CHAPTER 35.

An Act to prevent vexatious Legal Proceedings in Scotland. [12th August 1898.]

BE it enacted by the Queen'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, as follows:

Power of Court of Session to prohibit institution of action without leave.

1. It shall be lawful for the Lord Advocate to apply to either Division of the Inner House of the Court of Session for an order under this Act, and if he satisfies the Court that any person has habitually and persistently instituted vexatious legal proceedings without any reasonable ground for instituting such proceedings, whether in the Court of Session or in any inferior court, and whether against the same person or against different persons, the Court may order that no legal proceedings shall be instituted by that person in the Court of Session or any other court, unless he obtains the leave of the Lord Ordinary on the Bills in the Court of Session, having satisfied the Lord Ordinary that such legal proceeding is not vexatious, and that there is primâ facie ground for such proceeding. A copy of such order shall be published in the Edinburgh Gazette.

Short title.

2. This Act may be cited as the Vexatious Actions (Scotland) Act, 1898.

CHAPTER 36.

An Act to amend the Law of Evidence. [12th August 1898.]

BE it enacted by the Queen'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, as follows:

Competency of witnesses in criminal cases.

1. Every person charged with an offence, and the wife or husband, as the case may be, of the person so charged, shall be a competent witness for the defence at every stage of the proceedings, whether the person so charged is charged solely or jointly with any other person. Provided as follows:—

(*a.*) A person so charged shall not be called as a witness in pursuance of this Act except upon his own application:

(*b.*) The failure of any person charged with an offence, or of the wife or husband, as the case may be, of the person so charged,