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A
JUST and MODEST
VINDICATION
OF THE
Scots Design,

For the having Established a
Colony *at* Darien.

WITH

A Brief *Display*, how much it is
their *Interest*, to apply themselves
to *Trade*, and particularly to that
which is *Foreign*.

Sanctiora sunt Patrie Jura, quam Hospitii.
Corn. Nep. in vit. Timoth. Nemo Patriam
amat quia Magna est, sed quia Sua. Senec.
Epist. 66.

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T O T H E

R E A D E R .

THere being no Dedication of this Discourse; a Preface is therefore not only the more allowable, but necessary. For how vain, as well as impertinent soever, they are deservedly accounted, who think either to recommend, or to cover, an unseasonable, useless and trifling Book, from Censure, Contempt and Ridicule, by their Emitting it under the usurped Patronage of a great Name; yet it is to Treat those, into whose Hands Authors are ambitious to have their Papers to fall, and of whose good Opinion they are covetous, with Rudeness, as well as with want of Respect, not to afford them those previous Advertisements, and vouchsafe them the Lights which may let them decently in to what they are invited to Peruse, and serve both to obviate Misapprehensions of the Writer, and to prevent Groundless and Satyrical Reflections upon his Performance.

And the endeavouring of the one and the other of these, is the more indispensably needful in the present case; in that (if credit may be given to vulgar Reports) there are some advanc'd to Eminent

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nent Posts, and cloath'd with lofty Characters, who from Politicks peculiar to themselves, have declar'd their Opinions, and oracularly given forth their Decisions, concerning the Question hereafter Debated, as if they were Partizans of the King of Spain, rather than State-Councillors and Civil Ministers of His Britannick Majesty. For besides their having in their private Conversations not only question'd, but aspersed the Legality and Justice of the late Undertaking of the Scots at Darien; they are by their Friends, as well as by their Enemies, represented to have given both Encouragement unto, and to have bestowed liberal Rewards upon, the unmannerly, little and despicable Writer of the Defence of the Scots Abdicating Darien. In which scurrilous Pamphlet, there are not only those intollerable Invectives against the whole Kingdom of Scotland, as well as against the Directors of their Indian and African Company, that are more calculated to exasperate that Nation, and to run them into disloyalty, than any ways adapted to allay their Resentments, and to quench their intemperate Heats under that misfortune; but there are likewise such insolent assertions, and those bottom'd upon Brutal Ignorance, in relation to the Legitimacy of the Design to have Settled upon the Isthmus of America, that no Spaniard wou'd have had either the effrontery, or the ill breeding to have utter'd them.

For, as if it were not enough for the Mercenary Scribler, to assume the impudence of affirming, that the Motives upon which the Proclamations were emitted in the English West-India Colonies, forbidding the Supplying, Relieving, and Assisting the Scots at Darien, or in any parts of America, where they should Settle, was because the

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Government of *England* would not be necessary to an Act, which the World might judge to be Felonious, p. 4. of his *Epist. Dedicat.* he takes the boldness to add afterwards in Terms that are most slanderous, as well as defamatory, p. 7. of the same Epistle, that their attempt of Planting on the Isthmus, was the Settling a Colony in another Man's Dominions, unless by vertue of their Presbyterian Tenet of Dominions being founded in Grace, the Scots, who are the presumptive Elect, pretend a Divine Right to the Goods of the Wicked, and so take upon them to cloath the Councillors of their Colony, with such another Commission, as God gave the *Hebrews* when they departed out of *Egypt*. Which Language tho' agreeable to the Education, Manners, Politicks, and Inferior Stations of *Harris* and *D---* to have been the one the Belcher, and the other the Voucher of; yet it cannot miss being esteemed extremely odd and incongruous, that a Person, who is not only a Scholar, a Gentleman, but a Minister of State, should be reputed to have both authorized the reproachful Falshood, and to have paid liberally for the inventing and divulging of it.

But the forwardness express'd by one in an Honourable Office (and as is commonly said with Raptures of Joy) in the speedy Communication to the Spanish Ambassador, that the Scots had abandon'd *Darien*, would seem not only to insinuate his being possess'd with a greater Picque against the Kingdom of *Scotland* (omitting at present all those further Instances that give evidence of it, which occur numerously enough both in the fore-mention'd Pamphlet, and in that other, *Stil'd*,

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The Defence of the Scots Settlement at Darien Answer'd, which are Publish'd under the Safeguard of his Countenance, as well as Vented and Sold with his Connivance) than is reconcileable with the Duty of one in his Post under a Prince, who is no less King and Sovereign of that Nation, than he is of England; but it doth also intimate a warmer concern for the Interest of the Catholick King, and for the having his desires, and the wishes of his Subjects complied with and gratified, than was either prudential for an English Secretary of State, or correspondent to the Zeal which a Person in his Station ought to have had for the Success and Prosperity of all and of every one of his Masters People in their Undertakings, to have rendred himself obnoxious to the being charged with. Not to add how little and mean it was in it self, and what aversion from, and disaffection it proclaimed against the Scots, to have affected the Pleasure and coveted the Glory of being the first Author and Conveyer of that News to the forementioned Ambassador. Especially when transmitted to himself upon no surer Intelligence, than that such a Report being arrived at Jamaica, the Tydings thereof were dispatch'd hither by one who might be suspected the more credulous in believing it; because it was that which out of Enmity to the Caledonian Colony he earnestly longed for and desired.

Nor is it without a Pointed (tho' but tacit) Reflection upon a certain Gentleman's Conduct in this Matter, that the Writer of the Paris Gazette of Nov. 14. hath inserted in the Paragraph from Madrid of October 22. That il arriva ici le 14 un Courier extraordinaire des pesche de Londres

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dres par le Marquis de Canales Ambassadeur d'Espagne en Angleterre avec s'avis de l'abandonement de le Colonie de Darien, qui avoit este receu par un des Secretaires d'Etat & Communique a cet Ambassadeur, There had on the 14th an extraordinary Courier come thither from the Marquis of Canales the Spanish Ambassador in England, with News of the abandoning the Colony at Darien, which one of the Secretaries of State having received, had Communicated to the said Ambassador.

But there having been a Message delivered since by the same English Minister to the said Foreign Ambassador, which how ravishing soever it might be unto the former to Convey, could not be very joyous and delightful to the latter to Receive; I shall only observe in relation to the diversity of the Matter, and the different relish between the said Message and the foregoing Intelligence, that there is sometimes a vast dissimilitude, betwixt what one may find himself obliged to perform in obedience to the Order and Injunction of a Master, who is no less wise in what he Commands, than Authoritative and Uncontrolable in the having it Executed; and what the same Person may run himself into the indiscretion of Doing when not directed by a greater Prudence than his own, nor over-ruled by a Superior Authority.

Which I do take the liberty the rather to suggest, in that it is too often the misfortune of Princes, to have even those Actions of their Ministers, of which they were not previously in the least conscious, and much less had enjoyned, to be interpreted as if done either in obedience to their positive Command and special Direction, or in order to humour their Inclinations

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tions and to comply with their Sentiments. There being but few Men in the World who render the Justice and pay that Deference to Kings, as to distinguish with that impartiality and exactness which they ought, between what Persons raised to Eminent Posts in the Administration, are to have imputed unto them as Acting in abstraction from their Offices, and as they come to be considered only Personally; and what they are to be held accountable for as behaving themselves correspondently to the Characters which they bear, and to the Trusts which are repos'd in them; and as they govern and regulate themselves in the several and respective parts of their Administrations, both in conformity to the Laws, and to the Measures of Biefiance and Decency, which their Masters out of respect to their own Honour and Glory, as well as from Principles of Wisdom and Justice, are to be always suppos'd to require, as well as to wish, that they may neither trespass against, nor in the least deviate from. For as Monarchs and Sovereign Princes, notwithstanding the Innocence of their own Purposes, and the Righteousness of their Designs towards their Subjects and People, do seldom escape obloquy and blame, when they upon whom the execution and the exercise of their Authority is devolved, are found to offend against the Laws, which stand enacted and established to be the Standards and Boundaries of Governing and Ruling Power; so it is hardly to be avoided, let Kings and Potentates be never so justly Celebrated, by reason of their own Wisdom, and the Mannerliness of their whole Royal Conduct, but that there will be found peevish and ill-natur'd People enough, ready to sully the Fame, and to detract from the Glory of their Prudence, in case they who are employ'd in the chiefest Offices of the State,

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State, are observed to over-look and forget the Rules of decency, and to trespass against the Forms of Civility and the Maxims of Discretion.

And that what I have represented, may appear to have been said from a dutiful regard to His Majesty's Honour and Safety, let me be allow'd to set both the Cases in a clearer Light, by the Proposal of two Suppositions, whereof there are Proofs within view, to shew that they are not visionary and chimerical. For example, let His Majesty be never so Merciful, as well as Just, nevertheless it will be impossible, during a season wherein there is no suspension upon any Acts of Parliament, that his Government should escape the censure of being not only Rigorous and Severe, but Arbitrary and Despotical, if a Person trusted with Authority and Power of causing Seize and Apprehend such as are Informed and Sworn against to be Plotters and Conspirators against the Safety of His Majesty's Person, the Tranquility of his Government, or the Peace of his Dominions, should under that Cover and Pretence, so far contemn and trample upon the many and several Laws of England, which have been made for the preservation of the Liberty of English Subjects, as to cause Take up, and by his Warrants to confine under aspersions of High Treason whom he pleaseth, without the vouchsafing to mention in those Warrants his having received Depositions upon Oath specifying and importing the Crimes for which he Commits them. Which as it doth often prove to be the Ruining them in their Estates and Fortunes, as well as the scandalizing and blackning them in their Names, Credits and Reputations, thro' the charging them with the guilt of disgraceful and capital Offences; so it is no less than the
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reducing and bringing the People of England into a state and condition of absolute and down right Slavery, by the making the Liberty of every English Subject, as well as of some, to depend precariously, and at the same time entirely, upon the humour of him who assumeth unto himself the Exercise of such a Jurisdiction. Which makes me astonished, that they who covet to Act after this illimited and unconfined rate, are not more Friendly and Kind to Scotland, than they have hitherto chosen to shew themselves in that no more is required there, for the Empowering those in the Administration to throw Men into Prison, without their admission to Baile, or the being brought to Tryal, but that they do suspect them to be Seditious Disloyal or Traiterous.

Likewise, let the King behave himself towards the Subjects of all, or of any of his Kingdoms, with never so much Condescension, Goodness, and Compassion, sincerely and joyfully congratulating their Prosperity, and Condoleing and Simpathizing with them under their Calamities; (as the King with great Tenderness hath lately done towards the Scots Company, thro' telling them in his Answer to their Address, that he is sorry for the Dammage which they and their Country have sustained in and by the Loss of their Colony) yet none of all these things will be found sufficient to preserve him in the hearty Affections awful Esteem, and firm Confidence of those Subjects of such of his Dominions, who find their Nation made the object of the scorn, ridicule and contempt; its welfare the motive of the Envy and hatred; and their misfortune the matter and ground of the pleasure and delight of those, whom
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he hath honored with the first places in the Exercise of his Authority, and in the Administration of the affairs of State in whatsoever Dominion it be under his Subjection.

However it may not be amiss to observe, that how discontented and clamorous soever the Spaniards have been, because of the Scots endeavouring to have settled at Darien; and how unkind, as well as unassistent unto them, (whether upon imaginary motives of Justice, or real inducements of State, I shall not determine) such have shewed themselves, whose Favour and Protection they expected in the supporting them in that undertaking, and how great and Damageable thereupon their Disappointments and Losses have proved, which while they cause sorrow to them, do administer occasion of Joy to others, whose characters it doth very ill accord with and become; yet that it is some consolation both to their Company, and their whole Kingdom that the Representation a Messrs les premieres Ministres d' Angleterre, The memorial or manifest given into the Lords Justices by the Spanish Ambassador in September last, was not in the least occasion'd by, nor bottom'd upon any thing relative to their Colony upon the American Isthmus. So that whatsoever the Consequences of that Memorial, and of his Britannick Majesty just Resentment of it may be, yet none of them, can either now, or hereafter, be said to have sprung and flowed from any Fact or Enterprize of the Scots.

And tho' I do not pretend to any knowledge of those Consultations, Treaties and Stipulations, (save as they are there expressed to have been. Sur la succession de la couronne d' Espagne, & sa
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Division and Repartition, about the Succession to the Crown of Spain; and the Division and Repartition of that Monarcy) wherein His Majesty having been concerned, gave occasion and administred ground for that Memorial, which was so displeasing unto Him, that he thereupon Commanded the Spanish Ambassador, who deliver'd it, to depart within Eighteen days out of his Kingdom, and in that time not to go out of his Gate; yet I hope it will neither be accounted Presumption, nor an Intrusion upon Secrets and Mysteries of State to say, that nothing could have contributed so much to the obviating all such misunderstandings between the two Crowns, as should swell into and terminate in a Rupture, as the having protected the Scots in their settlement at Darien would have done. For as the having a Colony Establish'd in the very Heart and Bosome of the Spanish American Dominions, and accommodated with a Defenceable Harbour, that is capable of receiving the whole Naval strength of England, would (unless the Cabinet Resolutions at Madrid, be the Results of Passion and Haughtiness, rather than of sedate thoughts, Political Wisdom, and of Debates where arguments derived from safety and interest cast the scale) effectually check the Spaniards against falling into rash and hasty Councils, and an infallible motive for restraining the Catholick King from emarquing in a War with His Britannick Majesty, because of the unavoidable mischiefs, that upon our being so Circumstanced and Stated thro' the possession of that place, would attend it in relation to the many great and opulent Territories of the Spanish Monarchy in the West-Indies, which are both

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the sources of all that Wealth and Treasure which enable them to defend their Kingdoms and Provinces in Europe, and do afford them the means and advantages of supporting themselves in that veneration and esteem, which are paid them, and rendred unto that Crown in this part of the World ; so it is not to be doubted, should a War Commence upon any inducements and reasons whatsoever, whether fancied or real, slight or weighty, between the King of Spain and the Monarch of Great Britain, but that thro' our being so Posted in the midst of their American Plantations, they would soon be made sensible of their betaking themselves thereby to a course and method that will unavoidable issue in their Ruine.

For tho' no Man that pretendeth to good Sense can have the weakness to imagine ; nor any who are under the Ties of Allegiance and Fealty, can have the Disloyalty to suspect ; that the coldness and indifference of the Court of England, in reference to the Scots being encouraged and supported at Darien, (to say nothing of the measures that have been taken and pursued, not only to the Disheartening and Obstructing them in their Design, but to the defeating it, thro' rendring as far as could be effected, without open and direct hostility, their continuance in that place impracticable) was either in subserviency to the better concealing and covering those Transactions, which were then carrying on, and are since discovered and divulged, concerning the adjusting and determining the Succession to the Crown of Spain, or in order, at the expence of the Kingdom of Scotland and the Dishonour as well as the Loss sustained by their African and India Company, to have the more easily

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easily reconciled, what was at that time under Consultation and Treaty towards the being Concerted and Stipulated, to the Catholick King and his Ministers; yet it may both with Modesty and Safety be affirmed, that among other means which would have both Advanced His Majesty above the threats and menaces of the Spaniards, who endeavour to allarm him, that unless all that he hath projected in the foremention'd Affair, be promptement arreste, viendra un Guerre Funeste & universelle dans toute te Europe, speedily renounced, there will arise a destructive and general War thro' all Europe, but inabled him to justify and to make good by his Power and Force, what he hath by his great Prudence and Wisdom been Adjusting and Contracting with others in reference to the foresaid matter. It would have also been in some degree useful and subservient thereunto, if instead of lending his Name and Authority to those who emitted the Proclamations in the English West-India Plantations, prohibiting the holding any Correspondence wick, or the giving any Assistance unto, any Person or Persons, that had been Fitted out in Scotland with Ships of Force to settle in some part of America, he had vouchsafed unto his Subjects of Scotland, those Testimonies of his Royal Care and Zeal for their Success in the expedition they went upon, and for their pr spering in the design in which they were Embarqu'd, as might have made them out of Gratitude, Ambitious of Sacrificing their Lives in his Service.

See that
set forth
by the
Earl of
Bellamont.
June 3.
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For as it is a great Satisfaction to a Prince, and that which gives him a Reputation, and at such a juncture and in those circumstances, renders him formidable to those who seem inclined, and do only covet a favourable opportunity of declaring themselves his Enemies, to be universally known to have a firm Tenure in the Affections and Confidences of all his People, and to be understood to have their Wealth and Power ready to be surrendered with readiness and chearfulness unto his Disposal, and their Lives chiefly valued by them on the foot of having them to venture at his Command, and for the exalting, as well as for the maintaining his Honour and Glory; so it cannot but both extreamly disquiet him, and also lessen his Credit and Veneration with those Potentates, that Envy the greatness of his Undertakings, and who dread the Wisdom that displayeth it self in his Projections, to find the largest Part and Proportion of the whole Body of his Subjects in one of his Dominions, highly discontented with, and clamorously complaining, and as they think not without just reason, of the Conduct and Behaviour of those towards them, who being in the highest Places of the Exercise and Administration of the Government, do vouch his Orders and his Authority for those Actions that are so ill Resented.

And that these Proceedings of the King's English Ministers of State, and of his Subordinate Governors, towards and against the Scots in their West-India Undertaking, might have been forborn and avoided, without His Majesty's becoming obnoxious to Detraction and Censure, of having connived at and countenanced any Fact in them, than can justly be called invasive upon the Dominions

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of Spain, and an Infracti^on of Alliances with that Crown, or that can reasonably be held prejudicial to the Interest of England, either in their Manufactures and Commerce at home, or with respect to the Flourishing and Traffick of their Plantations abroad, being the Subject of the ensuing Discourse, I do without craving the lenity and favour, or deprecating the prejudice and severity of any, submit it to the Judgment and Verdict of all such, who understand the Laws of Nature and Nations, have examin'd the Alliances that have been contracted between the Crowns of Great Britain and Spain, and who are able to judge of what is advantagious to the British Kingdoms, whether collectively or disjunctively consider'd.

And I am sure, that whatsoever hath been alledged by the Spaniards in the Memorial presented by the Spanish Ambassador to His Majesty in May last, for the blackning and aspersing the Design and Attempt of the Scots, with respect to their Setling a Colony upon the Isthmus of Darien, (all which will in the following Sheets be brought under Disquisition, and demonstrated to be Groundless, Frivolous, and Impertinent) yet that it hath no Analogy, nor beareth any Proportion with the indecency, severity and defamatoriness of the Language, which occurreth in the Memorial exhibited by the same Minister to the Lords Justices in the Month of September. Wherein he upbraids and reproaches a Great and Wise, as well as an Immediate Personal Transaction of His Majesty, as if therein he had not only been Emporter a l'ambition d'usurper & bouleverfer les Pais d'autrui, Hurried into the ambition of usurping a Power over, and of endeavouring to subvert
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the Dominions of another Prince; *and that if such an Act stand allowed,* Il ny auroit ni Statutes ni Loys Municipales, a observer chez les unes ni chez les autres qui ni fuisse Libres de attentates d'autrui, There will neither remain Statute nor Municipal Laws observable between Princes, which will not be liable to be invaded, and freely broken in upon; *but he farther calls it such an Action towards the Catholick King, that by reason of the influence, which it may have upon his Subjects,* Pour tenter la Foy, & exciter leur Esprits a des soulevemens, In tempting them from their Allegiance, and by exciting them to Mutinies and Insurrections, is not consistent, a la bon Foy qui se doit observer entre les Chretiens, & a la plus fort raison entre des Allies & Amis, With that sincerity which should be observed among Christians, and much more among those that are Allies and Friends; *being withal such a Practise, that if suffered,* Il ny aucoune Nation, ni Domination en Europe en surete contre les machinations & tromperies de la plus Fort, ou de la plus malicieux, There will be no Nation or Kingdom in Europe in safety against the Contrivances and Deceits of such, as are either Powerful or Malicious.

All which I have therefore called over and mention'd (and would not otherwise have done it) that they who have appear'd unfriendly unto, and offended at the Scots Undertaking, thro' the suffering themselves to receive sinistruous impressions of it, upon its being represented in the foremention'd Memorial of May 3. As an Invasion upon the Dominions of His Catholick Majesty, and an Infraction of the Ali-

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liances between the two Crowns, may from their being made acquainted with the foulness and undecency of the Terms that are bestowed upon the Stipulation which the King of Great Britain hath been concerting, to the happiness of the very Spaniards themselves, as well as for the future tranquility of all the Sovereignties and Principalities of Europe, be from thence henceforward convinced, that the Credit and Authority of a Spanish Memorial is too lubricous and sandy a Foundation to build an Opinion upon, of the Illegality and Injustice of a Transaction, Enterprize and Fact. And as I hope the having unanswerably prov'd, that the Spaniards were wonderfully mistaken in the Appellations which they gave to the Scots Landing and their beginning to erect a Plantation upon the Isthmus of America; so I doubt not, but that the Projection, for which His Majesty is so undecently treated, and dishonourably aspersed, will be both vindicated from all the Obloquies cast upon and affixed unto him; and also justified to have been the Result and Effect of a Wisdom, that future Ages, as well as the present, will admire and magnify him for. Only care in that case must be taken, that they who shall be honoured with the Trust of being employ'd in such a Noble Work, may not be of those Persons chusing, who selected and pitched upon the Writers of the Pamphlets, call'd, The Defence of the Scots Abdicating Darien; and the Defence of their Settlement at it Answer'd, these being with respect to Sense, Truth, Reason, and good Manners, the most silly, ridiculous, and ignominious Creatures, that ever the Name of Authors was conferr'd upon.

And

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And that their Performances in their several and respective ways, which are such as proclaim the Intellectuals of both of them mean, and the Morals of one of them very bad, are not arraigned and exposed in the ensuing Discourse, is, because of its having been fully written and finished, before the Scurrilities of the one, and the Impertinencies of the other, towards the blackning of the Conduct of the Scots, or the disproving the Legitimacy of their Undertaking, were obtruded upon the World; as likewise previously to the Publication of the Book that is Stil'd, A Defence of the Scots Settlement at Darien, with an Answer to the Spanish Memorial against it. And as I have not upon the perusal of the last either added unto, or subtracted from what I had antecedently written, which may serve to vindicate me from being accounted a Plagiary, in case that in our Reasonings upon a Subject that is the same there do here and there appear, not only an affinity of Stile and Language, but a Concidence of Thoughts, whether in the mentioning of Facts, or in the citing of Authorities; so I do not think it necessary to Reply any thing to what by some may be held Argumentative in either of the other two foremention'd Pamphlets, as reckoning that whatsoever occurreth in them of that Nature and Tendency, to be sufficiently obviated, and in way of Answer fully anticipated, in what is Represented and Argued in the following Sheets; and much less can I prevail upon my self, to wast my own time, and give entertainment to the judicious part of Mankind (whom I do only covet to be the Readers of what I write) in the detecting the Calumnies and Falshoods, and in rebuking the Petulancy of a Mercenary Scribler, that

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hath been brib'd with Money to defame a Nation, and to throw that Dirt upon Persons of Integrity and Honour, which a little scandalous Fellow, who had been expell'd some time ago out of His Majesty's Navy for his Crimes and Misdemeanours (and who thereupon spoke as scandalously and revilingly then of the English, as he hath lately done of the Scots) had rak'd and gather'd together. The only thing which I shall therefore say, for overthrowing the Faith, Reputation and Credit, of that detraitive Miscreant in his many other Fictitious and Romantick Stories, shall be to refer those, who are not willing to be misled in their Belief of Men and Things by Lies and Fables impos'd with impudence and audacity upon them, to Mr. Wafer, who can and will assure them, that the Aspersions thrown upon the SCOTS, in relation to their Treating of him, are as false, as they are defamatory. So that thro' the Fellow's appearing a Liar in one Case, he is to be accounted incapable of having his Testimony receiv'd in all other whatsoever. Nor can any, without the renouncing of common Sense, believe that the Gentlemen employ'd by the Company to Confer and Transact with Mr. Wafer, cou'd be guilty of such Weakness and Folly, as to reveal and detect unto him their Design upon Darien, in that the whole Success of that Undertaking, depended entirely upon its being kept and preserved a Secret.

However it may not be amiss to take notice of a certain Passage in that Fabulous Book, which is to be met with Page 16. namely, That just as the Scots Companies Books were open'd at Amsterdam, for the Receiving Subscriptions to their Stock and Capital, the Dutch East and West-India Com-

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Companies run open mouth'd to the Lords of that City, shewing what was hatching by the Scots Commissioners in their Town, to Ruine the Trade of the United Provinces. Which I have therefore the rather cited, because it is one of the few that have any Truth in them, and not to administer occasion unto any Men (tho' I fear many will be ready to take it from thence without my leave or allowance) for suspecting, and much less for concluding, that our Councils in England, are too much under the influence of the Hollanders, and accommodated to such Measures, as are subservient to a Dutch Interest. For tho' the unthinking Creature who communicated the Story to the Writer, and the unwary Statesman and indifferent Politician, under whose Countenance as well as Connivance it stands publish'd, might no ways design the begetting and fomenting such an Opinion, yet it is so adapted to justify an apprehension of that Nature, that not only such who are disaffected to the Government, but many that place their happiness, and do find their Profit in being under it, will be ready to fall into the Notion, and to imbibe the Sentiment. Especially seeing as well the Proceedings here in discouraging the Scots in their American Design, as what hath been done and practis'd in the English West-India Plantations by positive Orders and Injunctions from hence, which have proved very Prejudicial, if not Ruinous unto them in their Colony, thro' appearing very little subservient to an English Interest, either here, or in America, will thereupon be construed by those bold and critical Men, who do both usurp a Liberty of penetrating into, and a Right of judging and censuring Resolutions and Actions of State (which ought

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to be look'd upon with Reverence, and acquiesc'd in with Silence) to have flow'd either from a Wisdom in reference to our Concerns, Welfare and Prosperity, that is indiscoverable and past finding out; or to have sprung from Reasons relative to the Satisfaction and Advantage of that Outlandish and Foreign Republick, which hath been named.

And as in the other Pamphlet, call'd, The Defence of the Scots Abdicating of Darien, Answer'd Paragraph by Paragraph, whereof the Author hath written with more Modesty, than he did on whom I have been Reflecting, tho' at the same time so weakly and triflingly, that I cannot bring my self to think, that it needs (for I am sure it doth not deserve) so much as one Stricture or Animadversion bestowed upon it, beyond what in the following Discourse will be found applicable thereunto. And indeed that Gentleman's Design seems (as if playing Booty) he had intended the getting a Book to pass unarrested and current under the Vizor and Mask of being Answer'd, which thro' its want of that Skreen, Cover and Passport, there were endeavours used to have stifled and suppressed. Which appears the more evidently to have been the scope of the Answerer, in that he doth not only give us the other Book entirely, so far as he taketh upon him to Reply unto, it which he doth in his manner with reference to the whole that is Argumentative and Discursive in it; but he annexeth, without the omission of a word, whatsoever ocureth in the Book, against which he would be thought to set up as an Antagonist, a Sheet and a half giving the Description of Darien, without the being at the expence of a Syllable to contradict or disapprove it. Yea, the main Argument upon which he
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endeavoureth to justify the Opposition unto, as well as the Discountenance given by the Government of England to the Scots, in their American Undertaking, being taken from a Visionary and Romantick Topick, and superstructed upon a known and downright Falshood, it doth thereby become manifest to all who are endowed with any measure of discerning, that his main purport in Writing, was to give a Licence for the safe and publick Sale of a Book, which crept about, and was here and there vended abroad, only surreptiously and by stealth before. For whereas he seeks to have it believed, that all the late English Proceedings in disfavour and prejudice of the Scots, were in pursuance of an Address presented by the Parliament to His Majesty, Anno 1695. This is all mere Dream and Imagination, and no better than a Bantering of Mankind. It being most certain, that the Parliament never entertain'd a thought, of having Obstruction given to the Kingdom of Scotland, as to their Settling a Colony either in the East or West-Indies, provided it were not where they were the previous Occupiers, and on condition that it prov'd not in ways, and by means inconsistent with the Amity that is between the two Kingdoms, as they stand link'd together under one Sovereign. Neither could they so far forget the boundaries unto which they do at all times circumscribe and confine themselves in their Parliamentary Actings, as to attempt it in reference to a Nation, over which they claim no Jurisdiction, but which they do own to be Absolute within it self, and altogether Independent upon them. But the whole which the Parliament ap-
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plied unto the King about at that time, was that he would interpose and exert his Authority for the hindring of his English Subjects from becoming Subscribers to the Stock and Capital, which the Scots were about to make, frame and establish, for the Erection of a West or East-India Plantation, and for the beginning and promoting of a Foreign Trade. Which as they had a Right and an Inherent and Legal Power to do, so they shew'd themselves extreamly Wise and Prudential, in opposing and defeating that part of the Scots Projection. Seeing shou'd such a Liberty have been either allowed or connived at in the Subjects of England, much of that Treasure which is employ'd in their own Traffick and Commerce, and especially to the Indies, might have been put into the Scots Bank, upon the Prospect and Motive of the Profit that would thereby accrue unto them, thro' the many Privileges and great Immunities, which were granted unto the Scots Company for and during the Term of 22 Years.

Nor doth he shew himself very prudent, in Reflecting so severely, as he doth, upon the Behaviour of the Scots towards King Charles I. in that the English themselves were not only as Disloyal as they, but both tempted them unto, and rewarded them for it. Seeing besides their Troops being paid with English Money, not a few of their Leading Men better'd their Fortunes, at the expence of this Kingdom, by their being the Fomenters of the first War, as well as for being the Instruments of Scotland's joyning to support the Parliament against the King afterwards. And whensoever it is seasonable, it can be demonstrated from Authentic Memoirs, and such as de-
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serve to be Credited, that the Scots had neither Marched into England, Anno 1638, nor in 1643, had they not been universally Courted, and divers Persons of the first Rank bribed thereunto. It being undeniable that the Ship-Money and the long Intermission of Parliaments in England, influenced such as in that Kingdom were stil'd Patriots (which whether they were or not I do not enquire) to tempt and draw in the Scots to that bloody and infamous War, whereas without Encouragements, that I am not willing to Name from them, the Scots would have upon no Resentments of their own have run into it, how Bigotted soever some of their Clergy might at that time have been. And as the Rebellious part fell equally to the share of both the Nations, so the Treacherous share both towards God and Man doth distinguishingly affect England, in that instead of making that King a Glorious Prince, as they both Swore and Stipulated, provided those things were redressed which had been complained of as amiss in the Administration, they not only rejected the Concessions which he made, that were more than a wise People would have demanded, but they Murder'd him. Neither was the Number of those in England, who persever'd in their Allegiance to that King, and suffer'd with him and for him, greater and more numerous, in proportion to the People of the one Kingdom and the other; then they were, who asserted his Interest in Scotland to their Ruine. Nor can I imagine for what End; that Author recalls those things (which ought to be for ever forgotten) in such approbrious and aspersive Terms, unless it be to fasten an Ignominy and a Reproach upon what hath been since trans-

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transacted against another Prince, tho' not carry'd to the height of the Original.

Yea, were not that Author prodigiously silly, and altogether unfit for the Province which he undertook, he would not upbraid him whom he pretends to Answer, for having shew'd both Vanity and want of Judgment, because of his having only said, That Scotland turned the Ballance in the late Revolution. Whereas it is as Demonstrable as any Problem in Euclid, that if the Kingdom of Scotland had Unanimously Declar'd against the Abdication (considering the many thousands in England, who in the justifying thereof would have been ready to have seconded them) but that both the War in Ireland and that upon the Continent, would have been carry'd on with more difficulty than they were, and probably have terminated more unfortunately, and with less honour, than they did. Nor is it to be thought impossible, but that upon such a Declaration, the Scots might have obtained, those Terms with reference to their Laws, Liberties, Privileges and Religion from King James, and those so secured from Repeal and Alteration, as that they might have been as happy as either at present they are, or have reason to hope to be hereafter. For however impossible it was, as our Author rightly accounts it, for the Scots to have remain'd Neutral at the time of the Revolution, considering the Party within their Bowels, that was headed by Dundee; yet all Men who have not lost their Understandings, must needs acknowledge, that they might at that juncture have taken other Measures than they did.

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Nor can this Writer be any ways thought a Politician, who seeks to represent it as a thing too ridiculous to be imagin'd, That England could be render'd obnoxious to Dangers, thro' the Scots running into a Conjunction with France. For tho' I do esteem him a very ill Man that wisheth it; yet I cannot avoid reckoning him strangely unacquainted with the State and Ballance of Europe, that doth not foresee, how mischievous the Union of these two Nations together might prove to this Kingdom, notwithstanding both its own great Opulency and Power, and its having the Dutch for its Allies. Of whose wonderful Friendship our East-India Company hath had a late Experiment, thro' the Holanders both supplanting them in effect in their whole East-India Trade, and in the getting them to be disgracefully Insulted by the Ministers and Officers of the Mogul. For whereas that Monarch being provoked by the Hostilities of European Pirates, would admit no Europeans to Traffick in his Dominions, without their becoming obliged to cover all his Ships and those of Subjects from those Robbers: The Dutch in the vertue of Bribes seasonably bestowed, have procur'd the protection of the vast Ocean Southward of Surat to be devolv'd upon the English, (the performance whereof is altogether impracticable, especially if the Suborners thereunto, should not only Countenance the Piracy of others, but think it convenient in order and subserviency to their Interest to practice it on these Seas themselves) while the whole which the Dutch have thought fit to charge themselves with, is to protect the Commerce to Mocca, in the Undertaking whereof, they have also a Prospect of acquiring other advantages over
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the English. But to return to the Author of whose Performances I have been suggesting my Thoughts. Would either my Temper, or my Principles, allow me to judge of another's Desires by Consequences deducible from hasty and unwary Expressions, I should be apt to suspect, that the Gentleman would be glad to see the Experiment of the one and the other that have been mentioned. Whereas I do heartily pray, that neither the Scots may be so Traiterous as to be guilty of the first; nor the English brought into the Circumstances of being expos'd to the trial of the second.

All that I shall further subjoyn for preparing the Reader to the perusal of the following Discourse, is briefly to let him know, that I do reckon what will be there met with, to be no less either Needful or Seasonable, in case the Scots have forsaken Darien, than if they had continued still in the possession thereof; or after their having once Abandon'd it, had again Re-possess'd it. In that my business is to Justify and Vindicate the Legality of their Design and Attempt to Settle there, abstracting from the consideration whether their Undertaking might be attended with Success or Disappointment. And if what I have represented and offer'd on that Head, be Pertinent and Effectual for the Proving and Establisning of what it is alledg'd and adduc'd for, it will not only render their Condition the more Compassionable, on the supposal of their having been unfortunate; but it will both make their present Clamours and Resentments for their Loss, Calamity and Disgrace, the less Surprizing and the more Pardonable, provided they carry them no farther, than what is consistent with their Fealty and Allegiance; and will shew the

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unkindness and neglect of those to have been the greater, whether in the giving them Opposition, or in the refusing them Assistance; whose Favour and Aid they might, on many accounts, have reasonably relied upon with respect to the being Countenanced and Supported. Not to add, that some will find themselves extremely mistaken in their Politicks, and perceive their having been misled into wrong Measures; if the Intelligence should prove true, which divers have receiv'd, of the Spaniards having accepted the Naval Assistance of the French, for Driving the Scots out of Darien, in case they be still there, and on the supposal of their having left it, for the Covering all those Parts of America, over which the Catholick King pretends a Sovereignty, tho' Unoccupied by any of his Subjects, from attempts of that Nature upon them for the future by any of the British Nations, or the Dominions thereunto belonging. Seeing that as Spains complying to receive the Aid of the Marine Power of France, must argue such an entireness of Friendship, and firmness of Confidence between them, as can neither be comfortable nor safe to several Principalities and States in Europe; so besides the Inconveniencies and Damages which may thereupon befall other of His Majesty's Kingdoms, as well as Scotland; it is not impossible, but that congruously as well as consequentially to this, the Crown of Spain may be willing to admit of the Conjunction, Aid, and Assistance, of the French in the Loan of their Land Forces, for the compassing Ends on the Continent of Europe, which neither We nor the Dutch will find our Interest and Benefit in. However, if what I have said and argued in the ensuing Sheets, be pertinently adapted

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unto the Question that is Debated, and demonstrative of the Legality and Justice of the Fact, which I have espoused the defending of; the Scots will thereby be not only Vindicated from the Clamours that have been rais'd against them for what they have done; but they will be also cover'd from aspersions for the future of acting invasively upon the Rights, and from being injurious to any, shou'd they on the supposition of having abandon'd that Place, and the renouncing of all thoughts of re-establishing themselves again in it, apply their utmost Efforts and Endeavours to the obtaining a Settlement in some other American Territory, where nothing else can be objected against their Liberty and Right of Planting, than what having been alledged against their Sitting down on the Isthmus of Darien, will be found to be impartially examin'd, and abundantly refuted, and that with an exact observance of all the Rules of Modesty, Decency, and good Manners, wherein the Author of the Defence of the Scots Settlement at Darien is said to have been deficient.

Adieu.

The Errata being but few, and such as any Reader may both discern and correct; the Author hath not thought it needful to make a Collection of them.

The Application of the Scots to
 FOREIGN TRADE,
 Commended and Encouraged :

And their late Attempt to have Settled at Darien, fully Vindicated from all that hath been Excepted against it.

THE *Humane Race* being the alone and the only *Rank and Species* of the whole *Sublunary Creation*; that is furnished and endowed with *Intellectual Faculties* and *Corporeal Organs*, by which they stand adapted and qualified for a *Mutual Communication* of their several and respective *Conceptions and Thoughts*; and thereupon thro' their very *Frame and Constitution* rendered *Sociable* with, and under all *Deficiencies, Exigencies and Infirmities* assistant and relieful unto one another. The great and wise *Creator*, who hath *produc'd* them, *enrich'd* and *adorned* them with those *advantages*, and who *governeth* them in proportion to their *Natural aptitudes and capacities*, hath consequentially thereunto, not only made several *Acts, Offices and Performances*, to be, by his *engraven*, and by his *revealed Laws*, the *indispensible Duties* of men towards each other; and that both as they stand considered *individually and apart*, and as they become *assembled, and united into*, and do

constitute Societies: but he hath also in his admirable Wisdom, so Formed this *Terraqueous Globe*, and the whole *Elementary World*, that by means of the variety and difference of *Natural*, and *Artificial* productions, in suitableness to the distinction and diversity of *Climates* and *Territories*, there should be as well a kind of *necessity* imposed upon, as an *incouragement* given unto all *Nations*, for the cultivating and promoting a *Correspondence* together.

And tho' the chief and great *Ends* which the Universal and Sovereign *Ruler* designeth, thro' and by the means of an *Intercourse* between and amongst people of all *Nations*, and which accordingly he makes the pursuing of, to be the principal part of our *Duty*, be exceedingly *Different* from, and are incomparably more *Noble*, and *Sublime* as well as more *Subservient*, both to his own *Glory*, and to the mutual *Benefits*, which should be *Prosecuted*, and are attainable, by a free and unlimited *Correspondence*, than those, which the generality of men, do mainly propose, and ultimately acquiesce in; Yet we are not in our desires and endeavours after *Communication* and *Commerce* with others, so precluded from *Acting* under the *Prospect* and *Influence* of *Secular Advantages*, in *Subordination* to higher aims and *Attainments*; but that it is both *Lawful* in it self, and may be *Expedient*, with respect to the *Safety* and *Prosperity* of those *Regions*, and *Dominions*, and political *Communities*, where we are brought forth, do inhabit, and into which we are *Incorporated*, to seek, and pursue such an acquisition of *Opulency* and *wealth* thereby, as may as well advance the respective *Nations* and *Societies* unto which we belong,

belong, above the Contempt, and prove Serviceable to the covering them from the Insults of Neighbouring Kingdoms and States, as recompence and reward the Labours, hazards and expences of those, who do either personally, or otherwise engage, associate and venture in the beginning, promoting and defending a Correspondence and Commerce of this Nature.

For tho' there have been, and still are here and there, a few that being formed *ex meliore luto*, and who thro' having something distinguishing and singular in their *mechanical* Frame, Or thro' the being imbued with more exalted and generous Principles either of Nature or of Grace, then it is the Lot and Portion of many any where to be, have upon *Philosophical* or upon *Religious motives*, become Travellers, and Voyagers into far distant and remote Countries; yet as the ends under the view, and for the compassing whereof, they have heretofore undergone, and do hitherto subject themselves to the toil, cost and dangers, which unavoidably attend and accompany such undertakings, are either too speculative, and too much abstracted from things and matters, that affect our Senses, and are beneficent, and gratifying to the Animal life; or are of too elevated, spiritual and Celestial a Nature and Consideration, to make an impression upon, and to byass and govern any *Large Number* of those of great Political Bodies, and National Societies; So the Embarking thereinto, upon the forementioned single inducements and prospects, by some Individuals, whose either natural Genius, or their improvements in Divine Knowledge, and the being furnished with more Christian zeal,

and Supernatural grace, than most have arrived unto, or are under the power of, does neither amount nor bear proportion to the Notion and *Idea*, which an *Universal Correspondence* between and amongst those of all Regions signifieth and imports. Nor will it answer the Exigencies and Necessities, which the People of every Nation are less or more under, of having their Superfluities Exported and of gaining those things to be Imported, which they do either wholly, or to very prejudicial Measures and Degrees, want and stand in need of.

So that it is not more obvious, than it may be easily accounted for, how a *Correspondence* of this or that State or Kingdom, with other Nations and Dominions, especially when far distant, and widely disjoyned from each other, comes to be so little minded and practised, save in order unto, conjunction with, and in Subserviency to *Traffick* and *Mercantile Commerce*. Nor do remarkable Numbers of any people much love to Travel, or commonly do, out of their own Native Regions and Territories, tho' but into Neighbouring and adjoining Provinces, which may be effected with great Safety, and at little expence, unless upon views either of Subsisting better there, than they did at home, or of qualifying themselves thro' an acquisition of Arts and Sciences, or by the procuring Treasure, and Wealth, by means whereof, they may afterwards make a better *Figure*, and live more comfortably and opulently in their own Countries, than they were otherwise likely to have done.

And whosoever alloweth himself liberty, and vouchsafeth to take the pains, of observing the pre-

present *State* and *Balance* of *Europe*, with the various and different conditions of the several Territories, Jurisdictions and Dominions thereof, will soon discern and understand, why every People whose *Country* lies situated, and whose either Soil or Industry may furnish them with *Materials* for *Trade*, should account it their *Interest* and make it the *Scope* and *Design* of their Skill and Labour, to *cultivate* and *pursue* *Navigation* and *Foreign Traffick*; seeing the great Advantage, whether with respect to Power or to Wealth, which this or that *European Country* and *Nation* have above and beyond *others*, is mostly, if not altogether, owing and ascribable unto the extent and measure of their *Navigation* and *Traffick*. For as it is principally this that attracteth and draweth large swarms of Industrious people to Countries and Territories, where the Natives and such as did Inhabit there before, were but few; so in proportion to the encrease of people, and their application to Commerce, there do necessarily ensue Enlargement of Agriculture, Augmentation of Manufacture, the venting of Natural as well as of Artificial productions, and thereby a growth in Wealth and Treasure, and consequently thereunto, an advancement in the value and price of Lands.

But because the main design, as well as the necessary brevity of this Discourse, will not allow place nor room, for the arguing of this according to the worth, and importance of the Subject, I shall therefore choose at once, both to prove and to illustrate it from and by uncontroulable matter of *Fact*. Nor have we occasion to go far for a convincing Instance and

Evidence of it: Forasmuch as we need no other demonstration of the many *Benefits* that Naturally result from *Trade*, than to consider how our Neighbours, the *Dutch*, are hereby become *Populous, Wealthy and Powerful*. It being apparent, beyond possibility of being rationally denied, or contradicted, that notwithstanding the Unhealthfulness of their Air, the Brackishness of their Waters, the Badness of their Ports, the Scarcity of their Natural Productions, the Narrowness of their Territories, and the vast Expence, which they are indispensibly obliged unto, for the covering and defending themselves, and their Country from the Inundations of the Sea; yet that upon the motive and encouragement of the Profits and Advantages arising by *Trade*, they have drawn many of the most Laborious and Ingenious people of all Neighbouring Countries into their *Provinces*; so that from a scanty number of Original *Natives*, and primitive *Inhabitants*, they are increased into such a Multitude, that no Nation without Traffick, and that is confined to there narrow dimensions of Lands and Territories, maketh an approach unto, and much less equalleth. And all these by accrements from Navigation and Commerce, are not only by reason of their Riches and Wealth, become the objects of the envy of such as live about them; but the *Heads, Governours* and *Supream Rulers* of that Republick, are risen from Poor Weak Suppliant and Despised *States*, to the making of such a *Figure* in the World, that fully and amply answereth the *Lofly Title*, which they have assumed unto themselves, of *High and Mighty*.

Nor is it unworthy of remark, that the *English*, whose Genius disposeth and inclineth them, and whose *Situation, Ports, Natural Productions*, and Manufactures, give them incomparable Advantages for Foreign Traffick and Commerce, beyond what the *Hollanders*, with respect to all and every one of these recited particulars are possessed of, and furnished with, and that the said *English* have for above a *Century* of Years applyed themselves unto *Trade*, with Industry, Zeal, and Success, beyond what most of their *European* Neighbours can pretend to have done; yet even They are greatly exceeded by the *Dutch* (allowing for the dimensions of their Territories) both in *Number* of People, and in the Opulency of *Private Dealers*, as well as of their *States*. And this meerly by a more intense, and *Universal Cultivation* of Commerce, and by the Wise conduct of their *Government* in the making the *Export* and *Import* of their Goods, and Commodities *Moderate* and *Easy*, under all the Exigencies and Necessities of the *State*, and a proportionable Imposition upon, and Exaction from the Subject. For whereas the *Dutch* (as is well observed by that Excellent and Sagacious Author of an *Essay upon ways and Means*) having in all their Provinces only about *Eight Millions* of Acres, do entertain, employ, and comfortably Subsist near *three Millions* of People, yet *England* notwithstanding all the forementioned Advantages, for Traffick beyond and above them, and its having in Land more than *Thirty Nine Millions* of Acres, is not reckoned to have above *Six Millions* of People, which upon a balance, and an adjustment of our extent of Ground and

Essay upon the probable methods of making a people gainers in the balance of Trade. p. 37.

theirs, makes them to exceed us more than in a Moyety of Inhabitants.

And as they have in the vertue of, Results from, and natural Consequences upon there application unto, and Cultivation of *Trade*, attained unto a Naval strength, which makes them *Superiour* in *Marine Power* to most *Nations*, and *Rival Competitors* with all for the *Sovereignty* of the *Seas*; so they are grown able thro' the *Treasure*, which they have acquired by *Traffick* and *Commerce*, to procure, raise, and muster, *such Numèrous Forces*, out of distant, as well as out of adjoining Countries (where the want and poverty not only of Subjects, but of Princes tempteth the *Latter* upon the baite and bribe of Pensions, to grant and afford them what proportion of Troops they do require, and compelleth the former upon the hopes of a Pay, that will hardly yield them Food, to be willing, and ready to serve under their Banner) as thereby to be in a Condition to undertake, carry on, and manage both *Offensive* and *Defensive Wars* against the greatest Potentates, and the Powerfulest Nations in *Europe*. For as it is with great Judgment, and an accurate regard to Truth, observed by the most Ingenious Author of an *Essay, upon waies and means*, that no *Sums dug out of Mines*, bear any proportion with what may be made to rise, by the *Labour and Traffick* of a *Trading and Industrious* people: So it is no less *Morally* and *Politically* certain, than any *Problem* in *Euclid* is *Mathematically*, that in proportion to the Riches and Treasures which a people is possessed of, they may be powerful (if they please) by Land as well as by Sea. Whereas such Nations, who do either because
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of their distance from *Navigable Waters* stand *Incapacitated* and *Disabled* for all *Maritime Traffick*, or who by reason of their *Carelessness*, and *Sloth*, do not *Apply* themselves unto it, with that *Industry* which they should, are notwithstanding their larger, as well as their equal extent of *Territories*, with them whom we have mention'd, not only unable to support and sustain a full complement of People, in proportion to the dimensions of their Land, but tho' possibly through the Largeness of their Ground, they be overstockt with Inhabitants, beyond what some Trading Countries are, nevertheless they are incapable of Maintaining even a *Land War* (especially if it be offensive) for so long a time, and with so much Reputation and Honour, as a Kingdom or State addicted unto *Traffick* and *Commerce*, are experimentally found to be in a condition to do. Whereof I need not assign Instances, there being several large Dominions, and considerable Republicks in *Europe*, which are undeniable and convincing proofs of it, and particularly even *Germany*, as well as *Switzerland*: who notwithstanding their great Numbers both of Men and of Disciplined Troops, and their inclination unto, and Bravour in War, yet thro' their being straitned and scanted in *Money*, which is a Natural and unavoidable *Consequence* of their *Want* of *Traffick*, they are neither in a condition to bring such Numerous *Armies* into the *Field*, nor for any long time to *Maintain* them there, as such *Nations* who are stored with *Treasure*, as the result effect and produce of Trade, easily may and often do.

But that which in a most especial manner, should awaken and oblige every Nation, that lies *Situated*, and is provided with Necessaries and conveniencies for *Trade*, to undertake, cultivate and promote it, is seriously to weigh and consider, what our *Neighbours* who have commodious *Ports* for *Navigation*, and *Natural* and *Artificial Productions*, to be both the Source Original and Foundation, and the Nerves and Supports of it, have been of late and are still industriously doing. Namely that the acquisition and enlargement of *Trade*, is the great Study and endeavours of most Princes and States, the adjacency of whose Territories to the Sea, the growth of their Soil, and the Manufactures of their Subjects do in any measure make it practicable, and give hopes of succeeding and prospering in it. Particularly that Powerful and wise *Monarch* of *France*, no less to his own *Glory* than the *Benefit* of his *Dominions*, makes it the chief business of his Royal care and Authority, to encourage advance and protect it. Tho' of all Potentates and people whatsoever, the *French King* and his *Subjects* are in the best condition to subsist comfortably without it. And that by reason of their enjoying not only within themselves and at home, *all things* that are absolutely *Necessary* and *Requisite* for the pleasure, as well as for the Sustentation of life, but because of their having so many and such *Valuable Superfluities*, which others do Export from them, for which they do both furnish them in way of Exchange, with those few conveniencies, they do want, and do enrich them with Treasure, by paying them in Gold and Silver, for most part of the Goods and Commodities,

ties that they purchase of, and import into their own Countries from the m.

And indeed what that *Prince*, hath effected and done within the *compass* of a few years, and the narrow *Circle* of his own *Reign*, in the encouraging and promoting *Manufactures* at *Home*, the extending and enlarging *Traffick* into all Countries, tho' at never so great a distance *Abroad*, notwithstanding the Natural aversion, as well as the long contracted indisposition of his people thereunto, thro' Humour, Genius and Custom, and his having raised and furnished himself with a *Naval Power*, which for Number and Strength of *Ships*, is not only in a Condition to protect his *Commerce*, and defend his Kingdom against Invasions by *Sea*; but to dispute the very *Dominion* of the Ocean with those, who have long laid claim unto, and honorably maintained it; I say that the great encouragement which he hath given, and the stupendious advancement that he hath made in all these, do cloath and adorn him with greater Honour while he liveth, and will transmit his Name hereafter to Posterity, with a more dazzling Lustre and Splendour, than either all his Victories and Conquests heretofore, or his late sustaining so long a War, without any considerable Mortification and disgrace to himself, or momentous prejudice or damage to his People. And whosoever will give themselves leave to think, and are withal qualified to penetrate into the Springs, Reasons, and proper causes of Matters and Affairs of this nature, will easily find and perceive, that there is nothing has so much laid the Foundation of his vast Power and Strength of Military Forces at Land,
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and of his Ability to maintain and support them, without either their Deserting or their Mutinying thro' want of Food, Rayment and Pay; and of all the Successes which he hath attain'd unto by means of their Bravour and Discipline, as his *Manufactures* at home, and his *Commerce* abroad have done, from and by which most of that great *Wealth* and *Treasure* hath *flowed* in to him, in the Vertue whereof these things became practicable and have been accomplished.

For I do reckon there is nothing more demonstrable, than that the *French King* is chiefly indebted to the Profits and Emoluments, which have arisen by Manufacture and Trade, for all that during the late War he hath been enabled to do both offensively and defensively. And while others do amuse and triflingly employ themselves, and impertinently and uselessly squander away their time, in loading their Memories with naked and insignificant accounts and *Memoirs* of the *Military Facts* of that *Monarch*, and of those Confederated against him, which were transacted here and there, during the late bloody expensive and tedious War: I am not ashamed to declare my self one, who am rather willing to enquire into, represent and to recommend, the Springs, Originals and Foundations, upon which that *Potentate* was in a condition to support and manage so long a War, with so much Reputation to himself, and safety to his Territories and People. And I do presume to affirm, that the main Sources and fundamental means hereof, were his former acquisition of Wealth, and a continued accession and accrument of new *Treasure* by *Manufacture* and

and *Trade*. It being thereby alone, that so large a *Quota* and Portion of the Gold and Silver dug out of the *Spanish Mines of America*, and of what of the former is gathered in *Africa*, hath either by shorter and more expeditious steps, or after longer and wider strides flowed into *France*, and thereupon in the Course of Circulation there, hath come at last to be so plentifully lodged in that *Princes Exchequer*. So that it is into *Trade* and the *product* thereof, that we are principally to resolve the *French King's* having been not only able during the last War, to cover and protect himself from dishonour, and his Kingdom from Ravage and Impoverishment, by the irruption of the Troops of the Allies into his Provinces, their destruction of his Cities and Towns, or the pillaging of his Subjects to a measure and degree, that counter-vailed the attempting, and executing any thing of that kind, but his having been victorious in several Battles, successful in the Conquest of divers strong Holds and Fortified places, that were thought by some to be impregnable; and the rendring himself Master of large and rich Provinces, whose Situation and Remoteness, were thought Sufficient to have covered them, from being insulted, and much more to have made it impossible to have subdued them, and all this against such a plurality of Confederate *Allies*, and the greatest, strongest, most numerous and best disciplined united *Forces* that were ever known in this part of the World, to have cemented and Joyned against *One Prince* and single Kingdom.

Now I have the more particularly mentioned this, not that any should thereby be provoked
to

to complain of, or to blame that *Monarch* because of his employing his Princely solicitude for, and *exercising* his *Royal Authority* over his People, in commanding as well as encouraging their application unto *Manufacture* and *Trade*; but that his example may be both a Pattern and a motive unto every Nation to enter upon, and to pursue the same ways and methods, that is any wise qualified for, and capable of doing it. And especially that they would engage therein with zeal and Industry, unto whom upon the advantages, which will redound and accrue to him, thro' his Subjects improving in *Manufactures*, and in the enlargement and encrease of their *Traffick*, he may by reason of his Neighbourhood become hereafter a more dreadful Enemy than ever he yet was. For tho' neither our uneasiness, upon the aforementioned Account for the present, nor our too Just fears of what may overtake and befall us in time to come, can Justify either our being offended with, or our speaking undecently of the *French King*, but will only betray and discover our Folly, Ill nature and want of Breeding; yet it will both become the Wisdom, and prove the Interest of the *People of England* whom He is about *Rivalling* in *Commerce*, as well as in *Naval strength*, to make it more their care and endeavours to exceed him in each of those. And it is and will be every day more and more the great concern of the *Scots*, to emulate and imitate him in these particulars, as far and as much as they can. And were He at present in actual Hostility with us, as who knows how soon he may be, yet *fas est ab hoste doceri*, it is both Lawful and commendable to submit to learn of

an Enemy, and to suffer our selves to be taught by him.

Nor can it Justly administer offence to any honest and prudent Englishman, if I take the Liberty hereupon to subjoyn in a few words, that the more the *French* do cultivate and promote *Manufacture* and *Traffick*, for which neither his *Majesty* nor the *Parliament* of *England* can righteously quarrel with them, nor can attempt to disturb, or to obstruct them in their *Commerce* without some previous Infraction on their part of the *Treaty* of *Reswick*: The more it should be the *Princely care* of the *King* of *Great Britain*, and the sedulous and prudential *Study* and *endeavour* of an *English Parliament* and *People*, that the *Scots*, who being under the same *Prince*, that they are, and thereupon so Confederated and linked together, as to have the same Friends and Enemies, may both have the Advice, Council, and Countenance of *England*, to encourage them unto, and the Aid and Assistance of their Treasure, and Strength and Power to uphold and protect them in *Trade*. For seeing *Traffick* is the *Spring* and *Fountain* of *Wealth*, and that Nations encrease in *Riches* in proportion to the Kind and Degrees of their *Manufacture*, and the Quality and Extent of their *Commerce*; It naturally followeth that it is both the Interest and Duty of these Kingdoms mutually to further, and support one another, who being Subjects under one and the same Sovereign, are knit and united together by a stronger Cement, and by more firm and indissoluble Tyes, than Countries under distinct and different Princes, are capable of being made by Alliances and Leagues, how publickly soever contracted

tracted and stipulated, and solemnly ratified and confirmed. Nor will it I suppose be denied; but that according to the *Share* which *England* and *Scotland* shall acquire and obtain of the Trade of the World, the *Lefs* will fall to the *Portion* of the *French*, and the *Lefs* vent they will have, as well every where for their own Natural and Artificial productions, as for what they do Import from Foreign and remote places.

Nor can it be reasonably contradicted, but that *Scotland* hath been expos'd and stood liable to many *Inconveniences* and *Prejudices* by it's having so long and greatly neglected *Manufacture* and *Trade*, as it hath imprudently and supinely done. And had not they of that Nation, given undeniable proofs in divers other ways and Instances of their being a Sagacious and Wise, and a Laborious and Industrious people; such of some other Kingdoms who assume a great Licentiousness in rallying upon the defects and imperfections of those of other Countries, than their own, might as Justly reflect upon the *Laziness* of the *Scots*, and their *deficiency* in *Prudence*, and *good Sence*, as they do with insolence and unmannerliness enough, upbraid them with their Poverty. But as this is a very tender Subject, I shall handle it with such gentleness, that none of the Kingdom of *Scotland*, shall have cause to be offended: For as much as my only design herein is, to represent the Benefits which will arise to them, by their present undertaking, and to commend their engaging, as well as to encourage their persevering in it, but not to reflect with any Severity upon their omissions heretofore in this matter.

And

And I suppose it will be readily acknowledged, by all Men that are capable of thinking accurately, and to useful purposes, that it is not the *Largeness of Territory*, that makes a *Country Strong and Powerful*, but the great and plentiful Number of People; and consequently that the neglecting of such means and Methods, as would be effectual motives to prevail upon such as are Born and Bred in a Nation to continue in it, or to go no where but in prospect of, and in Subserviency unto the prosperity of their Native Land, must unavoidably cause a Nation to be Weak, notwithstanding the vast Multitudes, that may have been Born, and for some years brought up in it; which I presume will be confessed to have been hitherto the case of the *Kingdom of Scotland*, in that so large Numbers of people of great Ingenuity of mind, and of bodily strength and agility, equal to those of any Country about them, have through the difficulties they were under of living comfortably at home, which proceeded from Neglect and want of *Manufacture and Trade*, been Necessitated, as well as Tempted, to seek their Fortunes, and to endeavour to gain a livelyhood elsewhere.

Whereunto may be added, That as it is not meerly because of the having a great Number of People, that a Nation is rendred Prosperous and Happy, but thro' the having them usefully employed, which it is impossible they should be, without *Manufacture and Traffick*, and therefore that where there is none or very little Trade, a Nation is even made Obnoxious, and doth become liable to Calamities and Desolations, by the greater *Complement and Number* it hath of *Inhabitants*. Seeing in such years as are not

Seasonable for Grain, wherein that of the Poet obtains of *Spem mentita seges*, the Corn doth not answer the hope and expectation of the Husbandman; The greater that the Number of the People is, they must be subject the more to *Famine*, and Multitudes of them exposed to *Starve*. Whereof there needs no other proof, than what that Country hath for these two or three last years afforded us. For tho' it is by reason of *Trade*, being become more diffused and universal in the World, than it Anciently was, by means whereof the Indigency of one Country, is supplied out of the Abundance and Plenty of another, that *Famines* of late Ages are neither so frequent nor so Fatal as of Old they used to be; yet in proportion to the Scarcity and Want that there is of Money in any Nation, which must necessarily be answerable to the littleness of their Manufactures, and the meanness of their Commerce, *Famines* will both fall out the oftner there, and prove the more destructive. Seeing by the same reason, that the *Poor* in any Country, are in a time of scarcity more Obnoxious to Starving, than such as are *Rich*: A *Nation* that is *Necessitous* must be more exposed and subject to *Famines* and to Devastations by them, than Kingdomes and Provinces which are Wealthy and Opulent stand liable unto.

Yea where *Trade* is not encouraged and promoted, even *Agriculture* it self will be much neglected, tho' it be the chief, if not the only means, whereby the Inhabitants do Subsist. Because that as thro' the Scarcity of Money, and the Poverty thereunto annexed, which as I have often intimated, will always both accompany, and be proportionable to the want of

Manu-

Manufacture and Commerce, there will never be a sufficient *Complement* of *People* to *Cultivate* all the *Ground*, that is capable of being *Manured*, but that much of it must be left *Barren*: So the price of *Grain* and of *Fatted Cattle*, being generally in proportion to the *Wealth*, and *Treasure* that a *Nation* is possessed of, the *Rates* of those will run too low, for *Husbandmen* to be encouraged and enabled, to make such improvements even of their *Agriculted Lands*, as they might by *Expence* upon them be brought unto. Which brief hint and suggestion, I do leave and refer unto the consideration of those who do live in *Scotland*, who must know better than I pretend to do, how little their best Lands are improved to what they are capable of being, and how much *Ground* doth lie wholly barren, by reason of the want of a sufficient Number of *People*, and of the deficiency in *Riches* of those the *Nation* is stocked with, to take it in and cultivate it.

Whereas it is obvious what great enlargements are made in the *Agriculture*, and *Pasturage* of *England* beyond what formerly was, and to what high *Prizes* in comparison of that which they bore before, *Corn* and *Cattle* are advanced, since the *Application* of the *English* to *Trade*. Nor is it to be doubted, but that as they extend their *Traffick*, and become thereby farther enriched, there will be a proportionable progress made in the taking in and rendering those *Lands* fertile which remain hitherto *Barren*, and in the encrease of the *Price* of those which are already cultivated. Nor may it be amiss under this head further to represent, that it is because of the *Scots* having neglected *Manufa-*

Eturc and Trade, that the general Rental of that Kingdom, and the *Value of Lands when Farmed*, are even for the *Dmiension of Territory and Ground*, so much Disproportionable unto, and below what they are in *England and Holland*. Nor can any Mathematical proposition be more evident and certain, upon the indubitable principles of that Science, than it is sure and unquestionable both from *Moral Arguments and Experience*, that the current *Worth of Land* to be *Let* will be always according to the *Measure of Manufacture and Trade*, and in proportion to the *Riches* which a Nation by that means becomes possessed of. In confirmation whereof, it may not be unseasonable to take notice, how that answerably to *England's* enlarging its *Manufacture*, and extending its *Trade*, the value of *Lands* hath in equality thereunto gradually risen and swelled. So that from *Twelve years* purchase, which was the highest that *Land* went at about the middle of *Queen Elizabeth's* Reign, when this *Nation* began first to apply it self considerably to *Commerce*, it was risen and advanced some time ago to *Twenty Years* Purchase, and in several

*Essay upon probable
Methods of making a
people gainers in the
Balance of Trade.*

P. 77.

places of the Kingdom to more. For as the Admirable *Author* of an *Essay on Ways and Means* doth most pertinently observe, and confidently affirm, *That there are undeniable reasons to be given, that the general Rental of England did not in the year 1600 exceed Six Millions per annum, but that thro' the help of that Wealth, which had flowed into the Kingdom by Foreign Trade, it had risen before the commencement of the late War, to Fourteen Millions Yearly*; So none will have the *Effrontery* to gainsay, but that the *Rental of England*,

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was the year 1600 greatly encreased beyond, what it had been about half a Century before. Which the more it is seriously weighed, and duly pondred by the Nobility and Gentry of *Scotland*, it will not only both Justifie their Wisdom in procuring an *Act of Parliament*, for *Trading to Africa* and the *Indies*, and in their having joyned so freely, and contributed so Liberally, for the forming a *Stock*, and raising a *Treasure*, that may be sufficient as well to Uphold, and Promote as to Begin it, but it may also animate their Zeal, and raise their Courage for the Maintaining and Protecting of it.

But to shut up this particular, it is to be ascribed to the neglect of *Trade*, and their falling below their Neighbours in *Riches* and *Treasure*, which is the Natural effect of that Omission, that *Scotland* is not only so weak as it is in a *Naval Strength*, notwithstanding the variety, goodness and conveniency of its *Ports*, for the *Ocean* and *Mediterranean*, as well as for the *Narrow Seas*, and the *Baltick*, but that the *Nation* doth make so mean and inconsiderable a *Figure* in *Europe*, and that the *Scots* Nobility and Gentry, who for their Natural and acquired accomplishments do equal most of any Country that are of their Rank and Quality, and who for Bravour are Universally acknowledged to Come behind few or none, are nevertheless so little Valued and Caressed by Princes, and in Courts, by whom and where persons are chiefly esteemed, according to their weight in the balance of an Exchequer, and in proportion to their Rental and Capital.

But the *Kingdom* of *Scotland* being at last willing and desirous to redeem it self from the *Opprobry* and *Reproach*, unto which it hath so long stood exposed among its Neighbours, for the having either thro' *Supineness* or *Pride*, neglected the promoting and pursuing *Manufacture* and *Trade*, and being now Embarked in an Undertaking, that will relieve that Nation against, and rescue it from the *Inconveniencies* and *Damages*, which have ensued upon, and accompanied their *Omission* of *Commerce*, it may not be here improper to represent in a few words the several advantages that *Scotland* is possessed of, and doth enjoy in equality with most Countries, and above divers, for its being qualified and enabled to succeed and prosper in this Design. For the main and great things that are Antecedently needfull, and pre-required, in order to a peoples engaging in *Manufacture* at home, and *Commerce* abroad, being large Numbers of Men and Women, and a Soil producing variety and plenty of usefull Commodities, and convenient Ports for the Exportation of their own Commodities, and the Importation of such goods from Foreign parts, as they shall have either occasion to consume amongst themselves, or which by carrying them forth again, they can dispose of and vend else where; there are few *Nations* in *Europe*, that are better furnished and accommodated with all those advantages, helps and Succours than *Scotland* is. Seeing besides its having divers *Harbours*, and those both safe and conveniently Situated, for Sailing to and from the Eastern, Southern and Western parts of the World; It hath likewise diverse *Natural Productions*,

ductions, and may have a sufficient plenty of *Artificial*, to give an *Original* unto, and be both a *Foundation* and *Nourishment* for Trade : Nor will any deny but that it actually doth, or may at least speedily so abound with People, as to yield and afford hands enough for *Manufacture* and *Traffick*.

For tho' I do acknowledge, that *Gold* and *Silver* with which the *Scots*, may probably be but indifferently and scantily furnished (whereof nevertheless they may in time by this means acquire more) be the measure of Trade; yet nothing is more certain, than that the *Natural* and *Artificial Products* of a Country are the *Spring* and *Source* of it; and that the *Nerves* and *Sinews* thereof are a *Multiplicity* of *Hands* properly and industriously employed. And with these *Scotland* doth so abound, that many have not only been, and still are thro' want of business and labour whereunto to apply themselves, an useles and a grievous Burthen to their Native Country: but great Numbers have by their Necessities been constrained either to Transport themselves into the Colonies and Plantations of other Nations, or to serve Foreign Princes and States in the Wars, which they have been carrying on against one another, in neither of which ways, hath any *Benefit* accrued to the *Kingdom* of *Scotland*, nor is it possible that it should, unless now and then casually and by accident. But those Colonies, where they have planted, do carry away and engross the Gains of their Industry: And the Potentates under whose Banners they bear Arms, do reap the Glory of their Bravour, and do become possessed of those acquisitions

of Towns and Provinces, which they purchase at the expence of their Blood and Lives;

And may I be permitted, without giving offence, to add, That thro' the latter of these Methods, *Scotland* hath had the Misfortune, to have more Thousands of lusty and valiant Men kill'd and destroy'd in Wars, wherein that Kingdom had no National concern, than if they had been employ'd in the gentle and peaceable *Arts* of *Manufacture* and *Trade*, would have been sufficient to have render'd it a powerful and opulent Nation. Yea, such has been the guilt, as well as the unhappiness, of those, who thro' want of Business, to give them a Subsistence and Livelihood at Home, have betaken themselves to the carrying Arms under Foreign Rulers and Potentates; that they have not only been frequently engag'd in the killing of others, and expos'd to be kill'd themselves, when and where the alone cause of the War, hath too often been meerly, either the Covetousness, Pride and Ambition of the Aggressors, or the Fraudulencies, and Injustices of the Aggressed: But, that to the disgrace of the Christian Religion, and the infamy of their Country, they have, many times, in Opposite and Hostile Brigades and Battalions, been found Encountering and Slaughtering one another. So that for the obviating, preventing, and avoiding, that Criminal and Reproachful Course for the future, if upon no other Prospects and Motives, that Kingdom ought to apply it self more to *Manufacture* and *Trade* than it hath hitherto done.

For which that Nation stands not only exceedingly adapted, by reason both of the *Sagacity* of their *Nobility* and *Higher Gentry*, for the discerning

discerning and advising unto Means, Ways, and Methods, for the encouraging, encreasing, and maintaining thereof; and of the *Mercantile Knowledge, Skill, and Artifice*, of those of the *Middle Rank*, For adjusting, conducting, and managing, as well what is to be *Fabricked at Home*, as what is to be chiefly *Regarded and Cultivated abroad*: But especially, because of its having, with respect to the *Number of its People*, a vaster *Proportion* of those that are of the *Poorer and Inferiour Sort*, than some other Countries are furnish'd with. Nor is any thing more demonstrable, than that a multiplicity of Nobility and Gentry, without a very large Number of *Commonalty*, and of such as are *Necessitous and Indigent* to very considerable measures and degrees, is rather an *Obstruction* unto, than a *Furtherance of Manufacture and Commerce*. Seeing tho' the former may assist towards the finding and supplying the *Materials*, and can alone afford and advance the *Treasure* that is necessary to the Managing, Upholding, and the Enlarging of both; yet it is they of the *latter kind* that do mainly afford the Hands, by whose Toyl, Labour, and Industry, the Production of the *Waters is gain'd*, the *growth of the Land is Fabrick'd and Manufactur'd*; and whatsoever *Commodities Colonies and Plantations* are capable of yielding, come to be acquir'd and improv'd. For as it is confess'd by all, who do exercise their Thoughts in and about Speculations of this kind. that *Multitudes of People* are the most valuable *Treasure*, as well as the greatest *Strength* of a *Country*: So it is infallibly certain, that the *Peasants and ordinary Sort*, and such as are reckon'd for the *Mobb and Commonalty*, provided they be
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univerſally and fully employ'd, and their Labour and Induſtry pertinently and uſefully apply'd, are as ſerviceable to the Intereſt of a Community and Republic, and as contributory to the making a Country Opulent and Wealthy, as thoſe are of any Rank and Quality whatſoever, if not conſiderably more. And the more any Nation is *over-ſtock'd* with *Poor*, it becomes the more ſignally the *Intereſt* of that *State* or *Kingdom* to cultivate *Manufacture* and *Trade*, theſe being the only means of rendring ſuch *ſteadable* to the Common-wealth, who muſt otherwiſe be unavoidably *Burthenſome*. And as *Scotland* hath a large complement and ſhare of very mean and poor People, that may be made ſerviceable to the *Fabricking* Good and Commodities at Home, the *Navigating* Ships of Traffick. raiſing a breed of Seamen for Fleets of Men of War, and for the Planting of *Colonies* abroad, and the winning, extracting, and improving the productions of thoſe Lands and Countries, whither they are carry'd, and where they are ſet'led: So the *Scots Peaſantry* are accuſtom'd to a *Frugal* and *Parſimonious* way of *Living*; to which thoſe of ſome Neighbouring Nations, are not, without great difficulty, to be brought, nor hardly able to bear; which is a farther and a conſiderable reaſon, why *Scotland* ſhould proceed and perſevere in the ſettling and maintaining a Foreign *Plantation*. Nor are they only diſpos'd, as well as capable of living both healthfully and contentedly upon *Viands* and Allowances, that would reduce thoſe of ſome other *Countries*, who are as mean as they are, and born as much upon the *Flat*, to a weak and languiſhing, if not to a ſtarving Condition; but they are
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by the size and fabrick of their Bodies, the Nimbleness and Agility of their Limbs, and the Natural acuteness of their Understandings, as capable of being Laborious, Industrious and Ingenious, in whatsoever they are put upon, and made apply and addict themselves unto, as such of any other Country are.

Finally their great inclination to Marry, because of their Narrow and Frugal way of Living, and their prolificallness, and aptitude for Generation, and thereupon, their accustomedness to Encrease and Multiply, thro' the parsimonious manner, of their Subsisting beyond what is usual in most Countries, gives another encouragement, as well as administers a further Inducement; why the *Scots* should remain steady and unchangable, in their Design and Undertaking, of establishing *Foreign Colonies*: Seeing they will upon that account, and by reason thereof, become the *Sooner Peopled*, without drawing too many *Swarms* from the *Hive* at home. Of this their needs no other Proof, than barely to observe, how the *Scots* in *Ireland*, from a very inconsiderable *Number*, that settled there not long ago, are Multiplied to a very great and large body of People, whereof that Kingdom receiveth and enjoyeth all the Benefits both in Power and otherwise; and the whole that falleth to the share of *Scotland*, is meerly the Satisfaction and Credit, of having so vast a Colony of their Countrymen there. And by this blessing and advantage of being more Prolifical and Fertile, in the Procreating of Children, than those of their strait and narrow circumstances, are any where else; the Plantation of *Calidonia* in the *Isthmus* of *Darien* may in a few
Years,

Years, become equal in Number of People, to some other Colonies in that part of the World, and *Scotland* may securely promise to it self, the escaping of that Mischief, which hath befallen the Kingdom of *Spain*, in the being almost Depopulated, by the *Colonies* which it hath Planted in the *West Indies*. Yea, were there not so much in what I have intimated, as I do believe there is, for the rendring them suddenly Populous, in any Plantation, which they shall establish in an entire dependance upon themselves, and especially Subservient and Conducive to their own Benefit; yet they will find enough to *Transport* and *Transplant* Yearly, into their *Plantations* without *Draining* their *Country* of its Inhabitants, by meerly Inviting and Prevailing upon such to go thither, whose necessities do either compel them to Travel abroad, in order to be Soldiers and Servants, in Foreign Countries and Plantations, or who stand reduced to pinching Wants, if not to be Beggars at home; which being seconded and accompanied with a thrifty, temperate and regular Conduct in their *Colony*, and with the giving due encouragement, thro' granting *Liberty of Conscience*, as well as *Secular Privileges* both in *Scotland* and *there*, to such strangers as shall come and settle among them, thro' the want whereof, *Spain* is become Dispeopled at home, and their *Plantations* in *America* but slenderly stockt with Inhabitants, they will not only render the *Calidonian Colony*, suddenly populous and Flourishing, but they will draw more people into *Scotland* it self, than it now hath, or can at any time hereafter, under all the advantages of *Commerce* and *Traffick*, be well able to

to bear. Whereof *England* as well as *Holland*, are evident examples and demonstrative Proofs, being since their respective and several *Plantations*, in the *East* and *West Indies*, mightily increased in the Number of their *Inhabitants*, notwithstanding the vast *Shoals* of *People*, that have from year to year been Transplanted into those *Colonies*: For as the incomparable *Author of an Essay upon Ways and Means*, doth assure us that *England* since the year 1600, is increased in Number of *Inhabitants* about 900000; Whereof I may venture to say the like of *Holland* in proportion to the Dimension of their Territories: So it is undeniable, that within that circle and compass of time, diverse of the *English* Plantations, came to be erected and established, and that all of them, as well as those of the *Dutch*, have since that term of Years, been enlarged, improved and become vastly more Peopled than they were before.

So that it appeareth, from the whole which hath been hitherto said, how much the *Scots* have of late, discovered their Wisdom and Prudence, and how highly their care and zeal are to be *Commended*, in their having made an *Essay*, and a Beginning for the encouragement and enlargement of Manufacture at home, and towards the erection and establishment of a *Colony* abroad, and by that Foundation which they have laid, for the settlement and advancement of *Trade*. And this unquestionably they have a plenary right to do, as they are a *Free* and *Independant Nation*, without asking the leave, or demanding the concurrence of any Rulers and Countries whatsoever, provided they be Countenanced and Authorised thereunto

to, by their own King ; and that they do nothing therein, which is inconsistent with the *Laws* of Nations, nor attempt the settling in any *Districts* or *Provinces*, from which they stand prohibited and excluded by publick and solemn *Stipulations*, between him that now is their Sovereign, or those that have been so formerly, and other States, Princes, and Potentates. For that *Scotland* dependeth upon, or is a *Province* subordinate to any other Nation, and *Subjected* to the Ordinances, Constitutions and Municipal Statutes thereof, I suppose none will betray the Ignorance or have the Effrontery to affirm. It being a Kingdom that holdeth of none Save of God, for their *Title* unto and *Possession* of their *Country*, and of their own *Swords*, under his providential Blessing and Aid, for the Maintaining and Defending of them.

For tho' there be a very near and close Conjunction and Union, between the *Kingdoms* of *England* and *Scotland*, thro' their being under one and the same *King*, rather than in the virtue, and force of mutual Contracts and Alliances ; which I do heartily wish may always continue, and that all the secret Caballings and Clandestine endeavours of those, may prove abortive, unprosperous and miscarry, who either from Ancient Piques, personal Moroseness, Envy, and ill Nature, or upon any other Motives, Prospects and Designs whatsoever, shall seek to weaken, interrupt, and especially to dissolve it. Yet *England* doth not Challenge and lay Claim to the having any *Authority* over *Scotland*, nor pretend to an Imposing of their own *Laws* upon that Nation, or to a Supervising of such Parliamentary *Bills* as are

prepared and formed there in order to the being Enacted into Statutes. But the *Scots* are absolute within themselves, and vested with a Power underived from any Nation, and in the exercise whereof they are accountable unto none, for the making of Laws, and falling upon, and pursuing all such Ways, Methods, and Means, which are reconcilable with the Fealty and Loyalty, which they owe unto their Prince, that may be subservient and usefull to their own Safety and Interest. And in Testimony and Evidence of their being a *Free State*, and a Kingdom as entirely *Independent* upon *England*, as upon any other Dominion whatsoever; they both can, and do often lay what Customs and Impositions they please, upon *English* Productions and Commodities; when carried and Imported thither, to be vended and disposed of there. And by a *Power Inherent* in themselves, which *England* cannot reasonably dispute, nor lawfully Controul: they sometimes do, and at all times may, Inhibit and Forbid their own People, the buying, using, and consuming such Goods as were either Manufactured in *England*, or brought thither by the *English*, from their Plantations and Colonies elsewhere.

And as in the Vertue of this independent Freedom, Liberty, Previlige and Right under the Authority and Power of their Kings, they have at all times made legal Provision for the *Government* of their People at home, and pursued that little Trade, which they had attained unto with such *Nations* abroad, as were in Peace and Amity with their Princes, without their being questioned for, or disturbed in it by any, save by those that were

in Hostility with their Sovereigns, and that only in Seasons of actual War; so they have by a fresh *Exertion* of this innate Freedom, and inherent and independant *Right*, lately contrived and framed a *Bill*, which they have obtained to be passed into an *Act*, and a *Law*,

See the Act for a Company Trading to *Africa* and the *Indies*, June 26. 1695.

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wherein the People and Subjects of that Kingdom, are empowered to erect Societies and Companies, for the establishment and carrying on Trade, with whatsoever Nations and Countries, or Places in Asia, Africa, or America, which are either not Inhabited, or where they have the consent of the Natives, and Inhabitants thereof, under the Limitation and Restriction, that such places are not Previously and Antecedently possessed by European Sovereigns, Potentates, Princes and States. And moreover, that they may provide and furnish the said Places, Cities Towns and Forts, with Magazines, Ordnance, Arms, Weapons, Ammunitions and stores of War, and by force of Arms, defend their Trade, Navigation, Colonies, Cities, Towns, Forts, and Plantations, and their other Effects. As likewise, that it shall be Lawful for them to make Reprisals, and to seek and take reparation of Damages done unto them by Sea or Land, and to make and conclude Treaties of Peace and Commerce with the Sovereign Princes, Estates, Rulers, Governours, and Proprietors of the said Lands, Islands, Countries or Places in Africa or America.

In relation to which *Act*, for authorising the Scots to establish a *Foreign Trade*, and their being empowered to settle *Plantations* in the forementioned *Parts* of the World, in order to the better gaining, enlarging, and protecting

tecting of it, the few things which I have to offer under this head, shall be briefly these. Namely, That as the *Design* of *Erecting* such a *Trade*, and of *Planting Colonies* in the Subserviency, to the Maintaining, Improving and Extending thereof, was not rashly and unthoughtfully Undertaken by those of that Kingdom ; so the *Act* by which in pursuance of that Projection, they stand warranted to do whatsoever is before reported, was not surreptitiously obtained of his Majesty, nor was he by any undue Artifices misled into the Granting of it. For how much soever that *Nation*, might be desirous to have a *Foreign Settlement*, towards the better enabling them for such a *Traffick*, and notwithstanding they sufficiently understood it to be their great and indispensable Interest, to embark Vigorously both in *Manufacture* and *Commerce*, yet their unsuccessfulness heretofore in some attempts of that Nature, as particularly in the *Plantation* of *Carolina*, which they held of the Crown of *England*, antecedently to the *English* planting there, from which they became expelled by the *Spaniards*, thro' want of that protection, and of those encouragements which were necessary to the having rendred them safe and Prosperous ; made them proceed slowly and with great Calmness and Discretion, in the Forming, Digesting and Maturing what they have at last, after an adjusting of all that was Prerequired thereunto, put in Execution. Nor could the King be *Surprized* into the giving his *Royal Assent* to the *Bill* for the premised establishment ; seeing, as they who served his Majesty at that time, under the *Characters* of *Commissioner* and *Secretary of State*, were persons as

entirely in his Interest, and zealous for his Honour and Glory, as ever any have been known to be that filled those Posts; so there was an interposition of two Years, whereby the King had all the time, an opportunity desirable, for the consideration of the most Important and Arduous Affair, in which he might have informed and Satisfy'd himself of the Justice and conveniency of what was laid before him, and humbly desired of him, between the passing of the 32. *Act* of the Parliament, *Anno* 1693. which invited and encouraged, persons in general to enter into Societies and Companies, for carrying on a Trade, in any or in all such parts of the World, as were not in Hostility with his Majesty, and the enacting of that Statute, which was the 8. *Act* of the Parliament *Anno* 1695, whereby that design was Perfected and Compleated, thro' a Companies becoming settled by Law, vested with the Rights and Powers forementioned, and favoured with such immunities, as were necessary to encourage so hazardous and expensive an Undertaking, as that was likely to be, and will infallibly Prove.

And tho' the Grace and Goodness of his Majesty, appear'd very eminently manifested to the *Scots* therein, in vouchsafing to have granted them the privileges, *That none of their Stock and Effects, shall be liable unto any manner of Confiscations, Seisures, Forfeitures, Attachments, Arrests, or Restraints; that they may Freight Oulandish and hired Ships, for the space of ten Years, notwithstanding the Act for encouraging Shipping and Navigation. Anno* 1661. *And that their Merchandise, goods and effects, shall be free from all manner of Restraints and Prohibitions, and of all Customs, Taxes,*

See the
Act.

Taxes, Sesses, Supplies or other Duties imposed; or to be imposed by Act of Parliament, or otherwise, for and during the space of 21 years. As likewise, That no Officer, Civil or Military, or other person whatsoever within that Kingdom, shall Impress, Entertain, Stop or Detain, any of the Members, Officers or Servants, or others whatsoever, of or belonging to the said Company; And that all these shall be Free, both in their Persons, Estates and Goods, employed in the said Stock and Trade, from all manner of Taxes, Sesses, Supplies, Excises, quartering of Souldiers, transient or local, or levying of Souldiers, or other Impositions whatsoever for and during the space of 21 years. Yet it must withal be acknowledged, that his Majesty's Wisdom and Justice to all the World, as well as to his Allies, and those that are his own Subjects in his other Territories and Dominions, are no less singularly, conspicuously and abundantly displayed, thro' the Providing expressly and particularly in the said Act, that no Prince, Country, People, or Colony, shall be Invaded or Molested in what they are rightfully possessed of, nor disseised of their properties, or of what they can lay Claim unto, by the Laws either of Nature or Nations. Which shews that what his Majesty did, in passing the Act, that hath been so often mentioned, was the result of great Judgment, and mature Deliberation. And whosoever will but allow himself time to read and consider it, will find himself oblig'd to confess, that in no Projection whatsoever, towards a settlement of that Nature, nor in any Statutes or Edicts enacted and emitted, for the authorizing and countenancing of them, was there ever such a regard had, and expressed to the rights of Foreigners, or of Planters else-

where, and of the Natives where that Colony should come to settle, as is done in the *Scots Act* of Parliament.

Whereunto I will only further Subjoyn, that the *Scots* have not only obtained an *Act* of Parliament, *Empowring* them to plant and settle Foreign *Colonies* wheresoever they can, without doing Injustice to the Natives, invading the Territories, and Districts of other Princes, or their being injurious to previous and antecedent Planters; But they have likewise procured a *Patent* under the great *Seal* of that Kingdom, whereby all and every thing or things, granted to them in the said *Act*, stand ratified and confirmed by a *Fact* and *Deed*, that is Personally his *Majesty's* own, in the most distinguishing manner, and that by which he *Speaketh* most *Unretractably* as well as *Sovereignly* to his People. So that his *Majesty* being a *Prince* eminent for his *Veracity*, and his *Constancy* to his *Royal Word*, as well as for his *Courage* *Justice* and *Honour*, He hath made it impracticable, without *Sullying* and *Disparaging* his own *Glorious Perfections*, which 'tis Impossible he should have the *Weakness*, *Infirmity* and *Imprudence* to do, either to depart from, dispense with, or by a subsequent relaxing *Interpretation*, to *Retract* or *Supersede* what he hath granted unto his *Subjects* of *Scotland*, or to avoid the *Maintaining* and *Protecting* them in it. For tho' divers *Projects*, *Proposals* and *Matters*, that are in themselves very *Just* and *Lawful*, and which in their effects and consequences would prove exceeding advantageous and usefull, may antecedently to their *Establishment* by *Laws*, and by *Royal Facts* and *Grants*,

Grants be declined and waved, as well as pro-
 crastinated and adjourned, upon the meer foot
 and the single motive of their being *Inconveni-*
ent, either thro' the *Offence* or *Jealousie* that may
 thereby be administred to *Allies* and *Princes* in
Amity; Yet no publick and Solemn *Laws* are to
 be violated or *Royal Charters* and *Patents*, to be
Over-ruled, *Transgressed* against and *Vacated* upon
 the *Inducement*, and because some *Potentates*
 with whom his *Majesty* is in *Leagues*, and un-
 der *Stipulations* and *Compacts*, may shew them-
 selves *Peevish*, and become *Groundlesly* and
Causelesly Offended. For as all the *Affairs* that
 fall under the *Executive* part of the *Administra-*
tion, are *Regulated* either by *Law* or by *Conve-*
niency: and come to be considered under the
Notion and *Views*, either of what may be done
 with *Profit* to our selves, and without injustice
 to any, tho' possibly not without giving *Provo-*
cation unto divers, and the rendring them *Dis-*
contented; or what according to the tencur
 and *Obligation* of *Laws*, and the *Sacredness* of a
Princes Word declared and pledged in his *Char-*
ters must and ought to be done; So whatsoever
 latitude is left and allowed in reference to
 matters and things of the first kind, for acting
 according to the measures of civil *Prudence*,
 and the rules of *Politicks*: Yet in relation to such
 matters as are of the latter sort, there is no
 room or place left to consult and deliberate
 what is *Fit* to be done according to *Topicks* of
Convenience, *Maxims* of *State*, and *politick*
Theorems; but there ought to be a *Conscien-*
tious observance and a *Vigorous pursuance* of,
 as well as a firm and unchangeable adherence
 unto what is made *Legal*, and which by con-

sequence, when and where the case is important, and the matter is of that concern and value that the chiefest Interest of a Nation lies in it, can neither be omitted nor dispensed with, without obnoxiousness to guilt, as well as to clamour and blame.

Nor may it in the next place be unworthy of being represented, with what *Readiness Unanimity* and *Zeal*, the *People of Scotland* came into this design, of *Erecting Trade*, and *Establishing a Foreign Plantation* upon the passing the fore-mentioned *Act*. For the Subscriptions in order to the raising and constituting a *Fund*, for the settling a *Colony*, and thereby for the promoting of *Traffick*, for which they were allowed by the *Act* of Parliament, from the 16 of *June* 1695, untill the First of *August* 1696, were not only *Filled*, *Compleated* and *Perfected*, long before the elapse of the time that was prefixed by the *Statute*; But whereas it was provided, that it should be held a sufficient Compliance, with the design and Tenour of that *Law*, if only half the Money that should be *Subscribed towards the forming a Stock*, did *Belong* unto, and were the *Proper Cash* of such as were *Scots*, and did live within that Kingdom; it deserveth to be observed, that the whole, hath been *Subscribed*, *Advanced*, and *Paid* in by such as are *Scots*, which is not only beyond what could have been expected, but may justly beget *Admiration*; considering what in that *Interim*, they have been obliged to pay in *Taxes* for the Maintenance of *Troops*: and what they have been necessitated to carry abroad in *specie*, of their *Cash* for the purchasing *grain*, to live upon in these late years of extraordinary *Scarcity* and

See the
List of the
Adventurers,
&c.
Printed at
Edinb.
1696.

and *Death*; which, at the modestest Computation, may be reckon'd to have exceeded *Two hundred thousand pounds Sterling*.

Nor are they meerly Persons of the *Middle Rank*, or of the *Mercantile Order*, that have contributed and put in their Money for the framing of a *Bank* in order to the foremention'd Ends; but they of all *Qualities* and *Degrees* have, with great liberality and cheerfulness, answerable to their several *Titles* and *Figures*, contributed their shares to that *Capital*; and none with greater Alacrity and in larger Proportions than they of the *Grand*, as well as of the *Petite Nobles*. For none of the greatest Persons of that Kingdom have had the Folly and Pride to excuse and cover themselves from becoming Assistants to the founding and promoting of *Trade*, by pretending it a disparagement to their *Garters* and *Coronets*, and below the lofty Stiles that they have by Parchments, which give them an ascendancy above Gentlemen. These days of Vanity and Phantasticalness are over; and they of the *Sublimest Rank* do begin to govern themselves by principles of Reason and good Sense, and by Maxims of *Civil, Social, and Oeconomical Wisdom*; and not by the airy, whimsical and pernicious Notions of Haughtiness and Luxury.

Yea, even they of the Military order, have such of them, as were in a condition thro' having acquir'd beyond a naked subsistence during the War, readily subscribed and paid in what they could, and would have done it more plentifully, had they receiv'd all their Arrears; and such of that Tribe as were only *Subordinate-Officers*, or private *Centinels*, who are now reduc'd or disbanded, that could

not bring in *Gold* and *Silver* to the encreasing of the *Fund* and the augmenting of the *Capital*; yet they have with great forwardness offer'd their Bodies and their cold Iron to the Corporation and Company, for the protecting of their Traffick, and the defending of their Plantation against all such as shall become their Enemies and Assailants. And how dangerous soever Men of that *Pradicament* may be to their Country, when kept in too great Numbers regimented at home; and how altogether useles they are unto it, while they bear Arms under Foreign Princes and States abroad; yet they are as capable as any other whatsoever of being serviceable and profitable thereunto, when employ'd in the Ways and Methods to which many of them have begun to betake themselves. Of whom it will be no presumption nor visionary Dream to add, That as they do account their Wages, Salaries, and Pay, to be their Estates; so they reckon their Swords and Musquets to be their Title unto it.

In brief, there are few Persons, Families, or Orders of Men, that are of any Consideration or Esteem, but who are become associated, united, and confederated, in this Project, Enterprise, and Design. How much distant or different soever Persons are, either in their *Religions* or their *Political* Principles, yet herein they do all of them amicably agree and combine: Neither the *Bigotry* of the *Presbyterians*, nor the resentments of those of the *Diocesan* Perswasion, for the unkind and ill treatment they have met with, do in this make any variance or discord between them; but herein the Wolf and the Lamb do tamely meet together, and the Leopard

pard and Kid do peaceably assemble as in one Field. Nor do those great Animofities, or late Hoftilities, which have been between one another, about Rights and Claims to the Sovereign Authority, and the Royal Jurifdiction, occasion any mifunderftanding or oppofite Sentiments in this, but both the *Jacobites* and the *Williamites* do fhew themfelves equally and alike concern'd in the promoting of a National Trade, and the fetling of a Foreign Colony. And, which is of very material confideration, it deserves to be obferv'd, That befides what feveral Perfons have in their private Capacities Subfcrib'd towards that Capital, not only moft of all the *Corporations*, but the Royal *Burroughs* of the Kingdom, have become fharers therein, and contributed liberally thereunto; out of their Public Revenues.

From all which I may, with great fafety, as well as with decency and modetty, venture to lay open and infer, how *Mortifying*, *Afflictive* and *Grievous* it will be to that whole Nation, to be *discourag'd* and *frustrated* of *Protection* from the *King*, of whom purfuant to the *Act* and *Patent* which he hath granted them, they expected to be countenanc'd, animated and defended. Nor dare they entertain fuch difrefpectful and undutiful thoughts of His *Majesty*, as the *Proclamations* emitted by His *Governors* over the *Engliffh* *West-India* *Plantations* might feem to give occafion and umbrage for. Seeing as they have not, by their fetling at *Darien*, invaded the *Territories* of any *European* *Prince* or *State* whatfoever, nor have been injurious to the *Natives*, in *Planting* there without their *allowance* and *confent*; nor in any one particular or circumftance, have

have exceeded the *Limits and Regulations* prescrib'd unto them by the *Act of Parliament*, and the *King's Charter*, as shall be fully and uncontroulably demonstrated in what is to follow: So they have a more engraven and firm belief of His Majesty's Mercy and Justice, than to give liberty unto themselves to think, that His Majesty's Subjects in the *West-India Plantations*, depending upon, and subordinate to *England*, should by an Order, Command, and Authority from the *King*, be charged and required to hold no Correspondence with the Scots, in their Colony at *Darien*; nor to give them any assistance with *Arms, Ammunitions, Provisions or any thing else whatsoever*. For as much as this is not only inconsistent with, and irreconcilable to his Majesty's Goodness, Wisdom and Righteousness; but directly repugnant to the express Words, Terms and Clauses of the forementioned *Statute*; by and wherein his Majesty royally and solemnly promiseth, *If any of the Ships, Goods, Merchandize, Persons, or other Effects whatsoever, belonging to the Scots Company, trading to Africa and the Indies, shall be stopt, detained, embezled, or taken away, or in any sort prejudiced or damnified; that he will interpose his Authority to have Restitution, Reparation, and Satisfaction made for the damage done, and that upon the publick charge, which his Majesty shall cause, disburse and lay out for that effect.* So that thro' what arts, and what means soever, these *Proclamations* are come to be emitted and published: Yet the Scots neither do, will, nor can entertain any other thoughts of his Majesty, than that he will carefully and powerfully cover and protect them, instead of abandoning them to the rage and power of such as may become their Enemies,

mies, without the giving them aid, succour and assistance. And in place of giving room to any such sinistrous opinion, as if either his Majesty could be indifferent, or meanly concerned, in countenancing of that *Nation* in an *Affair* of so great an importance, and that is so eminently subservient to the prosperity and happiness of that Kingdom, or become alienated and disinclined from upholding and defending them in the possession of their Plantation of *Darien*, they are tempted to give credit to a passage in the *Paris Gazette* the first of *August*, 1699. Namely. *On avoit avis, qu'on envoie des ordres aux Comandants de toutes les Colonies Angloises de L' Amerique, d' assister l' Escossois d' Arien de tout leur pouvoir, comme estant sujets du mesme maistre.* That the King hath sent Orders, to the Governours of the English Plantations in America to assist the Scots at *Darien*, with all their Power, they being no less his Subjects than they are.

Nor can it be unmannerly or unlawful to add, that it is of the last danger to a Prince, to administer cause and occasion to a whole Kingdom, to grow estranged in their affections unto him, and to depart from their zeal for his service. And it may with confidence be affirmed that his Majesty's treating the Scots in this manner, either unkindly, or unsuitably to the hopes wherewith they have fed themselves, is like to have those effects and operations upon the hearts and minds of most of that people. 'Tis abundantly discovered in Histories how it hath often proved unlucky and of ill consequence to Sovereigns, to have disobliged and displeas'd the generality of a Nation, tho' but in a trifle, and that it hath been very fatal unto them, to dis-

discountenance and thwart their Subjects in that wherein they placed their secular Glory, and their temporal Happiness. Nor have the Ties and Obligations upon the conscience of *Subjects*, been at all times found sufficiently powerful, to preserve them in discharge of Duties of exact Fealty and Loyalty; but these bonds have been easily broken, and dissolved, when ground hath been given, for the thinking and believing, that their worldly Interest hath not only been neglected, but opposed and sacrificed. And it is in vain for a *Prince* to rely upon his Personal *merits*, or to trust to his own *Conscientiousness*, of what he hath done in *delivering* a People from former distresses: Seeing these will be found to afford him a very weak and slender security, against the ungrateful and ill natured resentments of a people, that shall account themselves abandoned, or crossed in what their present Genius, Humour and Biass, do universally, sway, carry and determine them unto.

Nor is it credible that his Majesty who is a Prince of great Wisdom and Justice, would have order'd those who Govern under him, and by his Authority, in the *West-Indies*, to emitt and publish such Proclamations, without his vouchsafing to have it told and represented to the person Constituted by himself, for his *Scots Secretary*, and who is Resident at his Court under that Character; seeing as that would have imported such a Contempt, as well as a Neglect, of his Kingdom of *Scotland*, that none without rendring themselves Criminal, can conceive his Majesty capable of being misled into it, so it is sufficiently obvious to all thinking men, what the

the *Scots Secretary* hath made himself obnoxious unto; if in case of his being made acquainted with it, he did not discharge the duty incumbent upon him by his *Post*, both towards his Majesty in endeavouring to divert him from running into such measures and in his informing those of *Scotland* (to whom he will deservedly find himself accountable,) with it, whose concern it was to have it prevented. Yea it is so inconsistent with all the rules of Prudence and Justice, as well as of Honour, that nothing in *Don Quixot*, or *Amadis de Gaule* can be more Romantick, than that his Majesty should some Months after the Orders must have been transmitted to the *West-Indies*, for enjoyning and authorizing the forementioned Proclamations, have Commanded the *Lord President* of the *Sessions*, and my *Lord Advocate* to come from *Scotland* and attend him at his Palace here, in order to satisfy him of the Legality of the *Scots* procedure, had he been conscious in himself, of having Empowred the English Secretary *Mr. Vernon*, to convey such Instructions to the governing Magistrates in the English Plantations, as the Papers emitted there under the Title of *Proclamations*, would perswade us they are warranted by and bottomed upon.

Nor in the case which I have now under consideration, will the *Scots* reckon that their *Loyalty* to his Majesty, and their *Zeal* for his Interest and Service, were either esteemed or rewarded, as they flatter'd themselves they should have been. For their having not only furnished him, with so many and such brave Troops, during the War, and for their preserving (now meerly to please and gratify him) such a Number

ber on Foot and in Pay, and that notwithstanding both the Poverty of the Country, and the great Scarcity that for divers years it hath groaned under, when their Neighbours have not in proportion to their extent of Territories, and of their Opulency, thought fit to continue near the *Quota* of Forces, which they have done; but especially because of their having, so readily at first *Declared* him *their King*, when the bare delaying, and the demurring only unto it for a little time, would have gained them such *Concessions* from the *People* of *England*, that would have made their looking after a *Plantation* of their own. Needless, or at the least have brought them into that *Conjunction*, with the *English Nation*, as would have engaged the whole strength of that Powerful, and Wealthy Kingdom, for their defence and support in the Colony, which they have begun to settle.

Nor can it be undecent or immodest to add; that the Protecting them in this undertaking, is the rather expected from his *Majesty*, least otherwise they should have occasion to complain of the Prejudice, they have received by the *Revolution*, with respect to their *Trade*, instead of reaping the advantages which they had thereby promised themselves, in that as well as in other things. It being known to diverse, that a proposal and *Plan* having by some *Scots* men been laid before King *James*, for the obtaining his Authority, as well as his countenance, for their settling a *Commerce* in *Africa* and the *Indies*, how kindly he not only received it, but with what both goodness and readiness, he referred the consideration of it to my Lord *Middleton*, my Lord *Melford*,

Mr. Penn and Mr. Berkley, that upon their opinion of the Justice and Equity of it, (who were all known to be entire favourers thereof) He might by his Royal Charter and Patent, have empowered the Scots, to have proceeded in the Establishing of it; and which nothing could have obstructed, had not the Accession of his Majesty, who was then Prince of Orange, into *England* at that time intervenen.

But to proceed unto that which doth in the course of Method, next offer it self to be laid open and Discourfed of, namely the *Situation, Nature and Conveniency* of the *Place*, where the Scots have pitched their *Tents*, and are about establishing there *Plantations*, which is called the *Isthmus of Darien*, and is a Country very fit and proper for that purpose, as well because of the *Richness* of the Soil, as by reason of its *Situation* for *Trade*. It is the Narrowest part of *America*, and lieth between the *Northern* and *Southern*, or the *Atlantick* and *Pacifick Oceans*, and is Justly called an *Isthmus*, as comprehending where it is broadest not above *two degrees*, (*viz.*) between eight and ten N. E. and where it is narrowest about but *one degree*. And it is in all probability stiled the *Isthmus of Darien*, from the great *River* of that name, where with the *Northern* coast is bounded to the *East*. For beyond that *River* on the *North side*, the land doth so spread to the *East* and the *North-East*, and on the *South side*, to the *South* and *South-East*, that it can no farther be called an *Isthmus*: But as to the narrowest part of this *American Isthmus*, which as I have said, doth not extend above *one degree*, upon which the Scots have *Setled* their *Colony*, and have appointed that the Country

See Wa-
fer's new
Voyage and
description
of the Isth-
mus of A-
merica. p.
46.

try shall hereafter be called *Calidonia*, and that themselves, Successors and Associates, shall be stiled by the Title of *Calidonians*: *Waser* doth assign for its *Western limits*, from the Mouth of the River *Chagre*, where it falls into the *North Sea*, to the nearest part of the *South Sea Westward of Panama*; and for its *Eastern boundaries*, from point *Garachma*, or the *South part of the Gulph of St. Michael*, directly *Eastward*, to the fore-mentioned *River Darien*: And all do know, that it is circumscribed, limited and bounded, on the *North and South*, by the two vast *Oceans* that are so *Denominated*. And as to the particular place, where the *Scots* have pitched their *Tents* and raised *Fortifications*, it is upon a *Harbour*, called by the *Spaniards Acla*, and by the *Natives Schocana*, and is one of the most *Defensible Ports* of the *World*, and is *Situated* about two *Leagues* from the *Golden Island*, called by the *Spaniards Guarda*, which as it is not further *Distanced* from the *South Sea*, than what any man may *Travel* in *two or three Days*, and which the *Natives* can do in *one*: So it lieth in a *Nearness* of *Eight or Nine Leagues*, both to the *River Darien* and *Conception*, upon which *Boats* may go to the *Southern Ocean*. And as the weather in the place, and on all hands where the *Scots* are settled is exceeding temperate, being much the same that is in other places of the *Torrid Zone* of that *Latitude*, but inclining rather, as *Waser* says, to the wet extreme, the *Rains* beginning usually in *April or May*, and continuing more or less to the latter end of *August*, but with intermixtures even then of *fair and dry days* for a week together; So that the *Country*, is healthful beyond what was commonly

monly believed, or could have been imagined unless experienced. And tho' the *Artificial* productions of the District and Territory be few by reason of the sloth and unskilfulness of the *Natives* to cultivate the Land, and to improve and fabrick what it yields, yet the ground is unconceivably *fertile* and *rich*, and might by being well *Manured* and *Agriculted*, afford both as great Variety and as great Plenty, for the comfort and pleasure, as well as for the Necessities of Life, as any Land in whatsoever part of the World doth. However the *Natural Productions*, and what it spontaneously yields, as materials of, and commodities for Trade, and to enrich such as are, or shall become engaged and Interestted in the Traffick, are divers and great, both in the variety of kinds, and in the Plenty and Quality of them. For besides its being stored with all sorts of *Wood*, proper for *Building* and *Wainscoting*, and particularly with Cedar, it hath also abundance of *white wood*, fit for Cabinets, and *Interlaying*, and which is more than all the other, it is likewise plentifully furnished with *Logwood*, which the *English* do now cut upon the *Bay of Hunderos*, not without being exposed to great hazard and danger; and (if credit may be given to reports,) it is provided of *Nicaragua wood*, which is a Commodity for *Dying* of that value, as to be reckoned to approach to the worth of *Cochencle*; and which is beyond all other productions whatsoever, It affordeth both *Silver* and *Gold Mines*, as well as large quantities of *Gold Dust*, that is gathered out of the *Rivers*, after that it hath been washed from the *Mountains* by violent Rains. And then for the *Peo-*

ple, they are open, frank and good natured, and for many Leagues round in an entire Friendship with the Scots, having not only received them in a most obliging manner, at their first arrival into those *American parts*, and their *Captains, Supream Leaders, or Caiques*, who have neither dependance upon any other Prince or State, nor upon one another, save by Leagues for mutual defence, readily and with great chearfulness, consented and agreed to permit the Scots to settle among them, and to become Inhabitants in their Country; but have by stipulations and contracts since, Joyned in a Confederacy with them, for the defence of them and their Colony, against all such as shall in time to come be their Enemies.

So that for *Situation, as the Council constituted by the Indian and African Company of Scotland, for the Government and direction of their Colonies and settlements in the Indies, have published in their Declaration bearing date, at new Edinburg in Calidonia December 28. 1698*; it is a more convenient Place than any other in all *America, to be the Store-house of the unsearchable Treasures of the spacious South Seas, the door of Commerce to China and Japan, and the Emporium and Staple for the Trade of both the Indies.* And as it is there that the Scots have settled a Colony and Plantation, by and with the consent of the Natives; no *European Prince* or State being thereof possessed, or having right of claim thereunto; so they did not offer to enter upon that *District and Territory*, without the having a particular and strict regard unto, and conforming exactly with all the *Regulations, Proviso's, and Limitations* laid down and prescribed

in the *Act of Parliament*, and in his Majesty's *Patent*, and the having seriously Considered and duly Weighed, whatsoever could be pretended or alledged against them, upon their proceeding to establish a *Colony* there. For the examination whereof, they allowed themselves sufficient time, in that tho' their Subscriptions were perfected and compleated, about the beginning of the year 1696; yet they did not send their Ships from *Scotland*, untill the Month of *July* 1698, which arrived not in that place until *November* following.

And as it is not only hoped, but morally certain, that great advantages of attaining unto Wealth, Power and Honour, will thereby accrue and be administred to *Scotland*; so it might easily be Demonstrated, that very considerable *Benefits*, will infallibly Redound from thence unto *England*, and that both in times of Peace and of War. Seeing as it will be a means, whereby in a short time, a compendious *Way* and *Passage* for *Trade* to *China*, *Japan*, as well as to the *East-Indies*, may be obtained and rendred secure, whereby the *English*, will become qualified and enabled, not only to outdo the *French*, who begin to Rival them in *Trafick* to the latter, but to equal the *Dutch*, who do at present far exceed them in it: So by the conveniency of the *Scots Caledonian Plantation*, both a great quantity more of the *Manufactures* of that *Kingdom*, will come to be vented in all the *East parts* of the *World*, as well as in the *Spanish West-Indian Provinces*, and the expence made less, and the returns much Speedier and Surer, to and from the latter, than they are, or ever can be, by the way of

Cadiz and *Malaga*. And as for the *English Plantations* in *America*, they will not only have larger and more advantageous occasions, of Trading into the *Spanish American Colonies*; but the very *Scots* of the *Calidonian* Plantation, will take off and consume abundance of their Commodities and Productions, especially theirs of *New York* and *New England*, for which they will pay in *Gold* and in *Silver*, and such valuable Goods, as the *Mines*, *Rivers*, and *Land of Darien* do yield and furnish. And should a War at any time come to be between the *Kings* of *Great Britain* and of *Spain*, as who knoweth what may hereafter fall out, *Calidonia* is and will in that case be found, the best Situate place of any in the World, from whence and by means whereof, to do Hurt and Prejudice to the *Spaniards*, and to yield service to his *Britannick* Majesty, and give his Subjects opportunities of enriching themselves. Seeing the *Scots Colony* there, will prove to be not only *Posted*, in the middle and bosom of the *Spanish American Forts* for *Traffick*, having *Carthage-na* on the *East*, *Porto Bello* on the *West*, and *Panama* on the *South*; but will be found to stand *Situated* in the direct way and passage, that their *Flotas*, *Galleons*, *Armados* and *Armadilals* must go and return to and from *Mexico* and *Peru*. Nor on the supposition of such a *Hostility* arising between these two Crowns, as I have mentioned, will the *English* meerly have a larger, better and more Fortified *Harbour* for Ships, either of War or Commerce, than any of their own *West India Plantations* do afford; But they will have one to Receive, Cover and Protect them, that is nearer and more adjacent by a
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hundred Leagues to *Porto Bello* and *Panama*, than *Jamaica*; and by above three hundred than *Barbadoes*, which of all the *English American Colonies*, are the least distanced from them. But seeing I shall have occasion to discourse more fully hereafter, of the benefits and advantages, which will accrue to the Crown and Kingdom of *England*, by the *Scots* having settled in *Darien*, and how much upon that account, it is both the Interest of the *King*, and of the *English Nation*, that they should be maintained and defended in the possession of their Plantation at *Calidonia*; I shall therefore insist no more upon it under this *Head*, but adjourn what is to be further represented, and argued to the foregoing purpose, until it will lie more naturally before me in some other Paragraph.

That which I am then in the next place to advance unto, is to Justifie and Prove beyond all possibility of any reasonable Reply, that the *Scots*, by their establishing a Colony on the *Isthmus* of *Darien*, have made no *Invasion*, upon the *Rights* or *Dominions*, and *Territories* of the *King* of *Spain*, nor have therein *Acted* contrary either to the *Laws* of *Nations*, or to any *Articles* of *publick Treaties*, that have intervened, or have been *Consented*, *Accorded* and *Stipulated*, between the *Kings* of *Great Britain*, and those of *Spain*? 'Tis true his *Spanish Majesty*, hath by several *Memorials* delivered by his Ministers to his *Britannick Majesty*, or to his *Secretaries* of *State*, represented, remonstrated and complained, as if the *Scots*, had thereby made an *Infraction* of the *Peace*, between the *Crowns*, were become guilty of an *Insult* and *Attempt* against

his *Catholick* Majesty, and that by settling a Plantation in that place, they have posted themselves, *dans les Souverains, & le plus Interieur de ces Demaines de sa Majeste, In the Sovereign and most Inward Territories of and belonging to his Spanish Majesty.* And as in case that the matter stood as it is represented, and as the complaint doth import, the blame thereof, ought to be wholly and entirely imputed unto and charged upon the *Governours and Directors* of the *Company* erected for *Trading to Africa and the Indies*, and no ways either in the Injury that is done, or in the clamours and accusations which arise by and from it, to affect his *Britannick* Majesty in his Justice, Veracity and Honour; so it would be both requisite and necessary, on the foot of Righteousness, as well as of Truth, that full reparation should be made to his *Catholick* Majesty, if the *Fact* of the *Scots*, in planting on the *Isthmus of Darien*, were disagreeable to Royal and National *Treaties*, and a forceable seizure, in times of Amity and Peace of the *Lands and Demains* of that *King*. Yet I hope, it will not be accounted Rudeness or Insolence, in me to say, that it is both expected and demanded, that none will discover and betray themselves, to be persons of so little Prudence or Equity, as upon the single credit, and alone evidence of *Memorials* to submit unto, and to suffer, their being either surpris'd, or wheedled, or menaced and hector'd into a belief, that the settling the aforesaid Colony, in the *place* above-mentioned, is therefore Injurious and Criminal in the *Scots*, and to be reckoned an Invasion upon the Sovereign Rights, and the Lawful Dominions of the *King of Spain*,

Spain, meerly because it is alledged and affirmed by his Ministers and in his name to be so.

And I do reckon my self fully warranted, in the requiring and exacting this of every man, who desires to escape the censure and reproach of being Imprudent, Partial, and Iniquous; in that it hath very often, and upon frequent occasions, been the custom and practice of States, Princes and Potentates, to remonstrate and complain of the proceedings of other Rulers, Governours and Sovereigns, and of their severall and respective Subjects; when all that hath been offered, attempted and done by those who have been thus applyed and addressed unto, and complained of, hath been Lawful, Friendly, Honourable and Just, and only accounted inconvenient at the Season, or held to administer ground of Jealousie and Fear, that it might in the future, be prejudicial unto such who were the Complainants and Remonstrants. And as no Potentate or Court in the World, hath oftener and more clamorously, betook themselves unto this Method, than they of *Spain* have done, in reference unto, and behalf of what they unreasonably challenge, and would have others be so weak, as to allow them a Right unto the *West-Indies*; so they have commonly, in the issue and event been made to understand, that they had no Pleadable, Valuable and Justifiable reasons, grounds or causes, for their Remonstrances and Complaints. Whereof as the Histories of all Nations, are full of Examples, and Instances, so our own are not barren and unprovided of them. Unto which as I shall confine my self, on the motive of the Brevity,

that this discourse is designed to be of; so I shall only assign a few out of the many that might be enumerated. Whereof, the first shall be, the Behaviour and Answer of *Queen Elizabeth*, during the time of Amity with *Spain*, and before there was any rupture, between her and *Philip the Second*, upon a complaint against one *Captain Parker*, made unto her by the *Spanish Minister*, who resided at her Court, under a publick Character; which I do the rather mention, because it relates to something that fell out at *Darien*, where the *Scots* having taken the freedom to settle, and to establish a Plantation, is made the ground of the *Memo-rials* presented lately to his Majesty by the *Spanish Ambassador*, in the name of the *Catholick King*: For *Captain Parker* having in the year 1565, Sailed from *England* to *Darien*, and begun to manage a profitable Trade with the Natives, the *Spaniards*, who have been always Jealous of, and offended at any other Europeans coming into, and Trafficking in those parts of *America*, came with Armed Ships against him, and after having threatned, to make prize of him, and those that were with him, unless he would immediately depart, upon his refusal to do so, they attempted it. But *Parker* being a gallant man, and being likewise assisted by the Natives, he not only beat the *Spaniards* that assaulted him, and took one of their Ships, but also plundered a place called *Castel Dolora*, for all which he was both commended and justified by the *Queen*, notwithstanding the Complaints and *Remonstrances* of the *King* of *Spain*, by his Ambassador.

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Whereunto may be added, that famous and remarkable transaction, much about the same Season, between *Queen Elizabeth* and *Philip the Second*, in relation to *Captain Drake*, who having in a time of Peace, betwixt the two Crowns, been seised by the *Spaniards*, for *Trading* in the *Bay of Mexico*, and who thereupon, having been allowed by her *Majesty*, to make himself reparation and satisfaction, for the Wrong and Dishonour done to her, as well as for the Loss and Injury, which he had Sustained, sailed to *Boco Fero*, where being shewed the *South Sea*, and also assisted by the *Native Indians*, who had War with the *Spaniards*, he took and plundered some rich *Spanish Vessels*, at *St. Lazarus de Chagra*. Of which *Bernardine de Mendoza*, who was then *Spanish Ambassador* at the Court of *England*, having by a *Memorial* which he presented to the *Queen*, complained as a great Act of Depredation, committed by *Drake* upon the *Spaniards* in the *West Indies*, and thereupon demanded reparation of the Loss and Damage, which his Masters Subjects had thereby undergone, he was answered by the *Queen* almost in the very terms, and directly to the purpose following. Namely, *That as the Spaniards had drawn these Inconveniencies and Mischiefs upon themselves, by their severe and unjust dealing with the English in their American Commerce, and their Trade there with the Natives,*

See Cam-
den's Eli-
zabeth lib.
2. p. 255.
An. Dom.
1565.

so she did not understand, why either her Subjects, or those of any other European Princes, should be debarred from Traffick in the Indies. Unto which as she did not acknowledge the Spaniards to have any title by the donation of the Bishop of Rome; so she knew no right they had to any places there, besides those

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that they were in actual possession of; Seeing their having touched only here and there upon those coasts, given names to Rivers, or Capes, and possibly built a few Cottages, were such insignificant things, as could no ways entitle them to a Propriety, further than they were actually settled, and continued to inhabit. And therefore, that as all their claim unto other Parts, Places and Countries in the West Indies, was only Imaginary and Chimerical; so it was thereupon Free, for other Princes and States, and their respective Subjects, without the least Breach, or Violation of the Laws of Nations, both to Trade and Transplant Colonies; into all such American Districts and Territories, where the Spaniards did not inhabit. And that as all pretence to a right to any Country there, otherwise than as they were possessed of it, is nothing but a vain and unjust Usurpation, which makes no foundation, nor gives any right by and according to the laws of Nations, for a limited and restrained claim, in and over those Countries; so it is as lawful for any other Nation, as it is for Spain, to Navigate that vast Ocean, without being inhibited, obstructed, or therein Disturbed; in that the use of the Sea and Air is common unto all and every people whatsoever, neither Nature nor custom having given or allowed, possession or Propriety thereof, to any one particular Country of the World, Preclusive of others.

But tho' this that I have here reported may very reasonably be counted enough to have been said under this head, as being so full, as well as pertinent, for shewing how little reason and cause there may often be, of Judging hastily, conclusively and prejudicially of the proceedings and Facts of the Subjects of any State, or Sovereign; meerly because of complaints exhibited

ted in *Memorials* by the *Ambassadours* of other *Princes*, stiling and representing what hath been done by them, under the Characters of being violatious of the Laws of Nations, Invasions upon the Territories and Jurisdictions of Potentates, and Infractions of publick Treaties and Alliances ; yet I shall not reckon it either superfluous or impertinent, nor will the reader I hope think it tedious, to have one Instance more subjoyned, that was of a parallel nature, and to the same purpose and upon the same occasion : which as it referreth to a *Memorial* of the same importance and kind, with those that have been presented lately to his *Majesty* ; so it was one delivered into a *King* of *great Britain* by an *Ambassadour* of *Spain* in the name and in obedience to the Command of his *Master*. Whereof the Story in brief is this : Namely that in the year 1629. being after a Rupture, and during the time of a War, between the Crown of *Great Britain*, and of *Spain*, divers of the English Nation, finding the *Islands* of *Cateline* and *Tortuga* unpossessed and empty of Inhabitants, did thereupon seize and begin to plant Colonies, on them, giving to the former the name of the *Island* of *Providence*, and to the latter the name of the *Island* of *Association*. And which they continuing to inhabit, and occupy after the establishment, of the Peace betwixt his *Britannick Majesty*, and the *Catholick King*, Anno 1630. the Spaniards became thereat offended, not only because of its being an extending, and an enlargement of English Settlements in *America*, but by reason of the nearness of those *Islands* to the *Spanish West-India Colonies*, particularly to those of *Cuba* and *Hispaniola*, and accordingly

ly complained thereof to King *Charles* the First, by their Ambassador ; who tho' he was a Prince both of those Morals and Politicks, that he would not countenance, the least thing that was unjust, and Illegal towards and against any, and much less in relation to Sovereigns and Potentates, with whom he was in Leagues, and Alliances, nevertheless he gave in Answer to the said Complaint, that his *Subjects* having found those *Islands*, both unpossessed by the Spaniards, and uninhabited by any other people whatsoever, had thereupon by the Laws of Nature as well as of Nations, a Liberty and Right to sit down and to plant there. And that they ought not to be therein Obstructed or hindred, either because of Jealousies, which the Spaniards might entertain, on the foot of those Islands being so adjacent to their Territories, or by reason of any apprehensions they might have, that *English* Colonies there, would prove afterwards inconvenient, and prejudicial unto them. In which Answer the *Spaniards* were so far forced to acquiesceat that time, as not to reckon that Fact of his *Britannick* Majesty's Subjects to be any Infraction of Alliances, or a Rupture of the Peace. Tho' I must withall add, that upon the arising of misunderstandings between King *Charles* the First and his People of *England*, and upon his Subjects of *Scotland* running into Rebellion, the *Spaniards* made those advantages, of our quarrelling here at home among our selves, as to assault the English in both the forementioned *Islands*, and were therein so successful, as first to drive them out of *Tortuga*, Anno 1634. and afterwards out of *Cateline* Anno 1640.

Vid. Scriptum Cromweli, in qua Reipubl. Angliæ causâ contra Hispanos justa esse demonstratur : Edit. Lond. 1655.

In the attempt whereof as they acted against all the measures of Law and Justice, and to the highest degrees of cruelty and barbarity in the execution of it, so it is too well known upon whom both the blame and Infamy are to be charged, that those Invasions of the Spaniards upon the Rights, Properties and Possessions of the *English*, were not Revenged as they deserved, and as they undoubtedly would have been, had not King *Charles* been diverted and hinder'd from it, by the unhappy differences, which sprung up between him and his People.

Having then done, what I hope will be judged sufficient to obviate and prevent all misconstructions and sinistrous thoughts, which might otherwise have risen in the minds of any, by reason of the late *Memorial* presented to his *Majesty*, I do reckon, that I have thereby paved my way, towards an examination of the *Fact* of the *Scots Company*, in their settling at *Darien*, whether it ought to be accounted illegal, and unjust, contrary to the *Laws* of *Nature* and of *Nations*, and to interfere with solemn *Regal Stipulations*? or whether it may be esteemed Lawful, Righteous and Agreeable to all the rules and measures of Wisdom, Amity and Justice? as that I may now apply and address my self directly and closely to it, without finding the forementioned *Remonstrances*, to remain an Impediment and obstruction in my way. And as an Introduction thereunto, I cannot but both acknowledge and commend, the Fair, Honourable and Friendly procedure of the *Catholick King*, in that he hath by *Memorials*, given in to his *Britannick Majesty*, chosen to assert his
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pretensions and rights in an Amicable way, and so affords an opportunity, that the whole World may be satisfied, on the Foot and *Topics* of Reason, Custom and Law, that neither the *Act* and *Patent*, which the *King* of *Great Britain*, hath granted to his *Subjects* in *Scotland*, are any ways either disagreeable to *Treaties* with *Spain*, or dissonant from the received *Maxims* of Equity and Justice, by which States and Princes do govern themselves, in their Publick and Political actions towards one and other; Nor that the *Scots Company*, have either exceeded the limits prescribed unto them, in the *Statute* and *Charter*, by which they are authorized to Trade to *Africa* and the *Indies*, and to establish Colonies and Plantations there, or that they have done any thing *prejudicial* unto and *Invasive* upon the *Rights* of *Spain*. For hereby instead of putting the decision of this great and important affair, upon the Strength Power and Success of Arms, and the verdict that should result from Hostility and War; it is placed on the amicable foundation of Reason, Alliances and Laws, and made adjudgeable in the Cabinets, and at the Council Boards of Princes, and not immediately referred to a determination, by Fleets and Armies on the *Ocean* and Continent. And therefore that this matter, may be set and represented in the best and clearest light, for an amicable adjustment, and compose of it, between his *Brittanick Majesty* and the *King* of *Spain*, I shall in order thereunto, propose and lay down, some things in the way of so many *Premises*, which which shall carry that intrinsick certainty and evidence in them, as to resemble and be of
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the Nature of *Postulata* in *Mathematicks*, and which shall be found as undeniable principles, in a discourse that is relative unto, and concerning right of property in a Country, as the other are acknowledged by all men to be in Geometry.

Whereof the *first* is this, namely, that the Original, most Ancient, and that which is by all *Civilians*, confessed to be the ground and foundation, of the uncontrovertible *Title* and *Right* of any people, to this or that *Country*, is their having been the *Primitive Occupiers* and *Possessors* of it. *Quod enim est Nullius, per occupationem acquiritur ejus Dominium*, say all *Civilians*. For while the greatest, or any part of the *World*, lay wholly *Void* and *Uninhabited*, and for the Occupation whereof, no formal Division had intervened, and been agreed upon, by those who emitted Colonies for the possessing and planting such and such parts of the Earth, assigning to every one of those Colonies, there several and respective partitions and districts; in that case the right of *Title* unto, and of *Property* in such a Country, and place became, *primo possidentis, his or theirs who were the first occupiers thereof*. 'Tis taken for a dictate of Nature, and is that which the Universal reason of Mankind conducted them unto, in the first and separated division, which was made of this habitable World, so far as it was void and uninhabited, *Ut quod quisque occupasset, id proprium haberet*, That whatsoever any came actually to possess and occupy, thereof they should be acknowledged to have the propriety. And as Cicero long before our late *Civilians* expressed it, *Quod cuique obtingit, id quisque teneat*, Wheresoever any mans Lot falls

Puffend.de
Jur. Nat.
& Gent.
lib. 4. cap.
7. Grot de.
Jur. Bel. &
Pac. lib. 2.
cap. 2. §.
2. de
Offic. 3.

falls to be the first possessor, that he hath a Legal claim thereunto. Which possession or occupation as they are not accounted to stand acquired by any meer act of the *Mind*, whether in way of wish or purpose of settlement in such a place, but they are only obtained in and by a *Bodily Act*, that is *quasi positio pedis a placing and fixing there foot upon it*; So no bare transient and vagrant passage, thro' an empty and uninhabited Country without settling their abode, and continuing to reside in it, was ever held sufficient by any *Civilian* for the giving unto those *Itinerant passengers* a claim of *Property* and *Inheritance* there. For as *Grotius* says *Desultoria possessio nihil efficit*, An occasional touching at a place without settling and continuing to inhabit giveth no right thereunto in Law. And as *Puffendorf* speaks to the same purpose, *Occupasse tum demum rem aliquam dicimur quando possessionem ejus adprehen-*

De jure Nat. & Gent. lib. 4. cap. 6. §. 8. *dimus: ita ut occupatio rerum mobilium fiat manibus, soli pedibus; vidisse autem tantum, aut scire ubi quid sit, nondum ad possessionem sufficere judicatur.*

Whereunto may be added in the second place, That the *Spaniards* did not find those Countries, Kingdoms, Isles and Provinces, whereof they are either possessed, and confessed by all to be so, or those unto which they pretend a right, tho' it be not acknowledg'd by others, *void* and *empty* of *People*, and *uninhabited*; but that when they came thither and arriv'd there, they found them actually possess'd by a large and numerous *People* that had no knowledge of, nor dependance upon *Spain*, nor had deriv'd either their own *Original*, or their *Title* to occupy and inherit those spacious and vast *American Territories* from
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the *Spaniard*; so that whatsoever *Title* or *Property* the *Spaniards* are come to have unto, and over those *Dominions*, it must be deriv'd either from the *Donation* of the *Pope*, or acquir'd by a *Conquest* of those, who were the previous and ancient *Proprietors*; or it must be obtain'd by a grant from the *Natives*, in the vertue whereof the *Spaniards* have a right transferr'd unto them, and are with and by the consent of the *Indians*, made the rightful and universal *Proprietors* of all those *Countries*.

And as to their *Claim* by the *Pope's Donation*, the very mentioning, and much more the pleading of it, is a ridiculing, as well as bantring of Mankind; seeing even on the supposal, that the *Roman Pontiffs* should be acknowledg'd the Successors of *St. Peter*, which as no Protestants are forward to believe or confess, so they have never hitherto found, nor do they think they ever shall find the *Pontificians* able to prove it: Yet this would invest them with no right of disposing the Kingdoms of the World as they please, and unto whom they will. For *Peter* being cloathed with no such Power himself, nor having ever pretended to exert such a *Jurisdiction*, as some *Popes* have had the *Vanity* and *Pride* to do, how could he convey it unto, and entail it upon others, under the quality and character of being his Successors? Yea our Lord *JESUS Christ* was so far from exercising a *Power* and *Authority* of divesting Princes of their *Soveraignties*, *Principalities* and *Dominions*, tho' all of them were then gross *Idolaters*, that he would not be prevail'd upon to divide an *Inheritance* between two Brethren, when desir'd by one of them to do it. But as

he made it the duty of all those who should believe in him, and embrace the Christian Faith, to be conscientious and exact in yielding Obedience to all the Laws and Commands of Civil Rulers and Magistrates, whether they should be Heathen or Christians, provided that those Laws and Injunctions were not inconsistent with, and repugnant to the Laws of God: So he was *Himself* contented to *Pay Tribute to Tiberius Caesar*, who was both an *Idolater* and a *Tyrant*. Nay, so far are the *Bishops of Rome* from having any Jurisdiction in the quality of *St. Peter's Successors*, over the Dominions of any Prince and Potentates whatsoever, That all the right which they have to their own Temporal and Secular Possessions, even to that which is vulgarly call'd the *Patrimony of St. Peter*, is by and from the Concession and Grants of Potentates, Kings, and Civil Rulers (among whom I wou'd not be thought to place *Constantine*, whose pretended *Donation* is a meer *Fiction* and *Chimera*, but some that were later than he) who were more Liberal and Beneficent, than they were Prudent and Wise. Moreover, tho' the *Spaniards* have had sometimes, the weakness as well as the vanity to *Claim a right to the whole West-Indies*, thro' and by vertue of the Donation of *Pope Alexander VI.* in his *Bulls Dated 2d and 3d of May, Anno 1493*, yet the very *Spanish Historians* do assure us, that *Ferdinand and Isabella* who were King and Queen of *Castile*, when *Columbus* made the first discovery of the *West-Indies* in the year 1492, having consulted with those who were esteemed the most Learned in the *Civil and Canon Laws*, thought it needless to use any such Formality as to desire a Grant and Donation

See Herrera's
Hist. of the
West-Indies. Dec.
Lib. I. 2.
Cap 4.

tion of those Countries from the Pope; and that the *Bulls* of *Alexander VI.* were obtain'd, or rather accepted upon some particular Considerations.

Nor have divers Nations, and those Roman Catholicks, as well as Reformed, made the least scruple of sailing unto, and settling in the Regions and Countries of *America*, notwithstanding the *Pope's Bulls*, by which they are said to have been granted to the Kings of *Spain*. Seeing besides what hath been done by divers Princes and States during this whole present Century, and a good part of the former, whereof I shall here make little or no mention (it being notoriously and fully known, not only to every Statesman, Scholar, Merchant, Shopkeeper and Artificer, but to those who are the meanest Boors, Peasants, and the ignorantest part of Mankind) there were divers attempts and endeavours made by others Trading to *America* immediately and soon after the emission of those *Bulls*, upon which some would found the *Spaniard's* having a right and claim, and legitimate Title to those Dominions. For no longer than three years after the pretended *Donation* of all the *American Territories* to *Ferdinand* and *Isabella*, King and Queen of *Castile* by *Alexander VI.* did *Henry VII.* of *England* (tho' a zealous Roman Catholick, and one who by reason of his Domestick Troubles stood in great need of the Favour of the See of *Rome*, and who no less courted it) Equip and set forth in the Year 1496, four Ships under the Command of *Sir John*, and *Sir Sebastian Cabot* of *Bristol*, to discover, enter upon, and take possession of any place or places of the *West-Indies*, that were not in the actual possession

of the *Spaniards*, which by his Authority and in his Name they did from 25 to 26 Degrees of the Northern Latitude; and in two Voyages which they made to the *West-Indies*, they both establish'd a Friendship and Trade with the *Natives* of *Florida*, *Long-Island*, and of divers places of those *American* Countries. And thro' *Henry VIII.* who succeeded him (thro' his being employ'd in Wars with *France* and *Scotland*, and taken up about important affairs at home) could not extend his Empire in the *West-Indies*; nevertheless there were, even in his Reign, divers private Persons that voluntarily engag'd in the making discoveries and settling Trade in *America*: And among others whom we do find equip'd and sent forth upon this Design, were *Edward Spurstow*, in the 5th and 9th Years of *Henry VIII.* and *Robert Warner* in the 12th of the same Reign, who made rich Voyages thither, and were kindly entertain'd by the *Natives*. And which is of affinity hereunto, and extremely pertinent, for shewing the insignificance of the foremention'd *Bulls* to the establishing any right in the *Spaniards* to any other *Parts* of *America* than they are actually in possession of; it deserveth to be observ'd, how that *Vespusius* a *Florentine* by order of *Emanuel* King of *Portugal*, did in the Year 1500, discover all *Brasile*, which makes a large part of the *American* Continent, and that the *Portuguese* asserted their right unto it, and preserv'd a liberty of Trading thither, notwithstanding all that was objected to the contrary by *Ferdinand* and *Isabella* of *Castile*. Whereunto should I add what hath been done since, and that not only by the *English* under *Queen Elizabeth*, and *King James*,
Charles

Charles I. and II. but by the *French and Dutch*, and by divers other Nations and States, which have all traded to and settled several Colonies both upon the *Terra firma* and the Islands of *America*, notwithstanding either the *Popes Bulls* of Donation of those Countries, and Islands to the *Spaniards*, or their pretensions unto them, by any other Right or Title whatsoever; it would evidently and unanswerably appear, that their *Claim* to the *West-Indies* was never further allowed and admitted by any *European Potentates and Rulers*, than in reference to those Places and Territories of which they were become actually possess'd. Yea the *Pope's* grant of the *West-Indies* to the *Castilians*, having been in order to the propagation of the Christian Faith among those Infidels, The See of *Rome* challenging no Power or Authority to dispose of Earthly Dominions, save in relation thereunto, and neither for destroying the Natives or usurping their Territories, it naturally follows that the *Spaniards* having acted so directly contrary to all this, both in Massacring above *Forty Millions* of the *Indians*, and in the encouraging them in their Heathenish Idolatry, thro' selling their *Idols* unto them for Money, after the *Indians* had thrown them away, rather than in seeking and promoting their Conversion to the Christian Religion, can pretend no claim of right and title to those Countries and Dominions by the *Pope's Bulls*, but as *De las Casas* expresseth it, *All their Conquests are to be accounted Unjust, Tyrannical and Null.*

See De las Casas Account of the first Voyages, Engl. Edit. 1699 p. 184.

Idem ib. p. 147. prop. 26.

'Tis true that the *Spaniards* have at all times been displeas'd with, and opposite unto the Settlement of any Nations in *America* besides them-

selves; but the many rich Colonies, such as *Virginia, Barbadoes, Bermudos, New England, New York, Carolina, Pensilvania, Jamaica, &c.* which the *English* have there, besides what places are possess'd by others, especially by the *French* and *Dutch* in that part of the World, do abundantly shew, that all Nations do account the *Claim* of the *Spaniards* to the whole *West-Indies* to be no better than a weak, vain and chimerical Imagination, and that the *Popes Bulls* by which it is alledged that they are entituled thereunto, are no otherwise esteemed by *European Princes and States*, than as a Jest and Banter.

Nor, Finally, have the *Spaniards* themselves paid that respect to the *Bulls* of *Alexander VI.* which they should, and certainly would have done, had they taken their right to the *American* Islands and Dominions to be deriv'd from them: Seeing whereas the same *Pope* had in and by these very *Bulls*, not only confirmed unto the *Portuguese* their title to such places, as they were not only possess'd of in the *East-Indies*, but to all other whatsoever in that *Eastern quarter* of the *World*, for the Occupying and Inheriting whereof they had formerly obtain'd *Bulls* of other *Popes*, and particularly of *Eugenius IV.* excluding all others from trading thither, yet notwithstanding of this, they of *Castile* laid Claim to the *Moluceao Islands*, to which *Ferdinand Magelannus* had found a passage by the South-West of *America*, and continu'd to assert and defend their Pretensions to them, until *John King of Portugal*, by lending the *Emperor Charles V.* 350000 Ducats, upon condition, that He and his Heirs should forbear trading to the *Molucca's* till the Money were repaid; they declin'd

clin'd the maintaining their Title to those Islands, and laid aside their trading to them.

Nor is it unworthy of remark, as well for the chicane as the pleasantry, and divertisement of it, that the *Pope* having divided the new World into two *Hemispheres*, allotting the *Western* to the *Spaniards*, and the *Eastern* to the *Portuguese*, how that they coming to disagree about their *respective Shares*, each of them laying claim (as I have said before) to the *Molucca Islands*, as falling by that division within their Portion, and the decision of the case, seeming to depend upon Mathematical Calculations, about which the men of skill in *Geography*, being consulted on both sides, the *Spaniards* and *Portuguese* did in reference thereunto, differ from one another almost *Forty degrees*, in their fixing of the *Longitude*, and so dogmatical and obstinate were both in their accounts, that orders were given by publick Edicts, for fixing the *Degrees* and *Meridians*, in their several *Charts* and *Maps*, as they had been differently determined by the two Nations.

Finally that which still shews a further slight put upon those *Bulls*, by the very *Spaniards* themselves is this, namely, that no sooner had *Americus Vesputius* discover'd the *South Sea*, and found store of Excellent Timber, for building of Ships, near to an excellent Port, that was but one league distant from that Sea, and which *Vesputius* called *Ralio*, then that having immediately built two
See Mariana's Hist. of Spain lib 26. cap. 2. and Herrera's hist. of the West Indies dec. 2d. lib. 6. a capite 3. ad cap. 9.
 Ships there, he sailed from thence to the Northern parts of the *East Indies*, and begun in the Reign of *Charles the 5th.* to settle a *Colony* there upon one of those *Islands*, which afterwards

upon the perfecting of that Plantation in the time of *Philip the 2d.* came to be called the *Philippine Islands*, where to this day they have a *Colony*, and keep possession of them in scorn and contempt of the *Pope's Bulls*, by which all the *East-Indies* were granted to the *Portuguese*.

The *Third* and last thing that I would *promise* upon this occasion, and in order to the clearer determination of the point in dispute, is, that whatsoever right of propriety, and dominion the *Spaniards* may have, by the Title and upon the foot of Conquest acquired in and over the *Empires of Mexico and Peru*, and such *Countries and Provinces*, that were dependent upon, *Subject and Tributary* unto those two *Empires*, yet they cannot thereby have obtained any *Jurisdiction Title or Claim* of possession over, in, and to those *regions, districts and places of America* which as they have never *Subdued*, so they of those places were not nor at any time had been in *Vassallage or Subjection* to the *Monarchs and Sovereign Rulers* of either of those *Empires*. I could very justly have laid down the *Postulatum*, and proposition more at large, and at the same time been able to justify it both by *Reason and Authority*, and to have proved and made it good, as well by *Artificial as Inartificial Arguments*: namely that whatsoever *Legal right*, the *Spaniards* may have acquired to those *Lands and Territories in America* of which they are possessed, by the *claim* and upon the foot of *prescription* thro' their having *Inhabited, occupied and inherited* them for above 200 years, without interruption, disseisure, or dispossession; yet they never obtained a *Lawful and righteous Title* unto, or a *Legal Jurisdiction* over them, upon the *basis and foundation* of having *Conquered* the

Mexican and Peruvian Emperors and Empires in and by a Just War, but that they rather subdued, and destroyed those Monarchs, and Possessed themselves of their Dominions, by Fraud, Violence and Usurpation. Now Puffendorf tells us, and that agreeably to the opinion of all Civilians, that per solam vim injustam, non posse alicui Solidum Jus queri, & cui exadversum, obligatio conscientiam stringens respondeat, nisi vitium acquisitionis purgatum fuerit per accidentem post novam causam qua per se jus parere idonea est. No right is acquired, or doth arise or accrue to any, by the alone and single means of unjust Violence and Force; nor do a People become obliged and bound in conscience to pay Fealty, and Allegiance, and to yield Obedience to such, as have Unrighteously and without Cause, or Provocation, Overpowered and Master'd them, unless and until something else doth interpose and intervene, that may create and give a Title, and right of Domination, Rule and Authority unto the Former and beget ties of legal Subjection and Obedience in the latter. For as Grotius affirms to the same purpose, That Actus Imperij invasoris quos exercet, nullam vim habere possunt ex ipsius Jure, quod nullum est. That no Invader meerly as such, and under that reduplication hath a right of exacting Fealty and Obedience of the Subjects of those Princes, whom they have without Justice violently and forcibly assaulted. That Quicquid Jure possidetur, injuria auferitur; What any rightfully possesseth, he cannot save injuriously be disseised of, is engraven upon the minds of all men, as a part of the Legislation of the Divine Creator, conveyed unto us with our Natures. Nor can it be denied by any, who do believe that there are such

Dissertat
academ.
Select. p.
293.

De Jure
Bell. &
pac. lib. 1.
cap. 4.

such things, as *Right* and *Wrong* among men,

See de las Casas of the Voyages, &c. of the Spaniards to the West-Indies. p. 147. English translation, & alibi passim. &c.

See also what Mar. Gimini hath in his Italian translation of de las Casas Book, particularly in that part called Conquista dell' Indie.

and that they are under Laws which enjoyn, what is Just, and prohibit what is unjust; but that the Wars which the *Spaniards* made upon the *Emperors of Mexico and Peru*, and upon such *Supreme Rulers and Governours* of those other *American Territories and Countries* where-

of they are become possessed, were the most groundless, unrighteous and unjust, as well as the most bloody inhumane and barbarous, that ever were either begun, or carried on in any part of the World: Seeing that tho' those Potentates, Rulers, and their People and Subjects were not *Christians* (and for any thing that we do know, were never provided of means nor furnished with advantages of being such) yet they were as Lawful Kings, Princes, and Governours of their several and respective Dominions, Territories, and Districts in *America*, and as Legal Proprietors of their Demesns and Possessions there, as any *European Prince or People* whatsoever are in reference either unto the Authority and Jurisdiction, which they have and do exercise in this part of the Terrestrial Globe, or to the Lands and Goods where they do here inhabit, and which they do enjoy and possess. For Infidels being rational Creatures, as well as other men are, they are thereupon Sociable, as well as they, and consequently capable of entring into Societies, and agreeing upon Laws for the Government of them; and indeed to have Governours and to be Governed, are equally common to all sorts of men, whether they Worship God or Idols, being things that have
their

their foundation in the light of Nature, and not in Revelation. And therefore, Civil Dominion and Property, being no ways founded in Grace, or in the *Orthodoxy* of Faith, but in Principles of Nature which guide men to provide for their own safety, it is as much a violation of the Laws of God, and of Nations, to Invade the Countries of those Sovereigns and to deprive those Potentates of their Dominions, without a previous and antecedent just reason and cause, and it is as heinous an offence, against the Laws both of Nature and Revelation to rob and plunder their People of what they had and enjoyed, as it is for any one King and people in this Christian part of the World to do the like against and upon any other in this *Hemisphere*, and who are of the same belief of the Gospel that they who Invade them are.

Nor have there hitherto been, nor hereafter can, any reasons be produc'd, for *legitimizing* and *justifying* the War of the *Spaniards*, upon and against the natural *Princes* and the *Natives* of the *West-Indies*, but which do with greater evidence proclaim, and more singularly aggravate and enhance the guilt of it. For to alledge that they were *Idolaters*, and that therefore it was lawful, to make War upon, and to destroy and extirpate them, is directly repugnant to all the Principles of Humanity, the Maxims of Evangelical Meekness, and the Methods establish'd by our Lord JESUS Christ for the Propagation of the Christian Faith; as well as to all the Laws of Nature, Revelation and Nations. And as the time once was, when all the Nations even of *Europe*, *Asia* and *Africk*,

Africk, save the single and little *People* of the *Jews*, were gross and open *Idolaters*; so I do not believe that any are so far void of good *Sense*, and of humane *Sentiments*, as to think that the *Jews*, had they been powerful enough to have attempted it, stood warranted and authorized to have depopulated the Earth, thro' destroying the *Inhabitants* of it. And considering how the same *Character* of being *Idolaters* is by most of those of all *Countries* that are stiled *Reformed* fasten'd upon the *Spaniards* themselves, because of divers *Religious Actions* in their *Pontifical* *Worship*, it is not therefore to consult well for their own safety, to invest those who do both believe and call them so, with a right of *Slaughtering* and *Murdering* them upon that account.

And whereas it may possibly be pretended, that the *Spaniards* had just cause administer'd unto them, of making *War* upon the *Indians*, even almost to the extirpating of them, in that the *Potentates* and *People* of *America*, would not admit them to *Trade* and reside peaceably among them: It is as irrational and barbarous an *Allegation* as the former, and is withal uncontrollably false with respect to matter of *Fact*, which the other was not. For abstracting from the question, whether one *People* may not lawfully exclude and debar another from *Trafficking* with them, and settling in their *Country*, which why it may not be done in other *Cases*, besides that of open *Hostility*, I will not at this time take upon me to decide; but that which I do affirm, is, That the *Spaniards* had no provocation of that kind given them for their making *War* upon the *Natives*. It being

ing declared and recorded by their own *Historians* and Writers, that the *Indians* receiv'd them chearfully, and treated them amicably, and entertain'd them according to all the rules of Hospitality and Friendship; yea, both well-com'd and esteem'd them rather as Gods than as Men, until the *Spaniards*, by their Barbarities perpetrated upon the *Natives*, provoked them to seek and endeavour, how to preserve and defend themselves from their brutal and hellish Rage. So that, tho' there be not the least shadow of truth in that pretence for the *Spaniards* having made War for Forty Years successively, used all the Arts of Fraud, Treachery and Violence, for destroying and exterminating them, which they so far effected, as to Murder above *Forty Millions* of Men, Women, and Children, to the laying waste some of the largest and finest Countries in the World, and the rendring them in a manner destitute of Inhabitants; yet the folly and impertinence of those who produce this as a reason, and in justification of the War that was made upon the *Indians*, are too obvious and remarkable to be overlook'd, and silently omitted: Seeing by the same reason, and upon the same motive, that they seek and endeavour, to have the *Spaniards* either excused or justified in what they did against the *Natives* of *America*; an *European Nation* that hath Strength and Power enough to fall upon the *Spaniards* in their *West-India Provinces*, and is able to drive them thence, becomes warranted and authorized to do it, in that it is their avowed principle and practice, to permit none to Plant and Trade there besides themselves.

So that it being apparent from the whole, that hath been said under this Head, that the War which the *Spaniards* made against the *Rulers* and *Inhabitants* of the *West-Indies*, who were the *Ancient Natives*, was, upon all accounts, most unrighteous and unjust, it doth from thence unanswerably follow, That no Title in those Dominions can arise and accrue unto them, from their having been *Victors* and *Conquerors* in that War. It being impossible that what is lawful and just, should be the natural, proper and immediate effect of what is in it self, Wicked, Abominable and Villainous. And therefore

See de las Casas account of the Voyages and Discoveries of the Spaniards in the West-Indies, from p. 136 to 161 of the English Translation.

such of the *Spanish Nation* as have been wise and honest, they do renounce all claim of Right in the Crown of *Spain* to a Sovereignty and Jurisdiction over those Countries, and the having a legal property in them, on the Foot and

Foundation of *Conquest*, and are willing to place and settle it on the bottom of their own *Occupation* and *Possession*, and quiet acquiescence of the *Natives*. And indeed when *Columbus* had first discover'd the *West-Indies*, and was about to establish *Colonies* in those Provinces, and being at his second Voyage to *Hispaniola*, advised by some of his own People, and particularly by one *Father Boyle*, to seize upon *Guacanagari*, that was an *Indian King*, and stood accused for having Murder'd some *Castilians*, whom *Columbus* had left there upon his first Voyage thither, he not only refus'd to do it, but declar'd that he came not into those Countries upon a *Design* of using Force, nor in order to make a *Conquest*, but in a peaceable and gentle way, and to settle with the consent of the *Natives*.

See Herrera dec. 1. lib. 2. c. 9.

In brief, tho' neither any crimes against God, wherewith the *Indians* were chargeable, nor any undue and inhumane carriages towards the *Spaniards*, at their first Landing in *America*, whereof some have had both the Impudence and Indiscretion to accuse them, were either just motives according to the Morals of Heathens or Christians, or allowable by the Laws of Nations, as Lawful causes for the *Spaniards* making War upon that People, yet both the *occasions* of it on the part of the *Natives*, and the real Inducements unto it on the side of the *Spaniards*, are too obvious and apparent, to escape the Observation and Notice of any person, that is conversant in History. Namely, that the Simplicity, Meekness, Patience and Unacquaintedness with Arms, and Martial Discipline, and their being ill provided of Weapons, either Offensive or Defensive, together with their abounding with Wealth, and their Countries being stored with Gold and Silver Mines, were the true *occasions* of that War, on the side of the *Indians*, and an insatiable *Avarice*, a Brutal Insolence, and unquenchable thirst after Blood, were the real causes of it, on the part of the *Spaniards*; who under all their pretences, of converting those Infidels to the Christian Faith and Worship, intended principally if not only, the destroying and extirpating of them, and converting their Countries and their Treasures to their own use.

See De las
Casas ubi
Supra,
thro' the
whole Book.

Whereunto may be further added under this head, that the Murther of the *Emperours* of *Mexico* and *Peru*, and the destroying all such as were of the Royal Lines, of those two great Monarchical Families,

Families, which was perpetrated against all the measures and obligations of Gratitude, Truth, Honour, Equity and Justice, and with all the Treachery and Inhumanity imaginable, gave no *Legal Jurisdiction* to the *Spaniards*, over such as had been Subjects or Vassals to those Sovereigns, in that the *Spaniards* did not set themselves up, and lay claim to an Authority, in order to *Govern* the *Mexicans* and *Peruvians*, to their Advantage and Benefit, but that they might extirpate and exterminate them. And Governments being at first instituted, for the safety of a People and not for their ruine: Kings being as *Aristotle* saith, *ordained for the good of Kingdoms, and not Kingdoms for the Lust and Pleasure of Kings, to be Tyrannized over as they will*, such can never acquire any right to Rule and Govern a Country, whose design work and endeavour were to depopulate it. And if on the supposition, that it were possible for one, that is a Legitimate Sovereign and Monarch, to entertain a purpose of making an Universal destruction of his People, instead of Protecting them (which I do really think and believe no Prince whatsoever is capable of, who is not fitter for Bedlam than a Throne, and who needeth not rather to be Bound in Chains, than to be accounted fit to sway a Scepter, as being more Mad and Distracted, than any that are kept at *Hogsden*) it were Lawful for his very Subjects, without the Violation of their Allegiance, to restrain and resist him; Surely then it ought much more to be esteemed, not only Lawful but an indispensable Duty, to withstand and oppose those, to whom they had never been Subjects,

paid

paid Fealty, or yielded Obedience, that should challenge an Authority and Jurisdiction over them, meerly that they might in the exercise thereof, Massacre and Exterminate them, which was directly the case of the *People* of the *West-Indies*, in relation to the *Spaniards*, both at their first Landing among them, and for a long series of Years after. So that this seryeth to Vindicate from blame, not only all those few and small *Retaliations*, which any of the *Native Indians* were capable of making upon the *Spaniards*, in Killing them wheresoever they could conveniently find, and were strong enough to Master them; but it doth abundantly justify the *withdrawment* of all those that could, from a *dependence* upon the *Empires* of *Mexico* and *Peru*, as they are now become vested in the *Kings* of *Spain*, tho' they had been anciently either *Subjects*, or *Vassals*, or *Feudatories* unto them, and their erecting themselves into *Free*, *Absolute* and *Independent* Governments, that thereby instead of falling under, and being forced to submit to the *Spanish* Jurisdiction, they might be the better able to withstand their power, and to defend themselves against all the pretensions of the *Spaniards*, in their claim of Authority over them. And if the length of time, wherein the *Spaniards* have not only been in the quiet possession, but in the exercise of Rule and Government, over such and such *West-India* Provinces, Countries and Districts, that have, either actively, or passively, submitted to them, gives them a Title thereunto by *Prescription*, then certainly by parity of Reason, and on the same foot of account, are they who (upon the

Spaniards getting into Possession of *Mexico* and *Peru*, and there treating of the Natives in the manner above related) withdrew themselves from any further Dependence on those Empires, and became erected into distinct, free and independent Governments, made likewise entitled to there Possessions, and Jurisdictions, by the same tenor and claim of Prescription. Nor is it to be denied, but that there are several Societies and bodies of *Indians* within the ancient Precincts and Limits of the foresaid Empires, who to this day, instead of submitting to the Jurisdiction of the *Spaniards*, are in continual and constant War with them. Whereof though a Multitude of Instances might be assigned, yet for the sake of Brevity, I shall only mention two. Of which one shall be the Collection or Herd of *Indians*, within the bounds of the Kingdom of *Guatemala*, whom the *Spaniards* have not hitherto Conquered, but would fain subdue, in order both to the settling a Commerce with some parts of *Jucatan*, from the doing whereof they are hindred by those Natives, and for the opening a way, for the conveying their goods over Land to the *Havana*, which they reckon would be often more for their safety, than the venturing them thither by Sea, from the *Gulph*. The other which I would mention is, that *Sept* and *Tribe* of *Indians*, who remain imbodyed on the *Northern* part of the Province of *New Mexico*, who are both Valiant, and in implacable Hostility with the *Spaniards*, and whom they are more desirous to bring into Subjection, than any other that are unsubdued, because of the rich Gold and Silver Mines, which they know to lie in the Mountains, and within the Districts which those

Natives

See Gage's
Survey edi.
1699. p.
160, 161.
and 305.

Natives possess, where they have hitherto covered and defended themselves, against the power of the *Spaniards*.

Finally, if the *Crown of Spain*, cannot rightfully pretend unto any Sovereignty over those, whom I have mention'd, it is then *Apodictically* evident, that thro' their having master'd *Mexico* and *Peru*, and got into possession of those *Empires*, (and by reason of a long and quiet Occupation, are come to be universally acknowledged to have a Right in them, so far as they are possess'd, and submitted unto by the Natives) they can lay no *Claim of Title*, Authority or Jurisdiction whatsoever, unto and over such Places and People, who, as they never were in any way or manner dependant upon, or Feudatory to the foremention'd Empires; so they were never subdued by, nor yielded any Fealty or Obedience to the *Spaniards*; but instead thereof have all along been either in terms of *Hostility*, or in actual War with the *Spaniards*; and have defended themselves, and preserved their *Territories* from being over-run, subdued, occupied, and inhabited by them. Which is the plain and direct *Case* of those of that part of the *Isthmus of Darien*, where the *Scots*, with consent of the *Natives*, and of their Rulers, have Landed, and are about settling a *Colony*:

And this doth both conduct me more nearly, and let me in more closely to the Matter and Affair, which my design in the writing of this Discourse, is to vindicate and justify; namely, That the *Scots* in their endeavouring to establish their *Colony* at *Caledonia*, at the *Port*, and upon the *Harbour Acla* in the *Isthmus* of *Darien*, have made no Invasion upon the Dominions, Territories, or Demesnes of His *Ca-*

tholick Majesty, nor have thereby done any thing which may be call'd an *Infractiion of Treaties* and *Alliances* between the *Crowns* of *Great Britain* and of *Spain*. Now that I may manage this undertaking, both with all the *Perspiciuity*, and with all the *Candor* imaginable, I shall freely grant unto the *Spaniards* whatsoever in *Justice* and *Reason* should not be deny'd them: That I may the more methodically, the better, and with the less offence to any afterwards deny unto them such *Pretensions* and *Claims*, as they have no grounds, either in *Laws*; or in *Compacts* and *Stipulations* for the demanding of. I do therefore willingly and with great readiness allow them to have a *Title* unto, and a *Propriety* in *Mexico* and *Peru*, and such other *Provinces* and *Islands* in *America*, where they have *Plantations* and *Colonies*, to such dimensions, so far, and to that extent of limits and bounds, as they do actually occupy and are in the possession of. For notwithstanding that their entrance into, and first settlement in those Countries, was mostly in the way of *Force*, *Violence* and *Usurpation*, and accompany'd with the greatest *Barbarities*, horridest *Cruelties*, and most execrable *Massacres* which it was possible for Men to practise, commit and perpetrate; from, and by which no just and legal *Title* could result and accrue unto them in and over those Territories, as I have already said, yet thro' their having for so long, and for such an uninterrupted series of Years, peaceably possessed and inhabited such and such places in the *West-Indies*, there is from thence, according to the *Laws* of *Nations*, a *Title* risen unto and become vested in them by *Prescription* over these *Pro-*
vinces,

vinces, Isles, and Districts, that unless in the case of actual War, none may or can disturb, disseize or expel them, without the doing that which is unlawful, unjust, injurious, and highly Criminal. For if *Prescription* should not be acknowledg'd to create and give unto a Prince or People a Title to a Country, Province, or Territory, so far as he or they may have been possessed of them; and if a peaceable and undisturb'd *Occupation* for an hundred or two hundred Years be not confessed sufficient time to found *Prescription* upon, the Right of many Princes, as well as of Common Men, would be very questionable to what they call their Inheritances, and Matter and Cause would thereby be administred, of Bloody Wars as well as of litigious and expensive Sutes in Courts of Law, both between Rulers, and between private Subjects, in most places in the World.

But whereas upon this *Concession* which I have made, it may possibly be said and alledged by some, that thro' the *Spaniards* having a right of Sovereignty and Dominion in and over *Mexico* and *Peru*, they must consequently be own'd to have a *legal Title* to all the *Provinces*, *Districts*, and *Places*, that had been formerly, and particularly at the *Castilians* landing in *America*, were parts of, *Feudatory* unto, or any ways *dependant* upon those *Empires*: It being a Maxim in the *English*, as well as in all other Laws, *That the Possession of a part in a Person or Persons that have the Right, gives unto them a just Claim of Possession to the whole.* Whereunto the Answers that may be given are obvious from what hath been offer'd and laid down in the foregoing *Postulata* and *Premises*; namely, first,

That the whole imported in that *Maxim*, doth only refer unto, and obtain in reference to such, who had been, and were the legal and rightful Proprietors of such and such Dominions and Territories, or who had thro' a Conquest in a just War, cut out and made a *Title* to themselves by their Swords; whereas it signifieth nothing, nor is of any validity to the giving a legal Claim and Title unto, and over any parts of a Country, further than as they are actually occupied and possessed, to those who neither had ancient Propriety in and over those Dominions, nor had come to acquire any in way of Conquest by a just War. Which being the plain and direct case of the *Spaniards*, even in relation to the *Empires* of *Mexico* and *Peru*; it may therefore be affirm'd, and that consonantly both to all the Rules of Laws, and the Measures of Equity and Justice, and that from the *Castilians* having inhumanely, savagely, and treacherously Murder'd the *Emperors* of *Mexico* and *Peru*, and the having destroy'd all those of each of those Imperial *Lines* as they could by fraud or violence get within the circle of their Power, and their having set themselves to Slaughter, Massacre and Exterminate the Natives, as far as their might and strength, excited and influenced by Malice, Rage, Avarice, and insatiable thirst after Blood could extend and reach; I say it may be affirm'd, that from thence and thereupon no Right or Title of Propriety or Dominion did arise unto the *Spaniards* in and over those Empires, further than they came quietly to inhabit, and were submitted unto; but that rather thereupon the *Natives* of those two Empires were at liberty to account these

two great *Monarchies* to be entirely *dissolv'd*, and might reckon that *they themselves* were in effect reduc'd back again to the *State of Nature*, and that whatsoever *Power* and *Authority* had either by primitive *Compacts* and *Agreiments*, or by tacit *Submissions* been vested in those *Monarchs*, and their *Hereditary Successors*, was become wholly *vacated* and *annulled*, not only as to them and their legal Heirs, but to all such who should pretend to arise and set up in their room, in the vertue of any Claim resulting from their having destroy'd and murder'd those *Monarchs*; and that the *Power* and *Jurisdiction* of the ancient Emperors of *Mexico* and *Peru* being altogether extinguish'd, there was thereby a *Right* as well as a *Freedom restor'd* unto and *divolv'd* upon the *Natives*, of disposing themselves, how, to whom, and after what manner they pleas'd, so that they might choose what *Governors*, and erect what *Government* they would, in order to their being kept in peace and safety among themselves, and be protected and defended from and against all such as should hostilely invade them.

So that whosoever of those *Indians*, who had formerly been dependant upon and subject unto the Empires of *Mexico* and *Peru*, did, for the reasons I have mention'd, *withdraw* themselves from being for the future any ways under those Empires, or any parts or branches of them, and became *united* and *confederated* into distinct, separate and independant *Communities*, erecting *Governments*, and choosing *Governors* of their own; As the *Spaniards* can lawfully pretend to no legal Claim of *Right* and *Authority* over them; so it is not only free

for those *Indians* to admit any *European* or other Nation to come, and to settle, and to plant among them, but they may upon the motive and guidance of their own Interest, as well invite as receive any sort of People to plant and reside among them, that shall shew themselves willing, and who may be able to assist those Natives against the *Spaniards* who make War upon and seek to oppress them.

Vid. Puffen. de jur. Nat. ad Gent. lib. 8. c. 6. §. 25, 26.

For as *Civilians* do generally agree, *Si populus vel propriis viribus vel sociorum jugum hostile excusserit, sine dubio libertatem & statum antiquum recuperat.* Whensoever a People, that hath been drove out of their Possessions, do either by their own Power, or by the aid and assistance of their Allies, rescue themselves from the Yoke and Dominion of their Enemies, they immediately thereupon do legally recover both their Liberty and Right to whatsoever they were disseized of; and this is call'd *Jus postliminium quod nascitur ex reditu in limen.*

Vid. Grot. de Jure Bell. & Pac. lib. 3. c. 9. §. 13.

To which purpose *Grotius* says from *Pomponius*, *Expulsis hostibus ex agris quos ceperant, dominia eorum ad priores dominos redeunt,* Upon the expulsion of Enemies out of such Territories whereof they were by Invasion and Usurpation become possessed, the Propriety and Dominion of those Lands do return unto such who had been the first Lords and Owners of them. Nor is any length of time allow'd by some of the best *Civilians* sufficient to give a Title, so much as by *Prescription* unto such who by force and violence were gotten into the Occupation of Countries and Territories, in case they whom they had subdued gave no signs of their submission to them, nor any ways testify'd their receiving of them for their Rulers and Lords. *Nullum tempus*, says

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Vid. Grot.
ubi supra,
l. 2. c. 4.

one, *sufficit ad acquirendum summum imperium, aut partem ejus necessariam, nolente primo possessore, quod significatur etiam silentio quando loqui non audeat.* No length of time, wherein an Usurper possesseth, can vest him in a rightful Jurisdiction and Dominion, while he wants the consent in some manner, intimated of those that were the first legal Inheritors, and that their very silence is enough to shew their refusal of becoming Subjects, when their circumstances are such, that they dare not express their disclaiming his Sovereignty over them. For in some cases it is enough that they murmur, tho' they dare not express their hatred; seeing that they do not resist, is not because they would not, but by reason that they cannot; and their being tame and silent under a Force, which they can neither withstand nor throw off, do no more declare and express their submission, than a Man approves of his being robb'd, when without contradiction or quarrelling, he delivers his Purse to a Thief whom he knows to be too strong for him.

Yea, Secondly, it may be farther added in way of answer, That the whole which can be suppos'd to follow upon, and to result from the foremention'd *Maxim* in Law, is only that the *Spaniards* may thereupon and from thence pretend to a Title of Right in, and of Dominion over all such Places in *America*, as had anciently been either directly and immediately subject to, or by one way or another dependant upon the foremention'd Empires; but it doth in no manner concern or affect the settlement of the *Scots* on the *Isthmus* of *Darien*, nor can it be pleaded as a reason for giving disturbance to their *Caledonian Colony*. Forasmuch

much as the Country of *Darien*, had never been any part of, nor any ways *Fendatory* or tributary unto, nor in any manner whatsoever *dependant* upon either of the foresaid *Empires*, but was always a distinct, free, and independent Country, and the Natives and Inhabitants thereof, a distinct, free and independent People. Nor hath the place of that *Isthmus*, where the *Scots* are particularly landed, and have begun to erect *Forts*, and do purpose to establish a *Colony* for Trade and Commerce, been ever subdued or inhabited by the *Spaniards*. To which may be further added, That as the *District* on that *Isthmus* where the *Scots* have begun their settlement was never dependant upon any part or place, where the *Spaniards* have their *Colonies* within the *Isthmus*, so the Ruling Natives of that little circuit where the *Scots* are, and of whom they have obtain'd liberty to settle and plant, were never subject to any other *Indian* Sovereign or Government within the Precincts of the *Isthmus*.

Which leads me to a second *Concession*, that I am oblig'd to make unto the *Spaniards*, but whereof that they can have no advantages, for the weakening or rendring controvertible a right and legal Power and Liberty in the *Scots* to settle on the *Isthmus* of *Darien*, I shall give uncontradictable Reasons, and those such as shall be founded both upon *Laws* and *Facts*. That which I do then further grant unto them, is this, namely, That besides the many large and numerous *Colonies* which the Crown of *Spain* hath in divers other places of *America*, they have also several of very great importance and profit, within and upon the *Isthmus* of *Darien*.

Seeing

Seeing the *Spaniards* are not only the undoubted *Masters* of several places on the *Bay of Panama*, and of the Coast of the *Isthmus* upon and towards the *South-Sea*; but they do likewise possess *Carthagena*, which stands on a small Island, and *Porto bello* which is upon the Continent upon the *North-Sea*. Yea, I do moreover acknowledge, that besides their having heretofore possessed *Nombre de Dios*, and their having *Planted* upon some part of the *River Darien* it self, which are places nearer and more adjacent to that little District and spot of Land, where the *Scots* have begun to settle, than those already mention'd, but which they have since relinquish'd, and are wholly withdrawn from: They have likewise at this very time some small Territories in their *Occupation* which are not remov'd and distanc'd much above *ten* or *twelve Leagnes* from the *Caledonian Colony* and *New Edinburgh*, where they are in the possession of *Mines*, out of which they dig *Gold*: In reference to all which places, as their Title and Right of Propriety is readily confess'd by the *Scots*, as well as legally asserted by themselves; so neither the *Scots* nor any other Nation whatsoever, unless in case of open Hostility in a just War, can invade them there, or seek to dispossess them from thence, without incurring the guilt of great Injustice, and becoming violators of the Laws of Nations. Nevertheless nothing of all this, that I have granted, can or ought to be reasonably alledged as a legal plea against, a legitimate obstruction unto, or a lawful hindrance of the *Scots* establishing a *Colony* at the *Port Acla*, or the rendring it injurious and criminal in them, and an Infraction

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of Alliances, to possess, with the consent of the Natives, the Country bordering upon, and neighbouring unto it. Seeing the Equity and Justice of what they have therein done, are easie to be demonstrated from and by all the *Topicks* of Law, Reason, and Fact, upon which the settlement of Colonies by Aliens, Foreigners, or Strangers, in any parts of the World, have been accounted lawful, and do in the esteem of Nations stand justify'd.

In order to the better and fuller clearing whereof, it may not be amiss to observe, That neither antecedently in the discovery of that part of *America* by the *Spaniards*, and their becoming at first possessors of any places there, nor at any time since, was the Sovereignty and Dominion of the whole *Isthmus* of *Darien* vested in any one Person whatsoever, as the sole and alone Ruler, Governor and Prince of it. But it anciently was, and has always hitherto been divided and distributed into several little Principalities and Jurisdictions, over which they who bear the supreme Sway, and give Laws unto the rest of the Natives in their different and respective Precincts, and both had, and still have, Obedience paid and yielded unto them, by those that were or are the *Indigenæ* or Natural Inhabitants, deserv'd rather the Name and Stile of *Captains* than the Title of Princes and Kings. And who, tho' they be accordingly call'd by the Natives *Caciques*, which is a much lower appellation than those of *Ingas*, and the being the *Off-spring* of the *Sun*, by which *Emperors* of *Peru* and *Mexico* were stil'd; yet they have been at all times both *absolute* within their several respective Districts,
and

and altogether *independent* upon, and *unaccountable* to one another, or to any Potentate else whatsoever; and how contiguous soever their Principalities may be, and tho' never so small, narrow and contracted in their Dimensions and Extents; yet further than as they became confederated and united together by leagues between one another against their Enemies, and particularly for mutual defence against the *Spaniards*, whom they ever did, and still do account their common Enemy, they have at all times had an independent and absolute Power and Authority within each of their own particular Bounds, which they have unaccountably to any other Prince, Sovereign or Monarch whatsoever, exercised over such as did inhabit in their several distinct Circuits.

Nor is this a thing singular and peculiar to the People on the *Isthmus of Darien*, but what hath been and still is common upon the *Continents* and in the Isles of *Asia* and *Africk* as well as in many other Countries, Provinces and Islands of *America*, besides that which I have been speaking of. Nor can any Person that pretends to have been conversant in *Geography* or *Histories* be ignorant of this matter, whereof all the Accounts and Narratives which we have of those three parts of the World do so fully and particularly instruct us. Neither ought we to think it strange, that this should be the form, model, and manner of Government on the foresaid *Isthmus*, and that the boundaries of supreme Authority and Jurisdiction there, should be so narrowly limited, confin'd and circumscrib'd, if we do but allow our selves to observe, how that there is the same

same Species of Rule and Domination both as to quality and extent, to be every where found and met with, in *Brasile, Chili, Paragua, Florida, Carolina, Virginia, Malabar*, and the Country which is call'd *The Land of the Amazons*, of which it is particularly remarkable, that there are above *Fifty* different *Indian Nations*, or distinct and independant *Septs*, on the banks of the River that is so call'd.

See Cæsar
de Bell.
Gall. lib. 5.
and Cambden's
Brit. in Cant.

Nor was the like heretofore altogether unusual and unexemplify'd in the *European* parts of the World, whereof the several and distinct supreme Principalities of the ancient *Britains* in *England*, where in *Julius Cæsar's* time, there were no fewer than four distinct Kings in *Kent* alone, namely, *Cingetorix, Carvilins, Taximagulus*, and *Segonax*; or, as *Cambden* calls them *Reguli vel melioris Nota Nobiles*; *Captains* or Persons distinguish'd from the *Vulgar* by their Power and Figure, and whose Territories could not be much larger, if of that extent, as the *Districts* of the several *Caciques* on the *Isthmus* of *Darien* are. And the like may be said, only allowing them greater dimensions of Territory, of the *Saxons* during the *Heptarchy* afterwards in the same Country, as well as of the *Scots* and *Picts* in the ancient *Caledonia*. Yea, and the distinct and different Sovereignties which were in *Spain* it self, not only both before and after it was a Roman Province, but even until less than within these two last Centuries, As *Leon, Arragon, Navarre, Castile* and *Portugal*, under which the Christians in *Spain* were divided - and those of *Cordova, Sivill, Maloga, Granada*, and others under the power of the *Moors*, not to speak of the several independent and absolute

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Jurifdictions, which are at this day both in *Italy* and some other places, do abundantly confirm the same. And were not the *Bible a Book*, that some men are little conversant in, they would not think it a *Banter*, to have those stiled Independent, Absolute and Sovereign Rulers, whose Territories are circumscribed and confined within strait and narrow limits. Seeing besides many Instances of that kind, which are to be met with in divers places of the Sacred History, they would find that *Joshua* subdued no fewer than 31 *Kings* in *Canaan* Jof. 12s when he conquered the Land in order to settle the People of *Israel* in it, tho' that Country was not much larger in the whole extent and circumference of it, than some single Counties of *England* are; not to add that as there were several Kings more, whom he did neither drive out, nor destroy, so most of the primitive Governments of the World were of that sort, constitution and complexion.

But to what hath been already said and represented under this head, there is further to be added, that whatsoever *Possessions*, the *Spaniards* have obtained in that *American Strait* whether thro' their having conquered any of the *Caciques*, that had their Jurifdictions there, or by their having contracted Alliances, with those *Indian Governours*, and by Agreements with them and the Natives acquired a Liberty to sit down, plant, and to erect *Colonies* within the limits and bounds of their little Territories and Principalities; or how much soever they may have encroached upon any of these *Captains* whom they have not wholly subdued, and wrested part of their Lands and Jurifdictions from them; yet there are still divers of these *Caciques* over

ver the Native *Indians*, who as neither *they*, *their* People, nor their Territories, were ever conquer'd by the *Spaniards*; so they never enter'd into Agreements and Contracts with them, nor have at any time granted liberty unto them, to settle within the Precincts of their Lands, Inheritances, and Demesnes, but have at all times been in terms of Variance and Hostility with them, and for the most part in a state and condition of actual War. So that at least within the Boundaries and Jurisdictions of such *Indian* Governors, the *Spaniards* have no just or legal pretence of Property and Dominion.

For how weak and mean soever those Natives and their Rulers may be esteemed and represented, yet that doth no ways alter the case, or any ways enfeeble their right unto, and their authority over their own Principalities; but they do retain an equal Claim and Title unto, and Property in what was anciently and originally theirs, and what they have defended from the Invasion and Usurpation of the *Spaniards*, as if their Dominions were as large, and their Might and Power as great as those of His *Britannick Majesty's* are. The little *Republic* of *Geneva* hath as good right in Law to a Propriety in what they have immemorially possess'd, as the Great *Monarch* of *France* hath unto the vast and powerful Dominions over which he is Hereditarily King and Sovereign. Yea, they of *San Marino* in *Italy* are no less absolute and independent Proprietors and Governors in and over that poor and despicable *Hamlet* and *Dorp*, than those who go by the Stile of *High* and *Mighty* are over the Dutch Provinces

in reference to those Things, Matters and Ends for which they became United and Confederated. Nor is the Duke of *Mirandola*, whose *Territories* do not extend themselves to three Italian Miles, less absolute and independent over his own small Principality, than the Emperor of *Germany* is with respect to his *Austrian* and Hereditary Countries. For according to the Laws of Nature and of Nations the point of Right and Property is the same in the Poor that it is in the Rich, and in the Weak that it is in the Strong. And how impotent and contemptible soever those unsubdu'd *Caciques* on the *Isthmus* of *Darien* are, in comparison of His *Catholick Majesty*; yet it is enough to justify their Propriety and Authority in and over what they possess, that the *Spaniards* have not by all their Power and Might been hitherto able to disseize, subdue, or drive them out; but that all along since the *Castilians* first descended upon the *Isthmus*, and occupy'd several places within that *Streight* of *Darien*, they have been in a condition, either singly by the forces of some one or other of them alone, or conjunctively by uniting and joyning their several and respective Powers together, to cover, protect and defend themselves, their Territories and Jurisdictions from being so Invaded as to be over-run and subdued.

Nor is the extent and dimensions of the Land and Territory so scanty and small, or the number of those *Captains* or their People so few, in which, and over whom the *Spaniards* have not hitherto been able to obtain Possession and Authority, as some who do not give themselves leave to think so closely of this

Affair, and to examine it with that accuracy which they ought to do, may be inclined and ready to imagine; seeing, that upon the whole North-side of the *Isthmus* from the *River Darien* to the *Bastimentos*, the *Spaniards* are not in possession of one foot of Ground, nor ever were, save for a little while at first of *Nombre de Dios*, which they soon relinquish'd. And it is against both all the Topicks of Argumentation, and all the Measures of Law and Justice, that from the *Spaniards* having made some Settlements on the *South-Sea*, and their having, so far as they have obtain'd possession there, restricted and confin'd the Natives to narrow bounds, to infer and conclude from thence, their having a Propriety in, and a Jurisdiction over all the *Northern Coast*. And such a pretence is the more unreasonable and absurd, in that the *Isthmus* of *Darien* is naturally divided by a *ridge* of *Hills* that runneth from *East* to *West*. Nor can any allegation whatsoever more avowedly offer violence to common Sence, and more notoriously attempt the putting an Affront upon the Understandings of Men, than from the *Spaniards* being possessed of, and having dominion over *one part* of *Isthmus*, to deduce and conclude from thence, that therefore they must have a Propriety in, and a Sovereign Jurisdiction over the *whole*: And from their Title and Right of *Prescription* upon long Occupation, unto some of the *Southern Boundaries* of that *Streight*, to infer and plead their having in the vertue of that, a Title to the Northern parts thereof, of which as they were never in possession: so the People of the *latter* are wholly independent upon them

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of the *former*, and the Rulers of the *one* altogether Absolute within themselves, without deriving the least Authority from, or paying any kind or degree of Subjection and Obedience unto the *other*.

And for the *Spaniards* to pretend, that thro' their possessing *Porto Bello* on the South of *Darien*, and *Carthagena* in a small Island on the *North-side* of it, that therefore, and by consequence, they ought to be acknowledg'd to have a right of Propriety in, and of Jurisdiction over all the adjacent Country, which is between two and three hundred English Miles in Dimension and Extent, is not to *Argue*, but to *Banter*, and to Ridicule and Lampoon Mankind, instead of endeavouring to instruct, satisfy and convince them. Especially seeing that as all the *Settlements* and *Plantations* which the *Spaniards* have upon, or near unto that *Isthmus*, whether upon the *Southern*, or the *Northern Oceans*, were all obtain'd without the *consent* of the *Natives*, so the *Indians* who live and inhabit in the interjacent and intervening Countries, between the *Spaniards Plantations*, on the *South* and *North-Seas*, have still preserved the possession of those Territories, without the having ever become subject unto, or the having any ways acknowledg'd the Sovereignty and Dominion of the *Spaniards* over them. And should we submit to that Way and Method of Reasoning, what a Claim would the Kings of *France* have had long ago, to all the Countries, Provinces, and Dominions, which the *Catholick King* doth possess and bear Sovereignty over in *Europe*; in that all the *Spanish Provinces* are situated and do lie between the Countries which

the *French* King possesseth upon the *Ocean*, and those which he hath right unto, and Sovereignty over on the *Mediterranean*. Nor can any thing carry more intrinsic and self-evidence along with it, than that when a People were not the first Occupiers, and the original Inhabitants, their Title unto, and their Tenure and Property in that case in a Country can extend and reach no farther, than as they are got into possession of it, either by the consent of the Natives, or by conquest in a lawful War, or by Prescription, thro' long Occupation, upon an unjust one. None of all which do in any manner obtain or hold, or can any ways be pleaded by the *Spaniards* in reference to the Peninsula on the *Isthmus* of *Darien*, where the *Scots* are settling and establishing a *Colony*.

Moreover, to all that is already said under this Head, let me further subjoin, that no Nations being meerly in actual possession of part of a Country that had not been originally their own, hath been accounted sufficient in Equity, Law or Justice, to preclude and debar others from seeking to settle themselves in such places as those Strangers who had come first to plant there were not in actual possession of; whereof it were easie to assign many Instances, but it being a matter whereof none that are acquainted with Books of Voyages, and Navigations, can be ignorant, I shall content myself with the mentioning of a few; but in the mean time shall be careful, that they may be adapted to the case that is under present debate. Let it then be observ'd in the first place, That notwithstanding the *English* had planted upon the *Continent*, as well as in several *Islands*
of

of *America*, and did particularly possess upon the *Terra firma* from *New-England* to *Carolina*, without the interposition of Colonies belonging to any *European* Princes or States whatsoever, nevertheless the *Dutch* finding *Long-Island*, that is since come to be call'd *New-York*, and which lyeth within the foremention'd Limits unoccupy'd, yet environ'd and surrounded on all hands by English Plantations, they did in a time of full and entire Peace betwixt the Crown of *Great Britain* and the *Belgick-States*, sit down and establish a Plantation upon it; which without any disturbance from the English, or their quarrelling with them upon that account, they continu'd to possess until the Year 1667, when after a Treaty of Peace between King *Charles II.* and the *States General*, for the putting an end to that War, which had commenc'd between those two Ruling Powers, *Anno 1665*, *Long-Island* was exchange'd by the *Dutch* for *Surinam*.

Moreover whereas the *Spanish Plate Fleet* must of necessity pass between *Florida*, and the *Bahama Islands*, unto both which the *Spaniards* do likewise lay claim by challenging a property in and a dominion over them; yet notwithstanding of this, the *English* possessed themselves of the said *Islands*, and tho' the *Spaniards* both complained and did highly resent it, and so far as they had strength and power, did as well Barbarously as Injuriously treat those *English*, whom they found settled there; nevertheless the *Spaniards* being no ways able to Justifie their Right and Title to those *Islands*, the *English* continued to assert and maintain the Possession, which they had acquired, as long as they

themselves found there Intrest in it, and thought it convenient so to do.

Yea notwithstanding that the *Spaniards* plead a right unto, and a propriety in *Jucatan*, and if the having over-run a great part of a Country, which is above 300 Leagues in compass, and the having Massacred a prodigious Number of the Native *Indians*, give them a legal *Title* unto, and a Dominion over all the Territories and Districts of it, It must be acknowledged that they had them. Nevertheless, the *English* have not only Sailed frequently thither, and Landed without asking leave of the *Spaniards*, but they did appropriate unto themselves the *Logwood* in *Cape Cato*, which belongeth thereunto, until it was so exhausted, that it could no longer answer the Charge of sending Ships thither. Yea King *Charles* the Second in time of Peace granted a patent to *Dr. Cox* to settle in the *Bay of Mexico*, which the *Spaniards* never questioned; nor complained of. And that the Doctors project did not succeed, proceeded from the inability or the backwardness of the Undertakers to carry it on, and not from the Illegality or Invalidity of that Princes Patent to have Authorized and Justified it.

Further tho' the *Bay of Campechay*, which lies in the *Gulph of Mexico*, must be confessed to be Situate in a Country, over which the *Spaniards* pretend to have the sole Sovereignty and Jurisdiction, yet the *English* have accounted this to be no Obstruction in way of Law and Justice, to their settling at *Port Royal* in the said *Bay*, and their carrying on there the same Trade, of cutting and providing themselves

selves of *Logwood*, which they formerly did at *Cape Cato*. Whereof as I never heard of any complaint made by the *Spaniards*; So we may believe that it would not have been regarded if there had, but that the *English* would have pursued and persevered in the same Course and Method, of settling, removing, and resettling there again, all which they did as they thought convenient, and for their Advantage.

Moreover tho' all men know, that the *Spaniards* have not only many great Plantations and Colonies in *Hispaniola*, but challenge a Peculiar right to that Country, as having conquered it, or rather got Treacherously, Violently and Barbarously, into the possession of it, and whereof their Massacring some Millions of the Natives, may be admitted as a crying and execrable, as well as a sufficient and undeniable Proof; yet the *French* upon their finding *Pettit Guaves*, which lieth and is Situated in *Hispaniola*, Unoccupied and Unpossessed, they have without paying any respect to the pretensions of the *Spaniards*, taken the liberty to settle there, and to establish a Colony, and to cultivate a Trade. And likewise notwithstanding the claim of an Universal Right and Jurisdiction, which the *Spaniards* (as I have often said) do challenge unto, and over the whole Empire of *Mexico*, yet the *French* have not only once and again endeavoured to settle upon the River *de Spiritu Sancto*, which is in the Bay of *Mexico*, and are at this time studying how to settle at the disemboging of the River *Messisipi* which is in the Gulph of *Mexico*, but they have actually settled in *Guiana*, that is Situated upon the *Terra firma* of the *Mexican* Continent.

Yea moreover still, namely that tho' the *Spaniards* have great Possessions and many Plantations, on the *Isthmus* of *Darien* towards the *South-Sea*, and do pretend a right of Dominion and Sovereignty over that whole Country, yet the *French* have been endeavouring to settle on the *Sambolas* Islands, which lie much nearer to *Porto bello*, and other *Spanish* Plantations on that *Isthmus*, towards the *Northern* Sea than *Port Acla* doth, where the *Scots* have begun to Fix and Establish a *Colony*; in order whereunto, they do greatly carefs and court a certain Indian Cacique, called *Captain Corbello*, whose Territories lie from the *Sambola's* to that River of *Conception*, as hoping by his Favour and Assistance to succeed and prosper in their design; nor are they wanting in their addresses to *Captain Ambrosio*, whose Jurisdiction extends from the River *Pinas* to the *Sambola's*, and we may be sure upon the same prospect, if not also on the design of settling within the *Isthmus* it self, whose Friendship they have in a great measure acquired, partly by means of his mortal enmity to the *Spaniards*, and partly by the intercession of a Brother in Law of his called *Don Pedro*, who having been taken by the *Spaniards*, and kept for some time by them at *Panama* as a Slave, doth therefore irreconcilably hate them.

Whereunto indeed much more might be added, and largely insisted upon in reference to such Countries Islands and Districts, which the *French* are become possessed of in those parts of *America* where the *Spaniards* pretend to have a Sovereignty and Jurisdiction exclusive of all other *European* Nations, but that it is wholly need-

needless, and would be accounted to be done in design to weary the reader, rather than to inform and convince him, and which would also be an encreasing this discourse into a length and bulk beyond what the question in debate doth any wise require, tho' it be both very important in it self, and the desires and expectation of men at this time more than ordinarily excited and raised, for the having it fully cleared and decided. And therefore all that I will add further, concerning the rest of the *Plantations* which the *French* have in those *American Territories* and places, where the *Spaniards* do alledge their obtaining a peculiar property, and right of Dominion, shall be barely to mention them. Namely that they have not only Colonies in *Martinigo*, *St. Christopher's*, *Guadalupe*, and divers of the *Charibbes* as well as other *Islands*, to the number at least of *twelve* or *thirteen*, and all these within the Limits and Boundaries unto, and over which the *Spaniards* do claim a Right preclusive of all others; but that they also have and do possess several Forts on the Coast of *Caribana*, that lyeth in the very Heart and Bosom of *Mexico*, and which is not many Leagues distant from the *Isthmus* of *Darien*, or may be rather said to joyn upon it.

And upon the some Motive of my designing to be short, and not to load and cloy the Reader with more Examples and Instances of the foregoing nature, than are either indispensibly necessary, or which at least may be such, as they who are impartial Inquirers into the *legality* of the *Fact* of the *Scots* Indian and African Company, will not be displeas'd to be made

acquainted with. I say that I shall therefore upon that inducement, only briefly intimate what *Colonies* the *Dutch* have settled and establish'd within those American Territories, unto which (besides the Title that the *Spaniards* pretend to the whole Continent and all the Islands of *America* on the Foot of the *Pop's Bull* which hath been already disprov'd and manifested to be vain and ridiculous) they plead a particular Right, either thro' their having been parts of the Empires, Kingdoms, and Countries, of which they became possessed, or else that they had been some way or another, dependent upon, or tributary unto them. For the *Dutch* knowing all these Pretensions and Claims of the *Spaniards* to be groundless, vain, and ridiculous, and accordingly slighting and despising them, are not only settled in *Surinam*, and have several Forces on the Coasts of *Guayane*, and are Masters of the City *Coro*, which are all upon the *Terra firma*, but they have likewise possess'd themselves both of the Island *Curasso*, that lies not above seven Leagues from the Main, near unto *Cape Roman*, and of the Islands *Araba* and *Bonary* which are not far distant from that, and had also planted in the Island *Tabago* until driven thence by the *French*, *Anno 1677*; during the time of that War which commenc'd 1672, between *France* and *Holland*.

By all which many and various Instances of divers *European* Nations settling within those Provinces, Islands, and Places of *America*, which they found unoccupy'd by any other *European* Princes or States, and whereof several more examples might be assign'd (but that it is needless and would be superfluous) of other Potentates

tates and Republics in *Europe* that have done the like, notwithstanding any Claim of Property, Right and Title which the *Spaniards* pretend to have in, and unto them, and which they have with great confidence heretofore asserted, tho' without any foundation either in Reason or Law. I say, that I hope it will indisputably appear by these Instances and Examples, that what the *Scots* have lately done in the establishing a *Colony* with the consent, of the Natives at *Acla* on the *Isthmus* of *Darien*, which was a place never possess'd nor occupy'd by the *Spaniards*, is, according to the same measures of Equity and Justice, undeniably lawful, and demonstratively justifiable; and that all who are impartial and unprejudic'd will acknowledge it to be so.

And whatsoever hath been said in defence and justification of any *European Nation's* having a right to settle in such parts of *America* as were never occupy'd and possess'd by the *Spaniards*, it is of equal validity and force to authorize and warrant the sitting down and planting in any place, or places there, that may heretofore have been possessed by the *Spaniards*, but which they have since voluntarily relinquish'd; as they are known to have done in the abandoning several places both on the Continent and in the Islands of *America*, where they had formerly settled and establish'd *Colonies*, as well as in their forsaking *Nombre de Dios*, and a *Plantation* which they once had on the *River Darien*, which they left and withdrew from; after that they became possessed of *Porto Bello* and *Carthagena*. For tho' it hath been always acknowledg'd, as being grounded upon

upon the Laws of Nature and Nations, that they who are the original, lawful and uncontroverted Possessors of a Country or Land, and have been once in the occupation of it by *acts* of the *Body*, may and do retain a Right and Title unto it by *acts* of the *Mind*, after their having Corporally forsaken and left it; yet it is far otherwise with respect to a People who are come into a Country, not only as *Aliens* and *Strangers*, but as *Invaders* and *Usurpers*, which is the case of the *Spaniards* in relation to those places on the *Isthmus* of *Darien*, as well as elsewhere in *America* where they had at any time heretofore set down and planted, but have since departed and withdrawn. For being neither the primitive Inhabitants, nor having settled there with the leave and consent of the Natives, they can stand no otherwise entit'led to any right in, and over those places, than as they have the actual possession, and are Occupiers in *Fact*. Seeing as their forceable and violent entrance into, and their sitting down in them, by, and in the meer vertue of Power and Strength, neither did, nor could defeat and extinguish the right of those that had been the *Indigena* and original Inhabitants; so immediately upon their withdrawing from, and their relinquishing of those places, the *Title* of the *Natives* unto them doth revive and take place, and becomes again as effectual, both for the justifying their own Re-assumption, and Re-occupation of them, and for their granting a liberty, freedom and right, to any other Foreigners to settle in those places, as shall come among them, and desire it, as if they had never been at any time, either

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disseized or driven from, or disquieted, interrupted and rendred unsafe in their occupation of them.

And how easy were it to multiply Examples and Instances even in *Europe*, where they of one Nation having by Violence, obtained Possession of some of the Cities, Towns, Lands and Territories of another, so as either directly to expel and drive away those, who had been the Rightful Inhabitants and Proprietors, or to beget that fear in them, as to cause them to chuse of themselves, either to depart and fly from their Possessions, in order to escape the rage of those that had invaded them, than by continuing in their legal inheritances, to become exposed to the Lustful Pleasure, and cruelty of their Enemies; Yet no man ever thought, that the Title of such, who upon the foregoing Motive, had abandoned, or who in the forementioned manner, had been thrust out and forced away, became thereby Annulled and Extinguished. But all do confess, and the practice hath been every where, and at all times accordingly, that upon the withdrawal, and departure of them who had been the Invaders and Usurpers, the others might in the virtue of their Antecedent and Ancient Title, reasume the possession of what they had been either driven from, or had abandoned.

But not to trouble my Readers with *Memoirs* of that Nature, relating to *Europe*, I shall at once evidence and confirm what I have said by two Instances, whereof the First shall be in reference to a *Country*, upon the *continent* of *America*, that was once in the Possession

sion of another *European* Power, than that of *Spain*, and the Second shall be concerning a noted *Island*. in the *West-Indies*, that was heretofore possessed by the *Spaniards*, but both which are now in the rightful occupation of the *English*. The former in brief is this; Namely, that the *French* in the Reign of *Charles* the Ninth and by his Authority, as well as by his encouragement, having in the Year 1569; Transported 1200 Families together with 300 Soldiers, to the Northren part of *Florida*, and having there established a *Colony*, between 32 and 33 degrees N. Lat. which after that Kings name they stiled *Carolina*, but who upon their treating the Natives injuriously, and thro' their having settled at places so remote and distant from one another, that the dispersed and scattred Planters, could neither give nor receive mutual Relief nor Support, were in the Year 1573, assaulted and all cut off by the *Indians*, save one Monsieur *Chaplain*, and about 35 more, who got timely into a small Ship that lay close by a Fort, and therein escaped to the *Island Anticosty*, in the mouth of the River *Canada*, yet that notwithstanding of the settlement there of the *French*, and their having been once possessed of that place, the *English* are now gotten into Possession of it, and have erected there a Noble and Flourishing *Colony*, the propriety whereof, was in the Year 1661 granted by *Charles* the Second, King of *England*, to several men of Quality and their Associates, and whereof the *French* have never complained as of a wrong and Injustice done unto them. And indeed they are a wiser People, than to be guilty of so great an Absurdity,

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and they do very well know, that such a Complaint would by the *English* have been counted ridiculous, in that thro' their having been the first *Europeans* that settled there, but expelled thence by the Natives, on whom they had intruded, there neither doth arise nor remain unto them any Right of claim unto that Country, nor any exception against the Title of the *English* thereunto, who are become possesst thereof with the liking and consent of the Natives.

The Second is that of *Barbados*, which the *Spaniards* having for some time settled upon, left and forsook, in order to their planting in other places in that *Hemisphere*, which they hoped would turn to better account, and prove more to their Advantage; as they did upon the like motive abandon many other places, where they had at first Sit down, which *Island* the *English* having found Unoccupied, either by them, or any other *Europeans*, and nothing left upon it, that could denominate the *Spaniards* to be Residential, or entitle them to the possession and propriety of it, save a few *Hogs*, that were never by any Laws whatsoever, reckoned proper and valuable Representatives, Substitutes and Deputies, for the keeping possession in the name and behalf of a people; the *English* thereupon entred into the *Island*, and made settlements there, which how displeasing and offensive soever it was to the *Spaniards* at first, and how ready soever they were to have Quarrelled with their *Successors* upon that head, had their Power been answerable to their Repentment; Yet they have by a solemn *Treaty* since, renounced all pretensions of Claim and Title

Title unto it, and have acknowledged the *English* to be the Lawful Rightful Proprietors of *Barbados*. But I will insist no longer, nor add any more on this head, all that hath been already said upon it, having been done *ex Abundanti*, in order meerly to render this discourse, as particular and clear as I can; not that it was absolutely and indispensably needful towards the Justification, of the *Scots Calidonian Colony*, seeing that place was never in the possession of the *Spaniards*; But hath always continued in the possession of the *Natives*.

The point then that is next to be more narrowly enquired into, and to be discoursed with greater application, than it hath hitherto been, is to search out, assign and shew the strength of the reasons, upon which the *Scots* sitting down erecting Forts, and planting a Colony, in the place above-mentioned is founded and done. And I shall endeavour to give that detale, and to make such an enumeration and deduction of them, as shall convince the unbiassed part of Mankind, that it is both Lawfully and Legally done by *them*, and without wrong, Injury or Injustice to the *Spaniards*. It is true that I might supersede the giving my self this trouble, in that thro' the *Spaniards* charging the *Scots*, to have therein Inva- ded their Territories and Demesns; and the *Scots* positively denying it, the proof of the Charge and Accusation should be wholly devolved upon the *Spaniards*, for that being the affirmative part of the Controversy and Question, which is that alone in any matter of debate, which is accounted capable of admitting probation, it belongs therefore unto them to
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make it good: Whereas the *Scots* by insisting and standing altogether upon that which is the *Negative* part, are both by all the *Logical Rules* of Argumentation, and by all the *Methods, Measures and Standards*, allowed as well as required in *judicial Proceedings*, excused from proving of their Right any otherwise, than by answering the *Allegations and Exceptions* which the *Spaniards* do advance against it: For the *Company* denying that ever the *Spaniards* had any possession of the place where they have planted, or the least legal Right unto, or Property in it; and the *Spaniards* alledging that they had, it doth in Law and Reason, belong unto the *Spaniards* to instruct and prove what they pretend unto, and challenge. Nevertheless, for the obviating of all *Clamours*, and extinguishing of all *Suspensions* against, and in reference to the *Legality, Equity, and Justice* of what the *Scots* have done, I shall put this Matter into such a shape and mould, as that the probation of it may be devolv'd and made incumbent upon the *Scots*, and the proofs thereof expected from them. That which I do therefore say and affirm, is, That the *Scots* are become rightful Proprietors of that part of the *Isthmus of Darien* where they are Settled, and that they have a good legitimate and legal Title to that portion of that *American Streight*, whereof they have taken possession, and are become Occupiers; and that therein they have done no wrong to the *Spaniards*, but that they are upon a better, and a more just, righteous, and legal Bottom, in reference to their *Caledonian Colony and Plantations*, than the *Spaniards* themselves are, either in relation to those

Settlements, which they have upon that *Isthmus*, or with respect to such *Colonies* which they have in any other parts of *America*. And that which I have here asserted, and with the highest confidence adhere unto my affirmation of, bears upon these *Three* following Things, which are all of them uncontestably True, demonstratively Evident, and as infallibly Certain, according to the receiv'd Maxims of Law, by which Titles, Rights and Properties are defined, decided and determined, as those Principles of Science are confessed to be, of the *whole's* being greater than a *part*; and that where two *Propositions* are directly *contradictory*, the *one* of them unto the *other*, they cannot both of them be true.

The first is, that the *Natives* were not only originally the rightful *Possessors* of that place, but that they were *actually* in the *Possession* and *Occupation* of it, when the *Scots* landed and sat down there. And hereof there are *Five* undeniable proofs.

(1.) Their inhabiting in that *part* of the *Isthmus*, not only independent upon the *Spaniards*, and without their leave, but against their will, and in defiance of their Power: Nor did they only continue to dwell there, without the demanding liberty of the *Spaniards* so to do; but they had always debarr'd and shut out, nor had ever receiv'd or suffer'd the *Spaniards* to dwell amongst them. And if any thing be sufficient to declare a People to be the rightful and actual *Possessors* of a Country; surely the possessing it both Hereditarily from the primitive *Occupiers* and *Proprietors* of it, and pre-

preclusively of all others whatsoever, must be held and esteemed enough to do it.

(2.) That the *Native Indians* were at the time of the *Scots* landing, and of their beginning to settle, the lawful, actual, and sole Possessors of that part of the *Isthmus*, where the *Scots* have erected *Forts*, and built themselves Dwellings, doth uncontrollably appear, from their having receiv'd and welcom'd them, without the having had any Communication with the *Spaniards* about it, and in order thereunto, or the having ask'd liberty of them for the doing of it: For it is not only dissonant from the Custom and Practice of all People and Nations whatsoever, who are either Subjects or Tributary to others, whom they acknowledge for their Rulers and Sovereigns, to admit and receive Aliens and Foreigners calmly and tamely among them, without first sending to their Superiors, and their rightful Governors, to understand their pleasure, and to obtain their Instructions and Commands concerning, and how to behave themselves in it: But it is likewise Treason by the Laws of all Constitutions and Governments, and a Fact that is capitally punishable to do otherwise. And consequently the *Indians* on the part of the *Isthmus*, having done nothing of all this in reference to the *Spaniards*, but on the contrary, having by a Right, Power and Authority inherently lodg'd in themselves, receiv'd and welcom'd the *Scots* into their Country, convers'd with them in a friendly and peaceable manner, given them all the hospitable Entertainment, and kind liberal Supplies, Relief and Succour, which their Condition and Circumstances enabled

bled them to render, is a proof beyond the being reasonably control'd, of their being the Proprietors as well as the Possessors of those Territories and Districts in *Darien*, where the *Scots* are settled.

(3.) There may be subjoyned hereunto, in further confirmation that the *Native Indians*, by the confession and acknowledgment even of the *Spaniards* themselves, were the unquestioned and undoubted Possessors and Occupiers of that part of the *Isthmus*, where the *Scots* have establish'd their Plantation and *Colony*, and of the Country neighbouring upon and adjacent unto it, in that the *Spaniards* have at several times treated with them, as with a free and independent People, and by Agreements, Contracts and Stipulations, have, upon certain Conditions and Terms, obtain'd and procur'd liberty of them, to settle Colonies within their Circuits and Precincts, and to employ People to work in such Gold and Silver *Mines*, as do lie within the Compass of their Jurisdictions. \ Whereof to omit other examples, I shall assign one known and public Instance, and I shall the rather do it, because it respecteth the nearest possession of *Mines* which have been wrought in by the *Spaniards* to the place where the *Scots* are planted, of any which they can pretend to have upon the *Isthmus*. The instance and case then, in brief, is this; namely, That there being within 12 or 13 Leagues of the *Caledonian Colony*, certain Gold and Silver *Mines*, which are esteem'd as rich as are either in that or any other parts of *America*, the *Spaniards* therefore, to get into the Possession, and to reap the Benefit of them, instead of attempting by Power and Force, and in the way of Conquest to do it, they

they amicably address'd the *Cacique*, in whose Territories and within whose Jurisdiction they lay, who was call'd *Captain Diego*, and by a Treaty and Stipulation with him, that he should have a share of what Gold should be obtain'd, procur'd leave upon that condition to enter upon the Occupation of those *Mines*; which as it is an undeniable evidence, in the Opinion and Judgment of the very *Spaniards* themselves, that *Diego* and his People were both the rightful and legal Possessors and Proprietors of that Territory and District; so the liberty that was granted unto the *Spaniards* by that *Cacique*, and the People that were under him, did no ways desseize him of, or eject him out of his Right, nor change, and much less extinguish his Property in that Territory where the *Mines* were. They being rather admitted as Tenants and Labourers who were to pay him a Rent in allowing him such a proportion of their gains, than as Proprietors that had a legal Right and Title in them. And accordingly when the same *Captain Diego* found that the *Spaniards* had not only violated the Conditions upon which he had given them permission to work in those *Mines*, by refusing to grant him his Tribute or Share when it was sent for and demanded; but that they were contriving, plotting and conspiring how to destroy and exterminate, or at least to enslave him and his People, he thereupon forcibly fell upon them, and drove them from thence. Which as it was done some little time before the *Scots* came to settle on the *Isthmus*, so at their arrival there, they found that place, as well as all other that lay near to the spot where they have establish'd their *Colony*

void of any *Europeans* and particularly altogether Unpossessed and Unoccupied by the *Spaniards*.

(4.) There may yet be annexed, as a further proof of the *Native Indians*, being the rightful owners, proprietors and possessors of that part of the *Isthmus*, that they have successively since the *Castilians* first discovery of that Country, and their Landing in it, been in terms of Hostility as well as of distance with them, who as they were never subdued, nor brought into that Subjection, as either Formally or Tacitely, Explicitly, or Implicitly to acknowledge the *Spaniards*, having a Dominion or Sovereignty over them, or to confess their being become Subjects, or Vassals to the *Spaniards*; So the hostile oppositions, which they have in all times continued to make against them, cannot be said to have been a *Rebellious*, but *Just* and *Lawful Wars*. It being the highest of Nonsense to stile them *Rebels*, who were never *Subjects*. Yea it is to ridicule as well as to endeavour to mislead, and impose upon Mankind, to bestow that Title and Epithete, upon the Martial actions against the *Spaniards*, of those *Darien Indians*, of whom I have been speaking; it being a perversion of Words, from their proper and allowed Signification, and the fastning a sense and meaning upon them, which they were never invented, instituted, nor agreed to bear, which is worse than the speaking unto them in a Language that is wholly unknown. In that by the *latter* we are only left under Ignorance, of what an other intends to say unto us; but in the way of the *former*, there is a plain design to cozen
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and cheat us. Nor is it unworthy of remark, that of all the *Natives* of *America*, whom the *Spaniards* have for their enemies, they have none that are more inveterately and mortally so, than the unsubdued *Indians* on the *Isthmus* of *Darien*, as doth not only appear by what they themselves have done, and continue to do against them; but by the encouragement and assistance, which they have at all times been ready to give, unto the *Privateers*, *Piccaroons* and *Buccaneers* of all Nations, that have within their circle ever come to assault and prey upon them. Witness what they did in the case of *Captain Sharp*, who having Landed at *Golden Island* with 330 men, and being Joyned by two *Darien Caciques*, with a good body of *Indians*, took *Sancta Maria*, and made prize of several *Spanish Ships*; It being also upon the Invitation, and with the aid of those *Indian Rulers*, that *Captain Sawking* assaulted *Panama*, the Legality and Justice whereof as founded upon the Authority of those *Caciques*, whose commission he had obtained, he avowed and asserted in a Letter to the Governor of that place.

(5.) There remains one thing yet further to be added, in demonstration that the *Indian Natives* are not only the True, Rightful and Undoubted proprietors and possessors of those *Territories* upon the *Isthmus* of *Darien*, of which the *Spaniards* are not become Masters, nor have planted Colonies in them; but that they have been Openly, Solemnly and Avowedly owned and acknowledged to be such, both by the *Courts* and *Civil Judicatures* of *England*. Now the case which I have my eye upon, and do refer unto for the support of this assertion, be-

See Hack's
collect. of
Voyages,
and the
Hist. of
the Bucca-
ners Vol. 2.

ing signally remarkable in it self, as well as wonderfully Pertinent, Suited and Adapted to the matter in hand, I shall therefore both give a brief detale of it, and endeavour to set in the true and best light that I can. The case in short then was this; namely that the same *Bartholomew Sharp*, whom I have just now mentioned, being an *English* man, and consequently a Natural Subject of his Majesty of Great *Britain*, was by a *Memorial* given in by the *Spanish* Ambassador to King *Charles* the Second, complained of, for having in the time of Peace between the two Crowns, committed *Acts* of *Hostility* and *Piracy* upon the *Spaniards* in the *West-Indies*, and thereby taken great Treasure and Booty from them, of which Restitution and Reparation was demanded. Nor was it deniable but that the said *Sharp*, having Joyned with the *Dariens*, who were then in War with the *Spaniards*, as indeed they always in effect are, did both invade the *Spanish Territories*, and attack their Ships and Vessels on the *Coasts* of *America*, and commit several acts of Force and Hostility upon them, to their very great Damage and Loss. For which being here in Custody, and thereupon Indicted, Arraigned and Judicially tried, the whole he had to plead for his Justification, as well as in his Defence, was that he had therein Acted upon, and in the Vertue and by the Authority of a *Commission* granted unto him, by some of the *Caciques* of *Darien*, who were *absolute* Rulers, and altogether *Independant* upon the *Spaniards*. Upon which *Plea*, after a fair and full Hearing and Tryal, and a due consideration of their *intrinsic* Power, and *independant* Jurisdiction

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and Authority, in whose name and by whose *Commission*, he had made War, and committed ravage upon the *Spaniards*, he was acquitted from the criminal charge of that, whereof he had been Indicted and Arraigned, and was declared *not Guilty* of the *Pyracy*, whereof the *Spaniards* had accused him, and complained to the King.

And for any to say, that the alledging of *Sharp's* having been acquitted, upon the ground of his having acted by a *Commission* from the *Dariens*, is a meer *Jest*, as some have been reported to have expressed themselves; I shall only in reference to that *Term* and *Phrase* modestly observe, that as the matter of *Fact* in his being *Acquitted*, is certain, and that no other reason was then given, or hath since been assigned of it, save his having acted by a *Commission* of a People that were absolute within such and such Territories, and districts, and altogether independant upon the *Spaniards*; It is too great a reflection upon the Honour and Justice of the Nation, the Integrity and Uprightness of our Judicial Courts, and upon our sincerity in the observation of Alliances, to stile a Juridical Verdict and Sentence, a *Jest*, in that which was the sole and the alone legal Foundation of and Motive unto it. And what an *Idea* would the belief of this give both *Heathen* and *Christian Nations* of the World of us, and what an opinion must they of all Countries, where a regard to Truth and Justice is maintained, conceive and entertain of the *English*, if in legal Trials wherein Right is to be done to Princes in Alliance with them, Reparation to be made unto those, who have been unjustly

ly and injuriously, as well as egregiously, wronged; and wherein Crimes of the highest Nature and of most pernicious Consequence to Mankind ought to meet with their demerit; I say that if in tryals of that kind and importance, a sham, whim or jest, must over-rule Proceedings, and be the ground of the Juridical Decision; all which must be acknowledg'd to have obtain'd in *Sharp's Acquittal*, if he came otherwise to be brought in *Not Guilty*, and to be *Discharged*, than by reason of his having *Acted* upon a Commission. receiv'd from the *Dariens*, as legal, supreme, and independant Rulers over that part of the *Isthmus*, where they have their Territories, and are in Possession.

So that having dispatch'd the *first* and the chief *Proposition*, and the main Particular, upon which the legitimacy of the Settlement of the *Scots Company* on the *Isthmus* of *Darien* is legally *founded*; I do in the next place proceed to the *second Proposition*, which I promised to lay down, as a further ground of their having righteously become Planters, and begun the establishment of a *Colony* in the place abovemention'd. And of this I shall give an account with more speed and ease, than I did of the former; namely, That the true *Proprietors* and lawful *Possessors* of a *Country* are *vested* with a *Power* inherent in *themselves*, by which they may rightfully and authoritatively, without being accountable to any other, *admit* and *receive* *Strangers*, *Foreigners*, *Aliens*, and others, into their *Territories*, and within their own proper and peculiar *Jurisdictions*, and allow them the *Freedom Privilege* and *Right* of *Settling*, *Inhabiting*, and *Trading* among them. For it is
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one of the first Principles both of the Laws of Nature and Nations, that they who are the original and primitive Proprietors, Inheritors, Possessors, and Occupiers of a *Country and Soil*, may admit, welcom, and take in others, into the Inhabiting, Planting, Cultivating, and Improving such places and parts of it, as doth neither thrust out and dispossess themselves of what is either necessary or convenient to their living safely after their wonted manner, of Plenty and Pleasure, nor which will incommode, hurt, or endanger them in the enjoyment of what they do retain. For tho' no Man can give, dispose and alienate to another, that which he neither has in possession, nor can pretend any legal Claim of Title and Right unto, which the *Pope* both betray'd his Pride and Folly in doing, when he took upon him the granting of all the *West-Indies* to the King of *Spain*, being therein ridiculously liberal of that which did no ways appertain to him: Yet every one hath a right of bestowing upon another, what is indisputably his own, provided it be *Sine damno tertii*, without the wronging or the prejudicing a third Person, or a Party, upon whom he either depends as his Superiour, or of whose convenience he is previously obliged, either by the Laws of Nature or of Nations, or by antecedent Agreements, Contracts, and Stipulations, to take care.

Nor is this any personal or private Notion of mine, but the uniform and universal Judgment of all *Civilians*, out of whose Writings it were easie to cite many Testimonies, were it not in a manner wholly superfluous, thro' the intrinsic evidences which shine in the matter
and

and case it self. So that I shall content my self with one or two from *Puffendorf*, who is one of the most Judicious and Learned, as well as of the latest Authors that have written of the *Right and Laws of Nature and Nations*, *Ea est*, says he, *vis Domini, ut de rebus quæ tanquam propriæ & in solidum ad nos pertinent, pro Arbitrio nostro disponere possimus*: It is a necessary appendent unto Dominion, that he or they unto whom it doth properly and entirely belong, may dispose of all and every thing or things, which do fall within the compass and circle of it, to whom, after what manner, and upon what terms they please: And as he further saith, *Ut quis rem suam possit alienare, seu in alterum transferre, id ipsum ex Domini pleni natura resultat. Cum enim hoc Domino det facultatem de re pro Arbitrio disponendi, utique vel præcipua ejus facultatis pars videtur, si ita placeat, eam in alterum posse transferre*: It belongeth as an essential property unto Dominion, and followeth from the nature of it, that he or they unto whomsoever it doth appertain, do thereby, from thence, and thereupon stand possess'd of and vested with a Right and Power of disposing, transferring, and of alienating those things they have a Right unto, and Propriety in, to what Person or Persons they shall think meet and convenient so to do. To which might be added that of *Grotius*, who very well saith, That *Non venit ex Jure Civili, sed ex Jure Naturali, quo quisque suum potest abdicare*: It is from the Laws of Nature, rather than that of Nations, that every Man may dispose of his own as he pleaseth.

De Jure
Nat. &
Gent. l. 4.
c. 4. §. 2. &
c. 6. §. 14.

De Jure
B. & P.
l. 2. c. 4.
§. 4.

Nor do the diversity of *Forms* and *Modes* of Government in and over Countries and Societies of People, any ways change and alter the
case

case in this particular. For be the supreme Authority placed in *One* Person, or in a *Plurality*; and be the exercise and administration of it, either circumscrib'd or confin'd by Laws, or left to the Arbitrary Will and Pleasure of him that governeth, it is the same thing with respect to that which I am discoursing of: Seeing what the *latter* is enabled to do, by an individual and *despotic* Right, in the execution whereof he acts always unaccountably, tho' possibly not at all times so wisely; the other may do the same, under the direction of the Laws, and with the consent of the People. And how much soever they who are cloath'd with the supreme ruling Power may be limited and restrain'd, either by the Maxims of Wisdom and Honesty, and by the Natural and Unwritten Laws of Humanity, Gratitude and Justice, or by Political Compacts, and Municipal Ordinances and Constitutions, from acting against the good Welfare and Interest of their Countries and People; yet all do acknowledge, that both they of the one Form and Rank, and of the other, have not only a wonderful Latitude and Liberty vouchsafed them in whatsoever is for the advantage of themselves, and of those over whom they are set, but that they stand indispensably oblig'd (tho' the omission of it is with impunity) to pursue and fall in with every thing that is for the security and universal Interest of themselves, their Subjects, their Territories and Districts.

All which do obtain and hold in relation to the *Caciques* and *Native Indians* on the *Isthmus* of *Darien*, who as they have an absolute, independant and plenary Power, to receive, give

Freedom

Freedom unto, and authorize such Strangers and Foreigners, to Settle, Inhabit, and Traffick among them, as they shall think meet and judge it convenient to entertain and endue with those privileges; so in no one thing whatsoever could they have more consulted their advantage, and have acted more subserviently to their own Interest, than in the receiving the *Scots* to settle among them, and to erect Forts and establish Colonies. For besides the Benefits which may thereby accrue to them, whereof they probably may be neither thoughtful nor solicitous, of being render'd a more civiliz'd People, and of enjoying means and helps for the arrival at the knowledge of the true God, and of our Lord JESUS Christ, and of all annexed thereunto, depending thereupon, and resulting from thence, There are many great Secular advantages, which they will thereby become furnished with, and attain unto. For it is evident, how that by this means, the *Gold* and *Silver* which lies hid and bury'd in their *Mines*, and the several sorts of Dying Woods which grow in their Fields, as well as many more Natural Productions, which their Lands do afford, besides such Goods and Commodities, as their Grounds may, by Art and Industry, be brought to yield and bear, will thro' Labour and Cultivation, be gain'd and improv'd both to their own benefit, and that of *European* Nations, and particularly of *Great Britain*, and the rest of His Majesty's Dominions, which are all at present of little or no use, service or advantage, either to the Natives or to the rest of Mankind; and that partly by reason of the laziness, ignorance and unskilfulness of those

Indians

Indians, and partly because of the want of a sufficient number of fit and proper Hands, to turn all these and more both of like and of other kind of Productions, which that Country either actually doth, or by Manuring may be improv'd to afford, to a beneficialness either unto themselves or unto others.

Moreover, by the *Indians* having admitted the *Scots* to sit down and to establish Colonies within their Territories, they will become strengthened to defend themselves and their possessions, against those who have always been their Enemies; and who have pursued all the ways and means, and have improved all the advantages, which they could arrive at, either by fraud and force, for the encroaching upon their Demesnes, and the wresting them from them, and for the subduing and enslaving their Persons. For tho' the *Scots* are desirous to live neighbourly, peaceably, and amicably with the *Spaniards*, and will be far from either committing any acts of Hostility upon them, unless they be first attack'd and assaulted by them (in which case they will be justifiable by the Laws of God and Nations to withstand and oppose force with force) or from the countenancing, encouraging, and aiding of those *Natives* who have receiv'd them, and with whom they are enter'd into Alliances, in any offensive Wars against the *Spaniards* within the *Spanish* Colonies and Settlements, yet the *Scots* will account themselves oblig'd in Gratitude and Justice, as well as by Vertue of the Covenants and Stipulations, which they have made and contracted with the *Indians*, within whose Jurisdictions, and near unto whose Territories, there

Calidonian

Calidonian Colony lies, to cover and protect those *Natives* against all the violences, which the *Spaniards* shall causelessly and injuriously offer them. Which as it will be of wonderful Defence and Security to the *Natives*, amongst whom they are received to dwell and to trade, against their Ancient, Constant and Irreconcilable Enemies, so it was an Act of great Discretion and Prudence, in those *Indians*, that they have upon the said prospect and motive, welcomed the *Scots* into their Country, and admitted them to Plant, and to erect Forts within their precincts.

Hereunto may be added, that it is upon the Foundation and *Basis* of the *Native Americans*, having an Intrinsic and Legal power of receiving Foreigners and *Aliens* among them, and an indubitable and unquestionable right of allowing them a freedom, to settle in their Countries and within their Territories, either upon the Continent, or in Islands, that all the Plantations of the *Europeans*, and particularly of the *English* in the *West-Indies*, are rendered Lawful and Just in the sight of God and of men.

For whereas the *English* were not the primitive Inhabitants, nor the Original possessors of those *American* Provinces, nor of several of the Islands, where they have now many and large Colonies and Plantations; they must either be accounted violent Invaders, and unrighteous Usurpers of those Territories where they have settled and Planted, or they must derive their Right and Title to their being there, from some Act of the *Natives* importing their Consent to receive them; which the *Indians* cannot be allowed

lowed to have been capable of giving, without a previous supposed right in them; so to do. Yea, the very *Spaniards* upon their first discovery of *America*, pretended no otherwise to settle there, than with the Allowance and Consent of the Natives, as I have intimated before in and from the acknowledgement of *Columbus*, who was the discoverer of the *West-Indies*, as it is recorded by *Herrera*, the *Spanish* Historian: Tho' it must withal be confessed, that they did not proceed upon that principle; but that into whatsoever places they were suffered to come, and were received by the *Indians*, they did there establish themselves by Violence, and thro' unjust Wars, and upon the Enslaving, Massacring and Exterminating of the Natives.

There remains yet one *Proposition* more, which is the *third* that I Promised to lay down, in order both to the representing within a narrow view and compass, the whole legal ground and foundation, upon which the *Scots* settlement is Superstructed and Built, and for the demonstrating that their Planting in that place of the *Isthmus* of *Darien*, is according and agreeable to the Laws of Nations, and consequently Lawful, Just and Blameless, unless vitiated and rendred Illegitimate, and Culpable thro' the Violation of some Articles of *Alliances*, between the Crowns of Great *Britain* and of *Spain*, which I shall afterwards invincibly shew that it is not. The proposition then, (and without which, the two former would be of no significancy nor service, to the decision of the Question under debate) is, that the *Scots* have had the Leave and Consent of the *Natives*

for their *Setting down* and *Planting* in the place above-mention'd, and that they have neither forcibly *Invaaded* those *Indians*, nor by *Fraud* or *Power* wrested that *part* of their *Territory* from them; but that whatsoever they are become possess'd of, was by a *Grant* and *Concession* of it from those *Natives* within whose *Jurisdiction* it *lyeth*. For whereas the *Scots* did not find the place *void*, but that it was pre-occupy'd by the *Natives*, who were the true *Proprietors* of it, as well as of the *Country* adjacent thereunto, it is impossible that the *Scots* should have any *Right* and *Title*, for *Sitting down* and erecting *Forts* there, unless in the way of *Conquest*, *Surrender*, or *Consent* of those who were the antecedent *Inhabitants* and *Owners*, these being the all and the only ways met with and known in *Laws*, whereby the subsequent *Comers* into a *Country* already possess'd and occupy'd, can acquire a *Right* and *Title* for *Sitting down* and becoming *Residents*. And as the *Scots* do wholly renounce all pretence and claim of *Conquest*, as the *Ground* and *Foundation* of their *Settlement* there; so they do not challenge a *Possession*, either of that particular place, where they have erected their *Works* and made themselves *Dwellings*, or of any part of the *Country* that neighboureth unto it, by and upon a plenary and full *Surrender* of it to the *Calidonian Company*, and exclusive of the *Natives* retaining any *Right* in the place, save as the *Scots* shall amicably indulge and gratuitously allow them; but the whole which they plead, is a *Grant* from, and *Consent* of those *Indians*, who were the primitive and rightful *Proprietors*, for their
sitting

sitting down in that part of the Country, and for the cultivating and improving it to their own use and benefit, and for the taking in such other places within their Territories as they shall judge meet, and find themselves in a condition to dilate, stretch and extend their Colony unto. And the present *Natives* of that place, and of the Districts about it, being as free from any subjection unto, or dependance upon the *Spaniards* who do at this time possess and occupy any Colonies upon the *Isthmus*, as the Ancestors and Predecessors of the former were at any season heretofore from and upon those of the latter, it doth by a necessary consequence follow, and become naturally deducible from thence, that the *Scots* coming to settle with the consent of the *Caciques*, and of the *Indian People* under them, must thereupon be in the like condition with the *Natives*, and no ways liable to any claim of the *Spaniards*, more than the *Indians* were and are, and therefore not to be held concerned in, or made censurable upon any complaints from the Court of *Madrid*.

And that the *Scots* have the consent of the *Natives*, for whatsoever they have done in that part of *America*, I suppose no Man will betray such reproachful Ignorance of the present transactions of the World, or shew so much impudent effrontery, as to deny it: Nevertheless I shall so far supererrogate, as to give some demonstrative and undeniable proofs of it. For so prudent and discreet, as well as calm and temperate were they, who Commanded the Ships that Sail'd thither, and arriv'd on that Coast about the beginning of *Novem-*

ber, 1698; and particularly they who were sent along in them to have authority over such as were to land, and to be *directors* of the *Colony* that was to be establish'd, in case they were receiv'd and welcom'd, that notwithstanding of Distempers, that were among them, as well as of several other inconveniences, under which they labour'd, as also notwithstanding their having both a good Naval and a Land Force, they would not so much as enter into the Port or Haven, or attempt to set any Body of Men on shore, until they were encourag'd thereunto by the Natives, and having had some of them on board their Ships, were invited by them to do it, and withal told that they were very welcome, and that they had long expected them.

Yea, such was their care, circumspection and tenderness of escaping the very suspicion of Invading that part of the *Isthmus*, to which they had directed their course, and upon the particular Coast whereof they fell in, that they would not disembark any of their Military Forces, and Companies of Soldiers, until by some of the Principal among them, who went on shore with the Indians, that had visited them on board their Ships, they had obtain'd a Meeting and Congress with the *Cacique* in whose Territory the Port lay, and had both receiv'd his *Consent* for their landing within his District, and had concerted the terms for their Settlement within the bounds of his Precincts; which *Cacique*, being one call'd *Captain Andreas*, did upon the second Meeting and Congress between the *Scots* and *Him*, not only agree to receive them into any part of his Country they would

would choose to settle in; but took a Commission from them, promising that both himself, and those under his Authority would assist and defend them with the hazard and at the expence of their Lives.

To which may be added, how that besides their daily and friendly Conversation and Inter-course together, both at first and all along since testify'd on the part of the *Scots*, by their presenting the Natives with such things, as might be most acceptable and pleasing unto them, and witnessed on the part of the *Indians*, by their supplying the *Scots* with such Provisions and Eatables as they either bred or could catch in Hunting, which they could spare out of their bare and daily Livelihood and Subsistence; I say that over and above all this, tho' a sufficient indication and proof of the *Natives* receiving them into their Country, and of their giving their *consent* to the *Scots* landing and settling among them; There was a formal *Compact* and *Stipulation* transacted in the most solemn manner, between *Captain Andreas* and them, and which was *ratify'd* on the part of the *Scots*, by their giving unto *Captain Andreas* a *Sword* and a pair of *Pistols*, and confirmed on *his part* and that of the *Indians*, by their delivering a piece of *Turf* and *Twigg* unto the *Scots*, in token of the Grant which the *Natives* had made unto the *Scots* of a liberty to settle and establish a Colony in their Country.

Moreover in further evidence, that the *Scots* have Erected *Forts*, and Planted their *Calidonian* Colony with the *consent* of the *Natives*, I shall finally observe, how that upon the approach of the *Spaniards* with some Military

Forces, to have either surprized the *Scots*, or in a fair encounter to have beaten and drove them from thence, the *Indians* in that district were unanimously ready to have Joyned them against the *Spaniards*, and actually did so with such a Number of their best men, as the *Scots* out of a great Multitude that offer'd themselves, Judged convenient to entertain and receive. Among whom as there was the *Cacique's* own Son; so both *he* and *all* the rest of the *Indians*, that marched in conjunction with the *Scots* against the *Spaniards*, behaved themselves with great Fidelity, and with as much Bravour, as the sudden flight of the *Spaniards*, would allow them occasion and opportunity of Manifesting.

So that upon the whole, I may now venture to conclude, that the settlement of the *Scots* on the *Isthmus* of *Darien*, is not only according to the *Laws* of *Nations* Just and Lawful, and no ways Injurious to the rights of any, and that they have in all the steps which they have therein taken, proceeded according to the Rules and Measures, by which all the *European* Nations, who have established Plantations in any parts of the World, do both Vindicate themselves from obnoxiousness to blame in what they did, and do Justifie their claim of Right and Title unto them, and for the defending and upholding of them: but I may presume with Modesty, as well as with Truth, further to affirm, that there never was a Plantation or Colony settled by any Nation whatsoever, or in any part of the World whatsoever upon Juster principles, or whose establishment hath been transacted, with more

Fairness

Fairness and Candor, and with all due respect to the reasonable pretences of every one that had but a shadow or seemingness of claim, as well as with a tender and full regard to the property and right of the Natives, whose both consent and entreaty they have for authorizing them in what they have done.

Having then fully both declared and demonstrated the legality of the *Scots*, having Planted a Colony on the *Isthmus of Darien*, and given a deduction of the grounds of Law and Justice, upon which that establishment is Founded and Built, and by which it is evidently vindicated, from all the exceptions and complaints that are or can be made against it by the *Spaniards*, or by any others charging it as unlawful, invasive and criminal: It may possibly be said in favour of the *Spaniards*, that tho' there be no Usurpation made thereby upon their *Rights*, yet thro' the *Adjacency* and *Nearness* of that Plantation, to the *Colonies* which the *Spaniards* are allowed to be rightfully possessed of, upon the *Isthmus*, the *Scots* have not acted so Kindly and Amicably, as might have been expected from the subjects of a *Prince* and *Potentate*, who is in a firm Alliance, and under all the bonds and measures of Friendship, with his *Catholick Majesty*. And therefore that tho' that *Settlement*, be neither against the Laws, nor the Rules of Justice, yet it is a Violation of those terms of Decency, and of *Bienveillance*, which ought to be observed among *Monarchs*, that are so cordially United in Royal and Brotherly Correspondence and Amity, as his *Britannick Majesty* and the *King of Spain* are known to be. But in

reference to that allegation, there are several things which lie obvious to be offer'd.

Namely, That by this *exception*, the *Scots* are only censurable for having trespass'd against the Ceremonies and Punctilio's of what is call'd Genteel and good Breeding: But not for having offended against the Rules of Justice, or for having violated the Laws of Property. So that tho' they may not have acted so man- nerly as some People would have had them, yet they have done nothing that is unlawful and unrighteous. Nor was it hitherto ever expected, and much less requir'd, that a Nation, rather than to be deficient in a Complement, should both neglect and abandon their Interest. Moreover, whatsoever respect the Subjects of any Sovereign ought to have unto the Rules of complacence, and the ceremonies of Royal Courtships, by and according to which Crown'd Heads do conduct and govern themselves to- wards one another, while Matters regarding the Benefit and Prosperity of a Kingdom do fall within the compass of the personal trans- actions of a few, or do lie under private de- bates, and antecedently to their being digested and concerted into Parliamentary *Bills*, and before those *Bills* be ratify'd into Laws, and pass'd into *Acts*; yet there is no deference of that Nature payable, nor any observance to be had of meer ceremonies of Courtship, after they are dispenc'd with, and superceded by a *Statute*, and the affair wherein they were to have been practis'd, is become authorized by a Mu- nicipal Law.

Further

Fürther it must necessarily also be granted, that the place where the *Caldonian Colony* is establish'd, is no nearer to the *Spanish Plantations*, by its being in the Hands of the *Scots*; than it was while in the alone and sole Possession of the *Natives*. Nor is there so much reason or cause, why the *Spaniards* should fear the meeting with any thing that may be uncivil or hurtful from the *Scots*, as they had reason to apprehend and dread from the *Indians*, in that the *latter* are not only a rude and barbarous People, but their ancient, inveterate, implacable and mortal Enemies; whereas the *former*, are both a civil, generous, and Christian People, trained up in all the measures of Humanity, good Breeding, Morality, and Religion, and governing themselves by the Laws of Revelation, as well as of Nations, and who withal have never been in War, nor are desirous to have any Hostility with them.

Yea, the *Alliances* between the *Crowns* of *Great Britain* and of *Spain* ought to obviate all Jealousie in the *Spaniards*, of their having any thing that is either undecent or injurious offer'd unto them by the *Scots*, who are Subjects under a Monarch that is in affinity with His *Catholic Majesty*. Whereas thro' want of Leagues and Stipulations between the *Spaniards* and those *Indians*, into whose Territories the *Scots* are receiv'd, they had ground of being always and justly suspicious, that such mischiefs would be done them, as the power of those *Natives* could enable them to attempt and execute.

Further, if the *adjacency* and nearness of the *Scots Plantation* unto the *Spanish Colonies* prove matter of offence unto the *latter*, and of complaint

plaint against the *former*, the fault thereof is wholly to be lodg'd upon the *Spaniards*, and therefore the blame ought entirely to fall upon them. Seeing whatsoever the *Scots* are come into the possession and occupation of, they have a just and legal Right thereunto, from the grant and consent of the *Natives*, who were the undoubted and true Proprietors thereof; whereas the whole which the *Spaniards* do there possess, and all the Colonies which they have settled, hath not only been done without the leave, but against the will of the ancient and rightful Owners. So that by reason of the badness of their Title, which flows from Usurpation, and is built upon their having unjustly invaded what belonged unto others; the whole of a reasonable Accusation, and of a just Complaint, doth lie against them, and their Plantations; whereas the Title of the *Scots* proving legal and good, thro' their having come to inhabit and settle with the allowance, and upon the invitation of the *Indians*, the nearness of their Colony to those of the *Spaniards*, doth not make them or it obnoxious to any just and rational Expostulations or Remonstrances.

Nor is the case of the *Spaniards* made better because of their Colonies being establish'd long ago, or the condition of the *Scots* render'd worse, by reason of their having but lately begun to sit down, and to plant; in that the Title of the *one* is good from the first moment; whereas no length of time can ever make the claim of the other justifiable: For as all Lawyers do say, and particularly *Grotius*, That *tempus in se nullam habet vim effectricem*,
that

that a possession which is acquir'd unjustly at first, can never be render'd just by a continuance in the long occupation of it: So a Title unto a Place, and a Right in a Settlement, by the grant and with the consent of the true Proprietors, is equally good, just and valid in Law the first day, as it will be after the having been inherited a Thousand Years.

Moreover, there is not that nearness of the *Calidonian Colony* to the Plantations which the *Spaniards* have upon the *Isthmus of Darien*, as some thro' ignorance of *Maps* and unacquaintedness with *Journals*, may, upon a general noise and clamour, be inclin'd to imagine; seeing none of the Settlements, which the *Spaniards* have, and whereof they are in the actual possession and occupation, are within less distance than fifteen or sixteen Leagues of the *Scots* Plantation, which is enough not only to silence the report, and to put an end to the pretence of the adjacency between the Colonies of the one and the other, but for the giving large bounds for determining between their Properties and Jurisdiction, and for chalking out limits of division and separation betwixt what can any time resonably arise, and come to be their severall and respective Claims. And as they who would extend their pretence of Right and Jurisdiction fifteen or sixteen *Leagues* beyond what they are actually possess'd of, may as well enlarge it to a *thousand*; so neither do the Titles of Princes unto their various and different Dominions and Territories depend upon the nearness unto, or the remoteness of their Lands from each others, but upon the legal Property which they have,
and

and their being either in the actual possession of them, or of Countries, Cities, Towns, or Places, upon which they do depend, or upon the retaining a claim by vertue of an hereditary Right which they have not renounced. But they must not only be strangely unacquainted with *Histories* as well as with *Maps*, but stand ignorant of what every Traveller can inform them, who do not know that even in *Europe* there are Sovereign Jurisdictions and Principalities, surrounded by and inclosed within the Dominions of other Princes, whereof among many others, *Orange* and *Avignon* are undeniable Instances. Nor is it possible to be avoided, but the Lands and Territories of all Neighbouring Princes whatsoever, who do live upon *Continents*, must be *Contiguous* in some one place or another. And tho' the limits of some Princes Countries, may in some places be divided from those of other Potentates by ridges of Mountains, or by considerable Rivers; yet for the most part they are no otherwise distinguished and separated, than by a road, a hedge, a brook, or by erected Pillars of wood, or by stones which are set up here and there.

Finally that wherewith the *Scots* stand charged, and whereof they are in this particular accused, is no more than what is practised by all *European* Princes, and States in most parts or the World, where they have settled Colonies and Plantations, and that without the Infraction of the bonds of Amity and Alliances between them, or the being thought to trespass against the rules of Decency and Respect, which the Rulers of Kingdoms and Republics,

licks, are accustomed to render to each other, of which it were easy to assign many undeniable instances, but I shall confine my self to a few. 'Tis sufficiently known, that all along on the *Coast of Africk*, and particularly on the *River Gambe*; the *English*, *French*, and other *Europeans*, have their settlements intermixed and contiguous, without clamouring against or Impeaching of one another, on the score of Adjacency. Nor is it to be denied, but that as *Ceuta*, *Tangier* and *Mamora*, do lie in the bosom of the Empire of *Morocco*; so that they have been possessed by, and have belonged to different *European* Potentates, without their complaining of one another upon that Motive. Neither is it to be in the least contradicted, but that the *English* and *French* have their several and respective *Plantations*, on the *Island of Newfoundland*, where, save in the time of actual War, between these two Crowns, they live in all friendliness together, each of them following, carrying on, and promoting their several *Fisheries*, in and by which as many Seamen are bred as well as employed, and Navigation greatly encreased, and Multitudes of Ships advantageously used; so with a little cost that is disbursed on *Nets*, and on *Diet* for Sayers, (which also turns to a National benefit and gain) there is more Wealth floweth annually into the Kingdom, or at least might, if that *Trade* were encouraged, and cultivated as it deserveth and ought to be, than by any one branch of our Manufacture whatsoever, to the Fabricking whereof to make it Mercantile, there is so much previous expence required. The same might be instanced with
 respect

respect of the *Island* of *St. Christopher's*, which belongeth half to the *English*, and half to the *French*, tho' neither of their shares be well peopled or Cultiyated.

Whereunto may be also added, that the *Dutch* and *Portuguese* have their different and respective *Plantations*, on the coast of *Brasile*, without any misunderstanding or quarrel between them on that account, and to which the *Spaniards* do pretend as much *Right*, as they do to the *Isthmus* of *Darien*. Yea the *Island* of *St. Thomas*, which is Possessed by the *Danes*, is not far distant from *Porto Rico*, which is in the occupation of the *Spaniards*; as also very near unto *St. Thomas*, lyeth the *Crab Island*, which is pretended unto not only by the *Spaniards*, and the *French*, and particularly by the *Danes*, but likewise by the *English*, who were once Possessed of it, and which I do wonder they endeavour not to repossess themselves of, seeing as it is now void, so it is of very great importance in it self, and would be of wonderful usefulness to their *Plantations*, were it in the *English* hands, and secured by a good *Military* force, without which they well be sure to be Murderd in, or soon drove out of it by the *Spaniards*, that inhabit *Porto-Rico*.

And to conclude this *Paragraph* with one instance more, it is observable that whereas the *English* (as I intimated before upon another occasion) were in actual Possession of all the places adjacent to, and Surrounding the *Mouhados*, which lies betwixt *long Island* and the *Main*, and is sometimes reckoned a part of *long Island*, the *Dutch* finding it unoccupied either

either by the *English*, or by any other *Europe-ans*, sat down and settled a Colony upon it, in a time of Peace between his *Britannick Majesty* and the *States of Holland*, and called their chief Seat and Fortification there, by the name of *New Amsterdam*, tho' it was wholly encompassed by, and in some places immediately bordered upon the *English Colonies*, without so much as the interposure of a River. Whereof the *English* were so far from complaining, and much more from making it a matter, and cause of Hostility between the *English Crown*, and the *Belgick Republick*, that even upon breaking out of the War 1672, when all things were alledged, that could administer the least shadow for Justifying the commencement of it, on the part of the *English* who were the Aggressors, that of the *Dutch* having settled on the *Mouhados*, was not so much as once mentioned, nor in the Treaty of Peace in the year 1677, was it ever brought under *Debate*, in the Congress between the *Plenipotentiaries of England and Holland*. But after the re-entrance of those two powers again into terms of Amity, it was by a private capitulation at *London* in the end of that year, exchanged (as I have already said) for *Surinam*.

Now the foregoing *Exception* made by the *Spaniards*, in relation to the *Scots*, having acted, if not unjustly, at least very disingenuously, and unkindly in the settling of a Colony so near unto there *Plantations*, having been fully considered in the last Paragraph, and the weakness and vanity of it so abundantly laid open and Manifested, that no man will offer to revive and insist upon it for the future, without incurring the forfeiture
of

of his reputation, I shall now proceed to examine the Pretension and Allegation, of its being an *Infraction* of the *Treaties* and *Alliances* between the *Crowns* of *Great Britain* and of *Spain*; for the *Scots* to have Landed and begun to establish a Colony, upon any part of the *Isthmus* of *Darien*. And I shall the rather bring this to an exact Scrutiny, and under a particular and accurate disquisition, in that it hath been distinguishingly mentioned, and positively asserted in the *Memorial* that was presented to his *Majesty*, by the command and in the name of the *King* of *Spain*. In which that *Fact* of the *Scots* is stiled *La rupture de L'alliance qui a este toujours entre ces deux Couronnes, Laquelle sa Majeste d'Espagne a observée jusques icy, & observe tousjours fort Religieusement, An Infraction of the Alliance which is between the two Crowns, which His Spanish Majesty hath hitherto observ'd, and will Religiously do so.* Which Resolution of His *Catholick Majesty* to keep and withal sacredness to observe the *Alliances* which he or his Predecessors have made with the *Kings* of *Great Britain*, as it is Noble, Princely and Christian (and which I wish the *Crown* of *Spain* had better attended, and acted more consonantly unto in their proceedings since in relation to this affair, but which hereafter we shall shew that they have not) so it deserveth to be corresponded with, and answer'd in the same manner, and with the like measures of Friendship, Honour, Veracity and Religion. Nor is there any thing more disgraceful and ignominious in the esteem of Men, as well as sinful and criminal in the sight and account of God, than for *Monarchs* to violate their Royal

al Compacts and Agreements, whether with one another, or with their own Subjects, without provocations administred to them, whereby the Confederacies and Covenants do become causally and morally dissolv'd. And if it be universally acknowledg'd, that *Potentates* having made *Compacts* with their own *Subjects* are bound in Justice, as well as in Truth and Honour, to perform them; much more must it be confes'd, that they are oblig'd to keep and observe the *Agreements* which they have made with *Princes* and *States* that have no dependance upon them, but are upon an equal foot with themselves. Yea, if a King cannot without Iniquity *violate* an Agreement which he hath made, with *Subjects* that had been *Rebels*; so as afterwards to punish them for that Rebellion, in reference to which the *Stipulation* was, as being pardon'd by the Tenor, and in the vertue of the *Treaty*; much less can he break the *Articles* of an *Alliance* with Sovereign *Rulers*, who tho' they may have been Enemies unto him, could never have been *Rebels*.

Nor are any Persons whatsoever, so much concern'd to be exact and punctual in keeping their Faith and in performing of their Promises as *Princes* are, and that upon the Motive of Credit and Reputation, as well as by reason of the obligation of Conscience: For as *Padre Paolo* says (alluding to a passage of *Livy*) *That a Prince who violates his Word, must invent a new Religion to make himself believ'd another time, seeing the Oaths he made in the Religion he profess'd, have not been able to bind him; so there is more in that of Tacitus, than many are a-*

His Opinion
to the Venetian
Inquisitors of
State, p. 24
Eng. Edit.

ware of, namely, *Ceteris mortalibus in eo stare Annal. lib. concilia, quid conducere sibi putent principum di-*
 4. n. 40. *versam esse sortem, quibus precipua rerum ad fa-*
mam dirigenda: That while all others may adapt
their Projections and Conduct to their Interest; it
behoveth Princes to calculate their Designs, and to
manage all their Transactions and Administrations
in subserviency to their Honour and Glory.

And as both a *German Emperor*, and a *King of France* are reported to have said, That if Faith and Truth were lost in the World, they ought to be found in the words of Kings; so whatsoever *Stipulations* have been made with the *Crown of Spain*, by His Majesty's *Predecessors*, as they were the *Governors* of these *Kingdoms*, and the *Rectors* of the *People*; they do no less oblige *him* who sits upon the *Throne*, than if they had been first stipulated, and immediately contracted by *himself*. And as all the *Leagues* which are by *Civilians* stil'd *Real*, do not only oblige the *Contractors*, but those who succeed unto them in the governing *Power*, unless it be otherwise provided in the *Articles* of the *Alliance*, so all such *Treaties* ought to be even observ'd by them that are their *Subjects*, and that upon the *Motives* and *Obligations* of *Conscience*, as well as upon the *Foundation* and *Reason* of their *Civil* and *Political* *Obedience*, which they are to render unto his *Commands* in the *vertue* of his *Authority*. For such *Treaties* and *Alliances* being transacted in the *force* of that *political* *Power* wherewith *Rulers* are vested over their *Subjects*, and being concerted and made, with respect to the *benefit* and *advantage* of their *People*, they are, in the *construc-*
 tion.

tion of the Laws, and in the opinion of Nations, the acts of the People themselves, no less than they are the deeds of those who are their Sovereigns. And indeed that is rightfully suppos'd to be the *Fact* of the *Community*, which is done by the *Supreme Ruler* in the virtue of the Authority that is stated in him by the Laws, and consequentially to that Trust which the Subjects have repos'd in him. So that should the *Scots*, thro' their *Settling* at *Darien*, appear to be guilty of having violated any *Articles* of solemn *Treaties*, and of having acted contrary to any *Clauses* in public *Leagues*, they would therein not only have done what was *injurious* to the Crown of *Spain*, but that which was both disloyal and dishonourable to their own *King*. And as the *Fact* in the criminalness of it, doth originally and immediately only affect the *Scots*, and is no ways imputable unto His *Majesty*, save as he should, in case it be a trespass against *Treaties*, support and protect them in it; so they are bound both out of the Duty which they owe to His *Majesty* as their Sovereign, and in Equity as well as in Deference to the King of *Spain*, either to return home from *Darien*, and abandon their Design, or else to vindicate themselves from having done any thing in that matter, whereby *Treaties* and *Alliances* are violated. And if they cannot do the *latter* nor will do the *former*, His *Majesty* will not only be highly justifiable in the disclaiming to countenance and defend them, but he will be oblig'd in Truth, Honour and Justice, to exert that Authority and Power which are plac'd in him over his People, for to see right done unto the King

of *Spain*, and reparation made unto the *Spaniards*.

But that His *Majesty*, instead of falling under the necessity of doing a thing of that nature, which will both so much injure, disoblige and disgust the *Scots* Nation, I shall endeavour to make it evidently appear, that he may not only uphold and protect them, without either prejudice to his own Reputation and Glory, or any wrong done to the King of *Spain*, who is his Allie, but that he is indispensably oblig'd as he is their King, as well as in pursuance of an Act of Parliament, and of his own Royal Grant, to cover them from all the violences which shall be offer'd unto them. And this I shall do by demonstrating that the *Fact* of the *Scots*, in their Landing and Settling at *Darien*, is no ways inconsistent with, nor done in violation of any *Leagues, Treaties* and *Alliances* betwixt the Crowns of Great Britain and of *Spain*. And here I must challenge the taking it for granted, that there are no *Treaties* between the *Kings* of *England* and of *Spain*, but what are *publick*, and which all Men are or may be acquainted with. For if Laws themselves, in the judgment of all Mankind, do not bind and oblige, antecedently to their being promulgated and publish'd; much less are Subjects concern'd in the observation and keeping of *Treaties*, unless they have had due information and notice given of them. And should it be granted, that such *Federal Contracts* which *Civilians* stile *Personal*, and which do only respect the particular benefit of those Princes who do contract them, and do terminate in their single and personal Interests, without either affecting
their

their People, or their Heirs, or Successors, I say should be it allow'd, that there is no necessity why these Stipulations should be promulgated and made publickly known; yet it is absolutely requisite, that such Agreements and Compacts should be so divulged as that they may be generally understood, wherein the several respective Interests of many and various Kingdoms and Dominions, and of different and distinct Sovereigns are both involved and adjusted, and whereby the carriage and behaviour of their People and Subjects stand regulated towards one another in such and such parts of the World; and such are the Leagues and Alliances pretended and refer'd unto in the case before us.

Now the only Treaties between the *Kings* of Great *Britain* and those of *Spain*, by which both their own, and their Peoples respective concerns in *America* are adjusted and regulated, and the carriage of their *Britannick Majesty's* Subjects towards the *Subjects* of their *Catholick Majesty*, and reciprocally of the *Subjects* of the *Spanish Monarchy* towards *them* of Great *Britain*, and of the Dominions thereunto belonging, stand directed and are made governable, are the Treaties of *May 13. 1667*, and of *July 8. 1670*. Which as they are the only *regulating Treaties* between the two formention'd *Monarchs* in relation to their several Dominions, Provinces and Possessions in *America*, so it is by applying unto and consulting those *Two Treaties*, that we are to examine and decide, whether the *Scots* in their having landed and begun to establish a *Colony* upon the *Isthmus of Darien*, have made themselves guilty

ty of the *Infraction* of *Alliances*, which I do positively affirm, and shall demonstratively prove, that by those *Facts* they have not done, nor ought to be so represented or esteemed. Seeing it will uncontrollably appear unto every one that will afford himself time and leisure to view the *Treaties*, and to peruse the Articles concerted and agreed in them, that they were merely *declarative* of what was confess'd to be in the legitimate and rightful Possession of those two Kings, and *regulative* of what should be the behaviour of their several and respective Subjects towards each other in *America*, as also *restrictive* with reference to their Claims of any Title or Right to the Provinces, Islands and Territories, which either of them were in the possession and occupation of; but that they were in no ways or manner *exceptive* of, or *preclusive* from their settling Plantations in such other Countries, Districts and Places, as were neither possess'd and occupy'd by them, nor by any other European Princes or States.

And whereas the *Treaty* of 1670, is that whereby the mutual Interests and Possessions of the *Kings* of Great Britain and of Spain are provided for and adjusted, it may not be amiss to intimate, the occasion and reason of those *Regulations*, which were concerted and made by that *Alliance*. Namely that the *Crown* of Spain having antecedently thereunto laid *Claim* to all *America*, as of right belonging unto His *Catholick Majesty*, and having accounted all the Settlements of every one else, and particularly of the *English* within that vast *Continent*; as likewise in the *American Islands*, to have

have been so many Invasions upon their Right, it was concerted and agreed by that Treaty, that this universal claim and pretence of Title of the *Spaniards* should be renounc'd and disclaim'd. And that the possession of the *Crown* of *England* in such *Territories* and *Places* where the *English* had planted, should be confess'd and acknowledg'd to be legal, rightful and good. Which was the sole and alone business that was design'd and compass'd in the foremention'd Treaty. For whereas by the Treaty of 1667, there was only a general and perpetual Peace concluded and established between the *Dominions* and *Territories* of Great *Britain* and those of *Spain*, without the particularizing of any thing that respected their several Plantations in *America*. And whereas the *Kings* of *Spain* had always question'd the *Right* of the *Kings* of *England* to their *American* Plantations, upon the ground of an universal Title, which they claim'd to all the *West-Indies*, and had particularly controverted the *Right* of their *Britannick Majesties* to several Plantations which had been made by the *English* in the *American* part of the *World*, upon pretences and allegations, that the *English* had forceably drove out the *Spaniards*, and thereupon gotten into possession of several places that had formerly been enjoy'd and occupy'd by them; therefore it was that upon these considerations, that whole matter came under particular Regulation and Adjustment in the Treaty of 1670; in and by which the *Right* and *Dominion* of the *King* of *Spain* in those *Countries*, *Islands*, *Provinces* and *Territories*, whereof he was possessed, and so far as they

were in the actual occupation of the *Spaniards*, being confess'd, and provision made for their quiet and peaceable enjoyment of them: There was likewise a formal and explicate *Renunciation* of all Claim made by the *Spaniards* to whatsoever was in the English possession; but not one word or syllable, so much as once mention'd in that whole *Treaty*, concerning and relative to such parts and places, as were not at that season in the occupation of the one or of the other.

Nor can it, in consistency with good Sense and Reason, be imagin'd, But that if the Right of the King of *Spain* to all those Territories and Districts in *America*, which were neither in the actual occupation of the *Spaniards*, nor of any other European Princes and States, should by that *Treaty* have been acknowledg'd to appertain and belong to the *Crown of Spain*, their Title thereunto would have been specially insert'd and declared, with an express exclusion of all others; that should afterwards design to be Planters in those void places of the Continent and Islands of *America*. Nor is it to be doubted, that if the Right of the *Spaniards* had been to be confess'd and own'd in that *Treaty* to all the parts of the Continent and Islands that were not possess'd by Europeans, but that the landing and settling there, in order to plant, without freedom and liberty previously granted by the *Crown of Spain*, would have been specify'd as an act of Hostility and Infraction of the Alliances. So that there having been no such care taken, nor provision made in the foremention'd *Treaty*, it is an indispensable evidence, that the whole
which

which was thereby design'd, was only to adjust and settle Matters, in relation to what each of those two Crowns were actually in possession of. And that they were left still under an equal freedom of settling in any new Places that were void and unoccupy'd, and no more in the hands of the one than of the other.

Nor can it fall into the thoughts of any, who have not lost their Understandings, that the *English* who are a trading People, and who finding their Interest and Profit in their *West-India* Plantations, design'd to extend and enlarge them in whatsoever other parts of *America* they could, where Settlements might be made, without Invasion upon the Rights of Europeans, should by that Treaty be concluded and stak'd down to plant in no other places of the *West-Indies*, save in those, where they had Colonies at that time. So that the whole which was decided, adjusted and stipulated in and by that *Treaty*, amounted only to these two things: *First*, That by the 7th Article, *The King of Great Britain and his Heirs and Successors, shall have, hold, and possess, with full Right of Empire, Property, and Possession, all Lands, Regions, Isles, Colonies, and Lordships, situated in the West-Indies, or in any part of America, which His Majesty King Charles II. did then hold, or which His Subjects did then possess; so that no Controversy whatsoever was afterwards to be rais'd or mov'd in reference to that Matter.* And, *2dly*, That by the 8th Article, The Subjects of the said King should abstain from all Commerce and Navigation in the Ports, Havens, and Places, having Forts, Castles, or Staples for Commerce, that is, That the *Subjects of Great Britain* shall not Trade nor Sail into
the

the Ports and Places which the King of *Spain* hath in the *West-Indies*, nor the *Subjects* of the King of *Spain* Trade or Sail to the places which the King of *Great Britain* doth there possess, without Licences mutually and reciprocally given in the words and terms, which were specify'd and set down in a Schedule annex'd to the Articles of the Treaty.

From both which it doth demonstratively appear, that all stipulated about and agreed unto in that *Treaty*, was, and is, that the said Kings and their *Subjects*, shall not only severally and respectively forbear the Invading of such others Territories, and the injuring of one another, but that they shall not Navigate, nor Trade in the Ports and Staples that do belong unto either, save under such provisions, limitations and terms as are agreed upon and expressed. By neither of which are the *Kings* of *Great Britain*, or their *Subjects* shut out, debarred or excluded, from Sayling into such Ports, Havens and places of *America*, and setting Plantations any where there, as either are not inhabited, or where the King of *Spain* is not in possession and occupation.

But to set this matter yet further in such a clear and distinct light, as that they who are the most Prepossessed and Prejudiced, may see, and be oblig'd to confess, that the *Scots* have proceeded in the whole affair of their *Calidonian* Settlement and Plantation, both according to the measures of Law, Justice and Equity, and with a full deference and respect unto, and an entire compliance with the *Articles* of the publick *Treaties*, and particularly of that of 1670: I shall call over the Heads
of

of some of the Articles of that *Treaty*, and make those reflections upon them, which they do Naturally suggest and offer.

Whereas then it is Stipulated, agreed and provided by the Second *Article*, that there shall be a *Firm and Universal Peace* in *America*, as well as in other parts of the World, between the *Kings of Great Britain and Spain*, and between the Kingdoms, States, Plantations, Colonies, Forts, Cities and Dominions which do belong to either of them, and between the People and Inhabitants under their respective Obedience, it doth from thence undeniably appear, that as both the Kings were set upon an equal foot, and did treat for themselves, and for the people, and Inhabitants that were under their respective Obedience, and no further nor for any other, so it is from thence no less evident, that all matters and things were left untouched, and undetermined, that did concern and relate unto such places and parts of *America*, as were either wholly void and not at all Inhabited, or that were inhabited only by the Native *Indians*; which as that part of the *Isthmus of Darien* was, where the *Scots* have Landed, and are now begun to settle; so it doth in the way of necessary consequence from thence undeniably follow, that by the said *Article*, it remained Free and Lawful, either for them, or for any other of his *Britannick Majesty's Subjects*, so to do, and therefore that there neither is, nor can thereby any *Violation, or Infraction* be made of the *Alliances*, between the Crowns of *Great Britain* and of *Spain*. For in that the Right, Titles and Claims, of the *Kings of Great Britain* and
Spain,

Spain, are defined by and circumscribed unto such Regions, Territories, Plantations, Colonies, &c. as do severally and respectively, belong to either of them, it is thereby made uncontrollably Manifest, that neither of them, by that *Treaty* had any Rights and Claims granted, and allowed unto them in reference to any *places* in *America*, further than as they were possessed of them, and save as those places were in and under their actual occupation. And consequently that by the chief purport and design, and by the whole Tenor of the *Treaty*, it was left free for each, or either of them, to make new acquisitions, and to establish new Plantations in such parts and places of the *West-Indies*, whether upon the Continent, or in Islands, as were inhabited by the subjects of neither of the two Kings, but were either (as I have said) wholly void, or possessed by the Native Indians:

Moreover whereas it is Covenanted, adjusted and provided by the Eighth *Article*, that the subjects of their *Britannick* Majesties, shall not Sail into, nor Trade in such Ports, Havens, &c. as do belong unto the *Catholick* King, unless with leave, and upon the terms which are there specified; it doth from thence evidently and unquestionably follow, that they are left at liberty to Sail into, and Trade in such other Ports and Places, as are not the King of *Spain's*. And therefore that the Port into which the *Scots* Sailed, and where they are establishing a Colony, being neither then, nor having been at any time since, in the possession of the *Spaniards*, they are in their having so done, altogether unaccusable of the being guilty
of

of any crime or misdemeanor, or of having in the least transgressed against publick and solemn *Treaties*.

Further whereas it is concerted, and agreed by the same *Article*, that the *Subjects* of the *King of England* should not Sail into any Ports or Havens, that had Fortifications, Magazines, or Warehouses possessed by the *King of Spain*, it may from thence be *Apodictically* Inferred and Concluded, that it continued *Free* and *Lawful* for them, to Sail into *Ports*, and to Trade, where there were no Fortifications, Magazines nor Warehouses at all, and much less any appertaining unto, or in the Possession of the *King of Spain*. Both which being unquestionable with reference to *Acla*, and the Creeks, Ports, Harbours and Places adjacent thereunto, it may thereupon be Justly affirmed, and solidly concluded, that neither the *Scots*, nor any other of his *Britannick Majesty's Subjects*, were by that Treaty precluded and debarred from Landing, Trading and Settling there, and that the *Scots* thro' their having sit down, and become Planters in that place, are altogether innocent of the *Infraction* of any such *Alliances*.

Moreover, whereas it is agreed and provided by the *tenth Article*, that in case the *Ships* that do belong to either of those Kings, or to the *Subjects* of either of them, shall by stress of Weather, or otherwise be forced into the Rivers, Creeks, Bays, or Ports belonging to the other in *America*, that thereupon they shall be received kindly, harbour safely, and be treated with all Humanity and Friendship; it may from thence be inferred and deduced, that as
both

both the Kings are thereby stated upon an equal bottom and foot, and the rights of both, and of each of them respectively are restricted and determined to particular Rivers, Creeks, Bays, &c. so it is also thereby mutually confessed and acknowledged, that there are other and of all those several *Kinds*, in which neither of them have any Property, Interest or Concernment, and that it might be free for the Ships of either of them to Sail into such, and there to Anchor, and to furnish themselves with what they wanted, and the places afforded, and to continue there during their own Pleasure, and to do in such places, whatsoever they should judge to be for their Advantage and Interest, without incurring the imputation of being accounted injurious to one another, or of becoming liable to a charge and complaint against them, of having Violated *Alliances*. And by consequence, that the Port *Acla* being such, the *Scots* might Sail thither, land and settle there, without either asking leave of the *Spaniards*, or of becoming thereupon censurable by them, of having therein done any thing, that is either against the Laws of Nations, or an Infraction of *Alliances* and *Treaties* between the Crowns of *Great Britain* and *Spain*.

Again whereas it is Concerted and Stipulated in the Fifteenth *Article*, that Nothing in the said *Treaty* shall derogate from any *Preheminence* Right and Dominion of any of the Confederates in the *American Seas*, Channels or Waters, but that they shall have and retain the same in as full and ample manner, as may of right belong to them, with and
under

under the provision, that Navigation shall not be disturb'd; I desire in reference to that *Article* that it may be observ'd, how tho' the *Crown of Spain* having made a claim of Privilege, Pre-eminence and Jurisdiction in and over the *American-Seas*, which was no ways granted and yielded unto them by the *Crown of England*, but the right in and over those Seas left in the same state that it was before; yet neither in that *Article*, nor in any other of the said *Treaty*, is there any claim of Jurisdiction, Sovereignty or Dominion, made by the *Spaniards*, either over such parts of the Continent or of Islands, whereof neither they themselves were possess'd, nor a right of Property and Dominion in and over them, had been claimed by and granted to the *English*, of which omission of the *Spaniards*, there can be no other reason assign'd, but that they knew no claim of that Nature would have been allow'd them; and that the very mentioning of it, would have occasion'd a formal, explicate, and stipulated Reduction and Restriction of the pretensions of Title and Right in *America* to the bounds and limits of what is actually occupy'd by them, which they were not willing to have decided and determin'd by an express Contract and Stipulation to the making and rectifying whereof there was their own concurrence and consent. Tho' in Fact no Nation will grant them a right of Property and Jurisdiction in and over more, nor have any *European Princes* whatsoever hitherto done it. I do the rather make this observation, in that a Claim of Jurisdiction and Sovereignty over Seas and Oceans, is more liable to exceptions, than
a claim

a claim of Dominion over Lands, either upon Continents or Islands, in that it is universally granted; that Princes are capable of having their several just, supreme and divided Properties in and over *Lands*, and withal as generally deny'd, that any Potentate whatsoever can rightfully claim a sole Property in and Jurisdiction over *Seas*, preclusive of the Rights of other Princes to Sail and Navigate upon them.

Finally, there may be this one thing yet added, as an indisputable evidence, and a full confirmation, that there was no right of Property and Jurisdiction in and over any Lands, Territories or Districts, in *America*, granted in the *Treaties* either of 1667, or of 1670, by the King of *Great Britain* unto the Crown of *Spain*, save so far as the *Spaniards* were in actual *Possession*, in that the *English* have since those *Treaties* sit down upon that part of *America* which is come to be call'd *Pensilvania*, and have there establish'd large and flourishing Colonies, and that without the *Spaniards* having once offer'd to complain of it as a violation of *Treaties* and *Alliances* between the two Crowns.

Having fully vindicated the *Scots Settlement* at *Darien*, from the being either against the *Laws* of Nations, or in opposition to publick *Treaties* and *Alliances*, and having withal justify'd them both as to the *Fact*, and with respect to the Steps and Methods, in which they begun and have promoted it, I know but of one thing, besides what hath been already consider'd, that can be reasonably alledg'd, against either the Justice or the Equity of it. Namely that the *Spaniards* have not only been esteem'd

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the Proprietors of that *Isthmus* by divers *European Nations*, but that they have been declar'd, as well as accounted, so by the *English* in two remarkable Instances. Whereof the *First* is, That several English Merchants, having agreed upon, and provided a *Fund* of settling a Plantation at *Port-Royal* in the Bay of *Mexico*, in order to the cutting of *Logwood*, were refus'd the support and protection of the Government for carrying it on, and only permitted to manage a Trade there at their own hazard and peril. And as for the *Second*, which comes closer to the Question which we have been debating, It is said that certain *English-men* having undertaken to settle in *Darien*, and brought the proposal of it before the *Council of Trade of England*, by whom it was laid before the *Lords Justices* in His Majesty's absence, and by them transmitted to the *King Himself*, how that after a mature consideration, it was judg'd and pronounc'd to be a Design and Project, that would be an *encroachment* upon *Spain*, and therefore let fall and abandon'd. And that the *case* of the *Scots* being parallel to that it ought to meet with the like censure, and be judg'd *invasive* upon the *Rights* of the *Spaniards*.

All which tho' it hath been sufficiently both obviated and answer'd in what hath been already said, yet in compassion as well as in condescension to the Infirmities and Weaknesses of the greatest part of Mankind, who suffer themselves to be impos'd upon and misled in their Opinions and Judgments, of Actions and Matters of all kinds, by trifling Reasons and Considerations of very little moment,

especially when their Understandings have receiv'd a wrong byass, and are previously too much over-rul'd by prepossessions and prejudices arising from National Pique, or particular Envy; I shall offer several things in way of Reply to what is alledg'd, and bestow several Reflections upon it. Whereof some of them shall be more *general* respecting *both* the *cases*, and the rest *particular* relative unto *each* of them singly and apart. And tho' I shall behave my self in the whole with that Modesty and Deference towards His Majesty and them that have either had the universal Administration, or any part of it, as not to give the least occasion for censure or blame; yet I hope I may expect to be so far both indulg'd and justify'd in the Vindication of the legal and righteous Fact of a whole Kindom, as not from too much Pusillanimity on the one hand, or Sycophancy on the other, to suffer that Nation to lie under causeless suspicion of Injustice.

In the way therefore of a *general Reply*, I desire it may be observ'd, that as the sentiments and opinions of no Body of Men whatsoever, and much less of a few Individuals, are the Measures and Standards of *Moral Right and Wrong*, but that the Laws of Nature and Nations are; so the Acts and Proceedings of the People of *Great Britain* are not to be finally decided and determin'd, with respect to their legality, or their illegality, and their being judg'd lawful or unlawful, before Civil Tribunals, and at Humane Benches, save by the acknowledg'd Laws of Nations and the respective Municipal Laws of the Kingdoms.

doms. For tho' the projecting or the acting disagreeably to the Opinion of this or that *Board*, may in some cases prejudice the Undertakers and Doers; yet that singly, precisely, and abstractedly, doth neither render the Design nor the Execution of it, at all times, unwise, and much less at any time unlawful and unjust.

Nor is it moreover unworthy the being taken notice of, That there is a great difference to be made between the discouraging a Projection, while it is only in proposal and in *Embryo*; and the condemning and rescinding it, after it hath been put in Execution. Seeing by the first the Undertakers are only advis'd and caution'd, whereas by the last, they are not only disoblig'd and disgusted, but really prejudic'd and injur'd.

Further, There is likewise a great discrimination to be made between what is adviseable at one season, and what is justifiable as well as prudential at another. For the exigencies which at one time we may be under, of having the favour and assistance of a neighbouring Nation, may render it impolitick to countenance that, which at another time, when we stand rescu'd from attendance to any other Measures, save those of Law, Justice and Truth, it were both to abandon and sacrifice our Interest to neglect it.

Further, The inhibiting of the Subjects of *England*, from proceeding in the foremention'd Designs, may have been founded upon such Motives and Reasons, as do no ways affect that, which the *Scots* have undertaken. Nor can the cases therefore be render'd parallel,

unless the circumstances could be made appear to be equal: So that the Kingdom of *Scotland*, being altogether ignorant of the Inducements upon which the Resolutions were taken in the cases of those *English-men*, it is not to be expected, that their *Cases* should have been look'd upon by the *Scots* as presidents for their conduct, or that they should have govern'd themselves by any rules, save those of their own Interest and Profit, in subordination to the Laws of Nations, public Alliances, and the Municipal Statutes of that Kingdom.

Moreover, there is a great difference to be made between checking the Inclinations of a few *private* Men, who possibly might be rather designing their own personal advantage, than a National good; and the crossing the unanimous Desires of a whole *Kingdom*, who as they knew the thing to be lawful in which they were engag'd, so they did believe, that the pursuing it was indispensably needful, in order to their Welfare and Prosperity.

Finally, whatsoever Authority His *Majesty* stands vested with, or whatsoever liberty his *Ministers* are allow'd to have in reference to affairs previously to *Acts* of Parliament concerning them, or in relation to Matters that do not directly fall under the Regulation of Laws and Statutes; yet they do become not only uncontrollable by *them*, but even are not to be superceded by His *Majesty*, after that they are once establish'd by Laws, and confirm'd by Charters. For such things as are once made lawful by Acts of Parliament, are put out of the reach both of the King and of his Council, as to their considering afterwards whether

ther they be convenient. But having upon another occasion mention'd this before, I will not here insist upon it again.

And as for the *particular Reflections*, which I intend to make upon *each* of the *Cases* apart, I shall dispatch them with what expedition I can, and in the order that the *Cases* are laid down. In reference therefore to the *first*, which was the *Council of England's* discouraging such *English Merchants*, as had design'd to have settled at *Port-Royal* in the bottom of the *Bay of Campeachy*; I do say that there is no likeness, alliance or affinity, between what was intended to have been done by some *English* there, and what is done by the *Scots* in the *Isthmus of Darien*. In that the *Bay of Campeachy*, lying in the Province of *Nicaragua*, within the Diocess of *Stiapa*; which Dominion and Bishoprick, being part of the ancient *Empire of Mexico*, which the *Spaniards* conquer'd after their usual way of Killing the Inhabitants, and converting the Land to their own use, and unto which they have been confess'd to have a right by *Prescription*, can be no parallel unto, nor bear any similitude with that of the *Isthmus of Darien*, where the *Scots* have establish'd their *Colony of Calidonia*; seeing as the *Isthmus* was never any part either of the *Mexican* or the *Peruvian* Empires; so that particular District of the *Isthmus*, where the *Scots* have begun to settle a *Plantation*, was never *subdu'd* by the *Spaniards*, nor did the *Natives* at any time acknowldege their having Jurisdiction over them. So that tho' for the *English* to have settled in the *Bay of Mexico*, might be accounted an *Encroachment* upon the *Right* of the *Spaniards*,

Spaniards, yet it can no ways from thence follow, that for the *Scots* to settle at *Acla*, which had never been subdu'd or possess'd by the *Spaniards*, is to be held an Invasion upon any of the Territories, or an Encroachment upon the Rights of the *Spanish* Crown.

Moreover, for the Council of *England* to have given permission to the English Subjects to Sail unto, and to stay and cut Logwood in the *Bay* of *Campeachy*, without the leave and consent of the *Spaniards*, was a greater encroachment upon the Rights of His *Catholick Majesty*, than it would be to have the *Scots* authorized and justified in their erecting a *Colony* on that part of the *Isthmus* where they landed and are sit down. Seeing it is contrary to all the Measures both of Justice and Amity, for a Government to connive at an Invasion upon the Dominions of a Prince, in whom a Title, Jurisdiction and Property are allow'd to stand vested in and over those Territories; whereas it interferes with no rules of Law, Equity or Friendship, for a Government to authorize and empower its Subjects to plant in a place where that Prince was never acknowledg'd, (nor justly could be) to have a Sovereignty or Right.

Further, whatsoever the opinion of the Court and Council of *England* may have been as to the *Spaniards* having such a Right to the *Bay* of *Campeachy*, as doth debar and preclude all others from coming thither, without obtaining of leave from the *Spaniards*; yet there are other Courts in the World, who have thought that it was free for them to settle in that *Bay*, without a Grant and Concession from the Crown of *Spain*, whereof there needed no other instances

stances to be assigned, but that of the *French*, who have several times been endeavouring to have settled on the *River de Spiritu Sancto* in that *Bay*, and who are at this time designing to establish a *Colony* on the *River Mischasipe* upon the *Mexican Gulph*.

Finally whatsoever the *Council of England*, might have said to those *English Merchants*, for discouraging their settling at *Port Royal* in the *Bay of Mexico*; yet it is unquestionably certain, that the project of the *English* for settling and cutting Logwood there, obtained and took effect, in that they have had for several years, Logwood in that place appropriated unto them, which they have cut and brought home for the accommodating of *English Dyers*.

And as to the *Second Case*, concerning the Prohibition of those *English Merchants and Traders*, to settle in *Darien*, whose *Proposals* for the establishing a Plantation in that part of *America*, had been laid before the *King*, as well as the *Lords Justices*, I shall in the first place declare, that the circumstances of that being wholly unknown to me, I shall not assume the Confidence, to pronounce any thing positively in reference to the particular grounds and reasons, of the Opinion and Judgment of his Majesty, the *Lords Justices*, and the *Council* about it, only it may not only be conjectured, but affirmed with Confidence, that the forbidding all proceedings in that enterprize, was upon Motives of State, rather than of Justice, and that it was done because of the Inconveniencies, which at that Juncture might have ensued; and not by reason of the

illegality of it. For as the *Proposal* was made at a time, when we were in *Confederacy* with the Crown of *Spain*, for the carrying on a War against a Great and Powerful Monarch, and as the *Spanish* Dominions were the chief seats of the War, and the Ports and Havens of *Spain* absolutely needful, as well as extremely useful, for the management of our Commerce in the *Mediterranean* and *Levant*, so the preserving of *Spain* firmly in the Alliance, was upon many other accounts, (which I shall not enumerate) indispensably necessary, both for the upholding of the War, and in order to the success of it, in favour of the Allies in general, and particularly of *Great Britain*. So that upon whatsoever political Inducements, that proposal was discountenanced, and rejected, yet I may venture to affirm, that it was not upon the foot and motive of the *Spaniards* having a right and property in, and a Sovereignty and Jurisdiction over, the whole *Isthmus* of *Darien*.

For as that would have been an acting in direct opposition, to the general Foundation and Principle, which both the *English* and all *European Nations* proceed upon, in their establishing of Colonies in the *West-Indies*, and in Justification of the rightful and legal Dominion, that they have over the Lands, Territories, Provinces, Islands, which they have acquired there: Namely that no ones right in that part of the World, doth extend beyond possession and occupation; so it were to have debarred and shut out, the *English* as well as all other *Europeans*, not only from erecting new Colonies in those places of *America*, where the *Spaniards*

ards are in the possession, and have the Dominion; but from settling any New Plantations in such parts of the *West-Indies*, where the Natives are the sole Sovereigns and Occupiers. Which is a thing both so absurd in it self, and so directly opposite to the Interest, Prosperity and Honour of *England*, that it were to entertain an opinion inconsistent with good Manners, so much as once to imagine, that either the King, the Lords Justices, or any *English* Ministers of State, should be so weak and imprudent, and so neglectful of the Welfare and Glory of Great *Britain*, as either to fall into such a pernicious measure of themselves, or to be *dup'd* into it by others.

Moreover to have been influenced to reject the forefaid *Proposal*, upon the reasons and motives of the *Spaniards*, having an Universal and a Sole *Right* in the *Isthmus*, would have been to have acted in the highest way of Injustice to the Natives, thro' the ejecting them out of their Property and Jurisdiction in and over those Lands and Territories, whereof they are both the legal and rightful owners, and the alone occupiers and possessors, to a great extent of ground upon that *Straight*, and thro' the vesting the Property and Dominion in the *Spaniards*, who have no Title or Claim to a great part of those Territories, either by conquest or the consent of the Indians. Nor can any thing more disgraceful and unrighteous, as well as undecent and unmanly be conceived of his Majesty, and of those that are in the Administration, than that they should act upon an Inducement, that would
import

import a robbing of the rightful Proprietors of their Inheritances, and a deposing of hereditary and legal Governours, from their Lordships and Jurisdictions, to place; and settle them in others to whom they do no ways appertain.

Finally, should we suppose his *Majesty*, and the *Lords Justices* to have Prohibited the fore-said *English* Merchants and Traders to settle upon the *Isthmus of Darien*, because it would have been an encroachment upon the rights of the *King of Spain*; we must be obliged to add, that they therein acted incongruously to the measures of other Princes and civil Ministers, who have been both encouraging and endeavouring the Planting of Colonies upon or near to that *Isthmus*, with the consent of the Natives, without the least respect had to the Claim and Title of his Catholick Majesty, whereof having given an instance before, I shall not here repeat it.

So that having represented and finished, whatsoever I account needful to be said for Justifying the *Scots Settling a Colony at Darien* to be according to the Laws of Nations, and agreeable to all the measures of Justice and Friendship, and not to be an Usurpation upon the right of the *King of Spain* nor to interfere with any *Alliances* between his *Britannick* Majesties, and the Catholick King; and having vindicated that Fact of theirs, from all the exceptions which are made either against the lawfulness, or the friendliness of it; It will now be a piece of prudence, as well as of decency to bespeak the *favour* and *assistance* of the *Parliament* and *People of England*, for their being supported

ported and protected in that undertaking. Nor shall I so much endeavour to perswade and influence them thereunto upon the Motives of generosity and Kindness, as upon the Inducements that they will find the doing it, to be greatly for the advantage of the Crown and Subjects of *England*. For as much might be expected to be done in behalf of the *Scots* by that powerful and opulent Nation, upon the reason of their being not only Neighbours to one another upon the same Island, and under the Sovereignty and Government of one and the same Monarch; but because of the many Offices of Council and Aid, which they have since the Union of the two Crowns, mutually render'd to one another; and that the Kingdom of *Scotland* in particular, hath espoused the concerns of *England* in a way of Singular Amity and with extraordinary fidelity and zeal, whensoever they have seen them involved under difficulties and dangers; so that which is now desired from the *English* towards the *Scots* is not near what the Ancestors of the former have render'd unto those of the latter heretofore, In that besides their having had the *Counties* of *Northumberland*, *Cumberland*, and *Westmorland* several times granted and confirmed unto them, to be held in *Fee* of the Crown of *England*, in recompence for the Services and assistances which they had yielded unto the *English*, in their distresses: We are assured by an English Writer, that it was provided for in a course of Law under the Reign of *Edward the Confessor*, that the *Scots* should be held *Denizens* of *England* and enjoy the same privileges with themselves, because of the Aid which they had render'd to that Kingdom against the

Danes and Norwegians. But I shall chuse to wave the laying the recollection and consideration of all or of any of these before them, which touch upon the head of gratitude, and shall think it more advisable to address them by other Topicks, namely by those that shall refer to the Benefits of Strength, Riches, and Honour, which will thereby accrue, and redound unto the Kingdom of *England*.

For how mighty and wealthy soever, the Nation must in truth stand acknowledged to be, yet it must also be confess'd, that under the great variety and plenty of Natural and Artificial productions, which their own Country and the Dominions thereunto belonging do afford, they have not the advantage of being furnish'd with *Gold* and *Silver Mines*, which yield the Metal and Bullion that make the *Funds* of Trade, raise the Bulworks of safety, administer the Supplies of plenty and pleasure in peace, and enableth to muster Armies, and equip Fleets in times of War. And tho' it is not to be denied, but that by means of their Manufactures, and by reason of their Industry and their application unto, and skill in the management of a large and universal Commerce, they have a great Share of the *Treasures* of the *Spanish West-Indies* flowing annually unto them; yet it is with great hazard, at much expence, and after having been long out of their principal, that they become possess'd of it in those methods. And it is also demonstrable, that a much greater proportion of *Gold* and *Silver* will both come into private Banks, and into the public Exchequer of *England*, by the *Scots* having such *Mines* within the bounds of their Colony
of

of *Darien*, than hitherto hath, or ever can, in the ways of meer Commerce with the *Spaniards*.

Nor ought it here to be omitted, that the *Mines* in the occupation of the *Spaniards* in that part of *Darien*, which lie nearest, to the plantation of *Caledonia*, and in which they work at present, do so abound in the very *Oare* of Gold, that every *Negro* whom they employ, is bound to gain daily to his Master, as much as doth amount after it is refined to *thirty Lewis d'ors*: whereas such as are employed in the *English American Sugar Plantations*, which are reckoned to be the most profitable of any they have, do not after all the expence upon them in their food, cloaths, and other accommodations, earn above *one hundred pound Sterling* gain a head *per annum* to their Master, which is not near so much in a whole year, as the other bringeth in *per week*.

And as the Goods and Commodities sent out of *England* to *Spain*, which bring them returns in *Gold* and *Silver*, will be transmitted immediately to *Darien* with more speed, and at less expence, as well as hazard, than they go now to the *Spanish Colonies* in *America*, by making the *Tower of Cadiz*, *Malaga* and *Sevil*; and the profit thereupon be much the greater to the *English Merchants*; so a good part of the Treasure which cometh directly into *Scotland*, upon the alone and single account of the *Caledonian Company*, will in divers ways so circulate, as to come at last to center in *England*. Seeing besides what must necessarily flow in thither in payments, both for what of their own productions, and what of Foreign goods that have been first imported

See Dalby
Thomas's
Historical
account of
the West-
Indie Colo-
nies p. 17.
and 18.

to *England*, will be called for and purchased by the *Scots*, it is not to be imagined how much will come to be brought in, and spent there in ways of Diversion and Pleasures by all sorts of people of *Scotland*, and especially by the Nobility and Gentry.

For as it is too well Known, that the generality of the *Scots*, whose circumstances do qualify them for and allow it, have much in them of the humour and even Vanity of Travelling, and are inclinable enough to spend in proportion to the quantity of their Cash; so thro' *London's* being the Metropolitcal Seat of the Government, and the place where the King has his residence, the Court is kept, and all grand Affairs of State, as well as many of the most important concerns of particular men are transacted, they will be certain to come thither in far greater Numbers than they now do; some out of Courtship, and others in compliance with the exigency of their affairs, and all of them maintain a Port, and live at a Charge answerable to the weight and depth of their pockets. Which will not only be of great profit and advantage to the Northern roads, thro' which they must go and return, and of divers other parts of the Kingdom to which their Pleasure, Health or Curiosity may tempt them, but especially it will be of great advantage to *London*, seeing besides what they will spend during their Residence, and in the making a figure, while they are there, they will also furnish themselves in that *Metropolis* with such accoutrements of State, and provisions of household furniture, as they shall esteem to be needful either for their grandeur,

deur, or their conveniency when they go home.

Moreover it is not to be questioned, but that the *English*, upon very easy and Honourable terms and conditions, may be admitted into a *Partnership* in the Plantation, and into a share of Trade with the *Scots*. Which as it will draw a considerable part of all that is either *Dug* out of *Mines*, or that is otherwise produced within the District of that *Colony*, as well as of whatsoever shall accrue to the *Company*, by a Traffick drove at *Darien*, directly and immediately into *England*; so it will both greatly enlarge the Trade and Commerce of *England*, and mightily encrease their Wealth. For as the *Scots* were so neighbourly and kind upon the enacting of the *Law*, for the establishment of a *Company*, for Trading to *Africa* and the *Indies*, as to make the first Offer to the *English* of Joining in the Subscriptions to a Stock and Fund, so as to become Partners with them in any Plantation they should settle, and in whatsoever they should acquire; so it may not only be hoped, but confidently affirmed, that they will not now be opposite, nor averse, to the receiving them upon such terms, as may be safe and creditable to both Kingdoms. Nor can the *Parliament* of *England*, in their approaching Session, fall upon any matter, that will be of more National concernment, or from which more benefit will arise to the Government and people of *England*, than to consider and advise, how the *Kingdoms* may become so *Incorporated* with respect to that *Colony*, as that upon a congress between Commissioners, authorized respectively

ly by both Nations to treat and agree about it, the terms upon which the *English* shall be admitted sharers in it, as well as the degree measure and proportion of Interest in it, which they shall be received into, may be Adjusted, Defined and Stipulated.

Further it is not unworthy to be observed that the *French*, as well as the *Dutch*, being grown mighty in Naval Power, and both of them, but especially the *latter*, the Rivals of *England*, not only in Traffick and Commerce, but with respect to the prescribing unto others, what shall be the terms of Navigating the Seas, and what Ceremonies of respect, Ships of War, as well as of Trade, shall pay to one another wheresoever they come to encounter in Sailing; how that thereupon it is become the true *Interest* of *England*, to have *Scotland* advanced into such a state and condition, as that it may be able to provide, Equip and Maintain, good Squadrons of Men of War. Which as it cannot be done without their attainment unto a considerable Foreign Trade; so they may be enabled speedily to effect it, by means of their *Colony* at *Darien*, provided they be supported in it. And as *Scotland*, upon their being in a condition to send out a Warlike Fleet of their own, will in case of a War against Great *Britain*, save *England* the trouble and charge of maintaining Men of War on the *Coast* of *Scotland*, for covering that Nation from Invasion, as it hath several times both lately, and more Anciently been forced to do; so it may with confidence be affirmed, that neither *France* nor *Holland* will be very forward to quarrel with *England*,
when

when beside their own great Naval Power, they will have a considerable *Marine* Strength from *Scotland*, ready at all times to joyn and assist them. And should it so fall out, that a War is not with Honour and Safety to be avoided between *Great Britain* and either of those Nations, which is so far from being impossible, that it lies within a probable view, *Scotland* thro' having a potent Naval Power of its own, will upon a conjunction in that case of its Strength with *England*, give the King of *Great Britain* such a Superiority over his Enemies in Number and Force of Ships, as may in the ordinary course of Providence, render him unquestionably victorious, which will redound chiefly to the Profit and Glory of *England*.

Nor will they only in such case be in a condition both to protect their own Trade, and to assist the English with a Squadron of Stout Men of War towards the encreasing of the Royal Navy; but they will by reason of the Situation of their Country, and the convenience of their Ports, be able to cover and defend the trading Ships of *England* towards the *East*, and to secure their Navigation to *Hamburgh*, *Swedeland*, *Denmark*, *Poland*, *Muscow*, *Greenland*, &c. which is very needful to be kept safe, because of the Pitch, Tarr, Canvass, Timber, as well as of divers other Commodities, which are brought from those Parts, whereof several, if not most of them, are indispensibly necessary for the building, repairing, and equipping of Ships of all sorts, and cannot be so well had in other places.

Further, The more Rich and *Opulent* that the *Scots* do grow, which they will speedily do, by the *Gold* and *Silver* which will be dug out of the Mines of *Darien*, and by the Profits that will accrue from such other Productions, as that Territory where they are so planted doth afford, they will thereby be in the better State and Condition for granting larger supplies to the Crown, than they hitherto could; and thereupon administer ground, as well as occasion, for greatly lessening and moderating the Charge, which *England*, even in times of Peace, but especially of War, hath heretofore been necessitated unto.

And whereas the *Scots* have been at all times able, and thereof given abundant proof during the late War, to raise and muster great Numbers of as brave and well-disciplin'd Forces, as any Nation of the World can afford; yet by reason of their Penury, which is a consequence and effect of their want of Foreign Trade, and of Colonies in those parts of the Earth, from which the great Wealth doth arise and flow into European Countries, which their Plantation at *Darien* will soon cure, remedy and relieve them against, they could not grant *Taxes*, nor advance *Money* that would have been sufficient for the Maintaining and Paying of their *Troops*, but there was a necessity of putting them upon the *English* Establishment, which was in part an occasion, both of those excessive impositions of all kinds, which *England* became indispensibly oblig'd to fall into the projection and enacting of; and of those incredible Debts which it hath contracted, doth lye under, and cannot speedily redcēm it self from.

from. For seeing the Kingdom of *England*, how plentifully soever it be furnish'd with Men, and able to bring into the Field very numerous, as well as admirable Forces, could not have rais'd within it self that vast proportion of Military Troops, which were thought needful to be kept on foot during the late War, which made it to receive and maintain so many thousand of *Scots* Forces; will it not therefore be of great advantage upon any Stress or Exigency of the like Nature hereafter, to have the same or a greater proportion of *Scots* Forces to join them, and to come in to their assistance, without *England's* becoming oblig'd either to subsist or to pay them? and instead of having them upon Loan, and at a great expence of *English* Treasure, to obtain them as a *Quota*, which their Neighbours and Friends will not only at all times be ready to grant and advance, but to maintain at their own charges. And as it may be affirm'd under all the moral certainty imaginable, that the *Scots* thro' their being upheld and defended in their *Calidonian* Colony, will, in a few years, be render'd able, and will be found ready and forward to come into those Measures of Conjunction and Union of Forces with *England*, in all such Foreign Wars wherein they shall at any time embark; so it may from thence be inferr'd, that it is the true Interest of the *Parliament* and *People* of *England*, to have the *Scots* not only preserved and protected in the enjoyment of their Plantation in *Darien*, but to give them all the countenance and aid which they can, against such, whosoever they be,

that shall attempt either the troubling of them there, or the driving them from thence.

Moreover, it might be represented and shew'd at large, how much it will be to the advantage of *England*, both with respect to their *Plantations* in the *West-Indies*, and their own general growth and encrease in Trade, and the rendring their whole Traffick and Commerce more secure and profitable than it has been, to have the *Scots* upheld in the possession which they have obtain'd upon the foremention'd *American Isthmus*, and that they be successful and prosperous in the improvement and further extension of their *Colony*. But having said enough in a former Paragraph, for the demonstrating of that beyond the being either deny'd or contradicted, and the matter being obvious to all Men, who are capable of thinking rationally and to any useful purposes, and it being withal a Topick, which every little and common Writer upon this Subject, will not fail (thro' inability to enlarge and employ their Conceptions about other things relative hereunto) to make their best and utmost of; I shall therefore decline the re-assuming the consideration of that Head again here, and shall address to the representation of one *Medium* of Argumentation, whereby it will apodictically appear to be the Interest of *England*, to have the *Scots* preserved and defended in their Settlement at *Darien*.

Namely, That the conveniency of that place for an *European* Plantation, being now better understood than it was before, and the wonderful Profits and Advantages that will flow from and accrue by it, being more fully apprehended

prehended and more clearly discerned, than ever they were; it will thereupon follow and ensue, That should the *Scots* be drove from thence, the Subjects of some other Prince or State, besides the *Spaniards* will possess themselves of it. Which whosoever it be, will be of fatal consequence to *England*, as well as ruinous to *Scotland*. Nor dare I entertain so unworthy and dishonourable an Opinion of the English Nation, nor shew my self so ungrateful to a Kingdom, unto which I owe more Thankfulness, Service and Duty, than ever I can be capable of paying, as once to imagine, that they themselves will be so unjust, as well as unkind, either clandestinely and by connivance, to be accessary to the wresting of that Plantation out of the possession of the *Scots*; or so ungentile as well as unfriendly, as singly and alone, or in conjunction and confederacy with others, to drive and compel them from thence by force. Seeing as endeavours and attempts of those kinds, would not only appear so shamefully scandalous to all the sober, wise and righteous part of Mankind, that the greatest part of the World would reproach them for the Treachery and Wickedness, as well as for the Imprudence and Folly of it, but it would beget that bitter and implacable hatred in the *Scots* Nation against *England*, as would excite and kindle those Desires and Flames of Revenge, as no length of time will ever allay, nor the Authority of any Prince entit'led to both the Crowns, be able to extinguish or to prevent the fatal consequences of.

And tho' the Power and Strength of *Scotland* may be look'd upon with Derision and Contempt, when compar'd with the Force and Might of *England*; yet should first Wrath, and then War arise between these two Nations, it may be easily foretold, without pretending to a Spirit of Prophecy, that it will be mischievous beyond expression to both, tho' in the issue it may prove more ruinous to the one than to the other. Nor is it possible to be avoided, but that a quarrel rais'd between the Kingdoms upon that motive and account, will produce the like, if not more dismal effects, than the War in the Reign of *Edward I.* did, where of a judicious *Historian* hath left this wise and memorable Observation, that *Angliam vehementer concussit, & Scotorum nomen fere delevit*; It wonderfully shook and weaken'd *England*, and almost exterminated the very Name of the Scots.

Vid. Buch.
Hist. lib. 8.

And this is so obvious to be foreseen and discern'd by any Man, that gives himself the freedom of thinking, especially considering the present circumstances of *England*, with respect to its no less potent than envious Enemies about it, as well as upon other accounts, which I decline the mentioning of, that it will neither be undecent, nor favour of undue boldness, to say that whosoever shall advise the application of the power of *England* for driving the Scots out of *Darien*, can design no less, than either the ruine of the Nations by one another, or the making them when divided and weaken'd a prey unto those who long to subdue and destroy both. But as *England* is a Nation of more Honour and Justice, than from their own inclination and choice, to come in-

to such a design against the *Scots*; so they are a more sagacious and wise People, than either to consent unto, or to connive at their being wheedled and drawn into it by others.

So that the *Scots* having no ground or reason for apprehensions and fears, that the *English* will directly or indirectly concur and assist to their being expell'd from thence, nor I hope supinely and tamely look on until it be effected: All the jealousy and dread is, that either the *French* or the *Dutch* may co-operate and contribute towards it; or at least that in case the *Spaniards* alone should be in a condition to accomplish it, thro' the *Scots* wanting, and being refus'd sufficient and seasonable support, one of these Nations, who are both so potent in Land Forces and Fleets of War; should by way of after game, make it their business to get into possession of it. And under the power of which of these two Nations soever it shall chance to fall, it will be of equal, but of very fatal consequence, even to *England*.

For suppose that the *Dutch*, who are a People that do extraordinarily well understand their Interest, and who never miss the going into all the Measures and Methods whereby they may promote it; (witness their Conduct and Management not many years ago at *Bantam*, and if we will believe a sort of ill-natur'd Men among our selves, their coming there-upon into the late *Revolution* here in *England*, not so much out of kindness either to our Religion or Laws, as to prevent King *James's* revenging that action upon them,) I say suppose that they upon the *Scots* being expell'd

pell'd from *Darien*, should find themselves able, as undoubtedly they are willing, to settle a *Colony* there, the consequences thereof towards *England* are at present as obvious, as they will hereafter be infallibly fatal and ruinous.

For besides the advantage that such a Plantation will give them, of engrossing and monopolizing in a little time unto themselves the whole Trade of the *East-Indies*, *China*, and *Japan*, as well as most of the *American Traffick*, especially that which is mainly profitable of it: they will moreover by that addition of Wealth to the Treasure which they have already, which the *Gold* and *Silver Mines* of *Darien* will inconceivably and speedily yeild them, be not only in a condition to give Laws to all *Europe*, and become the sole Arbiters of Affairs in these parts of the World, but they will be able, if they have a mind to it, and it is neither wise, nor will it be safe to lie at their discretion, to rob *England* both of the the Sovereignty of the Narrow-Seas, and of the freedom of Navigation into any places of the Baltick, the Mediterranean, or elsewhere, save as they shall be pleas'd to permit and licence them. But tho' this be a Subject worthy to be enlarg'd upon, and that deserveth to have an ample *detale* given of it, and which withal it were not difficult to do in a manner that might awaken *England* out of its drouse and lethargical Temper, yet for reasons which need not to be told, but may readily be guess'd at, I shall not at this time, nor in this place, prosecute it any further.

However should the *Dutch*, upon Motives which may lie before them, and whereof we can have no information, decline interposing in that affair, either as to the encouraging of the *Spaniards* to drive the *Scots* out of *Darien*, or the endeavouring to establish a *Colony* there themselves, in case they should be expell'd; yet who knoweth but that the *French* may cooperate towards the *first* in order to their obtaining and compassing of the *latter*; which will be as mischievous, if not much more, in the effects and consequences of it to *England*, than if it should fall under the power, and come into the possession of the *Hollanders*. And we have the more reason to be apprehensive, that the *French* have some such design, if we do but observe how jealous and importunate they have been and still are in their offers of assistance to the *Spaniards*, for the dislodging of the *Scots*; which every wise and thinking Man must believe to be done in prospect of advantage to accrue unto *themselves*, rather than of any benefit which they intend shall result thereby to the *Spaniards*. Nor do I think it needful to give along deduction of the mischiefs that may, and which in all probability will ensue, upon the *Settlement* of a Colony on the *Isthmus* of *Darien* by the *French*, to the affecting of all *Europe*, and particularly the Kingdom of *England*, they being so obvious that they cannot escape the views of any who have Eyes to see, and will but vouchsafe to open them. Nevertheless in order to the awakening thoughts in such, who do not exercise themselves in Speculations of this kind, I shall very briefly intimate a few things, which

which carry their own evidence along with them.

Namely, that should the *French* become possessor of any part of *Darien*, and especially of that where the *Scots* have erected their *Caledonian Colony*, they would thereby be wonderfully enabled, both to disturb the *Trade* of *England* in all their *West-India* Plantations, and for making encroachments upon them, in their best and most profitable *Colonies*. And if what the Author of an *Essay upon ways and means*, doth say of the danger and damage that by the *French* settling at *Meschasipi*, will arise to *England*, with respect to their *American* Traffick and Plantations, deserveth serious consideration, as undoubtedly it doth; much more is their establishing themselves upon the *Isthmus*, to be for the same motives and reasons seasonably thought of and prevented.

See *Discourses on the publick Revenues*
p. 116,
117.

Moreover it may be very rationally affirmed, that were the *French* once possessed of such a considerable *Port* in *Darien* as *Port Acla* is, they would not long continue contented with that, but would be endeavouring to enlarge their Acquisition and Jurisdiction over the whole *Isthmus*, which as it would lay the Foundation of their becoming Powerful over the *Northern Ocean*, and afford them wonderful means and opportunities of extending their *Trade*, to the *East-Indies*, *China* and *Japan*; and of getting in a great measure to be Masters of the rich and beneficial Commerce, that is carried on and managed by *Europeans* in those parts of the World; so it would infallibly put them into a capacity and condition, of gaining in a very little time the
Sovereignty

Sovereignty both of *Mexico* and *Peru*. It being both certain and evident beyond all denial, that with fewer than ten Thousand well disciplined Troops, they may wrest both those *Empires* from the Crown of *Spain*, as also whatsoever they do Possess besides upon the *American Continent*. Seeing as the apparent weakness of the *Spaniards* there is such, that they will not be able to withstand the Impression, and attacks of a few Battallions of good Military and Regular Forces; so it is Morally certain, that they will have the aid and assistance of the *Criolians* (who are such as are born in *America* of *Spanish* Parents) as well as of those, who are of the race of the old *Native Indians*, to rescue those Countries and Provinces from under the Power and Dominion of the Crown of *Spain*. Which how fatal it would be to the *European* Princes and States, as well as ruinous to the *Spanish* Monarchy, I need not be at the pains to represent and prove.

Further should the *French* become once possessed of any part of *Darien*, and obtain the occupation of the *Gold* and *Silver Mines* which are there, it would after that be in vain to contest or withstand their *Pretension* of succeeding to the *Crown* of *Spain*, and of the Dominions thereunto belonging. For as the *House* of *Bourbon*, hath a great deal to alledge in Justification of its Right and Title, of Succession to that Monarchy, should his present Catholic Majesty die, without Issue, as he is like to do, and as they have already powerful Forces for the seconding and making good their Claim, so it is beyond contradiction that

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See Gage's
new Survey of the
West-Indies of the
Edition
1699. p.
20.

were they once Masters of those *Mines*, which lie within the *District* where the *Scots* have their *Calidonian Colony*, it would after that be impossible to defeat and prevent them in their pretensions, seeing they would not only thereby be in a condition to possess themselves with ease of the many and Rich Provinces which the *Spanish Crown* hath in *America*; but they would be furnished with a *Fund* of Treasure for the payment of all those numerous Troops without burden to their Subjects, which they shall think needful to keep on foot in *Europe*, for the asserting of their Right of succession to that Monarchy. And I may Justly as well as boldly say, that the single supporting of the *Scots* in their settlement at *Darien*, will be more subservient and effectual for the obstructing of the *French* in that design, than all the Alliances that can be made in *Europe* against it, will in the Issue and Event signify, without the preservation of that *Colony*. And indeed God in his wise Providence, seems to have adjusted the *Scots* settling there at this Juncture, in order to be a means and expedient of obstructing the *French* from succeeding in their pretension, if others will have but eyes to see it, and prudence to make use of it.

Finally it is not unworthy the being considered, what Jealousies all Nations in this *European* part of the World have of late entertained, and what a general belief they have imbibed, as if the *French* were aspiring after an *Universal Monarchy*. And was not the fear of this on the one hand, and the obviating it on the t'other, the pretended reasons of the late

late Confederacy, and of the War that proved so Bloody and Expensive, which tho' they may be thought to have given some check and interruption unto it, yet they are far from having either made the *French* desist the thoughts of it, or from having so weakened and disabled them, as to render the prosecution and compassing thereof Impracticable. Yea I may venture upon all the Topicks of Reason, and Politicks, to pronounce that it is Impossible to hinder and disappoint it, may they be but connived at, in the obtaining the possession of the *Gold* and *Silver Mines*, which lie in the Neighbourhood, and within the District of the *Calidonian Colony*. Whereas if the *Scots* be protected and upheld in it, there will those Treasures flow from thence into *Britain*, as will so enrich his Majesties Exchequer, that he may not only make his own Dominion the happiest and most opulent in the World, and put the balance of the Trade of the whole Universe into their hands; but render himself and his Successors, the unquestionable Arbiters of all affairs and transactions, within the limits of the *European* Dominions, and give him the glory of saving all *Europe*, from the Deluge and Inundation of a *French* Conquest.

Whereunto let me in the next place be allow'd to subjoin, that in case *Scotland* should be able of it self to defend and maintain their *Colony* against the machinations and assaults of the *Spaniards*, without the assistance and support of *England*, as it is hoped they may, that the *English* will not only lose the Honour and Thanks of it, with all the Privileges and Advantages which thro' countenancing and aiding

of them they might have been partakers of, as well as have been secur'd of the perpetual Friendship of that Nation, and upon all occasions experienc'd the happy effects of it; so it can give no just offence to such of the Kingdom of *England* as are endow'd with Wisdom and Understanding to have it plainly laid before them, that if *Scotland* find it self too weak to withstand the Forces of the *Crown of Spain*, and of such as may joyn their Power with that of the Catholick King for dislodging of them, and in the mean time find themselves abandon'd by *England*, how that in such a case, it is greatly to be fear'd that they may call in some Neighbouring *Monarch* or State to their Succour and Support, tho' the doing it will infallibly be reckon'd, and deservedly too, a trespass against their Allegiance, Fealty and Loyalty. And the *Scots* being naturally a warm People, too much verifying the Proverb, that *Scotorum ingenia sunt fervida*, which vulgarly goes of them, they may the sooner be hurry'd into such an irregular and unlawful course, by reflecting, that since both the Nations came under one Sovereign, they are both much less esteemed by the *English*, and enjoy fewer Privileges in *England*, than in times of Peace between the Crowns they did before. Whereof the reason is obvious; namely, that *England* being the powerful and opulent Nation, and having the King Resident among them, they do thereby the more easily influence him to be kinder to them than to the *Scots*. For tho' I hope that they will never be tempted to run into such a Method, and do also heartily wish, that no provocations may
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force them upon it, yet whosoever will either consider, the Nature and Temper of Mankind, and make reflections upon Late, as well as upon more Ancient Precedents, may find matter of apprehension and jealousy administered unto them, that it is so far from being impossible they should do so, that it rather looks like a moral certainty, that it will come to pass. There being nothing more natural, as well as usual, than for Communities and Nations, as well as for individual and particular Men, when either unkindly treated by their Friends, or distressed by their Enemies, to seek for succour and relief wheresoever they can obtain it: And to cite the Testimonies and Examples that do aver and confirm this, would be both to transcribe a considerable part of the Histories of all Ages, and to give the Details and Memoirs of the behaviour of vast numbers of private Persons. Nor doth it in such a case come much under Peoples consideration how far such a procedure will be accounted Criminal, and the Authors of it held impeachable; Interest in such circumstances out-balancing Duty, and present inconveniencies stifling Fears, with respect to what may be future. Nor is it unworthy of remark what Mr. *Littleton*, Brother to this present *Speaker*, broadly insinuates concerning *Barbados*, when he, as well as that whole *Plantation*, thought themselves severely dealt with by the Government and Kingdom of *England*; namely, that it was to be dreaded, least under such discouragements, they should be tempted to run into Methods, that would be as irreconcilable to their Loyalty, as they would be

See the
Groans of
the Plan-
tations.

be contrary to their Inclinations, unless they were forc'd upon them.

And as it is firmly to be believ'd, that the *Dutch*, or any of the *Northern Crowns*, if apply'd unto by the *Scots*, and their aid crav'd, would be ready to own and espouse their concern; so it is to be apprehended and fear'd in more special manner, least under such melancholy menacing and distressful circumstances, they should not make their address unto, and put themselves under the protection of *France*. Seeing besides the agreeableness in temper and humour, between the *Scots* and the *French*, more than between any two Nations in *Europe*, the old *Affinity* that was betwixt them, and the benefits which redounded mutually to each of them by it, are not wholly forgotten. For as the Ancient *Alliance* of *Scotland* with *France*, and the many brave Troops wherewith upon all occasions they supplied the *French*, were the unhappy means of the *English* losing all those Noble Provinces, and vast Territories, whereof they were once rightfully possessed in *France*, so the *Scots* are upon every unkind carriage of *England* towards them, but too apt to remember the Honours and opulent Fortunes, which divers of them attained unto during their long and faithful league with the *French*. Nor have they reason much to question, but should they renew their old *Confederacy* with *France*, and call for assistance from thence, the whole *Kingdom* of *Scotland*, would be soon reinstated there in all the ancient Privileges and Immunities, which were enjoyed by them heretofore, and not only such who are chiefly concerned in
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the business of *Darien*, become liberally rewarded and recompenced for throwing themselves into the arms of the *French*; but such as are of the chief and first Rank of their Nobility, would be courted to accept General-Commands, Marechal-Staffs, Ducal-Coronets, and Annual Pensions, answerable to those of Princes of the Blood, which their Ancestors formerly had.

Nor ought it to be over-look'd, how the *Scots* even since their *Union* with *England* under one and the same King, have without the knowledge of His *Britannick* Majesty, sought the *Protection* of *France*, when they conceiv'd themselves in danger of being Invaded by *England*. It being too well known to admit of contradiction, that when King *Charles I.* was advised and influenc'd to make War upon them, for their withstanding what they call'd Invasion upon Church and State, how they apply'd themselves unto *France* for assistance; inscribing their Petition and *Memorial* to *Lewis XIII. Au Roy*. For which, tho' they were charg'd both with Treachery and Rebellion by the Court Party, yet that Act of the *Scots* was not so heinously resent'd by the *English*, as to deserve to be taken notice of and upbraided at the Treaty at *Rippon*. Nor will the Zeal, or rather Biggotry of the present *French* King be of much signification for diverting them from begging his protection, in case they see themselves likely to be ruin'd in their present design, thro' their being assaulted by *Spain* and abandon'd by *England*. As knowing that the State Wisdom of *Lewis XIV.* will as much over-rule his warmth for the Faith and Wor-

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ship of the Romish Church, as it did that of *Henry II. of France*, when the Protestants in *Scotland* resisted such as they said would Persecute them in the Reign of Queen *Mary* his Daughter-in-law. That King being recorded to have said upon that occasion, *We must commit the Souls of Scots-men to God, for we have difficulty enough to rule the Consciences of such as are French.* Neither ought it to be pass'd over without observation, that the application which the *Scots* under the Reign of *Charles I.* made to *Lewis XIII.* was not very long after his having subdu'd his Subjects at *Rochel*, and wrested the *Cautionary Towns* out of the hands of his *Reformed* Subjects. Which open'd the way to all the Mischief and Ruin that have overtaken them since. Nevertheless this must be said in favour of the *Scots*, that it was upon the Motive of Religion, and from Indignation against *France*, because of the late and present *Persecution* of the *Protestants* there, that they did not carry their Resentments higher for the affront put upon His Majesty, and the Parliament of *Scotland*, with respect to their *Act* for a *Company to Trade in India and Africa*, and that they did not warmly express their displeasure in relation to the interposure of His Majesty's Envoy at the Courts of *Lunenburgh*, and his *Resident* at *Hamburgh*, who by menaces, as well as by gentler Methods, both deter'd and discourag'd the *Hamburghers* from contributing to their Stock and Capital, and from joyning in the establishment and promotion of the Plantation and Trade, which the *Scots* were about to Settle and Embark in. For as it would not but wonderfully surprize the *Scots*

to find their Undertaking, and particularly their transaction with the *Hamburgers* for Subscriptions and Aid, not only stil'd *The Action of some private Men, who neither had Credentials, nor were any other ways authorized by His Majesty*, when they stood warranted in the one and t'other by the *King's Charter*, as well as by an *Act of Parliament*, but to have it represented to the Magistrates and Governors of that Free City, *That His Majesty would regard all Proceedings with the Scots in that affair, as an affront to his Royal Authority, and that he would not fail to revenge himself of it*; so it was matter of the greatest astonishment to the People of *Scotland*, that the said *Envoy and Resident*, persevered to oppose them in all their transactions at *Hamburg*, until they had frustrated and defeated them in what they were about, notwithstanding that *Tullibarding and Ogilvis*, His Majesty's *Two Scotch Secretaries*, had declar'd in a Letter to the *Council general of the Company*, that they stood empower'd by the *King* to signify unto them, that *His Majesty would give order to the said Envoy and Resident, not to make use of His Majesty's Name and Authority for obstructing the Scots Company in the prosecution of their Trade with the Inhabitants of Hamburg*.

See their
Letter of
August 2:
1697.

Nor ought it to give offence unto any, tho' it may possibly alarm a great number of judicious and thinking People, to have it represented and publish'd, that all the opposition made and given by His Majesty's said *Envoy and Resident* to the *Scots*, transacting with the *Hamburgers*, was previous and antecedent unto any knowledge they had receiv'd, or could possibly attain unto, of the *Place, Territory,*

or Country, where the *Scots* had design'd to Land, and to endeavour the establishment of a Colony. For as none of the very *Directors* of the *Company* had, until a long time after, come to any fix'd Resolution where they should attempt the beginning and carrying on a Plantation; so posteriorly to its having been agreed upon and concerted by those few of them, to whom the determination thereof was refer'd by the rest, it was so secretly conceal'd and kept faithfully undiscover'd, that neither His *Majesty*, nor any of his *Ministers*, were in the least made acquainted with it. And consequently that the foresaid *Envoy* and *Resident*, being altogether ignorant in what part of the World, the *Company* intended to seek and pursue a Foreign Settlement for Trade and Commerce; and whether it might not be in some Region or Province, that would be both agreeable to the humour of the *Spaniards*, and subservient to the Interest of *England*, their interposing so zealously and industriously with the *Hamburgers* against the *Scots*, could neither be upon motives of Love and Kindness to the *English*, or of respect and deference to the King of *Spain*, but out of meer disaffection to the Kingdom of *Scotland*, and from an aversion to the welfare and prosperity of that People. So that it may be worth those Gentlemens recollecting, what heretofore befell *Archbishop Laud* and the *Earl of Strafford*, for having medled in *Scots* affairs beyond their Posts, tho' with the Countenance and by the Authority of King *Charles I.* Who notwithstanding their being Persons of incomparable Talents, as well as of the most elevated Stations

tions and illustrious Characters of any of the Kingdom of *England*, yet upon the arising of a misunderstanding between that Prince and his English Parliament, and thro' the necessity that the *latter* stood in of having the favour of the Kingdom of *Scotland* in the difference that sprung up between them and their Sovereign, were sacrific'd in order to appease and gratifie the *Scots*, rather than for any treasonable Crimes that they were guilty of.

I do foresee that it will be here objected, that for the *English* to countenance and uphold the *Scots* in what they have done, will be to enter into a Conspiracy against themselves, and a concurring in what will be highly prejudicial, not only to the Traffick of the *English American Plantations*, but to the Trade and Commerce of *England* it self. And that not only by reason of the general *Share* in Trade which the *Scots* by reason of that *Calidonian Company* may speedily grow up unto; but because of the great *Immunities* in Freedom from *Taxes, Customs*, and all manner of Impositions whatsoever, which are granted unto their Company for 21 *Years*, while the *English* Traffick is by so many Laws and Statutes clogg'd and over-loaded with them. To which *Exception* I shall endeavour to give such a full and sufficient *Reply* in the few following *Resolutions*, that I hope both the frivolousness and indiscretion of it will be made obvious, and render'd apparent to every Man, that hath but judgment and temper enough to weigh things in equal and just Scales.

The *first* thing therefore which I would offer to be consider'd is this, namely, That the *hazard* of *succeeding* in the founding and establishing of a *New Colony* is so *great*, and the *Treasure* that must inevitably be expended in order thereunto so large, before any considerable reimbursements can be hoped for, that it is extremely difficult by any propos'd Immunities and Privileges whatsoever, to gain those that have Money, and who know how to make other improvements of it, to be forward, liberal, and zealous of entring into and promoting such a Design. And if we will but cast our Eye beyond Sea, and look at present into *Germany*, and observe the encouragements propos'd to the *Vaudois*, and the *French Refugees*, in case they will settle in such and such places, where they are sure to be protected, and at a season, when they neither know how to be harbour'd, nor to subsist, any where else; we shall not wonder that His *Majesty*, and the *Parliament* of *Scotland*, thought the granting of all those Privileges and Immunities needful for the prevailing upon the Subjects of that Kingdom, to engage in a design, the Scene whereof lay so remote, and the Difficulties and Charges would be so great and large towards the bringing it to perfection. Yea, doth not every *Inheritor* and *Landlord* in *England* allow large favours and advantages, both to such as will come and cultivate their waste Lands, and to those who will lay out their Money in the building Houses upon their Grounds where there were no Dwellings before? And ought it then to be complain'd of, that a Nation in order to the extending the Empire and Dominion

minion of their Sovereign, and the contributing thereby to the enriching, in a little time, of all his Kingdoms and Subjects, as well as his own Exchequer, should have Immunities and Privileges granted unto them for a few years, and whereof several were expir'd, before they actually enter'd upon the execution of their Design.

Whereunto may be added, that the advantage which will both accrue unto the *Government* at all times hereafter by an increase of *Customs*, and an ability acquir'd unto *Scotland*, of being more liberal in the *Taxes*, which they shall grant unto His *Britannick* Majesty, than heretofore their Poverty, notwithstanding their Zeal for His Majesty's Service, would allow them to be; and likewise the many benefits which will arise to *England*, in the several particulars whereof I have already given the *Detale*, and which I shall not here repeat, will abundantly compensate for the Immunities and Privileges which are vouchsafed the *Scots* Company for 21 *Years*, whereof Four are already elapsed, wherein they have been at great expences, without any return in way of Principal or Interest. And it being the daily practice of the *English* themselves, and indeed of all Mankind, to venture upon Designs and to run into Disbursements, where the gains are too often only chimerical, and at most times but merely conjectural, and very seldom are morally certain; should the People of *England* then, make it a matter of quarrel with the *Scots* that they are embark'd in a design without the *English* coming into any part of the charge of it, from which if it do succeed,

it is Mathematically demonstrable, that the *English* Nation will obtain great Glory, Power and Wealth.

Moreover it is demonstrable, that the *Benefits* which will redound to the *English* in the Interim, and within that circle of time, will greatly overbalance any damages, or inconveniencies that can be supposed to arise unto them in their Traffick and Commerce, by that short Indulgence granted unto the *Scots*, of being free from Customs and Impositions in relation to their exports unto, and Imports from their Colony. Seeing besides the Emoluments that will accrue to *England*, and to their *American* Plantations, by the opening unto them a vast Trade unto places where they had none, or very little before, and by that Necessity, as well as occasion, which the *Scots* cannot avoid, of taking more off from them both of their Natural and Artificial productions, than they could formerly use, or know how to dispose of them; I say besides this, it is provided for, and ordained in the very *Act*, by which their *Company* is established, that their *Colony* shall be a free *Port* and *Market*, so that the *English* may carry thither, whatsoever they judge vendible either to the *Scots*, or the *Natives*, for which they are like to be paid in *Gold* and *Silver*, and they may also Traffick there, and bring from thence whatsoever is produced within the District, where the *Calidonian Colony* lies, and in the *Territories* occupied by the *Indians*, which are adjoining unto it, all which will greatly Countervail and Outbalance, the few supposed inconveniencies, that are discoursed by unthinking men,

as likely to arise unto *England*, and their *West-India* settlements, by the Immunities granted to the *Scots*, for the short forementioned term of years.

Further that as all the Commodities importable by the Company which are not of the *growth* of that Country, are all *excepted* from being *Custom-free*, and are made liable to all legal Impositions; so nothing of the very productions of that place, can be imported by the *Scots* into *England*, but what they stand bound to pay *customs* for, and are ready in compliance with the Laws of *England* so to do. Yea the *Navigation Acts* made in *England* being still in force, and never like to be repealed, and whereof the conniving at the violation and breach, would be of fatal consequence to the *English* in their Shipping, no goods can be imported from *Darien* directly into *England* save in *English Vessels*, and thither it is that most of the *Dying Wood*, as well as of Divers other *Commodities*, which the Directors of the Plantation can procure on the *Isthmus*, must be immediately carryed and disposed of. So that from the whole which I have laid down in way of reply to the foregoing objection, it appears to be made without any solid ground, and to proceed from people, that neither have, nor can take a full survey of this affair, nor look round it, rather than from persons of any great penetration, or who are conversant either in the *Philosophy*, or in the *praxis* and *Mechanism* of Trade in the full compass and extent of it.

The only thing further that I imagine to be alledgable against the *English* giving countenance and encouragement to the *Scots* in their present

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undertaking, and to hinder their Joyning in the protection and defence of them, is that it may prove *prejudicial* to the *Church of England*, thro' the giving way unto, and concurring to promote the settlement of the *Presbyterian Form and Model* in that part of the World; the *Church of England* having found trouble and inconveniencies enough from that *Scheme* of Ecclesiastical Government in the *Scots* frame and Edition of it, while it hath been confined within their own Kingdom.

This looks so much like *Bantering* instead of *Reasoning*, that it may be construed for a reproach put upon the Understandings and good Sence of the greater part of mankind to vouchsafe an answer unto it, especially in a Kingdom, as well as an Age, wherein the *Jus divinum* of this or that *Form* of Church Government, obtains a very slender room in most mens Belief. And it were well, if all those who are reckoned to have the best natural and acquired parts, could be brought to agree in the *Essentials* of Christianity, tho' they continued to differ in *Disciplinary* points. Yea it is to be feared, that the Dogmaticalness and the Intemperate zeal of some, for things vastly removed from being *Fundamentals* in our Religion, have rendred too many persons *Sceptical* in the *Material Articles* of it. And if we could better bear with one another, and agree to differ in Religious Matters of less Importance, we might thereupon possibly better accord, and more second each others endeavours in the defence of the Apostolical and Athanasian *Creeds*.

But how strangely are the *Scots* circumstanced and stated, with respect to their *Darien* Undertak-

Undertaking, when those of the Romish Communion, are alarmed at, and incensed against it, upon the Foot, that it will be an Introducing of the Reformed Religion into those parts of *America* where it never was; and at the same time, some *Protestants* are the less favourable unto it, because it may be attended with the Erection of a Form of Ecclesiastical Government and Discipline there, different from those of the *Church of England*. Whereas we should be thankful to God, that the *Reformed Religion* is like to obtain some footing where it never had any. And we ought certainly to acknowledge and reckon, that this will abundantly compensate for the Inconvenience of Presbyteries going along with it.

And how much sorry soever I am, that there should be so much of what is properly *Popery* spread among, and received by the *American Indians*, within the *Spanish Dominions* and *Provinces* in the *West-Indies*; yet I cannot but declare my Joy, that the *Christian Religion*, how much soever Sophisticated and Embased as well as Emasculated, with and by Romish Errors and Superstitions, is nevertheless come to be conveyed unto, and planted among them in any Measure and Degree. Seeing tho' *Popery* can save no man, yet the *Christianity* that is in the Papal Religion, (in that the *Church of Rome* believeth whatsoever we do believe) may be a means of saving every man that is upright and sincere, and whose Mistakes, Errors and Superstitions, are not the Effects either of Wilfulness or of Negligence, but of insuperable Ignorance. Which as
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it doth at the least wonderfully extenuate their Crimes and Guilt before God, and renders them prepared and qualified Subjects for the Divine Compassion, so it should awaken Zeal in such as have love for Souls, and are concerned to have the Kingdom of our Lord JESUS Christ enlarged, both for the rectifying the Judgments of those poor *Indians*, which have been wofully misled in matters of the Christian Faith and Worship by the *Spaniards*, and for having the Gospel Preached in the purity and simplicity of it, among those Native *Americans* who knew Nothing of it. And it is no small disgrace unto Protestant Kingdoms, States and Churches, that while they of the Romish Church have shewed themselves so forward and industrious, and have been at such vast expences, to send and maintain *Missioners* in those parts, and in *Mahometan* Countries, for the publishing of the *Christian Religion*, tho' wofully corrupted by superadded Doctrines and Superstitions of their own; that none of those stiled *Reformed*, have concerned themselves therein to any purpose, save where they have *Plantations*, that will without their Aid, subsist and maintain Preachers, and these also very poorly supplied and provided with pious and able Ministers.

And indeed one would wonder, that after the *Laws* in *England*, for giving *Liberty* to such there, as are *Dissenters* from the *Diocesan Jurisdiction*, and from the *Rites, Ceremonies* and *Modes of Worship* of the Episcopal Church, it should raise Jealousie, Envy and Pique of and against the *Caledonian Colony*, upon the motive that the great body of the *Planters*, and the *Governors*
and

and Directors of that settlement, will be of the *Presbyterian* persuasion in those Extraessentials of Christianity. Whereas for my part, were I a Zealot for the *English* Episcopacy and Liturgy, neither of which in my opinion, ought to give that offence to Wise, Learned and Good men, which some pretending to all those Characters, have conceived against them; yet I should not be sorry, to see some of the bigotted *Scots Presbyterians* to transport themselves thither, where I am sure they will do less harm to the Church of *England*, and may be to Religion it self, than they have done, and still are like to do nearer at hand. Tho' even what they are in the very Neighbourhood able to do, against the Diocesan Government, and the Liturgical Worship, will not without a stock of men of more Learning and discreeter Conduct, than those men the Church of *Scotland* is at present furnished with, signifie much to the disparaging or supplanting of either, further than as Law and Force do interpose. And against that *Ultima Ratio Ecclesie*, as well as *Aula* I know no methods that can be lawfully run into, save those of Patience and Humility, under Violence and Severity from them, accompanied with Integrity and Moderation, in the firmly keeping and modestly asserting of Episcopal Principles.

Nor are the *Scots* at *Caledonia* like to be so bigotted, narrow and peevish with reference to the extraessentials and circumstantials of Religion, as they have been found in *Scotland*; in that the Directors and Overseers of that Plantation, have emitted a *Declaration*, wherein they grant *Liberty of Conscience*

science to all that will come and settle among them. Which as it plainly shews, that the denying of it at home, is not upon the foot of *Conscience*, seeing on that Foundation they should allow it no where; but that the refusing it in *Scotland*, is upon the motive of *Domination*, and worldly Policie; so who knows, but that this *Precedent* of theirs in *America*, may prove a leading case to their being more indulgent that way in *Europe*, than hitherto they could be prevailed upon to be. And that being no longer restrained by Principles, which guide and over-rule *Conscience* from granting *Liberty* to such as *Dissent* from them in lesser matters of Religion; the Interest of the Kingdom may in time oversway the peevishness of their Clergy. For tho' I do readily acknowledge, that no *Liberty* upon whatsoever pretence of *Conscience*, is to be granted unto any, whose principles do not only Authorize them to the disturbing and overturning of Civil Governments; but do make the Blaspheming God, and the ridiculing of all revealed Religion venial, and the living brutishly and sensually Lawful; yet in matters that are purely Religious, wherein too much rigour and severity have been commonly exerted, I do take it to be our Duty to bear with, and forbear one another in Love and Peace. For I do really believe it to be one of the first Truths dictated to us by Nature, that whereupon a person is to venture his Eternal State, that therein he should be allowed the liberty and freedom of choosing for himself

Finally this exception will prove the more vain, as well as surprizing, if it be but observed that the *Form of Church Government*, and the *Modes of Christian Worship*, even in some of the *English American Plantations*, are no less dissonant from, and may be of worse consequence to the *Church of England*, than what the *Scots* are supposed resolved to set up, and to be in the Practice of in their *Colony at Darien*, of which if I mistake not, *New England* and *Pensilvania*, are undeniable Instances. In that *Independancy*, which sufficiently strikes at *Episcopacy*, and all the *Ceremonies of Prelatical worship*, obtains as the legal Form of Government, Discipline and Worship in the first, and *Quakerism*, which is a collection and system of very dangerous errors, both in Doctrin, Worship and Discipline, is the Christianity that prevails, and is countenanced in the latter.

Having now fully represented the whole, that I Judge either needful, or convenient to be said, not only for the Justification of the *Scots*, with respect to their present Undertaking, and the Vindicating them therein, from whatsoever with any shadow of reason can be excepted against it; but towards the clearing and demonstrating how subservient their being Countenanced, Protected and Assisted in it, will be to the Interest of *England*, and the Dominions thereunto belonging, as well as to *Scotland*; all that doth further remain to be added, ere I put an end to this discourse, is to acquit my self of a promise made in one of the foregoing sheets. Namely that were I inclinable to recriminate, it were

were easy to fasten some of the worst of those imputations upon the *Spaniards*, whereof themselves have been so hasty to accuse the *Scots*. And that as the ways of *Force*, which they have run into, do not correspond with the *Alliances* between the Crowns of Great *Britain* and of *Spain*; So that thro' having betaken themselves to those methods, they have altogether acquitted and absolv'd his *Majesty*, from having that amicable and friendly regard to the *Memorial* presented unto him, in the name and by the Authority of the *King* of *Spain*, that had they persevered in the ways of mildness, might have been expected from him. It being unquestionable, that upon their persevering in those measures, his *Majesty* would have comply'd as far with their desires, as either in Justice he should have found himself obliged, or as his Royal care for the Interest of his Kingdom of *Scotland*, or the trust reposed in him by that Nation (for the discharge whereof he is sacredly and solemnly bound by *Oath*) would have allowed. Nor can it be a trespass against that profound respect, which is payable to every Crowned head, even by such as are the Subjects of other Princes, to intimate in Terms of Deference and Modesty, that the *Spaniards*, thro' having betaken themselves to ways of *Force* and *violence* against the *Scots*, and that not only *posteriorly*, but *antecedently*, to the presenting the *Memorial*, they have transformed that into a *Fest*, if not an *Affront*, which might otherwise have been interpreted an *Act* of esteem and kindness for his *Britannick* Majesty. For whereas the *Memorial* was not delivered unto the *King*, until the 3d. of *May*, 1699 they had above Seven weeks before that,

not only detained such of the *Scots* Prisoners, who by Storm and streſs of weather had been caſt upon the *Coaſt* where they have their *Colonies* and *Fortifications*; but they had likewiſe Invaded and aſſaulted the *Scots*, within their own *Territory* and *District*, with an armed and military Power.

By which, the Actings of the *Spanish Governours* in *America*, are not only wholly incongruous and inconfiſtent; and altogether irreconcilable with the proceedings of his *Catholick Maſtey's Ambaſſadour* at *London*; but the Crown of *Spain* is become apparently guilty of the *Infraction* of the *Alliances* between his Maſtey of *Great Britain*, and that *King*: For whereas it is provided by the *Third Article* of the *Treaty 1667*, and by the *Fourteenth Article* of the *Treaty 1670*, That if any *Injury* ſhall be done by either of the ſaid *Kings*, or by the *Subjects* of either of them, againſt the *Articles* of thoſe *Alliances*, or againſt common *Right*, there ſhall not therefore be given *Letters of Reprisal*, *Marque*, or *Countermarque*, by any of the *Confederates*, untill ſuch time as *Juſtice* is followed in the ordinary *course of Law*, and unleſs upon a *denial* or an *unreaſonable delaying of Juſtice*. Yet not only while the caſe is depending, and notwithstanding the aſſurance given by his *Britannick Maſtey* to the *Catholick King*. That he will cauſe examine the *Juſtice* or *Injuſtice* of this *Fact* of the *Scots*, and thereupon act towards the Crown of *Spain*, according to the meaſures of *Law* and *Equity*, and the tenour of his *Alliances*; but even previously to their representation of that matter unto his Maſtey,

ity, the Spaniards have actually fallen upon the Scots, in the ways above mention'd. And whereas it is Concerted and Stipulated by the Tenth Article of the Treaty 1670, That if the Ships which do belong to either of these Kings, or the Subjects of either of them, shall by stress of weather, or otherwise, be forced into the Rivers, Bays, Ports, &c. belonging to the other in America, that they shall be received kindly, and treated with all Humanity and Friendship, Yet nevertheless the Spaniards have in direct Violation of that Article, apprehended and kept such of the Scots Prisoners, as were forced a Shoar at Carthagena by the Violence of a Storm.

By which as they have plainly made themselves guilty of an *Infraction* of *Alliances* between the two Crowns; so they are become the *Aggressors* in a War, which neither his Majesty nor his Scots Subjects have given any Just cause for, or provocation unto. And as they have thereby rendred it Lawful for the King to oppose Force against Force, it being received as a *Theorem* of what is Just and Right by all Nations, that *Iniquitas partis adversæ, justa bella ingerit*, that the doing of wrong by one Party, gives foundation of a righteous War on their side against whom it is committed; and that of all Wars they are the Justest, *que ulciscantur injurias*, which are undertaken for the avenging of Injuries, so the Spaniards have made his Majesty's entring into War against them (in case they persevere in that Method) indispensably necessary, unless he should at once both Sacrifice his own Glory and Honour, and abandon

Vil. Grot
de Fur.
Bell. & Pac.
lib. 1. cap.
1. § Puf-
end. de jur.
Nat &
Gent. lib. 8.
ap. 6.

don his people for a prey to such as are causelessly their Enemies. The great Duty of every supreme Ruler being to protect his subjects, from receiving of Injuries, or to revenge them when done. And for this end it is, that people becoming united into Societies, chose and elected such and such to be their Sovereigns, that they might as well defend as govern them; and protect them against wrongs from others, as well as take care for the administering of Justice among themselves. Yea this every King oweth to his People, as they are a part of himself *pars Rectoris*, as *Grotius* expresseth it; He and they making one Political Body, whereof as he is the Head, so they are the Limbs and Members.

Ubi sup.
lib. 2. cap.
25.

And that the aggressed may at all times endeavour, not only to defend themselves against, but that they may also Lawfully attack the Aggressor, while he continueth to pursue his Hostility, seems one of the first dictates of the Law of Nature, being a sentiment wherein all Mankind are agreed: Yea it is the only remedy and relief left by God, and agreed upon by Nations, for the Obviating, Withstanding and Punishing of those, who upon the motives of Ambition, Covetousness, or of any Lust else whatsoever, do seek to Disturb and Injure others. (For as *Puffendorf* says, *Vanum fuisset præcepisse ne alter ledatur, si ub de facto is latus fuerit, damnum ipsi gratis sit devorandum, & qui læsit, fructu sue injurie secure, & citra refusionem gaudere queat*, It were a vain thing to have prohibited the doing wrong by one to another, if he who suffers the Injury,

Ubi sup.
lib. 3. cap.
1. §. 2.

shall be obliged tamely and remidilefly to bear it, and he who commits it, shall without reprisal made upon, and reparation exacted of him, be allowed in Quietness and Safety to enjoy the fruits of his Violence and Rapine. Nor have the most civilized Nations, accounted any provocations whatsoever to be a Juster cause, for their making War, than their having Injuries done to their people. *Majores Nostri*, says *Cicero*, *sape Mercatoribus & Naviculariis injuriosus tractatis bella gesserunt*, Our Ancestors denounced and commenced Wars, in case their Merchants, or their Mariners, were wrongfully and abusively dealt with, which he repeats again elsewhere, saying, *Quot bella Majores nostri susceperunt, quod cives Romani injuria affecti, Navicularii retenti, Mercatores spoliati dicerentur*; how many Wars have our Forefathers undertaken and pursued, because of Roman Citizens being Injured, their Subjects made Prisoners, and their Merchants pillaged.

Orat. ad
Quirites.

Orat. 2.
cont. Ver.
2.

But I hope as well as desire, that the Spaniards will so far bethink and recollect themselves, as not to prosecute a War against those, that have neither wronged them, nor are willing to be their Enemies, and that they will not only forbear all further Hostility, but make Satisfaction for any Injury they have done. Towards the effecting whereof, little more will be demanded, than the releasing of those, whom they illegally and unrighteously detained as Prisoners, when thrown upon their shoar by the Violence of a Storm; and for the restoring of whom, they may have also such of their own in exchange, who became lawful Prisoners to the Scots; thro'

thro' being taken in actual Hostility, and in the Field of Battle. And that the *Spaniards* may be brought to calm thoughts, and to a cool temper, it may not be amiss to offer to their consideration, that the stakes for which the *Scots* and *they* are about to quarrel, are so far from being equal, that what the *Spaniards* are ready to hazard, and going to put upon the *Dice* of War, is vastly beyond what the *Scots* can be exposed to the Risk of. It being plain that the whole which they are capable of losing is a little spot of ground upon the *Isthmus*, and a few men; whereas the *Spaniards*, are about to venture no less than all their Colonies there, and some of the Richest Provinces which they have in *America*, together with greater proportions of men, whom they are not so over stocked with, as to chuse to be prodigal in hazarding them. And as the *Spaniards* ought seriously to ponder, how uncertain the Issue of the War may prove, so they cannot be ignorant, if success should attend the *Scots*, what they will rightfully thereupon become entitled unto. It being settled as a rule among all Nations, that in such a case, *Omnia bona que Victus habuit victoris fieri*, whatsoever was his, or theirs, who are conquered, doth in right become theirs who Conquer them. *Et que ex hostibus capiuntur, statim capientium sunt*, And that all that is taken from Enemies, doth by the Laws of Nations, fall under the legal Property, as well as the possession of those that subdued them and took it. But this being a Subject that I have no call

Vid. Grot. ubi sup. lib. 3. cap. 6.

to Meddle with, as being neither framed for the *Cabinet*, nor the *Tent*, I shall both decline it, and put an end to this Discourse.

FINIS.





