

the action continues it being reckoned a greater Contempt to Absent from ~~the~~ Diet to which a trial is Continued than not to appear at all. 8 March 1692 Alexander Hayton & William Fraser 5 August 1692 Captain John Waller the pannel, if a prisoner, is carried back to prison. Where more lawyers than one are Employed on either side, they ought to Confer the Debate Among themselves and give it in ~~one~~ extended in one signed paper, and not in Different papers Drawn by Different lawyers: for the Clerk is charged to take in Any additional Informations, whether for or against the pannel 20 November 1695 George Buring. Some time before the Day to which the trial was Continued, copies of the Informations on both sides are given to each of the Lords for his perusal, that each of them may be Right, and better Apprized of the case at advising. When the Court of Session is sitting such Informations are put in the Lords Boxes in the waiting Room of the Session house; but in the vacation, are Carried to their Lodgings, if the parties have no Opportunity to present their papers to them otherwise. The Informations are Entered and Recorded by the Clerk in the Book of adjournal.

On the day to which the trial was Continued, the Lords being assembled, the prisoner or other party Accused is again set to the Bar, advised and witnesses are called, and Absents, if any be, are Unlawful or fines. The Clerk, by order of the presiding Lord or Chairman reads the pannel's libel, and the Informations of both parties in open court. If any thing new on either side is pointed out by the Judges, or by One of the parties to be answered: the lawyers here in are heard upon viva voce, and the Debate Minutes by the Clerk in presence of the Judges Act 4 sess. 5 Parl. 1691. The Kings solicitor having after the pleading

and Informations upon an Indictment, causes Execute the same Indictment a second time, and given out to the Pannel an additional list of witnesses, he moves when the Lords were going to advise, that the Lawyers for the pannel might, if they had any more to say against the Indictment so executed a second time, be allowed to plead it then, that their Lordships Interlocutor might proceed upon both Indictments. To which it was answered for the pannel, that it was so regular to plead to a second Indictment upon the same fact, while the first is standing Undisputed or Deforted; especially where the second was Executed after finishing the Debate upon the first. The Lords found that his Majesties solicitor was under no Necessity of Deforting the Diet of the first Indictment, but might Indict in both at the same time, and that the Procurators for the pannel were at liberty to plead against the second Indictment what they thought fit 15 November 1717. ^{John & David Brock.} Where some persons Accused in the same libel, and formerly Declared fugitives for not Appearing to Answer the law, have got themselves Relieved from the Act of fugitation, Upon finding surety in the Books of the journal to stand a trial, and do now Appear at the Bar; the Chairman asks the Lawyers, after Reading of the libel and Informations upon the former Debate, if they have any thing farther to plead in behalf of these new pannels than what was said before: and if they have any thing more to plead, they are heard.

The Lords, upon advising the Informations, and additional Debate, if any be, pronounced their Interlocutor upon the Relevancy of the libel, and either sustain or Repell the Defence, or ground of Exculpation offered for the Pannel, and find that accordingly he should or should not go to the knowledge of an Inquest. If the libel be found not Relevant, the Diet is Deforted, and the pannel Dismissed from the Bar Act 6 sess. 8 & 9 Parl. 1714. who cannot be brought to trial again till after