



Judicial Factors Act 1849

CHAPTER 51

JUDICIAL FACTORS ACT 1849

- Interpretation of Terms in this Act.
- II Judicial Factor to find Caution for duly performing his Duties.
 - III Judicial Factor to lodge with the Accountant a distinct Rental of Lands committed to his Management, a List of Funds, and an Inventory of Moveables, &c.
 - IV Factor to close his Accounts once a Year, and lodge the same with Accountant.
 - V Factor to lodge Monies in one of the Banks of Scotland.
 - VI Penalties on Factor for Misconduct.
 - VII Factor may apply for special Powers.
 - VIII Before special Powers, &c. granted, Court to order such Intimation to be made as may be deemed proper.
 - IX Power to appoint Accountant.
 - X General Nature of Accountant's Duty;
 - XI to assign a Day for closing first Account;
 - XII To adjust the Rental, List, and Inventory;
 - XIII and to audit the Accounts.
 - XIV Rules of exact Diligence may be dispensed with.
 - XV Accountant's Report conclusive against Factor, if not objected to, and if Objections, how to be disposed of.
 - XVI Cautioner may be heard before the Accountant.
 - XVII Parties interested may, upon Cause shown, open up Audit of Accounts.
 - XVIII Accountant to make an annual Report of all Judicial Factories, which shall be printed.
 - XIX Accountant to make Requisitions and Orders on the Factor;
 - XX And to report to the Lord Ordinary or the Court the Factor's Failure in Duty.

- XXI When Malversation reasonably suspected, a Case to be submitted to Her Majesty's Advocate.
- XXII Provision as to Factories constituted before the passing of the Act.
- XXIII Provision as to past Factories informally settled or desperate.
- XXIV Power to Treasury to appoint additional Clerks to bring up Arrears.
- XXV Provisions of the Act made applicable to Tutors of Law, Tutors-dative, and Curators to Insane Persons.
- XXVI Bonds of Caution for Tutors and Curators.
- XXVII Amount of Caution for Factors, &c may be limited, and Bonds of Caution by Guarantee Associations, &c. taken.
- XXVIII Certified Copy of Letters of Tutory or Curatory to form the Basis of a summary Process.
- XXIX Tutors, &c. served before the passing of this Act may put themselves under its Provisions.
- XXX Rental, List, and Inventory to be equivalent to tutorial or curatorial Inventory.
- XXXI Resignation and Removal of Tutors and Curators.
- XXXII Remuneration and Responsibility of Factors and Curators not altered.
- XXXIII Power to Accountant to require Information from Banks.
- XXXIV Discharge of Factors, Tutors, and Curators.
- XXXV Accountant to be Custodier of Bank Receipts.
- XXXVI Records in the Accountant's Office to be open for Inspection.
- XXXVII Banks to accumulate Principal and Interest on Accounts and Deposits.
- XXXVIII Provision for Accountant's Illness or temporary Absence.
- XXXIX Establishment of Fee Fund.
- XL Power to pass Acts of Sederunt.
- XLI Act may be amended, &c.