

Scotland 25 days at least before the Election. The Peer must come to the place of Meeting with their ordinary Attendants only, Conform to the law of Scotland, Under the Penal laws thereby inflicted Against subjects departing to publick courts of Justice with Unlawful Members of Attendants, act 82 Parl. 14 J. 2. Act 140 Parl. 8 J. 6 and if any of the peers do at the said Meeting debate or treat of any other Matter Except the Election, he Incurs the penalty of premunire except in the Statute of 16 R. 2. i. e. the loss of the sovereign protection and forfeiture of herbage and Moveables. They must when assembled before they proceed to the Election take the oaths of Allegiance and Abjuration and subscribe the Declaration Against popery. All give in the Names of such as they vote to be the electors, and the Election is Determined by the plurality of Voices of the peers present, and the proxies or signed lists of absent peers duly qualified. None can vote in this Election who is Minor. It was Resolved by the Lord Spiritual and Temporal in the Year 1709 that a peer of Scotland claiming to sit in the house of peers by Virtue of a patent past under the Great seal of Great Britain after the Union, and who now sits there, hath no right to vote at the Election of the 16 peers, who are to represent the peers of Scotland in Parliament. 2d That a proxy of a peer to vote at this Election, is not valid without witnesses subscribing to it. But that it is not necessary, that either these witnesses or the proxy be designed in the body of the proxy. 3d That a proxy signed at Westminster before witnesses, and not sealed nor on stamped parchment, was a good proxy at the said Election. 4th That a list given in at the said Election is not valid without subscribing witnesses: but that it is valid without the written Name designed in the body of the instrument; and that a power to give in a list being signed and sealed

sealed before witnesses, is valid without the written Name and Designation. A peer living in Scotland may be qualified to send a proxy or a signed list of those he votes for, by taking the oaths and Declaration above written in any Sheriff court there, which the respective Judges are to Return subscribed by the peer who took the same with a written Certificate Under their own hands and seals, bearing that he did so, to the Assembly of peers. It was Resolved and Declared by the Lord in Parliament, that the Sheriff Certificate of a peer of Scotland taking the oaths to qualify himself to vote at such Election, ought to be sealed as well as signed: and that a peer of Scotland was qualified to give his Vote at the said Election, by taking the oaths administered by the Sheriff of Midlothian within the castle of Edinburgh, in respect those who reside in the said Castle are under the said Sheriffs Jurisdiction. A peer of Scotland living in England may be qualified, to send a proxy or signed list, before the high court of Chancery, the Kings Bench, Common Pleas, or court of Requests there, which must be certified to the Peer of Scotland at their Meeting under the seal of the Court where he did qualify himself. If any peer absent in the sovereign for ever, hath before the proclamation been so qualified in either of the foresaid Courts in Scotland or England, a Certification thereof in Manner foresaid; and if in Parliament, a Certification Under the Great seal of Britain; entitles him to send a proxy or send a signed list. But such peers of Scotland as are also peers of England, must sign their proxies or lists, by the title of their peerage in Scotland. None can have more than two proxies at one time, and both the Constituent and proxy must be qualified according to law. For George Melville Cobson on Act 7 Parl. 22 J. 6 states it as a doubt, whether a brother who cannot vote in his own brother's cause, might