*n. 2. The civil Law punisheth Monopolists with confiscation of Goods and perpetual Banishment. l. un. C. de Monopoliis

* This crime the duke, who should mightily the Freedom of commerce, seems to connive at, tho' the people groan under the Load of Excessive prices imposed by the sordid avarice of some persons. Jo. Boot commentand. Tit. ff. de Legislatio. de Annona relating to any known Trade.

* In England the Grants of Monopolies are void by the common Law, and the procuring & making use of such Monopoly is punishable by fine & Imprisonment, as being malum in se. Coke 3 Inst. 181, 182, 2 Inst. 47. 6. Hawkins Polic. Lib. 1. Ch. 79 §. 2 & 7. and further restrained by statute 21 Jac. 1 ch. 3 which takes away all that power & whole Goods and Chattels of any Monopolist, besides the mischiefs & damages he sustained thereby & double costs & Bill of Rent. Yet such a Patent for selling Tobacco granted to Sir James Lesly & Thomas Dalmahoy, the patent of Esther granted to the Earl of Marr, the patent of pearling granted to Bannatine, the patent of pearl granted to Robert Buchan, the patent of Armories granted to Harry Maule were discharged, and all other patents of that nature purchased or to be purchased for the Benefit of particular persons to the prejudice of the public were declared in official Act 63 par. 2 sess. 2 ch. 1. Tho' that parliament and all the acts thereof were annulled in the year 1661 act 15 par. 1 sess. 1 ch. 2.

* Albeit playing with cards is a matter merely of pleasure and Recreation and often much abused, yet the Kings Grant of the sole making and selling of playing cards was adjudged to be void. Coke 2 Inst. 47. Hawkins Polic. Lib. 1. ch. 79 §. 5.

* Since the playing with them is in itself lawful & innocent, and the making of them an honest & laborious trade there was no reason why any subject should be hindered from getting his Livelyhood by that, than by any other Imployment. The Dutch were forced mightily & cut capa within the Seas.

* But sometimes for the publick good the King may grant the privilege of Monopolies, persuz. in Tit. Cod. de Monopol. n. 3. Brunsman. in d. Tit.

* as the King may make a good Grant to any one of the sole use of any profitable new invented Art or first brought into the Realm by the Grantee for a Reasonable Time, as for the Term of 14 years or under. 21 Jac. 1 ch. 3 §. 6. (3) may grant privileges to particular persons concerning printing. Ibid. §. 10. So that his majesty may indulge to particular persons the sole privilege or use of some Imployments, as of printing the Holy Scriptures and Law Books Almanacks &c. 1 Mod. Rep. 256. 3 Mod. Rep. 75. Hawkins Polic. Lib. 1 ch. 79 §. 6. whereof an unrestrained liberty might be of dangerous consequence.

(3) Secondly, I round the Gabelles, meurt et sprons, and specially to encourage a Colony to be Made in Sable, a new Subsidie must be established, new and not hitherto, or Monopolies, Bounties, Wages, Rewards, as Primerly also to employ many Hands, Be to encouraged Coke Ibid. Hawkins Ibid. §. 16. Because And no old Manufactures, nay Trades can be prohibited in any Grant of the sole use of a new Again the Gabelles

(5) Have Number Three Times

*n. 1. which is restrained both by the common Law & by statute whether the Title he sets be a good or bad one or whether the Seller were in possession or not unless his possession were Lawful and incontestable nor is it material whether [illegible] any fail be depending concerning the matter contracted for or not. 1 Rich. 2. chap. 32 H. 8. chap. Coke 1 Inst. 214. a. Hawkins Polic. Lib. 1 ch. 80 §. 1. & 7.

Because [illegible] Buying or selling any doubtful Title known to be disputed, to the intent that the Buyer may certainly on the full which the Seller doth not think it worth his while to do and on that ground rather sells his pretended Title under-hand manifestly tends to oppression fomenting opposition & vexation to gentlemen to purchase the inquieted Title of others to the great vexation of the Others so partners who may often be unable or discouraged to defend their Titles against such powerful persons, which perhaps might soon enough maintain against their proper Adversary. Such practices are also discountenanced by the civil Law l. 2 C. de Litigat. Pulsatur. &c. But I know no Legal check in Scotland against it