

and kept at
hard labour.

or keeper of any house of correction, or publick work-house, shall neglect to do his duty, as above directed, any judge or justice of assize or gaol delivery, upon complaint, and due proof thereof upon the oath of one or more witnesses to him made, shall be, and is hereby impowered to remove every such person from his said office.

Felons convicted, to have benefit of this act, without being required to read, &c.

VI. *And forasmuch as when any person is convicted for any felony within the benefit of clergy, upon his prayer to have the benefit thereof allowed to him, it hath been used to administer a book to him to try whether he can read as a clerk, which by experience is found to be of no use; be it therefore enacted by the authority aforesaid, That from and after the said fourteenth day of February, if any person be convicted of any such felony, for which he ought to have had the benefit of his clergy, if this act had not been made, and shall pray to have the benefit of this act, he shall not be required to read, but without any reading, shall be allowed, taken, and reputed to be, and punished as, a clerk convicted, which shall be as effectual to all intents and purposes, and be as advantageous to him, as if he had read as a clerk; any thing in this act, or any other law or statute to the contrary notwithstanding.*

CAP. VII.

An act for regulating and ascertaining the duties to be paid by the unfree-men importers of coals into the port and borough of Great Yarmouth, in the county of Norfolk.

From 25 March, 1707, persons not freemen of corporation of Great Yarmouth, may import and sell coals there, paying 6d. per chalder, and 6d. ob. per chalder, for ballast. On paying rate, corporation to furnish importers with ballast. Importers, &c. not freemen, to pay 4s. 6d. for pilotage, &c. besides a halfpenny per chalder coal tonnage. All persons except freemen to pay the duties, &c. Ships, tackle, &c. may be detained for duties not paid, and distress sold, &c. Not to impeach duties granted by 10 & 11 W. 3. c. 5. Sixty pounds yearly payable out of duties, &c. to chamberlain of Norwich, for cleansing and depthning the rivers Yarr, Waveney, and the North River, &c. 10 & 11 W. 3. c. 5. Mayor, &c. of Norwich in common council to dispose of the monies, &c. Mayor, &c. of Norwich may levy money by warrant, &c. Proviso for cleansing the river to Dilham. Not to alter 16 Car. 2. Saving of right to all persons, &c.

CAP. VIII.

An act for an union of the two kingdoms of England and Scotland.

Most gracious Sovereign,

WHEREAS articles of union were agreed on, the twenty second day of July, in the fifth year of your Majesty's reign, by the commissioners nominated on behalf of the kingdom of England, under your Majesty's great seal of England, bearing date at Westminster the tenth day of April then last past, in pursuance of an act of parliament made in England, in the third year of your Majesty's reign, and the commissioners nominated on the behalf of the kingdom of Scotland, under your Majesty's great seal of Scotland, bearing date the twenty seventh day of February, in the fourth year of your Majesty's reign, in pursuance of the fourth act of the third session of the

the present parliament of Scotland, to treat of and concerning an union of the said kingdoms: and whereas an act hath passed in the parliament of Scotland at Edinburgh, the sixteenth day of January, in the fifth year of your Majesty's reign, wherein 'tis mentioned, That the estates of parliament considering the said articles of union of the two kingdoms, had agreed to and approved of the said articles of union, with some additions and explanations, and that your Majesty, with advice and consent of the estates of parliament, for establishing the protestant religion and presbyterian church government within the kingdom of Scotland, had passed in the same session of parliament an act, intituled, An act for securing of the protestant religion and presbyterian church government, which by the tenor thereof was appointed to be inserted in any act ratifying the treaty, and expressly declared to be a fundamental and essential condition of the said treaty or union in all times coming: the tenor of which articles, as ratified and approved of, with additions and explanations by the said act of parliament of Scotland, follows:

A R T I C L E I.

‘ **T**HAT the two kingdoms of *England* and *Scotland* shall up- Union of the
 ‘ on the first day of *May*, which shall be in the year one two kingdoms.
 ‘ thousand seven hundred and seven, and for ever after, be u-
 ‘ nited into one kingdom by the name of *Great Britain*; and
 ‘ that the ensigns armorial of the said united kingdom be such
 ‘ as her Majesty shall appoint, and the crosses of *St. George* and
 ‘ *St. Andrew* be conjoined in such manner as her Majesty shall Ensigns ar-
 ‘ think fit, and used in all flags, banners, standards, and en- morial.
 ‘ signs, both at sea and land.’

A R T I C L E II.

‘ That the succession of the monarchy to the united kingdom Succession to
 ‘ of *Great Britain*, and of the dominions thereto belonging, af- the monarchy.
 ‘ ter her most sacred Majesty, and in default of issue of her Ma-
 ‘ jesty, be, remain, and continue to the most excellent princess
 ‘ *Sophia*, electress and dutchess dowager of *Hanover*, and the
 ‘ heirs of her body being protestants, upon whom the crown
 ‘ of *England* is settled by an act of parliament made in *England*
 ‘ in the twelfth year of the reign of his late Majesty King *Wil-*
 ‘ *liam* the Third, intituled, *An act for the further limitation of* 12 & 13 W. 3.
 ‘ *the crown, and better securing the rights and liberties of the subject*: C. 2.
 ‘ and that all papists, and persons marrying papists, shall be Papists exclu-
 ‘ excluded from, and for ever incapable to inherit, possess, or ded.
 ‘ enjoy the imperial crown of *Great Britain*, and the dominions
 ‘ thereunto belonging, or any part thereof; and in every such
 ‘ case, the crown and government shall from time to time de-
 ‘ scend to, and be enjoyed by such person, being a protestant,
 ‘ as should have inherited and enjoyed the same, in case such
 ‘ papist, or person marrying a papist, was naturally dead, ac-
 ‘ cording to the provision for the descent of the crown of *Eng-*
 ‘ *land*, made by another act of parliament in *England* in the first
 ‘ year of the reign of their late majesties King *William* and Queen
 ‘ *Mary*,

1 W. & M. II. c. 2. *Mary, intituled, An act declaring the rights and liberties of the
2. c. 2. 'subject, and settling the succession of the crown.'*

ARTICLE III.

One parlia-
ment.

' That the united kingdom of *Great Britain* be represented by
' one and the same parliament, to be stiled *The Parliament of*
' *Great Britain.*'

ARTICLE IV.

Freedom of
trade.

' That all the subjects of the united kingdom of *Great Britain*
' shall, from and after the union, have full freedom and inter-
' course of trade and navigation to and from any port or place
' within the said united kingdom, and the dominions and plan-
' tations thereunto belonging; and that there be a communica-
' tion of all other rights, privileges, and advantages, which do
' or may belong to the subjects of either kingdom; except where
' it is otherwise expressly agreed in these articles.'

ARTICLE V.

Scotch ships
to be British
ships.

' That all ships or vessels belonging to her Majesty's subjects
' of *Scotland*, at the time of ratifying the treaty of union of the
' two kingdoms in the parliament of *Scotland*, though foreign
' built, be deemed, and pass as ships of the built of *Great Britain*;
' the owner, or where there are more owners, one or more of
' the owners, within twelve months after the first of *May* next,
' making oath, That at the time of ratifying the treaty of union
' in the parliament of *Scotland*, the same did, in whole or in part,
' belong to him or them, or to some other subject or subjects in
' *Scotland*, to be particularly named, with the place of their re-
' spective abodes; and that the same doth then, at the time of
' the said deposition, wholly belong to him or them; and that
' no foreigner, directly or indirectly, hath any share, part, or in-
' terest therein; which oath shall be made before the chief offi-
' cer or officers of the customs, in the port next to the abode of
' the said owner or owners; and the said officer or officers shall
' be empowered to administer the said oath; and the oath being
' so administered shall be attested by the officer or officers, who
' administered the same; and being registred by the said officer or
' officers, shall be delivered to the master of the ship for security
' of her navigation; and a duplicate thereof shall be transmitted
' by the said officer or officers, to the chief officer or officers of the
' customs in the port of *Edinburgh*, to be there entred in a regi-
' ster, and from thence to be sent to the port of *London*, to be
' there entred in the general register of all trading ships belong-
' ing to *Great Britain.*'

ARTICLE VI.

Trade.
See 5 Geo. 1.
c. 20. & 9
Geo. 1. c. 21.

' That all parts of the united kingdom for ever, from and
' after the union, shall have the same allowances, encourage-
' ments, and drawbacks, and be under the same prohibitions,
' restrictions, and regulations of trade, and liable to the same
' customs'

‘ customs and duties on import and export; and that the al-
 ‘ lowances, encouragements, and drawbacks, prohibitions, re-
 ‘ strictions, and regulations of trade, and the customs and du-
 ‘ ties on import and export, settled in *England* when the union
 ‘ commences, shall, from and after the union, take place,
 ‘ throughout the whole united kingdom; excepting and re-
 ‘ serving the duties upon export and import of such particular
 ‘ commodities, from which any persons, the subjects of either
 ‘ kingdom, are specially liberated and exempted by their private
 ‘ rights, which after the union, are to remain safe and entire to
 ‘ them in all respects, as before the same. And that from and
 ‘ after the union, no *Scots* cattle carried into *England*, shall be **Scots cattle.**
 ‘ liable to any other duties, either on the publick or private ac-
 ‘ counts, than those duties to which the cattle of *England* are or
 ‘ shall be liable within the said kingdom. And seeing by the
 ‘ laws of *England*, there are rewards granted upon the exporta-
 ‘ tion of certain kinds of grain, wherein oats grinded or un-
 ‘ grinded are not expressed; that from and after the union, when
 ‘ oats shall be sold at fifteen shillings sterling *per* quarter, or un-
 ‘ der, there shall be paid two shillings and six pence sterling for
 ‘ every quarter of the oatmeal exported in the terms of the law,
 ‘ whereby and so long as rewards are granted for exportation of
 ‘ other grains, and that the bear of *Scotland* have the same re-
 ‘ wards as barley: and in respect the importation of victuals in- **Importation**
 ‘ to *Scotland*, from any place beyond sea, would prove a discour- **of victuals.**
 ‘ agement to tillage, therefore that the prohibition as now in
 ‘ force by the law of *Scotland*, against importation of victuals **14 Geo. 2. c. 70**
 ‘ from *Ireland*, or any other place beyond sea into *Scotland*, do,
 ‘ after the union, remain in the same force as now it is, until
 ‘ more proper and effectual ways be provided by the parliament
 ‘ of *Great Britain*, for discouraging the importation of the said
 ‘ victuals from beyond sea.’

A R T I C L E VII.

‘ That all parts of the united kingdom be for ever, from and **Excises.**
 ‘ after the union, liable to the same excises upon all exciseable **See 5 Geo. 1.**
 ‘ liquors, excepting only that the thirty four gallons *English* bar- **c. 20.**
 ‘ rel of beer or ale, amounting to twelve gallons *Scots* present mea- **Explained by**
 ‘ sure, sold in *Scotland* by the brewer at nine shillings six pence **12 Geo. 1.**
 ‘ sterling, excluding all duties, and retailed, including duties **c. 4. s. 58.**
 ‘ and the retailers profit, at two pence the *Scots* pint, or eighth
 ‘ part of the *Scots* gallon, be not after the union liable, on ac-
 ‘ count of the present excise upon exciseable liquors in *England*,
 ‘ to any higher imposition than two shillings sterling upon the
 ‘ aforesaid thirty four gallons, *English* barrel, being twelve gal-
 ‘ lons the present *Scots* measure: and that the excise settled in
 ‘ *England* on all other liquors, when the union commences,
 ‘ take place throughout the whole united kingdom.’

A R T I C L E VIII.

‘ That from and after the union, all foreign salt which shall **Foreign salt.**
 ‘ be imported into *Scotland*, shall be charged at the importation

Scotch salt.

Home salt.
9 & 10 W. 3.
S. 44.Repealed by
3 Geo. 2. C. 20.
S. 3. as to salt
imported.Flesh exported
from Scotland.

there, with the same duties as the like salt is now charged with being imported into *England*, and to be levied and secured in the same manner: but in regard the duties of great quantities of foreign salt imported may be very heavy upon the merchants importers, that therefore all foreign salt imported into *Scotland*, shall be cellar'd and locked up under the custody of the merchant importers, and the officers employed for levying the duties upon salt, and that the merchant may have what quantity thereof his occasion may require, not under a wey or forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months. But *Scotland* shall, for the space of seven years from the said union, be exempted from paying in *Scotland*, for salt made there, the duty or excise now payable for salt made in *England*; but from the expiration of the said seven years, shall be subject and liable to the same duties for salt made in *Scotland* as shall be then payable for salt made in *England*, to be levied and secured in the same manner, and with proportionable drawbacks and allowances as in *England*, with this exception, That *Scotland* shall, after the said seven years, remain exempted from the duty of two shilling four pence a bushel on home salt, imposed by an act made in *England* in the ninth and tenth of King *William* the Third of *England*; and if the parliament of *Great Britain* shall, at or before the expiring of the said seven years, substitute any other fund in place of the said two shillings four pence of excise on the bushel of home salt, *Scotland* shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of this treaty; and that during the said seven years, there shall be paid in *England*, for all salt made in *Scotland*, and imported from thence into *England*, the same duties upon the importation, as shall be payable for salt made in *England*, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in *England*; and that after the said seven years, as long as the said duty of two shillings four pence a bushel upon salt is continued in *England*, the said two shillings and four pence a bushel shall be payable for all salt made in *Scotland*, and imported into *England*, to be levied and secured in the same manner; and that during the continuance of the duty of two shillings four pence a bushel upon salt made in *England*, no salt whatsoever be brought from *Scotland* to *England* by land in any manner, under the penalty of forfeiting the salt, and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity, for which the carrier as well as the owner shall be liable, jointly and severally, and the persons bringing or carrying the same to be imprisoned by any one justice of the peace, by the space of six months without bail; and until the penalty be paid. And for establishing an equality in trade, that all flesh exported from *Scotland* to *England*, and put on board in *Scotland* to be exported to parts beyond the
 { seas,

' seas, and provisions for ships in *Scotland*, and for foreign voy-
 ' ages, may be salted with *Scots* salt, paying the same duty for
 ' what salt is so employed as the like quantity of such salt pays
 ' in *England*; and under the same penalties, forfeitures, and
 ' provisions for preventing of frauds as are mentioned in the
 ' laws of *England*; and that from and after the union, the laws Curing of
 ' and acts of parliament in *Scotland*, for pining, curing, and Herrings.
 ' packing of herrings, white fish and salmon for exportation
 ' with foreign salt only, without any mixture of *British* or *Irish*
 ' salt, and for preventing of frauds in curing and packing of fish,
 ' be continued in force in *Scotland*, subject to such alterations as
 ' shall be made by the parliament of *Great Britain*; and that all Fish exported.
 ' fish exported from *Scotland* to parts beyond the seas, which
 ' shall be cured with foreign salt only, and without mixture of
 ' *British* or *Irish* salt, shall have the same eases, premiums, and
 ' drawbacks, as are or shall be allowed to such persons as export
 ' the like fish from *England*; and that for encouragement of the
 ' herring fishing, there shall be allowed and paid to the subjects,
 ' inhabitants of *Great Britain*, during the present allowances for
 ' other fish, ten shillings five pence sterling for every barrel of
 ' white herrings which shall be exported from *Scotland*; and
 ' that there shall be allowed five shilling sterling for every barrel
 ' of beef or pork salted with foreign salt, without mixture of
 ' *British* or *Irish* salt, and exported for sale from *Scotland* to parts
 ' beyond sea, alterable by the parliament of *Great Britain*; These duties
 ' and if any matters of fraud relating to the said duties on salt revived for
 ' shall hereafter appear, which are not sufficiently provided a- 3 years, by
 ' gainst by this article, the same shall be subject to such further 5 Geo. 2. c. 6.
 ' provisions as shall be thought fit by the parliament of *Great*
 ' *Britain*.

ARTICLE IX.

' That whensoever the sum of one million nine hundred Land tax.
 ' ninety seven thousand seven hundred and sixty three pounds,
 ' eight shillings, and four pence halfpenny, shall be enacted by
 ' the parliament of *Great Britain* to be raised in that part of the
 ' united kingdom now called *England*, on land and other things
 ' usually charged in acts of parliament there, for granting an
 ' aid to the crown by a land tax; that part of the united king-
 ' dom now called *Scotland*, shall be charged by the same act,
 ' with a further sum of forty eight thousand pounds, free of all
 ' charges, as the *quota* of *Scotland*, to such tax, and so propor- Quota of Scot-
 ' tionably for any greater or lesser sum raised in *England* by any land.
 ' tax on land, and other things usually charged together with
 ' the land; and that such *quota* for *Scotland*, in the cases afore-
 ' said, be raised and collected in the same manner as the cess
 ' now is in *Scotland*; but subject to such regulations in the man-
 ' ner of collecting, as shall be made by the parliament of *Great*
 ' *Britain*.

ARTICLE X.

Stamp vellum.

‘ That during the continuance of the respective duties on stamp paper, vellum, and parchment, by the several acts now in force in *England, Scotland* shall not be charged with the same respective duties.’

ARTICLE XI.

Window tax.

‘ That during the continuance of the duties payable in *England* on windows and lights, which determine on the first day of *August*, one thousand seven hundred and ten, *Scotland* shall not be charged with the same duties.’

ARTICLE XII.

Coals, culm, and cynders.

‘ That during the continuance of the duties payable in *England* on coals, culm, and cynders, which determine the thirtieth day of *September*, one thousand seven hundred and ten, *Scotland* shall not be charged therewith for coals, culm, and cynders consumed there; but shall be charged with the same duties as in *England* for all coals, culm, and cynders not consumed in *Scotland*.’

ARTICLE XIII.

Malt.

‘ That during the continuance of the duty payable in *England* upon malt, which determines the twenty fourth day of *June*, one thousand seven hundred and seven, *Scotland* shall not be charged with that duty.’

ARTICLE XIV.

Scotland not chargeable with any other duties before the union, except these consented to. See 5 Geo. 1. c. 20.

Proviso.

‘ That the kingdom of *Scotland* be not charged with any other duties laid on by the parliament of *England* before the union, except these consented to in this treaty; in regard it is agreed, That all necessary provision shall be made by the parliament of *Scotland* for the publick charge and service of that kingdom, for the year one thousand seven hundred and seven. Provided nevertheless, That if the parliament of *England* shall think fit to lay any further impositions by way of customs, or such excises, with which by virtue of this treaty, *Scotland* is to be charged equally with *England*, in such case *Scotland* shall be liable to the same customs and excises, and have an equivalent to be settled by the parliament of *Great Britain*; with this further provision, That any malt to be made and consumed in that part of the united kingdom now called *Scotland*, shall not be charged with any imposition on malt, during this present war. And seeing it cannot be supposed that the parliament of *Great Britain* will ever lay any sort of burthens upon the united kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the united kingdom, therefore it is agreed, That there be no further exemption insisted upon for any part of the united kingdom, but that

‘ the

the consideration of any exemptions beyond what are already agreed on in this treaty, shall be left to the determination of the parliament of *Great Britain*.

ARTICLE XV.

That whereas by the terms of this treaty, the subjects of *Scotland*, for preserving an equality of trade throughout the united kingdom, will be liable to several customs and excises now payable in *England*, which will be applicable towards payment of the debts of *England*, contracted before the union; it is agreed; That *Scotland* shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of *England*, in all particulars whatsoever, in manner following, viz. That before the union of the said kingdoms, the sum of three hundred ninety eight thousand and eighty five pounds, ten shillings, be granted to her Majesty by the parliament of *England*, for the uses after-mentioned, being the equivalent to be answered to *Scotland* for such parts of the said customs and excises upon all exciseable liquors with which that kingdom is to be charged upon the union, as will be applicable to the payment of the said debts of *England*, according to the proportion which the present customs in *Scotland*, being thirty thousand pounds *per annum*, do bear to the customs in *England*, computed at one million three hundred forty one thousand five hundred and fifty nine pounds *per annum*; and which the present excises on exciseable liquors in *Scotland*, being thirty three thousand and five hundred pounds *per annum*, do bear to the excises on exciseable liquors in *England*, computed at nine hundred forty seven thousand six hundred and two pounds *per annum*: which sum of three hundred ninety eight thousand eighty five pounds, ten shillings, shall be due and payable from the time of the union. And in regard that after the union *Scotland* becoming liable to the same customs and duties payable on import and export, and to the same excises on all exciseable liquors as in *England*, as well upon that account, as upon the account of the increase of trade and people, (which will be the happy consequence of the union) the said revenues will much improve beyond the before-mentioned annual values thereof, of which no present estimate can be made; yet nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to *Scotland*; it is agreed, That after the union there shall be an account kept of the said duties arising in *Scotland*, to the end it may appear what ought to be answered to *Scotland* as an equivalent for such proportion of the said increase as shall be applicable to the payment of the debts of *England*. And for the further and more effectual answering the several ends hereafter mentioned, it is agreed, That from and after the union, the whole increase of the revenues of customs, and duties on import and export, and excises upon exciseable liquors in *Scotland*, over and above the annual produce of the said respective duties, as above stated, shall go

Equivalent.

See 1 Geo. 1.
stat. 2. c. 27.
& 5 Geo. 1.
c. 20.

' and be applied, for the term of seven years, to the uses here-
 ' after mentioned; and that upon the said account there shall
 ' be answered to *Scotland* annually from the end of seven years
 ' after the union, an equivalent in proportion to such part of
 ' the said increase, as shall be applicable to the debts of *England*;
 ' and generally, that an equivalent shall be answered to *Scot-*
 ' *land* for such parts of the *English* debts, as *Scotland* may here-
 ' after become liable to pay by reason of the union, other than
 ' such for which appropriations have been made by parliament
 ' in *England*, of the customs, or other duties on export and im-
 ' port, excises on all exciseable liquors, in respect of which
 ' debts, equivalents are herein before provided. And as for the
 ' uses to which the said sum of three hundred ninety eight thou-
 ' sand eighty five pounds, ten shillings, to be granted, as afore-
 ' said, and all other monies which are to be answered or allow-
 ' ed to *Scotland*, as aforesaid, are to be applied, it is agreed,
 ' That in the first place, out of the aforesaid sum, what confi-
 ' deration shall be found necessary to be had for any losses,
 ' which private persons may sustain by reducing the coin of *Scot-*
 ' *land* to the standard and value of the coin of *England*, may be
 ' made good; in the next place, that the capital stock, or fund
 ' of the *African* and *Indian* company of *Scotland* advanced, toge-
 ' ther with interest for the said capital stock, after the rate of
 ' five *per centum per annum*, from the respective times of the pay-
 ' ment thereof, shall be paid: upon payment of which capital
 ' stock and interest, it is agreed, the said company be dissolved
 ' and cease, and also, that from the time of passing the act of
 ' parliament in *England*, for raising the said sum of three hun-
 ' dred ninety eight thousand eighty five pounds, ten shillings,
 ' the said company shall neither trade, nor grant licence to trade;
 ' providing, that if the said stock and interest shall not be paid
 ' in twelve months after the commencement of the union, that
 ' then the said company may from thenceforward trade; or give
 ' licence to trade, until the said whole capital stock and interest
 ' shall be paid. And as to the overplus of the said sum of three
 ' hundred ninety eight thousand eighty five pounds, ten shil-
 ' lings, after payment of what consideration shall be had for
 ' losses in repairing the coin, and paying the said capital stock
 ' and interest, and also the whole increase of the said revenues
 ' of customs, duties, and excises, above the present value, which
 ' shall arise in *Scotland*, during the said term of seven years, to-
 ' gether with the equivalent which shall become due upon the
 ' improvement thereof in *Scotland* after the said term; and also,
 ' as to all other sums, which, according to the agreements a-
 ' foresaid, may become payable to *Scotland* by way of equiva-
 ' lent, for what that kingdom shall hereafter become liable to-
 ' wards payment of the debts of *England*; it is agreed, That
 ' the same be applied in the manner following, *viz.* That all
 ' the publick debts of the kingdom of *Scotland*, as shall be ad-
 ' justed by this present parliament, shall be paid: and that two
 ' thousand pounds *per annum* for the space of seven years, shall
 ' be

Uses to which
equivalent
money is ap-
plied.

Coin of Scot-
land.

African com-
pany.

Overplus.

Publick debts.

' be applied towards encouraging and promoting the manufac-
 ' ture of coarse wool within those shires which produce the
 ' wool; and that the first two thousand pounds sterling be paid
 ' at *Martinmas* next, and so yearly at *Martinmas*, during the
 ' space aforesaid; and afterwards, the same shall be wholly ap-
 ' plied towards the encouraging and promoting the fisheries,
 ' and such other manufactures and improvements in *Scotland*,
 ' as may most conduce to the general good of the united king-
 ' dom. And it is agreed, That her Majesty be impowered to
 ' appoint commissioners, who shall be accountable to the par-
 ' liament of *Great Britain*, for disposing the said sum of three
 ' hundred ninety eight thousand and eighty five pounds, ten
 ' shillings, and all other monies which shall arise to *Scotland*,
 ' upon the agreements aforesaid, to the purposes before-men-
 ' tioned: which commissioners shall be impowered to call for,
 ' receive, and dispose of the said monies, in manner aforesaid,
 ' and to inspect the books of the several collectors of the said
 ' revenues, and of all other duties, from whence an equivalent
 ' may arise: and that the collectors and managers of the said
 ' revenues and duties be obliged to give to the said commision-
 ' ers subscribed authentick abbreviates of the produce of such
 ' revenues and duties arising in their respective districts: and
 ' that the said commissioners shall have their office within the
 ' limits of *Scotland*, and shall in such office keep books contain-
 ' ing accounts of the amount of the equivalents, and how the
 ' same shall have been disposed of from time to time, which
 ' may be inspected by any of the subjects, who shall desire the
 ' same.

Manufacture
 of coarse
 wool.

Fisheries.

See 13 Geo. 1.
c. 30. f. 1.

& 1 Geo. 2.
stat. 2. c. 1. f. 8.

Commission-
ers for the e-
quivalent.

A R T I C L E X V I.

' That from and after the union, the coin shall be of the
 ' same standard and value throughout the united kingdom, as
 ' now in *England*, and a mint shall be continued in *Scotland*,
 ' under the same rules as the mint in *England*, and the present
 ' officers of the mint continued, subject to such regulations and
 ' alterations as her Majesty, her heirs or successors, or the par-
 ' liament of *Great Britain* shall think fit.

Coin.

A R T I C L E X V I I.

' That from and after the union, the same weights and mea-
 ' sures shall be used throughout the united kingdom, as are
 ' now established in *England*, and standards of weights and mea-
 ' sures shall be kept by those burghs in *Scotland*, to whom the
 ' keeping the standards of weights and measures, now in use
 ' there, does of special right belong: all which standards shall
 ' be sent down to such respective burghs, from the standards
 ' kept in the Exchequer at *Westminster*, subject nevertheless to
 ' such regulations as the parliament of *Great Britain* shall think
 ' fit.

Weights and
measures.

A R T I C L E X V I I I.

' That the laws concerning regulation of trade, customs,
 ' and such excises to which *Scotland* is, by virtue of this treaty,

Regulation of
trade.

to

‘ to be liable, be the same in *Scotland*, from and after the union,
 ‘ as in *England*; and that all other laws in use within the king-
 ‘ dom of *Scotland*, do after the union, and notwithstanding
 ‘ thereof, remain in the same force as before, (except such as
 ‘ are contrary to, or inconsistent with this treaty) but alterable
 ‘ by the parliament of *Great Britain*; with this difference be-
 ‘ twixt the laws concerning publick right, policy, and civil go-
 ‘ vernment, and those which concern private right, that the
 ‘ laws which concern publick right, policy, and civil govern-
 ‘ ment, may be made the same throughout the whole united
 ‘ kingdom; but that no alteration be made in laws which con-
 ‘ cern private right, except for evident utility of the subjects
 ‘ within *Scotland*.’

ARTICLE XIX.

College of
justice.

7 Geo. 2, c. 16.
l. 4.

Court of justi-
ciary.

Admiralty ju-
risdictions.

‘ That the court of session, or college of justice, do after the
 ‘ union, and notwithstanding thereof, remain in all time coming
 ‘ within *Scotland*, as it is now constituted by the laws of that
 ‘ kingdom, and with the same authority and privileges as before
 ‘ the union, subject nevertheless to such regulations for the bet-
 ‘ ter administration of justice, as shall be made by the parlia-
 ‘ ment of *Great Britain*; and that hereafter none shall be named
 ‘ by her Majesty, or her royal successors, to be ordinary lords of
 ‘ session, but such who have served in the college of justice as
 ‘ advocates, or principal clerks of session for the space of five
 ‘ years; or as writers to the signet for the space of ten years;
 ‘ with this provision, That no writer to the signet be capable to
 ‘ be admitted a lord of the session, unless he undergo a private
 ‘ and publick trial on the civil law, before the faculty of advo-
 ‘ cates, and be found by them qualified for the said office, two
 ‘ years before he be named to be a lord of the session; yet so as
 ‘ the qualifications made, or to be made, for capacitating per-
 ‘ sons to be named ordinary lords of session, may be altered by
 ‘ the parliament of *Great Britain*. And that the court of justi-
 ‘ ciary do also after the union, and notwithstanding thereof, re-
 ‘ main in all time coming within *Scotland*, as it is now consti-
 ‘ tuted by the laws of that kingdom, and with the same au-
 ‘ thority and privileges as before the union, subject nevertheless
 ‘ to such regulations as shall be made by the parliament of *Great*
 ‘ *Britain*, and without prejudice of other rights of judiciary;
 ‘ and that all admiralty jurisdictions be under the lord high ad-
 ‘ miral or commissioners for the admiralty of *Great Britain* for
 ‘ the time being; and that the court of admiralty now establish-
 ‘ ed in *Scotland* be continued, and that all reviews, reductions,
 ‘ or suspensions of the sentences in maritime cases, competent
 ‘ to the jurisdiction of that court, remain in the same manner
 ‘ after the union, as now in *Scotland*, until the parliament of
 ‘ *Great Britain* shall make such regulations and alterations, as
 ‘ shall be judged expedient for the whole united kingdom, so as
 ‘ there be always continued in *Scotland* a court of admiralty,
 ‘ such as in *England*, for determination of all maritime cases re-
 ‘ lating

' lating to private rights in *Scotland*, competent to the jurisdic-
 ' tion of the admiralty court, subject nevertheless to such regu-
 ' lations and alterations as shall be thought proper to be made
 ' by the parliament of *Great Britain*; and that the heretable
 ' rights of admiralty and vice admiralties in *Scotland* be reserved
 ' to the respective proprietors as rights of property, subject ne-
 ' vertheless, as to the manner of exercising such heretable rights,
 ' to such regulations and alterations, as shall be thought proper
 ' to be made by the parliament of *Great Britain*; and that all
 ' other courts now in being within the kingdom of *Scotland* do
 ' remain, but subject to alterations by the parliament of *Great*
 ' *Britain*; and that all inferior courts within the said limits do
 ' remain subordinate, as they are now, to the supreme courts
 ' of justice within the same, in all time coming; and that no
 ' causes in *Scotland* be cognoscible by the courts of *Chantery*,
 ' *Queen's Bench*, *Common Pleas*, or any other court in *Westmin-*
 ' *ster Hall*; and that the said courts, or any other of the like
 ' nature, after the union, shall have no power to cognosce,
 ' review, or alter the acts or sentences of the judicatures within
 ' *Scotland*, or stop the execution of the same; and that there be
 ' a court of *Exchequer* in *Scotland* after the union, for deciding
 ' questions concerning the revenues of customs and excises there,
 ' having the same power and authority in such cases, as the
 ' court of *Exchequer* has in *England*; and that the said court of
 ' *Exchequer* in *Scotland* have power of passing signatures, gifts,
 ' tutories, and in other things, as the court of *Exchequer* at pre-
 ' sent in *Scotland* hath; and that the court of *Exchequer* that now
 ' is in *Scotland* do remain, until a new court of *Exchequer* be
 ' settled by the parliament of *Great Britain* in *Scotland* after the
 ' union; and that after the union, the Queen's majesty, and
 ' her royal successors, may continue a privy council in *Scotland*,
 ' for preserving of publick peace and order, until the parliament
 ' of *Great Britain* shall think fit to alter it, or establish any other
 ' effectual method for that end.'

Other courts.

Court of Exchequer established for ever, by 6 Annæ, c. 26. s. 1.

Privy council.

A R T I C L E XX.

' That all heretable offices, superiorities, heretable jurisdic-
 ' tions, offices for life, and jurisdictions for life, be reserved to
 ' the owners thereof, as rights of property, in the same manner
 ' as they are now enjoyed by the laws of *Scotland*, notwith-
 ' standing this treaty.'

Heretable offices.

A R T I C L E XXI.

' That the rights and privileges of the royal burghs in *Scot-*
 ' *land*, as they now are, do remain entire after the union, and
 ' notwithstanding thereof.'

Royal burghs.

A R T I C L E XXII.

' That by virtue of this treaty, of the peers of *Scotland*, at
 ' the time of the union, sixteen shall be the number to sit and
 ' vote in the house of lords, and forty five the number of the
 ' repre-

Sixteen peers of Scotland to sit in the house of lords.

Forty five
members to sit
in the house
of commons.

Farther provi-
sions relating
hereto.

6 Annæ, c. 23.
s. 1.

First parlia-
ment of Great
Britain.

representatives of *Scotland* in the house of commons of the parliament of *Great Britain*; and that when her Majesty, her heirs or successors, shall declare her or their pleasure for holding the first or any subsequent parliament of *Great Britain*, until the parliament of *Great Britain* shall make further provisions therein, a writ do issue under the great seal of the united kingdom, directed to the privy council of *Scotland*, commanding them to cause sixteen peers, who are to sit in the house of lords, to be summoned to parliament, and forty five members to be elected to sit in the house of commons of the parliament of *Great Britain*, according to the agreement of this treaty, in such manner as by an act of this present session of the parliament of *Scotland* is or shall be settled; which act is hereby declared to be as valid as if it were a part of, and ingrossed in this treaty. And that the names of the persons so summoned and elected shall be returned by the privy council of *Scotland* into the court from whence the said writ did issue. And that if her Majesty, on or before the first day of *May* next, on which day the union is to take place, shall declare under the great seal of *England*, That it is expedient that the lords of parliament of *England*, and commons of the present parliament of *England*, should be the members of the respective houses of the first parliament of *Great Britain*, for and on the part of *England*, then the said lords of parliament of *England*, and commons of the present parliament of *England*, shall be the members of the respective houses of the first parliament of *Great Britain*, for and on the part of *England*: and her Majesty may by her royal proclamation, under the great seal of *Great Britain*, appoint the said first parliament of *Great Britain* to meet at such time and place as her Majesty shall think fit; which time shall not be less than fifty days after the date of such proclamation; and the time and place of the meeting of such parliament being so appointed, a writ shall be immediately issued under the great seal of *Great Britain*, directed to the privy council of *Scotland*, for the summoning the sixteen peers, and for electing forty five members, by whom *Scotland* is to be represented in the parliament of *Great Britain*. And the lords of parliament of *England*, and the sixteen peers of *Scotland*, such sixteen peers being summoned and returned in the manner agreed in this treaty, and the members of the house of commons of the said parliament of *England*, and the forty five members for *Scotland*, such forty five members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively, in the respective houses of the parliament of *Great Britain*, at such time and place as shall be so appointed by her Majesty, and shall be the two houses of the first parliament of *Great Britain*; and that parliament may continue for such time only, as the present parliament of *England* might have continued if the union of the two kingdoms had not been made, unless sooner dissolved by her Majesty. And that every one of the lords of parliament of *Great Britain*,

' Britain, and every member of the house of commons of the
 ' parliament of *Great Britain*, in the first and all succeeding par-
 ' liaments of *Great Britain*, until the parliament of *Great Bri-*
 ' *tain* shall otherwise direct, shall take the respective oaths ap-
 ' pointed to be taken instead of the oaths of allegiance and su-
 ' premacy, by an act of parliament made in *England* in the first
 ' year of the reign of the late King *William* and Queen *Mary*,
 ' intituled, *An act for the abrogating of the oaths of supremacy and*
 ' *allegiance, and appointing other oaths*, and make, subscribe, and
 ' audibly repeat the declaration mentioned in an act of parlia-
 ' ment made in *England* in the thirtieth year of the reign of
 ' King *Charles* the Second, intituled, *An act for the more effectual*
 ' *preserving the King's person and government, by disabling papists*
 ' *from sitting in either house of parliament*; and shall take and
 ' subscribe the oath mentioned in an act of parliament made in
 ' *England*, in the first year of her Majesty's reign, intituled, *An*
 ' *act to declare the alterations in the oath appointed to be taken by the*
 ' *act*, intituled, *An act for the further security of his Majesty's per-*
 ' *son, and the succession of the crown in the protestant line, and for*
 ' *extinguishing the hopes of the pretended prince of Wales, and all*
 ' *other pretenders, and their open and secret abettors, and for de-*
 ' *claring the association to be determined*; at such time, and in such
 ' manner as the members of both houses of parliament of *Eng-*
 ' *land* are by the said respective acts directed to take, make, and
 ' subscribe the same, upon the penalties and disabilities in the said
 ' respective acts contained. And it is declared and agreed, That
 ' these words, *This realm, The crown of this realm, and The*
 ' *Queen of this realm*, mentioned in the oaths and declaration
 ' contained in the aforesaid acts, which were intended to signify
 ' the crown and realm of *England*; shall be understood of the
 ' crown and realm of *Great Britain*; and that in that sense the
 ' said oaths and declaration be taken and subscribed by the mem-
 ' bers of both houses of the parliament of *Great Britain*.'

Members to
take the oaths,
&c.

1 W. & M.
1. c. 8.

30 Car. 2. stat.
2. c. 1.

1 Annæ, stat.
1. c. 22.

A R T I C L E XXIII.

' That the aforesaid sixteen peers of *Scotland* mentioned in the
 ' last preceding article, to sit in the house of lords of the par-
 ' liament of *Great Britain*, shall have all privileges of parlia-
 ' ment, which the peers of *England* now have, and which they;
 ' or any peers of *Great Britain* shall have after the union, and
 ' particularly the right of sitting upon the trials of peers: and
 ' in case of the trial of any peer, in time of adjournment, or
 ' prorogation of parliament, the said sixteen peers shall be sum-
 ' moned in the same manner, and have the same powers and
 ' privileges at such trial, as any other peers of *Great Britain*.
 ' And that in case any trials of peers shall hereafter happen;
 ' when there is no parliament in being, the sixteen peers of *Scot-*
 ' *land*, who sat in the last preceding parliament, shall be sum-
 ' moned in the same manner, and have the same powers and
 ' privileges at such trials, as any other peers of *Great Britain*;
 ' and that all peers of *Scotland*, and their successors to their ho-
 ' nours

and of all the
peers of Scot-
land.

‘nours and dignities, shall from and after the union, be peers
of *Great Britain*, and have rank and precedency next and im-
mediately after the peers of the like orders and degrees in *Eng-
land* at the time of the union, and before all peers of *Great
Britain* of the like orders and degrees, who may be created
after the union, and shall be tried as peers of *Great Britain*,
and shall enjoy all privileges of peers, as fully as the peers of
England do now, or as they, or any other peers of *Great Bri-
tain* may hereafter enjoy the same, except the right and privi-
lege of sitting in the house of lords, and the privileges de-
pending thereon, and particularly the right of sitting upon the
trials of peers.’

A R T I C L E XXIV.

One great seal.

‘That from and after the union, there be one great seal for
the united kingdom of *Great Britain*, which shall be different
from the great seal now used in either kingdom: and that the
quartering the arms, and the rank and precedency of the lyon
king of arms of the kingdom of *Scotland*, as may best suit the
union, be left to her Majesty: and that in the mean time, the
great seal of *England* be used as the great seal of the united
kingdom, and that the great seal of the united kingdom be
used for sealing writs to elect and summon the parliament of
Great Britain, and for sealing all treaties with foreign princes
and states, and all publick acts, instruments and orders of
state, which concern the whole united kingdom, and in all
other matters relating to *England*, as the great seal of *England*
is now used: and that a seal in *Scotland* after the union be al-
ways kept and made use of in all things relating to private
rights or grants, which have usually passed the great seal of
Scotland, and which only concern offices, grants, commissions,
and private rights within that kingdom; and that until such
seal shall be appointed by her Majesty, the present great seal of
Scotland shall be used for such purposes: and that the privy
seal, signet, casset, signet of the justiciary court, quarter seal,
and seals of courts now used in *Scotland* be continued; but that
the said seals be altered and adapted to the state of the union,
as her Majesty shall think fit; and the said seals, and all of
them, and the keepers of them, shall be subject to such regu-
lations as the parliament of *Great Britain* shall hereafter make.
And that the crown, scepter, and sword of state, the records
of parliament, and all other records, rolls and registers what-
soever, both publick and private, general and particular, and
warrants thereof, continue to be kept as they are within that
part of the united kingdom now called *Scotland*; and that they
shall so remain in all time coming, notwithstanding the union.’

Seal in Scot-
land.

Privy seal,
&c. conti-
nued.

Regalia, re-
cords of par-
liament, &c.

A R T I C L E XXV.

Laws incon-
sistent, void.

‘That all laws and statutes in either kingdom, so far as they
are contrary to, or inconsistent with the terms of these articles,
or any of them, shall, from and after the union, cease and
become

become void, and shall be so declared to be, by the respective parliaments of the said kingdoms.'

As by the said articles of union, ratified and approved by the said act of parliament of Scotland, relation being thereunto had, may appear. And the tenor of the aforesaid act for securing the protestant religion and presbyterian church government within the kingdom of Scotland, is as follows :

II. **O**UR sovereign Lady, and the estates of parliament, considering that by the late act of parliament, for a treaty with *England* for an union of both kingdoms, it is provided, That the commissioners for that treaty should not treat of or concerning any alteration of the worship, discipline, and government of the church of this kingdom as now by law established : which treaty being now reported to the parliament, and it being reasonable and necessary that the true protestant religion, as presently professed within this kingdom, with the worship, discipline, and government of this church, should be effectually and unalterably secured : therefore her Majesty, with advice and consent of the said estates of parliament, doth hereby establish and confirm the said true protestant religion, and the worship, discipline, and government of this church, to continue without any alteration to the people of this land in all succeeding generations ; and more especially her Majesty, with advice and consent aforesaid, ratifies, approves, and for ever confirms the fifth act of the first parliament of *King William and Queen Mary*, intituled, *Act ratifying the confession of faith, and settling presbyterian church government ;* with all other acts of parliament relating thereto, in prosecution of the declaration of the estates of this kingdom, containing the claim of right, bearing date the eleventh of *April*, one thousand six hundred and eighty nine : and her Majesty, with advice and consent aforesaid, expressly provides and declares, That the foresaid true protestant religion, contained in the above mentioned confession of faith, with the form and purity of worship presently in use within this church, and its presbyterian church government and discipline (that is to say) the government of the church by kirk sessions, presbyteries, provincial synods, and general assemblies, all established by the foresaid acts of parliament, pursuant to the claim of right, shall remain and continue unalterable, and that the said presbyterian government shall be the only government of the church within the kingdom of *Scotland*.

III. And further, for the greater security of the foresaid protestant religion, and of the worship, discipline, and government of this church, as above established, her Majesty, with advice and consent aforesaid, statutes and ordains, That the universities and colleges of *Saint Andrews, Glasgow, Aberdeen,* and *Edinburgh*, as now established by law, shall continue within this kingdom for ever ; and that in all time coming, no

Universities
and colleges
to continue,

‘ professors, principals, regents, masters, or others, bearing
 ‘ office in any university, college, or school within this king-
 ‘ dom, be capable to be admitted, or allowed to continue in the
 ‘ exercise of their said functions, but such as shall own and ac-
 ‘ knowledge the civil government in manner prescribed or to be
 ‘ prescribed by the acts of parliament; as also, that before, or
 ‘ at their admissions, they do and shall acknowledge and pro-
 ‘ fess, and shall subscribe to the foresaid confession of faith, as
 ‘ the confession of their faith, and that they will practise and
 ‘ conform themselves to the worship presently in use in this
 ‘ church, and submit themselves to the government and dis-
 ‘ cipline thereof, and never endeavour directly or indirectly the
 ‘ prejudice or subversion of the same, and that before the re-
 ‘ spective presbyteries of their bounds, by whatsoever gift, pre-
 ‘ sentation or provision they may be thereto provided.

Subjects not
 liable to any
 oath incon-
 sistent with
 the said
 church go-
 vernment.

IV. ‘ And further, her Majesty, with advice aforesaid, ex-
 ‘ pressly declares, and statutes, That none of the subjects of this
 ‘ kingdom shall be liable to, but all and every one of them for
 ‘ ever free of any oath, test or subscription within this kingdom,
 ‘ contrary to, or inconsistent with the foresaid true protestant re-
 ‘ ligion, and presbyterian church government, worship, and
 ‘ discipline, as above established; and that the same within the
 ‘ bounds of this church and kingdom, shall never be imposed
 ‘ upon, or required of them, in any sort. And lastly, That
 ‘ after the decease of her present Majesty, (whom God long
 ‘ preserve) the sovereign succeeding to her in the royal govern-
 ‘ ment of the kingdom of *Great Britain*, shall in all time coming
 ‘ at his or her accession to the crown, swear and subscribe, that
 ‘ they shall inviolably maintain and preserve the foresaid settle-
 ‘ ment of the true protestant religion, with the government,
 ‘ worship, discipline, right, and privileges of this church, as
 ‘ above established by the laws of this kingdom in prosecution
 ‘ of the claim of right.’

Queen's suc-
 cessors to
 maintain the
 same.

Act to be for
 ever observ'd
 as an essential
 part of any
 treaty, &c.
 between the
 kingdoms.

V. ‘ And it is hereby statute and ordained, That this act of
 ‘ parliament, with the establishment therein contained, shall be
 ‘ held and observed in all time coming, as a fundamental and
 ‘ essential condition of any treaty or union to be concluded be-
 ‘ twixt the two kingdoms, without any alteration thereof, or
 ‘ derogation thereto in any sort for ever: as also, That this act
 ‘ of parliament, and settlement therein contain'd, shall be in-
 ‘ sert and repeated in any act of parliament that shall pass for
 ‘ agreeing and concluding the foresaid treaty or union betwixt
 ‘ the two kingdoms; and that the same shall be therein expressly
 ‘ declared to be a fundamental and essential condition of the said
 ‘ treaty or union in all time coming: which articles of union,
 ‘ and act immediately above-written, her Majesty, with advice
 ‘ and consent aforesaid, statutes, enacts, and ordains to be
 ‘ and continue, in all time coming, the sure and perpetual
 ‘ foundation of a compleat and entire union of the two king-
 ‘ doms of *Scotland* and *England*, under the express condition and
 ‘ provision, that this approbation and ratification of the fore-
 ‘ said

' said articles and act shall be no ways binding on this kingdom,
 ' until the said articles and act be ratified, approved, and con-
 ' firmed by her Majesty, with and by the authority of the par-
 ' liament of *England*, as they are now agreed to, approved and
 ' confirmed by her Majesty, with and by the authority of the Parliament of
 ' parliament of *Scotland*; declaring nevertheless, that the par- England may
 ' liament of *England* may provide for the security of the church provide for se-
 ' of *England* as they think expedient, to take place within the curity of
 ' bounds of the said kingdom of *England*, and not derogating church of
 ' from the security above provided for establishing of the church England, &c.
 ' of *Scotland* within the bounds of this kingdom; as also the
 ' said parliament of *England* may extend the additions and other
 ' provisions contained in the articles of union, as above insert,
 ' in favours of the subjects of *Scotland*, to and in favours of the
 ' subjects of *England*; which shall not suspend or derogate from
 ' the force and effect of this present ratification, but shall be
 ' understood as herein included, without the necessity of any
 ' new ratification in the parliament of *Scotland*.'

VI. ' And lastly, her Majesty enacts and declares, That all All laws, &c.
 ' laws and statutes in this kingdom, so far as they are contrary inconsistent
 ' to, or inconsistent with, the terms of these articles, as above- with articles
 ' mentioned, shall from and after the union cease and become of union, to
 ' void.' cease.

VII. ' And whereas an act hath passed in this present session 5 Annæ, c. 5.
 ' of parliament, intituled, *An act for securing the church of Eng-*
 ' land as by law established; the tenor whereof follows:

' **W**HEREAS by an act made in the session of parliament Act for secur-
 ' held in the third and fourth year of her Majesty's ing the church
 ' reign, whereby her Majesty was impowered to appoint com- of *England*,
 ' missioners, under the great seal of *England*, to treat with com- recited.
 ' missioners to be authorized by the parliament of *Scotland*,
 ' concerning an union of the kingdoms of *England* and *Scotland*,
 ' it is provided and enacted, That the commissioners to be
 ' named in pursuance of the said act should not treat of or con-
 ' cerning any alteration of the liturgy, rites, ceremonies, dis-
 ' cipline, or government of the church as by law established
 ' within this realm: and whereas certain commissioners ap-
 ' pointed by her Majesty in pursuance of the said act, and also
 ' other commissioners nominated by her Majesty by the autho-
 ' rity of the parliament of *Scotland*, have met and agreed upon
 ' a treaty of union of the said kingdoms; which treaty is now
 ' under the consideration of this present parliament: and where-
 ' as the said treaty (with some alterations therein made) is rati-
 ' fied and approved by act of parliament in *Scotland*; and the
 ' said act of ratification is, by her Majesty's royal command,
 ' laid before the parliament of this kingdom: and whereas it
 ' is reasonable and necessary, that the true protestant religion
 ' professed and established by law in the church of *England*, and
 ' the doctrine, worship, discipline, and government thereof,
 ' should be effectually and unalterably secured; be it enacted by

13 Eliz. c. 12.

13 & 14 Car. 2.
c. 4.Queen's suc-
cessors to take
an oath, to
maintain the
church of
England.Act to be an
essential part
of any treaty,
&c.Articles of
union, and
the act for
establishing
presbyterian
church go-
vernment, &c.
ratified and
confirmed.

the Queen's most excellent majesty, by and with the advice
and consent of the lords spiritual and temporal, and the com-
mons, in this present parliament assembled, and by au-
thority of the same, That an act made in the thirteenth year
of the reign of Queen *Elizabeth*, of famous memory, intituled,
An act for the ministers of the church to be of sound religion; and
also another act made in the thirteenth year of the reign of
the late King *Charles the Second*, intituled, *An act for the uni-
formity of the publick prayers and administration of sacraments,
and other rites and ceremonies, and for establishing the form of
making, ordaining, and consecrating bishops, priests, and deacons in
the church of England* (other than such clauses in the said acts,
or either of them, as have been repealed or altered by any
subsequent act or acts of parliament) and all and singular other
acts of parliament now in force for the establishment and pre-
servation of the church of *England*, and the doctrine, worship,
discipline, and government thereof, shall remain and be in
full force for ever.'

VIII. 'And be it further enacted by the authority aforesaid,
That after the demise of her Majesty (whom God long pre-
serve) the sovereign next succeeding to her Majesty in the
royal government of the kingdom of *Great Britain*, and so for
ever hereafter, every King or Queen succeeding and coming
to the royal government of the kingdom of *Great Britain*, at
his or her coronation, shall in the presence of all persons who
shall be attending, assisting, or otherwise then and there pre-
sent, take and subscribe an oath to maintain and preserve in-
violably the said settlement of the church of *England*; and the
doctrine, worship, discipline, and government thereof, as by
law established within the kingdoms of *England* and *Ireland*,
the dominion of *Wales*, and town of *Berwick upon Tweed*, and
the territories thereunto belonging.'

IX. 'And be it further enacted by the authority aforesaid;
That this act, and all and every the matters and things there-
in contained, be, and shall for ever be holden and adjudged
to be a fundamental and essential part of any treaty of union
to be concluded between the said two kingdoms; and also that
this act shall be inserted in express terms in any act of par-
liament which shall be made for settling and ratifying any such
treaty of union, and shall be therein declared to be an essen-
tial and fundamental part thereof.'

X. May it therefore please your most excellent Majesty, that
it may be enacted; and be it enacted by the Queen's most ex-
cellent majesty, by and with the advice and consent of the lords
spiritual and temporal, and commons, in this present parlia-
ment assembled, and by the authority of the same, That all
and every the said articles of union as ratified and approved by
the said act of parliament of *Scotland*, as aforesaid, and herein
before particularly mentioned and inserted; and also the said
act of parliament of *Scotland* for establishing the protestant reli-
gion

gion and presbyterian church government within that kingdom, intituled, *An act for securing the protestant religion, and presbyterian church government*, and every clause, matter, and thing in the said articles and act contained, shall be, and the said articles and act are hereby for ever ratified, approved, and confirmed.

XI. And it is hereby further enacted by the authority aforesaid, That the said act passed in this present session of parliament, intituled, *An act for securing the church of England, as by law established*, and all and every the matters and things therein contained, and also the said act of parliament of Scotland, intituled, *An act for securing the protestant religion, and presbyterian church government*, with the establishment in the said act contained, be and shall for ever be held and adjudged to be, and observed as fundamental and essential conditions of the said union; and shall in all times coming be taken to be, and are hereby declared to be essential and fundamental parts of the said articles and union; and the said articles of union so as aforesaid ratified, approved and confirmed by act of parliament of Scotland, and by this present act, and the said act passed in this present session of parliament, intituled, *An act for securing the church of England as by law established*, and also the said act passed in the parliament of Scotland, intituled, *An act for securing the protestant religion, and presbyterian church government*, are hereby enacted and ordained to be and continue in all times coming the compleat and entire union of the two kingdoms of England and Scotland.

5 Annæ, c. 5.
Acts for settling the church governments in England and Scotland, &c. declared essential parts of the union.

5 Annæ, c. 5.

XII. And whereas since the passing the said act in the parliament of Scotland, for ratifying the said articles of union, one other act, intituled, *An act settling the manner of electing the sixteen peers, and forty five members, to represent Scotland in the parliament of Great Britain, both likewise passed in the said parliament of Scotland at Edinburgh, the fifth day of February, one thousand seven hundred and seven, the tenor whereof follows:*

Act settling the manner of electing the representatives of Scotland.

OUR sovereign Lady considering, That by the twenty second article of the treaty of union, as the same is ratified by an act passed in this session of parliament, upon the sixteenth of January last, it is provided, That by virtue of the said treaty, of the peers of Scotland, at the time of the union, sixteen shall be of the number to sit and vote in the house of lords, and forty five the number of the representatives of Scotland in the house of commons of the parliament of Great Britain; and that the said sixteen peers, and forty five members in the house of commons, be named and chosen in such manner as by a subsequent act in this present session of parliament in Scotland, should be settled; which act is thereby declared to be as valid, as if it were a part of, and ingrossed in the said treaty; therefore her Majesty, with the advice and consent of the estates of parliament, statutes, enacts, and ordains, That the said sixteen peers, who shall have right to sit in the house of peers in the parliament of Great Britain,

Tenor of the act,

How the sixteen peers shall be elected.

And also the
forty five re-
presentatives.

on the part of *Scotland*, by virtue of this treaty, shall be named by the said peers of *Scotland*, whom they represent, their heirs or successors to their dignities and honours, out of their own number, and that by open election and plurality of voices of the peers present, and of the proxies for such as shall be absent, the said proxies being peers, and producing a mandate in writing duly signed before witnesses, and both the constituent and proxy being qualified according to law; declaring also, That such peers as are absent, being qualified as aforesaid, may send to all such meetings lists of the peers whom they judge fittest, validly signed by the said absent peers, which shall be reckoned in the same manner as if the parties had been present, and given in the said list; and in case of the death, or legal incapacity of any of the said sixteen peers, that the aforesaid peers of *Scotland* shall nominate another of their own number, in place of the said peer or peers, in manner before and after mentioned: and that of the said forty five representatives of *Scotland* in the house of commons in the parliament of *Great Britain*, thirty shall be chosen by the shires or steuartries, and fifteen by the royal burrows, as follows, viz. one for every shire and steuartry, excepting the shires of *Bute* and *Cathness*, which shall choose one by turns, *Bute* having the first election; the shires of *Nairn* and *Granary*, which shall also choose by turns, *Nairn* having the first election; and in like manner the shires of *Clackmanan* and *Kinross* shall choose by turns, *Clackmanan* having the first election; and in case of the death or legal incapacity of any of the said members from the respective shires or steuartries above-mentioned, to sit in the house of commons, it is enacted and ordained, That the shire or steuartry, who elected the said member, shall elect another member in his place; and that the said fifteen representatives for the royal burrows be chosen as follows, viz. That the town of *Edinburgh* shall have right to elect and send one member to the parliament of *Great Britain*; and that each of the other burghs shall elect a commissioner in the same manner as they are now in use to elect commissioners to the parliament of *Scotland*, which commissioners and burghs (*Edinburgh* excepted) being divided in fourteen classes or districts, shall meet at such time and burghs within their respective districts, as her Majesty, her heirs or successors shall appoint, and elect one for each district, viz. The burghs of *Kirkcaldie*, *Week*, *Dornock*, *Dingwall*, and *Taine*, one; the burghs of *Fortrose*, *Inverness*, *Nairn*, and *Forres*, one; the burghs of *Elgin*, *Cullen*, *Banff*, *Inverury*, and *Kintore*, one; the burghs of *Aberdeen*, *Inverbervy*, *Montrose*, *Aberbrothock*, and *Brochme*, one; the burghs of *Forfar*, *Perth*, *Dundee*, *Goupar*, and *St. Andrews*, one; the burghs of *Craill*, *Kilrennie*, *Anstruther Easter*, *Anstruther Wester*, and *Pittenweem*, one; the burghs of *Dysart*, *Kirkaldie*, *Kingbern*, and *Bruntisland*, one; the burghs of *Innerkithen*, *Dumfermline*, *Queensferry*, *Culross*, and *Sterling*, one; the burghs of *Glasgow*, *Renfrew*, *Ruglen*, and

Dum-

1 Dumbarton, one; the burghs of *Haddington, Dunbarr, North*
 2 *Berwick, Lauder, and Jedburgh*, one; the burghs of *Selkirk,*
 3 *Peebles, Linlithgow, and Lanerk*, one; the burghs of *Dumfries,*
 4 *Sanquhar, Annan, Lockmaben, and Kirkeudbright*, one; the
 5 burghs of *Wigtoun, New Galloway, Stranraer, and White-*
 6 *hern*, one; and the burghs of *Air, Irvin, Rothesay, Cambletoun,*
 7 and *Inverary*, one: and it is hereby declared and ordained,
 8 That where the votes of the commissioners for the said burghs,
 9 met to choose representatives from their several districts to the
 10 parliament of *Great Britain*, shall be equal, in that case the
 11 president of the meeting shall have a casting or decisive vote,
 12 and that by and according to his vote as a commissioner from
 13 the burgh from which he is sent; the commissioner from the
 14 eldest burgh presiding in the first meeting, and the commis-
 15 sioners from the other burghs in their respective districts pre-
 16 siding afterwards by turns, in the order as the said burghs are
 17 now called in the rolls of the parliament of *Scotland*; and that
 18 in case any of the said fifteen commissioners from burghs shall
 19 decease or become legally incapable to sit in the house of com-
 20 mons, then the town of *Edinburgh*, or the district which chose
 21 the said member, shall elect a member in his or their place:
 22 it is always hereby expressly provided and declared, That none
 23 shall be capable to elect or be elected for any of the said estates,
 24 but such as are twenty one years of age compleat, and pro-
 25 testant, excluding all papists, or such who being suspect of
 26 popery, and required, refuse to swear and subscribe the *For-*
 27 *mula* contained in the third act made in the eighth and ninth
 28 sessions of King *William's* parliament, intituled, *An act for*
 29 *preventing the growth of popery*; and also declaring, that none
 30 shall be capable to elect, or be elected, to represent a shire or
 31 burgh in the parliament of *Great Britain*, for this part of the
 32 united kingdom, except such as are now capable by the laws of
 33 this kingdom, to elect, or be elected as commissioners for
 34 shires or burghs to the parliament of *Scotland*: and further,
 35 her Majesty, with advice and consent aforesaid, for the effec-
 36 tual and orderly election of the persons to be chosen to sit,
 37 vote, and serve in the respective houses of the parliament of
 38 *Great Britain*, when her Majesty, her heirs and successors,
 39 shall declare her or their pleasure for holding the first or any
 40 subsequent parliament of *Great Britain*, and when for that ef-
 41 fect a writ shall be issued out under the great seal of the united
 42 kingdom, directed to the privy council of *Scotland*, conform
 43 to the said twenty second article, statutes, enacts, and ordains,
 44 That until the parliament of *Great Britain* shall make further
 45 provision therein, the said writ shall contain a warrant and
 46 command to the said privy council, to issue out a proclama-
 47 tion in her Majesty's name, requiring the peers of *Scotland*,
 48 for the time, to meet and assemble at such time and place
 49 within *Scotland*, as her Majesty and royal successors shall think
 50 fit, to make election of the said sixteen peers, and requiring the
 51 lord elerk register, or two of the clerks of session, to attend all
 52 such

16Geo.2. c. 11.

such meetings, and to administer the oaths that are or shall be
 by law required, and to ask the votes; and having made up
 the list in the presence of the meeting, to return the names of
 the sixteen peers chosen (certified under the subscription of
 the said lord clerk register, clerk or clerks of session attending)
 to the clerk of the privy council of *Scotland*, and in like man-
 ner requiring and ordaining the several freeholders in the re-
 spective shires and steuartries, to meet and convene at the
 head burghs of their several shires and steuartries, to elect
 their commissioners, to conform to the order above set down,
 and ordaining the clerks of the said meetings immediately af-
 ter the said elections are over, respectively to return the names
 of the persons elected to the clerks of the privy council: and
 lastly, ordaining the city of *Edinburgh* to elect their commis-
 sioner, and the other royal burrows to elect each of them a
 commissioner, as they have been in use to elect commissioners
 to the parliament, and to send the said respective commis-
 sioners at such times, to such burghs, within their respective di-
 stricts, as her Majesty and successors by such proclamation
 shall appoint; requiring and ordaining the common clerk of
 the respective burghs, where such election shall be appointed
 to be made, to attend the said meetings, and immediately af-
 ter the election to return the name of the person so elected
 (certified under his hand) to the clerk of privy council, to the
 end that the names of the sixteen peers, thirty commissioners
 for shires, and fifteen commissioners for burghs, being so re-
 turned to the privy council, may be returned to the court
 from whence the writ did issue under the great seal of the
 united kingdom, conform to the said twenty second article:
 and whereas by the said twenty second article it is agreed, That
 if her Majesty shall on or before the first day of *May* next de-
 clare, that it is expedient the lords and commons of the pre-
 sent parliament of *England*, should be the members of the re-
 spective houses of the first parliament of *Great Britain*, for
 and on the part of *England*, they shall accordingly be the
 members of the said respective houses, for and on the part of
England; her Majesty, with advice and consent aforesaid, in
 that case only, doth hereby statute and ordain, That the fix-
 teen peers, and forty five commissioners for shires and burghs,
 who shall be chosen by the peers, barons, and burghs respec-
 tively, in this present session of parliament, and out of the
 members thereof, in the same manner as committees of par-
 liament are usually now chosen, shall be the members of the
 respective houses of the said first parliament of *Great Britain*,
 for and on the part of *Scotland*. Which nomination and
 election being certified by a writ under the lord clerk register's
 hand, the persons so nominated and elected shall have right
 to sit and vote in the house of lords, and in the house of com-
 mons, of the said first parliament of *Great Britain*.

XIII. *As by the said act passed in Scotland, for settling the manner of electing the sixteen peers, and forty five members, to represent Scotland in the parliament of Great Britain, may appear; be it therefore further enacted and declared by the authority aforesaid, That the said last-mentioned act passed in Scotland for settling the manner of electing the sixteen peers, and forty five members, to represent Scotland in the parliament of Great Britain, as aforesaid, shall be, and the same is hereby declared to be as valid as if the same had been part of, and engrossed in the said articles of union ratified and approved by the said act of parliament of Scotland, and by this act, as aforesaid.*

Act aforesaid
declared valid.

C A P. IX.

An act for rendering more effectual an act passed in the first year of her Majesty's reign, intituled, An act for the better preventing escapes out of the Queen's Bench and Fleet Prisons.

WHEREAS the inheritance and custody of several county gaols are in private persons, by means whereof the good intent of a certain act made in the first year of her Majesty's reign, intituled, An act for the better preventing escapes out of the Queen's Bench and Fleet Prisons, may be in some counties defeated and eluded: to the end therefore that the said act may be rendered more effectual; be it enacted by the Queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons, who from and after the five and twentieth day of March, in the year of our Lord one thousand seven hundred and seven, shall be seized or taken by virtue or authority of the said act, shall instead of being committed to the common gaol of the county wherein such person or persons shall be taken, be conveyed and committed to the prison or place where the sheriff of such county detains or keeps the debtors or prisoners for debt or damage, there to remain in the custody of the sheriff of such county, subject to the same rules and directions, and under the same restrictions, regulations, and penalties, and in such manner and form in all and every respect, as if the said person or persons had been committed to the common gaol of the county; and if any person or persons so taken and committed, as aforesaid, shall at any time make any escape out of the said prison or place to which he, she, or they be so committed, as aforesaid, the sheriff in whose custody he, she, or they was or were, shall be answerable for such escape to the party grieved, in like manner as in the case of any other escape.

1 Annæ, stat. 2.
c. 6.

Persons taken
by virtue of
1 Annæ, c. 6.
to be committed
to prison
where sheriff
keeps prisoners
for debt,
and remain in
sheriff's custody.

Sheriff answerable
for escape.

II. And to the intent that the benefit of the said former act may the more easily be had, in case the person or persons escaping shall be seen in places distant from the city of London; be it further enacted, That it shall and may be lawful to and for any one of the judges of the respective courts in the said former act mentioned, to grant like warrant and warrants, upon oath in writing to

Escape warrant
may be granted
upon affidavit made
in the country.

to be made before any person commissioned under the seal of the same court to take affidavits in the country, (the same oath being first duly filed) as by the said former act he is impowered to do upon like oath made before himself.

Persons may be apprehended by warrant on a Sunday.

Persons in custody of sheriff on a decree, and making his escape, sheriff liable to pay, &c.

III. And be it declared and enacted, That it is and shall be lawful to apprehend and take, upon the Lord's day, any person or persons by virtue of any warrant or warrants granted in pursuance of this or of the said former act.

IV. And be it further enacted by the authority aforesaid, That if any person or persons is, are or shall be in custody of any sheriff or other officer, either by virtue of the said act, or of this present act, or otherwise, for not performing any decree of the high court of *Chancery*, or court of *Exchequer*, whereby any sum or sums of money is ordered or decreed to be paid, and shall afterwards make any escape from the said sheriff or other officer, that then and in such case the person and persons, their executors or administrators, to whom the money was to be paid by the said decree, shall have the same remedy against the said sheriff, as if such person or persons so escaping had been in custody upon an execution at law, and shall and may recover the several sum and sums of money decreed to be paid to him, her, or them in and by such decree, against such sheriff or other officer, together with his, her, or their costs of suit, in any action or actions of debt, or upon the case to be brought or commenced against such sheriff or other officer in any of her Majesty's courts of record at *Westminster*, wherein no protection or wager of law shall be admitted, or any more than one imparlance; any law, usage, or custom to the contrary in any wise notwithstanding.

Act to be a general law.

V. And for the prevention of disputes touching this present act; be it enacted by the authority aforesaid, That the same and every clause and thing therein contained, shall be adjudged and taken to be a general law, and that it shall not be needful to set forth the same in pleading, or any part thereof.

CAP. X.

EXP.

An act for repairing the highway between Hockliffe and Woborne in the county of Bedford.

CAP. XI.

15 Car. 2. c. 1.

16 & 17 Car. 2.

c. 10.

4 & 5 W. & M.

c. 9.

6 Geo. 1. c. 20.

An act for continuing the acts formerly made for repairing of the highways in the county of Hertford.

For repair of the highways in the county of Hertford. Moiety of the toll taken at Wades Mill, continued for 15 years. If highways be before sufficiently repaired, toll to cease. Power of officers, &c. in the former acts continued. *Repealed as to the county of Hertford, by 6 Geo. 2. c. 24.*

CAP. XII.

An act for the enlarging the passage leading to New Palace Yard through the Gatehouse, Westminster. EXP.

CAP. XIII.

1 Ann. stat. 1.

c. 13.

9 & 10 W. 3.

c. 44.

An act for continuing the duties upon houses to secure a yearly fund for circulating Exchequer bills, whereby a sum not exceeding fifteen hundred thousand pounds is intended to be raised for carrying on the war and other her Majesty's occasions.

Duties