

effect whereupon part 2 Tit. 11 55. ~~whereupon~~  
Lords of Regality has the privilege of Chancery and Chancery  
and his Clerk can direct or direct to his Bailie for  
vires to be Executed before him; whereas the Sheriff may  
procure his but of the King's Chancery. Nor need  
over a general service of an heir before a Bailie of  
gallity, to be returned to his Majesty's Chancery in  
any 1667 Reid contra

8 December 1691 L. Clerk  
contra Melaniz offers. on act 30 Parl. 9 S. 1. And  
Return or Extract of a service before a Bailie of Regality  
marketh <sup>as a Bailie</sup> as a Bailie forth off the Chancery. But  
it is to be observed, that in Regalities the service and  
Return is all one, in respect the Clerk of the  
gallity both Directs the Return, and is Clerk to the  
vires, so that the Return is nothing else but the  
Extract of the service registered in his Book: when  
ad in the King's Chancery the service and Return  
are diverse Acts, the former being  
under the subscription of the Sheriff Clerk and regis-  
tered in his Books, and the Return of the service  
Recorded in the Books of the Director of the Chan-  
cery. Hope Min. Pratt. Tit. Inferior Jurisdiction.

A Lord of Regality doth not sit personally in his  
own Court but does Justice by a Bailie. Some Bail-  
lies of Regality have only simple Commissions for  
life, and some are heritable. A right to the heritable  
office of Bailiary of an Earldom Erected into a Regality  
doth not comprehend the heritable office of Bailie  
of Regality & July 1713 D. Montrose contra Melaniz  
of Troinecaple. Bailies of Regality, tho' the King's Judges  
are not, like Sheriffs, accountable to his Majesty  
for the issues and profits of their courts; because  
these are given to them by the Erection of the  
Regality. Tit. 11 55. A Bailie of

Regality being found Negligent in Executing the  
Laws against Rebels for Capital Crimes, the Sheriff  
may do it for him within the Regality act 97 Parl. 7  
J. 5. Bailies of Regality are Accounted Inferior Judges,  
when Compared with the Lord of Judiciary act 173  
Parl. 13 J. 16. but are more absolute in their procedure  
than other Inferior Judges. For they may fine in  
200 pound 30 January 1663 Stewart contra B. D. &  
M. At this whereas Sheriffs and others cannot go so  
high. They may Reprieve either from the Justice or  
Sheriff, Male factors Residing within their Regalities  
at the time when the Crimes were Committed vide  
Supra page 690 But for George Melaniz (Crim part  
2 Tit. 11 55) excepts actions of Deformement from  
their power of Reprieving; thinking it incongru-  
ous to oblige his Majesty to send Judges from  
Inferior Judges, whose his officers of State cannot  
Attend to pursue. In the Erection Charter of a Regal-  
ity there is a burgh of Regality expressed, where  
all courts must be held Unless the parties be ex-  
pressly cited to appear at some other place;  
that the Judge had been in use for a long time  
without Interuption to sit else where Melaniz  
Crim. part 2 Tit. 11 58. In Burrows of Regality  
the Lords of Regality have the full power of  
Creating Bailies, except they have given power  
by their Instrument to the contrary to chuse  
their own Bailies Hope Min. Pratt. Tit. Infe-  
rior Jurisdiction 5229. The Bailie of Regal-  
ity hath a cumulative Jurisdiction with the  
Bailies of the Burgh of Regality Melaniz  
vid. Thus a Bailie of Regality was found to  
have power to Amerce the Inhabitants of  
the Burgh of Regality which had its own  
Magistrates. In respect the Burgh where