

Statutes and the King forbid: Yet it is one thing to make a Law, and another to hinder it to be made. Our Constitution of Government is a Mixed Monarchy, whereby the people may enjoy all the Liberties and Privileges of any Government, without the Imperfections and Inconveniences incident to it. As to the principle that the King derives his power from God only, ^{it is} true, that by God Kings reign, and are Monarchs of God what ever they hold of Others: but that doth not hinder the Crown to be disposed off and settled Under God by Consent of the people, as it is justly in Britain at this day upon our Rightful sovereign King George the second, whose Parliamentary title is better, than what some call ^{the} possible right. Sir George Wrentham offers on Act 25: 1 Parl. 1556. O pretends to qualify his opinion thus: that the King is not so absolute as to have Tyrannick or Despotick power, but only so absolute as to have power to do every thing that is just and reasonable, tho he cannot shew an Act of Parliament for his warrant, if he be not Expressly restrained by Law. Appendix
pag. 115.

709. 115. 11
The Kings proclamations are indeed in some instances
taken for laws, as in calling or Dissolving the parliament,
Declaring War and peace &c. Coke 3 Inst. 162. Because they
are agreeable to the Common and Statute law. But he cannot
say a proclamation introduces new laws, tho' he may infer old ones discontinued. Coke 3 Id.
42 Inst. 743.

the powers priviledges and preminences, which the law gives the Crown (Anciently called *facta sacrorum* or *honors of the Crown*) are termed by the French or Britons the *regal law*, *ius Regium* for *Regalium* vel *Regalium*, and with us go Under the Name of the Kings *prerogative* or the *prerogative Royal*, which is derived from *pro* before, & *Regis* to Demand, all being that which the sovereign claims before all his subjects. I don't find that word *prerogative* Mentioned in any of the Statutes of England before the Year 1686 Act 1. Parl. 13. Ch. 6 it being formerly called the *priviledges of the Crown*.

Crown. Those Royal Rights are Divided by lawyers into Regalia
Majora or pretiora and Minora or Communia, vid. Craig Gend. lib. 1. tit.
16. Regalia Majora are those publick Rights of Majesty which
are absolutely reserved to the sovereign power to show forth
and support the honour and Exercise of it, and cannot be Separa-
ted from it. such are the Royal Badges of honour, Viz the Crown,
Sceptre and sword of state; the power of Making War and peace;
of calling and Dissolving parliaments and Conventions of state;
of Conferring titles of honour and Rights of Jurisdiction; of Erec-
ting Universities, Royal burghs, or other Communities; of setting
up fairs and Markets; of Enfranchising Aliens or strangers;
legitimizing Bastards, granting letters of March, Coining money;
the pardoning of Crimes and Granting priviledges &c. Craig
Gend. lib. 1. tit. 16 § 29 About which the pains of Politicians are
Mostly Employed. Regalia Minora are those Advantages and
profits which the sovereign enjoys and Reaps by his Royal
Authority. such are Mines of Gold and silver, treasure, Strays
and waifs, Royal fishes and fowls, forfeitures, the sale of
Escheats, the Right of Succession to the estates of Aliens, Bastards
and persons dying without heirs, the Right to the high ways
and publick Rivers within his Dominions &c. The prerogatives
can only be Measured by the particular Customs law's
and Constitutions of every Kingdom and state, for it should
never within the Boundary of law. But to Define its Extent
and Mark out the Bounds of it is too hard and Difficill
a point: I shall therefore only take Notice of what I have
observed our laws and Lawyers to say Concerning it.
Ch. 11. lib. 1. tit. 16 § 29 the power of Arms, of Making

The King only hath the power of Arms, of Making
 War and peace or treaties and leagues with foreign princes
 and states. He only can Recieve the Subjects in Arms, Comen-
 and Disband or other ways Dispose of them, for the sup-
 port of Justice and Maintenance ^{the publick tranquillity in}
 the Dominions Committed to his care. ^{and his Condescensions of his standing Armies.} This prerogative of
 Making peace and War was once limited by a law binding
 the Sovereign after the Death of the late Queen Anne,
 and before of her body, to Make War without Consent
 of Parliament Act 5 Sept. 1. Parl. 2. A. 1703. But that is now