



Courts Act 1672

1672 CHAPTER 40

CONCERNING THE SESSION

1^{F1}

Textual Amendments

F1 Concerning the Session Art. 1 repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\), Sch. 1](#)

2—17.^{F2}

Textual Amendments

F2 Concerning the Session Arts. 2–17 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

18^{F3}

Textual Amendments

F3 Concerning the Session Art. 18 repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\), Sch. 1](#)

19 That Decreits in foro contradictorio befor the Lords of Sessioun be not again suspended vpon reasouns competent to have been proponed or which wer repelled in the former Decreit And to the effect it may be knowne with the least expence what Decreits are in foro That the Keeper of the minute booke make vp a Booke of the Decreits in foro according as the same shall each day be given in to him by the Clerks expressing the names of all the defenders for whome their is Compearance . . .^{F4} And where there is once Compearance for any pairty and Defences proponed the Decreit

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shall be holdin as done in foro and all the dispute proponed by the Advocats shall be insert therin Albeit the advocat theraftir past from his Compearance . . . ^{F4}

Textual Amendments
F4 Words repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

20— ^{F5}
24.

Textual Amendments
F5 Concerning the Session Arts. 20–24 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

25 ^{F6}

Textual Amendments
F6 Concerning the Session Art. 25 repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

26— ^{F7}
30.

Textual Amendments
F7 Concerning the Session Arts. 26–30 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

31 ^{F8}

Textual Amendments
F8 Concerning the Session Art. 31 repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

32 That the Keipers of the generall registers of horneings and Inhibitions and of Seasings and Reversious . . . ^{F9} be carefull to booke all horneings Inhibitions Interdictions Seasings Reversions and others registrat by them And that they make exact minute bookes relateing to the saids Registers these of horneings Inhibitions and Interdictions containing the names Sirnames and designations of the Parties principall and Cautioners And these of seasings Reversions and others appointed by the act of Parliament to be registrat in that Register containing the names and designations of the pairties and the common designation of the Lordshipe Barrony or Tennendry of the severall lands mentioned in the writ And that the Clerk of Register or any whome he shall appoint every quarter of the yeir compare the minut bookes with the generall Registers and subscribe the Minute bookes at the collationing of the same . . . ^{F9} Whilke

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minute bookes respective forsaides alsweill for the space of fourtie yeires bygone as in tyme comeing the Clerk shall be obleidged to make patent to all his Maiesties leidges whensoever they shall desire to sie the same . . . ^{F10}

Textual Amendments

- F9** Words repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)
- F10** Words repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

33 ^{F11}

Textual Amendments

- F11** Concerning the Session Art. 33 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

CONCERNING THE JUSTICE COURTS

Seing Causes Criminall are of the greatest importance and may extend to the lives and liberties of any of his Maiesties Subjects and their persones and fortunes And Seing the punishment of Crimes is of the greatest consequence for the safety and security of his Maiesties persone and authoritie and the Peace and Quietnes of the Kingdome And therfor matters Criminall ought to be determined in the most solemn exact and regular way that the Loyall and Innocent may be in full security and offenders may be punished either in the most publict places of the Kingdome or in the Places where the Crimes have been committed to terrifie others from the like That whereas formerlie assessors from time to time wer appointed to the Justice generall in matters of Importance which being ambulatory cannot be soe convenient as if all the members of that Court wer settled and choysen by his Maiestie of fitt persones who might make it their worke to make a just and constant procedure in matters Criminall

1 For that effect that . . . ^{F12} the Lords of Session be joyned to the Justice-Generall and Justice-Clerk and all of them invested with the same and equal power and Jurisdiction in all Criminall Causes That the Justice-Generall being present preside and in his absence the Justice Clerk and in absence of both that these present elect one of their number to preside . . . ^{F12}

Textual Amendments

- F12** Words repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

2 ^{F13}

Textual Amendments

- F13** Concerning the Justice Courts Art. 2 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

Changes to legislation: There are currently no known outstanding effects for the Courts Act 1672. (See end of Document for details)

3 F14

Textual Amendments
F14 Concerning the Justice Courts Art. 3 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

4 That for the splendour of that Court all the Judges sitt in red robes faced with white that of the Justice Generalls being lined with Ermine for distinction from the rest

5 F15

Textual Amendments
F15 Concerning the Justice Courts Art. 5 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

6 That it be left and recommended to the Judges of that Court to regulat the inferior officers therof and order every other thing concerning the said Court

7 That a convenient roome be appointed for their meittings Benches for the Judges a place for the Justice generall more eminent then the seats of the other Judges That the Advocats Clerk Assize and Pannells have distinct places appointed to them

8 F16

Textual Amendments
F16 Concerning the Justice Courts Art. 8 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

9 F17

Textual Amendments
F17 Concerning the Justice Courts Art. 9 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

10 F18

Changes to legislation: There are currently no known outstanding effects for the Courts Act 1672. (See end of Document for details)

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Textual Amendments

F18 Concerning the Justice Courts Art. 10 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. 1](#)

11

That when any Criminall libell or summons of Exculpatione are given and execute against any pairty that at the same time Lists of the witnessis to be adduced for proveing of the said lybell and summons . . . ^{F19} be also given to them To the effect the Party may know what to object against the saids witnessis . . . ^{F19} and may take furth diligences for summoning of witnessis for proving of their objections why any contained in the saids Lists should not be admitted to be a witness . . . ^{F19}

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Textual Amendments

F19 Words repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

CONCERNING THE EXCHEQUER

1—4. ^{F20}

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Textual Amendments

F20 Concerning the Exchequer Arts. 1–4 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Courts Act 1672.