

second Neglect of Ministers to pray in Express words for the King Queen and Royal family 10 A. cap. 7 § 11. The third fault of Denying the being of God or any of the persons of the Blessed Trinity, or the Authority of the scriptures, or the providence of God act 11 Sept. 5 Parl. G. W. Notwithstanding in order to the punishment of death Act 106 Parl. G. 6 and the Enforcement of Officers of Justice Reg. May 27 lib. 4 cap. 27 fall only Under the Cognizance of the Court of Justiciary. And the Statute of 6 G. 1 cap. 21 § 34 Junct. 544 Appointing the Crime of forcibly hindering wounding or beating officers of the Customs in the due Execution of their office, to be tried in the court of Exchequer in Scotland; is not sustained as a ground to Decline the Court of Justiciary in trial of such Crimes before them 22 September 1725 Ophons Str. Dorson & others. Because that Statute Imports only the giving a Cumulative Jurisdiction to the Court of Exchequer in that case, and doth not lapp of the trial from the Cognizance of the Justiciary court who are the competent Judges of what are Crimes by the Common Law. Because by the Determination of the Privy Council of Scotland, the Legal punishment could not be fully put in Execution Against Jesuits priests and other Traffican papists who Disguise and shelter themselves under Borrowed Names to avoid the penalty of the law: the Lords of Justiciary are Authorized to inflict the same punishments against such offenders as the Privy Council was (by Act 3 Sept. 8 89 Parl. G. W. Impowered to do 12 A. Sept. 2 cap. 14 § 12. 47) the Lords of Justiciary do Advocate to themselves Criminal causes from any Inferior court. And the the high Admiral of Scotland hath the sole Jurisdiction of all Maritime Criminal causes in the first Instance act 16 Parl. 3 Ch. 2. Yet the Lords of Justiciary may Advocate Criminal causes from him, as not being Maritime. It is lawfull to the Lords of Justiciary or any of them, upon Application Made for a Reasonable cause by a person aggrieved by any sentence given or pronounced by any court of the Regality

Regality or other Inferior civil Magistrate or court of Judicature to stay all Execution of such Judgment or sentence for the space of 30 days, to the end that such Application may be Made for the same as is agreeable to the Laws of Scotland 2 G. 2 cap. 32 § 5. The whole Rights powers and Privileges of this court are Ratified act 4 Sept. 5 Parl. G. W.

But lesser trespasses and offences are left to be tried in Inferior courts appointed for that purpose, and not brought before the sovereign court, where the solemn procedure Required and necessarily occasions a greater Expence and trouble than its proper that people should be put to in Debates upon trivial Matters. Because it were hard to put persons guilty of such offences to an Expence in the trial Exceeding the penalties imposed by Law upon these offenders: and yet harder, that an Innocent person charged with a trespass, should be in a worse case when absolved before the Court of Justiciary, than he would have been if condemned before an Inferior court. This hardship would be not only upon the parties concerned, but even upon Disinterested persons obliged to attend at trials in this high court viz. a Prisoners and Witnesses: And the witnesses have some what allowed them in Name of costs, yet that is no Adequat Compensation for the loss their absence from their proper Affairs may occasion.

A Lord or Bailie of Regality may, in the case of Crimes falling under his Cognizance, Reptedge from the Court of Justiciary an offender dwelling within the Regality when the Crime was committed, the Residing offe where at the time he is Accused. i.e. may Brave and get him to be Remitted to be judged in his court, upon sureties found by the Reptedge to do Justice there within Year and Day, and by the person Reptedged to Appear there to Under by the Law for the Crime laid to his Charge. Which Caution is called Gilbroach, or forthcomand Borgh or back Borgh because left behind in the court Reptedged from

The Statute of 21 August 1730 for the better Regulation of the Court of Justiciary in Scotland is not yet in force. The Statute of 21 August 1730 for the better Regulation of the Court of Justiciary in Scotland is not yet in force. The Statute of 21 August 1730 for the better Regulation of the Court of Justiciary in Scotland is not yet in force.