of my hands.*

Deut. 34. 9.

But the *Talmudists* themselves do not pretend that their ordination was further accompany'd with supernatural indowments than the first institution; and if divines were as ingenuous, no less might be acknowleg'd of theirs. *Moses was a prophet, the like to whom has not bin in Israel;* and has there bin an apostle like Paul in the Christian church? every body cannot do miracles, we see they can't. Take heed how you deny sense, for then bread may be flesh. If we be not to make choice of a political institution without a miraculous test or recommendation; either ordination was at first accompany'd with supernatural gifts, and from thenceforth, as I conceive, neither. Divines methinks as such should not be so much concern'd in the ordination of the sanhedrim, or of Joshua, who were magistrats, as the people or the magistrat: yet if these should hence infer that their election, ordination, or designation of persons confer'd supernatural gifts, divines would hardly allow of it; and why are the people, or the magistrat oblig'd to allow more to that of a clergy? To return.

1 Tim. 1. 6.

Such as I have shewn was the ordination of the senat, or great sanhedrim, that of the lesser sanhedrim, or inferior courts, was of like nature, for it follows; *I took the chief of your tribes, wise men and known (? ἀτέ?ησα) and made them heads over you, captains of thousands, and captains of hundreds, &c.* which were other magistrats than according to our custom, we should readily expect to be intimated by such words, for they were the judges of the inferior courts, those that *sat in the gates of each city*, and others that appertain'd to the villages, as in the next verse:

Deut. 1. 15.

and I charg'd your judges at that time, saying, Hear the causes, and judg righteously.

Ver. 10.

The next magistrat whose election coms to be consider'd is the dictator, or judg of *Israel*.

Where it is said of this people, that the *Lord rais'd them up judges, which deliver'd them out of the hands of those that spoil'd them*, it is to be understood, says Sigonius, that God put it into the mind of the people to elect such magistrats, or captains over them.

Judg. 2. 16.

De Rep. Heb.

For example, when the children of *Ammon* made war against *Israel*, God rais'd up Jephtha, whose election was after this manner:

the elders went to fetch Jephtha, out of the land of Tob, and when they had brought him to Mizpeh (which in those days was the

Judges 11.

place, where ἐκκλησία Θε[Editor: illegible character], the congregation of *Israel* usually assembled) *the people made him head and captain over them*. Now that the election of the king was as much in the *chirotonia* of the people, as that of the judg, is past all controversy, seeing the law, speaking of the people, says thus:

one from among thy brethren shalt thou set king over thee; and accordingly when the government was chang'd to monarchy, it was not Samuel, but the people that would have it so; thus Saul was chosen king by the lot.

Deut. 17. 15.

Where the contradiction of Grotius is remarkable, who in this place to shew that the lot is of popular institution, quotes

Arist. Pol. b. 6. c. 2.

Aristotle; and yet when he comes to speak of the lots that were cast at the election of Matthias, says it was *that it might appear not whom the multitude, but whom God had ordain'd*; as if the magistrat lawfully elected by the people, were not elected by God, or that the lot which thus *falls into the lap were not at the disposing of the Lord*.

But if the league by which the people receiv'd David into the throne, or the votes by which first the people of *Jerusalem*, and afterwards the congregation of *Israel* (as was shewn in the former book) made Solomon king, were of the Lord; then election by the people was of the Lord and the magistrat that was elected by the *chirotonia* of the people, was elected by the *chirotonia* of God:

De Imp. S. P. c. 10.

for as the congregation of *Israel* is call'd in Scripture (ἐκκλησία Θε[Editor: illegible character]) the *ecclesia* or congregation of

Judges 20.

God; so the *chirotonia* of this congregation is call'd by Josephus (Θε? χειροτονία) the *chirotonia* of God, who, as I noted before out of Capellus, was in this commonwealth political king, or civil legislator (*sans comparaison*) as Solon in *Athens*, and Romulus in *Rome*; that is to propose to the people (*Hæc est lex quam Moses proposuit*) and whatever was propos'd, by God, or the lawful magistrat under him, and chirotoniz'd or voted by the people, was law in *Israel*, and no other.

Nay, and the people had not only power to reject any law that was thus propos'd, but to repeal any law that was thus enacted:

Jos. 1. 4.

for if God intending popular government should have ordain'd it otherwise, he must have contradicted himself; wherefore he

Josephus, l. 6. c. 5.

plainly acknowledges to them this power, where (Θε?ν ??οχειροτον?σι τ?ς ?ασιλε?ας) *they rejected him* (whom they had formerly chirotoniz'd or chosen king) *that he should not reign over them*; and elected Saul. This if God had withstood by his power, he must have introduc'd that kind of monarchy which he had declar'd against; wherefore he chose rather to abandon this sottish and ingrateful people to the most inextricable yoke of deserv'd slavery, telling them, when he had warn'd them and they would not hear him, that they *should cry to him and he would not hear them*, one title of whose words passed not unfulfill'd.

By this time I have shewn that all the civil magistrats in *Israel* were chosen by the *chirotonia* of the people, or, to follow Josephus, by the *chirotonia* of God, which is all one; for the *chirotonia* of the president of the congregation, as I have instanc'd in that

of the *proedri*, of the *thesmothetæ*, of the consuls, of the tribuns, and the *chirotonia* of the congregation is the same thing; and of the congregation of *Israel* God, except only at the voting of a king, was president.

To com then from the civil magistrats to the priests and Levits, these were chosen in two ways, either by the lot, or by the *chirotonia*.

The office and dignity of the high priest being the greatest in *Israel*, and by the institution to be hereditary, caus'd great disputes in the election: to this Moses by the command of God had design'd Aaron his brother; which designation, the command of God being at first either not so obvious as that relation, or the ambition of others so blind that they could not or would not see it, caus'd great combustion. First, thro the conspiracy of Korah, Dathan, and Abiram; and next by the murmuring of the princes of the tribes, all emulous of this honor.

Korah being not only a great man,
but of the tribe of *Levi*, could not see why he was not as worthy
of the priesthood, consideration had of his tribe, as Aaron; and if
any other tribe might pretend to it, Dathan and Abiram being
descended from Reuben were not only of the elder house, but troubl'd to see a
younger prefer'd before them. Wherefore these having gain'd to their party three
hundred of the most powerful men of the congregation, accus'd Moses of affecting
tyranny, and doing those things which threaten'd the liberty of the commonwealth; as
under pretence of divination to blind the eyes of the people, preferring his brother to
the priesthood without the suffrage of the congregation: of which charge Moses
acquitting himself in the congregation, tells the people that Aaron was chosen both by
God, and (?α? τ?ν ?μετεραν γνώμην αυτ[Editor: illegible character] τυ[Editor:
illegible character]χάνων) by their suffrages, which (Korah being upon this occasion
miraculously destroy'd) were therupon once more given by the people. Nevertheless
the princes of the tribes continuing still discontented, and full of murmur, God
decided the controversy by a second miracle, the budding of Aaron's rod: (and so ? ?
μεν τρ?ς ?υτόν τ[Editor: illegible character] Θε[Editor: illegible character]
χειροτονησατος ?ε?αίως ?ιχε τ?ν τιμ?ν) being thrice confirm'd by the chirotonia of
God, he was confirm'd in that honor. Now that the *chirotonia* of God in this place of
Josephus signifys the *chirotonia* of the people, is plain by that in Scripture, where
they made Solomon king, and Zadoc to be priest.

Numb. 16.

Josephus, l. 4.

After the captivity, as in other things, so in this power the
sanhedrim came, as I conceive, to overreach the people: Joshua
the son of Josedech being thus elected high priest by the sanhedrim, and this honor
thenceforth (as appears by Maimonides) being at the disposing of this court.

1 Chron. 20-22.

Nor cou'd any inferior priest serve at the altar, except he had
acquir'd that right by the lot, as is not only deliver'd by the same
author and by Josephus, but in Scripture.

Grot. ad

Now the lot, as was shewn, giving no prerogative either to any
person or party,

Hag. 1. 1.

is as popular an institution as the *chirotonia*.

Joseph. de Bel.

So in election of priests, the orders of *Israel* differ'd not from
human prudence, nor those of other commonwealths,

Jud. l. 4.

the priests of Jupiter having bin elected after the same manner in the commonwealth of *Syracusa*; the *Augustales*, and the *Vestals* in that of *Rome*:

Maimon.

and if the right of bearing holy magistracy, being in *Israel* confin'd to one tribe or order,

Hal. Cele

may seem to make any difference, it was for some time no otherwise in *Athens*, nor in *Rome*, where the patricians or nobility assum'd these offices, or the greatest of them to themselves,

Hamikdasch, cap. 42 & 5

till the people in those citys disputed that custom, as introduc'd without their consent, which the people of *Israel* could not fairly do, because it was introduc'd by their consent.

2 Chron. 24. 5 & 25. 8. & 26. 13.

To com to the *Levits* in their original ordination, God commanded Moses saying, *Thou shalt bring the Levits before the tabernacle of the congregation, and thou shalt gather the whole assembly of the children of Israel, and they shall put their hands upon the Levits*. This in the sound of the words may seem to imply the *chirothesia*, or imposition of hands, but take heed of that; divines will not allow the *chirothesia* to be an act of the people: but in this proceeding the whole people acted in the ordination of the *Levits*, wherefore the *Levits* also were ordain'd by the *chirotonia*, consent, vote, or suffrage of the whole people imply'd in this action. But for the ordination of priests and Levits, whatever it was, it is not to the present purpose; divines deriving not theirs from priests and Levits, but from dukes, generals and magistrats, from that of Joshua and of the sanhedrim, always provided, that this were of the same nature with the former, that is, by the *chirothesia*, or imposition of hands, and not by the *chirotonia* of the people. However the ordination of the magistracy was certainly political; and so in this deduction they themselves confess that their ordination also is a political constitution:

Numb. 8. 9, 10.

yet wheras Moses is commanded by God to bring Aaron and his sons to the *door of the tabernacle of the congregation*, and having wash'd them there, to adorn them with the priestly robes, with the miter, and to anoint them; wheras he is commanded (the children of *Israel* having first *laid their hands upon the Levits*) to cleanse them, and offer them for an offering: divines of the hierarchy and the presbytery (tho it be otherwise with Wallæus and such as acknowlege popular government) give the congregation, or consent of the people for nothing, and put the whole ordination of the priests and Levits upon the washing and cleansing, or other ceremonys of consecration: as if to put the ordination of Saul upon the ceremony of anointing by Samuel, tho perform'd by the immediat command of God, were not absolutely contradictory to Scripture, and to the known law of *Israel*, which speaking of the people, expresly says, *One from among thy brethren shalt thou set king over thee*; upon which place says Philo, *Most wise Moses never intended that the royal dignity should be acquir'd by lot, but chose rather that the king should be elected by the chirotonia, or suffrage of the whole people*.

Exod. 29.

Numb. 8.

The congregations of the people assembl'd upon this as upon other public affairs, and requir'd a sign or confirmation from God: forasmuch as by his will man is to the rest of nature, what the face is to the body. Wherto agrees that of the Heathens, *Os homini sublime dedit*,

Philo de inst. principiis.

cælumque tueri jussit, and their divinations upon the like occasions by intrals, none of which were ever understood as destructive of the liberty of the people, or of the freedom of their *chirotonia*.

Where Solomon is made king, and Zadoc priest by the people, tho the ceremony of anointing was doubtless perform'd, and perhaps by the prophet Nathan, it is wholly omitted in the place as not worth the speaking of. The opinion that the ordination of the priests and Levits lay in the ceremonys of their consecration, is every whit as sober and agreeable to reason, as if a man should hold the kings of *England* to have bin made by the unction of the bishops. *Israel* from the institution of Moses to the monarchy, was a democracy, or popular government; in popular government the consent of the people is the power of the people, and both the priests and Levits were ordain'd by the consent of the people of *Israel*.

To bring these things to the citys in the perambulation of the apostles, which by the former chapter I have prov'd to have bin popular governments; it is acknowleg'd by Grotius to the citys of *Asia*, not only that they us'd the *chirotonia*, but in the strictest sense of the word, that is, to give their suffrage by the holding up of hands. And that they had the liberty of their religion, the choice of their magistrats, both civil and ecclesiastical in their *ecclesiæ*, or congregations, has bin also undeniably evidenc'd; whence it must needs follow that there were citys in *Asia* (χειροτονησαντες ὅτις ἐσβυ[Editor: illegible character] ἑ[Editor: illegible character] αὐ[Editor: illegible character] λησίαν) *chirotonizing or ordaining them elders*, that is, magistrats and priests in every congregation (with reverence be it spoken) long before Christ was in the flesh, or the apostles any of them were born. Wherefore to sum up what in this chapter I conceive to be sufficiently prov'd, I may boldly conclude, *That the chirotonia derives from popular constitution, and that there was a way of ordination by the chirotonia*.

Chap. IV.

Ditm. c. 10.

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CHAP. IV.

The Deduction Of The Chirothesia From Monarchical Or Aristocratical Government, And Of The Second Way Of Ordination From The Chirothesia. In Which Is Contain'd The Commonwealth Of The Jews As It Stood After The Captivity.

WHAT pleases the prince, says Justinian, *has the force of a law, seeing the people in his creation have devolv'd their whole power upon his person;* which is with the most. But when popular government is chang'd into monarchical, either the whole power of the people, or a great part of it must of necessity accrue to the king.

Hence says Samuel, *he will appoint him captains over thousands, and captains over fiftys:* in which words perhaps is intimated the judges of the inferior courts, or *Jethronian* prefectures; so that hereby Samuel tells the people they shall no more have the election of their rulers, but the king will have it; who, it may be, chang'd the nature of som of these magistracys, or added others:

1 Sam. 8. 12.

for when David came to *reign over all Israel*, Joab *was over the host* (his strategus or general) Jehoshaphat *was recorder*, Zadok and Abimelec *were the priests*, Seraiah *was the scribe*, and Benaiah *was over the Pelethits, and the Cherethits*; that is, was captain of his regiments of guard, call'd perhaps by these names, as those of Romulus were call'd *Celeres*. But it should seem that few or none of these officers were elected by the *chirotonia*, that is by the people, but by the prince, which kind of election, as will be shewn anon, may be call'd *chirothesia*. For the deduction of this kind of ordination, or election, we shall do well to hearken first to Dr. Hammond;

2 Sam. 8. 15.

who in his query, or discourse concerning ordination by the imposition of hands, puts it thus:

§ 10.

To lift up the hands was a ceremony in prayer, and accordingly to lay hands on any (differing no otherwise from lifting up, than by the determining that action to a peculiar object, the person that was pray'd for) was generally among the Jews a ceremony of benediction us'd first by the father to the children, in bestowing he blessing upon them (and with that a succession to som part of his estate or inheritance) as appears in Jacob's blessing the children of Joseph: he stretch'd out his right hand, and laid it upon Ephraim's head,

Exod. 17. 11.

Gen. 48. 14.

and his left hand on Manasses, and so he bless'd, &c. From thence it was accommodated among them to the communicating of any part of power to others as assistants, or to the deriving of any successive office from one to another. Thus when Moses had from heaven receiv'd, and long us'd his commission to be under God the ruler of the people, the seventy elders were by God's appointment assum'd to assist him:

it being certain from the Jewish writings, tho the sacred Scripture has no occasion to mention it, that the succession of the seventy elders under the name of sanhedrim or council was continu'd thro all ages

Numb. 11. 17.

by their creating others in the place of those that dy'd, by this ceremony of imposition of hands.

To this purpose are the clear words of Maimonides: Moses our master created the seventy elders by imposition of hands, and the divine majesty rested on them; and those elders impos'd hands on others, and others on others, &c. So a little before the departure of Moses out of this life, when a successor was to be provided for him, God commands him to take Joshua, and lay his hands upon him.

Tit. Sanhed. c. 4.

And Moses laid his hands upon him, and gave him a charge as the Lord commanded by the hand of Moses: that is, deriv'd to him by this ceremony the authority which himself had, and constituted him his successor in that government.

Numb. 27. 18, 23.

And so it is repeated, Joshua was full of the spirit of wisdom, for Moses had laid his hands upon him.

Deut. 34 9.

This is the doctor's deduction of the *chirothesia*, or ordination by the laying on of hands, from the commonwealth of Israel: and, says he, *from the three uses of this ceremony there, that is, first in praying for another; secondly, in paternal benediction; thirdly, in creating successors in power, either in whole, or in part, derive three sorts of things in the New Testament, to which this ceremony of laying on of hands is accommodated. That of prayer simply taken was of two sorts, either for the cure of diseases, or pardoning of sins.*

For diseases: they shall lay hands on the sick, and they shall recover.

Mar. 16. 18.

For sins they were don away also by this ceremony in the absolution of penitents, to which belongs that exhortation of Paul to Timothy, Lay hands suddenly on no man, that is, not without due examination and proof of his penitence, lest thou be partaker of other men's sins. From the second, that of paternal benediction, was borrow'd, first that of blessing infants with the ceremony of imposition of hands, as it differ'd from baptism.

1 Tim. 5. 22.

And secondly, that of confirming those of fuller age, that had bin formerly baptiz'd.

Mar. 10. 16.

Lastly, to the creating successors in any power, or communicating any part of power to others, as to assistants, is answerable that imposition of hands in ordination so often mention'd in the New Testament, sometimes in the lower degree, as in the ordaining of deacons, elsewhere in the highest degree, setting governors over particular churches, as generally when by that laying on of hands it is said, they receiv'd the Holy Ghost; whereas the Holy Ghost contains all the χαρίσματα requir'd to the pastoral function, and so signifies power from on high:

Acts 6. 6.

the authority and function itself, so it be given by imposition of hands, makes the parallel exact between this of Christian ordination, and that observ'd in the creating successors in the Jewish sanhedrim. So far the doctor.

L ke 24. 49.

Now say I, if the Scripture be silent as to the ordination of the elders in Israel, what means that place; *Take ye wise men, and understanding, and known among your tribes, and I will make them rulers over you?*

once in their lives let them give us the sense of it, or of that other, where Eldad and Medad *were of those that were written, and yet went not up to the tabernacle:*

Deut. 1.

otherwise that we hear no more of these, is from the silence of divines, and not of the Scripture. But if the Scripture be not silent in this point, is there not a great deal of fancy in going on to *cure the sick, to pardon sins, to bless infants, confirm the baptiz'd, ordain ministers, nay, give the Holy Ghost, and all the graces belonging to the pastoral function*, from a place that has no such thing in it? for if the sanhedrim according to Scripture were not ordain'd by the *chirothesia*, there is no such thing to be deriv'd by the *chirothesia* from the sanhedrim. The first *chirotonia* indeed of the sanhedrim was accompany'd with miraculous indowments; wherefore if they will derive these gifts and graces from the sanhedrim, why are they sworn enemies to the *chirotonia*? again, the sanhedrim was a civil court or senat; wherefore then by this title should not these gifts and graces be rathe pretended to by the civil magistrat, than by divines? what becoms of the priest Aaron and his lots? is he left to the civil magistrat, while divines derive themselves from general Joshua and his *chirothesia*? but if the sanhedrim and inferior judicatorys were otherwise ordain'd originally; then no magistrat in *Israel* was originally ordain'd by the *chirothesia*, but only Joshua. It is admirable that divines should look upon God, as if in the institution of a commonwealth he had no regard at all to human prudence, but was altogether fix'd upon their vain advantages. Who made human prudence; or to what end was it made? any man that understands the politics, and considers that God was now proceeding according to this art (as in his constitution of the senat, and of the people or congregation, is most obvious) must needs see that this power he indulg'd to Moses of making his own choice of one man; could not possibly be intended as a permanent constitution; for wheras he intended popular government, nothing is plainer than that a people not electing their own magistrats can have no popular government. How absurd is it to conceive that God having already made an express law, that the people, if at any time they came under monarchy, should yet have the election of their king, would now make a law that the people being under a commonwealth, should no longer have the election of their magistrats? for who sees not that to introduce the *chirothesia* as a standing ordinance, had bin to bar the people of this power? *Israel* at this time, tho design'd for a commonwealth, had no land, no foundation to balance her self upon, but was an army in a wilderness, incompass'd about with enemys. To permit to the people in this case, the choice of all their civil magistrats, was nevertheless safe enough, nay, best of all: for at the election of *wise men, and understanding, and known among their tribes*, so far as was needful to civil administration, their skill must needs have bin at any time sufficient; but the commonwealth was yet in absolute necessity of a protector, and of dictatorial power. Now to know who was fittest in this case to succede Moses, requir'd the wisdom of God, or of Moses; and therefore was not yet safe to be ventur'd upon a people so new in their government. For these reasons, I say, Moses us'd the *chirothesia* for once, and no more; or let them shew me among all the dictators, judges, or kings, that succeeded Joshua, any one that was chosen by the *chirothesia*, and be all dictators. It is now above three thousand years since the institution of the sanhedrim, from which time the ambitious elders first, then the Talmudists, and of latter ages divines have bin perpetually striving for, or possessing themselves of this same oligarchical invention of the *chirothesia* pretended to be deriv'd from Moses; tho there be neither any such

Numb. 11.

precept of God or Christ in the Old or New Testament, nor any unanimous result upon the point, either by the Talmudists or divines themselves. And for the clear words quoted by the doctor out of Maimonides, they are such to which I shall in due time shew Maimonides to be elsewhere of a clear contrary opinion. But in this controversy, without som clearer deduction of the *chirothesia*, we shall make no happy progress; in this therefore I shall follow Selden the ablest Talmudist of our age, or of any.

The commonwealth of *Lacedemon* (if I could stand to shew it) has strange resemblances to that of *Israel*, not only in the agrarian, which is nothing to the present purpose, but in the senat, which to prevent catching another time, I do not say was a judicatory only, but not only a senat, but a judicatory also. For Lycurgus of all other legislators was in this the likest to God, or to Moses, that his work was so exquisitly perfected at once, and his laws so comprehensive, that if the senat had had no other function than to make or propose new laws, there being little or nothing of that wanting, they would have had little or nothing to do. Now it being thus, and much more than thus in *Israel*, the sanhedrim was not only the senat, but the supreme judicatory. And because one court in a territory of any extent is no where sufficient to this end; therefore the sanhedrim had divers branches distended not only to the citys of *Judea*, but even to the villages; these were call'd the *lesser sanbedrim*, or the *Jethronian prefectures*.

The great sanhedrim consisting, as has bin shewn, of 70 elders, sat first in the tabernacle, and afterwards in the court of the temple.

Selden deSyn.

The *Jethronian* prefectures consisted som of three and twenty elders, and others but of three. Of the former kind there were two in the gates of the temple, and one sitting in the gates or every city; of the latter there was one almost in every village.

The power of the *Jethronian* court, consisting of twenty-three elders, was in matter of judicature equal with that of the great sanhedrim, only in cases of difficulty they observ'd this precept.

If there arise a matter too hard for thee in judgment between blood and blood,

Vid. Grot. ad

between plea and plea, between stroke and stroke, being matter of controversy within thy gates; then shalt thou arise, and get

Deut. 17. 8.

thee up into the place which the Lord thy God shall chuse (in the future, for the commonwealth was yet but design'd, not planted) *and thou shalt com to the priests and the Levits, and to the judg that shall be in those days, and inquire, and they shall shew thee the sentence of judgment:* that is, thou shalt consult the sanhedrim, or if there be no sanhedrim, the *suffes* or judg of *Israel*. The reason why the sanhedrim in this text is mention'd under the name of the *priests* and *Levits* is, that these about the beginning of this commonwealth having (as were also the *Egyptian* priests at the same time) bin the learnedst men, whether for lawyers, or physicians, there were scarce any other chosen into the sanhedrim, tho towards the latter end it happen'd to be far otherwise. For wheras sacrificing was feasting, the priests injoying a fat idleness, became in latter times so heavy, that as to the election of the sanhedrim not only the

Levites of inferior rank were upon the matter wholly laid by, but the high-priest himself sometimes omitted, the rest of the tribes far excelling this in learning.

The power of the *triumvirats*, or three judges in the villages, extended no farther than to inflict stripes to a certain number, and pecuniary mulcts to a certain sum. These possibly had the same recourse upon occasion of difficulty to the judges in the gates, as the judges in the gates had to the sanhedrim: but their power is not so much to the present purpose, which regards only their manner of election. This having bin institutively exercis'd, as has bin shewn by the *chirotonia*, or ballot of the people, came sooner or later (I find no man that can resolve upon the certain time) to the *chirothesia*. For tho when a judg in the gates was dead, that court elected his successor out of their disciples (each court in the gates had 99 disciples that were their constant auditors) or out of the *triumvirats*; and when an elder of the sanhedrim dy'd, the sanhedrim elected his successor out of the courts in the gates, more particularly those in the gates of the temple by suffrages; yet no man was capable of being elected into any of these courts that was not a presbyter, nor was any man a presbyter that had not receiv'd the *chirothesia*:

nor could any man confer the *chirothesia* that had not first receiv'd it, or bin so ordain'd a presbyter himself: nor tho he were so ordain'd, could he confer the like ordination, but in the presence of two others, whether ordain'd or not ordain'd: and no ordination could be confer'd but either this way, or by som one of the judicatorys.

Mikotzi Misna
Gemara.

The manner how this ordination was confer'd, if the party were present, was either by laying on of hands, or by saying a verse or charm; or if he were absent, by a letter, or patent.

Abr. Zacuth.

An elder thus ordain'd was call'd *rabbi*, might have disciples, teach, practise, or expound the law, declare what was therby free or forbidden (which with them was call'd *binding and loosing*) ordain others with the assistance mention'd, or be

Maimonide.

Rab. Jonah.

capable of election into som one, or any court of justice, according to the nature of his ordination, the conditions mention'd at the conferring of the same, or *the gift that was in him by the laying on of the hands of the presbytery*: which in som extended no farther than to shew how meat should be kill'd and dress'd, how uncleanness should be purify'd, what were vices of the body, what might be eaten or drunk, and what not; in others it extended to som one or more, or all the facultys express'd; but I am inclining to believe that a plenary ordination us'd not to be confer'd but by the great sanhedrim, or at least som one of the *Jethronian* courts.

Rab. Nathan.

They us'd also to confer this ordination som time occasionally, and for a season in this manner.

Receive the gift of judiciary ordination, or the right of binding and loosing, till such time as you return to us in the city.

Maimon. Tit.

Where the Christian *Jews* still following their former customs in higher matters, as the observation of the Sabbath, and of circumcision, even to such a degree, that Paul not to displease them *took Timothy and circumcis'd him*, seem to me to have follow'd this custom, who when the Prophets at

San. cap. 4.

Antioch had inform'd them that Paul and Barnabas were to be separated to an extraordinary work, *laid their hands upon them, and sent them away:* for otherwise as to ordination Paul and Barnabas had that before; at least Paul by Ananias, and for any such precept in the Christian religion there was none.

Acts 13. 3.

JOSEPHUS, Philo, and other authors that tell us the commonwealth of *Israel* was an aristocracy, look no farther than the introduction of the *chirothesia* by the Presbyterian party, which must have taken date som time after the captivity, or the restitution of the commonwealth by Ezra, there being not one syllable for it in Scripture, but enough to the contrary, seeing God introduc'd the *chirotonia*. By which it is demonstrable that a Presbyterian party may bring a popular government to oligarchy, and deface even the work of God himself, so that it shall not be known to after-ages; as also that ecclesiastical writers (for such are the *Talmudists*) may pretend that for many hundred years together, as divines also have don, to be in Scripture, which neither is, nor ever was there. But have I yet said enough to shew that ordination, especially as in this example, not of a clergy, but of a magistracy, whether by the *chirotonia*, or *chirothesia*, is a political institution? or must I rack my brains for arguments to prove that an order or a law having such influence upon the commonwealth, that being introduc'd or repeal'd, it quite alters the whole frame of the government, must needs be of a political nature, and therfore not appertain to divines, or to a clergy, but to the magistrat, unless their traditions may be of force to alter the government as they please? All is one, they can abate nothing of it, let what will com of the government, the *chirothesia* they must and will have. Then let them have monarchy too, or tyranny; for one of these, according as the balance happens to stand with or against their *chirothesia*, is the certain consequence; either tyranny as in *Israel*, or monarchy as in the papacy; and, from that or the like principle, in all *Gothic* empires: which examples, to begin with *Israel*, well deserve the pains to be somewhat more diligently unfolded.

Acts 9. 17.

All elections in *Israel*, save those of the priests who were eligible by the lot, being thus usurp'd by the presbyterian party, and the people by that means divested of their *chirotonia*; som three hundred years before Christ, Hillel senior high priest, and archon or prince of the sanhedrim, found means to draw this power of ordination, in shew somewhat otherwise, but in effect to himself, and his *chirothesia*:

for by his influence upon the sanhedrim it was brought to pass, that wheras formerly any man ordain'd might, in the manner shewn,

Maimon. Tit.

have ordain'd his disciples; it was now agreed that no man should be ordain'd without the licence of the prince, and that this

Sam. cap. 4.

power should not be in the prince, but in the presence of the father of the sanhedrim, or speaker of the house. Thus the aristocracy of *Israel* becoming first oligarchical, took (according to the nature of all such governments) long steps towards monarchy, which succeeding in the *Asmonean* family, commonly call'd the *Maccabees*, was for their great merit, in vindicating the *Jews* from the tyranny of Antiochus, confirm'd to them by the universal consent and *chirotonia* of the people. Nevertheless to him that understands the orders of a commonwealth, or has read the *Athenian*, *Lacedemonian*, or *Roman* story, it will be plain enough that but for their aristocracy they needed not

to have bin so much beholden to, or to have stood so much in need of one family. It is true, both the merit of these princes, and the manner of their free election by the people, seem to forbid the name of tyranny to this institution: but so it is, that let there be never so much merit in a man, or inclination of the people to the prince, or the government that is not founded upon the due balance, the prince, in that case must either govern in the nature of a commonwealth, as did those of this family, reforming the policy after the *Lacedemonian* model, or turn tyrant, as from their time, who liv'd in the age of the *Grecian* monarchy, did all their successors, till under the *Romans* this nation became a province: from which time such indeavors and insurrections they us'd for the recovery of their antient policy, that under the emperor Adrian (who perceiv'd at what their ordination, being not of priests, but of magistrats, and of a senat pretending to soverain judicature and authority, seem'd to aim) there came, says the *Talmud*, *against the Israelits an edict out of the kingdom of the wicked* (meaning the *Roman* empire) *wherby whosoever should ordain, or be ordain'd, was to be put to death, and the school or city in which such an act should be done, to be destroy'd: wherupon rabbiJehuda Ben Baba* (lest ordination should fail in *Israel*) *went forth, and standing between two great mountains, and two great citys, and between two Sabbathdays journys from Osa and Sephara, ordain'd five presbyters*. For this feat the rabbi is remember'd by the *Talmudists* under the name of Ordinator; but the same, as it follows, being discover'd by the *Roman* guards, *they shot his body through with so many darts, as made it like a sieve*: yet staid not the business here, but so obstinat continu'd the *Jews* in the superstition to which this kind of ordination was now grown, that wheras by the same it was unlawful for them to ordain in a foren land, and at home they could not be brought to abstain, the emperor banish'd them all out of their own country; whence happen'd their total dispersion. That of a thing which at the first was a mere delusion, such religion should com in time, and with education to be made that not only they who had receiv'd advantage could suffer martyrdom, but they that had lost by it, would be utterly lost for it, were admirable in the case of this people, if it were not common in the case of most in the world at this day: custom may bring that to be receiv'd as an ordinance of God, for which there is no color in Scripture. For to consult Maimonides a little better upon this point:

Wheras, says he, they grant, in case it should happen that in all the holy land there remain'd but one presbyter, that presbyter, assisted by two other Israelits, might ordain the seventy, or great sanhedrim, and the sanhedrim so constituted might constitute and ordain the lesser courts, I am of opinion that were there no presbyter in the land, yet if all the wise men of Israel should agree to constitute or ordain judges, they might do it lawfully enough. But if so, then how coms it to pass that our ancestors have bin so solicitous, lest judicature should fail in Israel? Surely for no other cause than that from the time of the captivity the Israelits were so dispers'd that they could not upon like occasions be brought together Now I appeal whether the clear words of Maimonides, where he says, *that our masterMosesordain'd the sanhedrim by the chirothesia*, be not more clearly and strongly contradicted in this place, than affirm'd in the other; since acknowleging that if the people could assemble, they might ordain the *sanhedrim*, he gives it for granted, that when they did assemble, they had power to ordain it; and that Moses did assemble them upon this occasion, is plain in Scripture. Again, if the power of ordination falls ultimatly to the people, there is not a stronger argument in nature that it is thence primarily deriv'd. To conclude, the *chirothesia* of the

Halac. Sam. C. 4. S. 11.

presbyterian party in *Israel* is thus confess'd by the author no otherwise necessary, than thro the defect of the *chirotonia* of the people: which ingenuity of the *Talmudist*, for any thing that has yet past, might be worthy the imitation of divines.

In tracking the *Jews* from the restitution of their commonwealth after the captivity to their dispersion, it seems that the later monarchy in *Israel* was occasion'd by the oligarchy, the oligarchy by the aristocracy, and the aristocracy by the *chirothesia*; but that this monarchy, tho erected by magnanimous and popular princes, could be no less than tyranny deriv'd from another principle, that is, the insufficiency of the balance: for tho from the time of the captivity, the jubile was no more in use, yet the Virgin Mary as an heiress, is affirm'd by som to have bin marry'd to Joseph by virtue of this law:

Every daughter that possesses an inheritance in any tribe of the children of Israel, shall be wife to one of the family of the tribe of her fathers, &c. By which the popular agrarian may be more than suspected to have bin of greater vigor than would admit of a well balanc'd monarchy.

Numb. 27. [Editor: illegible character]

The second presbytery, which is now attain'd to a well-balanc d empire in the papacy, has infinitely excell'd the pattern, the lands of *Italy* being most of them in the church. This, if I had leisure, might be track'd by the very same steps: at first it consisted of the seventy parish priests, or presbyters of *Rome*; now seventy cardinals creating to themselves a high priest, or prince of their sanhedrim, the pope, but for the superstition wherto he has brought religion, and continues by his *chirothesia* to hold it, a great and a reverend monarch, establish'd upon a solid foundation, and governing by an exquisit policy, not only well-balanc'd at home, but deeply rooted in the greatest monarchys of Christendom, where the clergy by virtue of their lands are one of the three states.

The maxims of *Rome* are profound; for there is no making use of princes without being necessary to them, nor have they any regard to that religion which dos not regard empire. All monarchys of the *Gothic* model, that is to say, where the clergy by virtue of their lands are a third estate, subsist by the pope, whose religion creating a reverence in the people, and bearing an aw upon the prince, preserves the clergy, that else being unarm'd, becom a certain prey to the king or the people; and where this happens (as in Henry the Eighth) down gos the throne; for so much as the clergy loses, falls out of the monarchical into the popular scale. Where a clergy is a third estate, popular government wants earth, and can never grow: but where they dy at the root, a prince may sit a while, but is not safe: nor is it in nature (except he has a nobility or gentry able without a clergy to give balance to the people) that he should subsist long or peaceably: for wherever a government is founded on an army, as in the kings of *Israel* or emperors of *Rome*, there the saddest tragedys under heaven are either on the stage, or in the tiringhouse. These things consider'd, the *chirothesia* being originally nothing else but a way of policy excluding the people, where it attains not to a balance that is sufficient for this purpose, brings forth oligarchy or tyranny, as among the *Jews*: and where it attains to a balance sufficient to this end, produces monarchy, as in the papacy, and in all *Gothic* kingdoms.

The priests of *Egypt*, where, (as it is describ'd by Siculus) their revenue came to the third part of the realm, would no question have bin exactly well fitted with the *chirothesia* pretended to by modern divines. Suppose the apostles had planted the Christian religion in those parts, and the priests had been all converted, I do not think that divines will say, that having alter'd their religion they needed to have deserted their being a third estate, their overbalance to the people, their lands, their preeminence in the government, or any part of their policy for that: and I am as far from saying so as themselves.

On the other side, as Paul was a citizen of *Rome*, let us suppose him to have bin a citizen of *Athens*, and about (Ἀθηναῖος) to constitute the Christian religion in this commonwealth, where any citizen might speak to the people: imagin then he should have said thus: *Men of Athens, that which you ignorantly seek I bring to you, the true religion; but to receive this, you must not alter your former belief only, but your antient customs. Your political assemblys have bin hitherto call'd ecclesiæ; this word must lose the antient sense, and be no more understood but of spiritual consistorys; and so wheras it has bin of a popular, it must henceforth be of an aristocratical, or presbyterian signification. For your chirotonia, that also must follow the same rule; insomuch as on whomsoever one or more of the aristocracy or presbytery shall lay their hands, the same is understood by virtue of that action to be chirotoniz'd.* How well would this have sounded in *Egypt*, and how ill in *Athens*? Certainly the policy of the church of Christ admits of more prudence and temperament in these things: tho the apostles being *Jews* themselves, satisfy'd the converted *Jews* that were us'd to aristocracy, by retaining somewhat of their constitutions, as the *chirothesia*; yet when Paul and Barnabas com to constitute in popular commonwealths, they are (χειροτονήσαντες ὑτοις ἑσβυτέας καὶ ἑλληνισίαν) *chirotonizing them elders in every congregation.*

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CHAP. V.

Whether The Chirotonia Mention'd In The Fourteenth Of The Acts Be Indeed, As Is Pretended By Dr. Mammond, Dr. Seaman, And The Authors They Follow, The Same With The Chirothesia, Or A Far Different Thing. In Which Are Contain'd The Divers Kinds Of Church-Government Introduc'd And Exercis'd In The Age Of The Apostles.

EITHER I have impertinently intruded upon the politics, or cannot be said so much to meddle in church-matters, as churchmen may be said to have meddled in state-matters: for if the *chirotonia* be election by the many, and the *chirothesia* be election by one, or by the few, the whole difference between popular and monarchical government falls upon these two words; and so the question will be, Whether the Scriptures were intended more for the advantage of a prince, of a hierarchy or presbytery, than of the people. But that God in the Old Testament instituted the *chirotonia*, not only in the commonwealth, as by the election of the sanhedrim, but in the monarchy, as in the election of the kings, is plain: so if there remains any advantage in Scripture to kings, to the hierarchy or presbytery, it must be in the New Testament. *Israel* was God's chosen people, and God was *Israel's* chosen king. That God was pleas'd to bow the heavens, and come down to them, was his choice, not theirs; but in that upon his proposition, and those of his servant Moses, they resolv'd to *obey his voice, and keep his covenant*, they chose him their king. In like manner, the church is Christ's chosen people, and Christ is the church's chosen king. That Christ taking flesh was pleas'd to bow the heavens, and come down in a more familiar capacity of proposing himself to mankind, was his own choice, not theirs: but in that the church upon his proposition, or those of his apostles sent by him, as he was sent by the father, resolv'd to obey his voice, and keep his covenant, she has chosen him her king. Whatever in nature or in grace, in church or in state, is chosen by man according to the will of God, is chosen by God, of whom is both the will and the deed.

Chap. V.

Which things consider'd, I wonder at Dr. Hammond, who says, *Sure the Jewish and Heathen citys, to whom the gospel by Christ's command was to be preach'd, were not to chuse their guides or teachers. Christ was not chosen by them to whom he preach'd; for, says he, ye have not chosen me. He came from heaven, sent by his father on that errand; and happy they whom he was thus pleas'd to chuse, to call, and preach to. And when his apostles, after his example, go and preach to all nations, and actually gather disciples, they chose their auditors, and not their auditors them.* To make short work, I shall answer by explaining his words as they fall.

§ 36.

A *ROMAN* chusing whether he would speak to the senat or the people, chose his auditors, and not they him: nevertheless, if it were the consul, they chose him, and not

he them. It is one thing to be a speaker to a people, that have the liberty, when that's don, to do as they think fit; and another thing to be a guide, whom the people have consented, or oblig'd themselves to follow: which distinction not regarded, makes the rest of his argumentation recoil upon himself; while he proceeds thus: *And they that give up their names to the obedience of the gospel* (chose the preachers, as I should think, of that gospel their guides) *one branch of this obedience obliges them* (by their own consent it seems, because before they gave up their names) *to observe those that* (being thus plac'd over them by their consent) *are plac'd over them by God: such not only are their civil magistrats* (who succede to their places by, and govern according to the laws which the people have chosen) *but also their pastors, whom the Holy Ghost either mediately* (according to the rules of church disciplin in Scripture) *or immediatly* (upon som such miraculous call, as the people shall judg to be no imposture) *has set over them*. From which words the Doctor, not considering those qualifications I have shewn all along to be naturally inherent in them, concludes *that a bishop is made by the Holy Ghost, and not by the people*.

If he would stand to this yet it were something; for if the Holy Ghost makes a bishop, then I should think that the Holy Ghost ordain'd a bishop, and so that the election and ordination of a bishop were all one. But this hereafter will appear to be a more dangerous concession than perhaps you may yet apprehend. Wherefore when all is don, you will not find divines, at least Dr. Hammond, to grant that the Holy Ghost can ordain: he may elect indeed, and that is all; but there is no ordination without the *chirothesia* of the bishops, or of the presbytery. Take the Doctor's word for it.

WHEN St. Paul says of the Bishops of *Asia*, that the Holy Ghost had set them overseers, I suppose that it is to be understood of their election or nomination to those dignitys:

§ 107.

for so *Clement* speaks of St. *John*, who constituted bishops of those that were signify'd by the Spirit; where the Spirit's signification notes the election or nomination of the persons, but the constituting them was the ordination of St. *John*.

Acts 20. 28.

God may propose, as the electors do to the great council of Venice; but the power of the council, that is to resolve or ordain, is in the bishop, says Dr. Hammond, and in the presbytery, says Dr. Seaman. Indeed, that election and ordination be distinct things, is to divines of so great importance, that losing this hold, they lose all: for, as I said before, whatever is chosen by man according to the will of God, that is, according to divine law, whether natural or positive, the same, whether in state or church, is chosen by God, or by the Holy Ghost, of whom is both the will and the deed. To evade this, and keep all in their own hands, or chirothesia, divines have invented this distinction, that election is one thing, and ordination another: God may elect, but they must constitute; that is, God may propose, but they must resolve. And yet Grotius, who in these things is a great champion for the clergy, has little more to say upon this point than this:

Whether we consider antient or modern times, we shall find the manner of election very different not only in different ages and countrys,

De Imp. sum.

but in different years of the same age,
and places of the same country, so uncertain it is to determin of
that which the Scripture has lest uncertain. And while men
dispute not of right, but of convenience, it is wonderful to see
what probable arguments are brought on all sides. Give me *Cyprian* and his times,
there is no danger in popular election. Give me the *Nicene* fathers, and let the bishops
take it willingly. Give me *Theodosius*, *Valentinian*, and *Charles* the Great, than royal
election there is nothing safer. *Upon the heels of these words treads Dr. Hammond in
this manner:*

Pot. c. 10.

§ 31.

That election and ordination are several things, is sufficiently
known to every man that measures the nature of words either by
usage or dictionary; only for the convincing of such as think not themselves oblig'd
to the observation of so vulgar laws, I shall propose these evidences.

§ 104.

In the story of the creation of the deacons of *Jerusalem*, there are
two things distinctly set down, one propos'd to the multitude of
disciples to be don by them, another reserv'd to the apostles; that which was propos'd
to the multitude was to elect, &c. Election of the persons was by the apostles
permitted to them, but still the (*ᾧ καταῖσμεν*) constituting is reserv'd to the apostles.

Acts 6.

Then coms Dr. Seaman: Be it granted, as it is by Protestants
generally, that *Paul* and *Barnabas* made elders with the consent
of the people, their consent is one thing, and their power another.

Of ordinat. p. 13.

Where in the first place I for my particular, who have had the books of Dr. Hammond
and Dr. Seaman sent to me by way of objection, need not go a step further. All that I
have inserted in my *Oceana* concerning ordination, is in these three votes
acknowledg'd and confirm'd: for the probationer to be there sent by a university to a
cure that is vacant, may, by a doctor, or the doctors of the same university already
ordain'd, receive imposition of hands, if that be thought fit to be added, and then the
election of the same probationer by the people dos no hurt, nay, says Grotius, *is of the
right of nature; for it is naturally permitted to every congregation to procure those
things which are necessary to their conservation, of which number is the application
of function.*

*So merchants have the right of electing of a master of their ship;
travellers of a guide in their way, and a free people of their king.*

De Imp. c. 10

The merchant, it seems, dos not make the master of his ship, the traveller his guide,
nor the free people their king, but elect them. As if Van Trump had bin admiral, a
robber upon the highway had bin a scout, or the guide of an army, or Saul a king
before they were elected. The point is very nice, which instead of proving, he
illustrats in the beginning of the same chapter by these three similitudes.

The first is this, *The power of the husband is from God, the application of this power
to a certain person is from consent, by which nevertheless the right is not given; for if
this were by consent, the matrimony might be dissolv'd by consent; which cannot be.*
As if an apparent retraction of matrimonial consent, as when a wife consents to
another than her own husband, or commits adultery, did not deliver a man from the
bond of marriage by the judgments of Christ. There is an imperfection or cruelty in
those laws, which make marriage to last longer than a man in humanity may be judg'd
to be a husband, or a woman a wife. To think that religion destroys humanity, or to

think that there is any defending of that by religion which will not hold in justice, or natural equity, is a vast error.

The second similitude is this: Imperial power is not in the princes that are electors of the empire; wherefore it is not given by them, but applied by them to a certain person.

This is answer'd by Peter, where he commands obedience to every ordinance of man (or, as som nearer the original, every power created by men) whether it be to the *Roman* emperor, as supreme, or to the proconsuls of *Asia* and *Phrygia*, as sent by him; for this is the sense of the *Greec*, and thus it is interpreted by Grotius. Now if the then *Roman* emperor were a creature of man, why not the now *Roman* emperor?

1 Pet. 2. 13.

The last similitude runs thus: *The power of life and death is not in the multitude before they be a commonwealth; for no privat man has the right of revenge; yet it is apply'd by them to som man, or political body of men.* But if a man invades the life of another, that other, whether under laws or not under laws, has the right to defend his own life, even by taking away that (if there be no other probable remedy) of the invader. So that men are so far from having bin void of the power of life and death before they came under laws, that laws can never be so made as wholly to deprive them of it after they com under them: wherefore the power of life and death is deriv'd by the magistrat from, and confer'd upon him by the consent or *chirotonia* of the people, wherof he is but a mere creature; that is to say, an ordinance of man.

Thus these candles being so far from lighting the house, that they dy in the socket, Grotius has bin no less bountiful than to grant us that the people have as much right (where there is no human creature or law to the contrary) to elect their churchmen, as merchants have to elect their seamen, travellers their guides, or a free people their king; which is enough a conscience. Nor is Dr. Hammond straiter handed: election, says he, was permitted by the apostles to the multitude, and therfore the same may be allow'd, always provided the (?ατα?ήσομεν) constituting be reserv'd to the pastors, or ordain'd doctors and preachers. And Dr. Seaman, upon condition the people will not say that it was don by their power, but think it fair that it was don by their consent, is also very well contented. So all stands streight with what I have heretofore propos'd. Let no man then say, whatever follows, that I drive at any ends or interests, these being already fully obtain'd and granted; nevertheless for truth sake I cannot leave this discourse imperfect. If a politician should say that the election and the ordination of a *Roman* consul or pontifex were not of like nature; that the ?ατα?ήσομεν, contract of the senat of *Rome* with the people in the election of Numa(*ut cum populus regem jussissent, id sic ratum esset, si patres autores fierent*) included or imply'd the sovereign power to be in the fathers; that the consent of this people was one thing, and their power another: if, I say, he should affirm these or the like in *Athens*, *Lacedemon*, or any other commonwealth that is or has bin under the sun, there would be nothing under the sun more ridiculous than that politician.

But should men pretending to government of any kind be not oblig'd to som consideration of these rules in nature and universal experience; yet I wonder how the word (?αθι?άναι) to constitute, with which they make such a flourish, did not lead them, otherwise than they follow; this, as it

Livy.

was said of Solon by Aristotle, being that which I have already shewn to be us'd both in the *Greec* of the Scripture, for the constitution of the sanhedrim by Moses, and in other authors for that of the senat by Romulus, each of which was then elected by the people: whence it may appear plainly that this is no word, as they pretend, to exclude popular suffrage, but rather to imply it. And indeed that it is of no such nature as necessarily to include power, could not have bin overseen in the New Testament, but voluntarily where (ο? δε? ?αθι? ?ν[Editor: illegible character]ε? τ?ν Πα[Editor: illegible character]λον) they are signify'd by it that conducted Paul.

But they have miracles: such indeed as have neither words nor reason for them, had need of miracles. And where are these same miracles? why the apostles by the *chirothesia* or laying on of hands confer'd the Holy Ghost. So they did not only when they us'd that ceremony in reference to ordination, but when they us'd it not in that relation, as to those that were newly baptiz'd in *Samaria*, men and women:

Acts 17. 15.

now it is not probable, that these, who should seem to have been numerous, were all ordain'd, at least, the women; and so the miracle is to be attributed to the hands of the apostles, and not to ordination in general. Joshua was *fall of the spirit* (not because he had been ordain'd by the *chirothesia*, for so had many of them that crucify'd Christ and persecuted the apostles, but) because Moses *had laid his hands upon them*.

Acts 8.

Would divines be contented that we should argue thus: The *chirotonia* or suffrage of the people of *Israel* at the first institution was follow'd with miraculous indowments, therefore therefore whoever is elected by the people shall have the like? or what have they to shew why the argument is more holding as to their *chirothesia*, seeing for above one thousand years all the hierarchy and presbytery laid together have don no more miracles than a parish cleric?

A continu'd miracle, as that the sea ebbs and flows, the sun always runs his admirable course, is nature. Intermitted nature, as that the waters of the red sea were mountains, that the sun stood still in the dial of Ahaz, is a miracle. To continue the latter kind of miracle were to destroy the former, that is, to dissolve nature. Wherefore this is a certain rule, that no continu'd external act can be in the latter sense miraculous. Now government, whether in church or state, is equally a continu'd external act. An internal continu'd act may indeed be natural, or supernatural, as faith.

A natural man, being even in his own natural apprehension *fearfully and wonderfully made*, is by the continu'd miracle of nature convinc'd that the world had a Creator, and so coms to believe in that which is supernatural; whence it is that all nations have had som religion: and a spiritual man being convinc'd by the purity of Christ's doctrine, and the miracles wherby it was first planted, is brought to the Christian faith. However Christ may require such continu'd faith or spiritual exercise of his church as is supernatural, he requires not any such continu'd act or bodily exercise of his church as is supernatural. But the government of the church is a continu'd act, or bodily exercise. It should be heeded that to delude the sense is not to do miracles, but to use imposture. Now to persuade us, that monarchical, aristocratical, popular, or mixt government have not always bin in nature, or that there has ever bin any other in the church, were to delude sense. Wherefore give me leave (in which I am confident I shall

use no manner of irreverence to the Scripture, but on the contrary make the right use of it) to discourse upon church-government according to the rules of prudence.

The Gospel was intended by Christ to be preach'd to all nations, which (princes and states being above all things exceeding tenacious of their power) is to me a certain argument that the policy of the church must be so provided for, as not to give any of them just cause of jealousy, there being nothing more likely to obstruct the growth of religion: and truly the nearer I look to the Scripture, the more I am confirm'd in this opinion.

Christ being taken up into heaven, the first ordination that we find was that of the apostle Matthias after this manner:

First way of ordination in the church of Christ.

Acts 1.

The aristocracy of the church, that is the apostles, assembl'd the whole congregation of disciples or believers at *Jerusalem*, being in number one hundred and twenty, where Peter (it having as it should seem bin so agreed by the apostles) was proposer; who standing up in the midst of the disciples, acquainted them, that whereas Judas was gone to his place, the occasion of their present meeting was to elect another apostle in his room: wherupon proceeding to the suffrage, they appointed two competitors, Joseph and Matthias, whose names being written each in a several scrol, were put into one urn, and at the same time two other lots, wherof one was a blank, and the other inscrib'd with the word *apostle*, were put into another urn; which don, they pray'd and said, *Thou Lord, which knowest the hearts of all men, shew whether of these two thou hast chosen*. The prayer being ended, they gave forth their lots, and the lot fell upon Matthias (? συν?α[Editor: illegible character]εψηφίσθη με[Editor: illegible character]α τ?ν ?νδε?α ??ο?όλων) and by this *psephisma* (the very popular word, and not only so, but being apply'd to the ballot, is the very literal and original signification) he was added to the eleven apostles. So you have the first way of ordination in the church, after Christ was taken up into heaven, perform'd by the election or *chirotonia* of the whole church.

Now except any man can shew that Matthias ever receiv'd the imposition of hands, these several things are already demonstrated. First, that the *chirotonia* is not only the more antient way of ordination in the commonwealth of *Israel*, but in the church of Christ. Secondly, that the *chirothesia* or imposition of hands is no way necessary to ordination in the Christian church. Thirdly, that the disciplin of the Christian church was primitively popular; for to say that in regard of the apostles it was aristocratical, is to forget that there is no such thing, without a mixture of aristocracy, that is without the senat, as a popular government in nature. Fourthly, that ordination in the commonwealth of *Oceana* being exactly after this pattern, is exactly according to the disciplin of the church of Christ. And fifthly, that ordination and election in this example are not two, but one and the same thing.

The last of these propositions having bin affirm'd by Mr. Hobbs, Dr. Hammond tells him plainly, that his assertion is far from all truth:

let us therefore consider the doctor's reasons, which are these; seeing the congregation, says he, is affirm'd by the gentleman to have ordain'd, and it is plain by the words of St. Luke that God elected, election and

§ 115.

ordination by this example must be distinct things: which in another place going about to fortify with this argument, *that it was don by lottery, and* Solomonsays, *The lot is at the disposing of the Lord*, he utterly overthrows without and beyond help; for in this Solomon not denying, but rather affirming that he was chosen king by the people, plainly shews that election by the people is election by God. Where it is affirm'd, that God rais'd up judges in *Israel*, it is not deny'd that the people elected them. The doctor is at it in Maimonides more than once, *that the Divine Majesty rested upon such as were ordain'd by imposition of hands*. But wheras it is affirm'd by Maimonides more often, that *when the people* (ecclesia dei) *or congregation of Israel assembl'd, then the Divine Majesty, or the Holy Ghost rested upon them*; of this he never takes any notice. The people, whether in *Israel*, *Athens*, *Lacedemon*, or *Rome*, never assembl'd for enacting of laws, or election of magistrats, without sacrifice and imploring the assistance of God, to whom when their work was perform'd, they always attributed the whole result or election: and would the doctor have Christians to allow him but a piece? for wheras God electing there had, in the sense both of *Jews* and *Heathens*, his choice of all, God electing here had, in the sense of divines, but his choice of two, which were next this or none, but that indeed where he has not the whole he has none at all. Is that then far from all truth, which the gentleman, or that which the divine has said, either in this part, or where he adds, that the hundred and twenty in the text are never mention'd but once, and then it is in a parenthesis? I will but transcribe the place.

Dr. H. of imposition.

§ 115.

AND in those days Peter stood up in the midst of the disciples, and said (the number of the names together were about an hundred and twenty) &c. Are the disciples in the parenthesis, or out of it? are they but once mention'd, and that is in a parenthesis? or are they but once number'd, and that is in a parenthesis? if a gentleman should do thus, what would they say? or, what were ill enough to be said? but to mend the text, and bring the disciples into the parenthesis, they have more ways than one; wheras the Heathen people, while the priests were willing, mix'd these dutys with devotions, divines will not suffer a Christian people upon like occasions to pray: for where it is said, *They pray'd*, it went before, *they appointed two*, and it follows, *they gave out their lots*; which antecedent and consequent, if the people pray'd, must be equally understood of them, and so they could be no parenthesis. Therefore pray they must not, or divines are lost. But how will they silence them? to shew you this art I must transcribe the heads of the chapter.

Acts 1. 15.

The apostles being return'd from Mount *Olivet* to *Jerusalem*, *went up into an upper room, where abode both Peter and James, and John, and Andrew, James the son of Alphaeus, and Simon Zelotes, and Judas the brother of James.*

AND in those days Peter stood up in the midst of the disciples, and said (the number of names together were about one hundred and twenty)

MEN and brethren,

OF these men which accompany'd with us all the time that the Lord Jesus went in and out amongst us,

MUST one be ordain'd to be a witness with us of his resurrection.

AND they appointed two, Joseph and Matthias.

AND they pray'd, and said, Thou Lord which knowest the hearts of all men, shew whether of these two thou hast chosen.

AND they gave forth their lots, and the lot fell upon Matthias, ? συν?α[Editor: illegible character]εψηφίσθη με[Editor: illegible character]? τ?ν ?νδε?α ??ο?όλων.

They whom Peter acquainted that one must be ordain'd, one would verily believe were the hundred and twenty disciples, in the midst of whom he stood up, and made the proposition; and so much the rather, because this was no more than the apostles knew before, and (in all right understanding of government and sense) were already agreed upon, it being the office of the aristocracy or senat in a commonwealth (and such exactly were the apostles in the church) upon all new orders or elections to be made; first, to debate and determin by themselves, and then to propose to the *chirotonia* or ultimat result of the people. But divines say absolutely no, which word to make good, *they appointed two*, and *they pray'd*, and *they gave forth their lots*, being sentences that stand plainly together, or hunt in couples, must leap sheer over nine verses, Peter's whole oration (which by this means is no more than a parenthesis neither) and over the hundred and twenty disciples, without touching a hair of their heads, to light plum upon the thirteenth verse, and the eleven apostles!

never man us'd his grammar so since he threw it at a pear tree!

Grotius.

yet that Chrysostom (who understood *Greec*) allows of no such construction, is confes'd by the learnedst of this opinion; and wheras they fly to the *Latin* fathers, that retreat is wholly cut off by David Blundel in his very learned treatise *of the right of the people in the church-government*.

But what do we stand upon words? are these such wherof the things to which they relate may be interpreters? or to what things can they relate but the institution of the sanhedrim by Moses? that at the institution of the sanhedrim the competitors were elected by the suffrage of the people, and from thence that the ballot of *Israel* consisted not only of a lot but of a suffrage too, has bin already demonstrated out of Scripture; and that the election of Matthias was by the ballot of *Israel* is no less apparent in itself, than fully confess'd upon the place by Grotius.

“They that under color of religion in matter of government, slight prudence, are mistaken, or do not mean honestly.

Neither God nor Christ ever instituted any policy whatsoever upon any other principles than those of human prudence. The ambassadors sent from the *Gibeonites* to Joshua deliver their message in this manner: *the elders and all the inhabitants of our country spake to us, saying, go meet them, and say to them, We are your servants; therefore now make ye a league with us*. They that had power to send ambassadors and to make a league with a

Demonstration that God never ordain'd any policy ecclesiastical or civil, but upon the principles of human prudence.

foren nation, had sovereign power; this sovereign power was in the elders, or senat, and in the people of *Gibeon*: wherefore God constituting his commonwealth for the main

orders (that is to say, the senat and the people) upon the same principles on which the *Gibeonites* had long before built theirs, laid his foundations upon no other than human prudence.

So for the inferior courts they were transcrib'd by Moses out of the commonwealth of *Midian*, upon advice of Jethro his father in law. According to such patterns was *Israel* fram'd, and by that of *Israel* this first policy of the church of Christ so exactly, as (*sans comparaison*) any man shall shew the commonwealth of *Oceana* to have bin transcrib'd out of *Rome* or *Venice*. Let them that would have the government be somewhat between earth and heaven, consider this place.

Josh. 9. 11.

Nor is the ecclesiastical policy only subject to human prudence, but to the same vicissitudes also wherto human prudence is subject, both in her own nature, and as she is obnoxious to the state wherin she is planted, and that inavoidably; as I com now to demonstrat by the alterations which happen'd even in the age of the apostles themselves: for this at the election of Matthias being alter'd, the next form of ecclesiastical policy introduc'd in their times, is resembl'd by Grotius to that of *Athens*, of which, for the better clearing of what follows, it is necessary that I first say something by way of introduction.

Thesmothetæ, being in number six, were magistrats of the highest dignity, power, and rank in *Athens*. These, says Aristotle, were elected by the *chirotonia* or suffrage of the people; and says Pollux, being elected underwent the inquisition of the senat, where they were to answer to those interrogatorys, *whether they worship'd the God of their countrys? Whether they had bin dutiful to their parents? born arms for the commonwealth?*

Arist. 2. lib. 2. c. 10.

paid dutys or taxes? in which particulars the senat being satisfy'd, *they were sworn and crown'd with myrtle*: which coms to this, that the *ἡσόμεν* or constitution being reserv'd to the senat, the *thesmothetæ* were elected by the *chirotonia* of the people. Now tho the government of *Athens* throught the citys of *Asia* (being most of them of the like model) was most known, I will not say that the apostles wrote their orders out of *Athens*, but seeing all political institutions must needs be according to human prudence, and there is nothing to be written out of this but what will fall even with som other government that is or has bin, I may say, as Grotius has said before me, that the frame of church government in the insuing example was after the manner of *Athens*.

Pol. [Editor: illegible character] 8. c. 9.

WHEN the number of the disciples, or believers, was multiply'd, there arose a murmuring among such of the Jews as having bin bred in Alexandria or other parts, were for their language (which was Greec) partly strangers, against the Hebrews or converted Jews, that spoke their own language, as if these indeed us'd them like strangers, their widows being neglected, or not dealt so liberally withal, as those of the Hebrews in the contributions due for their constant maintenance.

Second way of ordination in the church of Christ.

Hereupon the twelve apostles, after the manner of the senat, having without all question debated the business among themselves, as appears by the speech upon

which they were agreed, assembl'd the people, which is still senatorian, or call'd the multitude of the disciples to them, and said, it is not reason that we should leave preaching, or the word of God, to be taken up with this, tho charitable, nay, seeing we have introduc'd community of goods, most just and necessary imployment of providing food and cloathing for every one of our fellowship or community (the Christians in these times, much after the manner of the *Lacedemonian* convives, us'd to eat in publick and together) to do this as it ought to be don, were to becom caterers, and be taken up in serving tables, *wherfore, brethren*, (take the wise men and understanding, and known among you) *look out seven men of honest report, full of the Holy Ghost, and of wisdom* ([Editor: illegible character]ς ῥαταῖς ἡσομεν ῥπι τῆς χρείας ταυτης) *whom we may appoint over this business.*

THIS saying, that is, this proposition of the senat or apostles, *pleas'd the whole multitude*, (like that of Moses, *the thing which thou hast said is good for us to do*) *so they chose* Stephen, Philip, Prochorus, Nicanor, Timon, Parmenas, *and* Nicolas, whom being elected, *they set before the apostles, who when they had pray'd, laid their hands upon them.*

What fuller demonstration can be given of any thing, than that in this example ordination and election are one and the same, that this was confer'd by the *chirotonia* of the people? if there be any possible way of making this clearer, it must be by opposition: wherfore let us see what divines have to say to the contrary.

GROTIUS gives us all we ask from this place, which he gives for nothing, because it concerns not the election of pastors, but of deacons. As if Stephen and Philip had not only bin preachers of the Gospel, but don miracles. What Dr. Seaman denys or grants in relation to the same, I have indeavor'd to understand, but it will not do. Dr. Hammond is so plain, that his objections may be of use. He, to prove that the ordination of these deacons was not in the *chirotonia* of their disciples, but in the *chirothesia* of the apostles, has these arguments:

THERE be two things distinctly set down, *election, permitted to the people, and the* (ῥαταῖς ἡσομεν) *constituting reserv'd to the apostles.*

To which I answer, that there were two things set down by the *Athenian* law, election of the *thesmothetæ* by the people, and the (ῥαταῖς ἡσομεν) constituting of them by the senat; yet that the ordination was in the power, and that the power was in the people of *Athens*: he that makes a doubt, is not resolv'd whether the most popular commonwealth that ever was, were a democracy.

But, says he, *this looking out of men, or chusing, was permitted to the multitude by the apostles with these three bounds: first, to take seven, neither more nor fewer: secondly, those men generally known and well reputed of: and thirdly, full of the spirit, and of discretion or parts fit for government.* To which I answer, that the election of the *thesmothetæ* was permitted by the law to the people of *Athens* with these three bounds; first to take six, neither more nor fewer: secondly, those generally known and reputed of: thirdly, in such estimation for their honesty and ability for government, as in their consciences (to which also they made oath) they should judg

fittest for the commonwealth. Yet is all this so far from any proof that *Athens* was no democracy, or that the sovereign power, whether in enacting of laws, or election of magistrats by the lot or the suffrage (institutions equally popular) was not in the people, that it amounts to the strongest argument that the people were sovereign, and the commonwealth was democratical. Could truth desire greater advantage than redounds from such opposition? we have another example of the same model, in which because it has bin paraphras'd upon already in the introduction, I shall be briefer here.

In the church of *Antioch*, where the disciples were now becom so numerous, that they began to be call'd Christians, there were among them prophets: so being assembl'd on occasion, as I conceive, of giving an extraordinary commission after the manner of the people of *Athens* when they elected ambassadors, or (that I may avoid strife upon a point so indifferent) to chuse two new apostles, *the Holy Ghost said, separat me Barnabas and Saul for the work wherto I have appointed them*: that is (for so it is render'd by all interpreters) the Holy Ghost spake those words by the mouths of the prophets. Now the prophets being well known for such, this suffrage of theirs was no sooner given, than (as one that can allow prophets to be leading men may easily think) follow'd by all the rest of the congregation: so the whole multitude having fasted and pray'd, the most eminent among them, or the senatorian order in that church, laid their hands upon Paul and Barnabas, who being thus sent forth by the Holy Ghost, departed to *Seleucia*.

Acts 13.

To evade this apparent election, or *chirotonia* of the whole congregation, wherby these apostles or ambassadors to the churches of the *Gentils* were ordain'd, divines have nothing to say, but *that they were elected by the Holy Ghost*: as if the *chirotonia* of the people were more exclusive to election by the Holy Ghost, than the *chirothesia* of the aristocracy, for which in the mean time they contend. But if neither of these were indeed exclusive of the Holy Ghost, how is it possible in this frame (where tho of natural necessity an aristocracy must have bin included, yet the aristocracy is not in the text so much as distinguish'd from the people, or once nam'd) that the power, and so the ordination should not have bin in the people? The council of the apostles, of the elders, and of the whole church at *Jerusalem*, and other councils, not of apostles, nor of the whole church, in other times or places, us'd this form in their acts; *it seems good to the Holy Ghost, and to us*:

but dos this, whether a true or a pretended stile, exclude that act from being an act of that whole council? or how coms it to pass that because Paul and Barnabas were separated by the Holy Ghost, they were not ordain'd by the *chirotonia* of the whole Christian people at *Antioch*?

Acts 15. 22.

The *chirothesia* can be no otherwise understood in nature, nor ever was in the commonwealth of the *Jews*, than election by the few: and so even under the mere *chirothesia*, ordination and election were not two, but one and the same thing. If Moses ordain'd Joshua his successor by the *chirothesia*, he elected Joshua his successor by the *chirothesia*; and for what reason must it be otherwise with the *chirotonia*? that a Pharisee could do more with one hand, or a pair of hands, than a Christian church or congregation can do with all their hands, is a doctrin very much for the honor of the true religion, and a sovereign maxim of ecclesiastical policy.

The third constitution of church-government in Scripture (whether consisting of bishops or presbyters, between which at this time a man shall hardly find a difference) runs wholly upon the aristocracy, without mention of the people, and is therefore compar'd by Grotius to the *sanhedrim* of *Israel*, as that came to be in these days; from whence divines also generally and truly confess that it was taken up:

Third way of
ordination in the
church of Christ.
Grot. ad

to which I shall need to add no more, than that it is an order for which there is no precept, either in the Old Testament of God, or in the New Testament of Christ. This therefore thus taken up by the apostles from the *Jews*, is a clear demonstration that the government of the church, in what purity soever of the times, nay, tho under the inspection of the apostles themselves, has bin obnoxious to that of the state wherein it was planted. The *sanhedrim*, from the institution of the *chirothesia*, for a constant order, consisted of no other senators than such only as had bin ordain'd by the imposition of hands; which came now to be confer'd by the prince, in the presence, or with the assistance of the *sanhedrim*.

1 Tim. 4. 14.

The same order was observ'd by the *Jewish* synagogues, of which each had her archon; nor would the *Jews* converted to the Christian faith, relinquish the law of Moses, wherto this way of ordination, among other things, tho erroneously, was vulgarly attributed: whence in the church, where it consisted of converted *Jews*, ordination was confer'd by the archon, or first in order of the presbytery, with the assistance of the rest. Hence Paul, in one place, exhorts Timothy thus:

Grot. ad Mat. 19. 13.

Neglect not the gift that is in thee, which was given thee by prophecy, with the laying on of the hands of the presbytery. And in another thus:

1 Tim. 4. 14.

Wherefore I put thee in remembrance, that thou stir up the gift of God which is in thee by the putting on of my hands.

2 Tim. 1. 6.

I grant divines, that ordination by this time was wholly in the presbytery; what say they then to the distinction of ordination and election? are these still two distinct things, or may we hence, at least, compute them to be one and the same? if they say yes, why then might they not have bin so before? if they say no, who, in this place, but the presbytery, elected? why, says Dr. Hammond, it is plain that *the spirit of prophecy elected*.

But to give account of no more than is already perform'd, were the spirit of history rather than of prophecy, to which it appertains to tell things before they be don; as did the prophets now living in this church, that Timothy should com to be ordain'd: so the place is interpreted by Grotius: and how it should be otherwise understood I cannot see. But putting the case som act preceded, as Saul and David were elected kings by prophecy; yet did ever man say that for this Saul or David were any whit the less elected kings by the people? to the contrary in every well-order'd commonwealth (*a jove principium*) the disposing of the lot, and of the suffrage too, has universally bin attributed to God.

§. 106.

The piety of divines in persuading the people that God elects for them, and therefore they need not trouble themselves to vote, is as if they should persuade them that God provides their daily bread, and therefore they

§. 134.

need not trouble themselves to work. To conclude this point with Dr. Hammond's own words upon the same occasion; this distinction of ordination and election is in divines *the procreative mistake, or ignorance producing all the rest.*

§. 111.

The reason why Paul ordain'd now after this manner among the *Jews*, is to me an irrefragable argument that he ordain'd not after this manner among the *Gentils*: for whereas the first ordination in the Christian church, namely that of Matthias, was perform'd by the *chirotonia*, which by degrees came now in complacence with the *Jews* to the *chirothesia*; it seems he was contented not to alter the worst of political institutions or customs, where he found them confirm'd by long and universal practice: and if so, why should any man think that he would go about to alter, or weed out the best, where they had taken like root? that this administration of the *Jews* was of the very worst, is clear in the nature of the politics, there being no example of a pure aristocracy or of a senat, such as was now the sanhedrim, without a popular balance, that ever govern'd with justice, or was of any continuance. Nor was the *chirothesia*, by which means this work came to effect in *Israel*, introduc'd by the prudence of God, but by the corrupt arts of men. Now that the governments at the same time of the *Gentils*, all balanc'd by the *chirotonia* of the people, were in their nature more excellent, and indeed more accommodated to ancient prudence, as it was introduc'd by God himself in the commonwealth of *Israel*, has bin already sufficiently prov'd: nevertheless, to refresh your memory with one example more,

CRETE having bin (as is affirm'd by the consent of authors) the most ancient, and the most excellent commonwealth in human story, was founded by Rhadamanthus and Minos, an age before the *Trojan* war: these were held to have learnt their arts by familiar discourse with Jupiter, and from point to point to have fram'd their model according to his direction.

Nor, tho' all acknowlege Minos to have bin a king, did he found his government upon any other than a popular balance, or a fundamental regard to the liberty of the people: for *the whole commonwealth was made up of these three parts, the college, the senat, and the people. The college consisted of the annual magistrats call'd the cosmi: these had the whole extensive power, som in leading forth the armies, and others in judging the people; which functions were accordingly assign'd by the orders to each in particular. That which was common to them all, was to propose such things as they had debated or prepar'd in their college or council, to the senat. The senat being elective for life, was the council, to which appertain'd the debate of whatever was to be propos'd to the congregation. The congregation, or assembly of the people of Crete, had not the right of debate; but in enacting of laws, and election of magistrats, had the ultimate result of the commonwealth.* Such was the copy after which Lycurgus wrote himself so famous a legislator. And thus stood this frame to the six hundred and eighth year of *Rome*; when this people, having bin too favourable to pirates then infesting those seas, turn'd the arms of the *Romans* upon themselves; and by these, under the conduct of Quinctus Metellus, thence call'd Creticus, *Crete* was made a province: tho' the chief cities being first freed, it should seem (by Cicero's second oration against *Antony*) that the whole island was at length restor'd to her ancient liberty. However by the manner observ'd by the *Romans*, as was shewn, in provincial government, the cities under their magistrats (who while the commonwealth was a

Epitome of the
commonwealth of
Crete.

province perhaps might have exercis'd the office of the *cosmi*) were not yet depriv'd of their popular assemblies, at least in their distinct cities, electing all magistrates for their (ἡ[Editor: illegible character]ονομία) peculiar or domestic government. Such was the state of *Crete*, when Paul, having appeal'd from the *Jews* to Cæsar, and being thereupon conducted by sea towards *Rome*, touch'd in his way upon this island, where he left Titus to constitute elders of every city. The word (ἡ[Editor: illegible character]ῆ[Editor: illegible character]) *constitute*, our divines will have to signify *ordain by imposition of hands*, and imposition of hands to signify an act of power excluding the people. But why Paul, who among the *Jews* had comply'd with their customs, should injoin; or how Titus, had it bin so injoin'd, should accomplish this where the power was popular, they have not shewn nor consider'd. To introduce religion or government there be but two ways, either by persuasion, or by force. To persuade the people of *Crete*, in whom was the power, to this new way of ordination, Titus must have spoken to this effect: *Men of Crete, Minos being a king, could not chuse but have a natural inclination to popular power; wherefore his pretence that Jupiter told him, power was to be in the people, may be suspected to have bin imagin'd merely for his own ends: or this is a certain sign that Jupiter is no true, but a feign'd God; seeing the true God will have it that the people should have no power at all, but that such, upon whom his ambassadors shall confer power, be without all dispute obey'd. How! are you starting at this! are you solicitous for your commonwealth! it is true, that upon carnal principles or human prudence, without power in the people there can be no commonwealth: but Israel was a commonwealth without power in the people; where Moses made all the laws by the power invested in him by God, and created all the magistrates, not by popular suffrage, but by his chirothesia. Wherefore, men of Crete, know ye, that on whomsoever I lay my hands, the same is in all spiritual affairs, or matters of church-government, to be obey'd by you, after the same manner that you have hitherto obey'd such magistrates or priests as have bin ordain'd by your own election, or chirotonia.* Of what other nature the arguments of Titus to the pretended purpose could have bin, I am not able to imagine; nor how this should have done less than provoke the people to a dangerous jealousy of such a doctrine. But divines, to set all streight, think it enough to repeat the words of Paul to Titus in *Greec*:

For this cause left I thee in Crete (ἡ[Editor: illegible character]να ἡ[Editor: illegible character]ῆ[Editor: illegible character]σης πόλιν ἡ[Editor: illegible character]ρεσ[Editor: illegible character]ντέ[Editor: illegible character]) that thou shouldst ordain elders in every city.

Tit. 1. 5.

It is true that Demosthenes speaks somewhat like words concerning the expedition of Philip of *Macedon* in *Peloponnesus*

De Corona.

(ἡ[Editor: illegible character]ειδ[Editor: illegible character] τυρανν[Editor: illegible character]ς ἡ[Editor: illegible character]γε[Editor: illegible character]νος ἡ[Editor: illegible character]ν ταύταις ταῖς ἡ[Editor: illegible character]όλεσι ἡ[Editor: illegible character]τέ[Editor: illegible character]ησε) *when he had ordain'd tyrants in every city*: but then Philip had an army; what army did Paul leave with Titus? or if he ordain'd his elders neither of these two ways, I see no other than that only by the known and legal *chirotonia* or suffrage of the people. But if this be clear, the clergy com from *Crete*, not upon the wings of Titus, but of Icarus, whose ambitious wax is dissolv'd by the sun.

So much, I conceive, is now discover'd concerning church-government, as may shew that it was not of one, but of three kinds, each obnoxious to the nature of the civil government under which it was planted; in as much as the *chirotonia*, or ballot of *Israel*, being first introduc'd pure, and without any mixture, as at the ordination of Matthias, came afterwards to receive some mixture of the *chirothesia*, as in the ordination of Stephen; and last of all by excluding the people, to degenerat wholly

into the *chirothesia* of the presbytery, as in the ordination of Timothy: all this by the testimony of Scripture, and in the purest times, even the age of the apostles. Whence my undertaking to shew that as Christ intended his doctrin should be *preach'd to all nations*, so he intended his disciplin should be such as might sute with any government (as indeed, if the choice of any of these three be lawful, it dos exactly) is, I hope, perform'd. For where the government is popular, it is the same with the first; where it is aristocratical or monarchical, it agrees with the last; and where it is mix'd, it is between both, and responsible to the second. Of these three in the farther exercise of their natural and intended compliance with human prudence, it may be convenient to give som fuller exemplification.

That any other ordination than that of the first kind for the original authority or practice of it, whether in the commonwealth of *Israel* or in the church of Christ, and indeed for the prerogative of the same in nature, should have bin introduc'd by the apostles, where it might, much less where the nature of the civil policy would admit of no other, is neither probable by Scripture nor reason; whence it is that in the citys of *Lycaonia* and *Pisidia*, the government of these being then popular, we do not find any mention at all of the *chirothesia*, the apostles in these places (χειροτονήσαντες πρεσβυτέρους ἑν ἑκάστη ἐκκλησίᾳ) *chirotonizing elders in every congregation*.

To evade this place, our adversarys turn tail to the things, and make their whole flight at the words. In taking one of them into the disputation, I shall take in all, for they run all upon the same quotations, or with little additions.

THAT the word chirotonizing, says Dr. Hammond, in this place signifies no more than ordaining by the imposition of hands, is not so generally acknowleg'd by late writers, but that it may be useful to give som few testimonies out of those writers which were nearest the times of the Scripture. Thus Philo Judæus of Joseph (ἡσυχάζων ἡγεμονεύων) he was ordain'd governor of all Egypt under the king. So again of Moses (ἡγεμόν) he was constituted their ruler. So of Aaron's sons (ἱερεῖς) God constituted them priests. Alexanderson of Antiochus Epiphanes writes to Jonathan (χειροτον[Editor: illegible character]μέν σε ἀρχιερέα) we (in the regal stile) constitute thee high priest. Luciansays of Hephæstion (Θεὸν χειροτονῶσαι τὸν τετελευτηῶτα) that Alexander made him a God when he was dead. Appian (which is added out of Grotius, whence most of the rest is taken) to signify election of magistrats made by the Roman emperors, uses no other word; and later writers speak of som that were chirotoniz'd emperors by their fathers. For the use of the word among Christian writers, take one place in the author of the constitutions for many; Clement after the death of Linus (ἐχειροτονήται) was ordain'd bishop of Rome by Peter.

§ 3.

Joseph A [Editor: illegible character] l. 13. c. 5.

But what need any more? Christ's disciples are said (οἱ ἐχειροτονημένοι) τ[Editor: illegible character] Θε[Editor: illegible character]) design'd or foreconstituted by God the witnesses of his resurrection:

L. 7. c. 45.

by all which that of Paul and Barnabas (χειροτονήσαντες πρεσβυτέρους ἑν ἑκάστη ἐκκλησίᾳ) is but constituting or creating elders in every church. *Wherefore they that have look'd so far back to the original, as*

Acts 10. 41.

to think it necessary to render the word create by suffrages, are sure guilty of a very impertinent nicety. I promise you had this bin against one of our doctors, it might have bin a rude charge; but it is only against Erasmus, Beza, Diodati, and such as took upon them to translate the *Switz, French, Italian, Belgic*, and (till the episcopal correction) the *English* bibles. And what apparent cause is there of such confidence? what necessity is there even in the places alleg'd why the word *chirotonia* should be understood in the sense impos'd? the people of *Egypt*, till having sold their lands they came to lose their popular balance, were not servants to Pharaoh; wherfore when Joseph was made governor over all *Egypt* they were free: now that a king should make a governor of a free people without their consent, or som advice as we say of his parlament, is altogether improbable, the rather because a protector, in the absence or minority of the king, has bin no otherwise made in *England*, nor pretends the present protector to any other title than the like *chirotonia*. But that Moses is said by the same author (who affirm'd that he introduc'd the *chirotonia* in *Israel*) to have bin chirotoniz'd ruler of the people, can in my judgment be no otherwise than originally and literally taken, seeing God himself was no otherwise made king in *Israel* than by the suffrage of the people. That the like must be understood of the sons of Aaron has been already shewn. The doctor is the first has told me, that the plural number for the royal stile is so ancient as Epiphanes:

sure I am it was not deriv'd from his *Macedonian* predecessors, for in the letters to the *Athenians* and the *Thebans* recited by Demosthenes, Philip of *Macedon* writes in the singular number. But the letters of Epiphanes to Jonathan must it seems import that he at single hand (tho' the words carry double) had chirotoniz'd a high priest of the *Jews*: who can help it? some princes have not only given out that their priests have been chirotoniz'd when they were not, but that themselves have bin chirotoniz'd when there was no such matter. When a prince says that he was chirotoniz'd or elected by the people, to talk of rhetoric is to have none. Divines in this case commonly understand it to be proper, or literally meant; for to impose a new sense is to spoil the word; and spoil the word, spoil the prince. Lucian is a drol, and intends a jest, but not so good a one, as that he of all others should come nearest to help up with a hierarchy. For the *chirotonia*, or election of the *Roman* magistrats by the suffrage of the people or of the army, every man knows that it is literal: Suidas himself interpreting the word by this very example; where he affirms it to signify election or ratification by the many. The quotation out of the constitutions, with those of Bishop Bilson, and others out of the *Greek* fathers, and out of councils, do not only imply the word *chirotonia*, but the thing, while they all relate to that kind of ordination, which being in those churches yet administer'd as at the ordination of Stephen, was not conferr'd without the consent of the people. But it is above all, that labouring to prove the *chirotonia* and the *chirothesia* to be the same thing, they should rely most upon the place where the apostles are said (??ο?εχει?ο[Editor: illegible character]ονημένοι ??? τ[Editor: illegible character] Θε[Editor: illegible character]) to have bin forechirotoniz'd by God; as if it were clear in this, that God ordain'd the apostles by the laying on of hands, for so it must be understood, or it makes no more for them than for us. Or if they mean it only to shew that the word *chirotonia* or suffrage is us'd for some ordination that cannot be taken in our sense; so the word *chirothesia* (?π? θεσις χει??v) or laying on of hands, where Ananias being neither bishop nor presbyter, but only a disciple, that is, a Christian, lays his hands upon Paul, is us'd for some

De Cor.

ordination that cannot be taken in their sense; or a man not ordain'd may ordain as well as they: for to say that the call was extraordinary, where the like is, or is pretended, will avail little. But there is no need that we should go so near the wind; wherfore to give them all these places in their own sense, even till we come to the cities in question What word in any language is not sometimes, nay frequently, us'd in some other than the proper sense? With what elegance, if this be forbidden, can any man write or speak? Is a word like a woman, that being taken with a metaphor, it can never be restor'd to the original virtue? If *chirotonia* has, as divines pretend, lost all other but their signification, how shall we understand it in *Isaiah*, or where Paul speaks it of the brother (χειρο[Editor: illegible character]ονηθέν[Editor: illegible character]α ??? τ?ν ε??λησ[Editor: illegible character]?ν) *chirotoniz'd*, or *chosen by the churches*?

Certainly in this one place at least it is of our sense, and in the word ??ο?εχειρο[Editor: illegible character]ονημένοι it is but once yet in all the New Testament of any other; so that if we gain the place in controversy, we have it twice of our sense in Scripture for once not in theirs, but in any other: and in human authors, they will not so much as pretend to have it once for them for a hundred times for us; which is pretty well for the vindication of the property of one word, and somewhat more perhaps than can be don for another. But in the sense of words that are sometimes properly and sometimes improperly taken, may we admit of the things wherof they are spoken for interpreters? Or if lillys and roses have bin almost as often said of ladys cheeks, must we understand them no otherwise when we are speaking of gardens?

2 Cor. 8. 19.

Yes, says Dr. Hammond, and therefore to say of the apostles Paul and Barnabas, that they created elders by their own suffrages, is no more than to say that they, jointly did create, and indeed being but two, there could be no place for suffrages; and to assirm they did it by the suffrages of others, is not agreeable to the pretended use of the word; for where it is us'd of chusing by suffrages, as when the people are said to chirotonize, it is certain that their own, and not others suffrages, are meant by it.

IT were hardly possible to have contriv'd a greater number of affirmations in so small a compass, nor to have gone farther in them from all truth. Phrases, as words, are to be understood according to the rule and law of speech, which is use:

His own words to Mr. Hobbs.

and thus that the apostles created elders by their own suffrages, is not said; that they did it by the suffrage of others, is necessarily imply'd; as also that the people are understood to chirotonize as well when it is said of the presidents of their assemblys, as of themselves.

§ 118.

Diruit, ædificat, mutat quadrata rotundis.

When a man is said to build a house, or marry a daughter, he is not understood to be the mason, or the bridegroom: but the apostles built churches in these citys; therefore the people were not the masons. The apostles marry'd Christ to these nations; therefore the people gave not their consent or suffrage; what a construction were this in ordinary discourse or writing, and yet in the language, as I may say, of a commonwealth the phrase is more usual.

How often dos Demosthenes speak of his laws (*see my psephisma, peruse my law*) and those of other privat men? after which copy the *parte*, or laws in the commonwealth of *Venice*, are call'd by the names of the proposers as were those of *Rome, Rupilia, Cornelia, Trebonia*; in which manner we have Poyning's law, and som statutes bearing no other stile than *enacted by the king's most excellent majesty*, which nevertheless are known to have bin all enacted by the parlament. Thus the laws of Moses, Rhadamanthus, Minos, Lycurgus, Solon, Romulus, king Edward, were (*leges et consuetudines quas vulgus elegerit*) such as the people had confirm'd or chosen by their *chirotonia*. But they may say, granting you this use of speech in relation to laws, what have you of this kind for elections? The exception is nice, but to leave none:

De Coron.

The high sherifs in *England* proposing to their countys the names of such as stand, are said to elect parlament-men. They that thus propose competitors to the great council in *Venice* are call'd electors, and said to elect the magistrats. The *proedri*, certain magistrats to whom it belong'd to put the question in the representative of the people of *Athens*, consisting of one thousand, were said (διαχειρο[Editor: illegible character]οτίαν ποιέ?v) to give or make the suffrage.

The *thesmothetæ*, who were presidents at the creation of magistrats, were said (ῥα[Editor: illegible character]εγ[Editor: illegible character]ς χειρο[Editor: illegible character]οτε?v) to chirotonize the generals.

Demost. cont.

Josephus renders those words of God to Samuel, *Hearken to the voice of the people* (ἑλεύω δὴ σε χειρο[Editor: illegible character]οτε?v αὐ[Editor: illegible character]ο?ς βασιλέα) *I command thee to chirotonize them a king*;

Timocrat.

which author vindicating Luke for his understanding both of the *Grecian* customs, and property of speech, at each of which he was expert,

Pol. l. 8. c. 8.

com up to the full and genuin interpretation of the place in controversy, where Paul and Barnabas (χειρο[Editor: illegible character]οτήσαν[Editor: illegible character]ες αὐ[Editor: illegible character]ο?ς ῥεσ?υ[Editor: illegible character]έρ?ς ατ' ἐ?λησίαν) *chirotonizing them elders in every congregation*, can be no otherwise understood than that they here, as Moses at the institution of the sanhedrim, Samuel at the election of the king, the *proedri* at the passing of laws, the *thesmothetæ* at the creation of magistrats, the electors in the great council of *Venice*, and the high sherifs in the countys of *England*, were no more than presidents of that *chirotonia*, which was given or made by the suffrage of the people.

Ant. l. 6. c. 4.

Wherefore the *Greec* is thus render'd by these several translations of the Bible.

That of *Zurich*,

WHEN they had created them elders by suffrages in every congregation.

That of *Beza*,

WHEN they had created them elders by suffrages in every congregation.

The *French*,

WHEN by the advice of the assemblys they had establish'd elders.

The *Italian*,

WHEN by the advice of the congregation they had constituted them elders.

That of *Diodati*,

WHEN they had ordain'd them in every church by the common votes of the elders.

That appointed by the synod of *Dort*,

WHEN in each church, by the holding up of hands, they had elected presbyters.

That us'd in *England* from the time of the Reformation till the Episcopal correction of the same,

WHEN they had ordain'd them elders by election in every congregation.

Indeed the circumstance of the place forbids any other construction of the words, for if the suffrage or *chirotonia* (which were scarce sense) related to the apostles only, what needed they have don that in every congregation or church, which they might have don in any chamber or closet? The circumstance of the action forbids any other construction; for the people were assembl'd upon occasion of election or creation of officers, which thing dos not use to be don in assemblys gather'd for divine service: besides, these congregations were not always of one mind, but sometimes for sacrificing to the apostles, somtimes for stoning them, which are acts of power; wherfore they were political assemblys. Now these consisting also of a people, that had in their citys (*quandam* ?[Editor: illegible character]ονομίαν) the government of themselves, hence arises the strongest circumstance of all, forbidding any interpretation of the text that might exclude them from election of their own magistrats, priests, or ecclesiastical elders, such as had bin the *Asiarchs*, tho heathen prelates, yet remember'd by the Scripture as affectionat friends to Paul; or such as were those, tho to a better end, now ordain'd by the apostles.

Wherfore Grotius, notwithstanding all the arts he uses in other places to avoid this sense, giving this note upon the text, yields,

Acts 19. 3[Editor: illegible character]

Tho chirotonizing may be said of any election made by one, or by the few; yet to the election in this place it is probable that the consent of the people was given, no less being imply'd in the beginning of the chapter, where the multitude believ'd, where they were stir'd up, where they were evil affected, and where part held with the Jews, and part with the apostles: which shews that the people were active in the business. But says Dr. Seaman, There is difference between the consent of the people, and the power of the people: which is not to understand the case in controversy, nor to take notice that the people wherof we are speaking were under popular government; for wherever the people are under popular government, between that which is don by their consent, and that which is don (jussu populi) by their power, there is no difference. How should the people give their consent, but by their

suffrage? or what difference, where they have power, can there be between the suffrage, and the power of the people?

Dr. HAMMOND upon this point is far more quaint: where the Scripture says, that the multitude were evil affected, and where part held with the Jews, and part with the apostles, he thinks it e'en like enough: but where it is said that a great multitude of the Jews, and also of the Greecs believ'd, he seems to have no opinion of it:

for, says he, It is evident that believers were at first but few in every town or city; they were not whole corporations at once

§ 134.

converted, nor consequently could they act in a common capacity: but as Clemens Romanus says, they that were by the apostles constituted bishops and deacons in several citys and regions, were constituted over those that should after believe, there were oft so few at the present. And then, as fast as any did com into the faith, they readily submitted themselves to those by and under whom they did com in, and were not at all troubled (honest men) with the consultation or deliberation about the way of electing their teachers and guides.

Com away, to leave the Scripture a while, and follow Clemens; be it so for discourse sake, that in those days there was no where any such thing as *a great multitude believing*, much less *whole states or commonwealths at once converted*, wherby they might still *act in a common capacity*, but only som privat or gather'd congregations or churches; and that in such it was the apostles Paul and Barnabas chirotoniz'd: yet these, as they were found, or as afterwards they came to be made, must of necessity have bin corporations; for what can a number of men coming into a society regulated by certain laws, constitutions, or form, be but a corporation? Som ecclesiastical policy or disciplin they must have had; and that probably, seeing the greatest legislators, even Moses himself, have written after copys, according to som pattern: what was this pattern, and whence came it?

Why, says he, not from their heathen customs, but from the metropolis; for it must be remember'd, that whersoever the

§ 125.

gospel was preach'd, it came originally from Jerusalem; and then, as Agrippa in Philo says of that city, it was the metropolis, not only of Judea, but many other regions, because of the colonys thence sent into Egypt, Phenice, and both the Syrias; nay, to Pamphylia, Cilicia, and a great part of Asia, as far as Bithynia, and Pontus.

So in reason the churches in Lystra, Iconium, and Antioch, where Paul and Barnabas ordain'd elders, were to follow the pattern at

§ 135.

Jerusalem; and there, we know, it was not by the suffrage of the people, that an elder was assum'd into the sanhedrim, but the prince or head of the sanhedrim receiv'd him in by imposition of hands. It will be much more reasonable to reduce the circumstances of ordaining elders from the customs familiar to them that preach'd the faith to them, than from the former usages of them to whom it was preach'd, who were not to dispute, but to believe, and receive the institutions as well as doctrins which were brought them.

These, methinks, are strange arguments: the gospel came to us from Rome, is Rome therfore the metropolis of England? It is true Agrippa being a Jew, and writing to Caligula in the behalf of the Jews, not of the Christians, tells him, *That Jerusalem is*

the metropolis of the Jews, and of all their colonys; so is London of the English, and of all their colonys:

but dos it follow from hence that either *Jerusalem* or *London* is the metropolis of Christendom? *But the Jews had many colonys in Asia; and therefore the churches of Lystra, Iconium, and Antioch, were to follow the pattern at Jerusalem.* The *Jews*

Philo de legatione ad C[Editor: illegible character]ium

indeed had synagogs in *Iconium* and *Lystra*, as the *French* have churches in *England*; but is this a good argument, The *French* have churches in *England*, therefore the *English* are to follow the orders of the *French* church? The *Jews* withstood the gospel at *Iconium*; for, says the text, *the multitude of the city was divided, and part held with the Jews, and part with the apostles:*

therefore the believing *Iconians* must have acknowledg'd *Jerusalem* to be their metropolis, and were to follow the pattern

Acts 14. 4.

of that city: And what was that? Why *there we know it was not by the suffrages of the people that an elder was assum'd into the sanhedrim, but the prince or head of the sanhedrim receiv'd him in by imposition of hands.* The government of the *Iconians* was popular, that of the *Jews* was aristocratical; therefore the *Iconians* receiving the Christian faith, were bound to change their democracy into aristocracy. The apostles, to comply with an oligarchy, had alter'd that ordination, which originally (as at the election of Matthias) was popular, to aristocracy; therefore being now to plant the gospel in a free state, they might not alter it from aristocracy to democracy. To please the *Jews* they might change for the worse; therefore to please the *Iconians* they might not change for the better, but must tell the people plainly, *That they were not to dispute, but to believe, and receive the institutions as well as doctrins that were brought them* from the metropolis. How would this sound to a people that understood themselves?

Sic volo, sic jubeo, stat pro ratione voluntas.

The right temper of a metropolitan, to whom popular power is a heathen custom, and with whom nothing will agree but princeing of it in the senat: but with the apostles it was otherwise, who making no words of the *chirothesia* where it was needless, were glad of this occasion to chirotonize, or elect *them elders in every congregation* by popular suffrage. But this, they will say, is not to come off from the haunt, but to run still upon the people in a common or public capacity. Tho the Scripture speaks of great multitudes believing, believe it there is no such thing: Clemens says they were very few, *their assemblys privat, and very scanty things.* As privat as they were by the judgment of divines, they were, it seems, to receive from their pattern (if that were the sanhedrim) a form that was public enough; and why might not they have receiv'd this from that public form wherto they were accustom'd, rather than from a foren policy, and one contrary to their customs? Why should they suffer such power in new and privat, as they would not indure in their old and public magistrats? Or, if they receiv'd the Scriptures, why should they chuse that ordination which would fit them worst, rather than that which would fit them best, that of Timothy rather than that of Matthias? Or, let their assemblys have bin never so privat or scanty, yet if the apostles *chirotoniz'd them elders in every congregation*, is it not demonstrable that they did receive that of Matthias, and not that of Timothy?

Thus much for the propagation of the pure, or first kind of ecclesiastical policy to the citys of *Lycaonia*. The mix'd or second kind into which (the Christian presbytery delighting to follow the steps of the *Jewish*) the former might soon degenerat, continu'd in the primitive church, to speak with the least (for Walleus brings it down to Charles the Great) three hundred years after Christ:

which assertion in Mr. Hobbs, prov'd out of Ammianus

§ 138.

Marcellinus, Dr. Hammond has either willingly overseen, or includes in this answer, it is *most visibly void of all appearance of truth*. Wherefore to the quotation mention'd I shall add the words of Platina: Damasus *the second, by nation a Bavian, sirnam'd Bagnarius, or as som will Popo, possess'd himself of the papacy by force, and without consent of the clergy and of the people*. Now what can be clearer than that by this place the clergy and the people had hitherto a right to elect the pope? The doctor coms near the word of defiance to Mr. Hobbs, in a matter of fact so apparent to any judgment, that I need not add what gos before in the life of Clement the second; where the *emperor engages the people of Rome not to meddle with the election of the pope without his express command*: nor what follows after in Leo the ninth, *where the whole power of election was now confer'd by the emperor upon the clergy*. Again, Victor *the second*, says the same author, *obtain'd the papacy rather by favor of the emperor, than by free suffrages of the clergy and the people of Rome, who apprehended the power of the emperor, whose displeasure they had sometime incurr'd by creating popes*. So then the people, it is clear, had hitherto created the popes. The power of election thus in the whole clergy came afterwards, as at this day, to be restrain'd to the cardinals only; and so to devolve into the third kind of ordination exactly correspondent to the sanhedrim, and their *chirothesia*, as it was exercis'd among the converted *Jews*, when Timothy was ordain'd *by the laying on of the hands of the presbytery*.

Now this is that with which, of all others, divines are so inamor'd, that they will not indure it should be said there is any other: it is also propitious above all the rest to monarchy, as that which, according to the inherent nature or impotence of oligarchy, must have a prince at home or abroad to rest upon, or becom the inevitable prey of the people. Herein lys the *arcanum* or secret of that antipathy which is between a clergy and a popular government, and of that sympathy which is between the miter and the crown. A prince receiving a clergy with the monopoly of their *chirothesia*, has no more to do than to make a metropolitan, by whom he governs them, and by them the people, especially if he indows them with good revenues; for so they becom an estate of his realm, and a more stiddy pillar of his throne than his nobility themselves, who, as their dependence is not so strong, are of a more stirring nature. This is the *Gothic* model, from which we had our pattern, and in which *No bishop, no king*.

Thus for the dignity of ecclesiastical policy, whether in Scripture or human prudence, popular government, you see, is naturally inclin'd to the very best, and the spiritual aristocracy to the very worst. It is also remarkable that the political balance extends itself to the decision of the question about ordination: for as a people never offer'd to dispute with a well-balanc'd clergy, so a clergy dismounted never gain'd any thing by disputing with the people. As to the question of empire or government (*I propheti disarmati Rovivano*) the apostles *became all things to all*.

THUS beyond all measure improsperous are this divine's undertakings against Mr. Hobbs, and the undertakings of divines upon this subject.

His own words to Mr. Hobbs. § 122.

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Advertisement To The Reader, Or Direction To The Answerer.

THE answer of this book must ly in proving that the apostles, at the several times and places mention'd, introduc'd but one way of ordination, and that the same to which divines now pretend: or if the apostles divided, that is to say, introduc'd divers ways of ordination, then the people or magistrat may chuse.

I have taken the more leisure and pains to state, I think, all the cases of controversy that can arise out of the commonwealth of *Oceana*, as you have seen in these two books, to the end I may be no more oblig'd to write, and yet not omit writing on any occasion that shall be offer'd; for if my principles be overthrown (which when I see, I shall most ingenuously confess with thanks to the author) such an acknowledgement will ly in a little room; and this failing, I am deceiv'd if I shall not now be able to shew any writer against me that his answer is none, within the compass of three or four sheets.

This also will be the fittest way for boys-play, with which I am sure enough to be entertain'd by the quibbling university-men; I mean a certain gang of 'em, who having publicly vanted that they would bring 40 examples against the balance, and since laid their caps together about it, have not produc'd one. These vants of theirs offering prejudice to truth and good principles, were the cause why they were indeed press'd to shew som of their skill; not that they were thought fit judges of these things, but first that they had declar'd themselves so, and next that they may know they are not.

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***An Answer To Three Objections Against Popular Government,
That Were Given Me After These Two Books Were Printed.***

MONARCHICAL government is more natural, because we see even in commonwealths that they have recourse to this, as Lacedemon in her kings; Rome both in her consuls and dictators; and Venice in her dukes.

Object. 1.

Government, whether popular or monarchical, is equally artificial; wherfore to know which is more natural, we must consider what piece of art comes nearest to nature: as for example, whether a ship or a house be the more natural; and then it will be easy to resolve that a ship is the more natural at sea, and a house at land. In like manner where one man or a few men are the landlords, a monarchy must doubtless be the more natural; and where the whole people are the landlords, a commonwealth: for how can we understand that it should be natural to a people, that can live of themselves, to give away the means of their livelihood to one or a few men that they may serve or obey; each government is equally artificial in effect, or in it self; and equally natural in the cause, or the matter upon which it is founded.

Answer.

A commonwealth consists of the senat proposing, the people resolving, and the magistracy executing; so the power of the magistrates (whether kings as in *Lacedemon*, consuls as in *Rome*, or dukes as in *Venice*) is but barely executive: but to a monarch belongs both the result, and execution too; wherfore that there have bin dukes, consuls, or kings in commonwealths (which were quite of another nature) is no argument that monarchical government is for this cause the more natural.

And if a man shall instance in a mix'd government, as king and parliament; to say, that the king in this was more natural than the parliament, must be a strange affirmation.

To argue from the *Roman* dictator (an imperfection which ruin'd that commonwealth, and was not to be found in any other) that all commonwealths have had the like recourse in exigences to the like remedy, is quite contrary to the universal testimony of prudence or story.

A man who considers that the commonwealth of *Venice* has stood one thousand years (which never any monarchy did) and yet shall affirm that monarchical government is more natural than popular, must affirm that a thing which is less natural may be more durable and permanent than a thing that is more natural.

Whether is a government of laws less natural than a government of men; or is it more natural to a prince to govern by laws or by will? compare the violences and bloody rapes perpetually made upon the crown, or royal dignity in the monarchys of the *Hebrews* and the *Romans*, with the state of the government under either commonwealth, and tell me which was less violent, or whether that which is more violent must therefore be more natural.

THE government of heaven is a monarchy, so is the government of hell.

Object. 2.

IN this, says Machiavel, princes lose themselves and their empire, that they neither know how to be perfectly good, nor intirely

Answer.

wicked. He might as well have said, that a prince is always subject to error and misgovernment, because he is a man, and not a God, nor a devil. A shepherd to his flock, a plowman to his team, is a better nature; and so not only an absolute prince, but as it were a God. The government of a better or of a superior nature, is to a worse or inferior as the government of God. The Creator is another and a better nature than the creature; the government in heaven is of the Creator over his creatures, that have their whole dependence upon him, and subsistence in him. Where the prince or the few have the whole lands, there is somewhat of dependence resembling this; so the government there must of necessity be monarchical or aristocratical: but where the people have no such dependence, the causes of that government which is in heaven are not in earth; for neither is the prince a distinct or better nature than the people, nor have they their subsistence in him, and therefore there can be no such effect. If a man were good as God, there is no question but he would be not only a prince but a God; would govern by love, and be not only obey'd but worship'd: or if he were ill as the devil, and had as much power to do mischief, he would be dreaded as much, and so govern by fear. To which latter, the nature of man has so much nearer approaches, that tho we never saw upon earth a monarchy like that of heaven, yet it is certain the perfection of the *Turkish* policy lys in this, that it coms nearest to that of hell.

GOD instituted a monarchy, namely in *Melchizedec*, before he instituted a commonwealth.

Object. 3.

If *Melchizedec* was a king, so was *Abraham* too; tho' one that paid him tithes, or was his subject; for *Abraham* made war, or had the power of the sword, as the rest of the fathers of familys he fought against. So if *Canaan* was a monarchy in those days, it was such a one as *Germany* is in these; where the princes also have as much the right of the sword as the emperor, which coms rather (as has bin shewn already) to a commonwealth. But whether it were a monarchy or a commonwealth, we may see by the present state of *Germany* that it was of no very good example; nor was *Melchizedec* otherwise made a king by God than the emperor, that is, as an ordinance of man.

Answer.

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THE ART OF LAWGIVING:

In Three BOOKS.

The First, shewing the Foundations and Superstructures of all kinds of Government.

The Second, shewing the Frames of the Commonwealths of *Israel*, and of the *Jews*.

The Third, shewing a Model fitted to the present State, or Balance of this Nation.

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The Order Of The Work.

The First Book.

THE Preface, considering the principles, or nature of family governments.

CHAP. I. Considering the principles or balance of national governments: with the different kinds of the same.

CHAP. II. Shewing the variation of the English balance.

CHAP. III. Of the fixation of the balance, or of Agrarian laws.

CHAP. IV. Shewing the superstructures of governments.

The Conclusion. Observing that the principles of human prudence being good without proof out of Scripture, are nevertheless such as are provable out of Scripture.

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CHAP. VI. Shewing how ordination was brought into the Christian church, and the divers ways of the same at divers times in use with the apostles.

The Conclusion. Shewing that neither God, nor Christ, or the apostles ever instituted any government ecclesiastical or civil, upon any other principles than those only of human prudence.

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THE Preface, containing a model of popular government, propos'd notionally.

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CHAP. III. Containing the military part of the model, propos'd practicably.

CHAP. IV. Containing the provincial part of the model, propos'd practicably.

The Conclusion. Shewing how the model may be prov'd or examin'd; and giving a brief answer to Mr. Wren's last book, intitl'd, Monarchy asserted, &c.

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THE FIRST BOOK, SHEWING THE FOUNDATIONS AND SUPERSTRUCTURES Of All Kinds Of GOVERNMENT.

If this Age fails me, the next will do me Justice.

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The PREFACE.

Considering The Principles Or Nature Of Family Government.

DIVINES, and the like studious assertors of monarchy, have not laid their principles so fairly, while they have conceal'd one part from the right of paternity, or from the government of familys, which may be of two kinds; wheras they have taken notice but of one: for family government may be as necessarily popular in som cases, as monarchical in others.

TO shew now the nature of the monarchical family. Put the case a man has one thousand pounds a year, or therabouts; he marrys a wife, has children and servants depending upon him (at his good will) in the distribution of his estate for their livelihood. Suppose then that this estate coms to be spent or lost, where is the monarchy of this family? but if the master was no otherwise monarchical than by virtue of his estate, then the foundation or balance of his empire consisted in the thousand pounds a year.

Monarchica family.

THAT from these principles there may also be a popular family, is apparent: for suppose six or ten, having each three hundred pounds a year, or so, shall agree to dwell together as one family; can any one of these pretend to be lord and master of the same, or to dispose of the estates of all the rest? or do they not agree together upon such orders, to which they consent equally to submit? but if so, then certainly must the government of this family be a government of laws or orders, and not the government of one, or of som three or four of these men.

Popular family.

YET the one man in the monarchical family giving laws, and the many in the popular family doing no more, it may in this sense be indifferently said, that all laws are made by men. But it is plain that where the law is made by one man, there it may be unmade by one man; so that the man is not govern'd by the law, but the law by the man; which amounts to the government of the man, and not of the law: wheras the law being not to be made but by the many, no man is govern'd by another man, but by that only which is the common interest; by which means this amounts to a government of laws, and not of men.

*Government of laws,
and government of
men.*

THAT the politics may not be thought an unnecessary or difficult art, if these principles be less than obvious and undeniable, even to any woman that knows what belongs to housekeeping, I confess I have no more to say. But in case what has bin said be to all sorts and capacitys evident, it is most humbly submitted to princes and parlaments, whether, without violence or removing of property, they can make a popular family of the monarchical, or a monarchical family of the popular? or, whether that be practicable or possible in a nation, upon the like balance or foundation in property, which is not in

*The facility that is in
true politics.*

a family? a family being but a smaller society or nation, and a nation but a greater society or family.

THAT which is usually answer'd to this point, is, that the six or ten, thus agreeing to make one family, must have som steward; and to make such a steward in a nation, is to make a king. But this is to imagin that the steward of a family is not answerable to the masters of it, or to them upon whose estates (and not upon his own) he defrays the whole charge: for otherwise this stewardship cannot amount to dominion, but must com only to the true nature of magistracy, and indeed of annual magistracy in a commonwealth; seeing that such accounts in the year's end, at farthest, use to be calculated, and that the steward, body and estate, is answerable for the same to the proprietors or masters; who also have the undoubted right of constituting such another steward or stewards as to them shall seem good, or of prolonging the office of the same.

*The difference
between a sovereign
lord, and a magistrat,
tho supreme.*

NOW, where a nation is cast, by the unseen ways of providence, into a disorder of government, the duty of such particularly as are elected by the people, is not so much to regard what has bin, as to provide for the supreme law, or for the safety of the people, which consists in the true art of lawgiving.

*Where the art of
lawgiving is
necessary.*

THE art of *lawgiving* is of two kinds; the one (as I may say) false, the other true. The first consists in the reduction of the balance to arbitrary superstructures; which requires violence, as being contrary to nature: the other in erecting necessary superstructures, that is, such as are conformable to the balance or foundation; which, being purely natural, requires that all interposition of force be remov'd.

*The art of lawgiving
is of two kinds.*

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CHAP. I.

Considering The Principles Or Balance Of National Governments; With The Different Kinds Of The Same.

THE heaven, says David, *even the heavens are the Lord's; but the earth has he given to the children of men:* yet, says God to the father of these children, *In the sweat of thy face shalt thou eat thy bread.*

Chap. I.

Dii laborantibus sua munera vendunt. This donation of the earth to man coms to a kind of selling it for INDUSTRY,

Psal. 115. 16.

a treasure which seems to purchase of God himself. From the different kinds and successes of this industry, whether in arms, or in other exercises of the mind or body,

The original of property.

derives the natural equity of dominion or property; and from the legal establishment or distribution of this property (be it more or less approaching towards the natural equity of the same) procedes all government.

Gen. 3. 19.

The distribution of property, so far as it regards the nature or procreation of government, lys in the overbalance of the same:

The balance of empire consists in property.

just as a man, who has two thousand pounds a year, may have a retinue, and consequently a strength, that is three times greater than his who enjoys but five hundred pounds a year. Not to speak at this time of mony, which in small territorys may be of a like effect: but to insist upon the main, which is property in land, the overbalance of this, as it was at first constituted, or coms insensibly to be chang'd in a nation, may be especially of three kinds; that is, in one, in the few, or in the many.

The overbalance of land, three to one or therabouts, in one man against the whole people, creates absolute monarchy; as when Joseph had purchas'd all the lands of the *Ægyptians* for Pharaoh.

The generation of absolute monarchy.

The constitution of a people in this and such cases, is capable of intire servitude.

Buy us and our land for bread, and we and our land will be servants to Pharaoh.

Gen. 47. 19.

The overbalance of land to the same proportion, in the few against the whole people, creates aristocracy, or regulated monarchy, as of late in *England:* and hereupon says Samuel to the people of *Israel*, when they would have a king, *He will take your fields, even the best of them, and give them to his servants.*

The generation of regulated monarchy.

The constitution of a people in this and the like cases, is neither capable of intire liberty, nor of intire servitude.

1 Sam. 8.

The overbalance of land to the same proportion in the people, or where neither one nor the few overbalance the whole people, creates popular government; as in the division of the land of

The generation of popular government.

Canaan to the whole people of *Israel* by lot. The constitution of a people in this and the like cases, is capable of intire freedom, nay, not capable of any other settlement; it being certain, that if a monarch, or single person in such a state, thro the corruption or improvidence of their councils, might carry it:

yet by the irresistible force of nature, or the reason alleg'd by Moses (*I am not able to bear all this people alone, because it is too heavy for me*) he could not keep it; but out of the deep waters would cry to them, whose feet he had stuck in the mire.

Numb. 11. 14

Wherever the balance of a government lys, there naturally is the militia of the same; and against him or them wherein the militia is naturally lodg'd, there can be no negative vote.

If a prince holds the overbalance, as in *Turky*, in him is the militia, as the Janizarys and Timariots. If a nobility has the overbalance, the militia is in them, as among us was seen in the barons wars, and those of *York* and *Lancaster*; and in *France* is seen, when any considerable part of that nobility rebelling, they are not to be reduc'd, but by the major part of their order adhering to the king.

Of the militia, and of the negative voice.

If the people has the overbalance, which they had in *Israel*, the militia is in them; as in the four hundred thousand first decreeing, and then waging war against *Benjamin*: where it may be inquir'd, what power there was on earth having a negative voice to this assembly? this always holds where there is settlement, or where a government is natural. Where there is no settlement, or where the government is unnatural, it procedes from one of these two causes; either an imperfection in the balance, or else such a corruption in the lawgivers, whereby a government is instituted contrary to the balance.

Judg. 20.

Imperfections of the balance, that is, where it is not good or down weight, cause imperfect governments; as those of the *Roman* and of the *Florentin* people, and those of the *Hebrew* kings and *Roman* emperors, being each exceding bloody, or at least turbulent.

Imperfect government.

Government against the balance in one, is tyranny, as that of the *Athenian* Pisistratus: in the few it is oligarchy, as that of the *Roman* Decemvirs; in the many anarchy, as that under the *Neapolitan* Mazin[Editor: illegible character]llo.

Tyranny, oligarchy, anarchy.

Wherever, thro causes unforeseen by human providence, the balance coms to be intirely chang'd, it is the more immediately to be attributed to Divine Providence: and since God cannot will the necessary cause, but he must also will the necessary effect or consequence, what government soever is in the necessary direction of the balance, the same is of Divine right.

The divine right of government.

Wherefore, tho of the *Israelits* God says, *They have set up kings, but not by me; they have made princes: and I knew it not*; yet, to the small countries adjoining to the *Assyrian* empire, he says, *Now have I given all*

Hof. 8 4.

these lands into the hand of the king of Babylon my servant—Serve the king of Babylon, and live.

Jer. 27. 6, 17.

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CHAP. II.

Shewing The Variation Of The English Balance.

THE land in possession of the nobility and clergy of *England*, till Henry 7th, cannot be esteem'd to have overbalanc'd those held by the people less than four to one. Wheras in our days, the clergy being destroy'd, the lands in possession of the people overbalance those held by the nobility, at least, nine in ten. In shewing how this change came about, som would have it that I assume to my self more than my share; tho they do not find me delivering that which must rely upon authority, and not vouching my authors. But Henry the Seventh being conscious of infirmity in his title, yet finding with what strength and vigor he was brought in by the nobility, conceiv'd jealousys of the like power in case of a decay or change of affections.

Nondum orbis adoraverat Roman. The lords yet led country lives, their houses were open to retainers, men experienc'd in military affairs, and capable of commanding; their hospitality was the delight of their tenants, who by their tenures or dependence were oblig'd to follow their lords in arms. So that, this being the militia of the nation, a few noblemen discontented could at any time levy a great army; the effect wherof, both in the barons wars, and those of *York* and *Lancaster*, had been well known to divers kings. This state of affairs was that which inabl'd Henry the Seventh to make his advantage of troublesom times, and the frequent unruliness of retainers; while, under the pretence of curbing riots, he obtain'd the passing of such laws as did cut off these retainers, wherby the nobility wholly lost their officers. Then, wheras the dependence of the people upon their lords was of a strict ty or nature, he found means to loosen this also by laws, which he obtain'd upon as fair a pretence, even that of population.

Chap. II.

Thus farms were so brought to a standard, that the houses being kept up, each of them did of necessity inforce a dweller; and the proportion of land laid to each house, did of necessity inforce that dweller not to be a begger or cottager, but a man able to keep servants, and set the plow on going. By which means a great part of the lands of this nation came in effect to be amortiz'd to the hold of the yeomanry, or middle people, wherof consisted the main body of the militia, hereby incredibly advanc'd; and which henceforth, like cleaner underwood less choak'd by their staddles, began to grow excedingly. But the nobility, who by the former laws had lost their offices, by this lost their soldiery. Yet remain'd to them their estates, till the same prince introducing the statutes for alienations, these also became loose; and the lords less taken (for the reasons shewn) with their country lives, where their trains were clip'd, by degrees became more resident at court, where greater pomp and expence by the statutes of alienations began to plume them of their estates. The court was yet at *Bridewel*, nor reach'd *London* any farther than *Temple-Bar*. The latter growth of this city, and in that, the declining of the balance to popularity, derives from the decay of the nobility and of the clergy. In the reign of the succeding king were abbys (than which nothing more dwarfs a people) demolish'd. I did not, I do not attribute the effects of these things thus far to my own particular observation; but always did, and do attribute a sense thereof to the reign of queen

Verulam, H. 7.

Elizabeth, and the wisdom of her council. There is yet living testimony, that the ruin of the *English* monarchy, thro the causes mention'd, was frequently attributed to Henry the Seventh by Sir Henry Wotton; which tradition is not unlike to have descended to him from the queen's council. But there is a difference between having the sense of a thing, and making a right use of that sense. Let a man read Plutarch in the lives of Agis, and of the Gracchi, there can be no plainer demonstration of the *Lacedemonian* or *Roman* balance; yet read his discourse of government in his morals, and he has forgot it: he makes no use, no mention at all of any such thing. Who could have bin plainer upon this point than Sir Walter Raleigh, where, to prove that the kings of *Egypt* were not elective but hereditary, he alleges that if the kings of *Egypt* had bin elective, *the children of Pharaoh must have bin more mighty than the king, as landlords of all Egypt, and the king himself their tenant?*

yet when he coms to speak of government, he has no regard to, no remembrance of any such principle. In Mr. Selden's titles of honor, he has demonstrated the *English* balance of the peerage, without making any application of it, or indeed perceiving it there, or in times when the defect of the same came to give so full a sense of it. The like might be made apparent in Aristotle, in Machiavel, in my lord Verulam, in all, in any politician: there is not one of them in whom may not be found as right a sense of this principle, as in this present narrative; or in whom may be found a righter use of it than was made by any of the partys thus far concern'd in this story, or by queen Elizabeth and her council.

Hist of the world, part
1. p. 200.

If a prince, says a great author, to reform a government were oblig'd to depose himself, he might, in neglecting of it, be capable of som excuse; but reformation of government being that with which a principality may stand, he deserves no excuse at all. It is not indeed observ'd by this author that where by reason of the declination of the balance to popularity, the state requires reformation in the superstructures, there the prince cannot rightly reform, unless from sovereign power he descends to a principality in a commonwealth: nevertheless upon the like occasions this fails not to be found so in nature and experience. The growth of the people of *England*, since the ruins mention'd of the nobility and the clergy came in the reign of queen Elizabeth to more than stood with the interest, or indeed the nature or possibility of a well founded or durable monarchy; as was prudently perceiv'd, but withal temporiz'd by her council, who (if the truth of her government be rightly weigh'd) seem rather to have put her upon the exercise of principality in a commonwealth, than of sovereign power in a monarchy. Certain it is that she courted not her nobility, nor gave her mind (as do monarchs seated upon the like foundation) to balance her great men, or reflect upon their power now inconsiderable; but rul'd wholly, with an art she had to high perfection, by humoring and blessing her people. For this mere shadow of a commonwealth is she yet famous, and shall ever be so; tho had she introduc'd the full perfection of the orders requisit to popular government, her fame had bin greater. First, she had establish'd such a principality to her successors, as they might have retain'd.

M. D. I. 1. b. 10.

Secondly, this principality (the commonwealth, as *Rome* of Romulus, being born of such a parent) might have retain'd the royal dignity and revenue to the full, both improv'd and discharg'd of all envy. Thirdly, it had sav'd all the blood and confusion, which thro this neglect in her and her successors, has

The great council of
Venice has the
sovereign power, and
the duke the sovereign
dignity.

since issu'd. Fourthly, it had bequeath'd to the people a light not so natural by them to be discover'd, which is a great pity. *For even as the many, thro the difference of opinions that must needs abound among them, are not apt to introduce a government, as not understanding the good of it: so the many, having by trial or experience once attain'd to this understanding, agree not to quit such a government.*

And lastly, it had plac'd this nation in that perfect felicity, which, M. D. I. 1. c. 9. so far as concerns mere prudence, is in the power of human nature to enjoy. To this queen succeeded king James, who likewise regardless of this point (into which nevertheless he saw so far as not seldom to prophesy sad things to his successors) neither his new peerage, which in abundance he created, nor the old avail'd him any thing against that dread wherein, more freely than prudently, he discover'd himself to stand of parlements, as now mere popular councils, and running to popularity of government like a bowl down a hill; not so much, I may say, of malice prepens'd, as by natural instinct, wherof the petition of right, well consider'd, is a sufficient testimony. All persuasion of court eloquence, all patience for such, as but look'd that way, was now lost. There remain'd nothing to the destruction of a monarchy, retaining but the name, more than a prince who by contending should make the people to feel those advantages which they could not see. And this happen'd in the next king, who too secure in that undoubted right wherby he was advanc'd to a throne which had no foundation, dar'd to put this to an unseasonable trial; on whom therfore fell the tower in *Silo*. Nor may we think that they upon whom this tower fell, were sinners above all men; but that we, unless we repent, and look better to the true foundations, must likewise perish. We have had latter princes, latter parlements. In what have they excel'd, or where are they? the balance not consider'd, no effectual work can be made as to settlement; and consider'd, as it now stands in *England*, requires to settlement no less than the superstructures natural to popular government: and the superstructures natural to popular government require no less than the highest skill or art that is in political architecture. The sum of which particular amounts to this, That the safety of the people of *England* is now plainly cast upon skill or sufficiency in political architecture: it is not enough therfore, that there are honest men addicted to all the good ends of a commonwealth, unless there be skill also in the formation of those proper means wherby such ends may be attain'd. Which is a sad, but a true account; this being in all experience, and in the judgment of all politicians, that wherof the many are incapable. And tho the meanest citizen, not informing the commonwealth of what he knows, or conceives to concern its safety, commits a hainous crime against God and his country; yet such is the temper of later times, that a man, having offer'd any light in this particular, has scap'd well enough, if he be despis'd and not ruin'd.

But to procede: if the balance, or state of property in a nation, be the efficient cause of government, and, the balance being not fix'd, the government (as by the present narrative is evinc'd) must remain inconstant or floting; then the process in the formation of a government must be first by a fixation of the balance, and next by erecting such superstructures as to the nature therof are necessary.

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CHAP. III.

Of Fixation Of The Balance, Or Of Agrarian Laws.

FIXATION of the balance of property is not to be provided for but by laws; and the laws, wherby such a provision is made, are commonly call'd *Agrarian laws*. Now as governments, thro the divers balance of property, are of divers or contrary natures, that is monarchical or popular; so are such laws. Monarchy requires of the standard of property, that it be vast and great; and of *Agrarian* laws, that they hinder recess or diminution, at least in so much as is therby intail'd upon honor: but popular government requires, that the standard be moderat, and that its agrarian prevent accumulation.

In a territory not exceding *England* in revenue, if the balance be in more hands than three hundred, it is declining from monarchy; and if it be in fewer than five thousand hands, it is swerving from a commonwealth: which as to this point may suffice at present.

It is at present in more hands; but without fixation may come into sewer.

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CHAP. IV.

Shewing The Superstructures Of Governments.

THAT the policy or superstructures of all absolute monarchs, more particularly of the eastern empires, are not only contain'd, but meliorated in the *Turkish* government, requires no farther proof than to compare them:

but because such a work would not ly in a small compass, it shall suffice for this time to say, that such superstructures of government as are natural to an absolute prince, or the sole landlord of a large territory, require for the first story of the building, that, what

The superstructures of absolute monarchy.

demeans he shall think fit to reserve being set apart, the rest be divided into horse quarters or military farms, for life or at will, and not otherwise: and that every tenant for every hundred pounds a year so held, be, by condition of his tenure, oblig'd to attend his sovereign lord in person, in arms, and at his proper cost and charges, with one horse, so often, and so long as he shall be commanded upon service. These among the *Turks* are call'd *timariots*.

Timariots.

The second story requires, that these horse quarters, or military farms, be divided by convenient precincts or proportions into distinct provinces; and that each province have one governor or commander in chief of the same, at the will and pleasure of his grand signior, or for three years and no longer. Such among the *Turks* (unless by additional honors they be call'd *bashaws* or *viziers*) are the beglerbegs.

Beglerbegs.

For the third story, there must of necessity be a mercenary army consisting both of horse and foot, for the guard of the prince's person, and for the guard of his empire; by keeping the governors of provinces so divided, that they be not suffer'd to lay their arms or heads together, or to hold correspondence or intelligence with one another. Which mercenary army ought not to be constituted of such as have already contracted som other interest: but to consist of men so educated from their very childhood, as not to know that they have any other parent, or native country, than the prince and his empire. Such among the *Turks* are the foot call'd *janizarys*, and the horse call'd *spahys*.

Janizarys and spahys.

The prince accommodated with a privy council, consisting of such as have bin governors of provinces, is the topstone: this council among the *Turks* is call'd the *divan*, and this prince the *grand signior*.

The divan and the grand signior.

The superstructures proper to a regulated monarchy, or to the government of a prince (three or four hundred of whose nobility, or of whose nobility and clergy hold three parts in four of the

The superstructures of regulated monarchy.

territory) must either be by his personal influence upon the balance, or by virtue of orders.

If a prince, by easing his nobility of taxes, and feeding them with such as are extorted from the people, can so accommodat their ambition and avarice with great offices and commands, that a party rebelling, he can overbalance and reduce them by a greater part of their own order, he may have greater power and less security, as at present in *France*.

The safer way of this government is by orders; and the orders proper to it specially consist of a hereditary senat of the nobility, admitting also of the clergy, and of a representative of the people made up of the lords menial servants, or such as by tenure and for livelihood have immediat dependence upon them, as formerly in *England*.

An aristocracy, or state of nobility, to exclude the people, must govern by a king; or to exclude a king, must govern by the people: nor is there, without a senat or mixture of aristocracy, any popular government. Whence, tho for discourse sake, politicians speak of pure aristocracy, and pure democracy, there is no such thing as either of these in nature or example.

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No such thing as pure aristocracy, or pure democracy.

Where the people are not overbalanc'd by one man, or by the few, they are not capable of any other superstructures of government, or of any other just and quiet settlement whatsoever, than of such only as consists of a senat as their counsellors, of themselves or their representatives as sovereign lords, and of a magistracy answerable to the people, as distributors and executioners of the laws made by the people. And thus much is of absolute necessity to any or every government, that is or can be properly call'd a commonwealth, whether it be well or ill order'd.

The superstructures of popular government.

But the necessary definition of a commonwealth, any thing well order'd, is, That it is a government consisting of the senat proposing, the people resolving, and the magistracy executing.

Definition of a well-order'd commonwealth.

Magistracy is a stile proper to the executive part: yet because in a discourse of this kind it is hardly avoidable, but that such as are of the proposing or resolving assemblys, will be sometimes compriz'd under this name or stile, it shall be enough for excuse to say, that magistracy may be esteem'd of two kinds; the one proper or executive, the other improper or legislative.

Distinction of magistracy.

A senat may consist of a hereditary order, elective for life by it self, or by som magistrat or magistrats of the same; as the senat of *Rome* consisted of the patrician order therinto eligible, first by the consuls, and then by the censors. A senat may consist of senators elected by the people for life, as that of *Lacedemon*: it may consist of senators eligible by the people for terms, without any vacation or interval, as the senat of *Venice*; or with intervals, as the senat of *Athens*, which also for another difference was elected by lot.

Senats, and their kinds.

A popular assembly may consist of the whole people, as the great council of *Venice* (for the *Venetians*, tho call'd, in respect of their subjects, nobility, are all that free people which is compriz'd in that commonwealth) or of a representative, as in *Israel*. Again, a representative of the people may be for life, as in the particular citys or sovereintys of *Holland*, improperly call'd senats; or it may be upon rotation, that is to say, by changes or courses, as that of *Israel*, and the present representative in *England*; it may also be by lot, as the *Roman* tribes call'd the prerogative, and the *jure vocatæ*.

Popular assemblies,
and their kinds.

To speak of magistrats in a commonwealth, and all their kinds, were to begin an endless discourse; the present I shall therefore confine to such only as may be call'd supreme magistrats. The supreme magistracy of a commonwealth may be in one or more; and it may be for life, or for terms and vacations. In one elective by the people for life; as in the duke of *Venice*, whose function is civil and not military. In two hereditarily; as in the two kings of *Lacedemon*, whose function was rather military than civil. In nine annually elective by the people; as in the nine princes or archons of *Athens*. In two annually elected by the people; as the *Roman* consuls, whose power was both military and civil. In a word, it may be in one or more, for life, or for terms and vacations, as shall best sute with the occasion.

Supreme magistrats,
and their kinds.

Som commonwealths consist of distinct sovereintys, as *Switzerland* and *Holland*; others are collected into one and the same sovereignty, as most of the rest. Again, som commonwealths have bin upon rotation or courses in the representative only, as *Israel*: others in the magistracy only, as *Rome*. Som in the senat and in the magistracy, as *Athens* and *Venice*: others in som part of the magistracy, and in others not, as *Lacedemon* in the *ephori*, and not in the kings; and *Venice* not in the duke, nor in the *procuratori*, but in all the rest. *Holland*, except in the election of states provincial (which is emergent) admits not of any rotation or courses. There may be a commonwealth admitting of rotation throout, as in the senat, in the representative, and in the magistracy; as that propos'd in *Oceana*.

Other differences in
commonwealths.

Rotation, if it be perfect, is equal election by, and succession of the whole people to the magistracy by terms and vacations.

Rotation, or courses.

Equal election may be by lot, as that of the senat of *Athens*; by suffrage, as that of *Lacedemon*; or by ballot, as that of *Venice*, which of all others is the most equal.

Popular election.

The ballot, as it is us'd in *Venice*, consists of a lot; whence procedes the right of proposing, and of an unseen way of suffrage, or of resolving.

The ballot.

From the wonderful variety of parts, and the difference of mixture (hitherto scarce touch'd by any) result those admirable differences that are in the constitution and genius of popular governments; som being for defence, som for increase; som more equal, others

The different genius
of commonwealths.

inequal; som turbulent and seditious, others, like soft streams, in a perpetual tranquillity.

That which causes innat sedition in a commonwealth, is inequality; as in *Rome*, where the senat opprest the people. But if a commonwealth be perfectly equal, it is void of sedition, and has attain'd to perfection, as being void of all internal causes of dissolution.

The cause of sedition in a commonwealth.

An equal commonwealth is a government founded upon a balance which is perfectly popular, being well fix'd by a sutable *agrarian*; and which from the balance, thro the free suffrage of the people-given by the ballot, amounts in the superstructures to a senat debating and proposing, a representative of the people resolving, and a magistracy executing; each of these three orders being upon courses or rotation; that is, elected for certain terms, injoining like intervals.

Definition of an equal commonwealth.

Such constitutions in a government as regard the frame or model of it, are call'd orders; and such things as are enacted by the legislative orders, are called laws.

The difference between laws and orders.

To undertake the binding of a prince from invading liberty, and yet not to introduce the whole orders necessary to popular government, is to undertake a flat contradiction, or a plain impossibility.

A people or assembly not understanding true principles, give least credit to the best orders, and so com to cast themselves upon particular persons: for where orders are not credited, there men must be trusted; and where men are trusted, they find themselves so well in their power, that they are either for bringing in a commonwealth by degrees, or more probably not at all. The desire of bringing in a commonwealth by degrees, arises from want of considering that the whole of a commonwealth, as to charge or trouble, is less than the half. He who has a journey to go, dos not chuse to have but half a bridle, or but one boot or stirrup, tho these be fewer things, and com but to half the charge; because this would but necessitat him to procure more things, and perhaps more chargeable or dangerous.

Hazard thro the want of principles.

Optimus ille animi vindex, lædencia pectus Vincula qui rupit, dedoluitque semel.

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The Conclusion:

Observing That The Principles Of Human Prudence Being Good Without Proof Of Scripture, Are Nevertheless Such As Are Provable Out Of Scripture.

WHO imagins that the *Romans* govern'd by proof out of Scripture?

Yet says Peter, *Submit yourselves to* (human prudence, or) *every ordinance of man*; which relates more particularly to the

1 Pet. 2. 13.

government of the *Romans*. The most frequent comparison of a commonwealth is to a ship; but who imagins that a ship ought not to be built according to the art of the shipwright, or govern'd according to the compass, unless these be prov'd out of Scripture? Nevertheless, as hitherto I have prov'd the principles of human prudence in the several parts out of Holy Scripture; so I undertake to vindicat them in the whole, as to the intire frame of popular government, in the insuing book, by the same authority and undeniable evidence.

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THE SECOND BOOK, CONTAINING THE COMMONWEALTHS OF THE HEBREWS; NAMELY, *ELOHIM*, Or The Commonwealth Of *Israel*; AND *CABALA*, Or The Commonwealth Of The *Jews*.

The PREFACE,

Shewing That There Were Commonwealths Before That Of
Israel.

HUMAN prudence is originally a creature of God, and, with respect to its existence, as antient as human nature; nor is it so much younger in any of those effects or ends for which it was ordain'd by God, that we should think Israel to have bin the first commonwealth, or the first popular government that ever was, or that was planted at least in Canaan: for the like governments, in the countrys thereabout, there were both before and at the same time. It was in Canaan, that Melchizedec, king and priest of Salem, bad reign'd during the time of Abraham, who paid him tithes of all that he had. Now tithes before Israel and the institution of the Levits, belong'd not to any sort of clergy, but to the prince or state.

Book II.

Tithes originally
belonging to kings.

Whence Samuel, in the description of a king, tells the people that he will take the tenth of their goods. Thus Abraham, in paying tithes to Melchizedec, acknowleg'd him for his prince.

1 Sam. 8. 15, 17.

Yet had Abraham the right of the sword, and made war with kings, as those of Sodom, at his own discretion;

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whence Canaan may seem to have bin a commonwealth in those days, much after the manner of Germany in ours. The five lords (perhaps five tribuns) of the Philistins must needs have bin som aristocracy at least of princes joining in one body or commonwealth. So Venice in her first age was under lords or tribuns.

The commonwealth
of Salem.

It is little to be doubted, but the government of Jethro, king and priest of Midian, was of a like nature with that of Melchizedec, or of the Lacedemonian kings, who were also priests;

The commonwealth
of the Philistins.

or that the counsil he gave to Moses (being for the institution of such judicatorys as are not proper in a monarchy) was any other than according to the orders of his own commonwealth.

The commonwealth
of Midian.

And lest these governments should seem less popular, the ambassadors of the Gibeonits coming to Joshua, say thus; Our elders (or our senat) and all the inhabitants of our country (or the popular assembly of the same) spoke to us, saying, Go meet them, and say to them, We are your servants: therfore now make a league with us. To make a league with a foren nation evinces

The commonwealth
of the Gibeonits.

Joshua 9. 11.

soverain power; and that this league was made by the senat and the people, evinces Gibeon to have bin a popular government. Such a thing then as popular government most undeniably there was before Israel. Now whether Israel were a popular government or no, I shall refer to trial by the ensuing chapter.

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CHAP. I.

Shewing That Israel Was A Commonwealth.

IT is said of the *Israelits* that went first into *Egypt*, *All the souls that came out of the loins of Jacob were seventy souls.*

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These becoming so many fathers of familys, and governing their own familys by paternal right, it follows that at first they so govern'd the whole people;

Exod. 1. 5.

yet not with any sovereign power (as may be easily thought in a country that had a prince of its own) but by way only of direction and advice. The people being thus accustom'd to this way, as any of these seventy came to dy, supply'd his place with another of their election; at least for the probability of this opinion, we find mention of Moses, Nadab, Abihu, *and seventy of the elders*, before the institution of the *Israelitish* senat or sanhedrim.

The rise of the Israelits government.

Of the princes of the tribes, and princes of families.

To these and to the people Moses propos'd his laws. So I am sure in the **Latin* it is expresly said, where by our *English* translation it is thus render'd, *This is the law* (and by the law here is meant no less than the whole book of *Deuteronomy*) *which Moses set before the children of Israel*, whose assemblies were not always without faction.

Exod. 24. 9.

For Korah, Dathan, *and Abiram*, *with two hundred princes of the assembly, famous in the congregation, men of renown*, bandy'd themselves against Moses, and his intended election of his brother Aaron to the hereditary priesthood, reproaching him (says Josephus) that he went about to dispose of this honor without the suffrage of the congregation, thereby affecting tyranny, and a sly usurpation of the liberty of the people: which sense also is imply'd by their upbraiding him in Scripture;

Antiq. I. 4. c. 2.

Is it a small thing that thou hast brought us up out of the land that flows with milk and honey, to kill us in the wilderness? except thou makest thyself altogether a prince over us.

Num. 16. 13.

But whereas the Scripture in all this presumes these incendiarys to have bely'd Moses, som will have all they thus laid to his charge, to be no more, but less than truth; in as much as they will needs have Moses not only to have bin a king, but to have bin a king exercising arbitrary power, and such arbitrary power as, being without any bounds, fully amounts to tyranny.

That Moses was no king.

The word king is not a sufficient definition of the magistrat so stil'd: between a *Lacedemonian* king and a *Persian* king, or between either of these and a king of *England*, there was a vast difference. Both the kings of *Lacedemon* were but as one duke in *Venice*. The *Venetians* therefore, if it had so pleas'd them, might as well have call'd their duke a king. Certain it is, that he is not so much in the

Sect. 2. That Moses propos'd his laws to the people and their suffrage.

commonwealth, as are a few of his counsellors; and yet all acts of the government run in his name, as if there were no commonwealth.

It is said (according to our translation) Moses *commanded us a law, &c.* according to the original, Moses (propos'd, or) *gave us a law, which is an inheritance to the congregation of Jacob.* The duke of *Venice* has a right to propose or give law in the congregation or great council of *Venice*; where he, who sees him sitting, would believe he were a king.

Deut. 34. 4. In what sense Moses may be call'd a king.

And if Moses were king in *Jesurun* (or *Israel*) it was *when the heads of the people and the tribes of Israel were gather'd together.*

Ver. 5.

Paul, epitomizing the story of the people of *Israel*, in his sermon to the *Antiochian Jews*, shews how God *chose their fathers, exalted the people, destroy'd* (for their sake) *seven nations in the land of Canaan, and divided their lands to them by lots:* but speaks not a word of any king given to them, till expresly after their judges. But if Moses were a king, yet that he did not propose, but command by his power the laws which he gave to *Israel*, dos not follow. For David was a king, who nevertheless did no otherways make any law than by proposition to the people, and their free suffrage upon it.

Acts 13.

David *consulted with the captains of thousands, and hundreds, and with every leader* (of which military disciplin of the congregation of *Israel* more in due place will be shewn) *and David said to all the congregation, If it seems good to you, and that if it be of the Lord our God* (tho he was a king, and a man after God's own heart, he makes the people judges what was of God) *let us send abroad to our brethren every where that are left in all the land of Israel, and with them also to the priests and Levites that are in their citys and suburbs, that they* (to the end this thing may be perform'd with the greatest solemnity) *may gather themselves to us, and let us bring the ark of God to us: for we inquir'd not at it in the days of Saul.*

1 Chron. 13.

In the days of Eli the ark was taken by the *Philistins*, who being smitten till there was a deadly destruction throout all the city, and their divines attributing the cause therof to the detention of the ark, after seven months sent it to *Bethshemesh*; whence it was brought to *Kirjath-jearim*, and there lodg'd in the house of Aminadab, before Saul was king, where it remain'd till such time as David propos'd (in the manner shewn) to the people the reduction of the same.

1 Sam. 4.

Upon this proposition, the people giving suffrage are unanimous in their result; *All the congregation said, that they would do so* (not that they could do no otherwise by a king, for they did not the like by Rehoboam, but that) *the thing was right in the eys of all the people.*

1 Chron. 13. 4.

Moreover, David *and the captains of the host separated to the service som of the sons of Asaph, and of Heman, and of Jeduthun, who should prophesy with harps, with psalterys and with cymbals;* that is, propos'd these laws for church disciplin, or offices of the priests and Levites, to the same representative of the people: of which more in other places. Thus much in this, to shew, that if Moses were a king, it dos not follow that he propos'd not his laws to a congregation of the people having the power of result. To say that the laws propos'd by Moses were the dictat of God, is not to evade, but to confirm the necessity of

Chap. 25.

proposing them to the people, seeing the laws or dictats of God or of Christ can no otherwise be effectually receiv'd or imbrac'd by a people, or by a privat man, than by the free suffrage of the soul or conscience; and not by force or rewards, which may as well establish the laws of the devil.

But for another way, such a one as it is, of crowning Moses, some are positive that there lay an appeal from the seventy elders to him. Now the command of God to Moses for the institution of the seventy, is this: *Gather to me seventy men of the elders of Israel—that they may stand with thee*. Upon which words let me ask, whether had Moses thenceforth a distinct or a joint political capacity? If the seventy stood with Moses, or it were a joint capacity, then Moses was no king in their sense; and if it were distinct, then lay there to Moses no appeal, even by his own law: for thus in the case of appeals it is by him directed, *If there arises a controversy too hard for thee in judgment—thou shalt com to the priests and Levits* (that is, to the seventy elders)—*According to the sentence of the law which they—shall tell thee, thou shalt do—And the man that will do presumptuously, and will not hearken—even that man shall dy*.

Sect. 3. That there lay no appeal from the seventy elders to Moses. Numb. 11. 16.

In which words all color of appeal from the seventy elders is excluded.

Deut. 17. 8.

But whether Moses were a king or no king, either his power was more than that of king David; or without proposition to, and result of the people, it is plain that he could pass no law. Now the senat, sanhedrim, or seventy elders, came in the place of Moses, or stood with him; therefore their power could be no more than was that of Moses. So that if the power of Moses were never more in the point of lawgiving, than to propose to the people; then the power of the sanhedrim could be no more in the point of lawgiving, than to propose to the people. Nor will it be found in Scripture that the sanhedrim ever made any law without the people; yet it is found in Scripture that the people made a law without the sanhedrim, or levy'd war without them, which is all one: for where there is a power to levy war, there will be the power of making law.

Sect. 4.

And the occasion upon which this is found, is the war levy'd against Benjamin by the congregation, consisting of four

Judg. 20.

hundred thousand. Again, if the sanhedrim inherited the whole power of Moses, and yet had no larger power in lawmaking than to propose to the people, then had Moses never any larger power in lawmaking than to propose to the people. Now where there is no king, or no king in a distinct capacity from the senat; and where the senat has no farther power in lawmaking than to propose to the free suffrage of the people; the government there is a commonwealth. Thus having shewn that *Israel* was a commonwealth, I come next to shew what commonwealth *Israel* was.

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CHAP. II.

Shewing What Commonwealth Israel Was.

ALL political methods that are collective of the people, must necessarily begin with a distribution or division of the people.

Sect. 1. Division of the children of Israel; first genealogical.

For the division of the people of *Israel*, it was first genealogical, and then local.

Now these are the names (of the ancestors of the tribes, or) *of the children of Israel which came into Egypt, every man and his household came with Jacob:*

Exod. 1.

Reuben, Simeon, Levi, and Judah, Issachar, Zebulun, and Benjamin, Dan, and Naphtali, Gad, and Asher. These being eleven in number, were the sons of Jacob, who had also one more, namely Joseph. And to Joseph were born two sons before the years of famine came, which Asenah, the daughter of Potipherah priest of On, bore to him. And Joseph call'd the name of the first-born Manasseh—and the name of the second call'd he Ephraim. Which two (tho but grandchildren) were adopted by Jacob for his sons, in these words:

Gen. 41. 50, 51, 52.

Let my name be nam'd on them; and the name of my fathers Abraham and Isaac; and let them grow into a multitude in

Gen. 48. 16.

the midst of the earth. From which addition to the former came the tribes of *Israel*, genealogically reckon'd, to be in number thirteen. In the genealogical distribution of the tribes there were also observ'd certain ranks, qualitys, or degrees, as appears by the poll made of *Israel* in the wilderness of *Sinai*, and in the tabernacle of the congregation by Moses.

These degrees were of two sorts: first, phylarchs, or princes of tribes; and secondly, patriarchs, or princes of familys: all hereditary honors, and pertaining to the firstborn of the tribe or of the family respectively. That this poll be more perfectly understood, will be useful: for which cause I shall be somewhat more particular. First, for the phylarchs, or princes of the tribes; and then for the patriarchs, or princes of familys. To begin with the princes of the tribes.

Num. 1.

MOSES and Aaron—assembl'd the congregation (or political convention of the people) *together on the first day of the second month, after their familys, by the house of their fathers, according to the number of the names, from twenty years old and upwards, by the poll.*

Sect. 2. Num. 1. 17, 18.

Where every phylarch or prince of a tribe, with the number of men at the age mention'd and upward, throout his tribe, are listed much after this manner:

Of the princes of tribes; or the musterroll in *Sinai*.

1. Of the tribe of Reuben, Elizur, prince. The men of military age in his tribe, forty-six thousand five hundred.

2. Of the tribe of Simeon, Shelamiel, prince. The men of military age in his tribe, fifty-nine thousand three hundred.
 3. Of the tribe of Judah, Nashon, prince. The men of military age in his tribe, threescore and fourteen thousand six hundred.
 4. Of the tribe of Issachar, Nethaniel, prince. The men of military age in his tribe, fifty-four thousand four hundred.
 5. Of the tribe of Zebulun, Eliab, prince. The men of military age in his tribe, fifty-seven thousand four hundred.
 6. Of the tribe of Ephraim, Elishama, prince. The men of military age in his tribe, forty thousand five hundred.
 7. Of the tribe of Manasseh, Gemaliel, prince. The men of military age in his tribe, thirty-two thousand two hundred.
 8. Of the tribe of Benjamin, Abidan, prince. The men of military age in his tribe, thirty-five thousand four hundred.
 9. Of the tribe of Dan, Ahiezer, prince. The men of military age in his tribe, threescore and two thousand seven hundred.
 10. Of the tribe of Asher, Pagiel, prince. The men of military age in his tribe, forty-one thousand five hundred.
 11. Of the tribe of Gad, Eliasaph, prince. The men of military age in his tribe, forty-five thousand six hundred and fifty.
 12. Of the tribe of Naphtali, Ahira, prince. The men of military age in his tribe, fifty-three thousand four hundred.
- The total sum of which musterroll in the twelve tribes, amounts to princes twelve; and men of military age six hundred three thousand five hundred and fifty, besides the *Levits*.

ALL the firstborn, says God, *are mine*. In which words is imply'd that the priesthood, or right of preaching, instructing, or administering divine things, belong'd, as it were, of natural right, to fathers of familys, or the firstborn; till the Lord *took the Levits from among the children of Israel, instead of the firstborn*.

Sect. 3. The Levits call, order, or tribe.

These being thus taken, were set apart, and so listed by themselves to omit their several familys, functions, and orders in the service of the tabernacle, and afterwards of the temple, which would require a volum) much after this manner:

Num. 3. 12, 13.

Of the tribe of Levi, Aaron high priest. The number of all the males of this tribe, *from a month old and upwards, twenty and two thousand*.

The manner how God took the *Levits*, is thus express'd: *Thou shalt bring the Levits before the tabernacle of the congregation, and thou shalt gather the whole assembly together — and the children of Israel* (after the manner that the *Levits* lay their hands upon the bullocks, or sacrifice) *shall put their hands upon the Levits*, in token that they are sacrific'd or separated by the free suffrage of the people to the Lord.

v. 39.

Num. 8. 9, 10, 11, 12.

For lest the suffrage of the people be thought hereby to have bin excluded, so David *and the captains of the host* or army (which army was the representative of the people) *separated to the service som of the sons*

1 Chr. 25.

of Asaph, of Heman, and of Jeduthun — who shall prophesy with harps. But of the congregations of the people more in due place.

The hereditary right more specially belonging to the phylarchs, or princes of the tribes, consisted (as that of the kings of *Lacedemon*, of *Athens*, and of *Rome*) in the leading of the armys of the commonwealth; which was distributed to them in this manner.

Sect. 4. The military orders.

The twelve tribes were divided into four brigades, every brigade consisting of three tribes. The leading of the first brigade pertain'd to Judah, who in his standard bore a lion. The leading of the second brigade belong'd to Reuben, who in his standard bore a man. The leading of the third brigade belong'd to Ephraim, who in his standard bore an ox. The leading of the fourth brigade belong'd to Dan, who in his standard bore an eagle. These four by the text are term'd *standards of the camp*, which were as the *Roman* eagles.

Grot. ad Num. 10.

Furthermore, as the subdivisions of the *Roman* legions had their proper insigns, so had the tribes here, which had not the leading of a brigade of the camp. The insigns of these tribes were call'd *staves*: as the staff of the children of Issachar, the staff of the tribe of Zebulun, which follow'd the standard of Judah: the staff of the tribe of Simeon, the staff of the tribe of Gad, which follow'd the standard of Reuben: the staff of the tribe of Manasseh, the staff of the tribe of Benjamin, which follow'd the standard of Ephraim: the staff of the tribe of Asher, the staff of the tribe of Naphtali, which follow'd the standard of Dan. All which insigns or staves in our *English* translation are render'd *hosts*, or armys.

Num. 10. 14, 18, 22, 23.

In the midst of these four squadrons or brigades stood the tabernacle, with the *Levits* divided, and distributed by their distinct familys to the several uses and carriages of the same, and lodg'd upon the four quarters.

Num. 3.

When the ark set forward, or the camp remov'd, these words were with solemnity pronounc'd by the general, or by the high priest; *Rise up Lord, and let thy enemys be scatter'd, and let them that hate thee fly before thee.*

Num. 10. 35

Of the martial disciplin in which the youth in *Israel* were educated to these ends, there was certainly more than is remaining in story. But that their popular assemblys were all held in military order and disciplin, and that the deserters of the militia were anathematiz'd, confiscated, or put to the sword, will in due time be made sufficiently apparent. For the present, you have the *Israelitish* musterroll, being of a like nature with that of *Athens* call'd *lexiarcha*, and that in *Rome* call'd *census*. Nor has any commonwealth bin well order'd in its militia, which has not bin diligent in the institution and preservation of the like military rolls or registers. Hitherto of the phylarchs, or princes of the tribes; the next rank or quality in this government was that of the patriarchs or princes of familys.

The word *family* in many places of Scripture, is not to be taken for a single houshold; but as we take the word in heraldry, that is, for a lineage or kindred. The patriarchs in *Israel*, taken in this sense, were such as, till of late years in *Scotland*, were they that

Sect. 5. The patriarchs, chief of the fathers, or princes of

could lead the whole name or kindred, and be follow'd by them
The familys in *Israel* of this kind, that were greatest about the
plantation of the commonwealth, were of Reuben, the *Henochits*,
the *Phalluits*, the *Hesronits*, and the *Charmits*.

families; with a
catalog of the same.

Of Simeon, the *Namuelits*, the *Jamnits*, the *Jachenits*, the *Zanits*,
and the *Shaulits*.

Num. 26.

Of Gad, the *Zephronits*, the *Haggits*, the *Shunits*, the *Oznits*, the *Erits*, the *Arodits*,
and the *Arelits*.

Of Judah, the *Shelanits*, the *Pharzits*, the *Zarhits*, the *Hesronits*, and the *Hamulits*.

Of Issachar, the *Tholaitis*, the *Punits*, the *Shuhits*, and the *Shimranits*.

Of Zabulun, the *Sardits*, the *Elonits*, and the *Jahleelits*.

Of Manasseh, the *Machirits*, the *Galeadits*, the *Jeezrits*, the *Helekits*, the *Asrielits*, the
Sechemits, the *Shemidaitis*, and the *Hepherits*.

Of Ephraim, the *Shuthalaitis*, the *Bachtits*, the *Tahanits*, and the *Eranits*.

Of Benjamin, the *Belaitis*, the *Ashbelits*, the *Ahiramits*, the *Shuphamits*, the
Huphamits, the *Ardits*, the *Hereditis*, and the *Naamits*.

Of Dan, the *Suhamits*.

Of Asher, the *Jimnits*, the *Jessuits*, the *Briits*, the *Heberits*, and the *Melchielits*.

Of Naphtali, the *Jazrielits*, the *Gunits*, the *Jeserits*, and the *Shillemits*.

Of Levi, the *Gersonits*, the *Caharits*, and the *Merarits*. The heads of these were such
as are call'd patriarchs, princes, heads of familys, or chief of the fathers.

Familys, tho far less subject than in other governments to decay or increase, might at
divers times be different in *Israel*; as after Benjamin was destroy'd, or after David
had rais'd his own and many other: but thus were the familys at this time sixty; the
tribes being, as was shewn before, thirteen.

In the first institution of the tribes of *Rome*, that is, *Ramnenses*, *Titienses*, and the
Luceri, they were also genealogical, but long it held not so; genealogical divisions in a
commonwealth being for the most part of greater danger than use; but whether
genealogys be observ'd or not, the local way of division is of absolute necessity.

To insert the geography of the *Israelitish* tribes, would be as
burdensom both to the reader and my self, as needless to either.
But the manner how the tribes became local, was thro the
distribution of the land of *Canaan* by lot, and intailing the lands so distributed upon
the proprietors and their heads for ever, without power of alienation, in any such

Sect. 6. Of the lot or
ballot of Israel.

manner as to deprive their posterity. The lot or ballot in *Israel* was specially of three uses; one for election of magistrats, another for the discovery of som secret malefactor, and a third for the division of lands. To which three heads I hope to reduce the whole history of their government: and this work once perform'd, it will be easy to represent the commonwealth in its political method.

To begin with the election of magistrats, it was perform'd somtimes by the lot, without suffrage; and somtimes by the ballot, that is, by a mixture of lot and suffrage. For the clearer discovery of the order in elections, I must invert the order of the magistrats elected, and begin with the king; then procede to the judg, and com last of all to the sanhedrim, and the inferior courts.

The instruments us'd upon these occasions, were first lots, som blanks and som prizes; then urns (that is, pots) into which these lots were cast, and out of which they were afterwards drawn, or given forth; by what officers, or with what farther solemnity, dos not appear.

When the people would needs have a king, Samuel, being their judg, did that, tho against his will, which nevertheless was no more than his duty: that is, first, *hearken'd to the voice of the people*; or obey'd their vote. Secondly, *call'd the people together to the Lord to Mizpeh*.

Sect. 7. Manner of electing the king.

The political assembly, or congregation of the people of *Israel* was call'd *ecclesia dei, the congregation of the Lord*, as it ought to have bin exprest in the trial of Benjamin, and is in som places by our translation:

1 Sam. 8. 7, 22.

as where an *eunuch* (or one unfit for marriage with a daughter of *Israel*,

1 Sam. 10. 17.

which capacity was necessary to the being inrol'd of a tribe) a *bastard* (as dishonorable) an Ammonite or Moabite (as descended of perfidious nations) *shall not enter into the congregation of the Lord*: that is, shall not have right of suffrage with the people of *Israel*.

Judg. 20.

Deut. 23.

So Samuel, by calling *the congregation of the Lord*, or *the people together to the Lord in Mizpeh* (the place, before the taking of *Jerusalem*, where they always held their parlaments or political assemblys) did the office of the like magistrats in commonwealths. The people being thus assembl'd (for to be brief, I must procede with conjectures,

For the assembly of the congregation at Mizpeh, see Judg. 10. 17. & 11. 11. & 20. 1. & 21. 1.

which at first sight will seem bolder than really they are) Samuel causing the urns to be set forth, pronounc'd the solemn form of words in use upon the like occasion, which were these:

1 Sam. 7. 6, 16.

Present your selves before the Lord by your tribes, and by your thousands. The political assemblys of the children of *Israel* were

1 Sam. 10. 19.

held, or gather'd (as we say) with drums beating, and colors flying; and if it were an extraordinary congregation, that is, a congregation consisting of the whole people, as this, and that for the trial of Benjamin, the princes of the tribes with their staves, and the standards of the camp (in the order shewn) led up the people to the urns, or ballots.

Wherefore upon these words of Samuel, the princes march'd in their known disciplin to the urns. The urns were two: in the one were twelve lots inscrib'd with the names of the twelve tribes; in the other were also twelve other lots, wherof eleven were blanks, and the twelfth inscrib'd with som word. What the *Israelitish*

The military order of political congregations in Israel see Chap. 3.

word was, dos not appear; the *Roman* word upon the like occasion was *prerogative*: wherfore seeing that which is lost must have bin of a like nature, we may, for discourse sake, presume it to have bin the same in *Israel* as in *Rome*.

And *when Samuel had caus'd all the tribes of Israel to com near, the tribe of Benjamin was taken*: that is, the name of this tribe being drawn out of the one urn, to it was drawn the word

Ver. 20. The prerogative tribe.

prerogative out of the other urn; which being don, the urns were chang'd, or at least the lots. And wheras in the enumeration of the patriarchs, I shew'd by a catalog of their names, that the whole tribe of Benjamin consisted of seven familys; seven names by that account should have bin cast into the one urn, and as many lots into the other; one of them being inscrib'd with the word *prerogative*, and the other six being blanks. But both the names, and the number of familys at this ballot, are

Judg. 20. 2.

most likely to have bin quite otherwise than in the catalog; because since that time the tribe of Benjamin had in the far greater part bin destroy'd, and piec'd up again out of a remnant: so for the number of the familys, or the names of them, I can say nothing. But the urns being thus prepar'd, came Benjamin, as now the prerogative tribe, to the urns by familys. And *when Samuel had caus'd the tribe of Benjamin to com near by their familys, the family of Matri (which is a new one) was taken*: that is, lighting, in the manner shewn, upon the prize, became the prerogative family. This don, the lots were again chang'd, and so many others as there were houtholds in the family of Matri (for so you will find it in the trial of Achan) were cast into the urns.

Thus the houthold of Kish coming to be the prerogative houthold, and so many lots as there were men of that houthold, being cast into the urns, wherof the prize was inscrib'd *king*, came the houthold of Kish, man by man, and Saul the son of Kish was taken.

Josh. 7. 14, I[Editor: illegible character] 17, 18.

We find it recorded by Livy, of Tarquinius Priscus, and of Servius Tullius, that before either of them was king, the one had his hat taken off, and carry'd up by an eagle; the other had a flame resting upon his forehead, by which it was firmly believ'd, that each of them was design'd of the Gods to be king: yet was this never so understood by themselves, or any other, as to exclude the right of popular suffrage in their election, by which Priscus reign'd; or to create an opinion that any man ought to be king of *Rome*, whom the people had not first commanded to

Sect. 8. That miraculous designation of magistrats in a commonwealth, was never understood to exclude the free suffrage of the people in their election.

reign over them, to whose election therfore Servius, tho in possession of the throne, thought it his best way to refer himself. Far be it from me to compare prodigys among Heathens, to miracles in the church: but each people had of each a like opinion. Both *Israel* and the *Heathens* began their popular assemblys with sacrifice.

In order to the election of Solomon, the representative of *Israel* sacrific'd sacrifices to the Lord—even a thousand bullocks, a

1 Chron. 29. 21, 22.

thousand rams, and a thousand lambs, with their drink-offerings, and sacrifices in abundance, for all Israel. And when they had thus don, what magistrats soever the Israelits, or the Heathens elected, they always understood to be elected by God. The lot is cast into the lap, but the whole disposing thereof is of the Lord.

And indeed, wheras in this manner they made Solomon king, and Zadoc to be priest, if we will hold otherwise, we must think that

Prov. 10. 33.

neither the king nor the priest was elected by God. A man that is elected to som great office, by a king rightly qualify'd, must have little religion, or hold himself to be rais'd up by God. Why then should it be otherwise, when a magistrat is elected by a people rightly qualify'd? or what consequence is there in saying, that Saul was anointed by Samuel before he was elected by the people, or that God rais'd them up judges; therefore neither Saul nor the judges were elected by the people? that God elected the kings in *Israel*, is certain; and that the people no less for that did also elect the kings, is as certain.

One from among thy brethren shalt thou (that is, thou the people of Israel) set king over thee. That God rais'd up judges in *Israel*, is certain; and that the people no less for that, did also elect the judges, is as certain.

Deut. 17. 15.

When the children of *Ammon* made war against *Israel*, *Israel* assembl'd themselves together,

Judg. 10. 17.

and incamp'd in Mizpeh, whence the elders of Gilead went to fetch Jephthah out of the land of Tob.—Then Jephthah went with the

Judg. 11. 5. 11.

elders of Gilead, and the people made him head and captain over them:

and Jephthah utter'd all his words before the Lord in Mizpeh. But that Solomon was elected by the lot, I do not affirm; it being most probable, that it was by suffrage only, David proposing, and the people resolving. Nor whether Jephthah was elected by suffrage, or by the ballot, is it material; however, that the ordinary magistrats were elected by the ballot, I little doubt.

The ordinary magistrats of this commonwealth (as shall hereafter be more fully open'd) were the sanhedrim, or the seventy elders; and the inferior courts or judges, in the gates of the citys. For the institution and election of these, Moses propos'd to the people, or the congregation of the Lord, in this manner:

Sect. 9. Election of senators, and judges of inferior courts.

Take you wise men, and understanding, and known among your tribes (? ἀταρήσω) and I will make (or constitute) them rulers

Deut. 1. 13.

over you. Where, by the way, lest Moses in these words be thought to assume power, Solon, says Aristotle (δημοκρατίαν ἀταρήσαι) made, or constituted the popular government of *Athens*. In which he implies, not that Solon was a king, or had sovereign power, but that he was a lawgiver, and had authority to propose to the people. Nor is there more in the words of Moses; upon whose proposition, say *Jewish* writers, each of the twelve tribes, by free suffrages, elected six competitors, and wrote their names in scrolls, which they deliver'd to Moses. Moses having thus presented to him by the twelve tribes seventy and two competitors for seventy magistracies, had by consequence two more competitors, than were capable of the preferment to which they were elected by the people: wherefore Moses took two urns, into the one he cast the seventy-two names presented by the people; into the other, seventy-two lots, wherof two were blanks, the rest inscrib'd with the word *elder*. This don, he call'd the

competitors to the urn, where the seventy, to whose names came forth the prizes, went up to the tabernacle, the session-house being there provided: and the two that drew the blanks, namely Eldad and Medad, tho of them that were elected and written by the tribes, *went not up to the tabernacle, but remain'd in the camp*, as not having attain'd to magistracy. Thus, if this place in Scripture can admit of no other interpretation, so much as I have cited out of the *Talmud* (tho otherwise, for the most part, but a fabulous and indigested heap) must needs be good and valid. In this manner, one or more senators happening to dy, it was easy for each tribe, chusing one or more competitors accordingly out of themselves, to decide at the urn which competitors so chosen, should be the magistrat, without partiality, or cause of feud; which, if a man considers this constitution, was not perhaps so readily to be don otherwise. The like, no doubt, was done for the inferior courts, except that such elections (the commonwealth being once settl'd) were more particular, and perform'd by that tribe only in whose gates that court was sitting.

See Num. 11. 26.

The 1st institution of these courts came to pass in the manner following: before the people were under orders, the whole judicature lay upon the shoulders of Moses, who being overburden'd, was advised by Jethro. *And Moses hearken'd to the voice of his father in-law—and chose* (after the manner shewn) *able men out of all Israel,*

Sect. 10. The story of the sanhedrim, and of the inferior courts, as to their first institution.

and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fiftys, and rulers of tens. The number of which rulers, compar'd with the number of the people, as in the muster roll at *Sinai*, must in all have amounted to about six thousand. These thus instituted, while *Israel* was an army, came to be the same when the army was a commonwealth:

Exod. 18. 24, 25.

wherof it is said, *Judges and officers shalt thou make thee in all thy gates which the Lord thy God gives thee, throout thy tribes; and they shall judg the people with just judgment.* Each of these courts, by the practice of the *Jewish* commonwealth, consisted of twenty-three elders. But Jethro, in his advice to Moses, adds concerning these judicatorys, this caution:

Deut. 16. 18.

Let them judg the people at all seasons; and it shall be, that every great matter they shall bring to thee, but every small matter they shall judg: so shall it be easier for thy self, and they shall bear the burden with thee. Which nevertheless follow'd not according to Jethro's promise, the appeals being such to Moses that he gos with this complaint to God:

Exod. 18. 22.

I am not able to bear all this people alone, because it is too heavy for me. Wherupon the Lord said to Moses, *Gather to me seventy men, of the elders of Israel, whom thou knowest to be elders of the people, and officers over them; and bring them to the tabernacle of the congregation, that they may stand with thee—*(but crowns will have no rivals) *and they shall bear the burden of the people with thee, that thou bear it not alone.*

Num. 11, 14, 16.

But a monarch is one that must be alone. *And Moses went out, and told the people the words of the Lord* (which a monarch needed not to have don) *and gather'd the seventy men of the elders of the people;* the manner wherof is already shewn. Jethro, being a Heathen, informs Moses of the orders of his own commonwealth, which also was *Heathenish*. Yet in Scripture is both Jethro

Ver. 24.

join'd with Moses, and the commonwealth of *Midian* with the commonwealth of *Israel*. How then coms it to be irreverend, or atheistical, as som say, in politicians (and while political discourses cannot otherwise be manag'd) to compare, tho but by way of illustration, other legislators, or politicians, as *Lycurgus*, *Solon*, with *Moses*; or other commonwealths, as *Rome*, and *Venice*, with that of *Israel*? but the authors of such objections had better have minded, that the burden wherof *Moses* here complain'd, could in no manner be that of ordinary judicature, of which he was eas'd before by the advice of *Jethro*; and therefore must have bin that of appeals only: so either the sanhedrim bore no burden at all with *Moses*, or they bore that of appeals with him. And if so, how say they that there lay an appeal from the seventy elders to *Moses*?

But I said the lot was of use also toward the discovery of conceal'd malefactors. Of this we have an example in the detection of *Achan*. The words of the law, wherby the fact of *Achan* was criminal, are these: *If thou shalt bear say in one of thy citys, which the Lord thy God has given thee to dwell therein, saying, Certain men, the children of Belial, are gone out from among you, and have withdrawn the inhabitants of their city, saying, Let us go and serve other Gods, which you have not known: then shalt thou inquire, and make search, and ask diligently; and behold, if it be truth, and the thing certain, that such abomination is wrought among you, thou shalt surely smile the inhabitants of that city with the edge of the sword, destroying it utterly, and all that is therein, and the cattel therof with the edge of the sword. And thou shalt gather all the spoil of it into the midst of the street therof, and shalt burn with fire the city, and all the spoil therof, every whit, for the Lord thy God: and it shall be a heap for ever, it shall not be built again, and there shall cleave nought of the accurs'd thing to thy hand.* Among the citys that were given by God to *Israel*, was *Jericho*. Now tho against this city, before it was taken, *Joshua* had solemnly and publicly denounc'd the *anathema*, or curses contain'd in the foregoing law; and after the taking of it, had, in all appearance, executed upon it the whole of the *anathema* so pronounc'd:

Sect. 11. Lot, order, or inquisition by lot.

Deut. 13, 12, &c.

yet thro subsequent losses before the city of *Ai*, being sore afflicted, he enter'd into suspicion, that there might have bin some failure in the performance of the law.

Josh. 6. 17.

Wherupon he *rent his clothes, and fell to the earth upon his face before the ark of the Lord, till the eventide, he and the elders* (or sanhedrim of *Israel*) *and put dust on their heads*. The sanhedrim, in difficult cases of the law, inquir'd of God by *Urim*; and the sanhedrim, or the people, in cases of high concernment to the state, as in the war against *Benjamin*, inquir'd of the ark. When God was inquir'd of by *Urim*, he gave his oracle by the shining of certain stones or jewels in the breastplate of the high priest. When he was inquir'd of by the ark, he gave his oracle vocally from the mercy seat, which was plac'd upon the ark of the covenant. Whence he who sat between the cherubims thus answer'd *Joshua*:

Josh. 7. 6.

Get thee up; wherefore liest thou thus upon thy face? Israel has finn'd—they have even taken of the accurs'd thing.

Josh. 7. 10.

Joshua thus inform'd of the crime, but not so particularly of the malefactor as to know where to charge it, calls the whole people to the urns; in one of which it may be thought that there were eleven white stones, or

Josh. 7. 17.

lots, with one black one; and in the other the twelve names of the tribes. So *Israel* coming first by tribes to the urns, the *tribe of Judah* was taken; that is, this tribe lighting upon the black lot, was denoted for the guilty tribe: which consisting (as appear'd by the catalog) of five families, wherof the *Zarhiths* were one, came next by families to the urn; wherin there might be four white lots, and one black one, by which the *Zarhiths* were taken. In like manner came the family of the *Zarhiths* by households, and the household of Zabdi was taken: last of all came the household of Zabdi man by man, and Achan was taken. This kind of inquisition was perform'd with such religion and solemnity, that a man thus taken, if he had any guilt, could have no face to conceal it; or, if there were any witnesses of his crime, they could not any longer dissemble it: and whether he were convicted by testimony, or by his own confession (as now Achan) he was put to death.

The like proceeding, in part, is imply'd to have bin in the case of Jonathan; tho in this, by agreement therupon between Saul and the people, it should seem as if but two lots were put into the urn, wherof Saul and Jonathan, on the one part, drew the black: or the prince of the tribe of Judah drawing for the whole people, on the other part, drew the white one; and that the same being put into the urn again, to decide it between Saul and Jonathan, Jonathan drew the black: wherupon, he being question'd, confess'd the fact; and, but that the people rescu'd him from Saul, had bin put to death.

1 Sam. 14.

To conclude with the use of the lot, in the division of the land of *Canaan*. This (as implying the foundation or balance of the government) ought to have bin the first in order, but happens here to com last; because these orders were instituted in the wilderness, and so before the people had any lands to divide. Nevertheless, this also was propos'd by Moses, and resolv'd by the people:

Sect. 12. Distribution of lands, and Agrarian laws in Israel.

by lot was their inheritance, as the Lord commanded Moses; and now coms (as it was, or should have bin put in execution by Joshua) to be consider'd.

Josh. 14. 2.

It may be true, that the *Roman* people were the wisest that have bin; and it is true, that they only of a people, did labor to introduce *Agrarian* laws, tho without effect; otherwise, levelling was never introduc'd, but by the wisdom and providence of som great man, as a Moses, a Joshua, or a Lycurgus; or by som accident, or accidents, bringing a nobility to ruin, as the laws of Henry VII. and the ways of Henry VIII. in *England*.

Between the muster roll in *Sinai*, wherby the men of military age, as was shewn, amounted to six hundred and three thousand five hundred and fifty,

Num. 1. 46.

in the twelve tribes, and the law for the division of the land of *Canaan*, there happen'd a plague, by which the number of the people, upon a new poll, came but to six hundred and one thousand seven hundred and thirty. Upon this poll was the law made which runs thus:

Num. 26. 51.

To these the land shall be divided for an inheritance, according to the number of names. To many thou shalt give the more inheritance, and to fewer thou shalt give the less inheritance: to every one shall his

V. 53, 54, 55, 56.

inheritance be given, according to those that were number'd of him. Notwithstanding, the land shall be divided by lot: according to the names of the tribes of their fathers, they shall inherit; according to the lot shall the possession thereof be divided to many and few. This law, in another place, is repeated thus:

You shall divide the land by lot, for an inheritance among your familys; and to many ye shall give the more inheritance, and to the fewer ye shall give the less inheritance: every man's inheritance shall be in the place where his lot falls, according to the tribes of your fathers ye shall inherit.

Num. 33. 54.

In the making of these lots consideration was as well had of the goodness of the land, as of the measure. Now supposing this law to have bin in the whole and methodically executed, the *Canaanits* must first have bin totally rooted out of the land of *Canaan*; which land, in that case (as som affirm) would have afforded to this commonwealth a root or balance, consisting of *three millions of acres*.

These, reckoning the whole people in the twelve tribes, at six hundred and two thousand (which is more than upon the latter poll they came to) would have afforded to every man four acres;

Hecateus apud
Joseph. cont. Ap.

to every one of the patriarehs (upon the poll of the foregoing catalog, where they are sixty) four thousand acres; to every one of the princes of the tribes fourteen thousand acres; to the *Levitical* citys (being forty-eight, each with its suburbs, of four thousand cubits diameter) one hundred thousand acres; and yet for extraordinary donations, as to Joshua and Caleb (of which kind there were but few) som eighty thousand acres might remain. Now it is true, four acres to a man may seem but a small lot; yet the *Roman* people, under *Romulus*, and long after, had but two. And it may very well be, that one acre in *Canaan* was worth two in *Italy*, especially about *Rome*; and four in *England*, tho of the best sort: and if so it were that four acres in *Palestin* were worth sixteen of our best, such a lot, at our account, might be worth about thirty or forty pounds a year; which, for a popular share, holding that rate thro the whole body of a people, was a large proportion. By this estimat, or what possibly could be allow'd to the princes of the tribes and of the familys, their share came not to a sixth of the whole: so the rest remaining to the people, the balance of this government must have bin purely popular. It is true, that in the whole this law of Moses for the division of the land was never executed: but that in the parts som such course was taken, is plain; for example, in the division to seven tribes, where Joshua proposes to the people in this manner:

Give out from among you three men for each tribe—and they shall go thro the land and describe it. The people having

Josh. 18. 4.

resolv'd accordingly, these went, and pass'd thro the land, and describ'd it by citys into seven parts in a book, and came again to Joshua to the host at Shiloh. And Joshua cast lots for them in Shiloh, before the Lord: and there Joshua divided the land to the children of Israel according to their divisions. It were absurd to think that this lot determin'd of proportions; for so a mean man might have com to be richer than the prince of his tribe: but the proportions allotted to tribes being stated, tho at first but by guess, and entred into the lot book of the surveyors (who, says Josephus, were most expert in geometry) the princes came first to the urns, wherof the one contain'd the names of the tribes that were to draw, the other the names of those parcels of land that were to be drawn, first to a whole tribe. Thus the name of a tribe, for example Benjamin, being drawn out of one urn, to that name a parcel was drawn out of the

other urn; for example, the country lying between *Jericho* and *Bethaven*. This being don, and the prince of the tribe having chosen in what one place he would take his stated and agreed proportion, whether of fourteen thousand acres, or the like, the rest of the country was subdivided in the lot book, according to the number of familys in the tribe of this prince; and the parcels subdivided being cast into the one urn, the names of the patriarchs into the other, the same tribe came again by familys. Thus every patriarch making choice in what one part of this lot he would take his agreed proportion, whether of four thousand acres, or the like, the remainder was again subdivided in the lot book, according to the number of names in his family: if they were more than the parcel would furnish at four acres a man, then was that defect amended by addition out of the next parcel; and if they were fewer, then the overplus was cast into the next parcel. By such means the people came, or might have com in the whole, and in every part, to the lot of their inheritance; while every tribe that was thus planted, became local without removal.

Neither shall the inheritance remove from one tribe to another tribe; but every one of the tribes of the children of Israel shall keep himself to his own inheritance.

Numb. 36. 3.

The tribes thus planted, or to have bin planted, were twelve. The thirteenth, or that of Levi, came in the like manner to the lot, for their forty-eight citys with their suburbs, and receiv'd them accordingly; *as the lot came forth for the familys of the Kohathits*, and the rest.

Sect. 13. The portion of Levi.

These Israel *gave to the Levits out of their inheritance*: that is, these were such as the twelve tribes,

Josh. 21. 4, 5, 6.

before the division, set apart for the *Levits*, with the tithes, and the offerings;

Numb. 18. 20.

which, tho this tribe had no other lands, made their portion by far the best. The tribes being henceforth reckon'd by their locality, and these forty-eight citys being scatter'd throout the twelve tribes, that of Levi was no more computed as a distinct tribe, but lost as it were the name, yet with advantage:

Deut. 10. 9.

for to their promiscuous abode they had the right of promiscuous marriage; no more in this point being injoin'd any of them, than

Deut. 18. 1.

to take maidens of the seed of Israel, or at least *the widows of priests*. And as in the tribes where they dwelt they had promiscuous marriage, so had they right of promiscuous election; that is, of electing, and being elected, into all the magistracys and offices of the commonwealth: which they so frequently enjoy'd, that the sanhedrim is somtimes understood by their names.

Ezek. 44. 22.

If there arises a matter too hard for thee in judgment, thou shalt com to the priests the Levits. Between the law, and the religion

Deut. 17. 8.

of this government, there was no difference; whence all ecclesiastical persons were also political persons, of which the *Levits* were an intire tribe, set more peculiarly apart to God (the king of this commonwealth) from all other cares, except that only of his government. Thus Moses did that with the safety of liberty in *Israel*, which Lycurgus could not do in *Lacedemon*, but by condemning the *Helots* to perpetual slavery: for wheras without these to be tillers of the ground, the citizens of *Lacedemon* could not be at leisure for the commonwealth; the children of *Israel* might imploy themselves in their domestic affairs, as they requir'd, with safety: while the

Levites bore the burden of the government; or, in case either their private affairs permitted, or their ambition prompted, were equally capable of magistracy.

Of the *Levitical* cities, three beyond, and three on this side *Jordan*, were *cities of refuge*. If a man was slain, the next of kindred, by the laws of *Israel*, was the avenger of blood; and to the avenger of blood it was lawful to slay him that slew his kinsman, wherever he could find him, except only in a city of refuge. For this cause, if a man had slain another, he fled immediately to one of these sanctuaries; whence nevertheless, the judges in the gates, within whose proper verge the crime was committed, caused the malefactor to be brought before them by a guard, and judged between the slayer and the avenger of blood. If that which we call murder, or manslaughter, was proved against him by two witnesses, he was put to death: but if it was found, as we say, chancedly, he was remanded with a guard to the city of refuge; whence if, before the death of the high priest, he was found wandering, it was lawful, not only for the avenger of blood, but for any man else to slay him. The high priest being dead, he returned, not home only, but to his inheritance also, with liberty and safety. If a priest had slain a man, his refuge was the sanctuary: whence nevertheless he was taken by the sanhedrim; and, if upon trial he was found guilty of wilful murder, put to death.

Sect. 14. Cities of refuge.

Numb. 35.

If a man comes presumptuously upon his neighbour to slay him with guile, thou shalt take him from my altar, that he may die.

Exod. 21. 14.

Inheritances, being thus introduced by the lot, were immovably intailed on the proprietors and their heirs for ever, by the institution of the jubile, or the return of lands, however sold or engaged, once in fifty years to the ancient proprietor, or his lawful heir. Yet remained there two ways whereby lots might be accumulated; the one by casual inheritance, the other by marriage with an heiress; as in the case of Zelophehad, or of his daughters.

Sect. 15. The jubile.

Now to bring the whole result of these historical parts, thus proved, to the true political method or form, the commonwealth instituted by Moses was according to this model.

Numb. 36.

Sect. 16.

THE whole people of *Israel* (thru a popular distribution of the land of *Canaan* among themselves by lot, and the fixation of such a popular balance by their *agrarian* law, or jubile, intailing the inheritance of each proprietor upon his heirs for ever) was locally divided into twelve tribes.

The model of the commonwealth of Israel.

EVERY tribe had a double capacity, the one military, the other civil.

A TRIBE, in its military capacity, consisted of one staff or standard of the camp, under the leading of its distinct and hereditary prince, as commander in chief; and of its princes of families or chief fathers, as captains of thousands and captains of hundreds.

A TRIBE, in its political capacity, was next and immediately under the government of certain judicatorys, sitting in the gates of its citys; each of which consisted of twenty-three elders, elected for life, by free suffrage.

THE sovereign power, and common ligament of the twelve tribes, was the sanhedrim of Israel, and the ecclesia dei, or congregation of the Lord.

THE sanhedrim was a senat, consisting of seventy elders for life, so instituted by the free election of six competitors, in and by each tribe; every elder or senator of the sanhedrim being taken out of this number of competitors by the lot.

THE congregation of the Lord was a representative of the people of Israel, consisting of twenty-four thousand, for the term of one month; and perpetuated by the monthly election of two thousand deputys of the people in each tribe.

THE sanhedrim, upon a law made, was a standing judicatory of appeal from the courts in the gates, throout the tribes; and upon a law to be made, whatever was propos'd by the sanhedrim, and resolv'd in the affirmative by the congregation of the Lord, was an act of the parlament of Israel.

Of this frame, says Moses to the people (as well he might) *Behold, I have taught you statutes and judgments, even as the Lord my God commanded me, that ye should do so in the land whither you go to possess it. Keep therefore, and do them; for this is your wisdom and your understanding in the fight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people.* In another place, upon the people's observing this form, he pronounces all the choicest blessings; and in case of violation of the same, a long enumeration of most dreadful curses, among which he has this:

Deut. 4. 5. 6.

The Lord shall bring thee, and thy king which thou shalt set over thee, to a nation which neither thou nor thy fathers have known; and there shalt thou serve other Gods, wood and stone. In which words, first he charges the king upon the people as a creature of their own, and next opposes his form pointblank to monarchy; as is farther apparent in the whole antithesis running throout that chapter. To the neglect of these orders may be apply'd those words of David: *I have said that ye are gods—but ye shall dy like men, and fall like one of the princes.* But this government can with no countenance of reason, or testimony of story, give any man ground to argue from the frame thus instituted by Moses, that a commonwealth rightly order'd and establish'd may by any internal cause arising from such orders, be broken or dissolv'd; it being most apparent, that this was never establish'd in any such part as could possibly be holding. Moses dy'd in the wilderness: and tho Joshua, bringing the people into the promis'd land, did what he could, during his life, towards the establishment of the form design'd by Moses; yet the hands of the people, especially after the death of Joshua, grew slack, and they rooted not out the *Canaanits*, which they were so often commanded to do; and without which it was impossible their commonwealth should take any root. Nevertheless, settled as it could be, it was in som parts longer liv'd than any other government has yet bin; as having continu'd in som sort from Moses, to the

Deut. 28. 36.

dispersion of the *Jews* in the reign of the emperor Adrian; being about one thousand seven hundred years. But that it was never establish'd according to the necessity of the form, or the true intent of Moses, is that which must be made farther apparent throout the sequel of the present book; and first, in the state of the *Israelits* under their judges.

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CHAP. III.

Shewing The Anarchy, Or State Of The Israelits Under Their Judges.

THE frame of that which I take to have bin the ordinary congregation or representative of the people of *Israel*, is not perfectly shewn in Scripture, till the time of David; when, tho it has nothing in it of a monarchical institution, it is found intirely remaining, and perfectly describ'd in these words: *Now the children of Israel after their number, to wit, the chief fathers, and captains of thousands and hundreds, and their officers that serv'd the king in any matter of the courses, which came in, and went out month by month, throout all the months in the year;*

Sect. 1. A full description of the representative of the people of Israel.

of every course were twenty and four thousand men. The polls of the people, as they have bin hitherto shewn, were taken before their plantation in *Canaan*, where before they had kings, they had grown (according to the account of Paul) *four hundred and fifty years;*

1 Chr. 27.

during which time, that they were exceedingly increas'd, appears by the poll of military age taken by David, and amounting to one million three hundred thousand:

Acts 13. 20.

yet could this assembly of *the children of Israel after their number*, in one year, by monthly rotation, take in the whole body of them. How these, being a representative of the people, and thus changeable, could be otherwise collected than by the monthly election of two thousand in each tribe, is not imaginable. And that both a representative of the people they were, and thus changeable, is by the clear words of Scripture, and the nature of the business upon which occasion they are describ'd, undeniably evinc'd: for David proposing, and the people resolving, they make Solomon king, and Zadoc priest.

2 Sam. 24. 9.

This assembly (besides the military disciplin thereof, in which it differ'd little from the customs of such other commonwealths as have bin great and martial) had not only a civil, but a military office or function, as the standing guard or army of this country; which, tho small, and lying in the very teeth of its enemys, could thus, by taking in every man but for one month in a whole year, so equally distribute a burden, to have bin otherwise intolerable to all, that it might be born by a few, and scarce felt by any. This epitome of that body (already describ'd under the leading of the several princes of the tribes, with their staves, and standards of the camp) seems to have bin commanded by lieutenants of the princes, or tribuns of the respective tribes:

1 Chr. 29. 22.

for, *over the first course for the first month, was Jashobeam the son of Zabdiel* (of the children of Perez, or of the family of the *Pharzits*, in the catalog of Judah) *and of his course were four and twenty thousand.*

Ver. 2, 3.

In this case the princes did not lead in person, but resided in their tribes for the government of the same; whence, upon extraordinary occasions, they sent

extraordinary recruits: or in case of solemn war, or som weighty affair, as the trial of a tribe or the like, led up in person, with their staves and standards; an ordinance, whether we regard the military or civil use of it, never enough to be admir'd.

It is true, while, the whole people being an army, Moses could propose to them in body, or under their staves and standards of the camp; as he needed not, so he us'd not any representative.

Chap. III.

But when Joshua *had let the people go, and the children of Israel went every man to his inheritance, to possess the land;* how was it possible they should possess any thing (*while the five lords of the Philistins, and all the Canaanits and the Sidonians, and the Hivits, remain'd yet among them unconquer'd*) without the wing of som such guard or army as this, under which to shelter themselves?

Sect. 2. That this representative was us'd in the time of the judges.

How was it equal, or possible, that a few of the people upon the guard of the whole should be without relief, or sustain all the burden? Or how could every man be said to go *to his inheritance to possess it*, unless they persorm'd this or the like duty, by turns or courses? These things consider'd, there is little doubt but this congregation was, according to the institution of Moses, put in practice by Joshua.

Judg. 2. 6.

Judg. 3. 3.

Thus stood both the sanhedrim and the congregation, with the inferior courts, and all the superstructures of the *Mosaical* commonwealth, during the life of Joshua, and the elders of the sanhedrim that outliv'd him; but without any sufficient root for the possible support of it (the *Canaanits* not being destroy'd) or with such roots only as were full of worms.

Sect. 3. The dissolution of the Mosaical commonwealth.

Wherefore, tho *the people serv'd the Lord all the days of Joshua, and all the days of the elders that outliv'd Joshua*; yet after the death of these, they *did evil in the sight of the Lord*.

Judg. 2. 7, 11.

And an angel (a messenger or prophet) *of the Lord came up from Gilgal to Bochim,*

Judg. 2. 1, 2.

and said, I made you go up out of the land of Egypt, and have brought you into the land which I swore to your fathers; and I said, I will never break my covenant with you: and ye shall make no league with the inhabitants of this land, ye shall throw down their altars: but ye have not obey'd my voice: Why have you don this?

Deut. 7. 2. ch. 12. 2.

Wherefore I also said, I will not drive them out from before you: but they shall be as thorns in your sides, and their gods shall be a snare to you. Upon the several contents of which places, says

Josh. 23. 3.

Josephus, *The Israelits* (after the death of Joshua, and the elders that outliv'd him) *neglecting their arms, betook themselves to tillage; and effeminated with peace, gave their minds rather to what was easy and pleasing, than what was secure or honourable:*

Exod. 23. 33. ch. 34. 12.

forgetful of the laws of God, and of their disciplin. Whereupon God being mov'd to anger, admonish'd them by a prophet, that in sparing the Canaanits, they had disobey'd him; and that in case they persisted, for his mercys neglected they should tast of his justice. But they, tho terrify'd with the oracle, were altogether averse to the

Antiq. 1. 5. c. 2.

war; both because they were brib'd by the Canaanits, and thro luxury were becom unapt for labor: the form of their commonwealth being now deprav'd, and the aristocratical part therof invalid; while neither the senat was elected, nor the solemn magistrats created as formerly. In which words, the not electing of the senat as formerly, being laid as a crime by Josephus to the people; he is first clear enough, for his part, that the senat was formerly elected by the people, and ought to have bin so still: and secondly, that henceforth the election of the senat, or sanhedrim, was neglected by the people. So this commonwealth, which, thro the not rooting out of the *Canaanits*, had never any foundation, came now to fail also in her superstructures; for proof wherof, the testimony of Scripture is no less pregnant in divers places.

As where Judah said to Simeon his brother, *Com up with me into my lot, that we may fight against the Canaanits, and I likewise will go with thee into thy lot: so Simeon went with him.* In which words you have a league made by two tribes, and a war manag'd by them, while other tribes, that is, Ephraim, Manasseh, with the rest, sat still: whereas, if there had bin now any common ligament, as while the sanhedrim was in being, such leaguings, and such warring by particular tribes at their own discretion, could not have bin.

Judg. 1. 3. 27, 29, &c.

Again, whereas to judg a tribe pertain'd to the sanhedrim; in the judgment given against Benjamin, by the congregation of four hundred thousand, there is no mention of the sanhedrim at all.

Judg. 20.

Now government is of such a nature, that where there is no senat, there must be som king, or somewhat like a king, and such was the judg of *Israel*; yet is not their reckoning valid, who from hence compute the monarchy of the *Hebrews*. First, because Paul distinguishes between the kings and the judges.

Sect. 4. No king, som senat; no senat, som king.

Secondly, because Gideon, when he was a judg, in refusing to be a king, dos the like.

Calav. ap.

Thirdly, because the judges in *Israel* (as dictators in other commonwealths) were not of constant election, but upon emergencies only.

Liv. Acts 13.

Fourthly, because complaint being made to the men of Judah of their judg Samson, they deliver'd him to the *Philistins* bound; no less than did the *Romans* their consuls to the *Samnits*. And

Judg. 7. 23.

lastly, because Samuel, distinguishing to perfection between dictatorian and royal power, or between the magistracy of the judg and of the king, shews plainly (in that he *hearken'd to the voice of the people*) that the one being without any balance at all, was at the discretion of the people; and that the other (not to be founded but upon property in himself, to which end he must *take the best of their fields, and give them to his servants*) could no otherwise subsist than by having the people at the discretion of the king. This difference (being no small one) excepted, the office of the king and of the judg was much the same; each consisting in judging the people, and going forth with their armys.

Judg. 15. 13.

But whatever be the difference between these magistracys, the state of the *Israelitish* commonwealth under the judges was both void of natural superstructures, and of the necessary foundation; so the *Israelits*, when they were weak, serv'd the *Philistins*, as is imply'd in the

Sect. 5. Besognia vezzaro spegnere.

speech of the men of Judah to their judg: *Knowest thou not that the Philistins are rulers over us?—And it came to pass when Israel was strong, that they put the Canaanits to tribute, and did not utterly drive them out.*

Which, as it was contrary to the command of God, so was it pointblank against all prudence; for thus neither made they to themselves friends, nor did they ruin their enemys:

Judg. 15. 11.

which proceeding, as it far'd with this commonwealth, and was observ'd by Herennius in that of the *Samnits*, is the certain perdition of a people.

Livy.

Of the disorder of this people upon the dissolution of the Mosaical commonwealth, it is often said that *there was no king in Israel: every man did that which was right in his own eys*. That is, at the times related to by these expressions, there was neither sanhedrim, nor judg, in *Israel*:

Sect. 6. The anarchy of Israel.

so every man, or at least every tribe, govern'd it self as it pleas'd.

Judg. 17. 6. 18. 1. 19. 1. 21. 25.

Which, nevertheless, is not so generally to be understood, but that the tribes (without either judg or sanhedrim) marching up with their standards and staves of the camp,

not only assembl'd the congregation in the usual place at *Mizpeh*, but there condemn'd Benjamin for the rape of the *Levit's* concubine; and marching thence to put their decree in execution, reduc'd that obstinat tribe, or rather destroy'd it by a civil war.

Judg. 20.

When in this, and divers other ways, they had pamper'd their enemys, and exhausted themselves, they grew (as well they might) out of love with their policy; especially when after impious expostulation (*Wherefore has the Lord smitten us this day before the Philistins?*) they had,

Sect. 7. The rise of the Hebrew monarchy.

as it were, stak'd their God (*let us fetch the ark—that it may save us*) and the ark being taken by the enemy,

1 Sam. 4. 3.

they fell to idolatry. To this it happen'd, that tho upon repentance success was better,

1 Sam. 7. 3.

God having miraculously discomfited the *Philistins* before them; yet Samuel their judg was old, and had made his two sons (being *takers of bribes, and perverters of justice*) judges over *Israel*. Whereupon, there was no gainsaying, but a king they must and would have.

Chap. IV.

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CHAP. IV.

Shewing The State Of The Israelits Under Their Kings, To The Captivity.

FOR method in this part, I shall first observe the balance or foundation, then the superstructures of the *Hebrew* monarchys; and last of all, the story of the *Hebrew* kings.

Sect. 1. The method of this part.

The balance necessary to kingly government, even where it is regulated or not absolute, is thus describ'd by Samuel: *This will be the manner of the king that shall reign over you: he will take your fields, your vineyards, and your oliveyards, even the best of them, and give them to his servants.*

Sect. 2. The balance of this monarchy.

That is, there being no provision of this kind for a king, and it being of natural necessity that a king must have such an aristocracy or nobility as may be able to support the monarchy (which otherwise, to a people having equal shares in property, is altogether incompatible) it follows that he must take your fields, and give them to his servants or creatures.

1 Sam. 8. 11, 14.

This notwithstanding could not Saul do, in whose time the monarchy attain'd not to any balance, but was soon torn from him like the lap of a garment. The prince who gave that balance to this monarchy, which it had, was David:

for besides his other conquests, by which he brought the *Moabits*, the *Syrians* of *Damascus*, the *Ammonits*, the *Amalekites*, the *Edomits*, to his obedience, and extended his border to the river *Euphrates*;

2 Sam. 8. 1 [Editor: illegible character]

he smote the Philistins, and subdu'd them, and took Gath and her towns, out of the hand of the Philistins. Now this country which

1 Chron. 11

David thus took, was part of the land given to the people of God, and which was by the law of Moses to have bin divided by lot to them. Wherefore if this division follow'd not, but David having taken this country, did hold it in his particular dominion or property; then tho he took not from the people any thing wherof they were in actual possession, yet, as to their legal right, took he from them (as Samuel had forewarn'd) *their fields, their vineyards, and their oliveyards, even the best of them, and gave them to his servants*, or to a nobility, which by this means he introduc'd.

The first order of the nobility thus instituted, were, as they are term'd by our translators, David's worthys: to these may be added, the great officers of his realm and court, with such as sprang out of both.

2 Sam. 23.

But however, these things by advantage of foren conquest might be order'd by David, or continu'd for the time of his next

1 Chron. 11.

successor: certain it is, that the balance of monarchy in so small a country must be altogether insufficient to it self, or destructive to the people.

The commonwealth of *Lacedemon*, being founded by Lyncurgus upon the like lots with these design'd by Moses, came, after the spoil of *Athens*, to be destroy'd by purchasers, and brought into one hundred hands; wherupon, the people being rooted out, there remain'd no more to the two kings, who were wont to go out with great armys, than one hundred lords: nor any way, if they were invaded, to defend themselves, but by mercenarys, or making war upon the penny; which, at the farthest it would go (not computing the difference in disciplin) reach'd not, in one third, those forces which the popular balance could at any time have afforded without mony.

Sect. 3. A parallel of the monarchical balances in Israel and in Lacedemon.

This som of those kings perceiving, were of all others the most earnest to return to the popular balance. What disorders, in a country no bigger than was theirs, or this of the *Israelits*, must, in case the like course be not taken, of necessity follow, may be at large persu'd in the story of *Lacedemon*; and shall be fully shewn, when I com to the story of the present kings.

Plutarch in Agis and Cleomenes.

For the superstructures of David's government, it has bin shewn at large what the congregation of *Israel* was; and that without the congregation of *Israel*, and their result, there was not any law made by David. The like in the whole, or for the most part, was observ'd till Rehoboam, who, refusing to redress the grievances of the people, was depos'd by one part of this congregation or parlament, and set up by another; and to the confusion both of parlament and people. And David (as after him Jehoshaphat) did restore the sanhedrim; I will not affirm, by popular election, after the antient manner. He might do it perhaps, as he made Joab over the host, Jehoshaphat recorder, and Seraiah scribe. Certain it is, the *Jewish* writers hold unanimously, that the seventy elders were in David's time, and by a good token; for they say, to him only of all the kings it was lawful, or permitted, to enter into the sanhedrim:

Sect. 4. The superstructures of the Hebrew monarchy.

1 Sam. 8. 15.

which I the rather credit, for the words of David, where he says, *I will praise the Lord with my whole heart in the council, and in the congregation of the upright*; which words relate to the senat, and the congregation of *Israel*. The final cause of the popular congregation, in a commonwealth, is to give such a balance by their result, as may, and must keep the senat from that faction and corruption, wherof it is not otherwise curable, or to set it upright. Yet our translation gives the words cited, in this manner: *I will praise the Lord with my whole heart in the assembly of the upright, and in the congregation*. There are other allusions in the *English* psalms, of the like nature, shaded in like manner:

Psal. 111. 1.

as, *God is present in the congregation of God* (that is, in the representative of the people of *Israel*) *he judges among the gods*, that is, among the seventy elders, or in the sanhedrim. What the orders of the *Israelitish* monarchy in the time of David were, tho our translators throout the Bible have don what they could against popular government, is clear enough in many such places.

Psal. 82. 1.

To conclude this chapter with the story of the *Hebrew* kings: Till Rehoboam, and the division (thro the cause mention'd) of the

Sect. 5. The story of the Hebrew kings.

congregation in his time, the monarchy of the *Hebrews* was one, but came thenceforth to be torn in two: that of *Judah*, consisting of two tribes, *Judah* and *Benjamin*; and that of *Israel*, consisting of the other ten. From which time this people, thus divided, had little or no rest from the flame of that civil war, which, once kindl'd between the two realms or factions, could never be extinguish'd but in the destruction of both. Nor was civil war of so new a date among them; Saul, whose whole reign was impotent and perverse, being conquer'd by David; and David invaded by his son Absalom so strongly, that he fled before him. Solomon, the next successor, happen'd to have a quiet reign, by settling himself upon his throne in the death of Adonijah his elder brother, and in the deposing of the high priest Abiathar; yet made he the yoke of the people grievous. After him, we have the war between Jeroboam and Rehoboam. Then, the conspiracy of Baasha against Nadab king of *Israel*, which ends in the destruction of Jeroboam's house, and the usurpation of his throne by Baasha, which Baasha happens to leave to his son Asa. Against Asa rises Zimri, captain of the chariots; kills him with all his kindred, reigns seven days; at the end wherof he burns himself for fear of Omri, who upon this occasion is made captain by one part of the people, as is also Tibni by another. The next prize is plaid between Omri and Tibni, and their factions; in which Tibni is slain. Upon this success, Omri outdoing all his predecessors in tyranny, leaves his throne and virtues to his son Ahab. Against Ahab drives Jehu furiously, destroys him and his family, gives the flesh of his queen Jezebel to the dogs, and receives a present from those of *Samaria*, even seventy heads of his master's sons in baskets. To Asa and Jehoshaphat, kings of *Judah*, belongs much reverence. But upon this throne sat Athaliah; who, to reign, murder'd all her grandchildren except one, which was Joash. Joash being hid by the high priest, at whose command Athaliah was som time after slain, ends his reign in being murder'd by his servants. To him succedes his son Amaziah, slain also by his servants. About the same time Zachariah king of *Israel* was smitten by Shallum, who reign'd in his stead: Shallum by Manahim, who reign'd in his stead: Pekaha the son of Manthim by Pekah one of his captains, who reign'd in his stead: Pekah by Hoshea. Hoshea having reign'd nine years, is carry'd by Salmanazzer king of *Assyria* with the ten tribes into captivity. Now might it be expected that the kingdom of *Judah* should injoy peace: a good king they had, which was Hezekiah; but to him succeded his son Manasseh, a shedder of innocent blood. To Manasseh succeded his son Ammon, slain by his servants. Josiah the next, being a good prince, is succeded by Jehoahaz, who being carry'd into *Egypt*, there dys a prisoner, while Jehoiakim his brother becoms Pharaoh's tributary. The last of these princes was Zedekiah, in whose reign was *Judah* led away captive by Nebuchadnezzar.

Thus came the whole enumeration of those dreadful curses denounc'd by Moses in this case, to be fulfill'd in this people; of whom it is also said, *I gave them a king in my anger, and took him away in my wrath.*

Deut. 28.

Hos. 13. 11.

To conclude this story with the resemblances or differences that are between monarchical and popular government: what parallel can there be beyond the storys wherby each of them are so largely describ'd in Scripture? true it is, that Ahimelec usurp'd the magistracy of judg in *Israel*, or made himself king by the men of *Sichem*; that the men of *Ephraim* fought against Jephtha, and that there was a civil war caus'd by *Benjamin*: yet, in a popular government, the very womb (as they will have it) of

tumult, tho never so well founded that it could be steady, or take any sufficient root, can I find no more of this kind.

But the tribuns of the people in *Rome*, or the *Romans* under the magistracy of their tribuns, throout the whole administration of that government, were never quiet; but at perpetual strife and enmity with the senat. It is very true; but first, this happen'd not from a cause natural to a popular government, but from a cause unnatural to popular government; yea, so unnatural to popular government, that the like has not bin found in any other commonwealth. Secondly, the cause is undeniably discover'd to have consisted in a faction introduc'd by the kings, and foster'd by the nobility, excluding the suffrage of the main body of the people thro an optimacy, or certain rank or number admitted not by the people or their election, but by the value of their estates, to the legislative power, as the commons of that nation. So the state of this people was as if they had two houses of lords, and no house of commons. Thirdly, this danger must have bin in any other nation, at least in ours, much harder to be incur'd, than authors hitherto have made it to be seen in this. And last of all, this enmity, or these factions, were without blood, which in monarchys they are not, as you saw well in those mention'd; and this nation in the barons wars, and in those of *York* and *Lancaster*, besides others, has felt. Or, if at length they came indeed to blood, this was not till the foundations were destroy'd, that is, till the balance of popular government in *Rome* was totally ruin'd; which is equally in cases of the like nature inavoidable, be the government of what kind soever, as of late years we have bin sufficiently inform'd by our own sad experience.

Sect. 6. A parallel of the tribunitian forms with those in the Hebrew monarchys.

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CHAP. V.

Shewing The State Of The Jews In The Captivity; And After Their Return Out Of It; With The Frame Of The Jewish Commonwealth.

WE left the children of *Israel* upon a sad march, even into captivity. What orders had bin antiently observ'd by them during the time they were in *Egypt* (one of which, as has bin already shewn, was their seventy elders) the same, so far as would be permitted by the princes whose servants they were, continu'd in practice with them during the time of their captivity, out of which the ten tribes never more return'd.

Sect. 1. The state of the Israelits in captivity.

The two tribes, *when seventy years were accomplish'd* from the time that they were carry'd away by Nebuchadnezzar, and *in the first year of Cyrus king of Persia*, return'd the best part of them, not only with the king's leave and liking, but with restitution of the plate and vessels belonging to the temple.

Jer. 25. 12.

2 Chr. 36. 22.

Ezra 1.

The first colony (as I may say) of the two tribes, or those that return'd under the conduct of Zorobabel prince of *Judah*, amounted to forty-two thousand three hundred and threescore, among which there were about one hundred patriarchs or princes of familys. To these, in the reign of Artaxerxes, came sixteen or twenty princes more with their familys; among whom the prophets Haggai, Zacharias, and Malachi were eminent.

Sect. 2. The balance of the commonwealth restor'd by Zorobabel.

Som of them *could not shew their fathers house and their seed, whether they were of Israel*. But these were few;

Ezra 2.

for it is said of them in general, That *they went every one to his own city*, or to the inheritance of his fathers:

Ezra 8.

in which you may note the restitution of the balance of the *Mosaical* commonwealth; tho to what this might com without

Ezra 2. 59.

fixation, the jubile being not after the captivity in use, I cannot say. However, for the present, plain it is that the antient superstructures did also insue: as in order to the putting away of the strange wives, which the people in captivity had taken, is apparent.

Their whole progress hitherto is according to the law of Moses; they return every man to his inheritance by direction of his pedigree, or according to the house of his fathers; they are led by princes of their familys, and are about to put away strange wives: for what reason then should a man believe that what follows should not be according to the orders of the same lawgiver? now that which follows,

Sect. 3. The superstructures of this commonwealth in the time of Ezra and Nehemiah.

in order to the putting away of these foren wives, is,
proclamation was made throout Judah and Jerusalem to all the children of the captivity, that they shouldgather themselves to Jerusalem; and that whosoever will not com within three days, according to the counsil of the princes and elders, all his substance should be forfeited, and himself separated from the congregation of those that had bin carry'd away.

Ezra 10. 8.

This plainly, by the penalty annex'd, is a law for banishment; of which kind there was none made by Moses; and a law made by the princes and the elders. What doubt then can remain, but these elders were the sanhedrim, or seventy elders? but wheras neither the sanhedrim, nor any other senat of it self has bin found to make laws, what others can these princes be that are join'd with the elders, than those spoken of before; that is, the princes of familys, or the chief fathers in the congregation of them that had bin carry'd away? so the princes and the elders in this place may be understood of the sanhedrim and the people:

Chap. V.

for thus David proposes to the congregation of the people of *Israel, or the chief fathers*, and must be understood of them;

1 Chr. 27. 1.

because there is no such thing throout the Scripture to be found, as a law made by the sanhedrim without the people: and if so, then that the sanhedrim with the people had power to make a law, is by this place of Scripture undeniably evinc'd.

But besides the chief fathers, which here are call'd *rulers of the congregation*, and in the time of David were call'd *captains of thousands and captains of hundreds*, mention is also made of the *elders of every city, and the judges therof*; in which words you have the judges in the gates throout the tribes of *Israel*, as they were instituted by Moses. All which particulars being rightly sum'd up, com to this total; that the commonwealth restor'd by Ezra, was the very same that originally was instituted by Moses.

Ezra 10. 14.

Such was the government restor'd by Zorobabel, Ezra, and Nehemiah. Now whether the *Jewish* or cabalistical commonwealth, father'd by the Presbyterian *Jews* of latter ages upon Moses or Ezra, be the same, shall be shewn by reducing the invention of these men to three heads: as first, their *cabala*; secondly, their *ordination*; and last of all, their great *synagog*.

Sect. 4. A transition to the cabalistical or Jewish commonwealth.

The *cabala*, call'd also by the *Jews* the oral law, consists of certain traditions by them pretended at the institution of the sanhedrim to have bin verbally deliver'd to the seventy elders by Moses for the government of the commonwealth. These were never written till after the dispersion of the *Jews* by the emperor Adrian; when, to save them from being lost, they were digested into those volums call'd the *Talmud*: which they hold to be, and indeed are, as to matter of fact, the authentic records of their government.

Sect. 5. The cabala.

Of the traditions thus recorded says one of the *rabbins* or *Jewish* doctors: *Think not that the written law* (or the law of Moses) *is fundamental,*

Rabbi corbulenus.

but that the oral or traditional law is fundamental, it being upon this that God enter'd into a league with the Israelits, as it is written after the tenor of these words,

Exod 34. 27.

I have made a covenant with thee, and with Israel. A man (says another) who returns from the study of the Talmud to the study of the Bible, can have no quiet conscience, neither was there any peace to him that went out or came in.

In codice juris
chagiga.

The like wherof is the Talmudical way of applying Scripture throout.

Zach. 8. 10.

And it was the common blessing the *Pharises* gave their children: *My son, hearken to the words of a scribe or doctor, rather than to the law of Moses.* To whom says Christ hereupon, *You have made the commandment of God of no effect by your tradition.*

Mat. 15. 6.

Now as true as the *Talmud*, or as this word of a scribe, or that Moses deliver'd the oral law to the seventy elders and to Joshua, so true it is that Moses ordain'd both the seventy elders and Joshua by the imposition of hands; and that this ordination by the imposition of hands, together with the oral law, came successively, and hand in hand from the seventy elders, and from Joshua downright to these doctors. This indeed is so generally affirm'd by their *Talmudists*, that there is no denying of it; but, that as to the seventy elders it is quite contrary to Scripture, has already bin made sufficiently apparent; for Joshua is acknowleg'd to have bin ordain'd by Moses with imposition of hands. But this argument (besides that the act of Moses was accompany'd with a miracle, and that it is absurd to think that a thing plainly miraculous should or can be receiv'd as an order in a commonwealth) will go no farther than that Joshua, upon this authority, might have elected his successor by imposition of hands. Let them shew us then that he did so, or indeed that he left any successor at all: for certainly if Joshua left no successor so ordain'd, or no successor at all (which is the truth of the case) then descended there upon them no such ordination from Joshua; and so by consequence none from Moses. Whence it follows, that the authority and vogue of ordination, by the imposition of hands among the *Jews*, procedes not from the law of Moses, but from the oral law; which how bad an authority soever it be to us of right, is of fact, or of what the exercise of ordination was among the *Jews*, a good and sufficient testimony. Now therby the condition of this ordination (tho in som times of the commonwealth it was less restrain'd) was such, that no man not having receiv'd the same from the great sanhedrim, or som one of the inferior courts by laying on of hands, by word of mouth, or by writing, could be a presbyter, or capable of any judicature or magistracy in the commonwealth, or to give council in the law, or any part of the law, or to be of the assembly of the great synagog.

Sect. 6. Ordination by
imposition of hands.

What the assembly of the princes and fathers was in the time of Ezra, has bin shewn, and is left to the judgment of others. But this is that which the *Talmudists* and their ancestors the cabalistical *Jews* (among which the *Pharises* were of the highest rank) unanimously affirm to have consisted of the seventy elders, and of a juncta of fifty presbyters not elected by the people; but by the laying on of hands by the sanhedrim, or by som other judicatory. This, they say, was the institution of their great *synagog*, where I leave them: but that, according to the sense wherin they cite their authoritys, the like with them was a constant practice, appears not only by their own testimony and records,

Sect. 7. The great
synagog.

but is plain in Scripture; as where Christ speaks of the *Jews* to his apostles in this manner:

They will scourge you in their synagoges: that is, the *Jews* having as yet no law made wherby they can invade the liberty of conscience, or bring you for the practice thereof to punishment, will call their great synagog, wherein the priests and the *Pharises*, or the sanhedrim, have at least seven to five the overbalancing vote over the rest. Which also are their creatures, and by these will easily carry, or make such laws wherby they may inflict upon you corporal punishment:

Grot. a[Editor:
illegible character]

Mat. 10. 17.

which interpretation of Christ's words, was fulfil'd even to a tittle, or rather with over measure. For upon this occasion the high priest, and *as many as were of the kindred of the high priest, were gather'd together at Jerusalem*. That this same juncta, to be in this case added to the sanhedrim, was to consist but of fifty, those fifty not elected by the people, but chosen by the elders of the sanhedrim; and not out of the body of the people, but out of such only as had receiv'd ordination by the sanhedrim, or by som other court, or indeed were actually judges in som other court, was not enough, unless they might consist also of *as many as were of the kindred of the high priest*.

Acts 4. 6.

Which rights and privileges being all observ'd, *The high priest came, and they that were with him, and call'd the sanbedrim, and all the presbytery of the children of Israel:* that is, so many of them, as being assembl'd in the great synagog, represented *all the presbytery of the children of Israel*, or all the children of *Israel* themselves. In this assembly you have the full description of the great synagog:

Acts 5. 21.

and *when* (in this synagog) *they had beaten* the apostles Peter and John, *they commanded them that they should not speak in the name of Jesus, and let them go*. Upon these proceedings there are considerations of great importance; as first, that the cabalistical doctors themselves did never so much as imagin that Moses had indu'd the sanhedrim alone, or separatly consider'd from the people, with any legislative power; nevertheless, that the sanhedrim came into the place, and succeeded to the whole power of Moses, they unanimously held: whence, even upon their principles, it must follow that in Moses, distinctly and separatly taken from the people, there could be no power of making any law. The second ching remarkable in this proceeding, is, that the most corrupt commonwealth, and in her most corrupt age, had not yet the face, without som blind, of pretending to legislative power in a single counsil. The last I shall observe, is, that no possible security is to be given to liberty of conscience, but in the security of civil liberty, and in that only not by laws which are otherwise as perishing as flowers or fruits, but in the roots or fundamental orders of the government. What even in these times must have follow'd, as to the liberty of conscience, had there bin an equal representative of the people, is apparent, in that the captain and the officers, imploy'd by this synagog to apprehend the apostles, *brought them without violence; for they fear'd the people, lest they should have bin ston'd*.

Acts 5. 40.

It is true, there is nothing with us more customary, even in the solemnest places, and upon the solemnest occasions, than to upbraid the people with giddiness from the *Hosanna* and the *crucifige* of the *Jews*. What may be charg'd upon a multitude not under orders, the fouler crime it be, is the fairer argument for such orders, as where they have bin once establish'd, the people

Acts 5. 26.

have not bin guilty of such crimes; at least, it should seem, that in this case there is great scarcity of witnesses against them, seeing the death of Socrates is more laid to one people, than that of all the martyrs to kings: yet were the false witnesses by whom Socrates suffer'd (and by the like wherto a man in the best government may chance to suffer) no sooner discover'd, than they were destroy'd by the people, who also erected a statue to Socrates.

And the people who, at the arraignment of Christ, cry'd, *Crucify him, crucify him*, were such as the chief priests mov'd or prompted, and such also as *fear'd the multitude*.

Mark 15. 11.

Now that the people which could be prompted by the chief priests, or the people which could fear the people, could be no

Mat. 21.

other than this pretended representative of the people, but indeed a juncta of cousins and retainers, is that which, for ought I know, may be possible; and the rather, for what happen'd before upon the law call'd among the *Jews*, *The law of the zealot*, which was instituted by Moses in these words:

If thy brother, the son of thy mother—intice thee, saying, Let us go and serve other Gods—thy hand shall be first upon him to put him to death—and afterwards the hand of all the people. By this law it is plain that, as

Deut. 13. 6.

to the true intent thereof, it relates to no other case than that only of idolatry. The execution of the same, according to the *Talmud*, might be perform'd by any number of the people, being not under ten, either apprehending the party in the fact, or upon the testimony of such witnesses as had so apprehended him: yet will it not be found to have bin executed by the people, but upon instigation of the priest, as where (they interpreting the law as they list) Stephen is ston'd. Now if the priests could have made the people do as much against Christ, what needed they have gon to Pilat for help? and if they could not, why should we think that the multitude which cry'd out *Crucify him, crucify him*, should be any other than the great synagog?

However, that it was an oligarchy, consisting of a senat and a presbytery, which not only scourg'd the apostles, but caus'd Christ to be crucify'd, is certain. And so much for the great synagog.

These parts being historically laid down and prov'd, it follows that the cabalistical or *Jewish* commonwealth was much after this model:

Sect. 8. The model of the Jewish commonwealth.

BE the capacity of bearing magistracy, or giving council upon the law, or any part of the law of this commonwealth, in no other than such only as are presbyters.

BE presbyters of two sorts: the one general, the other particular.

BE presbyters general ordain'd by the laying on of hands of the prince of the sanhedrim with the rest of the elders, or presbytery of the same, and by no other court without a licence from the prince of the sanhedrim; and be those ordain'd in this manner eligible by the major vote of the seventy elders into the sanhedrim, or into any other court by the major vote of the elders or presbytery of that court.

BE presbyters particular ordain'd by any court of justice; and be these capable of giving council in the law, or in som particular part of the law, according to the gift that is in them by the laying on of the hands of the presbytery.

BE all presbyters capable of nomination to the great synagog.

BE the sanhedrim in law made the supreme magistracy or judicatory; and with a juncta of fifty presbyters of their nomination, the great synagog.

BE the great synagog the legislative power in this commonwealth.

Such was the government, where the word of a scribe or doctor was avowedly held to be of more validity than the Scripture; and where the usual appellation of the people, by the doctors and *Pharises*, was (*populus terræ*) the rascally rabble.

Regis ad exemplum totus componitur orbis.

There were other synagogs for other uses, as those wherin the law was read every Sabbath-day; each of which also had her ruler and her presbytery, with power to ordain others to this capacity.

Sect. 9. Ordination in the lesser synagog.

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CHAP. VI.

Shewing How Ordination Was Brought Into The Christian Church, And The Divers Ways Of The Same That Were At Divers Times In Use With The Apostles.

WE do not find that Christ (who gave little countenance to the *Jewish* traditions) ordain'd his apostles or disciples by the imposition of hands: his apostles were twelve, whom he compares to the twelve princes of the tribes of *Israel*, and his disciples were seventy, in which number it is receiv'd by divines, that he alluded to the seventy elders or sanhedrim of *Israel*.

Sect. 1. The form introduc'd by Christ into his Church.

So thus far the government of the church, instituted by Christ, was according to the form instituted by Moses.

Matth. 19. 28.

But Christ in this form was king and priest, not after the institution of Moses, who separated the *Levites* to the priesthood: but as before Moses; when the royal and priestly function were not separated, and after the order and manner of Melchisedec, who came not to the priesthood by proving his pedigree, as the high priest in *Israel* by father, or as the king priest in *Athens* by mother, but without father and mother.

Chap. VI.

Or be what has bin said of Melchisedec approv'd or rejected, such for the rest, as has bin shewn, was the form introduc'd by Christ into his church.

Vid. Grotium, & videat Grotius, in epist. ad Hebræos.

Christ being taken up into heaven, his disciples or followers in *Jerusalem* increas'd to about one hundred and twenty names; and the apostles decreas'd by one, or by Judas, who *was gon to his place*. Peter, whether upon the counsil or determination of the eleven apostles (as is most probable) beforehand or otherwise,

Sect. 2. The first way of ordination.

stood up and spoke both to the apostles and disciples assembl'd upon this occasion, that *one* out of the present assembly might be *ordain'd* an apostle: *and they* (that is, the congregation, or why was this propos'd to them?) *appointed two* by suffrage; for how otherwise can an assembly appoint? these were Barnabas and Matthias, which names, being written in scrols, were cast into one urn; two lots, wherof one was a blank, and the other inscrib'd with the word *apostle*, being at the same time cast into another urn. Which don, they pray'd that God would shew which of the competitors by them so made, he had chosen: when they had thus pray'd, *they gave forth their lots*, that is, a scrol out of the one urn, and then a name to that scrol out of the other urn; and *the lot fell upon Matthias*, or Matthias was taken; wherupon Matthias was *number'd*, or rather decreed *with the eleven apostles*.

Acts 1.

For **psephisma*, being a word which properly derives from such stones or pebbles as popular assemblys of old were wont to ballot with or give suffrage by, not only signifys a decree, but especially such a decree as is made by a popular assembly. Now if this was ordination in the Christian church, and of apostolical right, then may there

be a way of ordination in the Christian church, and of apostolical right, exactly conformable to the ballot, or way us'd by Moses in the institution of the seventy elders or sanhedrim of *Israel*.

After the conversion of som thousands more, most, if not all, of which were *Jews*, a people tho converted, yet so tenacious of their laws and customs, that even circumcision (hitherto not forbidden by the apostles) was continu'd among them; *the twelve apostles call'd the multitude of disciples to them*.

Sect. 3. The second way of ordination.

So Moses, when he had any thing to propose, assembl'd the people of *Israel*.

Acts. 4. 4.

And when the twelve had thus call'd the disciples, *they said, Look ye out among you seven men of honest report, full of the Holy Ghost and wisdom, whom we may appoint over this business*. So Moses said to the congregation of *Israel*, *Take ye wise men, and understanding, and known among your tribes, and I will make them rulers over you*. And the saying of the apostles pleas'd the whole multitude. So the people of *Israel* were wont to answer to Moses, *The thing which thou sayst is good for us to do*. This saying of the apostles being thought good by the whole multitude, the whole multitude elected seven men *whom they set before the apostles: and when they had pray'd, they laid their hands on them*. To say in this place (as they do) that the act of the people was but a presentation, and that the apostles had power to admit or refuse the persons so presented, is as if one should say, that the act of electing parlament men by the people of *England*, was but a presentation, and that the king had power to admit or refuse the persons so presented. And seeing the *deacons* henceforth had charge of the word, to say, that by this choice the deacons receiv'd not the charge of the word, but the care to serve tables, is as if one should say, that parlament men by their election receiv'd only the care to levy mony or provision for the king's table; but if upon such election they debated also concerning laws, that power they receiv'd from the king only.

Acts 6.

But if this was a way of ordination in the Christian church, and of apostolical right, then there may be a way of ordination in the Christian church, and of apostolical right, consisting in part of the orders of the *Israelitish* commonwealth, and in part of the orders of the *Jewish* commonwealth.

Lastly, Paul writing to Timothy concerning his ordination, has in one place this expression, *Neglect not the gift that is in thee, which was given thee by prophesy, with the laying on of the hands of the presbytery*. So the presbytery of a *Jewish* synagog laid their hands on the party ordain'd.

Sect. 4. The third way of ordination.

And in another place he has this expression: *Stir up the gift of God which is in thee by the laying on of my hands*.

1 Tim. 4. 14.

So the ruler of a *Jewish* synagog did lay his hands also on the party ordain'd. Moreover, the apostle in these words, *The gift that is in thee by laying on of hands*, tho in relation to gifts beyond comparison more excellent, uses the phrase known upon the like occasion to have bin common with the *Jews*. Wherefore if this were a way of ordination in the Christian church, and of apostolical right, then may there be a way of ordination in the Christian church

2 Tim. 1. 6.

exactly conformable to the *Jewish* commonwealth, and be of apostolical right. Nor is it so strange that the apostles in matters of this nature should comply with the *Jews*, of which so many were converted, seeing it is certain that not only the apostles, but all such as in these times were converted, did observe the *Jewish* Sabbath; nay, and that Paul himself took Timothy and circumcised him, because of the *Jews*; that is, to comply with them, or to give them no offence. Nor do our divines any where pretend imposition of hands to be deriv'd from Christ, but unanimously confess, that it was taken up by the apostles from the *Jewish* sanhedrim.

Now in these several ways of ordination, there is a most remarkable providence of God. For whereas states and princes in receiving of religion are not at any point so jealous as of an incroachment upon their power; the first way of apostolical ordination destroys monarchical power: the last wholly excludes the power of the people; and the second has a mixture which may be receiv'd by a commonwealth, or by a monarchy. But where it is receiv'd by a commonwealth, the imposition of hands comes to little; and where it is receiv'd by a monarchy, the election of the people comes to nothing, as may be farther consider'd in the original and progress of the *Conge d' Elire*

Sect. 5. The providence of God in the different ways of apostolical ordination.

The ways of ordination or of church government lying thus in Scripture, the not receiving of the Christian religion is not that wherof any state or prince thro the whole world can be any ways excusable.

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The Conclusion:

Shewing That Neither God, Nor Christ, Or The Apostles, Ever Instituted Any Government Ecclesiastical Or Civil Upon Any Other Principles Than Those Only Of Human Prudence.

TO sum up this second book in the uses that may be made of it: certain it is of the *Grec* and *Roman* storys, that he who has not som good idea or notion of the government to which they relate, cannot rightly understand them. If the like holds as to the Scripture story, som light may be contributed to it by this book. Again, if som gifted men happening to read it, should chance to be of the same judgment, it is an argument for acquir'd learning, in that for the *means* of acquir'd learning, and in the means of acquir'd learning for universitys. For how little soever this performance be, had it not bin the fashion with the *English* gentry, in the breeding of their sons, to give them a smack of the university, I should not have don so much.

Sect. 1. Uses of this Book.

But letting these pass. If there were commonwealths, or governments exercising sovereign power by the senat and the people, before that of *Israel*, as namely, *Gibeon*: if the inferior orders and courts in *Israel*, as those instituted by Moses after the advice of Jethro a Heathen, were transcrib'd out of another government tho Heathen, as namely, that of *Midian*: if the order of the church introduc'd by Christ in his twelve apostles and his seventy disciples, were after the pattern of *Israel*, namely, in the twelve princes of the tribes, and the seventy elders: if there were three distinct ways of ordination introduc'd by the apostles; one exactly according to the ballot of *Israel*, as namely, in the ordination of Matthias; another exactly according to the way of the *Jewish* sanhedrim or synagog, as namely, that of Timothy; and a third, compos'd of these two, as namely, that of the *deacons*: then it is a clear and undeniable result of the whole, that *neither God, nor Christ, or the Apostles, ever instituted any government ecclesiastical or civil upon any other principles than those only of human prudence.*

Sect. 2. The present use of this book.

An observation of such consequence, as, where it has bin rightly consider'd, there the truth of religion and of government once planted, have taken root and flourish'd; and where it has not bin rightly heeded, there has religion or the pretence of it bin the hook and the line, and the state the prey of impostors and false prophets, as was shewn in the hypocritical *Pharisees*, for ever stigmatiz'd by the word of truth.

Sect. 3. The consequence of this use.

And for might, let her be never so much exalted in her self, let her sword be never so dreadfully brandish'd; the government not founded upon reason, a creature of God, and the creature of God whose undoubted right in this part is by himself undeniably avow'd and asserted, is a weapon fram'd against God; and no weapon fram'd against God shall prosper.

The principles of human prudence, and in them the art of lawgiving, being shewn in the first book, and vindicated throout the whole course of Scripture by this second, I com in the third to shew a model of government, fram'd according to the art thus shewn, and the principles thus vindicated.

Sect. 4. A transition to be next book.

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THE THIRD BOOK, CONTAINING A MODEL OF POPULAR GOVERNMENT,

Practically Propos'D According To Reason, Confirm'D By The
Scripture, And Agreeable To The The Present Balance Or State
Of Property In *England*.

The PREFACE.

Containing A Model Of Popular Government, Propos'D
Notionally.

THERE is between the discourses of such as are commonly call'd natural philosophers, and those of anatomists, a large difference; the former are facil, the latter difficult. Philosophers, discoursing of elements for example, that the body of man consists of fire, air, earth and water, are easily both understood and credited, seeing by common experience we find the body of man returns to the earth from whence it was taken. A like entertainment may befall elements of government, as in the first of these books they are stated. But the fearful and wonderful making, the admirable structure and great variety of the parts of man's body, in which the discourses of anatomists are altogether conversant, are understood by so few, that I may say they are not understood by any. Certain it is, that the delivery of a model of government (which either must be of no effect, or imbrace all those muscles, nerves, arteries and bones, which are necessary to any function of a well-order'd commonwealth) is no less than political anatomy. If you com short of this, your discourse is altogether ineffectual; if you com home, you are not understood: you may, perhaps, be call'd a learned author; but you are obscure, and your doctrin is impracticable. Had I only suffer'd in this, and not the people, I should long since have left them to their humor; but seeing it is they that suffer by it, and not my self, I will be yet more a fool, or they shall be yet wiser. Now coms into my head what I saw long since upon an Italian stage, while the spectators wanted hoops for their sides. A country fellow came with an apple in his hand; to which, in a strange variety of faces, his teeth were undoubtedly threaten'd, when enter'd a young anatomist brimful of his last lesson, who, stopping in good time the hand of this same country fellow, would by no means suffer him to go on with so great an enterprize, till he had first nam'd and describ'd to him all the bones, nerves, and muscles which are naturally necessary to that motion: at which, the good man being with admiration plainly chopfallen, coms me in a third, who, snatching away the apple, devour'd it in the presence of them both. If the people, in this case wherof I am speaking, were naturally so well furnish'd, I had here learn'd enough to have kept silence: but their eating, in the political way, of absolute necessity requires the aid of som political anatomist: without which, they may have appetits, but will be chopfallen. Examples wherof they have had but too many; one I think may be insisted upon without envy.

THIS is that which was call'd the agreement of the people, consisting in som of these propositions:

That there be a representative of the nation consisting of four hundred persons, or not above.

The anarchy of the levellers.

WHICH proposition puts the bar on the quite contrary side; this being the first example of a commonwealth, wherein it was conceiv'd, that five hundred thousand men, or more, might be represented by four hundred. The representation of the people in one man, causes monarchy; and in a few, causes oligarchy: the many cannot be otherwise represented in a state of liberty, than by so many, and so qualify'd, as may within the compass of that number and nature imbrace the interest of the whole people. Government should be establish'd upon a rock, not set upon a precipice: a representative consisting but of four hundred, tho in the nature therof it be popular, is not in it self a weapon that is fix'd, but has somthing of the broken bow, as still apt to start aside to monarchy. But the paucity of the number is temper'd with the shortness of the term, it being farther provided,

That this representative be biennial, and sit not above eight months. But seeing a supreme council in a commonwealth is neither assembl'd nor dissolv'd, but by stated orders directing upwards an irresistible strength from the root, and as one tooth or one nail is driven out by another; how is it provided that this biennial council shall not be a perpetual council? Wheras nothing is more dangerous in a commonwealth than intire removes of council, how is it provided that these shall be men sufficiently experienc'd for the management of affairs? and last of all, wheras dissolution to soverain power is death, to whom are these after their eight months to bequeath the commonwealth? in this case it is provided,

That there be a council of state elected by each new representative, within twenty days after their first meeting, to continue till ten days after the meeting of the next representative. *In which the faults observ'd in the former order, are so muchworse, as this council consists of fewer.*

Thus far this commonwealth is oligarchy: but it is provided,

Book III.

That these representatives have soverain power, save that in som things the people may resist them by arms. Which first is a flat contradiction, and next is downright anarchy. Where the soverain power is not as entire and absolute as in monarchy it self, there can be no government at all. It is not the limitation of soverain power that is the cause of a commonwealth, but such a libration or poize of orders, that there can be in the same no number of men having the interest, that can have the power; nor any number of men having the power, that can have the interest, to invade or disturb the government. As the orders of commonwealths are more approaching to, or remote from this maxim (of which this of the levellers has nothing) so are they more quiet or turbulent. In the religious part only, proposing a national religion and liberty of conscience, tho without troubling themselves much with the means, they are right in the end.

AND for the military part, they provide,

That no man (even in case of invasion) be compellable to go out of the country where he lives, if he procures another to serve in his room. Which plainly intails upon this commonwealth a fit guard for such a liberty, even a mercenary army; for what one dos of this kind, may and will (where there is no bar) be don by all: so every citizen by mony procuring his man, procures his master. Now if this be work of that kind which the people in like cases (as those also of Rome, when they instituted their tribuns) do usually make, then have I good reason not only to think, but to speak it audibly, That to sooth up the people with an opinion of their own sufficiency in these things, is not to befriend them, but to feed up all hopes of liberty to the slaughter. Yet the Leveller, a late pamphlet, having gather'd out of Oceana the principles by him otherwise well insinuated, attributes it to the agitators, or that assembly which fram'd this wooden agreement of the people: That then som of that council asserted these principles, and the reason of them.*

BUT railery apart, we are not to think it has bin for nothing that the wisest nations have in the formation of government as much rely'd upon the invention of som one man, as upon themselves: for wheras it cannot be too often inculcated, that reason consists of two parts, the one invention, the other judgment; a people or an assembly are not more eminent in point of judgment, than they are void of invention. Nor is there in this any thing at all against the sufficiency of a people in the management of a proper form, being once introduc'd, tho they should never com to a perfect understanding of it. For were the natural bodys of the people such as they might commonly understand, they would be (as I may say) wooden bodys, or such as they could not use; wheras their bodys being now such as they understand not, are yet such as in the use and preservation whereof they are perfect.

THERE are in models of government things of so easy practice, and yet of such difficult understanding, that we must not think them even in Venice, who use their commonwealth with the greatest prudence and facility, to be all, or any considerable number of them, such as perfectly understand the true reason or anatomy of that government: nor is this a presumtuious assertion, since none of those Venetians, who have hitherto written of their own form, have brought the truth of it to any perfect light. The like perhaps (and yet with due acknowledgment to Livy) might be said of the Romans. The Lacedemonians had not the right understanding of their model, till about the time of Aristotle it was first written by Dicearchus, one of his scholars. How egregiously our ancestors (till those foundations were broken which at length have brought us round) did administer the English government, is sufficiently known. Yet by one of the wisest of our writers (even my lord Verulam) is Henry the Seventh parallel'd with the legislators of antient and heroic times, for the institution of those very laws which have now brought the monarchy to utter ruin. The commonwealths upon which Machiavel in his discourses is incomparable, are not by him, any one of them, sufficiently explain'd or understood. Much less is it to be expected from a people, that they should overcom the like difficultys, by reason wherof the wisest nations (finding themselves under the necessity of a change or of a new government) induc'd by such offers as promis'd fair, or against which they could find no exceptions, have usually acted as men do by new clothes; that is, put them on, that, if they be not exactly fit at first, they may either fit themselves to the body in wearing, or therby more plainly shew wherin they can be mended even by such as would

otherwise prove but bad workmen. Nor has any such offer bin thought to have more presumption, much less treason in it, than if one conscious of his skill in architecture should offer himself to the prince or state to build a more convenient parlament house. England is now in such a condition, that he who may be truly said to give her law, shall never govern her; and he who will govern her, shall never give her law. Yet som will have it, that to assert popular power, is to sow the seed of civil war, and object against a commonwealth, as not to be introduc'd but by arms; which by the undeniable testimony of latter experience, is of all other objections the most extravagant: for if the good old cause, against the desire even of the army, and of all men well affected to their country, could be trod under foot without blood, what more certain demonstration can there be, that (let the deliberations upon, or changes of government, be of what kind soever which shall please a parlament) there is no appearance that they can occasion any civil war? Streams that are stop'd may urge their banks; but the course of England, into a commonwealth, is both certain and natural. The ways of nature require peace: the ways of peace require obedience to the laws: laws in England cannot be made but by parlaments: parlaments in England are com to be mere popular assemblys: the laws made by popular assemblys (tho for a time they may be aw'd, or deceiv'd, in the end) must be popular laws; and the sum of popular laws must amount to a commonwealth. The whole doubt or hazard of this consequence remains upon one question, Whether a single council consisting but of four hundred, indu'd both with debate and result; the keys of whose doors are in the hands of ambitious men; in the croud and confusion of whose election the people are as careless as tumultuous, and easy, thro the want of good orders, to be deluded; while the clergy (declar'd and inveterat enemys of popular power) are laying about, and sweating in the throng, as if it were in the vineyard; upon whose benches lawyers (being feather'd and arm'd, like sharp and sudden arrows, with a privat interest pointblank against the public) may and frequently do swarm, can indeed be call'd a popular council? This, I confess, may set the whole state of liberty upon the cast of a dy; yet questionless it is more than odds on the behalf of a commonwealth, when a government labors in frequent or long struggles, not thro any certain biass of genius or nature that can be in such a council, but thro the impotence of such conclusions as may go awry, and the external force or state of property now fully introduc'd: whence such a council may wander, but never find any rest or settlement, except only in that natural and proper form of government which is to be erected upon a mere popular foundation. All other ways of proceeding must be void, as inevitably guilty of contradiction in the superstructures to the foundation; which have amounted, and may amount to the discouragement of honest men, but with no other success than to imbroid or retard business: England being not capable of any other permanent form than that only of a commonwealth; tho her supreme council be so constituted, that it may be monarchically inclin'd. This contradiction in the frame is the frequent occasion of contradictory expostulations and questions. How, say they, should we have a commonwealth? Which way is it possible that it should com in? And how, say I, can we fail of a commonwealth? What possibility is there we should miss of it?

IF a man replys, he answers thus: No army ever set up a commonwealth. To the contrary, I instance the army of Israel under Moses; that of Athens about the time of Alcibiades; that of Rome upon the expulsion of the Tarquins; those of Switzerland and Holland. But, say they, other armies have not set up commonwealths. True indeed,

divers other armys have not set up commonwealths; yet is not that any argument why our armys should not. For in all armys that have not set up commonwealths, either the officers have had no fortunes or estates at all, but immediatly dependent upon the mere will of the prince, as the Turkish armys, and all those of the eastern countrys; or the officers have bin a nobility commanding their own tenants. Certain it is, that either of these armys can set up nothing but monarchy. But our officers hold not estates of noblemen able upon their own lands to levy regiments, in which case they would take home their people to plow, or make hay; nor are they yet so put to it for their livelihood, as to depend wholly upon a prince, in which case they would fall on robbing the people; but have good honest popular estates to them and their heirs for ever. Now an army, where the estates of the officers were of this kind, in no reason can, in no experience ever did set up monarchy. Ay but, say they, for all that, their pay to them is more considerable than their estates. But so much more must they be for a commonwealth, because the parlament must pay: and they have found by experience, that the pay of a parlament is far better than that of a prince. But the four hundred being monarchically inclin'd, or running upon the interest of those irreconcilable enemys of popular power, divines and lawyers, will rather pay an army for commanding, or for supporting of a prince, than for obeying. Which may be true, as was acknowledg'd before, in the way: but in the end, or at the long run, for the reasons mention'd, must be of no effect.

THESE arguments are from the cause; now for an argument to sense, and from the effect: If cur armys would raise mony of themselves, or, which is all one, would make a king, why have they not made a king in so many years? Why did they not make one yesterday? Why do they not to-day? Nay, why have they ever bin, why do they still continue to be of all others in this point the most averse and refractory?

BUT if the case be so with us, that nature runs wholly to a commonwealth, and we have no such force as can withstand nature, why may we not as well have golden dreams of what this commonwealth may be, as of the Indys, of Flanders, or of the Sound? The frame of a commonwealth may be dreamt on, or propos'd two ways; the one in theory, or notionally, in which it is of easy understanding, but of difficult practice: the other practically, in which it is of difficult understanding, but of facil use. One of these ways is a shooinghorn and the other the shoo; for which cause I shall propose both, as first notionally, thus:

1. That the native territory of the commonwealth be divided, so equally as with any convenience it may, into fifty tribes or precincts.

The Model propos'd notionally.

2. That the people in each tribe be distinguish'd, first by their age, and next by the valuation of their estates: all such as are above eighteen, and under thirty, being accounted youth; and all such as are thirty or upwards, being accounted elders. All such as have under one hundred pounds a year in lands, goods, or mony, being accounted of the foot; and all such as have so much or upwards, being accounted of the horse.

3. That each tribe elect annually out of the horse of their number two elders to be knights; three elders out of the same, and four elders more out of the foot of their number, to be deputys or burgesses. That the term of each knight and burgess, or deputy so elected, be triennial; and that whoever has serv'd his triennial term in any one of these capacitys, may not be reelected into any one of the same, till a triennial vacation be expir'd.
4. That in the first year of the commonwealth there be a senat so constituted, of three hundred knights, that the term of one hundred may expire actually; and that the hundred knights, annually elected by two in each tribe, take in the senat the places of them whose term coms to be thus annually expir'd.
5. That in the first year of the commonwealth there be a representative of the people, consisting of one thousand and fifty deputys; four hundred and fifty of them being horse, and the rest foot. That this representative be so constituted, that the term of two hundred of the foot, and of one hundred and fifty of the horse, expire annually; and that the two hundred foot, and one hundred and fifty horse elected annually, by four of the foot, and three of the horse in each tribe, take the places in this representative of them whose terms com thus annually to be expir'd.
6. That the senat have the whole authority of debate; that the representative have the whole power of result, in such a manner, that whatever (having bin debated by the senat) shall by their authority be promulgated, that is, printed and publish'd, for the space of six weeks; and afterwards (being propos'd by them to the representative) shall be resolv'd by the people of the same in the affirmative, by the law of the land.

THUS much may suffice to give implicitly a notional account of the whole frame. But a model of government is nothing as to use, unless it be also deliver'd practicably; and the giving of a model practicably, is so much the more difficult, that men, not vers'd in this way, say of it (as they would of the anatomy of their own bodys) that it is impracticable. Here lyes the whole difficulty: such things as, trying them never so often, they cannot make hang together, they will yet have to be practicable; and if you would bring them from this kind of shifts, or of tying and untying all sorts of knots, to the natural nerves and ligaments of government, then with them it is impracticable. But to render that which is practicable, facil; or to do my last indeavor of this kind, of which if I miss this once more, I must hereafter despair: I shall do two things; first, omit the ballot, and then make som alteration in my former method.

THEY who have interwoven the ballot with the description of a commonwealth, have therby render'd the same by far the more complete in it self; but in the understanding of their readers, as much defective: wherfore presuming the use of the ballot throout the orders of this model, I shall refer it to practice; in which it will be a matter of as much facility, as it would have bin of difficulty in writing. And for the method I have chosen, it is the most natural and intelligible, being no more than to propose the whole practicably: first, in the civil; secondly, in the religious; then in the military; and last of all in the provincial part of the model.

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CHAP. I.

Containing The Civil Part Of The Model, Propos'd Practicably.

SEEING it has bin sufficiently prov'd, that empire follows the nature of property; that the particular kind of empire or government depends upon the special distribution (except in small countrys) of land; and that where the balance in property has not bin fix'd, the nature of the government (be it what you will) has bin floting: it is very reasonable that, in the proposition of a commonwealth, we begin with a fixation of the balance in property; and this being not otherwise to be don than by som such laws as have bin commonly call'd *agrarian*, it is propos'd,

THAT every one holding above two thousand pounds a year in land, lying within the proper territory of the commonwealth, leave the said land equally divided among his sons; or else so near equally, that there remain to the eldest of them not above two thousand pounds a year in land so lying. That this proposition be so understood, as not to concern any parent having no more than one son, but the next heir only that shall have more sons; in such sort, as nothing be hereby taken from any man, or from his posterity, but that fatherly affection be at all points extended as formerly, except only that it be with more piety, and less partiality. And that the same proposition, in such familys where there are no sons, concern the daughter or daughters in the like manner.

1. Agrarian laws.

THAT no daughter, being neither heir nor coheir, have above fifteen hundred pounds in portion, or for her preserment in marriage. That any daughter, being an orphan, and having seven hundred pounds or upwards in portion, may charge the state with it. That the state being so charg'd, be bound to manage the portion of such an orphan for the best, either by due payment of the interest of the same; or, if it be desir'd, by way of annuity for life, at the rate of one hundred pounds a year, for every seven hundred pounds so receiv'd. The manner wherof being elsewhere shewn, is not needful to be repeated.

That these propositions prevent the growing of a monarchical nobility, is their peculiar end: wherfore that this should hold the weight of an objection in a popular balance, already introduc'd thro the failure of a monarchical nobility, or thro a level made not by the people, but by the kings or themselves, were preposterous. Yet upon this score (for I see no other) is there such animosity against the like laws, that wise men have judg'd it an indiscretion, in such as are affected to popular government, not to temporize in this point; at least, till a commonwealth were first introduc'd. To which judgment I am by no means inclining: first, Because the whole stream of this kind of government is so clear and pellucid, as to abhor having any thing in the bottom which may not appear at the very top. Secondly, Because an *agrarian*, not brought in with the introduction of a commonwealth, was never yet known to be brought in after the introduction of a commonwealth. And thirdly, Because the change

of balances in states, thro the want of fixation, has bin so sudden, that between the reign of Henry the Seventh, and that of Queen Elizabeth, being under fifty years, the *English* balance of monarchical became popular; and that of *Rome*, between the lives of Scipio and of Tiberius Gracchus, being also under fifty years, of popular became monarchical. Nevertheless, if there remains any cure of animosity that may be safe, it must be prudent:

and such a cure (if we be not so abandon'd to mere fancy, as to sacrifice all prudence to it) there may be in the addition of this clause;

Chap. I.

THAT no *agrarian* law hereby given to this commonwealth, or to be hereafter given to the same, or to any province of the same, be understood to be otherwise binding, than to the generation to com, or to the children to be born seven years after the enacting of the law.

Additional clause to the agrarian.

Upon the addition of this clause, it may be safely said of these *agrarian* laws, that they concern not any man living: and for posterity, it is well known, that to enact a law, is no more in their regard, than to commend a thing to their choice; seeing they, if so pleas'd, can no more be divested of the power to repeal any law enacted by their ancestors, than we are of repealing such laws as have bin enacted by ours.

To this it may be objected, that *agrarian* laws, being once enacted, must have brought estates to the standard of the same, before posterity can com into a capacity to judg of them. But this is the only means wherby posterity can com to a true capacity to judg of them: first, because they will have had experience of the laws wherof they are to judg: and secondly, because they will be void of all such imaginary interests as might corrupt their judgment, and do now certainly corrupt ours.

The balance of the commonwealth of *Israel*, thro the distribution of lands at the introduction of the same, became popular; and becoming popular, was fix'd by the law for the jubile.

The first parallel.

That which was sold, shall remain in the hands of them that bought it till the year of jubile; and in the jubile it shall go out, and he shall return to his possession. The ways in *Israel*, and in the commonwealth propos'd, where the popular balance is not made but found, are divers; but the *agrarian* laws in each, as to the end, which is the preservation of the balance, are of a like effect.

Deut. 25. 28.

To rise thus from true foundations to proper superstructures, the first step from the balance thus fix'd into the orders of a commonwealth, is not otherwise to be taken than by certain distributions or divisions of the people, wherof som are to be personal, and som local.

The first personal division of a people, is into freemen and servants. Freemen are such as have wherewithal to live of themselves; and servants, such as have not. This division therfore is not constitutive, but naturally inherent in the balance; nor, seeing all government is in the direction of

Freemen and servants.

the balance, is it possible for the superstructures of any to make more freemen than are such by the nature of the balance, or by their being able to live of themselves.

All that could in this matter be don, even by Moses himself, is contain'd in this proviso: if thy brother that dwells by thee be grown poor, and be sold to thee, thou shalt not compel him to serve as a bond-servant: but as a hir'd servant, and a sojourner he shall be with thee, and shall serve thee to the year of jubile. And then shall he depart from thee, both he and his children with him, and shall return to his own family, and to the possession of his fathers shall he return.

The second parallel.

Levit. 25. 29.

The nature of riches consider'd, this division into freemen and servants is not properly constitutive, but as it were natural. To com to such divisions as are both personal and constitutive, it is propos'd,

THAT all citizens, that is, freemen, or such as are not servants, be distributed into horse and foot. That such of them as have one hundred pounds a year in lands, goods or mony, or above that proportion, be of the horse; and all such as have under that proportion, be of the foot.

3. Horse and foot.

THAT all elders or freemen, being thirty years of age or upwards, be capable of civil administration: and that the youth, or such freemen, as are between eighteen years of age and thirty, be not capable of civil administration, but of military only; in such a manner as shall follow in the military part of this model.

4. Elders and youth.

Now, besides personal divisions, it is necessary in order to the framing of a commonwealth, that there be som such as are local. For these therfore it is propos'd,

THAT the whole native, or proper territory of the commonwealth, be cast, with as must exactness as can be convenient, into known and fix'd precincts or parishes.

5. Precinct of the parish.

THAT the elders, resident in each parish, annually assemble in the same; as for example, upon *Monday* next insuing the last of *December*. That they then and there elect out of their own number every fifth man, or one man out of every five, to be for the term of the year insuing, a deputy of that parish; and that the first and second so elected be overseers, or presidents, for regulating of all parochial congregations, whether of the elders or of the youth, during the term for which they were elected.

6. Parochial congregations and deputys.

THAT so many parishes lying nearest together, whose deputys shall amount to one hundred or thereabout, be cast into one precinct call'd the hundred. And that in each precinct call'd the hundred, there be a town, village, or place appointed to be the capital of the same.

7. Precinct of the hundred.

THAT the parochial deputys elected throout the hundred, assemble annually; for example, upon *Monday* next insuing the last of *January*, at the capital of their hundred. That they then

8. Assembly or muster of the hundred.

and there elect out of the horse of their number one justice of the peace, one juryman, one captain, one insigin: and out of the foot of their number, one other juryman, one high constable, &c.

Tho our justices of the peace have not bin annual, yet that they may so be is apparent, because the high sherifs, whose office is of greater difficulty, have always bin annual: seeing therefore they may be annual, that so they ought in this administration to be, will appear, where they com to be constitutive of such courts as, should they consist of a standing magistracy, would be against the nature of a commonwealth. But the precincts hitherto being thus stated, it is propos'd,

THAT every twenty hundreds, lying nearest and most conveniently together, be cast into one tribe. That the whole territory being after this manner cast into tribes, som town, village, or place be appointed to every tribe for the capital of the same. And that these three precincts, that is, the parish, the hundred, and the tribe (whether the deputys, thenceforth annually chosen in the parishes or hundreds, com to increase or diminish) remain firm and inalterable for ever, save only by act of parliament.

9. *Precinct of the tribe.*

These divisions, or the like, both personal and local, are that in a well-order'd commonwealth, which stairs are in a good house; not that stairs in themselves are desirable, but that without them there is no getting into the chambers. The whole matter of cost and pains, necessary to the introduction of a like model, lys only in the first architecture, or building of these stairs; that is, in stating of these three precincts: which don, they lead you naturally and necessarily into all the rooms of this fabric. For the just number of tribes into which a territory thus cast may fall, it is not very easy to be guest: yet, because for the carrying on of discourse it is requisit to pitch upon som certainty, I shall presume that the number of the tribes, thus stated, amounts to fifty; and that the number of the parochial deputys annually elected in each tribe, amounts to two thousand. Be the deputys more or fewer by the alterations which may happen in progress of time, it disorders nothing. Now to ascend by these stairs into the upper rooms of this building, it is propos'd,

THAT the deputys elected in the several parishes, together with their magistrats and other officers both civil and military, elected in their several hundreds, assemble or muster annually; for example, upon *Monday* next insuing the last of *February* at the capital of their tribe.

10. *Assembly or muster of the tribe.*

How the troops and companys of the deputys, with their military officers or commanders thus assembl'd, may, without expence of time, be straight distributed into one uniform and orderly body, has bin elsewhere* shewn, and is not needful to be repeated. For their work, which at this meeting will require two days, it is propos'd,

THAT the whole body thus assembl'd, upon the first day of the assembly, elect out of the horse of their number one high sherif, one lieutenant of the tribe, one *custos rotulorum*, one conductor, and two censors. That the high sherif be commander in chief, the lieutenant commander in the second place, and the conductor in the third, of this band or

11. *Magistrats of the tribe.*

squadron. That the *custos rotulorum* be mustermaster, and keep the rolls. That the censors be governors of the ballot. And that the term of these magistracys be annual.

These being thus elected, it is propos'd,

THAT the magistrats of the tribe, that is to say, the high sherif, lieutenant, *custos rotulorum*, the censors, and the conductor, together with the magistrats and officers of the hundreds, that is to say, the twenty justices of the peace, the forty jurymen, the twenty high constables, be one troop, or one troop and one company apart, call'd the prerogative troop or company. That this troop bring in and assist the justices of assize, hold the quarter sessions in their several capacitys, and perform their other functions as formerly.

12. The prerogative troop.

By this means the commonwealth at its introduction may imbrace the law as it stands, that is, unreform'd; which is the greatest advantage of such reformatiions: for to reform laws before the introduction of the government, which is to shew to what the laws in reformation are to be brought or fitted, is impossible. But these magistrats of the hundreds and tribes being such wherby the parliament is to govern the nation, this is a regard in which they ought to be further capable of such orders and instructions as shall therto be requisit: for which cause it is propos'd,

THAT the magistrats of the tribe, that is to say, the high sherif, lieutenant, *custos rotulorum*, the censors, and the conductor, together with the twenty justices elected at the hundreds, be a court for the government of the tribe call'd the *phylarch*; and that this court procede in all matters of government, as shall from time to time be directed by act of parliament.

13. The phylarch.

By these courts the commonwealth will be furnish'd with true channels, wherby at leisure to turn the law into that which is sufficiently known to have bin its primitive course, and to a perfect reformation by degrees, without violence. For as the corruption of our law procedes from an art inabled to improve its privat interest; or from the law upon the bench, and the jury at the bar: so the reformation of our law must com from disabling it as an art to improve its privat interest; or to a jury upon the bench, and the law at the bar, as in *Venice*.

JUDGES and officers shalt thou make thee in all thy gates which the Lord thy God gives thee throout thy tribes, and they shall judg the people with just judgment.

The third parallel.

These courts, whose sessionhouse was in the gates of every city, were shewn each of them to have consisted of twenty-three elders, which were as a jury upon the bench, giving sentence by plurality of votes, and under a kind of appeal to the seventy elders or senat of *Israel*, as was also shewn in the second book.

Deut. 16. 18.

Book 2.

This, or the like, by all example, and beyond any controversy, has bin, and is the natural way of judicature in commonwealths. The phylarchs, with a court or two of appeals eligible out of the senat and the people, are at any time with ease and very small alteration to be cast upon a triennial rotation: which, in all things besides

proceeding after the manner of the *Venetian* quarrancys, will be in this case perfect orders.

To return: the first day's election at the tribe being as has bin shewn, it is propos'd,

THAT the squadron of the tribe, on the second day of their assembly, elect two knights and three burgesses out of the horse of their number, and four other burgesses out of the foot of their number. That each knight upon election forthwith make oath of allegiance to the commonwealth; or refusing this oath, that the next competitor in election to the same magistracy, making the said oath, be the magistrat; the like for the burgesses. That the knights, thus sworn, have session in the senat for the term of three years; and that the burgesses thus sworn be of the prerogative tribe, or representative of the people for the like term.

14. Knights and burgesses.

Now wheras this proposition is sufficient for the perpetuation of the senat and the assembly of the people, being once instituted, but not sufficient for the full and perfect institution of them, it necessitats the addition in this place, not of a permanent order, but of an expedient for the first year's election only; which may be this:

“THAT for the full and perfect institution of the assemblys mention'd, the squadron of the tribe in the first year of the commonwealth elect two knights for the term of one year, two other knights for the term of two years, and lastly, two knights more for the term of three years: the like for the burgesses of the horse first, and then for those of the foot.”

Expedient for the first year's election.

By this expedient the senat in fifty tribes is constituted of three hundred knights or senators, wherof one hundred, by the expiration of their terms, com annually to fall; and another hundred at the same time to enter. The like for the prerogative tribe or assembly of the people, which, consisting of the whole of one thousand and fifty, suffers the like alteration in one third part, or in the yearly exchange of one hundred and fifty burgesses: by which means the motion or rotation of these assemblys is annual, triennial, and perpetual. For the full dispatch of the foregoing elections there remains but one proposition more, which is this:

THAT a magistrat or officer elected at the hundred be therby excluded from being elected a magistrat of the tribe, or of the first day's election: that no former election whatsoever exclude a man from the second day's election at the tribe, or to be chosen a knight or burgess. That a man being chosen a knight or burgess, who before was chosen a magistrat or officer of the hundred or tribe, delegat his former office, or magistracy in the hundred or the tribe, to any other deputy being no magistrat nor officer, and being of the same hundred and of the same order, that is, of the horse or foot respectively. That the whole and every part of the foregoing orders for election in the parishes, the hundreds, and the tribes, be holding and inviolable upon such penaltys in case of failure, as shall hereafter be provided by act of parlament against any parish, hundred, tribe, deputy or person so offending.

15. Proviso.

Without som such provision as is contain'd in the former part of this provision, men would be inconveniently excluded from preferment, or the tribe obliged to return to the ballot; and so to spend more time for trifles than is requir'd by their real business.

The representative of *Israel* collected monthly by the two thousand out of each tribe (if we consider what method must have bin us'd in such elections) intimats, first,

The fourth parallel.

that there were subdivisions to that end in each tribe, perhaps of the nature of our hundreds and parishes: secondly, that there were qualifications in those elections as to the patriarchs or chief fathers, and as to the people with their captains of thousands, and captains of hundreds; which is enough thus far to approve and recommend the foregoing propositions.

2 Chron. 27.

The senat, and the congregation or representative of the people, are in every commonwealth the main orders. The stairs or degrees of ascent to these being now mounted, it remains that I lead you into the rooms of state, or the assemblies themselves: which shall be perform'd, first, by shewing their frame, and next by by shewing their uses or functions. To bring you first into the senat, it is propos'd,

THAT the knights of the annual election in the tribes take their places on *Monday* next insuing the last of *March* in the senat.

16. *Frame of the senat.*

That the like number of knights, whose session determins at the same time, recede. That every knight or senator be paid out of the public revenue quarterly, one hundred twenty-five pounds during his term of session, and be oblig'd to sit in purple robes.

THAT annually, upon the reception of the new knights, the senat procede to the election of new magistrats and counsellors. That for magistrats they elect one general, one speaker, and two censors, each for the term of one year; these promiscuously: and that they elect one commissioner of the great seal, and one commissioner of the treasury, each for the term of three years, and out of the new knights only.

17. *Senatorian magistrats.*

This proposition supposes the commissioners of the seal and those of the treasury to consist each of three, wheel'd by the annual election of one into each order, upon a triennial rotation. For farther explanation of the senatorian magistracys, it is propos'd,

THAT the general and speaker, as CONSULS of the commonwealth, and presidents of the senat, be, during the term of their magistracy, paid quarterly five hundred pounds: that the insigns of these magistracys be a sword born before the general, and a mace before the speaker: that they be oblig'd to wear ducal robes; and that what is said of the general in this proposition, be understood only of the general sitting, and not of the general marching.

18. *The general sitting, and the speaker.*

THAT the general sitting, in case he be commanded to march, receive field pay; and that a new general be forthwith elected by the senat to succede him in the house, with all the rights, insigns,

19. *The general marching.*

and emoluments of the general sitting: and this so often as one or more generals are marching.

THAT the three commissioners of the great seal, and the three commissioners of the treasury, using their insigns and habit, and performing their other functions as formerly, be paid quarterly to each of them three hundred seventy-five pounds.

20. Commissioners of the seal and of the treasury.

THAT the censors be each of them chancellor of one university by virtue of their election: that they govern the ballot; that they be presidents of the council for religion; that each have a silver wand for the insign of his magistracy; that each be paid quarterly three hundred seventy-five pounds, and be oblig'd to wear scarlet robes.

21. The censors

THAT the general sitting, the speaker, and the six commissioners abovesaid, be the signory of this commonwealth.

This for the senatorian magistrats. For senatorian councils it is propos'd,

22. The signory.

THAT there be a council of state consisting of fifteen knights, five out of each order or election; and that the same be perpetuated by the annual election of five out of the new knights, or last elected into the senat.

23. Council of state.

THAT there be a council for religion consisting of twelve knights, four out of each order, and perpetuated by the annual election of four out of the knights, last elected into the senat.

24. Councils of religion, of trade.

That there be a council for trade, consisting of a like number, elected and perpetuated in the same manner.

THAT there be a council of war, not elected by the senat, but elected by the council of state out of themselves. That this council of war consist of nine knights, three out of each order, and be perpetuated by the annual election of three out of the last knights, elected into the council of state.

25. Council of war.

THAT in case the senat adds nine knights more out of their own number to the council of war, the said council be understood by this addition to be DICTATOR of the commonwealth for the term of three months, and no longer, except by farther order of the senat the said dictatorial power be prolong'd for a like term.

26. The dictator.

THAT the signory have session and suffrage, with right also jointly or severally to propose, both in the senat and in all senatorian councils.

27. The proposers general.

THAT each of the three orders, or divisions of knights in each senatorian council, elect one provost for the term of one week;

28. Provosts, or particular proposers.

and that any two provosts of the same council so elected may propose to their respective council, and not otherwise.

THAT som fair room or rooms well furnish'd and attended, be allow'd at the states charge for a free and open academy to all comers at som convenient hour or hours towards the evening. That this academy be govern'd according to the rules of good breeding, or civil conversation, by som or all of the proposers; and that in the same it be lawful for any man by word of mouth or by writing, in jest or in earnest, to propose to the proposers.

29. *Academy.*

From the frame or structure of these councils, I should pass to their functions; but that besides annual elections, there will be som biennial, and others emergent: in which regard it is propos'd, first, for biennial elections,

THAT for ambassadors in ordinary, there be four residences; as *France, Spain, Venice, and Constantinople*: that every resident, upon the election of a new ambassador in ordinary, remove to the next residence in the order nominated, till having serv'd in them all, he returns home. That upon *Monday* next insuing the last of *November*, there be every second year elected by the senat som fit person, being under thirty-five years of age, and not of the senat or popular assembly: that the party so elected, repair upon *Monday* next insuing the last of *March* following, as ambassador in ordinary to the court of *France*, and there reside for the term of two years, to be computed from the first of *April* next insuing his election. That every ambassador in ordinary be allow'd three thousand pounds a year during the term of his residences; and that if a resident coms to dy, there be an extraordinary election into his residence for his term, and for the remainder of his removes and progress.

30. *Embassadors in ordinary.*

THAT all emergent elections be made by scrutiny, that is, by a council, or by commissioners proposing, and by the senat resolving in the manner following: that all field-officers be propos'd by the council of war; that all ambassadors extraordinary be propos'd by the council of state; that all judges and serjeants at law be propos'd by the commissioners of the great seal; that all barons and officers of trust in the exchequer, be propos'd by the commissioners of the treasury: and that such as are thus propos'd, and approv'd by the senat, be held lawfully elected.

31. *Emergent elections.*

These elections being thus dispatch'd, I com to the functions of the senat, and first, to those of the senatorian councils: for which it is propos'd,

THAT the cognizance of all matters of state to be consider'd, or law to be enacted, whether it be provincial or national, domestic or foren, pertain to the council of state. That such affairs of either kind, as they shall judg to require more secrecy, be remitted by this council, and belong to the council of war, being for that end a select part of the same. That the cognizance and protection both of the national religion, and of the liberty of conscience equally establish'd in this nation, after the manner to be shewn in the religious part of this model, pertain to the council for religion. That all matters of

32. *Function of the senatorian councils.*

traffic, and the regulation of the same, belong to the council of trade. That in the exercise of these several functions, which naturally are senatorian or authoritative only, no council assume any other power than such only as shall be settl'd upon the same by act of parliament.

THAT what shall be propos'd to the senat by any one or more of the signory or proposers general; or whatever was propos'd by any two of the provosts or particular proposers to their respective council, and upon debate at that council shall com to be propos'd by the same to the senat, be necessarily debatable and debated by the senat. That in all cases wherin power is committed to the senat by a law made, or by act of parliament, the result of the senat be ultimat: that in all cases of law to be made, or not already provided for by an act of parliament, as war and peace, levy of men or mony, or the like, the result of the senat be not ultimat. That whatsoever is resolv'd by the senat, upon a case wherin their result is not ultimat, be propos'd by the senat to the prerogative tribe or representative of the people; except only in cases of such speed or secresy, wherin the senat shall judg the necessary slowness or openness in this way of proceeding to be of detriment or danger to the commonwealth.

33. *Function of the senat.*

THAT if upon the motion or proposition of a council or proposer general, the senat adds nine knights promiscuously chosen out of their own number, to the council of war; the same council, as therby made dictator, have power of life and death, as also to enact laws in all such cases of speed or secresy, for and during the term of three months and no longer, except upon a new order from the senat. And that all laws enacted by the dictator be good and valid for the term of one year, and no longer; except the same be propos'd by the senat, and resolv'd by the people.

34. *Function of the dictator.*

This dictatorial council (as may already appear) consists fundamentally of the signory, with nine knights elected by the council of state, additionally of nine knights more emergently chosen by the senat, and of the four tribuns of course; as will appear when I com to speak of that magistracy. Now if dictatorial power be indeed formidable, yet this in the first place is remarkable, that the council here offer'd for a dictator is of a much safer constitution, than what among us hitherto has bin offer'd for a commonwealth; namely, a parliament and a council in the interim. For here is no interim, but all the councils of the commonwealth not only remaining, but remaining in the exercise of all their functions, without the abatement of any; speed and secrecy belonging not to any of them, but to that only of the dictator. And if this dictatorial council has more in it of a commonwealth than has hitherto among us bin either practis'd or offer'd, by what argument can it be pretended that a commonwealth is so imperfect thro the necessity of such an order, that it must needs borrow of monarchy; seeing every monarchy that has any senat, assembly, or council in it, therby most apparently borrows more of a commonwealth, than there is to be found of monarchy in this council?

To dismiss this whole senat with one parallel: The institution of the seventy elders in *Israel* (as was shewn in the second book) for their number related to an accident, and a custom therupon antiently introduc'd.

The fifth parallel.

The accident was, that the sons of Jacob who went into *Egypt* were so many; these, first governing their familys by natural right, came, as those familys increas'd, to be for their number retain'd and continu'd in the nature of a senatorian council, while the people were yet in *Egyptian* bondage. So we, having had no like custom, have as to the number no like inducement. Again, the territory of *Canaan* amounted not to a fourth of our country; and in government we are to fit our selves to our own proportions. Nor can a senat, consisting of few senators, be capable of so many distributions as a senat consisting of more.

Yet we find in the restitution of the sanhedrim by Jehoshaphat, that there was Amariah *chief in all matters of the Lord*, that is, in judgment upon the laws, which, having bin propos'd by God, were more peculiarly his matters; and Zebadiah *chief in all the king's matters*, that is, in political debates concerning government, or war and peace.

2 Chr. 19. 11.

Lastly, *When the children of Ammon made war against Israel, the people of Israel made Jephthan not only captain, but head over them*. So the judg of *Israel*, being no standing magistrat, but elected upon emergencys, supplys the parallel as to dictatorian power in a commonwealth.

Judg. 11. 5, 11.

Debate is the natural parent of result; whence the senat throout the *Latin* authors is call'd *fathers*, and in *Greec* authors the compellation of a popular assembly is *men*; as *men of Athens*, *men of Corinth*, *men of Lacedemon*:

nor is this custom heathen only, seeing these compellations are us'd to the senat and the people of the *Jews*, not only by Stephen, but also by Paul, where they begin their speeches in this manner: *Men, brethren, and fathers*. To com then from the fathers to the people, the popular assembly, or prerogative tribe; it is propos'd,

Acts 7. 2. & 22. 1.

Luke throout is perfectly well skill'd in the customs of commonwealths.

THAT the burgesses of the annual election return'd by the tribes, enter into the prerogative tribe upon Monday next insuing the last of March; and that the like number of burgesses, whose term is expir'd, recede at the same time.

That the burgesses thus enter'd elect to themselves out of their own number, two of the horse; one to be captain, and the other to be cornet of the same: and two of the foot; one to be captain, the other to be insign of the same, each for the term of three years. That these officers being thus elected, the whole tribe or assembly procede to the election of four annual magistrats; two out of the foot, to be tribuns of the foot; and two out of the horse, to be tribuns of the horse. That the tribuns be commanders of this tribe in chief, so far as it is a military body; and presidents of the same, as it is a civil assembly. And lastly, that this whole tribe be paid weekly as follows. To each of the tribuns of horse, seven pounds. To each of the tribuns of foot, six pounds. To each of the captains of horse, five pounds. To each of the captains of foot, four pounds. To each of the cornets, three pounds. To each of the insigns, two pounds seven shillings. To every horseman two pounds, and to every one of the foot one pound ten shillings.

35. *Fabric of the prerogative tribe.*

For the salarys of the senat and the people together; they amount not to three hundred thousand pounds a year; which is cheaper by near two parts in three, than the chief magistracy ever did or can otherwise cost: for if you give nothing (*omnia dat qui justa negat*) men will be their own carvers. But to procede, it is propos'd,

THAT inferior officers, as captains, cornets, insigns, be only for the military disciplin of the tribe. That the tribuns have session in the senat without suffrage; that they have session of course in the dictatorian council, so often as it is created by the senat, and with suffrage.

That they be presidents of the court in all cases to be judg'd by the people.

36. Offices of the officers.

THAT peculat or defraudation of the public, and all cases tending to the subversion of the government, be triable by this representative; and that there be an appeal to the same in all causes, and from all magistrats, courts and councils, whether national or provincial.

37. Appeal to the people.

This judicatory may seem large: but thus the congregation of *Israel*, consisting of four hundred thousand, judg'd the tribe of *Benjamin*. Thus all the *Roman* tribes judg'd Coriolanus. And thus duke Loredano was try'd by the great council of *Venice*, consisting yet of about two thousand.

The sixth parallel.

Judg. 20. Halicar. Janotti.

This is as much as I have to say severally of the senat and the people; but their main functions being joint, as they make one parlament, it is farther propos'd,

THAT the right of debate, as also of proposing to the people, be wholly and only in the senat; without any power at all of result, not deriv'd from the people.

38. The main function of the senat.

THAT the power of result be wholly and only in the people, without any right at all of debate.

39. The main function of the prerogative tribe.

THAT the senat having debated and agreed upon a law to be propos'd, cause promulgation of the same to be made for the space of six weeks before proposition; that is, cause the law to be printed and publish'd so long before it is to be propos'd.

THAT promulgation being made, the signory demand of the tribuns, being present in the senat, an assembly of the people.

40. Promulgation.

That the tribuns, upon such a demand of the signory or of the senat, be oblig'd to assemble the prerogative tribe in arms by sound of trumpet, with drums beating and colors flying, in any town, field, or market-place being not above six miles distant, upon the day and at the hour appointed; except the meeting, thro any inconvenience of the weather or the like, be prorogu'd by the joint consent of the signory and the tribuns. That the prerogative tribe being assembl'd accordingly, the senat propose to them by two or more of the senatorian magistrats, thereto appointed at the first promulgation of the law. That the proposers for the senat open to the people the occasion, motives, and reasons of the law to be propos'd; and the same being don, put it by distinct clauses to the ballot of the people. That if any material clause or clauses be rejected by the people, they be review'd by the senat, alter'd, and propos'd (if they think fit) to the third time, but no oftner.

41. Manner of proposition.

THAT what is thus propos'd by the senat, and resolv'd by the people, be the law of the land, and no other, except as in the case reserv'd to the dictatorial council.

42. *Act of parliament.*

The congregation of *Israel* being monthly, and the representative propos'd being annual and triennial, they are each upon courses or rotation: the congregation of *Israel* consisting of twenty four thousand, in which the whole number of the princes of the tribes and of the princes of the familys amounted not, I might say, to one hundred, but will say to one thousand; it follows, that the lower sort in the congregation of *Israel* held proportion to the better sort, above twenty to one. Whereas in the representative propos'd, the lower sort hold proportion to the better sort but six to four; and that popular congregation where the lower sort hold but six to four, is by far the most aristocratical that is or ever was in any well-order'd commonwealth, except *Venice*: but if you will have that gentry to be all of one sort, or if you allow them to be of a better and of a meaner sort, *Venice* is not excepted. The sanhedrim made no law without the people; nor may the senat in this model: but the sanhedrim with the congregation might make laws; so may the senat, in our model, with the representative of the people. Lastly, as the congregation in *Israel* was held either by the princes in person, with their staves and standards of the camp, or by the four and twenty thousand in military disciplin; so the representative propos'd is in the nature of a regiment.

The seventh parallel.

Ezra 10. 8.

Excepting *Venice*, where there is a shadow, and but a shadow of law made by the senat (for the soverain power is undeniably in the great council) and *Athens*, where a law made by the senat was current as a probationer for one year before it was propos'd to the people; there neither is nor has bin any such thing in a commonwealth as a law made by the senat. That the senat should have power to make laws, reduces the government to a single council; and government by a single council, if the council be of the many, is anarchy, as in the assembly of the *Roman* people by tribes, which always shook, and at length ruin'd that commonwealth: or, if the council be of the few, it is oligarchy, as that of *Athens* consisting of the four hundred, who nevertheless pretended to propose to five thousand, tho they did not.

Of which says Thucydides, *This was indeed the form pretended in words by the four hundred; but the most of them, thro privat ambition, fell upon that by which an oligarchy made out of a democracy is chiefly overthrown: for at once they claim'd every one not to be equal, but to be far the chief.* Anarchy, or a single council consisting of the many, is ever tumultuous, and dos ill even while it means well. But oligarchy, seldom meaning well, is a faction wherin every one striving to make himself, or som other from whom he hopes for advantages, spoils all. There is in a commonwealth no other cure of these, than that the anarchy may have a council of som few, well chosen, and elected by themselves, to advise them; which council so instituted, is the senat: or that the oligarchy have a popular representative to balance it; which both curing tumult in the rash and heady people, and all those corruptions which cause factiousness in the sly and subtil few, amount to the proper superstructures of a well-order'd commonwealth. As, to return to the example of the oligarchy in *Athens*, where the four hundred (whose reign, being very short, had bin as seditious) were depos'd; and the soverainty was decreed to a popular

Thucyd. lib. 8.

council of five thousand, with a senat of four hundred annually elective upon courses, or by rotation.

Of this says Thucydides, *Now first (at least in my time) the*

Lib. 8.

Athenians seem to have order'd their state aright, it consisting of a moderat temper both of the few and the many. And this was the first thing that, after so many misfortunes, made the city again to raise her head. But we in England are not apt to believe, that to decree the sovereignty to thousands, were the way to make a city or a nation recover of its wounds, or to raise its head. We have an aversion to such thoughts, and are sick of them. An assembly of the people sovereign! Nay, and an assembly of the people consisting in the major vote of the lower sort! Why, sure it must be a dull and unskillful thing. But so is the touchstone in a goldsmith's shop, a dull thing, and altogether unskill'd in the trade; yet without this, would even the master be deceiv'd. And certain it is, that a well-order'd assembly of the people is as true an index of what in government is good or great, as any touchstone is of gold.

A council (especially if of a loose election) having not only the debate, but the result also, is capable of being influenc'd from without, and of being sway'd by interest within. There may be a form'd, a prejudic'd party, that will hasten or outbawl you from the debate to the question, and then precipitat you upon the result: whereas if it had no power of result, there could remain to the same no more than debate only, without any biass, or cause of diverting such debate from maturity; in which maturity of unbiass'd debate lyes the final cause of the senat, and the whole light that can be given to a people. But when this is don, if your resolving assembly be not such as can imbibe or contract no other interest than that only of the whole people, all again is lost: for the result of all assemblys gos principally upon that which they conceive to be their own interest. But how an assembly upon rotation, consisting of one thousand, where the vote is six to four in the lower sort, should be capable of any other interest than that only of the whole people by which they are orderly elected, has never yet bin, nor, I believe, ever will be shewn. In a like distribution therfore of debate and result, consists the highest mystery of popular government; and indeed the supreme law, wherein is contain'd not only the liberty, but the safety of the people.

For the remainder of the civil part of this model, which is now but small, it is farther propos'd,

THAT every magistracy, office, or election throout this whole commonwealth, whether annual or triennial, be understood of consequence to injoin an interval or vacation equal to the term of the same. That the magistracy of a knight and of a burgess, be, in this relation, understood as one and the same; and that this order regard only such elections as are national or domestic, and not such as are provincial or foren.

43. Rule for vacations.

THAT, for an exception from this rule, where there is but one elder of the house in one and the same parish, that elder be eligible in the same without interval; and where there be above four elders of the house in one and the same parish, there be not above half, nor under two of them eligible at the same election.

44. Exception from the rule.

Otherwise the people, beyond all manner of doubt, would elect so many of the better sort at the very first, that there would not be of the foot or of the meaner sort enough to supply the due number of the popular assembly or prerogative tribe: and the better sort being excluded subsequent elections by their intervals, there would not be wherewithal to furnish the senate, the horse of the prerogative tribe, and the rest of the magistracies; each of which obstructions is prevented by this exception. Where, by the way, if in all experience such has bin the constant temper of the people, and can indeed be reasonably no other, it is apparent what cause there can be of doubt who in a commonwealth of this nature must have the leading. Yet is no man excluded from any preferment; only industry, which ought naturally to be the first step, is first injoin'd by this policy, but rewarded amply: seeing he who has made himself worth one hundred pounds a year, has made himself capable of all preferments and honors in this government. Where a man from the lowest state may not rise to the due pitch of his unquestionable merit, the commonwealth is not equal; yet neither can the people, under the limitations propos'd, make choice (as some object) of any other than the better sort; nor have they at any time bin so inclining to do, where they have not bin under such limitations. Be it spoken, not to the disparagement of any man, but on the contrary to their praise whose merit has made them great, the people of *England* have not gon so low in the election of a house of commons, as some prince has don in the election of a house of lords. To weigh election by a prince with election by a people, set the nobility of *Athens* and *Rome* by the nobility of the old monarchy, and a house of commons freely chosen by the nobility of the new. There remains but the *quorum*, for which it is propos'd,

THAT, throout all the assemblies and councils of this commonwealth, the *quorum* consist of one half in the time of health, and of one third part in a time of sickness, being so declar'd by the senate.

45. *The quorum.*

How the city government, without any diminution of their privileges, and with an improvement of their policy, may be made to fall in with these orders, has* elsewhere bin shewn in part, and may be consider'd farther at leisure. Otherwise the whole commonwealth, so far as it is merely civil, is in this part accomplish'd. Now as of necessity there must be a natural man, or a man indu'd with a natural body, before there can be a spiritual man, or a man capable of divine contemplation; so a government must have a civil, before it can have a religious part: and if a man furnisht only with natural parts can never be so stupid as not to make some reflections upon religion, much less a commonwealth; which necessitates the religious part of this model.

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CHAP. II.

Containing The Religious Part Of This Model, Propos'D Practicably.

THERE is nothing more certain or demonstrable to common sense, than that the far greater part of mankind, in matters of religion, give themselves up to the public leading. Now a national religion rightly establish'd, or not coercive, is not any public driving, but only the public leading. If the public in this case may not lead such as desire to be led by the public, and yet a party may lead such as desire to be led by a party, where would be the liberty of conscience as to the state? Which certainly in a well-order'd commonwealth, being the public reason, must be the public conscience. Nay, where would be the liberty of conscience in respect of any party which should so procede as to shew, that without taking their liberty of conscience from others, they cannot have it themselves? If the public, refusing liberty of conscience to a party, would be the cause of tumult, how much more a party refusing it to the public? And how, in case of such a tumult, should a party defend their liberty of conscience, or indeed their throats, from the whole or a far greater party, without keeping down or tyrannizing over the whole or a far greater party by force of arms? These things being rightly consider'd, it is no wonder that men, living like men, have not bin yet found without a government, or that any government has not bin yet found without a national religion; that is, som orderly and known way of public leading in divine things, or in the worship of God.

A national religion being thus prov'd necessary, it remains that I prove what is necessary to the same: that is, as it concerns the state, or in relation to the duty of the magistrat.

Certain it is, that religion has not seen corruption but by one of these three causes: som interest therwith incorporated, som ignorance of the truth of it, or by som complication of both. Nor was ever religion left wholly to the management of a clergy that escap'd these causes, or their most pernicious effects; as may be perceiv'd in *Rome*, which has brought ignorance to be the mother of devotion, and indeed interest to be the father of religion.

Now the clergy not failing in this case to be dangerous, what recourse but to the magistrat for safety? specially seeing these causes, that is, interest and ignorance (the one proceeding from evil laws, the other from the want of good education) are not in the right or power of a clergy, but only of the civil magistracy Or if so it be that magistrats are oblig'd in duty to be *nursing fathers and nursing mothers* to the church; how shall a state in the sight of God be excusable, that takes no heed or care lest religion suffer by causes, the prevention or remedy wherof is in them only?

To these therefore it is propos'd,

Chap. II.

Isa. 49. 23.

THAT the universitys being prudently reform'd, be preserv'd in their rights and indowments, for and towards the education and provision of an able ministry.

46. *Universitys.*

We are commanded by Christ to *search the Scriptures*: the Scriptures are not now to be search'd but by skill in tongues: the immediat gift of tongues is ceas'd: how then should skill in tongues be acquir'd but mediatly, or by the means of education? How should a state expect such an education (particularly, for a matter of ten thousand men) that provides not for it? And what provision can a state make for this education, but by such schools so indow'd and regulated, as with us are the universitys? These therefore are a necessary step towards the prevention of such ignorance or interest, as thro the infirmitys or bias of translators, interpreters, and preachers, both have and may frequently com to be incorporated with religion; as also to the improvement or acquisition of such light as is by the command of Christ to be attain'd or exercis'd in searching the Scriptures.

Joh. 5. 39.

The excellent learning of the *Levits* in all kinds, not ordinarily infus'd, but acquir'd (there having bin among them *as well the teacher as the scholar*) leaves little doubt but their forty-eight citys were as so many universitys.

The eighth parallel.

These, with their suburbs or indowments, contain'd in the whole (each of their circuits in land reckon'd at four thousand cubits deep) about a hundred thousand acres; that is, if their measure was according to the common cubit: if according to the holy cubit (as with *Levits* was most likely) twice so much; which, at the lowest account, I conceive to be far above the revenues of both our universitys.

1 Chron. 25 8.

Mal. 2. 12.

These being order'd as has bin said, it is propos'd,

THAT the legal and antient provision for the national ministry be so augmented, that the meanest sort of livings or benefices, without defalcation from the greater, be each improv'd to the revenue of one hundred pounds at least.

47. *Augmentation of livings.*

This, in regard the way is by tithes, coms up so close to the orders of *Israel*, as, in our day, may shew that a commonwealth may com too near that pattern to be lik'd. We find not indeed that the apostles either took or demanded tithes; in which case the priests, who were legally possess of them, might have had suspicion that they, under color of religion, had aim'd at the violation of property. But putting the case, that generally the priests had bin converted to the Christian faith, whether the apostles would for that reason have injoin'd them to relinquish their tithes? Or what is there in the Christian religion to favor any such surmise? To me there seems abundantly enough to the contrary. For if the apostles stuck not to comply with the *Jews* in a ceremony which was of mere human invention, and to introduce this, as they did ordination by imposition of hands, into the Christian church; that they would, upon a like inducement, have refus'd a standing law undoubtedly Mosaical, is in my opinion most improbable. So that, I conceive, the law for tithes now in being may or may not be continu'd, at the pleasure of the lawgivers,

The ninth parallel.

for any thing in this case to the contrary. Confident I am, that the introducing of this model in the whole, which is thought impracticable, were not to willing minds so difficult a work as the abolition of tithes.

But benefices, whether by way of tithes or otherwise, being thus order'd, it is propos'd,

THAT a benefice becoming void in any parish, the elders of the same may assemble and give notice to the vice-chancellor of either university by a certificat, specifying the true value of that benefice: that the vice-chancellor, upon the receipt of this certificat, be oblig'd to call a congregation of his university: that the congregation of the university to this end assembl'd, having regard to the value of the benefice, make choice of a person sit for the ministerial function, and return him to the parish so requiring: that the probationer thus return'd to a parish by either of the universities, exercise the office, and receive the benefits as minister of the parish for the term of one year: that the term of one year being expir'd, the elders of the parish assemble and put the election of the probationer to the ballot: that if the probationer has three parts in four of the balls or votes in the affirmative, he be thereby ordain'd and elected minister of that parish; not afterwards to be degraded or remov'd, but by the censor of the tribe, the phylarch of the same, or the council of religion in such cases as shall be to them reserv'd by act of parliament: that in case the probationer comes to fail of three parts in four at the ballot, he depart from that parish; and if he returns to the university, it be without diminution of the former offices or preferments which he there enjoy'd, or any prejudice to his future preferment: and that it be lawful in this case for any parish to send so often to either university, and it be the duty of either vice-chancellor upon such certificats to make return of different probationers, till such time as the elders of that parish have fitted themselves with a minister of their own choice and liking.

48. Ordination.

In case it was thought fit that a probationer thus elected should, before he departs, receive imposition of hands from the doctors of the university, I cannot see what the most scrupulous in the matter of ordination could find wanting. But let this be so, or otherwise, it is indifferent. The universities, by proposing to the congregation in every parish, do the senatorian office; and the people, thus fitting themselves by their suffrage or ballot, reserve that office which is truly popular, that is the result, to themselves.

MOSES (for so far back the divines reach at ordination) in the institution of the senate of *Israel*, wherein he can never be prov'd to have us'd imposition of hands, performing the senatorian office, caus'd the people to take wise men, and understanding, and known among their tribes, wherof the lot fell upon all but Eldad and Medad. And the apostles doing the senatorian office, in like manner without imposition of hands, caus'd the whole congregation to take two, wherof the lot of apostleship fell upon Matthias. So that this way of ordination being that which was instituted by Moses, and the chief or first of those which were us'd by the apostles, is both mosaical and apostolical.

The tenth parallel.

Deut. 1.

Numb. 11.

Acts 1. 26.

Nor has a well-order'd commonwealth any choice left of those other ways of ordination, us'd by the apostles in complaisance to worse sort of government; but is naturally necessitated to this, that is, to the very best.

See Book 2. chap. 8.

Ordination being thus provided for, it is propos'd,

THAT the national religion be exercis'd according to a directory in that case to be made, and publish'd by act of parliament. That the national ministry be permitted to have no other public preferment or office in this commonwealth. That a national minister being convict of ignorance or scandal, be movable out of his benefice by the censors of the tribe, under an appeal to the phylareh, or to the council of religion.

49. National religion, and provision against scandalous ministers.

THAT no religion, being contrary to or destructive of Christianity, nor the public exercise of any religion, being grounded upon or incorporated into a foren interest, be protected by or tolerated in this state.

Chap. III.

That all other religions, with the public exercise of the same, be both tolerated and protected by the council of religion; and that all professors of any such religion be equally capable of all elections, magistracys, preferments, and offices in this commonwealth, according to the orders of the same.

50. Liberty of conscience.

Upon the whole of these propositions, touching church disciplin, we may make these observations. Thus neither would the party that is for gifted men, and enemys to learning, thro ignorance (which else in all probability they must) lose religion; nor the clergy be able to corrupt it by interest. But decency and order, with liberty of conscience, would still flourish together; while the minister has a preferment he sought, the parish a minister they chose, the nation a religion according to the public conscience, and every man his Christian liberty. He therfore that indeavours to confute this chapter, must either shew how these things may be omitted, or more effectually provided for; or tithe mint and cumin, and neglect the weightier things of lawgiving.

A commonwealth having, in the establishment of religion, made resignation of herself to God, ought in the next place to have regard to the natural means of her defence; which introduces the military part of this model.

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CHAP. III.

Containing The Military Part Of This Model, Propos'd Practicably.

THE military part, on which at present I shall discourse little, consists in the disciplin of the youth, that is, of such as are between eighteen and thirty years of age: and for the disciplin of the youth it is propos'd,

THAT annually upon Wednesday next insuing the last of *December*, the youth of each parish (under the inspection of the two overseers of the same) assemble and elect the fifth man of their number, or one in five of them, to be for the term of that year deputys of the youth of that parish.

51. *Disciplin of the youth.*

THAT annually on Wednesday next insuing the last of *January*, the said deputys of the respective parishes meet at the capital of the hundred (where there are games and prizes allotted for them, as has bin shew'd* elsewhere) and there elect to themselves out of their own number, one captain, and one insign. And that of these games, and of this election, the magistrats and officers of the hundreds be presidents, and judges for the impartial distribution of the prizes.

52. *Their troops, and sports.*

THAT annually upon Wednesday next insuing the last of *February*, the youth thro the whole tribe thus elected, be receiv'd at the capital of the same, by the lieutenant or commander in chief, by the conductor, and by the censors; that under the inspection of these magistrats, the said youth be entertain'd with more splendid games, disciplin'd in a more military manner, and be divided by lot into sundry parts, or essays, according to the rules* elsewhere given.

53. *Their squadrons, and exercises.*

THAT the whole youth of the tribe, thus assembl'd, be the first essay. That out of the first essay, there be cast by lot two hundred horse, and six hundred foot: that they whom their friends will, or themselves can mount, be accounted horse, the rest foot.

That these forces (amounting in the fifty tribes to ten thousand horse, and thirty thousand foot) be always ready to march at a week's warning: and that this be the second essay, or the standing army of the commonwealth.

54. *The second essay, or the standing army.*

THAT for the holding of each province, the commonwealth in the first year assign an army of the youth, consisting of seven thousand five hundred foot, and one thousand five hundred horse. That for the perpetuation of these provincial armys or guards, there be annually, at the time and places mention'd, cast out of the first essay of the youth in each tribe ten horse, and fifty foot: that is, in all the tribes five hundred horse, and two thousand five hundred

55. *Provincial guards.*

foot for *Scotland*; the like for *Ireland*; and the like of both orders for the sea guards: being each oblig'd to serve for the term of three years upon the states pay.

The standing army of the commonwealth consisting thus of forty thousand, not soldiers of fortune neither in body nor in pay, but citizens at their vocations or trades, and yet upon command in continual readiness; and the provincial armys each consisting of nine thousand in pay in body, and possess'd of the avenues and places of strength in the province, it is not imaginable how a province should be so soon able to stir, as the commonwealth must be to pour forty thousand men upon it, besides the sea guards. Nor coms this militia thus constituted, except upon marches, to any charge at all; the standing army having no pay, and the provinces, wherof the sea thus guarded will be none of the poorest, maintaining their own guards. Such is the military way of a commonwealth, and the constitution of its armys, whether levy'd by suffrage, as in *Rome*; or by lot, as in *Israel*.

The eleventh parallel.

WE will go up by lot against Gibeah.

Judg. 20. 9.

Standing forces being thus establish'd; for such as are upon emergent occasions to go forth, or march, it is propos'd,

THAT the senat and the people, or the dictator having decreed or declar'd war, and the field officers being appointed by the council of war; the general, by warrant issu'd to the lieutenants of the tribes, demand the second essay, or such part of it as is decreed; whether by way of levy or recruit. That by the same warrant he appoint his time and rendezvous: that the several conductors of the tribes deliver him the forces demanded at the time and place appointed. That a general thus marching out with the standing army, a new army be elected out of the first essay as formerly, and a new general be elected by the senat; that so always there be a general sitting, and a standing army, what generals or armys soever be marching. And that in case of invasion the bands of the elders be oblig'd to like duty with those of the youth.

56. The third essay, or army marching.

THAT an only son be discharg'd of these dutys without prejudice. That of two brothers there be but one admitted to foren service at one time. That of more brothers, not above a half. That whoever otherwise refuses his lot, except upon cause shown he be dispens'd with by the phylarch, or upon penitence be by them pardon'd and restor'd, by such refusal be incapable of electing, or being elected in this commonwealth; as also that he pay to the state a fifth of his revenue for protection, besides taxes. That divines, physicians, and lawyers, as also trades not at leisure for the essays, be so far exemted from this rule, that they be still capable of all preferments in their respective professions, with indemnity, and without military education or service.

57. Poena ?[Editor: illegible character]?ατε[Editor: illegible character]ας, or the guardian of education and liberty.

A commonwealth whose militia consists of mercenarys, to be safe, must be situated as *Venice*, but can in no wise be great. The industry of *Holland* is the main revenue of that state; whence not being able to spare hands to her arms, she is cast upon strangers

and mercenary forces, thro which we in our time have seen *Amsterdam* necessitated to let in the sea upon her, and to becom (as it were) *Venice*. To a popular government that could not do the like, mercenary arms have never fail'd to be fatal; whence the last proposition is that which in every well-order'd commonwealth has bin look'd to as the main guard of liberty.

In this *Israel* was formidable beyond all other commonwealths, with a kind of fulmination. Saul when he heard the cruelty of Nahash the *Ammonit*, at the leaguer of *Jabesh-Gilead*, took a yoke of oxen and hew'd them in pieces, and sent them throout the coasts of *Israel*, by the hands of messengers, saying, *Whosoever coms not out after Saul, and after Samuel, so shall it be don to his oxen.*

The twelfth parallel

1 Sam. 11. 7.

Which amounted not only to a confiscation of goods (the riches of the *Israelits* lying most in their cattle) but to a kind of *anathema*, as more plainly appears, where it is said, *Curse ye Meroz, curse ye bitterly the inhabitants therof, because they came not forth to help the Lord against the mighty.*

Judg. 5. 23.

Nay this (???ατεία) desertion of the military orders and services in *Israel*, was somtimes punish'd with total extermination, as after the victory against *Benjamin*, where the congregation or political assembly of that people, making inquisition what one of the tribes of *Israel* came not up to the Lord in Mizpeh (the place where before the taking of *Jerusalem* they held, as I may say, their parlements) and finding that there came none to the camp from *Jabesh-Gilead*, sent thither twelve thousand men of the valiantest, saying, *Go and smite the inhabitants of Jabesh-Gilead with the edg of the sword, and the women and the children:* which was don accordingly.

Judg. 21.

But by this time men will shrink at this as a dreadful order, and begin to compute that a commonwealth, let her prerogatives for the rest be what they will, must at this rate be but a dear purchase: wheras indeed, if this way costs something, there is no other that dos not hazard all; forasmuch as discarding this order, play your game as you can, you are some time or other a prey to your enemys, or to your mercenarys. This certainly is that root in (the *penetralia*) the bowels of a commonwealth, whence never any court arts, or politeness, could attain to the gallantry or splendor of the education in popular governments. For let any man (remembring what it was to be a Gideon, a Miltiades, a Timoleon, a Scipio, or a magistrat in a commonwealth) consider if there should be no way with us to magistracy, but by having serv'd three years at sea, and three years at land, how the whole face and genius of education, both in the better and in the lower sort, would of necessity be chang'd in this nation, and what kind of magistrats such experience in those services must create to the commonwealth. Consider, whether the threaten'd punishments of this order, tho thro unacquaintance they may at first sight have som brow, would not, as they have don in other commonwealths of like structure, even with low spirits, expire in scorn and contempt, or thro the mere contemplation of the reward of honor, nay of the honor it self, in which point where right has not bin don, men, under governments of this nature, have bin much more apt to heats; as where the men of *Ephraim* fought against Jephtha, for an affront in this kind which they conceiv'd him to have put upon them.

Wherefore passedst thou over to fight against the children of Ammon, and didst not call us to go with thee? We will burn thy house upon thee with fire.

Judg. 12.

Nor is this way so expensive of the purse or of blood. Not of the public purse, because it detests mercenarys; nor of the privat purse, because the ways of education thus directed, are all assisted with the states pay: so that a man in this road might educat three children cheaper, and to the most solid ends, than he could any one to trifles in those which among us hitherto have bin usual. And as to blood, there is nothing more certain, than that idleness, and its inseparable companion luxury, are exceedingly more wastful as of the purse, so of health, nay and of life it self, than is war; which nevertheless this order is such as dos rather prevent than necessitat, in regard that to be potent in arms is the way of peace. But wheras in a martial commonwealth there may be men having exceded the thirtieth year of their age, who like those of *Ephraim* would yet take it ill to be excluded the lists of honor, and it must also be to the detriment of the commonwealth that they should; for these, whom we may call volunteers, it is propos'd,

THAT upon warrants issu'd forth by the general for recruits or levys, there be an assembly of the phylarch in each tribe; that such volunteers, or men being above thirty years of age, as are desirous of farther imployment in arms, appear before the phylarch so assembl'd. That any number of these, not exceeding one moiety of the recruits or levys of that tribe, may be taken on by the phylarch, so many of the youth being at the discretion of this council disbanded, as are taken on of the volunteers. That the levys thus made, be conducted by the conductor of the respective tribe to the rendevouz appointed. And that the service of these be without other term or vacation, than at the discretion of the senat and the people, or such instructions to the general, as shall by them in that case be provided.

58. *Volunteers.*

Thus much for the military or defensive part of this model.

For offences in general it is written, *Wo unto the world because of offences; for it must needs be that offences com, but wo to that man by whom the offence coms.*

Mat. 18. 7.

Among offences are offensive wars: now it being out of question, that for the righteous execution of this wo upon him or them by whom the offence coms, a war may be just and necessary, as also that victory in a just and necessary war may intitle one prince or one people to the dominion or empire of another prince or people; it is also out of question, that a commonwealth, unless in this case she be provided both to acquire, and to hold what she acquires, is not perfect: which consideration brings me to the provincial part of this model.

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CHAP. IV.

Containing The Provincial Part Of This Model, Propos'D Practicably.

THE word *province* is with *Roman* authors of divers significations. By these it is taken sometimes for magistracy; as that of the consul, which is call'd *his province*: somtimes for any religion or country, in which a *Roman* captain or general was commanded to make war; but specially for such a country as was acquir'd and held by arms, or by *provincial right*.

The word is of the like different use in Scripture; as where it is said, That Ahasuerus reign'd over a hundred and seven *provinces*; by which are understood as well the divisions of the native, as those of the acquir'd territories.

Esth. 1. 1.

But where Tanais the governor writes to the king of *Assyria* concerning the province of *Judea*, it is understood a country acquir'd and held by arms; which coms to the usual signification of the word with the *Romans*, it being in this sense that the governor Felix ask'd Paul of *what province he was*, and came to understand that he was of *Cilicia*, then a province of the *Roman* empire:

Ezra 5. 8.

and this signification is that in which I take the word throout this chapter.

Acts 23. 34.

The mighty load of empire which happen'd to the commonwealth of *Rome* thro the acquisition of many and vast provinces, is that wherto the songs of poets, and the opinions of more serious writers attribute the weight which they say oversway'd her. But this judgment, tho in itself right, is not in the manner they take it to be swallow'd without chewing. For how probable it is that the succeeding monarchy was able to support a weight in this kind, which the commonwealth could not bear, may at this distance be discern'd, in that the provinces were infinitely more turbulent in the reign of the emperors, than in that of the commonwealth, as having a far stronger interest, thro ambition of attaining to the whole, to tear the empire in pieces: which they did, while divers provinces made divers emperors, which before could not hope to make divers commonwealths, nor to acquire safety by retreat to a petty government.

But in this, the acquisition of provinces devour'd the commonwealth of *Rome*, that, she not being sufficiently fortify'd by *agrarian* laws, the nobility, thro' the spoil of provinces, came to eat the people out of their popular balance or lands in *Italy* by purchases; and the lands that had been in the hands of the many, coming thus into the hands of the few, of natural and necessary consequence there follows monarchy.

Plutarch in Gracch.

Now that *England*, a monarchy, has bin seiz'd of provinces (one of them, while *France* was such, being as great as any one of the *Roman*) is a known thing; and that the militia propos'd by the present model, contains all the causes of greatness that were in that of *Rome*, is to such as are not altogether strangers to the former no less

than obvious. Now of like causes not to presume like effects, were unreasonable. The safety therefore of the foregoing *agrarian*, as hitherto propos'd, or that lands be divided in their descent, must in this case be none at all, unless there be som stop also given in their accumulation by way of purchase; lest otherwise the spoil of som mighty province be still sufficient to eat out the people by purchase.

To submit therefore in this place (for ought I perceive) to inevitable necessity, it is propos'd,

THAT (great commonwealths having bin overthrown by the spoil of provinces) an estate of two thousand pounds a year in land, be incapable of any accumulation by way of purchase.

5 Additional
propositions to the
agrarian.

Donations and inheritances will be fewer than to be dangerous; and as some fall, others will be dividing in their descent. But to resume the discourse upon the *agrarian* laws, which, because they were not till in this proposition complete, remains imperfect. That to *agrarian* laws som standard is necessary, appears plainly enough. This standard in a well-founded monarchy, must bar recess; and in a well-founded commonwealth must bar increase. For certain it is, that otherwise each of the policys dos naturally breed that viper which eats out the bowels of the mother: as monarchy, by pomp and luxury, reduces her nobility thro debt to poverty, and at length to a level with the people, upon which no throne ever stood or can stand: such was the case of this nation under her latter princes. And a commonwealth by her natural ways of frugality, of fattening and cockering up of the people, is apt to bring estates to such excess in som hands, as eating out the rest, bows the neck of a free state or city to the yoke, and exposes her to the goa of a lord and master, which was the case of *Rome* under her perpetual dictators. But why yet must this standard of land in the present case, be neither more nor less than just two thousand pounds a year? truly, where som standard was necessary to be nam'd, I might as well ask why not this as well as any other? yet am I not without such reasons why I have pitch'd upon this rather than any other, as I may submit to the judgment of the reader in the following computation or comparison of the divers effects or consequences of so many different standards, as by the rules of proportion may give sufficient account of the rest.

Let the dry rent of *England* (that is, at the rate a man may have for his land without sweating) be computed at ten millions: this presum'd, if you set the standard at ten thousand pounds a year, the whole territory can com into no fewer than one thousand hands. If you set it at five thousand pounds a year, it can com into no fewer than two thousand hands; and if you set it at two thousand pounds a year, it can com into no fewer than five thousand hands. It will be said, in which way you please, it will never com into so few hands as are capable of having it; which is certain: yet because the effects in their approaches would be such as may be measur'd by their extremes, I shall pitch upon these as the readiest way to guide my computation. The balance in a thousand hands might affect the government with a hankering after monarchy; in two thousand hands it might usurp it, as did the *Roman* nobility, and therby occasion a feud between the senat and the people. These not only in the extremes, but with much of a like nature in the approaches.

But letting these pass, as also the numbers or compass necessary to the rotation of such a commonwealth (none of which inconveniences are incident to the standard of two thousand pounds a year, as that wherby land can com into no fewer than five thousand proprietors) we will suppose these standards to be each of them, as to the safety of the government, indifferently practicable.

Yet it is recorded by experience, and wise authors, that the true cause whence *England* has bin an overmatch in arms for *France*, lay in the communication or distribution of property to the lower sort; and for the same cause let it be consider'd, if the commonwealth upon the standard of two thousand pounds a year (*cæteris paribus*) must not necessarily be an overmatch in the potency of its militia for the other two. Such are the advantages, such is the glory of the like moderation to the public. *Mony* (says the lord Verulam) *is like muck, not good except it be spread*. Much rather in popular government is this holding as to land, the latter having upon the state a far stronger influence, at least in larger territorys, than mony: for in such, mony, while scarce, cannot overbalance land; and were silver and gold as plentiful as brass or iron, they would be no more, nor would land be less worth. And for privat men, were it not that *it is easier to fill the belly of a glutton than his eys*, not only virtue, but the beatitude of riches, would be apparently consistent in a mean. But what need I play the divine or the philosopher upon a doctrin, which is not to diminish any man's estate, not to bring any man from the customs to which he has bin inur'd, nor from any emergent expectation he may have; but regards only the generation to com, or the children to be born seven years after the passing such a law? whence it must needs follow, that putting the case this *agrarian* be introduc'd, it is to our age as if there were none; and if there be no *agrarian*, it is to our age as if there was one. The difference is no more, than that in the one way the commonwealth is at all points secur'd, and in the other it is left to its fortune even in the main. Of such sovereign effect are the like laws, that I would go yet farther, and propose,

THAT in *Scotland* the standard be set at five hundred pounds a year; in *Ireland* at two thousand pounds a year in land; the rest for each as for *England*.

60. *Agrarian for Scotland and Ireland.*

Narrowness of an *agrarian* for *Scotland*, being a martial country, would make the larger provision of a good auxiliary militia; and largeness of an *agrarian* for *Ireland*, being less martial, would cast a sop into the jaws of the avarice of those who should think it too much confin'd in *England*. And lest the provincials in this case should think themselves worse dealt with than the citizens themselves, the sum of the *agrarian* laws being cast up together, any man in the three nations may hold four thousand five hundred pounds a year in land; and any small parcel of land, or mere residence in *England*, makes a provincial a citizen. Should the commonwealth increase in provinces, the estates at this rate both of the citizens and provincials would be more and greater than ever were those of the antient nobility of these nations; and without any the least hazard to liberty. For he, who considering the whole *Roman* story, or that only of the Gracchi in Plutarch, shall rightly judg, must confess, that had *Rome* preserv'd a good *agrarian* but in *Italy*, the riches of its provinces could not have torn up the roots of its liberty, but on the contrary must have water'd them. It may be said, What need then of putting an *agrarian* upon the provinces? I answer: for two

reasons: first is indulgence to the provincials and the second, advantage to the commonwealth. For the first, it is with small foresight apparent enough, that the avarice of the citizen being bounded at home, and having no limits in the provinces, would in a few years eat up the provincials, and bring their whole countrys (as the *Roman* patricians did *Italy*) to sound in their fetters, or to be till'd by their slaves or underlings. And so, for the second, the commonwealth would by such means lose an auxiliary militia, to be otherwise in *Scotland* only more worth than the *Indys*. The things therfore thus order'd, it is propos'd,

THAT upon the expiration of magistracy in the senat, or at the annual recess of one third part of the same, there be elected by the senat out of the part receding, into each provincial council, four knights for the term of three years; therby to render each provincial council (presuming it in the beginning to have bin constituted of twelve knights, divided after the manner of the senat by three several lists or elections) of annual, triennial, and perpetual revolution or rotation.

61. *Provincial councils.*

THAT out of the same third part of the senat annually receding, there be to each province one knight elected for the term of one year. That the knight so elected be the provincial general or governor. That a provincial governor or general receive annually in *April* at his rendezvous appointed, the youth or recruits elected in the precedent month to that end by the tribes, and by their conductors deliver'd accordingly. That he repair with the said youth or recruits to his province, and there dismiss that part of the provincial guard or army whose triennial term is expir'd. That each provincial governor have the conduct of affairs of war and of state in his respective province, with advice of the provincial council; and that he be president of the same.

62. *Provincial governors or generals.*

THAT each provincial council elect three weekly proposers, or provosts, after the manner, and to the ends already shewn in the constitution of senatorian councils; and that the provost of the senior list, during his term, be president of the council in absence of the general.

63. *Provincial provosts.*

THAT each provincial council procede according to instructions receiv'd from the council of state, and keep intelligence with the same by any two of their provosts, for the government of the province, as to matters of war or state.

That upon levys of native or proper arms by the senat, and the people, a provincial council (having to that end receiv'd orders) make levys of provincial auxiliaries accordingly. That auxiliary arms upon no occasion whatsoever excede the proper or native arms in number. That for the rest, the provincial council maintain the provincials, defraying their peculiar guards and council, by such a known proportion of tributs, as on them shall be set by the senat and the people, in their proper rights, laws, libertys and immunitys, so far as upon the merits of the cause wherupon they were subdu'd, it seem'd good to the senat and the people to confirm them. And that it be lawful for the provincials to appeal from their provincial magistrats, councils, or generals, to the people of *England*.

64. *Subordination and function of provincial councils.*

In modelling a commonwealth, the concernment of provincial government comes in the last place; for which cause I conceive any long discourse upon these orders to be at present unnecessary: but certain things there are in the way which I am unwilling to let slip without pointing at them.

Som will have men, som will have mony to be the nerve of war; each of which positions, in proper cases, may be a maxim: for if *France*, where the main body of the people is imbas'd; or *Venice*, which stands upon a mercenary militia, want mony, they can make no war. But it has heretofore bin otherwise with commonwealths. *Roman* historians (as is observ'd by Machiavel) in their military preparations or expeditions, make no mention of mony, unless what was gain'd by the war, and brought home into the treasury; as the spoil of *Macedon* by Emilius Paulus, being such, as the people for som years after were discharg'd of their tribute. Not that their wars were made altogether without mony: for if so, why should the people at any time before have paid tribute? or why upon this occasion were they excus'd? but that the mony in which their wars stood them, was not considerable in comparison of that which is requisit where mony may be counted the nerve of war; that is, where men are not to be had without it. But *Rome*, by virtue of its orders, could have rais'd vaster numbers of citizens and associats than perhaps it ever did, tho during the consulat of Pappus and Regulus, she levy'd in *Italy* only seventy thousand horse, and seven hundred thousand foot. Should we conceive the nerve of this motion to have bin mony, we must reckon the *Indys* to have bin exhausted before they were found; or so much brass to have bin in *Italy*, as would have made stones to be as good as mony. A well-order'd commonwealth dos these things not by mony, but by such orders as make of its citizens the nerve of its wars. The youth of the commonwealth propos'd are esteem'd in all at five hundred thousand. Of these there is an annual band, consisting of one hundred thousand. Of this one hundred thousand there is a standing army consisting of thirty thousand foot and ten thousand horse, besides such as being above thirty years of age, shall offer themselves as voluntiers: of which the number is in no wise likely to be few. To the standing army the provinces, or that only of *Scotland*, being both populous and martial, can afford at any time an equal number of auxiliaries.

Whether men or mony be the nerve of war.

These orders, thus sum'd up together, render this commonwealth ordinarily able to wage war with fourscore thousand men; a force which, it is known, not any prince in Christendom is able to match in virtue, number, or disciplin. For these the commonwealth in her sea guard has always at hand sufficient waftage, or at least such a sufficient convoy as may make any vessels at hand a sufficient transportation: all this, I say, by virtue of orders. Not but that the march, the equipage, the waftage of so great an army must cost mony; but that it will com to no account in comparison of a lingring war made by a matter of thirty thousand mercenarys, the very consumption of a state: wheras fourscore thousand men so disciplin'd and so furnish'd, as has bin shewn, being once transported, must suddenly com to be no charge, or make the war defray it self.

But 'tis objected, that to reckon upon such a militia were to suppose a large country capable of being a commonwealth; wheras we hold them learn'd, who say that no commonwealth has consisted of more than som one city or town.

But in what language or in what geography, are the twelve tribes of *Israel*; the (δῆμοι) peopledoms or prytanys of *Athens*, which Theseus gather'd into one body; the tribes and linages in *Lacedemon* instituted by Lycurgus; the five and thirty *Roman* tribes planted between the rivers *Vulturnus* and *Arno*, or between the citys now call'd *Capua* and *Florence*; the 13 cantons of the *Switzers*; the seven united provinces of the low countrys, understood to have bin or to be but one city or town? whether were not the people of *Israel* under their commonwealth six hundred thousand? what reason can be given why the government that could take in six hundred thousand, might not as well take in twice that number? how much short came the country, planted by the *Roman* tribes, of 150 miles square? or how much over is *England*? and what reason can be given why a government, taking in 150 miles square, might not as well take in twice that compass? whether was our house of commons under monarchy not collected from the utmost bounds of the *English* territory? and whether had the laws by them enacted not their free course to the utmost limits of the same? and why should that be impossible or impracticable to a representative of the people in a commonwealth, which was so facil and practicable to a representative of the people under monarchy?

Whether a commonwealth has consisted of more than one city or town.

It is a wonder how the commonwealth of *Rome*, which held as it were the whole world by provinces, should be imagin'd by any man to have consisted but of one town or city.

But to return: it is alleg'd by others, and as to provincial government very truly, that a commonwealth may be a tyranny: nor do I think that *Athens*, in this point, came short of any prince: *Rome*, on the other side, was (according to the merits of the cause) as frequent in giving liberty as in taking it away. The provinces of *Venice* and of *Switzerland* would not change their condition with the subjects of the best prince. However, the possibility in a commonwealth of tyrannizing over provinces, is not to be cur'd; for be the commonwealth or the prince a state or a man after God's own heart, there is no way of holding a province but by arms.

WHEN the *Syrians* of *Damascus* came to succor *Hadadezer* king of *Zobah*, *David* slew of the *Syrians* two and twenty thousand men: then *David* put garisons in *Syria* of *Damascus*, and the *Syrians* became servants to *David*, and brought gifts; and the Lord preserv'd *David* whithersoever he went.

The thirteenth parallel.

With this parallel I draw the curtain, and close (be it comedy to such as are for tragedy) the model; appealing to the present, or the next age, whether throout I have not had God himself for my vouchee. In the mean time, there is nothing hereby propos'd which may not stand with a supreme magistrat.

2 Sam. 8. 5, 6.

See the corollary of Oceana.

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The Conclusion:

Shewing How The Model Propos'd May Be Prov'd Or Examin'd; And Giving A Brief Answer To Mr. Wren's Last Book, Intitl'd, Monarchy Asserted Against Mr. Harrington's Oceana.

FOR a nation to be still upon the cast of a dy, to be ever in trepidation as to the main chance of government, is a dreadful state of things. Such indeed with us has bin the constitution of our late governments, of which therefore not any can be call'd a commonwealth. Yet has the like state of things (in favor of monarchs, and thro the industry of the clergy) bin for many ages, that wherof commonwealths unheard are still accus'd and condemn'd. For proof in this case, the tribunitian storms of the *Roman* people are thought abundantly sufficient. But these having bin without blood, if with our affairs they hold any parallel, are not to be compar'd with the barons wars, those of *York* and *Lancaster*, or the like; but with the contests or strivings of our parlaments with their kings, while such disputes came not to arms. Or if the *Roman* fields from the time of the Gracchi grew bloody, we have known a matter of a dozen years in which ours might have compar'd with them.

Sect. 1. That a commonwealth not rightly order'd, is less seditious than the best of monarchys.

The seditions under the commonwealth of *Rome* to those under the empire, hold such a proportion, as the seditions under the commonwealth of *Israel* to those under their kings. I am contented at this time, for discourse sake, that the seditions of *Venice* should pass as they are computed by Mr. Wren: let those also which have happen'd in the commonwealths of the *Switzers*, and of the united provinces, by the skill of som man who may be thought more impartial than my self, be rightly enumerated and added. This being don, let the seditions that have happen'd in the monarchys of *England*, *France*, and *Spain*, be as impartially sum'd up; and I may venture to promise you, that you shall not find the sum of the seditions which have happen'd in those three commonwealths, to balance the foot of the account with those seditions which have happen'd in any one of those monarchys: nor are we without sufficient inducement to believe, that the whole account in this particular of those commonwealths which have bin in the world, can com any whit nearer to that of the monarchys. But this being so, be it also suppos'd, tho not granted, that a commonwealth is a seditious government, yet must it be the least seditious government.

See Book 2. chap. 4.

The republic of *Corinth* never suffer'd but that one sedition which is describ'd by *Xenophon*; and this too from an external cause.

[Editor: illegible character] λληνι??v. Lib. 4.

But I am the more confirm'd by the assaults of Mr. Wren, to have no less than demonstrated in the propos'd model, that a commonwealth rightly order'd is altogether incapable of

Sect. 2. That Mr. Wren's opposition of popular prudence

sedition, and so consequently of dissolution, that is, from any internal cause. To render his consutation intire, and the truth of this assertion the more conspicuous, I shall first insert those rules or maxims wherby a model of a commonwealth may be exactly prov'd or examin'd, and then shew how they totally enervat and overturn those arguments elaborated by Mr. Wren towards the examination and confutation of the model propos'd.

amounts to a confirmation of it.

The maxims or rules wherby a well-order'd model of popular government may be most exactly prov'd or examin'd, are specially two:

How a model of popular government may be try'd or examin'd.

1. *IT must be wholly void of any contradiction or inequality.*
2. *IT must be such in which no number of men, having the interest, can have the power or strength; and no number of men, having the power or strength, can have the interest to invade or disturb the government.*

It is not in the power of nature that there should be an effect, where there is not the cause of that effect; and in a frame of government that is exactly according to the foregoing maxims, there can be no cause of sedition or dissolution. A model of government therfore that will hold examination by these maxims, must (without ostentation, or with Mr. Wren's patience) be perfect.

Now let us observe how he bestirs himself to examin and confute this model. As to contradiction, he dos not so much as pretend that there is any guile in it; yet will not allow it to have any truth:

For, says he, as in a fiction the soveral members may be so contriv'd, as not to give one another the ly, but be all contain'd within the limits of verisimilitude, and yet the whole remain without the least syllable of truth; so in a model of government. To which I answer, that there being a truth of nature, and a truth of fact, this way of Mr. Wren's disputing is mere equivocation. For the model is not propos'd to shew the truth of fact, or that there has bin any such exactly in practice; but to shew the truth of nature, or that such a model is practicable: wherfore he needed not to have alleg'd that it has not the truth of fact, which we all know; but was to shew where it fails of such a truth in nature as can any way render it impracticable.

W. p. 78.

But instead of this, he is gon to the moon; and will read us a lecture in politics by the planets, or the various hypotheses of celestial motions, *which may be excogitated including no absurdity in themselves, and yet perhaps not any one of them prove to be the true method of nature.* But may a man therfore argue in this manner? It is very hard to know certainly which are the highways of the planets, therfore there can be no certain knowledge which are the highways to *London*. Let us e'en say, Because the rotation of the world may as well go upon the heavens as upon the earth, therfore a man may as well go upon his head as upon his heels, and a commonwealth as well stand upon a milkwoman's pattins, as upon the strongest interest, or the interest of the strongest.

Ibid.

W. p. 179.

So much for contradiction. Now for inequality, says Mr. Wren, *Tho it should be allow'd Mr. Harrington, that his commonwealth has none in it, yet would it fail of attaining the perfection of government, seeing there is an equality in the nature of man, which is not rectify'd by the model of his commonwealth.* As if the equality of a government was pretended to be such, as should make a crooked man straight, a wicked man good, or a passionat man a philosopher; and it were not perfect, in being sufficient to prevent any influence that wickedness or passion in a man or men may have upon the government. But for farther discovery of these inequalitys in the nature of man, that are not rectify'd by the model, Mr. Wren sends us to his eighth and ninth chapters, where he produces them in such order, as I shall observe in repeating him. *Whensoever, says he, under popular government the number of those whose offences have render'd them liable to the severity of laws, is considerable enough to qualify them for attempt, popular government has no more security than any other, of being free from sedition.* It is very true: but Mr. Wren was oblig'd to shew how in an equal commonwealth, or under the model propos'd, it was possible that the number of such men should com to be considerable enough to qualify them for such an attempt. But in this kind he is no otherwise provided than to tell us, *That of this original and extraction, as to the main, was Catilin's attempt upon the Roman commonwealth.* So undertaking against *Oceana*, or the most equal commonwealth, he is com to arguing against *Rome*, or the most unequal commonwealth; and at such a time too, when being no longer capable of liberty, but ready for bonds, there were other partys besides Catilin's, and others besides such as were obnoxious to the laws, that lay in wait for her: as Pompey and his party, or at least Cesar and his, who at length carry'd it; so that this feat was not so much perform'd by men otherwise *liable to severity of laws*, as by men puff'd up by ambition. But let these have bin of which sort he will, it remains with him to shew, how there should be of either kind enough in *Oceana* for a like attempt. It is known, that long before this happen'd in *Rome*, the whole of that commonwealth was in the hands of three men, Cesar, Pompey, and Crassus: wherfore he should have first shewn, which way the whole of the commonwealth of *Oceana* might com into the hands of three, or of a few men. But leaving this untouch'd, he runs making a dust, and a doubt where the soverain power of *Oceana* can be; which even in *Rome*, as unequal as it was, is acknowleg'd to have bin in the assemblys of the people; and in *Athens*, Thucydides expresly says, That the sovereignty was in the five thousand. Who ever doubted but where the ultimat result is, there also must be the sovereignty? and the ultimat result of *Oceana* is in the prerogative tribe, or representative of the people.

Then says he, *This representative thinking it their interest, may dissolve the government, and perpetuat themselves, and may com to think it their interest. For the desire of power being natural to man, a far greater share of power remains with every particular man, when the soverain power is divided among so many, than when the same power is divided among two hundred thousand.* But I shew'd that this representative has the whole soverain power in themselves, not divided with any other, or with the five hundred thousand; which I suppose he means by the two hundred thousand he mentions. Now this representative cannot be understood to have the soverain power by overbalance of strength, because they are but one thousand to five hundred thousand; so it is plain that they have it by consent, or by orders only: wherfore these orders they have not the power, or strength,

nor the interest to break; because breaking their orders (by which only, and not by strength, the power is in themselves) they com to divide the power that was in themselves, with the five hundred thousand, as they, who, in defect of the orders, have the far greater strength, and no legal bar.

Yet says he, *That a representative is not incapable of making such an attempt as this, will (it is not improbable) easily find belief with those who are acquainted with the actions of these last eighteen years.*

W. p. 85.

Which is as much as to say, That because a representative, by and with the people, may have both the interest, and the power or strength to free themselves of a broken monarchy; therfore a representative may, without and against the people, have both the interest, and the power or strength to break the orders of the most equal commonwealth. But if the representative of *Oceana* has not the power or strength to break their orders, and perpetuat themselves, much less the senat. True it is, if we look upon som other commonwealths, a senat might have the interest to do it; but not where the senat has bin upon rotation. To add then to Mr. Wren's faculty of opposition greater strength than is in it; if the senat of *Oceana* would do any thing of this kind, their readiest way were by creating of the dictator. The dictator being created, has sovereign power in carrying on the orders of the commonwealth: but those do not perpetuat their power; this therfore cannot be don but by force or arms. The arms of the commonwealth are both numerous, and in a posture or readiness; but they consist of its citizens: and for the dictator to bring the citizen to break the commonwealth, were for a general to command his army to cut their own throats. It is true, the *Roman decemvirs* put in for prolongation; but, tho in the most unequal commonwealth, they could not make it stand one year, because of the citizens in arms: and for mercenarys there are none in *Oceana*; is this news? there were none in *Israel*, there were none in *Athens*, there were none in *Lacedemon*, there were none in *Rome*, while those commonwealths flourish'd. But were there mercenarys, as he might perhaps reckon servants, they are unarm'd, undisciplin'd; they cannot rise thro the vast bodys of citizens in arms both elders and youth; or if they would rise, they could be nothing in their hands. The *Roman* slaves, and the *Lacedemonian* helots, being far of another and more dangerous nature, never rose against their lords but to their own destruction. All this while I say nothing of the security which is in the frame of this dictator, beyond any example or interest of prolongation to be found either in the *Roman* dictator or the *Venetian* council of ten, each wherof having had the like power, did never discover any such inclination. It is true, that in the time of Sylla, the *Roman* dictator began to be perpetual; but this is not to be attributed so much to the imperfection of the order, as to the change of the balance. But if the dictator of *Oceana* cannot have the interest, or, having the interest, cannot have the power or strength to perpetuat that magistracy, much less can the senat.

The sum of what has bin said may be thus cast up, as to the whole constitution. If things or persons that have neither the right nor the might, may prevail against things and persons who have both the right and the might; then may one order of this commonwealth break the whole system: but the might, thro the foundation or popular balance of property, being in the whole people, and the whole superstructures of this commonwealth being nothing else but an equal distribution of common right to the whole people, who are possest of the might; they who have the might, have not the interest to break, but to preserve the orders; which therfore no other can have the

power or strength to break, or som other breaking, must but lose that which they pretend to gain, to wit, the right, which in this case must still fall to the might devolving upon the people.

That Mr. Wren will needs fancy the tribes or citys in *Oceana*, as those in the united provinces, or the cantons of *Switzerland*, to be distinct sovereintys, concerns not me, seeing the form of *Oceana* is far otherwise; nor indeed him, seeing neither do the citys in *Holland*, nor the cantons in *Switzerland*, go about to dissolve their commonwealths or leagues. The champion having thus fail'd at the head, is contented to play low.

W. p. 87.

Tho there be care taken, says he, *that at the assembly of the hundred and the tribe, such and such magistrats should be elected out of the horse, there is no necessary provision there should be any horse there, out of which to elect.* And where can they be then, if not in som parish? He might better have said, that at the parish there was no care taken, that the people should not elect too many of the horse, which being indeed the defect of the former, is in this edition rectify'd.

W. p. 181.

His last exception is against the place where I say, that *They who take upon them the profession of theology, physic or law, are not at leisure for the essays,*

See proposition 44.

wherby the youth commence for all magistracy andhonors, in the commonwealth. To which reason he offers not so much as any answer: nor pretends any other argument against it, than that this excludes divines, lawyers, and physicians, from those honors to which their parish clerks, their scriveners, and their apothecarys, nay farriers and coblers may attain. And what can I help that, if it ought nevertheless so to be, for a reason which he cannot answer? Nay, if so it be in common practice where the reason is nothing near so strong, seeing a parish clerk, a scrivener, an apothecary, nay a cobbler or a farrier, is not incapable of being of the common council, nor yet of being an alderman or lord mayor of *London*; which nevertheless that a divine, a lawyer, or a physician should be, were absurd to think. Divines have a plow from which they ought not to look back: they have above a tenth of the territory, with which they ought to be contented; and more than all, civil interest contracted by a clergy, corrupts religion. For lawyers, their practice and magistracys are not only the most gainful, but for life; and in a commonwealth, neither is accumulation of magistracy just or equal, nor the confounding of executive and legislative magistracy safe. Will Mr. Wren believe one of our own lawyers, and one of the learnedst of them upon this point?

W. p. 183.

It is the lord Verulam:*They, says he, who have written (de legibus) of lawmaking, have handl'd this argument as philosophers, or as lawyers. Philosophers speak higher than will fall into the capacity of practice* (to which may be refer'd Plato's commonwealth, Sir Thomas More's *Utopia*, with his own *Atlantis*) *and lawyers being obnoxious, and addicted each to the laws of their particular country, have no freedom nor sincerity of judgment, but plead as it were in bonds. Certainly the cognizance of these things is most properly pertaining to political persons, who best know what stands with human society, what with the safety of the people, what with natural equity, with antient prudence, and with the different constitution of commonwealths. These therefore, by the principles and precepts of natural equity and good policy, may and ought to determin of laws.* For physicians, who (as such) have in the management of state-

Verulam de Aug.
Scien. lib. 8. cap. 3.

affairs no prejudice, if you open them the door, they will not at all, or very rarely, com in: wherby it appears, first, that such a bar may in som cases be no violation of liberty; and, secondly, that the divines, who for better causes might be as well satisfy'd, and for more unanswerable reasons ought to forbear, yet are impatient, and give a full testimony that their meaning is not good.

Thus is the commonwealth by Mr. Wren oppos'd, by him asserted. There remains no more to the full confutation of his book, than to shew how the monarchy by him asserted is by him destroy'd. This is to be don by the examination of his ninth chapter, which is the next of those to which he refer'd us.

The opposition made by Mr. Wren to a commonwealth, and his pretended asserting of monarchy, run altogether upon Mr. Hobbs's principles, and in his very words; but for want of understanding, much enervated: so that Mr. Wren's whole feat of arms coms but to have given me a weaker adversary for a stronger. *In sovereignty, says he, the diffus'd strength of the multitude is united in one person; which in a monarchy is a natural person; in a state, an artificial one procreated by the majority of votes.*

Sect. 3. That Mr. Wren's assertion of monarchy amounts to the subversion of it.

This then is the grand security of all sovereigns, whether single persons or assemblies,

W. p. 97.

that the united forces of their subjects, with which they are invested, is sufficient to suppress the beginnings of seditions.

W. p. 99.

Who reads Mr. Hobbs, if this be news? But what provision is made by either of these authors, that the forces of these subjects must needs be united? Is union in forces, or in government, an effect wherof there is no cause? Or to what cause are we to attribute this certain union and grand security?

Why let there be such a nobility as may be a monarch's guard against the people. And lest a monarch stand in need of another guard against this nobility, let none of these excel the rest of his order in power or dignity. Which effects or ends, thus commanded, vouchsafe not to acquaint us with their ways:

W. p. 103.

Yes, let the nobility have no right to assemble themselves for electing a successor to the monarchy, or for making a war or

Ibid.

peace, or for nominating the great ministers of state, or for performing any other act which by the nature of it is inseparable from the sovereign power. But why then must such a nobility be a guard against the people, and not rather a guard for the people, seeing both their interests and sufferings at this rate are the same, and include those very causes for which, in the barons war, the nobility became incendiarys and leaders of the people of *England* against their kings, and so those wherby their captain came to excel the rest of his order in power or dignity?

But for this the prince is to be provided, *by having always in pay a sufficient militia; and som places of strength where a few may be secure against a number.* For places of strength, citadels, or castles, there were in the time of the barons wars more than som; yet were they, as to this purpose, none.

W. p. 105.

But a militia is one thing, and a sufficient militia is another; where the government consists of a nobility and of a people, what sufficient part of the property or revenue of the territory can there remain to the prince, wherby to have always in pay such a

militia, as may be sufficient to keep the nobility and the people from joining, or to suppress them being join'd? If these be small armys, the like may befall them which befel those of the kings in the wars of the barons.

And if they be great armys, the prince has not wherewithal to support or content them; nay if he had, Mr. Wren tells us plainly,

W. p. 106.

That princes who keep great armys, as guards to their persons or empires, teach us that this is to walk upon precipices; there being no possibility of preventing such an army (specially if they ly still without employment) from acquiring an interest distinct from that of the prince. Wherefore (to follow Mr. Wren, and no other leader, in his own words against himself) this militia being great, cannot be so instituted, as to have no interest besides the pay it receives from the monarch; nor so as to have no hopes of being safe in their own strength, if they should withdraw themselves from the service and obedience due to him: and being not great, against the whole order or orders of the nobility and the people they cannot be sufficient.

What then remains but to say, that Mr. Wren having declar'd *the perfection of monarchical government to consist in a mixture of*

W. p. 107.

monarchy by a nobility, and a monarchy by arms, has as to his model intirely subverted monarchy? In this way of disputing, I have rather follow'd my leader than reason; the true answer being that which was given in the preface, namely, that an army to be effectual in *England*, must be such where the officers have popular estates, or where they have such estates as had the antient nobility: in the latter case, they make a king; in the former, a commonwealth. But Mr. Wren will have his own way; and therefore, to conclude, let me but desire him to lay his hand upon his heart, and then tell me, whether the condition of the nobility (to whose favor in my exclusion he pretends a meritorious title) sharing eminently and according to their rank with the people in the commonwealth by me propos'd; or the condition of the nobility under the insolence and burden of a mercenary army, sharing equally with the people in oppression and slavery, or reviving the old barons wars for new liberty, in the monarchy by him propos'd, be the more desirable. And to speak a word for my adversary, we will submit it wholly to the present nobility, whether Mr. Wren or I be so extravagant in these things, that they have or can have any other than the like choice.

Yet enters not Mr. Wren into despair of living to enjoy his share (which ought to be a good one) of the felicity which will belong to the subjects of such a government. He looks upon persons, but things are invincible.

W. p. 107.

The rest of his book (to which *The Prerogative of Popular Government* is still a complete answer) consists altogether of gross evasion or invective, or of drawing out of story against popular prudence such imaginary swords as do but stand bent. To rectify or streighten these, I may hereafter present him (if any man shall think it worth the while) with a fuller answer.

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A WORD CONCERNING A HOUSE OF PEERS.

NO man knowing what is necessary to the foundation or being of a popular government, can hope or expect the introduction of any such form, where monarchy is not impracticable. They (where monarchy is impracticable) who com first to discover it, and be convinc'd of it, if reason be not altogether depos'd, are inevitable leaders. hence it is that our commonwealthsmen are already renown'd throout this nation for their invincible reasons, even by the confession of their opponents, or such as procede nevertheless in other ways. But where seed is so well sown and rooted, intervening possession and interests are like such weather as holding back the spring, yet improves the harvest: commonwealthsmen indeed may have a cold time on't, but upon the commonwealth it must bestow fermentation. Had our incomparable assertors of public liberty appear'd before a universal eviction of the necessity which inforces their cause, it must have bin thro such a reluctancy, as would have made them glad to do things by halves, which is the only rock to a rising commonwealth of scandal, or of danger; the whole being such against which there is nothing to be alleg'd, and the half what may be easily confuted. These things consider'd, what appearance is there but that it must redound to the greater advantage of our commonwealthsmen, that we are under the force of a present humour which abhors the very name of a commonwealth? seeing by this means one of two things must of necessity happen, and com shortly to public view or discovery: either that monarchy is practicable, or that it is not practicable; I mean, in our state of affairs, or in this present distribution of the balance. If monarchy be found practicable, commonwealthsmen are satisfy'd in their consciences, and so ready in fair ways to return, and submit not only for wrath, but for conscience sake. But (let divines cry Atheism, and lawyers Treason) if it be once discover'd to common understanding that monarchy is impracticable, then in coms the commonwealth, not by halves, but with all its tackling, full sail, displaying its streamers, and flourishing with top and topgallant.

The ways wherby it is at hand to be discover'd whether monarchy be practicable or impracticable, are particularly two; the one quicker, the other slower: the quicker way will be by the workmen, the slower by the work.

If the workmen, being willing, be yet overcom by the mere obstinacy of their matter, it amounts to a plain confession, that monarchy is impracticable. And if they give away the libertys of the people, they are overcom by the obstinacy of the matter; for that is not their work: nor any other work than such as must be useless, not so much in regard of it self (tho that may be true enough) as by the want of any other security than what the prince had before, that is, an army. And such an army, which for security is as good as none at all, nay the very contrary, as has bin shewn already: nor to be alter'd with better success than theirs, who became princes in *Grecian* and *Sicilian* states.

Art of lawgiving, p. 406.

But if the workmen give not away the libertys of the people, then must they so limit their prince, that he can in no manner invade those libertys; and this by any other means than the full and perfect introduction of a well-order'd commonwealth, they

will find to be utterly impossible: so either way they are overcome by the mere obstinacy of their matter.

If thro som secret dictat (as when the senat of *Rome* was *conviva caesaris*) or a hast to make riddance, this be not perceiv'd by the workmen, it will be but the more perceivable by the work when it comes to wearing or in practice; and the flaws or grievances being found insupportable, the next parliament, thro the mere want of any other remedy, must introduce a commonwealth.

GOOD, and egregiously propheticall! But what say you for all this, if we have a house of peers, and that even for the Lord's sake, there being no other way to secure liberty of conscience? Why I say, if we have a house of peers, it must be a house of old peers, or a house of new peers, or a house of the one and the other. Moreover I say, let it be which way you will, such a house may at som time, or for som reason, be personally affected to liberty of conscience; but is a constitution in it self naturally averse, and contrary to liberty of conscience, and therefore can be no security to the same, whether the lords be spiritual, or temporal, or partiperpale.

Lords spiritual are inspir'd with a third estate, or share of a realm, which gives no toleration to any religion, but that only asserting this point, which is monarchy. Setting this oracle, and som like reasons of state aside, we may think that every sovereignty (as such) has liberty of conscience: this a king having, cannot give; and a people having, will not lose. For liberty of conscience is in truth a kind of state, wherein a man is his own prince: but a house of peers sets up another prince; it cannot stand without a king. If the balance be in the lords, as before Henry the Seventh, yet must they have a king to unite them, and by whom to administer their government; and if the balance be not in the lords, they stand or fall with the king, as the house of peers in the long parliament, and the king falling, their government devolves to the people. Again, a house of peers having the overbalance, signifys something; in which case it has not bin known to be for liberty of conscience: and not having the overbalance, signifys nothing; in which case it cannot secure the liberty of conscience. Thus a house of peers, whether something or nothing, is no way for the liberty of conscience; but every way for a king: and a king is a defender of the faith. The faith wherof a king is defender, must be that which is, or he shall call his own faith; and this faith it concerns his crown and dignity, that he defend against all other faiths. True it is, that a king for a step to a throne, may use what is readiest at hand: otherwise where there is liberty of conscience, to assert civil liberty by Scripture can be no atheism; which lames a prince of one arm. But where liberty of conscience is not at all, or not perfect, divines, who (for the greater part) are no fair huntsmen, but love dearly to be poaching or clubbing with the secular arm (tho if we, who desire no such advantages, might prosecute them for abusing Scripture, as they have don this thousand years, to all the ends, intents, and purposes of monarchy, they would think it a hard case) divines, I say, not only brand the assertors of civil liberty with Atheism, but are som of them studious in contrivances, and quaint in plots to give a check or remove to this or that eminent patriot, by the like pretences or charges; which succeeding accordingly by the power of a parliament, they may at length com to have a parliament in their power. Where there is no liberty of conscience, there can be no civil liberty; and where there is no civil liberty, there can be no security to liberty of

conscience: but a house of peers is not only a necessary, but a declar'd check upon civil liberty: therefore it can be no security to liberty of conscience. And so much for this particular.

Now to make upon the other parts propos'd, and in a mere civil sense, som farther conjecture.

When a house of peers sets up a house of commons, as in the barons wars, they will govern the commons well enough for their own purpose, and not seldom the king too.

But we are to speak of a thing without any example, a house of peers set up by a house of commons; nor, in the want of example, are we thought worthy by our adversarys to be furnish'd with reason: so the guidance of our discourse upon this point is committed to mother wit, a notable gossip, but not so good a politician.

Nevertheless, if this house consists of old peerage only, we have direction enough to know how that will be; for either the single person, or the commons will be predominant in the government: if the commons be so, then it will be with the peers, as it was before their last seclusion; that is, while they do as the commons would have them, they may sit; otherwise they are sent home. And if the single person be predominant, it can be no otherwise than by an army; in which case the old peers being not in arms, nor having any help that way, are as much under the yoke as the commons. By which it may be apparent, that it is the great interest of the present peerage, that there be a well-order'd commonwealth: otherwise the commons being in bondage, the lords, whom that least becoms, are but equal with them: and being free, the lords are not the head, but at the foot of them; wheras in an equal commonwealth, that the nobility be not at the head, or have not the leading, is quite contrary to all reason and experience.

If the house consists of new peers only, it must consist of the chief officers in the army; which immediatly divides the government into two distinct governments: the one in the house of commons, whose foundation is the body of the people; the other in the house of peers, whose foundation is the army. This army if it remains firm to the peers, they not only command the commons, but make and unmake kings as they please; or as ambitious partys and persons among themselves are diligent or fortunat: but if the army (as is most and more than most likely) coms off to the commons, the peers are nothing, and the commons introduce a commonwealth.

If the house consists of new peers and old, the old peers while they like it, are cyphers to new figures; and when they like it not, may go home again: nor whether they stay or go, is this case so different from the former, as to be any greater obstruction to a commonwealth.

To hate the very name of a commonwealth, or not to see that *England* can be no other, is as if men were not in earnest. It is ask'd of the commons what the protector shall be, and he can be nothing but what they will. It is ask'd of the commons what the other house shall be, and it can be nothing but what the commons will. The commons are ask'd whose the army, whose the militia, whose the negative vote is; nor can these

be otherwise determin'd than as they please. The commons are ask'd whether they will make such a war, whether they will pay such a debt, whether they will advance such a sum; all which are intirely at their discretion: therfore actually and positively *England* is a commonwealth. Nay, and that there remain not the least doubt, whether it be safe for any man to say thus much, the present government has either no legal denomination at all, or is legally denominated the commonwealth: the question of the future state of it coms not one whit upon the matter, which is already granted, but upon the form only. A commonwealth for the matter makes it self; and where they will not bestow upon it the form necessary, fails not of coming to ruin, or, at least, to disgrace the workmen: or, to speak more properly and piously, a commonwealth is not made by men, but by God; and they who resist his holy will, are weapons that cannot prosper.

Feb. 20. 1659.

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SIX POLITICAL TRACTS WRITTEN ON SEVERAL OCCASIONS.

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II. A System of Politics, delineated in short and easy Aphorisms, now first publish'd from the Author's own Manuscript.

III. Political Aphorisms.

IV. Seven Models of a Commonwealth, ancient and modern, &c.

V. The Ways and Means of introducing a Commonwealth by the Consent of the People.

VI. The humble Petition of divers well affected Persons: With the Parliament's Answer therto.

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VALERIUS And PUBLICOLA: OR, THE TRUE FORM OF A
POPULAR COMMONWEALTH EXTRACTED EX PURIS
NATURALIBUS.

Quos perdere vult Jupiter, hos dementat prius.

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TO THE READER.

THE way of dialog being not faithfully manag'd, is of all other the most fraudulent; but being faithfully manag'd, is the clearest and most effectual for conveying a man's sense into the understanding of his reader. There is nothing in this world, next the favor of God, I so much desire as to be familiarly understood; which because great men have thought below them, has prov'd hitherto but the ruin of themselves, and the detriment of the public: for which reason, having try'd all other means, I now add this. My work, if I be not given over to utter blindness, is the same with, or nearest, that of the nation; and the work of the nation being not understood, is in extreme danger of utter ruin.

VALERIUS.

DEAREST Publicola, how have I long'd to meet you, and in the favorable silence of this long walk!

PUBLICOLA.

What has my noble friend Valerius to command his faithful servant?

VAL.

Why really, notwithstanding the tumult of these extravagant changes, your last discourse had so much of my attention then, and has had such a digestion with me since, that I feel it running in my veins.

PUB.

Do you find in that any temptation to the buckling on of high-shoon?

VAL.

My thoughts, Publicola, are quite of another strain; sometimes I fancy I see *England* grasping at empire, like *Rome* it self.

PUB.

Why then Valerius, my discourses are not such as they say; there run nothing of them in your veins, that has imbas'd your noble blood.

VAL.

The heraldry of them is of as high a pitch as the policy; but I would have them be a little lower in som things.

PUB.

What are those?

VAL.

The vulgar complain of you, that you are too learn'd.

PUB.

I thought it was not you, Valerius.

VAL.

For all that, I could be contented to see you raise your structure by your own strength, and without the help of other authors.

PUB.

That I dare say you may, when you please.

VAL.

I must see it then, before I lose the covert of these reverend elms.

PUB.

You take care that the building should be well situated; and for the foundation, I may presume by what has already pass'd between you and me, that we are long since agreed.

VAL.

That the threefold balance, or distribution of property is the cause of the triple way of government, I fully consent with you; as also, that the balance now in *England* is in the people plainly, and exclusively both of a king and lords.

PUB.

You are not of them that grant this, and then ask which way a commonwealth should be introduc'd in *England*.

VAL.

Why truly yes; seeing not only the people are so wholly unacquainted with the means, but their leaders so averse to it.

PUB.

Think you that a plant grows the worse for not understanding the manner of its vegetation?

VAL.

A plant is not a free agent; but among men who are free agents, the introduction of government seems to be arbitrary.

PUB.

What, where there is no more than *Hobson's* choice, this or none?

VAL.

It is true, that if they can have nothing else, they must at length have a commonwealth; but tho they can have nothing else to be holding, yet they will be trying other things.

PUB.

There is all the mischief.

VAL.

And enough to ruin the nation.

PUB.

To hurt it very sore, but not to ruin it; nor yet to evade a commonwealth, except they expose us to foren invasion.

VAL.

I am glad of your confidence.

PUB.

You may let it pass for confidence, if you please; but if there be no other way except that only of invasion, wherby the present balance can receive a change sudden enough to admit of any other form, the reason why we must have a commonwealth is coercive.

VAL.

And putting the case it be the will of God to defend us from foren invasion, how long will it be ere they see at home the coerciveness of this reason, or, which is all one, that all power is in and from the people?

PUB.

Good Valerius, how long is it since this was both seen and declar'd in parliament?

VAL.

Perhaps as they meant, it might be admitted as a principle even in monarchy.

PUB.

This with your pardon you will revoke, seeing you well remember that this their declaration of power in the people, has bin exclusive of king and lords, and that in express terms.

VAL.

But in this they related not at all to the distribution of property.

PUB.

Why then, there is not such a difference between the growing of a plant and of a commonwealth, as you thought; seeing a commonwealth knowing as little, dos no less.

VAL.

This of all others is to me a consideration fullest of comfort.

PUB.

It will in time procede accordingly, thro a mere necessity of nature, or by feeling; but your desire, I suppose, is to know how it should be rationally introduc'd, or by seeing, and that with more ease and greater speed.

VAL.

If it might please God, I would live to have my share of it, tho I fear I never shall.

PUB.

You carve for yourself ill: for by hope a man injoys even that which he never comes to attain; and by fear he is depriv'd even of that which he comes not to lose.

VAL.

I must confess that our army has it now in their power to introduce a commonwealth.

PUB.

And there is no other action in their power that can excuse them.

VAL.

Putting the case they would hearken to you, what course would you advise?

PUB.

The same I have advis'd over and over.

VAL.

As how?

PUB.

As how! is that yet a question? let them divide the territory into fifty equal parts.

VAL.

They will never make a new division.

PUB.

Why then they shall never have an equal commonwealth.

VAL.

What ill luck is this, that the first step should be so difficult?

PUB.

You speak as if never any territory had bin divided, whereas there is none that has not; and surveyors will tell you, it is a work to be perfectly perform'd in two months, and with ease.

VAL.

Putting the case this were don, what is next?

PUB.

The next is, that the commonwealth were complete.

VAL.

Say you so? this indeed makes amends: but how?

PUB.

With no more addition, than that the people in every distinct division elect annually two knights and seven deputys.

VAL.

I dare say the people would never stick at this.

PUB.

Not sticking at this, they of their own power have instituted the two great assemblies, of which every commonwealth consists.

VAL.

But in advising these things, you must advise men so that they may understand them.

PUB.

Valerius, could I as easily have advis'd men how to understand, as what to do, there had bin a commonwealth ere this.

VAL.

Com, I will have you try something of this kind, and begin upon som known principle, as this, *All power is in the people*.

PUB.

Content. But the diffusive body of the people (at least in a territory of this extent) can never exercise any power at all.

VAL.

That is certain.

PUB.

Hence is the necessity of som form of government.

VAL.

That is, the people of themselves being in a natural incapacity of exercising power, must be brought into som artificial or political capacity of exercising the same.

PUB.

Right. Now this may be don three ways; as first, by a single person—

VAL.

How!

PUB.

Nay, I am not likely to trouble you much upon this point: but as you were intimating just now, there are royalists who derive the original right of monarchy from the consent of the people.

VAL.

There are so.

PUB.

And these hold the king to be nothing else, but the representer of the people and their power.

VAL.

As the *Turc*.

PUB.

Yes, as the *Turc*.

VAL.

The people's power at that rate coms to the people's slavery.

PUB.

You say right; and so it may at other rates too.

VAL.

As how?

PUB.

Why, as I was about to say, the power of the people may be politically brought into exercise three ways: by a single person; by an assembly consisting of a few; or by an assembly consisting of many.

VAL.

Or by a mixture.

PUB.

Nay, I pray let that alone yet a while: for which way soever you go, it must com at length to som mixture, seeing the single person you nam'd but now, without his *divan* or council to debate and propose to him, would make but bad work even for himself. But as the government coms to be pitch'd fundamentally upon one of these three, so it differs not only in name, but in nature.

VAL.

I apprehend you, as monarchy, aristocracy, and democracy.

PUB.

Nay, you are out with your learning, when you have forbidden it me. But in countrys where there is not a nobility sufficiently balanc'd or enrich'd, there can be none of your aristocracy; and yet there may (as long as it will last) be a government in a few.

VAL.

What call you that?

PUB.

Nay, what say you?

VAL.

Com, it is oligarchy: when all is don, som words of art we must use.

PUB.

I thought you would com to it; and yet seeing I have promis'd, I will be sparing. But with your pardon, you have disorder'd my discourse, or by this time I had shew'd, that if the power of the people be committed to a single person, the common interest is submitted to that of a family; and if it be committed to a few, it is submitted to the interest of a few familys.

VAL.

Which, so many times as they are more than one, is so many times worse than monarchy.

PUB.

I am not sorry that you are of that mind. For there is no such thing as a commonwealth, or, as you say, democracy in nature, if it be not pitch'd upon a numerous assembly of the people.

VAL.

What call you numerous?

PUB.

Why an assembly such for number as can neither go upon the interest of one single person or family, nor the interest of a few persons or familys.

VAL.

How will you constitute such an assembly?

PUB.

Commonwealths, for the constitution of their popular assemblies, have had two ways. The first by inrolling all their citizens, and stating the *quorum* in such sort, that all to and above the stated number repairing at the time and place appointed, are impower'd to give the vote of the whole commonwealth.

VAL.

The *Athenian quorum* was six thousand; which towards the latter end of that commonwealth came to five.

PUB.

So, so, you may quote authors: but you may remember also, that *Athens* was a small commonwealth.

VAL.

How many would you advise for *England*?

PUB.

Put the case I should say, ten thousand?

VAL.

They will laugh at you.

PUB.

What can I help that? or how many would you advise?

VAL.

I would not go above five thousand.

PUB.

Mark you then: they only that are nearest would com; and so the city of *London* would give law to the whole nation.

VAL.

Why really that same now is clear; but would there be less danger of it, in case you stated your *quorum* at ten, at twenty, or tho it were at a hundred or two hundred thousand?

PUB.

No: for which cause, as to *England*, it is a plain case, that this is no way for the institution of a popular assembly.

VAL.

Which way then?

PUB.

For *England* there is no way but by representative, to be made to rise equally and methodically by stated elections of the people throout the whole nation.

VAL.

Needs this to be so numerous as the other?

PUB.

No.

VAL.

Why?

PUB.

Because it is not obnoxious to a party, to any certain rank, or such as are soonest upon the spur, or that make least account of their pains or of their mony.

VAL.

Will you be so curious?

PUB.

Do you think this a curiosity? how else will you avoid improvement in the interest of the better sort, to the detriment of those of meaner rank; or in the interest of the few, to the detriment of that of the many?

VAL.

But even this way there is danger of that foul beast the oligarchy.

PUB.

Look about you. The parlament declares all power to be in the people; is that in the better sort only?

VAL.

Stay; the king was to observe *leges & constitutiones quas vulgus elegerit*: that *vulgus* is to be understood of the parlament; and the parlament consisted wholly of the better sort.

PUB.

It is true; but then that commonwealth acted in all things accordingly.

VAL.

It was, you will say, no democracy.

PUB.

And will you say it was?

VAL.

No truly: yet this deriv'd in part from the free election of the people.

PUB.

How free? seeing the people, then under lords, dar'd not to elect otherwise than as pleas'd those lords.

VAL.

Somthing of that is true; but I am persuaded that the people, not under lords, will yet be most addicted to the better sort.

PUB.

That is certain.

VAL.

How then will you prevent the like in your institution?

PUB.

You shall see presently. The diffusive body of the people, in which the power is, and is declar'd to be, consists in the far greater part of the lower sort: wherfore their representative, to rise naturally, and to be exactly comprehensive of the common interest, must consist also in the far greater part of the lower sort.

VAL.

Of what number will you have this representative?

PUB

Suppose a thousand, or therabout.

VAL.

What proportion will you have the meaner sort in it to hold to the better?

PUB.

Suppose about six to four.

VAL.

How will you order it, that it shall be so constituted?

PUB.

Why thus: let the people in every precinct or shire at election chuse four under one hundred pounds a year in lands, goods, or mony, together with three at or above that proportion.

VAL.

I see not but this representative must be exact.

PUB.

It is yet none at all; that is, unless you presume changes; for one thousand, without change governing the whole people, amounts neither to a representative nor to a commonwealth, but coms still to your hard name.

VAL.

How do you order your changes?

PUB.

By annual election of one third part for three years.

VAL.

So that every year one third part of your assembly falls out of it, and a new third part at the same time enters into the same.

PUB.

Even so.

VAL.

This causes the representative to be perpetually extant.

PUB.

It dos so: but to respit that a little, I should be glad, before I stir farther, to know which way the vote of a representative thus constituted, can go one hair's breadth beside the common and public interest of the whole diffusive body of the people.

VAL.

No way in the earth that I can imagin, except thro ignorance.

PUB.

No human ordinance is inrallible; and what is don thro mere ignorance or mistake at one time, will be found and amended at another.

VAL.

A thousand men, and six to four of the lower sort perpetually extant! this must be a grievous charge to the most of them; it will be hard to bring them, and impossible to hold them together.

PUB.

Upon such as are elected and com not, considerable fines must be levy'd; and such as com and stay together must have good salarys.

VAL.

Salarys to so many! what will that com to?

PUB.

Not, with the rest of the commonwealth, to three hundred thousand pounds a year.

VAL.

Why? the kings have rarely had above six.

PUB.

And did *England* ever grudge them any part of that proportion?

VAL.

I must confess the quarrel grew when they would not be contented with so little.

PUB.

Now if *England* never did, nor needed grudge a king six hundred thousand pounds a year, to be spent among courtiers, why should we imagine she should grudge a commonwealth three hundred thousand pounds a year, to be spent among magistrates?

VAL.

But parliamentmen have taken nothing.

PUB.

Have the people given nothing?

VAL.

That was for the maintenance of armies.

PUB.

And whether had you rather maintain armies or magistrates?

VAL.

But putting the case that this assembly needed not to be perpetually extant, this charge in the whole or in the far greater part might be abated.

PUB.

I cannot tell: for how often think you fit that this assembly should convene?

VAL.

Parliaments at most met not above once a year.

PUB.

If they had been perpetually extant, there would have been no king.

VAL.

No truly, except in name only.

PUB.

Therefore the popular assembly in a commonwealth ought not to be perpetually extant.

VAL.

To the end, you will say, that there may be som king.

PUB.

Mock not: or what other guard of liberty is there in any commonwealth, but the popular assembly?

VAL.

Com, let them assemble twice a year upon their ordinary guard.

PUB.

And what if there be an extraordinary occasion?

VAL.

Then, as often as there is any such occasion.

PUB.

How much will this abate of their necessary charge, or of the salarys? and how much better were it for a representative to lead the life of statesmen than of carriers?

VAL.

Commonwealth, whose assemblys have bin of the former kind, have call'd them no otherwise than at stated times, or upon extraordinary occasions.

PUB.

But then their assemblys were not equal representatives, but consisted of such as being next at hand were still ready upon any occasion.

VAL.

That makes indeed a considerable difference: but were this representative always extant, I cannot see but it would have nothing to do.

PUB.

And in case it be not always extant, you imagin that it may have something to do.

VAL.

Yes.

PUB.

Then whether gos it better with the commonwealth when the representative has something to do, or when it has nothing to do?

VAL.

This is very quaint.

PUB.

No truly Valerius, it is plain, that the guard of liberty perpetually extant, in doing nothing must do much; and not perpetually extant, in doing much may do nothing.

VAL.

I am afraid that having nothing to do, they will make work.

PUB.

Such I warrant you as the parliament and the army made the other day.

VAL.

Nay, I am not so wide. A civil council and a standing army must needs have interests much more distinct than two civil assemblies; and where there is not a like cause, I know well enough there cannot be the like effect.

PUB.

I shall desire no more, than that you will hold to this; and then tell me what disputes there us'd to be between the senat of *Venice* and the great council, which is perpetually extant, and consists of about two thousand.

VAL.

Nay, certain it is, that between those two there never was any dispute at all.

PUB.

Then tell me for what cause such a thing should any more happen between the assemblys propos'd; or, according to your own rule, from like causes expect like effects.

VAL.

You put me to it.

PUB.

Nay, it is you that put me to it; for you will be presuming that this assembly can have nothing to do, before we com to consider what are their proper businesses and functions.

VAL.

I beg your pardon, and what are those?

PUB.

Why surely no small matters; for in every commonwealth truly popular, it is inseparable from the assembly of the people that first they wholly and only have the right of result in all matters of lawgiving, of making peace and war, and in levying men and mony: secondly, That the ultimat result in judicature ly to them: and thirdly, That they have right to call to account, and to punish their magistrats for all matters of maladministration of government.

VAL.

I assure you this must amount to a great deal of business.

PUB.

Certain it is, that in som commonwealths the popular assembly by this means has bin perpetually imploy'd.

VAL.

And so I think it might be in *England*.

PUB.

It might; but I do not think it would. However, if it be in the undoubted right of the popular assembly to procede against their magistrats for maladministration, would you leave it upon the hand of those magistrats, whether this representative should assemble or no?

VAL.

Com, you have said enough, it were not prudent: but as to the matter of appeals, it is certain that in *Israel* the ultimat resort was to the sanhedrim or 70 elders.

PUB.

I know it very well: nevertheless you shall find that the congregation judg'd *Benjamin*; and if you mark the appeal to the 70 elders, you shall find that it was not an appeal of the party for relief, but of the judges in inferior courts for further light and direction in difficult cases of the law.

VAL.

Let me but know in what manner this assembly is to perform these functions, and I have don.

PUB.

Why as to matter of lawgiving, I told you that they wholly and only have the right and power of result.

VAL.

But to result, there must necessarily go precedent debate; seeing a man, much less an assembly, resolves not upon any thing without som considerations, motives or reasons therto conducing, which ought to be first orderly and maturely debated: and how will you bring a thousand men, especially being six to four of the lower sort, to debate any thing with order and maturity?

PUB.

You say that the popular assembly in *Athens* consisted at the least of five thousand.

VAL.

And I said true.

PUB.

Yet this assembly debated: why may not a thousand men debate as well as five thousand?

VAL.

As well! Nay, Publicola, if they debate no better in your commonwealth than they did in that, you may know what will becom of it. And to tell you true, I do not think that a thousand men can debate any whit more orderly and maturely than five thousand.

PUB.

And so think I too.

VAL.

How then?

PUB.

How then? Why this is the reason of the senat in every commonwealth.

VAL.

So there must be a senat, which amounts to thus much; without a senat there can be no commonwealth, and with a senat there will always be practices upon the liberty of the people.

PUB.

How prove you that?

VAL.

Why by the senat of *Lacedemon* in the beginning, and by the senat of *Rome* throout.

PUB.

But find you the like by the senat of *Athens* and *Venice*?

VAL.

No.

PUB.

Consider then that these were by election of the people, and upon frequent removes, and that the former were defective in one or in both these circumstances.

VAL

You intend your senat upon removes then?

PUB.

Right.

VAL.

And elective by the people?

PUB.

Yes.

VAL.

How? by the popular assembly, or by the body of the people in their precincts?

PUB.

By the body of the people in their precincts, at the same time when they elect their other deputys, and with the same circumstances, except that these be all elected out of such as have a hundred pounds a year real or personal.

VAL.

What hurt, if they were elected by the popular assembly?

PUB.

They would not derive so immediatly, nor rise so equally from the people, as when chosen in the precincts; because this way every shire coms necessarily to have a share in the senat: besides, wise men and understanding are better known in their tribes than they can be in an assembly out of their tribes, especially while they are new comers; nor will the popular assembly afford so good a choice as the whole people. There are other reasons.

VAL.

Enough, enough. Of what number do you constitut this senat?

PUB.

Of three hundred.

VAL.

Why should not one hundred be full enough for a debating council, especially seeing debate is the more orderly where the counsellors are fewer?

PUB.

You are to bear it in mind, that this senat is upon annual change in one third part.

VAL.

That is, every year one hundred having serv'd three years, go out, and a new hundred comes in.

PUB.

Right: for which cause, to have one hundred well practis'd in debate, your senat must consist of three hundred.

VAL.

May not those that go out come presently in again by a new election?

PUB.

Not at all; for that were yet another way of continuing the government in a few.

VAL.

Do you mean that no man shall serve in this capacity, or in that of the popular assembly, but once in his life?

PUB.

I mean that a man, having serv'd his term in one of these, may after a like vacation or interval be elected again to serve in either of them, and not before.

VAL.

At what age do you make a man capable of these elections?

PUB.

Not till thirty.

VAL.

He stays a great while ere he comes to preferment, and is soon out again: at which rate a man should have much ado to attain to sufficient knowledge for the leading of the commonwealth.

PUB.

This was never objected against parlements.

VAL.

It is true: but then the election of parliamentmen was not oblig'd to any interval, and divers have bin of every parliament that was summon'd during their lives.

PUB.

Parlements, when they were the most frequent, assembl'd not above once a year, very rarely so often; and how long, pray, did they usually sit?

VAL.

Som two or three months.

PUB.

I allow you the most you ask: at which rate a man that had sat in twenty parlements, could not have sat above four years complete.

VAL.

And in your parliament, at one election he sits three.

PUB.

Mark you that?

VAL.

Yes, and more: wheras a parliamentman without interval could in twenty years have sat but four complete, in your assemblies a man observing his intervals, may in twenty years serve ten years complete.

PUB.

You allow that, I hope, to be som advantage towards acquiring knowlege in conduct; and yet antiently your parlamentmen were in this point thought able enough.

VAL.

Now would I desire no more than to be as fully satisfy'd, that these senators must be honest enough.

PUB.

Which way can they be dishonest?

VAL.

Indeed I am not yet acquainted with their ways: but if nothing can be propos'd to the popular assembly, except by these only, they should, I think, propose nothing but what is for their own advantage.

PUB.

They are the senat: and in that they have all the advantages that a well-order'd commonwealth can give to a senat.

VAL.

But they will be still hankering after more.

PUB.

As what?

VAL.

Why riches or power.

PUB.

All magistrats are accountable to the popular assembly; and so, without acquisition of power, I cannot imagin which way they should turn themselves to the acquisition of riches.

VAL.

They will drive then at power; they will be coordinat.

PUB.

In the world there has never yet bin any senat that durst so much as pretend to power.

VAL.

No? Had not the senat of *Israel* and that of *Lacedemon* power?

PUB.

Executive power they had, in as much as they were judicatorys; but legislative or soverain power (which is that wherof we speak) they had none at all.

VAL.

Other senats have had other power, as in the managing of foren affairs, and the like.

PUB.

Which still coms not to the point in hand, because in these and the like matters, as the creation of divers magistrats, the senat uses to be made plenipotentary by the popular assembly, that is, by law.

VAL.

I hear them talk of making a coordinat senat first, and without the people, and then of assembling a parlament in the old way to govern with that senat.

PUB.

Things, Valerius, are soon said; but if any parlament whatever, so it be elected by the people (and, perhaps, if otherwise) do not make it one of their first works to pull down a coordinat senat, I ask no credit to my politics.

VAL.

This is to prophesy.

PUB.

Then, to reason the case: I say, That the senat assuming power, the popular assembly falls immediatly to debate; and the popular assembly debating, the senat is *ipso facto* depos'd, there being no other necessary use or function of the senat but debate only.

VAL.

You said but now, That the popular assembly could not debate.

PUB.

Not orderly and maturely: but upon such an occasion as this, they will do as they can; nor is it avoidable.

VAL.

Nay, if there be som occasion in which you allow that the popular assembly must and ought to debate, there will hardly be any in which they will be persuaded that they may not. So this will com to the pulling down of the senat as often as the people please.

PUB.

Which is so much the rather to be fear'd, because you shall never find that popular assembly which did ever actually depose their senat.

VAL.

Our army has pull'd down a good many parlaments.

PUB.

What is that to the purpose? Is our army a popular assembly? Yet let them pull down a parlament as often as they please, they must set up another; and in this indeed there may be som resemblance: for let a popular assembly pull down the senat as often as they please, they must set up another.

VAL.

Or a single person.

PUB.

Right: for that holds both ways too, and (as to our case) will stand neither.

VAL.

The people of *Athens* debated, yet for all that their senat was not depos'd.

PUB.

Not formally; but it remain'd little better than a warren, wherin great men did, as it were, start hares, to be hunted in the tumult of the popular assembly.

VAL.

Verily, Publicola, this model of yours is a most entire thing.

PUB.

This with the necessary consequences, as the division of the senat into senatorian councils, the adorning and actuating of this and the other assembly with sit magistrats, wherof I have sufficiently discours'd in other places, amounts to an entire thing.

VAL.

And you offer it freely.

PUB.

I do.

VAL.

Would it not grieve you to see them crop a little of it, and spoil it?

PUB.

They had better take it to som purpose.

VAL.

Nay, what they take will be to som purpose, I warrant you. Com, there is a party, a select, a refin'd party, a nation in a nation, that must and will govern.

PUB.

That is it which I desire to see.

VAL.

You are of a rare temper: happy in unhappiness.

PUB.

O I love frequent changes.

VAL.

Is that any of your virtues?

PUB.

Yes, where we are certain never to go right, while there remains a way to go wrong.

VAL.

They are confident men. They cannot be persuaded but they can govern the world.

PUB.

Till they have try'd. Such as can govern the world, are such as can be govern'd by reason. Now there is no party refin'd, select, or what you will in *England*, amounting to one twentieth part of the people.

VAL.

One twentieth part of the people, for aught I know, may amount to a hundred thousand; there is no party any thing near this account, I dare say.

PUB.

A twentieth part of the people can never govern the other nineteen but by a perpetual army.

VAL.

They do not like that the worse.

PUB.

The people having been govern'd by a king without an army, and being govern'd by a commonwealth with an army, will detest the government of a commonwealth, and desire that of a king.

VAL.

Yes, such is the spirit of the nation.

PUB.

Such is the spirit in this case of any nation.

VAL.

And yet they make it a particular quarrel.

PUB.

They make every thing particular: if you speak of *Israel, Athens, Rome, Venice*, or the like, they hear you with volubility of countenance; and will not have it that God ever minded the matter of government, till he brought them in play. Nay, tho they have com heels over head for this very thing, I know not how often, yet they are resolv'd to take no warning.

VAL.

Publicola, you will be shent.

PUB.

I am to perform my duty. To flatter is not my duty.

VAL.

But between you and me, Do you not think that the spirit of the nation, or the main body of the people of this land, desires the restitution of their antient government?

PUB.

I make little doubt of it.

VAL.

How then in case of a commonwealth are they to be trusted?

PUB.

In case of a commonwealth, it is not the people that are trusted, but the orders of the commonwealth.

VAL.

The commonwealth must consist of the people.

PUB.

The people under the monarchy, when that invaded them, invaded it.

VAL.

True, and in such a manner as has caus'd the ruin of it.

PUB.

What was the spirit of the people then?

VAL.

But it is now another thing.

PUB.

Nay, the very same: for then it invaded a government that invaded their liberty, and now it would invade a government that invades their liberty.

VAL.

But how should this be mended?

PUB.

Do you not see that this should not be mended, but encourag'd?

VAL.

How should it be encourag'd then?

PUB.

By giving them a form that must preserve their liberty.

VAL.

I little doubt but there is in your form a full security to the people of their liberty: but do you think that there is in it any full security that the people shall not cast off this form?

PUB.

If it secures their liberty, why should they?

VAL.

My question is not, why they should, but whether they can.

PUB.

They cannot, without going against their own interest.

VAL.

But they can go against their own interest.

PUB.

Nay, remember your self, whether the form shewn be not such, as you have already granted can in no wise go beside the interest of the whole people.

VAL.

They that are now in power, have no trust at all in forms.

PUB.

Do they sail in ships, not upon planks? Do they ride horses, not hogs? Do they travel in coaches, not upon hurdles? Do they live in houses, not in ditches? Do they eat bread, not stones?

VAL.

Enough, enough.

PUB.

But in so doing, they acknowledge such a form to be security for such a use or action. And must the form of a commonwealth be the only form in which they can allow no security for the proper use and action?

VAL.

They observe none of this.

PUB.

Do they observe that there is any security in men?

VAL.

That, especially in our times, were somewhat a hard matter.

PUB.

And how many securitys are there?

VAL.

I know no more, than one personal, or in men; another real, or in things.

PUB.

Chuse you whether you would have.

VAL.

Well, be the necessary action or use of your form what it will, I would see it more plainly and particularly demonstrated how the spirit of the nation, or the whole people, being freely eligible into your assemblys, must presently lose that inclination which now plainly they have to set up monarchy, or to persecute for conscience.

PUB.

You will allow no weight in the argument, that a people in liberty, unless the orders of their commonwealth were first fundamentally ruin'd, that is, broken in the balance or foundation, did never do either of these.

VAL.

What weight soever I allow to this argument, it is no ways to my present purpose.

PUB.

You will put me then beside experience, and to shew by what reason it is that a peartree must bear pears, or why men gather not grapes on thorns, or figs on thistles.

VAL.

Poor Publicola, be the task as hard as it will, I am for this time resolv'd to hold you to it.

PUB.

What is it then that any government can be sufficiently founded or balanc'd upon, but such an interest as is sufficiently able to bear it?

VAL.

Good Sir, a government ought to be founded upon justice, I take it.

PUB.

Right: and is not that government which is founded upon an interest not sufficiently able to bear it, founded upon injustice?

VAL.

I suspect whither this will go. A government founded upon the overbalance of property, is legitimately founded, and so upon justice; but a government founded upon the underbalance of property, must of necessity be founded upon force, or a standing army. Is not this that which you mean by interest sufficient or not sufficient to sustain a government?

PUB.

You have it right.

VAL.

O Atheist! this damns the government of the saints.

PUB.

Look you now, how irreligious a thing it may be made, to speak but with common honesty. Do you think that such as are plainly oligarchists, or shall exercise by a force, and without election by the people, such a power as is both naturally and declaredly in the people, and in them only, can establish their throne upon justice?

VAL.

No.

PUB.

Do you think that such as are truly saints can establish their throne upon injustice?

VAL.

No.

PUB.

Why then you have granted, that such as are plainly oligarchists cannot be truly saints. Again, do you still think, as you once intimated, that a government now introduc'd in *England*, exactly according to the principles of prudence and justice, would rule the earth?

VAL.

Yes.

PUB.

Do you think, that such is are truly saints, if they introduce a government, ought to introduce it exactly according to the principles of prudence and justice.

VAL.

Yes.

PUB.

Why then, let such as are truly saints but see what it is to rule the earth, and take the rule of the earth.

VAL

They will not approve of this way.

PUB

How! not the saints approve of prudence and justice! who is the Atheist now, Valerius?

VAL.

Good Publicola, let us keep to the point in hand. You say, that the security of liberty lys not in the people, but in the form of their government; so I am yet to expect when you will shew, what there is in your form, why it must be impossible for the people under it to restore monarchy, or to persecute for conscience.

PUB.

See you not, that to do either of these under such a form, must be point-blank against their interest?

VAL.

But so either of these is now, and yet in this posture you will confess that they would do both.

PUB.

Mark how I am us'd. I speak of a form supported by an interest sufficiently able to bear it, and of an interest contain'd under a form sufficiently able to secure it, and you instance in a posture which is no form at all, but such a confusion among, and force upon the people, as creates an interest in them to rid themselves which way they can of such a misery.

VAL.

I did acknowlege and must confess, that your popular assembly is such as cannot err, except thro ignorance; but thro this, you your self have acknowleg'd, and must confess, that it may err.

PUB.

I retract nothing.

VAL.

Now first, or never, they will restore monarchy thro ignorance.

PUB.

But they cannot do this first, therefore they can never do it.

VAL.

Why cannot the popular assembly do this first?

PUB.

Because it must first be propos'd by a senat, that can neither do any such thing thro ignorance nor thro knowlege.

VAL.

Nay, then have at you; I will set this same senat and representative of yours to work in such a manner, that you shall confess they may set up monarchy.

PUB.

Do your worst.

VAL.

Your senat being assembl'd (I will not have them make long speeches;

PUB.

Nor I.)

VAL.

Rises me up one of the senators, and says, 'Mr. Speaker, this nation has bin long in labor, but now thro the mercy of God, the child is not only com to the birth, but there is also strength to bring forth: in the number of counsellors there is strength; the number of this house is good (far better than has usually bin of late) and their election has bin very free and fair. Here is also, I know not how (but the inventions of men are overrul'd by the providence of God) an extraordinary and exceding great confluence of honest men, who are not so well here; and if you determin any thing that is good for your country, will go home and pray for you. Now, Sir, (to be brief) since our government consisted of king, lords, and commons, the antient, the only, the most happy government that this nation, nay, that the world ever knew, it is but too well known, that we have had no government at all: wherfore my opinion is, that we propose, as they call it, to these honest men (who you need not doubt will receive it with glad hearts) the restitution of right, and of the government in this nation by king, lords, and commons.'

As sure as you live, Publicola, thus much being said, your whole senat will immediately agree to propose it to the representative: and thus much being proposed to the representative, those people will throw up their caps for joy, and immediatly return to their houses.

PUB.

But Valerius, thus much has bin said in parlament when the house was fuller; when they who were for this restitution were back'd by a single person in actual possession of the throne; when over and above the zeal of the *Presbyterians*, there were partys that knew no other means of self-preservation, as without, divines belaboring the oak of every pulpit; and within, lawyers, officers, and pensioners: yet was it so far from being carry'd, that the single person has bin forc'd to dissolve parlements, and that thro apparent danger of being overrun by the principles of a commonwealth not in being. But if this were so when a commonwealth could scarce be hoped, what will it be when the commonwealth shall be in such a condition as cannot be withstood? for the senat can never com to propose any thing to the people without first agreeing upon debating what it is they will propose; nor is it possible that such debate should be brought to any end, but by reasons therto conducing: now it must not only be impossible to find reasons for the restitution of monarchy, but the reasons why monarchy ought not to be restor'd must be obvious; not only in regard that it is quite contrary to the interest of the nation, and of these assemblys, but to the interest ten to one of every particular man in either of these assemblys: nor are or have the reasons bin less obvious, or less ventilated in parlament, why monarchy as to this nation is impossible in it self.

VAL.

Will you say the like for liberty of conscience?

PUB.

Yes; because without liberty of conscience, civil liberty cannot be perfect; and without civil liberty, liberty of conscience cannot be perfect.

VAL.

These things are true, but they never will see them, never, Publicola: you your self say, that the people cannot see, but they can feel.

PUB.

I meant that of the diffusive body of the people, not of the people under good orders; in which case they are the sharpest sighted of any kind of government whatsoever: and therefore it is not modest that you, or I, or any particular man or party, blinded with self-conceit, should pretend to see with such a constitution; or shew me that ey under the sun, that sees like that of *Venice*. But putting the case it were otherwise as to seeing, these things are plainly palpable or obvious to feeling.

VAL.

I have indeed observ'd, that in commonwealths there are very few that see or understand them, and yet their affection to that way of government is exceeding vigorous.

PUB.

Whence can this otherwise be than from feeling? but one thing, Valerius, I take at your hands extreme heavily.

VAL.

What is that, Publicola?

PUB.

That you with one little speech of a single senator, should run so regardlessly over these two assemblies, without taking any notice at all of the necessary course of them.

VAL.

What course, Publicola?

PUB.

Why you might easily have thought that among three hundred senators there might have bin at least one hundred as good speakers as yours.

VAL.

Have I said any thing to the contrary?

PUB.

And do you or I what we can, ten to one of them will be longer winded than you have allow'd.

VAL.

For that matter let them please themselves.

PUB.

Ay, but then you should not have made an end of your debate in a minute.

VAL.

What is all this?

PUB.

Why I say, they would have bin debating on that point at least a fortnight.

VAL.

Well, and when that had been don, would never have agreed.

PUB.

No.

VAL.

Did not you say that before?

PUB.

Well, but I am now upon that point; that was to the matter in debate, this is to the manner of proceeding: imagin the matter had bin such upon which they could have agreed.

VAL.

What then?

PUB.

That such an agreement had bin a decree of the senat.

VAL.

Is a decree of the senat binding?

PUB.

If it be upon a law made, it is binding; if upon a law to be made, it is to be propos'd to the people. Now every proposition to the people is to be promulgated, that is, printed and publish'd to the whole nation six weeks before the time that the representative is to assemble and give the vote of the commonwealth, or that test without which no such proposition can be any law.

VAL.

By this means it must follow, that the whole people both by discourse and letters, debate six weeks together upon the matter.

PUB.

You are right.

VAL.

How is it then that you say, the representative of the people must not debate? you allow to these less privilege than to the whole people.

PUB.

No less, nor in this point any more.

VAL.

Yet dos this amount to debate in those that are of the representative.

PUB.

You say well, but not to any debate at all in the representative.

VAL.

Why this representative is nothing else but an instrument or method, wherby to receive the result of the whole nation with order and expedition, and without any manner of tumult or confusion.

PUB.

And is that any thing the worse?

VAL.

No; but I am glad you have told it me: for that those of the representative would one way or other have debate, I knew certainly.

PUB.

In sum, are you satisfy'd, that the spirit of the nation, or the people, however they may now under no form at all, and in detestation of such as having govern'd them by force, will let them see no way out of confusion, desire their old government, as having never yet known any other; yet under such a form as is propos'd, can never go about to introduce monarchy, without obvious discovery, that as to their interest it is quite contrary, and as to it self impossible?

VAL.

The satisfaction is pretty good.

PUB.

Pretty good! give me but half so good, that the spirit of the army, not formerly obedient to parlaments, and now dreading or despising them, must apprehend the restitution of monarchy to be quite contrary to their interest.

VAL.

You surprize me: for if the army will have no parliament, and a king restor'd can now in *England* without an army have no government, they may imagin this their only way to greatness and continuance.

PUB.

Had not the oligarchy then, if they meant well, better to have us'd sober expressions, and minded what those true and real interests are which in the foundation and preservation of every kind of government are paramount, than to have overcast them with the mist of new affected phrases, and fallen on conjuring up spirits?

VAL.

You have conjur'd up a spirit that will keep me waking.

PUB.

Set him on pulling down the law and the ministry; when that is don, let him blow up *Windsor* castle, *Hampton* court, and throw *Whitehall* into the *Thames*.

VAL.

It is the only way, for then there can be no king.

PUB.

You may be sure of that, seeing the count of *Holland*'s domain, and his houses are yet not only standing, but diligently preserved by the *Hollanders*.

VAL.

Publicola, have you any more to tell me?

PUB.

Valerius, have you any more to ask me?

VAL.

Not, except why you have not given the parliament to understand thus much?

PUB.

I have printed it over and over.

VAL.

They take no great notice of books; you should have laid it, as they say, in their dish by som direct address, as a petition, or so.

PUB.

I did petition the committee for government.

VAL.

What answer did they make you?

PUB.

None at all.

VAL.

I would have gone further, and have presented it to the house.

PUB.

Towards this also I went as far as I could.

VAL.

How far was that?

PUB.

Why, I think my petition may have bin worn out in the pockets of som two or three members.

VAL.

Have you a copy of it about you?

PUB.

Let me see—here are many papers; this same is it.

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To The Parlament Of The Commonwealth Of England, &C.

The Humble Petition, &C.

Sheweth,

THAT what neither is, nor ever was in nature, can never be in nature.

THAT without a king and lords, no government either is, or ever was in nature (but in mere force) other than by a senat indu'd with authority to debate and propose; and by a numerous assembly of the people wholly and only invested with the right of result in all matters of lawgiving, of making peace and war, and of levying men and mony.

WHEREFORE your petitioner (to disburden his conscience in a matter of such concern to his country) most humbly and earnestly prays and beseeches this parlament to take into speedy and serious consideration the irrefragable truth of the premises, and what therupon must assuredly follow, that is, either the institution of a commonwealth in the whole people of England (without exception, or with exception for a time, of so few as may be) by way of a senat, and a numerous assembly of the people, to the ends, and for the respective functions aforesaid; or the inevitable ruin of this nation, which God of his mercy avert.

And your petitioner shall pray, &c.

VAL.

I would it had bin deliver'd.

PUB.

Look you, if this had bin presented to the house, I intended to have added this other paper, and to have printed them together.

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The Petitioner To The Reader.

Reader,

I SAY not that the form contain'd in the petition (if we had it, and no more) would be perfect; but that without thus much (which rightly introduc'd, introduces the rest) there neither is, was, nor can be any such thing as a commonwealth, or government without a king and lords, in nature.

WHERE there is a coordinat senat, there must be a king, or it falls instantly by the people; as the king failing, the house of peers fell by the commons.

WHERE there is a senat not elective by the people, there is a perpetual feud between the senat and the people, as in Rome.

TO introduce either of these causes, is certainly and inevitably to introduce one of these effects; and if so, then who are cavaliers, I leave you to judg hereafter.

BUT to add farther reason to experience. All civil power among us (not only by declaration of parlament, but by the nature of property) is in and from the people.

WHERE the power is in the people, there the senat can legitimatly be no more to the popular assembly, than my counsil at law is to me, that is (auxilium, non imperium) a necessary aid, not a competitor or rival in power.

WHERE the aids of the people becom their rivals or competitors in power, there their shepherds becom wolves, their peace discord, and their government ruin. But to impose a select or coordinat senat upon the people, is to give them rivals and competitors in power.

SOM perhaps (such is the temper of the times) will say, That so much human confidence as is express'd, especially in the petition, is atheistical. But how were it atheistical, if I should as confidently foretel, that a boy must expire in nonage, or becom a man? I prophesy no otherwise; and this kind of prophesy is also of God, by those rules of his providence, which in the known government of the world are infallible.

In the right observation and application of these consists all human wisdom; and we read that a poor man deliver'd a city by his wisdom, yet was this poor man forgotten. But if the premises of this petition fail, or one part of the conclusion coms not to pass accordingly, let me hit the other mark of this ambitious address, and remain a fool upon record in parlament to all posterity.

Ecclef. 9. 14.

VAL.

Thou boy! and yet I hope well of thy reputation.

PUB.

Would it were but as good now, as it will be when I can make no use of it.

VAL.

The major of the petition is in som other of your writings; and I remember som objections which have been made against it: as, that *à non esse nec fuisse, non datur argumentum ad non posse*.

PUB.

Say that in *English*.

VAL.

What if I cannot? are not you bound to answer a thing, tho it cannot be said in *English*?

PUB.

No truly.

VAL.

Well, I will say it in *English* then. Tho there neither be any house of gold, nor ever were any house of gold, yet there may be a house of gold.

PUB.

Right: but then, à non esse nec fuisse in natura, datur argumentum ad non posse in natura

VAL.

I hope you can say this in *English* too.

PUB.

That I can, now you have taught me. If there were no such thing as gold in nature, there never could be any house of gold.

VAL.

Softly. The frame of a government is as much in art, and as little in nature, as the frame of a house.

PUB.

Both softly and surely. The materials of a government are as much in nature, and as little in art, as the materials of a house. Now as far as art is necessarily dispos'd by the nature of its foundation or materials, so far it is in art as in nature.

VAL.

What call you the foundation, or the materials of government?

PUB.

That which I have long since prov'd, and you granted, the balance, the distribution of property, and the power thence naturally deriving; which as it is in one, in a few, or in all, dos necessarily dispose of the form or frame of the government accordingly.

VAL.

Be the foundation or materials of a house what they will, the frame or superstructures may be diversly wrought up or shapen; and so may those of a commonwealth.

PUB.

True: but let a house be never so diversly wrought up or shapen. it must consist of a roof and walls.

VAL.

That's certain.

PUB.

And so must a commonwealth of a senat and of a popular assembly, which is the sum of the minor in the petition.

VAL.

The mathematicians say, they will not be quarrelsom; but in their sphere there are things altogether new in the world, as the present posture of the heavens is, and as was the star in *Cassiopæia*

PUB.

Valerius, if the major of the petition extends as far as is warranted by Solomon, I mean, that there is nothing new under the sun, what new things there may be, or have bin above the sun will make little to the present purpose.

VAL.

It is true; but if you have no more to say, they will take this but for shifting.

PUB.

Where there is sea, as between *Sicily* and *Naples*, there was antiently land; and where there is land, as in *Holland*, there was antiently sea.

VAL.

What then?

PUB.

Why then the present posture of the earth is other than it has bin, yet is the earth no new thing, but consists of land and sea as it did always; so whatever the present posture of the heavens be, they consist of star and firmament, as they did always.

VAL.

What will you say then to the star in *Cassiopæia*?

PUB.

Why I say, if it consisted of the same matter with other stars, it was no new thing in nature, but a new thing in *Cassiopæia*; as were there a commonwealth in *England*, it would be no new thing in nature, but a new thing in *England*.

VAL.

The star you will say in *Cassiopæia*, to have bin a new thing in nature, must have bin no star, because a star is not a new thing in nature.

PUB.

Very good.

VAL.

You run upon the matter, but the newness in the star was in the manner of the generation.

PUB.

At *Putzuoli* near *Naples*, I have seen a mountain that rose up from under water in one night, and pour'd a good part of the lake antiently call'd *Lucrin* into the sea.

VAL.

What will you infer from hence?

PUB.

Why that the new and extraordinary generation of a star, or of a mountain, no more causes a star, or a mountain to be a new thing in nature, than the new and extraordinary generation of a commonwealth causes a commonwealth to be a new thing in nature. Aristotle reports, that the nobilit of *Tarantum* being cut off in a battle, that commonwealth became popular. And if the powder plot in *England* had destroy'd the king and the nobility, it is possible that popular government might have risen up in *England*, as the mountain did at *Putzuoli*. Yet for all these, would there not have bin any new thing in nature.

VAL.

Som new thing (thro the blending of unseen causes) there may seem to be in shuffling; but nature will have her course, there is no other than the old game.

PUB.

Valerius, let it rain or be fair weather, the sun to the dissolution of nature shall ever rise; but it is now set, and I apprehend the mist

VAL.

Dear Publicola, your health is my own; I bid you good-night.

PUB.

Good-night to you, Valerius.

VAL.

One word more, Publicola: pray make me a present of those same papers, and with your leave and licence, I will make use of my memory to commit the rest of this discourse to writing, and print it.

PUB.

They are at your disposing.

VAL.

I will do it as has bin don, but with your name to it.

PUB.

Whether way you like best, most noble Valerius.

Octob. 22. 1659.

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A SYSTEM Of POLITICS Delineated In Short And Easy APHORISMS.

Publish'D From The Author'S Own Manuscript.

CHAP. I.

Of GOVERNMENT.

1. A PEOPLE is either under a state of civil government, or in a state of civil war; or neither under a state of civil government, nor in a state of civil war. Chap. I.
2. Civil government is an art wherby a people rule themselves, or are rul'd by others.
3. The art of civil government in general is twofold, national or provincial.
4. National government is that by which a nation is govern'd independently, or within it self.
5. Provincial government is that by which a province is govern'd dependently, or by som foren prince or state.
6. A people is neither govern'd by themselves, nor by others, but by reason of som external principle therto forcing them.
7. Force is of two kinds, natural and unnatural.
8. Natural force consists in the vigor of principles, and their natural necessary operations.
9. Unnatural force is an external or adventitious opposition to the vigor of principles, and their necessary working, which, from a violation of nature, is call'd violence.
10. National government is an effect of natural force, or vigor.
11. Provincial government is an effect of unnatural force, or violence.
12. The natural force which works or produces national government (of which only I shall speak hereafter) consists in riches.
13. The man that cannot live upon his own, must be a servant; but he that can live upon his own, may be a freeman.

14. Where a people cannot live upon their own, the government is either monarchy, or aristocracy: where a people can live upon their own, the government may be democracy.

15. A man that could live upon his own, may yet, to spare his own, and live upon another, be a servant: but a people that can live upon their own, cannot spare their own, and live upon another; but (except they be no servants, that is, except they com to a democracy) they must waste their own by maintaining their master's, or by having others to live upon them.

Chap. II.

16. Where a people that can live upon their own, imagin that they can be govern'd by others, and not liv'd upon by such governors, it is not the genius of the people, it is the mistake of the people.

17. Where a people that can live upon their own, will not be govern'd by others lest they be liv'd upon by others, it is not the mistake of the people, it is the genius of the people.

18. Of government there are three principles; matter, privation, and form.

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CHAP. II.

Of The Matter Of Government.

1. THAT which is the matter of government, is what we call an estate, be it in lands, goods or mony.
2. If the estate be more in mony than in land, the port or garb of the owner gos more upon his monys than his lands; which with privat men is ordinary, but with nations (except such only as live more upon their trade than upon their territory) is not to be found: for which cause overbalance of riches in mony or goods, as to the sequel of these aphorisms, is altogether omitted.
3. If the estate be more in land than in goods or mony, the garb and port of the owner (whether a man or a nation) gos more if not altogether upon his land.
4. If a man has som estate, he may have som servants or a family, and consequently som government, or somthing to govern: if he has no estate, he can have no government.
5. Where the eldest of many brothers has all, or so much that the rest for their livelihood stand in need of him, that brother is as it were prince in that family.
6. Where of many brothers the eldest has but an equal share, or not so unequal as to make the rest to stand in need of him for their livelihood, that family is as it were a commonwealth.
7. Distribution of shares in land, as to the three grand interests, the king, the nobility, and the people, must be equal or unequal.
8. Equal distribution of land, as if one man or a few men have one half of the territory, and the people have the other half, causes privation of government, and a state of civil war: for the lord or lords on the one side being able to assert their pretension or right to rule, and the people on the other their pretension or right to liberty, that nation can never com under any form of government till that question be decided; and, property being not by any law to be violated or mov'd, any such question cannot be decided but by the sword only.
9. Inequal distribution of shares in land, as to the three grand interests, or the whole land in any one of these, is that which causes one of these three to be the predominant interest.
10. All government is interest, and the predominant interest gives the matter or foundation of the government.

Chap. III.

11. If one man has the whole, or two parts in three of the whole land or territory, the interest of one man is the predominant interest, and causes absolute monarchy.

12. If a few men have the whole, or two parts in three of the whole land or territory, the interest of the few or of the nobility is the predominant interest; and, were there any such thing in nature, would cause a pure aristocracy.

13. It being so that pure aristocracy, or the nobility having the whole, or two parts in three of the whole land or territory, without a moderator or prince to balance them, is a state of war, in which every one, as he grows eminent or potent, aspires to monarchy; and that not any nobility can have peace, or can reign without having such a moderator or prince, as on the one side they may balance or hold in from being absolute, and on the other side may balance or hold them and their factions from flying out into arms: it follows, that if a few men have the whole, or two parts in three of the whole land or territory, the interest of the nobility being the predominant interest, must of necessity produce regulated monarchy.

14. If the many, or the people, have the whole, or two parts in three of the whole land or territory, the interest of the many or of the people is the predominant interest, and causes democracy.

15. A people neither under absolute or under regulated monarchy, nor yet under democracy, are under a privation of government.

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CHAP. III.

Of The Privation Of Government.

1. WHERE a people are not in a state of civil government, but in a state of civil war; or where a people are neither under a state of civil government, nor under a state of civil war, there the people are under privation of government.
2. Where one man, not having the whole, or two parts in three of the whole land or territory, yet assumes to himself the whole power; there the people are under privation of government, and this privation is call'd *tyranny*.
3. Where a few men, not having the whole, or about two parts in three of the whole land or territory, yet assume to themselves the whole power; there the people are under privation of government, and this privation is call'd *oligarchy*.
4. Where the many, or the people, not having the whole, or two parts in three of the whole land or territory, yet assume to themselves the whole power; there the people are under privation of government, and this privation is call'd *anarchy*.
5. Where the tyranny, the oligarchy, or the anarchy, not having in the land or territory such a full share as may amount to the truth of government, have nevertheless such a share in it as may maintain an army; there the people are under privation of government, and this privation is a state of civil war.
6. Where the tyranny, the oligarchy, or the anarchy, have not any such share in the land or territory as may maintain an army, there the people are in privation of government; which privation is neither a state of civil government, nor a state of civil war.
7. Where the people are neither in a state of civil government, nor in a state of civil war, there the tyranny, the oligarchy, or the anarchy, cannot stand by any force of nature, because it is void of any natural foundation; nor by any force of arms, because it is not able to maintain an army; and so must fall away of it self thro the want of a foundation, or be blown up by som tumult: and in this kind of privation the matter or foundation of a good orderly government is ready and in being, and there wants nothing to the perfection of the same, but proper superstructures or form.

Chap. IV.

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CHAP. IV.

Of The Form Of Government.

1. THAT which gives the being, the action, and the denomination to a creature or thing, is the form of that creature or thing.
2. There is in form something that is not elementary but divine.
3. The contemplation of form is astonishing to man, and has a kind of trouble or impulse accompanying it, that exalts his soul to God.
4. As the form of a man is the image of God, so the form of a government is the image of man.
5. Man is both a sensual and a philosophical creature.
6. Sensuality in a man is when he is led only as are the beasts, that is, no otherwise than by appetit.
7. Philosophy is the knowledge of divine and human things.
8. To preserve and defend himself against violence, is natural to man as he is a sensual creature.
9. To have an impulse, or to be rais'd upon contemplation of natural things to the adoration or worship of God, is natural to man as he is a philosophical creature.
10. Formation of government is the creation of a political creature after the image of a philosophical creature; or it is an infusion of the soul or facultys of a man into the body of a multitude.
11. The more the soul or facultys of a man (in the manner of their being infus'd into the body of a multitude) are refin'd or made incapable of passion, the more perfect is the form of government.
12. Not the refin'd spirit of a man, or of som men, is a good form of government; but a good form of government is the refin'd spirit of a nation.
13. The spirit of a nation (whether refin'd or not refin'd) can neither be wholly saint nor Atheist: not saint because the far greater part of the people is never able in matters of religion to be their own leaders; nor Atheists, because religion is every whit as indelible a character in man's nature as reason.
14. Language is not a more natural intercourse between the soul of one man and another, than religion is between God and the soul of a man.

15. As not this language, nor that language, but som language; so not this religion, nor that religion, yet som religion is natural to every nation.

16. The soul of government, as the true and perfect image of the soul of man, is every whit as necessarily religious as rational.

17. The body of a government, as consisting of the sensual part of man, is every whit as preservative and defensive of it self as sensual creatures are of themselves.

18. The body of a man, not actuated or led by the soul, is a dead thing out of pain and misery; but the body of a people, not actuated or led by the soul of government, is a living thing in pain and misery.

19. The body of a people, not led by the reason of the government, is not a people, but a herd: not led by the religion of the government, is at an inquiet and an uncomfortable loss in it self; not disciplin'd by the conduct of the government, is not an army for defence of it self, but a rout; not directed by the laws of the government, has not any rule of right; and without recourse to the justice or judicatorys of the government, has no remedy of wrongs.

20. In contemplation of, and in conformity to the soul of man, as also for supply of those his necessitys which are not otherwise supply'd, or to be supply'd by nature, form of government consists necessarily of these five parts: the civil, which is the reason of the people; the religious, which is the comfort of the people; the military, which is the captain of the people; the laws, which are the rights of the people; and the judicatorys, which are the avengers of their wrongs.

21. The parts of form in government are as the offices in a house; and the orders of a form of government are as the orders of a house or family.

22. Good orders make evil men good, and bad orders make good men evil.

23. Oligarchists (to the end they may keep all others out of the government) pretending themselves to be saints, do also pretend, that they in whom lust reigns, are not fit for reign or for government. But *libido dominandi*, the lust of government, is the greatest lust, which also reigns most in those that have least right, as in oligarchists: for many a king and many a people have and had unquestionable right, but an oligarchist never; whence from their own argument, the lust of government reigning most in oligarchists, it undeniably follows that oligarchists of all men are least fit for government.

24. As in houses not differing in the kinds of their offices, the orders of the familys differ much; so the difference of form in different governments consists not in the kinds or number of the parts, which in every one is alike, but in the different ways of ordering those parts. And as the different orders of a house arise for the most part from the quantity and quality of the estate by which it is defray'd or maintain'd, according as it is in one or more of the family as proprietors, so it is also in a government.

25. The orders of the form, which are the manners of the mind of the government, follow the temperament of the body, or the distribution of the lands or territorys, and the interests thence arising.

26. The interest of arbitrary monarchy is the absoluteness of the monarch; the interest of regulated monarchy is the greatness of the nobility; the interest of democracy is the felicity of the people: for in democracy the government is for the use of the people, and in monarchy the people are for the use of the government, that is, of one lord or more.

27. The use of a horse without his provender, or of the people without som regard had to the necessitys of human nature, can be none at all: nor are those necessitys of nature in any form whatsoever to be otherwise provided for than by those five parts already mention'd; for which cause every government consists of five parts: the civil, the religious, the military, the laws, and the judicatorys.

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CHAP. V.

Of Form In The Civil Parts.

1. THOSE naturalists that have best written of generation, do observe that all things procede from an eg, and that there is in every eg a *punctum saliens*, or a part first mov'd, as the purple speck observ'd in those of hens; from the working wherof the other organs or fit members are delineated, distinguish'd, and wrought into one organical body.
2. A nation without government, or fallen into privation of form, is like an eg unhatch'd; and the *punctum saliens*, or first mover from the corruption of the former to the generation of the succeeding form, is either a sole legislator or a council.
3. A sole legislator, proceeding according to art, or knowlege, produces government in the whole piece at once and in perfection. But a council (proceeding not according to art, or what in a new case is necessary or fit for them, but according to that which they call the genius of the people still hankering after the things they have bin us'd to, or their old customs, how plain soever it be made in reason that they can no longer fit them) make patching work, and are ages about that which is very seldom or never brought by them to any perfection; but commonly coms by the way to ruin, leaving the noblest attempts under reproach, and the authors of them expos'd to the greatest miserys while they live, if not their memorys when they are dead and gone to the greatest infamy.
4. If the *punctum saliens*, or first mover in generation of the form be a sole legislator, his proceeding is not only according to nature, but according to art also, and begins with the delineation of distinct orders or members.
5. Delineation of distinct organs or members (as to the form of government) is a division of the territory into fit precincts once stated for all, and a formation of them to their proper offices and functions, according to the nature or truth of the form to be introduc'd.
6. Precincts in absolute monarchy are commonly call'd *provinces*; and as to the delineation or stating of them, they may be equal or inequal. Precincts in regulated monarchy, where the lords or nobility as to their titles or estates ought not to be equal, but to differ as one star differs from another in glory, are commonly call'd *countys*, and ought to be inequal. Precincts in democracy, where without equality in the electors there will hardly be any equality in the elected; or where without equality in the precincts, it is almost, if not altogether impossible there should be equality in the commonwealth, are properly call'd *tribes*, and ought by all means to be equal.
7. Equality or parity has bin represented an odious thing, and made to imply the levelling of mens estates; but if a nobility, how inequal soever in their estates or titles,

yet to com to the truth of aristocracy, must as to their votes or participation in the government be *pares regni*, that is to say peers, or in parity among themselves: as well likewise the people, to attain to the truth of democracy, may be peers, or in parity among themselves, and yet not as to their estates be oblig'd to levelling.

8. Industry of all things is the most accumulative, and accumulation of all things hates levelling: the revenue therfore of the people being the revenue of industry, tho som nobility (as that of *Israel*, or that of *Lacedemon*) may be found to have bin levellers, yet not any people in the world.

9. Precincts being stated, are in the next place to be form'd to their proper offices and functions, according to the truth of the form to be introduc'd; which in general is to form them as it were into distinct governments, and to indow them with distinct governors.

10. Governments or governors are either supreme or subordinat. For absolute monarchy to admit in its precincts any government or governors that are not subordinat but supreme, were a plain contradiction. But that regulated monarchy, and that democracy may do it, is seen in the princes of *Germany*, and in the cantons of *Switzerland*: nevertheless these being governments that have deriv'd this not from the wisdom of any legislator, but from accident, and an ill disposition of the matter, wherby they are not only incapable of greatness, but even of any perfect state of health, they com not under the consideration of art, from which they derive not; but of chance, to which we leave them. And, to speak according to art, we pronounce that, as well in democracy and in regulated as in absolute monarchy, governors and governments in the several divisions ought not to be sovaintys, but subordinat to one common sovereign.

11. Subordinat governors are at will, or for life, or upon rotation or changes.

12. In absolute monarchy the governors of provinces must either be at will, or upon rotation, or else the monarch cannot be absolute. In regulated monarchy the governors of the countys may be for life or hereditary, as in counts or lords; or for som certain term and upon rotation, as in viscounts or sherifs. In democracy the people are servants to their governors for life, and so cannot be free; or the governors of the tribes must be upon rotation and for som certain term, excluding the party that have born the magistracy for that term from being elected into the like again, till an equal interval or vacation be expir'd.

13. The term in which a man may administer government to the good of it, and not attempt upon it to the harm of it, is the fittest term of bearing magistracy; and three years in a magistracy describ'd by the law under which a man has liv'd, and which he has known by the carriage or practice of it in others, is a term in which he cannot attempt upon his government for the hurt of it, but may administer it for the good of it, tho such a magistracy or government should consist of divers functions.

14. Governors in subordinat precincts have commonly three functions; the one civil, the other judicial, and the third military.

15. In absolute monarchy the government of a province consists of one *beglerbeg*, or governor for three years, with his council or *divan* for civil matters, and his guard of *janizarys* and *spahys*, that is, of horse and foot, with power to levy and command the *timariots* or military farmers.

16. In regulated monarchy the government of a county consists of one count or lord for life, or of one viscount or sherif for som limited term, with power in certain civil and judicial matters, and to levy and command the *posse comitatus*.

17. In democracy the government of a tribe consists of one council or court, in one third part elected annually by the people of that tribe for the civil; for the judicial, and for the military government of the same; as also to preside at the election of deputys in that tribe towards the annual supply in one third part of the common and soverain assemblys of the whole commonwealth, that is to say, of the senat and of the popular assembly; in which two these tribes, thus delineated and distinguish'd into proper organs or fit members to be actuated by those soverain assemblys, are wrought up again by connexion into one intire and organical body.

18. A parlament of physicians would never have found out the circulation of the blood, nor could a parlament of poets have written Virgil's *Æneis*; of this kind therefore in the formation of government is the proceeding of a sole legislator. But if the people without a legislator set upon such work by a certain instinct that is in them, they never go further than to chuse a council; not considering that the formation of government is as well a work of invention as of judgment; and that a council, tho in matters laid before them they may excel in judgment, yet invention is as contrary to the nature of a council as it is to musicians in consort, who can play and judg of any ayr that is laid before them, tho to invent a part of music they can never well agree.

19. In councils there are three ways of result, and every way of result makes a different form. A council with the result in the prince makes absolute monarchy. A council with the result in the nobility, or where without the nobility there can be no result, makes aristocracy, or regulated monarchy. A council with the result in the people makes democracy. There is a fourth kind of result or council which amounts not to any form, but to privation of government; that is, a council not consisting of a nobility, and yet with the result in itself, which is rank oligarchy: so the people, seldom or never going any further than to elect a council without any result but itself, instead of democracy introduce oligarchy.

20. The ultimat result in every form is the soverain power. If the ultimat result be wholly and only in the monarch, that monarchy is absolute. If the ultimat result be not wholly and only in the monarch, that monarchy is regulated. If the result be wholly and only in the people, the people are in liberty, or the form of the government is democracy.

21. It may happen that a monarchy founded upon aristocracy, and so as to the foundation regulated, may yet com by certain expedients or intrusions (as at this day in *France* and in *Spain*) as to the administration of it to appear or be call'd absolute;

of which I shall treat more at large when I com to speak of *reason of state*, or of administration.

22. The ultimat result in the whole body of the people, if the commonwealth be of any considerable extent, is altogether impracticable; and if the ultimat result be but in a part of the people, the rest are not in liberty, nor is the government democracy.

23. As a whole army cannot charge at one and the same time, yet is so order'd that every one in his turn coms up to give the charge of the whole army; so tho the whole people cannot give the result at one and the same, yet may they be so order'd that every one in his turn may com up to give the result of the whole people.

24. A popular assembly, rightly order'd, brings up every one in his turn to give the result of the whole people.

25. If the popular assembly consists of one thousand or more, annually changeable in one third part by new elections made in the tribes by the people, it is rightly order'd; that is to say, so constituted that such an assembly can have no other interest wherupon to give the result, than that only which is the interest of the whole people.

26. But in vain is result where there is no matter to resolve upon; and where maturity of debate has not preceded, there is not yet matter to resolve upon.

27. Debate to be mature cannot be manag'd by a multitude; and result to be popular cannot be given by a few.

28. If a council capable of debate has also the result, it is oligarchy. If an assembly capable of the result has debate also, it is anarchy. Debate in a council not capable of result, and result in an assembly not capable of debate, is democracy.

29. It is not more natural to a people in their own affairs to be their own chusers, than upon that occasion to be provided of their learned counsel; in so much that the saying of Pacuvius, That *either a people is govern'd by a king or counsel'd by a senat*, is universally approv'd.

30. Where the senat has no distinct interest, there the people are counsillable, and venture not upon debate: where the senat has any distinct interest, there the people are not counsillable, but fall into debate among themselves, and so into confusion.

31. Of senats there are three kinds: first, A senat eligible out of the nobility only, as that of *Rome*, which will not be contented to be merely the council of the people, but will be contending that they are lords of the people, never quitting their pretensions till they have ruin'd the commonwealth. Secondly, A senat elected for life, as that of *Sparta*, which will be a species of nobility, and will have a kind of *Spartan* king, and a senat upon rotation; which being rightly constituted, is quiet, and never pretends more than to be the learned council of the people.

32. Thirdly, Three hundred senators, for example, changeable in one third part of them annually by new elections in the tribes, and constituted a senat to debate upon all

civil matters, to promulgate to the whole nation what they have debated, this promulgation to be made some such convenient time before the matters by them debated are to be proposed, that they may be commonly known and well understood, and then to propose the same to the result of the popular assembly, which only is to be the test of every public act, is a senate rightly ordered.

FORM of government (as to the civil part) being thus completed, is summed up in the three following aphorisms.

33. Absolute monarchy (for the civil part of the form) consists of distinct provinces under distinct governors, equally subordinate to a *grand signor* or sole lord, with his council or divan debating and proposing, and the result wholly and only in himself.

34. Regulated monarchy (for the civil part of the form) consists of distinct principalities or counties under distinct lords or governors, which if rightly constituted are equally subordinate to the king and his peerage, or to the king and his estates assembled in parliament, without whose consent the king can do nothing.

Chap. VI.

35. Democracy (for the civil part of the form) if rightly constituted, consists of distinct tribes under the government of distinct magistrates, courts, or councils, regularly changeable in one third part upon annual elections, and subordinate to a senate consisting of not above three hundred senators, and to a popular assembly consisting of not under a thousand deputies; each of these also regularly changeable in one third part upon annual elections in the tribes, the senate having the debate, and the popular assembly the result of the whole commonwealth.

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CHAP. VI.

Of Form In The Religious Part.

1. FORM for the religious part either admits of liberty of conscience in the whole or in part; or does not admit of liberty of conscience at all.
2. Liberty of conscience intire, or in the whole, is where a man according to the dictats of his own conscience may have the free exercise of his religion, without impediment to his preferment or imployment in the state.
3. Liberty of conscience in part is, where a man according to the dictats of his conscience may have the free exercise of his religion; but if it be not the national religion, he is thereby incapable of preferment or imployment in the state.
4. Where the form admits not of the free exercise of any other religion except that only which is national, there is no liberty of conscience.
5. Men who have the means to assert liberty of conscience, have the means to assert civil liberty; and will do it if they are oppressed in their consciences.
6. Men participating in property, or in imployment civil or military, have the means to assert liberty of conscience.
7. Absolute monarchy, being sole proprietor, may admit of liberty of conscience to such as are not capable of civil or military imployment, and yet not admit of the means to assert civil liberty; as the *Greeks* Christians under the *Turk*, who, tho they enjoy liberty of conscience, cannot assert civil liberty, because they have neither property nor any civil or military employments.
8. Regulated monarchy, being not sole proprietor, may not admit naturally of liberty of conscience, lest it admits of the means to assert civil liberty, as was lately seen in *England* by pulling down the bishops, who, for the most part, are one half of the foundation of regulated monarchy.
9. Democracy being nothing but intire liberty; and liberty of conscience without civil liberty, or civil liberty without liberty of conscience being but liberty by halves, must admit of liberty of conscience both as to the perfection of its present being, and as to its future security: as to the perfection of its present being, for the reasons already shewn, or that she do not enjoy liberty by halves; and for future security, because this excludes absolute monarchy, which cannot stand with liberty of conscience in the whole, and regulated monarchy, which cannot stand safely with it in any part.
10. If it be said that in *France* there is liberty of conscience in part, it is also plain that while the hierarchy is standing this liberty is falling, and that if ever it comes to pull

down the hierarchy, it pulls down that monarchy also: wherefore the monarchy or hierarchy will be beforehand with it, if they see their true interest.

11. The ultimate result in monarchy being that of one man, or of a few men, the national religion in monarchy may happen not to be the religion of the major part of the people; but the result in democracy being in the major part of the people, it cannot happen but that the national religion must be that of the major part of the people.

12. The major part of the people, being in matters of religion enabled to be their own leaders, will in such cases therefore have a public leading; or, being debar'd of their will in that particular, are debar'd of their liberty of conscience.

13. Where the major part of the people is debar'd of their liberty by the minor, there is neither liberty of conscience nor democracy, but spiritual or civil oligarchy.

14. Where the major part is not debar'd of their liberty of conscience by the minor, there is a national religion.

15. National religion is either coercive, or not coercive.

16. Religion is not naturally subservient to any corrupt or worldly interest, for which cause to bring it into subjection to interest it must be coercive.

17. Where religion is coercive, or in subjection to interest, there it is not, or will not long continue to be the true religion.

18. Where religion is not coercive, nor under subjection to any interest, there it either is (or has no obstruction why it may not come to be) the true religion.

19. Absolute monarchy pretends to infallibility in matters of religion, employs not any that is not of its own faith, and punishes its apostats by death without mercy.

20. Regulated monarchy comes not much short of the same pretence; but consisting of proprietors, and such as if they dissent have oftentimes the means to defend themselves, it does not therefore always attain to the exercise of the like power.

21. Democracy pretends not to infallibility, but is in matters of religion no more than a seeker, not taking away from its people their liberty of conscience, but educating them, or so many of them as shall like of it, in such a manner or knowledge in divine things as may render them best able to make use of their liberty of conscience, which it performs by the national religion.

22. National religion, to be such, must have a national ministry or clergy.

23. The clergy is either a landed or a stipendiated clergy.

24. A landed clergy attaining to one third of the territory, is aristocracy; and therefore equally incompatible with absolute monarchy, and with democracy: but to regulated

monarchy for the most part is such a supporter, as in that case it may be truly enough said, that NO BISHOP, NO KING.

25. The sovereignty of the prince in absolute monarchy, and of the people in democracy, admitting not of any counterpoise, in each of these the clergy ought not to be landed; the laborer nevertheless being worthy of his hire, they ought to be stipendiated.

26. A clergy well landed is to regulated monarchy a very great glory; and a clergy not well stipendiated is to absolute monarchy or to democracy as great an infamy.

27. A clergy, whether landed or stipendiated, is either hierarchical or popular.

Chap. VII.

28. A hierarchical clergy is a monarchical ordination; a popular clergy receives ordination from election by the people.

FORM of Government (as to the religious part) being thus completed, is sum'd up in the three following Aphorisms:

29. Absolute monarchy (for the religious part of the form) consists of a hierarchical clergy, and of an *alcoran* (or som book receiv'd in the nature of Scripture) interpretable by the prince only and his clergy, willingly permitting to them that are not capable of employments a liberty of conscience.

30. Regulated monarchy (for the religious part of the form) consists of an aristocratical hierarchy, of the liturgy, and of the holy Scriptures (or som such book receiv'd for a rule of faith) interpretable only by the clergy, not admitting liberty of conscience, except thro mere necessity.

31. Democracy (for the religious part of the form) consists of a popular clergy, of the Scriptures (or som other book acknowleg'd divine) with a directory for the national religion, and a council for the equal maintenance both of the national religion, and of the liberty of conscience.

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CHAP. VII.

Of Form In The Military Part.

1. A MAN may perish by the sword; yet no man draws the sword to perish, but to live by it.
2. So many ways as there are of living by the sword, so many ways there are of a militia.
3. If a prince be lord of the whole, or of two parts in three of the whole territory, and divides it into military farms at will and without rent, upon condition of service at their own charge in arms whenever he commands them, it is the sword of an absolute monarchy.
4. If the nobility, being lords of the whole or of two parts in three of the whole territory, let their lands by good pennyworths to tenants at will, or by their leases bound at their commands by whom they live to serve in arms upon pay, it is the sword of a regulated monarchy.
5. In countrys that have no infantry, or militia of free commoners, as in *France* and *Poland*, the nobility themselves are a vast body of horse, and the sword of that monarchy.
6. If a people, where there neither is lord nor lords of the whole, nor of two parts in three of the whole territory, for the common defence of their liberty and of their livelihood, take their turns upon the guard or in arms, it is the sword of democracy.
7. There is a fourth kind of militia, or of men living more immediatly by the sword, which are soldiers of fortune, or a mercenary army.
8. Absolute monarchy must be very well provided with court guards, or a mercenary army; otherwise its military farmers having no bar from becoming proprietors, the monarchy it self has no bar from changing into democracy.

Chap. VIII.

FORM of government (as to the military part) being thus completed, is sum'd up in the three following aphorisms:

9. In a regulated monarchy where there is an infantry, there needs not any mercenary army; and there the people live tolerably well.
10. In a regulated monarchy where there is no infantry, but the nobility themselves are a vast body of horse, there must also be a mercenary infantry, and there the people are peasants or slaves.

11. There is no such thing in nature as any monarchy (whether absolute or regulated) subsisting merely by a mercenary army, and without an infantry or cavalry planted upon the lands of the monarch, or of his whole nobility.

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CHAP. VIII.

Of Form In The Legal Part.

1. IF justice be not the interest of a government, the interest of that government will be its justice.
2. Let equity or justice be what it will, yet if a man be to judg or resolve in his own case, he resolves upon his own interest.
3. Every government, being not obnoxious to any superior, resolves in her own case.
4. The ultimat result in every government is the law in that government.
5. In absolute monarchy, the ultimat result is in the monarch.
6. In aristocracy, or regulated monarchy, the ultimat result is in the lords or peers, or not without them.
7. In democracy the ultimat result is in the people.
8. Law in absolute monarchy holds such a disproportion to natural equity, as the interest of one man to the interest of all mankind.
9. Law in aristocracy holds such a disproportion to natural equity, as the interest of a few men to the interest of all mankind.
10. Law in democracy holds such a disproportion to natural equity, as the interest of a nation to the interest of all mankind.
11. One government has much nearer approaches to natural equity than another; but in case natural equity and self-preservation com in competition, so natural is self-preservation to every creature, that in that case no one government has any more regard to natural equity than another.
12. A man may devote himself to death or destruction to save a ation, but no nation will devote it self to death or destruction to save mankind.
13. *MACHIAVEL* is decry'd for saying, that *no consideration is to be had of what is just or injust, of what is merciful or cruel, of what is honorable or ignominious in case it be to save a state, or to preserve liberty*; which as to the manner of expression is crudely spoken. But to imagin that a nation will devote it self to death or destruction any more upon faith given or an ingagement therto tending, than if there had bin no such ingagement made or faith given, were not piety but folly.

Chap. IX.

14. Whersoever the power of making law is, there only is the power of interpreting the law so made.

15. God who has given his law to the soul of that man who shall voluntarily receive it, is the only interpreter of his law to that soul; such at least is the judgment of democracy. With absolute monarchy, and with aristocracy, it is an innat maxim, That *the people are to be deceiv'd in two things, their RELIGION and their LAW*; or that the church or themselves are interpreters of all Scripture, as the priests were antiently of the *Sibyls* books.

FORM of government (as to the legal part) being thus completed, is sum'd up in the three following aphorisms:

16. Absolute monarchy (for the legal part of the form) consists of such laws as it pretends God has deliver'd or given the king and priests power to interpret; or it consists of such laws as the monarch shall or has chosen.

17. Aristocracy (for the legal part of the form) consists of such laws as the nobility shall chuse or have chosen; or of such as the people shall chuse or have chosen, provided they be agreed to by their lords, or by the king and their lords.

18. Democracy (for the legal part of the form) consists of such laws as the people, with the advice of their council, or of the senat, shall chuse or have chosen.

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CHAP. IX.

Of Form In The Judicial Part.

1. MULTIPLICITY of laws, being a multiplicity of snares for the people, causes corruption of government.
2. Paucity of laws requires arbitrary power in courts, or judicatorys.
3. Arbitrary power (in reference to laws) is of three kinds. (1) In making, altering, abrogating, or interpreting of laws, which belong to the sovereign power. (2) In applying laws to cases which are never any one like another. (3) In reconciling the laws among themselves.
4. There is no difficulty at all in judging of any case whatsoever according to natural equity.
5. Arbitrary power makes any man a competent judg for his knowledge; but leaving him to his own interest, which oftentimes is contrary to justice, makes him also an incompetent judg, in regard that he may be partial.
6. A partiality is the cause why laws pretend to abhor arbitrary power; nevertheless, seeing that not one case is altogether like another, there must in every judicatory be som arbitrary power.
7. Paucity of laws causes arbitrary power in applying them; and multiplicity of laws causes arbitrary power in reconciling and applying them too.
8. Arbitrary power where it can do no wrong, dos the greatest right; because no law can ever be so fram'd, but that without arbitrary power it may do wrong.
9. Arbitrary power, going upon the interest of one or of a few, makes not a just judicatory.
10. Arbitrary power, going upon the interest of the whole people, makes a just judicatory.
11. All judicatorys and laws, which have bin made by arbitrary power, allow of the interpretation of arbitrary power, and acknowlege an appeal from themselves to it.
12. That law which leaves the least arbitrary power to the judg or judicatory, is the most perfect law.
13. Laws that are the fewest, plainest, and briefest, leave the least arbitrary power to the judg or judicatory; and being a light to the people, make the most incorrupt government.

14. Laws that are perplext, intricat, tedious, and voluminous, leave the greatest arbitrary power to the judg or judicatory; and raining snares on the people, make the most corrupt government.

15. Seeing no law can be so perfect as not to leave arbitrary power to the judicatory, that is the best constitution of a judicatory where arbitrary power can do the least hurt, and the worst constitution of a judicatory is where arbitrary power can do the most ill.

16. Arbitrary power in one judg dos the most, in a few judges dos less, and in a multitude of judges dos the least hurt.

17. The ultimat appeal from all inferior judicatorys is to som soverain judg or judicatory.

18. The ultimat result in every government (as in absolute monarchy, the monarch; in aristocracy, or aristocratical monarchy, the peers; in democracy, the popular assembly) is a soverain judg or judicatory that is arbitrary.

19. Arbitrary power in judicatorys is not such as makes no use of the law, but such by which there is a right use to be made of the laws.

20. That judicatory where the judg or judges are not obnoxious to partiality or privat interest, cannot make a wrong use of power.

21. That judicatory that cannot make a wrong use of power, must make a right use of law.

22. Every judicatory consists of a judg or som judges without a jury, or of a jury on the bench without any other judg or judges, or of a judg or judges on the bench with a jury at the bar.

FORM of government (as to the judicial part) being thus completed, is sum'd up in the three following aphorisms.

23. Absolute monarchy (for the judicial part of the form) admits not of any jury, but is of som such kind as a *cadee* or judg in a city, or as we say in a hundred, with an appeal to a *cadaliskar* or a judg in a province, from whom also there lys an appeal to the *muphti*, who is at the devotion of the *grand signior* or of the monarch.

24. Aristocracy or aristocratrical monarchy (for the judicial part of the form) may admit of a jury, so it be at the bar only, and consists of som such kind as delegats or ordinary judges, with an appeal to a house of peers; or som such court, as the parliament at *Paris*, which was at the institution in the reign of Hugh Capet, a parlament of soverain princes.

Chap. X.

25. Democracy (for the judicial part of the form) is of som such kind as a jury on the bench in every tribe, consisting of thirty persons or more annually eligible in one third part by the people of that tribe, with an appeal from thence to a judicatory residing in the capital city of the like constitution, annually eligible in one third part out of the

senat or the popular assembly, or out of both; from which also there lys an appeal to the people, that is to the popular assembly.

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CHAP. X.

Of The Administration Of Government, Or REASON OF STATE.

1. AS the matter of a ship or of a house is one thing, the form of a ship or of a house is another thing, and the administration or reason of a ship or of the house is a third thing; so the matter of a government or of a state is one thing, the form of a government or of a state is another, and the administration of a government (which is what's properly and truly call'd *reason of state*) is a third thing.
2. There are those who can play, and yet cannot pack the cards, and there are who can pack the cards, and yet cannot play.
3. Administration of government, or reason of state, to such as propose to themselves to play upon the square, is one thing; and to such as propose to themselves to pack the cards, is another.
4. *REASON of state* is that in a kingdom or a commonwealth, which in a family is call'd THE MAIN CHANCE.
5. The master of a family that either keeps himself up to his antient bounds, or increases his stock, looks very well to the main chance, at least if his play be upon the square, that is, upon his own abilities, or good fortune, or the laws; but if it were not upon the square, yet an estate however gotten, is not for that a less estate in it self, nor less descending by the law to his successors.
6. If a people thro their own industry, or the prodigality of their lords, com to acquire liberty; if a few by their industry, or thro the folly or slothfulness of the people, com to eat them out, and make themselves lords; if one lord by his power or his virtue, or thro their necessity, their wisdom, or their folly, can overtop the rest of these lords, and make himself king, all this was fair play and upon the square.
7. *REASON of state*, if we speak of it as fair play, is foren or domestic.
8. *REASON of state*, which is foren, consists in balancing foren princes and states in such a manner, as you may gain upon them, or at least that they may not gain upon you.
9. *REASON of state*, which is domestic, is the administration of a government (being not usurp'd) according to the foundation and superstructures of the same if they be good, or so as not being good that they may be mended, or so as being good or bad they may be alter'd; or, the government being usurp'd, the *reason of state* then is the way and means wherby such usurpation may be made good or maintain'd.

10. *REASON of state*, in a democracy which is rightly founded and rightly order'd, is a thing of great facility, whether in a foren or in a domestic relation. In a foren, because one good democracy, weighing two or three of the greatest princes, will easily give the balance abroad at its pleasure; in a domestic, because it consists not of any more than giving such a stop in accumulation that the state coms not to be monarchical: which one reason of state being made good, all the rest gos well; and which one reason of state being neglected, all the rest coms in time to infallible ruin.

11. Reason of state in a democracy, which is not right in its foundations, may flourish abroad, and be one: but at home will languish or be two reasons of state, that is, the reason of the state or orders of the nobility, which is to lord it over the people; and the reason of the popular state or order, which is to bring the commonwealth to equality: which two reasons of state, being irreconcilable, will exercise themselves against one another, first by disputes, then by plots, till it coms at last to open violence, and so to the utter ruin of the commonwealth, as it happen'd in *Rome*.

12. Reason of state in an absolute monarchy (whether foren or domestic) is but threefold; as first to keep its military farmers or *timariots* to the first institution; next to cut him that grows any thing above his due stature, or lifts up his head above the rest, by so much the shorter; and last of all, to keep its arms in exercise.

13. In aristocratical monarchy reason of state (as to the whole) is but one thing, that is, to preserve the counterpoise of the king and the two, or the three, or the four estates: for in som countrys, as in *Poland*, there are but two estates, the clergy and the nobility; in others, as in *Sweden*, there are four, the nobility, the gentry, the clergy, and the commons: in most others there are but three, the lords spiritual, the lords temporal, and the commons.

14. In aristocratical monarchy reason of state (as to the parts) is a multifarious thing, every state having its peculiar reason of state, and the king also his reason of state: with the king it is to balance the nobility, that he may hold them under; reason of state with the nobility is to balance the king, lest he should grow absolute; reason of state both with the king and the nobility is to keep down the people; and reason of state with the people is to drive at their liberty.

15. In forms that are pure, or in governments that have no more than an absolute prince or one state, as absolute monarchy and equal or pure democracy, there is but one reason of state, and that is to preserve the form intire. In forms that are mix'd (as in an inequal commonwealth where there are two estates, and in aristocratical monarchy where there is a king and two if not three estates) there are so many reasons of state to break the form, that there has not bin any inequal commonwealth which either the people have not brought to democracy, or the nobility to monarchy. And scarce was there any aristocratical monarchy, where (to omit the wars of the nobility with their king, or among themselves) the people have not driven out their king, or where the king has not brought the people into slavery. Aristocratical monarchy is the true theatre of expedient-mongers and state-emperics, or the deep waters wherin that Leviathan the minister of state takes his pastime.

16. The complaint that the wisdom of all these latter times in princes affairs consists rather in fine deliverys and shiftings of dangers or mischiefs when they are near, than in solid and grounded courses to keep them off, is a complaint in the streets of aristocratical monarchy: and not to be remedy'd, because the nobility being not broken, the king is in danger, and the nobility being broken, the monarchy is ruin'd.

17. An absurdity in the form of the government (as that in a monarchy there may be two monarchs) shoots out into a mischief in the administration, or som wickedness in the reason of state, as in Romulus's killing of Remus, and the monstrous assassinations of the *Roman* emperors.

18. Usurpation of government is a surfeit that converts the best arts into the worst: *Nemo unquam imperium flagitio acquisitum bonis artibus exercuit.*

19. As in the privation of virtue, and in beggery, men are sharks or robbers, and the reason of their way of living is quite contrary to those of thirst; so in the privation of government, as in anarchy, oligarchy, or tyranny, that which is reason of state with them is directly opposit to that which is truly so: whence are all those black maxims set down by som politicians, particularly Machiavel in his *prince*, and which are condemn'd to the fire even by them who, if they liv'd otherwise, might blow their fingers.

20. Where the government from a true foundation rises up into proper superstructures or form, the reason of state is right and streight; but give our politician peace when you please, if your house stands awry, your props do not stand upright.

21. Take a juggler, and commend his tricks never so much, yet if in so doing you shew his tricks you spoil him; which has bin and is to be confess'd of Machiavel.

22. Corruption in government is to be read and consider'd in Machiavel, as diseases in a man's body are to be read and consider'd in Hippocrates.

23. Neither Hippocrates nor Machiavel introduc'd diseases into man's body, nor corruption into government, which were before their times; and seeing they do but discover them, it must be confest that so much as they have don tends not to the increase but the cure of them, which is the truth of these two authors.

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POLITICAL APHORISMS.

Obsequium amicos, veritas odium parit. Terent.

1. THE errors and sufferings of the people are from their governors.
2. When the foundation of a government coms to be chang'd, and the governors change not the superstructures accordingly, the people becom miserable.
3. The monarchy of *England* was not a government by arms, but a government by laws, tho imperfect or ineffectual laws.
4. The later governments in *England* since the death of the king, have bin governments by arms.
5. The people cannot see, but they can feel.
6. The people having felt the difference between a government by laws and a government by arms, will always desire the government by laws, and abhor that of arms.
7. Where the spirit of the people is impatient of a government by arms, and desirous of a government by laws, there the spirit of the people is not unfit to be trusted with their liberty.
8. The spirit of the people of *England*, not trusted with their liberty, drives at the restitution of monarchy by blood and violence.
9. The spirit of the people of *England*, trusted with their liberty, if the form be sufficient, can never set up a king; and if the form be insufficient (as a parlament with a council in the intervals, or two assemblys coordinat) will set up a king without blood or violence.
10. To light upon a good man, may be in chance; but to be sure of an assembly of good men, is not in prudence.
11. Where the security is no more than personal, there may be a good monarch, but can be no good commonwealth.
12. The necessary action or use of each thing is from the nature of the form.
13. Where the security is in the persons, the government makes good men evil; where the security is in the form, the government makes evil men good.
14. Assemblys legitimatly elected by the people, are that only party which can govern without an army.

15. Not the party which cannot govern without an army, but the party which can govern without an army, is the refin'd party, as to this intent and purpose truly refin'd; that is, by popular election, according to the precept of Moses, and the rule of Scripture: *Take ye wise men, and understanding, and known among your tribes, and I will make them rulers over you.*
16. The people are deceiv'd by names, but not by things.
17. Where there is a well-order'd commonwealth, the people are generally satisfy'd.
18. Where the people are generally dissatisfy'd, there is no commonwealth.
19. The partys in *England* declaring for a commonwealth, hold every one of them something that is inconsistent with a commonwealth.
20. To hold that the government may be manag'd by a few, or by a party, is inconsistent with a commonwealth; except in a situation like that of *Venice*.
21. To hold that there can be any national religion or ministry without public indowment and inspection of the magistracy, or any government without a national religion or ministry, is inconsistent with a commonwealth.
22. To hold that there may be liberty, and not liberty of conscience, is inconsistent with a commonwealth that has the liberty of her own conscience, or that is not Popish.
23. Where civil liberty is intire, it includes liberty of conscience.
24. Where liberty of conscience is intire, it includes civil liberty.
25. Either liberty of conscience can have no security at all, or under popular government it must have the greatest security.
26. To hold that a government may be introduc'd by a little at once, is to wave prudence, and commit things to chance.
27. To hold that the wisdom of God in the formation of a house or of a government, gos not universally upon natural principles, is inconsistent with Scripture.
28. To hold that the wisdom of man in the formation of a house, or of a government, may go upon supernatural principles, is inconsistent with a commonwealth, and as if one should say, God ordain'd the temple, therefore it was not built by masons; he ordain'd the snuffers, therefore they were not made by a smith.
29. To hold that hirelings (as they are term'd by som) or an indow'd ministry, ought to be remov'd out of the church, is inconsistent with a commonwealth.
30. Nature is of GOD.
31. Som part in every religion is natural.

32. A universal effect demonstrates a universal cause.
33. A universal cause is not so much natural, as it is nature it self.
34. Every man, either to his terror or consolation, has som sense of religion.
35. Man may rather be defin'd a religious than a rational creature; in regard that in other creatures there may be somthing of reason, but there is nothing of religion.
36. Government is of human prudence, and human prudence is adequat to man's nature.
37. The prudence or government that is regardless of religion, is not adequat nor satisfactory to man's nature.
38. Where the government is not adequat or satisfactory to man's nature, it can never be quiet or perfect.
39. The major part of mankind gives itself up in the matter of religion to the public leading.
40. That there may be a public leading, there must be a national religion.
41. Where the minor part takes away the national religion, there the major part is depriv'd of liberty of conscience by the minor.
42. Where the major part is depriv'd of liberty of conscience by the minor, there they will deprive the minor of that liberty of conscience which they might otherwise enjoy.
43. In *Israel* there was an indow'd clergy or priesthood, and a national religion under inspection of the magistrat: whence the *Christians* in apostolic times, defraying their own ministry, could have liberty of conscience; wheras if the *Christians* by going about to take away tithes, and abolish the national religion, had indeavor'd to violat the consciences of the unconverted *Jews*, these being far greater in number, must needs have taken away the liberty of conscience from the *Christians*.
44. *PAUL* in *Athens* could freely and undisturbedly convert Dionysius and others; therfore in *Athens* there was liberty of conscience: but if Paul and his converts had gon about to drive hirelings, or an indow'd priesthood or clergy out of that church, who sees not that the *Athenians* would have driven Paul and his converts out of *Athens*?
45. That there may be liberty of conscience, there must be a national religion.
46. Tha there may be a national religion, there must be an indowed clergy.
47. Commonwealths have had three ways of union. As the *Athenians*, by bringing their confederats to subjection: as the united provinces by an equal league: or as the *Romans* by an inequal league. The first way is tyrannical. In the second, one

commonwealth under the league is no more than another, and each one as to herself has a negative: which kind of union is not only obstructive, but tends (as we have seen both in *Holland* and *Switzerland*) towards division. In the third way, the commonwealth uniting other commonwealths, retains to her self the leading of the whole league, leaving to each of the rest her own laws, and her own liberty.

48. Till a commonwealth be first fram'd, how such a commonwealth should make an effectual union with another nation, is not possible to be seen.

49. The new, unpractis'd, and heretofore unheard union (as it is vulgarly spoken) with *Scotland*, by uniting deputys of divers nations, not in a council apart, or by way of states general, as in the united provinces, but in the standing councils of som one commonwealth in the league, is destructive to liberty both in *England* and in *Scotland*.

50. If the commonwealth of *England* receives deputys from *Scotland* in a greater number than that of her own, she receives law from a foren interest, and so loses her own liberty.

51. If *Scotland* be receiv'd in an equal number, it obstructs the freedom of both, or occasions war or dissension.

52. If *Scotland* be receiv'd in an inferior number, she receives law from *England*, and so loses her liberty. The like is understood of *Ireland*.

53. Whereas a well-order'd commonwealth should give the balance to her consederats, and not receive it from them; the councils in which divers others are thus united, tho in a far inferior number of deputys, yet if these ly in wait, or lay their heads together, may be over-rul'd, obstructed, or overbalanc'd by foren interests.

54. Where countrys are divers in their laws, and yet are to receive laws one from the other, neither the commonwealth giving law, knows what to give, nor the commonwealth receiving law, understands what she receives: in which case the union returns to force or confusion.

55. The best way of holding a nation different or not different in laws, is the *Roman*, that is, by way of province.

56. A province, especially if she has strong holds, may, by defraying of a small guard, be kept to a just league, and for the rest injoy her own laws, her own government, and her perfect liberty. Other ways of union will be found more chargeable, and less effectual, on both sides: for if *England* has no army in *Scotland*, *Scotland* will receive no law from *England*; and if *England* has an army there, her hold consists not in the union, but in the force. The like is to be understood of *Ireland*.

57. If a country be very small, and not able to subsist of it self, as *Wales*, it may be safely united and held: but the advantage that *Wales* has in a participation of all magistracys and offices, is not that which *England* is able to afford to such a country as *Scotland*, without subjecting her neck to the yoke.

58. The order of a commonwealth requires, that it consists, first of a civil; secondly, of a religious; thirdly, of a military; and fourthly, of a provincial part. The manner of uniting provinces or different nations, pertains to the last part; and in the formation of a commonwealth, to begin with that first, which is naturally last, is to invert the order, and by consequence the commonwealth it self, which indeed is nothing but order.

59. Where there can be any other government, there can be no commonwealth.

60. Where there can be a commonwealth, what tumults soever there happen, and which soever prevail, there can be no other government; that is to say, without foren invasion, which throout I must be understood to except.

61. If Sir George Booth had prevail'd, he must either have introduc'd a commonwealth, or have restor'd the king.

62. If the king were restor'd, he must either govern by an army, or by parlaments.

63. A king governing now in *England* by an army, would for the same causes find the same effects with the late protector.

64. A king governing now in *England* by parlaments, would find the nobility of no effect at all.

65. A parliament, where the nobility is of no effect at all, is a mere popular council.

66. A mere popular council will never receive law from a king.

67. A mere popular council giving law to a king, becoms therby a democracy, or equal commonwealth; or the difference is no greater than in the imperfection of the form.

68. A commonwealth or democracy to be perfect in the form, must consist especially of such an assembly, the result wherof can go upon no interest whatsoever, but that only which is the common interest of the whole people.

69. An assembly consisting of a few, may go upon the interest of one man, as a king; or upon the interest of one party, as that of divines, lawyers, and the like; or the interest of themselves, and the perpetuation of their government.

70. The popular assembly in a commonwealth may consist of too few, but can never consist of too many.

71. In every commonwealth there has bin a popular assembly. This in *Israel* at least consisted of twenty-four thousand, upon a monthly rotation. In *Athens*, *Lacedemon*, *Rome*, it consisted of the whole citizens, that is, of all such as had a right in the commonwealth, whether they inhabited in city or country. In *Venice* it consists of about two thousand. In the province of *Holland* only, which contains eighteen or nineteen sovereintys, the popular or resolving assemblys consist at least of five hundred persons: these in the whole union, may amount to five or six thousand; in

Switzerland I believe they com to a greater number. And the most of these assemblys have bin perpetually extant.

72. If the popular assembly consists of so few, and so eminent persons as are capable of any orderly debate, it is good for nothing but to destroy the commonwealth.

73. If the popular assembly consists of so many, and for the greater part of so mean persons as are not capable of debate, there must be a senat to help this defect.

74. The reason of the senat is, that a popular assembly rightly constituted, is not capable of any prudent debate.

75. The reason of the popular assembly is, that a senat rightly constituted for debate, must consist of so few and eminent persons, that if they have the result too, they will not resolve according to the interest of the people, but according to the interest of themselves.

76. A popular assembly without a senat cannot be wise.

77. A senat without a popular assembly will not be honest.

78. The senat and the popular assembly being once rightly constituted, the rest of the commonwealth will constitute itself.

79. The *Venetians* having slain divers of their dukes for their tyranny, and being assembl'd by such numbers in their great council as were naturally incapable of debate, pitch'd upon thirty gentlemen who were call'd *pregati*, in that they were pray'd to go apart, and, debating upon the exigence of the commonwealth, to propose as they thought good to the great council: and from thence first arose the senat of *Venice* (to this day call'd the *pregati*) and the *great council*, that is, the senat and the popular assembly of *Venice*. And from these two arose all those admirable orders of that commonwealth.

80. That a people of themselves should have such an understanding as when they of *Venice* did institute their *pregati* or senat, is rare.

81. That a senat or council of governors having supreme power, shou'd institute a popular assembly, and propose to it, tho in all reason it be the far more facil and practicable, is that which is rarer.

82. The diffusive body of the people is not in a natural capacity of judging; for which cause the whole judgment and power of the diffusive body of the people must be intirely and absolutely in their collective bodys, assemblys or representatives, or there can be no commonwealth.

83. To declare that assemblys or representatives of the people have power in som things, and in others not, is to make the diffusive body, which is in a natural incapacity of judging, to be in a political capacity of judging.

84. To bring a natural incapacity of judging to a political capacity of judging, is to introduce government. To bring a natural incapacity of judging to such a collective or political capacity of judging, as yet necessarily must retain the interest of the diffusive body, is to introduce the best kind of government. But to lay any appeal whatsoever from a political capacity of judging, to a natural incapacity of judging, is to frustrate all government, and to introduce anarchy. Nor is anarchy, whether imposed or obtruded by the legislator first, or by the people, or their demagogues or incendiaries afterwards, of any other kind whatsoever than of this only.

85. To make principles or fundamentals, belongs not to men, to nations, nor to human laws. To build upon such principles or fundamentals as are apparently laid by God in the inevitable necessity or law of nature, is that which truly appertains to men, to nations, and to human laws. To make any other fundamentals, and then build upon them, is to build castles in the air.

86. Whatever is violent, is not secure nor durable; whatever is secure and durable, is natural.

87. Government in the whole people, though the major part were disaffected, must be secure and durable, because it waves force, to found it self upon nature.

88. Government in a party, though all of these were well affected, must be insecure and transitory, because it waves nature, to found itself upon force.

89. Commonwealths, of all other governments, are more especially for the preservation, not for the destruction, of mankind.

90. Commonwealths, that have bin given to cut off their diseased limbs (as *Florence*) have brought themselves to impotence and ruin. Commonwealths that have bin given to healing their diseased limbs (as *Venice*) have bin healthful and flourishing.

91. *ATHENS* under the oligarchy of four hundred, was infinitely more afflicted and torn with distraction, blood and animosity of parties, than is *England*; yet by introduction of a senate of four hundred, and a popular assembly of five thousand, did thereupon, so suddenly as if it had been a charm, recover might and glory. See the eighth book of *Thucydides*; A story in these times most necessary to be considered.

92. To leave our selves and posterity to a farther purchase in blood or sweat of that which we may presently possess, injoy, and hereafter bequeath to posterity in peace and glory, is inhuman and impious.

93. As certainly and suddenly as a good state of health dispels the peevishness and peril of sickness, does a good state of government the animosity and danger of parties.

94. The frame of a commonwealth having first bin proposed and considered, expedients (in case such should be found necessary for the safe, effectual, and perfect introduction of the same) may with some aim be applied or fitted; as to a house, when the model is resolved upon, we fit scaffolds in building. But first to resolve upon

expedients, and then to fit to them the frame of a commonwealth, is as if one should set up props, and then build a house to lean upon them.

95. As the chief expedients in the building of a house are axes and hammers; so the chief expedient in the building of a government, is a standing army.

96. As the house which, being built, will not stand without the perpetual noise or use of axes and hammers, is imperfect; so is the government which, being form'd, cannot support it self without the perpetual use of a standing army.

97. While the civil and religious parts of a commonwealth are forming, there is a necessity that she should be supported by an army; but when the military and provincial parts are rightly form'd, she can have no farther use of any other army. Wherefore at this point, and not till then, her armys are by the practice of commonwealths, upon slighter occasions, to have half pay for life, and to be disbanded.

98. Where there is a standing army, and not a form'd government, there the army of necessity will have dictatorial power.

99. Where an army subsists upon the pay or riches of a single person, or of a nobility, that army is always monarchical. Where an army subsists not by the riches of a single person, nor of a nobility, that army is always popular.

100. The *English* armys are popular armys.

101. Where armys are popular, and exercise dictatorial power in deposing single persons, and monarchical assemblys, there can be no greater, nor needs any other expedient for the introduction of a commonwealth. Nevertheless to this may be added som such moderat qualifications as may prune the commonwealth, not lop off her branches. Whom these will not satisfy, it is not a commonwealth, but a party, that can.

102. If the late king had freely permitted to the people the exercise of the power inevitably devolv'd upon them by the change of the balance, he had not bin destroy'd. If either of the late single persons had brought the people into an orderly exercise of the power devolv'd upon them, he had bin great. What party soever shall hinder the people from the exercise of the power devolv'd upon them, shall be certainly ruin'd: who or what party soever shall introduce the people into the due and orderly exercise of the power devolv'd upon them, shall be forthwith secure and famous for ever.

103. A man uses, nourishes, and cherishes his body, without understanding it; but he that made the body understood it.

104. The reason why the nations that have commonwealths, use them so well, and cherish them so much, and yet that so few nations have commonwealths, is, That in using a commonwealth, it is not necessary it should be understood; but in making a commonwealth, that it be understood, is of absolute necessity. *Caput reipublicæ est nosse rempub.* Cicero.

105. As the natural body of a *Christian* or Saint can be no other for the frame, than such as has bin the natural body of an *Israelit* or of a Heathen; so the political bodys, or civil governments of *Christians* or Saints can be no other, for the frame, than such as have bin the political bodys or civil governments of the *Israelits*, or of the Heathens.

106. It shall be as soon found when and where the soul of a man was in the body of a beast, as when or where the soul or freedom natural to democracy, was in any other form than that only of a senat, and an assembly of the people.

107. In those things wherin, and so far as art is directed or limited by the nature of her materials, it is in art as in nature.

108. That democracy, or equal government by the people, consist of an assembly of the people, and a senat, is that wherby art is altogether directed, limited, and necessitated by the nature of her materials.

109. As the soul of man can never be in the body of a beast, unless God make a new creation; so neither the soul or freedom natural to democracy in any other form whatsoever, than that only of a senat and a popular assembly.

110. The right constitution, coherence, and proper symmetry of a form of government gos for the greater part upon invention.

111. Reason is of two parts; invention, and judgment.

112. Judgment is most perfect in an assembly.

113. Invention is most perfect in one man.

114. In one man, judgment wants the strength which is in a multitude of counsellors.

115. In a multitude of counsellors, invention is none at all.

116. Thro the defect of invention, the wisest assemblys in the formation or reformation of government, have pitch'd upon a sole legislator.

117. It is not below the dignity of the greatest assembly, but according to the practice of the best commonwealths, to admit of any one man that is able to propose to them, for the good of his country.

118. To the making of a well order'd commonwealth, there gos little more of pains or charge, or work without doors, than the establishment of an equal or apt division of the territory, and the proposing of such election to the divisions so made, as from an equal foundation may raise equal superstructures; the rest being but paper-work, is as soon don, as said or voted.

119. Where such elections are propos'd, as being made by the people, must needs produce a well order'd senat and popular assembly, and the people (who, as we have

already found by experience, stick not at the like work) elect accordingly; there not the proposers of any power in themselves, but the whole people by their peculiar and natural right and power, do institute and ordain their whole commonwealth.

120. The highest earthly felicity that a people can ask, or God can give, is an equal and well-order'd commonwealth. Such a one among the *Israelits*, was the reign of God; and such a one (for the same reason) may be among *Christians* the reign of Christ, tho not every one in the *Christian* commonwealth should be any more a *Christian* indeed, than every one in the *Israelitish* commonwealth was an *Israelit* indeed.

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Seven Models Of A Commonwealth:

OR, BRIEF DIRECTIONS SHEWING How A Fit And Perfect Model Of Popular Government May Be Made, Found, Or Understood.

THERE is nothing more apparent, than that this nation is greatly disquieted and perplex'd thro a complication of two causes: the one, that the present state thereof is not capable of any other form than that only of a popular government; the other, that they are too few who understand what is the form or model naturally necessary to a popular government, or what is requir'd in that form or prudence for the fitting of it to the use of this nation. For these infirmitys I shall offer som remedy by a brief discourse or direction consisting of two parts.

THE first shewing those forms or models of popular government, or of commonwealths, which have bin hitherto extant, whether fit or unfit for the present state of this nation: the second, shewing a model or form of popular government fitted to the present state of this nation. In the first part I shall propose seven models roughly and generally: in the second, one, but more particularly and exactly.

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THE FIRST PART.

IN every frame of government, either the form must be fitted to the property as it stands, and this is only practicable in this nation; or the property must be alter'd and fitted to the frame, which without force has bin sometimes, but very seldom, practicable in any other nation. Nevertheless, for the better knowlege of the one way, it will be best to propose in both ways.

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DIVERS MODELS THE FIRST MODEL OF POPULAR GOVERNMENT PROPOS'D.

The Commonwealth Of Israel.

THAT the nobility, the gentry, and the people, be persuaded to give up their whole lands to the commonwealth.

That if the whole people shall so give up their lands, they be divided into twelve equal precincts, call'd tribes.

That the man of greatest quality in every tribe have about ten thousand pounds a year given to him and his heirs, with the hereditary dignity of prince of his tribe.

That som ten other men of the next quality under the prince in every tribe, have about two thousand pounds a year in the same given to each of them and their heirs, with the hereditary dignity of patriarchs, or chief of the fathers.

That the remaining part of the lands, except forty-eight citys and their suburbs, be distributed to the whole people equally by lots.

That it be not lawful for any prince, patriarch, or other, to sell or alienat his land, or any part therof, in such manner, but that upon every fiftieth year, being for this cause a year of *jubile*, all lands within that compass sold or alienated return to the antient possessors or lawful heirs.

That there be one other tribe added to the twelve; that this tribe so added be not local, nor suffer'd to have any lands at all, except the forty-eight citys above reserv'd, with their suburbs, that is with a quantity of land to each of them, being in depth two thousand cubits round. That these be settl'd upon them and their heirs for ever, besides the annual tithe of the whole territory, and a piece of mony every year upon every head under the notion of an offering, in regard that other offerings are now unlawful; and that this tribe consist of clergy, having one hereditary archbishop, or high priest, for the head and prince of their tribe.

That there be no other law than that of the word of God only; and that the clergy being best skill'd in this law, be eligible into all courts of justice, all magistracys and offices whatsoever.

That the prince of a tribe, together with one or more courts, consisting of twenty-three judges elected by the people of that tribe for life, be the government of the same.

That the people of twelve local divisions take by the ballot wise men and understanding among their tribes, and of these constitute a senat for the whole commonwealth consisting of seventy elders for life.

That every local tribe monthly elect two thousand of their own number; and that these elections amounting in all to four and twenty thousand, assemble at the metropolis or capital city, and be the monthly representative of the people.

That the senat be a standing judicatory of appeal from all other courts, with power to shew the sentence of the laws of God.

That besides the law of God, whatever shall be propos'd by the seventy elders, and resolv'd by the monthly representative of the people, be the law of the land.

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A SECOND MODEL OF A COMMONWEALTH PROPOS'D.

THAT there be a king without guards.

That the word or command of this king be the law.

That this king stirring out of his palace, it may be lawful for any man to slay him.

IN this model there wants but security, that while the people are dispers'd the king can gather no army, to demonstrat, that either the people must be free, or the king a prisoner.

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A THIRD MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth Of Sparta.

THAT the nobility, the gentry, and the people, having upon persuasion given up their lands to the public, the whole territory be divided into one hundred thousand equal lots, and two more, being each of ten thousand acres.

That the inferior lots be distributed to the people.

That every man possessing a lot, be a citizen.

That the rest, except only the children of citizens, be servants to, and tillers of the ground for the citizens.

That there be no profess'd students.

That no citizen exercise any trade but that of arms only; and that the use of money, except it be made of iron, be wholly banish'd.

That there be two kings hereditary: that each of them possess one of those lots of ten thousand acres.

That they be presidents of the senat, with single votes; and that in war they have the leading of the armys.

That there be a senat consisting, besides the kings, of twenty-eight senators, elected for life by the people.

That whatever be propos'd by this senat to the whole people, or any ten thousand of them, and shall be resolv'd by the same, be the law.

That there be a court consisting of five annual magistrats elected by the people; and that this court have power to bring a king, a senator, or other, that shall openly or secretly violat the laws, or invade the government, to justice.

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A FOURTH MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth Of Athens.

THAT there be a representative of the people, consisting of five thousand.

That these annually elect by lot a senat consisting of four hundred, and a signory by suffrage consisting of nine annual princes.

That each fourth part of the senat, for one fourth part of their annual term, be a council of state.

That the council of state may assemble the people, and propose to the same: that the senat may assemble the people, and propose to them. And that what is propos'd by the senat, and resolv'd by the people, be the law.

That the executive power of the laws made, be more especially committed and distributed in various functions, and divers administrations, to the nine princes.

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A FIFTH MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth Of Rome.

THAT the whole nation be divided into three distinct orders: the one *senatorian*, or nobility; the other *equestrian*, or gentry; and the third *plebeian*, or popular.

That the equestrian order be the cavalry of the commonwealth, and the plebeian the foot.

That there be a senat consisting of the senatorian order, and of three hundred senators for life.

That there be two magistrats elected by the people, for five years term, call'd censors.

That the censors have power upon cause shewn to remove a senator out of the senat; and to elect a nobleman, or somtimes a plebeian, therby made noble, into the senat.

That there be two annual magistrats elected by the people, call'd *consuls*.

That the consuls be presidents of the senat, and have the leading of the armyes.

That the senat as they shall see occasion) may nominat one person to be dictator for som short term.

That the dictator for his term have soverain power.

That there be a division of the whole people, of what orders soever, into six classes, according to the valuation of their estates. For example: That the first classis consist of all such as have two thousand pounds a year, or upwards; the second of all such as have one thousand pounds a year, or upwards, under two; the third, of all such as have six hundred pounds a year, or upwards, under one thousand; the fourth, of all such as have three hundred pounds a year, or upwards, under six hundred; the fifth, of all such as have under the former proportion; the sixth, of all such as pay no taxes, or have no land, and that these be not us'd in arms.

That the senat propose all laws to be enacted, to an assembly of the people.

That all magistrats be elected by the same.

That this assembly of the people consist of the five classes, in such manner, that if the votes of the first and second classes be near equal, the third classis be call'd; and if these agree not, the fourth be call'd; and so for the rest.

That what is thus propos'd by the senat, and resolv'd by the people, be the law.

IN this frame the senat, by the optimacy of the first and second classes (which seldom or never disagree) carrys all, to the exclusion of the main body of the people: whence arises continual feud or enmity between the senat and the people: who consulting apart, introduce popular debate, set up som other way of assembly, as by tribes, or by parishes, with more equality of votes; elect magistrats of their own, make decrees binding the senat of nobility, indeavor to curb their power by weakning their balance, or diminishing their estates: all these tumultuously, and to the alteration of the government, with so frequent changes under so divers shapes, as make a very Proteus of the commonwealth, till having bin all her lifetime afflicted with anarchy, she ends her days in tyranny.

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A SIXTH MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth Of Venice.

THAT the sovereign power be estated upon four thousand select men, to them and their heirs for ever.

That there be a great council consisting of these four thousand; and that their sons at five and twenty years of age have right to the same.

That the great council elect one duke for life: That the duke have a royal palace assign'd, with a guard, at the state's charge, and a revenue of fifteen hundred pounds a year; and that he bear the sovereign dignity of the commonwealth.

That this duke have six counsellors annually chosen by the great council. That he have no power to sign any writing, tho in his own name, nor to do any of his political functions without his counsellors. That his counsellors have power to sign any writing in the duke's name, or to do any of his political functions without him; and that the duke with these six counsellors be the signory of the commonwealth.

That the signory of this commonwealth have session and suffrage in all the councils of the same, with right also to propose to each or any of them, either jointly or severally.

That one hundred and twenty elected annually by the great council, together with other councils and magistrats, to whom of course the like honor is appertaining, be the senat.

That sixteen other magistrats propos'd by the senat, and confirm'd by the great council for the term of six months, be a council apart, with three weekly provosts or proposers, call'd the college.

That the signory may assemble the college, and propose to them; that the college may assemble the senat, and propose to them; and that the senat may assemble the great council, and propose to them. And that whatever is resolv'd by the senat, and not contradicted, nor question'd by the great council, be the law.

That there be a council of ten elected annually by the great council; and that this council of ten, with the signory, and som of the college, having right of session and suffrage in the same, may upon occasion exercise dictatorial power in this commonwealth.

That the rest of the people under the empire of this commonwealth, be disarm'd, and govern'd by lieutenants of provinces. That the commonwealth have a standing army of strangers or others, in disciplin and pay. *And that the city wherin she shall reside, be founded in the sea, after such a manner, that it can no more be approach'd by a*

fleet, than by an army without a fleet. Otherwise, this commonwealth is expos'd both to the provinces, and to a mercenary army.

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A SEVENTH MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth Of Holland.

THAT the people in every city, and in every province or county within these three nations, elect to every city, province, or county of the same, a matter of twenty, thirty, or forty magistrates for life. That these magistrates being so elected, be the senate of that respective city, province or county.

That the senates, thus elected, thenceforth have and enjoy the sovereign power within their respective jurisdiction, for ever. That every senate annually elect two or four burgomasters or consuls, to be presidents of the same. That they also elect seven magistrates, or present fourteen persons to the governor of the province; and that he elect seven. That the seven so elected be judges, or have the executive power of the laws for their term, and within their respective jurisdiction.

That in case of affairs of more public and general concern, as war or peace, levy of men or money, and the like, the governor of the province give information of the things to be consider'd, to the nobility, and to the senates of that province; therewith appointing a time and place for the assembly of the states provincial. That each of the senates, having debated the matter propos'd, delegate one consul, with some other senators well inform'd and instructed with their will and pleasure, to the assembly of the states provincial. That the nobility of the same province delegate some of their order likewise to the provincial states. That the delegates both of the nobility and of the senates give the vote of their principals according to instruction; and that neither the nobility, nor any senate or sovereignty be otherwise bound, than by their own vote.

That the provincial estates elect one magistrate for life, or during pleasure, to be provincial governor: That they elect one or more other magistrates for life, or during pleasure, to be states general.

That the states general being elected, and well instructed by their provinces, have the direction of the whole league: That each give not his own vote, but the vote of his province; and that no province be otherwise bound, than by her own vote.

IF these models (in which I claim to be the first that has laid the whole, and the highest mysteries of the antient commonwealths, to the lowest capacity of vulgar debate) be not all in the mouths of great men, and in pamphlets, for chimæras or utopias, it is great chance: yet contain they no less than the whole revolution of popular prudence. Nor is it more certain, that no one of them would fit the present state of this nation, than that he or they, whose contemplation and understanding is not well vers'd in the most, or in the best of these, shall never fit a model of popular government to the present state of this nation, or of any other. In which assurance, I

com to fulfil my promise in the Second Part, or to propose such a model as is fitted to the present state of this nation.

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THE SECOND PART, Proposing A Model Of A COMMONWEALTH

Fitted To The Present State Of This Nation.

BUT so it is ever, that the humors or interests of predominant partys hold themselves to be national; and that which fits them, can never fit a nation; nor that which fits a nation, ever fit them. This, in the introduction of government, is always the main difficulty. But where partys are no better founded, or fitted for usurpation, than now in England, they are rather to be slighted than consider'd, as those, the stoutest wherof have but given this example to the rest, that they who in this state of affairs shall obstruct an equal and well-order'd government, shall but ruin themselves. For which cause it is propos'd,

1. THAT all citizens, that is, freemen, or such as are not servants, be distributed into horse and foot. That such of them as have one hundred pounds a year in lands, goods, or mony, or above this proportion, be of the horse; and all such as have under this proportion, be of the foot.
2. That all elders, or freemen, being thirty years of age or upwards, be capable of civil administration; and that the youth, or such freemen as are between eighteen years of age and thirty, be not capable of civil administration, but of military only, in such manner as shall follow in the military part of this model .
3. That the whole native or proper territory of the commonwealth be cast with as much exactness as can be convenient, into known and fix'd precincts or parishes.
4. That the elders resident in each parish annually assemble in the same, for example upon Monday next insuing the last of *December*: That they then and there elect out of their own number every fifth man, or one man of every five, to be for the term of the year insuing a deputy of that parish; and that the first and second so elected be overseers, or presidents for the regulating of all parochial congregations, whether of the elders, or of the youth, during the term for which they were elected.
5. That so many parishes lying nearest together, whose deputys shall amount to one hundred or therabouts, be cast into one precinct call'd the hundred; and that in each precinct call'd the hundred, there be a town, village, or place appointed to be the capital of the same.
6. That the parochial deputys elected throout the hundred assemble annually, for example upon Monday next insuing the last of *January*, at the capital of their hundred. That they then and there elect out of the horse of their number one justice of the peace, one juryman, one captain, one insign; and out of the foot of their number one other juryman, one high constable, &c.

7. That every twenty hundreds lying nearest, and most conveniently together, be cast into one tribe; that the whole territory being after this manner cast into the tribes, some town or place be appointed to every tribe for the capital of the same; and that these three precincts (that is, the parish, the hundred, and the tribe) whether the deputys thenceforth annually chosen in the parishes or hundreds com to increase or diminish, remain firm and inalterable for ever, save only by act of parliament. *The tribes are presum'd throout these propositions to amount to fifty.*

8. That the deputys elected in the several parishes, together with their magistrats and other officers both civil and military elected in the several hundreds, assemble or muster annually, for example upon Monday next insuing the last of *February*, at the capital of their tribe, for the space of two days.

9. That this whole body thus assembl'd, upon the first day of their assembly elect out of the horse of their number, one high sherif, one lieutenant of the tribe, one *custos rotulorum*, one conductor, and two censors. That the high sherif be commander in chief, the lieutenant commander in the second place, and the conductor in the third place, of this band or squadron: That the *custos rotulorum* be mustermaster, and keep the rolls; that the censors be governors of the ballot; and that the term of these magistracys be annual.

10. That the magistrats of the tribe (that is to say, the high sherif, lieutenant, *custos rotulorum*, the censors, and the conductor, together with the magistrats and officers of the hundreds, that is to say, the twenty justices of the peace, the forty jurymen, the twenty high constables) be one troop, or one troop and one company apart, call'd the prerogative troop or company. That this troop bring in and assist the justice of assize, hold the quarter session in their several capacities, and perform their other functions as formerly.

11. That the magistrats of the tribe (that is to say, the high sherif, lieutenant, *custos rotulorum*, the censors, and the conductor, together with the twenty justices elected at the hundreds) be a court for the government of the tribe call'd the phylarch; and that this court procede in all matter of government as shall from time to time be directed by act of parliament.

12. That the squadron of the tribe on the second day of their assembly, elect two knights, and three burgesses out of the horse of their number, and four other burgesses out of the foot of their number. That each knight upon election forthwith make oath of allegiance to the commonwealth, or refusing such oath, the next competitor in election to the same magistracy, making the said oath, be the magistrat. The like for the burgesses. That the knights thus sworn have session in the senat for the term of three years; and that the burgesses thus sworn, be of the prerogative tribe or representative of the people for the like term.

13. That for the full and perfect institution of the assemblys mention'd, the squadron of the tribe in the first year of the commonwealth, elect two knights for the term of one year, two other knights for the term of two years, and lastly two knights more for the term of three years; the like for the burgesses of the horse first, and then for those

of the foot. And that this proposition be of no farther use than for the first year's election only.

14. That a magistrat or officer elected at the hundred be thereby bar'd from being elected a magistrat of the tribe, or of the first day's election; but that no former election whatsoever bar a man of the second day's election at the tribe, or to be chosen a knight or burgess. That a man being chosen a knight or burgess, who before was chosen a magistrat or officer of the hundred, or tribe, may delegate his former office or magistracy in the hundred, or in the tribe, to any other deputy, being no magistrat nor officer, and being of the same hundred, and of the same order, that is, of the horse or foot respectively.

15. That the knights of the annual election take their places on Monday next insuing the last of *March* in the senat; that the like number of knights whose session determines at the same time, recede. That every knight or senator be paid out of the public revenue quarterly, one hundred twenty-five pounds during his term of session, and be oblig'd to sit in purple robes.

16. That annually on reception of the new knights, the senat procede to election of new magistrats or counsellors. That for magistrats they elect one general, one speaker, and two censors, each for the term of one year, these promiscuously; and that they elect one commissioner of the great seal, and one commissioner of the treasury, each for the term of three years, and out of the new knights only.

17. That the general and the speaker, as consuls of the commonwealth, and presidents of the senat, be during the term of their magistracy paid quarterly out of the public revenue five hundred pounds; that the insigns of these magistracys be a sword born before the general, and a mace before the speaker; that they be oblig'd to wear ducal robes. And that what is said of the general in this proposition, be only understood of the general sitting, and not of the general marching.

18. That the general sitting, in case he be commanded to march, receive fieldpay; and that a new general be forthwith elected by the senat to succede him in the house, with all the rights, insigns and emoluments of the general sitting; and this so often as one or more generals are marching.

19. That the three commissioners of the great seal, and the three commissioners of the treasury, using their insigns and habit, and performing their other functions as formerly, have paid quarterly to each of them three hundred seventy-five pounds.

20. That the censors govern the ballot; that they be presidents of the council for religion; that each have a silver wand for the insign of his magistracy; that each be paid quarterly three hundred seventy-five pounds, and be oblig'd to wear scarlet robes.

21. That the general sitting, the speaker, and the six commissioners abovesaid, be the signory of this commonwealth.

22. That there be a council of state consisting of fifteen knights, five out of each order, list, or election; and that the same be perpetuated by the annual election of five out of the new knights, or those last elected into the senat.

23. That there be a council for religion consisting of twelve knights, four out of each order, and perpetuated by the annual election of four out of the knights last elected into the senat. That there be a council for trade, consisting of a like number, elected and perpetuated in the same manner.

24. That there be a council of war not elected by the senat, but elected by the council of state out of themselves. That this council of war consist of nine knights, three out of each order, and be perpetuated by the annual election of three out of the last knights elected into the council of state.

25. That in case the senat add nine knights more elected promiscuously, or not promiscuously, out of their own number, to the council of war, the said council of war be understood by such addition to be dictator of the commonwealth for the term of three months and no longer, except by farther order of the senat the said dictatorial power be prolong'd for a like term.

26. That the signory have session and suffrage, with right also jointly or severally to propose both in the senat, and in all senatorian councils.

27. That each of the three orders or divisions of knights, in each senatorian council, elect one provost for the term of one week; and that any two provosts of the same council so elected, may propose to the same council for their term, and not otherwise.

28. That som fair room or rooms well furnish'd and attended, be allow'd at the state's charge, for a free and open academy to all comers, at som convenient hour or hours towards the evening. That this academy be govern'd according to the rules of good-breeding, or civil conversation, by som one or more of the provosts; and that in this academy it be lawful for any man, by word of mouth, or by writing, in jest or in earnest, to propose to the proposers.

29. That for ambassadors in ordinary, there be four residences, as *France*, *Spain*, *Venice*, and *Constantinople*; and that every resident upon election of a new ambassador in ordinary, remove to the next residence in order hereby mention'd, till having serv'd orderly in all the said residences, he returns home. That upon Monday next insuing the last of *November*, there be every second year elected by the senat som fit person, being above twenty-five and under thirty-five years of age, and not of the senat, nor of the popular assembly. That the party so elected repair on Monday next insuing the last of *March* following, as an ambassador in ordinary to the court of *France*, and there reside for the term of two years to be computed from the first of *April* next insuing his election. That every ambassador in ordinary be allow'd three thousand pounds a year during the term of his residence. And that if a resident comes to dy, there be an extraordinary election into his residence for his term, and for the remainder of his removes and progress.

30. That all emergent elections be made by scrutiny, that is by a council, or by commissioners proposing, and by the senat resolving in the manner following: that all field officers be propos'd by the council of war: that all ambassadors extraordinary be propos'd by the council of state: that all judges and serjeants at law be propos'd by the commissioners of the great seal: that all barons and officers of trust in the exchequer be propos'd by the commissioners of the treasury; and that such of these as are thus propos'd to, and approv'd by the senat, be held lawfully elected.

31. That the cognizance of all foren negotiation, and of all matter of state to be consider'd, or law to be enacted, whether provincial or national, domestic or foren, pertain to the council of state. That all such affairs of like kind as the council of state shall judg fit to be carry'd with more than ordinary secrecy, be committed by them, and pertain to the cognizance and trust of the council of war, to this end consisting of a select part, or committee of the council of state. That the cognizance and protection both of the national religion, and of the liberty of conscience, equally establish'd in this nation, after the manner provided in the religious part of this model, pertain to the council for religion. That all matter of traffic, and regulation of the same pertain to the council for trade. That in the exercise of these several functions, each being naturally senatorian or authoritative only, no council assume any other power than such only as shall be particularly or expresly estated upon the same by act of parlament.

32. That what shall be propos'd to the senat by any one or more of the signory, or of the proposers general; or whatever was propos'd by any two of the provosts, or particular proposers to their respective council, and upon debate at that council shall com to be propos'd by the same to the senat, be necessarily debatable, and debated by the senat.

33. That in all cases wherin power is deriv'd to the senat by law made, or by act of parlament, the result of the senat be ultimat: that in all cases of law to be made, or not already provided for by act of parlament, as som particular peace or war, levy of men or mony, or the like, the result of the senat be not ultimat, but preparatory only, and be propos'd by the senat to the prerogative tribe, or assembly of the people, except only in cases of such speed or secrecy, wherin the senat shall judg the necessary slowness or openness of like proceeding to be of detriment or danger to the commonwealth.

34. That if upon the motion or proposition of a council, or proposer general, the senat add nine knights, promiscuously or not promiscuously chosen out of their own number, to the council of war, the said council of war be therby made dictator, and have power of life and death, as also to enact laws in all cases of speed or secrecy, for and during the term of three months and no longer, except upon new order from the senat: and that all laws enacted by the dictator, be good and valid for the term of one year, and no longer, except the same be propos'd by the senat, and resolv'd by the people.

35. That the burgesses of the annual election return'd by the tribes, enter into the prerogative tribe on *Monday* next insuing the last of *March*; and that the like number of burgesses whose term is expir'd, recede at the same time. That the burgesses thus enter'd, elect to themselves out of their own number two of the horse, one to be

captain, and the other to be cornet of the same; and two of the foot, one to be captain, the other to be insign of the same, each for the term of three years. That these officers being thus elected, the whole tribe or assembly procede to the election of four annual magistrats, two out of the foot to be tribuns of the foot, and two out of the horse to be tribuns of the horse. That the tribuns be commanders in chief of this tribe so far as it is a military body, and presidents of the same as it is a civil assembly. And lastly, that this whole tribe be paid weekly as follows: to each of the tribuns of the horse seven pounds, to each of the tribuns of the foot six pounds; to each of the captains of horse five pounds, to each of the captains of foot four pounds; to each of the cornets three pounds, to each of the insigns two pounds seven shillings; to every horseman one pound ten shillings, and to every one of the foot one pound.

36. That inferior officers, as captains, cornets, insigns, be only for the military disciplin of the tribe. That the tribuns have session in the senat without suffrage: that of course they have session and suffrage in the dictatorial council, so often as it is created by the senat. That in all cases to be adjudg'd by the people they be presidents of the court or judicatory.

37. That peculat or defraudation of the public, and all cases or crimes tending to the subversion of the government, be triable by the prerogative tribe or the assembly of the people; and that to the same there ly an appeal in all causes, and from all courts, magistrats, or councils, national and provincial.

38. That the right of debate, as also of proposing to the people, be wholly and only in the senat, without any power at all of result not deriv'd from the people, and estated upon the senat by act of parlament.

39. That the power of result be wholly and only in the people, without any right at all of debate.

40. That the senat having debated and agreed upon a law to be propos'd, cause promulgation of the said law to be made for the space of six weeks before proposition; that is, cause the law to be written fair, and hung up for the time aforesaid in som of the most eminent places of the city, and of the suburbs.

41. That promulgation being made, the signory demand of the tribuns sitting in the senat, an assembly of the people. That the tribuns upon such demand of the signory, or of the senat, be oblig'd to assemble the prerogative tribe in arms by sound of trumpet, with drums beating, and colors flying, in any town, field, or marketplace, being not above six miles distant, upon the day, and at the hour appointed, except the meeting, thro inconvenience of the weather, or the like, be prorogu'd by consent of the signory and of the tribuns. That the prerogative tribe being assembl'd accordingly, the senat propose to them by two or more of the senatorian magistrats therto appointed, at the first promulgation of the law. That the proposers for the senat open to the people the occasion, motives, and reasons of the senat for the law to be propos'd; and that the same being don, they put the law or proposition by distinct clauses to the ballot of the people. That if any material clause or clauses of the proposition, or law so propos'd, be rejected by the people, the clause or clauses so

rejected may be review'd, alter'd, and propos'd again to the third time, if the senat think fit, but no oftner.

42. That what is thus propos'd by the senat, and resolv'd by the people, be the law of the land, and no other, except what is already receiv'd as such, or reserv'd to the dictatorial council.

43. That every magistracy, office, or election throout this whole commonwealth, whether annual or triennial, be understood of course or consequence to injoin an interval or vacation equal to the term of the same. That the magistracy or office of a knight, and of a burgess, be in this relation understood as one and the same; and that this order regard only such elections as are national or domestic, and not such as are foren, or contain'd in the provincial part of this model.

44. That for an exception from this rule, where there is but one elder of the horse in one and the same parish, that elder be eligible in the same without interval; and where there be above four elders of the horse in one and the same parish, there be not above half, nor under two of them eligible at the same election.

45. That throout all the assemblys and councils of this commonwealth, the *quorum* consist of one half in the time of health, and of one third part in a time of sickness, being so declar'd by the senat.

THE use of the ballot, being as full of prolixity and abstruseness in writing, as of dispatch and facility in practice, is presum'd throout all elections and results in this model, and for the rest reserv'd rather to practice than writing. There remain the religious, military and provincial parts of this frame: but the civil part being approv'd, they follow, or being not approv'd, may be spar'd.

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CONCLUSION; OR, The Use Of These Propositions.

THESE propositions are so laid out to debate or examination, that a man having the mind to weigh, discourse upon, or object against this model, may do it in the parts with the greatest convenience.

ANY examination of, or objection against the whole, or any part in print or in writing, the author holds himself bound to acknowledge or answer: but as to mere discourse upon matters of this compass, it is usually narrow; besides that in writing a man must put himself upon better aim than he can be oblig'd to take in discourse.

ANY one objection lying in writing against any one order in this part of the model, after such manner as to shew that the part or order so invaded ought to be expung'd, alter'd, or amended, unless it may be expung'd, alter'd, or amended accordingly, destroys the whole.

AND any one or more objections so lying against any one or more of these orders or propositions, that thereby they may be expung'd, alter'd or amended, must in the whole or in part make a better model.

IN this case therefore, or in case no objection lies, the use of these propositions will be such as thereby any man or any assembly of men, considering or debating upon them in order, may find or make a true model of a well order'd commonwealth.

AND that an assembly can never make or frame a model of any government otherwise than in some such manner, is probable first by a demonstration from the effect; and secondly by a demonstration from the cause.

THE demonstration from the effect is, that an assembly no otherwise frames a law or order, than by having it first pen'd by some one man, and then judging upon it; and the model of a commonwealth must consist of many laws or orders.

THE demonstration from the cause is, that whereas reason consists of two parts, the one invention, and the other judgment, a man may be as far beyond any assembly for invention, as any assembly can be beyond a man for judgment; or which is more, that the formation of a model of government requires a strong faculty of invention, and that an assembly is naturally void of all manner of invention.

Nov. 13. 1658.

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THE WAYS And MEANS Wherby An Equal And Lasting
COMMONWEALTH May Be Suddenly Introduc'D, And
Perfectly Founded, With The Free Consent And Actual
Confirmation Of The Whole People Of *England*.

Scire tuum nihil est, nisi te scire hoc sciat alter.

Perf.

A WORD fitly spoken is like apples of gold in pictures of silver.

The desire of the people of *England* now runs strongly to have a free parlament.

Let there be a free parlament.

To the end that the people may be most equally represented, or that the parlament may be freest.

Let there be a new division of *England* and *Wales*, with as much equality as may stand with convenience, into fifty shires.

Let every shire elect annually two knights to be of one house, and seven deputys to be of another house of parlament, for the term of three years. For the first year only, let the deputys in each division be elected triple, that is, seven for the term of one year, seven for the term of two years, and seven for the term of three years. The like for the knights, save only that the present parlament remain; that is, let two knights in each division be elected the first year only for the term of one year, two other knights at the same time for the term of two years; and let the present parlament be the triennial part of the knights house for the first election.

The house of knights and the house of deputys being assembl'd, let the house of knights debate and propose.

Let what is propos'd by the house of knights, be promulgated for the space of six weeks.

Promulgation being thus made, let the house of deputys meet, and give their result upon the proposition.

Let what was thus propos'd by the senat or house of knights, and resolv'd by the people or house of deputys, be the law.

In this constitution these councils must of necessity contain the wisdom, and the interest of the nation.

In this method, debate must of necessity be mature.

If it be according to the wisdom and the interest of the nation upon mature debate that there be a king, let there be a king.

If it be according to the wisdom and the interest of the nation upon mature debate, that there be a commonwealth; two assemblys in this order are actually a commonwealth, and so far a well order'd commonwealth, that they are capacitated and inclin'd to reach to themselves whatever furniture shall be further necessary in more particular orders, which also is at hand.

Till this or the like be don, the line of the late king and the people must be fellow sufferers; in which case the impatience of the people must be for the restitution of that line at all adventures.

But this or the like being once don, immediatly the line of the late king and the people becom rivals, in which case they will never restore monarchy.

Will never, may som say? but if the senat and the popular assembly be both royalists, they both will and can restore monarchy.

Tho both royalists, they neither will nor can: for let them, that look no further than home or self, say what they will, to affirm that a senat, and a popular assembly thus constituted can procreat monarchy, is to affirm that a horse and a mare can generat a cat: that wheat being rightly sown may com up pease; or that a river in its natural channel may run upwards.

In the present case of *England*, commonwealthsmen may fail thro want of art, but royalists must fail thro want of matter; the former may miss thro impotence, the latter must thro impossibility. Or where the state is purely popular, that is, not overbalanc'd by a lord or lords; let there be one example, or one reason given that there is, was, or ever can be monarchy. There will be this when all fails, for the aftergame, tho the work should fall, as is like enough, into the hands of royalists.

Certain it is, that where any privat citizen or freeman might not (som way or other) propose, there never was a well order'd commonwealth.

Upon this incouragement I offer'd this paper to good hands, but it was (according to custom) thrown after me.

So it went in the protector's time, in every revolution since, *La fortuna accieca gli animi de gli huomini*; but that is Atheism, that's Machiavel.

Well, but now says the protectorian family, O that we had set up the equal commonwealth! so say broken parlaments and statesmen; so say the sadly mistaken sectarys; so say the cashier'd officers; so says he that would have no nay, but oligarchy was a good word; and so will more say after these, except they learn to say after another, *aut reges non exigendi fuerunt, aut plebi re, non verbo, danda libertas*; either the kings ought not to have bin driven out, or the people to have their liberty not in word, but in deed: but that is Heathenism, that's Cicero; well this is *Christian*, if there will be no such saying, I would there might be no swearing.

Feb. 6. 1659.

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THE HUMBLE PETITION OF DIVERS WELL AFFECTED PERSONS, Deliver'D The 6th Day Of *July*, 1659, With The PARLAMENT'S Answer Therto.

TO THE SUPREME AUTHORITY, The Parlament Of The Commonwealth Of *England*;

The Humble Petition Of Divers Well Affected Persons,
SHEWS,

THAT your petitioners have for many years observ'd the breathings and longings of this nation after rest and settlement, and that upon mistaken grounds they have bin ready even to sacrifice and yield up part of their own undoubted right, to follow after an appearance of it.

And your petitioners do daily see the bad effects of long continu'd distractions, in the ruins and decays of trade foren and domestic: and in the advantages that are taken to make consederacys to involve the nation in blood and confusion, under pretence of procuring a settlement.

That it has bin the practice of all nations, on the subversion of any form of government, to provide inmediately a new constitution suitable to their condition; with certain successions and descents, that so both their lawgivers and magistrats might use their several trusts, according to the establish'd constitution; and the people's minds be settl'd secure, and free from attempts of introducing several forms of government, according to the variety of their fancies, or corrupt interests.

That God has preserv'd this nation wonderfully without example many years, since the dissolution of the old form of government by king, lords and commons; there having bin no fundamental constitutions of any kind duly settl'd, nor any certain succession provided for the legislative power; but even at this instant, if by any sudden sickness, design, or force, any considerable numbers of your persons should be render'd incapable of meeting in parliament, the commonwealth were without form of successive legislature or magistracy, and left to the mercy of the strongest faction. Yet we have reason to remember in these years of unsettlement, the inexpressible sufferings of this nation in their strength, wealth, honor, liberty, and all things conducing to their well-being; and we have like reason now sadly to apprehend the impending ruin. And we cannot discern a possibility of your honors unanimous and expeditious proceedings towards our country's preservation, and relief from its heavy pressures, while your minds are not settl'd in any known constitution of government or fundamental orders; according to which, all laws should be made: but divers or

contrary interests may be prosecuted on different apprehensions of the justice and prudence of different forms of government, tho all with good intentions.

YOUR petitioners therefore conceiving no remedy so effectual against the present dangers, as the settlement of the peoples minds, and putting them into actual security of their propertys and libertys, by a due establishment of the constitution under which they may evidently apprehend their certain enjoyment of them; and therupon, a return of their trade and free commerce, without those continual fears that make such frequent stops in trade, to the ruin of thousands.

AND your petitioners also observing, that the interest of the late king's son is cry'd up, and promoted daily, upon pretence, that there will be nothing but confusion and tyranny, till he com to govern; and that such as declare for a commonwealth, are for anarchy and confusion, and can never agree among themselves, what they would have.

UPON serious thoughts of the premises, your petitioners do presume with all humility, and submission to your wisdom, to offer to your honors their principles and proposals concerning the government of this nation: wherupon, they humbly conceive, a just and prudent government ought to be establish'd, viz.

1. That the constitution of the civil government of *England* by king, lords, and commons, being dissolv'd, whatever new constitution of government can be made or settl'd according to any rule of righteousness, it can be no other than a wise order or method, into which the free people's deputys shall be form'd for the making of their laws, and taking care for their common safety and welfare in the execution of them: for, the exercise of all just authority over a free people, ought (under God) to arise from their own consent.
2. That the government of a free people ought to be so settl'd, that the governors and govern'd may have the same interest in preserving the government, and each other's propertys and libertys respectively; that being the only sure foundation of a commonwealth's unity, peace, strength, and prosperity.
3. That there cannot be a union of the interests of a whole nation in the government, where those who shall sometimes govern, be not also sometimes in the condition of the govern'd; otherwise the governors will not be in a capacity to feel the weight of the government, nor the govern'd to enjoy the advantages of it: and then it will be the interest of the major part to destroy the government, as much as it will be the interest of the minor part to preserve it.
4. That there is no security that the supreme authority shall not fall into factions, and be led by their privat interest to keep themselves always in power, and direct the government to their privat advantages, if that supreme authority be settl'd in any single assembly whatsoever, that shall have the intire power of propounding, debating and resolving laws.

5. That the sovereign authority in every government, of what kind soever, ought to be certain in its perpetual successions, revolutions, or descents; and without possibility (by the judgment of human prudence) of a death or failure of its being, because the whole form of the government is dissolv'd if that should happen, and the people in the utmost imminent danger of an absolute tyranny, or a war among themselves, or rapin and confusion. And therefore where the government is popular, the assemblys in whom reside the supreme authority, ought never to dy or dissolve, tho the persons be annually changing: neither ought they to trust the sovereign care of the strength and safety of the people out of their own hands, by allowing a vacation to themselves, lest those that should be trusted be in love with such great authority, and aspire to be their masters, or else fear an account, and seek the dissolution of the commonwealth to avoid it.

6. That it ought to be declar'd as a fundamental order in the constitution of this commonwealth, that the parliament being the supreme legislative power, is intended only for the exercise of all those acts of authority that are proper and peculiar to the legislative power; and to provide for a magistracy, to whom should appertain the whole executive power of the laws: and no case either civil or criminal to be judg'd in parliament, saving that the last appeals in all cases, where appeals shall be thought fit to be admitted, be only to the popular assembly; and also that to them be refer'd the judgment of all magistrates in cases of maladministrations in their offices.

AND in prosecution of these principles,

YOUR petitioners humbly propose for the settlement of this commonwealth, that it be ordain'd,

1. THAT the parliament or the supreme authority of England, be chosen by the free people, to represent them with as much equality as may be.

2. THAT a parliament of England shall consist of two assemblys, the lesser of about three hundred, in whom shall reside the intire power of consulting, debating, and propounding laws: the other, to consist of a far greater number, in whom shall rest the sole power of resolving all laws so propounded.

3. THAT the free people of England, in their respective divisions at certain days and places appointed, shall for ever annually chuse one third part to each assembly, to enter into their authority, at certain days appointed: the same days, the authority of a third of each of the said assemblys to cease, only in the laying the first foundation in this commonwealth's constitution: the whole number of both the assemblys to be chosen by the people respectively, viz. one third of each assembly to be chosen for one year, one third for two years, and one third for three years.

4. THAT such as shall be chosen, having serv'd their appointed time in either of the said assemblys of parliament, shall not be capable to serve in the same assembly during som convenient interval or vacation.

5. *THAT the legislative power do wholly refer the execution of the laws to the magistracy, according to the sixth principle herein mention'd.*

6. *THAT in respect to religion and Christian liberty, it be ordain'd that the Christian religion by the appointment of all succeeding parlements, be taught, and promulgated to the nation, and public preachers thereof maintain'd: and that all that shall profess the said religion, tho of different persuasions in parts of the doctrin, or disciplin thereof, be equally protected in the peaceable profession, and public exercise of the same; and be equally capable of all elections, magistracys, preferments in the commonwealth, according to the order of the same. Provided always, that the public exercise of no religion contrary to Christianity be tolerated; nor the public exercise of any religion, tho professedly Christian, grounded upon, or incorporated into the interest of any foren state or prince.*

These your petitioners humbly conceive to be the essentials of the form of a free commonwealth, which if they were made fit for practice by your honors appointing the numbers, times, places, and all other necessary circumstances, and settl'd as the fundamental orders of the commonwealth, would naturally dispose those that should hereafter be chosen into the parlements, from the love of their own interest to seek the common good, being oblig'd by the constitutions here humbly offer'd to partake with the whole body of the people, of the good or evil that shall happen to the commonwealth, having no probable temtations or means left to compass any privat or factious ends in matters religious or civil. And your petitioners cannot imagin a greater security for the cause and interest contended for with such effusion of blood, than by disposing the free people into this kind of order, wherby the same cause would becom their common interest. Yet if your honors should think it necessary or convenient for securing the minds of such as are doubtful and jealous that the people may betray their own libertys, there may be inserted into the fundamental orders of the commonwealth, these following expedients, viz.

1. That for securing the government of this commonwealth, and of the religious and civil freedom of the good people thereof, it may be for ever esteem'd and judg'd treason against the commonwealth, for any member of either assembly of parliament, or any other person whatsoever, to move or propose in either of the said assemblies, the restitution of kingly government, or the introduction of any single person to be chief magistrat of *England*, or the alteration of that part of the fundamental order herein contain'd that concerns the equal freedom and protection of religious persons of different persuasions.

2. That about the number of twelve persons of the most undoubted fidelity and integrity may be authoriz'd and impower'd, for som certain number of years next ensuing, to seize, apprehend, and in safe custody to detain any person or persons whatsoever, till he or they be in due form of law deliver'd, as is hereafter specify'd, that shall move or propose in either of the said assemblies of parliament the restitution of kingly government, or the introduction of any single person to be chief magistrate of this commonwealth, or the alteration of that part of the fundamental order herein contain'd, that concerns the equal freedom and protection of religious persons of different persuasions; but for no other matter or cause whatsoever. And when it shall

happen, that any person or persons shall be arrested or seiz'd for any of the causes aforesaid, in manner aforesaid, then a commission of oyer and terminer may issue forth in due form of law to the said twelve, or any six of them, to proceed in due form of law, within one month after the apprehension of any such person or persons, to the arraignment and publick trial of every such person or persons; and upon the legal conviction of him or them by the testimony of two sufficient witnesses of any of the treasons herein declar'd, to condemn to the pains of death, and to cause the same judgment to be duly executed: and the keeper or keepers of the great seal of *England* that shall be for the time being, may be authoriz'd and requir'd from time to time during the term of NA years, to issue out commissions to the said twelve, or any six of them, authorizing them to proceed as aforesaid.

And if your honours shall further judge it convenient, the fundamental orders of the government may be consented to or subscrib'd by the people themselves, if their express pact shall be esteem'd any additional security; other nations, upon the like occasions of expulsion of their kings, having taken the people's oaths against their returning: and the same may be proclaim'd as often as our ancestors provided for the proclaiming of *magna charta*; and any further security also added, if any can be found among men, that has a foundation in justice.

Now your petitioners having, with humble submission to your grave wisdoms, thus declar'd their apprehensions of the present condition of this distracted nation, and the only effectual means under God to prevent the impending mischiefs; they do most humbly pray,

That such speedy considerations may be had of the premises as the condition of this nation requires; and that such a method may be settled for the debating and consulting about the government, that your wise results may be seasonable for the healing all the breaches of the commonwealth, and establishing the sure foundations of freedom, justice, peace, and unity.

And your petitioners shall always pray, &c.

Wednesday *July the 6th*, 1659.

THE house being inform'd, that divers gentlemen were at the door with a petition, they were call'd in, and one of the petitioners in behalf of himself and the rest said, We humbly present you a petition, to which we might have had many thousand hands, but the matter rather deserves your serious consideration than any public attestation; and therefore we do humbly present it to this honourable house. Which, after the petitioners were withdrawn, was read, and was intitl'd, The humble petition of divers well affected persons.

Resolv'd,

THAT the petitioners have the thanks of the house.

THE petitioners were again call'd in, and Mr. Speaker gave them this answer:

Gentlemen,

THE house has read over your petition, and find it without any private end, and only for the public interest, and I am commanded to let you know, that it lies much upon them to make such a settlement as may be most for the good of posterity: and they are about that work, and intend to go forward with it with as much expedition as may be. And for your parts, they have commanded me to give you thanks; and in their names I do give you the thanks of this house accordingly.

Tho. St. Nicholas, *Clerc of the Parliament.*

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APPENDIX, Containing All The POLITICAL TRACTS OF
JAMES HARRINGTON, Esq; Omitted In Mr. **TOLAND**'S
EDITION OF HIS WORKS.

PIAN PIANO: OR, INTERCOURSE BETWEEN H. Ferne, D.
D. And J. Harrington, Esq; UPON OCCASION OF The
Doctor'S Censure Of The Commonwealth Of **OCEANA**.

Sentit terra Deos, mutataq; sidera pondus
Quæsivêre suum.

Petron. Sal.

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EPISTLE To The READER.

READER,

I Seldom talk with him that does not confute me, nor ever read that which did not confirm me: wherefore if I be glad to take a man in black and white, you will not blame me, or do not know that I have had an university about my ears, without any possibility left unto me whereby to defend my self, but this, in which you may imagine me speaking unto the chair.

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Intercourse Between H. Ferne, D. D. And James Harrington, Esq; Upon Occasion Of The Doctor'S Censure Of The Commonwealth Of Oceana.

WHEN I had published my *Oceana*, one of my sisters making good provision of copies, presented of them unto her friends, as well to shew her respect to them, as to know their judgments of it. Among the rest being acquainted with Doctor *Ferne*, she sent him one, and soon after receiv'd this answer:

MADAM,

I Received a book directed to me from your ladyship, with intimation I should express my sense of it. I acknowledge, Madam, the favour you have done me in sending it; but the return you expect hath its difficulties, the book being now past the press, and of such an argument, had I seen it before it was publick, I should have said it was not likely to please, &c. But that is nothing to me; your desire, I suppose, is to know how I like it. I conceive your ladyship is not so far a stranger either to the book which you sent, or to me, whom you are pleased thus to own, but that you take me to be of a different judgment from the author in this his form, whether concerning state or church. And it may be your ladyship did therefore call me to speak, as one that would be less partial. Give me leave then, Madam, in plain English to say, that albeit the author hath shewn good sufficiency of parts, and taken much pains in order to his design; yet I conceive, first, that he is not a little mistaken in thinking the Israel commonwealth or government under Moses so applicable unto his purpose, as he would make it. Next, that when the question 'twixt his form and the monarchical is disputed over and over again, reason and experience will still plead for the latter. Nor can the balance be pretends stand so steady in his form, as in a well tempered monarchy, by reason the temptation of advancing are more like to sway with many in a commonwealth, than with one, &c. in the height of dignity. Next, when I consider such a change by this model from what was ever in, &c. and that the agrarian, with some other levelling orders, are the laws of it, I should think the nature of men was first to be new model'd, before they would be capable of this. Lastly, what is said in relation to the church or religion in the point of government, ordination, excommunication, had better beseemed Leviathan, and is below the parts of this gentleman, to retain and sit down with those little things, and poor mistakes, which the ignorance or wilfulness of many in these days hath broached in way of quarrel against the church of England. And lamentable it is to see so many (especially gentlemen of good parts) so opinionate, so boldly meddling in matters of religion, as if they had forgot, or did not understand their article of the catholick church.

MADAM, You see I have been plain in speaking my sense, and hope you will think me therefore more fit to do you real service, when you shall have occasion to command,

MADAM, Your humble servant.

Nov. 4th, 1656.

THE Doctor's letter, though it be scandalous (for to charge a writer of little things, poor mistakes, sitting down by ignorance, or wilfulness, without proof, is no better) was yet but private; and therefore I may be asked why I would make it publick? Whereunto I answer, That what a divine will have to be true, is no less publick than if it were printed; but more, for he will preach it; and preaching communicates unto more than can read. Also his present doctrines are exceeding dangerous. For in government, that is cast upon parliaments or popular elections, as ours hath ever been and is, *to take wise men, and understanding, and known among their tribes, to be rulers over them*, hath ever (except where the people were not free in their elections) been, and must ever be, the certain and infallible consequence. Now wise men, and understanding, and known among their tribes, must needs be (at least for the greater part) of that rank, which we now call the aristocracy or gentlemen. Whence the senate in every well ordered commonwealth hath consisted of the aristocracy or gentry. And that the senate ever had the supreme authority, as well in matters of religion as state, is not only clear in all other popular governments, but in the Old Testament; which also is confirmed by our Saviour in the New, *Matt. xxiii. 2, 3. The Scribes and Pharisees sit in Moses's seat; and therefore whatsoever they bid you observe*, (both he and his apostles observed the national religion) *observe and do*; for the liberty of conscience or prophetick right in the commonwealth of *Israel*, as in others, was such, as by which Christianity, notwithstanding the national religion, might grow. But *do not* (faith he) *after their works, for they say and do not*. In their enquiry after *John, Joh. 1*. they seem to imply or say, that if he were *that prophet*, there was nothing in the law why he might not introduce his *baptism*; and therefore why he might not gather churches, or instruct the people in his way. Nevertheless when they come to doing, they *kill the prophets, and stone them*. This indeed Christ blameth, being the abuse of their power. But whereas the supreme authority of the senate, whether in matters of religion or state, is confirmed by all divine and human prudence; and the senate is the more peculiar province of the gentry; the doctor faith, that *lamentable it is to see so many*, (not only men of such parts or quality as the people in their elections are not likely to look upon) *but especially men of good parts* (than which the people upon like occasions have no other refuge) *so opinionate, so boldly meddling in matters of religion, as if they had forgot or did not understand their article of the catholick church*. Now where-ever the clergy have gained this point, namely, that they are the catholick church, or that it is unlawful for gentlemen, either in their private capacity to discourse, or in their publick to propose, as well in the matter of church as state government, neither government nor religion have failed to degenerate into mere priest craft. This especially was the reason why I wrote unto the Doctor as followeth:

SIR,

WHEREAS in a letter of yours to one of my sisters, I find your judgment given vehemently against me, but merely positive, I conceive that both in the matter and manner of delivery you have given me right to desire, and laid obligation upon your self to afford me your reasons, which may be done (if you please) either by confuting my book, or answering the queries hereunto annexed; in either of which ways, or any

other, I am more than desirous to undertake you; and that for many considerations, as your abilities, the safety (at least on your part) in the performance, the importance of the argument, the seasonableness, and (however it came in your mind to distrust it) the welcomeness of such discourse unto all men of ingenuity, both in power and out of it, or whose interest is not the mere study of parties, from which the freest since the late troubles, that hath written in this nature, is,

SIR, Your humble servant.

Nov. 17. 1656.

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***The Queries I Shall Interweave With The Doctor'S Answer
Unto Each Of Them, Returned Unto Me With This Preamble.***

SIR,

I Received your paper wherein you are pleased to propound queries, and say an obligation now lies upon me to render my reasons of dissenting, or to answer the interrogatories. But you must give me leave to say, the obligation still ariseth from my respect to my lady and your self, not from the matter or manner (as you seem to imply) of the delivering my former judgment. For I could not conceive that by the favour and honour my lady did me in sending the book, I had lost my freedom, and stood bound either to comply, or be challenged as an adversary to try out the difference. Therefore upon the score of friendship and civility, I have forced my self, in the midst of many pressing occasions, to give you this account of my thoughts in order to your queries.

The Doctor hath written heretofore upon politicks. Than this among the occasions or subjects of writing, there is none of greater moment. I am a beginner in this art, and have no desire to impose upon any man; but if I cannot teach him, to learn of him. But my senior in it contradicts me, and gives me no reason. Now to contradict a man, and give him no reason, is to give him an affront; and to demand reason in such a case, that is, for such an affront to send such a challenge, as provoketh unto no other contention than that for truth, being according unto Scripture, and not against laws, concerns a man's honour and right. Therefore it is in such a case not of courtesy, but the devoir of him that gave the affront to answer; which the Doctor having now done, I come into the lists or to the queries, with his answers and my replies.

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The First Query.

How Much, Or In What The Author Of ***Oceana*** Is Mistaken, To Think The Commonwealth Of The ***Hebrews*** Applicable To His Purpose.

The Doctor'S Answer.

I Have reason still to think and say, The government or commonwealth (as you call it) of the Hebrews, was of all other less applicable to your form, which supposes a senate debating, proposing, and the people resolving, choosing, as page 15. to which there was nothing like in that government. You find indeed princes and heads of the tribes, and may call them a senate, and read of the assemblies of the people, but without any such power or authority; both of them receiving laws by the hand of Moses without any debate or contradiction. And 'tis in a manner confessed, page 18. where you say, the function of that senate was executive only, the laws being made by God. And if we look to the institution of the Seventy, we find it was upon the advice of Jethro, and that not to be as a council to Moses, but as under-judges for his ease in the administration of the laws; which rather suits with the condition of inferior ministers of justice under a monarch, God's vicergerent on earth, as all kings are in a more large consideration, as Moses was more specially in that theocracy. Therefore I did not a little wonder at your assertions and inferences, pag. 16. and 17. where you speak of their making God their king, their power of rejecting and deposing him as their civil magistrate. The harshness of the phrase may be mollified, but the thing asserted I suppose cannot be defended, viz. any such power in the people to God-ward; your inference also seems strange and infirm, that they had power to have rejected any of those laws. What you assert in the 17. page of all the laws given by covenant, is true in a sober sense, but the inference strange, that only which was resolved (or chosen) by the people of Israel was their law. This is so far from good logick, that it falls short of good divinity; for it must suppose God and the people on equal terms at their entring that covenant; whereas God often (especially in Deut.) shews his right of commanding, and enforces their obedience to his commands upon the antecedent obligations; his being the Lord their God, his chusing them out of allnations to be a peculiar people, his bringing them out of the land of Egypt. Much more might be said to shew these instances of the people receiving laws from God (in which they were only passive) are far from proving any power in the people as to God-ward, or from concluding generally the power in the people of resolving and chusing laws; and therefore this commonwealth of Israel not applicable to your purpose.

REPLY.

IN my book I call the government, whereupon we are disputing, the commonwealth of *Israel*; but though I think I did not much amiss, I am the first that ever called it so, and make no difficulty in your first letter to speak after me. But when I come to call it,

as all they do that have written upon it, then you begin to doubt, and it is *the commonwealth (as I call it) of the Hebrews*, whence you will be more than suspected, not to have read any of those authors. And yet how confidently it is laid to me in your first letter, that *I am not a little mistaken in thinking the Israelitish commonwealth or government under Moses to be so applicable to my purpose, as I would make it?* Nevertheless when you come in answer to this query to give your reasons, you bring this for one, that *page 18, I say the function of the senate was only executive, the laws being made by God*: where first, the word *only* is not mine, but of your imposing. Secondly, when you should shew that I am mistaken in thinking the commonwealth of *Israel* so applicable to my purpose as I would make it, you shew that I make it no more applicable to my purpose than it is: which is not fair, especially when I give you so clear a reason, that albeit the authority of proposing laws appertain unto every senate, as such, yet the laws of the commonwealth of the Hebrews having been all made by an infallible legislator, even God himself, the senate had no laws in the beginning to propose, but came afterwards to propose, when those laws given in the beginning came to need addition; for if you find the kings upon such occasions as *David*, 1 *Sam.* vii. 2. and *Hezekiah*, 2 *Chron.* xxx. proposing, and the people resolving, was this likely to have been introduced by them? or if the people had the result in the monarchy, must they not much more have had it in the commonwealth? Wherefore the authority of proposing unto the people, as will better appear hereafter, was derived by the king from the judge, by the judge from the sanhedrim, by the sanhedrim from *Moses*, and by *Moses* from God: as (*Exod.* xix. 5.) where God giveth him instructions for a proposition unto the people; *Thus shalt thou say unto the house of Jacob, and tell the children of Israel, ye have seen what I did unto the Egyptians, &c. Now therefore if you will obey my voice indeed, and keep my covenant, then you shall be unto me a kingdom of priests: if you will (not whether you will or no) you shall be (which relates unto the future) unto me a kingdom; that is, I will be your king.* God having given these instructions unto his sole legislator, *Moses came* (accordingly) *and called for the elders of the people, and laid before their faces all these words that the Lord had commanded him. And all the people answered together* (gave their suffrage, nemine contradicente) *and said, All that the Lord hath spoken we will do: and Moses returned the words* (that is, the suffrage, or result) *of the people unto the Lord.* Wherefore God was king in *Israel* by covenant, proposed by himself or his servant *Moses*, and resolved by the people. Now that he was afterwards rejected by the people, when they chose another king, *that he should not reign over them*, 1 *Sam.* viii. 7. are his own words. And if in these words he shew plainly, that the people had power to reject a law that was not only proposed unto them, but resolved by them, then must it needs be included even in God's own words, that the people must have had power to have rejected any thing that was proposed, and not confirmed by them. And yet you tell me, *that this is so far from good logick, that it falls short of good divinity.* And why? because *it must suppose God and the people on equal terms at their entering that covenant.* Then that a king either cannot covenant, for example, with his chandler to serve him with wax, or that the chandler was upon equal terms, or hail-fellow well met with the king, at their entering that covenant, comes up to good divinity. Such is the logick which you chop with me, for you are beyond my understanding! but the honest part of logick I understand well enough, not to envy them that seem to have more.

For if by the word *terms* you understand the conditions of the covenant, it is fair: as to these indeed, the parties covenanting are so far equal, that they may equally will or choose; else it were a precept or command, not a covenant. But if by the word *terms* you understand the dignity or power of the parties, it is not fair, but an equivocation; for the equality of the parties in that sense is nothing at all unto the equality of the covenant: wherefore the impiety you would fix upon me, is your own, and ariseth from your want of distinguishing between the Almighty power of God, in which he is above all things, and his infinite love whereby he boweth the heavens, and descendeth unto his poor creatures. In the former regard to talk of electing or deposing God, *who is king, he the Heathen never so unquiet*, were, indeed, impious; but in the latter it is most certain, that he ruleth among no other than a consenting, a resolving, a willing people. Or tell me whether the rein of God on the neck of the *Turks* be the same with that in the hearts of his elect, or wherein consists the difference? moreover to what I have said, and more than what I have said for the debate that was in the *senat*, and the result that was in the people of *Israel*, *Grotius* hath summed up the *Talmudists* in this note upon the tenth verse of *Deut* xviii. *Notandum præterea scita senatus nonnulla sive legi interpretandæ sive præmuniendæ facta evanuisse, non modo si senatus ante receptum ubique morem sententiam mutasset, verum etiam si vel ab initio populus ea non ferret, vel irent in dissuetudinem*, where there is nothing plainlier to be perceived than that debate was in this senate, and result in this people: and you confess *what I assert in the 17th page of all their laws given by covenant to be true in a sober sense*; now the sense which I have shew'd you is that of all sober men. But can you shew me the judgment of any sober man, that because we find princes and heads of the tribes, we may call them a senate? pray, how do you cut twelve princes into seventy elders, or where do you find them in the senate? but this is nothing. *If we look to the institution of the seventy, we find it, say you, to be upon the advice of Jethro. We: I pray you take it to yourself, or I appeal to him that shall compare Exod. xviii. with Numb. xi. whether this have been the opinion of any sober man. Moses in that of Exodus hearkens unto the voice of his father-in-law, Jethro the priest of Midian: making able men out of Israel, heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens. And they judged the people at all seasons: the hard causes they brought unto Moses, but every small matter they judged themselves.* These were the *Jethronian* prefectures, or the courts afterwards consisting of twenty-three judges that sate in the gates of every city. Never were they mistaken before for the *sanhedrim* or seventy elders, which came not to be instituted till afterwards in the 11th of *Numbers*, where *Moses* while he stood alone, being as weary of the recourse had unto him from these judicatories, as he was of that, before their institution, cries unto God, *I am not able to bear this people alone* (his office of sole legislator) in which relation *Lycurgus* and *Solon* are as well and as properly called kings, as he, who *was king* indeed in *Jesurum*, *Deut.* xxxiii. 5. but no otherwise than they in their commonwealths, that is to propose the laws in his form, *when the heads of the people, and the tribes of Israel were gathered together*, which was now almost accomplished. *Wherefore the Lord said unto Moses, Gather unto me seventy elders of the men of Israel, whom thou knowest to be elders of the people, and officers over them, and bring them unto the tabernacle of the congregation* (in which or in the temple was ever after the session-house of the senate) *that they may stand there with thee.* If this be not enough, you may have a farther sight of your great mistake, 2 *Chron.* xix. where at the restitution of this government in some part by *Jehoshaphat*,

the Jethronian counsels are set up *city by city*: but the senate, or seventy elders with a *Moreover* in *Jerusalem*; and that the Jethronian courts are intimated in the *New Testament* by the name of *the Judgment*, as the sanhedrim by that of *the Council*, *Godwyn* the schoolmaster could have told you. But whereas nothing is more constantly delivered by all authors, nor express in Scripture, than that *Moses* having instituted the sanhedrim, stood from that time forward no more alone, or was thenceforth but prince of the senate, which God appointed to stand with him; you say that he was a monarch or stood alone. And whereas the Jethronian prefectures henceforth brought all their difficult cases unto the sanhedrim, in the institution of which sanhedrim *Jethro* had no hand; you say, that the sanhedrim or seventy elders were instituted by *Jethro*. How *plain* would your *English* have been upon this occasion, if they had given it? whereas I shall say no more than that these are no *little things nor poor mistakes*.

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The Second Query.

In case the Author's Form, and the Monarchical be or be not disputed over and over again, what the Reason or Experience may be that remaineth, or may be thought to remain, for the Advantage of the latter?

The Doctor'S Answer.

I HAVE not time to dispute the two forms, nor will to make it my study; but his reason is cogent for monarchical, that in it there is one chief; for order is the main concernment of government, and order is more perfected by reducing to unity, or having still one chief in the order. And this I mention the rather, because as anciently the Romans, so you in your model, are forced to betake you in necessity to a dictator, which undeniably evinces monarchical government the fittest for all exigencies. Also because God, to whom you seem to appeal (Pag. 15.) led his people (Psal. lxxvii. ult.) by the hand of Moses and Aaron; Moses chief in the whole government, and Aaron the chief in the priesthood, and after Moses Joshua; and still raised up single persons to judge his people. Lastly, because the dust of nature led your form of government, from paternal (so it was at the beginning or peopling of the world) unto monarchical, as families encreased into nations.

REPLY.

YOU in your letter are positive that be the two forms never so often disputed, the advantage in reason will remain to the monarchical; but when you come to give your reason, have not time to dispute the business, nor will to make it your study; you will give a man his sentence, without recourse to the law, and his objections. Again, without taking notice of his answers, as in the matter of dictatorial power, for which you say, first, that one person is fittest, and secondly, that one person being fittest for this one thing, it undeniably evinces monarchical government the fittest for all exigencies. Now granting the former were true, as I have shewed it to be false, and therefore chosen the *Venetian* dictator, which consisteth not of one man, rather than the *Roman*, which did; yet if one man be fittest to be a pilot, how doth it follow that that one man is fittest for all exigencies? or if *Gideon* were fittest to be judge or dictator of *Israel*, that it was fittest (as the people desired of him, *Judges* viii. 22.) *he should rule over them, both he and his son, and his son's son also?* and whereas you say that *God (unto whom I appeal) still raised up single persons to judge his people;* doth it follow that these judges or dictators were monarchs, especially when *Gideon* answers the people, *I will not rule over you, neither shall my son rule over you; the Lord shall rule over you?* or rather that monarchical government even in the time of the judges was in this commonwealth, to the rejection of God? in which place (to allude unto that in your answer to the first query, to which I have not yet reply'd,) it is plain also, that antecedent obligations do not always imply command, or enforce obedience: for say the people unto *Gideon*, rule thou over us, &c. for thou hast

delivered us from the hand of *Midian*; yet neither did this oblige the people to choose, or *Gideon* to be chosen king.

THAT God led his people, Psal. lxxvii. *by the hand of Moses and Aaron*, is right; but your flourish upon it, where you say *Moses* chief in the whole government, and *Aaron* chief in the priesthood, withers; for the place relateth unto the times, (*Exod. vii.*) in which saith the Lord unto *Moses*, *See I have made thee a God to Pharaoh, and Aaron thy brother shall be thy prophet* (that is, thy chaplain or orator, for otherwise *there arose not a prophet like Moses in Israel*) and this was before the time that *Moses* made *Aaron* high-priest. Nor after the institution of the sanhedrim, was the high-priest other than subordinate unto it, whether in matter of religion or state: nay, if he had given them just cause, he might be whipt by the law, as is affirmed by the Talmudists. This senate was to stand, as hath been shewed, with *Moses*; therefore *Moses* from the institution thereof, was no more than prince or archon of it, and general of the commonwealth; in each of which functions he was succeeded by *Joshua*. *And the people served the Lord all the days of Joshua, and all the days of the elders that outlived Joshua*, (*Judges ii. 7.*) But from this time forward you hear no more of the *Jethronian* prefectures, that sate in the gates of the cities, nor of the senate, as I take it, (being yet but studying this commonwealth, in which it were a better deed to aid, than mislead me) till the restitution of it by *Jehoshaphat*, *2 Chron. xix.* For after the death of *Joshua*, and of the elders of these courts, the people of *Israel* mindless of the excellent orders of their commonwealth given by God, were so stupid, as to let both the senate and the inferior courts to fall. But a commonwealth without the senate must of natural necessity degenerate into anarchy. Wherefore the nature of this commonwealth throughout the book of *Judges* was downright anarchy. You have the tribes without any common council or deliberation leaguings one with another, and making war at their fancy, as *Judges i. 3. Judah said unto Simeon his brother, Come up with me into my lot, that we may fight against the Canaanites, &c.* Whence (especially when there was no judge neither) is that frequent complaint throughout this book, that in *those days there was no king* (as men of your rank have rendered the word, though in this place it rather signifies *suffes* consul, or dictator, as some of the laity, that is of the folks do affirm) *in Israel, but every one did that which was right in his own eyes*. In this case of a commonwealth there is no help but by dictatorial power, which God in the raising up of judges did therefore indulge, appointing them ordinarily but *pro tempore*, or upon some, not upon all exigencies. For *Judges xx.* the congregation sentenceth the tribe of *Benjamin*, decrees and manageth the war against them, without a judge or dictator. This anarchy with the confusion of it, by want of the senate, especially when the sons of *Samuel* grew corrupt and imperious through the long rule of their father, was the true cause why the people chose to have a king, and so fell into monarchy, under which they fared worse; for though there happened to come with a great deal of cost, as in the war with *Saul*, a *David* to be defended; yet by another war against his ambitious son, and after him a *Solomon*, in the next generation the tribes rent in sunder, and besides the execrable wickedness of the most of their kings (the like whereunto was never known,) gave not over hewing one another, till *Israel* first, and then *Judah* fell into miserable captivity. And yet this is that unity and order which you celebrate, and the argument for monarchy must be *cogent*; which happens, because you are resolved not to these that the unity of government consists in such a form, which no man can have the will, or having the

will can have the power to disturb, but cast all upon the unity of a person, that may do what he list, running still upon your equivocations, as if brethren could not live together in unity, unless reduced to the will of one brother.

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The Third Query.

Where there is or ever was a Monarchy upon a popular Balance, or that proposed by the Author, but those only of the *Hebrews*, and whether these were not the most infirm of all other?

The Doctor'S Answer.

I Perceive not how it concerns any thing I said, or the cause in hand, as to any material point. Only it seems to suppose the monarchy of the Hebrews to be in a popular balance, which I cannot apprehend, unless because they had a kind of agrarian, their land divided by lot, which notwithstanding left place for a sufficient difference, and excess in dignity of persons, bonds of estates, measure of wealth and riches.

REPLY.

IN your letter you say, *that the balance I pretend cannot stand so steady in my form, as in a well temper'd monarchy*; and yet to the query, where there is or ever was a monarchy upon such a balance? you answer, *that you perceive not how it concerns any thing you said, or the cause in hand as to any material point*, as if the balance were of slight concernment to a government. And for the monarchy of the *Hebrews* you say, *that you cannot apprehend it to have been upon a popular balance*. But the land of *Canaan* as it is computed by *Hecataeus Abderites* in *Josephus* against *Appion*, contained three millions of acres; and they among whom it was divided, as appears *Numb. i. 46.* at the cense of them taken by *Moses* in *Mount Sinai*, amount unto 603550. Now if you allow them but four acres a man, it comes unto two millions four hundred thousand acres, and upwards, by which means there could remain for *Joshua's* lot, *Caleb's* portion, with the princes of the tribes, and the patriarchs or princes of families, but a matter of five hundred thousand acres, which holdeth not above a sixth part in the balance with the people, and yet you will not apprehend, that this was a popular balance. Why then it will be in vain to shew you the certain consequence, namely that the monarchies of the *Hebrews*, being the only governments of this kind that ever were erected upon a popular balance, were the most infirm and troubled of all others; that the cause why the congregation that elected the former kings were able to reject *Rehoboam*, was from the power of the people, and the power of the people from their *popular agrarian*: and that the cause why the kings of *Israel* and *Judah*, while they had not foreign wars, never gave over knocking out the brains of the people, one against another, was, that having no monarchical balance, or not such a one as was sufficient, whereupon safely to rest themselves in peace, they were necessitated, as some kings at this day, the balance of whose empire is broken, to make themselves useful unto the people through their danger, that so through the want of order, they may subsist, according to the modern maxim, by confusion and war; an expedient sufficiently practised to be well known.

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The Fourth Query.

Whether the Temptations of advancing did sway more with the *Many* in the Commonwealth, than with the *Few* under the Monarchies of the *Hebrews*, that is, under the Kings of *Judah*, *Israel*, or the High Priests, when they came to be Princes? And whether other Story be not, as to this Query, conformable unto that of Scripture.

The Doctor'S Answer.

WHETHER greater temptations in the Hebrew government before or after they had kings, seems little material by comparing them to learn, and as little to your purpose, till what you suppose be granted, viz. that the government before they had kings, was in your sense a commonwealth. But as for all forms that have been popular, or shall be, still the temptations are the more powerful or dangerous, as to the change of government. This puts them upon an inconvenience by often changing their generals of armies, and upon often banishing them, or any great citizens, when their just deserts had made them honoured and beloved; and this I suppose puts you upon a necessity in one place of defending the ostracism as no punishment, and the people of Rome as not ungrateful in banishing Camillus.

REPLY.

IF to doubt whether *Israel* were a commonwealth in my sense be excusable in one that will take no notice of the elders that stood with *Moses*, nor why *Gideon* being a judge refused nevertheless to be king; yet the league that was made between *Judah* and *Benjamin* in the first, and the sentence that was given by the whole congregation, with the war thereupon levied by the people only, without so much as a judge or dictator, in the last chapter of the book of *Judges*, evinces my sense, and that of all reasonable men. Wherefore the comparison desired by me is plainly material; and your evasion a poor shift, below a man of parts, or well-meaning.

For albeit *Israel* for the far greater time of the commonwealth before the kings was *anarchy*, the most subject state of such a government unto confusion; yet abating the conspiracy of *Abimelech*, made king of the men of *Sichem*, there was, as I remember, no disturbance from ambition, nor striving to be uppermost, of which, after the kings, there was no end. For to omit *David's* destroying of the house of *Saul*, and reigning in his stead, as done with good warrant; you have *Absalom* levying war against his father; *Jeroboam* an arrant knave, breaking the empire of *Rehoboam*, a hair-brain'd fool in two pieces, whence the children of *Judah* turning *Sodomites*, (1 *Kings* xiv. 20.) and they of *Israel* idolaters; you have *Baasha* conspiring against *Nadab* king of *Israel*, murdering him, destroying all the posterity of *Jeroboam*, and reigning in his stead: *Zimri*, captain of the chariots, serving *Asa* the son with the same sauce, when he was drunk, killing all his kindred, that pissed against the wall, as *Baasha* the father had done *Nadab*, when, may chance, he was sober; *Omri* hereupon made captain by the people, and *Zimri* after he had reigned seven days, burning himself; the people of

Israel when *Zimri* was burnt, dividing into two parts, one for *Omri*, and the other for *Tibni*, who is slain in the dispute; whereupon *Omri* outdoes all the tyrants that went before him, and when he has done, leaves *Ahab* his son, the heir of his throne and virtue. You have *Jehu* destroying the family of *Ahab*, giving the flesh of *Jezebel* unto the dogs, and receiving a pretty present from those of *Samaria*, seventy heads of his master's sons in baskets. To *Asa* and *Jehoshaphat* of the kings of *Judah* belongeth much reverence; but the wickedness of *Athalia*, who upon the death of her son *Ahaziah*, that she might reign, murdered all her grandchildren, but one stolen away, which was *Joash*, was repaid by that one in the like coin, who also was slain by his servants. So was his son *Amasiah* that reigned after him; and about the same time *Zachariah* king of *Israel*, by *Shallum*, who reigned in his stead, and *Shallum* was smitten by *Manaim*, who reigned in his stead, (*battle royal in Shoe-Lane*) *Pekahah* the son of *Manahim* was smitten by *Pekah* one of his captains, who reigned in his room; *Pekah* by *Hoshea*, who having reigned nine years in his stead, was carried by *Salmanezzer* king of *Assyria* with the ten tribes into captivity. Will *Judah* take a warning? Yes, *Hezekiah*, the next, is a very good king, but *Manasseh* his son, like the rest, a shedder of innocent blood; to him succeedeth *Ammon*, father's own child, who is slain by his own servants. *Josiah* once again is a very good king; but *Jehoahaz*, that died by the heels in *Egypt* deserv'd his end, nor was *Jehoiakim* the brother of the former, who became tributary unto *Pharaoh*, any better; in whose reign and his successor *Zedechias* was *Judah* led into captivity by *Nebuchadnezzar*, (*the common end of battle royal*) where I leave any man to judge how far the unity of a person tends to the unity of government, and whether the *temptations of advancing* (to use your phrase) were greater in the commonwealth than in the monarchies of the *Hebrews*, It were easy to shew, if you had not enough already, that the highpriests when they came to be princes, were never a barrel better herring; whereas that there is no such work in *Venice*, *Switz*, or *Holland*, you both know, and might, if you did not wink, as easily see. All is one, it is, for it is as you have said, nay, and more, *in all forms that have been popular or shall be, still the temptations are more powerful and dangerous as to the change of government; this put them upon great inconveniences by often changing their generals of armies.*

A pound of clergy, for which take an ounce of wisdom, in this maxim evinced by *Machiavel: prolongation of magistracy is the ruin of popular government*: the not often changing their generals or dictators was the bane of the commonwealths both of *Rome* and of *Israel*, as by the corruption of *Samuel's* sons (moss that groweth not upon a rolling stone) is apparent. And for the banishment of great men, name me one that since those governments were settled, had been banish'd from *Venice*, *Switz*, or *Holland*. The examples in *Rome* are but two that can be objected by a rational man in seven hundred years, and I have answered those in my book; for the *ostracism*, though I hold it a foolish law, yet where the people have not prudence to found their government upon an *agrarian*, I shew'd you out of *reason*, *Aristotle*, and experience, that it is a shift they will be put to, whether a punishment, or not; though no man, that is versed in the *Greek* story, can hold it to have been so esteem'd.

M. Disc. b. iii. ch. 24.

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The Fifth Query.

Whether Men, as they become richer or poorer, free or servile, be not of a different Genius, or become new model'd; and whether these Things happen not as the Balance changes?

The Doctor'S Answer.

SUCH sudden changes of the genius and nature of men, I leave to the pipe of Orpheus, or Ovid's Metamorphosis.

REPLY.

A Pretty jeer; but there is one in that book *metamorphosed* into the bird that cannot see by day. Now, a change that happens in the revolution of one hundred and forty years, is not sudden; but so long hath the government in question been changing from *aristocratical* to popular. And if the acts of popular councils from that time, have still been and be to this hour more and more popular, the genius of the people is as clear as the day with the alteration of it, in those opinions you in your first letter are pleased to call the *ignorance or wilfulness of these days*, that since the aristocratical balance of the clergy is gone, shake the yoke of the priest. *The butcher sought his knife, and had it in his mouth.*

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The Sixth Query.

Whether Gentlemen have been more beholden unto Divines, or Men in Orders, or Divines more beholden unto Gentlemen, or such as have not been in Orders, for the Knowledge which we have of the Commonwealth of the *Hebrews*? Or who of each Sort have written best upon that Subject?

The Doctor'S Answer.

COmparisons being odious, I only say, divines have cause to give learned gentlemen their due, and thank for their labours, but also cause to complain, when they are too bold with boly things, not only with the commonwealth of the Hebrews, the form that God then appointed, but also with the government of the Christian church, the form andfunctions left by Christ and his apostles, according to which the church acted three hundred years before the civil power became Christian.

REPLY.

DIVINES have cause to complain, when gentlemen are too bold with holy things, as with the commonwealth of the *Hebrews*; but if you ask, who of each sort have written best upon this subject, *comparisons are odious*. Here you can be modest; for no body hath written in this kind, but *Carolus Sigonius, Buxtorfius, Cornelius Bertramus, Hugo Grotius, Selden, and Cunæus*, all which were gentlemen, or such as were not in orders. Nor can it be gathered from any thing now extant, that any divine understood this government. But if divines cannot deal with this government, and gentlemen may not, how should it be known? or if divines understand not this, why do they meddle with others?

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The Seventh Query.

What and how many be those little Things, and poor Mistakes, which the Author below a Gentleman of his Parts hath entertain'd?

The Doctor'S Answer.

THOSE little things and poor mistakes I confined to the matters of the church; for innovating wherein these latter times make exceptions against our translation, delight in some notions of words in Scripture, vent new interpretations, make strange inferences, in which to rest satisfy'd is below, &c. Such Page 16. from notion or origination of Ecclesia to infer democratical government of the church; and that inference for the right of gathering churches now, Page 28. So after in the model, what is said for the notion of χειρο[Editor: illegible character]ove?v to the prejudice of due ordination, and the like.

REPLY.

IN *Judges* xx. 2. the civil congregation of the chief of all the tribes of *Israel*, is called *ecclesia dei*: and not only *Greek* writers, as particularly *Æschines*, use that word for the assemblies of the people in the *Grecian* commonwealths, but *Luke* also speaking of the people of *Ephesus*, he saith, *Erat autem ecclesia confusa*: wherefore this word having been of this use before the *Apostles*, and being applied by them unto their convocations or assemblies, there must needs have been some reason, why they made choice of this, rather than of any other. Now if the reason had not been that they intended the church to be *democratical*, why would they borrow a word that is of that sense? or why should you think that they would give names unto things not according unto their nature; seeing if they had intended it should have been *aristocratical*, they might as well have taken the word γερουσία or senate? wherefore, says *Calvin* the lawyer, *Sumpserint apostoli illud melius nomen ad significandum ecclesiam, ut ostenderent politiam populi dei esse quidem democraticam, &c.* I have shewed you my reasons, and given you my testimony, and yet you that have neither, call this a notion. Then for the *chirotonia*, or holding up of hands, it was the way of giving suffrage in some of those popular assemblies, more particularly, that of *Athens*, and this word the *Apostles* also came to borrow for the suffrage of their congregations, as in the *Greek*, *Acts* xiv. 23. where they use the word χειρο[Editor: illegible character]ονήσαν[Editor: illegible character]ες, the same that was used by the *Athenians*, signifying holding up of hands, or their manner of suffrage: but this the *English* translators have left out, and where they should have render'd the place, and when they had ordained elders, by the holding up of hands in every congregation, they render it, when they had ordain'd them elders in every church. Now you, though you know this well enough, never lay any blame upon the translators, but with them that find fault with the translation, as if it were less impiety in divines to corrupt the Scriptures, than in others to vindicate them from corruption. And this is another of those things which you have the considence to call notions, albeit in so doing you

must needs sin against your own conscience: but what is that to interest? if this place be restored, ordination is restored unto the people; and so divines losing it, there is an end of priest-craft, as by telling the story of this invention, though in brief, will better appear; ordination in the commonwealth of *Israel* being primarily nothing else but election of magistrates, was performed by the suffrage of the people or (as is shewn by the Talmudists upon *Numb. xi. in Eldad and Medad*) by the ballot. Nor was it otherwise till the *sanhedrim* got a whim of their own, without any precept of God, to ordain their successors by the *chirothesia* or imposition of hands, and the parties being so ordained called *Preshyters*, became capable of being elected into the judicatories, whereby cheating the people of the right of electing their magistrates, the *sanhedrim* instituted the first Presbyterian government; nevertheless this form as to the imposition of hands, was not always held so necessary among the Jews but if the party were absent it might be done by letter, and sometimes, though he were present, it was done by verse or charm only. But whereas the senate, if not every senator, by this innovation had right to ordain; by *Hilel* high priest and prince of the *sanhedrim*, who liv'd some three hundred years before Christ, means was found to get the whole power into his hand, which being of such consequence, that no magistrate could thenceforth be made but by the high priest, it changed this same first presbytery, the high priests becoming afterwards *monarchs*, as I may say, into the first *Papacy*; for this track was exactly trodden over again by the Christians: first, to the presbytery, from thence to the bishop, and that by means of the same *chirothesia* or imposition of hands taken up from the Jews, and out of this *bishop* stept up the *Pope*, and his seventy cardinals, anciently the *presbytery*, or seventy elders of *Rome*, in imitation of those of *Israel*. Moreover it is the judgment of good divines, as *Bullinger*, *Musculus*, *P. Martyr*, *Luther* and *Melancthon*, that this *chirothesia* or *imposition* of hands is not necessary, for that the Apostles took up som things from the Jews, as community of goods, which are not necessary, you will not deny: and if this were not of that kind, then wherfore in the place alledged, where the *chirotonia*, prayer and fasting, as all things necessary unto ordination, are mention'd, is the *chirothesia* omitted even by the Apostles themselves? Nor can you find that it was otherwise than sparingly used by them in comparison of the *chirotonia* or suffrage of the people; and perhaps there only, where the people had not the civil right of any such suffrage, by which where it was, they ordained *elders in every church*. And in this place comes that of your answer unto the 7th query, namely, *that the church acted three hundred years before the civil power became Christian*, to be very questionable. For that *Tarsus* a city of *Cilicia* was so free, that *Paul*, being a native thereof, claimeth the right of a *Roman*, is clear in Scripture; nor is it more obscure in story, that the people in the cities of *Lycia*, *Pamphylia*, *Lycaonia*, or *Cappadocia*, in which the *Apostle* ordain'd ecclesiastical elders by the *chirotonia* of the church or congregation, had not only the ancient right but custom of electing their civil elders in the same manner. And where was the necessity or sense, that the Apostles to convert them unto the Christian religion, should go about to depose them, than which nothing could have caused a greater jealousy, obstruction or scandal upon their doctrine? but if the Apostles used the words *ecclesia* and *chirotonia* in these places, according unto the right of the people, and the known sense, in which they had bin always taken, then acted not the church three hundred years nor half a hundred years before the civil power became Christian. And if the bishops, when the emperors became Christian, made no bones of receiving their mitres from the civil magistrate, they must have don ill, had they known or

conceived that the church in the purest times had waved the civil magistracy. *Paul* arriving at *Athens* converts *Dionysius* one of the senators, and som others unto the Christian faith. Suppose he had converted the whole senate and the people, what sober man can imagine, that he would have disputed with the congregation the sense of their former name *ecclesia*, or the right of electing their new elders by their old *chirotonia* or suffrage by holding up of hands? but he converted but a few; wherfore as he had no aid, so he had no hindrance from the magistrate. This, then, was a gather'd church, I think, or what was it? if the *Prophets* in *Israel* went up and down preaching unto the people, by whom they were followed; and if som of these that were thus followed were true, and more of them false, the people that followed them could not be all of the same persuasion, though it is like that no man would follow such an one as he was not persuaded was true. But the people choosing at their own discretion whom they would follow, how could these congregations be less gather'd than those, when the people were divided into three sects, *Pharisees*, *Sadduces*, and *Esseans*, which could be no other? nor doth the *sanhedrim*, though they had the government of the national religion, sending unto *John the Baptist* (*John* xi 25.) to know who he was, and why he baptized, refuse him the like *prophetic right*, used by him first, and afterwards by our Saviour and the Apostles, without the authority of the *sanhedrim*: nor doth *Paul* blame the congregations of *Apollos* and *Cephas* (1 *Cor.* i.) in that they were gather'd, but in that they put too much upon them that gathered them. How then doth it appear that my inference for gathered congregations *now*, is a little thing or poor mistake, below a gentleman of parts; when I say no more, than that gather'd congregations were in use both before and after Christ, notwithstanding the national religion that was then settled? and therefore gathered congregations for any thing in the Old or New Testament that I can find to the contrary, might be *now*, though a national religion were settled. And if this be not true, the testimony, which you bear in your present practice, is against your self; for what else are your congregations *now*, that will use none other than the common-prayer, but gathered?

To conclude, it should seem by you, that if the national religion were so settled, that the meddling with holy things by any other than a divine, might be resolv'd as boldly, and, to use a fine word, opinionately done, as if it were against an article of our creed; you would be pleas'd. But the national religion and the liberty of conscience so ordain'd in *Oceana*, that neither the interest of the learned, nor the ignorance of the unlearned can corrupt religion in which case though there might, yet there is no probability, that there would be any gathered congregations, this being the peculiar remedy for that which you hold a disease) you are displeas'd: for thus you conclude.

SIR,

YOU see I have used freedom again, it is like you will think too much; but I desire you would allow me the privilege of the old saying, suo quisque sensu abundet, and not trouble yourself with interrogating me, from whom you can draw so little satisfaction. I never made it my study to model or shape out forms of government, but to yield obedience to every lawful command proceeding from authority, how perfect, or otherwise the form was. In a word, Sir, I honour your parts, wish them employed as

may be most for the service of God and his church, and do promise myself in all friendly and Christian offices,

SIR, Your humble Servant,

Nov. 26. 1656.

H. FERNE.

To Which I Say That

I HAVE not heard a divine quote Scripture (*Quisque suo sensu abundet*) as an old saying; but you are not contented to do so only, but to use it accordingly; for whereas (*Rom. xiv. 15.*) it is indulged by the Apostles as to indifferent things, this was never intended to be an argument, that the seventy elders were erected upon the advice of *Jethro*, that *Moses* instituted a *monarchy*, that *Gideon* was king of *Israel*, or indeed for any thing that you have said. And therefore however you call it interrogatory, it is civil enough in such a case to desire better reason; but do not fear that I should give you any more in this kind, nor had I at all, if whereas you confess in the close that you have not studied these things, you had but said so much in the beginning, for there had been an end.

This study indeed, as I have shewed elsewhere, is peculiar unto gentlemen; but if it be of your goodness that you study not to shape such work, must it ever be the study of your tribe to mis-shape it? is it in such less impiety to have ruin'd a kingdom, than in any other to shew the true principles of a commonwealth? or whereas the nature of the politics, or such civil power (witness the *sanhedrim* of *Israel*) as cometh nearest unto God's own pattern, regards as well religion as government, and is receptible of gentlemen; doth it follow that I have not laid out the best of my parts in my vocation, to the service of God and his church, because you, in your pretended zeal, have chosen to insinuate the contrary by a prayer? but he, unto whom you have addressed yourself, knoweth the secrets of all hearts. To him therefore I appeal, whether I have not sought him in a work of universal charity; and whether one end of this present writing be not, lest you making use of your great authority thus to prejudice such a work, should hurt them most, whom you love best; it being apparent unto any man, that can see and understand the balance of government with the irresistible consequence of the same, that by such time as the vanity of men's ways shall have tried them a little more, it will be found that God in his infinite goodness and mercy, hath made that only possible for us, which is best for us all, most for the good of mankind, and his own glory. And so notwithstanding the heat of our dispute, which so far as it hath not resisted nor exceeded truth, cannot have been very sinful or uncharitable, I do oblige myself in all the devoirs of

SIR, Your affectionate Friend, and humble Servant,

London, Jan. 3. 1656.

James Harrington.

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THE STUMBLING-BLOCK OF DISOBEDIENCE And REBELLION,

Cunningly Imputed By *P. H.* Unto Calvin, Remov'D, In A
Letter To The Said *P. H.* From *J. H.*

***Let No Man Put A Stumbling-Block In His Brother'S Way,
Rom. Xiv. 13.***

SIR,

I GAVE my judgment upon your late book (that I mean against *Calvin*) in such manner among som gentlemen, that they desired me to write something in answer to it, which if there happen to be need, I may. In the mean time it will, perhaps, be enough, if I acquaint you with as much as I have acquainted them. In this book of yours you speak some things as a politician only, others as a politician and a divine too. Now to repeat a few, and yet as many I think as are needful of each kind, I shall begin with the former.

The rise, progress, and period of the commonwealth of *Lacedemon* is observable in authors by these steps.

1. The insufficiency of the monarchy.
2. The form of the commonwealth.
3. An infirmity in the form, and a cure of it.
4. The corruption and dissolution of the whole.

All which happened within the compass of eight hundred years.

To the first you say, That the Spartan kings were as absolute monarchs as any in those times, till *Eurytion*, or *Eurypon*, to procure the favour and good-will of the rascal-rabble (*so you commonly call the people*) purchas'd nothing but the loss of royalty, besides an empty name unto his family, thence call'd the *Euripontidæ*.

P. 39, 40, 41.

It is true that *Plutarch* in the life of *Lycurgus* says, That *Eurypon* was the first, who, to obtain favour with the people, let loose the reins of government; and this he saith there without shewing any necessity that lay upon the king so to do: nevertheless that such necessity there was, is apparent in *Agis*, where he affirmeth, That a king of *Lacedemon* could never come to be equal unto any other king, but only by introducing equality among the people; forasmuch as a servant or lieutenant of *Seleucus*, or

Ptolemy, was worth more than ever were all the kings of *Sparta* put together. Which latter speech, if a man consider the narrowness of the Laconic territory, being but a part of *Peloponnesus*, must needs evince the former action to have been not so voluntary in *Eurypon*, as in prudence unavoidable. But *Eurypon* having by this means rather confessed the infirmity of the monarchy, than introduced any cure of the government, it remained that the people not yet brought under fit orders must needs remain in disorders, as they did till the institution of the commonwealth.

The monarchy, that is or can be absolute, must be founded upon an army planted by military colonies upon the overbalance of land being in dominion of the prince; and in this case there can neither be a nobility, nor a people to gratify, at least without shaking the foundation, or disobliging the army. Wherefore the *Spartan* kings having a nobility or people to gratify, were not absolute. It is true, you call the kings of *France* absolute; so do others, but it is known that in the whole world there is not a nobility nor a people so frequently flying out or taking arms against their princes, as the nobility and people of *France*.

The monarch, that is founded upon a nobility, or a nobility and the people (as by the rise and progress of the *Norman* line in our story is apparently necessary) must gratify the nobility, or the nobility and the people, with such laws and libertys as are fit for them, or the government (as we have known by experience, is found in *France*, and no doubt was seen by *Eurypon*) becometh tyrannical, be the prince otherwise never so good a man.

Thus *Carilaus*, in whose reign the commonwealth was instituted by *Lycurgus*, is generally affirmed to have been a good man, and yet said by *Aristotle* to have been a tyrant. It remaineth therefore with you to shew how a good man can otherwise be a tyrant than by holding monarchical government without a sufficient balance, or if you please, how he that shall undertake the like, be he never so good or well deserving a man, can be any other; or confess that not the favour of princes (by which if they be well balanced they lose nothing) nor the usurpation of the people (by which without a popular balance they get nothing) but the infirmity of the monarchy caused the commonwealth of *Lacedemon*. And what less is said by *Plutarch*, or thus rendered by yourself:

Not the people only sent messages to Lycurgus for his counsel, but the kings were as desirous he should return from his travels, in hopes that his presence would bridle and restrain the people: but Lycurgus applied not himself unto either, being resolved to frame both into one commonwealth.

p. 41.

To the form of this commonwealth, you say, That whatever the kings lost, the people got little by this alteration, being lest out of all imployment in affairs of state, and forced to yield obedience unto thirty masters, wheras before they had but two.

p. 43.

A strange affirmation, seeing the oracle containing the model of *Lacedemon* is thus recorded by your author, *When thou hast divided the people into tribes and linages, thou shalt establish the senat, consisting with the two kings of thirty senators, and assemble the people as there shall be occasion, where the senat shall propose and*

dismiss the people without suffering them to debate. Now who seeth not that the people having no right to debate, must therefore have had the right to resolve, or else were to be assembled for nothing? but the ultimate result is the sovereign power in every government. It is true, the Greek of the oracle is obsolete, and abstruse; but then it is not only interpreted by *Plutarch* in the sense I have given, but by the verses of the poet *Tyrteus*, which the kings themselves, tho they would have made other use of, acknowledged unto the people to be authentick.

*They having of Apollo sought,
This oracle from Delphos brought;
Unto the Spartan kings, among
The senators, it doth belong
To moderate in royal chairs,
And give their votes in all affairs;
And when they have proposed these,
The people choose whatere they please.*

Of many other testimonies, I shall add no more than one out of *Isocrates*; *I am not ignorant*, saith he, to the Areopagites, *that the Lacedemonians flourish for this cause especially, that their government is popular.*

To the infirmity of this form, and the cure of it you say, That the royalty and power of the kings being thus impaired, the people absolutely discharged from having any hand at all in publick government, and the authority of the senate growing every day more insolent and predominant, by reason that (*albeit the senators were elected by the people*) they had their places for term of life, the kings resolved upon a course of putting the people into such a condition as might enable them to curb and controul the senators, to which end they ordained the ephori, *magistrates to be annually chosen out of the body of the people.*

p. 45.

In which first you make that to be a practice of the kings against the senate, which by your author is plain to have been a combination of the kings, and the senate against the people; for the people upon the insolency and predominancy of the kings and the senate, fell, as in that case the inevitable nature of them, upon counsel how to defend themselves, and so assumed the power of debate. Hereupon the kings *Theopompus* and *Polidore* would have added unto the tenor of the oracle, that if the people went about by debate to change the propositions of the senate, it should be lawful for the kings and the senate to null the result of the people; which practice, if it had past, must have made the kings and the senate altogether uncontrollable; wherefore the people incensed at it, *put a bit into the mouth of the senate, by the institution of the ephori.*

This is the clear sense of *Plutarch*, which he taketh out of *Plato*, who affirmeth the ephorate to have been set up against the hereditary power of the kings; with whom agree both *Aristotle* and *Cicero*; the former affirming this magistracy to contain the whole commonwealth, inasmuch as the people having obtained it, were quiet;

De Leg. 3.

and the latter that the ephori in *Lacedemon* were so opposed to the kings, as the tribunes in *Rome* to the consuls.

Pol. lib. 2.

Now if other authors attribute the institution of the ephori unto the kings, and there be a story affirmed as well by *Plutarch* as others, that *Theopompus* having thus created the ephori, and being told by his queen he had done that which would leave narrower power to his children, answered well, that it would leave that which would be narrower, but longer: this is neither any riddle nor kind of contradiction to the former sense, seeing, when we say that *Henry* the Third instituted the parliament to be assistant to him in his government, we no more doubt of that, than how it is to be understood. Nor if his queen had said as she of *Lacedemon*, and our king had made the like answer, would that have altered any thing, or proved the woman to have been, as you will have it, the better prophet, seeing either government lasted longer for either reformation, nor came to alter, but through the alteration of the balance, which was nothing to the woman's prophecy.

De Leg. 3.

The ruin of this balance, and corruption of the commonwealth, you wholly omit, to the end, that picking up your objections against the government in vigour, out of the rubbish and dissolution of it you may cast dust in mens eyes, or persuade them *that the ephori trusting to the power and interest they had in the commonalty, came to usurp upon the kings, and to be tyrants, as they are called by Plato and Aristotle*; so you affirm.

But the truth is thus recorded by *Plutarch* in the life of *Agis*. So soon as the *Lacedemonians* having ruined *Athens*, became full of gold and silver, the commonwealth began to break. Nevertheless, the lots or division of lands made by *Lycurgus* yet remaining, the equality of the foundation held good, till *Epictetus*, an ill-natured fellow, became ephore, and having a mind to disinherit his son, got a law to pass, whereby any man might dispose of his lot as he pleased. This by him pursued of mere malice to his son, was hurried on by the avarice of others, whose riches came thus to eat the people so clearly out of their lands, that in a short time there remained not above an hundred freeholders in all *Sparta*. This he shews to have been the rise of the oligarchy. The oligarchy thus balanced totally excluded the people, and murther'd *Agis*, the first king that was ever put to death by the *ephori*; and to these times, about which *Plato* and *Aristotle* lived, relateth that tyranny, which they, who, as was shewn, commended the *ephorate* in the commonwealth, now laid into it in *oligarchy*. Thus have you fetcht arguments against a commonwealth, that are nothing to it. Again, whereas *Agis* and *Cleomenes*, by the restitution of the lots of *Lycurgus*, were assertors of popular power, you insinuate them to have been assertors of *monarchy*; such is your play with human authors, or as a politician. Now let us see, whether you have dealt any thing better with Scripture, or bin more careful as a divine. In order to this discovery, I shall repeat that piece of *Calvin*, which you call *the stumbling-block of disobedience*. *Calvin* having preached obedience to your good approbation, comes at length to this expression:

p. 55.

But still I must be understood of private persons; for if there be now any popular officers ordained to moderate the licentiousness of kings (such as were the ephori, set up of old against the kings of Sparta, the tribuns of the people against the Roman consuls, and the demarchs against the Athenian senate, of which power perhaps, as the world now goes, the three estates are seized in each several kingdom when solemnly assembled) so far am I from hindring them to put restraints upon the exorbitant power of kings,

Calv. Inst. lib. c. 20. § 31.

as their office binds them, that I conceive them rather to be guilty of perfidious dissimulation, if they connive at kings, when they play the tyrants, or wantonly insult on the people; in that so doing they betray the liberty of the subject, of which they know themselves to be made guardians by God's own ordinance.

What Calvin says of the *Athenian* demarchs, they having been magistrats of another nature, is a mistake, but such an one, as destroys no other part of his assertion, the rest of the parenthesis, or that which he saith of the ephori, and the tribuns being confirmed, as hath been already shewn by *Plato* and *Aristotle*, by *Cicero* and *Plutarch*. Wherefore of the ephori and the tribuns enough; now why the estates in a Gothick Model should be of less power, no politician in the world shall ever shew a reason; the estates are such by virtue of their estates, that is, of their over-balance in dominion. You are then either speculatively to shew how the over-balance of dominion should not amount unto empire, or practically that the over-balance of dominion hath not amounted unto empire, and that in a quiet government, or it can be no otherwise in a quiet government, than that the over-balance of dominion must amount unto empire. This principle being now sufficiently known, is the cause it may be why you choose in this place to speak rather like a divine, as you suppose, than a politician.

For you would fain learn, you say, of Calvin, in what part of the word of God we shall find any such authority given to such popular magistrats, as he tells us of.

p. 290.

To which by the way I answer, that God founded the *Israelitish* government upon a popular balance; that we find the people of *Israel* judging the tribe of *Benjamin*, and by the oracle of God, levying war against them, which are acts of sovereign power: therefore a popular balance, even by the ordinance of God himself expressed in Scripture, amounted unto empire.

But you, when you have asked in what part of the word of God we shall find any such authority given to popular magistrats; answer, not in the *Old Testament*, you are sure. For when Moses

Judg. xx.

first ordained the seventy elders, it was not to diminish any part of that power which was invested in him, but to ease himself of some part of the burthen lying upon him, as you will have to appear plainly by the 18th of Exodus, where Moses upon the advice of Jethro chose able men out of all *Israel*, and made them rulers of thousands, rulers of hundreds, rulers of fifties, and rulers of tens.

p. 290.

Now I am sure that about this time the number of the men of *Israel* was above six hundred thousand, and so any man may be sure that the elders thus chosen (should we count but the rulers of the thousands only) must have come at the least to six hundred: wherefore, you cannot be sure that this makes any thing to the election of the seventy elders.

Numb. [Editor: illegible character] 46.

Well, but out of these, say you, God afterwards, in the eleventh of Numbers, willed Moses to choose the seventy elders.

You may do me a greater favour than you can suddenly imagine, to tell me really for what cause, or upon what authority your speech is so positive, that God willed *Moses* to choose the seventy elders out of those that were chosen in the eighteenth of *Exodus*. For whereas *Moses* is willed to choose them out of such as he knew to be elders, such there were in honour among the people, though not in power, before the election of those advised by *Jethro*, as appears, *Ex.* iii. 16. and iv. 29. But had this been as you would have it, what is the necessity, that because there lay an appeal unto *Moses* from those in *Exodus*, that is, from the *Jethronian* elders, or courts which sat afterwards in the gates of the temple, and of every city; therefore there must needs lie an appeal from the seventy elders or the *sanhedrim* unto *Moses*, especially while the whole stream of *Jewish* writers or *Talmudists*, who should have had some knowledge in their own commonwealth, unanimously affirms that there was no such thing?

Whereupon to the election of the former elders, saith *Grotius*, in the place of these came the judges in the gates, and in the place of *Moses* the *sanhedrim*. Nor need we go farther than the Scripture, for the certainty of this assertion, where the seventy are chosen not to stand under *Moses*,

Grotius ad *Ex.* xviii. 21.

but with him; not to diminish his burthen, or bear it under him, with an appeal in difficult cases to him, as is expressed in the election of the *Jethronian* elders, but to bear the burthen with him, and without any mention of such appeal. *Moses* before the election of the *Jethronian* judges had the whole burthen of judicature lying upon him; after their election, the burthen of the appeals only: wherefore if the seventy elders were indeed instituted to bear the burthen with *Moses*, there thenceforth lay no appeal unto *Moses*, which is yet clearer in this precept:

Numb. xi.

If there arise a matter of controversy within thy gates, (which plainly is address to the *Jethronian* courts) *too hard for thee in judgment, then shalt thou come unto the priest and the Levite*, (by which in the sense of all authors *Jewish* and Christian is understood the *sanhedrim*) *or to the judge that shall be in those days*, (the suffes or dictator) *and they shall shew thee the sentence of judgment*: whence by the clear sense of Scripture, all matter of appeal in *Israel* lay unto the *sanhedrim*.

Deut. xvii. 8.

Your next argument, that there must be *nothing in all this but easing the supreme magistrate of some part of the burthen*,

p. 292.

which was before too heavy for him, without any diminution in the least respect of his power, is, that when God had taken of the Spirit which was upon Moses, and put it upon the seventy elders, the Spirit yet rested upon Moses in as full a measure as it did at first: I grant in a fuller, for I believe his wisdom was the greater for this diminution of his power, it being through the nature of the balance apparently impossible that he could be any more than a prince in a commonwealth. But your argument can be of no force at all, unless you will have him to have been less wise, for not assuming sovereign power, where, without confusion, it was altogether impossible he should have held it. A prince in a commonwealth subsisteth by making himself, or being made of use unto the free course of popular orders; but a sovereign lord can have no other subsistence or security, than by cutting off or tearing up all roots, that do naturally shoot or spring up into such branches. To conclude, if the congregation of the people, in law to be made, had such power as was shewn, and in law, so made, the ultimate appeal lay unto the *sanhedrim*; why, are not here two estates in this

commonwealth, each by God's own ordinance, and both plain in Scripture? Well, but when they came, you will say, to make unto themselves kings, whatever power they had formerly, was now lost. This at best were but to dispute from the folly of a people against an ordinance of God; for what less is testified by himself in those words to *Samuel*, *They have not rejected thee, but they have rejected me that I should not reign over them?*

The government of the senate and the people is that only, which is or can be the government of laws and not of men, and the government of laws and not of men, is the government of God and not of men:

1 Sam. viii. 7.

He that is for the government of laws, is for the government of God; and he that is for the government of a man, is for the

Arist. pol. 3. c. 12.

government of a beast. Kings, no question, where the balance is monarchical, are of divine right, and, if they be good, the greatest blessings that the government so standing can be capable of; but the balance being popular, as in *Israel*, in the *Grecian*, in the *Sicilian* tyrannies, they are the direst curse that can befall a nation. Nor are divines, who will always have them to be of divine right, to be hearkened to, seeing they affirm that which is clean contrary to Scripture, for in this case, saith *Hosea*, *they have set up kings, and not by me; they have made princes, and I knew it not.*

Pharaoh may impose the making of brick without the allowance of straw, but God never required of any man or of any

Hos. viii. 4.

government, that they should live otherwise, than according to their estates. It is true if a man's want make him a servant, there are rules in Scripture that enjoin him the duty of a servant: but shew me the rule in Scripture that obligeth a man who can live of himself unto the duty of a servant. Hath God less regard unto a nation than to a man?

Yet the people of *Israel*, continuing upon a popular agrarian, though God forewarned them, that by this means they would

Hos. xiii.

make themselves servants, would needs have a king; whence, saith the same prophet, *O Israel, thou hast destroyed thy self, but in me is thine help; I will be thy King* (which foretels the restitution of the commonwealth, for) *where is any other that may save thee in all thy cities? and thy judges of whom thou saidst give me a king and princes. I gave thee a king in mine anger,* (that is in *Saul*,) *and I took him away in my wrath,* that is in the captivity; so at least saith *Rabbi Bechai*, with whom agree

Nachmoni, *Gyschome*, and others. *Kimchi*, it is true, and *Maimonides*, are of opinion, that the people making a king, displeased God not in the matter, but in the form only, as if the root of a tree, the balance of a government, were form only and not matter.

Nor do our divines yet, who are divided into like parties, see more than the *rabbies*.

Both the royalists and the commonwealthsmen of each sort, that is, whether divines or *Talmudists*, appeal unto the letter of the law, which the royalists (as the translators of our Bible) render thus:

When thou shalt say (the commonwealthsmen, as *Diodati* thus, *If thou com to say*) *I will set a king over me, like all the nations that*

Deut. xvii. 14.

are about me, thou shalt in any wise set him king over thee, whom the Lord thy God shall choose. The one party will have the law to be positive, the other contingent, and with a mark of detestation upon it; for so where God speaketh of his people's doing any thing like *the nations that were about them*, it is every where else understood. But let these, which are no niceties, be as you will; who seeth not that to argue from this

place for the necessity of the king, is as if one from that foregoing should argue for the necessity of the judges?

The words are these, *Thou shalt come unto the priest and to the Levite*, which, as was said, is to the *sanhedrim*, and (that is or) *to the judge that shall be in those days*.

Verse 9.

Yet that the judge, not by any necessity implied in these words, but through the mere folly of the people came to be set up in *Israel*, is plain by *Josephus*, where he shews that the *Israelites* laying by their arms, and betaking themselves unto their pleasures, while they did not as God had commanded, root out the *Canaanites* from among them, but suffered them to dwell with them, suffered also the form of their commonwealth to be corrupted, and the senate to be broken; the senators nor other solemn magistrates being elected as formerly, which both in word and fact is confirmed also by the Scripture. In words, as where it is thus written:

Book 5. c. 2.

When Joshua had let the people go (that is, had dismissed the army, and planted them upon their popular balance) *the children of Israel went every man unto his own inheritance to possess the land, and the people served the Lord all the days of Joshua, and all the days of the elders that out-lived Joshua*, that is, while the *sanhedrim* continued after him; but when the elders hereof came to die, and the people elected them no successors, *they lived evil in the sight of the Lord*, and having broken their civil orders, forsook also their religion, the government whereof depended upon the *sanhedrim*, and served *Baalim*.

Judg. ii. 16.

And for the matter of fact included in these words, it farther appears, where *Judah said unto Simeon his brother, come up with me into my lot, that we may fight against the Canaanites, and I likewise will go with thee into thy lot; so Simeon went with him* By which the tribes leaguings at their pleasure one with another, it is plain, that the *sanhedrim*, their common ligament, was broken.

Judg. i. 3.

Now except a man shall say, that this neglect of God's ordinance was according unto the law of God, there is no disputing from that law to the necessity of the judge, which happened through no other than this exigence (*quippe aut rex, quod abominandum, aut quod unum liberæ civitatis consilium est, senatus habendus est*) wherefore the judge of *Israel* was not necessitated by the will of God, but foreseen only by his providence, not imposed by the law, but provided by it as an expedient in case of necessity; and if no more can be pleaded from the law for the judge against whom God never declared, much less is there to be pleaded from the same for the king, against whom he declared so often. There is nothing more clear nor certain in Scripture, than that the commonwealth of *Israel* was instituted by God; the judges and the kings no otherwise, than through the imprudence and importunity of the people. But you who have no better name for the people in a commonwealth than the *rascally rabble*, will have kings at a venture to be of divine right, and to be absolute; whereas in truth, if divine right be derived unto kings, from these of the *Hebrews* only, it is most apparent that no absolute king can be of divine right.

Pacuvius apud Livium, lib. 23.

For these kings, if they were such by the law alledged, then by the same law they could neither multiply horses nor wives, nor silver nor gold, without which no king can be absolute; but were *to keep all the words of this law and these statutes*, and so by consequence were regulated monarchs; nay,

Deut. xvii.

could of right enact no law, but as those by *David* for the reduction of the ark, for the regulation of the priests, for the election of *Solomon*, which were made by the suffrage of the people, no otherwise than those under the kings of *Rome*, and ours under the late *monarchy*. What then is attributed by *Calvin* unto popular magistrates, that is not confirmed by Scripture and reason? Yet nothing will serve your turn, but to know what power there was in the *sanhedrim* to controul their kings: to which I answer, that both *Schickardus* and *Grotius*, with the full consent of the *Talmudists*, have assured you, that in case the king came to violate those laws and statutes, it was in the power of the *sanhedrim* to bring him unto corporal punishment.

Moreover it is shewn by the latter out of *Josephus*, that *Hyrchanus*, when he could not deliver *Herod* from the *sanhedrim* by power, did it by art. Nor is your evasion so good as that of *Hyrchanus*, while you having nothing to say to the contrary, but that *Herod* when he was questioned was no king, shuffle over the business without taking any notice as to the point in controversy, that *Hyrchanus*, who could not save *Herod* from the question, was king.

De jure B. ac P. lib 1.
cap. 1.

The manner of the restitution of the *sanhedrim* made by *Jehoshaphat* plainly shews, that even under the monarchy the power of the *sanhedrim* was co-ordinate with that of the kings, at least, such is the judgment of the *Jewish* writers; for saith *Grotius*, the king (as is rightly noted by the *Talmudists*) was not to judge in some cases; and to this the words of *Zedekiah* seem to relate, where to the *sanhedrim* demanding the prophet *Jeremiah*, he said, *Behold he is in your hands, for the king is not he that can do any thing with you*.

2 Chr. xix.

Nor, except *David*, had ever any king session or vote in this council. To which soon after he adds, that this court continued till *Herod* the Great, whose insolence, when exalting itself more and more against the law, the *senators* had not in time, as they ought, suppressed by their power; God punished them in such manner for the neglect of their duty, that they came all to be put to death by *Herod*, except *Sameas* only, whose foresight and frequent warning of this or the like calamity they had as frequently contemned. In which words *Grotius* following the unanimous consent of the *Talmudists*, if they knew any thing of their own orders, expresly attributes the same power unto the *sanhedrim*, and chargeth them with the same duty in *Israel*, that is attributed unto the three estates in a Gothick Model, and charged upon these by *Calvin*.

Ad Mat. v.

Jer. xxxviii. 5.

Thus that there never lay any appeal from the *sanhedrim* unto *Moses*, nor, except when the *Jews* were in captivity, or under provincial government, to any other magistrate, as also that they had power upon their kings, being that your self say, *Is the objection paramount, and which not answered, you confess that the three estates convened in parliament, or any other popular magistrate Calvin dreams of, notwithstanding any discontinuance or non-usage on their parts, or any prescription alledged by kings to the contrary, may resume and exercise that authority which God hath given them, whenever they shall find a fit time for it*. And this letter shewing plainly that you have in no wise answered this objection, it remains that your whole book, even according to your own

p. 289.

acknowledgment, is confuted by this letter. Or if you be of another mind, I shall hope to hear farther from you.

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A Letter Unto Mr. Stubs, In Answer To His *Oceana Weighed, &C.*

SIR, to begin with the best piece of your work; your quotations in the title page spoiled with ill application, I shall first set right. You see that all councils, all things are upon the *rota*, upon the wheel. From that *rota* only which I suppose you mean; what came forth, came forth unfoiled, and as it went in. We do not by this trial despair, but with a little sense, the right institution of such a society may come to compare with Piccadilly, play-houses, or horse-matches; but if these be yet preferred, then indeed

— *Amphora cæpit*
Institui, currente rota, cur urceus exit?

Thus applied there may be sense in this quotation. So for your other, had it been affixed unto your former book, and applied to your self, or those unto whom you wrote journey-work for *oligarchy*, it might have been well said as in *Asinar*,

— *Nunc enim hic est*
Negotiosus interdus, videlicet Polon est
Leges ut conscribat, quibus se populus non teneat Gerræ.
Qui sese parere apparent hujus legibus, profecto
Nunquam bonæ frugi stent.

Thus taken, you know it is true. And so your title-page being in part rectified, I come

To Your Preface.

Mr. *Harrington* says, That without a national religion there can be no liberty of conscience. And you answer, That in *Athens* and *Rome* there were national religions; therefore in *Athens* and *Rome* there was no liberty of conscience; which is so much the more absurd, in that you cite *Petit* for confirmation of your consequence, who affirms the contrary, and that by undeniable authorities, as may be seen in the second, third, and fourth pages of his discourse upon the *Attick* laws, the sum whereof amounts unto thus much, That albeit there were in *Athens* laws for the national religion, yet it by law was in the *Areopagites* also to give liberty unto any other way of worship, which liberty so given was law, and became a man's right, whether it were to a publick or private way of worship; in which manner it is affirmed and proved by the same *Petit*, that into *Athens*, besides the national religion of that country, were introduced the religions of almost every other country. The same he affirmeth of *Rome*, where, notwithstanding the national religion therein established by *Romulus*, it is vulgarly known that scarce any country was subdued by them, whose religion they did not insert into their own.

And where is your truth, who say, That Mr. *Harrington* entertains us with discourse of *Paul*'s trial at *Athens*? Where doth he say that *Paul* was tried there? Or what saith he of *Paul*'s preaching there, other than is affirmed by other pens, as that particularly of *Grotius*? But out of this you fall merrily, as thus: Once upon a time there was a man called *William Thomas*, therefore *William* and *Thomas* must for evermore be one and the same man.

This is your way of disputing, which you carry on in like manner, for example thus:

Every man is to be taxed for that estate whereof he is not owner.

Now *Oceana* is an estate, whereof Mr. *Harrington* is not owner.

Therefore *Oceana* is an estate, for which we are to tax Mr. *Harrington*.

If the minor be denied, as that *Oceana* is an estate whereof Mr. *Harrington* is not owner, your discourse implies this or the like proof of it.

Where any one man and no other is the constant defender of one and the same estate or propriety, that one and the same estate or propriety is not his, but some others.

But Mr. *Harrington* and no other is the constant defender of *Oceana*.

Therefore *Oceana* is no estate or propriety of Mr. *Harrington*'s, but of some other.
Now if it please you,

To The Body Of Your Work.

Sir, to a man who pretends not to understand a language, it is no shame not to understand that language; but it is a shame to a man, and a scholar who pretends to sense, not to understand sense. If I shall make it plain that in this point you come short, I shall have vindicated the Greek of your authors from your ignorant application of the same, without troubling the reader with any more languages than his mother tongue. You, in pretending to have sound *Oceana* light, weigh only *Sparta*, nor that truly.

First, Because the senate of *Sparta* was instituted by *Lycurgus*, you argue, That it was not instituted eligible by the people; whereas all authors, particularly *Aristotle*, lib. 4. cap. 9. affirm, That the magistrates in *Sparta* were all chosen by the people, as that of *senator*; or chosen, and also born by the people, as that of *ephori*.

For the mistakes you lay unto Mr. *Harrington* in the Greek, as, That the tribes in *Lacedemon* were pre-existent to the oracle, what maketh that to the purpose? And that the word *obæ* doth not signify *lineages*, you will hardly persuade, seeing *Amyot*, thought to be as good an interpreter of the Greek as Mr. *Stubs*, in rendring the oracle, hath these words, *Apres que tu auras divisé le peuple en ligniees*. But I will not trouble the reader with foreign languages: things indisputable shall hereafter be brought for interpretation of the words you dispute at a dear rate, giving so much

Greek for two-pence as you have made not worth an half-penny. Mr. *Harrington* states the commonwealth of *Sparta* thus;

Lycurgus instituted a senate eligible by the people for life, with right to debate and propose, and a popular assembly with power to resolve. To which he adds the place in Plutarch. Lycurgus having thus tempered the form of this commonwealth, it seemed nevertheless to them who came after, that the small number of thirty persons (and for life) whereof this senate consisted, was the cause of greater force and authority in the same than was convenient; for which cause to hold in this same senate, they (the people) gave them the senate, (as Plato saith) the curb, which was the power and authority of the ephori, magistrates created about one hundred and thirty years after the death of Lycurgus, in the time of king Theopompus, who to his wife reproaching him in disdain, that he must thus basely leave his kingdom less unto his successors, than he had received of his predecessors; made answer, That he should leave it greater, in regard that it would be more firm and durable.

Hereby it is apparent, when the senate upon these advantages of fewness and for life, began to propose perversely unto the people, then the people began to *add, diminish, pervert, and evert what the senate proposed*, that is, they began (as in like cases is unavoidable) to debate. And the people thus taking upon them to debate, *Polydorus* and *Theopompus* being kings, endeavoured to add unto the fundamental law, *that if the people did not determine well, then the senators and the kings should stop the procedure*. Hereupon, for the defence of their fundamental laws, the people erected the court of the *ephor*i, consisting of annual magistrates chosen by and out of themselves, and with power to question any of their kings or senators upon their lives, that should go about to pervert those laws. Thus by this patch of the *ephor*i, came that flaw in *Sparta* (wherewith Mr. *Harrington* for that reason proposing otherwise, is not concerned) to be amended. And this is the account he gives of that commonwealth, which you, perverting the whole story, go about to weigh otherwise.

1. Inferring that the people were guilty of those miscarriages, which it is plain proceeded from the senate, and were rectified by the people, in the institution of that *curb upon the senate* (as is plainly shewn by *Plutarch*) in the institution of the *ephor*i.

2. You infer from you know not what, that the senate had a negative vote, and yet confess that the people had no right to debate. Whereas to leave words or *canting*, (for your Greek, as you use it, amounts to no more) and come as I said to the undeniable testimony of things or of sense; if the popular assembly had no right to debate, how should the senate have a negative? or if the popular assembly had right to the result only, then who but themselves could have the negative? *Contra rationem nemo sobrius, contra experientiam nemo sanus*. For that which you alledge out of *Demosthenes*, as that he calleth the senate of *Sparta* lords of the people, it can (considering the nature of this commonwealth, which *Isocrates* to the *Areopagites* affirms to be popular) be no otherwise understood, than as they who have the like function, I mean of debating and proposing unto the parliament in *Scotland*, are called lords of the articles. Lord in this sense, as you (in great letters setting a mark upon your ignorance, and not interpreting your text) would imply, doth not signify *sovereign*, for neither are the lords of the articles *sovereign*, nor doth *Demosthenes*

affirm that of the senate of *Sparta*. But where the proposers are few, and for life, as in *Lacedemon*, and as the greater nobility or officers in *Scotland*, they may in some sense be called lords of the people, though not they, but the people have the result.

LETTER TO MR. *STUBS*.

To conclude, Mr. *Harrington* hath long since shewed, that among the Greeks, the words *oligarchy* and *democracy*, were understood in such manner, that where the popular assembly had the result only, there the commonwealth was sometimes called *oligarchy*, especially if the proposing council consisted of few, and for life, as in *Sparta*; and where the people had not only the result but debate also, that was called *democracy*, as in *Athens*. Hence that an oligarchist in your sense, or one that hath endeavoured to make *helots* and *Gibeonites*, or servants of such as are now his lords and masters, is no ideot, there is no consequence, even for what hath happened in our days. *Quid verba audio, cum facta videam?* &c.

March 6. 1659.

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POLITICASTER:

OR, A Comical Discourse In Answer To Mr. *Wren*'S Book, Intituled, *Monarchy Asserted, Against Mr. Harrington'S OCEANA*.

By J. H.

Ad populum phaleras, ego te intus et in cute novi.

EPISTLE To The READER.

READER,

THEY say well, that a man who hath written should not trouble himself with such as write against him; but let the world hear on both ears, and then judge. That this in time would do well enough in my case, I make as little doubt as another. Nevertheless, where through silence there may be damage, at the tenderest point or season, I hold my self obliged forthwith to answer the present book, though it be but meer raillery or jest: and for this cause, if I also be merry, you will have me excused. Another instigation or spur to this laudable adventure, is, that as gloves which have lain in Spanish skins give notice of themselves in fair assemblies, so hath some book by having lain in some man's pocket. For order, though where there are but two speakers, I shall scarce observe the laws of a play, yet the best method I can upon this occasion fit my self withal, will be by distributing my discourse into acts and scenes. The acts, as well because I have not taken my degrees, as that multitudes of university scholars (they say, soberly and seriously) profess themselves to be converted by Mr. *Wren*, shall not be dramatical, but university acts: and to these, being the scholars slight me for a law-giver, I will for once give such laws, as, let them do what they can, they shall never evade. The same shall be done in such manner, as, if they cannot answer nor get loose from my first act, then will I thereupon declare my self a batchelor of arts: if they cannot answer or get loose from my second act, then will I be undeniably a master of arts: the third shall make me in like manner a batchelor of law; the fourth, a doctor of law, and perhaps of divinity. For without confutation by divines or lawyers, there will be no reason why my exercises are not sufficiently performed; and these being sufficiently performed, why have not I legitimately acquired my degrees? then in the latter end, I will do something to go out orator; and in the last place, shall I stand to be poet laureat. But you must think that a man may as lawfully be two years, if he have nothing else to do, about business of such importance, as Mr. *Wren* hath been about less matters. Be then attentive: for the present you shall have the first act; and what you find Mr. *Wren* or me to be in this, I here engage my reputation, that the respect characters shall be made good throughout.

But now upon occasion of these acts, I warrant you we shall have my antagonist go pitifully complaining unto Dr. Wilkins, of disingenuous contumely thrown upon the university. Goodness! what is an university, at least one where they can call such a writer as Mr. Wren ingenious; and such trumpery as his writings, full satisfaction or conviction, that it should be unlawful for any man, though but a ballad-singer, to laugh such a white mother into red cheeks!

March 20, 1656.

THE PROLOGUE, In Answer To Mr. *Wren*'S PREFACE.

GENTLE Mr. *Wren*, (*sine ira & obsequio*) without passion or partiality, give me your hand, and let me as it were by some familiar and unstudied discourse, treat with you upon the contents of that same book you call *Monarchy asserted*, and so forth.

Sir, for method, I shall take those places which are most material, in the order you have borrowed for them, and so bestowed upon them; omitting none that is not implied in the answer I shall give unto these: you shall not find me skipping, as you do, whole pages and chapters. And whereas you (upon my taking that liberty which is every man's right, of using a libel without a name, as he thinks fit) have appealed in the conclusion unto my lords, the provosts of *Oceana*, as if I had given you ill language; and have also in divers and sundry places of your work, as it were, dared my muse; I shall at leisure (it may be within two years) add a piece of oratory, addressed unto the said lords, the provosts of the academy in *Oceana*, and some poems not abhorring from your desires or provocations, not in the thunder-thumping way of grandsire *Virgil*, but in the sugar'd speech of mine uncle *Chaucer*. If you please by the way to take a lick of it, I shall at this distance from the *Opera*, insert the prologue.

What Chaucer ho, ye han the English key,
Of the high rock Parnas with the tow'rs twey,
Your sooten gab, so ken I well thus far,
Of courtely the yate till me unspar.
But here be babius in the way I traw,
All to be prickle like urchiu, hi ho.
Forth come wi brond, gin ye na bren em green
Me more they keepen out that nere were in.

Pray, Sir, ha' me commended to them that say, your book is unanswerable, and let them know, it is to them that the prologue is spoken. The body of the work is heroick; the title thereof bequeathed by famous *Selden*, runneth thus: *The wars of the makers of mouse-traps against Inigo Jones*; and it beginneth in this wise.

Leif Mistress Margery Melpomene,
Out how ye snorten! sooth it been brede day
Ne Mother Midnight sit in sky, ne duskin,
For shame now buckle on your bloodred buskin:
Or if ye like your case, sweet lady Meg,

Of womanhood, lend me your lethren leg:
And gin, I lig it not about square caps
That meet in hugger for to make mouse-traps,
And wagen war anenst Inigo Jones
That harpen, like Amphion, till huge stones
And maken rise in new of kerson people
Into the element, and sit on steeple.
Mote I ne tack ye mere by the small fute
When ye mount Pegasus in crimson bute.

Look you there now, is not this fair? you have the length of my weapon. Moreover, I have manifested unto you the whole order of my work. Now to my tackling.

Noble Mr. *Wren*, you have declared your self to be of *an assembly of men who are known both at home and abroad to be of the most learned persons of this age*: and some suspect it to have been under their eye, that you have been about two years in answering my last book; an enterprise in which you have performed, seeing you now own the former, your second adventure in like chivalry; yet where I vouch *Aristotle*, *Machiavel*, and like authors for the undoubted right, which a private man may claim in treating upon the politicks, or upon the nature of government, you tell me, that this privilege is not to be extended unto *every little writer*. I, against whom one of the *assembly, known both at home and abroad to be of the most learned persons of this age*, hath written twice, and been so long about it, *a little writer*! Sir, you forgot your self.

Again, the testimony of *Machiavel* throughout his works, is, that he intendeth not carelessly to start some *philosophical opinion*, but applieth every thing home and expresly unto *Italy*, though not without some despair, yet with the ardour, or, if you will have it so, with *the heat and passion belonging unto* so noble a *design*. Wherefore for you to adoperate this testimony quite contrary to the truth of it, as a proof that *my way of writing hath no affinity with this author's*, is subornation of a witness.

But, good Mr. *Wren*, is your proposition of *German-horse*, or, which is all one, of a mercenary army for a standing government, such as *professeth to have any fiction or romance, while you enter not into despair* (as you say) *of living to enjoy your share of the felicities which will belong unto the subjects of such a government, or adapted to the occasions or necessities of a particular juncture*? is it such as in so many fair compliments wherewith you interweave me nominally, is *proposed with the temper and moderation becoming a philosophical opinion, and not with the heat and passion belonging to a design*? was my book which named no man, a *libel* or a *pasquin*; and are both yours, each page whereof is endued with my name, most *serious tracts, and true history*? alas, that ever I fell into the hands of such an historian: what will become of my name, preserved in such sugar'd eloquence to future ages?

W. p. 107.

but notwithstanding you are a great historian, Mr. *Wren*, yet as concerning *Christopher Columbus*, and because you will go to that, as concerning *Sebastian Gabato* likewise,

Hen. VII.

I appeal unto my lord *Verulam*, whether they first framed not designs or cards before they found out their discoveries; or if discoveries cannot be made but by design or chance, what need I appeal to any man for this, seeing it is known that they made their previous contracts with princes, before they undertook their adventures? what mean you then to say, that *they who understand that Christopher Columbus must first have been at the Indies, before he could make a card to teach others the way thither, will go near to suspect Mr. Harrington's abilities in modelling a commonwealth, till he have spent some years in the ministry of state?*

Good Sir, besides the trick you put upon your reader, in your antecedent, you are quite out in your consequence. For how many years, I pray you, had *Lycurgus*, or *Numa Pompilius* spent in the ministry of state before they modelled their governments? or what modelling of government hath been bequeathed unto the world, by all the ministers of state in *France*, since the dissolution of the three estates, the ancient model of that government; or by all the ministers of state since *Henry* the Seventh in *England*; or have not these rather been the ruin of the English model? Mr. *Wren*, if you will believe me, the main, nay the whole ability of modelling a commonwealth, lyeth in two things; the one, in being well versed in ancient prudence; the other, in being disengaged from all parties: neither of which qualifications is common with ministers of state.

Talk not to me of *French taylors*; to model is not so easy a thing as you take it for, if we may but count our late changes of government: when the king left the parliament, and the two houses governed without a king, there was one change. When the peers were excluded, and the commons governed without king and peers, there was two: when the commons were excluded, and the general governed alone, there were three: when the general governed with a convention of his own making, there were four: when by the major-generals, there were five: when the protector governed by the instrument, there were six: when he governed by the petition and advice, there were seven; the present should be the eighth: nor hitherto hath there been any model at all, or any such as the makers themselves have approved of. I hope I give no offence; for I say but as they say: but you are such a man, you can shew me no body so good at modelling as I, except it be your self; who I am sure have had as little ministry; and yet the *next dung-hill*, which is your own sweet book, you think fittest to be my *magazine*. Why seeing you will have it so, come your ways.

ACT I.

Scene I. *In Answer To* Chap. I.

Whether Prudence Be Well Distinguished Into Ancient And Modern.

FOUGH! this same mixen in the stirring, is like pepper in the nose; but he faith it is hellebore for to purge heads.

Now as concerning purging of heads, Mr. *Wren*, there seemeth already to peep out a question. Do your universities (gentle Sir) derive their learning from *Nimrod*, from the kings of *China*, from the monarchies? (to be equally with *Macedon*, I doubt, as to this point, *passed over in wise silence*) Are they descended (do you understand me?) from the times in *Greece* called by *Thucydides*, *The imbecillity of ancient times*; from those in *Rome*, called by *Florus*, *The childhood of that government*? or speak out, is their whole stock of learning, without which they had not had any kind of thing whereupon to set up, derived from the Hebrew, the Greek, and the Roman commonwealths? if so, Mr. *Wren*, whether I pray you call you not now that stock of learning *ancient learning*, albeit they could not call it so then? and if politicians have no other pedigree of prudence, than the same that you have of learning, why is not that prudence, which they have received in the like manner, ancient prudence, albeit those commonwealths could not call it so then?

To shift these things which are thus plain, you are in this chapter a wonderful artificer; yet cometh all but to this, that neither *Thucydides* nor *Florus* divide prudence into ancient and modern. Why, Mr. *Wren*, neither did the commonwealths mentioned divide learning into ancient and modern. This distinction belongs unto latter times, in regard of some modern learning that is of latter invention. So, Mr. *Wren*, in regard of some modern prudence, which first I tell you what it is, namely, government by king, lords and commons: and secondly, how it came in, namely, by the *Goths* and *Vandals*. I call the prudence (do you mark?) of those ancient commonwealths, *ancient prudence*; and the prudence remaining unto us from these *Goths* and *Vandals*, *modern prudence*. What could you desire more? nay, and this is according unto the plain sense of *Janotti* too: for, saith he, as to his two limits or periods of time, *of the former, or that wherein Rome was opposed by the arms of Cæsar, came the second, or that when Italy was overrun by the Huns, Goths, Vandals and Lombards; and of the second came all that alteration, which hath given unto the world the face in which we now see it, and utterly lost it that face which it had in the time of the Romans*. Wherein relation unto the two governments (the one popular, which was the more ancient; and the other by king, lords and commons, which is the more modern) is so plain, that you are put unto a shift, who can say no more than that I make *Janotti* author of the division of prudence into ancient and modern. How dare you for your reputation do thus, Mr. *Wren*? while first by your own acknowledgment I infer this division from more ancient authors, as *Thucydides* and *Florus*: and secondly, my words relating unto *Janotti* do no where from him derive the division of prudence into ancient and modern, as to those terms, upon which runneth your equivocation; but fortify this division of my own, by the two periods of time by him observed, and that are of like sense with these terms.

But, Mr. *Wren*, there was never the like of you! whereas the question by me proposed, was, whether prudence be not rightly divided into ancient and modern, you have conveyed it into a question, whether monarchy be not a more ancient government than a commonwealth? this have I hitherto not disputed, as that which concerneth not the present controversy.

But seeing it may be for your service, I do flatly deny that monarchy is the more ancient government; not that Mr. *Hobbs* holdeth *democracy* to be of all governments the first in order of time; but first,

De cor. polit.

because upon the place where it is said, that *Nimrod was a mighty hunter before the Lord*, it is resolved by divines that *Nimrod* was the first monarch.

Now, Sir, *Nimrod* began his reign about the one thousand eight hundredth year of the world: whence I conclude thus: either the world had no government till *Nimrod*, or a commonwealth may be above a thousand years elder than monarchy: nay, unless you can find some government that was neither a commonwealth nor a monarchy, must have been no less. I know what you will say, That the government till *Nimrod* was by fathers of families. Why so, I hope, you will yield it was afterwards, at least in the line of *Shem*. Now let us compute from *Noah*, and consider in the posterity of *Shem*, what judgment may be made of the government by fathers of families; or whether this were indeed, as divines affirm, monarchical, or may not much rather be esteemed popular.

Gen. x. 8.

Noah had three sons, *Shem*, *Ham* and *Japhet*; of *Shem*, by *Arphaxad* and others, descended *Reu*; of *Reu*, *Serug*; of *Serug*, *Nahor*; of *Nahor*, *Terah*; of *Terah*, *Abram*; of *Abram*, *Isaac*; of *Isaac*, *Jacob*; and of *Jacob* descended the commonwealth of *Israel*. So much for the elder brother, which was *Shem*. Now, Sir, for the second son of *Noah*, that is *Ham*:

Gen. xi.

of *Ham* descended *Cush*, and of *Cush*, *Nimrod*: by which, plain it is at the first sight, that the commonwealth, as to precedence in dignity, is of the elder house; and as to precedence in time, unless you can shew the descendants of *Shem* to have been under monarchy, must also have been the more ancient government, that is, if government by fathers of families were popular.

Gen. x.

Now as to this, *it is a tradition with the Rabbins, that there were seven precepts delivered to the children of Noah*: 1. *Concerning judicatories*: 2. *Concerning blasphemy*: 3. *Concerning perverse worship*: 4. *Concerning uncovering of nakedness*: 5. *Concerning the shedding of man's blood*: 6. *Concerning rapine or thest*: 7. *Concerning eating of things strangled, or of a member torn from a living creature*. This tradition throughout the Jewish government is undoubted: for to such as held these precepts, and no more, they gave not only, as I may say, toleration, but allowed them to come so near unto the temple as the gates, and called them *proselytes of the gates*. Nor do I think the proof in Scripture of these precepts, though not set down together, to be obscure:

Gemara Babylonia ad tit. Sunhedrim.

as where it is said, *None of you shall approach to any that is near kin to him, to uncover their nakedness:—for in all these the nations* (that is, the Canaanites) *are defiled, which I cast out before you*. The *Canaanites* were descended from *Ham*; and that in these words it must be implied that they had violated the foregoing precepts, is in my judgment evident, seeing there is nothing in the law of nature why a man might not approach in this manner unto one that is near of kin to him.

Levit. xviii. 6. 24.

Again, that two other of these precepts were given by God unto *Noah*, the Scripture is plain, where he saith, *Flesh with the life thereof, which is the blood thereof, shall you not eat. And whoso sheddeth man's blood, by man shall his blood be shed*. Whence it must follow, that either fathers of families were not subject unto this law, which because it is given generally and without any exception, were absurd to think; or else that during patriarchal government, they subjected themselves unto some common judicatories, according

Gen. ix.

unto the first of the seven precepts. Of which saith *Maimonides*, *By this the sons of Noah constituted judges in every city, to judge of the other six precepts, and to govern the people; and the Gemara Babylonia saith, That this was done after the manner that Moses commanded Judges to be set in the gates throughout the tribes.* By the advice of *Jethro to Moses*, the like should have been the custom of the *Midianites*, who, (as also the *Gibeonites*, descended of the same line with the *monarchy* of *Nimrod*, and for ought perhaps to the contrary, of as ancient standing) were a commonwealth. But above all, it should seem by some of the Rabbins, that there was a consistory or senate instituted by *Shem*, which was of use with his posterity. Now if patriarchal government was exercised by or under the common ligament of a senate or consistory, then was the government of the patriarchs of a popular nature, or a commonwealth; at least these, Mr. *Wren* must be disproved by them, who will have monarchy out of all controversy to be the more ancient government.

Good Sir, I do not know, nor do I think that this same way (do you see?) of disputation hath any predecessor.

What do you tell me then, *that you have cause to think by the last or any book of mine, that my stores of reason and arguments are brought very low?* you see already that it is far otherwise. Tell not me in this place, that *Doderus* is as good a book as the bible; nor let divines (for a thing that I know) run here as they do from the Scripture unto Heathen authors. It is confest that *Diodorus Siculus; Aristotle, Cicero, Salust and Trogus* say, That in the beginning of things and of nations, the power was in monarchs. But then the Heathen stories know nothing beyond *Nimrod*, or his successor *Belus*; which is no excuse to you, while the Scripture is so much a more ancient record; much less to divines, at least such of them as preach against the squaring of government according to the rule of Heathen authors. Mr. *Wren*, (to be plain) there are of these that have a strange kind of frowardness: if a commonwealth be described out of Heathen authors, they will undertake to prove that of *Israel* to have been a government of king, lords and commons. And if a commonwealth be out of this of *Israel* described unanswerably otherwise, then they run to *Aristotle, Trogus*, and the rest of the Heathens, for the antiquity of monarchy. When none of this will do, they fall flatly upon conjuring the people to take heed how they hearken unto men of wit, reason, or learning, and not in any wise to be led but by grace, and such grace only as is without any mixture of wit, reason, or learning. Mr. *Wren*, I desire them but to tell us once, what they mean by such grace as is without any mixture of wit, reason, or learning; and you in the mean time to consider, that Heathen authors, though they give monarchy the precedence in time, are very far from giving it the van in prudence.

Nay, for this matter you will find them so much of one mind, that we need hear no more of them than *Aristotle*, who divides monarchy into two kinds; the one whereof he calleth *barbarous*, and in this he relates to your *Nimrod*, or your Eastern monarchs; the other *heroick*, in which he relates expresly to principality in a commonwealth, and namely, that of the *Lacedemonian* kings. Say you then, to which giveth he the van in dignity; to the heroick, or to the barbarous prudence? but it is no matter, strike up and let us have the *rodomontado*, which it pleaseth you shall be of or belong unto the present scene: *this* (say you, for you may as well say it of this as of any thing else) *approaches very near unto raving, and gives me cause to suspect I*

W. preface.

Pol. lib. [Editor:
illegible character]

cap. 10, 11.

have taken a wrong course of curing Mr. Harrington's political distempers. For whereas I think to do it by giving him more light, knowing men (and known to be of the learnedest in this age) are of opinion, that I ought to have shut up the windows, and so forth. Now very passing good indeed-law!

Scene II. *In Answer To* Chap. II.

Whether A Commonwealth Be Rightly Defined To Be A Government Of Laws And Not Of Men, And A Monarchy To Be The Government Of Some Man Or Few Men, And Not Of Laws.

THE readiest way, Mr. *Wren*, of dispatch with the present question, will be to shew how far you and I are at length agreed; *and we are agreed, that law proceeds from the will of man, whether a monarch or a people; that this will must have a mover; and that this mover is interest.*

Now, Sir, the interest of the people is one thing; it is the publick interest; and where the publick interest governeth, it is a government of laws, and not of men. The interest of a king or of a party, is another thing; it is a private interest; and where private interest governeth, it is a government of men, and not of laws. What ails ye! if in *England* there have ever been any such thing as a government of laws, was it not *magna charta*? well, and have not our kings broken *magna charta* some thirty times? I beseech you, Sir, did the law govern when the law was broken? or was that a government of men? on the other side, hath not *magna charta* been as often repaired by the people? and the law being so restored, was it not a government of laws, and not of men? I think you are wild! why have our kings in so many statutes or oaths engaged themselves to govern by law, if there were not in kings a capacity of governing otherwise? and if so, then by every one of those oaths or statutes it is agreed both by king and people that there is a government by laws, and a government by men. Why goodness, Mr. *Wren*! is there not a government of men, and a government of laws? where do you dwell! such as have laid people in lavender for the late great man and his government, it is now thought will be left unto the law and her government. Come, come; divines and lawyers are indeed good men to help a prince at a dead lift; but they are known well enough: for they will no sooner have set him up, than if he do not govern by their laws, they will be throwing sticks at him. But do you hear? if a prince would be intirely freed of such danger, let him get a parliament of mathematicians.

What miracles hath Mr. *Hobbes* done in this kind! and how many more are there will make you a king by geometry? but I shall at this time content myself, Sir, to let them pass, and consider only your grand mathematical demonstration, with the nooks, crooks, angles and appertenances of the same. You gentlemen of lower forms, be attentive; it hath past the trial and test of the doctor's academy, consisting of men known to be of the learnedest of this age; and the manner thereof is as followeth:

TO be plain (and rousing) if the declared will of the supreme power be considered as the immediate cause of government, then a monarchy is as much as a commonwealth, an empire of laws and not of men. If we look farther back, and consider the person whose will is received as law, a commonwealth is, as much as a monarchy, an empire of men, and not of laws.

(Here, Sir, is your cast for the game: now, Sir, for your shout.)

THIS is so manifest, and yet Mr. Harrington so firmly resolved not to understand it, that considering his temper, I must needs applaud his resolution of having nothing to do with the mathematicks; for half this obstinacy would be enough to keep him from apprehending, that the three angles of a triangle are equal to two right angles.

Mr. *Wren*, you spit crooked pins; you should be exorcised. For pray now hear me, did you ever see 'em choose knights of the shire? Those same people, the *high shoone*, as you call them, expect not, I conceive, that angels should come down there to ride upon their shoulders: nor, I doubt if the truth were known, do they greatly care for saints; they are most for men that drink well, or at least for such as eat good meat in their houses. Nor have I found by my reading, that those same *high shoone* have at any time set the worthy gentleman on foot, and taken his horse upon their backs: by which it is manifest, that they do not conceive their laws to be made by any thing above the nature of man, as angels; or below the nature of man, as horses. Now, Sir, all you have proved by your wonderful mathematicks, is, that laws are neither made by angels nor by horses, but by men; therefore the *high shoone* are as good mathematicians as your self. The voice of the people is as much the voice of men, as the voice of a prince is the voice of a man; and yet the voice of the people is the voice of God, which the voice of a prince is not, no not as to law-giving, the voice of the prince who was a man after God's own heart:

for thus *David* proposeth unto the congregation of *Israel*: *If it seem good unto you, and that it be of the Lord our God—let us bring the ark to us. David*, in matter of law-giving, maketh not himself, but the people judge of what was of God; and the government of laws, saith *Aristotle*, is the government of God.

1 Chron. xiii.

Mr. *Wren*, were you contented to be no wiser than *Titus Livius*, (who in passing from the government of the *Roman* kings unto that of the commonwealth, hath this transition; *I come now unto the empire of laws more powerful than that of men*) some who conceive the said *Titus* to have done passing well, would think you the better politician, for not taking the upper hand of him. You will not find that *Augustus Cæsar*, in whose time this author wrote, did set any Mr. *Wren* upon him; which is a shrewd suspicion that *princes* in that age either wanted such a wit as you are, or would scarce have thanked you for your subtil argument, somewhat too mercurial to stay even in your own head.

Liv. li. 2.

For do not you yourself say in another place, that *a commonwealth having no eyes of her own*, (as if this of all other were a mark of blindness) *is forced to resign her self to the conduct of laws*? What imply you in this, less than that a monarch is not forced to resign himself unto the conduct of laws? Or what less can follow from this confession of your own, than that

W. p. 171.

a commonwealth is a government of laws and not of men, and that a monarchy is a government of a man, or some few men, and not of laws?

Nay, Mr. *Wren*, nor is it once that your mind misgives you; for soon after you are at it again, in shewing what you fancy *befals a commonwealth as she is a government of laws*.

W. p. 172.

*But now, for joy, let me my cap up throw;
For one thing I have said, is sense, I trow.*

Sir, for this rhyme I have some reason; seeing in a monarchy, that the laws being made according to the interest of one man or a few men, must needs be more private and partial, than suits with the nature of justice; and in a commonwealth, that laws being made by the whole people, must come up to the publick interest, which is common right and justice; are *propositions*, which Mr. *Wren* can confess *to have indeed some sense in them*. But this milk, alas! is kick'd down again, while you add, *that they have not any more truth than those other which wanted sense*. Now this is a sad case; yet such, as you say, *will be apparent, if we examine the different tempers of a single person, and a multitude acting laws*.

Are we no farther yet? I verily believed that the different temper of a single person, and of a popular assembly, had been long since considered in the propositions already granted, in as much as the single person is tempered by a private, the multitude by the publick interest: which were heretofore by your self acknowledged to be the first movers of will, and so the efficient causes of law. If your mathematicks, or what shall I call them? would but hold to any thing, we might have some end. But for the discovery of these *different tempers*, you forget all that is past, and begin a-new in this manner.

When a monarch acts the legislator's part, he ought to be so far from partiality, or respecting his own private interest, that he is then chiefly to direct his thoughts to the common good, and take the largest prospect of publick utility, in which his own is so eminently included.

This proposition then of yours is opposed to mine, or those in which you say there is some sense, but no truth: so in this, both the sense and the truth should be apparent. But, Mr. *Wren*, if I should say, that the father of a family, in giving rules to the same, ought to be so far from respecting his private interest, or the regard of keeping his whole estate and command unto himself, and holding the servants that live upon him, short, or in necessity to obey him, and work for him, that he were to take a larger, nay, the largest prospect of what is the publick utility of the men that serve him, which is to attain unto means whereby to live of themselves: should I say that a father of a family would find the common and natural interest of his servants, which is to be free, that wherein his own interest, which is *to have servants*, is eminently included; I am confident you would neither allow this assertion to be truth or sense. The like I say to your monarchy, whether it be by a single person, or by a nobility. A monarchy not keeping the people in servitude, is no monarchy; therefore either servitude must be the interest of the people, or the interest of the people is not that, to which a monarch ought chiefly to direct his thoughts. Yet *can you not believe that there are many*

examples to be produced of princes, who in enacting laws have considered their own private personal interest? You are costive of belief, Mr. Wren: consider the Turkish and Eastern monarchies, and shew me any one of their laws from any other principle. It is true, in monarchies by a nobility, or by parliaments, princes have not in enacting laws been able to make so thorough work: for which cause, lest laws so enacted should give check unto this private interest so essential to monarchy, they have still been breaking them. But neither can you believe that laws have been broken by any prince, seeing that in buying and selling, and other private contracts, princes are content to tie themselves up to the same rules which they prescribe to others. Rare! A king that plays fair at piquet, can never break Magna Charta. Cæsar paid no less for an horse than another man; therefore Cæsar's monarchy was a lawful purchase. O! but such laws, as upon that occasion were made by Cæsar, were necessary to attaining the ends of government. Good! and so that which is necessary unto a private interest, or a single person, towards the attaining unto the ends of government, the same cometh up to the publick interest, which is common right and justice. Is this disputing, Mr. Wren, or is it fidling? Yet again: A prince breaketh not the law, but for the publick tranquillity. Wonderful! not the tinkers that fight, but the constable breaks the peace. That the posse comitatus is according unto the laws; or that there is a war in the law for the maintenance of the publick peace, I have heard; but that the publick peace is in any case, by the breach of the publick peace, whereof the laws only are the bond, to be defended, in good earnest I have not formerly heard. Yet take heed, I pray. On this side of yours, there must be no fond imagination: but on the other side, say you, there can be no fonder imagination, than to think that (in the republick of Israel framed by God or Moses, in the four hundred thousand that judged Benjamin, in all, in any of the commonwealths) or when any multitude is assembled to enact laws, it is necessary their resolutions (though those of a single person must) should be consonant to publick justice. I have a weary life with you, Mr. Wren, and with such of your admirers, as if at their pleasure I pick not straws, can soberly and seriously resolve you to be conqueror of Mr. Harrington; what is that? nay, of Moses, of Solon, and Lycurgus. The straw that is your first lance in this encounter, is, that a great part of this multitude (so you will have it called, though politicians understand not a people under orders by the word multitude, but the contrary) will not, for want of capacity, comprehend what this justice and interest is.

Sir, if a man know not what is his own interest, who should know it? And that which is the interest of the most particular men, the same, being summed up in the common vote, is the publick interest. O! but the abler sort will presently be divided into factions and junctos; and under pretence of publick interest, will prosecute their own designs.

But, good Sir, if these abler sort act as a council under a single person, what should hinder them from doing the like, except they debate only, and propose unto the prince, who only may resolve? Wherefore, if in popular government the senate or council of the people have no more than the debate, and the result remain wholly unto a popular council having no power to debate; how can the abler sort any more divide into junctos or factions under popular government, than under monarchical? Speak your conscience; the interest of the people being as you say, that justice be impartially administred, and every man preserved in the enjoyment of his own; whether think you

the more probable way unto this end, that a council, or the abler sort, propose, and a single interest, that is, a single person, resolve; or that the abler sort propose, and the common interest, that is, the whole people, have the result? O! but take heed; for *it is to be remembred, that the greatest part of laws concerns such matters as are the continual occasion of controversy between the people of a nation, such as regard regulation of trade, privileges of corporations, &c.* Sweet Mr. *Wren!* are there more corporations in *England*, than distinct sovereignties in the United Provinces? Have those people no trade in comparison of ours? Or what quarrels have they about it? Persuade them to have a king; and to this end be sure you tell them, that if we had not had kings in *England*, there had certainly, instead of the barons wars, been wars between the tanners and clothiers; and instead of those of *York* and *Lancaster*, others between the shoemakers and the hosiers. Say, if you have any ingenuity, do you not make me pick straws? But the longest straw comes here *after all*, say you.

IT being essential to popular assemblies, that the plurality of votes should oblige the whole body, those laws which lay claim to the consent of all, are very often the resolutions of but a little more than half, and must consequently go less in their pretensions to publick interest.

Gentlemen, here are forty of you, whereof five and twenty see in yonder grove a rook's-nest, which the other fifteen of you see not; now, gentlemen, is that less a rook's-nest for this? Or do these five and twenty see farther than those fifteen? If so it be with every thing that is to be seen, felt, heard, or understood, how cometh the world to be resolved otherwise upon any thing, than that, *quod pluribus visum id valeat*, which appeared unto the most, is most authentick? And what can you desire more of certainty in a government, than all that certainty which can be had in the world?

It was even now that we came from the prince to the people; now from the people to the prince again. Good Mr. *Wren*, why do you say, or whoever said the like, *that those laws which are reputed the people's greatest security against injustice and oppression, have been established by the authority of some prince?* Do you find any such thing in *Israel*, *Athens*, *Lacedemon*, *Rome*, *Venice*, *Holland*, *Switz*? But you equivocate; as to authority in princes, magistrates, or sole legislators, in matter of law-giving, you well know that I am for it; but not as you impose upon this term for their power. Thus be it granted, that *Alfred*, *Edward*, *Lewis*, *Alphonso*, *have been excellent legislators*; what is this to power, or to your purpose, seeing the laws proposed by authority of these princes, were enacted no otherwise than as *Poining's* laws, by the power of the people, or assemblies of their three estates? *But above all*, say you, *several of the Roman emperors, and chiefly Justinian, have fabricated those laws so much admired for their reason and equity, which have stretched themselves farther than ever the Roman legions were able to march, and which are still embraced by those people, who have long since ceased to acknowledge the Roman empire.* Herein you have paid your self to some purpose: for most eloquent Mr. *Wren*, who but your self saith, that *Justinian* fabricated those laws you speak of? I have heard indeed, that he compiled them; and surely, Sir, in that work of his, he did but new vamp the old boots of the people of *Rome*. Nay, good Mr. *Wren*, your *Roman* emperors at the gallantest were no better; for the full proof whereof, I need go no foot farther than

your own sweet self; for do not you give out of *Justinian* this very definition of a law, *Lex est, quod populus Romanus senatorio magistratu interrogante (veluti consule) constituebat?*

How say you then, that *Justinian* fabricated these laws, which he plainly telleth you were proposed by the senate, and resolved by the people of *Rome*? Do you see what your emperors themselves acknowledged to have been a government of laws, and more excellent than a government of men, though they themselves were the men that governed? And you your self have said enough to confirm, that the justice of the dead people went farther than the arms of the living emperors; nay, and that such laws as are yet of the greatest treasures in the world, are still extant of the *Roman* people, though of the emperors there remain nothing that is good.

W. p. 59.

But say you, *on the other side* (you may please to say as you will, but it is on the same side yet) *those commonwealths that have been most celebrated for their laws, have received them from the hands of a sole legislator*; which both words and things, though you list not to acknowledge it, every body knows that I taught you. Now let us see how you can hit me with my own weapon; *therefore it may be doubted, whether these people of Athens and Lacedemon thought so well of themselves, as Mr.*

Harrington seems to do of popular assemblies. Why, do not I say, that a popular assembly, as to the formation or fabricating of government, through the want of invention, must of necessity have some sole legislator? What fault do you find with Mr. *Harrington*? Why, *that with such repeated confidence he asserts, that the people never fail to judge truly of the publick interest, where (the legislator) the senate discharge their duty*. And what have you been saying all this while in these examples of *Solon* and *Lycurgus*, whose laws being by them prudently proposed unto the people, were as prudently judged, and thereupon enacted by the people? So likewise for the *Roman* decemvirs: for if you think that these did any more than propose to the people, or that any law of theirs was otherwise good than as voted and commanded by the people, you should go to school. Yet that if the legislator or the senate divide well, the people shall be sure to make a good choice, *you must confess is too hard for your faith*. Why, if it be matter of faith, you might have let it alone. But do you think it right in civil matters, that the tenderness of faith should supply the want of sense in you? or what is the scruple can yet remain in your conscience? Goodness! the observation which *Anacharsis* made, who said of the popular assemblies in *Greece*, that *wise men propounded matters, and fools decided them*. Why, Mr. *Wren*, *Anacharsis* would not lose his jest, and you cannot find it. Do you think that the commonwealths of *Greece* thought *Anacharsis*, for this fine thing, wiser than *Lycurgus*, *Solon*, or themselves? Why, Mr. *Wren*, in this earnest you make yourself the jester. But let you alone, you will be the Gascon still; that which is thrown out of the windows where-ever you come, is no less than the whole house; or if you leave any thing, it is but that you are weary *to discover all the weak arguments and false inferences of Mr. Harrington, as a work to others of small profit, and to your self of little glory*. Poor Mr. *Harrington*! He will now leave you a while to take breath, and confer a little with your patron.

Doctor *Wilkins* having laughed so much as is suggested in the epistle, should not methinks be altogether left out of our game. He in his book called *Mathematical Magic*, pretends to a *balance* too.

And his *balance* is made for all the world like a jack; the whole force of which engine consisteth in two double pullies, twelve wheels and a sail; the sail is instead of the crest of the jack, at which a fellow stands blowing; and by blowing in this manner, the said author pretendeth to demonstrate mathematically, that the said fellow, with the said jack, shall tear you up the strongest oak by the roots. This, to men who know that some ships in a storm will break the strongest anchor that is made of iron, and the strongest cable that is made of hemp, must needs be wonderful: of what then must this jack and this string be made, that it break not before it fetch up this oak? Nay, how can any man blow a million of years together?

B. 1. c. 14.

Or if he could, where would the oak or the jack be? And in a less time the oak, it is confest, could not by this means be removed one inch. This nevertheless must be a mathematical demonstration. Goodness! what stuff is here for mathematicians, upon which to usurp demonstration in such wise, that it must be forbidden unto all the rest of mankind?

Ch. 16.

Mr. *WREN*, I have *Du Moulin*, and *Sanderson*; will you deny these authors to be good logicians? Upon the credit of my two eyes, in all their examples of demonstration, they have not one that is mathematical. Are not they clearly on my side then, that there may be demonstration, and yet not mathematical? Why sure there may, Sir; nay, and such a demonstration may be every whit as valid and convincing, as if it were mathematical. For this I appeal to Mr. *Hobbes*: *All true ratiocination*, saith he, *which taketh its beginning from true principles, produceth science, and is true demonstration*.

This afterwards he declares *in all sorts of doctrines* or arts, and consequently in the politicks, to be holding. Wherefore, say I, if we commonwealthsmen have nothing that can be so strong or holding as this same jack and jack-line of Doctor *Wilkins*'s, let us e'en with patience turn the spit, while our salary men eat the roast meat.

Elements, p. 63.

But now, Sir, mark me well: *What was always so and no otherwise, and still is so and no otherwise, the same shall ever be so and no otherwise*. What think you of this for a principle? A principle which is right and straight, should be such as admitteth of as little proof or denial, as that the fire burns. I can no more prove the one than the other: wherefore if you can no more deny the one than the other, by the leave of your mathematicians, this principle is no less sure and certain than the best in their art: and what *ratiocination* I use in my politicks, *that taketh not its beginning*, or is not legitimately and undeniably derived from this principle, I am contented should go for nothing. What would you have more? Or, why must I be hit in the teeth with the want of demonstration? Stand away, I will demonstrate that's certain: but here is the mischief; not every man that pretends unto understanding in the politicks, hath conversed with them; and so in these, through mere want of understanding, a man will confidently deny, what in other conversation, where he is more skilled, he would be ashamed to question. For this cause I will not fall full butt upon the politicks at first dash, but begin fairly and softly, *puris naturalibus*.

That conversation, which with men is most general, I apprehend, to be with women: and so here I come with my first demonstration.

WHAT was always so, and not otherwise, and still is so, and not otherwise, the same shall ever be so, and not otherwise.

BUT, Sir, women have been always some handsome, and some unhandsome, and not otherwise, and women still are some handsome, and some unhandsome, and not otherwise.

THEREFORE, women shall ever be some handsome, and some unhandsome, and not otherwise.

Mr. *WREN*, the reason why I begin to demonstrate in this manner, or in something merely natural and known to every body, is, that otherwise I should never stave men off from saying, that *what was always so, and not otherwise, and still is so, and not otherwise, must ever be so, and not otherwise*, must needs be true; that is, except a man can give a reason why it may be otherwise. This is that when I come unto the politicks, things not less natural, but only more remote from men's *knowledge* or *acquaintance*, which they will be all sure enough to return. Wherefore let them begin here to shew me such reason as hereafter they will ask, that is, why women, notwithstanding what is past or present, may for the future be all handsome. Would not the undertaking of such an adventure be a notable ridiculous piece of knight-errantry? in sooth, Mr. *Wren*, though men will not so easily see it, it is no otherwise in the politicks, which are not to be erected upon fancy, but upon the known course of nature; and therefore are not to be confuted by fancy, but by the known course of nature. Remember, Sir, anatomy is an art; but he that demonstrates by this art, demonstrates by nature, and is not to be contradicted by fancy, but by demonstration out of nature. It is no otherwise in the politicks. These things therefore being duly considered, I proceed.

WHAT always was so, and still is so, and not otherwise, the same shall ever be so, and not otherwise.

BUT where the senate was upon rotation, and had not the ultimate result, there was not any feud between the senate and the people; and where the senate is upon rotation, and hath not the ultimate result, there is no feud between the senate and the people.

THEREFORE, where the senate shall be upon rotation, and not have the ultimate result, there shall be no feud between the senate and the people.

I know the humour of these times: though any thing that will patch be now called prudence, it will be known that what is after this manner undeniably deducible from the major of these propositions, is prudence or policy, and no other.

But Mr. *Wren*, true it is that the demonstration given is but *hoti*, that is, from the effect; which tho a certain effect imply a certain cause, and come after that manner to be as good and undeniable a proof as the other

?τλ.

demonstration; yet because this is not so honourable an argument as the other, I shall now give you the same, *dihoti*, or from the cause.

διότι?

WHERE the senate hath no interest distinct or divided from the interest of the people, there can be no feud between the senate and the people.

BUT where the senate is upon rotation, and hath not the ultimate result, there the senate can have no interest distinct or divided from the interest of the people.

THEREFORE, where the senate is upon rotation, and hath not the ultimate result, there can be no feud between the senate and the people.

Sir, this I say is *dihoti*: and seeing it is a custom with you to give my things a turn over the tongue, I am resolved hereafter to *hoti* them and *dihoti* them in such manner, as shall make you take your teeth. You will say, that I am a *passionate gentleman*. But what hath any man to do in this place to tell me of the feuds between the senate and the people of *Rome*, or those of the states in regulated or Gothick monarchies? did I ever undertake to *hoti* or *dihoti* any of these? if they break loose, let them look to that whom it concerneth. Nevertheless, I say, that laws, whether in commonwealths, or regulated monarchies, are made by consent of the senate and the people, or by consent of the states, or lords and commons. And I pray you Mr. *Wren*, what is in your allegation to confute this saying? your words are these:

IF any one of these states have, in case of difference, a just power to force the obedience of the other, it is all one as if they were private persons; but if no one of them be acknowledged to have such power, then it comes in case of disagreement to a state of war.

But doth this prove, that in case of a senate upon rotation, there may be feud between them and the people? or that laws in regulated monarchy are not enacted by the lords or commons? you might as well have argued thus, Mr. *Wren*: these same lords and commons have power enough to disagree, or make wars; therefore they have no power to agree or to make laws: or what doth this concern me?

But now for the jig at parting. Mr. *Hobbes* saith, that *Aristotle and Cicero wrote not the rules of their politicks from the principles of nature, but transcribed them into their book out of the practice of their own commonwealths, as Grammarians describe the rules of language out of the practice of the times*. Mr. *Wren*, if I had answered Mr. *Hobbes* thus; that the whole force of his argument amounted but to this, that because Grammarians describe the rules of language out of the practice of the times, therefore *Aristotle and Cicero* did so in their discourses of government; what would you have said? but because Mr. *Hobbes* doth not prove, but illustrate what he saith by way of similitude; therefore I answer him by way of similitude in this manner: "That for Mr. *Hobbes* to say, *Aristotle and Cicero wrote not the rules of their politicks from the principles of nature, but transcribed them into their book out of the practice of their own commonwealths*, is as if a man should say of the famous *Harvey*, that he transcribed his circulation of the blood, not out of the principles of nature, but out of the anatomy of this or that body." Yet you answer me, that *the whole force of this*

objection amounteth but to this; that because Harvey in his circulation hath followed the principles of nature, therefore Aristotle and Cicero have don so in their discourses of government. Mr. *Wren*, I have complained of you for repeating me fraudulently, but not so often as I might: for whereas upon this occasion I told you, “that a similitude is brought for illustration, or to shew how a thing is, not to prove that it is so:” you repeat me thus: *Mr. Harrington assured me in his last book, that he produced this only as a similitude, and never intended that any man should look for reason or argument in it.* Sir, though a similitude have not that proof in it, which may draw a man, yet it hath such inducement in it as may lead a man. But, why should I be troubled, seeing in the close you *heartily crave my pardon?* good Mr. *Wren*, abundantly enough: nay, no more, no more, I beseech you. Look you, do what I can, he will be making reparation too. Well then, if it must be so, what is it? why, say you, *by way of reparation to Mr. Harrington, I make here a solemn declaration, that for the future he shall have no cause to accuse me for expecting reason or argument in any of his discourses.* O ingenuity! he confesseth that he hath taken my similitude for an argument, my goose for my pig; and the satisfaction promised comes to this, that he will take my arguments for similitudes: when he should be shooing my goose, he is soling my pig? for which he will make, as ye shall find hereafter, this amends, that when he should be soling my pig, he will be shooing my goose. Mr. *Wren*, good night.

The next is the balance. Gentlemen, to-morrow we play Hunks that bears thirty dogs.

Hunks of the hear-garden to be feared if he come nigh one.

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Pour Enclouer Le Canon.

IT is obvious and apparent unto sense, that *Venice, Holland, Switz*, are not molested with civil war, strife or sedition, like *Germany, France, Spain, and England*; yet will men have a commonwealth to be a confusion. What confusions, we have had in *England*, while the Norman line strove for absolute power; while the barons strove for ancient liberty; while the houses of *York* and *Lancaster* strove for royal dignity; and last of all, during these eighteen years, in the wars that have been between the king and the people, in the difference of judgment both concerning religion and government, and under the perfidious yoke of the late tyranny, is known. At the apparition, or but name of a commonwealth, and before any such orders are introduced, or perhaps truly understood, all men, or the most of them, are upon a sudden agreed that there be a good and perfect fixation of the army unto the old cause; and that the remnant of the long parliament be assembled: so we have this for a taste or relish of a commonwealth, that of the eighteen, the present year is already the most unanimous. Nor can this be attributed unto chance; seeing the wit of man, our case considered, could not, I think, have invented a more natural and necessary way of launching into the orders of a commonwealth, than first by fixation of the army so, as no council ensuing may have any ambitious party on which to set up: and then to assemble that council, which hath given testimony of it self, to have been the most popularly addicted. By these it is no less than demonstrated, that the army is faithful, and the people, for the most active part of them, which in like cases cometh to more than all the rest, is wife. Be it granted, that the far greater part of them (*Libertatis dulcedine nondum experta*) would force us unto the continuation of monarchy, if they could, this is the old temper of a people in like cases: thus the *Romans*, upon the death of *Romulus*, forced the senate, who would have introduced a commonwealth, to elect *Numa* with the succeeding kings; and could not be brought unto the abolition of monarchy, till it was imposed upon them by *Brutus* to abjure it. Nevertheless, this people having once tasted of liberty, were of all others the most constant assertors of the same. It causeth with the best politicians despair, and, as it were, a kind of tearing themselves, that the people, even where monarchy is apparently unpracticable, and they have no way but a commonwealth or confusion, hold their ancient laws and customs unalterable, and persecute such as advise the necessary change of them, how plainly soever demonstrated, as authors of innovation, with hatred, if not in tumult and with violence, as when *Lycurgus* in a like assault lost one of his eyes.

Here is the discouragement; the many through diversity of opinions, want of reach into the principles of government, and unacquaintance with the good that may by this means be acquired, are never to be agreed in the introduction of a new form: but then there is also this consolation, that the *many* upon introduction of a new form, coming once to feel the good, and taste the sweet of it, will never agree to abandon it. This is all the comfort that politicians, in like cases, have been able to give themselves, upon consideration of the nature of people in general. But if we consider the nature of the people of *England*, I am much deceived, or the consolation of knowing men, and good patriots, may yet be far greater. For though the people of *England* may be twenty to one for monarchy, they are but deceived by the name, seeing they having of late years been more arbitrarily

See M. E. 1. c. 9.

governed than formerly, desire no more under this name, in the truth of their meaning, than not to be at the will of men, but return unto the government of laws; for the late monarchy being rightly considered, was indeed no more than an unequal commonwealth; only here is the fault of all unequal commonwealths; they pretend to be governments of laws, and at the same time defer unto some one, or few men, such power, prerogative and preheminance, as may invade and oppress laws; which fault was the cause of perpetual feud, or at least jealousy between our kings and our parlements. But there is in relation unto the people of *England*, yet a greater encouragement unto commonwealthsmen, for though if we look upon the true cause of popular government the balance hath been many years in turning, yet since it came to be so perceivable as to cause any mention of a commonwealth, it is but a short time. Should we go so far as to compute it from the beginning of the late war, it exceedeth not eighteen years, in which the eyes and affections of the people are so wonderfully opened and extended, that I do not think there are fewer than fifty thousand of the more active and knowing that drive vigorously at a commonwealth; while the rest are not only calm and passive, but mature for any good impression without danger, or indeed appearance of any war or tumult that can ensue upon the introduction of a new form: nor is there the least improbability that an equal commonwealth may be receiv'd with embraces, seeing a tyranny came not only in, but was supported without blood. But if people for the extent of their territory, and for their bulk or number so great as this of *England*, should fall (to take a larger compass than I hope we shall need) within the space of thirty years out of monarchy, to which they have ever been accustomed, into a commonwealth of which they have had no experience nor knowledge, and that (except in the ruin of monarchy, which, how infirm soever, useth not to expire otherwise) without rapine, war, or indeed without any great confusion, I doubt whether the world can afford another example of the like natural, easy and sudden transition of one government into another. Yet ere two parts in three of this time be expired, men can be despairing. In what, say they, have you shewn us, that we must necessarily be a commonwealth? why in this, say I, that you cannot shew me how we should be any thing else. In what posture, say they, do we see the people to give us this hope? why in the very best, say I, that in this state of affairs, a people, if you consider their humour or nature, could have cast themselves into. This posture or return is thus, or at least thus I take it to be. The armies of this nation by restitution of their old officers, are fixed, resolved upon, and encouraged by the most active part of the people towards the prosecution of the old cause, or introduction of a popular form. The framing of this form is modestly and dutifully defer'd by them unto the civil power in the restitution of the long parliament, in that remnant of the same, which declared for, and obligeth themselves unto this end.

Now putting this to be the case, I come to the scope of this paper, which is to discourse upon this posture; in which to my understanding, there are but three things that can interpose between us and a commonwealth, and but two more that can interpose between us and an equal commonwealth. The things that may interpose between us and a commonwealth, are such monarchy, as can no otherwise get up than by foreign invasion; or tyranny, which at the strongest among us was not of any duration, and which changing hands must still be weaker. Of these two, they being only possible, and not a whit probable, I shall say no more. But the third thing which can interpose between us and the commonwealth is oligarchy, which in like cases hath

been more probable and incidental, than I conceive it to be at the present. Such a thing if it be introduced among us, is most likely to be of this form.

It may consist of a council not elected by the people, but obtruded upon us, under the notion of a senate or a balance, or of religion; and it may be for life, or for some certain or pretended term, with a duke or princely president at the head of it, or without one.

The power at which such a council doth naturally drive, is to call parliaments, and to govern in the intervals. But the success of such council, will be, that if in calling parliaments, it do not pack them, it will be forthwith ruined; and if it do pack them, then the case of such a council, and a parliament, will be no otherwise different from the case of a single person and a parliament, than that more masters, less able to support their greatness, and whose greatness we shall be less able to support, will be a burthen by so much more heavy, than one master more able to support his greatness, and whose greatness we were more able to support. But this will either not be, or be of no continuance.

The things that can interpose between us and an equal commonwealth, are either a senate for life, or an optimacy.

The seventy elders in *Israel* were a senate for life: this though constitutively elected by the people, became after the captivity, or in the *Jewish* commonwealth (how anciently is uncertain) meer oligarchy, by the means of ordination; no man being capable of magistracy, except he were a presbyter, no man being made a presbyter but by laying on of hands, and the prince with the senate engrossing the whole power of laying on of hands.

Nor were the people thus excluded, and trampled upon by the Pharisees, under other colour than that of religion, or tradition derived in their oral law or cabala from *Moses*, in whose chair they sat, and not only pretended their government to be a government of Saints, but in some things bad fairer for that title than others, who assumed it afterwards. For that they did miracles, is plain in these words of our Saviour unto them: *If I by Beelzebub cast out devils, by whom do your children cast them out? therefore they shall be your judges.* Matt. xii. 27. By which I may believe that miracles themselves do not in any wise oblige us to hope that such a state of government can be religious or honest; much less, where there are no miracles, nor any such certain distinction to be outwardly made between a saint and an hypocrite, as may secure us that we shall not have hypocrites imposed upon us for saints. The surest restimony of saintship in rulers, is, when they are willing to admit of such orders in government, as restrain the power to do wickedly, or of lording it over their brethren.

Upon the pattern of the high-priest, and the seventy elders, arose the government of the Pope and his seventy cardinals, pretending also unto saintship; which nevertheless is as little yielded unto them, as they assume that a council of seventy for life is a good guard of the liberty of conscience.

The next senate for life, was that of *Lacedemon*, consisting of two kings hereditary, and twenty-eight senators elective. These notwithstanding they were not eligible but by the people, and at the sixtieth year of their age, and by the balance or equal agrarian of their commonwealth, could not any one of them excel the meanest citizen in their lot, or shares in land; so vigorously attempted to draw the whole result of the commonwealth unto themselves, that if the people had not striven as vigorously for the preservation of their right, they had been excluded from making their own laws. The expedient found out by the people in this exigent, was their election of five annual magistrates out of their own number, called the *ephori*, with power to try, condemn and execute any of their kings or senators, which thenceforth should go about to subvert the fundamental laws of their government, by which it belonged unto the senate to debate and propose only, and unto the assembly of the people to resolve. Without this expedient (which in another commonwealth not planted upon a like agrarian, would have availed little, as the *Roman* people heard afterwards by their tribuns) had the people of *Lacedemon* through a senate for life been deprived of their liberties.

The *Roman* commonwealth was also founded upon a senate for life; which, though first instituted by election of the people, came afterwards to be such into which their children found other admittance, in such manner as from hence grew a *patrician* order, ingrossing not only the senate, and excluding the people from bearing magistracy in the commonwealth, but oppressing them also by an heavy yoke of tyranny, which causeth perpetual feud between this senate and the people, and in the end the ruin of the commonwealth; yet entituled this nobility themselves unto these prerogatives, no otherwise than by such religious rites, as among them were believed to confer saintship, and thereby to intitle them unto a dominion over the people, in which they were also aided by the optimacy.

Now examples of a senate for life being of like nature and necessary consequence, it is my hope and prayer, that never any such be introduced in *England*

But in case of an optimacy, a commonwealth, though not admitting of a senate for life, may yet be unequal.

ATHENS consisted of a senate upon annual rotation; yet through the optimacy, which was instituted by *Solon*, came under such a yoke of the nobility, as upon victory obtained in the battle of *Plataea*, they took the opportunity to throw off, and reduce the commonwealth unto more equality.

An optimacy is introduced, where a people is not only divided by tribes according to their habitation; but every tribe into classes, according unto their estates or different measures in riches; as if you should cast all that have above two thousand pounds a year, into one classis; all that have above one thousand pounds a year, into another; all that have above five hundred, into a third; and so forth, for as many classes as you like to make.

Now if in this case the first and second classes may give the suffrage of the whole people, as in *Rome*; or that these only may enjoy the senate, and all the magistracies,

though but upon rotation, as in *Athens*; yet the people, as to these parts being excluded, the commonwealth must needs remain unequal: wherefore this also ought to be forewarned, to the end that it may be prevented.

To conclude, if we in *England* can have any monarchy, we shall have no commonwealth; but if we can have no monarchy, then bar but a senate for life, and an optimacy, and we must have an equal commonwealth. Successive parliaments, whether immediately, or with councils in the intervals, and like fancies, will be void of effect, as of example, or reason.

But an abundance of things is tedious; we would have such a commonwealth as may be dictated in a breath. Thus then: let a senate be constituted of three hundred, and a popular assembly of one thousand and fifty, each for the term of three years, and to be annually changed in one third part. But in case a commonwealth were thus briefly dictated, what would this abate of those many things, which must of necessity go unto a like structure, that it may be equally and methodically brought up from a firm and proper foundation? there is no way of dictating a commonwealth unto facile practice, but by the seeming difficulty of the whole circumstances requisite, even to a title. Nevertheless to try again: let the lands throughout *England* be all cast into some parish. Let every parish elect annually a fifth man; let every hundred of these fifth men, with the places of their habitation, constitute one hundred; then cast twenty of these hundreds into one tribe or shire. Putting the case the tribes or shires thus stated amount unto fifty, let the fifty men or deputies in every tribe or shire, elect annually two out of their own number, to be senators for three years, and seven to be of the assembly of the people for a like term, each term obliging unto an equal interval: which senate being for the first year constituted of three hundred, and the assembly of the people of one thousand and fifty, gives you those bodies upon a triennial rotation, and in them the main orders of an equal commonwealth. If you must have a commonwealth, and you will have an equal commonwealth, then (pardon my boldness) after this or some like manner must you do, because like work never was, nor can be done any otherwise.

May 2. 1659.

James Harrington.

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A DISCOURSE UPON THIS SAYING:

The Spirit Of The Nation Is Not Yet To Be Trusted With Liberty; Lest It Introduce Monarchy, Or Invade The Liberty Of Conscience.

DAVID was a man after God's own heart, yet made the people judges of what was of God, and that even in matters of religion; as where he proposeth unto the representative, consisting of twenty-four thousand, in this manner: *If it seem good unto you, and that it be of the Lord our God, let us—bring again the ark of our God to us: for we enquired not at it in the days of Saul*, 1 Chro. xiii. But men in this nation blow hot and cold: one main exception which the prelatical and Presbyterian sects have against popular government, is, that as to religion it will trust every man unto his own liberty; and that only, for which the rest of the religious sects apprehend popular government, is, that the spirit of the nation (as they say) is not to be trusted with the liberty of conscience, in that it is inclining to persecute for religion. What remedy? ask the former sects, or parties different in judgment as to matter of religion, (for the word signifies no more) they tell you a king; ask the latter, they tell you some certain or convenient number of princes, or an oligarchy. But saith the Scripture, *Put not your trust in princes*. It doth not any where say the like of the *congregation of the Lord*, or of the people; but rather the contrary, as is implied in the example already alledged of *David's* proposition unto the representative of *Israel*, and is yet plainer in the proposition of *Moses* unto the whole people, even before they were under orders of popular government; and when they were to introduce such orders, as where he saith, *Take unto you wise men, and known among your tribes, and I will make them rulers over you*. Now these rulers thus elected by the people, were supreme, both in matter of religion and government: in which words therefore, both by the command of God, and the example of *Moses*, you have the spirit of the people trusted with all matters either civil or religious. Throughout the Testaments, Old and New, (as I have over and over demonstrated unto you) the proceedings of God, as to the matter of government, go not beside the principles of human prudence the breadth of one hair. Let saints therefore, or others, be they who or what they will, work otherwise in like cases, or (to speak more particularly unto the present state of things) obtrude upon us oligarchy, when they can or dare, they shall be, and soon confess themselves to be below men, even of natural parts. In the mean while, having thus the free leave and encouragement both of Scripture and religion, I come unto a farther disquisition of this point by the card of reason, and the course of prudence.

In all the circle of government, there are but three spirits; the spirit of a prince the spirit of the oligarchy, and the spirit of a free people: wherefore if the spirit of a free people be not to be trusted with their liberty, or, which is all one, with the government, then must it follow of necessity, that either the spirit of a prince, or of the oligarchy, is to be trusted with the liberty of the people, or with their government.

What the spirit of a prince intrusted with the government or liberty of the people hath been, we have had large experience; and full enough of the spirit of the oligarchy: for a single council having both the right of debate and result, never was nor can be esteemed a commonwealth, but ever was and will be known for mere oligarchy. It is true, that the spirit of the people, in different cases, is as different as that of a man. A man is not of that spirit when he is sick, as when he is well: if you touch a sick man, you hurt him; if you speak to him, he is froward; he despairs of his health; he throws down his medicines: but give him ease, he is *debonnaire* and thankful; give him a cure, and he blesseth you. It is no otherwise with the people. A people under a yoke which they have lost all hopes of breaking, are of a broken, a slavish, a pusillanimous spirit, as the *paisant* in *France*. A people under a yoke which they are not out of hopes to break, are of an impatient, of an active, and of a turbulent spirit, as the *Romans* under their senate for life, the *Hollanders* under the king of *Spain*, and the *English*, after the ruin of the nobility, under the late *monarchy*. A people broken loose from their ancient and accustomed form, and yet unremoved unto any other, is of a wild, a giddy spirit; and, as the politician saith, like some bird or beast, which having been bred in a lease or chain, and gotten loose, can neither prey for itself, nor hath any body to feed it, till, as commonly comes to pass, it be taken up by the remainder of the broken chain or lease, and tyed so much the shorter; as befel those in *Spain* after the war of the commonalties, and the *Neapolitans* after that of *Mazinello*. But a people under orders of popular government, are of the most prudent and serene spirit, and the voided of intestine discord or sedition; as the *Venetians*, the *Switz* and the *Hollanders*.

Wherefore thus we may in no wise argue: A ship without tackling and steerage is not to be trusted with any freight, nor can make any voyage; therefore a ship with tackling and steerage is not to be trusted with any freight, nor can make any voyage. But to say that the people not under fit orders of popular government, are not capable of liberty; therefore the people under fit orders of popular government, are not capable of liberty, is no better. As the former argument breaketh up all hope of trade, so the latter breaketh up all hopes of popular government.

Here lyeth the point. The mariner trusteth not unto the sea, but to his ship. The spirit of the people is in no wise to be trusted with their liberty, but by stated laws or orders; so the trust is not in the spirit of the people, but in the frame of those orders, which, as they are tight or leaky, are the ship out of which the people being once imbarqued, cannot stir, and without which they can have no motion.

IF the trumpet gave an uncertain sound, who shall prepare himself unto the battle? It is not a multitude that makes an army, but their discipline, their arms, the distribution of them into troops, companies, regiments, and brigades, this for the van, that for the rear-ward; and these bodies must either rout themselves, which is not their interest, or have no motion at all, but such only as is according unto orders. If they march, if they halt, if they lodge, if they charge, all is according unto orders. Whereof he that giveth the orders, trusteth not to the army, but the army trusteth him. It is no otherwise in the ordering of a commonwealth. Why say we then, that the people are not to be trusted, while certain it is, that in a commonwealth rightly ordered, they can have no other motion than according unto the orders of their commonwealth? Have we not seen what difference there may be in an house elected by the counties only, and an house

elected both by the boroughs and the counties? Is this so much from the people, as from their orders? The *Lacedemonian* senate for life, before the institution of the *ephori*, was dangerous; after the institution of the *ephori*, was not dangerous. The *Venetians*, before the introduction of their present policy, were very tumultuous; since the introduction of the same, are the most serene commonwealth. Was this from the people who are the same, or from the difference of their orders? If you will trust orders, and not men, you trust not unto the people, but unto your orders: see then that your orders be secure, and the people fail not.

You the present rulers of *England*, now the object of angels and men, in the fear of God look to it. I dare boldly say, and the world will say to all posterity, if *England* through the want of orders be ruined, it was not that you needed to trust the people, but that the people trusted you.

And of what orders have some of you that lay the people so low, and think yourselves only to be trusted, made offer? Do you not propose,

THAT they who are or shall be intrusted, (with power or authority) be such as shall be found to be most eminent for godliness, faithfulness and constancy to the good old cause and interest of these nations?

Now I beseech you consider, if you mean to make your selves judges, without the people or parliament, in such manner as you *have owned your commander in chief*, who are godly, and what the interest of the nation is, what kind of commonwealth this must make. Or if you mean to make the people judges, without which it is impossible there should be any well-ordered commonwealth, whether you can give them any other rule than according unto *Moses, Take ye wise men, and understanding, and known among your tribes.*

Consider whether those you would indemnify for strengthening the late unnatural and dishonourable yoke, be eminent for godliness, faithfulness to the *good old cause*, or for asserting the interest of these nations; and whether to impose such qualifications as may bring these or the like again into power, be the more probable way unto a free state; or to leave the people according to the rule of *Moses*, unto their judgment in these cases.

You propose, That to the end the legislative authority of this commonwealth may not by their long sitting become burthensom or inconvenient, there may be effectual provision made for a due succession thereof.

I beseech you to consider what example can be produced of any one commonwealth wherein the legislative authority was not continually extant or sitting; and what reason there can be that it should possibly be otherwise, the government remaining a commonwealth. Consider whether in case the two houses of parliament had been heretofore perpetually sitting, the government had not been a commonwealth; whether the intervals of the same, were not that in a good part, which caused it to be monarchical; and so, whether the legislative authority in a commonwealth being intermitted, must not convert the commonwealth into monarchy, in case the intervals

be guided by a single person; or into oligarchy, in case they be guided by a council. Lastly, consider whether such a council in the intervals of parliaments, be not, of all others, that mole-hill by which a tyrant can be most conveniently raised for a jump into a throne; or what there is in this case to withstand him, though *Whitehall* should be sold or pulled down.

Again, you propose, That the legislative power be in a representative consisting of an house successively chosen by the people, and of a select senate, co-ordinate in power.

Upon which I beseech you to consider whether there can be any safe representative of the people, not constituted of such a number, and by such rules as must take in the interest of the whole people. Whether there be not difference between the interest which a people can have under monarchy, and the interest which a people ought to have under a commonwealth: and whether it be a good argument, that an assembly of four hundred upon intervals, was a sufficient representative of the people under monarchy, or under lords on whom they depended; therefore the like may be sufficient under a commonwealth, where they are their own lords, and have no dependence. I beseech you to consider whether it be natural unto any assembly to resolve otherwise than according unto the interest of that assembly. Whether it be not natural unto the senate, especially being not elected by the people, but obtruded, and, as I suspect, for life, to debate according as they intend to resolve, and to resolve according to the interest of the few, or of a party. Whether it be not unnatural, confused and dangerous unto a representative of the people, rightly constituted, to debate, whether it be not natural to such a representative to resolve according unto the interest of the whole people. Whether the senate resolving according unto the interest of *the few*, and the representative resolving according to the interest of *the many*, be not the certain way of creating feud between the senate and the people, or of introducing blood and civil war. And last of all, whether to declare the senate and the representative co-ordinate, be not to give unto either council both the debate, and the result indifferently, and in that the unavoidable occasion of such feud.

Lastly, you propose, That the executive power be in a council of state.

Upon which I beseech you to consider whether ever the prytans in *Athens*, the college in *Venice*, or a council of state in any commonwealth, had any executive power, except in the management perhaps of a war or treaty with foreign states.

Upon the whole, I beseech you to consider whether these propositions, and such like, be not contrary unto the whole course of popular prudence in all or any one commonwealth, and tending unto the certain destruction, or at least intolerable confusion of the people. Yet are these, I suppose, intended by you as a bar unto monarchy, and a guard unto the liberty of conscience.

To the Orders of a COMMONWEALTH. The whole territory is equally divided into fifty tribes or shires; in every one of these tribes, the people of each parish elect out of themselves one man in five to be for that year a deputy of that parish. I but, they will choose cavaliers or Presbyterians. Well, if that be the worst, for discourse sake be it so. These deputies thus chosen in each parish, are upon some certain day in their year

to assemble at the capital of their tribe or shire, and there to elect a few to be knights or senators, and a fuller number to be burgesses or deputies in the representative of the people. Good: and these also must therefore be such as were their electors. So the sovereign assemblies of the nation will consist of Presbyterians and cavaliers; and being thus constituted, will either introduce monarchy, or invade the liberty of conscience, or both.

But these at their election take an oath of allegiance unto the commonwealth. An oath is nothing. How! not among Christians? Let us see what it hath been among Heathens. *Brutus* having driven out the *Tarquins*, or *Roman* kings, thought the spirit of that people not yet fit to be trusted with their liberty; and for this cause gave them an oath, whereby they abjured kings; which was then thought and found in that case to be enough. But if this would not have served the turn, what could? For *Brutus* to have expelled the kings, and yet not to have given the people their liberty, he well knew was not to have driven forth monarchy, but to have laid obligation upon the people to bring it back again in hatred of the oligarchy; as we in our way of proceeding have felt, and continue still to feel, yet blame the people upon as good grounds as if we should say, the people are impatient of trusting oligarchy with their liberty; therefore the people are not to be trusted with their liberty. But supposing an oath were as slight a matter as indeed in these days it is made; these sovereign assemblies, tho' they should be thus constituted of Presbyterians and cavaliers only, yet could in no wise either introduce monarchy, or invade the liberty of conscience, for these reasons. The natural tendency of every thing, is unto the preservation of itself; but cavaliers and Presbyterians under these orders are a commonwealth; therefore their natural tendency must be to the preservation of the commonwealth. It is not so long since a roundhead was made a prince; did he make a commonwealth? Or what more reason can there be, why if you make cavaliers and independents a commonwealth, they should make a king? What experience is there in the world, that the greatest cavaliers being once brought under the orders of popular government rightly balanced, did not thenceforth detest monarchy? The people of *Rome*, *libertatis dulcedine nondum experta*, were the greatest cavaliers in the world; for above one hundred years together they obstructed their senate, which would have introduced a commonwealth, and caused them to continue under monarchy; but from the first introduction of popular government, continued under perfect detestation of the very name.

Putting the case that the senate could have a will to destroy it self, and introduce monarchy, you must also put the case that they may have some interest to do it; for the will of every assembly ariseth from the interest of the same. Now what interest can there be in a senate thus instituted, to destroy it self and set up monarchy?

The senate can do nothing but by proposing unto the people: it is not possible for them to agree unto any thing that can be proposed, without debating it; nor can any debate tend unto any such agreement, but in the force of reasons thereunto conducing. Now what reason had ever any senate, or can any senate ever have, to incline them unto such an end?

No man nor assembly can will that which is impossible: but where a commonwealth is rightly balanced, that a monarchy can there have any balance, except the senate can

persuade people to quit three parts in four of the whole territory unto a prince, or to a nobility, is impossible. But if the introduction of monarchy can neither be in the will of the senate, though that should consist altogether of cavaliers and Presbyterians, then much less can it be in the will of the assembly of the people, though this also should consist altogether of cavaliers and Presbyterians.

But while we talk, that the people will be so rash in elections, we observe not that this is but the rashness of the few, exalting their wisdom above the wisdom of the people. If it be not seen that a commonwealth so ordered as hath been shewn, must of necessity consist in the senate of the wisdom, and in the popular assembly of the interest of the whole nation, after such manner that there can be no law not invented by the wisest, and enacted by the honestest, what the people under such a form shall do, cannot be judged: and if this be seen, we must either believe that the exclusion of monarchy, and the protection of liberty of conscience, concern not the wisdom or interest of the nation, in which case they are points upon which the present power ought in no wise to insist; or that being according unto the wisdom and interest of the nation, that wisdom and interest so collected as hath been shewn, must be much more able to judge of, obliged to adhere unto, and effectual to prosecute those ends, than any hundred or two hundred men in the world, were they never so select and unbiassed. Which nevertheless is not said against the ways we have to go, but for the end in which we are to acquiesce.

The distinction of liberty into civil and spiritual, is not ancient, but of a later date; there being indeed no such distinction, for the liberty of conscience once granted separable from civil liberty, civil liberty can have no security. It was the only excuse that the late tyrant pretended for his usurpation, that he could see no other means to secure the liberty of conscience. Suppose an oligarchy were like minded, would it follow that the tyrant did not, or that the oligarchy could not usurp civil liberty? Or is not this the only plausible way by which they might? What encouragement, except for present ends, or some short time, hath liberty of conscience had to trust more unto men, than civil liberty? Or what became of that civil liberty which was at any time trusted unto a prince, or to the oligarchy? On the other side, where hath that free state or commonwealth been ever known, that gave not liberty of conscience?

In *Israel* at the worst, or when it was scarce a commonwealth, *Paul earnestly beholding the council*, that is, the sanhedrim, or senate of the Jews, *cryed out—Men and brethren—of the hope and resurrection of the dead I am called in question: and when he had so said, there arose dissention between the Pharisees and the Sadduces—For the Sadduces say, that there is no resurrection, neither angel nor spirit; but the Pharisees confess both*, Acts xxiii. Howbeit the *Sadduces*, for the rest adhered unto the *Scriptures* of the Old Testament, of which the *Pharisees* made little or no account in respect of their oral law, or traditions. Whence it followeth, that in this *senate* there were two religions, and by consequence that in this commonwealth there was liberty of conscience; and so much the rather, in that besides these sects, and that also of the *essen*es, this commonwealth consisted in a good part of *proselytes of the gates*, who did not at all receive the law of *Moses*, but only the precepts given by God to *Noah*.

PAUL, Acts xvii. in like manner, *seeming to be a setter forth of strange gods*, in the commonwealth of *Athens*, *because he preached unto them Jesus, and the resurrection*; and the *Athenians*, being given to spend their time in telling or hearing some new thing, *they took him and brought him*, not by application of any violence, but out of curiosity and delight in novelties, *unto Areopagus*, or unto the famous senate in *Athens*, called *The Areopagites*, honoured by *Cicero* to furnish an argument against Atheists, where he argued, that to say, *the world is governed without God*, is as if one should say, that *the commonwealth of Athens is governed without the Areopagites*. *Paul* being thus brought unto *Areopagus*, or unto the place, that you may see it was not under custody, where the senators used to walk, *stood in the midst of Mars-hill*, and preached: now the *Areopagites*, or senators, were some Epicureans, who held as the *Sadduces*, and others Stoicks, who held as the *Pharisees*: and *when they heard of the resurrection of the dead*, some, that is, the Epicureans, *mocked*, and others, that is, the Stoicks, said, *we will hear thee again of this matter*. And *Paul*, for another argument that he was all this while at his own disposing, and full freedom, *departed from among them*. *Howbeit, certain men clave unto him, and believed, among which was Dionysius the Areopagite*. So in the senate of *Athens* there were now three religions; the Epicurean, Stoick, and Christian; whence it must needs follow, that in the commonwealth of *Athens*, there was liberty of conscience. Men that are vers'd in *Roman* authors will have little reason to doubt, that the learnedst of this people gave not much credit unto the fabulous religion that among them was national. Among these, as is yet apparent by his writings, was *Cicero*, who nevertheless lamenteth, that he found it easier to pull down a religion, than to set up any; yet was neither *Cicero*, nor any man of his judgment, for this, less capable of being consul, or of any other magistracy. All things are not equally clear in every story, yet shall no man give one reason or example that it hath been otherwise in any commonwealth.

It is true, that the *Popish* commonwealths do not give the liberty of conscience. No man can give that which he hath not: they depend in part, or in the whole, as to religion, upon the church of *Rome*; and so have not the liberty of conscience to give: but even these do not take it away; for there is no *Popish* commonwealth that endureth any inquisition. Now I say, if there be no reason nor example that a commonwealth ever did invade the liberty of conscience, either there must be some cause in nature, which hath hitherto had no effect, or there is no reason why a commonwealth can invade the liberty of conscience. But the reason why it cannot, is apparent: for the power that can invade the liberty of conscience, can usurp civil liberty; and where there is a power that can usurp civil liberty, there is no commonwealth. To think otherwise, is to measure a commonwealth by the overflowing and boundless passions of a multitude, not by those laws or orders, without which a free people can no otherwise have a course, than a free river without the proper channel. Yet as far as we in this nation do yet stand from this object, we can perceive a difference between men, and orders or laws. A man will trust the law for a thousand pound, nay must trust it with his whole estate. But he will not trust a man for an hundred pounds; or if he do, he may repent it. They who dare trust men, do not understand men; and they that dare not trust laws or orders, do not understand a commonwealth. I told a story of my travels to some gentlemen that were pleased with it. The *Italians* are a grave and prudent nation, yet in some things no less extravagant than the wildest; particularly in their carnival or sports about Shrovetide:

in these they are all mummers, not with our modesty, in the night, but for divers days together, and before the sun; during which time, one would think, by the strangeness of their habit, that *Italy* were once more overrun by *Goths* and *Vandals*, or new peopled with *Turks*, *Moors*, and *Indians*, there being at this time such variety of shapes and pageants. Among these, at *Rome* I saw one, which represented a kitchen, with all the proper utensils in use and action. The cooks were all cats and kitlings, set in such frames, so try'd and so ordered that the poor creatures could make no motion to get loose, but the same caused one to turn the spit, another to baste the meat, a third to scim the pot, and a fourth to make green-sauce. If the frame of your commonwealth be not such, as causeth every one to perform his certain function as necessarily as this did the cat to make green-sauce, it is not right.

But what talk we of frames or orders? Though we have no certain frame, no sitting orders, yet in this balance there are bounds, set even by his hand *who stilleth the raging of the sea, and the madness of his people*. Let the more wary *Cavalier*, or the fiery *Presbyterian*, march up when he may into the van, he shall lead this nation into a commonwealth, or into certain perdition. But if the old officers, men for the greater part of small fortunes, but all of large souls, ancient *heroes*, that dared to expose themselves unto ruin for their country, be restored unto their most deserved commands, this will be done, and done without a bloody nose, or a cut finger.

We hope ye are saints; but if you be men, look with all your might, with all your prudence, above all, with fervent imploration of GOD's gracious assistance, who is visibly crowning you, unto the well ordering of your commonwealth. In the manner consists the main matter. Detest the base itch of the narrow oligarchy. If your commonwealth be rightly instituted, seven years will not pass, ere your clusters of parties, civil and religious, vanish, not through any force, as when cold weather kills flies; but by the rising of greater light, as when the sun puts out candles. These in the reason of the thing are demonstrable, but suit better with the spirit of the present times, by way of prophecy. *England* shall raise her head to ancient glory, the heavens shall be of the old metal, the earth no longer lead, nor shall the sounding air eternally renounce the trumpet of fame.

May 16. 1659.

James Harrington.

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A DISCOURSE SHEWING,

That The Spirit Of Parliaments, With A Council In The Intervals, Is Not To Be Trusted For A Settlement; Lest It Introduce Monarchy, And Persecution For Conscience.

THE present case considered, I need say no more, than, if there be no bar, a parliament may consist wholly, or in the greater part, of Presbyterians or royalists; and if there be a bar, it is no government by parliaments, but by the bar that is upon them; which must be of greater danger. But the house of commons, as hath been hitherto usual in *England*, consisted of about four hundred deputies of the people, for the most part gentlemen, and old stagers, elected again and again unto the same employment, without vacation: this is that which being sweet in the stomach of divers, is the old love for which they detest new forms. Such an assembly, for the number or nature of their elections, is somewhat too low and too large to come up unto the true interest of a king, and too high and too narrow to descend wholly unto the true interest of the people; they have antiently provided diligently, that they might hawk and hunt without impediment of the king, and of the lower sort, to whom it was almost capital to spoil their game: and though this may seem but a jesting instance, yet have the rest of their laws, for their pitch, been much of the middle way, or of the like genius, while they were under a nobility; but since, through the natural decay of that order, they came to a greater height, it hath been to endure no check. Wherefore as it hath been found under a king, that such an assembly will endure no king, through the check they apprehend from him; so it will be found that under a commonwealth they will be addicted unto the introduction of monarchy, through the check they apprehend from the people.

Certain it is, that an alteration of government going no farther than the institution of parliaments, and a council in the intervals, can come to no more than that, so often as the council shall be changed for a king, or the king for a council, so often the commonwealth (if this deserve any such name) must be changed into monarchy, and the monarchy into a commonwealth; which changes may be made with such ease and suddenness, that every night it may be a cast of a dye, what the government shall be the next morning. Where the alteration (I say) of the government is no greater than from a king's chair, to a narrow bench of counsellors; there goeth no more to make a single person, than throwing down the bench, and setting up the chair; nor to make a commonwealth (such an one as it is) than throwing down the chair, and setting up the bench. But for the farther discovery of such causes, as in so strange and unheard-of innovation may give frequent or continual mutation, if this posture of things be upheld (as I cannot see how otherwise it should stand) by an army. Let us consider three things:

First, What is incident unto such an army.

Secondly, What is incident unto such a council.

And thirdly, What is incident unto such a parliament.

It is incident unto such an army, let the body thereof be never so popularly affected, to be under a monarchical administration, or to be top-heavy in their great officers, which will have power, whether they will or no, to oversway both the army and the government; as in the setting up of the late single person. Again, if the body of the army mutiny against the government, neither their great officers, nor any thing else in the parliament or council, can withstand them; as in the pulling down of the latter single person: whence it is evident that such an army can be no foundation of any settlement.

A council in the intervals, though it should rule well, will yet have a tendency toward preservation or prolongation of itself; and if it rule ill, will be obnoxious unto parliaments. For which cause, what help for themselves shall be in their power, is to be presumed, will be in their will; and they have the same power which the king had, or which is all one, are in as effectual a posture to obstruct or elude the meeting of parliaments; therefore it will be in their will to do it. And if they will this, they reduce the government into oligarchy, then into faction, and last of all, into confusion.

The people this while must unavoidably perceive this council to consist of too few to be fellows, and of too many to be masters. For which cause being all broken into faction, some for a commonwealth, and some for monarchy, parliaments coming by gusts, whether with or against the will of the council, will either be torn with like faction among themselves, or pull down the council as no government, and endeavour some settlement. Now if a monarchy (as most likely, because most obvious) be set up, it can be no settlement, because it is quite contrary unto the balance of the nation; and so they mend nothing, but make greater confusion. And a commonwealth or democracy consisteth of such orders and such novelties in this land, as will never be light upon by an assembly, nor credited by such as are unexperienced in the art. So that this nation going thus far about, will come but unto that very point, where it now stands at gaze, or to far greater confusion; for which there is no remedy, save only that they who are in power would lay aside all prejudice unto pretended novelties and innovations, or rather not give themselves unto such novelties as tend unto confusion, (for such have been the late changes) but consider such antiquities as have been, and must be the rule and reason of a wise proceeding in that, which by the providence of God never was before, and yet is now come to be the truth of their case.

But if what hath been hitherto shewn, be the certain consequence of parliaments with a council in the intervals, as that it will be no settlement, but a state now setting up, then pulling down kings or single persons; it is apparent that what introduceth monarchy, introduceth suppression of civil liberty, and in that, of liberty of conscience. Wherefore certain it is, that the spirit of a parliament with a council in the intervals, is not to be trusted, lest it introduce monarchy and suppression of liberty, and in that, of the liberty of conscience; nor the spirit of any form whatsoever, but that only of a democracy or free state, which is the same that through novelties introduced by God himself, is only practicable as a settlement in the present case of this distracted nation.

The true form of a democracy or free state consisteth especially in this, that as to lawgiving, the wisdom of the nation propose, and the interest of the nation resolve. If this be possible in *England*, then it is impossible, that there should be in *England* greater security unto liberty, whether civil or of conscience, which but for a new distinction is the same. Now that it is possible and easily practicable to frame such standing assemblies in *England*, whereof the one shall contain the wisdom, the other the interest of the whole nation, hath been long since evinced.

But men that go upon picking up arguments against an house out of the rubbish, and distinguish not between the people under the ruins of the old government, and what they must needs be when raised into a proper structure of a new frame, will say, that the people have a general aversion from being built up into any new form at all. So hath the rubbish, and yet it may have good stones and beams in it. They will say, that there is a general disaffection, nay hatred, throughout the countries, unto the government; and that more now, than in the time of the late usurper. Which I easily believe, because the change of a person, with what loss soever, is yet a less change than the change of a government. The former is a change from a thing that was known, to another that is known; but the latter must be a change from a thing that hath been known in this nation, to a thing that was never known in this nation. A man that walketh, treadeth, with almost equal boldness his next step, if he see it, though it be in the dirt; but let it be never so fair, if he see it not, he stands stock-still. This is the present state of the people, and this effect in the people is especially occasioned by their natural distrust of such novelties as they cannot penetrate or discover what they are. Nor is it an ill pulse, the case considered, in which it signifies no other than their constancy, and dear affection unto their old laws and ways, how unfit soever they be now become. Wherefore, so soon as you have fitted them better, none of this will be against you, but all for you. It is certain, that a people under proper orders, is the least effeminate, and most manly government in the world. But such an one as hath no experience or knowledge in these, hath a frowardness, that is altogether childish. What they find uneasy, they tear off and throw away; as in the late war; but no sooner find the nakedness unto which by like means they are brought, than being unable to clothe themselves, they fall into an unmanly penitence, and betake themselves unto picking up of their old trappings. If there be not men at the head of them, who by introduction of a proper form, can clothe their nakedness, and reduce their passion unto temper, there is nothing to be expected, but darkness, desolation and horror.

Now if you be saints, do good unto them that hate you, and would persecute you. Now cast your bread upon the waters, and after many days, nay after a few days, you shall find it.

That the people of this land have an aversion from novelties or innovations, that they are incapable of discourse or reasoning upon government, that they do not understand the true form of a free and equal commonwealth, is no impediment unto them, nor excuse unto wise and honest men, why they should not be embarked.

As the foul of man being by the wisdom of God embarked in flesh, doth all the functions of the body, not that she understandeth it, but that she can work no otherwise; so the body of a people, by the wisdom of one man, (if there be any such

man, as having such power, can be so honest) or of a few men (if there be any so few, as having such power, can agree in such a matter) embarked in the true form of a government, do all the functions of the same, not that they understand it; for how much understood they the late monarchy, when it was in the greatest vigour; but that through the necessity of the form, except it came to be insufficient (as through the late decay of the church and the nobility) they can work no otherwise than according unto the nature of it.

If the form thus introduced be that of a free and equal commonwealth, the people not being able to work otherwise than according unto the nature of it, can never introduce monarchy, nor persecution for conscience, because either of these is contrary and destructive unto the nature of the form.

That the former is so, I need not prove; and that the latter is so, is obvious. For without invading civil liberty, there is no invasion of the liberty of conscience; and by invading civil liberty, this form is dissolved. But some will say, Thrust the people into innovations unto which they have so great aversion? before they can be brought to understand them, and against their consent? what a violation of freedom! what a difficulty! what an injustice!

But taking all this together; what less can be said to whatever the parliament shall next introduce? or if you take them apart.

As to aversion, I have already spoken; it is not any malice in the people, but their nature in this case, which being through mere want of acquaintance with such things as they can no wise understand but by trial, is not to be rectified but by the introduction of such a form as they finding far more worthy of their holding, will by changing of the hand, but improve their more deserved constancy.

As to the difficulty of introducing a new form, of obtaining the people's consent, and the violation that in failure of the same may be made upon liberty, I say, that elections, at divers times, have already been divers; that in this there hath been no violation of liberty, nor difficulty in obtaining the people's consent: and such elections as will necessarily introduce the whole form of a new commonwealth, have no such difference in them from the former, that they should not be as easily consented unto, and performed by the people; and this done by ordaining the cause, they have ordained the effect, and so introduced the new form by common and universal consent.

Lastly, if it be just that the people should have their liberty, they will soon find by this change, that they both have it, and know how to hold it: which a people once finding, were never willing to part with; and in this consisteth the strongest security against monarchy, and for liberty of conscience.

To conclude: this to our present commonwealthsmen is dictated by universal experience, and written by the best politicians, as their certain doom.

If they introduce a well-ordered commonwealth, they shall be safe while they live, and famous when they are dead; and if they introduce not a well-ordered commonwealth, they shall be unsafe while they live, and infamous when they are dead.

July 21, 1659.

Certain Maxims Calculated Unto The Present State Of *England*.

WHERE nothing is to be obtained by reasoning, there every thing is referred to event; and so are these maxims.

- 1. WHERE there is no publick endowment of a ministry, there can be no national religion.*
- 2. WHERE there is no national religion, there can neither be any government, nor any liberty of conscience.*
- 3. WITHOUT invasion there may be a tumult, but can be no civil war in England.*
- 4. WITHOUT a civil war, there can be no monarchy in England.*
- 5. WHERE there is no situation like that of Venice, there can be no lasting oligarchy.*
- 6. A commonwealth upon intervals is against nature.*
- 7. Parliaments upon intervals set up kings or tyrants.*
- 8. Parliaments when they are salaried, will sit in harvest.*
- 9. Caput reipublicæ est nosse rempublicam. When the orders of any one commonwealth that is or hath been, are rightly understood by such as have the power, England will be a commonwealth.*
- 10. IF the narrowest commonwealth require at least twice the root of the largest monarchy, and the English monarchy were founded upon two assemblies containing six or seven hundred; then a commonwealth in England, must be founded upon assemblies consisting of about thirteen hundred at the least.*
- 11. IF justice be the common interest, and the common interest be justice; then private or partial interest, opposed unto the common, must be injustice.*
- 12. IF the laws of the people must needs go upon the common interest, and the laws of the oligarchy must needs go upon partial or private interest, opposed to the common; then the laws of the people must be just, and the laws of the oligarchy must be unjust.*
- 13. EVIL men, that can do no other than make just laws, are safer than good men, that must either make unjust laws, or ruin themselves.*

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A PARALLEL OF The SPIRIT Of The PEOPLE WITH The SPIRIT Of Mr. ROGERS; AND

An Appeal Thereupon Unto The Reader, Whether The Spirit Of The People, Or The Spirit Of Men Like Mr. *Rogers*, Be The Fitter To Be Trusted With The Government.

MR. ROGERS's first character of himself is, that he is one through grace kept under many sufferings a faithful servant to Jesus Christ, his cause, and the commonwealth.

The character that by men of his judgment is but too often given of the people, is, that they are *profane wretches, haters of the godly, or of a persecuting spirit*. Whereas if the jayls be looked into under any commonwealth that is popular, the most of the prisoners will be found to be in for matter of crime, few for debt, and none at all for conscience; the contrary whereof is known in other governments. And this is matter of fact, whereof every man, that doth not like Mr. *Rogers* give his spirit wholly unto passion, and never think himself bound either to give or take any one reason or example, is a competent judge.

But men skill'd in common conversation know, that if the people be offended by a man upon whom they live, they are very patient; but if they be offended by a man upon whom they do not live, they are very apt to fly out; and their common expression upon this occasion is, *What care I for him? I can live without him*. From the common and vulgar expression of this reason or truth, the whole spirit of the people, even as to matter of government, may be defined; which in the definition (because there are but too many who in like comparisons boast their spirit for righteousness, godliness and justice above that of the people) I shall make bold to parallel with that of Mr. *Rogers*.

The spirit of the people, where they live by a king, will obey a king very faithfully. Mr. *Rogers* is not for a king upon any terms whatsoever.

The people, where they subsist by lords, are always faithful unto their lords; and where they are under the power of a few by whom they subsist not, never desist from shaking that yoke.

The spirit of Mr. *Rogers* is not for the government of lords, or such as might pretend any such reason of their government; but for the government of a few, that cannot pretend any such reason of their government; which therefore can have no justice nor bottom.

A people that can live of themselves, neither care for king nor lords, except through the mere want of inventing a more proper way of government; which till they have found, they can never be quiet; wherefore to help a people at this streight, is both the

greatest charity to our neighbour, and the greatest service that a man can do unto his country.

The spirit of Mr. *Rogers* is not only to have a people that can live of themselves, to be governed by none other but such as himself; but throwing away all modesty, is a professed enemy to any man that at such a streight shall fairly offer a charity to the people, or a service unto his country.

Whether he be wronged thus far, I leave unto the reader in what follows; where what the sense is, we must guess; but the words are certainly Mr. *Rogers*'s. He takes me up, after having handled Mr. *Baxter* like himself in this manner:

BUT in the winding up our discourse, I am surprised or way-laid with Mr. Harrington's correspondence with Mr. Baxter against an oligarchy, (I wish he had been as much against anarchy or Atheism) if he means by it the parliament, or such a parliament, or the body of adherents to the cause, as one of them I believe he must, and some say all; (wherein Mr. Baxter and he agree.)

But when he tells us his meaning without mumping and scoffing, (which we must understand before we reply) he may hear further.

*Mark his art in
slandering: he dareth
not to call me Atheist,
because by my
writings all men may
know that I am none.*

I ever understood and explained oligarchy, without *mumping* or *scoffing*, to be the reign of the few, or of a party, excluding the main body of the people; yet faith he, *From their old mumpsibus, and his new sumpsibus, good Lord deliver me.* He should be fined 5 *l.* By the *new sumpsibus*, he intimates that he means the government by a senate and by the people: and the reason why he deprecates this by his litany is, that most undoubtedly it must bring in a single person. This consequence he pursueth with much Greek, in which you shall see how well he understandeth that language, or indeed any ancient commonwealth or author. His first Greek quotation, as you may find at length in his 72 page, importeth that in *Lacedemon* no man stood up by the way of honour, but to a king, or to an *ephore*. This, without mumping or scoffing, he englisheth thus, *None stood or were raised up* (meaning in the commonwealth of *Lacedemon*) *but a king and the ephore*; whence he infers, *That a single person had an executive power there.* Then out of *Heraclides* he sets down a text which shews, that the *thesmothetæ* in *Athens* were sworn not to take bribes; or if they did, were to pay a statue of gold to *Apollo*; and this he englisheth thus: *The thesmothets were not to take bribes, nor to set up the golden image*, which he understands of a king: and finding a king priest in that commonwealth, (as in ours there is a king-herald) he concludes that they did set up a king; and so, that the senate and the people is a government inclining to set up a single person. Nor is there much of his quotations out of ancient authors, that is less mistaken, and it may be out of Scripture. You shall have but one piece more of him, which is concerning rotation: of this saith he,

Whether this way be not, of any, the most liable to an ostracism, let any judge, by discouraging, laying aside, or driving out of the land, the most publickly spirited worthies that are in it; men of the greatest *ability*, *gallantry*, and *sidelity*, by which means a many brave

*Well bowl'd Mr.
Rogers.*

governments have been utterly destroyed: as the *Athenians*, *Argives*, *Thebans*, *Rhodians*, and others. It is said in *Athens*, ἡ πείρα [Editor: illegible character] ὑπάρχει, ἡ τῶν περὶ τῆς πατρίδος [Editor: illegible character] νόμον ἐσηγήσατο [Editor: illegible character] ο, δεῖ γὰρ τοῖς ἀλλοις τε καὶ τοῖς ἀθηναίοις ἡ πείρα. Ξάνθιππος [Editor: illegible character] ἡ πείρα; ἡ πείρα; That Hippias plaid the tyrant, and he brought forth the law of ostracism; but others were cast into exile by it, such as Xantippus, Aristides, &c. Nor can we but foresee, how fast the wheel of their rotation would bould or fling out the best and ablest in the commonwealth, for bran, leaving the worst behind in, of all others.

And yet of this must his cake be made, which, after it is baked, he would have divided by silly girls! a pretty sport for the *mummers* indeed, or those nimblewitted house-wives (that with

Steal a little more, and say his cake is dough.

vice can *outvie* the virtues of the best) to learn so lightly the whole *mystery* of a commonwealth, and most abstruse *intrigues* or *cabals* of state (page 13. *Oceana*) that when these *Joans* are weary with their bobbins, they may bob our ears bravely, with a *garrulous* rule; and when they lag in their *bonelace*, they may lace our bones, (for *loggerheads*,) to let them lay down the distaff, and take up the scepter; leave the spindle, and divide the spoil; yea, then sit like *magpies at their doors*, dumb saints in their idol's churches! *goats in their gardens*! devils in their houses! *angels in the streets*! and syrens at their windows! as they say of the *Italians*; for when they can live no longer by their work, they shall live by their wits, in Mr. *Har.*'s commonwealth, that sifts out the best, and keeps in the worst to make his cake with. But in *Lacedemon*, Λυcurγος ὁ Σπύρτος ἡ δὲ δὴ αἰετὶς βέλῃ [Editor: illegible character] ἐξ ὅσων Δαδαίμονις, περὶ τῆς γῆς [Editor: illegible character] ἡ αὐτὸς τῶν μισθῶν ὅσα [Editor: illegible character] ο. *Lycurgus* the son of *Eunomus*, willing to endow the *Laceaemonians* with their dues in righteousness and justice, took not away any worthy or good reward from any one. And the *Thebans*, to encourage dignity, and keep up the honour of magistracy from contempt, made a law, *Ut nemo habilis esset, ad honores reipublicæ, suscipiendos, nisi decem annis à Mercaturâ destitisset*, &c. That no man should be accounted qualified for the honours of the commonwealth, *i. e.* in magistracy, unless he had first left his merchandizing ten years: such a care had they to keep out the *Joans* and *Toms*, which Mr. *H.* admits, by turns and times, as the rotation boulds them into the government, and their betters out. And what was said of *Clisthenes* an Athenian, Κλεισθένης δεῖ τὸ δεῖν ἑξοφῶν αἰετὶς ἐσηγησάμεν [Editor: illegible character], ὅτος τοχὲ τῶν ἀταδίης πρῶτ [Editor: illegible character], might possibly be applied to Mr. *H.* were their rogation effected; that he was one of the first that introduced this government by *ostracism*, and one of the first that felt it, and would have retroduced it; the first that brought it in, and the first that wrought it out.

Therefore let him secure his own bull, before he baits another's, and take his play! [Editor: illegible character] ὅν β [Editor: illegible character] ὅς πολλοίτο, ἐμὲ γείτων ἡμεῖς ἐν.

Mark the ingenuity of these men: that I have written the commonwealth of Israel, they will take no notice: nor that from thence especially rotation is derived.

Lastly, I would willingly be informed how his *new platforms* or principles *Paganish* or *Popish*, fetch'd from *Athens*, or from *Venice*, can, without cruciating *extremities* and applications, be adequated to our commonwealth under Christian profession? so that *Quæ semel possidebant Papistæ, semper possideant Rapistæ*; what the *Papists* once had, *Rapists* and ravenous ones would ever have, *viz.*

our rights and liberties from us; nor could it be acquired, I think, without greater *advantages* to *Papists* and *Atheists* than to us, seeing the very *interest* of the son of God, and saints in the nation, the best and noblest cause on earth, in all the integrating parts thereto, is not taken notice of in his platform; neither in the balance nor the wheel; in the ballot nor rotation (or rogation) of it; so that *Differs curandi tempus in annum? Quicquid delirant reges, plectuntur achiivi.*

I may conclude with Mr. *B.* p. 240. *That God having already given us the best fundamental laws;* let us have but good *magistrates*, and we shall have good *derivative laws*, or human.

No! find them another way for liberty of conscience.

It was a law among the *Cretians*, that τ[Editor: illegible character]ς ἀ?δας μανθάνειν τ?ς Νόμ?ς ??έλευον μετ? τίν[Editor: illegible character] μελωδίας ?να ?? της μ?σι?ης ψυχαγωγ?ν ται ?α? ?υ?ολώτερον ο?τ[Editor: illegible character]ς τ? μνήμ[Editor: illegible character] παραλαμβάνωσι, &c. That their children should learn their laws with melody; that from the *MUSICK* they might take *great pleasure* in them, and more easily commit them to memory. We need no such *law*, to endear or *dulcify* our cause or the *laws* of it in the *commonwealth*. If the *foundation* of it be that, which the hand of the *Almighty* hath laid amongst us both for church and state, from *Christian principles*, rather than from *Paganish* or meer *morals*, it will make most excellent harmony in the ears and hearts of all men and Christians; *And the governours of Judah shall say in their hearts, the inhabitants of Jerusalem shall be my strength, in the Lord of hosts their God, Zach. xii. 5.* Thus our governors thought of them in the days of straits, and will again see it, one of their best interests, to have their prayers and their God, as well as their purses and blood, engaged for them; and not disoblige them upon jealousies suggested by the enemy, who for their *virgin* fidelity, and untainted adherence to the cause, may be called πα[Editor: illegible character]θενί?ς, as the *Lacedemonians* did their wives after their innocency did break out, and get above the clouds of suspicion and reproach. But if, after all, they will be planting and founding us again in the spirit of the nation, as if God had owned no cause, or made no signal discrimination; or shaken no such foundations of the earth, &c. which their lord general pretended as one ground of their interruption, which Mr. *H.* and others would hurry them into, to the endangering of the cause, and the disobligeing the adherents; then will the *Jehovah*, that *keepeth covenant with his people, and not alter the thing that is gone out of his lips*, Psal. lxxxix. 34. Acts ii. 30. and iii. 20, 21. raise up others in their stead, to carry on this his cause, both in the civils and the spirituals; and to form another people for himself to shew forth his praise, *Isa xliii. 21. Then they that rule over men, shall be just, ruling in the fear of God; and they shall be as the light of the morning when the sun ariseth; a morning without clouds, and as the tender grass that springeth out of the earth, by a clear shining after rain,* 2 Sam. xxiii. 3, 4. which that these may be, agrees better with my prayer, than with his proposals *I am sure*. But thus I leave him whom Mr. *B.* has quoted as a stumbling-block before me; whom I am not only gotten over, but I presume have given a good lift to the removing of him out of others way, as to the right foundation of the *commonwealth*, and stating the cause.

You might have more; but because it is no better, here is enough. I could never yet find among men like Mr. *Rogers*, that my spirit is likely to pass with them for any more than a moral spirit; and there is nothing more usual among divines that make mention of me, than to call me mad-man or *Atheist*. On the other side, Mr. *Rogers*,

and most of them that thus use me, hold themselves to be men of sanctified spirits. Yet without boasting, and upon provocation, I submit it unto the reader, whether Mr. *Rogers* or my self be of the better spirit: nor do I blame him so much for emptying himself lustily of that which burthened him; passion in a man is far more pardonable than malice. He accuseth me in his title page, of venom and vilification towards the honourable members now in parliament; which, for any thing he hath said, or can say to prove it, is not only to bear false witness against his neighbour, but in seeking the destruction of his neighbour by false witness, to blast a cause which he is no otherways able to invade. Let this be considered; for if it prove to be the truth of his meaning, it must be from an evil spirit. However, the reader may now easily judge, whether the spirit of the people, excluding no man, or the spirit of Mr. *Rogers*, and such like, which is that which he would have, excluding the people, be the fitter to be trusted with the government.

Sept. 2. 1659.

Reader, I intreat your pardon; I know well enough that this is below me; but something is to be yielded to the times: and it hath been the employment of two or three hours in a rainy day.

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A Sufficient Answer To Mr. STUBB.

THERE is a book newly put forth by Mr. *Stubb*, intituled, *A Letter to an Officer, &c.* which in brief comes to this, that he would have a select senate for life, consisting of Independents, Anabaptists, Fifth-Monarchy-men, and Quakers; for which he is pleased to quote *Deut.* xxiii. that he would have all such as adhered unto the parliament against Sir *G. Booth*, to be inrolled as the people of *England*: that he would have all the rest of the people of *England* to be *Helots*, *Gibeonites*, or *Paysants*. This book I have read; and I have heard a tale of one, who, to get something, pretended the shewing of a strange beast, and horse and no horse, with the tail standing where the head should stand; which when all came to all, was a mare, with her tail ty'd to the manger; the lively emblem of an oligarchy. Mr *Stubb* pretending to shew his learning, takes those things, as it were changing the sex of them, which I have written, and in his writings turns their tails unto the manger. Now this, as to the unlearned reader, is that upon which it is to no purpose to move any controversy; and as to the learned, I need no more than appeal, whether in their proper stables, or in the best authors, the heads of them stand, as I have set them, or the tails as Mr. *Stubb* hath set them. Only let me say, that as to a select senate, understanding thereby a senate not elected by the people, there is no more of this in all story, than the senate of *Rome* only. Whence it is undeniable by any man of common understanding, that a select senate bringeth in a select interest, that a select interest causeth feud between that select interest, and the common interest, and so between the senate and the popular assembly; which coal in *England* it is fitter for such as Mr. *Stubb* and his patrons to blow, than for such as understand story, government, and common honesty. But their reasons who decry the possibility or plausibility of such acts or orders as these, it pleaseth him to call high *rodomontado*'s. Now which are the higher *rodomontado*'s, these, or those which he useth in siourishing *the justitia of Aragon*, a patch in a monarchy, which his design is to translate by *a select senate*, into a commonwealth, I leave any man to judge, even by the testimony of his own author *Blanca*, and in a place cited by himself, though not so well rendered. *Our ancestors*, saith *Blanca*, *have three ways secured our liberties; by the justitia, by the great POWER of the ricos hombres* (now he speaks,) *and by the privilege of the union. The first was a civil and forensick curb, a gown, the second was a domestick and more restraining one,* (I think so, the purse and the power,) *the third popular and warlike, an excellent militia.* Now let any man say, even after *Blanca*, if without the nobility, in whom was the balance of this monarchy, and their retainers and dependents, of which consisted the militia, this court of the poor gownman called *Justitia*, must not have been a very likely thing to restrain a prince; or consider whether without this same mummary of the *Arragonians*, house of peers and of commons in other monarchies, have not every whit as much restrained their kings, and more, seeing this toy, at every election of the magistrate called *Justitia*, it received not breath but from a king, was blown away by a king. His other instances, as the thirty-six *curators of the publick* appointed unto *Lewis* the Eleventh of *France*, by the three estates, and the *twenty-five select peers*, given unto king *John* of *England*, were like shifts, and had less effect. Security in government must be from entireness of form; and entireness of form must be from soundness or rightness of foundation. But Mr. *Stubb* founding himself upon the

authority of *Aristotle*, that the *Western parts are not capable of a right commonwealth*, is declaredly for a wrong commonwealth in *England*. He minds not that *Venice*, for the capacity, is a righter commonwealth than was ever any in *Greece*; nor that the present state of *England* is of a far different, if not a quite contrary nature to that of the western parts, in the time of *Aristotle*.

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A PROPOSITION In Order To The Proposing Of A Commonwealth Or Democracy.

IF the parliament shall be pleased to appoint a committee to receive Mr. *Harrington's* proposals for settling the government of this commonwealth, it is humbly proposed that unto the committee of the house may be added,

The Earl of *Northumberland*.

The Earl of *Denbigh*.

The Earl of *Clare*.

The Earl of *Kingston*.

The Duke of *Buckingham*

Lord *Grey of Wark*.

Lord *Faulkeland*.

Lord *Lambert*.

Lord *Bronker*.

Richard Nevil, Esq;

Mr. *Nathaniel Fiennes*.

Lord Mayor of *London*.

Alderman *Titchborne*.

Mr. *Thurlo*.

Mr. *William Pierepoint*.

Sir *John Eveling*.

Mr. *Crew*.

Mr. *Anslo* of *Ireland*.

Mr. *Prynne*.

Sir *Paul Neal*.

Sergeant *Maynard*.

Colonel *Taylor*.

Lord *Broughal*.

Mr. *Hubard*.

Mr. *John Trevor*.

Captain *Adam Baynes*.

Mr. *Josias Bernards*.

Mr. *Samuel Moyer*.

Mr. *Anthony Samuel*.

Major *Wildam*.

Mr. *Maximilian Petty*.

Mr. *William Harrington*.

Mr. *Wren*.

Mr. *Baxter of Kidderminster*.

Mr. *Walwin*.

Dr. *Brooks*.

Mr. *Arthur Eveling*.

Mr. *Cook*.

Dr. *Ferne*.

Dr. *Haymond*.

Dr. *Owen*.

Dr. *Seaman*.

Mr. *Calamy*.

Mr. *Manton*.

Captain *Andrew Ellis*.

Mr. *Challinor Chute*.

Mr. *Sling*[Editor: illegible character]y *Bethel*.

Sir *Cheany Culpepper*.

Sir *Henry Blount*.

Sir *Horatio Townshend*.

Sir *Anthony Ashly Cooper*.

Mr. *Job Charleton*.

Mr. *Edward Waller*.

Colonel *Harloe*.

Major *Harloe*

Colonel *John Clark*.

Mr. *John Denham*.

Mr. *Morrice*.

Mr. *Hugh Bisscower*.

Sir *George Booth*.

Mr. *Robert Roles*.

Dr. *Mills*

Sir *Orlando Bridgeman*.

Mr. *Robert Stevens*.

Mr. *William James*.

Sir *Justinian Isham*.

Lieutenant Colonel *Kelsey*.

Sir *Robert Honnywood*.

Mr. *Sedgwick*.

Mr. *Philip Nye*.

Dr. *Thomas Goodwin*.

Colonel *Lilburn*.

Charles Howard, Esq;

Colonel *Ashfield*.

Sir *Thomas Gower*.

Lord Com. *Bradshaw*.

General *Desborow*.

Colonel *James Berry*.

Major *William Packer*.

Praisegod Barebones.

Sir *William Waller*.

Colonel *Sanders*.

Colonel *Hatcher*.

Colonel *Edmond Salmon*.

Colonel *Francis Hacker*.

Mr. *Richard Knightley*.

Colonel *John Burch*.

Mr. *John Swynfen*.

Mr. *Thomas Bampfild*.

Colonel *John Okey*.

Mr. *William Kiffen*.

Anthony Pierson.

Colonel *Moss*.

Mr. *Frecheville* of *Stavely*.

Mr. *James Morley*

Dr. *Philip Carteret*.

Captain *Richard Dean*.

Adjutant-General *William Allen*.

Mr. *William Forester* of *Aldermarton*.

Mr. *Edward Harison*.

Mr. *Arthur Samwell*.

Mr. *Samuel Tull*.

Mr. *Edward Salloway*

That this committee sit *Tuesdays* and *Fridays*, by three of the clock in the afternoon, in the banqueting-house, court of requests, or painted chamber, the doors being open, and the room well fitted for all comers; and that Mr. *Harrington* having proposed by appointment of the parliament, such others may propose as shall have the leave of the parliament.

This by friends of the commonwealth is proposed with Mr. *HARRINGTON*'s consent.

The Reasons for this Proposition are these:

IT is the fairest way of proposing a government, that it be first proposed to conviction, before it be imposed by power.

THE persons herein nominated being convinced, it must necessarily have an healing effect.

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THE ROTA: OR, A Model Of A Free State, Or Equal Commonwealth.

Once proposed and debated in brief, and to be again more at large proposed to, and debated by a free and open Society of ingenious Gentlemen.

Ite Fortes, Ita Fœlices.

At the *ROTA*. Decem. 20. 1659.

RESOLVED, that the proposer be desired, and is hereby desired to bring in a model of a free state, or equal commonwealth, at large, to be farther debated by this society, and that in order thereunto it be first printed.

RESOLVED, that the model being proposed in print, shall be first read, and then debated by clauses.

RESOLVED, that a clause being read over night, the debate thereupon begin not at the sooner till the next evening.

RESOLVED, that such as will debate, be desired to bring in their queries upon, or objections against the clause in debate, if they think fit, in writing.

RESOLVED, that debate being sufficiently had upon a clause, the question be put by the balloting-box, not any way to determine of, or meddle with the government of these nations, but to discover the judgment of this society, upon the form of popular government, in abstract, or *secundum artem*.

The Principles Of Government.

ALL government is founded upon over-balance, in propriety.

If one man hold the over-balance unto the whole people in propriety, his propriety causeth absolute monarchy.

If the few hold the over-balance unto the whole people in propriety, their propriety causeth aristocracy, or mixed monarchy.

If the whole people be neither over-balanced by the propriety of one, nor of a few, the propriety of the people, or of the many, causeth the democracy, or popular government.

The government of one against the balance, is tyranny.

The government of a few against the balance, is oligarchy.

The government of the many, (or attempt of the people to govern) against the balance, is rebellion, or anarchy.

Where the balance of propriety is equal, it causeth a state of war.

To hold, That government may be founded upon community, is to hold, that there may be a black swan, or a castle in the air; or, that what thing soever is as imaginable, as what hath been in practice, must be as practicable, as what hath been in practice.

If the over-balance of propriety be in one man, it necessitateth the form of government to be like that of *Turky*.

If the over-balance of propriety be in the few, it necessitateth the form of the government to be like that of king, lords, and commons.

If the people be not over-balanced by one, or a few, they are not capable of any other form of government, than that of a senate, and a popular assembly. For example, as followeth.

For The FORM Or MODEL In Brief Of A FREE STATE, Or Equal COMMONWEALTH. It Hath Been Proposed In This Manner:

1. LET the whole territory of *Oceana* be divided as equally as may be, into fifty parts or shires.
2. Let the whole inhabitants (except women, children, and servants) be divided according unto their age into elders and youth; and according unto their estates into horse and foot.
3. Let all such as are eighteen years of age or upwards to thirty, be accounted youth; and all such as are thirty or upwards, be accounted elders.
4. Let all such as have one hundred pounds a year, or upwards, in lands, goods, or money, be accounted of the horse; and all such as have under, be accounted of the foot of the commonwealth.
5. Let every parish in a shire elect annually the fifth elder of the same, to be for that year a deputy of that parish; if a parish be too small, let it be laid as to this purpose, unto the next; and in this respect, let every part of the territory appertain to some parish.
6. Where there is but one elder of the horse in a parish, let him be annually eligible, without interval: where there are more elders of the horse, let no deputy of the parish be re-eligible, but after the interval of one year.
7. Where there be four elders of the horse, or more, in one and the same parish, let not under two, nor above half of them, be elected, at one and the same election, or time.

8. Let the deputies thus elected at the parishes, assemble annually at the capital of their shire, and let them then and there elect out of their own number, two elders of the horse to be knights or senators, three elders of the horse, and four elders of the foot, to be of the assembly of the people, for the term of three years, injoining an equal vacation, or interval, before they can be re-elected in either of these capacities.

9. Let there be elected at the same time in each shire, the first year only, two other knights, and seven other deputies for the term of one year, and two other knights, with seven other deputies, for the term of two years, which in all constituteth the senate of three hundred knights, and the popular assembly of one thousand and fifty deputies, each being upon a triennial rotation, or annual change in one third part.

10. Let the senate have the whole authority or right of debating and proposing unto the people; let the popular assembly have the whole power of result; and let what shall be proposed by the senate, and resolved by the popular assembly, be the law of *Oceana*.

The Conclusion:

TWO assemblies thus constituted, must necessarily amount unto the understanding and the will, unto the wisdom and the interest of the whole nation; and a commonwealth, where the wisdom of the nation proposeth, and the interest of the people resolveth, can never fail in whatever shall be farther necessary for the right constituting of itself.

The MODEL At Large Of A FREE STATE, Or Equal COMMONWEALTH. Proposed In Four Parts:

First, the Civil } Part. } Thirdly, the Military

Secondly, the Religious } Part. } Fourthly, the Provincial

PART I.

For The Civil Part, It Is Proposed,

1. THAT the whole native or proper territory of *Oceana* (respect had unto the tax-role, unto the number of people, and to the extent of territory) be cast with as much exactness as can be convenient, into fifty precincts, shires, or tribes.

2. That all citizens, that is, free-men, or such as are not servants, be distributed into horse and foot, that such of them as have one hundred pounds a year in lands, goods, or money, or above that proportion, be accounted of the horse; and all such as have under that proportion, be accounted of the foot.

3. That all elders or free-men, being thirty years of age, or upwards, be capable of civil administration; and that the youth, or such free-men as are between eighteen

years of age and thirty, be not capable of civil administration, but of military only, in such manner as shall follow in the military part of this model.

4. That the elder's resident in each parish, annually assemble in the same; as for example, upon Monday next ensuing the last of *December*. That they then and there elect out of their own number every fifth man, or one man out of every five, to be for the term of the year ensuing a deputy of that parish; and that the first and second so elected, be overseers, or presidents for the regulating of all parochial congregations, whether of the elders, or of the youth, during the term for which they were elected.

5. That so many parishes lying nearest together, whose deputies shall amount to one hundred, or thereabouts, be cast into one precinct, called the hundred: and that in each precinct called the hundred, there be a town, village, or place appointed, to be the capital of the same.

6. That the parochial deputies elected throughout the hundred assemble annually; for example, upon Monday next ensuing the last of *January*, at the capital of their hundred. That they then and there elect out of the horse of their number one justice of the peace, one jurymen, one captain, one ensign; and out of the foot of their number, one other jurymen, one high constable, &c.

7. That every twenty hundreds lying nearest, and most conveniently together, be cast into one tribe, or shire. That the whole territory being after this manner cast into tribes, or shires, some town, village, or place, be appointed unto every tribe, or shire, for the capital of the same: and that these three precincts, that is, the parish, the hundred, and the tribe, or shire, whether the deputies thenceforth annually chosen in the parishes, or hundreds, come to increase, or diminish, remain firm, and unalterable for ever, save only by act of parliament.

8. That the deputies elected in the several parishes, together with their magistrates, and other officers, both civil and military, elected in their several hundreds, assemble, or muster annually; for example, upon Monday next ensuing the last of *February*, at the capital of their tribe, or shire.

9. That the whole body thus assembled upon the first day of the assembly, elect out of the horse of their number one high sheriff, one lieutenant of the tribe, or shire, one *custos rotulorum*, one conductor, and two censors. That the high sheriff be commander in chief, the lieutenant commander in the second place, and the conductor in the third, of this band, or squadron. That the *custos rotulorum* be muster-master, and keep the rolls. That the censors be governors of the ballot. And that the term of these magistracies be annual.

10. That the magistrates of the tribe, that is to say, the high sheriff, lieutenant, *custos rotulorum*, the censors, and the conductor, together with the magistrates and officers of the hundred, that is to say, the twenty justices of the peace, the forty jurymen, the twenty high constables, be one troop, and one company apart, called the prerogative troop, or company. That this troop bring in, and assist the justices of assize, hold the

quarter-sessions in their several capacities, and perform their other functions as formerly.

11. That the magistrates of the tribe, or shire, that is to say, the high sheriff, lieutenant, *custos rotulorum*, the censors, and the conductor, together with the twenty justices elected at the hundreds, be a court for the government of the tribe called the *phylarch*; and that this court proceed in all matters of government, as shall from time to time be directed by act of parliament.

12. That the squadron of the tribe, upon the second day of their assembly, elect two knights and three burgesses out of the horse of their number, and four other burgesses out of the foot of their number. That the knights have session in the senate, for the term of three years, and that the burgesses be of the prerogative tribe, or representative of the people for the like term. That if in case of death, or expulsion, a place become void in the senate, or popular assembly, the respective shire or tribe have timely notice from the seignory, and proceed in the manner aforesaid unto extraordinary election of a deputy or senator, for the remaining part of the term of the senator or deputy, deceased or expelled.

13. That for the full and perfect institution, at once, of the assemblies mentioned, the squadron of each tribe or shire, in the first year of the commonwealth, elect two knights for the term of one year, two other knights for the term of two years, and lastly, two knights more for the term of three years; the like for the burgesses, of the horse first, and then for those of the foot.

14. That a magistrate, or officer elected at the hundred, be thereby barred from being elected a magistrate of the tribe, or of the first day's election. That no former election whatsoever bar a man of the second day's election at the tribe, or to be chosen a knight or burgess. That a man being chosen a knight or burgess, who before was chosen a magistrate or officer of the hundred or tribe, delegate his former office or magistracy in the hundred or the tribe, to any other deputy, being no magistrate nor officer, and being of the same hundred, and of the same order, that is, of the horse, or of the foot respectively. That the whole and every part of the foregoing orders for election in the parishes, the hundreds, and the tribes, be holding and inviolate upon such penalties, in case of failure, as shall hereafter be provided by act of parliament against any parish, hundred, tribe or shire, deputy or person so offending.

15. That the knights of the annual election in the tribes take their places on Monday next ensuing the last of *March*, in the senate. That the like number of knights, whose session determineth at the same time, recede. That every knight or senator be paid out of the publick revenue quarterly seventy-five pounds, during his term of session, and be obliged to fit in purple robes.

16. That annually upon reception of the new knights, the senate proceed unto election of new magistrates and counsellors. That for magistrates they elect one archon or general, one orator or speaker, and two censors, each for the term of one year, these promiscuously; and that they elect one commissioner of the great seal, and one

commissioner of the treasury, each for the term of three years, out of the new knights only.

17. That the archon or general, and the orator or speaker, as consuls of the commonwealth, and presidents of the senate, be during the term of their magistracy paid quarterly five hundred pounds: that the ensigns of these magistracies be, a sword born before the general, and a mace before the speaker: that they be obliged to wear ducal robes: and that what is said of the archon or general in this proposition, be understood only of the general sitting, and not of the general marching.

18. That the general sitting, in case he be commanded to march, receive fieldpay; and that a new general be forthwith elected by the senate to succeed him in the house, with all the rights, ensigns and emoluments of the general sitting, and this so often as one or more generals are marching.

19. That the three commissioners of the great seal, and the three commissioners of the treasury, using their ensigns and habit, and performing their other functions as formerly, be paid quarterly unto each of them three hundred seventy-five pounds.

20. That the censors be each of them chancellor of one university by vertue of their election: that they govern the ballot: that they be presidents of the council for religion: that they have under appeal unto the senate right to note and remove a senator that is scandalous: that each have a silver wand for the ensign of his magistracy: that each be paid quarterly three hundred seventy-five pounds, and be obliged to wear scarlet robes.

21. That the general sitting, the speaker, and the six commissioners abovesaid, be the seigniory of this commonwealth.

22. That there be a council of state consisting of fifteen knights, five out of each order or election; and that the same be perpetuated by the annual election of five out of the new knights, or last elected into the senate.

23. That there be a council for religion consisting of twelve knights, four out of each order, and perpetuated by the annual election of four out of the knights last elected into the senate. That there be a council for trade consisting of a like number, elected and perpetuated in the same manner.

24. That there be a council of war, not elected by the senate, but elected by the council of state out of themselves. That this council of war consist of nine knights, three out of each order, and be perpetuated by the annual election of three out of the last knights elected into the council of state.

25. That in case the senate add nine knights more out of their own number into the council of war, the said council be understood by such addition, to be dictator of the commonwealth, for the term of three months, and no longer, except by further order of the senate the said dictatorial power be prolonged for a like term.

26. That the seigniory have session and suffrage, with right also, jointly or severally, to propose both in the senate and in all senatorian councils.

27. That each of the three orders or divisions of knights in each senatorian council elect one provost for the term of one week; and that any two provosts of the same council so elected may propose unto the respective council, and not otherwise.

28. That some fair room or rooms well furnished and attended, be allowed at the state's charge for a free and open academy unto all comers, at some convenient hour or hours, towards the evening. That this academy be governed according to the rules of good breeding or civil conversation, by some or all of the proposers; and that in the same it be lawful for any man, by word of mouth, or by writing, in jest or in earnest, to propose unto the proposers.

29. That for ambassadors in ordinary there be four residences, as *France*, *Spain*, *Venice*, and *Constantinople*. That every resident upon election of a new ambassador in ordinary, remove to the next residence in the order nominated, till having served in them all, he return home. That upon *Monday* next ensuing the last of *November*, there be every second year elected by the senate some fit person, being under thirty-five years of age, and not of the senate, nor of the popular assembly. That the party so elected repair upon *Monday* next ensuing the last of *March* following, as ambassador in ordinary unto the court of *France*, and there reside for the term of two years, to be computed from the first of *April* next ensuing his election. That every ambassador in ordinary be allowed three thousand pounds a year, during the term of his residencies; and that if a resident come to die, there be an extraordinary election into his residence for his term, and for the remainder of his removes, and progress.

30. That all emergent elections be made by scrutiny, that is, by a council, or by commissioners proposing, and by the senate resolving in the manner following: that all field officers be proposed by the council of war: that all ambassadors extraordinary be proposed by the council of state: that all judges and serjeants at law be proposed by the commissioners of the great seal. That all barons and officers of trust in the exchequer be proposed by the commissioners of the treasury, and that such as are thus proposed and approved by the senate, be held lawfully elected.

31. That the cognizance of all matter of state to be considered, or law to be enacted, whether it be provincial or national, domestick or foreign, appertain unto the council of state. That such affairs of either kind as they shall judge to require more secrecy, be remitted by this council, and appertain unto the council of war, being for that end a select part of the same. That the cognizance and protection both of the national religion, and of the liberty of conscience equally established, after the manner to be shewn in the religious part of this model, appertain unto the council for religion. That all matter of traffick and regulation of the same appertain unto the council for trade. That in the exercise of these several functions, which naturally are senatorian or authoritative only, no council assume any other power, than such only as shall be estated upon the same by act of parliament.

32. That what shall be proposed unto the senate by one or more of the seigniory or proposers general, or whatever was proposed by any two of the provosts, or particular proposers, unto their respective council; and upon debate at that council shall come to be proposed by the same unto the senate, be necessarily debatable and debated by the senate. That in all cases wherein power is derived unto the senate by law made or by act of parliament, the result of the senate be ultimate; that in all cases of law to be made, or not already provided for by act of parliament, as war and peace, levy of men, or money or the like, the result of the senate be not ultimate. That whatsoever is decreed by the senate upon a case wherein their result is not ultimate, be proposed by the senate unto the prerogative tribe, or representative of the people, except only in cases of such speed or secrecy, wherein the senate shall judge the necessary slowness, or openness, in this way of proceeding, to be of detriment, or danger unto the commonwealth.

33. That if upon the motion or proposition of a council or proposer general, the senate add nine knights, promiscuously chosen out of their own number unto the council of war; the same council, as thereby made dictator, have power of life and death, as also to enact laws in all such cases of speed or secrecy for and during the term of three months and no longer, except upon new order from the senate. And that all laws enacted by the dictator be good and valid for the term of one year and no longer, except the same be proposed by the senate, and resolved by the people.

34. That the burgesses of the annual election returned by the tribes, enter into the prerogative tribe, popular assembly, or representative of the people, upon *Monday* next ensuing the last of *March*; and that the like number of burgesses, whose term is expired, recede at the same time. That the burgesses thus entered, elect unto themselves out of their own number, two of the horse, one to be captain, and the other to be cornet of the same; and two of the foot, one to be captain, and the other to be ensign of the same; each for the term of three years. That these officers being thus elected, the whole tribe or assembly proceed to the election of four annual magistrates, two out of the foot to be tribunes of the foot, and two out of the horse to be tribunes of the horse. That the tribunes be commanders of this tribe in chief, so far as it is a military body, and presidents of the same, as it is a civil assembly. And lastly, that this whole tribe be paid weekly, as followeth: unto each of the tribunes of horse seven pounds. Unto each of the tribunes of foot six pounds. Unto each of the captains of horse five pounds. Unto each of the captains of foot four pounds. Unto each of the cornets three pounds. Unto each of the ensigns two pounds seven shillings. Unto every horseman two pound; and to every one of the foot one pound ten shillings.

35. That inferior officers, as captains, cornets, ensigns, be only for the military discipline of this squadron or tribe. That the tribunes have session in the senate without suffrage; that they have session of course and with suffrage in the dictatorial council, so often as it is created by the senate. That they be presidents of the court in all cases, to be judged by the people: and that they have right under an appeal unto popular assembly, to note or remove any deputy or burgess that is scandalous.

36. That peculate or defraudation of the publick, all cases tending to the subversion of the government, be triable by this representative; and that there be an appeal unto the

same in all causes, and from all magistrates, courts, and councils, whether national or provincial.

37. That the right of debate, as also of proposing to the people, be wholly and only in the senate, without any power at all of result, not derived from the people.

38. That the power of result be wholly and only the popular assembly, without any right at all of debate.

39. That the senate having debated and agreed upon a law to be proposed, cause promulgation of the same to be made for the space of six weeks before proposition, that is, cause the law to be printed and published, so long before it is to be proposed.

40. That promulgation being made, the seignior demand of the tribunes being present in the senate, an assembly of the people. That the tribunes upon such demand by the seignior or by the senate, be obliged to assemble the prerogative tribe or representative of the people in arms by sound of trumpet with drums beating, and colours flying, in any town, field, or market-place, being not above six miles distant, upon the day and at the hour appointed, except the meeting through inconvenience of the weather, or the like, be prorogued by consent of the seignior and the tribunes: that the prerogative tribe being assembled accordingly, the senate propose to them by two or more of the senatorian magistrates thereunto appointed, at the first promulgation of the law: that the proposers for the senate open unto the people the occasion, motives and reasons of the law to be proposed; and the same being done, put it by distinct clauses unto the ballot of the people. That if any material clause or clauses be rejected by the people, they be reviewed by the senate, altered, and proposed, if they think fit, to the third time, but no oftner.

41. That what is thus proposed by the senate, and resolved by the people, be the law of the land, and no other, except as in the case reserved unto the dictatorial council.

42. That every magistracy, office, or election, throughout this whole commonwealth, whether annual or triennial, be understood of consequence, to injoin an interval or vacation equal unto the term of the same. That the magistracy of a knight and of a burgess, be in this relation understood as one and the same; and that this order regard only such elections as are national and domestick, and not such as are provincial or foreign.

43. That for an exception to this rule, where there is but one elder of the house in one and the same parish, that elder be eligible in the same without interval; and where there be four elders of the house or above in one and the same parish, there be not under nor above half of them eligible at the same election.

44. That throughout all the assemblies and councils of this commonwealth, the *quorum* consist of one half in the time of health, and of one third part in a time of sickness, being so declared by the senate.

PART II.

For The Religious Part, It Is Proposed:

45. THAT the universities, being prudently reformed, be preserved in their rights and indowments for and towards the education and provision of an able ministry.

46. That the legal and ancient provision for the national ministry be so augmented, that the meanest sort of livings or benefices, without defalcation from the greater, be each improved to the revenue of one hundred pounds a year, at the least.

47. That a benefice becoming void in any parish, the elders of the same may assemble, and give notice unto the vice-chancellor of either university, by certificate, specifying the true value of that benefice; that the vice-chancellor upon a receipt of such certificate, be obliged to call a congregation of the university; that the congregation of the university to this end assembled, having regard unto the value of the benefice, make choice of a person fitted for the ministerial function, and return him unto the parish so requiring; that the probationer, thus returned unto a parish, by either of the universities, exercise the office and receive the benefits, as minister of the parish for the term of one year. That the term of one year expired, the elders of the parish assemble, and put the election of the probationer unto the ballot. That if the probationer have three parts in four of the balls or votes in the affirmative, he be thereby ordained and elected minister of that parish; not afterwards to be degraded or removed but by the censors of the tribe, the phylarch of the same, or the council of religion, in such cases as shall be unto them reserved by act of parliament. That in case the probationer come to fail of three parts in four at the ballot, he depart from that parish; and if he return unto the university, it be without diminution of the former offices or preferments which he there enjoyed, or any prejudice unto his future preferment; and that it be lawful in this case for any parish to send so often to either university, and be the duty of either vice-chancellor, upon such certificates, to make return of different probationers, till such time as the elders of that parish have fitted themselves with a minister of their own choice and liking.

48. That the national religion be exercised according to a directory in that case, to be made and published by act of parliament. That the national ministry be permitted to have no other publick preferment or office in this commonwealth. That a national minister being convict of ignorance or scandal, be moveable out of his benefice by the censors of the tribe, under an appeal unto the phylarch, or to the council for religion.

49. That no religion being contrary unto, or destructive of Christianity, nor the publick exercise of any religion, being grounded upon, or incorporated into a foreign interest, be protected by, or tolerated in this state. That all other religions, with the publick exercise of the same, be both tolerated and protected by the council of religion; and that all professors of any such religion, be equally capable of all elections, magistracies, preferments and offices, in this commonwealth, according unto the orders of the same.

PART III.

For The Military Part It Is Proposed:

50. THAT annually upon *Wednesday* next ensuing the last of *December*, the youth of each parish, under the inspection of the two overseers of the same, assemble, and elect the fifth man of their number, or one in five of them, to be for the term of that year, deputies of the youth of that parish.

51. That annually, on *Wednesday* next ensuing the last of *January*, the said deputies of the respective parishes meet at the capital of the hundred, where there are games and prizes allotted for them, as hath been shewed elsewhere, that there they elect to themselves out of their own number, one captain, and one ensign. And that of these games, and this election, the magistrates, and officers of the hundred, be presidents and judges for the impartial distribution of the prizes.

52. That annually, upon *Wednesday* next ensuing the last of *February*, the youth through the whole tribe thus elected, be received at the capital of the same, by the lieutenant, as commander in chief, by the conductor, and by the censors; that under inspection of these magistrates, the said youth be entertained with more splendid games, disciplined in a more military manner, and divided by lot into sundry parts or essays, according to rules elsewhere given.

53. That the whole youth of the tribe thus assembled be the first essay. That out of the first essay there be cast by lot two hundred horse, and six hundred foot; that they whom their friends will, or themselves can mount, be accounted horse, the rest foot. That these forces amounting in the fifty tribes to ten thousand horse, and thirty thousand foot, be always ready to march at a week's warning; and that this be the second essay, or the standing army of the commonwealth.

54. That for the holding of each province, the commonwealth in the first year assign an army of the youth, consisting of seven thousand five hundred foot, and one thousand five hundred horse. That for the perpetuation of these provincial armies, or guards, there be annually at the time and place mentioned, cast out of the first essay of the youth, in each tribe or shire ten horse, and fifty foot; that is, in all the tribes five hundred horse, and two thousand five hundred foot for *Marpesia*, the like for *Pampea*, and the like of both orders for the sea-guards, being each obliged to serve for the term of three years upon the state's pay.

55. That the senate and the people, or the dictator, having decreed or declared war, and the field-officers being appointed by the council of war; the general, by warrant issued unto the lieutenants of the tribes, demand the second essay, or such part of it, as is decreed, whether by way of levy or recruit. That by the same warrant he appoint his time and rendezvous; that the several conductors of the tribes or shires deliver him the forces demanded at the time and place appointed. That a general thus marching out with the standing army, a new army be elected out of the first essay as formerly, and a new general be elected by the senate; that so always there be a general sitting,

and a standing army, what generals soever be marching. And that in case of invasion, the bands of the elders be obliged unto like duty with those of the youth.

56. That an only son be discharged of these duties without prejudice. That of two brothers, there be but one admitted to foreign service at one time. That of more brothers not above half. That whoever otherwise refuseth his lot, except upon cause shewn he be dispensed withal by the phylarch, or upon penitence, he be by them pardoned and restored, by such refusal be incapable of electing, or being elected in this commonwealth; as also, that he pay unto the state a fifth of his revenue for protection, besides taxes. That divines, physicians, and lawyers, as also trades not at leisure for the essays, be so far forth exempted from this rule, that they be still capable of all preferments in their respective professions with indemnity.

57. That upon warrants issued forth by the general for recruits or levies, there be an assembly of the phylarch in each tribe: that such voluntiers, or men being above thirty years of age, as are desirous of farther employment in arms, appear before the phylarch so assembled. That any number of these not exceeding one moiety of the recruits or levies of that tribe or shire, may be taken on by the phylarch, so many of the youth being at the discretion of this council disbanded, as are taken on of the voluntiers. That the levies thus made, be conducted by the conductor of the respective tribe or shire, unto the rendezvous appointed: and that the service of these be without other term or vacation, than at the discretion of the senate and the people, or such instructions unto the general, as shall by them in that case be provided.

PART IV.

For The Provincial Part It Is Proposed:

58. THAT upon expiration of magistracy in the senate, or at the annual recess of one third part of the same, there be elected by the senate out of the part receding into each provincial council four knights for the term of three years, thereby to render each provincial council, presuming it in the beginning to have been constituted of twelve knights, divided after the manner of the senate, by three several lists or elections, of annual, triennial and perpetual revolution or rotation.

59. That out of the same third part of the senate annually receding, there be unto each province one knight elected for the term of one year. That the knight so elected be the provincial archon, general or governor. That a provincial archon, governor or general, receive annually in *April*, at his rendezvous appointed, the youth or recruits elected in the precedent month to that end by the tribes, and by their conductors delivered accordingly. That he repair with the said youth and recruits, unto his respective province, and there dismiss that part of the provincial guard or army, whose triennial term is expired. That each provincial governor have the conduct of affairs of war and of state, in his respective province, with advice of the provincial council; and that he be president of the same.

60. That each provincial council elect three weekly proposers or provosts, after the manner, and to the ends already shewn in the constitution of senatorian councils; and that the provost of the senior list during his term, be president of the council in absence of the provincial archon, or general.

61. That each provincial council proceed according unto instructions received from the council of state, and keep intelligence with the same by any two of their provosts, for the government of the province as to matter of war, or of state. That upon levies of native, or proper arms, by the senate and the people, a provincial council, having unto that end received orders, make levies of provincial auxiliaries accordingly. That auxiliary arms upon no occasion whatsoever exceed the proper or native arms in number. That for the rest, the provincial council maintain the provincials, defraying their peculiar guards and council, by such known proportion of tributes, as on them shall be set by the senate and the people, in their proper rights, laws, liberties and immunities, so far forth as upon the merits of the cause, whereupon they were subdued, it seemed good unto the senate and the people to confirm them. And that it be lawful for the provincials to appeal from their provincial magistrates, councils, or generals, to the people of *Oceana*.

FINIS.

[*]Wright's Antiquitys of the county of Rutland, p. 52.

[(a)]And sister to Sir *Philip Sidney* Kt.

[(b)]Who was afterwards created Lord *Harrington*, and his lady was governess to the Queen of *Bohemia*. His family is extinct as to heirs male: one of his daughters was marry'd to the Earl of *Bedford*, and was Groom of the Stole to Q. *Anne*. The other was marry'd to a *Scotch* Lord, whose name was Lord *Bruce* Earl of *Elgin*; his grandson now Lord *Ailsbury*.

[(c)]Who happen'd to be President of *Ireland*; and from him descended my Lady *Fretchavil*'s father, my Lady *Morison*, and my Lord *Falkland*'s Lady.

[(d)]Afterwards Baronet. To him were born Sir *Edward Harrington*, Sir *Sapcotes Harrington*, and Mr. *John Harrington*; who had issue both sons and daughters.

[(e)]Who was father to the Lord *Montague*, the Earl of *Manchester*, and Lord Privy Seal; and Sir *Sidney Montague*, who was afterwards created Earl of *Sandwich*; and to the Earl of *Rutland*'s lady, and Judg *Montague*

[(f)]Who was afterwards created Lord *Chichester* and Earl of *Dunsmore*; and marry'd one of his daughters to the Earl of *Southampton*, by whom he had the present Lady *Northumberland*. And his other daughter marry'd herself to Col. *Villers*, and is now governess to the Lady *Mary*, the Duke of *York*'s eldest daughter.

[(g)]Which dukedom afterwards fell to him; and by this lady he had one sole daughter and heir, who is said to have marry'd the Duke of *Ferio*, and by him to have had one daughter, who is marry'd to a King of *Portugal*.

[(h)] Of *Lincolnshire*, the King's Standard-bearer.

[(i)] An antient noble family in *Kent*.

[(k)] Now Lord *Cambden*, owner of the place where this monument is.

[(l)] One of whose daughters marry'd the Earl of *Hume* in *Scotland*, and had by him two daughters; one marry'd my Lord *Morrice*, and the other my Lord *Maitland*, now Duke of *Lauderdale*. The other daughter of my Lady *Dudley* was heir to the honour of *Dudley* castle; of whose issue by the mother's side is the present Lord *Dudley*.

[*] Δυνάμεις. Rom. 13.

[*] Terra potens armis atque ubere gleba.

[*] Magistratus est lex armata.

[*] Regebat magis autoritate quam imperio.

[*] Si terra recedat, Ionium Ægæo frangat mare.

[*] Censuere patres, jussit populus.

[*] Consules sine lege curiata rem militarem attingere non potuerunt.

[*] Autoritas patrum.

[†] Senatusconsulta.

[†] Ferre ad populum.

[*] Autoritate patrum & jussu populi.

[*] Qui beneficium accepit, libertatem vendidit.

[†] Grata populo est tabella quæ frontes aperit hominum, mentes tegit, datque eam libertatem ut quod velint faciant.

[*]

Uno avulso, non deficit alter
Aureus, & simili frondescit virga metallo.

[*] De legibus.

[†] De judiciis.

[*] Nemo nocetur nisi ex se.

[*]Comitia cum populo sortitus est.

[†]Neque id existimare debes autorem me tibi esse, ut tyrannidem in S. P. Q. R. in servitutem redactum teneas: quod neque dicere meum, neque facere tuum est.

[*]Cornua nota prius vitulo, quàm frontibus extant.

[*]Quòd nemo plebeius auspicia haberet.

[†]Piebs ad d maximâ indignatione exa[Editor: illegible character]sit quod auspicari, tanquam invisi Diis immortalibus, negarentur posse. *T. Liv.* 4. 8.

[*]Sellis Curulibus. *Grot.*

[*]Quirites, regem create; ita patribus visum est: Tullum Hostilium regem populus jussit. Patres authotes facti.

[†]Ut ad Romulo traditum, suffragium viritim eadem vi, eodemque jure omnibus datum est.

[†]Hunc annum infignem maximè comitia tributa efficiunt res major victoriâ suscepti certaminis quam usu. plus enim dignitatis comitiis ipsis detractum est, patribus ex concilio submovendis, quam virium aut plebi additum aut demtum patribus.

[*]Lontana della fede degli huomini.

[§]Populus Romanus per classes divisus erat, & pro patrimonii facultate censebantur; ex iis, omnes quibus res erat, ad militiam ducebantur; diligenter enim pro victoria laborabant, qui ex libertate bona patriam defendebant: illi autem quibus nullæ opes erant, caput suum, quod solum possidebant, censebantur, & belli tempore in mœnibus residebant; facile enim poterant existere proditores, quia egestas hand facile habetur sine damno. Hos igitur Marius, quibus non fuerat resp. committenda, duxit ad bellum.

[*]

Ipsa hæret scopulis, & tantum vertice auras
Æthereas, quantum radice ad tartara, tendit.

[*]Sellis Curulibu

[†]

— Hac juris sui
Palere Domino civitas uni negat:
Rex ipsa populus annuas mandat vices
Honoris huic [Editor: illegible character]llive

[*]Nuper divitiæ avaritiam, & abundantes voluptates desiderium, per luxum atque libidinem, pereundi perdendique omnia invexere. *Liv.* in Præf.

[*]

Hinc usura vorax, rapidumque in tempore scœnus;
Hinc coneussa sides, & multis utile bellum.

[*]Centuriatis.

[†]Curiatis Comitiis.

[*]Dictatoris imperium quasi numen. *Liv.*

[*]Et videat dictator ne quid respub. detrimenti capiat.

[†]Questi tali sono perniciosi in ogni repubblica, & in ogni provincia.

[†]Lequali tutte insieme sono la corruttela del mondo.

[*]Egestas haud facile habetur sine damno.

[*]Qui serè semper regebantur à multitudine magis quam regebant.

[*]Ut fratrem Pollux alterna morte redemit.

[*]Comitiis Curiatis.

[†]Centuriatis.

[†]Eo nuncio erecti patres, erecta plebs. Sed patribus nimis luxuriosa ea fuit lætitia; plebi, cui ad eam diem summâ ope inservitum erat, injuriæ à primoribus fieri cœpère. *Liv. l. 2.*

[§]Se foris pio libertate & imperio dimicantes, domi a civibus captos & oppressos esse: tutioremque in bello quam in pace, inter hostes quam inter cives, libertatem plebis esse.

[*]Patres militarent, patres arma caperent, ut penes eosdem pericula belli, penes quos præmia, essent.

[*]Nam cum primus instituisset Theopompus ut Ephori Lacedæmone crearentur, ita futuri regiæ potestati oppositi quemadmodam Romæ Tribuni plebis consulari imperio sunt objecti; atque illi uxor dixisset, id egisse illum ut fihis minorem potestatem relinqueret: Relinquam, inquit, sed diuturniorem. Optime quidem: Ea enim denium tuta est potentia, quæ viriis suis modum imponit. Theopompus igitur legitimis regnum vinculis constringendo, quo longius à licentia retraxit, hoc propius ad benevolentiam civium admovit. *Val. Max l. 4. c. 1. de externis, § 8.*

[*]

— Qui nimbos & non imitabile sulmen

Ære, & cornipedum cursu simularat equorum.

[†] Inertissimi nobiles, in quibus, sicut in statua, præter nomen nihil erat additamenti.

[*] Binis Comitiiis.

[*] Che la multitude è piu savia & piu costante che un prencipe.

[*] Quello appresso il quale e la somma autorità di tutta la città, e delle leggi & decreti, de i quali pende l'autorità così del senato come ancora di tutti i magistrati, e il consiglio grande.

[†] Ante omnes de provocatione adversus magistratus ad populum, sacrandoque cum bonis capite ejus, qui regni occupandi consillia iniisiet.

[*] Diem dicere.

[*] To love and not injoy, is the way to break one's heart.

[*]

O fortunati nimium, bona si sua no[Editor: illegible character]int.
Agricolae!

[*] Assueti more regio vivere—inter se conquerebantur—Regem hominem esse à quo impetres ubi jos, ubi injuria opus sit; esse grat æ locum, esse beneficio; & irasci & ignoscere posre; inter amicum & inimicum di crimen nosse. Leges rem surdam, inexorabilem esse; salubriorem, melioremque inopi quam potenti; nihil laxamenti nec veniæ habere, si modum excesseris; periculosum esse in tot humanis erroribus sola innocentia vivere. *Liv. l. 2.*

[*] Ut male posuimus initia, sic cætera sequuntur. *Cic.*

[*] Per χε[Editor: illegible character]οτο[Editor: illegible character]αυ.

[†] Tributis.

[†] Centuriatis.

[§] Curiatis comitiis.

[*] Centuriatis.

[†] Marcus Curius Consul cum subitum delectum edicere coactus esset, & juniorum nemo respondisset, conjectis in sortem omnibus, Polliæ quæ proxima exierat, primum nomen urnâ extractum citari jussit, neque eo respondente, bona adolescentis hasta subjecit. *Val.*

[†] Quod per magnos tumultus fieri soiitum erat, justitio indicto, delectus sine vacationibus habitus est. *Liv.*

[†] Curiatis.

[§] Centuriatis.

[*] Tributis.

[*] Tres tribuni, potestate consulari, documento fuêre, quàm plurium imperium bello inutile esset; tendendo ad sua quisque consilia, cum alii aliud videretu, aperuerunt ad occasionem, locum hosti.

[§] Saluberrimum in administratione magnarum rerum, summam imperii apud unum esse.

[†] Senatus justitium indici, delectum omnis generis hominum haberi jussit: nec ingenui modo, & juniores sacramento adacti sunt, sed seniorum etiam cohortes factæ.

[*] Nos magis patronatum orbis terrarum suscepimus, quam imperium.

[*] This by the pay of a parliamentary army, is demonstrated in the corollary.

[*] Questo taglioli le gambe da montar in cielo.

[*] Nemo unquam imperium flagi io quæsitum bonis artibus exercuit.

[*] Curiatis, centuriatis, & tributis comitiis.

[?] Hobbes.

[*] The Scottish royal line.

[*] Point de Argent, point de Suisse.

[*] Senatum omninò non habere non vultis: Quippe aut rex quod abominandum; aut, quod unum liberæ civitatis concilium est, senatus habendus est. *Liv.*

[†] Arochet.

[*] Quod principi placuit legis habet vigorem, quam lege regia quæ de ejus imperio lata est, populus ei, & in eum omne imperium suum & potestatem concedat.

[*] Deus populi Judaici rex erat veluti politicus, & civilis legislator. *In diatriba de voto Jephthæ.*

[*] Nec totam libertatem nec totam servitatem pati possunt. *Tacit.*

[*] *Hac est lex quam Moses proposuit, Deut. 4. 44. And whereas betwixt a precept and a command there is a large difference; in places more than I can stand to number, where the Latin has it, præcepit Moses, the English has it, Moses commanded.*

[*] Συγ?ατ[Editor: illegible character]ψηφίς?η.

[*] A later pamphlet call'd *XXV Querys*, using the balance of property, which is fair enough, refers it to Sir *Thomas Smith's* 15th chap. (*de repub. populi ingenio accommodanda*) where the author speaks not one word of property; which is very foul.

[*] In Oceana.

[*] In Oceana.

[*] In Oceana.

[*] In Oceana.