ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

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C A P. LXVII.

An Act to allow *Viva Voce* Verdicts to be returned to the High Court and Circuit Courts of Justiciary of *Scotland*, in certain Cases; and for allowing Appeals to the Circuit Courts of Justiciary, in Civil Cases, to a certain Amount. [27th *May* 1814.]

WHEREAS by the Form of Proceeding in Trials for Crimes before the High Court and Circuit Courts of Justiciary, in *Scotland*, Verdicts of Juries must be prepared in Writing, and regularly executed in Presence of the Jurymen, by their Chancellor and Clerk, after the Jury are inclosed, when Access to the Court for Advice or Direction or otherwise, is incompetent: And whereas the Necessity of always observing this Form is in many Cases attended with an unnecessary Consumption of Time and Delay of Public Business; and by means of Mistakes in written Verdicts, guilty Persons sometimes escape Punishment, and the ends of Justice are thereby defeated: 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 notwithstanding any Law or Practice to the contrary, it shall hereafter be lawful for the said High Court of Justiciary and Circuit Courts, and at the Discretion thereof respectively, to receive Verdicts from Juries by the Mouth of their Chancellors, when upon a Consultation in the Jury Box, the whole Jurymen are

Verdicts may be received from the Mouth of the Chancellor of the Jury.

are agreed therein, although the ſaid Verdicts be not contained in Writing nor prepared after the Jury ſhall have been incloſed, and to cauſe the ſame to be taken down and recorded; and that in Caſes where Juries retire from the Preſence of the Court, and are incloſed in order to conſider of and prepare their Verdicts, it ſhall alſo be lawful for the ſaid High Court of Juſticiary and Circuit Courts, at the Diſcretion of the ſaid Courts reſpectively, to receive ſuch Verdicts by the Mouth of the Chancellors of the ſaid Juries, in Preſence of the Pannel, although the Verdicts have not been made out in Writing; provided the whole Jurymen are agreed therein, and provided the Judges are then ſitting in Court, ſo that the Jury may ſtraightway repair to the Preſence of the Court, attended by an Officer or Officers thereof.

Proviſion in caſe another Trial ſhall be then pending.

II. And be it enacted, That notwithſtanding another Trial be depending at the Time, and even after another Jury ſhall have been charged with a Pannel or Pannels, when a Jury as aforeſaid ſhall repair to the Preſence of the Court, in order to return their Verdict, it ſhall be lawful for the ſaid Courts either to receive the Verdict, in preſence of the Pannel, provided the whole Jurymen are agreed therein, and to cauſe the ſame to be recorded, or to remand the Jury, and order them to be re-incloſed, and to prepare a Verdict in Writing.

Proceedings ſo had not to be deemed an Irregularity.

III. And be it enacted, That in any of the ſaid Caſes provided for by this Act, the Interruption thereby occaſioned in the Proceedings of the ſaid Courts ſhall not be deemed any Irregularity, or entitle any Pannel or Pannels under Trial to take any Objection to the Proceedings; and all Trials conducted agreeably to any of the Forms hereby authorized, ſhall be held equally regular, and the Judgements pronounced therein be equally effectual to all Intents and Purpoſes, as if they had been conducted according to the Forms hitherto in uſe.

Forms hitherto in uſe may be directed to be obſerved, and the Act not to extend to Caſes of Treaſon.

IV. Provided always, and be it enacted, That where Verdicts ſhall not be received *Viva Voce* in any of the ſaid Caſes above provided for, the Forms hitherto eſtabliſhed in the ſaid Courts ſhall be practiſed and obſerved in every reſpect as heretofore; and that thoſe Forms which regulate Proceedings in Caſes of Treaſon or Miſpriſion of Treaſon, ſhall alſo remain as heretofore by Law eſtabliſhed; any Thing in this Act to the contrary notwithſtanding.

Appeals in Matters Civil ſhall be allowed to the Circuit Courts of Juſticiary, where the Subject Matter ſhall not exceed a certain Sum.

V. And whereas by an Act paſſed in the Twentieth Year of the Reign of his Majeſty King *George* the Second, intituled *An Act for taking away and aboliſhing the heritable Juriſdictions in that Part of* Great Britain *called* Scotland, *and for making Satisfaction to the Proprietors thereof, and for reſtoring ſuch Juriſdictions to the Crown, and for making more effectual Proviſion for the Adminiſtration of Juſtice throughout that Part of the United Kingdom, by the King's Courts and Judges there; and for obliging all Perſons acting as Procurators, Writers or Agents in the Law in* Scotland, *to take the Oaths; and for rendering the Union of the Two Kingdoms more complete*; it was enacted, "That it ſhould and might be lawful to and for any Party or Parties conceiving himſelf or themſelves aggrieved by any Interlocutor, Decree, Sentence or Judgement of the Sheriff or Stewards Court of any County, Shire or Stewartry, or of the Courts of any Royal Burgh or Burgh of Regality or Barony, or of any Court of any Baron or other Heritor, having ſuch Juriſdiction as is not abrogated or taken away by the ſaid Act, where ſuch Interlocutor, Decree, Sentence or Judgement ſhall be concerning

Matters criminal, of whatever Nature or Extent the ſame may be, except all Caſes which are for the Loſs of Life or Demembration, or in Matters Civil, where the Subject Matter of the Suit did not exceed in Value the Sum of Twelve Pounds Sterling, to complain and ſeek Relief againſt the ſame by Appeal to the next Circuit Court of Juſticiary of the Circuit wherein ſuch County, Shire or Stewartry, Royal Burgh or Burgh of Regality or Barony, or ſuch Barony or Eſtate ſhall lie, ſo as no ſuch Appeal be competent before a final Decree, Sentence or Judgment pronounced;" which Act, in ſo far as regarded ſuch Appeals being at firſt temporary, was made perpetual by another Act paſſed in the Thirty-firſt Year of the Reign of His ſaid Majeſty *George* the Second, for making perpetual ſeveral Acts therein mentioned, and among others ſo much of the ſaid laſt recited Act as relates to the Power of appealing to the Circuit Courts, in Civil Caſes, in *Scotland*: And whereas it is expedient to allow ſuch Appeals, where the Subject Matter of the Suit ſhall not exceed in Value Twenty-five Pounds Sterling; be it therefore enacted, That it ſhall and may be lawful to and for any Party or Parties who might appeal to any Circuit Court in Caſes Civil, where the Subject Matter of the Suit did not exceed in Value the Sum of Twelve Pounds Sterling, purſuant to the ſaid recited Act, henceforth to appeal in the Manner thereby directed in Caſes Civil, where the Subject Matter of the Suit ſhall not exceed in Value the Sum of Twenty-five Pounds Sterling.

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