

A

Supplemental LETTER,

TO THREE

POLITICAL LETTERS

TO A

NOBLE LORD,

CONCERNING

LIBERTY and the CONSTITUTION:

WITH

A Political Dissertation on the
ACT of Settlement.

Hinc omne Principium, Huc Refer Exitum. Hor.



LETTER I.

My LORD,



T is a very Just, tho' a pretty common Observation, that the Liberties of a People are never in so much Danger, as from the Administration of a Wise and Good Prince;

The Care He takes of our Interests, and the Concern He shows for our Happiness, give him a particular Right to our Confidence, and claim Extraordinary marks of our Esteem. We think we can never do enough for a Person that means nothing but our Advantage; nor trust him with too much Power, who we know will use it only for our Service. Hence it is, that the Grants, or Permissions in one Reign, are made a President, and Example for another; and a weak or vitious Prince expects the same Honour and Respect, that is paid to the wisdom and virtue of the Best.

A

Flat-

Flattery will easily tell him, He has the same Reason to require it; and Corruption shall soon establish, whatever Ambition shall desire. Thus unfortunately have Free Nations Complimented themselves into Slavery, and been made subservient to their own Oppression. How unhappy are Mankind, that they must guard against the best Men, as if they were their greatest Enemies; and stifle their Gratitude and Affection to a good Prince, as if he was an Oppressor of his Country. But yet such Precautions are absolutely necessary, if Men will preserve their Liberties. They must take care of the least Possibility of what may tend to Introduce Arbitrary Power; and beware of Gratifying the Expectations of the most Virtuous King, for fear of Authorizing the Pretensions of a Bad one. They should well consider the Consequences, and Influence of every Legislative Act; and Imagine every Mark of new Respect, as a Breach upon their Antient Freedom. They should Reflect upon the Irresistibleness of Court Favour, the Difficulty of Denying what has been once granted before: But above All the Flattery, Ambition, and Corruption of Mankind. 'Twas said of *Augustus*, That it had been Happy for the *Roman* People, if he had never died, or had been never born. The greater part of his Reign was full of Art, and Popularity; and the Confidence that was placed in him prov'd Fatal to *Roman* Liberty. The Power that
was

was Granted him, rais'd the Expectation and Demands of his Successors, till at last there was nothing left for the People to bestow ; till their Liberties were entirely Extinct, and their Fears of Slavery lost altogether in Absolute Oppression. *Augustus*, that meant nothing but the Happiness of his People, might well be trusted with that unlimited Power, that was put into his Hands ; He might well have the Arbitrary Disposal of their Property, when he propos'd nothing but the Ease, Prosperity, and Felicity of his Subjects ; well might the Senate Authorize him to raise Money by extraordinary Methods, when those Methods tended only to the Security and Glory of the Commonwealth. But *Augustus* must die ; and *Tiberius* must succeed ; and *Nero* and *Domitian* are likewise to be invested with the same Powers, and Authority. The Reigns of these Emperors are so full of Folly, Absurdity, or Cruelty, that we can scarce forgive *Augustus*, for suffering that Excess of Power to be lodg'd with him, which after in other hands, Ravag'd, and Defac'd the Peace, and even the Being of Civil Society. Could the Senate have kept the Power of Creating him Consul or Tribune only for a Year ; the same Benefit had accrued to the Commonwealth, and the same Dignity to *Augustus* : Then there had been no President for the Continuation of this unbounded Authority, nor Introduction to Perpetual Subjection. Succeeding Empe-

rors had been curb'd, and kept within due bounds ; the Power of Oppressing the People, and Invading their Properties had been then secure : and Liberty and Virtue might have flourish'd for many Generations in that Noble Republick. But when Mens Fortunes were no more safe, when the Prince might raise what Sums he pleas'd, and became independant of the People ; when their Frowns or their Affections were equally regarded ; what Inundation of Misery was there from Oppression, and what wantonness of Cruelty from the Insolence of Licentious Tyranny ? In vain they call'd upon *Augustus*, his Moderation was their Ruin ; and his Power their Destruction. From hence we see, that 'tis easy to Grant, what can never after be Denied ; and to Establish what can never be Repeal'd. Corrupt and Designing Ministers will take the Advantage of every Concession, and draw fatal Consequences to the Ruin of a People. Permissions will be turn'd into Prerogative, and a bare Acquiescence become a Binding and Irreversible Law. The Power of making War and Peace was undoubtedly at first the Birth-right of the Subject ; as most plainly appears from the Declaration of the Ordeinors in the time of *Edward* the Second : Their Commission was not to make new Laws, but to tell the People what were in Being. They were to acquaint them with their Antient and Just Rights, and to establish to all Ages their Fundamental

damental Privileges. This was then Asserted to be their Right. But indeed it seems agreeable to the Nature of the Constitution ; and to be consonant to Reason, that the Direction and Execution of an Affair should be lodg'd with those, who are more particularly concern'd, that the Conducting of it should be Wise and Fortunate. But now this Power is vested in the Crown, and become an Essential Part of the Prerogative, which at first was either a mere Permission, or an Encroachment on the People. There is a strange Infection in the Grants to Princes ; they Taint the Constitution, and prove Destructive to Liberty. Should any extraordinary Emergencies of State arise, the Provisions, like the Reasons for those Provisions, should be only Temporary, and Occasional ; nothing that should make the Prince independant should be allow'd, nor any Powers Granted that may set him above all Application to his People. Constitutions are best preserv'd, and secur'd by such a Concert and Harmony ; Distance creates Suspicion, and Suspicion always brings on Enmity. 'Tis a strange Perverseness in Mankind, but we All Affect independancy, tho' Nature design'd us for mutual Succour and Assistance ; we still strive to sling off that Confidence, that we should place in each other, and desire the Ability to Oppress, tho' we never put that Power in Execution. But those Princes that have most consulted the Publick Good, have chose

to receive Obligations from their People. Queen *Elizabeth* whom our Histories recommend as a Pattern of consummate Wisdom, and sincere Affection to her Subjects, took a Pride in being Dependant on the Love and Friendship of her People ; She was fond of Relying on their Generosity, and Confiding in their Bounty. And indeed the Gratitude of the Nation no where more fully appears than in her Reign ; for her Supplies were Greater than had ever been before Granted, and by that means have been Eternal Precedents for the Demands of succeeding Princes. It may sometimes indeed happen, that Good, and Excellent Princes, by unhappy Opposition and Faction, may endeavour to secure a certain Competency independant of the People ; there may be such a necessity : But such Cases are but Rare, and a Thousand Inconveniencies should be rather born, than a Practice introduc'd that may be capable of so much Mischief and Misfortune. How wretched and unhappy had we been, had *Charles* the Second been Allowed to raise Money without Consent of Parliament, as some of his Ministry most infamously attempted ? Our Constitution had been long ago Ruin'd, and our Properties vested in a few hands, and saved the Execrable Villainy of the South-Sea Directors, and their more wicked Accomplices. Had there been such an Instance of a Grant ; each Successor no doubt, had claim'd the same
for

for Life, and perpetuated Misery to future Generations. These are Privileges that can never be resum'd, or refused, without great Danger, Courage, and unshaken Probity. Honest and Brave Men indeed, would show their Resentments, and Exclaim against such fatal Power; but their Rage would be Impotent, and their Zeal Ineffectual. The Prevalence of Corruption, which would start up every where from such an *Enabling* Grant, would give it a lasting Sanction; Pensions would Debauch Mens Virtue, and Debauchery make them Easy, and Abject in their Slavery. Had I lived in the Reign of *Henry* the Fifth, I had certainly opposed the Grant of *Tunnage*, and *Poundage* for *Life*, tho' he was an Excellent and a most Virtuous King. Or had I sat in Parliament in his Son *Henry* the Sixth's time, I should certainly (unless I had been a Pensioner) have *Voted* for the *Resuming* that Grant for Life, for his weak Conduct and Inability to serve his Country. We find, and Experience, that this Grant to *Henry* the Fifth, was a *Leading* Grant; but an Instance of such a Resumption, as there was from *Henry* the Sixth, does no where, that I know of, appear upon Record. But to what end my Lord, should an Establishment for Life be made, where a Prince designs nothing but the Happiness of his People? If he has a *Real* necessity for Money, His wants will be supply'd; but an Independancy for Life, may produce sad

Con-

Consequences, in Enterprizing and Ambitious Hands, and very much endanger the safety of the Constitution. We find the Parliament in *Charles* the First's time, exceeding Jealous of their Privileges; they thought their Rights invaded: And Insisted on a Redress of Grievances before they would Arm him with a Force for Life, to make their *Petitions* ineffectual: And accordingly, the Tonnage Bill was allow'd only from *year to year*. I remember, it was the saying of a Worthy Patriot in *King William's* time, that he was always against the Suspension of the *Habeas Corpus Act*; and opposed the *Establishment* of the Civil List: No one was a more hearty Friend to that King, nor more Zealous for the Constitution. Could any Prince expect such extraordinary Marks of Favour, and be trusted with such Power; well might that Admirable and Excellent Prince be trusted, and expect them, whose Life was one continued course of Virtue, Honour, Liberty, and Affectionate Regard for the good of his Country. But he was Apprehensive of the Example. He was affraid of Oppression, and dreaded such an effectual *Ability* to Corrupt, and the consequences of this Corruption, Poverty and Ruin. I am fully persuaded, that we might safely trust the absolute disposal of our Lives and Fortunes in the Hands of his present Majesty; I am sure we might well rely upon his Wisdom, Goodness and Moderation. But my Lord, can Remote
 Poste-

Posterity give us the assurance, that the next Successor does, of Exercising all these Virtues, for our Interest and Advantage? Without such Assurance, such Confidence would be Fatal; and pave the way in after Ages, to Oppression, Misery, and Ruin. Sacred History informs us, that *Solomon* was succeeded by *Rehoboam*, whose Sceptre, like the Furies, was a Whip with many Scorpions. The *Roman* Histories are Black, and Dreadful, with the Crimes of their Abandon'd Princes. But let *Tiberius* be their Representative, notwithstanding the detestable Flattery of *Paterculus*. *Tacitus*, whose Credit is Unquestionable, will inform us of his shameful Dissimulation, and wicked Screening *Plancina*, the Poysoner of *Germanicus*, from the Universal Cry for Justice: We shall find him slothful, Retiring from all Business, and addicted to his Pleasures; and see him altogether given up to the Counsels of *Sejanus*, that Abominable Statesman, and Oppressor of his Country. The *Seleucidae* are all Infamous; and the Line of *Ptolemy* still more Corrupt and Execrable. If we look into our own Annals, How few of our own Princes shall we find even Tolerable? Even *Edward* the First, and *Edward* the Third, Invaded the Properties of their Subjects; *Henry* the Fifth involved us in unnecessary and destructive Wars; *Henry* the Seventh polluted his Sacred Hands with mean and unworthy Bribes; Queen *Elizabeth* too far extended Pre-rogative;

rogative ; and *Charles* the First lavish'd immense Sums on his Favourite, which were spent in Corrupting the Subject, to Encourage Faction. and Introduce Arbitrary Power. The Policy of our Parliaments has been always shown in making their Concessions only temporary and occasional : The compass of a Year has been thought sufficient for the trial of any Extraordinary alteration in the Constitution, and by that means the Power preserv'd of making proper Regulations, should any unforeseen Mischiefs, or Inconveniencies arise. Nay, my Lord, so very Cautious have our Ancestors been, that in any considerable, and important Matter, they would first Advise with the Body of the *People* before they pass it into a Law ; They would have their Consent, and thought themselves bound in Justice and Honour. as they were only Representatives, to Consult their Counties, and gain the Approbation of All, where All were equally concern'd in point of Interest. And even in the Case of Subsidies, They have taken the Direction of their Principals, before they would give a Parliamentary Sanction, for fear of Burdening, and Distressing the Subject, whose Interest only, was the End of their Commission. But suppose, my Lord, no President would be ever made of any Extraordinary Grant ; yet when Excessive Power is once Granted, How liable is it to be abused by Crafty and Designing Statesmen, who have
nothing

nothing of the Publick at Heart, but its Honours and Revenues? A President perhaps will be needless; and the present Execution, destroy all possibility of future Opposition. Such Uses may be made, as may prove fatal to Liberty; and such Corruptions introduced, as may make Slavery *desirable*. No Grant has been ever obtain'd, but the Good of the Publick has been pretended; something Useful has been promised; and wonderful Civilities have pass'd between the Prince and People. But how seldom have the Considerations of these Grants been observ'd? When *Harry* the Eighth had a design upon the Abby Lands, the specious pretence of the Court, was the Service of the Nation; They inform'd the House, that no King or Kingdom could be safe, where there was not a sufficient Provision for the King's Revenue, to Defend his Subjects from Invasions and Insurrections; to Aid his Confederates; and Reward his well-deserving Servants: They Represented on the Grant of these Lands, the Money arising from the Sale, should not be converted to private Uses, but expended only for the welfare of the People: That no more Subsidies should be demanded; but a Body of Forty Thousand Men should be maintain'd by this Treasure, for the Benefit of the Constitution, and the Security of their Liberties. The Abby-Lands were Granted; no Good was done: But the Money was wretchedly misapply'd in the Luxury of the

Court, and Corruption of their Dependants. And soon after an Act was made to supply Deficiencies, notwithstanding thus much had been so generously Granted. But to Sum up what has been said; Presidents of an extraordinary Nature should never be made without an absolute Necessity; should there be such a Necessity, the People in prudence should be first Consulted; should they approve them, yet, if it be possible, the Provisions should be only temporary and occasional; upon account of Corruption, and Abuse of the best Institutions. But whenever such Abuses happen, Resumptions should be made; and all proper Measures taken to free the People from Vexation, Injury, and Oppression. I am,

My LORD,

Your Lordship's.



LET-

LETTER II.

My LORD,
THE Act of Settlement, being now in every ones hand, and its Wisdom greatly celebrated; my Gratitude to those noble Patriots, that contriv'd and pass'd this Law, obliges me to pay them my sincere and just Acknowledgments, for their Virtue, and publick Spirit. Never surely was there a finer strain of Policy, than in these Provisions for the Liberty and Interests of the Nation. The Dangers that threatned us, from Popery and Arbitrary Power, made the Limitation of the Crown in a Protestant Family absolutely necessary; and the Inconveniencies that had been seen in our own, and other Nations, in the Admission of a Foreign Prince to the Throne, requir'd a Suitable, and Proportionable Remedy. For these Reasons, that most Excellent Patriot, the Lord *Sommers*, cast about, to make such an Establishment that should be Easy to the Successor, and Beneficial to the People. He well knew the Liberties of the Nation, could never be sufficiently guarded: He had seen and was Wise by the Misfortunes of other Kingdoms; and gave us at length this further Security for our Rights and Privileges. Glad was that Incomparable Man, King *William*, to show his Love to his People, in his kind Regard to
 their

their future Happiness. He saw these wise Limitations, he approv'd them, and bless'd the Nation in the Confirmation of them. The first and most Important thing that employ'd their Thoughts, was the Care of the Establish'd Church. Religion, they well knew, took up our greatest Regard, and challeng'd our sincerest Affection. This Influences our Actions, and Directs our Conduct. Our Behaviour is good or bad, as we are affected by it. And Humanity or Cruelty, Goodness or Ill-nature, are still Prevalent, according to the Strength of the Impressions it has made upon us. Christianity every where Recommends Peace and Charity; and proposes our Happiness in this World, as well as in the next. It would moderate the fierceness of Mens Tempers, and make them Kind, Beneficent, and Affable. It teaches Forbearance, and abhors Persecution of every kind: And is sure to make infinite allowances for the Opinions and Errors of Mankind, which are Immaterial, Unavoidable, or Essential to Human Nature. The Church of *England*, would Imitate this Pattern. Our Articles, as they have been explain'd by a late Incomparable Prelate, are full of Wisdom, Gentleness and good Nature. They allow Men the Freedom of their Reason, and generously encourage our searches after Truth. They claim no extravagant Powers over the Conscience of the People, nor Fetter the Understanding with *Penal Tests*, and encourage

courage Iniquity, by enlarging the Scene for Hypocrisy and Diffimulation. Reason first pointed out the Reformation, and Policy confirm'd it. We are now happy in the Consequences of *Henry* the Eighth's Passions; in the Concurrence of Interest in our Nobles, and the Jealousies of *Queen Elizabeth*. Had not Love and Revenge been Predominant; had not the Abbey Lands allur'd, and the fears of the Succession from the Combination of Foreign Princes, made the Desertion from the See of *Rome* altogether necessary, Superstition and Ignorance perhaps had yet prevail'd, and Cruelty and Persecution concurr'd to have Destroy'd all Truth and Freedom. But the Church being Establish'd, this Establishment was to be preserv'd. The Generality were to be regarded, and great Deference was to be paid to their Opinions. *Davila* and Cardinal *Bentivoglio* had inform'd them, that the Prince should side with the majority: They had seen that *Harry* the Fourth of *France*, was oblig'd to turn Catholick to secure the Possession of the Throne, by supporting Establish'd Fundamentals, they found it necessary, that Antient Usage should be Countenanced, and that adhering to the Church of *England* would best promote Peace, and draw many over to the Principles avow'd, and encouraged by the Sovereign. This they judg'd proper to quiet Mens fears and suspicions, and prevent those Tumults and Disorders which would

would unavoidably follow ; was the Prince of a contrary Persuasion, or maintain'd Principles different from those of the majority of his People. A Religious Popish Prince is inevitably Damn'd, if he does not Destroy Us. And a Dissenting Prince would continually alarm us, and be always attempting considerable Innovations. Such an Uniformity then in the Prince is altogether necessary. 'Tis his Interest and the Nations. The Church and State are both Interwoven ; their Constitutions are built upon the same Policy, and exactly correspond in the reason of their Establishments. The Government, and Subordination of both agree together. Nor can one be laid aside, without an Alteration in the other. From hence then we may see the Wisdom of the first Clause (For of the Policy only I here treat) That whoever comes to the Possession of the Crown, shall join in Communion with the Church of *England* as by Law Establish'd. Next, my Lord, follows the Clause that relates to our Conduct to Foreign Powers. Therefore 'tis Enacted, That whenever the Crown shall come to any Person, not being a Native, that this Nation be not obliged to engage in any War for the Defence of any Dominions, or Territories, which do not belong to the Crown of *England*, without consent of Parliament. This is a Provision that can never be too much Admir'd and Extoll'd ; and is full of Wisdom, and Affectionate concern

cern for the Publick Welfare. The Interests of Princes continually vary, and are in perpetual Motion. The Ambition of One puts All into an Alarm. Their Passions, like their Titles are Great, and Mighty, and are seldom capable of being Quieted, and receiving Satisfaction. Let a Prince be never so Good himself; Let him be never so Peaceful, Religious and Humane; Let him observe Treaties, and keep his Faith with Neighbouring Potentates; yet if any of these are Enterprising; If Ambition, Vice, or Ignorance of true Policy once take possession of them; How soon will the Scene change; and Death, War, and Desolation ravage the Peace of Countries? Since the Views, Tempers, and Inclinations of Princes are so Different; so often shifting, and blown about with the breath of Flattery, or Interest; How wisely Do we Guard against Engaging in Competitions of this Nature, and shun all Disputes unnecessary, or prejudicial to our Real Advantage? *Spain* in a great measure owes its Slavery and Oppression to this Misfortune. *Charles* the Fifth in his designs on *France*, in his Insurrections in *Flanders*, and Attempts on the *German* Princes, impoverish'd those Noble States, of *Aragon*, *Valencia*, and *Castile*; and finally introduced on that Impoverishment, Arbitrary Power, and Destructive Tyranny. They justly, and wisely indeed at first Remonstrated, that they would grant no Money without a

Redress of Grievances, of which this of Engaging them in Foreign Wars, was one of the chief: But their Complaints were little regarded, when He was supported by a formidable Army, and a Corrupt majority in one of their Cortes. When *Philip* the Second, Married our Queen *Mary*, that subtle Politician *Gardiner*, took care to provide in the Marriage Articles, that all Places of Trust and Profit, should still be in the hands of the *English*, and that the Nation, should not be engaged in every War, where he was concern'd, without consent of Parliament. These Articles have been always celebrated by Historians, and esteem'd Preservatives of this Noble Constitution. But notwithstanding these Regulations, yet those Sums of Money that *Philip* distributed, destroy'd those admirable Provisions, and gain'd the Assistance of a Corrupted Parliament, to engage us in a War with *France*, which, notwithstanding our Success at first, prov'd prejudicial to us, and put an end to all our Possessions in that Country, in our Loss of *Calais*. The third Clause is, That no Person, who shall hereafter come to the possession of this Crown, shall go out of the Dominions of *England*, *Scotland*, or *Ireland*, without Consent of Parliament. My Lord, I am now upon a tender point, because the Legislature has thought fit to Repeal this part. But indeed the Reasons of State continually alter, and that shall be Good Policy at one juncture, that

that shall be Ruinous at another. The Reflexion, I remember, I made formerly upon this Branch, was, that this Provision was made merely for the sake of the People; abstractedly and absolutely for their Advantage. It had been seen in the time of *Philip* the Second, that *Flanders* suffer'd infinite Calamities from the Absence of their Prince; That *Spain* under *Charles* the Fifth, and *Germany*, and the *Low-Countries* in their turns, were miserably disorder'd by the substitution of Governors unequal to the Charge of such mighty Nations: It appear'd that these Lieutenants, or *Custodes Regni*, were Ambitious, Ignorant, or Corrupt; that they were actuated by Avarice, or mean Pursuits, and Insolently made use of that Extent of Power in the violation of the Laws, and oppression of the People. It was well consider'd, that their Wealth by this means was exported, that Trade decay'd, incompatible Interests were encouraged, and every inconvenience and misfortune introduced, that make a neglected, impoverish'd, and discontented People still more miserable. But the Preamble, my Lord, of this Act of Repeal, has furnish'd me with some Reasons, which before had escap'd my observation; and those are, a Great Regard to the King's Foreign Interests, and the undoubted Right and Privilege of our Kings to be free and unrestrain'd. These Reasons are certainly to have their proper weight. But with

submission, my Lord, every Limitation in
 this Act, is a Restraint of Prerogative, and an
 Abridgment of the King's Absolute Freedom.
 But upon these Considerations, His Majesty
 has an entire Liberty of Leaving the King-
 dom whenever he thinks fit. But, my Lord,
 had not we had the good Fortune to have been
 blest with such an Excellent and Admirable
 Prince, to be His Majesty's Delegate and Suc-
 cessor, I am persuaded, tho' our Duty, and
 Honour to the King, are exceeding Great, we
 should have had that Regard for our selves as
 to have kept this Branch in force; We should
 never have consented to expose the welfare of
 the Nation, to such dreadful Dangers of Plots
 at Land, and Storms at Sea; and have been
 so partial to our own Happiness, that nothing
 should have prevail'd upon us to lose one mo-
 ment, the possession of so Gracious, and so Good
 a King. But indeed we have received so much
 benefit from this Repeal, in those Treaties and
 Negotiations by this means concluded, that
 we can never be sensible enough of the Ble-
 ssing of this Abrogation, nor thank his Good-
 ness and Courage for Hazarding Himself so
 Greatly merely for our Service and Advantage.
 The fourth Clause is, That all Matters rela-
 ting to the well Governing of the Kingdom,
 cognizable in the Privy Council by the Laws
 of the Land, shall be transacted there; and
 all Resolutions taken thereupon, shall be Sign'd
 by such of the Privy Council, as shall Advise
 and

and Consent to the same. This, in my humble opinion, is one of the Finest Provisions in the World against Ambitious, and Enterprizing Ministers. It consists of two Branches; one, that the Privy-Council determine in their proper Place, the Business that belongs to them, to prevent all Clandestine Meetings of Caballing Statesmen; and the other, that each Privy-Counsellor, shall Sign the Advice he gives, to hinder any extravagant and pernicious Resolutions, by making the Authors appear, and therefore liable to answer for the Consequences of those Resolutions. This is directly levell'd against all Favourites; who have often, either to Indulge their own Designs, or those of their Prince, in a secret manner advised the Introduction of Arbitrary Power, the Sale of Important Places to Foreign States, violent Seizures of Property, Declarations of unnecessary and Destructive Wars, or consented to an Infamous and Execrable Peace, and constantly promoted those Counsels that have been fatal to the true Interests of the Nation, and been the occasion of much Misery and Calamity. In the Reigns of *Charles*, and *James* the Second, many wicked and Tyrannical things were Advised and Executed. But when the World began to be alarm'd at such proceedings: The Privy Counsellors endeavoured to fling off the Odium from themselves, and pretended either that they had given contrary Advice, or else that they were Absent at the time when these

Reso-

Resolutions were made. To Remedy therefore these Mischiefs, this Noble Clause was inserted. And indeed it was absolutely necessary. The Behaviour of Ministers, is so remov'd from the Day light, even of good Understandings; is so full of Art, Fineness, and Management, that we can never have Security enough for their good Conduct. State Contrivances, like White Powder, effectually destroy, but make no Report. We may be Ruin'd and Enslav'd, and the Actor stand so far behind the Curtain, that he can never possibly be known: But now, my Lord, should any Privy Counsellor give his Advice, that Measures should be taken, to get Parliamentary Sanctions, that should make the Prince Independant of his People; that Immense Sums should be rais'd, to enable his Ministers to bribe, and corrupt the Subject, and by that means make further Inroads on our Property; that the *Smyrna* Fleet should be attack'd, without any previous Declaration of War; that our Fortunes and Estates should be violently seized, or more infamously taken from us by the Speciousness of Vile Fraud, and such Fraud openly avow'd, or Artfully Defended; should *Dunkirk* be Basely deliver'd up; should Arbitrary Power be Counsell'd to be introduced by Pensions; and a corrupt Parliament continued for Eighteen years: Should, my Lord, such Counsel be ever given again, either by a Favourite, or a Cabal, either from the Ignorance

rance of the true Interests of the Nation, or Sway'd by the Artifices of Foreign Ministers; then by this Clause such Privy-Counsellors, stand expos'd to our Resentments; they, their Accomplices, their Screens, and all Assistants, or Favourers, make themselves liable to our Rage and Indignation, and will undoubtedly in all such Cases Rouze the Vengeance, of a Jealous Parliament, in demanding Justice by a Warm, Laudable, and Necessary Impeachment: An Impeachment, that by a Subsequent Clause must be altogether effectual, the Prince not being capable of Pardoning their Offence: An Impeachment, that would save and rejoyce their Injur'd Country, and make them Venerable to Remote Posterity; and the neglect of which may perhaps involve them in the same Guilt, and make them Partakers of their Crimes, Infamy and certain Ruin. Thus Wise and Excellent is this Provision against Crafty and Designing Ministers. Next follows the Clause, That no Alien, tho' Naturalized, shall be capable of being of the Privy Council, or Member of either House of Parliament, or Enjoy any Office or Place of Trust, Civil or Military; or have a Grant of Lands, Tenements, or Hereditaments, from the Crown to Himself, or others in Trust for him. Can any thing be more Express, Comprehensive, and more Guarded? Can this Law be capable of being evaded? I think not, Unless the Children of

Fo-

Foreign Ladies, that shall be made Peèresses, shall be allow'd the Honour of a Seat in Parliament. The Policy of this Branch is Extremely Plain and Evident. It has been a standing Maxim for these last Ages in the Church of *Rome*, which I take to be the Pattern of Refin'd Politicks, never to admit a Jesuit, or a Foreigner to the Papal Chair, but always to choose one of their own Country. The Conclave would otherwise be full of Foreign Cardinals, or those of that Order, and for ever exclude the *Italians* from any pretensions for the future. Power, Honour and Profit, would be turn'd into other Channels, and many Practices would perhaps be set on foot, that might endanger their fine spun System, and introduce most Fatal Innovations. All Men have a partiality to their Country, let the Motives and Causes be what they will; either a Prejudice for their Wisdom, Affection to their Persons, or a Regard to their own Safety in a powerful and strict Combination; They are all sure to seek the Assistance, and encourage the Pursuits, of their own Nation. The Senate, under some of the *Roman* Emperors, that were Foreigners, (for so I call the *Galls*, *Germans*, and the *Northern Hive*, tho' all the Empire was made free of *Rome*, if I mistake not, by *Marcus Antoninus*) was fill'd with those of their Respective Countries. This induced Contempt. made the other Senators weak, and inconsiderable, and was the occasion

sion of much Animosity and Disorder. And indeed it seems to be unavoidable. For Foreigners having no Knowledge of the true Interests of such a State, or if they had, would show perhaps but little Regard to it, for the most part bring with them incompatible Views, and promote Counsels destructive of the Happiness and Welfare of the Kingdom. They attend to nothing but their own Profit, and Enrichment, in taking Bribes, and selling Court Favour: They are intent upon obtaining some extravagant beneficial Grants, and have nothing less at Heart than the Prosperity of their Country, where they are privileged to Reside. They consider such a State, as the *Israelites* did the *Egyptians*, Admirable, and Lawful Plunder, and Rejoyce in their Spoils, as Providential Concessions. Let the Duke of *Alva* in *Flanders*, and *Philip de Chevers*, *Charles* the Fifth's Prime Minister in *Spain*, witness this truth. Let them teach the World by their Conduct, that Rapine, Cruelty and Arbitrary Power, are the necessary effects of Foreign Counsels. Let them justify the wisdom of this Limitation, and inculcate its strict observation. What Confusion and Calamities were brought upon the Nation in King *Stephen's* time, by his Statesmen that were Aliens? Were not their Insolence, Avarice, and Ambition insupportable? And did not those Animosities end in an Insurrection? Those Grievances were Excessive, and the Resentments,

D

Just,

Just, and proportion'd to the Offence. Wisely then did *Gardiner* in *Queen Mary's* time insist on this Condition, and Happy were the Consequences of that Prudent and Reasonable Regulation. The next Branch is, That no Person, who has an Office, or a Place of Profit under the King ; or receives a *Pension* from the Crown, shall be capable of serving as a Member of the House of Commons. How Wise, and Excellent this Provision is, would be almost Impudence in me to pretend to point out ; 'tis such a Fundamental, and so Glorious a Bulwark to our Liberties. 'Tis full of Wisdom, Virtue, and Publick Spirit. 'Tis said of one of the *Roman* Emperors, that He order'd that noble Precept of the Gospel, *Do as you would be done by*, to be Grav'd in Gold, and fix'd up in Publick. This Clause in Brass, set up in the House of Commons, would last full as long, and be an Admirable Remembrance and Incitement to Posterity, to imitate the Probity of their Great Forefathers. This can never be too much Read, Talk'd of, and Inculcated. Hence Corruption is Banish'd, and Virtue Defended ; Liberty triumphs over Ambition, and Avarice yields to Publick Spirit. This therefore is the Preservative of the Constitution, and a Guard against the Great Standing Army of a Designing Court. The first part is to Defend us against Persons in Places of Profit and Advantage. These may be call'd the Heavy Arm'd Foot, a Force, that is not easily

easily Routed. The Second is against Pensioners, whom we may justly Range under the Light Horse, or Dragoons; Persons that by long Exercise can Mount, or Dismount readily at Command. These are not Quite so Dreadful as the Heavy-Arm'd, because they have not that strength of Multitude, which the others have; for the Foot being compleat, and strongly united within themselves, receive new force from their Numbers, and become Terrible by the Addition of fresh Supplies, and Potent Auxiliaries. But the Horse, by being frequently upon Parties, and Forraging at a Distance, are often cut off, and their Service ever after is entirely lost. Therefore, my Lord, I say, that Persons that have Places of Profit, are more Dangerous: They have always great Numbers of Dependants; their Power spreads wide, and commands an Absolute Submission from their Adherents. A Pensioner has nothing but his Stipend; He has no opportunities of receiving Application, or Gratifying the Expectations of the People; He has nothing to bestow, and consequently will be troubled with few Petitioners. Therefore this Clause justly gives the Precedence to the Gentlemen of profitable Posts: They are Rank'd first; and their Influence and Power, is principally to be guarded against. Upon this Ground, I Profess, I always construed this Act, as an Absolute Disqualification of such Feudatories, and not an Occasional Vacating of their Seat in

Parliament. But, my Lord, I have been inform'd, that the House has made a most Ingenious and Excellent Exposition of this Part ; and Resolv'd that such an Acceptance shall only cause a new Election: But yet the same Person may be, and I may say, shall be chose again ; without this, the Court would lose the Assistance of their Ablest Men ; and be undone by their Friendship, and Generosity ; which would exceedingly grieve all true Lovers of their Country. *Davila* observes, that *Katharine de Medicis*, a most profound Politician, chose to give Men of the greatest Birth, Estates, and Worth, the Places of most Profit and Importance. This pleas'd the Fondness, and satisfy'd the Suspicions of the People, Engaged those that were Advanced in her Interests, conceal'd her own Designs, and gave her by this means an opportunity of Establishing an Absolute and Despotick Authority. Worthy Men did not suspect her Deceit, the Rich and Noble were well pleas'd in sharing the Profits and Honours of the State ; but yet unhappily co-operated to raise that Ambition, which at last prov'd *Fatal to them All*. As to Pensioners, one can scarce tell whether they are more to be Pitied, or Despis'd. Unhappy Men ! Who heap up troubles for themselves, and entail misery on their Children. They perpetually Vote against Conviction, and Sin against Reason ; they prostitute their Understandings for a precarious Stipend, to be spent

spent perhaps in Vice or Luxury; and sell
 their Innocent Posterity for the Gratifications
 of Avarice or Pride. They live Miserable
 Slaves, and are Gall'd with a thousand Disqui-
 etudes of Mind; Care and Discontent are their
 Companions, Reproach and Infamy their
 Reward. Innumerable Fears surround them,
 and the Importunate Statesman still haunts
 their Midnight Dreams, and vehemently
 Demands their Service. ' To morrow says the
 ' Guilty Minister, Absolves, or Condemns me;
 ' Goss well my Conduct, and Gild my Villainy.
 ' 'Tis true, my Injur'd Country Cries aloud for
 ' Justice, but that Justice must not yet be paid.
 ' Be now my Friend; Cover my Shame, and
 ' protect my Crimes; Wealth and Honour shall
 ' be your Reward, Power and Revenge shall be
 ' your Safety'. The wretched Pensioner con-
 sents, Resolves, and Cries, not Guilty. But
 strait his Thoughts change; His Innocent, In-
 jured Country becomes his Suppliant, and
 demands the punishment of its Parricides
 ' Pity, says she, your Venerable and Afflicted
 ' Mother, now struggling against Fraud, Cor-
 ' ruption and Oppression. Think, my Son,
 ' of my past Glory' and my present Misery.
 ' Now you see me Wretched, Ruin'd, and
 ' Undone. You hear my Feeble Voice, which
 ' shortly shall be no more. Corruption has
 ' weak'ned, and oppression overwhelm'd me.
 ' Think in this Sentence, multitudes are con-
 ' cern'd, and Posterity shall be involv'd. From
 you

‘ you they demand Justice, and seek safety.
 ‘ Consider the Blessings I have freely given,
 ‘ and what you may infamously lose, Life,
 ‘ Property, and Liberty. Be then a Friend
 ‘ to Virtue, and punish Guilt. Raise up my
 ‘ Drooping Head, and dry my Tears. Re-
 ‘ ceive the Applauses of Mankind, and fly
 ‘ the Participation of Wickedness, Infamy,
 ‘ and Misery’. What shall he say, or how
 answer the cries of Millions Ruin’d, and sa-
 tisfy the Sollicitations of his craving Passions?
 He is Conscious of his past Crimes, and fears
 Punishment: His Pension must be lost, or a
 new Path of Probity must be trod; he sees
 Integrity slighted and unsuccessful; he resolves
 therefore to Screen the Villain, and plunges
 his Ponyard still deeper into Liberty and Vir-
 tue, and his Injur’d Country must still suffer
 more, for having suffer’d thus much already.
 This our Fathers have told us, was the Case
 of Pensioners in the Days of Old. Shall Equi-
 page Balls, Court-Smiles, or Luxurious En-
 tertainments, Enslave our Virtue? Shall a
 Pension make us Renounce our Reason, forsake
 Honesty, Betray our Country, and Subject
 us to Eternal Care, Apprehension and Re-
 proach, for trifles only, or the Favour of a
 Wicked and Fantastick Statesman? No surely,
 rather let Poverty be our Choice, and Liberty
 our Reward. But, my Lord, these are the
 just Notions of the present Age. ’Tis our
 good Fortune to live in *Republica Platonis*,
 and

and not in *Face Romuli*. We have a just abhorrence of these Practices, and detest such Corruptions; but yet these Provisions are absolutely necessary: The Execrable Policy of *Charles* the Second's Reign, Authorize, and Demand the greatest Caution and Security. Men were so Corrupted in that Age, that they forgot the Common Delicacy, and Prudence of Iniquity; their Names were openly, and regularly Registred, like the Soldiers of an Army. They blush'd not at the Infamy of being Recorded; they despis'd the Folly of the World, in not being as Impudent, and wicked as themselves, and Laugh'd at that Idle Punctillio, which *Commines* mentions, of Lord *Hastings*, in not suffering his Name to be expos'd in the Roll of Pensioners, Retain'd by *Lewis* the French King. But they were safe in their majority, and considerable by their Crimes. The Nation, my Lord, being thus secured as to Religion, and Foreign States, and a strong Guard set about Prerogative, and Enterprizing Ministers of all kinds, to prevent their Corrupting the Legislature, and giving Destructive Counsel: The next care, is that of the Distribution of Justice, in which such Regulations were to be made, that the Ballance might be kept as even as possible, between the King and the People. Accordingly 'tis Enacted, that Judges Commissions shall be made *Quam diu se bene Gesserint*; Their Salaries are to be ascertain'd and Establish'd; but in case
of

of ill Conduct, they are removeable upon the Address of both Houses. Great have been the Misfortunes and Oppression of the People, from the Ignorance, Negligence, or Corruption of our Judges. The blindness or sloth of our Law Sages, and the Sword of Justice under the Direction of crafty and wicked Statesmen, have produced unspeakable Calamities. The Illegal and Mischievous Commissions in *James* the First's Reign, are as well known as the Business of Ship money. Who does not Abominate the Condemnation of Lord *Russel*, and Detest the Execution of *Algernon Sidney*, those Glorious Martyrs for Liberty? Who is not acquainted with the Dissolution of Corporations, and the Underminings of the Constitution, under *Charles* and *James* the Second? The rise of these mischiefs was Court Dependance. The Temptations of Power and Profit to weak Minds are Irresistible. Such a Sentence, says the Revengeful and Ambitious Minister, must be past. Such a Corporation must be overturn'd, and a new Charter for our Creatures Establish'd. Such Law must be Inculcated, and such Obedience enforc'd. Immediately these Charters are found faulty, a violent Usurpation has been made upon the Crown, and their Franchises are seized; unheard of Doctrines are advanc'd, and strange Judgments are pronounced; thus is the seat of Justice defil'd by Fear or Corruption. How few, like *Hales*
shall

shall we find Wise and Honest? How few like *Holt*, Bold and Resolute, that will Discountenance all Application from Great Men, and Hear no Business but in Court? But how many *Jones's*, *Bramston's*, or *Jefferie's* arise in every Generation? Tho', my Lord, I beg leave to say, I really think our present Courts of Justice cannot be chang'd, but for the worse. Take away Fear, and Dependance, those Powerful Byasses and He must be Abandon'd indeed, that will be a Knave unnecessarily. Wisely therefore are the Judges Commissions to be made for Life; This gives Duration to their Interest. But when Integrity is not Reward-ed, and a Man is forc'd to serve his Country for Naught, there we may justly apprehend a Defection from Justice: But when Salaries are Ascertain'd and Establish'd; when their Subsistence is no longer precarious, nor dependant on the Favour of a Ministry; when no Extraordinary Strains of Law are expected, and Justice only is to be impartially administred, How wicked, and profligate must that Judge be, that shall swerve without any temptation, from the Rules of Equity and Reason! The Punishment of such a Person, can never be too severe, nor the Example of *Cambyfes*, in Flea-ing a Corrupt Judge, be too much Encouraged. But yet, my Lord, such is the Degeneracy of the World, that many will hang on the false smiles of Courtiers; That will prostitute their Conscience to Ambition and Avarice; that

E

will

will sell the Rights of the People; that will dissolve Corporations, and shed Innocent Blood. But then Both Houses are to stand up for their Country. They are to Address the King, and Remove such abandon'd Creatures without the formality of an Act of Parliament. But, my Lord, because the Judges can meddle only with ordinary Criminals, their jurisdiction being Limited: And because 'tis exceeding necessary, to prevent or punish the Ambition, and Crimes of Great Men, immediately follows this Incomparable Clause, That *no Pardon* under the Great Seal, shall be pleadable to an Impeachment by the Commons in Parliament. How far the Prerogative is restrain'd by this Branch, must be left to the Judgment of those that are better skill'd in the Laws of the Land than I am. But of this I am certain, that the Terms are Universal. and the meaning seems to be obvious, that the King's Pardon, either before, or after an Impeachment shall be ineffectual. The Effects of such Power are equally mischievous, and equally to be guarded against. For if this Prerogative remains, after a Impeachment, and Condemnation; Is it not the same thing, as if there had been no Tryal; and a Pardon had been produced at first which had taken away the Offence, and consequently all Power of Proceeding? Or if the King's Right still continues, of Pardoning Offences, before the Lodging of an Impeachment, can there ever be a Tryal, when a Favourite

yourite will Anticipate all Enquiry by obtaining such a preventing Pardon? Therefore, my Lord, with great Submission I think, It seems highly reasonable to expound this Clause, as an Actual Abridgment of the King's Power, to Pardon either before or after an Impeachment, and to render it of no force and efficacy. 'Tis true indeed, there is a Maxim of the Law, That the Prerogative shall be safe, without an Express Abrogation; but then there is another Maxim, That all Laws made in favour of Liberty, and for the general Good, shall be Beneficially Construed. As Prerogative is nothing but unwritten Law, to be executed for the benefit of the Community, that unwritten Law must cease by a clear Revelation of it's Repeal, or its Incompatibility with the publick Interest. Pardons of both kinds have been notoriously fatal. Some Artful Ministers have rather follow'd the Policy, of obtaining a Pardon as soon as their Crimes had Incens'd the Parliament; this put a stop to Enquiry, and kept back their formal Accusation to the King. Their Conduct, by being Unexamin'd, did not appear so Gross; and they kept some Credit with the People, because the People did not know all their Villainy. Others have chose to try their Interest with the Parliament upon some extraordinary Clamours; and hoped, that their Power, Dependance, and Bribery, would Screen them from Justice. Some have fortunately succeeded;

and

and others more justly Condemn'd, but still more absurdly Pardon'd. My Lord *Clarendon* blames the Court Policy for Dissolving the Parliament, when they Express'd their Indignation against the Duke of *Buckingham*. But certainly much more wrong would it be, to divert, or oppose the just Rage of a whole Nation, should they ever Demand Satisfaction for the Infamous Conduct, and Execrable Corruption of some Ministers. The Court may shift, and use Artifices; but the delay of Punishment would still make it more fierce and terrible, and sharpen the Sword of Justice to make it cut more sure and fatal. The People must and will be satisfy'd, and then all your minute Craftsmen in Politicks, must take care they are not born down by the Torrent of their Indignation. Thus, my Lord, I have made an end; having endeavour'd all I cou'd, to point out the Consummate Wisdom, and admirable Policy of this Act of Settlement. An Act, that will for ever challenge our Gratitude and Honour, and make the Authors Immortal. 'Tis a System compil'd from the Knowledge of Mankind, and built on the Infalible Truths of Reason, and Observation. Great, Wise, and Good were these Patriots, and Posterity shall Record them with Honour: Happy should we be, would Ministers practice their Virtue, and imitate their Publick Spirit. Happy should we be, should another *Sommers* arise; and another *Wharton*, direct our Counsels,

fels; whose Eloquence, and Unshaken Probity should blast and beat down Corruption, and make Liberty and Virtue appear still more Amiable. But, my Lord, we have a *Sommers*, and we have a *Wharton*. We have Patriots of equal Wisdom, Integrity and publick Spirit, that show the same Zeal for the Service of their Country; and are alike Enemies to Fraud, Guilt, and Oppression. We have still many excellent Champions for Liberty and publick Good, that would stem the Torrent of Iniquity, and Reform the People from *Dan* unto *Bersheba*. Let us applaud their generous Labours; and gratefully acknowledge their Application, Zeal, and Unconquerable Integrity. Their Conduct shall be greatly Celerated by us, and late Posterity shall remember them with Honour, Esteem, and Veneration. I am,

My LORD,

With the greatest Respect

Your Lordship's.

Post-

POSTSCRIPT.

PRay, my Lord, as you are excellently well vers'd in all History, Do me the Honour to inform me in your next, whether the Church of *Rome* have not always shown their Policy, in promoting Disputes about Religion, when They were *carrying on* their Greatest Villainies; on purpose to Draw off Mens *Attention*, and weaken the Common Interest. All *Europe*, I think, were sent in the Eleventh and Twelfth Centuries, to the *Holy-Land*, to Fight for the Sepulchre, when They were making their greatest *Usurpations*, and *Cheating* Mankind of their *Liberties*, and *Fortunes*; and by that means, Established a Lasting Tyranny, and Perpetual Oppression.

F I N I S.

