

more than giving such a stop in accumulation that the State comes not to be Monarchical: which one Reason of State being made good, all the rest goes well; and which one Reason of State being neglected, all the rest comes in time to infallible ruin. Chap. 10.

11. REASON of State in a Democracy, which is not right in its Foundations, may flourish abroad, and be one: but at home will languish or be two Reasons of State, that is, the Reason of the State or Orders of the Nobility, which is to lord it over the People; and the Reason of the popular State or Order, which is to bring the Commonwealth to equality: which two Reasons of State, being irreconcilable, will exercise themselves against one another, first by Disputes, then by Plots, till it comes at last to open Violence, and so to the utter ruin of the Commonwealth, as it happen'd in *Rome*.

12. REASON of State in an absolute Monarchy (whether Foreign or Domestic) is but threefold; as first to keep its Military Farmers or *Timariots* to the first Institution; next to cut him that grows any thing above his due Stature, or lifts up his head above the rest, by so much the shorter; and last of all, to keep its Arms in exercise.

13. IN Aristocratical Monarchy Reason of State (as to the whole) is but one thing, that is, to preserve the Counterpoise of the King and the two, or the three, or the four Estates: For in some Countreys, as in *Poland*, there are but two Estates, the Clergy and the Nobility; in others, as in *Sweden*, there are four, the Nobility, the Gentry, the Clergy, and the Commons: in most others there are but three, the Lords Spiritual, the Lords Temporal, and the Commons.

14. IN Aristocratical Monarchy Reason of State (as to the parts) is a multifarious thing, every State having its peculiar Reason of State, and the King also his Reason of State: with the King it is to balance the Nobility, that he may hold them under; Reason of State with the Nobility is to balance the King, lest he should grow absolute; Reason of State both with the King and the Nobility is to keep down the People; and Reason of State with the People is to drive at their Liberty.

15. IN Forms that are pure, or in Governments that have no more than an absolute Prince or one State, as absolute Monarchy and equal or pure Democracy, there is but one Reason of State, and that is to preserve the Form intire. In Forms that are mix'd (as in an unequal Commonwealth where there are two Estates, and in Aristocratical Monarchy where there is a King and two if not three Estates) there are so many Reasons of State to break the Form, that there has not bin any unequal Commonwealth which either the People have not brought to Democracy, or the Nobility to Monarchy. And scarce was there any Aristocratical Monarchy, where (to omit the Wars of the Nobility with their King, or among themselves) the People have not driven out their King, or where the King has not brought the People into Slavery. Aristocratical Monarchy is the true Theatre of Expedient-mongers and State-emperics, or the deep Waters wherein that Leviathan the Minister of State takes his pastime.

16. THE Complaint that the Wisdom of all these latter times in Princes Affairs consists rather in fine deliveries and shiftings of Dangers or Mischiefs when they are near, than in solid and grounded courtes to keep them off, is a Complaint in the Streets of Aristocratical Monarchy: and not to be remedy'd, because the Nobility being not bro-

Chap. 10. ken, the King is in danger, and the Nobility being broken, the Monarchy is ruin'd.

17. AN Absurdity in the form of the Government (as that in a Monarchy there may be two Monarchs) shoots out into a mischief in the Administration, or some wickedness in the Reason of State, as in ROMULUS's killing of REMUS, and the monstrous Assassinations of the Roman Emperors.

18. USURPATION of Government is a Surfeit that converts the best Arts into the worst: *Nemo unquam imperium flagitio acquiritur bonis artibus exercuit.*

19. AS in the privation of Virtue, and in Beggery, men are Sharks or Robbers, and the reason of their way of living is quite contrary to those of Thrift; so in the privation of Government, as in Anarchy, Oligarchy, or Tyranny, that which is Reason of State with them is directly opposit to that which is truly so: whence are all those black Maxims set down by some Politicians, particularly MACHIAVEL in his *Prince*, and which are condemn'd to the fire even by them who, if they liv'd otherwise, might blow their fingers.

20. WHERE the Government from a true Foundation rises up into proper Superstructures or Form, the Reason of State is right and freight; but give our Politician peace when you please, if your House stands awry, your Props do not stand upright.

21. TAKE a Jugler, and commend his Tricks never so much, yet if in so doing you shew his Tricks you spoil him; which has bin and is to be confess'd of MACHIAVEL.

22. CORRUPTION in Government is to be read and consider'd in MACHIAVEL, as Diseases in a man's Body are to be read and consider'd in HIPPOCRATES.

23. NEITHER HIPPOCRATES nor MACHIAVEL introduc'd Diseases into man's Body, nor Corruption into Government, which were before their times; and seeing they do but discover them, it must be confess'd that so much as they have don tends not to the increase but the cure of them, which is the truth of these two Authors.

POLITICAL APHORISMS.

Obsequium amicos, veritas odium parit. Terent.

1. **T**HE Errors and Sufferings of the People are from their Governors.

2. **W**HEN the Foundation of a Government comes to be chang'd, and the Governors change not the Superstructures accordingly, the People become miserable.

3. **T**HE Monarchy of *England* was not a Government by Arms, but a Government by Laws, tho' imperfect or ineffectual Laws.

4. **T**HE later Governments in *England* since the death of the King, have bin Governments by Arms.

5. **T**HE People cannot see, but they can feel.

6. **T**HE People having felt the difference between a Government by Laws and a Government by Arms, will always desire the Government by Laws, and abhor that of Arms.

7. **W**HERE the Spirit of the People is impatient of a Government by Arms, and desirous of a Government by Laws, there the Spirit of the People is not unfit to be trusted with their Liberty.

8. **T**HE Spirit of the People of *England*, not trusted with their Liberty, dives at the restitution of Monarchy by Blood and Violence.

9. **T**HE Spirit of the People of *England*, trusted with their Liberty, if the Form be sufficient, can never set up a King; and if the Form be insufficient (as a Parliament with a Council in the intervals, or two Assemblies coordinat) will set up a King without Blood or Violence.

10. **T**O light upon a good Man, may be in Chance; but to be sure of an Assembly of good Men, is not in Prudence.

11. **W**HERE the Security is no more than personal, there may be a good Monarch, but can be no good Commonwealth.

12. **T**HE necessary Action or Use of each thing is from the nature of the Form.

13. **W**HERE the Security is in the Persons, the Government makes good men evil; where the Security is in the Form, the Government makes evil men good.

14. **A**SSEMBLYS legitimatly elected by the People, are that only Party which can govern without an Army.

15. **N**OT the Party which cannot govern without an Army, but the Party which can govern without an Army, is the refin'd Party, as to this intent and purpose truly refin'd; that is, by Popular Election, according to the Precept of MOSES, and the Rule of Scripture:

Take ye wise men, and understanding, and known among your Tribes, and I will make them Rulers over you.

16. THE People are deceiv'd by Names, but not by Things.

17. WHERE there is a well-order'd Commonwealth, the People are generally satisfy'd.

18. WHERE the People are generally dissatisfy'd, there is no Commonwealth.

19. THE Partys in *England* declaring for a Commonwealth, hold every one of them something that is inconsistent with a Commonwealth.

20. TO hold that the Government may be manag'd by a few, or by a Party, is inconsistent with a Commonwealth; except in a Situation like that of *Venice*.

21. TO hold that there can be any National Religion or Ministry without public Indowment and Inspection of the Magistracy, or any Government without a national Religion or Ministry, is inconsistent with a Commonwealth.

22. TO hold that there may be Liberty, and not Liberty of Conscience, is inconsistent with a Commonwealth that has the Liberty of her own Conscience, or that is not Popish.

23. WHERE Civil Liberty is intire, it includes Liberty of Conscience.

24. WHERE Liberty of Conscience is intire, it includes Civil Liberty.

25. EITHER Liberty of Conscience can have no security at all, or under Popular Government it must have the greatest security.

26. TO hold that a Government may be introduc'd by a little at once, is to wave Prudence, and commit things to Chance.

27. TO hold that the Wisdom of God in the Formation of a House or of a Government, gos not univerfally upon natural Principles, is inconsistent with Scripture.

28. TO hold that the Wisdom of Man in the formation of a House, or of a Government, may go upon supernatural Principles, is inconsistent with a Commonwealth, and as if one should say, God ordain'd the Temple, therefore it was not built by Masons; he ordain'd the Snuffers, therefore they were not made by a Smith.

29. TO hold that Hirelings (as they are term'd by som) or an indow'd Ministry, ought to be remov'd out of the Church, is inconsistent with a Commonwealth.

30. NATURE is of GOD.

31. SOM part in every Religion is natural.

32. A UNIVERSAL Effect demonstrats a univerfal Cause.

33. A UNIVERSAL Cause is not so much natural, as it is Nature it self.

34. EVERY man, either to his terror or consolation, has som sense of Religion.

35. MAN may rather be defin'd a religious than a rational Creature; in regard that in other Creatures there may be something of Reason, but there is nothing of Religion.

36. GOVERNMENT is of human Prudence, and human Prudence is adequat to man's Nature.

37. THE Prudence or Government that is regardless of Religion, is not adequat nor satisfactory to man's Nature.

38. WHERE

38. WHERE the Government is not adequat or satisfactory to man's Nature, it can never be quiet or perfect.

39. THE major part of Mankind gives itself up in the matter of Religion to the public leading.

40. THAT there may be a public leading, there must be a National Religion.

41. WHERE the minor part takes away the National Religion, there the major part is depriv'd of Liberty of Conscience by the minor.

42. WHERE the major part is depriv'd of Liberty of Conscience by the minor, there they will deprive the minor of that Liberty of Conscience which they might otherwise enjoy.

43. IN *Israel* there was an indow'd Clergy or Priesthood, and a National Religion under inspection of the Magistrat: whence the *Christians* in Apostolic Times, defraying their own Ministry, could have Liberty of Conscience; whereas if the *Christians* by going about to take away Tithes, and abolish the National Religion, had endeavor'd to violat the Consciences of the unconverted *Jews*, these being far greater in number, must needs have taken away the Liberty of Conscience from the *Christians*.

44. PAUL in *Athens* could freely and undisturbedly convert DIONYSIUS and others; therefore in *Athens* there was Liberty of Conscience: but if PAUL and his Converts had gon about to drive Hirelings, or an indow'd Priesthood or Clergy out of that Church, who fees not that the *Athenians* would have driven PAUL and his Converts out of *Athens*?

45. THAT there may be Liberty of Conscience, there must be a National Religion.

46. THAT there may be a National Religion, there must be an indowed Clergy.

47. COMMONWEALTHS have had three ways of Union. As the *Athenians*, by bringing their Confederats to subjection: As the United Provinces by an equal League: or as the *Romans* by an inequal League. The first way is tyrannical. In the second, one Commonwealth under the League is no more than another, and each one as to herself has a Negative: which kind of Union is not only obstructive, but tends (as we have seen both in *Holland* and *Switzerland*) towards Division. In the third way, the Commonwealth uniting other Commonwealths, retains to her self the leading of the whole League, leaving to each of the rest her own Laws, and her own Liberty.

48. TILL a Commonwealth be first fram'd, how such a Commonwealth should make an effectual Union with another Nation, is not possible to be seen.

49. THE new, unpractis'd, and heretofore unheard Union (as it is vulgarly spoken) with *Scotland*, by uniting Deputys of divers Nations, not in a Council apart, or by way of States General, as in the United Provinces, but in the standing Councils of som one Commonwealth in the League, is destructive to Liberty both in *England* and in *Scotland*.

50. IF the Commonwealth of *England* receives Deputys from *Scotland* in a greater number than that of her own, she receives Law from a foren Interest, and so loses her own Liberty.

51. IF *Scotland* be receiv'd in an equal number, it obstructs the freedom of both, or occasions War or Dissension.

52. IF *Scotland* be receiv'd in an inferior number, she receives Law from *England*, and so loses her Liberty. The like is understood of *Ireland*.

53. WHEREAS a well-order'd Commonwealth should give the Balance to her Confederats, and not receive it from them; the Councils in which divers others are thus united, tho in a far inferior number of Deputys, yet if these ly in wait, or lay their heads together, may be over-rul'd, obstructed, or overbalanc'd by foren Interests.

54. WHERE Countryes are divers in their Laws, and yet are to receive Laws one from the other, neither the Commonwealth giving Law, knows what to give, nor the Commonwealth receiving Law, understands what she receives: in which case the Union returns to Force or Confusion.

55. THE best way of holding a Nation different or not different in Laws, is the *Roman*, that is, by way of Province.

56. A PROVINCE, especially if she has strong holds, may by defraying of a small Guard, be kept to a just League, and for the rest enjoy her own Laws, her own Government, and her perfect Liberty. Other ways of Union will be found more chargeable, and less effectual, on both sides: for if *England* has no Army in *Scotland*, *Scotland* will receive no Law from *England*; and if *England* has an Army there, her hold consists not in the Union, but in the Force. The like is to be understood of *Ireland*.

57. IF a Country be very small, and not able to subsist of it self, as *Wales*, it may be safely united and held: but the advantage that *Wales* has in a participation of all Magistracys and Offices, is not that which *England* is able to afford to such a Country as *Scotland*, without subjecting her neck to the yoke.

58. THE order of a Commonwealth requires, that it consists, first of a Civil; secondly, of a Religious; thirdly, of a Military; and fourthly, of a Provincial part. The manner of uniting Provinces or different Nations, pertains to the last part; and in the formation of a Commonwealth, to begin with that first, which is naturally last, is to invert the Order, and by consequence the Commonwealth it self, which indeed is nothing but Order.

59. WHERE there can be any other Government, there can be no Commonwealth.

60. WHERE there can be a Commonwealth, what tumults soever there happen, and which soever prevail, there can be no other Government; that is to say, without foren Invasion, which throout I must be understood to except.

61. IF Sir GEORGE BOOTH had prevail'd, he must either have introduc'd a Commonwealth, or have restor'd the King.

62. IF the King were restor'd, he must either govern by an Army, or by Parlements.

63. A KING governing now in *England* by an Army, would for the same Causes find the same Effects with the late Protector.

64. A KING governing now in *England* by Parlements, would find the Nobility of no effect at all.

65. A PARLAMENT, where the Nobility is of no effect at all, is a mere Popular Council.

66. A MERE Popular Council will never receive Law from a King.

67. A MERE Popular Council giving Law to a King, becomes thereby a Democracy, or equal Commonwealth; or the difference is no greater than in the imperfection of the Form.

68. A COMMONWEALTH or Democracy to be perfect in the Form, must consist especially of such an Assembly, the Result wherof can go upon no Interest whatsoever, but that only which is the common interest of the whole People.

69. AN Assembly consisting of a few, may go upon the Interest of one man, as a King; or upon the Interest of one Party, as that of Divines, Lawyers, and the like; or the Interest of themselves, and the perpetuation of their Government.

70. THE Popular Assembly in a Commonwealth may consist of too few, but can never consist of too many.

71. IN every Commonwealth there has bin a Popular Assembly. This in *Israel* at least consisted of twenty four thousand, upon a monthly Rotation. In *Athens*, *Lacedemon*, *Rome*, it consisted of the whole Citizens, that is, of all such as had a right in the Commonwealth, whether they inhabited in City or Country. In *Venice* it consists of about two thousand. In the Province of *Holland* only, which contains eighteen or nineteen Sovereintys, the Popular or resolving Assemblys consist at least of five hundred Persons: these in the whole Union, may amount to five or six thousand; in *Switzerland* I believe they com to a greater number. And the most of these Assemblys have bin perpetually extant.

72. IF the Popular Assembly consists of so few, and so eminent Persons as are capable of any orderly Debate, it is good for nothing but to destroy the Commonwealth.

73. IF the Popular Assembly consists of so many, and for the greater part of so mean Persons as are not capable of Debate, there must be a Senat to help this defect.

74. THE Reason of the Senat is, that a Popular Assembly rightly constituted, is not capable of any prudent debate.

75. THE Reason of the Popular Assembly is, that a Senat rightly constituted for Debate, must consist of so few and eminent Persons, that if they have the Result too, they will not resolve according to the Interest of the People, but according to the Interest of themselves.

76. A POPULAR Assembly without a Senat cannot be wise.

77. A SENAT without a Popular Assembly will not be honest.

78. THE Senat and the Popular Assembly being once rightly constituted, the rest of the Commonwealth will constitute itself.

79. THE *Venetians* having slain divers of their Dukes for their Tyranny, and being assembld by such numbers in their great Council as were naturally incapable of Debate, pitch'd upon thirty Gentlemen who were call'd *Pregati*, in that they weré pray'd to go apart, and, debating upon the Exigence of the Commonwealth, to propose as they thought good to the great Council: and from thence first arose the Senat of *Venice* (to this day call'd the *Pregati*) and the Great Council, that is, the Senat and the Popular Assembly of *Venice*. And from these two arose all those admirable Orders of that Commonwealth.

80. THAT a People of themselves should have such an understanding as when they of *Venice* did institute their *Pregati* or Senat, is rare.

81. THAT a Senat or Council of Governors having supreme Power, shou'd institute a popular Assembly, and propose to it, tho in all reason it be the far more facil and practicable, is that which is rarer.

82. THE diffusive body of the People is not in a natural capacity of judging; for which cause the whole judgment and power of the diffusive Body of the People must be intirely and absolutely in their collective Bodys, Assemblys or Representatives, or there can be no Commonwealth.

83. TO declare that Assemblys or Representatives of the People have power in som things, and in others not, is to make the diffusive Body, which is in a natural incapacity of judging, to be in a political capacity of judging.

84. TO bring a natural incapacity of judging to a political capacity of judging, is to introduce Government. To bring a natural incapacity of judging to such a collective or political capacity of judging, as yet necessarily must retain the Interest of the diffusive Body, is to introduce the best kind of Government. But to lay any appeal whatsoever from a political capacity of judging, to a natural incapacity of judging, is to frustrat all Government, and to introduce Anarchy. Nor is Anarchy, whether impos'd or obruded by the Legislator first, or by the People, or their Demagogs or Incendiarys afterwards, of any other kind whatsoever than of this only.

85. TO make Principles or Fundamentals, belongs not to Men, to Nations, nor to human Laws. To build upon such Principles or Fundamentals as are apparently laid by God in the inevitable necessity or Law of Nature, is that which truly appertains to Men, to Nations, and to human Laws. To make any other Fundamentals, and then build upon them, is to build Castles in the Air.

86. WHATEVER is violent, is not secure nor durable; whatever is secure and durable, is natural.

87. GOVERNMENT in the whole People, tho the major part were disaffected, must be secure and durable, because it waves Force, to found it self upon Nature.

88. GOVERNMENT in a Party, tho all of these were well affected, must be insecure and transitory, because it waves Nature, to found it self upon Force.

89. COMMONWEALTHS, of all other Governments, are more especially for the preservation, not for the destruction, of Mankind.

90. COMMONWEALTHS, that have bin given to cut off their diseas'd Limbs (as *Florence*) have brought themselves to impotence and ruin. Commonwealths that have bin given to healing their diseas'd Limbs (as *Venice*) have bin healthful and flourishing.

91. ATHENS under the Oligarchy of four hundred, was infinitely more afflicted and torn with Distractiō, Blood and Animosity of Partys, than is *England*; yet by introduction of a Senat of four hundred, and a popular Assembly of five thousand, did therupon, so suddenly as if it had been a Charm, recover Might and Glory. See the

the eighth Book of THUCYDIDES; A Story in these Times most necessary to be consider'd.

92. TO leave our selves and Posterity to a farther purchase in Blood or Sweat of that which we may presently possess, enjoy, and hereafter bequeath to Posterity in Peace and Glory, is inhuman and impious.

93. AS certainly and suddenly as a good state of health dispels the peevishness and peril of Sickness, does a good state of Government the animosity and danger of Partys.

94. THE Frame of a Commonwealth having first bin propos'd and consider'd, Expedients (in case such should be found necessary for the safe, effectual, and perfect introduction of the same) may with some aim be apply'd or fitted; as to a House, when the Model is resolv'd upon, we fit Scaffolds in building. But first to resolve upon Expedients, and then to fit to them the Frame of a Commonwealth, is as if one should set up Props, and then build a House to lean upon them.

95. AS the chief Expedients in the building of a House are Axes and Hammers; so the chief Expedient in the building of a Government, is a standing Army.

96. AS the House which, being built, will not stand without the perpetual noise or use of Axes and Hammers, is imperfect; so is the Government which, being form'd, cannot support it self without the perpetual use of a standing Army.

97. WHILE the Civil and Religious parts of a Commonwealth are in forming, there is a necessity that she should be supported by an Army; but when the Military and Provincial parts are rightly form'd, she can have no farther use of any other Army. Wherefore at this point, and not till then, her Armys are by the practice of Commonwealths, upon slighter occasions, to have half pay for life, and to be disbanded.

98. WHERE there is a standing Army, and not a form'd Government, there the Army of necessity will have Dictatorian Power.

99. WHERE an Army subsists upon the Pay or Riches of a single Person, or of a Nobility, that Army is always monarchical. Where an Army subsists not by the Riches of a single Person, nor of a Nobility, that Army is always popular.

100. THE *English* Armys are popular Armys.

101. WHERE Armys are popular, and exercise Dictatorian Power in deposing single Persons, and monarchical Assemblies, there can be no greater, nor needs any other Expedient for the introduction of a Commonwealth. Nevertheless to this may be added some such moderat Qualifications as may prune the Commonwealth, not lop off her Branches. Whom these will not satisfy, it is not a Commonwealth, but a Party, that can.

102. IF the late King had freely permitted to the People the exercise of the Power inevitably devolv'd upon them by the change of the Balance, he had not bin destroy'd. If either of the late single Persons had brought the People into an orderly exercise of the Power devolv'd upon them, he had bin great. What Party soever shall hinder the People from the exercise of the Power devolv'd upon them, shall be certainly ruin'd: who or what Party soever shall introduce

roduce the People into the due and orderly exercise of the Power devolv'd upon them, shall be forthwith secure and famous for ever.

103. A MAN uses, nourishes, and cherishes his Body, without understanding it; but he that made the Body understood it.

104. THE reason why the Nations that have Commonwealths, use them so well, and cherish them so much, and yet that so few Nations have Commonwealths, is, That in using a Commonwealth, it is not necessary it should be understood; but in making a Commonwealth, that it be understood, is of absolute necessity. *Caput Reipublicæ est nesci Rempub.* CICERO.

105. AS the natural Body of a Christian or Saint can be no other for the frame, than such as has bin the natural Body of an *Israelit* or of a Heathen; so the political Bodys, or Civil Governments of *Christians* or Saints can be no other, for the frame, than such as have bin the political Bodys or Civil Governments of the *Israelits*, or of the Heathens.

106. IT shall be as soon found when and where the Soul of a Man was in the Body of a Beast, as when or where the Soul or Freedom natural to Democracy, was in any other Form than that only of a Senat, and an Assembly of the People.

107. IN those things wherein, and so far as Art is directed or limited by the nature of her Materials, it is in Art as in Nature.

108. THAT Democracy, or equal Government by the People, consist of an Assembly of the People, and a Senat, is that whereby Art is altogether directed, limited, and necessitated by the nature of her Materials.

109. AS the Soul of Man can never be in the Body of a Beast, unless God make a new Creation; so neither the Soul or Freedom natural to Democracy in any other Form whatsoever, than that only of a Senat, and a Popular Assembly.

110. THE right Constitution, Coherence, and proper Symmetry of a Form of Government gos for the greater part upon Invention.

111. REASON is of two parts; Invention, and Judgment.

112. JUDGMENT is most perfect in an Assembly.

113. INVENTION is most perfect in one Man.

114. IN one Man, Judgment wants the strength which is in a multitude of Counsellors.

115. IN a multitude of Counsellors, Invention is none at all.

116. THRO the defect of Invention, the wisest Assemblys in the formation or reformation of Government, have pitch'd upon a sole Legisslator.

117. IT is not below the Dignity of the greatest Assembly, but according to the practice of the best Commonwealths, to admit of any man that is able to propose to them, for the good of his Country.

118. TO the making of a well order'd Commonwealth, there gos little more of pains or charge, or work without doors, than the Establishment of an equal or apt Division of the Territory, and the proposing of such Election to the Divisions so made, as from an equal Foundation may raise equal Superstructures; the rest being but paper-work, ~~that~~ soon don, as said or voted.

119. WHERE such Elections are propos'd, as being made by the People, must needs produce a well order'd Senat and Popular Assembly, and the People (who, as we have already found by experience, stick not at the like work) elect accordingly; there not the Proposers of any power in themselves, but the whole People by their peculiar and natural right and power, do institute and ordain their whole Commonwealth.

120. THE highest earthly Felicity that a People can ask, or God can give, is an equal and well-order'd Commonwealth. Such a one among the *Israelits*, was the reign of GOD; and such a one (for the same reason) may be among *Christians* the Reign of CHRIST, tho not every one in the *Christian* Commonwealth should be any more a *Christian* indeed, than every one in the *Israelitish* Commonwealth was an *Israelit* indeed.

Seven Models of a Commonwealth :

OR BRIEF

DIRECTIONS

Shewing how a fit and perfect MODEL

OF

Popular Government

May be made, found, or understood.

THERE is nothing more apparent, than that this Nation is greatly disquieted and perplex'd thro a complication of two Causes : The one, that the present state thereof is not capable of any other Form than that only of a Popular Government, the other, that they are too few who understand what is the Form or Model naturally necessary to a Popular Government, or what is requir'd in that Form or Prudence for the fitting of it to the use of this Nation. For these Infirmitys I shall offer som Remedy by a brief Discourse or Direction consisting of two Parts.

THE first shewing those Forms or Models of Popular Government, or of Commonwealths, which have bin hitherto extant, whether fit or unfit for the present state of this Nation : The second, shewing a Model or Form of Popular Government fitted to the present state of this Nation. In the first part I shall propose seven Models roughly and generally : in the second, one, but more particularly and exactly.

THE FIRST PART.

IN every Frame of Government, either the Form must be fitted to the Property as it stands, and this is only practicable in this Nation; or the Property must be alter'd and fitted to the Frame, which without force has bin sometimes, but very seldom, practicable in any other Nation. Nevertheless, for the better knowledge of the one way, it will be best to propose in both ways.

THE

THE
FIRST MODEL
OF

POPULAR GOVERNMENT

PROPOS'D.

The Commonwealth of Israel.

THAT the Nobility, the Gentry, and the People, be persuaded to give up their whole Lands to the Commonwealth.

THAT if the whole People shall so give up their Lands, they be divided into twelve equal Precincts, call'd Tribes.

THAT the man of greatest quality in every Tribe have about ten thousand pounds a year given to him and his Heirs, with the hereditary Dignity of Prince of his Tribe.

THAT som ten other men of the next quality under the Prince in every Tribe, have about two thousand pounds a year in the same given to each of them and their Heirs, with the hereditary Dignity of Patriarchs, or Chief of the Fathers.

THAT the remaining part of the Lands, except forty eight Citys and their Suburbs, be distributed to the whole People equally by Lots.

THAT it be not Lawful for any Prince, Patriarch, or other, to sell or alienat his Land, or any part thereof, in such manner, but that upon every fiftieth year, being for this cause a year of *Jubile*, all Lands within that compass sold or alienated return to the antient Possessors or lawful Heirs.

THAT there be one other Tribe added to the twelve; that this Tribe so added be not local, nor suffer'd to have any Lands at all, except the forty eight Citys above reserv'd, with their Suburbs, that is with a quantity of Land to each of them, being in depth two thousand Cubits round. That these be settl'd upon them and their Heirs for ever, besides the annual Tithe of the whole Territory, and a piece of Money every year upon every Head under the notion of an Offering, in regard that other Offerings are now unlawful; and that this Tribe consist of Clergy, having one hereditary Archbishop, or High Priest, for the Head and Prince of their Tribe.

THAT there be no other Law than that of the Word of God only; and that the Clergy being best skill'd in this Law, be eligible into all Courts of Justice, all Magistracys and Offices whatsoever.

THAT the Prince of a Tribe, together with one or more Courts, consisting of twenty three Judges elected by the People of that Tribe for life, be the Government of the same.

THAT the People of twelve local Divisions take by the Ballot wise men and understanding among their Tribes, and of these
con-

constitute a Senat for the whole Commonwealth consisting of seventy Elders for life.

THAT every local Tribe monthly elect two thousand of their own number; and that these Elections amounting in all to four and twenty thousand, assemble at the Metropolis or Capital City, and be the monthly Representative of the People.

THAT the Senat be a standing Judicatory of Appeal from all other Courts, with power to shew the Sentence of the Laws of God.

THAT besides the Law of God, whatever shall be propos'd by the seventy Elders, and resolv'd by the monthly Representative of the People, be the Law of the Land.

A SECOND MODEL OF A COMMONWEALTH PROPOS'D.

THAT there be a King without Guards.

THAT the Word or Command of this King be the Law.

THAT this King stirring out of his Palace, it may be lawful for any man to slay him.

In this Model there wants but Security, that while the People are dispers'd the King can gather no Army, to demonstrat, That either the People must be free, or the King a Prisoner.

A THIRD MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth of Sparta.

THAT the Nobility, the Gentry, and the People, having upon persuation given up their Lands to the Public, the whole Territory be divided into one hundred thousand equal Lots, and two more, being each of ten thousand Acres.

THAT the inferior Lots be distributed to the People.

THAT every man possessing a Lot, be a Citizen.

THAT the rest, except only the Children of Citizens, be Servants to, and Tillers of the ground for the Citizens.

THAT there be no profess'd Students,

THAT

THAT no Citizen exercise any Trade but that of Arms only; and that the use of Money, except it be made of Iron, be wholly banish'd.

THAT there be two Kings hereditary: That each of them possess one of those Lots of ten thousand Acres.

THAT they be Presidents of the Senat, with single Votes; and that in War they have the leading of the Armys.

THAT there be a Senat consisting, besides the Kings, of twenty eight Senators, elected for life by the People.

THAT whatever be propos'd by this Senat to the whole People, or any ten thousand of them, and shall be resolv'd by the same, be the Law.

THAT there be a Court consisting of five annual Magistrs elected by the People; and that this Court have power to bring a King, a Senator, or other, that shall openly or secretly violat the Laws, or invade the Government, to Justice.

A FOURTH MODEL

OF

A COMMONWEALTH

PROPOS'D.

The Commonwealth of Athens.

THAT there be a Representative of the People, consisting of five thousand.

THAT these annually elect by lot a Senat consisting of four hundred, and a Signory by suffrage consisting of nine annual Princes.

THAT each fourth part of the Senat, for one fourth part of their annual term, be a Council of State.

THAT the Council of State may assemble the People, and propose to the same: That the Senat may assemble the People, and propose to them. And that what is propos'd by the Senat, and resolv'd by the People, be the Law.

THAT the executive Power of the Laws made, be more especially committed and distributed in various Functions, and divers Administrations, to the nine Princes.

A FIFTH MODEL
OF
A COMMONWEALTH
PROPOS'D.

The Commonwealth of Rome.

THAT the whole Nation be divided into three distinct Orders: the one *Senatorian*, or Nobility; the other *Equeſtrian*, or Gentry; and the third *Plebeian*, or Popular.

THAT the Equeſtrian Order be the Cavalry of the Commonwealth, and the Plebeian the Foot.

THAT there be a Senat conſiſting of the Senatorian Order, and of three hundred Senators for life.

THAT there be two Magiſtrats elected by the People, for five years term, call'd *Cenſors*.

THAT the Cenſors have power upon cauſe ſhewn to remove a Senator out of the Senat; and to elect a Nobleman, or ſometimes a Plebeian, thereby made Noble, into the Senat.

THAT there be two annual Magiſtrats elected by the People, call'd *Conſuls*.

THAT the Conſuls be Presidents of the Senat, and have the leading of the Armies.

THAT the Senat (as they ſhall ſee occaſion) may nominate one perſon to be Dictator for ſome ſhort term.

THAT the Dictator for his term have Sovereign Power.

THAT there be a Division of the whole People, of what Orders ſoever, into ſix Claſſes, according to the valuation of their Eſtates. For example: That the firſt Claſſis conſiſt of all ſuch as have two thouſand pounds a year, or upwards; the ſecond of all ſuch as have one thouſand pounds a year, or upwards, under two; the third, of all ſuch as have ſix hundred pounds a year, or upwards, under one thouſand; the fourth, of all ſuch as have three hundred pounds a year, or upwards, under ſix hundred; the fifth, of all ſuch as have under the former proportion; the ſixth, of all ſuch as pay no Taxes, or have no Land, and that theſe be not us'd in Arms.

THAT the Senat propoſe all Laws to be enacted, to an Aſſembly of the People.

THAT all Magiſtrats be elected by the ſame.

THAT this Aſſembly of the People conſiſt of the five Claſſes, in ſuch manner, that if the Votes of the firſt and ſecond Claſſes be near equal, the third Claſſis be call'd; and if theſe agree not, the fourth be call'd; and ſo for the reſt.

THAT what is thus propoſ'd by the Senat, and reſolv'd by the People, be the Law.

IN this Frame the Senat, by the optimacy of the first and second Classes (which seldom or never disagree) carries all, to the exclusion of the main Body of the People: whence arises continual feud or enmity between the Senat and the People: who consulting apart, introduce Popular Debate, set up some other way of Assembly, as by Tribes, or by Parishes, with more equality of Votes; elect Magistrates of their own, make Decrees binding the Senat of Nobility, endeavor to curb their Power by weakening their Balance, or diminishing their Estates: All these tumultuously, and to the alteration of the Government, with so frequent Changes under so divers shapes, as make a very Proteus of the Commonwealth, till having bin all her lifetime afflicted with Anarchy, she ends her days in Tyranny.

A SIXTH MODEL OF A COMMONWEALTH PROPOS'D.

The Commonwealth of Venice.

THAT the Soverain Power be estated upon four thousand select men, to them and their Heirs for ever.

THAT there be a great Council consisting of these four thousand; and that their Sons at five and twenty years of age have right to the same.

THAT the great Council elect one Duke for life: That the Duke have a Royal Palace assign'd, with a Guard, at the States charge, and a Revenue of fifteen hundred pounds a year; and that he bear the Soverain Dignity of the Commonwealth.

THAT this Duke have six Counsellors annually chosen by the great Council. That he have no power to sign any Writing, tho in his own Name, nor to do any of his political Functions without his Counsellors. That his Counsellors have power to sign any Writing in the Duke's name, or to do any of his political Functions without him; and that the Duke with these six Counsellors be the Signory of the Commonwealth.

THAT the Signory of this Commonwealth have session and suffrage in all the Councils of the same, with right also to propose to each or any of them, either jointly or severally.

THAT one hundred and twenty elected annually by the great Council, together with other Councils and Magistrates, to whom of course the like Honor is appertaining, be the Senat.

THAT sixteen other Magistrates propos'd by the Senat, and confirm'd by the great Council for the term of six months, be a Council apart, with three weekly Provosts or Proposers, call'd the College.

THAT the Signory may assemble the College, and propose to them; that the College may assemble the Senat, and propose to them;

and that the Senat may assemble the great Council, and propose to them. And that whatever is resolv'd by the Senat, and not contradicted, nor question'd by the great Council, be the Law.

THAT there be a Council of Ten elected annually by the great Council; and that this Council of Ten, with the Signory, and som of the College, having right of Session and Suffrage in the same, may upon occasion exercise Dictatorian Power in this Commonwealth.

THAT the rest of the People under the Empire of this Commonwealth, be disarm'd, and govern'd by Lieutenants of Provinces. That the Commonwealth have a standing Army of Strangers or others, in Disciplin and Pay. *And that the City wherein she shall reside, be founded in the Sea, after such a manner, that it can no more be approach'd by a Fleet, than by an Army without a Fleet. Otherwise, this Commonwealth is expos'd both to the Provinces, and to a mercenary Army.*

A SEVENTH MODEL
OF
A COMMONWEALTH
PROPOS'D.

The Commonwealth of Holland.

THAT the People in every City, and in every Province or County within these three Nations, elect to every City, Province, or County of the same, a matter of twenty, thirty, or forty Magistrats for life. That these Magistrats being so elected, be the Senat of that respective City, Province or County.

THAT the Senats, thus elected, thenceforth have and enjoy the Sovereign Power within their respective Jurisdiction, for ever. That every Senat annually elect two or four Burgomasters or Consuls, to be Presidents of the same. That they also elect seven Magistrats, or present fourteen persons to the Governor of the Province; and that he elect seven. That the seven so elected be judges, or have the Executive Power of the Laws for their term, and within their respective Jurisdiction.

THAT in case of Affairs of more public and general concern, as War or Peace, levy of Men or Mony, and the like, the Governor of the Province give information of the things to be consider'd, to the Nobility, and to the Senats of that Province; therewith appointing a time and place for the Assembly of the States Provincial. That each of the Senats, having debated the matter propos'd, delegat one Consul, with som other Senators well inform'd and instructed with their Will and Pleasure, to the Assembly of the States Provincial. That the Nobility of the same Province delegat som of their Order likewise to the Provincial States. That the Delegats both of the Nobility and of the Senats, give the Vote of their Principals according to instruction; and

and that neither the Nobility, nor any Senat or Sovereignty be otherwise bound, than by their own Vote.

THAT the Provincial Estates elect one Magistrat for life, or during pleasure, to be Provincial Governor: That they elect one or more other Magistrats for life, or during pleasure, to be States General.

THAT the States General being elected, and well instructed by their Provinces, have the direction of the whole League: That each give not his own Vote, but the Vote of his Province; and that no Province be otherwise bound, than by her own Vote.

IF these Models (in which I claim to be the first that has laid the whole, and the biggest Mysteries of the antient Commonwealths, to the lowest capacity of vulgar Debate) be not all in the mouths of great men, and in Pamphlets, for Chimæras or Utopias, it is great chance: Yet contain they no less than the whole Revolution of Popular Prudence. Nor is it more certain, that no one of them would fit the present state of this Nation, than that he or they, whose Contemplation and Understanding is not well vers'd in the most, or in the best of these, shall never fit a Model of Popular Government to the present state of this Nation, or of any other. In which assurance, I com to fulfil my promise in the Second Part, or to propose such a Model as is fitted to the present state of this Nation.

THE

SECOND PART,

Proposing a MODEL of

A COMMONWEALTH

Fitted to the

Present State of this Nation.

BUT so it is ever, that the Humors or Interests of predominant Partys hold themselves to be National; and that which fits them, can never fit a Nation; nor that which fits a Nation, ever fit them. This in the Introduction of Government, is always the main difficulty. But where Partys are no better founded, or fitted for Usurpation, than now in England, they are rather to be slighted than consider'd, as those, the stoutest whereof have but given this Example to the rest, that they who in this state of Affairs shall obstruct an equal well-order'd Government, shall but ruin themselves. For which cause it is propos'd:

1. **T**HAT all Citizens, that is, Freemen, or such as are not Servants, be distributed into Horse and Foot. That such of them as have one hundred pounds a year in Lands, Goods, or Money,

or above this proportion, be of the Horse; and all such as have under this proportion, be of the Foot.

2. THAT all Elders, or Freemen, being thirty years of age or upwards be capable of civil Administration; and that the Youth, or such Freemen as are between eighteen years of age and thirty, be not capable of civil Administration, but of military only, in such manner as shall follow in the military part of this Model.

3. THAT the whole native, or proper Territory of the Commonwealth be cast with as much exactness as can be convenient, into known and fixed Precincts or Parishes.

4. THAT the Elders resident in each Parish annually assemble in the same, for example upon Monday next insuing the last of *December*: That they then and there elect out of their own number every fifth man, or one man of every five, to be for the term of the year insuing a Deputy of that Parish; and that the first and second so elected be Overleers, or Presidents for the regulating of all Parochial Congregations, whether of the Elders, or of the Youth, during the Term for which they were elected.

5. THAT so many Parishes lying nearest together, whose Deputyts shall amount to one hundred or therabouts, be cast into one Precinct call'd the Hundred; and that in each Precinct call'd the Hundred, there be a Town, Village, or place appointed to be the Capital of the same.

6. THAT the Parochial Deputyts elected throout the Hundred assemble annually, for example upon Monday next insuing the last of *January*, at the Capital of their Hundred. That they then and there elect out of the Horse of their number one Justice of the Peace, one Juryman, one Captain, one Insign; and out of the Foot of their number one other Juryman, one High Constable, &c.

7. THAT every twenty Hundreds lying nearest, and most conveniently together, be cast into one Tribe; that the whole Territory being after this manner cast into the Tribes, some Town or place be appointed to every Tribe for the Capital of the same; and that these three Precincts (that is, the Parish, the Hundred, and the Tribe) whether the Deputyts thenceforth annually chosen in the Parishes or Hundreds, com to increase or diminish, remain firm and inalterable for ever, save only by Act of Parliament. *The Tribes are presum'd throout these Propositions to amount to fifty.*

8. THAT the Deputyts elected in the several Parishes, together with their Magistrats and other Officers both Civil and Military elected in the several Hundreds, assemble or muster annually, for example upon Monday next insuing the last of *February*, at the Capital of their Tribe, for the space of two days.

9. THAT this whole Body thus assembl'd, upon the first day of their Assembly elect out of the Horse of their number, one High Sheriff, one Lieutenant of the Tribe, one *Custos Rotulorum*, one Conductor, and two Censors. That the High Sheriff be Commander in chief, the Lieutenant Commander in the second place, and the Conductor in the third place, of this Band or Squadron: That the *Custos Rotulorum* be muster-master, and keep the Rolls; that the Censors be Governors of the Ballot: and that the term of these Magistracy be annual,

10. THAT the Magistrats of the Tribe (that is to say, the High Sherif, Lieutenant, *Custos Rotulorum*, the Censors, and the Conductor, together with the Magistrate and Officers of the Hundreds, that is to say, the twenty Justices of the Peace, the forty Jurymen, the twenty High Constables) be one Troop, or one Troop and one Company apart, call'd the Prerogative Troop or Company. That this Troop bring in and assist the Justice of Assize, hold the Quarter Session in their several Capacities, and perform their other Functions as formerly.

11. THAT the Magistrats of the Tribe (that is to say, the High Sherif, Lieutenant, *Custos Rotulorum*, the Censors, and the Conductor, together with the twenty Justices elected at the Hundreds) be a Court for the Government of the Tribe call'd the Phylarch; and that this Court proceed in all matter of Government as shall from time to time be directed by Act of Parliament.

12. THAT the Squadron of the Tribe on the second day of their assembly, elect two Knights, and three Burgeses out of the Horse of their number, and four other Burgeses out of the Foot of their number: that each Knight upon Election forthwith make Oath of Allegiance to the Commonwealth, or refusing such Oath, the next Competitor in Election to the same Magistracy, making the said Oath, be the Magistrate. The like for the Burgeses. That the Knights thus sworn, have Session in the Senat for the term of three years; and that the Burgeses thus sworn, be of the Prerogative Tribe or Representative of the People for the like term.

13. THAT for the full and perfect institution of the Assembly mention'd, the Squadron of the Tribe in the first year of the Commonwealth, elect two Knights for the term of one year, two other Knights for the term of two years, and lastly two Knights more for the term of three years; the like for the Burgeses of the Horse first, and then for those of the Foot. And that this Proposition be of no farther use than for the first year's Election only.

14. THAT a Magistrate or Officer elected at the Hundred be thereby bar'd from being elected a Magistrate of the Tribe, or of the first day's Election; but that no former Election whatsoever bar a man of the second day's Election at the Tribe, or to be chosen a Knight or Burgess. That a man being chosen a Knight or Burgess, who before was chosen a Magistrate or Officer of the Hundred, or Tribe, may delegate his former Office or Magistracy in the Hundred, or in the Tribe, to any other Deputy, being no Magistrate nor Officer, and being of the same Hundred, and of the same Order, that is, of the Horse or Foot respectively.

15. THAT the Knights of the annual Election take their places on Monday next insuing the last of *March* in the Senat; that the like number of Knights whose Session determines at the same time, recede. That every Knight or Senator be paid out of the public Revenue quarterly, one hundred twenty five pounds during his term of Session, and be oblig'd to sit in purple Robes.

16. THAT annually on reception of the new Knights, the Senat proceed to election of new Magistrats or Counsellors. That for Magistrats they elect one General, one Speaker, and two Censors, each for the term of one year, these promiscuously; and that they elect one Commissioner of the great Seal, and one Commissioner of the Treasury, each for the term of three years, and out of the new Knights only.

17. THAT

17. THAT the General and the Speaker, as Consuls of the Commonwealth, and Presidents of the Senat, be during the term of their Magistracy paid quarterly out of the public Revenue five hundred pounds; that the Insigns of these Magistracies be a Sword born before the General, and a Mace before the Speaker; that they be oblig'd to wear Ducal Robes. And that what is said of the General in this Proposition, be only understood of the General sitting, and not of the General marching.

18. THAT the General sitting, in case he be commanded to march, receive Fieldpay; and that a new General be forthwith elected by the Senat to succede him in the House, with all the Rights, Insigns and Emoluments of the General sitting; and this so often as one or more Generals are marching.

19. THAT the three Commissioners of the Great Seal, and the three Commissioners of the Treasury, using their Insigns and Habits, and performing their other functions as formerly, have paid quarterly to each of them three hundred seventy five pounds.

20. THAT the Censors govern the Ballot; that they be Presidents of the Council for Religion; that each have a silver Wand for the Insign of his Magistracy; that each be paid quarterly three hundred seventy five pounds, and be oblig'd to wear scarlet Robes.

21. THAT the General sitting, the Speaker, and the six Commissioners abovesaid, be the Signory of this Commonwealth.

22. THAT there be a Council of State consisting of fifteen Knights, five out of each Order, List, or Election; and that the time be perpetuated by the annual election of five out of the new Knights, or those last elected into the Senat.

23. THAT there be a Council for Religion consisting of twelve Knights, four out of each Order, and perpetuated by the annual election of four out of the Knights last elected into the Senat. That there be a Council for Trade, consisting of a like number, elected and perpetuated in the same manner.

24. THAT there be a Council of War not elected by the Senat, but elected by the Council of State out of themselves. That this Council of War consist of nine Knights, three out of each Order, and be perpetuated by the annual election of three out of the last Knights elected into the Council of State.

25. THAT in case the Senat add nine Knights more elected promiscuously, or not promiscuously, out of their own number, to the Council of War, the said Council of War be understood by such addition to be Dictator of the Commonwealth for the term of three months and no longer, except by farther Order of the Senat the said Dictatorian Power be prolong'd for a like term.

26. THAT the Signory have session and suffrage, with right also jointly or severally to propose both in the Senat, and in all Senatorian Councils.

27. THAT each of the three Orders or Divisions of Knights, in each Senatorian Council, elect one Provost for the term of one Week; and that any two Provosts of the same Council so elected, may propose to the same Council for their term, and not otherwise.

28. THAT som fair Room, or Rooms well furnish'd and attended, be allow'd at the States charge, for a free and open Academy to all comers, at som convenient hour or hours towards the Evening;

That

That this Academy be govern'd according to the Rules of good Breeding, or civil Conversation, by som one or more of the Provosts; and that in this Academy it be lawful for any man, by word of mouth, or by writing, in jest or in earnest, to propose to the Proposers.

29. THAT for Embassadors in ordinary, there be four Residences, as *France, Spain, Venice, and Constantinople*; and that every Resident upon election of a new Embassador in Ordinary, remove to the next Residence in order hereby mention'd, till having serv'd orderly in all the said Residences, he returns home. That upon Monday next insuing the last of *November*, there be every second year elected by the Senat som fit person, being above twenty five and under thirty five years of age, and not of the Senat, nor of the Popular Assembly. That the Party so elected repair on Monday next insuing the last of *March* following, as an Embassador in Ordinary to the Court of *France*, and there reside for the term of two years to be computed from the first of *April* next insuing his election. That every Embassador in Ordinary be allow'd three thousand pounds a year during the term of his Residence. And that if a Resident comes to dy, there be an extraordinary Election into his Residence for his term, and for the remainder of his removes and progress.

30. THAT all emergent Elections be made by scrutiny, that is by a Council, or by Commissioners proposing, and by the Senat resolving in the manner following: That all Field Officers be propos'd by the Council of War: That all Embassadors Extraordinary be propos'd by the Council of State: That all Judges and Sergeants at Law be propos'd by the Commissioners of the Great Seal: That all Barons and Officers of trust in the Exchequer be propos'd by the Commissioners of the Treasury; and that such of these as are thus propos'd to, and approv'd by the Senat, be held lawfully elected.

31. THAT the cognizance of all foren Negotiation, and of all matter of State to be consider'd, or Law to be enact'd, whether Provincial or National, Domestic or Foren, pertain to the Council of State. That all such Affairs of like kind as the Council of State shall judg fit to be carry'd with more than ordinary Secrecy, be committed by them, and pertain to the cognizance and trust of the Council of War, to this end consisting of a select Part, or Committee of the Council of State. That the Cognizance and Protection both of the National Religion, and of the Liberty of Conscience, equally establish'd in this Nation, after the manner provided in the religious part of this Model, pertain to the Council for Religion. That all matter of Traffic, and regulation of the same pertain to the Council for Trade. That in the exercise of these several Functions, each being naturally Senatorian or Authoritative only, no Council assume any other Power than such only as shall be particularly or expressly estated upon the same by Act of Parliament.

32. THAT what shall be propos'd to the Senat by any one or more of the Signory, or of the Proposers General; or whatever was propos'd by any two of the Provosts, or particular Proposers to their respective Council, and upon debate at that Council shall com to be propos'd by the same to the Senat, be necessarily debatable, and debated by the Senat.

33. THAT in all cases wherein Power is deriv'd to the Senat by Law made, or by Act of Parliament, the result of the Senat be ultimat:

That

That in all cases of Law to be made, or not already provided for by Act of Parliament, as for particular Peace or War, levy of Men or Money, or the like, the Result of the Senat be not ultimat, but preparatory only, and be propos'd by the Senat to the Prerogative Tribe, or Assembly of the People, except only in cases of such speed or secrecy, wherein the Senat shall judge the necessary slowness or openness of like proceeding to be of detriment or danger to the Commonwealth.

34. THAT if upon the motion or proposition of a Council, or Proposer General, the Senat add nine Knights, promiscuously or not promiscuously chosen out of their own number, to the Council of War, the said Council of War be thereby made Dictator, and have power of Life and Death, as also to enact Laws in all cases of speed or secrecy, for and during the term of three months and no longer, except upon new Order from the Senat: And that all Laws enacted by the Dictator, be good and valid for the term of one year, and no longer, except the same be propos'd by the Senat, and resolv'd by the People.

35. THAT the Burgeses of the annual Election return'd by the Tribes, enter into the Prerogative Tribe on Monday next insuing the last of March, and that the like number of Burgeses whose term is expir'd, recede at the same time. That the Burgeses thus enter'd, elect to themselves out of their own number two of the Horse, one to be Captain, and the other to be Cornet of the same, and two of the Foot, one to be Captain, the other to be Insign of the same, each for the term of three years. That these Officers being thus elected, the whole Tribe or Assembly procede to the election of four annual Magistrates, two out of the Foot to be Tribuns of the Foot, and two out of the Horse to be Tribuns of the Horse. That the Tribuns be Commanders in chief of this Tribe so far as it is a Military Body, and Presidents of the same as it is a Civil Assembly. And lastly, that this whole Tribe be paid weekly as follows: to each of the Tribuns of the Horse seven pounds, to each of the Tribuns of the Foot six pounds, to each of the Captains of Horse five Pounds, to each of the Captains of Foot four pounds, to each of the Cornets three pounds, to each of the Insigns two pounds seven shillings, to every Horseman one pound ten Shillings, and to every one of the Foot one pound.

36. THAT inferior Officers, as Captains, Cornets, Insigns, be only for the Military Discipline of the Tribe. That the Tribuns have Session in the Senat without Suffrage: That of course they have Session and Suffrage in the Dictatorial Council, so often as it is created by the Senat. That in all cases to be adjudg'd by the People they be Presidents of the Court or Judicatory.

37. THAT Peculat or Defraudation of the Public, and all Cases or Crimes tending to the subversion of the Government, be triable by the Prerogative Tribe or the Assembly of the People; and that to the same there by an Appeal in all Causes, and from all Courts, Magistrats, or Councils, National and Provincial.

38. THAT the right of Debate, as also of proposing to the People, be wholly and only in the Senat, without any power at all of Result not deriv'd from the People, and estated upon the Senat by act of Parliament.

39. THAT the power of Result be wholly and only in the People, without any right at all of Debate.

40. THAT the Senat having debated and agreed upon a Law to be propos'd, cause promulgation of the said Law to be made for the space of six weeks before Proposition; that is, cause the Law to be written fair, and hung up for the time aforesaid in som of the most eminent places of the City, and of the Suburbs.

41. THAT promulgation being made, the Signory demand of the Tribuns sitting in the Senat, an Assembly of the People. That the Tribuns upon such demand of the Signory, or of the Senat, be oblig'd to assemble the Prerogative Tribe in Arms by sound of Trumpet, with Drums beating, and Colors flying, in any Town, Field, or Marketplace, being not above six miles distant, upon the day, and at the hour appointed, except the meeting, thro inconvenience of the Weather, or the like, be prorogu'd by consent of the Signory and of the Tribuns. That the Prerogative Tribe being assembld accordingly, the Senat propose to them by two or more of the Senatorian Magistrats therto appointed, at the first Promulgation of the Law. That the Proposers for the Senat open to the People the occasion, motives, and reasons of the Senat for the Law to be propos'd; and that the same being don, they put the Law or Proposition by distinct clauses to the Ballot of the People. That if any material Clause or Clauses of the Proposition, or Law so propos'd, be rejected by the People, the Clause or Clauses so rejected may be review'd, alter'd, and propos'd again to the third time, if the Senat think fit, but no oftner.

42. THAT what is thus propos'd by the Senat, and resolv'd by the People, be the Law of the Land, and no other, except what is already receiv'd as such, or reserv'd to the Dictatorian Council.

43. THAT every Magistracy, Office, or Election throout this whole Commonwealth, whether annual or triennial, be understood of course or consequence to injoin an interval or vacation equal to the term of the same. That the Magistracy or Office of a Knight, and of a Bugefs, be in this relation understood as one and the same; and that this Order regard only such Elections as are National or Domestic, and not such as are foren, or contain'd in the Provincial part of this Model.

44. THAT for an Exception from this Rule, where there is but one Elder of the Horse in one and the same Parish, that Elder be eligible in the same without interval; and where there be above four Elders of the Horse in one and the same Parish, there be not above half, nor under two of them eligible at the same Election.

45. THAT throout all the Assemblys and Councils of this Commonwealth, the *Quorum* consist of one half in the time of health, and of one third part in a time of sickness, being so declar'd by the Senat.

THE use of the Ballot, being as full of prolixity and abstruseness in writing, as of dispatch and facility in practice, is presum'd throout all Elections and Results in this Model, and for the rest reserv'd rather to practice than writing. There remain the Religious, Military and Provincial parts of this Frame: But the Civil part being approv'd, they follow, or being not approv'd, may be spar'd.

CONCLUSION; or, the use of these PROPOSITIONS.

THESE Propositions are so laid out to debate or examination, that a man having the mind to weigh, discourse upon, or object against this Model, may do it in the parts with the greatest convenience.

ANY examination of, or objection against the whole, or any part in print or in writing, the Author holds himself bound to acknowledge or answer: But as to mere discourse upon matters of this compass, it is usually narrow; besides that in writing a man must put himself upon better aim than he can be oblig'd to take in discourse.

ANY one objection lying in writing against any one Order in this part of the Model, after such manner as to shew that the Part or Order so invaded ought to be expung'd, alter'd, or amended, unless it may be expung'd, alter'd, or amended accordingly, destroys the whole.

AND any one or more Objections so lying against any one or more of these Orders or Propositions, that thereby they may be expung'd, alter'd or amended, must in the whole or in part make a better Model.

IN this case therefore, or in case no Objection lyes, the use of these Propositions will be such as thereby any Man or any Assembly of men, considering or debating upon them in order, may find or make a true Model of a well order'd Commonwealth.

AND that an Assembly can never make or frame a Model of any Government otherwise than in som such manner, is probable first by a demonstration from the effect; and secondly by a demonstration from the cause.

THE demonstration from the Effect is, that an Assembly no otherwise frames a Law or Order, than by having it first pen'd by som one man, and then judging upon it; and the Model of a Commonwealth must consist of many Laws or Orders.

THE demonstration from the Cause is, that whereas Reason consists of two parts, the one Invention, and the other Judgment, a Man may be as far beyond any Assembly for Invention, as any Assembly can be beyond a Man for Judgment; or which is more, that the formation of a Model of Government requires a strong faculty of Invention, and that an Assembly is naturally void of all manner of Invention.

Nov. 13.
1658.

T H E

Ways and Means

Wherby an Equal and Lasting

COMMONWEALTH

May be suddenly introduc'd, and perfectly found-
ed, with the free Consent and actual Confir-
mation of the Whole People of *England*.

Scire tuum nihil est, nisi te scire hoc sciat alter. Perf.

AWORD fitly spoken is like Apples of Gold in Pictures of Silver.

THE Desire of the People of *England* now runs strongly to have a Free Parliament.

LET there be a free Parliament.

TO the end that the People may be most equally represented, or that the Parliament may be Freest,

LET there be a new Division of *England* and *Wales*, with as much equality as may stand with convenience, into fifty Shires.

LET every Shire elect annually two Knights to be of one House, and seven Deputys to be of another House of Parliament, for the term of three years. For the first year only, let the Deputys in each Division be elected triple, that is, seven for the term of one year, seven for the term of two years, and seven for the term of three years. The like for the Knights, save only that the present Parliament remain; that is, let two Knights in each Division be elected the first year only for the term of one year, two other Knights at the same time for the term of two years; and let the present Parliament be the triennial part of the Knights House for the first Election.

THE House of Knights and the House of Deputys being assembl'd, let the House of Knights debate and propose.

LET what is propos'd by the House of Knights, be promulgated for the space of six weeks.

PROMULGATION being thus made, let the House of Deputys meet, and give their Result upon the Proposition.

LET what was thus propos'd by the Senat or House of Knights, and resolv'd by the People or House of Deputys, be the Law.

IN this Constitution these Councils must of necessity contain the Wisdom, and the Interest of the Nation.

IN this method, Debate must of necessity be mature.

Z z z z

IF

IF it be according to the Wisdom and the Interest of the Nation upon mature debate that there be a King, let there be a King.

IF it be according to the Wisdom and the Interest of the Nation upon mature debate, that there be a Commonwealth; two Assemblies in this Order are actually a Commonwealth, and so far a well order'd Commonwealth, that they are capacitated and inclin'd to reach to themselves whatever furniture shall be further necessary in more particular Orders, which also is at hand.

TILL this or the like be don, the Line of the late King and the People must be fellow-sufferers; in which case the impatience of the People must be for the restitution of that Line at all adventures.

BUT this or the like being once don, immediately the Line of the late King and the People become Rivals, in which case they will never restore Monarchy.

WILL never, may some say? But if the Senat and the Popular Assembly be both Royalists, they both will and can restore Monarchy.

THO both Royalists, they neither will nor can: for let them, that look no further than home or self, say what they will, to affirm that a Senat, and a Popular Assembly thus constituted can procreate Monarchy, is to affirm that a Horse and a Mare can generat a Cat: that Wheat being rightly sown may com up Pease; or that a River in its natural channel may run upwards.

IN the present case of *England*, Commonwealthsmen may fail thro want of Art, but Royalists must fail thro want of Matter; the former may miss thro impotence, the latter must thro impossibility. Or where the State is purely popular, that is, not overbalanc'd by a Lord or Lords; let there be one Example, or one Reason given that there is, was, or ever can be Monarchy. There will be this when all fails, for the aftergame, tho the Work should fall, as is like enough, into the hands of Royalists.

CERTAIN it is, that where any privat Citizen or Freeman might not (some way or other) propose, there never was a well order'd Commonwealth.

UPON this encouragement I offer'd this Paper to good hands, but it was (according to custom) thrown after me.

SO it went in the Protector's time, in every Revolution since, *La fortuna acceca gli animi de gli huomini*; but that is Atheism, that's MACHIAVEL.

WELL, but now says the Protectorian Family, O that we had set up the equal Commonwealth! So say broken Parliaments and Statefmen; so say the sadly mistaken Sectarys; so say the cashier'd Officers; so says he that would have no nay; but Oligarchy was a good word; and so will more say after these, except they learn to say after another, *aut reges non exigendi fuerunt, aut plebs re, non verbo, danda libertas*; either the Kings ought not to have bin driven out, or the People to have their Liberty not in word, but in deed: but that is Heathenism, that's CICERO; well this is *Christian*, if there will be no such saying, I would there might be no swearing.

THE HUMBLE
P E T I T I O N
 OF DIVERS

Well affected Persons,

Deliver'd the 6th day of *July*, 1659,

With the PARLAMENT'S Answer therto.

TO THE
 SUPREME AUTHORITY,
 THE

Parlament of the Commonwealth of *England*;

The Humble Petition of divers well affected Persons,

S H E W S,

THAT your Petitioners have for many years observ'd the breathings and longings of this Nation after Rest and Settlement, and that upon mistaken grounds they have bin ready even to sacrifice and yield up part of their own undoubted right, to follow after an appearance of it.

AND your Petitioners do daily see the bad effects of long continu'd Distractions, in the ruins and decays of Trade foren and domestic; and in the advantages that are taken to make Confederacys to involve the Nation in Blood and Confusion, under pretence of procuring a Settlement.

THAT it has bin the practice of all Nations, on the Subversion of any form of Government, to provide immediatly a new Constitution suitable to their condition; with certain Successions and Descents, that so both their Lawgivers and Magistrats might use their severall Trusts, according to the establish'd Constitution, and the People's minds be settl'd secure, and free from attempts of introducing severall forms of Government, according to the variety of their Fancies, or corrupt Interests.

THAT God has preserv'd this Nation wonderfully without example many years, since the dissolution of the old form of Government by King, Lords and Commons; there having bin no fundamental Constitutions of any kind duly settl'd, nor any certain Succession provided

The Humble Petition

vided for the Legislative Power; but even at this instant, if by any sudden sickness, design, or force, any considerable numbers of your Persons should be render'd incapable of meeting in Parliament, the Commonwealth were without form of successive Legislature or Magistracy, and left to the mercy of the strongest Faction. Yet we have reason to remember in these years of unsettlement, the inexpressible sufferings of this Nation in their Strength, Wealth, Honor, Liberty, and all things conducing to their well-being; and we have like reason now sadly to apprehend the impending ruin. And we cannot discern a possibility of your Honors unanimous and expeditious proceedings towards our Country's preservation, and relief from its heavy pressures, while your minds are not settl'd in any known Constitution of Government or fundamental Orders; according to which, all Laws should be made: but divers or contrary Interests may be prosecuted on different apprehensions of the Justice and Prudence of different forms of Government, tho all with good intentions.

YOUR Petitioners therefore conceiving no remedy so effectual against the present Dangers, as the settlement of the Peoples minds, and putting them into actual security of their Propertys and Libertys, by a due establishment of the Constitution under which they may evidently apprehend their certain enjoyment of them; and thereupon, a return of their Trade and free Commerce, without those continual fears that make such frequent stops in Trade, to the ruin of thousands.

AND your Petitioners also observing, that the Interest of the late King's Son is cry'd up, and promoted daily, upon pretence, that there will be nothing but Confusion and Tyranny, till he com to govern; and that such as declare for a Commonwealth, are for Anarchy and Confusion, and can never agree among themselves, what they would have.

UPON serious thoughts of the Premises, your Petitioners do presume with all humility, and submission to your Wisdom, to offer to your Honors their Principles and Proposals concerning the Government of this Nation: Whereupon, they humbly conceive, a just and prudent Government ought to be establish'd, viz.

1. **THAT** the Constitution of the Civil Government of England by King, Lords, and Commons, being dissolv'd, whatever new Constitution of Government can be made or settl'd according to any rule of Righteousness, it can be no other than a wise Order or Method, into which the free People's Deputys shall be form'd for the making of their Laws, and taking care for their common Safety and welfare in the execution of them: For, the exercise of all just Authority over a free People, ought (under God) to arise from their own Consent.

2. **THAT** the Government of a free People ought to be so settl'd, that the Governors and Govern'd may have the same Interest in preserving the Government, and each other's Propertys and Libertys respectively; that being the only sure foundation of a Commonwealth's Unity, Peace, Strength, and Prosperity.

3. **THAT**

3. THAT there cannot be a Union of the Interests of a whole Nation in the Government, where those who shall sometimes govern, be not also sometimes in the condition of the Govern'd, otherwise the Governors will not be in a capacity to feel the weight of the Government, nor the Govern'd to enjoy the advantages of it: And then it will be the interest of the major part to destroy the Government, as much as it will be the interest of the minor part to preserve it.

4. THAT there is no security that the Supreme Authority shall not fall into Factions, and be led by their privat Interest to keep themselves always in power, and direct the Government to their privat advantages, if that Supreme Authority be settl'd in any single Assembly whatsoever, that shall have the intire power of propounding, debating and resolving Laws.

5. THAT the Soverain Authority in every Government, of what kind soever, ought to be certain in its perpetual Successions, Revolutions, or Descents; and without possibility (by the judgment of human Prudence) of a death or failure of its being, because the whole form of the Government is dissolv'd if that should happen, and the People in the utmost imminent danger of an absolute Tyranny, or a War among themselves, or Rapin and Confusion. And therefore where the Government is Popular, the Assemblys in whom reside the Supreme Authority, ought never to dy or dissolve, tho the Persons be annually changing: neither ought they to trust the Soverain care of the strength and safety of the People out of their own hands, by allowing a Vacation to themselves, lest those that should be trusted be in love with such great Authority, and aspire to be their Masters, or else fear an Account, and seek the dissolution of the Commonwealth to avoid it.

6. THAT it ought to be declar'd as a Fundamental Order in the Constitution of this Commonwealth, that the Parliament being the Supreme Legislative Power, is intended only for the exercise of all those Acts of Authority that are proper and peculiar to the Legislative Power; and to provide for a Magistracy, to whom should appertain the whole Executive Power of the Laws: and no Case either Civil or Criminal to be judg'd in Parliament, saving that the last Appeals in all Cases, where Appeals shall be thought fit to be admitted, be only to the Popular Assembly; and also that to them be refer'd the Judgment of all Magistrates in Cases of Maladministrations in their Offices.

AND in prosecution of these Principles;

YOUR Petitioners humbly propose for the settlement of this Commonwealth, that it be ordain'd,

1. THAT the Parliament or the supreme Authority of England, be chosen by the free People, to represent them with as much equality as may be.

2. THAT a Parliament of England shall consist of two Assemblys, the lesser of about three hundred, in whom shall reside the intire power of consulting, debating, and propounding Laws: the other, to consist of a far greater number, in whom shall rest the sole power of resolving all Laws so propounded.

3. THAT

The Humble Petition

3. *THAT* the free People of England, in their respective divisions at certain days and places appointed, shall for ever annually chuse one third part to each Assembly, to enter into their Authority, at certain days appointed: the same days, the Authority of a third of each of the said Assemblys to cease, only in the laying the first Foundation in this Commonwealth's Constitution: the whole number of both the Assemblys to be chosen by the People respectively, viz. one third of each Assembly to be chosen for one year, one third for two years, and one third for three years.

4. *THAT* such as shall be chosen, having serv'd their appointed time in either of the said Assemblys of Parliament, shall not be capable to serve in the same Assembly during som convenient interval or vacation.

5. *THAT* the Legislative Power do wholly refer the execution of the Laws to the Magistracy, according to the sixth Principle herein mention'd.

6. *THAT* in respect to Religion and Christian Liberty, it be ordain'd that the Christian Religion by the appointment of all succeeding Parliaments, be taught, and promulgated to the Nation, and public Preachers thereof maintain'd: and that all that shall profess the said Religion, tho of different Persuasions in parts of the Doctrin, or Disciplin thereof, be equally protected in the peaceable profession, and public exercise of the same; and be equally capable of all Elections, Magistracy, Preferments in the Commonwealth, according to the order of the same. Provided always, that the public exercise of no Religion contrary to Christianity be tolerated; nor the public exercise of any Religion, tho professedly Christian, grounded upon, or incorporated into the Interest of any Foren State or Prince.

THESE your Petitioners humbly conceive to be the Essentials of the form of a free Commonwealth, which if they were made fit for practice by your Honors appointing the numbers, times, places, and all other necessary Circumstances, and sett'd as the fundamental Orders of the Commonwealth, would naturally dispose those that should hereafter be chosen into the Parliaments, from the love of their own interest to seek the common good, being oblig'd by the Constitutions here humbly offer'd to partake with the whole body of the People, of the good or evil that shall happen to the Commonwealth, having no probable temptations or means left to compass any privat or factious ends in matters Religious or Civil. And your Petitioners cannot imagin a greater security for the Cause and Interest contended for with such effusion of Blood, than by disposing the free People into this kind of order; whereby the same Cause would become their common Interest. Yet if your Honors should think it necessary or convenient for securing the minds of such as are doubtful and jealous that the People may betray their own Libertys, there may be inserted into the fundamental Orders of the Commonwealth, these following Expedients, viz.

1. *THAT* for securing the Government of this Commonwealth, and of the Religious and Civil freedom of the good People thereof, it may be for ever esteem'd and judg'd Treason against the Commonwealth, for any Member of either Assembly of Parliament, or any other person whatsoever, to move or propose in either of the said Assemblys, the restitution of Kingly Government, or the introduction of any single Person to be chief Magistrat of England, or the alteration of that part of the fundamental Order herein contain'd that

concerns the equal Freedom and Protection of religious Persons of different Persuasions.

2. THAT about the number of twelve Persons of the most undoubted Fidelity and Integrity may be authoriz'd and impower'd, for some certain number of Years next ensuing, to seize, apprehend, and in safe Custody to detain any Person or Persons whatsoever, till he or they be in due Form of Law deliver'd, as is hereafter specify'd, that shall move or propose in either of the said Assemblies of Parliament the Restitution of Kingly Government, or the Introduction of any single Person to be chief Magistrate of this Commonwealth, or the Alteration of that part of the fundamental Order herein contain'd, that concerns the equal Freedom and Protection of religious Persons of different Persuasions; but for no other Matter or Cause whatsoever. And when it shall happen, that any Person or Persons shall be arrested or seiz'd for any of the Causes aforesaid, in manner aforesaid, then a Commission of Oyer and Terminer may issue forth in due Form of Law to the said twelve, or any six of them, to proceed in due Form of Law, within one Month after the Apprehension of any such Person or Persons, to the Arraignment and publick Trial of every such Person or Persons; and upon the legal Conviction of him or them by the Testimony of two sufficient Witnesses of any of the Treasons herein declar'd, to condemn to the pains of Death, and to cause the same Judgment to be duly executed: and the Keeper or Keepers of the Great Seal of England that shall be for the time being, may be authoriz'd and requir'd from time to time during the term of Years, to issue out Commissions to the said twelve, or any six of them, authorizing them to proceed as aforesaid.

AND if your Honours shall further judge it convenient, the fundamental Orders of the Government may be consented to or subscrib'd by the People themselves, if their express Pact shall be esteem'd any additional Security; other Nations, upon the like occasions of Expulsion of their Kings, having taken the Peoples Oaths against their returning: and the same may be proclaim'd as often as our Ancestors provided for the proclaiming of *Magna Charta*; and any further Security also added, if any can be found among Men, that has a Foundation in Justice.

NOW your Petitioners having, with humble Submission to your grave Wisdoms, thus declar'd their Apprehensions of the present Condition of this distracted Nation, and the only effectual means under God to prevent the impending Mischiefs; They do must humbly pray,

THAT such speedy Considerations may be had of the Premises as the Condition of this Nation requires; and that such a Method may be settled for the debating and consulting about the Government, that your wise Results may be seasonable for the healing all the Breaches of the Commonwealth, and establishing the sure Foundations of Freedom, Justice, Peace, and Unity.

And your Petitioners shall always pray, &c.

Wednesday July the 6th, 1659.

THE House being inform'd, that divers Gentlemen were at the Door with a Petition, they were call'd in, and one of the Petitioners in behalf of himself and the rest said, *We humbly present you a Petition, to which we might have had many thousand Hands, but the Matter rather deserves your serious Consideration than any public Attestation; and therefore we do humbly present it to this Honourable House. Which, after the Petitioners were withdrawn, was read, and was intittl'd, The humble Petition of divers well affected Persons,*

Resolv'd,
THAT the Petitioners have the Thanks of the House.

THE Petitioners were again call'd in, and Mr. Speaker gave them this Answer.

Gentlemen,
THE House has read over your Petition, and find it without any private End, and only for the public Interest; and I am commanded to let you know, that it lies much upon them to make such a Settlement as may be most for the Good of Posterity: and they are about that Work, and intend to go forward with it with as much Expedition as may be. And for your parts, they have commanded me to give you Thanks; and in their Names I do give you the Thanks of this House accordingly.

Tho. St. Nicholas, Clerc of the Parliament.

A P P E N D I X,

Containing all the

POLITICAL TRACTS

OF

JAMES HARRINGTON, Esq;

Omitted in

Mr. *TOLAND's* EDITION

OF HIS

W O R K S.

P I A N P I A N O:
O R,
I N T E R C O U R S E
B E T W E E N
H. FERNE, D. D. and J. HARRINGTON, Esq;
Upon occasion of the Doctor's Censure of the COMMONWEALTH of
O C E A N A.

*Sentit terra Deos, mutataq; fidera pondus
Quæstivæ suam.*

Petron. Sal.

E P I S T L E to the R E A D E R.

R E A D E R,

I Seldom talk with him that does not confute me, nor ever read that which did not confirm me: Wherefore if I be glad to take a Man in black and white, you will not blame me, or do not know that I have had an University about my Ears, without any Possibility left unto me whereby to defend my self, but this, in which you may imagine me speaking unto the Chair.

*Intercourse between H. FERNE, D. D. and JAMES
HARRINGTON, Esq; upon Occasion of the Doctor's
Censure of the Commonwealth of Oceana.*

WHEN I had published my *Oceana*, one of my Sisters making good Provision of Copies, presented of them unto her Friends, as well to shew her Respect to them, as to know their Judgments of it. Among the rest being acquainted with Doctor *Ferne*, she sent him one, and soon after receiv'd this Answer.

M A D A M,

MADAM,

I Received a Book directed to me from your Ladyship, with Intimation I should express my Sense of it. I acknowledge, Madam, the Favour you have done me in sending it; but the Return you expect bath its Difficulties, the Book being now past the Press, and of such an Argument, had I seen it before it was publick, I should have said it was not likely to please, &c. But that is nothing to me; your Desire, I suppose, is to know how I like it. I conceive your Ladyship is not so far a Stranger either to the Book which you sent, or to me, whom you are pleased thus to view, but that you take me to be of a different Judgment from the Author in this his Form, whether concerning State or Church. And it may be your Ladyship did therefore call me to speak, as one that would be less partial. Give me leave then, Madam, in plain English to say, that albeit the Author bath shewn good Sufficiency of Parts, and taken much Pains in order to his Design; yet I conceive, First, that he is not a little mistaken in thinking the Israel-Commonwealth or Government under Moses so applicable unto his Purpose, as he would make it. Next, that when the Question 'twixt his Form and the Monarchical is disputed over and over again, Reason and Experience will still plead for the latter. Nor can the Balance be pretends stand so steady in his Form, as in a well tempered Monarchy, by Reason the Temptation of advancing are more like to sway with many in a Commonwealth, than with one, &c. in the height of Dignity. Next, when I consider such a Change by this Model from what was ever in, &c. and that the Agragrian, with some other levelling Orders, are the Laws of it, I should think the Nature of Men was first to be new model'd, before they would be capable of this. Lastly, what is said in relation to the Church or Religion in the point of Government, Ordination, Excommunication, had better besefemed Leviathan, and is below the Parts of this Gentleman, to retain and sit down with those little things, and poor Mistakes, which the Ignorance or Wilfulness of many in these Days bath broached in way of Quarrel against the Church of England. And lamentable it is to see so many (especially Gentlemen of good Parts) so opinionate, so boldly meddling in Matters of Religion, as if they had forgot, or did not understand their Article of the Catholick Church.

MADAM, You see I have been plain in speaking my Sense, and hope you will think me therefore more fit to do you real Service, when you shall have Occasion to command.

New. 4th,
1656.

MADAM,

Your humble Servant.

THE Doctor's Letter, though it be scandalous (for to charge a Writer of little things, poor Mistakes, sitting down by Ignorance, or Wilfulness, without Proof, is no better) was yet but private; and therefore I may be asked why I would make it publick? whereunto I answer, That what a Divine will have to be true, is no less publick than if it were printed; but more, for he will preach it, and preaching communicates unto more than can read. And his present Doctrines are exceeding dangerous. For in Government, that is cast upon Parliaments or popular Elections, as ours hath ever been and is, to take wise Men, and understanding, and known among their Tribes

to be Rulers over them, hath ever (except where the People were not free in their Elections) been, and must ever be, the certain and infallible Consequence. Now wise Men, and understanding, and know among their Tribes, must needs be (at least for the greater Part) of that Rank, which we now call the Aristocracy or Gentlemen. Whence the Senate in every well ordered Commonwealth hath consisted of the Aristocracy or Gentry. And that the Senate ever had the supreme Authority, as well in Matters of Religion as State, is not only clear in all other popular Governments, but in the Old Testament; which also is confirmed by our Saviour in the New, *Matt. xxiii. 2, 3. The Scribes and Pharisees sit in Moses's Seat; and therefore whatsoever they bid you observe,* (both He and His Apostles observed the national Religion) *observe and do,* for the Liberty of Conscience or prophetick Right in the Commonwealth of *Israel*, as in others, was such, as by which Christianity, notwithstanding the national Religion, might grow. But *do not* (saith he) *after their Works,* for they say and do not. In their Enquiry after *John, Job. 1.* they seem to imply or say, that if he were *that Prophet*, there was nothing in the Law why he might not introduce his *Baptism*; and therefore why he might not gather Churches, or instruct the People in his way. Nevertheless when they come to doing, they *kill the Prophets, and stone them.* This indeed Christ blameth, being the Abuse of their Power. But whereas the supreme Authority of the Senate, whether in Matters of Religion or State, is confirmed by all divine and human Prudence; and the Senate is the more peculiar Province of the Gentry; the Doctor saith that *Lamentable it is to see so many,* (not only Men of such Parts or Quality as the People in their Elections are not likely to look upon) *but especially Men of good Parts* (than which the People upon like Occasions have no other Refuge) *so opinionate, so boldly meddling in Matters of Religion, as if they had forgot or did not understand their Article of the Catholick Church.* Now where-ever the Clergy have gained this Point, namely, that they are the Catholick Church, or that it is unlawful for Gentlemen, either in their private Capacity to discourse, or in their publick to propose, as well in the Matter of Church as State Government, neither Government nor Religion have failed to degenerate into mere Priest-craft. This especially was the Reason, why I wrote unto the Doctor as followeth.

S I R,

WHEREAS in a Letter of yours to one of my Sisters, I find your Judgment given vehemently against me, but merely positive, I conceive that both in the Matter and Manner of Delivery you have given me Right to desire, and laid Obligation upon your self to afford me your Reasons, which may be done (if you please) either by confuting my Book, or answering the Queries hereunto annexed; in either of which Ways, or any other, I am more than desirous to undertake you; and that for many Considerations, as your Abilities, the Safety (at least on your Part) in the Performance, the Importance of the Argument, the Seasonableness, and (however it came in your Mind to distrust it) the Welcomeness of such Discourse unto all Men of Ingenuity, both in Power and out of it, or whose Interest is not the mere Study of Parties, from which the freest since the late Troubles, that hath written in this Nature, is,

Nov. 17.
1656.

S I R,

Your humble Servant.

The

The Queries I shall interweave with the Doctor's Answer unto each of them, returned unto me with this Preamble.

S I R,

I Received your Paper wherein you are pleased to propound Queries, and say an Obligation now lies upon me to render my Reasons of dissenting, or to answer the Interrogatories. But you must give me leave to say, the Obligation still ariseth from my Respect to my Lady and your self, not from the Matter or Manner (as you seem to imply) of the delivering my former Judgment. For I could not conceive that by the Favour and Honour my Lady did me in sending the Book, I had lost my Freedom, and stood bound either to comply, or be challenged as an Adversary to try out the Difference. Therefore upon the score of Friendship and Civility, I have forced my self in the midst of many pressing Occasions, to give you this Account of my Thoughts in order to your Queries.

The Doctor hath written heretofore upon Politicks. Than this among the Occasions or Subjects of writing, there is none of greater Moment. I am a Beginner in this Art, and have no Desire to impose upon any Man; but if I cannot teach him, to learn of him. But my Senior in it contradicts me, and gives me no Reason. Now to contradict a Man, and give him no Reason, is to give him an Affront; and to demand Reason in such a case, that is, for such an Affront to send such a Challenge, as provoketh unto no other Contention than that for Truth, being according unto Scripture, and not against Laws, concerns a Man's Honour and Right. Therefore it is in such a case not of Courtesy, but the Devoir of him that gave the Affront to answer; which the Doctor having now done, I come into the Lists or to the Queries, with his Answers and my Replies.

The first Query.

How much, or in what the Author of *Oceana* is mistaken, to think the Commonwealth of the *Hebrews* applicable to his purpose.

The Doctor's Answer.

I Have reason still to think and say, The Government or Commonwealth (as you call it) of the *Hebrews*, was of all other less applicable to your Form, which supposes a Senate debating, proposing, and the People resolving, choosing, as page 15. to which there was nothing like in that Government. You find indeed Princes and Heads of the Tribes, and may call them a Senate, and read of the Assemblies of the People, but without any such Power or Authority; both of them receiving Laws by the Hand of Moses without any Debate or Contradiction. And 'tis in a manner confessed, page 18. where you say, the Function of that Senate was executive only, the Laws being made by God. And if we look to the Institution of the Seventy, we find it was upon the Advice of Jethro, and that not to be as a Council to Moses, but as Under-Judges for his Ease in the Administration of the Laws; which rather suits with the
Condi-

Condition of inferior Ministers of Justice under a Monarch, God's Vicegerent on Earth, as all Kings are in a more large Consideration, as Moses was more specially in that Theocracy. Therefore I did not a little wonder at your Assertions and Inferences, Pag. 16, and 17, where you speak of their making God their King, their Power of rejecting and deposing him as their civil Magistrate. The Harshness of the Phrase may be mollified, but the Thing asserted I suppose cannot be defended, viz.) any such Power in the People to God-ward; your Inference also seems strange and infirm, that they had Power to have rejected any of those Laws. What you assert in the 17. Page of all the Laws given by Covenant, is true in a sober Sense, but the Inference strange, that only which was refused (or chosen) by the People of Israel was their Law. This is so far from good Logick, that it falls short of good Divinity; for it must suppose God and the People on equal Terms at their entering that Covenant; whereas God often (especially in Deut.) shews his Right of commanding, and enforces their Obedience to his Commands upon the antecedent Obligations; his being the Lord their God, his chusing them out of all Nations to be a peculiar People, his bringing them out of the Land of Egypt. Much more might be said to shew these Instances of the People receiving Laws from God (in which they were only passive) are far from proving any Power in the People as to God-ward, or from concluding generally the Power in the People of resolving and chusing Laws; and therefore this Commonwealth of Israel not applicable to your Purpose.

R E P L Y.

I N my Book I call the Government, whereupon we are disputing, the Commonwealth of Israel; but though I think I did not much amiss, I am the first that ever called it so, and make no Difficulty in your first Letter to speak after me. But when I come to call it, as all they do that have written upon it, then you begin to doubt, and it is the Commonwealth (as I call it) of the Hebrews, whence you will be more than suspected, not to have read any of those Authors. And yet how confidently it is laid to me in your first Letter, that I am not a little mistaken in thinking the Israelitish Commonwealth or Government under Moses to be so applicable to my Purpose, as I would make it? Nevertheless when you come in Answer to this Query to give your Reasons, you bring this for one, that Page 18, I say the Function of the Senate was only executive, the Laws being made by God: Where First, the Word only is not mine, but of your imposing. Secondly, when you should shew that I am mistaken in thinking the Commonwealth of Israel so applicable to my Purpose as I would make it, you shew that I make it no more applicable to my Purpose than it is: which is not fair, especially when I give you so clear a Reason, that altho the Authority of proposing laws appertain unto every Senate, as such, yet the Laws of the Commonwealth of the Hebrews having been all made by an infallible Legislator, even God himself, the Senate had no Laws in the Beginning to propose, but came afterwards to propose, when those Laws given in the Beginning came to need Addition; for if you find the Kings upon such Occasions as David, 1 Sam. vii. 2. and Hezekiah, 2 Chron. xxx. proposing, and the People resolving, was this likely to have been introduced by them? or if the People had the Result in the Monarchy, must they not much more have had it in the Commonwealth? Wherefore the Authority of pro-

posing unto the People, as will better appear hereafter, was derived by the King from the Judge, by the Judge from the Sanhedrim, by the Sanhedrim from *Moses*, and by *Moses* from God: As (*Exod. xix. 5.*) where God giveth him Instructions for a Proposition unto the People; *Thus shalt thou say unto the House of Jacob, and tell the Children of Israel, ye have seen what I did unto the Egyptians, &c. Now therefore if you will obey my Voice indeed, and keep my Covenant, then you shall be unto me a Kingdom of Priests: If you will (not whether you will or no) you shall be (which relates unto the future) unto me a Kingdom; that is, I will be your King.* God having given these Instructions unto his sole Legislator, *Moses came* (accordingly) and called for the Elders of the People, and laid before their Faces all these Words that the Lord had commanded him. And all the People answered together (gave their Suffrage, Nemine contradicente) and said, *All that the Lord hath spoken we will do: And Moses returned the Words* (that is, the Suffrage, or Result) of the People unto the Lord. Wherefore God was King in *Israel* by Covenant, proposed by Himself or his Servant *Moses*, and resolved by the People. Now that he was afterwards rejected by the People, when they chose another King, *that he should not reign over them*, 1 Sam. viii. 7. are his own Words. And if in these Words he shew plainly, that the People had Power to reject a Law that was not only proposed unto them, but resolved by them, then must it needs be included even in God's own Words, that the People must have had Power to have rejected any Thing that was proposed, and not confirmed by them. And yet you tell me, *that this is so far from good Logick, that it falls short of good Divinity.* And why? because it must suppose God and the People on equal Terms at their entering that Covenant. Then that a King either cannot covenant, for Example, with his Chandler to serve him with Wax, or that the Chandler was upon equal Terms, or Hail-fellow well met with the King, at their entering that Covenant, comes up to good Divinity. Such is the Logick which you chop with me, for you are beyond my Understanding! But the honest Part of Logick I understand well enough, not to envy them that seem to have more.

For if by the Word *Terms* you understand the Conditions of the Covenant, it is fair: as to these indeed, the Parties covenanting are so far equal, that they may equally will or choose; else it were a Precept or Command, not a Covenant. But if by the Word *Terms* you understand the Dignity or Power of the Parties, it is not fair, but an Equivocation, for the Equality of the Parties in that Sense is nothing at all unto the Equality of the Covenant: wherefore the Impiety you would fix upon me, is your own, and ariseth from your Want of distinguishing between the Almighty Power of God, in which he is above all Things, and his infinite Love whereby he boweth the Heavens, and descendeth unto his poor Creatures. In the former Regard to talk of electing or deposing God, *who is King, be the Heathen never so unquiet, were, indeed, impious; but in the latter it is most certain, that He ruleth among no other than a consenting, a resolving, a willing People.* Or tell me whether the Rem of God on the Neck of the *Turks* be the same with that in the Hearts of his Elect, or wherein consists the Difference? Moreover to what I have said, and more than what I have said for the Debate that was in the *Seant*, and the Result that was in the People of *Israel*, *Gratius* hath summed up
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the Talmudists in this Note upon the Tenth Verse of Deut. xviii. *Notandum præterea scita Senatus nonnulla sive legi interpretandæ sive præmuniendæ facta evanuisse, non modo si Senatus ante receptum ubique morem sententiam mutasset, verum etiam si vel ab initio Populus ea non ferret, vel irent in dissuetudinem*, where there is nothing plainlier to be perceived than that Debate was in this Senate, and Result in this People: and you confess *what I assert in the 17th Page of all their Laws given by Covenant to be true in a sober Sense*; now the Sense which I have shew'd you is that of all sober Men. But can you shew me the Judgment of any sober Man, that because we find Princes and Heads of the Tribes, we may call them a Senate? Pray, how do you cut Twelve Princes into Seventy Elders, or where do you find them in the Senate? but this is nothing. *If we look to the Institution of the Seventy, we find it, say you, to be upon the Advice of Jethro. We: I pray you take it to yourself, or I appeal to him that shall compare Exod. xviii. with Numb. xi. whether this have been the Opinion of any sober Man. Moses in that of Exodus bearkens unto the Voice of his Father-in-law, Jethro the Priest of Midian: making able Men out of Israel, Heads over the People, Rulers of Thousands, Rulers of Hundreds, Rulers of Fifties, and Rulers of Tens. And they judged the People at all Seasons: the hard Causes they brought unto Moses, but every small Matter they judged themselves. These were the Jethronian Prefectures, or the Courts afterwards consisting of Twenty three Judges that sat in the Gates of every City. Never were they mistaken before for the Sanhedrim or Seventy Elders, which came not to be instituted till afterwards in the 11th of Numbers, where Moses while he stood alone, being as weary of the Recourse had unto him from these Judicatories, as he was of that, before their Institution, cries unto God, I am not able to bear this People alone (his Office of sole Legislator) in which relation Lycurgus and Solon are as well and as properly called Kings, as he, who was King indeed in Jersurun, Deut. xxxiii. 5. but no otherwise than they in their Commonwealths, that is to propose the Laws in his Form, when the Heads of the People, and the Tribes of Israel were gathered together, which was now almost accomplished. Wherefore the Lord said unto Moses, Gather unto me seventy Elders of the Men of Israel, whom thou knowest to be Elders of the People, and Officers over them, and bring them unto the Tabernacle of the Congregation (in which or in the Temple was ever after the Session-House of the Senate) that they may stand there with thee. If this be not enough, you may have a farther sight of your great Mistake, 2 Chron. xix. where at the Restitution of this Government in some Part by Jehoshaphat, the Jethronian Counsels are set up City by City: But the Senate, or Seventy Elders with a More-over in Jerusalem; and that the Jethronian Courts are intimated in the New Testament by the Name of the Judgment, as the Sanhedrim by that of the Council, Godwyn the Schoolmaster could have told you. But whereas nothing is more constantly delivered by all Authors, nor express in Scripture, than that Moses having instituted the Sanhedrim, stood from that Time forward no more alone, or was thenceforth but Prince of the Senate, which God appointed to stand with him; you say that he was a Monarch or stood alone. And whereas the Jethronian Prefectures henceforth brought all their difficult Cases unto the Sanhedrim, in the Institution of which Sanhedrim Jethro had*

no Hand; you say, that the Sanhedrim or Seventy Elders were instituted by *Jethro*. How plain would your *English* have been upon this Occasion, if they had given it? whereas I shall say no more than that there are no little Things nor poor Mistakes.

The Second Query.

In Case the Author's Form, and the Monarchical be or be not disputed over and over again, what the Reason or Experience may be that remaineth, or may be thought to remain, for the Advantage of the latter?

The Doctor's Answer.

I Have not Time to dispute the Two Forms, nor Will to make it my Study; but his Reason is cogent for Monarchical, that in it there is one Chief; for Order is the main Concernment of Government, and Order is more perfected by reducing to Unity, or having still one Chief in the Order. And this I mention the rather, because as anciently the Romans, so you in your Model, are forced to betake you in Necessity to a Dictator, which undeniably evinces Monarchical Government the fittest for all Exigencies. Also because God, to whom you seem to appeal (Pag. 15.) led his People (Psal. lxxvii. ult.) by the Hand of Moses and Aaron; Moses Chief in the whole Government, and Aaron the Chief in the Priesthood, and after Moses Joshua; and still raised up single Persons to judge his People. Lastly, because the Dust of Nature led your Form of Government, from Paternal (so it was at the Beginning or peopling of the World) unto Monarchical, as Families encreased into Nations.

R E P L Y.

YOU in your Letter are positive that be the Two Forms never so often disputed, the Advantage in Reason will remain to the Monarchical; but when you come to give your Reason, have not Time to dispute the Business, nor Will to make it your Study; you will give a Man his Sentence, without Recourse to the Law, and his Objections. Again, without taking Notice of his Answers, as in the Matter of Dictatorian Power, for which you say, First, that one Person is fittest, and Secondly, that one Person being fittest for this one Thing, it undeniably evinces Monarchical Government the fittest for all Exigencies. Now granting the former were true, as I have shewed it to be false, and therefore chosen the *Venetian Dictator*, which consisteth not of one Man, rather than the *Roman*, which did; yet if one Man be fittest to be a Pilot, how doth it follow that that one Man is fittest for all Exigencies? Or if *Gideon* were fittest to be Judge or Dictator of *Israel*, that it was fittest (as the People desired of him, Judges viii. 22.) he should rule over them, both He and his Son, and his Son's Son also? And whereas you say that God (unto whom I appeal) still raised up single Persons to judge his People; doth it follow that these Judges or Dictators were Monarchs, especially when *Gideon* answers the People, *I will not rule over you, neither shall my Son rule over you; the Lord shall rule over you*? Or rather that Monarchical

narchical Government even in the Time of the Judges was in this Commonwealth, to the Rejection of God? In which Place (to allude unto that in your Answer to the first Query, to which I have not yet reply'd,) it is plain also, that antecedent Obligations do not always imply Command, or enforce Obedience: for say the People unto *Gideon*, rule thou over us, &c. for thou hast delivered us from the Hand of *Midian*; yet neither did this oblige the People to choose, or *Gideon* to be chosen King.

THAT God led his People, *Psal.* lxxvii. by the Hand of *Moses* and *Aaron*, is right; but your Flourish upon it, where you say *Moses* Chief in the whole Government, and *Aaron* Chief in the Priesthood, withers; for the Place relateth unto the Times, (*Exod.* vii.) in which saith the Lord unto *Moses*, See I have made thee a God to *Pharaoh*, and *Aaron thy Brother* shall be thy Prophet (that is, thy Chaplain or Orator, for otherwise there arose not a Prophet like *Moses* in *Israel*;) and this was before the time that *Moses* made *Aaron* High-Priest. Nor after the Institution of the Sanhedrim, was the High-Priest other than subordinate unto it, whether in matter of Religion or State: nay, if he had given them just Cause, he might be whipt by the Law, as is affirmed by the Talmudists. This Senate was to stand, as hath been shewed, with *Moses*; therefore *Moses* from the Institution thereof, was no more than Prince or Archon of it, and General of the Commonwealth; in each of which Functions he was succeeded by *Joshua*. And the People served the Lord all the Days of *Joshua*, and all the Days of the Elders that out-lived *Joshua*, (*Judges* ii. 7.) But from this time forward you hear no more of the *Jetbronian* Prefectures, that sate in the Gates of the Cities, nor of the Senate, as I take it, (being yet but studying this Commonwealth, in which it were a better Deed to aid, than mislead me) till the Restitution of it by *Jehoshaphat*, 2 *Chron.* xix. For after the Death of *Joshua*, and of the Elders of these Courts, the People of *Israel* mindless of the excellent Orders of their Commonwealth given by God, were so stupid, as to let both the Senate and the inferior Courts to fall. But a Commonwealth without the Senate must of natural Necessity degenerate into Anarchy. Wherefore the Nature of this Commonwealth throughout the Book of *Judges* was downright Anarchy. You have the Tribes without any Common Council or Deliberation leaguings one with another, and making War at their Fancy, as *Judges* i. 3. *Judab* said unto *Simeon* his Brother, Come up with me into my Lot, that we may fight against the *Canaanites*, &c. Whence (especially when there was no Judge neither) is that frequent Complaint throughout this Book, that in those Days there was no King (as Men of your Rank have rendered the Word, though in this Place it rather signifies *Suffes* Consul, or Dictator, as some of the Laity, that is of the Folks do affirm) in *Israel*, but every one did that which was right in his own Eyes. In this case of a Commonwealth there is no help but by Dictatorian Power, which God in the raising up of Judges did therefore indulge, appointing them ordinarily but *pro tempore*, or upon some, not upon all Exigencies. For *Judges* xx. the Congregation senteth the Tribe of *Benjamin*, decrees and manageth the War against them, without a Judge or Dictator. This Anarchy with the Confusion of it, by want of the Senate, especially when the Sons of *Samuel* grew corrupt and imperious through the long Rule of their Father, was the true

true Cause why the People chose to have a King, and so fell into Monarchy, under which they fared worse, for though there happened to come with a great deal of Cost, as in the War with *Saul*, a *David* to be defended, yet by another War against his ambitious Son, and after him a *Solomon*, in the next Generation the Tribes rent in sunder, and besides the execrable Wickedness of the most of their Kings (the like whereunto was never known,) gave not over hewing one another, till *Israel* first, and then *Judab* fell into miserable Captivity. And yet this is that Unity and Order which you celebrate, and the Argument for Monarchy must be *cogent*; which happens, because you are resolved not to these that the Unity of Government consists in such a Form, which no Man can have the Will, or having the Will can have the Power to disturb, but cast all upon the Unity of a Person, that may do what he list, running still upon your Equivocations, as if Brethren could not live together in Unity, unless reduced to the Will of one Brother.

The Third Query.

Where there is or ever was a Monarchy upon a popular Balance, or that proposed by the Author, but those only of the *Hebrews*, and whether these were not the most infirm of all other?

The Doctor's Answer.

I Perceive not how it concerns any thing I said, or the Cause in hand, as to any material Point. Only it seems to suppose the Monarchy of the *Hebrews* to be in a popular Balance, which I cannot apprehend, unless because they had a kind of *Agrarian*, their Land divided by Lot, which notwithstanding left Place for a sufficient Difference, and Excess in Dignity of Persons, Bonds of Estates, Measure of Wealth and Riches.

R E P L Y.

IN your Letter you say, that the Balance I pretend cannot stand so steady in my Form, as in a well temper'd Monarchy; and yet to the Query, where there is or ever was a Monarchy upon such a Balance? you answer, that you perceive not how it concerns any thing you said, or the Cause in hand as to any material Point, as if the Balance were of slight Concernment to a Government. And for the Monarchy of the *Hebrews* you say, that you cannot apprehend it to have been upon a popular Balance. But the Land of *Canaan* as it is computed by *Hecataeus Abderites* in *Josephus* against *Apion*, contained three Millions of Acres; and they among whom it was divided, as appears *Numb. i. 46.* at the Cense of them taken by *Moses* in *Mount-Sinai*, amount unto 603550. Now if you allow them but four Acres a Man, it comes unto two Millions four hundred thousand Acres, and upwards, by which means there could remain for *Joshua's* Lot, *Caleb's* Portion, with the Princes of the Tribes, and the Patriarchs or Princes of Families, but a matter of five hundred thousand Acres, which holdeth
not

not above a sixth Part in the Balance with the People, and yet you will not apprehend, that this was a popular Balance. Why then it will be in vain to shew you the certain Consequence, namely that the Monarchies of the *Hebrews*, being the only Governments of this Kind that ever were erected upon a popular Balance, were the most infirm and troubled of all others; that the cause why the Congregation that elected the former Kings were able to reject *Rehoboam*, was from the Power of the People, and the Power of the People from their popular *Agrarian*: and that the Cause why the Kings of *Israel* and *Judah*, while they had not foreign Wars, never gave over knocking out the Brains of the People, one against another, was, that having no monarchical Balance, or not such a one as was sufficient, whereupon safely to rest themselves in Peace, they were necessitated, as some Kings at this day, the Balance of whose Empire is broken, to make themselves useful unto the People through their Danger, that so through the want of Order, they may subsist, according to the modern Maxim, by Confusion and War; an Expedient sufficiently practised to be well known.

The fourth Query.

Whether the Temptations of advancing did sway more with the *Many* in the Commonwealth, than with the *Few* under the Monarchies of the *Hebrews*, that is, under the Kings of *Judah*, *Israel*, or the High Priests, when they came to be Princes? And whether other Story be not, as to this Query, conformable unto that of Scripture.

The Doctor's Answer.

Whether greater Temptations in the Hebrew Government before or after they had Kings, seems little material by comparing them to learn, and as little to your Purpose, till what you suppose be granted, viz. that the Government before they had Kings, was in your Sense a Commonwealth. But as for all Forms that have been popular, or shall be, still the Temptations are the more powerful or dangerous, as to the change of Government. This put them upon an Inconvenience by often changing their Generals of Armies, and upon often banishing them, or any great Citizens, when their just Deserts had made them honoured and beloved; and this I suppose puts you upon a Necessity in one Place of defending the Ostracism as no Punishment, and the People of Rome as not ungrateful in banishing Carnilles.

REPLY.

If to your question *Israel* were a Commonwealth in my Sense it be reasonable in me that will take no notice of the Elders that stood with *Moses*; nor why *Gideon* being a Judge refused nevertheless to be King, yet the League that was made between *Judah* and *Benjamin* in the first, and the Sentence that was given by the whole Congregation, with the War thenceupon levied by the People only, without so much

as a Judge or Dictator, in the last Chapter of the Book of *Judges*; evinces my Sense, and that of all reasonable Men. Wherefore the Comparison desired by me is plainly material; and your Evasion a poor shift, below a Man of Parts, or Well-meaning.

FOR albeit *Israel* for the far greater time of the Commonwealth before the Kings was *Anarchy*, the most subject State of such a Government unto Confusion; yet abating the Conspiracy of *Abimelech*, made King of the Men of *Sichem*, there was, as I remember, no Disturbance from Ambition, nor striving to be uppermost, of which, after the Kings, there was no End. For to omit *David's* destroying of the House of *Saul*, and reigning in his stead, as done with good Warrant; you have *Abshalom* levying War against his Father; *Jeroboam* an arrant Knave, breaking the Empire of *Reboam*, a hair-brain'd Fool in two Pieces, whence the Children of *Judah* turning *Sodomites*, (1 Kings: xiv. 2p.) and they of *Israel* Idolaters; you have *Baasha* conspiring against *Nadab* King of *Israel*, murdering him, destroying all the Posterity of *Jeroboam*, and reigning in his stead: *Zimri*, Captain of the Chariots, serving *Asa* the Son with the same Sauce, when he was drunk, killing all his kindred, that pissed against the Wall; as *Baasha* the Father had done *Nadab*, when, may chance, he was sober; *Omri* hereupon made Captain by the People; and *Zimri* after he had reigned seven Days, burning himself; the People of *Israel* when *Zimri* was burnt, dividing into two Parts, one for *Omri*, and the other for *Tibni*, who is slain in the Dispute; whereupon *Omri* out-does all the Tyrants that went before him, and when he has done, leaves *Abab* his Son, the Heir of his Throne and Virtue. You have *Jehu* destroying the Family of *Abab*, giving the Flesh of *Jezebel* unto the Dogs, and receiving a pretty Present from those of *Samaria*, seventy Heads of his Master's Sons in Baskets. To *Asa* and *Jehoshaphat* of the Kings of *Judah* belongeth much Reverence; but the Wickedness of *Ataliah*, who upon the Death of her Son *Abaziah*, that she might reign, murdered all her Grand-children, but one stolen away, which was *Josiah*, was repaid by that one in the like Coin, who also was slain by his Servants. So was his Son *Amasiah* that reigned after him; and about the same time *Zachariah* King of *Israel*, by *Shallum*, who reigned in his stead, and *Shallum* was smitten by *Manaim*, who reigned in his stead, (*Battle Royal in Shoe-Lane*) *Pekabab* the Son of *Manabim* was smitten by *Pekab* one of his Captains, who reigned in his room; *Pekab* by *Hoshea*, who having reigned nine Years in his stead, was carried by *Salmanserzer* King of *Assyria* with the ten Tribes into Captivity. Will *Judah* take a warning? Yes, *Hezekiah*, the next, is a very good King, but *Manasseh* his Son, like the rest, a Shedder of innocent Blood; to him succeedeth *Amon*, Father's own Child, who is slain by his own Servants. *Josiah* once again is a very good King; but *Jehoiachin*, that died by the Hells in *Egypt* before his End, nor was *Jehoiachin* the Brother of the former, who became tributary unto *Babylon*, any better; in whose Reign and his Successor *Zedechias* was *Judah* led into Captivity by *Nebuchadnezzar*, (the common End of *Battle Royal*), where I leave you Men to judge how far the Unity of a Person tends to the Unity of Government; and whether the Temptation of advancing (to use your Phrase) was greater in the Commonwealth than in the Monarchies of the Hebrews. It were easy to shew, if you had not enough already, that the High-Priests

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when they came to be Princes, were never a Barrel better Herring; whereas that there is no such Work in *Venice*, *Switz*, or *Holland*, you both know, and might, if you did not wink, as easily see. All is one, it is, for it is as you have said, nay, and more, in all *Forms that have been popular or shall be, still the Temptations are more powerful and dangerous as to the change of Government; this put them upon great Inconveniences by often changing their Generals of Armies.* A Pound of Clergy, for which take an Ounce of Wisdom, in this Maxim evinced by *Machiavel: Prolongation of Magistracy is the Ruin of popular Government:* The not often changing their Generals or Dictators was the Bane of the Commonwealths both of *Rome* and of *Israel*, as by the Corruption of *Samuel's* Sons (*Moss* that groweth not upon a rolling Stone) is apparent. And for the Banishment of Great Men, name me one that since those Governments were settled, had been banish'd from *Venice*, *Switz*, or *Holland*. The Examples in *Rome* are but two that can be objected by a rational Man in seven hundred Years, and I have answered those in my Book; for the *Ostracism*, though I hold it a foolish Law, yet where the People have not Prudence to found their Government upon an *Agrarian*, I shew'd you out of *Reason*, *Aristotle*, and Experience, that it is a shift they will be put to, whether a Punishment, or not; though no Man, that is versed in the *Greek* Story, can hold it to have been so esteem'd.

M. Disc.
B. 3. Ch. 24.

The fifth Query.

Whether Men, as they become richer or poorer, free or servile, be not of a different Genius, or become new model'd; and whether these things happen not as the Balance changes?

The Doctor's Answer.

SUCH sudden Changes of the Genius and Nature of Men, I leave to the Pipe of *Orpheus*, or *Ovid's* *Metamorphosis*.

R E P L Y.

A Pretty Jeer; but there is one in that Book *metamorphos'd* into the Bird that cannot see by Day. Now, a Change that happens in the Revolution of one hundred and forty Years, is not sudden; but so long hath the Government in question been changing from *Aristocratical* to *Popular*. And if the Acts of popular Councils from that Time, have still been and be to this Hour more and more popular, the Genius of the People is as clear as the Day with the Alteration of it, in those Opinions you in your first Letter are pleas'd to call the *Ignorance* or *Wiffulness* of these Days, that since the Aristocratical Balance of the Clergy is gone, shake the Yoke of the Priest. The Butcher sought his Knife, and bad it in his Mouth.

The sixth Query.

Whether Gentlemen have been more beholden unto Divines, or Men in Orders, or Divines more beholden unto Gentlemen, or such as have not been in Orders, for the Knowledge which we have of the Commonwealth of the *Hebrews*? or who of each sort have written best upon that Subject?

The Doctor's Answer.

Comparisons being odious, I only say, Divines have cause to give learned Gentlemen their Due, and Thank for their Labours, but also cause to complain, when they are too bold with holy Things, not only with the Commonwealth of the *Hebrews*, the Form that God then appointed, but also with the Government of the Christian Church, the Form and Functions left by Christ and his Apostles, according to which the Church acted three hundred Years before the Civil Power became Christian.

R E P L Y.

DIVINES have Cause to complain, when Gentlemen are too bold with holy Things, as with the Commonwealth of the *Hebrews*; but if you ask, who of each Sort have written best upon this Subject, Comparisons are odious. Here you can be modest, for no body hath written in this Kind, but *Carolus Sigonius*, *Buxtorfius*, *Cornelius Bertramus*, *Hugo Grotius*, *Selden*, and *Cuneus*, all which were Gentlemen, or such as were not in Orders. Nor can it be gathered from any Thing now extant, that any Divine understood this Government. But if Divines cannot deal with this Government, and Gentlemen may not, how should it be known? or if Divines understand not this, why do they meddle with others?

The Seventh Query.

What and how many be those little Things, and poor Mistakes, which the Author below a Gentleman of his Parts hath entertain'd?

The Doctor's Answer.

THOSE little Things and poor Mistakes I ascribed to the Matters of the Church; for innovating wherein these latter Times make Exceptions against our Translation, delight in some Notions of Words in Scripture, vent new Interpretations; make strange Inferences, in which to rest satisfy'd is below, &c. Such Page 18. from Nation or Origination of Ecclesia to infer Democratical Government of the Church; and that Inference for the Right of authorizing Churches new. Page 28, So after

after in the Model, what is said for the Notion of *χρησμός* to the Prejudice of due Ordination, and the like.

REPLY.

IN Judges xx. 2. the Civil Congregation of the Chief of all the Tribes of Israel, is called *Ecclesia Dei*: and not only Greek Writers, as particularly *Æschines*, use that Word for the *Assemblies* of the People in the *Grecian Commonwealths*, but *Luke* also speaking of the People of *Ephesus*, he saith, *Erat autem Ecclesia confusa*: wherefore this Word having been of this Use before the *Apostles*, and being applied by them unto their Convocations or Assemblies, there must needs have been some Reason, why they made Choice of this, rather than of any other. Now if the Reason had not been that they intended the Church to be *Democratical*, why would they borrow a Word that is of that Sense? or why should you think that they would give Names unto Things not according unto their Nature; seeing if they had intended it should have been *Aristocratical*, they might as well have taken the Word *γερουσία* or *Senate*? Wherefore, says *Calvin* the Lawyer, *Sumpsērunt Apostoli illud melius Nomen ad significandum Ecclesiam, ut ostenderent potestatem Populi Dei esse quidem Democraticam, &c.* I have shewed you my Reasons, and given you my Testimony, and yet you that have neither, call this a *Notion*. Then for the *Chirotonia*, or holding up of Hands, it was the Way of giving Suffrage in some of those *popular Assemblies*, more particularly, that of *Athens*, and this Word the *Apostles* also came to borrow for the Suffrage of their Congregations, as in the *Greek*, *Acts* xiv. 23. where they use the Word *χειροτονήσαντες*, the same that was used by the *Athenians*, signifying holding up of Hands, or their Manner of Suffrage: but this the *English Translators* have left out, and where they should have render'd the Place, and when they had ordained Elders, by the holding up of Hands in every Congregation, they render it, when they had ordain'd them Elders in every Church. Now you, though you know this well enough, never lay any Blame upon the *Translators*, but with them that find Fault with the Translation, as if it were less Impiety in Divines to corrupt the Scriptures, than in others to vindicate them from Corruption. And this is another of those Things which you have the Confidence to call *Notions*, albeit in so doing you must needs sin against your own Conscience: but what is that to Interest? If this Place be restored, Ordination is restored unto the People; and so Divines losing it, there is an End of Priest-craft, as by telling the Story of this Invention, though in brief, will better appear; Ordination in the Commonwealth of *Israel* being primarily nothing else but Election of Magistrates, was performed by the Suffrage of the People or (as is shewn by the *Talmudists* upon *Numb. xi. in Eldad and Medad*) by the Ballot. Nor was it otherwise till the *Sanhedrim* got a Whim of their own, without any Precept of God, to ordain their Successors by the *Chirotonia* or Imposition of Hands, and the Parties being so ordained called *Presbyters*, became capable of being elected into the *Judicatories*, whereby cheating the People of the Right of electing their Magistrates, the *Sanhedrim* instituted the first *Presbyterian Government*; nevertheless this Form as to the Imposition of Hands, was not always held so necessary among the Jews but if the Party were absent it

might be done by Letter, and sometimes, though he were present, it was done by Verse or Charm only. But whereas the Senate, if not every Senator, by this Innovation had right to ordain; by *Hilel* High Priest and Prince of the *Sanhedrim*, who liv'd some three hundred Years before Christ, Means was found to get the whole Power into his Hand, which being of such Consequence, that no Magistrate could thenceforth be made but by the High Priest, it changed this same first Presbytery, the High Priests becoming afterwards *Monarchs*, as I may say, into the first *Papacy*; for this Track was exactly trodden over again by the Christians: first, to the Presbytery, from thence to the Bishop, and that by means of the same *Chirothesia* or Imposition of Hands taken up from the Jews, and out of this *Bishop* stept up the *Pope*, and his Seventy Cardinals, anciently the *Presbytery*, or Seventy Elders of *Rome*, in Imitation of those of *Israel*. Moreover it is the Judgment of good Divines, as *Bullinger*, *Mucubus*, *P. Martyr*, *Luther* and *Melancthon*, that this *Chirothesia* or Imposition of Hands is not necessary, for that the Apostles took up som Things from the Jews, as Community of Goods, which are not necessary, you will not deny: and if this were not of that Kind, then wherefore in the Place alledged, where the *Chirotonia*, Prayer and Fasting, as all Things necessary unto Ordination, are mention'd, is the *Chirothesia* omitted even by the Apostles themselves? Nor can you find that it was otherwise than sparingly used by them in comparison of the *Chirotonia* or Suffrage of the People; and perhaps there only, where the People had not the civil Right of any such Suffrage, by which where it was, they ordained *Elders* in every Church. And in this Place comes that of your Answer unto the 7th Query, Namely, *That the Church acted three hundred Years before the Civil Power became Christian*, to be very questionable. For that *Tarsus* a City of *Cilicia* was so free, that *Paul*, being a Native thereof, claimeth the Right of a *Roman*, is clear in Scripture; nor is it more obscure in Story, that the People in the Cities of *Lycia*, *Pamphylia*, *Lycaonia*, or *Cappadocia*, in which the *Apostle* ordain'd ecclesiastical Elders by the *Chirotonia* of the Church or Congregation, had not only the ancient Right but Custom of electing their civil Elders in the same Manner. And where was the Necessity or Sense, that the Apostles to convert them unto the Christian Religion, should go about to depose them, than which nothing could have caus'd a greater jealousy, Obstruction or Scandal upon their Doctrines? But if the Apostles used the Words *Ecclesia* and *Chirotonia* in these Places, according unto the Right of the People, and the known Sense, in which they had bin always taken, then acted not the Church three hundred Years nor half a hundred Years before the Civil Power became Christian. And if the Bishops, when the Emperors became Christian, made no Bones of receiving their Mitres from the Civil Magistrate, they must have don ill, had they known or conceived that the Church in the purest Times had waded the Civil Magistracy. *Paul* arriving at *Athens* converts *Dionysius* one of the Senators, and ten others unto the Christian Faith. Suppose he had converted the whole Senate and the People, what sober Man can imagine, that he would have disputed with the Congregation the Sense of their former Name *Ecclesia*, or the Right of electing their new Elders by their old *Chirotonia* or Suffrage by holding up of Hands? But he converted but a few; whereas as he had no Aid, so he had no Hindrance from the Magistrate. This, then, was a gather'd

gather'd Church, I think, or what was it? If the *Prophets in Israel* went up and down preaching unto the People, by whom they were followed; and if som of these that were thus followed were true, and moie of them false, the People that followed them could not be all of the same Persuasion, though it is like that no Man would follow such an one as he was not persuaded was true. But the People choosing at their own Discretion whom they would follow, how could these Congregations be less gather'd than those, when the People were divided into three Sects, *Pharisees, Sadduces, and Essians*, which could be no other? Nor doth the *Sanhedrim*, though they had the Government of the national Religion, sending unto *John the Baptist* (*John xi. 25.*) to know who he was, and why he baptized, refuse him the like *Prophetic Right*, used by him first, and afterwards by our Saviour and the Apostles, without the Authority of the *Sanhedrim*: nor doth *Paul* blame the Congregations of *Apollos* and *Crispos* (*1 Cor. i.*) in that they were gather'd, but in that they put too much upon them that gathered them. How then doth it appear that my Inference for gathered Congregations *now*, is a little Thing or poor Mistake, below a Gentleman of Parts; when I say no more, than that gather'd Congregations were in use both before and after Christ, notwithstanding the National Religion that was then settled? and therefore gathered Congregations for any Thing in the Old or New Testament that I can find to the contrary, might be *now*, though a National Religion were settled. And if this be not true, the Testimony, which you bear in your present Practice, is against your self; for what else are your Congregations *now*, that will use none other than the Common-prayer, but gathered?

TO conclude, it should seem by you, that if the National Religion were so settled, that the meddling with holy Things by any other than a Divine, might be resolv'd as boldly, and, to use a fine Word, opionately done, as if it were against an Article of our Creed; you would be pleas'd. But the National Religion and the Liberty of Conscience so ordain'd in *Oceana*, that neither the Interest of the Learned, nor the Ignorance of the Unlearned can corrupt Religion (in which Case though there might, yet there is no probability, that there would be any gathered Congregations, this being the peculiar Remedy for that which you hold a Disease) you are displeas'd: for thus you conclude.

S I R,

YOU see I have used Freedom again, it is like you will think too much; but I desire you would allow me the Privilege of the old Saying, *suo quisque sentia abundet*, and not trouble your self with interrogating me, from whom you can draw so little Satisfaction. I never made it my Study to model or shape out Forms of Government, but to yield Obedience to every lawful Command proceeding from Authority, how perfect, or otherwise, the Form was. In a word, Sir, I honour your Party, in so far as it is employed as may be most for the Service of God and his Church, and do promise myself in all friendly and Christian Offices,

S I R,

Your humble Servant,

H. FERNE.

To

To which I say that

I Have not heard a Divine quote Scripture (*Quisque suo sensu abundet*) as an old-Saying; but you are not contented to do so only, but to use it accordingly; for whereas (*Rom. xiv. 15.*) it is indulged by the Apostles as to indifferent Things, this was never intended to be an Argument, that the Seventy Elders were erected upon the Advice of *Jethro*, that *Moses* instituted a *Monarchy*, that *Gideon* was King of *Israel*, or indeed for any Thing that you have said. And therefore however you call it interrogatory, it is civil enough in such a Case to desire better Reason; but do not fear that I should give you any more in this Kind, nor had I at all, if whereas you confess in the Close that you have not studied these Things, you had but said so much in the beginning, for there had been an End.

THIS Study indeed, as I have shewed elsewhere, is peculiar unto Gentlemen; but if it be of your Goodness that you study not to shape such Work, must it ever be the Study of your Tribe to misshape it? Is it in such less impiety to have ruin'd a Kingdom, than in any other to shew the true Principles of a Commonwealth? Or whereas the nature of the Politics, or such Civil Power (witness the *Sanhedrim* of *Israel*) as cometh nearest unto God's own Pattern, regards as well Religion as Government, and is receptible of Gentlemen; doth it follow that I have not laid out the best of my Parts in my Vocation, to the Service of God and his Church, because you, in your pretended Zeal, have chosen to insinuate the contrary by a Prayer? But he, unto whom you have address'd yourself, knoweth the Secrets of all Hearts. To him therefore I appeal, whether I have not sought him in a Work of universal Charity; and whether one End of this present Writing be not, lest you making Use of your great Authority thus to prejudice such a Work, should hurt them most, whom you love best; it being apparent unto any Man, that can see and understand the Balance of Government with the irresistible Consequence of the same, that by such Time as the Vanity of Men's Ways shall have tried them a little more, it will be found that God in his infinite Goodness and Mercy, hath made that only possible for us, which is best for us all, most for the Good of Mankind, and his own Glory. And so notwithstanding the Heat of our Dispute, which so far as it hath not resisted nor exceeded Truth, cannot have been very sinful or uncharitable, I do oblige myself in all the Devotions

London, Jan. 20.

S I R,

Your affectionate Friend,

and humble Servant,

JAMES HARRINGTON.

THE

THE
STUMBLING-BLOCK
OF

DISOBEDIENCE and REBELLION

Cunningly imputed by *P. H.* unto CALVIN, remov'd
in a Letter to the said *P. H.* from *J. H.*

Let no Man put a Stumbling-Block in his Brother's Way,
Rom. xiv. 13.

S I R,

I Gave my Judgment upon your late book (that I mean against *Calvin*) in such Manner among some Gentlemen, that they desired me to write something in Answer to it, which if there happen to be Need, I may. In the mean time it will, perhaps, be enough, if I acquaint you with as much as I have acquainted them. In this Book of yours you speak some Things as a Politician only, others as a Politician and a Divine too. Now to repeat a few, and yet as many I think as are needful of each kind, I shall begin with the former.

The Rise, Progress, and Period of the Commonwealth of *Lacedæmon* is observable in Authors by these Steps.

1. The Insufficiency of the Monarchy.
2. The Form of the Commonwealth.
3. An Infirmary in the Form, and a Cure of it.
4. The Corruption and Dissolution of the Whole.

All which happened within the Compass of Eight hundred Years.

To the first you say, *That the Spartan Kings were as absolute Monarchs as any in those Times, till Eurytion, or Eurypon, to procure the Favour and Good-will of the Rascal-rabble (so you commonly call the People) purchas'd nothing but the Loss of Royalty, besides an empty Name unto his Family, thence call'd the Euripontidæ.* P 39, 40, 41

It is true that *Plutarch* in the Life of *Lycurgus* says, That *Eurypon* was the first, who to obtain Favour with the People, let loose the Reins of Government; and this he saith there without shewing any Necessity that lay upon the King so to do: nevertheless that such Necessity there was, is apparent in *Agis*, where he affirmeth, That a King of *Lacedæmon* could never come to be equal unto any other King, but only by introducing Equality among the People; forasmuch as a Servant or Lieutenant of *Seleucus*, or *Ptolemy*, was worth more than ever were all the Kings of *Sparta* put together. Which latter Speech, if a Man consider the Narrowness of the Laconic Territory, being but a Part of *Peloponnesus*, must needs evince the former Action to have been not so voluntary in *Eurypon*, as in Prudence unavoidable. But *Eurypon* having by this Means rather confessed the Infirmary of the Monarchy, than introduced any Cure of the Government, it re-

main'd

maintained that the People not yet brought under fit Orders must needs remain in Disorders, as they did till the Institution of the Commonwealth.

The Monarchy, that is or can be absolute, must be founded upon an Army planted by Military Colonies upon the Overbalance of Land being in Dominion of the Prince, and in this Case there can neither be a Nobility, nor a People to gratify, at least without shaking the Foundation, or disabling the Army. Wherefore the *Spartan* Kings having a Nobility or People to gratify, were not absolute. It is true, you call the Kings of *France* absolute, so do others, but it is known that in the whole World there is not a Nobility nor a People so frequently flying out or taking Arms against their Princes, as the Nobility and People of *France*.

The Monarch, that is founded upon a Nobility, or a Nobility and the People (as by the Rise and Progress of the *Norman* Line in our Story is apparently necessary) must gratify the Nobility, or the Nobility and the People, with such Laws and Liberties as are fit for them, or the Government (as we have known by Experience, is found in *France*, and no doubt was seen by *Eurypon*) becometh tyrannical, be the Prince otherwise never so good a Man.

Thus *Cleisthenes*, in whose reign the Commonwealth was instituted by *Lycurgus*, is generally affirmed to have been a good Man, and yet said by *Aristotle* to have been a Tyrant. It remaineth therefore with you to shew how a good Man can otherwise be a Tyrant than by holding monarchical Government without a sufficient Balance, or if you please, how he that shall undertake the like, be he never so good or well deserving a Man, can be any other; or confess that not the Favour of Princes (by which if they be well balanced they lose nothing) nor the Usurpation of the People (by which without a popular Balance they get nothing) but the Infirmary of the Monarchy carried the Commonwealth of *Lacedemon*. And what less is said by *Plutarch*, or thus rendered by yourself: *Not the People only sent Messages to Lycurgus for his Counsel, but the Kings were as desirous he should return from his Travels, in hopes that his Presence would bridle and restrain the People: but Lycurgus applied not himself unto either, being resolved to frame both into one Commonwealth.*

To the Form of this Commonwealth, you say, *That whatever the Kings lost, the People got little by this Alteration, being left out of all Employment in Affairs of State, and forced to yield Obedience unto thirty Masters, whereas before they had but two.*

A strange Affirmation, seeing the Oracle containing the Model of *Lacedemon* is thus recorded by your Author, *When thou hast divided the People into Tribes and Linages, thou shalt establish the Senat, consisting with the two Kings of thirty Senators, and assemble the People as there shall be Occasion, where the Senat shall propose and dismiss the People without suffering them to debate.* Now who seeth not that the People having no Right to debate, must therefore have had the Right to resolve, or else were to be assembled for nothing! but the ultimate Result is the sovereign Power in every Government. It is true, the Greek of the Oracle is obsolete, and abusive; but then it is not only interpreted by *Plutarch* in the Sense I have given, but by the Verses of the Poet *Tyrteus*, which the Kings themselves, tho they would have made other Use of, acknowledged unto the People to be authentic.

They

*They having of Apollo sought,
This Oracle from Delphos brought;
Unto the Spartan Kings, among
The Senators, it doth belong
To moderate in royal Chairs,
And give their Votes in all Affairs;
And when they have proposed these,
The People choose whatere they please.*

Of many other Testimonies, I shall add no more than one out of *Isocrates*; I am not ignorant, saith he, to the *Arcopagites*, that the *Lacedemonians* flourish for this Cause especially, that their Government is popular.

To the Infirmary of this Form, and the Cure of it you say, *That* ^{P 45}
the Royalty and Power of the Kings being thus impaired, the People absolutely discharged from having any Hand at all in publick Government, and the Authority of the Senate growing every Day more insolent and predominant, by reason that (albeit the Senators were elected by the People) they had their Places for Term of Life, the Kings resolved upon a Course of putting the People into such a Condition as might enable them to curb and controul the Senators, to which End they ordained the *Ephori*, Magistrates to be annually chosen out of the Body of the People.

In which first you make that to be a Practice of the Kings against the Senate, which by your Author is plain to have been a Combination of the Kings, and the Senate against the People; for the People upon the Insolvency and Predominancy of the Kings and the Senate, fell, as is in that Case the inevitable Nature of them, upon Counsel how to defend themselves, and so assumed the Power of Debate. Here-upon the Kings *Theopompus* and *Polidore* would have added unto the Tenor of the Oracle, that if the People went about by Debate to change the Propositions of the Senate, it should be lawful for the Kings and the Senate to null the Result of the People; which practice, if it had past, must have made the Kings and the Senate altogether uncontrollable; wherefore the People incensed at it, put a Bit into the Mouth of the Senate, by the Institution of the *Ephori*. This is the clear Sense of *Plutarch*, which he taketh out of *Plato*, who affirmeth the Ephorate to have been set up against the hereditary Power of the Kings; with whom agree both *Aristotle* and *Cicero*; the former affirming this Magistracy to contain the whole Commonwealth, inasmuch as the People having obtained it, were quiet; and the latter that the *Ephori* in *Lacedemon* were so opposed to the Kings, ^{De Leg 3}
^{Pol lib 2.}
as the Tribunes in *Rome* to the Consuls. Now if other Authors attribute the Institution of the *Ephori* unto the Kings, and there be a Story affirmed as well by *Plutarch* as others, that *Theopompus* having thus created the *Ephori*, and being told by his Queen he had done that which would leave narrower Power to his Children, answered well, that it would leave that which would be narrower, but longer: this is neither any Riddle nor kind of Contradiction to the former Sense, seeing, when we say that *Henry* the Third instituted the Parliament to be assistant to him in his Government, we no more doubt of that, than how it is to be understood. Nor if his Queen had said

as she of *Lac. demon*, and our King had made the like Answer, would that have altered any thing, or proved the Woman to have been, as you will have it, the better Prophet, seeing either Government lasted longer for either Reformation, nor came to alter, but through the Alteration of the Balance, which was nothing to the Woman's Prophecy.

The Ruin of this Balance, and Corruption of the Commonwealth, you wholly omit, to the End, that picking up your Objections against the Government in Vigour, out of the Rubbish and Dissolution of it you may cast Dust in Mens Eyes, or persuade them that the *Ephors* trusting to the Power and Interest, they had in the Commonalty, came to usurp upon the Kings, and to be Tyrants, as they are called by Plato and Aristotle; so you affirm.

But the Truth is thus recorded by *Plutarch* in the Life of *Agis*. So soon as the *Lacedemonians* having ruined *Athens*, became full of Gold and Silver, the Commonwealth began to break. Nevertheless, the Lots or Division of Lands made by *Lycurgus* yet remaining, the Equality of the Foundation held good, till *Epiætetus* an ill-natured Fellow became Ephore, and having a mind to disinherit his Son, got a Law to pass, whereby any Man might dispose of his Lot as he pleased. This by him pursued of mere Malice to his Son, was hurried on by the Avarice of others, whose Riches came thus to eat the People so clearly out of their Lands, that in a short time there remained not above an hundred Freeholders in all *Sparta*. This he shews to have been the Rise of the Oligarchy. The Oligarchy thus balanced totally excluded the People, and murder'd *Agis*, the first King that was ever put to death by the *Ephors*; and to these Times, about which *Plato* and *Aristotle* lived, relateth that Tyranny, which they, who, as was shewn, commended the *Ephorate* in the Commonwealth, now laid unto it in *Oligarchy*. Thus have you fetcht Arguments against a Commonwealth, that are nothing to it. Again, whereas *Agis* and *Cleomenes*, by the Restitution of the Lots of *Lycurgus* were Assertors of popular Power, you insinuate them to have been Assertors of Monarchy; such is your Play with human Authors, or as a Politician. Now let us see, whether you have dealt any thing better with Scripture, or bin more careful as a Divine. In Order to this Discovey, I shall repeat that Piece of *Calvin*, which you call the *Stumbling-block of Disobedience*. *Calvin* having preached Obedience to your good Approbation, comes at length to this Expression: But still I must be understood of private Persons; for if there be now any popular Officers ordained to moderate the Licentiousness of Kings (such as were the *Ephors*, set up of old against the Kings of *Sparta*, the Tribuns of the People against the Roman Consuls, and the Demarchs against the Athenian Senate, of which Power perhaps, as the World now goes, the three Estates are seized in each severall Kingdom when solemnly assembled) so far am I from binding them to put Restraints upon the exorbitant Power of Kings; as their Office binds them, that I conceive them rather to be guilty of perfidious Dissimulation, if they connive at Kings, when they play the Tyrants, or wantonly insult on the People; in that so doing they betray the Liberty of the Subject, of which they know themselves to be made Guardians by God's own Ordinance.

What *Calvin* says of the *Athenian Demarchs*, they having been Magistrates of another Nature, is a Mistake, but such an one, as destroys

destroys no other Part of his Assertion, the rest of the Parenthesis, or that which he saith of the Ephori, and the Tribuns being confirmed, as hath been already shewn by *Plato* and *Aristotle*, by *Cicero* and *Plutarch*. Wherefore of the Ephori and the Tribuns enough; now why the Estates in a Gothick Model should be of less Power, no Politician in the World shall ever shew a Reason; the Estates are such by virtue of their Estates; that is, of their Over-balance in Dominion. You are then either speculatively to shew how the Over-balance of Dominion should not amount unto Empire, or practically that the Over-balance of Dominion hath not amounted unto Empire, and that in a quiet Government, or it can be no otherwise in a quiet Government, than that the Over-balance of Dominion must amount unto Empire. This Principle being now sufficiently known, is the Cause it may be why you choose in this Place to speak rather like a Divine, as you suppose, than a Politician. For you would fain learn, you say, of Calvin, in P. 290. *what Part of the Word of God we shall find any such Authority given to such popular Magistrats, as he tells us of.*

TO which by the way I answer, that God founded the *Israelitish* Government upon a popular Balance; that we find the People of *Israel* judging the Tribe of *Benjamin*, and by the Oracle of God, levying War against them, which are Acts of Sovereign Power: therefore a popular Balance, even by the Ordinance of God himself expressed in *Judg. xx.* Scripture, amounted unto Empire.

But you, when you have asked in *what Part of the Word of God* P. 290. *we shall find any such Authority given to popular Magistrats*; answer, *not in the Old Testament you are sure. For when Moses first ordained the seventy Elders, it was not to diminish any Part of that Power which was invested in him, but to ease himself of some Part of the Burthen lying upon him, as you will have to appear plainly by the 18th of Exodus, where Moses upon the Advice of Jethro chose able Men out of all Israel, and made them Rulers of Thousands, Rulers of Hundreds, Rulers of Fifties, and Rulers of Tens.* Now I am sure that about this Time the Number of the Men of *Israel* was above six hundred thousand, and so any Man may be sure that the Elders thus chosen (should we count but the Rulers of the thousands only) must have come at the least to six Hundred: wherefore, you cannot be sure that this makes any thing to the Election of the seventy Elders. *Numb. i. 46.*

WELL, but out of these, say you, God afterwards in the eleventh of Numbers, willed Moses to choose the seventy Elders.

YOU may do me a greater Favour than you can suddenly imagine, to tell me really for what Cause, or upon what Authority your Speech is so positive, that God willed Moses to choose the seventy Elders out of those that were chosen in the eighteenth of Exodus. For whereas Moses is willed to choose them out of such as he knew to be Elders, such there were in Honour among the People, though not in Power, before the Election of those advised by *Jethro*, as appears, *Ex. iii. 16.* and *iv. 29.* But had this been as you would have it, what is the Necessity, that because there lay an Appeal unto Moses from those in Exodus, that is, from the *Jethronian* Elders, or Courts which sat afterwards in the Gates of the Temple, and of every City; therefore there must needs lie an Appeal from the seventy Elders, or the *Sanhedrim* unto Moses, especially while the whole Stream of Jewish Writers or *Talmudists* who should have had some Knowledge in their own Common-

Grotius ad Ex
xviii 21.

Numb xi

Deut xvii 8

P 292

1 Sam VIII 7.

Arif. pol. 3.
l. 12.

wealth, unanimously affirms that there was no such thing? Whereupon to the Election of the former Elders, saith Grotius, in the Place of these came the Judges in the Gates, and in the Place of Moses the Sanhedrim. Nor need we go farther than the Scripture, for the Certainty of this Assertion, where the Seventy are chosen not to stand under Moses, but with him; not to diminish his Burthen, or bear it under him, with an Appeal in difficult Cases to him, as is expressed in the Election of the Jethronian Elders, but to bear the Burthen with him, and without any mention of such Appeal. Moses before the Election of the Jethronian Judges had the whole Burthen of Judicature lying upon him, after their Election, the Burthen of the Appeals only: wherefore if the seventy Elders were indeed instituted to bear the Burthen with Moses, there thenceforth lay no Appeal unto Moses, which is yet clearer in this Precept: *If there arise a Matter of Controversy within thy Gates, (which plainly is address'd to the Jethronian Courts) too hard for thee in Judgment, then shalt thou come unto the Priest and the Levite, (by which in the Sense of all Authors Jewish and Christian is understood the Sanhedrim) or to the Judge that shall be in those Days, (the Suffes or Dictator) and they shall shew thee the Sentence of Judgment:* whence by the clear Sense of Scripture, all Matter of Appeal in Israel lay unto the Sanhedrim. Your next Argument, that there must be nothing in all this but easing the supreme Magistrate of some part of the Burthen, which was before too heavy for him, without any Diminution, in the least Respect of his Power; is, that when God had taken of the Spirit which was upon Moses, and put it upon the seventy Elders, the Spirit yet rested upon Moses in as full a Measure as it did at first: I grant in a fuller, for I believe his Wisdom was the greater for this Diminution of his Power, it being through the Nature of the Balance, apparently impossible that he could be any more than a Prince in a Commonwealth. But your Argument can be of no Force at all, unless you will have him to have been less wise, for not assuming Sovereign Power, where, without Confusion, it was altogether impossible he should have held it. A Prince in a Commonwealth subsisteth by making himself, or being made of use unto the free Course of popular Orders; but a Sovereign Lord can have no other Subsistence or Security, than by cutting off or tearing up all Roots, that do naturally shoot or spring up into such Branches. To conclude, if the Congregation of the People, in Law to be made, had such Power as was shewn, and in Law, so made, the ultimate Appeal lay unto the Sanhedrim; why, are not here two Estates in this Commonwealth, each by God's own Ordinance, and both plain in Scripture? Well, but when they came, you will say, to make unto themselves Kings, whatever Power they had formerly, was now lost. This at best were but to dispute from the Folly of a People against an Ordinance of God, for what less is testified by himself in those Words to Samuel, *they have not rejected thee, but they have rejected me that I should not reign over them.* The Government of the Senate and the People is that only, which is or can be the Government of Laws and not of Men, and the Government of Laws and not of Men, is the Government of God and not of Men: *He that is for the Government of Laws, is for the Government of God, and he that is for the Government of a Man, is for the Government of a Beast.* Kings, no question, where the Balance is monarchical, are of divine Right, and, if they be good, are great Blessings that

that the Government so standing can be capable of; but the Balance being popular, as in *Israel*, in the *Grecian*, in the *Sicilian* Tyrannies, they are the direst Curse that can befall a Nation. Nor are Divines, who will always have them to be of divine Right, to be hearkned to, seeing they affirm that which is clean contrary to Scripture, for in this Case, saith *Hosea*, *they have set up Kings, and not by me; they have made Princes, and I knew it not.* Pharaoh may impose the making of Brick without the Allowance of Straw, but God never required of any Man or of any Government, that they should live otherwise, than according to their Estates. It is true if a Man's Want make him a Servant, there are Rules in Scripture that enjoin him the Duty of a Servant: but shew me the Rule in Scripture that obligeth a Man who can live of himself unto the Duty of a Servant. Hath God less Regard unto a Nation than to a Man? Yet the People of *Israel*, continuing upon a popular Agrarian, though God forewarned them, that by this means they would make themselves Servants, would needs have a King; whence, saith the same Prophet, *O Israel, thou hast destroyed thy self, but in me is thine Help; I will be thy King* (which foretels the Restitution of the Commonwealth, for) *where is any other that may save thee in all thy Cities? and thy Judges of whom thou saidst give me a King and Princes. I gave thee a King in mine Anger, (that is in Saul,) and I took him away in my Wrath, that is in the Captivity, so at least saith Rabbi Bechar, with whom agree Nachmoni, Gysborne, and others. Kimchi, it is true, and Maimonides are of Opinion, that the People making a King, displeased God not in the Matter, but in the Form only, as if the Root of a Tree, the Balance of a Government, were Form only and not Matter. Nor do our Divines yet, who are divided into like Parties, see more than the Rabbies. Both the Royalists and the Commonwealthsmen of each sort, that is, whether Divines or Talmudists, appeal unto the Letter of the Law, which the Royalists (as the Translators of our Bible) render thus: *When thou shalt say (the Commonwealthsmen, as Diodati thus, If thou comest to say) I will set a King over me, like all the Nations that are about me, thou shalt in any wise set him King over thee, whom the Lord thy God shall choose.* The one Party will have the Law to be positive, the other contingent, and with a Mark of Detestation upon it; for so where God speaketh of his People's doing any thing like the Nations that were about them, it is every where else understood, But let these, which are no Niceties, be as you will; who seeth not that to argue from this Place for the Necessity of the King, is as if one from that foregoing should argue for the Necessity of the Judges? The Words are these, *thou shalt come unto the Priest and to the Levite, which, as was said, is to the Sanhedrim, and (that is or) to the Judge that shall be in those Days.* Yet that the Judges, not by any Necessity implied in these Words, but through the mere Folly of the People came to be set up in *Israel*, is plain by *Jeremiah*, where he sheweth that the *Israelites* laying by their Arms, and forsaking themselves unto their Pleasures, while they did not as God had commanded, root out the *Canaanites* from among them, but suffered them to dwell with them, suffered also the Form of their Commonwealth to be corrupted, and the Senate to be broken; the Senators not other solemn Magistrates being elected as formerly, which both in Word and Fact is confirmed also by the Scripture. In Words, as where it is thus written: *When Joshua had let the People go (that is**

Hof. viii. 4.

Hof. xiii.

Deut. xvii. 14.

Verse 9.

Book 5. c. 2.

had

Judg 11 6 had dismissed the Army, and planted them upon their popular balance) the Children of Israel went every Man unto his own Inheritance to possess the Land, and the People served the Lord all the Days of Joshua, and all the Days of the Elders that out-lived Joshua, that is, while the Sanhedrim continued after him; but when the Elders hereof came to die, and the People elected them no Successors, they lived evil in the sight of the Lord, and having broken their Civil Orders, forsook also their Religion, the Government whereof depended upon the Sanhedrim, and served Baalim. And for the Matter of Fact included in these Words, it farther appears, where Judah said unto Simeon his Brother, come up with me into my Lot, that we may fight against the Canaanites, and I likewise will go with thee into thy Lot; so Simeon went with him. By which the Tribes leaguering at their Pleasure one with another, it is plain, that the Sanhedrim their common Ligament was broken. Now except a Man shall say, that this Neglect of God's Ordinance was according unto the Law of God, there is no disputing from that Law to the Necessity of the Judge, which happened through no other than this Exigence (quippe aut rex, quod abominandum, aut quod unum liberæ civitatis consilium est, senatus habendus est) wherefore the Judge of Israel was not necessitated by the Will of God, but foreseen only by his Providence, not imposed by the Law, but provided by it as an Expedient in Case of Necessity; and if no more can be pleaded from the Law for the Judge against whom God never declared, much less is there to be pleaded from the same for the King, against whom he declared so often. There is nothing more clear nor certain in Scripture, than that the Commonwealth of Israel was instituted by God, the Judges and the Kings no otherwise, than through the Imprudence and Importunity of the People. But you who have no better Name for the People in a Commonwealth than the rascally Rabble, will have Kings at a venture to be of divine Right, and to be absolute; whereas in truth, if divine Right be derived unto Kings, from these of the Hebrews only, it is most apparent that no absolute King can be of divine Right. For these Kings, if they were such by the Law alleged, then by the same Law they could neither multiply Horses nor Wives, nor Silver nor Gold, without which no King can be absolute; but were to keep all the Words of this Law and these Statutes, and so by Consequence were regulated Monarchs; nay, could of Right enact no Law, but as those by David for the Reduction of the Ark, for the Regulation of the Priests, for the Election of Solomon, which were made by the Suffrage of the People, no otherwise than those under the Kings of Rome, and ours under the late Monarchy. What then is attributed by Calvin unto popular Magistrates, that is not confirmed by Scripture and Reason? Yet nothing will serve your Turn, but to know what Power there was in the Sanhedrim, to control their Kings: To which I answer, that both Schickardus and Grotius with the full Consent of the Talmudists have assured you, that in case the King came to make these Laws and Statutes, it was in the Power of the Sanhedrim, to bring him unto corporal Punishment. Moreover it is shewn by the same out of Josephus, that Hyrcanus, when he could not deliver Herod from the Sanhedrim by Power, did it by Art. Not is your Evidence so good as that of Hyrcanus, while you having nothing to say to the contrary, but that Herod when he was questioned was no King, shuffle over the Business without taking any Notice as to the Point in Controversy, that Hyrcanus, who could not save Herod from the Question, was King.

Pacuvius apud
Livium lib
23

Deut xvii

De jure B ac
P Lib 1.
Cap 1.

The

THE manner of the Restitution of the *Sanhedrim* made by *Jehoshaphat* plainly shews, that even under the Monarchy the Power of the *Sanhedrim* was co-ordinate with that of the Kings, at least, such is the Judgment of the Jewish Writers; for saith *Grotius*, the King (as is rightly noted by the *Talmudists*.) was not to judge in some Cases; and to this the Words of *Zedekiah* seem to relate, where to the *Sanhedrim* demanding the Prophet *Jeremiah*, he said, *behold he is in your Hands*, *for the King is not he that can do any thing with you*. Nor, except *David*, had ever any King Session or Vote in this Council. To which soon after he adds, that this Court continued till *Herod* the Great, whose Insolence, when exalting it self more and more against the Law, the *Senators* had not in time as they ought, suppressed by their Power; God punished them in such manner for the Neglect of their Duty, that they came all to be put to Death by *Herod*, except *Sameas* only, whose Foresight and frequent Warning of this or the like Calamity they had as frequently contemned. In which Words *Grotius* following the unanimous Consent of the *Talmudists*, if they knew any thing of their own Orders, expressly attributes the same Power unto the *Sanhedrim*, and chargeth them with the same Duty in *Israel*, that is attributed unto the three Estates in a Gothick Model, and charged upon these by *Calvin*.

THUS that there never lay any Appeal from the *Sanhedrim*, unto *Moses*, nor, except when the *Jews* were in Captivity, or under provincial Government, to any other Magistrate, as also that they had Power upon their Kings, being that your self say, *Is the Objection paramount*, P. 289. and which not answered, you confess that the three Estates convened in Parliament, or any other popular Magistrate *Calvin* dreams of, notwithstanding any Discontinuance, or Non-Usage on their parts, or any Prescription alledged by Kings to the contrary, may resume and exercise that Authority, which God hath given them, whenever they shall find a fit time for it. And this Letter shewing plainly that you have in no wise answered this Objection; it remains that your whole Book, even according to your own Acknowledgment, is confuted by this Letter. Or if you be of another Mind, I shall hope to hear farther from you.

A Letter unto Mr. STUBS in Answer to his *Oceana weigbed, &c.*

SIR, to begin with the best Piece of your Work; your Quotations in the Title Page spoiled with ill Application, I shall first set right. You see that all Councils, all Things are upon the *Rota*, upon the Wheel. From that *Rota* only which I suppose you mean; what came forth, came forth unfoiled, and as it went in. We do not by this Trial despair, but with a little Sense, the right Institution of such a Society may come to compare with *Piccadilly*, *Play-houses*, or *Horse-matches*; but if these be yet preferred, then indeed

—*Amphora cœpit*
Institui, currende Rota, cur urceus exit?

Thus

Thus applied there may be Sense in this Quotation. So for your other, had it been affixed unto your former Book, and applied to your self, or those, unto whom you wrote Journey-work for *Oligarchy*, it might have been well said as in *Asinar*.

—*Nunc enim hic est*
Negotiosus interdus, videlicet Polon est
Leges ut conscribat, quibus se populus non teneat Cerra.
Qui sese parere apparent hujus legibus, profecto
Nunquam bonæ frugi sient.

Thus taken you know it is true. And so your Title Page being in Part rectified, I come

To your Preface.

Mr. *Harrington* says, That without a national Religion there can be no Liberty of Conscience. And you answer, That in *Athens* and *Rome* there were national Religions; therefore in *Athens* and *Rome* there was no Liberty of Conscience; which is so much the more absurd in that you cite *Petit* for Confirmation of your Consequence, who affirms the contrary, and that by undeniable Authorities, as may be seen in the second, third, and fourth Pages of his Discourse upon the *Attick* Laws, the Sum whereof amounts unto thus much, That albeit there were in *Athens* Laws for the National Religion, yet it by Law was in the *Areopagites* also to give Liberty unto any other Way of Worship, which Liberty so given was Law, and became a Man's Right, whether it were to a publick or private Way of Worship; in which Manner it is affirmed and proved by the same *Petit*, that into *Athens*, besides the national Religion of that Country, were introduced the Religions of almost every other Country. The same he affirmeth of *Rome*, where notwithstanding the national Religion therein established by *Romulus*, it is vulgarly known that scarce any Country was subdued by them, whose Religion they did not insert into their own.

And where is your Truth, who say, That Mr. *Harrington* entertains us with Discourse of *Paul's* Trial at *Athens*? Where doth he say that *Paul* was tried there? Or what saith he of *Paul's* preaching there, other than is affirmed by other Pens, as that particularly of *Grotius*? But out of this you fall merrily, as thus: Once upon a Time there was a Man called *William Thomas*, therefore *William* and *Thomas* must for evermore be one and the same Man.

This is your Way of disputing, which you carry on in like Manner, for Example thus.

Every Man is to be taxed for that Estate, whereof he is not Owner.

Now *Oceana* is an Estate, whereof Mr. *Harrington* is not Owner.

Therefore *Oceana* is an Estate, for which we are to tax Mr. *Harrington*.

If the Minor be denied, as that *Oceana* is an Estate whereof Mr. *Harrington* is not Owner, your Discourse implies this or the like Proof of it.

Where

Where any one Man and no other is the constant Defender of one and the same Estate or Propriety, that one and the same Estate or Propriety is not his, but some others.

But Mr. Harrington and no other is the constant Defender of *Oceana*.

Therefore *Oceana* is no Estate or Propriety of Mr. Harrington's, but of some other. Now if it please you

To the Body of your Work.

Sir, to a Man who pretends not to understand a Language, it is no Shame not to understand that Language, but it is a Shame to a Man, and a Scholar who pretends to Sense, not to understand Sense. If I shall make it plain that in this Point you come short, I shall have vindicated the Greek of your Authors from your ignorant Application of the same, without troubling the Reader with any more Languages than his Mother Tongue. You, in pretending to have found *Oceana* light, weigh only *Sparta*, nor that truly.

First, Because the Senate of *Sparta* was instituted by *Lycurgus*, you argue, That it was not instituted eligible by the People, whereas all Authors, particularly *Aristotle*, lib. 4. cap. 9. affirm, That the Magistrates in *Sparta* were all chosen by the People, as that of Senator; or chosen, and also born by the People, as that of *Ephori*.

For the Mistakes you lay unto Mr. Harrington in the Greek, as, That the Tribes in *Lacedemon* were pre-existent to the Oracle, what maketh that to the Purpose? And that the Word *Obæ* doth not signify *Lineages*, you will hardly persuade, seeing *Amyot*, thought to be as good an Interpreter of the Greek as Mr. *Stubs*, in rendering the Oracle, hath these Words, *Après que tu auras divisé le peuple en lignées*. But I will not trouble the Reader with foreign Languages: Things indisputable shall hereafter be brought for Interpretation of the Words you dispute at a dear Rate, giving so much Greek for Twopence as you have made not worth an Half-penny. Mr. Harrington states the Commonwealth of *Sparta* thus;

Lycurgus instituted a Senate eligible by the People for Life, with Right to debate and propose, and a popular Assembly with Power to resolve. To which he adds the Place in *Plutarch*. *Lycurgus having thus tempered the Form of this Commonwealth, it seemed nevertheless to them who came after, that the small Number of thirty Persons (and for Life) whereof this Senate consisted, was the Cause of greater Force and Authority in the same than was convenient; for which Cause to bold in this same Senate, they (the People) gave them the Senate, (as Plato saith) the Curb, which was the Power and Authority of the Ephori, Magistrates created about One hundred and thirty Years after the Death of Lycurgus, in the Time of King Theopompus, who to his Wife reproaching him in Disdain, that he must thus basely leave his Kingdom left unto his Successors, than he had received of his Predecessors; made Answer, That he should leave it greater, in Regard that it would be more firm and durable.*

Hereby it is apparent, when the Senate upon these Advantages of Fewness and for Life, began to propose perversely unto the People, then the People began to add, diminish, pervert, and evert what the Senate proposed, that is, they began (as in like Cases is unavoidable) to

E c c c

debate.

debate. And the People thus taking upon them to debate, *Polydorus* and *Theopompus* being Kings, endeavoured to add unto the fundamental Law, *That if the People did not determine well, then the Senators and the Kings should stop the Procedure.* Hereupon, for the Defence of their fundamental Laws, the People erected the Court of the *Ephors*, consisting of annual Magistrates chosen by and out of themselves, and with Power to question any of their Kings or Senators upon their Lives, that should go about to pervert those Laws. Thus by this Patch of the *Ephors*, came that Flaw in *Sparta* (wherewith Mr. *Harrington* for that Reason proposing otherwise, is not concerned) to be amended. And this is the Account he gives of that Commonwealth, which you, perverting the whole Story, go about to weigh otherwise.

1. Inferring that the People were guilty of those Miscarriages, which it is plain proceeded from the Senate, and were rectified by the People, in the Institution of that *Curb upon the Senate* (as is plainly shewn by *Plutarch*) in the Institution of the *Ephors*.

2. You infer from you know not what, that the Senate had a negative Vote, and yet confess that the People had no Right to debate. Whereas to leave Words or *Canting*, (for your Greek, as you use it, amounts to no more) and come as I said to the undeniable Testimony of Things or of Sense; if the popular Assembly had no Right to debate, how should the Senate have a Negative? Or if the popular Assembly had Right to the Result only, then who but themselves could have the Negative? *Contra rationem nemo sobrius, contra experientiam nemo sanus.* For that which you alledge out of *Demosthenes*, as that he calleth the Senate of *Sparta* Lords of the People, it can (considering the Nature of this Commonwealth, which *Isocrates* to the *Areopagites* affirms to be popular) be no otherwise understood, than as they who have the like Function, I mean of debating and proposing unto the Parliament in *Scotland*, are called Lords of the Articles. Lord in this Sense, as you (in great Letters setting a Mark upon your Ignorance, and not interpreting your Text) would imply, doth not signify *Sovereign*, for neither are the Lords of the Articles *sovereign*, nor doth *Demosthenes* affirm that of the Senate of *Sparta*. But where the Proposers are few, and for Life, as in *Lacedemon*, and as the greater Nobility or Officers in *Scotland*, they may in some Sense be called Lords of the People, though not they, but the People have the Result.

To conclude, Mr. *Harrington* hath long since shewed, that among the Greeks, the Words *Oligarchy* and *Democracy*, were understood in such Manner, that where the popular Assembly had the Result only, there the Commonwealth was sometimes called *Oligarchy*, especially if the proposing Council consisted of few, and for Life, as in *Sparta*; and where the People had not only the Result but Debate also, that was called *Democracy*, as in *Athen*. Hence that an Oligarchist in your Sense, or one that hath endeavoured to make *Helots* and *Gabeonites*, or Servants of such as are now his Lords and Masters, is no Idiot, there is no Consequence, even for what hath happened in our Days. *Quid verba audio, cum facta videam?* &c.

. March 6. 1659.