

Fourthly, It is provided that no Charter of Pardon for Murder, Treason, or Rape, shall be allowed, &c. If they be not specified in the same Charter, Statute 13 R. 2. Before this Statute of 13 R. 2. by the Pardon of all Felonies, Treason was pardoned, and so was Murder, &c. At this day, by the Pardon of all Felonies, the Death of Man is not pardoned. These be excellent Laws for Direction, and for the Peace of the Realm. But it hath been conceived, (which we will not question) that the King may dispense with these Laws by a *Non obstante*, (notwithstanding) be it General or Special (albeit we find not any such Clauses of *non Obstante*,) notwithstanding, to dispense with any of these Statutes (but of late times.) These Statutes are excellent Instructions for a Religious and prudent King to follow, for in these Cases, As it is the highest Kingly Power to be able to Act what he Wills; so it is his Greatness and Nobleness to Will only what he lawfully can. Hereof you may read more in Justice Staundford, lib. 2. cap. 32. in divers places of that Chapter, of his grave Advice in that behalf. Most certain it is, that the Word of God has set down this undisputable general Rule. (*Because Sentence against evil Men is not speedily executed, therefore the Hearts of the Children of Men are set in them to do evil.*) And thereupon the Rule of Law is grounded. [*The hope of impunity encourageth Offenders.*] [*And the facility of obtaining Pardon, is an Incentive to commit Offences.*] This is to be added, that the Intention of the said Act of 13 R. 2. was not that the King should grant Pardon of Murder by express Name in the Charter, but because the whole Parliament conceived, that he would never pardon Murder by special Name, for the Causes aforesaid; therefore that Provision was made, which was (as in other Cases I have observed) grounded upon the Law of God. [*Whosoever shall shed Man's Blood,*