

Capit. 6.
of Barons & Baron courts.

Any person Infeft in land is a Baron in the large
Acceptation of the word, tho without farther Jurisdiction
that he can hold courts for causing his tenants pay
his Rents, *McKenzie's Just. lib. 1. tit. 4. § 11* and a Baron
in this sense may have his ships Movable. If a proprie-
tor of lands be Infeft cum Curia, he may Decide
Differences betwixt his tenants *Stair Just. lib. 2. tit. 1. § 62*
and hath Right to the profits of court tho no
Expressed *Stair ibid. § 64*. But for the more security
to the state Commonly Aims, cum Curia carrying
tithes. A person Infeft cum Bloodwite, or who is the
Kings vassal may Unlaw his tenants for bloodwite
upon his own ground 30 January 1622 *Johnston*
contra Westmisset. But a Baron in a strict and
proper sense is one who holds his lands of the
King cum fura & fossa with power of ^{of punishing} ~~of punishing~~ ^{by hanging} ~~by hanging~~

McKenzie's Crim. part 2. tit. 12. § 11. He hath both a Civil and Criminal Jurisdiction
over the Inhabitants within his District or territory,
called Baronia a Barony. Which, being Nomen Universale
tis, Comprehend many Regalia or Jura publica, i. e. things
excepted by law from private use and appropriated to
princes and states, unless Dispensed by them either tacitly
Under the General of Barony, or Expressly, *Vol. 1. page 596*
But his court is not a Court of Record in which
writs may be Registered *Stair Just. lib. 2. tit. 3. § 63*.

Barons, like Sheriffs, have Jus Depulandi a power to
Constitute Bailiffs in civil cases; Judge of Penal statutes
Determine concerning Crimes to which they are for
potent; may fine for Blood in 50 pound and for Absence
Contumacy in 10 pound 16 March 1622 *L. Bogie*
contra L. Blunio 17 December 1629 *Clamington* *contra*
Bailiff McKenzie *obser. on act 130 Parl. 9. J. 1. Part 1*
part 2. tit. 13. § 3. In fine. and may Judge and punish Accidents

Accidental or Rash firing within husband town of
the Batory ad 75 Parl. 4. J. 1. 758

The Circumstances of Differences betwixt the Jurisdic-
tion of a Baron and that of Sheriffs Stewards Bailiffs of
Royalty and Regality, and burghs are 1. A Baron cannot
grant a Deputation to Judge in Criminals, tho power
of the fure being Meri Imperij which cannot be Delega-
ted without an Express power from the sovereign for
that Effect, as is granted to Sheriffs *McKenzie's Crim.*
part 2. tit. 13. § 1. Tho a Barons written precept or sum-
mons before his court must be Executed by Leasing
Copies, as summons before other Judges ordinary are Execu-
ted *ad 75 Parl. 6. J. 5* Tho the Execution of a Barons ver-
bal precept needs not to be given in writ, but may be
proved by Witnesses 11 July 1634 *Ray contra Gight. 3.* Ba-
rons can hold courts among their tenants in the time of
Vacation without a Dispensation 4 July 1624 *Richardson*
contra Ray 14 January 1662 *Nicolson contra Griers of Gil-*
licontrey. Because such courts require small Atten-
dant and do business sine strepitibus & clamore. 4. No Execu-
tion by horning but only by paining or Corporal pun-
ishment proceeds upon Barons Decrets *Stair Just. lib. 2.*
tit. 3. § 63. *Dallas Styles* page 68 with this Difference;
that upon a Barons Civil Decret as for farms, pain-
ing can only proceed after 15 days; whereas it may be
used presently upon his Criminal sentenced sine ultio
Judicis Legall *ibid.* 24 November 1629 *Bourne* *contra*
Brown McKenzie's Crim. part 2. tit. 31. § 6. And the Lords
of Justiciary do more easily advocate and set from
Barons upon Incompetency Intricity or Importance. 5. ^{that no}
It is ordained by an Act of Parliament
sentence of any Inferior court for more than 100 pound
shall be sustained upon a parties Confession not
subscribed by him *McKenzie's Crim. part 2. tit. 13.*
§ 2. But a Barons Decret for an Unlaw upon fish