



Court of Session (No. 2) Act 1838

1838 CHAPTER 118

XII Depute Clerks in the Outer House, and Assistants.

And whereas it is necessary that there should be a Depute Clerk of Session for each Lord Ordinary as herein-after provided; be it enacted, That from and after the passing of this Act there shall be Five Depute Clerks in the Outer House, who shall be appointed in the same Manner as the Depute Clerks in the Outer House now are, and shall receive Salaries of Four hundred Pounds *per Annum* each ; and there shall be an Assistant appointed to each Depute Clerk ; and in addition to the Duties at present performed by them, and to be performed by them before the Lords Ordinary in Jury Causes as aforesaid, the Depute and Assistant Clerks shall take charge of all Processes connected with Trial by Jury in the Outer House as Vacancies occur in the respective Offices of the Record Clerks in that Department; and the Depute Clerks shall, on the Death, Resignation, or Removal of the Record Clerks, or on being directed by the Lord President of either Division, attend in rotation the Circuits at which Jury Causes shall be tried, and shall act as Clerks of Court at such Trials, each of the said Depute Clerks so attending receiving an Allowance of Three Pounds Three Shillings *per Day* during his necessary Absence from *Edinburgh*, in full of all Expences of each Circuit: Provided always, that a Depute and Assistant Clerk shall be attached to and shall attend at the Bar of each of the Five Lords Ordinary in the Outer House as herein-after provided : And provided also, that it shall be competent to the Lord President of either Division, on Application by any Lord Ordinary, to direct that any of the ordinary Judges Clerks of either Division of the Inner House, or any Person receiving Compensation or retired Allowance under this Act, shall discharge such Duties as the Absence of any Clerk officiating before or in attendance upon any Lord Ordinary, or the State of Business depending before him, shall render necessary.