

any persons then present may in open court, but in other ways, observing due order and respect, offer information to the Jury Concerning the premises and touching the Evidence produced, or that might be produced before them. If it appear to the sheriff or to his Deputy, or to the Jury, that the producing of proof Evidenced has been any way disappointed, or that the Evidence produced is Defective; the said sheriff or his Deputy shall adjourn the Jury to a certain and proper day, that sufficient Evidence may be then laid before them. The Jury is to be duly sworn before the Evidence is Entered upon, and to be enclosed after it is Concluded till they finish their Verdict, which they shall return signed by their Clerk and Clerk to the sheriff or his Deputy, at the time and place fixed for that purpose by the sheriff or his Deputy when the Jury was enclosed. According to which Verdict the sheriff or his Deputy must on or before the first of March pronounce and give further sentence Determining and fixing the fine price for the Proceeding of each kind of Victual of the product of that shire. In such shires where it hath been usual or may be most full and convenient to have different fiars, according to the different qualities of the several sorts of Victual; the said usages shall be continued or introduced, and the different fiars fixed and Determined in manner aforesaid. All which fiars the sheriff or his Deputy must forthwith Record in their Books; and their Clerks give Extracts thereof to any person who asks the same upon payment ofy shilling for the whole fiars of one year. Sheriffs and the stewarts of Kirkcubright, Orkney and Zetland and their Deputies and Clerks are appointed and strictly required to observe the premises, as they will be answerable for the due Execution

Execution of their offices act of Parliament 21 Decemr 1723.

The Kings sheriff in some of his proper lands, is called a Stewart, whose power comes up to that of a Lord of Regality; and his Jurisdiction is termed a Stewartry. Such are the Stewartries of Kirkcubright, Orkney and Zetland, Galloway, Montwith and Strathorn: The two first whereof were Members to the Parliament. These Stewartries were Erected out of Lands his fallen in the last reigns hands by forfeiture or other ways. But some the Stewartries are immediately subject to the King and not to any subject, the Sheriff of Lands within the Stewartry of Orkney is so, and is called the Kings Sheriff of Orkney, and is subject to the Kings Chancery, & the Kings Court of Session. It is the Kings Sheriff in other lands of his property is called a Bailie of Regality and his Jurisdiction a Bailiary; such are the Bailiaries of Kyle Binninghame and Carrick.

Act. 2.

Of Bailies of Regality.

The Jurisdiction of Sheriffs was much Infringed upon by the Erection of Regalities. For the Feudal law having Introduced an hereditary Jurisdiction in favour of Barons over their own lands; this came to be Divided into a Barony specially so called, and a Barony having greater power and privileges called feudum Regale dignitatem habens, a Regality. Persons in whose favour such Regalities were Erected, carry with us the titles of Lords of Regality, who have lands whereof they are proprietors or Superiours erected into a private hereditary Jurisdiction Excluding the sheriffs Cognizance, Equal to the sheriffs Jurisdiction in Civil Causes, and to the Authority of the Commissioners of the Admiralty in Criminal cases. It is observed on act of Parliament 6 J. 1 Except treason and the five pleas of the Crown. But in facts Lords of Regality so ordinary Judges for these Crimes without any special Commission for that