

Sheriff Courts (Scotland) Act, 1907.

[7 EDW. 7. CH. 51.]

ARRANGEMENT OF SECTIONS.

A.D. 1907.

PRELIMINARY.

Section.

1. Short title.
2. Commencement.
3. Interpretation.

JURISDICTION.

4. Jurisdiction.
5. Extension of jurisdiction.
6. Action competent in sheriff court.
7. Privative jurisdiction in causes under fifty pounds value.
8. Summary cause procedure and appeal.
9. Value of cause. How determined.
10. Privilege not to exempt from jurisdiction.

SHERIFFS.

11. Appointment of sheriffs and salaried sheriffs-substitute.
12. Qualification for sheriff and salaried sheriff-substitute.
13. Removal from office of sheriff and salaried sheriff-substitute.
14. Salaries of sheriffs and sheriffs-substitute.
15. Leave of absence to sheriff.
16. Leave of absence to salaried sheriff-substitute.
17. Honorary sheriff-substitute.
18. Courts to be held by sheriffs in their sheriffdoms.
19. Secretary for Scotland to regulate number, duties, and residence of salaried sheriffs-substitute.
20. Annuities to sheriffs and salaried sheriffs-substitute.
21. Disqualifications and disabilities of sheriffs and salaried sheriffs-substitute.

- A.D. 1907. (i) "Summary cause" includes—
 (1) Actions (except applications under the Workmen's Compensation Act and actions with conclusions ad factum praestandum) for payment of money exceeding twenty pounds, and not exceeding fifty pounds, exclusive of interest and expenses;
 (2) Actions of whatever kind (except applications under the Workmen's Compensation Act and actions under the Small Debt Acts) notwithstanding that the value may exceed fifty pounds, in which the parties consent to the action being treated as a summary cause;
- (j) "Small Debt Acts" means and includes the Small Debt (Scotland) Acts, 1837 to 1889, and Acts explaining or amending the same;
- (k) "Initial writ" means the statement of claim, petition, note of appeal, or other document by which the action is initiated;
- (l) "Procurator-Fiscal" means procurator-fiscal in the sheriff-court;
- 6 Edw. 7. c. 58. (m) "Workmen's Compensation Act" means the Workmen's Compensation Act, 1906, and any Acts explaining or amending the same;
- (n) "Pursuer" means and includes any person making a claim or demand, or seeking any warrant or order competent in the sheriff court;
- (o) "Defender" means and includes any person who is required to be called in any action;
- (p) "Summary application" means and includes all applications of a summary nature brought under the common law jurisdiction of the sheriff, and all applications, whether by appeal or otherwise, brought under any Act of Parliament which provides, or, according to any practice in the sheriff court, which allows that the same shall be disposed of in a summary manner, but which does not more particularly define in what form the same shall be heard, tried, and determined.

JURISDICTION.

Jurisdiction.

4. The jurisdiction of the sheriffs, within their respective sheriffdoms shall extend to and include all navigable rivers, ports, harbours, creeks, shores, and anchoring grounds in or adjoining such sheriffdoms. And the powers and jurisdictions formerly competent to the High Court of Admiralty in Scotland in all maritime causes and proceedings, civil and criminal, including such as may apply to persons furth of Scotland, shall be competent to the sheriffs, provided the defender shall upon any legal ground of jurisdiction be amenable to the jurisdiction

of the sheriff before whom such cause or proceeding may be raised, and provided also that it shall not be competent to the sheriff to try any crime committed on the seas which it would not be competent for him to try if the crime had been committed on land: Provided always that where sheriffdoms are separated by a river, firth, or estuary, the sheriffs on either side shall have concurrent jurisdictions over the intervening space occupied by water. A.D. 1907.

5. Nothing herein contained shall derogate from any jurisdiction, powers, or authority presently possessed or in use to be exercised by the sheriffs of Scotland, and such jurisdiction shall extend to and include— Extension of jurisdiction.

- (1) Actions of declarator (except declarators of marriage or nullity of marriage, and actions the direct or main object of which is to determine the personal status of individuals):
- (2) Actions of aliment, or of separation and aliment, and for regulating the custody of children:
- (3) Actions of division of commonalty and of division or division and sale of common property, in which cases the Act of 1695 concerning the division of commonalties shall be read and construed as if it conferred jurisdiction upon the sheriff court in the same manner as upon the Court of Session:
- (4) Actions relating to questions of heritable right or title (except actions of adjudication save in so far as now competent and actions of reduction) including all actions of declarator of irritancy and removing, whether at the instance of a superior against a vassal or of a landlord against a tenant:
- (5) Suspension of charges or threatened charges upon the decrees of court granted by the sheriff or upon decrees of registration proceeding upon bonds, bills, contracts or other obligations registered in the books of the sheriff court, the books of council and session, or any others competent where the debt exclusive of interest and expenses does not exceed fifty pounds:

Provided that actions relating to questions of heritable right or title, including irritancy and removing or to division of commonalties or division or divisions and sale, of common property shall, if raised in the sheriff court, be raised in the sheriff court of the jurisdiction and district where the property forming the subject in dispute is situated, and all parties against whom any such action may be brought shall in such action be subject to that jurisdiction: Provided also that it shall be competent for either party at the closing of the record or within six days thereafter to require the cause to be remitted to the Court of Session in the case of actions—

- (a) Relating to questions of heritable right and title where the value of the subject in dispute exceeds fifty pounds by the year or one thousand pounds in value:

- A.D. 1907. —
- (b) Relating to the right of succession to moveables where the value of the subject in dispute exceeds one thousand pounds :
 - (c) Relating to division of commonty or division or division and sale of common property where the value of the subject in dispute exceeds fifty pounds by the year or one thousand pounds value :

Provided also, that on cause shown or ex proprio motu the sheriff may at any stage remit to the Court of Session any action of separation and aliment or relating to the custody of children.

Action com-
petent in
sheriff court.

6. Any action competent in the sheriff court may be brought within the jurisdiction of the sheriff—

- (a) Where the defender (or when there are several defenders where one of them) resides within the jurisdiction, or having resided there for at least forty days immediately prior to the raising of the action has ceased to reside there for less than forty days and whose present residence in Scotland is unknown :
- (b) Where the defender carries on business, and has a place of business within the sheriffdom, and is cited either personally or at such place of business ;
- (c) Where the defender is a person not otherwise subject to the jurisdiction of the courts of Scotland, and a ship or vessel of which he is owner or part owner or master, or goods, debts, money, or other moveable property belonging to him, have been arrested within the jurisdiction :
- (d) Where the defender is the owner or part owner or tenant or joint tenant, whether individually or as a trustee of heritable property within the jurisdiction, and the action relates to such property or to his interest therein :
- (e) Where the action is for interdict against an alleged wrong being committed or threatened to be committed within the jurisdiction :
- (f) Where the action relates to a contract the place of execution or performance of which is within the jurisdiction, and the defender is personally cited there :
- (g) Where in an action of furthcoming or multiplepointing the fund or subject in medio is situated within the jurisdiction ; or the arrestee or holder of the fund is subject to the jurisdiction of the court :
- (h) Where the party sued is the pursuer in any action pending within the jurisdiction against the party suing :
- (i) Where the action arises out of the delict of the defender within the jurisdiction, and he is personally cited there :
- (j) Where the defender prorogates the jurisdiction of the court.

7. Subject to the provisions of this Act and of the Small Debt Acts, all causes not exceeding fifty pounds in value exclusive of interest and expenses competent in the sheriff court shall be brought and followed forth in the sheriff court only, and shall not be subject to review by the Court of Session: Provided that in actions ad factum præstandum, where the value of the cause is not disclosed, the same shall be deemed to exceed fifty pounds, unless in the course of the cause the sheriff shall determine, as after provided, that the value thereof is less than fifty pounds: Provided also that nothing herein contained shall affect any right of appeal competent under any Act of Parliament in force for the time being.

A.D. 1907.
Privative jurisdiction in causes under fifty pounds value.

8. In a summary cause the sheriff shall order such procedure as he thinks requisite, and (without a record of the evidence, unless on the motion of either party the sheriff shall order that the evidence be recorded) shall dispose of the cause without delay by interlocutor containing findings in fact and in law. Where the evidence has been recorded the judgment of the sheriff-substitute upon fact and law may in ordinary form be brought under review of the sheriff, but where the evidence has not been recorded, the findings in law only shall be subject to review. In a summary cause, if the sheriff, on appeal, is of opinion that important questions of law are involved, he shall state the same in his interlocutor, and he may then or within seven days from the date of his interlocutor grant leave to appeal to a division of the Court of Session on such questions of law, but otherwise the judgment of the sheriff shall be final.

Summary cause procedure and appeal.

9. The sheriff before whom the cause depends shall (in such way as he may think expedient) inquire into and determine the value thereof for the purposes of this Act, and his determination shall be final as regards the competency of the action on the ground of value but not otherwise.

Value of cause. How determined.

10. No person shall be exempt from the jurisdiction of the sheriff court on account of privilege by reason of being a member of the College of Justice.

Privilege not to exempt from jurisdiction.

SHERIFFS.

11. The right of appointing to the salaried offices of sheriff and salaried sheriff-substitute shall be vested in His Majesty, and shall be exercised on the recommendation of the Secretary for Scotland.

Appointment of sheriffs and salaried sheriffs-substitute.

12. Every person appointed to the office of sheriff shall be an advocate of five years' standing at least or, if not an advocate, a sheriff-substitute of five years' standing at least; and every person appointed to the office of salaried sheriff-substitute shall be an advocate or a law agent within the meaning of the Law Agents (Scotland) Act, 1873: Provided always that such advocate or law agent shall be of not less than five years' standing in his profession.

Qualification for sheriff and salaried sheriff-substitute.

36 & 37 Vict. c. 63.

Removal from office of sheriff and salaried sheriff-substitute.

13. It shall be lawful for the Secretary for Scotland, upon a report prepared at his instance by the Lord President of the Court of Session and the Lord Justice Clerk for the time being, declaring that a sheriff in Scotland is by reason of inability, neglect of duty, or misbehaviour unfit for his office, to issue an order for his removal from office: Provided always that such order shall lie before both Houses of Parliament for a period of four consecutive weeks while Parliament is sitting, and, if either House of Parliament within that period resolve that such order ought not to take effect the same shall be of no effect, but otherwise shall come into operation at the expiration of the said period. In this paragraph "sheriff" does not include "sheriff-substitute."

A salaried sheriff-substitute shall be removeable from his office by the Secretary for Scotland for inability or misbehaviour upon the report of the Lord President of the Court of Session and the Lord Justice Clerk for the time being.

Salaries of sheriffs and sheriffs-substitute.

14. It shall be lawful to grant to any sheriff or sheriff-substitute such salary as to the Treasury may seem meet, and every such salary shall be paid by four equal quarterly instalments, and shall be charged upon and be payable out of the Consolidated Fund.

Leave of absence to sheriff.

15. It shall be lawful for the Secretary for Scotland, on an application made by or on behalf of any sheriff for leave of absence on account of temporary illness or other reasonable cause, to grant such leave of absence for such period as he shall deem proper, and to appoint some other person who shall be a sheriff of some other sheriffdom, or an advocate of not less than five years' standing, to act as interim sheriff in the place and during the absence of such sheriff, and on such interim appointment being made to fix what proportion of the salary of the sheriff shall be paid to the interim sheriff, and to certify the same in writing, and such certificate when presented in Exchequer to the King's and Lord Treasurer's Remembrancer shall be sufficient warrant for him for payment to such interim sheriff of the proportion of the sheriff's salary therein mentioned. A sheriff appointed to be interim sheriff under this section shall not by accepting such interim appointment vacate his office as sheriff. An interim sheriff appointed under this section shall have and exercise all the powers and privileges and perform all the duties of the sheriff, and his acts, orders, and judgments shall have the same force and effect as if done, made, or pronounced by the sheriff. In this section "sheriff" does not include sheriff-substitute.

Leave of absence to salaried sheriff-substitute.

16. In the event of any salaried sheriff-substitute, by reason of ill-health, being temporarily unable to discharge the duties of his office, it shall be lawful for the Secretary for Scotland, on application being made to him by or on behalf of such sheriff-substitute, to appoint a person qualified to fill the office of sheriff-substitute, to act ad interim in the place, and during the

absence of such sheriff-substitute, and on such interim appointment being made the Treasury may, on the recommendation of the Secretary for Scotland, allow such interim sheriff-substitute such remuneration as they think fit out of monies to be provided by Parliament.

17. The sheriff may by writing under his hand appoint such persons as he thinks proper to hold the office of honorary sheriff-substitute within his sheriffdom during his pleasure, and for whom he shall be answerable. An honorary sheriff-substitute, during the subsistence of his commission, shall be entitled to exercise the powers and duties appertaining to the office of sheriff-substitute. An honorary sheriff-substitute shall hold office, notwithstanding the death, resignation, or removal of the sheriff, until his commission shall be recalled by a succeeding sheriff. In this section "sheriff" does not include sheriff-substitute.

Honorary
sheriff-substi-
tute.

18. Every sheriff shall, unless prevented by indisposition or other unavoidable cause, hold annually in his sheriffdom courts for the discharge of the judicial business of the sheriffdom; and such courts shall continue until the causes ready for trial or hearing when such courts commence shall be disposed of; and each sheriff shall give due notice of the times and places of such courts; and, unless otherwise prescribed, each sheriff shall, once in the year, go on the small debt circuit, in use to be held by the sheriff-substitute, and shall on such occasions, in addition to holding the small debt court, despatch as much of the ordinary business as may be ready for adjudication, or as time may permit; and each sheriff shall annually, within ten days after the twelfth day of November, make a return to the Secretary for Scotland of the number of courts and sittings held by him, and of the periods of holding each such court, in the immediately preceding year, stating the cause of absence in case the courts herein-before directed shall not have been held by him in terms of this Act, provided that the above provisions shall not extend to the sheriffs of the Lothians and Peebles and of Lanarkshire: Provided always that it shall be lawful for the Secretary for Scotland to prescribe from time to time the number of courts to be held by the several sheriffs and the times and places for holding such courts, and also from time to time to prescribe the duties of the office of sheriff which such sheriffs respectively are required to perform personally. In this section "sheriff" does not include sheriff-substitute.

Courts to be
held by sheriffs
in their sheriff-
doms.

19. It shall be lawful for the Secretary for Scotland from time to time to prescribe the number of salaried sheriffs-substitute of the several sheriffdoms, and the places at which such salaried sheriffs-substitute respectively are required generally to reside and to attend for the performance of their duties, the number of courts to be held by such sheriffs-substitute, the times and places of holding such courts, and the duties to be

Secretary for
Scotland to
regulate num-
ber, duties, and
residence of
salaried
sheriffs-substi-
tute.

A.D. 1907. performed by such sheriffs-substitute; and it shall also be lawful for the Secretary for Scotland, if he shall think fit, to direct that the sheriff-substitute of one county shall perform the duties of sheriff-substitute in an adjacent county; and any such direction shall be equivalent in all respects to a commission to act in such adjacent county in favour of the sheriff-substitute so directed; and no salaried sheriff-substitute shall be absent from the sheriffdom for more than six weeks in any year nor for more than two weeks at any one time nor so as to interfere with the regular sittings of his court, without the special consent in writing of the sheriff, who shall be bound, in the event of his giving such consent, either to attend personally during the absence of such substitute, or to appoint another person qualified as in section twelve hereof to act as substitute in his stead.

Annuities to
sheriffs and
salaried
sheriffs-substi-
tute.

20. It shall be lawful for the Treasury, upon the recommendation of the Secretary for Scotland, to grant an annuity payable in like manner as the salaries to any person who has held, now holds, or may hereafter hold the office of sheriff or salaried sheriff-substitute whose period of service (notwithstanding that such service may not have been continuous and may have been in different sheriffdoms and may have been partly as sheriff-substitute and partly as sheriff) has been not less than ten years. Provided always that such annuity shall not exceed one-third of the salary payable to such person in case the period of his service shall have been not less than ten years, and shall not exceed two-thirds of such salary in case the period of service shall have been not less than fifteen years, and shall not exceed three-fourths of such salary in case the period of service shall have been not less than twenty years or upwards: Provided also that (except as herein-after provided) no such annuity shall be granted to any sheriff or sheriff-substitute unless the periods of his actual service shall, when taken together, extend to one or other of the periods of service before mentioned, and that in computing the amount of said annuity the emoluments drawn by him on an average of the five preceding years shall be held to constitute his salary: Provided also that no such annuity shall be granted unless such sheriff or sheriff-substitute shall have duly fulfilled the duties of his office during one of the periods before mentioned, and is from age or permanent infirmity disabled from the due exercise of his office, which facts shall be certified by the Lord President, the Lord Justice Clerk, and the Lord Advocate for the time being as having been established to their satisfaction: Provided also that if a sheriff is removed under section thirteen hereof before he has completed ten years' service on the ground that he is by reason of inability unfit for his office, it shall be lawful for the Treasury to grant him an annuity of such amount and for such period as they shall consider just in all the circumstances, but in no case exceeding three-tenths of the salary payable to such sheriff, and any such annuity shall be charged upon and payable out of the same fund and in the same manner as annuities to sheriffs are paid

and charged under the first section of the Public Revenue and Consolidated Fund Charges Act, 1854. In the last proviso of this section "sheriff" shall not include sheriff-substitute.

A.D. 1907.
17 & 18 Vict.
c. 94.

21. It shall not be lawful for a sheriff to advise, plead, or otherwise act as an advocate before any of the King's Courts at Edinburgh, or at the Circuit Court, in any cause civil or criminal arising within or coming from his sheriffdom; and no sheriff or salaried sheriff-substitute shall be steward, chamberlain, factor, agent or commissioner to any subject whatsoever, or shall exercise, or act in the employment, service, or office of such steward, chamberlain, factor, agent, or commissioner; and no sheriff or salaried sheriff-substitute shall be capable of being elected or of sitting or voting as a member of the House of Commons, nor shall he be entitled to vote at any election for any member of Parliament held within his sheriffdom; nor shall he act directly or indirectly as an agent for any candidate in any matter connected with, or preparatory to, any election for the county or burgh respectively in which he shall be sheriff or salaried sheriff-substitute; and it shall not be lawful for a salaried sheriff-substitute to engage in legal, banking, or other private practice or business, or to act directly or indirectly as a procurator before any court, or to be in partnership with any person so engaged or acting, nor shall such sheriff-substitute be appointed to any office, except such office as shall be by statute attached to the office of sheriff-substitute.

Disqualifications and disabilities of sheriffs and salaried sheriffs-substitute.

Any sheriff or salaried sheriff-substitute acting contrary to the provisions of this section shall be guilty of misbehaviour within the meaning of section thirteen of this Act.

PROCURATORS-FISCAL.

22. From and after the passing of this Act the right of appointing to the office of procurator-fiscal shall be vested in the Lord Advocate.

Appointment of procurator-fiscal.

23. No person holding the office of procurator-fiscal at the passing of this Act, and receiving salary on that account, and no person who may be hereafter appointed to the office of procurator-fiscal, shall be removable from office, except by the Secretary for Scotland, for inability or misbehaviour, upon a report by the Lord President of the Court of Session and the Lord Justice Clerk for the time being.

Removal of procurator-fiscal.

24. A procurator-fiscal may, with the consent of the Lord Advocate, grant a deputation to one or more fit persons, for whose actings he shall be responsible, to sign writs, to appear in court, and to conduct prosecutions and inquiries in his name and on his behalf. In the event of a vacancy in the office of procurator-fiscal any depute or deputes so appointed shall have and discharge all the powers, privileges, and duties of a procurator-fiscal until such vacancy is filled up.

Procurator-fiscal may appoint depute.

A.D. 1907.

SESSIONS.

Sessions.

25. In each sheriff court there shall be held two sessions in the year, a winter and a summer session. The winter session shall extend from the first ordinary court day in October to the last ordinary court day in March. The sittings of the court may, at Christmas time, be suspended for a period not exceeding fifteen days. The summer session shall extend from the first ordinary court day in May to the last ordinary court day in July.

Vacation courts.

26. The sheriff shall, before the termination of each winter session, appoint at least one court day during the spring vacation for the despatch of civil business, and before the termination of each summer session he shall in like manner appoint at least two court days during the autumn vacation for the same purpose. Any cause may proceed during vacation as during session, and in all causes interlocutors may competently be pronounced during vacation.

APPEALS.

Appeal to sheriff.

27. Subject to the provisions of this Act an appeal to the sheriff shall be competent against all final judgments of the sheriff-substitute and also against interlocutors—

- (A) Granting or refusing interdict, interim or final ;
- (B) Granting interim decree for payment of money other than a decree for expenses, or making an order *ad factum præstandum* ;
- (C) Sisting an action ;
- (D) Allowing or refusing or limiting the mode of proof not being an interlocutor fixing a diet for jury trial ;
- (E) Against which the sheriff-substitute either *ex proprio motu* or on the motion of any party grants leave to appeal ;

Provided always that notwithstanding the death, resignation, or removal of a sheriff, appeals may be taken from the judgment of the sheriff-substitute, which appeals shall be heard by the succeeding sheriff when he shall enter upon office.

Appeal to Court of Session.

28. Subject to the provisions of this Act, it shall be competent to appeal to the Court of Session against a judgment of a sheriff-substitute or of a sheriff, but that only if the value of the cause exceeds fifty pounds ; and the interlocutor appealed against is a final judgment ; or is an interlocutor—

- (A) Granting interim decree for payment of money other than a decree for expenses ;
- (B) Sisting the action ;
- (C) Against which the sheriff or the sheriff-substitute, either *ex proprio motu* or on the motion of any party, grants leave to appeal : Provided that any exclusion or allowance of appeal competent under any Act of Parliament in force for the time being shall not be affected by this or the preceding section.

29. An appeal shall be effectual to submit to review the whole of the interlocutors pronounced in the cause, and shall be available to and may be insisted in by all other parties in the cause notwithstanding they may not have noted separate appeals. An appeal shall not prevent immediate execution of a warrant of sequestration for rent, or of warrants to take inventories, or place effects in custody ad interim, or warrants for interim preservation, and an interim interdict, although appealed against, shall be binding till recalled.

A.D. 1907.

Effect of
appeal.

REMOVAL OF CAUSE TO COURT OF SESSION FOR JURY TRIAL.

30. In cases originating in the sheriff court (other than claims by employees against employers in respect of injury caused by accident arising out of and in the course of their employment and concluding for damages under the Employers Liability Act, 1880, or alternatively at common law or under the Employers Liability Act, 1880), where the claim is in amount or value above fifty pounds, and an order has been pronounced allowing proof (other than an order for proof to lie in retentis or for recovery of documents) it shall, within six days thereafter, be competent to either of the parties, who may conceive that the cause ought to be tried by jury, to require the cause to be remitted to the Court of Session for that purpose where it shall be so tried: Provided, however, that the Court of Session shall, if it thinks the case unsuitable for jury trial, have power to remit the case back to the sheriff, or to remit it to a Lord Ordinary, or to send it for proof before a Judge of the Division before whom the cause depends.

Removal of
cause for jury
trial.

43 & 44 Vict.
c. 42.

JURY TRIAL IN SHERIFF COURT.

31. In any action raised in the sheriff court by an employee against his employer concluding for damages under the Employers Liability Act, 1880, or alternatively under that Act or at common law in respect of injury caused by accident arising out of and in the course of his employment, where the claim exceeds fifty pounds, either party may so soon as proof has been allowed, or within six days thereafter, require that the cause shall be tried before a jury, in which case the sheriff shall appoint the action to be tried before a jury of seven persons. The verdict of the jury shall be applied in an interlocutor by the sheriff, which shall be the final judgment in the cause, and may, subject to the provisions of this Act, be appealed to either division of the Court of Session but that only upon one or more of the following grounds—

Jury trial in
sheriff court.

- (1) That the verdict has been erroneously applied by the sheriff;
- (2) That the verdict is contrary to the evidence;
- (3) That the sheriff had in the course of the trial unduly refused or admitted evidence or misdirected the jury;
- (4) That an award of damages is inadequate or is excessive.

A.D. 1907. — Upon such appeal the court may refuse the appeal or may find under head (1) that the verdict was erroneously applied, and give judgment accordingly, or under the other heads before mentioned may set aside the verdict and order a new trial, provided that if the judges are equally divided in opinion the verdict shall stand.

Sheriff to state questions for jury.

32. Where jury trial has been ordered the sheriff shall after hearing parties, if he shall think that necessary or desirable, issue an interlocutor setting forth the question or questions of fact to be at the trial proponed to the jury and fixing a time and place for the trial, being not sooner than fourteen days from the date of the interlocutor.

Remuneration of jurors.

33. Where jury trial has been ordered the party moving for it shall, on each day the trial proceeds, before the proceedings commence, deposit with the sheriff-clerk the sum of three pounds ten shillings, which deposit shall form part of the expenses of the cause; failing any such deposit being made, the sheriff may dismiss the cause. Out of said fund the sheriff-clerk shall pay to each juror a fee of ten shillings for each day on which he is empanelled. When a jury trial is not proceeded with, said deposit shall be returned to the depositor.

REMOVINGS.

Removings.

34. Where lands exceeding two acres in extent are held under a probative lease specifying a term of endurance, and whether such lease contains an obligation upon the tenant to remove without warning or not, such lease, or an extract thereof from the books of any court of record shall have the same force and effect as an extract decree of removing obtained in an ordinary action at the instance of the lessor, or any one in his right, against the lessee or any party in possession, and such lease or extract shall along with authority in writing signed by the lessor or any one in his right or by his factor or law agent be sufficient warrant to any sheriff officer or messenger-at-arms of the sheriffdom within which such lands or heritages are situated to eject such party in possession, his family, sub-tenants, cottars, and dependants, with their goods, gear and effects, at the expiry of the term or terms of endurance of the lease: Provided that previous notice in writing to remove shall have been given—

- (A) When the lease is for three years and upwards not less than one year and not more than two years before the termination of the lease; and
- (B) In the case of leases from year to year (including lands occupied by tacit relocation) or for any other period less than three years, not less than six months before the termination of the lease (or where there is a separate ish as regards land and houses or otherwise before that ish which is first in date):

Provided that if such written notice as aforesaid shall not be given the lease shall be held to be renewed by tacit relocation for another year, and thereafter from year to year: Provided further that nothing contained in this section shall affect the right of the landlord to remove a tenant who has been sequestrated under the Bankruptcy (Scotland) Act, 1856, or against whom a decree of cessio has been pronounced under the Debtors (Scotland) Act, 1880, or who by failure to pay rent has incurred any irritancy of his lease or other liability to removal: Provided further that removal or ejection in virtue of this section shall not be competent after six weeks from the date of the ish last in date: Provided further that nothing herein contained shall be construed to prevent proceedings under any lease in common form; and that the foregoing provisions as to notice shall not apply to any stipulations in a lease entitling the landlord to resume land for building, planting, feuing, or other purposes or to subjects let for any period less than a year.

A.D. 1907.

19 & 20 Vict.
c. 79.
43 & 44 Vict.
c. 60.

35. Where any tenant in possession of any lands exceeding two acres in extent (whether with or without a written lease) shall, either at the date of entering upon the lease or at any other time, have granted a letter of removal, either holograph or attested by one witness, such letter of removal shall have the same force and effect as an extract decree of removing, and shall be a sufficient warrant for ejection to the like effect as is provided in regard to a lease or extract thereof, and shall be operative against the granter of such letter of removal or any party in his right within the same time and in the same manner after the like previous notice to remove: Provided always that where such letter is dated and signed within twelve months before the date of removal or before the first ish, if there be more than one ish, it shall not be necessary that any notice of any kind shall be given by either party to the other.

Letter of removal.

36. Where lands exceeding two acres in extent are occupied by a tenant without any written lease, and the tenant has given to the proprietor or his agent no letter of removal, the lease shall terminate on written notice being given to the tenant by or on behalf of the proprietor, or to the proprietor by or on behalf of the tenant not less than six months before the determination of the tenancy, and such notice shall entitle the proprietor, in the event of the tenant failing to remove, to apply for and obtain a summary warrant of ejection against the tenant and everyone deriving right from him.

Notice to remove.

37. In all cases where houses, with or without land attached, not exceeding two acres in extent, lands not exceeding two acres in extent let without houses, mills, fishings, shootings, and all other heritable subjects (excepting land exceeding two acres in extent) are let for a year or more, notice of termination of tenancy shall be given in writing to the tenant by or on

Notice of termination of tenancy.

A.D. 1907. — behalf of the proprietor or to the proprietor by or on behalf of the tenant: Provided always that notice under this section shall not warrant summary ejection from the subjects let to a tenant, but such notice, whether given to or by or on behalf of the tenant, shall entitle the proprietor to apply to the sheriff for a warrant for summary ejection in common form against the tenant and every one deriving right from him: Provided further that the notice provided for by this section shall be given at least forty days before the fifteenth day of May when the termination of the tenancy is the term of Whitsunday, and at least forty days before the eleventh day of November when the termination of the tenancy is the term of Martinmas.

SUMMARY REMOVINGS.

Summary removing.

38. Where houses or other heritable subjects are let for a shorter period than a year, any person by law authorised may present to the sheriff a summary application for removing, and a decree pronounced in such summary cause shall have the full force and effect of a decree of removing and warrant of ejection. Where such a let is for a period not exceeding four months, notice of removal therefrom shall, in the absence of express stipulation, be given as many days before the ish as shall be equivalent to at least one-third of the full period of the duration of the let; and where the let exceeds four months, notice of removal shall, in the absence of express stipulation, be given at least forty days before the expiry of the said period.

PROCEDURE RULES.

Procedure rules.

39. Subject to the provisions of any Act of Parliament in force after the passing of this Act, the procedure in all civil causes shall be conform to the rules of procedure set forth in the First Schedule hereto annexed. Such rules shall be construed and have effect as part of this Act.

Court of Session to regulate fees, &c.

40. The Court of Session may from time to time, by Act of Sederunt, make such regulations not inconsistent with the provisions of this Act as may be necessary for carrying into effect the purposes thereof for regulating the practice of the sheriff courts (including diligence and procedure under the Small Debt Acts); and for regulating the fees of agents, officers, shorthand writers, and others, and, with the concurrence of the Treasury, for regulating the fees of court; and for altering, amending, or adding to the rules of procedure in the First Schedule hereto: Provided that at least two weeks before the same is signed the terms of the proposed Act of Sederunt shall be published in the Edinburgh Gazette and at least two other newspapers in Scotland: Provided also that every such Act of Sederunt shall, within one week from the date thereof, be transmitted by the Lord President of the Court of Session to the

Secretary for Scotland, in order that it may be laid before the Houses of Parliament; and, if either of the Houses of Parliament shall within thirty-six days after it has been laid before them resolve that the whole or any part of such Act of Sederunt ought not to continue in force, the whole or such part thereof as shall be included in such resolution shall from and after the date of the passing of such resolution cease to be binding. A.D. 1907.

41. For the purpose of preserving uniformity in the proceedings of sheriff courts, the sheriffs shall meet in Edinburgh once at least in each year, and may then, or at any other meeting, formulate for the consideration of the Court of Session any regulations which they propose should be enacted by Act of Sederunt, a printed draft of the same having been exhibited in each sheriff court for the space of fourteen days before the same is submitted to the court: Provided also that the necessary expenses of such meetings of sheriffs and of preparing and printing such propositions shall be allowed in the annual accounts in Exchequer of such one of the sheriffs as may from time to time be appointed by them to be their convener in the like manner as other ordinary expenses of sheriffs are allowed. In this section "sheriff" does not include "sheriff-substitute." Meetings of sheriffs.

SMALL DEBT ACTS.

42. The provisions of the Small Debt Acts shall extend and apply to all causes competent thereunder where the value of the cause does not exceed twenty pounds, and wherever the words "eight pounds six shillings and eightpence" or the words "twelve pounds" occur in these Acts they shall be read and construed as if for these words there were substituted the words "twenty pounds." Extension of small debt jurisdiction to 20*l*.

43. The provisions of the Small Debt Acts for sequestration for rent shall extend to all sequestrations applied for currente termino or in security. Small debt sequestration for rent.

44. Section eight of the Small Debt Amendment (Scotland) Act, 1889, is hereby repealed, and in lieu thereof it is enacted that in any cause brought under the Small Debt Acts any party may appear by or along with an agent, and the sheriff may allow and include in the expenses of the cause a fee to such agent. Parties may appear by agents in small debt court.
52 & 53 Vict. c. 26.

45. The provisions of section three (except subsections (*d*), (*h*), (*i*), (*k*), (*l*), (*m*), and (*p*), section four, subsection (2) of section five, so far as relating to claims for aliment, section six (except subsection (*e*)), section forty-nine and section fifty-one hereof, and the rules ten, eleven, twelve, thirteen, fourteen, fifteen, seventeen, nineteen, twenty-one, twenty-six, fifty, fifty-five, sixty, sixty-three, seventy, seventy-nine, eighty, one hundred and twenty-six, one hundred and twenty-seven, one hundred and Procedure rules applicable to small debt causes.

A.D. 1907. — twenty-eight, one hundred and twenty-nine, one hundred and fifty-one, in the First Schedule hereto shall, so far as appropriate, apply to causes under the Small Debt Acts.

Sections 10 and 11 of the Debtors (Scotland) Act, 1838, to apply to small debt causes.
1 & 2 Vict. c. 114.

46. The provisions of sections ten and eleven of the Debtors (Scotland) Act, 1838, shall not apply to decrees of delivery under the Small Debt Amendment (Scotland) Act, 1889, but such decrees shall be enforceable by imprisonment under the warrant for execution contained in Schedule B. of the Small Debt Amendment (Scotland) Act, 1889.

Second extract of small debt decree competent.

47. It shall be lawful to issue a second or further extract of any decree under the Small Debt Acts, in the form as nearly as may be of Schedule B or C of the Small Debt Amendment (Scotland) Act, 1889, which extract may be written upon a separate paper, and shall have the same force and effect in all respects as the first extract.

Small debt cause may be remitted to ordinary court roll.

48. If the sheriff is of opinion that the importance of the questions raised in any cause brought under the Small Debt Acts warrants that course, he may at any stage remit the cause to his ordinary court roll either on cause shown or ex proprio motu, in which case the cause shall proceed in all respects (including appeal) as if it had been originally raised in the ordinary court.

POSTAL CHARGE.

Postal charge.

49. Where a charge is necessary upon a decree for payment of money granted in the small debt court, and the place of execution of the charge is more than twelve miles distant from the seat of the court where such decree was granted, a charge may be given by post in the manner prescribed by the Citation Amendment (Scotland) Act, 1882.

45 & 46 Vict. c. 77.

SUMMARY APPLICATIONS.

Summary applications.

50. In summary applications (where a hearing is necessary) the sheriff shall appoint the application to be heard at a diet to be fixed by him, and at that or any subsequent diet (without record of evidence unless the sheriff shall order a record) shall summarily dispose of the matter and give his judgment in writing: Provided that wherever in any Act of Parliament an application is directed to be heard, tried, and determined summarily or in the manner provided by section fifty-two of the Sheriff Courts (Scotland) Act, 1876, such direction shall be read and construed as if it referred to this section of this Act: Provided also that nothing contained in this Act shall affect any right of appeal provided by any Act of Parliament under which a summary application is brought.

39 & 40 Vict. c. 70.

THE POOR'S ROLL.

A.D. 1907.

51. Where parties are unable from poverty to pursue or defend an action, it shall be lawful for the sheriff to admit such parties to the benefit of the poor's roll if, upon the report of the procurators for the poor, he is satisfied that such person is entitled thereto.

REPEAL.

52. The enactments mentioned in the Second Schedule hereto annexed are hereby repealed to the extent mentioned in the third column of that Schedule, and all laws, statutes, Acts of Sederunt, orders and usages now in force so far as the same are inconsistent with the provisions of this Act, are also hereby repealed. But provided that all actions pending at the date of the commencement of this Act shall nevertheless proceed to final determination in all respects as if this Act had not been passed.

A.D. 1907.

SCHEDULES.

Sections 39, 40,
and 45.

FIRST SCHEDULE.

RULES FOR REGULATING PROCEDURE IN THE ORDINARY COURT.

FORMS OF PROCESS.

- Initial writ. 1. Subject to the provisions of the Titles to Land Consolidation (Scotland) Act, 1868, and the Conveyancing and Land Transfer (Scotland) Act, 1874, as regards service of heirs and completion of title, all actions shall be commenced by writ as nearly as may be in the Form A hereto annexed.
- Copy account to be served. 2. Where the claim or demand is founded upon a stated account a copy of the account shall be endorsed upon or attached to the initial writ and served along with it.
- Writ to be signed. 3. The writ shall be signed by the pursuer or complainer or by his agent, and the name and address of pursuer's agent (if any) shall be upon the back of every service copy.
- Form of first warrant. 4. The warrant of citation shall be as nearly as may be—
(a) In summary causes and summary removings, and also in summary applications when citation is necessary and in cases under the Workmen's Compensation Act, in the Form B hereto annexed :
(b) In all other causes, in the Form C hereto annexed.

INDUCIÆ.

- Induciæ of citation. 5. Actions shall proceed upon seven days' warning or induciæ when the defender is within Scotland, or fourteen days when he is in Orkney or Shetland or in any other island within Scotland or is furth of Scotland.
- Special induciæ. 6. The sheriff may shorten or may extend the induciæ, but not so as to be in any case less than forty-eight hours.

CITATION.

- Signature of warrants. 7. Warrants may be signed by the sheriff-clerk, but any warrant may be signed by the sheriff or sheriff-substitute, and must be so signed if it contains an order for shortening or extending the induciæ or for interim interdict, sequestration, or other order not being an order for citation or warrant to arrest. In actions against persons furth of Scotland the warrant may authorise service edictally.
- Mode of citation. 8. Citation may be in the Form D hereto annexed, and the form of execution of citation, which shall be appended to or endorsed upon the initial writ, may be in the Form E hereto annexed.
- Attestation of officer's execution of citation. 9. If a warrant is executed by an officer, one witness shall be sufficient for the execution of citation and the execution shall be signed by the

officer and the witness, and shall specify whether the citation was personal, or, if otherwise, the mode of citation. A.D. 1907.

10. Any warrant of citation or any warrant or precept of arrestment proceeding upon a depending action or liquid document of debt may in any competent manuer be lawfully executed within the jurisdiction of any sheriff without indorsation by the sheriff-clerk of that jurisdiction, and, if executed by an officer, may be so executed by an officer of the court which granted the warrant or precept, or by an officer of the jurisdiction within which it is to be executed. Endorsation of warrant by sheriff clerk of defender's residence not necessary.

11. A corporation or association, or a firm nominate or descriptive, or a board corporate or unincorporate, may be sued and summary diligence upon a sheriff court decree, or a decree of registration executed against them under their nominate or descriptive name alone, and may be competently cited at their principal place of business (which term shall include the office or place of business of the clerk or secretary of any board or corporation), or where the principal place of business is outwith the jurisdiction, at any place of business within the jurisdiction. Citing of corporation.

12. If it appear to the sheriff that there has been any irregularity in service upon a defender who has not appeared, the sheriff may authorise the pursuer or complainer to make service of new upon such conditions as to the sheriff shall seem just. Service of new.

13. A party who appears may not state any objection to the regularity of the service upon himself, and his appearance shall be deemed to remedy any defect in the service, unless where jurisdiction has been constituted by citation or by arrestment ad fundandum jurisdictionem. Defender appearing barred objecting to citation.

14. Service in ordinary form on a minor and on his father, as curator-at-law, or upon a minor and his tutors and curators if known to pursuer, or, if they are not known, upon the minor himself in ordinary form, and his tutors and curators edictally, shall be good and sufficient service on the minor for every purpose of law. Citation of a minor.

15. It shall be competent to execute edictally any warrant of citation granted or charge on an extracted decree pronounced by a sheriff against any person furth of Scotland, by delivery of a copy thereof at the office of the keeper of edictal citations at Edinburgh according to the mode established in regard to the execution edictally of citations and charges on warrants of the Court of Session ; or by sending to such keeper in a registered post-letter a certified copy of such warrant or charge of which copy the keeper shall acknowledge receipt. Every citation or charge so executed edictally shall be recorded in the record of edictal citations in Edinburgh in a separate record of edictal citations or charges against persons furth of Scotland cited or charged upon warrants proceeding from any sheriff court. Where the party cited or charged has a known residence or place of business in England or Ireland a copy of the writ and citation or of the decree and charge on fourteen days' induciæ shall be posted in a registered letter to the party at such address, and the execution shall express that this has been done. The sheriff-clerk shall in all warrants to cite persons furth of Scotland insert a warrant to cite edictally, and along with the execution of edictal citation pursuer's agent shall lodge a certificate of such postal intimation and the post office registered letter receipt. Edictal citation.

CUSTODY OF PROCESS.

16. Every initial writ shall after tabling remain in the custody of the sheriff-clerk, unless the sheriff shall grant a special order to the contrary. A process may be borrowed only by an agent entitled to practise in the jurisdiction, or by his duly authorised clerk, for whom he shall be responsible. Custody of process.

- A.D. 1907. 36. If the pursuer do not then table the cause, the defender or his agent, upon producing the service copy of the writ, may crave protestation for not insisting, which the sheriff may grant, and may modify the amount of protestation money payable to defender.
- If case not tabled defender may crave protestation.
- Extract of protestation. 37. Protestation shall not be extracted till the expiry of seven free days from the date of its granting, except where arrestments have been used, in which case extract may be given out after the lapse of forty-eight hours.
- Effect of protestation. 38. Upon protestation being extracted, the instance shall fall.
- Recall of protestation. 39. Before extract protestation may be recalled, and the pursuer may be allowed to proceed with his action upon making payment to the defender of the amount of the protestation money, and upon such other conditions as to the sheriff shall seem just.
- Sheriff may direct any cause to be tried as a summary cause. 40. When any defended action (other than a claim under the Workmen's Compensation Act) has been tabled, the sheriff of consent of parties, notwithstanding that its value exceeds fifty pounds, may, at any stage, direct that it be tried as a summary cause, and his decision as to this shall be final.
- Procedure in a summary cause. 41. In a summary cause the sheriff may order a condescence and defences if he thinks fit, or may make or certify a note upon the writ or separately of the pleas of parties and appoint a diet for the trial of the cause, or may order such other procedure as the circumstances seem to him to require.
- In non-summary cause condescence within three days of tabling. 42. In all other defended causes the pursuer shall at the tabling of the cause, or within three days thereafter, lodge a condescence setting forth succinctly and in articulate articles the grounds of action, and his pleas in law.
- Defences within six days. 43. Within six days of the condescence being lodged the defender shall lodge his defences.
- Enrolment for adjustment. 44. The sheriff-clerk shall, upon defences being lodged, enrol the cause for an ordinary court day occurring not less than four days thereafter for adjustment. The adjustment shall not be adjourned more than once unless upon special cause shown.
- Certified copy writ warrant for arrestment. 45. In every defended action the pursuer shall, after defences have been lodged, and before the diet for adjustment, lodge in process a copy of the initial writ and warrant thereon certified by him or his agent, which may thereafter be borrowed by the agent of any party to the process, and such certified copy shall be sufficient warrant where competent to arrest on the dependence. Separate precepts of arrestment may be issued by the sheriff-clerk upon production to him of a writ containing pecuniary conclusions upon which a warrant of citation has been granted, or of a liquid document of debt.
- Form of defences. 46. Defences shall be in the form of articulate answers to the condescence, having appended a note of defender's pleas, and where necessary a statement of facts founded on in defence which shall be set forth succinctly.
- Documents founded on to be produced before record closed. 47. Each party shall, along with his pleadings, or at latest before the closing of the record, if required by any other party in the action or by the sheriff, lodge any documents founded upon in the pleadings, so far as the same are within his custody or power.

48. Where such documents are not produced by either party, or where they are in the hands of third parties, the sheriff may, on the motion of either party, grant commission and diligence for their recovery, and may on that account delay closing the record.

A.D. 1907.

Diligence for recovery of such documents.

49. The sheriff may upon cause shown, or ex proprio motu, order a revisal of the pleadings, or may order pursuer to answer defender's separate statement of facts.

Revisal may be ordered.

50. When a deed or writing is founded on by any party in a cause, all objections thereto may be stated and maintained by way of exception, without the necessity of bringing a reduction thereof.

Documents may be challenged open exceptions.

51. The sheriff may, where an objection is so stated, and where an action of reduction would be competent, order the objector to find caution, or to make consignation as he shall direct.

Caution may be ordered when action of reduction competent.

52. When the pleadings have been adjusted the sheriff shall close the record.

Closing record.

53. All alterations or additions made on the record shall be authenticated by the sheriff's initials.

Alterations to be initiated by sheriff.

54. If preliminary pleas have been stated the sheriff shall first dispose of them, unless he thinks that from their being connected with the merits, or on any other ground, they should be reserved till a future stage of the cause.

Preliminary pleas to be first disposed of.

55. Where a defender pleads a counter claim it shall suffice that he state the same in his defences, and the sheriff may thereafter deal with it as if it had been stated in a substantive action, and may grant decree for it in whole or in part, or for the difference between it and the claim sued on.

Counter claim may be stated in defences.

56. In a defended action (including a jury cause) when any production or pleading has not been lodged or order implemented within the time required by statute or ordered by the sheriff or where in a defended action either party fails to appear by himself or his agent at any diet, or fails to make payment of any court dues or deposit, the sheriff may grant decree as craved, or of absolvitor, or may dismiss the action, with expenses, but the sheriff may upon cause shown prorogate the time for lodging any production or pleading or implementing any order. If all parties fail to appear the sheriff shall, unless sufficient reason appear to the contrary, dismiss the action.

Failure of either party to appear or to implement orders of court entitles other party to decree.

57. When an agent has borrowed a process, or any part thereof, and fails to return it for any diet at which it is required, the sheriff may impose upon such agent a fine not exceeding one pound, which shall be payable to the clerk of court for behoof of His Majesty's Exchequer, but an order so imposing a fine may, on cause shown, be recalled by the sheriff who granted it. Orders made under this section shall not be subject to review. For the purposes of this section every agent practising before his court shall be subject to the jurisdiction of the sheriff.

Agent failing to return process may be fined.

58. If at the time of closing the record the parties renounce probation, they shall sign a minute to that effect on the interlocutor sheet, and the sheriff may order the case to be debated then or at a subsequent diet.

If probation renounced parties to sign minute.

59. If proof is necessary, the sheriff shall (unless the cause has been ordered for jury trial), with the least possible delay, fix a date for taking the proof, and may limit the mode of proof.

Proof may be ordered.

- A.D. 1907. 60. The sheriff may remit to any person of skill, or other person, to report on any matter of fact; and, when such remit is made of consent of both parties, the report of such person shall be final and conclusive with respect to the matter of the remit. When such a remit is made, upon the motion of either party, the expense attending its execution shall in the first instance be paid by the party moving for it. When the remit is on joint motion, or by the sheriff *ex proprio motu*, the expense shall in the first instance be paid by the parties equally, unless the sheriff shall otherwise order.
- Remit to person of skill.
- Parties may by minute agree to cause being tried as small debt cause. 61. The parties to any action may lodge in process a minute, signed by themselves or their agents, agreeing to the cause being disposed of in the manner provided under the Small Debt Acts, whereupon the sheriff shall remit the action to his small debt court roll, and the whole powers and provisions of the Small Debt Acts shall become applicable to the cause.
- Diligence for recovery of documents. 62. At any time after a proof has been allowed, or an order made for jury trial, the sheriff, upon the motion of either party, may grant commission and diligence for the recovery of such documents as the sheriff shall deem relevant to the cause.
- Evidence to lie in retentis. 63. Evidence in danger of being lost may be taken to lie in retentis, and if satisfied that it is desirable so to do, the sheriff may, upon the motion of either party at any time, either take himself, or grant authority to a commissioner to take, such evidence.
- Reference to oath. 64. When any person desires to refer to the oath of his adversary, he shall lodge a minute to that effect, signed by himself or his agent. If the party to whose oath reference has been made fail to appear at the diet for taking his deposition, the sheriff may hold him as confessed, and decern accordingly.
- Recording of evidence. 65. Evidence in a cause or a deposition, whether before the sheriff or a commissioner, may be taken down by the sheriff or commissioner, or by a clerk or shorthand writer nominated by the sheriff or commissioner, to whom the oath *de fideli administratione* shall be administered and evidence may be recorded in narrative form or by question and answer as the sheriff or commissioner shall direct, and the extended notes of evidence certified by such clerk or shorthand writer, shall be the notes of the oral evidence in the cause. The sheriff or commissioner may, if he think fit, dictate to the clerk or shorthand writer what he is to record.
- Sheriff may amend record of evidence. 66. If the correctness of the notes of evidence or of a deposition be questioned, the sheriff may satisfy himself in regard thereto by the examination of witnesses or otherwise, and may amend the record of evidence or a deposition.
- Shorthand writer's fees. 67. When a shorthand writer is so employed to record evidence, he shall in the first instance be paid, as regards commissions by the party moving for the commission, and as regards proofs or jury trials by the parties equally. The agents of parties shall be personally liable for the shorthand writer's fees. And it shall be competent for the sheriff to make an order directing payment to be made.
- Production of documents may be ordered. 68. The sheriff may order production of documents at any stage of the cause, and the sheriff may allow a party, at any time before judgment, to produce any document which he has failed to produce timeously, upon such conditions as to payment of expenses and allowing further proof as to the sheriff shall seem just.

69. The proof shall be taken so far as possible continuously, but the sheriff may adjourn the diet from time to time.

Proof to be taken continuously.

70. The evidence of any witness or haver resident beyond the jurisdiction of the court, or who although resident within the jurisdiction resides at some place remote from the seat of the court, or who is by reason of illness, age, or infirmity unable to attend the diet of proof, or a jury trial, may be taken by commission in like manner as evidence to lie in retentis.

Evidence may be taken on commission.

71. A copy of an interlocutor certified by the sheriff clerk allowing a proof or fixing a diet for the trial of any action or for the examination of witnesses or havers, or fixing a date for a jury trial, shall be sufficient warrant for citation of witnesses or havers. If any witness or haver duly cited on an induciæ of at least forty-eight hours, and after having been tendered his travelling expenses, if the same shall have been demanded, fail to attend a diet, either before the sheriff or before his commissioner, such witness or haver may be ordained by the sheriff to forfeit and pay a penalty not exceeding forty shillings, unless a reasonable excuse be offered and sustained, and the sheriff may grant decree for said penalty in favour of the party on whose behalf said witness or haver was cited.

Citation of witnesses.

72. Witnesses and havers may be cited as nearly as may be in Form F hereto annexed, and the execution of citation shall be as nearly as may be in the Form G and an agent who cites a witness shall be personally liable for the fees of the witness.

Form of citation.

73. It shall further be competent to the sheriff to grant second diligence (which shall be effectual in any sheriffdom within Scotland without endorsement) for compelling the attendance of said witness or haver under pain of arrest and imprisonment, until caution be found as the sheriff may require for his due attendances, the expense whereof may in like manner be decreed for against the witness or haver.

Second diligence against witness failing to attend.

74. When the sheriff, or a commissioner repels or sustains an objection taken in the course of a proof, the objection stated, and any answer made to it, shall, if desired by the objector, be shortly noted on the notes of evidence to the sheriff's or commissioner's dictation, but the examination of the witness shall nevertheless proceed. The sheriff or commissioner may, if he consider the objections of sufficient importance, direct the evidence objected to to be taken on a separate paper; but it shall not be competent during the course of a proof to submit to review any judgment pronounced upon the competency of the evidence.

Objections taken in course of proof to be noted.

75. On the proof being declared closed, or within seven days thereafter, if the sheriff substitute has not in the interval pronounced judgment, it shall be competent by leave of the sheriff-substitute to appeal to the sheriff upon objections to the admissibility of evidence taken during the course of the proof, and the sheriff shall, with or without a hearing, dispose of such appeal with the least possible delay, and, if he think that evidence accepted should not have been allowed, he may delete the same from the notes of evidence, and, if he think that evidence has been improperly rejected, he may appoint the same to be taken before the case is advised on its merits.

Appeal on questions of admissibility of evidence.

76. If any person, whether a party to the cause or other person, plead before the sheriff-substitute confidentiality with reference to documentary or oral evidence, or, on pleas of alleged hypothec or otherwise, shall object to produce documents, the sheriff-substitute shall, on the notes of evidence, minute his decision on such pleas, and any party in the cause

Appeal on ground of confidentiality.

A.D. 1907. — or the party pleading confidentially by leave of the sheriff-substitute may, in open court, take an appeal to the sheriff, who shall, with or without a hearing and with the least possible delay, dispose of such appeal.

Proof to proceed notwithstanding such appeal.

77. Such incidental appeal shall not remove the cause from the sheriff-substitute, who may proceed with the cause as regards points not necessarily dependent upon the ruling so appealed against.

Parties to be heard at close of proof.

78. At the close of the proof, or at an adjourned diet, if for any reason the sheriff shall see fit to postpone the hearing, the sheriff shall hear the parties or their agents, and thereafter shall pronounce judgment with the least possible delay.

AMENDMENT OF PLEADINGS.

Record may be amended by sheriff.

79. Upon the motion of either party the sheriff may, at any stage of the cause, and upon such conditions as to expenses reserve or otherwise as he shall deem proper, allow a record to be altered or amended to the effect of determining the real question in controversy (including amendment of the instance and the initial writ and the adding of parties) notwithstanding that the conclusions of the action may thereby be enlarged or altered.

Effect of amendment.

80. No such amendment shall have the effect of validating diligence used prior thereto on the dependence of the action so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but such amendment shall be operative to the effect of obviating objections to such diligence when stated by the defender himself, or by any person representing him by a title, or in right of a debt contracted by him subsequent to the execution of such diligence.

ABANDONMENT.

Abandonment of action.

81. A pursuer may at any stage of an action before an interlocutor granting absolvitor or dismissing the action has been pronounced offer to abandon his action by lodging a minute to that effect, signed by himself or his agent, in which case, upon payment to defender of his expenses, the sheriff may dismiss the action, and pursuer may bring a new action if otherwise competent. If the pursuer fails, within fourteen days of the date of taxation, to pay the defender's expenses, the defender shall be entitled to decree of absolvitor, with expenses.

JUDGMENT.

Sheriff to state reasons for judgment.

82. To all interlocutors, except those of a formal nature, the sheriff shall append a note setting forth the grounds upon which he has proceeded and in his final judgment on the merits he shall set forth his findings in fact and in law separately.

Date of judgment to be date of entry in court books.

83. The sheriff may pronounce or sign any judgment or interlocutor when forth of his sheriffdom, but the date of every interlocutor shall be deemed to be the date upon which it is entered in the books of the court.

Clerical error in judgment may be corrected.

84. At any time before extract, or before the transmission of a process in which an appeal has been taken the sheriff may correct any clerical or incidental error in his judgment.

EXTRACT.

A.D. 1907.

85. Extract of any decree, interlocutor, or order of the sheriff (other than a decree in absence or a decree for expenses), if the same shall not have been sooner appealed against, may be issued in a summary cause after the lapse of seven days ; and in any other cause, after the lapse of fourteen days from its date, or at such earlier date as the sheriff shall allow extract.

Time of extract.

APPEAL.

86. A final judgment of the sheriff-substitute may if appeal be competent and unless otherwise provided be appealed to the sheriff or to the Court of Session at any time within three months of its date (but not later), if the same shall not sooner have been extracted or implemented. Any other appealable interlocutor of the sheriff-substitute may be appealed within fourteen days (but not later), if not sooner extracted.

Appeal from the sheriff substitute.

87. An appeal shall be taken by the appellant or his agent dating and signing a note on the interlocutor sheet in the following terms :—

Form of appeal.

The pursuer [or defender or other party] appeals [to the sheriff] or [to the Division of the Court of Session].

Or if the interlocutor sheet is not in the hands of the sheriff-clerk (which fact shall be certified by him), the note of appeal may be written upon a separate paper, and lodged along with the sheriff-clerk's said certificate.

88. On an appeal being taken, the sheriff-clerk shall within two days transmit the process to the sheriff or to the principal clerk of Session as the case may be, and also send written notice of the appeal to the other parties or their agents, but failure to give such notice shall not invalidate the appeal.

On appeal process to go to sheriff or clerk of Session.

89. The sheriff may order a reclaiming note and answers, or may hear parties orally.

Reclaiming note or oral hearing may be ordered.

90. The sheriff may, on the motion of both parties and if he see fit, dispose of the appeal without ordering either a reclaiming note and answers or an oral hearing.

But may be dispensed with.

91. Notwithstanding an appeal, the sheriff shall have power to regulate all matters relating to interim possession, to make any order for the preservation of any property to which the action relates or for its sale if perishable, or for the preservation of evidence, or to make in his discretion any interim order which a due regard to the interests of the parties may require. Such orders shall not be subject to review except by the Appellate Court at the hearing of the appeal.

Sheriff to regulate interim possession, &c. pending appeal.

92. Within three months from its date (but not later) a final judgment of the sheriff, if not sooner extracted or implemented, may, if appeal be competent, be appealed to the Court of Session. Any other appealable judgment of the sheriff may, if not sooner extracted or implemented, be appealed within fourteen days (but not later).

Appeal to Court of Session.

93. The party desiring so to appeal, or his agent, shall do so by writing on the interlocutor sheet (or on a separate paper, in like manner as in the case of an appeal from the sheriff-substitute) a note in the following terms :—

Form of appeal.

The pursuer [or defender or other party] appeals to the Division of the Court of Session.

A.D. 1907. Sheriff-clerk to transmit process to Edinburgh. 94. On receiving such note of appeal the sheriff-clerk shall within two days transmit the process to the principal clerk of session at Edinburgh, and shall also send written notice of the appeal to the other parties or their agents, but failure to give such notice shall not invalidate the appeal.

Form of appeal to Court of Session in actions advocated under this Act. 95. If any action is desired to be removed to the Court of Session in terms of sections five and thirty of this Act, the party so desiring its removal shall write a minute to that effect upon the interlocutor sheet, whereupon the sheriff-clerk shall give intimation to the other parties or their agents and shall transmit the process to the keeper of the roll of the Court of Session, who shall, under the direction of the Lord President, allocate the cause to a Division and a Lord Ordinary, and thereafter the cause shall proceed in all respects as if it had originally been raised in the Court of Session.

Abandonment of appeal. 96. After an appeal has been noted, the appellant shall not be entitled to abandon it unless of consent of all parties, or by leave of the Appellate Court.

97. In sections 86, 87, 88, 89, 90, and 92 "sheriff" does not include sheriff-substitute.

EXPENSES.

Decree for expenses to include dues of extract. 98. Every decree for expenses shall be deemed to include a decree for the expense of extracting the same, and extract of such decree for expenses may be issued after the lapse of seven days unless otherwise directed by the sheriff.

Decree for expenses may be extracted in agent's name. 99. Expenses allowed in any action, whether in absence or in foro, shall, unless modified at a fixed amount, be taxed before decree is granted for them, and the sheriff may allow a decree for expenses to go out and be extracted in name of the agent who conducted the cause.

Objection to auditor's report. 100. Within two days after the lodging of the auditor's report on taxation it shall be competent to lodge a note of objections to an auditor's report, and the sheriff shall dispose of such objections in a summary manner, with or without answers.

WAKENING.

Wakening action. 101. If no interlocutor shall have been pronounced in a cause for a year and a day it shall be held to have fallen asleep.

To be by minute. 102. Where the whole of the parties or their agents subscribe a minute on the interlocutor sheet consenting to the cause being wakened the sheriff may pronounce an interlocutor wakening the cause, and thereafter proceed with it.

Publication of application for wakening. 103. Where all parties do not so consent, the party desiring to have the cause wakened may lodge a minute to that effect, which the sheriff may order to be intimated to the other parties or their agents, and to be published in such manner as the sheriff shall direct, and the agent for the party applying for wakening shall lodge a certificate that the intimation and publication ordered have been made. If satisfied, the sheriff may thereafter pronounce an interlocutor wakening the cause, and proceed with it.

SEQUESTRATION FOR RENT.

A.D. 1907.

104. In actions for sequestration, and sale, for recovery, or in security of rent, whether brought after the term of payment or currente termino, payment of rent may be concluded for, and decree for payment of such rent or part thereof when the same has become due and payable, may be pronounced and be extracted in common form. In sequestration for rent.
105. In the first deliverance upon a writ for sequestration for rent the sheriff may sequestrate the effects of a tenant, and grant warrant to inventory and secure the same and all warrants to sequestrate, inventory, sell, eject, or re-let shall be deemed to include authority, if need be, to open shut and lockfast places for the purpose of carrying such warrants into execution. Warrant may be granted to inventory and secure.
106. The sheriff may order the sequestrated effects to be sold at the sight of an officer of court or other person named. Sequestrated effects may be sold.
107. When a sale follows, it shall be reported within fourteen days and pursuer shall lodge the roup rolls or certified copies thereof and a state of debt. Sale to be reported within fourteen days.
108. In the interlocutor approving the report of sale, or by separate interlocutor, the sheriff may give decree against the defender for any balance remaining due. Sheriff may decree for balance due after sale.
109. The sheriff may at any stage appoint a fit person to take charge of the sequestrated effects, or may require the tenant to find caution that they shall be made forthcoming. Sheriff may appoint caretaker or order caution.

REMOVINGS.

110. An action of removing may be raised at any time, provided the tenant has bound himself to remove by writing, dated and signed within twelve months of the term of removal, or, where there is more than one ish, of the ish first in date to remove. When the tenant has not so bound himself, an action of removing may be raised at any time provided that— Action of removing where fixed term of removal.
- (a) In the case of a lease of lands exceeding two acres in extent for three years and upwards, an interval of not less than one year nor more than two years shall elapse between the date of notice of removal and the term of removal first in date ;
- (b) In the case of leases of lands exceeding two acres in extent, whether such leases be written or verbal held from year to year or under tacit relocation, or for any other period less than three years, an interval of not less than six months shall elapse between the date of notice of removal and the term of removal first in date ; and
- (c) In the case of houses let with or without land attached not exceeding two acres in extent, as also of land not exceeding two acres in extent without houses, as also of mills, fishings, shootings, and all other heritable subjects excepting land exceeding two acres in extent, and let for a year or more, forty days at least shall elapse between the date of notice of removal and the term of removal first in date.

Provided that nothing herein contained shall affect section 27 of the Agricultural Holdings Act, 1883 : Provided also that in any defended

A.D. 1907.

FORTHCOMING AND MULTIPLEPOINTING.

Forum of
action of mul-
tiplepointing.

128. An action of forthcoming or multiplepointing may be raised in the sheriffdom where the fund or subject in medio is situated, or in that to whose jurisdiction the arrestee or the holder of the fund is subject although the common debtor may not reside within either sheriffdom.

Real raiser to
be set forth.

129. The party raising an action of multiplepointing shall set forth in the initial writ who is the real raiser. The sheriff may, in an action of multiplepointing, allow the real raiser his expenses preferably out of the fund in medio; and, in an action of forthcoming, the expenses of bringing the action shall be deemed to be part of the arrestor's claim, which may be made good out of the arrested fund or subject.

Claims to be
ordered.

130. Where, in an action of multiplepointing, no defences are stated, and where defences are stated and repelled, the sheriff shall order claims and, if necessary, answers within a short space.

Several claim-
ants may state
one paper.

131. Several claimants may state the facts on which they base their claims on the same paper, but, where necessary, they shall append separate claims and separate pleas in law.

When com-
peting claims
procedure as in
ordinary
action.

132. Where there are defences in an action of forthcoming or competing claims in a multiplepointing process the procedure shall be as near as may be that in ordinary actions where defences have been lodged.

JURY TRIAL.

Jury.

133. The jury shall consist of two special, and five common jurors, who shall be chosen from a panel of five special and ten common jurors to be cited for the diet.

Citation of
jury.

134. The jury shall be cited by the sheriff-clerk from the sheriff court jury book in the manner prescribed by law or in use to be followed for the citation of jurors in Scotland; and all statutory or other regulations and customs relative to the citation, non-attendance, selection and swearing of jurors shall (subject to rule 135) apply to jury trial in the sheriff court.

Challenge of
jurors.

135. Each party in the cause shall have right to challenge one special and one common juror, but not more; and in this matter, where there are more pursuers or defenders than one, they shall act collectively and not individually.

Jury to have
copy issue.

136. Each juror empanelled shall, at the commencement of the trial, be supplied by the pursuer with a copy of the questions of fact proposed as set forth in the sheriff's interlocutor.

Practice in
proofs to apply.

137. The law and practice relating to the taking of evidence in proofs before the sheriffs shall apply to jury trials. Unless all the parties appearing put in a minute (which may be signed by their agents) dispensing with a record of the proceedings, the same shall be taken by an official shorthand writer of the court, but the notes need not be extended unless, in the case of an appeal, their production shall be ordered by the appellate court, in which event it shall be the duty of the appellant to procure the extended notes, certified by the shorthand writer, and to lodge the same with the principal clerk of session.

138. When evidence has been taken to lie in retentis, if the sheriff is satisfied that the deponing witness is dead, or that he cannot attend at the trial owing to absence or infirmity or other sufficient cause, it shall be competent for the sheriff, on the motion of any party in the cause (irrespective of which party moved for the commission to take such evidence) to direct that the report of the commission be read to the jury, and when so read such report shall form part of the evidence in the cause; but depositions shall not be read or referred to if the deponing witness attends at the trial. A.D. 1907.
Evidence on
commission.

139. Exceptions taken in the course of the trial to rulings of the sheriff in regard to admission or rejection of evidence, or in regard to points of law laid down in the course of the trial or in the sheriff's charge to the jury, shall, if required by the party taking the exception, be recorded to the sheriff's dictation upon the official shorthand notes before the jury proceed to consider their verdict. Exceptions.

140. No person shall be entitled to address the jury until the leading of evidence has been concluded; but thereafter the parties, personally or by counsel or law agent, may address the jury. One speech only on behalf of each interest represented shall be made. Addressing
jury.

141. If the sheriff deem it necessary to charge the jury, he shall do so immediately after, or as soon as practicable after, the conclusion of the speeches, or, if none be made, after the conclusion of the evidence. Charge to jury.

142. Documents or productions intended to be put in evidence or referred to at the trial shall be lodged with the clerk of court four days before the date fixed for the trial, but the sheriff may allow productions to be exhibited and produced at the trial if he is satisfied that they could not reasonably have been lodged earlier and that reasonable notice had been given to the other parties of intention to produce at the trial. Productions.

143. The jury may return a verdict by a majority of its number at any time not less than one hour after the jury has been enclosed. Verdict by
majority.

144. The verdict of the jury shall be returned in the form of specific answers to the questions propounded by the sheriff, with the addition of a statement of the amount at which they assess the damages in the event of damages being awarded. Form of
verdict.

145. The verdict returned by the jury shall be recorded upon the interlocutor sheets, and signed by the clerk of the court, and this having been done, the jury shall be discharged. Verdict to be
recorded.

146. Any party in the cause may, so soon as the verdict has been so recorded or within fourteen days thereafter, move the sheriff to apply the verdict, and upon this motion the sheriff may hear parties and may make avizandum. As soon as practicable the sheriff shall issue an interlocutor applying the verdict and grant decree accordingly. In this interlocutor the sheriff shall also dispose of the question of expenses. And followed
by interlocutor.

147. Where no shorthand notes of the proceedings have been taken, the interlocutor applying the verdict shall not be subject to review. Interlocutor final
if no shorthand
notes.

148. If shorthand notes have been taken, it shall be competent for any party in the cause within fourteen days after the date of the final interlocutor of the sheriff applying the verdict (but not later) to appeal to a division of the Court of Session by lodging with the sheriff-clerk a note of appeal in the Form M annexed hereto. Grounds of
appeal to Court
of Session.

- A.D. 1907. —
- (g) For sequestration (*for rent or in bankruptcy*).
 - (h) For recall of arrestments (*used by defender in the hands of, &c.*).
 - (i) For letters of arrestment ad fundandum jurisdictionem.
 - (j) For confirmation of byelaws.
 - (k) For appointment of judicial factor.
 - (l) That defender be ordained to (*execute work, sign deeds, remove or as the case may be*).
 - (m) That pursuer is aggrieved by (*state shortly nature of byelaw, order, &c., appealed against*).
 - (n) (*Otherwise as the case may be.*)

Therefore the pursuer craves the Court [*here set forth the specific decree, warrant, or order asked giving all the particulars to be embodied (if necessary) in an extract*].

(*To be signed*) A.B., Pursuer ;

or
X.Y. [*add designation and business address*].
Pursuer's Agent.

FORM B.

[*Place and date.*] Grants warrant to cite the defender [*or respondent*] by serving a copy of the writ and warrant upon an induciæ of _____, and appoints him to answer within the sheriff court-house at _____ [*in Room No. _____, or in Chambers, or as the case may be*], on _____ the _____ day of _____ at _____ o'clock _____ noon, under certification of being held as confessed. [When necessary add (*meantime sequestrates and grants warrant to inventory and secure*); or (*grants warrant to arrest on the dependence*) or (*otherwise as the case may be*).]

FORM C.

[*Place and date.*] Grants warrant to cite the defender by serving a copy of the writ and warrant upon an induciæ of _____ days, and appoints him, if he intend to defend, to lodge a notice of appearance with the sheriff clerk at _____ within the induciæ, under certification of being held as confessed. [*Meantime grants interim interdict, or warrant to arrest on the dependence, or sequestrates and grants warrant to inventory; or otherwise, as the case may be.*]

FORM D.

[*Place and date, and, if necessary, hour.*] C.D., defender. You are hereby served with the foregoing [*or within-written*] writ and warrant, and required to answer thereto, conform to the said warrant. [*If posted and if necessary add (the induciæ is reckoned from twenty-four hours after date of posting).*]

(*To be signed*) P.Q., Sheriff Officer,

or
X.P. [*add designation and business address*].
Pursuer's Agent.

FORM E.

A.D. 1907.

[Place and date.] I, _____, do hereby certify that upon the _____ day of _____ [if necessary add between the hours of _____ and _____] I duly cited *C.D.*, the defender [or respondent], to answer to the foregoing [or within-written] writ. This I did by [set forth mode of service, if by officer and not by post, add in presence of *L.M.* (design him), witness hereto with me subscribing].

(To be signed) *P.Q.* Sheriff Officer ;
L.M., Witness ;

or
X.Y. [add designation and business address].
Pursuer's Agent.

FORM F.

K.L. [design him], you are hereby required to attend at the Sheriff Court House at [street address] [if necessary, add within Court Room, No. _____, or in Chambers], on _____, the _____ day of _____, at _____ o'clock _____ noon, to give evidence for pursuer [or appellant or complainer] [or defender or respondent] in the action *A.B.* [design him], pursuer, against *C.D.* [design him], and [if necessary] you are required to bring with you [specify documents] under penalty of forty shillings if you fail to attend.

Dated this _____ day of _____ [if necessary
add between the hours of _____ and _____ noon.]
[Signed] *P.Q.*, sheriff officer ;

or
X.Y. [add designation and business address].
Pursuer's [or defender's or appellant's or respondent's] Agent.

FORM G.

[Place and date.] I, _____ do hereby certify that upon the _____ day of _____ [if necessary, add between the hours of _____ and _____ noon], I duly cited *K.L.* [design him], to attend at _____ o'clock _____ noon, within _____ to give evidence for the _____ in the action *A.B.* [design him], against *C.D.* [design him], and I also required him to bring with him [specify documents]. This I did by [set forth mode of citation].

[Signed] *P.Q.*, sheriff officer ;

or
X.Y. [add designation and business address].
Pursuer's [or defender's or appellant's or respondent's] Agent.

FORM H.

To [name, designation, and address of party in possession].

You are required to remove from [describe subjects] at the term of _____ [or if different terms, state them and the subjects to which they apply], in terms of lease [describe it] or [in terms of your letter of removal of date _____] or [otherwise as case may be].

A. D. 1907.

FORM I.

To [name and designation of addressee].
[Place and date.] I am to remove from [state subjects by usual name
or short description sufficient for identification] at the term of
K.L. [add designation and address].

If not holograph to be attested thus—

M.N. [add designation and address], witness.

FORM J.

[Place and date.]
You are required to remove from [] that portion of
ground [describe it]; or the mill of [describe it]; or the shootings of the
lands and estate of [describe them]; or [other subjects to which this notice
is applicable], at the term of Whitsunday [insert year] [or Martinmas, as
the case may be, inserting after the year the words, being the 15th day
of May, or the 11th day of November, or the 28th day of May, or the
28th day of November, as the case may be].

To K.L. [designation and address].

FORM K.

In the sheriff court of
at
A.B. [design him], pursuer, complains that he [or his author, as the case
may be], let to C.D. [design him], defender [or his author, as the case may
be], a dwelling-house garden, and pertinents [or other subjects, as the case
may be], situated at , for the period from
to , and that the
defender refuses or delays to remove therefrom, although his term of
occupancy has expired, and it is necessary to obtain warrant for his
ejection; therefore decree ought to be granted for removing and ejecting
the defender, his family, sub-tenants, cottars, and dependants, with their
goods and gear, furth and from the said subjects [here insert date at which
removal or ejection is sought], that the pursuer or others in his right may
then enter to and possess the same. [If expenses are sought add, "and
the defender ought to be found liable in the expenses of process and dues
of extract."]

[Signature of pursuer or his agent.]

FORM L.

At the day of the
sheriff [in absence of defender, or having heard parties, as the case may
be] grants warrant for ejecting the said C.D., defender, and others
mentioned in the complaint from the subjects therein specified, such
ejection not being sooner than [here insert time appointed for ejection,
and whether after a charge on such induciæ as may be deemed proper
or instantly]; Finds the defender liable in of expenses
[or otherwise, as the case may be] and decerns.

[Signature of Sheriff.]

FORM M.

A.D. 1907.

At the jury trial in the action at the instance of *A.B.* [*design him*] pursuer, against *C.D.* [*design him*], defender, held at _____, on the _____ day of _____, before _____ sheriff [*substitute*], of _____.

The questions of fact proponed to the jury, and their answers thereto, were as follows :—

Question 1. [*State it per sheriff's interlocutor.*]

Answer 1. [*State it per the recorded verdict of the jury.*]

* * * * *

The jury awarded damages to _____, and assessed the same at £ _____.

The sheriff on _____ pronounced the interlocutor, a copy of which is appended hereto.

The [*state party appealing*] appeals to the _____ Division of the Court of Session upon the ground [*here state the grounds conform to section 31 of the Act*].

- (a) That in the interlocutor complained of the verdict was erroneously applied.
- (b) That the verdict of the jury was contrary to evidence in respect [*here set forth clearly and succinctly the particulars in which it is alleged the evidence led and the verdict returned are inconsistent*].
- (c) That evidence was unduly admitted [*or rejected*] in regard to [*here set forth shortly the fact in regard to which the evidence was admitted or rejected*].
- (d) That the sheriff misdirected the jury in regard to [*here state shortly the point of law alleged to be misdirection*].
- (e) That the damages awarded by the jury were excessive.

M.P., pursuer [*or other party*],

or

X.Y. [*signature and business address*],

Agent for the

Appendix. [*Here copy interlocutor appealed against.*]

SECOND SCHEDULE.

Section 52.

Session and Chapter.	Short Title.	Extent of Repeal.
20 Geo. 2. c. 43	The Heritable Jurisdictions (Scotland) Act, 1746.	Section 29.
21 Geo. 2. c. 19	The Sheriffs (Scotland) Act, 1747.	Sections 10 and 11.

A.D. 1907.

Session and Chapter.	Short Title.	Extent of Repeal.
28 Geo. 2. c. 7	The Sheriffs (Scotland) Act, 1755.	The whole Act.
50 Geo. 3. c. 112	The Court of Session Act, 1810.	Sections 36, 37, 38, and 40, so far as these sections relate to Sheriff Court.
6 Geo. 4. c. 23	The Sheriff Courts (Scotland) Act, 1825.	Sections 1, 3, 4, 5, and 8, so far as these sections relate to civil causes in the Sheriff Court, and section 10.
6 Geo. 4. c. 120	The Court of Session Act, 1825.	Section 40, so far as relating to appeal for jury trial from Sheriff Court to Court of Session.
9 Geo. 4. c. 29	The Circuit Courts (Scotland) Act, 1828.	Section 22.
11 Geo. 4 and 1 W. 4. c. 69.	The Court of Session Act, 1830.	Sections 22, 23, 24, and 32, as also in section 33 the words "and all actions of separation a mensa et thoro."
2 & 3 W. 4. c. 65.	The Representation of the People (Scotland) Act, 1832.	Section 36, so far as relating to sheriff and sheriff-substitute.
1 & 2 Vict. c. 114.	The Debtors (Scotland) Act, 1838.	Section 19.
1 & 2 Vict. c. 119.	The Sheriff Courts (Scotland) Act, 1838.	The whole Act, except sections 25, 27, and 28, and section 31, so far as that section relates to courts other than Sheriff Courts.
16 & 17 Vict. c. 80.	The Sheriff Courts (Scotland) Act, 1853.	The whole Act, except section 34.
27 & 28 Vict. c. 106.	The Sheriffs Substitute Act, 1864.	The whole Act.
30 & 31 Vict. c. 96.	The Debts Recovery (Scotland) Act, 1867.	The whole Act.
31 & 32 Vict. c. 100.	The Court of Session Act, 1868.	Sections 65, 66, 67, 68, 69, 70, 73, and 79, so far as those sections relate to appeals from Sheriff Court.
33 & 34 Vict. c. 86.	The Sheriff Courts (Scotland) Act, 1870.	Sections 13 and 14.
38 & 39 Vict. c. 81.	The Sheriffs Substitute (Scotland) Act, 1875.	Sections 1 and 2.

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Vict. c. 70.	The Sheriff Courts (Scotland) Act, 1876.	Sections 4 to 25, both inclusive. Sections 27 to 34, both inclusive. Sections 46 to 52, both inclusive. Section 54, except in so far as it relates to commissary regulations. All the schedules.
40 & 41 Vict. c. 50.	The Sheriff Courts (Scotland) Act, 1877.	The whole Act.
52 & 53 Vict. c. 26.	The Small Debt Amendment (Scotland) Act, 1889.	Section 8.
61 & 62 Vict. c. 8.	The Sheriffs Tenure of Office (Scotland) Act, 1898.	The whole Act.

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