

Application to the Next Magistrate, as the pannels do
 to the Magistrates of Renfrew. As to the pannels ex-
 pression that they will prevent a Remission, it may adm-
 of this good Bond-truick, that they would prevent a Re-
 mission by hindering him to escape, and bringing him
 presently to be judged and Executed within the Regality
 of Glasgow. The Lord sustained this Defence for the pan-
 nels, that they either by order of a privy Counsellor or
 the Magistrates of Glasgow proceeding upon the Notor-
 risty of the Murder committed upon Mr Park, and the flight
 of Major Monzie immediately thereafter, went in pursuit
 of the Major, Relevant to this the libel simpliciter, and
 the pursuer offered to prove, that the Major offered to sur-
 render himself prisoner before he was attacked by the Pan-
 nels, which they sustained Relevant to this the Defence
 aforesaid, as to such of the Pannels only as killed or gave
 command to shoot after his offer to surrender, and not again
 any other of the pannels as art and part, in respect they
 were assisting in Actus Reus. And Reported the other
 Defences Replies and Duplies 24 Thill. Decemb. 1694
 Gillespie Stevenson and Anderson. Vide 24 Feb. 1694 Mar
 1697 George Gordon of Gight.

In England all persons are to be Ready at the sum-
 mons of the Sheriff and cry of the County, to pursue and
 Arrest felons 3 Edw. 1 cap. 1 and immediately ^{upon} felony
 committed from one town to town, from
 County to County, that is, pursuit by horse and foot 27 Edw.
 cap. 13. And not only those that refuse to levy hue and
 or do not pursue upon it, but those who are present when
 felony is committed, and do not Endeavour to Arrest the
 offender or slay a hind and Cry, are punished by fine and
 Imprisonment. vid. Appendix pag. 133

It hath been advanced, that no person can be Imprisoned up-
 on a single warrant Under the Kings own hand, who is not
 answerable for what he does, Except it be subscribed by the
 officers of State, who must Account for their Actions. But first
 George Moniz is Coffer. on act 13 Parl. 13 J. 6 is of opinion
 that private warrants of Imprisonment under his Majestys
 hand, are lawful by act 13 Parl. 13 J. 6 and may be No-
 cessary in some cases, as if all the officers of State were Im-
 barcked in a treasonable plot against him.

All Informers of Crimes committed, must sign their
 Informations. And no person can be Imprisoned for custody
 in order to trial, for any Crime or Offence without a War-
 rant in writ, Expressing the Particular cause, whereof
 the Execution, or keeper of the Prison is to give immediately
 a Double Under his hand to the prisoner. Warrants for
 Imprisonment on the Account aforesaid, proceeding either
 on Informations not subscribed, or not Expressing the
 cause, are Void: and the subscriber of such a Warrant
 and the Execution or keeper of the Prison Detaining the
 person so ordered to be Imprisoned, or refusing a Double
 of the warrant to the prisoner, are liable to the ^{pain} of wrong
 Imprisonment. But this Necessity of a signed Informati-
 on and written Warrant of Commitment is not necessary
 in the Imprisonment of Coaliers, Salters, Vagabonds
 or Masterfull beggars, or persons Disobedient to Church
 Confessors, or found Acting in tumults; or to Imprison for
 Riots blood or battery, or for Drunkenness Sabbath break-
 ing, swearing Uncleanly, pickeries and thieving; or for
 Slighted done to Inferior Magistrates, Judges or Justices
 of peace; or for thefts, Robberies and Rapinations
 in the borders and highlands; or to Commitments in the
 case of Actual Invasion Rebellion or Insurrection, upon
 suspicion of Treason thereto Act 6 Sept. 1569 Parl.
 2. W. vid. Supra pag. Magistrates were always allow-
 ed to Imprison summarily such as insulted them with op.