

Wharions  
in the  
Edition  
of the  
Statutes

Statutes made in the year 1564, whereof one is about Retention of  
our Sovereign Lord's Mother's person, and the other concerns the  
keeping of the King's Mother in the House and Fortalice of Lochleven,  
and an Act of the Parliament 1489 declaring the Rebellion against  
K. James 3 lawfull. For some of the Nobility having fought against the  
King upon a false Pretext, that he was bringing the English to in-  
vade the Kingdom; and prevailed under the conduct of James 4 who  
was their Leader; they got themselves secured by several Acts extant  
in the Black Impression, whereof all save one (Act. 50. Par. 4. J. 4.)  
are omitted in Glendoch's Edition. Sir George Mackenzie (Observ.  
Act. 20. Par. 10. J. 3.) tells, that there is an Act omitted by Thene which  
is the last in the Black Impression whereby the Parliament dele-  
gates their full power to some of their Members, for hearing some  
Ambassadors (i.e. Ambassadors) and deciding some causes: albeit delega-  
tus non potest delegare, and Delegation of the supreme power may  
be dangerous. That Author (Observ. on Act. 23. Par. 1. J. 1.) insinuates also  
that an Inhibition by K. James to the Bishop of St. Andrews delegated  
by the pope to proceed in the dismemberation of a benefice purchased at  
Rome, which is the last Act of that King's first Parliament, and a Fac-  
tion imposed for his ransom by that same parliament, are omitted  
out of Thene's Impression.

Some omiffions  
in the Black  
and the Edition

Some Acts are also extant in Thene's Edition, that are not to be found  
in the Black Impression, as Act. 20. Par. 10. J. 3. concerning purpuration  
The Acts 170 & 103. Par. 13. J. 6. are verbatim the same and the latter  
has been repeated by Mistake.

Many of the Acts in David Lindsay's Edition are wrong numbered,  
which are right numbered in his Edition in Folio. And there is a Clause  
in the Act 41. Par. 5. J. 3. in the Folio Edition prohibiting the bringing  
in to Scotland any strange Black Money of other Realms under the  
Pain of Death: which Clause is omitted in the Octavo Edition of that  
Statute. But in both these Editions the parliament held at Edinburgh in  
the year 1661 seems to be unaccountably intitled, the first parliament

to the 2<sup>d</sup> part  
of the  
Edition

of K. Charles 2: because his Majesty did hold a parliament before at  
St. Johnston An. 1650 which was not rescinded. So that they keep on  
for calling the parliament 1661 the first, has been because it was the  
first after that King's happy Restoration.

Sir James Stewart of Goodtrees Advocate both to K. William and  
2. Anne published in the year 1707 an Alphabetical Arrangement  
of all the Acts of Parliament and Convention of the Estates of Scot-  
land from K. James the first inclusive, till the Union of Scotland  
and

and England.  
Private Acts and Ratifications of the parliament of Scotland, were  
not in Use to be printed, but they were reserved in the public Archives, and ex-  
-by an Index of their Titles is added to the public Acts at the End of every Ses-  
-sion of parliament.

Acts of the Parliament of England at the Time of the Union con-  
-ning the Succession to the Monarchy, Article 3. of the Union. Trade,  
-the Customs and Excise s<sup>h</sup>d. Art. 6. 7. & 10. The Coin s<sup>h</sup>d. Art. 16.  
-Weights and Measures s<sup>h</sup>d. Art. 17, took place here as well as there  
-but other Laws in Use within Scotland at the Union, and not inconsis-  
-ent with the Terms of it, continued in Force as before, excepting so far  
-as they are or shall be alter'd by the Parliament of Great Britain.

Acts of the Parliament of Scotland before the Union did not oblige the Lie-  
-ges to Obedience till 40 Days after they were proclam'd. Which in old Times  
-was done by the Sheriff, in their respective jurisdictions Act. 67. Par. 3. J. 1.  
-but afterwards the custom was to proclaim them at the Market-cross of  
-Edinburgh Act. 120. Par. 7. J. 6. because the Lieges are in tuto to proceed ac-  
-cording to Law standing, untill Notice of the New Law may come to their  
-Knowledge, for which by 40 Days after publication were presumed suf-  
-ficient. 58. <sup>for that purpose the</sup> <sup>the</sup> Act against unlawfull Convocations  
-or Assemblies within Burgh was ordain'd to be proclam'd at all the Market-  
-crosses within the several Burrows Act. 17. Par. 10. J. 6 because of the  
-special Interest of the Burrows.

Acts of the Parliament of England, and of the parliament of Great Bri-  
-tain, are not proclam'd, but are binding as soon as they are pass'd in both Real-  
-ms and approved by the King. For Law presumes that the whole Body of the  
-People get Notification thereof from their Representatives in Parlia-  
-ment.

Acts of the parliament of Scotland concerning private Right are  
-standing Laws only till they go into Disuse which they may do Cray  
-and were often so little observed, that shew me the Man, ple shew you the  
-Law, was a proverb. And G. Buchanan used to say bonum fore, si unum  
-actum, quo reliqua p<sup>u</sup>erentur observari, conderebitur. But the Statutes  
-touching private Right go into Disuse, no Disuse or prescription can  
-derogate from or have Effect against Laws established for the common  
-publick Good of the Nation, as those concerning the Election of Ma-  
-gistrates in Royal Burghs &c Which notwithstanding continue in  
-Vigour 27 January 1601 Jach. contra Town of Stirling.

Acts of the parliament of England, or of the parliament of Great Bri-  
-tain are not antiquated by non user, but continue in Force till they be  
-repeal'd vide 1. q<sup>u</sup>est. 115. B. 2. Inst. 619. Which occasions miserable  
-Debates upon old forgotten Statutes.

To prevent our taking abrogated Statutes for Acts in Force, it hath  
-been