*Statistical Table of the Judicature of Scotland.*

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Circuits. | | Assize Towns since 1672. c. 16. | Shires. | Area  square  miles. | Popula­  tion,  1831. | Number  of  Sheriff  Substi­  tutes. | Court Places. | Number  of  Procu­rators in each. | Number of ordinary ac­tions brought into Sheriff Court, 1828-1832. | Number of causes advo­cated and appealed to Justiciary. |
| The Lothians, or Home  Circuit,... |  | Edinburgh,... | Edinburgh,  Haddington,  Linlithgow,....  Bathgate, **J**  Berwick, | 360  250  112  446  715  360  263  1800 | 219,345  36,145  23,291  34,048  43,663  10,578  6,833  73,770  40,590  36,258  145,058  316,819  133,443  33,211 | 2  **1**  **1**  1 | Edinburgh,  Haddington  Linlithgow,....  Berwick,  Roxburgh,  Peebles, | 19 | 523  898  1302 | 11  7  9 |
|  |  | Jedburgh,... | Roxburgh, | 1 |  | 1189  129  135 | 9 |
|  |  | Peebles, | 1 |  | 2 |
| Southern |  |  | Selkirk, | 1 |  |  | 5 |
|  | Dumfries,... | Dumfries, | 1 | Dumfries,  Kirkcudbright,  Wigton,  Ayr |  | 2653 | 47  4 |
| Circuit,... |  | Kirkcudbright,... Wigton, | 882  451  1600 | 3  1 | 8  40  193 | 538  2764  10,227  2400  1014 |
|  | . | Ayr, | Ayr, | 1 | 54 |
|  |  | [ | Lanark, | 870 | Glasgow,  Lanark, |
|  |  |  | 4 | Lower Ward,..  Hamilton,  Renfrew, |  | 181 |
| Western Circuit,... | | Glasgow,.... | Renfrew, | 241  230 | 2 | 27 |
|  |  |  | Dunbarton, | 1 | Greenock,...... Dunbarton,.... | **27**  9 |  |

of the law, (1424, c. 45); and it appears that persons so de­signated were formerly’ in every court of the kingdom, (1424, c. 45, 1429, c. 11G—125.) The term was used synonymously with procurators ; and at the institution of the Court of Session both terms were applied together, (1537, c. 64.) The sheriff court of Aberdeen was the ear­liest county court regulated subsequent to the erection of the Court of Session ; and in the act of court then passed, the two names were used promiscuously. Hence has arisen the common use of the style of advocate ; but the advocates of Aberdeen form no part of the proper bar of Scotland, any more than the practitioners of any of the local courts what­soever. The entry of procurators of Edinburgh was not re­gulated by the sheriff till 1765, and for fifteen years more they remained unincorporated. It was still later before the procurators of Glasgow were erected into a corporation ; and it was not till above thirty-five years ago that the pro­curators of Paisley were incorporated.

We have now a word or two to say with respect to the garb of the profession. The proper habit of the bar is the long robe which now characterises the profession, and which seems to have been adopted by the advocates of the College of Justice as the ecclesiastical array. Anciently, however, a sort of cloak or tabard of green was worn, (1455, c. 45.) which colour it will be recollected, was symbolical of learn­ing amongst the ancient Britons ; and accordingly that class of their priesthood called *Ovats,* and who professed the liberal arts, wore habits of green. In the burgh court of Edinburgh the cloak was worn till the beginning of the se­venteenth century, when the procurators were required to wear gowns instead.

It remains to advert shortly to the executive officers of the law. These are, properly speaking, the sheriffs in their respective counties, and the magistrates in the burghs ; and in the criminal warrants of the superior courts this is clear. But the ordinary civil process of the Court of Session is exe­

cuted by the messengers and other officers at-arms ; and the like process of the sheriff and bailie courts is executed by the sheriff and burgh officers respectively. The messengers- at-arms amount to upwards of two hundred in number, and are distributed throughout the different shires and districts of the kingdom. They are all associated, however, under the Lyon herald, king of arms, who, as head of the office or college of arms, has authority and jurisdiction over all the members and officers of the establishment. In this respect the Lord Lyon may be regarded as essentially at the head of the civil branch of the executive department of the law ; and accordingly it might deserve consideration whether it would not be expedient, with a view at once to give unity of management to the entire department, and also to relieve the sheriff of all but judicial duties, to devolve upon the Lord Lyon and his officers the execution of process of every kind, and the whole ministerial powers of the sheriff, in as far as these are executive, or auxiliary to the courts of law.

In order to give a clear and concise view of the manner in which justice is distributed throughout Scotland by means of the circuit courts of justiciary, and the courts of the sheriffs- depute and sheriffs-substitute, not including the burgh and justice of peace courts, the following Tables are subjoined.

The great divisions of the realm in early times were Lo­thian, Galloway, and Scotland. In the first of these, justice- ayres were holden at Edinburgh, Peebles, and soon after­wards Glasgow ; and if we credit the *Reg. Mag.* lib. ii, c. 20, the *loca capitalia Scotiœ* were, Scone for Gowry, Cluny for Stormonth, Rait for Athole, Dalguish for Fife, Perth for Strathearn, Forfar for Angus, Aberdeen for Mar and Buchan, and Inverness for Ross and Moray. The judicial districts assigned by king Edward I., in 1305, were Lothian, Gal­loway, beyond the Forth to the Grampians, and beyond the Grampians. At the institution of the Court of Session in 1532, the realm was divided, for the purposes of civil judi­cature, into four quarters, as follows :—

Forfar, Kincardine, Aberdeen, Banff, Elgin, Forres, Naim, Inverness, Cromarty.

Edinburgh, Haddington, Linlithgow, Berwick, Roxburgh, Peebles, Selkirk,

Dumfries, Annandale, Kirkcudbright, Ayr, Wigton, Lanark, Renfrew, Stirling,

Dunbarton, Argyle, Bute, Clackmannan, Kinross, Fife,

Perth.

By 1587, c. 82, the realm was divided, for the purposes of criminal judicature, into four quarters, of seven shires each, but these are not stated.