

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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CAP. CXIX.

An Act to regulate the Constitution, Jurisdiction, and Forms of Process of Sheriff Courts in *Scotland*. [16th *August* 1838.]

WHEREAS the Office of Sheriff and the Sheriff Courts in *Scotland* have been found to be of great Utility, by affording in all ordinary Cases a cheap and speedy Administration of Justice: And whereas it is expedient to regulate the Constitution and enlarge the Jurisdiction of Sheriff Courts, and to amend the Forms of Proceedings therein: Be it therefore enacted by the Queen'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 an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, for taking away and abolishing the Heritable Jurisdictions in *Scotland*, and for certain other Purposes, as enacts that every Sheriff Depute and Stewart Depute shall be and reside personally within his County, Shire, or Stewartry during the Space of Four Months at least in the Year, and also so much of the said Act as enacts a Penalty upon being convicted of not so residing, shall be and the same is hereby repealed; and that all Laws, Statutes, Acts of Sederunt, and Usages shall be and the same are hereby repealed in so far as they are inconsistent or at variance with

So much of the Act of 20 G. 2. as requires Residence of Sheriffs in their Counties repealed.

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the Provisions of this Act: Provided always, that the same shall be in force in all other respects whatsoever.

Sheriff Depute to hold Courts in his Sheriffdom, and to attend the Court of Session.

II. Provided always, and be it enacted, That every Sheriff Depute shall attend personally within his Sheriffdom upon all necessary and proper Occasions, and shall, unless prevented by Indisposition or other necessary Cause of Absence arising from his official Duties, hold at least Four ordinary Courts within his Sheriffdom for the Exercise of his ordinary Civil or Criminal Jurisdiction during each Period between the First Day of *December* and the Twelfth Day of *May* ensuing, and other Four such Courts during each Period between the First Day of *June* and the Twelfth Day of *November* ensuing, except in the Sheriffdom of *Orkney* and *Zetland*, wherein the Sheriff Depute shall hold at least Eight such Courts during each Period between the First Day of *December* and the Twelfth Day of *November* ensuing, Four such Courts being held in *Orkney* and Four in *Zetland*; and each Sheriff shall, Fourteen Days previously, announce the Periods of holding such Courts by a Notice put up in the Sheriff Court Rooms, and shall within Ten Days after the Twelfth Day of *November* annually make a Return to Her Majesty's Principal Secretary of State for the Home Department of the Number of Courts held by him, and Causes disposed of as aforesaid, from the First Day of *December* preceding, stating the Cause of Absence in case he shall not have held Courts as herein provided; and every Person who shall be hereafter appointed to the Office of Sheriff Depute shall be an Advocate of Three Years standing at least, and shall have been at the Time of his Appointment in Practice before and in habitual Attendance upon the Court of Session or acting as a Sheriff Substitute; and after such Appointment every such Sheriff, with the Exception of the Sheriffs of the Counties of *Edinburgh* and *Lanark*, shall be in habitual Attendance upon the said Court of Session during the Sittings thereof; and if any such Sheriff, excepting as aforesaid, shall not hold Courts within his Sheriffdom, or shall not attend the Court of Session as before provided, it shall be competent for Her Majesty's Advocate to present a summary Petition and Complaint to the Court of Session complaining of such Sheriff not holding Courts or of such Nonattendance, and the same being thereupon duly investigated and established upon a summary Trial before the said Court, such Sheriff shall be admonished for the First Offence, and for the Second shall be deprived of his Office.

As to the Removal of Sheriff Substitutes.

III. And be it enacted, That no Sheriff Substitute receiving Salary shall hereafter be removeable from his Office by the present or any future Sheriff unless with the Consent of the Lord President and Lord Justice Clerk for the Time being expressed in Writing.

Sheriff Substitutes to continue to hold Office on the Death of Deputes.

IV. And be it enacted, That on the Death, Resignation, or Removal of any Sheriff Depute his Substitute or Substitutes shall continue to hold his or their Offices, and to exercise all the Jurisdictions, Powers, and Authorities thereto belonging, without the Necessity of any new Appointment or Commission from the succeeding Sheriff: Provided always, that Appeals may be taken in Causes

decided

decided by such Sheriff Substitute to the Sheriff to be appointed, which shall be laid before such Sheriff when he shall enter upon his Office.

Sheriff Substitutes to reside within their Sheriffdoms.

V. And be it enacted, That every Person holding the Office of Sheriff Substitute and receiving Salary on that account shall reside personally within his Jurisdiction, and shall not be absent therefrom more than Six Weeks in any Year, nor for more than Two Weeks at any One Time, nor so as to interfere with the regular Sittings of his Court, without the special Consent in Writing of the Sheriff of such County for the Time being, who shall be bound, in the event of his giving such Consent, either to attend personally during the Absence of such Substitute, or to appoint another fit Person as Substitute to act in his Stead; and it shall not hereafter be lawful for any Sheriff Substitute so receiving Salary to act as Agent either in legal, banking, or other Business, or as Conveyancer, Factor, or Chamberlain, except for the Crown, or to be appointed to any Office, except such Office as shall be by Statute attached to the Office of Sheriff Substitute.

Superannuation Allowances to Sheriff Substitutes.

VI. And be it enacted, That Her Majesty, and Her Heirs and Successors, may grant an Annuity, payable in like Manner as Salaries to Sheriff Substitutes, to any Person who has held, now holds, or may hereafter hold the Office of Sheriff Substitute, according to the Proportions and with reference to the Amount of their Salaries and the Periods of their Services as herein-after mentioned, if from old Age or any permanent Infirmity such Person has been or shall hereafter be disabled from the due Exercise of his Office: Provided always, that such Annuity shall not exceed One Third of the Salary payable to such Person in case the Period of his Service shall have been not less than Ten Years, and shall not exceed Two Thirds of such Salary in case the Period of Service shall have been not less than Fifteen Years, and shall not exceed Three Fourths of such Salary in case the Period of Service shall have been not less than Twenty Years or upwards: Provided also, that no such Annuity shall be granted unless such Sheriff Substitute shall have duly fulfilled the Duties of his Office during one of the Periods before mentioned, and is from old Age or permanent Infirmity disabled from the due Exercise of his Office, which Facts shall be certified by the Lord President, the Lord Justice Clerk, and the Lord Advocate for the Time being, as having been established to their Satisfaction by proper Evidence.

Office of Sheriff Substitute of Leith to cease.

VII. And whereas by the Death of *Duncan Mathieson* Esquire, Advocate, late Sheriff Substitute of *Leith*, the Office of Sheriff Substitute of *Leith* has become vacant; be it enacted, That the said Office of Sheriff Substitute of *Leith* as heretofore constituted shall cease and determine, any thing in any Act of Parliament to the contrary notwithstanding.

Summary Complaint for removing from Pre-

VIII. And whereas it is expedient to diminish the Expence and Delay with which the Process of removing from Houses and other Heritable Subjects, of the Rent herein-after provided, let for any shorter

mises let for less than a Year.

shorter Period than a Year, in *Scotland*, is attended; be it enacted, That where Houses or other Heritable Subjects in *Scotland* are let for any shorter Period than a Year at a Rent of which the Rate shall not exceed Thirty Pounds *per Annum*, it shall be competent for any Person, authorized by Law to pursue a Removing therefrom, to present a summary Complaint to the Sheriff of the Territory, who shall order it to be served, and the Defender to appear on such Day as he may in each Case think proper, in the Form or to the Effect of Schedule (A.) annexed to this Act.

Defender may repone against Decree in Absence.

IX. And be it enacted, That if the Defender shall fail to appear after being duly cited, the Sheriff shall proceed to determine the Cause in the same Manner as if the Defender had been personally present: Provided always, that where the Decree shall have been pronounced in Absence, and shall not have been carried into execution, the Defender may present a Petition to the Sheriff for a further Hearing of the Cause, with Evidence of Intimation thereof having been made to the opposite Party written thereon, and the Sheriff, if he shall see Cause, and upon Payment by the Defender to the Complainer of such Expences as the Sheriff may judge reasonable, may recall his Decree, and proceed to hear and determine the Cause as on the original Complaint without Delay; and provided also, that where Decree shall be pronounced in Absence, the Sheriff may give such Order for Preservation of the Goods and Effects of the Defender as he may deem proper.

Warrant to cite Witnesses, and Provision as to Fees.

X. And be it enacted, That the Complaint or Copy thereof served on the Defender shall be a sufficient Warrant to any Sheriff Officer to cite Witnesses or Havers for either Party to appear on the Day of Trial, and give Evidence in such summary Cases of Removing; and the Fees allowed to the Clerk or Officers of Court on such Complaint and Proceedings shall be the same as those allowed on Summonses and similar Proceedings in Small Debt Causes in Sheriff Courts in *Scotland*, under an Act passed during the last Session of Parliament, intituled *An Act for the more effectual Recovery of Small Debts in the Sheriff Courts, and for regulating the Establishment of Circuit Courts for the Trial of Small Debt Causes by the Sheriffs, in* Scotland: Provided always, that the travelling Expences of Officers and their Assistants under the said recited Act and this Act shall not be allowed for more than the Distance from the Residence of the Officer employed to the Place of Execution or Service, in case such Distance shall be less than from the Court House to such Place, and the Sheriff shall have Power to modify such Expences in case the Officer residing nearest to the Place of Execution or Service shall not be employed; and provided also, that such travelling Expences shall not be allowed against an opposite Party for a greater Distance than Twelve Miles.

7 W. 4. & 1 Vict. c. 41.

Citation and farther Procedure in Removings to be the same as provided for

XI. And be it enacted, That the Citation and farther Procedure in such summary Removings shall, in so far as not provided for by this Act, be the same as those established by the said recited Act for the Trial of Small Debt Causes in Sheriff Courts; and where Decree of Removing is pronounced it shall be in the Form or to the Effect of the

the said Schedule (A.), and shall have the full Force of a Decreet of Removing and Warrrant of Ejection; and the Judgments to be pronounced in such summary Actions of Removing shall be final, and not subject to Review either in the Circuit Court of Justiciary or in the Court of Session. Small Debt Causes. Judgments to be final.

XII. And be it enacted, That the Sheriff may, of Consent of Parties, or where the Ends of Justice require it, adjourn the further Hearing of or Procedure in any summary Process of Removing raised under the Authority of this Act, and he may likewise order written Answers to be given in to the Complaint; and all such Orders shall be final, without being subject to Appeal or Advocation: Provided always, that the Sheriff shall in all such Cases where the Defences cannot be instantly verified ordain the Defender to find Caution for violent Profits. Sheriff may adjourn the Cause.

XIII. And be it further enacted, That in all Cases where the Defender has found Caution he shall be allowed to give in written Answers to the Complaint; and in all Cases where written Answers shall be ordered such Cases shall thereafter be conducted, as nearly as may be, according to the Forms in use in ordinary Processes of Removing, and the Judgment of the Sheriff therein shall be subject to Review in common Form. Where Defender has found Caution he may give in written Answers to Complaint.

XIV. And be it enacted, That no Person shall be exempt from the Jurisdiction of the Sheriff in any Process of Removing raised under the Authority of this Act, on account of Privilege, or being a Member of the College of Justice, or otherwise. Members of College of Justice not exempt.

XV. And be it enacted, That the Jurisdiction, Power, and Authority of Sheriffs of *Scotland* shall be and the same are hereby extended to all Actions or Proceedings relative to Questions of Nuisance or Damages arising from the alleged undue Exercise of the Right of Property, and also to Questions touching either the Constitution or the Exercise of real or prædial Servitudes; and all Parties against whom such Actions or Proceedings may be brought shall be amenable to the Jurisdiction of the Sheriff of the Territory within which such Property or Servitude shall be situated. Sheriffs Jurisdiction extended in Questions of Nuisance and Servitude.

XVI. And be it enacted, That the Sheriff Clerk of every Sheriff Court shall keep a Book in which he shall enter in a tabular Form, in Columns, in the Form of Schedule (B.) hereto annexed, every Cause transmitted to the Sheriff or Sheriff Substitute in order to be advised, specifying, in separate Columns, ordinary and summary Causes, the Sheriff to whom the same has been transmitted, the Date of such Transmission, the Date of the Cause being received by the Sheriff and returned advised, and any Remarks which the Sheriff may enter or direct to be entered in such Book relative to any such Cause; and an Inventory of the Process shall be kept by the Clerk, in which the borrowing and returning of Processes shall be entered; and no Process shall be given up by the Clerk without a Receipt upon such Inventory. Transmission Book to be kept by Sheriff Clerks.

XVII. And be it enacted, That in case there shall be an Arrear of Business undisposed of by the Sheriff in any Sheriff Court it shall be Additional Court Days to be appointed to

dispose of Arrears of Business.

be the Duty of the Sheriff from Time to Time to appoint additional Court Days, whether in Time of Session or Vacation, for the Purpose of disposing of such Arrear.

Sheriffs may repone against Decrees in Absence.

XVIII. And be it enacted, That where Decree in Absence in any Civil Cause shall have been pronounced or extracted in any Sheriff Court, other than in Causes in the Small Debt Court, or in Processes of Removing raised under Authority of this Act, a Petition may be presented to the Sheriff Court in which such Decree was pronounced to be reponed against the said Decree, and any Letters of Horning or Charge following thereon, where the same shall not have been implemented in whole or in part, and on Consignation in the Hands of the Clerk of Court of the Expences incurred, as the same may be modified on Taxation, the said Sheriff shall repone the Defender, and revive the Action or Proceeding in which such Decree had been pronounced as if Decree had not been pronounced or extracted, and shall have Power to award to the Pursuer such Part of the Expences consigned as he may judge reasonable; and the Sheriff shall pronounce such Order for Intimation to and Appearance of the opposite Party as may be just; and such Order may be executed against a Person in any other County as well as in the County where such Order is issued, the same being previously indorsed by the Sheriff Clerk of such other County, who is hereby required to make and date such Indorsation; and such Order being so made and executed, all further Orders and Interlocutors in the Cause shall be sufficient and effectual.

Suspensions competent in Sheriff Courts of Charges for Sums under 25*l.*

XIX. And be it enacted, That where a Charge shall be given on a Decree of Registration proceeding on a Bond, Bill, Contract, or other Form of Obligation, registered in any Sheriff Court Books, or in the Books of Council and Session, or any others competent, or on Letters of Horning following on such Decree, for Payment of any Sum of Money not exceeding the Sum of Twenty-five Pounds of Principal, exclusive of Interest and Expences, any Person so charged may apply by Petition to the Sheriff Court of his Domicile for Suspension of the said Charge and Diligence, on Caution; and on sufficient Caution being found in the Hands of the Clerk of Court for the Sum charged for, and Interest and Expences to be incurred in the Sheriff Court, the Sheriff shall have Power to sist Execution against the Petitioner, and to order Intimation of the Petition of Suspension, and Answers to be given in thereto, and thereafter to proceed with the further Disposal and Decision of the Cause in like Manner as in summary Causes in such Court, and to suspend the Charge and Diligence so far as regards the Petitioner; provided that the said Order for Intimation and Answers as aforesaid may be made and carried into execution against any Person in any other County as well as in the County where such Order is issued, in manner and to the Effect herein-before provided.

Sheriffs Judgment on preliminary Objection to Suspension final.

XX. And be it enacted, That if any Petition of Suspension as aforesaid shall be presented in any Sheriff Court, and a preliminary Objection be made to the Competency of such Petition, or to the Regularity thereof, an Appeal against the Judgment of the Sheriff

Substitute repelling or sustaining such Objection may be taken in common Form to the Sheriff, whose Judgment thereon shall be final, and not subject to Review either in the Circuit Court of Justiciary or in the Court of Session.

Sheriffs Jurisdiction in Maritime Causes under 1 W. 4. c. 69. explained.

XXI. And whereas by an Act passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for uniting the Benefits of Jury Trial in Civil Causes with the ordinary Jurisdiction of the Court of Session, and for making certain other Alterations and Reductions in the Judicial Establishments of* Scotland, it is enacted, that the Sheriffs of *Scotland* shall within their respective Sheriffdoms, including the Navigable Rivers, Ports, Harbours, Creeks, Shores, and Anchoring Grounds in or adjoining such Sheriffdoms, hold and exercise original Jurisdiction in all Maritime Causes and Proceedings, Civil and Criminal, including such as may apply to Persons residing furth of *Scotland*, of the same Nature as that heretofore held and exercised by the High Court of Admiralty: And whereas Doubts have arisen regarding the Extent of such Jurisdiction, and it is expedient that such Doubts should be removed; be it therefore enacted and declared, That the said recited Act shall be construed and held to mean that the Powers and Jurisdictions formerly competent to the High Court of Admiralty of *Scotland* in all Maritime Causes and Proceedings, Civil and Criminal, shall be competent to the said Sheriffs and their Substitutes, provided the Defender shall, upon any legal Ground of Jurisdiction, be amenable to the Jurisdiction of the Sheriff before whom such Cause or Proceeding may be raised; and provided also, that it shall not be competent to the Sheriff to try any Crime committed on the Seas which it would not be competent for that Judge to try if the Crime had been committed on Land.

Caution Judicatum solvi not required in Maritime Causes in Sheriff Courts.

XXII. And be it enacted, That in Maritime Causes or Proceedings raised or brought before any Sheriff Court in *Scotland* Caution Judicatum solvi or De damnis et impensis shall not be required in any such Cause or Proceeding from any Party who shall be domiciled in *Scotland*, any Law or Practice to the contrary notwithstanding, unless the Judge shall require it on special Grounds, to be stated in the Interlocutor requiring the same, or a Note annexed thereto.

Summonses, &c. in Sheriff Courts to be served in Presence of One Witness.

XXIII. And be it enacted, That Summonses, Petitions, Complaints, Charges, Arrestments, and other Proceedings in Sheriff Courts, excepting Poindings, shall be deemed to be duly served and executed provided the same shall be served or executed by the usual Officer of the Law in such Courts in Presence of One Person, who shall witness such Service or Execution, and both of whom shall attest the Execution of the same by their Subscriptions in common Form.

Citation of Parties, Witnesses, and Havers.

XXIV. And whereas it is expedient to authorize Citation to Sheriff Courts of Persons in *Scotland* without the Necessity of having recourse to Letters of Supplement from the Court of Session; be it enacted, That it shall be competent to cite all Persons within *Scotland* as Parties in any Civil or Criminal Action or Proceeding in any Sheriff Court who may be amenable to the Jurisdiction of such Court in

in respect of such Action or Proceeding by the Warrant of such Sheriff Court; and it shall also be competent to cite Witnesses and Havers within *Scotland* in any Civil or Criminal Action or Proceeding in any such Courts by the Warrant of such Courts; and all such Warrants shall have the same Force and Effect in any other Sheriffdom as in that in which they were originally issued, the same being first endorsed by the Sheriff Clerk of such other Sheriffdom, who is hereby required to make and date such Endorsation; and such Citation duly made shall be deemed to be due and regular Citation; and if any Witness or Haver duly cited shall fail to appear, it shall be competent to any Party for whom such Witness or Haver is cited to apply for a new Warrant to compel his Attendance at such Court, at such reasonable Time as may be fixed, which Warrant shall require such Witness or Haver to attend as aforesaid under a Penalty not exceeding Forty Shillings, unless a reasonable Excuse be offered and sustained; and every such Penalty shall be paid to the Party applying for the new Warrant as aforesaid, and shall be recovered in the same Manner as Penalties under the before-recited Act for the more effectual Recovery of Small Debts in the Sheriff Courts, or under any Act by which the same shall have been or may be repealed, altered, or amended, without Prejudice always to Letters of Second Diligence for compelling Witnesses and Havers to attend as at present competent; and it shall be competent to execute and carry into effect such Letters of Second Diligence in any other Sheriffdom, the same being endorsed by the Sheriff Clerk of that Sheriffdom, as before provided: Provided always, that nothing in this Act contained shall affect the Competency of applying for and obtaining Letters of Supplement in common Form for the Purpose of citing such Parties, Witnesses, or Havers; and provided also, that it shall be no Objection to any Witness or Haver that he has appeared without Citation.

Sheriffs Criminal Warrants may be executed out of the County.

XXV. And be it enacted, That any Criminal Warrant granted by any Sheriff against any Person charged with having committed a Crime or Offence within the Jurisdiction of the said Sheriff, and also any Warrant granted by a Sheriff against a Person as being *in meditatione fugæ*, shall be sufficient for the Apprehension of the said Person within any other County, and for conveying and disposing of the said Person in Terms of the Warrant, without the Necessity of its being backed or endorsed by any other Magistrate: Provided always, that the said Warrant shall be executed against the Person mentioned therein either by a Messenger at Arms or by an Officer of the Court where the same was issued.

Sheriff of Two Counties may hold Commissary Court in either.

XXVI. And whereas by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the Regulation of the Court of the Commissaries of* Edinburgh, *and for altering and regulating the Jurisdiction of inferior Commissaries in* Scotland, it is provided, that where Two Counties shall be under the Jurisdiction of One Sheriff such Two Counties shall constitute One Commissariat; be it enacted and declared, That when Two Counties shall be under the Jurisdiction of One Sheriff as aforesaid it shall nevertheless be lawful for such Sheriff, if he shall think proper,

proper, to hold Commissary Courts in both of such Counties in manner and to the effect provided by the said recited Act.

Sheriffs Juries may be summoned from List of Jurors residing within certain Distance of Court to which they are summoned.

XXVII. And whereas it is expedient to remedy the Inconvenience of summoning Jurors to attend in Sheriff Courts from distant Parts of the County; be it enacted, That, except in the Counties of *Haddington*, *Linlithgow*, *Peebles*, *Selkirk*, *Kinross*, *Clackmanan*, *Nairn*, and *Cromarty*, it shall no longer be necessary to summon Persons to attend at any Sheriff Court to serve as Jurors in any Criminal Cause who shall reside beyond such Distances from the Court House at which the Jurors shall be summoned to attend as may from Time to Time be fixed by the several Sheriffs of the several Counties, with the Approbation of Her Majesty's Principal Secretary of State for the Home Department; and upon such Limits being fixed, the Sheriff Clerks of the several Counties, except as aforesaid, shall make up and correct in manner provided by Law Lists of Persons qualified to serve as Jurors resident within such Limits from each Court House at which the Sheriff or his Substitute holds Courts, which Jurors are or may be summoned to attend: Provided always, that in *Orkney* and *Zetland* the Jurors shall be summoned from the Main Land of each District respectively, and that the Attendance of Jurors at Sheriff Courts shall not exempt them from Attendance at Circuit Courts of Justiciary in their ordinary Course of Rotation as heretofore; and provided also, that Magistrates of Royal Burghs and Towns entitled to return or to contribute in returning Members to serve in Parliament, and Keepers of Lighthouses and their Assistants, shall be freed and exempted from being returned and from serving upon Juries.

Emoluments of future Sheriff Clerks to be regulated.

XXVIII. And whereas it is expedient that the Office of Sheriff Clerk should be regulated, and that a uniform Rate of Fees should be established in the several Sheriff Courts in *Scotland;* be it enacted, That the Table of Fees contained in Schedule (C.) hereto annexed, and to be contained in any additional Table which may be framed in Terms hereof, and no others, shall be exacted and received by all Sheriff Clerks to be hereafter appointed, subject to such Addition thereto or Alteration thereof as may be made by the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland,* or by the Commissioners of Her Majesty's Treasury, or any Three of them, a Copy of such Alteration being always notified Two Months in the *Edinburgh Gazette* before being made effectual, and being also laid before both Houses of Parliament within One Month after the making thereof, or, if Parliament shall not be then sitting, within Fourteen Days after the next Meeting thereof; and the said Lord High Treasurer or Commissioners shall fix the Salary which any future Sheriff Clerk shall receive, and which shall be payable and paid by or out of the Fees and Emoluments in Civil and Criminal Proceedings exigible, and received by such Sheriff Clerks respectively; and any Surplus of such Fees and Emoluments, after satisfying such Salaries, shall be applied towards defraying the Expences attending the Establishment of the Sheriff Court and Sheriff Small Debt Circuit Courts within the County in which such Fees and Emoluments shall be collected, in such Manner and subject to such

Regulations for ascertaining the Amount of such Surplus and accounting for the same as the said Lord High Treasurer or Commissioners, or any Three of them, shall direct; and where in any of the smaller Counties the Fees and Emoluments which shall hereafter be received under the Provisions of this Act may be insufficient for the Maintenance of a Person duly qualified to execute the Duties of a Sheriff Clerk, it shall be lawful to the said Lord High Treasurer or Commissioners, or any Three of them, to direct that a Salary shall be payable to such Sheriff Clerk, in addition to the said Fees, of such Amount as they shall think necessary; and no Person who shall hereafter be appointed to the Office of Sheriff Clerk, or who shall acquire Right to any Fees or Emoluments in any Sheriff Court, in virtue of the Provisions of this Act, from and after the passing of the same, shall acquire a vested Right to the Fees or Emoluments of such Office, or shall be entitled to any Compensation in consequence of the subsequent Abolition of such Office or Fees, or of any Alteration in the Constitution of such Office, or in the Amount of such Fees, or in the Mode of paying such Sheriff Clerk or Officer, either by such Fees or such Salary as may hereafter be determined: Provided always, that it shall be lawful for the said Commissioners, or any Three of them, by Agreement with any existing Sheriff Clerk, to establish the Table of Fees hereby fixed or to be fixed under the Authority of this Act in any Sheriff Courts, and to award to such Sheriff Clerk such Compensation by way of additional Salary as they may think fit; and all such Salaries to Sheriff Clerks shall be payable out of the Funds from which the Salaries of Sheriffs are payable: Provided always, that every Sheriff Clerk shall keep an Account stating in Columns the Amount of the different Fees drawn by such Clerk under this Act, and the Sources thereof, and shall annually, at the Beginning of each Year, render such Account to the said Commissioners of Her Majesty's Treasury in such Manner as they shall direct.

Existing Sheriff Clerks and Officers not to acquire vested Right to increased Fees.

XXIX. And be it enacted, That no existing Sheriff Clerk, or other Officer of any Sheriff Court, shall acquire a vested Right to any increased Amount of Fees or Emoluments which may be drawn by them from and after the passing of this Act, or shall be entitled to prefer any Claim to Compensation in consequence of being prevented from drawing or being deprived of such increased Amount of Fees or Emoluments, or of any Alteration either in the Mode of levying or disposing of the same.

Citations, &c. in Zetland.

XXX. And be it enacted, That hereafter all Proclamations, Denunciations, Edictal Citations, and other public Notices made at the Market Cross of the Burgh of *Lerwick* in *Zetland* shall be equally valid as if the same had been made as heretofore at the Gate of the Castle of *Scalloway*.

Power of Court of Session to make Regulations by Acts of

XXXI. And be it enacted, That nothing herein contained shall in any way abridge or affect the Power vested in the Court of Session to make and establish Rules and Regulations by Acts of Sederunt, as authorized by an Act passed in the Sixth Year of His Majesty King *George* the Fourth, intituled *An Act for the better Regulation of the*

Sheriff and Stewart and Burgh Courts in Scotland; and the said Court shall so frame such Acts of Sederunt as may be best calculated to carry into effect the Purposes of this Act, and also of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty, intituled *An Act for regulating the Process of Cessio bonorum in the Court of Session, and for extending the Jurisdiction of Sheriffs in* Scotland *to such Causes;* and also, if necessary, to alter or amend the Table of Fees for Practitioners in Sheriff Courts, and adapt the same to the Forms of Process; and the Court of Session shall also from Time to Time make further Orders and Regulations to amend the Forms and preserve Uniformity in the Proceedings and Fees in all Sheriff Courts, the said Court taking into consideration the Reports laid before Parliament by the Commissioners appointed under the Sign Manual of His late Majesty King *William* the Fourth, dated the Sixth Day of *June* One thousand eight hundred and thirty-three and the Sixteenth Day of *August* One thousand eight hundred and thirty-four; and the said Court shall also by Act or Acts of Sederunt from Time to Time adapt and apply to Sheriff Courts any Alterations and Amendments which may be made in the Forms of Proceedings in the Court of Session, so as to make them uniform in as far as it may be expedient so to do; and the said Court may meet for the aforesaid Purposes during Vacation as well as during Session, and may alter and amend such Regulations from Time to Time; and all Acts of Sederunt so passed by the Court of Session shall, in Terms of the said recited Act of His Majesty King *George* the Fourth, apply to and receive effect in the Courts of the Royal Burghs in *Scotland* as well as in the Sheriff Courts: Provided always, that within Fourteen Days from the Commencement of every future Session of Parliament there shall be transmitted to both Houses of Parliament Copies of all such Acts of Sederunt.

Sederunt, &c. not to be affected.

XXXII. And be it enacted, That in order the better to carry into effect the Purposes of the said recited Act and of this Act, and to preserve Uniformity in the Proceedings of Sheriff Courts, the several Sheriffs of the several Sheriffdoms shall meet together in *Edinburgh* in the First Week of the First Winter Session of the said Court after the passing of this Act, and at the like Period every Three Years thereafter, and adjourn such Meetings from Time to Time as they shall see Cause; and at such Meetings they shall consider how far Uniformity of Proceedings exists in Sheriff Courts, and any Propositions which may be laid before them, or which they may deem proper to submit to the said Court for attaining that Object; and on or before the First Day of *January* next ensuing after each such Meeting the said Sheriffs shall submit to the Court any Regulations which they may propose should be enacted by Act of Sederunt, and the same shall be printed and sent to the different Sheriff Courts, to be exhibited there for the Space of Fourteen Days; and the said Sheriffs shall, on or before the Twelfth Day of *March* next ensuing, prepare and cause to be printed for the Consideration of the Court a revised Draft; and on the Meeting of the Court in the Summer Session next ensuing the Court shall take such Draft into consideration, and pass an Act of Sederunt on or before the Twelfth Day of *July* following, in such Terms as they shall think fit: Provided always, that nothing herein

Sheriffs to meet periodically, and to submit Propositions to the Court.

herein contained shall prevent the said Sheriffs from meeting for the Purposes aforesaid and submitting Propositions as aforesaid to the said Court at any other Times, or the said Court from passing any Act or Acts of Sederunt under the Powers herein-before given at any other Times, as such Sheriffs or such Court respectively shall think proper; and provided also, that the necessary Expences of such Meetings of Sheriffs and of preparing and printing such Propositions shall be allowed in the annual Accounts in Exchequer of such One of the said Sheriffs as may from Time to Time be appointed by them to be their Convener, in the like Manner as other ordinary Expences of Sheriffs are allowed.

Agents qualified to practise before Court of Session may practise in Sheriff Courts.

XXXIII. And be it enacted, That it shall be lawful for all Agents duly qualified to practise before the Court of Session to practise as Agents in all Sheriff Courts in all Actions or Proceedings to which the Jurisdiction of the Sheriffs is extended by this Act, and which could not have been competently brought before the Sheriff Courts prior to the passing hereof: Provided always, that they shall not be entitled to Payment of any other or higher Fees than those legally exigible by other Agents before these Courts; and provided also, that all such Agents in practising in Sheriff Courts shall be subject to such Orders and Regulations as the Court of Session shall make by Act or Acts of Sederunt in manner herein-before provided.

Meaning of Words in this Act.

XXXIV. And be it enacted, That in all Cases in this Act the Word "Person" shall extend to a Partnership, or Body Politic, Corporate, or Collegiate, as well as to an Individual; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male: Provided always, that those Words and Expressions occurring in this Clause to which more than one Meaning is attached shall not have the different Meanings given to them by this Clause in those Cases in which there is any thing in the Subject or Context repugnant to such Construction.

Commencement of Act.

XXXV. And be it enacted, That the whole Provisions of this Act, unless where otherwise herein specially provided, shall commence and take effect from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-eight.

Act may be amended.

XXXVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. 1.

FORM of SUMMARY COMPLAINT.

Unto the Honourable the Sheriff of the County of

COMPLAINS *A. B.* [*name and design the Complainer*] against *C. D.* [*name and design the Defender*], that the Complainer [*or* his Author, *as the Case may be,*] let to the said Defender [*or* his Author, *as the Case may be,*] a Dwelling House, Garden, and Pertinents [*or other Subjects, as the Case may be,*] situate in for the Period from to ; that the said Defender is bound to remove from the said Subjects at the Date last mentioned, and it is necessary to obtain Decree of Removing against him, [*or, as the Case may be,* refuses or delays to remove therefrom, although the Period of his Lease has expired]: Therefore Decreet ought to be granted for removing and ejecting the said Defender, his Family, Sub-tenants, Cottars, and Dependents, with their Goods and Gear, furth and from the said Subjects, [*here insert the Date at which the Removal or Ejection is sought for, as the Case may be,*] that the Complainer or others in his Right may then enter to and possess the same. [*If Expences are sought, add,* and the said Defender ought to be found liable in Expence of Process and Dues of Extract.]

[*Signature of the Party or Agent.*]

No. 2.

FORM of WARRANT thereon.

THE Sheriff grants Warrant to cite the said Defender to compear personally before him at the Court House [*or elsewhere, as the Case may be,*] upon the [*insert the Day of the Month and Hour, if Need be*], to answer the foregoing Complaint, under Certification of being held as confessed; ordains such Citation to be made at least [*state the Period which the Sheriff may fix to intervene betwixt the Citation and Diet of Compearance,*] previous to the said Diet of Compearance; and grants Warrant to cite Witnesses for both Parties to appear, Time and Place foresaid, to give Evidence in the said Matter, under the Pains of Law. Given under the Hand of the Clerk of Court at the Day of

Sheriff Clerk.

No. 3.

FORM of CITATION for DEFENDER.

C. D., Defender above designed, you are hereby summoned to appear and answer before the Sheriff in the Matter complained of, and that at [*here specify Time and Place*], under Certification of being held as confessed.

This Notice is served upon the Day of by me Sheriff Officer.

No. 4.

FORM of EXECUTION of CITATION.

UPON the Day of I duly summoned the above-designed *C. D.*, Defender, to appear and answer before the Sheriff in the Matter, and at the Time and Place and under the Certification, above set forth. This I did by delivering a Copy of the above Complaint, with a Citation thereto annexed, to the said Defender personally [*or otherwise, as the Case may be.*]

Sheriff Officer.

No. 5.

FORM of DECREET and WARRANT of EJECTION.

AT the Day of the which Day the Sheriff [in absence of the Defender, *or* having heard Parties, *as the Case may be*,], decerns and grants Warrant for removing and ejecting the said *C. D.*, Defender, and others mentioned in the Complaint, from the Subjects therein specified, such Ejection not being sooner than [*here insert the Time appointed for Removal, and whether after a Charge on such Inducicæ as may be deemed proper, or instantly*] finds the said Defender liable in Expences, [*or otherwise, as the Case may be*,] and decerns. [*Sheriff's Signature.*]

Note.—The whole of the above to be in the same Paper.

SCHEDULE (B.)

TRANSMISSION BOOK to be kept by SHERIFF CLERKS.

Names of Cause, [as *A.* versus *B.*, or *A.*, Petitioner, &c.]		Date of Transmission to Sheriff Substitute.	If Proof led, state whether before Sheriff or Substitute or Commissioner, and its Duration.	Date of Case being returned and advised.	Date of Transmission to Sheriff.	Date of Cause being returned and advised.	REMARKS.*
Ordinary Causes.	Summary Causes.						

* *Note.*—Where Cases have been longer than Ten Days unadvised after Transmission to the Sheriff, the Reason to be stated in this Column.

Also the Names of any Commissioners to whom Remits have been made to take Proofs.

SCHEDULE (C.)

TABLE of FEES in CIVIL BUSINESS for the SHERIFF CLERKS of SCOTLAND.

	In Cases of £12 and under.			Above £12.		
	£	s.	d.	£	s.	d.
Libel, Summons, or Claim to found an Action - -	0	0	9	0	1	3
When more Defenders than One are sued for a separate Debt or Prestation, the above Fees to be paid on One of the Debts or Prestations highest in Amount, and a Third of the above Fees to be paid for each of the other Debts or Prestations, according to the Amount of the Claim against each Defender or Set of Defenders.						
Certifying Copy of Libel, in Terms of Act of Sederunt for Sheriff Courts, c. 18. s. 4. - - - - -	0	0	6	0	0	6
Summary Petition or Complaint (except Petition of Sequestration), and Deliverance thereon - - - - -	0	1	0	0	1	6
Defence, Answer, or first Paper for each Defender or Set of Defenders, or Compearer or Set of Compearers, in any Action - - - - - - - - -	0	0	6	0	1	0
Each Paper or Pleading, for either Party, subsequent to the first Step, including Objections and Answers in a Proof when stated in separate Papers - - - - -	0	0	3	0	0	6
Appeal to the Sheriff Depute - - - - -	0	0	6	0	0	6
Receiving and marking each Set of Productions, except the Productions lodged with the first Paper for each Party, for which no Charge is to be made - - - - -	0	0	3	0	0	3
Extracting each Decreet in Absence, in the abridged Form -	0	1	0	0	1	6
When a Decreet is extracted against more Defenders than One sued for a separate Debt or Prestation, the above Fee of Extract to be paid on One of the Debts or Prestations highest in Amount, and a Third of the above Fee for Extract to be paid on each of the others, according to the Amount of the Claim against such Defender or Set of Defenders.						
Extracting each Decree in foro, in the abridged Form -	0	2	0	0	2	6
If the Decree, whether in absence or in foro, shall exceed One Sheet, for writing each succeeding Sheet - -	0	0	6	0	0	6
Recording abridged Decreets, per Sheet - - -	0	0	6	0	0	6
Indorsing Decrees or Warrants, and dating and recording such Indorsation - - - - - - -	0	1	0	0	1	0
Protestations for not insisting - - - -	0	0	6	0	0	9
Extract thereof - - - - - -	0	0	6	0	0	9
Acts and Commissions, first Sheet - - - -	0	0	6	0	0	9
Subsequent Sheets, each - - - - -	0	0	6	0	0	6
If the Proof be taken on the Interlocutor allowing it, without extracting an Act and Commission, there will be paid by each Party leading Proof - - - - -	0	0	6	0	0	9
Diligence or Precept for citing Parties incidentally, Witnesses or Havers - - - - - -	0	0	6	0	0	9
Second Diligence - - - - - -	0	0	6	0	0	9
Each Deposition or Declaration - - - -	0	0	6	0	0	9
Writing each Sheet thereof, after the first, when the Sheriff Clerk acts as Writing Clerk - - - -	0	0	6	0	0	6

	In Cases of £12 or under.			Above £12.		
	£	s.	d.	£	s.	d.
The Sheriff Clerk or his Depute, when acting as Commissioner in taking a Proof, Deposition of Party, or Declaration, will be allowed the following Fees; viz.						
In Causes not exceeding 8*l.*, each Hour - - -	0	1	3			
Above 8*l.* and not exceeding 25*l.*, each Hour - -	0	2	0			
Above 25*l.*, each Hour - - - -	0	2	6			
As also his Clerk's Fee for Writing, at the Rate of 4*d.* per Sheet.						
Sequestration of a Tenant's Effects, or of joint Tenants in One Possession; viz.						
Warrant of Sequestration, and Service - - -	0	1	3	0	1	6
Taking the Inventory, when taken by the Clerk, if the Rent to be secured be 12*l.* or under:						
Clerk and Witnesses - - - - -	0	2	6			
When the Rent is above 12*l.* and does not exceed 25*l.*:						
Clerk and Witnesses - - - - -	-	-	-	0	3	9
When the Rent is above 25*l.* and does not exceed 50*l.*:						
Clerk and Witnesses - - - - -	-	-	-	0	5	0
When the Rent is above 50*l.*:						
Clerk and Witnesses - - - - -	-	-	-	0	6	3
Writing out Inventory and Schedule, per Sheet of each in any of the above Cases - - - -	-	-	-	0	0	6
If the Clerk and Witnesses are necessarily employed more than Two Hours in taking the Inventory, or travelling for that Purpose, he will be allowed, in addition to the above Fees, for every Hour after the first Two,						
Clerk and Witnesses - - - - -	0	0	9	0	0	9
But under these Charges for the Hours after the first Two the Clerk not to have in One Day for himself and Witnesses more than 5*s.*						
Warrant of Sale - - - - -	0	0	6	0	1	0
Extract thereof, per Sheet, when required - -	0	0	6	0	1	0
Intimating Sale to Tax Office - - - -	0	0	6	0	0	6
The Clerk, when he executes any Warrant to roup, and collects the Proceeds, will be held liable for the Amount of the Roup Roll, and will be allowed for his Trouble and Risk, including Auctioneer's Fees, as follows:						
When the Amount of the Roup Roll is 8*l.* or under, he will be allowed 3*s.* 9*d.*						
When the Amount of the Roup Roll is above 8*l.* and does not exceed 100*l.*, he will be allowed at the Rate of 2½ per Cent.						
When the Amount of the Roup Roll exceeds 100*l.* but does not exceed 1,000*l.*, he will be allowed 2½ per Cent. for the first 100*l.*, and for every additional 100*l.* or Part of 100*l.* 1½ per Cent. And when the Amount exceeds 1,000*l.* he will be allowed the above Rates for the first 1,000*l.*, and One per Cent. for each additional 100*l.* and Part of 100*l.*						
The above Poundage to cover all Charges for Trouble in relation to the Sale, and for collecting the Pro-						

	In Cases of £12 or under.			Above £12.		
	£	s.	d.	£	s.	d.
ceeds, drawing Advertisements and Articles of Roup; but the Clerk will be allowed all his necessary Disbursements or Expences, such as advertising, paying Crier, travelling Charges, &c. He will also, when the Proceeds are above 20*l.*, be allowed 3*s.* 9*d.* for an Assistant Clerk.						
If Roup be stopped after Time of Sale is fixed - -	0	1	3	0	1	3
Receiving the Report of Sale, and Note of the Sum arising from it, and marking the same - - -	0	0	6	0	1	0
Allowing Inspection of the same - - -	0	0	6	0	0	6
In Sales under other Warrants of the Sheriff, including Poindings, the same Fees to be paid as in Sales under Sequestrations.						
At intimating Caption to compel Return of a Process, including Dues of Caption, if issued - - - -	0	0	6	0	0	6
Enrolling a Cause, to be paid by the Party requiring Enrolment - - - - - - - -	0	0	6	0	0	6
When any Cause at Avizandum is enrolled by Order of the Sheriff, the above Fee to be paid by the Parties equally.						
At borrowing a Process, or Part of a Process, the Clerk being for this Fee bound to compare the Process, both when borrowed and returned, and to mark the Return - -	0	0	6	0	0	6
Attending at Judicial Inspections or Visitations, when required by the Sheriff or either of the Parties, sealing up Repositories, or executing any other Order or Warrant of the Sheriff, not otherwise provided for in this Table:						
First Hour employed - - - - -	0	2	0	0	2	6
Every other - - - - - - -	0	1	3	0	2	0
Besides necessary Outlays.						
Auditing Accounts of Expences when Remit made to the Clerk:						
In Decrees in Absence - - - - -	0	0	6	0	0	6
In litigated Cases, when the Amount of the Account rendered is under 5*l.* - - - - -	0	1	9	0	1	9
When 5*l.* and under 10*l.* - - - -	0	2	6	0	2	6
When 10*l.* and under 20*l.* - - -	0	3	6	0	3	6
When 20*l.* and under 40*l.* - - - -	0	5	0	0	5	0
When 40*l.* and under 60*l.* - - - -	0	6	0	0	6	0
When 60*l.* and under 80*l.* - - - -	0	7	6	0	7	6
When 80*l.* and upwards - - - -	0	10	6	0	10	6
Caveat - - - - - - -	0	0	6	0	0	6
Precepts or Warrants of Arrestment, when contained in the Summons - - - - -	0	0	3	0	0	3
When not contained in the Summons - - -	0	0	9	0	1	0
At loosing an Arrestment in either Case - -	0	0	9	0	1	0
Each Bond of Caution and relative Certificate - -	0	2	6	0	3	9
Edict or Summons of Curatory, or for giving up Inventories - - - - - - -	0	1	3	0	1	3
Calling in Court, receiving and entering the Nomination of Curators - - - - - -	0	2	6	0	2	6
Doqueting and signing tutorial or curatorial Inventories, per Sheet of each Duplicate - - - -	0	0	3	0	0	3

	In Cases of £12 and under.			Above £12.		
	£	s.	d.	£	s.	d.
Extract Acts of Curatory, or upon Production of Inventories:						
First Sheet	0	2	6	0	2	6
Every other Sheet	0	1	3	0	1	3
Second Extracts, per Sheet	0	1	3	0	1	3
Production of a Bill of Advocation, and marking the same, including Trouble of transmitting the Process when necessary	-	-	-	0	2	6
Transmitting extracted Processes, in consequence of a Warrant from the Court of Session or the Sheriff	0	0	9	0	1	3
Appeal against a Decree or Sentence of the Sheriff to the Court of Justiciary or Circuit Court, or Answers thereto	0	1	0	0	1	3
Searching for a Process in which no Procedure has taken place for a Year, if Search does not exceed Five Years, and no Extract ordered	0	0	6	0	1	0
Each additional Year after the first Five in which the Search is made	0	0	3	0	0	3
For each Consignation of Money in the Clerk's Hands, if under 10*l.*	0	1	3	0	1	3
And an additional Fee for the Amount above 10*l.* at the Rate of 5*s.* on each 100*l.* consigned.						
On the lodging of a Bank Receipt when Money ordered to be consigned is lodged in a Bank instead of being consigned	0	1	3	0	1	3
The Fees in these Three last Articles not to be chargeable on Proceeds of Roups or Sales conducted by the Clerks.						
Each Warrant to uplift consigned Money	0	1	3	0	1	3
Full Extract, or Second Extract, or authenticated Copy of a Process or Part of a Process, or other Procedure or Paper, when required by a Party and furnished by the Clerk, per Sheet	0	0	6	0	0	9

Note.—In all Cases where the Conclusions are Ad factum præstandum, or not entirely pecuniary, the highest Class to be the Rate of Charge; but Fees on Papers in Summonses of Removal or Rejection to be charged according to the Rent of the Subject from which the Defender is summoned to remove or to be ejected.

	£	s.	d.
Recording Hornings, Inhibitions, Interdictions, Lawburrows, with their Executions, Discharges, and other Writings recorded in the Registers of Hornings and Inhibitions, per Sheet	0	0	10
First or subsequent Extracts thereof, when required, per Sheet	0	0	9
Recording Bonds, Tacks, Dispositions, and other Writings in the Register of Deeds and probative Writs, per Sheet	0	0	9
First Extracts of such Deeds or Writings, when required, per Sheet	0	0	6
Subsequent Extracts, per Sheet	0	0	9
Recording Protests on Bills, including Extract	0	1	3
Subsequent Extracts	0	0	9
Recording Accounts, States, and the like, per Sheet of Figures	0	1	0
Extract thereof, per Sheet	0	0	9
Inspection of Records of entailed Vouchers	0	0	6

	£	s.	d.
Searching the Record of Hornings or Inhibitions, including Minute Book, each Year or Part of a Year	0	0	3
In all not exceeding	0	3	9
Searching for Deeds recorded for the First Year, or Part of the Year specified	0	0	6
Every additional Year	0	0	3
Certificate of Search, if required	0	1	3
Inspection of Records when a Party or his Agent makes the Search, each Record Book and corresponding Minute Book	0	1	3
Examinations under the Bankrupt Act, when the Sheriff Clerk acts as Clerk to the Examination, each Diet	0	3	9
Writing Declarations or Oaths therein, per Sheet	0	0	6
SERVICES.			
General Service:			
Procuring the Brieve executed, and Intimation to Agent	0	1	9
Attending in Court at Service, framing and recording the Minutes, and Instrument Money	0	3	6
Fees of the Service	0	10	0
Engrossing the Retour	0	2	6
Special Service, or Service as Heir of Provision:			
Procuring the Brieve executed, and Intimation to Agent	0	1	9
Attending in Court at Service, framing the Minutes, and recording, First Sheet	0	3	0
Each other	0	1	0
Framing the Retour, First Sheet	0	7	6
Each other Sheet	0	5	0
Engrossing the Retour, each Sheet	0	1	0
Extracts from the Record of Service, when required, each Sheet	0	1	0
Infeftments:			
Drawing Instrument of Sasine on Chancery Precepts, First Sheet — 250 Words per Sheet	0	7	6
Each subsequent Sheet — 250 Words per Sheet	0	5	0
Extending the same, First Sheet — 250 Words per Sheet	0	1	6
Each subsequent Sheet — 250 Words per Sheet	0	1	0
Besides the stamped Vellum or Parchment.			
And that the Clerk receive for taking Infeftment thereon, when the Rent of the Property does not exceed 100*l.* per Annum	0	10	6
100*l.* and not exceeding 200*l.*	1	1	0
200*l.* and not exceeding 500*l.*	1	11	6
500*l.* and not exceeding 1,000*l.*	2	2	0
And for every additional 1,000*l.*	0	10	6
But not to exceed in all	5	5	0
And if the Distance exceed Three Miles, each additional Mile, until it exceeds Ten Miles	0	2	6
But under this Charge not to receive more per Day than	1	1	0
Besides travelling Charges.			
Extracts of Minutes of Procedure of Freeholder Meetings, when required, per Sheet	0	1	3
Each Person taking the Oaths to Government, when the Oaths are not administered at a County Meeting	0	1	0
Certificate thereof, when required	0	1	6
Qualifying a Peer to vote at an Election	1	1	0
Extract of the Fiars, each Year	0	0	9

	£	s.	d.
Receiving each Precept from the Court of Session, making up List of Jury, and instructing Officer to summon, and making Return - -	0	2	6
Receiving Countermand of Trial, and instructing Officer - - -	0	2	6
Writing and booking each necessary Letter - - - - -	0	1	3
Each Duplicate and Copy - - - - - -	0	0	6
Fees for Public Business payable in Exchequer:			
For the Principal Precept of Intimation of Election of a Member of Parliament, besides Expence of printing - - - - -	0	10	6
Writings relative to Elections of Members of Parliament (exclusive of the Precept), to summoning the Commissioners of Supply for laying on the Land Tax, and to other Public Business payable in the Exchequer, each Sheet - - - - - - - - - -	0	1	0
When consisting of more than One Sheet, each additional Sheet -	0	1	6
Superintending the Execution of Chancery Precepts, and returning the Execution, for each Precept - - - - - - -	0	0	6
Superintending the Publication of Royal Proclamations or Writs, each -	0	5	0
Warrant to summon Jury and Witnesses for striking the Fiars and making List, and instructing Officer to summon them - - - -	0	10	6
Attendance at striking the Fiars, and writing the Evidence and Procedure, and recording the Verdict - - - - - - -	1	11	6
To the Sheriff Clerk for instructing the Persons employed in taking up the Lists of Jurors, receiving the Returns, and engrossing the Lists in the Jury Books, for each 100 Names, exclusive of printing - - -	0	5	0
To the District Clerk, or other Person having local Knowledge, for attending and assisting the Sheriff at revising Lists, at the Rate of 21*s.* per Day, including travelling Charges and Postages.			

N.B.—The Sheet of Writings to be computed at Three hundred Words, when not otherwise specified; but if the Writing does not contain Three hundred Words, to be charged as One Sheet; and if after finding the Sheet or Sheets which any such Writing shall comprise, calculated at the Rate aforesaid, any Number of Words less than Three hundred Words shall remain, such fewer Words shall be charged as a Sheet. Although the Fees for recording Hornings, Inhibitions, Deeds, and other Writings in the Registers of Hornings and Inhibitions and of Deeds and probative Writs, are to be paid for at certain Rates for every Sheet, yet it is understood that the Clerks are to frame those Records so as to contain in each Sheet the Number of Words prescribed by the Regulations of the Lord Clerk Register.

The Fees in the above Table to be paid, though the Duty be performed by the Clerk Depute or by an Assistant Clerk, and to be exclusive of Postages and Outlays.

The Fees in criminal and any other Business to be subject to the Regulation of the Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any Three of them, from and after the passing of this Act.

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