



Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

V.—JURY TRIAL

35 Form of bill of exceptions; evidence need not be set forth at length in the bill.

The bill of exceptions (which may be subsequently prepared, and of which notice shall be given as in the case of a motion for a new trial,) shall consist of a distinct statement of the exception or exceptions so noted, with such a statement of the circumstances in which the exception or exceptions were taken (including, if necessary, a statement of the purport of the evidence, or extracts therefrom, so far as bearing upon such exception or exceptions, but without any argument,) as, along with the record in the cause, may enable the Court to judge of such exception or exceptions; and, unless the party excepting shall choose, or the judge at the trial, or the Court at the discussion of the bill, shall so direct, it shall be unnecessary to print or submit to the Court the notes of evidence or the documentary evidence adduced at the trial; and when such notes and documents are submitted to the Court, they shall form no part of the bill of exceptions; and in discussing a bill of exceptions it shall be competent for either party to refer to the record, and to every document produced and put in evidence at the trial, and the notes of evidence at the trial may be produced and founded on at any time.

Modifications etc. (not altering text)

C1 Ss. 15–44 repealed (S.) by [Court of Session Act 1988 \(c. 36, SIF 36:1\)](#), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in [Sch. 2 Pt. II](#) of that Act)

Changes to legislation:

There are currently no known outstanding effects for the Court of Session Act 1868, Section 35.