

Lex, Rex,

or

The Law and the Prince;

A dispute for

The Just Prerogative of King and People:

containing

The reasons and causes of the most necessary defensive wars

of the Kingdom of Scotland,

and of their

Expedition for the aid and help of their dear brethren

of England;

in which their innocency is asserted, and a full answer is given to a seditious

pamphlet,

entitled,

"SACRO-SANCTA REGUM MAJESTAS,"

or

The Sacred and Royal Prerogative of Christian Kings;

under the name of J. A., but penned by

John Maxwell, the excommunicate Popish Prelate;

with a scriptural confutation of the ruinous grounds of W. Barclay, H. Grotius, H.

Arnisæus,

Ant. de Domi. popish Bishop of Spilato, and of other late anti-magistratical

royalists, as the author of Ossorianum, Dr. Ferne, E. Symmons,

the Doctors of Aberdeen, etc.

In Forty-four Questions

by the
Rev. Samuel Rutherford
sometime Professor of Divinity in the University of St. Andrews

London: Printed for *John Field*, and are to be sold at his house
upon Addle-hill, near *Baynards-Castle*. Octob. 7, 1644.

Edited by Jon Roland
2002

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- **Question XLIII**

Whether the king of Scotland be an absolute prince, having a prerogative above laws and parliaments,

The king of Scotland subject to parliaments by the fundamental laws, acts, and constant practices of parliaments, ancient and late in Scotland. — The king of Scotland's oath at his coronation. — A pretended absolute power given to James VI. upon respect of personal endowments, no ground of absoluteness to the king of Scotland. — By laws and constant practices the kings of Scotland subject to laws and parliaments, proved by the fundamental law of elective princes, and out of the most partial historians, and our acts of parliament of Scotland. — Coronation oath. — And again at the coronation of James VI. that oath sworn; and again, 1 Parl. James VI. *ibid* and seq. — How the king is supreme judge in all causes. — The

power of the parliaments of Scotland. — The Confession of the faith of the church of Scotland, authorised by divers acts of parliament, doth evidently hold forth to all the reformed churches the lawfulness of defensive wars, when the supreme magistrate is misled by wicked counsel. — The same proved from the confessions of faith in other reformed churches. — The place, Rom. 13., expounded in our Confession of faith. — the confession, not only Saxonick, exhibited to the Council of Trent, but also of Helvetia, France, England, Bohemia, prove the same. — William Laud and other prelates, enemies to parliaments, to states, and to the fundamental laws of the three kingdoms of England, Scotland, and Ireland. — The parliament of Scotland doth regulate, limit, and set bounds to the king's power. — Fergus the first king not a conqueror. — The king of Scotland below parliaments, considerable by them, hath no negative voice.

-   **Question XLIV**

General results of the former doctrine in some few corollaries, in twenty-two questions,

Concerning monarchy, compared with other forms. — How royalty is an issue of Nature. — And how magistrates, as magistrates, be natural. — How absoluteness is not a ray of God's majesty. — And resistance not unlawful, because Christ and his apostles used it not in some cases. — Coronation is no ceremony. — Men may limit the power that they gave not. — The commonwealth not a pupil or minor properly. — Subjects not more obnoxious to a king than clients, vassals, children, to their superiors. — If subjection passive be natural. — Whether king Uzziah was dethroned. — Idiots and children not complete kings, children are kings in destination only. — Denial of passive subjection in things unlawful, not dishonourable to the king, more than denial of active obedience in the same things. — The king may not make away or sell any part of his dominions. — People may in some cases without the king. — How, and in

what meaning subjects are to pay the king's debts. — Subsidies the kingdom's due, rather than the king's. — How the seas, ports, forts, castles, militia, magazine, are the king's, and how they are the kingdom's.

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Original date: 2002 August 4 — Updated: 2002 August 4