to a volunteer corps for the purpose of drill or training, and while so attached shall for the purposes of the Volunteer Acts, 1863 and 1869, and any Acts amending the same, be a volunteer of such corps without prejudice to his position as a man belonging to the Army Reserve. 45 & 46 Vict. c. 58. 26 & 27 Vict. c. 65. 32 & 33 Vict. c. 81.

3. Any enlistment, transfer to the Army Reserve, or attachment to a volunteer corps of any man which was effected before the passing of this Act, and would have been valid if done subsequently to the passing of this Act, shall be deemed to have been valid. Saving.

4. This Act shall be construed as one with the Reserve Forces Act, 1882, and that Act and this Act may be cited together as the Reserve Forces Acts, 1882 and 1890, and this Act may be cited as the Reserve Forces Act, 1890. Short title and construction.

CHAPTER 43.

An Act to amend the Law in regard to the Education of Blind and Deaf-mute Children in Scotland.

[14th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Education of Blind and Deaf-mute Children (Scotland) Act, 1890; and shall be construed as one with the Education (Scotland) Acts, 1872 to 1883. Short title and construction.

2. This Act shall extend to Scotland only, and shall come into operation on the first day of January one thousand eight hundred and ninety-one. Extent and commencement of Act.

3. If the parent of a blind or deaf-mute child between five and sixteen years of age is from poverty unable to pay for the education of such child as herein-after mentioned, it shall be the duty of the school board of the parish or burgh in which such parent resides, to provide out of the school fund at rates to be approved of by the Scotch Education Department for the efficient elementary education of such child in reading, writing, and arithmetic, and for his industrial training either in a school belonging to such school board, or in some other school or institution approved of by the Scotch Education Department; and where necessary the school board shall be bound to provide for the boarding of the child at some place approved of by the school board, and for the transit of such child to and from such school or institution or place, at rates to be approved of by the Scotch Education Department. Duty of school board, where parent unable, to provide education, &c., for blind and deaf-mute children. Procedure for enforcement of duty.

Provided that—

(1.) Where a school board making any payment in pursuance of this section is not the school board of the parish in which the parent of any such child, as aforesaid, has his legal settlement

in terms of the Act eighth and ninth Victoria, chapter eighty-three, it shall be entitled to relief in respect of any such payment against the school board of the parish in which such parent has his legal settlement as aforesaid; and

(2.) If any school board shall refuse or delay to discharge any duty or fulfil any obligation arising under this section, it may, on a summary application to the sheriff at the instance of any person interested, be ordained to do so, and the order of the sheriff, which may dispose of all questions of expenses, shall be final and not subject to review.

Contribution, &c. by school board towards school for blind and deaf-mute children.

4. Any school board may also, from time to time, with the consent of the Scotch Education Department, contribute such sums of money and on such conditions as it may think fit towards, or itself undertake, the establishment, building, alteration, and management of, a school for the education of blind and deaf-mute children, and the purchase of land required for such a school, and the support of the inmates thereof, and for that purpose shall have the same powers as it has for the purpose of providing sufficient school accommodation for its district; and school boards shall have the same power of borrowing, and the Public Works Loan Commissioners of lending, for the purposes of contributing towards or of establishing, building, or enlarging such a school, as is conferred by section forty-five of the Education (Scotland) Act, 1872, with respect to providing or enlarging a school house.

35 & 36 Vict. c. 45.

Meaning of "reasonable excuse." 46 & 47 Vict. c. 56.

5. It shall not be deemed to be by itself a reasonable excuse, within the meaning of sections nine, ten, and eleven of the Education (Scotland) Act, 1883, for the non-attendance of a child at school that such child is blind or a deaf-mute, except in the case of a deaf-mute child under seven years of age.

Regard to be had to religious persuasion of child.

6.—(1.) In the performance of its duty under this Act with respect to a child, a school board shall have regard to the religious persuasion of the child, and shall, as far as possible, arrange that if the child attends a school or institution, not being a public school, the school or institution shall be one conducted in accordance with the same religious persuasion; and if the child is boarded out, shall arrange for the boarding out being with a person belonging to the same religious persuasion.

(2.) A child shall in no case be compelled to receive religious instruction contrary to the wishes of its parent.

Saving as to rights of parent, &c.

7.—(1.) The parent of a blind or deaf-mute child shall not by reason of any payment made under this Act in respect of the child be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

(2.) Payments under this Act shall not be made on condition of a child attending any school or institution other than such as may be reasonably selected by the parent, nor refused because the child attends or does not attend any particular school or institution.

Inspection of schools, &c.

8. Every school or institution to which a child is sent in pursuance of this Act shall be at all times open to the inspection of any of Her Majesty's inspectors of schools

Parliamentary grant for education of blind and deaf-mute children.

9. Nothing in any Act of Parliament shall prevent the Scotch Education Department from giving aid from the parliamentary grant to a school or institution in respect of education and industrial training given to blind or deaf-mute children, to such amount and on such conditions as may be directed by or in pursuance of the minutes of the Scotch Education Department in force for the time being.

CHAPTER 44.

An Act to amend the Supreme Court of Judicature Acts.

[14th August 1890.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Motions for new trial.

1. From and after the commencement of this Act every motion for a new trial, or to set aside a verdict, finding, or judgment, in any cause or matter in the High Court in which there has been a trial thereof, or of any issue therein with a jury shall be heard and determined by the Court of Appeal and not by a divisional court of the High Court: Provided always, that such motions shall be heard and determined before not less than three judges of the Court of Appeal sitting together.

This section shall extend to every such motion of which notice may have been given, whether before or after the passing of this Act, but which has not been heard before the commencement of this Act.

Motions for judgment.

2. Every motion for judgment in any such cause or matter shall be heard and determined by the judge before whom such trial with a jury took place, and not by a divisional court, unless it be impossible or inconvenient that such judge should act, in which case such motion shall be heard and determined by some other judge to be nominated by the President of the Division to which the cause or matter belongs.

Power to make rules.

3. The power of making rules conferred by the Supreme Court of Judicature Act, 1873, and the Acts amending the same shall extend to this Act.

Criminal and bankruptcy matters.

4. Nothing in this Act shall alter the practice in any criminal cause or matter or in bankruptcy, or in proceedings on the Crown side of the Queen's Bench Division.

Costs.

5. Subject to the Supreme Court of Judicature Acts, and the rules of court made thereunder, and to the express provisions of any Statute, whether passed before or after the commencement of this Act, the costs of and incident to all proceedings in the Supreme Court, including the administration of estates and trusts, shall be