

Baronies indeed are ordinarily Erected within honorable
 Sheriffships. But these do not, as Regalities, Inroach
 upon the Sheriff's Jurisdiction privative; but are Consi-
 derant with and subordinate to the same. For the like
 Reason an ordinary Burgh Royal might be Erected with-
 in an hereditary Sheriffdom; the Distinguishing pri-
 vileges thereof being Immunities of Trade, that do No
 prejudice to the Sheriff. But an hereditary Sheriffdom
 have some Reason to oppose the Erection of a Burgh
 with the Inclusive power of Sheriffship: Tho' at the same
 time it must be owned, that the Kings prerogative of
 Erecting Burghs Royal cannot be Considered as dis-
 pain'd by the previous grant of an hereditary Sher-
 iffdom. Howartree may also be Erected within hereditary
 Sheriffdoms, because these Jurisdictions exceed not the
 Sovereigns property: and it cannot be doubted but the
 King may exempt his own property from the hono-
 rable Sheriff's power, to which this Majesty and his
 court Residing there would not be liable. But there is
 such Reason for setting up a Regality within another
 territory. 59 Tho' Erecting of Regalities with such a
 privative Jurisdiction, is in effect a Disposing the Kings
 Casualties in gross, contrary to law. It do not observe tho'
 this Important question was ever brought to a Decision
 The said Grant having upon a Signature from King
 William got his lands Erected in a Regality, where
 of a part lay in the shire of Murray: Alexander Duke
 of York's hereditary Sheriff raised before the
 court of Session a Reduction and Declarator, to have
 it found and Declared that the said Regality could
 not extend to any lands within the bounds of his
 hereditary Sheriffship. Which plea Inclusive a Man-
 ners of right and Government, the Lords thought
 fit to call them before of by a Commit to the Par-
 liament of Scotland, and was never yet Determined
 Regality

Regalities were suppressed in Scotland during
 Oliver Cromwell's usurpation.

When the property of lands Erected in a Regality
 Return to the King by sale or for forfeiture, the Regality
 is suppressed, and the lands Erected again into a Sheriffdom
 Act 13 Parl. 2 Ch. 2. McKenzie observe on act 25 Parl. 6
 J. 2. A Baillie in lands within a Regality belonging
 to the King, is properly called Steward of the Regality.
 Where the Kings house lies within a Regality (as
 the Abbey of Holyrood house doth within the Regality
 of Burgh town) it is Considered as a part of the Roy-
 alty, and as in the shire and not in the Regality,
 from which it is exempted by the Royal prerogative
 11 January 1662 Lord Carnegy and his Lady contra fact
 to Maxwell's heir. When Regalities Return to the
 King by sale or for forfeiture, the Inhabitants may be Judged
 by the Sheriff and the ordinary Judges act 25 Parl. 6 J. 2
 till a Steward or Baillie be appointed. For when
 Regalities fall to the Sovereign, they are ordinarily sup-
 pressed, and Stewarts set up in their Room.

Sect. 3.

Magistrates of Burghs.

The End of Erecting Corporations in Cities and
 Burghs was to promote and Encourage Trade. And the
 King in Erecting them to be Corporations grants to them
 the office of Magistracy, to govern (in his stead) the
 people of that particular place or Corporation. Which
 Government could not be Exercised, until by laws were
 first made to be the Rule of their Government.

No officers or Council within Burghs can be
 continued longer than a Year act 30 Parl. 5 J. 3 that
 is, there is a Necessity of a New Election yearly,
 but not to Change the persons Elected yearly. McKenzie
 observe on etc act 30. For in small Burghs
 there