

## Sect. 5.

Concerning Acts of Parliament, and Acts of Convention  
of Estates.  
Acts of parliament are called Statutes, because they are made in defence of the publick State and common wealth.  
Our Acts of Parliament, ordinarily so, in ~~the~~ <sup>the</sup> Statute Book, begin with Act in  
favour of the Church.  
An Act consists 1<sup>o</sup> of the Title or Rubrick, so called, because it was anciently  
write in red Letters. 2<sup>o</sup> The Preamble, Recital or Narrative, containing the  
impulsive Cause which moved the Legislators to make it. Which is taken for  
Truth, and good Arguments may be drawn from it. Coke. i. Inst. ii. 6. 79. a.  
The inserting Ordinances of any Council in the Narrative of a Statute (Act. 66.  
Par. 5. J. 6.) As Motives thereof without expressly ratifying such Ordinances,  
argues an Approbation of them. Hist. Inst. lib. 2. Tit. 6. §. 43. vers. Tailzies  
being also constitute. 3<sup>o</sup> The Statutory part or Sanction, which was write in  
black Letters. Hence to argue a rubro ad nigrum, is to draw an Argument  
from the Title to the Statutory part. Which is of no great weight with us, the  
Rubrick being an Inscription made by the Clerk Register, and no part of  
the Act of Parliament. Some of which Inscriptions are very improper, v. g.  
The Rubrick of Act. 22. Par. 1. Sect. 1. Ch. 2. Act concerning the several  
Degrees of casual Homicide, is ridiculous: seeing the Degrees mentioned in  
the Statute, are casual Homicide, Homicide in lawfull Defence, and Ho-  
micide committed upon Thieves, whereof the two last are not Species or  
Degrees of casual Homicide, McKenzie Observ. on 2. Act. 22. The Title and  
Narrative of a Statute may indeed direct a doubting Judge: but where the  
Statutory Words are clear they ought to be followed in all Cases.  
The stile of our Acts of Parliament differ. Some bear only It is Statuted and  
ordained, without mention of the King or the Estates, Act. 76. Par. 5. J. 1.  
Act. 100. & 113. Par. 14. J. 3. Some bear, The Kings Statutes with Consent of  
Parliament, Act. 104. Par. 7. J. 1. Others bear, The Kings Statutes and ordains  
Parliament, Act. 109. 110. 111. 112.  
Par. 14. J. 3. Others bear only The Lords of the Articles,  
But most commonly our Acts run thus, It is statuted and ordained by  
the King and the Estates of Parliament: or by the King with Advice  
and Consent of the Estates. When there was a Regent or Governour of  
Scotland, Acts of Parliament did run thus, The Governour with Advice  
of the three Estates of Parliament; or more properly, as Sir George  
McKenzie (Observ. on Act. 1. Par. 1. J. 6.) thinks, The King with Advice of  
the Lord Governour or Regent, and the three Estates. But perhaps the  
first stile was observed, when the King was under popularity and the last  
when he had exceeded that Age. Sir George (Observ. on Act. 4. Par. 1. J. 1.)  
takes Notice, that where any thing is to be put to Execution by the King,  
the Act runs in the Name of the Parliament; so the Parliament  
has