country, but in England. There can be no doubt, how­ever, that they had their origin in Scotland.@@1

The courts we have now adverted to comprehend the public and general courts of the kingdom, which have a public and general jurisdiction ; but besides these, there are, or rather were, some whose jurisdiction was limited to par­ticular sorts of causes only. We allude to the Court of Ex­chequer, and the ecclesiastical and maritime courts.

With respect to the first of these, the old Scotch court, composed of the treasurer and lords auditors of exchequer, was superseded at the union by a Court of Exchequer, com­posed of a lord chief-baron and four puisne barons ; and in addition to certain ministerial powers continued from the old court, it had the like authority, jurisdiction, and course of procedure as the Court of Exchequer in England, after which generally it was modelled. It was an absurdly large and ex­pensive establishment. It had comparatively nothing to do ; and as the judges might be, and some of them commonly were, English barristers, it never could be opened up, like the exchequer of England, to the ordinary law business of the country. Accordingly the barons were gradually reduced, and the business is now transacted by a lord of session sit­ting as a judge in exchequer.

The Commission of Teinds, which was first erected at the Reformation, was in like manner remodelled at the Union. It was formerly vested with powers for the planting of churches, assigning and modifying stipends, and the valua­tion and sale of teinds. But by a recent statute, all actions for the valuation or sale of teinds, all actions of suspension or reduction of localities, and all actions of declarator or re­duction connected with teinds, must be brought and decid­ed in the Court of Session.

In times of popery, causes ecclesiastical were tried by the archdeacon’s official, the bishop’s commissary, and the auditor or official principal of the province ; from which last an appeal lay to the pope, who generally determined the matter by commission. But at the Reformation, commis­saries named by tne crown were appointed in every com­missariat ; and a Commissary Court, with original and ap­pellate jurisdiction, was also established at Edinburgh, of which Sir James Balfour, the former official of St. Andrews, within the archdeaconry of Lothian, was the first chief- judge. The commissary courts continued till recent times, when the office of the local commissaries was abolished, and soon afterwards the Commissary Court of Edinburgh, their powers and jurisdiction being transferred to the Court of

Session, and, in as far as regards confirmation pf testaments, to the sheriff or county courts.

The jurisdiction of the Admiralty cannot perhaps be traced to an earlier period than the beginning of the sixteenth century, when the office of lord justiciar, who was of old the supreme judge in all manner of causes, became hereditary in the noble family of Argyll, and the authority of the Ad­miralty was also long very limited. It was confined to sea­faring causes, and in these it had no exclusive jurisdiction.@@2 The earliest collection of maritime laws in Scotland, is that contained in Balfour’s *Practicks,* and entitled “ The Sea Laws, collectit furth of the Actis of Parliament, the prac- tiques and lawis of Oberon, and the lawis of Wisbeig, and the constitutions of Francois, king of France, 1543, 1557.” This we conceive was the *Lib. Kintor.* referred to by Bal­four, and the work of David Kintore, then judge of the Admiralty. Towards the end of the same century, Alex­ander King, advocate, filled the same office ; and from the date of his *Treatise on Maritime Law,* apparently the first regular treatise on that branch of jurisprudence in Great Britain, the court of Admiralty rose into importance. By the act 1609, c. 15, it was declared a sovereign judicatory, and letters of homing were allowed on its decrees ; and the repu­tation of the court being afterwards sustained by a succes­sion of eminent judges, such as Acheson of Glencairney, Roberton of Beidlay, and Lyon of Carse, all of whom be­came lords of Session, it began to extend its jurisdiction generally to mercantile, and not, as before, to mere seafaring causes. The above act was then ratified by that of 1681, c. 16, by which the ground of the court was farther cleared and enlarged ; the admiral being now also styled the high ad­miral, and declared the king’s lieutenant and justice-gene­ral on the high seas. By a later statute, provision was made for a stated salary of L.100 to the judge of the Admiralty. This was renewed by the act 1704, c. 8; and by 26 Geo. III. c. 47, the salary was made L.400, which was afterwards rais­ed to L.800 a-year. The court, however, did not long en­joy this flow of prosperity By the 6 Geo. IV. c. 120, juris­diction in prize and capture was withdrawn, and vested in the Admiralty of England ; and by a later statute the court was altogether abolished, and its remaining jurisdiction trans­ferred to the Court of Session, and Sheriff courts ; the High Court of Justiciary having also previously re-acquired, as of old, a co-ordinate jurisdiction in crimes at sea.

An ancient species of exempt territory was that of *sanc­tuary.* The first of the sort were probably churches ; and

@@@’ The following table, from official returns, of causes brought for the five years preceding 1882, will give an idea of the working of the ordinary civil courts of the sheriffs in some of the principal counties.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Edinburgh | **Actions brought.**  6,782 | **Decreets in Absence.**  2,322 | **Litigated.**  2,248 | **Appealed to Sheriff-Depute.**  611 | **Taken to Court of Session or Justiciary.**  91 |
| Lanark, | 10,227 | 4,320 | 5,907 | 1,725 | 181 |
| Perth | 6,823 | 3,377 | 2,971 | 887 | 85 |
| Aberdeen, | 6,033 | 3,777 | 2,256 | 543 | 71 |
| Forfar | 3.531 | 1,636 | 1,823 | 298 | 7 |
| Argyle | 3,033 | 1,580 | 679 | No return. | 9 |
| Ayr, | 2,764 | 938 | 1,826 | 1,461 | 54 |
| Dumfries, | 2,653 | 1,420 | 1,233 | No return. | 47 |
| Fife | 2,442 | 1,1083 | 1,596 | 382 | 34 |
| Inverness, | 2,385 | 1,413 | 801 | 232 | 28 |

The following table, from official returns, will show the working of the small debt courts, and at the same time point out the prefer­ence given to the sheriff, or to the justices of the peace, in the counties named.

*Number of Small Debt Causes decided in the year* 1832.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Edinburgh,.. | **By the Justices.**  9,254 | **By the Sheriff.** 4,055 | Argyle, | **By the Justices.**  338 | **By the Sheriff.** 1,133 |
| Lanark, | 9,001 | 11,182 | Ross | 190 | 1,320 |
| Aberdeen,... | 2,322 | 2,769  2,093 |  | 141 | 1,531  224 |
| Forfar, | 1,767 | Clackmannan,... | 21 |
| Perth, | 993 | 1,543 | Haddington, | 2 | 282 |

@@@\* See Leg. Burg. c. 27; Pitcairn's Criminal Trials, vol∙ i. part i∙ p. 129, and part ii. p. 83; and A. S., 16th January **1554.**