



Court of Session Act 1868

1868 CHAPTER 100 31 and 32 Vict

IX.—MISCELLANEOUS PROVISIONS

100 Amendment of Conjugal Rights Act. 24 & 25 Vict. c. 86.

The Conjugal Rights (Scotland) Amendment Act 1861 is hereby amended as follows, viz.:

- (1) It shall be sufficient compliance with the provision in the tenth section of the said Act if the personal service therein required is made by the delivery to the defendant personally of the summons by a person (although not a messenger-at-arms or other officer of the law) duly authorized by the pursuer for that purpose, and such person shall return a certificate that such delivery has been made: Provided always, that it shall be competent for the Lord Ordinary to call for farther evidence of the service by such delivery, if he shall think proper:
- (2) Notwithstanding the terms of the thirteenth section of said Act, it shall be competent for the Lord Ordinary to grant commission to any person competent to take and report in writing the deposition of a haver according to the existing practice, although such haver shall be resident in Scotland.

Modifications etc. (not altering text)

- C1** Ss. 50–101 repealed (S.) by [Court of Session Act 1988](#) (c. 36, SIF 36:1), s. 52(2), [Sch. 2 Pt. I](#) (and re-enacted in part as referred to in [Sch. 2 Pt. II](#) of that Act)

Changes to legislation:

There are currently no known outstanding effects for the Court of Session Act 1868, Section 100.