

61. KILFETH, who continuing a blank Reign, or it may be a happy one, in regard it was peaceable, left it to ERFYN Son of EUGENIUS the Seventh: the first part of his Reign was peaceable, but Age obliging him to put the Government into the hands of four of his Servants, it happen'd to him, as it dos to other Princes, whose Fortunes decay commonly with their Strength, that it was very unhappy and turbulent: Which Miserys EUGENIUS the Eighth, Son of MORDAC, restrain'd. But he, it seem\*, having a Nature fitter to appease Tumults than to enjoy Rest, at the first enjoyment of Peace broke into such Leudness, that the Nobility at a meeting stab'd him,
62. and made way for FERUS the Son of ERFYN, one like his Predecessor in manner, death, and continuance of Reign, which was three years: the only dissimilitude was, that the latter's Wife brought his Death; for which others being impeach'd, she step'd in and confest it;
63. and to avoid punishment, punish'd her self 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 ERFYN, whose Reign was innobled with an *Irish* War, and many learned Men; besides the Assistance lent HUNGUS to fight against the *Northumbrians*, whom he beat in a famous Battel, which (if I may mention the matter) was presignify'd to HUNGUS in a Dream, St. Andrew appearing to him, and assuring him of it; and in the time of Battel a white Cross (that which the Heralds call a Saltier, and we see commonly in the *Scots* Banners) appear'd in the Sky; and this I think to have bin the occasion of that beaing, and an Order of Knights of St. Andrew, sometimes in reputation in *Scotland*, but extinguish'd, for aught I can perceive, before the time of JAMES the Sixth, tho the Collar and Pendant of it are at this day worn about the *Scots*
64. Aims. To this man CONGAL his Cousin succeeded, who left nothing behind him but five years to stretch out the account of time.
65. DONGAL the Son of SOLUATH came next, who being of a Nature fierce and insupportable, there was an endeavour to set up ALPIN son of ACHAIUS, which Design by ALPIN himself was frustrated, which made the King willinger to assist ALPIN in his pretension to the Kingdom of *Picts*; in which Attempt he was drown'd, and left to ALPIN that which he before had so nobly refus'd, who making use of the former, rais'd an Army, beat the *Picts* in many signal Victoriys; but at last was slain by them, leaving his name to the Place of his Death, and the Kingdom to his Son KENNETH. This man seeing the People broken with the late War, and unwilling to fight, drew them on by this Subtilty; he invites the Nobility to dinner, and after plying them with drink till midnight, leaves them sleeping on the floor (as the manner was) and then hanging Fishskins about the Walls of the Chamber, and making one speak thro a Tube, and call them to war; they waking, and half asleep, suppos'd something of Divinity to be in it, and the next morning not only consented to War, but (so strange is deluded imagination) with unspeakable Courage fell upon the Enemy and put them to the rout; which being confirm'd by other great Victoriys, utterly ruin'd the *Pictish* Name. This man may be added to the two FERGUSES, and truly may be said to be the Founder of the *Scots* Empire, not only in making that the middle of his Dominion, which was once the bounds, but in confirming his
- Acqui-

Acquisitions with good Laws, having the opportunity of a long Peace, which was sixteen years, his whole time of Government being twenty. This was he that plac'd that Stone, famous for that illulory Prophecy, *Ni fallat fatum*, &c. (which first was brought out of *Spain* into *Ireland*, and from thence into *Angle*) at *Scon*; where he put it in a Chair, in which all his Successors (till *EDWARD* the first brought it away) were crown'd, and since that all the Kings of *England*, till the happiness of our Commonwealth made it uselefs. His Brother *DONALD* was his Successor, a man made up of extremitys of Virtues and Vices; no man had more bravery in the Field, nor more Vice at home, which increasing with his years, the Nobility put him in prison, where either for fear or scorn he put an end to his days, leaving behind him his Brother *CONSTANTIN*, a Man wanting nothing of him but his Vices, who struggling with a potent Enemy (for the *Picts* had call'd in the *Danes*) and driving them much into despair (a Bravery that has not seldom rain'd many excellent Captains) was taken by them, put into a little Cave, and there slain. He was succeded by *ERHUS* his Brother, who had all his eldest Brother's Vices, and none of his second's Virtues; Nature, it seems, making two extremes and a middle in the three Brethren. This man voluptuous and cowardly, was forc'd to resign; or, as others say, dy'd of Wounds receiv'd in a Duel from his Successor, who was *GREGORY* Son of *DONGAL*, who was not only an excellent Man, but an excellent Prince, that both recover'd what the others had lost, and victoriously travers'd the northern Countys of *England*, and a great part of *Ireland*; of whose King a Minor, and in his power, he generously made no advantage, but settled his County, and provided faithful and able Guardians for him. These things justly yield him the name of *Great*, *DONALD* Son of *CONSTANTIN* the Second, by his recommendation, succeded in his Power and Virtues, notwithstanding some say he was remov'd by Poison. Next was *CONSTANTIN* the Third, Son of *ERHUS*, an unstable person, who assisted the *Danes*, which none of his Predecessors would do; and after they had deserted him basely, yet yielded them Succors, consisting of the chief of the *Scots* Nobility, which with the whole *Danish* Army were routed by the *Saxons*. This struck him so, that he retir'd among the *Caldys* (which were as the *Grec* Caloyers, or *Romish* Monks at this day) and there bury'd himself alive. After him was *MILCOM*, Son of *DONALD* the Third, who tho a good Prince, and well skill'd in the Arts of Peace, was slain by a Conspiracy of those to whom his Virtue was burdenson. His Successor was *INDULF* (by what Title I find not) who fighting with the *Danes* that with a Navy unexpectedly came into the *Firth*, was slain. DUF his Son succedes, famous for an Accident, which if it be true, seems nearly distant from a Fable. He was suddenly afflicted by a sweating Disease, by which he painfully languish'd, yet nobody could find the cause, till at last a Girl that had scattered som words, after torments, confess that her Mother and som other women had made an Image of Wax, which, as it wasted, the King should wast, by sweating much: the place being diligently search'd; it was found accordingly; so the Image being broke, he instantly recover'd. That which disturb'd his five years Reign was the turbulence of the Northern People; whom when he had reduc'd and taken, with intent to make exemplary Punishment, *DONALD* the

- Commander of the Castle of *Forres*, where he then lay, interceded for some of them; but being repuls'd, and exasperated by his Wife, after he had made all his Servants drunk, slew him in his Bed, and buried him under a little Bridg (left the cutting of Turfs might discover a Grave) near *Kilros* Abby; tho others say, he turn'd aside a River, and after he had bury'd him, suffer'd it to take its former Channel. CULEN the Son of INDULF, by the Election of Parliament, or Convention of the People, succeeded, 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 Diseases, he was summon'd by the Parliament, and in the way was slain by a *Thane* (so they then call'd Lieutenants of Counties) whose Daughter he had ravish'd.
80. THEN came KENETH, 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 chuse the fittest, not the nearest*) which being don, he got ordain'd in a Parliament, that the Succession should be lineal, the Son should inherit, and be call'd Prince of *Scots*; and if he were a Minor, be govern'd by some wise Man (here comes the pretence 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, passes by Murder, overtook him; for he was ensnar'd by a Lady, whose Son he had caus'd to be executed, and slain by an Arrow out of an Ambush she had laid.
81. CONSTANTIN the Son of CULEN, notwithstanding all the Artifice of KENNETH, by his reasoning against the Act, perswaded most of the Nobility to make him King, so that MILCOLM the Son of KENNETH and he made up two Factions, which tore the Kingdom; till at length MILCOLM's Bastard Brother (himself being in *England* assisting the *Danes*) fought him, routed his Army, and with the loss of his own Life took away his, they dying of mutual
82. Wounds. GRIME, of whose birth they do not certainly agree, was chosen by the *Constantinians*, who made a good Party; but at the Intercession of FORARD (an accounted Rabbi of the times) they at last agreed, GRIME being to enjoy the Kingdom for his Life, after which MILCOLUMB should succede, his Father's Law standing in force. But he, after declining into Leadeness, Cruelty and Spoil (as Princes drunk with Greatness and Prosperity use to do) the People call'd back MILCOLUMB, who rather receiving Battle 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.
83. MILCOLUMB, who with various Fortune fought many signal Battles with the *Danes*, that under their King SUENO had invaded *Scotland*, in his latter time grew to such Covetousness and Oppression, that

## Reasons of Monarchy.

23

all Authors agree he was murder'd, tho they disagree about the manner ; some say by Confederacy with his Servants, som by his Kintmen and Competitors ; som by the friends of a Maid whom he had ravish'd. DONALD his Grandchild succeeded, a good-natur'd and inactive Prince, who with a Stratagem of sleepy Drunk destroy'd a Danish Army that had invaded and distress'd him ; but at last being insnar'd by his Kinsman MACKBETH (who was prick'd forward by Ambition, and a former Vision of three Women of a four human shape, whereof one saluted him *Thane of Angus*, another Earl of *Murray*, the third King) he was beheaded.

84.

THE Severity and Cruelty of MACKBETH was so known, that both the Sons of the murder'd King were forc'd to retire, and yield to the times, while he courted the Nobility with Largesses. The first ten years he spent virtuously, but the remainder was so savage and tyrannical, that MACDUF Thane of *Fife* fled into *England* to MILCOLM Son of DONALD, who by his persuasions, and the assistance of the King of *England*, enter'd *Scotland*, where he found such great accessions to his Party, that MACKBETH was forc'd to fly, his Death is hid in such a mist of Fables, that it is not certainly known.

85.

MILCOLUMB, the third of that name, now being quietly seated, was the first that brought in those gay inventions and distinctions of Honors, as Dukes, Marquesses (that now are become so airy, that som carry them from places to which they have as little relation as to any Island in *America*, and others from Cottages and Dovecotes ) His first trouble was FORFAR, MACKBETH's Son, who claim'd the Crown, but was soon after cut off. Some War he had with that WILLIAM whom we call falsely the Conqueror, som with his own People, which by the intercession of the Bishops were ended. At length quarrelling with our WILLIAM the Second, he laid siege to *Alnwick Castle*, which being forc'd to extremity, a Knight came out with the Keys on a Spear, as if it were to present them to him, and to yield the Castle ; but he not with due heed receiving them, was run thro the Ey and slain. Som from hence derive the name of *PIERCY* (how truly I know not.) His Son and Successor EDWARD following his Revenge too hotly, receiv'd som Wounds, of which within a few days he dy'd.

86.

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 Assistance possess'd himself, all Men deserting 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

87.

88.

89.

ALEX-



## The Grounds and

21

92

ALEXANDER, surnam'd ACER, or the *Furc*, 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. Some say he had the name of ACER, because some Conspirators being by the fraud of the Chamberlain admitted into his Chamber, he casually waking, first slew the Chamberlain, and after him six of the Conspirators, not ceasing to pursue the rest, till he had slain most of them with his own hand, this with the building of some Abbys, and seventeen years Reign, is all we know of him.

91

HIS Brother DAVID succeeded, one whose profuse Prodigality upon the Abbys brought the Revenue of the Crown (so prevalent was the Superstition of those days) almost to nothing. He had many Battels with our STEPHEN about the Title of MAUD the Empress; and having lost his excellent Wife and hopeful Son in the flower of their days, he left the Kingdom to his Grandchildren, the eldest whereof was MIL-COLMUB a simple King, basill'd and led up and down into *France* by our HENRY the Second; which brought him to such content, that he was vex'd by frequent Insurrections, especially them of *Murray*, whom he almost extirpated. The latter part of his Reign was spent in building Monasterys; he himself ty'd by a Vow of Chastity, would never marry, but left for his Successor his Brother WILLIAM, who expostulating for the Earldom of *Northumberland*, gave occasion for a War, in which he was surpris'd and taken, but afterwards releas'd upon his doing Homage for the Kingdom of *Scotland* to King HENRY, of whom he acknowledg'd to hold it, and putting in caution the Castles of *Roxboro* (once strong, now nothing but Ruins) *Barwic*, *Edinburg*, *Sterling*, all which notwithstanding was after releas'd by RICHARD *Cœur de Lyon*, who was then upon an Expedition to the Holy War; from whence returning, both he and DAVID Earl of *Huntingdon*, Brother to the King of *Scots*, were taken Prisoners. The rest of his Reign (except the rebuilding of *St. Johnston*, which had bin destroy'd by Waters, whereby he lost his eldest Son, and some Treatys with our King JOHN) was little worth memory; only you will wonder that a *Scotish* King could reign forty-nine years, and yet die in peace.

94

95

ALEXANDER his Son succeeded, famous for little, except some Expeditions against our King JOHN, some Insurrections, and a Reign two years longer than his Father's. His Son was the third of that name, a Boy of eight years old, whose Minority was infested with the turbulent CUMMINS; who when he was of age, being call'd to account, not only refus'd to appear, but surpris'd him at *Sterling*, governing him at their pleasure. But soon after he was awak'd by a furious Invasion of ACRO King of *Norway* (under the pretence of some Islands given him 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

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, set down.

DAVID, Brother to K. WILLIAM, had three Daughters, MARGARET married to ALLAN Lord of *Galloway*, ISABELL married to ROBERT BRUCE Lord of *Annandale and Cleveland*, ADA married to HENRY HASTINGS Earl of *Huntingdon*. Now ALLAN begot on his Wife DORNADILLA, married to JOHN BALIOL afterwards King of *Scotland*, and two other Daughters. BRUCE on his Wife got ROBERT BRUCE Earl of *Carick*, having married the Heretrix 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 fish in these troubled waters, stirs up eight other Competitors, the more to entangle the business, and with twenty-four Counsellors, half *English*, half *Scots*, and abundance of Lawyers fit enough to perplex the matter, so handled the business, after cunning delays, that at length he secretly tampers with BRUCE (who was then conceiv'd to have the better right of the business) that if he would acknowledge the Crown of him, he would adjudge it for him; but he generously answering, that he valu'd a Crown at a less rate, than for it to put his Country under a foren Yoke: He made the same motion to BALIOL, who accepted it; and so we have a King again, by what Right we all see: but it is good reason to think that Kings, com they by their Power never so unjustly, may justly keep it.

BALIOL having thus got a Crown, as unhappily kept it; for no sooner was he crown'd, and had don homage to EDWARD, but the ABERNETHYS having slain MACDUF Earl of *Fife*, he not only pardon'd them, but gave them a piece of Land in controversy: whereupon MACDUF's Brother complains against him to EDWARD, who makes him rise from his Seat in Parliament, and go to the Bar: He hereupon enrag'd, denies EDWARD assistance against the *French*, and renounces his Homage. EDWARD immediately comes to *Berwic*, takes and kills seven thousand, most of the Nobility of *Fife* and *Lowthian*, and afterwards gave them a great Defeat at *Dunbar*, whose Castle instantly surrender'd. After this he march'd to *Montrose*, where BALIOL resign'd himself and Crown, all the Nobility giving homage to EDWARD. BALIOL is sent prisoner to *London*, and from thence, after a year's detention, into *France*. While EDWARD was possesst of all *Scotland*, one WILLIAM WALLACE arose, who being a privat man, bestir'd himself in the Calamity of his Country, and gave the *English* severall 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 acted more, but only in slight Incurfions. But the *English* being beaten at *Rossin*, EDWARD comes in again, takes *Sterling*, and makes them all render Homage; but at length BRUCE seeing all his Promises nothing but smoke, enters into League with CUMMIN to get the Kingdom: but being betray'd by him to EDWARD, he slay'd CUMMIN

97. at *Drumfries*, and made himself King. This man, tho he came with disadvantage, yet wanted neither Patience, Courage, nor Conduct; so that after he had miserably lurk'd in the mountains, he came down, and gathering together som Force, gave our EDWARD the Second such a defeat near *Sterling*, as *Scotland* never gave the like to our Nation: and continu'd the War with various fortune with the Third, till at last Age and Leprosy brought him to his Grave. His Son DAVID, a Boy of eight years, inherited that which he with so much danger obtain'd, and wisdom kept. In his Minority he was govern'd by THOMAS RANDOLF Earl of *Murray*, whose severity in punishing was no less dreaded than his Valor had bin honor'd. But he soon after dying of poison; and EDWARD BALIOL, Son of JOHN, coming with a Fleet and strengthen'd with the assistance of the *English*, and som Robbers,
98. the Governor the Earl of *Mar* was routed, so that BALIOL makes himself King, and DAVID was glad to retire into *France*. Amidst these Parties (EDWARD the Third backing BALIOL) was *Scotland* miserably torn, and the BRUCEs in a manner extinguish'd, till ROBERT (after King) with them of *Argile* and his own Family and Friends, began to renew the claim, and bring it into a War again; which was carry'd on by ANDRIW MURRAY the Governor, and afterwards by himself: So that DAVID. after nine years banishment, durst return, where making frequent Incurfions, he at length in the fourth year of his return march'd into *England*, and in the Bishoprick of *Durham* was routed, and fled to an obscure Bridg, shew'd to this day by the inhabitants. There he was by JOHN COPLAND taken prisoner, where he continu'd nine years, and in the thirty-ninth year of his Reign he dy'd.
100. ROBERT his Sister's Son, whom he had intended to put by, succeeds, and first brought the STUARTS (which at this day are a plague to the Nation) into play. This man after he was King, whether it were Age or Sloth, did little; but his Lieutenants and the *English* were perpetually in action. He left his Kingdom to JOHN his Bastard Son by the Lady MORE his Concubin, whom he marry'd, either to legitimat the three Children (as the manner was then) he had by her, or else for old Acquaintance, his Wife and her Husband dying much about a time. This JOHN would be crown'd by the name of ROBERT
101. (his own, they say, being unhappy for Kings) a wretched inactive Prince, lame, and only govern'd by his brother WALTER, who having DAVID the Prince upon complaint of som Exorbitancys deliver'd to his care, caus'd him to be starv'd; upon which the King intending to send his Son JAMES into *France*, the Boy was taken at *Flamberg*, and kept by our HENRY the Fourth: upon the hearing of which his Father swoounded, and soon after dy'd. His Reign was memorable for nothing but his breaking with GEORGE Earl of *March* (to whose Daughter, upon the payment of a great part of her Portion which he never would repay, he had promis'd his Son DAVID for a Husband) to take the Daughter of DOUGLAS who had a greater; which occasion'd the Earl of *March* to make many inrodes with our HENRY HOTSPUR; and a famous Dubl of three hundred men apiece, wherof 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 Interreign was govern'd by ROBERT, who enjoying the Power he had too much coveted, little minded the

Liberty of his Nephew, only he sent som Auxiliaries into France, who, they say, behav'd themselves worthily; and his slothful Son MORDAC, who making his Sons so bold with Indulgence, that one of them kill'd a Falcon on his fist, which he deny'd to give him: he in revenge procur'd the Parliament to ransom the King, who had bin eighteen years a Prisoner. This JAMES was the First of that name, and tho he was an excellent Prince, yet had a troublesom Reign; first, in regard of a great Pension rais'd for his ransom; next, for domestic Commotions; and lastly, for raising of Mony; which, tho the Revenue was exhausted, was call'd Covetousness. This having offended ROBERT GRAHAM, he conspir'd with the Earl of Athol, slew him in his Chamber, his Wife receiving two wounds, endeavoring to defend him. 102.

THIS JAMES left the Second, a Boy of six years, whose Infancy, by the misguidance of the Governor, made a miserable People, and betray'd the Earl DOUGLAS to death, and almost all that great Family to ruin; but being supplanted by another Earl DOUGLAS, the King in his just age suffer'd Minority under him, who upon displeasure rebel'd, and was kill'd by the King's own hand. Afterwards having his middle years perpetually molested with civil Broils, yet going to assist the Duke of York against HENRY the Sixth, he was diverted by an English Gentleman that counterfeited himself a Nuncio (which I mention out of a Manuscript, because I do not remember it in our Storys) and broke up his Army. Soon after besieging Roxburg, he was slain by the bursting of a Cannon in the twenty-ninth year of his Age. 103.

JAMES the Second left a Boy of seven Years, govern'd by his Mother, and afterwards by the BOYDS; thro the persuasions of Astrologers and Witches, to whom he was strongly addicted, he declin'd to Cruelty; which so irrag'd the Nobility, that, headed by his Son, they conspir'd against him, routing his Forces near Sterling, where he flying to a Mill, and asking for a Confessor, a Priest came, who told him, that *tho he was no good Priest, yet he was a good Leech*, and with that stab'd him to the heart. A Parliament approv'd his death, and order'd Indemnitys to all that had fought against him. 104.

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 som suppose, at Kellsy 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 wast'd 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 not heard the death of his two Sons, who dy'd at the instant 105. 106.

instant of his Dream, and leaving a Daughter of five days old, whom he never saw.

107. THIS was that MARY under whose Minority (by the weakness of the Governor, and ambition of the Cardinal) the Kingdom felt all those Woes that are threaten'd to them whose King is a Child; till at length the prevalency of the *English* Arms (awak'd for her cause) brought the great design of sending her into *France* to perfection: So that at five years old she was transported, and at fifteen marry'd to the *Dolphin* FRANCIS, after King; while her Mother, a Daughter of the GUISE, in her Regency, exercis'd all Rage against the Professors of the pure Religion then in the dawn. FRANCIS after two Years left her a childless Widow, so that at eighteen she return'd into *Scotland* to succeed her Mother (then newly dead) in her Exorbitancys.

I HAD almost forgot to tell, that this young Couple in the transport of their nuptial Solemnitys took the Arms and Title of *England*; which indifcrete Ambition we may suppose first quicken'd the jealousy of ELIZABETH against her, which after kindl'd so great a flame.

IN *Scotland* she shew'd what a strange influence loose Education has upon Youth, and the weaker Sex. All the *French* Effeminacys came over with her, and the Court lost that little Severity which was left. DAVID RIZIO, an *Italian* Fidler, was the only Favorit, and it is too much fear'd, had those enjoyments which no Woman can give but she that gives away her Honor and Chastity.

BUT a little after, HENRY Lord Darnly coming with MATTHEW Earl of Lenox, his Father, into *Scotland*, she cast an ey upon him, and marry'd him. Whether it were to strengthen her pretension to *England*, he being com of HENRY the Seventh's Daughter, as we shall tell anon, or to color her Adulterys, and hide the shame of an Impregnation (the some have whisper'd, that he never conceiv'd, and that the Son was supposititious) or som Phrenzy of Affection drew her that way; certain it is she soon declin'd her Affection to her Husband, and increas'd it to DAVID (he being her perpetual Companion at board, and managing all Affairs, while the King with a contemptible Train was sent away) inso much that som of the Nobility that could not digest this, enter'd a into Conspiracy, which the King headed, and slew him in her Chamber.

THIS turn'd all her neglect of the King into rage, so that her chiefest business was to appease her Favorit's Ghost with the slaughter of her Husband; poison was first attempted, but it being (it seems) too weak, or his Youth overcoming it, that expectation fail'd. But the Devil and BORROWEL furnish'd her with another that succeeded; she so intices him, being so sick that they were forc'd to bring him in a Horstlitter 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 lyes 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 BORROWEL so hot, that she must marry him;



him; the only obstacle was, he had a wife already; but she was compel'd to sue for a divorce, which (so great Persons being concern'd) it was a wonder it should be granting so long as ten days. Well, she marrys; but the more honest Nobility amaz'd at those Exorbitancys, assemble together, and with Arms in their hands begin to expostulat. The newmarry'd Couple are forc'd to make back Southwards; where finding but slender assistance, and the Queen foolishly coming from *Dunbar* to *Leith*, was glad at last to delay a parly till her Dear was escap'd; and then (clad in an old tatter'd coat) to yield her self a Prisoner.

BEING brought to *Edinburg*, and us'd rather with hate of her former Enormitys, than pity of her present Fortune, she receiv'd a Message, that she must either resign the Crown to her Son JAMES (that was born in the time of her marriage with DARNLY) or else they would procede to another Election, and was forc'd to obey. So the Child then in his cradle was acknowleg'd JAMES the Sixth, better known afterwards by the Title of *Great Britain*.

108.

THE wretched Mother flying after into *England*, was entertain'd (tho with a Guard) by Queen ELIZABETH; but after that being tuborn'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 SEMPRONIA, that she could dance better than became a virtuous Woman) with whom he supposing the Earl GOWRY too much in League, caus'd him and his Brother to be slain at their own house whither he was invited; he giving out, that they had an intent to murder him; and that by miracle and the assistance of some men (whom he had instructed for that purpose, and taught their tale) he escap'd. For this Deliverance (or to say better, Assassination) he blasphem'd God with a solemn Thanksgiving once a Year all the remainder of his Life.

WELL had it bin for us, if our Forefathers had laid hold of that happy opportunity of ELIZABETH's Death (in which the TRUTHORS 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 some, and the Sloth of others; who brought but a slender Title, and (however the flattery of the times cry'd him up for a SOLOMON) weak Commendations for such an advancement.

HIS Title stood thus, MARGARET, eldest Daughter to HENRY the Seventh, was marry'd to JAMES the Fourth, whose Son JAMES the Fifth had MARY the Mother of JAMES the Sixth. MARGARET after her first Husband's death, marrys ARCHIBALD DOUGLAS Earl of *Angus*, who upon her begot MARGARET Wife of MATTHEW Earl of *Lenox*, and Mother of that HENRY DARNLY, whose tragical End we just now mention'd. Now upon this slender Title, and our internal Dissensions (for the *Cecilians* and *Essexians*, for several ends, made perpetual Applications) got

JAMMY

JAMMY from a revenue of 30000 *l.* to one of almost two Millions, tho there were others that had as fair pretences (and what else can any of them make ?) the Statute of 25 *Edw.* 3. 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 sprung from a third Husband (the Lord STUART) of the said MARGARET, and by a Male Line, carry'd surely so formidable a pretension (it should seem) that even that Iniquity which was personally inherent to her, made her days very unhappy, and for most part captive, and her death ('tis thought) somewhat too early ; so cruel are the Persecutions of cowardly minds, even against the weakest and most unprotected Innocence.

AND indeed his Right to the Crown was so unsatisfactory even to the most judicious of those days, that TOBY MATTHEWS having suit about som Privileges which he claim'd to his Bishoprick (which was then *Durham*) wherein the King oppos'd him ; and having one day stated the Case before som of his Friends, who seem'd to approve of it ; yes, says he, I could wish he had but half so good a Title to the Crown. And 'tis known that some 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. That which most solemniz'd his Person was, first the consideration of his adhering to the Protestant Religion ; whereas we are to consider that those slight Velutations 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 embarkt) and the slow assistances 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 nibblings, which the Severity of the excellent BUCHANAN forc'd into him in his younger time, and after conversation somewhat polish'd. But tho I bear not so great a contempt to his other Works, as BEN JOHNSON did to his poetry, yet if they among many others went going to the fire, they would not be one of the first I should rescue, as possibly expecting a more severe and refin'd Judgment in many others ; and knowing that he that had so many able Wits at command, might easily give their Oracles thro his mouth. But suppose the things generous and fit to live (as I am not yet convinc'd) yet what condemnation is this to a King, who should have other business than spinning and weaving fine Theories, and engaging in School Chicaneries ? which was well under-

derstood by HENRY the Fourth, who hearing some men celebrate him with these Attributes; yes (answer'd he, very tartly) *He is a fine King - and writes little Books.*

'TIS true, he was a good Drol, and possibly after Grecian Wine somewhat factious: But of his substantial and heroic Wisdom I have not heard any great Instances. He himself us'd to brag of his *Kingcraft*, which was not to render his People happy, and to prosecute the ends of a good King, but to scrupe up the Prerogative, divert Parliaments from the due disquisition and prosecution of their Freedoms, and to break them up at pleasure; and indeed his parting with the Cautionary Towns of the *Low Countries*, and that for so small a Sum, shew'd him a Person not so quicksighted, or unfit to be overreach'd.

FOR his peaceable Reign, honourable and just Quarrels he wanted not; but sloth and cowardice withheld him: and indeed the ease and luxury of those times fomented and nourish'd those lurking and pestilent humours, which afterwards so dangerously broke out in his Son's Reign.

WE shall not trouble his Ashes with the mention of his personal Faults; only, if we may compare God's Judgments with apparent Sins, we may find the latter end of his Life neither fortunat nor comfortable to him. His Wife distast'd by him, and soon say, languishing of a foul disease; his eldest Son dying with too violent symptoms of Poison, and that, as is fear'd, by a hand too much ally'd; his second (against whom he ever had a secret antipathy) scarce return'd from a mad and dangerous Voyage; his Daughter (all that was left of that Sex) banish'd, with her numerous Issue, out of her Husband's Dominion, and living in miserable Exile; and lastly, himself dying of a violent death by poison, in which his Son was more than suspected to have a hand, as may be infer'd from BUCKINGHAM's Plea, that he did it by the Command of the Prince, and CHARLES's dissolution of the Parliament that took it in hand to examin it; and lastly his indifferency at *Buckingham's* death (tho he pretended all love to him alive) as glad to be rid of so dangerous and so considerable a Partner of his Guilt. Yet the miter'd Parasits of those times could say, that one went to Heaven in *Noah's Ark*, the other in *Elisba's* Chariot, he dying of a pretended Fever, she (as they said) of a Dropsy.

CHARLES having now obtain'd his Brother's Inheritance, carry'd himself in managing of it like one that gain'd it as he did. The first of his Acts was that glorious attempt upon the Ile of *Rhee*. The next, that Noble and Christian betraying of *Rochel*, and consequently in a manner the whole Protestant Interest in *France*. The middle of the Reign was heightening of Prerogative and Prelacy, and conforming our Churches to the pattern of *Rome*; till at last just Indignation brought his Subjects of *Scotland* into *England*, and so forc'd him to call a Parliament: which tho he shamelessly says in the first line of the Book, call'd his, was out of his own inclination to Parliaments, yet how well he lik'd them, may appear by his first tampering with his own Army in the North, to surprize and dissolve them; then with the *Scots*, who at that time were Court proof; then raising up the *Irish* Rebellion, which has wasted millions of Lives; and lastly, his open secession from *Westminster*, and hostility against the two Houses, which maintain'd a first and second sharp War, that had almost ruin'd the Nation, had not Providence, in a manner immediately interpos'd and rescu'd

rescu'd us to Liberty, and made us such signal Instruments of his Vengeance, that all wicked Kings may tremble at the example.

IN a word, never was Man so resolute and obstinat in a Tyranny; never People more strangely besotted with it. To paint the Image of DAVID with his face, and blasphemously to parallel him with CHRIST, would make one at first thought think him a Saint: But to compare his Protestations and Actions; his Actions of the Day, his Actions of the Night; his Protestant Religion, and his courting of the Pope; and obedience to his Wife; we may justly say, he was one of the most consummat in the Arts of Tyranny that ever was. And it could be no other than God's hand that arrested him in the height of his Designs and Greatness, and cut off him and his Family, making good his own Imprecations on his own Head.

110.

OUR Scene is again in *Scotland*, which has accepted his Son, whom for distinction sake we will be content to call CHARLES the Second. Certainly these People were strangely blind as to God's Judgments perpetually pour'd out upon a Family; or else wonderfully addicted to their own Interest, to admit the spray of such a stock; one that has so little to commend him, and so great improbability to further their Designs and Happiness; a Popish Education, if not Religion too, however for the present he may seem to dissemble it; *France*, the Jesuits, and his Mother, good means of such an improvement; the dangerous Maxims of his Father, besides the Revenge he owes his Death, of which he will never totally acquit the *Scots*; his Hate to the whole Nation; his Sense of MONTROSE's Death; his backwardness to com to them till all other means fail'd (both his foren beg'd Assistancess, his Propositions to the Pope, and Commissions to MONTROSE) and lastly, his late running away to his old Friends in the North: so that any man may see his present compliance to be but his trionical and forc'd, and that as soon as he has led them into the Snare, and got power into his own hands, so as that he may appear once more barefac'd, he will be a scourge upon them for their gross Hypocrisy, and leave them a sad Instance to all Nations, how dangerous it is to espouse such an Interest, against which God with so visible and severe a hand dos 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 inflaving and ruining themselves.

THE  
COMMONWEALTH  
OF  
OCEANA.

To his HIGHNESS

The Lord Protector of the Commonwealth of *England, Scotland, and Ireland.*

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



## The Introduction, or Order of the Work.

Pliny's Description of Oceana.

**O**CEANA is saluted by the Panegyrist after this manner ; O the most blest and fortunat of all Countrys, OCEANA ! How deserv'dly has Nature with the bountys of Heaven and Earth indu'd thee ? Thy ever-fruitful Womb not clos'd with Ice, nor dissolv'd by the raging Star ; where CERES and BACCHUS are perpetual Twins. Thy Woods are not the harbor of devouring Beasts, nor thy continual Verdure the ambush of Serpents, but the food of innumerable Herds and Flocks presenting thee their Shepherdess with distended Dugs, or golden Fleeces. The wings of thy Night involve thee not in the horror of darkness, but have still som white feather ; and thy day is (that for which we esteem Life) the longest. But this Extasy of PLINY (as is observ'd by BERTIUS) seems to allude as well to Marpesia and Panopea, now Provinces of this Commonwealth, as to Oceana it self.

The Nature of the People.

TO speak of the People in each of these Countrys, this of Oceana, for so soft a one, is the most martial in the whole world. Let States that aim at Greatness (says VERULAMIUS) take heed how their Nobility and Gentlemen multiply too fast, for that makes the common Subject grow to be a Peasant and base Swain driven out of heart, and in effect but a Gentleman's Laborer ; just as you may see in Coppice Woods, if you leave the Staddels too thick, you shall never have clean Underwood, but Shrubs and Busbes : So in Countrys, if the Gentlemen be too many, the Commons will be base ; and you will bring it to that at last, that not the hundredth Poll will be fit for a Helmet, specially as to the Infantry, which is the nerve of an Army, and so there will be great Population and little Strength. This of which I speak has bin no where better seen than by comparing of Oceana and France, wherof 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 Occana, in making Farms and Houses of Husbandry of a Standard ; that is, maintain'd with such a proportion of Land to them, as may breed a Subject to live in convenient plenty, and no servil condition, and to keep the Plow in the hand of the owners, and not mere hireling. And thus indeed (says he) you shall attain to VIRGIL's Character \* which he gives of antient Italy.

BUT the Tillage bringing up a good Soldiery, brings up a good Commonwealth ; which the Author in the praise of PANURGUS did not mind, nor PANURGUS in deserving that praise : for where the owner of the Plow coms to have the Sword too, he will use it in defence of his own ; whence it has happen'd that the People of Oceana in proportion to their property have bin always free. And the Genius of

\* Terra potens armis atque ubere gleba.

this Nation has ever had som resemblance with that of antient *Italy*, which was wholly addicted to Commonwealths, and where *Rome* came to make the greatest account of her rustic Tribes, and to call her Consuls from the Plow; for in the way of Parliaments, which was the Government of this Realm, men of Country-lives have bin still intrusted with the greatest Affairs, and the People have constantly had an aversion to the ways of the Court. Ambition loving to be gay, and to fawn, has bin a Gallantry look'd upon as having something in it of the Livery; and Husbandry, or the country way of Life, tho of a grosser spinning, as the best stuf of a Commonwealth, according to *ARISTOTLE*, such a one being the most obstinat Assertress of her Liberty, and the least subject to Innovation or Turbulency. Wherefore till the Foundations (as will be hereafter shew'd) were remov'd, this People was observ'd to be the least subject to Shakings and Turbulency of any: Whereas Commonwealths, upon which the City Life has had the stronger influence, as *Athens*, have seldom or never bin quiet; but at the best are found to have injur'd their own business by over-doing it. Whence the Urban Tribes of *Rome*, consisting of the *Turba forensis*, and *Libertins* that had receiv'd their Freedom by manumission, were of no reputation in comparison of the Rustics. It is true, that with *Venice* it may seem to be otherwise, in regard the Gentlemen (for so are all such call'd as have a right to that Government) are wholly addicted to the City Life: but then the *Turba forensis*, the Secretaries, *Cittadini*, with the rest of the Populace, are wholly excluded. Otherwise a Commonwealth, consisting but of one City, would doubtless be stormy, in regard that Ambition would be every man's trade: but where it consists of a Country, the Plow in the hands of the owner finds him a better calling, and produces the most innocent and stedy Genius of a Commonwealth, such as is that of *Oceana*.

*MARPESIA*, being the Northern part of the same Island, is the dry Nurse of a populous and hardy Nation, but where the Stad-The Nature of  
t e Marpe-  
sians.dels have bin formerly too thick: whence their Courage answer'd not their hardiness, except in the Nobility, who govern'd that Country much after the manner of *Poland*; but that the King was not elective till the People receiv'd their Liberty, the yoke of the Nobility being broke by the Commonwealth of *Oceana*, which in grateful return is thereby provided with an inexhaustible Magazin of Auxiliaries.

*PANOPEA*, the soft Mother of a slothful and pusillanimous Peo-The Nature of  
the Panopeans.ple, is a neighbor Island, antiently subjected by the Arms of *Oceana* since almost depopulated for shaking the Yoke, and at length replanted with a new Race. But (thro what virtues of the Soil, or vice of the Air soever it be) they com still to degenerat. Wherefore seeing it is neither likely to yield men fit for Arms, nor necessary it should; it had bin the Interest of *Oceana* so to have dispos'd of this Province, being both rich in the nature of the Soil, and full of commodious Ports for Trade, that it might have bin order'd for the best in relation to her Purse: which in my opinion (if it had bin thought upon in time) might have bin best don by planting it with *Jews*, allowing them their own Rites and Laws; for that would have brought them suddenly from all parts of the World, and in sufficient numbers. And tho the *Jews* be now altogether for Merchandize, yet in the Land of *Canaan* (except since their exile from whence they have not bin

Landlords) they were altogether for Agriculture: and there is no cause why a man should doubt, but having a fruitful Country, and excellent Ports too, they would be good at both. *Panopæa* well peopled, would be worth a matter of four millions dry rents; that is, besides the advantage of the Agriculture and Trade, which, with a Nation of that Industry, comes at least to as much more. Wherefore *Panopæa* being farm'd out to the *Jews* and their Heirs for ever, for the pay of a provincial Army to protect them during the term of seven years, and for two Millions annual Revenue from that time forward, besides the Custom, which would pay the provincial Army, would have bin a bargain of such advantage, both to them and this Commonwealth, as is not to be found otherwise by either. To receive the *Jews* after any other manner into a Commonwealth, were to maim it: for they of all Nations never incorporat, but taking up the room of a Limb, are of no use or office to the body, while they suck the nourishment which would sustain a natural and useful Member.

The Situation  
of the Common-  
wealth of  
*Oceana*

IF *Panopæa* had bin so dispos'd of, that *Knapfack*, with the *Marpesian* Auxiliary, had bin an inestimable Treasure; the Situation of these Countrys 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 firetness 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 has bin laid from the beginning of the World to this day.

*Ilam arctū capiens Neptunus compede stringit:  
Hanc autem glaucis captus completitur ubiis.*

THE Sea gives law to the growth of *Turkey*, but the growth of *Oceana* gives law to the Sea.

THESE Countrys having bin antiently distinct and hostile Kingdoms, came by *MORPHEUS* the *Marpesian* (who succeeded by hereditary right to the Crown of *Oceana*) not only to be join'd under one head; but to be cast, as it were by a charm, into that profound sleep, which, broken at length by the Trumpet of Civil War, has produc'd those effects, that have given occasion to the ensuing Discourse, divided into four parts.

1. *The Preliminarys, shewing the Principles of Government.*
2. *The Council of Legislators, shewing the Art of making a Commonwealth.*
3. *The Model of the Commonwealth of Oceana, shewing the effect of such an Art.*
4. *The Corollary, shewing som Consequences of such a Government.*

*The Preliminarys, shewing the Principles of Government.*

**J**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 Course or Empire, as I may call it, of Antient Prudence, first discover'd to mankind by GOD himself in the Fabric of the Commonwealth of *Israel*, and afterwards pick'd out of his Footsteps in Nature, and unanimously follow'd by the *Greeks* and *Romans*. The other beginning with the Arms of *CÆSAR*, which, extinguishing Liberty, were the Transition of Antient into Modern Prudence, introduc'd by those Inundations of *Huns*, *Goths*, *Vandals*, *Lombards*, *Saxons*, which, breaking the *Roman* Empire, deform'd the whole face of the World with those ill features of Government, which at this time are becom far worse in these western parts, except *Venice*, which escaping the hands of the *Barbarians*, by virtue of its impregnable Situation, has had its ey fix'd upon antient Prudence, and is attain'd to a perfection even beyond the Copy.

RELATION being had to these two times, Government (to define it *de jure*, or according to antient Prudence) is an Art whereby a Civil Society of Men is instituted and preserv'd upon the Foundation of common Right or Interest; or (to follow *ARISTOTLE* and *LIVY*) It is the Empire of Laws, and not of Men.

AND Government (to define it *de facto*, or according to modern Prudence) is an Art whereby som man, or som few men, subject a City or a Nation, and rule it according to his or their privat Interest: which, because the Laws in such cases are made according to the interest of a man, or of som few Familys, may be said to be the Empire of Men, and not of Laws.

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P. 3. 37.

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Division of  
Government

THE former kind is that which MACHIAVEL (whose Books are neglected) is the only Politician that has gon about to retrieve; and that LEVIATHAN (who would have his Book impos'd upon the University) gos about to destroy. For, *It is* (says he) *another Error of ARISTOTLE'S Politics, that in a well-order'd Commonwealth not Men should govern, but the Laws. What man that has his natural senses, tho he can neither write nor read, dos not find himself govern'd by them be siars, and believes can kill or hurt him when he obeys not? Or, who believes that the Law can hurt him, which is but Words and Paper, without the Hands and Swords of men?* I confels, that \* the Magistrat upon his Bench is that to the Law, which a Gunner upon his Platform is to his Cannon. Nevertheless, I should not dare to argue with a man of any Ingenuity after this manner. A whole Army, tho they can neither write nor read, are not afraid of a Platform, which they know is but Earth or Stone; nor of a Cannon, which without a hand to give fire to it, is but cold Iron; 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) throout his whole Politics, or worse; as where he says of ARISTOTLE and of CICERO, of the Greeks, and of the Romans, *who liv'd under popular States, that they deriv'd those Rights not from the Principles of Nature, but transcrib'd them into their Books, out of the practice of their own Commonwealths, as Grammarians describe the Rules of Language out of Poets.* Which is as if a man should tell famous HERRY, 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.

T O go on therefore with his preliminary Discourse, I shall divide it (according to the two definitions of Government relating to JANOT-11's two times) into two parts. The First treating of the Principles of Government in general, and according to the Antients: The Second treating of the late Governments of Oceana in particular, and in that of modern Prudence.

GOVERNMENT, according to the Antients, and their learn'd Disciple MACHIAVEL, the only Politician of later Ages, is of three kinds; The Government of One Man, or of the Better sort, or of the whole People: which by their more learn'd Names are call'd *Monarchy, Aristocracy, and Democracy.* These they hold, thro their proneness to degenerat, to be all evil. For wheras they that govern should govern according to Reason, if they govern according to Passion, they do that which they should not do. Wherefore as Reason and Passion are two things, so Government by Reason is one thing, and the corruption of Government by Passion is another thing, but not always another Government: as a Body that is alive is one thing, and a Body that is dead is another thing, but not always another Creature, tho the Corruption of one coms at length to be the Generation of another. The Corruption then of *Monarchy* is call'd *Tyranny*; that of *Aristocracy, Oligarchy*; and that of *Democracy, Anarchy.* But Legislators having found these three Governments at the best to be naught, have invented another consisting of a mixture of them all, which only is good. This is the Doctrin of the Antients.

\* Magistratus est lex armata.



BUT LEVIATHAN is positive, that they are all deceiv'd, and that there is no other Government in Nature than one of the three, as also that the Flesh of them cannot stink, the names of their Corruptions being but the names of mens Phantasies, 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 Ancients, the Principles of Government are twofold; Internal, or the goods of the Mind, and External, or the goods of Fortune. The goods of the Mind are natural or acquir'd Virtues, as Wisdom, Prudence, and Courage, &c. Goods of the Mind and of the use 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 natural Health, Beauty, or Strength, in regard that a People conquer'd may have more of natural Strength, Beauty and Health, and yet find little remedy. The Principles of Government then are in the goods of the Mind, or in the goods of Fortune. To the goods of the Mind answers authority, to the goods of Fortune, Power or Empire. Wherefore LEVIATHAN, tho he be right where he says that *Riches are Power*, is mistaken where he says that *Prudence, or the reputation of Prudence, is Power*: for the Learning or Prudence of a Man is no more Power than the Learning or Prudence of a Book or Author, which is properly Authority. A learned Writer may have Authority tho he has no Power; and a foolish Magistrat may have Power, tho he has otherwise no Esteem or Authority. The difference of these two is observ'd by LIVY in EVANDER, of whom he says, \* that he govern'd rather by the Authority of others, than by his own Power.

TO begin with Riches, in regard that Men are hung upon these, not of choice as upon the other, but of necessity and by the teeth: for as much as he who wants Bread, is his Servant that will feed him; if a Man thus feeds a whole People, they are under his Empire. Empire

EMPIRE is of two kinds, Domestic and National, or Foren and Provincial. Division of Empire

DOMESTIC Empire is founded upon Dominion. Domestic Empire

DOMINION is Property real or personal, that is to say, in Lands, or in Money and Goods. Division of Dominion

LANDS, or the parts and parcels of a Territory, are held by the Proprietor or Proprietors, Lord or Lords of it, in som proportion, and such (except it be in a City that has little or no Land, and whose Revenue is in Trade) as is the proportion or balance of Dominion or Property in Land, such is the nature of the Empire. Balance in Lands

IF one Man be sole Landlord of a Territory, or overbalance the People, for example three parts in four, he is Grand Signior: for so the *Turk* is call'd from his Property; and his Empire is absolute Monarchy. Absolute Monarchy

IF the Few or a Nobility, or a Nobility with the Clergy be Landlords, or overbalance the People to the like proportion, it makes the *Goths* 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 *Osenna*. Mix'd Monarchy

Potest 1/2  
1/2

ra 1/2  
Oarchy  
in 1/2

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 it 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 first, where a Nobility holds half the Property, or about that proportion, and the People the other half; in which case, without altering the balance, there is no remedy but the one must eat out the other: as the People did the Nobility in *Athens*, and the Nobility the People in *Rome*. Secondly, when a Prince holds about half the Dominion, and the People the other half (which was the case of the *Roman* Emperors, planted partly upon their military Colonies, and partly upon the 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. Wherefore 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 *Lacedaemon* held to the division of Land made by *LYCURGUS*, it was immoveable, but, breaking that, could stand no longer. This kind of Law, fixing the balance in Lands is call'd *Agrarian*, and was first introduc'd by God himself, who divided the Land of *Canaan* to his People by Lots, and is of such virtue, that wherever it has held, that Government has not alter'd, except by consent; as in that unparallel'd example of the People of *Israel*, when being in liberty they would needs chuse a King. But without an *Agrarian* Government, whether Monarchical, Aristocratical, or Popular, has no long Lease.

AS for Dominion personal or in Money, it may now and then stir up a *MELISS* or a *MANLIUS*, which, if the Commonwealth be not provided with some kind of *Discretionary 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.

Balance in Money.

NEVERTHELESS, in such Cases 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.

\* In terra teneat, in mari Agero frangit mare

BUT LEVIATHAN, tho he seems to ſlew 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 eaſy truth, That Covenants being but Words and Breath, have no power to oblige, contain, conſtrain, or proteſt any Man, but what they have from the public Sword. But as he ſaid of the Law, that without this Sword it is but Paper; ſo he might have thought of this Sword, that without a Hand it is but cold Iron. The Hand which holds this Sword is the Militia of a Nation, and the Militia of a Nation is either an Army in the field, or ready for the field upon occaſion. But an Army is a Beaſt that has a great belly, and muſt be fed, wherefore this will com to what Paſtures you live, and what Paſtures you have will com to the balance of Property, without which the public Sword is but a name or mere ſpittfrog. Wherefore to ſet that which LEVIATHAN ſays of Arms and of Contracts a little ſtreighter; he that can graze this Beaſt with the great belly, as the Turk does his Timariots, may well deride him that imagines he receiv'd his Power by Covenant, or is oblig'd to any ſuch toy. it being in this caſe only that Covenants are but Words and Breath. But if the Property of the Nobility, flock'd with their Tenants and Retainers, be the paſture of that Beaſt, the Ox knows his Maſter's Crib, and it is impoſſible for a King in ſuch a Conſtitution to reign otherwiſe than by Covenant, or if he breaks it, it is words that com to blows.

BUT ſays he, when an Aſſembly of Men is made Sovereign, then no Man imagines any ſuch Covenant to have poſt in the Inſtitution. But what is that by PUBLICOLA of appeal to the People, or that whereby the People had their Tribuns? Py, 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 Senat 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 antient ſtile of their Covenants or Laws, \* *The Senat has reſolv'd, the People have decreed*, That a Council being made Sovereign, cannot be made ſuch upon conditions, 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 Decemviri being made, were ever after the lawful Government of Rome, and that it was unlawful for the Commonwealth of Rome to depoſe the Decemvirs; as alſo that CICERO, if he wrote otherwiſe out of his Commonwealth, did not write out of Nature. But to com to others that ſee more of this balance.

YOU have ARISTOTLE full of it in divers places, eſpecially where he ſays, that immoderat Wealth, as where One Man or the Few have greater Poſſeſſions than the Equality or the Frame of the Commonwealth

\* *Cenſure patris, juſſu populi.*

will bear, is an occasion of Sedition, which ends for the greater part in Monarchy, and that for this cause, the Ostracism has bin reviv'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.

D B 1 c 55

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 overbalance, he speaks of the Gentry as hostile to popular Governments, and of popular Governments as hostile to the Gentry; and makes us believe that the People in such are so inrag'd against them, that where they meet a Gentleman they kill him: which can never be prov'd by any one example, unless in civil War; seeing that even in *Switzerland* the Gentry are not only safe, but in honor. But the Balance, as I have laid it down, tho' unseen by MACHIAVEL, is that which interprets him, and that which he confirms by his Judgment in many others as well as in this place, where he concludes, *That he who will go about to make a Commonwealth where there be many Gentlemen, unless he first destroys them, undertakes an Impossibility. And that he who goes about to introduce Monarchy where the condition of the People is equal, shall never bring it to pass, unless he cull out such of them as are the most turbulent and ambitious, and make them Gentlemen or Noblemen, not in name but in effect; that is, by enriching them with Lands, Castles, and Treasures, that may gain them Power among the 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.

The Right of  
the Militia  
Bated

BY what has bin said, it should seem that we may lay aside further disputes of the public Sword, or of the right of the Militia; which, be the Government what it will, or let it change how it can, is inseparable from the overbalance in Dominion: nor, if other wise 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 Empire

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 acquir'd, appertains to another place. In this I am to shew no more than how or upon what kind of balance it is to be held; in order wherto I shall first shew upon what kind of balance it is not to be held. It has bin said, that national or independent Empire, of what Kind soever, is to be exercis'd

\* *Consules sine lege Curia rem militarem attingere non potuerunt.*

by them that have the proper balance of Dominion in the Nation ; wherefore provincial or dependent Empire is not to be exercis'd by them that have the balance of Dominion in the Province, because that would bring the Government from Provincial and Dependent, to National and Independent. Absolute Monarchy, as that of the *Turks*, neither plants its People at home nor abroad, otherwise than as Tenants for life or at will ; wherefore its National and Provincial Government is all one. But in Governments that admit the Citizen or Subject to Dominion in Lands, the richest are they that share most of the Power at home ; whereas the richest among the Provincials, tho native Subjects, or Citizens that have bin transplanted, are least admitted to the Government abroad ; for men, like flowers or roots being transplanted, take after the Soil wherein they grow. Wherefore the Commonwealth of *Rome*, by planting Colonys of its Citizens within the bounds of *Italy*, took the best way of propagating itself, and naturalizing the Country, whereas if it had planted such Colonys without the bounds of *Italy*, it would have alienated the Citizens, and given a root to Liberty abroad, that might have sprung up foren, or savage, and hostile to her : wherefore it never made any such dispersion of itself and its strength, till it was under the yoke of the Emperors, who disburdening themselves of the People, as having less apprehension of what they could do abroad than at home, took a contrary course.

THE *Mamelucs* (which till any man shew me the contrary, I shall presume to have bin a Commonwealth consisting of an Army, wherof the common Soldier was the People, the Commission Officer the Senat, and the General the Prince) were Foreners, and by Nation *Circassians*, that govern'd *Egypt* ; wherefore these never durst plant themselves upon Dominion, which growing naturally up into the National Interest, must have dissolv'd the foren yoke in that Province.

THE like in some sort may be said of *Venice*, the Government wherof is usually mistaken : for *Venice*, tho it does 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 exquisite Rotation of the Senat, at the first institution took in the whole People ; they that now live under the Government without participation of it, are such as have since either voluntarily chosen so to do, or were subdu'd by Arms. Wherefore the Subject of *Venice* is govern'd by Provinces ; and the balance of Dominion not standing, as has bin said, with Provincial Government : As the *Mamelucs* durst not cast their Government upon this balance in their Provinces, lest the National Interest should have rooted out the Foren ; so neither dare the *Venetians* take in their Subjects upon this balance, lest the foren Interest should root out the National (which is that of the 3000 now governing) and by diffusing the Commonwealth throout her Territories, lose the advantage of her Situation, by which in great part it subsists. And such also is the Government of the *Spaniards* in the *Indies*, to which he deposes Natives of his own Country, not admitting the *Crolians* 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 foreign; 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* overbalanced her Provinces by the vigor of a more excellent Government oppos'd to a crazier, or by a more exquisite Militia oppos'd to one inferior in Courage or Discipline. The like was that of the *Mamelukes*, being a hardy People, to the *Egyptians* 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 Colonys in the *Indies*, they are yet Babes that cannot live without sucking the breasts of their Mother Citys, but such as I mistake if when they come of age they do not wean themselves: which causes me to wonder at Princes that delight to be exhausted in that way. And so much for the principles of Power, whether National or Provincial, Domestic or Foreign; being such as are external, and founded in the goods of Fortune.

Authority.

I COM to the principles of Authority, which are internal, and founded upon the goods of the Mind. These the Legislator that can unite in his Government with those of Fortune, comes nearest to the work of God, whose Government consists of Heaven and Earth: which was said by *PLATO*, tho' in different words, as, when Princes should be Philosophers, or Philosophers Princes, the World would be happy. And says *SOLOMON*, *There is an evil which I have seen under the Sun, which procedes from the Ruler* (*enimvero neque nobilem, neque ingenuum, nec libertinum quidem armis præponere, regia utilitas est*) *Folly is set in great Dignity, and the Rich* (either in Virtue and Wisdom, in the goods of the Mind, or those of Fortune upon that balance which gives them a sense of the National Interest) *sit in low places. I have seen Servants upon horses, and Princes walking as Servants upon the earth.* Sad complaints, that the principles of Power and of Authority, the goods of the Mind and of Fortune, do not meet and twine in the Wreath or Crown of Empire! Wherefore, if we have any thing of Piety or of Prudence, let us raise our selves out of the mire of privat Interest to the contemplation of Virtue, and put a hand to the removal of *this evil from under the Sun*; this evil against which no Government that is not secur'd, can be good; this evil from which no Government that is secure must be perfect. *SOLOMON* tells us, that the cause of it is from the Ruler, from those principles of power, which, balanc'd upon earthly trash, exclude the heavenly treasures of Virtue, and that influence of it upon Government, which is Authority. We have wander'd the Earth to find out the balance of power: but to find out that of Authority, we must ascend, as I said, nearer Heaven, or to the Image of God, which is the Soul of Man.

Eccles. 10. 15.

Tacit.

Grot.

THE *Soul of Man* (whose life or motion is perpetual Contemplation or Thought) is the Mistress of two potent Rivals, the one Reason, the other Passion; that are in continual suit; and, according as she gives up her will to these or either of them, is the felicity or misery which Man partakes in this mortal life.

FOR

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: wherfore 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 Sovrain Power, her Virtue must be Law. But the Government whose Law is Virtue, and whose Virtue is Law, is the same whose Empire is Authority, and whose Authority is Empire.

AGAIN, If the Liberty of a man consists in the Empire of his Reason, the absence wherof would betray him to the bondage of his Passions; then the Liberty of a Commonwealth consists in the Empire of her Laws, the absence wherof would betray her to the Lust of Tyrants. And these I conceive to be the Principles upon which ARISTOTLE and LIVY (injuiously accus'd by LEVIATHAN for not writing out of nature) have grounded their Assertion, *That a Commonwealth is an Empire of Laws, and not of Men.* But they must not carry it so. For, says he, *the Liberty, wherof there is so frequent and* Pag. 110.  
*honourable mention in the Histories and Philosophy of the ancient Greeks and Romans, and the Writings and Discourses of those that from them have receiv'd all their Learning in the Politics, is not the Liberty of particular Men, but the Liberty of the Commonwealth.* He might as well have said, that the Estates of particular Men in a Commonwealth are not the Riches of particular Men, but the Riches of the Commonwealth; for equality of Estates causes equality of Power, and equality of Power is the Liberty not only of the Commonwealth, but of every Man. But sure a Man would never be thus irreverent with the greatest Authors, and positive against all Antiquity, without som certain demonstration of Truth: and, what is it? Why, *there is written on the Towers 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 *Luccese* has no more Liberty or Immunity from the Laws of *Lucca*, than a *Turk* has from those of *Constantinople*; and to say that a *Luccese* 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 whereas the greatest *Bajba* is a Tenant, as well of his Head as of his Estate, at the Will of his Lord, the meanest *Luccese* 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

Hals

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.

Hooker. B 1

THIRDLY, There is that Reason, which is the Interest of Mankind, or of the whole. *Now if we see even in those natural Agents that want sense, that as in themselves they have a Law which directs them in the means whereby they tend to their own perfection, so likewise that another Law there is, which touches them as they are sociable parts united into one Body, a Law which binds them each to serve to others good, and all to procure the good of the whole, before whatsoever their own particular; as when stones, or heavy things forsake their ordinary wont or center, and fly upwards, as if they heard themselves commanded to let go the good they privately wish, and to relieve the present distress of Nature in common. There is a common Right, Law of Nature, or Interest of the whole; which is more excellent, and so acknowleg'd to be by the Agents themselves, than the Right or Interest of the Parts only. Wherefore tho it may be truly said that the Creatures are naturally carry'd forth to their proper utility or profit, that ought not to be taken in too general a sense; seeing divers of them abstain from their own profit, either in regard of those of the same kind, or at least of their young.*

Crot

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 the nearest to the Interest of Mankind, then the Reason of popular Government must cometh the nearest to right Reason.

BUT it may be said, that the difficulty remains yet; for be the Interest of popular Government right Reason, a man does not look upon Reason as it is right or wrong in itself, but as it makes for him or against him. Wherefore unless you can shew such Orders of a Government, as, like those of God in Nature, shall be able to constrain this or that Creature to shake off that Inclination which is more peculiar to it, and take up that which regards the common Good or Interest; all this is to no more end, than to persuade every man in a popular Government not to carve himself of that which he desires most, but to be mannerly at the public Table, and give the best from himself to Decency and the common Interest. But that such Orders may be establish'd, as may, nay must give the upper hand in all cases to common Right or Interest, notwithstanding the nearness of that which sticks to every man in privat, and this in a way of equal certainty and facility, is known even to ~~Girls~~ <sup>Men</sup>, being no other than those that are of common practice with ~~them~~ <sup>men</sup> in divers

divers cases. For example, 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 chuse. It thus be but once agreed upon, it is enough: for the dividend, dividing unequally, later, in regard that the other takes the better half; wherefore she divides equally, and so both have right. *O the depth of the Wisdom of God!* and yet by the mouths of Babies and Sucklings has be set forth his strength; that which great Philosophers are disputing upon in vain, is brought to light by two harmlesse Girls, even the whole Mystery of a Commonwealth, which lys only in dividing and chusing. Nor has God (if his Works in Nature be understood) left so much to Mankind to dispute upon, as who shall divide, and who chuse, but distributed them for ever into two Orders, wherof the one has the natural right of dividing, and the other of chusing. For Example:

A COMMONWEALTH is but a civil Society of Men: let us take any number of Men (as twenty) and immediatly make a Commonwealth. Twenty Men (if they be not all <sup>fit</sup> <sup>to</sup> <sup>be</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> <sup>age</sup> <sup>and</sup> <sup>condition</sup> <sup>of</sup> <sup>body</sup> <sup>and</sup> <sup>mind</sup> <sup>and</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> <sup>country</sup> <sup>and</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> <sup>religion</sup> <sup>and</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> <sup>language</sup> <sup>and</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> <sup>interest</sup> <sup>and</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> <sup>fortune</sup> <sup>and</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> <sup>liberty</sup> <sup>and</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> <sup>power</sup> <sup>and</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> <sup>wealth</sup> <sup>and</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> <sup>honor</sup> <sup>and</sup> <sup>of</sup> <sup>the</sup> <sup>same</sup> 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— **Author's Preface.**

† Genusconsults

¶ Ferre ad Populum.

## O C E A N A.

THE Senat then having divided, who shall chuse? Ask the Girls, for if she that divided must have chosen also, it had bin little worse for the whole mende she had not divided at all, but kept the whole Cake to her self, in regard that being to chuse too, she divided accordingly. Wherefore if the Senat have any farther power than to divide, the Commonwealth can never be equal. But in a Commonwealth consisting of a single Council, there is no other to chuse than that which divided, whence it is, that such a Council falls 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. Wherefore seeing we have granted Interest to be Reason, they must not chuse, lest it put out their Light. But as the Council dividing consist of the Wisdom of the Commonwealth, so the Assembly or Council chusing should consist of the Interest of the Commonwealth. It is 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 contract any other Interest than that of the whole People, the manner whereof, 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.

*The \* 051  
FINIS*

BUT the Law being made, says LEVIATHAN, is but Words and Paper without the Hands and Swords of Men; wherefore 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 understanding. But the Magistracy both in number and function is different in different Commonwealths. Nevertheless there is one Condition of it that must be the same in every one, or it dissolves the Commonwealth where it is wanting. And this is no less than that as the Hand of the Magistrat is the executive



Power of the Law, so the head of the Magistrat is answerable to the People, that his execution be according to the Law; by which LEVIATHAN may see that the hand or sword that executes the Law is in it, and not above it.

NOW whether I have rightly transcrib'd these Principles of a Commonwealth out of Nature, I shall appeal to God, and to the World. To God in the Fabric of the Commonwealth of *Israel*: and to the World in the universal Series of antient Prudence. But in regard the same Commonwealths will be open'd at large in the Council of Legislators, I shall touch them for the present but slightly, beginning with that of *Israel*. *The Order of a Commonwealth in experience, as that*

THE Commonwealth of *Israel* consisted of the Senat, the People, of *Israel*. and the Magistracy.

THE People by their first division, which was genealogical, were contain'd under their thirteen Tribes, Houses, or Families; wherof the firstborn in each was Prince of his Tribe, and had the leading of it: the Tribe of LEVI only being set apart to serve at the Altar, had no other Prince but the High Priest. In their second division they were divided locally by their Agrarian, or the distribution of the Land of *Canaan* to them by lot, the Tithe of all remaining to LEVI; whence according to their local division, the Tribes are reckon'd but twelve. *Numb. 1.*  
*Josh. ch. 13. to ch. 42.*

THE Assemblys of the People thus divided 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 assembl'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 *Greek* it is call'd *Ecclesia*, or the Church of God, and by the *Talmudist*, the great Synagog. The word *Ecclesia* was also anciently and properly us'd for the Civil Congregations or Assemblys of the People in *Athens*, *Lacedemon*, and *Ephesus*, where it is so call'd in Scripture, tho it be otherwise render'd by the Translators, not much as I conceive to their commendation, seeing by that means they have lost us a good Lesson, the Apostles borrowing that name for their spiritual Congregations, to the end that we might see they intended the Government of the Church to be Democratical or Popular, as is also plain in the rest of their Constitutions. *The People.*  
*Numb. 10. 7.*  
*Numb. 10. 4.*  
*Numb. 10. 3.*  
*Judg. 20. 2.*  
*Act. 19. 23.*

THE Church or Congregation of the People of *Israel* assembl'd in a military manner, and had the result of the Commonwealth, or the Power of confirming all their Laws, tho propos'd even by God himself; as where they make him King; and where they reject or depose him as Civil Magistrat, and elect SAUL. It is manifest, that he gives no such example to a Legislator in a popular Government as to deny or evade the power of the People, which were a contradiction; but tho' he deservedly blames the ingratitude of the People in that action, he commands SAMUEL, being next under himself Supreme Magistrat, to *bearken 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 confirm'd by them throught the



Dan. 29.

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 *Horeb*; which two, I think, amount to the whole body of the *Israelitish* Laws. But if all and every one of the Laws of *Israel* being propos'd by God, were no otherwise enacted than by Covenant with the People, then that only which was resolv'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 some cases of Judicature; as also the right of levying War; cognizance in matter of Religion; and the election of their Magistrates, as the Judge or Dictator, the King, the Prince: which functions were exercised by the *Synagoga magna* or Congregation of *Israel*, not always in one manner; for sometimes they were perform'd by the suffrage of the People, *viva voce*; sometimes by the Lot only; and at others by the Ballot, or by a mixture of the Lot with the Suffrage, as in the case of *ELDAD* and *MEDAD*, which I shall open with the Senat.

John. 7. 16.

Judg. 20. 8, 9.

10.

1 Sam. 7. 6, 7.

8.

1 Chron. 12. 3.

2 Chron. 30. 4.

Judg. 11. 11.

1 Sam. 10. 17.

1 Mac. 14.

Exod. 9. 3, 4.

5.

John. 7.

1 Sam. 10.

The Senat.

Numb. 11.

Deut. 1.

Numb. 11.

THE Senat of *Israel* call'd in the Old Testament the *seventy Elders*, and in the New the *Sanhedrim* (which word is usually translated the Council) was appointed by God, and consisted of Seventy Elders besides *MOSES*, which were at first elected by the People; but in what manner is rather intimated than shewn. Nevertheless, because I cannot otherwise understand the passage concerning *ELDAD* and *MEDAD*, 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 Sessionhouse of the Senat with the Seventy upon whom the lot fell to be Senators: for the Sessionhouse of the *Sanhedrim* was first in the Court of the Tabernacle, and afterwards in that of the Temple, where it came to be call'd the Stone Chamber or Pavement. If this were the Ballot of *Israel*, that of *Venice* is the same transpos'd: for in *Venice* the Competitor is chosen as it were by the lot, in regard that the Electors are so made, and the Magistrat is chosen by the Suffrage of the great Council or Assembly of the People. But the *Sanhedrim* of *Israel* being thus constituted, *MOSES* for his time, and after him his Successor, sat in the midst of it as Prince or Archon, and at his left hand the Orator or Father of the Senat; the rest or the bench coming round with either horn like a Crescent, had a Scribe attending upon the tip of it.

John.

THIS Senat, in regard the Legislator of *Israel* was infallible, and the Laws given by God such as were not fit to be altered by men, is much different in the exercise of their Power from all other Senats, except that of the *Areopagits* in *Athens*, which also was little more than a supreme Judicatory; for it will hardly, as I conceive, be found that the *Sanhedrim* propos'd to the People till the return of the Children of *Israel* out of Captivity under *Esdra*, at which time there was a new Law made, namely, for a kind of Excommunication, or rather Banishment, which had never bin before in *Israel*. Nevertheless it is not to be thought that the *Sanhedrim* had not always that right, which from the time of *Esdra* 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 neediest. Wherefore the function of this Council, which is very rare in a Senat, was executive, and consisted in the administration of the Law made, and whereas the Council it self is often understood in Scripture by the Priest and the Levit, there is no more in that save only that the Priests and the Levits, who otherwise had no Power at all, being in the younger years of this Commonwealth, those that were best study'd in the Laws were the most frequently elected into the *Sanhedrim*. For the Courts consisting of three and twenty Elders sitting in the Gates of every City, and the *Triumvirats* of Judges constituted almost in every Village, which were parts of the executive Magistracy subordinat to the *Sanhedrim*, I shall take them at better leisure, and in the large Discourse; but these being that part of this Commonwealth which was instituted by MOSES upon the advice of JETHRO the Priest of *Midian* (as I conceive a Heathen) are to me a sufficient warrant even from God himself who confirm'd them, to make further use of human Prudence, wherever I find it bearing a Testimony to it self, whether in Heathen Commonwealths or others: And the rather, because so it is, that we who have the holy Scriptures, and in them the Original of a Commonwealth, made by the same hand that made the World, are either altogether blind or negligent of it; while the Heathens have all written theirs, as if they had had no other Copy: As, to be more brief in the present account of that which you shall have more at large hereafter:

ATHENS consisted of the Senat of the *Boru* proposing, of the Church or Assembly of the People resolving, and too often debating, which was the ruin of it; as also of the Senat of the *Areopagits*, the nine *Archons*, with divers other Magistrats executing.

LACEDEMON consisted of the Senat proposing; of the Church or Congregation of the People resolving only and never debating, which was the long Life of it; and of the two Kings, the Court of the *Ephors*, with divers other Magistrats executing.

CARTHAGE consisted of the Senat proposing and sometimes resolving too; of the People resolving and sometimes debating too, for which fault she was reprehended by ARISTOTLE; and she had her *Suffetes*, and her hundred Men, with other Magistrats executing.

ROME consisted of the Senat proposing, the *Cincio* or People resolving, and too often debating, which caused her storms; as also of the Consuls, Censors, *Aedils*, Tribuns, Pretors, Questors, and other Magistrats executing.

VENICE consists of the Senat or *Pregati* proposing, and sometimes resolving too; of the great Council or Assembly of the People, in whom the result is constitutively; as also of the *Doge*, the *Signory*, the *Censors*, the *Dietci*, the *Quazancies*, and other Magistrats executing.

THE proceeding of the Commonwealths of *Switzerland* and *Holland* is of a like nature, tho' after a more obscure manner; for the Sovereintys, whether Cantons, Provinces, or Citys, which are the People, send their Deputies commission'd and instructed by themselves (wherein they reserve the Result in their own power) to the Provincial or general Convention, or Senat, where the Deputies debate, but have no other power of Result than what was confer'd upon them by the People, or is further confer'd by the same upon farther occasion. And

for the executive part they have Magistrats or Judges in every Canton, Province or City, besides those which are more public, and relate to the League, as for adjusting Controversies between one Canton, Province or City, and another; or the like between such persons as are not of the same Canton, Province or City.

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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 Lusts or Passions of Men a Power is set above that of the Law deriving from Reason, which is the dictat of God, God in that sense is rejected or depos'd that he should not reign over them, as he was in *Israel*. And yet LEVIATHAN will have it, that by reading of these *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, atter'd by the Conductors of their Armys, receive withal a pleasing Idea of all they have don besides; and imagin their great prosperity not to have proceed from the emulation of particular Men, but from the virtue of their popular form of Government, not considering the frequent Seditions and Civil Wars produc'd by the imperfection of their Polity. Where, first, the blame he lays to the Heathen Authors, is in his sense laid to the Scripture; and 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 antient Prudence, is to his solid Reason, a beardless Boy that has newly read LIVA. And how solid his Reason is, may appear, where he grants the great prosperity of antient Commonwealths, which is to give up the Controversy. For such an effect must have som adequat cause; which to evade he insinuates 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 befall them that should reach?

IN answer to which Question let me invite LEVIATHAN, who of all other Governments gives the advantage to Monarchy for perfection, to a better disquisition of it by these three assertions.

THE first, That the perfection of Government lys 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 som 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

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 ; wherefore these were either no Monarchys, or had greater flaws in them than any other.

BUT for a Monarchy by Arms, as that of the *Turc* (which of all models that ever were coms 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 dependance 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 ; wherefore Monarchy by a Nobility is no perfect Government.

FOR the proof of the third assertion ; LEVIATHAN yields it to me, that there is no other Commonwealth but Monarchical or Popular : wherefore if no Monarchy be a perfect Government, then either there is no perfect Government, or it must be popular ; for which kind of Constitution I have something more to say, than LEVIATHAN has said or ever will be able to say for Monarchy. As,

FIRST, That it is the Government that was never conquer'd by any Monarch, from the beginning of the World to this day : for if the Commonwealths of *Greece* came under the yoke of the Kings of *Macedon*, they were first broken by themselves.

SECONDLY, That it is the Government that has frequently led mighty Monarchys 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 libration in the frame of it, that no Man living can shew which way any Man or Men, in or under it can contract any such Interest or Power as should be able to disturb the Commonwealth with Sedition ; wherefore an equal Commonwealth is that only

only, which is without flaw, and contains in it the full perfection of Government. But to return.

BY what has bin shewn in Reason and Experiencē it may appear, that tho Commonwealths in general be Governments of the Senat proposing, the People resolving, and the Magistracy executing, yet som are not so good at these Orders as others, thro som impediment or defect in the frame, balance, or capacity of them, according to which they are of divers kinds.

Division of  
Common-  
wealths

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

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 Tranquillity; for to make a Commonwealth unequal, is to divide it into partys, which sets them at perpetual variance, the one party endeavouring to preserve their Eminence and Inequality, and the other to attain to Equality: whence the People of *Rome* deriv'd their perpetual strife with the Nobility and Senat. But in an equal Commonwealth there can be no more strife than there can be overbalance in equal weights; wherefore the Commonwealth of *Venice*, being that which of all others is the most equal in the Constitution, is that wherein there never happen'd any strife between the Senat and the People.

AN equal Commonwealth is such a one as is equal both in the balance or foundation, and in the superstructure; that is to say, in her Agrarian Law, and in her Rotation.

Equal Agrarian.

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 com to overpower the whole People by their possessions in Lands.

AS the Agrarian answers to the Foundation, so does Rotation to the Superstructures.

Rotation.

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.

Prolongation  
of Magistracy

THE contrary wherunto is prolongation of Magistracy, which, trashing the wheel of Rotation, destroys the life or natural motion of a Commonwealth.

Ballot.

THE election or suffrage of the People is most free, where it is made or given in such a manner, that it can neither oblige \* nor disoblige another; nor thro fear of an Enemy, or bashfulness towards a Friend, impair a Man's liberty.

WHEREFORE, says CICEERO, † the Tablet or Ballot of the People of *Rome* (who gave their Votes by throwing Tablets or little pieces of Wood secretly into Urns mark'd for the negative or affirma-

\* Qui beneficium accepit, libertatem vendidit. † Grata populo est tabella quae frones aperit hominum, mentes regit, datque eam libertatem ut quod velint faciunt.



tive) was a welcom Constitution to the People; as that which, not impairing the assurance of their brows, increas'd the freedom of their Judgment. I have not stood upon a more particular description of this Ballot, because that of *Venice* exemplify'd in the Model is of all others the most perfect.

A N *equal Commonwealth* (by that which has bin said) is a Govern-<sup>De politia et</sup>ment establish'd upon an equal Agrarian, arising into the Superstructures <sup>on equal Com-</sup> or three Orders, the Senat debating and proposing, the People resolving, <sup>muniis civitatis.</sup> and the Magistracy executing by an equal Rotation thro' the suffrage of the People given by the Ballot. For tho Rotation may be without the Ballot, and the Ballot without Rotation, yet the Ballot not only as to the insuing Model includes both, but is by far the most equal way; for which cause under the name of the Ballot I shall hereafter understand both that and Rotation too.

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 lyes in that it is the first example of a Commonwealth that is perfectly equal. For *Venice* tho it coms the nearest, yet is a Commonwealth for preservation; and such a one, considering the paucity of Citizens taken in, and the number not taken in, is externally unequal: and tho every Commonwealth that holds Provinces must in that regard be such, yet not to that degree. Nevertheless *Venice* internally, and for her capacity, is by far the most equal, tho it has not in my judgment arriv'd at the full perfection of equality; both because her Laws supplying the defect of an Agrarian, are not so clear nor effectual at the Foundation, nor her Superstructures by the virtue of her Ballot or Rotation exactly librated; in regard that thro the paucity of her Citizens, her greater Magistracys are continually wheel'd thro a few hands, as is confess'd by *JANOTTI* where he says, that if a Gentleman coms once to be *Savio di terra ferma*, it seldom happens that he fails from thenceforward to be adorn'd with som one of the greater Magistracys, as *Savi di mare*, *Savi di terra ferma*, *Savi Grandi*, Counsellors, those of the Decemvirat or Dictatorial Council, the *Aurrogatori* or Censors which require no vacation or interval. Wherefore if this in *Venice*, or that in *Lacedemon*, where the Kings were hereditary, and the Senators (tho elected by the People) for life, cause no inequality (which is hard to be conceiv'd) in a Commonwealth for preservation, or such a one as consists of a few Citizens; yet is it manifest, that it would cause a verry great one in a Commonwealth for increase, or consisting of the Many, which by ingrossing the Magistracys in a few hands, would be obstructed in their Rotation.

BUT there be who say (and think it a strong Objection) that let a Commonwealth be as equal as you can imagin, two or three Men when all is don will govern it; and there is that in it, which, notwithstanding the pretended sufficiency of a popular state, amounts to a plain confession of the imbecility of that Policy, and of the Prerogative of Monarchy: for as much as popular Governments in difficult cases have had recourse to Dictatorial Power, as in *Rome*.

TO which I answer, That as Truth is a spark to which Objections are like bellows, so in this respect our Commonwealth shines; for the Eminence acquir'd by suffrage of the People in a Commonwealth, especially if it be popular and equal, can be ascend'd by no other steps  
than



than the universal acknowledgement of Virtue: and where men excel in Virtue, the Commonwealth is stupid and unjust, if accordingly they do not excel in Authority. Wherefore this is both the advantage of Virtue, which has her due encouragement, and of the Commonwealth which has her due services. These are the Philotophers which PLATO would have to be Princes, the Princes which SOLOMON would have to be mounted, and their Steeds are those of Authority, not Empire: or, if they be buckl'd to the Chariot of Empire, as that of the Dictatorian 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 let in one, it rises in another \* who is created his immediat Successor. And this takes away that vanity from under the Sun, which is an Error proceeding more or less from all other Rulers under Heaven but an equal Commonwealth.

THESE things consider'd, it will be convenient in this place to speak a word to such as go about to insinuat to the Nobility or Gentry a fear of the People, or to the People a fear of the Nobility or Gentry, as if their interests were destructive to each other, when indeed an Army may as well consist of Soldiers without Officers, or of Officers without Soldiers, as a Commonwealth (especially such a one as is capable of Greatness) of a People without a Gentry, or of a Gentry without a People. Wherefore this (tho not always so intended as may appear by MACHIAVEL, who else would be guilty) is a pernicious error. There is something first in the making of a Commonwealth, then in the governing of it, and last of all in the leading of its Armys, which (tho there be great Divines, great Lawyers, great men in all professions) seems to be peculiar only to the Genus 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. MOSTS had his Education by the Daughter of PHARAOH; THESEUS and SOLOMON, of noble Birth, were held by the *Athenians* worthy to be Kings, LYCURGUS was of the Royal Blood; ROMULUS and NUMA Princes, BRUTUS and PUBLICOLA *Patricians*; the GRACCHI, that lost their lives for the People of *Rome* and the restitution of that Commonwealth, were the Sons of a Father adorn'd with two Triumphs, and of CORNELIA the Daughter of SCIPIO, who being demand'd 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 anti-enter than his Book *de Civ*. Such also as have got any fame in the Civil Government of a Commonwealth, or by the leading of its Armys, have bin Gentlemen; for so in all other respects were those plebeian Magistrates elected by the People of *Rome*, being of known Descents, and of equal Virtues, except only that they were excluded from the name by the Usurpation of the *Patricians*. *Holland*, thro this defect at home, has borrow'd Princes for Generals, and Gentlemen of divers Nations for Commanders: And the *Switzers*, if they have any defect in this

\* Uno avulsò, non desinit alter  
Aureus, & simul frondefecit virga metallo

kind, rather lend their People to the Colors of other Princes, than make that noble use of them at home, which should assert the Liberty of Mankind. For where there is not a Nobility to hearken the People, they are slothful, regardless of the World, and of the public interest of Liberty, as even those of *Rome* had bin without their Gentry : wherefore let the People embrace the Gentry in peace, as the light of their eyes ; and in war, as the trophy of their arms ; and let *CORNELIA* disdain'd to be Queen of *Egypt*, if a Roman Consul look'd down from his Tribunal upon the greatest King ; let the Nobility love and cherish the People that afford them a Throne so much higher in a Commonwealth in the acknowledgement of their Virtue, than the Crowns of Monarchs.

BUT if the equality of a Commonwealth consist in the equality first of the Agrarian, and next of the Rotation, then the inequality of a Commonwealth must consist in the absence or inequality of the Agrarian, or of the Rotation, or of both.

ISRAEL and *Lacedemon*, which Commonwealths (as the People of this, in *JOSEPHUS*, claims kindred of that) have great resemblance, were each of them equal in their Agrarian, and unequal in their Rotation ; especially *Israel*, where the *Sanhedrim* or Senat, first elected by the People, as appears by the words of *MOSES*, took upon them ever after, without any Precept of God, to substitute their successors by Ordination ; which having bin there of civil use, as Excommunication, Community of Goods, and other Customs of the *Jews*, who were many of them converted, came afterward to be introduced into the Christian Church. And the election of the Judge, *Suffes* or Dictator, was irregular, both for the occasion, the term, and the vacation of that Magistracy ; as you find in the Book of *Judges*, where it is often repeated, That in those days there was no King in *Israel*, that is, no Judge : and in the first of *SAMUEL*, where *ELI* judg'd *Israel* forty years, and *SAMUEL*, all his life. In *Lacedemon* the election of the Senat being by suffrage of the People, tho for life, was not altogether so unequal ; yet the hereditary Right of Kings, were it not for the Agrarian, had ruin'd her.

ATHENS and *Rome* were unequal as to their Agrarian, that of *Athens* being infirm, and this of *Rome* none at all ; for if it were more antiently carry'd, it was never observ'd. Whence by the time of *TIBERIUS GRACCHUS* the Nobility had almost eaten the People quite out of their Lands, which they held in the occupation of Tenants and Servants : Whereupon the Remedy being too late, and too vehemently apply'd, that Commonwealth was ruin'd.

THESE also were unequal in their Rotation, but in a contrary manner. *Athens*, in regard that the Senat (chosen at once by lot, not by suffrage, and chang'd every year, not in part, but in the whole) consisted not of the natural Aristocracy ; nor sitting long enough to understand, or to be perfect in their office, had no sufficient Authority to restrain the People from that perpetual Turbulence in the end, which was their ruin, notwithstanding the efforts of *NICIAS*, who did all a man could do to help it. But as *Athens* by the headiness of the People, so *Rome* fell by the Ambition of the Nobility, thro the want of an equal Rotation ; which if the People had got into the Senat, and timely into the 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 unequal, it must consist, as has bin shewn by Reason and all Experience, of the three general Orders; that is to say, of the Senat debating and proposing, of the People resolving, and of the Magistracy executing. Wherefore I can never wonder enough at LIVIATHAN, who, without any reason or example, will have it that a Commonwealth consists of a single Person, or of a single Assembly; nor can I sufficiently pity those *thousand Gentlemen, whose Minds, which otherwise would have waver'd, he has fram'd* (as is affirm'd by himself) *into a conscientious obedience* (for so he is pleas'd to call it) *of such a Government.*

BUT to finish this part of the Discourse, which I intend for as complete an Epitome of antient Prudence, and in that of the whole Art of Politics, as I am able to frame in so short a time;

THE two first Orders, that is to say, the Senat and the People, are Legislative, wherunto answers that part of this Science which by Politicians is intitl'd \* *of Laws*; and the third Order is executive, to which answers that part of the same Science which is stil'd † *of the Frame and Course of Courts or Judicatorys*. A word to each of these will be necessary.

Of Laws.

AND first for Laws, they are either Ecclesiastical or Civil, such as concern Religion or Government.

LAW S Ecclesiastical, or such as concern Religion, according to the universal course of antient Prudence, are in the power of the Magistrat; but according to the common practice of modern Prudence, since the Papacy, torn out of his hands.

BUT, as a Government pretending to Liberty, and yet suppressing Liberty of Conscience (which, because Religion not according to a man's Conscience can to him be none at all, is the main) must be a contradiction; so, a man that, pleading for the Liberty of privat Conscience, refuses Liberty to the National Conscience, must be absurd.

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

IN that of *Israel* the Government of the National Religion appertain'd not to the Priests and Levites, otherwise than as they happen'd to be of the *Sanhedrim* or Senat; to which they had no right at all but by election. It is in this capacity therefore that the People are commanded under pain of death to hearken to them, and to do according to the sentence of the Law which they should teach; but in *Israel* the Law Ecclesiastical and Civil was the same, therefore the *Sanhedrim* having the power of one, had the power of both. But as the national Religion appertain'd to the Jurisdiction of the *Sanhedrim*, so the Liberty of Conscience appertain'd, from the same date, and by the same right, to the Prophets and their Disciples; as where it is said, *I will raise up a Pro-*

Deut. 17.

Deut. 18 10

\* De Legibus.

† De Judiciis.

phet—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 ELIJAH 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 sacrifice where he would, as ELIJAH did in *Mount Carmel*. By this right JOHN the Baptist and our Saviour, to whom it more particularly related, had their Disciples, and taught the people; whence is deriv'd our present right of GATHER'D CONGREGATIONS: Wherefore the Christian Religion grew up according to the Orders of the Commonwealth of *Israel*, and not against them. Nor was Liberty of Conscience infring'd by this Government, till the civil Liberty of the same was lost, as under HEROD, PILAT, and TIBERIUS, a threepill'd Tyranny.

To proceed, *Athens* preserv'd her Religion, by the testimony of PAUL, with great Superstition: If ALCIBIADES, that Atheistical fellow, had not shew'd them a pair of heels, they had shaven off his head for shaving their MERCURYS, and making their Gods look ridiculously upon them without beards. Nevertheless, if PAUL reason'd with them, they lov'd news, for which he was the more welcom; and if he converted DIONYSIUS the *Areopagit*, that is, one of the Senators, there follow'd neither any hurt to him, nor loss of honor to DIONYSIUS. And for *Rome*, if CICERO, in his most excellent Book *de natura Deorum*, overthrew the National Religion of that Commonwealth, he was never the farther from being Consul. But there is a meanness and poorness in modern Prudence, not only to the damage of Civil Government, but of Religion it self: for to make a man in matter of Religion, which admits not of sensible demonstration (*jurare in verba Magistrum*) engage to believe no otherwise than is believ'd by my Lord Bishop, or Goodman Presbyter, is a Pedantism, that has made the Sword to be a Rod in the hands of Schoolmasters; by which means, whereas the Christian Religion is the farthest of any from countenancing War, there never was a War of Religion but since Christianity: For which we are beholden to the Pope; for the Pope not giving liberty of Conscience to Princes and Commonwealths, they cannot give that to their Subjects which they have not themselves: whence both Princes and Subjects either thro his instigation, or their own disputes, have introduc'd that execrable custom, never known in the world before, of fighting for Religion, and denying the Magistrat to have any jurisdiction concerning it; whereas the Magistrat's losing the power of Religion loses the Liberty of Conscience, which in that case has nothing to protect it. But if the People be otherwise taught, it concerns them to look about them, and to distinguish between the shrieking of the Lapwing, and the voice of the Turtle.

TO com to Civil Laws, if they stand one way and the balance another, it is the case of a Government which of necessity must be new model'd; wherefore your Lawyers advising you upon the like occasions to fit your Government to their Laws, are no more to be regarded, than your Taylor if he should desire you to fit your body to his doublet. There is also danger in the plausible pretence of reforming the Law, except the Government be first good, in which case it is a good

Tree, and (trouble not your selves overmuch) brings not forth evil fruit; otherwise, if the Tree be evil, you can never reform the fruit: or if a Root that is naught bring forth fruit of this kind that seems to be good, take the more heed, for it is the ranker poison. It was no wise probable, if AUGUSTUS had not made excellent Laws, that the bowels of Rome could have com to be so miserably eaten out by the Tyranny of TIBERIUS and his Successors. The best Rule as to your Laws in general is, that they be few. Rome by the testimony of CICERO was best govern'd under those of the twelve Tables; and by that of TACITUS, *Plurimæ leges, corruptissima respublica*. You will be told, That where the Laws be few, they leave much to Arbitrary Power; but where they be many, they leave more: The Laws in this case, according to JUSTINIAN and the best Lawyers, being as litigious as the Suitors. SOLON made few; LYCURGUS fewer Laws: and Commonwealths have the fewest at this day of all other Governments.

*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; wherby that Arbitrary Power being altogether unable to retard or do hurt to business, produces and must produce the quickest dispatch, and the most righteous dictates of Justice that are perhaps in human nature. The manner I shall not stand in this place to describe, because it is exemplify'd at large in the Judicature of the People of Oceana. And thus much of antient Prudence, and the first branch of this preliminary Discourse.

*The Second Part of the Preliminaries.*

**I**N 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 corn 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 encouragement. And this was the execrable Reign of the *Roman Emperors* taking rise from (that *fœlix scelus*) the Arms of *CÆSAR*, in which storm the Ship of the *Roman Commonwealth* was forc'd to disburden itself of that precious Freight, which never since could emerge or raise its head but in the *Gulf of Venice*.

IT is said in Scripture, *Thy evil is of thy self, O Israel!* To which answers that of the Moralists, \* *None is hurt but by himself*, as also the whole matter of the Politics; at present this Example of the *Romans*, who, thro a negligence committed in their Agrarian Laws, let in the sink of Luxury, and forfeited the inestimable Treasure of Liberty for themselves and their Posterity.

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 reserv'd to the Public use, were thro stealth possess'd by the Nobility; or such as were bought with the Public Money to be distributed. Of the Laws offer'd in these cases, those which divided the Lands taken from the Enemy, or purchas'd with the Public Money, never occasion'd any dispute; but such as drove at dispossessing the Nobility of their Usurpations, and dividing the common purchase of the Sword among the People, were never touch'd but they caus'd Earthquakes, nor could they ever be obtain'd by the People; or being obtain'd, be observ'd by the Nobility, who not only preserv'd their prey, but growing vastly rich upon it, bought the People by degrees quite out of those Shares that had been confer'd upon them. This the *GRACCHI* coming too late to perceive, found the Balance of the Commonwealth to be lost; but putting the People (when they had least force) by forcible means upon the recovery of it, did ill, seeing it neither could nor did tend to any more than to shew them by worse effects, that what the Wisdom of their Leaders had discover'd was true. For (quite contrary to what has happen'd in *Oceana*, where, the Balance falling to the Peo-

*The Transition of Antient into Modern Prudence.*

*The Agrarian Laws of the Romans*

*Sigonius de Ant Ro*



Military Colonies  
7

ple, 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, instituted by his distribution of the conquer'd Lands, not now of Enemys, but of Citizens, to forty-seven Legions of his Soldiers, so that how he came to be PERPETUAL DICTATOR, or other Magistrats to succede him in like Power, is no Miracle.

The Balance of  
the Roman  
Empire

THESE Military Colonys (in which manner succeeding Emperors continu'd, as AUGUSTUS by the distribution of the *Veterans*, whereby he had overcome BRUTUS and CASSIUS, to plant their Soldiery) consisted of such as I conceive were they that are called *Milites beneficiarii*; in regard that the Tenure of their Lands was by way of Benefices, that is for Life, and upon condition of Duty or Service in the War upon their own Charge. These Benefices ALEXANDER SEVERUS granted to the Heirs of the Incumbents, but upon the same conditions. And such was the Dominion by which the Roman Emperors gave their Balance. But to the Beneficiaries, as was no less than necessary for the safety of the Prince, a matter of eight thousand by the Example of AUGUSTUS were added, which departed not from his sides, but were his perpetual Guard, call'd *Pretorian Bands*, tho these, according to the incurable flaw already observ'd in this kind of Government, became the most frequent Butchers of their Lords that are to be found in Story. Thus far the Roman Monarchy is much the same with that at this day in Turkey, consisting of a Camp, and a Horsequarter; a Camp in regard of the *Spahys* and *Janszarvs*, the perpetual Guard of the Prince, except they also chance to be liquorish after his Blood; and a Horsequarter 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 Fate of MANOAH and his Prudence, is especially founded in this, That whereas the Roman Monarchy, except that of *Israel*, was the most imperfect, the Turkish is the most perfect that ever was. Which happen'd in that the Roman (as the *Israelitish* of the *Sanhedrim* and the Congregation) had a mixture of the Senat and the People; and the Turkish is pure. And that this was pure, and the other mix'd, happen'd not thro the Wisdom of the Legislators, but the different Genius of the Nations, the People of the Eastern Parts, except the *Israelites*, which is to be attributed to their Agerian, having bin such as scarce ever knew any other Condition than that of Slavery; and those of the Western having ever had such a relish of Liberty, as that what despair soever could never be brought to stand still while the Yoke was putting on their Necks, but by being sed with some hopes of redressing to themselves some part of their Freedom.

WHEREFORE JERUS CAESAR (with SURRONUS) contented himself in naming half the Magistrats, to leave the rest to the suffrage of the People. And AUGUSTUS, tho he would not have AUGUSTUS to give the People their Liberty, would not have him

D of

take it quite away †. Whence this Empire being neither *Hawk* nor *Buzzard*, made a flight accordingly; and the Prince being perpetually tost (having the Avarice of the Soldiery on this hand to satisfy upon the People, and the Senat and the People on the other to be defended from the Soldiery) seldom dy'd any other death than by one Horn of this *Dilemma*, as is noted more at large by MACHIAVEL. But P cap 19 the *Pretorian Bands*, those bestial executioners of their Captains Tyranny upon others, and of their own upon him, having continued from the time of AUGUSTUS, were by CONSTANTIN the Great (incens'd against them for taking part with his Adversary MAXENTIUS) remov'd from their strong Garison which they held in *Rome*, and distributed into divers Provinces. The Benefices of the Soldiers that were hitherto held for Life and upon Duty, were by this Prince made Hereditary: so that the whole Foundation wherupon this Empire was first built being now remov'd, shews plainly, that the Emperors must long before this have found out some other way of support, and this was by stipendiating the *Goths*, a People that, deriving their Roots from the Northern parts of *Germany*, or out of *Sweden*, had (thro their Victories obtain'd against DOMITIAN) long since spread 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 Armys (as the *French* do at this day of the *Switzers*) 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 possess themselves of *Italy*. And such was the transition of ancient 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 ancient Languages, Learning, Prudence, Manners, Citys, changing the names of Rivers, Countryes, Seas, Mountains, and Men; CAMILLUS, CESAR, and POMPEY, being com to EDMUND, RICHARD, and GEOFFREY.

Machiavel

TO open the Groundwork or Balance of these new Politicians: *Feudum*, says CALVIN the Lawyer, is a *Gothic* word of divers significations; for it is taken either for *War*, or for a possession of conquer'd Lands, distributed by the Victor to such of his Captains and Soldiers as had merited in his Wars, upon condition to acknowledge him to be their perpetual Lord, and themselves to be his Subjects.

The Great Balance

OF these these were three Kinds or Orders: The first of Nobility, distinguish'd by the Titles of Dukes, Marquisses, Earls, and these being gratified with the Citys, Castles, and Villages of the conquer'd *Italians*, their Feuds participated of Royal Dignity, and were call'd *Regalia*, by which they had right to coin Money, create Magistrats, take Toll, Customs, Confiscations, and the like.

Institution of Feudatory Principalities

FEUDS of the second Order were such as, with the consent of the King, were bestow'd by these Feudatory Princes upon men of inferior Quality, call'd their *Barons*, on condition that next to the King they should defend the Dignity and Fortunes of their Lords in Arms.

† *Nemo id sustinere debet, autorem me esse, ut tyrannidem in S. P. Q. R. in servitutem reducere audeat; quod neque dicere meum, neque facere tuum est.*

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 *Vassors*. And this is the *Gothic Balance*, by which all the Kingdoms this day in Christendom were at first erected; for which cause, if I had time, I should open in this place the Empire of *Germany*, and the Kingdoms of *France*, *Spain*, and *Poland*: But so much as has bin said being sufficient for the discovery of the Principles of modern Prudence in general, I shall divide the remainder of my Discourse, which is more particular, into three parts.

THE first shewing the Constitution of the late Monarchy of *Oceana*.

THE second, the Dissolution of the same. And

THE third, the Generation of the present Commonwealth.

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

THE Government of the *Romans*, who held it as a Province, I shall omit, because I am to speak of their Provincial Government in another place; only it is to be remember'd here, that if we have given over running up and down naked, and with dappl'd hides, learn'd to write and read, and to be instructed with good Arts, for all these we are beholden to the *Romans*, either 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; wherefore it seems to me, that we ought not to detract from the memory of the *Romans*, by whose means we are, as it were, of Beasts becom Men, and by whose means we might yet of obscure and ignorant Men (if we thought not too well of our selves) becom a wise and a great People.

For the proof  
of the ensuing  
Discourse out  
of Records  
and Antiqui-  
ties (see Selden's  
Tittus of Ho-  
nors, from  
pag. 593. to  
pag. 837.

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 *King's Thane*, and that of *Middle Thane*.

The Teuton  
Monarchy.

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 Countys, and every County had either its *Ealdorman*, or *High Reeve*. The title of *Ealdorman* came in time to *Earl*, or *Erl*, and that of *High Reeve* to *High Sheriff*.

EARL

**EARL** of the Shire or County denoted the *King's Thane*, or *Ten- Earl* nant by Grand Serjeantry or Knights Service, in chief or *in capite*, his Possessions were sometimes the whole Territory from whence he had his denomination, that is, the whole County, sometimes more than one County, and sometimes less, the remaining part being in the Crown. He had also sometimes a third, or some other customary part of the profits of certain Cities, Boroughs, or other places within his Earldom. For an example of the Possessions of Earls in antient times, **ETHELRED** had to him and his Heirs the whole Kingdom of *Mercia*, containing three or four Countys; and there were others that had little less.

**KING's Thane** was also an honorary Title, to which he was *King's Thane* qualify'd that had five Hides of Land held immediatly of the King by service of personal attendance; insomuch that if a Churl or Countryman had thriven to this proportion, having a Church, a Kitchen, a Belhouse (that is, a Hall with a Bell in it to call his Family to dinner) a Boroughgate with a seat (that is, a Porch) of his own, and any distinct Office in the King's Court, then was he the *King's Thane*. But the proportion of a Hide Land, otherwise call'd *Caruca*, or a Plow Land, is difficult to be understood, because it was not certain; nevertheless it is generally conceiv'd to be so much as may be manag'd with one Plow, and would yield the maintenance of the same, with the appurtenances in all kinds.

**THE Middle Thane** was feudal, but not honorary; he was also *Middle Thane* call'd a *Vavasser*, and his Lands a *Vavassory*, which held of some Mesne 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 vast, that to arise from the Balance of their Dominion to their Power, they were not only call'd *Reguli* or little Kings, but were such indeed; their Jurisdiction being of two sorts, either that which was exercis'd by them in the Court of their Countrys, or in the High Court of the Kingdom.

**IN** the Territory denominating an Earl, if it were all his own, *Shiremoor* the Courts held, and the Profits of that Jurisdiction were to his own use and benefit. But if he had but some part of his County, then his Jurisdiction and Courts (saving perhaps in those possessions that were his own) were held by him to the King's use and benefit; that is, he commonly supply'd the Office which the Sheriffs regularly executed in Countys that had no Earls, and whence they came to be call'd *Vif- Fycounts*. The Court of the County that had an Earl was held by the Earl and the Bishop of the Diocess, after the manner of the Sheriffs Turns to this day; by which means both the Ecclesiastical and Temporal Laws were given in charge together to the Country. The Causes of *Vavassors* or *Vavassors* appertain'd to the cognizance of this Court, where Wills were prov'd, Judgment and Execution given, Cases criminal and civil determin'd.

**THE King's Thanes** had the like Jurisdiction in their *Thane Lands*, *Halmoor* 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 *Vavassors*, or *Middle Thanes*, had in the High Court or Parliament in the Kingdom, a more public *Widenage* Jurisdiction, consisting First of deliberative Power for advising upon, *mote*.

and assenting to new Laws: Secondly, of giving counsel in matters of State: and Thirdly, of Judicature upon Suits and Complaints. I shall not omit to enlighten the obscurity of these times (in which there is little to be found of a methodical Constitution of this High Court) by the addition of an Argument, which I conceive to bear a strong testimony to it self, tho taken out of a late Writing that conceals the Author. "It is well known, says he, that in every quarter of the Realm a great many Boroughs do yet send Burgesses to the 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 less to have obtain'd any such Privilege by the grant of any succeeding King. wherefore these must have had this right by more antient usage, and before the Conquest, they being inable now to shew whence they deriv'd it."

THIS Argument (tho there be more) I shall pitch upon as sufficient to prove; First, that the lower sort of the People had right to Session in 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 shire (as no doubt they are) be as antient in the Countrys. Thirdly, If it be a good Argument to say, that the Commons during the reign of the *Teutons* were elected into 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 House, because they do so now; unless any man can shew that they did ever sit 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 stile 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 testify'd in those words by a subsequent Act,

2: Edw 3:

Monarchy of  
the Neu-  
strians

THE Monarchy of the *Teutons* had stood in this posture about two hundred and twenty years, when TURBO Duke of *Neustria* making his claim to the Crown of one of their Kings that dy'd childless, follow'd it with successful Arms; and being possessor of the Kingdom, us'd it as conquer'd, distributing the Earldoms, Thane Lands, Bishoprics and Prelacies of the whole Realm among his *Neustrians*. From this time the Earl came to be call'd *Comes*, *Consul*, and *Dux* (tho *Consul* and *Dux* grew afterward out of use) the King's *Thanes* came to be call'd *Barons*, and their Lands *Baronys*; the Middle Thane holding still of a mean Lord, retain'd the name of *Favasser*.

These Earls

THE Earl or *Comes* continu'd to have the third part of the Pleas of the County paid to him by the Sheriff or *Vice-comes*, now a distinct Officer in every County depending upon the King; saving that such Earls as had their Countys to their own use, were now *Counts Palatin*, and had under the King Regal Jurisdiction; insomuch that they constituted their own Sheriffs, granted Pardons, and issu'd Writs in their own names; nor did the King's Writ of ordinary Justice run in their Dominions till a late Statute, whereby much of this privilege was taken away.

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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 ADONUS the seventh King from the Conquest, *Barons* had their denomination from their Possessions and Tenures. And these were either Spiritual or Temporal; for not only the Thane Lands, but the possessions of Bishops, as also of som twenty-six Abbats, and two Priors, were now erected into *Baronys*, whence the Lords Spiritual that had suffrage in the Teuton Parliament as Spiritual Lords, came to have it in the Neufbrian Parliament as *Barons*, and were made subject (which they had not formerly bin) to Knights service in chief. *Barony* coming henceforth to signify all honorary possessions as well of Earls as *Barons*, and *Baronage* to denote all kinds of Lords as well Spiritual as Temporal having right to sit in Parliament, the *Baronys* in this sense were sometimes more, and sometimes fewer, but commonly about 200 or 250, containing in them a matter of sixty thousand *feuda militum*, or Knights Fees, wherof som twenty-eight thousand were in the Clergy. It is ill luck that no man can tell what the Land of a Knight's Fée (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 uncertaint; 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 *Baronys* it was wont to be said, that the whole Kingdom was compos'd; as also, that these consisting of 60000 Knights Fees, furnish'd 60000 men for the King's service, being the whole Militia of this Monarchy, it cannot be imagin'd that the *Vassalrys* or Freeholds in the People amounted to any considerable proportion. Wherefore the Balance and Foundation of this Government was in the 60000 Knights Fees, and these being possess'd 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 (seeing the Clergy of France came first thro their Riches to be a State of that Kingdom) to acknowledge the People to have bin a State of this Realm, and not to allow it to the Clergy, who were so much more weighty in the Balance, which is that of all other whence a State or Order in a Government is denominated. Wherefore this Monarchy consisted of the King, and of the three (*ordines Regni*, or) Estates, the Lords Spiritual and Temporal, and the Commons: It consisted of these I say as to the balance, tho during the Reign of som of these Kings, not as to the administration.

FOR the Ambition of TURBO, and som of those that more immediately succeeded him, to be absolute Princes, strove against the nature of their Foundation, and, inasmuch as he had divided almost the whole Realm among his Neufbrians, with som incouragement for a while. But the Neufbrians while they were but foren plants, having no security against the Natives, but in growing up by their Princes sides, were no sooner well rooted in their vast Dominions, than they came up according to the inevitable consequence of the Balance domestic,

*Barons by their Possessions*

Coke 11 Inst. pag 596

Balance of the Neufbrian Monarchy

Rich. 2. Numb. 13

Administration of the Neufbrian Monarchy during the reign of the first Kings.



and, contracting the National interest of the Barons, grew as fierce in the vindication of the antient Rights and Liberties of the same, as if they had bin always Natives: Whence, the Kings being as obstinat on the one side for their absolute Power, as these on the other for their Immunitys, grew certain Wars which took their denomination from the Barons.

Barons by  
Writ

THIS fire about the middle of the Reign of ADOXUS began to break out And whereas the Predecessors of this King had divers times bin forc'd to summon Councils resembling those of the *Teutons*, to which the Lords only that were Barons by Dominion and Tenure had hitherto repar'd, ADOXUS seeing the effects of such Dominion, began first not to call such as were Barons by Writ (for that was according to the practice of antient times) but to call such by Writs as were otherwise no Barons; by which means striving to avoid the Consequence of the Balance, in coming unwillingly to set the Government streight, he was the first that set it awry. For the Barons in his Reign, and his Successors, having vindicated their antient Authority, restor'd the Parliament with all the Rights and Privileges of the same, saving 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 Skys, as the only invention whereby at once to maintain the Sovereignty of a Prince, and the Liberty of the People. Whereas indeed it has bin no other than a wrestling match, wherein the Nobility, as they have bin stronger, have thrown the King; or the King, if he has bin stronger, has thrown the Nobility; or the King, where he has had a Nobility, and could bring them to his party, has thrown the People, as in *France* and *Spain*; or the People where they have had no Nobility, or could get them to be of their party, have thrown the King, as in *Holland*, and of later times in *Oceana*. 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-six Priors that were so call'd) were but *pro tempore*, DICOTOME being the twelfth King from the Conquest, began to

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Barons by Letters Patent

make Barons by Letters Patent, with the addition of honorary Pen-sions for the maintenance of their Dignity to them and their Heirs; so that they were hands in the King's Purse, and had no shoulders for his Throne. Of these when the House of Peers came once to be full, as will be seen hereafter, there was nothing more empty. But for the present, the Throne having other supports, they did not hurt that so much as they did the King: For the old Barons taking DICOTOME's Prodigality to such Creatures so ill, that they depos'd him, got the trick of it, and never gave over setting up and pulling down their Kings according to their various interests, and that faction of the *White* and *Red*, into which they have bin themselves divided, till PANURGUS 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 greatness of their Power, and the inconstancy of their favor, began to find another Flaw in this kind of Government, which is also noted by MACHIAVEL, namely that a Throne supported by a Nobility, is not so hard to be ascended, as kept warm. Wherefore his secret Jealousy, left the dissension of the Nobility, as it brought

Dissolution of  
the late Mon-  
archy of  
Oceana.

brought him in, might throw him out, made him travel in ways undiscover'd by them, to ends as little foreseen by himself: while to establish his own safety, he by mixing Water with their Wine, first began to open those Sluces that have since overwhelm'd not the King only, but the Throne. For whereas a Nobility strikes not at the Throne without which they cannot subsist, but at some King that they do not like; popular Power strikes thro the King at the Throne, as that which is incompatible with it. Now that PANURGUS in abating the Power of the Nobility, was the cause whence it came to fall into the hands of the People, appears by those several statutes that were made in his Reign, as that for *Population*, those against *Retainers*, and that for *Alienations*.

BY the Statute of Population, all houses of Husbandry that were us'd with twenty Acres of Ground and upwards, were to be maintain'd, and kept up for ever with a competent proportion of Land laid to them, and in no wise, as appears by a subsequent Statute, to be sever'd. By which means the houses being kept up, did of necessity enforce Dwellers; and the proportion of Land to be till'd being kept up, did of necessity enforce the Dweller not to be a Begger or Cottager, but a Man of some substance, that might keep Hinds and Servants, and set the Plow a going. This did mightily concern (says the Historian of that Prince) the might and manhood of the Kingdom, and in effect amortize a great part of the Lands to the hold and possession of the Yeomanry or middle People, who living not in a servile or indigent fashion, were much unlink'd from dependence upon their Lords, and living in a free and plentiful manner, became a more excellent infantry; but such a one upon which the Lords had so little Power, that from henceforth they may be computed to have bin disarm'd.

AND as they lost their infantry after this manner, so their Cavalry and Commanders were cut off by the Statute of Retainers: for whereas it was the custom of the Nobility to have younger Brothers of good houses, metal'd fellows, and such as were knowing in the feats of Arms about them; they who were longer follow'd with so dangerous a train, escap'd not such Punishments, as made them take up.

HENCEFORTH the Country-lives, and great Tables of the Nobility, which no longer nourish'd veins that would bleed for them, were fruitless and loathsome till they chang'd the Air, and of Princes became Courtiers; where their Revenues, never to have bin exhausted by Beef and Mutton, were found narrow, whence follow'd racking of Rents, and at length sale of Lands: the riddance thro the Statute of Alienations being render'd far more quick and facil than formerly it had bin thro the new invention of Intails.

TO this it happen'd, that CORAUNUS the Successor of that King dissolving the Abbys, brought with the declining state of the Nobility so vast a prey to the Industry of the People, that the Balance of the Commonwealth was too apparently in the popular Party, to be unseen by the wise Council of Queen PARTHENIA, who converting her reign thro the perpetual Lovetricks that past between her and her People into a kind of Romance, wholly neglected the Nobility. And by these degrees came the House of Commons to raise that head, which since has bin so high and formidable to their Princes, that they have look'd pale upon those Assemblies. Nor was there any thing now wanting to the destruction of the Throne, but that the  
People,

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 sick, 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 stood in this gap, now sinking down between the King and the Commons, shew'd that CRASSUS was dead, and the *Isthmus* broken. But a Monarchy divested of its Nobility, has no refuge under Heaven but an Army. Wherefore the dissolution of this Government caus'd the War, not the War the dissolution of this Government.

OF the King's success with his Arms it is not necessary to give any further account, than that they prov'd as ineffectual as his Nobility; but without a Nobility or an Army (as has bin shew'd) there can be no Monarchy. Wherefore what is there in nature that can arise out of these Ashes, but a popular Government, or a new Monarchy to be erected by the victorious Army?

TO erect a Monarchy, be it never so new, unless like LEVIATHAN you can hang it, as the Country-fellow speaks, by Geometry, (for what else is it to say, that every other Man must give up his will to the will of this one Man without any other foundation?) it must stand upon old Principles, that is, upon a Nobility or an Army planted on a due balance of Dominion. *Aut viam inveniam aut faciam*, was an Adage of CÆSAR; and there is no standing for a Monarchy unless it finds this Balance, or makes it. If it finds it, the work's don to its hand: for, where there is inequality of Estates, there must be inequality of Power; and where there is mequality of Power, there can be no Commonwealth. To make it, the Sword must extirpat out of Dominion all other roots of Power, and plant an Army upon that ground. An Army may be planted Nationally or Provincially. To plant it Nationally, it must be in one of the four ways mention'd, that is, either Monarchically in part, as the *Roman Beneficiarii*; or Monarchically, in the whole, as the *Turkish Timariots*; Aristocratically, that is, by Earls and Barons, as the *Neufrians* were planted by TURBO; or Democratically, that is, by equal lots, as the Israelitish Army in the Land of Canaan by JOSHUA. In every one of these ways there must not only be Confiscations, but Confiscations to such a proportion as may answer to the work intended.

CONFISCATION of a People that never fought against you, but whose Arms you have born, and in which you have bin victorious, and this upon premeditation, and in cold blood, I should have thought to be against any example in human Nature, but for those alleg'd by MACHIAVEL of AGATHOCLES, and OLIVERETTO *di Perma*: the former whereof being Captain General of the *Syracusans*, upon a day assembld the Senate and the People, as if he had something to communicat with them, when at a sign given he cut the Senators in pieces to a man, and all the richest of the People, by which means he came to be King. The proceedings of OLIVERETTO in making himself Prince of *Perma*, were somewhat different in circumstances, but of the same nature. Nevertheless CARLIN, who had a spirit equal to any of these in his intended mischief, could never bring the like to pass in Rome. The head of a small Commonwealth, such a one as was that of *Syracusa* or *Perma*, is easily brought to the block;

block; but that a Populous Nation, such as *Rome*, had not such a one, was the grief of *NERO*. If *SYLVIA* or *CÆSAR* attain'd to be Princes, it was by Civil War, and such Civil War as yielded rich spoils, there being a vast Nobility to be confiscated; which also was the case in *Oceana*, when it yielded earth by Earldoms and Baronys to the *Neustrian*, for the plantation of his new Potentates. Where a Conqueror finds the Riches of a Land in the hands of the Few, the Forfeitures are easy, and amount to vast advantage; but where the People have equal shares, the Confiscation of many comes to little, and is not only dangerous, but fruitless.

THE *Romans* in one of their defeats of the *Volsi* found among the Captives certain *Tusculans*, who, upon examination, confess that the Arms they bore were by command of their State; wherupon information being given to the Senat by the General *CAMILLUS*, he was forthwith commanded to march against *Tusculum*; which doing accordingly, he found the *Tusculan* Fields full of Husbandmen, that stir'd not otherwise from the Plow, than to furnish his Army with all kind of Accommodations and Victuals; drawing near to the City, he saw the Gates wide open, the Magistrats coming out in their Gowns to salute and bid him welcome: entering, the Shops were all at work, and open; the Streets founded with the noise 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 desir'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 sadly 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 case, of which the World is not able to shew an example, That the forfeiture of a populous Nation, not conquer'd, but Friends, and in cool blood, might be taken; your Army must be planted in one of the ways mention'd. To plant it in the way of absolute Monarchy, that is, upon feuds for life, such as the *Timars*, a Country as large and fruitful as that of *Greece*, would afford you but sixteen thousand *Timariots*, for that is the most the *Turc* (being the best husband that ever was of this kind) makes of it at this day: and if *Oceana*, which is less in fruitfulness by one half, and in extent by three parts, should have no greater a force, whoever breaks her in one battle, may be sure she shall never rise; for such (as was noted by *MACHIAVEL*) is the nature of the *Turkish* Monarchy, if you break it in two battles, you have destroy'd its whole Militia; and the rest being all slaves, you hold it without any further resistance. Wherefore the erection of an absolute Monarchy in *Oceana*, or in any other Country that is no larger, without making it a certain prey to the first Invader, is altogether impossible.

TO plant by halves, as the *Roman* Emperors did their Beneficiaries, or military Colonys, it must be either for life; and this an Army of *Oceaners* in their own Country (especially having Estates of Inheritance)

tance) will never bear; because such an Army so planted is as well confiscated as the People; nor had the *Mamelukes* 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 *Neuftrians*, or Democratically as the *Israelits*, they grow up by certain consequence into the national Interest: and this, if they be planted popularly, coms to a Commonwealth; if by way of Nobility, to a mix'd Monarchy, which of all other will be found to be the only kind of Monarchy, wherof this Nation, or any other that is of no greater extent, has bin or can be capable: for if the *Israelits* (tho their Democratical Balance, being fix'd by their Agrarian, stood firm) be yet found to have elected Kings, it was because, their Territory lying open, they were perpetually invaded, and being perpetually invaded, turn'd themselves to any thing which thro the want of experience they thought might be a remedy; whence their mistake in election of their Kings (under whom they gain'd nothing, but on the contrary lost all they had acquir'd by their Commonwealth, both Estates and Liberties) is not only apparent, but without parallel. And if there have bin (as was shewn) a Kingdom of the *Goths* in *Spain*, and of the *Vandals* in *Asia*, consisting of a single Person and a Parliament (taking a Parliament to be a Council of the People only, without a Nobility) it is expressly said of those Councils, that they depos'd their Kings as often as they pleas'd: nor can there be any other consequence of such a Government, seeing where there is a Council of the People, they do never receive Laws, but give them; and a Council giving Laws to a single Person, he has no means in the World wherby to be any more than a subordinat Magistrat, but force: in which case he is not a single Person and a 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 Phansy as void of all reason and experience, as if a Man should think to maintain such a one by robbing of Orchards: for a mere Tax is but pulling of *Plumtrees*, the roots wherof are in others Mens grounds, who suffering perpetual Violence, com to hate the Author of it: And it is a Maxim; that no Prince that is hated by his People can be safe. Arms planted upon Dominion extirpat Enemies, and make Friends: but maintain'd by a mere Tax, have Enemies that have roots, and Friends that have none.

TO conclude; *Oceana*, or any other Nation of no greater extent, must have a competent Nobility, or is altogether incapable of Monarchy; for where there is equality of Estates, there must be equality of Power; and where there is equality of Power, there can be no Monarchy.

The generation  
of the Com-  
monwealth.

TO com then to the generation of the Commonwealth, it has bin shewn how thro the ways and means us'd by *Pompey* to abase the Nobility, and so to mend that flaw which we have asserted to be intractable in this kind of Constitution. he suffer'd the Balance to fall into



into the power of the People, and so broke the Government: but the Balance being in the People, the Commonwealth (tho they do not see it) is already in the nature of \* them. There wants nothing else but Time (which is slow and dangerous) or Art (which would be more quick and secure) for the bringing those native Arms (wherewithal they are found already) to resist they know not how every thing that opposes them, to such maturity as may fix them upon their own strength and bottom.

BUT, whereas this Art is Prudence; and that part of Prudence <sup>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 endless Partys and Factions, both Civil and Ecclesiastical: which briefly to open, I shall first speak of the People in general, and then of their Divisions.</sup>

A PEOPLE (says MACHIAVEL) that is corrupt, is not capable of a Commonwealth. But in shewing what a corrupt People is, he has either involv'd himself, or me; nor can I otherwise com out of the Labyrinth, than by saying, the Balance altering a People, as to the foregoing Government, must of necessity be corrupt: but Corruption in this sense signifies no more than that the Corruption of one Government (as in natural Bodys) is the Generation of another. Wherefore if the Balance alters from Monarchy, the Corruption of the People in this case is that which makes them capable of a Commonwealth. But 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 bin shewn, to Justice and right Reason, the People upon a like alteration is so far from such a Corruption of Manners, as should render them incapable of a Commonwealth, that of necessity they must 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, becoms more privat; Luxury is introduc'd in the room of Temperance, and Servitude in that of Freedom; which causes such a corruption of Manners both in the Nobility and People, as, by the Example of Rome in the time of the *Triumvirs*, is more at large discover'd by the Author to have bin altogether incapable of a Commonwealth.

BUT the Balance of *Oceana* changing quite contrary to that of Rome, the Manners of the People were not 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 Partys (while there is not any common Ligament of Power suffi-

\* Contra nota prius, vultu, quam frontibus exant.

cient to reconcile or hold them) is no sufficient proof of Corruption. Nevertheless, seeing this must needs be matter of scandal and danger, it will not be amiss, in shewing what were the Partys, to shew what were their Errors.

THE Partys into which this Nation was divided, were Temporal, or Spiritual: and the Temporal Partys were especially two, the one *Royalists*, the other *Republicans*: each of which asserted their different Causes, either out of Prudence or Ignorance, out of Interest or Conscience.

*The Royalist*

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 Commonwealthman. And for Interest, taking the Commonwealthman 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 absolv'd by the Balance.

FOR if the Right of Kings were as immediatly deriv'd from the Breath of God as the Life of Man, yet this excludes not Death and Dissolution. But, that the dissolution of the late Monarchy was as natural as the Death of a Man, has bin already shewn. Wherefore it remains with the Royalists to discover by what Reason or Experience it is possible for a Monarchy to stand upon a popular Balance; or, the Balance being popular, as well the Oath of Allegiance, as all other Monarchical Laws imply an impossibility, and are therefore void.

*The Commonwealthman*

TO the Commonwealthman I have no more to say, but that if he excludes any Party, he is not truly such; nor shall ever found a Commonwealth upon the natural principle of the same, which is Justice. And the Royalist for having not oppos'd a Commonwealth in *Oceana* (where the Laws were so ambiguous that they might be eternally disputed, and never reconcil'd) can neither be justly for that cause excluded from his full and equal share in the Government; nor prudently, for this reason, that a Commonwealth consisting of a Party will be in perpetual labor of her own destruction: Whence it was that the *Romans* having conquer'd the *Albans*, incorporated them with equal Right into the Commonwealth. And if the Royalists be *flesh of your flesh*, and nearer of Blood than were the *Albans* to the *Romans*, you being also both Christians, the Argument's the stronger. Nevertheless there is no reason that a Commonwealth should any more favor a Party remaining in fix'd opposition against it, than *BABYUS* did his own Sons. But if it fixes them upon that opposition, it is its own fault not theirs; and this is done by excluding them. Men that have equal Possessions, and the same security for their Estates and their Libertys that you have the same cause with you to defend both: But if you will be trampling, they fight for Liberty, tho for Monarchy; and you for Tyranny, tho under the name of a Commonwealth: The Nature of Orders in a Government rightly instituted being void of all jealousy, because, let the Partys which it imbraces be what they will, its Orders are such as they neither would resist if they could,

# O C E A N I.

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 consist together, and of which I have already sufficiently spoken, to shew, that indeed the one cannot well subsist without the other. But they of all the rest are the most dangerous, who, holding that the Saints must govern, go about to reduce the Commonwealth to a Party, as well for the Reasons already shewn, as that their Pretences are against Scripture, where the Saints are commanded to submit to the Higher Powers, and to be subject to the Ordinance of Man. And that men, pretending under the notion of Saints or Religion to Civil Power, have hitherto never fail'd to dishonor that Profession, the World is full of Examples, wherof 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 *Saints* 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 rise and practise of the Hierarchy (too well known to require any further illustration) is far more immodest.

THIS has bin the course of Nature: and when it has pleas'd, or shall please God to introduce any thing that is above the course of Nature, he will, as he has always don, confirm it by Miracle; for so in his Prophecy of the Reign of CHRIST upon Earth, he expressly promises: seeing that *the Souls of them that were beheaded for JESUS, shall be seen to live and reign with him*; which will be an object of Sense, the rather, because the rest of the Dead are not to live again till the Thousand Years be finish'd. And it is not lawful for men to persuade us that a thing already is, tho there be no such object of our Sense, which God has told us shall not be till it be an object of our Sense.

THE Saintship of a People as to Government, consists in the election of Magistrats fearing God, and hating Covetousness, and not in their confining themselves, or being confin'd to men of this or that Party or Profession. It consists in making the most prudent and religious choice they can; yet not in trusting to Men, but, next God, to their own Orders. *Give us good Men, and they will make us good Laws*, is the Maxim of a Demagog, and is (thro the alteration which is commonly perceivable in men, when they have power to work their own Wills) exceeding fallible. But *give us good Orders, and they*

\* Quod minus plebeius auspicio haberet. † Plebs ad id maximum indignatione exarsit, quod imperium, cuiusque ipsa esset iussor, tribus, negarentur posse T. Liv. 4. 8.

† *all make us good Men*, is the Maxim of a Legislator, and the most installible in the Politics.

But these Divisions (however there be some good Men that look sadly on them) are trivial things; first as to the Civil concern, because the Government, wherof this Nation is capable, being once seen, takes in all Interests. And, secondly, as to the Spiritual; because as the pretence of Religion has always bin turbulent in broken Governments, so where the Government has bin sound and steddy, Religion has never shew'd it self with any other face than that of the natural Sweetness, and Tranquillity: nor is there any reason why it should; wherefore 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 mislead 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 F. and  
the People are  
from 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 Parliaments of the *Teutons* and of the *Neustrians* consisted, as has bin shewn, of the King, Lords and Commons; wherefore this under an old Name was a new thing: A Parliament consisting of a single Assembly elected by the People, and invested with the whole Power of the Government, without any Covenants, Conditions, or Orders whatsoever. So new a thing, that neither antient nor modern Prudence can shew any avow'd Example of the like. And there is scarce any thing that seems to me so strange as that (wheras there was nothing more familiar with these Counsellors, than to bring the Scripture to the House) there should not be a Man of them that so much as offer'd to bring the House to the Scripture, wherein, as has bin shewn, is contain'd that Original, wherof all the rest of the Commonwealths seem to be Copys. Certainly if LEVIATHAN (who is surer of nothing than that a popular Commonwealth consists but of one Council) transcrib'd his Doctrin out of this Assembly, for him to except against ARISTOTLE and CICERO for writing out of their own Commonwealths, was not so fair play; or if the Parliament transcrib'd out of him, it had been an honor better due to MOSES. But where one of them should have an Example but from the other, I cannot imagin, there being nothing of this kind that I can find in story, but the Oligarchy of *Athens*, the thirty Tyrants of the same, and the *Roman Decemvirs*.

Lib 8.

FOR the *Oligarchy*, THUCYDIDES tells us, that it was a Senat or Council of Four hundred, pretending to a Balancing Council of the People consisting of Five thousand, but not producing them; wherein you have the definition of an *Oligarchy*, which is a single Council both debating and resolving, dividing and chusing; and what that must com to, was shewn by the Example of the *Girles*, 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;

Popular; except he be pleas'd with them, because that, according to the Testimony of *XENOPHON*, they kill'd more men in eight months, than the *Lacedemonians* had don in ten years; *oppressing the People* (to use *SIR WALTER RALEIGH*'s words) *with all base and intolerable Slavery*.

THE usurp'd Government of the *Decemvirs* in *Rome* was of the same 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 chastising a People, is accus'd to ruin 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 of Power against some 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 *Oceana* have bin factious, the Cause is apparent: But what Remedy?

IN answer to this Question, I com now to the Army, of which *The General* the most victorious Captain, and incomparable Patriot *OLPHAUS MICALFTOR* was now General: who being a much greater master of that Art wherof I have made a rough draught in these Preliminaries, had such sad reflections upon the ways and proceedings of the Parliament, as cast him upon Books, and all other means of diversion, among which he happen'd on this place of *MACHIAVEL*: "Thrice happy is that People which chanceth to have a Man able to give them such a Government at once, as without alteration may secure them of their Liberty; seeing it was certain that *Lacedemon*, in observing the Laws of *LYCURGUS*, continu'd about eight hundred years without any dangerous Tumult or Corruption." My Lord General (as it is said of *THEMISTOCLES*, that he could not sleep for the Glory obtain'd by *MILTIADES* at the Battel of *Marathon*) took so new and deep an Impression at these words of the much greater Glory of *LYCURGUS*, that, being on this side assaulted with the emulation of his illustrious Object, and on the other with the Misery of the Nation, which seem'd (as it were ruin'd by his Victory) to cast itself at his feet, he was almost wholly depriv'd of his natural rest, till the debate he had within himself came to a firm resolution, that the greatest Advantages of a Commonwealth are, first, that the Legislator should be one Man: And, secondly, that the Government should be made all together, or at once. For the first, It is certain, says *Def B: c. 9.* *MACHIAVEL*, that a Commonwealth is seldom or never well turn'd or constituted, except it has bin the Work of one Man; for which cause a wise Legislator, and one whose mind is firmly set, not upon private but the public Interest, not upon his Posterity but upon his Country, may justly endeavour to get the sovereign Power into his own hands; nor shall any man that is Master of Reason blame such extraordinary means as in that case will be necessary, the end proving no other than the Constitution of a well-order'd Commonwealth. The reason



That a Com-  
monwealth is  
to be made at  
once

reason of this is demonstrable: for the ordinary means not failing, the Commonwealth has no need of a Legislator: but the ordinary means failing, there is no recourse to be had but to such as are extraordinary. And, whereas a Book or a Building has not bin known to attain to its perfection, if it has not had a sole Author or Architect; a Commonwealth as to the Fabric of it, is of the like nature. And thus it may be made at once; in which there be great advantages: for a Commonwealth made at once, takes Security at the same time it lends Money; and trusts not itself to the Faith of Men, but lanches immediately forth into the Empire of Laws: and being set streight, brings the Manners of its Citizens to its rule; whence follow'd that uprightness which was in *Lacedemon*. But Manners that are rooted in men, bow the tenderness of a Commonwealth coming up by twigs to their bent; whence follow'd the obliquity that was in *Rome*, and those perpetual Repairs by the Consuls Axes, and Tribuns Hammers, which could never finish that Commonwealth but in destruction.

MY Lord General being clear in these Points, and of the necessity of som other course than would be thought upon by the Parliament, appointed a meeting of the Army, where he spoke his sense agreeable to these Preliminaries with such success to the Soldiery, that the Parliament was soon after depos'd; and he himself (in the great Hall of the *Pantheon* or Palace of Justice, situated in *Emporium* the capital City) was created by the universal Suffrage of the Army, Lord ARCHON, or sole Legislator of *Oceana*: upon which Theatre you have, to conclude this piece, a Person introduc'd, whose fame shall never draw its Curtain.

THE Lord ARCHON being created, fifty select Persons to assist him (by laboring in the Mines of antient Prudence, and bringing its hidden Treasures to new light) were added, with the stile also of *Legislators*, and sat as a Council, wherof he was the sole Director and President.

*The Council of Legislators.*

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

MY Lord ARCHON in opening the Council of Legislators, made it appear how unsafe a thing it is to follow Phanſy in the Fabric of a Commonwealth; and how neceſſary that the Archives of antient Prudence ſhould be ranſack'd before any Counſillor 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 Counſillors to draw a Lot. By the Lots as they were drawn,

The Commonwealth of	{	ISRAEL	}	so	PHOSPHORUS DE AUGE.
		ATHENS			NAVARCHUS DE PARALO.
		LACEDEMON			LACO DE SCYIALI.
		CARTHAGE			MAGO DE SYRTIBUS.
		the ACHEANS			
		ÆTOLIANS, and			ARATUS DE ISTHMO.
		LYCIANS			
		the SWITZ			AIPESTER DE FULMINE.
		HOLLAND, and the			
		UNITED PRO-			GLAUCUS DE ULNA.
		VINCES			
		ROME			DOLABELLA DE ENYO.
		VENICE			LYNCEUS DE STILLA.

THESE contain'd in them all thoſe Excellencies wherof a Commonwealth is capable; ſo that to have added more, had bin to no purpoſe. Upon time given to the Counſillors, by their own Study and thoſe of their Friends, to prepare themſelves, they were open'd in the Order, and by the Perſons mention'd at the Council of Legislators, and afterwards by order of the ſame were repeated at the Council of the *Prytans* to the People: for in drawing of the Lots, there were about a dozen of them inſcrib'd with the letter P. wherby the Counſillors that drew them became *Prytans*.

THE *Prytans* were a Committee or Council ſitting in the great Hall of *Panthæon*, to whom it was lawful for any Man to offer any thing in order to the Fabrick of the Commonwealth: for which cauſe, that they might not be oppreſs'd 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 Intereſts, or propoſe whatever they thought fit (in order to the future Government) to the Council of the *Prytans*, (who having a Guard of about two or three hundred men, left the heat of diſpute might break the peace) had the Right of Moderators, and were to report

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 address'd to, and moderated by the *Prytans*.

BY this means the Council of Legislators had their necessary Solitude and due aim in their greater work, as being acquainted from time to time with the pulse of the People, and yet without any manner of interruption or disturbance.

WHEREFORE every Commonwealth in its place having bin open'd by due Method; that is, First, by the People; Secondly, by the Senat, And, Thirdly, by the Magistracy; the Council upon mature debate took such results or orders out of each, and out of every part of each of them, as upon opening the same they thought fit; which being put from time to time in writing by the Clerc or Secretary, there remain'd no more in the conclusion, than putting the Orders so taken together, to view and examin them with a diligent ey, that it might be clearly discover'd whether they did interfere, or could any wise com to interfere or jostle one with the other. For as such Orders jostling, or coming to jostle one another, are the certain dissolution of the Commonwealth; so taken upon the proof of like experience, and neither jostling, nor shewing which way they can possibly come to jostle one another, they make a perfect, and (for aught that in human Prudence can be foreseen) an immortal Commonwealth.

AND such was the Art wherby my Lord ARCHON (taking Council of the Commonwealth of *Israel*, as of MOSES; and of the rest of the Commonwealths, as of JETHRO) fram'd the Model of the Commonwealth of *Oceana*.

THE  
M O D E L  
OF THE  
Commonwealth of OCEANA.

**W**HERAS my Lord ARCHON being from MOSES and LYCURGUS the first Legislator that hitherto is found in History to have introduc'd or erected an intire Commonwealth at once, happen'd, like them also, to be more intent upon putting the same into execution or action, than into writing; by which means the Model came to be promulgated or publish'd with more brevity and less illustration than is necessary for their understanding who have not bin acquainted with the whole Proceedings of the Council of Legislators, and of the *Prytans*, where it was asserted and clear'd from all objections and doubts: To the end that I may supply what was wanting in the promulgated Epitome to a more full and perfect Narrative of the whole, I shall rather take the Commonwealth practically, and as it has now given an account of it self in som years Revolutions (as DICEARCHUS is said to have don that of *Lacedemon*, first transcrib'd by his hand som three or four hundred years after the Institution) yet not omitting to add for proof to every Order such Debates and Speeches of the Legislators in their Council, or at least such parts of them as may best discover the reason of the Government; nor such ways and means as were us'd in the institution or rise of the Building, not to be so well conceiv'd, without som knowlege given of the Engins wherewithal the mighty Weight was mov'd. But thro the intire omission of the Council of Legislators or Workmen that squar'd every stone to this structure in the Quarrys of antient Prudence, the proof of the first part of this Discourse will be lame, except I insert, as well for illustration as to avoid frequent repetition, three remarkable Testimonys in this place.

THE first is taken out of the Commonwealth of *Israel*: So MOSES Exod 18. 24. bearken'd to the Voice of (JETHRO) his Father-in-law, and did all that he had said. And MOSES chose able men out of all *Israel*, and made them heads over the People; Numb 1. 16. Tribuns, as it is in the vulgar Latin; or *Phylarchs*, that is, *Princes of the Tribes*, sitting upon twelve Matth. Thrones, and judging the twelve Tribes of *Israel*: and next to these he chose Rulers of Thousands, Rulers of Hundreds, Rulers of Fiftys, and Rulers of Tens, which were the steps and rise of this Commonwealth from its foundation or root to its proper elevation or accomplishment in the *Synhedrim*. and the Congregation, already open'd in the Preliminary.





be excusable, if there had not, thro the Courses taken by the Senat, bin otherwise a necessity that they must have seen the Commonwealth run into Oligarchy.

THE manner how the *Comitia Curiata, Centuriata* or *Tributa* Sigoniæ. were call'd, during the time of the Commonwealth, to the suffrage, was by lot: the *Curia*, Century, or Tribe, whereon the first lot fell, being stil'd *Principium*, or the Prerogative; and the other *Curia*, Centurys, or Tribes, wheron the second, third, and fourth Lots, &c. fell, the *Jure vocatæ*: From henceforth not the first Classis, as in the times of *Servius*, but the Prerogative, whether *Curia*, Century, or Tribe, came first to the Suffrage, whose Vote was call'd *Omen Prærogativum*, and seldom fail'd to be leading to the rest of the Tribes. The *Jure vocatæ* in the order of their Lots came next: the manner of giving suffrage was, by casting wooden Tablets, mark'd for the Affirmative or the Negative, into certain Urns standing upon a Scaffold, as they march'd over it in files; which for the resemblance it bore, was call'd the Bridge. The Candidat or Competitor, who had most Suffrages in a *Curia*, Century, or Tribe, was said to have that *Curia*, Century, or Tribe; and he who had most of the *Curia*, Centurys, or Tribes, carry'd the Magistracy.

THESE three places being premis'd, as such upon which there will be frequent reflection, I com to the Narrative, divided into two parts, the first containing the Institution, the second the Constitution of the Commonwealth; in each wherof I shall distinguish the Orders, as those which contain the whole Model, from the rest of the Discourse, which tends only to the explanation or proof of them.

IN the institution or building of a Commonwealth, the first work Institution of the Commonwealth. (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, Divisions of the Peoples. regarding their Quality, their Age, their Wealth, and the places of their residence or habitation, which was don by the ensuing 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. 1. Order. Into Freemen and Servants.

THIS Order needs no proof, in regard of the nature of Servitude, which is inconsistent with Freedom, or participation of Government in a Commonwealth.

THE second ORDER distributes Citizens into Youth and Elders 2. Order. Into Youth and Elders. (such as are from 18 years of age to 30, being accounted Youth; and such as are of 30 and upwards, Elders) and establishes that the Youth shall be the marching Armys, and the Elders the standing Garisons of this Nation.

A COMMONWEALTH whose Arms are in the hands of her Servants, had need be situated (as is elegantly said of *Venice* by \* *CONTARINI*) out of the reach of their clutches; witness the

danger run by that of *Carthage* in the Rebellion of *SPENDIUS* and *MATHO*. But tho a City (if one Swallow makes a Summer) may thus chance to be safe, yet shall it never be great; for 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* intail'd their Arms upon the prime of their Citizens, divided (at least in *Lacedemon* and *Rome*) into Youth and Elders; the Youth for the Field, and the Elders for defence of the Territory.

3 Order  
Int Horse  
and Foot

THE third ORDER distributes the Citizens into *Horse* and *Foot* by the cens, or valuation of their Estates; they who have above one hundred pounds a year in *Lands*, *Goods*, or *Monys*, being oblig'd to be of the *Horse*, and they who have under that Sum, to be of the *Foot*. But if a man has prodigally wasted and spent his *Patrimony*, he is neither capable of *Magistracy*, *Office*, or *Suffrage* in the *Commonwealth*.

CITIZENS are not only to defend the *Commonwealth*, but according to their abilities, as the *Romans* under *SERVIUS TULLUS* (regard had to their Estates) were som enrol'd in the *Horse* Centurys, and others of the *Foot*, with Arms injoin'd accordingly; nor could it be otherwise in the rest of the *Commonwealths*, tho out of *Historical* Remains, that are so much darker, it be not so clearly probable. And the necessary Prerogative to be given by a *Commonwealth* to Estates, is in som measure in the nature of *Industry*, and the use of it to the Public. \* *The Roman People*, says *JULIUS EXUPERANTIUS*, were divided into *Classes*, and tax'd according to the value of their Estates. All that were worth the Sums appointed were 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 pol'd only for their Heads (which was all they had) and kept in *Garrison* at home in time of War: For these might betray the Armys for *Bread*, by reason of their Poverty; which is the reason that *MARIUS*, to whom the care of the Government ought not to have bin committed, was the first that led 'em into the field; and his Success was accordingly. There is a mean in things; as exorbitant Riches overthrow the Balance of a *Commonwealth*, so extreme Poverty cannot hold it, nor is by any means to be trusted with it. The clause in the Order concerning the *Prodigal* is *Athenian*, and a very laudable one; for he that could not live upon his *Patrimony*, if he comes to touch the public *Money*, makes a *Commonwealth* Bankrupt.

4 Order  
Int Parishes,  
Hundreds,  
and Tribes,

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: wherfore you have the

\* Populus Romanus per Classes divisus erat; & pro Militibus seu Armis constituantur; ex his, omnes quibus res erat, ad militiam destinabantur: ad quos omnes res ab eis laborabant, qui ex libertate bona patriam defendebant. Ibi autem quibus, nullis opibus erant, capiti solum, quod solum possidebant, constituantur, & belli tempore in munitionibus, rebus, & fructibus, quibus vitam possunt producere, quis ager, modis facili, pignori sine damno. Nec minus Marius, quibus res fuerat Reip. committenda, duxit ad bellum.

*Israelitish* Divisions into Rulers of Thousands, of Hundreds, of Fiftys, and of Tens; and of the whole Commonwealth into Tribes: The *Laconic* into *Obas*, *Moras*, and Tribes; the *Roman* into Tribes, Centuries, and Classes: and something there must of necessity be in every Government of the like nature; as that in the late Monarchy, by Countys. But this being the only Institution in *Oceana* (except that of the *Agrarian*) which requir'd any charge or included any difficulty, engages me to a more particular Description of the manner how it was perform'd, as follows.

A THOUSAND Surveyors commissioned and instructed by the Lord ARCHON and the Council, being divided into two equal numbers, each under the inspection of two Surveyors General, were distributed into the Northern and Southern parts of the Territory, divided by the River *Hemisua*, the whole wherof contains about ten thousand Parishes, some 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 wherof they had bin formerly exercis'd) and now arriving each at his respective Parishes, began with the People, by teaching them their first lesson, which was the Ballot; and tho they found them in the beginning somewhat froward as at toys, with which (while they were in expectation of greater matters from a Council of Legislators) they conceiv'd themselves to be abus'd, they came within a litle while to think them pretty sport, and at length such as might very soberly be us'd in good earnest: wherupon the Surveyors began the Institution included in

THE first ORDER, requiring, *That upon the first Monday next insuing the last of December, the bigger Bell in every Parish throout the Nation be rung at eight of the Clock in the morning, and continue ringing for the space of one hour; and that all the Elders of the Parish respectively repair to the Church, before the Bell has don ringing; where dividing themselves into two equal Numbers, or as near equal as may be, they shall take their places according to their Dignitys (if they be of divers qualitys) and according to their Seniority (if they be of the same) the one half on the one side, and the other half on the other, in the body of the Church: where don, they shall make Oath to the Overseers of the Parish for the time being (instead of these 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*

*Order.  
Instruction of  
the Parishes  
of the Ballot  
and of the  
Deputies.*

shall procede to the Ballot of the Parish, as it is in this place, and after this manner explain'd. The two Overseers for the time being shall seat themselves at the upper end of the middle Ally, with a Table before them, their faces being towards the Congregation: And the Constable for the time being shall set an Urn before the Table, into which he shall put so many Balls as there be Elders present, 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 com up the middle Ally in two files, every man passing by the Urn, and drawing out one Ball; which if it be Silver, he shall cast into a Bowl standing at the foot of the Urn, and return by the outward Ally on his side to his place. But he who draws the golden Ball is the Proposer, and shall be seated between the Overseers, where he shall begin in what order he pleases, and name such as (upon his Oath already taken) he conceives fittest to be chosen, one by one, to the Elders; and the Party nam'd shall withdraw while the Congregation is balloting his 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 carry'd by a Boy or Boys appointed by the Overseers, to every one of the Elders, who shall hold up a pellet made of linen Rags, between his Finger and his Thumb, and put it after such a manner into the Box, as tho no man can see into which side he puts it, yet any man may see that he puts in but one pellet or suffrage. And the suffrage of the Congregation being thus given, shall be return'd with the Box or Boxes to the Overseers, who opening the same, shall pour the affirmative Balls into a white Bowl standing upon the Table on the right hand, to be number'd by the first Overseer; and the Negative into a green Bowl standing on the left hand, to be number'd by the second Overseer: and the suffrages being number'd, he who has the major part in the Affirmative is one of the Deputys of the Parish: and when so many Deputys are chosen as amount to a full fifth part of the whole number of the Elders, the Ballot for that time shall cease. The Deputys being chosen are to be listed by the Overseers in order as they were chosen, except only that such as are Horse must be listed in the first place with the rest, proportionable to the number of the Congregation, after this manner:

Anno Dom.

The List of the first Mover.

A.A.	Ord.	Eq.	1 Dep.	} of the Parish of — in the Hundred of — and the Tribe of — which Parish at the present Election contains 20 Elders, whereof one is of the Horse or Equestrian Order.
B.B.			2 Dep.	
C.C.			3 Dep.	
D.D.			4 Dep.	
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 chosen are Deputys of the Parish for the space of one year from their Election, and no longer; nor may they be elected two years together. This List being the Primum Mobile, or first Mover of the Commonwealth, is to be register'd in a Book diligently kept and preserv'd by the Overseers, who are responsible in their places for these and other Dutys to be hereafter mentioned, to the Censors of the Tribe: and the Congregation is to observe the

*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 Family, as the natural root of a Commonwealth. And for Experience, if it be otherwise in that of *Holland*, I know no other example of the like kind. In *Israel*, the sovereign Power came clearly from the natural Root, the Elders of the whole People; and *Rome* was born (*Comitis Curiatibus*) in her Parochial Congregations, out of which *ROMULUS* first rais'd her Senat, then all the rest of the Orders of that Commonwealth, which rose so high: For the depth of a Commonwealth is the just height of it.

*\* She raises up her Head unto the Skys,  
Near as her Root unto the Center lyes.*

AND if the Commonwealth of *Rome* was born of thirty Parishes, this of *Oceana* was born of tenthousand. But whereas mention in the birth of this is made of an Equestrian Order, it may startle such as know that the division of the People of *Rome*, at the Institution of that Commonwealth into Orders, was the occasion of its ruin. The distinction of the Patrician as a hereditary Order from the very Institution, ingrossing all the Magistracies, was indeed the destruction of *Rome*, but to a Knight or one of the Equestrian Order, says *HORACE*,

*Si quadringentis sex septem nullia defunt,  
Plebs eris.*

By which it should seem that this Order was not otherwise hereditary than a man's Estate, nor did it give any claim to Magistracy, wherefore you shall never find that it disquieted the Commonwealth, nor does the name denote any more in *Oceana*, than the Duty of such a man's Estate to the Public.

BUT the Surveyors both in this place and in others, so far as much as they could not observe all the Circumstances of this Order, especially that of the time of Election, did for the first as well as they could, and, the Elections being made and register'd, took each of them Copys 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 choose one or two Elders by the Ballot, who upon the charge of the Parish shall repair to one of the Universities of this Nation with a Certificate sign'd by the Overseers, and address to the Vice-Chancellor: which Certificate 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

*\* Order  
Of Ordination,  
a Duty of  
Religion,  
and Liberty  
of Conscience*

*Ecce hunc Scipium, et cunctum vertice ad Ausus  
Audaces, quantum recte ad Tertia, laudat.*

Congre-



*Congregation to receive a Probationer from that University, the Vice-Chancellor upon the receipt thereof shall call a Convocation, and having made choice of a fit Person, shall return him in due time to the Parish, where the Person so return'd shall return the full fruits of the Benefice or Vicarage, and do the duty of the Parson or Vicar, for the space of one year, as Probationer: and that being expir'd, the Congregation of the Elders shall put their Probationer to the Ballot: and if he attains not to two parts in three of the Suffrage affirmative, he shall take his leave of the Parish, and they shall send in like manner as before for another Probationer; but if their Probationer obtains two parts in three of the Suffrage affirmative, he is then Pastor of that Parish. And the Pastor of the Parish shall pray with the Congregation, preach the Word, and administer the Sacraments to the same, according to the Directory to be hereafter appointed by the Parliament. Nevertheless such as are of gather'd Congregations, or from time to time shall join with any of them, are in no wise oblig'd to this way of electing their Teachers, or to give their Votes in this case, but wholly left to the liberty of their own Consciences, and to that way of Worship which they shall chuse, being not Popish, Jewish, or Idolatrous. And to the end they may be the better protected by the State in the exercise of the same, they are desir'd to make choice, in such manner as they best like, of certain 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 dissent; if any thro 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 Phylarch with it, or introduce it into the Council of Religion; where all such Causes as those Magistrates introduce, shall from time to time be heard and determin'd 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, tho' not in English yet in Scripture, where the Apostles ordain'd Elders by the holding up of hands in every Congregation, that is, by the suffrage of the People, which was also given in some of those Cities by the Ballot. And tho' it 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, acquir'd by our own study, or those of some others, for even *Faith cometh 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 us'd in those An-

tiquitys

tiquities to which they so frequently relate, that the true sense of them depends in great part upon that Knowledge, can never be secure that she 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 acquir'd it, which amounts to a National Religion.

THE Commonwealth having thus perform'd her duty towards God, as a rational Creature, by the best application of her Reason to Scripture, and for the preservation of Religion in the purity of the same, yet pretends not to Infallibility, but 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 she follows that (as was shewn in the Preliminaries) of *Israel*, who tho her National Religion was always a part of her Civil Law, gave to her Prophets the upper hand of all her Orders.

BUT the Surveyors having now don 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 Lists, and computing the Deputys contain'd therein, as the number of them in Parishes, being nearest Neighbors, amounted to one hundred, or as even as might conveniently be brought with that account, they cast them and those Parishes into the Precinct which (be the Deputys ever since more or fewer) is still call'd the *Hundred*: and to every one of these Precincts they appointed a certain place, being the most convenient Town within the same, for the annual Rendezvous; which don, each Surveyor returning to his Hundred, and summoning the Deputys contain'd in his Lists to the Rendezvous, they appear'd and receiv'd

THE seventh ORDER, requiring, *That upon the first Monday next 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 Horse; and one Jurymen, one Crowner, one High Constable, out of the Foot; the Election to be made by the Ballot in this manner. The Jurymen for the time being are to be Overseers of the Ballot (instead of these, the Surveyors are to 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, saving that the High Constable setting forth the Urn, shall have five several sutes of Gold Balls, and one dozen of every sute; 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 sutes he shall cast one Ball into his Hat, or into a little Urn, and shaking the Balls together present them to the first Overseer, who shall draw one, and the sute which is so drawn by the Overseer, shall be of use for that day, and no other: for example, if the Overseer drew an A, the High Constable shall put seven Gold Balls mark'd with the letter A into the Urn, with so many Silver ones as shall bring them even with the number of the Deputys, who*