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In Four Volumes

Addison, Joseph

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of its inhabitants, to consider in their ornaments the advantage of the publick as well as of their persons. It was with the same spirit, though not with the same politeness, that the ancient *British* women had the figures of monsters painted on their naked bodies, in order (as our historians tell us) to make themselves beautiful in the eyes of their countrymen, and terrible to their enemies. If this project goes on, we may boast, that our sister *Whigs* have the finest fans, as well as the most beautiful faces, of any Ladies in the world. At least, we may venture to foretel, that the figures in their fans will lessen the *Tory* interest, much more than those in the *Oxford Almanacks* will advance it.

N^o 16. *Monday, February 13.*

Itaque quod plerumque in atroci negotio solet, Senatus decrevit, darent operam Consules nè quid Respublica detrimenti caperet. Ea potestas per Senatum more Romano magistratui maxuma permittitur, exercitum parare, bellum gerere, coercere omnibus modis socios atque cives, domi militiaeque imperium atque iudicium summum habere. Aliter, sine populi jussu nulli earum rerum Consuli jus est. Sall.

IT being the design of these papers to reconcile men to their own happiness, by removing those wrong notions and prejudices which hinder them from seeing the advantage of themselves and their posterity in the present establishment, I cannot but take notice of every thing that by the artifice of our enemies is made a matter of complaint.

Of this nature is the Suspension of the *Habeas Corpus* Act, by which his Majesty has been enabled, in these times of danger, to seize and detain the persons of such, who he had reason to believe were conspiring against his person and government. The expediency and reasonableness of such a temporary suspension in the present juncture may appear to every considerate man, who will turn his thoughts impartially on this subject.

I have chosen in points of this nature to draw my arguments from the first principles of government, which, as they are of no party, but assented to by every reasonable man, carry the greater weight with them, and are accommodated to the notions of all my Readers. Every one knows, who has considered the nature of government, that there must be in each particular form of it an absolute and unlimited power; and that this power is lodged in the hands of those, who have the making of its laws, whether by the nature of the constitution it be in one or more persons, in a single order of men, or in a mixt body of different ranks and degrees. It is an absurdity to imagine that those, who have the authority of making laws, cannot suspend any particular law, when they think it expedient for the publick. Without such a power all government would be defective, and not armed with a sufficient force for its own security. As self-preservation by all honest methods is the first duty of every community, as well as of every private person, so the publick safety is the general view of all laws. When therefore any law does not conduce to this great end, but on the contrary in some extraordinary and unnatural junctures, the very observation of it would endanger the community, that law ought to be laid asleep for such a time, by the proper authority. Thus the very intention of our *Habeas Corpus* Act, namely, the preservation of the liberties of the subject, absolutely requires that act to be now suspended, since the confinement of dangerous and suspected persons, who might strengthen this rebellion, and spread a civil war through all parts of this kingdom, secures to us our civil rights, and every thing that can be valuable to a free people.

As every government must in its nature be armed with such an authority, we may observe that those governments which have been the most famous for publick spirit, and the most jealous of their liberty, have never failed to exert it upon proper occasions. There cannot be a greater instance of this, than in the old commonwealth of *Rome*, who flattered themselves with an opinion that their government had in it a due temper of the regal, noble, and popular power, represented by the Consuls, the Senators, and the Tribunes. The regal part was however in several points notoriously defective, and particularly because the Consuls had not a negative in the passing of a law, as the other two branches had. Nevertheless in this government, when the republick was threatened with any great and imminent danger, they thought it for the common safety to appoint a temporary Dictator, invested with the whole power of the three branches; who, when the danger was over, retired again into the community, and left

left the government in its natural situation. But what is more to our case, the consular power itself, though infinitely short of the regal power in *Great Britain*, was intrusted with the whole authority which the legislature has put into the hands of his Majesty. We have an eminent instance of this in the motto of my paper, which I shall translate for the benefit of the *English* Reader, after having advertised him, that the power there given to the Consul, was in the time of a conspiracy. *The senate therefore made a decree, as usual, when they have matters before them of so horrid a nature, That the Consuls should take care the common-wealth did not suffer any prejudice. By virtue of this very great power which the Senate allows to the Magistrate, according to the ancient customs of Rome, he may raise an army, wage war, make use of all kinds of methods to restrain the associates and citizens of Rome, and exercise the supreme authority both at home and abroad in matters civil and military; whereas otherwise the Consul is not invested with any of these powers without the express command of the people.*

There now only remains to shew, that his Majesty is legally possessed of this power; and that the necessity of the present affairs requires he should be so. He is entrusted with it by the legislature of the nation; and in the very notion of a legislature is implied a power to change, repeal, and suspend what laws are in Being, as well as to make what new laws they shall think fit for the good of the people. This is so uncontroverted a maxim, that I believe never any body attempted to refute it. Our legislature have however had that just regard for their fellow-subjects, as not to entertain a thought of abrogating this law, but only to hinder it from operating at a time when it would endanger the constitution. The King is empowered to act but for a few months by virtue of this suspension; and by that means differs from a King of *France*, or any other tyrannical Prince, who in times of peace and tranquillity, and upon what occasion he pleases, sends any of his subjects out of the knowledge of their friends into such castles, dungeons, or imprisonments as he thinks fit. Nor did the legislature do any thing in this that was unprecedented. The *Habeas Corpus* Act was made but about five and thirty years ago, and since that time has been suspended four times before his present Majesty's accession to the throne: twice under the reign of King *William* and Queen *Mary*; once under the reign of King *William*; and once under the reign of Queen *Anne*.

The necessity of this law at this time arose from the prospect of an invasion, which has since broke out into an actual rebellion; and from

informations of secret and dangerous practices among men of considerable figure, who could not have been prevented from doing mischief to their country but by such a suspension of this Act of Parliament.

I cannot however but observe, that notwithstanding the lawfulness and necessity of such a suspension, had not the Rebellion broke out after the passing of this act of Parliament, I do not know how those who had been the most instrumental in procuring it, could have escaped that popular odium, which their malicious and artful enemies have now in vain endeavoured to stir up against them. Had it been possible for the vigilance and endeavours of a Ministry to have hindered even the attempts of an invasion, their very endeavours might have proved prejudicial to them. Their prudent and resolute precautions would have turned to their disadvantage, had they not been justified by those events, which they did all that was in their power to obviate. This naturally brings to mind the reflection of *Tully* in the like circumstances, *That amidst the divisions of Rome, a man was in an unhappy condition who had a share in the administration, nay even in the preservation of the Commonwealth.* O conditionem miseram non modo administrandæ, verum etiam conservandæ Reipublicæ!

Besides, every unprejudiced man will consider how mildly and equitably this power has been used. The persons confined have been treated with all possible humanity, and abridged of nothing but the liberty of hurting their country, and very probably of ruining both themselves and their families. And as to the numbers of those who are under this short restraint, it is very observable, that people do not seem so much surprized at the confinement of some, as at the liberty of many others. But we may from hence conclude, what every *Englishman* must observe with great pleasure, that his Majesty does not in this great point regulate himself by any private jealousies or suspicions, but by those evidences and informations he has received.

We have already found the good consequences of this suspension, in that it has hindered the Rebellion from gathering the strength it would otherwise have gained; not to mention those numbers it has kept from engaging in so desperate an enterprize, with the many lives it has preserved, and the desolations it has prevented.

For these and many other reasons, the representatives of *Great Britain* in Parliament could never have answered it to the people they represent, who have found such great benefits from the suspension of the *Habeas Corpus Act* and without it must have felt such fatal consequences, had they

they not, in a case of such great necessity, made use of this customary, legal and reasonable method for securing his Majesty on the Throne, and their Country from misery or ruin.

N^o 17. *Friday, February 17.*

— *Hic niger est: hunc tu, Romane, caveto.* Hor.

WE are told that in *Turkey*, when any man is the Author of notorious falsehoods, it is usual to blacken the whole front of his house: Nay we have sometimes heard, that an Ambassador whose *business it is* (if I may quote his character in Sir *Henry Wotton's* words) *to lye for the good of his countrey*, has sometimes had this mark set upon his house; when he has been detected in any piece of feigned intelligence, that has prejudiced the Government, and mis-led the minds of the people. One could almost wish that the habitations of such of our own countrymen as deal in forgeries detrimental to the publick, were distinguished in the same manner; that their fellow-subjects might be cautioned not to be too easy in giving credit to them. Were such a method put in practice, this Metropolis would be strangely checquered; some entire parishes would be in mourning, and several streets darkned from one end to the other.

But I have given my thoughts in two preceding papers, both on the inventors and the believers of these publick falsehoods and calumnies, and shall here speak of that contempt with which they are and ought to be received by those in high stations, at whom they are levelled. Any person indeed, who is zealous for promoting the interest of his country, must conquer all that tenderness and delicacy which may make him afraid of being ill spoken of; or his endeavours will often produce no less uneasiness to himself, than benefit to the publick. Among a people who indulge themselves in the utmost freedoms of thought and speech, a man must either be insignificant, or able to bear an undeserved reproach. A true Patriot may comfort himself under the attacks of falsehood and obloquy, from several motives and reflections.