

Concerning the Kings Coronation.

on the other hand it may be proved that the King will be crowned is not so much King in all Intents and purposes, as he is after he is crown'd. For if the crowning of the King be but a more ceremony or compliment of state and not essential in giving him a Right to the Allegiance of the Subject, then certainly no King of England, would be troubled with the ceremony of being formally crown'd, because then there will be no obligation upon him to take the coronation oath and so he may be more at liberty to act according to his will because his conscience will not be clogg'd with the weight of so solemn an oath; and then with less Infamy and Reflection he may suspend or pervert the Laws. Again, before the crown be set on his head, the nobility and people are asked if they will do their Homage and Fealty to him; which by this way implies, that the people are at liberty in this thing, and that if he be crown'd by their choice and Election; then if the people consent the King takes the coronation oath, which is to preserve the Church, our Laws Liberties and prerogatives, and to administer Justice Indifferently; and thus when he has sworn to us the crown is immediately put upon his head, and then the nobility and people do their Homage to him: and according to this has been the practice ever since the first Kings in England. Henry 2. Dolman Earl of Warrington, Resolution of two Imperial Questions. *Solham.* Emlyn holds on Hales Hist. Brit. coron. pag. 101. So that the coronation is something more than an honourable ceremony; seeing it is a solemn engagement to Govern according to Law.

But what ever be the case in hereditary Kingdoms, where the prince always takes possession of all the Rights of majesty from the very moment of his Succession, in as much as the people are presumed to have taken their oath of fidelity and mutually received in the person of his predecessor: yet in all Elective Kingdoms Coronation is a necessary ceremony, because it is a confirmation of the Election, as well in respect of the persons that have made the Election as on the part of the people who by this solemn Action acknowledge the validity of the Election, and tacitly promise to obey the person elected. Therefore in Poland the King elect and not crown'd cannot exercise any Royal Function, bestow any place or Benefice; the Elector is not carried before him, his Letters to foreign princes sign'd with the priviate Arms of his Family, and not of the Kingdom, *poia socki* in his Chron.

The dispensing power.

That which Dr. H. profanes and prophesies is now fulfilled, viz that our slavery when obs'd it happen'd was rather to be fear'd from the twelve rods in Westminster Hall than from 12000 standing forces. It is strange that those Judges should understand so great a mystery as this, which laws be as great virtues in a Judge as was in the mantle of Elijah, and if so long happens it that the same Justice should be set upon them on the same point, but if a double portion of that excellent spirit be set upon our present Judges that they are able to dive into so great a mystery as this, and see, ~~the~~ ^{the} ~~same~~ ^{same} ~~more~~ ^{more} ~~farther~~ ^{farther} than any who have been before them, surely they are bound in duty to explain this matter to the understanding of the people, or else in love with the responses of their heads they may come to give the true reasons of this their opinion: 1^o That the Kings of England are Sovereign princes, 2^o That the Laws of England are the Kings Law. 3^o That the former is an inalienable prerogative in the Kings of England, as in all other Sovereign princes, the dispensing with all penal laws in particular cases and upon particular necessary reasons, 4^o That of these Reasons and necessities the King himself is the sole Judge; and which is consequent thereupon, 5^o That this is not a Power imputed or granted to the King but the ancient remains of the Sovereign power and prerogative of the Kings of England which was never taken from them nor can be. Sovereign power is of vast extent, that is as much as is intended, and to which no bounds are or can be set, that the Kings of England in parliament have a sovereign power is true; that with the consent and concurrence of the Lords and commons he may do what he will, without question, and he as certain that out of that he may do what he will, is limited and confined within certain bounds which he cannot pass, without doing violence to his Law. He cannot command any man to kill another, he cannot pardon a common Nuisance, nor an appeal of the fact of the party, it is most certain, that till this last year, during which we have been so much flourish'd, that the Laws have been more frequently stated, the Laws of the Land, than the Kings Laws, and therefore if the denomination of them be altered this year, the King will be found to have no longer a strong Title. The Lords and commons acting and their share in the considering and making the Laws, they cannot be changed or altered without their consent, in passing a thing out the former power that made it, nor if the Laws were enacted by the King only, does it follow, that the King may dispense with the Laws when he will, it shall seem more, for there is no King so absolute but may be limited. Thus we see the Eastern Kings who were as absolute as any in any upon earth, yet were restrain'd by their own promises and Oaths. Upon this subject as was said, and rec'd 1627. 127. prohibens when he had made a decree, he could not revoke it, or dispense with it. *2. H. 8. 8.* Henry 2. Dolman Earl of Warrington, Arguments against the dispensing power.

A dispensation with Laws is a Relaxation of the force of some human or positive Laws either in part or in the whole for some certain space of Time by him who has the dispensing power. I say of human and positive Law because the Law of nature and Law of God cannot be dispens'd with by man: he may remit the temporal punishment or pardon, but he cannot pardon & take away the guilt thereof. I call a dispensation a Relaxation for a certain time because if a Law was relax'd or dispens'd with in point of obligation for ever, it would be an abrogation of such a Law instead of a dispensation or suspension of it. Only princes who have a full and absolute power of making Laws can dispense with them as mala prohibita, but cannot dispense with Laws that concern mala per se: for ancient times dispensation was granted, now seldom or never granted: But after the Canon Law was introduced, they became frequent by non-obstantes and other such like distinctions of the church of Rome & the Canonists its followers.