

AND with respect to the STATE,* It hath been the constant and invariable Maxim of the *Common Law of England* to ascribe the same Powers and Prerogatives, Ecclesiastical, Civil, and Military, to a King *de Facto*, as to a King *de Jure*. And to prevent any Possibility of Doubt on this Head; the Legislature itself passed an Act, the 11th of *Henry VII.* expressly limiting the Obedience of the Subject to the *King for the Time being*. After this, it might appear superfluous to recite the Authority of the Courts of Judicature, in which the Statutes of both Sorts of Kings are always allowed to carry equal Force and Obligation;—or the Opinions of the most eminent Lawyers, who are consequently the best Judges of the *English* LEGAL Constitution, and yet never made any Scruple to assert, that the Loyalty of the Subject was limited to the *King in Possession*.

IX. BUT even allowing that all these Arguments are *inconclusive*, and that nothing can make Amends for the Want of a *regular* Succession of the next of Kin;—the grand Question therefore is, Who hath the best Pretensions to the Crown by Virtue of this Succession? †The *Stuart* Family can have no Right; for their Claim must descend from King *John*, who was not only a gross *Usurper*, but

* THOSE who wish to have a clearer and more perfect View of all these Points, would do well to consult that excellent Book of Dr *Higden* on the *English* Constitution, with the *Defences* annexed to it.

† SEE this proved at large in *Ballantyne's* Hereditary Right of King *George II.* asserted: Sold by *M. Cooper* in *Fater-Noster Row*.