

1621. January 10. BAILLIE against LORD TORPHICHEN.

A BARON or his bailie may secure any person who commits a riot, blood, or oppression upon any of his tenants, without necessity of a warrant from superior powers, which he may do at any time before the party go forth of the barony.

No 257.

Fol. Dic. v. 1. p. 504. Nicolson, Kerse, Durie, Haddington.

* * See Durie, Haddington, and Nicolson's Reports of this Case, No 16. p. 4797. and Kerse's, No 204. p. 7490. *b. t.*

1623. January 11. INNES against GRANT.

GRANT suspends an act of outlaw for not compearing in a regality court, holden by Innes of Coitts, bailie of Spynzie; *ratio*, The act bears them not to have been summoned to compear at King Edward, and they compeared at the Jewel-house in the kirk of Elgin, which has been the court-place past memory of man. *Answered*, The act is given at Kirk Edward, and bears the suspender to be summoned that day, and offers to prove he was summoned to King Edward; and albeit the Jewel-house be the head Court-place, yet courts for blood may be holden in any part by the bailie, within the lands and barony where the blood was committed, and he has been in use to hold courts at King Edward; admits the answer.

No 258.

A Baron Court may be held for blood at any place of the barony, as well as at the head court place.

Clerk, *Durie*.

Fol. Dic. v. 1. p. 503. Nicolson, MS. No 212. p. 151.

* * Haddington reports this case :

ALEXANDER INNES, bailie of the regality of Spynzie, having unlawed certain tenants of lands holden of the regality, tenants to Robert Dunbar of Burgie, in September last, for not compearance to pass upon an assize, in trial of a blood committed; the tenants and their master suspended, *alleging* That the act was null, because the court was not holden in the Jewel-house of Elgin, which was the ordinary place of holding of courts, and that they could not be compelled to compear in any other place than the ordinary place, to pass upon a blood, but in a court to be holden in their own barony. THE LORDS, in that cause, found, That being cited to a particular place of the barony, where the blood was committed, or where the defender dwelt, it was sufficient that criminal courts, and for blood, might be kept in feriat time, and that those who dwelt near to the place where the court was kept, albeit not within that same barony, might be unlawed for their disobedience. But if these courts were to be kept in a place

No 258. far distant from their dwelling, the LORDS appeared not to think that they could be vexed, if there were sufficient number of inhabitants of the regality dwelling more ewest and commodiously, to serve in the said courts.

Haddington, MS. No 2719.

No 259.

1775. December 16. MAXWELL *against* MACARTHUR.

THE LORDS found that the Baron bailie of Gorbals of Glasgow has power to try, in the first instance, summarily and without a jury, and to punish with imprisonment, banishment, and whipping, such offences as the keeping of a house of bad fame.

Fol. Dic. v. 3. p. 354. Fac. Col.

* * * This case is No 95. p. 7381.

S E C T. III.

Jurisdiction of Proprietors who are not the King's Vassals.—Jurisdiction of those who are infest *cum curiis*.

No 260.

1541. July 24. A. *against* B.

A LAIRD OF lord may, by his own officers created in court, poind his tenants for the duties of his lands and the byruns liquidated; likewise he may call his tenants before his own bailie, and cause them liquidate the same, and get his tenants convicted therein.

Fol. Dic. v. 1. p. 504. Sinclair, MS. p. 4.

No 261.

1554. July 30. LORD ANGUS *against* LAIRD OF P.

ANY man may pursue in his own court for non-entries of the lands holden of him, as it was practised betwixt my Lord Angus and the Laird of P.

Fol. Dic. v. 1. p. 504. Maitland, MS. p. III.