

These Courts officers at Arms and their Cautioners are Cited to the Lyon to present upon Complaints. For the Lyon is beyond of these officers and May Depriue them for Mis behaviour; and com their Cautioners to pay the paines of 500 Marks retained in their bonds, whereof a third goes to himselfe. Act 125 Parl. 12. f. 6. l. 21. Parl. 2. f. 3. Ch. 2. The statute (c. 124) Ordains the Lyon to Depriue his officers at Arms of all of the Lords of Session: But he doth it by his own Authority in his own Court and publisheth the Depriuation at the High Court of Session. Act 125. All Magistrates are bound to Concur with the Lyon, and to afford Prisoners for punishing offenders. Act 125. Parl. 12. f. 6. A Messenger having greatly prevaricated in his Office by Giving two for every Sacraments Under his Hand, Concerning the slaying of a Man in the Execution of a Warrant Against Heretics were produced in the Justice Court: The Lords of Session thought him to prison during their pleasure, and decreed him to the Lyon to Depriue him of his office, and to answer him to bear any publick Charge, and to make publick any thing of his all Marcell & Joseph Woodfull with the first convenience 16 June 1673. Alexander Buchanan. But the said Lords of Session Depriued a Malversing Messenger of his office, and he charged to Exercise the same or the office of Sheriff, Bail or other publick office for Execution of the sentences or Diligence of any Court thereafter. This Ordained him to stand the space of an hour upon the ground of Dunburgh betwixt 11 and 12. before noon, with a paper on his Breast bearing his Crime, and Copies of the said sentence to be transmitted to the Magistrates of Glasgow and Sheriff of Lanrick in order to Publication and observation on the 13 June 1709 John Arnieel. Execution of Messengers Depriued by the Lyon after publication of their Depriuation are justly named, if the Messenger continue to officiate and was held as a Messenger at the time. No doubt Effectually hinder any person to Exercise that office who are not Authorized, and these are the publick Registers of the Depriuation of Messengers, which the Lyon can know the same. But the Lyon may depriue a Messenger and decerne his cautioner to pay his personalty in his bond of Cautioners, which he is to put in the Lyon's books. Yet the Lyon is not a Competent Judge of the Damage and Interest of parties Sustained by the Messengers Malversation. There is indeed a private Act printed Act of Parliament giving the Lyon power to

to Determine such Damages: but that he hath passed of Courts Among the Ratifications. In two pure Cases, and he hath no full power by any printed Act. 1668. Grierson contra Mr. Brown 27 June 1673. Heriold contra Corbet. And it were a Dangerous Consequence, to give the Lyon such a jurisdiction over the Kingdom, as to Determine the Damage of parties Sustained thro' Default of Messengers, which may be of the Greatest Moment and Importance.

The Lyon who is principal Herald of the order of St Andrew or the Spicillite, and wears the Dress in Gold about his Wood hanging down on his breast, hath Under him six Heralds Viz. Ross, Albany, Rothsay, Fluy, Inverness & Marchmont. Six Pursuivants Viz. Carrick, bute, Ormond, Dingwall, Unicorn & Kintyre, and a great Number of Messengers. Heralds, the same as Specials Among the Old Romans, is by some derived from the Latine Herus Master of a house from his Masters; others fetch it from the French Herault of a Herald. Herus Aldus High Lord thereof from the French Here an Army, and Helt, or Red, a Champion, because chiefly serving in the Army. Pursuivant (quasi Pursuivant) comes from the French Pour suivre to pursue, because he anciently attended the King to be Dispatched upon any business or Message. Heralds Pursuivants take place according to their patents. Messenger is derived from the French Messager, one that goes on Erand, or upon a Message, and both from the Latine Mistrus because he is bound to execute Summons and Letters of Diligence. He is called a Messenger at Arms, from the Emperors of the Kings Arms on his Blazon.

Section.

The Duty and functions of the Lyon & his brethren Herald & Pursuivants.

The function of the Lyon & his brethren Herald and Pursuivants as now Exercis'd with us is 1^o to publish the Kings Proclamations. When the King is proclaimed upon his accession to the Throne, or when peace or War is proclaimed, the Lyon Herald and Pursuivants attend, and the Lyon himself wearing on his breast a Rich Coat of Arms, and some times a long Crimfine Robe, proclaims. In Ordinary cases only the Herald and Pursuivants officiate, and the Chief Herald proclaims. All things are proclaimed on the Market Cross of Edinburgh only in War, which is proclaimed on the said Cross at the Castle gates, and on the Bar of the Thrope, which is called the Kings Ordinary Proclamations, are obliged to attend.