

the laws of England were the King's laws, and that it was consequently an inseparable prerogative of the Crown to dispense with penal laws in particular cases. There was no law, he said, which might not be dispensed with by the supreme law-giver: (State Trials, XI., pp. 1165-1220). The unadvised assertion of this principle made, in the words of Mr. Hallam, "the co-existence of an hereditary line claiming a sovereign prerogative paramount to the liberties they had vouchsafed to concede incompatible with the security and probable duration of these liberties. This incompatibility is the true basis of the Revolution of 1688": (Hallam's Constitutional History, III., p. 63).

The Revolution of 1688, although it substituted a statutory King for a monarch who claimed to reign by an indefeasible right and to possess prerogatives paramount to the liberties and privileges of his people, did not immediately convert the Royal prerogatives into privileges of the people. Mr. Hallam, writing in 1818, takes a far different view from Sir Rufus Isaacs of the prerogatives of the Crown nearly a century and a half after the Revolution.

"The word 'prerogative,' " he writes, "is of a peculiar import and scarcely understood by those who come from the studies of political philosophy. We cannot define it by any theory of executive functions. All these may be comprehended in it, but also a great deal more. It is best, perhaps, understood by its derivation, and has been said to be that law in the case of the King, which is law in no case of the subject. . . . It is said, commonly enough, that all prerogatives are given for the subjects' good. I must confess that no part of this assertion corresponds with my view of the subject. It neither appears to me that these prerogatives were ever given nor that they necessarily redound to the subjects' good. Prerogative, in its old sense, might be defined as an advantage obtained by the Crown over the subject in cases where their interests came into competition by reason of its greater strength. They sprang from the nature of the Norman government, which rather resembled a scramble of wild beasts, where the strongest takes the best share, than a system