ANNO QUINQUAGESIMO

GEORGII III. REGIS.

CAP. CXII.

An Act for abridging the Form of extracting Decrees of the Court of Session in *Scotland*, and for the Regulation of certain Parts of the Proceedings of that Court. [20th *June* 1810.]

WHEREAS an Act was passed in the Forty-eighth Year of the Reign of His present Majesty, intituled, *An Act concerning the Administration of Justice in* Scotland, *and concerning Appeals to the House of Lords*, by which Act His Majesty was empowered to name and appoint, and pursuant to which His Majesty did name and appoint, by His Majesty's Royal Sign Manual, certain Persons to make Enquiries into the Form of Process in the Court of Session, and to report upon various Matters therein particularly set forth: And whereas an Act was passed in the last Session of Parliament, intituled, *An Act to give to the Persons named by His Majesty, pursuant to the said recited Act, further Time for making their Report or Reports*: And whereas the Commissioners so appointed have made two Reports to His Majesty and the Two Houses of Parliament relative to the Subject Matter upon which they were directed to report: And whereas it is expedient that the Mode of extracting Judicial Acts and Decrees of the Court of Session hitherto in Use should be altered, and a more abridged Form adopted, and that other Regulations should be established, and Amendments made in the Forms of that Court; which cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That the present Mode of extracting Judicial Acts and Decrees shall from and after the

48 G. 3. c. 151.

49 G. 3. c. 119.

Extracts of Decrees at present in Use abolished.

Certain Fees on abridged Forms of Extract to be continued.

the paſſing of this Act ceaſe and determine, together with all the Fees and Dues exigible for ſuch Extracts, or relating thereto: Provided nevertheleſs, that the Fees now payable to the Lord Chief Clerk Regiſter, and to the Macers of the Court of Seſſion, and to the Keeper of the Minute Books upon Acts and Decreets, and to the Houſekeepers upon Abbreviates of Adjudication, ſhall continue to be paid and payable upon the abridged Forms of Extract preſcribed by this Act.

Forms of Extracts to be obſerved.

II. And be it enacted, That the Forms herein preſcribed for the Extract of Judicial Acts and Decreets, and the Rules and Regulations made relative thereto, ſhall from and after the paſſing of this Act be obſerved in all Caſes, whether of Actions and Proceſſes at preſent or then depending, or which may in future come into Court, or of thoſe which, although finiſhed, have not been taken out of Court by a final extracted Decree; and the Fees and Dues hereby made payable in the Caſe of Extracts, and no other, ſhall from and after the paſſing of this Act be the Fees and Dues payable for ſuch Extracts.

Forms of Extract in common Actions and in Advocations and Suſpenſions.

III. And be it enacted, That in Actions for Payment or Performance or ſuch other common Proceedings, and in Proceſſes of Advocation or Suſpenſion, the Extract of the Decree ſhall from and after the paſſing of this Act be in the Form appearing from Schedules (A.) (B.) (C.) (D.) and (E.) hereunto annexed reſpectively.

Form of Extract in Adjudications.

IV. And be it enacted, That in Proceſſes of Adjudication, the Extract of the Decree ſhall from and after the paſſing of this Act be in the Form which has heretofore been uſed for the Abbreviate of the Adjudication in caſe a Decree ſhall be pronounced for the Adjudger; but where the Defender is aſſoilzied, the Extract ſhall be in the Form hereinbefore directed to be uſed in the Caſe of Decrees of Abſolvitor.

Form of Extract in Ceſſio Bonorum.

V. And be it enacted, That in Actions of *Ceſſio Bonorum*, the Extract of the Decree ſhall be in the Form at preſent uſed for the Abſtract in Decreets of *Ceſſio*, with an Addition thereto of the Names of all the Creditors cited.

Form of Extract in Actions of proving the Tenor.

VI. And be it enacted, That in Actions of proving the Tenor and Tranſumpt, the Extract ſhall contain a Copy of the Deed proved or tranſumed, with the Judgments pronounced by the Court, reduced into the Form of what is at preſent termed the Grand Decerniture, in Caſes where Decree ſhall be pronounced in favour of the Purſuer; and in Caſes where the Defender ſhall be aſſoilzied, the Extract ſhall be in the Form hereinbefore preſcribed in Decreets of Abſolvitor.

Form of Extract in Actions of Declarator.

VII. And be it enacted, That in Actions of Declarator, the Extract of the Decree ſhall contain the Concluſion of the Summons and the Judgments pronounced by the Court, reduced into the Form of the preſent Grand Decerniture.

Form of Extract in Actions of Ranking.

VIII. And be it enacted, That in Actions of Ranking and Sale, the following Regulations ſhall be obſerved: Firſt, the Extract of the Act and Commiſſion for proving the Value of the Subject to be ſold ſhall be in the Form appearing from Schedule (F.) hereunto annexed; Secondly, the Extract of the Decree of Sale ſhall be in the Form appearing from Schedule

dule (G.) hereunto annexed; Thirdly, the Extract of the Decree of Ranking ſhall be in the Form appearing from Schedule (H.) hereunto annexed; Fourthly, the Extract of the Decrees of Diviſion ſhall be in the Form appearing from Schedule (I.) hereunto annexed; Fifthly, there ſhall no longer be any Extract of the Decreet of Certification, in a Proceſs of Ranking and Sale, nor any Act of Roup, pronounced, nor conſequently any Extract thereof, the Letters of Publication now in uſe rendering ſuch Acts unneceſſary, but the Extract of Letters of Publication ſhall be continued in their preſent Form.

No Acts in certain Actions henceforth to be pronounced.

IX. And be it enacted, That in Actions of proving the Tenor and of Reduction, no Act ſhall henceforth be pronounced; and in Actions of Improbation, Acts for Firſt and Second Terms ſhall be diſcontinued.

Form of Extract in all Caſes not particularly provided for.

X. And be it enacted, That in all other Caſes not herein particularly deſcribed, whether ariſing upon Summons, Bill, or Petition, or Petition and Complaint, the Extract of the Decree ſhall be according to the Forms herein ſet forth, with ſuch Variations as the Nature of the Caſe and the Form of the Application may neceſſarily require.

Certified Copies in Caſes of Appeal.

XI. And be it enacted, That where an Appeal ſhall be taken to the Houſe of Lords, a full Copy of the printed Papers given into the Court of Seſſion, certified by One of the principal Clerks of Seſſion, together with Copies ſo certified of ſuch Interlocutors and Minutes of the Court as ſhall have been pronounced or framed ſubſequent to the Date of the laſt of theſe printed Papers, ſhall and may be received in Evidence in ſuch and the like Manner, as Extracts of the whole Proceedings are at preſent.

No Record Copy to be made: Proceedings to be tranſmitted to General Regiſter Houſe.

XII. And be it enacted, That no Record Copy, as it is termed, ſhall henceforth be made but at the Expiration of Five Years after the Date of the final Decree or laſt Proceeding in that Court; each Proceſs with all the Steps of Proceeding in it, and Productions, not taken up by the Parties, ſhall be tranſmitted to and lodged in the General Regiſter Houſe, under the Cuſtody of the Lord Clerk Regiſter of *Scotland*, and Duplicate ſhall be made of all Extracts of Decrees in the Form herein preſcribed, for which no Fees ſhall be exigible, except the ordinary Charge for copying paid for copying at the Time in the Court of Seſſion; which Duplicates ſhall from Time to Time be bound up in convenient Volumes, and after remaining not more than Five Years after the Date of the final Decreet in the Office of the Clerk wherein ſuch Duplicates ſhall have been made, ſhall at the Expiration of that Period be regularly tranſmitted to the ſaid General Regiſter Houſe.

Office of Extractor, as now conſtituted, aboliſhed.

XIII. And be it enacted, That the Offices of Extractors in the Court of Seſſion, as heretofore conſtituted, ſhall be aboliſhed, and the Six Aſſiſtants of the principal Clerks of Seſſion ſhall prepare the abridged Forms of Extract herein directed to be obſerved; each Aſſiſtant executing that Duty in ſuch Proceſſes as belong to the Department or Cloſet of the principal Clerk, under whom he acts, or the correſponding Depute Clerk in the Outer Houſe.

Authenticated Copy of Proceedings

XIV. Provided always, and be it enacted, That it ſhall and may be lawful for any Party to require, and the ſaid Aſſiſtants reſpectively are hereby

to be furniſhed to the Party requiring it.

hereby required to furniſh to ſuch Party, authenticated Copies of all or any Part of the Proceedings in any Cauſe, ſigned by One of the principal Clerks of Seſſion, and which Copy the principal Clerks of Seſſion are hereby reſpectively required to ſign, but no Fee whatever ſhall be paid or payable for ſuch Copy, (ſave and except the ordinary Charge for copying, paid at the Time in the Court of Seſſion).

Aſſiſtants of principal Clerks to prepare abridged Form of Extracts.

XV. And be it enacted, That each of the preſent Aſſiſtants of the principal Clerks who are directed to prepare the abridged Forms of Extract hereby preſcribed, ſhall continue to exerciſe and enjoy the Office of Extractor, hereby conferred upon him, *ad vitam aut culpam*: Provided always, that every other Perſon to be appointed a Clerk Aſſiſtant and thereby an Extractor of ſuch abridged Forms ſhall be and continue in reſpect of his Office of Extractor in ſuch and the ſame Situation as any Clerk Aſſiſtant is at preſent in reſpect of ſuch Office of Clerk Aſſiſtant.

Fees of Clerks Aſſiſtants to be continued, but no Fees to be paid for Extracts but thoſe herein allowed.

XVI. And be it enacted, That the ſaid Aſſiſtants of the Clerks ſhall and may continue to receive the Fees to which as ſuch Aſſiſtants they are at preſent or may in future be entitled; but in their Character of Extractors, according to the new Forms hereby eſtabliſhed, they ſhall be entitled to no Fee whatever except the ordinary Charge for copying paid for copying at the Time in the Court of Seſſion; neither ſhall the Principal Clerks or the Depute Clerks of Seſſion be entitled to any Fees whatever; but declaring that the ſaid Clerks and the ſaid Aſſiſtants of the Principal Clerks, in their Character of Extractors, ſhall be paid the following Salaries, *videlicet*; Each Principal Clerk of Seſſion ſhall receive a Salary of One thouſand Pounds Sterling *per Annum*, without Prejudice to the Salary of Forty Pounds payable to the King's Clerk, and without Prejudice alſo to the Fees to which any of them may be entitled in caſe he ſhall hold the Office or Situation of Keeper of the Regiſter of Taillies; each Depute Clerk of Seſſion ſhall receive a Salary of Four hundred Pounds Sterling *per Annum*, without Prejudice to the Salary of Ten Pounds, payable to the King's Depute Clerk; each Aſſiſtant of the principal Clerk ſhall receive a Salary of Two hundred Pounds Sterling *per Annum*, for preparing the abridged Forms of Extract herein preſcribed, without Prejudice to the Salary of Ten Pounds *per Annum*, to the preſent King's Extractor during his Life.

Clerks of Seſſion and Depute Clerks, &c. to receive Salaries.

Salaries to be paid quarterly out of the Fee Fund.

XVII. And be it enacted, That the Salaries herein-before provided, ſhall from and after the paſſing of this Act, be payable quarterly out of the Fee Fund hereby eſtabliſhed, and if ſuch Fund ſhall at any Time be inſufficient for the Payment of ſuch Salaries, the Deficiencies ſhall be ſupplied in the ſame Manner with the Salaries payable to the Judges of the Court of Seſſions out of the Monies which by ſeveral Acts made in the Seventh and Tenth Years of the Reign of Queen *Anne*, were charged or made chargeable with the Fees, Salaries and other Charges allowed or to be allowed by Her Majeſty, Her Heirs or Succeſſors, for keeping up the Courts of Seſſion, Juſticiary, and Exchequer in *Scotland*.

The Dues of Court ſpecified in Schedule to form the Fee Fund.

XVIII. And be it further enacted, That for the Purpoſe of raiſing ſuch Fee Fund, the Fees ſpecified in the Schedule hereunto annexed, intituled, "Dues of Court," ſhall be payable and exigible upon and for the ſeveral Matters therein contained.

XIX. And be it enacted, That the Sum of Two hundred Pounds Sterling *per Annum* shall be paid out of such Fee Fund to the Order of the Principal Clerks of Session, for defraying the Expence of the Office Rooms of the whole Principal and Depute Clerks of Session, and all other Charges and Expences connected therewith; and the said Principal Clerks shall be bound and obliged to keep up and defray the Expences of such Office Rooms, and to defray all such other Charges and Expences accordingly.

200l. per Ann. to be paid out of the Fee Fund for defraying the Expence of Office Rooms.

XX. And be it enacted, That the Dues of Court at present payable to the Clerks of Session, and the present Office of Collector of the Clerks Dues, shall be and the same are hereby abolished; and the Dues mentioned in the said Schedule shall be collected by a Collector appointed by the Lord President of the College of Justice, holding his Office *ad vitam aut culpam*, who shall discharge his Duty by personal Attendance in Court or in the Collector's Office during Office Hours, and by marking upon each Paper that the proper Dues or Fees had been received of the Date marked, without which marking no Principal Clerk or Depute Clerk of Sessions, Lords Clerk, or Clerks Assistant, shall receive any such Paper into Process; and such Collector shall further demand and receive Once a Month or oftener from the Keepers of the Registers respectively, who shall be bound to pay to him the Proportion which the Clerks of Session have been in Use to receive of Fees paid upon Registration and upon Extracts of Deeds and Instruments recorded in the Books of Council and Session; and all such Fees shall form Part of the Fee Fund hereby established.

The present Dues of Court to be abolished and instead thereof the Dues specified in Schedules shall be taken.

XXI. Provided always, and be it enacted, That such Fees paid upon Registration, and upon Extracts of Deeds and Instruments so recorded in the Books of Council and Session, shall remain in other Respects as at present.

Fees on Registration, &c. to remain.

XXII. Provided always, and be it hereby enacted, That such Collector shall be responsible for every Person whom he may have Occasion to empower to act for him in his Absence, and for every Clerk and Person employed by him in the Business of such Collection, and shall find Security for their as well as his own Intromissions.

Collector of Dues to find Security.

XXIII. And be it enacted, That such Collector shall further keep regular and distinct Books for entering the Fees and Dues of Court separately of the Dates on which they are received, with the Mark of the Clerk's Office, Names of the Parties, and the Step of the Proceedings upon which the same is paid, which Books shall be open at all reasonable Times for the Inspection of the Judges, the Auditor of the Court, and the Principal Clerks of Session; and such Collector shall at least Once in every Week lodge all Monies so paid to him with the Bank of *Scotland* or the Royal Bank of *Scotland*, the Interest received from which Banks respectively shall make Part of the Fee Fund hereby established, out of which such Collector shall pay the Salaries herein directed to be paid by Means of such Fees and Dues; and if upon the Thirty-first Day of *December* in any Year any Balance shall remain upon such Account, such Balance shall be paid to the Person or Persons authorized to receive the said Monies which by the said Acts made in the Seventh and Tenth Years of the Reign of Queen *Anne* were charged or made chargeable with the Fees, Salaries, and other Charges allowed or to be allowed for keeping up the Courts of Session, Justiciary, and Exchequer in *Scotland* as aforesaid.

Collector to keep Books for entering the Fees.

Money to be paid Weekly into the Bank.

How Balance shall be disposed of.

Cheque Books to be kept.

XXIV. And in order to check the Accounts kept by such Collector, be it enacted, That Books shall be kept by the respective Clerks of Court of each Office, shewing the Dues of Court, which, according to the Schedule hereunto annexed, have or should have been received in each Process under their Charge on the several Steps of that Process on which such Dues are payable; and such Collector shall render his Accounts at least Twice in every Year to any Accountant to be named by the President of the College of Justice; or if no such Accountant shall be named, to the Auditor of Court, who shall compare and examine the same with the Books so kept by the Clerks aforesaid, and make his Report thereupon to the Court.

Collector to be paid Four per Cent. for his Trouble.

XXV. And be it enacted, That such Collector shall receive a Remuneration for his Trouble, by a Rate payable out of the said Dues of Four Pounds *per Centum* upon the Amount thereof received by him.

Nomination of Depute Clerks vested in Principal Clerks jointly.

XXVI. And be it enacted, That the Nomination of each Depute Clerk of Session shall hencefirth be vested in the Six Principal Clerks of Session jointly, the Senior Clerk having in case of Equality a casting Voice; and every such Nomination shall be made without receiving therefor any Price, Gratuity, or valuable Consideration of any Kind; and every Nomination, when made, shall be forthwith reported to the Court.

One Diet of Appearance only.

XXVII. And be it enacted, That in Actions at present requiring Two Diets of Appearance, there shall be only One Diet of Appearance upon an *Inducia* of Twenty-seven Days, where a Defender is domiciled in *Scotland*; but Citations in Cases of a single Diet and against Persons forth of *Scotland* shall remain as at present.

Certain Causes to be brought before inferior Judges.

XXVIII. And be it enacted, That all Causes not exceeding the Value of Twenty five Pounds Sterling, shall from and after the passing of this Act be carried on in the first Instance before the inferior Judges, in the Manner directed, and with the Exceptions specified in an Act, passed in the Third Session of the Second Parliament of His Majesty King *Charles* the Second, intituled, *Act concerning the Regulation of the Judicatories.*

Permanent Lords Ordinary appointed,

XXIX. And whereas it would facilitate the Dispatch of Business in the Court of Session, if the Duty of the Outer House were done by a certain Number of the Ordinary Judges officiating there, in a more permanent Manner than the present weekly Rotation among the Whole; be it enacted, That the Three Junior Ordinary Judges of the First Division of the Court of Session, and the Two Junior Ordinary Judges of the Second Division, shall be relieved from Attendance in the Inner House, and shall from and after the passing of this Act not sit therein, but shall sit as Lords Ordinary in the Outer House to perform the Business of the Outer House; (that is to say), Two of the said Judges, One of each Division, shall officiate each Week in the Outer House, for hearing Causes in the Rolls of Suspensions, Advocations, Regulations, and ordinary Actions; and such Junior Judges of either Division shall officiate as Lords Ordinary, according to the Rules and Forms of proceeding for the Time observed in Processes depending before Lords Ordinary.

to administer Oaths and examine Witnesses.

XXX. And be it enacted, That this Regulation concerning Ordinary Judges in the Outer House shall include the Duty of administering Oaths and

and examining Witneſſes, but ſhall not extend to the Bill Chamber, in which the Buſineſs ſhall continue to be done as at preſent, by all the ordinary Judges in Rotation.

Conſent of Judges neceſſary to this new Regulation.

XXXI. Provided always, and it is hereby provided and declared, That the preſent Junior Judges who may be affected by this new Regulation, ſhall not be bound by it except with their own Conſent, and therefore the Courſe of Rotation ſhall remain as it is at preſent, until either by the Conſent of the preſent Judges, or by new Appointments of Judges, the requiſite Number can be obtained for carrying the ſaid Syſtem into Execution.

Quorum of Inner Houſe.

XXXII. And be it enacted, That ſo ſoon as Five Junior Ordinary Judges ſhall officiate as permanent Lords Ordinary in the Manner herein directed, Three Judges in either Diviſion ſhall be a Quorum in the Inner Houſe; and the other Judges of the Court of Seſſion ſhall be relieved from Attendance in the Outer Houſe, and from performing the Duties of Lords Ordinary therein.

Grounds of Advocation from the Commiſſary Court.

XXXIII. And be it enacted, That Bills of Advocation from Interlocutory Judgments of the Commiſſary Court ſhall be allowed only on the Ground of Contingency and Incompetency, including Incompetency in the Mode of Proof, and in this laſt Caſe only with Leave of the Commiſſary Court; and no Bills of Advocation from the Commiſſary Court ſhall be allowed from Interlocutory Judgements upon Grounds of Iniquity or Error, but ſhall be competent only after final Judgement before Extract.

Bills of Suſpenſion from the Admiralty Court in Maritime Cauſes;

XXXIV. And be it enacted, That Bills of Suſpenſion from the Admiralty Court in Mari ime Cauſes, ſhall, if not refuſed without Anſwers, be in all Caſes ordered to be printed and reported to either the Firſt or the Second Diviſion of the Court of Seſſion; and if any ſuch Bill of Suſpenſion ſhall be preſented in Time of Vacation, and the Lord Ordinary on the Bills ſhall not ſee Cauſe to refuſe the ſame without Anſwers, he ſhall ſiſt proceeding until the Meeting of the Court, to whom the ſame, with the Anſwers, ſhall be then reported.

to be regulated in Manner herein-after preſcribed.

XXXV. And be it enacted, That Bills of Advocation and Suſpenſion from the Admiralty Court in Mercantile Cauſes ſhall be regulated in the Manner herein-after preſcribed in the Caſe of Advocations and Suſpenſions from the Judgements pronounced by Sheriffs and other inferior Judges.

Bills of Advocation from the Sheriffs and other inferior Judges, Grounds on which they ſhall be allowed.

XXXVI. And be it enacted, That Bills of Advocation from the Sheriffs and other inferior Judges in *Scotland*, againſt interlocutory Judgements, ſhall be allowed only upon the following Grounds; Firſt, of Incompetency, including Defect of Juriſdiction, perſonal Objection to the Judge, and Privilege of Party; Secondly, of Contingency; Thirdly, of legal Objection with reſpect to the Mode of Proof, or with reſpect to ſome Change of Poſſeſſion, or to an Interim Decree for a partial Payment, provided that in the Caſes ſpecified under this Third Head, Leave is given by the inferior Judge.

Such Bills not to be received againſt Judgements on

XXXVII. And be it enacted, That Bills of Advocation from ſuch inferior Judges ſhall not in any Caſe be received againſt Interlocutory Judgements upon

Grounds of Error.

upon Grounds of Iniquity or Error, but only after final Judgement ſhall have been pronounced.

No written Anſwers to be allowed to Bills of Advocation, &c.

XXXVIII. And be it enacted, That in Caſes where final Judgement ſhall have been pronounced, no written Anſwer to a Bill of Advocation or Suſpenſion from ſuch inferior Judges ſhall be received, but in all ſuch Caſes, whether the Cauſe is brought before the Court of Seſſion by Advocation or Suſpenſion, the Bill ſhall be paſſed without Anſwers, upon Caution being found in the ſame Manner in which Caution is found in Bills of Suſpenſion at preſent; ſave and except in Caſes where upon the Face of the Bill itſelf it ſhall appear that it ought to be refuſed, and in every ſuch Caſe it ſhall be refuſed accordingly.

Bills of Advocation on the Ground of Incompetency or Contingency.

XXXIX. And be it enacted, That in like Manner Bills of Advocation from inferior Judges on the Ground of Incompetency or Contingency ſhall be paſſed without Anſwers or inſtanter refuſed: Provided nevertheleſs, that the Lord Ordinary on the Bills may in ſuch Caſes hear Parties *viva voce* if he ſhall think fit, and ſuch Bills may be paſſed without Caution.

Bills of Advocation and Suſpenſion when paſſed how to be proceeded in.

XL. And be it enacted, That Bills of Advocation and Suſpenſion from inferior Judges, when paſſed as above directed, upon being expede or upon a Remit from the Court, ſhall be inrolled in the Roll of Advocations and Suſpenſions in the Outer Houſe; and the Lords Ordinary in the Outer Houſe and the Judges in the Inner Houſe ſhall have the ſame Power in every Caſe of Suſpenſion which they now have in Caſes of Advocation, to remit to the inferior Judge with Inſtructions.

Bills of Suſpenſion and Interdict.

XLI. And be it enacted, That Bills of Suſpenſion and Interdict ſhall, with reſpect to Caution, remain as at preſent, and the Lord Ordinary may grant Interdict therein after adviſing the ſame with or without Anſwers, but no Replies or Duplies ſhall be allowed: Provided nevertheleſs, that the Lord Ordinary upon the Bills may if he thinks proper hear Parties *viva voce* before granting or refuſing the Interdict.

Bills of Suſpenſion of Charges on Bonds, &c.

XLII. And be it enacted, That in Bills of Suſpenſions of Charges or threatened Charges on Bonds, Bills of Exchange or Promiſſory Notes, Contracts, Decreets Arbitral, or other Inſtruments regiſtered for Execution, and in the Caſe of Bills of Suſpenſion of Decrees of removing, the Proceeding ſhall be as at preſent; ſave and except that no Replies or Duplies ſhall be allowed, but the Lord Ordinary on the Bills may if he thinks proper hear Parties *viva voce*, and may paſs or refuſe the Bills with or without Anſwers.

Bills of Suſpenſion againſt Decrees of Court of Seſſion.

XLIII. And be it enacted, That in Bills of Suſpenſion againſt Decrees pronounced by the Court of Seſſion, *in foro*, no Replies or Duplies ſhall be allowed, and in ſuch Caſes the extracted Decree ſhall be produced with the Anſwers.

Two Principal and Two Depute Clerks of the Bills appointed.

XLIV. And be it enacted, That from and after the paſſing of this Act with the Exceptions after ſpecified, there ſhall be Two Principal Clerks of the Bills appointed as they are at preſent, and only Two Depute Clerks of the Bills, each of whom ſhall be appointed by the Two Principal Clerks jointly, without receiving for any ſuch Appointment any Price, Gratuity, or valuable Conſideration of any Kind; and in caſe they cannot agree upon any

ſuch Appointment, the Lord Preſident of the College of Juſtice ſhall have the caſting Voice; and in all Caſes the Nomination ſhall be reported to the Court.

The Principal as well as Depute Clerks to diſcharge their Duty perſonally.

XLV. And be it enacted, That the Principal as well as Depute Clerks ſhall perſonally diſcharge the Duties of their reſpective Offices; the Principal Clerks ſhall perſonally attend either Diviſion of the Court of Seſſion when Bill Chamber Cauſes ſhall be under Conſideration there, in the ſame Manner that the Principal Clerks of Seſſion attend in Inner Houſe Cauſes; the Principal Clerks of the Bills ſhall alſo further exerciſe a due Superintendance over the different Branches of the Duty required for the Performance of the Buſineſs of the Bill Chamber.

Fees on the Bill Chamber how diviſible.

XLVI. And be it enacted, That the Fees payable upon the Proceedings in the Bill Chamber ſhall be collected and form a common Fund for the Remuneration of the Principal and Depute Clerks of the Bills, and this Fund ſhall be divided among them Monthly or Quarterly as they may ſettle among themſelves, in the following Proportions; *videlicet:* One-third Part thereof ſhall be paid to each of the Principal Clerks, and One-ſixth Part thereof ſhall be paid to each of the Depute Clerks.

So much of the Regulations as relate to the Fees and Duties of the Clerks of the Bills ſuſpended.

XLVII. And be it enacted, That ſo much of the Regulations herein enacted as relate to the Fees and Duties of the Clerks of the Bills, ſhall be ſuſpended ſo long as all or any of the preſent Depute Clerks, *viz. John Watſon, James Mercer, Andrew Miller*, and *William Scott*, ſhall continue to hold their Offices or Office, to the Extent herein-after ſpecified, *videlicet:* Upon the Death or Reſignation of either of *John Watſon* or *James Mercer*, preſent Depute Clerks to the Bills, and alſo Clerks to the Record of Abbreviates of Adjudications, the junior Principal Clerk ſhall take the Burthen of cauſing to be diſcharged the Duty of the ſaid Depute, and the Fees and Emoluments appertaining thereto ſhall be divided equally between the Two Principal Clerks of the Bills; and upon the Death or Reſignation of *Andrew Miller*, Depute Clerk, or upon the Death or Reſignation of *William Scott*, Aſſiſtant Clerk, or upon the Death or Reſignation of both the ſaid *John Watſon* and *James Mercer*, in either of theſe Three Events the Two Principal Clerks of the Bills ſhall take the Burthen of cauſing to be diſcharged the Duty of the ſaid Perſon or Perſons, and the Fees and Emoluments thence ariſing ſhall be equally divided between the Two Principal Clerks; and in the Event of the Death or Reſignation of both *Andrew Miller* and *William Scott*, the ſaid *John Watſon* or *James Mercer*, or both of them if then ſurviving, ſhall be one or both of the Depute Clerks to the Bills if they ſhall ſo incline, each drawing One-ſixth Part of the total Fees, and relinquiſhing the Fees to which each is now entitled; but if either or both of the ſaid *John Watſon* or *James Mercer* ſhall decline to become Depute Clerks of the Bills, the Two Principal Clerks to the Bills ſhall diſcharge or take the Burthen of cauſing to be diſcharged the whole Duty at preſent diſcharged by the ſaid *Andrew Miller* and *William Scott*, and ſhall in that Caſe receive the Fees which would have been received by the ſaid *Andrew Miller* and *William Scott*, until the Death or Reſignation of *John Watſon* and *James Mercer*.

Fees of Auditor of Court.

XLVIII. And be it further enacted, That the Fees ſpecified in the Schedule hereunto annexed, intituled, "Rate of Fees payable to the Auditor of Court,"

Court," and no other, ſhall be payable to and exigible by the Auditor of Court, ſuch Fees, in the Event of there being an Auditor for each Diviſion, being divided equally between the Two Auditors.

Fees of the Keepers of the Inner Houſe to be equally divided.

XLIX. And be it enacted, That the Fees receivable by the Keepers of the Inner Houſe Rolls or Clerks of the Lords Preſident of the Two Diviſions of the Court of Seſſion, ſhall form a common Fund, and be divided equally between them.

Fees to be equally divided between the Clerks to Ordinary Judges.

L. And be it enacted, That ſo ſoon as Five junior Ordinary Judges ſhall officiate as permanent Lords Ordinary in the Manner herein directed, the Fees payable to the Clerks of the Ordinary Judges ſhall form a common Fund, and ſhall be equally divided among the Clerks of the Thirteen Ordinary Judges of the Court of Seſſion.

Fees demandable by Writers to the Signets ſpecified in Schedule.

LI. And be it enacted, That Fees demandable by Writers to the Signet for Signet Letters, and for Proceedings in the Service of Heirs before the Macers of the Court of Seſſions, ſhall be the Fees (and no others) appearing from the Schedule hereunto annexed, intituled, "Table of Fees, of Ordinary Signet Letters, and Fees of Service before the Macers," reſpectively.

Contents of a Sheet to be 300 Words.

LII. And be it enacted, That every Sheet charged for by any Practitioner in the Court of Seſſion ſhall be calculated at the Rate of Three hundred Words to the Sheet; but if any ſuch Inſtrument ſhall contain fewer than Three hundred Words, the ſame ſhall be charged at the Rate of a Sheet; and if after finding the Sheet or Sheets which any ſuch Inſtrument ſhall comprize, calculated at the Rate aforeſaid, any Number of Words leſs than Three hundred Words ſhall remain, ſuch fewer Words ſhall be charged as a Sheet.

Compenſations to certain Officers ſpecified in Schedule.

LIII. And whereas by the aforeſaid Report by the ſaid Commiſſioners, it is certified, that Compenſation to a certain Amount ought to be given to the Principal and Depute Clerks of Seſſion, the Extractors, and the Collectors of Clerks' Dues, for Loſſes that will be ſuſtained by them as therein mentioned, be it enacted, That the Sums of Annuity ſpecified in the Schedule hereunto annexed, entitled, "Specific Compenſations," ſhall be paid to the Perſons therein named and deſcribed reſpectively, at ſuch Time or Times in the Year, and in ſuch Manner as other Compenſations are herein-after directed to be paid.

Application may be made to the Barons of Exchequer if Compenſation be found inadequate.

LIV. And be it enacted, That in the Event that any of the ſaid Principal or Depute Clerks of Seſſion, or Extractors, ſhall make an Application to the Barons of Exchequer in *Scotland*, ſetting forth that the Compenſation provided by the Salaries payable by this Act, or ſpecified in the Schedule, is inadequate to his juſt Claims, and if any of the ſaid Clerks or Extractors ſhall make it appear that he has ſuffered or will ſuffer pecuniary or other Loſs, from the Operation or Effect of any of the aforeſaid Regulations, beyond the Salaries allowed, and the Compenſation made by this Act, due and equitable Conſideration being always had of the Circumſtances of each individual Caſe, the ſaid Barons are hereby authorized and required to examine into ſuch Claims, and to decide whether any and what further Sums of Compenſation are due to all or any of the ſaid Clerks or Extractors.

LV. And be it enacted, That if any other Perſon ſhall apply to the ſaid Barons, who ſhall eſtabliſh his Right, and make it appear that he has ſuffered or will ſuffer pecuniary Loſs from the Operation or Effect of any of the aforeſaid Regulations, it ſhall and may be lawful for the ſaid Barons to award to ſuch Perſon ſuch Compenſation as the ſaid Barons ſhall find ſuch Perſon entitled to, either by the Payment of a groſs Sum, or by Way of Annuity, as they ſhall think proper.

Perſons ſuffering Loſs from the new Regulations may apply to the Barons of Exchequer for Relief.

LVI. And be it enacted, That every Sum of Compenſation ſo to be awarded by the ſaid Barons, ſhall be paid and payable upon the Order of the ſaid Barons, in ſuch Manner, and at ſuch Time or Times, as they ſhall direct out of the aforeſaid Monies charged or made chargeable by ſeveral Acts made in the Seventh and Tenth Years of the Reign of Her Majeſty Queen *Anne*, with the Fees, Salaries, and other Charges allowed or to be allowed for keeping up the Courts of Seſſion, Juſticiary, and Exchequer.

Fund from which Compenſation ſhall be made.

LVII. And be it enacted, That the ſaid Barons of Exchequer ſhall conſider the Situation of ſuch aged and indigent Perſons who may have hitherto gained their Subſiſtence by copying out Extracts in their preſent Form, and who, having been for many Years attached to the Extractor's Offices, may not be capable of gaining their Livelihood otherwiſe, and make ſuch Allowance or Allowances, in the Way of Annuity, to ſuch Perſons reſpectively, as the ſaid Barons ſhall think proper, which ſhall be paid upon their Order out of the aforeſaid Monies charged or made chargeable with the Fees, Salaries, and other Charges for keeping up the Courts of Seſſion, Juſticiary, and Exchequer aforeſaid.

Caſe of aged and indigent Perſons who have hitherto been employed in copying Extracts to be conſidered and relieved.

LVIII. Provided always, and be it enacted, That it ſhall and may be lawful for the ſaid Barons, who are hereby required, to order and direct ſuch Sum or Sums of Money to be from Time to Time paid to any ſuch Officer of Court or Perſon as aforeſaid, who ſhall make Application to them purſuant to this Act, as the ſaid Barons ſhall think proper, as an Interim Allowance, until the Compenſation or Proviſion to be awarded to any ſuch Perſon by virtue of this Act ſhall be aſcertained and finally determined; and every ſuch Allowance ſo ordered to be paid by the ſaid Barons ſhall be paid at the Time and in the Manner they ſhall direct out of the aforeſaid Monies charged or made chargeable with the Fees, Salaries, and other Charges for keeping up the Courts of Seſſion, Juſticiary, and Exchequer aforeſaid.

Temporary Allowance may be given.

LIX. And be it enacted, That every Sum to be paid purſuant to this Act out of the aforeſaid Monies charged or made chargeable with the Fees, Salaries, and other Charges for keeping up the Courts of Seſſion, Juſticiary, or Exchequer, ſhall be paid and payable, free and clear from all Taxes and Deductions whatſoever, except the Duty charged by an Act paſſed in the Forty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act for granting to His Majeſty during the preſent War, and until the Sixth Day of* April *next after the Ratification of a Definitive Treaty of Peace, additional Rates and Duties in* Great Britain *on the Rates and Duties ariſing from Property, Profeſſions, Trades, and Offices; and for repealing an Act paſſed in the Forty-fifth Year of His preſent Majeſty, for repealing certain Parts of an Act made in the Forty-third Year of His preſent Majeſty, for granting Contribution on the Profits ariſing from Property, Profeſſions, Trades, and Offices, and to conſolidate and render more effectual the Proviſions for collecting the ſaid Duties.*

Allowances to be free from Taxes, except the Duty granted by 46 G. 3. c. 65.

SCHEDULES

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Form of Extract of Decreet in an Ordinary Action for Payment of Debt.

AT Edinburgh, the Day of ſitting in Judgment the Lords of Council and Seſſion, they decerned and ordained and hereby decern and ordain Defender to make Payment to Purſuer of the Sum of Sterling of Principal contained in and due by the Bond Bill or other Document or Claim founded on in the Libel [*which muſt be ſhortly mentioned by Date or otherwiſe, as expreſſed in the Judgment of the Court*] or, due in Manner libelled on. Item, of the lawful Intereſt of ſaid Sum from and ſince the Day of till Payment; and of the Sum of of Expences found due, and of the Sum of Sterling further as the Expence of extracting this Decreet; and ordain Letters of Horning on a Charge of Fifteen Days, and all other Execution to paſs hereon in Form as Effeirs. Extracted by me, one of the Principal Clerks of Seſſion.

In Caſes of Decrees in Abſence.

The Form will be the ſame as in the above, with the Addition of the Words "in Abſence" before the Word "decerned," with ſuch Alteration in regard to Expences as the Circumſtances of the Caſe may require.

SCHEDULE (B.)

Form of Decreet of Abſolvitor in an Ordinary Action for Payment of Debt.

AT Edinburgh, the Day of ſitting in Judgment the Lords of Council and Seſſion, they aſſoilzied and hereby aſſoilzie ſimpliciter Defender from the whole Concluſions of the Summons and Action inſiſted in before the ſaid Lords at the Inſtance of againſt the ſaid Defender for Payment of the Sum of Sterling, alledged to have been due by the Defender to the Purſuer by the Bond Bill or other Document of Debt or Claim mentioned in the Libel [*which it will be neceſſary to refer to by Date or Deſcription*] and decerned and ordained, and hereby decern and ordain the ſaid Purſuer to make Payment to the ſaid Defender of the Sum of [*here inſert the Sum of Expences, if ſuch are found due by the Judgment of the Court*] Item, of the Sum of farther as the Expence of extracting this Decreet; and ordain Letters of Horning on Fifteen Days Charge, and all other Execution to paſs hereon in Form as Effeirs. Extracted by me, one of the Principal Clerks of Seſſion.

SCHEDULE (C.)

Form of Extract in an Advocation where the Cauſe is remitted ſimpliciter.

AT Edinburgh, the Day of ſitting in Judgment the Lords of Council and Seſſion in the Proceſs of Advocation inſiſted in at the Inſtance of againſt complaining of an Interlocutor of the Sheriff Depute of dated the Day of laſt, the ſaid Lords remitted and hereby remit the ſaid Action and Cauſe ſimpliciter to the ſaid Sheriff Depute, to the End he may proceed and adminiſter Juſtice therein to the final Iſſue and Concluſion thereof; and further decerned and ordained, and hereby decern and ordain the ſaid Advocator to make Payment to the ſaid Defender, of the Sum of Sterling of Expences, and of the Sum of as the Expence of this Act, and remit and decreet and ordain Letters of Horning on Fifteen Days Charge, and all other Execution to paſs hereon at the Inſtance of the ſaid Defender againſt the ſaid Advocator for Payment of theſe Sums accordingly in Form as Effeirs. Extracted by me, one of the Principal Clerks of Seſſion.

In Caſes of a Remit with Inſtructions.

The Form will be ſimilar to the above, but reciting the Inſtructions.

SCHEDULE (D.)

Form of Extract in a Suſpenſion where the Letters are found orderly proceeded.

AT Edinburgh, the Day of ſitting in Judgment the Lords of Council and Seſſion, in the Proceſs of Suſpenſion inſiſted in at the Inſtance of againſt complaining of having been charged or threatened to be charged to make Payment to the ſaid of the Sum of Sterling of Principal contained in and due by the Bond Bill or other Document mentioned in the Letters [*which muſt be ſhortly deſcribed by Title and Date*] and of the Intereſt thereof, the ſaid Lords found and hereby find the Letters and Charge to be orderly proceeded, and decerned and ordained, and hereby decern and ordain the ſame to be put to further Execution, and further decern and ordain the ſaid Suſpender and his Cautioner in the ſaid Suſpenſion, conjunctly and ſeverally to make Payment to the ſaid Charger of the aforeſaid Sum of Sterling of Principal; Item, of the lawful Intereſt thereof ſince the Day of when the ſame fell due, till Payment, and of the Sum of Sterling of Expences found due by the ſaid Suſpender to the ſaid Charger for wrongous ſuſpending; and of the Sum of further as the Expence of extracting this Decreet, beſides the Sum of as the Expence of extracting the ſaid Bond of Cautionary, and ordain Letters of Horning on a Charge of Fifteen Days, and all other Execution to paſs hereon, and on the Extract of the Suſpender's Bond of Cautionary againſt the Suſpender and his Cautioner conjunctly and ſeverally in Form as Effeirs. Extracted by me, one of the Principal Clerks of Seſſion.

SCHEDULE (E.)

Form of Extract in a Suſpenſion when the Letters are ſuſpended Simpliciter.

AT Edinburgh, the Day of ſitting in Judgement the Lords of Council and Seſſion in the Suſpenſion inſiſted in at the Inſtance of againſt complaining of being charged or threatened to be charged to make Payment to the ſaid [*the Nature of the Charge to be ſhortly ſtated*] the ſaid Lords ſuſpended the ſaid Letters and Charge Simpliciter, found the ſaid Charges liable in the Sum of of Expences, and decerned and ordained, and hereby decern and ordain the ſaid Charger, to make Payment to the ſaid Suſpender, of the ſaid Sum of of Expences, and of the Sum of as the Expence of extracting the Decreet, and ordain Letters of Horning on Fifteen Days Charge, and all other Execution to paſs hereon in Form as Effeirs. Extracted by me, One of the Principal Clerks of Seſſion.

SCHEDULE (F.)

Actions of RANKING and SALE.

Form of Act and Commiſſion in Ranking and Sale.

AT Edinburgh, the Day of upon a Summons and Action of Ranking and Sale inſiſted in and depending before the Lords of Council and Seſſion, at the Inſtance of againſt and the following Perſons his Creditors, videlicet [*here enumerate the Names of the different Defenders cited in the Action either edictally or otherwiſe*] concluding that the following heritable Subjects belonging to the ſaid common Debtor, videlicet; all and Whole the Lands of, &c. [*here deſcribe the ſeveral Subjects contained in the Summons*] ought and ſhould be ſold under Authority of the ſaid Lords, and the Rents and Prices thereof divided among his Creditors according to their ſeveral Rights of Preference thereon: After ſome Procedure had taken place in the Action before the Lord as Ordinary thereto, the ſaid Lords of Council and Seſſion of the Date hereof, ſuſtained and hereby ſuſtain the Libel, and allowed and hereby allow the Purſuer to prove *pro ut de jure* the Yearly Rent of the Lands and others before ſpecified, what the ſame have paid, do or may pay Yearly, allowed and hereby allow the Defenders a conjunct Probation thereanent; and for that End gave and granted and hereby give and grant full Power, Warrant, and Commiſſion, &c. [*agreeably to the Terms of the Interlocutor of the Court, which muſt be engroſſed*] Extracted by me, One of the Principal Clerks of Seſſion.

SCHEDULE (G.)

Form of Extract of Decreet of Sale.

AT Edinburgh, the Day of upon a Summons and Action of Ranking and Sale raiſed and inſiſted in before the Lords of Council and Seſſion at the Inſtance of againſt and the following Perſons as his Creditors, &c. [*here enumerate the ſeveral Defenders who appear to be cited*

to

to the Action, either edictally or otherwiſe] concluding that the ſeveral heritable Subjects belonging to the ſaid as ſpecified in the Libel, and after deſcribed, ought and ſhould be ſold under Authority of the Court, and adjudged, decerned, and declared to belong to the Perſon or Perſons who ſhould offer moſt for the ſame at the Roup thereof: After a Proof had been adduced of the Rental and Value of the ſaid Subjects, and that a Roup of the ſame had taken place, the Lords of Council and Seſſion, upon Report of the Lord found and hereby find the Roup and Sale of the ſaid Subjects carried on before his Lordſhip on the Day of laſt orderly proceeded, and that having offered for the ſaid Subjects the Sum of Sterling, was the laſt and higheſt Offerer for the ſame at the ſaid Roup, and was accordingly preferred to the Purchaſe thereof by the Lord Reporter agreeably to the Articles of Roup, and has accordingly found Caution in Terms of the ſaid Articles; therefore the ſaid Lords ſold, adjudged, decerned, and declared, and hereby ſell, adjudge, decern, and declare all and whole, &c. [*here the Lands are to be ſpecially enumerated*] to pertain and belong to the ſaid his Heirs and Aſſignees heritably and irredeemably, upon Payment or Conſignation of the aforeſaid Price, with the annual Rent thereof in the Terms mentioned in the Articles of Roup and relative Bond granted therefor [*here the Remainder of the Interlocutor of the Court muſt be taken in*] and ordain Letters of Horning to paſs and be direct hereon againſt the Superior of the ſaid Subjects for infefting the Purchaſer and his foreſaids therein in Form as Effeirs. Extracted by me, One of the Principal Clerks of Seſſion.

SCHEDULE (H.)

Form of Extract of Decreet of Ranking.

AT Edinburgh, the Day of in the Summons and Action of Ranking and Sale, raiſed and inſiſted in before the Lords of Council and Seſſion, at the Inſtance of againſt and the following Perſons his Creditors, videlicet [*here enumerate the Names of the different Creditors cited*] concluding that the following heritable Subjects belonging to the ſaid videlicet, All and whole, &c. [*here deſcribe the Subjects*] ought and ſhould be ſold under Authority of the Court, in Terms of the ſeveral Acts of Parliament and Acts of Sederunt libelled on, and the Rents and Prices thereof divided among his Creditors, according to their ſeveral Rights and Diligences affecting the ſame, the following Grounds of Debt and Diligences thereon were produced on the Part of the reſpective Creditors after named, videlicet [*here take in ſhortly the Grounds of Debt, &c. produced by the Creditors conform to the Inventories thereof given in by them; then add,*] and after ſome Procedure had been taken in the Action before the Lord as Ordinary thereto, the ſaid Lords of Council and Seſſion, of the Date hereof, ranked and preferred, and hereby rank and prefer, &c. [*here the Words of the Interlocutor of Ranking to be verbatim engroſſed*] and ordain all Letters and Execution neceſſary to paſs and be direct hereon in Form as Effeirs. Extracted by me, one of the Principal Clerks of Seſſion.

SCHEDULE

SCHEDULE (I.)

Form of Extract of Decreet of Diviſion.

AT Edinburgh, the Day of in the proceſs of Ranking and Sale, raiſed and inſiſted in before the Lords of Council and Seſſion, at the Inſtance of againſt and the following Perſons his Creditors, videlicet, [*here recite the Names of the Creditors cited*] concluding that the Lands and Eſtates, &c. [*here deſcribe the Subjects ſhortly*] belonging to the ſaid ſhould be ſold under Authority of the Court, and the Rents and Prices thereof divided among his Creditors, conform to their reſpective Rights and Diligence affecting the ſame, after the aforeſaid Subjects had been ſold, and a Decreet Ranking, the Creditors pronounced and extracted: The ſaid Lords of Council and Seſſion of the Date hereof approved and hereby approve of the Scheme of Diviſion of the Rents and Prices of the ſaid Subjects made up and reported by Accomptant in Edinburgh; and in Terms thereof decerned and ordained, and hereby decern and ordain the Purchaſer of the ſaid Subjects, to make Payment of the Sum due by him, extending of Principal and Intereſt at the Term of to the Sum of Sterling, in Manner following, videlicet, [*here take in that Part of the Accomptant's Scheme which allocates the Price, and in caſe the Factor has any Balance in his Hands, the Allocation of that Balance muſt alſo be inſerted*] and ordain Letters of Horning on Fifteen Days Charge, and all other Execution neceſſary to paſs and be direct hereon in Form as Effeirs. Extracted by me, one of the Principal Clerks of Seſſion.

SCHEDULE,

DUES OF COURT.

Summonſes.

	£.	s.	d.
IN lieu of the preſent Fee or Dues of Court, on Tabling of Summonſes, there ſhall be paid on every Summons the Sum of - - - -	1	0	0

Suſpenſions and Advocations.

To pay the like Fee of One Pound each -	1	0	0

Original or Summary Applications by Petition, &c.

Original Petitions, and Petitions and Complaints, or any other Summary Application, by which a Cauſe comes in the firſt Inſtance before the Outer or Inner Houſe, ſhall pay in lieu of the preſent Fee of Four Shillings and Ten-pence, One Pound each - - -	1	0	0

Defences.

All Defences including and comprehending the firſt Paper or Step of Proceſs, given in for the Charger in a Suſpenſion, or for the Defender, called in an Advocation, One Pound each - - - - -	1	0	0

	£.	s.	d.
Anſwers to Summary Applications.			
All Anſwers in Summary Applications, each One Pound	1	0	0
Condeſcendences and Anſwers in Outer or Inner Houſe.			
Condeſcendences, each Ten Shillings - -	0	10	0
Anſwers to Ditto, or Counter-Condeſcendences, each Ten Shillings - - - -	0	10	0
Amendments of Libel, or additional Defences or Supplementary Condeſcendences or Anſwers.			
Each, One Pound - - - -	1	0	0
Repreſentations and Anſwers.			
Repreſentations to pay Ten Shillings each - -	0	10	0
Anſwers to pay Five Shillings each - - -	0	5	0
Minutes.			
Each Minute ordered by the Lord Ordinary or Court to be given in in the Inner or Outer Houſe to pay Five Shillings	0	5	0
Every Anſwer, Five Shillings - - -	0	5	0
Memorials or Informations.			
Memorials or Informations either in the Inner or Outer Houſe, to pay Ten Shillings each - - - -	0	10	0
Petitions, Reclaiming or Incidental, and Anſwers.			
All Petitions and Anſwers (other than Original or Summary Applications as above) in lieu of the preſent Fee of Four Shillings and Ten-pence, to pay Ten Shillings each -	0	10	0
Prepared States.			
Each Party in Place of the preſent Fee on Hearings of Nine Shillings and Eight Pence, to pay One Pound -	1	0	0
Replies and Duplies.			
Replies and Duplies in the Inner or Outer Houſe to pay each One Pound - - - - - -	1	0	0
Notes.			
All Notes to the Lord Preſident printed or written, Five Shillings each - - -	0	5	0
Depoſitions of Witneſſes or of Parties.			
Depoſitions of Witneſſes or of Parties, whether in preſence of the Court or on Commiſſion in lieu of the preſent Fee, to the Clerks of Seſſion to pay each Two Shillings -	0	2	0
Intereſts in Proceſſes of Multiple Poindings, Adjudications and Rankings and Sale; alſo Writings given in to ſatisfy Productions in Reductions, each Ten Shillings - -	0	10	0
All Intereſts where the Sum claimed is under Ten Pounds, to continue as at preſent to pay no Fee.			
Abridged Extracts.			
The Extracts of Decreets *in foro* each One Pound One Shilling	1	1	0

	£.	s.	d.
Extracts of Decreets in Abſence, Acts, Abbreviates of Adjudication, Diligences, and Proteſtations, Ten Shillings and Sixpence each - - - -	0	10	6
The Fees of the Lord Clerk Regiſter on Summonſes, and on Acts and Decreets, as alſo thoſe of the Keeper of the Minute Book; and of the Macers on Acts and Decreets, and the Fees of the Macers on the Depoſitions of Witneſſes and of Parties; and thoſe of the Houſekeepers on Abbreviates of Adjudications, and on Intereſts in Adjudications, are to remain as at preſent; and the Clerks Aſſiſtant who prepares the Extracts is likewiſe to be allowed to charge the ordinary Rate of copying per Sheet allowed to Agents before the Court of Seſſion at the Time.			
Certified Copy of Proceedings for Appeal, Five Pounds each	5	0	0
Croſs Appeals to pay the ſame Sum each - - -	5	0	0
None of the above Dues to attach upon Proceſſes on the Poors Roll.			

There is at preſent payable upon Extracts of Deeds recorded in the Books of Council and Seſſion, which are ſubſcribed by the Principal Clerks of Seſſion as Deputies empowered to that Effect by the Lord Clerk Regiſter, the Sums following, viz.

A Proteſt - - -				£0	3	5
Of which there is paid to the Lord Regiſter	£0	1	1½			
To the Clerks - - -	0	1	1½			
To the Keepers - - -	0	0	4½			
And for writing, recording, Paper, &c. -	0	0	9½			
				0	3	5
A Deed (Firſt Sheet) - - -				0	3	8
Of which the Lord Regiſter draws -	£0	1	1½			
The Clerks draw - - -	0	1	1½			
The Keepers - - -	0	0	4½			
Writing, recording, Paper, &c. -	0	1	0½			
				0	3	8
Second Sheet pays - - -				0	2	4
Of which the Clerks draw -	£0	0	10			
The Keepers - - -	0	0	8			
Writing, recording, and Paper -	0	0	10			
				0	2	4
Third, and each other Sheet pays -				0	2	4
Of which the Keepers draw - -	£0	1	6			
Writing, recording, and Paper -	0	0	10			
				0	2	4

The above Regiſtration Fees, in ſo far as they go to the Lord Clerk Regiſter and Keepers of Regiſters, &c. ſhall continue on their preſent footing: but in ſo far as they go to the Principal Clerks of Seſſion, and form a Part of the General Fund which they divide among themſelves, ſhall be drawn by the Collector, and paid into the Fee Fund, out of which the Allowances or Salaries to the Principal and Depute Clerks of Seſſion, &c. are to be paid in future.

SCHEDULE,

SCHEDULE,

Rate of Fees payable to the Auditor of Court.	£.	s.	d.
When the Amount of the Account to be taxed is under Ten Pounds, the Auditor's Fee to be	0	7	6
Where the Account amounts to Ten Pounds but is under Twenty Pounds	0	10	6
Where the Account amounts to Twenty Pounds but is under Fifty Pounds	0	15	0
Where the Account amounts to Fifty Pounds but is under One hundred Pounds	1	1	0
Where the Account amounts to One hundred Pounds but is under One hundred and fifty Pounds	1	11	6
Where the Account amounts to One hundred and fifty Pounds but is under Two hundred Pounds	2	2	0
Where the Account amounts to Two hundred Pounds but is under Three hundred Pounds	3	3	0
Where the Account amounts to Three hundred Pounds but is under Five hundred Pounds	4	4	0
Where the Account amounts to Five hundred Pounds and upwards	5	5	0

SCHEDULE,

Fees of Ordinary Signet Letters and of Services before the Macers.

Fees of Ordinary Signet Letters.

	£.	s.	d.
Letters of Horning and Poinding, Caption, Arreſtment, Supplement, and Law Burrows:			
First Sheet, eſtimated as the legal Sheet, is by this Act	0	5	0
Every other Sheet ſo eſtimated	0	2	0
Inhibitions, Hornings againſt Superiors, Letters of General and Special Charge, and Summonſes of Adjudication:			
First Sheet	0	10	0
Second Sheet	0	6	0
All other Summonſes paſſing the Signet:			
First Sheet	0	6	0
Second Sheet	0	4	0
Bills of Suſpenſion and of Advocation, when drawn by a Writer to the Signet:			
First Sheet	0	6	0
Every other Sheet	0	4	0
Letters of Suſpenſions and Advocations, when expede by the Writer to the Signet who drew the Bill:			
For the formal Part, per Sheet	0	4	0
For every other Sheet, for writing and expeding the Letters	0	1	0
When the Bill is drawn by another Perſon,			
For the formal Part, per Sheet	0	5	0
For every other Sheet	0	2	0

Fees of Service before the Macers to the Writer to the Signet, as Clerk to the Service, without Prejudice to other proper Charges relative to making up the Title.

	£.	s.	d.
For the Bill for Commiſſion, Acts and Minutes of Court, Commiſſions to proclaim Brieves, &c.			
First Sheet	0	6	0
Every other Sheet	0	4	0

	£.	s.	d.
For Claim,			
First Sheet	0	10	0
Every other Sheet	0	6	0
For the Retour,			
First Sheet	1	0	0
Every other Sheet	0	12	0
As Clerk to the Service,			
When the Lands are below £400. valued Rent	4	4	0
Amounting to £400. and below £700.	5	5	0
——— £700. and below £1000.	7	7	0
——— £1000. and below £1500.	8	8	0
——— £1500. and upwards	10	10	0

SCHEDULE,

Specific Compensations:

To each of the Principal Clerks of Session now in Office, in Addition to the Salary of One thousand Pounds in the foregoing Act provided, during the respective Lives of the said Clerks, upon their severally becoming entitled to such Salary	£100 per Ann.
To Thomas Mason, Extractor, besides the Salary of Two hundred Pounds in the foregoing Act provided during his Life	£33 per Ann.
To Louis de Maria, Extractor, besides the like Salary, during his Life	£30 per Ann.
To William Carmichael, Extractor, besides the like Salary, during his Life	£50 per Ann.
To John Elder, Extractor, besides the like Salary, during his Life	£328 per Ann.
To Adam Wilson, Extractor, besides the like Salary, during his Life	£175 per Ann.
To Joseph Johnson, Extractor, besides the like Salary, during his Life	£5 per Ann.
To the following Extractors, during their respective Lives:	
Thomas Millar	£310 per Ann.
Robert Pitcairn	170 per Ann.
James Sibbald	50 per Ann.
David George	26 per Ann.
James Shiells	44 per Ann.
Alexander Pitcairn	20 per Ann.
John Alexander	100 per Ann.
Thomas Scott	130 per Ann.
John Chalmers	120 per Ann.
William Smith	110 per Ann.
Walter Lockhart	20 per Ann.
To the Collector of Clerks Dues now in Office, and his Deputes during their respective Lives, according to the Proportions in which they now respectively receive the same	100 per Ann.

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