

Politics

This Science explains the origin & nature of civil Government, and the laws essential to the several forms of it. Civil Government is an artificial thing; it is human society moulded into a certain form. It is different in different nations, and one sort of Government is supported by one kind of positive institutions or human laws, and another by another. But the Law of God is incumbent upon all men in all possible situations.

To understand the principles of Politics is very useful, by teaching us into a more perfect knowledge of human nature, and human affairs, by making History & Laws intelligible, and by qualifying us for rational conversation, which in this country often turns upon political subjects. In this country too the knowledge of Politics is the more necessary, because we cannot understand the constitution of our country without it; for the Government of Great Britain is the most curious & most perfect System of human Policy that ever appeared in the world.

Man is the only political animal. Some other animals

held together, and take pleasure in the company of their fellows, but man only has a sense of rights, of legal subordination, & of the publick good, for which all just government is intended. Some Beasts acquire preeminence by means of their strength, but man has a sense of authority, which is a right to govern. Some animals as Bees & Ants, are guided by unerring instinct to live together, and assist one another in a certain manner. But government is an art which man does not understand till he has studied it; it is the effect of Intelligence Reason & Foresight; it is different in different Countries, & even in one & the same Country it is always undergoing some minute alteration either for the better or for the worse.

In explaining the origin of Government two enquiries are to be made. 1st For what reasons, and by what steps, is it probable that men not subject to Governments, would think of it, and submit themselves to it. 2^{dly} That may reasonably be presumed to have been the actual origin of Government among men, according to the best lights that can be had from History and Tradition.

Ist Before the institution of Government ~~among~~ men
would live in the state of nature, in which all are free
equal & perfectly independent. But in this state it would
soon appear, that some men are naturally stronger &
wiser, than others. And it is presumable, that persons consci-
ous of their own infirmity would look up for assistance
and advice to those who were able to assist & advise them,
and would gradually confer upon such a certain degree of au-
thority ^{lawful} & preeminence. Hence one motive to Government
arising from our natural admiration of superior abilities.
Indeed men are born so unequal in respect of natural
abilities, that a variety of ranks and conditions seems to be
agreeable to the intentions of nature, and indeed is very
beneficial to society, because in consequence of it all
the Trades and Professions useful to life are filled up by
persons properly trained for them, whence public
affairs

affairs go on with ease & regularity. As to the happiness of Individuals, it does not at all depend upon external circumstances. A healthy human body can adapt itself to all climates; and a virtuous human soul can be happy in any condition if it have liberty and the necessaries of life.

Another motive to political union, which would tempt men to leave the state of nature, & subject themselves to government, arises from the inconveniencies of the natural state. These are owing first to the fallibility, secondly to the wickedness of mankind. Men are liable to error, and would be apt to mistake their rights in a state of nature, as we find they often do in a state of policy, where their rights are ascertained by human laws. When men disagree with a subject to Government, the law decides between them, and the power of the State is exerted to render the decision effectual. But in the state of nature a man has nothing but his own strength to defend himself from injury, and therefore if he be injured, he would be tempted to retaliation

tion, which would probably produce more injury and more
revenge, and involve society in confusion, and bring ruin
upon Individuals. Suppose him to refer his plea to the decision
of an arbiter, there is no power in the natural state to en-
force that decision, and therefore if one of the parties prove
refractory, the matter is just where it was. Hence then
a source of evil in the natural state, arising from the equal-
ity of men, and the want of subordination. To remove this
evil men would soon see the necessity of removing its cause,
by laying restraints upon human liberty, and establish-
ing positive laws and subordination. Hence another
motive to political union.

But if we consider that man ^{is} not only fallible, but
wicked, the miseries of the state of nature and the neces-
sity of Government will be still more conspicuous. We
find in fact, that men do injure one another, notwith-
stand

standing the sanctions of human laws. Remove these
sanctions, and they would be much more injurious. Hence
the necessity of men's divesting themselves of the freedom of
the natural state, of uniting together in one society, of
appointing a sovereign, of intrusting him with certain
powers for the publick good, and of supporting him in the
exercise of those powers. Hence all the members of a polit-
tical society are made to unite their strength and to act
in one direction, by which means they have it in their power
to intimidate those who would disturb the publick peace,
to defend one another, and to promote the interest of one ano-
ther more effectually than is possible in the state of na-
ture. Thus we see that the end of all just governments
is the publick good.

Though we oppose government to the state of nature
we must not call it unnatural, the epithet which
it gets from this comparison is artificial, Man is
born

born naked, but surely it is not unnatural to wear ^{cloath}
Government is one of those arts that are necessary to man,
and therefore, ~~and therefore~~ it must be agreeable to the
will of providence. And those Governments are to be
accounted the most sacred, and most agreeable to the
divine will, which do most effectually promote the
happiness of mankind.

The inconveniencies that we are subjected to by
Governments, are greatly overbalanced by the advantages of
it. The subject of a good Government may be obliged to give
so much of his property in the way of Tax, to defray the
publick expences, & may sometimes be obliged to undergo
dangerous services, for the defence of the publick. But
notwithstanding this his connexion with Government
enables him to defend himself & his property at less ex-
pence & with much less danger, and ^{much} more effectually

-ally, than is practicable in the state of nature; for he has the whole power of the state engaged on his side to maintain his rights, to guard him from injury, and to punish those who have done him harm. His right of punishing the injurious he resigns into the hands of his governors. But this is no hardship, which is so favourable to humanity & justice. It is painful to inflict Punishments and no man is an adequate Judge in his own cause. Government promotes Benevolence Generosity and Fortitude, the advancement of Truth, and the cultivation of the arts and Sciences. Nations are generally more or less savage, ~~and~~ the arts of Government are more or less understood among them.

In the state of nature all men are free equal and independent. But this equality & independence are alienable rights, and may therefore be transferred or parted with, for certain valuable considerations.

Men

Men who quit the state of nature, and establish Govern-
ment, would accordingly part with them, and would enter,
either tacitly or expressly, into a mutual Agreement, which
would comprehend the three following contracts. 1^o Every In-
dividual would engage to unite himself with the rest,
so as to form one political Body, or community, whose will
and conduct in all matters of publick concern is to follow
and be determined by the will of that person or of those
persons, who are invested with the Sovereignty. 2^o It must
be further agreed, that the Government shall take some
particular form; that is that the sovereignty or supreme power,
shall be lodged either in the whole people who exercise it
by means of their Deputies freely chosen, which is Democra-
cy; or in the hands of a few principal men, which is Aristoc-
racy; or in the hands of one man which is monarchy; or
lastly the Government shall be made up of two or more
of these simple forms mixt together. Different forms
of Government require different laws, and out from

different principles, and therefore till the form be fixt
men could not know what laws to make. 3^{dly} The form
being agreed upon, they who are invested with ^{the} sovereignty be-
come bound to provide for the common Interest, and the sub-
jects on their part promise fidelity and allegiance.

A community acts as one person, by agreeing that the
will of the majority shall pass for the will of the whole,
and determine the whole, this is necessary for without it
a community could not act except when it is unanimous,
which in political matters is not often to be expected.

The Interests of the sovereign and of the people is really one
and the same, for the publick good is that which they both
ought to aim at; a tyrannical sovereign can never be hap-
py & the people who are so licentious acts invade the rights of
the sovereign must have an unsettled government, and
therefore cannot live in security & peace.

When men agree to quit the state of nature, and to
form political society, they will naturally have the
Interest of their children as much at heart as their
own

own, and therefore their children are to enjoy the privi-
leges of subjects, and be treated as such, unless they declare,
when grown up, that they will not agree to live under
that Government, but choose rather to go away & settle
elsewhere. But even in this case the laws of self defence
will warrant Government to lay such restraints upon
them as the publick good may require, and to punish
them if they either give trouble, or refuse to indemnify
the Government for the protection it has afforded them.
But where the publick good is not concerned, it would be hard
to hinder a native from going peaceably away, in order
to better his fortune elsewhere. On these principles we
may understand how the laws & obligations of Government
may be transmitted from one generation to another.
Whoever chooses to live in any country, or to retain pro-
perty which he may have in that country, does by a tacit
Contract agree to live like the other subjects of that Govern-
ment; and the State for its own security, and in order to
inform

enforce its own laws will be justified, even upon the plain
plea of self defence in punishing him, if he should prove an
unfaithful, or troublesome subject. So much for the origin of
Government. Hypothetically considered.

As to the actual origin of Government, the second thing
proposed to be enquired into, History gives us but little informa-
-tion. For Government being ^{necessary to} ~~connected~~ with man is coeval with
the world, and men in the early ages did not think of writing
History. Now human affairs are very soon forgotten, if the remem-
-brance of them is not preserved by written records. Hence the
History of every nation that of the Jews excepted, becomes darker
& darker the further back it goes, and at last terminates in
Fable & uncertainty.

It is probable that Adam, who lived nine hun-
-dred & thirty years, would be regarded during his life as
not only the progenitor but the sovereign of his descen-
-dants. And in later times we find the Patriarchs exer-
-cising a sort of royal authority in their Household. It is
therefore reasonable enough to suppose, that in the ear-
ly

ly ages, sovereignty might have arisen from paternal authority a little enlarged. But let it be observed, that the authority of a parent, is very different from that of a sovereign. The latter may inflict capital punishment, may make laws of perpetual obligation, & may in all lawful cases command. The parent in many lawful cases can only advise, and loose his authority when the child erects a separate family of his own. The child in time becomes or may become a father but the subject can never grow up into a sovereign. It therefore the parents in the early ages have become the sovereigns of their children by any just title, it must have been not by virtue of their parental authority, but in consequence of the ^{consent} child ~~was~~ expressly or tacitly given for that purpose.

We are warranted by History to assert, that many Governments have been founded on Conquest. But Conquest alone conveys no just title to sovereignty. Yet all Governments founded on Conquest are not unlawful. ^{as} Joshua's conquest of the land of Canaan, was right and

valid, because authorized by God himself, who has the
sovereign disposal of all his creatures. 2^{ndly} If a conquered
nation, struck with admiration of the great qualities of their
conqueror, or in order to avoid greater evils, shall make choice
of him for their sovereign, he has a just title to be so, tho'
he may be blameable for having made the conquest. By
a title of this kind, William the conqueror became king
of England. 3^{dly} If a nation be troublesome to its neigh-
-bours, and after a defeat refuse to submit, or to be
quiet, the conqueror no doubt may pursue his advan-
tage till he thoroughly subdue them but he ought
not to punish the innocent with the guilty, and
therefore he ought not to enslave them, for
that would be to inflict substantial misery,
not only upon the women and children who
were probably innocent, but also upon their
unborn descendants who were certainly so.

All Governments therefore are not unlaw-
ful

ful which are founded on conquest. But every Government is
to a certain degree unlawful, which deprives mankind of their
liberty, or of that degree of freedom which is necessary to their
virtue, happiness, and prosperity. True political liberty
does not consist in a power of doing what we please, for
if every man had this ^{power} liberty, there would be no liberty,
because everything would go into confusion.

Neither does true liberty consist in our being governed
by laws of our own making. For the greatest part of those
human laws by which we are governed were made long
before we were born. And the laws which are now
made are made by the legislature, who in Britain do
not amount to eight hundred persons in all. Nor let
it be said that every British subject is necessary to
the making of laws by means of his representative freely
chosen to appear for him in Parliament. There are
not in Britain a million of persons who have any
vote in the election of parliament men, and yet
in

in Britain there are eight millions of persons who
must obey the law. Nor are the members of Parliament
answerable to their constituents for their conduct in
Parliament. Besides it seldom happens that the
Legislature itself is unanimous in making of laws,
and yet the law is made and must be obeyed, if a major-
-ity of the members declare for a Bill which afterwards
obtains the King's assent.

Political liberty is that state in which men are so go-
-vorned by equitable laws, and so tried by equitable
Judges, as that no person can be hindered from doing
what the law allows, or have reason to be afraid of any
person or persons, so long as he does his duty. This is true
liberty, for this is the only species of liberty which pro-
-motes virtue & happiness; and surely no good or wise
man would ever wish for any liberty which is hurt-
-ful to virtue or happiness. It is this genuine liberty
which all the obedient subjects of Great Britain
enjoy

enjoy, and this a degree of perfection of liberty, which
no other people on Earth ever enjoyed. Now the several
parts of the British Government are so contrived as to secure
this liberty will appear afterwards.

Because the Jewish Government was of divine ori-
gin, and some of the Jewish kings nominated by express
revelation from Heaven, some political writers have
said, that kingly Government in general is of divine ori-
gin, and that Kings, deriving their authority from
God only, are accountable to him only, and therefore
must not be disobeyed or resisted by their people on
any pretence whatever. This called the doctrine
of Non-resistance or Passive Obedience. Two three
brief remarks will show the absurdity of it.

1st Law is the will of a person who has a right to com-
mand. But no king can have a right to violate
the law of God by oppressing his people, or to com-
mand

=mand that which the Law of God forbids. And
therefore the will of such a person is not a Law, and
consequently is not intitled to obedience. 2^{dly} The
right of self defence would justify a man for
opposing that power which in an unlaw=
=ful manner to destroy him, or to deprive him of his
legal rights. 3^{dly} The end of just government is the
publick good. And therefore those human institutions
that promote publick evil, are not to be called just
Government, nor intitled to the Obedience of the subject.
But 4^{thly} The person of a good sovereign is as much as
any thing human can be, and while the king ex=
=cutes the law, it must be unlawful to resist him.
And in all governments there must be some
supreme power, whether lodged in the king
or no, which all the subjects are bound to obey,
for a law cannot contradict itself, which it
would

would do if it were to require obedience, and at the same
time excuse disobedience. It is to be observed too that res-
istance to government, must always be attended with
confusion and bloodshed, and the ruin of innocent men,
and that when it is once begun, no body knows but
it may be carried so far as to terminate in anarchy
or tyranny, or some other calamity much worse than
any of those evils which it was intended to remedy. And
therefore when a government is upon the whole toler-
ably mild, though it should fall far short of the per-
fection of that under which we live, a good man will
not brood any disturbance, even though he have reason
to disapprove of ~~the~~ many things in the conduct of his
Governors. He owes the duty of benevolence to his friends,
and fellow subjects, and will therefore be extremely unwill-
ing to involve them in a civil war, which is of all human

Calamity

Calamities the greatest, and the event of which is
always uncertain. The happiest princes are those
who govern according to Law, for the law is their excuse
for every thing they do, and though some may mur-
mur, they are sure of being beloved by the greater and
better part of their subjects. Such and arbitrary princes
are miserable while they live, and often come to an un-
timely end; so that the divine right of Kings, to do what
they please is a doctrine, which, though contrived by their
flatterers, is equally ruinous to them and to their people.

Of the principles of Government in general.

And its simple Terms

Independent states bear the same relation to one another,
which individual men in the state of nature would bear to
one another. Their conduct is to be regulated by the law of
nature, which when applied to Kingdoms is called the
law of nations. Independent nations are all equal in their
rights

rights, whatever be their extent of territory, and by whatever name they may be called, whether Empire, Kingdom, Principality, Republick or Free Town.

The rights of sovereignty are divided into greater and less. The former are either external, which regard the intercourse of the state with foreign nations, as the right of making Treaties, sending ambassadors, declaring war, &c. or internal, which regard domestick governments, as the right of making laws, deciding differences, inflicting punishments. The less rights of sovereignty are those of coining money, creating corporations, conferring Dignities, pardoning Criminals, and the like. Government on some extraordinary occasions may exert extraordinary privileges, when these are necessary for the publick good, and warranted by the law or the custom of the country.

The rights of sovereignty, as they respect the Government of the Kingdom itself, may be reduced to three, viz. the legislative power

or the power of making laws, the executive or the power of exe-
cuting them, and the judiciary, or the power of deciding
differences and punishing criminals. In general that right
of sovereignty ^{which} ~~that~~ executes the law within the kingdom, &
transacts the publick business with foreign nations, is called
the executive power, which in Great Britain for very good
reasons is lodged in the hands of the King, who also pos-
sesses all those privileges called the less rights of sou-
verignty.

The form of Government generally follows the balance
of Power, and Power arises from Property. The most per-
manent property is land: if one man possesses the whole or
the greater part of the land of a Country, he will be the abso-
lute prince of that Country. If the property be equal-
ly divided among the inhabitants, their power will be
equal and the Government will be Democracy. If the
whole or chief part of the property be in the hands of
a few independent nobles, the Government will be
Aristocracy. If the nobles and other proprietors of land be
conceived to derive their dignities & lands from one person
who

whose superior to them all, that person will be king,
and the Government will be monarchy; but such a
king will not be absolute, for the power possessed by his
people will be a check upon him, and oblige him to go-
=vern according to law. In ^{commercial} states that have
little or no territory, property in money will have the same
effect nearly with property in land elsewhere.

The ancient Politicians divided the forms of governments
into three, which were all good in themselves but had a
tendency to become evil by being corrupted. 1st Monarchy
or Government by one man, the corruption of which is Ty-
=ranny. 2^{dly} Aristocracy, when all the rights of sovereignty
are possessed by the nobles who are nearly equal among them-
=selves, the corruption of which is called Oligarchy, and takes
place when a few of these nobles engross all the power, & ex-
=clude the rest. 3^{dly} Democracy, when all the rights of so-
=vereignty are possessed by the whole people, who exercise
those

those rights by means of Senators, Deputies and magistrates freely chosen; the corruption of which is a mark of a confusion arising from the want of Government.

The simple Forms are more accurately divided into Republick comprehending Aristocracy and Democracy, Monarchy or the Government of one man according to Law and Despotism, or the Government of one man where will is the law. None of these simple forms exist except perhaps Despotism, for most Governments are of a mixt nature, but supposing them to exist, their nature and essential Laws may be understood from the following Remarks.

Of Democracy

There are three things to be attended to in this form of Government, its foundation, its nature, & its principle.

Ist The foundation of a pure Democracy is an equal Distribution of Property among the Citizens; here therefore laws must be made to keep the citizens on an equal footing with regard to property; for if one citizen become richer than the rest, he will become too powerful and acquire undue influence

influence on the state. There must also be laws to discourage luxury and ambition, that the citizens may be moderate in their desires and frugal. A every citizen may be a magistrate in his turn, all the citizens must understand the interests of one another and of the state. And therefore a pure Democracy cannot exist except in a very small territory.

IInd The people in a Democracy are the sovereigns, because they make their own laws and appoint their own magistrates; and they are also the subjects, because they must obey their own laws and magistrates. They have an influence in the making of laws and in the choice of magistrates, by means of their votes, whereof the majority or a certain fixed proportion greater than the majority must be understood to be the will of the whole.

Laws therefore for the regulation of votes are essential to this government. The number of Citizens or Voters must be fixed and known, otherwise those
might

might vote, who have no right to do it, and it would be impossible to know what number of votes amount to a majority. In Athens there were twenty thousand voters, and in Sparta ten thousand. At Rome the number was never fixed, which gave rise to much dissension.

The people are well enough qualified for making Laws, because in a small state, which a pure Democracy must be, they cannot be ignorant of the publick interests; but they are not qualified for executing the laws, or for deliberating and reasoning upon the publick measures of Government, because they are too numerous, and every man has his own private Business to mind. A Senate therefore for publick Deliberations, and Magistrates to execute the laws, are essential to Democracy, and must be chosen by the people. The Roman Senate however was a hereditary body of men, instituted originally by the Kings, and therefore in many things independent on the people, which gave an Aristocratical form to the Roman Republick.

The people gave their consent in matters of legislation, after

after they have met together in some publick place. This
assembly can meet only at certain times, but the exigencies
of Government are perpetually changing. The Senate there-
fore which is a permanent body, should have the power of
making temporary decrees, which however must not be-
come laws till ratified by the assembly of the people. It
should be the *Senatus consultum* or decree of the Senate not va-
lid for more than a year but no longer unless ratified by the ple-
biscium, or decree of the people, which alone could render
it a law. There was a similar regulation at Athens.

For regulating votes or suffrages, the people if very
numerous must be divided into classes or Tribes, each Tribe
to have a vote in the publick assembly. This will shew
in publick business. A certain time and place must
be fixt upon for holding the popular assembly, and cer-
tain magistrates appointed for calling it together.
And it must not be held to be a legal assembly, unless it be le-
gally summoned, and meet at the place and at the time which
are legally appointed. For otherwise different bodies of the
citizen

citizens might meet in different places, each calling
itself the assembly of the people, and so make different
laws, and occasion universal confusion.

Votes may be given publicly or privately. Publick
Votes are liable to undue influence, for a man may be afraid
of offending those from whom he expects favour or a private
benefit. Injurious. Yet secret voting may be hurtful, as in
the case of Deputies voting in the room of their constituents,
where it is proper that the latter should know what part
the former have acted. When elections are determined by
lot, nobody is offended, but too much is left to chance, ex-
cept where none are admitted as candidates but persons of
approved abilities, or persons who are answerable for their con-
duct. If the people do not vote in a body but by their repre-
sentatives freely chosen, publick affairs will go on the more
expeditiously.

The people being the sovereigns must be influenced in
their conduct by virtues, that is by a love of their country, and
of one another, and a spirit of Moderation Temperance
and Equality. If this is not the case, bad laws will be
made, bad magistrates elected, disobedience and ambi-
tion.

tion will prevail and the state go to ruin. Great care must be taken to preserve this public virtue, and Censors appointed, or magistrates for the inspection of morals, and a senate of grave and respectable men to promote virtue by their example. And such Senators ought to hold their office for life, because old age renders even virtue itself more venerable.

Of Aristocracy

The foundation of an Aristocratical Government is ^{such a} ~~an equal~~ Distribution of Property as puts the Balance of Power in the hands of a few who are equal among themselves and independent on any superior. Here the common people are the subjects or rather the slaves; and the nobles, like the people in a Democracy, are the sovereigns in one view, because they make the Law, and the subjects in another because they must obey them. And here almost all the same laws must take place with respect to the nobles, as in a Democracy with respect to the citizens. The best Aristocracies are those in which the

The common people are so far that the nobles have an interest in depriving them. If ambition prevail among the nobles, the Government will change as the Roman did in the decline of the commonwealth, first into Oligarchy, and then probably into Despotism; for human laws are not sufficient to preserve that spirit of moderation and that public virtue, on which Republican Governments depend.

These Governments are liable to very great inconveniences from the dissensions of contending parties. And so little qualified are they for acting vigorously, when the state is in danger, that on such occasions it has generally been found necessary, especially at Rome, to create a Dictator, or magistrate endued with absolute power, to continue in office till the present disturbances were at an end. In due without this expedient of a Dictator the Roman Consular Government would soon have come to an end. A Republic is favourable to virtue as well as to genius, as long as the people who live under it are willing to be virtuous. But in some respects it may be said to be dangerous to virtue, and to discourage it. In the Athenian Republic, when a citizen became eminent for his virtue, his fellow citizens immediately began to suspect him of some dis-

sign

sign upon their Liberties, or to look upon him as a dangerous person on account of his popularity. In which case it was customary to banish him for ten years by a vote of the people called an Ostracism. These considerations joined to that natural inequality in respect of abilities which appears among mankind, seem to show that the Republick is both a dangerous and unnatural form of Government, especially if it be considered further that slavery was tolerated in the Republicks both of Rome at Athens, and that at Sparta the greatest cruelties were perpetrated upon that part of the people who were in the condition of slaves. Yet Republick has produced the greatest instances of Virtue and Heroism, and no part of profane History is so instructive or so entertaining as that of the Greek and Roman Republicks.

Of Monarchy

The Government of one man according to Law is called Monarchy. Between the condition of a King and that of the common people the distance is so great, that if
there

there were no other order of men in the Kingdom, these two could never agree together so as to form a monarchy; the people would be jealous of the King, and the King afraid of the people, and sedition would arise, and continue, either till the king got the better of his people, which would establish Despotism, or till the people got the better of the king, which would introduce Republick or Anarchy. A Nobility therefore is essential to monarchy as an intermediate order of men between the King and the people, and whose interest it is to maintain the privileges of both. As the Nobility derive their dignities from the King, and often converse with him, they are naturally attached to him, and being persons of great wealth, the King by their means is enabled to support himself against the incroachments of the people; at the same time it is the interest of the Nobles to be in good terms with the people, because these last must always be a formidable Body; and to support the power of the King, because if that should fail the nobility would be annihilated. The same House of Commons that put Charles the first to death, voted the
House

House of Burgesses to be useful. But the nature of Monarchy
will be more fully explained when we come to describe
the British constitution.

of Despotism

In countries subject to Despotism the will of the Prince
is the law, and therefore the Government must always
be bad, and indeed would be intolerable, if it were not for
some old Customs that form a ^{sort of} check upon the Sovereign
and supply the place of Laws. The Prince too is afraid
lest his people should destroy him, if he were to oppress
them too much, and this is another check upon him.

Very extensive Empires are liable to become Des-
potical; because the Prince must continually
keep on foot a great military force, which makes
him master of the lives and properties of his Subjects.

In warm and fertile Climates, where this form
of Government is the most common. There is ever
is that activity or spirit of Liberty, which we meet
with in cold and temperate Climates, and this indolence

of the natives is very favourable to Despotism. And where there are very extensive Continents as in Asia, the inhabitants of the inland parts having no intercourse with the rest of the world, remain satisfied with their own Governments because they have never heard of anything better. Besides to establish Despotism nothing but force is necessary; whereas a great deal of invention and sagacity is requisite to contrive a free Government, which is the work of much art. And therefore we need not wonder that Despotism should be established in so many Countries. In all ages Asia has been the seat of Despotical Governments. But in Europe there has been from the earliest times a spirit of Commerce Industry & liberty, which may have been owing in part to the Climate and Soil, which make Industry and activity necessary; and partly to the very situation of the several Countries, which are divided by seas and chains of mountains, in such a manner from one another, as separates them into distinct Kingdoms, and at the same time makes Commerce and mutual Intercourse very practicable. The principle of Despotism

is Fear, for whenever the people under this Government
throw off their fear of the Tyrant he is undone. Now
Fear depresses the mind and gradually extinguishes Industry
and Virtue, and therefore we need not wonder at the long
continuance of Despotism in some countries. Yet still
this Government is unnatural and unjust, and unfavourable
to Genius and Virtue, and the best interests of man-
kind.

Hereditary Monarchy regulated by law, is the
best form of government

Of the Government of Great Britain

If all the rights of sovereignty, the Legislative, the Executive
and the Judiciary, were in the hands of one man, or of
one body of men, there could be no liberty, because the most
oppressive measures might be pursued and laws made
to ratify those measures. In order to liberty therefore these
three

Three powers must be committed to different men, or different bodies of men, and so disposed as that the one power shall be a check upon the other. In Great Britain they are so disposed accordingly; the Executive power being in the hands of the King, the Legislative power being in the hands of the Parliament and King; and the Judiciary power, at least the most important part of it, being lodged in certain persons taken from the body of the people, at certain times & according to certain legal forms. This last regulation is accomplished by means of juries, which in Scotland are employed in criminal causes chiefly, but in England in causes both criminal and civil. Thus every man in a matter of high importance enjoys the privilege of being judged by his equals, who are best judges of his case and most probably disposed to moderate them. The jury attend the trial, and then give judgement in regard to the amount of the evidence and the truth of the accusation, and according to their verdict the Judge passes sentence. In this manner the most terrible part of the Judiciary power becomes almost invisible, and no man has any reason to fear the Judge so long as he does his duty.

Further in order to liberty, it is necessary, that the ind=

=west

Interest of those who make the laws should be connect-
ed with the interest of the nation and of all ranks of
men in it, that there is no danger of oppressive laws be-
ing made. With us laws are made by the Parliament
by the consent of the King. The Parliament con-
sists of two parts the House of Commons and the
House of Peers. The former House is made up of five
hundred and fifty eight persons freely chosen by the
people as their Representatives. The House of Peers
consists of all the English Peers Arch Bishops and
Bishops and of the sixteen Representatives of the
Scottish Peerage.

The Nobility are obnoxious to popular Envy on
account of their high privileges. If therefore the Re-
presentatives of the people could make laws without the
consent of the Nobility, they would soon divest the Nobles
of their privileges, or in other words abolish the order, the
effect of which would be, for a reason already given, the dis-
solution of the Monarchy. If the King and Nobles could
make laws independently on the Commons, the People
-would

would be ruined, and the Government become a wretch
= mixture of Despotism and Aristocracy. Again if the
Lords and Commons could make Laws without the consent
of the King, they would divest him of his privileges, and
the Government would become Republican. Lastly if
the King alone could make laws, the Government would
be purely Despotical. In Great Britain therefore no
Law can be made amended or abrogated except by the joint
Authority of the King Lords and Commons.

It is not necessary that every one of the people should
have a vote in the election of Representatives. They who
depend on others for the necessaries of life, would not venture
to offend them, and therefore in publick affairs, could hardly
be said to have a will of their own. In England every man
possessed of a freehold of forty shillings a year is entitled
to vote; for this sum when that regulation was made, was
equal to twenty pounds Sterling of our money, and there-
= fore sufficient to procure for one man the necessaries of
life for a year. In Scotland those free holders can only vote
who hold their lands of the Crown, and whose valued rent
amounts to something more than thirty three pounds Ster-
= ling

king. For the constitution of England is more Democratical than that of Scotland. In the former there are perhaps 100 many votes, and in the latter two

According to the spirit of our Laws and Constitution, which however in this respect is not always attended to, the Representatives of the people, who must all be men of considerable fortune, ought to be chosen, each by the freeholders of that District in which he resides, and has property that so his interest and that of his Constituents may be the same, that the people may be acquainted with the character and abilities of him whom they choose, and that he may be acquainted with the circumstances and interest of the District for which he is chosen

The Representatives of the several Shires are called Knights of the Shire. The Cities and Burghs do also send to Parliament their Representatives, who are called Citizens or Burghesses, and who represent the commercial interest of the nation, which in a commercial Kingdom like

like this is very necessary. Even the interests of Learning
are not overlooked in the general Representation, each of
the two English Universities sends two members to Par-
liament. All the members of the House of Commons,
whatever they may represent, are perfectly equal,
and in the House may speak their mind freely on
all subjects; and the King must not take any no-
tice of what is spoken there unless a Report be made
to him by order of the House; nor is any member an-
swerable without doors for what he may have said
within the House of Parliament.

When you are told that the English and Welsh
Representatives amount to five hundred and thirteen,
and the Scotch to no more than forty five, and recollect
the appearance of the two Kingdoms in the map, you
will perhaps think the Representation unequal, but
in general it is not so; England is much more fruitful and
populous, and pays two millions of Land tax, when Scotland
pays only forty eight thousand pounds. Yet when we
come to particulars, it is no doubt unequal that an English
Borough of two or three thousand people, or of a few houses
only

only, for some such there are, should send two members
to Parliament, when Edinburgh which contains sixty
thousand people sends only one, and when Glasgow which
has thirty thousand is only one of five Burghs who all to-
gether elect but one member. However the law was good
when it was made; and from the very nature of Com-
merce it must follow, that some town will rise to opu-
lence from a few Cottages, and that others from being
considerable will in time fall away to nothing. And
it is better that inequalities of this kind which are not
material to the publick should remain as they are,
than that laws of long standing which form as it
were the Basis of the Constitution should be altered. The
Commons meet in one House and the Peers in another,
and when the King goes to Parliaments he sits on
a throne in the House of Peers. So as the Business
and Privileges of the two Houses are very different, it is
right that their place of meeting should be so too. Each
of the Houses has certain Privileges of its own, whereby
it holds itself ^{to be} the only judge. Thus the House of Commons
decides concerning the validity of the election of its

own members. The Privileges of Parliament are not de-
-fined by our laws. Parliament itself is the judge of its own
privileges. And this is supposed to be a great advantage, should
it were known, how far the Privileges of the House of Commons
extend, the King, say the Lawyers, or his ministers might
fall upon a way of oppressing an obstinacious member of Par-
liament, so as that the Parliament could not legally relieve
him, and might thus acquire an influence inconsistent
with the freedom of the Commons.

A Proposal for a Law is called a Bill. A Bill though
approved by the Commons falls to nothing if disapproved
by the Peers; and in like manner is null though approved
by the Peers, if disapproved by the Commons; and though
it should be approved by both Houses, it cannot pass into
a Law without the Kings consent, which he may
withhold if he please, without assigning any reason. Thus
neither of the three Consents can in itself, upon the other.
When a Bill has passed with approbation through both Hou-
-ses, and obtained the Kings consent, it is a Law, and called
an Act of Parliament, and must continue in force unless
abrogated by the same Power that made it. It may bind
every Individual within the British Dominions, even
the

the King himself; for the British Constitution acknowledges no authority on Earth superior or equal to that of the British Parliament.

Sometimes when a Bill has passed the Commons the Peers make alterations in it, to which however the consent of the Commons must be obtained before it can proceed further. If they cannot agree about the alterations, it falls to the ground. But if it be a money Bill, that is a proposal for raising money, the Commons will not allow any amendment, the Peers may reject, but cannot alter it. The reasons given by the Lawyers for the jealousy of the House of Commons in regard to money Bills, is this. Money is the great engine of Government, without which it cannot act. The Nobility being created by the King are supposed to be peculiarly attached to him, and might therefore be willing to gratify him by laying Tax on the Nation, which though not burdensome to themselves on account of their great wealth might be very oppressive to the people. This reason is not sufficient perhaps to account for
the

the practice in question, which is one of those old Customs, whereof there are many in every nation, that, that have the force of Laws, though they cannot well be accounted for.

As the Commons are tried by a Jury of their equals, it is reasonable that the Lords should be tried by their equals, and therefore in criminal cases the Nobility are tried by the House of Peers. Before this tribunal too all persons are to be tried who are impeached by the House of Commons; and moreover in all matters of property the House of Peers are the highest court of Judicature, from whose sentence there is no appeal. This too is perfectly reasonable because the Peers on account of their great wealth and dignity are least liable to undue influence, at the same time by their great advantage in point of education and Company have the best opportunities of being instructed in the laws of the land.

If the Executive power were in the hands of a person who had no voice in the making of Laws, the Legislature might encroach upon it so far as to take into their own hands, which for reasons already given, would be the ruin both of liberty and the monarchy. With us therefore, the Executive power is in the hands of the King, so that the Legislature cannot encroach upon it, because no law can be made without the King's consent; and thus, with all the liberty of a Republic, our Govern

Government possesses all the dignity and stability of mon-
-archy, and can at all times act with secrecy and expedi-
-tion, which in a Republic is impossible. In the exercise
of the Executive power the King cannot be checked directly;
he may declare war or make peace when he pleases, he may
equip, fleet and raise armies, and employ them as he thinks
proper; for it would not be right that the public business in
matters of importance should be interrupted, and if the Parlia-
-ment could hinder ^{the King} directly from doing these things, the
Executive power would be not in the King, but in the Par-
-liament which would ruin the Constitution, and the Liberty
of the Subject both at once. Yet the King is not absolute in the
exercise of the Executive power; for the Parliaments have indi-
-rectly a check upon him, in these two ways, 1st by the
right of raising or refusing money, from year to year, with-
-out which the Executive power could not act, because the Fleet
and armies would not be paid; and 2^d by having a right to
call the King's ministers and advisers to an account for their
administration, and even punishing them with death, if
upon trial they should be found to have deserved it. For

our Law supposes that the King himself can do no wrong; and certain it is, that no thing could ever do much wrong without evil Counsellors. To try the King of Great Britain for a Crime, is therefore illegal, and indeed impossible, because any other power in the Kingdom, by laying hands upon the King, would usurp the Executive power, and consequently, destroy the whole Constitution, and every right of legal Prosecution.

The Parliament ought not to be always assembled, for this would be a hardship upon the members, who have their own private Business to mind; nor should it enjoy too long Vacations, for that might be detrimental to the publick. The King for a reason formerly given, is the only person who can call this assembly together. He may also, by his prerogative, prorogue or dissolve it whenever he pleases, which is necessary to prevent its giving too much trouble to the Executive power, and to hinder it from throwing too many incumbrances in the way of publick business. A Prorogation of Parliament takes place at the end of every Session of Parliament, when a time is appointed for its meeting again; and when that time

time it come, a new prorogation may take place, at the
thing's pleasure. In this way the convenience of the mem-
bers is studied; but the thing is obliged by law to summon
Parliaments frequently for the dispatch of publick business.
When the Parliament is dissolved, a new election must take
place of members to sit in the House of Commons, and there
must also be a new election of the sixteen Representatives of
the Scotch Peers; for the Nobility of Scotland choose sixteen of
their number to represent the whole body in the House
of Peers. All the English Peers Arch Bishops and
Bishops, are intitled to sit there and vote in person.

As the law stands at present, a new election of Representa-
tives must be made at the end of seven years, if the Parliament is
not sooner dissolved by the thing. Before the year 1716, Parlia-
ments were triennial, that is expired of themselves at the end of
three years if the thing did not dissolve them sooner. And some
think that triennial Parliaments are more favourable to liberty
than septennial ones. For say they if the thing's ministers
were disposed to obtain undue influence by bribery in the

House of Commons, they might more easily bribe one Parliament than two. But on the other hand it may be said, that if Parliaments are willing to be bribed, a triennial Parliament may be as little to be depended on, as a Septennial one; for the only difference will be that the former will be satisfied with a smaller bribe. It is certain that Elections are attended, especially in England with great dissipation and neglect of business, and therefore ought not to be too frequent. There is reason to believe that our Parliament is not so liable to be corrupted, as discontented people imagine; and if so the basis may very well stand as it is. If it were otherwise more frequent Elections would not amend the matter.

Supplies of Money for the publick service are granted from year to year by Parliament; because the Expence of Government may be greater one year than another; and because the Executive Power should never be independent on the Legislature. It is true that

^{of our}
That some Taxes are perpetual. But it is a true, that
some great articles of publick expence are perpetual
too, as the payment of the Interest of the national debt,
where we shall speak by and by.

Armies and Fleets are under the immediate command
of the King or Queen's Power; but lest they should at any time
bring our liberty in danger, the Parliament has a
right to refuse the supplies for paying them, which
in fact is the same thing with a right of disband-
ing them. Before the Revolution in 1688, the
King paid his Fleets and Armies out of his own
Revenue; but since that time money for their sup-
port has been granted by Parliament from year
to year, and more or less is granted, as a greater or
less military force is found necessary for the pub-
lick safety. So much for the Constitution of the
British Legislature

There is

There is no right of which the people of these
Kingdoms are more jealous, than the liberty of the
Press. In most other nations a man cannot
publish any thing from some person in autho-
-rity; and even in Great Britain this was the
case till the year 1694. But since that
time any person in the British dominions may
publish what he pleases, without asking any
body's leave. Indeed if he publish Treason Blas-
-phemy Defamation or any thing else which
the law declares is a crime to publish, he is liable
to the legal Penalties; but he cannot be hindered
from publishing any thing if he is willing to take
the consequences. And hence every man in these
Kingdoms who can write may be considered as hav-
-ing some influence in the management of pub-
-lick affairs. He may blame publick measures if he
does it with decency; he may propose a plan of
improvement, and if his reasons be good they will

be attended to. Now for this Liberty of the Press is fa-
-vourable to free enquiry and the interests of learning,
it is very obvious that we need not insist upon it. It
is true that this privilege like every other good thing
is liable to be abused; but to these abuses the very liberty
of the Press supplies a remedy. Wicked Books may be
answered, and dangerous opinions confuted, to the shame
of their Authors. And good measures of Government and
respectable Characters will always be approved of and re-
-garded, notwithstanding printed Calumnies, which
are now become so common that nobody minds them.

The Sovereign of Great Britain may be either a
-King or a Queen, but Females do not succeed unless
when the Male line fails. By common Law and im-
-memorial Custom the Crown is hereditary in the
-person who wears it; but the right of inheritance
may be limited or changed by act of Parliament, so
-that if the Heir to the Crown were to be an idiot,

or a way of opinions or principles of Religion inconsistent with the Laws of the Kingdom; or if the King were to resign the Crown, or if the whole royal Line were to fail, the Parliament might have power to alter or determine the succession; and thus; and thus we are secured against the Evil of tyrannical Government as well as elective monarchy.

The principal duty of the Sovereign is to govern his people according to Law. The King therefore at the Queen at his or her Coronation take a solemn oath, in which he or she promises in presence of all the assembly, to govern the people of these Kingdoms according to Law, to execute Justice in mercy, and to maintain the Laws of God and the Protestant Religion as established by Law.

The King's Prerogative extends to all things that are not injurious to the subject; but he can do nothing but what the Law permits him to do. The person is sacred in the eye of the Law, which makes it

it high Treason even to intend to kill him, tho' the in-
-tention should not be executed. He can make war or peace
when he pleases, send or receive ambassadors enter into
Treaties with foreign nations, raise armies and furnish
out Fleets and employ them as he thinks proper grant
commissions to all military officers by sea and land
and revoke those commissions at his pleasure, he is
commander in chief of all the military force in
his dominions, he chooses his own Council and Minis-
ters, and names all the great officers of Church and State
and all Judges of the rank of Sherriff and upwards.
He is the source of honour and may create as many
Peers and Knights as he pleases, or introduce new titles
of honour. He may change the punishment of Cri-
-minals from a more to a less severe, or from Death to
Banishment, he may relieve them for a longer or

shorter

shelter of space, or he may grant them a full and free par-
-don. Other parts of his Prerogative have been formerly men-
-tioned. We shall now conclude with a brief account of the
Revenue of the British Government.

The Expence of our Government is defrayed
by means of Taxes laid upon the people by act of
Parliament. Some of these Taxes are regulated year-
ly, as the Land Tax which is more or less according to the
necessities of Government, and Meth Tax which is
laid on from year to year. Other Taxes are made perpe-
-tually on account of a perpetual Demand that there
is upon the Government for certain Sums, but if this
Demand were to cease or become less the Parliament
would lessen or abolish the Taxes. The perpetual
Taxes are the Customs, the Excise, the Salt Duty, the
Postage of Letters, the Stamp Duty, the Tax on
Windows and Houses and some others of less conse-
-deration.

The clear neat produce of these several Branches of the publick Revenue, after paying the Expence of Collection, and Management amounts to about eight millions Sterling yearly, which enormous sum is applied as follows

Ist For paying the Interest of the national Debt. To understand this, we must remark, that soon after the Revolution in 1688 the yearly Expence of Government was so great, that King William's Ministry did not chuse to raise by Taxes so much money as was necessary to defray that expence, for fear of disgracing the people, the Government being at that time not thoroughly settled, as Rebellions were apprehended in favour of the Spanish Pretender. The Ministry therefore borrowed great sums to defray the ^{present} publick Expence, giving the credit of Government as a security for payment; and raised no more money by Taxes than was necessary to pay the yearly Interest of the ^{borrowed} Sum

Sums, leaving it to their successors either to pay off
the Capital Debt, or continue to pay the yearly In-
terest, as they should find most convenient. This
was the origin of the national Debt, which instead
of being paid off was greatly increased by the expensive
wars of Queen Anne, and has been increasing al-
most from that time to this. For succeeding Minis-
ters adopted the policy of King William's Ministry,
and chose rather to pay the Interest, and even
to add to the capital Debt, than to pay off the
⁺
_A Debt. Part of the national Debt has indeed been
paid off at different times; and from the conclu-
sion of the last war to the breaking out of the
present Rebellion, several Millions of it were ade-
quately paid. But in the year 1765, which is 77 years
after the Revolution the national Debt amounts
to no less than 145 millions Sterling. The Interest
of this Sum is about five millions yearly, for the Creditors
of Government are satisfied with less than 5 $\frac{1}{6}$;

some