

things before mentioned are implied; for it was in the power of the King (if it was his pleasure so to do) to make a servant of a Scots peer, a peer of Great-Britain; and then it were proly strange, that he should not be able to make the master so. It seems harsh to say that a nobleman of Scotland, by all the services of his life, could not make himself capable of becoming a peer of Gr. Britain, and of being in parliament by virtue of a patent; but that if he were to commit treason, and to be attainted, by which he would forfeit his Scotch peerage, and then were to be pardoned, from the time of such pardon, he would be capable of being a peer of great Britain, with the full privilege of sitting in parliament.

But whatever constructions these things might describe, the principal case was out of the articles of the union, and probably a different case from that of any other peer of great Britain. The present duke of Dorset not taking his dukedom as heir to his father by descent but by virtue of a Remainder limited thereof to him as the second son of his father the last Duke of Ludovick Berry by his then wife of Earl of Salloway a Scotch peer at the time of the union. Now the honour of the Earldom of Salloway was granted to him when an Infant & Minor; and therefore, according to Law, might be waived and disclaimed by him when he came of age. Wherefor the Duke of Ludovick Berry and Dorset having as soon as he came to age waived and refused the grant of the Scotch peerage, his Grace was upon the matter never Earl of Salloway, and so not a Scotch peer at the time of the union; consequently he was capable of being made an English peer, and not in any sense within the Resolution of the Duke of Hamilton's case.

But upon debate of the Question, the majority of the peers were against allowing the present Duke the privilege of sitting in their House.