

LORD ADAM was absent.

The Court dismissed the appeal.

Counsel for the Appellants—Clyde, K.C.  
—Morton. Agent—W. A. Hyslop, W.S.

Counsel for the Respondents—Ure, K.C.—  
A. S. D. Thomson. Agents—Simpson &  
Marwick, W.S.

Thursday, February 5.

## SECOND DIVISION.

### CLARK BURSARY FUND (MILE-END) TRUSTEES, PETITIONERS.

*Educational Trust—Extension of Scheme—  
University Scholarships and Bursaries  
—Trust for Bursaries to Male Students  
—Admission of Female Students to the  
Benefits of the Trust.*

Authority granted to the trustees of  
a trust for providing bursaries and  
scholarships for men in the University  
of Glasgow to extend the benefit of the  
trust to female students.

A petition was presented by Lord Inverclyde and others, the trustees of the Clark Bursary Fund (Mile-end), for extension of the scheme under which they administered certain bursaries and scholarships under a trust-disposition and deed of settlement dated 30th June 1866, and a subsequent deed of direction, by the late Mr John Clark junior, Mile-end, Glasgow. By the deeds referred to the petitioners were directed to award out of the fund administered by them, which amounted to upwards of £36,000, certain bursaries or scholarships to male students in the University of Glasgow. Under the benefactor's scheme of administration the petitioners offered for competition at intervals, *inter alia*, a scholarship in modern languages. Female students were first admitted to the University of Glasgow at a date subsequent to the granting of the deeds referred to, and a female student was the only candidate for the Modern Languages Scholarship in Session 1902-1903. The petitioners stated as follows:—"Since the trust came into operation the university regulations have been so amended that women students can now attend most of the classes of the university, and can proceed to graduation in the Faculties of Arts, Medicine, and Science in the same manner as men. . . . The petitioners are of opinion that the utility of the trust under their administration would be greatly increased if the bursaries and scholarships provided as aforesaid were opened to the competition of female students instead of being restricted as in practice they have hitherto been to competition among men only. It has accordingly been resolved to seek the Court's authority to permit women to take part in future competitions for said bursaries and scholarships." The petitioners accordingly prayed the Court to

authorise the petitioners and their successors in the management of the said trust estate to extend the benefit thereof to female students in the University of Glasgow on the same terms as men by admitting them to competition for the bursaries and scholarships in the petitioners' appointment, and on their being found qualified by appointing them thereto.

On 25th November 1902 the Court remitted to Mr Charles Young, W.S., "to inquire and report as to the whole circumstances and the proposed extension of the benefits of the scheme." Mr Young reported in favour of the extension proposed by the petitioners.

On 5th February 1903, on the calling of petition in single Bills with Mr Young's report, the Court granted the prayer of the petition.

Counsel for the Petitioners—M'Clure—  
Skinner. Agents—Webster, Will, & Com-  
pany, S.S.C.

Friday, February 6.

## SECOND DIVISION.

[Sheriff Court at Glasgow.]

### REID v. THE ANCHOR LINE.

*Master and Servant—Workmen's Compensation Act 1897 (60 and 61 Vict. cap. 37), sec. 7, (1), (2)—Factory and Workshop Act 1895 (58 and 59 Vict. cap. 37), sec. 23, (1)—Factory—Dock—Ship in Dock—Machinery on Board Ship Used for Unloading.*

A workman was employed as a docker by a shipowner for the unloading of a cargo from a ship belonging to the shipowner in Glasgow Harbour. The cargo was being discharged by means of the ship's steam winch, derrick, and fall, and was wheeled ashore by labourers in the employment of the shipowner over gangways laid between ship and quay. The workman was killed by slipping on the ship's fixed ladder while ascending from the hold. *Held* that at the time of the accident he was employed in a factory within the meaning of the Workmen's Compensation Act 1897, and that the shipowner was liable to pay compensation in terms of the Act.

*Stuart v. Nixon & Bruce*, [1901], A.C. 79, and *Raine v. Jobson & Company*, [1901], A.C. 404, *followed*.

*Aberdeen Steam Trawling Company v. Peters*, March 16, 1899, 1 F. 786, 36 S.L.R. 573; *Jackson v. Rodger & Company*, January 30, 1900, 2 F. 533, 37 S.L.R. 390; *Healy v. Macgregor & Ferguson*, February 20, 1900, 2 F. 634, 37 S.L.R. 454; *Bruce v. Henry & Company*, March 8, 1900, 2 F. 717, 37 S.L.R. 511; *Low v. Abernethy*, March 8, 1900, 2 F. 722, 37 S.L.R. 506; and *Living v. Young & Leslie*, November 2, 1900, 3 F. 31, 38 S.L.R. 29, *overruled*.