

you ought to be punished with the pains of B.C. to the terror
of others to commit the like in time coming. This find-
ment with a list of witnesses thereto subscribed, is subscribed
by the Kings Advocate or his Deputy. Upon which a
bill also signed by him, bearing letters of Diligence to
summon the party indicted to compare before the
Justice General Justice Clerk and Commissioners of
Justiciary within the Tolbooth or Criminal Court
of Edinburgh, on a certain day, to undergo the law
and summon an assize not exceeding the number
of 45 persons Act 6 Parl 6 Act 88 Parl 11 J. 6. and all
witnesses to appear the said day; is offered to and
of course by any one of the Lords. At the same time a
list of 45 assizes called the Grand Assize is made
presented to and signed by a quorum of the Lords Act of
Regul. of the Justice Court 1672 Act 3. J. 6. or saving Expenses
assizes are held on taken out of the place where the
crime was committed, but are generally inhabitants
of Edinburgh, who are at a mighty loss in their private
affairs, by such diversion. But some are by privilege ex-
empted from serving upon Jurors. Noblemen were ne-
ver put upon Ordinary Jurors, but only when peers were
tried. But when Noblemen were indicted in the same
libel with a Gentleman, and Noblemen given up in the
list of assize to that Gentleman; it was found that
those Noblemen behaved to pass upon the assize of
the Gentleman and could not plead the privilege of
their prerogative, in order to have the Jury changed; al-
beit the list against those peers jointly indicted
with the Gentleman to be tried was continued. But
the Noblemen on that assize, protested, for the
preservation of their privilege, that their services in
that affair should not infer a preparative against
1683

1684.

It was once the privilege of the Royal Burghs, that they
could depute their own Burgesses from going upon
assizes for Justice. cap. 30. But now all Burgesses are liable
to be assizes except Chirurgeons. As to Butcher's quere.

However by a letter under the Kings privy seal dated 16
May 1592 the King for himself the said Burghs and
Exempted the provost Bailies Council community and
other inhabitants of Aberdeen from passing upon any assizes
or Jurors except for crimes committed within the said
burgh freedom thereof and two miles about. Which letter
of Exemption was produced in the court of Justiciary and
recorded in the Books of the Journal 2 December 1615. The
like privilege was granted by a Charter under the great
seal 15 November 1600 ratified in Parliament Exempting
the provost Burgesses and Community of Perth from pas-
sing upon any Jurors except where the said crime is com-
mitted within the said Burgh or a Mile thereof.
Others are Excused from serving upon Jurors, as Clergy
men Code 2 Inst. 3. 625 who are not to be intangled with
secular affairs 2 Inst. 24 Advocates at law 12 March
1600 Mr Gill of Rankailor Chirurgeon, and Chirurgeons
thevaries 9 March 1674 Joseph Doacon of Chirurgeons in
Edinburgh Mr Kenzie observ. on acti Parl. J. 4 Burgh
2 Inst. 23 16 because of their necessary attendance on the
sick. By a Gift under the privy seal dated 12 Feb. 1687
to Masters workmen servants and others belonging
to the Kings Mint, were Exempted from all assizes.
But the Kings Wright, Smith, Sclaitor, Glassier, Ma-
son and plimber, having in a petition showed that
they also by his Majesties Gift intitled to all the
privileges and Immunities competent to their pro-
cess