Protection of purchaser.

3. Where the consent of the department of the Government, persons, or commissioners, to whose control or consent a sale in pursuance of any scheme under section twenty-four of the Public Schools Act, 1868, is subject, is given to any sale by the governing body of Eton College, the purchaser shall not be bound to inquire whether the sale is or is not within the powers or in accordance with the provisions of the scheme or this Act, and shall not be bound to inquire into the application of the purchase money, or be responsible for the misapplication or nonapplication thereof.

CHAPTER 63.

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

[5th August 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:

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,

"The Court" shall mean the Court of Session:

"Law Agent" 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:

"Enrolled Law Agent" shall mean any Law Agent enrolled pursuant to the provisions of this Act:

"The Registrar" shall mean the Registrar of Law Agents under this Act.

Admission, enrolment, and powers of Law Agents.

2. From and after the passing of this Act no person shall be admitted as a Law Agent in Scotland except in accordance with the provisions of this Act.

Every enrolled Law Agent shall be deemed to be admitted, and, subject to the provisions of this Act with respect to stamp duty and subscribing the roll of Law Agents appointed to be kept for the Court of Session and the several Sheriff Courts respectively, shall be entitled to practise in any court of law in Scotland.

Lists to be certified of members of certain Societies.

3. On or before the first day of February eighteen hundred and seventy-four the Deputy Keeper of the Signet, or other person to be appointed for the purpose by the Society of Writers to the Signet, the President of the Incorporated Society of Solicitors in the Supreme Courts, or other person to be appointed for the purpose by that Society, and the President or Dean of each Society of Law Agents which before the passing of "The Procurators (Scotland) Act, 1865," was incorporated by Act of Parliament or Royal Charter, or other person to be appointed for the purpose by each such Society, shall respectively prepare and deliver to the Registrar certified lists containing the names and designations of all persons who then are members of such Societies respectively, and the

Registrar to enrol them.

Registrar shall enrol as a Law Agent every such person on his applying to be enrolled and grant to him a certificate of his enrolment.

Lists of Procurators to be certified.

4. The Sheriff Clerk of each county shall, on or before the first day of February eighteen hundred and seventy-four, prepare and deliver to the Registrar certified lists containing the names and designations of all persons admitted as Procurators in the Sheriff Court of the county previous to that date and not included in any of the lists

Registrar to enrol them.

delivered under the preceding section, and the Registrar shall enrol as a Law Agent every such person on his applying to be enrolled and grant to him a certificate of his enrolment.

5. With respect to the qualifications for admission as Law Agents under this Act the following provisions shall have effect: Provisions as to the qualification of applicants for admission as Law Agents in future.

(1.) An applicant for admission must be twenty-one years of age, and must, except in the cases after mentioned, have served an apprenticeship of five years with a practising Law Agent, or with a Sheriff Clerk in office at the passing of this Act.

(2.) An apprenticeship entered upon after the passing of this Act must be served under indenture, and the indenture shall be recorded in the register of probative writs of the county in which the same is entered into and intimated to the Registrar within six months from the date fixed for the commencement of the apprenticeship, and any assignation of such indenture shall be intimated to the Registrar within six months of its date.

(3.) Any person who before the passing of this Act has entered upon an apprenticeship, with or without indenture, for a shorter term than five years, with a master qualified according to the law then existing, may serve, without indenture, with the same or another master the additional period necessary to make up five years.

(4.) When from necessary or reasonable cause the whole period of apprenticeship under an indenture cannot be completed with the master therein named, the remainder of the period may be completed with another qualified master.

(5.) A master may permit his apprentice to serve any part of his term, not exceeding two years, with another qualified master.

(6.) Any of the following persons shall be qualified to apply for admission if he shall have served an apprenticeship as aforesaid for three years; that is to say, Cases in which service for the term of three years will suffice.

(*a.*) A person who, either before or after the passing of this Act, shall for five years have been a clerk to, and engaged under the superintendence of a practising Law Agent, in such business as is usually transacted by Law Agents;

(*b.*) A person holding a degree in law or in arts of an University in Great Britain or Ireland granted after examination;

(*c.*) A member of the Faculty of Advocates;

(*d.*) A person who has been called to the degree of Utter Barrister in England;

(*e.*) A person who has been admitted and enrolled as an attorney or solicitor in England.

6. Every person shall, before he be admitted a Law Agent according to this Act, make affidavit that he has actually served an apprenticeship to a qualified master or masters during the whole time required by this Act. Apprentices before admission to make affidavit of having served.

7. Any person qualified as herein-before provided may present to the Court a petition praying to be admitted as a Law Agent, and the Court shall examine and inquire, by such ways and means as they shall think proper, touching the indenture and service and the fitness and capacity of such person to act as a Law Agent; and if the Court shall be satisfied by such examination, or by the certificate of examiners as herein-after mentioned, that such person is duly qualified and fit and competent to act as a Law Agent, then and not otherwise the Court shall cause him to be admitted a Law Agent and his name to be enrolled as such, which admission shall be in writing and signed by a judge of the Court, and shall be stamped with the stamps required by law to be impressed on the admission of Law Agents. Admission and enrolment of applicants as Law Agents.

The petition may be presented to any judge of the Court officiating as a Lord Ordinary, and the proceedings under the same may take place and be conducted before the same or any other judge according to the judicial arrangements in the Court for the time being, and a single judge shall be entitled to act as the Court with reference to all petitions for admission as a Law Agent under this Act.

8. 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, it shall be lawful for the Judges of the Court (or any seven or more of them, of whom the Lord The Court empowered to appoint Examiners.

President and Lord Justice Clerk shall be two,) from time to time to 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 prescribe the subjects of examination in law and general knowledge, and to make rules for conducting such examinations, and also for entrance examinations of apprentices and intermediate examinations.

Quorum of examiners, fees of examination, &c.

9. Three Examiners shall be a quorum at any examination, and the Examiners present shall appoint one of their number to be chairman, and each applicant shall, prior to his examination, pay two guineas to the chairman to be divided among the Examiners present.

Exceptions to the rule that applicant shall undergo examination as to fitness to practise.

10. During the period of three years immediately following the passing of this Act, it shall be lawful for the Court to admit an applicant although he shall not have complied with the provisions of this Act with respect to qualifications for admission, provided he shall establish to the satisfaction of the Court that at the date of the passing of this Act—

(1.) He was entitled to be admitted a Procurator under "The Procurators (Scotland) Act, 1865;" or

(2.) He was in course of qualifying himself for admission according to the provisions of "The Procurators (Scotland) Act, 1865," and that at the date of his application he would according to these provisions have been qualified to be taken upon examination by the Examiners under that Act, and shall undergo an examination under this Act; but no person who was under indenture at the passing of "The Procurators (Scotland) Act, 1865," or who had completed his term of apprenticeship prior to the passing of that Act, shall be required to undergo an examination in general knowledge under this Act.

(3.) He had been remitted to the General Council of Procurators for examination, and is before first October next certified by them to be qualified.

Appointment and duties of Registrar.

11. One of the principal, depute, or assistant, clerks of session, to be nominated from time to time by the Lord President and Lord Justice Clerk, shall be the Registrar of Law Agents under this Act.

It shall be the duty of the Registrar to keep an alphabetical register of all enrolled Law Agents, and enrolment in such register shall be deemed to be enrolment under this Act, and he shall strike out the name of any Law Agent on an order of the Court, or on application made to him by such Agent in writing to that effect; and he shall on the application of any enrolled Law Agent grant a certificate of his enrolment, and shall receive for each enrolment in the register and certificate of enrolment a fee of two shillings and sixpence. The register shall be kept in the office, in the register house, of the principal, depute, or assistant, clerk of session acting for the time as Registrar, and the Registrar shall, in keeping the same, and generally in the discharge of his duties, give obedience to such directions as he may from time to time receive from the Lord President and Lord Justice Clerk.

Roll to be kept of Agents practising in the Court of Session.

12. A roll of the Law Agents practising before the Court of Session shall be kept by the clerk of the Lord President, in such form as the Lord President may direct, and every enrolled Law Agent who has paid the stamp duty exigible by law on admission to practise as an Agent before the Court of Session shall be entitled to subscribe the said roll, and the said clerk shall be paid a fee of five shillings for each subscription, and every Agent shall, on subscribing the said roll, deliver to the said clerk a note specifying his place of business, and shall deliver a similar note so often as he shall change the same.

Roll to be kept of Agents practising in the Sheriff Courts.

13. A roll of Agents practising in any Sheriff Court shall be kept by the Sheriff Clerk in such form as the Lord President of the Court of Session may direct, and every enrolled Law Agent who has paid the stamp duty exigible by law on admission to practise as an Agent before a Sheriff Court shall be entitled to subscribe the said roll, and the Sheriff Clerk shall be paid a fee of five shillings for each subscription, and every Agent shall, on

subscribing the said roll, deliver to the Sheriff Clerk a note specifying his place of business, and shall deliver a similar note so often as he shall change the same.

Lord President may make rules for keeping and subscribing rolls.

14. It shall be lawful for the Lord President of the Court of Session, from time to time, to issue rules and directions with respect to the keeping and subscription of the rolls directed to be kept by the two preceding sections, and such rules and directions shall be observed and obeyed by the several keepers of the said rolls.

The name of any person shall be struck off the said rolls,—

1. In obedience to the order of the Court, upon application duly made, and after hearing parties, or giving them an opportunity of being heard;
2. Upon his own written application.

Borrowing process.

15. A Law Agent shall not be entitled to borrow a process depending before any supreme court sitting in Edinburgh unless he shall have a place of business in Edinburgh or Leith; and a Law Agent shall not be entitled to borrow a process depending before an inferior court unless he shall have a place of business within the jurisdiction of such court.

No one to practise before a Court unless he has subscribed the roll of Agents.

16. From and after the first day of February eighteen hundred and seventy-four no person shall be allowed to practise as an Agent in the Court of Session or any Sheriff Court until he shall have subscribed the roll of Agents practising before such Court, or after his name shall have been struck off such roll unless the same shall have been subsequently restored thereto.

Provision as to Sheriff Court practitioner qualifying for enrolling as Agent in the Court of Session.

17. An enrolled Law Agent who has paid the stamp duty exigible by law on admission to practise as an Agent in a Sheriff Court shall be qualified to sign the roll of Agents practising in the Court of Session on paying the difference between such duty and the duty chargeable on admission to practise in the Court of Session.

Enrolled Law Agents to be admitted as Notaries Public.

18. Any enrolled Law Agent may apply to the Court to be admitted a Notary Public, and it shall be lawful for the Court to admit him, and grant warrant to the keeper of the roll or register of Notaries Public to enrol him as a Notary Public on his paying the stamp duty for the time exigible by law from a Notary Public on admission, and after the passing of this Act it shall not be necessary for any person to find caution on his admission as a Notary Public.

Societies may admit enrolled Law Agents to membership.

19. Any Society of Law Agents may, notwithstanding any law, statute, or usage hitherto in force, admit any enrolled Law Agent to be a member of it on such terms as it may see fit.

Of admission to membership of Law Societies.

20. It shall be lawful for any Society of Law Agents to accept of an apprenticeship for five years served under the provisions of this Act with an enrolled Law Agent, although not a member of such Society, as a qualification for admission to such Society.

Agreements between Agents as to sharing fees.

21. Agreements between Law Agents acting for the same client to share fees or profits shall be lawful, and a Law Agent authorised and acting for a client whom he discloses shall incur no liability to any other Law Agent employed by him, except such as he shall expressly undertake in writing.

Law Agents to be subject to jurisdiction of the Court.

22. Every enrolled Law Agent shall be subject to the jurisdiction of the Court in any complaint which may be made against him for misconduct as a Law Agent, and it shall be lawful for the Court in either Division thereof to deal summarily with any such complaint and to do therein as shall be just.

Act not to interfere with law as to certificates.

23. Nothing in this Act contained shall interfere with the obligation of any Law Agent to obtain a stamped certificate.

The Court may, within one year after the passing of the Act, admit notaries

24. Any person, being a notary public, who has during the period of seven years immediately preceding the passing of this Act regularly taken out a stamped certificate as required by law, and who has during the said period been engaged in actual practice as a Law Agent or Conveyancer as well as a notary public, may at any time within one year

public to be enrolled, if they see fit.

after the passing of this Act be admitted as a Law Agent under this Act, if the Court shall see fit, without making an affidavit of having served an apprenticeship as hereinbefore required, and without being subjected to examination.

Repealing clause.

25. From and after the first day of February one thousand eight hundred and seventy-four, "The Procurators (Scotland) Act, 1865," shall be and the same is hereby repealed. but such repeal shall not prevent societies which, prior to the passing of this Act, were formed under the said Act from continuing to exist as incorporated societies, and electing such office bearers as they please, and admitting members on such terms as they see fit; provided always, that it shall not be necessary for any agent admitted under this Act to become a member of any such society.

Proviso as to existing powers of inferior courts.

26. Except in so far as relates to striking the name of any person off the roll of Law Agents, nothing in this Act shall be held to affect the existing powers of inferior courts or the judges thereof over procurators practising before such courts, so far as these powers may be necessary for supporting the jurisdiction and maintaining the authority of their several courts.

CHAPTER 64.

An Act for amending the Ecclesiastical Commissioners Acts, 1840 and 1850, and for other purposes. [5th August 1873.]

4 & 5 Anne, c. xxxii. (Private).

WHEREAS by the Lichfield Chapter Act, 1706, the rectory of Tatenhill, otherwise Tattenhill, in the county of Stafford, in the diocese of Lichfield (of the perpetual advowson whereof Her Majesty was seised in right of the Duchy of Lancaster) was annexed, as in the said Act stated, to the deanery of the cathedral church of Lichfield, in consideration of the small income arising to the dean of Lichfield out of the revenue of the church at Lichfield, and on condition that the dean of Lichfield and his successors should make such allowance to a curate or curates for the said parish as the bishop should for the time being appoint:

3 & 4 Vict. c. 113. s. 60.

And whereas by the Ecclesiastical Commissioners Act, 1840, all the estate and interest which the holder of any deanery had in any lands or endowments whatsoever annexed to such deanery, and enjoyed by the holder of such deanery separately and in addition to his share of the corporate revenues of the chapter, were, after the next avoidance of such deanery, vested in the Ecclesiastical Commissioners for England:

13 & 14 Vict. c. 94. s. 19.

And whereas it is provided by the Ecclesiastical Commissioners Act, 1850, to the effect that no dean of any cathedral or collegiate church appointed after the tenth of April one thousand eight hundred and fifty should hold with his deanery any benefice not situate within the city or town of the cathedral or collegiate church in which he was dean:

And whereas the rectory of Tatenhill is not situate within the city of Lichfield:

3 & 4 Vict. c. 113. s. 66. 4 & 5 Vict. c. 39. s. 20.

And whereas the Ecclesiastical Commissioners are required by an Order in Council, dated the fifteenth day of June one thousand eight hundred and fifty-two, and made in pursuance of the Ecclesiastical Commissioners Act, 1840, and the Ecclesiastical Commissioners Act, 1841, to pay out of their common fund annual sums in order to make up the average annual receipts of the dean of Lichfield from the divisible corporate revenues of the chapter of Lichfield to an income of one thousand pounds:

And whereas it has been decided by the Court of Common Pleas that the above-recited enactments of the Ecclesiastical Commissioners Act, 1840, and the Ecclesiastical Commissioners Act, 1850, do not extend to the rectory of Tatenhill, with its lands and endowments, and it is expedient so to extend the same and to sever the said rectory from the deanery of Lichfield: