

to be constantly transmitted to the sovereigns Remembrance in the Court of Exchequer, to the end due care might be taken for answering and Levying these fines to the sovereigns use. And now Extracts i.e. extracts of fines & Mulctures, and of Ecclesiastical goods, wherein the King had Interest, are yearly given up by the Clerk of Court upon call to the Remembrance of Exchequer, in order to be laid for his Majesties use.

Advocates are not only appointed in this Court from time to time as Occasion Requires, to plead in Defense of poor Criminals, upon their Application for Lawyers. 20<sup>th</sup> June 1693 but also gratis warrants are granted to poor persons of Criminal causes, that Clerks Maors and others may serve without Money, for bringing their suits to a Conclusion 16 June 1715 Duncan M<sup>r</sup> Corquodale Supplican.

The Records of this Court are termed the Books of Adjournal.

Persons concerned in the Management of trials here are the Judges, Advocates, Clerk, Sheriff, Maors and Drovers.

Sect. 1.

of the Judges in the Court of Justiciary.

These were at first a Justice General, Justice Clerk and Justice Deputies. Which Justice Deputies (the not limited to any definite Number) were commonly two, appointed by a gift from the King under the Privy Seal having each of them a pension from his Majesty. They were the Kings Deputies, and not Deputies of the Justice General. For they had Equal power of sitting and Voting in Judgement with him: Whereas no Deputy can do so with his Principal Constituent, seu Delegatus non simul Concurrent cum Delegante. The Judges use to Determine the punishment of Criminals in difficult and important cases, by advice of the Lords of the Privy Council of Scotland; after

after order as persons to join with and assist them. The vocation of causes from inferior Judges to them, were ordinarily raised by the Privy Council, and sometimes by the Lords of Session. Criminals were tried by the Justice General and Justice Deputies till the 15 October 1652. But when after the Death of King Charles the first, they Declined to sit and hold Justice Courts the Estates of Parliament granted a Dispensation to them for that End 15 September 1649. From the 15 October 1652 Criminals were judged in Scotland by English Commissioners or any two of them, who had power to take to themselves such associates or assistants as they saw cause, and to Determine all causes Criminal and Civil to the office and place of Justice General belonging by the laws of Scotland: but not to Intermeddle with or issue Letters of horning and poinding or other process or Matters arising from any proceeding or Confusion by any pretended Ecclesiastical Convention in Scotland. The first Commission to such Judges laid at Edinburgh 27 April 1652 was granted by the Commissioners of the Parliament of the Common Wealth of England for ordering and Managing affairs in Scotland in causes Criminal and Executed in the Name of the keepers of the Liberty of England by Authority of Parliament, according to the former laws of Scotland and such laws as were or should be made by the Parliament to the Common Wealth of England, for Administration of Justice in causes Criminal in Scotland. The last Commission dated at Westminster 29 June 1654 was granted by Oliver Lord Protector of the Common Wealth of England Scotland and Ireland and the Dominions thereto belonging, and Executed in the said Lord Protector's Name, according to the former laws of Scotland and