

Burrows dissenting Unanimously from the Act 3 sess. 3 Parl. 28  
Concerning the privileges of Burgh Royal, yet it pass into  
a law.

Generally the Acts of Parliament obliged not the lieges to Obey  
till 40 days after they were proclaimed at the Market  
Cross of Edinburgh Act 128 Parl. 7 J. 6.

As the Legislative power was lodged in the King and Par-  
liament: so the Judicative power belonged properly to the  
ordinary courts of Justice, before whom bills of Complaint  
(that is private causes) were appointed for the Common-  
fit of the Realm to be discussed without the Parliaments  
Meddling therewith in prima Instantia Act 45 Parl. 2 J. 1.  
But de facto not with standing, many private causes were  
Commoned Originally before the Parliament. So that the  
Parliament had not only a Legislative, but also a Judicative  
Capacity, both in prima & secunda Instantia. And no Judicative  
whatsoever could sit in time of parliament with-  
out a Dispensation from the parliament ii sess. 1 634  
Lady Barns contra Gill Wikeszie Just. lib. 1 cap. 4 51. But  
after the Revolution, the court of session sat in time of Parli-  
ament, unless it was expressly adjourned by the Parliament.  
And in the several Acts made for the government of the ses-  
sion, the parliament disposed with the sitting of inferior  
courts in the mean time, as if the session had not been  
adjourned. And the parliament did ordinarly Name a Committee  
of their Number to determine causes before them, that  
the more publick business of the Nation might not be  
Retarded, called *Comiti ad querelas*. But since the Jus-  
tition of the College of Justice, that hath been done  
only in Extraordinary cases; as after Revolution of  
the Government. V. G. in the Parliament 1661 After  
King Charles the second Restoration there was set  
a Committee, then termed the Committee of bills, who  
judged in causes brought before them in the first  
Instance, not Generally, but in causes of Oppression or the  
Wanted

150 causes in prison on a majority of 88 votes

Wanted to be presently Determined, when the session had  
not been Established after the Effuyation. Vid. Act 47  
Parl. 6 J. 3, and Wikeszie observ. on ch. Act 47.

Civil causes came sometimes to be Decided in prima  
Instantia in parliament. But then persons were not  
Allowed to raise such process without Express Warrant of  
the parliament; that the supreme Judicature might not  
find themselves Inconvenienced and Detoured in their proper  
business, when ever Men were in humour to do so, who pro-  
bably might do sign thereby than to hinder the necessary  
Decision of causes before the session, by their being once  
tabled before the Parliament, *stair Inst. lib. 4 tit. 1 358*.  
Some times causes depending before the session were by the  
lords, without giving their own judgement, because of the  
weight and importance thereof referred in secunda Instan-  
tia to the Decision of Parliament, as they did.  
in the case of the Sheriff of Elgin contra Grant of that  
ilk. Several causes were also brought before that parlia-  
ment Judicative by protests for remedy of law Against  
sentences pronounced in the session, in the way and Man-  
ner prescribed by statute, Act 2 sess. 5 Parl. 11. But the  
Parliament did often Remit and send down causes tabled  
before them to the court of session: as they did Anno 1604  
the Reduction of the forfeiture of James Wood Apparent heir  
of Bonnington, in the Year 1681 the cause betwixt  
Dreston grange and Lady Craigholth &c. Decisions of Parli-  
ament bind as laws, tho they be not set down as Gene-  
ral laws: for the inserting them among the laws, equals  
them to laws Wikeszie observ. on Act 84 Parl. 11 J. 3.  
No Member of parliament Attending could be  
Imprisoned or Confined Upon any Account during the  
sitting of parliament: but if a Member committed a ba-  
pital Crime, or if there was a Manifest hazard of  
the peace, any Magistrate might Attach for securing  
the person and the peace, and Deliver the offender  
to the Custody of the high Constable in order to the  
Parliaments Cognizance the Next Parliament Act 6  
sess.