

an Unsubscribed confession is Valid 30 January 1622 Stewart  
of the Morfe contra L. Westrisbot. 67 A Baron may try  
and punish thieves apprehended in the fang within the  
Barony Lion. Attach. cap. 100 and barons do as Barons  
of they allity reap all the profits and fines of their  
courts: whereas sheriffs, stewards and Bailiffs of Royall  
are Accountable to the King for their Stair lib. 2 p.  
3564. But if the Inhabitants of a Barony are not Exce-  
pted from the Jurisdiction of the Sheriff court where the  
lands by act 93 Parl. 6 J. 4. And the law (d. act 93) provide  
geth the Baron from Answering any where else than  
in the Jurisdiction where his principal Messuage lies  
Unit ed lands being the same fictitious Juris: Yet so  
praxi, barons are called in the suit Rolls of all the  
Counties where any of their land lies, and forced to send  
Attorneys thither to Answer for them *Whence* obser-  
on d. act 93. The Inhabitants of a Barony are not Exce-  
pted from the Jurisdiction of the Sheriff who may proceed  
the Baron by first Attaching the Malefactor *Whence*  
Just. lib. 1 p. 4 § 11 because all Jurisdiction of a Vassal  
is Cumulative with and not Exclusive of the Superior  
Jurisdiction; and if the Superior and vassal Attach  
geth the latter gives way to the former, Unless he  
be Excluded by Custom or prescription Stair lib. 2 p.  
3562. But yet Sir Robert Spotswood (Pratt. Jot. Ba-  
rony Burch and Customs thereof) asserts, that the  
Baron may Repledge all such Actions from the Sheriff  
and his Deputes. However the King is supposed to  
Reserve to himself the Exercise of Jurisdiction with-  
in a Barony, when the good of the State requires it.  
The a Baron may try Blood committed on his own ground  
where both the Injurer and the person whose blood is  
drawn are his own tenants: Yet a tenant cannot  
be Convicted and Unlawed in his Masters Barons  
court, for blood drawn from the person of another  
heretofore, upon that liew to grounds, where the party

does not Complain to the Baron and seek Reparation in  
his court 28 July 1630. Greenland contra Sheriff of Perth  
of Alloit by our Old law barons having power of pit and  
Gallows might, ad Sheriff, punish slaughter Lion.  
Attach. cap. 77. Leg. Malcolmi 2 cap. 13 act 92 Parl. 6 J. 1.  
that is, Judge in Actions of Blood shed within their Bounds  
if the person Accused was taken red hand in the blood,  
Spotswood *ibid.* yet they do it not these old laws being in  
Disuse *Whence* Burn. part 2 p. 13 § 38 obser. on d. act 92.  
10/ Competent and omitted is not Confined in Baron  
courts, 18 June 1662 E. Marshal contra Bray. 11/ Alloit  
the Clerks of all other Inferior courts must be Notaries;  
yet the Clerk of a Baron court needs not to be a Notary  
*Whence* *ibid.* § 2. 12/ Bailiffs of a Burch of Barony  
are not obliged to Receive and Imprison persons attached  
by the Kings letters for Crimes or Debts 19 March 1623  
Bailiffs of Dund contra Medios Creditors 12 Feb. 1624 L.  
Langton contra Bailiff of Dund 21 March 1627 Earl  
Cafild contra Atkin Because their Authority extends  
only to Execute Decrets and Acts of their own courts.  
In the trial of a Baron holding lands of the King  
for a Capital Crime, the greatest part of his assize  
must be Barons, and the best landed Gentlemen hold-  
ing either of the King or of another Superior by Charter  
9 May 1667 Archbald Douglas of Scot Unless he  
Judicially waive or Dispence with and Renounce such  
privileges of having landed men to pass upon his Jury  
which he may do 20 June 1715 Mr William Sutherland  
of Ross common. But a Baron apparent heir cannot  
claim the privileges of having only barons and landed  
men upon his assize 19 July 1675 McIntosh contra  
Graham. The a Baron apparent heir be a Baron  
in the Construction of law as to the falling of the  
Casualties of his Marriage or of cheat, which happen  
*ex Natura fidei* to the Superior. Because privileges  
are strictly Interpreted, and the all Barons may have  
their