

The Supreme power in England is divided
into two branches.

The Legislative vested in the King, Lords, &
Commons assembled 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 wrapped up in Antiquity to be traced by
us at present, the word itself is of Modern Date,
a derivation from the French signifying
the place where People speak their Mind;

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 mot. German.
saep. Chap. XI. de minoribus rebus Principes
consultant, de majoribus omnes.

This Constitution was introduced by the
Northern Awe 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

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 & Witena-Gemote, the meeting of the Wise Men; 'tis call'd in Latin *communis Concilium Regni*, *Magnum Concilium*, *Megis*, *Curia Magna*, *Conventus Magnatum* vel *prosporum*, *Assisa Generalis* ab *aspedendo*, *Communitas Regni Anglie*.

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

+ Glanvil lib. 13. c. 32. lib. 9. c. 10 & 2^d Inst. 526.

King of Kent, & amongst several of the Kingdoms
of the Heptarchy.

We are told that Alfred made a perpetual
Decree that this Council should meet twice a
Year or oftner.

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 Wittenagemote;

Thus in Edgar's time 'tis put Præ
Concilio Sapientum; this is revers'd in Athelstan's
Reign, for their its call'd Sapientes concilio Regis;
& in Edmund's 'tis still differently describ'd,
Præ & Episcopi sui, cum Sapientibus instituerant.

These great Councils no doubt continu'd
under the Norman Line; Glanvil mentions the

+ Misor of Just. C. 1. Sec. 3d. + lib. 9. C. 10.

General Advice 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 keep Aids &

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, & Burghesses 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 bring what we have to say under
the following heads.

1. The manner & time of the Parliament's
Assembling.

2. Its constituent parts.

3. The Laws & Customs relating to it as an
Aggregate body.

4. The Laws & Customs relating to the House
of Lords.

5. The same relative to the Commons.

^{of the}
6. Methods of proceeding in both Houses.

7. The Manner of Adjournments, Prorogations,
& Dissolutions of Parliaments.

1. The Manner & Time of assembling

Parliaments are regularly summoned by the King's Writ issued 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 convened 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 declared Vacant, so that it was

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⁺ the King neglecting for three Years to call a Parliament, the Peers were to assemble & Issue out Writs for choosing one & in case they omitted it, the Constituents were to meet & Elect one themselves, but this was repeal'd by the 16th of Charles⁺.

By the antient Statutes of the Kingdom, the King is oblig'd to convoke a Parliament every Year or oftner if need be, but this does not mean

+ A. 16. C. 1. & C. 1. # 11th Ed. III. C. 14. & 36th Ed. III. C. 10.