



Criminal Procedure (Scotland) Act 1887

1887 CHAPTER 35 50 and 51 Vict

An Act to simplify and amend the Criminal Law of Scotland and its Procedure and to alter the Constitution of the Justiciary and Sheriff Courts in Scotland. [16th September 1887]

Modifications etc. (not altering text)

C1 Preamble omitted under authority of [Statute Law Revision Act 1908 \(c. 49\)](#)

1, 2. ^{F1}

Textual Amendments

F1 Ss. 1, 2, 4–44 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

3 Procedure on resignation, death, or removal of Lord Advocate.

The Lord Advocate and his Deputes shall not demit office on the resignation of the Lord Advocate, but shall continue in office until their successors respectively receive their appointments, and the Lord Advocate shall enter upon the duties of his office immediately on receiving his appointment, and may take the oaths of office before any Secretary of State or any Lord Commissioner of Justiciary; . . . ^{F2}

Textual Amendments

F2 Words repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

4–44. ^{F3}

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Criminal Procedure (Scotland) Act 1887 (repealed 1.4.1996). (See end of Document for details)

Textual Amendments

F3 Ss. 1, 2, 4–44 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

45 ^{F4}

Textual Amendments

F4 S. 45 repealed by [Judges' Remuneration Act 1965 \(c. 61\)](#), [Sch. 3](#)

46 **Sittings of High Court.**

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Textual Amendments

F5 S. 46 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1](#)

47— ^{F6}

76.

Textual Amendments

F6 Ss. 47–76 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

77 ^{F7}

Textual Amendments

F7 S. 77 repealed by [Statute Law Revision Act 1908 \(c. 49\)](#)

78 **Short title.**

This Act may be cited as the Criminal Procedure (Scotland) Act 1887.

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SCHEDULES

SCHEDULE A

Examples of Indictments

A.B. (*name and address, that given in the declaration being sufficient*), you are indicted at the instance of J. H. A. M. (*name of Lord Advocate*), Her Majesty's Advocate, and the charge against you is that on 20th 188 , in a shop in George Street, Edinburgh, occupied by John Cruikshank, draper, you did steal a shawl and a boa . . . ^{F8}

Textual Amendments

F8 Words repealed by [Criminal Justice \(Scotland\) Act 1949 \(c. 94\)](#), [Sch. 12](#)

. You did rob Charles Doyle, a cattle dealer, of Biggar, Lanarkshire, of a watch and chain and seven shillings and fourpence of money.

. You did break into the house occupied by Andrew Howe, banker's clerk, and did there steal twelve spoons, a ladle, and a candlestick.

. You did force open (*or attempt to force open*) a lockfast cupboard, and did thus attempt to steal therefrom.

. You did place your hand in one of the pockets of Thomas Kerr, commercial traveller, 115 Main Street, Perth, and did thus attempt to steal.

. You did assault Lewis Mann, station-master at Earleston, and compress his throat and attempt to take from him a watch and chain.

. You did, while in the employment of James Pentland, accountant, in Frederick Street, Edinburgh, embezzle forty pounds fifteen shillings of money.

. You did, while acting as commercial traveller to Brown and Company, merchants in Leith, at the times and places specified in the inventory hereto subjoined, receive from the persons therein set forth the respective sums of money therein specified for the said Brown and Company, and did embezzle the same (*or did embezzle forty-seven pounds of money being part thereof*).

. You did pretend to Norah Omond, residing there, that you were a collector of subscriptions for a charitable society, and did thus induce her to deliver to you one pound one shilling of money as a subscription thereto, which you appropriated to your own use.

. You did reset a watch and chain, pocket book, and fifteen pounds eleven shillings of money, the same having been dishonestly appropriated by theft or robbery.

. You did utter as genuine a bill, on which the name of John Jones bore to be signed as acceptor, such signature being forged by (*here describe in general terms how the bill was uttered, and add where the bill is produced*), and said bill of exchange is No. of the productions lodged herewith.

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. You did utter as genuine a letter bearing to be a certificate of character of you, as a domestic servant, by Mary Watson, of 15, Bon Accord Street, Aberdeen, what was written above the signature of Mary Watson having been written there by some other person without her authority by handing it to Ellen Chisholm, of Panmure Street, Forfar, to whom you were applying for a situation (*here add when the letter is produced*), and said letter is No. of the productions lodged herewith.

. You did utter a cheque signed by Henry Smith for eight pounds sterling, which had been altered without his authority by adding the letter Y to eight and the figure 0 to figure 8, so as to make it read as a cheque for eighty pounds sterling, by presenting such altered cheque for payment to Allen Brown, cashier of the Bank of Scotland at Callander (*here add when the cheque is produced*), and said cheque is No. of the productions lodged herewith.

. You did, when examined in bankruptcy before Hubert Hamilton, Esquire, Sheriff Substitute of the Lothians, depone (*here state the general nature of the false statement*) in order to defraud your creditors.

. You did, having been on the 20th March 1881 declared bankrupt conceal property consisting of (*here state generally the property concealed*) falling under your sequestration, in order to defraud your creditors, by burying it in the garden of your house in Troon Street, Kilmarnock, (*or by removing it to the house of James Kidd, your son, No. 17 Greek Street, Port Glasgow*).

. You did set fire to a warehouse occupied by Peter Cranston in Holly Lane, Greenock, and the fire took effect on said warehouse, and this you did wilfully (*or culpably and recklessly*).

. You did set fire to the shop in Brown Street, Blairgowrie, occupied by you, with intent to defraud the Liverpool, London, and Globe Insurance Company, and the fire took effect on said shop.

. You did, being employed under the Post Office, open a post letter contrary to the Act 7 Will. 4 & 1 Vict. c. 36, s. 25.

. You did assault Theresa Unwin, your wife, and did beat her and did murder her.

. You did stab Thomas Underwood, baker, of Shiels Place, Oban, and did murder him.

. You did administer poison to Vincent Wontner, your son, and did murder him.

. You did strangle Mary Shaw, millworker, daughter of John Shaw, residing at Juniper Green, in the county of Midlothian, and did murder her.

. You were delivered of a child now dead or amissing, and you did conceal your pregnancy and did not call for use assistance at the birth, contrary to the Act 49 Geo. III. c. 14.

. You did assault Hector Morrison, carter, of 20 Buccleugh Street, Dalkeith, and did beat him with your fists and with a stick, and did break his arm.

. You did ravish Harriet Cowan, mill worker, of 27 Tweed Row, Peebles.

. You did attempt to ravish Jane Peters, servant, at Glen House, near Dunbar.

. You did, when acting as railway signalman, lower a danger signal and allow a train to enter on a part of the line protected by the signals under your charge, and did cause a collision, and did kill William Peters, commercial traveller, of Brook Street, Carlisle, a passenger in said train.

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. You formed part of a riotous mob, which, acting of common purpose, obstructed A.B., C.D., and E.F., constables of the Forfarshire constabulary on duty, and assaulted them, and forcibly took two persons whom they had arrested from their custody.

. You did, being the lawful husband of Ellen Hargreaves, of 20 Teviot Row, Edinburgh, and she still being alive, bigamously marry Dorothy Rose, a widow, of 7 Blacks Row, Brechin, and did cohabit with her as her husband.

. You being sworn as a witness in a civil cause, then proceeding in the Sheriff Court, deponed (*here set forth the statements said to be false*) the truth as you knew being that (*here state the true facts*).

. You did suborn James Carruthers, scavenger, 12 Hercules Street, Edinburgh, to depone as a witness in the Sheriff Court of Edinburgh, that (*here set forth the statements said to be false*), and he did, (*time and place*) depone to that effect, the truth as you knew being (*here state the true facts*).

. You did deforce John Macdonald, a sheriff officer of Renfrewshire, and prevent him serving a summons issued by the sheriff of Renfrewshire upon Peter McInnes, market gardener in Renfrew.

^{F9F9}SCHEDULES B, C

Textual Amendments

F9 Schs. B, C repealed by S.I. 1981/1766, para. 2(2)

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SCHEDULE D

Citation to the following persons:—

A.B.

C.D.

E.F.

to attend the sitting of the High Court of Justiciary at Perth on the 25th March 1887, as witnesses in the case against *G.H.* was duly made by me by delivering to or for each of them a notice of citation.

Peter Johnstone, Police Constable of Perthshire.

SCHEDULE E

Citation to—

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A.B.

C.D.

E.F.

to attend the sitting of the High Court of Justiciary at Perth on 25th March 1887 as jurors, was duly made by me by forwarding to each of them through the Post Office by registered letter, a notice of citation.

John Thomas, Sheriff Clerk of Perthshire.

F10F10 SCHEDULES F, G

Textual Amendments

F10 Schs. F, G repealed by Criminal Justice (Scotland) Act 1980 (c. 62, SIF 39:1), **Sch. 8**

F10

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SCHEDULE H

The sheriff, in respect of the above modified plea of guilty (*or in respect the circumstances make it desirable that the sentence to be pronounced should be determined by the Sheriff of.*), adjourns the case to the second diet of compareance.

Patrick Blair.

SCHEDULE I

At Edinburgh the 5th March 1888, the said *A.B.* having been called on to plead to the foregoing indictment pleaded guilty (*or pleaded not guilty, or pleaded guilty of attempt to commit the crime charged, and quoad ultra not guilty, or pleaded not guilty, and further pleaded specially that at the time the crime charged is said to have been committed he was of unsound mind or insane, or otherwise as the case may be*).

James A. Crichton.

SCHEDULE K

At Dumfries the 14th day of April 1888, the said *A.B.* stated objections to (*here state generally the nature of the objections*) which are hereby reserved for the consideration of the court at the second diet.

David Boyle Hope.

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SCHEDULE L

A.B., take notice that the Crown Agent has received intimation that you intend to plead guilty to the charge on which you have been committed for trial, and that you will have to compear before the Sheriff of Lanarkshire within the Court House at Glasgow upon the of 188 to answer to the indictment to which this notice is attached.

James Scott, Warder, Prison of Glasgow.

SCHEDULE M

The Sheriff remits the said *A.B.* to the High Court of Justiciary for sentence on the foregoing plea of guilty.

Robert Berry.

SCHEDULE N

A.B., take notice that you will have to compear before the within the court house at to answer to the indictment which has already been served upon you, on the day of at o'clock.

Served on the day of 188 by me.

Harry Spiers, witness. James Leishman,

Macer.

SCHEDULE O

Section 50.

A.B., take notice, that the High Court of Justiciary has postponed the second diet on the indictment served on you, and that you will have to compear before the said court within the court house at on the day of at o'clock, and the list of jurors for such postponed diet, is in the office of the sheriff clerk of at

Served on the day of 188 by me.

Adolphus M. Ross,

George Purves, witness. Macer.

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SCHEDULE

P.....
F11

Textual Amendments

F11 Sch. P repealed by [Circuit Courts and Criminal Procedure \(Scotland\) Act 1925 \(c. 81\)](#), **Sch.**

Status:

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Changes to legislation:

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