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The Supreme power in England is divided into two branches. The Legislative vested in the King, Lords, & Commons assembl'd in Parliament. The Executive belonging to the King alone. We shall at present treat of the British Parliament, which having the Legislation, enjoys the supreme & absolute Authority of the State. The first Origin of Parliament lies too much rapt up in Antiquity to be trac'd by us at present, the word itself is of Modern date, a derivation from the French signifying the place where People speak their mind; [PAGE 2] but we however find long before the Norman Language became familiar, all matters of importance were settl'd in the Great Council of the Realm, which was the General practice of the Northern Nations; Tacitus de mor German. says Chap. XI. de minoribus rebus Principes consultant, de majoribus omnes.

This Constitution was introduc'd by the Northern Hive into all their European Conquests, & still the Diets of Poland & Germany, the Estates in France, are all deriv'd from that plan of Government.

As to the Word Parliament 'tis in France confin'd to their Courts of Justice, each Province having one, & can therefore by no [PAGE 3] means deserve the name of a General Council of the Nation.

This Great Assembly in England has been held from all antiquity under the names of Michael-Synoth or Great Council Michael-Gemote Great Meeting & Wittena-Gemote, the meeting of the Wise Men; 'tis call'd in Latin comuna Concilium Regni, Magnum Concilium, Regis, Curia Magna, Conventus Magnatum vel properum, Assisa Generalis ab asseden do, Communitas Regni angliae.ⁱ

Instances of these General Councils are to be met with in the Reigns of Ina King of the West Saxons, & of Offa King of the Mercians, Ethelbert [PAGE 4] King of Kent, & amongst several of the Kingdoms of the Heptarchy.

Weⁱⁱ are told that Alfred made a perpetual Decree that this Council should meet twice a year or after.

The Succeeding Saxon & Danish Monarchs held many of these Councils as appears from their Laws said to be enacted by the King with the advice of his Wittena Gemote.

Thus in Edgar's time 'tis put Rex Concilis Sapientium; this is revers'd in Athelstan's Reign, for their its call'd Sapientes concilis Regis, & in Edmund's 'tis still differently describ'd, Rex & Episcopi sui, cum Sapientibus instituerunt.

These great Councils no doubt continu'd under the Norman Line; Glanvilⁱⁱⁱ mentions the [PAGE 5] General assize or Assembly in Henry II. time, & in the year book 21st. Edw. III. 60. the Abbot of St. Edmundsbury pleads an Act of Parliament made in the Reign of William the Norman.

This may suffice to show the Antiquity & c. of these General Councils; We next come to the Manner they were constituted; & here arises a question very doubtful in itself, & often agitated viz. when the Commons first made a part of Parliament.

There is a colour for their existence in Magna Charta, wherein King John promises to all Bishops, Barons &c. & all other Tenants in Chief of the Crown, to meet at a certain place after forty days notice to Assess Aids & [PAGE 6] Scutages when necessary; but however it is certain this Constitution has subsisted from the 49th of H. III. 1266. as there are Writs of that date extant to Knights, Citizens, & Burgesses to meet in Parliament, We shall therefore enquire into this Constitution as it stands at present, & has stood above five hundred years, & for the sake of method fling what we have to say under the following heads.

- I. The manner & time of the Parliament's Assembling.
2. of Its Constituent parts.
- 3 of The Laws & Customs relating to it as an Aggregate body.
4. of The Laws & Customs relating to the House of Lords.
5. of The Same relative to the Commons. [PAGE 7]
6. of the Methods of proceeding in both Houses.
7. of The manner of Adjournments, Prorogations, & Dissolutions of Parliaments.

I. The Manner & time of Assembling

Parliaments are regularly summon'd by the King's Writ issu'd out of Chancery by the advice of the Privy Council, forty days at least before the opening of the session. From this it appears no Parliament can be conven'd by its own Authority, or any other except that of the King.

Against this rule we have two exceptions in the Convention Parliaments, after the Restoration, & Revolution; but these were cases of absolute necessity, & in the last example the Throne was declar'd Vacant, so that it was [PAGE 8] as necessary for the Great National Assembly to meet; as it would have been in the case of the Royal Line being totally extinct; for a Convention must then assemble to put the Scepter in another Family, unless some previous settlement were made, as that of the Act of Succession, that brought the present Royal Family to the Crown.

We must observe however by an act of Charles I.^{iv} the King neglecting for three years to call a Parliament, the Peers were to assemble & Issue out Writs for chusing one, & in case they omitted it, the Constituents were to meet & Elect one themselves, but this was repeal'd by the 16th. of [[addition]] [[symbol]] [[/addition]] Charles II.^v

By the antient statutes of the Kingdom,^{vi} the King is oblig'd to convoke a Parliament every year or after if need be, but this does not mean ...

ⁱ + glauril lib 12. C 32. lib. 9. C. 10 & 2d. Inst. 526

ⁱⁱ Mirors of gust. C. 1. sec. 3d.

ⁱⁱⁱ lib. 9. C. 10.

^{iv} A. 16 C. 1.

^v C1

^{vi} 11th Ed. III C. 14. . & 36th. Ed. III. C. co.