ANNO PRIMO

VICTORIÆ REGINÆ.

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C A P. XII.

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*. [12th *July* 1837.]

WHEREAS an Act was made in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the more effectual Recovery of Small Debts, and for diminishing the Expences of Litigation in Causes of small Amount, in the Sheriff Courts in* Scotland, the Provisions of which have been found beneficial, but Experience has pointed out certain Alterations by which its Benefits will be extended and rendered more effectual; and it is expedient that such Alterations and the former Provisions should be consolidated in One Act: 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Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed from and after the First Day of *October* next, save and except as to such Causes as shall have been commenced under the Authority of the said recited Act before the said First Day of *October* next, and shall be then depending, all which Causes shall be carried to a Conclusion according to the Rules prescribed by the said

10 G. 4. c. 55.

Recited Act repealed, except as to Causes commenced.

said Act, notwithstanding this Act; and this Act shall commence and take effect from and after the said First Day of *October* next.

Sheriffs may hear and determine in a summary Way Causes for Sums under 8*l.* 6*s.* 8*d.* Sterling.

II. And be it enacted, That it shall be lawful for any Sheriff in *Scotland* within his County to hear, try, and determine in a summary Way, as more particularly herein-after mentioned, all Civil Causes and all Prosecutions for statutory Penalties, as well as all Maritime Civil Causes and Proceedings, that may be competently brought before him, wherein the Debt, Demand, or Penalty in question shall not exceed the Value of Eight Pounds Six Shillings and Eight-pence Sterling, exclusive of Expences and Fees of Extract: Provided always, that the Pursuer or Prosecutor shall in all Cases be held to have passed from and abandoned any remaining Portion of any Debt, Demand, or Penalty beyond the Sum actually concluded for in any such Cause or Prosecution.

Providing Forms of Proceedings.

III. And be it enacted, That all such Causes and Prosecutions which the Pursuers or Prosecutors thereof shall choose to have heard and determined according to the summary Mode hereby provided shall proceed, except as herein-after provided, upon Summons or Complaint, agreeably to the Form in Schedule (A.) annexed to this Act, and containing Warrant to arrest upon the depending Action, stating shortly the Origin of Debt or Ground of Action, and concluding against the Defender; which Summons or Complaint, being signed by the Sheriff Clerk, shall be a sufficient Warrant and Authority to any Sheriff's Officer for summoning the Defender to appear and answer at the Time and Place mentioned in such Summons and Complaint, not being sooner than upon the Sixth Day after such Citation, and the same, or the Copy thereof, served on the Defender, shall also be a sufficient Warrant for summoning such Witnesses and Havers as either Party shall require; and a Copy of the said Summons or Complaint, with the Citation annexed, and also a Copy of the Account, if any, shall be served at the same Time by the Sheriff's Officer on the Defender personally or at his Dwelling Place, or in case of a Company at their ordinary Place of Business; and the Officer summoning Parties, Witnesses, or Havers shall in all Cases under this Act return an Execution of Citation, signed by him, or shall appear and give Evidence on Oath of such Citation having been duly made; and all such Citations given by an Officer alone without Witnesses, and Executions thereof subscribed by such Officer, shall be good and effectual to all Intents and Purposes.

Causes of higher Value than 8*l.* 6*s.* 8*d.* reduced to 8*l.* 6*s.* 8*d.* may be remitted to the Small Debt Roll.

IV. And be it enacted, That in any Cause before the Sheriff's Ordinary Court, in which the Debt, Demand, or Penalty in question shall not exceed the Value of Eight Pounds Six Shillings and Eight-pence Sterling, or shall have exceeded the Value of Eight Pounds Six Shillings and Eight-pence Sterling, but from Interim Decree or otherwise the Value shall, previous to the closing of the Record, be reduced so as not to exceed Eight Pounds Six Shillings and Eight-pence Sterling, exclusive of Expences and Fees of Extract, it shall be competent to the Sheriff, if he shall think proper, and with the Consent of the Pursuer, to remit such Cause to such of his Small Debt Court Rolls as may be proper, either of his own Motion or upon the

Motion of any Party in the Cause: Provided that if the Pursuer shall not consent the Provisions of this Act as to the Fees or Expences to be allowed in Causes below the Value of Eight Pounds Six Shillings and Eight-pence brought not according to the summary Form herein provided shall be applied to such Causes subsequent to the Proposition for Remit, if the Sheriff shall think proper so to modify the Expences: Provided also, that when a Case has been remitted by the Sheriff Substitute from the Ordinary Court to the Small Debt Court an Appeal shall be competent to the Sheriff against such Remit, but no Reclaiming Petition shall be allowed against such Remit.

Recovery of Rents not exceeding 8*l.* 6*s.* 8*d.*

V. And be it enacted, That it shall be competent for the Sheriff in the Small Debt Courts established or to be established under this Act to hear, try, and determine, in the summary Form hereby provided, Applications by Landlords or others having Right to the Rents and Hypothec for Sequestration and Sale of a Tenant's Effects for Recovery of Rent, provided the Rent or Balance of Rent claimed shall not exceed Eight Pounds Six Shillings and Eight-pence Sterling; and the Summons and Warrant of Sequestration and Procedure shall be agreeable to the Forms directed in Schedule (B.) annexed to this Act; and the Officer, when he executes the Warrant, shall get the Effects appraised by Two Persons, who may also be Witnesses to the Sequestration; and an Inventory or List of the Effects, with the Appraisement, shall be given to or left for the Tenant, who shall be cited in Manner and to the Effect aforesaid; and an Execution of the Citation and Sequestration, with the Appraisement of the Effects, shall be returned to the Clerk within Three Days; and on hearing the Application in manner provided by this Act relative to other Causes the Sheriff shall dispose of the Cause as shall be just, and may either recall the Sequestration in whole or in part, or pronounce Decree for the Rent found due, and grant Warrant for the Sale of the sequestrated Effects on the Premises or at such other Place and on such Notice as he shall by general or special Regulation direct, and failing such Directions the Sale shall be carried into effect in the Manner herein-after directed for the Sale of poinded and sequestrated Effects; and if after Sequestration the Tenant shall pay the Rent claimed, with the Expences, to the Pursuers, or consign the Rent, with Two Pounds Sterling to cover Expences, in the Hands of the Clerk of Court, the Sequestration shall *ipso facto* be recalled, in case of Payment, on the Clerk writing and signing on the Back of the Summons or Warrant the Words "Payment made," which, on Evidence being produced to him of Payment of the Rents claimed, with Expences, he is hereby required to do, and in case of Consignation, after the Clerk shall in like Manner have written and signed the Words "Consignation made," on the same being intimated by an Officer of Court to the sequestrating Creditor.

Arrestment of Goods of Defender.

VI. And be it enacted, That the Pursuer of any Civil Cause, including Maritime Civil Causes and Proceedings, may use Arrestment on the Dependence of the Action of any Money, Goods, or Effects to an Amount or Extent not exceeding the Value of Eight Pounds Six Shillings and Eight-pence Sterling, owing or belonging to such Defender,

Defender, in the Hands of any Third Party, either within the County in which such Warrant shall have been issued or in any other County or Counties: Provided always, that before using such Warrant in any other County it shall be presented to and indorsed by the Sheriff Clerk of such other County, who is hereby required to make such Indorsement on Payment of the Fee herein-after mentioned: Provided also, that any Arrestment laid on under the Authority of this Act shall, on the Expiry of Three Months from the Date thereof, cease and determine, without the Necessity of a Decree or Warrant of loosing the same, unless such Arrestment shall be renewed by a special Warrant or Order, duly intimated to the Arrestee, in which Case it shall subsist and be in force for the like Time and under the like Conditions as under the original Warrant, or unless an Action of Forthcoming or Multiplepoinding, in manner herein-after provided, shall have been raised before the Expiry of the said Period of Three Months, in which Case the Arrestment shall subsist and be in force until the Termination of such Action of Forthcoming or Multiplepoinding.

Wages not liable to Arrestment.

VII. And be it enacted and declared, That Wages of Labourers and Manufacturers shall, so far as necessary for their Subsistence, be deemed alimentary, and, in like Manner as Servants Fees and other alimentary Funds, not liable to Arrestment.

For providing how Arrestments may be loosed.

VIII. And be it enacted, That when any Arrestment shall have been used on the Dependence of any Action, it shall be competent to the Defender to have such Arrestment loosed, on lodging with the Sheriff Clerk of the County in which such Arrestment shall have been used a Bond or Enactment of Caution, by One or more good and sufficient Cautioners to the Satisfaction of such Sheriff Clerk, agreeably to the Form in Schedule (C.) annexed to this Act, or on consigning in the Hands of such Sheriff Clerk the Amount of the Debt or Demand, with Five Shillings for Expences in Cases of Actions for Sums below Five Pounds, and Ten Shillings in Cases of higher Amount, or on producing to such Sheriff Clerk Evidence of the Defender having obtained Decree of Absolvitor in the Action, or of his having paid the Sums decerned for, or of his having consigned in the Hands of the Clerk of the Court in which the Action depended the Sums decerned for or the Amount of the Debt or Demand, and Expences as aforesaid, when no Decree has yet been pronounced; and a Certificate in the Form in the said Schedule given by the Sheriff Clerk of the County in which such Arrestment shall have been used of a Bond or Enactment of Caution to the Extent of the Debt or Demand and Expences having been lodged with him, or of Consignation, as above provided, having been made in his Hands, shall operate as a Warrant for loosing any Arrestment used either in that or in any other County on the Dependence of the same Action, without any other Caution being found or any other Consignation being made by the Defender.

Rendering Arrestments effectual.

IX. And be it enacted, That any Person entitled to pursue an Action of Forthcoming where the Sum or Demand sought to be recovered under the Forthcoming shall not exceed the Value of Eight Pounds

Pounds Six Shillings and Eight-pence Sterling, exclusive of Expences and Fees of Extract, who shall choose to have the same heard and determined according to the summary Mode provided by this Act, shall proceed by Summons or Complaint agreeably to the Form in Schedule (D.) annexed to this Act, concluding for Payment of the Sum for which Arrestment has been used, or for Delivery of the Goods and Effects arrested, which Summons or Complaint, being signed by the Sheriff Clerk of the County in which the Arrestee resides, shall be a sufficient Warrant and Authority to any Sheriff's Officer for summoning the Arrestee and the common Debtor to appear and answer at a Sheriff Court of the County in which the Arrestee resides, the same not being sooner than the Sixth Day after the Date of Citation, and also for summoning Witnesses and Havers for all Parties; and in the event of the common Debtor not residing and not being found within the County in which such Action of Forthcoming shall be brought, he may be cited by any Sheriff's Officer in any other County on the said Warrant, the same being first presented to and indorsed by the Sheriff Clerk of such other County, who is hereby required to indorse the same on Payment of the Fee hereinafter mentioned, to appear at a Sheriff Court in the County in which the Arrestee resides, the same not being sooner in such Case than on the Twelfth Day after the Date of Citation: Provided always, that the Arrestee and the common Debtor shall be cited to appear on the same Court Day, and that a Copy of the said Summons or Complaint, with the Citation annexed thereto, shall be duly served by the Officer, all in the same Manner as herein-before provided in other Causes and Prosecutions under Authority of this Act, but always allowing to a Party cited to appear in the Sheriff Court of a different County from that in which the Citation shall be given Double the Time required by this Act to be allowed to a Party cited to appear in the Sheriff Court of the County within which the Citation shall be given: Provided also, that the Pursuer of such Action of Forthcoming shall not by such Action be held to have restricted the Amount of the Debt due by the common Debtor.

Actions of Multiplepoinding.

X. And be it enacted, That where any Person shall hold a Fund or Subject which shall not exceed the Value of Eight Pounds Six Shillings and Eight-pence, which shall be claimed by more than One Party, under Arrestments or otherwise, it shall be competent to raise a Summons of Multiplepoinding in the Small Debt Court established or to be established under this Act, to the Jurisdiction of which the Holder of the Fund or Subject shall be amenable, which Summons and Procedure thereon shall be agreeable to the Form in Schedule (E.) annexed to this Act, and the Claimants and common Debtors, and also the Holder of the Fund or Subject, if the Process be raised in his Name by any other Party interested, shall be cited in manner directed to be followed in Actions of Forthcoming raised under this Act; and it shall be competent to the Sheriff, when he shall see Cause, to order such further Intimation or Publication of the Multiplepoinding as he may think proper, by Advertisement in any Newspaper or otherwise; but no Judgment preferring any Party to the Fund or Subject *in medio* shall be pronounced at the first calling of the Cause, or until due Intimation has been given, such as may appear satisfactory

to the Sheriff, in order that all Parties may have an Opportunity of lodging their Claims on the Fund or Subject *in medio*, and such Claims shall be prepared agreeably to the Form in Schedule (E.); and the Sheriff shall hear, try, and determine the Cause as nearly as may be in the summary Form provided by this Act.

Counter Claims.

XI. And be it enacted, That where any Defender intends to plead any counter Account or Claim against the Debt, Demand, or Penalty pursued for, the Defender shall serve a Copy of such counter Account or Claim by an Officer on the Pursuer, in the Form set forth in Schedule (A.) hereunto annexed, or to the like Effect, at least One free Day before the Day of Appearance, otherwise the same shall not be heard or allowed to be pleaded, except with the Pursuer's Consent, but Action shall be reserved for the same.

Compelling Attendance of Witnesses.

XII. And be it enacted, That every Officer to whom any Warrant as aforesaid for citing Witnesses and Havers shall be intrusted shall cite such Witnesses or Havers as any Party shall require; and all such Warrants shall have the same Force and Effect in any other County as in the County where they are originally issued, the same being first presented to and indorsed by the Sheriff Clerk of such other County, who is hereby required to indorse the same on Payment of the Fee herein-after mentioned; 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; and every such Penalty shall be paid to the Party citing the Witness or Haver, and shall be recovered in the same Manner as other Penalties under this Act, 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 the Sheriff of any County where a Witness or Haver resides who has failed to comply with the Citations originally issued to grant Letters of Second Diligence for compelling the Attendance of such Witnesses or Havers, and it shall be no Objection to any Witness that such Witness has appeared without Citation or without having been regularly cited.

Hearing and Judgment.

XIII. And be it enacted, That when the Parties shall appear the Sheriff shall hear them *vivâ voce*, and examine Witnesses or Havers upon Oath, and may also examine the Parties, and may put them or any of them upon Oath, in case of Oath in Supplement being required or of a Reference being made, and if he should see Cause may remit to Persons of Skill to report, or to any Person competent to take and report in Writing the Evidence of Witnesses or Havers who may be unable to attend upon special Cause shown, and such Cause shall in all Cases be entered in the Book of Causes kept by the Sheriff Clerk, due Notice of the Examination being given to both Parties, and thereupon the Sheriff may pronounce Judgment; and the Decree, stating the Amount of the Expences (if any) found due to any Party, (which may include personal Charges, if the Sheriff think fit,) and containing Warrant for Arrestment, and for Poinding and Imprisonment when competent, shall be annexed to the Summons or Complaint, and on the same Paper with it, agreeably to the Form in

Schedule (A.) annexed to this Act, or to the like Effect; which Decree and Warrant, being signed by the Clerk, shall be a sufficient Authority for instant Arrestment, and also for Poinding and Sale and Imprisonment, where competent, after the Elapse of Ten free Days from the Date of the Decree, if the Party against whom it shall have been given was personally present when it was pronounced, but if he was not so present Poinding and Sale and Imprisonment shall only proceed after a Charge of Ten free Days, by serving a Copy of the Complaint and Decree on the Party personally or at his Dwelling Place; and if any Decree shall not be enforced by Poinding or Imprisonment within a Year from the Date thereof, or from a Charge for Payment given thereon, such Decree shall not be enforced without a new Charge duly given as aforesaid. Arrestment.

XIV. And be it enacted, That no Procurators, Solicitors, nor any Persons practising the Law shall be allowed to appear or plead for any Party without Leave of the Court upon special Cause shown, and such Leave and the Cause thereof shall in all Cases be entered in the Book of Causes kept by the Sheriff Clerk; nor shall any of the Pleadings be reduced to Writing or be entered upon any Record, unless with Leave of the Court first had and obtained, in consequence of any Difficulty in point of Law or special Circumstances of any particular Case: Provided always, that when the Sheriff shall order any such Pleadings to be reduced to Writing every Case in which such Order shall be made shall thenceforth be conducted according to the ordinary Forms and Proceedings in Civil Causes and in Prosecutions for statutory Penalties, and shall be disposed of in all respects as if this Act had not been passed. Procurators, &c. not to appear or plead, nor Pleadings to be reduced to Writing, without Leave of Court.

XV. And be it enacted, That any Defender who has been duly cited failing to appear personally or by one of his Family, or by such Person as the Sheriff shall allow, such Person not being an Officer of Court, shall be held confessed, and the other Party shall obtain Decree against him; and in like Manner if the Pursuer or Prosecutor shall fail to appear personally or by one of his Family, or by such Person as the Sheriff shall allow, such Person not being an Officer of Court, the Defender shall obtain Decree of Absolvitor, unless in either Case a sufficient Excuse for Delay shall be stated, on which account, or on account of the Absence of Witnesses, or any other good Reason, it shall at all Times be competent for the Sheriff to adjourn any Case to the next or any other Court Day, and to ordain the Parties and Witnesses then to attend. Parties not appearing or making sufficient Excuse to be held confessed.

XVI. And be it enacted, That where a Decree has been pronounced in Absence of a Defender it shall be competent for him, upon consigning the Expences decerned for, and the further Sum of Ten Shillings to meet further Expences, in the Hands of the Clerk, at any Time before a Charge is given, or in the event of a Charge being given before Implement of the Decree has followed thereon, provided in the latter Case the Period from the Date of the Charge does not exceed Three Months, to obtain from the Clerk a Warrant signed by him sisting Execution till the next Court Day or to any subsequent Court Day to which the same may be adjourned, and containing Hearing in Cases of Decree in Absence.

containing Authority for citing the other Party, and Witnesses and Havers for both Parties; and the Clerk shall be bound to certify to the Sheriff on the next Court Day every such Application for Hearing and Sist granted; and such Warrant, being duly served upon the other Party personally or at his Dwelling Place in the Manner provided in other Cases by this Act, shall be an Authority for hearing the Cause; and in like Manner, where Absolvitor has passed in Absence of the Pursuer or Prosecutor, it shall be competent for him, at any Time within One Calendar Month thereafter, upon consigning in the Hands of the Clerk the Sum awarded by the Sheriff in his Decree of Absolvitor as the Expences for the Defender and his Witnesses, with the further Sum of Five Shillings to meet further Expences, to obtain a Warrant, signed by the Clerk, for citing the Defender and Witnesses for both Parties, which Warrant, being duly served upon the Defender in the Manner provided in other Cases by this Act, shall be an Authority for hearing the Cause as hereby provided in the Case of a Hearing at the Instance of the Defender, the said Sum of Expences awarded by the Sheriff and consigned as aforesaid being in every Case paid over to the other Party, unless the contrary shall be specially ordered by the Court; and all such Warrants for Hearing shall be in force, and may be served by any Sheriff Officer in any County, without Indorsation or other Authority than this Act.

Book of Causes, &c. to be kept.

XVII. And be it enacted, That the Sheriff Clerk shall keep a Book, wherein shall be entered all Causes conducted under the Authority of this Act, setting forth the Names and Designations of the Parties, and whether present or absent at the calling of the Cause, the Nature and Amount of the Claim and Date of giving it in, the Mode of Citation, the Leave and Cause of Procurators Appearance, the several Deliverances or Interlocutors, and the final Decree, with the Date thereof, which Book shall be signed each Court Day by the Sheriff; and the said Entries by the Clerk shall be according to the Form in Schedule (F.) annexed to this Act, or with such Addition as the Sheriff shall appoint; and the Sheriff Clerk shall also keep a Book or Books containing a Register or Registers of all Indorsations of Decrees and Warrants issued in other Counties, and of all Warrants for Arrestment on the Dependence, and of all Loosings of Arrestment, and of all Reports of Poindings or Sequestrations and Sales of Goods and Effects, which Registers shall be open and patent at Office Hours to all concerned, without Fee; and the Sheriff Clerk shall cause a Copy of the Roll of Causes to be tried on each Court Day to be exhibited to the Public on a patent Part of the Court House at least One Hour before the Time of meeting of such Court, and which shall continue there during the Time the Court shall be sitting; and the Sheriff Clerk or an Officer of Court shall audibly call the Causes in such Roll in their Order.

Power to direct Payment by Instalments.

XVIII. And be it enacted, That the Sheriff may, if he think proper, direct the Sum or Sums found due to be paid by Instalments weekly, monthly, or quarterly, according to the Circumstances of the Party found liable, and under such Conditions or Qualifications as he shall think fit to annex.

XIX. And

Decrees may be enforced in any other County.

XIX. And be it enacted, That any Decree obtained under this Act may be enforced where competent against the Person or Effects of any Party in any other County as well as in the County where the Decree is issued: Provided always, that such Decree or an Extract thereof shall be first produced to and indorsed by the Sheriff Clerk of such other County, who is hereby required to make such Indorsement on Payment of the Fee herein-after mentioned.

Appraisement and Sale of pointed and sequestrated Effects.

XX. And be it enacted, That the Sequestration or Poinding and Sale shall be carried into effect by the Officer in a summary Way, by getting the Effects sequestrated or pointed duly appraised by Two Persons, who may also be Witnesses to the Sequestration or Poinding, and leaving an Inventory or List thereof for the Party whose Effects are sequestrated or pointed, and not sooner than Forty-eight Hours thereafter carrying such Effects to the nearest Town or Village, or, in case the Sequestration or Poinding shall take place in a Town or Village, to the Cross or most public Place thereof, and selling the same to the highest Bidder by public Roup between the Hours of Eleven Forenoon and Three Afternoon at the Cross or such most public Place, on previous Notice of at least Two Hours by the Crier, but reserving to the Sheriff, by such general Regulation or special Order in any particular Case as he shall think fit, to appoint a different Hour or Place for the Sale or a longer or different Kind of Notice to be given of the Time of selling; and in Sequestrations and Poindings the Overplus of the Price, if there shall be any, after Payment of the Sums decerned for, and the Expences, if Expences are awarded, including what is allowed by this Act for Sequestration or Poinding and Sale, shall be returned to the Owner, or consigned with the Sheriff Clerk if the Owner cannot be found; or if the Effects are not sold the same shall be delivered over at the appraised Value to the Creditor to the Amount of the Sum decerned for and Expences, if awarded, and the Allowances for Sequestration or Poinding and Sale; and a Report of the Proceedings in the Sequestration or Poinding and Sale and Proceeds, or of the Delivery of the Effects, shall in every Case be made by the Officer to the Sheriff Clerk within Eight Days thereafter, agreeably to the Form in Schedule (G.) annexed to this Act, or to the like Effect; and where the Sheriff shall order a Sale of Goods or Effects arrested, the same Course of proceeding shall be adopted as is above directed in the Case of Poinding and Sale; and no Officer to whom the Enforcement of Decrees or Warrants in Cases falling under this Act may be committed shall be liable to any Penalty, Fine, or Punishment for selling Goods or Effects under Authority of such Decrees or Warrants by public Auction, although such Officer may not be licensed as an Auctioneer, any thing in any Act or Acts to the contrary notwithstanding; and if any Person shall secrete or carry off or intromit with any pointed or sequestered Effects *in fraudem* of the pointing Creditors or of the Landlord's Hypothec, such Person shall be liable to summary Punishment by Fine or Imprisonment, as for Contempt of Court, either at the Instance of the private Party, with or without the Concurrence of the Procurator Fiscal, or at the Instance of the Procurator Fiscal, or *ex proprio motu* of the Sheriff, besides being liable otherwise as accords of Law.

One Witness sufficient.

XXI. And be it enacted, That in all Charges and Arrestments, and Executions of Charges and Arrestments, under this Act, One Witness shall be sufficient, any Law or Practice to the contrary heretofore notwithstanding.

Actions for Damages by Riot under 3 G. 4. c. 33. and for Recovery of Assessments authorized by 9 G. 4. c. 39. may be determined by this Act.

XXII. And be it enacted, That all Actions of Damages for Compensation for Loss or Injury by the Act or Acts of any unlawful, riotous, or tumultuous Assembly in *Scotland*, or of any Person engaged in or making Part thereof, authorized to be brought by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, where the Sum concluded for does not exceed Eight Pounds Six Shillings and Eight-pence Sterling, as also all Actions for Recovery of Assessments by virtue of an Act passed in the Ninth Year of His said Majesty's Reign, intituled *An Act for the Preservation of the Salmon Fisheries in* Scotland, may be heard and determined in the summary Way provided by this Act, and this notwithstanding the Amount of such Assessments shall exceed Eight Pounds Six Shillings and Eight-pence Sterling.

Sheriffs to hold Circuit Courts for Small Debt Causes.

XXIII. And whereas by 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*, it is provided that Sheriffs may hold Itinerant Courts at such Times and Places within their respective Jurisdictions as they shall judge expedient, or as shall be directed or ordered by His Majesty, His Heirs and Successors; and by the said recited Act of the Tenth Year of the Reign of His Majesty King *George* the Fourth Provision is made for the necessary Accommodation for holding Courts for the Purposes of the said Act which the Sheriff should judge it expedient to hold at other than the usual Places for holding the same: And whereas it is expedient to make better Provision for holding Itinerant or Circuit Courts for the Purposes of this Act; be it enacted, That the several Sheriffs of the several Sheriffdoms in *Scotland* shall, in addition to their ordinary Small Debt Courts, by themselves or their Substitutes, hold Circuit Courts for the Purposes of this Act at such of the Places within each Sheriffdom set forth in the Schedule (H.) annexed to this Act, and for such Number of Times within each Place in each Year, not exceeding the Number of Times mentioned in the said Schedule (H.), as shall be directed by Warrant under Her Majesty's Sign Manual, and to be published in the *London Gazette*, at such Times as they shall deem best and most convenient to fix for the general Business of the County, if there shall be any Cause at such Places at such Times to try, but as nearly as may be at equal Intervals between each Court, except as herein-after provided, and shall remain at each such Place until the Causes ready to be heard shall be disposed of; and each Sheriff Clerk, or a Depute appointed by him, is hereby required to attend at such Places and Times within his Sheriffdom, and to find the necessary Accommodation for holding all such Courts, on his own Charges and Expences in respect of the Fees allowed by this Act: Provided always, that no Sheriff Clerk shall acquire a vested Right to any increased Amount of Fees or Emoluments to be drawn under this Act, or shall be entitled to Compensation in consequence of being deprived of such increased

Amount of Fees or Emoluments or of any future Regulation thereof by any Act to be hereafter passed.

Sheriff empowered to change Places and Times.

XXIV. And be it enacted, That the several Sheriffs of the several Sheriffdoms, with the Consent and Approbation of One of Her Majesty's Principal Secretaries of State, may from Time to Time change the Places or Number of Times at which such Circuit Courts shall be directed to be held as aforesaid, or discontinue the same or any of them in any Sheriffdom in which such Circuit Courts or any of them may be found unnecessary or inexpedient, or direct any Two of such Courts held in Islands or other Places where it may be deemed expedient to be held at short Intervals from each other, or direct Circuit Courts to be held at such Places in any Sheriffdom although not mentioned in the said Schedule (H.), or in such additional Places in Counties mentioned in the said Schedule, as may seem necessary and proper; and all such additional Circuit Courts shall be held in Terms of the Provisions and Directions of this Act.

Sheriff Clerks to appoint Deputes, and to give Notices.

XXV. And be it enacted, That the Sheriff Clerk of each Sheriffdom shall attend personally or appoint a Depute to act at each of the Places at which Courts may be directed to be held in Terms of this Act, and such Depute shall in the Absence of the Principal Clerk attend at and during the holding of such Circuit Courts, and shall thereat perform all the Duties by this Act required to be performed by the Sheriff Clerk; and if such Depute shall not be resident in such Place the Sheriff Clerk may also appoint a proper Person resident in such Place or in its immediate Vicinity to issue the Summonses or Complaints which may be applied for and issued under the Provisions of this Act, and the Principal Clerk shall give or cause to be given due Intimation of the Name, Description, and Residence of each Person so appointed Depute Clerk, and of the Person appointed to issue Summonses and Complaints as aforesaid, by Notice in the Form set forth in Schedule (I.) hereunto annexed, and which Notice, being signed by the Sheriff Clerk, shall, without being stamped, be a sufficient Commission to such Sheriff Clerk Depute, and such Notice or a Copy thereof shall be affixed on or near the Doors of the Church of the Parish within which such Court is to be held, and also, if he shall see Cause, by Advertisement in the Newspaper or Newspapers of the greatest reputed Circulation in the Neighbourhood, and Notice shall in like Manner be given by the Sheriff Clerk, in the Form of Schedule (K.) hereunto annexed, of the Times at which such Circuit Courts shall be fixed to be held: Provided always, that no Person who shall act as Depute Clerk for the Purposes of this Act, and for no other Purposes, shall be thereby disqualified from acting as a Procurator before any Court, except the Small Debt Court in which he shall act as aforesaid, or from being registered or from voting under any Act or Acts of Parliament relative to the Election of Members of Parliament or of Magistrates of Burghs.

Actions to be brought in the Place of Defender's Domicile.

XXVI. And be it enacted, That each Sheriff shall, Three Months before holding any Circuit Court in Terms of this Act, by a Minute entered in the Sederunt Book of his Court and published in such Manner as he may think proper, and of which a printed Copy shall be publicly

publicly affixed at all Times on the Walls of every Sheriff Court Room within his Sheriffdom, apportion the Parishes or Parts of Parishes which shall for the Purposes of this Act be within the Jurisdiction of any Small Debt Court to be held within his Sheriffdom as aforesaid, and thereafter from Time to Time alter such Apportionment as the Circumstances may require, and such Alteration shall be published as aforesaid for at least Three Months before the same shall take effect, and all Causes shall be brought before the Ordinary Small Debt Court or any Circuit Small Debt Court within the Jurisdiction of which the Defender shall reside or to the Jurisdiction of which he shall be amenable: Provided always, that if there shall be more Defenders than One in One Cause of Action who shall be amenable to the Jurisdiction of different Courts, or if from any other Cause the Sheriff shall be satisfied that such Course shall be expedient for the Ends of Justice, it shall be competent to the Sheriff, upon summary Application in Writing made by or for any Pursuer lodged with the Sheriff Clerk, or upon verbal Application made by or for any Pursuer in open Court, to order a Summons or Complaint to be issued, and the Cause to be brought before his Ordinary Small Debt Court or before any of his Circuit Small Debt Courts, as shall appear most convenient; and such Summons or Complaint shall be issued accordingly on the Sheriff writing and subscribing thereon the Name of the Court before which the same is to be heard.

Sheriff may adjourn Causes to any of his other Small Debt Courts.

XXVII. And be it enacted, That the Sheriff may, where the Ends of Justice and the Convenience of the Parties require it, adjourn and remove the further Hearing of or Procedure in any Sequestration, Multiplepoinding, or any other Cause from his Ordinary Small Debt Court to any of his Circuit Small Debt Courts, and from any of his Circuit Small Debt Courts to his Ordinary or any other Circuit Small Debt Court, or to any Diet of his Ordinary Court, to be there dealt with according to the Provisions of this Act, or to any other Time or Place specially appointed for the Purpose; and such Order of Adjournment and Removal shall be held due Notice to the Parties of such Adjournment and Removal being made, unless further Notice shall be ordered.

Sheriff of Moray may hold Courts at Grantown.

XXVIII. And whereas in the Upper District of *Morayshire* which borders on the River *Spey* there is no Place in which Circuit Courts can be conveniently held, but such Court could be conveniently held in the Village of *Grantown*, situated in a detached Part of the County of *Inverness*, in the immediate Vicinity of the said District of *Morayshire;* be it therefore enacted, That in case it shall be directed by One of Her Majesty's Principal Secretaries of State that a Circuit Court should be established in Terms of this Act for the Upper District of *Morayshire*, it shall be competent to the Sheriff of *Morayshire* or his Substitutes to grant Warrants and to hold Courts for the Trial of all Causes competent under this Act, and to pronounce Judgment therein, within the said Village of *Grantown*, in the same Way and to the same Effect in all respects as if such Courts were held and Warrants were granted and Judgments pronounced within the said County of *Moray;* and it shall also be competent to the Sheriff Clerk and Officers of *Morayshire* to issue Summonses and perform other Duties

Duties authorized by this Act within the Village of *Grantown* in like Manner as within the County of *Moray*.

Sheriff and Sheriff Clerks Expences at Circuit Courts.

XXIX. And be it enacted, That an Account of the travelling and other Charges incurred by the Sheriff and Sheriff Clerks in going to, living at, and returning from the Places where such Circuit Courts shall be held as aforesaid shall be rendered annually in Exchequer with the other Charges of the Sheriffs, and such Accounts being there audited shall be allowed to an Amount for the Sheriff not exceeding Five Pounds, and for the Sheriff Clerk not exceeding One Pound Ten Shillings for each Court, and paid out of the public Revenue of *Scotland* as the Charges of the Sheriffs are in use to be paid.

Decree not subject to Review, except as hereby provided.

XXX. And be it enacted, That no Decree given by any Sheriff in any Cause or Prosecution decided under the Authority of this Act shall be subject to Reduction, Advocation, Suspension, or Appeal, or any other Form of Review or Stay of Execution, other than provided by this Act, either on account of any Omission or Irregularity or Informality in the Citation or Proceedings, or on the Merits, or on any Ground or Reason whatever.

Form of Review provided.

XXXI. And be it enacted, That it shall be competent to any Person conceiving himself aggrieved by any Decree given by any Sheriff in any Cause or Prosecution raised under the Authority of this Act to bring the Case by Appeal before the next Circuit Court of Justiciary, or, where there are no Circuit Courts, before the High Court of Justiciary at *Edinburgh*, in the Manner, and by and under the Rules, Limitations, Conditions, and Restrictions contained in the before-recited 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*, except in so far as altered by this Act: Provided always, that such Appeal shall be competent only when founded on the Ground of Corruption or Malice and Oppression on the Part of the Sheriff, or on such Deviations in point of Form from the statutory Enactments as the Court shall think took place wilfully, or have prevented substantial Justice from having been done, or on Incompetency, including Defect of Jurisdiction of the Sheriff; provided also, that such Appeals shall be heard and determined in open Court, and that it shall be competent to the Court to correct such Deviation in point of Form, or to remit the Cause to the Sheriff with Instructions or for re-hearing generally, and it shall not be competent to produce or found upon any Document as Evidence on the Merits of the original Cause which was not produced to the Sheriff when the Case is heard, and to which his Signature or Initials have not been then affixed, which he is only to do if required, nor to found upon nor refer to the Testimony of any Witness not examined before the Sheriff, and whose Name is not written by him when the Case is heard upon the Record Copy of the Summons, which he is to do when specially required to that Effect: Provided further, that no Sist or Stay of the Process and Decree and no Certificate of Appeal shall be issued by the Sheriff Clerk, except upon Consignation of the whole Sum, if any, decerned for by the Decree and Expences, if any, and Security found for the whole Expences which may be incurred and found due under the Appeal.

XXXII. And

Fees to be taken.

XXXII. And be it enacted, That the following and no other or higher Fees or Dues of Consignation shall be allowed to be taken for any Matters done in any Cause or Prosecution raised under the Authority of this Act:

Clerk's Fees in Causes under this Act.

Summons, including Precept of Arrestment, One Shilling:
Each Copy for Service, Sixpence:
Entering in Procedure Book, Sixpence:
Renewed Warrant to arrest on Dependence, and entering in Book, One Shilling:
Certificate loosing Arrestment, One Shilling:
Bond of Caution, One Shilling and Sixpence:
Second Diligence for compelling Witnesses or Havers to attend, One Shilling:
Decree, including Extract, if demanded, One Shilling:
Hearing after Decree in Absence, One Shilling and Sixpence:
Indorsation of Decree or Warrant, and entering in Book, One Shilling:
Receiving Report of Sequestration and Appraisement, and entering in Book, One Shilling:
Receiving Report of Sale under Sequestration, and entering, One Shilling:
Receiving Report of Poinding and Sale, and entering, One Shilling and Sixpence.

Officer's Fees, including Assistants.

Citation of a Party or Intimation of counter Claim, and Execution of Citation given personally, One Shilling:
Ditto, ditto, if Citation not given personally, Sixpence:
Citation of a Witness or Haver, Sixpence:
Charging on Decree, and returning Execution of Charge, One Shilling:
Arrestment, and returning Execution thereof, Sixpence:
Intimation of loosing Arrestment, and Execution thereof, Sixpence:
Poinding or Sequestration and Inventory, Two Shillings and Sixpence:
Sale and Report, Two Shillings and Sixpence:
Officers Travelling Expences, for each complete Mile from the Cross or Tron or other usual Place of Measurement in the Town or Place where the Court is held, where there is any such, or if there be none such, then from the Court House of such Town or Place to the Place of Execution or Service, the Distance travelled in returning after Execution of the Duty not to be reckoned, Sixpence:
Assistants, each *per* Mile, in the same Manner, Four-pence.

Crier's Fee.

For calling each Cause, One Penny, payable when Summons is issued.

Table of Fees to be printed and hung up.

XXXIII. And be it enacted, That an exact Copy of the immediately preceding Section of this Act shall be printed on each Summons

mons or Complaint, and on each Service Copy thereof, and shall also be at all Times hung up in every Sheriff Clerk's Office and in every Sheriff Court Place during the holding of any Sheriff's Small Debt Court; and any Sheriff Clerk from whose Office any Summons or Service Copy thereof shall be issued not having such Copy of the said Section printed thereon, or at any Time omitting to have such Copy hung up in his Office or in the Sheriff Court Place as aforesaid, or not causing the Roll of Causes each Court Day to be publicly exhibited, or not causing the Number and Names of the Parties in such Roll to be called in their Order as aforesaid, except with Leave of the Sheriff upon Cause shown in open Court, shall be liable in a Penalty not exceeding Forty Shillings, to be recovered at the Instance of any Person who shall prosecute for the same, and to be disposed of as the Sheriff shall direct.

Officers neglecting Duty to be fined.

XXXIV. And be it enacted, That in all or any of the Cases above mentioned, where any Decree or Warrant shall have been indorsed as aforesaid, the Sheriff's Officer of the County where such Decree or Warrant has been originally issued, as well as of any County wherein the same is indorsed, are hereby authorized and required to obey and enforce such Decree or Warrant within such other County; and any Sheriff's Officer failing to report any Sequestration or Poinding and Sale as above directed, or violating or neglecting any other Duty intrusted to him under this Act, or wilfully acting contrary to any Provision thereof, shall be liable in a Penalty not exceeding Forty Shillings, to be recovered at the Instance of any Person aggrieved thereby, and to be disposed of as the Sheriff shall direct, reserving always all further Claim of Damages otherwise competent against any such Officer, and without Prejudice to the Sheriff's lawful Authority to remove and punish all Officers of his Court for Misbehaviour or Malversation in Office.

Privileged Persons not exempt.

XXXV. And be it enacted, That no Person whatsoever shall be exempt from the Jurisdiction of the Sheriff in any Cause or Prosecution raised under the Authority of this Act on account of Privilege, as being a Member of the College of Justice, or otherwise.

Courts may limit Fees in Causes not exceeding 8*l.* 6*s.* 8*d.*

XXXVI. And be it enacted, That in all Causes and Prosecutions wherein the Debt, Demand, or Penalty shall not exceed the Value of Eight Pounds Six Shillings and Eight-pence Sterling, exclusive of Expences and Fees of Extract, which shall in future be brought or carried on before any Court not according to the summary Form herein provided, it shall be lawful for the Judge in such Court notwithstanding to allow no other or higher Fees or Expences to be taken or paid than those above mentioned.

Meaning of Words in this Act.

XXXVII. And be it enacted, That in all Cases in this Act or in the Schedules hereto annexed the Word "Sheriff" shall be held to include Sheriff Depute and Steward Depute, and Sheriff Substitute and Steward Substitute; the Words "Sheriff Substitute" to include Steward Substitute; the Words "Sheriff Court" to include and apply to the Court of the Sheriff or Steward or their Substitutes; the Words "Sheriff Clerk" to include Steward Clerk and Depute Sheriff

Sheriff Clerk and Depute Steward Clerk; the Word "Shire" or "County" to include Stewartry; the Word "Sheriffdom" to include and be included in the Words Shire, County, or Stewartry; the Word "Person" to extend to a Partnership, Body Politic, Corporate, or Collegiate, as well as an Individual; the Word "Landlord" to include any Person having a Right to exact Rent, whether as Owner, Life-renter, Heritable Creditor in Possession, principal Tenant, or otherwise; 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.

Act may be repealed, &c.

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

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

No. 1.

Summons or Complaint in a Civil Cause.

A.B., Sheriff of the Shire of to Officers of Court, jointly and severally.

WHEREAS it is humbly complained to me by *C.D.* [*design him*], that *E. F.* [*design him*], Defender, is owing the Complainer the Sum of [*here insert the Origin of Debt or Ground of Action, and whenever possible the Date of the Cause of Action or last Date in the Account*], which the said Defender refuses or delays to pay; and therefore the said Defender ought to be decerned and ordained to make Payment to the Complainer, with Expences: Herefore it is my Will, that on Sight hereof ye lawfully summon the said Defender to compear before me or my Substitute in the Court House at upon the Day of at of the Clock, to answer at the Complainer's Instance in the said Matter, with Certification, in case of Failure, of being held as confessed; requiring you also to deliver to the Defender a Copy of any Account pursued for, and that ye cite Witnesses and Havers for both Parties to compear at the said Place and Date, to give Evidence in the said Matter; and in the meantime that ye arrest in security the Goods, Effects, Debts, and Sums of Money belonging to the Defender as accords of Law. Given under the Hand of the Clerk of Court at the Day of .

J. P. Sheriff Clerk.

No. 2.

Citation for Defender.

E.F., Defender, above designed, you are hereby summoned to appear and answer before the Sheriff in the Matter, and at the Time and Place, and under the Certification set forth in the above Copy of the Summons or Complaint against you.

This Notice, served upon the Day of by me,

J.T. Sheriff's Officer.

No. 3.

Execution of Citation of Defender.

Upon the Day of One thousand eight hundred and I duly summoned the above-designed *E.F.*, 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 leaving a full Copy of the above Summons or Complaint, with a Citation thereto annexed*, for the said Defender [in his Hands personally, *or otherwise, as the Case may be*].

J.T. Sheriff's Officer.

* If there is an Account mentioned in the Complaint the Officer must serve a Copy of it along with a Copy of the Summons or Complaint.

No. 4.

Execution of Notice of counter Claim by Defender against Pursuer.

Upon the Day of I gave Notice to *C.D.*, Pursuer, of the above counter Account [*or* Claim] intended to be pleaded against him by *E.F.*, Defender in the Small Debt Action to which the said Defender was summoned to appear before the Sheriff at upon the Day of at of the Clock. This I did by leaving a Copy of the above Account [*or* Notice of Claim, *shortly explaining it,*] for the said Pursuer [in his Hands personally, *or otherwise, as the Case may be*].

J.T. Sheriff Officer.

No. 5.

Citation for Witnesses.

M.N. [*design him*], you are hereby summoned to appear before the Sheriff of the Shire of or his Substitute, in the Court House at upon the Day of One thousand eight hundred and at of the Clock, to bear Witness for the [Pursuer *or* Defender, *as the Case may be,*] in the Summons or Complaint at the Instance of *C.D.* [*design him*] against *E.F.* [*design him*], and that under the Penalty of Forty Shillings if you fail to attend.

This Notice served on the Day of by me,

J.T. Sheriff Officer.

No. 6.

Execution of Citation of Witnesses.

UPON the Day of One thousand eight hundred and I duly summoned *M.N.*, *&c.* [*design them*], to appear before the Sheriff of the Shire of or his Substitute, in the Court House at upon the Day of One thousand eight hundred and at of the Clock, to bear Witness for the in the Summons or Complaint at the Instance of *C.D.* [*design him*] against *E.F.* [*design him*]. This I did by delivering a just Copy of Citation, signed by me, to the said *M.N.* [personally, *or otherwise, as the Case may be*].

J.T. Sheriff Officer.

No. 7.

Decree for Pursuer in a Civil Cause.

AT the Day of One thousand eight hundred and the Sheriff of the Shire of finds the within-designed Defender, liable to the Pursuer in the Sum of with of Expences, and decerns and ordains instant Execution by Arrestment, and also Execution to pass hereon by Poinding and Sale and Imprisonment, if the same be competent, after free Days.

J.P. Sheriff Clerk.

No. 8.

Summons of Complaint for Statutory Penalty.

A.B., Sheriff of the Shire of to Officers of Court, jointly and severally.

WHEREAS it is humbly complained to me by *C.D.*, Procurator Fiscal of Court, [*or, where a private Party only,*] *G.H.* [*Designation*], [*or, where a private Party prosecutes with the Concurrence of the Procurator Fiscal,*] *G.H.*, with Concurrence of *C.D.* Procurator Fiscal of Court, that *E.F.* [*Designation*], Defender, has incurred the Penalty of imposed by the Act of Parliament [*mention the Act*], the said Defender having [*state the Offence, specifying Time and Place*]; therefore the said Defender ought to be decerned and ordained to make Payment of the said Penalty, with Expences [*state to whom and in what Proportions payable, and the Term of Imprisonment where the same is the Mode of Recovery*]: Herefore it is my Will, that on Sight hereof ye lawfully summon the said Defender to compear before me or my Substitute in the Court House at upon the Day of at of the Clock, to answer at the Complainer's Instance in the said Matter, with Certification, in case of Failure, of being held as confessed; and that ye cite Witnesses and Havers for both Parties to compear at the same Place and Date to give Evidence in the said

said Matter. Given under the Hand of the Clerk of Court at the Day of .

J. P. Sheriff Clerk.

Concurs *C.D.*, Procurator Fiscal.

[*For Citation for Defender and Execution thereof, and Citation for Witnesses and Execution thereof, see Nos. 2, 3, 4, and 5 respectively*].

No. 9.

Decree for Prosecutor in Prosecution for Penalty.

At the Day of One thousand eight hundred and the Sheriff of the Shire of finds that the within-designed *E.F.*, Defender, has incurred the Penalty of as libelled, payable to [*if there is a Power to mitigate, and Mitigation, add,* "which is hereby mitigated to the Sum of "], and also finds the said Defender liable in of Expences to the Complainer, and decerns and ordains instant Execution by Arrestment, and also Execution by Poinding and Sale and Imprisonment, if the same be competent [*stating the Term of Imprisonment, where it is fixed*], after free Days.

J. P. Sheriff Clerk.

No. 10.

Decree of Absolvitor, with Expences.

[*The following will answer either for Civil Causes or Prosecutions for Penalties.*]

At the Day of One thousand eight hundred and the Sheriff of the Shire of assoilzies the within-designed *E.F.*, Defender, from the within Complaint, and finds the within-designed *C.D.*, Pursuer, liable to him in the Sum of of Expences, and decerns and ordains instant Execution by Arrestment, and also Execution to pass hereon by Poinding and Sale after free Days.*

J. P. Sheriff Clerk.

* Where the Pursuer does not return the original Summons the above Decree may be written on the Copy served on the Defender.

No. 11.

Charge on Decree.

E.F., above designed, you are hereby charged to implement the Decree of which, and of the Complaint whereon the same proceeded, the above is a Copy, within Days from this Date, under pain of Poinding and Sale without further Notice. This Charge given by me, on the Day of before *O. P.* [*design him*].

J. T. Sheriff Officer.

No. 12.

Execution of Charge.

[*To be on the same Paper with the Complaint and Decree.*]

On the Day of One thousand eight hundred and I duly charged *E. F.*, above designed, to implement the above Decree within the Time and under the Pains therein expressed. This I did by delivering a just Copy of the foregoing Complaint and Decree, and a Charge thereto annexed subscribed by me, to the said *E. F.* [personally, *or as the Case may be,*] before *O. P.* [*design him*], Witness hereto, with me subscribing.

J. T. Sheriff Officer.

O. P. Witness.

SCHEDULE (B.)

Summons of Sequestration and Sale at the Instance of a Landlord.

A. B. Sheriff of the Shire of to Officers of Court, jointly and severally.

Whereas it is humbly complained to me by *C. D.*, Pursuer, [*design him,*] that *E. F.*, Defender, [*design him,*] is owing to the Pursuer the Sum of , being the Rent for [*describe the Premises*], possessed by him, from to [*if any partial Payments have been made let them be here stated*], and which Rent [*or* Balance of Rent, *as the Case may be,*] the said Defender refuses or delays to pay; therefore Warrant ought forthwith to be granted to inventory, appraise, sequestrate, and, if Need be, secure the Goods and Effects upon or within the said Premises, and Decree ought to be pronounced decerning the Defender to make Payment of the said Rent [*or* Balance of Rent, *as the Case may be,*] to the Pursuer, with Expences, and Warrant ought also to be granted to sell the Goods and Effects sequestrated in Payment of the said Rent [*or* Balance of Rent, *as the Case may be,*] and Expences: Herefore it is my Will, that on Sight hereof ye lawfully summon the said Defender to compear before me or my Substitute, within the Court House of upon the Day of at of the Clock, to answer at the Pursuer's Instance in the said Matter, with Certification, in case of Failure, of being held as confessed, and Decree and Warrant pronounced as craved: And my Will further is, that ye forthwith inventory, sequestrate, and, if need be, secure the Goods and Effects upon or within the said Premises until the further Orders of Court, or until the said Defender shall make Payment to the Pursuer of the Amount of the Rents pursued for, with the Expences, or shall consign in the Hands of the Clerk of Court the Amount of the Rents pursued for, with Two Pounds Sterling to cover Expences; and that ye cite Witnesses and Havers for both Parties to compear at the said Place and Date, to give Evidence in the said Matter. Given under the Hand of the Clerk of Court at the Day of

J. P. Sheriff Clerk.

[*After hearing the Cause the Decree and Procedure in the Sequestration and Sale will be similar to the Forms in ordinary Causes, the Words* "Sequestration" *and* "sequestrated" *being introduced when necessary instead of* "Poinding" *and* "pointed".]

SCHEDULE (C.)

Arrestment on the Dependence of an Action.

By virtue of a Warrant of the Sheriff of the Shire of given under the Hand of the Clerk of Court at on the Day of for Arrestment on the Dependence of an Action raised before the said Sheriff at the Instance of *C.D.* [*design him*] Complainer, against *E.F.* [*design him*], Defender, I hereby fence and arrest in the Hands of you *K.L.* [*design him*], all Sums of Money owing by you to the said Defender or to any other Person for his Use and Behoof, and all Goods and Effects in your Custody belonging to the said Defender [*or, in the Case of Ships or maritime Subjects, say,* I hereby fence and arrest the Ship *M.* of *N.* presently lying in the Harbour of *O.*, with her Boats, Furniture, and Apparelling, or other maritime Subjects], and that to an Amount or Extent not exceeding the Value of Eight Pounds Six Shillings and Eight-pence Sterling, all to remain under sure Fence and Arrestment, at the Complainer's Instance, until due Consignation be made or until sufficient Caution be found as accords of Law. This I do on the Day of before *O.P.* [*design him*], by Delivery of a Copy of this Execution to you [personally, *or as the Case may be*].

J.T. Sheriff Officer.

Execution of Arrestment on the Dependence of an Action.

[*To be on the same Paper with the Summons or other Warrant of Arrestment.*]

Upon the Day of One thousand eight hundred and , betwixt the Hours of and , by virtue of the foregoing Warrant of Arrestment, I lawfully fenced and arrested in the Hands of *K.L.* [*design him*] all Sums of Money owing by him to the foresaid *E.F.*, Defender, or to any other Person for his Use and Behoof, and all Goods and Effects in the Custody of the said Arrestee belonging to the said Defender, [*or, in case of Ships or maritime Subjects, as before,*] and that to an Amount or Extent not exceeding the Value of Eight Pounds Six Shillings and Eight-pence Sterling, all to remain under sure Fence and Arrestment, at the foresaid Complainer's Instance, until due Consignation be made or until sufficient Caution be found as accords of Law. This I did by delivering a just Copy of Arrestment, subscribed by me, to the said Arrestee personally [*or as the Case may be*], before *O.P.* [*design him*], hereto with me subscribing.

O.P. Witness. *J.T.* Sheriff Officer.

Bond or Enactment of Caution for loosing Arrestment.

At on Day of One thousand eight hundred and compeared *G.H.* [*design him*], who hereby judicially binds himself, his Heirs, Executors, and Successors, as Cautioners acted in the Sheriff Court Books of the

Shire of for *E.F.* [*design him*], common Debtor, against whom Arrestment was used at the Instance of *C.D.* [*design him*], in the Hands of *K.L.* [*design him*], on the Day of in virtue of [*describe the Warrant*], dated the Day of , that the Sums of Money, Goods, and Effects owing or belonging to the said common Debtor, arrested as aforesaid, shall be made forthcoming as accords of Law.

G.H.

Certificate for loosing Arrestment used on the Dependence of an Action.

WHEREAS Arrestment was used on the Dependence of an Action at the Instance of *C. D.* [*design him*], against *E. F.* [*design him*], in the Hands of *K. L.* [*design him, or as the Case may be*], on the Day of , by virtue of a Warrant of the Sheriff of the Shire of given under the Hand of the Clerk of Court at the Day of : And whereas the said *E. F.* has now made sufficient Consignation in the Hands of the Sheriff Clerk of [*or, if Caution has been found, say*] has found sufficient Caution acted in the Sheriff Court Books of by *G. H.* [*design him*], his Cautioner, [*here state the Nature of the Caution,*] in order to the loosing of the said Arrestment, Warrant for loosing the said Arrestment is hereby granted accordingly. Given under the Hand of the Clerk of Court at the Day of .

J. P. Sheriff Clerk.

Intimation of loosing Arrestment.

[*To be on the same Paper with a Copy of the foregoing Warrant.*]

K. L. [*design him*], take notice, That by virtue of the Warrant whereof the above is a Copy the Arrestment on the Dependence of the Action above mentioned, used in your Hands at the Instance of the foresaid *C. D.* against the foresaid *E. F.*, is loosed and taken off. This Notice served on the Day of by me,

J. T. Sheriff Officer.

Execution of Intimation of loosing Arrestment.

[*To be on the same Paper with the original Warrant for loosing the Arrestment.*]

UPON the Day of One thousand eight hundred and I duly intimated the above Warrant to *K. L.* [*design him*], Arrestee. This I did by leaving a full Copy thereof and Intimation thereon, subscribed by me, for him [in his Hands personally, *or as the Case may be*].

J. T. Sheriff Officer.

SCHEDULE (D.)

Summons of Complaint in Cases of Forthcoming.

A. B. Sheriff of the Shire of to Officers of Court, jointly and severally.

WHEREAS it is humbly complained to me by *C. D.* [*Designation*], upon and against *K. L.* [*Designation,*] Arrestee, and *E. F.* [*Designation*], common Debtor, that the said common Debtor is owing the Complainer the Sum of contained in [*describe shortly the Decreet, or Bill, or Bond, et cætera, by which the Debt is constituted*], and that the Complainer on the Day of Years, in virtue of a Warrant by dated the Day of , arrested in the Hands of the Arrestee [*here insert the Terms of the Arrestment used*], which ought to be made forthcoming to the Complainer: Therefore the said Arrestee, and the said common Debtor for his Interest, ought to be decerned and ordained to make forthcoming, pay, and deliver to the Complainer the Money, Goods, and Effects arrested as aforesaid, or so much thereof as will satisfy and pay the said Sum of owing to the Complainer as aforesaid: Herefore it is my Will, that on Sight hereof ye lawfully summon the said Arrestee, and the said common Debtor for his Interest, to compear before me or my Substitute in the Court House at upon the Day of Years, at of the Clock, to answer at the Complainer's Instance in the said Matter, with Certification in case of Failure of being held as confessed; and that ye cite Witnesses and Havers for both Parties to compear at the said Place and Date to give Evidence in the said Matter. Given under the Hand of the Clerk of Court at the Day of Years.

J. P. Sheriff Clerk.

[*The Citations and Executions, and Decree for the Defender, with Expences, may be the same as in Schedule* (*A.*)]

Decree for the Pursuer in Cases of Forthcoming.

AT the Day of One thousand eight hundred and the Sheriff for the Shire of decerns and ordains the within-designed Arrestee, to make forthcoming, pay, and deliver to the also within-designed Pursuer [*if the Arrestee has Money arrested in his Hands the rest of the Judgment will be the same as in ordinary Cases; if there are Goods and Effects to be made forthcoming the rest of the Judgment will be as follows:*] the arrested Goods and Effects following; videlicet, , and grants Warrant to sell the same, or as much thereof as will satisfy the Sum of and of Expences of Process and the Expence of Sale; and failing the said Arrestee making, forthcoming, and delivering the said Goods and Effects within , then to make Payment to the

the said Pursuer of the said Sum of , for Recovery of which Sums, the said Period being elapsed without forthcoming and Delivery of the said Goods and Effects, ordains instant Execution by Arrestment, and also Execution to pass hereon by Pointing and Sale and Imprisonment, if the same be competent, after free Days.

J.P. Sheriff Clerk.

SCHEDULE (E.)

Summons of Multiplepoinding.

A.B. Sheriff of the Shire of to Officers of Court, jointly and severally.

WHEREAS it is humbly shown to me by *A.B.*, Pursuer, [*design him,*] that he is Holder of [*here state the Fund or Subject in medio, and if necessary refer to the Account thereof produced*], belonging to *E.F.*, common Debtor, [*design him,*] which Fund the Pursuer is ready to pay [*or* deliver] to the said common Debtor, or to whomsoever shall be found to have best Right thereto, but he is distressed by Claims being made thereon by the Persons following, videlicet, [*here state the Names and Designations of all the Claimants, so far as known to the Holder or Raiser of the Action*]; wherefore the said Pursuer ought to be found liable only in once and single Payment [*or* Delivery] of the said Fund or Subject to whomsoever of the said Parties or others interested shall be found by me to have best Right thereto [*or in the meantime Consignation ought to be ordered of the Fund or Subject or Sale of the Subject in medio*], deducting the Pursuer's Expences, and Decree ought to be pronounced accordingly, and all other Parties ought to be prohibited from molesting the Pursuer thereanent in all Time coming: Herefore it is my Will, that on Sight hereof ye lawfully summon the said common Debtor and the said Claimants [*and in case of the Action being raised by a Claimant in Name of the Holder, it will be necessary also to summon the nominal Pursuer,*] to compear before me or my Substitute in the Court House of upon the Day of at of the Clock, to attend to their several Interests in the said Matter, with Certification in case of Failure of being held as confessed; requiring you also to deliver to the said common Debtor a Copy of any Account produced with the Summons, and that he cite Witnesses and Havers for all Parties to compear at the said Place and Date to give Evidence in the said Matter. Given under the Hand of the Clerk of the Court at the Day of

J. P. Sheriff Clerk.

Form of Claim in Multiplepoinding.

I *A. B.* [*design him*] hereby claim to be preferred on the Fund in the Multiplepoinding raised in Name of [*mention the Raiser*], against [*mention the Defenders*], for [*state the Claim*] of Principal due to me by [*here state generally the Ground of Debt, whether by Bond, Bill, Account, &c., as the Case may be*], with Interest from with Expences.

A.B.

Form of Interlocutor of Preference.

PREFERS [*here design him*], Claimant for [*here specify the Sum*].

[*To be signed by the Sheriff.*]

[*The Citations and Procedure to be as nearly as may be in the Forms in other Causes, and Warrant to sell the Subjects forming the Fund in medio to be granted and carried into effect in the ordinary Form.*]

SCHEDULE (F.)

No.	Dates of Complaints.	Pursuers.	Defenders.	Nature and Amount.	How cited.	By what Officer.	Leave and Cause of Procurator's Appearance.	Interlocutors and Decrees.

N.B.—After the Name of each Pursuer and Defender let the Letter P. or A. be added, in order to mark whether the Party was present or absent when the Cause was called; and should the Party appear by or with any other Person or a Procurator his or her Name shall be marked as so appearing. Let Expences be also entered under the Head of "Interlocutors."

SCHEDULE (G.)

Report of Sequestration or Poinding and Sale.

[*To be varied according to Circumstances.*]

REPORT of the Sequestration or Poinding and Sale at the Instance of *C.D.* [*design him*] against *E.F.* [*design him*].

Lots.	EFFECTS.	Appraised at			Sold at		
		£	s.	d.	£	s.	d.
1.	An Eight-Day Clock - - -	4	0	0	4	10	0
2.	Six Chairs, at 6s. - - -	1	16	0	1	18	0
3.	One Table - - - -	0	8	0	0	8	0
4.	One Chest of Drawers - - -	1	12	0	1	12	0
	£	7	16	0	8	8	0

Upon the Day of One thousand eight hundred and between the Hours of and by virtue of a Decree of the Sheriff of given under the Hand of the Clerk of Court at on the Day of at the Instance of *C. D.*, above designed, against *E. F.*, above designed, for Payment of the Sums of I passed with the Witnesses and Appraisers after named and designed to , and then and there, after demanding Payment of the Sums contained in the said Decree past due, and Payment not being made, I poinded the Effects above enumerated belonging to the said Debtor, and after making an Inventory or List thereof, and getting the same duly appraised on Oath at the several Values respectively above specified in the First Column, and amounting in all to [*here insert the Amount in Words*], and leaving a Copy of such Inventory or List and Appraisement with the said Debtor personally [*or as the Case may be*], I carried the said Effects to the of [*or as the Case may be*], and there betwixt the Hours of and and after public Notice of at least Hours, I sold the said Effects by public Roup to the highest Bidder, at the Prices above specified in the Second Column for each Lot respectively*, and amounting in all to [*here insert the Amount in Words*]; these Things were so done before and with *O. P.* and *Q. R.* [*design them*], Witnesses and Appraisers, in the Premises hereto with me subscribing.

J. T. Sheriff Officer.

O. P. Witness and Appraiser.

Q. R. Witness and Appraiser.

Reported to the Sheriff Clerk of the Shire of the Day of by me,

J. T. Sheriff Officer.

* *If the Effects are not sold, the Tenor of the Report must be altered according to the State of the Fact; for instance,* ["I exposed the said Goods and Effects to public Sale, "but no Person having offered the appraised Value, therefore I declared the same to "belong to the said *C. D.* at the said respective appraised Values in Payment to that "Amount of the Sums in said Decree."] *In case the Goods poinded, or Part of them, shall sell for more than the Sums in the Decree, and Expences of Poinding and Sale, say,* ["I sold Part of the said Effects, viz. Lots 1, 2, and 3, by public Roup to the highest "Bidder at the Prices above specified in the Second Column for each of said Lots "respectively, and amounting in all to [*here insert the Amount in Words*]; and I "returned to the said Debtor the Sum of being the Overplus "of the Price, after Payment of the Sum decerned for past due, and the Sum "of being the Expences of Poinding and Sale, conform to the Act "of Parliament; and I also returned to the said Debtor the Effects specified in the "other Lots above enumerated."]

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SCHEDULE (H.)

Counties.	Places at which Circuits are to be held.	
Aberdeen	Inverury	Four Times.
	Tarland	Four Times.
	Turriff	Four Times.
	Peterhead	Six Times.
	Huntly	Four Times.
	Old Deer	Four Times.
Argyle	Oban	Four Times.
	Bowmore, Island of Isley	Four Times.
	Dunoon	Four Times.
	Lochgilphead	Four Times.
Ayr	Saltcoats	Four Times.
	Largs	Three Times.
	Kilmarnock	Twelve Times.
	Beith	Three Times.
	Old Cumnock	Three Times.
	Girvan	Three Times.
	Maybole	Four Times.
Berwick	Lauder	Three Times.
	Dunse	Six Times.
	Coldstream	Six Times.
	Ayton	Three Times.
Banff	Cullen	Three Times.
	Keith	Six Times.
	Dufftown	Three Times.
Bute	Brodick in Arran	Four Times.
	Milport	Four Times.
Caithness	Thurso	Eight Times.
	Libster	Six Times.
Dumbarton	Kirkintullock	Four Times.
	Helensburgh	Four Times.
Dumfries	Sanquhar	Four Times.
	Annan	Four Times.
	Langholm	Four Times.
	Moffat	Four Times.
	Lockerbie	Three Times.
Edinourgh	Mid Calder	Four Times.
	Dalkeith	Six Times.
	Musselburgh	Six Times.
	Stowe	Two Times.
Elgin	Fochabers	Three Times.
	Grantown	Three Times.
	Forres	Six Times.
Fife	Auchtermuchty	Four Times.
	Newburgh	Four Times.
	St. Andrew's	Four Times.
	Colinsburgh	Four Times.
	Kirkaldy	Six Times.
Forfar	Brechin	Six Times.
	Montrose	Six Times.
	Arbroath	Six Times.
	Kirriemuir	Four Times.

Counties.	Places at which Circuits are to be held.	
Haddington	North Berwick	Three Times.
	Dunbar	Six Times.
	Tranent	Four Times.
Inverness	Kingussie	Three Times.
	Fort Augustus	Three Times.
	Grantown	Three Times.
Kincardine	Laurence Kirk	Three Times.
	Bervie	Four Times.
	Durris	Three Times.
Kirkcudbright	New Galloway	Three Times.
	Maxwelltown	Four Times.
	Castle Douglas	Four Times.
	Creetown	Three Times.
Lanark	Biggar	Four Times.
	Ardrie	Twelve Times.
	Douglas	Three Times.
Linlithgow	Bathgate	Four Times.
	Queensferry	Three Times.
Orkney	St. Margaret's Hope	Three Times.
	Stromness	Three Times.
	Sanday	Three Times.
Shetland	Burravoe	Two Times.
Perth	Crieff	Four Times.
	Callender	Four Times.
	Kincardine (Tulliallan)	Four Times.
	Dunkeld	Four Times.
	Aberfeldy	Three Times.
	Blair Gowrie	Four Times.
	Cupar Angus	Four Times.
Renfrew	Lochwinnock	Six Times.
	Pollokshaws	Six Times.
Ross and Cromarty	Kincardine	Two Times.
	Jeantown	Two Times.
	Fortrose	Four Times.
	Invergordon	Four Times.
Roxburgh	Melrose	Four Times.
	Hawick	Six Times.
	Kelso	Six Times.
	Newcastleton	Three Times.
Selkirk	Galashiels	Four Times.
Stirling	Drymen	Four Times.
	Lennox, Town of Campsie	Four Times.
	Balfron	Four Times.
Sutherland	Lavig	Two Times.
	Tongue	Two Times.
	Port Gower	Two Times.
Wigton	Stranraer	Six Times.
	Whithorn	Four Times.
	Newton Stewart	Four Times.

SCHEDULE (I.)

Notice.

A. B. [*add Designation*], residing is the Depute Sheriff Clerk to whom Application for Summonses and every thing else necessary for the Sheriffs Circuit at this Place for Small Debt Causes must be made [*or, in case the Depute shall not be resident, say A. B.* [*add Designation and Place of Residence*], is the Depute Sheriff Clerk, who will officiate at in the Sheriffs Small Debt Circuit Court, and *C. D.* [*add Designation*], residing at is the Person who will issue Summonses or Complaints to be brought in such Court.]

Date

Place

SCHEDULE (K.)

Notice.

THE Sheriff will hold Circuit Courts for Small Debt Causes at on the Day of at of the Clock, and on every [*fix the Time periodically, or if not, new Notice to be given.*]

A. B. [*add Designation and Residence*] is the Clerk for this Place.

Date

Place

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1837.