

The divine right of kings asserted in general, ours in particular, both by the laws of God, and this land by

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THE DIVINE RIGHT OF KINGS Asserted in General: Ours in Particular; both by the LAWS of GOD, and this LAND.

By W. P. Esq

1 Pet. II. XVII.

Fear God, Honour the King.

KINGS are *Jure Divino*, by Divine Right to be obeyed, and not by violent force of Subjects to be resisted, although they act wickedly, Prov. 8.15. *By me Kings Reign*, Dan. 2.21. *He removeth Kings and setteth up Kings*. Prov. 16.10. *A Divine sentence is in the lips of the King*. Prov. 21.1. *The King's Heart is in the hand of the Lord*. Job 34.18. *Is it fit to say to a King thou art wicked, and to Princes, ye are ungodly?* Prov. 24.21. *Fear thou the Lord and the King, and meddle not with them that are given to change*. Eccles. 8.2. *I Counsel thee to keep the King's Commandment*, Exod. 22.28. *Thou shalt not speak evil of thy Prince, nor detract the Magistrate*. 2 Pet. 2.17, *Fear God, Honour the King*. Eccles. 10.20. *Curse not the King, no not in thy thought*. 1 Sam. 24.6. *The Lord forbid that I should do this thing unto my Master; the Lord's Anointed, to stretch forth my hand against him, seeing he is the Lord's anointed*. It is God that hath

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placed Kings in their Thrones for ever, their Commission is Sealed by the Hand of God, though it run during his good Will and Pleasure. The wise Heathen could say, That the Power of good Kings is by the special Ordinance of God, of evil ones by his Permission. The first are Badges and Pledges of his Mercy, the second of his Fury. A Father hath a Divine Power to Rule his Son, a Master his Servant, else the Scripture had never made Divine Injunctions, investing them with Rights of Absolute Power over them, and yet the Scripture also signifie that notwithstanding those Rights are Divine, there are Obligations also upon the Father and Master, to the Son and Servant, such a Paternal, Absolute, Divine Right it is that the Kings of *England* have claimed and exercised over their Subjects, as that in all times (*Lex Currit*) the Laws have generally run in course for the preservation of all the Rights and Liberties of the People, as well as those of the Crown.

From which Premisses none, unless those who deny the Scripture, can deny these Consequences, That the *Jura regalia* of Kings are holden in Heaven, and cannot for any cause escheat to their Subjects: that active obedience is to be yielded to the King as Supreme, in *omnibus licitis*, in all things lawful. But if God for the Punishment of a Nation, should set up a Tyrannical King, *Secundum voluntatem pravam non rationem*

rectam regentem, Governing by his depraved Will against Reason, and commanding things contrary to the Word of God, we must not by force of Arms Rebel against him; but rather than so (if not prevailing by Petition unto him or, escaping by flight from him) patiently subject to the loss of our Lives and Estates, and in that case, *arma nostra sunt preces nostrae, nec possimus, nec decemus aliter resistere*, our Prayers and Tears should fight, and not our Swords: for who can lift up his Hand against the Lord's anointed, and be guiltless? this in Scripture we find practiced by God's People to *Pharaoh*, *Exod*, 5.1. and the same People to *Nebuchad-nezzer*; a Tyrant, were commanded to perform Obedience, and to Pray for him, though there was no wickedness almost which he was not guilty of. His Successor *Darius*, *Daniel* obeyed, and said, *O King live for ever*, *Daniel* 6.21. for now no private person hath with *Ehud*, *Judges* 3.31. extraordinary Commandment from God to kill Princes, nor no personal Warrant from God, as all such persons had, who attempted any thing against the Life even of Tyrants, *Nil sine prudenti fecit ratione vetustas*.

2. The King hath His Title to the Crown, and to His Kingly Office and Power, not by way of Trust from the People, but by inherent Birth-right, immediately from God, Nature, and the Law, 1. *Reg. Jac.* 1. *lib.* 7.12. *Calvin's Case*.

3. *Rex Angliae est persona mixta, cum sacerdote*, say our Lawyers, He is a Priest as well as a King; he is anointed with Oyl, as the Priests were at first, and afterward the Kings of *Israel*; to intimate that his Person is Sacred and Spiritual, and therefore at the Coronation, hath put upon him a Sacerdotal Garment, called the *Dalmatica*, or *Colobium*, and other Priestly Vests: and also before the Reformation of *England*, when the Cup in the Sacrament was denied to the *Laity*, the King, as a Spiritual Person, received in both kinds. By these and the Scripture Proof, it is clear to any unprejudiced person, That they have their Power from God; and are Accountable to none but him for the good or bad use they make of it.

4. The Law of Royal Government, is a Law Fundamental, 1 *Pars Institut. Eol.* 11.

5. The King's Prerogative and the Subjects Liberty are determined, and bounded by the Law, *Bracton, fol.* 134. *Plouden, fol.* 236, 237.

6. By Law no Subjects can call their King in question, to answer for his Actions, be they good or bad, *Bracton, fol.* 5, 6. If any one hath cause of Action against the King (because there is no Writ runneth against him) his only Remedy is by Supplication and Petition to the King, that he would vouchsafe to Correct and Amend that which he hath done, which if he refuse to do, only God is to Revenge and Punish him, which is punishment enough, no man ought to presume to dispute the King's Actions, much less to Rebel against him.

7. The King hath no Superiour but the Almighty God; all His People are inferior to him, he inferior to none but God. Which thing made *David* cry out, *Against thee only have I sinned*: which shews that he was not afraid to be call'd to an Account by the People, (as our new *Presbyterian* States-men pretend) he was not to give a reason of all his Actions to them.

8. The King is *caput reipublicae*, the Head of the Common-wealth immediately under God, *Finch* 81.

And therefore carrying God's stamp and mark among men, and being, as one may say, a God upon Earth, as God is a King in Heaven, in a similitudinary sort given him. (*Bracton, fol.* 5. *Cum sit dei vicarius, evidenter apparet ad similitudinem Jesu Christi, cujus vices geret in terris*) that is to say—

- 1. Divine Perfection:
- 2. Infinitness.
- 3. Majesty.
- 4. Sovereignty and Power.
- 5. Perpetuity.

- 6. Justice.
- 7. Truth.
- 8. Omniscience.

1. Divine Perfection in the King; no imperfect thing can be thought, no folly, negligence, infamy, stain or corruption of blood can be adjudged in him; So *nullum tempus occurrit regi*.

2. Infiniteness; the King in a manner is every where, and present in all Courts, and therefore it is that he cannot be non-suited, and that all Acts of Parliament that concern the King are general; and the Court must take notice without pleading them, for he is in all, and all have their part in him. *Fitz. Urb. 21. H. 8. Br. tit. non-suit. 68.*

3. Majesty; the King, cannot take nor part from any thing, but by matter of Record, and that in respect of his Majesty, unless Chattel, or the like; because, *de minimis non curat lex*, 5 *Ed. 4.7.4 Ed. 6.31.2 H. 4.7.*

4. Sovereignty and Power; all the Land is holden of the King, no Action lyeth against him, for who can command the King? he may compel his Subjects to go out of the Realm to War, hath absolute Power over all; for by a clause of *non obstante*, he may dispense with a Statute, though the Statute say, such dispensation shall be meerly void. 7 *E. 4.17.21. Calvin's Case.*

Bracton, Rex habet potestatem Jurisdictionum super omnes qui in regno suo sunt. Eaque sunt Jurisdictionis, & pacis ad nullam pertinent nisi ad regiam dignitatem: habet etiam coercionem, ut delinquentes puniat & coerceat; And therefore ought to have the *Militia*.

5. Perpetuity; The King hath a perpetual Succession, and never dieth, for in Law it is called the *demise* of the King, and there is no *Inter-regnum*. A gift to the King goeth to his Successors, though not named, for he is a Corporation of himself, and hath two capacities, (to wit) a Natural Body, in which he may inherit to any of his Ancestors, or purchase Lands to him, and the Heirs of his Body, which he shall retain, although he be afterwards removed from his Royal Estate; and Body Politick, in which he may purchase to him and his Heirs, Kings

of *England*, or to him and his Successors, yet both Bodies make but one individual Body. *Plowden 213.233.242. lib. 7.12.*

6. Justice; The King can do no wrong, therefore cannot be a Disseisor, he is all Justice, *veritas & justitia*, saith *Bracton, circa solium ejus*, they are the two Supporters that do hold up his Crown; he is *medius regni, pater patriae, sponsus regni qui per annulum*, is espoused to his Realm at his Coronation, he is Gods Lieu |tenant, and is not able to do any unjust thing. 4 *E. 4.25. Potentia Injuriae est impo |tentia naturae*. His Ministers may offend, and therefore to be punished if the Laws are violated, but not he.

7. Truth; The King shall never be stopped, Judgment final in a Writ of right shall not conclude him. 18 *E. 3.38.20 E. 3. Fitz. Droit. 15.*

8. Omniscience; When the King licenceth expresly to *alienate* an *Abbot*, &c. which is in *mortmain*, he needs not make any *non obstante* of the Statutes of *mortmain*, for it is apparent to be of the Law, and therefore shall not be intended *misconu |sant* of the Law, for *praesumitur rex habere omnia Jura in scrinio pectoris sui*. 2 *Inst. 99.* and therefore ought to have a Negative Voice in Parliament, for he is the Foun |tain of Justice from whence the Law floweth. For no King can be named in any time made in this Kingdom by the People; a Parliament never made Kings, for they were Kings before; and Parliaments themselves are Summoned by the King's Writ.

High Treason can be committed against none, but the King's Sacred Person, neither is any thing High Treason, but what is declared so to be by the Statute. 25 *Ed. 3. c. 21.* to levy

War against the King, to compass or imagin his Death, or the Death of his Queen, or of his Eldest Son, to Counterfeit his Money, or his Great Seal, to Imprison the King until he agree to certain Demands, to Levy War, to alter Religion, or the Law, to remove Counsellors by Arms, or the King from his Counsellors, be they evil or good, by Arms to seize the King's Forts, Ports, Magazine of War, to Depose the King, or to adhere to any State within or without the Kingdom, but the King's Majesty, is High Treason, for which the Offenders have Judgment,

First, To be drawn to the Gallows.

Secondly, There to be hang'd by the Neck, and cut down alive.

Thirdly, His Intraills to be taken out of his Belly, and he being alive to be burnt before him.

Fourthly, That his Head should be cut off.

Fifthly, That his Body should be cut in four parts.

Sixthly, That his Head and his Quarters should be put where the King our Sovereign Lord pleaseth.

FINIS.

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