

tenants and People ; which could not be but in Parliament ; nor was it unusual in those times, to have Acts of Parliament in the Form of a Charter ; as you may read in the Prince's Case, *Co. Rep. L. 8.*

Likewise, though it be said here, that the *King hath given and granted these Liberties*, yet they must not be understood as meer Emanations of Royal Favour, or new Bounties granted, which the People could not justly challenge, or had not a Right unto before ; For the Lord Coke, at divers places, asserts, and all Lawyers know, that this Charter is, for the most part, only Declaratory of the principal Grounds of the Fundamental Laws and Liberties of *England* ; no new Freedom is hereby granted, but a Restitution of such as lawfully they had before, and to free them of what had been usurped and incroached upon them by any Power whatsoever : And therefore you may see this Charter often mentions *Sua Jura*, their Rights, and *Libertates suas*, their Liberties, which shews they had them before, and that the same now were confirmed.

As to the occasion of this Charter, it must be noted, that our Ancestors, the *Saxons*, had with a most equal Poise and Temperament, very wisely contriv'd their Government, and made excellent Provisions for their Liberties, and to preserve the People from Oppression : And when *William the Norman* made himself Master of the Land, though he be commonly called the *Conqueror*, yet in truth he was not so ; and I have known several Judges that would reprehend any Gentleman at the Bar, that casually gave him that Title ; For though he killed *Harold* the Usurper, and routed his Army, yet he pretended a Right to the Kingdom, and was admitted by Compact, and did take an Oath to observe the Laws and Customs.

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