

in the palace at the time, or within the privy Council house  
 while the Council is sitting, or in the Kings presence where  
 ever he be, was treason by the law of Scotland, Act 173 Parl. i  
 J. 6 and the Doings within the inner gate of the Kings palace  
 where his highness resides for the time, is punishable  
 with Death d. act 173. Upon any person who invaded or  
 pursued another within a Mile of his Majesties Resi-  
 dence for the time, or resorts within his palace or place  
 of Residence Armed with Jack or Coiflet, is to be Imprisoned  
 for a Year and fined at his Majesties pleasure, Act 26  
 Parl. i 6 J. 6. By the law of England, if any Men presume to  
 strike another within the Palace where the King doth  
 person Reside, and by such a stroke only draw blood, his  
 Right hand will be struck off with Great solemnity and Cer-  
 emony, and he Committed to perpetual Imprisonment  
 and fined at the Kings pleasure, 33 H. 8 cap. 12 578 fegg.

Sir George MacLaurin Inst. lib. i pt. i 59 observ. on Act Parl.  
 J. i on Act 115 Parl. 14 J. 3. on Act 201 Parl. 15 J. 6. & on Act 15 Parl.  
 J. 1. Ch. 2 Indinites, that the legislative power is the  
 Kings prerogative, that his Majesty only can Make laws,  
 and that the Estates of Parliament only Consent. Because  
 Acts of parliament are called the Kings laws Act 115 Parl.  
 14 J. 3. The Parliament statutes, and the King forbids Act  
 Parl. i J. i and to forbid is the <sup>Chief and</sup> most vigorous part of the legi-  
 lative. He also seems to hold that our King is a prince  
 Absolute Despotick power above the laws, when he states  
 Majesty an absolute Prince, having as much power as any  
 King or Potentat what soever deriving his power from  
 God Almighty alone, and not from the Parliament Inst.  
 Ch. 1 pt. 1 182. Because if we had Kings before we had  
 Parliaments, which were then being to the Concession of  
 the Kings, and no Act of Parliament Grants the King any  
 prerogative, but only Declared by way of humble Peti-  
 tion what his prerogatives are. Primum autem fun-  
 damentum Regum est quod dicitur subditis obsequium  
 Gloria. Relicta est Parl. Annual lib. 5. 28 2) the state

of summons and writs in Scotland Acknowledges the King to  
 be such by the Grace of God, and so not to derive his power  
 from the people. For as Argontorate pag. 206 observes, for  
 multa illa quae off. in titulis Dei Gratia, utitur illi soli qui  
 nulli Mortalium Imperium suum Debet. The consequence  
 of which principle, is that no subject could be safe, their honour  
 fortunes liberty and life were at the Kings Disposal. The King  
 was to be suffered to do what he pleased, even though <sup>most</sup> Distracted  
 two to the Nation; the prerogative would be without bounds,  
 or could be limited only by the Kings own Wisdom and Good  
 will. But this opinion is ill grounded. For the King at his Acces-  
 sion to the throne is obliged to swear to Maintain the protestant  
 Religion, and to Rule the people according to the laws, as is  
 clear from the Oath of Allegiance. And as King James 7  
 was turned off for assuming an Absolute Despotick power.  
 So the Act of Parliament Declaring the Kings Absolute power  
 out of use Act 2 sess. i Parl. J. 7 is Rescinded Act 28 sess. 2 Parl.  
 W. 3. M. The Legislature does not Reside in the King but in  
 King and Parliament Jointly. For the King passes no law  
 himself without it be first Voted in Parliament, and his  
 Majesty giving the Royal assent to a vote of Parliament  
 is properly but a Consent to their deed. Mr Spotswood notes  
 upon Whiston is Inst. lib. i pt. 1 59) asserts more confidently  
 than formerly, that in Making Acts of Parliament, the  
 three Estates have the power Deliberative or Consul-  
 tative, and that the sovereign hath the power Decisive  
 which Consists in Admitting and Rejecting the Act. The  
 being the Decisive power is More Noble than the Delib-  
 erative, and the King is head of the Commonwealth,  
 the position that the legislative power is the Kings  
 prerogative, may pass without Confusion. I say this with  
 more Confidence than formerly, for the Act that turns the King  
 hath a Negative, whereby he may stop the passing of any  
 Act, which is the Meaning of these words the parliament  
 Statutes