



Court of Session Act 1850

1850 CHAPTER 36 13 and 14 Vict

46 Lord Ordinary. by consent, may try issues of consent without a jury.

If the parties in any cause before the Court of Session in which an issue has been adjusted shall consent to the Lord Ordinary before whom such cause depends trying such issue without a jury, such Lord Ordinary shall, unless the court, on the report of such Lord Ordinary, shall deem it inexpedient and improper, try such issue without a jury accordingly; and whenever any issue shall be tried by a Lord Ordinary without a jury, such Lord Ordinary shall take notes of the evidence, and shall hear counsel thereon, and otherwise the proceedings shall be conducted continuously, and as nearly as may be as in an ordinary jury trial; and within eight days after the proceedings at the trial are concluded such Lord Ordinary shall pronounce an interlocutor, in which he shall state specifically what he finds in point of fact; and it shall be competent to either party, by written note, within eight days from its date, to bring such interlocutor of the Lord Ordinary under review of the Lord Ordinary upon his own notes of evidence, who shall forthwith hear parties thereon; and it shall be competent to the Lord Ordinary, upon such review, and within eight days after hearing parties, either to correct his interlocutor as regards such findings in fact or to order a new trial, as he may think fit: Provided always, that if either of such periods of eight days extends into vacation or recess, such period shall not be held to elapse till the fourth day after the next meeting of the Lords Ordinary or the court thereafter.

Changes to legislation:

There are currently no known outstanding effects for the Court of Session Act 1850, Section 46.