3d of policy concerning things which forbeer for publick uses.

Book I;

Concerning the King, Lisdon Consort, and the prince who is the Kings Eldest Son: the parliament, Convention of Estates or privy Council: the function and duties of Officers of state and the Crown: taxes and publick burdens: Publick and state oaths.

In order to Examine the publick law thoroughly in its full Extent, and such as it is Received in Scotland; it is Necessary to begin with the Authority and power lodged in the Sacred person of the King, and the Rights and Dueties thereto.

Chap. 1

Concerning the King.

The King is so called from the Saxon word Coning or Cyning from can power or kon knowledge: because Ability or knowledge to do business, is Necessary in a King.

The Government in Prudence & policie and conduct belongs to the supreme Authority and the possessor

The Crown of Great Britain be hereditary and passes to heirs what so ever Male or female, Yet all papists or persons Marrying papists are incapable to Inherit or Enjoy it which as if these were Naturally Dead, Descends to the Next protestant heir, Act 2 of the Union. Against which Limitation of the Crown it had been objected, that Dominion is not founded in Grace; and by the Westminster Confession of faith Chap. 23 § 4 Infidelity or Difference in Religion doth not Make void the Civil Magistrates Just and Legal Authority. And by an Act of the parliament of Scotland in the year 1691 it was Declared, That no Difference of Religion or Law Made or to be Made can alter or prevent the Right of succession to the Crown of Scotland according to the proximity of Blood Act 2 Parl 3 Ch 2. Again, since private subjects are not Debarred upon the Account of Religion from their property, the King ought not to be Excluded from the Exercise of his Government which is but property for Differing in Religion from his subjects, M.Loudis obs. Jurs. on act 6 Parl. 1567. But the Nation found themselves Under an Absolute Necessity to Make for the Good of the Community, such an Alteration in the laws Relating to the succession of the Crown, which like all other humane laws Depending Merely on the policy of Men, hath Nothing in it so Sacred as to oblige the people Unalterably to Abide by it to the hazard of their Common Safety peace and happiness, for the sake whereof it was at first ordained. Concerning Kings de facto & de Jure Bid. Vol. 2 pag. 211. 212. 565.

Seeing the King hath a publick or politick and private Capacity, I shall here for Connection take Notice of both.

By the laws of Scotland, the King is supreme Governour of the Common Wealth Immediately under God, and a free prince having no Dependance on the pope or any forein potentat, act 25 Parl. 15 J. 6. King William i of Scotland had the title of Defender of the Church given him by the then Reigning pope, and that of protector of the Christian faith was afterward Conferred on James the fourth. As the title of Defender of the faith was given by pope Leo to Henry 8 of England. Which last is since the Union of the two Crowns upon our King of Great Britain.

The law is so tender of the life and safety of the King, that it is high treason only to Imagine or Intend his death. And no Physick ought to be Administred to him but what his sworn Physicians in ordinary prepare and Exhibit with their own hands. Nor can any Barber or Employed about him but the sworn Barbergeons of his person. The Kings court or house where his Majesty Resides, is accounted a place of sacred, that to strike or slay any person within the Kings Inner Chamber Cabinet or Chamber of presence, his Majesty being