



Court of Session (No. 2) Act 1838

1838 CHAPTER 118

An Act to make certain Alterations in the Duties of the Lords Ordinary, and in the Establishment of Clerks and Officers of the Court of Session and Court of Commissioners for Teinds in *Scotland*, and to reduce the Fees payable in those Courts. [16th August 1838]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for abridging the Form of extracting Decrees of the Court of Session in Scotland*, and for the Regulation of certain Parts of the Proceedings of that Court; and another Act was passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to facilitate the Administration of Justice in that Part of the United Kingdom called Scotland*, by the extending Trial by Jury to Civil Causes; and another Act was passed in the Fifty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for better regulating the Formation and Arrangement of the Judicial and other Records of the Court of Session in Scotland*; and another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled 'An Act to facilitate ' the Administration of Justice in that Part of the United Kingdom called Scotland, by extending Trial by Jury to Civil Causes;'* and another Act was passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for establishing Regulations respecting certain Parts of the Proceedings in the Court of Session and in the Court of Commissioners for Teinds, and respecting the Duties, Qualifications, and Emoluments of certain Clerks and other Officers of the said Courts*; and another Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better regulating of the Forms of Process in the Courts of Law in Scotland*; and another Act was passed in the First Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for uniting the Benefits of Jury Trial in Civil Causes with the ordinary Jurisdiction of the Court of Session, and for making certain other Alterations and Reductions in the Judicial Establishments of Scotland*; and another Act was passed in the Third and-Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Execution of the Duties performed by the Barons of Exchequer in Scotland in relation to the Public Revenue, and to place the Management of the Assessed Taxes and Land Tax in Scotland under the Commissioners for the Affairs of Taxes*: And whereas the Commissioners acting under Two several Commissions issued by His late Majesty, directing certain Persons to make Inquiry into various Matters relative to the Law and

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

Administration of Justice in *Scotland*, have made Two Reports, which have been laid before Parliament :. And whereas, in order to improve the Arrangement of Judicial Business before the Lords Ordinary of the Court of Session, and to improve the Arrangements and Duties of the Clerks and other-Officers of the said Court, and of the Court of Commissioners for Teinds in *Scotland*, and to diminish the Expence of the Administration of Justice, it is expedient that certain new Regulations should be adopted, and a further Reduction of the Number of the Clerks and Officers of the said Courts should be made, and that the Clerks and other Officers should derive their Remuneration from Salaries of a fixed Amount ; and it is therefore necessary to alter and amend the said recited Acts and the existing Practice:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,