

E. Galway contra Burgeses of Wigton or Erection 16. Novemb. 1630 L.
 Clackmannan contra Mardice; Stair Jhd. M. Henze Jhd. but only the So-
 vereign either in an original Charter, or by Confirmation of a Vassal's Charter
 of Lands and Tenements. Which Union or Erection doth not alter the juris-
 diction of the Shire, where these Lands united or erected naturally by Act
 93 Stat. 6. J. 4. Stair Jhd. 8. 45. in firm Craig Fird. Lib. 2. Tit. 7. 8. 9. Vers.
 In hoc tenore. That if Lands lying in one Shire be united or annexed to
 Lands in a Barony lying within another; such Annexation hath Effect
 only behoord the Superior and his Vassals or Tenants to make one Person
 serve for all the Land, the in several Shires. But that private Right
 doth not derogate from the publick Law, or the Jurisdiction of the ordinary
 Judge, so as to draw the Execution of Substitutions or other legal Diligence to
 the Venkatschop of the Jurisdiction where the Barony lies. Stewart Jhd. 5.
 Annua. to a Barony in another Shire. A Baron whose Lands are united to
 be not exempted ~~from~~ by the Union from the Sheriff Courts and Justice. One
 where they by seems oblig'd by Law to give Defence and Service only in the
 Place appointed by the Annorations. Act 23. That is where the principall
 Residence is by the Union. But de praxi Barons are still called in to the
 Courts of other Shires, where any of their united Lands lie, and for to some
 hath been questioned whether Union or Erection of Lands doth by the
 Vassal's alienating Part of the Land to be held of the Superior? Crisid. 16.
 8. 9. Vers. Dispositio. Ruridit it to be disposed, unless the Superior give new
 Infeoffment without Precipue to the Heir: just as the pulling one Arrow out
 of a Sheaf of Arrows, makes all the rest become loose. But the Negative
 agrees to the Custom, viz. that the Part disposed and not the whole
 Union is thereby dissolved. Stair Jhd. 8. 45. Vers. Penult. M. Henze Jhd.
 8. 21. Because where several discontinuous Lands are united, every Part
 becomes united to every Part; so that the taking off one Part dissolves it
 only.

Tit. 3.
 Things carried in a Charter, tho not expressed, under the
 Denomination of Parts and Portionments,

For understanding what Particulars are, tho not expressed, virtually car-
 ried or implied in a Charter, we must distinguish Charters of Erection of
 Lands into Baronies, from ordinary Charters.

Sect. 1.
 What Things are tacitly passed over under the Name of Barony as
 Parts and Portionments thereof.

albeit

Albeit Baronies and united Tenements, ^{might} when the original Erection and
 Union is made, to express the several Tenements by their ^{proper} Denomina-
 tions: Yet a Barony being once erected, or Lands being otherwise united, the
 common Name of Barony, or united Tenement, carries all that is held and
 reputed as Part and Portionment thereof. 23. March 1622 L. Bothwell con-
 tra L. Gallowsbuck's Stair Lib. 2. Tit. 3. 9. 48. in firm. No things may be
 tacitly granted by erecting Lands into a Barony, that do not pass under
 the Denomination of Parts and Portionments, is the following Regalia in-
 =pora.

1. A Clause with Parts and Portionments in the Charter of a Barony, com-
 prehensives civil Jurisdiction, and a Power of trying Persons guilty of Blood-
 wite or lesser Crimes, but not capital Crimes. Stair Jhd. 8. 62.
2. Portionments are another Sort of Regalia tacitly conveyed under the general
 Word Barony. Crisid. Lib. 2. Tit. 3. 9. 48. By Portionments we mean not
 Strength of Fortresses built for Defence, which which Denominations the
 Kings assist in the Name of private Person, and not tacitly pass'd by
 them as heretofore ~~was~~ in Proprietors, as we must comprehend 11. 9.
 the Letters of Dunstonsburgh which Thronest we there belong to the
 Duke of Argyle, the Assise of Brechin to the Earl of Mar, and of Forfar
 to the Earl of Strathmore, of which to the Lord Dundee and Inverness to
 the Duke of Gordon. The Office of ~~the~~ Jurisdiction of such Constabularies
 termed a Constabulary, whether it is by some reputed a Town Word come
 from Coning and Staple, which signifie the Stay or Hold of the King
 Lamb. Dillys of Constabularies 11. 9. Others more probably judge it to be of
 French Extract, and the same is Constabularius quasi comes stabulorum Master
 of the Tables, or perhaps of the Horse. But whatever may be said for
 the Bedegree of the Lord High Constable of Scotland, I should think our
 Constabularies of the Kings Houses, to be more like the Castellani or Chales-
 tains, as the Constable of the Tower, Constable of Dover Castle, in Eng-
 land &c. that is Governour, Judge of a Castle, or Town that has or hath
 had a Castle in it. Infeoffment of the Property or Custody of any such Town
 or Castle, carries the Dependence thereof as Gardens, Orchards, Parks,
 Meadows and other grounds possess'd by the King or Keeper for the Use
 of the Castle, with all Rents, Annuities, Jurisdictions and Privileges
 thereto belonging; which may be instructed not only by their Charters,
 Court-books or other Writs or Instruments, but also by Witnesses proving
 long Possession, Stair Jhd. 8. 65. This Infeoffment of Constabularies sea-
 =ring only in general officium constabularij, cum Feodis et Divorij
 seu emolumentis judiciorum, was found to intitlle the Constable, to so much
 of the Office in a Town, as was preservec by Profession, viz. the proclaim-
 ing and riding a Fair erected before Constitution of that Office and
 the exercising criminal Jurisdiction in the Town during that Fair, but not
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