to his roll; and so forth so long as the Judges can conveniently sit; their business in court not being Determined by any Set hour.

2.

The order of proceeding in trials.

When a quorum of the Lords is Met, and parties, assizers and Witnesses called upon and found present, the pursuer gives in to the Clerk his Indictment or Summons executed against the Defender with the Executions served against the Assizers and Witnesses; and the Defender enters the pannel that is he is set to the Bar so called, whence he is, during the trial, termed the pannel, and ought to be Described by that Name in all the pleadings, 20 November 1695 George Cunningham. The Bringing of Criminals to the Bar in sober Manner is carefully provided for by our law, which allows the pursuer to appear only with four, and the Defender with six of his friends Unarmed Act 82 Parl. 14 J. 2 Act 41 Parl. 6 Q. M. and 140 Parl. 8 J. 6. And the Justices may lessen that Number or suffer few or none to enter the pannel with the Defender if they see Reason for such a Restraint Mckenzie observes on Act 98 Parl. 14 J. 3 & observ. on d. act 140. The Clerk writes in the Court book:

Curia Justiciarij S. D. N. Regis tenta in Praetorio burgi de Edinburg — de Monsieur — Anno Domini — per — Commissionarius Justiciariae dict. S. D. N. Regis Curia Legitime affirmata, that is, the court Lawfully formed.

Intran. A. B. that is, A. B. enters the pannel.

A. B. Indicted and accused at the Instance of — as guilty of the Crime of — Committed by him in Manner Mentioned in the Indictment or Criminal Letters raised against him there Anent. Then a Macer, by order of Court, commands silence, and the Clerk reads the Indictment, or Criminal letters.

If the pannel Resides within a Regality, or Dwelleth there where the Crime was Committed, the Residing also where

where at the time he is tried, the Lord of Regality, or one having a Commission or procuratory from him, may before any Defence is made upon production of his Charter of Erection and sasine of the Regality, or of the Sasine whereon the Right of Regality is Notour, or of an Act of Adjournal whereon it was formerly produced and sustained in his favour) Replede the pannel that is, brave to have him Remitted to a trial in his court. Unless he be indicted of high treason or any of the four pleas of the Crown, which are only Competent to be tried before the Lords of Justiciary. If the Lords allow the pannel to be Repledged, the Repledger must find surety to do Justice upon him within Year and day; and the pannel Must find Caution to Appear before the Regality court, to undergo the Law for the Crime laid to his Charge. Which caution is called Culreach or forthcomand bargh or back bargh because left behind in the Court Repledged from. But no pannel can be Repledged after Making Defence: because thereby the Jurisdiction of the Court is prorogated; tho any Benefit belonging to the Judge of Regality upon Conviction of the pannel will be Reserved to him as Accessory. And it's said that a Criminal cannot be Repledged in a trial for Deforcement.

An Advocate having Appeared by the Warrant of his Lower without any other procuratory for a Judge of Regality, and Craved a pannel to be Repledged to the Regality, the Claim of Repledging was Refused; In Respect there was no Infeoftment nor procuratory from the pretended Judge of Regality produced, nor Act of Adjournal bearing any party to have ever been Repledged to such a Regality, [redacted] 31 July 1641 William Frazer. Again, one Accused With others for Oppression, was not Allowed to be Repledged to the Jurisdiction of the Regality of Menzie. Because 1. Nothing was produced to Instruct the Being of such a Regality or that the Repledger had right to it, but a precept Under the great Seal and his Sasine upon an Apprizing of