

are Exempted from all Customs and public burdens, 139.  
1711 D. Montrose contra foras of Kilpatrick. For as his Majesty is the Dispenser of Exemptions; so he is intitled take to himself in the first place what he gave to others. Titles that belong to the King by the suppression of Feudal tenures, cannot be bought by the holder of the land so long as they remain in his Majesty's hands and disposed of the 23 Joff. 4 Parl. W. & M. Where Charters are granted by the King of lands that are no part of the Crown Revenue or Ancestral property, his Majesty is not bound to warrant the same. But in Charters granted by the King as supreme superior (which are gratuitous) warranters have no Effect. Craig Goud. lib. 2 tit. 4 § 5.

A gift to the King goeth to his successor, Coke, 1 Just. 6. 90. a. who are included under the Name of King. Gifts by the King are not presumed to be in falsification of former obligations or debts. Stair Just. lib. 4 tit. 4 § 15. The Casualty of Relief due to the King at the Entry of heirs, cannot be gifted. del. 73 Parl. II J. 6 Compounded or transacted. All gifts by the King of his Casualty of Superiority, before they fall due, are null. There is no Election against the King's grants, 1. 2800. 30.

In short the King hath a prerogative in all things that are not injurious to the Subject. Coke, 1 Just. 19. b. 2 Just. 186. 187. Concerning Contempts Against the King's prerogative, vid. Hardens pl. Cr. lib. 1 chap. 22. The King can do no wrong, nor the people suffer any without a legal Remedy. The King can do no wrong. The law casts all Misdeeds on the Ministers. If any ill be committed in Matters of State, the Council; if in Matters of Justice, the Judges must answer for it. Because the King can do no ill of Administrations, but his Ministers: & if these Ministers do wrong contrary to their oaths (which is to serve the King and people according to laws) in the Execution of their respective offices, they are not only liable to punishment, but the injured people are made Judges in their own cases, that is by the impeachment of the Commons and the Judicial

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kind of the Lord; and no peer or can Defeat the Execution. Two things the King cannot do, viz. Make New Laws, and Raise New taxes: because there is some thing of odium in both, the one seeming to Diminish the Subjects Liberty, and the other to Infringe his property.

In some cases the King retains Juris privati, and hath no farther knowledge than others, but the law for the Subject is Law for the King. Thus when his Majesty succeeds to an estate by the proximity of Blood, as heir to the Decast proprietor, he can have no right to it without a special service. But the King serves and returns Writs not to be Injunct upon the Return: because his Majesty, who is the known fountain of all rights stands Injunct Juris Corone in all the Lands of Scotland, Stair Just. lib. 2 tit. 4 § 2. The King having right to a disfeoffment before a writ retained in his own hand, is liable as the disfeoffor to find surety to uphold the Building Orchards, Woods &c. in the Position he receives them, Mackenzie observ. on act 15 Parl. 4 J. 5. The positive Prescription of honorable Rights runs against the King, as well as against the Subjects. b. d. vol. 1. page 1357.

But in England the prescription of time runs against the King. Coke 1 Just. 41 b. Because nullum tempus occurrit Regi. By the Law of England the King cannot be a Minor or Under Age. Flood. 212. Coke, 1 Just. 43 a. b. And his grants of lands cannot be reversed by Nonage. But according to the Law of Scotland (as King James VI. 1542) and his grants of lands, complete act 2 Parl. 1 J. 2, junct. act 87 Parl. 10 2d Ma Act 22 Parl. 11 J. 6 to whom the parliament is in place of Tutor. Mackenzie observ. on d. Act 2 Parl. 1 J. 2. But the 21 is the Age of the King for Rescuing of Feud to his prejudice; yet he hath another term of Majority in Relation to his Acceptance of the Government. Which time seems to be limited by no particular law. It is true the Commission of Regency to the Earl of Murray in the Minority of King James the sixth in the Year 1567 was declared to continue till his Majesty's Age of 17 Years Act

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