

ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XVIII.

An Act to regulate Procedure in the Bill Chamber in *Scotland*. [10th *August* 1857.]

WHEREAS under an Act of the First and Second Years of the Reign of Her Majesty, intituled *An Act to make certain Alterations in the Duties of the Lords Ordinary, and in the Establishment of Clerks and Officers of the Court of Session and Court of Commissioners for Teinds in* Scotland, *and to reduce the Fees payable in those Courts*, Two Clerks of the Bills were appointed, who have had the Charge of the Bill Chamber Department, and the Office of One of the said Clerks has since become vacant by Death: And whereas it has been found in Practice that the Business of the Bill Chamber cannot be conveniently conducted in Two Departments under Two separate Clerks, and it is expedient that in future the Duties of the Office should be executed by One Clerk: Be it therefore 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: 1 & 2 Vict. c. 118.

I. The Office of One of the Clerks of the Bills in the Bill Chamber of the Court of Session in *Scotland*, now vacant, shall be abolished; and there shall in future be only One Clerk of the Bills, who shall be responsible for the reputed Solvency of Cautioners, and for consigned Money, and shall discharge in Person all the Duties Office of One of the Two Clerks of the Bills abolished, and Duties in future to be performed by One Clerk.

Duties attached to the Office, and the remaining Clerk of the Bills shall be the Clerk of the Bills under this Act.

Assistant Clerk and Ordinary Clerks to be appointed.

II. It shall be lawful for Her Majesty, Her Heirs and Successors, to appoint an Assistant Clerk of the Bills, and Two Ordinary Clerks, to aid in the Performance of the Duties of the Office; and such Assistant Clerk shall act under the Orders of the Clerk of the Bills in the Performance of the Duties of the Office, and shall in the necessary Absence of the Clerk of the Bills subscribe and authenticate all such Writs and Documents as the Clerk of the Bills may, by any Law or Practice, subscribe or authenticate.

Clerks to be paid wholly by Salaries.

III. The Clerk of the Bills, and the Assistant and Ordinary Clerks, shall be paid wholly by Salary; and the Salary of the Clerk of the Bills shall be Five hundred Pounds *per Annum*, which shall include his Remuneration for the Discharge of the Duties imposed on him under the Bankrupt Acts, and also all Fees of Extracts and Bonds of Caution required by the Bill Chamber Procedure, or under such Acts, and shall be in lieu of all existing Salary, Allowances, Fees, and Emoluments whatsoever; and the Salary of the Assistant Clerk shall be Two hundred Pounds *per Annum;* and the Salaries of the ordinary Clerks shall not exceed in all Two hundred Pounds *per Annum*, divisible in such Proportions as may be deemed proper by the Commissioners of Her Majesty's Treasury.

Salaries, &c. to be voted by Parliament.

IV. The Salaries paid to the Clerk of the Bills, and the Assistant Clerk and ordinary Clerks in the Bill Chamber, and also the Expense of a suitable Office for conducting the Business of the Bill Chamber, and the necessary Expense of Printing and Stationery, and other Expenses of the Office, shall be defrayed out of the Monies to be voted by Parliament for that Purpose; and all Fees of every Description heretofore in use to be charged or collected in the Office of the Bill Chamber shall continue to be so charged and collected after this Act shall come into operation, by the Clerk of the Bills, and be by him duly accounted for and paid over to the Commissioners of Her Majesty's Treasury, or to such Person or Persons as they shall appoint.

Fees to be accounted for and paid over to the Treasury.

Clerk of the Bills to keep separate Accounts of consigned Monies.

V. All Monies which shall in future be deposited or consigned in the Bill Chamber shall be forthwith deposited by the Clerk of the Bills in One of the Banks in *Edinburgh* established or incorporated by Act of Parliament or Royal Charter, in an Account to be kept by him in his official Capacity; and a proper written Receipt or Acknowledgment shall always be granted by the said Clerk to any Party depositing or consigning any Money in his Hands, at the Time of such Deposit or Consignation; and a full and particular State and Account shall be kept in the Office of the Bill Chamber of all

all such Deposits and Consignations; and the Clerk of the Bills shall cause the Monies in such Bank Account to be annually accumulated by adding the accruing Interest to the Principal Sums.

Monies consigned with former Clerks of the Bills to be paid over to the Treasury.

VI. The Holders of Money at present consigned in Bank, or in the Hands of whatsoever Person or Persons, derived from Deposits or Consignations made in the Hands of any former Clerk or Clerks of the Bills, in his or their official Capacity, shall and they are hereby required to pay over the same, with all Interest accrued and to accrue thereon, to the Commissioners of Her Majesty's Treasury, or to such Person or Persons as they shall appoint, who are hereby empowered and directed to require an Account thereof, and to call for and receive the same, and discharge the Holders thereof: Provided always, that every Person having any legal Claim to or Interest in the Monies so to be paid over shall have such and the like Claim and Interest therein, and such and the like Right to demand and to recover the same from the said Commissioners of Her Majesty's Treasury, after Payment thereof to the said Commissioners in Terms of this Act, as from the Person or Persons having Possession of such Monies at the Date of the passing of this Act.

Court of Session may make Acts of Sederunt.

VII. It shall be lawful for the Court of Session, and the said Court is hereby required, within Six Calendar Months after the passing of this Act, to make such Provision, by Act of Sederunt, as the said Court may deem necessary or expedient, for the Performance of the Business of the Office of the Clerk of the Bills in the said Court, and also to make, from Time to Time, by Act of Sederunt, such Alterations and further Provision for the same as the Court may deem fit: Provided always, that every such Act of Sederunt shall, within One Month after the Date thereof, be transmitted by the Lord President of the Court of Session to One of Her Majesty's Principal Secretaries of State, to the end that the same may be laid before both Houses of Parliament.

Certain Acts, &c. repealed.

VIII. The recited Acts, and all Laws, Statutes, and Usages, shall be and the same are hereby repealed, in so far as necessary to give Effect to this Act, but no further.

Commencement of Act.

IX. This Act shall commence and take effect from and after the Expiration of Two Months from the passing hereof.

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