

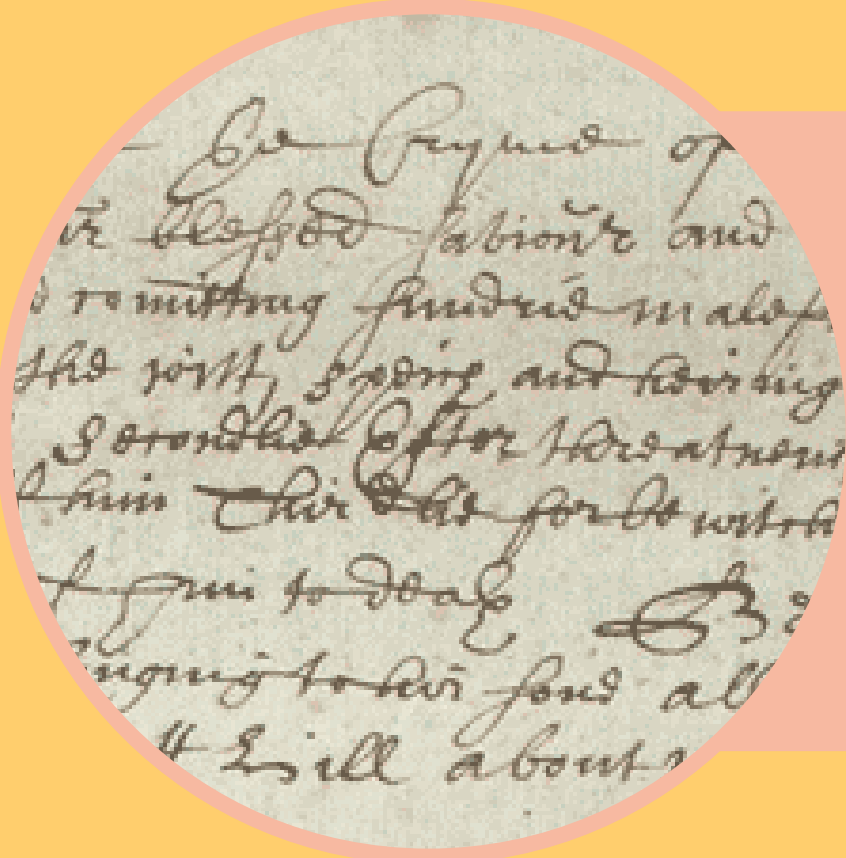
STRANGE FACTS

FROM THE HISTORY OF
SCOTTISH LAW



Law under the elements

In medieval times, Scotland's courts used to meet outside. Mercat crosses (crosses marking the market place of a burgh), moors, standing stones, monuments and hills were all used to hear legal cases. A brave choice, given Scotland's weather!



Roll call

The list of people drawn up for indictment before the courts was once called the "porteous roll", which comes from the same French root as "port" and "portable" - the list was drawn up by the justice clerk and 'ported' to the local area so that the accused could be summoned to court.



No food for thought

Juries have also historically not been allowed food or water during their deliberations, and not to leave until they arrive at a verdict. One Lord Justice Clerk recalls that some juries were given beer to sustain them instead! Nowadays, juries are permitted to break for lunch.



Clean lines

Historically the jury used to declare someone “fylit” (fouled), “culpable” and “convict” or else “clensit” (clean) or “acquit”. Now they can choose between “guilty”, “not proven”, or “not guilty”.



Rhyme time

Medieval juries (or assizes) swore an oath that was more like a rhyme:

“We shall leil suith say,
And na suith conceal, for naething we may
So far as we are charg'd upon this assise
Be God himself, and be our part in Paradise
And as we will answer to God upon
The dreadful day of dome.”



Handy dandy

A circuit court with no cases for trial is known as a 'maiden court'. When this happens, the presiding judge is given a pair of highly ornamented white gloves, and the sheriffs, advocates, and officers of the court also receive gloves.



Lease of luck

In 1830, rented properties in Scotland were recorded as being of periods of seven, eleven, thirteen or nineteen years, and supposedly these odd-numbered lease periods were meant to keep away bad luck.



Times a-changing

Until 1600, the year started on the 1st March; an act of council from the 17th December 1599 changed it to the 1st January.

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'Roll call':

<https://www.scottishhandwriting.com/posers/305Q.asp>

'Handy dandy':

<https://collections.vam.ac.uk/item/O77421/pair-of-gloves-unknown/>