

may be Erected within an honorable sheriffship; and that the said Jurisdiction would have been private, had there not been a special law to the contrary: Consequently, seeing there is no particular law Making a Regality dependant upon the sheriffdom, it may be Erected with a Privilege of Independency upon the sheriff.

3^d It is an Inherent Right in the sovereign to Erect burghs Royal and Stewartries, and to grant Commissions of Justiciary within honorable sheriffships which may in some Measure Argue a power to set up Regalities. 4th The Rescinding of the act, 1681 giving a Sumulative Jurisdiction to the King as a grievance doth not weaken the Jurisdiction of Regalities, because that statute was Mainly Designed for having some laws more sharply Executed by Extraordinary Commissions to persons fit for the purpose, than was Expected from the ordinary Judges Established by law; and the annulling the said statute did but take things in the case they were before it, and so could not prejudice the anterior practice of Erecting Regalities. 5th If Regalities fall under the sovereign Revocation; it was just to any other than the sovereign to quarrel the same as a Regality. But there is a General quality in all the Royal Revocations, that they should take effect only as to things our law and custom allows to be revoked; Under which we cannot comprehend Regalities, the granting whereof hath been Authorized by long custom. Nor doth the King by Erecting Regalities principally Dispose his own Casualties of Escheat, and the like Ingress: but those only follow as a Consequence of the Regality, which may be Erected by law. **Contra.** The Erecting of Regalities within honorable sheriffships may be quarrelled upon the

the grounds following. 1st Quod Mors est sine facto Mors Aufert non potest; no mans property can be taken from him or Diminished, without his own Consent, or by Authority of law which is Equivocal: now so it is, that an honorable sheriffship within the whole bounds thereof, is the sheriff's Undoubted Right and property. He pays a Distinct Tax or Rents for it, it hath Emoluments and perquisites, it passeth to heirs and singular freeholds, and may be affected by the Diligence of Creditors: and our Kings have Considered honorable sheriffships as Rights of property in patrimonio & Commercio by purchasing severals of them for considerable prices. The granting a Sumulative Jurisdiction to the King in the year 1681 in prejudice of heretofore rights, was Judged a grievance and abrogated act 28 Joff. 2 Parl. W. M. Consequently the setting up a private Jurisdiction is still more grievous. And when the Parliament, 1693 Established a Commission of Justiciary in the high lands, they would not interfere upon the honorable Justiciaries of the East of Hight and there without their Consent act 39 Joff. 4 Parl. W. M.

3rd As the King cannot Erect a sheriffship within an honorable sheriffship, or make two sheriffships of one; no more can he Erect a Regality, which, being alterum territorium, is as private as the sheriffship as if it were another sheriffship. The severall Regalities within the bounds of honorable sheriffships have been granted, the granting thereof was contrary to law, and still Reclaimed against by protests taken in Excubitors and a factum jus non Valet. Consequently therefore our Princes do in their General Revocations expressly Revoke Regalities. Nor can any Decision be Justified, where ever a Regality was Established by way of Declarator against another parties private Rights.