Session and Chapter.	Title.	Extent of Repeal.
32 & 33 Vict. c. 91.	The Courts of Justice, Salaries and Funds, Act, 1869.	So much as relates to the offices of the clerk of the Crown in Chancery, the offices of gentlemen of the chamber attending the Great Seal, or purse-bearer to the Lord Chancellor, or messenger to the Great Seal, or clerk of the petty bag, or to the fees of such clerk of the Crown, gentleman of the chamber attending the Great Seal, purse-bearer to the Lord Chancellor, or messenger to the Great Seal, or to the fees of any business transferred by this Act from the clerk of the petty bag to the clerk of the Crown in Chancery.

CHAPTER 82.

An Act to alter and amend the laws relating to the Appointment of Ministers to Parishes in Scotland. [7th August 1874.]

WHEREAS an Act was passed in the tenth year of the reign of Her Majesty Queen Anne, chapter twelve, intituled "An Act to restore the Patrons to their Ancient "Rights of presenting Ministers to the Churches vacant in that part of Great Britain "called Scotland," and another Act was passed in the sixth and seventh years of the reign of Her Majesty Queen Victoria, chapter sixty-one, intituled "An Act to remove "Doubts respecting the Admission of Ministers to Benefices in that part of the United "Kingdom called Scotland," and it is expedient to repeal the same, and to provide otherwise for the appointment of ministers of the Church of Scotland as by law established:

And whereas Her Majesty has been graciously pleased to signify that she has placed at the disposal of Parliament her interest in the several rights of advocation, donation, and patronage of churches and parishes in Scotland belonging to her:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extent of Act.

1. This Act shall apply to Scotland only.

Commencement of Act.

2. Except in so far as otherwise expressly provided, this Act shall come into operation on the first day of January one thousand eight hundred and seventy-five, which date is herein-after referred to as the commencement of this Act.

Repeal of Acts 10 Anne, c. 12., and 6 & 7 Vict. c. 61. Appointment of ministers in future.

3. From and after the commencement of this Act, the said Acts of the tenth year of the reign of Her Majesty Queen Anne, chapter twelve, and the sixth and seventh years of the reign of Her present Majesty, chapter sixty-one, shall be repealed, and the right of electing and appointing ministers to vacant churches and parishes in Scotland is hereby declared to be vested in the congregations of such vacant churches and parishes respectively, subject to such regulations in regard to the mode of naming and proposing such ministers by means of a committee chosen by the congregation, and of conducting the election and of making the appointment by the congregation as may from time to time be framed by the General Assembly of the Church of Scotland, or which after the passing of this Act, but before the next meeting of the said General Assembly, may be framed by the commission of the last General Assembly duly convened for the purpose of making interim regulations thereanent: Provided always, that, with respect to the admission and settlement of ministers appointed in terms of this Act, nothing herein contained shall affect or prejudice the right of the said Church, in the exercise of its undoubted powers

to try the qualifications of persons appointed to vacant parishes; and the courts of the said Church are hereby declared to have the right to decide finally and conclusively upon the appointment, admission, and settlement in any church and parish of any person as minister thereof. The ministers appointed, admitted, and settled in terms of this Act are hereby declared to have in all respects the same rights, privileges, and duties which now belong to or are incumbent on the ministers of the said Church.

Compensation to private patrons.

4. In all cases in which the patronage of a parish is held either solely or jointly by a private patron, or any guardian or trustee on his behalf, it shall be lawful for him, or for such guardian or trustee, at any time within six months after the passing of this Act, to present a petition to the sheriff of the county (and when the parish is partly in two or more counties, the petition may be presented to the sheriff of any one of such counties), praying him to determine the compensation to be paid to such patron in respect of the operation of this Act; but it shall not be incumbent on any such patron, or upon any guardian or trustee for such patron, whether the patronage is held upon a fee simple title or under a deed of entail or other limited title, to present such petition; and if no such petition shall be presented within the said period, it shall be held and taken that the claim for such compensation has been renounced, and no claim therefor shall afterwards be competent in any manner of way. No compensation in respect of the operation of this Act shall be paid to Her Majesty, or to any patron other than a private patron.

Procedure before sheriff.

5. Upon any petition for the determination of the compensation payable under this Act being presented, the sheriff shall order it to be intimated to the minister of the parish to which the petition relates, and to the clerk of the presbytery of the bounds, and, after the expiry of the inducise of twenty-one days, whether with or without answers, shall first inquire as to the title of the petitioner, and, if he shall be satisfied thereof, he shall proceed to determine the amount of such compensation, which shall be equal to one year's stipend of the parish to which the petition relates when the petitioner is sole patron, and such proportion thereof as to the sheriff shall seem just when the petitioner is a joint patron; and the sheriff shall pronounce an interlocutor finding and declaring that, on the occurrence of a vacancy in the parish, the petitioner, or those in his right, shall be entitled, unless the sum shall be otherwise provided, to receive from the heritors payment of the amount of compensation found due, by four equal yearly instalments out of the first four years stipend, which, but for the passing of this Act, would have been wholly payable by them to the minister to be appointed on the occurrence of said vacancy, or his successor in such parish, or in the case of the appointment of an assistant and successor out of the first four years stipend, which, but for the passing of this Act, would have been wholly payable after the date of such appointment to the minister of such parish; and the petitioner, or those in his right, shall have the same or the like remedies for recovery of said compensation which a minister has for the recovery of his stipend: Provided that where the patron is himself an heritor of the parish he shall be entitled to retain and appropriate the sum or sums of stipend which, had he not been himself the patron, would under the operation of this Act have been payable by him to the patron of the parish.

Sheriff's judgments final.

6. The interlocutors or judgments of the sheriff pronounced under this Act shall not be subject to review by any superior court, but where they have been pronounced by the sheriff substitute or steward substitute, they shall be subject to review by the sheriff or steward: Provided always, that it shall be competent for the Court of Session by act of sederunt to regulate the proceedings before the sheriff under this Act.

Appointment by presbytery tanquam jure devoluto.

7. (1.) If on occasion of a vacancy in any parish no appointment of a minister shall be made by the congregation within the space of six months after the vacancy has occurred, the right of appointment shall accrue and belong for that time to the presbytery of the bounds where such parish is, who may proceed to appoint a minister to the said parish tanquam jure devoluto:

Provision for case of small congregations.

(2.) If at any time after the passing of this Act, and prior to the first day of July one thousand eight hundred and seventy-five, it shall appear to the presbytery of the bounds that the number of the communicants of any vacant church and parish to which no pre-

sentation had been issued before the passing hereof is less than twenty-five, it shall not be lawful to take any proceedings for the appointment, admission, and settlement of a minister until after the said first day of July one thousand eight hundred and seventy-five; the jus devolutum in the case of any such vacancy shall not come into operation until after the first day of September one thousand eight hundred and seventy-five, although more than six months may have elapsed from the occurrence of such vacancy.

Repeal of inconsistent statutes.

8. All laws, statutes, and usages inconsistent with this Act are hereby repealed; but nothing in this Act contained shall affect or interfere with the appointment of the minister first appointed as the minister of any new parish quoad sacra, or the right to teind now possessed by or competent to any patron or titular, or the right of ann, or the laws now in force in regard to the disposal of vacant stipends; nor shall anything contained in this Act, except the provisions of the second sub-section of section seven, affect or interfere with any proceedings following upon or arising out of a presentation issued before the commencement of this Act.

Interpretation clause.

9. The word "minister" shall include assistant and successor; the word "guardian" shall include tutors and curators of pupils or minors or of persons labouring under incapacity or disability, and factors loco tutoris and factors loco absentis; the word "sheriff" shall include steward, sheriff substitute, and steward substitute; the words "one year's stipend" shall be construed to mean the sum which, on an average of the three preceding years, the minister has received in name of stipend out of the teinds of the parish; the words "private patron" shall mean and include all patrons of churches and parishes, whether single or joint, other than Her Majesty and her royal successors, and burgh corporations, universities, or trustees constituted commissioners, officers, or persons acting in a public capacity; the word "parish" shall include united parishes, and also parishes quoad sacra as well as parishes quoad omnia, and where in any church and parish there is more than one benefice, each benefice shall be dealt with and regarded as if it were a separate parish; the words "vacancy" and "vacant" shall include and refer to the occasion of the appointment of an assistant and successor, as well as the occasion of an ordinary vacancy; the word "congregation" shall mean and include communicants and such other adherents of the church as the kirk session under regulations to be framed by the General Assembly or commission thereof, as provided in the third section hereof, may determine to be members of the congregation for the purposes of this Act; "heritors" shall mean heritors liable in payment of stipend.

CHAPTER 83.

An Act for delaying the coming into operation of the Supreme Court of Judicature Act, 1873. [7th August 1874.]

WHEREAS it is expedient to extend the time appointed for the commencement of the Supreme Court of Judicature Act, 1873:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of 36 & 37 Vict. c. 66. s. 2.

1. The second section of the Supreme Court of Judicature Act, 1873, is hereby repealed.

Commencement of Supreme Court of Judicature Act, 1873.

2. The Supreme Court of Judicature Act, 1873, except any provisions thereof directed to take effect on the passing of the said Act, shall commence and come into operation on the first day of November one thousand eight hundred and seventy-five, and the said first