(*b.*) In cases where the total amount or value of the estate in Scotland, the right to which depends upon the death of the absent person, does not exceed five hundred pounds, the Sheriff Court of the county in which the said estate or the greater part thereof is situate, in which case the sheriff shall direct such intimation and service and such investigation or inquiry as he may think fit, and the procedure in so far as concerns appeal to and review by a higher court shall be in all respects the same as in an action in the ordinary sheriff court: Provided that the value of heritable estate, for the purpose of this section, shall be ascertained in terms of the provisions of the Act fortieth and forty-first Victoria, chapter fifty:

(2.) Unless it otherwise appear from the context, the word "estate" shall mean and include all property heritable and moveable, real and personal, and any right or interest therein of any description.

CHAPTER 30.

An Act to amend the Law relating to Law Agents and Notaries Public practising in Scotland.

[21st July 1891.]

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:

Interpretation of terms.

1. The following words and expressions, when used in this Act, shall have the meanings hereby assigned to them; that is to say,—

"Law agents" shall include writers to the signet, solicitors in the supreme courts, procurators in any sheriff court, and every person entitled to practise as an agent in a court of law in Scotland:

"Notary public" shall mean any notary public duly admitted in Scotland.

Prosecution of unqualified persons practising as law agents or notary public.

2. Any person, being neither a law agent nor a notary public, who, either by himself or in conjunction with others, wilfully and falsely pretends to be, or takes or uses any name, title, addition, or description implying that he is, duly qualified to act either as a law agent or as a notary public, or that he is recognised by law as so qualified, shall be guilty of an offence under this Act, and shall be liable to a penalty not exceeding the sum of ten pounds for the first offence, together with the costs of prosecution and conviction; and any such person who shall be guilty of a second or subsequent offence or offences under this section shall be liable to a penalty not exceeding twenty pounds, with the alternative, in case of failure in

payment of such penalty, of imprisonment for a period not exceeding one month for each such subsequent offence, in addition to the costs of prosecution and conviction, as aforesaid.

Unqualified persons not entitled to recover costs.

3. No costs, fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by any person who acts as a law agent or as a notary public without being duly qualified so to act, or who, not being so qualified, gives legal advice, or frames or draws any deed, shall be recoverable in any action, suit, or matter by any person or persons whomsoever.

Prosecution of offences.

4. Any offence under this Act may be prosecuted before the sheriff, either of the county in which the offence is committed or of the county in which the offender resides, by the Procurator-Fiscal, or by any incorporated society of law agents, or by any law agent or notary public, in manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881.

Amendment of section 8 of 36 & 37 Vict. c. 63.

5. The eighth section of the Act of the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, chapter sixty-three, intituled "An Act to amend the Law relating to Law Agents practising in Scotland," is hereby repealed, and the following words shall be substituted therefor and shall be read and construed as part of the recited Act, viz.: "For the purpose of facilitating the inquiry "touching the due service under indenture, as aforesaid, and the "fitness and capacity of any person to act as a law agent, the "judges of the court (or any seven or more of them, of whom the "Lord President and the lord justice clerk shall be two) shall from "time to time nominate and appoint fit and proper persons to be "examiners for the purposes of this Act; and it shall be lawful for "the said judges from time to time to make rules prescribing a "curriculum of general and legal study, including attendance at "university or other classes, and fixing whether and to what "extent university degrees and other certificates shall be accepted "as proof of fitness and capacity without farther examination or "curriculum, and also the subjects of examination in law and "general knowledge, and for conducting such examinations, and "also for entrance examinations of apprentices and intermediate "examinations, and the date or dates at which such rules shall "come into operation: Provided always, that the Lord President "and lord justice clerk may, when under special circumstances "they see fit so to do, exempt any person from compliance with "the rules for the time being in force with reference to a curriculum "of general and legal study."

Payment of law agents costs out of property recovered or preserved.

6. In every case in which a law agent shall be employed to pursue or defend any action or proceeding in any court, it shall be lawful for the court or judge before whom any such action or proceeding has been heard or shall be depending to declare such law agent entitled to a charge upon and against, and a right to payment out of, the property, of whatsoever nature, tenure, or kind the same may be, which shall have been recovered or preserved on behalf of his client by such law agent in such action or proceeding,

for the taxed expenses of or in reference to such action or proceeding, and it shall be lawful for such court or judge to make such order or orders for taxation of, and for raising and payment of, such expenses out of the said property as to such court or judge shall appear just and proper; and all acts done or deeds granted by the client after the date of the declaration, except acts or deeds in favour of a bonâ fide purchaser, shall be absolutely void and of no effect as against such charge or right.

Short title.

7. This Act may be cited as the Law Agents and Notaries Public (Scotland) Act, 1891.

CHAPTER 31.

An Act to enable Her Majesty in Council to carry into effect Conventions which may be made with Foreign Countries respecting Ships engaged in Postal Service.

[21st July 1891.]

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:

Application of Act by Order in Council.

1.—(1.) Where Her Majesty the Queen has made a Convention with a Foreign State respecting the postal service between such Foreign State and the United Kingdom, or respecting the privileges of mail ships, that is to say, ships engaged in any postal service of such Foreign State or of any part of Her Majesty's dominions, it shall be lawful for Her Majesty in Council to order that this Act shall, and this Act shall accordingly, subject to any conditions, exceptions, and qualifications contained in the Order, apply, during the continuance of the Order, as regards such Convention and Foreign State, and the postal service and mail ships described in the Convention; and where by virtue of any such Order this Act or any section thereof applies as regards any Convention, Foreign State, postal service, or mail ship, the same is in this Act referred to as a Convention, Foreign State, postal service, or mail ship to which this Act or section applies.

(2.) The Order shall recite or embody the terms of the Convention, and may be varied or revoked by Order in Council, but shall not continue in force for any longer period than the Convention.

(3.) Every Order in Council under this Act shall be laid before both Houses of Parliament forthwith after it is made, or, if Parliament be not then sitting, after the then next meeting of Parliament, and shall also be notified in the London Gazette and published under the authority of Her Majesty's Stationery Office.

Conveyance of letters by crew or passengers

2.—(1.) Where this section applies to a Convention with a Foreign State, the master of a British mail ship to which this