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.

"The Commissioners" means the Commissioners appointed under this Act.

"College," where by the context it does not apply to a college presently forming part of any University, means any institution established on a permanent footing for the purpose of teaching the higher branches of education which shall be sufficiently endowed in the opinion of the Commissioners, and after the expiry of their powers of the Universities Committee.

"Governing body" means a body constituted on a permanent footing, and charged, by Act of Parliament, Royal Charter, deed of endowment and trust, or otherwise, with the management and administration of any fund devoted to higher education.

"Students representative council" means a students representative council in any University, constituted in such manner as shall be fixed by the Commissioners under this Act.

Commencement of Act.

**4.** This Act shall come into operation, except as herein-after provided, on the first day of January one thousand eight hundred and ninety, which date is in this Act referred to as the commencement of this Act.

## PART I.

### *Constitution of University Court.*

University Courts.

**5.**—(1.) The University Courts shall consist of—

(i.) In the University of St. Andrews:—

(*a.*) The rector.
(*b.*) The principal as herein-after defined.
(*c.*) The principal of St. Mary's College, and the principal of University College, Dundee, if and when the said college shall be affiliated to and made to form part of the University.
(*d.*) An assessor nominated by the Chancellor.
(*e.*) An assessor nominated by the rector.
(*f.*) The Provost of St. Andrews for the time being.
(*g.*) The Provost of Dundee for the time being.
(*h.*) Four assessors elected by the general council.
(*i.*) Three assessors elected by the Senatus Academicus.
(*k.*) Such number, not exceeding four in all, of representatives of affiliated colleges as may be appointed under and subject to the arrangements made in terms of section fifteen, subsection (4), of this Act.

(ii.) In the University of Glasgow:—

(*a.*) The rector.
(*b.*) The principal.
(*c.*) The Lord Provost of Glasgow for the time being.
(*d.*) An assessor nominated by the Chancellor.
(*e.*) An assessor nominated by the rector.
(*f.*) An assessor nominated by the Lord Provost, magistrates, and town council of Glasgow.
(*g.*) Four assessors elected by the general council.
(*h.*) Four assessors elected by the Senatus Academicus.
(*i.*) Such number, not exceeding four in all, of representatives of affiliated colleges as may be appointed under and subject to the arrangements made in terms of section fifteen, subsection (4), of this Act.

(iii.) In the University of Aberdeen:—
(*a.*) The rector.
(*b.*) The principal.
(*c.*) The Lord Provost of Aberdeen for the time being.
(*d.*) An assessor nominated by the Chancellor.
(*e.*) An assessor nominated by the rector.
(*f.*) An assessor nominated by the Lord Provost, magistrates, and town council of Aberdeen.
(*g.*) Four assessors elected by the general council.
(*h.*) Four assessors elected by the Senatus Academicus.
(*i.*) Such number, not exceeding four in all, of representatives of affiliated colleges as may be appointed under and subject to the arrangements made in terms of section fifteen, subsection (4), of this Act.

(iv.) In the University of Edinburgh:—
(*a.*) The rector.
(*b.*) The principal.
(*c.*) The Lord Provost of Edinburgh for the time being.
(*d.*) An assessor nominated by the Chancellor.
(*e.*) An assessor nominated by the rector.
(*f.*) An assessor nominated by the Lord Provost, magistrates, and town council of Edinburgh.
(*g.*) Four assessors elected by the general council.
(*h.*) Four assessors elected by the Senatus Academicus.
(*i.*) Such number, not exceeding four in all, of representatives of affiliated colleges as may be appointed under and subject to the arrangements made in terms of section fifteen, subsection (4), of this Act.

Provided always, that the total number of representatives of affiliated colleges in the University Court of any university may be increased by the Commissioners or, after the expiration of their powers, by the Universities Committee, if in their opinion respectively special circumstances should arise to require such increase.

Seven members of each University Court shall be a quorum.

The rector may, before he appoints his assessor, confer with the students representative council.

Election and term of office of assessors.

(2.) The existing rector of each University and the assessor nominated by him shall continue in office until the expiry of the period for which they were appointed, and every future rector and rector's assessor shall continue in office for three years, but in the event of the Chancellor or rector ceasing to hold office his assessor shall continue to be a member of the University Court until an assessor is nominated by the new Chancellor or rector and no longer. The other assessors, except as herein-after provided, shall continue in office for four years; but all assessors shall be eligible for re-election, and no principal or professor of any University shall be elected rector or be nominated or elected assessor to any other person or body than the Senatus Academicus.

The Commissioners shall have power, immediately after the passing of this Act, to regulate the time, place, and manner of the first election of the three additional assessors to be elected under this Act by the general council and Senatus Academicus of each

of the Universities of Glasgow, Aberdeen, and Edinburgh respectively, and shall appoint such election to be held on or before the twentieth day of December one thousand eight hundred and eighty-nine.

The assessor of the general council of each University in office at the passing of this Act shall continue in office for two years from the date of the elections of the additional assessors, and the Commissioners shall regulate the period for which the three new assessors to be elected by the general council shall hold office, having regard to the time at which the existing assessor of the general council of each University falls to retire, so as to provide that in future two such assessors shall retire from office biennially; and the general council shall each second year elect two successors to the retiring assessors, and in the event of a casual vacancy the person elected to fill such vacancy shall go out of office at the date when the person whom he succeeded would in the ordinary rotation have retired. No member of the Senatus Academicus of any University shall be entitled to vote or take part in the election of any assessor of the general council of that University.

The assessor of the Senatus Academicus of each University in office at the passing of this Act shall continue in office for such period not exceeding four years in all from the date of his election as the Commissioners shall appoint; and the Commissioners shall regulate the period for which the new assessors to be elected by the Senatus Academicus of each University shall hold office, so as to provide in future for a regular system of rotation, and, in the event of a casual vacancy, the person elected to fill such vacancy shall go out of office at the date when the person whom he succeeded would in the ordinary rotation have retired.

Incorporation of University Court.

(3.) The University Court shall be a body corporate with perpetual succession and a common seal, which shall be judicially noticed, and all the property, heritable and moveable, belonging to the University, or to any existing college forming part of the University at the passing of this Act, whether the title to such property has been taken in the name of the University or such college, or in name of any person or persons in trust for or on behalf of the University or such college, shall be and is hereby vested in the University Court from and after the date at which the new University Court under this Act shall have been declared by the Commissioners to have been duly constituted: And so much of the third section of the Edinburgh University Property Arrangement Act, 1861, as transfers to and vests in the Senatus Academicus of the said University the several properties and revenues enumerated in Schedule A. thereto annexed shall be and is hereby repealed as from the said date.

24 & 25 Vict. c. 90.

Courts hereby constituted to be in place of existing Courts. 21 & 22 Vict. c. 83.

(4.) The University Courts as hereby constituted shall be in place of those constituted by sections eight, nine, ten, and eleven of the Universities (Scotland) Act, 1858, and the said sections shall be and are hereby repealed; but every court constituted by the said sections shall continue in office until such time as the new University Court under this Act shall have been declared by the Commissioners to have been duly constituted, and shall, while so

continuing in office, exercise the powers conferred on University Courts by the Universities (Scotland) Act, 1858, but shall not exercise any of the additional powers conferred on University Courts by this Act, except the power of consenting to the affiliation of a new college.

President of meetings of Courts.

(5.) The rector, and in his absence the principal, shall preside at meetings of the University Court, and in the absence of both of them a chairman for the time shall be elected by the meeting. The person presiding at any meeting of the University Court shall have a deliberative vote, and also a casting vote in case of equality.

Principal of St. Andrew's University.

(6.) In St. Andrew's University the principal of the United College of St. Salvator and St. Leonard shall, in addition to his office as such, possess the title and status and discharge the functions of principal of the said University, but without any claim to additional salary by reason of this enactment.

*Powers of the University Court.*

Powers of University Court.

**6.** The University Court, in addition to the powers conferred upon it by the Universities (Scotland) Act, 1858, shall, subject to any ordinances made by the Commissioners, have power—

(1.) To administer and manage the whole revenue and property of the University, and the college or colleges thereof existing at the passing of this Act, including the share appropriated to such University out of the annual grant herein-after mentioned, and also including funds mortified for bursaries and other purposes, and to appoint factors or collectors, to grant leases, to draw rents, and generally to have all the powers necessary for the management and administration of the said revenue and property:

(2.) To review any decision of the Senatus Academicus on a matter within its competency which may be appealed against by a member of the Senatus, or other member of the University having an interest in the decision, within such time as may be fixed by the Commissioners, and to take into consideration all representations and reports made to it by the Senatus Academicus and by the general council:

(3.) To review, on representation made by any of its members, or by any member of the Senatus Academicus, within such time as may be fixed by the Commissioners, any decision which the Senatus Academicus may come to in the exercise of its powers under section seven, sub-section one: Provided always, that the University Court shall not review any decision of the Senatus Academicus in a matter of discipline, except upon appeal taken either by a member of the Senatus or by a member of the University directly affected by such decision:

(4.) To appoint professors whose chairs are, or may come to be, in the patronage of the University; to appoint examiners and lecturers; and to grant recognition to the teaching of any college or individual teacher for the purposes of graduation, under any regulations on the subject laid down by the Commissioners, which regulations after the expiration of their

powers may from time to time be modified or altered by the Universities Committee:

(5.) To define on application by any member of the Senatus Academicus the nature and limits of a professor's duties under his commission, subject to appeal to the Universities Committee:

(6.) To take proceedings against a principal or professor, University lecturer, assistant, recognised teacher or examiner, or any other person employed in teaching or examining under section twelve, sub-section five, of the Universities (Scotland) Act, 1858, without the necessity of any one not a member of the Court appearing as prosecutor, and for the purposes of such proceedings to call before it any member of the University to give evidence, and to require the production of documents, and also to institute and conduct any such inquiries as it may deem necessary:

(7.) To appoint from among members of the University or others, not being members of the Senatus Academicus, one third of the members of any standing committee or committees charged, by ordinance of the Commissioners under this Act, with the immediate superintendence of any libraries or museums, or the contents thereof, belonging to the University and college or colleges thereof existing at the passing of this Act, and on representation made by any of its members, or by any member of the Senatus Academicus, to review any decision which the Senatus Academicus, in the exercise of its powers, may come to in respect of the recommendations of such committee or committees:

(8.) To appoint committees of its own number consisting of not less than five members, with powers to report on any business that may be entrusted to them by the University Court, or to carry out special instructions ordered by the University Court:

(9.) To elect the representative of the University on the General Medical Council, under the Medical Act, 1886:

(10.) After the expiration of the powers of the Commission to found new professorships with the approval of the Universities Committee, and after such expiration no new professorship shall be founded except as herein provided.

*Senatus Academicus.*

Powers of Senatus Academicus.

**7.** The Senatus Academicus shall continue to possess and exercise the powers hitherto possessed by it so far as they are not modified or altered by the Universities (Scotland) Act, 1858, or by this Act, and shall have power—

(1.) To regulate and superintend the teaching and discipline of the University:

(2.) To appoint two-thirds of the members of any standing committee or committees charged by ordinance of the Commissioners with the immediate superintendence of any libraries or museums, or the contents thereof, belonging to the University

and college or colleges thereof existing at the passing of this Act; and to receive in the first instance all reports by such committee or committees, and subject to the review of the University Court, to confirm, modify, or reject the recommendations in such reports.

*General Council.*

Meetings and quorum of General Council.

**8.** In addition to the meetings prescribed by section six of the Universities (Scotland) Act, 1858, the General Council of each University may hold special meetings at the instance of the Chancellor, who shall convene such meetings on a requisition from a quorum of members, and the Council may adjourn any meeting, and may appoint committees to investigate into and report upon any matter remitted to them or to carry out instructions given to them by the Council.

The quorum of the General Council shall be such number not less than ten for every complete thousand on the register as the Commissioners shall fix, but this provision shall not apply to the statutory half-yearly meetings.

*Universities Committee of Privy Council.*

Constitution of Scottish Universities Committee of Privy Council.

**9.** There shall be a Committee of Her Majesty's Privy Council styled the Scottish Universities Committee of the Privy Council.

The Universities Committee shall consist of the Lord President of the Privy Council, the Secretary for Scotland, the Lord Justice General, if a member of the Privy Council, the Lord Justice Clerk, if a member of the Privy Council, the Lord Advocate, if a member of the Privy Council, the Chancellor of each of the Universities, if a member of the Privy Council, the Lord Rector of each of the Universities, if a member of the Privy Council, one member at least of the Judicial Committee of the Privy Council, and such other member or members of the Privy Council as Her Majesty may from time to time think fit to appoint.

The powers and duties of the Universities Committee may, subject to any rules or regulations which may from time to time be passed by Her Majesty in Council, be exercised and discharged by any three or more of the members of the Committee, one of whom shall be a member of the Judicial Committee of the Privy Council or one of Her Majesty's Senators of the College of Justice in Scotland.

PART II.

*Commissioners.*

Appointment of Commissioners.

**10.** The following persons, that is to say, Alexander Smith Kinnear, Esquire, one of the Senators of the College of Justice; the Most Honourable John Patrick Crichton-Stuart, Marquess of Bute, K.T.; the Right Honourable Victor Alexander Bruce, Earl of Elgin and Kincardine; the Right Honourable Sir Francis Richard Sandford, K.C.B.; William Mackintosh, Esquire, one of the Senators of the College of Justice; Sir Charles Dalrymple, Baronet; Sir Arthur Mitchell, K.C.B.; Sir Henry Enfield Roscoe;

James Alexander Campbell, Esquire; Alexander Craig Sellar, Esquire; Donald Crawford, Esquire; Sir William Thomson; Walter Graham Blackie, Esquire; Samuel Henry Butcher, Esquire; Patrick Heron Watson, Esquire; and Frederick Fuller, Esquire, are constituted Commissioners under this Act, and it shall be lawful for Her Majesty to appoint a Secretary to the Commissioners.

Constitution of Commission.

**11.** The Commissioners shall be styled the Scottish University Commissioners, and shall be a body corporate with a common seal which shall be judicially noticed.

Five Commissioners shall be a quorum.

The Commissioners and secretary shall hold their offices during Her Majesty's pleasure, and if any vacancy occurs in the office of any Commissioner, or in the office of chairman or secretary, by reason of death, resignation, incapacity, or otherwise, Her Majesty may, by warrant under Her sign manual, appoint some other fit person to fill the vacancy.

The Commissioner first named in this Act shall be chairman, and in the event of his absence from any meeting the Commissioners present shall choose some one of their number to be chairman of such meeting.

In case of an equality of votes at any meeting the chairman of such meeting shall have a second or casting vote.

Any act of the Commissioners shall not be invalid by reason only of a vacancy in their body, but, if at any time, and as long as, the number of persons acting as Commissioners is less than five, the Commissioners shall discontinue the exercise of their powers.

Officers and office and expenses of Commissioners.

**12.** The Commissioners may, with the assent of the Treasury, appoint such number of clerks and other officers as they may deem necessary for the purposes of this Act. They may from time to time remove any person appointed under this section, and fill up the vacancy caused by such removal.

There shall be paid to the secretary, clerks, and other officers appointed in pursuance of this Act, such remuneration as the Treasury may determine out of moneys provided by Parliament.

The Commissioners shall have an office in Edinburgh, and the expenses of such office, and all reasonable travelling and other expenses incurred by the Commissioners and the secretary, shall be defrayed out of moneys provided by Parliament.

The provisions of this and the two preceding sections shall take effect from and after the passing of this Act.

Determination of powers of Commissioners.

**13.** The powers of the Commissioners shall be in force until the first day of January one thousand eight hundred and ninety-two, but it shall be lawful for Her Majesty from time to time by Order in Council to continue the same for such time as Her Majesty thinks fit.

*Powers of Commissioners.*

Powers of Commissioners.

**14.** The Commissioners shall have power to call before them the principals, professors, University lecturers, assistants, recognised teachers, students, and examiners, or any other person employed in teaching or examining, or bearing office in or otherwise connected

with the Universities or colleges thereof existing at the passing of this Act, and such other persons as they may think proper, and to examine them as to all rules and ordinances now in force in the Universities or colleges, and to require the production of all documents and accounts relating thereto, and after making due inquiry to make ordinances for all or any of the following purposes, as shall to them seem expedient:—

(1.) To regulate the foundations, mortifications, gifts, endowments and bursaries, held by any of the Universities or colleges thereof existing at the passing of this Act, or by any person in trust for or on behalf of the same, or for the benefit of any professors, students, or others therein, which have taken effect for more than twenty-five years previously to the passing of this Act, or if given within less than twenty-five years, are wholly or partially inoperative or dormant, or which they may be asked to revise and regulate by the Senatus Academicus and the founder of the trust conjointly, with the approval of the University Court, and in particular—

(*a.*) To alter the conditions or directions affecting the same, if it shall appear to the Commissioners that the interests of learning and the main design of the donor, so far as is consistent with the promotion of such interests, may be better advanced by such alteration;

(*b.*) To combine or divide bursaries, and to establish bursary funds;

(*c.*) Where it shall seem requisite to frame regulations under which the patronage of existing bursaries vested in private individuals, or corporate or other bodies, shall be exercised;

(*d.*) To transfer the patronage of professorships now vested in private individuals or corporate or other bodies, other than the Curators of the University of Edinburgh, to the University Court:

Provided always, that where a professorship, the patronage of which is so transferred, shall have been maintained, or partially maintained, by funds provided annually or periodically by any corporate or other body, in which, or in the governing body of which, such patronage shall, in consideration of such annual or other periodical payment, have been vested, it shall upon such transfer be in the option of such corporate or other body to cease making such annual or other periodical payments.

Provided also, that nothing in this sub-section shall apply to any bursary or endowment granted by any incorporation or society whose funds, capital, or revenue have been and are contributed and paid by the members of such incorporation or society by way of entry moneys or other fixed or stated contributions.

Provided also, that in all cases where competition for bursaries and other endowments is at present restricted to the holders of certain degrees, the Commissioners shall have power to extend it to the holders of such other degrees as they may

consider to constitute, in the circumstances, an equivalent standard of merit.

Provided also, that in framing such regulations or making such alterations the Commissioners shall take care not to diminish the advantages provided for poor students by such foundations, mortifications, gifts, endowments, or bursaries aforesaid;

(*e.*) To prepare a scheme by which a detailed and reasoned report on the qualifications of candidates for chairs may be submitted to the patrons, including the Crown, so as to assist them in the discharge of their patronage:

21 & 22 Vict. c. 83.

(2.) Subject to the provisions of the Universities (Scotland) Act, 1858, as amended by this Act, to regulate the powers, duties, jurisdictions, and privileges of chancellors, rectors, assessors, principals, professors, University lecturers, assistants, recognised teachers or examiners, or any other person employed in teaching or examining, and all other members of or office bearers in the Universities or colleges thereof existing at the passing of this Act, and of the Senatus Academicus, the Faculties, the General Council, and the University Court, as well with respect to the government policy and discipline of the University as to the management and disposal of the revenues and endowments thereof, and to abolish professorships or other offices which may appear to the Commissioners to be unnecessary, whether constituted by Act of Parliament or otherwise:

(3.) To regulate and alter the constitution, composition, and number of the faculties, to regulate and alter the designations of professorships, and to create new faculties:

(4.) To regulate the time, place, and manner of presenting and electing University officers, with power to ordain that in the election of the rectors of the Universities of Glasgow and Aberdeen the election shall be determined by the majority of the votes of all the students voting whenever the votes of the nations shall be equally divided:

(5.) To regulate the management and ordering of the Universities, and the manner and conditions in and under which students shall be admitted thereto, and in particular—

(*a.*) The amount, manner of payment, and appropriation of fees and other payments made by students;

(*b.*) The course of study, and manner of teaching, the length of the academical session or sessions, the manner of examination, the qualifications, appointment, and number of examiners, and the amount and manner of their remuneration;

(*c.*) The awarding of compensation to existing professors where compensation seems to the Commissioners to be equitably due taking all the circumstances into account;

(*d.*) The granting of degrees and the institution of new degrees;

(*e.*) The institution of an examination either on entering the University, or as a preliminary condition of entering on the course of study for a degree in any faculty, or of both such examinations:

(6.) To enable each University to admit women to graduation in one or more faculties, and to provide for their instruction:

(7.) To regulate the salaries of principals, professors, lecturers, and assistants of professors and other University officers, to provide for the appointment of assistants, and to determine by whom the right of appointing assistants shall be exercised:

(8.) To found new professorships, lectureships, or teaching fellowships where such a course seems desirable and where there are sufficient means for their endowment or support, either from the funds administered by the Commissioners or otherwise, and to determine in what authority the patronage of such professorships, lectureships, or teaching fellowships shall be vested, and to make provision, if they think it expedient, for increasing the teaching power of any University whether by extra-mural teaching or otherwise; and to make regulations under which University Courts may grant recognition to the teaching of any college or individual teacher for the purposes of graduation:

(9.) To lay down the conditions and the scale on which pensions may be granted to principals and professors appointed by the Crown after the sixth day of April one thousand eight hundred and eighty-two, and to all principals and professors to be appointed after the passing of this Act:

(10.) To ensure the due preservation and administration of the whole property, rents, revenues, endowments, and funds of the Universities, the preservation and maintenance of all the fabrics and buildings of or connected with the Universities or colleges thereof existing at the passing of this Act, and the better custody and management of any libraries, museums, and laboratories thereto belonging, or of the contents thereof, and of any collections, furniture, apparatus, or objects acquired or to be acquired for the use of the Universities, or of any class therein, and to make such provision as they may think necessary to enable the Senatus Academicus, the General University Court, and the General Council to discharge their duties:

(11.) To provide for the payment and extinction of any debts forming a present burden on such property, rents, revenues, endowments or funds, of any University or college thereof existing at the passing of this Act, by means of any of the property, rents, revenues, endowments, and funds thereof; and to direct or authorise the sale of lands and heritages belonging to the Universities or such colleges, or of museums or collections or other property belonging to or administered by them, and to direct how the proceeds of such sales are to be appropriated or reinvested, having due regard to the objects for which such property is held by the Universities and such colleges:

(12.) To lay down regulations for the constitution and functions of a students representative council in each University, and to frame regulations under which that council shall be entitled to make representations to the University Court:

(13.) To frame regulations for enabling the registrar of each university more effectively to perform the duties imposed upon him by the Act of the thirty-first and thirty-second years of the reign of Victoria, chapter forty-eight:

(14.) To establish, after the first day of January one thousand eight hundred and ninety-two, or such later date as Her Majesty may by Order in Council fix as the time when the powers of the Commissioners shall expire, a General University Court of the four Universities, with a view of taking in review the general interests of the Universities, especially in regard to degrees and examinations, and with the duty of reporting to Her Majesty on new ordinances, or changes in existing ordinances, affecting all or any of the Universities, and with power to report to the Secretary for Scotland on matters connected with the Universities upon which they may deem it to be of importance to represent their views, or upon subjects which may be specially referred to them by the Secretary for Scotland:

(15.) To fix the limits of time within which appeals may be lodged and representations may be made under section six, sub-sections two and three hereof:

21 & 22 Vict. c. 83.

(16.) To repeal or modify any ordinance made under the provisions of the Universities (Scotland) Act, 1858.

*Extension of Universities.*

Extension of Universities.

**15.** The Commissioners may, if they think fit, make ordinances to extend any of the Universities, by affiliating new colleges to them, and after the expiration of their powers the University Court may make similar ordinances, under regulations to be laid down by the Commissioners, or after the expiry of their powers by the Universities Committee, subject to the following conditions:—

(1.) The University Court and the college shall be consenting parties.

(2.) In cases arising after the expiration of the powers of the Commissioners the approval of the Universities Committee shall have been signified.

(3.) The University Court, or any college which under this Act shall have been affiliated to the University, may respectively at any time thereafter resolve that such college shall cease to be affiliated to such University; and, upon such resolution being passed by the University Court, or notified to the University Court by such college, the University Court shall, subject to the approval of the Universities Committee, rescind the ordinance by which such college was affiliated to such University.

(4.) The Commissioners, and after the expiry of their powers the Universities Committee, shall make arrangements, where it seems desirable, for the due representation of the University Court on the governing bodies of affiliated colleges, and of the

governing bodies of affiliated colleges in the University Court, having regard to the circumstances of each particular case, to the relative numbers in the University and the college of the teaching staffs and of students proceeding to graduation, to the nature of the connexion proposed to be established, and to the purposes for which such representation is desirable. Provided always that these arrangements may include a limitation of the right of the persons so representing the University Court or the affiliated college, as the case may be, to sit and vote while any particular subject or subjects are under consideration.

(5.) No person who, at the date of any college being affiliated to a University, under the provisions of this Act, shall hold or possess the office of Head, Principal, or Master in such College, or who shall thereafter be appointed or admitted to the office of Head, Principal, or Master in such College, shall in respect only of holding, possessing, or of being appointed or admitted to such office be entitled or bound to become a contributor to the fund established and regulated by the Acts passed in the nineteenth year of the reign of His late Majesty George III., chapter twenty, and in the fifty-fourth year of His said late Majesty, chapter one hundred and sixty-nine, for the better raising and securing a Fund for a Provision for the Widows and Children of the Ministers of the Church of Scotland, and of the Heads, Principals, and Masters in the Universities of Saint Andrews, Glasgow, Edinburgh, and Aberdeen, but nothing in this Act contained shall alter or affect the right or liability of any person to contribute to said fund who would have been entitled or bound to do so if this Act had not been passed.

Powers with respect to University of St. Andrews and University College of Dundee.

**16.** Without prejudice to any of the powers herein-before conferred, the Commissioners shall, with respect to the University of St. Andrews and the University College of Dundee, have power—

(1.) To affiliate the said University College to and make it form part of the said University, with the consent of the University Court of St. Andrews, and also of the said college with the object, inter alia, of establishing a fully equipped conjoint University School of Medicine, having due regard to existing interests, and to the aims and constitution of the said college, as set forth in its deed of endowment and trust.

(2.) In the event of the said University College being affiliated to and made to form part of the said University, to regulate the time, place, and manner of the first election of the assessors to be elected to the University Court by the General Council and by the Senatus Academicus of the said University after such affiliation, which election the Commissioners shall appoint to take place as soon as conveniently may be after such affiliation, and, in the event of such affiliation not taking place within such time after the passing of this Act as the Commissioners shall consider reasonable, they may regulate the time, place, and manner of such election as seems to them best.

*Tests.*

Abolition of tests in certain cases.

**17.** The second, fourth, and fifth sections of the Act of the sixteenth and seventeenth years of Her present Majesty, chapter eighty-nine, are hereby repealed, and the Act of the twenty-second and twenty-third years of Her present Majesty, chapter twenty-four, is also repealed in so far as it provides that any person shall make or subscribe the declaration set forth in the second section of the first-mentioned Act.

Theological tests.

**18.** The Commissioners shall have power to take such evidence as they think proper, with a view to ascertain whether any and what changes as to the subscription of tests by principals, professors, and other University officers are necessary and expedient, and shall make a special report upon that matter to Her Majesty.

*Procedure.*

Universities may lodge draft ordinances.

**19.**—(1.) The University Court of any University may, within three months after the commencement of this Act, give notice in writing to the Commissioners of their intention to submit draft ordinances relating to such University, and every such draft ordinance shall, before being submitted to the Commissioners, be communicated to the Senatus Academicus, whose opinion thereon shall be taken into consideration by the University Court; and if after such notice they submit such draft ordinances within six months after the commencement of this Act, the Commissioners shall take them into consideration in preparing ordinances for such University.

(2.) When the Commissioners have prepared the draft of any ordinance they shall cause it to be printed, and printed copies of it to be sent to the University Court, the Senatus Academicus, and the General Council of each University to which such ordinance relates; and shall also at the same time cause it to be published in such manner as they think sufficient for giving information to all persons interested.

(3.) During three months after the transmission to the University Court of any University of the draft of any ordinance relating to such University, the Commissioners shall receive any objections respecting such ordinance, and any amendments proposed thereon, submitted to them in writing by the University Court or the Senatus Academicus or the General Council, or by any member or members of any of them, or by any public body or persons directly affected thereby, and as soon as may be after the expiration of the said three months the Commissioners shall proceed to consider such objections and amendments. Provided that in computing the period of three months for the purposes of this section the months of August and September shall not be counted, nor any part thereof.

*Ordinances made by the Commissioners.*

Ordinances to be laid before Parliament and approved by Her Majesty

**20.**—(1.) All ordinances made by the Commissioners shall be published in the Edinburgh Gazette for four consecutive weeks, and shall be at the same time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within three weeks

after the commencement of the next ensuing session of Parliament, and shall thereafter be submitted for the approval of Her Majesty in Council, and if neither House of Parliament within twelve weeks, exclusive of any period of prorogation, after an ordinance or part of an ordinance has been laid before it, presents an address praying the Queen to withhold her assent from such ordinance or any part thereof, it shall be lawful for the Queen in Council by order to approve the same or any part thereof to which such address does not relate. in Council in whole or in part.

(2.) It shall be lawful for the University Court, Senatus Academicus, or General Council of any University, or any governing body, and for the trustees or patron of any foundation, mortification, bursary, or endowment, or for any other person directly affected by any such ordinance, within one month after the last publication thereof in the Gazette to petition Her Majesty in Council to withhold Her approbation of the whole or any part thereof, and it shall be lawful for Her Majesty in Council to refer such petition to the Universities Committee, and to direct that they shall hear the petitioner or petitioners by themselves or by counsel, and report specially to Her Majesty in Council on the matter of the said petition; and it shall be lawful for Her Majesty, by Order in Council, either to declare Her approbation of any such ordinance, in whole or in part, or to signify Her disapproval thereof, in whole or in part, and in case of such disapproval the Commissioners may proceed to frame other ordinances in respect of the matters to which such disapproval relates, subject to the like provisions and conditions as are herein-before enacted; and no such ordinance shall be effectual until it shall have been so published, laid before Parliament, and approved by Her Majesty in Council.

(3.) The costs of any petition under this section may be regulated by the Universities Committee.

*Ordinances after Expiration of Commission*

**21.** After the expiration of the powers of the Commissioners, the University Court of each University shall have power to make such ordinances as they think fit, with the approval of Her Majesty in Council: Power to University Court to alter or revoke ordinances.

(1.) With respect to the appropriation of the sum allotted to such University by the Commissioners out of the annual grant herein-after referred to;

(2.) Altering or revoking any of the ordinances affecting such University which have been or may be framed and passed under the Universities (Scotland) Act, 1858, or this Act, and making new ordinances: 21 & 22 Vict. c. 83.

Provided that such ordinances, before being submitted to Her Majesty for approval, shall have been communicated by the University Court to the Senatus Academicus and to the General Council, whose opinion thereon, if returned to the University Court within one month, shall have been taken into consideration; provided also that the said ordinances, when finally adjusted by the University Court, shall have been communicated to the University Courts of the other

Universities, and that, if notice of dissent to such ordinances shall have been given by any University Court, or by any person directly affected by such ordinance, to the University Court making such ordinances within one month after the receipt thereof, the dissenting University Court or person may within one month after notifying dissent make a representation in regard thereto to Her Majesty in Council; provided further that no ordinance made under this section shall be of any validity until it has been approved by Her Majesty in Council, and that it shall be lawful for Her Majesty to refer such ordinances to the Universities Committee, who shall report to Her Majesty thereon: Provided further, that such ordinances shall be laid before both Houses of Parliament in the manner provided by section twenty of this Act: Provided further, that in computing the period of one month for the purposes of this section, the months of August and September shall not be counted, nor any part thereof.

*Transfer of Property.*

**Transfer of property by Commissioners of Works.**

**22.** On or before the first day of April one thousand eight hundred and ninety the Commissioners of Her Majesty's Works and Public Buildings shall transfer all their right, title, and interest in each of the properties described in the second column of the schedule hereto to the authority set opposite the description of such property in the first column of the said schedule, subject, nevertheless, to any burdens, liabilities, or rights affecting the same; but such transfer, if made before the first day of April one thousand eight hundred and ninety, shall not take effect until such first day of April.

**Vesting thereof.**

**23.** From and after the first day of April one thousand eight hundred and ninety all the right, title, and interest of Her Majesty, Her heirs and successors, in right of Her Crown in each of the properties described in the second column of the schedule hereto shall be vested in the authority set opposite the description of such property in the first column of the said schedule hereto, subject nevertheless to any burdens, liabilities, or rights affecting the same.

**Transfer of Crown rights in Edinburgh Botanic Garden to Commissioners of Works**

**24.** From and after the first day of April one thousand eight hundred and eighty-nine all the right, title, and interest of Her Majesty, Her heirs and successors, in right of Her Crown as proprietor of the Edinburgh Botanic Garden and all buildings therein, shall be vested in the Commissioners of Her Majesty's Works and Public Buildings, for behoof of the public, without prejudice to the rights of Her Majesty, Her heirs and successors, as superior of the said garden and buildings, and to the rights of any subject superior in and to the said garden and buildings, the said garden and buildings to be held by the said Commissioners of Her Majesty's Works and Public Buildings upon the conditions subject to which the said garden and buildings were acquired by or on behalf of His late Majesty King George the Fourth.

*Finance.*

**25.** There shall be paid out of moneys to be provided by Parliament the sum of forty-two thousand pounds, to be applied for the purposes of the said Universities. **Annual grant.**

The said sum shall be payable in equal quarterly instalments on the first day of May, the first day of August, the first day of November, and the first day of February in every year (beginning with the first day of May one thousand eight hundred and ninety), so long as the powers of the said Commissioners continue in force, to the said Commissioners, and from and after the determination of such powers to such persons and in such manner as the Commissioners may direct on trust for the purposes aforesaid.

**26.** The Commissioners may by ordinance apportion the said annual sum among the said Universities in such shares as they think just, and may prescribe how the share of each University is to be applied and expended: Provided that— **Power of Commissioners to apportion grant.**

(1.) No one of the said Universities shall receive a smaller sum than the average amount of public moneys exclusive of building and other special grants which such University has received during the five years preceding the commencement of this Act; and the University of Glasgow shall, in addition to the average amount so received by it, receive an annual sum of five hundred pounds for the maintenance of the University buildings; and the University of Aberdeen shall in addition to the average amount so received by it receive an annual sum of three hundred and twenty pounds for the purchase of books for the library of the University; and **No University to receive less than hitherto.**

(2.) No portion of the said annual sum shall be appropriated to any chair in the faculty of Theology beyond the sum, if any, which has been, within the twelve months preceding the commencement of this Act, granted for the endowment of such chair out of public moneys, but this restriction shall not apply to the chair or chairs of Hebrew or Oriental languages which may now or hereafter be attached to the faculty of theology. **Theological chairs not to be augmented out of grant.**

**27.** Until such ordinances have been framed, laid before Parliament, and approved, as herein-before provided, the Commissioners may during the continuance of their powers, divide and apportion such part as they think proper of the said annual sum among the several Universities; and shall in the case of each University pay such portion of public money as such University would have received but for the passing of this Act to the authority entitled to receive it; and if there be any surplus undivided at the time when the ordinances for the apportionment of the said annual sum are approved, they shall have power to apportion such surplus in like manner, and it shall be lawful for the Commissioners to pay any part of the said annual sum according to the apportionment made by them as aforesaid, until a final scheme of payment is settled by ordinances approved in manner herein-before provided. **Power to apportion grant provisionally.**

**28.** The said annual sum granted in pursuance of this Act shall be deemed to be in full discharge of all past and present claims of **Annual grant under this Act to be in full**

discharge of past and present claims based on present right of the said Universities to public moneys.

the said Universities, or any past or present professor, member, officer, or servant of any of the said Universities to be maintained or paid out of public moneys, or to receive any portion of public moneys by way of salary, pension, or allowances or otherwise, in so far as such claims are based upon rights existing or alleged to exist at or before the passing of this Act, and on and after such day as aforesaid, all grants of public moneys in use to be made at or before the passing of this Act to or on account of the said Universities, or any professor, member, officer, or servant of the said Universities, shall cease, and all liabilities, debts, and obligations incurred previously to the passing of this Act, by any of the said Universities, shall be defrayed by the said Universities respectively.

Annuity to the Professor of Public Law in Edinburgh.

**29.** And whereas under a signature of King William the Third, dated twenty-eighth February one thousand six hundred and ninety-three, and a signature of Queen Anne, dated eleventh February one thousand seven hundred and seven, and a deed of allocation dated thirty-first May one thousand seven hundred and seven, a sum of one hundred and fifty pounds is yearly due from the Crown to the Professor of Public Law in the University of Edinburgh: Be it enacted that from and after the first day of April one thousand eight hundred and ninety the said yearly sum of one hundred and fifty pounds shall cease to be due from the Crown to the Professor of Public Law in the University of Edinburgh, and shall during the tenure of his office by the existing Professor of Public Law in the University of Edinburgh be a charge upon the portion of the sum to be paid annually to the University of Edinburgh out of the said annual sum of forty-two thousand pounds granted in pursuance of this Act.

Reports on statistics, finance, &c. to be made annually.

**30.** The University Court of each University shall make an annual report as to the statistics of attendance on the various classes, details of teaching staff, and such other information as the Commissioners, and, after the expiry of their powers, the Universities Committee, may from time to time determine, and shall also make an annual report on the state of the finances of the University and the college or colleges thereof existing at the passing of this Act, which shall be audited by auditors to be annually appointed by the said Court, and the said reports shall be made to the Secretary for Scotland, and shall be laid by him before the General Council of the University and before Parliament, and an abstract thereof shall be published annually in such manner as the Commissioners shall determine.

## PART III.

### *Redemption of Charges.*

Composition of chalder of meal.

**31.** Whereas under a charter by the then Archbishop of Glasgow, dated tenth February one thousand six hundred and seven, confirmed by a charter by James, Archbishop of Glasgow, dated thirtieth October one thousand six hundred and twenty-eight, a chalder of meal is yearly due from the Crown to the University of Glasgow, and it is expedient to make provision for the redemption

of the said chalder of meal: Be it enacted that the value of a chalder of meal shall be ascertained at the highest fiars prices of the county of Lanark on an average of the seven years previous to the first day of April one thousand eight hundred and ninety, and a sum of money equal to thirty times the value of a chalder of meal so ascertained as aforesaid shall on or before the first day of April one thousand eight hundred and ninety be paid by the Commissioners of Woods out of any moneys in their hands parcel of the capital of the land revenues of the Crown to the University Court of the University of Glasgow, and the said University Court shall thereupon sign and deliver to the Commissioners of Woods a receipt therefor under its common seal, and from and after the payment of such sum as aforesaid the said chalder of meal shall cease to be due from the Crown to the University of Glasgow, and the consideration for its redemption shall be received and held as part of the general property of the said University.

Purchase by the Universities of certain casualties due to the Crown.

**32.** And whereas divers teinds, feu, retour, and other duties and casualties are yearly due from the Universities of St. Andrews, Glasgow, Aberdeen, and Edinburgh respectively to the Crown, and it is expedient to make provision for the redemption of the said teinds, feu, retour, and other duties and casualties: Be it enacted that whenever any teind, feu, retour, or other duty or casualty shall be found to be due to the Crown from one of the Universities of Saint Andrews, Glasgow, Aberdeen, or Edinburgh, the Commissioners of Woods shall give notice in writing to the principal of the University requiring the University Court of the University to purchase the same from the Crown, and the University Court of the University shall purchase, and such Commissioners shall sell the same, and such sale shall be made in all respects as sales of a like nature in Scotland by the Commissioners of Woods may for the time being be by law directed to be made, and upon such terms as may for the time being be in operation with reference to the redemption of charges of a like nature forming part of the land revenues of the Crown.

## SCHEDULE.

Section 22.

| COLUMN 1. | COLUMN 2. |
|---|---|
| Authority to whom Property is transferred. | Property transferred. |
| The University Court of the University of St. Andrew's. | The buildings of St. Mary's College, with the quadrangle, and pertinents thereof. |
| The University Court of the University of St. Andrew's. | The official residence of the Principal of St. Mary's College, consisting of the house and grounds adjoining the buildings of the said College. |
| The University Court of the University of St. Andrew's. | The University Library, consisting of the Library, Graduation Hall, and Professors' Reading Room, with their pertinents, adjoining the official residence of the Principal of the said College. |

| COLUMN 1. Authority to whom Property is transferred. | COLUMN 2. Property transferred. |
|---|---|
| The University Court of the University of St. Andrew's. | The buildings and grounds of the United College of St. Salvator and St. Leonard, with the pertinents thereof, and the chapel building adjoining the same. |
| The University Court of the University of St. Andrew's. | A detached site consisting of an area of about 1,668 yards, with frontage to the Scores. |
| The University Court of the University of Aberdeen. | The buildings and grounds of the Marischal College, with the pertinents thereof. |
| The University Court of the University of Aberdeen. | The buildings and grounds of King's College, with the pertinents thereof, and the chapel and library adjoining. |
| The University Court of the University of Aberdeen. | The official residence of the Principal of King's College, being the house known as No. 13, Chanonry, and the grounds and pertinents thereof. |
| The University Court of the University of Aberdeen. | The official residence of the Professor of Systematic Theology, consisting of a house and grounds adjoining King's College. |
| The University Court of the University of Aberdeen. | The official residence of the Professor of Church History, being the house known as No. 31, College Bounds, and the grounds and pertinents thereof. |
| The University Court of the University of Aberdeen. | The official residence of the Professor of Biblical Criticism, being the house known as No. 34, College Bounds, and the grounds and pertinents thereof. |
| The University Court of the University of Aberdeen. | The official residence of the Professor of Mathematics, being the house known as No. 33, College Bounds, and the grounds and pertinents thereof. |
| The University Court of the University of Aberdeen. | The official residence of the Professor of Greek, being the house known as No. 32, College Bounds, and the grounds and pertinents thereof. |
| The University Court of the University of Aberdeen. | The official residence of the Professor of Latin, being the house known as No. 11, College Bounds, and the grounds and pertinents thereof. |