



Courts Act 1672

1672 CHAPTER 40

Act concerning the Regulation of the Judicatories

The Kings Maiestie being Desireous that the publick Judicatories of this Kingdome might be soe regulat that all abuses which had or might probably creep into the same be redressed and prevented and that the best most summar and equall way of bringing and calling of Processis for Dispensing of Justice should by settled as his subjects might be releived and secured against oppression and exactions and that justice might be administrat to them with expedition and as litle trouble and charge as may be Did by a Commission vndir the great seall of the 21 September 1669 Authorize some Noblemen and others of his privie Councill and Session to consult settle and sett doune such Rules and Orders as they should judge necessary for these ends And to returne ane accompt of their proceedings to his Maiestie that He might take such course therein as in his Royall wisdome he should think fitt In obedience wherunto the Commissioners having had severall meitings and consulted on the best and reddiest wayes for the prosecution of his Maiesties royall intention for the good and ease of his subjects and finding the same to be of such importance as required a longer time to make a full settlement therin Yet in the moneth of March 1670 they agried unto condiscended vpon and did returne to his Maistie certain rules and articles of Regulation without prejudice of what vpon furdre Consideration they should thereafter offer for a full settlement And his Maiestie haveing Considered these Rules and Articles Did by His Royall Allowance of the fourth of Junij 1670 Ratifie and Approve the same and did Ordaine them to be duely observed in all tyme comeing And the Commissioners having since that tyme kept severall meitings and taken that affair into their furdre Consideration have resolved vpon some other Articles Rules and Amendments which being joyned with the former and again offered to his Maiesties Consideration His Maiestie doeth with advice and consent of his Estates of Parliament Ratifie and Approve the same And Ordaines them to be recorded in the bookes of Parliament and duly observed by all his Maiesties Subjects Of the which Articles the Tenor follows

Annotations:

Modifications etc. (not altering text)

- C1 Short title given by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\), Sch. 2](#)
- C2 This Act is listed in 12mo edition as [1672 c. 16](#)

Changes to legislation: There are currently no known outstanding effects for the Courts Act 1672. (See end of Document for details)

CONCERNING THE SESSION

1 F1

Annotations:

Amendments (Textual)

F1 Concerning the Session Art. 1 repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

2—17. F2

Annotations:

Amendments (Textual)

F2 Concerning the Session Arts. 2–17 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

18 F3

Annotations:

Amendments (Textual)

F3 Concerning the Session Art. 18 repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

19

That Decreits in foro contradictorio befor the Lords of Sessioun be not again suspended vpon reasouns competent to have bein proponed or which wer repelled in the former Decreit And to the effect it may be knowne with the least expence what Decreits are in foro That the Keeper of the minute booke make vp a Booke of the Decreits in foro according as the same shall each day be given in to him by the Clerks expressing the names of all the defenders for whome their is Compearance . . . ^{F4} And where there is once Compearance for any pairty and Defences proponed the Decreit shall be holdin as done in foro and all the dispute proponed by the Advocats shall be insert therin Albeit the advocat thereafter past from his Compearance . . .

Annotations:

Amendments (Textual)

F4 Words repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

20—
24. F5

Changes to legislation: There are currently no known outstanding effects for the Courts Act 1672. (See end of Document for details)

Annotations:

Amendments (Textual)

F5 Concerning the Session Arts. 20–24 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

25 **F6**

Annotations:

Amendments (Textual)

F6 Concerning the Session Art. 25 repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

26— **F7**
30.

Annotations:

Amendments (Textual)

F7 Concerning the Session Arts. 26–30 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

31 **F8**

Annotations:

Amendments (Textual)

F8 Concerning the Session Art. 31 repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

32 That the Keipers of the generall registers of horneings and Inhibitions and of Seasings and Reversious . . . ^{F9} be carefull to booke all horneings Inhibitions Interdictions Seasings Reversions and others registrat by them And that they make exact minute bookes relateing to the saids Registers these of horneings Inhibitions and Interdictions containing the names Sirnames and designations of the Parties principall and Cautioners And these of seasings Reversions and others appointed by the act of Parliament to be registrat in that Register containing the names and designations of the pairties and the common designation of the Lordshipe Barrony or Tennendry of the severall lands mentioned in the writ And that the Clerk of Register or any whome he shall appoint every quarter of the yeir compare the minut bookes with the generall Registers and subscribe the Minute bookes at the collationing of the same . . . Whilke minute bookes respective forsaides alsweel for the space of fourtie yeires bygone as in tyme comeing the Clerk shall be obleidged to make patent to all his Maiesties leidges whensoever they shall desire to sie the same . . . ^{F10}