

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LIV.

An Act for making better Provision for the Parochial Schoolmasters, and for making further Regulations for the better Government of the Parish Schools in *Scotland*. [11th *June* 1803.]

WHEREAS the Parish Schoolmasters in *Scotland* are a most useful Body of Men, and their Labour have been of essential Importance to the publick Welfare: And whereas by an Act passed in the Parliament of *Scotland*, in the Reign of King *William* the Third, in the Year One thousand six hundred and ninety-six, intituled, *Act for settling of Schools*, it is, *inter alia*, statuted and ordained, that there be a School settled and established, and a Schoolmaster appointed, in every Parish not already provided, by Advice of the Heritors and Minister of the Parish; and for that Effect, that the Heritors in every Parish meet and provide a commodious House for a School, and settle and modify a Salary to a Schoolmaster, which shall not be under One hundred Merks nor above Two hundred Merks *Scots*, to be paid yearly, at Two Terms, *Whitsunday* and *Martinmas*, by equal Portions; and certain Rules and Regulations were laid down *Scotch* Act, 1696.

down by the ſaid Act, relative to the apportioning and Payment of the ſaid Salary by the Heritors of the Pariſh: And whereas the higheſt Salary by the ſaid Act granted, amounting only to Eleven Pounds Two Shillings and Two-pence Two-thirds of a Penny Sterling, which by Difference in the Value of Money, and Change in the Circumſtances of the Country, has become a Proviſion altogether inadequate for a Body of Men whoſe Labours are of ſo great publick Utility: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King'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, That, from and after the Term of *Martinmas* next, the Salary of each Parochial Schoolmaſter in every Pariſh of *Scotland* ſhall not be under the Sum of Three hundred Merks *Scots per Annum*, nor above the Sum of Four hundred Merks *Scots per Annum*, except in the Caſes herein-after mentioned.

Salary to Schoolmaſters.

II. And be it further enacted, That within Three Months after the paſſing of this Act, the Heritors poſſeſſed of the Qualification required by this Act, and the Miniſter of every Pariſh, ſhall hold a Meeting, of which Intimation ſhall be given from the Pulpit immediately after Divine Service in the Forenoon, and by circular Letters, to be written by the Miniſter of the Pariſh, to ſuch Heritors having the Qualification preſcribed by this Act, who are non-reſident, and alſo by leaving a written Notice at the Manſion Houſe of every Heritor, whether reſident or not, at leaſt Thirty free Days, before ſuch Meeting ſhall take place; and on due Conſideration of the Circumſtances of the particular Pariſh in reſpect of Extent, Population, and valued Rent, and the probable Amount of the other Emoluments of the Schoolmaſter's Office, ſuch Meeting ſhall judge and determine whether the Schoolmaſter's Salary ſhall be Three hundred Merks *Scots per Annum*, or Four hundred Merks *Scots per Annum*, or ſuch Sum between theſe Two Sums as to ſuch Meeting ſhall ſeem moſt ſuitable to the Circumſtances of the Pariſh, and ſhall fix and determine the Amount of the Schoolmaſter's Salary, to be paid to the Schoolmaſter, by a Reſolution to be made at ſuch Meeting, a Copy of which Reſolution, ſigned by the Preſes of the Meeting, ſhall be delivered to the Schoolmaſter of the Pariſh as his Authority for collecting and receiving the Salary thereby fixed and determined, which ſhall be paid by the ſeveral Heritors at the ſame Terms apportioned among them, in the ſame Manner, and with the ſame Relief againſt their Tenants, as is provided by the aforeſaid Act of the Parliament of *Scotland*, paſſed in the Year One thouſand ſix hundred and ninety-ſix: Provided always, that no Salary at preſent payable to any Schoolmaſter ſhall be diminiſhed; and in all Caſes where any ſuch Salary or any Part thereof is payable in Grain or Meal, ſuch Salary in Grain or Meal ſhall continue to be paid and payable in the ſame Manner as heretofore, with ſuch Additions thereto in Money, as to ſuch Meeting ſhall ſeem proper; and in fixing and determining the Amount of the Salary to be paid purſuant to this Act, ſuch Grain or Meal making Part of ſuch Salary ſhall be eſtimated at the Rate of Two hundred Merks *per* Chalder.

Heritors and Miniſter of the Pariſh to fix ſuch Salaries.

Salaries payable in Grain or Meal to continue to be ſo paid; and to be eſtimated at the Rate of 200 Merks *per* Chalder.

III. And be it enacted, That the Salaries ſo fixed and determined in Manner above directed, ſhall continue to be the Salaries payable to the Schoolmaſter of every Pariſh for and during the Period of Twenty-five Years from and after the paſſing of this Act, and within Three Years after the Expiration of Twenty-five Years from the paſſing of this Act, the Sheriff or Stewart of every County or Stewartry ſhall fix and determine according to the Average Amount of the Fiars of the County or Stewartry for the Twenty-five Years preceding, what is the Value or Average Price of a Chalder of Oatmeal, and he ſhall make a Return of ſuch Average to the Office of King's Remembrancer in Exchequer in *Scotland*, and the Lord Chief Baron and Barons of Exchequer are hereby empowered and required, from ſuch Returns by the Sheriffs and Stewarts of *Scotland*, to ſtrike the Average Price of a Chalder of Oatmeal for all *Scotland*; and an Order of the ſaid Court of Exchequer fixing ſuch Average ſhall, within Three Months from the Date of the laſt Return by the Sheriffs and Stewarts, be publiſhed by the King's Remembrancer in the *Edinburgh Gazette*, and ſuch other *Scots* Newſpapers as he ſhall deem ſufficient, for Three ſucceſſive Weeks, and a Copy thereof ſhall alſo be tranſmitted by the ſaid Remembrancer to the Sheriff or Stewart Clerk of every Shire or Stewartry in *Scotland*; which Average ſo aſcertained ſhall be the Rate according to which the Schoolmaſter's Salary ſhall be fixed in the Manner herein-after directed, and the Sheriff or Stewart Clerk ſhall tranſmit a Certificate thereof, ſigned by him, to the Miniſter of each Pariſh within the County or Stewartry, to be by him ſubmitted to the Meeting directed to be called in Manner immediately after mentioned.

Salaries ſo fixed to be payable for 25 Years.

Mode of fixing the average Price of a Chalder of Oatmeal.

Average Price ſo aſcertained ſhall be the Rate by which the Schoolmaſters' Salaries ſhall be fixed.

IV. And be it enacted, That within Three Months after the Date of ſuch Certificate, the Heritor poſſeſſed of the Qualification required by this Act, and the Miniſter of every Pariſh in *Scotland*, ſhall hold a Meeting, of which Intimation ſhall be given from the Pulpit immediately after Divine Service in the Forenoon, and by circular Letters, to be written by the Miniſter of the Pariſh to ſuch Heritors having the Qualification preſcribed by this Act, who are non-reſident, and alſo by leaving a written Notice at the Manſion Houſe of every Heritor whether reſident or not, at leaſt Thirty free Days before ſuch Meeting ſhall take place; and on due Conſideration of the Circumſtances of the particular Pariſh in reſpect of Extent, Population, and valued Rent, ſuch Meeting ſhall judge and determine whether the Schoolmaſter's Salary of the ſame ſhall be equal to the Average Price of One Chalder and a Half, or of Two Chalders of Oatmeal according to the Amount thereof, aſcertained by the aforeſaid Certificate, or to ſuch Proportion between them as to ſuch Meeting ſhall ſeem moſt ſuitable to the Circumſtances of the Pariſh, and ſhall fix and determine the Amount of the Schoolmaſter's Salary, to be paid purſuant to ſuch Average and their Reſolution thereupon; a Copy of which Reſolution, ſigned by the Preſes of the Meeting, ſhall be delivered to the Schoolmaſter of the Pariſh, as his Authority for collecting and receiving the Salary thereby fixed and determined, which ſhall be paid to him by the ſeveral Heritors at the ſame Terms apportioned among them, in the ſame Manner, and with the ſame Relief againſt their Tenants, as is provided by the aforeſaid Act of the Parliament of *Scotland*, in the Year One thouſand ſix hundred and ninety-ſix.

Heritors and Miniſter to meet within Three Months after the Date of Certificate of ſuch average Price, and fix the Amount of Schoolmaſter's Salaries.

In caſe of Neglect, or Diſſatisfaction with the Determination, Appeal may be made to the next Quarter Seſſions.

V. Provided always, and be it enacted, That in caſe the Heritors and Miniſter ſhall neglect or refuſe to determine the Amount of the Salary to be paid to the Schoolmaſter according to the Proviſions of the Act, or in caſe any Heritor, or the Schoolmaſter ſhall be diſſatisfied with the Determination made, it ſhall be competent within Three Months after ſuch Meeting ought to have been held, or ſuch Determination ſhall have been made, for the Schoolmaſter to apply, or for ſuch Perſon ſo diſſatisfied to appeal, to the next Quarter Seſſions held for the Shire or Stewartry within the Bounds of which the Pariſh or Pariſh Kirk lies, whoſe Judgement ſhall be final, and no Appeal by Advocation, Suſpenſion, or otherwiſe, ſhall be admitted againſt the Judgement given at ſuch Quarter Seſſions: Provided always, that no Heritor of the Pariſh from whence ſuch Appeal comes ſhall vote upon ſuch Appeal at ſuch Quarter Seſſions.

At the End of every 25 Years, the average Price of the Chalder of Oatmeal, and the Schoolmaſter's Salary ſhall be aſcertained and fixed in Manner before directed.

VI. Provided always, and be it enacted, That after Twenty-five Years ſhall have elapſed from the Time the Amount of a Schoolmaſter's Salary ſhall have been ſo fixed, the Sheriff of a Shire, Stewart of a Stewartry ſhall within Three Months again determine the Average Price of a Chalder of Oatmeal in the Manner directed by this Act; and ſhall, as above directed, return the ſame to the Office of King's Remembrancer in Exchequer, and the Lord Chief Baron and Barons of Exchequer ſhall again by an Order of Court fix the Average Price for all *Scotland*; and the King's Remembrancer ſhall again tranſmit a Copy of ſaid Order of Court to the Sheriff or Stewart Clerk of each Shire or Stewartry, and the ſaid Sheriff or Stewart Clerk ſhall again publiſh the ſame in the *Edinburgh Gazette* and *Scots* Newſpapers, and tranſmit a Certificate of ſaid Average and Order of Court to the Miniſter of each Pariſh within his Shire and Stewartry, and the Heritors and Miniſter ſhall again fix and determine the Schoolmaſter's Salary according to ſuch Average, ſuch Salary never being leſs than the Value of One Chalder and an Half, nor more than Two Chalders for the next Twenty-five Years, and ſo *toties quoties* at the End of every Twenty-five Years for ever, unleſs altered by Parliament, and every ſuch Determination of Salary ſhall be liable to Appeal to the Quarter Seſſions in Manner and to the Effect above directed.

Where there is but One qualified Heritor, he ſhall have Two Votes.

VII. Provided always, and be it enacted, That in every Pariſh where there is only One Heritor qualified as herein-after preſcribed, ſuch Heritor ſhall have Two Votes at every Meeting directed to be held purſuant to this Act; and in all Meetings where no Preſes has been choſen, the Heritor preſent poſſeſſed of the higheſt Valuation ſhall have the caſting Vote.

A School-houſe and Dwelling-houſe and Garden to be provided where there are none.

VIII. And be it further enacted, That in every Pariſh where a commodious Houſe for a School has not already been provided, purſuant to the Directions in the above recited Act, and in every Pariſh where a Dwelling Houſe for the Reſidence of the Schoolmaſter has not already been provided together with a Portion of Ground for a Garden to the Extent hereafter mentioned, the Heritors of every ſuch Pariſh ſhall provide a commodious Houſe for a School, and alſo a Houſe for the Reſidence of the Schoolmaſter, ſuch Houſe not conſiſting of more than Two Apartments including the Kitchen, together with a Portion of

Ground for a Garden to ſuch Dwelling Houſe, from Fields uſed for the ordinary Purpoſes of Agriculture or Paſturage, as near and convenient to the Schoolmaſter's Dwelling Houſe as reaſonably may be, which Garden ſhall contain at leaſt One-fourth Part of a *Scots* Acre, and ſhall be incloſed with ſuch Fence as is generally uſed for ſuch Purpoſes in the Diſtrict of the County where it is ſituated; and the Expence of providing ſuch School Houſe, Dwelling Houſe, and Garden, and ſupporting the ſame, ſhall be defrayed and paid in the ſame and like Manner as is preſcribed for providing a Houſe for a School by the aforeſaid Act of the Parliament of *Scotland:* Providing always, that where the Heritors ſhall determine that ſuch Garden cannot be allotted to the Schoolmaſter without great Loſs and Inconvenience, it ſhall be optional to them, with the Authority of the Quarter Seſſions of the County or Stewartry, to aſſign to the Schoolmaſter in lieu of ſuch Garden an Addition to his Salary, at the Rate of Eight Bolls of Oatmeal *per* Acre, to be computed according to the Average aſcertained in Manner herein-before directed.

If a Garden cannot be allotted, an Addition to Salary ſhall be allowed.

IX. And be it further enacted, That in caſe the Heritors ſhall neglect or refuſe to provide the Accommodations of Houſe, School Houſe, and Garden, or additional Salary in lieu thereof, to Schoolmaſters according to the Proviſions of this Act, or in caſe the Schoolmaſter ſhall not be ſatisfied with the Accommodations afforded him, it ſhall be competent for him to bring the ſame by Repreſentation or Petition before the Quarter Seſſions held for the Shire or Stewartry to which the Pariſh of which he is Schoolmaſter belongs, or in which the Pariſh Kirk is ſituated; and in all ſuch Caſes the Judgement of the Quarter Seſſions ſhall be final, without any further Appeal by Advocation, Suſpenſion, or otherwiſe: Provided always, that no Juſtice of the Peace who ſhall be an Heritor in the Pariſh of ſuch Schoolmaſter ſhall vote upon ſuch Repreſentation or Petition.

In caſe of Neglect or Diſſatisfaction, Schoolmaſters may apply to Quarter Seſſions.

X. Provided always, and be it enacted, That the Heritor or Heritors from whoſe Eſtates any Ground ſhall be taken for the Purpoſe of ſuch School Houſe, Dwelling Houſe, and Garden, ſhall have his, her, or their Relief againſt the other Heritors of the Pariſh, for the Value of the Ground ſo to be taken in Proportion to the valued Rent of the Lands belonging to the whole Heritors in the Pariſh; ſuch Relief to be ſettled only by the Sheriff or Stewart of the County or Stewartry, without Appeal by Advocation, Suſpenſion, or otherwiſe.

Relief to Heritors, whoſe Ground ſhall be taken for School-houſe, &c. ſhall be ſettled by the Sheriff.

XI. And be it enacted, That in caſe of thoſe Pariſhes which conſiſt of Diſtricts detached from each other by the Sea or Arms of the Sea, or otherwiſe, as where a Pariſh conſiſts of Two or more Iſlands, of which there are ſeveral Inſtances in the Highlands, North Iſles, and *Hebrides*, or where it is otherwiſe of great Extent or Population, ſo that One Parochial School cannot be of any effectual Benefit to the whole Inhabitants of ſuch Pariſhes, it ſhall be competent to the Heritors and Miniſter if they ſhall ſee Cauſe on fixing a Salary of Six hundred Merks, or the Value of Three Chalders of Oatmeal, to be computed according to the Proviſions of this Act, to divide the ſame among Two or more Teachers according to the Extent and Population of the Pariſh; and theſe Proportions ſo divided ſhall be paid to Teachers of Schools in the

Regulations to be obſerved when Pariſhes conſiſt of Two or more Iſlands, or of great Extent, where One Parochial School would be inſufficient.

same Way and Manner, and under the same Conditions, as hereafter are specified by this Act, for supplying vacant Parochial Schools with Masters; but in respect that the Heritors of such Parishes are to pay an higher Salary, they are hereby exempted from the Obligation of providing School Houses, Dwelling Houses, and Gardens, for the Teachers among whom the Salary is to be divided in the Manner aforesaid; and in case a Difference of Opinion shall arise among the Heritors respecting the Propriety and Usefulness of such Division of the Salary, the same shall be submitted by Petition or Representation to the Quarter Sessions of the Shire or Stewartry, within the Bounds of which the Parish or Parish Kirk is situated; and the Judgement thus obtained shall be final without Appeal by Advocation, Suspension, or otherwise.

Not to extend to Royal Burghs.

XII. Provided always, and be it enacted, That none of the Provisions of this Act shall apply to the Case of a Parish, which consists only of a Royal Burgh or Part of a Royal Burgh.

Where a Parish consists of a Burgh and a Landward Heritor, Schoolmaster to be appointed and maintained as heretofore, &c.

XIII. And be it further declared, That where a Parish consists of a Royal Burgh, or Part of a Royal Burgh, and a Landward Heritor or Heritors, the Schoolmaster shall be appointed and maintained by the Burgh, or by the Landward Heritor or Heritors, or by the Burgh and Landward Heritors, in the same Way and Manner, and according to the same Proportions that have hitherto been observed in such Parish; the Salary and Accommodations being always equal in Value to those provided by this Act, and the same Remedy being allowed in case they are otherwise, and to be applied for in the Manner already specially pointed out; and provided any Additions shall be granted, the same shall be paid in the same Proportions by the Parties from whom the present Salary is received.

Schoolmasters to be elected in Cases of Vacancies.

XIV. And be it enacted, That, from and after the passing of this Act, in case of Vacancy in the Office of Schoolmaster, by Death or otherwise, the Minister of the Parish shall within Fifteen Days, intimate or cause to be intimated from the Pulpit, immediately after Divine Service in the Forenoon, the Vacancy which has taken place, and communicate the Knowledge of the same by Letter to such Heritor or Heritors as may be non-resident; and the Heritors possessed of the Qualification required by this Act, with the Minister of the Parish, are hereby appointed to hold a Meeting, of which Intimation shall be given by the Minister, by Edictal Citation and circular Letters to such as are non-resident, at least Thirty free Days before it takes place; and such Meeting or adjourned Meeting, shall elect a Person to the vacant Office of Schoolmaster; and in the Event of the Parish being vacant, the Presbytery shall appoint some One of their Number to make the Intimations and give the Notices which, according to the Provisions of this Act, the Minister is required to do.

On Failure, the Commissioners of Supply to appoint.

XV. Provided always, and be it enacted, That if the Heritors qualified as is hereby required, and Minister, shall fail to elect a Schoolmaster within Four Calendar Months from the Time the Vacancy shall have taken place, then the Presbytery within the Bounds of which the Parish is situated, shall apply to the Convener of the Commissioners of Supply of the County or Stewartry, who, or any Five of them, at

at a Meeting to be called by the Convener upon Thirty Days Notice, ſhall have Power, *jure devoluto*, and are hereby directed to elect a Perſon to ſupply the Vacancy.

Schoolmaſters to be examined and approved by the Preſbytery.

XVI. And be it further enacted, That every Schoolmaſter elected under the Proviſions of this Act, ſhall carry the Minutes, or an Extract or certified Copy of the Minutes of his Election to the Preſbytery, accompanied with Atteſtations of his having taken the Oath to His Majeſty before any One of His Majeſty's Juſtices of the Peace; and the Preſbytery ſhall thereupon take Trial of his Sufficiency for the Office, in reſpect of Morality and Religion, and of ſuch Branches of Literature as by the Majority of Heritors and Miniſter ſhall be deemed moſt neceſſary and important for the Pariſh, by Examination of the Preſentee, by Certificates and Recommendations in his Favour, by their own perſonal Enquiry or otherwiſe, and ſhall ſee him ſign the Confeſſion of Faith and Formula of the Church of *Scotland;* and their Judgement or Determination as to the Qualifications of ſuch Preſentee for the Office of Schoolmaſter ſhall not be reviewed or ſuſpended by any Court, Civil or Eccleſiaſtical; and provided they are ſatisfied with the ſame, he ſhall be furniſhed with an Extract from their Minutes, bearing that he had appeared, produced the Atteſtations required, and had been found on Trial duly qualified for diſcharging the Duties of the Office to which he had been elected, which Extract ſhall complete his Right to the Emoluments provided by this Act.

If found unqualified, Time allowed to the Heritors and Miniſter.

XVII. Provided always, and be it enacted, That in caſe the Perſon elected is not found duly qualified, the Heritors and Miniſter ſhall only be allowed what remained of the Four Months, at the Time of his Election, with ſo many Days more as required by this Act.

Heritors and Miniſter to fix the School Fees.

XVIII. And be it further enacted, That the Heritors qualified as is hereby required, and Miniſter, in a Meeting called on Thirty Days Notification from the Pulpit, and by Letter from the Miniſter to the non-reſident Heritors, and by Notice to be left at the Manſion-Houſe of each Heritor, whether reſident or not, ſhall have the Power of fixing the School Fees from Time to Time as they ſhall judge expedient; and a Table of ſuch Fees, ſigned by the Preſes of the Meeting, ſhall be hung up in the School-room: Provided always, that the Schoolmaſter ſhall be obliged to teach ſuch poor Children of the Pariſh as ſhall be recommended by the Heritors and Miniſter at any Parochial Meeting.

Superintendance of Schools continued to Miniſters.

XIX. And be it enacted, That the Superintendance of Schools ſhall continue with the Miniſters of the eſtabliſhed Church as heretofore, according to the ſeveral Acts of Parliament reſpecting the ſame, except in ſo far as altered by this preſent Act.

Preſbyteries to regulate Hours of teaching,

XX. And be it enacted, That as often as Preſbyteries in the Courſe of their Viſitation, ſhall find any Thing wrong with reſpect to the Hours of teaching, or the Length of the Vacation annually given, or when any Complaint ſhall be made to them upon thoſe Subjects by Parties concerned, they ſhall have the Power of regulating the ſame in the Manner they may judge moſt conſiſtent with the particular Circumſtances

Circumſtances and general good of the Pariſh; and the Schoolmaſter is hereby required to conform to and obey all Regulations ſo made by the Preſbytery, under Pain of Cenſure or Suſpenſion from or Deprivation of his Office, as to the Preſbytery ſhall ſeem proper.

and to take Cognizance of Schoolmaſters Conduct.

XXI. And be it enacted, That when any Complaint from the Heritors, Miniſter, or Elders, againſt the Schoolmaſter, charging him with Neglect of Duty, either from engaging in other Occupations or from any other Cauſe, or with immoral Conduct, or cruel and improper Treatment of the Scholars under his Charge, ſhall be preſented to the Preſbytery, they ſhall forthwith take Cognizance of the ſame, ſerve him with a Libel if the Articles alledged appear to them to be of a Nature which requires it, and having taken the neceſſary Proof, they ſhall acquit or paſs Sentence of Cenſure, Suſpenſion, or Deprivation, as ſhall appear to them proper upon the Reſult of ſuch Inveſtigation; which Judgement ſhall be final, without Appeal to or Review by any Court, Civil or Eccleſiaſtical; and in caſe they ſhall depoſe the Incumbent from the Office of Schoolmaſter, his Right to the Emoluments and Accommodations of the ſame ſhall ceaſe from the Time of his Depoſition; and in caſe he ſhall fail or refuſe to remove from the School, School Houſe, and Garden, within the Space of Three Months from the Date of ſuch Sentence or Depoſition, the Sheriff of the Shire, or Stewart of the Stewartry, upon having an Extract or certified Copy of the Sentence of Depoſition by the Preſbytery laid before him, ſhall forthwith grant Letters of Ejection againſt ſuch Schoolmaſter, of which no Bill of Suſpenſion or Advocation, nor Action of Reduction ſhall be competent; and in caſe of ſuch Depoſition the School ſhall immediately be declared vacant, and the Election of another Schoolmaſter ſhall take place.

Qualification of Heritors.

XXII. Provided always, and be it enacted, That it ſhall not be lawful for any Heritor who is not a Proprietor of Lands within the Pariſh, to the Extent of at leaſt One hundred Pounds *Scots* of valued Rent appearing in the Land Tax Books of the County within which ſuch Pariſh is ſituated, to attend or vote at any Meeting held purſuant to this Act; but every Heritor qualified as above may vote by Proxy, or by Letter under his Hand.

Former Acts confirmed.

XXIII. Provided alſo, and be it enacted, That all former Acts and Statutes with regard to Pariſh Schools or Schoolmaſters are hereby ratified and confirmed, in ſo far as they are not altered by the expreſs Proviſions of this Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.