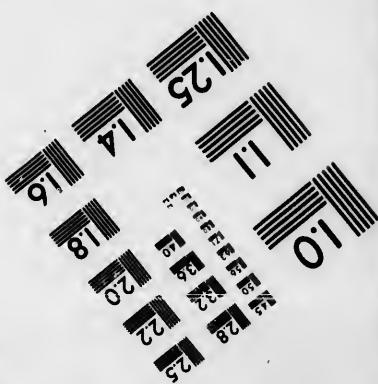
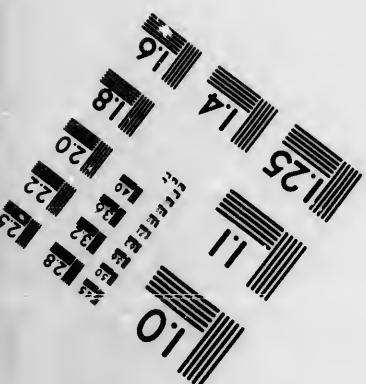
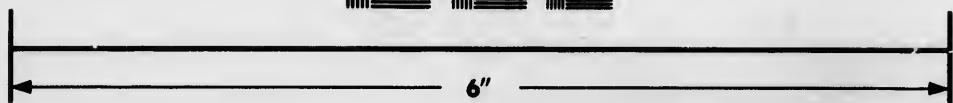
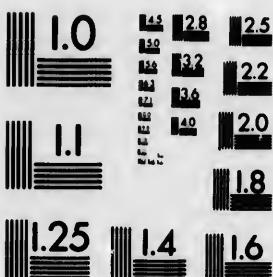


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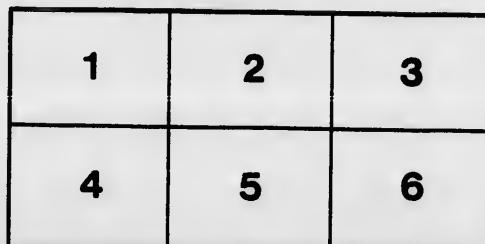
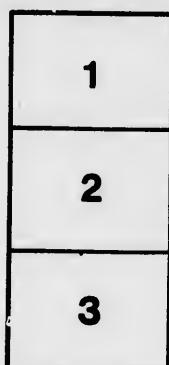
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A. Cyprianus

Antonius Seijp.

CONTINUED CORRUPTION,

STANDING ARMIES,

A N D

POPULAR DISCONTENTS Considered;

And the ESTABLISHMENT of the

English Colonies in AMERICA,

W I T H

Various subsequent PROCEEDINGS,

AND THE

Present Contests, examined, with Intent to promote their
cordial and perpetual Union with their Mother-Country,

FOR THEIR MUTUAL

HONOUR, COMFORT, STRENGTH, AND SAFETY.

Wisdom is better than Weapons of War. Eccles. ix. 18.

— τέρατα μὲν τε φάσις ἀδλῶν. Il. δ. 203.

Concordia res parvæ crescunt, discordia maxumæ dilabuntur.

Sal.

London

Printed, and Sold by J. ALMON, opposite Burlington-House, Piccadilly.

MDCCLXVIII.

1768

Cognitive Construction

ЗЕМЛЯ - ОБРАЗАНИЕ

Д. С.

Природо-образовательная

и технологическая

Миро-образование

и т.д.

Физико-материяльное

и т.д.

Природо-образовательная и технологическая

CONTINUED CORRUPTION,

STANDING ARMIES,

A N D

POPULAR DISCONTENTS,

CONSIDERED, &c.

CONTINUED corruption, standing armies, and dissensions, single; or united in different proportions, have caused the ruin of kingdoms and states innumerable, and through that immutable necessity which the God of nature hath established causes will produce their effects; nevertheless we seem to act under a persuasion that our constitution is able to bear these maladies under any complication or increase; and tho' the first named disease alone, without due preventive care, hath never failed to destroy every free state infected by it, yet instead of a diligent application of the most efficacious remedies, whereby the kingdom would have acquired strength at home, and credit abroad, we have lately seen our state-physicians take such courses as far exceed my inclination and talents for censure. *Qui non obstat quod obstat potest facere videtur*, is a maxim

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of our laws, and yet, instead of withstanding this mischief to the utmost, they were pleased, contrary to their indispensable duty, as well as their declaration, to withstand those who, in faithfulness to their country laboured to obtain an effectual remedy.

It is evident that the most intelligent and worthy *Romans*, in the imperial as well as free state, were solicitous to prevent bribery and corruption, agreeing in opinion with *Pompey*, that this was the origin of all public miseries, and that having purged that humour, the common-wealth would soon recover its former vigour; and it is needless to say that the men renowned for wisdom, and regard for the public good, from *Moses* to *Montesquieu* have held the necessity of expelling corruption in order to the public happiness. The latter says of the *Roman* people, that "when virtuous they were magnanimous, but "when their morals were corrupted the more power they were possessed of the less prudent was their conduct, till at length upon becoming their own tyrants and slaves they lost the strength of liberty "to fall into the weakness and impotency of licentiousness." The same author declares, that "when once a republic is corrupted there "is no possibility of remedying any of the rising evils but by removing "the corruption; and restoring its lost principles, every other correction being either useless, or a new evil." And according to Mr. *Lacke*, when the legislative is chosen "in another way than the society hath proscribed, those chosen are not the legislative appointed "by the people." And after describing the corrupt methods taken in his time with the electors and elected, he says "thus to regulate "candidates and electors, and new model the ways of election, what "is it but to cut up the government by the roots, and poison the very "fountain of public security? For, the people having reserved to themselves the choice of their representatives, as the fence to their properties, could do it for no other end but that they might always be freely chosen, and so chosen, freely act and advise, as the necessity of the common-wealth, and the public good should, upon examination

" mination and mature debate, be judged to require. This those who
 " give their votes before they hear the debate, and have weighed the
 " reason on all sides, are not capable of doing." Bishop Burnet, after
 setting forth the corrupt proceedings of King James II. to obtain a
 parliament suitable to his designs, wherein he succeeded so far, that
 he said there were not above forty members but such as he himself
 wished for, relates that " when the petitions concerning the elections
 " were presented, *Seimour* spoke very high, and with much weight.
 " He said, the complaints of the irregularities in elections was so
 " great, that many doubted whether this was a true representative of
 " the nation or not. He said, little equity was expected upon peti-
 " tions, where so many were too guilty to judge justly and impartially." Subjoining this bold reflection, " that it concerned them to look to
 " these; for if the nation saw no justice was to be expected from them,
 " other methods would be found, in which they might come to suf-
 " fer that justice which they would not do."

Upon the revolution, it is well known, the Lords and Commons declared, that King James, with the assistance of divers evil counsellors, judges and ministers, did endeavour to subvert the protestant religion, and the laws and liberties of this kingdom, among other means, " by violating the freedom of election of members to serve
 " in parliament;" and by their bill of rights, established by parliament, they declared, " That election of members of parliament
 " ought to be free :" but great corruption afterwards taking place, in the 7th and 8th of King William, an act was made to prevent
 " charge and expence in elections," which, after the following recital, viz. *Whereas* grievous complaints are made, and manifestly appear
 to be true, in the kingdom, of undue elections of members to parliament, by
 excessive and exorbitant expences, contrary to the laws, and in violation of
 the freedom due to the election of representatives for the Commons of Eng-
 land in parliament, to the great scandal of the kingdom, dishonourable, and
 may be destructive to the constitution of parliaments; for remedy therein,

and that all elections of members to parliament may be hereafter freely and indifferently made, without charge or expence, enacts; that no persons thereafter to be elected to serve in parliament, after the teste or writ of summons, or after the teste or issuing or ordering out of the writ of summons of election upon the summoning any parliament thereafter, or after any place becomes vacant in the time of that or any other parliament, shall by themselves, or by any other ways or means on their behalf, at their charge, before their election to serve in parliament, directly or indirectly, give, present, or allow to any persons having vote in such election, any money, meat, drink, entertainment, or provision, or make any present, gift, reward, or entertainment, or shall at any time thereafter make any promise, agreement, obligation, or engagement, to give or allow any money, meat, drink, provision, present, reward or entertainment, to or for any such persons in particular, or to any county, city, town, borough, port, or place in general, or to or for the use, advantage, benefit, employment, profit or preferment of any such persons or places, in order to be elected, or for being elected to serve in parliament. And that all persons so giving, &c. shall be and are thereby declared and enacted disabled upon such election to serve in parliament, and shall be deemed no members in parliament, and shall not act or have any vote or place in parliament, but are thereby declared, and enacted to be to all intents and purposes as if they had never been returned or elected members for the parliament.

The king, his ministers, or the house of commons, have not, I presume, authority to dispense with this statute, and rescind the disabilities incurred by the transgression of those numerous and notorious offenders against it in the late general election, which would be, in effect making a representation *pro tanto* of the kingdom, in direct repugnance to this statute, and the spirit of the constitution.

The corrupt practices inhibited by this act, are such only as take place after the test of the writ, or the order for it; and it is notorious that the bargain and sale of boroughs, and electors votes, have

of

of late years taken place long before the test of the writ : these, with other reasons, governed the gentleman who first formed the design last winter of making further provision, in order to the utter extirpation of corruption, and who prosecuted this design until prevented by such persons and proceedings as I do not at present chuse particularly to set forth. *Salus populi* is declared by the wisdom of all ages to be the supreme law, indispensably binding all rulers ; and corruption being the most dangerous enemy of the people, our state physicians, who, instead of curing increase the malady, and our modern patriots, who chuse to obstruct rather than promote a remedy so much wanted, seem not even to think that the importance of the subject will excite some able writer to transmit the matter, with their names and conduct, to posterity, whose ruin will as certainly ensue as the shadow accompanies the substance, unless prevented by wiser and better counsels.

Polybius observes, that " the Athenian state, after having been conducted by the virtue of the governors and the people thro' all the difficulties of the most threatening seasons, had often unaccountably been overset in times of perfect safety and tranquillity, and that every state can be maintained only by fortitude in war, and union among the citizens." Mr. *Hobbes*, comparing the politic to the natural body, says, that " in a civil state concord is health, sedition sickness, and civil war death." Sir *William Temple* introduces the 2d section of his discourse upon popular discontents with the following observation, " I cannot leave this subject of popular discontents without reflecting and bewailing how much and how often our unfortunate country has been infested by them, and their fatal consequences, in the miseries and deplorable effects of so many foreign and civil wars as these have occasioned, and seem still to threaten : how often they have ruined or changed the crown ; how much blood they have drawn of the bravest subjects ; how they have ravaged and defaced the noblest island of the world, and which seems, from the happy situation, the temper of climate, the fertility of soil, the numbers and native courage of the inhabitants,

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" habitants, to have been destined by God and nature for the greatest
 " happiness and security at home, and to give laws, or balance at
 " least, to all their neighbours abroad."

Unhappily the diseases and dangers of the state have been several ways increased since this author wrote. He had seen scandalous corruption take place at court, and the baneful root planted in sacred ground, the house of commons : but it had not then overspread the land with such excess of profusion and violence, and the public had not been subjected to those immense debts and taxes which anticipate the fruit of the labours of posterity, instead of providing for their welfare ; which bear so hard even on the manufactures and labours, whereby either principal or interest can be paid, or money brought into the kingdom ; which make the debts and distresses of the whole the means of the wealth and profusion of some, and of the dissipation of others, and minister so far to the desires of those who are solicitous to plunder the public, and by their corruptions to obtain the rule over it ; and yet, justice being the foundation of the common-wealth, we must of necessity bear these burthens, until lightened by our labours, and better conduct than has attended their imposition and continuance, considered in their several relations.

Many persons have placed their fortunes, the fruit of their own and ancestors labours, on the faith of the kingdom. St. Bernard told *Moro* the doge of *Venice* that the republic would last as long as the custom continued of doing justice, which father *Paul*, in his advice to that republic, says was " a maxim no less politic than holy, because under this short rubric are contained so many good advices, that were they all faithfully observed, we might justly expect thereby to perpetuate the dominion of the common-wealth to all ages." Afterwards he says, " On all occasions wherein the public faith is engaged, it is necessary to observe it inviolably, without being amused by any profit that may accrue to the republic by the breach of it. And it is fit to consider that the benefit reap'd by breaking it is momentary, but

" but the damage that follows upon the not observing it is perpetual." Yet some of our politicians contend with an air of sufficiency and levity for breaking up the stocks, saying strike but a pen through the names of the stock-holders, and they are instantly reduced to a parcel of beggars, whose ruin would greatly enrich the government : but these politicians, who are so ready to wipe justice out of the minds of others as well as their own, should remember that there is a measure of patience which human nature will not exceed, that the *English* have ever been remarkably fearless of death, that desperation makes even cowards brave, and that they who have no fear for their own lives will ever command or endanger the lives of others. *Qui cogi potest necit mori,* and a compulsion of honest public creditors to starve, while they shall see others rioting in the abundant participation of public treasures, obtained with less labour or merit than their own lost estates, would probably be held by the sufferers so severe as to excite the utmost desperation and revenge, the fatal consequences whereof cannot be foreseen. We are moreover to consider that the riches thus taken from the public creditors would throw such a weight into the scale of regal power as would overturn the peoples liberties, without which the kingdom would become miserable and despicable, altho' those short-sighted politicians who are ready to make the most dangerous advances towards absolute power seem to think otherwise.

When the sovereignty of the world was contended for between *Rome* and *Carthage*, the former, tho' much inferior in wealth, so far excelled the latter by their virtuous manners, as well as their invincible policy, that their success, in my opinion, is not to be wondered at. *Polybius* speaking of the two nations says, " In all things that regard the acquisition of wealth, the manners also and the customs of the *Romans* are greatly preferable to those of the *Carthaginians*. " Among the latter nothing is reputed infamous that is joined with gain : but among the former nothing is held more base than to be corrupted by gifts, or to covet an increase of wealth by means " that

(10)

" that are unjust; for as much as they esteem the possession of
 " honest riches to be fair and honourable, so much on the other
 " hand all those that are amassed by unlawful arts are viewed by them
 " with horror and reproach. The truth of this fact is clearly seen
 " in the following instance. Among the *Carthaginians* money is openly
 " employed to obtain the dignities of the state; but all such proceed-
 " ing is a *capital crime in Rome.*" In justice to the city of *London* let
 us on this occasion remember, that among other sensible and spirited
 instructions given to their representatives chosen in *April 1722*, for
 their government in the ensuing parliament, they gave the following,
 " We passionately wish to see an *act to prevent bribery and corruption*
 " *in elections*, that a few *mercenary boroughs* may not be tempted to
 " elect such *corrupt candidates* as bribe for a *place in parliament*, in
 " order to set up their country at *auction*: and that an *act to this*
 " purpose may pass the more easily, we desire you may not dispose
 " of our money before you shall have secured to us this prop to our
 " constitution."

The continuance of such large armies as we have had of late in time
 of peace, when we had so good a militia for our defence, was wholly
 unknown when Sir *William Temple* wrote, and we seem to have intirely
 forgot what Mr. *Trenehard* and other able authors have written, faith-
 ful politicians have declared, and history proves, respecting the dangers
 that attend their nature and use. "In all ages and parts of the world
 " a standing army has been the never failing instrument of enslaving a
 " nation;" and whenever their strength encourages the exercise of any
 government grievous to the people, whose happiness is the end of all
 government, and whose hearts are the strongest fortress that rulers can
 have, they embarrass those nations whose destruction their continuance
 will sooner or later effect. In this case we are to consider things as they
 are in their nature and institution, and not by the accident of person,
 which is ever subject to mutation; and as mankind know but little of
 human governments, and the means of their preservation or destruction,
 saving

saving what is the fruit of experience, to judge aright of the nature and operations of such armies, raising our minds above all prejudices, partialities, and delusive appearances, occasioned by modern practices introduced, instead of better, by modern politics, let us consult that experience, taking a view of the numerous nations brought into servitude, poverty and misery by standing armies, whereof several had been held in esteem by the sufferers, and avail ourselves as far as may be of the policy of the wisest and bravest nations, among all whom the *Romans* have an undoubted claim of precedence; arms were the common profession of the common-wealth, and by the martial and other virtues of its members it was raised to such a height as to eclipse the glory of all nations. Its liberties were long preserved by putting the sword into the hands of the citizens, who returned from military service to their private stations, and by taking care that arms shou'd not be employed in their civil affairs.

Dionyfius of Halicarnassus, to the great honour of the *Romans*, says, that the harmony arising from the institutions of *Romulus* was so firmly established among them, " that tho', as it often happens in all cities, both great and small, many great political contests have arisen between the people and their magistrates, they never within the course of six hundred and twenty years proceeded to bloodshed and mutual slaughter; but by persuading and informing one another; by submitting in some things, and receiving a voluntary submission in others, they put an end to their disputes in such a manner as became fellow-citizens." This harmony was dissolved in the tribuneship of *Tiberius Gracchus*, who undertook the revival of the agrarian law, and the defence of the poor against the opressions of the rich, whose avarice having deprived the poor of their farms, they, to use the words of *Plutarch*, " were very backward to enlist in the army, nor would they take any care of the education of their children, insomuch that in a short time there were few freemen remaining in all *Italy*; but the country swarmed with a numerous company of barbarous slaves, whom the rich men

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" employed

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" employed in cultivating their ground, having dispossessed the citizens." The proceedings of *Gracchus*, in his attempt to correct an evil so dangerous to the common wealth, as well as grievous to the poor farmers, were at first equitable and moderate; but *Scipio Nasica*, who possessed large portions of land contrary to law, and the whole faction of the rich opposing him *totis viribus*, he had recourse to violent measures. During these sharp contests he was falsely charged in the senate by *Quintus Pompeius* with a design of making himself king, and *Pompey's* groundless information passing for undeniable proof, on the day of the election of the tribunes, when *Gracchus* was intended to be re-chosen by the people, his enemies in the senate, to prevent it, continued repeating that his view was a crown and sceptre; and, being enraged, they concluded to give the consul (*Mucius Scævola*) leave to arm his legions, treat the factious as enemies, stain the capitol, if necessary, with the blood of the citizens, and turn the *comitium* into a field of battle: but *Mucius*, being a prudent and moderate man, refused to be the instrument of their rash revenge, and dishonour his consulate with the massacre of an unarmed people. After this *Fulvius Flaccus*, who was dispatched by the friends of *Gracchus* in the senate, coming into the assembly of the people, and informing him that the rich senators had resolved to assassinate him, he put his hand to his head, to denote to those who stood at a distance his danger; whereupon his adversaries ran to the senate, and declared that *Gracchus* desired the people to bestow a crown upon him. " This caused a violent commotion, and *Nasica* required the consul to destroy this tyrant, and defend the government. The consul mildly replied, *That he would not begin to use violence, nor put any citizen to death before sentence had lawfully passed upon him; and on the other hand, if the people should be persuaded or forced by Tiberius to decree any thing contrary to the laws, he would resolutely oppose it.* Nasica then starting up, said, *since the consul betrays the common-wealth, let every one who will defend the laws follow me,*" and thereupon, accompanied with a crowd of senators, hastened

hastened to the assembly of the people, being joined by their clients and friends, provided with clubs and battoons. The people in regard to their dignity, gave way with so great precipitation that the benches were broken, and they snatching up the fragments made towards *Gracchus*, knocking down all that stood in their way, though none resisted, whereby the people were dispersed, and many slain. *Gracchus* fled, but falling was killed as he arose. In this tumult there were above three hundred men slain with staves and stones only, no military weapons being used. *Plutarch*, after observing that former seditions had been amicably composed, says, "it is probable that *Tiberius* himself might have been easily brought to submit by persuasions and remonstrances; nay, he might have been easily subdued by force, without proceeding to wounds and slaughter."

This memorable dissension, with its bitter fruits, should incline all free nations, when discord arises, to revert as soon as possible to an amicable union; for from this time the *Romans* were perpetually destroying and banishing one another, refraining from no excess to gain the superiority, until from the most free and glorious people they became the slaves of imperial tyrants, supported by standing armies; unless when these, who were the masters of all, were pleased to put an end to their lives.

Mr. *Algernoon Sidney* observes that, "as government is instituted for the preservation of the governed, the *Romans* were sparing of blood, and are wisely commended by *Livy* for it: *nulli unquam populo militiores placuere paenae*; which gentleness will never be blamed, unless by those who are pleased with nothing so much as the fury of those monsters who with the ruin of the best part of mankind usurped the dominion of that glorious city." But if the *Romans* were gentle in punishing offences, they were also diligent in preventing them: the excellence of their discipline led the youth to virtue, and the honours they received for recompence confirmed them in it. By this means many of them became laws to themselves; and they

" who

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" who were not the most excellent were yet taught so much of good,
 " that they had a veneration for those they could not equal, which not
 " only served to incite them to do well according to their talents, but
 " kept them in such awe as to fear incurring their ill opinion by any bad
 " action as much as by the penalty of the law. This integrity of
 " manners made the laws as it were useless: and, whilst they seemed
 " to sleep, ignorant persons thought there were none: but their dis-
 " cipline being corrupted by prosperity, those vices came in which
 " made way for the monarchy; and wickedness being placed in the
 " throne there was no safety for any, but such as would be of the
 " same spirit, and the empire was ruined by it."

Baron Montesquieu, in considering the causes of the grandeur and declension of the Romans, observes that " policy had not permitted armies to be stationed near Rome; yet suffered not Italy to be wholly unfurnished of troops; for this reason considerable forces were kept in Cisalpine Gaul; that, is, in the country extending from the Rubicon, a little river of Romagna (about 200 miles distant from Rome) to the Alps: but to secure the city of Rome against those troops the celebrated *Senatus Consultum* was made, still to be seen engraven on the way from Rimini to Cesena, by which they devoted to the infernal gods, and declared to be guilty of sacrilege, and parricide, those who should with a legion, with an army, or with a cohort pass the Rubicon." In the year 1565, as Montanus relates, Aldus Manutius, in his way from Venice to Rome, saw, and carefully transcribed, this noble monument of antiquity, standing on the banks of the Rubicon; whence it appearing that this famous injunction was more ample in its authority and matter than the illustrious Montesquieu supposes I shall here give a copy of it.

JUSSU. MANDATUVE. P. R. COS. IMPER. MILL. TYRO. COMMITITO. MANIPULARISVE. CENT. TURMÆVE. LEGIONARIZ. ARMAT. QUISQUIS. ES. HIC. SISTITO. VEXILLUM. SINITO. NEC. CITRA. HUNC. AMNEM. RUBICONEM. SIGNA. ARMA. DUCTUM. COMEATUM.

EXER-

EXERCITUMQUE. TRADUCITO. SI. QUIS. HUJUSCE. JUSSIONIS. ERGO.
 ADVERSUS. IERIT. FECERITVE. ADJUDICATUS. ESTO. HOSTIS. P. R.
 AC. SI. CONTRA. PATRIAM. ARMA. TULERIT. SACROSQUE. PE-
 NATES. E. PENETRALIBUS. ASPORTAVERIT. SANTIO. PLEBISCI SE-
 NATUSVE. CONSULTI. ULTRA. HO^S. FINES. ARMA. PROFERRE. LI-
 CEAT. NEMINI.

S. P. Q. R.

From the beginning and conclusion of this injunction it appears that it was made not by the senate alone, but by the whole *Roman* people, for their common safety, and that it contained an inhibition the most forcible that could be devised of all persons in arms, from the consul down to the meanest soldier, to pass the *Rubicon*, even under the separate sanction of a *senatus consultum* or *plebiscitum*.

When *Cæsar* at *Ravenna* had determined to violate this sacred injunction, and enter *Italy* proper sword in hand, and, contrary to every principle divine and human, to sacrifice the laws and liberties of his country to his boundless ambition, and make himself master of the world, he directly sent a detachment of soldiers to secure *Ariminum*, and leaving orders for his being followed by the army, which was raised and committed to his care for the use of the common-weath, but now so far corrupted by their participation of his infamous plunder, their future expectations, their long service under him, and an artful harrangue made on the occasion, that they were ready at his command to destroy it, he set out with a few attendants; but when about to pass the *Rubicon* this injunction awakened in him some remorse; for though the most intrepid soldier, and relentless ravager of cities and nations, the near approach of his crime, with its dreadful consequences, staggered and kept him a while in suspense: at length, his ambition prevailing, he passed over the bridge, and then cried out, *The lot is cast, let the gods do the rest!* No *English* king before *Charles II.* had any other guards than his pensioners, and yeomen of the guard, (first appointed by that great oppressor of his people

E

Henry

Henry VII.) save Richard II. who with the aid of 4000 profligate archers made himself absolute. The usurper, it is notorious, kept up an army in support of himself and his tyranny, " and Charles II. being " connived at in keeping a few (additional) guards, he insensibly increased their number, till he left a body of men to his successor " great enough to tell the parliament he would be no longer bound " by the laws he had sworn to." In the year 1697, immediately after the conclusion of the war with France, it is well known how far the soldiery, against king Williams inclination and earnest endeavours, were reduced. On behalf of the court it was then declared that " the army was not designed to be made a part of our constitution, but to be kept only for a little time, till the circumstances of Europe would better permit us to be without them." To which it was answered, and reasons given to prove, that " these conspirators against their country were satisfied that their continuance then was an establishment of them for ever." And it was farther observed, that " the very discontents they might create would be made an argument for the continuing of them: but if they should be kept from oppressing the people, in a little time they would grow habitual to us, and almost become a part of our constitution, and by degrees we should be brought to believe them not only not dangerous, but necessary; for every body saw, but few understood, and those few would never be able to persuade the multitude that there was any danger in those men they had lived quietly with for some years." And moreover that " without dear bought experience any body may know before hand what will be the natural consequences of a standing army. From the day you set them up you set up your masters; you put yourselves wholly into their hands, and are at their discretion. It is the conquest of the nation in the silentest, shortest, and surest way. They are able to dispose of your lives and estates at will and pleasure; and what can a foreign conqueror do more?"

" If

" If after this we live and possess any thing, it is because they let us ;
 " and how long that shall be neither we nor they themselves know."
 " Nay, in many respects an authorised standing army is far worse
 " than a foreign invasion, and a conquest from abroad : for there we
 " have a chance for it ; but this is a conquest in cold blood, which
 " may not be resisted ; and we loose the inseparable rights of the con-
 quered, which is to rescue and deliver themselves, and to throw off
 " the yoke as soon as they can. It is likewise a great aggravation of
 " our misery to be enslaved at our own cost and charges : besides the
 " bitter resentments of unkindness and breach of trust, if it be done
 " by those who ought to protect us, and provide better for us ; at
 " least should not leave us in a worse condition than they found
 " us. But above all, if we contribute to our own thraldom by our
 " folly, flattery, and little self-seeking ; if the destruction of us and
 " our posterity be of ourselves, that reflection hereafter will have a
 " sting in it ; and it will not be enough to say, Who would have
 " thought it ?

The augmentations of our armies since this period are likewise well known, and we may remember that the second instruction given by the city of *London* in 1722 was as follows. " We expect it from you to endeavour by all means possible to procure a reduction of the troops to the number established at the decease of the late queen, of ever blessed memory : because we are of opinion that the keeping up a great military force in times of peace can answer no one good end ; that it may be a dangerous precedent, and is always a burthen upon the subject, and which is still a greater evil, it may be made use of by the artifices of our enemies to infuse jealousies and suspicions in the minds of his majesty's people."

It is a vain thing to expect constant tranquillity in times of peace among a free people who are brave in war : their notions touching liberty, when accompanied with error and violence, are to be corrected, but in such a manner as not to depress that spirit which is necessary

to

to their gallant behaviour when serving in our navies and armies; and our preservation requires great care that we do not, as hath often happened, cure a present transitory evil by means that will introduce in future far greater and lasting mischiefs. Upon these grounds the city of London gave their fourth instruction, to wit, "The repeal
 " of the *riot-act* is a point we recommend to you in the most earnest
 " and pressing manner; because we apprehend that act to be a great
 " discouragement of the *spirit* which hath hitherto enabled us to be
 " so considerable a nation, and which, in our opinion, is essential to
 " our being a *free people.*"

The constitution of a free state is an object so noble, important and delicate, that it deserves and requires our constant diligence, care, and jealousy for its preservation, accompanied with such vigorous efforts as particular occasions require. The best princes are not to be trusted with powers that may become ruinous to the people in the hands of the worst; and the reigns of good princes, influenced by weak or wicked ministers, are more grievous to the subject than the reigns of bad princes who have good ministers; and armies being liable not only to be influenced by their own ideas of their strength and importance, but also to be garbled, managed, prepared, and commanded in subservience to arbitrary purposes, the danger of those free states wherein large standing armies are long continued puts me in mind of the condition of *Damocles*, the flatterer of *Dionyfus* the Sicilian tyrant, and his supposed happiness, who, to convince him of his mistake, caused him to be attired, attended, and feasted with the grandeur and delicacy of a king; but with a naked sword hanging by a horse-hair over his head, with the point downward.

After what precedes, I am very sorry to find it is impossible for me to discuss with precision every point relative to the late execise of military violence, whereby the land was stained with innocent blood; but I cannot forbear saying that, in my poor opinion, no person, unless devoid of all due sense of humanity and justice, as well as sound policy,

can

can suppose that any part of a free people are to be put to death, without legal trial, by the soldiery, save through extreme necessity.-- That after making the best enquiry in my power, it appears to me there was no necessity for the firing which took place.-- That, to use the words of that amiable and excellent author *Plutarch*, the mob " might have been subdued by force, without proceeding to wounds and slaughter" by the foot-soldiers.-- That the horse, which were present, whereof part sufficed to drive them into the high-way, might, without killing any, have dispersed them all.-- That the numerous, riotous, and dangerous *Bloomsbury* mob, to the great honour of the persons concerned in suppressing it, were dispersed without using any such violence. Precedents will not sleep, and they who pretend to learning and knowledge, and yet cannot discern any difference between the use of civil and military force in a free state, are, I conceive, unworthy members of it. Modern politics had given to posterity abundant cause for their astonishment, if not for their suffering, without proceeding after condemnation of general warrants to the general firing of part of an army on an unarmed people, without necessity: and we may remember that if any man, by legal condemnation for the highest offence, is become the subject of death, it is murder to put him to death in other manner than the law directs. Having no time to add, I shall now leave this business to those patriots who have a due regard for their country and their character.

Divide & impera is a maxim proper for our enemies, yet we have for some years past been extremely diligent in applying it to ourselves; but our factions and divisions, with their causes, being notorious I shall, without proceeding here to their particular description, leave their comparison with former times to others, after observing, in the words of Sir *William Temple*, that when " the fire (of faction) is kindled both sides inflame it; all care of the public is laid aside, and nothing is pursued but the interest of the factions: all regard of merit is lost in persons employed, and those only chosen that are true to the

" party; and all the talent required is, to be hot, to be heady, to be violent of one side or other. When these storms are raised the wise and the good are either disgraced or laid aside, or retire of themselves, and leave the scene free to such as are most eager or most active to get upon the stage, or find most men ready to help them up."

" From these seeds grow popular commotions, and at last seditions, which so often end in some fatal periods of the best governments, in so strong convulsions and revolutions of state, and many times make way for new institutions and forms, never intended by those who first began or promoted them; and often determine either in setting up some tyranny at home, or bringing in some conquest from abroad: for the animosities and hatred of the factions grow so great, that they will submit to any power, the most arbitrary and foreign, rather than yield to an opposite party at home." And our politicians, by adding error to error, having clearly proved to the present and all future ages that they have greater talents for dividing and embarrassing a nation than for healing its dissensions and promoting its welfare, let us call to our remembrance the following passages of the same excellent author, who after his reflections on the difficulties and dangers that attend human governments, in order to their safety, observes among other things that it consists " in pursuing the true and common interest of the nation they govern, without espousing those of any party or faction; or if these are so formed in a state that they must incline to one or other, then to chuse and favour that which is most popular, or wherein the greatest or strongest part of the people appear to be engaged: for as the end of government seems to be *salus populi*, so the strength of the government is the consent of the people." Saying afterwards, that " the comparison between a state and a ship has been so illustrated by poets and orators, that 'tis hard to find any point wherein they differ; and yet they seem to do it in this, that in great storms and

" rough

" rough seas, if all the men and lading roll to one side, the ship will
 " be in danger of oversetting by their weight: but on the contrary,
 " in the storms of state, if the body of the people, with the bulk of
 " estates, roll on one way the nation will be safe. For the rest the
 " similitude holds, and happens alike to the one and to the other.
 " When a ship goes to sea, bound to a certain port, with a great
 " cargo, and a numerous crew, who have a share in the lading as well
 " as safety of the vessel, let the weather and gale be never so fair;
 " yet if, in the course she steers, the ship's crew apprehend they see
 " a breach of waters; which they are sure must come from rocks or
 " sands that will endanger the ship, unless the pilot change his course:
 " if the captain, the master, the pilot, with some other of the of-
 " ficers, tell them they are fools or ignorant, and not fit to advise;
 " that there is no danger, and it belongs to themselves to steer what
 " course they please; or judge to be safe; and that the business of the
 " crew is only to obey: if however the crew persist in their appre-
 " hensions of the danger, and the officers of the ship in the pursuit of
 " their course, till the seamen will neither stand to their tackle, hand
 " sails, or suffer the pilot to steer as he pleases; what can become
 " of this ship, but that either the crew must be convinced by the
 " captain and officers of their skill and care, and safety of their course;
 " or these must comply with the common apprehensions and humours
 " of the seamen; or else they must come at last to fall together by
 " the ears, and so throw one another overboard, and leave the ship
 " in the direction of the strongest, and perhaps to perish, in case of
 " hard weather, for want of hands."

" Just so in a state, divisions of opinion, though upon points of
 " common interest or safety, yet if pursued to the height, and with
 " heat or obstinacy on both sides, must end in blows and civil arms,
 " and by their success leave all in the power of the strongest, rather
 " than the wisest or the best intentions; or perhaps expose it to the
 " last calamity of a foreign conquest. But nothing besides the uniting
 " of

" of parties upon one common bottom can save a state in a tempestuous season ; and every one both of the officers and crew are equally concerned in the safety of the ship as in their own, since in that alone theirs are certainly involved." Lord Clarendon, in his Survey of the *Leviathan*, says, that " all government so much depends upon the consent of the people, that without their consent and submission it must be dissolved."

Our divisions, errors, and dangers are evidently sufficient to alarm those who have the least regard for the public welfare ; and the sharp contests with our colonies, which make an essential part of the *British* empire, more especially considered as a naval and commercial state, being of so great importance to us and them, I am determined, as my duty to my prince and fellow-subjects requires, as far as time will permit, to exert to the utmost my poor abilities, in order to restore them to their former state of quiet, good temper and affection to their mother-country, and to promote their cordial and perpetual union with it, for their mutual honour, comfort, strength, and safety, the proper and only foundations, I conceive, of lasting content and felicity ; and it being necessary that the wounds given by modern politics to this desirable union be probed to the bottom, I shall exercise a free judgment, accompanied with the best intentions for the good of the whole common-wealth, which I hope will in some measure atone for any involuntary error that I may commit, and which, if material, I shall, on proper conviction, retract with pleasure, and say, blessed be the amending hand.

Our colonies by their original establishment, and their merit in enlarging the *English* empire, whereby so great acquests of wealth and naval power have been made to the state, with their blood and treasure, have ever been well entitled to the rights, liberties and benefits of it : but if they had no such title, sound policy would require that the same should be granted to them. All intelligent persons know that *Rome* was enlarged and strengthened by admitting strangers to its dig-

dignities and privileges. *Rome* was a colony of *Alba*, and in the course of the war which arose between them, and was concluded by the combat between the *Horatii* and *Curiatii*, a conference being had between *Metius Fufetius*, the *Alban* dictator, and *Tullus Hostilius* king of the *Romans*, wherein *Fufetius*, to obtain for the *Albans* a superiority over the *Romans*, among other things, urged that the *Alban* nation had continued the same from the foundation of the city, without communicating their privileges to any people, except the *Greeks* and *Latins*; whereas the *Romans* had corrupted the purity of their government by admitting *Tyrrhenians*, *Sabines*, and others who had no fixed settlement; and that they even chose foreigners for their kings, and the greatest part of their senate consisted of strangers. To this *Tullus* replied, " We are so far from being ashamed of having communicated " the rights of our city to all who are desirous of them, that we even " place our chief glory in this action; of which institution, worthy " to be imitated, we are not the authors, but have taken the example " of it from the city of *Athens*, a city of the greatest reputation among " the *Greeks*, whose reputation is in a great measure, if not prin- " cipally, owing to this institution; which as it has been to us the " source of many advantages, we have no reason either to complain " or repent of, as of an error in our conduct. With us the magi- " stracy, the dignity of a senator, and other honours, are enjoyed not " by men of great fortunes, nor by those who can shew a long list " of ancestors, all natives of the country, but by such as are worthy " of them; for we look upon the nobility of men to consist in nothing " but virtue; all the rest of the people are the body of the common- " wealth, administering strength and power to the resolutions of the " better sort. It is owing to this humanity that our city, from being " small and contemptible, is become large and formidable to its " neighbours; and it is this institution, which you condemn, *Fufetius*, " that has laid the foundation of that sovereignty which none of the " *Latins* presume to dispute with us."

The determination of the *Roman* senate and people respecting the *Privernates* would have entitled them to immortal honour if they had never conquered the world, nor enriched it with law and learning, nor given dignity and strength to their state by their public virtue in punishing with death that fell destroyer of human freedom, and all human excellence, corruption. In the year of *Rome* 395 the consul *C. Fabius Ambustus* rashly engaging the *Tarquinenses* was worsted, and the enemy having made 307 of his soldiers prisoners, in contempt of the *Romans*, after treating them very ill, they inhumanly sacrificed them all, and in the same year the inhabitants of *Velitrae* and *Privernum*, both of them cities, and the latter the capital, of the *Volsii*, making a sudden incursion, ravaged part of the *Roman* territory; but in the next year *C. Marcius Rutilus* being commisioned to revenge the cause of *Rome*, and having gained the affection of his soldiers, forced the enemies camp near *Privernum*, and drove them before him into the city, which he directly prepared to take by assault; whereupon the inhabitants, to prevent their city from being sacked, submitted, and surrendered all to the *Romans*. In the year 411 the *Latins* openly declared against *Rome*, but not till the *Privernates* had committed the first hostilities, by ravaging the territory of *Norba* and *Setia* two *Roman* colonies. In the next year the consul *C. Plautius Hypsæus* took *Privernum*, which he restored to the inhabitants, after he had placed a strong garrison in it. In the year 423 the *Privernates*, joining the inhabitants of *Fundi*, again ventured to insult the *Romans*, plundering with fury the territories of *Setia*, *Norba* and *Cora*; whereupon two consular armies marched against them, at the sight of whom, rather than in consequence of any action, they fled with their general into *Privernum*, which was then so well fortified that the *Romans* who sat down before it were not able to take it in that year; but in the next the consuls *L. Aemilius* and *C. Plautius* employing all their forces against it it was reduced; but whether by assault, as some, or by surrender at discretion, after imploring the mercy of the consuls, as others:

others relate, is uncertain; the latter say that the *Privernates* sent deputies, who came to the generals carrying the caduceus in their hands, and begged pardon. This relation seems most probable. The consul *Plautius* after his triumph undertaking the protection of the prisoners taken in the course of the war solicited the senate to treat them with clemency; and when their cause came on, some advising mild, and others rigorous measures, "one of the deputies of the *Privernates*, re-
 "membering the condition in which he had been born, rather than
 "his present sad situation, rendered it still more precarious; for being
 "asked by one of the senators who had proposed to treat them with
 "severity, *What punishment be thought his countrymen deserved*, he re-
 "plied, *Such as those deserve who think themselves worthy of being free.*
 "When the consul saw that those who before opposed the cause of
 "the *Privernates* were more exasperated by this haughty answer, that
 "he might draw from him a milder one by a kind question, he said
 "*What kind of peace can we expect to have with you, if we should forgive*
 "you? *Fixed and perpetual*, replied he, *if you grant us a good one:*
 "but if it is a bad one, it will be of no long continuance. Some considered
 "these words of the *Privernate*, as an open menace, and tending to
 "excite his countrymen, who were quiet, to revolt: but the more
 "judicious part of the senate put a more favourable construction upon
 "the answers, and said, *the deputy had spoken like a brave man, and one*
 "that was free. *Can you believe, added they, that any people or single*
 "man, *will remain in a condition they are weary of longer than necessity*
 "obliges them? *Peace can only be faithfully observed by those who make it*
 "with a good will; but no fidelity is to be expected from a people by those
 "who would reduce them to slavery. The consul himself contributed
 "most to bring over the senate to this opinion, by calling out fre-
 "quently to those that had been formerly consuls, and gave their opi-
 "nions first, so loud that many members could hear him, *that they*
 "only were worthy to become Romans who were jealous of their liberty
 "above all things. By this means they carried their point in the senate,
 "and,

" and by their order a bill was presented to the people for granting the
 " *Privernates* the freedom of *Rome*."

The historians who relate this transaction name not the man who when in chains, and in danger of suffering under the sword of the conqueror, had a mind so free, and a spirit so noble, that he was able before the most awful assembly to defend the common rights of mankind, and by his intrepid sincerity to obtain for his country, when oppressed with bondage and misery, the restoration of their city, together with the rights of the *Roman* common-wealth, from which they had revolted with hostile fury. After erecting a thousand statues to persons far less worthy, I am sorry we know not the name of this noble *Privernan*, who so well deserved a statue of gold formed by the hand of *Pheidias*.

But adoption of the allies strangers and persons destitute of settlement, with their enemies, when conquered, after the bravest resistance, into the *Roman* state, instituted by *Romulus*, confirmed by *Tullius Hostilius*, and practiced with so great advantage to the common-wealth, by increasing the number of faithful citizens, and adding strength to strength, with the enlargement and security of empire, and now so freely conferred on the *Privernates* by the magnanimity and wisdom of the more intelligent and honorable part of the *Roman* senate, had not the continuance which its utility and excellence invited, and the public welfare required; although the *Romans* had by this policy raised themselves from the smallest nation to the greatest, and from the most obscure to the most illustrious; for in the seventh century the change of manners caused such a change of policy at *Rome* as occasioned the social war, which brought that city, when exalted to such a height of glory as to be the admiration of all nations, to the brink of ruin. *Diodorus Siculus*, an author of great credit, who lived in the reigns of *Julius Cæsar* and *Augustus*, and resided at *Rome*, in order to obtain that knowledge which he could not collect elsewhere, observes that "the first cause of the war was the declension of the *Romans* from that orderly, pious and temperate institution

"stitution by which they had so greatly increased, to a destructive propensity to luxury and incontinence; for this corruption occasioning contests between the commons and the senate, and the latter having called in the *Italians* to their aid, with promise of imparting "to them," and establishing by law, the *Roman* polity so much desired, "their promises not being made good to the *Italians* they broke out "into war with the *Romans*, in the consulship of *L. Marcius Philippus*, "and *Sextius Julius*," that is, in the year 662. No man's social liberty is lessened by another's enjoying the same; on the contrary it is thereby better secured; but luxury, pride, partiality, prejudice, and corruption are at all times bad advisers, as by their natural operation they wipe out of the mind all liberal and noble sentiments, and retard or oppose the dictates of wisdom and justice, and now they caused such a departure from the rules of sound policy, justice and equity as subjected the *Romans* to greater ravages and calamities than they had suffered under *Pyrrhus* and *Hannibal*. The allies were exasperated by the haughty treatment which the senate gave to their deputation, sent before they determined to take the field. Among other things the deputies said "Our pretensions, conscript Fathers, are "neither new, nor tumultuously claimed. Our fore-fathers have a "great while past been desirous of being incorporated into your "republic, and thought they had some right to partake of the public "honours of the *Roman* government, since they bore their share and "expence of her wars. And if you continue your contemptuous "treatment of us we are now determined to demand these rights of "you sword in hand. Determine therefore, once for all whether you "chuse to have us for your enemies, or citizens of your city." To which the senate answer'd, That *Rome* would receive no more ambassadors from the *Italians* til they came in a suppliant manner, and with marks of repentance; whereupon the allies despairing of success, (including all the nations that lay between the *Liris* and the *Adriatic* gulph) united and formed a new common-wealth, in imitation of the

Roman when free from corruption, domestic violence and confusion, making the strong town of *Corfinium* in the country of the *Peligni* their capital, prepared for war, raised forces, and set out an hundred thousand men, horse and foot. The Roman army, including their faithful allies, was not less numerous, and *L. Julius Cæsar* and *P. Rutilius Lupus*, men of distinguished merit, being chosen consuls for the ensuing year, they were both appointed to command, and for their assistance the greatest men of the age were appointed their lieutenants; to wit *A. Rabirius*, *Cn. Pompey Strabo*, father of *Pompey the Great*; *Q. Cæpion*, *C. Perpenna*, *C. Marius*, *Valerius Messala*, *A. Sextus Cæsar*, *P. Lentulus*, his brother, *T. Didius*, *Licinius Crassus*, *Cornelius Sylla*, and *Marcus Marcellus*, assigning to each his quarter, with the authority of pro-consul, sending them recruits from time to time; nevertheless in the first action a large body of Romans commanded by *Perpenna*, lieutenant of *Rutilius*, were routed, and 4000 slain; and in an action which followed soon after between *Vettius Cato* the Samnite and *Rutilius*, the Romans were again routed, 8000 slain, and the consul, with a great number of nobles who attended him, left dead in the field, and *Cæpion*, who with other forces commanded one half of this broken consular army, likewise defeated; and *L. J. Cæsar* being also beaten by *Cato*, with the loss of 2000 men, and forced to retreat to a neighbouring city for shelter, the city of *Venafrum* surprised, and the garrison, consisting of two Roman cohorts, cut in pieces; *Nola* surrender'd to *Aponius*, one of the consuls of the allies, and the Roman garrison of 2000 men, contrary to the law of nations, suffered to perish with hunger; the cities of *Stabia*, *Liternum*, and *Salernum* feized, and all *Campania* ravaged by *Aponius*, and the chief part of *Apulia* conquered by the allies; these misfortunes, with others, overwhelmed *Rome* with terror and lamentation: nevertheless before the end of the year *Aponius*, emboldened by his success, attempting to storm the camp of the surviving Roman consul, he repulsed him with such bravery and good conduct that he slew 6000 of his best men. This caused great joy at *Rome*, and

and being followed with other successes under the separate commands of *Marius* and *Sylla*, their fears were in a great measure dispelled, and *Pompey* who was besieged in *Firmum*, with the aid of *Servius Sulpicius*, who after reducing the *Peligni* to the obedience of *Rome* by entirely defeating them in a pitched battle, came to his relief, attacked and kill'd *Afranius* the besieger, put his army to flight, and kill'd the most part of them; whereupon the *Roman* confidence revived; but the *Marfi*, who were always brave, gaining some advantage over the troops of *Marius*, which behaved ill, and he having, because indisposed, resign'd his command, they reported that they had forced the most able general *Rome* had, to leave the country; and the *Umbri* and *Hetrurii* joining the allies, two fresh armies were sent against them, who in a battle bloody on both sides obtained a victory over them.

The situation of other parts of the *Roman* empire made the revolt of the allies more formidable, and *L. Julius Cæsar*, who was wise as well as brave, being desirous for the sake of the republic and his own glory to put an end to the war, devised this expedient: being the sole consul, and his authority supreme while he continued in the field, he drew up a consular law, which was ratified by the senate, and ever after called the *Julian* law, whereby it was provided, *That all the nations in Italy, whose alliances with Rome were indisputable, should enjoy all the rights of Roman citizenship*. Upon which the fathers *Catrou* and *Rouillé* with reason ask, " why then had so much blood been spilt ? " Should *Rome* have at first haughtily refused to give what she should " afterwards be obliged to grant with shame ? However necessity " obliged her to admit the just claims of a great number of cities, " which had been forced to support their right sword in hand." By this law many of the confederate cities who were desirous to take the benefit of it, were drawn off from the enemy; and if the *Marfi*, *Lucani*, and *Samnites* had not supported the revolt, peace would probably have been restored to *Italy* before the end of the year: but this war continued still so dangerous that *Rome* neglected all wars abroad, so that altho' *Mitridates* was in motion,

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in order to take advantage in *Asia* of the troubles in *Italy*, the senate left the prætor who commanded there wholly to his own defence, with such aid as he could obtain from their *Astatic* friends; and *Cn. Pompeius Strabo*, and *L. Portius Cato*, who were chosen consuls for the next year, with *Cæsar* the late consul, now acting as pro-consul, and most of the subaltern generals named the last year, with some others, were appointed to prosecute the war against the allies, *Cæsar* marching with his army in the month of *January* raised the siege of *Acerra*, carried on by *Aponius*, and slew 8000 of his men in their retreat. *Pompey* returning from *Rome* with fresh succours to the siege of *Asculum*, defeated an army of 15,000 men who came to raise it, of whom 5000 were slain, the rest perishing by hunger, sickness, and cold, nevertheless the war continued, to the great grievance of *Rome* in many respects; wherefore, in order to its conclusion, the tribune *M. Plautius Silvanus* obtained a confirmation of the *Julian* law by the people in these words. *All the citizens of the allied cities which shall be in Italy at the time of the promulgation of this law, shall be deemed citizens of Rome, provided they register their names with one of the three prætors, Q. Metellus, App. Claudius, or P. Gabinius, within sixty days*: whereupon the *Italians* came to *Rome* in such numbers from all parts to be enrolled, that they soon far exceeded the former citizens of *Rome*: but the animosity of many of the allies still continuing, their general oppressed the eastern parts of *Italy* with hostilities, and *Vettius Cato* was at the head of a great army. This *Pompey* defeated in a pitched battle, and *Cato* in vain collecting fresh forces the *Vestini* were subdued: but *Portius Cato*, the other *Roman* consul, having driven the *Marsi* to the lake *Fucinus*, resolved to force their camp. When victory was ready to declare for him he was killed by a dart from an unknown hand. Upon this the *Marsi* recovered themselves, chased the *Romans*, and cut them in pieces in their retreat. *Rome* was somewhat comforted under the loss of her consul and his army by favourable intelligence from other parts. *Cosconius*, one of their pro-consuls, had driven

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the Samnites to the Adriatic sea, where he defeated *Marius Egnatius*, an active general of the allies, who being killed in the action left his troops to the Samnite *Trebatus*. He took upon him the command, and having more ardour than judgment was defeated by *Cosconius*, with the loss of 1500 men, escaping difficultly with the rest into *Canusium*. This victory enabled *Cosconius* to ravage the countries of the *Larinates*, *Veneti*, and *Pediculi*, and to reduce them to the Roman obedience. Upon these disasters the senate of the allies removed with their magazines from *Corfinium*, the rival of *Rome*, to *Esernia*, in the country of the Samnites, and in support of their sinking cause they resolved to invite *Mithridates* to their aid, to extend the revolt into *Sicily*, and secure a sea-port for these purposes. The junction of *Mithridates* at the begining of the war might possibly have put an end to the domination of old *Rome*, and raised a new one in *Italy*, and have given him the chief command in the east; but now these designs came too late, and they were intirely frustrated by the policy, valour, and good fortune of *Sylla* and *Pompey*. The pro-consul *Sylla* had for some time been ranging thro' the enemies territories, passing from country to country, and from victory to victory; after which besieging *Stabiae* he took it by assault, and then joining to his legions the mutinous troops of *Postumius*, who had killed their general by reason of his haughty treatment, he laid siege to the strong city of *Pompeii*. *Clientius* hastened with a more numerous army to its relief, and after encamping about 400 paces from the *Roman* army, his confidence being increased by his numbers, he marched out into the plain in order of battle. *Sylla* would not decline the challenge, tho' great part of his army was foraging, and he charged the enemy with great bravery; but he found that valour cannot always prevail over numbers, by whom he was so hard pressed, that he gave way, and was very near being routed when his cavalry returned from foraging. This reinforcement gave fresh courage

courage to the *Romans*, who again engaging the enemy briskly victory soon declared in their favour, and the enemy retreated with loss, in order to return to the charge. *Cisalpine Gaul* being inclined to revolt, *Cluentius* soon received a reinforcement thence; and now being stronger, and more resolute than ever, he marched into the plain, and insulted *Sylla* within reach of his entrenchments. *Sylla* directly prepared for battle, and whilst all things were getting ready for action a gigantic *Gaul* marched out from the squadrons, and by way of prelude to the battle challenged the bravest of the *Romans* to fight him in single combat at the head of the two armies. *Sylla* in contempt of the *Gaul* sent out in answer to his defiance a young *Moor*, who was little, squat, and ugly, but brave, a good horseman, and very expert at throwing a javelin; with the first that he threw he struck the *Gaul* dead on the sand; whereupon, so uncertain are the events of war, this slight business caused one of the most memorable victories *Rome* ever gained. The *Gauls* by the loss of their champion were struck with a panic; they dispersed, and their flight produced that of their confederates: and the *Romans* pursuing them faster than they fled, cut 30,000 of them in pieces. *Cluentius* with difficulty reached *Nola* with the remains of his army, and after resting some days assembled all the troops he could, and encamped near the city. *Sylla* soon became master of *Pompeii*, which surrendered at discretion, and then advancing directly to *Nola* he again gave battle to *Cluentius*, whose troops being intimidated fled on the first onset, hoping to get into the city; but the inhabitants opening only one of their gates, lest the *Romans* should enter with the fugitives, the *Romans* made a terrible slaughter of them. *Cluentius* perished, with 20,000 of those *Samnites* who had in times past been formidable to the *Romans*.

From *Nola* the conqueror marched without delay across *Campania* into *Hirpinia*, striking terror into this country, which adhered with firmness to the confederates. There he laid siege to *Asculana*, which was not well fortified; but the inhabitants expecting an army of the

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Lucani to come to their relief; endeavour'd to gain time by specious amusements; but *Sylla* was not to be deluded, and seeing through their devices he allowed them only one hour for deliberation, and plainly told them that if they did not surrender he wou'd reduce them and their city to ashes, for which he made immediate preparation; whereupon they submited, saving their lives only by capitulation. This severity made the *Hirpini* so tractable that they came in crowds, with the keys of their cities, imploring him to spare the miseries of military execution, and he was content with their submission without their ruin.

And now *Sylla* determined to attempt the reduction of *Efernia*, the present rival of *Rome*. Success there would make the 500 senators of the allies prisoners, and pluck up the war by the roots; whereupon he marched into *Samnium*; but there he found new difficulties, for Fortune cou'd not for the sake of her favorite remove mountains or rocks, with other impediments, and smooth those ways which were in their nature scarce passable; however he marched on with resolution and diligence, until his army was got into a narrow pass, when the brave *Aponius* with his army appeared. Now *Sylla* saw his mistake and his danger; his present condition brought to his remembrance the *Caudian Forks*, never mentioned without horror by the *Romans*, who there submited, as every one knows, to the hard fate of passing under the yoke of the *Sannites*; but being ever inclined to follow when difficulties the sudden dictates of his mind, rather than suffer the delays of deliberation, he soon took the wisest measures, and under pretence of a treaty procured several interviews with *Aponius*, who agreed to a truce: but when the cessation of arms had made the *Sannites* negligent he gradually filed off his legions in the night with so great silence as to give no alarm to the *Sannites*, and quited his camp, leaving only one trumpet to sound the watches of the night, who after sounding the last likewise escaped, following the *Roman* army thro' woods and mountains: and *Sylla*, after taking a large compass, came, surprised,

surprised, and with precipitation and vehemence fell on the rear of the enemy, who were plundering his deserted camp. The *Samnites* were seized with fear, and fled, and great slaughter was made of them, *Aponius* himself with difficulty escaping, wounded in the head, and inconsolable for his loss, into *Efernia*.

This city was so strong and inaccessible that *Sylla* resolving not to attempt the reduction of it marched directly against *Bovianum*, which disputed the right of being the capital with all the other cities of *Samnium*, and whose situation and fortresses made it one of the strongest cities in *Italy*; but the good conduct of *Sylla*, with the bravery of his legions, after a sharp contest of three hours, forced the enemy to surrender at discretion.

The allies had now only two important places, *Efernia* and *Asculum*, left. The consul *Pompey* had long besieged the latter, whose inhabitants had seen from their walls 75000 *Romans* engaged with above 60000 *Italians* in bloody contests for taking or preserving it; but about the time that *Sylla* reduced *Bovianum*, *Pompey* entered *Asculum*, and the revolt having begun there by killing a *Roman* *praetor* he treated it with great severity. And now the war was lookt upon as in effect concluded, tho' it was not wholly extinguished before the next year.

Thus ended a war which ought never to have begun, for all the authors whom I have seen agree in declaring the justice of the claim made by the allies. Even the acute and elegant *Florus*, the common panegyrist of the *Romans*, when speaking of their claim, says—*Jus civitatis, quam viribus auxerant, socii justissime postularent*; and yet the *Roman* people as well as the senate had with violence opposed this claim.—A war which, besides the great miseries suffer'd by the common inhabitants, had caused more brave *Romans* and *Italians* to be slain than would have sufficed to have conquered all other parts of the world—A war which contributed not a little to exhaust the treasures of *Rome*. In the former part of the year 662 she had in her treasury 1620829 pounds weight of gold, which *Catrou* and *Rouillé* say were worth above 300 millions of

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French crowns, allowing only 500 livres to a pound of gold, all which, with her vast annual income, were by the expense of planting colonies, making gifts of corn to the poor citizens, and of maintaining this war, so far exhausted in the former part of the year 664, that the questors were forced to turn the priests and sacrificers out of the houses allowed them round the capitol, and to let them out for the use of the public — A war which obliged all the citizens of *Rome* to wear for some time their military habit, and shut up for six months all the courts of justice — A war which profited none but the usurers, disabled private persons from receiving the profits of their farms, exposed to the ravages of the enemy, and multiplied creditors and debtors without number, the former being greedy extortioners, and the latter insolvent as long as the war should last. The contests arising hence, which chiefly related to the interest of money, caused nearly as great troubles in the city as the desire of partaking of the government of the republic with the *Romans* had raised in *Italy*. In the course of these contests, wherein every artifice that avarice and fraud could devise was practiced, to the great embarrassment of the courts of justice, *A. Sempronius Asellio*, the city praetor, who favoured the debtors, was slain with impunity when offering sacrifice, to the perpetual infamy of *Rome* — A war wherein the calamities attendant on the hostile state of human societies were so far multiplied that *Italy* was considerably depopulated by it, and whence, after spilling so much of the best blood of so many nations, no other benefit accrued to *Rome* than the reputation of being invincible; and this in all probability she could not have acquired without calling justice to her aid; and, finally, a war which in its course and conclusion gave to all the confederates, with other *Italians*, the rights which they had so justly claimed.

The conduct of the *Romans* in granting and refusing the rights of their city, considered with their several effects afforded such profitable lessons as might have induced other nations, for instance *Spain*

and *Genoa*, to observe a wise, temperate, just, and equal regimen, which ever promote the honour and security of government, together with the welfare of the people: but *Spain*, which by this laudable policy might with ease have strengthened, aggrandized, and secured her spacious and powerful empire, through her pride, avarice, bigotry, cruelty, and folly, taking contrary courses, she rendered it weak and despicable. By her grievous oppressions, civil and religious, after sixty years war she lost the united provinces, at the expence of her reputation, and immense treasures. In *America* mere humanity and equity, without drawing the sword of conquest or cruelty, would have raised her a glorious empire. There the natives, an hospitable, mild, tractable, and inoffensive people, whose simplicity of manners seems to give credit to the poets report of the golden age, received her subjects with kindness, readily gave them all the assistance they wanted, and moreover as large portions of their riches as they could with any colour of reason desire, or profitably receive, and were ready upon good treatment to become, if not good subjects, at least the most faithful and beneficial allies; but, instead of suitable returns for the most generous and kind behaviour, the *Spaniards* chose to deluge the land with innocent blood. In *Hispaniola*, where they first landed, they slew in battle and cold blood no less than three millions. In *Cuba* they slew near five millions; and the number of the slain in other parts was so great, that in a few years space it amounted in the whole to upwards of eleven millions; and these massacres were accompanied with such excruciating tortures, and horrid barbarities, as, considered in their nature, number, and circumstances, never before polluted and defaced this globe. A particular relation of them would excite too painful horror in the mind of the humane reader, who may form some judgment of them from the reply made by *Hatbuey* an *Indian* cacique, whom they had condemned to be burnt alive. The most excellent bishop of *Cbiapa* informs us, that "when they were tying
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" this prince to the stake, a Franciscan friar told him, that if he would
 " embrace their religion he should go to heaven, but if not he must burn for
 " ever in hell; whereupon the prince asking, if there were any Spaniards
 " in heaven; and the friar answering, Yes; he then replied, that if it
 " be so, I will rather be with the devils in hell than with the Spaniards in
 " heaven; for their cruelty is such that none can be more miserable than
 " where they are." Without justice the world is not worth inhabiting,
 and when nations lose the sense of it they are no longer entitled
 to the name proper to lawful human societies, whatever high titles
 they may give themselves; or rather, according to Cicero, they be-
 come so despicable that they are not to be held in the least esteem :
 and it is apparent that discovery could not give to the Spaniards, or
 other Europeans, the least right to any of the countries in America
 held by the natives ; and it is much to be lamented that the freedom
 and felicity of this part of the earth should be so far diminished as
 they have been various ways in consequence of these discoveries, and
 whenever their diminution is attempted by any member of a free
 state, he certainly has a better title than others to the dishonour due
 to such proceeding ; wherefore in justice to the politicians of my own
 country I must observe that several of them, as well as the popish
 prince excluded with his posterity from the throne, have been so zealous
 in this noble cause, that they seemed rather inclined to become
 the bigoted votaries of the goddess of error, and to worship the image
 of their own creation, and like other idolaters to punish those who
 would not bow down to their idol, than to pay due worship and
 obedience to the true God, in whom all nations live, move, and have
 their being, whose eternal laws require the universal observance of
 justice and equity, and who having made man free gave him reason,
 with the nobler passions, for the maintenance of his freedom.

When the continued corruption of the Romans had subverted their
 common-wealth, and *C. Octavius Cæpias*, afterwards surnamed *Cæsar*
 and *Augustus*, had subjected the whole empire to his sole unlimited

power,

power, it is well known he consulted with *Agrippa* and *Mæcenas*, to whom he imparted all his secret affairs, respecting its future government. *Agrippa* advised him to restore the common-wealth, and *Mæcenas* to retain the supreme authority temper'd with the most excellent regimen, administering all affairs with wisdom, equity, and temperance, constant care and diligence, and rejecting all other honours, delighting only in the advancement of the common-weal, and employing in the public administration none but men eminent for their vertue, capacity and merit. *Agrippa* in the course of his advice observed that " they who are born in the same condition " desire equality, of which being possessed they rejoice, and grieve " when deprived of it: and all men as they are descended from the " gods, and are to return unto them, look upwards, and will neither " be ever under the dominion of one, nor patiently bear to be pat- " takers of labours, dangers and expenses, and be deprived of the " communication of better things; and therefore if compelled to " bear any thing of this kind, they hate him from whom they suffer " violence, and of him whom they hate, when opportunity offers, " they avenge themselves."

John Albert Fabricius, with other learned and judicious persons, laments the loss of the former part of the counsel of *Mæcenas*, " re- " plete with the most excellent admonitions, and which *Augustus* in " a great measure diligently and happily followed," and observes that " the illustrious *John Henry Becler* scruples not to say, that it may " be rightly called a summary of monarchic policy,* Among other things *Mæcenas* spake thus to *Augustus*. " Above all things I " say it behoves you immediately with diligence to examine and re- " form the senate, because certain unfit persons through party differ-

* *Becler* after sustaining several honourable offices in different countries, in consequence of his great learning and judgment, was in the year 1663, appointed by the emperor his counsellor, and created hereditary Count *Palatine*.

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tions have obtained the senatorial dignity, retaining those who are
 " not devoid of vertue, and rejecting the rest; rejecting, however,
 " no good man because of his poverty; on the contrary give him the
 " estate necessary, and instead of the others introduce the noblest,
 " best, and richest persons, chosen not only out of *Ita'y*, but also
 " from among the allies and subjects (in all parts) for thus you will
 " gain many coadjutors, and place in safety the principal persons of
 " all nations; hence they having no fit leaders will make no innova-
 " tions, and their principal men will be attached to you, being made
 " partakers of the government with you. Do the very same things
 " concerning the knights, electing into their order those who in all
 " places hold the second rank in birth, vertue and fortune, enrolling
 " as many of each order as you shall judge fit, without sollicitude as
 " to their numbers; for the more eminent persons you unite to your-
 " self the more easily you will administer all affairs with the greatest
 " propriety, and will persuade the subjects that you neither treat
 " them as servants, nor as being inferiour to us in any respect; but
 " you shall, with all the other good things that we enjoy, impart to
 " them the government, whereby they will be incited to contend
 " for its preservation as their own; and I am so far from retracting
 " this, as not rightly spoken, that I do even say the polity (or citi-
 " zenship) ought to be given to them all, that being also equal
 " sharers of this they may be faithful allies to us, as inhabiting one
 " certain city with us, and esteeming their native places fields and
 " villages only." *Mecenas* in the close of his advice addressed himself
 to *Augustus* in these words. " Upon the whole I advise you neither
 " at any time to abuse your power, nor to think it any diminution of
 " it if you should not do every thing that falls within the compass of
 " it; but the more able you are to do every thing to which your will
 " inclines you, be so much more desirous to will every thing that be-
 " comes you, ever examining within yourself whether what you do
 " be right or not, and whether when done men will love you, or

" not; that you may do the one, and forbear the other; for you
 " should not conclude that when proceeding otherwise you do what
 " is right, because no man accuses you, nor expect that any one will
 " be so rash as openly to reproach you; for this no one would do,
 " though he were greatly injured; on the contrary many are com-
 " pelled openly to praise those who injure them, contending against
 " the force of nature not to appear to be angry; but a prince is not
 " to judge of the minds of persons from what they say, but from
 " what they probably think.

" These, and other things of the same kind, I advise you to do;
 " for I pass by many things, it being impossible to speak of them all
 " at once: but one thing I will say, which is the sum of all that has
 " been, or remains to be, said; that is, if of your own accord you
 " shall do all those things which you would be willing another having
 " command over you should do, you will avoid every offence, and
 " rectify all things, and by this conduct you will live in the greatest
 " happiness and safety, for all men will revere and love you as a fa-
 " ther and saviour, when they shall behold you graceful, disposed to
 " every virtue, and excelling in war and peace; when you shall nei-
 " ther reproach nor injure others; when you shall act upon equal
 " right with them; nor while abounding yourself in riches collect
 " money from others; nor living voluptuously yourself make others
 " wretched; nor indulging your own inordinate desires correct others;
 " but in all things living in the greatest similitude of manners with
 " them; so that having within yourself the grand preservative of never
 " injuring any one, you may assume great confidence; and believe me
 " when I say that you will never be either hated or conspired against.
 " By this conduct you will live most pleasantly; for what is more plea-
 " sing and happy than for him who enjoys with virtue all the comforts
 " of human life, to be able also to impart them to others?

Agrippa; who was an accomplished soldier, had been the companion
 of *Augustus* in his victories, and had commanded in chief with success

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by sea and land, held the second place in the imperial government of the *Roman* empire when he advised the restoration of the commonwealth, which would in course restore the patrician families to their former dignity, and reduce his own in point of rank, he being but meanly born; and the consequent rotation of command would certainly deprive him of the high and lucrative offices which he held under *Augustus*. *Mæcenas* who for a long time had the care of the city committed to him, whose conduct gave universal satisfaction, and who having the greatest influence over *Augustus* advanced many men of merit to honours and magistracies, lived and died in the equestrian order, although the senatorial and consular dignities lay open to him; and he was so faithful a friend to *Augustus* that he withstood his irregular desires, and when requisite corrected his misconduct with great freedom, of which this instance is come down to us. *Mæcenas* standing one day before *Augustus* when sitting on the tribunal, and seeing that he, who had on several occasions exercised horrid cruelties, was now going to put many to death, he endeavoured to break through the crowd, and get near to him, but being unable, he wrote these words on a tablet, *Arise at length executioner*, and threw it as containing somewhat else into his bosom; whereupon *Augustus* immediately arose without sentencing any man to death; and in honour to *Augustus* it must be remembered that he was so far from resenting this treatment, as to rejoice that every thing which through his own nature, and the necessity of affairs, he was disposed to transact with passion and indecency was rectified by the boldness of his friends.

These two excellent persons by reforming the cruel disposition of *Augustus*, by moderating and improving his mind, and by giving him from time to time their wholesome advice for reducing the whole empire into order, and continuing the best government over it, may be said to have laid the foundation of that felicity which took place in so great a part of his long reign. The bad state of the empire at the

the begining of their administration, if not otherwise known, would appear from the words of *Mæcenas*, who after complaining that the powerful through ambition hiring the weak had frequently brought all things into utter confusion, expressed himself thus to *Augustus*. " After having proceeded out of *Italy*, and extended our empire over numerous continents and islands, and filled all seas and lands with our name and power, we have enjoyed no good thing; but, in the first place, by our factions and contests at home we have shaken the commonwealth, and then communicated the evil to the army." The ambition of the powerful in *Rome* was so violent as not to be restrained by the principles of law, religion, honour or humanity; yet in the days of her corruption she wanted not the most worthy patriots, and her profligate sons, though the dregs of *Romulus*, never attained to such a degree of depravity as openly and frequently to deride patriotism, which consisting in a zealous, firm, and active regard for the universal welfare of the state, whoever partakes of the public administration without partaking of this noble and necessary principle, whatever his name, title, patron, or party may be, he is certainly to be esteemed a pest rather than an ornament or proper servant of society, and fit to assist in the support of any combination formed for acquiring power, or to partake of the most infamous plunder.

Agrippa and *Mæcenas* by their great natural strength of mind so well improved; by their knowledge of mankind, with the nature of human society and government, and of the rise, progress, and effects of those infinite miseries with which the *Roman* empire was afflicted; by their ability to propose the most effectual remedy for these great evils, and the best means of their application, together with the most efficacious measures for uniting, strengthening, felicitating, and preserving the whole empire, and for transmitting as far as possible these blessings to future ages; by their solicitude to prevent the future ravages of nations, and to preserve the empire in peace; by being at all times ready, without seeking occasions, for war; and finally by their experience,

rience, public services, fortitude, frankness, and fidelity to the prince, who confided in them so far that part of the last words of *Mæcenas* to him, as the elegant poet *Pedo Albinovanus*, who lived at that time, expresses it, were *Pectus eram vere pectoris ipse tui*, were well qualified to be favourites of *Augustus*; and their merits were sufficient to put to shame all the favourites, with their partizans, who have so far from time to time dishonoured and distressed the prince and people of *England*, never scrupling to sacrifice the subjects love for their prince, with the peace and welfare of the kingdom, to their ambition, or their baser passions, being at the same time unqualified for the exercise of that domination which they assumed. Absolute princes may have their favourites; but in a free state, or monarchic commonwealth, a prime dominant minister can by no possibility have the least true political existence. The kings of *England* have ever had authority to appoint proper officers to administer the public affairs, according to the constitution of the kingdom, but the creation, or preservation, of this noxious animal falls not within the compass of their power. *Prerogative in the hand of the King*, where the constitution hath placed it, and where it ought ever to remain, is a scepter of gold; but *in the hand of a subject it is a rod of iron*; and whenever any man by his misrepresentations, delusions, double-dealing, craft, or other means whatever, raises himself to this exalted seat of power, to the dishonour of his prince, and prejudice of his fellow-subjects, every man has a right to cast his tablet to him with this inscription; *Come down thou executioner of the common-wealth.*

Respublica continetur præmio et pæna, and how far these usurpers engross and misapply both needs not, nor can now, be particularly set forth. To form their factions they debase the minds of others, or select those who are already corrupted to their hand, and they have been able to find among the great such as were willing to exchange independance, or honourable connection with others, for dependance on them; provided they could aggrandize and enrich their disgrace; M or

or at least were ready to combine with them for the sake of themselves and their adherents. These viceroys are ever ready to oppress not only those who have the spirit to oppose or expose their lawless power, and injurious proceedings, with their pride and insolence; but likewise those whose honour, and fidelity to the king and kingdom, will not permit them to pay homage to these dangerous enemies of both; and it is difficult to determine whether they are more dexterous at putting an honest man to an immediate political death, or at roasting him alive by a slow political fire. It is an ancient as well as excellent maxim, worthy of continual observance, which declares that *He who injures one threatens all*, wherefore he should be opposed by all; and this is more especially applicable to men in power; but these lords paramount by their very grasp of the iron rod injure and endanger all; they make every thing subservient to their plan of power over all, and by their interposition divert and pollute those streams of goodness which would otherwise flow from the throne free and pure to the whole community, whose health is the supreme law, and the end of all government; and the chief talents of these men, their creatures and partizans, evidently lie in reducing a kingdom from a state of glory into a state of dishonour, distress, danger, and confusion. Lord Clarendon wisely observes that, " if those who mislead kings, or obey them in unjust resolutions, were to be exempt from punishment all kingdoms and governments must be dissolved;" and when they who should punish support these atrocious offenders they betray the most sacred trust, and their infamy can be exceeded by nothing but the dangers of their country, occasioned by the men whose corruption and inabilities have caused our domestic and *American* maladies.

The proposal of *Mæcenas* to enfranchise all the conquered nations was enforced by the writings of *Cicero*, with which *Angustus* was doubtless well acquainted. *Cicero* was a native of *Arpinum*, a mean town in *Italy*, save that it was dignified by being the place of his birth, and a *Roman* municipality, the rights of whose inhabitants are thus described by *A. Gellius*. " *Municipians* are *Roman* citizens belonging to
" the

" their municipios, using their own right, and their own laws,
 " partakers only of honorary office with the Roman people, from
 " receiving which office they seem to be called, bound by no other
 " conjunction with Roman law, as their lands never became the
 " Roman peoples." * According to other authors all the municipios
 had not the same right, some having all the Roman right, together
 with the use of their own laws, others only part, and the right of
 some varied considerably at different times. Here let us observe that
 while Britain was held by the Romans, Verulam, out of whose ruins
 St. Albans rose, was made a Roman municipality. In Cicero, upon enquiry
 whether Rome or Tusculum was the country of Cato, who was born in
 the latter, says, " I think that he and all municipians have two coun-
 tries, one of nature, the other of citizenship; so that Cato, born
 at Tusculum, was received into the citizenship of the Roman people;
 therefore being a Tusculan by birth, and a Roman by citizenship, he
 had one country of place, another of right." And, after speaking
 of the Grecians civilized by Theseus, he says, " thus we call that our
 country where we were born, and that where we are received; but
 necessarily that is most dear where the name of the common
 wealth and the whole citizenship are; for which we ought to be
 ready to dye, and to devote ourselves entirely to it, and to place,
 and as it were consecrate, therein all things belonging to us; how-
 ever that which produced us is not much less dear than that which
 received us; therefore I never will deny this to be my country,
 though that be the greater, and this contained in it."

Augustus being less noble in mind than either Agrippa or Maecenas,
 did not follow the advice of the latter with regard to the free commu-
 nication of the Roman right, though Suetonius informs us that " ha-
 ving regulated the city and its affairs he peopled Italy with twenty-
 eight colonies deduced by him, and adorned them variously with public

* Here the copies vary, some reading *quum nunquam pop. R. eorum fundus factus est*,
 others *ni, inquam, pop. eorum fundus factus est.*

édifices

"edifices and tributes, and in a manner even equalled them to the city in
 "right and dignity in some points; having devised a kind of suffrages
 "which in their several colonies they should give respecting 'the city-
 "magistrates, and send sealed to *Rome*, before the day of the comitia.'"
 The right of the *Italians* to *Roman* suffrage was rendered in a great
 measure useless to those who lived in the remoter parts, by the difficulty
 of their travelling to *Rome* to attend the comitia; wherefore *Augustus*
 devised this method of enabling them to enjoy their rights. *Augustus*
 also planted colonies in all parts of the empire. A monumental stone
 at *Ancyra*, the capital of *Galatia*, which he greatly adorned, informs
 us, that in his fifth consulship he deduced an hundred and twenty
 thousand colonists. The colonists of *Augustus* had not only, in common
 with others, lands, and habitations, with a form of government imi-
 tating the *Roman*, together with honours, but he moreover supplied
 them with money to purchase utensils, beasts of labour, and whatever
 they wanted.

The *Italian* and transmarine colonies of the *Romans* were extremely
 numerous. According to the collections of *Lipsius*, who seems to
 have been more accurate herein than other learned authors, there
 were 150 in *Italy*, about 60 in *Africa*; in *Spain* 30; somewhat
 fewer in *Gaul*, and a proportionate number in other parts of the *Roman*
 world. They had not only the common plebeian, military and mari-
 time colonies, but moreover their patrician, equestrian, and exempt colo-
 nies (*immunes coloniae*). *Corduba*, which was a famous city in the
 time of the *Romans*, as well as of the *Goths* and *Mozarabs*, was a *Roman* co-
 lony, surnamed *Patricia*, as the elder *Pliny* informs us. There *Seneca*
 the orator, and his sons *Seneca* the philosopher, and *Annaeus Novatus*, after-
 wards named *Julius Gallio*, who as well as his brother sustained honour-
 able offices at *Rome*, were born, and likewise *Lucan* the poet, the son of
Mela, another son of the orator, who chose to remain at *Corduba*,
 though his two brothers were advanced so highly at *Rome*. *Lipsius*,
 in his tract *De magnitudine Romana*, says that he finds colonies sur-
 named

named *patrician* and *equestrian*. His own edition of this work, published in 1598, cites no author mentioning these colonies, and I have not yet been able to find any other than *Corduba* surnamed *patricia*, nor any surnamed *equestris*. Strabo informs us that *Corduba* was one of the two principal cities in glory and power within the country of the *Turditani*, which, though not exceeding in length or breadth 2000 Stadia (250 miles) was said to contain 200 cities, and owed its rise to *Marcellus*, having jurisdiction over a large and fertile country. Men of worth, *Romans* and natives, were chosen to inhabit it, being the first colony settled by the *Romans* in those parts.—Part of the *Boian Gauls* who inhabited the country called the *Bourbonois* having migrated, expelled the *Tuscans*, and settled between *Bologna* and *Ravenna*, after waging divers wars with the *Romans*, wherein several obstinate battles were fought, were finally subdued, in the year of *Rome* 562, by *P. Cornelius Scipio Nasica*, and part of their lands being taken from them, a colony of three thousand men, by order of the senate, were sent and settled there, under the conduct of the triumvirs *L. Valerius Flaccus*, *M. Atilius Serranus*, and *L. Valerius Tappus*, seventy acres of land being assigned to the knights, and fifty to the other colonists.

Tacitus, in his pathetic relation of carrying the ashes of *Germanicus* from *Brundufium* to *Rome*, says that “as they passed through the colonies the populace were in black, the knights in purple; and each place, according to its wealth, burnt precious raiment, perfumes, and whatever else is used in funeral solemnities. Even they whose cities lay remote attended. To the gods of the dead they slew victims, they erected altars, and with tears and united lamentations testified their common sorrow.”

By colonies the world was in a great measure peopled, and the rude and barbarous nations humanized and improved in all the arts of civil life. The invasion of the land of *Canaan* by the *Israelites* in its consequence caused the migration of divers colonies, and to the colonies of the *Greeks* and *Romans* *Lipsius* ascribes all the improvement

of the fair tract of Europe. The ancient colonies sent out from *Phoenicia*, old *Greece*, and other nations, formed new commonwealths, being obliged only to pay a kind of deference and dutiful submission to their mother-commonwealth, with a due regard for its honour : but the nature of the Grecian colonies will best appear from what passed at *Athens* in the war between *Cercyna* and *Corinth*. Both nations sent ambassadors to the *Corinians* to obtain their alliance, and in the assembly at *Athens*, when pleading against each other, as *Thucidides* relates, the former, among other things, said, " If they object injustice, in that you receive their colony, henceforth let them learn that all colonies so long as they receive no wrong from their mother city, so long they honour her ; but when they suffer injury from her, they then become alienate ; for they are not sent out to be the slaves of them that stay, but to be their equals." To which the *Corinians* answered, " being our colony, they have not only been ever in revolt, but now they also make war upon us, and say they were not sent out to be injured by us ; but we say again, that we did not send them forth to be scorned by them, but to have the leading of them, and to be regarded by them as is fit ; for our other colonies both honour and love us much, which is an argument, seeing the rest are pleased with our actions, that these have no just cause to be offended alone ; and that without some manifest wrong we should not have had colour to war against them." It is evident that the ancient *Italian* colonies formed independant states, preserving however a dutiful respect to the mother city, and a mutual regard, greater or less, subsisted between them, when wars did not intervene. *Rome*, as we have said, was a colony of *Alba*, which was founded by *Æneas Sylvius*, and the mother of thirty *Latin* cities. *Alba* was a colony of *Lavinium*, founded by *Æneas*. At the conference between *Fufetius* and *T. Hostilius*, before mentioned, which was held in the year of *Rome* 83, *Fufetius*, said, " The city of *Alba* has made no alteration in any part of its constitution, but has observed with exactness all the customs and regulations of our ancestors, tho' it be now the eighteenth generation since it was

"was inhabited ;" which in another part of his speech he said was near five hundred years. And afterwards, in the year 265, the brave, but vindictive *Coriolanus* having in consequence of his banishment from *Rome* put himself at the head of the *Volsci* made the most rapid conquests. *Circeum*, with other places formerly taken from the *Volsci* by the *Romans*, he reduced without difficulty. Then passing into *Latium* in order to subdue the *Latin* cities in alliance with *Rome*, the rich city of *Toleria* he took by storm, after a brave resistance, and gave it up to be plundered by his soldiers. The city of *Bola* made a most gallant defence ; the inhabitants sallied out at all their gates, and repulsed the *Volsci* with great loss. *Coriolanus* was not then present, but soon coming up, by his bravery and better conduct he became master of the city, which he plundered and burnt. *Labicum* being then attacked, the inhabitants making a noble defence repulsed the *Volsci* in several assaults, but at length, being overpowered by numbers and continual attacks, their city was taken and plundered, and all the inhabitants made slaves. Then the city of *Pedum* fell, being taken by assault. After this the bare appearance of the conqueror before other places sufficed to cause their surrender. *Treba*, and many other places, having opened their gates to him, experienced his clemency. In the mean time the dissensions at *Rome* were so great that the confidence between the senate and people was lost, and the *Romans* after making so great a figure in war never took the field, and even chose for their consuls men unexperienced in war. On the other hand, the *Aequi* and other *Roman* allies joined the *Volsci*, and the *Italians* came in crowds to learn under a *Roman* general how to make war against *Rome*, whereby the conquering army became very numerous. *Coriolanus* then sat down before *Lavinium*. This city considered itself as a kind of mother to the *Roman* nation, so that neither this powerful army, nor the examples of suffering or clemency, nor the sad state of the *Roman* affairs, could shake their fidelity to them. The *Lavinians* fought several battles under their walls before their city was invested, and such was their

their bravery that *Coriolanus* seeing no prospect of taking it by force surrounded it with his army, to prevent its receiving succours or provisions, and finally reduced it by famine.

In order to shew the source of the great infamy and danger that now attended *Rome*, we must not omit to observe that when *Coriolanus*, leaving the siege of *Lavinium* to be carried on by part of his army, marched with the rest towards *Rome*, and encamped at the distance of forty stadia from it, and while resting there the senate sent a deputation to him, consisting of the most illustrious senators who had formerly been his best friends, *M. Minucius*, who had been his chief advocate being their speaker, observed to him that the success of his arms was wholly owing to their domestic broils.

And now let us briefly consider the nature of the *Roman* colonies. *Romulus* by his institution continued them part of the common-wealth, and for this, as a point of great civil wisdom, he has ever been highly commended by the most judicious persons, and has been so far followed by all the nations of *Europe* who have planted colonies in *America*, as every one acquainted with their origin well knows. *Livy* says *Tarquin the Proud* " sent colonies to *Siginea* and *Circaum*, to be a guard to the city by land and sea"; and one excellent use of the *Roman* colonies was their securing the conquered countries without any other expense to the mother city than the charges attending their settlement, and when the *Roman* empire was in its most glorious state the interior countries were wholly or chiefly preserved in good order by the colonies planted among them; whereas our modern politicians neither know how to put to the best use those countries which have been acquired to their hand, nor how to preserve them in the best manner.

The *Romans*, so long as their government continued in good order were extremely regular in their manner of settling their colonies, *Tacitus* clearly shews how the military colonies were settled, in the following passage. "In *Italy* the ancient city of *Puzzoli* obtained from *Nero* " the prerogative and title of a colony, All the veterans then dismissed

" were

" were ingrafted amongst the inhabitants of *Tarentum* and *Antium*,
 " yet cured not the defect and thinness of people there; for many of
 " these new-comers straggled away to their old haunts in the provinces.
 " where, during their term of service, they had quartered; being,
 " besides, never accustomed to engage in wedlock, or to rear children,
 " they lived without families, and died without posterity. For, colonies
 " were not now established as of old, when entire legions were trans-
 " planted thither, with their officers, tribunes, and centurions, and
 " all the soldiers in their distinct classes; so as they might from an-
 " cient acquaintance and unanimity, fall naturally into the form of a
 " common weal; but a medly of men not known to each other, now
 " thrown together, without any ruler to manage them, without mu-
 " tual affection to unite them, and all detached from different com-
 " panies, like so many individuals suddenly amassed from so many
 " different races of men, were rather a crowd than a colony."

The *Roman* colonies had by their institution the *Roman*, *Latin* or *Italic* right: they lived under the *Roman* laws, enjoying at the same time the benefit of their own institution. The government in them all was formed upon the *Roman* model; they had their *duumviri*, *decuriones*, *censors*, *quaestors*, *aediles*, *pontifices*, and *priests*. The *duumviri* had the same authority as the *Roman* *consuls* and *prætors*, and the *decuriones* had the senatorial authority, and the magistrates and officers in all the colonies were chosen by a majority of voices of the people, who had no right of suffrage in the *comitia* at *Rome* upon their election of magistrates, before the social war, which the colonies in *Italy* then obtained, but which would have been useless to the transmarine colonies. The *Roman* colonies in general had their temples and other public edifices, raised in imitation of the *Roman*; some having likewise their *capitols*, *circi*, and *amphitheatres*, with other things agreeable to them, in order that they might find, as it were, their own country in a strange land. The colonies who had the *Roman* right were tributary; but it is uncertain whether those who had the right

of *Latium*, though less honorable than the former, and which were spread over the empire, paid tribute to *Rome*, or not. Some learned men are inclined to think they did. The seven maritime colonies which were in *Italy* had the *Italic* right, that is, they were exempt from the payment of common taxes, or rather they were free from the *census*, and all censal matters, and were deemed free cities. There were other *coloniae immunes*. *Pliny* names the following in *Spain*, The *Tucci*, *Itucci*, *Attubi*, *Urso*, *Munda*, *Ilicum*, to whose judicature the *Icistanii* were submitted, and *Cæsar Augusta*, whose jurisdiction comprised one hundred fifty-two people.* *Munda* was the city near which the famous battle was fought between *Julius Cæsar* and the sons of *Pompey*, who commanded the sole army remaining for defence of the common-wealth, and whose conduct and bravery were such that they brought *Cæsar* into extreme danger, so that he ran through the ranks among the soldiers, crying out to them. “Are you not ashamed to deliver your general into the hands of boys.” And after the battle he told his friends that he had often fought for victory, but this was the first time that he had fought for life.” This decisive battle was fought on the 17th of *March*, in the year of *Rome* 709, the first of the *Julian* æra, and forty-five before *Christ*, the same day on which *Pompey* the father had four years before set out for the war. *Sextus* the younger son of *Pompey* escaped; but some days after the fight *Didius* brought the head of *Cneius* the elder to *Cæsar*. Upon seeing the head of the father he wept over it, but he was so far changed by his lawless power that he shewed no concern for this brave unhappy youth; on the contrary, to the great disgust of the *Romans*, he entered the city in triumph for the victory which he had obtained over the children and family of one of the greatest, but most unfortunate of all the *Romans*, and whereby he had made the last impious sacrifice of the liberty of his country to his ambition, and which in its consequence

* This number is mentioned in *Roman capitals* in *Hardwicks edition*.

introduced such successors to his tyranny over the *Roman* world, that instead of being the protectors of it, they were such monsters in human shape, that I know no language sufficient to express the manifold miseries suffered under their caprice and cruelties, so long as they continued with their throats uncut by their own soldiers, or the world had not otherwise got rid of them.

The *coloniae immunes* had the *Italic* right, *Illicum*, as we have seen was a free colony, which *Paul* the lawyer saith had the *Italic* right, and *Gotfred* observes that he promiscuously terms colonies exempt, or having *Italic* right. *Pliny* afterwards adds that the right of *Italy* was granted to the *Gemellenses* and *Libifosona*, surnamed *Foro Augustana*. In the *Scordonitan* convention in *Illyricum* he says “ the *Alutæ Flanates*, “ *Lopfi*, and *Varvarini* had the *Italic* right.” He afterwards mentions several others; but as *Gotfred* somewhat doubts whether their exemption was in its nature the same with the plenary immunity of the free colonies; I shall not trouble the reader with them.

In *Lusitania*, *Paul* says the colonies of the *Pacenses* and *Emeritenses* had the *Italic* right, and the *Valentini* and *Licitani* had the same right; and there the *Barcenonenses* were also exempt; which, according to *Gotfred*, “ truly sheweth that as to what respecteth tributary and “ censual matters at least, colonies of *Italic* right, and exempt from “ census were the same.” The colonies of *Cæsarea* and *Ælia Capitolina* in *Palestine* had the *Italic* right. Respecting them *Dominicus* hath the following passage. “ The emperor *Vespasian* made the *Cæsa-*
“ *rienses* colonists, without adding that they should have *Italic* right,
“ remitting to them the tribute of the head only; but the emperor
“ *Titus* interpreted the soil also to be made exempt: like to these the
“ *Capitolenses* seem to have been.” It is needless to say that during the imperial government all the rights of the people were more or less precarious. The emperor *Adrian* took the *Italic* right from both these colonies, and the emperor *Severus*, though he established very many rights in *Palestine*, did not restore the *Italic* right.

Troas

Troas, a city and country in *Pbyrgia Minor*, is concluded from the emblems on the reverse of an ancient medal to have been free. These are all the exempt colonies in certain that I have met with, and I have not time to continue my researches after more. *Gotbored* observes that *Paul* opposeth to colonies of *Italic* right colonies which had been made *salvis tributis*. "The emperor *Antoninus*," saith he, "made the people of *Antioch* colonists *salvis tributis*."

In the year of *Christ* 368, or 370, the emperours *Valentinian*, *Valeans* and *Gratian*, restored to the city of *Constantinople* the *Italic* right, which *Gotbored* supposeth had been taken away by the tyrant *Procopius*, in the year 365, or 366, and other cities, countries and towns enjoyed this right; and not only *Puzzoli*, but other cities, upon their petition, had the prerogative and title of a colony granted to them, and several of the colonies and municipies changing their condition, the municipies became colonies, and the colonies municipies, and their claims of pre-eminence seem never to have been determined.

L. Cornelius Balbus, a native of *Cadiz*, was the first foreigner, or person born out of *Italy*, who obtained the *Roman* consulship, and his nephew *Cornelius Balbus*, likewise born at *Cadiz*, was the first foreigner, and the last private man who triumphed at *Rome*. *Cneius Pompey* when he reduced *Asculum* in the social war put to death all their chiefs, except a few, whom he saved to grace his triumph; among them *Ventidius*, when very young, was led captive, and his liberty being afterwards given to him, and his family ruined by the saccage of his native city, he became a driver, and in time an owner, of mules, and when attending *Cæsar* into *Gaul* this great man by his sagacity observing his active and penetrating spirit, and having greater regard for merit than modern politicians, took him into the army, and for his eminent services raised him from time to time, til he became one of his principal generals. At his return to *Rome* he was in a short time made tribune of the people, *prætor*, and *consul*; and when commanding as

An-

Anthony's lieutenant in the East he revenged the death of *Craffus*, obtained three signal victories over the *Parthians*, recovered divers countries for the *Romans*, and restored their name and power in those parts. *Anthony* through envy took the command of the war out of his hands, and never employed him afterwards. At his return to *Rome* a triumph was granted him, with universal applause. He was the only general that ever triumphed over the *Parthians*, or that after being led in triumph had the honour of a triumph. He afterwards lived and died in great honour at *Rome*.

All authors complain, or shew by their writings, that great difficulties attend the knowledge of the *Roman* colonies and municipalities, which have been in some measure encreased by the *Roman* lawyers; who, as *Ulpian* confesseth, improperly termed the citizens of any city *municipians*; and some of our latest writers, who have great merit in other respects, after censuring with severity all who had gone before them, and undertaking to be accurate in their examinations, I have found in some points very deficient; wherefore on the present occasion I have, as my duty to the public required, so far as I have gone; followed certainty whenever I could find it, and the best guides that I could meet with in other cases, representing all things truly and indifferently as they came to my knowledge, and chronological questions, though sometimes extremely useful, being on the present and many occasions rather perplexing than informing, I have followed that chronology which or brief consideration appeared to be the best, without troubling the reader or myself about the immaterial exactness of it.

St. *Paul's* defence of his right as a *Roman*, when in danger of being scourged, in order to examination, by saying to the centurion, " Is it lawful for you to scourge a man that is a *Roman*, and uncondemned?" has occasioned great difficulties among the learned. To the chief captain, or *Roman* tribune, he had before said that he was " a Jew, of *Tarsus* in *Cilicia*, a citizen of no mean city," and now told him upon his enquiry that he was a free-born *Roman*. " *Tarsus*, the

" birth-place of St. Paul," saith *Grotius*, " was not a colony, but a free city, as *Pliny* testifieth, lib. 5. cap. 27. *Appian* in the 5th book of the civil wars saith that liberty was granted to the *Tarsenians* by *Anthony*; and *Dion Chrysostome* reciteth many privileges bestowed on the city of *Tarsus* by *Augustus*, but not the right of a colony or municipality, to which the right of *Roman* citizenship belonged: and *Ulpian* doth not name *Tarsus* among the colonies of *Cilicia*. It remaineth therefore that some one of *Paul's* ancestors had obtained this right for himself, in the civil wars between *Cæsar Augustus* and *Brutus* and *Cassius*; or between him and *Anthony*." *Heinsius* supposeth that *Tarsus* was a municipality: others say that it was a colony, and a free city, enjoying the right of *Roman* citizenship, granted to it by *Cæsar*, on obtaining the victory over his competitors, because it had taken part with him. It is certain that it was likewise named *Juliolopolis*, and that the præceptor of *Cæsar* was born here. *Benza* says it was a colony, and both he and *Heinsius*, as well as *Grotius*, observe from *Appian*, that the *Roman* citizenship was given to it by *Anthony*. Other authors suppose it was made a colony in the time of *Caracalla*, or *Heliogabalus*. In other respects we have a certain account of this city, it being given by *Strabo*, who says it was populous and very powerful, being a kind of metropolis, and that its inhabitants were so much addicted to philosophy, and every kind of learning, that it surpassed *Athens*, *Alexandria*, or any other place that could be named, in which were schools of philosophers, and other learned men."

The treatment given to St. Paul by *Claudius Lysias*, commander of the Roman forces stationed at *Jerusalem*, shews us in part the nature of military proceedings. When he considered St. Paul only as a Jew, and citizen of *Tarsus*, he was so regardless of the laws of natural justice and humanity, that as soon as he was brought into the castle he commanded that he should be examined by scourging: a most injurious proceeding surely, against an innocent man, who had freely declared

declared who he was, and was ready to submit to any farther examination ; but when he found that he had thus rashly put a Roman in bonds, in order to his being scourged, he was, not without reason, alarmed. *Caius Licinius Verres*, when prætor in Sicily, in the course of his enormities, had scourged *Gavius Compianus*, a municipian, upon which *Tully*, in one of his orations against him, exclaimed in these words. “ A Roman citizen was scourged in the forum of *Messana*. “ O sweet name of liberty ! O the choice right of our city ! O ye “ *Porcian* and *Sempronian* laws ! ” St. Paul, it is evident, had not the least conception of the propriety of his being scourged, who was a *Roman*, nor of his suffering without legal trial and condemnation ; and I hope that all the subjects of the British empire will ever be as well secured in their lives at least as the Romans were in their bodies, which cannot be without punishing those who violate this security.

“ In the consulship of *Aulus Vitellius* and *Lucius Vipanius* counsels “ were on foot about supplying the vacancies of the senate ; and as the “ nobility of that part of Gaul entitled *Comata* had long since acquired the “ distinction of confederates and citizens of *Rome*, they now sued for a “ common participation of her offices and honours. Hence many and “ various were the reasonings of the public upon these their pretensions, “ and the prince was beset with opposite parties and struggles. He “ was told that Italy was not fallen so low, but to her own capital she could “ furnish a supply of senators. Of old her natives only, they who were of “ the same blood with the Romans sufficed for such recruits to the Roman “ state ; nor was there any pretence to condemn or amend the institutions of “ the antient republic, a republic which inspired her citizens with such noble “ manners, that the spirit and actions of the old Romans were still urged as “ venerable patterns of virtue and glory to us their posterity. Was it not “ sufficient that already the Venetians and Insubrians had invaded the “ senate, unless a host of foreigners too be introduced, like an establishment of “ captivity and conquest ? After this what dignity would remain to the “ native nobility ? What means of preferment to any senator of Latium ? “ By these opulent Gauls all public honours would be engrossed, men whose
“ farther

" fathers and forefathers were at the head of hostile nations, slaughtered
 " our armies, and at Alesia besieged the deified Julius; instances these of
 " later days; but more horrible to recount were the ravages of the ancient
 " Gauls, who with impious hands demolished the great Roman altar, and
 " defaced the capitol. They might, in truth, enjoy still the title of Roman
 " citizens; but let not the glory of the fathers, nor the lustre of the magis-
 " trates be prostituted, and rendered the purchase and spoil of nations."

" The emperour was little affected by these and the like allegations,
 " but having presently answered those who made them, summoned the
 " senate, and spake thus. The ancestors of my family, and the oldest of
 " them, Attus Clausus, who though a Sabine born, was at once adopted a
 " Roman citizen, and enrolled in the number of patricians, furnish me with
 " a lesson, that with parallel measures I ought to maintain the common-
 " wealth, by transferring to ourselves all men of signal merit where ever
 " found: for I am not ignorant that from Alba we had the Julii, from Came-
 " riun the Coruncani, and the Porcii from Tusculum. But, to avoid the de-
 " tail of the ancient and single adoptions, were not the nobles of Etruria,
 " the nobles of Lucania, nay, those of all Italy, called into the body of the
 " senate? At last our city and her privileges became bounded only by the
 " Alps, insomuch that, besides the admission of particu'lers, whole states and
 " nations became ingrafted into the Roman name. We had then solid peace
 " at home, and our arms and reputation flourished abroad, when the nations
 " on the other side the Po were presented with the rights of citizens; and
 " when, under the guise of planting, out of the legions, colonies all over the
 " earth, and by incorporating with these our colonies the most powerful of
 " the natives, we thence supported and renewed our own exhausted state.
 " Do we regret that the Balbi were transplanted to us from Spain, or men
 " equally illustrious from the Narbon Gaul; they whose descendants remain
 " yet with us, nor yield to us in love of this our common country? What
 " proved the bane of the Spartans and Athenians, states so potent in arms
 " and conquests, but that they held for aliens whomsoever they conquered?
 " Much greater was the wisdom of Romulus, our founder, a prince who

" saw

" saw several people his enemies and his citizens in one and the same day.
 " Even over us Romans foreigners have been kings; and to commit magis-
 " tracies to the children of freedmen is no innovation, as many erroneously
 " suppose, but a primitive practice of the old Roman people. But, it
 " seems, we have had wars with the Gauls. What is the consequence?
 " Have the Volci, have the Equi, never borne arms against us? It is
 " true, our capital has been taken by the Gauls; but by the Tuscans we
 " have been forced to give hostages, and by the Samnites to pass under a
 " gibbet. However, upon a review of all our wars none will be found more
 " quickly concluded than those with the Gauls; and ever since has ensued
 " a peace never interrupted, and faithfully observed. They are linked with
 " us in private manners, in civil and military accomplishments, and domestic
 " alliances, and in this conjunction with us let them rather introduce amongst
 " us their good and abundance than enjoy them without our participation.
 " All the things, Conscript Fathers, which are now held most ancient in
 " our state were once new: the plebeian magistrates were later than the
 " patricians; the Latin magistrates later than the plebeian; those of other
 " nations in Italy came after the Latin: the present admission of the Gauls
 " will also wax old; and what is this day supported by examples will it-
 " self hereafter become an example."

Afterwards the citizenship of Rome was granted to all people within
 the Roman empire. Ulpian, who lived in the later part of the second,
 and former part of the third century, says, *In orbe Romano qui sunt, ex
 constitutione imperatoris Antonini, cives Romani effecti sunt*; and Justinian,
 in the year 539, in his edict made in favour of all manumitted slaves,
 declares as followeth. " We have done nothing new, but follow the
 " most excellent emperours before us. For as Antoninus surnamed
 " Pius (from whom this appellation hath also come down to us) gave
 " to all his subjects in common the right of Roman citizenship, be-
 fore requested by every one of his subjects, deducing those who
 " were called foreigners to Roman freedom; and Theodosius the younger
 " gave the right of children to his subjects in common. So we," &c.

Q

But

But it is certain that *Justinian*, with *Trebonian*, and all the other lawyers employed in compiling the books of the civil law, are mistaken with respect to the author of this famous edict. *Dion Cassius*, who after being governour of *Pergamus* and *Smyrna*, and in *Africa* and *Pannonia*, was in the year 229 consul together with the amiable emperor *Alexander*, the son of *Mammæa*, and who after employing ten years in collecting materials for a *Roman* history, spent twelve years in composing it, in a fragment says, that *M. Aurelius Antoninus Caracallus*, who began his reign in the year 212, and was slain by a centurion, at the instigation of *Macrinus*, in the year 218, gave the *Roman* citizenship to all within the *Roman* world; and from *Onupbrius Panvinius*, *Cigalinus*, *Valois*, *Petit*, *Wesenbec*, *Bignon*, *Spanheim*, *Noodt*, and *Burman*, it appears very clear that *Antoninus Caracallus* was the author of this edict, the error of *Trebonian*, and the other lawyers of *Justinian*, probably arising from their not duly attending to historical information, and not considering that *Ulpian* when he mentions *Antoninus* simply intends *Antoninus Caracallus*; but when he intends *Pius* or *Marcus*, he names them *Divus Marcus*, and *Divus Pius*. *Gotbofred* concludes his notes on the three edicts, following *Justinian* in his supposal that *Antoninus Pius* was author of the first, with saying, "Thus good princes are usually wont to surpass each other in governing their subjects with equal right, and in bestowing benefits on them."

From what precedes respecting the error of the emperor *Justinian*, and of *Trebonian*, with the other court lawyers, it appears in some measure how necessary it is that historical knowledge should accompany the other talents requisite to the forming an able constitutional lawyer; and the most celebrated modern lawyers having declared that laws cannot be rightly understood without the knowledge of history, and this observation being more especially applicable to laws that relate to far-distant countries, which by grant and compact made at their original settlement have certain institutions, and which, through the necessities attendant on different situation and condition, requires special consideration,

consideration, it is much to be wished that some of our court lawyers, as well as politicians, had larger portions of this necessary kind of knowledge; and yet their readiness to exclude is sometimes equal to their want of due information.

The persons much concerned in planting the colonies were certainly men of great accomplishments, though the monuments of their wisdom have been neglected by several of their successors, so that *Ralegh*, *Bacon*, and *Popbam*, with several others, have great reason to complain of the treatment they have received. Besides the universal knowledge of history, *Ralegh's* talents for policy and war made *Spain* tremble, and her cabinet council could not sleep in quiet until they had prevailed on king *James*, who had not in his breast one spark of ethereal fire, to put him to death contrary to law. *Bacon* when sitting on an eminence, with all the learning of the earth before him, marked its defects, and gave the outlines of its augmentation; and *Popbam's* law and judgment were sufficient to recommend him to the great *Elizabeth*; yet we every day see persons far less qualified censuring in effect the institutions devised by these and other men esteemed for their law, learning and wisdom; whereas Lord *Clarendon*, who had great knowledge of our colonies, in his animadversions upon Mr. *Hobbes*, hath the following passage, "since he reckons the sending out colonies and erecting plantations, the encouraging all manner of arts, as navigation, agriculture, fishing, and all manner of manufactures, to be of the policy and office of a sovereign it will not be in his power to deny that his sovereign is obliged to perform all those promises, and to make good all those concessions and privileges which he hath made and granted to those who have been thereby induced to expose their fortunes and their industry to those adventures," and although the wisest man living cannot judge of that which was never exposed to his judgment, and nothing can be properly determined without being properly considered, and due examination had of all matters relative to it, and the parties concerned fully heard

heard, *audi partes* being the language of all the earth; yet innumerable persons are ready to pass judgment with severity upon the rights of their distant fellow-subjects, though unacquainted with their nature, grounds, and evidence; and I am sorry that I have so much reason to say that we have not one court lawyer, or politician, who has thoroughly examined the proper sources of colonial knowledge, unless they have taken more pains herein than any of their predecessors on whom I had the honour to attend in the course of many years concern with them.

Caracallus in the begining of his joint reign with his brother *Geta* murdered him in his mothers arms, and then ordering *Papinian*, the most accomplished lawyer the world ever bred, to justify the action, he answered, that it was an easier matter to commit than to justify a murder, whereupon he put him to death, and with the vast riches amassed by his father *Severus* purchased a connivance at his crime from the soldiers, who had an extraordinary regard for *Geta*. *Montesquieu* observes that “*Caligula*, *Nero*, and *Domitian* limited their “barbarities to *Rome*; but this monster endeavoured to shed his fury “through the world like a pestilence;” wherefore to explain the cause of the constitution which hath been so highly approved by *Justinian*, his learned and judicious commentator, and others, it is proper to mention the account given of it by *Dio*, to wit, that in shew he thereby conferred honour on his subjects, but really made it with intent to encrease his revenue, as foreigners were exempt from certain duties payable by the *Roman* citizens, the *Roman* empire comprising at this time about one hundred twenty nations, whereof the greater part, I conceive, had not before received the *Roman* right, all whom, with others, *Trajan*, by his mildness, justice, equity, and wisdom, was able to govern with greater ease and satisfaction to himself and them than modern ministers can regulate a couple of *English* counties, and in whose reign, to his immortal honour, it was lawful for every man

man to think what he would, and to speak what he thought. This being a regimen worthy of the first prince of the earth.

Lord Bacon, in his argument, when solicitor general, in the great case of the *post-nati* of *Scotland*, in the exchequer chamber, before the lord chancellor, and all the judges of *England*, observes that "as the law of *England* must favour naturalization, as a branch of the law of nature, so it appears manifestly that it doth favour it accordingly. For is it not much to make a subject naturalized? By the law of *England* it should suffice, either place or parents; if he be born in *England* it is no matter though his parents be *Spaniards*, or what you will. On the other side, if he be born of English parents, it skilleth not though he be born in *Spain*, or in any other place of the world." In such sort doth the law of *England* open her lap to receive in people to be naturalized; which indeed sheweth the wisdom and excellent composition of our law, and that it is the law of a warlike and magnanimous nation, fit for empire. For look, and you shall find that such kind of estates have been ever liberal in point of naturalization; whereas merchant-like and envious estates have been otherwise." In justice to our merchants, let me observe that I have found them, when under no particular bias, to be more liberal in their sentiments than our politicians; in whose minds I could never find, or excite, one noble idea relative to *British America*, save always the lords *Granville* and *Chatham*, with some few others, of whom I desire expressly to name Mr. *Onslow* the late speaker, Mr. *Legg*, Mr. *Stone*, and Mr. *Townsend*, who in several respects hath been so worthily dismissed from the public service, to the lasting honour of the parties concerned, whose supporters would do well to keep in mind what is said by a late learned French author, in the following passage: "As in every commonwealth there are at all times men who distinguish themselves by the purity of their manners, and by the equity of their judgments, it was to these respectable personnages they entrusted the care of reforming the government, of regulating the police; in a

" word of making laws which comprising what was most judicious in
 " the natural law and the law of nations; might also be conformable
 " to the genious and inclinations of the people for whom they were
 " made." It was ever a great dishonour, as well as injury, to a free
 people, to be subject to the domination of the favorites of princes;
 but, what is still worse, some men would have them subject to the
 domination of the favourites of their fellow-subjects. All the persons
 before named being now naturally, or civilly, or in effect, dead to
 politics, I can speak more freely of them. Granville was a statesman
 whose knowledge cannot be equalled by a whole squadron of our modern expedient-mongers.

Chatbams sense and fire were found in time of danger, the great trial of merit, when so many others were overwhelmed with dismay and terror, far to exceed in value all the state-tinkering of the most numerous collection of these minor politicians, who are ever wandering too and fro on the surface, or wading in the shallows, without being able to explore the depths and follow the dictates of wisdom; and who, though incapable of proper cultivation, are always ready to put their scie into other mens corn, and to reap or spoil the fruits of the public labours; and, some of them having by their attempt to raise a fresh crop in distant lands, without the consent of the owners, lost themselves in a labyrinth of their own creation, their advocates, in their great wisdom, would have us set the whole country on fire that they may see their way out, though we must thereby burn our fingers, empty our pockets, enfeeble our commerce and navigation, scorch our bodies, and endanger the welfare and safety of ourselves and posterity, doing all this in maintenance of a manifest error, for the illustration whereof, without proceeding to other points, it may suffice to say, that the bill which in its course and consequence hath occasioned those commotions that are become so dangerous to the whole empire, should, in suitableness to its nature, have been entitled, *A bill for the distress of the British manufactures and commerce,*

merce, &c. the matter thereof being apparently repugnant to the principles of both.

No wise man was ever obstinate, and the confession of an error is in its nature the declaration that the mind is better informed than when it was committed; whereas the perseverance in it, without enforcing it by fire and sword, is in effect the daily repetition of it; and one of the greatest princes in the world has increased his dignity by his readiness to confess and retract his mistakes.

Mr. Onslow being trained up with diligence in learning, knowledge, and business, knew the rights of the empire, and from principle was a friend to the colonies, of whom he said that they were the younger brethren of the constitution; and when a more injurious attempt was made, by ministers, upon their rights and liberties, in the house of commons, than I believe was ever practiced by the Genoese upon the Corsicans, before drawing the sword, he not only behaved nobly in that house, but when the king, lords, and commons were assembled, after mentioning this strange business to his majesty, he concluded his recommendation of the colonies to the king's clemency and goodness with these words, " so that it may be their inclination as well as duty " to be obedient to you, great Sir, and the laws;" and in justice to the memory of the late king, it ought to be observed that when application was made to him respecting the colonies, he said that he would have right done to the colonies, but he did not understand them; and I am sorry that some of our politicians have not resembled him as much in the former as in the latter point.—Hero suffer me to mention an affair wherein I was no party, the account whereof I had from my worthy and intelligent friend Mr. Yeomans, who was many years agent for *Antigua*. When attending in that character on lord *Wilmington*, as president of the council, and another gentleman, attending at the same time, proposed to his lordship that the government should oblige the assembly of *Antigua* to do what he supposed ought to be done, his lordship turning to Mr. Yeomans said, what does you

you think of this doctrine? who answering that he must leave it to his lordship, he replied, then I must say that, in my opinion, we have no more right to compel the assembly of *Antigua* than we have to compel the parliament of *Great Britain*.

Mr. Legg had great talents for business, with a sense of general welfare; but in consequence of interior regulations, as I understood, he declined passing upon several matters which were, in my opinion, the proper objects of his consideration, referring me to the minister, where I expected to find principle supplanted by policy. The least that can be said of Mr. Legg is, that by nature, honour, diligence, and experience he was so well qualified for public service, that the notorious ill usage which he received from a certain noble lord was as injurious to his country as to himself.

Mr. Stones discernment and experience were accompanied with the spirit of business, and in one respect he was *rareavis in terra politica*; for when he did a wrong thing under the direction of others he apparently shewed remorse, with a solicitude for correction rather than perseverance; and he having better knowledge of *America* than many more forward persons, by his assistance I obtained, in the war before the last, the establishment of the first company of rangers, which notwithstanding their evident utility the minister would not allow without his battering it with him for half an hour. In the course of that war, by myself, and in conjunction with others, I proposed such measures as carried into execution would have prevented the late war, at least this now is, and always has been, my opinion, and which, if his influence, and the wisdom of his superiors had been equal to the occasion, would have taken place. The principal part of these measures were approved by the cabinet; but before their sanction they were defeated, and all that I know of the matter is that he became much indisposed, and the sea officer who was to have commanded declined the service, though to my certain knowledge he had approved of all the measures. This declension was the sole reason given to me, by

by a person of consequence, for laying aside what had been approved, though in truth altogether insufficient, as I could readily have named other officers able to supply the want of his local knowledge; but after this important business had sickened I could not prevent its dying away; in consequence whereof the late war actually commenced within a year after the conclusion of the former, and, to my great vexation, I could not obtain the repulse of the first invasion made by a small body of men, whose continuance, encrease, and hostilities brought on an open war.

Mr. *Townsend* being, I presume, in health and spirits, and his ill usage having given him special right to speak for himself, I shall only say that his public and private virtues entitled him to receive such treatment from one of the *Stuart* race as Mr. *Legg* received from another.

In lord *Granvilles* time a great difficulty arose in one of our colonies respecting the nature of the right to certain lands lying within it, and the minds of many of the inhabitants being sharpened by the contest, part of them proceeded to such acts of violence as in strictness might have been deemed a very high offence; and this affair falling under his lordships consideration, when upon full enquiry the right of the crown, with the violence attending the opposition, appeared, and the whole country was concluded to have espoused the error with warmth, his lordship was pressed to advise the appointment of land and sea force sufficient to maintain the dignity and right of the crown, and the forces of both kinds deemed necessary were mentioned to him; but he would never hearken to this proposal, saying that as the people had at all times before behaved well, and now proceeded upon a mistake, he did not doubt that upon better information they would return to their good behaviour, as they afterwards did; and when it was still urged that in this case force was necessary, he answered, that he had no notion of instructing the king's subjects in their allegiance with great and small shot; which has often put me in mind of what happened in the reign of the late king of France, who having resolved on a measure

sure that was very injurious to one of the free states on the continent, their minister, after stating the hardships and injustice of this measure, observed to him that his masters understood the laws of nature and nations, and the rights of mankind, to which he replied, your masters, you say, understand the laws of nature and nations, but I will send them 30000 of my blockheads who shall inform them much better. His successor is now giving the brave, but ignorant *Corsicans* a lesson out of the same school; and they who are inclined to think that *British America* would receive great benefit from this kind of instruction, would do well to remember what lord *Clarendon* says, that "*the cheerfulness of submission is the strength of it;*" and that "*no doubt those soldiers fight most resolutely who fight to defend their own;*" without forgeting the difficulties of making war upon far distant hostile countries, which will rise up in manufactures, if not in independents, while we are bleeding. The public is so often amused with imperfect tales respecting *America*, that it may not be amiss to observe that while this colonic difficulty subsisted, being then a servant of the crown, I was several times advised with, by a principal party concerned, touching the right of the crown, and the expedience of using force in maintainance of it. The former related to the kings right of seigniory in *America*, which these people could not understand, as they bought the lands in question from the *Indians*. Upon consideration I was of opinion that the kings seigniory adhered to the sovereignty over the whole empire, although the revolution in *England*, and the territorial acquisitions in *America* by purchase from the *Indians*, whose right was exclusive of the king and people of *England*, had altered the grouuds of it. I was better satisfied with this opinion, as it placed the land property in all parts of the empire on the same simple basis whereon the noble structure of equal right erected by archetectonic principles might stand firm, and the kings seigniory be the perpetual concomitant of his sovereignty; and a single spark being sufficient to set a whole city on fire, it was happy for the public,

as well as the colony, that the point of expedience fell under the direction of lord Granvilles wisdom and prudence; for had a person less qualified supplied his place, he might have kindled such flames as wiser men could not easily have extinguished.

Having from the noblest examples, and the greatest authorities, supported by the most forcible reasons, clearly shewn that general policy would require the *British* right to be communicated to *British America*; if she had not a just claim to it, let us now consider whether special policy resulting from the nature and situation of the *British* empire, and others with whom she is nearly concerned, would not require the same. The *Britons* are a free, commercial, and naval people, and sound policy, or common sense, which is the same thing, requires that all their proceedings be subservient to this condition. To preserve their freedom it is necessary that all parts and persons in the empire be free, freedom being the common right of all, and the entirety of it being once broken the torrent of power will overflow all. Mr. Addison, in his short but excellent *essay* on the civil part of our constitution, writes thus. " That form of government appears to me the most reasonable which is most conformable to the equality that we find in human nature, provided it be consistent with public peace and tranquility. This is what may properly be called liberty, which exempts one man from subjection to another, so far as the order and œconomy of government will permit."

" Liberty should reach every individual of a people, as they all share one common nature; if it only spreads among particular branches there had better be none at all, since such a liberty only aggravates the misfortune of those who are deprived of it, by setting before them the disagreeable subject of comparison."

" This liberty is best preserved where the legislative power is lodged in several persons, especially if those persons are of different ranks and interests; for when they are of the same rank, and consequently have an interest to manage peculiar to that rank, it differs

" but

" but little from a despotical government in a single person. But the
 " greatest security a people can have for their liberty is when the le-
 " gislative power is in the hands of persons so happily distinguished,
 " that by providing for the particular interests of their several ranks,
 " they are providing for the whole body of the people; or in other
 " words, when there is no part of the people that has not a common
 " interest with at least one part of the legislators."

Whatever moves on the seas will ever be subject to the superior naval power, and after calling to mind the situation of *Britain, France, and Spain*, let us consider the situation of their several colonies in *America*, with the course of navigation which brings all the products of the *Spanish* and *French* colonies in their passage to *Europe* at a nearer or greater distance before the extensive sea coast of the *British* continent, considering at the same time the great number of *British* subjects living on that coast, with their disposition to get upon the seas with their persons and properties; and moreover their readiness by themselves, or in conjunction with the *British* forces, to make war upon the common enemy. Without going back to former times, in the war before the last the *Massachusetts* inhabitants, with assistance from their neighbours, took *Cape Breton*, when garrisoned by *French* and *Swiss* soldiers, from those who declared it to be the brightest jewel in the crown of *France*, the ships of war, after they came, only covering the siege, without firing a shot at the city, or any of its out-works; and by, or in consequence of, their spirited conduct the *British* fishery, when in great peril, was preserved, the *French* fishery entirely broken up, and *Nova Scotia* saved again and again when in the utmost danger, whereby assistance was given in no small degree to obtain peace after a war unsuccessful in other parts. And *British America*, after having long been the seat of a late severe war, sent out four thousand men, under the command of a brave officer, to assist in taking the *Havanah*.

From what precedes it will appear in a good measure how far *Spaniard* and *French American* products are subject to the power of the *Britons*

Britons, and the colonies producing them the natural deposit for the good behaviour of their mother-countries, in case the cordial union of our colonies with *Great Britain* be restored and preserved, which, for my own part, I pray may continue as long as the earth endures, being firmly persuaded that it is absolutely necessary to the welfare of both: but how we can expect our fellow-subjects to encounter equal toils and perils, without enjoying equal rights, I cannot comprehend.

British commerce and naval power, with their dependence on our colonies, neither need nor can be now particularly discussed; yet it may not be amiss, for the correction of political errors, to cite the following passages from a judicious and excellent author, " I have in former letters began to shew, by an induction of particulars, and shall hereafter more fully shew, that population, riches, true religion, virtue, magnanimity, arts, sciences and learning, are the necessary effects and productions of liberty; and shall spend this paper in proving that an extensive trade, navigation, and naval power intirely flow from the same source: in this case, if natural advantages and encouragements are wanting, art, expence, and violence, are lost and thrown away. Nothing is more certain than that trade cannot be forced; she is a coy and humorous dame, who must be won by flattery and allurements, and always flies force and power; she is not confined to nations, sects, or climates, but travels and wanders about the earth, til she fixes her residence where she finds the best welcome and kindest reception; her texture is so nice and delicate that she cannot breath in a tyronical air; will and pleasure are so opposite to her nature, that but touch her with the sword and she dies: but if you give her gentle and kind entertainment she is a grateful and beneficent mistress; she will turn desarts into fruitful fields, villages into great cities, cottages into palaces, beggars into princes, convert cowards into heroes, blockheads into philosophers, will change the coverings of little worms into the richest brocades, the fleeces of harmless sheep into the pride

" ornaments of kings, and by a farther metamorphosis will transmute
 " them again into armed hosts and haughty fleets." And afterwards,
 " As I think it is evident from what I have said before, that trade
 " cannot long subsist, much less flourish, in arbitrary governments;
 " so there is so close and inseparable a connection between that and
 " naval power, that I dare boldly affirm that the latter can never ar-
 " rive to any formidable height, and continue long in that situation,
 " under such a state. Where there is an extensive trade great num-
 " bers of able-bodied and courageous sailors, men bred to fatigues,
 " hardships, and hazards, and consequently soldiers by profession,
 " are kept in constant pay; not only without any charge to the pub-
 " lic, but greatly to its benefit; not only by daily adding to its wealth
 " and power, but by venting and employing abroad, to their coun-
 " trys honour and safety, those turbulent and unruly spirits that
 " would be fuel for factions, and the tools and instruments of am-
 " bitious or discontented great men at home. These men are always
 " ready at their countrys call to defend the profession they live by,
 " and with it the public happiness: they are, and ever must be in
 " the public interest, with which their own is so closely united; for
 " they subsist by exporting the productions of the peoples industry,
 " which they constantly increase by so doing: they receive their pay
 " from the merchants, a sort of men always in the interests of liberty,
 " from which alone they can receive protection and encouragement.
 " And as this race of men contribute vastly to the public security and
 " wealth, so they take nothing from it: they are not quartered up
 " and down their native country, like the bands of despotic princes,
 " to oppress their subjects, interrupt their industry, debauch their
 " wives and daughters, insult their persons, to be examples of lewd-
 " ness and prodigality, and to be always ready at hand to execute the
 " bloody commands of a tyrant."

" No monarch was ever yet powerful enough to keep as many sea-
 " men in constant pay at his own expense as single cities have been:
 " able

" able to do without any at all : the pay of a sailor, with his provision, is equal to that of a trooper in arbitrary governments ; nor can they learn their trade by taking sea air for a few summer months, and wasting about the coasts of their own country : they gain experience and boldness by various and difficult voyages, and by being constantly inured to hardships and dangers : nor is it possible for single princes, with all their power and vigilance, to have such regular supplies of naval provisions, as trading countries must have always in store."

The commerce of the colonies was originally, and for many years free ; and in consideration of the great benefits received by the kingdom from the encrease of its navigation, and imports which they caused, for their encouragement, all merchandizes, goods, and necessaries, were allowed to be exported hence thither custom free. By the first important restriction of their trade it was, in 1646, provided that they should not transport their products to foreign markets in any other than *English bottoms* ; and in 1650 all foreign ships were inhibited from trading there, on pain of confiscation. It is said that St. John having been affronted in *Holland*, through resentment and policy, he devised this ordinance ; and by various subsequent restrictions the colonies have been obliged to take all the *European* and *Afatic* manufactures and commodities which they consume from *England*, or *Great Britain*, and the chief part of their products is obliged to be brought directly hither, whereby this kingdom hath two of the greatest monopolies in the world, hath greatly encreased in wealth and naval power, and innumerable families are well maintained and prosper ; and this desirable encrease would unquestionably have continued, to the great emolument, strength and safety of the whole empire, if our late erroneous politics had not prevented it.. According to the calculates of others more intelligent than myself, the colonies have in a course of several years by their imports annually paid a million of our public charges, 30 per cent. advance upon the manufacturers price,

and.

and 40 per cent. upon an average more than they should have paid for the like imports from other nations. By these various means they have been constantly drained of their specie; so that there never was, within the compass of my knowledge, a time wherein this kingdom could, laying aside other difficulties, collect from them one penny by taxation, without losing a shilling in the course of commerce, lessening at the same time their navigation. The great want of specie has occasioned the long use of paper currency, which is at best but a necessary evil, and the late repeated solicitations for licence to use it is a natural proof of the scarcity of real money. Paper bills were first introduced by the great expense attending the successful expedition made in king Williams time by the *Massachusetts Bay* against *Annapolis*, and by their successless expedition against *Quebec*: and,

Our great political adventurer, when in the wantonness of his power, and poverty of his understanding, he undertook the reformation of *British America*, with the *British* and *American* commerce, and multiplied his impositions, restrictions, and regulations, subjecting the whole to military execution, in former times deemed by the wise fit only for commercial destruction, together with his memorable taxation, to the enforcement of such unconstitutional, strange, and unnatural judicatories as the earth before never saw, might as well, I conceive, have formed a scheme to take the tools out of the hands of a considerable part of the manufacturers of *Birmingham* and *Leeds*, as his devices directly tended to distress the principal trading colonies, and take from them their little money, wanted to drive about the wheels of trade necessary to the manufactures and commerce of the kingdom. I do not believe that at making the peace he foul'd his fingers, though some others will never be able to make theirs clean; but he was as solicitous to enforce in effect the laws made against *British* commerce by our late enemies as if he had been paid for it. By one stroke of his policy he made a present to the *French* and

and Duties of a branch of the British commerce, whose annual profit, without reckoning other advantages, was 200,000 l; and his whole refined system may be reduced to the few articles of impoverishment, embarrassment, oppression and confusion; but all that has been or can be said of him in these or other respects falls far short of his attempt to subject the worthy families in America to have soldiers quartered upon them, whereby they must pay so dear for their infamous shackles. Truth will sooner or later swim uppermost, and they who laboured to support him in this attempt do, I hope, expect to be transmitted to posterity in their true colours.—Here let me observe that in the course of many years of peace, when the present *British American* continent was held by *Britain and France*, they did not both maintain one fourth part of the troops stationed there since the whole was reduced to his majesty's obedience. And now coming to the successors of our great politician, who having grafted their politics upon his stock have far exceeded him in several points. The politics in commercial states have in times past been employed in promoting the export of their manufactures, instead of laying difficulties in their way, which was the employment of other countries, and the duties unhappily imposed by our politicians on the importation of our manufactures into the colonies must in their nature operate as a bounty to the colonial manufacturer, and the illicit trader. Commerce, every one knows, was no great object at *Rome*; but if her princes and senate had not shewn greater wisdom in providing for the support of her government, I am inclined to think we should never have heard a word about her, unless when named among numberless inferior cities. Having no time to set forth her wisdom in supplying her treasury when rising up to grandeur, nor her sufferings when she came to be supplied out of her own bowels, I shall only observe that having obtained the dominion over *Egypt*, she imposed a duty on paper and glass exported thence, thereby evidently favouring those manufactures in *Italy*.

These politicians, to my great surprise, have furthermore proceeded upon a new and strange principle, providing that the duties payable in the colonies on the import of *British* manufactures shall be first employed in defraying the charge of administering justice, and of supporting civil government in the provinces where it shall be found necessary. The colonies by their establishment were, and have since continued, distinct subordinate states. This the *Acta Regia* and *Parliamentaria*, the *Leges colonice* and *Acta colonica* abundantly prove; and each colony hath at all times supported its own government; but this new doctrine directly unites them in the great point of the purse for this support, and subjects the innocent to be punished for the guilty, or, in other words, the principal colonies, who have at all times supported their own government, and who import the chief part of the *British* commodities, after paying the expense of their government, to bear an uncertain part of the expense of those provinces that may be deficient; and the expense of the whole would, I am persuaded, to their and our prejudice, be much increased by this new regimen, which I am wholly unable to reconcile with the constitutions formed by royal charters granted to several colonies, whereof the last, that of the *Massachusetts Bay*, passed under the special consideration of the late excellent King *William*, who several times heard the agents in person, and of the great lord *Somers*, or with the constitutions of the other colonies, otherwise properly formed, confirmed, and long enjoyed, to their great advancement and welfare; and whether this new regimen does, or does not, tend to take the immediate and subordinate government in the colonies out of their hands, to the common detriment, I shall submit to others, without proceeding farther upon a subject which seems not to have been duly considered.

Instead of these new, impoverishing, distressing, and disparaging politics, which would starve the hen that lays the golden egg, let us return to the cherishing system, according to the wisdom of our ancestors, and of the wisest and best men in all ages and nations, which I am:

are firmly persuaded, will ever best promote and secure all the good purposes of this kingdom. A flourishing commerce will in time enrich the colonies, and the richer they are the more they can and will trade for with us, and their attachment will be strengthened various ways, as well as our wealth and naval strength much increased; whereas a poor needy people in the colonies would be at all times dishonourable, unprofitable, and dangerous.

Fear and presumption are equally to be avoided, but right apprehensions are ever desirable, and alliances making a material part of the strength of a state, all wise nations have been solicitous to form and preserve them. Our late enemies are united, and they have their several alliances and connections; but, instead of certain and profitable allies, unless some be newly obtained, we have our divisions, still continuing, though it has been declared by divine authority, "that a house divided against itself cannot stand;" and one of the most respectable *Romans*, when the common-wealth was threatened with the dangerous division of its members, declared in the senate that "every consideration should give way to an union of all the citizens."

Our divisions make our natural and other enemies more formidable and dangerous, and as no man ought to despair of the common-wealth, I desire to contribute my mite towards restoring all its parts to that desirable union which took place until broken by men whose ambition so far exceeded their capacity.

The British empire is composed of divers people, who have one common equal right to maintain among themselves, and one common interest against other nations. *England* is the chief source of their liberty, wealth and felicity. At different times she has freely communicated her rights. Above six hundred Years ago the laws and liberties of *England* were granted to the people of *Ireland*, upon their submissions to the crown of *England*, with a design to make them easy to *England*, and to keep them in allegiance to the king of *England*. *Wales*, after being likewise conquered, in order to its quiet and proper establishment, was annexed to *England*, and made partake r of its government,

Heastan increase

ment, laws, and liberties. *Calais* after its conquest partook of the *English* right, and with the enjoyment of other privileges sent members to parliament. *Scotland* was an independent kingdom; but the learned and worthy Sir *George Mackenzie* has clearly shewn that the *Scots* kings were absolute. By the union of *Scotland* with *England* the *Scots* have obtained freedom, with participation of the *English* commerce. In justice to the natives of *Scotland*, we are to remember that they had the same spirit of freedom with the other inhabitants of *Britain*, and one of the noblest military speeches in the world was made by *Galgacus* their general against the *Romans*. Our colonists were freeborn *Englishmen*, and on their migration the rights of their birth were confirmed to them and their posterity, and they have continued united with *England* by their establishment, blood, liberty, commerce, laws, language, and religion; and having been at all times members of the commonwealth; it is hoped that in all their proceedings they will preserve the most ardent wishes, which in times past warmed their breasts, for enjoying to the latest ages the most cordial union with their mother country. The blood of *England*, with her constitution, has been enriched by the *Britons*, *Romans*, *Saxons*, *Angles*, *Danes*, and *Normans*, with other nations; and they who in scorn call her sons mongrels, do not consider that all the royal families in *Europe* are the same. And our unhappy dissensions, partialities, and prejudices, chiefly caused by evil minded men, and their measures, having divided and frittered into pieces our public affections, in order to collect, unite, and properly fix them, I have placed in the front of this short imperfect essay a figure representing the noblest object, worthy of our warmest and most constant affections; and I hope that none of my countrymen, however distinguished, or wherever dispersed, will ever encline to have this excellent lady cramp't in the foot, or maim'd in any of her members; but that, on the contrary, they will all take delight in preserving her noble form and constitution, invigorated by the purest blood [the law of liberty] flowing freely through all her veins, and defend her honour

and her person from the corrupt embraces of political profligates. It is impossible now to settle the ministerial *American* accomp^t; but in few words it may be observed that from the treaty of *Utrecht* to the war begun in 1744, due care not being taken of *British America* by our ministers, the *French* sowed the seeds of war on the sea-coast, and in the interior parts, which so far increased, that, if the vigilance and public spirit of the governour and people of the *Massachusetts Bay* had not prevented, the *French* would in that war have gotten such firm hold of the key of *North America*, that our ministers, in my opinion, would never have recovered it out of their hands; and as I could not, by the utmost efforts, pluck up those plants by the roots, after being cropt they continued growing, until lord *Chatbam* cleared the land of them; and, not to mention other great errors, by our various misconduct we are brought into danger of a civil war, whose bitter fruits we shall soon taste, if involved in it; upon examining into the grounds whereof, among other things, I find that according to lord *Clarendon*, the law of all men is the law of nature; that, according to Mr. *Algernon Sidney*, the equal rights of the subject are founded in the law of nature, and by the universal agreement of learned men the law of nature is immutable; that, according to Mr. *Locke*, " though the law of nature be plain and intelligible to all rational creatures; yet men being biassed by their interest, as well as ignorant for want of the study of it, are not apt to allow of it as a law binding to them in the application of it to their particular cases :" and the same excellent author observes, " that no rational creature can be supposed to change his condition with intention to be worse." According to my sense of the *British* constitution, the grants of public monies are the free gifts of the people; and requisition admits the parties, as able lawyers and politicians know, *rescribere principi*; and if the old mode of proceeding had been observed no act founded on anti-commercial principles, wou'd, I am persuaded, have ever taken place; and whatever may be the sense of men.

of more courage, and less acquaintance with *America* than myself respecting this war, whereby *British America* would be so deeply stained with *British* blood, and so great disasters and dangers would ensue to the whole common-wealth, it appears to me interesting in the highest degree. Upon the expedition against *Cape Briton*, when advice came from Mr. *Warren* at *Antigua*, that for certain reasons he could not come with his squadron to support it, and other expected naval succours failed, so that the *Lilliputian New England* squadron sailed without the convoy of any king's ship, in order to lay siege to a fortress mounted with about one hundred guns, and the chance against the besiegers was great, I offered to proceed upon this expedition; but the governour, because of my lameness, or other reasons, would not consent; yet, I confess, I never had any concern equal to what arises from the present prospect of a civil war; and I hope our politicians will be pleased to remeber the advice bought by an emperour of *China* famous for his wisdom, from a person who cried it in the streets, saying whoever will give me a piece of money, I will give him a piece of advice, and the emperour giving him his price, he said to him, *Begin nothing whereof thou hast not well considered the end*. The courtiers present thought the seller was over paid; but the emperour proving them replied, that the advice was excellent; and by his constant use of it it afterwards became the means of preserving his life, when in imminent danger, with the peace of his empire. And we should all remeber that *British America* was well affected to the king and kingdom, and in a course of advancing our prosperity with her own, until ministerial innovations occasioned these difficulties; and,

To conclude, through necessity for the present, without time to methodise or blot; survey all nations, consider well their rise and fall, with their causes, and you will find that as long as their counsels were wise, and the people united, free, and vertuous, so long they were invincible and glorious; but when corruption, with her offspring, dissention, dissipation, profligacy, peculation, fraud and effrontery,

terry, with intrigue and faction, entered, liberty and justice fled, and misery and slavery took their place. The same survey will inform you that the permanent principles of universal liberty and justice are the sole foundations of solid union, and are far preferable to a thousand temporary expedients, ten thousand subtle refinements, and all the unequal and hard measures which the world ever felt. Survey moreover, fellow-citizens, your own condition, and you will find that, according to the wisdom of the wisest men in all nations, it requires an immediate revolution. Let no honest man be alarmed at this, nothing is here intended but what is subservient to the public welfare; and, to explain myself, my sincerest wishes are that after all other the principal free states in *Europe* have lost their liberties, his majesty and his descendants may, as long as the earth shall endure, continue to be the protectors of a free people; —that the *British* parliament may at all times be the most august and honourable assembly, dignified by their virtues, and ever enjoying all the prerogatives belonging to the sole supreme authority, exercising them according to the spirit of our constitution, and facilitating all parts of the empire by defending them in the enjoyment of their rights, liberties and privileges—that the people may ever retain such portions of public virtue as the constitution supposes, and its preservation and their welfare require, ever esteeming common justice to be a debt due to and from all persons and societies, and the common cause of all honest men, and detesting the man who would have any of his fellow subjects less free than himself; and that the public administration may be at all times conducted by men eminent for their wisdom, virtue, and experience, who shall delight in establishing the principle of merit, not forgetting the words of Lord *Clarendon*, that “men pay too dear for their want of providence; and find “too late that the neglect of justice is an infallible underminer, how “undiscerned soever, of that security which their policy would raise “for themselves, in the place of that which wisdom and justice had
“ provided

" provided for them :" and " that prince who thinks his power so
" great that his subjects have nothing to give, will be very unhappy
" if he hath ever need of their hands or their hearts." My farther
wishes are, that power may never be confounded with right or autho-
rity, " because every thing is what it is by nature, and not by will ;"
and the elements of human right are no more within the compass of
human power than the elements of *Euclid*; and all the *Protagoreans*,
who in principle or practice hold the reverse, should be sent for in-
struction to the divine *Plato*, *Cicero*, *Cudworth*, and *Cumberland*.

F I N I S.

