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FRIDAY, DECEMBER 18, 1908.

PROPOSED ACT OF SEDERUNT anent Appeals from the Sheriff Court and the Procedure for the Remission of Causes to the Court of Session, under Sections 5 and 30 of the Sheriff Courts (Scotland) Act 1907.

EDINBURGH,

THE Lords of Council and Session, by virtue of the powers conferred on them by section 40 of the Sheriff Courts (Scotland) Act 1907, do Enact and Declare as follows:—

1. The provisions of the Act of Sederunt of 10th March 1870, with regard to Appeals, as to printing, boxing, lodging, etc., shall apply to Appeals (other than Appeals against Interlocutors applying Verdicts of Juries in the Sheriff Court) under the said Act.

2. The provisions of the said Act of Sederunt of 10th March 1870, with regard to Appeals, as to printing, boxing, lodging, etc., shall apply to Appeals against Interlocutors applying Verdicts of Juries in the Sheriff Court, provided that it shall not be necessary to print any notes of the evidence unless an order shall be made by the Appellate Court appointing the same to be printed.

3. In Appeals against Interlocutors applying Verdicts of Juries in the Sheriff Court, when the Appellate Court shall order a new trial, it shall be the duty of the party wishing to proceed with the cause in the Sheriff Court to furnish the Sheriff Clerk with a certified copy of the Court of Session Interlocutor making such order.

4. Applications for remission of Causes to the Court of Session under the provisions of sections 5 and 30 of the said Act shall from the date hereof be made in the following manner:—

(1) The party desiring the Cause to be remitted shall cause to be written upon the Interlocutor Sheet in the Sheriff Court a note in the following terms:—"The Pursuer (or Defender or other party) requires the Cause to be remitted to the Division of the Court of Session;" and the said note shall specify the Division and shall be signed by the party making the application, or his Agent, and shall bear the date on which it is signed.

(2) The Clerk of the Inferior Court shall, within two days after the date of such application being made, send written notice of such application to the opposite party, or his Agent, provided that the failure to give such notice shall not invalidate the remission, but the Court of Session may give such remedy for any disadvantage or inconvenience thereby occasioned as may in the circumstances be thought proper.

(3) Where such application shall have been made, or in cases where the Sheriff has *ex proprio motu* under the provisions of section 5 of said Act pronounced an Interlocutor remitting the cause to one of the Divisions of the Court of Session, the Clerk of the Inferior Court shall, within two days thereafter, transmit the process to the Clerk of the Division of the Court to which the cause is remitted, who shall write on the Interlocutor Sheet a note of the day on which it is received.

(4) Upon the process being so remitted the same regulations as to printing, boxing, lodging, etc., shall apply as are contained with regard to Appeals in the said Act of