

ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

****

CAP. XXXIX.

An Act for the better Regulation of the Courts of Admiralty in *Scotland*, and of certain Proceedings in the Court of Session, connected therewith.

[28th *May* 1821.]

WHEREAS by a Warrant under the Sign Manual of His Royal Highness the Prince Regent, acting in the Name and on the Behalf of His Majesty, dated the Eighth Day of *February* One thousand eight hundred and fifteen, Commissioners were appointed for enquiring into the Duties, Salaries, and Emoluments of the several Officers, Clerks, and Ministers of Justice of the Courts of *Scotland*, and for reporting what Regulations might be fit to be established respecting the same; which Commissioners have accordingly made certain Reports, and the same have been laid before Parliament: And whereas it is expedient that Regulations should be established regarding the Courts of Admiralty in *Scotland*, for which the Authority of Parliament is required; be it therefore 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 hereafter it shall not be competent to insist in any Civil Process before the High Court of Admiralty, where the Subject Matter in Dispute, exclusive of Expences, is of less Value than Twenty-five Pounds Sterling, excepting only Maritime Cases wherein the said Court has a privative Jurisdiction, and Actions for Recovery of Premiums of Insurance on Ships and Cargoes, and Actions for Mercantile Claims against Shipmasters and Owners of Vessels, if preceded by Arrestment of the Vessel.

No Civil Process below 25l. competent in the Admiralty Courts, unless in re maritima.

II. And be it further enacted, That in all Cases where a Bill of Suspension, complaining of a Decreet of the said Court in a Matter of

Reasons of Suspension of Admiralty

Decrees, to be discussed upon the Bill.

of Maritime Jurisdiction, shall be reported to the Lords of either Division of the Court of Session, and in all Cases when a Petition shall be presented to the said Lords, reclaiming against an Interlocutor of the Lord Ordinary on the Bills refusing any such Bill, the said Lords shall discuss the Reasons of Suspension upon the Bill, without Letters of Suspension being expede thereon, the same being in such Cases hereby prohibited, but with the same Powers and Authorities as if Letters of Suspension had been already expede: Provided always, that this Regulation shall in no wise impair the Effect of the Rules in the Bill Chamber with respect to Caution, nor shall the Obligations of the Cautioners in such Cases be extinguished or impaired by the expeding of the Letters of Suspension being prohibited.

Suspensions and Reductions of Admiralty Decrees, shall be Inner-house Processes.

Power to remit with Instructions.

No Suspension or Reduction competent of an Admiralty Decreet, in Absence in re maritima.

III. And be it enacted, That every such Process of Suspension complaining of a Decreet of the said Court in a Matter of Maritime Jurisdiction, as well as all Processes of Reduction of such Decreets after the Production shall have been satisfied, and Avizandum made therewith to the Lords in common Form, shall be deemed Inner-house Processes, and the Reasons whether of Suspension or Reduction shall be discussed in the most expeditious Manner in the Course of the Summar Roll; and it shall be lawful to the Court in either Division to remit any such Process, whether of Suspension or Reduction, to the Judge of the said Court of Admiralty, with Instructions in what Manner to proceed further therein: Provided always, that no Proceeding, whether in the Form of Suspension or Reduction, shall be competent for bringing under Review any Decreet pronounced in Absence by the Judge of the said Court in Maritime Causes; it being reserved nevertheless to any Party aggrieved by such Decreet, to apply to the said Judge in competent Form for review of the same.

Reductions of Admiralty Decreets, in certain Cases allowed on short Induciæ.

IV. And whereas it is expedient to shorten the Induciæ of Summonses of Reduction, raised for bringing under Review of the Court of Session Decreets pronounced by the Judge of the said Court in Cases wherein the Pursuer is desirous to bring his Action of Reduction without Delay; be it enacted, That it shall be competent and lawful to raise such Summonses of Reduction with all usual and necessary Conclusions upon One Diet of Six Days, whether the Defender or Defenders be within *Scotland* or forth thereof: Provided always, that the Pursuer or Pursuers shall within Six Days after the last Step of Proceeding in the Court of Admiralty, give Notice, by a Notarial Instrument of Intimation, to the Agent in that Court of the opposite Party or Parties, that such Process or Reduction is to be forthwith raised; and provided also, that the Summons shall contain a Narrative of such Intimation, and shall be passed under the Signet within Six Days after the Date of the Intimation, and thereafter regularly executed against the Defender or Defenders, without any undue Delay.

Clerk of Admiralty shall discharge personally the Duties of his Office.

V. And be it enacted, That the Clerk of the High Court of Admiralty shall discharge the Duties of his Office personally: Provided always, that the Effect of this Enactment shall be suspended until the Death or Resignation of the present Principal Clerk of the said High Court.

VI. And be it further enacted, That the Duty of the Office of Auditor of Accounts in the said High Court shall be performed by the Clerk of the Judge Admiral. The Judge's Clerk shall be Auditor of Accounts.

VII. And be it enacted, That the Judge Admiral shall be, and he is hereby authorized and required forthwith to frame proper and suitable Regulations for abridging the Forms of Extracts now in use in the various Courts of Admiralty, and also relative to the Consignation in one or other of the public Banks, of all Monies required to be consigned in consequence of any Proceedings in any of the said Courts, having regard to the Forms for Extracts prescribed by an Act passed in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *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.* The Judge Admiral shall make Regulations for abridging the Forms of Extracts, &c.; 50 G. 3. c. 112.

VIII. And be it enacted, That the said Judge shall be and he is hereby authorized and required to frame a proper and suitable Table of Fees, including the Fees of Extract and of Consignation, for regulating and ascertaining the Emoluments which shall be justly exigible by the Clerk of the High Court of Admiralty, in such Manner as to make his total Net Emoluments amount, as nearly as may be, to Six hundred Pounds *per Annum*; and also a proper and suitable Table of Fees for regulating and ascertaining the Emoluments which shall be justly exigible by the Deputy of the said Principal Clerk, until the Death, Resignation, or Removal of his Principal, when the Fees of such Deputy shall cease and determine; and also for regulating and ascertaining the Emoluments which shall be justly exigible by the Clerk of the said Judge of the High Court of Admiralty, having regard to the Report of the said Commissioners herein-before recited in that Behalf. and also a Table of Fees to be taken by the Clerk;

IX. And be it enacted, That the said Judge shall also, and he is hereby required to frame a proper and suitable Table of Fees, for regulating and ascertaining the Emoluments which shall be justly exigible by the Person acting as Clerk to the Deputy Judge Admiral of the *Clyde*, and by the Clerks of inferior Courts of Admiralty, and by the Assessors of such Courts, and Procurators Fiscal, Macers, and other Officers of such Courts: Provided always, that in case any such Clerk, or other Officer, shall not be willing to accept of the Fees specified in such Table of Fees, in lieu of those now received by him, the Operation of such Table of Fees shall be suspended, until the Death, Resignation, or Removal of such Clerk or other Officer. and also a Table of Fees for the other Clerks, &c.

X. Provided always, and be it enacted, That every Regulation and Table of Fees to be framed pursuant to this Act, shall be presented by the said Judge to the whole Lords of Council and Session, by whom the same shall be considered, and after Deliberation and Conference, if necessary, with the said Judge, shall, with or without Alteration, be adjusted and published as an Act of Sederunt of the Court of Session; and it shall be lawful to the said Lords to alter any such Regulation and Table of Fees by a new Act or Acts of Sederunt, from Time to Time thereafter, as they shall see Cause: Provided Regulations and Table of Fees to be sanctioned by the Court of Session.

Provided further, that a Copy of every such Act of Sederunt, made pursuant to this Act, together with the Regulation and Table of Fees to which it refers, shall be transmitted by the President of the Court of Session to His Majesty's Secretary of State for the Home Department, who shall cause a Copy of the same to be laid before each House of Parliament, at or immediately after the Commencement of the then next Session thereof; and after the Expiration of Three Calendar Months after the First Day of such Session, every such Act of Sederunt and Regulation shall become in force; and thereafter, but not sooner, every such Fee shall, according to the Terms of such Act of Sederunt, be and be deemed and taken to be a legal Fee, and payable and receivable as such.

No Consideration to be received for any Appointment of Clerks, &c.

XI. And be it enacted, That all Appointments and Nominations to any Office in any of the said Courts of Admiralty, shall be made without receiving any Price, Gratuity, or valuable Consideration of any Kind, and shall be forthwith reported to the Judge of the said High Court.

For making Compensation in certain Cases.

XII. And be it enacted, That if the Clerk of the High Court of Admiralty, or his Deputy, shall make Application to the Barons of Exchequer in *Scotland*, and either of them shall make it appear that he has suffered or will suffer pecuniary Loss from the Operation or Effect of any of the aforesaid Regulations, beyond the Fees and other Emoluments to be thereby allowed or reserved, due Consideration being had of the Circumstances of the Case, the said Barons are hereby authorized and required to examine into such Claims, and to decide whether any or what Compensation is due to either of the said Clerks; and every Order for Compensation so made as aforesaid shall be laid before Parliament within Three Months after the Commencement of the Session next ensuing the making of the same: Provided always, that no such Decision of the said Barons shall be final and conclusive until Three Months after a Copy of the Order of such Barons for Compensation shall have been laid before Parliament.

Funds from which Compensations are to be paid.

XIII. And be it enacted, That any Sum of Compensation to be awarded under the Authority of this Act, shall be paid and payable upon the Orders of the said Barons, in such Manner and at such Time or Times as they shall direct, free and clear of all Taxes and other Deductions whatsoever, out of the 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 for keeping up the Courts of Session, Justiciary, and Exchequer.

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