

and appoint the Clerks of Sessions for the Year 1698 & the Clerk of Session were brought up to the Number of six Again Act 28  
 1691. 2. 7.

There are five principal Clerks; called, from the place of their Attendance, Clerks of the Inner House. Who have their Commission from the Lord Register for life; with power to appoint under Clerks, or Clerks for the Outer House, and to act in their several offices. No person can be Clerk of the Inner House, who hath not served three Years as an Advocate, or writer to the signet, and the Clerk must at Admission, purge himself by oath, that he hath not given or accepted for the procuring his office, more than four thousand pounds, or a Years Salary, Act of Parl. 1693. Act. 10. The same is admitted by the words upon a trial before the Judges, which is done. The Probationer makes a debate in presence of the Lord Interlocutor thereon, which he reads to the Clerk, and farther reports to the heads of a bill, and answers assigned him by the Lords; who do also examine him in the forms of Acts, De cetero; and the Clerk is incumbent upon these Clerks, to Minute the heads of Causes and Decisions, with the Deliverances of Bills, in the ordinary Degree them contained by the Lords in the Inner House, and to give them duly signed by the President, and to prepare all formal Acts and Causes. They are discharged to receive to the Lord any Bills or Answers not put in their Boxes, except such which pass of course, or relate to Acts or Decrees, and to be extracted, unless there is notice to get Copies of them. They are forbidden to give up to parties any principal Decisions, or Bills whereupon there are Deliverances relating to Decrees or Interlocutors in process; and when such are appointed to be put they should give only Double the proof.

There are also six Under Clerks, so called Clerks of the Outer House, who are named by the principal Clerks, and received by the Lords. Each of them must at their Admission swear that he hath not given or promised, for obtaining his place, more than 1000 pounds or a Years Salary, Act of Parl. 1693. Act. 11. These Clerks Minute likewise in their course, all Decrees taken from the ordinary in the Outer House, or at the five Barons, and write the Decrees, and their words also to be in all Acts and Decrees pronounced, duly put in the Minute Book; to write the Depositions of parties and witnesses; and each Clerk is obliged to make a Record to Intimate in the Outer House, deliverances as in presence upon Bills, and to make the other necessary Intimations

Intimations there.

The Clerks were ordained to be put under pay by Yearly Salaries or fees, and strictly Discharged all other leading, partial favour, under the pain of Deprivation and loss of a Years Salary, Act of Parl. 1693. Act. 4. The Clerks and fees of the Clerks and their Clerks are paid to a Bachelor named by the Lords of Sessions, the Clerk's Book for the full Discharge of his office, and signs the Minute Books of the Clerk every Year.

Clerks of the Session except three offices, in each of which are two principal and two under Clerks, who have their several Apartments. All of them are Notaries by virtue of their office, and Instruments under their hands in judicial Acts, make the like faith as the Just by mouth of any Notary. It is an objection Act 29. Parl. 9. Ch. 11. They cannot be produced in process before the Lords, upon the question of their rights to either party, nor ~~shall~~ Act 29. 314. pr. Because they are only servants, as to the Direction of the Lords in the Execution of their offices. But these is more reason for Declaring Clerks of Sessions Clerks, who commonly have great Influence upon the Judges, and whose one is mostly retained, the Judge may be influenced as to the sense of a Clerk in that cause than himself.

All the Clerks in both Houses must cause the servants in ~~the~~ their respective offices, give bond not to sign in process for any of the parties, under the pain of 100 pounds to the Clerk, Act of Parl. 24. November. 1682. Because, this of dangerous Consequence that servants, who Under Clerks, Masters, have trust and Confidence of the Clerks and write produced their names, and are Employed in Extracting Acts and Decrees, should be against in these processes, and a Young Man who is charged over to Middle in any business in the Clerks Room, or about the Parliament House, for giving out the Extract of a bond granted to his father by three Copynymals, bearing the witnesses subscribed in the body to be himself, being by one to be called the Bond, whereof only one of them published it 23. Decem. 1707. Crawford's case contra Cunningham & Co.

If a process be once fixed in a Clerk or Extractors hands, it cannot be after wards removed to another. When any Competition arises concerning a process betwixt Clerks, in two offices, the Clerks End agrees to draw to his own office as many as he can, the Clerks in the third Chamber are chosen Arbiters, to determine which of the two the process in Controversie belongs to, or if they cannot do it, the Lords Intimate in the Matter, and decide the Competition. The Clerks must upon their peril give up no writs without Receipt, and get back those given up before calling of the parties.