(3.) The validity of any power of attorney or other authority given by the Paymaster General or Assistant Paymaster General shall not be affected by anything done in pursuance of regulations made under this section.

(4.) Nothing in or done under this section shall affect any of the provisions of the Chancery Funds Act, 1872, or of the Supreme Court of Judicature (Funds, &c.) Act, 1883. 35 & 36 Vict. c. 44. 46 & 47 Vict. c. 29.

2. Section seventeen of the Exchequer and Audit Departments Act, 1866, is hereby repealed. Repeal of 29 & 30 Vict. c. 39. s. 17.

3. This Act may be cited as the Paymaster General Act, 1889. Short title.

CHAPTER 54.

An Act to regulate the Number and Duties of the Clerks of the Court of Session and Bill Chamber in Scotland, and for other purposes. [30th August 1889.]

WHEREAS it is expedient that the number of clerks of the Court of Session should be reduced, and that provision should be made for the supervision and better distribution of the duties performed by the clerks and certain other officers of the Court of Session and of the Bill Chamber:

Be it therefore 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:

1. The vacancies presently existing in the offices of principal clerk of Session shall not be filled up, and the office of interim principal clerk of Session shall cease and determine, and there shall be only two principal clerks of the Court of Session, who shall, in addition to the duties which they at present discharge, be vested, subject to the orders of the Lord President of the Court, with a general supervision over the whole staff of clerks in the Inner and Outer House and Bill Chamber, and shall have power, with his approval,— Reduction in number of principal clerks, and duty of supervision.

(1.) To make arrangements, as often as it shall to them seem necessary, to provide temporary assistance in the performance of clerks duties in the court of one Lord Ordinary from that of another, subject to the approval of the Lords Ordinary whose courts are affected thereby; and, if it shall become necessary under the provisions of section two of this Act, to transfer an assistant clerk from one division to the other division of the Court:

(2.) To make such arrangements for carrying on the work during vacation as shall secure a reasonable holiday leave of absence in each year to each of the before-mentioned staff of clerks:

(3.) To make such alterations as may be necessary in the distribution and allocation of the duties performed by the before-mentioned staff of clerks: Provided always, that in adjusting such alterations the principal clerks shall have regard to the existing practice under which the primary duty of the depute

clerks is to attend the sittings of the respective courts to which they may be attached as chief clerks therein, and the primary duty of the assistant clerks is to give attendance at the Register House:

(4.) To suspend, for a period not exceeding six months, any of the before-mentioned staff of clerks, in event of wilful neglect of official duty; and to direct, when it seems to them necessary, that any clerk thus suspended shall provide at his own expense and to the satisfaction of the said principal clerks a temporary assistant to discharge the duties of his office, or, in the event of his failing or delaying to provide such assistant, to appoint a competent person to perform the said duties, whose remuneration shall be deducted from the salary payable to the said clerk:

(5.) To make such arrangements as may be necessary for the preparation of returns ordered by Parliament, and from time to time to select one or more of the before-mentioned staff of clerks, or such other qualified person or persons as the said principal clerks may think proper, to prepare any such return.

Reduction in number of assistant clerks in Inner House, and permanent appointment of sub-assistants.

2. No vacancy in the office of assistant clerk in the Inner House shall be filled up until the number shall have fallen to one, and thereafter there shall be two assistant clerks, one for each division of the Court, who shall be termed Inner House depute clerks, and who shall, when desired by the principal clerk, and under his supervision when present, and otherwise under the supervision of the Court, take part in writing interlocutors and afford such other assistance as may be required, and for that purpose attend in Court during its sittings from day to day. The present interim principal and assistant clerk in the First Division (who shall during his tenure of office retain the status and emoluments which he at present holds) and the present senior assistant clerk in the Second Division shall respectively, from and after the passing of this Act, be designed as Inner House depute clerks, and shall continue to discharge the duties which they at present respectively perform. The interim office of sub-assistant clerk to the Inner House shall be made perpetual under the designation of "ordinary clerk," and there shall be two ordinary clerks, one attached to each division of the Court who shall attend at the Register House in the absence of the Inner House depute clerks, shall have the same powers of certifying Interlocutors and processes in appeals to the House of Lords as are at present exercised by the assistant clerks, and shall generally assist the depute clerk in the performance of his duties. The Inner House depute clerks and the ordinary clerks shall be paid out of moneys to be provided by Parliament such salaries as the Treasury shall from time to time determine, having due regard to the conditions and circumstances under which the present officers were appointed.

Transfer of petitions to Bill Chamber.

3. And whereas it is desirable that a portion of the work at present falling upon the clerks of the Court of the Junior Lord

Ordinary should be performed by the clerks of the Bill Chamber, be it enacted, as follows:

All summary petitions and applications, which are at present, under the provisions of section four of the Act twenty and twenty-one Victoria, chapter fifty-six (intituled An Act to regulate the distribution of business in the Court of Session in Scotland), appropriated to the Court of the Junior Lord Ordinary, shall, from and after the date at which this Act comes into operation, be presented and disposed of in the Bill Chamber, and the custody of all processes relative to such summary applications and petitions shall be transferred to the Clerk of the Bills and his assistants, who shall exercise all powers and discharge all duties in reference to the procedure in such applications and petitions as are at present competent to and incumbent upon the clerks in the Court of the Junior Lord Ordinary; and such applications may be made and petitions presented and disposed of and orders pronounced thereon at all times by the Junior Lord Ordinary in Session and by the Lord Ordinary on the Bills in vacation.

Provided that nothing herein contained shall affect the form of such applications and petitions, or of the interlocutors to be pronounced therein, or the preparation of extracts of Decrees pronounced therein, or shall increase or alter the powers presently possessed during vacation by the Lord Ordinary on the Bills, who shall have the same powers, including that of reporting to the Inner House, as are at present exercised by the Junior Lord Ordinary.

Transfer of clerk to Bill Chamber.

4. The present interim assistant clerk in the office of the Clerks of the Court of the Junior Lord Ordinary shall be transferred to the office of the Bill Chamber under the designation of "ordinary clerk," but in the event of his vacating office, or of a vacancy otherwise occurring in the office of ordinary clerk of the Bill Chamber, the same shall not be filled up, but the staff of the Bill Chamber shall consist of the Clerk of the Bills, of an assistant clerk, and an ordinary clerk.

Sole remuneration to be fixed salary.

5. And be it enacted that the sole remuneration of the clerks of court shall be their fixed salaries, for which they shall perform all the duties imposed and incumbent on them in virtue of their respective appointments, and all fees of every description heretofore in use to be charged or collected in their offices, and all fees and emoluments which may hitherto have been charged or retained by the said clerks for their own use, shall in future only be exacted when sanctioned by the Lord Advocate with the approval of the Commissioners of Her Majesty's Treasury: Provided always, that nothing herein contained shall be construed to prohibit the principal clerks from charging and receiving the additional remuneration provided for their services in election petitions under the provisions of section forty-eight, sub-section twelve, of the Act thirty-one and thirty-two Victoria, chapter one hundred and twenty-five, or any clerk from receiving any additional remuneration authorised by the Commissioners of Her Majesty's Treasury

for special duties which have been or may be imposed by Act of Parliament.

Appointment of clerk to keeper of Minute Book to be vested in Crown.

6. Section twenty-one of the Act one and two Victoria, chapter one hundred and eighteen, is hereby repealed in so far as it regulates the appointment and remuneration of the clerk to the keeper of the Minute Book and Record of Edictal Citations; and the right to appoint to and dismiss from the office of clerk to the keeper of the Minute Book and Record of Edictal Citations, shall hereafter be vested in Her Majesty, Her heirs and successors, acting on the advice of Her Majesty's Secretary for Scotland; and the said clerk to the keeper of the Minute Book shall in future be paid out of moneys to be provided by Parliament such amount as the Treasury shall from time to time determine.

Principal clerks to supervise office of keeper of the Minute Book.

7. The keeper of the Minute Book and Record of Edictal Citations and his clerk shall hereafter be under the general supervision of the principal clerks of Session, who shall have power to regulate the hours and attendance of all future holders of these offices, and any regulations made by the said principal clerks shall be subject to the approval of the Lord President of the Court.

Superannuation allowances.

8. No person herein-after appointed to any office in the Court of Session or Bill Chamber shall be entitled to superannuation unless he has been admitted to his office with a certificate from the Civil Service Commissioners, or holds his appointment directly from the Crown: Provided that it shall be lawful for the Treasury, if and so far as they see fit, to grant superannuation to persons serving in the said court or chamber at the date of the passing of this Act in all respects as if they had been admitted to their respective offices with certificates or held their appointment as aforesaid.

Fees payable in maritime and consistorial causes.

9. Section forty of the Act eleven George the Fourth, and one William the Fourth, chapter sixty-nine, is hereby repealed in so far as it exempts maritime and consistorial causes from the ordinary fees exigible in the Court of Session, and in future the same fees shall be due and exigible in maritime and consistorial causes as are at present exigible in any ordinary action in the Court of Session: Provided that it shall be competent to the Lord Ordinary in any consistorial cause, upon cause shown, to declare that it shall not be subject, or shall be subject only to a modified extent, to payment of court dues.

Amendment of 50 & 51 Vict. c. 35. s. 73.

10. Section seventy-three of the Act fifty and fifty-one Victoria, chapter thirty-five, is hereby amended to the effect of substituting the words "principal clerks" for the words "senior depute clerk" therein contained.

Macer to officiate in Court of Justiciary if specially required.

11. Any macer of the Court of Session who is not at the time engaged in the Court to which he is attached, shall, on a request addressed by the Crown Agent to either of the principal clerks, be bound to perform the duty of macer in the High Court of Justiciary at any sitting of the said court.

Eligibility of law agents for offices.

12. From and after the passing of this Act, any law or practice to the contrary notwithstanding, all clerkships in the Court of Session

and Bill Chamber shall be open to and may be competently held by any duly certificated and enrolled law agent.

Court to make Acts of Sederunt.

13. Nothing in this Act contained shall be construed so as to interfere with the powers previously vested in the Court of Session to make regulations by Act of Sederunt for the purpose of apportioning and regulating the duties to be performed by the several clerks and officers of court.

Commencement of Act and short title.

14. This Act shall commence and take effect on and after the first day of October one thousand eight hundred and eighty-nine, and may for all purposes be cited as the Clerks of Session (Scotland) Regulation Act, 1889.

CHAPTER 55.

An Act for the better Administration and Endowment of the Universities of Scotland. [30th August 1889.]

WHEREAS it is expedient to make provision for the better administration and endowment of the Universities of St. Andrews, Glasgow, Aberdeen, and Edinburgh, and for improving and regulating the course of study therein:

Be it therefore 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:

Preliminary.

Short title.

1. This Act may be cited as the Universities (Scotland) Act, 1889.

Construction of Act.

2. This Act shall, so far as is consistent with the tenor thereof, be read and construed along with an Act passed in the Parliament held in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled "An Act to make provision for the "better government and discipline of the Universities of Scotland, "and improving and regulating the course of study therein; and "for the union of the two Universities and colleges of Aberdeen"; and the said Act may henceforth be cited for all purposes as the Universities (Scotland) Act, 1858.

21 & 22 Vict. c. 83.

Definitions.

3. "The Treasury" means the Commissioners of Her Majesty's Treasury.

"Public moneys" means "moneys provided by Parliament," or "moneys issuing out of the Consolidated Fund."

"Universities Committee" means the Scottish Universities Committee of the Privy Council, constituted by this Act.

"University" means Scottish University.

"Affiliation" for the purposes of this Act means such a connexion between an existing University and a college as shall be entered into by their mutual consent, under conditions approved by the Commissioners, or, after the determination of their powers, by the Universities Committee.