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of the Parliament of Scotland.

The Parliament was of old called by writs out of the Chancery, stat. Jud. lib. 4 tit. 3 § 16. But thereafter it used to be summoned by proclamation at the Market Cross of the head burgh of every shire 40 days before the meeting of it. It consisted of three Estates which anciently were, 1<sup>o</sup> of the Dignified Clergy, 2<sup>o</sup> of the Barons and freeholders, and 3<sup>o</sup> of the Representatives of the Royal Burghs. In time of Popery, not only the Archbishops and Bishops, but also the Abbots and Monks friars made the first estate of Parliament. And the Popish Clergy in Queen Maries time, in order to carry matters according to their Mind against the protestant party, pretended to have two Votes, one as Churchmen, and another as Barons, having lands held of the King. So that of which pretence, a law was afterwards made, hindering any person to take upon him the place of more of the Estates of Parliament than one Viz. that whosoever he professed himself to live, and from which he took his title Act 33 Parl. ii. J. 6. After the Reformation, only Arch Bishops & Bishops sat in Parliament as the first Estate. At first not only the Great Barons or the Nobility, but also the small Barons, who held their lands immediately of the King, termed liberi genentis freeholders, were to appear in Parliament Act 32 Parl. 3 J. 1. as the Kings head Court. But these lesser Barons not being able to defray the charge of attending Parliaments, the freeholders of every shire were at length in the year 1427 Excused from their

Attendance in Parliament, and allowed at the Burrows to send some of their Number to represent them Upon their Common Expence Act 102 Parl. 7 J. 1. Which Representatives of shires and burghs at first called Commissioners Act 102 & Act 35 Parl. 6 J. 4 and there after Commissioners, are the same with the procuratores Universitatis in the Civil law when used observ. on Parl. 17. J. 6. But these Barons or freeholders made no use of that power of sending their Commissioners to parliament, till the year 1537 When King James the first, to balance the Nobility, got them restored to that right Act 113 Parl. ii. J. 6. Every Commissioner for a shire had five pounds Scots a day including the first and last days of the Parliament, and eight days for coming, and as many for going from and to the farthest shires of Caithness and further land and proportionally at a shires distance, paid by the heritors and liferenters holding of the King or prince (except Noblemen & their Vassals) upon an attestation under the Clerk Registrars hand of the days of the Parliament and his attendance, which was raised at the Excise by borrowing powder Amortising Act 35 Sept. 1 Parl. 2 Act 1 Sept. 3 Parl. 11 J. 6. So that peers and Commissioners for shires made the second Estate, and the Commissioners for burghs the third. The Bishops and the Nobility of the Lords spiritual and temporal had one the privilege of absent and lawfully Excused to vote in Parliament by Proxy Act 7 Parl. 22 J. 6. Which the Barons and Burghs could not do. But thereafter provided were not allowed to vote in any case whensoever offered on a day 7. After abolishing of prelacy in Scotland, the Nobility alone became the first Estate of Parliament by themselves, and the Burghs or Commissioners for shires the second, so the third Estate as formerly. All the Nobility had right to sit and vote in Parliament, some shires had four, some three, and the most