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**CHAP. V.**  
**The Art of Governing by Parties on the Bench. ↩**

IN all Political Societies there are Laws promulgat'd and establish'd, to be the general Standard and Measure of every Man's actions, and ordaining express Penalties to be inflicted on the transgressors of the same proportionable to the nature of their Crimes, and to deter others by their example from committing the like Offences. By this means the Wicked are discountenanc'd, repress'd, or extirpated; the Innocent are not only commended and encourag'd, but secur'd in the enjoyment of their Property against all Violence or fraud; and the whole Community is [80] preserv'd in Safety, Honor, and Tranquillity. But as Laws without som Power to put them in Execution, are no more than Canon on a Platform without a Gunner: and that if Men were left to Judge in their own Cases, either they might be too partial to themselves without setting due Bounds to their Passion and Revenge, or, provided they had privat Satisfaction, might be too remiss in making Examples for the benefit of the Society; there are therefore indifferent Judges invested with Public Authority, to decide all Controversies according to the Intent of the laws, and to see Punishment executed on Offenders. In the best Governments, the Legislative and Executive Powers are always plac'd in different hands: for otherwise the makers of the Laws, might intirely exempt themselves from their Jurisdiction, or suit them to their own Advantage; whereas becoming like other Men subject to them as soon as they are ratify'd, and the sentence of the breach to be pronounc'd by other persons, they'll take care at least for their own sakes, that they be [81] calculated for the common good. These public Judges are not constituted barely to hear the Parties, and to read to them the Statutes relating to their several Cases; but also to interpret, apply, and reconcile the Laws, where any Controversie dos arise about their true meaning or Extent. Nor is there any remedy in Nature or Art to prevent such doubts, tho never so much pains be taken in wording them, because, tho many cases may prove in the main to be the same, yet things are so vari'd by Circumstances (not possible to be all foreseen by the Legislators) that no two Cases are ever found to be altogether a like. Wherefore in every Judicatory there is a discretionary (and I may on this occasion say an arbitrary Power) in the Judges to apply the Laws to such different Cases, and to declare to the best of their Skill the meaning of the Lawmakers: but still in using this discretionary Power they must have a regard to natural Equity, by which all other Laws are to be made and interpreted. There's least use of this [82] Arbitrary Power left in the Judges where the Laws are few, short, and plain; but where they are many, voluminous, and intricat, is not only a certain sign of a very unsound Constitution (like a Sick-man's apartment fill'd with Glasses and Gallypots) but there is also most use of this Arbitrary Power left in the Judges both in applying and reconciling them among themselves. 'Tis in making use of this discretionary power that Judges are chiefly corrupted; which is the hardest to be effected where they are many in number, and not more obnoxious to the displeasure, or more dependent on the authority of one Estate than another, where the Supreme Government is log'd in several Orders conjointly, as with us of *England* in the King, Lords, and Commons. Now King *Charles*, and King *James* had our Judges solely at their Devotion on a double Account: for first, wheras before they commonly had their Commissions for Life, they granted none but only during Pleasure, that is as long as they pleas'd them in perverting Justice: [83] and secondly, they would never assign any certain Fund for their salaries, which made them precarious, and liable to the temptation of deserving full and speedy payment. As for the Equity of the Royal Brothers, you may learn it from the Decrees of their Chancellors, who were the Keepers of their Conscience. Their Father before them did by the same arts procure som Judges to declare, that, without consent of Parliament, he might in case of necessity Levy Mony on his





**CHAP. VI.**  
**The Art of Governing by Partys in the Ministry.** ↩

AT length we com to the great Spring, Management, and refuge of all Party-making and Factiors, I mean the Ministers of State. Under a Prince that loves to Govern by the Division of braver Citizens, his Officers are generally cull'd out of a Party, or at least for pretending to be of one; they are to create Partys where yet there are none, and to keep the differences on foot among those already made to their hands. No Ecclesiastic ever boasted of a greater change in his spiritual Faculties since he had receiv'd the indelible Character, than these wou'd perswade us to happen in their [93] understandings as soon as they are admitted into the Secrets of Princes. Such as before were thought at most to be only on a level with their Nighbors (and claim'd no more themselves, but were glad to be allow'd so much ) once they get footing within the Court, becom sawcy to their Betters, despise their Equals, and trample on their Inferiors. All of a sudden they have a wondrous Gravity in their Looks and Motions; affect the wise Grimace and considering Nod; grow perfect strangers to their old acquaintance; and must be approacht by none without a world of Ceremony, which nothing can excuse but a Bribe. But they value themselves above all things on their profound skill in the *Arcana Imperii*, and tho, in the ordinary actions of Life, they possess a very moderat share of Reason ; yet they pretend to be absolute Masters of what they call *Reason of State*. Our Ministers of late years have made no less noise about this same Reason of State, than the *Italians* did in the beginning of this last age, and for som time before : when in reality [94] Reason of State is nothing else but the right reason of managing the affairs of the State at home and abroad, according to the Constitution of the Government, and with regard to the Interest or Power of other Nations. Our Reason of State abroad is to keep *England* the Head of the Protestant Interest in particular ; and to hold such an equal Balance among foren States in general, that none of them grow great enough so to gain on any other as that we may com to be losers by it. Our Reason of State at home, is to administer the Government for the good of the Subjects according to the known Laws of the Land, and sutable to the nature of our fundamental Constitution. But among corrupt Ministers, and above all other's *Charles II's* Tory Ministers, Reason of Stare has ever bin, what *Boccalin* defines in his *Advertisements from Parnassus*, a *certain peculiar Law of their own, which is contra ry in all things to the Laws of God and Man*. Their Reason of State abroad is generally betraying, our State at home; and their Reason at home is [95] to cheat the People as much as they can. Their deepest Policy lies in the Invention of little Tricks, which they take abundance of pains to conceal ; and if the King or themselves fall in danger of being brought into Descredit or Distress by such mean artifices, then he that finds out som new Trick to shift Affairs, or to ward the present blow, what a celebrated Statesman must he be esteem'd ever after ! and his reputation is up-held, tho the speedy discovery of his jugling or bungling shou'd reduce matters into a far worse condition than they were. *They love to fish in trobl'd waters*, says a certain [6] Author, *and they find all disorders profitable to themselves. They can flatter the humor of a misguided Prince, and increase their fortunes by the excesses of a wastful prodigal. The Phrensie of an Imperious Woman is easily render'd propitious to them, and they can turn the Zeal of a violent Biggot to [96] their advantage. The treacheries of false Allies agree with their own corruptions ; and they fear nothing so much as that the King shou'd return to his people, and keep all things quiet, so they almost ever render themselves subservient to such as wou'd disturb them.* And that I may add a great deal in few words, Tricks are so much practis'd , encourag'd, and authoriz'd among them, that a Minister, who shou'd regulat his Conduct or Intrigues by the moral Rules of Prudence, might pass for an honest Man, but wou'd be counted a very sad Polititian. All the villanys of all kinds that we













## CHAP. VII.

**The ill effects of Parties on the People in general, and the King in particular.** ↩

I Need not add much more, having spoke so largely already of the ill Effects which Parties have on the People, by dividing them in their Principles and Interest, which weakens their Power, corrupts their Morals, and at last dissolves the Government it self. That a worse mischief cannot befall any Nation than Divisions and Factions, is attested with one voice by the experience of all Men and Times; yet few places are exemt from this Distemper, tho som are more inclin'd to it by their Constitution than others. I won't enter into the Debate whether [117] Commonwealths or Monarchys are most subject to Seditions, nor make any parallel of the Advantages or Inconveniencies in the several Forms: but in this mixt one of ours, there is a Disproportion somwhere that occasions such frequent Quarrels, to the composing of which every one ought to lend his helping Hand. All the Men of Parts among us, instead of doing effectual Service to their Contry, are becom perfectly useless to it; or, which is much worse, they are made the Instruments of its Ruin by turning those Forces against one another, which by nature were intended for our Glory and Defence both at Home and Abroad. They act for the most part out of privat Interest or Revenge, either making a shew of their Abilitys in order to be fear'd or courted by the other side; or imploying their whole vigor against those whom they hate or envy, which is the certain Way to perpetuat our Differences. in the mean time no Quarter is given on any hand to those who will not inrol themselves in som Faction, but [118] are dispos'd to bring things to an intire Union, or at least to hold the Balance so even betwixt the Parties that they may not destroy one another. These Men of Peace and public Spirit are in matters of State branded with the name of *Trimmers*; and, with respect to their opinions in Religion, they are call'd *Latitudinarians*: hated, as I said, by all the Rest, but particularly persecuted by those designing Men who find their account in the Dissentions of others, lest their Moderation and calm Admonitions shou'd undeceive the World, and so put an End to this detestable Trade; for tho many act in good earnest from a true or mistaken Perswasion, yet most are prompted by privat Views of Revenge or Interest, while they delude others to their assistance by the specious pretence of Principles and Conscience. That worthy Gentleman therfore was surely in the right, who, last Session of Parlament, openly said in the House of Commons, that all Parties in the Church were Hypocrisy, which was the same Thing with Knavery in the [119] State. This Consideration shou'd bring us to cooler Thoughts and better Temper, both with regard to the time past and to com. *While we conspire together*, says the Earl of *Clarendon* in one of his Speeches to the Parlament 1660, *to put all old Names and Terms of distinction into utter oblivion; let us not find new names and terms to keep up the same, or a worse Distinction. If the old reproaches of Cavalier, and Roundhead, and Malignant, be committed to the grave; let us not find more significant and better words to signifie worse things.* But if the exhortations of that great Man had so little good effect, that they cou'd not prevent the contumelious nicknames of Whig and Tory, I can not hope to succeed betrer; yet this shall not hinder me from discharging my Conscience, and paying that Duty which I am bound to my Contry. I might here display the tragical Consequences of Parties in all Regions of the world, the known story of the *Bianchi* and the *Neri*, the *Guelphs* and *Ghibelins* in *Italy*, the *Veneti* and *Prasini* under *Justinian*; [120] I might pathetically describe the Barbarities they perpetrated on one another, their secret Murders and Assassinations, openWars and Slaughters; Robberies, Plunders, and Devastations; the intire Ruin and deplorable Catastrophe of Families, Cities, and Contries; the confusion of all tyes and obligations of Kindred, Marriage, Love, Friendship, Neighborhood, or Commerce: I might inlarge on such dismal Themes as these, cou'd I









## CHAP. VIII.

## The ill Effects of Parties on all our foren Affairs. ↩

WE com now to consider the ill Effects of Parties on our foren Affairs ; and 'tis very certain that every thing attemptd abroad to our Prejudice or Dishonor, has proceeded from an opinion that our Broils at Home leave us neither Force nor Leisure to right our selves. For examples hereof, I shall never forget the Menaces of certain People to call those to an account who advis'd the sending a Squadron to the *Mediterranean*, in the year 1695, tho' the Consequence was very honorable and advantageous to the Nation : and the like Speeches [142] were utter'd at the going of the last Squadron to the *Baltick*, tho' the glorious progress of the *Swedish* King's Arms be wholly owing to that seasonable and powerful Assistance ; for hereby he was enabled in so short a space to beat two Kings and a formidable Emperor, to speak nothing of shewing our strength in those Seas, which makes our orders rever'd, our friendship courted, and our displeasure dreaded. This Spirit of Contradiction between the Parties may be exemplify'd in a thousand other instances; and tho in many cases it proves dangerous to the Nation, yet I wou'd Charitably hope that so detested a mischief 'is not always intended, tho particular Resentments do often insensibly procede to a general Discontent. But if we continue thus divided at Home, catching at opportunities and using advantages over one another, how is it possible for us to exert our Power abroad, either to keep the Balance of *Europe* equal, or to secure the [143] Protestant Religion ? As for the Balance, we must undoubtedly do our best to preserve it steady, or if the rest of *Europe* falls into one Scale, we muft soon be deprest by the irresistible Weight ; and if we stand by, as unconcern'd Spectators, till this work is don, the greatest favor we must expect from our Neutrality, will be, like *Ulysses* in the Cave of *Polyphemus*, to be last devour'd, which is but a miserable and unmanly Consolation. In the present juncture of Affairs the thing most to be fear'd is a Union between *France* and *Spain*, which of course destroys not only all or the best part of our Trade, but also our Liberty, and that of all the rest of *Europe*. The House of *Austria* was not near so powerful formerly, by reason of the Divisions in *Germany*, as such a Union will render the House of *Bourbon*, there being no distinct Sovereignty now in *France* , and the *Spaniards* not able of themselves to be troublesom if they wou'd. And that the *French* will lose no opportunity of effecting it, past and present [142 - repeated] Experience will not let us doubt; for they never yet stuck at any League or Treaty, when once they thought themselves able to break it, Wich shou'd make all others joyn together to take it out of their power. They have bin ever observ'd to have great and aspiring Thoughts, to which they are inclin'd by the extent and fruitfulness of their Territories, the multitude of their People, and consequently the immense Revenues of their Kings, by which they are enabled to keep vast numbers of Troops always on Foot, the Goods and Persons of their Subjects being intirely at their disposal. Nor have they ever fail'd to make use of this mighty power ; for at all Times they have bin incroaching on their Neighbors, restless in their Actions as well as their Humors, and constant disturbers of Mankind, without ever being able to set any bounds to their Ambition. *The French* (says the Baron. *D'Isola* in his Buckler of State and Justice) *covet Harbors in Spain, Leagues in the Empire, Factions in [143 - repeated] Poland, Wars in England and Holland, Passes into Italy, and the sovereign Arbitrage every where. Their Quiet consists in the Trouble of all others, and their Advantage in the public Calamities.* Wherefore it will be always the Interest of *Europe*, but above all others of *England*, to oppose the *French* Designs, it having bin an uncontroverted Maxim with us hitherto, that *France must never be suffer'd to grow too great.* How much less therefore are their projects to be encourag'd by us, in actually giving them any Help, or denying effectual Assistance to their Enemies. They have bin faithless in their Promises and Treaties, as may be prov'd by a













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## CHAP. IX.

### The only Remedy against all the Michief of Partys, is a Parlament equally Constituted. ↩

IN the fourth Chapter I have given som Arguments for stated annual Parlements; I have there likewise declar'd my Thoughts about the best way of making our Representation equal, of preventing Bribery or Expences at Elections, and the Growth of privat Pensioners. But till such or better methods are legally establish'd, we have no hopes of preserving our ancient Constitution, our Liberty and Property, the Protestant Religion, or the present Government. Had these thoughts bin publish'd (as they were intended ) before the late Elections, I shou'd have Offer'd som Advice to the Electors to [165] send those to represent them who would do themselves Honor, Service to their Contry, and deserve the Praise and Imitation of Posterity. I hope in a little time we'll all have good reason to say that they have made such a desirable Choice, which encourages me to add in this place a point or two of the highest Importance, which I purposely omitted in the fourth Chapter, and which, in my opinion, might go very near to bring our Parlements to the most perfect Constitution. The first of these is the Qualifying Bill, som years ago past by the Commons and rejected by the Lords. Certainly none ought to be chosen for a County but such as have either in Possession or Reversion a considerable Estate in it ; nor for a Burrough, except he be Residant, or that he has som Estate in the County in present or Expectancy. That Bill provided none to be chosen Knights of the Shire under five hundred pounds *per annum*, nor for Burroughs who had not two hundred pounds *per annum* somewhere within the County, with certain Conditions [166] in favor of mony'd Men. And indeed how can it be expected that such as are perfect strangers to a place shou'd understand the Grievances of it, or, grant they be truly inform'd, will they be so earnest or so much concern'd to redress them, as those that have an Interest on the Spot ? I am apt to believe it was not the Reason of the Thing, but the difficulty of otherwise passing the Bill, that allow'd any Dispensations for mony'd Men without Land, and who consequently have no firm pledg in *England* to answer for their Behavior; but may, like Sir *William Brown* the other day, remove their Effects into another Contry in four and twenty hours, and follow themselves the next Night. The Doors of the *Roman Senat* (as of all others well constituted among the Ancients) was shut against those who had not an Estate to a certain value, on diminishing or spending of which they were removable out of the House by the *Censors* , and to be degraded from their Nobility. But to manifest the eternal Power of Reason and good [107] Sense, long after their Liberty was destroy'd, and that Beggars, Slaves, Players, Buffoons, Soldiers, and Barbarians, were created Senators by the tyrannical Emperors; yet under *Trajan* a good Prince, who wou'd have restor'd the Commonwealth but that he durst not for the Army, the Senat actually resum'd their ancient privilege of restraining all Elections in Assemblys of Trust to Men of Estates in their Contry. The manner is finely exprest by *Pliny* the younger (one of their Body) to his friend *Nepos* ; and because it dos not only relate to this Qualification by Land, but also to expences at Elections, I shall here insert the whole Letter both in *Latin* and *English*.

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#### *C. Plinius Nepoti . S. Lib, 6. Ep. 19*

Cis tu pretium acceffifse agris, precipue suburbanis ?

*Causa subita caritatis, res multis agitata fermonibus, proximis Comitiiis honeftiffimas voces senatui expresst, Candidati ne conviventur, ne mittant Muner a, ne pecunias deponant, ex quibus duo priora tam\_aperte quam immodice fiebant : hoc Tertium, quanquam occult*





### Conclusion. ↩

I Could say much more on all the foregoing Heads, and perhaps with greater advantage to the Subject and my own Reputation; but in this strange conjuncture of Affairs 'tis the most I cou'd do in a few days Retirement, nor was that little Time without som interruption. Provided the matter has in any degree the Effects intended, I shall be the less concern'd for any want of Art which Haste may occasion in the performance; and if this Parliament be of that healing Disposition which all true Patriots most heartily desire, something may be offer'd that may not be altogether impracticable nor unsatisfactory [177] towards abolishing those fatal Distinctions of Whig and Tory, and making us at least bear with one another in Religion where we cannot agree. Such a piece must be without all Resentment, or shewing any more approbation of one side than another. 'Tis confest I have bin oblig'd to follow somewhat a different Conduct on the present occasion, because the Parties are not yet calmly dispos'd to an Accommodation, but rather more violently inflam'd than for a long while past ; nor wou'd it be difficult were it as safe or seasonable, to discover by what Intrigues, and to serve what Ends their Heats are reviv'd. Tho both Factions are in several Things to be equally blam'd, yet I believe there's no Body who dos not imagin one of 'em to be more in the right than the Other : and I have not disgu'd in this whose Discourse, which of 'em has most Reason in my Opinion; tho without palliating their faults, or charging those unjustly whom I hold [178] to be most in the wrong. Did I follow my natural Inclination I shou'd be always for a Neutrality, and I promise to be a very indifferent Judge when the critical Opportunity presents it self; but when there's a Sedition in the City, I think (with *Solon* ) it ought to be capital for a Man to remain an unconcern'd Spectator, but that he shou'd be necessitated to ingage on the side he most approv'd, as the fittest means to appease the Tumult, or to keep the best Party from being over-powr'd. I shall end with one passage of *Roman* History very applicable both to the prefont Factions, and likewise to the unthankful part I bear in hoping to reconcile them. Som Veteran Legions were the firm adherents of *Julius Cæsar*, and yet after his Death did considerable service to the common Cause of Liberty against *Antony* ; but they became insolent by this new Credit, and were for making use of it to as bad purposes as when they were the Creatures of the Tyrant. *Cicero*, who (making a due Allowance for Times and Persons ) ingag'd in the same work that I do now, yet expected so little good Effects of his Indeavors that in one of his Speeches, he had these Expressions. *What! are we to have no Apprehensions of the Veterans ? for certainly they have no desire themselves to be fear'd. But in what part will they take my Severity ? for they have heard many false Things reported of me, and were told a world of storys by villanous Informers. And yet, as you are very true Witnesses, I have always promoted their Good by my Opinion, Interest, and Eloquence. But they believe wicked persons, they believe turbulent fellows, they believe the creatures of their own Faction. 'Tis true they are Brave, yet somewhat too fiercely valuing themselves on the memory of those things they have lately don for the Liberty of the Roman People and the Safety of the Commonwealth, and they are indeavoring to turn all our Councils to the strengthening of their own Party . Indeed I fear not their Policy, tho I dread their violence. But if I shou'd [180] likewise escape such great Dangers as these, yet do you think that my Return can be safe ? for when I defend my self by your Authority and after my usual manner, and shew both my Love and Constancy to the Commonwealth, then Shall I have Reason to fear not only those who hate me, but those also who envy me.* [13]

FINIS. ↩







[13] Quid! veteranos non veremur ? nam timeri se ne ipsi quidem volunt. Sed quonam modo accipient Severitatem meam? multa enim falsa de me au lierunt, multa ad eos improbi detulerunt. Quorum commoda, ut vos optimi testes estis, semper ego sententia, Antoritate, Oratione firmavi : sed credunt Improbis, credunt Turbulentis, credunt suis. Sunt autem fortes illi quidem, sed propter memoriain rerum, quas gesserunt pro populi Romani Libertate & salute Reipublicæ, nimis feroces, & ad suam vim omnia nostra Consilia revocantes. Horum ego Cogitationem non vereor, Impetum pertimesco. Hæc quoque pericula tanta si effugerc, fatisme tuum Reditum putatis fore? Cum & vestra autoritate & meo memore defendero, & meam Fidem Reipublicæ Constantiamque præfitero ; tum erunt mihi, non solum hi qui me oderunt, sed illi etiam qui invident, extimescendi. *Phillip. 12.*