

require them to state what proof they propose ; and if parties are agreed that proof is necessary, and as to what proof ought to be allowed, the Lord Ordinary, if himself satisfied of the propriety of the proof proposed, shall appoint the same to be taken.

(3.) If the parties are at variance as to whether there shall be proof, or as to what proof ought to be allowed, or if they or any of them shall maintain that one or more of the pleas stated on the Record should be disposed of before determining on the matter of proof, the Lord Ordinary shall appoint the Cause to be enrolled in a roll to be called the Procedure Roll ; and the Cause shall be forthwith enrolled in the said roll by the Lord Ordinary's Clerk ; and, after hearing the parties in the said roll, the Lord Ordinary shall pronounce such Interlocutor as shall be just ; and may either appoint proof to be taken, or dispose of such pleas on the Record as he thinks ought to be disposed of at that stage. Provided always, that it shall be competent to the Lord Ordinary, if he shall think right, to appoint the Cause to be heard in the Debate Roll, in place of the Procedure Roll.

(4.) It shall be always competent for parties having a Cause standing in the Procedure Roll, in regard to which they have come to be agreed that it should be disposed of by a proof before the Lord Ordinary, or a trial by Jury, or otherwise, to enrol the Cause in the Motion Roll, in order that the matter may be brought under the consideration of the Lord Ordinary, and such Interlocutor be pronounced as he shall think right in the circumstances.

(5.) In every case in which proof is to be taken before a Jury, Issues shall be adjusted either at the time of proof being appointed in the Cause, or on a day to be fixed not later than eight days thereafter ; and the parties shall lodge the Issues respectively proposed by them two days before the day so fixed.

Provided always that it shall be competent to try any cause by Jury on the Record without Issues, if it shall appear to the Lord Ordinary expedient that such Cause should be so tried.

(6.) The provisions of the Act of Sederunt of 15th July 1865, in the first seven sections thereof, shall be enforced in causes in the Procedure Roll, as well as in causes in the Debate Roll.

II. That the provisions of the 28th section of the said Statute shall apply to all the Interlocutors of the Lord Ordinary herein before referred to, so far as these import an appointment of proof, or a refusal or postponement of the same.

III. That the course of proceeding prescribed by the 71st section of the said Statute shall be altered to the following extent and effect :—

(1.) The Appellant shall, during Session, within fourteen days after the process has been received by the Clerk of Court, print and box the Note of Appeal, Record, Interlocutors, and Proof, if any, unless, within eight days after the process has been received by the Clerk, he shall have obtained an Interlocutor of the Court dispensing with printing in whole or in part ; in which case the Appellant shall only print and box, as aforesaid, those papers, the printing whereof has not been dispensed with ; and, if printing has been in

whole dispensed with, shall lodge with the Clerk of Court a manuscript copy of the Note of Appeal, furnishing another copy to the Clerk of the Lord President of the Division : And if the Appellant shall fail, within the period of fourteen days, to print and box, or lodge and furnish the papers required as aforesaid, he shall be held to have abandoned his Appeal, and shall not be entitled to insist therein, except upon being reponed, as hereinafter provided.

(2.) The Appellant shall, during vacation, within fourteen days after the process has been received by the Clerk of Court, deposit with the said Clerk a print of the Note of Appeal, Record, Interlocutors, and Proof, if any, unless, within eight days after the process has been received by the Clerk, he shall have obtained from the Lord Ordinary officiating on the Bills an Interlocutor dispensing with printing in whole or in part, for which purpose the Assistant-Clerk shall, if required, lay the process before the Lord Ordinary on the Bills ; and in such case the Appellant shall deposit with the Clerk, as aforesaid, a print of those papers, the printing whereof has not been dispensed with ; and, if printing has been in whole dispensed with, shall lodge with the said Clerk a manuscript copy of the Note of Appeal ; and the Appellant shall, upon the Box-day or Sederunt-day next following the deposit of such print with the Clerk, box copies of the same to the Court ; or, if printing has been in whole dispensed with, shall furnish to the Clerk of the Lord President of the Division a manuscript copy of the Note of Appeal : And if the Appellant shall fail, within the said period of fourteen days, to deposit with the Clerk of Court, as aforesaid, a print of the papers required, or to lodge with him a manuscript copy of the Note of Appeal, as the case may be, or to box or furnish the same as aforesaid, on the Box-day or Sederunt-day next thereafter, he shall be held to have abandoned his Appeal, and shall not be entitled to insist therein, except upon being reponed, as hereinafter provided.

(3.) It shall be lawful for the Appellant, within eight days after the Appeal has been held to be abandoned as aforesaid, to move the Court during Session, or the Lord Ordinary officiating on the Bills during Vacation, to Repone him, to the effect of entitling him to insist in the Appeal ; which motion shall not be granted by the Court or the Lord Ordinary except upon cause shown, and upon such conditions as to printing, and payment of expenses to the Respondent, or otherwise, as to the Court or the Lord Ordinary shall seem just.

(4.) It shall be lawful for the Respondent, within eight days after the Appeal has been held to be abandoned as aforesaid, if during Session, to print and box the Note of Appeal, Record, Interlocutor, and Proof, if any ; and if during Vacation, to deposit a print thereof with the Clerk of Court, and thereafter to insist in the Appeal, as if it had been taken by himself ; in which case the Appellant shall also be entitled to insist in the Appeal.

(5.) On the expiry of the said period of eight days after the Appeal has been held to be abandoned as aforesaid, if the Appellant shall not have been reponed, and if the Respondent does not insist in the Appeal, the judgment or judgments complained of shall become final, and shall be treated in all respects as if no Appeal had been