

in the Circuit courts, or in other Commissioners of Justice.

He keeps the Record and the seal of the Court, which is appended to all letters and publick acts. He Receives from the Raifer of Criminal letters, caution Reports thereof duly executed and Indorsed acy 6, Parl. 6 J. 6. And from those against whom they are raised caution to appear, to undo the law; from the pursuer of a cause advocated to the Justices, now Caution to Justice, and from the raifer of the Devocation, now surety to appear before their Lordships. Such Bonds of caution and Caution are in a Book appropriated for that use; and the Clerk is answerable for the sufficiency of the sureties. All letters precepts and Diligences are subscribed by him, that pass under the seal of Court. He marks the proceedings of the Judges, writes the Propositions of sentences, Deliverances of Bills, Interlocutory and Definitive sentences, Records the Informations of Parties, and Verdicts of a Jury, and Minutes any Admonitions, Debates, that may happen in open Court after the Informations, and before the giving of the Verdict, and in short, writes all the steps of judicial proceeding in this Court.

On Saturday he makes up a roll of causes, to be called on Monday thereafter, of which every Lord gets a Copy.

14 November 1692. the Commissioners of Justice are considering, that the Justice Court is the severest Jurisdiction in Scotland in Matters Criminal, and that by reason of the Confinement of people that frequently attend it, considerable advantages accrue to the town of Edinburgh; they recommended to the Magistrates and Council of the said Burgh to pass an Act Exempting and freeing the Clerk of the Justice Court, his Deputy and servants, and

and the Macors of the said Court, from all Burdens and Services from which the Members of the College of Justice, and the Members and servants of the other Supreme Judicatories of Scotland are Exempted.

#### sect. 4.

#### Concerning a Jury.

The Jury or a Jury are fifteen good Men of the same Rank or Class with a person against whom a Crime is Charged, sworn to Enquire of Matter of fact Sustain or be relevant by the Judges to infer the Crime, and to Declare the truth upon such Evidence as shall be produced them touching it. They are called an Ordinary Jury from the french *Ordre* sitting and that from the latine *Assise* to sit together. It is taken in several senses both in the Scotch and English law. 1<sup>o</sup> It signifies in the law of England a Court directed to a Sheriff for recovery of possession, as an *Assise* of Novel Disseisin. 2<sup>o</sup> *Assise* is used for an ordinance or Statute. Thus the Statutes of King David are called *Assise Regis Davidis*; and by *Assise terre*, the law of the land is understood. 3<sup>o</sup> *Assise* signifies Weight and Measure, as the *Assise* or *Assise* of Bread, the *Assise* of Fish &c. 4<sup>o</sup> 110 Parl. 14 J. 3 act 2 37 Parl. 15 J. 6. 4<sup>o</sup> The *Assise* is termed a Jury or a Company of Men called to Judge of what is proved, from their being sworn. It is also called an Inquest, because they Enquire into the truth of Matters of fact. In which last Acceptation the word *Assise* is here used. Such 15 good Men of *Assise* are Picked by the Judges out of a large list of 45 summoned for that end, and therefore called the Grand *Assise*: who if the pannel can take no just Exception or Challenge to any of