

*“The Practicks of Sir James Balfour”, Stair Society 1937 p41 quoted by Sir Crispin Aonew
“The Baron's Court”, Convention of The Baronial of Scotland, 1994*

“ The practicks of Sir James Balfour “

The maner of halding Baron Courtis

It was to wit and be rememberit, that firft and formeft, quhair Baron courtis fould be haldin, thair aucht till appeir within ane certane place, within the lordfehip of the baronie that is callit the *Chemuis*, the Bailize, with fullficient power, be lettre and feill of him in quhais name he haldis the court, with his Clerk and Serjand, with lauchfull and fufficient fuitaris; and then aucht the Clerk to title the court, makand mentioun of the day, zeir and fteid, quhan and quhair the Court is haldin, with the dait of the zeir of our Lord, fayand, Befoir fic ane feift, fic ane day, and fic ane mometh; and than aucht the Serjand to call thje fuitaris anis fimply, in the firft the out-fuitaris of the court, gif thair be only, and fine the in-fuitaris; and qehen thay ar all anis callit throw, the Court aucht to be defendit be the Serjand, in the maner: I defend and forbid, in our liege Lord the Kingis behalf of *Scotland*, and on the lordis behalf, that the court aw, than na man tak fpciche in hand for ony uther man withoiut leive askit and gevin, nor trouble this court unlauchfullie effonzeit, and gar a fuitar of the court dome thame in ane unlaw, efter the courfe of law; and quha is defaultit, the Bailzie fall give command to Serjand to gang with witneffis to the hous of him that maid the default, to tak ane diftres for the default, and let it to borgh to him to enter in the nixt court, to faith the famin, gif he may. And this done, the Clerk aucht to reid the rolment of the court nixt beand befoir, and all his rollis throwch to reid and to clenge; and quhat caufis war thair left laft dependand and unendit. Gar thame firft be determinit; And efter the rolmant of the court befoir be clengit and endit, the Serjand aucht to prefont attachiamentis and borgh-rowis that ar fundin in his handis, be him lauchfullie maid; and he aucht to prefont thame firft ar fundin in his handis; for the lay fayis, he that firft knittis and bindis him to the law, firft aucht to be hard in court, and (of law) fervit befoir the luge: And fra thay be fa prefontit to Bailzie with launchfull witneffis, then aucht he, in his court , thame to handle and fteir as law will; and then the Clerk aucht to inroll thame formallie, fwa that afterwart thay be haldion in freth mynd, as the cours of the court rinnis, fra court to court, quhill the mute be endit be dome and executioun of law, And it is to wit, that gif ony man aucht thre fuitis, he fall compeir at thre heid courtis in the zeir, that is is to fay, the law day efter *Michaelmas* , the law day efter *Zule*, and the law day efter ‘Pafche.Mod.tenen.cur.bar. C.I. Item, touching the ordour of halding of baron courtis in criminall caufis, it is flatute that all Baronis, in thair courtis of criminall caufis, ufe, keip and obferve the fammin forme and ordour of process quhilk the Kingis Jufticve dois keip in his juftice-courtis; as fall be afterwart declairit in the awin place.

Rob. 111. ex lib. Sconnen.