any One of such Overseers, or may be left at his Place of Abode, or at his Office for transacting Parochial Business.

Act to extend to Cities, &c.

XV. This Act applies to every City, Borough, and Town Corporate in *England* specified in the Schedules to the Act of the Sixth Year of *William* the Fourth, Chapter Seventy-six, and to every Municipal Corporation in *England* erected after the passing of that Act, and whether erected by Charter under that Act or otherwise, and shall be construed and executed as if its Provisions formed Part of that Act, and the Acts from Time to Time in force amending or extending that Act.

CAP. LXXX.

An Act to facilitate Procedure in the Sheriff Courts in *Scotland*.

[15th *August* 1853.]

'WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty, 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; and another Act was passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to regulate the Constitution, Jurisdiction, and Forms of Process in Sheriff Courts in* Scotland: And whereas it is expedient to facilitate Procedure in the Sheriff Courts in *Scotland*, and to make further Provision for the cheap and speedy Administration of Justice in the said Courts:' 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, as follows:

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

1 & 2 Vict. c. 119.

Proceedings in ordinary Causes.

Short Form of Summons.

I. With respect to Cases in the Sheriff Court, other than those provided for by the first-recited Act as extended by this Act, be it enacted as follows:

The Summons shall be in the Form, as nearly as may be, of the Schedule (A.) annexed to this Act, and such short Form shall be equally effectual to all Intents and Purposes, including Arrestment on the Dependence where the Summons contains a Warrant to arrest in Terms of such Schedule, as the Forms at present in use.

Decree in absence.

Provision for reponing.

II. Where no Appearance shall be entered for the Defender the Sheriff may, at any Court held after the Day of Compearance, give Decree in Terms of such Summons, in like Manner as at present where no Appearance is made for the Defender, and such Decree shall be in all respects equivalent to a Decree in absence obtained under the Forms at present in use: Provided always, that the Defender may obtain himself reponed against such Decree, whether extracted or not, at any Time before Implement has followed thereon, or against such Part thereof as may not have been implemented, by lodging with the Sheriff Clerk a Reponing Note in the Form in Schedule (B.) annexed to this Act, and consigning therewith the Sum of Expenses decerned for, a Copy of which Note shall at the same Time be delivered or transmitted through the Post Office to the Pursuer or his Agent in the Action, and a Certificate by the Sheriff Clerk that such Note has been lodged shall operate as a Sist of Diligence; and where such Note shall have been lodged and Consignation made as aforesaid, the Sheriff shall pronounce a Judgment reponing the Defender, and shall also appoint the consigned Money to be paid over to the Pursuer, unless special Cause be shown to the contrary, and the Cause shall thereafter proceed in all respects as if Appearance were made therein, in manner herein-after provided, of the Date of such Judgment: Provided always, that where a Charge has been given, or any Step of Diligence has been taken on the Decree, prior to the Application to be reponed, it shall be competent to the Sheriff in the course of the Proceedings in the Cause to decern in favour of the Pursuer for the Expense of such Charge or Diligence, or such Part thereof as shall be just.

III. Where

Proceedings in ordinary Causes.

Procedure where Defender enters Appearance.

III. Where the Defender intends to state a Defence, he shall enter Appearance by lodging with the Sheriff Clerk, at latest on the Day of Compearance, a Notice in the Form of Schedule (C.) annexed to this Act; and on the First Court Day thereafter, or on any other Court Day to which the Diet may be adjourned, not being later than Eight Days thereafter, the Sheriff shall hear the Parties in Explanation of the Grounds of Action and the Nature of the Defence to be stated thereto, and if satisfied that no farther written Pleadings are necessary he shall cause a Minute in the Form of the Schedule (D.) annexed to this Act to be written on the Summons, setting forth concisely the Ground of Defence, which Minute shall be subscribed by the Parties or their Procurators, and the Sheriff shall thereupon close the Record by writing under the said Minute "Record closed," and signing and dating the same; but if the Sheriff shall be satisfied that the Record cannot properly be made up without Condescendence and Defences, he shall pronounce an Order for the same; and in such Event the Pursuer shall, within Six Days thereafter, lodge with the Sheriff Clerk a Condescendence setting forth articulately, and as concisely as may be, without any Argument or unnecessary Matter, the Facts necessary to found the Conclusions of the Summons which he avers and is ready to prove, together with a Note of Pleas in Law; and the Defender shall, within Ten Days after the lodging of such Condescendence, lodge his Defences, setting forth articulately his Answers to such Condescendence, and also, where necessary, setting forth articulately, under a separate Head, any counter Statements necessary for his Defence which he avers and is ready to prove, and there shall be appended to such Defences a Note of the Defender's Pleas in Law, and such Defences shall be framed as concisely as may be, without any Argument or unnecessary Matter.

Condescendence and Defences to be lodged.

Record to be made up and closed.

IV. The Sheriff Clerk shall, as soon as Defences are lodged, transmit the Process to the Sheriff, who shall consider the same, and shall as soon as may be, and at latest within Six Days after the Date of lodging the Defences, appoint the Parties or their Procurators to meet him, and shall at such Meeting, if dilatory Defences have been stated, dispose at once, where possible, of such dilatory Defences, or may reserve Consideration of them till a future Stage of the Cause; and unless where the Pursuer is willing to close on Summons and Defences, the Sheriff may, if he thinks fit, order One Revisal of the Condescendence and Defences respectively, which Revisal shall be made upon the original Papers, unless the Sheriff, for special Cause assigned, shall direct to the contrary; and as soon as revised Defences are lodged, the Sheriff Clerk shall transmit the Process to the Sheriff, who shall thereupon appoint the Parties or their Procurators to meet him as soon as may be, and at latest within Six Days after the Date of the lodging of the revised Defences; and at such Meeting after the lodging of the Defences, or the revised Defences, as the Case may be, or at an adjourned Meeting, if the Sheriff has seen fit to adjourn (which he is hereby authorized to do, where necessary, but for no longer Period than Eight Days), the Sheriff shall allow the Pursuer or his Procurator to put upon Record, in concise and articulate Form, where this has not been already done, his Answers to the Defender's Statement of Facts, or a simple Minute of Denial where that shall be deemed by the Sheriff to be sufficient, and shall allow each Party to adjust his own Part of the Record, and shall strike out of the Record any Matter which he may deem to be either irrelevant or unnecessary; and the Record shall then be closed by the Sheriff writing upon the Interlocutor Sheet the Words "Record closed," and signing and dating the same.

After Record is closed Sheriff to hear Parties, or to appoint Diet for Proof, and to dispose of Case.

V. After the Record is closed the Sheriff shall hear the Parties or their Procurators upon the Merits of the Cause, and upon their respective Pleas, or, where he deems Proof to be necessary, shall appoint a Diet for Proof on an early Day, and shall hear the Parties or their Procurators after such Proof is led; and after such Hearing, or such Proof and Hearing, as the Case may be, the Sheriff shall pronounce Judgment with the least possible Delay: Provided always, that it shall be competent to the Sheriff, on the written Consent of both Parties, to dispose of the Cause upon the Papers without further Statement or Argument.

Periods for lodging Papers peremptory; but Proroga-

VI. Where any Condescendence or Defences, or revised Condescendence or revised Defences, or other Paper, shall not be given in within the Periods prescribed or allowed by this Act, the Sheriff shall dismiss the Action, or decern in Terms of the Summons, as the Case

Case may be, by Default, unless it shall be made to appear to his Satisfaction that the Failure to lodge such Paper arose from unavoidable or reasonable Causes, in which Case the Sheriff may allow the same to be received, on Payment of such Sum in Name of Expenses as he shall think just: Provided always, that the Periods appointed for lodging any Paper, or for transmitting any Process to the Sheriff, or for closing a Record, may always be once prorogated by the Sheriff without Consent on special Cause shown, and may always be prorogated by written Consent of Parties, with the Approbation of the Court; and in every Interlocutor prorogating on special Cause shown the Time for lodging any Paper the Nature of such Cause shall be set forth, and a definite Time shall be therein fixed within which the Paper is to be lodged.

tions may be granted of Consent, and once on Cause shown.

VII. In all Applications before the Sheriff which are at present commenced by Petition, and are not otherwise regulated by this Act, the Petition shall be as nearly as may be in the Form of Schedule (E.) annexed to this Act; and thereafter the Procedure under such Petition shall, as nearly as may be, be the same as herein-before provided in regard to ordinary Actions.

Provision for Causes commenced by Petition.

VIII. In Actions of Multiplepoinding, the Party raising the Summons shall set forth in the Body thereof who is the real Raiser of the Action; and the Sheriff shall, at the First Calling of the Cause, where no Defences are stated, or where Defences are stated and repelled at the First Calling thereafter, pronounce an Order for Claims within a short Space; and it shall be competent for any Number of Parties whose Claims in such Action depend upon the same Ground to state such Claims in the same Paper; and as soon as the Parties who shall appear and claim an Interest in the Fund shall have lodged their Claims, or had Opportunity allowed them for doing so, the Sheriff shall appoint the Parties or their Procurators to meet him; and at such Meeting he shall allow each Party to adjust his own Part of the Record, and to meet the Averments of any other Claimant or Claimants so far as necessary, and the Procedure at such Meeting, and in the after Progress of the Cause, shall be as nearly as may be the same as is herein-before provided with reference to ordinary Actions after Defences have been lodged.

Procedure in Multiplepoindings.

IX. Every Execution of a Summons, and every Execution of Service of a Petition, shall be written at the End of the Summons or Petition itself, and where necessary on continuous Sheets, but not on a separate Paper; and such Execution shall be in the Form, or as nearly as may be in the Form, of Schedule (F.) annexed to this Act, which Form shall be equally valid and effectual in all respects as the longer Form of Execution at present in use.

Short Forms of Execution provided.

X. Where Proof shall be allowed, a Diet of Proof shall be appointed, at which the Evidence shall be led before the Sheriff, who shall with his own Hand take a Note of the Evidence, setting forth the Witnesses examined, and the Testimony given by each, not by Question and Answer, but in the Form of a Narrative, and the Documents adduced, and any Evidence, whether oral or written, tendered and rejected, with the Ground of such Rejection, and a Note of any Objections taken to the Admission of Evidence, whether oral or written, allowed to be received; which Note of the Evidence shall be forthwith lodged in Process, and the Sheriff Clerk shall mark the Documents admitted in Evidence, and also, separately, any Documents tendered and rejected; and the Diet of Proof shall not be adjourned, unless on special Cause shown, which shall be set forth in the Interlocutor making the Adjournment; and the Proof shall be taken as far as may be continuously, and with as little Interval as the Circumstances or the Justice of the Case will admit of; and the Note of the Evidence given by each Witness shall be read over to him by the Sheriff, and signed by the Witness (if he can write) on the last Page in open Court before the Witness is dismissed: Provided always, that in the event of the Sheriff being unavoidably prevented from taking such Notes with his own Hand, he shall dictate the same to any competent Person he may select: Provided always, that it shall be competent to the Sheriff, where any Witness or Haver is resident beyond the Jurisdiction of the Court, or by reason of Age, Infirmity, or Sickness is unable to attend the Diet of Proof, to grant Commission to any Person competent to take and report in Writing the Evidence of such Witness or Haver; provided also, that it shall be competent to the Sheriff to remit to Persons of Skill or other Persons to report on any Matter of Fact,

Written Proofs abolished; and Proofs how to be taken.

Absent or aged or infirm Witness may be examined on Commission.

Remits may be made to Person of Skill, and if

of Consent his Report shall be final.

Fact, and where such Remit shall be made of Consent of both Parties the Sheriff shall hold the Report to be final and conclusive with respect to the Matter of such Remit.

Certified Copy Interlocutor of Proof to be Warrant for citing Witnesses and Havers, and to be operative, by simple Indorsation, in other Counties.

XI. When a Diet of Proof shall be appointed by the Sheriff, a Copy, certified by the Sheriff Clerk, of the Interlocutor fixing such Diet, or of that Portion of such Interlocutor which relates to that Matter, shall be a sufficient Warrant to any Sheriff Officer in *Scotland* (acting within his own County) to cite Witnesses and Havers, at the Instance either of the Pursuer or Defender, to attend such Proof; and such Warrant shall have the same Force and Operation in any other County as in the County in which it was issued, the same being, in every Case in which it is executed in another County from that in which it is issued, indorsed by the Sheriff Clerk of such other County, who is hereby required to make and date such Indorsation; and the Citation and Execution thereof shall be in the Form of Schedule (G.) annexed to this Act; and if any Witness or Haver duly cited on a Citation of at least Forty-eight Hours shall fail to appear, he shall forfeit and pay a Penalty not exceeding Forty Shillings, unless a reasonable Excuse be offered and sustained by the Sheriff, for which Penalty Decree shall be given by the Sheriff in favour of the Party on whose Behalf he was cited; and it shall be further competent to the Sheriff to grant Second Diligence for compelling the Attendance of such Witness or Haver, the Expense whereof shall in like Manner be decerned for against the Witness or Haver against whom the same has been issued, unless a special Reason to the contrary be stated, and sustained by the Sheriff.

Written Argument abolished, and oral Pleadings substituted.

XII. The Parties or their Procurators shall be entitled to be heard orally when the Cause shall be ripe for Judgment, and on the Import of any concluded Proof, and at any other Stage of the Cause when Argument may be necessary and shall be appointed by the Sheriff; and it shall not be competent, at any Stage of the Cause, to receive any written argumentative Pleading, excepting as herein-after provided; but the Sheriff shall, if required by either of the Parties, take a Note of the Authorities cited in the course of the oral Argument, and also where he shall see fit of the Argument, and such Note shall form Part of the Process.

Sheriff in deciding to state the Grounds of his Judgment.

XIII. In all Cases where a Sheriff Substitute or Sheriff pronounces an Interlocutor disposing of a dilatory Defence or sisting Process, or deciding on the Admissibility of Evidence or any Plea of Confidentiality, or giving any Interim Decree, or disposing in whole or in part of the Merits of the Cause, it shall be the Duty of such Sheriff Substitute or Sheriff, as the Case may be, to set forth in such Interlocutor, or in a Note appended to and issued along with it, the Grounds on which he has proceeded.

Decree for Expenses to include Expense of Extract.

XIV. Every Decree for Expenses pronounced after the passing of this Act shall be held to include a Decree for the Expense of extracting the same.

Action not prosecuted dismissed.

XV. Where in any Cause neither of the Parties thereto shall during the Period of Three consecutive Months have taken any Proceeding therein, the Action shall at the Expiration of that Period (*eo ipso*) stand dismissed, without Prejudice nevertheless to either of the Parties within Three Months after the Expiration of such first Period of Three Months, but not thereafter, to revive the said Action on showing good Cause to the Satisfaction of the Sheriff why no Procedure had taken place therein, or upon Payment to the other Party of the preceding Expenses incurred in the Cause, whereupon such Action shall be revived and proceeded with in ordinary Form, with Power to the Sheriff, if he shall see fit, to disallow such Expenses or any Part thereof in the Accounts of the Agent of either Party against his Client: Provided always, that nothing herein contained shall apply to Cases in which the Right under such Action has been acquired by a Third Party, by Death or otherwise, within such Period of Six Months.

Judgment of the Sheriff Substitute may be appealed against by Petition or Hearing.

XVI. Where any Judgment shall be pronounced by the Sheriff Substitute, which under this Act may be brought under the Review of the Sheriff, the Party who proposes to appeal against the same shall, within Seven Days from the Date thereof, engross and sign by himself or his Agent under the Interlocutor appealed against the Words "I appeal against this Interlocutor," and thereafter it shall be competent for such Party to lodge with the Sheriff Clerk within Eight Days a Reclaiming Petition against the said Judgment and any prior Judgment which may under this Act be then appealed, which Reclaiming Petition the Sheriff Clerk shall forthwith transmit to the Sheriff, who may order Answers thereto, and shall

Proceedings in ordinary Causes.

shall thereafter dispose of such Appeal, or otherwise the Party appealing may intimate by Notice lodged with the Sheriff Clerk within the Period aforesaid his Desire to be heard orally before the Sheriff on such Judgment or Judgments, in which Case the Sheriff shall hear the Parties or their Procurators on such Appeal, and shall dispose of the same; and the Sheriff shall have Power in Cases requiring extraordinary Despatch to order a Reclaiming Petition and Answers instead of hearing the Parties orally; but it shall not be competent in any Case in reviewing such Judgment both to receive a Reclaiming Petition and to hear the Parties orally: Provided always, that if no Reclaiming Petition shall have been lodged, and if neither Party shall within the Period above mentioned require to be heard before the Sheriff, he may proceed to dispose of such Appeal without farther Argument, and it shall be competent for the Sheriff, where the Cause is before him on Appeal on any Point, to open up the Record *ex proprio motu*, if it shall appear to him not to have been properly made up.

Review by Sheriff to be obtained by simple Appeal.

No Appeal allowed during the leading of the Proof;

XVII. It shall not be competent, prior to the closing of the Proof, to appeal to the Sheriff against any Interlocutor of the Sheriff Substitute, on the Admissibility of Evidence pronounced during the leading of the Proof; but it shall be competent, on the Proof being declared closed, or within Seven Days thereafter, to appeal against all or any of such Interlocutors; and the Sheriff shall pronounce such Judgment on the Appeal as shall be just, and shall appoint any Evidence which he may think ought not to have been rejected, to be taken before the Case shall be advised on its Merits.

except by Persons pleading Confidentiality, or objecting to Production of Writings.

XVIII. Provided always, That nothing in this Act contained shall preclude any Person, whether Party to the Cause or not, who may plead Confidentiality, whether with reference to documentary or oral Evidence, or any Person, not being a Party to the Cause, who may object to produce Writings, whether on Pleas of alleged Hypothec or otherwise, from taking to review any Judgment of the Sheriff Substitute or Sheriff disposing of such Pleas, in whole or in part; but the Judgment of the Sheriff Substitute disposing of such Pleas shall only be reviewable by such Person taking an Appeal at the Time in open Court, which Appeal shall be minuted by the Sheriff Substitute, and thereupon such Part of the Proceedings as may be necessary for the Disposal of such Appeal, or as the Sheriff may require, shall be transmitted by the Sheriff Clerk to the Sheriff, who shall dispose of the same summarily, but may appoint a Hearing before giving Judgment: Provided also, that no such Appeals by any such Person pleading Confidentiality as aforesaid, or by any such Person objecting to produce Writings as aforesaid, shall be held to remove the Cause from before the Sheriff Substitute as regards any Point or Points not necessarily dependent on the Interlocutor or Judgment appealed from; but, as to all such Points, the Cause may be proceeded with before the Sheriff Substitute as if no such Appeal had been taken.

No Appeal allowed (except in certain Cases) till Judgment on the Merits.

XIX. Until an Interlocutor shall have been pronounced disposing in whole or in part of the Merits of the Cause, it shall not be competent to appeal to the Sheriff against any Interlocutor of the Sheriff Substitute, not being an Interlocutor disposing of a dilatory Defence, or an Interlocutor sisting Process, or an Interlocutor allowing a Proof, or to appeal to the Sheriff against any Interlocutor of the Sheriff Substitute, on the Admissibility of Evidence pronounced during the leading of the Proof, except as herein-before provided for; but it shall be competent in every Case in which an Appeal against any Interlocutor is taken also to appeal against all or any of the Interlocutors previously pronounced, whether before or after the Date of closing the Record, or whether the Record has been closed or not, and the Sheriff shall pronounce such Judgment on the Appeal as shall be just.

Where Mistakes in a Judgment may be corrected without Review.

XX. It shall be competent to any Sheriff Substitute or Sheriff to correct any merely clerical Error in his Judgment at any Time before the Proceedings have been transmitted to the Judge or Court of Review, not being later than Seven Days from the Date of such Judgment.

Procedure in Consistorial and Maritime Causes.

XXI. The Procedure in Consistorial and Maritime Causes shall be as nearly as may be the same as is herein-before provided with reference to ordinary Actions.

Judgment of Sheriff in Causes

XXII. It shall not be competent, except as herein-after specially provided for, to remove from a Sheriff Court, or to bring under Review of the Court of Session, or of the Circuit

not exceeding 25*l.* to be final.

Court of Justiciary, or of any other Court or Tribunal whatever, by Advocation, Appeal, Suspension, or Reduction, or in any other Manner of Way, any Cause not exceeding the Value of Twenty-five Pounds Sterling, or any Interlocutor, Judgment, or Decree pronounced or which shall be pronounced in such Cause by the Sheriff.

Causes of any Value may be tried in a summary Way by Consent of all the Parties.

XXIII. It shall be competent in all Civil Causes above the Value of Twelve Pounds, competent before the Sheriff, for the Parties to lodge in Process a Minute, signed by themselves or by their Procurators, setting forth their Agreement that the Cause should be tried in the summary Way provided in the said first-recited Act, and the Sheriff shall thereupon hear, try, and determine such Action in such summary Way, and in such Case the whole Powers and Provisions of the said first-recited Act shall be held applicable to the said Action: Provided always, that the Parties, or any of them, shall be entitled to appear and plead by a Procurator of Court.

In Cases exceeding 25*l.*, Review limited to final Judgments, &c.

XXIV. It shall be competent, in any Cause exceeding the Value of Twenty-five Pounds, to take to review of the Court of Session any Interlocutor of a Sheriff sisting Process, and any Interlocutor giving Interim Decree for Payment of Money, and any Interlocutor disposing of the whole Merits of the Cause, although no Decision has been given as to Expenses, or although the Expenses, if such have been found due, have not been modified or decerned for; but it shall not be competent to take to review any Interlocutor, Judgment, or Decree of a Sheriff, not being an Interlocutor sisting Process, or giving Interim Decree for Payment of Money, or disposing of the whole Merits of the Cause as aforesaid; and the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for abridging the Form of extracting Decrees of the Court of Session in* Scotland, *and for the Regulation of certain Parts of the Proceedings of that Court,* and also the Provisions of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better regulating of the Forms of Process in the Courts of Law in* Scotland, are, in so far as inconsistent with this Enactment, hereby repealed: Provided always, that when any Interlocutor shall be brought under Review of the Court of Session, it shall be competent for that Court also to review all the previous Interlocutors pronounced in the Cause.

50 G. 3. c. 112.

6 G. 4. c. 120.

Where either Party desires it, Case to go at once to the Inner House.

XXV. All Cases of Advocation which shall come to depend before the Court of Session may be brought in the first instance before One or other of the Divisions of the Court of Session, or by Consent of both Parties before any Lord Ordinary in the Outer House, in which last Case the Judgment to be pronounced by such Lord Ordinary shall be final, and shall not be subject to Review by the Inner House, or by Appeal to the House of Lords.

Small Debt Jurisdiction extended to Causes not exceeding 12*l.*

XXVI. And with respect to Small Debt Cases not exceeding Twelve Pounds:

The Provisions of the said first-recited Act shall be extended to all Causes, Prosecutions, Applications for Sequestration and Sale, and other Actions and Proceedings of the Nature set forth in the said first-recited Act, wherein the Debt, Demand, or Penalty in question, or the Fund *in medio*, shall not exceed the Value of Twelve Pounds, exclusive of Expenses and Fees of Extract; and the said first-recited Act shall be read and construed as if the Words "Twelve Pounds" were substituted for the Words "Eight Pounds Six Shillings and Eightpence," wherever these latter Words occur in the said first-recited Act: Provided always, that in any Case in which a Decree pronounced by the Sheriff in the Small Debt Court for any Sum exceeding Eight Pounds Six Shillings and Eightpence shall have been put to execution by Imprisonment, the Party so imprisoned shall be entitled to bring such Decree under Review of the Sheriff by way of Suspension and Liberation, and such Suspension and Liberation shall proceed in the Form provided for summary Petitions by this Act.

Proceedings in Sequestrations for Rent.

XXVII. And with respect to Proceedings before the Sheriff Court for Sequestration and Sale for Recovery or in Security of Rents, be it enacted as follows:

Petition for Sequestration may also conclude for Payment.

Every Petition for Sequestration and Sale for Recovery or in Security of Rents, whether such Petition be presented after the Term of Payment or *currente termino*, may contain a Prayer for a Decree for Payment of the Rent with reference to which the Petition is presented, and it shall be competent to the Sheriff to pronounce, under such Petition, Decree for Payment of such Rent or any Part thereof, and every such Decree shall be extractable

extractable in ordinary Form, and shall otherwise have the same Force and Effect in every respect as any Decree for Payment pronounced in any Petition for Sequestration and Sale in which a Decree for Payment of Rent might be competently inserted before the passing of this Act.

Proceedings in Sequestrations for Rent.

XXVIII. The Provisions of the said first-recited Act for the summary Trial and Determination of Sequestrations for Rent where the Rent or Balance of Rent does not exceed the Sum of Eight Pounds Six Shillings and Eightpence (and which Provisions are made applicable by this Act to Sequestrations for Rent where the Rent or Balance of Rent does not exceed the Sum of Twelve Pounds), are declared to extend, and the same are hereby extended to all Sequestrations applied for *currente termino* or in Security.

Operation of Provisions in first-recited Act extended.

XXIX. And with respect to Actions of Removing before the Sheriff Court, be it enacted as follows:

Proceedings in Actions of Removing.

It shall be competent to raise a Summons of Removing at any Time, provided there be an Interval of at least Forty Days between the Date of the Execution of the Summons and the Term of Removal, or where there is a separate Ish as regards Land and Houses or otherwise, between the Date of the Execution of the Summons and the Ish which is first in Date.

Time within which Summons may be raised.

XXX. Where any Lands or Heritages are held under a Probative Lease, specifying a Term of Endurance, such Lease, or an Extract thereof from the Books of any Court of Record, shall have the same Force and Effect in every respect as any Extract Decree of Removing obtained in any ordinary Action of Removing at the Instance of the Party, Granter of such Lease, or in the Right of the Granter of such Lease, against the Party in possession under such Lease, whether such Party in possession be the Lessee named in such Lease or not, decerning such Party in possession, his Family, Sub-tenants, Cottars, and Dependants, with their Goods and Gear, to be removed and ejected from the said Lands or Heritages at the Term or Terms corresponding to the Expiration of the Term or Terms of Endurance specified in such Lease; and such Lease or Extract thereof shall, along with a written Authority signed by the Landlord or his Factor or Agent, be a sufficient Warrant to any Sheriff Officer or Messenger at Arms of the County within which such Lands or Heritages are situate to remove and eject such Party in possession, and his foresaids, from such Lands or Heritages on the Elapse of such specified Term or Terms respectively, and to return an Execution thereof in common Form: Provided always, that previous Notice to remove shall be given to such Party in possession, at least Forty Days before the Expiration of the Term of Endurance specified in such Lease, or where the Lease has a separate Ish as regards Land and Houses or otherwise, at least Forty Days before that Ish which is first in Date, by causing to be delivered to such Party in possession, or to be left at his ordinary Dwelling House, or to be transmitted to his known Address through the Post Office, previous to the Commencement of such Period of Forty Days, a Notice by a Sheriff Officer of the County in which such Lands or Heritages are situate, or Messenger at Arms, in the Form in Schedule (I.) annexed to this Act; and a Certificate endorsed on such Lease or Extract that such Notice has been duly given, signed by a Sheriff Officer of such County, or Messenger at Arms, and attested by One Witness, in the Form in Schedule (J.) annexed to this Act, or an Acknowledgment to that Effect endorsed thereon by such Party in possession himself, or by his known Agent on his Behalf, shall be sufficient Evidence that such Notice has been given: Provided also, that no such Removal or Ejectment by virtue of this Enactment shall be competent after Six Weeks have elapsed from the Expiration of the Term of Endurance specified in such Lease, or where the Lease has a separate Ish as regards Land and Houses or otherwise, after Six Weeks have elapsed from that Ish which is last in Date; and provided further, that nothing herein contained shall be construed to prevent any Proceedings under this Enactment from being brought under Suspension in common Form.

Lease, containing Obligation to remove, equivalent to Decree of Removing, provided Forty Days Notice be given.

XXXI. Where any Tenant in possession of any Lands or Heritages shall, whether at the Date of entering upon his Lease or at any other Time, grant a Letter of Removal, either holograph or attested by One Witness, in the Form in Schedule (K.) annexed to this Act, such Letter of Removal shall have the same Force and Effect in every respect as any Extract Decree of Removing obtained in any ordinary Action of Removing at the Instance of the Party to whom such Letter of Removal is granted, or of the Party in his Right, against

Letter of Removal granted by Tenant equivalent to Decree of Removing, provided Forty Days Notice be given.

Proceedings in Actions of Removing.

against the Party Granter of such Letter of Removal, or the Party in his Right as Tenant, decerning such Party Granter of such Letter, or such Party in his Right, as the Case may be, his Family, Sub-tenants, Cottars, and Dependants, with their Goods and Gear, to be removed and ejected from the said Lands and Heritages at the Term or Terms of Removal respectively specified in such Letter of Removal; and such Letter of Removal shall be a sufficient Warrant to any Sheriff Officer of the County within which such Lands or Heritages are situate to remove and eject such Party Granter of such Letter of Removal, or such Party in his Right, and his foresaids, from such Lands and Heritages, on the Elapse of such specified Term or Terms respectively, and to return an Execution thereof in common Form: Provided always, that where such Letter of Removal shall bear Date more than Six Weeks before the Term of Removal, or the Ish first in Date, specified in such Letter of Removal, previous Notice to remove shall be given to the Party Granter of such Letter of Removal, or to such Party in his Right, at least Forty Days before such Term of Removal, or where such Letter of Removal specifies a separate Ish as regards Lands and Houses or otherwise, at least Forty Days before that Ish which is first in Date, by causing to be delivered to such Party Granter of such Letter of Removal, or to such Party in his Right, or to be left at his ordinary Dwelling House, or to be transmitted to his known Address through the Post Office, previous to the Commencement of such Period of Forty Days, a Notice by a Sheriff Officer of the County in which such Lands or Heritages are situate, in the Form of Schedule (I.) annexed to this Act; and a Certificate endorsed upon such Letter of Removal that such Notice has been duly given, signed by a Sheriff Officer of such County, and attested by One Witness, in the Form of Schedule (J.) annexed to this Act, or an Acknowledgment to that Effect endorsed thereon by the Granter of such Letter of Removal, or other Party in his Right, or by the known Agent of the Granter of such Letter of Removal, or other Party on his Behalf, shall be sufficient Evidence that such Notice has been given: Provided also, that no such Removal or Ejectment by virtue of this Enactment shall be competent after Six Weeks have elapsed from the Expiration of the Term of Endurance specified in such Letter of Removal, or where such Letter of Removal has a separate Ish as regards Lands and Houses or otherwise, after Six Weeks have elapsed from that Ish which is last in Date; and provided further, that nothing herein contained shall be construed to prevent any Proceedings under this Enactment from being brought under Suspension in common Form.

Arrears of Feu Duties for Subjects of small Amount may be sued for in Sheriff Court.

XXXII. 'And whereas it is desirable that the Jurisdiction of the Sheriff should be extended 'to Questions relating to Nonpayment of Feu Duties for real Subjects of small Amount, 'wherever, in Subjects not exceeding in yearly Value the Sum of Twenty-five Pounds, the 'Vassal shall have run in arrear of his Feu Duty for Two Years:' It shall be competent for the Superior to raise an Action before the Sheriff, in ordinary Form, setting forth that the Subject is of the Value, and that the Feu Duty has run in arrear as aforesaid, and concluding that the Vassal should be removed from his Possession, and that Warrant to that Effect should be granted, and thereafter the Cause shall proceed in the Manner herein provided in ordinary Actions; and if the Defendant shall fail to appear, or if it shall be proved to the Sheriff by such Evidence as he may require that the Subject is of the Value, and that the Feu Duty is in arrear as aforesaid, he shall grant Warrant in Terms of the Conclusions of the Summons, which Warrant shall be executed at the First Term of *Whitsunday* or *Martinmas*, which shall first occur, Four Months after the same is issued by the Sheriff, and such Warrant, so executed, shall have the Effect, in relation to the said Possession, of a Decree of Irritancy *ob non solutum Canonem:* Provided always, that it shall be competent to the Vassal, at any Time within One Year from the Date of such Removal, to raise an Action of Declarator in the Court of Session for Vindication of such Subject on any Ground proceeding on Challenge of the Title of the Superior, which shall not be called in question before the Sheriff except on Grounds instantly verified by the Titles of the Superior, and that it shall be competent to the Vassals at any Time, before such Warrant is executed, to purge the Irritancy incurred by Payment of the Arrears pursued for with the Expenses incurred by the Superior in such Proceedings; provided also, that in Leases for a longer Endurance than Twenty-one Years the Landlord shall have the like Remedies against his Tenant, in case of the Nonpayment of Rent, *mutatis mutandis*, that are hereby given to the Superior against his Vassal.

XXXIII. And

Proceedings in Criminal Prosecutions.

XXXIII. And in respect of Criminal Prosecutions before the Sheriff, be it enacted as follows:

Libels may be written or printed, or partly both, but authenticated as Libels now are.

The Principal or Record Copies of all Criminal Libels before the Sheriff Courts may be either written or printed, or partly written and partly printed, provided that the same shall be authenticated in the same Manner as the written Criminal Libels now in use are authenticated.

Libel printed or partly printed to be inserted in Record Book.

XXXIV. When a Criminal Libel in any Sheriff Court is either wholly or partly printed, a Copy of it, either wholly or partly printed, shall, instead of being copied in Writing into the Record Book of Court, as at present, be inserted in such Book, either in its proper Place in the Body thereof or at the End of the Volume wherein the relative Procedure is recorded, in which last Case it shall be distinctly referred to as so appended.

The Will of Criminal Libels to contain Two Diets of Compearance as in Schedule, and Accused to be called upon at First Diet to plead Guilty or Not Guilty.

XXXV. In the Prosecution of all Criminal Offences which shall not be tried summarily the Will of the Criminal Libel shall contain Two Diets of Compearance in the Form of the Schedule (L.) hereunto annexed; and at the First of such Diets, which shall not be sooner than Five Days from the Service of the Libel, the Court sitting in Judgment shall call upon the accused Party to plead Guilty or Not Guilty to the Crime of which such Party may be therein accused; and if such Party shall plead Guilty the Court shall forthwith pronounce Sentence upon such Party according to the Form now in use; and if the Party accused shall plead Not Guilty the Trial of such Party shall take place on the Second Diet of Compearance set forth in the Will of the Libel, which Second Diet shall not be sooner than Nine clear Days after the First Diet, and at such Second Diet the Party accused shall again be called upon to plead as aforesaid, and if such Party shall then plead Guilty the Sentence of the Law shall be forthwith pronounced according to the Form now in use; and if such Party shall plead Not Guilty a Jury shall then be empannelled, and the Trial shall proceed and be followed out according to Law, unless the Diet shall be further adjourned or deserted according to the existing Law and Practice.

Sheriff not to ask Party more than once to plead.

XXXVI. It shall not be necessary for the Sheriff at each such Diet to ask the Party accused more than once whether such Party pleads Guilty or Not Guilty.

Salaries of Sheriffs and Sheriff Substitutes.

XXXVII. And with respect to the Salaries and Remuneration of Sheriffs and Sheriff Substitutes, be it enacted as follows:

Salaries of Sheriffs and Sheriff Substitutes may be increased,

It shall be lawful to grant to any Sheriff such Salary as to the Commissioners of Her Majesty's Treasury may seem meet, not being less than Five hundred Pounds by the Year, and to any salaried Sheriff Substitute now in Office, or to his Successor, or to any Sheriff Substitute who may be hereafter appointed by virtue of this Act, such Salary as to the Commissioners of Her Majesty's Treasury may seem meet, the same not in any Case exceeding One thousand Pounds by the Year, and not less than Five hundred Pounds by the Year; and every Salary payable to such Sheriff or Sheriff Substitute shall be paid by Four equal quarterly Instalments out of the Funds from which the Salaries of Sheriffs are payable; and it shall be lawful for Her Majesty and Her Heirs and Successors, upon the joint Recommendation of the Lord President of the Court of Session, Her Majesty's Advocate, and the Lord Justice Clerk, all for the Time being, to grant Authority to any Sheriff to appoint One or more additional Sheriff Substitutes: Provided always, that such joint Recommendation shall expressly bear that the Appointment of such additional Officer or Officers is essentially necessary for the Public Service; and provided also, that no more than Two additional Sheriff Substitutes in each County shall be appointed under the Powers hereby conferred.

and additional Sheriff Substitutes may be appointed.

Provision for Retiring Allowance to Sheriffs and Sheriff Substitutes disabled after long Service.

XXXVIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to grant to any Person who has held, now holds, or may hereafter hold the Office of Sheriff Substitute such Annuity as is by the said second-recited Act authorized to be granted in respect of long Service for One or other of the Periods specified in the said second-recited Act, notwithstanding such Service may not have been continuous, and may have been in different Counties; and the said Commissioners shall have the same Powers of granting Annuities to Sheriffs in respect of long Service as are conferred by the said second-recited Act and by this Act with reference to Sheriff Substitutes, and such Annuties shall be payable out of the Funds

Salaries of Sheriffs and Sheriff Substitutes.

Funds from which the Salaries of Sheriffs are payable: Provided always, that no such Annuity shall be granted to any Sheriff or Sheriff Substitute, unless the Periods of his actual Service as Sheriff or Sheriff Substitute, as the Case may be, shall, when taken together, extend to One or other of the Periods of Service specified in the said second-recited Act; and that in computing the Amount of Retiring Allowance of such Sheriffs the Emoluments drawn by them on Average of the Five preceding Years shall be held to constitute their Salary.

Sheriffs Salaries to be in lieu of all Fees, &c.;

XXXIX. The Salaries henceforth to be paid to the Sheriffs and Sheriffs Substitute shall be in full of all Fees and Emoluments whatever.

and Substitutes Commissions to extend over whole County.

XL. The Commissions already granted or to be granted by all Sheriffs to the Sheriffs Substitutes shall extend over the whole County.

Compensation to Sheriff Clerks.

XLI. In case the Operation of this Act shall affect the Emoluments of any Sheriff Clerk not now paid by Salary, it shall be competent to such Sheriff Clerks to apply to the Commissioners of Her Majesty's Treasury of *Great Britain* and *Ireland*, who shall have Power, upon Proof to their Satisfaction of the Diminution of the Emoluments of such Sheriff Clerks through the Operation of this Act, to award such Compensation to such Sheriff Clerks respectively as to the said Commissioners shall seem just; and it shall be in the Power of any such Sheriff Clerk to require that he should be paid by Salary, in Terms of the said recited Act First and Second *Victoria*, Chapter One hundred and nineteen; and it shall be lawful to the Commissioners of Her Majesty's Treasury to adjust the Salary of every Sheriff Clerk now in Office, and who is paid by Salary, regard being had to the Expenses of such Office, as may seem to them just.

Provision for the Sittings of Sheriff Courts, &c.

XLII. And with respect to the Sittings of the Sheriff Courts, and the more efficient Operation of this Act, be it enacted as follows:

Sheriff Courts to sit such Days during Session for Despatch of Civil Business as may be fixed by Sheriff and approved of.

Each Sheriff Court, except those held at a Place where an ordinary Sheriff Substitute does not reside, shall sit for the Despatch of ordinary Civil Business for such Number of Days weekly during the Session as shall be fixed by each Sheriff by a Regulation of Court, to be approved of by the said Lord President and Lord Justice Clerk, and to be advertised at least once a Year in a Newspaper published in the County, or where there is no such Newspaper, in a Newspaper published in some County immediately adjoining.

Sheriffs to hold Three Sessions in each Year.

XLIII. Each Sheriff shall hold Three Sessions in each Year, the First of which shall commence on the Fifteenth Day of *January*, or the First ordinary Court Day thereafter, and shall continue until the Fifteenth Day of *March* following, and the Second shall commence on the Third Day or the Fourth Day of *April*, and shall continue until the Thirty-first Day of *July* following, and the Third shall commence on the First Day of *October*, or the First ordinary Court Day thereafter, and shall continue until the Fifteenth Day of *December* following; and in case at any Time there shall be any Arrear of Business undisposed of, it shall 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.

Sheriff may act in Time of Vacation.

XLIV. All summary Causes may proceed equally during Vacation as during Session; and it shall be competent to the Sheriff, if he thinks fit, to pronounce Interlocutors in Time of Vacation, in all Causes, whether summary or not.

Sheriff to fix One Court Day in each Vacation for Despatch of ordinary Court Business.

XLV. The Sheriff shall, before the Termination of each Session, appoint at least One Court Day during each Vacation for the Despatch of all ordinary Civil Business, including the calling of new Causes, and the Receipt of Condescendences, Defences, and other Papers, which, if the Court had not been in Vacation, would have required to be previously lodged.

Sittings to be held by Sheriffs in their Counties.

XLVI. Every Sheriff shall, unless prevented by Indisposition or other unavoidable Cause, hold annually in his County Sittings for the Discharge of the Judicial Business of the County; that is to say, the Sheriffs of *Sutherland*, *Caithness*, and *Inverness*, *Ross* and *Cromarty*, *Argyle*, *Banff*, and *Elgin* and *Nairn*, shall hold Three such Sittings, and the Sheriffs of the other Counties shall hold Four such Sittings, in the course of the Year; and such Sittings shall continue until the Causes ready for Trial or Hearing when such Sittings commence

be

be disposed of; and such Sittings shall, except as regards the Counties of *Ross, Inverness,* and *Argyle,* be held at each of the Places within his County at which the ordinary Courts of the Sheriff Substitutes are held, and such other Places as the Sheriff, with Approval of the Secretary of State for the Home Department, may appoint, and as regards the Counties of *Ross, Inverness,* and *Argyle,* at such Places as the Sheriff, with Approval of the Secretary of State, may appoint: Provided always, that the Sheriffs of the said Three Counties shall at least twice a Year hold One such Sitting at each of the Places at which the ordinary Courts of the Sheriff Substitutes are held; and each Sheriff shall give due Notice to the County of the Times and Places of such Sittings, and such Sittings shall take place at Intervals of not less than Six Weeks; and each Sheriff shall, once in the Year, go on the Small Debt Circuit in use to be held by the Sheriff Substitute, and shall on such Occasions, in addition to holding the Small Debt Court, despatch as much of the ordinary Business as may be ready for Adjudication, or as Time may permit; and each Sheriff shall annually, within Ten Days after the Twelfth Day of *November,* make a Return to Her Majesty's Principal Secretary of State for the Home Department of the Number of Sittings held by him, and of the Periods of holding each such Sitting, in the immediately preceding Year, stating the Cause of Absence in case the Sittings herein-before directed shall not have been held by him in Terms of this Act; provided that none of the said Provisions shall extend to the Counties of *Orkney* and *Shetland,* and *Midlothian* and *Lanark;* and so much of an Act passed in the First and Second Year of the Reign of Her present Majesty, intituled *An Act to regulate the Constitution and Jurisdiction and Forms of Process of the Sheriff Courts in* Scotland, as relates to the Courts to be held by each Sheriff Depute in his County, excepting the said Counties of *Orkney* and *Shetland,* is hereby repealed.

Provision for the Sittings of Sheriff Courts, &c.

1 & 2 Vict. c. 119.

XLVII. It shall be lawful for any Sheriff to pronounce and sign any Interlocutor, Judgment, or Decree when furth of his Sheriffdom; and such Interlocutor, Judgment, or Decree shall have all the like Force and Effect as if pronounced and signed by the Sheriff while within the Limits of his Sheriffdom.

Sheriff may sign Interlocutors when furth of his County.

XLVIII. No Person whatsoever shall be exempt from the Jurisdiction of the Sheriff Court, in any Cause, on account of Privilege by reason of being a Member of the College of Justice.

Privilege of Members of College of Justice abolished.

XLIX. The Court of Session shall be and is hereby authorized and required to frame from Time to Time a Table or Tables of Fees for Business in the Sheriff Courts of *Scotland,* and such Table or Tables of Fees so framed shall be submitted to the Secretary of State for the Home Department, and if approved of shall form the Rule of professional Charge for Business performed in such Courts.

Court of Session to frame Tables of Fees.

L. In construing this Act, unless where the Context is repugnant to such Construction, the Word "Sheriff" shall be held to include "Sheriff Substitute;" the Word "Tenant" shall include Sub-tenant; and the Word "Lease" shall include Sub-lease.

Interpretation Clause.

LI. The said recited Acts, and all Laws, Statutes, Acts of Sederunt, and Usages now in force, shall be and the same are hereby repealed, but that in so far only as may be necessary to give effect to the Provisions of this Act, and no further or otherwise.

Recited Acts, &c. repealed.

LII. This Act shall take effect from and after the First Day of *November* One thousand eight hundred and fifty-three.

Act to take effect from 1st Nov. 1853.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Petitory Summons.

A.B., Sheriff of the County of to Officers of Court, jointly and severally: Whereas it is shown to me by *C.D.* [*design him*], Pursuer, against *E.F.* [*design him*], Defender, in Terms of the Conclusions under-written: Therefore the Defender ought to be decerned

decerned to pay to the Pursuer the Sum of contained in a Bill drawn by the Pursuer upon and accepted by the Defender dated and payable after Date, with the legal Interest thereof, till Payment [*or* to make Delivery to the Pursuer of sold by the Defendant to him; *or* to pay to the Pursuer the Sum of for Goods sold by the Pursuer to the Defender, per Account commencing the Day of and ending the Day of annexed hereto; *or* to pay to the Pursuer the Sum of being Damages sustained by the Pursuer, in consequence of the Defender having slandered the Pursuer by stating *or otherwise according to the Nature and Circumstances of the Action*], with Expenses: And my Will is that ye summon the Defender to compear in my Court House, at upon the Sixth Day next after the Date of your Citation, in the Hour of Cause, with Continuation of Days, to answer in the Premises; with Certification, in case of Failure, of being held as confessed; [*and if Arrestment on the Dependence is required, add*] and that ye arrest in Security the Defender's Goods, Monies, Debts, and Effects. Given at the Day of .

G.H., Sheriff Clerk.

Summons of Count and Reckoning and Payment.

A.B., &c. [*as before*]: Whereas, *&c.* [*as before*]: Therefore the Defender ought to be decerned to produce before me a full Account of his Intromissions as Cashkeeper to the Pursuer [*or otherwise, as the Case may be*], that the true Balance due to the Pursuer thereon may be ascertained; and the Defender should be decerned to pay to the Pursuer such Sum as may be found to be the true Balance on said Account, with the Interest which may be due thereon; and if he fail to produce such Account the Defender should be decerned to pay to the Pursuer the Sum of which should in that Case be held to be the Balance due, with Interest thereon from the Day of with Expenses: And my Will is, *&c.* [*as before*].

Summons of Multiplepoinding.

A.B., &c. [*as before*]: Whereas it is shown to me by *A.B.* [*design him*], Pursuer, against *C.D.* [*design him*], common Debtor, and *K.L.* [*insert Names and Designations of the other Defenders, and state who is the real Raiser*], alleged Creditors of the said *C.D.*, in Terms of the Conclusions under-written: Therefore it should be declared that the Pursuer is Holder of a Fund in medio, [*specify the Amount or Nature of it*], and is only liable in single Payment of the said Fund to those having Right thereto; and the Defenders should produce their Claims, and the Pursuer should be decerned to pay the said Fund, deducting his Expenses of Process, in such way as may be just; and such of the Defenders as shall be found to have no Right should be prohibited from troubling him in Time coming: And my Will is, *&c.* [*as before*].

SCHEDULE (B.)

[*Date.*]

Reponing Note.

In the Action *A.* against *B.*

The Defender craves to be reponed against the Decree in absence, dated [*add where necessary*, so far as unimplemented.] The Expenses decerned for are consigned with the Sheriff Clerk.

A., Defender.
[*Or*] *C.*, Agent for Defender.

SCHE-

SCHEDULE (C.)

Notice of Appearance.

In the Action *A.* against *B.*

B. [*design him*], Defender, enters Appearance to defend said Action.

B., Defender.

[*Or*] *D.*, Agent for Defender.

SCHEDULE (D.)

Minute at the first Calling of Cause, and where Defender makes Compearance.

Edinburgh 1853 Act Alt

The Defender's Procurator stated that the Defence was [*here state succinctly the Ground of Defence, dilatory or peremptory, as*] no Title to pursue, *or* Prescription, *or* the Goods specified in Account libelled were not ordered or not received by Defender, *or* Compensation, conform to Account due by Pursuer, amounting to £ herewith produced, *or* the Defender, who was Drawer of the Bill sued on, received no Notice of Dishonour, *or otherwise, in like Manner as the Case may be.*

SCHEDULE (E.)

Petition.

Unto the Sheriff.

A. B.

v.

C. D.

Or, In the Action presently before your Lordship,

A. B.

v.

C. D.

The Petitioner humbly showeth,

That [*here state briefly the Circumstances, as*] of this Date the Effects of were duly sequestrated, and it is now necessary to sell, *or* Whereas an Action between for the Price of a Horse is now depending before your Lordship, and it is expedient or necessary to sell the said Horse, *or* In consequence of wrongously and unwarrantably using, or disposing of and making away with, *or* encroaching on, *or* withholding and refusing Delivery of, the Property, Effects, *or* Documents of, *as the Case may be.*

May it therefore please your Lordship to grant Warrant of Sale, *or* for Delivery, *or* for Interdict, *&c. &c. &c.*

SCHEDULE (F.)

Form of Execution of Summons or Petition.

This Summons [*or* Petition] executed [*or* served] by me [*insert Name*] Sheriff Officer, against [*or* upon] [*insert Name or Names*] Defender, [*or* Defenders, *or* Respondent *or* Respondents], [*state whether personally or otherwise*], in Presence of [*insert Name and Designation of Witness*], this Day of Eighteen hundred and Years.

E.F., Sheriff Officer.

L.M., Witness.

SCHEDULE (G.)

Citation of Witnesses and Havers.

C.D. [*design him*]. You are hereby cited to attend in the Sheriff Court of the County of on the Day of at o'Clock, within to give Evidence for the Pursuer [*or* Defender] in the Action at the Instance of *A.* [*design him*], Pursuer, against *B.* [*design him*], Defender, and that under the Penalty of Forty Shillings Sterling if you fail to attend. [*If a Haver, say,*] And you are required to bring with you [*specify Documents required*]. Dated this Day of .

E.F., Sheriff Officer.

Execution against Witnesses and Havers.

Upon the Day of I duly cited *C.D.* [*design him*] to attend in the Sheriff Court of the County of on the Day of at o'Clock within to give Evidence for the Pursuer [*or* Defender], in the Action at the Instance of *A.* [*design him*], Pursuer, against *B.* [*design him*], Defender. [*If a Haver, say,*] And I also required him to bring with him [*specify Documents*]. This I did by delivering a just Copy of Citation to the above Effect, signed by me, to the said *C.D.* personally [*or otherwise, as the Case may be*].

E.F., Sheriff Officer.

SCHEDULE (I.)

Notice to remove.

[*Place and Date.*]

You are required to remove from the Farm of [*insert Name by which usually known*], at the Term of next, as to the Houses and Grass, and at the Separation of the Crop from the Ground as to the Arable Land [*or as the Case may be*], in Terms of the Lease thereof [*or* in Terms of your Letter of Removal], dated

E.F., Sheriff Officer.

[*Address*] *G.H.*
[*design him.*]

SCHEDULE (J.)

Certificate of Notice to remove.

[*Place and Date.*]

I, *E.F.*, Sheriff Officer of the County of certify, that on the Day of Notice to remove, in Terms of this Lease [*or* Letter of Removal] at next [*according to the Terms of the Notice*], was, in Presence of *L.M.* [*design him*], subscribing Witness, given by me to *G.H.*, the Tenant, by delivering such Notice to him personally [*or* by leaving such Notice at his ordinary Dwelling House at , *or* by transmitting such Notice to him through the Post Office to his known Address, as follows: (*insert Address to which Notice sent*)].

E.F., Sheriff Officer.

L.M., Witness.

SCHE-

SCHEDULE (K.)

Letter of Removal.

[*Place and Date.*]

SIR,—I am to remove from the Farm of [*insert Name by which usually known*], at the Term of Eighteen hundred and , as to the Houses and Grass, and at the Separation of the Crop from the Ground as to the Arable Land [*or as the Case may be*].

I am,
Your obedient Servant,
[*Signed by the Tenant*]

[*Address.*]

Note.—If this Letter is not Holograph of the Granter of it, it must be attested by One Witness, thus,—

L. M., Witness.

SCHEDULE (L.)

Herefore it is my Will, and I command you, that on Sight hereof ye pass, and in Her Majesty's Name and Authority and mine lawfully summon, warn, and charge the said [*accused Party*] to compear personally before me, or any of my Substitutes, in a Court to be holden by us, or any of us, at upon the Day of in the Hour of Cause, at o'Clock, Forenoon, for the First Diet, there to plead Guilty or Not Guilty, and to underlye the Law for the Crimes above mentioned; and also, if required, upon the Day of for the Second Diet, at o'Clock, Forenoon, again to plead Guilty or Not Guilty, and to underlye the Law as aforesaid; as also, if required for the said Second Diet alternately, that ye summon an Assize hereto, being not fewer than the Number of Forty-five Persons, together with such Witnesses as best know the Verity of the Premises, whose Names are hereto subjoined in a List subscribed by the Complainer personally, or at their Dwelling Places, all to compear before me or any of my Substitutes, Time and Place of said Second Diet of Compearance.

[*And so on to the End of the Will now in common Use.*]

CAP. LXXXI.

An Act to reduce the Salary and Emoluments of the Registrar of Meetings of the Court of Bankruptcy. [15th *August* 1853.]

'WHEREAS by an Act passed in the Session holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth it was among other things enacted, that it should be lawful for the Lord Chancellor for the Time being to appoint some competent and proper Person to the Office of Registrar of the Meetings of the Commissioners of Bankrupt, who should be resident in such Part of the Building to be erected under the said Act as the Commissioners should direct, and who should also have an Office in some convenient and public Part of the said Building, and that there should be paid and allowed to the Registrar to be appointed as aforesaid, during his Continuance in the said Office, the clear yearly Salary or Sum of Two hundred Pounds, and that there should be taken from and charged to the Estates of the Bankrupts, the Business under whose Commission should be transacted in the said Building, to the said Registrar for his own Use, for the Registry of every Meeting in Bankruptcy holden in the said Building, the Sum of One Shilling, and for every Search out of Office Hours that might be made in the said Registry, unless by or by the Order of the Commissioners under any Commission of Bankruptcy, the like Sum of One Shilling, to be paid by the Party making such Search: 1 & 2 G. 4. c. 115. s. 11. 1 & 2 G. 4. c. 115. s. 15. 1 & 2 G. 4. c. 115. s. 16.