ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

C A P. LXXXVII.

An Act to facilitate the Foundation and Endowment of additional Schools in *Scotland*.

[10th *August* 1838.]

WHEREAS an Act was passed by the Parliament of *Scotland* in the First Parliament of King *William*, in the Year One thousand six hundred and ninety-six, intituled *Act for settling of Schools:* And whereas another Act was passed by the Parliament of *Great Britain*, in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making better Provision for the Parochial Schoolmasters, and for further Regulations for the better Government of the Parish Schools, in* Scotland: And whereas another Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend an Act for building additional Places of Worship in the Highlands and Islands of* Scotland: And whereas under the said last-recited Act a Number of Places of Worship have been built in the Highlands and Islands aforesaid, and the Parishes in which such additional Places of Worship have been built have been divided and disunited *quoad sacra:* And whereas the Parish Schools and other Means of Education existing in the Highlands and Islands aforesaid are wholly inadequate to the Education of the People, and some Places are altogether destitute of such Schools or other Means of Instruction, and it is desirable that Provision should be made against so great an Evil:

1696, c. 26.

43 G. 3. c. 54

5 G. 4. c. 90

Commissioners of the Treasury authorized to provide, out of Sums granted for Education in Scotland, for the Endowment of additional Schools.

Evil: 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, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury of *Great Britain* and *Ireland* for the Time being, or any Three of them, from Time to Time to set apart and appropriate, from any Sum which has been or may be voted by Parliament for Purposes of Education in *Scotland*, any such Part thereof as they shall deem expedient and necessary, for the Endowment of additional Schools in such Parts of such divided Parishes aforesaid as they shall judge proper.

Money how to be invested.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time to invest the Sum or Sums to be set apart and appropriated as aforesaid in the Purchase of Three *per Centum* Consolidated Bank Annuities, or such other Government Stock or Funds as they shall think fit, and in the Name or Names of such Person or Persons as they shall nominate and appoint, and to direct the Dividends or Proceeds of the Monies so invested to be paid to such Person or Persons in *Scotland* as they shall nominate, to be applied in manner herein-after provided.

If Heritors of divided Parishes provide Schools, &c. such Schools may be endowed.

III. And be it enacted, That in all Parishes which shall have been divided *quoad sacra* under the said last-recited Act, if in that District or Division of any such Parish in which there shall be no School or not an adequate Number of Schools, or in which there being a School or Schools but no Endowment or no sufficient or permanent Endowment for the Schoolmaster or Schoolmasters of the same, the Heritors of such Parish or District shall, at their own Expence or otherwise, provide an adequate Schoolhouse and Schoolmaster's Dwelling House, consisting of not less than Two Rooms, besides the Kitchen and a Garden, which shall be reported by the Presbytery of the Parish to the said Commissioners of Her Majesty's Treasury to be in all respects equal and answerable to the Description of Schoolhouse, Schoolmaster's House (excepting that the Schoolmaster's House under this Act shall consist of not less than Two Apartments besides the Kitchen), and Garden, contained in and required by the said recited Act of the Forty-third Year of the Reign of His Majesty King *George* the Third, and which shall be conveyed to, vested in, and held by any Person or Persons to be appointed by the said Commissioners of Her Majesty's Treasury or any Three of them for the Purposes of this Act, then and in such Case it shall be lawful for the said Commissioners of Her Majesty's Treasury to appropriate or to direct to be appropriated, out of the Dividends or Proceeds of the Money to be invested as aforesaid, a Sum not exceeding the maximum Sum payable to Parochial Schoolmasters, as directed to be ascertained and fixed according to the Average Amount of the Fiars Price of Oatmeal under and in the Manner by the said recited Act of the Forty-third Year of the Reign of King *George* the Third directed to be paid to the Schoolmaster to be appointed to such School in manner after mentioned, by such Person or Persons as the said Commissioners or any Three of them shall appoint, by equal Portions half-yearly at the Terms of *Whitsunday* and *Martinmas* in each Year.

IV. Pro-

IV. Provided always, and be it enacted, That it shall be lawful for Heirs of Entail, Tutors, Curators, Trustees, and others under any legal Disability or Incapacity, with or without valuable Consideration, to give and dispone heritably and irredeemably Lands or Heritages for the Purposes aforesaid; and such Heirs of Entail or incapacitated Persons shall not be thereby subject to or incur any Forfeiture or Irritancy or Liability for Damages under any Deed of Entail or Trust Deed or other Deed under which he, she, or they may hold such Lands or Heritages. Incapacitated Persons empowered to convey Heritages for Purposes of this Act.

V. And be it enacted, That the Conveyance of such Lands or Heritages for the Purposes of this Act shall be free of all Stamp Duty, any Law to the contrary notwithstanding, and shall be made according to the following Form or in Words to the like Effect: Conveyance to be free of Stamp Duty.

'I [*or* We] [*insert Name and Description of the Disponer*], do hereby grant, dispone, and convey to [*insert the Names of the Persons to be appointed by the Commissioners of Her Majesty's Treasury*], all [*describe the Premises*], and all my [*or* our] Right, Title, and Interest [*or* Right, Title, and Interest of those for whom we act,] to and in the same and every Part thereof, to be held for the Purposes specified in and according to the true Intent and Meaning of an Act passed in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled [*insert the Title of this Act*]. In witness whereof I [*or* we] have subscribed these Presents, written by [*Name and Designation of the Writer*], this [*Day*] Day of [*Month*] in the Year [*Year*] before these Witnesses [*Name and Designation of Two Witnesses, who will also subscribe as such.*]' Form of Conveyance.

And such Conveyances shall be recorded within Sixty Days of the Date thereof in the General or Particular Register of Sasines, and shall be valid and effectual in Law to all Intents and Purposes, and shall be a complete Bar to all other Rights, Titles, Trusts, Interests, and Incumbrances to, in, or upon the Subjects so conveyed.

VI. And be it enacted, That the Schoolhouse and Schoolmaster's House so to be provided shall in all Time thereafter be maintained and kept in repair, or if necessary be rebuilt, by the Heritors of the whole Parish, in the like Manner as they are now liable to maintain Parochial Schools and Schoolmasters Houses under the said recited Act of the Forty-third Year of the Reign of His Majesty King *George* the Third, and failing their so doing it shall be competent and lawful for the Schoolmaster or for any Heritor to bring the Case by Representation or Petition before the Quarter Sessions of the Peace of the County in which such Parish is situated, who shall direct and ordain such Repairs to be made as shall be necessary, and the Judgment of the Quarter Sessions shall be final, and not subject to Review; provided that no Justice of the Peace who shall be an Heritor in such Parish shall vote upon such Representation or Petition. Schools, &c. to be maintained by Heritors.

VII. And be it enacted, That the Heritor or Heritors and the Minister of any Parish within which any such School, Schoolmaster's House, and Garden shall have been reported to have been provided as aforesaid shall, within Four Months thereafter, and failing them the Commissioners of Supply of the County, *jure devoluto*, shall appoint a Schoolmaster Schoolmasters to be appointed.

Schoolmaster to such School; and in like Manner, upon any future Vacancy in any such Parish, the Heritors and Minister or the Commissioners of Supply shall, within Four Months of such Vacancy, appoint a Schoolmaster to supply the same in such Manner and subject to the like Examination and Approval by the Presbytery as is directed by the said last-mentioned Act in relation to Parochial Schoolmasters.

Schoolmasters to be entitled to School Fees, and have the like Powers as Parish Schoolmasters under 43 G. 3.

VIII. And be it enacted, That all Schoolmasters appointed under the Authority of this Act shall be entitled to School Fees, and be bound to teach *gratis* such Poor Children as the Heritors and Minister shall recommend in Terms of the said recited Act of the Forty-third Year of the Reign of His Majesty King *George* the Third, and shall be under and subject to the like Jurisdiction, Regulations, Conditions, and Provisions, and have and enjoy the like Powers, Privileges, Immunities, and Exemptions, as Parochial Schoolmasters under the said last-mentioned Act.

No Alteration of District under 5 G. 4. to affect Endowments under this Act.

IX. And be it enacted, That no Alteration of any divided Parish or District to be made by virtue of the said recited Act of the Fifth Year of the Reign of His Majesty King *George* the Fourth shall in any way affect any School to be provided as aforesaid, or Schoolhouse or Garden, or the Appointment or Endowment of any Schoolmaster to be appointed under this Act.

Schoolmasters under this Act subject to Provisions under Act of 47 G. 3. c. 85.

X. And be it enacted, That every Schoolmaster to be appointed in virtue of this Act shall be in all respects under and subject to the Provisions of an Act passed in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for raising and securing a Fund for the Relief of Widows and Children of Burgh and Parochial Schoolmasters in* Scotland, as if such Schoolmasters had been specially described and comprehended therein.

Schools and Schoolmasters to be subject to any future Alterations.

XI. Provided always, and be it declared and enacted, That all Schools established and Appointments of Schoolmasters made under this Act shall be held subject to such Alterations as may hereafter be made by Law in such Schools or in the Office of such Schoolmasters.

Two first-recited Acts applied to this Act.

XII. And be it enacted, That the said Two first-recited Acts shall, in as far as the same are applicable to and consistent with this Act, be deemed and taken to be Part of this Act, and be construed and carried into force and effect along therewith, in all respects as if the same were re-enacted and repeated therein.

Proceedings to be reported to Parliament.

XIII. And be it enacted, That the said Commissioners of Her Majesty's Treasury shall once in every Year report their Proceedings in Writing to both Houses of Parliament, showing the Sums of Money invested and appropriated and the Schools endowed under the Provisions of this Act.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.