

same date, they shall be taken alternately one from each Division), which Roll shall be made up and kept by the Clerk of the Senior Lord Ordinary. And the Lords further appoint the Depute and Assistant-Clerks of Session, officiating at the Bars of the two Senior Lords Ordinary respectively, to be Clerks and Assistant-Clerks of the said Court, the Depute and Assistant-Clerk officiating at the Bar of the Senior Lord Ordinary taking charge of the First Division Causes, and the Depute and Assistant-Clerk officiating at the Bar of the Second Lord Ordinary taking charge of the Second Division Causes, remitted as aforesaid; and it shall be competent to the said Court to adjourn to any other day for the purpose of finishing the hearing of a Cause or Causes which may have been partly heard, or for any other purpose that may seem to them proper.

And the Lords further enact and declare as follows:—

II. In the event of the Judges composing the said Court being equally divided in opinion on any Cause, it shall be competent for the said Court to make an order appointing the Cause to be reheard before themselves and one other Judge to be thereafter named by the Lord President; and the Judgment to be pronounced on such rehearing shall be in conformity with the opinion of the Majority of the five Judges, but shall bear to be the Judgment of the said Court of four Lords Ordinary, after consulting with such additional Judge, and shall be signed by the Senior Lord Ordinary as President of the said Court.

III. The Lord President and the Lord Justice-Clerk may from time to time select from the Rolls of the First and Second Divisions respectively, such Causes (not being Causes which have come to the Inner House by Reclaiming Note against a Judgment of a Lord Ordinary) as they consider suitable to be remitted to the said Court of four Lords Ordinary, and the Lord President shall thereupon make an Order in the form and manner prescribed by the Act 20 & 21 Vict., cap. 56, §§ 1, 2, & 3, transferring the said Causes from the Rolls of the Inner House to 'The Roll of Remitted Inner House Causes;' but it shall be competent, in regard to any of such remitted Causes, for the Division of the Court to which it belongs at any time, either on the motion of any party to the Cause, or *ex proprio motu* on being satisfied of the propriety and expediency of such a course of procedure, to order such Cause to be retransmitted to the said Division.

IV. In any of the Causes standing in 'The Roll of Remitted Inner House Causes,' which have been brought to the Court of Session from an inferior Court, whenever it shall be necessary that Proof or Additional Proof should be taken, or that a Record should be made up or amended, such Proof or Additional Proof shall be taken, and the Record made up or amended under the direction of the said Court of four Lords Ordinary, in terms of the powers and provisions contained in the Seventy-second and Seventy-seventh Sections of the said recited Act. And the said Court of four Lords Ordinary shall also possess and exercise the powers conferred on the Court and the Lord Ordinary by the Twenty-ninth Section of the said recited Act.

V. It shall not be necessary for the Lords Ordinary composing the said Court to sit for the taking of Proofs, or presiding at Trials by Jury in Causes depending before them in the Outer House respectively during any week in which the said

Court shall sit under the authority of the said recited Act and this Act, nor shall it be necessary for any of the said Lords Ordinary (unless he shall think fit to do so at some hour when the said Court is not sitting) to call his ordinary Motion Roll or Debate Roll in the Outer House on any day on which the said Court shall sit under the authority aforesaid, anything contained in the Sixth Section of the said recited Act notwithstanding.

VI. When an Interlocutor has been pronounced by a Lord Ordinary, approving of an Issue or Issues under Section Twenty-seven, Sub-section Three, of the said recited Act, it shall not be necessary nor competent to reclaim against the said Interlocutor, if the Party aggrieved thereby desires only to obtain a variation of the Terms of the Issue or Issues, and does not desire to have such Issue or Issues, or one or more of such Issues, disallowed *in toto*; but, in every such Case, the Party shall apply by motion to the Inner House, in terms of the Twenty-eighth Section of the said recited Act, specifying precisely in his notice of motion the particular variation or variations which he desires should be made on the said Issue or Issues, and at same time Box Copies of the Record.

VII. That the Daily Rolls now in use to be printed and published, shall in future be printed and published under the authority and directions of the Court, by a Printer to be appointed from time to time by the Lord President.

VIII. That the *partibus* of every Summons shall specify both the Lord Ordinary and the Division of the Court to which the Cause shall belong, and shall be framed in terms of the Act of Sederunt 11th July 1828, Section Twenty-seven. And every Summons, in order to be called during Session, shall be lodged with the Clerk on the lawful day preceding that on which it is to be called, accompanied by a copy of the *partibus*, in plain, legible writing.

IX. That each of the Clerks, after revising the copy of the *partibus*, shall hand over the same to the Printer to be printed in the Calling List, and shall on the following day, in the Parliament House, before Twelve o'clock noon, revise the Proof of his share of the Calling List, and the completed Calling List of that day shall be printed and published in the Daily Rolls of that afternoon, at the earliest hour possible, and a separate Copy of the printed Calling List shall at the same time be put up on the walls of the Parliament House.

X. That every Summons, in order to be called on any Box-day during Vacation or Recess, shall, with the copy *partibus*, be lodged with the Clerk the Second day preceding the Box-day, and a separate Calling List shall be printed and published on the Box-day.

XI. That appearance may be entered for Defenders on the day of calling or on either of the two days following.

XII. That in Actions containing reductive conclusions, if the Pursuer shall fail within twelve days after the calling to enrol the Cause, the Defender shall be entitled to enrol for Dismissal of the Action or other competent procedure.

XIII. That during Session a Roll of undefended Causes shall be taken up daily when necessary by the Clerk of each Lord Ordinary, and shall be printed and published in the Daily Rolls. And during Vacation or Recess a Roll of Undefended Causes, and a Roll of Motions