

only to the Lord of Justiciary. Which last assertion is agreeable to our Law Reg. Majest. lib. 1 cap. 1 n. 889. In a trial of one before the Stewart of Fife and brought for sheep stealing, was he vocated to the Justices upon this ground, that the Stewart could Judge a thief only when taken Red hand, and not upon Citation. August; 1670 John Allan. Decr 29 November 1693 John Robert & W. Ham Jameson. However Sheriff's are to sustain themselves Judges of the Court upon Citation, when the Sheriff is taken with a party to sit upon a party, way of citation.

being Account Spuilzies and Expressly allowed to be pursued before the Sheriff act 65 Stat. 6. J. A it would seem that Spuilzies regularly fall not under his Commission for this Reason: Because Damages and Spuilzies may be taxed by an oath in litem, which being Nobilis officij cannot be administered by any inferior Judge and far less can be Modified by such a Judge as the 20 observ. on ch. act. 65.

Sherrifs account in Exchequer for the Escheats of persons condemned in their courts they appear yearly in the Month of July in Exchequer to make their Accounts and full payment Agree with the Rolls, so far as they submitted or might have submitted by or thro' of their office, act 9 6 Parl. 7 J. 5 act 124 Parl. 12 J. 6. And the Sheriff and his Deputy may be charged or pointed conform to the Responde book for what they are found in arrears to his Majesty; or the parties to whom precepts were given, notwithstanding the Sheriff's discharge to produce, may be distressed in like manner; or both they and the Sheriff may be Justly put to it for payment act 7 3 Parl. 1 J. 6.

Sherrifs or their Deputies and their officers, are bound to Meet and receive the Circuit Judges, at their Entry into their respective Shires; to Convey and Accompany them during their stay there; to cause sufficient legal Men appear be

fore them to be assessors and witnesses and, to give all due Respect to them and such Special assistance as their office obliges them to when Required by the said Judges. But no Sheriff by himself or his Deputies or his officers, is obliged to attend the said Judges at any house or place out of the bounds of the respective County whereof such person is Sheriff, except at the place and during the time where the several Circuit courts of the respective Districts are held as Anne cap. 16 51.

The Sheriff fiars being of use to liquidate the price of Victual in process, and their being a General Complaint of the Careless and Arbitrary procedure of Sherrifs in striking and giving out the fiars, and of the Intere Neglect in some of them to strike the fiars; the Lords of Session Required and appointed the Sherrifs of Scotland and their Deputies yearly betwixt the fourth and twentieth days of february to summon before them a competent number of persons living within the shire, who have knowledge and Experience of the prices and trade of Victual in these bounds; and from them to Choose 15 Men whereof 3 shall be heritors to pass upon an Inquest and Return their Verdict on the Evidence Underwritten, or their own proper Knowledge Concerning the fiars for the preceding Crop of every kind of Victual of the price of that shire. The said Sherrifs and their Deputies are also Required to summon the proper witnesses and produce them and all other good Evidence before the Jury, Concerning the prices at which the several sorts of Victual have been bought and sold, especially since the first of November immediately preceding until that day, and concerning all other good ground and Arguments from whence it may be Rationally Concluded by Men of Skill and Experience what ought to be established as the Just fair prices for the said Crop; and any