

CUMMINGS, *THE CHARACTER OF A RIGHTEOUS RULER*

Archibald Cummings, *The Character of a Righteous Ruler. A Sermon upon the Death of the Honorable Patrick Gordon, Esq; Lieutenant-Governor of the Province of Pennsylvania, &c. Preach'd at Christ's Church in Philadelphia, Aug. 8. 1736* (Philadelphia, PA: Andrew Bradford, 1736).

As elites established greater political pre-eminence in increasingly wealthy and socially differentiated but also stable colonies, and as imperial tensions eased after the Glorious Revolution, Protestant clergymen sermonized about character and good governance. The most famous works included Samuel Willard, *The Character of a Good Ruler* (1694), Joseph Sewall, *The Character and Blessedness of the Upright* (1717), Samuel Fisk[e], *The Character of the Candidates for Civil Government* (1731), Elnathan Whitman, *The Character of a Good Ruler* (1745) and Ebenezer Gay, *The Character and Work of Good Rulers* (1745). All these were puritans, but the Anglican Archibald Cummings (1691–1741) expressed similar ideas in *The Character of a Righteous Ruler*.

Unsurprisingly, clergymen thought Godliness essential to good governance, and perhaps felt compelled to say so to assert their own relevance in increasingly secular societies.¹ Cummings thus recommends that a ruler shows 'diligent observance of the ... Duties of *Religion* in his own Person ... to promote the same in others; not only by his own Example', but also by using 'his *authority*, to discredit and suppress all licentious Practices, all profane and destructive Principles, all Vice and Debauchery, all Faction and Disorder' (below, p. 88). For Cummings, a righteous ruler should be God-like as well as Godly:

He is *no respecter of Persons* in matters of *right*, but impartially Defends the Poor and Fatherless in a righteous Cause; doth Justice and shews Mercy to the Afflicted and Needy, and delivers him out of the hand of the Wicked. (below, p. 87)

Religious virtues were not only essential for their own sakes and to prevent the 'Ruine of Cities and Countries' (below, p. 88), but also for good day-to-day governance. After a short introduction outlining 'the absolute Necessity of Gov-

ernment, to the being, and well-being, to the support and happiness of every Society' (below, p. 85), Cummings states that 'A *righteous Ruler* ... disdains all selfish, narrow views, that appear inconsistent with the good of the *Community*' (below, p. 86). This means that,

whatsoever Difficulties and Oppositions he may encounter, yet shall his *Integrity* guide, direct and prosper his Undertakings ... He will shew in all things an open candor and frankness of Mind, an honest Freedom, and disinterested, generous Behaviour ... No Interest or Influence, no Opinion or Party whatsoever, can draw him into mean and sordid Compliances, to violate his *Honor* and *Conscience* (below, p. 87)

Righteous rulers were supposed to be honest brokers in imperial as well as local matters, which, Cummings makes clear, was a complicated mediation. A governor had to respect both 'those above him and those over whom he presides', so 'a *righteous, subordinate Ruler*, will be always careful to preserve his Duty and Allegiance to his *Prince*, in such a manner, as that it may not interfere with his Care of and Fidelity to the *public Welfare*' (below, pp. 87–8). Cummings also applies these virtues to late governor Patrick Gordon and outlines '*what good reason People have to Rejoice*, under such a One's Administration' (below, p. 85).

As well as general principles, Cummings's tract reflects the particularities of contemporary Pennsylvanian and imperial politics. Patrick Gordon (c. 1664–1736), probably Scottish-born, was a long-term soldier who served as major under the Duke of Marlborough. Thomas Penn (William's son and heir) appointed him Pennsylvania's Lieutenant Governor (Penn as proprietor was Governor) in April 1726 to sideline the factious Sir William Keith, who had been Governor 1717–26. Keith then won a seat in the assembly where he acted with what Cummings calls 'the malice and petulance of Men turbulent and ungovernable' (below, p. 88). In 1728, the bankrupt Keith fled Philadelphia and later served time in debtors' prison, and Pennsylvania then enjoyed relative political calm. Gordon told the assembly he knew nothing of political machinations but would be frank and straightforward. He met his Council regularly, made friends with the influential James Logan, allowed the assembly to extend its powers by reforming the court system, and ignored Board of Trade Instructions to restrict paper money, though he also sanctioned increasingly harsh slave laws and taxes on foreign immigrants.²

If Gordon largely practised what Cummings preached, Cummings often did not. After three years as military chaplain in Gibraltar, Cummings was appointed Rector of Christ Church, Philadelphia, in January 1726. He conducted a feud with his assistant, Richard Peters, refused to allow George Whitefield his pulpit, wrote at least one anti-evangelical and anti-Calvinist tract, and barred African Americans from his congregation. Nevertheless, his views reflected what he and others expected of colonial governors.³

Notes:

1. N.-S. Huang, *Benjamin Franklin in American Thought and Culture 1790–1990* (Philadelphia, PA: American Philosophical Society, 1994), pp. 15–16; T. H. Breen, *The Character of the Good Ruler: A Study of Puritan Political Ideas in New England, 1630–1730* (New York: Norton, 1970).
2. R. T. Cornish, 'Gordon, Patrick, (c. 1664–5 August 1736)', in *Oxford Dictionary of National Biography*, H. C. G. Matthew and B. Harrison, 60 vols (Oxford: Oxford University Press, 2004), vol. 22, pp. 951–2; A. Tully, *William Penn's Legacy: Politics and Social Structure in Provincial Pennsylvania, 1726–1755* (Baltimore, MD: Johns Hopkins University Press, 1977); M. C. Baseler, *Asylum for Mankind: America 1607–1800* (Ithaca, NY: Cornell University Press, 1998), pp. 72–3.
3. He certainly wrote *Faith Absolutely Necessary, but not Sufficient to Salvation without Good Works: In Two Sermons ... Published in their own Vindication, from the False and Rash Reflections of the Famous Mr. Whitefield* (1740) and either he or Richard Peters wrote 'Divine Prescience Consistent with Human Liberty: or Mr. Wesley's Opinion of Election an Reprobation, Prov'd to be Not so Absurd as Represented in a Late Letter ... but to be Clear of those Destructive Consequences that will Forever Attend the Calvinistical Doctrine of Absolute Fatality', printed in John Checkley, *Dialogues, between a Minister and an Honest Country-Man, concerning Election and Predestination* (1741). See W. S. Perry, *The History of the American Episcopal Church, 1587–1883* (Boston, MA: J. R. Osgood, 1885); D. M. Gough, *Christ Church, Philadelphia: The Nation's Church in a Changing City* (Philadelphia, PA: University of Pennsylvania Press, 1995), pp. 43–66; G. B. Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720–1840* (Cambridge, MA: Harvard University Press, 1988), p. 20.

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The Character of a righteous Ruler.

A

SERMON

Upon the Death of the Honorable

Patrick Gordon, Esq;

Lieutenant-Governor of the Province of

PENNSYLVANIA, &C.

Preach'd at CHRIST'S CHURCH in Philadelphia,

Aug. 8. 1736

BY

Archibald Cummings, M.A

Rector of the said Church, *and*

Commissary to the Bishop of

LONDON.

Published at the request of several Gentlemen in this City.

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THE CHARACTER OF A RIGHTEOUS RULER.

PROVERBS xxix, 2.

When the Righteous are in Authority, the People rejoice – .

THIS Text is to be ranked among the many political Observations made by King *Solomon*;¹ for making of which he was duly, nay excellently well qualified; seeing at the beginning of his Reign, he earnestly requested and graciously obtained of GOD, a wise and understanding / Heart, to render him capable of ruling over, and governing the People committed to his Charge, in a manner most becoming himself and profitable to them.

Good and *righteous Rulers* are justly to be reckon'd among the chiefest and choicest Blessings, that Heaven can bestow on Men formed into Society; and consequently the Loss of them may be well accounted as severe an Affliction, as can befall a Country. GOD in his wise and just Providence, has lately deprived us of a *Governor*, of whose *uprightness* all unprejudiced Persons are so sensible, as to regret his Loss; and it seems to be the general Wish, that his Successors in Office may act the same upright and disinterested part, in the exercise of *power* and *authority*: that so all Ranks of *People* among us may have just reason to Rejoice.

In further discoursing on this Subject, I propose,

I. To draw the Character of a *righteous Ruler*. And, /

II. To point out what *good reason People have to Rejoice*, under such a One's Administration.

But before I proceed to consider these two Heads distinctly, it may not be improper to premise,

That Men can scarcely be supposed ignorant of the absolute Necessity of *Government*, to the being, and well-being, to the support and happiness of every Society; and that the Ends thereof cannot possibly be obtained, without the appointment of Superior and Inferior *Magistrates*, to preside over, to rule and govern the rest of Mankind: For without *Rulers*, all of us should soon feel the unhappy and dismal Consequences of Anarchy and Confusion: Every one would (because with impunity he might) do *what seemed right in his own Eyes*.

Men, being set loose from legal restraints, would turn themselves, as it were, into Beasts of Prey: They would quickly spread disorder and confusion through the whole Compass of their uncontrolled Rage. This is no more than the natural offspring of wild, licentious Notions: Nay, 'tis indeed / the necessary, unavoidable Consequence of Mens imagining *Government* to be an unreasonable *Burden*, a slavish and unnatural Imposition; and that all Mankind are invested with an equal share of *Authority* over one another. Truly, should Men but once generally embrace such *levelling Notions*, and suffer their Actions to be influenced by *them*, we should soon, to our sorrowful Experience, see this beautiful World turned into a desolate Wilderness, or frightful *Akeldama*.² Such unreasonable Notions do manifestly proceed from *envying and strife*; and must therefore, according to the Apostle's Observation, *produce confusion and every evil work*. (Jam, iii. 16.) Were Men duly sensible of the great Advantages, which are enjoyed under a *well modell'd Government*; they would readily perceive, that the Power and *Authority* of *righteous Rulers*, contributes to the ease and security of the *People*: And on the other hand, the Liberties and Privileges of a *free People* are a great Support, as well as Ornament to *just Authority*. It ought verily to be matter of great *joy* and *thankfulness* to us, that in our civil Constitution, the Boundaries of *power* and *right* are so well contrived / and adjusted, as to secure the great Ends of *Government*, and to promote the ease and safety of every individual Member of the Society: If the *righteous be put and continued in Authority* among us, we may banish from our Minds all Apprehensions of Violence and Oppression; and as little dread the effects of Injustice and *Tyranny*, as any People whatsoever: *Every one may dwell safely under his own Vine, and securely enjoy the fruits of his labour*.³ And may no specious Pretences, no turbulent Measures ever remove from us this good Foundation and Establishment of *civil Government*. – This being premised, I now proceed, as I proposed:

I. To draw the Character of a *righteous Ruler*; so, as in the main strokes thereof, I may call to your remembrance the Memory of our *late deceased Governor*.

A *righteous Ruler* then, is One that in all his Designs and Actions, proposes and pursues the Welfare and Prosperity of the *Public*; and disdains all selfish, narrow views, that appear inconsistent with the good of the *Community*. He may not, perhaps, be / capable to contrive, or able to prosecute the Management of some *intricate Affairs*, by his own dexterity, skill, and application: He may not, 'tis probable, have a deeper Penetration, a farther Insight into the nature and tendency, the use and application of *mere Politicks*, than others: But then, making just Allowance for the difference of Men's natural Capacities, their Education and Converse in the World, upon which the remarkable variety of Men's respective Abilities for *Business* doth in a great measure depend; making, I *say*, just Allowance in these respects, a *righteous Ruler* will, doubtless, excel one that

is not so, in the right Management of those Transactions which Providence calls him unto; and whatsoever Difficulties and Oppositions he may encounter, yet shall his *Integrity* guide, direct and prosper his Undertakings: And he will more adorn the Station which he possesseth in the World, than one who has recourse to *indirect Arts*, and the unrighteous methods of Dissimulation and Dishonesty. He will shew in all things an open candor and frankness of Mind, an honest Freedom, and disinterested, generous Behaviour. His *upright* Intentions will keep him steady and / uniform in all his Proceedings. Neither the Enticements or Threatnings of *ill-designing Men*, can draw, or deter him from walking in the even and direct Paths of *Virtue*. Neither can the Murmurings or Madness of a deluded Multitude hinder him from *doing the Thing that is Right, from speaking the Truth from his Heart*. No Interest or Influence, no Opinion or Party whatsoever, can draw him into mean and sordid Compliances, to violate his *Honor* and *Conscience*; for he dreads none but GOD, nor fears to do any thing but what is mis-becoming *him*. He is *no respecter of Persons* in matters of *right*, but impartially Defends the Poor and Fatherless in a righteous Cause; doth Justice and shews Mercy to the Afflicted and Needy, and delivers him out of the hand of the Wicked. This was the *Character of righteous Job*, when he was in *authority*; and the remembrance of his upright Conduct then, administred Comfort and Satisfaction to him afterwards, when under the pressure of his grievous Sufferings. *Because, says he, (Job xxix 12, –) I delivered the poor that cried, and the fatherless, and him that had none to help him: The Blessing of him that was ready to perish, / came upon me; and I caused the Widows heart to sing for joy. I put on righteousness, and it cloathed me; my Judgment was a Robe and a Diadem. I was eyes to the blind, and feet was I to the lame. I was a father to the poor, and the Cause, which I knew not, I searched out.* In like manner did *Samuel* appeal to the People of *Israel*, when he resigned his own *authority* over them, and anointed *Saul* to be their King. 1 Sam. xii. 3. *Behold, says he, here I am, witness against me before the Lord, and before his Anointed: whose Ox have I taken? or whom have I defrauded? whom have I oppressed? or of whose hand have I taken a bribe, to blind mine eyes therewith? and I will restore it you.*⁴ And whosoever can sincerely make this good *Profession*, when he resigns his *authority* either at Death or otherwise, as he has sufficient reason of rejoicing himself, from *the testimony of a good Conscience*; so will a *grateful People* equally rejoice, for his having faithfully discharged the Trust reposed in him; and will readily pay all the acknowledgements, that are justly due for *public Benefits*. /

Again, a *righteous and prudent Ruler* looks upon himself in a *double Capacity*; and considers that he has a *Trust* both with reference to those above him, and those over whom he presides; and therefore studies to carry an even hand, and do the just part by *both*. Being the *chief Magistrate* in a well mix'd and temper'd Constitution of *Government*, he regards the *Laws*, as the common Measure and

Guard both of *Property* and *Prerogative*; and suffers not the one to degenerate into *Tyranny*, nor the other into *Sedition*, and neither into *Oppression*, through the malice and petulancy of Men turbulent and ungovernable; and scarce ever contented, let the Administration be never so regular, and well managed.

In a word, a *righteous, subordinate Ruler*, will be always careful to preserve his Duty and Allegiance to his *Prince*, in such a manner, as that it may not interfere with his Care of and Fidelity to the *public Welfare*; as well knowing, that where *Princes* Protect and Defend their Subjects, and injure them not in their *legal Rights* and *Liberties*, the *Subjects* are bound to Reverence and Obey their *Princes*. These / he considers as *essential Boundaries*, as *reciprocal Duties*, founded even on the eternal respects of things; for natural Equity, plain Reason, and the unavoidable necessities of our state and condition, exact and require them.

There is still one thing more necessary, to finish the Character of a *righteous Ruler*; and to endear him effectually to the serious, the better and wiser part of Mankind; and that is, a just and reasonable Concern for the *honor of GOD*; a diligent observance of the moral or positive Duties of *Religion* in his own Person, and a careful endeavor to promote the same in others; not only by his own Example, but by proper Encouragements. He regards GOD as the original Fountain of all *Power*, the Bestower of temporal as well as spiritual Blessings: And considers, that *Religion*, when 'tis duly taught, and rightly understood, when 'tis propagated and embraced in its native Purity, free from Hypocrisy, false Zeal, and Superstition; he considers, I say, that such a pure and reasonable *Religion*, doth so much influence and affect the *civil State*, that the Happiness and Ruine of / Cities and Countries, are inseparably linked with the flourishing or decaying state, with the well or ill management of *it*.

In pursuance therefore of his Zeal for the glory of GOD, and credit of *Religion*, a *righteous Ruler* will make use of his *authority*, to discredit and suppress all licentious Practices, all profane and destructive Principles, all Vice and Debauchery, all Faction and Disorder; with the restless Maintainers and Abettors of them. He will hold no secret friendship, no strict familiarity with the declared, open Enemies of Godliness; because he wisely considers, that to act otherwise, would betray the honor of his *supreme Constituent*, by prostituting his *authority* to countenance and encourage *what his Soul abhorreth*. A *righteous Ruler* always acts with a humble Dependance upon the wise Disposer of all things: He considers by whom, and for what End he was *raised above his Brethren*; and therefore Governs such as are committed to his Charge, in the Fear of GOD, always remembering the solemn Account he must one Day make of *his Stewardship*. /

One in *authority*, acting on such worthy Principles as *these*, will carefully direct all his Councils, and steer all his Actions, not by the giddy blasts of popular Applause, but by the due sense of his known Duty: He will not study so much to ingratiate himself with Men, as to keep a *Conscience void of Offence*; will be more

careful to be really a *good* Magistrate, than to be a *beloved* one: Tho' in the issue, a *righteous Character* rarely fails to obtain the general esteem and approbation.

Upon the whole then, a *righteous Magistrate* is one that sincerely *fears GOD, and honors the King*; that is strictly observant of the Laws, and true to the Government; that encourages good and virtuous Persons, and *meddles not with*, but opposes *them who are given to Change*, under pretence of seeking the *public Good*, in opposition to *established Authority*. A Pretence this in *Politicks*, that nearly resembles the Practice of Empiricks in *another Faculty*, who effectually indeed cure Distempers; but their Patients are destroyed by their applications. When Men desire to *change* without just and urgent Reasons, they / thereby proclaim either their ignorance to be invincible, or their guilt and malice to be unpardonable. Even private Persons, by frequent unnecessary *Changes*, by shifting from one course to another, run the risque of losing their *Credit*; and gain little but the Character of unsteadiness. But in public Societies there may be some real Inconveniencies; which yet, like some Distempers in the Body, become more troublesome and dangerous, when tampered with, in order to a cure. So long as Men are weak enough to be misled, and the errors of some may be profitable to others, there will always be Dissensions, and Instruments employed to foment them. But should the restlessness and importunity of Men be suffered to break in upon the established Constitution of *Church or State*, the Event could only shew, to what mischievous Extremes the capricious humors of Men, once set on *changing*, would unavoidably run.

A *good and righteous Ruler* will therefore discountenance and stigmatize at least, if he cannot prevent or restrain, such dangerous Attempts. /

I proceed now to the Second thing I proposed, *viz.*

II. To point out *what good reason there is for rejoicing, under such an One's Administration.*

When the Righteous are in Authority, the People rejoice. And truly *People* have good, very good reason *to rejoice* in such a Case; because *good and upright Rulers* are a *public Blessing*; a Blessing as extensive as the *Community*, over which they preside. Their Piety and Virtue have generally a good influence upon the Manners of all inferior Orders of Men; who are thereby more easily persuaded, than by any other means, to tread in the same steps; being either ashamed or afraid to transgress the Laws of GOD, which they daily see so punctually observed by those in higher Stations.

Rulers and People (according to Archbishop *Tillotson's* just Observation*)⁵ seem to be / connected in a *moral* as well as *political* Capacity; and evil and guilt appear to be reciprocally communicated betwixt them: So that they are many times mutually rewarded for the *Virtues*, or punished for the *Faults* of one another.

* Vol. II. Fol. p. 218.

Thus GOD threatned the Israelites, to involve their *King* in their destruction, even when he was not partner in their *Sins*. 1 Sam. xii. 25. *But (says the LORD) if ye shall still do wickedly, ye shall be consumed, both ye and your King.*

There are plain Instances in holy *Scripture*, of the Proceedings of the Divine Justice in this manner: So that in Truth, Men have good reason to *rejoice* for their own sakes *when the Righteous are in Authority*; because the public Welfare is involved in theirs, and it often suffers on account of their personal Miscarriages. Thus *when David transgressed in numbring of the People; the Plague fell upon them*, (2 Sam. xxiv. 15.) He was punished in their calamity. And this was by no means unjust; because there are always Sins enough in every Country, to deserve Punishment; and GOD may take what occasion he / pleases to send Judgments on such as deserve them.

Add to this, that the good or ill Conduct of *Rulers*, nay, their very being and continuing *such*, may be sometimes entirely owing to a *People's* free Choice, or supine Neglect; and then very justly may the Faults and Miscarriages of the former, be imputed to and punished on the latter.

Again, since *righteous Rulers* look upon the whole Country, as a *Trust* committed to their Charge; and consider themselves as *Guardians* of the public Peace and Happiness; in which *view* they cannot make their own Interests distinct or separate from those of their *People*. How great soever their *Powers* may be, they will never think them well employed, but when the *public good* is promoted by the exercise of them: *People* therefore cannot choose, but be delighted with the enjoyment of all those good things, which render their lives easy, comfortable and happy. They must needs then *rejoice* in the Preservation, and *grieve* at the Departure of such a *Magistrate*, as / constantly endeavoured to secure these Advantages to them.

We are all, I confess, too apt to overlook these common, tho' great and valuable *Benefits*, which like deep Streams are gently and silently diffused among all the members of Society, *when the Righteous are in Authority*; yet may every one attain a due sense of such Benefits, by barely considering the Miseries, that attend upon a *wicked Ruler's* Administration: For as *Solomon* observes in the Words immediately following my Text, *when the wicked beareth Rule, the People Mourn.*⁶

An *unrighteous Magistrate*, neither keeps his own, nor the Pride and Insolence of others in due Subjection: In stead of restraining the injurious, or protecting the innocent, he will make a Trade of the *Powers* committed to him: He has Crimes of his own, that make him ashamed or afraid to punish them in others. His corrupt Affections, and selfish Views, will bias his Judgment; and incline him to reject virtuous and worthy Persons, from holding any Place of Profit under him; / and to employ those of a contrary Character, as more proper and pliable Instruments, to serve his sinister Purposes. Men, thus let loose from the ties of

Conscience, and the awe of civil Justice, are at full liberty to satiate their unruly Appetites, to glut their Revenge, and to commit all imaginable Outrages.

A *People* therefore far removed from the smart of such Calamities, by having the *Righteous in Authority* among them, have all the reason in the World to *rejoice*, and to be sincerely Thankful; since GOD has promised to charge his gracious Providence with them and their Concerns, so that *no harm shall come nigh their Dwellings; the Wicked shall not approach to hurt them.*

A deep and hearty sense of these Truths, would make *Rulers* and *Magistrates* strive to become as conspicuous by their *Piety* and *Uprightness*, as they are by their *Stations*. It would excite and encourage all orders of Men to esteem and honor *righteous Rulers*: Especially since *personal Virtues* and *public Characters* are two things / that separately have a right to Honor and Respect; but, when happily joined together, are to be accounted *worthy of double honor.*

The Memory of the *Righteous* will long survive their funeral Obsequies; and tho' Dead, yet shall they live in the praises of Posterity.

There is no Spice so sweet to embalm the Dead; no Marble so durable to perpetuate the remembrance of them, as a *virtuous* and *upright* Conversation. 'Tis *this* that perfumes the relicks of their Corruption; that preserves and defends their Character against malicious Obloquy: For however the Passions and Prejudices of Mankind may drive them sometimes from personal piques, to vilify and abuse the good Name and Reputation of the *Righteous*, on *this side the Grave*; yet, *beyond it*, for the most part the World is so just, as to allow them their due share of Veneration. 'Tis *Righteousness* that transforms Men into the Divine Image: 'Tis a Transcript of those Excellencies which make GOD the Object of our / Love and Wonder, our Praise and Adoration. How can we choose then, but admire and extol it in our fellow Creatures? Can we refuse Honor to their Memories, who have done Honor to *him*; and taken pains to promote the *public* Happiness and Welfare?

Having now gone through the *Two Heads* of Discourse, I proposed:

I shall leave it to yourselves to recollect the *Character* I have drawn of a *righteous Ruler*, and to apply it to the conduct of our *late deceased Governor*; according as you shall find the resemblance between them, upon a candid and impartial Examination.

For my own part, I verily believe that there are few, if any Instances can be produced, during his *Ten Years Administration*, wherein he made not the *establish'd Laws* the Rule of his Actions; wherein, *at least*, he had not the concurrent Advice of those, in whose Honesty and Ability, *he thought*, he might safely confide. /

In his private Capacity, such as knew him in the most intimate and familiar manner, discovered that *unaffected Candor* and *Sincerity* to be the genuine Disposition of his Mind, which visibly appear'd in his outward Mien and whole Demeanour. His *generous Beneficence* to helpless Orphans, and *Charity* to indi-

gent Persons, were extensive, and are well known in this Place; and render the Loss of such a *Benefactor*, very grievous and afflicting, to those who are of Age to think and be sensible of it.

All that knew him, will allow him to have been (what indeed every *righteous Man* is) a kind and obliging *Husband*, an affectionate *Father*, a careful *Master*, an agreeable *Companion*, and a faithful *Friend*; frugally Generous in his domestick affairs, and punctually Just in his Dealings with others.

His *Integrity* and *Sincerity* were supported by a natural Courage, and sense of *Honour*; and these too had been cultivated and improved in his Youth, by a strict military Education; and by polite Conversation afterwards, to which he was / introduced, both at Home and in foreign Countries, by the Commissions his Merits raised him to, in the Service of the *Crown*.

As to his *Religion*, he shew'd that he really had a due sense of, and regard to *it*, by frequenting the public Worship of GOD in this Place; where he always demean'd himself with that exemplary Seriousness, which well becomes the Presence and Service of the *great and glorious Majesty of Heaven and Earth*. And in truth, the *greatest Rulers* among Men, never appear so illustrious, as when they fall down before the *Altars of the Most High, worshipping him that Liveth for ever and ever*.

This much I thought myself in common justice obliged to say, in remembrance of our *deceased Governor*.

I thank GOD, I have a natural Aversion to Falshood and Flattery of every kind; and through his Grace, I hope, that no Temptation, Fear or Favour, shall induce me to make use of so vile deceitful Arts, in any Conversation, far less in *solemn Discourses* from this Place. /

What might have been amiss in *his*, or any others Conduct, I shall never pretend to justify: Yet may I safely affirm, that no Man should be denied his just share of Praise and Commendation, on account of a few Failings; and those too the common Infirmities of human Nature.

There are Blemishes on *great Men*, recorded in sacred and ancient History; and all, even the best of Men since, have had their slips and foibles: But these should be passed over with silent Tenderness; and are never to be remembered, for the encouragement of *detraction* or *evil speaking*; nor are they, I acknowledge, to be adduced and pretended as *plausible Excuses* for any Miscarriage whatsoever. No, they are principally designed for our greater Caution, Watchfulness and Circumspection; that we may rectify in our own lives, and strictly guard ourselves from falling into any enormities, that have been justly deem'd blame-worthy in others.

We should, on the other hand, industriously imitate the good Examples of the *Righteous*; and copy after their *Piety, Justice* / and *Charity*; together with those other *Virtues*, for which they have been eminent. 'Tis the *Apostle's* Rule,

that we should *follow their Faith, considering the end of their Conversation*, Heb. xiii. 7. As Example in general is more instructive and engaging than Precept; so the Examples of the *Deceased* in particular, have a more powerful Influence over their Friends, than the Examples of the Living: And to imitate their *upright Lives*, is greater Honor done them, than to lament their *Death*.

All of us, I own, have reason to be concerned for our present *Loss*: But at the same time we ought to consider, that *the Governor liv'd to a good old age, and is gone to his Grave in Peace*. 'Tis *St. Paul's* Caution, and applicable to those who are even most nearly concerned on this Occasion, *not to be sorry as Men without Hope*; much less should they run into excessive Grief, so as to murmur or repine at this or the like afflicting Dispensations; For GOD may by them have great and wise Ends to serve. *Righteous Men* (as Revelation suggests) *may be taken away from the Evils to come*. Such as have / abused their goodness, it may be, are to be Punished by their removal: And some Ends may be accomplished by *other Instruments*, for which, perhaps, they were not every way so well qualified.

To Conclude, As *People have reason to rejoice when the Righteous are in Authority*, so 'tis their duty to honor and esteem the Memory of *those*, that have finished their Course, and answered that *Character*.

May we never want *good and righteous Rulers*, to preside over us: May both *Magistrates and People*, among all the Changes and Chances of this World, have a special regard to the *one thing needful*. True *Virtue and Piety* contribute most to the honour, safety and welfare of every *Government*: And without the due influence of *Religion*, the most refin'd *Politicks* (like *Abithophel's*,⁷ 2 Sam. xvii.) will be defeated: For we cannot reasonably hope, that *Providence* will long concur with and prosper those Schemes, that are form'd by *Fraud*, that are executed by the *Councils of the ungodly*, and contradict the Will of Him who Governs the whole Universe. /

Let us all in our different Stations, employ the respective Talents GOD has entrusted us with, so wisely, so faithfully, as that when we render *him* an Account of our Improvement of them, at the last Day, we may receive that blessed Approbation of *Well done, good and faithful Servants, enter into the joy of your Lord and Master*.

That this may be the Portion of all and every one of us, GOD of his infinite Mercy Grant through the Merits of JESUS CHRIST our Mediator and Redeemer. *AMEN*.

FINIS.

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VERELST, 'SOME OBSERVATIONS ON THE RIGHT OF THE CROWN'

Harman Verelst, 'Some Observations on the Right of the Crown of Great Britain to the North West Continent of America' (1739). National Archives, PRO, CO 5/283.

Harman Verelst was the Georgia Board of Trustees' accountant and General James Oglethorpe's London agent. On 21 April 1732, the Board – including Oglethorpe; John Percival, Earl of Egmont; Thomas Coram; and Anthony Ashley-Cooper, fourth Earl of Shaftesbury (great-grandson of the founder of Carolina) – received a charter for land between the Savannah and Altamaha rivers, territory claimed by Spain. Georgia was to provide a buffer between South Carolina and Spanish Florida and enslavement was forbidden in order to create a white population to counterbalance South Carolina's two-thirds black majority. Spain encouraged resistance to the British among African Americans and Amerindians.

Relations with Spain were strained further afield also. The Treaty of Seville (1729) gave Spanish warships 'visiting' rights to search British vessels to ensure adherence to the 'asiento' that allowed British merchants to import slaves and other merchandise into Spanish colonies and which was due to expire in 1743. In 1731, a Spanish coastguard captain cut off one of the ears of Robert Jenkins, a British sea captain, for alleged piracy. In March 1738, encouraged by MPs opposed to Robert Walpole's pro-Spanish policy, Jenkins reportedly showed parliamentarians his dismembered ear, escalating clamour for war. Walpole then sent troops to the West Indies and Gibraltar. When Spain demanded compensation, Britain annulled visitation and King Philip annulled the asiento. After the Convention of Pardo failed to find a resolution, the War of Jenkins's Ear began on 19 October 1739. Although the war was soon subsumed within Europe's War of the Austrian Succession, its beginnings reflected Britain's increasingly imperial 'blue water' approach to foreign policy.¹

As David Armitage argues, Verelst's 'Observations', presented to Secretary of State for the Southern Department, Thomas Pelham-Hollis, Duke of New-

castle, and part of that growing clamour for war, propounded the same patriotic and expansionist sentiments as Henry St John, Viscount Bolingbroke's *Idea of a Patriot King* (1738) and James Thomson's 'Rule Britannia' (1740), albeit highly legalistically. Verelst, ever concise, opens by stating that 'By the Law of Nations there are four Ways by which the Right of the Dominion of Lands in America, or other Countrys inhabited by Infidels may be acquired' (below, p. 99). Recalling earlier writers, these are: 'By the first Discovery ... By Occupation and Possession of Lands first discovered by others, and afterwards by them deserted or derelicted ... By Conquest ... By Treaty' (below, p. 99). The first of these is for Verelst by far the most important:

The Crown of England, is justly Intitled to all the North West Continent of America, from Newfoundland to the very Cape of Florida. In right of the discovery made by Sebastian Cabot, who with his Father John Cabot and his two Brothers were empowered by Letters Patent from King Henry the Seventh bearing date the 5th of March 1495 (below, p. 99)

After recounting the Cabots' and others' discoveries, he notes that 'Succeeding Kings of England have from time to time Exercised their Right to these Lands founded upon the first Discovery by Cabot, by Granting particular Po[r]tions thereof by their Letters Patent to such of their Subjects as they saw meet' (below, p. 101). He then mentions various colonization charters from Humphrey Gilbert's for Norumbega (1578), with particular attention to those for the Carolinas, including Georgia and Florida (though, curiously, Verelst does not detail the Georgia charter). He also observes that 'in the Year 1721 His Majesty King George the first Ordered a Fort to be Erected and Garrison'd at the mouth of the River Alatomaha' before concluding 'That the Spaniards are Invaders of the Right of the Crown of Great Britain, in their unjust Pretensions to Saint Augustine it Self' (below, p. 104). He adds that British claims 'cannot be controverted by Spain without destroying her Right to all her valuable Possessions in America' (below, p. 104).

Verelst deals only briefly with the 'inferior and secondary' right to claim derelict lands, as Britain's claim by discovery supersedes it. 'Conquest' provides only 'imperfect Title' and, while 'Treaty' right is not necessary to confirm claims made 'by the first Discovery', Verelst nevertheless notes treaties by which the Spanish and Amerindians acceded British possessions in North America, though his reference to 'Countrys inhabited by Infidels' implies a perceived weakness in Native Americans' original rights (below, pp. 105, 99). Verelst appends to his own 'Observations' a stack of supporting documents (not included here) from Henry VII's 1495 patent to 'John Cabot & Sons' to contemporary writings confirming his view that Georgia and Florida were British territories.²

Notes:

1. T. R. Reese, *Colonial Georgia: A Study in British Imperial Policy in the Eighteenth Century* (Athens, GA: University of Georgia Press, 1963); K. Coleman, *Colonial Georgia: A History* (New York: Charles Scribners, 1976); D. A. Baugh, 'Great Britain's "Blue Water" Policy, 1689–1815', *International History Review*, 10 (1988), pp. 33–58; E. H. Gould, *The Persistence of Empire: British Political Culture in the Age of the American Revolution* (Chapel Hill, NC: University of North Carolina Press, 2000).
2. D. Armitage, *The Ideological Origins of the British Empire* (Cambridge: Cambridge University Press, 2000), pp. 102, 170, 185–7.

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Some Observations on the Right of the Crown of Great Britain to the North West Continent of America.

By the Law of Nations there are four Ways by which the Right of the Dominion of Lands in America, or other Countrys inhabited by Infidels may be acquired

1.st By the first Discovery

2.^d By Occupation and Possession of Lands first discovered by others, and afterwards by them deserted or derelicted According to the Maxim, Quo pro derelictis habentur, cedunt Occupanti.

3.^d By Conquest

4.th By Treaty

As to the First viz: The Right of Dominion arising from the first discovery. The Crown of England is justly Intitled to all the North West Continent of America, from Newfoundland to the very Cape of Florida. In right of the discovery made by Sebastian Cabot, who with his Father John Cabot and his two Brothers were impowered by Letters Patent from King Henry the Seventh bearing date the 5th of March 1495, granting to them and to the Heirs of them and every of them, and their Deputies, full Authority to Sail to all parts, Countrys and Seas of the East, of the West and of the North, under his Majestys Banners / and Ensigns to seek out discover and find whatsoever Isles, Countrys, Regions, or Provinces of the Heathen and Infidels in what part of the World soever they be, which before that time had been unknown to all Christians, Et quod for anominatus Joannes, et filei ejus dem, seu Hieredes es et eorum deputati, quasunque hujus modi villas, castra oppida, et insulas à se inventas, quæ subjugari, occupari, possideri, possuit, subjugare, occupare, possidere valeant Ianquam Vasalli Noshi, et gubernatores, loca tenentes, et deputati eorundem, dominium, titulum et jurisdictionem earundem villarum, cashorum, oppidorm, insularum ac terra firmæ, sic inventorum nobis acquirendo.

In the Year 1496 In pursuance of which Letters Patent Sebastian Cabot Sailed from England in the Year 1496 and Searched the North Seas, but turning his Sails to follow the West, coasted by the Shore into the South so far towards the West, that he had the Island of Cuba on his left hand, in manner in the same Degree of Longitude. This is particularly described in the 6.th Chapter of the 3.^d Decade of the Ocean written by Peter Martyr of Angleria Milenses,¹ and dedicated to the King of Spain from Madrid, the day before the Calends of October in the Year 1516.

It plainly appears from the before mentioned Letters patent, that King Henry the Seventh made no doubt That he should acquire to himself as King of England, the Dominion Title and Jurisdiction of all the Lands which should be Discovered by the said Cabot. And in this, he was certainly well warranted by all the Maxims of the Law of Nations, See Grotius & Pufendorf.²

And it appears by the Evidence given by the said Peter / Martyr, That Cabot was the first Discoverer from the latitude of 56 to the Southern Extremity of the Lands which Shoots into the Gulph of Mexico, which Land is now called the Cape of Florida, and which is the 25th degree of Northern Latitude; by having the Island of Cuba on his left hand. No person on the behalf of Spain or any other Nation, having at that time discovered any part of that Continent. Columbus's most Northern discovery, which was in August 1497, having been only of one of the Lucayon Islands; which was about a Year after Sebastian Cabot's discovery of the Continent.

Thus was the Dominion of those Lands Vested in the Crown of England by Right of the first discovery, And this sort of Right has been frequently urged and insisted upon in disputes between Crown'd Heads, and particularly in the great Controversy between the Castilians and the Portugals, concerning the Dominion of new discovered Lands. For the Castilians Argument then was 'That whatsoever God by the ministration of Nature hath created on the Earth, was at the beginning common among Men, and that it is therefore Lawful to every Man to possess such Lands as are void of Christian Inhabitants' which dispute both Parties agreed should be decided by the Bishop of Rome, Whereupon Alexander the 6.th Bishop of Rome by the Authority of his leaden Bull, drew a right Line from the North to the South, an hundred leagues Westward, and divided the Lands.³ This is particularly described in the 8.th Chapter of the 2.^d Decade of the Ocean written by the said Peter Martyr.

Another Author of Good Credit and Repute. Viz^t. Peter Heylin⁴ in the 4th. Book of his Cosmography page 85 takes Notice That John Cabot the Father of Sebastian Cabot in behalf of King Henry the / Seventh of England in the Year 1497 Discovered all the North East Coasts of America from the Cape of Florida in the South, to Newfoundland, and Terra di Laborador in the North, Causing

the Royalets to turn Homagers to that King and the Crown of England. This Book was Published in the Year 1664.

In the Year 1516 Sir Sebastian Cabot was sent in 1516 by King Henry the Eighth, together with Sir Thomas Pert Vice Admiral of England, and Coasted this Continent a second time.

And the Succeeding Kings of England have from time to time Exercised their Right to these Lands founded upon the first Discovery by Cabot, by Granting particular Po[r]tions thereof by their Letters Patent to such of their Subjects as they saw meet, who under the Authority of those Grants went over to Cultivate and Inhabit the same. Some of which Grants are as follow Viz^t.

11 June 1578 Queen Elizabeth by her Letters Patent to Sir Humphry Gilbert and to his Heirs and Assigns for ever granted free liberty to discover such remote heathen and barbarous Lands, Countryes, and Territories not actually Possessed of any Christian Prince or People, as they should seem good. And the Same to Have and Enjoy to him his Heirs and Assigns for ever.

25 March 1584 Queen Elizabeth by her Letters Patent to Walter Raleigh Esq and to his Heirs and Assigns for ever granted free Liberty to discover such remote heathen and barbarous / Lands, Countryes and Territories not actually possessed of any Christian Prince or People, as they should seem good. And the same to have and enjoy to him his Heirs and Assigns for ever.

23 May 1610 King James the First by his Letters Patent to the Adventurers and Planters of the first Colony in Virginia^s for the propagation of the Christian Religion and reclaiming People barbarous to Civility and Humanity, granted unto the said adventurers and Planters; that they and their Successors for Ever should be incorporated by the name of the Treasurer and Planter of the City of London for the first Colony in Virginia; and further granted unto the said Treasurer and Company and their Successors for Ever All those Lands Countryes and Territories in that part of America called Virginia, from the Point of Land Cape a pointe Comfort all along the Sea Coast to the Northward Two Hundred Miles; and from the said point of Cape Comfort all along the Sea Coast to the Southward Two hundred Miles: And all the Space and Circuit of Land lying from the Sea Coast of the Precinct aforesaid up or into the Land through out from Sea to Sea West and North West, and also all the Islands lying within One Hundred Miles along the Coast of both the Seas of the Precinct aforesaid.

12 March 1612 The said King James on the application of the said Company to grant onto them an Inlargement of the beforementioned Letters Patent for a more ample / Extent of their Limit and Territories unto the Seas adjoining to and upon the Coast of Virginia, by these his subsequent Letters Patent granted unto the said Treasurer and Company of Adventurers and Planters of the said City of London for the first Colony in Virginia and to their Heirs and Successors for Ever All and singular the Islands lying desolate and uninhabited in any

Limits extended to 30
Degrees of northerly
latitude wch. Reaches
the River St. Juan.

N.B. this River is now
call'd St. Juan

limited between 31
and 36 degrees of
northern latitude

Erected into a Prov-
ince called Carolana.

part of the Sea bordering upon the Coast of Our said first Colony in Virginia, and within Three hundred leagues of any of the parts heretofore granted to the said Treasurer and Company, and being within or between the one and forty and thirty degrees of northerly latitude.

30 October 1629 King Charles the First by his Letters Patent granted to Sir Robert Heath then his Attorney General, and to his Heirs and Assigns for Ever the Rivers Matheo and Passamagno, and all the Lands between the said Rivers, which lye between thirty one and thirty Six degrees of northern latitude. And Erected the same into a Province by the Name of Carolana.

For it was at that time very well understood That the Dominion of all the North West Continent of America was in the Crown of England by the first Discovery by King Henry the Seventh; And therefore in the Desscription of the particular Territory then intended to be granted, it is said to be in Terrâ Nostrâ, as being only a Parcel or Portion of the King of England's / Dominions and lying within them, and it is observable That the Grant is of all the Lands within the 31.st and 36.th degrees of Northern Latitude inclusive.

NB. This Grant comprises the Island where M^r. Oglethorpe built a Fort in the Year 1736.

These Letters Patent were granted to the King's Attorney General, a Man of great Eminence in the Profession of the Law, who cannot be supposed would have Solicited a Grant of Lands, and have been at so great Expences in endeavouring to settle them; If the Grantor had not a clear and indisputable Title thereto.

And the Said King soon after this Grant lent Sir Robert Heath the ship S.^t Claude to be employed in his new Plantation in Virginia called Carolana. Which appears by Sir Robert Heath's Petitions, and his Letter to Edward Nicholas Esq.^r dated 17.th of January 1629 then Secretary to the Admiralty Which lye in the Paper Office.

Limits as in the last
Grant

24 March 1662 King Charles the Second by his Letters Patent to Edward Earl of Clarendon Chancellor of England, George Duke of Albemarle Master of the Horse and Captain General of the King's Forces, William Lord Craven, John Lord Berkeley, Anthony Lord Ashley Chancellor of the Exchequer, Sir George Carterett Baronet Vice Chamberlain of the Houshold, Sir William Berkeley Kn^t. and Sir John Colleton Baronet, their Heirs and Assigns, granted All that Territory or Tract of Ground, within His Majesty's Dominions in America, not then cultivated or planted, but only inhabited by some barbarous People who have no knowledge of Almighty God. Extending from the / North End of the Island called Lucke Island, which lyeth in the Southern Virginia Seas, and within six and thirty degrees of northern latitude, and to the West as far as the South Seas; and so southerly as far as the River Saint Matthias, which bordereth upon the Coast of Florida, and within one and thirty degrees of northern latitude, and

so West in a direct line, as far as the South Seas aforesaid And made them the true and absolute Lords and Proprietors thereof. And by the said Letters Patent Erected the said Tract of Ground, Country and Island into a Province and called it the Province of Carolina.

N.B. This River is now call'd St. Juan.

Erected into a Province call'd Carolina.

Whereupon the said Lords Proprietors Ordered Maps of the Province to be printed. Wherein the River S^t Matthias is called S.^t Mattheo.

And they appointed Sir John Yeamans Governor of the said Province.

30 June 1665 The said King Charles at the Request of the said Lords Proprietors to Enlarge the former Grant unto them, by these his subsequent Letters Patent, to them their Heirs and Assigns; granted All that Province, Territory, or Tract of Ground, within His Majesty's Dominions in America; extending North and Eastward as far as the North end of Carahutke River, or Gulet, upon a straight westerly line, to Wyonoake Creek, which lyes within or about the degrees of thirty six, an thirty minutes northern latitude, and to West in a direct line as far as the South Seas and South and Westward, as far as the degrees of twenty nine inclusive northern latitude, and so west in a direct line, as far as the South Seas. And by the said Letters Patent annexed and united the same Tract of Ground and Territory / to the said Province of Carolina, and made them and their Heirs and Assigns the true Lords and Proprietors of all the Provinces or Territory aforesaid.

Limits extended from 36 degrees & 30 minutes to 29 degrees inclusive northern latitude

which extended Limits are united to the said Province of Carolina

Of which Province the said Lords and Proprietors in 1676 on an Application to them Resolved not to alienate any part.

16 May 1728 The 16th. of May 1728 Copies of several of those Memorials having been laid before the Parliament of Great Britain, which had been presented to his present Majesty, to Resume the Right of Sovereignty and Government of Carolina into his own Hands.

24 May 1728 The House of Commons Resolved to Address the King to Purchase the Provinces of North and South Carolina from the Representatives of the Lords Proprietors to whom the Province of Carolina was Granted by King Charles the second by his two Letters Patent before mentioned. And that the Purchase Money should be made good to His Majesty out of the next Aids. To which his Majesty most Graciously Agreed.

In the Year 1729 and the second year of his present Majesty's Reign, the Surrender of seven eighths of the Lords Proprietors of the Provinces of North and South Carolina, extending from 36 degrees and 30 Minutes to 29 degrees inclusive northern latitude, to his Majesty; was Confirmed by Act of Parliament, and all the Tract of Land within those limits and degrees, Vested in his Majesty his Heirs and Successors. With a saving Clause to the 8.th Lord Proprietor⁶ (who did not join in the Surrender) of his Estate and Interest in the one eighth part of the Premises.

And the Kings of England have from time to time asserted this their Right against all Invaders. Some of whom acknowledging the Justice of their Claim removed themselves, and left the Possession to the English as the / Rightfull Owners thereof. And in like manner the Normans Portuguese and Bretagnes, who had Settled themselves in Newfoundland, quitted and surrendered up the Possession thereof to the English, who were Sent there by Queen Elizabeth in the year 1583 in her Name to repossess the said Country, and to restrain all other Nations from ffishing there; being resolved to maintain the Title of the Crown of England to those Countrys which belong'd to her by virtue of the Premier Seis in taken by King Henry the seventh, upon the first Discovery of thereof.

And in the Year 1585 Sir Francis Drake by Comission from the same Queen drove off the Spaniards by force of Arms from Fort S.^t John and the City of Augustine, and took actual Possession thereof, as far as the 29th degree of northern latitude.

And in the Year 1721 His Majesty King George the first Ordered a Fort to be Erected and Garrison'd at the mouth of the River Alatomaha, so called from the Tribe of Yamasee Indians whose Chief was known by the name or Title of Alatomaha. Which about the Year 1726. being accidentally destroyed by Fire, His Majesty by his Instruction to Governor Johnson of South Carolina, Ordered a Fort to be Erected and always kept in sufficient repair for Securing the Embouchure and Navigation of the River Alatomaha.

From the whole of which it appears That the Spaniards are Invaders of the Right of the Crown of Great Britain, in their unjust Pretensions to Saint Augustine it Self.

Note this Right arising from the first discovery, is the first and fundamental Right of all European Nations, as to their Claim of Lands in America, & cannot be controverted / by Spain without destroying her Right to all her valuable Possessions in America.

And if any thing else could be wanting to give further Strength to the Title of the Crown of Great Britain She has by Treaties and Agreements with the Native Indians the then Occupiers, purchased the very Soil and property of the Lands of which her Subjects are at this time possessed.

Second Way ... As to the second Way of Acquiring the Right of the Dominion of Lands in America Viz^t. By Occupation and Possession of Lands first discovered by others, and afterwards by them deserted or derelicted. According to the Maxim. Quo pro derelictis habentur, cedunt Occupanti.

This is an inferior and secondary sort of Right, which the King of Great Britain in this case, can have no occasion to make use of; In regard that he himself and no other, was the first discoverer of this Country; and in consequence thereof, he could not take possession of it on the dereliction of any other Christian Prince: Neither can any other Nation Set up any Pretence of Right to these Lands dis-

covered by King Henry the Seventh, on account of their being derelicted by the English. Since the Kings of England Successively have Enjoyed and Exercised their Dominion over these Lands by making Royal Grants thereof to divers of their Subjects under the Great Seal of England, Entered up upon Record in the Court of Chancery. In pursuance whereof the several Patentees have from time to time made Settlements there from Newfoundland to the thirtieth / Degree of Northern Latitude.

And by the usage and Practice of Nations; It does not seem to be necessary, in Order to Support the Right of Dominion which had been obtained by the first Discovery; That the Discoverers should immediately People and Settle every part of such new found Lands, The Spaniards not having to this day Peopled or Cultivated any of those great Countries which she lays claim to in the West Indies: The large and unpeopled Tracts of Land in Cuba Hispaniola Mexico Veragua Peru Chili &c being Demonstrations of the Truth of this Assertion. So that it is not to be imagined The King of Spain will insist upon an Argument which must turn so much to his own prejudice, and by which no Prince in the World can be so great a Sufferer as himself.

Third Way ... As to the third way of acquiring the Right of the Dominion of Lands in America. Viz'. By Conquest

Conquest can only give a Right to those Nations who invade the Territories of others, and in the Event of War possess themselves of their Lands and Territories by force of Arms. And this of itself is an imperfect Title until made compleat and established by Treaty of Peace; in which the Party conquered yields up the Jus Dominii et Proprietatis to the Conqueror, who before had obtained the Jus Possessionis by force of Arms. This is the Title of the English Nation to Jamaica.

But on the other hand. Spain can have no Pretensions to the Dominion of any Territories on the Continent of / America between Newfoundland and the Cape of Florida, having never gained any part thereof by Conquest over the English of Great Britain

But the Right of the Crown of Great Britain to these Countries is not founded upon Conquest; but upon those higher and Stronger Rights of first Discovery, and also of Occupation and Possession in Consequence thereof

Fourth Way ... As to the fourth Way of acquiring the Right of the Dominion of Lands in America, viz'. By Treaty.

As the Crown of Great Britain does not claim these Countries by Right of Conquest, so is it not Possible for her to stand in need of any Treaty to confirm the undoubted Right which she derives from the first Discovery in the Reign of King Henry the Seventh, and by her continued Occupation and Possession from time to time, as the several Colonies were therein Planted and established.

But it may not be improper to take notice that by the 7:th Article of the Treaty of 1670⁷ It is agreed "That the King of Great Britain, his Heires and

Sussessors, shall have, hold, keep and enjoy for ever with Plenary Right of Sovereignty, Dominion Possession. and Propriety, all those Lands, Regions, Islands, Colonies and Places whatsoever, being or situated in the West Indies, or in any Part of America, which the said / King of Great Britian and his Subjects do at present hold and Possess so as that in Regard thereof or upon any Colour or Pretence whatsoever nothing more may or ought to be urged nor any Question or Controversy be ever moved concerning the same hereafter.' Which amounts to a Release or Extinguishment of all the Right and Title of the Crown of Spain & is an express Dediton of that Right of Sovereignty which she had to Jamaica, and all other Lands as had in War been conquered from her by the Subjects of England. But there is no Grant or Release of any Right or Title from the Crown of Great Britain to the Crown of Spain of any Lands or Territories whatsoever, and therefore that Treaty must be interpreted, as a Bar to the Rights of the Crown of Spain, and a Confirmation of the Rights of the Crown of Great Britain.

And as for the 8:th Article of the Treaty of Utrecht in the Year 1713 by which it is agreed That neither the Catholick King, nor any of his Heirs and Successors whatsoever, shall sell, Yield, Pawn, transfer, or by any means or under any name alienate from them and the Crown of Spain, to the French or to any other Nations whatsoever any Lands, Dominions or Territories, or any Part thereof, belonging to Spain in America, on the contrary, That the Spanish Dominions in the West Indies may be preserved whole and entire, the Queen of Great Britain engages that she will endeavour and give Assistance to the Spaniards, that the ancient Limits of their Dominions in the West Indies be restored, and settled as they stood in the time of the / Catholick King Charles the second of Spain, if it shall appear that they have in any Manner, or under any Pretence been broken into and lessened in any Part since the Death of the said Catholick King, Charles the second.'

Note he died in 1700.
Which was subsequent to all the Grants and Charters before mentioned.

If it shou'd be urged on the part of the Crown of Spain, That by the said Article any Grant or Concession was made by the Crown of Great Britain of any Lands on the North West Continent of America, between Nova Scotia and the Cape of Florida, It will appear from the Perusal & Examinations of that Article, that no such Inference or Construction can possibly be made, for that the said Treaty was concluded between the Queen of Great Britain and King of Spain only Therefore those words in that Article which name the French or any other Nation whatever, must mean other Nations than those who were the contracting Parties, who no doubt would have have [*sic*] been expressly named had it been so intended, And to Spain it could not extend, because it was impossible for her to grant or alienate to herself, neither could it be meant or intended to extend to England, because the Queen of Great Britain engages that she will endeavour and give Assistance to the Spaniards, That the ancient Limits of their Dominions in the West Indies should be restored, if it shall appear that they have been

broken into and in any part lessen'd. Which must mean by some other Nation than Great Britain, for in Case it had related to any Acts of her Subjects, She had it then in her own Power to have restor'd to the Spaniards without engaging to endeavour & give Assistance to them. / And it is further to be observed, That the Purport of this Article is That the ancient Limits of the King of Spain's Dominions in the West Indies should be restored and settled as they stood in the time of King Charles the second of Spain, whereas it is clear to a Demonstration from the Preceding Observation, that the Expressions used in that Treaty of the ancient Limits of the King of Spain's Dominions in the West Indies cannot be construed any way, to relate to any Lands on the Northwest Continent of America; As his Claim & Pretensions to any part of that Country is not founded either upon the Right of the first Discovery, or upon the Right of Occupation or Possession, or upon the Right of Conquest, or by Treaty, And if he is possessed of any Part thereof it is unjust, tortious, and against the Law of Nations: And it is to be hoped that his Spanish Majesty from his Uprightness & Justice, upon his being inform'd thereof, will immediately abandon the Possession of the same, and restore it to his Britannick Majesty, the true & rightfull Sovereign and owner thereof. But if contrary to all Reason and Justice, it shou'd be insisted upon by Spain, That any Part of the Dominions of the Crown of Great Britain should be Yielded up to the Spaniards, It might be Proper to observe

That the whole Country of North & South Carolina extending from 36 Degrees & 30 Minutes to 29 Degrees inclusive, Northern Latitude, are expressly declared by several Charters under the Great Seal of England, to be within the Dominions of the Crown of England. /

That they were Purchased by his Present Majesty from the Lords Proprietors in Pursuance of an Address from Parliament, with the Monies of the Nation. Which Purchase was confirm'd by act of Parliament. That the Use and Importance of these Countrys to the Trade and Navigation of Great Britain, is expressly mentioned in the said Act, That the Parliament have from time to time thought it worthy of a National Regard, And a Particular Part of South Carolina, called Georgia, has been Supported by Parliamentary Aids and Supplies.

Humbly presented to His Grace the Duke of Newcastle

His Majesty's Principal Secretary of State by

His Grace's Most Obedient humble Servant

Harman Verelst

16. April 1739 Copy

Cummings, *The Character of a Righteous Ruler*

1. *King Solomon*: King Solomon (c. 1011–c. 932 BC), King of Israel, c. 971–931 BC, and son of King David.
2. *Akeldama*: Akerldama, also called the Potter's Field or Potter's Ground because of the much-used rich clay deposits; the place in Jerusalem where Judas Iscariot is supposed to have died.
3. Every one may dwell ... fruits of his labour: 1 Kings 4:25 and Micah 4:4, a phrase commonly used by colonial promotional writers.
4. Here I am ... I will restore it to you: 1 Samuel 12:3. This is exactly the same passage used to praise Lord Howe in the previous document (see p. 62 above).
5. *Archbishop Tillotson's just Observation*: John Tillotson (1630–94), Archbishop of Canterbury from 1691 until his death and author of *The Rule of Faith* (1666) and, during his lifetime, of 54 published sermons as well as *Sermons Preach'd upon Several Occasions* with a second volume appearing in 1678. After his death, his chaplain Ralph Barker published some 250 of his sermons.
6. when the wicked beareth Rule, the People Mourn: Proverbs 29:2. This is the line immediately following the one with which Cummings opened his discourse.
7. *refin'd Politics* ... Ahithophel's: Ahithopel was a minister of King David, reputedly of great political insight but lack of scruple, who abandoned his king for the rebellion of Absalom.

Vereslt, 'Some Observations on the Right of the Crown'

1. *described in ... Peter Martyr of Angleria Milenses*: Peter Martyr d'Anghiera (1457–1526), Italian historian of Spain and its discoveries, *Decades of the New World* (first published in Latin, 1511–30), trans. Richard Eden (1555). It details the letters and reports of early Spanish explorers, each divided into ten chapters.
2. *Grotius & Pufendorf*: see notes 5 and 6 to Dulany, *The Right of the Inhabitants of Maryland*, above, p. 223.
3. *Bishop of Rome ... divided the Lands*: The papal Bull of Inter Cetera (1493) was followed with the Treaty of Tordesillas of 1494.
4. *Peter Heylin*: Peter Heylin, or Heylyn (1599–1662), English historian, theologian and political writer, *Cosmographie: In Four Bookes, containing the Chorographie and Historie of the Whole World 1652* (1657) (later editions were spelled *Cosmography*).
5. *King James the First ... Colony in Virginia*: The first charters issued to the Virginia companies of Plymouth and London were granted 10 April 1606.
6. *the 8.th Lord Proprietor*: The eighth proprietor was Sir George Carteret (c. 1610–80), and his great-grandson, John Carteret, second Earl Glanville, retained the Glanville district of North Carolina after 1729.
7. *the Treaty of 1670*: The 1670 Treaty of Madrid between England and Spain was also known as the Godolphin Treaty.

Ashley, *Memoirs and Considerations*

1. the Duty of 4 1/2 per Cent: see note 2 to [Ashley], *The British Empire in America, Consider'd*, above, p. 225.