THE OCEANA AND OTHER WORKS
OF IAMES HARRINGTON,
WITH AN ACCOUNT OF HIS LIFE
BY IOHN TOLAND.
LONDON, PRINTED FOR T. BECKET, AND
T. CADELL, IN THE STRAND; AND T. EVANS,
IN KING STREET, COVENT GARDEN.
MDCCLXXI.

RESPUBLICA, RES EST POPULI CUM BENE AC JUSTE GERITUR, SIVE AB UNO REGE,
SIVE A PAUCIS OPTIMATIBUS, SIVE AB UNIVERSO POPULO. CUM VERO INIUSTUS
EST REX, QUEM TYRANNUM VOCO, AUT INIUSTI OPTIMATES, QUORUM CONSENSUS
FACTIO EST, AUT INIUSTUS IPSE POPULUS, CUI NOMEN USITATUM NULLUM REPERIO
NISI UT IPSUM TYRANNUM APPELLEM, NON IAM VITIOSA SED OMNINO NULLA
RESPUBLICA EST, QUONIAM NON RES EST POPULI CUM TYRANNUS EAM FACTIOVE
CAPESSAT; NEC IPSE POPULUS IAM POPULUS EST SI SIT INIUSTUS, QUONIAM NON
EST MULTITUDO IURIS CONSENSU ET UTILITATIS COMMUNIONE SOCIATA.
FRAGMENTUM CICERONIS, EX LIB. III. DE REPUBLICA,
APUD AUGUSTIN. DE CIV. DEI, L. II. C. XXI.
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Advertisement to the Reader.

THE Reputation of Mr. Harrington’s Writings is so well establisht, 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 execute. Most of these Pieces were re-published 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.
TO THE

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

It is not better known to you, most worthy magistrates, that government is the preserving cause of all societies, 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 cheerful influence of your administration. 'Tis solely to its government that London owes being universally acknowledg'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 confess indeed that it derives infinite advantages above other places from its incomparable situation, as being an inland city, feasted 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
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spring of its prodigious trade and commerce with all the known parts of the universe, and is the original planter of its many fruitful colonies in America, with its numberless factories in Europe, Asia, and Africa: hence it is that every sea is cover'd with our ships, that the very air is scarce exempted 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 stock'd 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 sumptuous tables, they exceed the port of some forein princes; so is it naturally become every man's country, and the happy refuge of those in all nations, who prefer the secure enjoyment of life and property to the glittering pomp and flattery, 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 beside's. The delicate country feasts, and the large villages crowded 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 some 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 preserved 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 hatch'd to inflave the inhabitants of this country, the first attempts were still made on the government of the city, as there all 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 referr'd 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 to sacred a repository, that even foreigners think their treasure more safely lodg'd there than with themselves at home; and this not only done by the subjests
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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 produce'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 prophecy, 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 poiffions, excepting only Popery, and such other rites and notions as directly tend to disturb or disolve 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 archievements 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 the 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 confus (to whom in many respects he may be fitly compar'd) yet he far outhines the figure made by an Athenian archon, or the grandeur of any magistrat presiding over the best cities 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 undeferving 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 approvd 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 Duncombe and Sir Jeffery Jeffries, 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 qualities 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 willingnefs 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 equaling the expences of the Roman pretors, such at the same time is their tender care of the diftreft, 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 illuftrious assembly, as it must be own'd by all to be a labor no lefs arduous than extremely nice and invidious, yet to pass it quite over in such a manner as not to give at leaft a specimen of so much worth, would argue a pusillanimity inconsistent with Liberty, and a difrepect to those I wou'd be always underfoot to honor. In regard therefore that the eldft alderman is the fame 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 reaon 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 induftry and merit, or as disposing his estate with no lefs 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 fleddy conduct when he supply'd the highest stations of this great city. The danger of defending the liberty of the subjeft 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 Popifh 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 reaon was the first of all Romans call'd the father of his country. That he still affiffs in the government of London as eldft 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
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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 brases 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 PEOPLES OF LONDON; to whose uninterrupted increase of wealth and dignity, none can be a heartier wel-wisher, than the greatest admirer of their constitution, and their most humble servant,

JOHN TOLAND.
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 expressly treated in the Life of John Milton, and in the just defence of the same under the title of AMYNTOR. The reasons there alleged are excuse and authority enough for the task I have since imposed on myself, 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 obscure'd the false lustre of our modern politicians, and that equal'd (if not exceeded) 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 British islands; in order to which the person (continue they) whom we have for some time distinguished as a zealous promoter of this cause, has now publish'd the Life and Works of Harrington, who was the greatest commonwealthsman in the world. This is the substance of what these roaring and boisterous trumpeters of detraction will found; for what's likely to be said by men, who talk all by rote, is as easy to guess as to answer; tho' it is commonly so folly as to deserve no animadversion. Those who in the late reigns were inviably nicknami'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 resist'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 set'ved 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 subjests hands from unjustly feizing one another's prescribed rights or privileges.

'TIS confess'd, that in every society there will be always found some persons prepar'd to enterprise any thing (to never so flagitious) grown desperate by their villanies, their perfidies, their ambition, or the more raging madness of superstition; and this evil is not with the compass of art or nature to remedy. But that a whole people, or any considerable number of them, should rebel against a king that well and wisely administers his government, as it cannot be inflan'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
THE PREFACE.

'TIS strange that men should be cheated by mere names! yet how frequently are they seen to admire one denomination, what going under another they would 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 acknowledged by King James the First, who staid himself the great servant of the commonwealth. It is the language of our best lawyers, and allowed by our author, who only makes it a

less perfect and more unequal form than that of his Ocean a, wherein, he thinks, better provision is made against external violence or internal diseases. Nor does it at all import by what names either persons, or places, or things, are call'd, since the commonwealth-man finds be enjoys liberty under the security of equal laws, and that the rest of the subjects are fully satisfied 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 mixed form of government, by the ancients 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 defective, from things redundant, and others that require emendation or change. And of this the supreme legislative powers are so sufficient, 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 parliament 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 myself. 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 outlived. 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 should do justice to an author who far outdoes all that went before him, in his exquisite knowledge 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 bad no inclination to bear 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 enemies of King William's title and person, being sure that the abdicated King James can never be reinstated so long as the press is open for brave and free spirits to display the mistakes of tyranny in their true colors, and to show the infinite 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 commonwealth, fairly divulging the principles and pretenses of that party, and leaving every body to approve or disapprove.
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dislike what be pleases, without impugning on his judgment by the deluding arts of sophistry, elocution, 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 should 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 frequently 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 Indies 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 would recommend to the imitation of our governors, the, if they could be able to persuade 'em, they would still miss of their foolish aim: for it is ever with all books, as formerly with those of Cremutius Cordus, who was condemned by that monster Tiberius for speaking honorably of the immortal tyrannies Brutus and Cassius. Tacitus records the least 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 copies were conceal'd, and afterwards publish'd; whence we may take occasion to laugh at the follies of those who imagin their present power can also abolish the memory of succeeding time: for, on the contrary, authors acquire additional reputation by their punishment; nor have foreign 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'd 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 become a public good, with extraordinary advantages of corruptions, paper, and print. What I have perform'd in the history of his life, I leave the readers to judge for themselves; but in that and all my other judys, 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, the be 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 some one science, neglect the knowledge 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 enemies 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 busines to the management of men having a different profession and interest: for the greatest part of their best authors were persons of conjular dignity, the ablest statesmen,
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and the most gallant commanders. Whereas the amplest satisfaction I can enjoy of this fort 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 Greek 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 perpetuate their illustrious fame and solid worth to be admired by future generations.

As for myself, tho' no employment or condition of life shall make me dislike the lasting entertainment which books afford; yet I have resolved 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, being already far advanced 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 descendent of an ancient 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 Sappotes 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 Lewes in Wensmore, 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. Thence, with the account given of him by Anthony Wood, in the second volum of his Athenae Oxonienses, and what I could learn from the mouths of his surviving acquaintance, are the materials whereof I compos'd this ensuing history of his life.

2. In his very childhood he gave sure hopes of his future abilities, 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) attack it with more proper and successful arms than all before, or perhaps any since have done. After considerably improving his knowledge in the university, he was more particularly fitting himself for his intended travels, by learning several foreign languages, when his father dy'd, leaving him under b 2 age.
THE LIFE OF

age. Tho the court of wards was still in being, yet by the socage 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 some 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 affected, by breaking the yoke of a severe master, the Spanijb 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 lifted 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 Bobemia, 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 territories by the emperor. This excellent princes entertain'd him with extraordinary favor and civility on the account of his uncle the lord Harrington, who had bin his 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 princes less delighted with his company, his conversation being always extremely pleasant, as well as learned and polite; to which good qualities 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 pursing 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 wherwith the Popijb clergy could maintain their severe government over so great a part of the world, and that men otherwise reasonable enough should be inchant 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 Protesstants, to see the Pope perform the ceremony of consecrating wax lights; and perceiving that none could obtain any of those torches, except such as kiss 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
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 pleas'd 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 the rest 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 Countries, Denmark, and some 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 acknowledg'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 notice'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 would 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 knowledge 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 endure to see a friend want any thing he might spare; and when the relief that was necessary exceeded the bounds of his estate, he persuad'd 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 fold their gifts, since they expected so great a return as gratitude.

8. His natural inclinations to study kept him from seeking after any public employments. 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 some 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,
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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 Penmure 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 foreign countries. In his sister's papers I find it express'd, 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 parties. During the treaty in the Isle of Wight, he frequently warn'd the divines of his acquaintance to take heed how far they press 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 would infallibly ruin all the endeavours 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 bad 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 trufting 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 some of his majesty's arguments against the parliament commissioners at Newport, and thought his concessions not to be satisfactory as did some 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 assailing or concealing the king's escape, he was not only discharg'd from his office, but also for some 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.

II. 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 importunity 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 privately writing all that while: telling 'em withal, that ever since he began to examin things seriously, he had principally addict'd himself to the study of civil government, as being of the highest importance to the peace and felicity of mankind; and that he succed'd at last 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 society's natural causes producing their necessary effects, as well as in the earth or the air. Hence he frequently
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 demonstrates 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 exercisd on the king; but to shew that as long as the causes of these disorders 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 preferving the property whereof they were in possession, never failing to obtain more privileges, and to enlarge the basis of their liberty, as often as they met with any successe (which they generally did) in quarrels of this kind. His chief aim theferefore was to find out a method of preventing such distempers, or to apply the best remedies 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 safe, 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 constitted state make wicked men virtuoys, 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, whereof 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 glassses, 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 buy 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, disput'd 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 leffen or defame him; and one of 'em (since they could not find any precedent writer out of whose works they might make him a plagiarist) 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.
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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 professed 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 difficulties from the opposition of the several parties then set against one another, and all against him; but none more than some 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 dissolved, 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 most pleas’d with him, since if his model succeed, they were sure to enjoy equal privileges with others, and to be deliver’d from their present oppression; for in a well-constituted commonwealth there can be no distinction of parties, 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 some merciless conqueror, they might not be then left to their own invention in framing a new government; for few people can be expected to succeed so happily as the VESELIANS have done in such a case.

14. In the mean time it was known to some 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 WHITEBALL. All the solicitations he could make were not able to relieve his papers, till he rememb’r’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, some of her women coming into the room were follow’d by her little daughter about three years old,
who said behind them. He entertain’d the child so divertingly, that the 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 become 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 done 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 the 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 the her self should be presented with one of the first copy’s. The lady was so well pleas’d with his manner of address, that he had his book speedily return’d to him; and he did accordingly inscribe it to Oliver Cromwell, who, after the perusal of it, said, the gentleman had like to trap 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 confidant, to preserve the peace among the several parts 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 Cromwell’s dissimulation than this speech, since Harrington had demonstrat’d 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 comfort, 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 Cromwell 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 acquire’d greatness could afford: whereas on the contrary he liv’d in continual fears of those
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He had infla'ed, dy'd abhor'd as a monstrous betrayer of those libertys with which he was intrusted by his country, and his povertye not professing a foot of what for their only fake he was generally thought to upurp. But this laft is a mistaken notion, for som of the moft notorious tyrants liv'd and dy'd without any hopes of children; which is a good reafon 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 countries liberty, will be celebrated for their virtue thro' the course of all ages, and their very names convey the highest ideas of Godlike generofity; while Julius Caesar, Oliver Cromwel, and such others as at any time infla'ed their fellow citizens, will be for ever remember'd with deteflation, and cited as the moft execrable examples of the vileft treachery and ingratitude. It is only a refir'd and excellent genius, a noble foul ambitious of solid prafie, a fincere lover of virtue and the good of all mankind, that is capable of executing fo glorious an undertaking as making a people free. 'Tis my fix'd opinion, that if the protector's mind had the leaf tincture of true greatnefs, he could not be proof againft the incomparable rewards propos'd by Harrington in the corollary of his Oceafa; as no prince truly generous, whether with or without heirs, is able to refift 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 contend'd for our liberty; to this we ow those ineffimable laws we have obtain'd, since out of a gratefull confidence we made him our king; and how great things, or after what manner, we may expect from him in time to corn, is as hard to be truly conceiv'd as worthy expres'd.

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

Adoxus ———— King John.
Alma ———— The palace of St. James.
Convallium ———— Hampton Court.
Coraunus ———— Henry VIII.
Dicotome ———— Richard II.
Emporium ———— London.
Halcionia ———— The Thames.
Halo ———— Whiteball.
Hemifia ———— The river Trent.
Hiera ———— Westminster.
Leviathan ———— Hobbes.
Marpefa ———— Scotland.
Morpheus ———— James I.
Mount Celia ———— Windsor.
Neufrians ———— Normans.
Olphaus Megaletor ———— Oliver Cromwel.
Panopæa ———— Ireland.
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Pantheon—Westminster Hall.
Panurgus—Henry VII.
Parthenia—Queen Elizabeth.
Scandians—Danes.
Teutons—Saxons.
Turbo—William the Conqueror.
Verulamius—Lord Chancellor 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 coms 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 reft from them. But the first part does in a more particular manner treat of ancient prudence, or that genius of government which most prevail'd in the world till the time of Julius Caesar. 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 volume; 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 receive'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 vavafors; their thiremoote, sheriffs, and viscounts; their halymoots, weidenagemoote, and such others. Here likewise one may learn to understand the baronage of the Normans, as the barons by their possessions, by right, 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 succeed.
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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 privaat 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 Achaens, Aetolians, and Lycians; of the sixth, Rome; of the seventh, Venice; of the eighth, Switzerland; and of the ninth, Holland. Out of the excellencies of all these, supply'd with the fruits of his own invention, he fram'd the model of his Ocean; and indeed he shews himself in that work so thoroughly vers'd in their several histories 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 capacities, their perfections applauded, their inconveniencies expos'd, and parallels frequently made between 'em no less entertaining than useful. Nor are the antient and modern Eastern or European monarchys forgot, but exhibited with all their advantages and corruptions, without the least diffimilation or partiality.

20. As for the model, I shall say nothing of it in particular, as well because I would not forestall 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 Corollarie, 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 assemblies 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, proportionally to which the other corporations of the nation are to be model'd; directions for the encouraging 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 busines of the officers of state and the revenue, with all sorts of officers; and an exact account both of their salaries, 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,
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If they were but never so little vers'd in history, they might know that no order of men now in the world can come near the figure that was made by the noblemen and gentlemen of the Roman state: nor in this respect does 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 magistrates, since the author explains what he means by 'em, and that any other may call 'em by what more significative names he pleases; for the things themselves are absolutely necessary.

21. No sooner did this treatise appear in public, but it was greedily bought up, and became 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 defir'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 perfon and his learning with due respect. To this letter a reply was made, and some queries 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 Piae Piane, or an Intercourse between H. Ferne Doctor 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 discourse'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 vindicates his affercns. How inequal this combat was, and after what manner he treated his adversary, I leave the reader to judge; only minding him that as Wren was one of the virtuosi who met at Dr. Wilkins's (the lumenary of the now royal society) Harrington jokingly said, That they had an excellent faculty of magnifying a loose, 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
(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 paft 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 some 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 sum law or laws to supply the defects of it, in every commonwealth? Whether the agrarian, as it is stated in Octavia, be not equally satisfactory to all interestes or partyes?
(12.) WHETHER a rotation, or courtes and turns, be necessarie to a well-order’d commonwealth? In which is contain’d the paembrele or courtes of Israel before the captivity, together with an epitome of the commonwealth of Athens, as also another of the commonwealth of Venice.

22. 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 perfonns (the one of the Episcopal, and the other of the Prelbyterian communion) is comprehended in five chapters.

(1.) The first, explaining the words chirotonia and chirobafia, paraphraftically relates the story of the perambulation made by the apostles Paul and Barnabas thro the cities of Lycaonia, Pifidia, &c.
(2.) The second shews that those cities, 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 sanbedrim or senat of Israel by Moses, and of that of Rome by Romulus.
(4.) The fourth shews the deduction of the chirobafia, or the laying on of hands, from monarchical or aristocratical government, and fo 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 chirobafia, 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.
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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 does 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 be nor any ministers understand'd 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 army, which (so 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 attestation he proves from Moses downwards.

25. Being much importun'd from all hands to publish an abridgment of his *Oceana*, he contented 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 superstructure 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 persuad'd 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 abridge were to transcribe.

26. In the same year, 1659, when com's out with another book call'd *Monarchy assaulted*, 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 universitie; 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
as great bodys no les than privat persons, grow wiser by experience, and com to a clearer discernment of their true intereft; io I believe that neither the church no univerfitys will be now fo ready to epouf the quarrels of thofe, who, under pretence of ferving them, ingage in difputes they no ways understand, wherby all the difcredit redounds to their patrons, themfelves being too mean to Suffer any diminution of honor. Harrington was not likewife les blamable in being provok’d to fuch a degree by this pitiful libel, as made him forget his natural character of gravity and greatness of mind. Were not the beft of men fubjeft to their peculiar weaknesses, he had never written fuch a farce as his Politicaff, or Comical Discoufe in anfwer to Mr. Wren. It relates little or nothing to the argument, which was not fo much amifs, considering the ignorance of his antagonist: but it is of fo very small merit, that I would not infert it among his other works, as a piece not capable to instruct or pleafe any man now alive. I have not omitted his Anfwer to Dr. Stubbe concerning a felace fenate, as being fo little worth; but as being only a repetition of what he has much better and more amply treated in fome of his other pieces. Now we muft note, that upon the firft appearance of his Oceana this Stubbe was fo great an admirer of him, that, in his preface to the Good Old Caufe, he fays he would inlarge in his praffe, did he not think himfelf too inconsiderable to add any thing to thofe applaffes which the understanding part of the world muft beflow upon him, and which, his eloquence fboild turn panegyrs, be not only merits but tranfends.

27. Other treafures of his, which are omitted for the fame reafon, are, 1. A Discoufe upon this Saying, The Spirit of the Nation is not yet to be trufTed with Liberty, left it introduce Monarchy, or invade the Liberty of Confcience; which propofition he difapprov’d. 2. A Discoufe shewing that the Spirit of Parllaments, with a Council in the Intervals, is not to be trufTed for a Settlement, left it introduce Monarchy, and Perfeuation for Confcience. 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 trufTed with the Government. This Rogers was an Anabaptift, a feditious enthuiaft, or fifthmonarchy man. 4. Pour enclois le canons, or the nailing of the Enemies Artillery. 5. The Stumbling-block of Difobedience and Rebellion, cunningly imputed by Peter Heylin to Calvin, remov’d in a Letter to the faid P. H. who wrote a long anfwer to it in the third part of his letter combat. ‘Tis obvious by the bare perufal of the titles, that there are but pamphlets feoly calculated for that time; and it certainly argues a mighty want of judgment in thofe editors who make no diftinution between the elaborat works which an author intended for univerfal benefit, and his more flight or temporary compositions, which were written to ferv the preffent turn, and becom afterwards not only ufelefs, 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 perfonal reflections are (as I faid before) neither instructive nor diverging. On this occasion I muft signify, that tho’ the history I wrote of Milton’s life be prefixed to his works, yet I had no hand in the edition of thofe volumes; or otherwife his logic, his grammar, and the like, had not increas’d the bulk or price of his other ufeful pieces. Our author tranlating into English verfe fom of Virgil’s Eclogues, and about fix books of his Enidis; 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 deferving, and threfore tranmitted to posterity with his greater works; namely, 1. Valerius and Publicola,
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or, The true Form of a Popular Commonwealth, a dialog. 2. Political Aphorisms, in number 120. 3. Seven Models of a Commonwealth, ancient 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-afflicted 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 done. 6. Beside all these, finding his doctrine of elections by ballots not so well understood as could be desired, 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 Scotch Line (which book is prefixed to his works) but one John Hall, born in the city of Durham, educated at Cambridge, and a student of Gray’s Inn. Being commanded by the council 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 full thirty, lamented as a prodigy of his age.

29. Harrington having thus exhausted all that could be written on this subject, he likewise endeav’r’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 inart: that ever were heard; for the arguments in the parliament-houfe were but flat to thefe. This gang had a ballotting box, and balloted how things should be carry’d by way of effay; 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 Cyril Skinner, Major Wildman, Major Venner, Charles Wolsley, afterwards knighted, Roger Coke, the author of the Detention of the four last Reigns. William Poulteny, afterwards made a knight, John Aubry, Maximilian Petty, and Dr. Petty, who was afterwards Sir William, Sir John Hoskyns, and a great many others, from wherof are still living.—The doctrin was very taking, and the more because, as to human forefight, there was no possibility of the king’s return. The greatest of the parliamentmen hated this rotation and ballots, 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 fort of government, they must be ruin’d. The model of it was, that the third part of the senate or house should rote out by ballot every year (not capable of being elected"
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"elected again for three years to com) 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 im-
"partial, as 'twas then thought, tho oppos'd by many for several reasons. This
"club of commonwealths men laft till the 21st of Febr. 1669, at which
"time the excluded members being reftr'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 suceeded in England at that time, since CRONWIEL, 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 deter their principles, being seduced
by the honors and preferments whereby they were retain'd in the service of the reign-
ing powers. The body of the people were either exasperated on a religious ac-
count, 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
establisht government, without acquitting '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 manage'd by men of honést
and public designs. But the multitude can feel, tho they cannot see. Instead of
enjoying 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 stili'd a common-
wealth, 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 ingrofs
the government into a few hands. The people being all this while told they were
under a commonwealth, and not being able to fee thro the deceit, began 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 severall parties might (as HARRINGTON
us'd to say) be fitly compar'd to a company of puppy dogs 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
paid against a commonwealth obtain'd ready belief, as, that it is the most f推tious
sort of government, and that instead of one tyrant there are a great many, who in-
rich themselves by laying intolerable taxes on others. All this and much more the
people in England then experience'd, and therefore detesting their new common-
wea th, they reftr'd the old monarchy. But to do all governments the justice due
from an impartial histotian, they never had a commonwealth, but were inter-
changeably under anarchy, tyranny, and oligarchy, to which commonwealths have
ever bin the greatest enemys, and have frequently lent their voluntary affians 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 les.

31. But to return whence we digres'd: Our author, not concern'd in the exce-
five fears and hopes of those that favor'd or oppos'd the restoration of CHARLES the
Second,
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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 sith somthing to his prejudice, and others to gain advantage to themselves by his learned conversation, or to put him upon somthing towards the better settlement of the kingdom. Among these there was an eminent royaltit, who prevail'd with him to draw up som instructions for the king's service, whereby he might be abl'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 suited to the most vulgar capacities. 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 Poulney 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 rife, temper, and dissolution of all sorts of governments, in a very brief and perpicious 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 come to his sight or speech. His sitters 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 experience'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 exceed his loyalty, to his majesty might see he was not the man they design'd, since the warrant was for Sir James Harrington, whereas 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 the pref'd he might be examin'd before his majesty, or he 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 extraordinary revived, 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 sitters, giving 'em leave to publish it, which was never hitherto don, and is as follows:

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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 kinman, 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 commissioner 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 desperate 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 afferivation (as I am a gentleman) as high as any man, but think it an afferivation too low upon this occasion; wherfore, with your leave, I shall make use of some greater afferivation.

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

Har. My lord, I have some 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 goes to Drury-lane.

Lord. Did you go into no house?

Har. No, my lord.

Sir G. Carteret. That's strange!

Lord. Come, 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 thought or heard of this till now that you tell it me.

Sir G. C. This is strange!

Lord. Do you know Barebones?

Har.
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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 publick 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 party.

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 symptoms 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 examine the guilty that you have don to examine 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 so far have 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 sake, for the king's sake, let such villany be found out and punisht'd. At this my lord Lauderdale, as was thought somwhat 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 con severely upon you.

Har. My lord, I accepted of that condition before.

Lord. Com, Mr. Vice-Chamberlain, it is late.
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Har. My lord, now if I might I could answer the preamble.

Lord. Com, say; and so he fat 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 aggraved 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 perfon, 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 politics 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 attenitive, 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 commonwealthman 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 themelves; but let any of them fiew him what they meant by a commonwealth (or that there was any such thing) they should see that he fought not himself: the Lord knew he fought not himself, but to make good the cause. Upon this som fober 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 punid me, Oliver had don it; therfore my writing was not obnoxious to the law. After Oliver the parliament said they were a commonwealth; I said they were not, and prov’d it: insomuch that the parliament 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 suffered me to live undisturbed: 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
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, whereof 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 parties or interests, as three for the commonwealth, three for the long parliament, 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 parliament-men against the infuing feccion; 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; whereupon they nominated the four members after chosen, and now sitting in parliament: but three of these, being then present, stood up, and clear'd themselves of this asperlion. Their next care was to frame a petition to the parliament 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 secrcty, 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 to fix 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 proceed from a faithfulnes 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 sitters in the mean time being impatient to see him, and to know his condition, after several fruitles 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 often'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 last times he was no public person, nor acted to any man's detriment in his life, body, or estate, but on the contrary had done his endeavors to help all persons in distress; that he had oppos'd the usurer in such a manner as was judged even by the royalty's 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: wherfore 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 injoy his liberty, as to vindicat himself from the base aspersions of his enemy's. He therefore continually urged his sitter Ashton to procure him a trial, which he not being able to effect,
he petition'd the parliament, shewing that he had lain a close prisoner in the Tower for five months upon a bare suspicion of some disaffection to the government, which in all his examinations did not in the least appear; and that he hop'd e'er that time 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 here- "after the case of others, and a precedent for the like case: and that this honorable "house will 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; for alleging that she was more likely to destroy than serve her brother, and others, that by unfeanoble pressing the might precipitate his danger; whereas 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 warden came one day to his sisters at Westminister, 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 necessary. Nor could his relations for a whole fortnight, either at the Tower or in the secretary's 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 believe 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 opportunities 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 5000l. for his safe imprisonment. Here he had not only the liberty of walking on the hoe, but was allow'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 quantities, 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 land-lady, 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
orders for his good usage, went hitherunto to intercede for him with the king, representing the danger of his life if he were not remov'd from that unhwholom 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 presumtions.

39. The next day the lady Ashton, with another of his sisters, took their journey towards Plymouth, where they found their poor brother to 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 fainting 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 blame'd Dr. Dunster'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 lufilines of his doctor, and something blab'd by a maid that was put against his will to attend him, made his sister full expect he had foul play left he should write any more Oceania. 'Tis certain, that (tho his recovery was never perfect) he mended finely as soon as he was persuad'd 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 disyster, he protested he would have sent her word of it, had not his doctor assure'd him that he only counterfeited; and yet at the same time he made him take strong doses of heliobor, and God knows what befudes.

40. He past some 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. Pru- jean, 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 disyster, fancying strange things in the operation of his animal spirits, which he thought to tranpire 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, sometunes to argue so fervently 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 confes 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. Burthooge to his sister, wherein are contain'd certain queries 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 judge, whether confider'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
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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. Pitearine, 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 whereby 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 weaknesses 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 cafe 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 Dorel 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 father; 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 some 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 handsomely 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 his body'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, & Jane uxoris ejus, filiae Gulielmi Samuel de Upton in Com. Northamton, Militis) qui obiit septimo die Septembris, ætatis sui sexagesimo sexto, anno Dom. 1677. Nec virtus, nec animi dotes (arba licet eterni in animam amoris Dei) corruptione eximere quærant 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 wherein no party can be at variance with or gain ground upon another, and never to be conquer'd by any foreign 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 form 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
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...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 Ocean a (examind by this principle) be not such an equal government, completely and entirely 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 Ocean a having no factions within, and so not to be conquer'd from without, is therfore an equal, perfect, and immortal government. For want of this equality in the frame, he clearly demonstrates how the commonwealths of Rome, Athonis, and others, came to be destroy'd by their contending and overtopping parties; wheras that of Venice can never change or finith. He proves that this equality is yet more wanting in monachys, for an absolute monarchy (as that of the Turk, for example) the janizary 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 fald of the armys of Ocean a, and therfore an absolute monarchy is no perfect government. In what they improperly call a mix'd monarchy the nobility are somtimes 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 becomes master of the other two, or till they do mutually weaken one another that either they fall a prey to som more potent government, or naturally grow into a commonwealth: therfore mix'd monarchy is not a perfect government; and if no such parties or contenstions can possibly exist in Ocean a, then on the contrary it is a most equal, perfect, and immortal commonwealth, Quad 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 judge 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 establisht it; I shall only answet, that all the attempts which have bin us'd for introducing arbitrary power have prov'd as unfortunat, wherby 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 ma...
nag'd with due moderation, and contains nothing but bare matters of fact, or such obervations 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 fligbt their artifice who, when unable to object against the point in question, labor to engage 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 sum, as they are below my resentments; and I would 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 meeker 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 encouragement 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 enemies to his person and fame. Notwithstanding this consideration be just, yet if I write any thing hereafter (either as oblig'd by duty, or to amuse idle time) I have determin'd it shall not concern personal disputes, or the narrow interests of jarring factions, but somthing 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 itself is publish'd: for that I have bin som time about it, I freely avow; yet not in the manner those officious informers report, but as becomes 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, whereof 3 sons and 8 daughters married as follows:

The eldest son, Sir (b) John, married the heiress of Robert Keymer, surveyor of the court of wards and liverys. The 2d son, Sir (c) Henry, took to wife one of the coheirs of Francis Agar, one of his Majesty's Privy Council in Ireland. The 3d 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 2d, Frances, to Sir William (f) Lee Kt. The 3d, Margaret, to Don (g) Bonito de Sisnores of Spain, of the family of the Dukes of Frantafuuo. 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 married 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 married 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.

(a) And sister to Sir Philip Sidney Kt.
(b) Who was afterwards created Lord Harrington, and his lady was godmother to the Queen of Bohemia. His family is ended as to heirs male; one of his daughters was married to the Earl of Bed ford, and was Groom of the Stool to Queen Anne. The other was married 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 Freere'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 Gisbrough and Earl of Busby; and thereby one of his daughters to the family of Southam, by whom he had the present Lady Northumberland. And his other daughter married herself to Col. Villiers, 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 married the Duke of Fries, and by him to have had one daughter, who is married to a King of Portugal.
(h) Of Lincolnshire, the King's Standard-bearer.
(i) An ancient noble family in Kent.
(j) Now Lord Cambden, owner of the place where this monument is.
(k) One of whose daughters married the Earl of Huns in Scotland, and had by him two daughters; one married 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.
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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 Whimseys 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 reconciled, 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 sence given over that philosophy as infirtable 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) nevertbeless whose excellency I shall never reach; bow shall “I thus, flocking in the bark at the arts of men, be able to look thence to the roots, or “dive into the abys of things in the art of God?” And nevertbeless, 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, the more learned man. Laying therefore arts wholly, and books almost all aside, I shall truly deliver to the world bow I felt and saw Nature; that is, bow 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 bad 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 bistorio 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 ᾧ διαπλασία, Ενεργεία ξετική.

3. She
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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 calum, ac terras, camposque liquentes,
Lucentemque globum luna, Titanique astra
Spiritus intus alit, totamque effusa per artus
Mens agitat molent, & magno se corpore miscit.
Inde dominum pseudumque genus, vileque volantium,
Et qua marmorea fert monstra sub aequore pontus.
Ignis est ollis vigor, & celestis origo
Seminibus, quantum non noxias corpora tardant,
Terrenique bebetum artus, moribundaque membra.
Hinc metusque, cupiuntque, dolent, gaudentque, necque auras
Difficilum clausae tenebris & carceri ceceo.'

Virgil. Æn. I. 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. That 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, redundancies, or such other rude qualities 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 miniferal spirits, by which she operates on her whole matter, as the univerfe, or on the seprat parts, as man's body.

9. These miniferal 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 economy of health; so in unfound bodies, as in chronicl diseases, there must needs be EVIL SPIRITS managing the economy of distempers.

11. Animal spirits, whether in the univerfe, or in man's body, are good or evil spirits, according to the matter wherein and whereof they are generated.

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

13. Between the animal spirits of the whole or univerfe, 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 prefigures, signs; and prodigies.

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
16. Nothing in Nature is annihilated or lost, and therefore whatever is transpir'd, is receiv'd and put to some use by the spirits of the universe.

17. Scarce any man but at some time or other has felt such a motion as country people call the lifeblood; if in his eye, perhaps there has flown out something 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 wherein 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 something 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 inveterate, the work will not as I may say be inarticulat, as in the trembling call'd the lifeblood: but articulat, and obviously to the sense of the patient by immediate strokes of the humor upon his organs, which sometimes 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 he 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 sometimes 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 pé.

'Tis a thousand pities that we have not this narrative, to which no doubt be apply'd these principles, and thence form'd the state of his dissembler. 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.
THE

GROUNDS AND REASONS

OF

MONARCHY

CONSIDERED:

And exemplify'd in the Scotish 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 some by chance or interest take up principles which they force the understanding by strain’d arguments to maintain, others by the habit of some opinion to bewitch the will into confederacy, that they can never quit it, even after confusion. To remedy this disorder, since I had resolved with myself to say something to this point (which Ibo! it be but as a small wyre, yet the great weight of civil felicity lies upon it) I knew no better method than to take the scales from the eyes 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 myself 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 satisfies 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 be 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 bad I rather be sceptical in my opinion, than maintain it upon grounds taken as truf, 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 access to government, and receive from it, with the effects proceeding from the persons of governors. And here as I needed not much trouble chronology: so left it might be a bare skeleton, I sprinkled some observations that came to hand, and seem to afford either pleasure or use. Thus much, left I might be misunderstood, I thought necessary to premise.
THE

GROUNDS AND REASONS

OF

MONARCHY.

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 lead 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 intricately providence carries on the turns and stops of all governments, so that most people rather found than made them. The constitutions of men, from not fit to be masters of their liberty, from not capable, from 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 caues 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 infu-
portable 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 enabled them only to use their senses and first thoughts, so dazzled with the splendor of a court, prepoff’d with the affection of a prince, or bewitch’d with som subdulous 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 fluck upon the family (which has bin as fortunat a mystery of kingscraft as any other) or in reverence to som glorious former achievements (minding not that in all these cases the people are the only effectiver means, and the king only imaginary) think they should degenerat from bravery in bringing on a change. Others are witheld by sloth and timorounfness, 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 thefe the worst of all) out of a pravity of nature sacrifizing 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 minifters (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 hull’d asleep with som small continuance of peace (be it never so injuft, unfound, or dangerous) as if the body politic could not languish of an internal diseafe, tho’ its complexion be freth and chearful.

Those are the reaons which (if I conceive aright) have stupify’d the lefs 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 easie a thing it is for men of acutenenes, not converfant 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 reafon of things into rule and method, use on the contrary to measure them by their own presuppos’d speculation; and by that means become incapable of weighing rightly the various incidences and circumstances of busines. 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 superfstructures
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structures 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 supposed 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 confederable 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 fallacies, 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 affect the particular right of this or that prince, they cunningly or ignorantely lay out most of their discourse about monarchy in general, and often weary and amaze the dispute before they come to the true ground and flatting of the quarrel, whereby the readers (diverted by such prepossessions, 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 fervil flattery and witty barbarity of courtiers can give to them: nay, som even of the wickedest of the Roman emperors could be content to be saluted with perpetuities and divinities; whereas if men would call their reason into counsel, they might find that these blazing stars were opac bodys, 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 devest 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 fixt, 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 truth and power lodge’d in them, a number of men by as just means (not to say better) invested with the same truth 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 commision 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 soverain. And I am to note (but this is only transtiently) the poornefs, or, to say better, the blaphemy of that argument which flourished out kings as the types of divinity, and vainly lavished some metaphysics, to prove that all things have a natural tendency to oneself: nay, the itch of some merry wit’s has carry’d them to run over most of the divine attributes
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attributes (as some English lawyers have talk'd of the legal, I must say phan-
tastical ubiquity and omniscience of our kings, tho' we see the contrary; and som
 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,
causes 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 judg, unless
he could be refin'd from his corporeity, and inlarg'd into a proportionable immen-
sity. Besides, I know not whether it be safe to think or no, That as God, who,
for the most part, indues men with gifts sutable to the places to which he calls
them, would in som measure pour out his spirit proportionate to these men,
whereas most commonly we find them, notwithstanding their extraordinary advan-
tages of society, education, and bufines, as weak men as any other: and good
princes being fway'd by the advice of men, good and wife, and the bad educt'd
by men of their own inclinations, what are all monarchys but in reality optimacys?
for a few only effentially 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 mo-
archy, 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
opprest or injur'd. If executive, the power fundamentally refides 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 mistis, 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 succe-
sion, inheritance, and ancestors; when but look three or four storrys back, and
you will meet either from savage unnatural intrusion, disgui'sd under som
fore'd title or chimerical cognition, or else from violent alteration, or possibly from
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 piticht)
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 dometic interest?) ruinous to the
people, who for the most part consider them no other wise than as to be recou'd
from violent confusion, not as they conduce to the positive happiness of a civil
life;
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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 deceit'd; civil matters conflict in long debate, great consideration, patient expectation, wary foresight, which is better to be found in a number of choice experience'd heads, than in one single person, whose youth and vigor of spirit enables him rather to act, 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 actions (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, crocodiles and eagles, have small inconsiderable enemies, 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 could 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 prepossession'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 examined 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 J u d a s 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 exterminate and reform it. As for the antiquity from Adam, it is true, before his fall his dominion was large and wide, but it was
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was over the beasts that after his fall learn'd to rebel against him; and economi-
cally, not despotically, over his wife and children. But what is this to civil go-
vernment? 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 cer-
tainly, if he had bin dispos'd to have reisted, 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 obe-
dience 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 Christian, 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 falsely pretended, that those
powers were only meant of kings; and what by an indiscriminate collation of the
places of the Old, and violent wranglings of others of the New Testament, they
perpetuated 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 destill'd by the world) engages not to any
domination, but (wholly taken up with its own extacies, 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 con-
idering 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 legi-
ionarys among them; and who knows not what an ineffectual thing a people is
(be it never so disiris) when oversaw'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 auguft, and kings were proud to give their names to it.

As for the fathers (supposing them free of their many adulterations, interpola-
tions, and all those errors and uncertainties 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 homilies, commentaries,
or controversys, which are ever directed to another end than this is, and they
themselves (men exculded from bulinesfs) are so much more unable to judge, and

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resolve civil controversies, in regard the unhappiness of the latter times has produc'd many controversies 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 least likely 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 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 obstinate, 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 wellbeing.

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 judge, or else he must by force of arms invade them, and bring them to obedience, which he by force preserving for his sons or succesors, makes way for a third claim, which is inheritance. A fourth form 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 weild 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 som end, or for som intentions reciprocal betwixt both parties; for otherwise such a choice were but dotage, and consequently invalid: wherefore 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 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 do 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 flourisht, 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
few years, which are determinable with uncertainty of the latter part of the life of one man, run themselves and their posterity into an eternal inconstancy (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 the 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 Countries at this day, who continuing his progenitors for their signal services, and him for theirs, are now punish'd for their generous and indiscreet 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 fees 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 ceremonies, and whose refusal were ineffectual? but it is a gracious piece of the cabal of tyranny to deceive the people with shadows, fantasms, 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 least 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. But 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
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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 judge’d enemies of mankind, and condemn’d to die the death of par-
ricids for usurping a power, as Nero for abusing it. But I would fain ask the regi-
ous defenders, by what law they can maintain governments to be inherent in one,
and to be transmitted to his ofspring? if they say by the law of God, I would de-
mand again how they can make this law appear to me? if they say that the scrip-
ture 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 in-
volv’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 commissiion 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 in-
usual thing to borrow the face of divinity, even upon some foul impostures, as (to
forbear further instances) Num’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 unequal 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
the 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 deferring 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 remem-
ber, that since father has a relation upon which it depends, and upon whole re-
moval it vanishes, they themselves cannot bring any such: for by physical pro-
creation they will not offer it; and for metaphorical dependence, it will com to
nothing, we feeing people languish when their princes are fulleft, 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’s 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
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resolve
resolve whether explicitly or implicitly: if they say the former, let them produce them; if the latter, they must demonstrate, 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 some 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 climates 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 receive'd. Now (for I have bin the longer by reason that this imaginary law has been so held up by the civiliens, 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 refrain'd by fear, break it every day. What then are the arguments deduce'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 perfons, the fame 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 prefer'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 detronization or death, as clearly as two and two make four, and four 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 assemblies, or the major part of them, to their own lure; nay, even the worst of them have hot 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 pupillage, as Romulus and Theseus did at Rome and Athens, or else out of the disease or depravation of it, as Caesar 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 disaffect 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 discord of braver citizens, who can neither indure equality or superiority among themselves, and rather admit a general
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A general vassalage, than just equality; or by the vices of the basest 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 acknowledge'd regular, or the whole series daft'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 the 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 manage'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 vicious, is not this a good way to prevent controversies? 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 BOXHORNUS's distinction of succession, wherein the next heir must necessarily succeed by the original right of the former, I would ask him, whether the predecessor were a posseflor or ulustruntary? 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 some 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. Hobbs in his piece de cive, tho he affir'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 remonstrates (in his discourse upon Tacitus) that optimacys are clearly better than monarchies, as to all advantages. And indeed if we look on the arguments for monarchy, they are either flourish'd, 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: whereas they never consider that the 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 monarchies, the ambiguities of titles, and lawless ambition of aspirers? whereas in a settled republic all this is clear and unperplex'd; and in case any particular man aspirres, they know against whom to join, and punish as a common enemy. As for that reason which alleges the advantage of secrecy in business, it carries not much with it, in regard that under that even most
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most pernicious designs may be carried on; and for wholesome councils (bating some more nice transactions) it matters not how much they be tost among those who are so much intrusted and concerned in them, all bad designs being never in probability so feeble and inefficient, 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; whereas a select number of intrusted persons may hasten every opportunity with a just flow-nens as well as they, tho' indeed (unless it be in some military critical minutes) I see not such an excellency in the swiftness of hearty 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 frail republics, as in the court of a king, where bribery and unworthy favorites do not what is just, but what is desired.

With these and many others as considerable (which partly willingly, and partly in this penury of books, forgetfully I pass) do they intend to strengthen this fantastical airy building; but as fly 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 lead kings and unsettled laws; they never let fall a word of the dangers of Interregnums, the minorits 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, do not violently.

Whereas 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 experience'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; whereas 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 pristine liberty, and its daughter happiness.

But this is but to converse in notions, wandring, and ill abstrac'd 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 does, and it may be charity to bring into the way such as are milled, I have pitch'd upon the Scotish history, wherein as I have only consulted their own authors,
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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 introdue'd person; and that he himself, tho' for the present he seems a low among his frogs, and suffers them to play about him, yet God will suffer him (if the English army prevents not) to turn fiend and devour them, while their cries 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 miseries upon themselves.

An instance of the preceding REASONS out of the SCOTISH HISTORY.

THE SECOND PART.

AND now we come to our main business, which is the review of story, wherein we may find such a direct and uninterrupted series, such mutual endeavours 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 eipouze 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 Fajey (out of which Buchanan had most of his materials) are pleas'd to belch 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 escucheon. 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 genuine 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 succeed, which argues it elective: so Ethir Argis, brother to Fergus, is king, but his nephew forms a conspiracy against him, forces him to resign and fly to the isles, where he dy'd. Ethir Argis dying soon after, was suspected to be poison'd. After him comes in Main (Fergus's
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4. Gush's second son) who with his son Dornadilla, reign'd quietly fifty-seven years.

5. But Reuther his son not being of age, the people make his uncle Notath take

6. the government; but he misruling, Reuther, by the help of one Doual, rais'd a

7. party against him, makes himself king with the indignation of the people that he was not elected; so that by the kindred of Notath he is fought,

8. taken, and displac'd; but afterwards makes a party, and regains. His son The- 

9. reus was too young, so that his brother Rheutha succeeded, but after seventeen 

10. years was glad to resign. Well, Thereus reigns, but after fix years declines to 

11. such leudnesh that they force him to fly, and govern by a Prorex. After his death

12. Josina his brother, and his son Finan are kings, and quietly dy so.

13. But then comes Durst, one who slays all the nobility at a banquet, and is by 

14. the people slain. After his death the validity of the oath to Fergus is call'd in

15. question, and the elective power vindicated; but at length Even his brother is ad-

16. mitted, who tho he rul'd valiantly and well, yet he had Gillus a baird son,

17. vafer & regni cupidus. The next of the line are twins, Docham and Dorgal,

18. sons of Durst: they, while they disputed about priority of age, are, by the arti-

19. ficte of Gillus, flain in a tumult; who makes a strong party, and seizing of a

20. hold, says he was made supervisor by his father, and so becomes king, cuts off all

21. the race of Durst: but is after forc'd out of the kingdom, and taken by Even

22. the second his succesfor (who was chosen by the people) and by him put to death

23. in Ireland. After Even comes Eder: after Eder his son Even the third, who

24. for making a law, that the nobility should have the enjoyment of all new marvy'd

25. women before they were touch'd by their husbands, was doom'd to prison during

26. his life, and there strangl'd. His successor was his kinman Metellan: after

27. whom was elected Caratac, whom his brother Corbret succeeded. But then

28. came Dardan (whom the lords made to take on him the government, by reaason

29. of the nonage of Corbret's son) who for his leudnesh was taken by the people, and

30. beheaded.

31. After him Corbret the second, whose son Lucaf for his leudnesh was by

32. the people put to death; then was elected Mogald, who following his vitious

33. predecessors steps, found his death like theirs violent.

34. His son Conar, one of the conspirators against him, succeeded, but misgover-

35. ning, was clapt in prison, and there dy'd.

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

37. his piper.

38. His son being a minor, SautIEL his brother was accepted, who seeking to

39. place the succession in his own line, grew so hateful to the people, that, not daring to

40. come abroad, he was strangl'd in the night by his own servants, which made way for the youngest brother.

41. Donald, who outdid the others vices by contrary virtues, and had a happy

42. reign of one and twenty years.

43. Ethodius the second, son of the first of that name, was next, a dull inactive

44. prince, familiarium tumultu occasus.

45. His son Athirgo promis'd fair, but deceiv'd their expectations with most

46. horrid leudnesh, and at length vitiated the daughters of Nathalock a nobleman,

47. and caus'd them to be whipt before his eyes; but seeing himself surrounded by con-

48. spirators, eluded their fury with his own sword; his brother and children being

49. forc'd to fly to the Picts. Nathalock, turning his injury into ambition, made

50. himself
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himself king, and govern'd answerably; for he made most of the nobility to be strang'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 succeeds (the youngest of the three) who, about to revenge his brother's death, hears the Ilander is enter'd Murray; whom he in courting with inequal 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 butchery, slain by Crath-linth, 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 Caldi; (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: Roman, 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 flew him.

Ancusian, another pretender, succeeded, who being as sol'd by Necetham, king of the Picts, who came to revenge Roman, routed his army in a pitch battle; but Necetham coming again, he was routed, and both he and Necetham slain.

Fethelmac, the third pretender, came last, who beating the Picts, and wasting their fields, Herst, 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 flew him.

The next was Eugen, son of Fincormac, who was slain in a battle with the Picts, to the almost extirpation and banishment of the Scots; but at last the Picts, taking disaff 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 battle against them. This man's access to government was strange, ignotus Rex ab ignoto populo accertitus; 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 founder writers will allow to be real, and not fabulous. His successor his son Eugenius (whose grand-
father, Graham, had all the power) a warlike prince, whom some say slain, some dead of a diseafe. After him his brother Dongard, who, after the spending of five superstitious years, left the crown (as they call it) to his youngest brother Constantine; 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 suceeded by Congal, Constantine's fon, who came a tolerable good prince to a looie people; and having spent som two and twenty years in flight excursions against the Saxons, left the rule to his brother Goran, who notwithstanding he made a good league against the Britains, which much conduc'd to his and the peoples settlemt, yet in requital, after thirty-four years, they made away with him; which brought in Eugenius, the third of that name, the fon of Congal, who was strongly suspected to have a hand in his death, infomuch 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 fon 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 confent of Columba, (a prieft 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 fon of Aidan (to irregular is the Scots succession, that we see it inverted by usurpation or crofs 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 fon Ferchard successor, who, endeavoring to heighten the prerogative by the diffenions of the nobility, was, on the contrary, impeach'd by them, and call'd to an account, which he denying, was clapt in prifon, where he himself fav'd the executioner a labor. So that his brother Donald suceeded, who being taken up with the piety of those days, left nothing memorable, except that he in perfon 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 exorbitancies, who in hunting was wounded by a wolf, which caft him into a fever, wherein he not observing the impos'd temperance, brought on himself the loufy diseafe; 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 acknowlegement 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 suceeded, fon (they say) of King Dongard, tho' chronology seems to refute it. This man spent five years in flight excursions, and was suceeded 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. Ambergellath, nephew to Eugenius the Fifth, who suceeded 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.
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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 miseries EU-

GENIUS the Eighth, son of MORDAC, restrains'd. But he, it seems, having a na-

ture 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 diffimilitude was, that the latter's wife brought his death; for which others being impeach'd, she step'd in and confest it; and to avoid punishment, punisht'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 inebled 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 affuriring him of it; and in the time of battel a white crost (that which the heralds call a salkier, 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 extinguisht'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. DONAL, 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 frustrate, which made the king williger to assist ALPIN in his pretension to the kingdom of PIETS; in which at-
tempt 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 PIETS in many signal victors; but at last was slayn by them, leaving his name to the place of his death, and the kingdom to his son KEENETH. 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 fifhtkins 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 (to strange is deluded imagination) with unspeakable courage fell upon the enemy, and put them to the rout; which being confirm'd by other great victors, utterly ruin'd the PIETISH name. This man may be add'd 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 go-

vernment
vernment being twenty. This was he that plac’d that stone, famous for that illu-
lusory 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 happines of our commonwealth
made it useless. His brother Donald was his successor, a man made up of ex-
tremitys 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 strug-
gling with a potent enemy (for the Picts had call’d in the Danes) and driving them
much into delpair (a bravery that has not seldom ruin’d many excellent captains)
was taken by them, put into a little cave, and there flain. He was succed’d by
Ethus, his brother, who had all his eldest brother’s vices, and none of his se-
cond’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 Greg-
ory, son of Dungal, 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 settle’d his country, and pro-
vided faithful and able guardians for him. These things justly yield him the
name of Great. Donald, son of Constantin the Second, by his recommenda-
tion, succed’d in his power and virtues, notwithstanding some fray he was remov’d
by poision. Next was Constantin the Third, son of Ethus, an unfaileth person,
who assist’d the Danes, which none of his predecessors would do; and after they
had defeat’d him basely, yet yield’d them succors, consisting of the chief of the
Scots nobility, which, with the whole Danis army, were route’ed by the Saxons.
This struck him so, that he retir’d among the Cudys (which were as the Greek
Calories, 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
skil’d in the arts of peace, was flain by a conspiracy of those to whom his virtue
was burdenfull. 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 flain.
Duf, his son, succed’d, famous for an accident, which, if it be true, seems nearly
distant from a fable. He was suddenly afflic’d by a sweating diseafe, by which
he painfully languisht’d, yet nobody could find the cause, till at last a girl, that
had scatter’d som words, after torment’s, confest that her mother and som other
women had made an image of wax, which, as it wafted, the king shoul’d waft,
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 Force, where he then lay, interced’d for som of them; but being
repul’d, and exasperated by his wife, after he had made all his servants drunk,
flung him in his bed, and bury’d him under a little bridge (left the cutting of turfs
might discover a grave) near Kiri’s abbey: tho others say, he turn’d aside a river,
and after he had bury’d him, suffer’d it to take its former chanel. Cullen the son
of
of Indulf, by the election of parliament, or convention of the people, succeed; 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 weakened and exhausted in his body, and vext with perpetual discontents, he was summoned by the parliament, and in the way was slain by a Thane (for they then called lieutenants of counties) whose daughter he had ravished.

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 reinforce'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 choose the fittest, not the nearest) which being done, he got ordained in a parliament, that the succession should be lineal, the son should inherit, and be called Prince of Scots; and if he were a minor, be govern'd by some wise man (here comes the pretense of succession, whereas before it was clearly elective) and at fifteen he should chuse his guardian himself. But the divine vengeance, which seldom, even in this life, passeth by murder, overtook him; for he was enframed by a lady, whose son he had caus'd to be executed, and slain by an arrow out of an ambush the had laid. Constantine, the son of Cullen, notwithstanding all the artifices of Kenneth, by his reasoning against the act, perfum'd 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 afflicting 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 Constamians, who made a good party; but at the intercession of Forard (an accounted rabbie of the times) they at last agreed, Grime being to enjoy the kingdom for his life, after which Milcolm should succeed, 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 Milcolm, 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.

Milcolm, who with various fortune fought many signal battles with the Danes, that under their king Sweyn 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 kinmen and competitors; som by the friends of a maid whom he had ravish'd. Donald his grandchild succeded, a good-natur'd and inactive prince, who with a stratagem of fleepy drink destroy'd a Danish army that had invaded and distress'd him; but at last being enframed by his kinman Mackbeth (who was prick'd forward by ambition, and a former vision of three women of a four human shape, whose one faluted 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.
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the nobility with largesse. The first ten years he spent virtuously, but the remainder was so savage and tyrannical, that Macduff 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 mift of fables, that it is not certainly known.

86. Milcolm, 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 island in America, and others from cottages and dovecores). 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 flain. Som from hence derive the name of Percy (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.

87. Donald Bane (that is in Irish, white) who had fled into the isles 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 isles. 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 possis'd himself, all men derrting Donald, who being taken and brought to the king, dy'd in prison. Edgar, secure by his good qualities, 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 employment 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, because som conspirators being by the fraud of the chamberlain admitted into his chamber, he casually waking, first flew 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.

91. His brother David succeed'd, one whose profuse prodigality upon the abbys brought the revenue of the crown (so prevalent was the superstition of those days) almoft 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 eldeft whereof was
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was Milcolm a simple king, baff'd and led up and down into France by our Henry the second; which brought him to such contempt, 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 monasteries; 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 surpried 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) Barrow, Edinburg, Sterling, all which notwithstanding was after releas'd by Richard Cuer 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. John's, which had bin destroy'd by waters, whereby he lost his eldest son, and some treaties with our king John) was little worth memory; only you will wonder that a Scotch king could reign forty-nine years, and yet die in peace.

Alexander his son succeed'd for famous little, except some 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 infected with the turbulent Cummins; who when he was of age, being call'd to account, not only refuse'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 some islands given by Macketh) whom he forc'd to accept a peace, and spent the latter part amidst the turbulencies 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 immediate succession is for the peace of the kingdom, and what miseries it prevents, I shall, as briefly and as pertinently as I can, let 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 Carrick, having married the heretrix thereof. 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 toft up and down, at last was refer'd to Edward, the first of that name, king of England. He thinking to flit in these troubled waters, stirs up eight other competitors, the more to entangle the busines, and with twenty-four counsellors, half English, half Scots; and abundance of lawyers fitted enough to perplex the matter, so handled the busines, after cunning delays, that at length he secretly tampsers with Bruce (who was then conceiv'd to have the better right of the busines) that if he would acknowledge the crown of him, he would adjudge it for him; but he generous answering, that he valu'd
THE GROUNDS AND VALU'D A CROWN AT A LES' 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 JUSTLY, 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 MACDUFF EARL OF FIFE, HE NOT ONLY PARDON'D THEM, BUT GAVE THEM A PIECE OF LAND IN CONTROVERSY: WHEREUPON MACDUFF'S BROTHER COMPLAINS AGAINST HIM TO EDWARD, WHO MAKES HIM RISE FROM HIS SEAT IN PARLIAMENT, AND GO TO THE BAR: HE HEREUPON ENRAGED, DENIES EDWARD ASSISTANCE AGAINST THE FRENCH, AND RENOUNCES HIS HOMAGE. EDWARD IMMEDIATELY COMES TO BERWICK, TAKES AND KILLS SEVEN THOUSAND, MOST OF THE NOBILITY OF FIFE AND LOWTBIAN, AND Afterwards GAVE THEM A GREAT DEFEAT AT DUNBAR, WHOSE CATTLE INSTANTLY SURRENDER'D. AFTER THIS HE MARCH'D TO MONTROSE, WHERE BALIOL REFIGN'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 POSSESS OF ALL SCOTLAND, ONE WILLIAM WALLACE AROSE, WHO BEING A PRIVAT MAN, BELT' BD 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 OVERCOME WITH ENVY AND EMULATION AS WELL AS POWER; UPON WHICH HE LAID BY HIS COMMAND, AND NEVER ATE MORE, BUT ONLY IN FLIGHT INCRUSTATIONS. BUT THE ENGLISH BEING BEATEN AT ROSSAN, EDWARD COMES IN AGAIN, TAKES STIRLING, AND MAKE 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, THE 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 STIRLING, 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 RANDOLF EARL OF MURRAY, WHOSE SEVERITY IN PUNITING NO LEFS 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 STRENGTH'NED 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 ARGYLE 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 INCRUSTATIONS, HE AT LENGTH IN THE FOURTH YEAR OF HIS RETURN MARCH'D INTO ENGLAND, AND IN THE BISHOPPRICK OF DURHAM WAS ROUTED, AND FLED TO AN OBSCURE BRIDGE, 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.
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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 some exorbitancies 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 Flambug, and kept by our Henry the Fourth: upon the hearing of which his father was wounded, 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 promised 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 inroads 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 families. The interregnum 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 auxiliars into France, who, they say, behav'd themselves worthily; and his slothful son Mordac, who making his sons fo' bold with indulgence, that one of them kill'd a falcon on his silt, which he deny'd to give him: he in revenge procur'd the parliament to ransom the king, who had been eighteen years a prisoner. This James was the first of that name, and tho he was an excellent prince, yet had a troublesome 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 Atbol, slew him in his chamber, his wife receiving two wounds, endeavors 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 supplant'd by another earl Douglas, the king in his juft age suffer'd minority under him, who upon dipleasure rebel'd, and was kill'd by the king's own hand. Afterwards having his middle years perpetually molest'd with civil broils, yet going to affist the duke of York against Henry the Sixth, he was diverted by an English gentleman that counterfeit'd himself a Nuncio (which I mention out of a manuscript, because I do not remember it in our story) and broke up his army. Soon after besieging Resburg, he was slain by the burfting 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 Boys; tho' the persuasions of astrologers and witches, to whom he was strongly addicted, he believ'd to cruelty; which so ingr'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 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 indemnities to all that had fought against him.
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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 Flodden field, or, as some suppose, at Kelly 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 wafted almost into famine 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 infant of his dream, and leaving a daughter of five days old, whom he never saw.

This was that Mary under whose minority (by the weaknenss 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 prevalence 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 exorbitancies.

I had almost forgot to tell, that this young couple in the transport of their nuptial solemnities took the arms and title of England, which indiscreet 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 effeminacies came over with her, and the court lost that little severity which was left. David Rizio, an Italian flautist, 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 Darnley 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 adultery, and hide the flame of an impregnation (tho some have whisper'd, that she never conceiv'd, and that the son was supposititious) or some phrenzy of affection drew her that way; certain it is she Leon 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 contemptible train was sent away) insomuch that sorn of the nobility that could not digest this, enter'd into a conspiracy, which the king headed, and slew him in her chamber.
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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 succed'd; she so intices him, being so sick that they were forc'd to bring him in a horse litter 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 lays 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, she 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 marries; but the more honest nobility amaz'd at those exorbitancies, assemble together, and with arms in their hands begin to expostulate. 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 party 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 enormities, 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 proceed to another election, and was forc'd to obey. So the child then in his cradle was acknowledg'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 parliament 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 Sempronius, 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 instruct'd for that purpose, and taught their tale) he escap'd. For this deliverance (or to say better, affiance) he blasphe'm'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 Authors 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 wife at that time, and only supported by the faction of som, and the flot of others; who
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, marries 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 diffusions (for the Cecilians and Essexiens, for several ends, made perpetual applications) got JAMMY from a revenue of 30,000l. 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. expressly 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 imprung 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 inquisition 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 perfections 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) wherein the king oppos'd him; and having one day flar'd the cafe 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 express'd. 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 flight vigilations 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 embassadors, the design of the Spanish match (in which his son was personally imbark't) and the flow affiances sent to his daughter, in whose safety and protection Protestantism was at that time so much concern'd.

For his knowledge, he had some glancings and niblings, 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
REASONS OF MONARCHY.

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 convince'd) yet what condemnation is this to a king, who should have other busines than spinning and weaving fine theories, and engaging in school chiquaneries? which was well underfoot by HENRY the Fourth, who hearing som men celebrat him with thefe attributes: yes (answer'd he, very tardly) He is a fine king, and writes little books.

'Tis true, he was a good drol, and possibly after Greece wine somewhat factious: but of his substantal and heroic wildom 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 profetuc the ends of a good king, but to scour up the prerogative, divert parlaments from the due disquifition and profecution of their freedoms, and to break them up at pleasure; and indeed his parting with the cautionary towns of the love country, and that for so small a sum, shew'd him a perfon not fo quick-fighted, or unfit to be overreach'd.

For his peaceable reign, honourable and just quarrels he wanted not; but cloth and cowardice withheld him: and indeed the ease and luxury of those times fomented and nourish'd thofe lurking and pestilent humours, which afterwards so dangerously broke out in his fon'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 fortunate nor comfortable to him. His wife dipt'affed by him, and som fay, languishing of a fould disease; his eldest fon dying with too violent symptoms of poifon, 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 laftly, himself dying of a violent death by poifon, in which his fon 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 dissolufion of the parlament that took in hand to examin it; and laftly his indifferency at BUCKINGHAM's death (tho' he pretended all love to him alive) as glad to be rid of so dangerous and so confeiderable a partner of his guilt. Yet the miter'd Parafits of thofe times could fay, that one went to heaven in NOAH's ark, the other in ELISHA's chariot, he dying of a pretended fever, the (as they faid) of a dropy.

CHARLES having now obtain'd his brother's inheritance, carry'd himfelf in managing of it like one that gain'd it as he did. The firft of his acts was that glorious attempt upon the ile of Rhos. The next, that noble and chriflian betraying of ROBERT, and consequently in a manner the whole Protestant interef in FRANCE. The middle of the reign was heightening of prerogative and prelacy, and conforming our churches to the pattern of Rome; till at laft just indignation brought his subjefts of SCOTLAND into ENGLAND, and fo forc'd him to call a parlament: which tho' he shameflely fays in the firft 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 firft 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 railing up the IRISH rebellion, which has wasted millions of lives; and laftly, his open receffion from WESTMINSTER, and hostility against the two houfes, which maintain'd a firft and second sharp war, that
THE GROUNDS, &c.

had almost ruin'd the nation, had not Providence in a manner immediately 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 obstinate in a tyranny; never people more strangely belotted 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 faint; 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 confummat 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 flock; one that has so little to commend him, and so great improbability to further their designs and happiness, a Papist 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 proposotions 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 barefaced, 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 eipoule 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 affrighting (but false and ungrounded) pretensions of perfidy and perjury, and made instrumental with their own estates and blood towards enslaving and ruining themselves.
THE
COMMONWEALTH
OF
OCEANA.
TO HIS HIGHNESS

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

INTRODUCTION, OR ORDER OF THE WORK.

OCEANA is saluted by the Panegyrist after this manner; O the most blest and fortunate of all countries, OCEANA! how deservedly has Nature with the bounties of heaven and earth indu'd thee? thy ever-fruitful womb not clos'd with ice, nor dissol'ed by the raging sea; where Ceres and Bacchus are perpetual twins. Thy woods are not the harbors of devouring beasts, nor thy continual verdure the ambush of serpents, but the food of innumerable birds and flocks presen'ting thee their shepherdes with distended paws, or golden fleeces. The wings of thy night invol're thee not in the horror of darkness, but have still from 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 Marpefo and Panopea, now provinces of this common-wealth, as to Oceana itself.

To speak of the people in each of these countries, 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 bow 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 countries, 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 benefits 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 servile condition, and to keep the plow in the band of the owners, and not mere birelings. And thus indeed (says he) you shall attain to Virgil's character, which be gives of antiquus Italy.

But the tillage bringing up a good sollicit, 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

* Terra potens armis atque ubere gleba.
THE INTRODUCTION.

this nation has ever had some 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 parlements, 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 somthing in it of the livery; and husbandry, or the country way of life, tho of a grooser spinning, as the best fluf of a commonwealth, according to Aristotile, such a one being the most obtinat affertere 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 feldom 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 doubtles 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 moit innocent and steddy genius of a commonwealth, such as is that of Oceana.

Marpezia, 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 hardines, 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.

Panopea, the soft mother of a slothful and pusillanimous people, is a neighbor island, antiently subject’d by the arms of Oceana; since almoft depopulated for shaking the yoke, and at length replanted with a new race. But (tho what virtues of the soil, or vice of the air forever it be) they com still to degenerate. 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 shou’d doubt, but having a fruitful country, and excellent ports too, they would be good at both. Panopea well peopled, would be worth a
THE INTRODUCTION.

matter of four millions dry rents; that is, besides the advantage of the agriculture and trade, which, with a nation of that industry, comes at least to as much more. Wherefore Panopea being transport'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 provincial army, would have bins 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 Marpeian auxiliary, had bin an inestimable treasure; the situation of these countries being islands (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: whereas this, reduc'd to the like government, is a commonwealth for increase, and upon the mightiest foundation that any bin laid from the beginning of the world to this day.

Ilam artisi capiens Neptunus compede stringit:
Hanc autem glaucis captus complestatur uiris.

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

These countries having bin antiently distinct and hostile kingdoms, came by Morpheus the Marpeian (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 infusing discourse, divided into four parts.
1. The Preliminary, shewing the principles of government.

2. The Council of Legulators, 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 some consequences of such a government.

The Preliminary, shewing the principles of government.

ANOTTI, 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 court 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 Caesar, 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 become far worse in these western parts, except Venice, which escaping the hands of the Barbarians, by virtue of its impregnable situation, has had its eye 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 whereby a civil society of men is instituted and prefer'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.

And government (to define it de facto, or according to modern prudence) is an art whereby some man, or some 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 some few families, 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 gone about to retrieve; and that Leviathan (who would have his book impos'd upon the univercity) goes 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. What man that has his natural senses, the he can neither write nor read, does 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 bands and swords of men? I confess, that

F 2

Definitions of government.
* 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; therefore 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) through 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 states, that they deriv'd those rights not from the principles of nature, but transcript 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 Hervey, that he transcript his circulation of the blood not out of the principles of nature, but out of the anatomy of this or that body.

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 fort, 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 whereas 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 com 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 confining of a mixture of them all, which only is good. This is the doctrin of the antients.

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 think, the names of their corruptions being but the names of mens phantases, 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 acquire'd virtues, as wisdom, prudence, and courage, &c. The goods of fortune are riches. 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 na-

* Magistratus cf lex armata.
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 Levitathan, tho he be right 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 magistrate 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 is of two kinds, domestic and national, or foreign and provincial.

Domestic empire is founded upon dominion.

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

Lands, or the parts and parcels of a territory, are held by the proprietors, lord or lords of it, in some 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.

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 called from his property; and his empire is 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.

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.

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

But there be certain other confusions, which, being rooted in the balance, are of longer continuance, and of worse consequence; as, firstly, where a nobility holds half the property, or about that proportion, and the people the other half; in

* Regebat magis auctoritate quam imperio.
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 senat 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. Wherfore it being unlawful in Turkey, 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 immovable; 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 unparall'd example of the people of Israel, when being in liberty they would needs choose a king. But without an Agrarian government, whether monarchical, aristocratical, or popular, has no long lease.

As for dominion personal or in mony, it may now and then stir up a Meclius or a Manlius, which, if the commonwealth be not provided with some kind of dictatorial 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 foot-hold, 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.

But Leviathan, tho' he seems to scowe 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 proceed from the not understanding this great truth. That covenants being but words and breath, have no power to oblige, contain, constrain, or prevent 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; wherfore this will come to what pastures you have, and what pastures you have will come to the balance of property, without which the public sword is but a name or mere spitfrog. Wherfore 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 Timuriots, 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

* Si terra recedat, Ionium Aegeo frangat mare.
OCEANA.

are but words and breath. But if the property of the nobility, flock'd with their tenants and retainers, be the pature of that beast, the ox knows his master's crib; and it is impossible for a king in such a condition to reign otherwise than by covenant; or if he breaks it, it is words that come to blows.

But, says he, when an assembly of men is made sovereign, then no man imagines any such covenant to have past in the institution. But what was that by Publicola of appeal to the people, or that whereby 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, whereas it consisted of the senate and the people; That they were not upon covenant, whereas every law enacted by them was a covenant between them; That the one assembly was made sovereign, whereas the people, who only were sovereign, were such from the beginning, as appears by the ancient title 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, whereas 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 Decemvirs 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 come to others that fee more of this balance.

You have Aristotle full of it in divers places, especially where he says, that immoderate wealth, as where one man or the few have greater possessions than the quality 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 sarkophagus 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 gentry, it is by their over-balance, he speaks of the gentry as hostil to popular governments, and of popular governments as hostil 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' uneen 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 be who will go about to make a commonwealth where there be many gentlemen, unless he first destroys them, undertakes an impossibility. And that be who goes about to introduce monarchy where the condition of the people is equal, shall never bring it to pass, unless he call 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 the

* Censuere patres, justit populus.
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rest, 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 been 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 balance of foreign 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 enlargement of it self, to have provinces. But how a province may be justly acquired, 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 whereunto I shall first shew upon what kind of balance it is not to be held. It has been said, that national or independent empire, of what kind soever, is to be exercised by them that have the proper balance of dominion in the nation; wherefore provincial or dependent empire is not to be exercised 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 have most of the power at home; whereas the richest among the provincials, tho native subjects, or citizens that have been transplanted, are least admitted to the government abroad; for men, like flowers or roots being transplanted, take after the soil wherein they grow. Wherefore the commonwealth of Rome, by planting colonies of its citizens within the bounds of Italy, took the best way of propagating itself, and naturalizing the country; whereas if it had planted such colonies without the bounds of Italy, it would have alienated the citizens, and given a root to liberty abroad, that might have sprung up for ever, 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 having less apprehension of what they could do abroad than at home, took a contrary course.

The Mamalucs (which till any man shew me the contrary, I shall presume to have bin a commonwealth consisting of an army, whereof the common soldier was the people, the commissiou officer the senat, and the general the prince) were foreners, and by nation Circassians, that govern'd Egypt; wherefore these never

* Consules fine lege curiata rem militarem attingere non potuerunt.
durst plant themselves upon dominion, which growing naturally up into the national interest, must have diffolv'd the foren yoke in that province.

The like in some sort may be said of Venice, the government wherof is usuallly mistaken: for Venice, tho' it do 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 choisen so to do, or were subdu'd by arms. Wherfore the subject of Venice is govern'd by provinces; and the balance of dominion standing, as has bin said, with provincial government: as the Mamaluks durst not cast their government upon this balance in their provinces, left the national interest should have rooted out the foren, so neither dare the Venetians take in their subjects upon this balance, left the foren interest should root out the national (which is that of the 3000 now governing) and by diffusing the commonwealth throout her territorys, lase 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 deputes 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 discipline. The like was that of the Mamaluks, being a hardy people, to the Egyprians that were a soft 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 colonies in the Indies, they are yet babes that cannot live without sucking the breasts of their mother cities, but such as I mistake if when they com of age they do not wear 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 come to the principles of authority, which are internal, and founded upon the goods of the mind. Thee the legislator that can unite in his government with those of fortune, comes nearest to the work of God, whose government confines 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. And says Solomon, 'There is an evil which I have seen under the sun, which proceeds from the ruler (omnia neque nobilium, neque ingenium, nec libertinum quidem armis praepone, regia utilitas est.) Folly is yet in great dignity, and the rich (either

Authority.

Ecclesiastes 10:15.

Tacitus.

Georgics.
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 borzes, 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 secure, 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, balance'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.

The soul of man (whose life or motion is perpetual contemplation or thought) is
the mistres 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 fame which 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 where I conceive to be the principles upon which Aristotle and Livy (injurious of the 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 histories and philosophy of the ancient Greeks and Romans, and the writings and discourses of those that from them have received 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 some certain demonstration of truth; and, what is it? why,
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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 Lucchese 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 wheres the greatest Basque 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 comes to be the liberty of the commonwealth.

But seeing they that make the laws in commonwealths are but men, the main question seems to be, how a commonwealth comes 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.

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 controls them as they are sociable parts united into one body, a law which binds them each to serve to others good, and all so prefer the good of the whole, before whatsoever their own particular; as when stones, or heavy things for sake 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 acknowleg'd to be by the agents themselves, than the right or interest of the parts only. Wherefore this is 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.

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 cometh nearest to the interest of mankind, then the reason of popular government must cometh nearest to right reason.

G 2

But
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. Wherfore unless you can shew
such orders of a government, as, like those of God in nature, shall be able to con-
strain 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
beast from himself to decency and the common interest. But that such orders may
be establish'd, as may, may 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 cafes. For ex-
ample, two of them have a cake yet undivided, which was given between them:
that each of them therefore might have that which is due, divide, says one to the
other, and I will chuse; or let me divide, and you shall choose. If this be but once
agreed upon, it is enough: for the dividend, dividing unequally, loses, in regard
that the other takes the better half; wherfore the divides equally, and so both have
right. O the depth of the wisdom of God! and yet by the mouths of babes and suck-
lings 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 lies 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, whereof
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 immediately make a commonwealth. Twenty men (if they be
not all idiots, perhaps if they be) can never come 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
flags that have the largest heads) lead the herd: for while the fix discouraging 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 for-
merly perplex'd them. Wherfore in matter of common concernment, difficulty,
or danger, they hang upon their lips as children upon their fathers; and the in-
fluence thus acquir'd by the fix, the eminence of whole parts are found to be a
stay and comfort to the fourteen, is the authority of the fathers. Wherfore 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 therefore 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 fix then approv'd of, as in the
present cafe, are the senat, not by hereditary right, or in regard of the greatness
of their estates only (which would tend to fuch 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. Wherfore the office

* Authoritas patrum.
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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 wherupon 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 first to propose in the case to the people. Wherfore 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.

The Senate then having divided, who shall chuse? ask the girls: for if the that divided must have chosen also, it had bin little worse for the other in case the had not divided at all, but kept the whole cake to her self, in regard that being to chuse too, she divided accordingly. Wherfore if the Senate 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 from 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.

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. Wherfore 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 whereas this, in case the commonwealth consist of a whole nation, is too unwieldy a body to be assembled, this council is to consist of such a representative as may be equal, and so constituted, as can never contradict 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: whereby 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 under-

† Senatusconsults. † Ferre ad populum. * Authoritate patrum & jufris populi.
standing. 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.

Now whether I have rightly transcript 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 lightly, beginning with that of Israel.

Of Israel.

The commonwealth of Israel consisted of the senate, the people, and the magistracy.

The people by their first division, which was genealogical, were contain'd under their thirteen tribes, houles, or families; whereof the first-born 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, the tithe of all remaining to Levi; whence according to their local division, the tribes are reckon'd but twelve.

The assembleys of the people thus divide were methodically gather'd by trumpets to the congregation; which was, it should seem, of two sorts. For if it were call'd with one trumpet only, the princes of the tribes and the elders only assemble'd; 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 English; but in the Grec it is call'd Ecclesia, or the church of God, and by the Talmudis, the great Synagog. The word Ecclesia was also antiently and properly us'd for the civil congregations or assembleys of the people in Athens, Lacedemon, and Ephesus, where it is so call'd in Scripture, tho' it be otherwise render'd by the translatours, 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 fee they intended the government of the church to be democratical or popular, as is also plain in the rest of their constitutions.

The church or congregation of the people of Israel assemble'd in a military manner, and had the refult 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 deferredly 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 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 therefore 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 throughout 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 the land of Moab, and those which were made by covenant with the people in Horab; 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, then that only which was revolv’d by the people of Israel was their law; 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 form of cæsars 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 cafe of Eldad and Medad, which I shall open with the senate.

The senate of Israel call’d in the Old Testament the seventy elders, and in the New the sanbedrim (which word is usually translated the council) was appointed by God, and consist’d of seventy elders besides Moses, which were at first elected by the people; but in what manner is rather intimated than shown. Nevertheless, because I cannot otherwise understand the passage concerning Eldad and Medad, of whom it is said that they were of them that were written, but went not up to the tabernacle, then with the Talmudists, 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 therefore went not up to the tabernacle, or place of confirmation by God, or to the secessionhoufe of the senate with the senate upon whom the lot fell to be senators: for the senionhouse of the sanbedrim 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 magistrate is chosen by the suffrage of the great council or assembly of the people. But the sanbedrim 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 senate; the reft or the bench coming round with either horn like a crescent, had a scribe attending upon the tip of it.

This senate, 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 exerciz of their power from all other senats, except that of the Areopagitis in Athens, which also was little more than a supreme judicatory; for it will hardly, as I conceive, be found that the sanbedrim 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 sanbedrim 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, whereby it was needless. Wherfore the function of this council, which is very rare in a senate, was executive, and consist’d in the administration of the magistracy.
administration of the law made; and whereas the council itself is often und rstood in Scripture by the priest and the Levit, there is no more in that save onl/ that the priests and the Levites, 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*. For the courts consisting of three and twenty elders sitting in the gates of every city, and the *triumvirates of judges* constituted almost in every village, which were parts of the executive magistracy subordinate to the *Sanhedrim*, I shall take them at better leisur, and in the larger dis-course; 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 itself, whether in Heaten 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:

**Of Athens.**

Athens consisted of the senate of the **Boule** proposing, of the church or assembly of the people resolving, and too often debating, which was the ruin of it; as also of the senate of the **Areopagus**, the nine **archons**, with divers other magistrates executing.

**Of Lacedemon.**

Lacedemon consisted of the senate 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 magistrates executing.

**Of Carthage.**

Carthage consisted of the senate 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 magistrates executing.

**Of Rome.**

Rome consisted of the senate proposing, the **concio** or people resolving, and too often debating, which caused her storms; as also of the consuls, cenfors, ædils, tribuns, pretors, quætors, and other magistrates executing.

**Of Venice.**

Venice consists of the senate or **pregari** 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 cenfors, the dieci, the quazancies, and other magistrates executing.

**Of Switzerland and Holland.**

The proceeding of the commonwealths of Switzerland and Holland is of a like nature, tho' after a more obscure manner; for the sovereigns, whether cantons, provinces, or cities, 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 senate, 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 further occasion. And for the executive part they have magistrates 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 for the like between such persons as are not of the same canton, province or city.

But
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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 lufts 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 Greek 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, attend'd by the conductors of their armies, receive withal a pleasing idea of all they have don besides; and imagin their great prosperity not to have proceeded from the emulation of particular men, but from the virtue of their popular form of government, not considering the frequent seditions and civil wars produced 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 whereas 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 ancient 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 ancient commonwealths, which is to give up the controversy. For such an effect must have som adequate cause; which to evade he infinuates 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.

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 befal 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 lie 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 bin 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 som 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; wherfore these were either no monarchys, or had greater flaws in them than any other.

But for a monarchy by arms, as that of the Turk (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 (wheras 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 bin frequent in Spain, France, Germany, and other monarchys of this kind; wherfore monarchy by a nobility is no perfect government.

For the proof of the third assertion; Leviaathan yields it to me, that there is no other commonwealth but monarchical or popular; wherfore 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 Leviaathan 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 unequal.

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 liberation 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 the commonwealths in general be governments of the senat proposing, the people revolving, 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 Aebeans, Eoiolians, Lyceans, Switz, and Hollanders.
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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 unequal, and this is the main point, especially as to domestic peace and tranquility; for to make a commonwealth unequal, is to divide it into parties, which lets 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 senate. 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 senate 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 or aristocracy, can come to overpower the whole people by their professions in lands.

As the Agrarian answers to the foundation, so does 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.

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

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 thre fear of an enemy, or baseness towards a friend, impair a man's liberty.

Wherfore, 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 marked for the negative or affirmative) was a welcome constitution to the people, as that which, not impairing the assurance of their brows, increas'd the freedom of their judgment. I have not found 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 established 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 infusing 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.

* Qui beneficium accept, libertatem vendidit.
† Grae populo est tabella que frontes aperit hominum, mentes tegit, datque easm libertatem ut quod velit faciant.
O C E A N A.

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 lies 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 suppling 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 liberat'd; in regard that tho the paucity of her citizens, her greater magistracies are continually wheel'd thro a few hands, as is confes't 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 some one of the greater magistracies, as Savio di mare, Savio di terra ferma, Savio Grandi, counsellors, those of the decemvirat or dictatorial council, the aurogatori or censors, which require no vacation or interval. Wherfore if this in Venice, or that in Lacedemon, where the kings were hereditary, and the senators (tho elected by the people) for life, caus'd 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 caus'd a very great one in a commonwealth for increase, or consisting of the many, which, by ingrossing the magistracies in a few hands, would be obstructed in their rotation.

But there be who lay (and think it a strong objection) that let a commonwealth be as equal as you can imagin, two or three men when all is done 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 ascend'd 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. Wherfore this is both the advantage of virtue, which has her due encouragement, 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 buck'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 fret in one, it relies 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.

* Uno avulfo, non deficit alter
Aureus, & similis nondeficit virga metallo.

These
O C E A N A.

These things consider'd, it will be convenient in this place to speak a word to such as go about to infinuat 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 confit of soldiers without officers, or of officers without soldiers, as a commonwealth (especially such a one as is capable of greatnes) of a people without a gentry, or of a gentry without a people. Wherefore this (though not always so intended as may appear by Machiavel, whose 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 (though 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 Patrician; 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 antierior 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 plebian 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 Swiss, 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 affect 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 intrest 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 eyes; and in war, as the trophy of their arms; and if Cornelia disdain'd to be queen of Egypt, if a Roman confus 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 acknowlegement of their virtue, than the crowns of monarchs.

But if the equality of a commonwealth confit in the equality first of the Agrarian, and next of the rotation, then the inequality of a commonwealth must confit in the absence or inequality of the Agrarian, or of the rotation, or of both. 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 samoe-drim or lenat, 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...
nty of goods, and other customs of the Ephas, who were many of them converted, came afterward to be introduced into the Christian church. And the election of the judge, jufes 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 Elj judg’d Israel forty years, and Samuel, all his life. In Lacedemon the election of the senat being by suffrige of the people, tho for life, was not altogether so inegal yet the hereditary right of kings, were it not for the Agrarian, had ruin’d her.

Athens and Rome were inegal as to their Agrarian, that of Athens being inerm, 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 Graccus 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 inegal in their rotation, but in a contrary manner. Athens, in regard that the senat (chofen at once by lot, not by suffrage, and chang’d every year, not in part, but in the whole) consist’d not of the natural aristocracy; nor sitting long enough to understand, or to be perfect in their office, had no sufficient authority to refrain 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 headmen 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 magistracies (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 inegal, it must consist, as has been 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. Wherfore 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 discours, which I intend for as complete an epitome of antient prudence, and in that part 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 anwers that part of this science which by politians is intitul’d *of laws; and the third order is executive, to which anwers that part of the same science which is figur’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.

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.

• De legibus.  † De judicii.  But,
O C E A N A.

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 privat conscience, refutes 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 I s r a e l the government of the national religion appertain'd not to the Priests and Levites, otherwise than as they happen'd to be of the shanbedrin or senar, 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 I s r a e l the law ecclesiastical and civil was the same, therefore the shanbedrin having the power of one, had the power of both. But as the national religion appertain'd to the jurisdiction of the shanbedrin, so the liberty of conscience appertain'd, from the same date, and by the same reason, 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. The words relate to prophetic right, which was above all the orders of this commonwealth; whence E l i j a h not only refus'd to obey the king, but destroy'd his messengers with fire. 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 sacrifise where he would, as E l i j a h did in Mount Carmel. By this right J o h n the B a p t i s t and our Saviour, to whom it more particularly related, had their disciples, and taught the people; whence is deriv'd our present right of G A T H E R'D C O N G R E G A T I O N S: wherof the Christiant religion grew up according to the orders of the commonwealth of I s r a e l, and not against them. Nor was liberty of conscience infringing by this government, till the civil liberty of the same was lost, as under H e r o d, P i l a t, and T i b e r i u s, a threeed tyranny.

To procede, A t h e n s prefer'd her religion, by the testimony of P a u l , with great superstitition: if A l c i b i a d e s, that atheistical fellow, had not shew'd them a pair of heels, they had shaven off his head for shaving their M e r c u r y s, and making their gods look ridiculously upon them without beards. Nevertheless, if P a u l reason'd with them, they lov'd news, for which he was the more welcome; and if he converted D i c n y s i u s the A r e o p a g i t , that is, one of the senators, thereofow'd neither any hurt to him, nor lots of honor to D i c n y s i u s. And for R o m e, if C i c e r o , in his most excellent book de natura deorum, overthrow the national religion of that commonwealth, he was never the further from being confus. But there is a meannets and poornets in modern prudence, not only to the damage of civil government, but of religion itself: for to make a man in matter of religion, which admits not of sensible demonstration ( j u r a r e n v e r b a m a g i s t r i ) engage to believe no otherwise than is believ'd by my Lord Bishop, or Goodman Presbyter, is a pedantifim, that has made the sword to be a rod in the hands of schoolmasters; by which means, whereas the Christiant religion is the fairest of any from countenancing war, there never was a war of religion but since Christiantity: for which we
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 magistrate to have any jurisdiction concerning it; whereas the magistrate's looting the power of religion looses 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 cafe 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 tailor 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, Plurima leges, corruptissima res publica. 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 cafe, 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.

Of courts.

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; whereby 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 Octana. And thus much of antient prudence, and the first branch of this preliminary discourse.
The Second Part of the Preliminarys.

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, whereby this came to be enervated, and that to receive strength and incouragement. And this was the execrable reign of the Roman emperors taking rife from (that fælix fælius) the arms of Cæsar, in which form the ship of the Roman commonwealth was forc'd to disburden itself of that precious fraught, 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 fink of luxury, and forfeited the ineffable treasure of liberty to themselves and their posterity.

Their Agrarian laws were such, whereby 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 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 reserve'd to the public use, were thro' stealth possest 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 dissipating 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 prefer'd their prey, but growing vaftly 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, 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,

* Nemo nocetur nifi ex se.
icolonys, instituted by his distribution of the conquer'd lands, not now of enemies, but of citizens, to forty-seven legions of his soldiers; so that how he came to be PERPETUAL DICTATOR, or other magistrates 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) consist'd of such as I conceive were they that are call'd milites beneficiarius; 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 beneficiaries, as was no les 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; the thefe, 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 signifies benefices, that it shall save me a labor of opening the government.

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 Turki is the most perfect that ever was. Which happen'd in that the Roman (as the Israelites of the Janbedrim and the congregation) had a mixture of the senat and the people; and the Turki 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 thefe of the western having ever had such a relish of liberty, as thro' what defpair foever could never be brought to stand still while the yoke was putting on their necks, but by being fed with som hopes of referring to themselves som part of their freedom.

Wherefore Julius Caesar (faith Suetonius) contented himself in naming half the magistrates, to leave the rest to the suffrage of the people. And Mæcenas, tho he would not have Augustus to give the people their liberty, would not have him take it quite away. Whence this empire being neither baruk 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

* Comitis cum populo sortitus est.

† Neque id exiit, sive debeat autem me tibi esse, ut tyrannidem in S. P. Q. R. in servitutem redactum teneas: quod neque dicere meum, neque facere tuum est.
the Pretorian bands, those befitful executioners of their captain’s tyranny upon others, and of their own upon him, having continued from the time of Augustus, were by Constantine 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 whereto this empire was first built being now remov’d, shews plainly, that the emperors must long before this have found out some other way of support; and this was by stipendiating the Goths, a people that, deriving the roots from the northern parts of Germany, or out of Sweden, had (tho their victories obtain’d against Domitian) long since spred their branches to so near a neighbourhood with the Roman territories, that they began to overshadow them. For the emperors making use of them in their armies (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 distress for it, that in the time of Honorius they sack’d Rome, and possesst themselves of Italy. And such was the disposition 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, cities, changing the names of rivers, countries, seas, mountains, and men; Camillus, Cæsar, and Pompey, being com to Edmund, Richard, and Geoffrey.

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 bis captains and soldiers as bad merited in bis wars, upon condition to acknowledge him to be their perpetual lord, and themselves to be bis subjects.

Of these there were three kinds or orders: the first of nobility, distinguishing’d by the titles of dukes, marquisses, earls; and these being gratified with the cities, 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.

Feuds of the second order were such as, with the consent of the king, were bestowed by these feudatory princes upon men of inferior quality, call’d their barons, on condition that next to the king they should defend the dignities 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 vaussors. And this is the Gothic balance, by which all the kingdoms this day in Christendom were at first erect’d; for which cause, if I had time, I shou’d 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 disfollution of the same. And The third, the generation of the present commonwealth.
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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 subdued and govern'd. The first of these were the Romans, the second the Teutons, the third the Scandians, and the fourth the Newfrrians.

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 remembered here, that if we have given over running up and down naked, and with dapp'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 immediately, or mediately 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 whole means we are, as it were, of beasts become men, and by whose means we might yet of obscure and ignorant men (if we thought not too well of our selves) become 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 ibane, and that of middle ibane.

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 some division. The division that was in use with the Teutons, was by counties, and every county had either its ealdorman, or higb reeve. The title of ealdorman came in time to earl, or erl, and that of higb reeve to higb sheriff.

Earl of the shire or county denoted the king's ibane, or tenant by grand ferjeantry or knights service, in chief or in capite; his poiffions 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 remaining part being in the crown. He had also somtimes a third, or som other customary part of the profits of certain cities, boroughs, or other places within his earldom. For an example of the poiffions 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 thane. King's thane 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; information that if a churl or countryman had driven 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 leat (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 manage'd with one plow, and would yield the maintenance of the same, with the appurtenances in all kinds.
The middle thane was feudal, but not honorary; he was also call'd a vavasor, and his lands a vavafory, which held of som mern lord, and not immediatly of the king.

Possessions and their tenures, being of this nature, shew the balance of the Teuton monarchy; wherein the riches of earls were so vaft, that to arife from the balance of their dominion to their power, they were not only call'd reguli or little kings, but were fuch indeed; their jurisdiction being of two forts, 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 (faying perhaps in tho foul assertions 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 countrys that had no earls, and whence they came to be call'd viscounts. The court of the county that had an earl was held by the earl and the bishop of the diocese, 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 vavafors or vavaforys appertain'd to the cognizance of this court, where wills were prov'd, judgment and execution given, cafes criminal and civil determin'd.

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

Besides these in particular, both the earls and king's thanes, together with the bishops, abbots, and vavafors, or middle thanes, had in the high court or parliament in the kingdom, a more public jurisdiction, consulting first of deliberative power for advising upon, and attenting 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 burgesseis to the parliament, 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 les to have obtain'd any such privilege by the grant of any succeding king: wherfore these must have had this right by more antient usage, and before the conquest, they being unable now to shew whence they deriv'd it."

This argument (that there be more) I shall pitch upon as sufficient to prove; first, that the lower sort of the people had right to seffion in parliament 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 thire (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 parliament, 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 housle, because they do so now; unless any man can shew that they did ever fit
fit in the same house with the lords. Wherefore to conclude this part, I conceive for these, and other reasons to be mention'd hereafter, that the parliament of the Teutons consisted of the king, the lords spiritual and temporal, and the commons of the nation, notwithstanding the title of divers acts of parliament, 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 testified in those words by a subsequent act.

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

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; faving that such earls as had their counties to their own use, were now counts palatin, and had under the king regal jurisdiction; infomuch 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, whereby much of this privilege was taken away.

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 conquist, barons had their denomination from their poofeisitions and tenures. And these were either spiritual or temporal; for not only the thane lands, but the poofeisitions of bishopps, as also of som twenty-fix abbats, and two priors, were now erected into baronies, whence the lords spiritual that had suffrage in the Teuton parliament as spiritual lords, came to have it in the Neufhrian parliament as barons, and were made subject (which they had not formerly been) to knights service in chief. Baron-ny coming henceforth to signify all honorary poofeisitions as well of earls as barons, and baronage to denote all kinds of lords as well spiritual as temporal having right to fit in parliament, the baronys in this sense were sometimess more, and sometimess fewer, but commonly about 200 or 250, containing in them a matter of sixty thousand feuoda 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. 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. Nevertheless, seeing it appears by Bracton, that of earldoms and barony 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 vavafors or freeholdes in the people amounted to any considerable proportion. Wherefore the balance and foundation of this government was in the 60,000 knights fees,
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 parliament roll; it is an absurdity (see 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 worthy 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.

For the ambition of Turbo, and som of thos that more immediately succeded him, to be absolute princes, strove against the nature of their foundation, and, insomuch as he had divided almost the whole realm among his Neuftrians, with som encouragement for a while. But the Neuftrians while they were but foren plants, having no security against the natives, but in growing up by their princes fides, were no sooner well rooted in their vast dominions, than they came up according to the infallible consequence of the balance domestick, 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 the on the other for their immunities, grew certain wars which took their denomination from the barons.

This fire about the middle of the reign of Atoxus began to break out. And whereas the predeceffors of this king had divers times bin forc'd to summon councils resembling thef of the Teutons, to which the lords only that were barons by dominion and tenure had hitherto repair'd, Atoxus 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 fet the government streight, he was the first that fet it awry. For the barons in his reign, and his succeffors, having vindicated their antient authority, resorted the parliament with all the rights and privileges of the same, having that from thenceforth the kings had found out a way whereby 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 skies, as the only invention whereby 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 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. But they came not to this strength but by such approaches and degrees, as remain to be further open'd. For whereas the barons by writ (as the sixty-four abbats, and thirty-fix priors that were so call'd) were but pro tempore, Dictome 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 dignities to them and their heirs; so that they were
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hands in the king's purfe, and had no shoulders for his throne. Of these when the houfe of peers came once to be full, as will be seen hereafter, there was nothing more empty. But for the preffent, the throne having other supports, they did not hurt that fo much as they did the king: for the old barons taking Dicottome's prodigality to fuch creatures fo ill, that they depos'd him, got the trick of it, and never gave over fetting up and pulling down their kings according to their various interefts, and that faction of the white and red, into which they have bin thenceforth divided, till Panugous the eighteenth king from the conquest, was more by their favor than his right advanc'd to the crown. This king thro' his natural subtilty reflecting at once upon the greatnefs 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 fo hard to be ascended, as kept warm. Wherfore his secret jealousy, left the diffufion of the nobility, as it brought him in, might throw him out, made him travel in ways undiscover'd by them, to ends as little forefenn by himself: while to eftabliff his own safety, he by mixing water with their wine, firft began to open those fluces 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 subsift, but at fom king that they do not like; popular power strikes thro' the king at the throne, as that which is incompatible with it. Now that Panugous in abating the power of the nobility, was the caufe whence it came to fall into the hands of the people, appears by thofe feveral statutes that were made in his reign, as that for population, thofe againft retainers, and that for alienations.

By the statute of population, all houfes 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 wife, as appears by a subsequent statute, to be fever'd. By which means the houfes being kept up, did of neceffity infcrve dwellers; and the proportion of land to be till'd being kept up, did of neceffity infcrve the dweller not to be a beggar or cottager, but a man of fom fubfance, that might keep hinds and fervants, and let the plow a going. This did mighty concern (fays the Eftlion of thofe princes) the might and manhood of the kingdom, and in effeét amortize a great part of the lands to the hold and pofteffion of the yeomanry or middle people, who living not in a fervil or indigent fation, were much unlik'd from dependence upon their lords, and living in a free and plentiful manner, became a more excellent infantry; but fuch a one upon which the lords had fo little power, that from henceforth they may be computed to have bin diffarm'd.

And as they loft their infantry after this manner, fo their cavalry and command- ers were cut off by the statute of retainers: for whereas it was the cuftom of the nobility to have younger brothers of good houfes, metal'd fellows, and fuch as were knowing in the feats of arms about them; they who were longer follow'd with fo dangerous a train, efcap'd not fuch punishments, as made them take up.

Henceforth the country-lives, and great tables of the nobility, which no longer nourifh'd veins that would bleed for them, were fruitles and loathfom 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
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Inventions being render'd far more quick and facil than formerly it had bin thro' the new invention of intails.

To this it happen'd, that Corunus the successor of that king dissolving the abbeys, 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 houfe 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 anything 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 encouragement 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 flood in this gap, now sinking down between the king and the commons, shew'd that Crassus was dead, and the ifhmonus broken. But a monarchy devested of its nobility, has no refuge under heaven but an army. Wherfore the dissolution of this government caus'd the war, not the war the dissolution of this government.

Of the king's successor 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. Wherfore 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 done 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 extirpate 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 monarchical in part, as the Roman beneficiarii; or monarchically, in the whole, as the Turks' timariots; aristocratically, that is, by earls and barons, as the Neuftrians were planted by Turco; or democratically, that is, by equal lots, as the Israelites 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 Oliveretto di Fermo: the former whereof being captain general of the Syracusans, upon a day assembl'd
affemb’d the senat and the people, as if he had somthing to communicat with them, when at a sign given he cut the senators in pieces to a man, and all the riches of the people, by which means he came to be king. The proceedings of Oliveretto in making himself prince of Ferma, were somwhat 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 pafs in Rome. The head of a small commonwealth, such a one as was that of Syracuse or Ferma, 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 Caesar 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 confiscating; which also was the case in Oceana, when it yielded earth by earldoms and baronies to the Neubrian, 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 vaff advantage; but where the people have equal shares, the confiscation of many comes 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, conffect 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 Tusculum 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 falute and bid him welcom: entering, the shops were all at work, and open; the streets founded with the noife of schoolboys at their books; there was no face of war. Wherupon Camillus causing the senat to assemble, told them, That tho the art was understood, yet had they at length found out the true arms whereby the Romans were most undoubtedly to be conquer’d, for which cause he would not anticipate the senat, to which he defir’d them forthwith to send, which they did accordingly; and their dictator with the rest of their embassadors being found by the Roman senators as they went into the house standing fadly at the door, were sent for in as friends, and not as enemies: 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 cafe, 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 moft the Turk (being the belte husband that ever was of this kind) makes of it at this day: and if Oceana, which is left 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 fure the fhall never rife; 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 refistance. 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 firft invader, is altogether impossible.
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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 Mamalis 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 Neufrians, 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 Israeliis (tho their democratical balance, being fix'd by their agrarian, stod 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 lof 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, confiding of a single person and a parliament (taking a parliament to be a council of the people only; without a nobility) it is expressly laid 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 whereby to be any more than a subordinat magistrat, but force: in which case he is not a single person and a parliament, 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 phantasy 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 wherein 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 free. 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, Oceanas, 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 come then to the generation of the commonwealth; it has bin shewn how thro' the ways and means us'd by Panurgus to abate the nobility, and so to mend that flaw which we have affected 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
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 thole native arms (wherewith they are found already) to refit they know not how every thing that opposes them, to such maturity as may fix them upon their own strength and bottom.

But whereas this art is prudence, and that part of prudence which regards the present work, is nothing else but the skill of raising 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 endles party 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 come 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 signifies no more than that the corruption of one government (as in natural bodies) is the generation of another. Wherfore if the balance alters from monarchy, the corruption of the people in this case is that which makes them capable of a commonwealth. But whereas 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 been 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 thereby 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, becomes 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 Oceanus changing quite contrary to that of Rome, the manners of the people were not thereby 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 party's (while there is not any common ligament of power sufficient to reconcile or hold them) is no sufficient proof of corruption. Nevertheles, seeing this must needs be matter of scandal and danger, it will not be amiss, in shewing what were the party's, to shew what were their errors.

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

* Cornua nota prius vitulo, quam frontibus extant.
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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 judge) or that of the royalist must be inferior to that of the commonwealth-man. And for interest, taking the commonwealth-man to have really intended the public (for otherwise he is a hypocrit and the worst 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 abfolv'd by the balance.

For if the right of kings were as immediately 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 commonwealth-man 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 Albits, incorporated them with equal right into the commonwealth. And if the royalists be fiesh of your fiesh, and nearer of blood than were the Albits 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 Brutor 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 liberties that you have, have the same caufe with you to defend both; but if you will be trampling, they fight for liberty, theo 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 embraces be what they will, its orders are such as they neither would refist 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 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 confilt together, and of which I have already sufficiently spoken, to shew, that indeed the one cannot well subsist without the other. But they of the reft 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
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is full of examples, whereof I shall confine myself at present only to a couple, the one of old, the other of new Rome.

In old Rome the patricians or nobility pretending to be the godly party, were question’d by the people for ingrossing all the magistracies 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 immediately 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 rife and practice 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 senfe, the rather, because the rest of the dead are not to live again till the thousand years be finisht’d. And it is not lawful for men to persuade us that a thing already is, tho there be no such object of our senfe, which God has told us shall not be till it be an object of our senfe.

The fainthip of a people as to government, consists in the election of magistrats fearing God, and hating covetousnes, 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 interets. 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 found and fteddy, religion has never shew’d it self with any other face than that of the natural sweetness and tranquilliety: 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 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 Neubrians 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 af-

* Quod nemo plebeius auspiciæ habet.
† Pieba ad maximam indignationem exaudi, quod auspiciari, tanquam inviti Divi immortalibus, negaretur posse. T. Liv. 4. 8.

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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 counsillors, 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, wherin, has bin shewn, is contain'd that original, wherof all the rest of the commonwealths seem to be copies. Certainly if Leviathan (who is furer of nothing than that a popular commonwealth consists but of one council) tranfcrib'd his docrin 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 parliament tranfcrib'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 fame, 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 consulting 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 chufing; and what that must come to, was shewn by the example of the girls, and is apparent by the experience of all times: wherefore 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 done in ten years; oppressing the people (to use Sir Walter Raleigh's words) with all base and intolerable slavery.

The usurp'd government of the decemvirs in Rome was of the fame kind. Wherefore 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 chafiting 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. Wherefore 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 Octana have bin factious, the cause is apparent: but what remedy?

In answere 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 matter of that art whereof I have made a rough draught in these preliminary, had such fad reflections upon the ways and proceedings of the parlament, as cast him upon books, and all other means of diversion, among which
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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 obferving the laws of LYCURGUS, continu'd about eight hundred "years without any dangerous tumult or corruption." My Lord General (as it is faid of THEMISTOCLES, that he could not sleep for the glory obtain'd by MILITADES at the battle of MARATHON) took fo 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 illuftrious object, and on the other with the misery of the nation, which seem'd (as it were ruin'd by his victory) to caft itself at his feet, he was almost wholly depriv'd of his natural refl, till the debate he had within him- 
selves 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 feldom 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 fet, not upon privat but the public intereft, not upon his 
pofterity but upon his country, may juftly endeavour to get the foverain power into 
his own hands; nor fhall any man that is matter of reafon blame fuch extraordinary means as in that cafe will be neceffary, the end proving no other than 
the conftitution of a well-order'd commonwealth. The reafon 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 fuch 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 fole author or architeét; a commonwealth, as to the 
fabric of it, is of the like nature. And thus it may be made at once; in which 
there be great advantages: for a commonwealth made at once, takes fecuirty at the 
same time it lends mony; and triumphs not itself to the faith of men, but lanches 
immediately forth into the empire of laws: and being fet fright, 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, how the tendernefs of a commonwealth coming up by twigs to their bent; whence follow'd the obliquity that was in ROME, and thofe perpetual repairs by the confuls axes, and tribuns hammers, which could never finifh that commonwealth but in deftuction.

My Lord General being clear in thefe points, and of the necelfity of som'other 
courfe than would be thought upon by the parlament, appointed a meeting of the 
army, where he spoke his fene agreeable to thefe preliminary with fuch success to 
the foldiery, that the parlament was soon after depos'd; and he himself (in the 
great hall of the panteon or palace of justice, situated in EMPORIUM the capital 
city) was created by the univerfal fuffrage of the army, Lord ARCHON, or fole 
legislator of OCEANA: upon which theatre you have, to conclude this piece, a per
fon introduc'd, whose fame fhall never draw its curtain.

The Lord ARCHON being created, fifty feleét perfonis to affift him (by laboring 
in the mines of antient prudence, and bringing its hidden treasures to new light) 
were added, with the title alfo of legislators, and fat as a council, whereof he 
was the fole direcor and president.
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 phanly in the fabric of a commonwealth; and how necessary that the archives of antient prudence should be ranfack’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,

\[
\begin{align*}
\text{ISRAEL} & \quad \text{PHOSPHORUS DE AUGE.} \\
\text{ATHENS} & \quad \text{NAVARCHUS DE PARALO.} \\
\text{LACEDEMON} & \quad \text{LACO DE SCYTALÈ.} \\
\text{CARTHAGNE} & \quad \text{MAGO DE SYRTIBUS.} \\
\{ \text{the ACHEANS} & \quad \{ \text{ARATUS DE ISTHMO.} \\
\text{ÆTOLIANS, and} & \quad \text{ALPESTER DE FULMINE.} \\
\text{LYCIANS} & \quad \text{GLAUCUS DE URNA.} \\
\} & \quad \{ \text{UNITED PRO-} \\
\text{SWITZ} & \quad \text{DOLABELLA DE ENVO.} \\
\text{HOLLAND, and the} & \quad \text{LYNCEUS DE STELLA.} \\
\text{UNITED PRO-} & \\
\text{VINCES} & \\
\text{ROME} & \\
\text{VENICE} & \\
\end{align*}
\]

These contain’d in them all those excellencies whereof 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. whereby 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 fabric of the commonwealth: for which cause, that they might not be oppreft by the throng, there was a rail about the table where 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 intereets, 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, left
left 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 privately 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 refusals 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 eye, 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 dissolusion 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 forseen) 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.
WHEREAS my Lord Amelon being from Moses and Lycurgus the first legislator that hitherto is found in history to have introduc'd or erect'd 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 promulagated or publish'd with more brevity and less illustration than is necessay for their understanding who have not bin acquainted with the whole proceedings of the council of legislators, and of the prytans, where it was asserterd and clear'd from all objections and doubts: to the end that I may supply what was wanting in the promulagated epitome to a more full and perfect narrative of the whole, I shall rather take the commonwealth prac'tically; and as it has now given an account of it self in som years revolutions (as Dicarchus is said to have don that of Lacedemon, firft 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 beft discover the rea'on of the government; nor such ways and means as were us'd in the institution or rife of the building, not to be so well conceiv'd, without som knowlage given of the engins wherewith 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 quarry of antient prudence, the proof of the firft part of this discourse will be lame, except I infer, as well for illustration as to avoid frequent repetition, three remarkable testimony's in this place.

The firft is taken out of the commonwealth of Israel: So Moses hearken'd to the voice of (Jethro) his father-in-law, and did all that he bad said. 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 rife of this commonwealth from its foundation or root to its proper elevation or accomplishment in the sanbedrim, and the congregation, already open'd in the preliminaries.

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

* Sellis Curulibus. Grom. L 2

wherof
wherof are thus recorded by Plutarch in the life of that famous legislator:

Crag. de Rep. lac. lib. 1. c. 6.

"When thou shalt have divided the people into tribes (which were fix) and obas
4 (which were five in every tribe) thou shalt constitut the senat, consolting, with
4 the two kings, of thirty counsellors, who, according as occasion requires, shall
4 cause the congregation to be assembled between the bridg and the river Gnaion,
4 where the senat shall propose to the people, and dismiss them without suffering
4 them to debate." The obas were linages into which every tribe was divided, and
4 in each tribe there was another division containing all those of the same that were
4 of military age; which being call'd the mora, was subdivided into troops and
4 companies that were kept in perpetual discipline under the command of a magistrat
4 call'd the polemarch.

Halicarn, Servius Tullus proposed to the parishes or parochial congregations; and these
4 being call'd the comitum curiata, had the election of the * kings, the confirmation
4 of their + laws, and the last appeal in matters of judicature, as appears in the cafe
4 of Horatius that kil'd his father; till in the reign of Servius (for the other kings
4 kept not to the institution of Romulus) the people being grown from what, the
4 power of the curiata was for the greater part translated to the centuriae comitum
4 instituted by this king, which distributed the people according to the cenese or va-
4 luation of their eflate into six classes, every one containing about forty centuries,
4 divided into youth and elders; the youth for field-service, the elders for the de-
4 fence of their territory, all arm'd and under continual disciplin, in which they as-
4 sembl'd both upon military and civil occasions. But when the senat propos'd to
4 the people, the horse only, wherof there were twelve centuries consisting of the
4 richelt fort over and above those of the foot enumerated, were call'd with the first
4 classis of the foot to the suffrage; or if thee accorded not, then the second classis
4 was call'd to them, but seldem or never any of the rest. Wherefore the people
4 after the expulasion of the kings, growing impatient of this inequality, refused not
4 till they had reduc'd the suffrage as it had bin in the comitum curiata to the whole
4 people again: but in another way, that is to say, by the comitum tributa, which
4 thereupon were instituted, being a council where the people in exigencies made
4 laws without the senat; which laws were call'd plebiscita. This council is that
4 in regard wherof Cicero and other great wits do frequently inveigh against the
4 people, and somtimes even Livy, as at the first † institution of it. To say the
4 truth, it was a kind of anarchy, wherof the people could not be excusable, if
4 there had not, thro the courtis taken by the senat, bin otherwise a neccesity that
4 they must have seen the commonwealth run into oligarchy.

Sigonius.

The manner how the comitum curiata, centuriae or tributa, were call'd, during
4 the time of the commonwealth, to the suffrage, was by lot: the curia, century,

* Quirites, regem eravt; ita patribus visum est: Tullum Holdiliem regem populus justit. Patres
4 authores facti.
† Ut ad Romulo traditum, suffagium visum edem vi, codemque iure omnibus datum est.
‡ Hunc annum insignem maximem comitum tributa efficiunt; res majori victorii fucpeti certaminis quam
4 ufu. plus enim dignitatis comitum ipsit detraclium est, patribus ex cecilio submovaendis, quam virtum aut
4 plebi additis aut demum patribus.
OCEANA.

or tribe, whereon the first lot fell, being still princium, or the prerogative; and the other curiae, centurys or tribes, wheren the second, third, and fourth lots, &c. fell, the jure vocate: From henceforth not the first classis, as in the times of Servius, but the prerogative, whether curiae, century, or tribe, came first to the suffrage, whose vote was call'd omen prerogativum, and seldom fail'd to be leading to the rest of the tribes. The jure vocate 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 bridge. The candidates or competitors, 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 curiae, centuries, or tribes, carry'd the magistracy.

These three places being premis'd, as such upon which there will be frequent reflection, I come to the narrative, divided into two parts, the first containing the institution, the second the constitution of the commonwealth; in each whereof 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.

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 done by the infusing orders.

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.

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 armies, and the elders the standing garrisons of this nation.

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 Spentius 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 if 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: wherfore Israel, Lacedemon, and Rome intial'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.

* Lontana della fede degli uomo.
The third ORDER distributes the citizens into horse and foot by the sense or valuation of their estates; they who have above one hundred pounds a year in lands, goods, or monies, being obliged to be of the horse; and they who have under that sum, to be of the foot. But if a man has prodigiously wasted and spent his patrimony, he is neither capable of magistracy, office, or suffrage in the commonwealth.

Citizens are not only to defend the commonwealth, but according to their abilities, as the Romans under Servius Tullius (regard had to their estates) were from inrol'd in the horse century, 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 some measure in the nature of industry, and the use of it to the public. § The Roman people, says Julius Exuperantis, were divided into classes, and tax'd according to the value of their estates. All that were worth the sums appointed were employ'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 paid only for their braves (which was all they bad) and kept in garison at home in time of war; for these might betray the armies for bread, by reason of their poverty; which is the reason that Marius, to whom the care of the government ought not to have been 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 came 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.

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: wherefore you have the Israelites divisions into rulers of thousands, of hundreds, of fiftys, and of tens; and of the whole commonwealth into tribes: the Lacotn into obas, moras, and tribes; the Roman into tribes, centuries, and classes; and in these there must of necessity be in every government of the like nature; as that in the late monarchy, by county. But this being the only institution in Oceana (except that of the agrarian) which requires 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 commisioned and instructed by the lord Archon and the council, being divided into two equal numbers, each under the inspection of

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§ Populus Romanus per classis divisus erat, & pro patrimonii facultate comitabatur: ex iis, omnes quibus res erat, ad militia ducebatur; diligenter enim pro victoria laborabat, qui ex libertate bona patriam defendebant: illi autem quibus nullae opes erant, capti sunt, quod folium possidebant, comitabatur, & bellum tempore in membrum reficabatur: facile enim poterant extulere prodatores, quia egeratis haud facile habebatur sine damnio. Hos igitur Marius, quibus non fuerat resp. committenda, duxit ad bellum.
two surveyors general, were distributed into the northern and southern parts of the territory, divided by the river Hemifua, the whole whereof 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 therefore being every one furnish’d with a convenient proportion of urns, balls and balloting boxes (in the use whereof 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 abuse’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 ensuing the last of December, the bigger bell in every parish throughout 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 done ringing; where dividing themselves into two equal numbers, or as near equal as may be, they shall take their places according to their dignity (if they be of divers quality) 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 done, they shall make oath to the overseers of the parish for the time being (instead of them the surveyors were to officiate 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 deputies, 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 proceed 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 proceed 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, whereof 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 come up the middle ally in two files, every man passing by the urn, and drawing out one ball; which if it be silver, be 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 ballotting his name.
name by the double box or boxes appointed and mark'd on the outward part, to shew which side is affirmative and which negative, being carried 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 deputys are chozen as amount to a full fifth part of the whole number of the elders, the ballot for that time shall cease. The deputys being chozen are to be lifted by the overseers in order as they were chozen, except only that such as are borfe must be liftetd in the first place with the rest, proportionable to the number of the congregation, after this manner:

Anno Dom.

The lift of the first mover.

A. A. Ord. Eq. 1 Dep.} of the parish of —— in the hundred of —— and the tribe of —— which
B. B. 2 Dep.} parish at the present election contains 20
C. C. 3 Dep.} elders, whoever one is of the borfe or
D. D. 4 Dep.} equestrian order.
E. E. 5 Dep.} 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 chozen 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 present'd by the overseers, who are responsible in their places for these and other duties 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 families, as the natural root of a commonwealth. And for experience, if it be otherwife in that of Holland, I know no other example of the like kind. In Israel, the soverain power came clearly from the natural root, the elders of the whole people; and Rome was born (comitis curiatis) in her parochial congregations, out of which Romulus first rais'd her senate, then all the rest of the orders of that commonwealth, which role so high: for the depth of a commonwealth is the just height of it.

Jeh. 24. 1.
OCEANA.

She raiseth her head unto the sky,
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 stagger 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 patricians as hereditary order from the very institution, ingrowing 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 milia defunt,
Plébs ejus.

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, wherfore 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 registr'd, took each of them copy 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 universitieys 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 universitie, 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 choose, being not Popish, Jewish, or ido-

* Ipsa hæret scopolis. & tantum vertere ad aurum
Athereas, quantum radice ad tartara, tendit.

M

latrocin. 6 Order.

Of ordination, a national religion, and liberty of conscience.
To the end they may be better protected by the state in the exercise of their office, they are deterred from making choice, in such manner as they best like, of certain magistrates in every one of their congregations, which we could wish might be four in each of them, to be auditors in cases of differences or dissents, if any three variety of opinions, that may be grievous or injurious to them, shall fall out. And such auditors or magistrates shall have power to examine the matter, and inform themselves, to the end that if they think it of sufficient weight, they may acquaint the phyarch with it, or introduce it into the council of religion; where all such causes as these magistrates introduce, shall from time to time be heard and determined according to such laws as are or shall hereafter be provided by the parliament for the just defence 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, the not in English yet in Scripture, where the apostles ordain’d elders by the laying on of hands in every congregation, that is, by the suffrage of the people, which was also given in some of those cities by the ballot. And thus may be shewn that the apostles ordain’d some by the laying on of hands, it will not be shewn that they did so in every congregation.

Excommunication, as not clearly provable out of the Scripture, being omitted, the second part of the order implies and establishes a national religion; for there be degrees of knowledge 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 knowledge of the original and of antiquity, acquire’d by our own studies, or those of some others, for even faith comes by hearing. Wherefore a commonwealth not making provision of men from time to time, knowing in the original languages wherein the Scriptures were written, and vers’d in those antiquities to which they so frequently relate, that the true sense of them depends in great part upon that knowledge, can never be secure that the shall not lose the Scripture, and by consequence her religion; which to preserve she must institute some method of this knowledge, and some use of such as have acquire’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 comes 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 the follows that (as was shewn in the preliminary) 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.
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 lifts, and computing the deputys contain’d 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 done, each surveyor returning to his hundred, and summoning the deputys contain’d in his lifts to the rendezvous, they appear’d and receiv’d

THE seventh ORDER, requiring, That upon the first Monday next ensuing the last of January, the deputys of every parish annually 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 borke; 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 officiate at the first assembly) and to look to the performance of the same according to what was directed in the ballot of the parishes, having that the high constable setting forth the urn, shall have free severall futes of gold balls, and one dozen of every fute; whereof 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 futes be 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 fute 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 searne, as before, at the ballot of the parishes 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, and return to his place; but the first that draws a gold ball (shewing it to the overseers, &c., 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 sevenths, 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 lift of the officers to be chosen, into a place apart, where being privy, the first elector shall name a person to the first office in the lift; 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 done, 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 lift, 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 lift shall be return’d
OCEANA.

return'd to the overseers, or such as the overseers, in case they or either of them happen'd to be absent, have substituted in his or their place or places: and the overseers or substitutes having caus'd the lift 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 lift being after this manner completed, shall be entered into a register, to be kept at the rendezvous of the hundred, under inspection of the magistrates of the same, after the manner following:

Anno Domini.

The lift of the nebula.

A. A. Ord. Eq. Justice of the Peace
B. B. Ord. Eq. First Juryman
C. C. Ord. Eq. Captain of the Hundred
D. D. Ord. Eq. Ensign
E. E. Second Juryman
F. F. High Constable
G. G. Crowner

THE lift being enter'd, the high constable shall take three copies of the same, whereof be 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 magistrates 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 deputies 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 for 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 whereas 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, whereas 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 copies of these lifts, had accomplisht 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.

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 Ocean, consisting of about
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 rendezouz of the same, were then, or soon after, begun those buildings which are now called pavilions; each of them standing with one open side upon fair columns, like the porch of an ancient temple, and looking into a field, capable of the muster of some four thousand men: before each pavement stand three pillars sustaining urns for the ballot, that on the right-hand equal in height to the brow of a horsemanship, being called the borst urn; that on the left-hand, with bridges on either side to bring it equal in height with the brow of a footman, being called 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 Archen with this

Account of the charge.

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<td>IT £ E M, Provisions of the like kind for a thousand hundreds</td>
<td></td>
<td>300 00</td>
</tr>
<tr>
<td>IT £ E M, Urns and balls of metal, with balloting boxes for fifty tribes</td>
<td></td>
<td>200 00</td>
</tr>
<tr>
<td>IT £ E M, For erecting of fifty pavilions</td>
<td></td>
<td>60000 00</td>
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<tr>
<td>IT £ E M, Wages for four surveyors general at 1000 l. a man</td>
<td></td>
<td>4000 00</td>
</tr>
<tr>
<td>IT £ E M, Wages for the rest of the surveyors, being 1000, at 250 l. a man</td>
<td></td>
<td>250000 00</td>
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<tr>
<td>Sum Total</td>
<td>339000 00</td>
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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 mony 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 leffens the public faith, which is the nerve and ligament of government, ought to be prevented. But the surveyors being dispatched, the lord Archen 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 congratulat with the tribes, and affix at the first muster in som 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 rendezouz 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...
orator of the same, after a short salutation and a hearty welcom, apply'd himself to his business, which began with

8 Order. The eighth ORDER, requiring, That the lord high sheriff as commander in chief, and the lord Cuflos Rootolurum 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 lifting 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 magistrates: which don, they shall lift the foot in like manner, and inscribe the companies in like order. These lists upon the eve of the muster shall be deliver'd to certain trumpeters and drummers, whereof 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 band, at a due distance, placed according to the order of the lists; 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 come 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 companies, mark'd in the same manner, into a little urn, to which be 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 done 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.

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 martalling, 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

9 Order. The ninth ORDER, whereby 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 seventeenth order, are to make their notes for the urns beforehand, with regard had to the lists of the magistrates, to be elected by the ensuing orders, that is to say, by the first list call'd the prime magnitude, fix; 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 fifty 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 inequal, inequally, by an arithmetical proportion. The like shall be done the second day of the muster, for the second list, except that the censors shall put into the middle urn thirty gold balls with twenty four 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
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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 cenfors having fitted the urns accordingly, shall place themselves in certain mov'able seats or pulpits (to be kept for that use in the pavilion) the first censor before the borje 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 come above once to the urn, (whereof it more particularly concerns the subcenfors, 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 cenfors, 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 needles pains in the explanation of the two foregoing orders, betaking himself to exemplify the fame, found the work done 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 ailotin mutter, at which in order to the ballot they had made certain magistrates 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 jut number of balls for the first ballot, to become 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 ballottants, and flanting with noble plumes to direct the march of the people. Wherefore he proceeded to

The tenth ORDER, requiring of the deputies of the parishes, That upon every Monday next ensuing the first of February, they make their personal appearance, borje and foot in arms accordingly, at the rendezvous of the tribe; where being in discipline, the borje 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 judge 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 be 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 ballots shall begin accordingly. For example, if the ball be inscrib'd middle files, the ballot shall begin by the middle; that is, the two files that are middle to the borje, shall draw out first to the borje 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 drawn a gold ball
ball at a side urn, shall proceed to the middle urn, where if the ball be drawn be silver, be shall also countermarch: but if it be gold, be shall take his place upon a form set crofs the pavilion, with bis 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 fix 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 lift, and a clerk that understands the ballot, immediately to a little tent standing before the pavilion in bis ey, to which no other person but themselves, during the election, shall approach. The lift shall be written in this manner:

Anno Domini.

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

Institution of the prime magnitude,

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 deputies.

2. Lord lieutenant
3. Lord cuftos rotulorum, muster master general
4. The conductor, being quartermaster general
5. The first cenfor
6. The second cenfor

AND the electors of the first band or order, being six, shall each of them name to his respective magistracy in the list such as are not already elected in the hundreds, till one competitor be chosen to every magistracy in the list by the ballot of the electors of the first order; which done, the list with the competitors therunto annex'd shall be return'd to the lord high sheriff by the clerk attending that order, but the electors shall keep their places: for they have already given their suffrage, and may not enter into the ballot of the tribe. If there arise any dispute in an order of electors, one of the cenfor or sub-cenfors appointed by them in case they be electors, shall enter into the tent of that order, and that order shall stand to his judgment in the decision of the controversy. The like shall be done exactly by each other order of electors, being sent as they are drawn, each with another copy of the same lift, into a distinct tent, till there be return'd to the lord high sheriff four competitors to every magistracy in the list, that is to say, one competitor elected to every office in every one of the four orders: which competitors the lord high sheriff shall cause to be pronounced or read by a cryer to the congregation; and the congregation having heard the whole lists repeated, the names shall be put by the lord high sheriff to the tribe, one by one, beginning with the first competitor in the first order, thence proceeding to the first competitor in the second order, and so to the first in the third and fourth orders. And the suffrages being taken in boxes by boys (as has bin already shewn) shall be pour'd into the bowls standing before the cenfors, who shall be seated at each end of the table in the pavilion, the one numbering the affirmatives, and the other the negatives; and be, of the four competitors to the first magistracy, that has most above half the suffrages of the tribe in the affirmative, is the first magistrat. The like
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Is to be don successively by the rest of the competitors in their order. But because soon after the boxes are sent out for the first name, there be others sent out for the second, and so for the third, &c. by which means divers names are successively at one and the same time in balloting, the boy that carries a box shall sing or repeat continually the name of the competitor for whom that box is carrying, with that also of the magistracy to which he is propos'd. A magistrat of the tribe happening to be an elector, may substitute any one of his own order to execute his other function. The magistrates of the prime magnitude being thus elected, shall receive the present charge of the tribe.

If it be objected against this order, that the magistrates 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 remembered, 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 let's cannot be expected than the discretion of naming persons fittest for those capacities, with an eye 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 duties and functions of the magistrates 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 ancient offices, and those added by the former order, is the first magistrate of the phylarch, or prerogative troop. The lord lieutenant, over and above his duty mentioned, is commander in chief of the muster of the youth, and second magistrate of the phylarch. The cultus rotorum is to return the yearly muster-rolls of the tribe, as well that of the youth as of the elders, to be rolls in emporium, and is the third magistrate 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 observed in all the popular assemby 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 phylarch, or to the council of religion, where in that case the censors shall prosecute. All and every one of these magistrates, 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 fivefold. First, They are the council of the tribe, and as such to govern the muster 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 legitimately is to be pronounced by the parochial congregation, N the
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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 council, shall frame the petition in the parishion, and propose it by clauses to the ballot of the whole tribe; and the clauses that shall be affirmed by the ballot of the tribe, and signed by the hands of the six magistrates of the prime magnitude, shall be received and esteemed by the parliament as the petition of the tribe, and no other.

Secondly, The phylarch has power to call to their assistance what other troops of the tribe they please (be they elders or youth, whose discipline will be hereafter directed) and with these to receive the judges itinerant in their circuits, whom the magistrates of the phylarch shall assist upon the bench, and the jurors 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 bear 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 sisse'd into the tribes by the parliament, or by the chancery, are to be directed to the phylarch, or some of that troop, and executed by the same respectively.

Fiftieth, In the case of levys of moneys 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-money, 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 but 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 hereafter be added hereafter, the phylarchs shall judge the tribes, and the parliament shall judge the phylarchs. For the rest, if any man shall go about to introduce the rights or power of debate into any popular council or congregation of this nation, the phylarch or any magistrate 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 lifts of the parishes, hundreds, and tribes are made, has bin shewn in their respective orders, where after the party's are elected, they give an account of the whole number of the elders or deputys in their respective assemblies or mutters; the like for this part exactly is done by the youth in their disciplin (to be hereafter shewn) wherefore the lifts of the parishes, youth and elders, being sum'd up, give the whole number of the people able to bear arms; and the lifts 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 Nile, 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.

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
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 magistrates in one afternoon. But the tribe being difmit for this night, repair'd to their quarters, under the conduct of their new magistrates. The next morning returning to the field very early, the orator proceeded to

The twelfth ORDER, directing the murder of the tribe in the second day's election, being that of the lift call'd the galaxy; in which the cenfors 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 magistrates in the lift of the galaxy, which is as follows:

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

The rest of the ballot shall proceed 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, be that has not bin marry'd shall not be capable of these magistracies 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 delegate 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 deputies 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, 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 lift; 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 deputies 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 ensuing the last of March, to the pantheon or palace of justice, situated in the metropolis of this commonwealth (except the parliament, by reason of a contagious sickness, or for 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 ensuing the date of their election. The deputies of the galaxy are to repair by the same day (except as before excepted) to the
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hath situated in Emporium, where they are to be lifted of the prerogative tribe, or equal representative of the people; and to continue in full power and commission as their deputies for the full term of three years next ensuing 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 fulfilled his term of three years, shall not be reelected into the same galaxy, or any other, till he has also fulfilled 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 senate 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 deputies, 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, require'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, stay'd them two days longer at the muster, and took this course. One lift containing two knights and seven deputies, he caus'd to be chosen upon the second day; which lift being call'd the first galaxy, qualify'd the party elected of it with power for the term of one year and no longer: another lift containing two knights and seven deputies more, he caus'd to be chosen the third day, which lift being call'd the second galaxy, quality'd the party 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 lifts 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 cenfor's pulpits to be planted in front of the squadron, and ascending into the same, spake after this manner.

My lords, the magistrates 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 "embrace whereof confabits your whole COMMONWEALTH; whose councils upon "their perpetual wheelings, marches, and countermarches, create her armies; "and whose armies with the golden volleys of the BALLOT at once create and falure "her councils. There be those (such is the world at present) that think it ridi- "culous to see a nation exercising its civil functions in military disciplin; while "they, committing their buff to their servants, com themselves to hold trenches. "For what avails it such as are unarmed, 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 thouand of you, tho never so well affected to your "country,
counrty, but naked, to one troop of mercenary soldiers? If they should come
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, parlia-
ments 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 Tures but servants in arms? What was it that beget the glo-
rious commonwealth of Rome, but the sword in the hands of her citizens?
Wherefore my glad eyes salute the ferenity and brightnes of this day with a show-
that shall not cloud it. Behold the army of Israel become a commonwealth, and
the commonwealth of IIsrael remaining an army, with her rulers of tens and of
fiftys, her rulers of hundreds and thousands, drawing near (as this day throug
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 hoists of janizarys? For certainly that is the voice of
Theseus, having gather'd his scatter'd Athenians into one city. + This free-
born nation lives no: upon the dole or bounty of one man, but distributing her
annual magistracies and honours with her own hand, is herself king PEOPLE.—
at which the orator was a while interrupted with shouts, but at length proceed)
Is it grave Lacedemon in her arm'd tribe divided by her oke 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 Free triumphant arms (for so she held her concio or congra-
tion) that congratulates 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 im-
 mortal; seeing the people being the materials, never dy; and the form, which
is motion, mut, 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 luminaries that are the bowls of God, were once thrown
for ever; and next thefe, those of Venice. But certainly, my lords, whatever
thse great examples may have shown us, we are the first that have shewn to
the world a commonwealth establisht'd in her rife upon fifty such towers, and so
garnison'd as are the tribes of Oceana, containing a hundred thousand elders
upon the annual lift, and yet but an outguard; besides her marching armys to
be equal in the disciplin, and in the number of her youth.

And foralimuch as soverain power is a necessary but a formidable creature, not
unlike the pouder 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 galaxies 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

* Selis Cursidib. 
† Hac juris fui 
Patere Domino civitas uni negat: 
Rex ipsa populus annuas mandat vices
Honoris huic olive 

"• magazine?
magazine? Let them who will have it, that power if it be confin'd cannot be
soeverain, 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 thofe of witches in their trances? whether
power, not confin'd to the bounds of reason and virtue, has any other bounds
than thofe of vice and passion? or if vice and passion be boundles, and reason
and virtue have certain limits, on which of these thrones holy men should anoint
their soverain? but to blow away this dust, the soverain power of a comon-
wealth 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 left 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 soverain 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.

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 come to the constitution which stands by itself, and yields a clearer prospect.

The motions, by what has been already shown, are spherical; and spherical motions have their proper center: for which cause (e'er I proceed 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.

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 soverain 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 exercice of soverain 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
within the proper territory 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 two thousand pounds a year to each; or so near equally in
case they come under, that the greater part or portion of the same remaining to the eldest,
exceed not the value of two thousand pounds revenue. And no man, not in present possess-
ion 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 ter-
ritory, 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 moveable. Nor
shall any friend, kinman, 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 be-
queath to her, to be divided in the first generation, wherein it is divisible according as bas
been shown.

Secondly, For lands lying and being within the territory of Marpeia, the agrar-
ian 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 Marpeia at three hundred pounds.
And,

Thirdly, For Panopea, the agrarian shall hold in all parts, as in Oceana. And
whosoever possessing above the proportion allowed by these laws, shall be lawfully con-
victed 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 ap-
pear'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, infer 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 lord Archon of Oceana.

"If I did not, to my capacity, know from how profound a counsellor I differ,
"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 com-
"monwealth. Thirdly, That it is insufficient to keep out monarchy. Fourthly,
"That it ruins families. 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 testi-
"mony can there be, than that the commonwealths which are our contemporaries
"(Venice, to which your highness gives the upperhand of all antiquity, being
"one)
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"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; wherfore no wonder if ARISTOTLE, who pretends to be a good
"commonwealthman has long since derided PHALEAS, to whom it was attributed
"by the Greeks, for his invention.

"Secondly, That an agrarian is dangerous to a commonwealth is affirm'd upon
"no flight authority, seeing MACHIAVEL is positive, that it was the diffension
"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 come to my next assertion, That it is destructive to fa-
milies; 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 sacrifice'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 falllys
upon mens eftates, as may flacken 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 exercite. Wherefore a Spartan, if he were
not in arms, must sit and play with his fingers, whence infin'd perpetual war,
and, the estate of the city being as little capable of increase as that of the citizens,
hers inevitable ruin. Now what better ends you can propoce to your selves in the
like ways, I do not so well see as I perceive that there may be worse: for Lacede-
mon yet was free from civil war: but if you employ your citizens no better than
the did, I cannot promisfe you that you shall fare so well, because they are still
defireous of war that hope it may be profitable to them; and the strongest secu-
ritv you can give of peace, is to make it gainful. Otherwise men will rather
chuse that whereby they may break your laws, than that whereby 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 bent
from industry, you will farther indamage it, than can be repair'd by laying on a
few,
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 de-
struction 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. Wherfore 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 buck-
ker 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 defervently 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. Wherfore my lord's tender-
ness through his speech arising from no other principle than his solicitude left the
agrarian should be hurtful to his country; it is no less than my duty to give the
belt satisfaction I am able to so good a patriot, taking every one of his doubts in
the order propos'd. And,

First, Wheras my lord, upon observation of the modern commonwealths, is
of opinion, that an agrarian is not necessary: it must be confess'd, that at the first
fight of them there is some 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 situat'd in countrys not alluring to the inhabitants to
wantonness, but obliging them to uniform 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 harch'd, or was soon broken) are of no example to us, whose ex-
perience in this point has bin to the contrary. But what if even in these govern-
ments 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 done in those countrys, a nobility cannot grow; and so there needs no agra-
rarian, 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 medi-
O"
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"ocracy of estates) it is not a point that she is to fear, but might study, seeing the
"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 accu-
"mulation. For how inequally ever you will have them to be in their incomes,
"they have officers of the pomp, to bring them equal in expenses, or at least in
"the ostentation or show of them. And so unless the advantage of an estate con-
"sists more in the measure than in the use of it, the authority of Venice does but in-
"force 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 intro-
"duced at once, as those of Israel and Lacedemon, you are certain to find her un-
"derlaid 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 ap-
"pears by that of Athens, which thro' her defect in this point, says Aristotle,
"introduc'd her oligarchy, as most of the democracies of Greece. But, not to re-
"strain a fundamental of such latitude to any one kind of government, do we not
"yet see, that if there is 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 govern-
"ment can otherwise be erected, than upon some one of these foundations? that
"no one of these foundations (each being else apt to change into some 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 fain upon the heads of
"the people, and accompany'd their own fad ruins with vast effusions of innocent
"blood? let the fame, as was the merit of the ancient 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,
"tho' the mere want of fixing her foot by a proportionable agrarian upon her
"proper foundation, to have fain with such horror, as has bin a spectacle of
"aifonishment 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 common-
"wealthman for deriding the invention of Phileas, as in recollecting himself,
"where he says, That democracies, when a less part of their citizens overtop the
"rest in wealth, degenerat into oligarchies and principalities; and, which coms
"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 con-
"sequence 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. And if a cure be necessary,
"it excuses not the patient, his diseas being otherwise desperat, that it is dan-
"gerous; which was the case of Rome, not so fated by Machiavel, where he
"says, That the strife about the agrarian caused 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 au-

* Nuper divitiae avaritiam, & abundantes voluptates desiderium, per luxum atque libidinem, perundique omnia in vexere. Liv. in Praet.

"rice;
A text document containing a discussion about the governance of a community, mentioning the Roman example, the negative influence of agrarian proportion, and the contrast between monarchy and agrarian rule. The text also refers to the defeat of the agrarian by the king of Israel and the subsequent election of a king, Solomon, with the support of Rahobam. It concludes by addressing the distribution of land and the impossibility of preventing the division of the land among numerous proprietors.
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"ceed 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 accustom'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 families: it is that which we
"defire. 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 comes into
"my mind, that which upon occasion of the variety of party's 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 whereof has not bin exer-
"cised 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 comes to pass,
"that we should use our children as we do our puppies; take one, lay it in the
"lap, feed it with every good bit, and drown five: nay yet worse; forasmuch as
"the puppies are once drown'd, wher'as 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 chil-
"dren, his own reviving flesh, and a kind of immortality. And this is that in-
"terest of a family, for which we are to think ill of a government that will not in-
"dure it. But quiet our selves: the land thro which the river Nile wanders in one
"stream, is barren; but where it parts into seven, it multiplies its fertile 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 come 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 merchandise 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 left industry should
"want wherupon to work, land is not ingraft or intail'd upon any man, but re-
"mains at its devotion. I wonder whence the computation can arise, that this
"shoul discourage industry. Two thousand pounds a year a man may enjoy in
"Oceana, as much in Panopea, five hundred in Marcæa: there be other planta-
tions, 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 som measure in riches, a man may be rich; but if you will have them to
be infinit, there will be no end of starving himself, and wanting what he has:
and what pains do such a one take to be poor! furthermore, if a man shall
think that there may be an industry less greedy, or more noble, and so cast his
thoughts upon the commonwealth, he will have leisure for her, and the riches
and honors for him; his sweat shall smell like Alexander's. My lord Phii-
lautus 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 propos'd, may take the upper hand of his great ances tors;
with reverence to whom, I may say, there has not bin one of them would have
disputed his place with a Roman confid. 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 bin so with Lacedemon, that neither the city nor the citizens
were capable of increase, a blow was given by that agrarian, which ruin'd both.
And what are we concern'd with that agrarian, or that blow, while our citizens
and our city (and that by our agrarian) are both capable of increase? the Spar-
tan, if he made a conquest, had no citizens to hold it: the Oceaner will have
e now: the Spartan could have no trade, the Oceaner may have all. The agrar-
ian 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 agrar-
ian in Oceanus without interruption of traffic, provides us in the fifth part of the
youth an annual source or fresh spring of 100000, besides our provincial aux-
iliarys, out of which to draw marching armys; 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 banish'd mony, this multiplies it: that
allow'd a matter of twenty or thirty acres 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 bin her main support. For if, banishing all other di-
versions, 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 Aegina, irrecoverably ruin'd 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 threaten'd by my lord, but is the proper cure of them, as Lucan
notes well in the state of Rome before the civil wars, which happen'd thro 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 now women's fortunes con-
flict in that metal, which exposes them to curpurses? if a man cuts my purse, it
may have him by the heels or by the neck for it; whereas a man may cut a wo-
man'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 suf
tain'd and comforted, with what justice can she suffer them, by whom she is
most inrich'd, to be for that cause the most impoverish'd? and yet we see the

* Hinc usura vorax, rapidumque in tempore fenus;
Hinc conscia siders, & multis utile bellum.

"gifts."
"gifts of God, and the bountys of heaven in fruitful familys, thro this wretched
custom of marryng for mony, becom their insupportable grief and poverty. Nor
falls this so heavy upon the lower fort, 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 chand-
ler sooner converted into that beauty which is requir’d in a bride? I appeal,
whether my lord PHILAVTUS 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 unmarry’d, what nobleman allows his daughter in that case a greater re-
venu, than so much mony 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 di-
munition; 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
covetousnes as vain as endles, 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 prefer-
ments without his brokage, but more freedom of their own affections. We are
wonderful severse in laws, that they shall not marry without our consent; as if it
were care and tenderness over them: but is it not left we should not have the
other thousand pounds with this fon, or the other hundred pounds a year more in
jointure for that daughter? these, when we are croft in them, are the sins for which
we water our couch with tears, but not of penitence; seeing whereas it is a milchif
beyond any that we can do to our enemys, we perfist to make nothing of break-
ing the affection of our children. But there is in this agrarian a homage to pure
and spotles love, the confecution wherof I will not give for all your romances.
An alderman makes not his daughter a countess till he has given her 2000 l.
nor a romance a considerable milits till she be a princefs; these are charactes
of balfard love. But if our agrarian excludes ambition and covetousnes, 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 legitam, and the race
of the commonwealth not spurious.

"But (impar magnaminis vastis, imparque dolori) I am hurl’d from all my hopes
by my lord’s last afferation 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. Newtherlesfs, there is yet extant in
the exchequer an old survey of the whole nation; wherfore such a thing is not im-
possible. 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 morre leasure than we have, but an authority which
may be better able to bow men to a more general consent, than is to be wroght
out of them by such as are in our capacity. Wherfore, as to the manner, it is
necessary that we refer it to the parlament; but as to the matter, they cannot
otherwise fix their government upon the right balance.

"I shall
"I shall conclude with a few words to some parts of the order, which my lord has omitted. As first to the consequences of the agrarian to be settled in Marpeia, 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 foreign 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 infuse in like cafes, 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 these should be king, no sooner heard Solon speak than they quitted their debts, and refer'd the commonwealth; which ever after held a solemn and annual feast called the Sifatibia, or Recifon, in memory of that action. Nor is this example the Phanix; 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 some government, nor any government without the proper balance. Wherfore 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.

I shall
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I shall indewavour by the preceding figure to demonstrat the manner of the VENETIAN BALLOT (a thing as difficult in discourse or writing, as facile 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 an censor at the middle urn F.

To the two upper steps of the tribunal answer G G. 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 consits the first seat; as the second seat consists in like manner of those four benches H H. H H. 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 secretares of the house. Upon the short seats O O. on the floor (which should have bin represented by woolsacks) sit P the two tribuns of the house; Q the two tribuns of the foot; and R R. R R. the judges: all which magistrats are assistents, 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 futes, and accordingly mark'd with several letters of the alphabet, a secretary presents a little urn (wherin there is one ball of every fute or mark) to the strategeus 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 immediately before the ballot, and so the letter unknown to the ballotants, they can use no fraud or judging; 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 lift call'd the tropic of magistrats, which is this;

1. The lord STRATEGUS;
2. The lord ORATOR;
3. The
This lift or schedule consists of six magistracies, 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 the four and twenty gold balls cast six and twenty silver ones, and these (reckoning the blanks with the prizes) make fifty balls in the middle urn. This don (because no man can come 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 come 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 500 senators, there must be in each of the side urns 125 blanks and 25 prizes, which come in both the side urns to 500 balls. This is the whole mystery of preparing the urns, which the cenfers having skil to do accordingly, the rest of the ballot, whether the party's 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 determines who shall propose the competitors; and the result of the senator, which of the competitors shall be the magistrates. The whole, to begin with the lot, proceeds in this manner.

The first secretary with an audible voice reads first the lift of the magistrates 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: \textit{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 comes accordingly to the urns: this in the figure is the \textit{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; wherfore 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 cros 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 fit with their faces towards the signory or state, till their number amount to that of the magistrats to be that day chozen, which for the present, as was shewn, are fix; wherfore fix 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 chozen are the FIRST ORDER OF ELECTORS.

THE first order of electors being made, are conducted by a secretary with a copy of the lift to be chozen, 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 lift, 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 lift 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 bands, as the Venetians call them) of electors, by which means you have the four and twenty electors divided according to the four copies of the same lift, by six, into four hands or orders; and every one of these orders names one competitor to every magistracy in the lift; 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 chozen by mere lot, yet the competitors by them nam'd are not chozen 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 from 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 lift by the secretary; which being don, the second elector of the first order names to the second magistracy till one of his nomination be chozen to the same. The like is don by the rest of the electors of the first order, till one competitor be chozen, and written to every magistracy in their lift. Now the second, third, and fourth orders of electors doing exactly after the
same manner, it comes 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 cenfors (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 cenfors 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 assitants have no suffrage) are to ballot at the result, to which I now come.

The four orders of electors having perfected their lift, 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 sit out of their chambers till the house have given theirs, and the rest of the ballot be performed; which follows in this manner.

The four lifts 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 senate 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, the 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, whereof 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 basins (better represented at the lower end of the figure by b. 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
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 whereas 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 magistracies 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 comes 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; wherefore attaining to above half the suffrages, he is the magistrat. Or thus: A. A. nam'd to be strategus in the first, to be cenfor in the second, to be orator in the third, and to be commissioneer of the sea 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 sunet, 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 magistracies, 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 magistracies 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 senatorial 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, refuding for that purpoole at Venice) than to hear the direction for the parishes, stood up and made way for himself in this manner.

May it please your bigness, my lord Archon,

"Under correction of Mr. Peregrin Spy, our very learn'd agent and intelligence, 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 frow the goodliest that I ever beheld with my eyes. You should have som would take it ill, as if the noble Venetians thought themselves too good
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"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 con-
tradition. 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 wife as I went thither. But in the parliament 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 fame
fellow, you will spoil all with his whimsies. 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. Wheras nothing is more cer-
tain, 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 immediately
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 de-
light 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 nebulous,
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 goo 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 fame Sir Politic your resident, that never saw him do any thing but make
faces, would instruct into you, at this distance, to have the only knack of state.
Wheras if you should take the pains, as I have done, to look a little nearer, you
would find these fame wonderful things to be nothing else but mere natural fopp-
erys, or capricios, as they call them in Italian, even of the meanest of that na-
tion. For, put the case you be travelling in Italy, ask your contadino, that is,
the next country-fellow you meet, for question, and presently he balls 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 bussolo di non fanceri.
——Good! You will admire Sands for telling you, that grotta di cane is a
miracle: and I shall be laugh'd at for affuring you, that it is nothing else but
such a damp (continu'd by the neighborhood of certain sulphur mines) as thro'
accidental heat dos somtimes happen in our coalpits. But ingratitude must not
discourage an honest man from doing good. There is not, I say, such a tongue-
y'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
thofe gentlemen with the finger and the thumb, they will swear that we are cur-
purshes.—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 ftool-
ball? 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 fame spy, for pretending to have play'd
at
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
cornscrutcher upon the Rialto; 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 receipts, I can assure
you; he bought them for a Julio at St. Marc's of a mountebank. She has no
other wash, upon my knowledge, for that same envy'd complexion of hers but
her marshes, being a little better scented, saving your presence, than a chamber-
pot. My lords, I know what I say, but you will never have done with it. That
neither the great Ture, nor any of those little Turcs her neighbors, have bin able
to spoil her! Why you may as well wonder that weefals do not suck eggs in swans
nefts. Do you think that it has lain in the devotion of her beads; which you
that have puk'd so much at Popering, are now at length resolv'd shall consecrate
M. Parsons, and be drop'd by every one of his congregation, while those fame
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 many
is the primum mobile, and they will turn you thus out of som three or four hun-
dred thousand pounds: a pretty sum for urns and balls, for boxes and pills,
which these fame quackslapers are to administer to the parishes; and for what
disease I marvel! Or how does it work? Out comes a constable, an overseer, and
a churchwarden! Mr. Speaker, I am amaz'd!

Never was there goose so fucck 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 in-
genuity; my lord Epimonus having at once mended all the faults of travel-
ners. For, first, whereas they are abominable liars, he has not told you (except
from malicious body has misinform'd him concerning poor Syv) one syllable of
falsehood. And, secondly, whereas they never fail to give the upper hand in all
their discourses to foreign nations, still jutting 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
therefore 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 steadfastly 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 ordi-
inary, there is no such bar to cogging. It is known to his lordship, that our
game is now at a throw, and that every call of our dice is in our suffrages; nor
will he deny, that partiality in a suffrage is downright cogging. Now if the
"Venetian
OCEANA.

"Venetian boxes be the most soverain 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 game-
ner? 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 les proof against that of a friend. So that if your suffrage be bare-
faced, I dare say you shall not have one fair cait in twenty. But whatever
a man's fortune be at the box, he neither knows whom to thank, nor whom to
challenge. Wherfore (that my lord may have a charitable opinion of the choice
affection which I confess to have, above all other beautys, for that of incom-
parable Venice) there is in this way of suffrage no les 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 in the
soverain power, than by the suffrage of the people. Wherfore no wonder if
Postellus be of opinion, that this use of the ball is the very fame with that
of the bean in Abeni; or, that others, by the text concerning Elsad and Me-
dad, 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 subsits only by her situation. It is true, that a man in
time of war may be more secure from his enemies by being in a citadel, but not
from his diseases: wherfore the first caufe, if he lives long, is his good con-
titution, 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 galaxies; the annual galaxy of every tribe consist-
ing of two knights and seven deputies, wherof the knights constitute the senat; the
depuys, the prerogative tribe, commonly call'd the people; and the senat and
people constitute the soverain 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 pic-
turedrawer, 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 four,
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 ballots, doorkeepers, and messengers; and having the ensigns of their magis-
trates 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 cenfors, being chancellors of
the fame. Thefe with the knights, in all three hundred, assemble in the house or
hall of the senat.

The house or hall of the senat, being situated in the pantheon or palace of jus-
tice, 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

The face of
the senat.
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, adorned 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 commissioner 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 earsls. 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, whereby 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 whereby 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 cenfors 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 house. 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 Rams; 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 licitor 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 ceremony, 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 fenbedrim, on either hand of the prince, and of the father of that senat. But upon beauty, in which every man has his phantasy, we will not otherwise philosophize than to remember that there is something more than decency in the robe of a judge, that would not be well spard from the bench; and that the gravest magistrat, to whom you can commit the sword of justice, will find
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 come 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.

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 ensuing the last of March, the knights of the annual galareys 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 received the third, proceed to election of the magistrats contain’d in the first part of the tropic, by the ensuing schedule:

The lord strategus,
The lord orator,
The first censor,
The second censor,

annual magistrats.

The third commissioner of the seal,
The third commissioner of the treasury,

triennial magistrats.

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 thereto 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 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 armies.

Of the strategus.

Of the orator.

Of the censors.

Of the commissioners of the seal.

Of the commissioners of the treasury.

THE censors, after 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.

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

THE commissioners of the treasury being three, whereas 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.
OCEANA.

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

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 Achaens; the like having bin in use also with the Aetolians. 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 cenfors derive their power of removing a senator from thofe of Rome; the government of the ballot, from thofe of Venice; and that of animadversion upon the ambitus, or canvafs 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, whereby 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. Secondly, By the annual election of three knights out of the third region of the council of state, to be propone'd by the provolets, and elected by that council, into the council of war, 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 seffion and suffrage in 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 cenfors are presidents. Fourthly, 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, shall weekly and interchangeably elect one provost, whose magistracy shall continue for one week; nor shall he be reelect'd into the same, till every knight of that region has once borne the same magistracy. And the provolets being one in every region, three in every council, and twelve in all, beside their other capacities, 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.

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 Epimetheus, 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 over-turn'd the chariot of the senat. And thofe of Lacedemon, as to things, had not bin so quiet when the senat threat'd their busineses, by incroaching upon the refult,
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 caft, or your selves may need boneletters. Wherfore 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 fierceness of their rotation to hold and turn a busines (like the vice of a smith) to the hand of the workman. Without engines of which nature it is not possible for the senat, much lefs 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 whereof is perform'd in eight years, and prefer'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 years being expire'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 majesty, 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 deprived at his return of the fruit of it, or else injure it not long thro' the defects of nature.

This order is the perspective of the commonwealth, whereby the foresees; danger or the traffic, whereby he receives every two years the return of a stateman enriched with eight years experience, from the prime mart 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, whereby a council comes to a fifth order of electors. For example, if there be occasion of an ambassador extraordinary, the proconsuls 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 choose four more competitors to the same majesty; and put them, with the competitor of the council, to the ballot of the boufe, by which be 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 sergeant 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 majesty, or out of it, are equally capable of election by the scrutiny; but a magistrate or officer elected by the scrutiny to a military employment, if he be neither
O C E A N A.

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 injuful populi.

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 magistrate 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 knowlege, 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 prentence: 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 laft of those appertaining to the senat. The councils being chosen by the orders already shewn, it remains that we come to those whereby they are instructed: and the orders of instruction to the councils are two, the first for the matter wherupon they are to proceed: 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 business as are properly to belong to their cognizance, whereof some they shall receive and determin, and others they shall receive, prepare, and introduce into the house: as, first,

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 bold intelligence with the provincial councils; to consider upon all laws to be enacted, amended, or repeal'd; and upon all levies 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 introduce'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, spies, emissaries, informers, frigots; and to manage affairs of that nature, if it be necessary, without communication to the senat, till such time as it may be bad without detriment to the business. 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, armories, arsenals, and magazines 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 palmarius in that action; or at least so far as the experience of such commanders may tend to the improvement of the military discipline, 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 whereas the council of war is the sentinel or guardian 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 stroke at the root of it,

* Centuriatis. † Curiasis Comitiis.

they
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.

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 universities to be confer'd upon no other than such of the most learned 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, whereby the divines or teachers of the national religion may be corrupted, or corrupt religion, they shall be capable of no other kind of employment or preferment in this commonwealth. And whereas 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 proceed 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 beadle (being professors chosen to attend them) each to the university whereof he is chancellor; and the vice-chancellor of the same receiving the writing, shall call a convocation of all the divines of that university, being above forty years of age. And the universities 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 done, they shall return, and the council having receiv'd such information, shall proceed 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 congregations be molested or interrupted in their way of worship (being neither Jewish or idolatrous) but vigilantly and vigorously protected and defended in the enjoyment, practice, and profession 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 address'd 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 portâ of this nation, shall hereafter receive informations more at large. For the present, their experience attaining to a right understanding of those trades and mysteries 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 encouragement may be appli'd to the one, and remedy to the other.
THE academy of the provoists, being the affability of the commonwealth, shall assemble every day towards the evening in a fair room, having certain withdrawing rooms thereof belonging. And all sorts of company that will repair thither for conversation or discourse, if it be upon matters of government, news, or intelligence, or to propose any thing to the councils, shall be freely and affably received in the outer chamber, and heard in the way of civil conversation, which is to be managed without any other awe or ceremony than is thereto 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 matters of secrecy; in which case the provoists, or some of them, shall take such as defensive audience into one of the withdrawing rooms. And the provoists are to give their minds, that this academy be so govern'd, adorn'd, and prefer'd, as may be most attractive to men of parts and good affections to the commonwealth, for the excellency of the conversation.

FURTHERMORE, if any man, not being able or willing to con in person, has any advice to give which be judges may be for the good of the commonwealth, he may write his mind to the academy of the provoists, 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 seized, molested, or detain'd, tho' it should prove to be a libel. But the letters so deliver'd shall be prefixed to the provoists; and in case they be so many that they cannot well be perus'd by the provoists themselves, they shall distribute them as they please to be read by the gentlemen of the academy, who finding anything 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 provoist. And the provoists by the secretaries 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 eye, she may upon emergent elections or occasions be always provided of her choice of fit persons.

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

BUT whereas it is incident to commonwealths, upon emergencies requiring extraordinary speed or secrecy, either thro' their natural delays or unnatural basts, to incur equal danger, while holding to the flow pace of their orders, they com not in time to defend themselves from some sudden blow; or breaking them for the greater speed, they but baste 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 dictator 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 repeal'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 same 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.

**DICTATOR OCEANA.**
OCEANA.

This order of instructions to the councils being (as in a matter of that nature is requisite) 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 duties 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 confiderable, would otherwise be more troublesome, upon the banks of their peculiar channels) derive the full stream of bufines into the fenat, so pure, and so far from the possibility of being troubled or stain’d (as will undeniably appear by the course contain’d in the infusing 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 fenat or council being, thro the uncertainty of the winds, like a wave of the sea. Nor shall it otherwise mend the matter by flowing up into dry ditches, or referring bufinefses to be better examin’d by committees, than to go farther about with it to lefs 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 defirous 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 fenat, than if it had bin refer’d to the partys. Wherefore the Athenians being distribut’d into four tribes, out of which by equal numbers they annually chose four hundred men, call’d, the fenat of the Bean (because the ballot at their election was perform’d by the ufe 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 propofe concerning the commonwealth, had power to debate and prepare all the bufinefses that were to be introduc’d into the fenat. The Athenians had ten selected magistrats call’d the demiurgs, constituting a council apart call’d the synarchy, which with the frategus prepar’d all the bufinefs that was introduc’d into their fenat. But both the fenat 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 difcourses, 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 interefted. 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 infusing order: and for that of the dieci, it so little differs from what it has beflow’d upon our dictator, that I need not make any particular description of it. But to dictator power in general, and the use of it, because it mult needs be of difficult digestion to such as, puking fill 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; wherfore 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 judge, abused you so much; seeing that the dictator (and such was the judeg 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 sovereign, had no more to do than to prolong their magistracy; for the dictatorial power was reputed divine, and therefore 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 sometimes happen in regard of her natural flowness and open ness, and the suddenness of assaults that may be made upon her, as also the secrecy 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 thole cases, or by her self, 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 comes to make a common practice of taking nearer ways than its orders, it is disobl'ed: 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 ressort in the like cases: nor is it sufficient that your ressort 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 Cafentin, 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. Wherefore 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 dic-

* Dictatoris imperium quasi numen. Liv. R

'' tatorian
tutorian power in that government, but that it is assum'd at the discretion of that

council; whereas in this of Oceana it is not otherwise intrusted than when the

senat, in the election of nine knights extraordinary, gives at once the commit-

tion, and takes security in a balance, added to the council of war, the 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

tho' the aw of it upon themselves. Wherefore the graver have doubtlessly shewn

their prudence in the law; whereby the magistracy of these counsellors being to

left till their successors be created, the council is establisht'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 ma-
gistrats and the councils successively in order to a decree of the senat.

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 be 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 superintendancy 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

propose'd, the council shall debate the business so propose'd, so which they of the third re-

gion 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 propose 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 secretaries 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 secre-
tary or balloter with a green box shall follow the four white ones; and one secretary or

balloter with a red box shall follow the green one: and every senator shall put one ballot

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into som one of these fix boxes. The suffrage being gather'd and open'd before the sig-
nory, if the red box or nonsincere bad above half the suffrages, the opinions shall be all
cast out, for the major part of the house is not clear in the busines: If no one of the
four opinions bad above half the suffrages in the affirmative, that which bad fewest
shall be cast out, and the other three shall be balloted again. If no one of the three
bad above half, that which bad fewest shall be cast out, and the other two shall ballot again.
If neither of the two bad above half, that which bad 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 busines, and to bring in new opinions; but the
case being necessary, and not admitting delay, the senat immediately elecing 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 money, is invalid, without the refult of the commonwealth, which is in the prero-
gative tribe, or representaive 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 appoint'd 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 clause,
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 Arcon spoke thus in council.

My dear lords,

"THERE is a sayiong, 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 armies. But the people are the

* Et videat dictator ne quid repub. detrimenti capiat.

R 2 "main
main body of a commonwealth; shew me from the treaurys of the snow (as it is in Job) to the burning zone, a people whose shoulder is univerfally and fo exactly fit the corfet. Nevertheless it were convenient to be well provided with auxiliaries. There is Marpeia thro her fruitfulness inexhauffle of men, and men thro her barrennes not only nur'd to hardhip, but in your arms. It may be faid, that Venice, excepting only that she takes not in the people, is the moft incomparable situation of a commonwealth. You are Venice taking in your people and your auxiliarys too. My lords, the children of Israel were makers of brick, before they were builders of a commonwealth: but our brick is made, our morter 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 withfand this work? Shall be that contends with the Almighty, infruffe him? be that reproves God, let him anfwier it. For our parts, every thing is so laid, that when we come to have ufe of it, it is the next at hand; and unlefs we can conceive that God and nature do any thing in vain, there is no more for us to do but to difpatch. The piece, which we have reach'd to us in the foregoing orders, is the arifocracy. Athens, as has bin shewn, was plainly loft thro the want of a good arifocracy. But the sufficiency of an arifocracy goes 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 arifocracy divine and lawyers would make, let their incurable running upon their own narrow bias, and their perpetual invectives against Machiavel (tho in fon places juftly reprovable, yet the only politician, and incomparable patron of the people) serve for instruction. I will ftran no more to the judgment of lawyers and divine in this work, than to that of fo many other tradesmen; but if this model chances to wander abroad, I recommend it to the Roman speculativi (the moft complete gentlemen of this age) for their cenfure; or with my lord Epimenes his leave, fend three or four hundred copies to your agent at Venice to be prefent'd to the magiftrats there; and when they have confider'd them, to be propos'd to the debate of the fenat, the moft competent judges under heaven, who, tho they have great affairs, will not refuse to return you the oracle of their ballot. The counfiulls of princes I will not truft; they are but journey-men. The wisdom of these later times in princes affairs (says Verulaanis) is rather fine delveries and sloftings of dangers when they be near, than aul and groundede courses to keep them off. Their counfiulls do not derive their proceedings from any sound root of government that may contain the demonstration, and affure the succces of them, but are expedient-mongers, givers of themselves to help a lame dog over a fitle; elle how coms it to paif, that the fame of cardinal Richilieu has bin like thunder, whereof we hear the noise, but can make no demonstration of the reafon? but to return, if neither the people, nor divine, and lawyers, can be the arifocracy of a nation, there remains only the nobility; in which fitle, to avoid farther repetition, I fhall undertand the gentry alfo, as the French do by the word noblesse.

Now to treat of the nobility in such fort as may be lefs obnoxious to miftake, it will be convenient, and anfwerable to the prefent occafion, that I divide my discourse into four parts.

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"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 Gotbic, 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 fene 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 caufe 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 case 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 commonwealths as are, or com nearest to mechanic, for example, Athens, Switzerland, Holland, to Lacedemon, Rome, and Venice, plum'd with their arisocracies? 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 or the public, nor are safely to be trusted with it, * because a man is not faithfully imbarke'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 privar advantage to reflect upon that of the public, what other name is there for this sort of men, being a leur aife, but (as Machiavel you fee calls them) Nobility? especially when their families come to be such as are noted for their services done 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 sparing nor left behind, the 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 battle of Platea, whence the

† Queśi tali sono perniciosi in ogni republica, & in ogni provincia.
‡ Lequali tutte insieme sono la corruetla del mondo.
* Egélas hau facile habetur fine damno.
noblity 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 Athenes before the battle of Platee, and the Patricians in Rome, each of which had right, or claim'd it, to the senat and all the magistracies; wherein for some time they only by their stamp were current.

But to begin higher, and to speak more at large of nobility in their several capacities of the senat. The phylarchs or princes of the tribes of Israel were the most renowned, or, as the Latin, the most noble of the congregation, whereas by hereditary right they had the leading and judging. The patriarchs, or princes of families, according as they declar'd their pedigrees, had the like right as to their families; but neither in these nor the former, was there any hereditary right to the sanbedrim: tho there be little question but the wise men, and understanding, and known among their tribes, which the people took or elected into those or other magistracies, and whom Moses made rulers over them, must have been of these; seeing they could not chuse but be the most known among the tribes, and were likely by the advantages of education to be the most wise and understanding.

Solon having found the Athenians neither locally nor genealogically, but by their different ways of life, divided into four tribes, that is, into the foldery, the tradesmen, the husbandmen, and the goatherds, instituted a new distribution of them, according to the censure or valuation of their estates, into four classes: the first, second, and third, consisting of such as were proprietors in land, distinguishing'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 magistracies, 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 capacities, 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 Athenes.

The nobility, according to the inevitable nature of such a one, having laid the plot how to defeat the people of the rest, 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 battle of Platee, and famous for defending Greece against the Persians, had not return'd with such courage as irrefragibly broke the classes, to which of old they had born a white tooth, brought the nobility to equal terms, and the senat with the magistracies to be common to both; the magistracies 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 belots: 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 thereof were more in number than the citizens. To these servants I hold the answer of Lycurgus, 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:
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relate: for neither were the *Lacedemonians* servants, nor farther capable of the
government, unlefs, whereas the congregation had the refult, he should have
given them the debate also; every one of these that attained to sixty years of
age, and the major vote of the congregation, being equally capable of the
fenat.

"The nobility of Rome, and their capacity of the fenat, I have already describ'd
by that of Athens before the battel of Platea; saving only that the Athenian was
never eligible into the fenat without the suffrage of the people, till the intro-
duction of the lot, but the Roman nobility ever: for the *patricians* were elected
into the fenat by the kings, by the consuls, or the cenfors; or if a plebian hap-
pen'd to be conscrib'd, he and his polterity 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, refemble
at all other points the Lacedemonian, as I have already shewn. Thee *Machia-
vel* excepts from his rule, by saying, that their eslaves are rather personel than
real, or of any great revenue in land; which comes 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 fo 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 fenat, 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 fo great, that in som soveraintries 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 soveraintries 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 favors. For in an-
tient 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 thes have it, be they never so few, by their flanup or order.

"Ours of Ocean have nothing else but their education and their leisure for
the publice, furnish'd by their eafe and competent riches: and their intrinsic va-
luue, which, according as it coms to hold weight in the judgment or suffrage of
the people, is their only way to honor and preferment. Wherfore I would have
your lordships to look upon your children as such, who if they com to shake off
from part of their baggage, shall make the more quick and glorious march: for
it was nothing else but the baggage fordidly plunder'd by the nobility of Rome,
that loft 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 fenat.

"That of Israel (as was shewed by my right noble lord *Phosphorus de Aug*)
in the opening of the commonwealth constituted of seventy elders, elected at
first by the people. But wheras they were for life, they ever after (tho without
any
any divine precept for it) substituted their successors by ordination, which ce-
remony was moft usually perform'd by imposition of hands; and by this means
a commonwealth of as popular instituition 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 bands (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 bands in the text, is also the very same, which signify'd the suffr-
frage of the people in Athens, ХΙΡΟΤΟΝΗΣΑΤΕς; for the suffrage of the Athenians
was given per ehronion, says EMMIUS.

The council of the beans (as was shewn by my lord NAVARCHUS DE PARALO
in his full discourse) being the proposing fenat of Athens (for that of the are-
pagis was a judicatory) consisteth of four, from five hundred senators, elected
annually, all at once, and by a mere lot without suffrage. Wherefore the
senat, to correct the temerity of the lot, had power to call out such as they
should judge 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 constisted not of the natural aristocracy, which in a
commonwealth is the only spur and rein of the people, it was cast headlong by
the rashnesses of her demagogues 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 refult only, but to the debate also of the
people, who were therefore call'd to the pulpits, whereon vomited, and others
drank poison.

The senat of Lacedemon, most truly discover'd by my lord LACO DE SYRAC,
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 refult only of the people. And now the
riddle which I have heretofore found troublesome 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 oli-
garchy, 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 refult only, and in that the debate and refult too. But for my part, where
the people have the election of the senat, not bound to a distinct order, and the
refult, which is the soverain power, I hold them to have that share in the go-
vernment (the senat being not for life) wherof, with the safety of the common-
wealth, they are capable in nature; and such a government, for that cause, to
be democracy: tho' I do not deny, but in Lacedemon, the pacity of the senators

* Qui ferè semper regebantur à multitudine magis quam regebant.  

consider'd,
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"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 senats 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 fame, were not elected to that honor
by the people; but, being confrib'd by the censors, injoy'd it for life. Where-
fore these, if they had their wills, would have resolv'd as well as debated;
which set the people at such variance with them, as diffoly'd the commonwealth;
wheras if the people had injoy'd the refult, that about the agrarian, as well as
all other strife, mutt of necellity have ceas'd.

"The senats of Switzerland and Holland (as I have learnt of my lords Alpes-
ter and Glauces) being bound up (like the sheaf of arrows which the latter
gives) by leagues, ly like thole in their quivers: but arrows, when they com to
be drawn, fly fom this way, and fom that; and I am contented that these con-
cern'd us not.

"That of Venice (by the faithful testimony of my most excellent lord Lin-
ceus de Stella) has oblig'd a world, sufficiently punifh'd by its own blindsness
and ingratitude, to repent and be wiser: for wheras 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 inable 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 somthing has bin already said, I shall not speak in particu-
lar. But in general, your senat, and the other assemblies, or the prerogative, as
I shall flue 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 worke, wherby the former government (which was not
only a ship, but a gult too) could never open her fails, but in danger to overfet
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 fort was for voyages, ours dare not lanch; nor lys it safe
at home. Your Gothic politicans 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 citates, 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 fparke. Nor shall any man thou a reason

* Ut fratrem Pollex alternâ morte redemist.

S

"that
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 lady. Wherefore your parliaments are not henceforth to com out of the bag of Aelus, but by your galaxies, to be the perpetual food of the fire of Vesta.

"Your galaxies, 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 viciility of your senators is not perceivable in the headiness and perpetuity of your senate; which, like that of Venice, being always changing, is for ever the same. And the 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? Wherfore keep aloof to your orders. But this is a mean request, your orders will be worth little, if they do not hold you to them: wherfore imbarke. 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 cafts 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 we have bin toft with every wind of doctrin, loft by the glib tongues of your demagogues and grandees in our own havens? A company of fiddlers that have disturb'd your rest for your great, 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 thefe shall not dare to scrape, for fear of the flatute? Themistocles could not fiddle, but could make of a small city a great commonwealth: thefe have fiddle'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 cauies imaginary difficulties will be aggravated, that the foregoing orders are not capable of any greater clearnes 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 legillator) not only in point of benevol, but in point of ability: as there be that can pack the cards, and yet cannot play well; so there be fom that are good in can- wales 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:
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"busiess: which is the constitution of one that has study'd men more than books. But
"there is nothing more burthif in a state, than that cunning men should pass for wise.
"His words are an oracle. As Dionysius, when he could no longer exercice his
"tyranny among men, turn'd schoolmaster, that he might exercize 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 discreetly 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 provolts) 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: wherefore 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 stir-
"ring of blood, than which in this case there is nothing more dangerous? Truly,
"it was not ill said of my lord Epimenes, 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 football: 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 companies (bes-
dies 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 Phoenix; the second the pel-
ican; and the third the swallow. The first company the cyrenus; 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 Phoenix and the cyrenus 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 one and twentieth ORDER, directing, that upon every Monday next ensuing
the last of March, the deputies 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 war, 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
the infantry at the foot urn, after the same way of balloting, constitute and become the third classes of the prerogative tribe.

Seven deputys are annually return’d by every tribe, whereof three are horfe, and four are foot; and there be fifty tribes: so the swallow must consist of 150 horfe, 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 companies may as well be call’d centuries as those of the Romans; for the Romans related not, in so naming theirs, to the number. And whereas 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, whereby the first class having elected their triennial officers, and made oath to the old tribuns, that they will neither introduce, cause, nor suffer any matter debate to be introduc’d into any popular assembly of this government, but to their utmost be aiding and afflicting 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 proceed with the other two classes of the prerogative tribe to election of the new tribuns, being four annual magistrates, whereof 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 classes, provided that the same person shall not be capable of bearing the tribunial 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 magistrates, whose proper function is prescribed 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 magistrates, nor officers, and return within three months. If a magistrate 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.

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 impienrence 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, ows a great, if not the greatest part of her steadiness to the same principle:"
OCEANA.

"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-glory, men (that, as Over-
bury says, pifs more than they drink) swim down the stream; as did Aibens,
the most prating of these dames, when that same ranting fellow Alcibiades
fell a demagogu'ng 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 flight
bar in a matter of like danger; for so much as an oath, if there be no recource
upon the breach of it, is a weak ty for such hands as have the sword in them:
wherfore what should hinder the people of Oceana, if they happen not to regard
an oath, from affuming debate, and making themselves as much an anarchy as
those of Aibens? To which I answer, Take the common fort in a privat capa-
city, and, except they be injur'd, you shall find them to have a baftfulness in
the presence of the better fort, or wiser men; acknowledging their abilities 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 wise 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 felt, but for somthing else. Wherfore 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 ap-
appearance of such a desire in the people of Rome (who from the time of Romul's
had been very well contented with the power of relut either in the * parochial
affemblys, as it was settled upon them by them; or in the meetings of the + hun-
dreds, as it was alter'd in their regard for the worle by Servius Tullius) till
news was brought from 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 Aristodemos the tyrant of Cumae. † Whereupon the patricians, or
nobility, began to let out the hitherto dissemb'd venom, which is inherent in
the root of oligarchy, and fell immediately 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 fame to above two acres a man
(the rest being secretly usurp'd by the patricians) they thro' the meannes of
their support, and the greatnes 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. Whereupon, but
with the greatest modesty that was ever known in the like case, they first fell
upon debate, affirming, § that they were oppressed and captivated at home, while
abroad they fought for liberty and empire; and that the freedom of the common people

* Comitiiis Civitatis.
† Cenuriatis.
‡ En numeere etrhe panes, errat plebs. Sed patribus nimis luxuriosis ea fuit laxitia; plachi, cui ad
casum diem femmæ ope interitum est, injuriam inprimis iuri rei caespituri. Liv. 1. 2.
§ Se fortis pro libertate & imperio dimicantes, domi a civibus captos & oppressos esse: tutoreque in
bello quam in pace, inter homines quam inter cives, libertatem plebis esse.
was safer in time of war than peace, among their enemies 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 to much the warmer, that it was glad to meet; where Appius Claudius, a fierce spirit, was of opinion, that recourse should be had to confuslar power, whereby som of the brands of sedition being taken off, the flame might be extinguisheid. 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 cafe in which the senat had no recourse but to the people, who contrary to their former custom upon the like occasions would not fir a foot, but fell a laughing, and saying, * Let them fight that have something to fight for. The senat that had puries, and could not sing so well before the chief, being in a great perplexity, found no possible way out of it, but to beeech Servilius, one of a genius well known to be popular, That he would accept of the consuhip, and make som such use of it as might be helpful to the patrician interese. 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 be of to doe what 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 dwell more at large, whereby they drew out their armys) nor to seize or sell any man’s goods or children that was in the camp. Whereupon 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 firft, 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 battles, they expected no les than that the senat would have made good their words: when Appius Claudius, the other consul, of his innate pride, and that he might frustrate 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 refor upon this was made by the people to Servilius, shewing him their wounds, calling him to witnes how they had behav’d themselves, and minding him of his promise. Poor Servilius was sorry, but fo overaw’d with the headines of his colleague, and the obstinacy of the whole faction of the nobility, that not daring to do any thing either way, he loft both party: the fathers conceiving that he was ambitious, and the people that he was false; while the conful 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, infomuch 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

* Patres militarent, patres arma ciperent, ut penes eodem пениcum belii, penes quoq праemia, effert.
new consuls, were reprov'd by the senat as slothful, and upbraided with the virtue of Appius Claudius. Wherupon the consuls having destr'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 part of the fathers grew so hot with the consuls, that they destr'd them to abdicate 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 from horrid scdition 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 somthing, 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, forbade the lictor, who durst not touch him; at which the hoftsurs that came with the consuls, inrag'd by the affront, declended 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 interpoing, thought fit, by remitting the affembly, to appease the tumult; in which nevertheless there had bin nothing but noise. Nor was there les 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 confurled 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 acknowledeg'd, while the whole people, sunk under the weight of their debts, could not emerge without some common aid; which to refrain, by putting som into a better condition than others, would rather more inflame the discord than extinguisht 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 forbidd 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 beft, but that there were privat interest, 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 fort had.
had not thought it altogether unseasonable, at a time when the Volsii and the Sabines were up again, to venture so far upon alienation of the people: for which cause Valerius, being defended from the Publicans, 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 entering the city in triumph. Nevertheless when he came to prefs 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 done Servilius. Whereupon the dictator, in disdain to be made a flate, 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 imagine, that such only should be the opportunity upon which this people could run away? alas, poor men, the Equus and the Volsii, and the Sabines were nothing, but the fathers invincible! there they sat from 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. Wherfore, 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 come to speak with them, not asking leave of the porter. Wherfore their minds became troubl'd, and an orator was post'd 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 magistrates 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 whereby 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 necessity 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 whereby the enmity

that
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 deter-
mination of the question standing, our commonwealth falls. And he that will
erec 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:
There be two sorts of commonwealths, the one for preservation, as Lacede-
mon and Venice; the other for increase, as Rome.

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 Ly-
curgus, 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 magnificacies
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
proceed from the kings, whose principality being plac’d in the midst of the nobility,
bad no greater means soberly to support it self, than to shield the people from all in-
jury; whence the people not fearing empire, desir’d it not: and so all occasion of eu-
mity 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 com-
monwealth, 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 overwheal’d the Ro-
man 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, soberly affording 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, ex-
cluding them from participation of power. Whence they that were included in the
administration bad right; and they that were excluded, coming afterwards, and
being receiv’d upon no other conditions to be inhabitants, bad no wrong; and therefore
bad no occasion, nor (being never trust’d 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 intro-
duc’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 bad cut off the occasion of her tumults, she must have cut off the means of
her increase, and by consequence of her greatness.

T    "WHER-
"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 concerning, 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 found; but to hear the greatest artific in the modern world, giving sentence against our commonwealth, is that with which I am nearly concern'd. Werthere, with all honor due to the prince of politicians, let us examine his reasoning with the fame liberty which he has afforted to be the right of a free people. But we shall never come 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 enemies, from subjects, or from servants. To dispute then what was the cause why Rome was infested by the Italian, or by the servile wars; why the slaves took the capitol; why the Lacedemonians were near as frequently troubled with their helots, as Rome with all thofe; or why Venice, whose situation is not trusted to the faith of men, has as good or better quarter with them whom the governs, than Rome had with the Latin people; 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 unequal. A commonwealth that is internally equal, has no internal cause of commotion, and therefor can have no such effect but from without. A commonwealth internally unequal has no internal cause of quiet, and therefore can have no such effect but by di-

"To
O C E A N A.

"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 unequal, that is as to her belots; and the 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 thereof qualifie'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 careles) of that honor, he assign'd to the people the election of the senat. Wherfore Machiavel in this, as in other places, having his eye upon the division of Patrician and Plebian families 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 senfe 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 fingle votes. Neither did it proced from the straitnes 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 refult of the commonwealth belong'd to the people. Wherfore 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 refuse the debate; the people immediately became unequall, and return'd that debate, which ended not till they had set up their ephors, and caus'd that malignity to be confirme'd by their kings. * For when Theopompus first ordain'd that the ephori or overseers should be create 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 transmisd the royal authority greatly diminu'st to his children: I leave indeed less, anwere he, but more lasting. And this was excelently 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 the coms 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 devi'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 belots, and yet could not in their regard be quiet; wherfore 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

* Nam cum primus instituisset Theopompus ut Ephori Lacedemon crearentur, ita futuri reges potestatis oppositi quemadmodum Romae Tribuni plebis consulari imperio sunt obieci; atque illi uxor dixisset, id erige illum ut his minorem potestatem relinquercet: Relinquam, inquit, fed diuturnossem. Optime quidem: Ea enim quem tum est potestas, quod virilis usus modum imponit. Theopompus igitur legtissimium regnum vinculis confinendo, cum longius à licetia retraitit, hoc propius ad benevolentiam civium adnovit. Vul. Max. l. q. c. 1. de externis, § 8.
"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; wherfore 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 senate is like a rolling stone, as was said, which never did, nor, while it continues upon that rotation, never shall gather the most 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 enemy's 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 fright, that ever became crooked; so, no man shall shew me a commonwealth born crooked, that ever became fright. 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 bellies: for, notwithstanding the fable out of Aesop, whereby Menenius Agrippa, the orator that was sent from the senate 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 ever it might seem, they were nourish'd, not these only, but the whole body must languish and be disso'v'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 cataclysms of Niles are said not to hear the noise, so neither the Roman writers, nor Machiavel the most centrifugal with them, seem among so many of the tribunitian storms, to hear their natural voice: for tho' they could not mis 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, become their own politicians, as certain beasts when they are sick become 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 taunt 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
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 medicines (as there be slight tafts which a man may have of philosophy that incline to atheism) it may chance to be poison, there being a like taft of the politicks that inclines to confusion, as appears in the institution of the Roman tribuns, by which magistracies and no more, the people were so far from attaining to peace, that in getting but so much, got but heads for an eternal feud; wheras if they had attain’d in perfection either to the agrarian, they had introduced the equality and calm of Lacedemon, or to rotation, and they had introduced 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. Wherfore Machiavel seems to me, in attributing the peace of Venice more to her luck than her prudence, of the whole ftable to have faddled the wrong horfe; for the Rome* in her military part could beat it better, beyond all comparision, upon the founding hoof, Venice for the civil part has plainly had the wings of Pegafus.

The whole queftion then will come upon this point, Whether the people of Rome could have obtain’d thefe orders? and firt, to fay, that they could not have obtain’d them without altering the commonwealth, is no argument; fceing 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 reafon 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 cafe that the Lacedemonians did let up their ephors, and the Athenians after the battel of Platea bow’d the fenat (fo hard a thing it is for a commonwealth that was born crooked to becom right) 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 greatnes which the acquire’d by them) is this opinion holding; but confused by the sequel of the story, shewing plainly, that the nobility thro’ the defect of fuch orders, that is to fay, of rotation and the agrarian, came to eat up the people: and battening themselves in luxury, to be, as Salust speakes of them, a moft fuggifh and lazy nobility, in whom, besides the name, there was no more than in a ftature; and to bring fo mighty a commonwealth, and of fo huge a glory, to fo deplorable an end. Wherfore means might have bin found to remove the enmity that was between the fenat 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 found: but if I have not argu’d well, then take the comfort and assurance which he gives you while he is firm, That a legiflator is to lay aside all other examples, and follow that of Rome only, conniving and temporing with the enmity between the senat and the people, as a necessary flep to the Roman greatnes. Whence it follows, that your commonwealth, at the worst, is that which he has given you his word is the beft.

* ——— Qui nimbus & non imitabile fulmen
Aere, & cospidum cura simulatur equorum.
† Inertitissimi nobilis, in quibus, fict in flatus, prater nomen nihil erat additament.

I HHAVE
"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 liquorithmes 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 severall constitutions of the assemblies 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 imag' the antient governments of this kind to have consisted for the most part of one city, that is, of one town; whereas 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 Carithage, till this in our days of Venice.

"For to begin with Israel, it consisted of the twelve tribes, locally spread or quarter'd throught the whole territory; and these being call'd together by tram pets, constituted the church or assembly of the people. The vaftness of this weight, as also the frowsnness thence unavoidable, became a great caufe (as has bin shewn at large by my lord Phosphorus) of the breaking that common wealth, notwithstanding that the temple, and those religious ceremonies for which the people were at leaft annually oblig'd to repair thither, were no small ligament of the tribes, otherwife but slightly tack'd together.

"Athens consisted of four tribes, taking in the whole people both of the city and of the territory; not to gather'd by Theseus into one town, as to exclude the country, but to the end that there might be som capital of the common wealth: tho' true it be, that the congregation consisting of the inhabitants within the walls, was sufficient to all intents and purpofes, without those of the country. These also being exceeding numerous, became burdenfom to themselves, and dangerous to the commonwealth; the more for their ill education, as is obfer'ved 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 some storm. Which caus'd Thucydides, when he saw this people thro' the purschaffe of their mifery become so much wiser, as to reduce their comitia or assemblies to five thousand, to fay in his eighth book: And now, at leaft 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 bezt proof of it; for this, says he, was the first thing that, after so many misfortunes pa'd, made the city again to raise her head. The place I would defire your lordships to note, as the firft example that I find, or think is to be found, of a popular assembly by way of representative.

"Lacedemon"
OCEANA.

"Laedemon consisted of thirty thousand citizens dispers'd through Laconia, one
of the greatest provinces in all Greece, and divided, as by som authors is prob-
able, into six tribes. Of the whole body of these, being gather'd, consiosted
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 Spar-
tans 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
tho' her pauciity was oligarchical.

"Wherefore, go which way you will, it should seem, that without a represen-
tative 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, whole rustic tribes extending themselves from
the river Arno to the Vulturnus, that is, from Fesole or Florence to Capua, in-
vented 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 vocata.
These gave the suffrage of the commonwealth in two meetings, the preroga-
tive at the first assembly, and the jure vocata at a second.

"Now to make the parallel, all the inconveniences that you have observ'd in
these assemblies are shut out, and all the conveniences taken into your preroga-
tive. 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 felpeck 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 vocata; and
if a man shall except against the pauciity 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 deceiver'd if upon due
consideration it does 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 pomertia, or the nearest parts of her ad-
joining territories. 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 galaxys are given to
the people, as milk to babes, whereby 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 do 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 Cunzeus, where
speaking of the nature of the people, he says, that taking them apart, they are
very simple, but yet in their assemblies they see and know somthing: and do runs away
without troubling himself with what that somthing 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

* Binis Comitiis.

"with
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 affirm, *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 a prerogando, because their suffrage was first asked) gives the denomination to your prerogative tribe.*

The elections, whether annual or triennial, being flown by the twenty-second, that which comes in the next place to be consider'd is

23 Order. The constitution, function, and manner of proceeding of the prerogative tribe.

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 promulged, 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 senat 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 cenfors shall animadvert upon the senat, 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 don 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 cognizance of crimes against the majesty of the people, such as high treason, as also of peculiam, 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 determin 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.

* Che la multitudine è più favia & più constante che un principe.
THE proceeding of the prerogative in case of a proposition, is to be thus order'd. The magistrates, proposing by authority of the senat, 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 defist, and the senat shall resume the debate. If the major vote be in the negative, the proposers shall defist, and the senat 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 tribunes in the presence of the proposers, shall be written and reported by the tribunes to the senat. And that which is propos'd by the authority of the senat, 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 tribunes 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 commenced; and if any one of them shall accept of the same, it appertains to him to introduce it. A cause being introduced, and the people must'd or assembled for the decision of the same, the tribunes 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 feast, or large pulpit assigned to the plaintiff, or the accuser; and, upon the left, another for the defendant, each if they please with his counsel. And the tribunes (being attended upon such occasions with so many ballists, secretaries, doorknappers, and messengers of the senat as shall be requisite) one of them shall turn up a glass of the nature of an bonglas, 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 examined, the officer shall lay the glass sideways till the papers be read, and the witnesses examined, 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 done in every respect for the party on the left. And the cause being thus heard, the tribunes 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 judicial 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 be shall have a writ of cas.
2. WHETHER be shall be found so much, or so much.
3. WHETHER be shall be confiscata.
4. WHETHER be shall be render'd incapable of magistracy.
5. WHETHER be shall be banish'd.
6. WHETHER be shall be put to death.
OCEANA.

THREE, 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 class is to see executed accordingly.

BUT whereas by the constitution of this commonwealth it may appear that neither the propositions of the senat, nor the judgment of the people, will be so frequent as to hold the prerogative in continual imposition; 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 magistrate 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 ball of the pantheon, while the parliament resides in the town; or in some grove or sweet place in the field, while the parliament for the rest 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 thereof 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,

"I 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 refult 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 ariseth thro' the want of explaining his terms; for the guard of liberty can signify nothing else but the refult 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 whereas 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 magistrates, 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 somtimes exercis'd by the senat. Nor need I run over the commonwealths in this place for the proof of a thing so doubtles, 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 deputies (whereof three are of the horie) annually elected out of every tribe of Oceana; which being fifty, amounts to one hundred and fifty horie, and two hundred

* Quello appresso il quale e la somma autorita di tutta la citt, e delle leggi & decreti, de i quali pende l'autorita col del senato come ancora di tutti i magistrati, e il consiglio grande.

"foot."
"foot. And the prerogative consisting of three of these lifts, 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 remain-
ing 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
refult than this assembly. It is noted out of CICERO by MACHIAVEL, 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 acknow-
ledge and imbrace it very suddenly, but are the most constant and faithful guar-
dians and conservators of it. It is your duty and office, whero you are also
qualify’d by the orders of this commonwealth, to have the people as you have
your hawks and greyhounds, in leafes and slips, to range the fields, and beat
the bushels 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 alk you what it is, or let’s know it than your hawks and greyhounds do
theirs; but pretently make such a flight or course, that a huntman may as well
undertake to run with his dogs, or a falconer to fly with his hawk, as an aristo-
cracy at this game to compare with the people. The people of Rome were pol-
ished 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 induce the remedy,
which was the agrarian.

"But the prerogative tribe has not only the result, but is the supreme judica-
ture, and the ultimat appeal in this commonwealth. For the popular govern-
ment that makes account to be of any standing, must make fure in the first
place of the † appeal to the people. As an estate in truth 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 common-
wealth loses her liberty. Wherfore 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
canes of ACHAB, and of the tribe of BENJAMIN, adjudg’d by the congregation.
The dicasterian or court call’d the beliaia in Athens, which (the comitia of that
commonwealth consisting of the whole people, and so being too numerous to be
a judicatory) was constituted sometymes of five hundred, at others of one thou-
sand, or, according to the greatness of the caufe, of fifteen hundred, electe’d by
the lot out of the whole body of the people, had with the nine ARCHONS that
were preisdents, the cognizance of such caufes as were of highest importance in
that state. The five ephors in Lacedemon, which were popular magistrates, might
question their kings, as appears by the caies 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 HAMILCARNASSUS and PLUTARCH, instituted in

† Ante omnes de provocatio adversus magistratus ad populum, facandoque cum bonis capite ejus,
qui regni occupandi confisa iniitit.
 imitation of them) had power * to summon any man, his magistracy at least being exerict'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 famine, to relinquish the magistracy of the tribunes; in that of Spurius Cassius for affecting tyranny; of Marcus Sergius for running away at Vei; 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 lesse majestatis, or high treason. Examples of such as were arraigned or try'd for peculiar, or defrauding the commonwealth, were Marcus Curius, for intercepting the mony of the Samnites; Salinator, for the unequal 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 sentenced by the great council; and Antonio Grimani, afterwards doge, question'd, for that he being admiral had suffer'd the Turk 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 tribunes: wherupon Titus Quintus Cincinnatus was created dictator; who having chosen Servilius Ahala to be his lieutenant, or magister equester, 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 to fall on the people, to make them aware of the danger. Wherefore there lyes no appeal from the dicit, 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 fallen, 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 strateus in arms; the signyry in their several courts, as the chancery, the exchequer; as also the councils in divers cafes within their instructions; the cenfors 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

* Dietem dicere.
not understand rhetoric (giving it at this time for granted, that the art were not
otherwise good) and com to treat with, or vindicate the cause of the common-
wealth against some 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. Fur-
thermore, 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, unless
at the same time they have an idea of the whole. That this therefore must 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 pol-
litics will by this means be so open'd, rifled, and dispers'd, that this nation will
as soon doe, like the Indians, upon glass beads, as disturb your government
with whimseys and freaks of motherwit; or suffer themselves to be flutter'd out
of their libertys. There is not any reason why your grandees, your wife 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 eyes.

There remains no more relating to the senat and the people than

The twenty-fourth ORDER, whereby it is lawful for the province of Marpegia to
have 30 knights of their own election continually present in the senat of Oceana, toge-
ther with 60 deputies of borfs, and 120 of foot in the prerogative tribe, includ'd with
equal power (respects 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 deputies of the borfs, and 40 of the foot. The like
in all respects is lawful for Panopea; and the borfs of both the provinces amounting to
one troop, and the foot to one company, one captain and one cornet of the borfs shall be
annually chosen by Marpegia, and one captain and one ensign of the foot shall be an-
nually chosen by Panopea.

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 floods 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 propoling, and of the people resolving; which amounts to an act of parl-
ament. So the parlament is the heart, which, consisting of two ventricles, the
one greater and replenish'd with a gosser matter, the other left and full of a purer,
fucks in, and spours 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 giddinesses 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 stedfastnes by motion? than
which God has ordain'd no other to the universal commonwealth of mankind: fee-
ing one generation come, and another go, but the earth remains firm for ever; that.
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. She considers a field, and buys it: with the fruit of her hands she plants a vineyard. She perceives that her merchandise is good. She stretches forth her hands to the poor. She is not afraid of the snow for her household; for all her household are cloth'd with scarlets. 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 senate of Israel. Nor is our commonwealth a wore houfwife, or she has left regard to her magistrats; as may appear by

**The twenty-fifth Order.** That, whereas the public revenue is thro' the late civil wars dilapidated, the exche, 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, deputies, and other officers, who, according to their several dignities and functions, shall annually receive towards the support of the same, as follows:

| The Lord strategist fitting | 2000 |
| The Lord orator | 2000 |
| The three commissioners of the seal | 4500 |
| The three commissioners of the treasury | 4500 |
| The two censors | 3000 |
| The 290 knights, at 500 l. a man. | 14500 |
| The 4 ambassadors in ordinary | 12000 |
| The council of war for intelligence | 3000 |
| The Master of the ceremonies | 500 |
| The master of the horse | 500 |
| His substitute | 150 |
| The 12 ballottins for their winter liverys | 240 |
| For their summer liverys | 120 |
| For their board-wages | 480 |
| For the keeping of three coaches of plate, 24 coach-borses, with coachmen and postilions } | 1500 |
| For the grooms, and keeping of 16 great horses for the master of the borse, and for the ballottins whom he is to govern and instruct in the art of riding | 480 |
| The 20 secretaries of the parliament | 2000 |
| The 20 doorkeepers, who are to attend with poleaxes, for their coats | 200 |
| For their board-wages | 1000 |
| The 20 messengers, which are trumpeters, for their coats | 200 |
| For their board wages | 1000 |
| For ornament of the muskets of the youth | 5000 |

**Sum** 189370

**Out**
OCEANA.

OUT of the personal estates of every man, who at his death bequeaths not above forty shillings to the master of that hundred wherein it lies, shall be levied one per cent. till the solid revenue of the master of the hundred amounts to 50l. per annum for the prizes of the youth.

The twelve ballots 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 pleas. But every knight during his session shall be bound to give to his footman, or some one of bis footmen, the livery of the commonwealth.

The prerogative tribe shall receive as follows:  

<table>
<thead>
<tr>
<th>Tribe/Tribe of the Body</th>
<th>Weeks</th>
<th>Lib. by the Week</th>
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<tbody>
<tr>
<td>THE 2 tribuns of the body</td>
<td></td>
<td>14</td>
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<tr>
<td>THE 2 tribuns of the foot</td>
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<td>12</td>
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<tr>
<td>THE 3 captains of the body</td>
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<td>15</td>
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<td>THE 3 cornets</td>
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<tr>
<td>THE 3 captains of the foot</td>
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<td>THE 3 ensigns</td>
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<td>7</td>
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<tr>
<td>THE 420 body, at 21. a man</td>
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<td>884</td>
</tr>
<tr>
<td>THE 592 foot, at 11. 10s. a man</td>
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<td>883</td>
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<td>THE 6 trumpeters</td>
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<td>7 10s.</td>
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<td>THE 3 drummers</td>
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<td>2 5s.</td>
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SUM by the week—1850 15s.

SUM by the year—96239

THE dignity of the commonwealth, and aids of the several magistracies and offices thereto belonging, being provided for as aforesaid, the overplus of the exchequer, with the profit of the sum arising, shall be carefully managed by the senat and the people, tho' the diligence of the officers of the exchequer, till it amount to eight millions, or to the purchase of about four hundred thousands pounds solid revenue. At which time, the term of eleven years being expired, the excess, except it be otherwise ordered by the senat and the people, shall be totally remitted and abolished for ever.

At this institution the taxes, 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
My lord Archon,

"I have a singing in my head like that of a cartwheel, my brains are upon a rotation; and I am so merry, that a man cannot speak his griefs, but if your highness' prerogative, and those same thieving fellows your tribuns, do not take my lord strategus', 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 falaries to boot, left they should not be thrown at.

"Not a night can I sleep for som horrid apparition or other; one while these myrmidons are measuring silk by their quarterthanes; another stuffing their greasy pouches with my lord high treasurer's jacobus. 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, left 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 territories 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 Lace-demon, where the senat kept account of the tops 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 enjoy the liberty of his calling; nor is he otherwise legitimately qualify'd (or civitate donatus) to lead apes or bears in any perambulation of the same. Mine holt of the bear, in Kiberton, the father of ale, and patron of good football and cudgel-players, 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 ministris and bearwards, masters of ceremonies, to which there is great recourse in their respective perambulations, and which they will commit 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 football-players? which don as soon as said, your primum mobile consisting of no other stuff, muft of necessity be drawn forth into your nebulones, and your galimafry; and so the silken purles of your senat and prerogative being made of lows ears,
OCEANA.

"...most of them blacksmiths, they will strike while the iron is hot, and beat your estates into hobnails; mine half of the bear being strategus, and king piper lord orator. Well, my lords, it might have bin otherwise exprest, but this is well enough of 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 artifices) 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 pompes, salarys, coaches, lacquys, and pages, what can the people say les, 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 resembld that of Moses, vouchsaf'd this answer:

My lords,

"F

O R 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 the other would be none: but our magistrats, I doubt, may, be somewhat of the oldest to perform this part with much acceptation; 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 mistres should use him so, he would find it a sad life; or I appeal to your lordships, how I can repent 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 promile; 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 procedes further, is yet plainer; while he makes it appear, that there can be no other elected by the people but smiths,

"Brontesque Steropegus & nudus membra Pyracmon:

"Othoniel, Aod, Gideon, Jepthah, Samson, as in *Israel: Miltiades,*
"Aristides, Themistocles, Cimon, Pericles, as in *Athens: Papyrius,*
"Cincinnatus, Camillus, Fabius Scipio, as in *Rome:* smiths of the fortune

* To love and not injoy, is the way to break one's heart.

X

"of
OCEANA.

"of the commonwealth; not such as forger'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. Wherfore we are not so to under-
"stand the maxim of legislators, which holds all men to be wicked, as if it related
"to mankind or a commonwealth, the interests whereof are the only straight lines
"they have whereby 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
"whole education has pretend to that of gentlemen. My lord is so honest, he
"does not know the maxims that are of absolute necessity to the arts of wicked-
"ness; for it is most certain, if there be not more purges than thieves, that the
"thieves themselves must be forced to turn honest, because they cannot thrive by
"their trade: but now if the people should turn thieves, who fees not that there
"would be more thieves than purges? 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 artifì which you mention'd, whether astronomer or arithmetician,
"can tell me how many barlycorns 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
"EUPIMONUS, who breaths now and then into my ears, and stirs the waters. A
"ship makes not her way so briskly, as when the is handsomly bruft 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 EUPIMONUS feigning 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 thou-
"sand 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, combs but to ten pounds a year to each wheather
"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 al-
"ready as this would come to for his share; because if the land were thus divided,
"there would be no body to set him on work. So my lord EUPIMONUS's footman,
"who colts 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 where-
"upon men live, not only better than others upon good shares of lands, but be-
"come 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 four-
"fold 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 Patri-rians, 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 honey. 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 therefore suffer'd countries now and then to be wafted, 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 wise 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 salaries; 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 soldiery 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 salaries too great, and that the commonwealth is not houfswife enough; whether is it better houfswifery that the should keep her family from the snow, or suffer them to burn her houfe 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 some way of flinting at least, if not curing them of that same sacra fames. On the other side, if a poor man (as such a one may have 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 fanbedrim of Israel being the supreme, and a constant court of judicature, could not suffice but be exceeding gainful. The senat of the bean in Abenis, because it was but annual, was moderately salaried; but that of the areopagis being for life, bountifully: and what advantages the senators of Lacedemon 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 employment, 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 common-wealth looks nearer her penny than ours needs to do.

* O fortunati nimium, bona si tua non sint,
Agrice a!

X 2

"For
O C E A N A.

"For the revenue of this nation, besides that of her industry, it amounts, as
has bin shewn, to ten millions; and the salaries in the whole com not to three
hundred thousand pounds a year. The beauty they will add to the common-
wealth will be exceeding 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 magistrates
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
afraid'd to stand buckling upon this point; it is forbid. Your magistrates are
rather to be provided with further accommodations. For what if there should
be sickness? whether will you have them to remove? and this city in the
foundest times, for the heat of the year, is no wholesome 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 sum-
merhouses for them, than if you had built them to that purpose. There is fom
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 com-
pletely capable of the senat: the proposers having lodgings in the convallium,
and the tribuns in Celia, it holds the correspondence 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 dis-
patch'd their business, they may hunt their own venison (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 fell the lead of them; for when you have
consider'd on't, they cannot be far'd. The founders of the school in Hiera pro-
vided that the boys should have a summer feast. You should have as much care
of these magistrates. But there is such a selling, such a Jewish humor in our repub-
licans, 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 waste lately made (the woods adjoining
to this city, which serv'd for the delight and health of it, being cut down to be
fold 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 assemblies but
in such houses, and these are of the best that have bin made with hands. Nor
is it well argued that they are pompous, and therefore 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
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 come from the elders to the youth, or from the civil constitution of this government to the military, but that I judge this the fittest place wherinto, by the way, to infer 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 consist of two cities distinct, as well in name as in government, whereof the other is call’d Hiero: for which cause I shall treat of each apart, beginning with Emporium.

Emporium with the liberties 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 unequally: wherefore the first tribe containing ten wards is call’d scazon, the second containing eight metoche, and the third containing as many as eight, being numbered according to the manner of names in mind concerns the better understanding of the government.

EVERY ward has her wardmote, court, or inquest, consisting of all that are of the clothing or liverys of companies residing within the same.

SUCH are of the livery or clothing as have attain’d to the dignity to wear gowns and particular hoods or tippets, according to the rules and ancient customs of their respective companies.

A COMPANY is a brotherhood of tradesmen professing the same art, governed according to their charter by a master and wardens. Of these there be about sixty, whereof twelve are of greater dignity than the rest, that is to say, the mercers, grocers, drapers, fiishmongers, goldsmiths, skinners, mercantil-tailors, baubadiers, tailors, ironmongers, wintners, clothworkers; which, with most of the rest, have common halls, divers of them being of ancient and magnificent structure, wherein they have frequent meetings at the summons of their master or wardens for the managing and regulation of their respective trades and mysteries. These companies, 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 magistrates or officers; the first of elders or aldermen of the ward, the second of deputies of the same, otherwise called common-council men.

THE wards in these elections, because they do not all sit at once, but one year, and from 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 deputies, fifteen in each ward: all which are triennial magistrates or officers, that is to say, are to bear their dignity for the space of three years.

THE second year the metoche, consisting of eight wards, elects eight aldermen, one in each ward, and a hundred and twenty deputies, fifteen in each ward; being also triennial magistrates.

THE third year tellicoua, consisting of a like number of wards, elects an equal number of like magistrates 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 deputies to three hundred and ninety.
OCEANA.

The court of aldermen.

The court of aldermen thus elected have various 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 whereby he was elected. And last of all, these magistrates being assembled together, constitute the senate of the city, otherwise called 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 common council.

The deputies in like manner being assembled together, constitute the prerogative tribe of the city, otherwise called the common council: by which means the senate 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 hall.

BUT the liveries, over and above the right of these elections by their divisions mentioned, being assembled all together at the guild of the city, constitute another assembly called the common hall.

The election of the lord mayor and sheriffs.

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 magistrates. The lord mayor can be elected out of no other than one of the twelve companies of the first rank; and the common 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 some able lawyer elected by the court of aldermen, and called the recorder of Emporium.

The lord mayor being thus elected, has two capacities: 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 within the city is divided; one of which he is to bring up in payson at the national muster to the battle, as his vicemeries, or high sheriffs, are to do by the other two, each at their distinct partition, where the nine aldermen, elected censors, are to officiate 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 lift calling 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, whereas men under the former administration, when the burden of some of these magistracies lay for life, were oftentimes chosen not for their fitness, but rather unfitness, or at least unwillingness to undergo such a weight, whereby 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 private affairs. Secondly, whereas the city (inasmuch as the acts of the aristocracy, or court of aldermen, in their former way of proceeding, were rather impositions than propositions) was frequently disquieted with the inevitable consequence of disorder in the power of debate exercised by the popular part, or common council; the right of debate being henceforth established in the court of aldermen, and that of result in the common council, killed the branches of division in the root. Which for the present may suffice to have bin said of the city of Emporium.
THAT of Hiera consists as to the national government of two tribes, the first call'd
agora, the second propola: but as to the peculiar policy of twelve manipuls, or
wards divided into three cohorts, each cohort containing four wards; whereof 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
magistrates: by which the twelve burgesses, making one court for the government of this
city, according to their instructions by act of parliament, fall likewise into an annual,
triennial, and perpetual revolution.

THIS court being thus constituted, makes election of divers magistrates: as first, of a
high steward, who is commonly som person of quality, and this magistracy is elected in
the seat by the scrutiny of this court; with him they choose some able lawyer to be his de-
puty, and to bold 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, whereof 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 performed by ballot, and according to the respective
rules already given.

THERE be other cities and corporations through out the territory, whose policy being
much of this kind, would be tedious and not worth the labor to infer, nor dare I say.
Juvenum manus emicit 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 stra-
tegus, and the polemarchs or field officers, confiding of the youth only, and the
provincial confiding 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 do not stand safe, and so that she may set him to form
good and useful work. He spits fire, and blows up cattle: 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 whereby 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 come to owe their utter perdition to their own parents; in each of which the
commonwealth loses a citizen. Wherefore the laws of a government, how whol-
folksoever in themselves, are such as, if men by a congruity in their education
be not bred to find a reliif in them, they will be sure to loath and desert. 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

* Affleti more regio vivere—inter se conquerebanur.—Regem hominem esse à quo impetres ubi
jus, ubi injuria opus sit; esse gravis locum, esse beneficio; & irasci & igno-erce pole; inter amisum &
imicine di crimen nodo. Leges rem fardam, inexcusabilem esse; salubriorem, meliorenque inopii quam
potentis; nihil laudamenti nec venire habearet, fi modum instituisset; periculum esse in tot humanis erroribus
bona inexcussa vivere. Etc. l. 2.
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 enemies. 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 immediately 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 caft. 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 magistrates. A duty that was perform'd in such a manner by the areopagits, as is elegantly praise'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 pedonomi, or schoolmasters, not mercenary, but magistrates of the commonwealth, to which they were accountable for their charge: and by these at the age of fourteen they were presented to other magistrates call'd the bætæ, having the inspection of the games and exercises, among which that of the platanis was famous, a kind of fight in squadrons, but somewhat too fierce. When they came to be of military age, they were lifted of the mora, and so continu'd in readiness for public service under the discipline of the polemarchs. But the Roman education and discipline by the centuries 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

26 Order. 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 whereas 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 bindrance 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 Hiero) if a parent has more sons than one, the censors of the tribes shall animadvert upon and punish him that sends not
not his sons within the ninth year of their age to some 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 serve in the way of apprentices to some trade or otherwise, or to further study, as by sending them to the inns of court, of chancery, or to one of the universities of this nation. But be that takes not upon him one of the professions proper to some of those places, shall not continue longer in any of them than till he be attainted 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 physic, and being no servant, shall be capable of the effects of the youth, and no other person whatsoever: except a man, having taken upon him such a profession, happens to lay it by, 'er he arrives at three or four and twenty years of age, and be admitted to this capacity by the respective phylarch, being satisfied that he be 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 defere to travel into foreign countries upon occasion of busines, delight, or further improvement of his education, the same shall be lawful for him upon a pass obtained from the censors in parliament, putting a convenient limit to the time, and recommending him to the embassadors by whom be shall be assisted, and to whom be shall yield honor and obedience in their respective residencies. 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 country, or some one of the countries where he has bin; and if it be good, the censors shall cause it to be printed and published, prefixing a line in commendation of the author.

EVERY Wednesday next following 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 to 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 officiate 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 stratton or deputy of the youth; and the list of the strattons so elected being taken by the overseers, shall be enter'd in the parish book, and diligently preserved as a record, call'd the first essay. They whose eldest 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 following the last of January, the strattons being muster'd at the rendezvous of their respective hundred, shall in the presence of the jurymen, who are overseers of that ballot, and of the constable who is to officiate 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 rendezvous of the same; the first public game of this commonwealth shall begin and be perform'd in this manner. Wherein there is to be at every rendezvous of a hundred one cannon, culverin, or fakter; the prize arms being forg'd by sworn armours of this commonwealth, and for their proof, besides their beauty, view'd and try'd at the tower of Emporium, shall be expost'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 borseman that gains the prize at the career, one fute of arms being of the value of twenty
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twenty pounds; to the pikeman that gains the prize at throwing the bullet, one suit of arms of the value of ten pounds; to the musketeer that gains the prize at the mark with his musket, one suit of arms of the value of ten pounds; and to the cannoner that gains the prize at the mark with the cannon, culverin, or faker, 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 be lawfully attain’d to two or more of them at the games.

THE games being ended, and the muster dismissed, the captain of the troop or company shall repair with a copy of the lift to the lord lieutenant of the tribe, and the chief confabulate with a duplicate of the same to the custos rotulorum, or mustermaster general, to be also communicated to the cenfors; in each of which the jurymen giving a vote upon every name of an only son, shall certify that the lift is without subterfuge or evasion; or, if it be not, an account of those upon whom the evaision or subterfuge lies, to the end that the phy- larch or the cenfors may animadvert accordingly.

AND every Wednesday next ensuing the first of February, the lord lieutenant, custos rotulorum, the cenfors, and the conducer, shall receive the whole muster of the youth of that tribe at the rendezvous of the same, distributing the borje 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 discipline according to the orders of parliament, or direction of the council of war in that case. And the hundred pounds allowed by the parliament for the ornament of the muster in every tribe, shall be expended by the phy-larch 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 cenfors having prepar’d the urns by putting into the horse-urn 220 gold balls, whereof ten are to be marked’ with the letter M., and other ten with the letter P. into the foot-urn 700 gold balls, whereof 50 are to be marked 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 borje 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 pavement, 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 conducer separating them whose gold balls have no letter, from those whose balls are marked, shall cause the cryer to call the alphabet, as first A., whereupon all those whose gold balls are not marked, and whose surnames begin with the letter A., shall repair to a cleric appertaining to the custos rotulorum, who shall first take the names of said letter, then those of B., and so on, till all the names be alphabetically inrolled. And the youth of this lift being six hundred foot in a tribe, that is, 30000 foot in all the tribes; and two hundred borje in a tribe, that is, 10000 borje 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 marked with M., amounting, by 20 borje and 50 foot in a tribe, to 2500 foot, and 500 borje in all the tribes; and they whose balls are marked with P., in every point correspondent, are parts of the third essay: they in M. being straight to march for Marpelia, and they of P. for Panopea, to the ends, and according to the further directions following in the order for the provincial croft.
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IF the polemarchs or field officers be elected by the scrutiny of the council of war, and the strategus commanded by the parlement or the dictator to march, the lord lieutenants (who have power to muster and discipline 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 readines: and the lord strategus having baving accommodation of horses and arms for his men in readines, and some cavalry, the lord strategus, being also ready and provided with victuals, ammunition, artillery, and all other necessary, 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 stratists, which being ship'd, or march'd out of their tribes, the lord strategus shall receive 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 expired, having a desire to be entertain'd in the further service of the commonwealth, shall present them 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 stratists.

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 levy as they shall have made in either or both of the provinces to that end, shall receive auxiliaries by sea or elsewhere at some certain place, not exceeding his proper arms in number.

AND whatsoever shall refuse any one of his three essays, except upon cause shown be dispensed withal by the phylarch; or, if the phylarch be not assented, by the censors of his tribe, shall be deemed 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 the he has above two sons, there shall not come above half the brothers at one election; and if a man has but one son, be shall not come 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 foreign expeditions, will be prov'd and explained together with

The twenty-seventh ORDER, providing, in case of invasion apprehended, that the lords high sheriffs of the tribes upon commands received from the parlement, 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 30,000 foot, and 10,000 horse, be ready to march with the second essay of the youth, and the be brought also by the conductors to the strategus.

The second essay of the elders and youth being march'd out of their tribes, the lords high sheriffs and lieutenants shall have the remaining part of the annual bands both of elders and youth in readines, where, if the beacons be for'd, shall march to the rendezvous to be in case appointed by the parlement, or the dictator. And the beacons being for'd, the curiata comitii, or parochial congregations, shall elect a fourth both of elders
and youth to be immediately 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 proceed 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 sheriffs; to the end that the commonwealth in her utmost pressure may show her trust that God in his justice will remember mercy, by bumbling her self, and yet preserving her courage, discipline and constancy, even to the last drop of her blood, and the utmost fortuing.

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 money to be repaid upon the certificat of the same by the parliament when the action shall be over. And of that which is respectively join'd by this order, any tribe, parish, magistrate, or person that shall fail, is to answer for it at the council of war, as a defector 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 lufter 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 discourse are the orders of a commonwealth; which, if the go forth in that manner, may complain of her friends that they stand mute, and staring upon her. Wherfore 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 impossible, as to her proper work, comes 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 universities, at the ins of court or chancery, in travels, and in military discipline: some of which I shall but touch, and some I shall handle more at large.

That which is propos'd for the erecting and endowing of schools through the tribes, capable of all the children of the same, and able to give to the poor the education of theirs gratiss, 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 fiftieth year of their age, during which time their work cannot be profitable; and restoring them when they may be of use, furnished with tools whereof there are advantages.
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 wellminded man, to be don in time, and as God shall stir him up or enable him; there being such provision already in the cafe, as may give us leave to proceed without obstrunction.

Parents, under animadversion of the censors, are to dispose of their children at the fifteenth year of their age to some thing; but what, is left, according to their abilities or inclination, at their own choice. This, with the multitude, must be to the mechanics, that is to say, to agriculture or husbandry; to manufactours, or to merchandize.

Agriculture is the bread of the nation; we are hung upon it by the teeth; it is a mighty nurcery of strength, the best army, and the most assur'd knapseac; 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 encouragement of this profession. I could wish I were husband good enough to direct somthing 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 firmam'd Maximus by the Romans.

In manufactours and merchandize has gotten the start of us; but at the long run it will be found, that a people working upon a foren commodity do not 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 encouragement 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 Hollander. But these educations are in order to the first things, or necessaries of nature; as husbandry to the food, manufacture to the clothing, and merchandize to the pur of the commonwealth.

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; of this sort are especially these, religion, justice, courage, and wisdom.

The education that answers to religion in our government is that of the university. 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
has taken wing; as the philosophy of the Stoics from the Pharisees; that of the
Epicureans from the Sadducees; and from the learning of the Jews so often quoted
by our Saviour, 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 universities,
disputes by the same argument against agriculture, manufacture, and merchan-
dize; 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 deferred 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 universities. 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 common-
wealth is not to be attain'd without the knowledge of antient prudence; nor the
knowledge of antient prudence without learning; nor learning without schools of
good literature; and these are such as we call universities. Now tho' mere uni-
versity learning of it self be that which (to speak the words of Verulamius)
crafty men contemn, and simple men only admire, yet is it such as wise men have use
of; for study do not teach their own use, but that is wisdom without and above
them, won by observation. Expert men may execute, and perhaps judge of particular
ars one by one; but the general counsels and the plots, and the marshalling of af-
fairs, 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 left concern'd in this point than government; for take away your uni-
versities, and in a few years you lose it.

The holy Scriptures are written in Hebrew and Greek: 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 fame 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 re-
germination that was between our Saviour and Nicodemus, where Christ repro-
aches 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
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"doctrins held in Israel? I instance in one place of a hundred, which he, that
has not mader'd the circumstancial to which they relate, cannot understand.
Wherfore to the understanding of the Scripture, it is necessary to have antient
languages, and the knowledge of antient times, or the aid of them who have such
knowledge: and to have such as may be always able and ready to give such aid
(unlesse you would borrow it of another nation, which would not only be base,
but deceitful) it is necessary to a commonwealth that they have schools of good
literature, or universitys of her own. We are commanded, as has been said
more than once, to search the Scriptures; and which of 'em search the Scrip-
tures, they that take this pains in antient languages and learning, or they that
will not, but truft to translations only, and to words as they found to present
circumstances? than which nothing is more fallible, or certain to lose the true
fence of Scriptures, pretended to be above human understanding, for no other
caufe than that they are below it. But in searching the Scriptures by the pro-
per use of our universitys, we have bin heretofore blest with greater victoys and
trophys against the purple hoists and golden standards of the Romish hierarchy,
than any nation; and therefor why we should relinquish this upon the presump-
tion of som, that becaufe 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 increafes and
sanctifies it. Wherfore, neither the honor born by the Israelitish, Roman, or any
other commonwealth that I have shewn, to their ecclesiaztics, consifted in being
govern'd by them, but in consulting them in matters of religion; upon whose
reponses 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 miniftry in any
wife fit to be trusted, so far as to exercise any power not deriv'd from the civil
magiftrat in the administration of either. If the Jewish religion were directed
and established by Moses, it was directed and established by the civil magiftrat;
or if Moses exercis'd this administration as a prophet, the fame prophet did in-
vest with the fame administration the sanbedrin, and not the priest; and so dos
our commonwealth the senator, and not the clergy. They who had the supreme
administration or government of the natural religion in Athens, were the first
Archon, the rex sacrificialis, or high priest, and a polemarch; which magiftrats
were ordain'd or elected by the holding up of hands in the church, congrega-
tion 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 subtitute their pythii, embaffadors, or nuncios, by which, not without con-
currence of the senator, they held intelligence with the oracle of Apollo at Del-
phes. And the ecclesIALIZtical part of the commonwealth of Rome was govern'd
by the pontifex maximus, the rex sacrificialis, and the Flamines, all ordain'd or
elected by the people, the pontifex by the + tribes, the king by the + centuries,
and the Flamines 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 superstitious to
our religion; but to shew for that the manner, antient prudence is as well a rule
in divine as human things; nay, and such a one as the apothecaries themseleves,
ordaining elders by the holding up of hands in every congregation, have exactly
follow'd: for some of the congregations where they thus ordain'd elders were
loosed of Antioch, Iconium, Lystra, Derbe, the countries of Lycaonia, Paphlagonia,
Pamphilia, Perga, with Attallia. Now that these cities and countries, when the
Romans propagated their empire into Asia, were found most of them common-
wealths, 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 magistrates, 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 magistrates. 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 other-
wise but where the civil power has left the liberty of her conscience by imbracing
poverty; as also that to take away the liberty of conscience in this administra-
tion from the civil power, were a proceding which has no other precedeint than
such as is popish. Wherefore your religion is settled after the following man-
ner: the universities are the seminaries 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 universities with their emo-
luments, 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 assemblies, except upon the
occasion shewn in the universities, when they are consult'd 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 circumstanced to avoid disturbance of
her government in this kind, that her council proceedes not to election of ma-
gistrates, till it be proclaim'd, fora papalini, by which words such as have con-
flagrancy with red hats, or relation to the court of Rome, are warm'd to with-
draw. If a minister in Holland meddles with matter of state, the magistrate sends
him a pair of shoes; wherupon, if he does 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 or-
dinances 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 suffrages of all nations to this sense, that an ounce of wisdom is
worth a pound of clergy. Your greatest clerks are not your wisest men: and
when some foul absurdity in state is committed, it is common with the French,
and even the Italians, to call it pas de clere, or, governo de prete. They may
bear with men that will be preaching without study, while they will be governing
without
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 universities, and the people in the parishes; and yours is concern'd to see that they do not play the thieves: of which parts does confine 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 whereby the youth commence for all magistracies, offices, and honors in the parish, hundred, tribe, senate or prerogative; divines, physicians, and lawyers, not taking these degrees, exclude themselves from all such magistracies, offices, and honors. And whereas lawyers are likely to exact further reason for this, they (growing up from the most gainful art at the bar to those magistracies upon the bench, which are continually appropriated to themselves, and not only inow'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 ingaged by his profit to the law, as they stand, into the power, which is legislative, and which should keep them to what they were, or ought to be, were a solecism in prudence. It is true, that the legislative power may have need of advice and assentance from the executive magistracy, or such as are learned in the law, for which cause the judges are, as they have heretofore bin, assitants in the senate. Nor, however it came about, can I see any reason why a judge, being but an assitant or lawyer, should be member of a legislative council.

I deny not, that the Roman patricians were all patrons, and that the whole people were clients, some to one family, and some to another, by which means they had their causes pleaded and defended in some 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 senate, 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 senate 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 advocate, nor a patron or advocate 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,
"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 been the world, especially because this is certain (tho it be not re-
garded 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 poli-
tician. 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. Fur-
thermore, the embassys in ordinary by our constitution are the prizes of young
men, more especially such as have bin travellers. Wherefore they of those in-
clinations 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 minifiers;
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 ne-
cessity 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 throw, nor end
but that glory wherof man is capable by art or nature. That the genius of the
Roman family’s commonly prefer’d it self throwout the line (as to influence in som,
the Manlii were still severe, the Publicolae 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
Plebian another, is the like so apparent between different nations, who, ac-
cording to their different educations, have yet as different manners. It was an-
tiently noted, and long confirm’d by the actions of the French, that in their first
affaits 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 fee
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, educa-
tion 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 Marphian would have
beaten ten Oceanars, and when one Oceanar would have beaten ten Marphians.
Marc Anthony was a Roman, but how did that appear in the embraces of Cleo-
patra? 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"
caufe 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 worke at other times, is obvious in Pomy and Caesar; examples by
which Boccacini illustrates the prudence of Venice in her contrary practice, af-
firming it to have bin no small step to the ruin of the Roman liberty, that these
(having tafted in their youth of the supreme honors) had no greater in their age
to hope for, but by perpetuating of the fame 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 Ocean is the province of youth.

The distribution of this province by the eftays is fo fully defcrib'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 faireft: as that from
whence the commonwealth of Rome more particularly deriv'd the empire of the
world. And there is much more reafon in this age, when governments are uni-
versally broken, or swerv'd from their foundations, and the people groan under
tyranny, that the fame caufes (which could not be withflood when the world was
full of popular governments) shou'd have the like effects.

The caufes in the commonwealth of Rome, wherof the empire of the world
was not any miraculous, but a natural (nay I may fafely fay a neceffary) confe-
quenoe, are contain'd in that part of her disciplin which was domestick, and in
that which the exercis'd in her provinces or coqufet. Of the latter I shall have
better occasion to speak when we com to our provincial orbs; the former di-
vided the whole people by tribes, amounting, as Livy and Cicero fhow, at
their full growth to thirty-five, and every tribe by the cens or valuation of
eftates into five claffes: for the fixth being proletary, that is the nursery, or fuch
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 wheras we, ex-
cuding the rich, and arming the poor, becom the vaffals of our fervants, they,
by excufing the poor, and arming fuch as were rich enough to be freemen, be-
came lords of the earth. The nobility and gentry of this nation, who underfand
fo 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 ftrange education for their children to be
common foldiers, and oblig'd to all the duties of arms: nevertheless it is not for
4. a week, but to be capable of being the beft man in the field or in the city;
the latter part of which confideration makes the common foldier herin a better
man than the general of any monarchical army. And wheras it may be thought,
that this would drink deep of noble blood, I dare boldly fay, take the Roman
nobility in the heat of their fierceft wars, and you shall not find fuch a flambles
of them as has bin made of ours by mere luxury and finthfulness; which, kil-
ing the body, kill the foul alfo; Animalque in vulnere ponunt. Wheras common
right is that which he who stands in the vindication of, has us'd that fword of
justice for which he receives the purple of magiftracy. The glory of a man on
earth can go no higher, and if he falls he rifes again, and coms fooner to that
reward which is fo much higher as heaven is above the earth. To return to the

Z 2

" Roman
Roman example: every classis was divided, as has bin more than once shewn into centuries, 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 assembly. But the deleclus, 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 tribunes or colonels; wherof ten, being such as had merited their tenth stipend, were younger officers. The tribunes 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 assembled accordingly, the consuls ascended their tribunal, and the younger tribunes were straight divided into four parts after this manner: four were assign'd to the first legion (a legion at the most consist'd of 6000 foot, and 300 horse) three to the second, four to the third, and three to the fourth. The younger tribunes 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 feasted 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 some one of the five classes; nor any one of the five classes that was not expert at his exercise. 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) carried 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 refused to give his name, he was sold for a slave, or his estate confiscate 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, be 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 answerings, be ordered 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 through the tribes, saying, Whosoever cometh not forth to battle after Saul and Samuel, so shall it be done to his oxen. By which you may observe also, that they who had no cattle 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 Ma-

Judg. 20. 9.

1 Sam. 11. 7.

* Centuriates.
† Marcus Curius Consul cum sabium delectionem edicere coactus est, & juniorum nemo respondisset, coniectis in fortem omnibus, Pollicetque proxima exierat, primum nomen urae exstrahit civitatis iustitium, neque eo respondente, bona adolescentis habell subjicit. Val.

6

CHIAVEL
OCEANA.

"Chiavel and others, that this was not well observ'd) a man could not stand for
magistracy till he was miles emeritus, or had fulfill'd the full term of his militia,
which was complete in his tenth, tipend 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 confus 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 confus; and in these no man had right to serve but a Ro-
man 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 confusular army, with the
legions and auxiliaries, amount to about thirty thousand; and whereas they
commonly levy'd two such armies together, these being join'd made about sixty
thousand.

"The steps whereby our militia follows the greatest captain, are the three
effays: 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 exercices, invited by handiom prizes, such as for
themselves and the honor of them will be coveted; such as will render the hun-
dred a place of sports, and exercice 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 argyrapides, or silver
shields of Alexander's guards) were never worn by so many; such as will pre-
sent 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 eates 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 compass'd?
50 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, establisht the revenue
for ever. Now the hundredes one with another are worth ten thousand pounds a
year dry rent, over and above personal effates, which bring it to twice the value:
so that a twentieth part of one year's revenue of the hundred dos it. If you can-
not 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 husbandses have we
hitherto bin? what is becom of greater sums? my lords, if you should thus call
your bread upon the waters, after many days you shall find it: stand not huck-
ling when you are offer'd corn and your mony again in the mouth of the fack.

"But to proceed: the first effay being officer'd at the hundreds, and mutter'd
at the tribes (where they are entertain'd with other sports, which will be very
fine ones) proceeds to the election of the second effay, or standing army of this
nation, consisting of thirty thousand foot, and ten thousand horse; and the,

† Quod per magnos tumultus feri solitum erat; julitio indito, decletus sine vacationibus habitus est.
Liv.
‡ Curisit.
§ Centuriat.
• Tributis.
" upon
OCEANA.

"... upon a war decreed, being deliver'd at the rendezvous of Oceana to the strategus, are the third essay, which answers to the Roman legions. But you may observe, that whereas the consuls elected the military tribuns, and raised 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 encouragement by the Roman way of proceeding, much less by that which is propos'd. But whereas 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 Marpecha 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 ranknefs 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. Wherfore as a consular army consists of about an equal number of auxiliaries added to their legions by their Latin or Italian afficiats, you may add to a parliamentary army an equal number of Marpechans 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 fourcore thousand men. To make wars with small forces is no husbandry, but a waft, a disease, a lingering and painful confumption 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 fitteft that it should be levy'd. All the antient monarchys by this means got on wing, and attain'd to vaft riches. Wheras your modern princes being dear purchers of small parcels, have but empty pockets. But it may be sion will accule the order of rafhnefs, 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 sifter that spins; but proper forces, with an annual magistrat, are like her that cuts the thread. 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 poffibility 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 huntmen assemble beforehand, tell you which way the ftag shall run, where you shall cast about at the fault, and how you shall ride to be in at the chafe 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 strenght, is spoken of civil administrations: as to those that are military, there is nothing more certain, than that in many counsellors there is weaknefs. Joint commiffions in military affairs, are like hunting your..."
hounds in their couples. In the Attic war Cleomenes and Demaratus, kings of Lacedemon, being thus coupled, tug'd one against another; and while they should have joint'd against the Persian, were the cause of the common calamity: whereupon that commonwealth took better counsel, and made a law, whereby from thenceforth there went at once but one of her kings to battle.

"THE Fidenati being in rebellion, and having slain the colony of the Romans, four tribunes with consular power were created by the people of Rome, whereof 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: whereupon 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 counsels, 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 Equeii, Agrippa for this reason refused to go with his colleague, saying, § That in the administration of great actions it was most safe that the chief command should be lodged in one person. And if the ruin of modern armies were well consider'd, most of it would be found to have fallen 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 senate, 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, whereby 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 Samnites and Tusci. † The senat order'd a vacation to be proclaimed, and a levy to be made of all sorts of persons: and not only the freemen and youths were lifted, but cohorts of the old men were likewise form'd. This nation of all others is the least obnoxious to invasion. Oceana, lays 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 redit) the elders being such as in a martial state must be veterans, the commonwealth invaded gathers strength like Antaeus by her fall, while the whole number of the elders confitting of five hundred thousand, and the youth of as many, being brought up according to the order, give twelve succellive battalions, each battalion confitting 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 acquire'd in human life, grows familiar with death ere she dies. 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 loosing her manhood.

Si fratus illabatur orbis,
Impavidam ferient ruina.

* Tres tribun, potestate consulari, documento fuere, quam plurium imperium bello inutili esset; teniendo ad ea quibus consilia, sum ali ait videre, aperuerunt ad occasionem, recem belli.

† Saluberrimum in administratione magnorum serui, numnum imperii apud unum esset.
THE THE twenty eighth ORDER, wherein the council of a province being constituted of twelve knights, divided by four into three regions (for their term and revolution conformable to the parliament) is perpetuated by the annual election at the tropic of four knights (being triennial magistrates) 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 magisstrat thus chosen, shall be as well president of the provincial council with power to propose to the same, as general of the army. To be council for the rest shall elect weekly provosts, having any two of them also right to propose after the manner of the senatorial councils of Oceana. And whereas all provincial councils are members of the council of state, they may and ought to keep diligent correspondence with the same, which is to be done after this manner: any opinions or opinions legitimately proposed and debated at a provincial council, being sifted and 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, or if it be a matter within their instructions, or by authority of the senat conjoined, 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 levies of men or mony upon common use and safety) shall return such answers, advice, or orders, as in any of the ways mentioned shall be determin’d upon the same. The provincial councils of Marpea 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 moderate 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 500l. per annum, and the strategus 500l. as president, besides his pay as general, which shall be 1000 pounds: the remainder to go to the use of the knights and deputies 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 comes to be posses of richer provinces, the pay of the general or strategus, and of the councils, may be respectively increase’d. The people for the rest shall elect their own magistrates, and be govern’d by their own laws, having power also to appeal from their native or provincial magistrates, if they please, to the people of Oceana. And whereas 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 sealt, shall be sent by four into each province once in two years; who, dividing the same by circuits, shall bear 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 magistracies, 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 theere 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 stratists of the third essay having drawn the gold balls mark'd with the letter M, and being ten barfe and fifty foot in a tribe, that is to say, five hundred borfe, 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 barfe and foot mention'd, which are the third classes of his provincial guard or army, shall forthwith lead them away to Melpia, where the army consists of three classes, each class containing three thousand men, and of five hundred are horfe; 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 stratists 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 required by the respective occasion. If a stratist 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, be may refuse his lot; and if he refuses it, the censor of that urn shall cause the files ballotting at the same to make a ball; and if the stratist 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 proceed.

To perfect the whole structure of this commonwealth, some directions are given to the third essay, or army marching, in

The thirtieth ORDER. When thou goest to battell against thy enemys, and seest horses and chariots, and a people more than thou; be not afraid of them, for the Lord thy God is he that goth with thee to fight for thee against thy enemys. And when thou dividest the spoil, it shall be as a statute and an ordinance to thee, that as his part is that goth down to the battel, so shall his part be that tarry 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 fooldry by the strategus and the polemarchs upon the place according to their discretion) shall be deliver'd to four commissaries of the spoils elected and sworn by the council of war, which commissaries shall be allow'd shipping by the state, and conveyes 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.

30 Order. Deut. 20. 1.
1 Sam. 30. 24.
office in Oceana, where they shall be sold; and the profit arising by such spoils shall be divided into three parts, whereof one shall go to the treasury, another shall be paid to the soldiery of this nation, and a third to the auxiliaries at their return from their service, provided that the said auxiliaries 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, whereof one shall go to the officers, and two to the common soldiers: the like for the auxiliaries. And the share allotted to the officers shall be divided into four equal parts, whereof 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 auxiliaries. And this upon pain, in the case of failure, of what the people of Oceana (to whom the cognizance of peculial or crimes of this nature is properly appertaining) shall adjudge 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 frailties have been 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 the grows, the 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 quae terminet abris.

"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 lighter 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 suffer vno 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 denies 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 fheu 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 superstitious 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,
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 whereof 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 feasible 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 rife 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 unequal, 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 increafe, 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 bofoms of the senate 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 grofs 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 a commonwealth, as we have demonstrated, swerves not from her principles, but by and thro her institution; if she brought no bias into the world with her, her course for any internal cause must be straight forward, as we fee 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 secure'd from swerving by reduction to her first principles: wherfore it is no les 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 pernicous. As if this order (tho which, with the like, the people most apparently became evil) could ever have bin good; or that the 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
"into one scale, that of the nobility (an evil in such a fabric inevitable) kick’d out the people. Wherefore a man that could have made her to throw away the empire of the world, might in that have reduce’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.

"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?

Continuó audite 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 unwieldy burden; but their foundations being now broken, the iron of them enters even into the souls of the oppress’d, 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 cries 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, fit still, and fold your arms, or, which is worst, 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 beaing 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 caufe (that I may com at length to our present busines) 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 diffre’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

* Nos magis patronatum orbis terrarum suscepiimus, quam imperium.
"of Machiavel, having for the rest exceld all other authors, com as far to
excel themselves.

"COMMONWEALTHS, says he, have had three ways of propagating them-
elves, 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 fame of the world, was never prac-
tis'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 scandall 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 Agesilaus, in action, that either of them with thirty thousand men
might have matter'd the east; and certainly, if the one had not flood 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: where-
fore with any man that understands the nature of government this is excusable.

So it was between Oceana and Marpofia; 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 scandall 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 Athen gave occasion of the Peloponnesian war, the wound of which
the dy'd flinking, when Lacedemon, taking the same infection from her carcase,
soon follow'd.

"Wherefore, my lords, let these be warnings to you, not to make that li-
berty which God has given you a snare to others in practising this kind of in-
largement to your selves.

"The second way of propagation or inlargement us'd by commonwealths, is
that of Switzerland and Holland, equal leagues: this, tho' it be not otherwise
mischievous, is useles to the world, and dangerous to themselves: useles to
the world; for as the former governments were florks, these are blocks, have
no lenfe of honor, or concern in the sufferings of others. But as the Etrurians,
a state of the like fabric, were reproach'd by Philip of Macedon, to prostitute
themselves, by letting out their arms to the lufts of others, while they leave
their own liberty barren, and without legitimat issue; so I do not defame these
people: the Swiss for valor has no superior, the Hollander for induftry no
equal; but themselves in the mean time shall so much the lesse excuse their go-
vernments, seeing that to the Swiss 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 the 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.
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 Tusci, hung together like bobbins, without a hand to weave with them: therefore 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 whereby the Romans acquire'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 colonies; 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 practice, was unlawful) nor did she ever demolish any city within that compass, or devest it of liberty; but whereas the most of them were commonwealths, stir'd up by emulation of her great felicity to war against her, if she overcame any, she confiscat'd som part of their lands that were the greatest incendiarys, or causes of the trouble, upon which the planted colonies of her own people, preferring the rest of their lands and liberties for the natives or inhabitants. By this way of proceeding, that I may as brief as possible, she did many and great things.

For in confirming of liberty, she propagat'd her empire; in holding the inhabitants from rebellion, she put a curb upon the incursion of enemies; in exonerating her self of the poorer sort, the multiply'd her citizens; in rewarding her veterans, she render'd the rest less feditious; 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 cal'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 cafes, as those of confirmation of law, or determination in judicature, if both the consuls were agreed, not otherwise; wherfore coming to little, the greatest and most peculiar part of this privilege was, that who had born magistracy (at least that of edil or questor) 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 magistrates, 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 cal'd equal or inequal accordingly.

Pro-
"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 magistrates, 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 questor for the gathering of the public revenue, from which magistrates 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 Quinctius Flaminius; secondly, under that of Lucius Æmilius Paulus; and, thirdly, under that of Quintus Caecilius Metellus, thence call'd Macedonius.

For the first time Philip of Macedon, who (possess of arcorinthbus) boasted no less than was true, that he had Greece in letters, being overcome by Flaminius, had his kingdom revoc'd to him, upon condition that he should immediately set all the cities 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 senate of Rome; which Philip (having no other way to save any thing) agreed should be done accordingly.

The Grecians being at this time assembl'd at the Ithmian 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 immediately 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 cities of Greece and of Asia shake off their iron fetters at the voice of a crier! Was it madness to imagine such a thing, and is it done? 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 so particular men, families or cities, 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 summoned to the tribunal of the general; where remembering 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 magistrates, yielding and paying to the people of Rome one half of the tribute which they were accus'tom'd to pay to their own kings. This don he went on, making fo skilful
skilful a division of the country in order to the methodizing of the people, and
calling 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 form well-deferving friends, gave them in the last place laws so
suitable, and contriv’d with such care and prudence, that long use and expe-
rience (the only correctors 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 tafted 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 imi-
tating such examples as these, that we do not so much as understand that if go-
vernment 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 whereas 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 enjoy
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, whereas they had bin parcel’d out to divers princes, and into divers
states (the caufe of perpetual wars, whereby, hewing one another down, they
became sacrifices to the ambition of their neighbors, or of some 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 define’d by Sconius, a region having provincial right.
Provincial right in general was to be govern’d by a Roman praetor, or conful, in
matters of state, and of the militia: and by a quaesitor, whole office it was
to receive the public revenue. Provincial right in particular was different, ac-
cording to the different leagues or agreements between the commonwealth, and
the people reduc’d into a province. Siculi bos jure sunt, ut quod civis cum cive
agat, demici certet suis legibus; quod sicutus cum siculo non ejusdem civitatis, ut de eo
praetor judices, ex P. Rupili decreto, fortis. Quod privatus a populo petit, aut
populus a privato, sicut ex aliqua civitate, qui judicet, datur, cui altera civi-
tas reiecta sunt. Quod vivis Romanus a siculo petit, siculo justex datur, quod
sicutus a cive Romano, civis Romanus datur. Ceterarum rerum felecti judices ex
civium Romanorum conventu proponi jurent. Inter aratores & decumanos leges fru-
mentaria, quam Hicronican appellant, judicia sunt. 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
O C E A N A.

"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 praetor and a questor. But whereas the provincial way of the Roman commonwealth was that whereby 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 controversies: 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 avarituæ luxuriae) 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 demosttrated 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 neceffary conquence 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 Lycomedon, 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 Lycomedon, 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, valentia non fit injuria; it is said of the people under Eumenus, 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. Eumenus had the fear 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 Eumenus? do not think that the late appearances of God to you have bin altogether for your selves; be

"B b
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"has surely seen the affliction of your brethren, and heard their cry by reason of their taftmasters. 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 done for them. Wherfore 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 prince 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 inares; but either catch, or hold nothing. Lying lips are an abomination to the Lord: if setting up for liberty, you impole your 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 abdicate that magistracy, wherewith he has not only indu'd you, but wherof he will require an account of you; for, cursed is he that doth the work of the Lord negligently. Wherfore you are to take the course of Rome: if you have subdued a nation that is capable of liberty, you shall make them a present of it, as did Flaminius to Greece, and Aemilius to Macedon, referring 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 levy's 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 whereas every nation is not capable of her liberty to this degree, let 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 obser'ved by excellent Aemilius 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 found of a name, have thrown away their liberty, is incredible. Wherfore be affir'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 Mar- pedia be dissolv'd, neither can that people have their liberty there, nor you go-"
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"vern at home; for they continuing still liable to be sold by their lords to foreign 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 dissolved 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 Mar- pesians, 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 deficient of your armies 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 itself: and also thro' your con-federats, by whom in taking and holding you are still more enabled 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 clofe 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 circulates your orb by the annual change of five thousand) having established 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 whereof, they shall have their own estates free to themselves, and be govern'd by their own laws and magistrates; which, if the revenue of the province be in dry rent (as there may be some 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 oppressed that they have nothing at all whereto 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 com-monwealth 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, some of those inestimable benefits of this kind of government, together with the natural and facil emanation of them from their fountain, I can (left God who has appear'd to you, for he is the God of nature, in the glorious constellation of these subordinate causes, wherof we have hitherto bin taking the true elevation, should shake off the dust of
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"of his feet against you) to warn you of the dangers which you, not taking the
opportunity, will incur by omission.
"MACHIAVEL speaking of the defect of Venice, thro her want of proper
arms, cries. 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 incredu-
ility another prince has drunk the poison, even to the convulsion of his people;
but I do not offer you a nerve of war that is made of purest strings, 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 toffing
upon the bed of ficknes, it must end in death or recovery. Tho the people of
the world, in the dregs of the Gothic empire, be yet tumbling and toffing upon
the bed of ficknes, they cannot dy; nor is there any means of recovery for
them but by antient prudence, whence of necessity it must com to pafs, 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 withfand the found, nor the found to preserve their health without curing
of the fick. 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 speake at random.
"Italy, in the confuision of Lucius Aemilius Papus, and Caius Atilius Re-
gulus, arm'd upon the Gallic tumult that then happen'd of her self, and with-
out the aid of foren auxiliarys, seventy thousand horse, and seven hundred thou-
sand foot: but as Italy is the leaft of those three countries in extent, so is France
now the most populous.

I, decus, I, nostrum, melioribus utere satis:

"MY dear lords, Oceana is as the rose of Sharon, and the lily of the vally. As
the lily 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:
ab! wherfore should my eyes behold thee by the rivers of Babylon, hanging thy bargs
upon the willows, thou fairest among women?
"EXCELLENT PATRIOTS; if the people be foeverain, here is that which
establishes their prerrative: if we be sincere, here is that which diffurdens our
souls, and makes good all our ingagemets: if we be charitable, here is that

Queslo taglioli le gambe da montar in cielo.

"which
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 having property in land at such a balance, that the power can never subsist out of the bands 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 monies, who are of the borso; 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 ensuing the last of December, the elders in every parish elect the fiftieth man to be a deputy; which is but half a day's work: every Monday next ensuing the last of January, the deputies meet at their respective hundred, and elect out of their number one justice of the peace, one jurymen, one coroner, and one high constable of the foot; one day's work.

EVERY Monday next ensuing the last of February, the hundreds meet at their respective tribe, and there elect the lords high sheriff, lieutenant, custos rotulorum, the conductor, the two censors out of the borso, 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-sejissions, &c. The day following the tribe elects the annual galaxy, consisting of two knights, and three deputies out of the borso, with four deputies out of the foot, whereby 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 master 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 ever and above the magistrats so divided among them.
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Every Monday next ensuing 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 proceeds to the senatorial elections. Senatorial 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 senatorial magistrats are elected, and the second, by which the senatorial councils are perpetuated.

The first part is of this tenor:

THE lord stratagus,
THE lord orator,
THE first censor,
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 commissi-
oner of the seal,
THE third commissi-
oner 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 stratagus and the orator sitting, are consuls, or presidents of the senat.
The stratagus marching is general of the army, in which case a new stratagus is to be elected in his room.
The stratagus sitting with six commissioners, being councillors 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 universities.
The second part of the tropic perpetuates 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 done 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 junta 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 seisin 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 these 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, be of Spain to Venice, be of Venice to Constantinople, and
and be 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 chooses four more competitors to him; and putting all five to the ballot, he who has most above half the suffrages, is the magistrate. 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 legitimately propos'd to any council must be debated by the same, and so many as are resolv'd upon the debate are introduced 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 deputies of the galaxy being three borde and four foot in a tribe, amount in all the tribes to one hundred and fifty borde, 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 magistrates, call'd tribuns, wherof two are of the borde, and two of the foot. These have the command of the prerogative feisions, and suffrage in the council of war, and feisions without suffrage in the senat.

THE senat having past a decree which they would propose to the people, cause it to be printed and published, or promulged for the space of six weeks; which being order'd, they choose their proposers. The proposers must be magistrates, 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 assembled 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 parliament.

SO the parliament of Oceana consists of the senat propos'd, and the people resolving.

THE people or prerogative are also the supreme judiciary of this nation, having power of hearing and determining all causes of appeal from all magistrates, or courts provincial, or domestic; as also to question any magistrate, the term of his magistracy being expir'd, if the case be introduced 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 deputies; the deputies of the youth are call'd fraxistis, and this is the first essay.

EVERY Wednesday next ensuing the last of January, the fraxistis assembling at the hundred, elect their captain and their ensign, and fall to their games and sports.

EVERY Wednesday next ensuing the last of February, the fraxistis are receiv'd by the lord lieutenant their commander in chief, with the conductors and the censors; and, having him disciplin'd and entertain'd with other games, are call'd to the urns, where they elect the second essay, consisting of two hundred borde and six hundred foot in a tribe; that is, of ten thousand borde, 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 Marpelia and Panopœa; they of either mark being ten borde and fifty
fifty foot in a tribe, that is, five hundred horse, and two thousand five hundred foot in all the tribes, which are fortwith 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 rendezvous of Ocean; 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 shown to the phylarch or the censors, is incapable of magistracy, and is fined 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 Marpeilia; these being triennial magistrates, take their places in the provincial council, consisting of twelve knights, four in every region, each region choosing their weekly proconsuls of the council thus constituted. One knight more chosen out of the same region in the senat, being an annual magistrate, is president, with power to propose, and the opinions proposed by the president, or any two of the proconsuls, are debated by the council, and, if there be occasion of farther power or information 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; whereas the conductors upon notice of his election, and appointment of his rendezvous, deliver to him the strategus of his letter, which he takes with him into his province: and the provincial army having received the new strategus with the third clasps, the council dismisses the old strategus with the first clasps. The like is done for Panopeia, or any other province.

BUT whereas the term of every other magistracy or election in this commonwealth, whether annual or triennial, requires an equal vacation, the term of a provincial counsellor or magistrate 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 entire 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 fit 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 thumb? lift up your heads; away with ambition, that fulsom complexion of a statesman, temper'd
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"temper'd, like Sylla's, with blood and muck. And the Lord give to bis sen-
ators 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!

Philadelpheus the secretary of the council having perform'd his talk in reading
the several orders as you have seen, upon the receipt of a packet from his corre-
spondent Boccalinì, secretary of Parnassus, in reading one of the letters, burst
forth into such a violent passion of weeping and downright howling, that the le-
gislators being startled with the apprehension of some 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 inst ant bis Phœbean majesty having taken the nature of free states into bis
royal consideration, and being steadily persuaded that the laws in such governments are incomparably better and more purely directed to the good of mankind than in any other;
that the courage of such a people is the aptest tender to noble fire; that the genius of
such a foil is that wherein the roots of good literature are least worm-eaten with pedan-
tism, and where their fruits have ever come to the greatest maturity and highest relief;
conceiv'd such a boiling of their ambition and tyranny, who, usurping the liberty of
their native countries, become 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 pur-
chas'd by ill arts: Phœbus, I say, having consider'd this, assemble'd all the senators
residing in the learned court at the theatre of Melpomene, where he caus'd Cæsar
the displator to com upon the stage, and his sister Actia, his nephew Augustus, Julia
his daughter, with the children which she bad by Marcus Agrippa, Lucius and
Caïus Cæsars, Agrippa Posthumus, Julia, and Agrippina, with the nu-
merous progeny which she bore to her renowned husband Germanicus, to enter. A
miserable scene in any, but most deplorable in the eyes of Cæsar, thus beholden what
bavock 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
bloasted by the sword, famine, 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 Claudius, having hunted and fuck'd his blood with the thirst of tigers, to be re-
warded with the Roman empire, and remain in full possession of that famous patri-
mony: a spectacle to pollute the light of heaven! nevertheless as if Cæsar had not yet
enough, his Phœbean 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 conjunct arms of the city of Genoa, into whose bosom, ever fruitful in
her gratitude, he had drop't her fair Liberty like the dew of heaven; which when the
Roman tyrant beheld, how much more fresh that laurel was worn with a firm root

* Nemo unquam imperium frigio quiescitum bonis artibus exercit.
in the hearts of the people, than that which he had torn off, 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 showlike shawing Alps, now cover'd their faces with their large sleeves.

"MY lords, said the Archon rising, witty Philadelphus has given us grave admonition in dreadful tragedy. Dextra judicio moniti, & non tennere divos. Great and glorious Caesar, 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, salutis, saepeque sit buic reipublica. Agite quires, censecre patres, jubete populus: The sea roar'd, and the floods clapt their hands.

LIBERTAS.

The Proclamation of his Highness the Lord Archon of Oceana upon Promulgation of the Model.

Whereas 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 eyes; and it remains their desire that this great work may be carry'd on accordingly: This present meeting 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 done rashly, or without the consent of the people, such, of what party soever, with whom there may remain any doubts or difficulties, are deliv'd with all convenient speed to add'ing themselves to the said prytans; where, if such objections, doubts, or difficulties, receive solution to the satisfaction of the auditor, they shall have public thanks: but if the said objections, doubts, or difficulties, receive no solution to the satisfaction of the auditor, 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 hopes in his highness's table, and be one of the council of legislators. And to God have you in his keeping.

I should
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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 over-labour'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 comes 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.

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 magistrates the commonwealth was ratify'd and establish'd by the whole body of the people, in their parochial, hundred, and county assemblies. And the orators being, by virtue of their scrods or lots, members of their respective tribes, were elected each the first knight of the third lift, or galaxy; wherefore 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 itself, 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 fo like the first call of beautiful order out of chaos and confusion, as the architecture of a well-order'd commonwealth. Wherefore 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 whereof human life is capable: nevertheless that there being another thing of greater concern than all the rest, whereof 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 cheerfully and unanimously ingag'd themselves by promise, desiring him that he

* Curatiis, centuriatis, & tributis comitiis.

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would
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 promised, 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; otherwife tho Plutarch being a priest, was interested in the caufe, there is nothing more 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 exquisite, 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 caus'd 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 firft 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 pherces (without any manner of obstruction or interfering, but as if it had 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 senator and the people that they would observe his institutions, than to a man in perfect health and felicity of disposition, that he would not kill himself. Nevertheless whereas 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 senate 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 senate, 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 senate 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 become 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 welcome to a people, so is there nothing more abhorrent from their nature than ingratitude. We accusing the Roman people of this crime against some 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 whereas 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 Swiss did that which they took in the baggage of Charles of Burgundy. For that Camil-
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Lux had stood more firm against the ruin of Rome than her capital, was acknowledged, 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 die 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 itself be unquestion'd, yet for him under the name of the Just to become universal umpire of the question 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 therefor is not so probable to have come 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 alluded, has irreverently prov'd that popular governments are of all others the least ingrateful; so the obscurity, I say, in 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.

Vincenzo had bin ventilated in privat difcourse, and the people (for the nation was yet divided into partys that had not left their animositys) being troubled, bent their eyes 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 Dorcan, lord Strategus of Oecana (tho in a new commonwealth a very prudent magistrate) proposed his part or opinion in such a manner to the council or flute, that passing the ballot of the same with great unanimity and applause, it was introduced into the senat, where it past with greater. Wherfore the decree being forthwith printed and publish'd, copies were return'd by the secretaries to the phyarchs (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 Turmae, and Linceus de Stella in the tribe of Nubia, being elected proposers pro tempore, bespoke of the tribunes a muster of the people to be held that day six weeks, which was the time allow'd for promulgation at the Halt.

The satisfaction which the people throughout the tribes receiv'd upon promulgation of the decree, loaded the carriers with weekly letters between friend and friend, whether magistrates 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 Salign, captain of the phalanx, march'd by order of the tribunes with his troop to the piazza of the pantoleon, where his trumpets entering into the great hall by their blazon gave notice of his arrival; at which the sergeant 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, proceed 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 Besidia 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 some three or four hundred footmen belonging to the knights or senators; the trumpeters, ballotins, guards, positions, coachmen and footmen, being very gallant in the livery of the commonwealth; but all, except the ballotins, without hats, in lieu whereof 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 beauty 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 som 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 feast, those of the horse in the middle, and those of the foot at either end, with each of them a boul or bason 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 feast, having put off their hats by way of salutation, were answer'd by the people with a shout; wherupon the younger commissioners feared 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 scath you with words, who are already fill'd with that food of the mind, which being of pleasing and wholfsom digestion, takes in the definition of true joy, were a needless enterprize. I shall rather put you in mind of that thankfulnes 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"
even to that pass, that we began to repent ourselves of victory? Far be it from us, my lords, to sacrifice to our own nets, which we our selves have so narrowly escon'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 instrumets. 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 placed by this nation in their true meridian.

My lords,

I am not upon a subject which persuades 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 fight 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 rector'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 Caucass.

Machiavel gives a handom caution, Let no man says he, be circum vented with the glory of Caesar, 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 slavery. But if a man would know truly what the Romans thought of Caesar, 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 Caesar more execrable than Catilin. On the contrary, let him that would know what antient and heroic times, what the Greeks 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 out shine this of my lord Archon? But if dazzling the eyes of the magistrates it over-

aw'd
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"aw'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 foever, 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 fees by his
light. He is impatient of his own glory, left 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 enrich 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 common-
wealth 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 common-
wealth, Olphaus Megalætor pater patriæ, whom God preferve, 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 embassadors, 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 party's; to be governed, directed, and
commanded by and with the advice of the council of war, according to the or-
ders of this commonwealth.
"V. THAT this commonwealth make no distinction of persons or party's, but
every man being elect'd and sworn, according to the orders of the same, be
equally capable of magistracy; or not elect'd, 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 govern-
ment, 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 party's 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 for'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 party's to remaining unconformable to the civil govern-
ment.

The
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 almoft 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. Wherfore 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 done 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 table 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 Paetus, 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 periwed 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 volley 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 volley 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 seate, the senat by their silence seem'd to call for the report; which Argus standing up, deliver'd in this wise:

Right honorable lords and fathers assembled in parliament;

"So it is, that it has fall'n to my lot to report to your excellencies the votes of the people, taken upon the third instant, in the first year of this commonwealth, at the Hall; the right honorable Phosphorus de Auge in the tribe of Eudia, D abbrevia de Enyo in the tribe of Turma, 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. Wherfore 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, Neminem contradicente——
"To the second, Neminem contradicente——

D d  "To
"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) there are to signify to
you the true-heartednes and good-will which is in the people, seeing by joining
with you, as one man, they confesse that all they have to give, is too little for
his highnes. 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 highnes,
who having had it in his power to have don us the greatest mischief that ever be-
ful 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 PHORUS 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 eafe I mean) with a fwitch, 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 fit 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
gell 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. Wherfore there was never
such a thing as this invented, they do verily believe that it is no other than the
sake 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 with. 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. Wherfore 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 moost good and excellent laws, they do pray
for you as the very worthys of the land, right honorable lords and fathers
assembl'd in parlement."

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
a mind that till then misgave him, he became very crown'd, 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 style with the confuls, which could not be, and therefore for ought in him to the contrary, Volero and Candelius might have spoken in no better style than Argus. However, they were not created the first year of the commonwealth; and the tribuns of Ocean a are since become better orators than were needful. But the laws being enacted, had the preamble annex'd, and were deliver'd to Brachus, 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 parliament; 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 Bevia let up his throat, and having chanting 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 Brachus for his high mind happen'd afterward upon some dissatisfaction, too long to tell, that spoil'd much of his embroidery.

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 Stratagus 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 senate, 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 parties 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 senate 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 senate 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 men animositys 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 senate 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 elevated 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 done in their hands as well every whit as in any other. Furthermore, they must have removed 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 come to pass, the senate and the people consisting wholly of royalists, much less by a parcel of
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 party at home, fears from abroad would vanish. But seeing it was otherwise determin'd by the senat and the people, the belt 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 anything 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; wherefore in the senat and the prerogative, confusing 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 heightns, 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 belt, 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: in somuch, as being handsomely disput'd 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 cafe 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 countries 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,
OCEANA.

banded, 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 salaries, 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: whereby 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 cheerfully establisht 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 to be abolisht 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, confesting in privat fortunes, might be eaten out; whence this year is famous for that law whereby 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, whereby unwarily urge a strong argument against that which they would defend. For having their eyes fix'd upon the pomp and experience, by which not only every child of a king being a prince, exhausts his father's coffers; but favorites 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 ha'rs 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 flock or principal: and, secondly, because a frugal father is for the most part succed'd 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 prefer'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
quarterly two hundred pounds a year, free from taxes, for her life, and to assign her a lot for her secuity: if the marry'd, her husband was neither to take out the principal without her consent (acknowleg'd by her self to one of the commissiorders of the treasury, who according as he found it to be free, or for'ed, was to allow or disallow of it) nor any other way ingage it, than to her proper uie. 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 fulnessis and pedantiwm. 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 preferve their innocence. For which cause it was propos'd to the council for religion by the right honorable Cadiscus de Clerc, in the tribe of Stiannum, first censir, 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 wasteful 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 censirs: 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 censirs; and, if after other six months it were found that neither this avail'd, she should be censur'd 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 inlargement.

Furthmore, if any common strumpet should be found or any scurrility or profaneness reprefented 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 defense of comedys, that the provoofs had nothing but the confequences provided against by the foregoing law to object, prevail'd so far, that two of the provoofs of the council of state join'd in a proposition, which after much ado came to a law, whereby one hundred thousand pounds was allotted for the building of two theaters on each side of the piazza of the Hallo: and two annual magiftrats called prelats, chofen out of the knights, were added to the tropic, the one call'd the prelat of the bufkin, for inspeccion of the tragic scene call'd Melipomene; and the other the prelat of the fock, for the comic called Thalia, which magiftrats had each five hundred pounds a year allow'd out of the profits of the theaters; the reft, 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 cre-
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Notification, that had not two parts in three of the suffrages at the academy, assembled after six weeks warning, and upon that occasion.

These things among us are sure enough to be cenfur'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 blame'd in that they forbade dancing, a recreation to which the genius of that air is so inclining, that they left many who would not lose that: nor do they less than blame the former determination of rulers, 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 divertion, and profitable to the public: for the theaters soon defray'd their own charge, and now bring in a good revenue. This is so far from the detriment of virtue, that it is to the improvement of it, seeing women that heretofore made havoc 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. Whereupon 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.

<table>
<thead>
<tr>
<th></th>
<th>1. per ann.</th>
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<tbody>
<tr>
<td>THE lord strategist, marching</td>
<td></td>
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<tr>
<td>General of the horse</td>
<td></td>
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<tr>
<td>Lieutenant general</td>
<td></td>
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<tr>
<td>General of the artillery</td>
<td></td>
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<tr>
<td>Commissary general</td>
<td></td>
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<tr>
<td>Major general</td>
<td></td>
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<tr>
<td>Quartermaster general</td>
<td></td>
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<tr>
<td>Two adjutants to the major general</td>
<td></td>
</tr>
<tr>
<td>Forty colonels</td>
<td></td>
</tr>
<tr>
<td>100 captains of horse, at 500 l. a man</td>
<td>500000</td>
</tr>
<tr>
<td>300 captains of foot, at 300 l. a man</td>
<td>900000</td>
</tr>
<tr>
<td>100 cornets, at 100 l. a man</td>
<td>100000</td>
</tr>
<tr>
<td>300 ensigns, at 50 l. a man</td>
<td>150000</td>
</tr>
<tr>
<td>800 [Quartermasters]</td>
<td></td>
</tr>
<tr>
<td>[Serjeants]</td>
<td></td>
</tr>
<tr>
<td>[Trumpeters]</td>
<td></td>
</tr>
<tr>
<td>[Drummers]</td>
<td></td>
</tr>
<tr>
<td>10000 Horse, at 2 s. 6 d. per day each</td>
<td>470000</td>
</tr>
<tr>
<td>30000 Foot, at 1 s. per day each</td>
<td>500000</td>
</tr>
<tr>
<td>Chirurgeons</td>
<td>400</td>
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</tbody>
</table>

Sum (carried forward) 1214400
OCEANA.

Brought forward 1214400
40000 Auxiliarys, amounting to within a little as much 110000
The charge of mounting 20000 horse 30000
The train of artillery, holding a 3d to the whole 90000

Summa totalis—3514400

Arms and ammunition are not reckon'd, as those which are furnish'd out of the store or arsenal of Emporium: nor waftage, as that which goes 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 commissi'ers brought 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, 1600000
by 700000 l. a year in bank, with the product of the sum rising

EXPENDED from the one and twentieth of this Commonwealth.

IMPRIMIS, For the addition of arms for 100000 men to the 1000000
arsenal, or tower of Emporium
For the storing of the same with artillery 300000
For the storing of the same with ammunition 200000
For beautifying the cities, parks, gardens, public walks, and places 1500000
for recreation of Emporium and Hiero, with public buildings, aqueducts, statues, and fountains, &c.

EXTRAORDINARY embassys 150000

Sum—3150000

REMAINING in the treasury, the salaries of the exchequer being defalk'd, 1200000

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 comes in: for the Romans had no other considerable way but victory whereby to fill their treasury, which nevertheless was seldom empty. ALEXANDER did not confude his purport upon his design for Persea: 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, Gaths, Vandals, Huns, Lombards, Saxons, Normans, made their inroads or conquests, by the strength of the purie; and if it be thought enough, according to the dialect of our age, to say in anfwer to these things, that thole times are past and gon: what mony did the late Gustavus, the moft victorius of moder 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 fum eafy enough, with a revenue like this of Octeana, to be had at any time in readines, 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 cuftom it has bin of old, to be as diligent obervers of foren actions, as careles of thole domestic revolutions which (lefs pleafant it may be, as not partaking fo much of the romance) are to fiatesmen of far greater profit; and this fault, if it be not mine, is fo 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 immene felicily, who having built as high with his counfils, as he dig’d deep with his fword, had now seen fifty years meafur’d with his own interring orbs.

Timoleon (such a hater of tyrants that not able to perufe his brother Timophaenes to relinquith the tyranny of Corinath, he flew him) was afterwards elected by the people (the Sicilians groaning to them from under the like burden) to be sent to their relief: whereupon Teleclides the man that at that time of moft authority in the commonwealth of Corinath, stood up, and giving an exhortation to Timoleon, how he should behave himself in this expedition, told him, that if he reftor’d the Sicilians to liberty, it would be acknowledg’d that he deftoy’d a tyrant; if otherwife, he must expect to hear he had murder’d a king. Timoleon taking his leave, with a very small provision for fo great a defign, purfu’d it with a courage not inferior to, and a felicity beyond any that had bin known to that day immortal flefth, having in the fpae of eight years utterly rooted out of all Sicily thole weeds of tyranny, thro’ the deteftation wherof men fled in fuch abundance from their native country, that whole cities were left defolat; and brought it to fuch a pafs, that others thro’ the fame of his virtues, and the excellency of the foil, flock’d as faft from all quarters to it, as to the garden of the world: while he, being presente by the people of Syracusa with his town-house, and his country retreat, the sweeteft places in either, liv’d with his wife and children a moft quiet, happy, and holy life; for he attributed no part of his succes to himself, but all to the bleffing and providence of the Gods. As he past his time in this manner, admir’d and honou’re by mankind, Laphistius an envious demagog, going to summon him upon some pretence or other to anfwer for himself before the amybly, the people fell into fuch 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. Wherfore when Dæmetis another demagog, had brought the fame defign about again, and blam’d him impertinently to the people for things which he did when he was general. Timoleon anfwer’d nothing, but raising up his hands, gave
gave the Gods thanks for their return to his frequent prayers, that he might but live to see the Syracuscans so free, that they could question whom they pleas'd.

Not long after, being old, thro' fom natural imperfection, he fell blind; but the Syracuscans 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 fom 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 houfe, 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 eyes of the people were as the flowers of autumn.

The life and death of my lord Archon (but that he had his senses to the laft, and that his character, as not the reformer, but the founder of a commonwealth, was greater) is so exactly the fame, that (feeing 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 fo great or sad a funeral pomp had never bin seen or known. Somtime after the performance of the execuys, a Colossus, mounted on a brazen horse of excellent fabric, was erected in the piazza of the pantbeon, 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
GRATA PATRIA
Piae & Perpetuae Memoriae
D. D.

OLPHAUS MEGALETOR

Lord Archon, and sole Legislator

OF

OCEANA.

PATER PATRIA.

Invincible in the Field,
Inviolable in his Faith.
Unsaine 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. sue 116.
Hujus Reipub. 50.

E e 2.
THE
PREROGATIVE
OF
POPULAR GOVERNMENT.
BEING A
POLITICAL DISCOURSE
IN TWO BOOKS.

The Former

Concerning the first Preliminary of Oceana, inlarg'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 Magiftracy, 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 multitudine è più Savia è più colta che un Principe. Machiavel.
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 controversies 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 controversy 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 controversies of the pen next those of religion, those of government are the most honorable, and the most useful; the true end of each, Ibo in a different way, being that the will of God may be done in earth as it is in heaven. Of all controversies of government, those in the vindication of popular government are the most noble, as being that constitution alone, from whence we have that is good is descendent 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 band, 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 ruffs, or must have a scabbard; and the scabbard of this kind of sword is a good frame of government.

A MAN may be possed 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 policies the people have the ultimat reful: but unless there be some 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, Ibo 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 propers, tho frequently changeable, as in that case is necessary, are very few, as the counsellors, the lavi, 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 bas bin with us of late years, that albo in royal authority there was no more than the right of propos'd, and the king himself was to stand (legibus & confuetudinis quas vulgus elegerit) to the reful of the people, yet the popular coun-
To the Reader.

cil has bin put upon invention, and they that have bin the prevailing party have us'd means to keep the restfull to themselves, quite contrary to the nature of popular administration. Let one speak, and the rest judge. Of whatever any one man can say or do, mankind is the natural and competent judge, 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 begg where it was broken. A prudent, intire and fit proposition made to a free parlement, 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 bow confidently do they lay the fault upon the people, and their unfitness, forsooth, for government: in which they are wondrous witty! for, this I will boldly say, Where there was an arisocracy that perform'd their duty, there never was, nor ever can be a people unfit for government; but on the contrary, where the arisocracy 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 arisocracy; 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 buff 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 arisocracy 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 studies? 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 they are phanasical persons, fiate jesuits, such as have reduce'd the politics to mental refrequation, and implicit faith in their nod's or nightmares.

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 goosequill, 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 Boccacini: Apollo having say'd the philosopher and great master of silence Harpocrates in the court of Parnassus, us'd such impomotency with him, that for once he was persuaded to speak; upon which such abrupt discovery was made of the hypocrite, and the gross ignorance he had so long harbord under a deceitful silence, that he was immediately banish'd the court. Were there saulc, I could be modest; but this virtue, to the diminution of sound and solemn principles, would be none: wherefore let a grandee write, and I will show you Harpocrates.

Thus
To the Reader.

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 exercised with boys play, but that some 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, etc.
THE FIRST BOOK,
CONTAINING

The first Preliminary of Oceana, inlarg'd, interpreted, and vindicated from all such Mistakes or Slanders as have bin alleg'd against it under the Notion of Objections.

Ἐὰν μὴν κρατήσῃς ἑαυτόν γελῶντι ἢν Ἐρυθῶν ο' ἴμας μιν ἐν ὑπὸ ἰμίαν χρίσας.
A full Answer to all such Objections as have hitherto bin made against Oceana.

Neither the author or authors of the considera\[s]ions 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 considera\[s]ions, 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.
The PREFACE.

It is commonly said, and not without encouragement by some who think they have Parnassus by the horns, that the university has laft'd me; so it seems I have to do with the university, and laboring 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 ribbons, and their purses, where if they light, as sometimes 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 (difficult eft fatiram 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 goes 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 befeech you gentlemen, are not we the writers of politics from what a ridiculous sort of people? Is it not a fine piece of folly 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 left 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 outriv'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 perfected 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 magiftrat, 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 magiftrat that was good at his stearing 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 crooks, did not pick out the eyes of the living, the ship of government at this day broght Christendom had not struck so often as she bas don. To treat of affairs, says MACHIAVEL, which as to the conduct of 'em appertain to others, may
The P R E F A C E.

be 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:

1. Whether prudence will be well distinguished into antient and modern?
2. Whether a commonwealth be rightly defined 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 distinguished from privat interest?
6. Whether the senatus consulta, 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 Oceania, be not equal and satisfactory to all intereets or parties?
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.
Antient and Modern Prudence.

C H A P. I.

Whether Prudence be well distinguished 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 introduced 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 unequally 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. Hobbes in the place alleg'd, is thus: The manner, saith 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 Menos built a navy, and expelling the malefactors out of the islands, planted colonies of his own, by which means they who inhabited the seacoasts, becoming more addicted to riches, grew more constant to their dwellings: of whom soon, grew new rich, compass'd their towns about with walls. For out of a desire of gain, the manner sort underwent servitude with the mighty; and the mighty (thus over-balancing at home) with their wealth, brought the lesser cities (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 Atalus obtain'd the kingdom of Mycenae: 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 fleighting their seats no longer, at length they sent colonies 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 money enrich'd, their revenues (in what? not in mony, if yet there was no fury: therefore except a man can shew that there was fury in land) being inlarg'd, in most of the cities there were erected tyrannys. Let us lay this place to the former, when out of a desire of gain the manner 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 revenues were inlarg'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 overplus to that which was the cause of their present sufferings slip into popular government, not that upon calms.
calm and mature debates they found it best, but that they might put themselves at the
greatest distance (whereby spirit usually accompanies all reformation) from that with
which they were grown into dislike. Whereby he agrees exactly with his author in
making out the true force and nature of the balance, working even without deli-
beration, 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 fort with Thucydidus 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 uling them ac-
cordingly, found out means, with as little deliberation it may be as a bull takes to
foes a dog, or a hen 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) be had yet lighted on to persuade him, be dos not think
they have bin very great either for matter of war, or otherwise; that is, for matter
of peace or government. And left this should not be plain enough, he calls the
prudence of the three periods, observ’d by Mr. Hobbs, viz. that from the begin-
ning 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, whereof he treats, the im-
becility of antient times. Wherfore certainly this prevaricator, to give him his own
fees, has left 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. Seeing that which
he affirms to be antient prudence is depos’d by his own witnes to have bin the im-
becility of antient times, for 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 Greek, I
shall add no more than one Roman, and that is Florus in his prolog, where (com-
puting the ages of the Romans, in the same manner as Thucydidus did those of
the Greeks) he affirms the time while he lived under their kings, to have bin their in-
sancy; that from the conflux till they conquer’d Italy, their youth; that from hence to
their emperors, their manly age; and the rest (with a complements or Salvo to Tra-
jan his precent 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 Greek and the Roman actions are only 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 does not
belong
belong to that prudence which was chiefest in antiquity? True, says he, it is very frequent with such as have bin conversant with Greeck 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 universitie is no more than to preserve so much of antiquity as may keep a nation from flinking, or being barbarous; which falt 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 Greeks? 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, Greeck and Latin, and not be barbarous, that is to say, rude, unlearned, and inconsiderable? yes, this humour even among the Greeks and Romans themselves was a servile addition to narrow principles, and a piece of very pedantical pride. What, man! the Greeks and the Romans that of all other would serve, servile! 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 Greeks and Romans, the Greeks and Romans are become servily addicted, of narrow principles, very pedants, and prouder of these things they do not understand, than the other were of those they did: for, say they, in this question, the examples of the Babylonians, Perfiens and Egyptians (not to omit the antient and like modern discoveries 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, Perfiain, 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 kind. But they will bear me down, and but with one argument, which I beleech 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 Greeks 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 servile Hebrews, Greeck and Romans; but the same that had the free people of Babylon, Perseia 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, Perseian, 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,
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Book I. dence, 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 whereas 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 no-
ting but slavery, beggary, and Turcifim, what need more words?

C H A P. 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 preliminarys which the prevaricator, as is usual with him,
recites in this place fallly 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 Caesar (which extinguishing liberty, became the translation of antient into
modern prudence, introduc'd in the ruin of the Roman empire by the Goibs and Van-
dals) GOVERNMENT (to define it de jure, or according to antient prudence)
is an art wherby a civil society of men is institutted 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 families, 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 com-
monwealth; or in an empire of men, and not of laws, as monarchy: first, That
law must equally proceed 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 les to act without a mover.

THIRDLY, That the mover of the will is interest.

FOURTHLY, That interest is 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
coms duly up to the law, the nature wherof lys 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, exclud-
ing 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 demontrable 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 remote notion of government, in the foundation and origination of
OF POPULAR GOVERNMENT.

it, in which lys 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, 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 remote notion of government in the foundation and origin 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.

Very good! interest it should seem then is not the first and remote 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 succeed 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 pretends 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 succeed 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 parties agreeing, autoritate patrum & jussu populi, till the parties 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 goes 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 reft, 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 whereas 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 this, that because Harvey in his circulation has

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Book I. follow'd the principles of nature, therefore Aristotle and Cicero have done so in their discourses of government.

Pretty! it is said in Scripture, Thy word is sweet as honey: amounts that but to this, because honey 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, Caesar had not conquer'd many nations: amounts that but to this, because Caesar 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 does not detect 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 doctrines and use upon that of Solomon, I have seen servants upon horses, and princes walking as servants upon the ground, discovers the true means whereby 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 resolve'd by the most, becomes law, and so the whole government an empire of laws, and not of men. This he says is a goodly sermon; it is honest, and sonlic. But let any man make sense or honesty of this doctrine, which is his own; 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, does such a thing; to which indeed the phancy 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?

CHAP. III.

Whether the balance of dominion in land be the natural cause of empire?

The doctrine 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 throuout, 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
OF POPULAR GOVERNMENT.

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. The riches in general have wings, and be apt to bate; yet those in land are the most hooded, and ty'd to the perch, whereas 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 feiz'd, or like a coyduck, may well be great; but the treasurers of the Indies 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.

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 acquired with more ease than it is preferv'd; that is, if the foundation of property be in land: but if in mony, lightly come, 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, whereby 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 interposed, 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 Turk, not from his empire, but his property is call'd; and the empire in this case is absolute monarchy.

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

* Point de Argent, point de Suisse.
THE PREROGATIVE

Book I.

my superstructures, and which confused, 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 comes 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 comes 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 colonies, benefices, or timars, which
was the policy of Mahomet; or when the captain has ten shares, or a nobility
that divides with him, which was the policy introduced 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 flattered 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 po-
sitive. A pig of my own fow; 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 Thucydid, the
meaneer sort thro a deire of gain underwent the servitude of the mighty. Secondly,

Deut. 15. 6.

et 23. 19.

Israel might both have mony, 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
mony; 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 de-
vour 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 fed
alive with it; and if they had not help'd themselves by their tumults, and the in-
fstitution of their tribuns, it had totally ruin'd both them and their government.
In a commonwealth, whole 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 mony itself must be forbidden. Whence Lycurgus allow'd of none, or of such
only
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 fix 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 mony than in land; wherfore 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 mony. Where a small sum may com to overbalance a man's estate in land, there I say usury or mony for the preservation of the balance in land, must of necessity be forbidden, or the government will rather rest upon the balance of mony, 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 overbalance'd by mony, there needs no forbidding of mony or usury. In Lacedemon merchandize was forbidden, in Israel and Rome it was not exercis'd; wherfor to thefe 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 ruft unprofitably in private purses, there being no man that will venture his mony but thro' hope of some 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 becomes a mighty profit to the public, and a charity to privat men; in which sense we may not be perfuaded 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 overbalance'd by mony, whether it be a scarce or plentiful commodity, whether it be accumulat'd by parsimony as in the purse of Henry the 7th, or present'd by fortune, as in the revenue of the Indies, is sufficiently demonstrated, or shall be.

First, by an argument ad dominem, one good enough for the prevaricatar, 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.

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
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 lefs wise than himself. Wherfore 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 perfon, 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 mis'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 conduc 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, 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 with him by no means to 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 fodder, or a lover, neither of which makes a good merchant, and without merchandise you will have a lean bank. It is true, the family of the Medic 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 fett'd government; which cauces, if he can give them all such another meeting, may do as much for another man. Other wise let it be agreed and resolv'd, that in a territory of any extent, the balance of empire confineth 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 blackberries. For all that, says another comedian, no doubt but a revenue
OF POPULAR GOVERNMENT.

revenue in taxes is as good as a revenue in feemote; for this, in brief, is the sense of his former particular, or that part of it, which, the mortis and the banks being already discharg'd, remains to be answer'd. Yet that the rents and profits of a man's land in feemote 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 therefore voluntarily establisht by the whole people, is an apparent thing. So a man that will receive the rents and profits of other men's 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 possess 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 comes 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 sustain 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) conduces to empire; that is, as much as could any natural balance of the same! he may stam mouths, as he has done som, but he shall never make a politician. The earth yields her natural increase without losing her heart; but if you come once to force her, look your force continue, or the 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 would check them, to the end he may fly out with them in others, where 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 vagaries are to be fetched home to this place.

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 territories, 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. Wherfore 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 demeans, and so the balance of his property must have answer'd to his empire, as did that also of Abraham and Lot to theirs. Wherfore this way of deduction comes directly home again to the balance. Paterfamilias Latifundia possidens, &c. De jure elli, l. 1. c. 3. Grotius. Fathers of family's are of three sorts, either a sole landlord, as Adam, and
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 families 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 money 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 caulsire. The strength whereby this effect can be expected, consists not in a pair of sculls, but in an army; and an army is a beast with a great belly, which sublifts 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 sheaf of their own pastures, they are not only a flock of sheep, but an army of lions, tho' by some accidents, as I confess 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, Nabir, &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 Syracuse. Parvi sunt arma foras, nisi fit conflitum 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 caufe to complain of a great disappointment, who, while at my hand that satisfaction in the principles of government was expected, which several great states 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 whereas 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 malady.
OF POPULAR GOVERNMENT.

CHAP. IV.

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 fore; therefore you must either not plant your citizens in your provinces, where in time they will become native; or, so planting them, neither truft them with power nor with arms. Thus the provincial balance comes 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 satisfied in this demand, whether distinct balances under the same head or governor, as those of Castile and Aragon, 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 Aragon, it must have bin one of two ways, either by strengthening the balance of the nobility, and governing the Aragonian 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 Aragon provincial, does 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 Scotlant 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 soverainty has many territories 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 soveraintries in Europe being no other, the more nice than wise speculation of the considerer, who has not bin able to discern the balance of a league from that of empire, is a mare's neft.
THE PREROGATIVE

Book I.

CHAP. V.

Whether there be any common Right or Interest of Mankind disjoined from the parts taken severally; and how by the Orders of a Commonwealth it may be best distinguished from privat Interest.

In the next place the prevaricator does 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 does 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 senfe 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 convinced 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 does the dogs, when having pitt upon his tail, and flapt it in their eyes, he gets away. Dos not his book deferve to be gilded and carry'd in statesmen's pokes? alas! mine are nothing? Quis legit hunc? vel duo, vel nemo: they break the stationer. And yet let me comfort myself, whose are better? The prevaricator seems to fet 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 whereon 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 senfe: 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 senfe, seeing divers of them abstain from their own profit, either in regard of the sake 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 therfore follow that the eminent degree of reason, whereby God has indu'd man, must in him deface that natural affection, and defention in some cafes 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 families; and in providing for their families, provide for their whole commonwealth; that is, forfake in some things their privat good and safety, for the good of the public, or of the kind. In this case it is that even stones or heavy things, says Hooker, forfake their ordinary wont or centre, and fly upwards to 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 all by election, than that there is such a thing as a common interest of
of mankind. This is like the rest, Hooker speaks of the necessity that is in nature, and this gentleman translates that fenle into the word election. So because a stone is necesseitiated to comply with the common interest of nature, without discourse or election; therefore it rather follows from hence, that things wanting fenle make discourses, and all 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 the 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 demonstrat'd. All civil laws acknowledge that there is a common interest of mankind, and all civil laws proceed 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 acknowledgment 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, the acknowledge'd in part by all governments, yet thro their natural frailty is nothing so well provided for in form 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 uffes that are privat, is thieving. But such thieves will not be hang'd; in this case therefore the government goes not upon public but privat interest. In the frame of such a government as can go upon no other than the public interest, contains that whole philosophy of the soul which concerns policy: and this whole philosophy of the soul being through the commonwealth of Oceana demonstrat'd; for the prevaricator to intimat that I have omitted it, is to shew what it is that he loves more than truth. The main of this philosophy contains in depoing passion, and advancing reason to the throne of empire. I expected news in this place, that this were to promis 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-fickness, shew'd that they were past the rod, he has taken them up! Tantane animis celestibus ire! 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 aun't, 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 chule; when in coms this rude fellow: how now, gentlemen, says he, what dividing and chufing! will no lefs serve your turn than the whole mystery of a well-order'd commonwealth? ubo 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 crounies, convers'd with the speculativi, learn'd of the most serene lady Venetia to work with bobbins, makes you a magistracy like a pippin pie, and sells butterprints with S. P. Q. R? have don, as you dread ballads, futile pamphlets, or the otracism of Billinggate. 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?
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Book I.
com, when I live to see Machiavel in purgation, a commonwealth com out of a bakehouse, where monks were the boulters, let me be a miller's horse——But now you must know coms the best jost of all, and I need not say that it comes from Oxford; he tells them that their cake is do (let it not be loft I beseech you) and so snatchit it away, eats it, for all the world as Jackpuding eats the custard. Did you ever see such a beffia?

But whereas 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 chufe, 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 wifteft debate; and the reſult of the many (because every man has an intereft what to chufe, and that choice which futes with every man's interest, excludes the diſtinct privat intereft or paffion of any man, and so comes up to the common and public intereft or reaſon) is the wifteft reſult. To this end, God, who does nothing in vain, has 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, wherein 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 fix, excelling the fourteen in greatness of parts. These fix falling into discourse of buſineſs, or giving their judgment upon perfons or things, tho' but by way of mere converfation, will discover their abilities; whereupon they shall be lift'n'd to and regarded by the fourteen; that is, the fix will acquire an authority with, and imprint a reverence upon the fourteen: which action and paffion in the Roman commonwealth were call'd authoritas patrum, & verecundia plebis. Nevertheless if the fix endeavor 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 confenting, they hurt not only themselves by in-damaging their own interefts, but hurt the fix alfo, who by this means com to lose their virtue, and fo 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 confenting, they preferve not only their own liberty, but the integrity of the fix alfo, who perceiving that they cannot impair the common intereft, have no other intereft left but to improve it.

And neither any converfation, nor any people, how dull foever and subjeft by fits to be deluded, but will soon fee this much, which is enough, because what is thus propos'd by the authority of the fix or of the fenat, and resolv'd by the fourteen, or by the people, is enact'd by the whole, and becomes that law, than which, tho' mankind be not infallible, there can be nothing les fallible in mankind. Art is the imitation of nature; by obfervation of such lines as these in the face of nature, a politician limns his commonwealth. But says the prevrator, the paradoxism be

in this, that the twenty men are first suppos'd to be a commonwealth, and then it is consi

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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 preumes the face to be a picture; and in this same, there is lying, being, or squating, a thing calle'd a paralogism. Did you ever hear such a parakefim? 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, the she does not understand her self, is understood by others, whereas 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 heget a desire of exchange; as let me have your horse, and you shall have my cow, which is the fountain of privat contrails: 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 bands of a power from which he can afterwards have no shield. To read it throughly for the understanding, as is intimad 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 some 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, let the superstructures accordingly; and he who complains forthwith, 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 fix in their consultations shall not rather aim at their own advantage, than that of the fourteen, and so make use of the eminence of their parts to circumvent the rest? in another place he can anwier himself and say, that the fourteen, or the people in this constitution, have the vote and the sword too. How then should the fix 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 wise enough to conjult too, and making use of their excess in power, pull the fix 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 senators, or can depose the senate, and remain a commonwealth. The people of Capua being inrag'd to the full height, revolv'd and assembl'd together (the senate, if the people will, being always in their power) on purpose to cut the throats of the senators,
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nators, when Pacuvius Calavius exhorted them that e’er they went upon the design, they would first make election among themselves of a new senator, 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 whatsoever becoms of this, you must have some 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 succeeding senat out of themselves (the prævaricator 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 party’s 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 enterprise, that flinking 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, the 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 levity, my hypothesis, or his + hypotheyes? 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 some 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 in 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?

C H A P. 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 succeds 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 advan-

* Senatum omnino non habere non vuls: Quippe aut rex, quod abominandum; aut, quod sum libere civitatis concili um est, senatus habendus est. Liv.
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 WHETHER THE TEN COMMANDMENTS WERE PROPOSD BY GOD OR MOSES, AND VOTED BY THE PEOPLE OF ISRAEL.

ONE would think the Gascon had done 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 done, their liberties in many parts and places being more antient than the Christian religion in those countries (as is plain by Tacitus, where he speaks of Civilia, 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. The next is a storm, while reproaching me with rudenes, 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 the transfigur'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, they be in

* Quod principi placuit legis habere vigorem, quam lege regia quae de ejus imperio late est, populus ei, & in eum omne imperium saum & potestatem concedat.

natural
natural equity, yet were not the laws of Israel or of England, till voted by the people of Israel, or the parliament of England, is to affect 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. In which poperys 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 fanbedrim 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 caufe of being, or the Creator of mankind, omnipotent power is inseparsable; yet is equal is the goodnes of this nature to the greatnes thereof, that as he is the caufe of wellbeing by way of election, for example in his choisen 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? 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; which proposition being voted by the people in the affirmativ, God procedes to propoce to them the ten commandments in so dreadful a manner, that the people being exceedingly affrighted, say to Moses, speak 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 die. From whenceforth God propoces to the people no otherwine than by Moses, whom he instructs in this manner: these are the judgments which thou shalt propose or set before them. 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. Neither did God in this case make use of his omnipotent power, nor Christ in the like, who also is king after the fame 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 argyrospides, as never prince could fowe 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? 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 the Jews; and so if the ten commandments came to be the law of Israel, it was not only because God propoc'd them, seeing Christ also propos'd his law, which nevertheless came not to be the law of the Jews; but becaufe 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 becaufe God has propos'd it, but also becaufe the people or magistrat has receiv'd it, or receiv'd upon it; otherwise we must se: 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,
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heathen, who are a law to themselves. Thus whereas in a covenant there must be
two parties, 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 refus'd 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 free-will, 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 comes to be turn'd one way or other, the will is caus'd, and being caus'd is necessitated. When God comes in thus upon the soul of man, he gives both the will and the deed; from which like office of the senate in a commonwealth, that is, from the excellency of their deliberation and debate, which prudently and faithfully unfolded to the people, dos also frequently caufe and necessitate 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 word; Chiretonia and Ecclesia, the prevaricator is delighted to make me belov'd 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 (Θεος ἀπεχεῖσθαι τὴς Ἐκκλησίας) that they unciretoniz'd or unvoted God of the kingdom. Now if they unciretoniz'd or unvoted God of the kingdom, then they had ciretoniz'd or voted him to the kingdom; and so not only the doctrin that God was king in Israel by compact or covenant, but the use of the word Chiretonia 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 Greecian commonwealths, and mis it, so I do not remember that Mr. Hobbs has spok'n 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 fo 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 whole whol'olm fame and doctrin the good of mankind being concern'd, my conscience bears me witness that I have don my duty. Neverthel's 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 great't of new lights, and those which I have follow'd, and shal follow.

* Dei populi Judaici rex erat veluti politicus, & civilis legislator. In disribu de voto Jephthae.
Chapter VIII.

Whether a Commonwealth coming up to the perfection of the kind, comes 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 preliminaries; which, because it is short, I shall repeat.

AN equal commonwealth is a government established upon an equal agrarian, arising into the superficies of the whole, the senate 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 doctrine of pure and absolute monarchy be observed, can be no Englishman, is call'd an Irish Boog; as in some 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.

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 some sort to disturb the peace by robbing upon the highway, or in 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 goes upon the nature of the government, and the content or discontent of the few, or the many. The discontent, whether of the few or the many, derive from that which is, or by them is thought to be 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 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 whereby the liberty of the people is secure'd to them: not of power, because the power which otherwise they could not exercise, is thus extended 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
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 men industry, but be distributed by the poll, were inequal. Wherefore the people in an equal commonwealth having none of those interefts which are the causes of sedition, can be subject to no such effect.

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 propor'd the people have the power, but can have no such intereft; and the people having no such intereft, 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, whereof the governor is possed, so vastly exceeds the power remaining with those who are to obey (which in case of content 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 spok' 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 cafe they had such an intereft, nor can have any such intereft in cafe they had such power. For example in Oceana, putting the cafe that the few were as powerful as it is possible they should be; that is, that the whole land was fallen into five thouhand hands: the five thouhand, 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 les, the power or commonwealth, in which there be five thouhand equals, being not greater, but much les 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 thouhand, 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 intereft if they had the power, nor have any such power if they had the intereft, the people being equally possed 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 senat and the congregation in Lacedemon, or the senat and the great council in Venice; for the gentlemen of Venice, as has bin 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, wherof the former only had a hereditary capacity of the senat: whence it coms to pafs that the senat and the people in an equal commonwealth having but one and the same interest, never were nor can be at variance; and that the senat 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 Confiderer 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 confider'd as not taking in the helots; and then in her felt she was an equal commonwealth void of any sedition, or caufe 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 the 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 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 sees not the imposture? Indeed he blushes at it himself. Wherfore 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 Ephors, that is, by a court of justice, and not by the sword; the like happen'd in Leotychides the known bann'd of Alcibiades, or so confess'd 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 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 Zaraex was ruin'd, andPyrrhus came into the game, who besieg'd the capital city: the reign of Agis and Cleomenes was so full of turbulence, as would put a man out of breath to relate. Fair and softly; was not 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 does this affirm his assertion or mine?
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But for better luck in Venice. This city by Mr. Harrington's own confession is posset of several advantages. Yes, I say that the commonwealth of Venice, thus seated, is like a man in a citadel, who thereby may be the safer from his enemies, but ne'er a whit the safer from diseases. What conclusion would you expect he should infer from hence? Why among these therefore there is good cause to reckon her immunity from seditions: do not our logician repeat faithfully, and dispute honestly? Again, Sir, she is like a ship ready to be boarded by pirates, has the Turk 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 islands, whose frontiers are not bounded by the territories of other princes. Well, but since the last regiment (in English, reformation) in the time of Gradenigo, you have had three seditions in Venice, that of Marino Boccioni, that of Baiamonte Tiepolo, and that of Marino Farierio.

Bodin has bin long since beaten for this like a flockish, 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 duke be so for Bocconi's? Again, Farierio 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 parliament, but were hang'd before they could do it; thencefore England was in this relation a seditious government, else why was Venice? There pass'd not a month but there dy rogues at Tyburn, is the government thence 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 caitiff but the cure of sedition; and to there are undeniable arguments that Venice is not seditious, where, since the reformation, there has not been a cut finger upon this score, have 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 Mepius that dangerously affected monarchy, because to those 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. But 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 janizaries at any time may do as much, it is undeniable 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 so 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 befal 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 falsehoods and absurdities in the proceeding of the prevaricator, as where
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Book I. 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 altó by which Falerno had like to have spoild 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 pirats, he instancies in such examples to the contrary, as took occasion by the hair of a forren scalp, while in those of Bocconi and Trepolo the commonwealth by her wars with the Genoese and Ferrara, was put to her plunges, and in that of Falerno 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 fenat 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 fenat 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 free thousand, or bringing the agrarian from two to one thousand pounds a year, or less, as they fancy.

To which I answer by a like question, what security will he give me that the people of any commonwealth shall not call themselves into the fea? a prince may be mad, and do so, but the people are naturally incapable of such madness. If men will boast of their knowlege 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 form 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 free thousand, and so the booty may be great, and the resistance small. Good: the Romans being the wifeft 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 wife; 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 trustied with a vote; what was that of the house of commons? let dominion or freehold stand upon what balance you will, unequal 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 thersore 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 whereby he provides for them; so it was with the people, they are not levellers, nor know they why, and yet it is, because
caule to be levellers were to destroy themselves. For, seeing I must repeat, to repeat briefly; there is no territory of any extent and pullulativeness 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 twofold 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, if they obtain they lose two for one; and if they obtain not, all for nothing. Wherfore a people never will, nor never 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, preferring the revenue of that, may bring themselves into the possession of the land too. This will they, this can they let do, because being in counsel they must propose so much 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 content to abolish the agrarian, because that were to content 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 enrichments 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 colts his maller 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 caule of disagreement between the few and the many, the serant 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 contrive, such an interest or power, as should be able to disturb the commonwealth with sedition. Yet after all this, the prevaricatar 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 idiom of some mathematician resembling his, who imagin'd the stream of a river to be like that of his spigot.

Rusticus expectat dum defluat annis, at ille Labitur & labetur in omne volubilis secum.

The
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. Wherfore there is not any thing that raises itself 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 three score years and ten; I may say, that if a man lays bed-rid, or dys before three score years and ten, of any natural infirmity or dis ease, it was not thro' any imperfection of mankind, but of his particular constitutition: so in relation to the principles and definition of an equal commonwealth yet unhaken, nay un-touch'd by this prevaricator, I may safely affirm, that a commonwealth is a government, which if it has bin feticious, 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 inequal. My retreat to these principles is call'd running into a bog; as if such as have no principles were not bogs, Informis limis, stygiiaque paludes.

CHAP. IX.

Whether Monarchy coming up to the Perfection of the Kind, comes 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 Janizareys 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 Ocean, 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
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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.

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 previcator, 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 whereby he intends the flaw or hole in monarchy by arms shall henceforth be mended and tite, is this: that the guards of the kings person be not increased 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 parties and commands; as we may see in France, where both (in proportion to the extent of their dominions) the king's guards be more numerous than those of the Roman or Turkifh emperors, yet being divided into distinct bodies of French, Scots and Switzers, under their several colones and captains, they have never bin the authors of any of the least sedition. And in Turky of late years they begin to learn the art of poising the Janizarys by the Saphys, and so have frequently evaded the danger of their mutinys. Which fine work at first view goes upon this false ground, that the foundation of monarchy by arms is laid upon the prince's guards or the court militia, whereas 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 troubled; 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 therfor 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 therfor 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 colonies (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 lies 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 becom, as we have seen, the rite 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) wherfore when this happens in the Turkish monarchy, it is at an end. And that this do not happen, tho there be divers other concurrent policies, 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
greater in number than the Janizarys that are foot, would (in case the aw 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 easilie 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 dislike of monarchy by arms, we may consult the more rationally with the considerer upon the applications or remedys 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 sit per plura, quad fieri potest per pauciora) might have bin spar'd (Cela s'en va sans le dire, comme les heures de nostre cure.)

Secondly, That they be not suffer'd to stagnate 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 itself (which by the instigation should always be in exercice of arms) is the cause of that present decay, so perceptible in this empire. But the prince sitting still or stagnating, to what the circulation of the Janizarys (whole alienation from the government, or intelligence with the Timariots, must needs be of dangerous consequence) could tend, should have bin thought on: otherwithe 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 entire body united under the same head, but be divided under several colonels, captains, party, 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 intimates perhaps divers generals, and divers armes; now such are the Turks Beglerbegs, and the provinces under their government. That these therefore be kept divided, so that not any two of them can lay their heads together without having them cut off, nor any son succeed the father in government, requires that there be always a sufficient force (distinct from the interel of the Timariots and Beglerbegs) united, and still ready upon occasion of this service; and the Janizarys with the Isabys or court-horle 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 impossiile, the provinces, if liberty, or riches, or power be desirable, would never indure the yoke of this government. Wherefore it being inavoidable in the Turks 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
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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 rifes any danger to the crown, but when either a great part of the soverain 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 dependance, as the princes of the blood and Lorraine, not long since, in France; and of old the Montforts and Nevils in England. The frst 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 reduced (decimo sexto) to a lesser volum, and level'd into an equality with the rest of their order.

His puttin 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 thersore (and all fuch 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 fngers, by which means the antient and late government of king, lords and commons, was reftor'd are vicious conftitutions, and monarchys only in name: such as he will not meddle with, and thersore 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 dependance, as the princes of the blood and Lorraine, not long since, in France; and of old the Montforts and the Nevils in England. So then the fame again (for these are no other) upon re-collection, are thos that admit of this easy cure. Let the great ones be reduced 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 cafe a man has the gout, his phyfician 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 remedy, and instituteth the method that should do this feat. What is the method of our Ἀσκελαπίου; point de nouvelle; or where are we to find it? én where you please. The princes of the blood, and of Lorraine 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, intrufhed them with the managing of their arms or affairs. So the prince that would have level'd them, mutt have level'd their party; which in cafe 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 muft prefcive bis nobility weighty enough to keep the people under, and yet not tall enough in any parcular person to measure with himelf: which, abating the figure, is the fame again; and so I have nothing to anwer but the figure. Now for this, the prince himfelf is no otherwife tall, than by being fet upon the shoulders of the nobility; and so if they fet another upon the fame fhoilders (as in Henry the 4th or the 7th, who had no titles to the crown, nor could otherwife have measur'd with the prince) be he never so low, he coms to be tall enough in his parcular person to measure with the prince, and to be taller too, not only by thos old examples, but others that are younger than our felves, tho fuch (the nobility having not of late bin weighty
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weighty enough to keep the people under) as derive from another principle, that of 
popular balance. A prince therfore preferring 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 dis-
pole of the king, or of the government. Nor under a less weight is a nobility qua-
lify'd to keep down the people, as by an argument from the contrary. Henry 
the 7th having found the strenght of his nobility, that fet 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, releaing the people by degrees, 
has caus'd that plain or level into which we live to see the mountain of that mo-
narchy now sunk and swallow'd: wherfore the balance of the nobility being such as 
failing, that kind of monarchy com's to ruin; and not failing, the nobility, if they 
join, may give law to the king, the inherent diseafe of a monarchy by a nobility 
remains also uncur'd and incurable.

These are points to which I had spoken before; but somthing 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, let I be thought 
to have courted opposition for nothing, shall open a new scene; while I take oc-
casion in this place to speak first of the balance of the French monarchy, and next of 
the nature and use of foren guards.

The whole territory of France except the crown lands, which on this account 
are not considerable, consists of three shares or parts, whereof the church holds one, 
the nobility another; and the presidents, advocates, 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 peaf-
ant holding nothing, but living (who in one of the beft countries of the world) in 
the meanest and moft miserable condition of a laborer, or hynd, is of no account at 
all.

The parties that hold the balance in a territory are those of whom the government 
does naturally consist, wherof 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 ac-
count, is not call'd the commons, but only the third estate: whereas the yeomanry 
and gentry in England having weight 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 patri-
arcs, instructed their family, or sacrifi'd. There seems to have bin a kind of com-
monwealth in Canaan, while Melchizedec was both king and priest. Such also was 
Moses, still be consecrated Aaron, and confer'd the priesthood upon the Levites, who 
are expressly fai'd to succede to the firstborn, that is to the patriarchs, who till then ex-
erci'd that function. Nor was it otherwise with the Gentils, where they, who had 
the souvereign power, or were in eminent magistracy, did also the priestly office (omnino 

Grothus de 
imp. fam. pot. 
circa facta, 
c. 2. f. 4.
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apud veteres qui rerum potiebantur, iidem auguria tenebant: ut enim sapere, sic divinare, regale ducerebat, fvt CICERO; et VIRGIL, REX ANNIUS, rex idem hominum, PHOEBOQUE facerdos.) You find the hero, that is prince, 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. This came, it should seem, to be otherwise establish'd by the law in Egypt, where the priests (whose lands JOSEPH when he bought thosé 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. While AEGISLAUS was in Egypt they depos'd their king, which implies the recovery of their balance; but io, seeing they set up another, as withal shews the balance of the nobility to have bin predominant. These particulars seem to come near to the account of DIODORUS SICULUS, by whom the balance of Egypt should have stood thus: the whole revenue was divided into three parts, whereas of 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, 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 suceeding 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 distribut'd into three estates 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 fai'd, 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 antiquiter than the Gotbs and Vandals, who introducing a like policy, which to this day takes place throuout the Christian world, have bin the caufe;

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 estate or landlords, was never known in the world: for that some cities of Greece, taking arms upon the usurpation or violation of some 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 Gotbs and Vandals, who brought in the third estate, a government, if it were inequal, confis'ted but of two estates; as that of Rome, whether under the kings or the commonwealth, confis'ted of the Patricians and Plebeians, or of the nobility and the people. And an equal commonwealth confis'ts but of one, which is the people: for example of this you have LACEDEMON and VENICE, where the people being few, and having many subjacts or servants, might also
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Book I. 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, causeth 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 confits but of one order, and is equal, as Lacedemon or Venice.

But for a politician commend me to the reader, he will have Rome to have bin an equal commonwealth, and Venice to be an inequal 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. Heraeto he betakes himself in this manner. As Mr. Harrington has well observ’d (p. 37.) where there are two parties 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 intial’d. For remedy wherof, or to avoid this, there can be no way but to make the commonwealth very inequal.

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 inequal. And except by altering the balance, as the Athenians did by the fiscitia, 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 carcase 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 inequal, and there can be no end of flattering and tailling, 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 confisfted, and now confisfts that whole government, having acquir’d provinces, and increafe of their city by later comers, do not admit thefe to participation of power) he says is an inequal commonwealth. He will be a mill-horse, whether the cake be dow 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 inequal, 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 therefor to the business in present agitation.

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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. Wherefore constitutively the government of France (and all other monarchies 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 distresses, 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 unfitting with the nature of their balance, which therefore requireth some assistance by force, and other concurring policies of the like nature, wherof the foreign 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 Lorraine, 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, tho 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 spare'd, the third estate is laden, and the peasant overlaid 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 exercite, entertainment, and profit of the nobility: governments of cities, castles, provinces in abundance, which he rarely distributes to any other. The greater nobility are marshals, generals; the less officers in the army, specially of the horse, the emoluments wherof they receive also in time of peace; and many of this order being penitentes, taste of the king's liberality, without taking pains, or having any implantment at all. By which both that France is a monarchy by a nobility; and how the 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 cities 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 comes to pass upon this occasion, but the third estate, or some 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 so much to lose, and so much 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 thr.o fear; but the nobility flying out, the third estate has something to save, which precipitates them into arms thr.o hope: whereas the peasanct 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
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which had otherwife 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 fly's 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 interett of the nobility, since the assemblys of the three estates were abolisht'd,
might cool the remaining party, or make them flower in the redres of such dis-
order or discontentes than were requir'd, the king is wisely provided of foren guards;
which being always in readines, and not obnoxious to the native interett, may
upon like occassions be of more expedition and truft. Being com thus to foren
arms, which is the point I more especially propos'd to my self in the prefent dif-
courfe, 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 estates, is yet of
the fame balance it was when govern'd by the assembly of states; it may be said
that a government of the fame balance may admit of divers administtrations.

To which I need make no other answer, than to put you in mind, that while
this government was natural, or administ'red by the assembly of states, it is cele-
brated 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 eyes or
ears.

Of arms, and
their kind.

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: a government of subjects; or, a government of
citizens. The first is absolute monarchy, as that of Turk: the second aristocrati-
cal 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 govern-
ment of servants is the harder to be conquer'd, and the easier to be held: the gov-
ernment 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 hardeft
to be conquer'd, and the hardeft to be held.

My author's reasons, why a government of servants is the hardeft to be con-
quer'd, com to this, that they are under perpetual discipline and command, void
of such intereets and factions, as have hands or power to lay hold upon advantages
or innovation; whence he that invades the Turk must truft to his own strenght,
and not rely upon disorders in the government, or forces which he shall be fure
enough to find united.

His reasons why this government being once broken, is easily held, are, that
the army's once palt hope of rallying, there being no such thing as familys hanging
together, or nobility to stir up their dependents to further reluctancy for the pre-
fent, or to preserve themselves by complacency with the conquerors for future dis-
contents or advantages, he that has won the garland has no more to do but to ex-
tinguish 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 worfe, and therefore they lose
nothing by him. Hence Alexander having conquer'd the Perisian 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 Palaeslogus the Grec emperor (whose government was of like nature with the
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the Persian) together with his whole family, to the sword, the Turk has held that empire without relutancy.

On the other side, the reasons why a government of subjects is easier 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 cafe, and repenting themselves of such a bargain, have the same means in their hands whereby 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 truft 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 vaftest body of a well disciplin'd militia that is possible in nature: wherefore an example of such a one overcom by the arms of a monarch, is not to be found in the world. And if from 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. Wherefore 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 destit bofis,
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' it indeed may be found that have call'd or suffer'd foreign princes or force to come in, as Holland by marriages of their prince, and Genoa thro' her factions, as those of the Pisans and Adoni.

To conclude this part as to the reasons why a government of citizens so acquire'd or possess'd, as thro' marriage, or faction, is the hardest to be held, there needs no more than that men accustom'd to their arms and their liberties will never endure the yoke. Wherefore the Spaniard, tho a mighty king, no sooner began in Holland,
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Book I. land, a small commonwealth, to innovat or break her orders, than she threw him off with such courage and distain, as is admirable to the world. And from what of the like kind did Genoa by the help of her Doria in the vindication of her liberty from France.

To com by this fartheft way about as I think the nearest way home: arms are of of two forts, 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 belots in Lacedemon, the timariots and janizarys in Turkey; subjects in arms, as the horfe in France, and the seaguardes or forces in Venice; or citizens in arms, as those upon the Lesiarchia in Athens, of the More in Lacedemon, and the legions in Rome.

Improper or foren arms are of two forts: auxiliars, and mercenarys.

Auxilarys are such as are supply'd by virtue of some league, as were those of the Latin and Italian 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 confin'd the greatest part of the Carthaginian strength, such is the land force of Venice, and, notwithstanding the ancient 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 discuss upon these particulars in his art of war, to admiration: by whom I shall therfore feer.

Where the arms in bulk are proper, and consiting of citizens, they have other trades, and therfore 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 valetest, the higheft temper'd, and the chief disciplin'd militia, that is to be found in the whole compass of story. Some armies of Israel have confin'd of three or four hundred thoufand 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.

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 deire not to be enemies of popular power, but to give Machiavel his due, shall, if they please, hear him make a godly 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 country, and to have the fear of God before their eyes, they doubt'd it in this of their militia: for of whom should your country expect greater faith, than of such as have offer'd themselues to dye for her? Whom should she endeavour to make greater lovers of peace, than them who only can influe her by force? In whom should there be greater fear of God, than in
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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; subseras 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 confit 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, confit 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 les 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 Chriftians are at this day a match for any army of Turks: and we see Venice, whose force by sea confits 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 confit of servants, all the preeminence that can be given is, that they are better than foren arms; a proof wherof we have in thole of SELIMUS, whereby he conquer'd the Mamaluce; who being but a foren force that held Egypt in subjeetion, the country was irrecoverably loft, 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 confits, for the bulk or greater part, of no other, are the least effectual, and the most dangerous of all. For auxiliaries, or what effect has bin found of them by princes or commonwealths, it was seen in France during the leaque 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 auxiliarys or mercenarys, rely'd upon by the later emperors, came therby to ruin the Roman empire.

MERCENARIES 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 fo profitable, than that they should (as MACHIAVEL shews) be breakers of their faith, given up to rapin, enemies of peace and government.

To inftance in som commonwealths, that of Carthage after her first war with the Romans, fell thro the rebellion of SPENDIUS and MATHO, ringleaders of her mercenarys, 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 mercenarys, 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 inftances of the same nature in princes: the father of F. SFORZA being captain of a like mercenary army, forced Joan queen of Naples, whom he left disarmed in the midst of her enemies, to lay herself at the feet of the king of Aragon; and BRACCIO by such another treachery had plainly pofteff 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 hарdest 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 affst them; and so the person of the prince being in their hands, they have no more to do than to extinguih the royal line; and the empire being easili held, is their own thenceforth with security. Thus the Mamelus, which were at first foren guards, extinguihing the royal line of the kings of Egypt, came to poysels 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 somtimes 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 whole 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 Mamelus.

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 readieft and belft 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 whereby they brought him in, they would shake the yoke, and the ends why they call’ld him in, being satisfy’d or repent’d 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? Wherfore 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,
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derats, were forced also to make use of her confederats, and somtimes of her
belots.

But as antiently to Carthage, so now to Venice, foreign or mercenary forces are
effessential, 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 belots) when she had acquird 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 Spendiis and Matho, she escap'd, as at other
times upon like occasions, very narrowly. That such an accident neither has be-
faln Venice, nor can befal her, is to be attributed to her situation, by which, in
this regard, she is secure: neverttheles, her progres 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, foreign arms (seeing the 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 confular army.

By this 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 sweatey work with the considerer, who loves his cafe, it is enough
to argue thus: The Switz, Scotch, and French guards, have never bin the authors
of any sedition, therefore the seditiousness of a nobility may be mended by foreign 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 foreign 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 therefore cur'd of her sedition, or remains the, notwithstanding her foreign 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 diolafe 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 our,
the ensigns of the French guards will one way or other be captains, while soldier
and officer too follows his affections or interest, which way fover they frame. I
should be glad to know when a dragon fell from that court, that it did not bear
down stdars with his train. But the pravaricatior is fet upon it: whereas of late
years, the Janizaries 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 Turky they
begin to learn the art of poising the Janizaries (who are the foot of the prince's guard)
by the Spahys (who are the horie of the fame) and so have frequently evaded the
danger of their mutiny's. At which rate, seeing every army consits of horse and
foot, no army could be mutinous. If there had not bin mere flights, and so in-
tended, he might have don well to have shewn us one mutiny of the Janizaries
appeas'd
Book I. appeas'd by the Spalys. But all the parts of his politics, as was said of those in rhetoric, consist of pronunciation.

Thus the wounds of monarchy, notwithstanding the former, or this last remedy of foren guards, are still bleeding or fettering.

But his courage is undaunted (aut viam inveniet aut faciet) he will either mend a government, or make one, by ascertaining 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 moderate 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.

There's for your learning now, A model which is a short horie, 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 speake to the whole together; that is, to the imagin'd mixture or counterpoise of a nobility and an army; because there is nothing in nature that has not had a natural effect by some 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 phantasy, 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 Turkey: 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, poeue 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 spurr'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 does 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
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Chap. IX.

prince's will. For almost all the weaknesses which have been thought incident to monar-
chy are by this course prevented; and if there be any steadiness and maturity in the sena-
t of a commonwealth, this takes it all in.

To give my counsel 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 ca-
binet. 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 pro-
pos'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 com-
monwealth.

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 come 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 senate or assembly of men, he has not
yet met with any conviction, but rather finds it reasonable to think that where debates
are clear, the result of them must secret, and the execution sudden (which are the ad-
vantages 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 refusals 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 affirmed by good authors, and commonly
enough known, that for the clearness of debate, and secrecy of result, the world
never saw any thing like the senate 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 done, to banish such generous thoughts without discharging 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 him. To the question then, how such
councils as I have proposed 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 wiser 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
ey's to see withal, is the wildest council: but such ways are destructive to a prince,
and they will have no say. The congregation of Israel, when Rehoboam would
not hearken to their advice, depose'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 does a great matter, and to little purpose; for they un-
derstand nothing else but themselves. Wherefore the kings of France and of Spain
have dissolved all such assemblies. It is true, where a prince is not strong enough
to get money 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 advice'd by the people,
which if the late king would have indul'd, the monarchy might have subsisted some-
what 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.

**CHAP. X.**

*Whether a Commonwealth that was not first broken by her self, was ever conquer’d by the Arms of any Monarch?*

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 argued against out of the little cities in Asia, or those of Ragusa, and San Marino, which cannot be shown to have had the command of any considerable army, than I argue against the prevaricator, where he affirms monarchy to consist of a mixture of arms and of a nobility, from the king of Tueto, who had neither.

This assertion in the judgment of any rational man ought not to be encounter’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 subdue’ed by some potent monarch (if we could find the example) concerns the government no more, than if it had been overwhelm’d by some inundation, or swallow’d up by some earthquake. And yet all that is oppos’d by the considerer, amounts not to thus much. The testimony he brings out of Pausantia’s 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 contrived amity with the Barbarians at the time when that king added the territories 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, Pausantia is express; but whether he obtain’d the Astatic cities (likely in this case to have bin califier corrupted than the Lacedemonians) by arms or by purchase, he is not express: and the presump’tion of the latter, as in other regards, I 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 Cræus was subdue’d by Cyrus; all I can learn by this example is no more than that Cræus, for ought that is perceivable, might have brought these commonwealths as Cosimo of Medici 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 some considerable sum. So this example presupposes; but in the next, which is of Sicily, there is not so much as a presumption in favor of the aassertor: the state of Sicily, before
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before that which the Romans call the first Carthaginian war, being clear in story against his design. 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 common-wealths of Sicily, like those of Greece, were ruin'd by themselves, and their own disorders; and no more subdued upon these changes by foreign arms, than was Israel by the Canaanites, or Rome by the Gauls or Decemvirs.

Israel having broken her orders, was indeed sometimes oppress'd by the Canaanites; Rome was lack'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: wherefore neither Holland nor Genoa, tho they have bin under, being yet standing, can be fai'd to be conquer'd by the arms of Spain or France, but rather the contrary; seeing the liberty of Holland (in many cities more ancient than any records or other monuments there can witness, and in itself than that of Tacitus, whereby Civiliis, born of princely blood, is affirm'd to have vindicated the Batavian 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 fame family) and their party at home, than get into their known saddle. To infilt a little more at large upon the stories of Genoa and Florence (because upon thefe the prevaricator sets up his reft that Mr. Harrington must needs be afflicted) Genoa was and is an oligarchy consisting of twenty-eight families, making the great council, or aggregation, as they call it, none of thefe being capable of the senat or of magistracy; and if it could ever be fai'd of a commonwealth, that she had broken her self, it might be fai'd, at the time related to, of Genoa, where not only the faction of the Guelfhs and Ghibelines, which had destroy'd many cities 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 families, like Cæsar and Pompey, which having many years together as it were ingraft 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 subdued 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 through Europe, both for his wisdom and his riches, this family for the space of sixty years exercis'd, under the pretext of some magistracy, very great power in Florence. To Cosimo succeed Peter to Peter Laurence, a man in prudence and liberality resembing his grandfather, save that he us'd more absolute

Comines.

P. Jovius.

Machiavel.
absolute power in managing the commonwealth; yet with gentleness, and not altogether to the suppression of liberty. Nevertheless he obtain'd of the signory (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 foreme princes with much respect. To him succeed 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 formidable upon his guard, grew most profuse of the public mony, and committed many absurdities and violence: by which means having incur'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 Medici; 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 Medici, 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 purfe 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 judge; so examples to vulgar capacities are the best arguments. Let him that says a commonwealth has bin at any time conquer'd by a monarch, to it again, and show 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 overcome 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.

Conf. p. 51. BUT, says the prevaricator, this seems intended for a trial of our noses, whether they will serve us to discover the fallacy of an inference from the prosperous success of arms to the perfection of government. If the universitie, who should have som care of the vineyard of truth, shall by 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 Marcellin 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 elaign'd from the perfection of government, that we scarce know of any thing to ty them together, but the defile of booty. Where, or how came he to know this? what reason or experience does 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.
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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 Areopagists, speaks thus of Athens: The Lacedemonians, who when we were under oligarchy, every day commanded us somthing, 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, that the foundation of her government was first broken. The arms of Rome (ever noted by historians, and clearly evinced by Machiavel to have bin the refult 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 thefe when they overcame the Roman empire, a people so eloin'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 senate, and a few military coloyes, 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, esay to be inferred. 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 ferverant, while he himfelf was a ferverant to fuch, as no benefic man would have induf'd the like ferverants in his boufe: the fenerad the emperor, the emperor dreaded his execrable militia: the emperor gave laws to kings, and receiv'd them from his mercenaries. To this is added by Sleidan, that the condition of these princes was fo desperat, it was a wonderful thing ambition it self could have the courage to run fuch a hazard; seeing from Caius Cæsar slain in the fenerat to Charles the Great, there had bin above thirty of them murder'd, and four that bad laid violent hands upon themselves: for there was always somthing in them that offended the foldiery, which whether they were good or bad, was equally subjedt to pick quarrelis, upon the leaft occasion rais'd tumults, and dispech'd even fuch of them as they bad 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. Thos 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 Tamerlán overcame Bajazet, the Turkish policy had not attain'd to that ancient territory, which is plainly neceffary to the nature of it, nor was the order of the janizars yet instituted. The Hollander, who under a potent prince was but a fisherman, with the restitution of a popular government, is become the better folder; nor has he bin match'd but by a rising commonwealth, whose policy you will say was yet worfe, but then her balance (being that especially which produces men) was far better. For vaftneas, for fruitfulnes of territory, for bodies 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 monachys in her bowels, whose crofs interests twist her guts) bin the theater of the saddest tragedies under the sun; nor is the curable, unlefs from prince falling
THE PREROGATIVE

Book I. to work with the hammer of war, be able totally to destroy the old, and forge her a government entirely new. But if this comes to pass, neither shall it be said, that a well-policy'd empire was subverted, nor by a people so eliz'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 facie Romuli) ripe for great changes which must come. And look to it, whether it be Germany, Spain, France, Italy, or England, that comes 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 parliament, not the nation only, but the policy of it was divided; and which part of it was upon the better foundation?

Confid. p. 51. BUT, says he, Ragusa and San Marino are commend'd for their upright and equal frame of government, and yet have hardly extended their dominion beyond the size of a bandom manner.

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 unarmed, 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.

Confid. p. 52. 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 borstes, arms, and other things necessary for equipping of an army, affixed with a good military discipline, that qualify a people for conquest; and where these concur, victory is intail'd upon them. Very fine!

As if these could concur any other wise 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 hundreds poll fit for a helmet, as may be seen by comparison of England with France, sober of 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 no. This therefore was from the policy, by which the one has bin the freest, and the other the most inflav'd subject in the world; and not from populousness, in which case France must have bin the overmatch.

The like is observ'd 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 cavalries in the world, which the English never had, yet it avai'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 borstes, arms, and other things necessary for the equipping of an army, the hugest armys, the moft vaft 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 C.Lyrus with his own hand in the quarrel) to the servil cuftoms of that empire. And that the best military discipline 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 common-
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 con-
quer'd the world. Do we take, or are we taken? nor is he thus satisy'd to burn
his fingers, but he will blister his tongue.

Where I said that the commonwealth of Venice, consisting of all them that first
fled from the main land to those isles and where the city is now planted, at the insti-
tution 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. 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 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 peo-
ple, 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 Publius Philo, as pro-
long'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 Confiderer, 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 whereby 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 premisses, whence he draws this
conclusion; that Venice is as much as any in the world an inequal commonwealth.
Now the conclusion you know nobody can deny.

CHAP. XI.

Whether there be not an Agrarian, or from Law of Laws of that Nature, to
supply the Defect of it in every Commonwealth: And whether the Agra-
rian, as it is stated in Oceana, be not equal and satisfactory to all In-
terests.

In this chapter the prevaricator's devices are the most welfavor'd: for whereas
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 cherries, 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 flighted overmuch the Lexicon, of which
he allows me to be the author; yet will have it, that he understood the words be-
fore, som of which nevertheless his ill understanding requires should be further in-
terpreted in this place, as property, balance, agrarian, and levelling.
The Prerogative

Book I.

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 entirely left as it was found by the agrarian of Ocean.

Property in mony (except, as has bin shewn, in cities 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 ingrossed 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 Turkey, 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 succesors of Cisus little more than the title, where the balance alter'd from monarchical to popular. 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, Caesar, Pompey, and Crassus; and then to monarchical, as when Crassus being dead, and Pompey conquer'd, the whole came to Caesar. In Tarentum, and not long after the war with the Medes, the nobility being wafted and overcom by Lapygges, the balance, and with that the commonwealth, chang'd from aristocratical to popular: the like of late has discover'd itself in Ocean. When a balance coms 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 irrefiltable change of the balance, not the old government which God has repeal'd, but the new government which he dictats as present legislator, is of divine right.

This volatility of the balance being apparent, it belongs to legislators to have eyes, and to occur with som 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 don divers ways, as by intailing the lands upon certain familys, without power of alienation in any case, as in Israel and Lacedemon; or, except with leave of the magistrat, as in Spain but this, by making som familys too secure,
OF POPULAR GOVERNMENT.

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 a 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 established 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:

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 proceed any further, while he having no where disprovd 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 Indies 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 waive 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 flurs 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 Phælas the Chaledonian 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 Mefflenians bad each their agrarian after the manner of Lacedemon. If a man shall translate the words (ἀριστήρας, διάμετρος ποιητικός, virtus & facultas civile) political virtue or faculty, where he finds them in Aristotle's politics (as I make bold, and appeal to the reader whether so bold to do) by the words political balance, understood as I have tared the thing, it will give such a light to the author, as will go nearer than any thing allege'd (as before by this prevaricator) to deprive me of the honor of that invention. 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 (κατα αριστήρας) in balance, or in such a manner, that the (διάμετρος ποιητικός) political faculties or estates of all the rest be not able to hold weight with him or them, they will never confedend 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 Antistothenes to have answered the baret, when they had concluded, that every one ought to have an equal portion. For this cause (he adds) cities that live under popular power, have
have instituted the oligarchism 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.

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 leis of competition in the point, shall lose neither way. However, it is in this place enough that the oligarchism being of like nature, was that which supply'd the defect, in the Grecian city, of an agrarian. To proceed 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 nonobsequience 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 and 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 defending 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.

Confid. p. 77. 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 footprint of such a design.

What means the man! the right of an Israelite to his land deriv'd from the promise of God to Abraham, therefore the right of an Oceano 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 footprint 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 content of the whole bible, in land, or in the foundation of empire; unles 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 (from 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. Wherfore God ordaining the cause, and the cause of necessity producing the effect, God in ordaining this 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,
OF POPULAR GOVERNMENT.

king, SAMUEL declar'd to the people concerning the manner or policy of the king, saying, He will take your fields and your vineyards, 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 vineyards, and of your sheep (by way of tax, for the maintenance of his armys) and thus your daughters shall com to be his cooks and confectioners, and your sons to run before his chariots. 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 fore, com to JOSEPH, saying, buy us and our land for bread, and we and our land will be servants to PHARAOH. And JOSEPH bought all the land of Egypt (except those of the priests) for PHARAOH. So the land became PHARAOH's, who left the remembrance of their former property by lively marks and continual remembrancers should stir them up (as the Vandals in Africa, flit in like manner of their property, and yet remaining in their antient dwellings, were flit'd up by their women) to faction, remov'd the people thus fold, or drave them like cattles 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 consequnce of an inflav'd people. Now the balance of governments thorough 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 whereas the jubilee was a law instituted for preservation of the popular balance from alteration, so is the agrarian in Oceana.

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 shalst thou make thee in all thy gates; hocus pocus, or in the name of wonder, how shouldest 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 Israelites being no merchants) was thought sufficient to be given: or thus to call the prudence of God by their impracticable phantys 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 otherwi
THE PREROGATIVE

Book 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 comes to no accountable difference; and much, I conceive, of this carving or finifhing in Israel; (which had it bin extant, would perhaps have fhewn a greater resemb lance) is loft. For the senats, as to their numbers, that of the 300 in Oceana, considering the bulk of the people, exceeds 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 fom authority in Egypt (tho not that of the senat till it was instituted by God) from the defcent of the patriarchs into that land, who being at the decent leventy persons, and governing their families 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 families (which at first were all) in their own right, were consequentely 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 fay, 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 fay, 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 fhewn, 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 chufe 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 shoul d go fore with divines, is strange; and yet if there be any feeling of their pule by this their advocate or attornay, it is as true.

In his epift. 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.

Confd. p. 39. 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.

So much for Israel. Now for Lacedemon; but you will permit me to shake a friend or two by the hand, as I go.
OF POPULAR GOVERNMENT.

The first is Aristotle, in these words:

INEQUALITY is the source of all sedition, as when the riches of one or the few come to cause such an overbalance as draws the commonwealth into monarchy or oligarchy; for prevention whereof the orachism 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.

The second is Plutarch, in these words:

LYCURGUS judging that there ought to be no other inequality among citizens 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 cogs or ricks in the field, he laughing said, that it seem'd to him they were all brothers.

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.

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 accr'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 be 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 compafs 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 Lyssander, 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 thole 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 phantay too rank, I doubt, of the cloyster, to be good at this work.

But whereas Plutarch, upon the narrowness of those 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, fortunate-teller, bard, nor goldsmith, to be found in Lacedemon; our considerer professes,

THAT it is to him as strange as anything 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 be made prohibiting the use of those things,
The Prerogative

Book I. 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 marrnorhoufes, good tables, rich furniture, full puries, 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 deferv'd that name; and the agrarian of Oceana is thus, A man's mony is not confin'd: thowerefore 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 bad bin impossible, says he, for Lycurgus to have fet't'd his government, bad he not wisely obtain'd a resposne from the oracle at Delphos, magnifying and recommending it: after which all refusance would 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

Confid. p. 18. says, I know not bow, 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 priefts 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.

The first throw is, That it is unjust: for,

Confid. p. 82. IF it be truly affected (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 self'd property of Oceana, where (in the 99th page) there are confessed to be three hundred perfons, whose eflates in land exceed 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 the when government is one fix'd, it may be fit to submit privat to public utility, yet when the question is of abusing a government, every particular man is left to his own native right, which cannot be prescribed against by the interest of all the rest of mankind.

How many false dice there are in this throw (because you see I have little to do) will be worth counting.

WHERAS
OF POPULAR GOVERNMENT.

WHERAS I no where deny property to derive her being from law; he insinuates 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 foreign vicissitude (as when the Israelits possessed 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 insinuates 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 setl'd before; he insinuates 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, exceeding two thousand pounds a year, do not exceed three hundred persons; he says, that I have confest they be three hundred. Five.

WHERAS I shewed that the nobility of Lacedemon, upon the perusal 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, insinuates that they have an interest against it. Seven.

WHERAS the government of Oceana goes 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 insinuates, that it is against privat utility. Eight.

WHERE he says, that in choosing a government every man is left to his own native right; he insinuates that the agrarian (which does no more than fix property, as he 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) prefers against legal property, and is the cause why the law esteems not such an action to be theft; he insinuates 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, the 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.
THE PREROGATIVE

Book I.

In that, no noblemans but ought to own a flame, he preferr’d his interest before that of the prince; in this, no noblemans ought to own a flame 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 foop’d up again, and put all into this conclusion or box, like themselves.

Thus the interest of the three hundred is not balanced with that of a whole nation, but that of some few extravagant spirits; who, by making dams in the current of other mens estates, hope to derive some water to their own parch’d fortunes.

Calumniare fortiter, nihil adhæret. 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 whole 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 seconed 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 come 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 Tharifis) 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 scours it in, after this manner—

Consd. p. 85. As the Jews who have no lands, are everywhere great traders; so the possession of lands being limited by this agrarian, men 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 foreign traffic, which being in a manner wholly ingross’d 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 some public affairs, much to the prejudice both of the liberty and interest of the rest of the union. An equal, if not greater incommodey 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 beggars busb.

News, not from Tripoli, nor any other corner of the whole world but one. Bate me this, and shew me in what other city increafe of houses or new foundations was ever held a nufance. This sure is a phanfly that regards not the old folks, or antient-prudence.

One of the blessings that God promis’d to Abraham, was, that his seed shou’d 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 Turkey 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 ruitic tribes, and is that of Holland.

But the ways how a populous city comes to make a populous country, and how a populous country comes to make a populous city, are contrary; the one happening thro' fucking, 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 cattle, 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 fruitfulnes of late years with us, render'd the husbandman unable to dispute precedence with the beggers buls, his trade thus uninterrupt'd, in that his markets are certain, Gos on with increase of children, of servants, of corn, and of cattle; for there is no reason why the fields adjoining to Emporium, being but of a hard soil, should annually produce two crops, but the populousnes of the city.

The country then growing more populous, and better stock'd with cattle, which also increases manure for the land, must proportionably increase in fruitfulnes. 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 comes 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 fucking; and whereas 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 nurture 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 populousnes 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 for some other way of livelihood: which is either arms, such were those of the Goblins and Vandals; or merchandize and manufacture, for which ends it being necessary that they lay their heads and their flock together, this makes populous cities. 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 or power and riches, very dangerous to liberty, an example whereof 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,
THE PREROGATIVE

Book I. refusst 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; infomuch, that a patrician would be of no other.

But the authority of antient commonwealths is needlest; the prevaricator by his own argumentation or might, lays himself neck and heels.

Contd. p. 93. For, says he, Were this agrarian once sett'd, Emporium would be a city of princes, and the nobility fo thro' plum'd, that they would be just as strong of wing, as wild fowl in mounting time. There would be a city of princes, and yet no nobility. He is so faith 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 gravers.

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 infirmities of the state, I am deceiv'd if this agrarian dos not apply the proper remedies. 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 therefore having these arms in their hands, by which provinces are to acquire, new provinces yield new estates; so wheras the merchant has his returns in filk or canvas, the soldier will have his return in land. He that representeth 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, magistracies, 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, th'o' she had neglected the rest, the wealth of her nobility might have f'ck'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 therefore the nobility of Oceana would not moulder 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 sicknes forfaking the place, by which means the markets com to fail, the poor, left 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 whereof the plague is more frequent and furious than happens with us) that they are not to build houses, nor increase so much, left they shoul'd have the plague; or that children are not to be born so fast, left they dy, they would think it strange news. A commonwealth is furnish'd with laws, and power to add such as 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.

Contd. p. 87. THE difficulty in making the agrarian equal and steady 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

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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 fleddy enough.

His last cast is, that the agrarian would make war against universal and immemorial custom; which being without doubt 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 counsil; for, says Sir Francis Essay 24.

Bacon, Surely every medicin is an innovation, and be that will not apply new remedies 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?

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 cons 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 snook of their kitchins? on the contrary, is it not now an universal custom for men to rely upon their own fortunes or indutry, and not to put their trust in princes, seeking in their liberality or dependence the means of living? the pravericator 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 cuftoms. Dos not every man now fee, that if the kings in those days had fettl'd the eftates 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 cuftoms, but preserving them? wherefore neither dos the agrarian propos'd, taking the balance of eftates as he now finds them, make war against, but confirm the present cuftoms. The only objection that can feem in this place to ly, is, that whereas it has bin the cuftom 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 cuftom. For putting the case the father has twenty thousand pounds a year in land, he gos not the lefs in his cuftom or way of life for the agrarian, because for this he has no lefs: and if he has more or fewer sons to whom his estate descend by equal or in- equal portions, neither do they go lefs in their ways or cuftoms of life for the agrarian, because they never had more. But, says Aristotle (speaking of the otrarism 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; tho the negligence of this has that of the nobility of Oceana bin broken: and this is it which the pravericator, in advising that the nobility be no further levell'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.
Chapter XII.

Whether Courses or a Rotation be necessary to a well-order'd Commonwealth.

In which is contain'd the Courses or Parembole of Israel before the Captivity, together with the Epitome of Athens and Venice.

One bout more and we have done: this (as reason good) will be upon wheels or rotation: for,

As the agrarian answers to the equality of the foundation or root, so does rotation to the equality of the superstructures or branches of a commonwealth.

Equal rotation is equal vicissitude in, or succession to magistracy confer'd for equal terms, in joining 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 where's prolongation of magistracy, which, trafficking 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 fix 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 Ishobal and Baal came in use with the Tyrians; from thence, with their politery the Carthaginians, who also call'd their supreme magistrates, being in number two, and for their term annual, Shophetim, which the Latins by a softer pronunciation render suffetes.

The Shophet or judg of Israel was a magistrat, not, that I can find, oblig'd to any certain term, thro'out 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 magistrates 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 Aecheans, Aetolians, Lycians, Pol. l. 2. c. 7. the Amphictionium; and the senat of Lacedemon reprovd, in that it was for life, by

Aristotle:
ARISTOTLE: modern examples of like kind are the diet of Switzerland, but especially the senat of Venice.

For the rotation of the people, you have first Israel, where the congregation (which the Greeks call eclela; 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 magistrates, 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 served the king in any matter of the courses, which came in, and went out month by month, through all the months of the year, of every course were twenty and four thousand.

Such a multitude there was of military age, that without inconvenience, four and twenty thousand were every month in arms, whole 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 named in the following part of the chapter, to the sixteenth verse, where begins the enumeration of the princes (the Gad and Ashur, for what reason I know not, be omitted) of the tribes, remaining in their provinces, where they judged the people, and as they received orders, were to bring or send such farther enforcement or recruits as occasion required to the army: after these, some other officers are mentioned. There is no question to be made but this rotation of the people, together with their prerogative or congregation, was preferred by the monthly election of two thousand deputies 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 done, the nature of their office being to give the vote of the people, who therefore must have chosen them. By these the vote of the people was given to their laws, and at elections of their magistrates.

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 everywhere (the 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 cities and suburbs, that they may gather themselves to us; and let us bring again the ark of our God to us, for we inquired not at it in the days of Saul. And all the congregation (gave their suffrage in the affirmative) said that they would do so; for the thing was right in the eyes of the people. Nulla lex fui soli conscientiam justitiae sua debet, sed eis quibus obsequium expectat. Now that the same congregation or representative gave the vote of the people also in the election of priests, officers and magistrates; moreover David and the captains of the host separated to the service of the sons of Asaph, and of Heman, and of Jeduthun, who should prophesy with harps, with psalteries, and with cymbals. But upon the occasion to which we are more especially beholden for the preservation and discovery of this admirable order (David having proposed the business in a long and pious speech) the congregation made Solomon the son of David king the second time, and anointed him to the Lord to be chief governor, and Zadok to be priest. For as to the first time that Solomon was made king, it happened, thro' the sedition of Adonijah, to have been done in haste and tumultuously by those only of Jerusalem; and the reason
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reason why Zadok is here made priest, is, that Abiathar was put out for being of the conspiracy with Adonijah.

I may expect (by such objection3 as they afford me) it should be alleg'd, that to prove an order in a commonwealth, I insist in a monarchy; as if there were anything 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 some such council for his prince) no less could have follow'd upon the first frow 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 prejumtion only, be the same never so strong, seeing it is said in Scripture of the Korahites, 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: that is, (according to the interpretation of Grotius) the Korahites were now keepers of the gates, as it appears in the book of Numbers, their ancestors the Kebahites had bin in the camp, or while Israel was yet an army. 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 (καὶ πατίς εἰς τοὺς παριμᾶνας, & familiae eorum per vices) and 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 Sanbedrim 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 come from the Hebrew to the Grecian prudence, the same is approved by Aristotle, which he exemplifies in the commonwealth of Thales Milesius, where the people, he says, assembl'd (το κατα μήτηρ, αλλα με σῶς ἄφενε) by turns or rotation. Nor is the Roman prudence without some shadow of the like proceeding, where the prerogative (pro tempore) with the jure vocate 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 assembl'y were necessary, by turns, rotation, parembole or courses) as in the election of the late Houfe of commons, and the constitutive vicissitude of the knights and burgesses, is known by sufficient experience.

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 judge and the congregation were so elected.
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The fifth kind is when the rotation of a commonwealth is in the magistracy and the senat, as in those of Athens, of the Achaean, of the Aetolian, of the Lycian, 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 enlarge in this place.

The commonwealth of Athens, was thus administered:

The senat of the bean being the proposing assembly (for that of the Areopagit, call'd also a senat, was a judicature) consist'd of four hundred citizens chos'n by lot, which was perform'd with beans. These were annually remov'd all at once: by which means Athens became frustrate 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 elect'd, were subdivid'd by lot into four equal parts, call'd Prytany, 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 chos'n one provost of the council, who was call'd the epistata. The epistata and the proedri were the more peculiar propers to the Prytans, and to the Prytans it belong'd especially to prepare busines (πρὶ τὴν βιοτὴν ἐν χριστιανίας) 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 busines; and promulgate being made, the congregation assembl'd, and determin'd of it. Sic data concio Latio est, proceedit ille, & Gracius apud Gracos non de culpa sua dixit, sed de pace questus est; porrexerunt manus, πριπήβησις natum est.

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 cafes, 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 enact'd, it was call'd πρέπηβησια; each of which words, with that difference, signifies a decree. A decree of the senat in the latter fesse had for one year the power of a law, after which trial it belong'd to the thesmotheta (προγγαθίαν) to hang it in writing upon the statues of the heroes, and assemble the congregation. These magistrats were of the number of the Archon, which in all were nine; the chief, more peculiarly so call'd, was Archon Eponymus, 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 (whose magistracy was of a military concernment) the other fix were the thesmotheta, who had several functions common with the nine; others peculiar or proper to themselves, as (προγαθίαν) to give the people (by placarts) notice when the judicatory were to assemble, that is, when the people were to assemble in that capacity, and to judge according to the law made; or, when the senat or the people were to assemble upon an iudicium, a crime that was not provided against by the law, as that of Alistades (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 thesmotheta were also in like manner to warn, when they were to com to the suffrage.

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Book I. 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 judicatory.

But the right of assembling the ecclesia or congregation belong'd to the Prytans, by whom the fēnat 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 sacrificed and made oath of fidelity to the commonwealth, the preēri or presidents of the Prytans propos'd by authority of the fēnat to the people in this manner: July the 16th Policles being archon, and the tribe of Pandion in the Prytaneat, Demosthenes Phæneus thought thus, or was of this opinion. The fame custom whereby the first proper speaker 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 demagogues, but a bad commonwealth.

From this, that the people had not only the refult of the commonwealth, but the debate allo, 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 refult only, was call'd an aristocracy, sometimes an oligarchy: thus the Greeks 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 refult 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 so well, that their commonwealth is popular. But to return. As many of the people as would, having shew'd their eloquence, and with these the demagogues, who were frequently brib'd, conceal'd their knavery; the epistates, or provost of the preēri, put the decree or question to the vote, and the people gave the refult of the commonwealth by their chirotonia, that is, by holding up their hands: the refult thus given, was the law or πρεπήσιμα of the people.

Dem. Phil. 1. Now for the functions of the congregation, they were divers; as first, election of magistrats (ὅπις ἰχειζοτοικὴς ἐν ἵ ὑμῶν αὐτῶν δίκαιος Τακταρχεύς καί Στρατηγοῦς καί Φύλαχνος καί Ἰππαρχοῦς δήος) 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 judicatories; 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
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elections in that café provided by the law, became the soverain judiciary, call’d the belisia. In all elections, whether by lot or suffrage, the thyromothete were pre-
fidents, 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 belisia, for the reft elected out of the whole people: 
this amounting to one thousand, was call’d the nomothete or legislators. No law 
receiv’d by the people could be abrogated but by the nomothete: by these any 
Athenian, having obtain’d leave of the senat, might abrogat a law, provided withal he put another in the place of it. These laws the procûri 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 chirotioniz’d or voted by the nomothete, 
was ratify’d, according to that piece of the Athenian law cited by Demosthenes 
against Timocrates, ὅπως ἐν άυτῶν νόμων ἄρποντος έστι νομοθέται, τέτον κύριον 
νῦν. 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 nomothete, or 
their legislativ power, and the supreme judiciary of the belisia, 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 indeavour to make use of this common-
wealth for ends of their own, as particularly Dr. Seaman; who in his book call’d 
Four Propositions, argues after this manner:

CHIROTONIA (as Suidas has it) signifies both plebiscitum, a law made by the 
people, and plebphilisma. Now, say he, plebphilisma is the ordinary word us’d in the 
Attic laws, and in Demosthenes for lenatufconsilium, a law made by the senat: 
whence he draws this conclusion; as, when the people make a law, they are said to 
chirotionize; so may the rulers, in like manner, in those laws that are made by them-

These ways with divines are too bad. The words of Suidas are thefe 
(χιροτονία, κληρον, παντώ κύριος;) chirotonia is election or ratification by the many: 
which expressly 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 pse-
phisma, or plebiscitum in the place. I would fain know what other word there is in 
Greece for plebiscitum but plebphisma; and yet the doctor puts it upon Suidas, that he 
distinguishes between these two, and taking that for granted where he finds pse-
phisma 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 plebphisma in Demos-
thenes 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 Pollux, ἡδα η ὂ μυ Poll. lib. 8. 
δείκνεται προεκθέται, πετε διδικαζεν τα δικαστήρια, κα τας εισαγγελίας εισαγαγεν εις τα 
δημος κα τας χιροτονίας. Which the doctor having engligh’d in this manner, the themo-

Thefe do privily prescrie 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?
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Book I. by which strange construction, where Pollux having first related in what part the function of the thefmothete was common with that of the nine archons, coms (ἰθα δι) to shew you what was peculiar to themselves, namely, to give notice when the heliea or other judicators 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 prescribed. Then to this privately prescribing of justice, he adds, that they do publicly promulge (σημανία) 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 signifies an act before a law made, he presumes the law to be first made by the rulers, and then promulgated by the thefmothete 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 thefmothete 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 (τις τόν δήμον) upon which they were to determin.

For the fourth passage, the doctor quoting a wrong place for these words, χειροτονίας τοι νομοθετε, that the nomothea (being a representative, as I shew’d, of the whole people, chosen by lot, and in number one thousand) chirotonize’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 in Rome, or the house of commons in England, gave their vote to such or such a law, therfore 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, ὅτε βολη, ὅτε δήμος χειροτονισατο αυτο. 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 these learned men, while you would have us believe that they were as ignorant of the Grecce 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.

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But what is becom of my prevaricator? I have quite left 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 bow, but Mr. Harrington has conceived 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 Achaæans consisted of divers commonwealths under one, which was thus administered. The cities sent their deputies twice every year of course, and oftener 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 duties, in relation to the senate, consisting of the deputies sent by their peculiar sovereainties or cities, as the Prytans to that in Athens. The policies of the Aetolians 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.

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 sefision and suffrage in this council; which right of suffrage, because thrown out this commonwealth, in all debates and elections, it is given by the ballot, is call'd the right of balloting, whereby this council being the foeverain power, creates all the rest of the orders, councils, or magistracies; and has constitutively the ultimat refulit, both in cases of judicature, and the constitution of laws.

The senat, call'd also the pregati, consists of sixty senators properly so call'd, wherof the great council elects fix 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 magistracies 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 college is a council consisting more especially of three orders of magistrats call'd in their language favi; as the favi grandi, to whose cognizance or care belong the whole affairs of sea and land; the favi di terra firma, to whose care and cognizance belong the affairs of the land; and the favi di mare, to whose cognizance appertain the affairs of the sea, and of the islands. These are elected by the senat, not all at once, but for the favi grandi, who are six, by three at a time, with the interposition of three months; and for the favi di terra firma, and the favi di mare, who are each five, after the same manner, have only that the first election consists of three, and the second of two. Each order of the favi elects weekly one provost, each...
each of which provoqts has right in any affair belonging to the cognizance of his order, to propoqte to the college. Audience of embassadors, 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 matters of requets, having withal power to grant certain privileges: but their greatest preeminence is, that all, or any one of them may propoqte to any council in the commonwealth.

The signory has seffion and suffrage in the college, the college has seffion and suffrage in the senat, and the senat has seffion and suffrage in the great council. The signory, or the provoqts of the favi, 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 signori, but more peculiarly the provoqts of the favi, in their own offices and functions, have power to propoqte to the college, the college has power to propoqte to the senat, and the senat has power to propoqte to the great council. Whatever is thus propos’d and resolvd, either by the senat (for somtimes thro the security of this order, a proposition goes no further) or by the great council, is ratify’d, or becomes the law of the commonwealth. Over and above these orders, they have three judicatories, 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 judicatories 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.

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 consits the whole body of admirable Venice.

The consiglio de dieci, or council of ten, being that which partakes of dictatorian power, is not a limb of her, but as it were a sword in her hand. This council (in which the signory has also seffion and suffrage) consits 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 provoq 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 ofter as they see occasion. The council being assembled, any one of the signory, or two of the capi may propoqte to it: the power which they now exercis (and wherein for their affistence they create three magistrats call’d the grand inquisitori) consits 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 conqitively (with the addition of a junta, consisting of other fifteen, together with some of the chief magistrats having right in cafes of important
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Important speed or secrecy to this council) they have the full and absolute power of the whole commonwealth as dictator.

That Venice either transcribed the whole and every part of her constitution out of Athens and Lacedemon, or happens to be framed as if the 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 whereof the people might revoke it: a decree of the senat of Venice stands good without the great council, unless the see reason to revoke it. The Prytans were a council preparing busines 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 provoofs of the Savii. The archons or princes of Athens being nine, had a kind of sowerain 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 Helicea in Athens; and as the Thesmophoria heard and introduce the causes into that judicatory, so do the Aovgadori and the Auditori into these. The Confuglio de' Diedi 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 ever to death, so has the Confuglio de' Diedi. This again is wrought up with the Capi de' Diedi, 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 a 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 munt of necessity in the whole yield a refult, a foul 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 busines in hand, comes to no more than that the senat and the magistracy of this commonwealth are upon rotation. No more: nay I am well if it comes to so much. For the prevunicator catching me up, where I say, that for all this the greater magistracies in Venice are continually
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continually wheel'd thro a few hands, tells me, that I have confess it to be otherwise.
I have indeed confess, that tho the magistracies are all confer'd for certain terms, yet those terms do not necessitate vacancies; 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 frustrate 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 lies 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?

Riddle me, riddle me, what is this? The magistracies 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 magistracies are perpetually wheel'd thro a few hands.

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 judge (notwithstanding the difference that is in every policy) right of any government in the world. Now the assault of the confiderer deriving but from pom pique or emulation which of us should be the ablest 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, does not understand her.

The fifth kind of rotation is when a commonwealth goes upon it in all her orders, men, people, and magistracy. Such a one taking in the many, and being fix'd upon the foot of a steady agrarian, has attained 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.

Speaking of electors in this sense, I mean as the great council in Venice are electors of all other orders, councils or magistrates. But the commonwealth of Oceana taking in the whole people, cannot, as does the great council of Venice (wherein they that have right are but a few) attain to this capacity at one step: for which cause the 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 whereby the monthly rotation of her congregation or prerogative, by election of two thousand in each tribe, was preferv'd. The next step he takes is at the hundred, where by election of officers and magistrates, 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, discipline and function, headed by proper officers and magistrates, 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.

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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 magistracies that are soverain, 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. Wherfore upon the conscience of the electors, so constituted as has been shewn, it goes to determin who shall partake of soverain 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 prævaricator has confest he always thought admirable, but now the toy takes him to be quite of another mind; for, says he, That antient republicks 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 it, this, will best appear by VETRIO, VARRO, and MANCIUS. 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 thereby 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 prævaricator has jolsted his presumptuous head not only against the prudence of antient commonwealths, but of God himself in that of Israel. VETRIO, VARRO, and MANCIUS (the 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 alio in their florvs, which is neither unpleafant nor unprofitable, I shall endeavor to make the reader somwhat better acquainted with them. One of the greatest blows Rome ever receiv'd was by Pontius, captain general of the Samnites, who having drawn her confuls, POSTHUMIUS and VETRIO, by stratagem into the straits of Caesar, a valley of narrow entrance, and shut up the mouth of it by posseffing himself of the only passage, the rest being inviron'd with insuperable rocks, the Samnites came to have both the armyes, and so upon the matter the whole strength (in those days) of Rome inevitably at his discretion. Hereupon, having leisure, and being defirous (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 inavadaibly 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 disapprovment of such opinion, having his father's age (for he was very old) in fullpicion, took a third course, which neither (according to the first advice of wise HERENNIUS) making friends, nor, according to the second, destroying enemies, became, as he prophely'd, the utter ruin of the commonwealth of Samnium. For the Romans
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Book I. Romans being dismist safe, but ignominiously, the senat upon their return fell into the greatest strait and contertonation that had been 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 armies depending upon it) had in truth forc'd them to accept of a dishonorable league with the Samnits. Now not the armies, but the senat it self was in Caudium, not a man of them could find the way out of this vale inviron'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 (injusti populi) without the command of the people, declar'd that the senat returning the confuls, with such others as had conformed to so wicked and dishonorable a peace, naked, and bound to the Samnits; were free: nor cease'd he till the senat (therto preft by the necessity of the commonwealth) resolving accordingly, he, Veturius, and some of the tribuns were deliver'd to the Samnits; who, nevertheless, to hold the Romans to their league, dismist 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 confuls; 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 deceive'd in this choice, that the confuls 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 falsehood, and against such as cannot bite? or whether of these is the more noble?

For Varro, who being consul of Rome, loft 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 if't, the Numantins, for their number not exceeding four thousand fighting men, were the gallanest of so many, on which the fun ever shone.

Fourteen years had their commonwealth held tack with the Romans, in courage, conduct, and virtue, having worset 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 some excuse. But suppose none of them deferv'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 goes, it must stay upon a commonwealth: or if it be rotation that he would be at (for we must guess) granting Pontius the Samnits, and Megera the Numantins, to have bin no more upon rotation, than Hannibal the Carthagian; 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 generals often
often made use of by the Athenians, while men of valor and conduct have lain by the walls.

A Rabble of generals did I never hear of before; but not to meddle with his rhetoric, whereas each of his objections has at least some contradiction in it, this has two (one a priori, another a 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 lay by the walls? and if rotation thenceforth should have ceased, how could those men of valor and conduct have done otherwise than lay by the walls? So this unavoidably confesses, that rotation was the means whereby Athens came to be for'd with persons of valor and conduct, they to be capable of employment, and the commonwealth to employ 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 employ but the virtue of one, dares not employ 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 confessed, 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 goes no further than Plutarch's lives) than are to be found in all the rest of story.

'YET,' says he, this law has bin as often broken as a commonwealth has bin brought into any exigence; for the hazard of trifling 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 of Marius is sufficient to be alleged 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 jeers with cudg'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 centurias comites, 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 inferred it at length, as follows:

The proceedings of the Roman commonwealth being well consider'd, two things will be found to have bin the cause of her dissolution. The contention that happen'd thro' the endeavor of the people (always oppos'd or excluded by the nobility) to introduce an agrarian, and the damage that accr'd from the prolongation of empire, which mischief, had they bin foresee'n in due time, the government by application of fit remedies 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 chronic, and went home with her, giving a warning by her example, how dangerous it is to flates that would injure their liberty, to suffer magistracy (how deservedly ever 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, bad bin as virtuous and provident as Lucius Quintius, they had never run into this inconvenienc. Of such sobolom example was the goodness of this man, that the senat and the people, after one of their ordinary disputes being come to some accord, whereas 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 once the senat (to shew they needed not be worse at this game) would have prolong'd the confulat to Quintius, be refus'd his consent, saying, that all 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 confuls. 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 Publius Philo, his confusl expiring at the camp before Paepolis, while it seem'd to the senat that he had the victor in his band (actum cum tribunis plebis eft, ad populum ferent ut cum Philo confuslatus abiflet, proconfusl rem gereret) they sent him no successtor, but prolong'd his empire, by which means he came to the first proconfusl. An expedient (the introduc'd for the public good) that came in time to be the public bane: for how much the Roman armies march'd further off, by so much the like course seeming to be the more necessary, became the more customary; whence infid'f two pernicious consequences: the one, that there being fewer generals, and men of known ability for confusls, the art with the reputation of the same came to be more ingraft, and obnoxious to ambition: the other, that a general standing long, got such hold upon his army, as could take them off from the senat, and hang them on himselt. Thus Marius and Sulla could be follow'd by the soldiery to the detrimen of the commonwealth, and Caesar 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 flow in her acquisition as is requir'd by rotation, she will be les secure than is requir'd to her prevervation. But the prevaricator (not vouch-saying to shew us upon what reasons or experience he grounds this maxim) is pofitive, 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 infringing such orders as are necessary for her prevervation, or receive one from without.

This fame is another parascenion: these words are spoken by me, after Machiavel, in relation to dictatorian power, in which they are fo far from concluding against rotation, that this in case of a dictator is more especifally necessary (maxima libertatis custodia eff, ut magna imperia diviturna non fuis, & temporis modus impoentur, 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 spoile'd all.

The Romans, if they had sent a successtor to Publius Philo at Paepolis, it may be might have let the victory flip off his hands, it may be not; however this had bin no greater wound to the commonwealth, than that her acquisition would have bin flower, 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 flub'd of one horn, but have each of equal length and danger. Nor is it fo certain that increase is flower for rotation, seeing neither was this interrupted by that, nor that by this, as the greatest actions of Rome, the conquest
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Chap. XII.

The quest of Carthage by Scipio Africanus, of Macedon by Flamininus, and of Antiochus by Asiaticus, are irrefragable testimonies.

I would be loth to spoil the considerer's preferment; but he is not a safe counsellor for a prince, whose providence not suppling the defect of rotation, whether in civil or military affairs, with something of like nature, exposeth 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 Judea fell most of them by their captains or favorites, as I have elsewhere oberved 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, Caspius Aelianus of Nerva, Cassius of Antoninus, Perennis of Commodus, Maximinus of Alexander, Philippus of Gordian, Aelius 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 fame; Heraclius depose Phocas; Leo Isaurius do as much to Theodosius Agramyttenus; Nicephorus to Irene, Leo Armenius to Michael Curopalates, Romanus Lagapenus to Constantius, Nicephorus Phocas to Romanus Puer, Johannes Zismisches to Nicephorus Phocas, Isaac Comnenus to Michael Stratiotus, 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 Sceceus came near to supplant Boleslaus the third of Poland. If Wallestein had liv'd, what had becom of his matter? 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 Indies: you shall find a king of Pegu to have bin thrust out of the realm of Tart to his captain general. Nay, go where you will, tho' this be pretty well, you shall find more than one example. But as to the prevacurator, if he was not given to make such mouths, as cut up nothing else but his own words, I needed not have brought any other testimony to abolve a commonwealth of malice in this order than his own, where he says, that when som person overtrops the rest in command, 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 the of the same order to take their turns in like command. Good wits have ill memory. 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 from officers, and all at the end of three, will keep the republic in a perpetual minority: no man having time allowed him to gain that experience, which may serve to lead the commonwealth to the understanding of her true interest either at home or abroad.
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Book I. 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 the every man press forward towards magistracy, yet the magistrates 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 ballot, is at the belt, and free from all that preffing 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 troublesome; or if at worst the orders for election in Oceana must not perform that part, better than a crowd 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 from 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, therefore there ought not to be terms and vacations, left these should keep the commonwealth in perpetual minority. I would once fee 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 from officers, which is true, and that at the end of three years they take off all, which is false; for whereas 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. Wherfore let him speak out; three years is too short a term for acquiring that knowledge which is necessary to the leading of a commonwealth. To let the course of Israel which were monthly, and the annual magistracies of Athens and Rome go; if three years be too short a term for this purpose, what was three months? a parliament 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 parliament-man in England, could not have born his magistracy above three years, tho he were not necessarily subject to any vacation. Wheras a parliament 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 knowllege for the leading of a commonwealth? neverthelesse the parliament 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 parliament man, the parliament 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 parliaments 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 strangled by her guardian:

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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 of either 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 fink 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 enable a man to lead the commonwealth to his interest. In this regard it is, that, according to M. Macerus, 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 skil; 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 facili, 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, shoud 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 experienced 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 parliament, 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 embassadors, the provincial armys of Oceana, likely to breed men of as good parts, as to such matters? nor have astronomers that familiarty 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 univerfal, 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 skil enough to lead her to her true interest at home or abroad: that which is necessary to this end, is not so much skil 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 forfaking their antient virtue, abandon'd themselves to their lufts; and the senators, who, as in the case of Jugurtha, were all brib'd, turn'd knaves; at which turn all their skil in government (and in this never men had bin better skil'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:
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Book I. father: but the commonwealth had sprung her planks, and split her ballast; the world could not save her.

Confid. p. 36. For the close, the prevaricator, who had judg'd before, that there was much reason to expect some 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.

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 Queries, 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 does in Oceana, any other government could have bin introduc'd, otherwise than by the interposition of foreign arms, that could have subsist'd naturally without violence or reluctancy, or steadily without frequent changes, alterations, and plunges, except that only of the commonwealth propos'd?

II. WHETHER the balance in land standing, as has bin shewn, the commonwealth propos'd, being once establisht, 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 erexit 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
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V. WHETHER the natural body of a godly man can any otherwise be said to support and nourish itself 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 Commonwealthman.

I. WHETHER a noble housekeeper has a housekeeper, that is as as well to live as himself, and whether the housekeeper, should be lose his estate, would not be a housekeeper 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, does not form or change the genius of a man, or of a people accordingly? or what is the reason why the peasants 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 frame'd entire 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?
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.
Advertisement to the Reader.

Books, especially whose Authors have got themselves Names, are Leaders; wherefore 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 Enterprize, 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.

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 chirothetia, paraphrastically relates the story of the perambulation made by the apostles Paul and Barnabas thro' the cities of Lycaonia, Pidida, &c. by way of introduction.

The second shows those cities, 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 shows 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 Sanat of Israel by Moses, and of that at Rome by Romulus.

The fourth shows the deduction of the chirothetia from monarchical or aristocratical government, and the second way of ordination from the chirothetia. 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 cities mention'd, was (as is pretend'd by Dr. Hammond, Dr. Seaman, and the authors they follow) the same with the chirothetia, 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 entering into a discourse to run much, for the words, upon a language not vulgar, which thence I shall use no otherwise than by way of parenthesis, not obstructing the sense; and for the things, upon customs that are forein, which thence 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 Greek) 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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The INTRODUCTION, OR FIRST CHAPTER.

The names or words wherof we are about to dispute are Grecs, the one chirotonia, the other chirothecia. The first signification of the word chirotonia, in Suidas, imports a certain lead action of the hand, which seems also by the Grecs that renders it by the same word, to have been intimated in Isa. 5. 9. In the second signification with Suidas, it is ἰηονγα, πάντων κόσμων, electio (that is to say of magistrates) or ratification (that is to say of laws) by the many: which amounts both by his testimony, and that generally of ancient 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 mentioned) of Rome, and other commonwealths (whose suffrage was not given with this ceremony) without holding up of hands.

CHIROTIESIA (ἰηονγα χειρος) 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, signifies ordination confer'd by one man, or a few men, that is to say, by some distinct order from the people, whether with imposition of hands, or without it.

These words thus interpreted, I shall throughout my discourse (which else must have run altogether upon the Grecs) premise, as already I have don, to take for good English, and so proceed to the things wherof we are to dispute; first, by opening the scene of this perambulation, which will be done 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.
Book II. 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: 

Acts 11. 19. THEY whom the beast of persecution from the death of Stephen had dispersed, travelled thro the cities and villages as far as Phenice, and the adjacent island of Cyprus; as also thro Antiochia, which lies between Phenice and Cilicia, preaching the gospel received from the apostles, which nevertheless they dur'd not to communicate 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 children's bread to dogs, which Christ bad forbid.

But some of them that believ'd, being of Cyprus and Cyrene, when they came to Antioch, had the boldness to speak of Christ to the Grecians, 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 tiding 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 done 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 Gentiles to the Gospel was not, that the thing was not greatly desired by the apostles; but let it stand afterwards be repeal'd or made void by the Jews, as done rashly, or that the Gentiles should rely less upon what was done, as conceiving it needed ratification by the law. Wherefore Barnabas so soon as he came to Antioch, and found the Grecians 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 exhort'd them to remain constant in their enterprise 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 add'd 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 Gentiles and kings of the earth. For when Paul fled from Jerusalem, the disciples had conducted him to Cesarea of Phenice, whence he went to Tarus; whom therefore 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 Grecians) to receive the better fruit thro the aid of an apostle more peculiarly designed to this work. These two being convergent a whole year in the church of Antioch, which by the confluence both of Jews and Grecians became very numerous, so many were added by their preaching, that whereas itiberito, 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, whereof one nam'd Agabus standing up in the congregation, signified 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 irreverishal, especially among the believing Gentiles, money 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 money thus gather'd was sent by Paul and Barnabas to the elders at Jerusalem, to be distributed at their discretion.
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while Paul and Barnabas were thus employ'd, with discretion such as were in need. While Paul and Barnabas were thus employ'd, king Herod, the fame that beheaded John, and return'd Christ clad' d, thro' drevison, 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; wberfore he stretch'd forth his hand to see certain of the church, kill'd James the brother of John with the sword; and because he saw it pleas'd the Jews, proceed'd further to take Peter also, who being imprison'd, was afterward miraculously deliver'd. But Paul and Barnabas having perform'd the truth 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 surname was Mark.

NOW the church of Antioch flourisht 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 Lucas 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, employing their several gifts to the glory of God, and in his most acceptable service, the salvation of souls, with fasting and prayer, the Holy Ghoft being b'rd up by their zeal, signified his will by the prophets, saying, Separat me Barnabas and Paul for the work wberio 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 bands upon the persons so separated, and sent them wheresoever the spirit of God should direct them. By this impulse therefore Barnabas and Paul went to Seleucia, being a promontory of Antiochus, and thence sail'd into the island of Cyprus, where they landed at Salamis, a famous city upon the eastern part of the island; they preached not human inventions, but the word of God, nor that by slealth, but in the synagogues of the Jews, whereso the neighbourhood of Syria there was more. This honor by the commandment of Christ was always desir'd to the Jews, that the gospel should be first offer'd to them, left they being a querulous and repining nation, should complain that they were despis'd. Thus travel'd these apostles thro' the whole island, 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 falsely pretended to the gift of prophecy. This man follow'd the court of Sergius Paulus, procurer or governor of the island for the Romans, otherwise a prudent man; but this sort of vermin insinuates itself into the best of clusses, so their corruption may do the greater and more compendious mischief to mankind. The proconsul nevertheless having underfiold the gospel to be planting thorough Cyprus, not only forbore to stop the ears of others, but by sending for Barnabas and Paul seem'd desirous to open his own. Wherefore Barjesus indeavouring to reft the growth of the word, as an enemy to Christ, and refilling the truth with falsehood, a fierce aruge 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 eyes 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 imbar' d there with bis associats for the leffer Asia, and came to Perga, being a city of Pamphylia;
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Book II. Pamphylia; here John, whose surname was Mark, left them, and return'd to Jerusalem, while they, when they had visited Pamphylia, travel'd to Antioch, a city of Pisidia, where having enter'd a synagogue, they sat after the usual manner with the rest, attentive to the law and the prophets; whereas when the parts appointed were read, and no man stood up, the rulers of the synagogue perceiving that the strangers by their habit were Jews, and such as by their aspect promised more than ordinary, sent to them, desiring that if they had any word of exhortation for the people, they would speak. Whereupon Paul standing up, preach'd to them Christ; whence came the word of the Lord to be divulg'd throug that region, the Jews out of envy to the Gentils, stirring up the devoutest matrons (an art not unknown in those times) and by them the chief of the city, raise'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 come to Iconium, entering with the Jews after the custom into the synagogue, 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, whereby one flood 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 done, cry'd out, The gods were descendi'd 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 descendi'd in human shape, and bin entertain'd by Lycaon, from whom the Lycaonians receiv'd their name. Wherefore 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 stoneing 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 propagat'd the gospel there also, they return'd to Lystra, Iconium, and Antioch, confirming the disciples whom they had convert'd. 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 duties 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 finisht at Antioch in Pisidia, when they had perambulat'd 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 proced'd to Attalia, being a maritime 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 Chirothegia, or imposition of hands, prayer and fasting, they had bin recommended to the grace of God, and design'd to the work now finisht'd.
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In this narrative you have mention both of the Chirotonia and of the Chirotbeia, or imposition of hands, but of the former as of ordination; for by that fuch were made prebysers or church-officers as were not so before: of the latter not, I think, as of ordination, at least in the fene we now take it; but as of designation of persons to an occasional and temporary employment, that had bin ordain'd before, for so sure had Paul at leaft. However, that which is offer'd by this narrative to preffent consideration, is no more than the bare story.

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 fuch 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, form fifty miles from Rome, and five from Seffe) being the second time conquer'd by the Romans, it was consult'd in the fenat 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 wherein he was born, than of that wherein he was fain, happen'd to render all more doubtful: for being ask'd by a fenator of the feverer judgment, what punishment he thought the Privernates might deserve, Such (say he) as they deferve who believe themselves worthy of liberty. At the courage of which anfw'er, the conful (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 fatter anfw'er 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 fenator falling openly upon ruffling and threatening the Privernat, as if thofe words of his tended to som practice or intention to ftrive up the citys in peace to fedition, the better part of the fathers being quite of another mind, declar'd, That they had beard 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 fuch 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 truft them but their fetters. To this opinion the conful especially inclin'd, inclin'd others, while he openly profeft, 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, whereby the Privernates were made citizens of Rome. Such was the genius of the Roman commonwealth; where by the way you may also obferve the manner of her debate and refult (authoritate patrum & jufiu populi) by the advice of the fenat, and the Chirotonia of the people.

But
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Book II. 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 enjoy their liberty at home, would be her rivals abroad, the 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 Ptolemies was that which she usually observ'd with others thro'out the course of her victories, and was after the change of government made good at least in some part by the Roman emperors, under whom we are now the cities 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 Greek, is least likely to be partial: of that therfore which I have affirm'd to have bin the course of the Romans in their victories, I shall make choice of this author for a witnes; first where he epitomizes the story of Athens by this manner: When the Carian by sea, and the Boeotians by land, wasted Attica, Cecrops the prince, to bring the people under shelter, planted them in twelve cities, Cecropia, Tetrapolis, Epacra, Decela, Eleusis, Aphydna, Theoricus, Brauron, Cytherus, Spettus, Cephisia, Phalerus; which Theseus is said to have contrived into one called Athens. The government of this city bad many changes; at first it was monarchical, then popular; this again was disturb'd by the tyrants Pisistratus and his sons; whence recover'd, it fell afterwards into the bands of the few, as when the four hundred once, and again the thirty tyrants were impos'd by the Lacedaemonians, in the war of Peloponnesus: which yoke the Athenians (by means of their faithful army) breaking 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 some kind of obedience, they nevertheless preserve'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, it's 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 commentary he wrote upon this kind of government is attest'd) that he repair'd it. Nevertheless, whether suppos'd or envy'd for his greatness without support by the Macedonians, after the death of Cassander be fled into Egypt, while his enemies breaking down his statues (as som say) made lonely 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; whereof 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 enjoy 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 says, 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,
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speaking, being born at Tarfus, a city of Cilicia, that had acquire'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 answering to Europe and Africa. Secondly, for that part of Asia which is now call'd Nocola. Thirdly, for that part of it which Attalus king of Pergamum, dying without heirs, bequeathed and left to the people of Rome: this contain'd Myse, Phrygia, Aeolis, Ionia, Caria, Doris, Lydia, Lycaonia, Pisidia, and by conquest the cities wherof we are speaking. To all these countries the Romans gave their liberty, till in favor of Aristoicucus, the bastard of Eumenes, many of them taking arms, they were recover'd, brought into subjection, and fram'd into a province.

When a confoul had conquer'd a country, and the Romans intended to form it into a province, it was the custom of the fenat to send (decem legatos) ten of their members, who with the confoul had power to introduce and establish their provincial way of government. In this manner Asia was form'd by Marcus Aquilus confoul; afterwards so excellently reform'd by Scævola, that the fenat in their edicts us'd to propose his example to succeeding magistrats, and the inhabitats to celebrate 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 accus'm'd to deal with all the inhabitats of the same in a like manner, but differently according to their different merit. Thus divers cities in this were left free by Sylla, as those of the Ilences, the Chians, Rhodians, Lycians and Magnesians, with the Cyzicenses, 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, Isaura, and Cilicia more peculiarly so call'd. Here Cicero was sometime 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 cities 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 Epit. proconsul, in his journey from Laodicea, was receiv'd by the magistrats and deputys of this city. Lysira and Derbe, being cities of Lycaonia, must also have bin of the same province. Next to the province of Cilicia was that of Syria, containing Comagene, Seleucia, Phoenicia, Cæcilia, and Judea or Palest in. In Seleucia were the four famous cities, Seleucia, Antioch, Apamea (the laft 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 Bitbiny with Pontus: these were all acquire'd or confirm'd by the victories of Pompey the Great. Strabo, who was a Cappadocien 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 contrived leagues of amity with divers nations; where there were kings, the honor of address was defer'd to them, with whom the treaties that concern'd their countries were concluded. But as concerning the Cappadocians, they treat'd with the whole nation, for which cause the royal line of this realm coming after-
wards to fail, the Romans gave the people their freedom or leave to live under their own laws: and when the people hereupon sending embassadors to Rome, renounced 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 choose of their nation, whom they pleas’d; so Arioobarzanes was chosen, whose line again in the third generation coming to fail, Archelaus was made king by Antony (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 left Pontus under king Mithridates, who not containing himself within his bounds, but extending them afterwards as far as Colchis and Armenia the Left, was reduc’d to his terms by Pompey; who dividing him of those countries which he had usurp’d, distributed some 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, be made one province. When the Roman emperors became monarchs, they also upon like occasions made other distributions, constituting kings, princes, and cities, some more, some less, some wholly free, and others in subjection to themselves. Thus came a good, if not the greater part of the cities in the lesser Asia, and the other adjoining provinces, to be some more, some less free; but the most of them to remain commonwealths, or to be erected into popular governments, as appears yet clearer by the intercoufe 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.

S I R,

I t 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 magistry may be senators. Now because by a latter edict of Augustus, the lesser magistracies 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 cenfors 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 necessery, because it is somwhat better, they say, that the senat be fill’d with the children of good families, than with the lower sort. My opinion being ask’d upon these points by the new cenfors, 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.”

Trajan.
OF POPULAR GOVERNMENT.

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 cities: 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.

"S I R,

POWER is granted to the Bithynian cities by Pompey’s law, to adopt to themselves what citizens they please, so they be not forenors, but of the same province; by the same law it is shewn in what cases the cenfors 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. Wherfore certain of the cenfors 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 cities might suffer concurrence by the restitution of the law in that part, which th’o a kind of consent seems to be now grown obsolete; I conceive it necessary to have your Majesty’s resolution in the cafe, to which end I have sent a breviet of the law annex’d."

TRAJAN TO PLINY.

"WITH good cause, dearest Pliny, have you doubted what answer to return to the cenfors, 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, Alabanda, Sardes (antiently the senat of Cæsæs) Smyrna, Ephesus, Adramytis, Pergamum. That of Cilicia had also six, the Pamphylian, Isaurian, and Cilician, the metropolis wherof was Tarfus, a free city; to these were taken out of the province of Asia, Cibyra, Simeade, Apamea: what were the dioceses of the other two Siconius, whom I follow, dos not shew.

S F

At
THE PREROGATIVE

Book II. At these in the winter (for the summer was spent commonly with the army) the people of the province assembled 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 conful or pretor, which appellations differ'd not in power, but in dignity, that of conful 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 proconful or prepretor.

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 conful, proconful, or pretor might appoint one for that time in his place, who was call'd proquestor. The power of the conful, proconful, 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 conful or proconful had legats, somtimes 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 cryers, lictors or infignbearers, interpreters, messengers, divines, chamberlains, physicians; and besides these his companions, which for the most part were of the younger fort 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 fon to the proconful, and to whom the proconful was to give the regard of a father) being call'd, it made the pretorian cohort or guard always about the person of the proconful, 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 som 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 predecesser, or new levy'd in the city; this confin'd in the one half of the legions (as I have elsewhere shewn) and in the other of associates: for the greatness of the fame, 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 proconful, or pretor, was executed at the Metropolitan city of each dies, which upon this occasion was to furnish the pretorian cohort with lodging, falt, wood, hay, and stabe-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 fo 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 conful, proconful, or pretor, by proclamation gave timely notice. Being assembled 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 conful, proconful, or pretor, with his pretorian cohort or band
OF POPULAR GOVERNMENT.

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 done 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 questionab[e] 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.

LEG E 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 cities, 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 some 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 controversies, select judges from among the Romans (not out of the pretorian cohorts, 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 tributes, customs, taxes, levys of men, mony, shipping, ordinary or extraordinary, for the common defence of the Roman republic, and her provinces, the confuls, proconfuls, 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 quætor: if the proconful were indifpos'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 meddi'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 exercize of their religion through 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 Crist to death, they accus'd Christ of affecting monarchy, and so affrighted Pilat, being a mean condition's 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 proconful 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 elè to do than to judge of words, and names, and questions of their laws; 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 show their love to the proconful, fell on knocking them out of the way of other busineses.

Now
Book II. Now tho' the commonwealth of the Achaean, being at this time a Roman province under the proconsul Gallio, enjoy'd no longer her common senat, strategus and demiuerges, 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 Greeks being of the same judgment, the Jews could not dispute with the Christians without tumult. Of this kind was that which happen'd at Ephesius, 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.

This place (in times when men will understand no other wise 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 prof'd out of Scripture. For the chancellor of Ephesus perceiving the ecclesia (so it is in the original) or assembly (as in our translation) uncalled by the senat, or the magistracy to be tumultuous and gather'd in the theater (their usual place, as in Syracuse and other cities, of meeting) betakes himself to appeale the people with divers arguments: among which he has thefe. First, as to matter of religion. You have brought it in, says he, thefe 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 (αὐτοκρατορία) proconsuls (he speaks in the plural number with relation to the legats, by whom the proconsul sometimes held his courts; otherwise this magistrat was but one in a province, as at this time for Asius 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 determined in a lawful ecclesia, or assembly of the people. By which you may see that notwithstanding the provincial government, Ephesus, th'o she was no free city, (for with a free city the proconsul had nothing of this kind to do) had (autocraus) the government of her self (as those other cities 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 understand. 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. Wherfore I might henceforth expect two things of divines; first, that it might be acknowledge'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 significacion, left they condemn this place of Scripture to be no more understand. The manner of provincial government being thus prov'd, not only out of profane authors, but out of Scripture it self; and the cities that were least free having had such power over themselves, and their territories; 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
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and Dantzic, while the one was tributary to the Turk, the other to the king of Poland, were nevertheless so free states, 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 monarchs shall be rightly consider’d, took far less of these cities than their old masters, will admit of little doubt. Cicero surely would not ly; he, when procurator of Cilicia, wrote in this manner concerning his circuit, to his friend Servilius: two days I staid at Laodicea, at Apamea five, at Sinnada three, at Pilomelis five, at Iconium ten; than which jurisdiction or government there is nothing more just or equal. Why then had not those cities their senates and their ecclesiae, 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 thefe, 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 cities under provincial administration, whether free or not free, were under popular government; whence it follows, that Corinib, 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 cities (had quandam auctoritatem) 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 stretched out his hand to please the Jews, and vex the church) but of the people, of their rulers, of their assemblies, 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 soverain 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 whereby to restrain the people, nor other means to prevail against them, than by making of parties: which passions, as they prove these commonwealths on the one side to have bin ill constituted, evince on the other, that these cities were under popular government.
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 some other words, wherof they pretend to take a strong hold in their controversy. The chief of these has been spoken to already: chirotonia being a word that properly signifies the suffrage of the people, wherever it is properly us'd, imparts 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 imp'd what went before.

The next word in controversy is psephisma, which signifies a decree or law, and this always implying power, always imparts 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, whereby the senat had this power, originally deriv'd from the chirotonia of the people.

The third word (χασιας) signifies to constitute or ordain; this in the political sense of the same imparts not power, but authority: for a man that writes, or proposes a decree or form of government, may be said (χασιας) to propose or constitute it, whether it be confirm'd by the chirotonia of the people or not; nay with Halicarnassæus the word signifies no more than barely to call or assemble a senat, βουλη ντον κασιας.

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 purest 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 (to 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 been shewn out of Suidas (who speaking of Rome refers to this) was election of magistrates, or enacting laws by the suffrage of the people: which, because they gave by holding up their hands, came thence to be call'd chirotonia, which signifies holding up of hands. The legislative assembly, or representative of the people, call'd the nomothetes, upon occasion of repealing an old law, and enacting a new one, gave the chirotonia of the people: and yet says the Athenian law (διαχρισοντος δε τοιούτου προέδρου περὶ τῶν νόμων) Let the praedri give or make the chirotonia to either law. The praedri, as was shewn in the former
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former book, were the ten presidents of the *prytans*; which *prytans* upon this occasion were presidents of the *nomothetae*. Again, whereas it was the undoubted right and practice of the people to elect their magistrates by their *chirotonia* (κηροτονία) it is nevertheless shown by *Pollux* to have bin the peculiar office of the *theomothetae*, (τηκτονίας) to *chirotonize* the magistrates. For as the *proedri* were presidents of the people in their legislative capacity, so were the *theomothetae*, upon occasion of elections: thus the *chirotonia* of the *proedri* or of the *theomothetae* signifies nothing else but the *chirotonia* of the people, by which they had enacted all their laws, and elected all their civil or ecclesiastical magistrates or priests, as the *rex sacrificius*, and the *ordo ensis*, except from by the lot; which ordinance, 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 overain power of Athens upon the *proedri* or the *theomothetae*, is to make such a thing of that government as can no wise be understand?

What the people had palt by their *chirotonia*, was call'd *psephisma*, an act or law. And because in the *nomothetae* there were always two laws put together to the vote, that is to say, the old one, and that which was of' in the room of it, they that were for the old law were said (ανατοτομία) to pronounce in the negative; and they that were for the new (καταφατοτομία) to pronounce in 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 (τὸν δὲ δημοκράτιον κατασκευα) that he inisituted 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 *kataskew* 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 judge.

It is true that the things exprest by these words have bin in som commonwealths more, in others les antient than the Greek language; but this hinders not the Greeks to apply the words to the like constitutions or things, wherever they find them, as, by following *Halicarnassus*. I shall exemplify in *Rome*.

"Ο ΔΕ Ρέμολος, ἐνίθηκα ταῦτα διεσώμενε, βαθινὰς ἔνδεις ἰσόνια κατασκέψεως. *Romulus*, when he had distribut'd the people into tribes and parishes, proceeded to ordain the *senat*; in this manner the tribes were three, and the parishes thirty; out of every tribe he elect'd three sanators, and out of every parish three more, all by the suffrage of the people. Thesetherefore 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 therfore say was made by the *chirosbeia*; 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 *chirosbeia* is election by one, or by the few. But to keep to the matter in hand; the magistrat thus chosen by *Romulus* was (præfectus 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 exercize 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 sacrificius*, and the *flamines*, were all ordain'd by the suffrage of the people (pontifex tributis, rex centurialis, flamines..."
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mine curiatis) the latter of which, being no more than parish priests, had no other ordination than by their parishes. All the laws, and all the magistrates in Rome, even the kings themselves, were according to the orders of this commonwealth to be created by the cbriotonia of the people; which nevertheless is by Appian sometimes call’d ἔμαρξων χιριτονία, the cbriotonia of the tribuns, whether these magistrates were presidents of the assemblies of the people, or elected by them. Sic Romani bisiorici non rare loquuntur, consul em quis comitia habuerit creafie novos magistratibus, non aitiam ob causam nisi quia suffragia receperit, & populum moderatus ess in eligendo.

What pass the cbriotonia of the people, by the Greeks is call’d ἀσφαλίσμα: μελλοντις η διαλοξεῖ διὰ της ἐκκλησίας, ἀναγία το μαχαγιό εἴσο. & μὲν εὐφράστας το κοινόν ύμᾶν ἐκ νη αὐλος: When the congregation of the people was to be dismiss, Marcus standing up, said, Your asephisma, that is your act, is exceeding good, &c.

This policy, for the greater part, is that which Romulus (as was shewn) is said (κατασφαλίστα) to have instituted or order’d, tho’ it be plain that he order’d it no otherwise than by the cbriotonia of the people.

Thus you have another example of the three words in controversy (Cbriotonia, καβαφισμα, ἀσφαλίσμα) 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 cbriotonia in the one, as in the other?

That Moses introduc’d the cbriotonia, is expressly said by Philo; tho’ he oppos’d 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 cbriotonia, as the suffrage of the Roman people; which tho’ it were given by the tablet, is so call’d by Greek authors. All ordination of magistrates, or of the senators or elders of the Sanbedrim, of the judges or elders of inferior courts, of the judge or suffrages of Israel, of the king, of the priests, of the Levits, whether with the ballot or vivō vocē, was perform’d by the cbriotonia 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 let them together. The authors or writings I use, by way of paraphrase upon the Scripture, are the Gemara, Babylonia, Midbar Rabba, Sepher Sibri, Sepher Tanchuma, Solomon Jarchius, Chajkuny, Abarbanel, Afin Israel, Peshita Zobertika. These and many more being for the election of the Sanbedrim by the ballot, I might have spoken them more briefly; for the truth is, in all that is talmudical I am affrighted by Selden, Groitus, 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.

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Nor am I wedded to Grotius or Selden, whom fomtimes I follow, and somtimes I leave, making use of their learning, but of my own reason. As to the things in this present controversly, 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 counsell 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 Lord: that is, propos'd the dictat of the supreme legilator 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 (τρεις αριστον απο των γνωστω προφυλακτον των) and I will constitute them rulers over you. Now how the people could otherwise take or chufe 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 de creed by the chirotonia of the people. For the people upon this proposustainable resolv'd in the affirmative, or allow'd and said, The thing which thou hast spoken is good for us to do. This then was the plebiscita or decree of the people of Israel, whereupon says Moses (καὶ ἔθελας ἀναθέμα) 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 κατέκρινε, 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 κατέκρινε 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 propos'd not upon their first plebiscita, or refuse, that the thing was good for them to do, but did accordingly. The manner of their proceeding at different times was somwhat different; for it was somtimes viva voce, somtimes by the lot, without the suffrage; and somtimes by the ballot, which constist 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 som kinds of busineses, as first in the division of lands, whence the suffrage was properly excluded: for the divisions being made by three deputys out of each tribe, if there happen'd to fall som 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 bin ineqal, 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 som one or more must have bin guilty, as in the cases of Achan and Jonathan, the lot was alfo us'd without the suffrage, somwhas 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 som known crime, that som 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 les incouragement that their crimes would be the more hidden, or les punishable for company, or the shadow of it.

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Book II. When the people were set upon the introduction of a new magistracy, and card’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 cain 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 senat or sanhedrin was first elected (καθαριὸν) or constituted by Moses.

Upon the ἁψιβίσμα, 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 prominent consuming, 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 senat, as is plain by the text (gather me seventy men, that they may stand with thee) was to confit 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 this manner. First a lot was drawn out of the urn of the magistracies, 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 συνατατησισίων, by this ἁψιβίσμα decreed to be together of the number of the seventy elders. But whereas in the urn of magistracy there were two blanks, two that had bin written competitors mutt 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 (συνατατησισίων) numbred among the seventy, who were to sit in the court of the tabernacle; as afterwards they did in the pavement, or stone-chamber, in the court of the temple.

In this place I shall mind you but once more of the three words in controvery. Moses the legislator (καθαριὸς) constituted the people chirotiniz’d; and that which they had chirotiniz’d, was ἁψιβίσμα, 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; if for 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
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What therefore has the hierarchy, and the presbytery for their opinion that the sanhedrim was instituted by the ephrothaea, 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 exogeneity; 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 designd 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 armies 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. Wherfore this ordination, which was but accidental, regarding the present military condition of the people, Moses most prudently distinguihith from the other; in that he shew'd them how they should manage their commonwealth, in this he bequeath'd 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, doth 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. 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. But the Talmud-gifts themselves do not pretend that their ordination was further accompany'd with supernatural endowments than the first institution; and if divines were as ingenuous, no less might be acknowledg'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 seneh, for then bread may be seneh. 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 magistrates, 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.

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 (αὐτοῖς) and made them heads over you, captains of thousands, and captains of hundreds, &c. which were other magistrates.
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Book II. After 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: **and I charg’d your judges at that time, saying, Hear the causes, and judge righteously.**

The next magistrat whole election comes 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 SIONIUS, that God put it into the mind of the people to elect such magistrats, or captains over them. 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 place, where εὐλογία Θεος, 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 cibrotonia of the people, as that of the judg, is past all controversy, facing 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 SAUL, but the people that would have it so; thus SAUL was chosen king by the lot. Where the contradiction of GROTIUS is remarkable, who in this place shew that the lot is of popular institution, quotes 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 receive’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 cibrotonia of the people, was elected by the cibrotonia of God: for as the congregation of Israel is call’d in Scripture (εὐλογία Θεος) the ecclesia or congregation of God; so the cibrotonia of this congregation is call’d by JOSPEPHUS (Θεος χειροτονια) the cibrotonia of God, who, as I noted before out of CAPELLUS, was in this commonwealth political king, or civil legislator (sensus comparationis) as SOLOM in Athes, and ROMULUS in Rome; that is to propose to the people (Hae est lex quam Moses proposuit) and whatever was propos’d, by God, or the lawful magistrat under him, and cibrotoniz’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: for if God intending popular government should have ordain’d it otherwise, he must have contradicted himself; wherfore he plainly acknowledges to them this power, where (Θεος αξειρητον της εκκλησιας) they reject’d him (whom they had formerly cibrotoniz’d or chosen king) that he should not reign over them; and elected SAUL. This if God had withfo’d by his power, he must have introduc’d that kind of monarchy which he had declar’d against; wherfore he chose rather to abandon this foolish and ingrateful people to the most inextricable yoke of deiterv’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 tittle of whole words pass’d not unfulfill’d.
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By this time I have shewn that all the civil magistrats in Israel were chosen by the εὐροτονία of the people, or, to follow Josephus, by the εὐροτονία of God, which is all one; for the εὐροτονία of the president of the congregation, as I have intimated in that of the προεδρία of the βηθσομβθετες, of the consul, of the tribunes, and the εὐροτονία 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 come then from the civil magistrats to the priests and Levites, these were chosen in two ways, either by the lot, or by the εὐροτονία.

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 to 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 (κατὰ τὴν ὑμητρίαν γνώμην καί τῆς ἁγίας) 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 murmuring, God decided the controversy by a second miracle, the budding of Aaron’s rod: (and so έστιν τὰ τρίς ὑπὸ τῶν Χειροτονισμάτων τιμίων τῆς τιμίας) being thrice confirm’d by the εὐροτονία of God, he was confirm’d in that honor. Now that the εὐροτονία of God in this place of Josephus signifies the εὐροτονία of the people, is plain by that in Scripture, where they made Solomon king, and Zadoc to be priest. After the captivity, as in other things, so in this power the fanædïrion came, as I conceive, to overreach the people: Joshua his son of Josiah being thus elected high priest by the fanædïrion, and this honor thenceforth (as appears by Maimonides) being at the division of this court. Nor could 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 fame author and by Josephus, but in Scripture. Now the lot, as was shewn, giving no prerogative either to any person or party, is as popular an institution as the εὐροτονία. So in election of priests, the orders of Israel differ’d not from human prudence, nor those of other commonwealths, the priests of Jupiter having bin elected after the same manner in the commonwealth of Syracuse; the Auguïtæs, and the Vefials in that of Rome: and if the right of bearing holy magistracy, being in Israel confirm’d to one tribe or order, 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, till the people in those cities disput’d that custom, as introduc’d without their consent.
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To come to the Levites in their original ordination, God commanded Moses saying, Thou shalt bring the Levites 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 Levites. This in the sound of the words may seem to imply the chirothosia, or imposition of hands, but take heed of that; divines will not allow the chirothosia to be an act of the people: but in this proceeding the whole people acted in the ordination of the Levites, wherefore the Levites 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 Levites, whatever it was, it is not to the present purpose; divines deriving not theirs from priests and Levites, but from dukes, generals and magistrats, from that of Joshua and of the fanhedrim, always provided, that this were of the same nature with the former, that is, by the chirothosia, or imposition of hands, and not by the chirotonia of the people. However the ordination of the magistrats was certainly political; and so in this deduction they themselves confess that their ordination also is a political constitution: yet whereas 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; whereas he is commanded (the children of Israel having first laid their hands upon the Levites) to cleanse them, and offer them for an offering: divines of the hierarchy and the prebytery (that is otherwise with Wallaeus and such as acknowledge popular government) give the congregation, or consent of the people for nothing, and put the whole ordination of the priests and Levites upon the washing and cleansing, or other ceremonial of consecration: as if to put the ordination of Saul upon the ceremony of anointing by Samuel, tho perform'd by the immediate command of God, were not absolutely contradictory to Scripture, and to the known law of Israel, which speaking of the people, expressly 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 chirothosia, or suffrage of the whole people. The congregations of the people assembld upon this as upon other public affairs, and require 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 sibi manu dedit, celumque tui perisset, 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 doubtles 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 Levites lay in the ceremonies of their consecration, is every wht as sober and agreeable to reason, as if a man should hold the kings of England to have bin made by theunction of the bishops. Israel from the institution of Moses to the monarchy, was a democracy, or popular government; in popular government the content of the people is the power of the people, and both the priests and Levites were ordain'd by the content of the people of Israel.

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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 acknowledging by Grosius 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 magistrates, both civil and ecclesiastical in their ecclesia, or congregations, has bin also undeniable evidenc'd; whence it must needs follow that there were citys in Asia (χιρωτοναις αυτους παραδίδους καν εκλεγοντες) chirotonizing or ordaining them elders, that is, magistrates and priests in every congregation (with reverence be it spoken) long before Christ was in the fleth, 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.

The Deduction of the Chirothetia from Monarchical or Aristocratical Government, and of the second Way of Ordination from the Chirothetia.

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 pretectures; 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 some of these magistracies, or added others: for when David came to reign over all Israel, Joab was over the host (his strategus or general) Jehoshaphat was recorder, Zadok and Abimelech were the priests, Seraiach was the scribe, and Benaijah was over the Pelehtis, and the Cherethiis; that is, captain of his regiments of guard, call'd perhaps by these names, as those of Romulus were call'd Celere. 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 chirothetia. For the deduction of this kind of ordination, or election, we shall do well to hearken first to Dr. Hammond; who in his query, or discourse concerning ordination by the imposition of hands, puts it thus: 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 blessing him blessing upon them (and with that succession to some 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, and his left hand on Manasses.
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Nasses, and so he blest, &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 successor office from one to another. Thus when Mos. had from heaven received, and long as his commission to be under God the ruler of the people, the seventy elders were by God's appointment chosen to assist him: it being certain from the Jewish writings, the that sacred Scripture has no occasion to mention it, that the succession of the seventy elders under the name of sanhedrin or council was continued thir all ages by their creating others in the place of those that dy'd, by this ceremony of imposition of hands.

Tit. Sanhed.
c. 4.

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. And Moses laid his hands upon him, and gave him a charge as the Lord commanded by the hand of Moses: that is, derive'd to him by this ceremony the authority which himself had, and constituted him his successor in that government. And so it is repeated, Joshua was full of the spirit of wisdom, for Moses had laid his hands upon him.

This is the doctor's deduction of the elternitas, 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. 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 borrowed, first that of blessing infants with the ceremony of imposition of hands, as it differ'd from baptism. And secondly, that of confirming those of fuller age, that had bin formerly baptized. 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, sometime 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 receive'd the Holy Ghost; whereas the Holy Ghost contains all the θεοσυνεκκαίων requir'd to the pastoral function, and so signifies power from on high: the authority and function itself, so it be given by imposition of hands, makes the parallel exist between this of Christian ordination, and that observ'd in the creating successors in the Jewish sanbedrin. So far the doctor.

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: 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 baptism'd, ordain ministers,
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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 chirosthesia, there is no such thing to be deriv'd by the chirosthesia from the sanhedrim. The first chirotonia indeed of the sanhedrim was accompany'd with miraculous endowments; wherfore 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; wherfore then by this title should not these gifts and graces be rathe pretended to by the civil magistrat, than by divines? what becomes of the priest Aaron and his lots? is he left to the civil magistrat, while divines derive themselves from general Joshua and his chirosthesia? but if the sanhedrim and inferior judicatory's were otherwise ordain'd originally; then no magistrat in Israel was originally ordain'd by the chirosthesia, 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 underslands 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 chirosthesia as a standing ordination, had bin to bar the people of this power? Israel at this time, the design'd for a commonwealth, had no land, no foundation to balance her self upon, but was an army in a wilderness, incompaies'd about with enemies. 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 succeede 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 chirosthesia for once, and no more; or let them shew me among all the dictators, judges, or kings, that succeded Joshua, any one that was chosen by the chirosthesia, 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 possesling themselves of this fame oligarchical invention of the chirosthesia pretended to be deriv'd from Moses; tho there be neither any such precept of God or Chrift in the Old or New Testament, nor any unanimous refult 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 fhall in due time shew Maimonides to be elsewhere of a clear contrary opinion. But in this controversy, without som clearer deduction of the chirosthesia,
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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 exquisitely perfected at once, and his laws so comprehensive, that if the senat had had no other function than to make or propoce 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 fanhedrim was not only the senat, but the supreme judiciary. And because one court in a territory of any extent is no where sufficient to this end; therefore the fanhedrim had divers branches distended not only to the cities of Judea, but even to the villages; these were call'd the jefer sanhedrin, or the Jethronian prefectures.  

The great fanhedrim consisting, as has been shewn, of 70 elders, sat first in the tabernacle, and afterwards in the court of the temple.  

The Jethronian prefectures consisted of as many as three and twenty elders, and others but of three. Of the former kind there were two in the gates of the temple, and one fitting 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 fanhedrim, 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, between plea and plea, between stroke and stroke, being matter of controversy within thy gates; then shalt thou arise, and get thee up into the place where the Lord thy God shall choose (in the future, for the commonwealth was yet but design'd, not planted) and thou shalt come 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 fanhedrim, or if there be no fanhedrim, the jueffes or judg of Israel. The reason why the fanhedrim 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 them, tho towards the latter end it happen'd to be far otherwise. For whereas sacrificing was feasting, the priests enjoying a fat idleness, became in latter times so heavy, that as to the election of the fanhedrim not only the Levits 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 triumvirati, 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 fanhedrim: but their power is not so much to the present purpose, which regards only their manner of election. This having bin infinitely 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 ebirotbeia. 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
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had 99 disciples that were their constant auditors) or out of the triumvirats; and when an elder of the sanhedrin dy’d, the sanhedrin 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 chirotbeia: nor could any man confer the chirotbeia 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 fom one of the judicatorys. The manner how this ordination was confer’d, if the party were present, was either by laying on of hands, or by laying a veke or charm; or if he were absent, by a letter, or patent.

An elder thus ordain’d was call’d rabbi, might have disciples, teach, practice, 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 capable of election into fom 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 fom extended no farther than to shew how meat should be kill’d and dree’d, how uncleanless should be purify’d, what were vices of the body, what might be eaten or drunk, and what not; in others it extended to fom one or more, or all the faculties expressed; but I am inclining to believe that a plenary ordination us’d not to be confer’d but by the great sanhedrin, or at least fom one of the judenrian courts.

They us’d also to confer this ordination fom 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. 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 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.

Josephus, Philo, and other authors that tell us the commonwealth of Israel was an aristocracy, look no farther than the introduction of the chirotbeia by the Presbyterian party, which must have taken fom time after the captivity, or the restitution of the commonwealth by Ezra, there being not one fylable for it in Scripture, but enough to the contrary, seeing God introduc’d the chirotetia. 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 chirotetia, or chirotbeia, 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 therefore
therefore not appertain to divines, or to a clergy, but to the magistrat, unlea... government as they please? All is one, they can abate nothing of it, let what will com of the government, the chirothefia 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 chirothefia, is the certain consequence; either tyranny as in Israel, or monarchy as in the papacy; and, from that or the like principle, in all Gotbic empires: which examples, to begin with Israel, well deserve the pains to be somwhat more diligently unfolded.

All elections in Israel, save those of the priests who were eligible by the lot, being thus usurped by the presbyterian party, and the people by that means divested of their chirotonia; from 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 somwhat otherwaise, but in effect to himself, and his chirothefia: for by his influence upon the sanhedrim it was brought to pass, that whereas formerly any man ordain'd might, in the manner flown, 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 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 Asioman family, commonly called 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 understandeth the orders of a commonwealth, or has read the Athenian, Lacedemnonian, 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 Lacedemnonian 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 ancient policy, that under the emperor Adrian (who perceiv'd at what their ordination, being not of priests, but of magistrates, and of a fact pretending to sovereign judicature and authority, seem'd to aim) there came, lays the Talmud, against the Israelites an edict out of the kingdom of the wicked (meaning the Roman empire) whereby whatsoever 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: whereupon rabbi Jehuda Ben Baba (left ordination should fail in Israel) went forth, and standing between two great mountains, and two great cities, and between two Sabbath days journeys 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 fame, as it follows, being discover'd by the Roman guards, they slay his body through with so many darts, as made it like a sieve: yet frail not the buffets here, but so obstinat continu'd the Jews in the superstition to which this kind of
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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 abtain, the emperor banish’d them all out of their own country; whence happen’d their total dispersio. 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 receive’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 receive’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 Israelites, might ordain the seventy, or great sanbedrim, and the sanbedrim 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 Israelites were so dispersed that they could not upon like occasions be brought together. Now I appeal whether the clear words of MAIMONIDES, where he says, that our master Moses ordain’d the sanbedrim by the chirothecia, be not more clearly and strongly contradicted in this place, than affirm’d in the other; since acknowledging that if the people could assemble, they might ordain the sanbedrim, 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 ultimately to the people, there is not a stronger argument in nature that it is thence primarily deriv’d. To conclude, the chirothecia of the presbyterial 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 anything that has yet paft, might be worthy the imitation of divines.

In tracking the Jews from the restitution of their commonwealth after the captivity to their dispersio, it seems that the later monarchy in Israel was occasion’d by the oligarchy, the oligarchy by the aristocracy, and the aristocracy by the chirothecia; but that this monarchy, here 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 ufe, yet the Virgin Marj as an heiress, is affirm’d by som to have bin marry’d to Joseph by virtue of this law: Every daughter that possesseth 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 suspezed to have bin of greater vigor than would admit of a well-balanced monarchy.

The second presbyter, which is now attain’d to a well-balanced 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 consist’d of the seventy parith priests, or presbyters of Rome; now seventy cardinals creating to themselves a high priest, or prince of their sanbedrim, the pope, but for the superstition where to he has brought religion, and continues by his chirothecia to hold it, a great and a reverend monarch, establish’d upon a solid foundation, and governing by an exquisit policy, not only well-balanced at home,
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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 does not regard empire. All monarchs of the Gothic model, that is to say, where the clergy by virtue of their lands are a third estate, suffests by the pope, whose religion creating a reverence in the people, and bearing an awe upon the prince, prefers the clergy, that else being unarmed, become a certain prey to the king or the people, and where this happens (as in Henry the Eighth) down goes the throne; for so much as the clergy loses, falls out of the monarchal into the popular scale. Where a clergy is a third estate, popular government wants earth, and cannot never grow: but where they do at the root, a prince may fit 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 suffice long or peaceably: for wherever a government is founded on an army, as in the kings of Israel or emperors of Rome, there the faddest triglady under heaven are either on the stage, or in the tiring-house. These things consider'd, the chirostolphia 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 Siculo) their revenue came to the third part of the realm, would no question have bin exactly well fitted with the chirostolphia 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 deferred 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 (αἱρέσεως) 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 assemblies have bin kiberto call'd ecclesiæ; this word must lose the antient sense, and be no more understood but of spiritual confisary; and so whereas 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; in form as an 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 founded 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 chirostolphia; yet when Paul and Barnabas com to constitute in popular commonwealths, they are (κυριοτροφούμενοι αὐτοὶ πρεσβυτέροι καὶ ἱεραγμοί) 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. 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.

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 prebytery, 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 sanhedrin, 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 prebytery, 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 resolving to obey his voice, and keep his covenant, she chose him her 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, resolving 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. Which things consider'd, I wonder at Dr. Hammond, who says, Sure the Jewish and Heathen cities, to whom the gospel by Christ's command was to be preach'd, were not to choose their guides or teachers. Christ was not chosen by them to whom he preach'd: for, says be, 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 choose, to call, and preach to. And when his apostles, after his example, go and preach to all nations, and actually gather disciples, they choose their auditors, and not their auditors them. To make short work, I shall answer by explaining his words as they fall.

A Roman choosing whether he would speak to the senate or the people, chose his auditors, and not they him: nevertheless, if it were the confin, they chose him, and not he them. It is one thing to be a speaker to a people, that have the liberty, when such 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,
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preachers, as I should think, of that gospel their guides) one branch of this obedience oblige 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 magistrates (who succeed 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 discipline in Scripture) or immediately (upon some such miraculous call, as the people shall judge to be no imposition) 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 somthing: 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 conceit than perhaps you may yet apprehend. Wherfore 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 chirostebia 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 dignities: for so Clement speaks of St. John, who constituted bishops of those that were signified 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.

God may propound, 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 chirostebia, 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 ancient or modern times, we shall find the manner of election very different not only in different ages and countries, but in different years of the same age, and places of the same country, so uncertain it is to determine of that where the Scripture has left 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: 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 oblige'd to the observance of so vulgar laws, I shall propose these evidences. In the story of the creation of the deacons of Jerusalem, there are two things distinctly set down, one propound'd to the
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the multitude of disciples to be don by them, another refer’d to the apostles, that which was propos’d to the multitude was to elect, &c. Election of persons was by the apostles permitted to them, but fill the (καταρρόως) constituting is refer’d to the apostles. Then coms Dr. Seaman: Be it granted, as it is by Protestants generally, of ordinat. that Paul and Barnabas made elders with the consent of the people, their consent is p. 13, one thing, and their power another.

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 inferred in my Octana 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 does 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. The merchant, it seems, does 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 illustrates 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 dissolved 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 judged 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 feme of the Greece, and thus it is interpreted by Grotius. Now if the Roman emperor were a creature of man, why not the now Roman emperor?

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 X x deprive
deprive them of it after they com under them: wherfore the power of life and death is deriv'd by the magistrat from, and confer'd upon him by the contemp 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, Grotoius has bin no les 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 feamen, travellers their guides, or a free people their king; which is enough a conscience. Nor is Dr. Hammond straitly handed: election, says he, was permitted by the apostles to the multitude, and therefor the same may be allow'd, always provided the (κατηκοσμης) constituting be referv'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 stright 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 fake I cannot leave this discourse imperfect. If a politician should say that the election and the ordination of a Roman confus or pontifex were not of like nature; that the κατηκοσμη, contract of the senat of Rome with the people in the election of Numia (ut cum populus regem jussisset, id sic ratione efficit, si patres auctores furent) included or imply'd the soverain 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 the same 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 some consideration of these rules in nature and universal experience; yet I wonder how the word (κακοναμι) to constitute, with which they make such a flourish, did not lead them, otherwise than they follow; this, as it was said of Solon by Aristotle, being that which I have already shewn to be us'd both in the Greek of the Scripture, for the constitution of the fanedrim by Moses, and in other authors for that of the senat by Romulus, each of which was then elect'd 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 over-seen in the New Testament, but voluntarily where (οι δι κακοναμι τον Παλαιον) 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 chirotelia 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: 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 full of the spirit (not because he had been ordain'd by the chirotelia, for so had many of them that crucify'd Christ and persecuted the apostles, but) because Moses had laid his hands upon them.

Would divines be contented that we should argue thus: The chirotelia or suffrage of the people of Israel at the first institution was follow'd with miraculous in-
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documents, 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 chirotheca, seeing for above one thousand years all the hierarchy and presbytery laid together have don no more miracles than a parish clerk?

A continu'd miracle, as that the sea ebbs and flows, the sun always runs his admirable course, is nature. Intermittent 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. Whence 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 comes, and believe in that which is supernatural; whence it is that all nations have had some religion: and a spiritual man being convinc'd by the purity of Christ's doctrine, and the miracles whereby 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 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 mixed 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:

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 severall piloth, were put into one urn, and at the same time two other lots, whereof 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 (μητα των ἀνδρών αποστόλων) and by this ἐπίβιβασμα (the very popular word, and not only...
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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 chirotonia or imposition of hands is no way necessary to ordination in the Christian church. Thirdly, that the discipline 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 discipline 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. Hobbes, 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 ordination by this example must be distinct things: which in another place going about to fortify with this argument, shew it was done by lottery, and Solomon says, 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 reposed upon such as were ordain'd by imposition of hands. But whereas it is affirm'd by Maimonides more often, that when the people (ecclesia dei) or congregation of Israel assembled, then the Divine Majesty, or the Holy Ghost reposed upon them; of this he never takes any notice. The people, whether in Israel, Athens, Lacedemon, or Rome, never assemble'd for enacting of laws, or election of magistrates, without sacrifice and imploying 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 whereas God electing there had, in the senate both of Jews and Heathens, his choice of all, God electing here had, in the senate 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.

A-N-D 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.
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more ways than one; wheras the Heathen people, while the priests were willing, mix'd these duties 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 parenthecis. Therfore pray they must not, or divines are loft. But how will they silence them? to shew you this art I must transcribe the heads of the chapter.

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 Alpheus, 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, οἵς συμμαθησθέν γῆς τῶν ἔνδικοι ἀνωτέρως.

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 theer 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! yet that Chrysostom (who understood Greek) allows of no such construction, is confess'd by the learned 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 consisteth 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.

Grotius,
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Book II.

Demonstration that God ever ordain’d any polity ecclesiastical or civil, but upon the principles of human prudence.

Joh. 9. 11.

They that under color of religion in matter of government, slight prudence, are mißtaken, or do not mean honestly. Neither God nor Christ ever instituted any policy whatsoever upon any other principles than those of human prudence.

The embassadors sent from the Gibeonites to Joshua deliver their message in this manner: the elders and all the inhabitants of our country speake 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 embassadors and to make a league with a forren nation, had forreign power; this forreign power was in the elders, or senat, and in the people of Gibeon: wherfore 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 transefri’d by Moses out of the commonwealth of Midian, upon advice of Jothro 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 been transcribed out of Rome or Venice. Let them that would have the government be somewhat between earth and heaven, consider this place.

Nor is the ecclesiastical policy only subject to human prudence, but to the same vicissitudes alio wherto human prudence is subject, both in her own nature, and as she is obnoxious to the state wherein she is planted, and that unavoidably; 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 refembl’d by Grotius to that of Athens, of which, for the better clearing of what follows, it is necessery that I first say somthing by way of introduction.

The thesfomitheta, being in number six, were magistrats of the highest dignity, power, and rank in Athens. Thse, says Aristotle, were elected by the ebriotonia 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 country? Whether they bad bin dutifull to their parents? born arms in the commonwealth? paid duties or taxes? in which particulars the senat being satisfy’d, they were sworn and crown’d with myrtle: which comes to this, that the katostrapha or constitution being refer’d to the senat, the thesfomitheta were elected by the ebriotonia of the people. Now tho the government of Athens throwout the cities of Apha (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 polititical 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 inuing example was after the manner of Athens.

When the number of the discipiles, 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 Grec) 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.

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Hereupon the twelve apostles, after the manner of the senate, having without all question debated the bulines among themselves, as appears by the speech upon which they were agreed, assembled 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, the charitable, nay, seeing we have introduc'd community of goods, most just and necessary employment of providing food and clothing 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 public and together) to do this as it ought to be done, were to become caterers, and be taken up in serving tables, whereas brethren, (take the wife men and understanding, and known among you) look out seven men of honest report, full of the Holy Ghost, and of wisdom (εὐαγγελισμὸν ἐν τῇ χριστίᾳ τελείᾳ) whom we may appoint over this business.

This saying, that is, this proposition of the senate or apostles, please 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, Parthenas, and Nicolas, whom being elected, they set before the apostles, who when they had prayed, 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 εἱρετικὰ of the people? if there be any possible way of making this clearer, it must be by opposition: wherefore 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 done miracles. What Dr. Seaman denies or grants in relation to the same, I have endeavor'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 εἱρετικὰ of their disciples, but in the εἱρετικὰ of the apostles, has these arguments:

There be two things distinctly set down, election, permitted to the people, and the (καταστασιμον) constituting refers'd to the apostles.

To which I answer, that there were two things set down by the Athenian law, election of the ἀρσινοθετε by the people, and the (καταστασιμον) constituting of them by the senate; 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 resolve'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 two, 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 ἀρσινοθετε 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 judge 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 magistrates 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
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
briefe here. In the church of Antioch, where the disciples were now become so
numerous, that they began to be call’d Christsians, there were among them pro-
phets: 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 wheto I have ap-
pointed 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 congre-
gation: so the whole multitude having fated and pray’d, the most eminent among
them, or the senatoriary order in that church, laid their hands upon Paul and
Barnabas, who being thus sent forth by the Holy Ghost, departed to Seleucia.

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 chiro-
tonia of the people were more exclusive to election by the Holy Ghost, than the chiro-
toniea 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 aris-
tocracy 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 coun-
cil 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 title, exclude that act from being an act of that whole
council? or how comt it to pafs that because Paul and Barnabas were separat-
ed by the Holy Ghost, they were not ordain’d by the chirotonia of the whole Christian
people at Antioch?

The chirotonia 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
chirotonia, ordination and election were not two, but one and the same thing. If
Moses ordain’d Joshua his successor by the chirotonia, he elected Joshua his suc-
cessor by the chirotonia; 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 doctrine 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 confuting of
bishops or prebistaries, between which at this time a man shall hardly find a differ-
ence) runs wholly upon the aristocracy, without mention of the people, and is
therefore compar’d by Grotius to the fanbedrime of Israel, as that came to be in
these days; from whence divines also generally and truly confess that it was taken
up: 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 de-
monstration
monstrnation 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 fanhedrim, from the institution of
the ebirothosia, for a confiant order, confisised 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 insistence of the fanhedrim. The same
order was obser'd by the Jews 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 confisised of converted Jews, ordination
was confer'd by the archon, or first in order of the presbytery, with the insistence
of the rest. Hence Paul, in one place, exhorts Timothy thus: 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: 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.

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 appertaines
too things before they be don; as did the prophets now living in this church,
that Timothy should com to be ordain'd to the place is interpreted by Grotius:
and how it should be otherwise underfoot I cannot see. But putting the cafe from
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 jure principium)
the disposing of the lot, and of the suffrage too, has univerally bin attributed to
God.

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 need not trouble them-
selves 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 pro-
creative mistake, or ignorance producing all the rest.

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 Gen-
tils: for whereas the first ordination in the Christian church, namely that of Mat-
thias, was perform'd by the ebirothosia, which by degrees came now in complace-
cence with the Jews to the ebirothosia; it seems he was contented not to alter the worft of
political institutions or customes, where he found them confirmand 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 admini-
stration of the Jews was of the very worft, is clear in the nature of the politics,
there being no example of a pure aritocracy or of a senat, such as was now the
fanhedrim, without a popular balance, that ever govern'd with justice, or was of
any continuance. Nor was the ebirothosia, by which means this work came to

Y y effect
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 balance’d by the ebriotion 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 framed their model according to his direction. Nor, tho’ all acknowledge 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 magistrates call’d the consili: 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 magistrates, had the ultimate result of the commonwealth. Such was the copy after which LYCEURGIS wrote himself so famous a legislator. And thus stood this frame to the fix 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 refor’d to her ancient liberty. However by the manner observ’d by the Romans, as was shewn, in provincial government, the cities under their magistrates (who while the commonwealth was a 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 (autosqvis) peculiar or domesfick government. Such was the state of Crete, when PAUL, having appeal’d from the Jews to CAESAR, and being thereupon conduct’d by sea towards Rome, touch’d in his way upon this island, where he left TITUS to constitute elders of every city. The word (Xaνaρικτω) 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 accomplis 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 perusion, 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 chance but have a natural inclination to popular power; wherefore his presence 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 fagon’d God; seeing the true God will have it
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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 flattering 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 magistrats, not by popular suffrage, but by his chirothia. 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, as of the same manner that you have bitterly obey'd such magistrats 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 les than provoke the people to a dangerous jealousy of such a doctrine. But divines, to set all strife right, think it enough to repeat the words of Paul to Titus in Crete: For this cause left I thee in Crete (τον καταστησας πολλα προσδοτους) that thou shouldst ordain elders in every city. It is true that Demosthenes speakes somwhat like words concerning the expedition of Philip of Macedon in Peloponnesus (τισα ἑκατονν ισχων κατα τας τοιας πολεις καταστης) 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 dissolved 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 introduce'd pure, and without any mixture, as at the ordination of Matthias, came afterwards to receive some mixture of the chirothia, as in the ordination of Stephen; and last of all by excluding the people, to degenerate wholly into the chirothia 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 doctrine 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 does 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 some 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 introduce'd by the apostles, where it might, much less where the nature of the civil policy would admit of no othe, is neither probable by Scripture nor reason; whence it is that in the cities of Laconia and Pilder, the government of these being then popular, we do not find any mention at all of the chirothia, the apostles in these places (χριστονοθετες πρεσβυτερων και τυχαιον) chirotonizing elders in every congregation.
THE PREROGATIVE

Book II. To evade this place, our adversaries 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.

§ 3. THAT the word chirotonizing, says Dr. Hammond, in this place signifies no more than ordaining by the imposition of hands, is not so generally acknowledged by late writers, but that it may be useful to give some few testimonies out of those writers which were nearest the times of the Scripture. Thus Philo Judæus of Joseph (Ἰησοῦς Ἰουδαιοῦ) he was ordained governor of all Egypt under the king. So again of Moses (Μωϋσῆς) he was constituted their ruler. So of Aaron's sons (αἱρέσεις) God constituted them priests. Alexander son of Antiochus Epiphanes writes to Jonathan (Ἰωακίμ) ὁ ἐφηβὸς (in the regal file) constitute thee high priest. Lucian says of Hephestion (Themistocles) that Alexander made him a God when he was dead. Apian (which is added out of Groetus, whence most of the rest is taken) to signify election of magistrates made by the Roman emperors, uses no other word; and later writers speak of them 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 (Ἰωάννης) was ordained bishop of Rome by Peter. But what need any more? Christ's disciples are said (προσωποποιήσας θεοῦ Θεοῦ) deified or foreconstituted by God the wisdom of his resurrection; by all which that of Paul and Barnabas (Ἰωάννης) is but constituting or creating elders in every church. Wherefore they that have looked so far back to the original, as 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, Baslic, and (till the episcopal correction) the English bibles. And what apparent caufe is there of such confidence? What necessity is there even in the places alleg'd why the word chirotoniz 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; wherefore 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 some advice as we say of his parliament, 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 introduced 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 suffrages 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 file is so ancient as Epiphanes: sure I am it was not deriv'd from his Macedonian predeceivers, for in the letters to the Athenians and the Thébans 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 (the' 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
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 magistrates 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 confer'd without the consent of the people. But it is above all, that labouring to prove the chirotonia and the chirothèphis to be the same thing, they should rely most upon the place where the apostles are said (προσυπολογίως ἣν τῷ Θεῷ) 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 chirothèphis (ἱνα θεός χηρων) 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 ordination that cannot be taken in their sense; or a man not ordain'd may ordain as well as they: for so they say that the call was extraordinary, where th: like is, or is pretended, will avail little. But there is no need that we should go so near the wind; wherefore 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 somtimes, 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 significa- tion, how shall we understand it in I saiah, or where Paul speaks it of the brother (χηρων θεον ώς των εκκλησιων) chirotoniz'd, or chosen by the churches? Certainly in this one place at least it is of our sense, and in the word προσυπολογίως 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 somwhat more perhaps than can be don for another. But in the sense of words that are somtimes properly and somtimes improperly taken, may we admit of the things whereof they are spoken for interpreters? Or if lilyes and rofes have bin almoft as often faid of ladyes cheeks, must we understand them no other wise when we are speaking of gardens? Yes, says Dr. Hammond, and therefore to say of the apostles Paul and Barmabas, 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 affirm 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 choosing by suffrages, as when the people are said to chirotonize, it is certain that their own, and not others suffrages, are meant by it.
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IT were hardly possible to have controld 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: 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 implied; as also that the people are understood to chirotonize as well when it is said of the presidens of their assemblys, as of themselves.

Diruit, edificat, mutat quadrata rotundis.

When a man is said to build a house, or marry a daughter, he is not understood to be the maer, or the bridegroom: but the apostles built churches in these cities; therefore the people were not the maers. The apostles married 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 do Demosthenes speak of his laws (see my plebsis, peruse my law) and those of other privates men? after which copy the partes, or laws in the commonwealth of Venice, are called by the names of the proposers as were those of Rome, Repilia, Cornelia, Trebonia; in which manner we have Powning's law, and some statutes bearing no other title 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, Rhadamantus, Minos, Lycurgus, Solon, Romulus, king Edward, were (leges et confutudines quas vulgus elegerit) such as the people had confirm'd or chosen by their chirotonia. But they may lay, 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:

The high sheriffs in England proposing to their counties the names of such as stand, are said to elect parliament-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 magistrates to whom it belonged to put the question in the representative of the people of Athens, consisting of one thousand, were said (διασχιστασιν ἐως) to give or make the suffrage. The thesmostetes, who were presidens at the creation of magistrats, were said (στρατιάς σχηματιστέως τοιων) to chirotonize the generals. Josephus renders those words of God to Samuel, Hearken to the voice of the people (καλεσι δι' αυτού γενομένων αυτού βασιλεία) I command thee to chirotonize them a king; which author vindicating Luke for his understanding both of the Grecian customs, and property of speech, at each of which he was expert, com up to the full and genuine interpretation of the place in controversy, where Paul and Barnabas (χειροτονοῦντες αὐτοὺς πρεσβυτέρους καὶ ἐκκλησίαν) chirotonizing them elders in every congregation, can be no otherwise understood than that they here, as Moses at the institution of the Sanhedrin, Samuel at the election of the king, the proedri at the paffing of laws, the thesmostetes at the creation of magistrats, the electors in the great council of Venice, and the high sheriffs in the counties of England, were no more than presidens of that chirotonia, which was given or made by the suffrage of the people.

WHEREFORE the case is thus rendered 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 assemblies they had establishd 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
Ecclesiastical correction of the same,
WHEN they had ordain'd them elders by election in every congregation.

Indeed the circumstances of the place forbids any other construction of the words, for if the suffrage or chirotonia (which were scarce done) related to the apostles only, what needed they have don that in every congregation or church, which they might have done in any chamber or closet? The circumstance of the action forbids any other construction; for the people were assembled upon occasion of election or creation of officers, which thing does not use to be done in assemblies gathered for divine service: besides, these congregations were not always of one mind, but sometimes for sacrificing to the apostles, sometimes forstoning them, which are acts of power; whereas they were political assemblies. Now these consulting also of a people, that had in their cities (quandam aboviation) 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 magistrates, priests, or ecclesiastical elders, such as had bin the Archers, the heathen prelates, yet remember'd by the Scripture as affectionate friends to Paul; or such as were theos, tho to a better end, now ordain'd by the apostles. Wherefore Grotius, notwithstanding all the arts he uses in other places to avoid this sense, giving this note upon the text, yields, 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 believe'd, where they were fir'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 (justa populi) by their power, there is no difference. How should the people give their consent, but by their suffrage? or what
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 Greeks believed, 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 converted, nor consequently could they all in a common capacity: but as Clemens Romanus says, they that were by the apostles constituted bishops and deacons in several cities and regions, were constituted over those that should after believe, there were oft so few at the present. And then, as soon as any did come into the faith, they readily submitted themselves to those by and under whom they did come in, and were not at all troubled (honest men) with the consultation or deliberation about the way of electing their teachers and guides.

Come away, to leave the Scripture a while, and follow Clemens; be it so for discourse fake, 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, whereby they might fill all in a common capacity, but only some private or gathered 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 forms, be but a corporation? So ecclesiastical policy or disciplin they must have had; and that probably, seeing the greatest legislators, even Moses himself, have written after copies, according to some pattern: what was this pattern, and whence came it?

Why, says he, not from their beaten customs, but from the metropolis; for it must be remember'd, that wheresoever the 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 Judaea, but many other regions, because of the colonies 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 Jerusalem; and therefore, we know, it was not by the suffrage of the people, that an elder was affirm'd into the sanedrithm, but the prince or head of the sanedrithm 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 doctirms which were brought them.

These, methinks, are strange arguments: the gospel came to us from Rome, is Rome therefore 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 colonies; so is London of the English, and of all their colonies: but doth it follow from hence that either Jerusalem or London is the metropolis of Christendom? But the Jews had many colonies in Asia; and therefore the churches of Lystra, Iconium, and Antioch, were to follow the pattern at Jerusalem. The Jews indeed had synagogues in Iconium and Lystra, as the French have churches in England; but is this a good argument, The French have
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 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 sanhedrin, but the prince or head of the sanhedrin 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 pleae 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 doctrines that were brought them from the metropolis. How would this found to a people that understood themselves?

Sic volo, sic jubeo, satis 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 senate: but with the apostles it was otherwise, who making no words of the eisnortexion 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 assemblies 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 sanhedrin) 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 foreign 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 magistrates? 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 assemblies have bin never so privat or scanty, yet if the apostles ehroniz'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 city of Lycania. The mix'd or second kind into which (the Christian prebyterly delighting to follow the steps of the Jewish) the former might soon degenerat, continu'd in the primitive church, to speake with the leafe (for Wallerus brings it down to Charless the Great) three hundred years after Christ: which observation in Mr. Hobbs, prov'd out of Amnianus Marcellinus, Dr. Hammon has either willingly overseen, or includes in this answer, it is most visibly void of all appearance.
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Book II. appearance of truth. Wherfore to the quotation mention'd I shall add the words of Platina: Damasus the second, by nation a Bavarian, firmam'd Bagnarius, or as some will Popo, posses'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 goes 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 some time incur'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 fanhedrim, and their chirostesia, as it was exercis'd among the converted Jews, when Timothy was ordain'd by the laying on of the bands of the prelity.

Now this is that with which, of all others, divines are so inamor'd, that they will not induce 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 become the inevitable prey of the people. Herein lvs the acconum 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 chirostesia, has no more to do than to make a metropolitian, by whom he governs them, and by them the people, especially if he indows them with good revenues; for so they become an estate of his realm, and a more steddy pillar of his throne than his nobility themselves, who, as their dependence is not so strong, are of a more sttrirring nature. This is the Gothie 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 dimounted never gain'd any thing by disputing with the people. As to the question of empire or government (I prophetis disarmati Kouvano) the apostiles became all things to all.

Thus beyond all measure improperous are this divine's undertakings against Mr. Hobbs, and the undertakings of divines upon this subject.

Advertisement
Advertisement to the Reader, or Direction to the Answerer.

The answer of this book must lie 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 *Ocean*na, 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 acknowledgment 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 wanted 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 presi'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.
An Answer to three Objections against Popular Government, that were given me after these two Books were printed.

Objet. 1. **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.

Answer. Government, whether popular or monarchical, is equally artificial; wherefore to know which is more natural, we must consider what piece of art coms 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 doubtles 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.

A commonwealth consists of the senat proposing, the people resolving, and the magistracy executing; so the power of the magistrats (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 refult, and execution too; wherefore 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 caufe the more natural.

And if a man shall insinuate 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 flafe 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.

Objet. 2. THE government of heaven is a monarchy, so is the government of hell.
OF POPULAR GOVERNMENT.

IN this, says Machiavel, princes lose themselves and their empire, that they neither know how to be perfectly good, nor entirely wicked. He might as well have said, that a prince is always subj ect 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 lies in this, that it comes nearest to that of hell.

GOD instituted a monarchy, namely in Melchizedec, before he instituted a commonwealth.

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 families 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 comes rather (as has been 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.
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.
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. Shewing that the principles of human prudence being good without proof out of Scripture, are nevertheless such as are provable out of Scripture.

The Second Book.

THE Preface, shewing that there were commonwealths before that of Israel.
CHAP. I. Shewing that Israel was a commonwealth.
CHAP. II. Shewing what commonwealth Israel was.
CHAP. III. Shewing the anarchy, or state of the Israelites under their judges.
CHAP. IV. Shewing the state of the Israelites under their kings to the captivity.
CHAP. V. Shewing the state of the Jews in captivity, and after their return from captivity; or the frame of the Jewish commonwealth: and in that the original of ordination.
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.

The Third Book.

THE Preface, containing a model of popular government, propos'd notionally.
CHAP. I. Containing the civil part of the model, propos'd practicably.
CHAP. II. Containing the religious part of the model, propos'd practicably.
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 propos'd or examin'd; and giving a brief answer to Mr. Wren's last book, intitul'd, Monarchy asserted, &c.
The Preface.

Considering the Principles or Nature of Family Government.

DIVINES, and the like judicious 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 families, which may be of two kinds; whereas they have taken notice but of one: for family government may be as necessarily popular in some 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 thenceforth; he marries 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 comes 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.
Book I.

Popular family.

Government of laws, and government of men.

The facility that is in true politics.

The difference between a sovereign lord, and a magistrate, the supreme.

The art of lawgiving is necessary.

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 some three or four of these men.

THAT 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: whereas 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.

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 capacities evident, it is most humbly submitted to princes and parliaments, 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 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 one steward, and to make such a steward in a nation, is to make a king. But this is to imagín 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) be disgraces the whole charge: for otherwise this stewardship cannot amount to dominion, but must come 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 farthing, is 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.

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.

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.

C H A P. 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 been 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. Did laboravitibus sua manu varienti. This donation of the earth to man comes to a kind of selling it for INDUSTRY, a treasure which seems to purchase of God himself. From the different kinds of successese of this industry, whether in arms, or in other exercises of the mind or body, 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) proceed all government.

The distribution of property, so far as it regards the nature or procreation of government, lies in the overbalance of the same: 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 territories may be of a like effect: but to insin upon the main, which is property in land, the overbalance of this, as it was at first constituted, or comes insensibly to be changed 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 purchased all the lands of the Egyptians for Pharaoh. 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.

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 constitution of a people in this and the like cases, is neither capable of intire liberty, nor of intire servitude.

The overbalance of land to the same proportion in the people, or where neither one nor the few have the whole people, creates popular government; as in the division of the land of 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 council, might carry it; yet by the irresistible force of nature, or the reason alleged by Moses (I Numb. 11, 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, whole feet he had stuck in the mire.

* Nec totum libertatem nec totam servitutem pati possunt. Taet.
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Book I.

WHEREVER the balance of a government lyes, 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 Turkey, in him is the militia, as the Janizaries and Timariots. If a nobility has the overbalance, the militia is in them, as among us was feen in the barons wars, and thofe 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.

If the people has the overbalance, which they had in Israel, the militia is in them; as in the four hundred thousand first decreing, 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.

IMPERFECTIONS of the balance, that is, where it is not good or down weight, cause imperfect governments; as thofe of the Roman and of the Florentin people, and thofe of the Hebrew kings and Roman emperors, being each exceeding bloody, or at least turbulent.

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.lllo.

WHEREVER, thro’ causes unforeseen by human providence, the balance comes to be entirely 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 foever is in the necessary direction of the balance, the same is of Divine right. Wherfore, tho’ of the Israelis 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 adjoyning to the Assyrian empire, he says, Now have I given all these lands into the band of the king of Babylon—Serve the king of Babylon, and live.

C H A P. 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 overbalance those held by the people less than four to one. Whereas in our days, the clergy being deftroy’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, Iom 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 incontinency in his title, yet finding with what strength and vigor he was brought in by the nobility, conceiv’d jealousies of the like power in case of a decay or change
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Chap. II.

Verulam.

H. 7.

change of affections. *Nondum orbis adoraverat Romanum.* 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 troublesome times, and the frequent unruliness of retainers; while, under the pretence of curbing riots, he obtair'd the passing of such laws as did cut off these retainers, whereby the nobility wholly lost their officers. Then, whereas the dependence of the people upon their lords was of a stricty or nature, he found means to loosen this also by laws, which he obtair'd upon as fair a pretence, even that of population. Thus *farms* were so brought to a standard, that the houses being kept up, each of them did of necessity enforce a dweller; and the proportion of land laid to each house, did of necessity enforce that dweller not to be a beggar 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 amortized to the hold of the yeomanry, or middle people, wherof confin'd the main body of the militia, hereby incredibly advanc'd; and which henceforth, like *cleaner underwood* left *choaked* by their *faddles*, began to grow exceedingly. But the nobility, who by the former laws had lost their offices, by this lost their soldiery. Yet remain'd to them their eftates, till the same prince introducing the statutes for alienations, these also became loose; and the lords left taken (for the reasons therein) 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 eftates. The court was yet at Bridewell, 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 succeeding king were abys (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 fenfe thereof to the reign of queen 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 descend'd to him from the queen's council. But there is a difference between having the senfe of a thing, and making a right use of that senfe. 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 comes 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 senfe of it. The like
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Book I.

M. D. l. 1. b. 10.

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 senfe of this principle, as in this present narrative; or in whom may be found a righfer use of it than was made by any of the party's thus far concern'd in this story, or by queen ELIZABETH and her council. If a prince, says a great author, to reform a government were oblig'd to laye 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 deserveth 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 superstructure, there the prince cannot rightly reform, unless from sovereign power he defends to a principality in a commonwealth: nevertheless upon the like occasions this fells 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 flood 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 feated upon the like foundation) to balance her great men, or reflect upon their power now inconsiderable; but rule'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 requisite 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. 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 discharge'd of all envy. Thirdly, it had fav'd all the blood and confusion, which thro' this negligence in her and her successors, has 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 produce 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, so far as concerns mere prudence, is in the power of human nature to enjoy. To this queen succeded king JAMES, who likewise regardless of this point (into which nevertheless he saw so far as not seldom to prophesy fad 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 parliaments, 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 incontinenc, whereof the petition of right, well consider'd, is sufficient testimony. All perfusion 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 whereby he was advance'd to a throne which
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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, unlefs we repent, and look better to the true foundations, must likewise perish. We have had latter princes, latter parlaments. 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 settlemet no les than the superstructures natural to popular government: and the superstructures natural to popular government require no les 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 therefore, that there are honest men addicted to all the good ends of a commonwealth, unlefs there be skill also in the formation of those proper means whereby such ends may be attain'd. Which is a fad, 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 fcap'd well enough, if he be despis'd and not ruin'd.

But to proceed: if the balance, or state of property in a nation, be the efficient caufe of government, and, the balance being not fix'd, the government (as by the present narrative is evince'd) must remain inconstant or floting; then the processes 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 thereof are necessary.

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, whereby 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 naturels, 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 reces 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 exceeding 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.
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C H A P. IV.

Shewing the Superstructures of Governments.

Book I.

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 lay, 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 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 soverain 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.

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 (unles of his additional honors they be call'd Baishaws or viziers) are the beglerbegs.

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 from other interests: but to confit of men so educated from their very childhood, as 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 Janizars, and the horse call'd 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 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 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 accommodate 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
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of a representative of the people made up of the lords menial servants, or such as by tenure and for livelihood have immediate 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 senate 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.

Where the people are not over-balanced 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 senate 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.

But the necessary definition of a commonwealth, any thing well order’d, is,

That it is a government consisting of the senate proposing, the people resolving, and the magistracy executing.

Magistracy is a title 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 assemblies, will be sometimes compriz’d under this name or title, it shall be enough for excuse to say, that magistracy may be esteemed of two kinds; the one proper, or executive, the other improper or legislative.

A senat may consist of a hereditary order, elective for life by itself, or by some magistrat or magistrates of the same; as the senat of Rome consist 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.

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 cities or sovereigntys 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 vocato.

To speak of magistrates 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 magistrates. 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 suit with the occasion.

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Book I.

SOM commonwealths consist of distinct soveraintrys, as Switzerland and Holland; others are collected into one and the same soveraintry, as most of the rest. Again, some commonwealths have bin upon rotation or courtes in the representative only, as Israel: others in the magistracy only, as Rome. Some in the senat and in the magistracy, as Athens and Venice: others in some 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 courtes. There may be a commonwealth admitting of rotation through, as in the senat, in the representative, and in the magistracy; as that propos'd in Oceana.

Rotation, if it be perfect, is equal election by, and succession of the whole people to the magistracy by terms and vacations.

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.

The ballot, as it is us'd in Venice, consists of a lot; whence proceeds the right of proposing, and of an unseen way of suffrage, or of revolving.

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; some being for defence, some for increase; some more equal, others unequal; some turbulent and fidgetious, others, like soft firearms, in a perpetual tranquillity.

That which causes innat sedition in a commonwealth, is inequality; as in Rome, where the senat oppreis 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.

An equal commonwealth is a government founded upon a balance which is perfectly popular, being well fix'd by a futurable 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 propelling, a representative of the people revolving, and a magistracy executing; each of these three orders being upon courtes or rotation; that is, elected for certain terms, in joining like intervals.

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.

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, does 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 necessitate him to procure more things, and perhaps more chargeable or dangerous.

Optimus ille animi vindex, ledentia pestus
Vincula qui rupit, dedoluitque femel.

The
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 men; 1 Pet. 2. 13. which relates more particularly to the 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 thebe 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 infuing book, by the same authority and undeniable evidence.
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.

Book II. 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 countries 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 bad. Now tithes before Israel and the institution of the Levits, belong'd not to any sort of clergy, but to the prince or state. Whence Samuel, in the description of a king, tells the people that he will take the tenth of their goods. Thus Abraham,
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... paying tithes to Melchizedec, acknowledge him for his prince. Yet had Abraham the right of the sword, and made war with kings, as those of Sodom, at his own discretion; 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 tribunis) of the Philistines must needs have bin some aristocracy at least of princes joining in one body or commonwealth. So Venice in her first age was under lords or tribuni. 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; or that the counsel be gave to Moses (being for the institution of such judicatories as are not proper in a monarchy) was any other than according to the orders of his own commonwealth. And lest these governments should seem less popular, the embassadors of the Gibeonites coming to Joshua, say thus: Our elders (or our senat) and all the inhabitants of our country (or the popular assembly of the same) spake to us, saying, Go meet them, and say to them, We are your servants: therefore now make a league with us. To make a league with a foreign nation eunices sower power; and that this league was made by the senat and the people, eunices 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.

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. These becoming so many fathers of families, and governing their own families by paternal right, it follows that at first they so govern'd the whole people; 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 accustomed to this way, as any of these seventy came to dy, suppli'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 Israelits' senat or sanhedrin. To theie and to the people Moses propos'd his laws. So I am sure in the * Latin it is expressly said, where by our English translation it is thus render'd, This is the law (and by the law here is meant no les than the whole book of Deuteronomy) which Moses sett before the children of Israel, whose assemblies were not always without faction. 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 (sayes Josephus) that he went about to dilpsoe of this honor without the suffrage of the congregation, thereby affecting tyranny, and a fly usurpation of the liberty of the people: which sense also is imply'd by their upbraiding

* Haec est lex quam Moes proposuit, Deut. 4. 44. And whereas between a precept and a command there is a large difference; in places more than I can find to number, where the Latin has it, precept Moes, the English has it, Moes commanded.

Chap. I.

The commonwealth of Salem.
The commonwealth of the Philistins.
The commonwealth of Midian.
The commonwealth of the Gibeonites.

Sect. 1.
Exod. 1. 5.
The rise of the Israelits' government. Of the princes of the tribes, and princes of families.

Sect. 2.
Antiq. 1. 4.
Exod. 24. 9.
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Book II.
Num. 16. 13.
That Moses was no king.

Sect. 2.
That Moses proposed his laws to the people and their suffrage.

Deut. 34. 4.
In what sense Moses may be called a king.

Ver. 5.

1 Chron. 13.

1 Sam. 4.

1 Chron. 15.

Chap. 25.

him in Scripture; *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.* But whereas the Scripture in all this presumes these incidents to have bely’d Moses, from 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.

The word king is not a sufficient definition of the magistrate so itil’d: between a Lacedemonian king and a Perlian 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 threfore, 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 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 propound or give law in the congregation or great council of Venice; where he, who fees him sitting, would believe he were a king. And if Moses were king in *jezirun* (or Israel) it was sown the heads of the people and the tribes of Israel were gather’d together. Paul, epitomizing the story of the people of Israel, in his sermon to the Asiatician Jews, shews how God chose their fathers, exalted the people, defray’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 expressly after their judges. But if Moses were a king, yet that he did not propound, 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. David consulted with the captains of thousands, and hundreds, and with every leader (of which military discipline 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 Levits that are in their cities 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 inquire not at it in the days of Saul. In the days of Eli the ark was taken by the Philistines, who being smitten till there was a deadly destruction throught all the city, and their divines attributing the cause thereof to the detention of the ark, after seven months sent it to Beth-shemesh; whence it was brought to Kirjath-jearim, and there lodg’d in the house of Ahinadab, 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. Upon this proposition, the people giving suffrage are unanimous in their refult; 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 eyes of all the people. Moreover, David and the captains of the host separated to the service son of the sons of Asaph, and of Heman, and of Jeduthun, who should prophesy with harps, with psalteries and with cymbals; that is, propos’d their laws for church
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church disciplin, or offices of the priests and Levits, 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 congrega-
tion of the people having the power of refult. To say that the laws propos’d by Moses were the dictat of God, is not to evade, but to confirm the neccitity of propos-
ing 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, som 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 distint or a joint political capacity? If the seventy flood with Moses, or it were a joint capacity, then Moses was no king in their senfe; and if it were distint, 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 arise 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. In which words all color of appeal from the seventy elders is excluded.

But whether Moses were a king or no king, either his power was more than that of king David; or without proposition to, and refult of the people, it is plain that he could pas no law. Now the senat, fanhedrim, or seventy elders, came in 
the place of Moses, or flood with him: therfore 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 propos to the people; then the power of the fanhed-
drim could be no more in the point of lawgiving, than to propos to the people. Nor will it be found in Scripture that the fanhedrim ever made any law without the people; yet it is found in Scripture that the people made a law without the fanhedrim, 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. And the occasion upon which this is found, is the war levy’d against Benjamin by the congrega-
tion, consisting of four hundred thousand. Again, if the fanhedrim inherited the whole power of Moses, and yet had no larger power in lawmaking than to propos 
to the people, then had Moses never any larger power in lawmaking than to propos 
to the people. Now where there is no king, or no king in a distint capacity from the senat; and where the senat has no farther power in lawmaking than to propos 
to the free suffrage of the people; the government there is a common-
wealth. Thus having shewn that Israel was a commonwealth, I come next to shew what commonwealth Israel was.

CHAP.
THE ART OF LAWGIVING.

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.

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: 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 Asenath, the daughter of Potipherah priest of On, bore to him. And Joseph called the name of the first-born Manasseh—the name of the second called he Ephraim. Which two (the but grandchildren) were adopted by Jacob for his sons, in these words: Let my name be named on them, and the name of my fathers Abraham and Isaac; and let them grow into a multitude in 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 observed certain ranks, qualities, 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 families: 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 families. To begin with the princes of the tribes.

Moses and Aaron—assembled the congregation (or political convention of the people) together on the first day of the second month, after their families, by the house of their fathers, according to the number of the names, from twenty years old and upwards, by the poll. Where every phylarch or prince of a tribe, with the number of men at the age mention'd and upward, throughout his tribe, are lifted much after this manner:

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, Shelumiel, prince. The men of military age in his tribe, fifty-nine thousand three hundred.
3. Of the tribe of Judah, Nasiun, prince. The men of military age in his tribe, threecore and fourteen thousand fix 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
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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, threecore 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 five 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 Levites.

ALL the firstborn, says God, are mine. In which words is imply'd that the priesthood, or right of preaching, instructing, or administ'ring divine things, belonged, as it were, of natural right, to fathers of families, or the firstborn; till the Lord took the Levites from among the children of Israel, instead of the firstborn. These being thus taken, were fet apart, and so lifted by themselves to omit their several families, functions, and orders in the service of the tabernacle, and afterwards of the temple, which would require a volum, much after this manner:

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 Levites, is thus express'd: Thou shalt bring the Levites before the tabernacle of the congregation, and thou shalt gather the whole assembly together—and the children of Israel (after the manner that the Levites lay their hands upon the bullocks, or sacrifice) shall put their hands upon the Levites, in token that they are sacrifices or separated by the free suffrage of the people to the Lord. For left 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 reprentative of the people) separated to the service sons of the sons 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, and princes of the tribes, confinn'd (as that of the kings of Lacedemon, of Athens, and of Rome) in the leading of the armies of the commonwealth; which was distribut'd to them in this manner. 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. Furthermore, as the subdivisions of the Roman legions had their proper insigns, so had the tribes
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Book II. 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 boists, or arms.

Num. 3. In the midst of these four quadrions or brigades stood the tabernacle, with the Levites divided, and distributed by their distinct families to the several uses and carriages of the same, and lodged upon the four quarters.

When the ark set forward, or the camp removed, these words were with solemnity pronounced by the general, or by the high priest; Rise up, Lord, and let thy enemies be scattered, and let them that base thee fly before thee.

Of the martial discipline in which the youth in Israel were educated to these ends, there was certainly more than is remaining in story. But that their popular assemblies were all held in military order and discipline, and that the defectors of the militia were anathematized, confiscated, or put to the sword, will in due time be made sufficiently apparent. For the present, you have the Israelites of the muster roll, being of a like nature with that of Athens call'd loutarchos, and that in Rome call'd cenalus. Nor has any commonwealth bin well ordered 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 families.

The word family in many places of Scripture, is not to be taken for a single household; 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 could lead the whole name or kindred, and be follow'd by them. The families in Israel of this kind, that were greatest about the plantation of the commonwealth, were of Reuben, the Hencobits, the Phallites, the Hebronits, and the Carmits.

Of Simon, the Nambelits, the Jamnits, the Jacbenits, the Zanits, and the Shavuits.

Of Gad, the Zepbronits, the Haggits, the Skunits, the Ozunts, the Erits, the Ardits, and the Arletis.

Of Judah, the Sbelanits, the Pbarzits, the Zarbits, the Hebronits, and the Hamulits.

Of Issachar, the Tholaitis, the Punits, the Shubuits, and the Shamranits.

Of Zabulun, the Sardits, the Elonis, and the Jableletis.

Of Manasseh, the Macharits, the Galeadits, the Jezzrites, the Helekits, the Afeluits, the Sctbemits, the Shemidaits, and the Hepberits.

Of Ephraim, the Sbubalaitis, the Bachtits, the Tbanits, and the Eranits.

Of Benjamin, the Belaitis, the Afbelits, the Abiramits, the Shupbamits, the Hupbamits, the Ardits, the Heredits, and the Naamits.

Of Dan, the Subamits.

Of Asher, the Jamnits, the Jefrits, the Britis, the Heberits, and the Melchielets.

Of Naphtali, the Jazrielits, the Gunitis, the Jeferits, and the Skillemits.
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Of Levi, the Gerionitis, the Cabaritis, and the Meraritis. The heads of these were such as are call’d patriarchs, princes, heads of families, or chief of the fathers.

Families, tho’ far less subject than in other governments to decay or increafe, 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 families at this time sixty; the tribes being, as was shewn before, thirteenth.

In the first institution of the tribes of Rome, that is, Rammenes, 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 genealogies be observ’d or not, the local way of division is of absolute necessity.

To infer the geography of the Israelitish tribes, would be as burdensome 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 manner as to deprive their posterity. The lot or ballot in Israel was specially of three uses; one for election of magistrates, another for the discovery of some 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 magistrates, it was perform’d sometimes by the lot, without suffrage; and sometimes 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 magistrates elected, and begin with the king; then proceed to the judge, and from last of all to the sanhedrim, and the inferior courts.

The instruments used upon these occasions, were first lots, fom blanks and tom 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, do not appear.

When the people would needs have a king, Samuel, being their judge, 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 in Mizpeh. 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 express’d in the trial of Benjamin, and is in som places by our translation: as where an eunuch (or one unfit for marriage with a daughter of Israel, which capacity was necessary to the being inroll’d of a tribe) a boaster (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. 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 parliaments or political assemblies) did the office of the like magistrates in commonwealths. The people being thus assembled (for to be brief, I must proceed with conjectures, which at first sight will seem colder than really they are) Samuel causing the urns to be set forth, pronounce’d the solemn form of words in ufe upon the like occasion, which were these: Present your selves before the Lord by your tribes, and by your thousands. The political assemblies of the children of Israel were

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Sect. 7. Manner of electing the king.
1 Sam. 8. 7, 22.
1 Sam. 10. 17.
Judg. 20.
Deut. 23.

Sect. 6. Of the lot or ballot of Israel.

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C c c 2
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Book II.

The military order of political congregations in
Israel, see Chap. 3.

Ver. 20.
The prerogative tribe.

Judg. 20, 1, 2.

Sect. 8.
That miraculous designation of magistrates in a commonwealth, was never understood to exclude the free suffrage of the people in their election.

1 Chron. 29, 21, 22.

were 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 Israelitis 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 fame 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 prerogative out of the other urn; which being don, the urns were chang'd, or at least the lots. And whereas in the enumeration of the patriarchs, I shew'd by a catalog of their names, that the whole tribe of Benjamin consist'd of seven families; 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 families at this ballot, are most likely to have bin quite other-wise 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 families, 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 families. And when Samuel had caus'd the tribe of Benjamin to com near by their families, 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 houeholds in the family of Matri (for so you will find it in the trial of Achan) were cast into the urns. Thus the houehold of Kish coming to be the prerogative houehold, and so many lots as there were men of that houehold, being cast into the urns, whereof the prize was inscrib'd king, came the houehold of Kish, man by man, and Saul the son of Kish was taken.

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 refting 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 reign over them, to whose election thenceforward Servius, tho in possession of the throne, thought it his best way to refer himself. Far be it from me to compare prodigies among Heathens, to miracles in the church: but each people had of each a like opinion. Both Israel and the Heathens began their popular assemblies with sacrifice. In order to the election of Solomon, the representative of Israel sacrifice'd sacrifices to the Lord—even a thousand bullocks, a thousand rams, and a thousand lambs, with their drink-offerings, and sacrifices in abundance, for all Israel. And when they had thus done, what magistrates ever the Israelits, or the Heathens elected,
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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, whereas in this manner they made Solomon king, and Zadoc to be priest, if we will hold otherwise, we must think that neither the king nor the priest was elected by God. A man that is elected to some 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 quality’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. When the children of Ammon made war against Israel, Israel assembled themselves together, and in camp’d in Mizpeh, whence the elders of Gilead went to fetch Jephtha out of the land of Tob. — Then Jephtha went with the elders of Gilead, and the people made him head and captain over them: and Jephtha uttered 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 Jephtha 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 cities. For the institution and election of these, Moses propos’d to the people, or the congregation of the Lord, in this manner: Take you wise men, and understanding, and known among your tribes (κατασκεύα) and I will make (or constitut:) them rulers over you. Where, by the way, left Moses in these words be thought to assume power, Solon, says Aristotlē (δημοκρατία κατασκεύα) made, or constituted the popular government of Athens. In which he impos’d, not that Solon was a king, or had overcrain 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 whole proposition, say Jewish writers, each of the twelve tribes, by free suffrages, elected fix competitors, and wrote their names in crols, which they deliver’d to Moses. Moses having thus presumed 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 sorts, whereof two were blanks, the rest inscrib’d with the word elder. This done, he call’d the competitors to the urn, where the seventy, to whose names came forth the pizes, 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 indigell’d heap) must needs be good and valid. In this manner, one or more senators happening to dy, it was easy for each tribe, choosing one or
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or more competitors accordingly out of themselves, to decide at the urn which competitors so chosen, should be the magistrates, 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 set up) were more particular, and perform'd by that tribe only in whose gates that court was sitting.

This first 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, and made them heads over the people, rulers of thousands, rulers of hundreds, rulers of fifties, 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: wherof it is said, Judges and officers shall thou make thee in all thy gates, which the Lord thy God gives thee, saviours thy tribes; and they shall judge 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 judicatories, this caution:

Let them judge 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 thyself, 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: I am not able to bear all this people alone, because it is too heavy for me. Whereupon 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. 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 gathered 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 join'd with Moses, and the commonwealth of Midian with the commonwealth of Israel. How then coms it to be irreverend, or atheistical, as rom fay, 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 fannedim bore no burden at all with Moses, or they bore that of appeals with him. And if so, how fay they that there lay an appeal from the seventy elders to Moses?

Sect. 11. 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, whereby the fact of Achan was criminal, are these: If thou shalt bear sway in one of thy cities, which the Lord thy God has given thee to dwell therein, saying, Certain men, the
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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 true, and the thing certain, that such abomination is wrought among you, thou shalt surely smite the inhabitants of that city with the edge of the sword, destroying it utterly, and all that is therein, and the cattle thereof with the edge of the sword. And thou shalt gather all the spoil of it into the midst of the street thereof, and shalt burn with fire the city, and all the spoil thereof, every rebel, 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 cities that were given by God to Israel, was Jericho. Now tho’ against this city, before it was taken, Joshua had solemnly and publicly denounced the anathema, or curfews 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 pronounced: 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. Whereupon he rent his clothes, and fell to the earth upon his face before the ark of the Lord, till the even tide, 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 fat between the cherubim thereby answer’d Joshua: Get thee up; wherefore liest thou thus upon thy face? Israel has sinn’d—they have even taken of the accurs’d thing. Joshua thus inquired 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 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, whereof the Zarkitis were one, came next by families to the urn; wherein there might be four white lots, and one black one, by which the Zarkitis were taken. In like manner came the family of the Zarkitis by households, and the householder of Zabdi was taken: last of all came the householder 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 was 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, whereof 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: whereupon, he being question’d, confess’d the fact; and, but that the people refus’d him from Saul, had bin put to death.

To
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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 come 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: 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.

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 one great man, as a Moses, a Joshua, or a Lycurgus; or by some 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 fix hundred and three thousand five hundred and fifty, in the twelve tribes, and the law for the division of the land of Canaan, there happen'd a plaguc, by which the number of the people, upon a new poll, came but to fix hundred and one thousand seven hundred and thirty. Upon this poll was the law made which runs thus: 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 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 families; 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.

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 mutt first have bin totally rooted out of the land of Canaan; which land, in that case (as I som affirm) would have afforded to this commonwealth a root or balance, consisting of three millions of acres. There, reckoning the whole people in the twelve tribes, at fix hundred and two thousand (which is more than upon the latter poll they came to) would have afforded to every man four acres; to every one of the patriarchs (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 cities (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) six 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 Palestine 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 clemant, or what possibly could be allow'd to the princes of the tribes
tribes and of the families, 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 from 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 resolv'd accordingly, these went, and pass'd thro' the land, and describ'd it by cities into seven parts in a book, and came again to Joshua to the booth 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 was 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, whereof 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 Bethoen. This being done, 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 families 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 families. 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.

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 cities with their suburbs, and receiv'd them accordingly; as the lot came forth for the families of the Kohathites, and the rest. These Israel gave to the Levites out of their inheritance: that is, these were such as the twelve tribes, before the division, set apart for the Levites, with the tithes, and the offerings; 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 cities being scatter'd throughout the twelve tribes, that of Levi was no more computed as a distinct tribe, but lost it as it were the name, yet with advantage: for to their promiscuous abode they had the right of promiscuous marriage; no more in this point being injoin'd any of them, than 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 magistracies and offices of
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the commonwealth: which they so frequently injoy’d, that the sanhedrim is som-
times understood by their names. *If there arifes a matter too hard for thee in judg-
ment, thou shalt com to the priests the Levits.* Between the law, and the religion of
this government, there was no difference; whence all ecclesiastical persons were
also political persons, of which the Levits were an intire tribe, yet 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 condeming the Helots to
perpetual slavery: for whereas without these to be tillers of the ground, the citi-
zens of Lacedemon could not be at leisure for the commonwealth; the children of
Israel might employ themselves in their domestic affairs, as they requir’d, with
safety: while the Levits bore the burden of the government; or, in case either
their privat affairs permitted, or their ambition promted, were equally capable of
magistracy.

Sect. 14.

City of re-

Numb. 35.

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 san-
ctuaries; whence nevertheless, the judges in the gates, within whose proper verge
the crime was committed, caus’d the malefactor to be brought before them by a
guard, and judg’d between the slayer and the avenger of blood. If that which we
call murder, or manslaughter, was prov’d against him by two witnesses, he was
put to death: but if it was found, as we say, chancemely, he was remanded with
a guard to the city of refuge; whence if, before the death of the high priest,
he was found wander’d, it was lawful, not only for the avenger of blood, but
for any man else to slay him. The high priest being dead, he return’d, 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 san-
hedrim; and, if upon trial he was found guilty of wilful murder, put to death.


If a man coms presumptuously upon his neighbour to slay him with guile, thou shalt take
him from my altar, that he may dy.

Sect. 15.
The jubile.

Numb. 36.

Sect. 16.

Inheritances, being thus introduc’d by the lot, were immovably intail’d on
the proprietors and their heirs for ever, by the institution of the jubile, or the re-
turn of lands, however fold or ingag’d, once in fifty years to the antient proprietor,
or his lawful heir. Yet remain’d there two ways whereby lots might be accumu-
lated; the one by casual inheritance, the other by marriage with an heiress; as in
the case of Zelophehad, or of his daughters.

Now to bring the whole refult of these historical parts, thus prov’d, to the true
political method or form, the commonwealth institufed by Moses was according
to this model.

The model of the common-

wealth of Israel.

*THE whole people of Israel (tho 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, intailling the inheritance of each proprietor upon his heirs for ever) was
locally divided into twelve tribes.*

EVER’ T’ tribe had a double capacity, the one military, the other civil.

A TRIBE,
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A TRIBE, in its military capacity, consisted of one staff or standard of the camp, under the leading of its dissent 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 judicatories, sitting in the gates of its cities; 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 sanbedrim of Israel, and the ecclesia dei, or congregation of the Lord.

THE sanbedrim was a senate, 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 sanbedrim being taken out of this number of competitors by 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 deputies of the people in each tribe.

THE sanbedrim, upon a law made, was a standing judicatory of appeal from the courts in the gates, through the tribes; and upon a law to be made, whatever was proposed by the sanbedrim, and resolved in the affirmative by the congregation of the Lord, was an act of the parliament of Israel.

Of this frame, says Moses to the people (as well he might) Be bold, I have taught you statutes and judgments, even as the Lord my God commanded me, that ye should do so in the land whither ye go to possess it. Keep therefore, and do them; for this is your wisdom and understanding in the fight of the nations, which shall bear 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: 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 through 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 dissolved; 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 some parts longer liv'd than any other government has yet bin; as having continued from Moses, to the 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
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Book II.

according to the necessity of the form, or the true intent of Moses, is that which must be made farther apparent throughout the sequel of the present book; and first, in the state of the Israelites under their judges.

CHAP. III.

Shewing the Anarchy, or State of the Israelites under their Judges.

Sec. 1.

A full description of the 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 entirely 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 courts, which came in, and went out month by month, through all the months in the year; 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; 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: yea 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 imaginble. 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. This assembly (besides the military discipline 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 enemies, 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 flaves, and standards of the camp) seems to have bin commanded by lieutenants of the princes, or tribuns of the respective tribes: 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 Pharzites, 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 refuld in their tribes for the government of the same; whence, upon extraordinary occasions, they sent extraordinary recruits: or in case of solemn war, or some weighty affair, as the trial of a tribe or the like, led up in person, with their flaves and standards, an ordinance, whether we regard the military or civil use of it, never enough to be admir'd.

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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. 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 Philistines, and all the Canaanits and the Sidonians, and the Hivits, remain'd yet among them unconquer'd) without the wing of some such guard or army as this, under which to shelter themselves? 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 perform'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.

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 outlived 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. Wherfore, tho the people serv'd the Lord all the days of Joshua, and all the days of the elders that outlived Joshua; yet after the death of these, they did evil in the sight of the Lord. And an angel (a meffenger or prophet) of the Lord came up from Gilgal to Bochim, and said, I made you go up out of the land of Egypt, and have brought you into the land wherewith 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 obey'd my voice: Why have you done this? Wherfore 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 severall contents of which places, says Josephus, The Israelits (after the death of Joshua, and the elders that outlived 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: forgetful of the laws of God, and of their discipline. Whereupon God being mov'd to anger, admonish'd them by a prophet, that in sparing the Canaanits, they had disobe'd him; and that in case they persever'd, for his mercy neglected they should taste of his justice. But they, tho terrify'd with the oracle, were altogether aswore to the war: both because they were brid'd by the Canaanits, and thro luxury were become unfit for labor: the form of their commonwealth being now deprav'd, and the aristocratical part thereof invalid; while neither the sacer was elect'd, nor the solemn magistrates created as formerly. In which words, the not electing of the sacer as formerly, being laid as a crime by Josephus to the people; he is first clear enough, for his part, that the sacer was formerly elect'd by the people, and ought to have bin so still: and secondly, that henceforth the election of the sacer, 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 whereof, 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

Chap. III.

Sect. 2.
That this representative was us'd in the time of the judges.
Judg. 2. 6.
Judg. 3. 3.

Sect. 3.
The dissolution of the Mosaical commonwealth.
Judg. 2. 7.
Judg. 2. 1, 2.
Deut. 7. 2.
ch. 12. 2.
Joh. 23. 3.
Exod. 23. 33.
ch. 34. 12.
Antiq. 1. 5.
ch. 2.
THE ART OF LAWGIVING.

Book II. Judg. 20.

Sect. 4. No king, from the seed of Benjamin, by the congregation of four hundred thousand, there is no mention of the Sanhedrim at all.

Now government is of such a nature, that where there is no king, there must be a sanhedrim, or something 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. Secondly, because Gideon, when he was a judg, in refusing to be a king, does the like. Thirdly, because the judges in Israel (as dictators in other commonwealths) were not of constant election, but upon emergencies only. Fourthly, because complaint being made to the men of Judah of their judg Samson, they deliver'd him to the Philistines bound; no less than did the Romans their consuls to the Samnites. And lastly, because Samuel, distinguishing to perfection between dictatorial and royal power, or between the magistracy of the judg and of the king, shews plainly (in that he heard 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 heat of their fields, and give them to his creditors) could no otherwise subsist than by having the people at the discretion of the king. This difference (being no small one) expected, the office of the king and of the judg was much the same; each consisting in judging the people, and going forth with their armies.

Sect. 5. Belonging to the necessary foundation, so to the Israelites, when they were weak, serv'd the Philistines, as is imply'd in the speech of the men of Judah to their judg: Knowest thou not that the Philistines are rulers over us?—And it came to pass when Israel was strong, that they put the Canaanites 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 enemies: which proceeding, as it far'd with this commonwealth, and was observed by Herennius in that of the Samnites, is the certain perdiction of a people.

Livy.

Sect. 6. The anarchy of Israel. Judg. 15.11.

Of the disorder of this people upon the disolution of the Moaical commonwealth, it is often said that there was no king in Israel: every man did that which was right in his own eyes. That is, at the times related to by these expressions, there was neither Sanhedrim, nor judg, in Israel: so every man, or at least every tribe, govern'd it self as it pleas'd. Which, nevertheless, is not so generally to be understood, but that the tribes (without either judg or Sanhedrim) marching up with their standards and flaves of the camp, not only assembled the congregation in the usual place at Mizpeh, but there condemn'd Benjamin for the rape of the Levit's consecrated vessel; and marching thence to put their decree in execution, reduc'd that obdient tribe, or rather destroy'd it by a civil war.

When in this, and divers other ways, they had pamper'd their enemies, and exhausted themselves, they grew (as well they might) out of love with their policy; especially when after impious expostulation (Wherfore hast the Lord smitten us this day before the Philistines?) they had, as it were, fetch'd their God (let us fetch the ark—that it may save us) and the ark being taken by the enemy, they fell to idolatry.
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idolatry. To this it happen'd, that tho' upon repentance success was better, God having miraculously displeased the Philistines 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. Wherupon, there was no gain-saying, but a king they must and would have.

C H A P. 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 monarchy; and last of all, the story of the Hebrew kings.

The balance necessary to kingly government, even where it is regulated or not abolute, 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. 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.

This notwithstanding could not Saul do, in whose time the monarchy attaine'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 Moabites, the Syrians of Damascus, the Ammonites, the Amalekites, the Edomites, to his obedience, and extended his border to the river Euphrates; he smote the Philistines, and subdued them, and took Gath and her towns, out of the band of the Philistines. Now this country which 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. Wherfore 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. But however, these things by advantage of foreseen conquest might be order'd by David, or continu'd for the time of his next 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 Lycurgus upon the like lots with these deign'd by Moses, came, after the spoil of Athens, to be destroy'd by purchazers, 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 armies, than one hundred lords: nor any way, if they were invaded, to defend.

Chap. IV.

Sect. 1. The method of this part.

Sect. 2. The balance of this monarchy.

1 Sam. 8. 11, 14.

2 Sam. 8. 11.

1 Chron. 11.

2 Sam. 23.

1 Chron. 11.

Sect. 3. A parallel of the monarchical balances in Israel and in Lacedemon.
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Book II.

Plutarch in Agis and Cleomenes.

Sect. 4.
The superstructures of the Hebrew monarchy.

1 Sam. 8: 15.

Psalm 111: 1.

Psalm 82: 1.

Sect. 5.
The story of the Hebrew kings.

Defend themselves, but by mercenarys, or making war upon the penny; which, at the farthest it would go (not computing the difference in discipline) reach'd not, in one third, those forces which the popular balance could at any time have afforded without mony. This sum 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 Israelites, must, in case the like course be not taken, of necessity follow, may be at large perus'd in the story of Lacedemon; and shall be fully shewn, when I come to the story of the present kings.

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 return, 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 parliament, and set up by another; and to the confusion both of parliament 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 Jews 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: 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 senate, and the congregation of Israel. The final cause of the popular congregation, in a commonwealth, is to give such a balance by their refusals, as may, and must keep the senate from that faction and corruption, whereof 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: as, God is present in the congregation of God (that is, in the representative of the people of Israel) be 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 throught the Bible have don what they could against popular government, is clear enough in many such places.

To conclude this chapter with the story of the Hebrew kings: Till Rehoboam, and the division (tho the cause mention'd) of the 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 kindled 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 depoothing 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
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 whereof he burns himself for fear of Omri, who upon this occasion is made captain by one part of the people, as is also Tishi by another. The next prize is plaid between Omri and Tishi, and their factions; in which Tishi 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 sceptre 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 sit 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 soon after slain, ends his reign in being murder'd by his servants. To him succeeds his son Amaziah, slain also by his servants. About the same time Zachariah king of Israel was slain by Shallum, who reign'd in his stead: Shallum by Manahim, who reign'd in his stead: Pekah the son of Menahem 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 enjoy peace: a good king they had, which was Hezekiah; but to him succeeded his son Manasseh, a slayer of innocent blood. To Manasseh succeeded his son Ammon, slain by his servants. Josiah the next, being a good prince, is succeed'd by Jehoahaz, who being carry'd into Egypt, there dies a prisoner, while Jehoiakim his brother becomes Pharaoh's tributary. The lust of these princes was Zedekiah, in whose reign was Judah led away captive by Nebuchadnezzar. Thus came the whole enumeration of those dreadful curies denounced 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.

To conclude this story with the resemblances or differences that are between monarchical and popular government: what parallel can there be beyond the stories whereby each of them are so largely describ'd in Scripture? true it is, that Ahimelech usurp'd the magistracy of judge in Israel, or made himself king by the men of Schem; the men of Ephraim fought against Jeptha, 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 bloody, or take any sufficient root, can I find no more of this kind.

But the tribunes of the people in Rome, or the Romans under the magistracy of their tribunes, throw out the whole administration of that government, were never quiet; but at perpetual strife and enmity with the senate. 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 consist'd in a faction introduc't 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, etc, and
and no house of commons. Thirdly, this danger must have bin in any other nation, at least in ours, much harder to be incurred, 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 monarchicals 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 destroyed, that is, till the balance of popular government in Rome was totally ruin'd; which is equally in cases of the like nature unavoidable, be the government of what kind soever, as of late years we have bin sufficiently inform'd by our own sad experience.

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 obli'ved 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. 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.

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 three hundred, among which there were about one hundred patriarchs or princes of families. To these, in the reign of Artaxerxes, came sixteen or twenty princes more with their families; among whom the prophets Haggai, Zephaniah, and Malachi were eminent. Som of them could not shew their fathers' house and their seed, whether they were of Israel. But these were few; for it is said of them in general, That they went every one to his own city, or to the inheritance of his fathers: in which you may note the restitution of the balance of the Mosaical commonwealth; tho to what this might com without fixation, the jubile being not after the captivity in 12e, I cannot say. However, for the present, plain it is that the antient superstructures did also infuse; 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 families, and are about to put away strange wives: for what reason then shold a man believe that what follows should not be according to the orders of the same lawgiver? now that which follows, in order to the putting away of these fore wives, is, proclamation was made throout Judah and Jerusalem to all the children of the captivity, that they should gather
gathert themselves to Jerusalem; and that whosoever will not come within three days, according to the counsel 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. 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 sanhedrin, or seventy elders? but whereas neither the sanhedrin, nor any other sestet of itself 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 families, 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 sanhedrin and the people: for thus David proposes to the congregation of the people of Israel, or the chief fathers, and must be understood of them; because there is no such thing through the Scripture to be found, as a law made by the sanhedrin without the people: and if so, then that the sanhedrin 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 thereof; in which words you have the judges in the gates through the tribes of Israel, as they were instituted by Moses. All which particulars being rightly sum'd up, come to this total; that the commonwealth refor'd by Ezra, was the same fame that originally was instituted by Moses.

Such was the government refor'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 synagogue.

The cabala, call'd also by the Jews the oral law, consists of various traditions by them pretended at the institution of the sanhedrin 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 volumes call'd the Talmud: which they hold to be, and indeed are, as to matter of fact, the authentic records of their government. 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, 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, 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 confidence, neither was there any peace to him that went out or came in. The like whereof is the Talmudical way of applying Scripture throwout. And it was the common blessing the Pharisees 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.

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
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 been made sufficiently apparent; for Joshua is acknowledg'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 shou'd 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 defended 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, proceeds not from the law of Moses, but from the oral law; which how bad an authority ever 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 some times of the commonwealth it was les restrains'd) was such, that no man not having receiv'd the same from the great sanhedrin, or from 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.

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 Pharisees were of the highest rank) unanimously affirm to have consisted of the seventy elders, and of a juncta of fifty presbyters not elect'd by the people; but by the laying on of hands by the sanhedrin, or by some other judicatory. This, they say, was the institution of their great synagog, where I leave them: but that, according to the fenile wherein they cite their authorities, the like with them was a constant practice, appears not only by their own testimony and records, but is plain in Scripture; as where Christ speaks of the Jews to his apostles in this manner: They shall scourge you in their synagog: that is, the Jews having as yet no law made whereby 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 Pharisees, or the sanhedrin, have at least seven to five the overbalancing vote over the rest. Which also are their creatures, and by these shall easily carr, or make such laws whereby they may inflict upon you corporal punishment: which interpretation of Christ's words, was fulfill'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 sanhedrin, was to consist but of fifty, those fifty not elect'd by the people, but chosen by the elders of the sanhedrin; and not out of the body of the people, but out of such only as had receiv'd ordination by the sanhedrin, or by some other court, or indeed were actually judges in some other court, was not enough, unless they might consist also of as many as were of the kindred of the high priest. Which rights and privileges being all observ'd, The high priest came, and they that were with him, and call'd the sanhedrin, and all the presbytery of the children of Israel: that is, so many of
of them, as being assembled in the great synagogue, represented all the prelates of the children of Israel, or all the children of Israel themselves. In this assembly you have the full description of the great synagogue: and when (in this synagogue) 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 cabalistic doctors themselves did never so much as imagine that Moses had indu’d the sanhedrim alone, or separately considered 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 separately taken from the people, there could be no power of making any law. The second thing remarkable in this proceeding, is, that the most corrupt commonwealth, and in her most corrupt age, had not yet the face, without some blind, of pretending to legislative power in a single council. The last I shall observe, is, that no possible securitas 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 perilous 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, implo’d by this synagogue to apprehend the apostles, brought them without violence; for they fear’d the people, lest they should have bin slay’d. It is true, there is nothing more customary, even in the solemnest places, and upon the solemnest occasions, than to upbraid the people with giddiness from the high-priest and the crucifixion 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 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. Now that the people which could be prompted by the chief priests, or the people which could fear the people, could be no other than this pretended representative of the people, but indeed a junctura of counciers 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—insinuate, saying, Let us go and serve other Gods—they shall be first upon him to put him to death—and afterwards the band of all the people. By this law it is plain that, as 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 apprehend’d 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 lift) Stephen is slay’d. Now if the priests could have made the people do as much against Christ, what needed they have
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Book II.

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 ordained by the laying on of hands of the prince of the sanbedrin with the rest of the elders, or presbytery of the same, and by no other court without a licence from the prince of the sanbedrin; and be those ordained in this manner eligible by the major vote of the seventy elders into the sanbedrin, or into any other court by the major vote of the elders or presbytery of that court.

BE presbyters particular ordained by any court of justice; and be those capable of giving council in the law, or in some 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 sanagog.

BE the sanbedrin in law made the supreme magistracy or judicatory; and with a Juncta of fifty presbyters of their nomination, the great sanagog.

BE the great sanagog the legislative power in this commonwealth.

Such was the government, where the word of a scrbe 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 Pharisees, was (populus terræ) the rascally rabble.

Regis ad exemplum totus componitur orbis.

Sect. 9.

Ordination in the lesser sanagog.

There were other sanagoggs for other uses, as those wherein 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.

C H A P. 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.

Sect. 1.

The form introduced by Christ into his Church. Matth. 19-28.

We do not find that Christ (who gave little countenance to the Jewish traditions) ordained 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 sanbedrin of Israel. So thus far the government
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Governor of the church, instituted by Christ, was according to the form instituted by Moses. 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. Or be what of Melchisedec approv'd or rejected, such for the rest, as has-bin shewn, was the term introduc'd by Christ into his church.

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 gone to his place. Peter, whether upon the councill or determination of the eleven apostles (as is most probable beforehand or otherwise, stood up and spokе both to the apostles and disciples assembled 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 other wise can an assembly appoint? there were Barnabas and Matthias, which names, being written in cerols, were cast into one urn; two lots, whereof 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 pr'y'd that God would shew which of the competitors by them so made, he had chosen: when they had thus pr'y'd, they gave forth their lots, that is, a cerol out of the one urn, and then a name to that cerol 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. For ἐπιφήμια, being a word which properly derives from such stones or pebbles as popular assemblies of old were wont to ballot with or give suffrage by, not only signifies 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, moit, 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 calleth the multitude of disciples to them. So Moses, when he had any thing to propose, assemble'd the people of Israel. 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 saith 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 say'st 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 let before the apostles: and when they had pr'y'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 parliament men by the people of...
of England, was but a pretentation, 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 parliament 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.

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 Jewish 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 prophecy, with the laying on of the hands of the presbytery. So the presbytery of a Jewish synagogue laid their hands on the party ordain'd. 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. So the ruler of a Jewish synagogue 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, the in relation to gifts beyond comparison more excellent, uteth the phrase known upon the like occasion to have bin common with the Jews. Wherfore 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 exactly conformable to the Jewish commonwealth, and be of apostolical right. Nor is it 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 coms to little; and where it is receiv'd by a monarchy, the election of the people coms to nothing, as may be farther consider'd in the original and progress of the Conque d' Elire.

The ways of ordination or of church government lying thus in Scripture, the not receiving of the Christian religion is not that whereof any state or prince thru 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 Grecian and Roman stories, that he who has not some good idea or notion of the government to which they relate, cannot rightly understand them. If the like holds as to the Scripture story, some light may be contributed to it by this book. Again, if some gifted men happening to read it, should chance to be of the same judgment, it is an argument for acquiring learning, in that for the means of acquiring learning, and in the means of acquiring learning for univeritists. For how little forever 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 done so much.

But letting these pass. If there were commonwealths, or governments exercising soverain power by the senate and the people, before that of Israel, as namely, Gibson: if the inferior orders and courts in Israel, as those instituted by Moses after the advice of Jethro a Heathen, were transcribed out of another government the Heathen, as namely, that of Midian: if the order of the church introduced 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 introduced 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 synagogue, as namely, that of Timothy; and a third, composèd 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.

An observation of such consequence, as, where it has been rightly considered, 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 flate the prey of impostors and false prophets, as was shewn in the hypocritical Pharisees, for ever stigmatiz'd by the word of truth.

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 through 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.
THE
THIRD BOOK,
CONTAINING A
MODEL OF
POPULAR GOVERNMENT,
Practically propos'd according to Reason, confirm'd by the Scripture, and agreeable to 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, say 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.
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understood by any. Certain it is, that the delivery of a model of government (which either must be of no effect, or imbrace all these 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 from of this, your discourse is altogether inefficacious; if you com home, you are not understood: you may, perhaps, be call'd a learned author; but you are obscure, and your doctrine 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 comes into my head what I saw long since upon an Italian stage, while the spectators wanted boops 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 be bad 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, snatch-ing away the apple, devour'd it in the presence of them both. If the people, in this case whereof I am speaking, were naturally so well furnish'd, I had here learn'd enough to have kept silence: but their eating, in the politick way, of absolute necessity requires the aid of some politick anatomist: without which, they may have appetits, but will be chopfallen. Examples whereof they have bad but too many; one I think may be infal'd upon without envy.

THIS is that which was call'd the agreement of the people, consistit in som of these propositions:

That there be a representative of the nation consisting of four hundred persons, or not above.

Which proposition puts the bar on the quite contrary side; this being the first example of a commonwealth, wherein it was conceive'd, that five hundred thousand men, or more, might be represented by four hundred. The representation of the people in one man, caues monarchy; and in a few, caues oligarchy: the many cannot be otherwise representit 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 establisht upon a rock, not yet upon a precipice: a representative consistit but of four hundred, tho in the nature thereof 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 flast aside to monarchy. But the pouciti 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 dissoolv'd, but by staded 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? Whereas nothing is more dangerous in a commonwealth than entire removes of council, how is it provided that these shall be men sufficiently experience'd for the management of affairs? and last of all, whereas 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 much worse,
worse, as this council consists of fewer. Thus far this commonwealth is oligarchy: but it is provided,

That these representatives have sovereign power, save that in some things the people may resist them by arms. Which first is a flat contradiction, and next is downright anarchy. Where the sovereign 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 sovereign power that is the cause of a commonwealth, but such a liberty or poise of orders, that there can be in the same 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 done 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 foot 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 fon of that council ascertained these principles, and the reason of them.

But railiy apart, we are not to think it bas bin for nothing that the wisest nations have in the formation of government as much rely'd upon the invention of some one man, as upon themselves: for whereas 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 come to a perfect understanding of it. For were the natural bodies of the people such as they might commonly understand, they would be (as I may say) wooden bodies, or such as they could not use; whereas their bodies 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 presumptuous affirision, 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

* A later pamphlet call'd XXV Query, 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.
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(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 difficulties, by reason whereof 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 again' the 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 thereby more plainly shew wherein they can be mend'd even by such as would otherwise prove but bad workmen. Nor has any such offer been thought to have more presumption, much less treat'n in it, than if one conscious of his skill in architecture should offer himself to the prince or state to build a more convenient parliament 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 from will have it, that to affect 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 forever which shall please a parliament) there is no appearance that they can occasion any civil war? Streams that are stopp'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 parliaments: parliaments in England are com to be more popular assemblies: the laws made by popular assemblies (too 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 of four hundred, instead both with debate and result; the keys of whose doors are in the hands of ambitious men; in the crowd and confusion of whose elections the people are as careless as tumultuous, and so by the want of good orders, to be deluded; while the clergy (declared and invested enemies of popular power) are laying about, and swearing in the strong, as if it were in the vineyard; upon whose benches lawyers (being feather'd and arm'd, like sharp and sudden arrows, with a private interest point blank 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 edge 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 bias of genius or nature that can be in such a council, but thro the impotence of such conclusions as may go every, and the external force or state of property now fully introduc'd: whereas 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
more 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 bonds' men, but with no other substance than to imbore or retard busines: England being not capable of any other permanent form than that of a commonwealth; the her supreme council be so constituted, that it may be monarchical 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 come in? And how, say I, can we fail of a commonwealth? What possibility is there we should miss of it?

If a man replays, be answereth 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 armies have not set up commonwealths; yet is not that any argument why our armies should not. For in all armies that have not set up commonwealths, either the officers have had no fortunes or estates at all, but immediately dependent upon the mere will of the prince, as the Turkish armies, and all those of the eastern countries; or the officers have bin a nobility commanding their own tenants. Certain it is, that either of these armies can set up nothing but monarchy. But our officers bold not estates of noblemens able upon their own lands to levy regiments, in which case they would take home their people to plowe, 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 bondes, 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 parliament must pay: and they have found by experience, that the pay of a parliament is far better than that of a prince. But the four hundred being monarchical inclin'd, or running upon the interest of those irreconcilable enemies 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 oppose, and from the effect: If our armies would raise many 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 Indies, 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 facile use. One of these ways is a free-born, and the other the free; 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.

2. That
THE PREFACE.

2. That the people in each tribe be distinguished, first by their age, and next by the valuation of their eftates: 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 horfe.

3. That each tribe elect annually out of the horfe of their number two elders to be knights; three elders out of the fame, and four elders more out of the foot of their number, to be deputies or burgeffes. That the term of each knight and burgeff, or deputy so elected, be triennial; and that whoever has serv'd his triennial term in any one of these capacities, may not be reelected into any one of the fame, 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 com 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 horfe, 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 horfe, expire annually; and that the two hundred foot, and one hundred and fifty horfe elected annually, by four of the foot, and three of the horfe 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 refult, 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 resolve'd by the people of the fame 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 vert'd in this way, joy of it (as they would of the anatomy of their own bodies) that it is impracticable. Here lies 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 frits, or of tying and untlying 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, facill; or to do my last endeavor 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 some alteration in my former method.

THEY who have interwoven the ballot with the description of a commonwealth, have thereby render'd the fame by far the more complete in itself; but in the understanding of their readers, as much destructive: therefore presuming the use of the ballot through 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.

C H A P.
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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 countries) 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 otherwife to be don than by som such laws as have bin commonly call'd agrarian, it is propos'd,

That every one holder 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 families where there are no sons, concern the daughter or daughters in the like manner.

That no daughter, being neither heir nor coheir, have above fifteen hundred pounds in portion, or for her preferment in marriage. That any daughter, being an orphan, and having seven hundred pounds or upwards in portion, may charge the estate with it. That the estate 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 defir'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
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;

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.

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 devided of the power to repeal any law enacted by their ancestors, than we are of repealing such laws as have been 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 come into a capacity to judge of them. But this is the only means whereby posterity can come to a true capacity to judge of them: first, because they will have had experience of the laws whereof they are to judge: 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. 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 be 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.

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, whereof 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 therefore is not constitutive, but naturally inherent in the balance; nor, seeing all government is in the direction of 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 done, even by Moses himself, is contain'd in this proviso: if thy brother that dwelleth by thee be grown poor, and be sold to thee, thou shalt not compel him to serve as a bond-servant: but as a bond-servant, and a sojourner he shall be with thee, and shall serve thee to the year of jubile. And then shall be 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 be return.

The nature of riches confider'd, this division into freemen and servants is not properly constitutive, but as it were natural. To come 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
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Book III. goods or mony, or above that proportion, be of the hores, and all such as have under

4. that proportion, be of the foot.

Elders and youth. 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.

Now, besides personal divisions, it is necessary in order to the framing of a com-
monwealth, that there be some such as are local. For these therefore it is propos'd,

5. THAT the whole native, or proper territory of the commonwealth, be cast, with as
precincts as can be convenient, into known and fix'd precincts or parishes.

6. Parochial congregations and deputies. THAT the elders, resident in each parish, annually assemble in the same; as for
example, upon Monday next after 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 regulating all parochial congregations, whether
of the elders or of the youth, during the term for which they were elected.

7. THAT so many parishes lying nearest together, whose deputies shall amount to one
hundred or thenceforth, 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.

8. Assembly or meeting of the hundred. THAT the parochial deputies elected throughout the hundred, assemble annually; for
example, upon Monday next after the first 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 insigni: and out of the foot of their number, one other
jurymen, 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 sheriffs, whose office is of greater difficulty, have always
bin annual: seeing therfore they may be annual, that so they ought in this admi-
ninistration 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 com-
monwealth. But the precincts hitherto being thus stated, it is propos'd,

9. 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
depuies, thenceforth annually chosen in the parishes or hundreds, com to increase or di-
minish) remain firm and inalterable for ever, save only by act of parliament.

These divisions, or the like, both personal and local, are that in a well-order'd
commonwealth, which steirs are in a good house; not that steirs in themselves are
defireable, 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, lies only in
the first architecture, or building of these steirs, that is, in stating of these three
precincts: which do, 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 guessed: yet, because for the carrying on of discourse it is
requisist 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 deputies
annually elected in each tribe, amounts to two thousand. Be the deputies more or
fewer
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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 magistrates and other officers both civil and military, elected in their several hundreds, assemble or muster annually; for example, upon Monday next infusing the last of February at the capital of their tribe.

How the troops and companies of the deputys, with their military officers or commanders thus assembled, may, without expense 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 assembled, upon the first day of the assembly, elect out of the horse of their number one high sheriff, one lieutenant of the tribe, one captain, several hundred, 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 censors be governors of the ballots. And that the term of these magistracies be annual.

These being thus elected, it is propos'd,

THAT the magistrates of the tribe, that is to say, the high sheriff, lieutenant, captains, and conductor, together with the magistrates and officers of the hundreds, that is to say, the twenty justices of the peace, the forty jurymen, the twenty high constables, one troop, or one troop and one company apart, shall be the praepositive troop or company. That this troop bring in and assist the justices of assise, hold the quarter sessions in their several capacities, and perform their other functions as formerly.

By this means the commonwealth at its introduction may imbrace the law as it stands, that is, unreformed; which is the greatest advantage of such reformatons: 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 imposible. But these magistrates of the hundreds and tribes being such whereby 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 thereto be requisite; for which cause it is propos'd,

THAT the magistrates of the tribe, that is to say, the high sheriff, lieutenant, captain, and conductor, together with the twenty justices elected at the hundreds, be a court for the government of the tribe call'd the phyllarch; and that this court proceed in all matters of government, as shall from time to time be directed by all of parliament.

By these courts the commonwealth will be furnish'd with true channels, whereby 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 proceedes from an art enabled 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 throughout thy tribes, and they shall judge the people with just judgment. These courts, whose fessionhous 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
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Book III. 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.

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 call 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 borfe 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 seifion 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.

Now whereas 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 necessitates 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 assembly 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 borfe first, and then for those of the foot."

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 assemblies 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 thereby 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 borfe or foot respectively. That the whole and every part of the foregoing orders for election in the parishes, the hundreds, and the tribes, be bolding and inviolable upon such penalties in case of failure, as shall hereafter be provided by act of parliament against any parish, hundred, tribe, deputy or person so offending.

Without
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Without such provision as is contain’d in the former part of this provision, men would be inconveniently excluded from preferment, or the tribe oblig’d 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) intimates, first, 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.

The senate, 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 assembly 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 senate, it is propos’d,

**That** the knights of the annual election in the tribes take their places on Monday next in the fast of March in the senate. That the like number of knights whose election 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 election, and be oblig’d to sit in purple robes.

**That** annually, upon the reception of the new knights, the senate proceed to the election of new magistrates and counsellors. That for magistrates 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.

This proposition supposes the commissioners of the seal and those of the treasury to confer each of three, wheel’d by the annual election of one into each order, upon a triennial rotation. For farther explanation of the senatorial magistracies, it is propos’d,

**That** the general and 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 insigns of these magistracies 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 paid of the general in this proposition, be understood only of the general sitting, and not of the general marching.

**That** the general sitting, in case he be commanded to march, receive field pay; and that a new general be forthwith elected by the senate to succeed 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.

**That** the three commissioners of the great seal, and the three commissioners of the treasury, using their insigns and habits, and performing their other functions as formerly, be paid quarterly to each of them three hundred seventy-five pounds.

**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 sword for the insign of his magistracy; that each be paid quarterly three hundred seventy-five pounds, and be oblig’d to wear scarlet robes.

**That**
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 THAT the general sitting, the speaker, and the six commissioners above said, be the signory of this commonwealth.

This for the senatorial magistrates. For senatorial councils it is propos'd,

 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.

 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.

 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 consists 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.

 THAT in case the senat adds nine knights more out of their own number to the council of war, the said council be underfoot 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.

 THAT the signory have suffition and suffrage, with right also jointly or severally to propose, both in the senat and in all senatorial councils.

 THAT each of the three orders, or divisions of knights in each senatorial council, elect one provost for the term of one week, and that any two provosts of the same council so elected may propose to their respective council, and not otherwise.

 THAT for fair room or rooms well furnish'd and attended, be allow'd at the rates 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 provosts; and that in the same it be lawful for any man by word of mouth or by writing, in jer or in earnest, to propose to the provosts.

 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 embassadors in ordinary, there be four residencies; as France, Spain, Venice, and Constantinople: that every resident, upon the election of a new embassador in ordinary, remove to the next residence in the order nominated, till having serv'd in them all, be returns home. That upon Monday next ensuing the last of November, there be every second year elected by the senat for a 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 ensuing the last of March following, as embassador 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 ensuing his election. That every embassador in ordinary be allow'd three thousand pounds a year during the term of his residencies; 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.

 THAT all emergent elections be made by scrutiny, that is, by a council, or by commissioners proposing, and by the senat refusing in the manner following: that all field-officers be propos'd by the council of war; that all embassadors extraordinary be propos'd by the council of state; that all judges and sequejants 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
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they commissioners of the treasury: and that such as are thus propos’d, and approv’d by the senat, be held lawfully elected.

These elections being thus dispatch’d, I com to the functions of the senat, and first, to those of the senatorial 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 foreign, pertain to the council of state. That such affairs of either kind, as they shall judge 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 shown in the religious part of this model, pertain to the council for religion. That all matters of traffic, and the regulation of the same, belong to the council of trade. That in the exercise of these several functions, which naturally are senatorial or authoritative only, no council assume any other power than such only as shall be sett’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 propo- singer general; or whatever was propos’d by any two of the propo- sers to their respective council, and upon debate at that council shall com to be propos’d by the same to the senat, be necessary debatable and debated by the senat. That in all cases wherein 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 propos’d by the senat, upon a case wherein 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 secrecy, wherein the senat shall judge the necessity floveness or openness in this way of proceeding to be of detriment or danger to the commonwealth.

THAT if upon the motion or proposition of a council or propo- singer general, the senat adds nine knights promiscuously chozen out of their own number, to the council of war; the same council, as hereby 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 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 reject’d by the people.

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 chozen 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 parlament 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
any senate, assembly, or council in it, thereby most apparently borrows more of a
commonwealth, than there is to be found of monarchy in this council?

To diffigure this whole senate with one parallel: The institution of the seventy
electors in Israel (as was shewn in the second book) for their number related to an
accident, and a custom therupon antiently introduc'd. The accident was, that
the sons of Jacob who went into Egypt were so many; these, first governing their
families by natural right, came, as those families increas'd, to be for their number
retain'd and continu'd in the nature of a senatorial council, while the people were
yet in Egyptian bondage. So we, having had no like custom, have as to the num-
ber no like inducement. Again, the territory of Canaan amounted not to a fourth
of our country; and in government we are to fit ourselves to our own proportions.
Nor can a senate, consisting of few senators, be capable of so many distributions as
a senate consisting of more. Yet we find in the restitution of the sanhedrim by Je-
shaphat, 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 Zechariah chief in all the king's matters, that is, in political de-
bates concerning government, or war and peace. Lastly, When the children of
Ammon made war against Israel, the people of Israel made Jephtha not only captain,
but head over them. So the judge of Israel, being no standing magistrate, but
elected upon emergencies, supply's the parallel as to dictatorial power in a com-
monwealth.

Debate is the natural parent of refult; whence the senate throughout the Latin au-
thors is call'd fathers, and in Greece authors the compellation of a popular assembly
is men; as men of Athens, men of Corinth, men of Lacedemon: nor is this custom
heavenly only, seeing these compellations are us'd to the senate 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,

That the burgesses of the annual election return'd by the tribes, enter into the pre-
rogative tribe upon Monday next in 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 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 follows. To each of the tribunes of horse, seven pounds. To
each of the tribunes 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 ensigns, two pounds seven shillings. To every horsemann two pounds, and to
every one of the foot one pound ten shillings.

For the salaries of the senate 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 cut: for if you give nothing
(omnia dat qui juisit negat) men will be their own carvers. But to proceed, it is
propos'd,
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THAT inferior officers, as captains, cornets, insigns, be only for the military discipline of the tribe. That the tribunes have session in the senat without suffrage; that they have session of course in the dictatorial 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.

THAT pecultr 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 magistrates, courts and councils, whether national or provincial.

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 Lorédano was try'd by the great council of Venice, consisting yet of about two thousand.

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 parliament, 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.

THAT the power of result be wholly and only in the people, without any right at all of debate.

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 published so long before it is to be propos'd.

THAT promulgation being made, the signory demand of the tribunes, being present in the senat, an assembly of the people. That this tribunes, 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 tribunes. That the prerogative tribe being assembl'd accordingly, the senat proposeth to them by two or more of the senatorial magistrates, 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 claues to the ballot of the people. That if any material claue or claues 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.

THAT what is thus propos'd by the senat, and propos'd by the people, be the law of the land, and no other, except as in the case refer'd to the dictatorial council.

The congregation of Israel being monthly, and the representative propos'd being annual and triennial, they are each upon course 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 families amounted not, I might say, to one hundred, but will say to one thousand; it follows, that the lower fort in the congregation of Israel held proportion to the better fort, above twenty to one. Whereas in the representative propos'd, the lower fort hold proportion to the better fort but fix to four; and that popular congregation where the lower fort hold but fix 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 fort, or if you allow them to be of a better and of a meaner fort, Venice is not excepted.
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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 Israël was held either by the princes in person, with their slaves and standards of the camp, or by the four and twenty thousand in military discipline; so the representative propos'd is in the nature of a regiment.

Excepting Venice, where there is a shadow, and but a shadow of law made by the senat (for the sovereign 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 squeue 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 neverthelesse pretended to propoze 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 mozt of them, thro' private 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 does ill even while it means well. But oligarchy, seldom meaning well, is a faction wherein every one striving to make himself, or from other from whom he hopes for advantages, spoiles 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 faction and in the fly 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 (whole reign, being very short, had bin as feditious) were depos'd; and the soverainty was decreed to a popular council of five thousand, with a senat of four hundred annually elective upon course, or by rotation. Of which says Thucydides, Now first (at least in my time) the Athenians seem to have order'd their state aright; it consisting of a moderate 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 decrees the soverainty to thoufands, were the way to make a city or a nation recover of its wounds, or to raise its head. We have an averion to such thoughts, and are sick of them. An assembly of the people soverain! Nay, and an assembly of the people consisting in the major vote of the lower sort! Why, sure it must be a dull and unskilful 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 matter 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 loofe 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 prejudice'd party, that will haften or outbaul
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outbail 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 bias, or cause of diverting such debate from maturity; in which maturity of unbias'd debate lys 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 imibe or contract no other interest than that only of the whole people, all again is lost: for the result of all assemblies goes 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 therefore of debate and result, consults 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 through this whole commonwealth, whether annual or triennial, be understood of consequence to join 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 foreign.

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.

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 senat, 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 from 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 som prince has gon 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 mon-

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Book III. narchy, 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, through 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 senat.

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 furnished 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.

C H A P. 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 proceed 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, from 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: from interest therewith incorporated, from ignorance of the truth of it, or by some complication of both. Nor was ever religion left wholly to the management of
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 magistrate 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 magistrate. Or if to it be that magistrates 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 left religion suffer by causes, the prevention or remedy wherof is in them only? To these therefore it is propos'd,

THAT the universfts being prudently reform'd, be prefer'd in their rights and endowments, for and towards the education and provision of an able ministry.

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 acquire'd but mediately, 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 indo'd and regulated, as with us are the universfts? These therefore are a necessary step towards the prevention of such ignorance or interest, as thro' the infortunies 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.

The excellent learning of the Levits in all kinds, not ordinarily infused, but acquire'd (there having bin among them as well the teacher as the scholar) leaves little doubt but their forty-eight cities were as so many universfts. These, with their suburbs or endowments, contain'd in the whole (each of their circuits in land reck'n'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 universfts.

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 improvd to the revenue of one hundred pounds at least.

This, in regard the way is by tithes, com 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 posses'd of them, might have had fulificacion 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 furnishe? To me there seems abundantly enough to the contrary. For if the apostles stuck not to comply with the Jesus 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 refuse'd a standing law undoubtedly Mosaicall, 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, 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 assembled, having regard to the value of the benefice, make choice of a person fit 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, 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 refer'd by act of parliament: that in case the probationer cometo fail of three parts in four at the ballot, be depart from that parish; and if he returns to the university, it be without diminution of the former offices or preferments which be there injoy'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.

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, referve that office which is truly popular, that is the refult, 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 wife 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 instituated by Moses, and the chief or first of those which were us'd by the apostles, is both mofaic and apostolical. Nor has a well-order'd commonwealth any choice left of those other ways of ordination, us'd by the apostles in complaisance to worfe fort of government; but is naturally necifitataed to this, that is, to the very beft.

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 miniftry be permitted to have
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have no other public preferment or office in this commonwealth. That a national minister being convicled of ignorance or scandal, be movably out of his benefice by the censors of the tribe, under an appeal to the phylarch, or to the council of religion.

THAT no religion, being contrary to or destructive of Christianity, nor the public 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 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, magistracies, preferments, and offices in this commonwealth, according to the orders of the same.

Upon the whole of these propositions, touching church discipline, we may make these observations. Thus neither would the party that is for gifted men, and enemies 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 therefore that endeavours to confuse 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.

CHAP. III.

Containing the Military Part of this Model, pos'd practically.

The military part, on which at present I shall discourse little, consists in the discipline of the youth, that is, of such as are between eighteen and thirty years of age; and for the discipline of the youth it is proposed,

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 deputy of the youth of that parish.

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 has been showed elsewhere) and there elect to themselves out of their own number, one captain, one ensign. And that of these games, and of this election, the magistrates and officers of the hundreds be presidents, and judges for the impartial distribution of the prizes.

THAT annually upon Wednesday next ensuing the last of February, the youth thro' the whole tribe thus elected, be receive'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 magistrates, 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.
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54. The second essay, or the standing army.

55. Provincial guards.

THAT the whole youth of the tribe, thus assambl'd, be the first essay. That out of the first essay, there be caft by lot two hundred borse, and six hundred foot: that they whom their friends will, or themselves can mount, be accounted borse, the rest foot. That these forces (amounting in the fifty tribes to ten thousand borse, 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.

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 borse, and one thousand five hundred borse. That for the perpetuation of these provincial armies or guards, there be annually, at the time and places mention'd, caft out of the first essay of the youth in each tribe ten borse, and fifty foot: that is, in all the tribes five hundred borse, and two thousand five hundred 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 armies each consisting of nine thousand in pay in body, and possesse'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 thouland 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, whatsof 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 armies, whether levy'd by suffrage, as in Rome; or by lot, as in Israel.

WE will go up by lot against Gibeah.

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 dilator having decreed or declar'd war, and the field officers being appointed by the council of war; the general, by warrant shou'd to the lieutenants of the tribes, demand the second essay, or jact part of it as is decreed; whether by way of levy or recruit. That by the same warrant be 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 armies forever be marching. And that in case of invasion the bands of the elders be oblig'd to like duty with those of the youth.

THAT an only son be disbur'd of these duties without prejudice. That of two brothers there be but one admitted to forein service at one time. That of more brothers, not above a half. That whoever otherwise refuses his lot, except upon cause be not dispensed with by the phyllarch, or upon penitence be by them pardon'd and restored, by such refus'd be uncapable 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 excused from this rule, that they be still capable of all preferments in their respective professions, with indemnity, and without military education or service.

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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 become (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 bow'd them in pieces, and sent them thro'out the coasts of Israel, by the bands of messengers, saying, Whoever coms not out after Saul, and after Samuel, so shall it be done to his oxen. Which amounted not only to a confiscation of goods (the riches of the Israelits lying moit 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 thereof, because they came not forth to help the Lord against the mightly. Nay this (sparing) defention 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 parliaments) 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 edge of the sword, and the women and the children: which was don accordingly.

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: whereas indeed, if this way costs somthing, there is no other that does not hazard all; forasmuch as discarding this order, play your game as you can, you are some time or other a prey to your enemies, or to your mercenarys. This certainly is that root in (the penetratio) the bowels of a commonwealth, whence never any court arts, or politenefs, could attain to the gallantry or splendor of the education in popular governments. For let any man (remembering 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 fight 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 heate; as where the men of Ephraim fought against Jeptha, for an affront in this kind which they coney'd him to have put upon them. Wherefore passed they over to fight against the children of Ammon, and did not call us to go with thee? We will burn thy house upon thee with fire. Nor is this way to expenlive
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Book III. pensive of the purée or of blood. Not of the public purée, because it detests mercenary; nor of the privat purée, because the ways of education thus directed, are all afflicted 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 idlenes, and its inseparable companion luxury, are exceedingly more wasteful as of the purée, so of health, nay and of life it self, than is war; which nevertheless this order is such as dos rather prevent than necessitate, in regard that to be potent in arms is the way of peace. But whereas in a martial commonwealth there may be men having exceeded the thirtieth year of their age, who like those of Epbrain would yet take it ill to be excluded the lifts 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 iffud 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 defrisous of farther imployment in arms, appear before the phylarch so assembled. 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 rendezvous 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.

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. 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.

C H A P. IV.

Containing the Provincial Part of this Model, propos'd practically.

The word province is with Roman authors of divers significations. By these it is taken somtimes for magiltry; as that of the confusil, which is call'd bis province: somtimes for any religion or country, in which a Roman captan 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 laid, That Ahaserus 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. But where Tanais the governor writes to the king of Assria concerning the province of Judea, it is understood a country acquir'd
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quire'd and held by arms; which coms to the usual signification of the word with the Romans, it being in this senfe 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: and this signification is that in which I take the word through this chapter.

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 fongs of poets, and the opinions of more serious writers attribute the weight which they say overway'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 rear 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 commonwealths of Rome, that not being sufficiently fortified 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.

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 prefent model, contains all the caufes of greatnefs that were in that of Rome, is to fuch as are not altogether strangers to the former no lefs than obvious. Now of like caufes not to prejudice like effects, were unreasonable. The caufes therfore of the foregoing agrarian, as hitherto propo'd, or that lands be divided in their defcent, must in this cafe be none at all, unlefs there be fon stop also given in their accumulation by the way of purchase; left otherwise the spoil of fon mighty province be still sufficient to eat out the people by purchase.

To submit therfore in this place (for ought I perceive) to inevitable neceffity, it is propo'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 the way of purchase.

Donations and inheritances will be fewer than to be dangerous; and as some fall, others will be dividing in their defcent. 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 f tand is necessary, appears plainly enough. This f tand in a well-founded monarchy, must bar recefs; and in a well-founded commonwealth must bar increase. For certain it is, that otherwise each of the policies 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 ftood: such was the fate 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 exces in som hands, as eating out the
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Book III. 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 from 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 come into no fewer than one thousand hands. If you set it at five thousand pounds a year, it can come into no fewer than two thousand hands; and if you set it at two thousand pounds a year, it can come into no fewer than five thousand hands. It will be paid, in which way you please, it will never come 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 measure’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 upsurp it, as did the Roman nobility, and thereby occasion a feud between the Senate 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 whereby land can come 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 (ceteris 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 much, 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 territories, 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 privates men, were it not that it is easier to fill the belly of a glutton than his eyes, 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 doctrine, 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 introduce’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 secure’d, and in the other
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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.

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 least martial, would call a cop into the jaws of the avarice of those who should think it too much confin'd in England. And left 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 judge, 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 laid, 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 countries (as the Roman patriots did Italy) to found 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 there for 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 recessing, 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 senat by three several lists or elections) of annual, triennial, and perpetual revolution or rotation.

THAT out of the same third part of the senat annually recessing, 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 conduits 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.

THAT each provincial council elect three weekly proposers, or provosts, after the manner, and to the ends already shown in the constitution of senatorial councils; and that the provost of the senior list, during his term, be president of the council in absence of the general.
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That each provincial council proceed according to instructions receiv'd from the council of state, and keep intelligence with the same by any))^ of their provosts, for the government of the province, as to matters of war or state. That upons 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 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 a known proportion of tributs, as on them shall be set by the senat and the people, in their proper rights, laws, liberties and immunitys, so far as upon the merits of the cause wherein they were jubil'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 magistrates, councils, or generals, to the people of England.

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.

Some will have men, some 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 Machiavell) in their military preparations or expeditions, make no mention of mony, unleas what was gained by the war, and brought home into the treaury; as the spoil of Macedon by Emilius Paulus, being such, as the people for som years after were discharged 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, the 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 Indies 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 thefe 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 volunteers: 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.

These orders, thus sum'd up together, render this commonwealth ordinarily able to wage war with fourfore thousand men; a force which, it is known, not any prince in Christendom is able to match in virtue, number, or disciplin. For thefe
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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 come to no account in comparison of a lingering war made by a matter of thirty thousand mercenaries, the very confumption of a state: whereas fourscore thousand men so disciplin'd and so furnish'd, as has been shewn, being once transported, must suddenly come 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; whereas we hold them learn'd, who say that no commonwealth has consisted of more than from one city or town. But in what language or in what geography, are the twelve tribes of Israel; the (489) peopledoms or prytanys of Athens, which Theseus gather'd into one body; the tribes and lineages in Lacedemon instituted by Lycurgus; the five and thirty Roman tribes planted between the rivers Vultanum and Arno, or between the cities now call'd Capua and Florence; the 13 cantons of the Swissers; the seven united provinces of the low countries, underfoot 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?

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 belt 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 succour Hadadezer king of Zobah, David slew of the Syrians two and twenty thousand men: then David put garrisons in Syria of Damascus, and the Syrians became servants to David, and brought gifts; and the Lord preserv'd David whithersoever he went.

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 magistrate.

The

The thirteenth parallel.

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.

Sect. 1.
That a commonwealth not rightly order'd, is less seditious than the best of monarchys.

See Book 2.
chap. 4.

For a nation to be still upon the catt 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 thencefore 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 whereof commonwealths unheard are still accus'd and condemn'd. For proof in this case, the tribunitian forms 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 contentions or strivings of our parliaments 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. 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 some man who may be thought more impartial than myself, be rightly enumerated and added. This being done, 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 supposed, the not granted, that a commonwealth is a seditious government, yet must it be the least seditious government. The republic of Carinib never suffer'd but that one sedition which is describ'd by Xenophon; and this too from an external cause.

But I am the more confirm'd by the assaults of Mr. Wren, to have no less than demonstrat'd in the propos'd model, that a commonwealth rightly order'd is altogether incapable of sedition, and so consequentially of dissolution, that is, from any internal cause. To render his confutation intire, and the truth of this assertion the more conspicuous, I shall first infer those rules or maxims whereby a model of a commonwealth may be exactly prov'd or examin'd, and then shew how they totally enervat and overturn those arguments elaborat'd by Mr. Wren towards the examination and confutation of the model propos'd.

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The maxims or rules whereby a well-order'd model of popular government may be most exactly prov'd or examin'd, are specially two:

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 caufe of that effect; and in a frame of government that is exactly according to the foregoing maxims, there can be no caufe of sedition or dissuasion. 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 several members may be so contriv'd, as not to give one another the by, but be all contain'd within the limits of verisimilitude, and yet the whole remain without the least fallible 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: wherefore he needed not to have alleig'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. But instead of this, he is gon to the moon; and will read us a lecture in politics by the planets, or the various hypothesis 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 therefore argue in this manner? It is very hard to know certainly which are the highways of the planets, therfore there can be no certain knowlege 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.

So much for contradiction. Now for inequality, says Mr. Wren, The 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 pretend 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 inequalities 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. Whentheever, says he, under popular government the number of these whose offences have render'd them liable to the severity of laws, is considerable enough to qualify them for attemp, popular government has no more securit than any other, of being free from sedition. It is very true: but Mr. Wren was oblig'd to shew how
how in an equal commonwealth, or under the model propos'd, it was possible that the number of such men should come 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 come 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 parties 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 Cæsar 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, Cæsar, Pompey, and Crassus: wherfore he should have first shewn, which way the whole of the commonwealth of Oceana might come into the hands of three, or of a few men. But leaving this untouched, he runs making a duft, and a doubt where the sovereign power of Oceana can be; which even in Rome, as unequal as it was, is acknowledged to have bin in the assemblies of the people; and in Athens, Thucydides expressly 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 perpetuate themselves, and may come 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 sovereign 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 sovereign 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 undermined to have the sovereign 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: wherefore 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. 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; therefore 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 perpetuate themselves, much less the senat. True it is, if we look upon some 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,
THE ART OF LAWGIVING.

kind, their readiest way were by creating of the dictator. The dictator being created, has soverain power in carrying on the orders of the commonwealth: but those do not perpetuat their power; this therefore cannot be done 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 mercenary 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 flourished. But were there mercenaries, as he might perhaps reckon servants, they are unarmed, undisciplined; they cannot ride thro the vast body of citizens in arms both elders and youth; or if they would ride, 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 whereof 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 perpetuate that magistracy, much less can the senator.

The sum of what has been 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 possesse of the might; they who have the might, have not the interest to break, but to preserve the orders; which therefore no other can have the power or strength to break, or for other breaking, must but lose that which they pretend to gain, to wit, the right, which in this cafe must still fall to the might devolving upon the people. That Mr. Wren will needs fancy the tribes or cities in Oceana, as those in the united provinces, or the cantons of Switzerland, to be distinct sovereignties, concerns not me, seeing the form of Oceana is far otherwise; nor indeed him, seeing neither do the cities 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. Tho these be care taken, says he, that at the assembly of the hundred and the tribe, such and such magistrates 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. His last exception is against the place where I lay, that They who take upon them the profession of theology, physic or law, are not at leisure for the essays, whereby the youth commence for all magistracy and honors, See proposition 44.

W. p. 87.
W. p. 181.
K. k. k. 2
boners, 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 apothecaries, may attain. And what can
I help that, if it ought nevertheless 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, may a cobler or a farrier, is not
uncapable 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 con-
tented; and more than all, civil interest contracted by a clergy, corrupts religion.
For lawyers, their practice and magistracies 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 learned of them upon this point?
It is the lord Verulam: They, says he, who have written (de legibus) of lawmaking,
have bandied 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 common-
wealth, Sir Thomas More's Utopia, with his own Atlantis) and lawyers being obs-
nexions, and addititious each to the laws of their particular country, have no freedom nor
freedom 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 hu-
nan 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 determi-
ne of laws. For physicians, who (as such) have in the management of state-affairs no
prejudice, if you open them the door, they will not at all, or very rarely, come in:
whereby it appears, first, that such a bar may in some 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 assented. There
remains no more to the full connotation of his book, than to shew how the mon-
archy by him assented is by him destroy'd. This is to be done 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 enviried: 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. This then is the grand security of all soverains, whether single per-
sons or assemblies, that the united forces of their subjects, with which they are invested,
is sufficient to suppress the beginnings of seditions. 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 whereof there is no cause? Or to what cause are we to attribute this certain
union
THE ART OF LAWGIVING.

union and grand security? Why let there be such a nobility as may be a monarch's guard against the people. And left 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: Yes, let the nobility have no right to assemble themselves for electing a successor to the monarchy, or for making a war or 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 thos wherein 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 som; yet were they, as to this purpose, none. 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, whereby 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 joined? If these be small armies, the like may befal them which befel thosse of the kings in the wars of the barons. And if they be great armies, the prince has not wherewithal to support or content them; nay if he had, Mr. Wren tells us plainly, That princes who keep great armies, 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 a monarchical government to consist in a mixture of monarchy by a nobility, and a monarchy by arms, has as to his model entirely 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 ancient 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 influence and burden of a mercenary army, sharing equally with the people in oppreッション 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
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 injure 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.

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 flory against popular prudence such imaginary swords as do but stand bent. To rectify or frighten these, I may hereafter present him (if any man shall think it worth the while) with a fuller answer.
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 first to discover it, and be convinced of it, if reason be not altogether depos'd, are inevitable leaders. Hence it is that our commonwealthmen are already renowned throughout this nation for their invincible reasons, even by the confession of their opponents, or such as proceed nevertheless in other ways. But where feed is so well laid and rooted, intervening possession and interest are like such weather as holding back the spring, yet improves the harvest: commonwealthmen indeed may have a cold time on't, but upon the commonwealth it must be low fermentation. Had our incomparable assertors of public liberty appear'd before a universal evinces of the necessity which inforces their cause, it must have bin thro' such a reluctance, 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 commonwealthmen, 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 come 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, commonwealthmen are satisfied 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 commons the commonwealth, not by halves, but with all its tackling, full sail, dispyling its streamers, and flourishing with top and topgallant.

The ways whereby 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 overcome 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 overcome by the obstinacy of
the matter; for that is not their work: nor any other work than such as must be uselefs, not so much in regard of itself (tho that may be true enough) as by the want of any other securitie than what the prince had before, that is, an army. And such an army, which for securitie is as good as none at all, nay the very contrary, as has been shewn already: nor to be alter'd with better success than theirs, who became princes in Grecian and Sicilian states.

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 overcom by the mere oblinicy of their matter.

If thro' som secret dictat (as when the senat of Rome was conviva caesaris) or a haft 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 parliment, thro' the mere want of any other remedy, must introduce a commonwealth.

GOOD, and egregiously prophetical! 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 partiparque.

Lords spiritual are inspir'd with a third estate, or share of a realm, which gives no toleration to any religion, but that only affecting 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 parliment, and the king falling, their government devolves to the people. Again, a house of peers having the overbalance, signifies somthing; in which case it has not bin known to be for liberty of conscience: and not having the overbalance, signifies nothing; in which case it cannot secure the liberty of conscience. Thus a house of peers, whether somthing 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 whereof 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 readieft at hand: otherwise where there is liberty of conscience, to affect 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 hunters, but love dearly to be poaching or clubbing with the secular arm (tho if we, who define no such advantages, might prosecute them for abusing Scripture, as they have don this thousand years,
A HOUSE OF PEERS.

years, to all the ends, intents, and purposes of monarchy, they would think it a hard case to divines, I say, not only brand the assertors of civil liberty with atheism, but are some of them studious in contrivances, and quaint in plots to give a check or remove to this or that eminent patriot, by the like pretexts or charges; which succeeding accordingly by the power of a parliament, they may at length come 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, some 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 adversaries to be furnish'd with reason: so the guidance of our discourse upon this point is committed to mother wit, a notable gossp, 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 set; 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 becomes, are but equal with them: and being free, the lords are not the head, but at the foot of them; whereas 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 immediately 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 parties and persons among themselves are diligent or fortunate: but if the army (as is most and more than most likely) comes 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...
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 entirely at their discretion: therefore 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 comes 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.
SIX POLITICAL
TRACTS
WRITTEN ON
SEVERAL OCCASIONS.

VIZ.
I. Valerius and Publicola. A Dialog.

II. A System of Politics, delineated in short and easy Aphorisms, now first publish’d from the Author’s own Manuscript.

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VALERIUS and PUBLICOLA: 
OR, THE 
TRUE FORM 
OF A 
POPULAR COMMONWEALTH 
EXTRACTED 
EX PURIS NATURALIBUS.

Quos perdere vult Jupiter, bos dementat prius.

TO THE READER.

THE way of dialog being not faithfully manag'd, is of all other the most fraudu-

tent; 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 bisiberto 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 favor-
able 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.
VALERIUS and PUBLICOLA.

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 averte 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 foreign 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, whereby 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 foreign 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.

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Val.
VALERIUS and PUBLICOLA.

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, does no less.

Val. This of all others is to me a consideration fullest of comfort.

Pub. It will in time proceed accordingly, thro' a mere necessity of nature, or by feeling; but your desire, I suppose, is to know how it should be rationally introduced, 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 deprived 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 advised 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 been 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 done, 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 deputies.

Val. I dare say the people would never flock at this.

Pub. Not flocking 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 advised men how to understand, as what to do, there had bin a commonwealth ere this.

Val. Com, I will have you try somthing 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.
VALERIUS and PUBLICOLA.

Val. That is, the people of themselves being in a natural incapacity of exercising power, must be brought into some artificial or political capacity of exercising the same.

Pub. Right. Now this may be done 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 representor of the people and their power.

Val. As the Turc.

Pub. Yes, as the Turc.

Val. The people's power at that rate comes 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 come at length to some 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 comes 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 inrich'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, some words of art we must use.

Pub. I thought you would come 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 fow'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 families.

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 families.

Val. How will you constitute such an assembly?

Pub.
Pub. Commonwealths, for the constitutions 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 cafe 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 come; 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 cafe, 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 throughout 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 parliament 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 parliament; and the parliament consulted 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. Something 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.
VALERIUS and PUBLICOLA.

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 choose 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 presumc changes; for one thousand, without change governing the whole people, amounts neither to a representative nor to a commonwealth, but comes 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 does so: but to rejoin that a little, I should be glad, before I flir 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 infallible; and what is don thro mere ignorance or mistake at one time, will be found and amended at another.
Val. A thousand men, and fix 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 salarcs.
Val. Salarcs 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 grudg them any part of that proportion?
Val. I must confes the quarrel grew when they would not be contented with so little.
Pub. Now if England never did, nor needed grudg a king fix hundred thousand pounds a year, to be spent among courtiers, why should we imagin she should grudg a commonwealth three hundred thousand pounds a year, to be spent among magistrats?
Val. But parliamentmen have taken nothing.
Pub. Have the people given nothing?

Val.
VALERIUS and PUBLICOLA.

Val. That was for the maintenance of armys,
Pub. And whether had you rather maintain armys or magistrats?
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 bin perpetually extant, there would have bin 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 some king.
Pub. Mock not: or what other guard of liberty is there in any commonwealth, but the popular assembly?
Val. Come, 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 salaries? and how much better were it for a representative to lead the life of statesmen than of carriers?
Val. Commonwealds, whose assemblies have bin of the former kind, have call’d them no other wise than at stated times, or upon extraordinary occasions.
Pub. But then their assemblies were not equal representatives, but consulted 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 imagine 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 caufe, 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 senate 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 assemblies propos’d; or, according to your own rule, from like causes expect like effects.

M m m 2

Val.
VALERIUS and PUBLICOLA.

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 come to consider what are their proper busineses 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 refult in all matters of lawgiving, of making peace and war, and in levying men and mony: secondly, That the ultimat refult 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 affure you this must amount to a great deal of busines.

Pub. Certain it is, that in some commonwealths the popular assembly by this means has bin perpetually impoy'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 refor was to the sanhedrim or 70 elders.

Pub. I know it very well: nevertheless you shall find that the congregaion 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 refult.

Val. But to refult, there must necessarily go precedent debate; seeing a man, much less an assembly, resolves not upon any thing without some considerations, motives or reasons thereof 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 become 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 senate in every commonwealth.

Val.
VALENIUS and PUBLICOLA.

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 throuthout.

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 immediately, nor rise so equally from the people, as when chosen in the precincts; because this way every shire coms necessarly 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 constitute 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 coms 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 com 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?


Val. He stays a great while ere he coms to preferment, and is soon out again: at which rate a man should have much ado to attain to sufficient knowlge for the leading of the commonwealth.
Valerius and Publicola.

Pub. This was never objected against parliaments.

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. Parliaments, when they were the most frequent, assembli'd not above once a year, very rarely so often; and how long, pray, did they usally 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 parliaments, 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: whereas 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 knowledge in conduct; and yet antiently your parliamentmen 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 shou'd, I think, propose nothing but what is for their own advantage.

Pub. They are the senate: and in that they have all the advantages that a well-ordered commonwealth can give to a senate.

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 them at power; they will be coordinat.

Pub. In the world there has never yet bin any senate that durst so much as pretend to power.

Val. No? Had not the senate of Israel and that of Lacedemon power?

Pub. Executive power they had, in as much as they were judicatorys; but legislative or overain power (which is that whereof 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 comes not to the point in hand, because in these and the like matters, as the creation of divers magistrats, the senate uses to be made plenipotentiary by the popular assembly, that is, by law.

Val. I hear them talk of making a coordinat senate first, and without the people, and then of assembling a parliament in the old way to govern with that senate.

Pub. Things, Valerius, are soon said; but if any parliament 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 senate, I ask no credit to my politics.

Val. This is to prophesy.

Pub.
VALERIUS and PUBLICOLA.

Pub. Then, to reason the case: I say, That the senat assuming power, the popular assembly falls immediately 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 some 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 come 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 parliaments.

Pub. What is that to the purpose? Is our army a popular assembly? Yet let them pull down a parliament as often as they please, they must set up another; and in this indeed there may be some 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, wherein 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 consequnces, as the division of the senat into senatorial councils, the adorning and actuating of this and the other assembly with fit magistrates, whereof 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 some purpose.

Val. Nay, what they take will be to some purpose, I warrant you. Com, there is a party, a select, a refined 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.
VALERIUS and PUBLICOLA:

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 fail 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 itones?

Val. Enough, enough.
VALERIUS and PUBLICOLA.

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 somwhat a hard matter.

Pub. And how many securities 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 assemblies, must presently lose that inclination which now plainly they have to set up monarchy, or to pervert 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 peutree 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 balance'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 suppose, whither this will go. A government founded upon the overbalance of property, is legitimatly 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 oligarchits, 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 oligarchits cannot be truly saints. Again, do you still think, as you once intimated, that a govern-
ment now introduce'd in England, exactly according to the principles of prudence and justice, would rule the earth?

Val. Yes.

Pub. Do you think, that such as 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 perfect 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 acknowledge and must confess, that your popular assembly is such as cannot err, except thro ignorance; but thro this, you your self have acknowledg'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. Rifes 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 overruled by the providence of God) an extraordinary and exceeding 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 consist'd of king,
VALERIUS and PUBLICOLA.

'king, lords, and commons, the antient, the only, the moft 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 propole, as
'they call it, to thefe honest men (who you need not doubt will receive it with
'glad hearts) the refitution of right, and of the government in this nation by king,
'lords, and commons.'

As sure as you live, PUBLICOLA, thus much being faid, your whole fenate will
immediately agree to propole it to the repreffentative: and thus much being pro-
pole to the repreffentative, thofe people will throw up their caps for joy, and im-
mEDIATELY return to their houses.

Pub. But VALERIUS, thus much has bin faid in parlament when the house was
fuller; when they who were for this refitution were back’d by a fingle perfon in
actual poiffefion of the throne; when over and above the zeal of the Presbyterians,
there were party’s that knew no other means of felf-prefervation, as without, divines
belaboring the oak of every pulpit; and within, lawyers, officers, and penioners:
yet was it fo far from being carry’d, that the fingle perfon has bin forc’d to difolve
parlaments, and that thro’ apparent danger of being overrun by the principles of a
commonwealth not in being. But if this were fo when a commonwealth could
fcarce be hoped, what will it be when the commonwealth shal be in fuch a condition
as cannot be withftood? for the fenate can never com to propole any thing to
the people without firft agreeing upon debating what it is they will propole; nor is
it poiffible that fuch debate fould be brought to any end, but by reafons therto
conducing: now it muft not only be impossible to find reafons for the refitution of
monarchy, but the reafons why monarchy ought not to be reftor’d muft be obvious;
not only in regard that it is quite contrary to the intefft of the nation, and of thefe
assemblies, but to the intefft ten to one of every particular man in either of thefe
assemblies: nor are or have the reafons bin lefs obvious, or lefs ventilated in parl-
ament, why monarchy as to this nation is impossible in it felf.

Val. Will you fay the like for liberty of confcience?

Pub. Yes; becaufe without liberty of confcience, civil liberty cannot be perfect;
and without civil liberty, liberty of confcience cannot be perfect.

Val. These things are true, but they never will fee them, never, PUBLICOLA:
you your felf fay, that the people cannot fee, but they can feel.

Pub. I meant that of the diffufive body of the people, not of the people under
good orders; in which cafe they are the sharpest fighted of any kind of government
whatfoever: and therefore it is not mofted that you, or I, or any particular man or
party, blinded with felf-conceit, fould pretend to fee with fuch a conftitution; or
flew me that ey under the fun, that fees like that of Venic. But putting the cafe
it were otherwife as to feeing, these things are plainly palpable or obvious to
feeling.

Val. I have indeed obfer’vd, that in commonwealths there are very few that fee
or underrftand them, and yet their affection to that way of government is exceeding
vigorous.

Pub. Whence can this otherwife be than from feeling? but one thing, VAL-
RIOUS, I take at your hands extreme heavily.

Val. What is that, PUBLICOLA?

N n n 2

Pub.
Pub. That you with one little speech of a single senator, should run so regard-
lessly over these two assemblys, 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 promul-
gated, that is, printed and published to the whole nation six weeks before the time
that the representative is to assemble and give the vote of the commonwealth, or
that left 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 fews privilege than to the whole people.

Pub. No lefs, nor in this point any more.

Val. Yet does 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, how-
ever they may now under no form at all, and in detestation of such as having go-
vern'd them by force, will let them fee no way out of confusion, defire 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?
VALERIUS and PUBLICOLA.

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 parliaments, 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 revor'd can now in England without an army have no government, they may imag'in this their only way to greatn's 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 phra'ses, 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 hou'ses 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 form 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.


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.
right of res[ult] in all matters of lawgiving, of making peace and war, and of levy[ng]

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 par-
lament to take into speedy and serious consideration the irrefragable truth of the
premises, and what thereupon 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.

The Petitioner to the Reader.

Reader,

*I S A Y* 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 be-
tween 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 judge hereafter.

BUT to add farther reason to experience. All civil power among us (not only by de-
claration 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 legitimately be no more to
the popular assembly, than my counsel at law is to me, that is (auxilium, non impe-
rium) a necessary aid, not a competitor or rival in power.

WHERE the aids of the people become their rivals or competitors in power, there
their shepberds become wolves, their peace discord, and their government ruin. But to
impose a seel or coordinat senat upon the people, is to give them rivals and competitors
in power.

SOM (such is the temper of the times) will say, That so much human con-

fidence as is express'd, especially in the petition, is atheistical. But how were it athe-

eistical, if I should as confidently foretell, that a boy must expire in nonage, or becom a
man? I propheze no otherwise; and this kind of prophecy is also of God, by those rules
of his providence, which in the known government of the world are infallible. In the
Ecclef. 9. 14. right observation and application of these consiseth all human wisdom; and we read that a
poor
VALERIUS and PUBLICOLA.

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 parla-
ment to all posterity.

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 poss.

Pub. Say that in English.

Val. What if I cannot? are not you bound to answer a thing, tho it cannot be
fayd 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 na-
ture, 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 ne-
cessarily 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 necesarily dispole of the form or frame of the go-
vernment 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 quarrelsome; 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 Coeliopatis.

Pub. VALENIUS, 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 purpoze.
VALERIUS and PUBLICOLA.

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 Cassiopsea?

Pub. Why I say, if it consist of the same matter with other stars, it was no new thing in nature, but a new thing in Cassiopsea; 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 Cassiopsea, 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 causeth 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 pouduer 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 thefe, would there not have bin any new thing in nature.

Val. Som new thing (thro the blending of unseen caufes) there may seem to be in fluffling; but nature will have her course, there is no other than the old game.

Pub. VALERIUS, let it rain or be fair weather, the fun 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 fame 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 you way like best, most noble VALERIUS.

Octob. 22.
1659.
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.

2. Civil government is an art whereby a people rule themselves, or are rule'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 some foreign prince or state.

6. A people is neither govern'd by themselves, nor by others, but by reason of some 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.
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Chap. II.

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 come to a democracy) they must waste their own by maintaining their master's, or by having others to live upon them.

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 left 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.

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 interefts, 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 come 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 interefts, or the whole land in any one of these, is that which causes one of these three to be the predominant interest.

10. All
A SYSTEM OF POLITICS.

10. All government is interest, and the predominant interest gives the matter or foundation of the government.

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.

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 called 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 called 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 called 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
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Chap. IV.

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 itself 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.

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 somthing 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 appetite.

7. Philosophy is the knowlege 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 faint nor Atheist: not faint 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 reaon.

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
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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 los 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 judicators 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 judicators, 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 family 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 territories, and the interests thence arising.

26. The interest of arbitrary monarchy is the absolute 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.
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27. The use of a horse without his provender, or of the people without some regard had to the necessities of human nature, can be none at all: nor are those necessities 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.

C H A P. V.

Of Form in the Civil Parts.

1. Those naturalists that have best written of generation, do observe that all things proceed 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 whereof 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 knowledge, produces government in the whole piece at once and in perfection. But a council (proceeding not according to art, or what is 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 forever 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 comes by the way to ruin, leaving the noblest attempts under reproach, and the authors of them expos'd to the greatest miseries while they live, if not their memories 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 unequal. 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 counties, and ought to be unequal. 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
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7. Equality or parity has been represented an odious thing, and made to imply the levelling of men's estates; but if a nobility, how unequal ever in their estates or titles, yet to come 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 obliged to levelling.

8. Industry of all things is the most accumulative, and accumulation of all things hates levelling: the revenue therefore of the people being the revenue of industry, the sum nobility (as that of Israel, or that of Lacedemon) may be found to have bin levelers, 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 introduced; which in general is to form them as it were into distinct governments, and to indue 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: notwithstanding 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, whereby 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 sovereigns, but subordinat to one common soverain.

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 counties may be for life or hereditary, as in counts or lords; or for some certain term and upon rotation, as in viscounts or sheriffs. 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 some 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 beglerberg, governor for three years, with his council or divan for civil matters, and his guard
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Chap. V. guard of janizarys and spabys, 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 sheriff for some limited term, with power in certain civil and judicial matters, and to levy and command the geste 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 deputies in that tribe towards the annual supply in one third part of the common and sovereign assemblies of the whole commonwealth, that is to say, of the senate and of the popular assembly; in which two these tribes, thus delineated and distinguished into proper organs or fit members to be actuated by those sovereign assemblies, are wrought up again by connexion into one intire and organisable body.

18. A parliament of physicians would never have found out the circulation of the blood, nor could a parliament of poets have written Virgil's Æneis; of this kind thence 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 comfort, who can play and judge of any air 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 resuit, and every way of resuit makes a different form. A council with the resuit in the prince makes absolute monarchy. A council with the resuit in the nobility, or where without the nobility there can be no resuit, makes aristocracy, or regulated monarchy. A council with the resuit in the people makes democracy. There is a fourth kind of resuit 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 resuit in itself, which is rank oligarchy: so the people, seldom or never going any further than to elect a council without any resuit but itself, instead of democracy introduce oligarchy.

20. The ultimat resuit in every form is the sovereign power. If the ultimat resuit be wholly and only in the monarch, that monarchy is absolute. If the ultimat resuit be not wholly and only in the monarch, that monarchy is regulated. If the resuit 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 come 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 come to speak of reason of state, or of administration.

22. The ultimat resuit in the whole body of the people, if the commonwealth be of any considerable extent, is altogether impracticable; and if the ultimat resuit 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 once and the same time, yet is so order'd that every one in his turn comes up to give the charge of the whole army; so the
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the whole people cannot give the refult at one and the same, yet may they be so order'd that every one in his turn may com up to give the refult of the whole people.

24. A popular assembly, rightly order'd, brings up every one in his turn to give the refult 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 refult, than that only which is the interest of the whole people.

26. But in vain is refult 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 refult to be popular cannot be given by a few.

28. If a council capable of debate has also the refult, it is oligarchy. If an assembly capable of the refult has debate also, it is anarchy. Debate in a council not capable of refult, and refult 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 chufers, than upon that occasion to be provided of their learned counsel; so much that the saying of Pauuvis, 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 counsellable, and venture not upon debate: where the senat has any distinct interest, there the people are not counsellable, 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 from convenient time before the matters by them debated are to be propos'd, that they may be commonly known and well understood, and then to propole the same to the refult of the popular assembly, which only is to be the teas of every public act, is a senat rightly order'd.

Form of government (as to the civil part) being thus completed, is sum'd up in the three following aphorisms.

33. Absolute monarchy (for the civil part of the form) consists of distinct provinces under distinct governors, equally subordinat to a grand signor or sole lord, with his council or divan debating and proposing, and the refult wholly and only in himself.
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Chap. VI. 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 subordinat to the king and his peerage, or to the king and his estates assembl’d in parliament, without whose consent the king can do nothing.

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 subordinat to a senat 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 senat having the debate, and the popular assembly the result of the whole commonwealth.

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 entire, 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 employment 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 employment 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 employment 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 employment, and yet not admit of the means to assert civil liberty; as the Greek 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 entire 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 shown, 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 floundering 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 unable 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 subjeged 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 com 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 apostates by death without mercy.

20. Regulated monarchy coms not much short of the same pretence; but confiding of proprietors, and such as if they dissent have oftentimes the means to defend themselves, it does not therfore 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 stipendiary 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 soverainty 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.
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27. A clergy, whether landed or stipended, is either hierarchical or popular.

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 aleorax (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 fuch 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 acknowledg'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.

Chap. VII.

Of Form in the Military Part.

1. A MAN may perih by the sword; yet no man draws the sword to perih, 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 leafses 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 vaft 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
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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 itself has no bar from changing into democracy.

FORM of government (as to the military part) being thus completed, it 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 valet body of horse, there must also be a mercenary infantry, and there the people are peafants 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.

C H A P. 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 judge 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 ultimate result in every government is the law in that government.
5. In absolute monarchy, the ultimate result is in the monarch.
6. In aristocracy, or regulated monarchy, the ultimate result is in the lords or peers, or not without them.
7. In democracy the ultimate 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 a free natural equity and self-preservation come 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 nation, but no nation will devote itself to death or destruction to save mankind.
13. Machiavel is decried for saying, that no consideration is to be bad of what is just or unjust, 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.
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Chap. IX. pressing 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.

14. WHERESOEVER 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 aporisms:

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 choses.

17. Aristocracy (for the legal part of the form) consists of such laws as the nobility shall chuse or have choses; or of such as the people shall chuse or have choses, 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 choses.

CHAP. IX.

Of Form in the judicial Part.

1. MULTIPLECTY of laws, being a multiplicity of snares for the people, caueth 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 soverain 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 intereft, which oftentimes is contrary to justice, makes him also an incompetent judg, in regard that he may be partial.

6. A partiality is the caufe why laws pretend to abhor arbitrary power; nevertheless, seeing that not one case is altogether like another, there must in every judicator be som arbitrary power.

7. Paucity of laws caueth arbitrary power in reconciling and applying them too.

8. Arbitrary
8. **Arbitrary** power where it can do no wrong, does the greatest right; because no law can ever be so framed, 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 judiciary.

10. **Arbitrary** power, going upon the interest of the whole people, makes a just judiciary.

11. All judicatories and laws, which have been made by arbitrary power, allow of the interpretation of arbitrary power, and acknowledge an appeal from themselves to it.

12. That law which leaves the least arbitrary power to the judge or judicatory, is the most perfect law.

13. Laws that are the fewest, plainest, and briefest, leave the least arbitrary power to the judge or judicatory; and being a light to the people, make the most incorrupt government.

14. Laws that are perplexed, intricate, tedious, and voluminous, leave the greatest arbitrary power to the judge or judicatory; and raising shades 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 judge does the most, in a few judges does less, and in a multitude of judges does the least hurt.

17. The ultimate appeal from all inferior judicatories is to some sovereign judge or judicatory.

18. The ultimate result in every government (as in absolute monarchy, the monarchy; aristocracy, or aristocratical monarchy, the peers; in democracy, the popular assembly) is a sovereign judge or judicatory that is arbitrary.

19. **Arbitrary** power in judicatories 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 judge or judges are not obnoxious to partiality or privant 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 judge or some judges without a jury, or of a jury on the bench without any other judge or judges, or of a judge 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 aporias.*

23. Absolute monarchy (for the judicial part of the form) admits not of any jury, but is of some such kind as a cadee or judge in a city, or as we say in a hundred, with an appeal to a cadis/kor or a judge in a province, from whom also there lies an appeal to the muphti, who is at the devotion of the grand signior or of the monarch.

24. Aristocracy
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24. Aristocracy or aristocratical monarchy (for the judicial part of the form) may admit of a jury, so it be at the bar only, and consists of some such kind as delegates or ordinary judges, with an appeal to a house of peers; or some such court, as the parliament at Paris, which was at the institution in the reign of Hugh Capet, a parliament of sovereign princes.

25. Democracy (for the judicial part of the form) is of some 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 judiciary residing in the capital city of the like constitution, annually eligible in one third part out of the senate or the popular assembly, or out of both; from which also there lies an appeal to the people, that is to the popular assembly.

C H A P. 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 called 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 called the main chance.

5. The matter of a family that either keeps himself up to his ancient 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 itself, 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 te good, or 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


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fate then is the way and means whereby such usurpation may be made good or maintain'd.

10. REASON of fate, in a democracy which is rightly founded and rightly order'd, is a thing of great facility, whether in a foren or in a domestick 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 domestick, because it consists not of any more than giving such a stop in accumulation that the state comes not to be monarchical: which one reason of state being made good, all the rest goes well; and which one reason of state being neglected, all the rest comes 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 exerise themselves against one another, first by disputes, then by plots, till it comes 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 domestick) is but threefold; as first to keep its military farmers or timariois 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 exercife.

13. In aristocratical monarchy reason of state (as to the whole) is but one thing, that is, to preverse the counterpoise of the king and the two, or the three, or the four estates: for in some countries, 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 multivariate 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't (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-emperies, or the deep waters wherein that Leviathan the minister of state takes his pastime.
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16. The complaint that the wisdom of all these latter times in princes affairs consists rather in fine deliveries 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 some wickedness in the reason of state, as in Romulus's killing of Remus, and the monstrous affinities 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 beggary, men are sharms or robbers, and the reason of their way of living is quite contrary to those of thrift; 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 some politicians, particularly Machiavel in his prince, and which are condemn'd to the fire even by them who, if they liv'd otherwile, might blow their fingers.

20. Where the government from a true fundament rises up into proper superstructures or form, the reason of state is right and strecth; but give our politician peace when you please, if your house stands awry, your props do not stand upright.

21. Take a jugler, and commend his tricks never so much, yet if in so doing you thieves 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 confess'd that so much as they have done tends not to the increase but the cure of them, which is the truth of these two authors.
The errors and sufferings of the people are from their governors.

When the foundation of a government comes to be chang'd, and the governors change not the superstructures accordingly, the people become miserable.

The monarchy of England was not a government by arms, but a government by laws, tho' imperfect or ineffectual laws.

The later governments in England since the death of the king, have bin governments by arms.

The people cannot see, but they can feel.

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.

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.

The spirit of the people of England, not trusted with their liberty, drives at the restitution of monarchy by blood and violence.

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 parliament with a council in the intervals, or two assemblies coordinat) will set up a king without blood or violence.

To light upon a good man, may be in chance; but to be sure of an assembly of good men, is not in prudence.

Where the security is no more than personal, there may be a good monarch, but can be no good commonwealth.

The necessary action or use of each thing is from the nature of the form.

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.

Assemblies legitimately elected by the people, are that only party which can govern without an army.

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.

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 party 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 endowment 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, goes 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 hewers, therefore they were not made by a smith.
29. To hold that hirelings (as they are term'd by some) 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 adequate to man's nature.
37. The prudence or government that is regardless of religion, is not adequate nor satisfactory to man's nature.
38. Where the government is not adequate 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
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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 inow’d clergy or priesthood, and a national religion under inspection of the magistrat: whence the Christians in apostolic times, deknowing their own ministrity, could have liberty of conscience; whereas if the Christians by going about to take away tithes, and abolish the national religion, had indevour’d to violate the confessions 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; therefore in Athens there was liberty of conscience: but if Paul and his converts had gone about to drive hirelings, or an inow’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. That there may be a national religion, there must be an inow’d clergy.

47. Commonwealths have had three ways of union. As the Athenians, by bringing their confederates 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 commonwealthe under the league is no more than another, and each one as to herself has a negative: which kind of union is not only obstrutive, but tends (as we have seen both in Holland and Switzerland) towards division. In the third way, the commonwealthe 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 commonwealthe be first fram’d, how such a commonwealthe 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 flates general, as in the united provinces, but in the standing councils of from one commonwealthe in the league, is obstructive to liberty both in England and in Scotland.

50. If the commonwealthe of England receives deputys from Scotland in a greater number than that of her own, she receives law from a foren intereef, 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 diffusion.

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 commonwealthe should give the balance to her confederates, 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 lie in wait, or lay their heads together, may be over-rule’d, obstructed, or overbalance’d by foren intereefs.

54. Where countrys are divers in their laws, and yet are to receive laws one from the other, neither the commonwealthe giving law, knows what to give, nor the common-
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 itself, as Wales, it may be safely united and held: but the advantage that Wales has in a participation of all magistracies 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 itself, 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 forein invasion, which through I must be understood to except.

61. If Sir George Booth had prevail'd, he must either have introduc'd a commonwealth, or have refor'd the king.

62. If the king were refor'd, he must either govern by an army, or by parliaments.

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 parliaments, 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, becomes thereby 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 whereof 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
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, La-cedemon, 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 sovereintries, the popular or resolving assemblies consist at least of five hundred persons: these in the whole union, may amount to five or six thousand; in Switzerland I believe they come to a greater number. And the most of these assemblies 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 refult 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 assembled 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 pr'y 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, should 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 entirely and absolutely in their collective bodies, assemblies or representatives, or there can be no commonwealth.

83. To declare that assemblies or representatives of the people have power in some 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
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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 obstructed by the legislator first, or by the people, or their demagogues or incendiarys 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 cattles 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, tho 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, tho all of these were well affected, must be insecure and transient, 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 diseas'd limbs (as Florence) have brought themselves to impotence and ruin. Commonwealths that have bin given to healing their diseas'd 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 party, than is England; yet by introduction of a senat of four hundred, and a popular assembly of five thousand, did therupon, 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 consider'd.

92. To leave our selves and posterity to a farther purchase in blood or sweat of that which we may presently possess, enjoy, 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, so a good state of government the animosity and danger of party.

94. The frame of a commonwealth having first bin propos'd and consider'd, expedients (in case such should be found necessary for the safe, effectual, and perfect introduction of the same) may with som aim be apply'd or fitted; as to a house, when the model is resolve'd 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 let 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 they should be supported by an army; but when the military and provincial parts are rightly form'd, the can have no farther use of any other army. Wherfore
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Wherfore at this point, and not till then, her armys are by the practice of commonwealths, upon lighter 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 assemblies, there can be no greater, nor needs any other expedient for the introduction of a commonwealth. Nevertheless to this may be added some 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 forer shall hinder the people from the exercise of the power devolv'd upon them, shall be certainly ruin'd: who or what party forer 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 reipublicae est nobilem. 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 has 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 wherein, 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 whereby 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 goes for the greater part upon invention.
P O L I T I C A L  A P H O R I S M S.

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 assemblies in the formation or reformation of government, have pitch'd upon a sole legislator.
117. 'Tis 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 goes 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 done, 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 Israelites, 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 Israelite indeed.
Seven Models of a Commonwealth:

OR,

BRIEF DIRECTIONS

SHOWING

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 infirmities I shall offer some 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.

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 somtimes, but very seldom, practicable in any other nation. Nevertheless, for the better knowledge of the one way, it will be best to propose in both ways.
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 cities 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 thereof, 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 cities above refer’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 sett’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 magistracies 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
OF POPULAR GOVERNMENT.

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 frow 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.

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 demonstrate, that either the people must be free, or the king a prisoner.

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
DIVERS MODELS

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 mony, 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 magistrates 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.

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.

A FIFTH
OF POPULAR GOVERNMENT.

A FIFTH MODEL
OF A
COMMONWEALTH
PROPOSD.

The Commonwealb of Rome.

That the whole nation be divided into three distinct orders: the one senatorial, or nobility; the other equestrian, or gentry; and the third plebeian, or common.

That the equestrian order be the cavalry of the commonwealth, and the plebeian the foot.

That there be a senat consisting of the senatorial 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 sometimes 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 armys.

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 ever, into six classes, according to the valuation of their estates. For example: That the first class be 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 thousand pounds a year, or upwards, under one thousand; 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 class 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.
DIVERS MODELS

IN this frame the senat, by the optimacy of the first and second classes (which seldom or never disagree) carries 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 some other way of assembly, as by tribes, or by parishes, with more equality of votes; elect magistrates of their own, make decrees binding the senat of nobility, endeavor to curb their power by weakening 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 him all his lifetime afflicted with anarchy, she ends her days in tyranny.

A SIXTH MODEL OF A
COMMONWEALTH
PROPOS'D.

The Commonwealth of Venice.

THAT the soverain power be eftated 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 appign'd, with a guard, at the state's charge, and a revenue of fifteen hundred pounds a year; and that he bear the soverain 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 magistrates, to whom of course the like honor is appertaining, be the senat.

THAT sixteen other magistrates 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 provolets or propofers, 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.
OF POPULAR GOVERNMENT.

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 seffion and suffrage in the same, may upon occasion exercise dictator 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 wherein the 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.

A SEVENTH MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth of Holland.

That the people in every city, and in every province or country within these three nations, elect to every city, province, or country of the fame, a matter of twenty, thirty, or forty magistrats for life. That these magistrats being so elected, be the senat of that respective city, province or county.

That the senats, thus elected, thenceforth have and enjoy the sovereign power within their respective jurisdiction, for ever. That every senat annually elect two or four burgomasters or confuls, to be presidents of the same. That they also elect seven magistrats, or prefer 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 mony, and the like, the governor of the province give information of the things to be consider'd, to the nobility, and to the senats of that province; therewith appointing a time and place for the assembly of the states provincial. That each of the senats, having debated the matter propos'd, delegat one conful, with som 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 delegat one of their order likewise to the provincial states. That the delegates both of the nobility and of the senats give the vote of their principals according to instruction; and that neither the nobility, nor any senat or soverainty be otherwise bound, than by their own vote.
DIVERS MODELS

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 sole, and the biggest mysteries of the ancient commonwealths, to the lowest capacity of vulgar debate) be not all in the mouths of great men, and in pamphlets, for chimeras or utopias, it is great chance: yet contain they no less than the who, 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 come to fulfil my promise in the Second Part, or to propose such a model as is fitted to the present state of this nation.

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 parties bold 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 parties are no better founded, or fitted for usurpation, than now in England, they are rather to be flighted than consider'd, as those, the stoutest whereof 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
OF POPULAR GOVERNMENT.

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 fixed precincts or parishes.

4. THAT the elders resident in each parish annually assemble in the same, for example upon Monday next infusing 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 infusing 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 therabouts, 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 infusing the last of January, at the capital of their hundred. That they then and there elect out of the horie 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; 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 deputies 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 through these propositions to amount to fifty.

8. THAT the deputies elected in the several parishes, together with their magistrates and other officers both civil and military elected in the several hundreds, assemble or muster annually, for example upon Monday next infusing the last of February, at the capital of their tribe, for the space of two days.

9. THAT this whole body thus assembled, upon the first day of their assembly elect out of the horie of their number, one high sheriff, one lieutenant of the tribe, one custos rerum, one conductor, and two cenfors. That the high sheriff 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 rerum be muster master, and keep the rolls; that the cenfors 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 rerum, the cenfors, and the conductor, together with the magistrates 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 affult the justice of affize, hold the quarter session in their several capacities, and perform their other functions as formerly.

11. THAT
11. That the magistrats of the tribe (that is to say, the high sheriff, lieutenant, 
custos rotulorum, the cenfors, and the conductor, together with the twenty justices 
elected at the hundreds) be a court for the government of the tribe call’d the phy-
larch; and that this court proceed 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 burgesse out of the horse of their number, and four other 
burgesse out of the foot of their number. That each knight upon election forth-
with 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 burgesse. That the knights thus sworn have jeffion 
in the senat for the term of three years; and that the burgesse thus sworn, be of 
the prerogative tribe or representatige of the people for the like term.

13. That for the full and perfect institution of the assembly 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 
knots more for the term of three years; the like for the burgesse 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 therby 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 burgesse. That a man being chosen a knight or burgesse, who 
before was chosen a magistrat or officer of the hundred, or tribe, may delegat 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 se-
fion 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 fit in purple robes.

16. That annually on reception of the new knights, the senat proceed to election 
of new magistrats or counsellors. That for magistrats they elect one general, one 
speaker, and two cenfors, each for the term of one year, these promiscuously; and 
that they elect one commissioner of the great seal, and one commissioneer 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 
preidents 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 magistracies 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 field-
pay; and that a new general be forthwith elected by the senat to succeed 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
OF POPULAR GOVERNMENT.

19. That the three commiissioners of the great seal, and the three commiissioners 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 siting, the speaker, and the six commiissioners above said, be the signory of this commonwealth.

22. That there be a council of state consisting of fifteen knights, five out of each order, lift, or election; and that the same be perpetuated by the annual election of five out of the new knights, or thole 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 underfoot 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 dictator’s power be prolong’d for a like term.

26. That the signory have feccion and suffrage, with right also jointly or severally to propose both in the senat, and in all senatorial councils.

27. That each of the three orders or divisions of knights, in each senatorial 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 rooms 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 jelt or in earneft, to propose to the proposers.

29. That for embassadors in ordinary, there be four residencies, as France, Spain, Venice, and Constantinople; and that every resident upon election of a new embassador in ordinary, remove to the next residence in order hereby mention’d, till having serv’d orderly in all the said residencies, he returns home. That upon Monday next infuing the laft 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 infuing the laft of March following, as an embassador 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 infuing his election. That every embassador in ordinary be allow’d three.
three thousand pounds a year during the term of his residence. And that if a resident com to dy, there be an extraordinary election into his residence for his term, and for the remainder of his removs and progress.

30. That all emergent elections be made by scrutiny, that is by a council, or by commissioners proposing, and by the senat resolvving in the manner following: that all field officers be propos'd by the council of war: that all embassadors extraordinary be propos'd by the council of state: that all judges and sargent 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 negociation, and of all matter of state to be consider'd, or law to be enact'd, 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 judge 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 fame 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 expressly stated upon the fame by act of parliament.

32. That what shall be propos'd to the senat by any one or more of the signory, or of the propofers general; or whatever was propos'd by any two of the provots, or particular propofers to their respective council, and upon debate at that council shall com to be propos'd by the fame to the senat, be necessarily debatable, and debated by the senat.

33. That in all cases wherein power is deriv'd to the senat by 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 act of parliament, as for 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, wherein the senat shall judge the necessary flowness or opennesse 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 cho'en out of their own number, to the council of war, the said council of war be thereby 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 fame 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 inuing the last of March; and that the like number of burgesses whose term is expir'd, recede at the same time. That the burgesses
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 proceed to the election of four annual magistrates, 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 discipline of the tribe. That the tribuns have seision in the senate without suffrage; that of course they have seision and suffrage in the dictator council, so often as it is created by the senate. That in all cases to be adjudged by the people they be presidents of the court or judiciary.

37. That peculato or defraudaion 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 be an appeal in all causes, and from all courts, magistrates, or councils, national and provincial.

38. 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 refult not deriv'd from the people, and executd upon the senate by act of parliament.

39. That the power of refult be wholly and only in the people, without any right at all of debate.

40. That the senate having debated and agreed upon a law to be propos'd, cause promulgation of the same law to be made for the space of six weeks before propo-sition; that is, cause the law to be written fair, and hung up for the time aforesaid in some 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 senate, an assembly of the people. That the tribuns upon such demand of the signory, or of the senate, 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 prorog'd by consent of the signory and of the tribuns. That the prerogative tribe being assembl'd accordingly, the senate propose to them by two or more of the senator magistrates thereto appointed, at the first promulgation of the law. That the proposers for the senate open to the people the occasion, motives, and reasons of the senate 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 senate think fit, but no oftener.

42. That
42. That what is thus propos'd by the senate, and resolve'd by the people, be the law of the land, and no other, except what is already receive'd as such, or reserve'd to the dictatorial council.

43. That every magistracy, office, or election throughout this whole commonwealth, whether annual or triennial, be understood of course or consequence to in-join 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 foreign, 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 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.

45. 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 to declare'd by the senate.

The use of the ballot, being as full of proximity and obscurity in writing, as of dispatch and facility in practice, is presumed throughout all elections and results in this model, and for the rest refer'd rather to practice than writing. There remain the religious, military and provincial parts of this frame: but the civil part being approve'd, they follow, or being not approve'd, may be spare'd.

CONCLUSION;
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 be 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 penned 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.
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.

Sicre tunc 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 parliament.

Let there be a free parliament.

To the end that the people may be most equally represented, or that the parliament may be freeest.

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 deputies to be of another house of parliament, for the term of three years. For the first year only, let the deputies 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 parliament 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 parliament be the triennial part of the knights house for the first election.

The house of knights and the house of deputies being assembled, 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 deputies meet, and give their refult 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 deputies, be the law.

In
THE WAYS AND MEANS, &c.

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 assemblies in this order are actually a commonwealth, and so far a well order'd commonwealth, that they are capacitata 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, immediately 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.

Two 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 procreate monarchy, is to affirm that a horse and a mare can generat a cat: that wheat being rightly sown may come up peafe; 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 mis 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 encouragement 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 protecorian family, O that we had set up the equal commonwealth! so say broken parliaments and statesmen; so say the fally mistaken sectaries; so say the cauher'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 Chrifian, if there will be no such saying, I would there might be no swearing.

Feb. 6. 1659.
THE HUMBLE

PETITION

OF DIVERS

WELL AFFECTED PERSONS,

Deliver'd the 6th Day of July, 1659,

With the PARLIAMENT's Answer thereto.

TO THE

SUPREME AUTHORITY,

The Parliament 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 foreign and domestic: and in the advantages that are taken to make confederacies 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 immediately a new constitution suitable to their condition; with certain successions and defences, that so both their lawgivers and magistrates might use their several rights, according to the established 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 fancys, or corrupt interests.

THAT
THE HUMBLE PETITION, &c.

That God has preferr'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 sicknesh, deth, 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 preludes, 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 prosecut'd on different apprehensions of the justice and prudence of different forms of government, tho all with good intentions.

YOUR petitioners therefor conceiving no remedy so effectual against the present dangers, as the settlement of the people's minds, and putting them into actual security of their properties and liberties, by a due establishment of the constitution under which they may evidently apprehend their certain enjoyment of them; and thereupon, 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 pretense, that there will be nothing but confusion and tyranny, till be con 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: whereupon, 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 deputies 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 governed may have the same interest in preserving the government, and each other's properties and liberties respectively; that being the only sure foundation of a commonwealth's unity, peace, strength, and prosperity.

3. That.
3. **That** there cannot be a union of the interests of a whole nation in the government, where those who shall sometime govern, be not also sometime 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 entire power of propping, debating and resolving laws.

5. **That** the soverain 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 thence where the government is popular, the assemblies in whom reside the supreme authority, ought never to dy or dissolve, tho the persons be annually changing: neither ought they to trust the soverain 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 elle 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 judged 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 magistrats in cases of maladministritations 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 assemblies, the lesser of about three hundred, in whom shall reside the entire 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 chose 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 assemblies to cease, only in the laying the first foundation in this common-
DIVERS WELL AFFECTED PERSONS.

commonwealth's constitution: the whole number of both the assemblies 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 assemblies of parliament, shall not be capable to serve in the same assembly during some 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 parliaments, be taught, and promulgated to the nation, and public preachers thereof maintain'd: and that all that shall profess the said religion, the of different persuasions in parts of the doctrine, or discipline thereof, be equally protected in the peaceable profession, and public exercise of the same; and be equally capable of all elections, magistracies, preferments in the commonwealth, according to the order of the same. Provided always, that the public exercise of no religion contrary to Christiannya be tolerated; nor the public exercise of any religion, the professedly Christian, grounded upon, or incorporated into the interest of any foreign 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 sett'd as the fundamental orders of the commonwealth, would naturally dispose those that should hereafter be chosen into the parliaments, 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 temptations or means left to compels any privat or factious ends in matters religious or civil. And your petitioners cannot imagin a greater security for the caufe and interest contended for with such effusion of blood, than by dispossing the free people into this kind of order, whereby the same caufe would become 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 liberties, there may be inferred into the fundamental orders of the commonwealth, thefe 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 estreem'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 magistrate 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 authorize'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
THE HUMBLE PETITION, &c.

mental 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 five 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 authorize'd and require'd from time to time during the term of years, to issue out commissions to the said twelve, or any five 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 conferred to or subscrib'd by the people themselves, if their express acts 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 mischief; 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 and judicious Councils may be feasible 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 bands, 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 intitul'd, The humble petition of divers well affected persons.

Resolv'd,

THAT the petitioners have the thanks of the House.

THE
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.

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
Quae soire suum.

Petron, Sal.

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.

Intercourse between H. Ferne, D. D. and James Harrington, Esq;
upon Occasion of the Doctor's Censure of the Commonwealth of Ocean.

WHEN I had published my Ocean, 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
Intercourse between H. Ferne, D. D.

such an argument, at 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 be seem’d Leviathan, and is below the parts of this gentleman, to retain and set down with these little things, and poor mistakes, which the ignorance or wilfulness of many in these days hath breached 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.

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 confided 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 fit
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, John, I. 2. 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 medling in matters of religion, as if they had forgot or did not understand their article of the catholic church. Now where-ever the clergy have gained this point, namely, that they are the catholic 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:

S I R,

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 seafonableness, and (however it came in your mind to distrust it) the welcome 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,

Nov. 17, 1656.

Your humble servant.

The Queries I shall interweave with the Doctor's Answer unto each of them, returned unto me with this Preamble.

S I R,

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 shall arise from my respect to my lady and your self, not from the matter or manner (as you seem to imply) of the delivering
Intercourse between H. Ferne, D. D.

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 myself, 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 fend 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.

The first Query.

How much, or in what the Author of Oceana is mistaken, to think the Commonwealth of the Hebrews appliable 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 monarchy, God's vicegerent 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 baflopes of the phrase may be militised, but the thing asserted I suppose cannot be defended, viz. any such power in the people to Godward; your inference also seems strange and improbable, 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 entering that covenant; whereas God often (especially in Deut.) knew his right of commanding, and enforces their obedience to his commands upon the antecedent obligations; his being the Lord their God, bis chusing them out of all nations.
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nations to be a peculiar people, bis 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 Godward; or from concluding generally the power in the people of resolving and enacting 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 impoling. 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 sanhedrin, by the sanhedrin from Moses, and by Moses from God: as (Exod. xix. 5.) where God gave him instructions for a proposition unto the people; Thus shalt thou say unto the house of Jacob, and the children of Israel, ye shall see 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 those 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 resuit) 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

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had
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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 logic, 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 sail-fellow well met with the king, at their entering that covenant, comes up to good divinity. Such is the logic 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 thee 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, be the Heavens never so unquiet, were, indeed, impious; but in the latter it is most certain, that he ruleth among no other than a consent, a resolving, a willing people. Or tell me whether the reign 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 senate, 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 praeterea feita senatus nonnulla fuisse legi interpretanda esse praemunienda saepta evanisse, non modo si senatus ante receptum ubique morem sententiam mutaret, verum etiam si vel ab initio populus ea non ferret, vel iure in diffusitudinem, 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 shewed 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 sat 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 lived alone, being as weary of the recourc
recourse had unto him from these judicatures, as he was of that, before their institutition, 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 Jeferum, Deut. xxxiii. 5. but no otherwise than they in their commonwealths, that is to propofe the laws in his form, when the beades of the people, and the tribes of Israel were gathered together, which was new almooft 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 feffion-house of the senate) that they may stand there with thee. If this be not enough, you may have a farther light of your great mistake, 2 Chron. xix. where at the restitution of this government in some part by Jeboabapht, 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 fanhedrim by that of the Council, Godswyn the Schoomferter could have told you. But whereas nothing is more constantly delivered by all authors, nor express in Scripture, than that Moses having instituted the fanhedrim, 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 fanhedrim, in the institution of which fanhedrim Jethro had no hand; you say, that the fanhedrim 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 there are no little things nor poor mistakes.

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 monarchial, that in is 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 ovines monarchical government the fitteft for all exigencies. Also because God, to whom you seem to appeal (Pag. 15.) led his people (Psal. lxxxvii. 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 lead your form of government, from paternal (so it was at the beginning or populating of the world) unto monarchical, as families encresseed into nations.

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REPLY.
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Reply.

YOU in your letter are positive that 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 consists 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 else? 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, I 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. lxxxvii. by the hand of Mozes and Aaron, is right; but your flourish upon it, where you say Mozes chief in the whole government, and Aaron chief in the priesthood, withers; for the place relateth unto the times, (Exod. vii.) in which faith the Lord unto Mozes, 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 were not a prophet like Mozes in Israel) and this was before the time that Mozes made Aaron high-priest. Nor after the institution of the sanhedrin, was the high-priest other than subordinate unto it, whether in matter of religion or state: nay, if he had given them just caufe, he might be whipt by the law, as is affirmed by the Talmudists. This senate was to stand, as hath been shewed, with Mozes; therefore Mozes 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 sat 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 Jeboashbapat, 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 necessity degenerate into anarchy. Wherefore the nature of this commonwealth throughout the book of Judges was downright anarchy. You have the tribes without
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out any common council or deliberation leaguing one with another, and making war at their fancy, as Judges i. 3. "Judaab 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 these days there was no king (as men of your rank have rendered the word, though in this place it rather signifies suffetis confit, 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 coff, as in the war with Saul, a David to be defended; yet by another war against his ambicious 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 Judaab 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.

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,
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say, that you cannot apprehend it to have been upon a popular balance. But the land of Canaan as it is computed by Hecateus Abderites in Josephus against Appion, contained three millions of acres; and they among whom it was divided, as appears Numb. i. 46. at the cenfe of them taken by Moses in Mount Sinai, amount unto 602550. 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 caufe 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 caufe 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 neccesitated, 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.

The Fourth Query.

Whether the Temptations of advancing did fway 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 oﬀracion in no punishment, and the people of Rome as not ungrateful in banishing Camillus.

R E P L Y.

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 neverthelesfs to be king, yet the league that was made between Judah and Benjamin in the firft, and the sentence that was given by the whole congregation,
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 Sedomites, (1 Kings xiv. 20.) and they of Israel idolaters; you have Baasha conspiring against Nadab king of Israel, murdering him, destroying all the poverties of Jeroboam, and reigning in his stead; Zimri, captain of the chariots, serving Afa the son with the same sauce, when he was drunk, killing all his kindred, that puffed 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 Abah his son, the heir of his throne and virtue. You have Jebo destroying the family of Abah, giving the flesh of Jezebel unto the dogs, and receiving a pretty present from the of Samaria, seventy heads of his master's sons in baskets. To Afa and Jebo-aphat of the kings of Judah belongeth much reverence; but the wickedness of Ahab, who upon the death of his son Abaziah, that she might reign, murdered all her grandchildren, but one stolen away, which was Jebo, was repaid by that one in like coin, who also was slain by his servants. So was his son Amaniah 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 Manahim, who reigned in his stead, (battle royal in Shob-Lane) Pekah 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 Salmezer king of Assyria with the ten tribes into captivity. Will Judah take a warning? Yes, Hesekiah, 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. Joziah once again is a very good king; but Jeboabaz, that died by the heels in Egypt deserv'd his end, nor was Jeboiakim the brother of the former, who became tributary unto Pharaoh, any better; in whose reign and his successor Zebedebias 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 was 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
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tions 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 (mols that growth 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 verfed in the Greek history, can hold it to have been so esteem’d.

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 metamorphos’d 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 fought his knife, and bad it in his mouth.

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 holy 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 and functions
functions left by Christ and his apostles, according to which the church stood 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 Berramans, Hugo Grotius, Selden, and Cuneus, 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?

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 confine 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 satisfied it 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 ecclesia 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 Aeschines, use that word for the assemblies of the people in the Grecian commonwealths, but Luke also speaking of the people of Ephesus, he faith, 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 ιησους or senat. wherefore, says Calvin the lawyer, Sumpserint apostoli ilium melius nomen ad significandum ecclesiam, ut ostenderent politicam populi dei effer quidem democraticam, &c. I have chewed you my reasons, and given you my testimony, and yet you that have neither, call this a notion. Then for the eisirontia, 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 conceptions,
congregations, as in the Greek, Acts xiv. 23, where they use the word άνέσωπος, the same that was used by the Hebrews, 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 their 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 confidence 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 shown by the Talmudists upon Numb. xi. in Eblad and Medad) by the ballot. Nor was it otherwise till the sanbedrim got a whim of their own, without any precept of God, to ordain their successors by the chirostesia or imposition of hands, and the parties being so ordained called Presbyter, became capable of being elected into the judicatories, whereby cheating the people of the right of electing their magistrates, the sanbedrim instituted the first Presbyterian government; nevertheless this form as to the imposition of hands, was not always held 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 tenor, by this innovation had right to ordain; by Hiel high priest and prince of the sanbedrim, 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 name 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 chirostesia or imposition of hands taken up from the Jews, and out of this bishop fretted 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, Mucius, P. Martyr, Lutker and Melancthon, that this chirostesia or imposition of hands is not necessary, for that the Apostles took up some 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 wherefore in the place alleged, where the chirostesia, prayer and fasting, as all things necessary unto ordination, are mention'd, is the chirostesia omitted even by the Apostles themselves? Nor can you find that it was otherwise than sparingly used by them in comparison of the chirostesia 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 customs of electing their civil elders in the same manner. And where was the necessity or senfe, 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, obftruction or scandal upon their doctrine? but if the Apostles ufed the words ecclesia and chirotonia in these places, according unto the right of the people, and the known fenfe, 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 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 pureft times had waved the civil magiftracy. Paul arriving at Athens converts Dionysius one of the senators, and some 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 fenfe 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 some 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, Sadducees, and Esseans, which could be no other? nor doth the sancdrim, 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 sanedrim: 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 revolvd 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 ordained'd in Oceana, that neither the interest of the learned, nor the ignorance of the unlearned can corrupt religion in which call 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 dileafe) you are displeas'd: for thus you conclude.

S I R,

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 quique senfu 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, with them imployed as may be most for the service of God and his church, and do promise myself in all friendly and Christian offices,

S I R,

Nov. 26. 1656.

Your humble Servant,

H. FERNE.

To which I say that

I have not heard a divine quote Scripture (Quoqu suo senfu 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 Jerobo, 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 goodneps 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 lesd 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 sanbedrim of Israel) as cometh nearest unto God's own pattern, regards as well religion as government, and is recepitable of gentlemen; doth it follow that I have not laid out the bent of my parts in my vocation, to the service of God and his church, because you, in your pretended zeal, have chosen to infinuate 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 fought him in a work of universal charity; and whether one end of this present writing be not, left you making use of your great authority thus to prejudice such a work, should hurt them mott, 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
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 refuted
nor exceeded truth, cannot have been very sinful or uncharitable, I do oblige
myself in all the devoirs of

      S I R,

    London, Jan. 3.
        1656.     Your affectionate Friend,

      and humble Servant,

                James Harrington.
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.

S I R,

I GAVE my judgment upon your late book (that I mean against Calvin) in such manner among some 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 speake 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 dissolusion 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 Euryton, or Eurypon, to procure the favour and good-will of the rafcal-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 Euripontidae.

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 faith 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 Peloponnese, must needs evince the former action
action to have been not so voluntary in Eurypont, as in prudence unavoidable. But Eurypont having by this means rather confounded 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 shocking the foundation, or disobligeing 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 liberties as are fit for them, or the government (as we have known by experience, is found in France, and no doubt was seen by Eurypont) becometh tyrannical, be the prince otherwise never so good a man.

Thus Carilus, 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 confeseth that not the favour of princes (by which they may 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 else 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 resolute to frame both into one commonwealth.

To the form of this commonwealth, you say, That whatever the kings left, the people got little by this alteration, being left out of all employment in affairs of state, and forced to yield obedience unto thirty masters, whereas before they had but two.

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 leagues, thou shalt establish the senat, consisting with the two kings of thirty masters, 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 feareth 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 Tyrtes, which the kings themselves, tho' they would have made other use of, acknowledged unto the people to be authentick.
The Stumbling-Block

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 whateer they please.

Of many other testimonies, I shall add no more than one out of Isocrates; I am not ignorant, faith 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 bad 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 control the senators, to which end they ordained the ephori, magistrates to be annually chosen out of the body of the people.

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 insolvency 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. Here-upon 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; and the latter that the ephori in Lacedemon were so opposed to the kings, as the tribunes in Rome to the consuls. 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 assistent 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
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.

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 siluer, 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 Epistetus, an ill-natured fellow, became ephore, and having a mind to disinherit his son, got a law to pass, whereby any man might dispoze 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 freetholders in all Sparta. This he showed 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 fetched arguments against a commonwealth, that are nothing to it. Again, whereas Agis and Cleomenes, by the restitution of the lots of Lycurgus, were afforers of popular power, you inuinate them to have been afforers 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: *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 binding them to put restraints upon the exorbitant power of kings, 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 faith 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 eftates in a Gothick Model should be of lefts power, no politican in the world shall ever shew a reaason; the eftates are such by virtue of their eftates, 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 pratically that the
The Stumbling-Block

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 magistrates, as he tells us of.

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 magistrates; answer, not in the Old Testament, you are sure. For when Moses 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 burden 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. 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 (though we count but the rulers of the thousands only) must have come at the least to fix hundred: wherefore, you cannot be sure that this makes anything to the election of the seventy elders.

Well, but out of these, say you, God afterwards, in the eleventh of Numbers, willed Moses to choose the seventy elders.

You may desire 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 afterwards in the gates of the temple, and of every city; therefore there must needs lie an appeal from the seventy elders or the sanbedrim 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 such thing? Whereupon to the election of the former elders, faith Gratius, in the place of these came the judges in the gates, and in the place of Moses the sanbedrim. Nor need we go farther than the Scripture, for the certainty of this assertion, where the seventy are chosen not to stand under Moses, but with him; not to diminish his burden, 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 burden with him, and without any mention of such appeal. Moses before the election of the Jethronian judges had the whole burden of judicature lying upon him; after their election, the burden of the appeals only: wherefore if the seventy elders were indeed instituted to bear the burden with Moses, there thenceforth lay no appeal unto Moses,
Moses, which is yet clearer in this precept: If there arise a matter of controversy within thy gates, (which plainly is addressed to the Jethronian courts) too hard for thee in judgment, then shall thou come unto the priest and the Levite, (by which in the sense of all authors Jews and Chriftian is understood the sanhedrim) or to the judge that shall be in those days, (the suffaces 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. Your next argument, that there must be nothing in all this but easing the supreme magistrate of some part of the burden, 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 left's wife, for not assuming sovereign power, where, without confusion, it was altogether impossible he should have held it. A prince in a commonwealth subsists 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 in 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 loft. This at best were but to dispute from the folly of a people against an ordinance of God; for what left 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: 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 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 standing can be capable of; but the balance being popular, as in Israel, in the Grecian, in the Sicilian tyrannies, they are the direct curse that can befal a nation. Nor are divines, who will always have them to be of divine right, to be hearkned to, seeing they affirm that which is clean contrary to Scripture, for in this cafe, faith Hosea, they have set up kings, and not by me; they have made princes, and I knew it not. Phaethon may implore the making of brick without the allowance of straw, but God never required of any man or of any 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 lefts 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 make themselves servants, would needs have a king; whence, faith the same prophet, O Israel, thou hast destroyed thy self, but in me is thine help; I will be thy King (which foretells
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 faith Rabbi Bocbai, with whom agree Nachmoni, Gysbome, and others. Kimchi, it is true, and Maimonides, are of opinion, that the people making a king, displeaseed 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 commonwealthmen of each fort, 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 commonwealthmen, as Diodati thus, If thou com to say) I will set a king over me, like all the nations that 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 feeth not that to argue from this place for the necessity of the kings, is as if one from that foregoing shoulde argue for the necessity of the judges? The words are thefe, Thou shalt come unto the priest and to the Levite, which, as was said, is to the sanbedrim, and (that is or) to the judge that shall be in those days. 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: 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 sanbedrim 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, forlook afo the religion, the government whereof depended upon the sanbedrim, and served Baalim. And for the matter of fact included in these words, it farther appears, where Judah said unto Simeon bis 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 leaguing at their pleasure one with another, it is plain, that the sanbedrim, their common ligament, was broken. 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 babendus 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 les is there to be
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 impiety and importunity of the people. But you who have no better name for the people in a commonwealth than the rashly 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. For these kings, if they were such by the law alleged, then by the same law they could neither multiply horfes 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, 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 control 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 Hyrcanus, when he could not deliver Herod from the sanhedrim by power, did it by art. Nor is your evasion so good as that of Hyrcanus, while you having nothing to say to the contrary, but that Herod when he was questioned was no king, shuffles over the busines without taking any notice as to the point in controversy, that Hyrcanus, who could not save Herod from the question, was king.

The manner of the restitution of the sanhedrim made by Jebohnapat 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 faith 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 Jeremia, he said, Behold he is in your bands, for the king is not be that can do any thing with you. Nor, except David, had ever any king feation or vote in this council. To which soon after he adds, that this court continued till Herod the Great, who in insouci, 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, who before the frequent warning of this or the like calamity they had as frequently conceived. In which words Grotius following the unanimous consent of the Talmudists, if they knew any thing of their own orders, expressly 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 Gothic Model, and charged upon these by Calvin.

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
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withstanding any discontinuance or non-usage on their parts, or any prescription alleged 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 acknowledgment, is confuted by this letter. Or if you be of another mind, I shall hope to hear farther from you.

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 fenfe, 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 cepit
Institui, currente rota, cur arceus exit?

Thus applied there may be fenfe 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 Afrinar,

—— Nunc enim hic est
Negotiosus interdum, videlicet Polon est
Leges ut conscribat, quibus se populus non teneat Gerrae.
Qui sese parere apparent bius legibus, profecto
Nunquam bona frugi flent.

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 answear, 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 Athen 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
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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 inflect 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 faith 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.
Therefore 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 sene, not to understand sene. 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 found 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 oboe doth not signify lineages, you will hardly persuade, seeing Amyot, thought to be as good an interpreter of the Greek as Mr. Stubbs, in rendering the oracle, hath these words, Allez que tu auras devisé le peuple en lignées. 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 propone, and a popular assembly with power to resolve. To which he adds the place
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place in Plutarch. Lycurgus having thus tempered the form of this commonwealth, it seemed necessary 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 left unto his successors, than be 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 propoee 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 change the procedure. Hereupon, for the defence of their fundamental laws, the people erected the court of the ephori, 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 ephori, 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 shown by Plutarch) in the institution of the ephori.

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 laid 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 refult only, then who but themselves could have the negative? Contra rationem nemo judicat contra experientiam nemo fato. For that which you allege out of Demosthenes, as that he calleth the senate of Sparta of the people, it can (considering the nature of this commonwealth, which Iphocrates to the Areopagites affirms to be popular) be no otherwise understood, than as they who have the like function, I mean of debating and propoing 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 refult.

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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 propoling 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 oligarchiit in your sense, or one that hath endeavoured to make belots 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. Quis verba audio, cum faela videam? &c.

March 6. 1659.
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 corte novi.

EPISTLE to the READER.

Reader,

The I 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 held 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 investigation or spurt to this laudable adventure, is, that as gloves which have lain in Spanish chests 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 so these, being the scholars fling 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 constitution 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 creator; 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 les 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 several characters shall be made good throughout.

But
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But now upon occasion of these acts, I warrant you we shall have my antagonist go pitifully complaining unto Dr. Wilkins, of dicingious 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-finger, 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 us 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 mule; 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 grand sier Virgil, but in the vulgar's 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, infract the prologue.

What Chaucer sa, pe han the English key,
Of the high rock Parnas with the tow'ry tuemp,
Your sooteen gab, so ken I well thus far,
Of courtely the pate till me unfair.
But here be batinus in the way I crow,
All to be prickle like urchen, hi ho.
Forth come wi brand, gin ye no brene em green
Ye more they keepen out that 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.
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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 Pestrels Margery Melpomene,
Our how ye snorten! sooth it been brede bap
Ye Mother Midnights sit in sky, ne buskin,
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 leg it not about square caps
That meet in hugger to make mouse-traps,
And wagen war anent Inigo Jones
That harpen, like Amphion, till huge staves
And makest rise in woe of her son people
Into the element, and sit on freeple.
Pare I ne tach ye mere by the small fure
When ye mount Pegasus in crimin 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 yourself 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 carefully to start some philosophical opinion, but applieth every thing home and expressly 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 endowed with my name, most serious traits, and true history? alas, that
that ever I fell into the hands of such an historian: what will become of my name, preferred in such sugar'd eloquence to future ages? but notwithstanding you are a great historian, Mr. Wren, yet as concerning Christopher Columbus, and because you will go to that, as concerning Sebastian Caboto likewise, 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 confuscence. 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 shoul 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 dreggill, which is your own sweet book, you think fittest to be my magazine. Why indeed 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.

OUGH! this fame mixen in the stirring, is like pepper in the nose; but he faith it is helbore 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, pass’d over in wise silence.) Are they descended (do you understand me?) from the times in Greece called by Thucydides, The imbecility of ancient times; from those in Rome, called by Florus, The childhood of that government? or speake out, is their whole flock 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 flock of learning ancient learning, albeit they could not call it so then? and if politicians have no other pedigree of prudence, than the fame 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 defire more? nay, and this is according unto the plain sense of Janotti too: for, faith he, as to his two limits or periods of time, of the former, or that wherein Rome was opposed by the arms of Caesar, 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 fo 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? whilst 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
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 freely deny that monarchy is the more ancient government; nor that Mr. Hobbs holdeth democracy to be of all governments the first in order of time; but first, 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.

Noah had three sons, Shem, Ham and Japhet; of Shem, by Arphaxad and others, defenced Reu; of Reu, Serug; of Serug, Nabor; of Nabor, Terah; of Terah, Abram; of Abram, Isaac; of Isaac, Jacob; and of Jacob defenced the commonwealth of Israel. So much for the elder brother, which was Shem. Now, Sir, for the second son of Noah, that is Ham: of Ham defenced Cuffs, and of Cuffs, 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 show the descendents 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. Now as to this, it is a tradition with the Rabbins, that there were seven precepts delivered to the children of Noah: 1. Concerning judicatures: 2. Concerning blasphemy: 3. Concerning perjury or worship: 4. Concerning uncovering of nakedness: 5. Concerning shedding of man's blood: 6. Concerning rape or theft: 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 profane of the gates. Nor do I think the proof in Scripture of these precepts, though not set down together, to be obscure: 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 call out before you. The Canaanites were defenced 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.

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 mutt 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 unto the first of the seven precepts. Of which faith Maimanides, 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 faith, 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 flanding) 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 there, 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 left or any book of mine, that my fores of reason and arguments are brought very low? you see already that it is far otherwise. Tell me not in this place, that Diodorus 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 wife 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 heroic, in which he relates expressly to principalities in a commonwealth, and namely, that of the Lacedemonian kings. Say you then, to which giveth he the van in dignity; to the heroic, or to the barbarous prudence? but it is no matter, strike up and let us have the rode-
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montado, 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 have taken a wrong course of curing Mr. Harrington's political distempers. For whereas I think to do it by giving him what 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 Answr 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 be do not govern by their laws, they will be throwing sticks at him. But do you hear? if a prince would be entirely 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 great mathematical demonstration, with the nooks, crooks, angles and appertinences of the same. You gentlemen of lower forms, be attentive; it hath past the trial and teft of the doctor's academy, confuting of men known to be of the learnedest of this age; and the manner there-of is as followeth:
TO be plain (and rouging) 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 mathemetics; 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 ffoone, 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 faints; 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 thole same high ffoone have at any time set the worthy gentleman on foot, and taken his horae 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 horae. Now, Sir, all you have proved by your wonderful mathemetics, is, that laws are neither made by angels nor by horae, but by men; therefore the high ffoone 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 TChron. xiii. God's own heart: for thus David propeth 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, faith Aristotle, is the government of God.

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 Caesar, 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. For do not you yourself lay 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 confection of your own, than that 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,

W. p. 171. 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.

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But now, for joy, let me my cap up throw;
For one thing I have said, is sense, I say.

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 content 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 anew in this manner.

When a monarch acts the legislator’s part, be 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 attention 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 coltive 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, left 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
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 filling? Yet again: A prince breaketh not the law, but for the publick tranquility. Wonderfull not the tinkers that fight, but the constable breaks the peace. That the poffe comatus 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 tender imagination, than to think that (in the republick of Israël 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 mult) 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 fort will presently be divided into factions and junctures; and under pretence of publick interest, will prosecute their own designs.

But, good Sir, if these abler fort 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 fort any more divide into factions or factions under popular government, than under monarchical? Speak your conscience; the interest of the people being as you say, that justice be impartially administered, and every man preferred in the enjoyment of his own; whether think you the more probable way unto this end, that a council, or the abler fort, propose, and a single interest, that is, a single person, resolve; or that the abler fort propose, and the common interest, that is, the whole people, have the result? O! but take heed; for it is to be remembered, 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?

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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 in stead of those of York and Lancaster, others between the shoemakers and the hosiery. 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-neft, which the other fifteen of you see not; now, gentlemen, is that less a rook’s-neft for this? Or do the five and twenty see farther than therofe 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, Alphonse, 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 faith, 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 vampl 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 no 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 senatior magistratu interrogante (vel uii consule) constituat? 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,
world, are still extant of the Roman people, though of the emperors there remain nothing that is good.

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 lift 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 be affords, that the people never fail to judge truly of the publick interest, whereas (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 deemors: 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 AnarchRFIS made, who said of the popular assemblies in Greece, that wise men propounded matters, and fools decided them. Why, Mr. Wren, AnarchRFIS would not lose his jest, and you cannot find it. Do you think that the commonwealths of Greece thought AnarchRFIS, for this fine thing, wiser than Lycurgus, Solon, or themselves? Why, Mr. Wren, in this earnest you make yourself the jestcr. 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 pulleys, twelve wheels and a fail; the fail 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? Or if he could, where would the oak or the jack be? And in a less time the oak, it is confess, could not by this means be removed one inch. This nevertheless must be a mathematical demonstration.

Goodness!
Goodness! what stuff is here for mathematicians, upon which to usurp demonstration in such a wife, that it must be forbidden unto all the rest of mankind?

Mr. Wren, I have Du Moulin, and Sanderfon; 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 ratio-cinatio, faith he, which taketh its beginning from true principles, producth science, and is true demonstration.* This afterwards he declares in all sorts of doctrines or arts, and consequent in the politicks, to be holding. Therefore, say I, if we commonwealths have nothing that can be so strong or holding as this fame jack and jack-line of Doctor Wilkin's, let us e'en with patience turn the spit, while our salary men eat the roast meat.

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 admittereth 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 lees sure and certain than the beft in their art: and what ratio-cinatio 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 skilful, he would be ashamed to question. For this cause I will not fall full butt upon the politicks at first daff, 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 bandsome, and some unbandsome, and not otherwise, and women still are some bandsome, and some unbandsome, and not otherwise. **Therefore,** women shall ever be some bandsome, and some unbandsome, 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 have 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 lefs 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
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 _bosi_, 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 demonstration; yet because this is not so honourable an argument as the other, I shall now give you the same, _diboti_, or from the cause.

**WHERE** the senate hath no interest 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 divided 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 _diboti_: and seeing it is a custom with you to give my things a turn over the tongue, I am resolved hereafter to _bosi_ them and _diboti_ 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 Gothic monarchies? did I ever undertake to _bosi_ or _diboti_ any of these? if they break loose, let them look to that whom it concerneth. Nevertheless, I say, that laws, whether in commonwealths, or ruled 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.*
POLITICASTER.

But doth this prove, that in cafe 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 faith, 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 anwered Mr. Hobbes thus; that the whole force of his argument amounted but to this, that becaufe 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 becaufe Mr. Hobbes doth not prove, but illustrate what he faith by way of similitude; therefore I anwer 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 anwer 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 done 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 clofe 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 foling my pig? for which he will make, as ye shall find hereafter, this amends, that when he should be foling 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 bear-garden to be feared if he come nigh one.
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 cause 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 fo, 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 sensum 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 afforers 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 peremptory such as advise the necessary change of them, how plainly forever 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 there is also this consideration, 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 conclusion 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
by the name, seeing they having of late years been more arbitrarily governed than formerly, define 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 preheminence, as may invade and oppress laws; which fault was the cause of perpetual feud, or at least jealousy between our kings and our parliaments. But there is in relation unto the people of England, yet a greater encouragement unto commonwealths, 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 exceeded 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, is 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 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 lay 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 care of such a council, and a parliament, will be no otherwise different from the care of a single person and a parliament, than that more matters, less able to support their greatness, and whose greatness we shall be less able to support, will be a burden by so much more heavy, than one matter 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 honelt; much les, 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 testimony 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, confisitling 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
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 ephors, 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, ingrowing 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 caufeth 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 faintship, 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 Seleucus, came under such a yoke of the nobility, as upon victory obtained in the battle of Platea, 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 class; 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,
POUR ENCLOSE LE CANON.

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 tittle. 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.
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 propheth 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 Chron. 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 pervert 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 faith 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 alluded 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 faith, 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 fainst 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.
A Discourse upon this Saying,

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 de bonnaire and thankful; give him a cure, and he blesteth 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 flavih, a pusillanimous spirit, as the paissant 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 unreduced unto any other, is of a wild, a giddy spirit; and, as the politician faith, like some bird or beast, which having been bred in a leaf 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 leaf, and tied so much the shorter; as befell those in Spain after the war of the commonalties, and the Neapolitans after that of Mazarin.

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 declared laws or orders; for 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 unbarqued, cannot flir, 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
That the Spirit of the Nation, &c.

unto orders. Whereas 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 affording 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 their cases.

You propose, That to the end the legislative authority of this commonwealth may not by their long sitting become burdensome 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 cafe 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 intermittent, must not convert the commonwealth into monarchy,
A Discourse upon this Saying,
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 Whetstone should be fold 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 like 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
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nation will consist of Presbyterians and cavaliers; and being thus constituted, will either introduce monarchy, or invade the liberty of conscience, or both.

But there 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 cafe 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 trufling oligarchy with their liberty; therefore the people are not to be trusted with their liberty. But supposing an oath were as flight 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 munda experiri, were the greatest cavaliers in the world; for above one hundred years together they obstructed their senats; which would have introduced a commonwealth, and caufed 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 itself, and introduce monarchy, you must also put the cafe that they may have some interest to do it; for the will of every assembly arises 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 thecaunto conducting. 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 rafiness 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 hewn, 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 wise, and enacted by the honest, 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 hewn, 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 unbiased. 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, cried out—Men and brethren—of the hope and resurrection of the dead I am called to question: and when he had so said, there arose dissension between the Pharisees and the Sadducees—For the Sadducees say, that there is no resurrection, neither angel nor spirit; but the Pharisees confess both, Acts xxiii. Howbeit the Sadducees, 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 effinese, 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 seer 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
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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-bill, 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 disputing, 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 learned 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 neverth-lefs lamenteth, that he found it easier to pull down a religion, than to let up any; yet was neither Cicero, nor any man of his judgment, for this, lefs capable of being conful, 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 Pekiphs 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 fo have not the liberty of conscience to give: but even these do not take it away; for there is no Pekiphs 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 boundlesfs 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 pounds, 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 lefs extravagant than the wildlest; 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 strangenes of their habits, 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
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 loole, but the same caufed one to turn the spit, another to baffle the meat, a third to flim the pot, and a fourth to make green-fauce. If the frame of your commonwealth be not such, as caufeth every one to perform his certain function as necessarily as this did the cat to make green-fauce, it is not right.

But what talk we of frames or orders? Though we have no certain frame, no fiting orders, yet in this balance there are bounds, set even by his hand who filleth 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 fouls, 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 faints; but if you be men, look with all your might, with all your prudence, above all, with fervent imploration of GOD's gracious affifiance, who is visibly crowning you, unto the well ordering of your commonwealth. In the manner confits the main matter. Detest the bafe itch of the narrow oligarchy. If your commonwealth be rightly instituted, seven years will not pafs, ere your clutters 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 founding air eternally renounce the trumpet of fame.

A DISCOURSE

SHewing,

That the Spirit of Parliaments, with a Council in the Intervals, is not to be trusted for a Settlement; left 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 confit 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 flagers, 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 detect 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 jetting 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 delcive 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 die, 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 letting 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,
A Discourse shewing,

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 overthrow both the army and the government; as in the setting up of the late sngle 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 effectual 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 gulls, 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 flate now setting up, then pulling down kings or sngle persons; it is apparent that what introduceth monarchy, introduceth suppreッション 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 suppresssion 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
That the Spirit of Parliaments, &c.

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 consists especially in this, that as to lawgiving, the wisdom of the nation proposed, 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 dissatisfaction, 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 ever, 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 sooner 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 wife and honest men, why they should not be embarked.

As the soul of man being by the wisdom of God imbarred 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 monachy, 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 else 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 necessarilrly 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 caufe, 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 consists the strongest security against monarchy, and for liberty of conscience.

To conclude: this to our present commonwealth: men 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
That the Spirit of Parliaments, &c.

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 fit in harvest.
9. Caput reipublicae est noffe 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.

4 E 2
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 jails 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 de-
finite (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 faith-
fully. 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 desert
from shaking that yoke.

The
A Parallel of the Spirit of the People, &c.

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 fright, 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 fright 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 senile 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 surprized 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) be may bear further.

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 mumpibous, and his new jumphisous, good Lord deliver me. He should be fined 5l. By the new jumphisous, 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 englisbeth 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 thesmoketai in Athens were sworn not to take bribes; or if they did, were to pay a statute of gold to Apollo; and this he englisbeth thus: The thesmoketai 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 leas misfaken, and it may be out of Scripture. You shall have but one piece more of him, which is concerning rotation: of this faith 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 publicly spirited worthies that are in it; men of the greatest ability, gallantry, and fidelity, by Well bowld Mr. Rogers.
by which means a many brave governments have been utterly destroyed: as the Athenians, Argives, Thebans, Rhodians, and others. It is said in Athens, ἤμπια Ἔθνος, καὶ τοῦ πεὺ Ὀρνέκτασι νόμων ἐνεργόντα, δὲ ἄλλα τὸ Ὀρνέκτασιν καὶ Ἐκσπευδώς καὶ Ἀριστοῖς: Ὁ Κιππίας ἐπαινεῖ τοῦ τιμοῦν, καὶ ἐγκαθίδρυσε κάθε ἔκθεσιν; but others were cast into exile by it, such as Xantiippus, Anistides, &c. Nor can we but foresee, how faft the wheel of their rotation would boist 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 filly girls! a pretty sport for the mummers indeed, or thole nimble-witted house-wives (that with vice can ouside the virtues of the bell) to learn to lightly the whole mystery of a commonwealth, and most abstruse intrigues or cabals of state (page 13. Oecana) 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 bone-less, they may lace our bones, (for loggerheads,) to let them lay down the distaff, and take up the spindles; leave the spindle, and divide the spoil; yea, then set like magpies at their doors, dumb fants in their idol's churches! goats in their gardens! devils in their houses! angles in the streets! and tyrants at their windows! as they lay 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 fits out the bell, and keeps in the worst to make his cake with. But in Lacedemon, Λυκίρμας ε Ἔνεμος καὶ δικαίως βουλεύειν ἐναντίον δικαιωμάτων, ὁποῦ τις τις ἐκ τῆς μεγάλης κοινος. Lycurgus the son of Eunomus, with their dues in righteounens, 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 nono habiles ejjx, ad honores republicae, suciipiendo, nisi decem annis à Mercaturi defbris, &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 boists them into the government, and their betters out. And what was said of Cithaeron an Athenian, Κλειστῶς δι τῷ ἐξοροφωτικῶς ἐπισήμωσαν, αὕτος ἔτης τῆς καταδίκης πρωτός, might possibly be applied to Mr. H. were their rotation effectt; that he was one of the first that introduced this government by otracism, and one of the first that felt it, and would have reproduced 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! ἐνώς ὥσπερ ἐνωτέρω, οὐ μὴ γίνετο κακοσ σει.

Lastly, I would willingly be informed how his new platforms or principles Pagambo or Papís, fetched from Athens, or from Venice, can, without cruciating extremities and applications, be adequetly to our commonwealth under Christian profession? so that Qua semel possideant Papisae, semper posseideat Rapisae: what the Papis once had, Rapis and ravenous ones would ever have, viz. our rights and liberties from us; nor could it be acquired, I think, without greater advantages to Papís and Atbeíts than to us, seeing the very interest of the Ion of God, and faints in the nation, the best and noblest caule 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 rotation) of it; so that Differs curandi tempus in annum? Quicquid decretant reges, plerumque acturus. I may conclude with Mr. B. p. 240. That God having already given us the best fundamental laws; let us have but good
good magistrates, and we shall have good derivative laws, or human. It was a law among the Cre-tians, that the γενέας μαθάντων της Νόμου έκλεμνυ μετά της μελοδίας του εις της μουσικής ἔναρξης τοις και εκολογίων ούτε τη μνήμη παρελαμβανοντο, &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 commounwealth. 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 Pagan 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 in habitants of Jeruselam shall be my strength, in the Lord of hosts their God, Zech. xii.

5. Thus our governours thought of them in the days of straits, and will again see it, one of their best interets, 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 παθικοι, 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 disobliging 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 fiew 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 sprgeth out of the earth, by a clear shining after rain, 2 Sam. xxiii. 3. 4. which that thebe 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 flattering 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 boating, 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 fulity 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 laid, or can say to prove it, is not only to bear false witneses against his neighbour, but in seeking the destruction of his neighbour by false witneses, to blatt a caufe which he is no otherways able to invade. Let this
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.

A sufficient Answer to Mr. S T U B B.

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 enrolled as the people of England: that he would have all the rest of the people of England to be Helots, Gibeonites, or Payants. 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 tables, 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 coin 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 and 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 flourishing 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 Blancta, and in a place cited by himself, though not so well rendered. Our ancestors, faith Blancta, have three ways secured our liberties; by the justitia, by the great POWER of the ricos combres (now he speaks,) and by the privilege of the union. The first was a civil and forensic curb, a gown,
A sufficient Answer to Mr. Stubb.
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 'Jusiitia, must not have been a very likely thing to restrain a prince; or consider whether without this fame mummary of the Arragonians, house of peers and of commons in other monarckies, have not every whit as much restrained their kings, and more, seeing this toy, at every election of the magistrat 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 entirenes of form; and entirenes of form must be from foundnes or rightnes of foundation. But Mr. Stubb founding himself upon the authority of Arisotle, that the Western parts are not capable of a right comonwealth, 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 Arisotle.
A PROPOSITION

In order to the proposing of

A COMMONWEALTH 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 Faulkland.
Lord Lambert.
Lord Brounker.
Richard Neill, Esq;
Mr. Nathaniel Fiennes,
Lord Mayor of London,
Alderman Titcomb,
Mr. Thurlow,
Mr. William Pierpoint,
Sir John Evelyn,
Mr. Crew,
Mr. Angle of Ireland,
Mr. Pryme,
Sir Paul Neal,
Sergeant Maynard,
Colonel Taylor,
Lord Brounker,
Mr. Hubard,
Mr. John Trevor,
Captain Adam Baynes,
Mr. John Bernard.
Mr. Samuel Meyer.
Mr. Anthony Samuel.
Major Willyam.
Mr. Maximilian Petty.
Mr. William Harrington.
Mr. Wren.
Mr. Baxter of Kidderminster.
Mr. Walsin.
Dr. Brookes.
Mr. Arthur Evelyn.
Mr. Cook.
Dr. Frere.
Dr. Haymond.
Dr. Owen.
Dr. Scaman.
Mr. Calamy.
Mr. Manton.
Captain Andrew Ellis.
Mr. Chaloner Chute.
Mr. Stingfley Bebbel.
Sir Chnayy Calpepper.
Sir Henry Blount.
Sir Horatio Townshend.
Sir Anthony Abby Cooper.
Mr. Job Charlton.
Mr. Edward Waller.
Colonel Harlee.
Major Harlee.
Colonel John Clark.
Mr. John Denham.
Mr. Morrice.
Mr. Hugh Diffeouen.
Sir George Bond.
Mr. Robert Rolle.
Dr. Mills.
Sir Orlando Bridgeman.
Mr. Robert Stevens.
Mr. William James.
Sir Juxinian Isham.
Lieutenant Colonel Kelso.
Sir Robert Haggwood.
Mr. Sedgwick.
Mr. Philip Nye.
Dr. Thomas Gladow.
Colonel Lihurn.
Charles Howard, Esq;
Colonel Apsheff.
Sir Thomas Gower.
Lord Com. Bradshaw.
General Denderow.
Colonel James Berry.
Major William Packer.
Procjeg Barcheses.
Sir William Waller.
Colonel Sanders.
Colonel Hatcher.
Colonel Edward Salmon.
Colonel Francis Harker.
Mr. Richard Kinseley.
Colonel John Drury.
Mr. John Soynsen.
Mr. Thomas Bamfieled.
Colonel John Oke.
Mr. William Kijen.
Anthony Piersen.
Colonel Myt.
Mr. Freeville.
Mr. James Metley.
Dr. Philip Carteret.
Captain Richard Dean.
Adjuvant-General William Allen.
Mr. William Forre of Aldermaston.
Mr. Edward Harison.
Mr. Arthur Sawne.
Mr. Samuel Tall.
Mr. Edward Sullivan.

That this committee sit Tuesdays and Fridays, by three of the clock in the afternoon, in the banqueting-house, court of requetts, 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 convission, before it be imposed by power.

If he persons herein nominated being convinced, it must necessarily have an healing effect.
THE

ROT A:

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 caueth absolute monarchy.

If the few hold the over-balance unto the whole people in propriety, their propriety caueth 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, caueth the democracy, or popular government.

The government of one against the balance, is tyranny.
THE ROTA.

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 catttle in the air; or, that what thing forever 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 horfe 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 horfe; 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 horfe in a parish, let him be annually eligible, without interval: where there are more elders of the horfe, let no deputy of the parish be re-eligible, but after the interval of one year.
7. Where there be four elders of the horfe, 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 horfe to be knights or senators, three elders of the horfe, and four elders of the foot, to be of the assembly of the people, for the term of three years, injoining
THE ROTA.

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 refult; 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 proposteth, 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.  
Secondly, the Religious Part.  
Thirdly, the Military Part.  
Fourthly, the Provincial Part.

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
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 preachers 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 horde of their number one justice of the peace, one juryman, one captain, one ensign; 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, 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 horde 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 sift the justices of assise, hold the quarter-seessions 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 phylarob; 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 horde of their number, and four other burgesses out of the foot of their number. That the knights have feoff in the
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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 election 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 feoffment, 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 borne before the general, and a mace before the speaker; that they be obliged to wear ducal robes; and that what is paid of the archon or general in this proposition, be understood only of the general fitting, and not of the general marching.

18. That the general fitting, in case he be commanded to march, receive field-pay; 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 fitting, 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
20. 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 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 fitting, the speaker, and the six commissioners above said, 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 dictator 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 senatorial councils.

27. That each of the three orders or divisions of knights in each senatorial 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 provosts: and that in the name it be lawful for any man, by word of mouth, or by writing, in jest or in earnest, to propose unto the provosts.

29. That for embassadors in ordinary there be four residences, as France, Spain, Venice, and Constantinople. That every resident upon election of a new embassador 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 embassador 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 embassador 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
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election into his residence for his term, and for the remainder of his removes, and progres.

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 embassadors 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, domestic 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 stated 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 provolets, 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 flowness, or openness, in this way of proceeding, to be of detriment, and 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 1st 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 ensign of the same; each for the term of three years. That these officers
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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 pounds; 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 seisin in the senate without suffrage; that they have seisin 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 cases, 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 refult, not derived from the people.

38. That the power of refult 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 seigniory demand of the tribunes being present in the senate, an assembly of the people. That the tribunes upon such demand by the seigniory 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 seigniory and the tribunes: that the prerogative tribe being assembly accordingly, the senate propole to them by two or more of the senatorian magistrates therunto 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 referred unto the dictatorial council.

42. That
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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 preferred in their rights and endowments 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 referred 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,
vationers, 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 cenfors 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, majistracies, 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 ensuiing 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 ensuiing 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 presidants and judges for the impartial distribution of the prizes.

52. That annually, upon Wednesday next ensuiing 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 cenfors; 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 reft 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,
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 Marpeia, 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 tradesmen 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 volunteers, 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 volunteers. 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 fame, 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
three several lifts 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 lift 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.
INDEX
OF THE
PRINCIPAL MATTERS
TREATED OF IN
HARRINGTON'S WORKS.

N. B. This Index does not particularly refer to the small Tracts at the End of the Volume; they being only the same Principles defended, abridged or reduced to Aphorisms. Yet in the perusal of these the Index will be found of no less usefulness; as it will direct the Reader to a fuller Explanation or Proof of any Phrase or Position that may seem to want it.

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