

1867.

process; and the cause may be entered next or any subsequent Saturday afternoon, in the Book of Enrolment of Causes, under the cause for the tenor house, in order to be there disposed of.

Parties are allowed to object against the prepared state within 14 days thereafter, which object, with the answer thereto, are considered by the Treasury and submitted to the state. But the party neglecting to object within the time will not be heard at advising till he has given notice of five dollars. No objection can be made against the bill but only against the report as to the points proven or not proven but of Regul. 1695 Art. 19. Whereof the party pays the Clerk ones for preparing the other party, if he is found not his half thereof before calling of the cause; will be made to pay the whole then fixed but of Decr. 20 1796. 1797 512. The prepared state is only in the hands of the Clerk of the process patent to all parties a week before advising. a 10 days before the day of the trial 1798.

When the ordinary finds proof by oath act 17th Sept. 1695. Part. W. R. M. or by writ or witness had act of Regal. 1695. Act to be clear, he may mark it to be for in order to summarize & verify thereof, without order of the Roll.

sect. 8.

Sec. 8.
 Minaries in Count and Acknowledgments.

Formerly When an Act of Count and Reckoning is pronounced in a cause, the pursuer behaved to apply to those by a petition for Naming an ordinary in court to be Auditor in the Count and Reckoning, the Desire is hereof was always granted. But now the ordinary before whom any Act of Count and Reckoning is called by the Regulation Roll, or a process of another kind resolves in a count and Reckoning both at the same time that he assigns a day to the Defendant or Accountant, if Comparing, to produce to the Clerk of Court a Charge himself and his Discharge Name Clerk who falls to be Auditor in the Count and Reckoning; the formerly given in with Bills Drawing such ordinary being always paid to the Clerk Collector, Act of Passer, 24 Novemb. 1771 § 4. ^{2nd. Supra pag. 162q.} Auctor before to Charge

November 17/11 &c. ^{Indi. Supra pag. 162d}
If the Defendant neglect or refuse to charge
himself, he will be held as Confessed upon the Charge given
in by the juror, after his Deposition & Calumny, &c. ^{162d}

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there upon. Wherein a Charge given in by the Defendant, any thing is Decert fully omitted, or he being principally liable to County, Conceals any part of his actual Intemissions; he is liable in the double of what is so omitted; ~~and any charge~~
~~made by the Defendant, or any other person, in or out of Court~~
Defendant should with his Charge against the day appointed, given in a Copy of his Discharge both signed by himself, or by the prosecutor if absent, with the Vouchers or whole Instructions he is master of, and to be come upon the Articles instructed and their vouchers, and also upon the Articles not instructed, that the same may be compared by the Auditor in order to assign a term for instructing them, other ways he will not be heard there after upon any new Article, unless made appear to be recently come to his knowledge, and that then, if in Equity, he pay a Mulct to the other party for his Expense of that Delay, to be Modified by the Court d. del of Fedor. 53. But it is always free to the other party to make up and to his Charge, or to Object against the Discharge as Records.

The ordinary, after the Charge and Discharge are produced, is authorized to appoint one or more Delegates not employed in the cause, to their proper persons to compare the whole Accounts with the books and Instructions, and there upon to state the points in Controversy, to sign the Minutes for the ordinary to give his Interlocutor; and are Impowered to appoint Days to the parties and their Lawyers with the Blank of the process to come and point out to them their several Allegations and interests. The Date when so prepared is to be Marked and the Mark say Dated by the Delegates, and then to be lodged in the Blank Book: where it must lay eight Days to be seen by all Concerned, without fee or Award. After which time no objection is received against the fact so stated, without paying 20 shillings Sterling to the other party delayed thereby. Which Mould the ordinary may increase if he see cause. If any new point occur, the ordinary may Discontinue or permit the same to be Compared and Reported by the Delegates. Which Delegates have for their pains and Attendance such Allowance from both or either of the parties, as the said Ordinary doth Modestly