Ibid. 55.

Sect. 9.
Ordinaries in Ranking of Creditors.

Formerly when in a process of Ranking a day was assigned by the ordinary for the Creditors to produce their Rights and interests in order to be Ranked, the pursuer behoved to apply to the Lords by a petition for Ranking an Ordinary in course to be Creditor in the Ranking: The Desire where of was always granted. But now the ordinary who in a process of sale and Ranking called before him by the Ra- quisition Roll, assigns a day for the Creditors to produce their Rights and interests (a) & that the same time assigns (the Lord who calls to be ordinary for Ranking then assigns formerly given in with the Bills craving such ordinaries being always paid to the Clerks Collector

(a) Act. Sed. Fedr. 23 Novemb. 1711 §6.

In a process of Ranking each Creditor pays a Dollar when his Interest is produced, and no more for all the Interests in his person. If any of such Creditors faibie to produce their Rights and Interests within eight days of the day assigned for that effect, they are not allowed to produce hereafter without paying a Mulct to be Modified by the ordinary not Under 20 shillings Sterling and to be increased according to the delay the producer is guilty of and to be Applied by factor or Clerk towards defraying the charge of the process. Lords hip fixeth a time for the Creditors producing their Interests to depone upon the verity of their debtors debt: who, if they fail to do it at the day appointed, are not allowed thereafter to Upon payment of a Mulct to be Modified not under the said sum of twenty shillings, in case and Applied as above of Fedr. 23 Novemb. 1711 §6. If they Depone before the ordinary himself, he Driveth their oaths. But if they depone upon Commission, or before another Ordinary (as when the ordinary of the Ranking is sick or out of the Kingdom) the ordinary the Ranking cannot Drive their Oaths, without a Remit him for that effect, upon a Bill given unto the Lords. Neither a Pupil nor his Tutors are bound in a Ranking Creditors to depone upon the verity of a debt owing to Pupill 17 July 1707 Tutors of Gordon of Gordonstoun pleuants. A Quaker is allowed to give a Declaration on the verity of his debt as Equivalent to an oath for him 29 January 1713. A Peer is obliged to give only his

Word of honour upon the verity of his debt Decemb. 1721 Ranking of the Creditors of Ross of Auchlossan. Because such is but an oath ex officio, and not Deferred Reverse. If a Creditor be an Assignee for an Onerous cause, he Deponeth, that the cause is onerous, the debt just and no part of it paid or to the Common debtors behoof; and Declares what other security he holds for it, than the interest produced. But where the Creditor is an Assignee without any onerous cause the Cedent must depone upon the verity of his debt.

The ordinary in a Ranking, after the Rights and interests are produced, is Empowered to appoint one or More Advocates not Employed in the cause, to Consider the whole productions, State the Interests produced, and points of Controversie, and the = pose the Minutes, so as the Ordinary may give his Interlocu- = tor upon the whole, and they are Authorized to appoint days to the parties and their Lawyers with the Clerk of the process to come and point out to them their several Allegations and In- = terests. The State when so prepared is to be Marked and the Marking dated by these Advocates, and then to be Lodged in the Clerks hands. Where it must ly eight days to be seen by all Concerned without fee or Reward. After which time No objection is Received against the fact so stated, without paying 20 shillings sterling to the Factor or Clerk towards defraying the Charge of the process: Which Mulct the ordinary may increase if the fee cause. If any New point occur, the ordinary may Discuss or Remit the same to be Considered and Reported by the Delegates. Which Delegates have for their pains and Attendance such Allowance out of the Bankrupts estate as the ordinary doth Modify. Act of Fedr. 23 Novemb 1711 §7.

Where several Creditors are Competing for the same Subject, as having affected it by Real or Personal Diligence according to the Nature thereof, they are Ranked and preferred according to the Rules of Law, which have been Already set forth in the proper place. vide supra. 1377 & 1411

Sect. 10.
Business of the Lords in the Inner house.

By the Institution of the College of Justice ten ordinary Lord with the Chancellor or president was to be a quorum in the Inner house Act 54 Parl 5 J. 5. But now Nine ordinary