

Jan 1841.

## Casual Thoughts.

One of the <sup>main</sup> ~~chief~~ benefits of the perusal of history, is the <sup>abundant material</sup> ~~vast quantities~~ of thought to which it ~~gives rise~~ <sup>affords</sup>. History may in this view, be termed the fountain of thought. A single incident, a word, will sometimes produce a train of reflections which it is pleasing & profitable to pursue. And surely nothing can be of greater advantage than to write out such reflections & the conclusions to which they may lead. To such a course I am indebted for the remarks which follow.

We sometimes read of the "furious partisans of the rights of the people". Rights of the people! In relation to whom? With regard to what? Right implies a reservation somewhere, implies a restriction of privilege. But why should this be? Why is not the liberty of the people unrestrained? Why is not all power and all right vested in them?

It will be answered immediately, that no <sup>persons</sup> ~~one~~ can reside in a civil community without yielding some of their natural rights for the good of the whole.

Such for instance as to enter into an agreement, either tacit or expressed, not to interfere with their neighbours property - an agreement strictly inter sese.

It will be perceived at once, that the word right, in the sentence quoted above, is used in ~~an~~ <sup>another</sup> sense.

entirely different from this. Used in reference to  
some superior power - a power separate from &  
entirely above the people. But how can any  
single individual or any particular body of in-  
dividuals, place themselves over the rest, to rule  
& sway them as they will? What is there in one  
man that renders him superior to a thousand oth-  
ers over whom he may sway the iron rod of des-  
potism? What is his birth, condition, feeling, mind  
or acquirements? We may say to him "By what  
authority doest thou these things, and who gave  
thee this authority?" While it is obvious that  
he is possessed of no such qualifications or ~~pre-~~<sup>pre-</sup>  
~~rogatives~~<sup>rogatives</sup>, it is equally certain that the people can  
invest him with a portion their authority, for  
the welfare of the public interest.

From what has been said it may be gathered, that  
a ruler has no power, in himself considered, has  
no authority except what is guaranteed to him by  
the people. That since this is the case, he is im-  
mediately answerable to them for the exercise  
of this authority. That they have the right to  
deprive him of it for an improper use, or an abuse  
of it, and to confer it upon another, who will be  
more careful of their interest. Hence an argu-  
ment against hereditary successions, & the "divine  
right of kings". From these premises, we may <sup>also</sup> fairly  
conclude, that an elective monarchy is more

in accordance with justice & the real liberties of a people than an hereditary one. Likewise that any kind of a chief magistracy, whether it be a monarchy, a limited monarchy, or a presidency; provided it is elective, is equally in consonance with liberty, so far as right is concerned.

Of course this exclusive privilege on the part of the people of conferring authority, does not ~~in the least exonerate them~~ lessen their obligations to obey, when they have conferred it. Nor does it exonerate them in the least, from an entire compliance with the requisitions of the law. For in all bestowments of power, of this kind, there is an agreement either expressed or understood, ~~by~~ the people of full obedience.

Expressing these same leading ideas under a somewhat different form, we may define the <sup>which should exist</sup> relations, between a governor & the governed, as follows. The ruler swears to govern according to the laws prescribed for him, and the people promise to obey on this condition. As soon therefore as a ruler exceeds his prerogatives, or in any way ~~fails~~ <sup>violates</sup> to comply with the laws, the people have a right to rebel. The treaty is null & void, and the powers conferred cease to exist. If however, the ruler complies with the letter of the law on his part, the people are morally bound to a similar compliance on theirs. They cannot therefore justifiably rebel.

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But, should an entire change, a revision or a reorganization of the government be desired by the entire body of people, there is no reason why this cannot be effected without any infringement of existing stipulations between the ruler & the ruled

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Original copy. Much altered & corrected and handed in to Prof Jas Alexander but not yet returned, Aug 1841.