

Infrachment upon the freedom of Parliament. When the Nobility turning the first Estate of Parliament, commissioners for shires the second, and Commissioners for burghs the third, Committees of each state allowable at pleasure were allowed to be chosen by their respective Estates for Proposing Motions and Overriding first made in the house without prejudice to the treating of Matters in plenum parliament. In which Committees the officers of state might be present to propose and Debate without Voting, and the Nobility might choose such of their Number as were officers of state to be of these Committees Act 3 sess. 2 Parl. W. & M.

Before the parliament proceeded to any publick affairs, Contraverted Elections were first Determined. No law could pass in that Parliament where in it was first made, but believed to be on the table till another Parliament that the Members might Confess thereof in the mean time Act 10 sess. 6 Parl. R. W. Bills approved and pass by Majority of Votes were of no force till presented to the King or his Commissioners, and touched by him with his Scepter in token of his Confirmation of them. Acts Voted in one session of parliament might have been touched in another session of the same Parliament without any New Vote: but acts voted in one Parliament could not pass into laws by getting the Royal assent in another Parliament without being Voted again. ~~McKenzie observ. on act 6 Parl. 6 J. 5. That Parliament being a collective body composed of the King and three Estates whose of the Mayor part Determined the best, might make an act without Consent of any one of the three Estates. McKenzie observ. on Act 27 sess. 2 Parl. 1 Ch. 2. That the Parliament might Dissolve themselves from the Act 10 sess. 3 Act 27 sess. 2 concerning the privilege of burghees, that it shall into a law without Consent. No Dissents or protests against publick Acts was Allowed. But as to private Acts relating to Mens Rights and properties, any one might have protested for his Interest. And because such private Acts were made without hear-~~

ing or calling of those who might suffer prejudice thereby, an Act falso jure enudicabitur to be subjoined to the Statutes of each session of Parliament. Which saying Act was never Voted, but pass of Course and did prejudice third parties concerned and not heard, from any harm by Ratifications of Rights, but not by Statutory laws in favour of particular persons 15 Feb. 1706 said Act well & fairly contra Dalziel. And the parliament might and did by General laws Annul Rights Granted to private persons without calling them, which did not fall under the Act falso Act 207 Parl. 14 J. 6. The ^{particular} Any private Mans Right could not be Declared Null by the parliament without Calling him, McKenzie observ. on d. Act 207. Again, the parliament might without Calling parties Discharge private goods ~~goods~~ contained in the Rights of private Men Act 10 & 11 Parl. 1 J. 1. The they could not without Citation call and Annul private Rights, McKenzie observ. on d. Act 10. sometimes private Rights were Excepted from that saying Act, which rendered it of no Effect as to those. But a Ratification in Parliament, with a Clause that it should not be liable to the General Act falso jure &c. cannot be questioned except in Parliament; for the the Ratification be private, and the Act falso publick. Yet the Authority of parliament is the same, Stuart Answer to Durbet. Doubtless Act falso. And the other Ratifications in Parliament pass of Course, and do not give any New Right; yet they have many good Effects not only Against the King whose pretences of governing the same is thereby Excluded, but also Against the Lords, when no other person produces the better Right. It hath been Contraverted, whether two of the Estates of Parliament as the Mayor part can make laws without Consent of the third. It seems they can Not: seeing other ways two of the Estates might participate the third part. ^{from lib. 1} Jul. 7 95 Jusim. But for George McKenzie's Observ. on act 27 sess. 3 Parl. 1 Ch. 2 asserts, that the parliament, being a collective body composed of the King and three Estates whereof the Mayor part Determined the best, may make an Act without Consent of any one of the three Estates. And the the