

ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

CAP. XLI.

An Act to abolish the Commissary Court of *Edinburgh*, and to regulate the Mode of taking Proofs in Consistorial Causes in *Scotland*.

[28th *July* 1836.]

WHEREAS an Act was passed in the First Year of the Reign of His present Majesty, 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, whereby various Alterations and Reductions were made in the Consistorial Court of *Scotland*, with a view to the Abolition of the said Court, and the Transference of the remaining Jurisdiction thereof to the Sheriff of the County of *Edinburgh*: And whereas it is expedient that the remaining Jurisdiction of the Commissary Court of *Edinburgh* should be abolished, and the Mode of taking Proofs in Consistorial Causes should be regulated: 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 the said Commissary Court of *Edinburgh* shall be and the same is hereby abolished, and the whole remaining Powers and Jurisdiction of the said Court shall be and the same are hereby transferred to the Sheriff of the County of *Edinburgh*, who shall possess and exercise such Powers and Jurisdiction in all respects, except

1 W. 4. c. 69.

Commissary Court abolished, and Duties of Commissioners transferred to Sheriff of Edinburgh.

except in so far as regards taking Proofs in Consistorial Causes; and the whole Clauses, Powers, and Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Regulation of the Court of the Commissaries of* Edinburgh, *and for altering and regulating the Jurisdiction of the inferior Commissaries in* Scotland, shall apply to the Sheriffdom of the County of *Edinburgh*, and to the Clerks and Officers of the said Commissary Court, in the same Way as such Provisions apply to the other Sheriffdoms of *Scotland*: Provided always, that the Salaries of the existing Commissaries of the said Commissary Court shall be saved and reserved to each of them during their several Lives; provided further, that such Salary or Salaries shall be accounted *pro tanto* of any subsequent Salary to which any of the said Commissaries may hereafter acquire Right by virtue of his or their Appointment to any other Public Office.

4 G. 4. c. 97.

Sheriffs may take Proofs.

II. And be it enacted, That where it shall be necessary to take Proofs in Consistorial Causes, such Proofs shall be taken by the Sheriffs to be appointed for that Purpose in the Manner directed by the said recited Act.

Agents authorized to practise in Sheriff Court of Edinburgh.

III. And be it enacted, That it shall be lawful for all Agents duly qualified to practise as such before the Court of Session to practise as Agents in the Sheriff Court of *Edinburgh*, in so far as relates to any of the Proceedings which are transferred by this Act to the Sheriff, in the same Manner and to the same Extent as they might have practised in respect of such Matters in the Commissary Court before the passing of this Act.

Commencement of Act.

IV. And be it enacted, That this Act shall commence and take effect from and after the First Day of *November* One thousand eight hundred and thirty-six.

Act may be altered this Session.

V. And be it enacted, That this Act may be amended or altered by any Act to be passed during the present Session of Parliament.

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