

for keeping the cautionary obligation ^{of actual} after Expiring
of the seven years 28 November 1713 Colonel Middleton
his day supplicants. The privilege of Parliament which
Exempt from legal pursuits in time of Parliament
was not sustained to hinder Circumduction of the term
against a Member of Parliament for Not Reporting a
Commission, which an Advocate appearing for him had
broken away to do 17 Feb. 1708 Grant of that Jk contra E. J. J. J.
And a Member of Parliament Comparing by his
Lawyers in a Ranking of Creditors who produced his petition
and got Defences thereon as they Required, was Excluded
by the Defences of his Jurata from Intervening by the
Order that Decree of Ranking Upon that Ground, that
his Rights then produced were Not Claimed in their
due place 20 January 1714 Lockhart of Carnwath contra
Creditors of Kersnals. The Lords of Session having ordained
a process against a Member of Parliament to be
pursued, in respect the Advocate marked for him at
the first calling refused to take out the process;
When the cause came in by the course of the Roll after
the parliament was up, it was found that the process
belonged to be given out to be soon and pursued again
in Common Form: because the Defendor was not obliged
to see or Notice the process during the sitting of the
Parliament 22 June 1709 Lady Greenock contra J. J. J. J.
Greenock. Process was lifted against a Member of Parli-
ament, albeit he was not yet attending the Parlia-
ment: in respect the parliament was sitting, and he plain-
ed his privilege, and represented that he was going
to attend it 13 November 1709 Living town contra. And
town Grange. Yea a Member of Parliament was allowed
to plain his privilege, to stop further process against
him, albeit he had lifted himself in iudicio lites,
and proposed peremptory Defences, without founding
on his privilege, and primis Actus Judicij off J. J. J.
id Approbatorius 17 Feb. 1710 Bruce contra Dalrymple
& J. J. J. J. Because this did not seem to be of the
Nature of an ordinary Declination, or like the privi-
leges of the House of Commons.

69.

Edge of Exemption from Answering before Superior Courts
that is Comptant to Members of the College of Justice,
that May be Renounced Expressly or tacitly, And the privi-
lege of Parliament was sustained to stop process, J. J. J. J.
in pursuance of an order of the house of peers 9 November
1711 Kennedy contra Fleming.

Altho the Lords of Parliament bear their own
Charges, because they Represent themselves only themselves:
Yet all the Commons have an Allowance of fees to
be paid to them for their Attendance and Expences by
the People whom they Represent. The fees of Knights
of shires in England are 4 Shillings sterling a day, and
those of Citizens and burgesses 2 shillings a day 35 ff. 8
cap. 11. Commissioners for shires in Scotland have four
shillings and four pence sterling a day Act 35 ff. 1 Parli.
1 Ch. 2. Which fees holders and lifeowners only who
hold their lands of the King or prince, and not the
Vassals of such free holders, are liable to pay 18 July
1657 Seaton of Gouch contra heritors of Stirling shire.
Albeit the law Act 21 Parli. 3 Ch. 2. Excepts only the
Vassals of Noblemen Bishops and such as hold Burgage
from being liable for these fees. For Under Noble
Men Vassals are comprehended the Vassals of Ba-
rons and other free holders: seeing ~~that~~ Noblemen
and Barons Made them but one estate of Parliament
and the former sit there only as Barons. The best
books are not allowed to be the Rule of proportioning
the fees of Commissioners 13 December 1710 Craig
of Gairney contra free holders of Orkney. seeing those
only who hold in capite are liable for the fees of
such Commissioners. Commissioners to the parli-
ment were not allowed any fees for the time they
did not attend the Parliament tho it was sitting
12 June 1674 Commissioners of Linlithgow shire con-
tra the heritors. It is thought unnecessary to say more
here concerning the fees and wages of Commissioners
to the Parliament, at a time when the service of the