

No 35. 1500. *December 5.* The KING *against* The BAILLIES of Haddington.

ONY persoun beand accusit criminallie befor the judge criminal, the saidis Lordis (of Session) are judgeis competent to cognosce and tak inquisition, quhidder the samin judge hes procedit ordourlie or not, in sic thingis as concerns thair office in leiding and deducing of the proces: And gif he be fund culpabill, or convict to have unordourlie or unjustly procedit, thay may decern him to be punist thairfoir, and als reduce the proces led, done, and pronuncit be him. And gif the Judge, in ony actioun of blude, as is persewit of foirthocht felone committit, takis inquisition, or makis accusatioun, of troubleance, and makis the persounis committaris of the said blude quyte of the troubleance, intending thairby, in defraud of justice, to mak thame quyte of the blude, and foirthocht felonie, in sa far as he may, the saidis Lordis may likewise cognosce thairupon.

*Fol. Dic. v. 1. p. 495. Balfour, No 2. p. 266.*

No 36. 1500. *December 7.* The KING *against* The SHERIFF of Fife.

THE Lordis of Sessioun are on na wayis Judges competent to cognosce in ony actioun, or caus concerning crimes, sic as hurting, mutilatioun, or slauchter of men: And farder, gif ony persoun be accusit criminallie befor the Justice, or his deputis, or ony uther Judge within this realme havand criminal jurisdiction, and be put to the knowledge of ane assise thairanent, gif he be ather fylit or quytit, quhidder the samin deliverance of the assise be wrangouslie or richteouslie done, the saidis Lordis hes na powar to cognosce thairupon, bot aucht and sould remit the samin to the Justice, and his deputis, to be decidit befor thame be ain greit assise, conform to the lawis of this realme.

*Balfour, No 2. p. 266.*

1515. *July 9.* The KING *against* GAVIN POSTULAT of Aberbrothick.

No 37.

GIF ony persoun, spiritual or temporal, within this realme, accusis ony for breking of the actis of Parliament, the King, and the Lordis of Counsal, and nane utheris, ar Jugeis competent thairintill.

*Balfour, No 3. p. 266.*