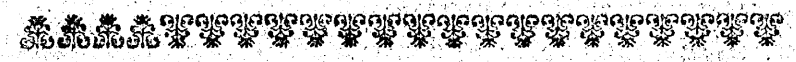


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B I L L

F O R

Taking away and Abolishing the He-  
retable Jurisdctions in that Part of  
*Great Britain* called *Scotland*; and  
for making Satisfaction to the Pro-  
prietors thereof; and for Restoring  
such Jurisdctions to the Crown;  
and for making more effectual Pro-  
vision for the Administration of Ju-  
stice throughout that Part of the  
United Kingdom, by the King's  
Courts and Judges there; and for  
rendering the Union of the Two  
Kingdoms more complete.





*A BILL for Taking away and Abolishing the Heretable Jurisdctions in that Part of Great Britain called Scotland; and for making Satisfaction to the Proprietors thereof; and for Restoring such Jurisdctions to the Crown; and for making more effectual Provision for the Administration of Justice throughout that Part of the United Kingdom, by the King's Courts and Judges there; and for rendering the Union of the Two Kingdoms more complete.*



*For remedying the Inconveniencies that have arisen, and may arise, from the Multiplicity and Extent of Heretable Jurisdctions in that Part of Great Britain called Scotland; for making Satisfaction to the Proprietors thereof; for restoring to the Crown the Powers of Jurisdiction, originally and properly belonging thereto, according to the Constitution; and for extending the Influence, Benefit, and Protection, of the King's Laws, and Courts of Justice, to all His Majesty's Subjects in Scotland; and for rendering*

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dering the Union more complete; Be it Enacted,

By the KING's most Excellent MAJESTY, By and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all heretable Jurisdctions of Justiciary, and all Regalities and heretable Bailleries, and all heretable Constabularies, other than the Office of High Constable of *Scotland*; and all Stewartries, being Parts only of Shires or Counties within that Part of *Great Britain* called *Scotland*, belonging unto, or possessed or claimed by, any Subject or Subjects; and all Jurisdctions, Powers, Authorities, and Privileges, thereunto appurtenant, or annexed, or dependent thereupon, shall be, and they are hereby, from and after the Day of \_\_\_\_\_ abrogated, taken away, and totally dissolved and extinguished.

And be it further enacted, by the Authority aforesaid, That all Jurisdctions, Powers, and Authorities, legally vested in, or belonging to, any such Justiciary Regalities, Bailleries, Constabularies, and Stewartries, or any of them, shall, from and after the said

Day of \_\_\_\_\_ be vested in, and exercised by, the Court of Session, Court of Justiciary at *Edinburgh*, the Judges in the several Circuits, and the Courts

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Courts of the Sheriffs and Stewarts of Shires or Counties, and such other of the King's Courts in *Scotland* respectively, to which such Jurisdctions, Powers and Authorities would now by Law have belonged, in case such Justiciary, Regality, Bailliery, Constabulary, or Stewartry, had never been granted or erected; and that the several Towns, Villages, Places, Districts, and Bounds, which lie within, or were subject to, such Justiciary, Regalities, Bailleries, Constabularies, and Stewartries, hereby taken away and dissolved respectively; and the Inhabitants and Residenters within the same, from and after the said

Day of \_\_\_\_\_ shall be subject to the Jurisdiction and Authority of the said Court of Session, Court of Justiciary at *Edinburgh*, the Judges in their Circuits, the Sheriffs, and the Courts of the Sheriffs or Stewarts of Counties or Shires, and such other of the King's Courts, as aforesaid, respectively, in the same Manner as such Towns, Villages, Places, Districts, and Bounds, and the Inhabitants and Residenters within the same, would have been, in case such Justiciary, Regalities, Bailleries, Constabularies, and Stewartries, had never existed.

And it is hereby further enacted, by the Authority aforesaid, That from and after the said

Day of \_\_\_\_\_ all Sheriffships of any County or Shire, and all

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all Stewartries, not hereby before taken away and extinguished within that Part of *Great Britain* called *Scotland*, granted unto, or possessed by, any Subject or Subjects, either heretably, or for Life; and all Jurisdictions, Authorities, or Privileges, thereunto belonging or annexed, or dependent thereupon, shall be, and they are hereby resumed and annexed to the Crown; and that the Sheriffs and Stewarts of such Counties, Shires, and Stewartries respectively, shall from thenceforth be nominated and appointed by his Majesty, his Heirs and Successors; which said Sheriffs and Stewarts, so to be appointed, shall have, enjoy, and exercise, all such Powers, Jurisdictions, Privileges, and Authorities, as by Law belong or appertain to the Office of Sheriff or Stewart respectively.

Provided always, and it is hereby enacted, by the Authority aforesaid, That no Sheriffship or Stewartry of any County, Shire or District, within that Part of *Great Britain* called *Scotland*, shall at any Time hereafter be granted to any Person or Persons whatsoever, either heretably, or for Life; and that no Justiciary, Regality, Constabulary, or Baillierie, nor any Judicature, Jurisdiction, Authority, or Immunity, of the like Nature or Kind, within that Part of *Great Britain* called *Scotland*, shall at any Time hereafter be erected, created or granted; but that all Letters Patent, Gifts and Grants, of any of the

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the Premises, made contrary to the true Intent and Meaning of this Act, shall be, and they are hereby enacted and declared to be, null and void, to all Intents and Purposes whatsoever.

And be it further enacted, by the Authority aforesaid, That reasonable and just Compensation and Satisfaction shall be made out of the next Aids to be granted in Parliament, for and in respect of every such Justiciary, Regality, Sheriffship, Stewartry, Constabulary, and Baillierie, hereby taken away and dissolved, or resumed and annexed to the Crown, to all and every Person and Persons respectively, who shall appear to be lawfully possessed of any such Justiciary, Regality, Sheriffship, Stewartry, Constabulary, or Baillierie.

And be it further enacted, by the Authority aforesaid, That all and every Person and Persons lawfully possessed of any such Justiciary, Regality, Sheriffship, Stewartry, Constabulary, or Baillierie, shall, on or before the \_\_\_\_\_ Day of \_\_\_\_\_ make and enter his, her, and their Claim or Claims thereto respectively in the Court of Session in *Scotland*; and all such Claims, with the Titles or Vouchers produced in Support thereof, shall be given out in the usual manner, to his Majesty's Advocate for *Scotland*, or his Deputy, or to his Majesty's Solicitor; who are hereby authorized to appear on behalf of his Majesty, to defend or object against all

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all or any such Claim or Claims as they shall find Cause to oppose, either in respect of the Validity of the Claimant's Title to the Jurisdiction therein set forth, or of the Value or Price thereof; and the said Court of Session shall, in a summary Way, examine the several and respective Titles to the same; and in case they shall find any such Person or Persons to have been lawfully possessed of any such Justiciary, Regality, Sheriffship, Stewartry, Constabularie, or Baillierie, on the said Day of then

the said Court shall, on or before the Day of consider and declare their Opinion touching the Value or Price thereof; and shall cause all such Opinions to be entered in a Roll or Book to be kept for that Purpose, and shall on or before the said Day of make Certificate or Certificates thereof to his Majesty, his Heirs or Successors, in his or their Privy Council; which Certificate or Certificates respectively shall be laid forth with before both Houses of Parliament.

And it is hereby further enacted, That the said Court of Session, for the better Discovery of the Truth in the Enquiries and Determinations hereby directed to be made, shall and may, and they are hereby authorised and empowered to order and compel the Production of all Books, Papers and Writings, in anywise relating to any of the Mat-

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Matters or Things which they are hereby empowered to examine into and determine; and to examine any Person or Persons, either Parties or Witnesses, upon Oath, concerning the same; and also concerning any Books, Papers, and Writings, relating to any such Matters or Things, either in general, or by particular Description.

Provided always, That in all Cases where any such Heretable Justiciary, Regality, Sheriffship, Stewartry, Constabularie, or Baillierie, shall be subject to any strict Tailzie affected with irritant, and resolute, or prohibitive Clauses, or so settled, limited, mortgaged, or incumbered, that the Possessor thereof cannot dispoise or alien the same, either gratuitously, or for an onerous Cause, the Sum or Sums of Money, to be allowed for or in respect of the Value or Price thereof, shall, by the Order and Direction of the said Court of Session, be laid out and invested in the Purchase of Lands, Tenements or Heretages, within that Part of *Great Britain* called *Scotland*; which said Lands, Tenements or Heretages, shall be disposed and settled, to the same Uses, and under the same Limitations and Restrictions, for the Benefit of such Person and Persons, and in the same Course of Succession, and subject to the same Mortgages and Incumbrances, to or upon which such heretable Justiciary, Regality, Sheriffship, Stewartry, Constabularie,  
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or Bailierie, was settled, or ought to have gone, or stood subject unto.

And it is hereby further enacted, by the Authority aforesaid, That it shall and may be lawful to and for any Person or Persons, having any Estate, Right, Title or Interest, in or unto any such Justiciary, Regality, Sheriffship, Stewartry, Constabularie, or Bailierie, either in Possession or Expectancy, and to and for any Heir of Tailzie, or any Substitute in any such Tailzie, where the same, or any of them, shall be strictly entailed as aforesaid, or to or for any Guardian, Tutor, Curator, or Trustee, on behalf of any Infant or Minor, Idiot, Lunatick, or fatuous or furious Person, having any such Estate, Right, Title or Interest, or being such Heir of Tailzie, or Substitute, as aforesaid, or for any Mortgagee or Incumbrancer, to make and enter his or her Claim thereto in Manner before directed; and also to exhibit or present a Petition to the said Court of Session, praying the Directions of that Court for laying out or investing any such Sum or Sums of Money in the Purchase of Lands, Tenements, or Heretages, as aforesaid, or for placing out the same upon any good Security, until such Purchase shall be found: And the said Court of Session are hereby authorized and required to proceed upon every such Petition in a summary Way; and to make such Order, and give such Directions

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ons thereupon as shall be agreeable to Justice, and the Nature of the Case; and in the mean time, until such Order and Directions shall be made and given as aforesaid, all and every Sum and Sums of Money which shall be assessed or allowed, for the Value of any such Justiciary, Regality, Sheriffship, Stewartry, Constabularie, or Bailierie, belonging to any such Infant, Minor, Idiot, Lunatick, fatuous or furious Person, or subject to such strict Tailzie, or so settled, limited, mortgaged, or incumbered, shall be paid unto, and remain in either of the Banks of *Scotland*; and from and after such Order made, or Directions given by the said Court of Session, such Sum or Sums of Money shall be paid out to such Person or Persons as by the Order or Interloquitor of the said Court shall be authorized and appointed to receive the same.

Prohibited always, That all and every Person and Persons who shall neglect or omit to make and enter his, her or their Claim or Claims, in respect of any of the Jurisdictions hereby abrogated, within Time, and in the Manner herein before directed, shall be forever excluded from the Benefit of Compensation and Satisfaction hereby provided in lieu of the Jurisdictions so abrogated.

And be it further enacted, by the Authority aforesaid, That all Decrees, Sentences, Interloquitors, and Judgments, of any Court hereby

hereby abrogated, taken away, and dissolved; and all Executions thereupon pronounced, awarded, or had, before the said

Day of \_\_\_\_\_ shall be and remain of the same Force, Effect, and Validity, and in the same State and Condition as the same would respectively have been in case this Act had not been made: And that all Records, Rolls, Books, and Entries, of any Decrees, Sentences, Interlocutors, Warrants, Judgments, Executions, or Proceedings, relating to any capital or criminal Cause, Suit, or Prosecution, in any such Court, shall, on or before the

Day of \_\_\_\_\_ be transmitted by the Possessor of any such Justiciary, Regalitie, Constabularie, or Bailliery, to the High Court of Justiciary at *Edinburgh*, and there lodged and kept amongst the Records of that Court: And that all Records, Rolls, Books, and Entries, of any Decrees, Sentences, Interlocutors, Judgments, Executions, or Proceedings, relating to any civil Cause or Suit in any such Court, shall in like Manner, on or before the said

Day of \_\_\_\_\_ be transmitted by the Possessor thereof to the Court of Session, and there lodged and kept amongst the Records of that Court.

And whereas the Jurisdiction in capital Cases, that was heretofore granted to many Heretors or Proprietors of Lands within that Part

Part of *Great Britain* called *Scotland*, whose Lands were erected by the Crown into Baronies, or granted *cum fossa et furca*, or with Power of Pit and Gallows, or with the like Words, importing, such capital Jurisdiction hath been long discontinued, or fallen into Disuse, as to the Exercise thereof; and it is now unnecessary and improper, that the Right or Title of such Jurisdiction in Barons should be any longer retained:

And whereas it is also reasonable, that some further Regulation should be made relating to the Jurisdiction of such Barons, or of other Heretors of Lands, who are infeft *cum Curris*, or intituled to the Jurisdictions of Barons, or other lower Jurisdiction:

Be it Enacted, by the Authority aforesaid, That from and after the said

Day of \_\_\_\_\_ no Heretor or Proprietor of Lands within *Scotland*, which had been erected into a Barony, or granted with other lower Jurisdiction, or their Bailies, shall, by virtue thereof, have, exercise or enjoy any Jurisdiction whatsoever in capital Cases; and that no such Baron, or other Heretor of Lands infeft *cum Curris*, or their Bailies, shall, by virtue thereof, have, exercise, or enjoy any Jurisdiction in any criminal Cause whatsoever, other than Assaults, Batteries, and petty Trespasses, for which the Punishment to be inflicted shall not exceed a Fine of \_\_\_\_\_ or setting the Delinquent in the Stocks: Which Fine shall

shall be levied by Distress or Poinding of the Goods of the Delinquent; and in Default of such Distress, by Imprisonment of his or her Person, for any Time not exceeding the Space of

And that, as to civil Causes, it shall not be lawful or competent, from and after the said

Day of for any such Baron or Heretor, or their Bailies, to hold Plea, or judge in any Cause where the Debt or Damages shall exceed the Sum of

other than for recovering and uplifting from the Tenants or Possessors of the Lands and Heretages of such Baron or Heretor, the Mails and Duties, or Rents and Profits thereof: And in all other civil Causes it shall not be lawful for such Courts to judge in Cafes of higher Value than the Sum aforesaid, by virtue of any Prorogation of the Jurisdiction or Consent of the Parties litigant for that Purpose; any Law, Custom, or Usage, to the contrary notwithstanding.

And it is hereby further Enacted, by the Authority aforesaid, That every Baron, or other Heretor of Lands in *Scotland*, who shall be intituled to, or possessed of, any criminal Jurisdiction not hereby abrogated or taken away, shall and is hereby required to enter in a Book to be kept by the Sheriff Clerk of the County within which his Lands lie (which Books the said Sheriff Clerks are hereby authorized and required to keep for that

that Purpose) the House, Room or Place which such Baron or Heretor hath provided or appropriated, or shall provide or appropriate, for being used as a Prison, for rendering effectual the Jurisdiction competent to him by Law: And it shall not be lawful to such Baron or Heretor, or his Bailly, to cause any Person to be imprisoned in any other Room or Place than what shall be so entered; and every such House, Room, or Place, shall be so situated, and have such Windows or Grates open to Inspection from without, as it may be practicable for any Friend of the Party imprisoned to visit, see, and converse with the Prisoner when he shall be so minded; and that under the Pain of such Baron or Heretor being liable to

with Cost and Damages to the Party injured, in case of his counter-acting this Prohibition: And that all and every the Sheriffs of Shires, and Stewarts of Stewartries, not hereby abrogated or taken away, or their Deputies within *Scotland*, shall, and they are hereby required to visit and inspect all such Houses, Places, or Rooms, as shall be so entered as Prisons; and to disallow and prohibit the Use of the same, in case they shall appear to the said Sheriffs and Stewarts, or their Deputies respectively, to be Places grievous or unhealthy, or not agreeable to the Regulations herein before enacted.

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Provided always, That it shall and may be lawful to and for every Heretor and Proprietor of Lands in *Scotland*, intituled by his Infeffments, or any of them, to any Fair or Market, to have and exercise such Jurisdiction as is competent to him by Law, for preserving the Peace, determining Controversies, and restraining or correcting Riots, Trespasses or Disorders which may arise, or be committed, within any such Fair or Market, during the Continuance thereof; any thing herein contained to the contrary notwithstanding.

Provided also, That every Heretor or Proprietor of Lands in *Scotland*, within which any Coal-Works or Salt-Works, or Mines of any kind, are or shall be carried on, shall and may be at Liberty to exercise such Power and Jurisdiction as is competent to him by Law, over the Colliers or Salters, or other Workmen employed in carrying on such Coal-Works, Salt-Works, or Mines; any thing herein contained to the contrary notwithstanding.

Provided always, and it is hereby further enacted, That nothing in this Act shall extend, or be construed to extend, to take away, extinguish or prejudice any Jurisdiction or Privilege, by Law vested in, or competent to, the Corporation or Community of any Royal Boroughs in *Scotland*: And that all such Jurisdictions, Privileges, and Immunities, as are by

by Law vested in, or competent to, such Royal Boroughs, or any of them, whether within or without the Royalty of such Boroughs respectively, are and shall be saved and reserved intire to them, or any of them, in such and the same Manner, to all Intents and Purposes, as if this Act had not been made.

Provided always, and it is hereby further enacted, That nothing in this Act contained shall extend, or be construed to extend, to take away, extinguish, or prejudice any Jurisdiction, Authority, or Privilege, by Law vested in, or competent to, the Corporation or Community of any Burgh of Regality, or of Barony, in *Scotland*, or to the Magistrates of any such Burgh respectively, which are independent of the Lord of Regality or Barony respectively, except any Power or Privilege of repledging from the Sheriff's or Stewart's Court, or any other of the King's Courts: And from and after the said Day of

the Jurisdiction hereby reserved to such Corporation or Community, or the Magistrates thereof, shall be and be deemed and taken to be cumulative only.

And whereas it is reasonable, that some further Regulation should be made, relating to the Sheriffs Courts in that Part of *Great Britain* called *Scotland*; Be it further enacted, by the Authority aforesaid, That from and

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and after the Day of

one Sheriff-Depute or Stewart Depute, in every County, Shire or Stewartry, in *Scotland*, not hereby taken away, or abrogated, shall be an Advocate of Years standing at least, and shall be nominated and appointed by his Majesty, his Heirs or Successors, by Warrant under his or their Sign Manual, with such Continuance as his Majesty, his Heirs or Successors, shall think fit; and that every such Sheriff-Depute, or Stewart-Depute, shall have Power to nominate and appoint One or more Person or Persons, to act as Substitute or Substitutes, under him, during his Pleasure; for whom he shall be answerable; and that it shall and may be lawful for all and every the Sheriffs and Stewarts, and their Deputies and Substitutes, to hold their Courts at any Time in the Year, as well during the Vacation of the Court of Session, as during the Sitting thereof; and that without any Dispensation from the said Court, any Law, Custom or Usage, to the contrary in anywise notwithstanding: And that it shall and may be lawful for the said Sheriff-Depute or Stewart-Depute, and they are hereby authorized and required, from time to time, and at such Times and Places within their respective Jurisdictions, as they shall judge to be expedient, or at such Times and Places as they shall be directed or ordered by his Majesty, his Heirs or Successors,

cessors, by Warrant under his or their Sign Manual, to hold itinerant Courts at such Times and Places within their respective Jurisdictions, as shall be specified in the Notice to be issued, from time to time, by such Sheriff-Depute or Stewart-Depute, either as they shall judge expedient; or in pursuance of the Orders from his Majesty, his Heirs or Successors, that shall be to them respectively sent or transmitted; the said Sheriff-Deputes and Stewart-Deputes being always obliged, as they are hereby required, to cause due Notice to be given within a reasonable Time before such itinerant Courts shall be held, of the Times and Places, when and where the same are to be held, and of the District or Parishes for which the same are to be so held; and which Notice they shall cause to be published at the several Parish-Churches within such District.

And be it further enacted, by the Authority aforesaid, That from and after the

Day of the Circuit-Courts shall be regularly held in every Year within that Part of *Great Britain* called *Scotland*; and the Judges thereof shall continue, by the Space of Days at least, at each Town or Place where the Circuit-Courts shall be held for the Dispatch of Business.

And whereas a Doubt hath been entertained; whether it be lawful or comperent for one Judge

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Judge to proceed to do Business in the Circuit-Courts, when his Colleague happens to be necessarily absent, and the Justice-General not to be present at such Circuit-Court; It is hereby further Enacted, That it shall and may be lawful for any one of the Judges, in such Circuit-Courts, to dispatch Business whenever it shall happen that his Colleague shall, through Indisposition, or other Avocation, be absent, and that the Justice-General shall not be present at such Circuit; any Law, Custom or Usage to the contrary in anywise notwithstanding.

And it is hereby further Enacted, That the County or Shire of *Argyll*, and all the Islands, Places, Districts and Bounds, lying within or subject to the Jurisdiction of the Judiciary now vested in or belonging to the Most Noble *Archibald* Duke of *Argyll*, shall be, and be deemed and taken to be, within the Limits of the Circuit called the Western Circuit, or of such other Circuit or Circuits in *Scotland*, as shall be appointed by his Majesty, his Heirs or Successors, pursuant to the Power herein after mentioned: And that the Judges of the said Circuit or Circuits shall have and exercise the same Jurisdiction, Powers and Authorities within the said County or Shire of *Argyll*, and the Islands, Places, Districts and Bounds, before-mentioned respectively, as in any other County or Shire within the said Circuit or Circuits: And that it shall and may be  
lawful

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lawful for his Majesty, his Heirs and Successors, to appoint at what Place or Places within the said County or Shire of *Argyll* the Circuit-Court shall be held.

And, to the End that the Jurisdiction of the Circuit-Courts in that Part of *Great Britain* called *Scotland* may be rendered more useful and beneficial to his Majesty's Subjects in that Part of the United Kingdom; We it further Enacted, by the Authority aforesaid, That it shall and may be lawful to and for any Party or Parties, conceiving himself or themselves aggrieved, by any Interloquitor, Decree, Sentence, or Judgment of the Sheriff's or Stewart's Court, of any Country, Shire, or Stewartry, or of the Courts of any Royal Borough or Burgh of Regality or Barony, or of any Court of any Baron, or other Heritor, having such Jurisdiction as is not hereby abrogated, or taken away, where such Interloquitor, Decree, Sentence, or Judgment, shall be concerning Matters criminal, of whatever Nature or Extent the same may be, or in Matters civil, where the Subject Matter of the Suit did not exceed in Value the Sum of

to complain; and seek Relief against the same, by Appeal to the next Circuit Court of the Circuit wherein such County, Shire or Stewartry, Royal Borough, or Burgh of Regality, or Barony, or such Barony or Estate shall lie; and such Appeal, it shall be lawful for the Party  
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conceiving himself aggrieved, to take and enter in open Court, at the Time of pronouncing such Interloquitor, Decree, Judgment, or Sentence, or at any Time thereafter, within

Days, by lodging the same in the Hands of the Clerk of Court, and serving the adverse Party with a Duplicate thereof personally, or at his Dwelling-house; and in like manner, the inferior Judge himself, in case the Appeal shall contain any Conclusion against him by way of Censure or Reparation of Damages, for alledged wilful Injustice or Oppression; and such Service shall be sufficient Summons to oblige the Respondent to attend and answer at the next Circuit: And thereupon the Judge or Judges, at such Circuit, shall and may proceed to cognosce, hear and determine any such Appeal or Complaint, by the like Rules of Law and Justice, as the Court of Session may now cognosce and determine in Advocations or Suspensions of the Interloquitors, Decrees, Sentences or Judgments of such inferior Courts: But the said Circuit-Court shall proceed therein in a summary way; and in case they shall find the Reasons of any such Appeal not to be relevant, or not instructed, or shall determine against the Party so complaining or appealing, the said Judge or Judges shall condemn the Appellant or Complainer in such Costs as the Court shall think proper to be paid to the other Party,

Provided always, That where ever such Appeal

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Appeal shall be brought against any Judgment or Sentence, where the Party complaining could not obtain Relief, otherwise than by Suspension that would be passed upon Caution, that such Complainer, at the same time he enters his Appeal as aforesaid, shall lodge in the Hands of the Clerk of Court from which the Appeal is taken, a Bond, with a sufficient Cautioner, for answering and abiding by the Judgment of the Circuit-Court, and for paying the Costs, if any that shall be by that Court awarded.

Provided always, and it is hereby Enacted, by the Authority aforesaid, That in Case such Circuit-Court shall, in cognoscing or proceeding upon such Appeal, find any such Difficulty to arise, that by means thereof such Circuit-Court cannot proceed to the Determination of the same, consistently with Justice, and the Nature of the Case, in any such Case, and not otherwise, it shall and may be lawful to and for such Circuit-Court to certify such Appeal, and the Proceedings thereupon had before such Circuit-Court, to the Court of Session: Which Court is hereby authorized and required to proceed in and determine the same.

And whereas it will be for the evident Utility of the Subjects within *Scotland*, and for the more effectual Administration of Justice there, that the Circuit-Courts should be held in some Parts and Places in *Scotland*, to which the Judges have not hitherto used to go; We

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 it Enacted, by the Authority aforesaid, That it shall and may be lawful for his Majesty, his Heirs and Successors, by any Order or Orders to be made in his or their Privy-Council, to make a new Division and Distribution of the Circuits in *Scotland*, or any of them, and to appoint and allot what Counties, Shires, Stewarties, Places, Districts, and Bounds, shall be comprehended within any such Circuit; and at what Towns and Places the Circuit-Courts shall be held respectively: And such Order or Orders, so to be made as aforesaid, shall be duly performed, observed, and obeyed; and the Judges in such new Circuits so to be appointed, shall have, exercise and enjoy the same Jurisdiction, Powers, Authorities, and Privileges, as by virtue of any Law now in Force, or by this Act, are or would be competent to the Judges in the Circuits already established in *Scotland*, or any of them.

And whereas the taking down, and reducing into Writing, the Evidence given in capital and criminal Causes and Prosecutions before the Court of Justiciary at *Edinburgh*, and the Circuit-Courts in that Part of *Great Britain* called *Scotland*, has by Experience been found inconvenient, and to occasion great Delay, as well as Expence; Be it Enacted, by the Authority aforesaid, That from and after the Day of \_\_\_\_\_ it shall and may be lawful for the Judges in in the said Court of Justiciary, and likewise for the Judges in their respective

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 respective Circuit-Courts, to proceed to try and determine all capital and criminal Causes and Prosecutions before them respectively, upon examining and hearing the Evidence of the Witness or Witnesses examined or adduced in any such Cause or Prosecution *viva voce*, without reducing into Writing the Evidence of any such Witness or Witnesses; any Law or Custom to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That from and after the said Day of \_\_\_\_\_

no Fines, Forfeitures or Penalties, set, imposed or recovered, in the Sheriff's or Stewart's Court of any County, Shire or Stewartry, in *Scotland*, shall accrue, go, or belong to the Sheriff or Stewart, or any Sheriff-Depute or Stewart-Depute; but all Shares of such Fines, Forfeitures and Penalties, as heretofore went to the Judge, shall accrue and belong to His Majesty, his Heirs and Successors, and shall be accounted for and paid into the Exchequer at *Edinburgh* in like manner; and the like Process, Rules, Orders, and Methods of proceeding, shall be issued, observed and used, for levying the same, and compelling the accounting for, bringing in, and paying the same, into the said Exchequer; as are now competent by Law for the accounting for, levying, bringing in, and paying into the said Exchequer, any Fines, Forfeitures and Penalties,



... ( 26 )  
nalties, accruing or becoming due to his Majesty: And that from and after the said

Day of  
no Fees, Poundage or Profits, commonly called Sentence-Money, shall be received, taken or demanded, by any Sheriff or Stewart, Sheriff-Depute or Stewart-Depute, or any of their Ministers, Officers or Clerks; but all such Fees, Poundage, or Profits, commonly called Sentence-Money, are hereby utterly taken away, discharged and abolished; any Law, Custom, Gift, Grant, Usage, or Practice to the contrary in any wise notwithstanding.