



Jury Trials (Scotland) Act 1815

1815 CHAPTER 42 55 Geo 3

29 View.

When it shall appear that it will be proper and necessary that the jurors who are to try such issues as aforesaid should have the view of the houses, lands, or places, in question, in order to their better understanding the evidence that will be given upon the trial of such issues, in every such case it shall be lawful for either division of the said Court of Session by the special interlocutor by which such issue is directed, or for the said jury court to order that a view should be allowed; and in every case where such view is allowed as aforesaid, six of the jurors named in the said list, . . . ^{F1} or more, who shall be mutually consented to by the parties or their agents on both sides, and if the parties cannot agree, six or more of the first twelve on the list of jurors returned by the [^{F2}sheriff principal], or other officer or officers as aforesaid, shall have the view, and shall be first sworn, or such of them as shall appear upon the jury to try the issue before any drawing as aforesaid, and so many only shall be drawn to be added to viewers who appear, as shall, after all defaulters and challenges allowed, to make up the number of twelve to be sworn for the trial of the said issue; and it shall and may be lawful for the said jury court, and they are hereby required, in every such case, by an authority or precept signed by the clerk of the jury court, to order and direct the [^{F2}sheriff principal] or officer or officers, who shall summon the jury for the trial of such issue, to have the said jurors, who shall be so selected or named to be viewers as aforesaid, at the place in question some convenient time before the trial of the said issue, who should then and there have the matters in question shewn to them by two persons named in the said summons, and appointed by the said jury court; and the said [^{F2}sheriff principal] or other officer or officers shall certify upon the said last-mentioned authority or precept, that the view hath been had according to the direction contained therein, and shall forthwith return the same to the said jury court: Provided always, that the expence of such view shall be equally borne by all parties, and that no evidence shall be given on either side at the time of taking thereof: Provided also, that in case no view shall be had, or if a view shall be had by any of the jurors contained in the said list, whether they shall happen to be any of the jurors who shall be selected or nominated as aforesaid, yet the trial of the said issue shall proceed, and no objection shall be made on, thereof, or for want of a proper certificate of the view having been taken as aforesaid.

Changes to legislation: There are currently no known outstanding effects for the Jury Trials (Scotland) Act 1815, Section 29. (See end of Document for details)

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Textual Amendments

- F1** Words repealed by [Juries Act 1949 \(c. 27\)](#), **Sch. 3**
- F2** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), **s. 4**

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