



Courts Act 1672

1672 CHAPTER 40

CONCERNING THE JUSTICE COURTS

Seing Causes Criminall are of the greatest importance and may extend to the lives and liberties of any of his Maiesties Subjects and their persones and fortunes And Seing the punishment of Crimes is of the greatest consequence for the safety and security of his Maiesties persone and authoritie and the Peace and Quietnes of the Kingdome And therfor matters Criminall ought to be determined in the most solemn exact and regular way that the Loyall and Innocent may be in full security and offenders may be punished either in the most publict places of the Kingdome or in the Places where the Crimes have been committed to terrifie others from the like That whereas formerlie assessors from time to time wer appointed to the Justice generall in matters of Importance which being ambulatory cannot be soe convenient as if all the members of that Court wer settled and choysen by his Maiestie of fitt persones who might make it their worke to make a just and constant procedure in matters Criminall

1 For that effect that . . . ^{F1} the Lords of Session be joyned to the Justice-Generall and Justice-Clerk and all of them invested with the same and equall power and Jurisdiction in all Criminall Causes That the Justice-Generall being present preside and in his absence the Justice Clerk and in absence of both that these present elect one of their number to preside . . . ^{F1}

Textual Amendments

F1 Words repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

2 ^{F2}

Textual Amendments

F2 Concerning the Justice Courts Art. 2 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

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

3 F3

Textual Amendments
F3 Concerning the Justice Courts Art. 3 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

4 That for the splendour of that Court all the Judges sitt in red robes faced with white that of the Justice Generalls being lined with Ermine for distinction from the rest

5 F4

Textual Amendments
F4 Concerning the Justice Courts Art. 5 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

6 That it be left and recommended to the Judges of that Court to regulat the inferior officers therof and order every other thing concerning the said Court

7 That a convenient roome be appointed for their meittings Benches for the Judges a place for the Justice generall more eminent then the seats of the other Judges That the Advocats Clerk Assize and Pannells have distinct places appointed to them

8 F5

Textual Amendments
F5 Concerning the Justice Courts Art. 8 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

9 F6

Textual Amendments
F6 Concerning the Justice Courts Art. 9 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

10 F7

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

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Textual Amendments

- F7** Concerning the Justice Courts Art. 10 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. 1](#)

11

That when any Criminall libell or summons of Exculpatione are given and execute against any pairty that at the same time Lists of the witnessis to be adduced for proveing of the said lybell and summons . . . ^{F8} be also given to them To the effect the Party may know what to object against the saids witnessis . . . ^{F8} and may take furth diligences for summoning of witnessis for proving of their objections why any contained in the saids Lists should not be admitted to be a witness . . . ^{F8}

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Textual Amendments

- F8** Words repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Courts Act 1672, Concerning the JUSTICE COURTS.