ANNO QUARTO

GEORGII IV. REGIS.

****

C A P. LXXXV.

An Act for empowering Commissioners, to be appointed by His Majesty, to enquire into the Forms of Process in the Courts of Law in *Scotland*, and the Course of Appeals from the Court of Sessions to the House of Lords.

[18th *July* 1823.]

WHEREAS it is expedient that due and proper Information should be obtained concerning the Forms of Process in the Courts of Law in *Scotland*, and the Course of Appeals from the Court of Session to the House of Lords, to the Intent that salutary Regulations should be made and established in respect thereof, and that for such Purpose Commissioners should be appointed, with Powers to enquire into such Forms of Process and such Course of Appeals; be it therefore enacted by the King'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, That it shall be lawful, and full Power is hereby given to such Persons as shall be for that Purpose named and appointed by His Majesty, by Letters Patent or any Instrument in Writing under His Royal Sign Manual, or any Three of them, to meet at and upon such Place and Day as in such Letters Patent or Instrument shall be for that Purpose named, or at and upon such Time

Commissioners to be appointed to enquire into the Forms of Process in the Court of Session, and the Course of

Appeals to the House of Lords.

Time and Day as they, or any Three of them giving Notice to the others of them, shall appoint, and so thereafter as they or those present from Time to Time at Meetings shall appoint, and to make all such Enquiries as they shall be directed by His Majesty, in Instructions annexed to the said Letters Patent, or Instrument under the Royal Sign Manual, into the Forms of Process in the Court of Session and the Course of Appeals from thence to the House of Lords, and to report whether the present Forms of Process in that Court might be improved, by simplifying and shortening the Forms of Pleading and Proceeding, by rendering the Allegations in the Summons and Defence more precise and complete, by separating Matters of Fact from Matters of Law, by confining the Proofs to the Facts alleged in the Summons and Defence, and to such Facts only; by conducting more of the Pleadings *vivâ voce*, and extending the Application of the Trial by Jury; and also to enquire and report whether it may be expedient to render the Judgment of the Court of Session in any Cases final; and whether any intermediate Appeal may be usefully established in *Scotland*, otherwise than by the present Mode of reclaiming Petition to the same Division of the Court, wherein the Judgment has been had, and how the Court of Session may be modified for that Purpose, as well as touching the present Practice of the Court of Session in granting interim Execution of Judgment, in Cases in which Appeals have taken place; and whether it would be expedient to abridge the Time now allowed by the Standing Orders of the House of Lords for bringing Appeals before it; and how far the printed Papers of the Parties in the Court of Session may be usefully substituted for the printed Appeal Cases now in use to be lodged in the Parliament Office; and whether Jurisdiction in Matters of Prize should exist in any other Court than the High Court of Admiralty in *England*; and also respecting such other Matters connected with the Enquiry herein-before directed as they may be instructed by His Majesty, by any *Writing* under His Royal Sign Manual, from Time to Time to enquire into and report upon, or as may appear to the said Persons to be necessary or useful for the Objects and Purposes thereof; and to set down in Writing such Alterations or Amendments as shall appear to them to be most reasonable and best calculated for the due Administration of Justice in the said Courts, and generally what shall appear to them material to be reported touching all and every of the Matters aforesaid, with their Opinion upon all and each of the Matters aforesaid, together with the Evidence or Information which they may in the course of their Enquiry receive; and the said Persons shall and they are hereby required to report the whole of their Proceedings to His Majesty, on or before the Twenty-fifth Day of *March*, in the Year One thousand eight hundred and twenty-four, and which Report, when made, it is hereby provided shall be laid before both Houses of Parliament by One of His Majesty's Principal Secretaries of State.

Commissioners may examine upon Oath.

III. And be it further enacted, That it shall be lawful for the said Persons so to be named and appointed by His Majesty Commissioners for executing this Act, or any Three of them, and they are hereby empowered and authorized to send for such Persons, Papers, and Records as they may think fit, and to examine upon

Oath, if the same shall appear to them to be necessary, (which Oath they or any Three of them are hereby authorized to administer,) such Persons as they may think fit to examine, touching any of the Matters aforesaid directed by this Act to be enquired into.

Persons refusing to attend may be committed.

III. And be it further enacted, That if any Person summoned by the said Persons so to be named and appointed by His Majesty Commissioners for executing this Act, or any Three of them, by a Notice signed by them or any Three of them, shall neglect or refuse to appear pursuant to and in obedience to such Summons, or shall refuse to be sworn, or shall refuse to answer to and before the said Commissioners, or any Three of them, any Question on Oath or otherwise touching or concerning any of the Matters into which the said Commissioners or any Three of them are hereby directed to enquire, then and in any such Case it shall be lawful for the said Commissioners or any Three of them, and they are hereby authorized and empowered to make and issue their Warrant or Warrants, signed by them or any Three of them, for taking or apprehending any such Person or Persons, and committing him or them to such Prison as the said Commissioners or any Three of them shall think fit, until he or they shall submit to be examined touching and concerning the said Matters in respect whereof the said Commissioners or any Three of them are hereby directed to enquire.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1823.