

of Error (answering to the proposition *D'error* in the French law) upon account of some oversight in the process or by falsifying the Attainder, or instructing it to be false and unjust.

The Justice Court hath no stated terms of sitting, nor any Vacation, except that necessary one when the Lord goes in Circuit, but sit constantly at Edinburgh each Monday in time of session, or oftner pro re Nata when business offers, in a house called the Golbooth because it was formerly the Common prison in that City, and continue doing business in a dist. of court so long as they think convenient; for they are not tied to so many hours as the Lords of Session are. To strike or hurt any person within the court, while the Judges are sitting, is punishable with death act 17 Geo. 189. 6.

Causes are here advised and Voted with open doors. presence of the Pannel and assize, and all others; the Honor and spread unless defined, or made any Disturbance upon pain of Imprisonment: but in cases of the assize, adultery and the like, all persons except parties and their procurators, may be removed while the proof is heading act 28 sess. 4 Parl. W. & M. The Lists are Peremptory, so that if an Judgment or Criminal summons be not called on the proce day in the Citation, it falls, and a new Judgment or letters must be raised. Sentences after trial and Evidence given, are not reviewed on reclaiming Bills. Nor can the Lord prorogate days one appointed by them for the Execution of such sentences. And in cases where Bills are allowed, as for Reponing persons against acts of fugitation, or fines for Contumacy and not appearing to Underly the law, or to pay upon assize, or to bear witness in trials, or for not Reporting Criminal letters. When a petition is raised, a second petition for the same thing cannot be offered.

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offered, unless the petitioner obtain leave to withdraw and refuse petition by giving in a bill for that liberty.

The Court of Justiciary some times ordain the whole fines Ameriaments or Munkes inflicted upon offenders or persons guilty of Contumacy, to be paid to the King, and some times only a part of them and appoint the rest to be given to private parties injured, or to be applied to such other use as the court think fit 16 April 1684. 12 August 1685. April 6, 1723. And have a Commission used to be granted by the King to one Designed Attender under the Treasurer or Treasurer Deputy in all Justice Courts and Justice Aids for the coiving and collecting of Fines and Munkes happening to fall therein to the Sovereign 17 January 1637 Gavin Burnet 20 June 1661 John Cunningham. Some times persons were authorized to receive these by an Act of Exchequer 3 March 1680 by William Purvis. For payment of which fines, horning and Caption may be issued forth of course upon the Acts of adjournal. The Auction at the market Cross of Edinburgh head burgh of the shire, within which the court sits, will as Effectually make wheat fall, as if made at the head burgh of the shire where the parties dwell Act 12 Parl. 12 Geo. 6. But sometimes the Lord of Justiciary do upon Application by a petition for just reasons and causes recommend to the Lord high treasurer or Lords of treasury, to take off and discharge or abate and Modify such fines 19 November 1684 Robert Ross of Auchlochin Suppliant 12 December 1692 Mr William Douglas of Bards 29 November 1708 Sir Laurence Morcor of Aldis. My Lord Godolphin Lord high treasurer of Great Britain by a letter to the Lord of Justiciary produced 31 January 1709 ordered and appointed lists or rolls of all persons fined or to be fined by them to