

servants. To which objection it was answered, that the oath taken in such a prosecution were not to be founded on to the Affairs, but to be destroyed before the Judicial Examination of the Witnesses, who therefore could not be overruled by any formerly emitted by them: and it was safer to have committed the Recognition to Judges, than to the King's Advocate who had ever been in use formerly to take it; whose course would prevent Good left trouble to many that might happen to be unjustly accused out of Malice or Mistake when the witnesses are found that can swear against them. But the the Lords of Justice were authorized by the King's Letters to take prosecution after Commencing of a process; Yet his Majesty's Advocate still does it before 27 March 1684 Sir Hugh Campbell of Cobnock.

Upon the whole in order to know if there be ground for a Criminal process, and how to libel Judgments of Criminal Letters exactly, persons who were present at the Commission of Oaths use now to be Examined, but not upon oath, as to what they know of the facts and Circumstances thereof, and then signed Declarations take which is called a recognition. But these Declarations are cancelled and destroyed before they be sworn and witnessed at the trials.

In England the grounds of a Criminal trial, and ^{probably} required into by a Grand Jury Consisting ordinarily of 24 grave and substantial Gentlemen, or some of the better sort of Yeomen chosen indifferently by the Sheriff and of the whole shire, to consider and give their opinion of all bills of Indictment preferred, i.e. propounded to the court, which they do by writing *hilla Vera* on the back they Approve, and finding Ignorant on such as they Disallow. When a bill is approved by the grand Jury, the offender is said to be indicted. This bill

In the King's Bench, the Grand Jury is sworn to inquire into the truth of the facts, and to return a bill of indictment if they find the facts proved. The Grand Jury is also sworn to inquire into the truth of the facts, and to return a bill of indictment if they find the facts proved. The Grand Jury is also sworn to inquire into the truth of the facts, and to return a bill of indictment if they find the facts proved.

Disallowed by them are Delivered to the Bench to be forth with cancelled or torn. Some have thought that the duty of a Grand Jury is to consider only the facts, and not the law. But the Grand Jury is sworn to inquire into the truth of the facts, and to return a bill of indictment if they find the facts proved. The Grand Jury is also sworn to inquire into the truth of the facts, and to return a bill of indictment if they find the facts proved. The Grand Jury is also sworn to inquire into the truth of the facts, and to return a bill of indictment if they find the facts proved.

The Secretary of State and his Deputed keepers of the signet were discharged to pass any letters bearing force to appear *Super Inquisitionis*, or to enter their person in ward, or do any other Good Under the pain of Treason and Rebellion, and in case of failure to Denounce them without a previous Citation or trial; the Superfines, by the Sovereign, or subscribed by two or more of his Council, Unless they be subscribed by at least four of the Chief officers of State, whereof the Chancellor Treasurer or Secretary one, who shall answer that the Letters are Directed for Treason or Matters of the highest Importance, concerning his Majesty's person or proper Estate that cannot admit of Delay Act 13 Part. 10. C. 6. But for George M. Lewis (Colborn. on d. Act 13) is of opinion, that this doth not hinder the Sovereign or his Judges, upon receiving private Information of latent Crimes, to examine men without a formal process.

The Indictment, or Edictment (whether it comes from the French word *Indictor*, or from Dietin, because after Reading the Indictment the Judge asks the jury, what he can say to it) is a schedule given to the party accused, containing the Crime he is charged with, and Read thus. A. B. Prisoner in the Golbooth of Edinburgh, you are indicted and accused at the instance of the Lord Not withstanding by the Law that you are of Verity that you are guilty, but and part of the fore said Crimes charged Upon you, or one or other of them; which being found proven by the Verdict of an officer, before the Lord Justice General Justice Clerk and other Commissioners of Justice

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