

ANNO PRIMO

GULIELMI IV. REGIS.

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CAP. XXXVII.

An Act to amend an Act of the Ninth Year of His late Majesty King *George* the Fourth, to facilitate Criminal Trials in *Scotland*, and to abridge the Period now required between the pronouncing of Sentence and Execution thereof, in Cases importing a Capital Punishment.

[16th *July* 1830.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of King *George* the First, intituled *An Act for the more effectual disarming the Highlands in that Part of* Great Britain *called* Scotland, *and for the better securing the Peace and Quiet of that Part of the Kingdom*, by which it is enacted, that no Sentence importing a Capital Punishment, pronounced in *Edinburgh* or in any Place to the Southward of the Firth or River of *Forth*, shall be put to Execution within less than Thirty Days of the Date of such Sentence; and if pronounced in any Place to the Northward of the said Firth or River, shall be put to Execution within less than Forty Days from the Date of such Sentence: And whereas it is expedient that the said Periods should be abridged: And whereas an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to authorize additional Circuit Courts* 11 G. 1. c. 26. 9 G. 4. c. 29.

Courts of Justiciary to be held, and to facilitate Criminal Trials in Scotland; which Act requires to be amended in certain Points: And whereas it is expedient to afford some additional Facilities in such Trials: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act passed in the Eleventh Year of the Reign of His Majesty King *George* the First as prohibits the Sentences of the Courts of Judicature importing a Capital Punishment from being put to Execution within the Periods therein specified, be repealed.

Abridging the Period between passing a Capital Sentence and the carrying of it into execution.

When Sentence of Capital Punishment is passed, a Day to be named for carrying it into execution.

II. And be it further enacted, That from and after the First Day of *August* next after the passing of this Act every Sentence of any Criminal Court importing a Capital Punishment, if pronounced in *Edinburgh* or in any other Part of *Scotland* to the Southward of the Firth or River of *Forth*, shall specify a Day for having the same put to Execution, not being less than Fifteen Days or more than Twenty-one Days after the Date of such Sentence; and if pronounced in any Place to the Northward of the said Firth or River of *Forth*, the Day to be so specified shall not be less than Twenty Days or more than Twenty-seven Days after the Date of such Sentence.

Spring Circuit in certain Events not to be held sooner than 20th April.

III. And be it enacted, That so long and as often as an additional Circuit Court shall be held at any Town in *Scotland* during the Recess of the Court of Session in the End of *December* and Beginning of *January*, in Terms of the before-recited Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, the immediately succeeding Circuit Court shall not be held at any such Town sooner than the Twentieth Day of *April*.

Regulation as to Criminal Trials before Sheriffs.

IV. And be it enacted, That on the Prosecution of Criminal Offences before Sheriffs of Counties according to the summary Form provided by the said last-recited Act, the Person accused, when first brought before the Sheriff, shall be entitled to require a Copy of the Libel against him, and to require that his Trial shall be adjourned for a Space not less than Forty-eight Hours after such Copy of the Libel shall be served upon him; and such Requisitions shall thereupon be complied with, provided that the same shall be made before the Examination of any Witness upon the Trial shall have been commenced; and no such Requisition shall be competent where a Copy of the Libel shall have been served upon the Person accused at least Forty-eight Hours before such Trial.

Further Regulations as to the same.

V. And be it enacted, That no Adjournment of any such Trial shall take place when the Person accused pleads Not guilty, or at any other Stage of the Trial, except when required by the Person accused, as herein-before provided, unless the Sheriff shall see Cause to authorize such an Adjournment; and it is provided, that when

the Declaration of the Person accused or other Evidence different from Parole Testimony shall be adduced on such Trial, the Production thereof in Evidence shall be marked in the Record of the Trial.

Transmission of Prisoners.

VI. And be it enacted, That it shall be lawful for any Officer of the Law, when lawfully conveying any Prisoner to any Gaol or before any Magistrate, to convey such Prisoner through any County adjoining to that over which the Magistrate possesses Jurisdiction before whom such Prisoner is to be carried for Examination, or to that in which the Gaol is situated to which such Prisoner is to be committed, in the same Way in all respects as if such Officer had been an Officer of the County through which he may so pass, and as if the Warrant under which he is acting had been granted or indorsed by a Magistrate of such County.

Officer may cite Jurors and Witnesses, without Witnesses.

VII. And be it enacted, That it shall be sufficient for the Legal Citation of any Juror or Witness in any Cause or Legal Proceeding, Civil or Criminal, that such Citation be given by any Officer of the Law duly authorized, without Witnesses; and it is hereby provided that the Oath of such Officer in support of the Execution shall be held and received as sufficient Evidence of such Citation when the same shall be questioned in a Court of Law.

Citation of Witnesses.

VIII. And be it enacted, That when the Attendance of any Person shall be required as a Witness in any Criminal Cause or Proceeding, or in any Prosecution for a pecuniary Penalty, before any Court or Magistrate in *Scotland*, such Person, although not residing within the Jurisdiction of the Court or Magistrate granting the Warrant of Citation, may be cited on the Warrant of such Court or Magistrate, and this either by a Messenger at Arms or by an Officer of the Court or Magistrate granting the Warrant, or by an Officer of the Place in which such Person may be for the Time; and such Citation shall be sufficient to enforce the Attendance of such Person as a Witness, in all respects, as if such Person had been resident within the Jurisdiction of the Magistrate by whom such Warrant shall have been granted; and further, that any Sentence or Decree for any pecuniary Penalty or Expences pronounced by any Court or Magistrate may be enforced against the Person or Effects of any Party against whom any such Sentence or Decree shall have been awarded in any other County as well as in the County where such Sentence or Decree is pronounced: Provided always, that such Sentence or Decree, or an Extract thereof, shall be first produced to and indorsed by a Court or Magistrate of such other County competent to have pronounced such Sentence or Decree in such other County.

Conviction for a Crime not to disqualify a Witness.

IX. And be it enacted, That where any Person who hath been or shall be convicted of any Crime (except Perjury or Subornation of Perjury), and shall have endured the Punishment to which such Person shall have been sentenced for the same, such Person shall not thereafter be deemed, by reason of such Conviction or Sentence,

tence, an incompetent Witness in any Court or Proceeding, Civil or Criminal.

Banishment.

X. And be it enacted, That it shall not be competent for any Judge or Magistrate to pronounce upon any Person whatsoever convicted of any Crime a Sentence banishing such Person forth of *Scotland* only, or forth of any Burgh or District or County of *Scotland*, save and except in those Cases where by any Act or Acts of the Parliaments of *Scotland* now in force the Punishment of Banishment forth of *Scotland* is enacted and specially provided for any specific Offence.

As to preparing Returns ordered by this Act and making up County Lists of Jurors under 6 G. 4. c. 22.

XI. And be it enacted, That in preparing the Return ordered by this Act, and in making up Lists of Jurors in Terms of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the Qualification and the Manner of enrolling Jurors in* Scotland, *and of choosing Jurors on Criminal Trials there, and to unite Counties for the Purposes of Trial in Cases of High Treason in* Scotland, the Sheriffs of Counties shall only employ such Persons to assist in the Discharge of the Duty as shall be authorized by the Court of Exchequer in *Scotland* according to a Regulation to be established by that Court; and such Persons shall not receive any Remuneration for the said Duty other than such as may be fixed by a Table to be prepared and sanctioned by the Court of Exchequer for that Purpose, which Table the said Court is hereby required to cause to be prepared and to sanction accordingly.

Provision as to where Criminal Trials shall be held in certain Cases.

XII. And be it enacted, That where, from the Extent of any Burgh or Town situated at a Distance from the Head Burgh of a Shire, or from any other Cause, it shall be deemed expedient that Trials of Persons accused of Crimes committed in such Burgh or Town, or in Places adjacent thereto, should be there tried, instead of being tried at the said Head Burgh, it shall be lawful for the High Court of Justiciary at *Edinburgh*, on the Application of His Majesty's Advocate, to give all such Directions in that Behalf as the said Court shall think fit; and the Sheriff of the County within which such Burgh or Town is situated shall give Obedience to all Directions so given.

Provisions of 9 G. 4. extended to inferior Judges, &c. in certain Cases.

XIII. And be it enacted, That the said recited Act passed in the Ninth Year of the Reign of His late Majesty, in so far as it provides for rendering all inferior Judges and Magistrates more safe in the Execution of their Duty, shall extend to all Acts done by any such Judge or Magistrate in apprehending any Party, or in regard to any Criminal Cause or Proceeding, or to any Prosecution for a pecuniary Penalty.

Sheriff of Argyleshire may hold Courts and grant Warrants in the

XIV. And whereas from the great Resort of Persons at the Western Extremity of the *Caledonian* Canal, and from the Want of local Magistrates in the Northern District of *Argyleshire*, the Establishment of a Sheriff's Court for the Administration of Justice within such District is required: And whereas there is no Place in which such

such Court can conveniently be held, excepting in the Town of *Fort William*, which Town is situated in the County of *Inverness*, but is in the immediate Vicinity of the said District of *Argyleshire*; be it enacted, That it shall be competent to the Sheriff of the County of *Argyle*, and his Substitutes, and to all other Magistrates of the County of *Argyle*, to grant all Warrants, Civil and Criminal, and to hold all Courts for the Trial of all Causes, Civil and Criminal, and to pronounce Judgment therein, within the Town of *Fort William*, in the same Way and to the same Effect in all respects as if such Warrants were granted and Judgments pronounced within the County of *Argyle*. Town of Fort William.

XV. And be it enacted, That the Sheriff of every County in *Scotland* shall, on or before the Fifteenth Day of *January* next after the passing of this Act, and on or before the Fifteenth Day of *January* of every succeeding Year, transmit to His Majesty's Advocate for *Scotland* a Return showing the Number of Persons committed to the several Gaols within the Jurisdiction of such Sheriff on Criminal Warrants of Detention till liberated in due Course of Law, in the Year ending on the Thirty-first Day of *December* immediately preceding; which Return shall show the Nature of the Crimes and the Result of the Commitments according to the Form contained in the Schedule annexed to this Act, but subject to such Alterations and Additions as may from Time to Time be ordered and required by One of His Majesty's Principal Secretaries of State; and His Majesty's Advocate for *Scotland* is hereby required to prepare from these Returns, under the same Heads, a General Return for *Scotland*, distinguishing each County, and on or before the First Day of *March* in each Year to cause the same to be transmitted to One of His Majesty's Principal Secretaries of State, to be laid before Parliament. Sheriffs to make Returns.

SCHEDULE referred to

A RETURN of the Number of PERSONS, distinguishing Males from Females, COMMITTED in the them to be detained till liberated in due Course of Law; showing

NATURE OF THE CRIME for which Persons were COMMITTED FOR TRIAL.	Number of Persons REMAINING UNTRIED from preceding Year.				Number of Persons COMMITTED for TRIAL.		Number of Persons LIBERATED without Trial, and without finding Bail to stand Trial, including those whose Obligation to stand Trial has been allowed to expire.		Number			
	In Gaol.		On Bail to stand Trial.						High Court of Justiciary.		Circuit Court of Justiciary.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.
MURDER												
CULPABLE HOMICIDE												
ROBBERY												
RAPE												
WILFUL FIRE-RAISING												
FORGERY, and UTTERING FORGED DOCUMENTS												
THEFT												
THEFT, by HOUSEBREAKING												
ASSAULT												
OTHER OFFENCES on account of which Persons were committed for Trial, specifying the Nature thereof respectively:												
TOTALS												

in the foregoing Act.

Year to the several GAOLS in the County of under Warrants directing the Nature of the Crimes, and the Result of the Commitments.

of Persons TRIED, and before what Court.										Number of Persons CONVICTED, OUTLAWED, or ACQUITTED.								continued on page 372.
Sheriff.				Burgh Magistrates.		Justices or other Court.		TOTAL.		Convicted.		Outlawed.		Acquitted.		Found to be Insane.		
By a Jury.		Without a Jury.																
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	

SCHEDULE referred to in

A RETURN of the Number of PERSONS, distinguishing Males from Females, COMMITTED in the them to be detained till liberated in due Course of Law; showing the

continued from page 371.

Number of Persons UNTRIED.				SENTENCES of those CONVICTED, distinguishing the Number													
				Number sentenced to DEATH.								Number sentenced to TRANSPORTATION.					
In Gaol.		On Bail to stand Trial.		Total Number.		Number Executed.		Number Pardoned.		Number of Sentences Commuted.		Life.		Fourteen Years.		Seven Years.	
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.

the foregoing Act — *continued.*

Year to the several GAOLS in the County of under Warrants directing

Nature of the Crimes, and the Result of the Commitments — *continued.*

of those who, having received Sentence of Death, were EXECUTED.																OBSERVATIONS.
Number sentenced to IMPRISONMENT for								Other SENTENCES, describing their Nature.								
3 Months, and under.		6 Months, and above 3 Months.		12 Months, and above 6 Months.		Above One Year.										
M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	

N. B.—When

SCHEDULE referred to in the foregoing Act — *continued.*

N. B.—When Persons are committed to a County or a Burgh Prison, and afterwards removed to Edinburgh or to a Circuit Town for Trial, they will be returned in the County where such Persons were confined previously to such Removal. In Cases where Persons have been convicted of a different Crime from that specified in the Warrant of Commitment, they will be placed in the Columns opposite to the Offence of which they have been convicted, and not opposite to that for which they may have been committed. Persons whose Sentences have been commuted will be distinguished from those unconditionally pardoned, and the Grounds for every unconditional Pardon, so far as known, will be mentioned in the Column of Observations.

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