spect to the latter, viz., the Celtic judge, we have not traced him to a later period than the beginning of the fourteenth century. He was in all probability extinguished during king Edward’s invasion of Scotland in the unhappy times which followed on the death of king Alexander the Third. The sheriff was then universally established ; and as that officer engrossed to himself the functions both of the judge and mair, the former disappeared entirely from our annals, whilst the latter gradually degenerated into the sheriff's officer, with whom, accordingly, he is, to the present day, found mixed up in some of the northern counties.

The most ancient sheriff was certainly the *comes* or earl. There is no direct evidence to that effect, however ; and from a remote time, the officer so called was the *vice-cornes.* The office was not a century in existence amongst us, when, falling into the hands of the great local proprietors, it be­gan to descend to heirs with the paternal estate. The she­riffship of Ayr, which was erected in the year 1221, out of the bailiaries of Kyle, Carrick, and Cuningham, was from the first hereditary. It is not surprising that the hereditary *vice-cornes* should soon cense to perform in person the duties of his office; these were accordingly devolved on a deputy or *sub-vice-comes.* The earliest officer of this sort we have met with, is *Alan de Pilch,* or Alan of the hairy garment, sub-vice-comes de Inverness, temp. Robert I.;@@1 but sheriff- deputes are mentioned much earlier,@@1 and to such an extent was the abuse of deputation carried, that in some counties, that of Cromarty for instance, the district was partitioned into various deputy-sheriffships, and individuals appointed, such as officers of the army, medical men, and others, in situations of life perfectly incompatible with the due dis­charge of the office. The office also in many instances be­came hereditary; and another was required to execute the active duties of the place, or *pro-sub-vice-cornes.* Thus, at the time of the jurisdiction act in 1747, there were in most or all of the counties, omitting the *comes,* count or earl, a sheriff-principal or high sheriff, and sheriff-depute, and a sheriff-substitute. All these were continued by the above act; but the judicial powers were confined to the two last, whose duties and qualifications have also been repeatedly regulated. It would undoubtedly have been more agree­able to principle, however, to have abolished offices which grew out of the abuses of the times, and assigned to every sheriff a reasonable district in respect of extent and popu­lation, with constant residence therein, and the exercise of judicial functions only. In determining the number, cha­racter, and situation of courts in a country, the great pro­blem evidently is, so to distribute them as to secure two things, namely, to bring justice home to every man’s door, and to mature a sound and fixed system of jurisprudence. In England, the latter object appears to have been princi­pally regarded since the days of Edward the First, before whose time England and Scotland were equally distinguish­ed for their local courts. But what, we may ask, avails the best system of law, if it be remote or difficult of access ? The end is in such case sacrificed to the means; and a mul­titude of petty courts, with a few practitioners in each, would prove the ruin not only of the legal profession, but of the law itself.

The sheriff-principal, or high sheriff, is lord lieutenant of his county, and appointed at pleasure by the crown. The sheriff-depute, so called, is also appointed by the crown ; but he is quite independent of the high sheriff. He must be an advocate of at least three years’ standing; he holds his office during life, or good behaviour; and he receives a salary, va­rying, according to the shire, from L.350 to L.1200 a-year. The sheriff-substitute must be of the profession of the law,

though not necessarily a member of the bar. He is named by the sheriff-depute of the shire, but paid by the crown, and is otherwise an independent officer. In every county there is a high sheriff or lord lieutenant. The same may be said of the sheriff-depute, except as to the united shires of Clackmannan and Kinross, Elgin and Nairn, Ross and Cromarty. Ross, Sutherland, and Caithness, were origi­nally parts of the great shire of Inverness; but in the seven­teenth century they became disjoined, and were erected in­to separate shires. By the jurisdiction act, however, Ross was put under the same sheriff with the ancient shire of Cromarty, and has continued so ever since. Sutherland and Caithness were then also re-united; but in 1806 these were again separated. Kinross was originally part of Fife; but it was afterwards separated, then re-united, and in 1807 disjoin­ed again, and united to Clackmannan. With respect to the sheriff-substitute, in every shire there is at least one ; but Edinburgh, Fife, Forfar, Perth, Renfrew, and Sutherland, have each two, Kirkcudbright and Argyle have each three, Lanark and Inverness have each four, and in one of the dis­tricts of Ross there is a sort of assistant substitute.

The jurisdiction of the county courts was originally most extensive ; and as to civil suits in particular, there seems to have been scarcely any limitation. It was the policy of the Court of Session, however, to make itself the great law court of the kingdom ; and as it gradually absorbed the civil jurisdiction of the justiciary, so, by a bold stratagem, it stripped the sheriff of all power to decide upon questions of real property. Such questions were formerly tried under the brieve of right, a judicial writ so named, because is­sued to try what was esteemed the highest right, that of pro­perty in land ; and it is clear that this brieve was *in viridi observantia,* and competent to sheriffs, till within a very few years of the institution of the Court of Session. This is clear from the act 1503, c. 95, which was passed to regu­late it; and it is familiarly referred to by the poet Dunbar, in his Dance of the Seven Deadly Sins, where, speaking of the occupations of the damned, he says,

**“ Nae minstrels playit to them bot doubt,**

**For glee-men there were holden out**

**Be day and eik be night,**

Except a minstrel that slew a man :

**Swa tith his heritage be wan,**

**Entering be *brieve of right !”***

Yet the Court of Session was scarcely established, when it boldly adjudged this brieve “ nocht to have bene, nor yet to be thir mony yeires in use ;”@@3 and having thus, by re­pressing the writ, ousted the sheriff of his real jurisdiction, Boon took it to itself exclusively,@@4 by letters prepared for the court in its own Bill-chamber. The sheriff, however, still continued competent to possessory actions ; and by a recent statute, his jurisdiction has even extended to all actions and proceedings relative to nuisance or damages, arising from an undue exercise of the right of property, and also to ques­tions touching the constitution or exercise of real or judicial servitudes, which is so far a restoration of his ancient powers. Besides the ordinary jurisdiction, civil and criminal, of the county court, the sheriff is empowered to decide summarily in questions of debt, when the sum in dispute does not ex­ceed eight pounds. These small debt courts were insti­tuted in 1825, with a view to extend and improve the like jurisdiction, which had been conferred upon justices of the peace about thirty years before. The summary redress which such courts afford is of the greatest benefit to trade and to good neighbourhood, in consequence of the little sa­crifice of time, money, and feeling they require ; and they are accordingly now extensively established, not only in this

**@@@1 Robertson’s Index, p. 29.**

**@@@, Stat. Will. c. 14. Stat. Alex. II. c. 14.**

**@@@» Skene *voce* Breve de recto.**

**@@@4 Bishop of Aberdeen *v*. Ogilvy, 3d July 1563.**