



# Court of Session Act 1850

## CHAPTER 36

### COURT OF SESSION ACT 1850

- New Form of Summons and Defences.
- II Record, how to be made up.
  - III Where Pursuer willing, Record may be closed on Summons and Defences.
  - IV Prorogations, how to be granted.
  - V Record to be closed by Interlocutor, and no Authentication by Counsel to be necessary.
  - VI Lord Ordinary may appoint closed Record to be printed.
  - VII Dilatory Defences in Reductions, how to be disposed of.
  - VIII Production may be satisfied on Box Day.
  - IX Record to be made up in Advocations and Suspensions, after Answers are lodged, similarly to other Actions ;
    - X and in Processes of Competition, &c. as may be fixed by the Court of Session by Act of Sederunt.
  - XI Reclaiming Days limited to Ten, except for Judgments on the Merits and Decrees in Absence.
  - XII Reclaiming Notes during the making up of the Record prohibited, except with Leave of the Lord Ordinary.
  - XIII Process may proceed, notwithstanding Reclaiming Note or Appeal.
  - XIV Lords Ordinary not to order written Argument.
  - XV Summonses now signed by Clerk of the Court of Session may be signed by a Writer to the Signet.
  - XVI Actions of Adherence, &c. to be instituted in the Court of Session.
  - XVII Members of College of Justice not to institute Actions not otherwise competent.
  - XVIII Summonses not to proceed on Bills, or to bear Dates except the Dates of signing.
  - XIX Regulations as to Multiple poindings,

*Status: This is the original version (as it was originally enacted).*

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- XX Short Forms of Execution provided.
- XXI Inducise of Summonses and other Writs passing the Signet shortened.
- XXII Edictal Citations regulated.
- XXIII Protestations for not calling and enrolling regulated.
- XXIV Granting Judicial Bonds in Maritime Causes abolished.
- XXV Copy of an Interlocutor granting Commission or Diligence to be equivalent to a formal Extract.
- XXVI Witnesses abroad may be examined in Consistorial Causes by Commission.
- XXVII Diligences may be reported on Box Days.
- XXVIII Interim Decrees to be extractible without special Allowance.
- XXIX Decree for Expenses to include Expense of Extract.
- XXX Actions may be wakened without a Summons.
- XXXI Transference of Action to include a Wakening.
- XXXII In Advocations and Suspensions, if Record closed and Proof concluded in Inferior Court, Case may be taken at once to the Inner House without a Judgment of the Lord Ordinary.
- XXXIII Who to fix Lord Ordinary and Division in Advocations and Suspensions.
- XXXIV Advocations on Juratory Caution not to be proceeded with where there is no probabilis Causa.
- XXXV Provision as to one Division of the Court consulting the other.
- XXXVI Procedure in Jury Causes to be the same, so far as is applicable, as in other Court of Session Causes.
- XXXVII Offices of Issue Clerk and Jury Clerk abolished.
- XXXVIII Procedure for the Adjustment of Issues.
- XXXIX Engrossment of Issues abolished.
- XL On Issues being approved of, Time and Place of Trial to be fixed.
- XLI Lord Ordinary in the Cause to preside at Trial during Session.
- XLII Lord Ordinary, &c. to have Power to summon Jury, and to appoint Cause to be tried by a Special Jury.
- XLIII Certified Copy of the Interlocutor fixing the Trial to be the Warrant for citing Witnesses.
- XLIV Counsel for each Party to be heard after Evidence closed.
- XLV Restriction of Bills of Exceptions.
- XLVI Lord Ordinary may try Issues of Consent without a Jury.
- XLVII Lord Ordinary's Findings in Fact shall be final unless reclaimed against. Proviso as to Appeals on Questions of Law.
- XLVIII Lord Ordinary may try special Facts without a Jury.
- XLIX Lord Ordinary may take the Evidence by Commission, except in the enumerated Causes.
  - L Parties may choose their own Jury.
  - LI Reports by Lords Ordinary to be verbal.
  - LII Compensation.
  - LIII Interpretation of Terms.
  - LIV Court of Session may make Regulations by Acts of Sederunt.
  - LV Commencement of Act.
  - LVI Recited Acts, &c. repealed in so far as at variance with this Act.
  - LVII Act may be amended, &c.

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SCHEDULES to which this Act refers.

SCHEDULE (A.) —

SCHEDULE (B.) —