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ART. I.—*The Works of Algernon Sidney, 1722.*

MILTON has well said; "A commonwealth ought to be as one huge Christian personage, one mighty growth and stature of an honest man, as big and as compact in virtue as in body." But what ought to be seldom is, and what is really good on earth is seldom in perfection. The trail of the serpent is seen everywhere. Yet this is no reason, why the best things in the highest degrees should not be earnestly sought. The school-boy may be but a blotter of paper for a long time, nevertheless he should have good copies before him all the time, lest in imitating he should incurably learn a bad hand. No man can do a better civil service to his country than to hold up before the young the best models of states and statesmen. When political virtue lives in the poor-house, political liberty goes to jail. This is ever true. Therefore he who wishes well to men, should study and adduce the bright examples of former days, for the admiration and benefit of his own and future ages, and so much the more as living instances are rare.

Very few names in the history of the past are more entitled

to celebrity among freemen than that of Algernon Sidney. Strange as it may seem it is yet true that the world has for a long time been disputing about the year of his birth, some insisting that he was born in 1617, and others, with better evidence perhaps, that he was born in 1622. His father was Robert, earl of Leicester. His mother was Dorothy, eldest daughter of Henry Percy, earl of Northumberland. At the age of ten, he accompanied his father into Denmark, and at fourteen years of age into France, to which countries his noble sire was ambassador. Even at that age it was said of the boy that "he had a huge deal of wit, and much sweetness of nature." In 1641 his father was lord lieutenant of Ireland. When the rebellion broke out, Algernon went to that island with his eldest brother Philip, lord viscount Lisle, commanded a troop of horse, and distinguished himself on all occasions by his gallantry. In the year 1643 he had liberty from Charles I. and from Leicester to return into England. In August of that year, he landed in Lancashire. He was taken in custody, and carried to London by order of Parliament. He was there prevailed on to take a command under them, and in the May following he was made captain in a troop of horse in the regiment of the earl of Manchester, who was at that time Major General of several counties. He soon won distinction at the battle of York and in other engagements, became governor of Chichester, then went to Ireland, became Lieutenant General of the horse, received the thanks of Parliament for his good services, returned to England and became governor of Dover. In 1648, he was nominated one of the judges of that guilty monarch, Charles I. but for some reason unknown he did not sit in the case. He served the Parliament and the cause of liberty faithfully as long as the government was of a republican form. But when Oliver Cromwell set aside the Parliament and ruled by force of arms, Algernon Sidney denounced the usurpation in open and fearless terms. He never would act with him nor for him; but to the extent of his power opposed him and his son Richard. Indeed on his trial Sidney called Cromwell "a tyrant and a violent one" and added, "you need not wonder I call him a

tyrant, I did so every day in his life, and acted against him too."

But when Richard Cromwell resigned and the long Parliament was restored in May, 1659, and ordained that "to secure the liberty and property of the people, both as men and Christians, and that without a single person, kingship, or house of Lords, and to uphold the magistracy and the ministry, he gave in his adhesion and became one of the Council of State. On the 5th of June, 1659, he was nominated, with Sir Robert Honeywood and Beelstrode Whitelock, Esq., to mediate a peace between the kings of Sweden and Denmark. Soon after he with Whitelock and Thomas Boone, appointed in place of Honeywood, who had declined, set out and reached Elsinour, on the 21st of that month. His conduct in this negotiation, as might be expected, was every way honourable. But General Monk, Admiral Montagu, and many others secretly engaged to Charles II. were now exerting all their power to hasten the restoration of the Stuart dynasty. Montagu returned suddenly to England, to be ready to serve the rising interests of his frivolous master. But Sidney remained in the North of Europe. In June, 1660, he writes a letter to his brother expressive of great doubt as his own future course; and again on the 22d of July, 1660, stating that he was about to leave Denmark for Hamburg and Holland but was very uncertain as to his subsequent career. Under date of August 30th, of the same year his father wrote him a letter, which certainly was none of the kindest, but it is not necessary to give it entire. Yet one or two things are worthy of notice. He says to his son that there is a report in England that when he was in Copenhagen he wrote in a volume of the university, these words:

—"Manus haec inimica tyrannis  
Ense petit placidam sub libertate quietem,"

and put his name to it. His father also says it is reported that he had said to one who spoke of the guilt of the death of Charles I. "Do you call that guilt? why, it was the justest and bravest action that ever was done in England or any where else." No wonder his father regarded it unsafe for him to return to England under these circumstances, and so

advised him. He accordingly remained on the Continent, visiting Frankfort-on-the-Maine, Rome, [Belgium, Holland and France, until 1677, when he obtained leave to return and a particular pardon. He did all he could to divert the nation from a war with France, then so much spoken of, fearing that the army trained abroad would on the return of peace, be turned against the liberties of his own country. This involved him in suspicion, some charging him with being a pensioner of France, than which nothing could be more untrue. There was no just cause of war with France at that time. Love of country was undoubtedly his ruling passion on this occasion. He twice stood candidate for Parliament, viz: in 1678, for Guildford, and in 1679, for Bramber, but was defeated, his own family in the last case being against him, and his brother Henry being his successful competitor. But his mind was firm, his principles uniform, and his courage undaunted. Nothing could induce him to truckle at the footstool of power. His enemies were active, suspicious, and unprincipled, and in 1683 he was arrested on a charge of treason. When examined before the king and council as to the rye-house plot, he refused to do more than assert his readiness to vindicate his own innocence, against all charges brought against him, in conformity with British laws. He was cast into the tower where he lay till the 7th of November, when he was brought by *habeas corpus* to the bar of the court of the King's bench, then filled by a set of detestable monsters. On the 21st of the same month he was tried and found guilty. On the 26th, he was brought up and sentenced. On the 7th of December, 1683, he was, at the age of sixty-one years, executed in a manner too brutal to relate. The next day his body was interred with his ancestors at Penshurst.

In his character the most prominent features were sweetness of temper united with a courage that nothing could intimidate. He was conscientious unto death. Not an instance in all his life has been found when he swerved from candour, truth, and honour. All his impulses were generous and asserted personal independence. If he sometimes carried his assertion of his rights to what seems to us an extreme, let us remember that in opposing the encroachments of tyranny,

there is but one only safe motto, "*Obsta principiis.*" Dr. Hutcheson, of Glasgow, often told of him that when in France and hunting with the French king, Sidney was mounted on a fine English horse whose form and spirit greatly pleased the king. The king sent him a message offering to buy the horse at his own price. He replied that he did not choose to part with him. The king determined in defiance of all the decency of his position and of all the hospitalities due to a stranger and a gentleman, to take no denial, and directed money to be offered, and whether he accepted or not, to take possession of the horse for him. This was made known to Sidney, who immediately took a pistol and shot his steed, saying, "My horse was born a free creature, has served a free man, and shall not be mastered by a king of slaves." Let cowards gape at such an act. Let the scrupulous censure it. But by so much as a man is better than a horse, and by so much as absolute liberty is better than degrading servility, by so much was this conduct more noble and praiseworthy than anything that can be expected from the base and vile. Indeed love of liberty was an everburning passion with Sidney. When serving the Parliament in the war, he bore this only motto, without figure, "SANCTUS AMOR PATRIAE DAT ANIMUM." Nobler sentiments of personal independence were never uttered than those he expressed in his long exile from his country for about eighteen years succeeding the Restoration.

Hear him in reply to the importunity of some friends, who desired his return: "I am sorry I cannot in all things conform myself to the advices of my friends. If theirs had any joint concernment with mine, I should willingly submit my interest to theirs; but when I alone am interested, and they only advise me to come over as soon as the act of indemnity is past, because they think it is best for me, I cannot wholly lay aside my own judgment and choice. I confess we are naturally inclined to delight in our own country. I have a particular love to mine. I hope I have given some testimony of it. I think that being exiled from it is a great evil, and would redeem myself from it with the loss of a great deal of my blood. But when that country of mine, which used to be

esteemed a paradise, is now like to be made a stage of injury; the liberty which we hoped to establish oppressed; luxury and lewdness set up in its height, instead of piety, virtue, sobriety and modesty, which we hoped God, by our hands, would have introduced; the best of our nation made a prey to the worst; the parliament, court, and army corrupted; the people enslaved; all things vendible; no man safe but by such evil and infamous means as flattery and bribery; what joy can I have in my own country in this condition? Is it a pleasure to see that all I love in the world is sold and destroyed? Shall I renounce all my old principles, learn the vile court-arts, and make my peace by bribing some of them? Shall their corruptions and vice be my safety? Ah! no; better is a life among strangers, than in my own country upon such conditions. Whilst I live, I will endeavour to preserve my liberty; or at least, not consent to the destroying of it. I hope I shall die in the same principles in which I have lived, and will live no longer than they can preserve me. I have in my life been guilty of many follies; but, as I think, of no meanness. I will not blot or defile that which is past, by endeavouring to provide for the future. I have ever had in my mind, that when God should cast me into such a condition, as that I cannot save my life but by doing an indecent thing, he shews me the time has come, wherein I should resign it: and when I cannot live in my own country but by such means as are worse than dying in it, I think he shews me, I ought to keep myself out of it. Let them please themselves with making the king glorious, who think a whole people may justly be sacrificed for the interest and pleasure of one man, and a few of his followers; let them rejoice in their subtilty, who, by betraying the former powers, have gained the favour of this, not only preserved, but advanced themselves in these dangerous changes. Nevertheless, perhaps they may find, the king's glory is their shame; his plenty the people's misery; and that the gaining of an office or a little money is a poor reward for destroying a nation, which, if it were preserved in liberty and virtue, would truly be the most glorious in the world; and that others may find, they have with much pains purchased their own shame and misery, a dear price paid for that, which is not worth

keeping, nor the life that is accompanied with it. The honour of English parliaments hath ever been in making the nation glorious and happy, not in selling and destroying the interest of it, to satisfy the lusts of one man. Miserable nation! that from so great a height of glory is fallen into the most despicable condition in the world; of having all the good depending upon the breath and will of the vilest persons in it! cheated and sold by them they trusted! infamous traffic, equal almost in guilt to that of Judas! In all preceding ages, parliaments have been the palace of our liberty; the sure defenders of the oppressed; they, who would formerly bridle kings, and keep the balance equal between them and the people, are now become instruments of all our oppressions; and a sword in his hand to destroy us; they themselves led by a few interested persons, who are willing to buy offices for themselves, by the misery of the whole nation and the blood of the most worthy and eminent persons in it. Detestable bribes, worse than the oaths now in fashion in this mercenary court! I mean to owe neither my life nor liberty to such means. When the innocence of my actions will not protect me, I will stay away till the storm be over-passed. In short, where Vane, Lambert, Haselrigge cannot live in safety, I cannot live at all. If I had been in England, I should have expected a lodging with them; or though they may be the first, as being more eminent than I, I must expect to follow their example in suffering, as I have been their companion in acting. I am most in amaze at the mistaken informations, that were sent to me, by my friends, full of expectation of favours and employments. Who can think that they, who imprison them, would employ me, or suffer me to live where they are put to death? If I might live and be employed, can it be expected that I should serve a government that seeks such detestable ways of establishing itself? Ah, no; I have not learnt to make my own peace, by persecuting, and betraying my brethren, more innocent and worthy than myself. I must live by just means, and serve to just ends, or not at all. After such a manifestation of the ways by which it is intended the king shall govern, I should have renounced any place of favour, into which the kindness and industry of my friends might have advanced me, when I

found those that were better than I, were only fit to be destroyed. I had formerly some jealousies; the fraudulent proclamation for indemnity increased them; the imprisoning of those three men, and turning out of all the officers of the army, contrary to promise, confirmed me in my resolutions not to return. To conclude, the tide is not to be diverted, nor the oppressed delivered; but God, in his time, will have mercy on his people. He will save and defend them, and avenge the blood of those, who shall now perish, upon the heads of those, who, in their pride, think nothing is able to oppose them. Happy are those, whom God shall make instruments of his justice in so blessed a work! If I can live to see that day, I shall be ripe for the grave, and able to say with joy, 'Lord, now lettest thou thy servant depart in peace.' Farewell. My thoughts as to king and state depending upon their actions, no man shall be a more faithful servant to him than I, if he make the good and prosperity of his people his glory; none more his enemy, if he doth the contrary. To my particular friends I shall be constant in all occasions, and to you a most affectionate servant."

Any right-minded man would rather be the author of such a letter, written under such circumstances, than enjoy the fame of having founded Nineveh, built the walls of Babylon, or erected the pyramids of Egypt. The very names of those who reared these stupendous monuments of the Nile are gone from among men, the pride of him of Babylon sent him to eat grass in the field, and the Persian soon had his city; and Nimrod and Ashur the son of Shem are made the antagonist claimants for the honour of founding Nineveh, nor would mankind gain any advantage by settling the dispute. But the sentiments of this letter are immortal and will make great and good men of all who embrace them. He who believes with Milton in his celebrated prayer that tyrants "shall remain forever the basest, the lowermost, the most dejected, most underfoot and down-trodden vassals of perdition," will not lack an Isaiah to sustain his creed, and cannot fail to bring his tribute of homage to such sentiments as Sidney has here recorded. Nor will they ever utterly perish, until private and public virtue shall be driven from among men, and,

standing bleeding before God's throne, shall cry for a hasty winding up of human affairs by the awful assizes of the last day, and by a universal conflagration of the heavens and the earth. What miserable drivellers of our own day are those who find no warm sympathies with such a man and with many like him! An English clergyman of the last generation, has had the candour to say that, "many, no doubt, who obtained an undue ascendancy among the Puritans, in the turbulent days of Charles the first, and even before that time, were factious, ambitious hypocrites; but I must think that the tree of liberty, sober and legitimate liberty, civil and religious, under the shadow of which, we, in the establishment as well as others, repose in peace, and the fruit of which we gather, was planted by the Puritans, and watered, if not by their blood, at least by their tears and sorrows. Yet, it is the modern fashion to feed delightfully on the fruit, and then revile, if not curse, those who planted and watered it." Yes, even in this land of freedom, there are men base enough in heart to express sympathy with those who persecuted the Puritans. The Puritans! Who were they? Some tell you they were men of whom the world was not worthy. Others denounce them as unfit to live. But what is the truth? The Puritans were chiefly of four classes. These were the Independents, a small, intelligent, pious body of men, not numbering in all London two thousand, but by their great learning and high moral character exerting a powerful influence over the realm. Next come a respectable and pious body of ministers and laymen in the established church of England, numbering among its brightest ornaments such men as Richard Baxter. Next we see that large body, who borrowed their notions of doctrine, discipline, government, and liberty from Geneva, Holland and Scotland. They had vast learning, much piety and great numbers. These three classes of men laboured long and faithfully to fill the land with sound knowledge. Every year their power was more and more felt, until it was evident they were soon to be in the ascendant on all great questions of morals and government. Then rapidly politicians forsook their old associations and began to act with the religious Puritans. This fourth class, the Political Puritans, consisted of two classes, first the en-

lightened and genuine friends of the liberties of the people, who were pleased to unite their efforts with all, who were like-minded, and secondly, the men, who are always ready to suit their actions to the times in order, if possible, to be leaders. This despicable class of time-servers is commonly not very small. When they joined the Puritans, they wore the lankest hair, whined and canted most extravagantly in scripture phrase, and carried sanctimoniousness to the grossest extremes. These very men, on the Restoration, (so far as they were admitted to the royal favour,) were as loose as their profligate master could well have desired. But they were at all times a minority. The great body of the Puritans acted from principle, and nothing could change them. Algernon Sidney was one of them. John Hampden was another, John Milton was a third. The illustrious men already named, with hosts of others, swelled the company of the patriots to an immense size. If the time shall ever arrive, when the memory of such men shall not be venerated, liberty will be no watchword, and Englishmen and their descendants will be ready to do the behests of selfish, petty tyrants.

It is impossible to read "the trial of Algernon Sidney" without sentiments of a righteous indignation. It covers sixty-five pages. His apology on the day of his death covers thirty-two pages. Here we have exactly one hundred quarto pages, in which is the record of as much wrong, illegality and brutality as can perhaps be found in the same amount of transactions in any tribunal, the Inquisition hardly excepted. He was imprisoned contrary to the provisions of Magna Charta, reaffirmed by many parliaments, which require two credible witnesses, or a free confession. The law allowed imprisonment before conviction only for custody and not for punishment. Whereas Sidney was kept and treated as if sentence were already passed. His private personal property was seized by the minions of power and dispersed, he and his friends knew not where, before he was brought before any court. The bill found by the grand jury was not upon evidence, but on the request of the attorney. The indictment was long, perplexed and confused. In it no overt act was distinctly set forth. The meetings of the alleged conspirators

were said to have been on the thirtieth of June and many other days both before and after ; whereas he was then, and for some time before and afterwards until his death a close prisoner. He was at his first hearing and throughout his trial denied counsel, though he asked it, and urged his want of acquaintance both with statutes and the forms of legal proceedings. When he offered a special plea, already prepared, it was refused, unless he would make it peremptory, so that if it were over-ruled, he could be no further heard. He was thus forced to a general issue on an indictment, which he never saw, and a copy of which was refused him throughout the trial, although he heard it read. The jury consisted not of peers, or gentlemen, or even of freeholders. The right of challenging for cause was utterly denied, and every challenge was required to be absolute. The jury was packed, and was in part named by the infamous Graham and Burton, two vultures employed by the court to procure the death of innocent men. Four witnesses were brought into court to fill the minds of the jury with terrible ideas of treason somewhere, but not one of them could say anything against Sidney. Then came forward the ever infamous lord Howard with his rhetorical flourishes, a man who had not for years enjoyed the confidence of any gentleman ; a man, who had repeatedly appealed to heaven for his sincerity in declaring that he knew nothing that could affect Sidney's good standing for loyalty, but who by his cowardice had been driven to what himself called "the drudgery of swearing" away the lives of others in order to save his own. The peerage of England have commonly been men of a high sense of honour as to truth, but this miserable creature was not fit to be a nobleman in Newgate. Three eminent peers, two gentlemen of quality, cousins of lord Howard and other witnesses entitled to credit showed him to be one of the basest of men, and not entitled to the least credence, even when solemnly appealing to God. This monster of depravity was the only witness against Sidney. To make up the deficiency of witnesses some unfinished, unpublished pieces of paper, said to have been found in Sidney's closet, were brought in. Yet it was not proved that Sidney had written them ; or that he had shewn or published them. They were evidently

old and the statute required treasons to be prosecuted in six months. When these papers were brought into court, they were not all read, but only parts of them and only such parts as pleased the prosecution. The presiding judge was George Jeffreys, a name as certainly doomed to infamy in all coming ages, as that of Judas Iscariot. His drunken and bloody brutality is now confessed the world over. With him was associated Wythins, a coarse, ignorant drunken monster. The charge to the jury was full of prejudice, violence and coarseness. There is even reason to suspect that Jeffreys had access to the jury after they retired.

It is extremely revolting to our feelings to dwell on these details. Nothing is more trying to our temper than the annals of cruelty, especially cruelty practised under the name of law and authority. But he, who would serve his generation wisely, must not be scared away from investigation of the past, under the belief that human nature is now better than formerly. Such trials as those of Sidney teach great lessons, and the friends of freedom ought to study them well. We have heard from our childhood of the value of an *independent judiciary*. In its origin the phrase had a very good sense. For a long time the crown both appointed and removed judges at pleasure. Such a judiciary could not be expected to act with impartiality. Britons did not rest until an act was passed, by which the judges held their office until removed for cause by impeachment fairly tried. This was indeed a great point gained. The whole history of nations shows that the judiciary is almost without exception strong enough, and when freed from intimidation by popular violence, or royal behests, it is surely independent enough for all good purposes. But it is monstrous that the property, liberties or lives of mankind should be sacrificed to the incompetency, or malice of judges under any plea whatever. What can be more revolting than to see a drunken debauchee or an old dotard or a self-conceited youth, who never knew much law and has forgotten that, ministering in the temple of justice. He must have seen but little of the wants of our country, who has not witnessed cases of spitefulness, gross ignorance, and lordliness in the bench.

It is impossible to read the history of State Trials in any period of the history of England without being appalled at the enormous amount of wrong done. This remark applies to so late a period as the latter days of George III. Sir John Scott, afterwards Lord Eldon, was a terrible prosecutor; and one has but to read the speeches of Lord Erskine to find his sensibilities excited to the highest pitch for the unhappy victims of legal persecution at a time, to which the memory of some still living runs. When we hear freemen, who live in a land where constructive treason is unknown in judicature, speaking in glowing terms of the liberties enjoyed under the British Constitution, we shrewdly guess that if they had stood in the place of Lord George Gordon, or Thomas Hardy, or James Hadfield, they would utter very different sentiments. Lord Coke has indeed given this law maxim for judges:—"Qui haerit in litera, haerit in cortice," but a much greater man than he has given us two other maxims far more true and safe: "Cum recedit a litera judex transit in legislatorem," and "non est interpretatio, sed divinatio quae recedit a litera."

Our readers have noticed that but one witness (and he unworthy of credit) was brought forward to prove the treason of Sidney. On nothing do human rights depend more than on correct laws and a correct application of the laws of testimony. Therefore, it can never be a matter of indifference to any wise man what those laws are, and what usages prevail in courts of either criminal or spiritual jurisdiction. On the subject of the necessity of two witnesses we venture to give a short quotation from Sidney's apology. "I must," says he, "ever insist upon the law of God given by the hand of Moses, confirmed by Christ and his apostles, whereby two witnesses are necessarily required to every word and every matter. This is received by all that profess the name of Christ, and so understood by all, that no man in any place can be put to death, unless two or more testify the same word or thing. The reason of this is not because two or more evil men may not be found, as appears by the story of Susanna; but because it is hard for two or more so to agree upon all circumstances, relating to a lie, as not to thwart one another: and whoso-

ever admits of two testifying several things done or said at several times and places, conducing, as is said of late unto the same ends, destroys the reason of that law, takes away all the defence that the most innocent men can have for their lives, and opens a wide gate for perjury, by taking away all possibility of discovering it. This would be far more mischievous in England, where there is no law of retaliation, than other countries, where a false witness undergoes the same punishment as should have been inflicted upon the accused person, if his words had been found true. But the law of England doth require two witnesses unto the same thing in the statute, Ed. VI. and the stat. 3 Eliz. 2 and 13 Car. 22." He then argues with great power that if the modern doctrine prevail, we may all say in the language of one of the worst magistrates Rome ever had, 'scituros neminem se invito reperiri posse insontem.' In these sentiments we express our hearty concurrence. They are essential to the preservation of human rights. The passages of scripture bearing on the case are numerous and clear, as Numbers xxxv. 30, Deut. xvii. 6, and xix. 15, Matt. xviii. 16, John viii. 17, and 1 Tim. v. 19. The apostolic canons admit the same rule and point to the scriptures as authority. We have long observed that no small portion of the cases of appeal and complaint in our higher church courts are those, in which there has been a neglect of this great and essential principle by the court, in which process commenced.

Mention has been made in the quotation from Sidney of the "law of retaliation." To many readers the word sounds harshly, because it is commonly applied to private revenge. But Sidney has given the true meaning of the phrase. The law is a good one.

The conduct of the lord Howard, whose testimony, in the case of Lord Russell, did by no means tally with his testimony in the trial of Sidney reminds one of the old proverb—a liar ought to have a good memory. Verily it is even so. Rhetorical flourishes in the witness-box are as much out of place as in the pulpit. In both cases they are a poor substitute for plain truth. Preaching is testifying. The more clear the mind and words of the witness the better. But we dismiss further thoughts on this trial.

That, which above all other things has made Sidney a benefactor to his race is his immortal work on government. It covers five hundred and eight pages quarto, and is an imperishable monument of his genius, learning and patriotism. It is divided into three chapters (a modern would say books.) The chapters are divided into sections (which a modern would call chapters.) The first chapter contains twenty sections; the second chapter contains thirty-two sections; and the third forty-six—in all ninety-eight distinct topics of discussion. We will give the titles omitting the numbers. The first chapter contains these sections; The Introduction; The common notions of Liberty are not from School-divines but from Nature; Implicit faith belongs to fools, and Truth is comprehended by examining principles; The rights of particular nations cannot subsist, if general principles contrary to them are received as true; To depend upon the will of a man is Slavery; God leaves to man the choice of forms of Government, and those who constitute one form may abrogate it; Abraham and the Patriarchs were not kings; Nimrod was the first king during the life of Cush, Ham, Shem, and Noah; The power of a Father belongs only to a Father; Such as enter into society, must in some degree, diminish their liberty; No man comes to command many unless by consent, or by force; The pretended paternal right is divisible or indivisible, if divisible it is extinguished, if indivisible universal; There was no shadow of a paternal kingdom amongst the Hebrews, nor precept for it; If the paternal right had included dominion, and was to be transferred to a single heir it must perish, if he were not known, and could be applied to no other person; The ancients chose those to be kings who excelled in the virtues that are most beneficial to civil societies; God, having given the government of the world to no one man, nor declared how it should be divided, left it to the will of man; If a right of dominion were esteemed hereditary according to the law of nature, a multitude of destructive and inextricable controversies would thereupon arise; Kings cannot confer the right of father upon princes, nor princes upon kings.

The sections of the second chapters have these titles: That it is natural for nations to govern or to choose governors, and

that virtue only gives a natural preference of one man above another, or reason why one should be chosen rather than another: Every man that has children, has the right of a father, and is capable of preferment in a society composed of many: Government is not instituted for the good of the governor, but of the governed; and power is not an advantage but a burden: The paternal right devolves to, and is inherited by all the children: Freemen join together and frame greater or less societies, and give such forms to them as best please themselves: They, who have a right of choosing a king, have the right of making a king: The laws of every nation are the measure of magistratical power: There is no natural propensity in man or beast to monarchy: The government instituted by God over the Israelites was aristocratical: Aristotle was not simply for monarchy, or against popular government; but approved or disapproved of either according to circumstances; Liberty produces virtue, order, and stability; slavery is accompanied with vice, weakness, and misery: The glory, virtue, and power of the Romans began and ended with their liberty: There is no disorder or prejudice in changing the name or number of magistrates, while the root and principle of their power continues entire: No sedition was hurtful to Rome, till through their prosperity some men gained a power above the laws: The empire of Rome perpetually decayed, when it fell into the hands of one man: The best governments of the world have been composed of monarchy, aristocracy, and democracy: Good governments admit of changes in the superstructures, whilst the foundations remain unchangeable: Xenophon, in blaming the disorders of democracies, favours aristocracies, not monarchies: That corruption and venality which is common to courts, is seldom found in popular governments: Man's natural love to liberty is tempered by reason, which originally is his nature: Mixed and popular governments preserve peace and manage wars better than absolute monarchies: Commonwealths seek peace or war, according to the variety of their constitutions: That is the best government, which provides best for war: Popular governments are less subject to civil disorders than monarchies, manage them more ably, and more easily recover out of them: Courts are more subject

to venality and corruption than popular governments: Civil tumults and wars are not the greatest evils that befall nations: The mischiefs and cruelties proceeding from tyranny are greater [evils] than any that can come from popular or mixed governments: Men living under popular or mixed governments are more careful of the public good, than in absolute monarchies; There is no assurance that the distempers of a state shall be cured by the wisdom of a prince: A monarchy cannot be regulated unless the powers of a monarch are limited by law: The liberties of nations are from God and nature, not from kings: The contracts made between magistrates and the nations that created them, were real, solemn, and obligatory.

The sections of the third chapter are as follows: Kings, not being fathers of their people, nor excelling all others in virtue, can have no other just power than what the laws give; nor any title to the privileges of the Lord's anointed. The kings of Israel and Judah were under a law not safely to be transgressed. Samuel did not describe to the Israelites the glory of a free monarchy, but the evils the people should suffer, that he might divert them from having a king. No people can be obliged to suffer from their kings what they have not a right to do. The mischiefs suffered from wicked kings are such as render it both reasonable and just, for all nations, that have virtue and power, to exert both in repelling them. It is not good for such nations as will have kings, to suffer them to be glorious, powerful, and abounding in riches. When the Israelites asked for such a king as the nations about them had, they asked for a tyrant, though they did not call him so. Under the name of tribute, no more is understood than what the law of each nation gives to the supreme magistrate for the defraying of public charges; to which the customs of the Romans, or offerings of the Jews have no relation. Our own laws confirm to us the enjoyment of our own native rights. The words of St. Paul, enjoining obedience to higher powers, favour all sorts of government no less than monarchy. That which is not just is not law, and that which is not law ought not to be obeyed. The right and power of a magistrate depend upon his institution and not upon his name. Laws were

made to direct and instruct magistrates, and, if they will not be directed, to restrain them. Laws are not made by kings, not because they are busied in greater matters than doing justice, but because nations will be governed by rule and not arbitrarily. A general presumption that kings will govern well is not a sufficient security to the people. The observation of the laws of nature is absurdly expected from tyrants, who set themselves up against all laws; and he that subjects kings to no other law, than what is common to tyrants, destroys their king. Kings cannot be the interpreters of the oath they take. The next in blood to deceased kings cannot generally be said to be kings, till they are crowned. The greatest enemy of a just magistrate is he who endeavours to invalidate the contract between him and the people, or to corrupt their manners. Unjust commands are not to be obeyed; and no man is obliged to suffer for not obeying such as are against law. It cannot be for the good of the people, that the magistrates have a power above the law; and he is not a magistrate who has not his power by law. The rigour of the law is to be tempered by men of known integrity and judgment; and not by the prince, who may be ignorant or vicious. Aristotle proves that no man is to be entrusted with an absolute power, by shewing that no one knows how to execute it, but such a man as is not to be found. The power of Augustus Cæsar was not given but usurped. The regal power was not the first in this nation; nor necessarily to be continued, though it had been the first. Though the king may be entrusted with the power of choosing judges, yet that by which they act is from the law. Magna Charta was not the original, but a declaration of the English liberties. The king's power is not restrained but created by that and other laws; and the nation that made them can only correct the defects of them. The English nation has always been governed by itself or its representatives. The king was never master of the soil. Henry the First was king of England by as good a title as any of his predecessors or successors. Free nations have a right of meeting when and where they please, unless they deprive themselves of it. The powers of kings are so various, according to the constitutions of several states,

that no consequence can be drawn to the prejudice or advantage of any one, merely from the name. The liberty of a people is the gift of God and nature. No veneration paid, or honour conferred upon a just and lawful magistrate can diminish the liberty of a nation. The authority given by our law to the acts performed by a king *de facto*, detracts nothing from the people's right of creating whom they please. The general revolt of a nation cannot be called a rebellion. The English government was not ill constituted; the defects more lately observed proceeding from the change of manners and the corruption of the times. The power of calling and dissolving parliaments is not simply in the king. The variety of customs in choosing parliament-men, and the errors a people may commit, neither prove that kings are or ought to be absolute. Those kings only are heads of the people, who are good, wise, and seek to advance no interest but that of the public. Good laws prescribe easy and safe remedies against the evils proceeding from the vices or infirmities of the magistrate; and when they fail, they must be supplied. The people for whom and by whom the magistrate is created, can only judge whether he rightly performs his office or not. The person that wears the crown cannot determine the affairs, which the law refers to the king. Proclamations are not laws. A people that is not free cannot substitute delegates. The legislative power is always arbitrary, and not to be trusted in the hands of any, who are not bound to obey the laws they make. The coercive power of the law proceeds from the authority of parliament.

Such are the topics of argument in this great work on Government. Those, who will read it through will probably agree with distinguished men, who have declared that the loss of Cicero's work in nine chapters "*De Republica*" is, to all the ends of liberty, well repaired by Sidney's Discourses. When its principles shall be well understood and honestly carried out, earth will keep jubilee. Of Sidney, Burnet has said: "He had studied the history of government, in all its branches, beyond any man I ever knew." A new and handsome edition of this work is called for and would do great good to the youth of this country, not that our people have

any considerable tendency to monarchy, much less to absolutism; but many are republicans for reasons unknown to themselves, and avowed friends of liberty, without knowing the difference between liberty and licentiousness. The editor of Milton's *Eikonoklastes*, says, that "Algernon Sidney's Discourses concerning government are the most precious legacy to these nations." The nations that are here mentioned are those under British rule. But much that is valuable in the British constitution is also found amongst us. We are concerned to know the history of our liberties, the price paid for them, the perils they have encountered, and the victories they have achieved. If these topics shall ever cease to be interesting subjects of inquiry to Americans, our liberties will be gone and probably forever. Already influences, hostile to our institutions, are at work. If met and opposed in time with fearlessness and ability, they will prove harmless in the end as to the great cause. But if they shall be connived at for a while, and the nation lulled into security, they will hasten to subvert the fairest fabric of political wisdom the earth ever saw.

The work to which Sidney's is an answer, is entitled, "*Patriarcha*," and was written by Sir Robert Filmer, who seems to have regarded absolute monarchy as the only lawful or desirable form of government on earth. We had intended to give one or two of Sidney's sections entire, but find that they would make this article too long. Every intelligent reader of this work must be struck with the fact that it is the great arsenal, whence the friends of freedom in Britain and America, have drawn their weapons for the last two hundred years. Many of the very words, phrases and propositions, which have become consecrated in the war of freedom, are here found laid up as in a storehouse. We do not say that Sidney was the first, who presented them to the world. Many of them we know he did not. Indeed, it has been our belief for a long time that the political tracts written against the house of Stuart were the ablest the world has ever seen. Men wrote at the peril of their liberties and lives. Their opponents, in some cases at least, were giants in learning. Royal gold was showered upon the defenders of arbitrary power. The stake

on both sides was immense. England never had men of more solid learning than in the seventeenth century. Milton has well described his country when he says: "Lords and Commons of England behold now this vast city; a city of refuge, the mansion house of liberty, encompassed and surrounded with his protection; the shop of war hath not there more anvils and hammers waking, to fashion out the plates and instruments of armed justice in defence of beleaguered truth, then there be pens and heads there sitting by their studious lamps, musing, searching, revolving new notions and ideas, wherewith to present, as with their homage and their fealty, the approaching Reformation; others as fast reading, trying all things, assenting to the force of reason and convincement. What could a man require more from a nation so pliant and so prone to seek after knowledge? What wants there to such a toward and pregnant soile, but wise and faithful labourers, to make a knowing people, a nation of prophets, of sages, and of worthies?" Warburton too has said that in the middle of that century, "the spirit of liberty was at its height, by a successful struggle against court oppression, and it was conducted and supported by a set of the greatest geniuses for government the world ever saw." It was in the days of such men, that Sidney thought out his great work on government. In reading it nothing strikes the mind more than his prodigious learning. Not an author of any note seems to have escaped his examination. Moses and all the prophets, Josephus, Philo, Aristotle, Plato, Xenophon, Livy, Tacitus, Cicero, Plutarch, in fine, poets, historians, lawgivers, metaphysicians and patriots of all ages and countries seem to have brought iron and stone and timber and gold and silver and precious stones to strengthen or adorn this splendid edifice. The great maxim pervading the whole work and giving it unusual value in the eyes of sober men is that suggested by Livy—*Potentiora legum quam hominum imperia*. The will of men, the king not excepted, must bow to the majesty of law. The closing sentence of the whole work is in these words: "If we examine our history, we shall find, that every good and generous prince has sought to establish our liberties, as much as the most base and wicked to infringe them."

One cannot but notice in the history of the world how mankind are affected by examples both good and evil. Nero, Caligula, and Domitian filled the Roman empire with petty tyrants. Pope Alexander VI. and his son Cesar Borgia had myriads of imitators. The Duke of Alva and Aquaviva breathed their spirit into thousands. Charles IX of France had thousands greedy to do the work of blood at his nod. Evil example is peculiarly contagious. But the history of the world is not without instances of the power of example for good. In literature what a constellation of bright stars appeared in the days of Queen Anne. Their light shines to this day. In love of country what illustrious men were our own fathers of '76. It is true that times make men. But it is more true that men make the times, that is, they stamp upon each succeeding age its peculiar features. Great as was Washington it cannot be doubted that he often kindled his torch light of liberty at the fires of his compatriots, as all of them did at his. If Washington had never been born, these states would have been free and independent, perhaps not so soon, perhaps with not so little loss of life and treasure, but with as much certainty as ever attends events of that nature. The millions of free hearts, surrounding him, made Washington, under God, what he became. Just so in the days of Sidney, patriots took counsel together and roused each other's noblest thoughts and emotions to a higher pitch. John Hampden, who fell in defence of the liberties of his country; John Milton, who has immortalized himself no less by his political than by his poetical writings; Coke, who with all his oddities will ever be recognized as a great constitutional lawyer; Selden, who yet stands unrivalled in the range and accuracy of his knowledge, in all matters touching human rights and obligations; Matthew Hale, who deserves to be surnamed the Just, were of that age and poured streams of light on the most important subjects of inquiry. In the same age lived Pym, Vane, St. John, Ludlow, Philips, Bradshaw, Fairfax, Eliot, Seymour, Thomas Scot, Challoner, Neville, Henry Marten, Sandys, Haselrigge, Fleetwood and hosts of others, whose names are never to be mentioned, but with a profound obeisance to their abilities and worth. Had Sidney been but half a man by nature, and

yet mingled freely with such giants and patriots, he could not have been unworthy of notice. But bringing with him into the world more genius than commonly falls to the lot of even able men, and having such stimulus to study as his age and country gave him, he became a terror to tyrants and the idol of freemen.

Nor will his name ever cease to be honoured by the good and wise. Hume indeed with characteristic adroitness speaks of him as "this gallant person," yet soon after calls him "this singular personage." He says he had too much "greatness of mind" to deny his participation in the conspiracy of Charles II. Macaulay says but little of him, and strangely adds: "He died with the fortitude of a stoic." Clarendon gives not his character at all. Burnet says: "He was a man of most extraordinary courage," and adds, that "he seemed to be a Christian." He also says a good deal to his disparagement. But Burnet had two great faults. He wrote too much, and had very little discrimination. Whether Sidney's magnanimity were stoical or Christian, let candid men judge by his prayer when the brutal Jeffreys pronounced with brutal ferocity, the cruelest sentence we ever read: "Then O God, I beseech thee to sanctify these sufferings unto me, and impute not my blood to my country nor the city, through which I am to be drawn; let no inquisition be made for it, but if any, and the shedding of blood that is innocent must be revenged, let the weight of it fall upon those that maliciously persecute me for righteousness sake." So also in the paper which he delivered to the sheriffs on the day of his death, he says: "The Lord sanctify these my sufferings unto me! and though I fall as a sacrifice to idols, suffer not idolatry to be established in this land! Bless thy people and save them, defend thine own cause, and save those that defend it. Stir up such as are faint; direct those that are willing; confirm those that waver; give wisdom and integrity unto all. Order all things so, as may most rebound to thine own glory. Grant that I may die glorifying thee for all thy mercies; and that at the last thou hast permitted me to be singled out as a witness of thy truth." If this be the fortitude of the stoic, may all be stoics.

It relieves the mind of a good man to know that England

has done all that was in her power to repair the wrongs done to Sidney. He was executed December 7, 1683. In 1688, the detestable Stuarts were spurned out by the whole kingdom, and then began a better state of things. One of the first acts of parliament under William and Mary was to repeal his attainder in an act the preamble of which set forth that "by means of an unlawful return of jurors, and by denial of his lawful challenges to divers of them, for want of freehold, and without sufficient legal evidence of any treasons committed by him; there being produced a paper, found in the closet of the said Algernon, supposed to be his hand-writing; which was not proved by the testimony of any one witness to be written by him; but the jury was directed to believe it by comparing it with the other writings of the said Algernon; and besides that paper so produced, there was but one single witness to prove any matter against the said Algernon; and by a partial and unjust construction of the statute, declaring what was his treason, he, Algernon Sidney, Esq., was most unjustly and wrongfully convicted and attainted, and afterwards executed; therefore that the said conviction and attainder be repealed and reversed, and to the end that right be done to the memory of the said Algernon Sidney, deceased, be it further enacted, That all records and proceedings relating to the said attainder be wholly cancelled and taken off the file, or otherwise defaced and obliterated to the intent that the same may not be visible in after ages: and that the records and proceedings relating to the said conviction, judgment and attainder, in the court of Kings-bench now remaining, shall, and be brought into the court this present Easter term, and then and there be taken off the file and cancelled." We suppose every lover of truth and righteousness will approve of this *expunging*. True, Algernon Sidney, himself, could not be called from the dead, nor is it proof of any high virtue to praise the virtuous dead. The old murderous Jews built and whitened the sepulchres of their martyred prophets. Still, when a great and irreparable wrong has been committed, nature would seem to dictate no less than putting the names of the murderers where they hoped to put the names of martyrs—in perpetual infamy. To Hampden, to Cromwell, to

Bunyan, monuments have been erected in their native land. We have heard of none to Algernon Sidney. His name is happily united with that of Hampden in one of the old and honoured institutions of our country—a school founded in all the ardour for liberty generated by the American revolution. We refer to Hampden Sidney College in Virginia—Virginia, pronounced by Lord Cornwallis as he marched through it, “THIS UNTERRIFIED COMMONWEALTH.” It has been with peculiar pleasure that we have noticed the regenerated vigour of this venerated school, may it flourish more and more, not merely for the honour of the memory of two so illustrious men, though that is by no means to be undervalued, but more for the good and honour of our happy country, and still more for the spread of the knowledge of the great salvation. For that college was founded not only in the glow of pure patriotism, but in the tears and prayers, the faith and self-denial of some of the best Christian men Virginia or the world ever saw. It has educated a President of the United States, many able statesmen, many excellent physicians, and a great body of liberal and distinguished planters and merchants. But, perhaps, the most important service it has rendered, is to be found in the scores of godly ministers it has furnished to edify the church of God.

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ART. II.—*The Thirteenth Annual Report of the Board of Foreign Missions of the Presbyterian Church: 1850.*

THE work of Christian Missions involves many practical questions of serious moment; to one of which we wish now to call the attention of our readers, viz. the return of missionaries from their field of labour, either for a limited time, or as a permanent measure. We find examples of both referred to in the last Report of our Foreign Board, and similar cases have been reported almost every year. These are recorded with a brief but explicit statement, in each case respectively, of the reasons which led to the temporary or final withdrawal from