ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

C A P. LXX.

An Act for better regulating the Formation and Arrangement of the Judicial and other Records of the Court of Seſſion in *Scotland*.

[7th *June* 1815.]

WHEREAS the due Arrangement of the Judicial Records of the Court of Seſſion, framed in the Offices of the ſeveral Clerks and Extractors of Decrees of that Court, preparatory to their ultimate Depoſitation in His Majeſty's General Regiſter Houſe, is eſſential to the Uſefulneſs of that Claſs of the Public Records of *Scotland:* And whereas there is not at preſent any adequate Proviſion or Official Eſtabliſhment for that Purpoſe: 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 on the Fifteenth Day of *April* and the Fifteenth Day of *Auguſt* in every Year, from and after the paſſing of this Act, the ſeveral Clerks of Seſſion, or their Aſſiſtants and Extractors, ſhall tranſmit all the Concluded and Extracted Proceſſes in their Poſſeſſion at ſuch Periods reſpectively, into an Office to be prepared and ſet apart for that Purpoſe by the Lord Clerk Regiſter, who is hereby authorized and required to prepare and ſet apart the ſame; and the ſaid Clerks of Seſſion or their Aſſiſtants ſhall there deliver ſuch concluded Proceſſes to an Officer to be called *The Keeper of the Records of the Court of Seſſion,* to be appointed by the Lord Preſident of the College of Juſtice for the Time being; who is hereby authorized and required forthwith after the paſſing of this Act,

Extracted Proceſſes to be tranſmitted to Regiſter Office.

and from Time to Time thereafter, as often as there ſhall be occaſion, to chooſe and nominate ſome fit Perſon to hold the ſaid Office, *ad vitam aut culpam*, who ſhall progreſſively arrange the Whole of theſe Records into one Series, and carefully preſerve the ſame until they ſhall be finally depoſited in His Majeſty's General Regiſter Houſe.

Concluded Proceſſes, though not extracted, alſo to be tranſmitted.

II. And be it further enacted, That on the Fifteenth Day of *Auguſt* in every Year, the foreſaid Clerks of Seſſion, or their Aſſiſtants, ſhall alſo tranſmit to the ſaid Keeper of the Records of the Court of Seſſion all ſuch Proceſſes as have been concluded, and have been in a Situation to admit of Extract, on or before the Twelfth Day of *July* in the Year preceding reſpectively, although the ſaid concluded Proceſſes have not been then actually extracted: Provided always, that if an Extract of any ſuch Proceſs ſhall be thereafter demanded it ſhall be competent for the Extractor of ſuch Proceſs to reſort to the Office of the ſaid Keeper and there make ſuch Extract accordingly.

Keeper of Records to attend perſonally.

III. And be it further enacted, That the ſaid Officer to be called *The Keeper of the Records of the Court of Seſſion*, ſhall be bound to diſcharge his ſaid Office in Perſon, and ſhall act in conformity to ſuch Orders and Regulations as may from Time to Time be made and communicated to him by the Lord Clerk Regiſter for the Time being, ſubject always to the Review and Controul of the Court of Seſſion; and the ſaid Keeper of Records ſhall from and after the Date of his Appointment be entitled to

Salary.

a Salary of Two Hundred Pounds *per Annum*, payable out of the Fee Fund of the Court of Seſſion, to be paid to him Quarterly by the Collector of the ſaid Fee Fund, in the ſame Manner with the Salaries of the Clerks and other Officers of the Court of Seſſion.

The Number of Keepers to be reduced.

IV. And whereas certain Irregularities and Defects have prevailed in the Formation of the Regiſter of Deeds, Probative Writings, and Inſtruments of Proteſt, in the Books of Council and Seſſion, and certain new Arrangements have become neceſſary for the more regular and effectual Diſcharge of the Duties to be performed by the Keeper of the ſaid Regiſter; be it enacted, That from and after the Twelfth Day of *November* next, inſtead of Six Keepers of the ſaid Regiſter, there ſhall be One Principal Keeper and Two Aſſiſtant Keepers, who ſhall be bound to diſcharge the Duties of their ſaid Offices in Perſon; and who ſhall be entitled to the Fees now drawn by the Six Keepers of the ſaid Regiſter in the following Proportion; that is to ſay, Three-ſeventh Parts to be payable to the Principal Keeper, and Two-ſevenths to each of the Two Aſſiſtant Keepers; the ſaid Fees being always liable in the firſt Inſtance to the Burden of defraying the whole Expence of Regiſter Books, and Minute Books, for the Record of Deeds, Probative Writings, and Inſtruments of Proteſt, and the Whole of the Fees or Dues payable to the Writing or Copying Clerks.

Their Appointment to be approved of by the Lord Preſident and Lord Clerk Regiſter:

V. And be it further enacted, That the ſaid Principal and Aſſiſtant Keepers ſhall be appointed by the Principal Clerks of Seſſion in the ſame Manner as the Six Keepers have heretofore been appointed; but it is hereby ſpecially provided, that the ſaid Keepers ſo choſen and preſented by the Principal Clerks of Seſſion ſhall not be admitted by the Lords of Seſſion into the ſaid Offices, unleſs their reſpective Appointments ſhall have

have been approved of in Writing by the Lord Preſident of the College of Juſtice, and the Lord Clerk Regiſter for the Time being.

Keepers to be choſen from among the preſent Keepers.

VI. And be it further enacted, That the Principal Keeper and his Aſſiſtant Keepers to be firſt appointed as aforeſaid, ſhall be choſen from among the preſent Six Keepers; provided always, that ſuch Appointment ſhall receive the Approbation of the Lord Preſident, and the Lord Clerk Regiſter as aforeſaid.

Compenſation to reduced Keepers.

VII. And be it further enacted, That ſuch of the ſaid Six Keepers as ſhall not be choſen and appointed to any of the ſaid Offices of Principal or Aſſiſtant Keepers ſhall within Twelve Months after the paſſing of this Act preſent to the Court of Exchequer in *Scotland* a joint Claim, ſetting forth the Amount of thoſe Emoluments of which they have been deprived by the Operation of this Act, together with the Vouchers and Evidence by which the ſame is meant to be ſupported; and the Barons of the Exchequer, after due Enquiry made by them into the Circumſtances of the Caſe of each of the Claimants reſpectively, are hereby authorized and required to determine and aſcertain the Amount of the Fees and Emoluments of which the aforeſaid Claimants ſhall have been deprived by the Operation of this Act, and what Sums will form a juſt and reaſonable Compenſation to ſuch Claimants reſpectively, by Annuities during their reſpective Lives; and ſo ſoon as ſuch Compenſation ſhall have been aſcertained it ſhall and may be lawful for the ſaid Barons, and they are hereby directed and required from Time to Time to iſſue their Warrant or Warrants for the Payment thereof, in ſuch Manner and at ſuch Time or Times as they ſhall direct, out of any 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.

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