

## MEMBER OF PARLIAMENT.

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**W**HEN the personal attendance of the lesser Barons in Parliament was at first dispensed with by James I., and the privilege of sending Commissioners was substituted in place of that attendance, all the vassals of the Crown, however small their freeholds, were entitled to vote in the election of these Commissioners. This privilege was afterwards, by James VI., limited to those who had a forty-shilling land in free tenantry, and resided within the shire; and was again, by Charles II., extended to those possessed of lands holding of the King, of ten chalders of victual, or L. 1000 Scots of real rent. Afterwards, however, by the statute 1681, which is now, in material points, the rule for determining the qualifications of elections, it was enacted, that none should be allowed to vote but those "who stood publicly infeft and possessed of a forty shilling land of old extent, holden of the King or Prince, distinct from the feu-duties in feu-lands; or where the extent did not appear, stood infeft of lands liable in public burden for his Majesty's supplies for L. 400 of valued rent, whether kirk lands now holden of the King, or other lands holding feu, ward, or blanch, of his Majesty, as King or Prince of Scotland."

THE only exception from the regulations of this statute, is the peculiar constitution of the county of Sutherland, where, by immemorial and continued usage, the right of electing, and being elected, is competent to vassals holding of a subject superior. By statute 16th, Geo. II., such vassals, however, must be possessed of lands paying public burdens to the amount of L. 200 Scots of valued rent. And the same statute contains certain special enactments regarding those anomalous qualifications.

WITH regard to the manner of keeping the roll of electors—the time of holding the annual Michaelmas head-courts—the form of procedure in those

courts—the remedy for those aggrieved by their decisions, by summary complaint to the COURT of SESSION—and the penalty if such complaint is dismissed—the statute 16th Geo II. cap. 11. is the rule in all those particulars.

Corruption and perjury in the electors are restrained by penalties contained in act 2d, Geo. II. cap. 24.; and the penalty for the Clerk of Court making a false return, is statuted by act 7th, Geo. II. cap. 16.

*Fol. Dic. v. 3. p. 401.*

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DIVISION I.

Privileges.

No 1. 1687. *July.* TOUCH *against* The HERITORS of Stirlingshire.

**F**OUND, That heritors and liferenters holding of the King's vassals, ought not to contribute with these their immediate superiors, for the fees of commissioners to the Parliament, seeing they had no vote in the election, and should be as free as the vassals of noblemen and bishops, notwithstanding of the general clause in the late act of Parliament. (1681.)

*Fol. Dic. v. 1. p. 573. Harcarse, (SUMMONS.) No 932. p. 261.*

No 2. 1708. *February 17.* LUDOVICK GRANT of that Ilk, *against* The EARL of SUTHERLAND.

IN a process at the instance of the Laird of Grant, against The Earl of Sutherland, the LORDS did not sustain the privilege of a member of the British Parliament, which exempts from legal pursuits in the time of Parliament, to hinder circumduction of the term against the Earl of Sutherland, for not reporting a commission which an advocate compearing for his Lordship took a day for; but they superseded extract till the 1st of June.

*Fol. Dic. v. 1. p. 572. Forbes, p. 242.*