2. *For the inspection of the berthing or sleeping accommodation of the crew.*

	£	s.	d.
For each visit to the ship - - - - - - -	0	10	0

Provided as follows:

1. The aggregate amount of the fees for any such inspection shall not exceed one pound (£1) whatever be the number of separate visits.
2. When the accommodation is inspected at the same time with the measurement of the tonnage, no separate fee shall be charged for such inspection.

3. *For the survey of emigrant ships.*

	£	s.	d.
a. For an ordinary survey of the ship, and of her equipments, accommodation, stores, light, ventilation, sanitary arrangements, and medical stores - -	10	0	0
b. For a special survey - - - - - - - - -	15	0	0
c. In respect of the medical examination of passengers and crew, for every hundred persons or fraction of a hundred persons examined - - - -	1	0	0

4. *For the inspection of lights and fog signals.*

	£	s.	d.
For each visit made to a ship on the application of the owner, and for each visit made where the lights or fittings are found defective - - - - -	0	10	0

Provided that the aggregate amount of fees for any such inspection shall not exceed one pound (£1) whatever be the number of separate visits.

CHAPTER 86.

An Act to amend the Elementary Education Act (1870), and for other purposes connected therewith. [5th August 1873.]

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:

Preliminary.

Short title. 33 & 34 Vict. c. 75.

1. This Act may be cited as the Elementary Education Act, 1873; and this Act and the Elementary Education Act, 1870 (in this Act referred to as the principal Act), may be cited together as the Elementary Education Acts, 1870 and 1873.

Construction of Act.

2. This Act shall be construed as one with the principal Act, and the expression "this Act" in the principal Act shall be construed to include this Act.

Expenses of Education.

Repeal of 18 & 19 Vict. c. 34. (Denison's Act), and substitution of other provisions.

3. The Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter thirty-four, intituled "An Act to provide for the education of "children in the receipt of outdoor relief," is hereby repealed as from the first day of January one thousand eight hundred and seventy-four; and in lieu thereof be it enacted as follows:

Where relief out of the workhouse is given by the guardians or their order by way of weekly or other continuing allowance to the parent of any child between five and thirteen years of age, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall (unless either there is some reasonable excuse within the meaning of section seventy-four of the principal Act, or the child has reached such standard of education as may from time to time be

fixed for the purpose of this Act, so far as regards any district in which byelaws under section seventy-four of the principal Act are in force by any such byelaw, and in any other district by a minute of the Education Department, or the child is employed in pursuance of a certificate under "The Agricultural Children Act, 1873," and is not attending school,) be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose.

Any such relief to a parent as above mentioned shall not be granted or refused on condition of the child attending any public elementary school other than such as may be selected by the parent.

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than one farthing for each attendance at such school, as defined by the minutes of the Education Department for the time being in force with respect to the Government grant.

All relief given by guardians under this section shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by the Metropolitan Poor Act, 1867, shall be deemed to be expenses repayable from the Metropolitan Common Poor Fund, within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly.

30 & 31 Vict. c. 6.

Power of Local Government Board as to relief and guardians.

4. The Local Government Board shall have the like powers with respect to guardians acting under and relief given in pursuance of this Act, as they have with respect to guardians acting under and relief given in pursuance of the Acts relating to the relief of the poor, and relief given in pursuance of this Act shall be deemed to be relief within the meaning of those Acts.

Elections.

Confirmation of orders as to elections, &c.

5. The orders and regulations of the Education Department mentioned in the first schedule to this Act, and all orders of the Education Department incorporating the said orders or regulations, so far as they so incorporate them, are hereby confirmed, and shall be deemed to have been duly made, and to have been within the powers contained in the principal Act, and shall continue in force until revoked or altered by any order made under the provisions of the principal Act as amended by this Act.

Election of school board.

6. The principal Act shall be construed as if there were substituted for the rules numbered one and three in the first part of the second schedule to the principal Act the rules in the second schedule to this Act, and the references in the principal Act to the second schedule to that Act, or the first part of that schedule, shall be construed to refer to the said schedule or the first part thereof, with the provisions so substituted; but the said substitution shall not affect anything done before the passing of this Act.

Overseers to allow inspection of rate books and otherwise assist returning officers.

7. If any overseer or other officer has in his possession or under his control any rate book or other document which under the Elementary Education Acts, 1870 and 1873, or any order made thereunder, constitutes the register of persons entitled to vote at an election of a school board, or at the passing of a resolution for an application for a school board, and such overseer or other officer refuses or fails to comply with the directions of any order of the Education Department confirmed by this Act, or made in pursuance of the Elementary Education Acts, 1870 and 1873, with respect to the production, inspection, or copying of such book or document, or the assisting any returning officer at any such election or passing of a resolution, such overseer or officer shall be liable, on summary conviction, to a penalty not exceeding five pounds for every day during which he so refuses or fails.

Amendment of 33 & 34 Vict. c. 75. s. 91. as to corrupt practices at elections.

8. Every person who under the principal Act is disqualified by a conviction for corrupt practices at any election from exercising any franchise for any term of years shall be also disqualified during the same term of years from being a member of a school board and from holding any municipal office.

9. The election of any member of a school board, and the passing of a resolution for an application for a school board under the Elementary Education Acts, 1870 and 1873, shall not be questioned except within six months after the declaration of the election of such member or of the passing of such resolution, whether such declaration was made before or after the passing of this Act. Questioning of election and resolution.

Miscellaneous Amendments of 33 & 34 *Vict. c.* 75.

10. The principal Act and Acts referring thereto shall be construed as if, for section fifty-seven, which is repealed by this Act, there were substituted the following section: Amendment of 33 & 34 Vict. c. 75. s. 57. as to loans.

Where a school board have incurred or require to incur any expense, either—

(*a.*) in providing or enlarging a schoolhouse; or

(*b.*) in paying off any debt charged on a schoolhouse provided by them, or on any land acquired by them by gift, transfer, purchase, or otherwise for the purposes of this Act; or

(*c.*) in any works of improving or fitting up a schoolhouse which, in the opinion of the Education Department, ought by reason of the permanent character of such works to be spread over a term of years,

they may, with the consent of the Education Department, spread the payment over such number of years not exceeding fifty, as may be sanctioned by the Education Department, and may, with the like consent, for that purpose borrow money on security of the school fund and local rate, and may charge that fund and the local rate with the payment of the principal and interest due in respect of the loan. They may, if they so agree with the mortgagee, pay the amount borrowed with the interest by equal annual instalments not exceeding fifty, and if they do not so agree they shall annually set aside one fiftieth of the sum borrowed as a sinking fund: Provided that no such consent of the Education Department shall be granted unless proof be given to their satisfaction that the additional school accommodation which it is proposed to supply is required in order to provide for the educational wants of the district:

For the purpose of such borrowing the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act; and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the school board which is borrowing shall be deemed to be the commissioners: 10 & 11 Vict. c. 16.

The Public Works Loan Commissioners may, on the recommendation of the Education Department, lend any money required under this section on the security of the school fund and local rate without requiring any further or other security, such loan to be repaid within such number of years not exceeding fifty, as may be recommended by the Education Department, and to bear interest at the rate of three and a half per cent. per annum.

The said substitution shall not affect anything done before the passing of this Act, except that anything done before the passing of this Act which would have been legal if the said substitution had been made shall be legal.

11. The provisions of section twelve of the principal Act shall extend to authorise the Education Department, if they think fit, to form a united school district, and upon such union to cause a school board to be formed for such united school district, in like manner and under the like circumstances as it authorises them to cause a school board to be formed for any school district, without making the inquiry or publishing the notices required by the principal Act, but after such inquiry, public or other, and such notice as the Education Department think sufficient: Provided that a resolution in favour of union shall be passed in each district separately, and if a school board has been elected in any such district, by the school board. Amendment of 33 & 34 Vict. c. 75. ss. 12, 40.

12. Where any part of a parish is detached from the principal part of a parish, the Education Department may, with the consent of the Local Government Board, by order direct that each such part of the said parish shall, and the same shall accordingly, as from the date of the order or any later date specified in the order, be, for the purposes of the Union of detached parts of parishes for purposes of Act.

principal Act and this Act, a parish by itself, and section fifty-seven of the principal Act shall apply thereto in like manner as if such part of a parish were the part of a parish situate outside a borough.

The provisions of section fifty-six of the principal Act, with respect to raising a sum from any place which is part of a parish, shall, where necessary, apply to a part of a parish, although under this section it is deemed to be a parish by itself.

Power of school board to accept gifts for educational purposes.

13. A school board shall be able and be deemed always to have been able to be constituted trustees for any educational endowment or charity for purposes connected with education, whether such endowment or charity was established before or after the passing of the principal Act, and to have and always to have had power to accept any real or personal property given to them as an educational endowment or upon trust for any purposes connected with education: Provided that—

(1.) Nothing in this section shall enable a school board to be trustees for or accept any educational endowment, charity, or trust, the purposes of which are inconsistent with the principles on which the school board are required by section fourteen of the principal Act to conduct schools provided by them; and,

(2.) Every school connected with such endowment, charity, or trust shall be deemed to be a school provided by the school board, except that nothing in this section shall authorise the school board to expend any money out of the local rate for any purpose other than elementary education; and,

(3.) Nothing in this section shall affect the law of mortmain or the Act of the ninth year of the reign of King George the Second, chapter thirty-six.

Amendment of 29 & 30 Vict. c. 118. s. 12. as applied to school boards.

14. Where a school board exercises the powers of a prison authority under the Industrial Schools Act, 1866, not less than fourteen days, instead of not less than two months, previous notice shall be given of the intention of the school board to take into consideration the making of the contribution mentioned in section twelve of that Act.

Amendment of 33 & 34 Vict. c. 75. s. 20.

15. For the purpose of the purchase of land otherwise than by agreement under section twenty of the principal Act, the Act confirming an order of the Education Department for such purchase, together with the principal Act, shall be deemed to be the special Act.

Valuation list in Metropolis.

16. The principal Act shall be construed as if there were substituted for sub-section ten of section thirty-seven thereof the following words:

The school board shall apportion the amount required to be raised to meet the deficiency in the school fund among the different parts of the metropolis mentioned in the third column of the first schedule to this Act, in proportion to the rateable value of such parts, as shown by the valuation lists for the time being in force under the Valuation (Metropolis) Act, 1869, or any other Act for making valuation lists, or, where there is no such valuation list, in the same proportion and according to the same basis in and according to which the then last rate made by the Metropolitan Board of Works was assessed.

The said substitution shall not affect anything done before the passing of this Act, except that anything done before the passing of this Act which would have been legal if the said substitution had been made shall be legal.

Making up and examination of accounts.

17. The accounts of a school board shall be made up and balanced to the twenty-fifth day of March and twenty-ninth day of September in every year, or, if so directed by regulation under this Act, annually to one of those days in every year.

The accounts shall be examined by the school board and signed by the chairman within such time, not exceeding two months after the day to which they are made up, as may be fixed by a regulation under this Act.

As soon as practicable after the accounts are so signed they shall be audited.

Amendment of 33 & 34 Vict. c. 75. s. 60.

18. The principal Act shall be construed as if for sub-section nine of section sixty thereof there were substituted the following words:

Subject to the provisions of this section, the Local Government Board may from time to time make such regulations as may be necessary respecting the form of keeping

the accounts, the audit thereof, the mode of publishing the time and place of holding the audit, the time within which the accounts are to be examined by the school board and signed by the chairman, and (with the consent of the Education Department,) the school boards or class of school boards the accounts of which are to be made up only annually, and the day to which they are to be so made up in every year.

The said substitution shall not affect anything done before the passing of this Act, except that anything done before the passing of this Act which would have been legal if the said substitution had been made, shall be legal.

Extension of 33 & 34 Vict. c. 75. s. 70. to returns.

19. Where the Education Department have power under the principal Act to require any local authority to send to them a return, the Education Department, without requiring such local authority to make the return, shall have the same power of appointing a person or persons to make such return as they would have under section seventy of the principal Act if the local authority had been required to make and had failed to make such return.

Notices for purposes of Elementary Education Acts.

20. Notices and other matters required by the Elementary Education Acts, 1870 and 1873, to be published shall, unless otherwise expressly provided, be published either by advertisement, and by affixing the same on the doors of churches and chapels, and other public places, or in such other manner as the Education Department may either generally or with respect to any particular district, place, or notice, or class of districts, places, or notices, by order determine, as being in their opinion sufficient for giving information to all persons interested; and all overseers, assistant overseers, and officers of guardians shall comply with the directions of the Education Department with respect to such notices, and any expenses incurred by them in carrying into effect this section may be paid as their expenses under the Acts relating to the relief of the poor.

Every person who wilfully tears down, injures, or defaces any notice affixed in pursuance of the Elementary Education Acts, 1870 and 1873, or any order of the Education Department made thereunder, shall be liable on summary conviction to a penalty not exceeding forty shillings.

Amendment of 33 & 34 Vict. c. 75. 3rd sched.

21. The regulations in the third schedule to this Act shall be substituted for the regulations in the third schedule to the principal Act which are repealed by this Act, but such substitution shall not affect anything done before the passing of this Act.

Returns by schools to school boards.

22. In any school district in which a byelaw under section seventy-four of the principal Act is in force, the school board of such district may from time to time supply forms to any public elementary school for the purpose of obtaining reasonable information with respect to the attendance of children residing in their district who attend such school; and the managers of such school, if they fail to cause such forms to be truly filled up and returned in manner required by the school board, or to cause such information to be given as will enable the school board to ascertain whether a child resident within their district and attending that school attends the same in manner required by the said byelaw, shall cause to be produced to such member or officer of the school board or other person as may be duly authorised in that behalf by the school board at any reasonable time when required by him, the registers and other books and documents containing information with respect to the attendance of children at such school, and shall permit him to inspect and take copies of and extracts from the same.

If any difference arises between a school board and the managers of a public elementary school as to whether the information required by the said forms is or is not reasonable, such difference shall be referred to the Education Department, whose decision shall be final.

Legal Proceedings.

Legal proceedings.

23. All offences and penalties under the principal Act or this Act, or any byelaw under the principal Act, which may be prosecuted or recovered on summary conviction may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

The court of summary jurisdiction, when hearing and determining an information or complaint, shall be constituted either of two or more justices of the peace in petty sessions

sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Regulations as to legal proceedings.

24. With respect to proceedings before a court of summary jurisdiction for offences and penalties under the principal Act, or this Act, or any byelaw under the principal Act, the following provisions shall have effect:

(1.) The description of the offence in the words of the Act or byelaw, or as near thereto as may be, shall be sufficient in law:

(2.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in the Act or byelaw, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required on the part of the informant:

(3.) In any proceeding for an offence under a byelaw, the court may, instead of inflicting a penalty, make an order directing that the child shall attend school, and that if he fail so to do, the person on whom such order is made shall pay a penalty not exceeding the penalty to which he is liable for failing to comply with the byelaw:

(4.) Any justice may require by summons any parent or employer of a child, required by a byelaw to attend school, to produce the child before a court of summary jurisdiction, and any person failing, without reasonable excuse to the satisfaction of the court, to comply with such summons shall be liable to a penalty not exceeding twenty shillings:

(5.) A certificate purporting to be under the hand of the principal teacher of a public elementary school, stating that a child is or is not attending such school, or stating the particulars of the attendance of a child at such school, or stating that a child has been certified by one of Her Majesty's inspectors to have reached a particular standard of education, shall be evidence of the facts stated in such certificate:

(6.) Where a child is apparently of the age alleged for the purposes of the proceeding, it shall lie on the defendant to prove that the child is not of such age:

(7.) If a child is attending an elementary school which is not a public elementary school, it shall lie on the defendant to show that the school is efficient, and the court, in considering whether any elementary school is efficient, shall have regard to the age of the child and to the standard of education corresponding to such age prescribed by the minutes of the Education Department for the time being in force with respect to the parliamentary grant:

(8.) Where a school board are, by reason of the default of the managers or proprietor of an elementary school, unable to ascertain whether a child who is resident within the district of such school board and attends such school attends school in conformity with a byelaw made by such school board, it shall lie on the defendant to show that the child has attended school in conformity with the byelaw:

(9.) Any person may appear by any member of his family or any other person authorised by him in this behalf.

Forgery of certificate, and giving false information.

25. Every person who forges or counterfeits any certificate which is by this Act made evidence of any matter, or gives or signs any such certificate which is to his knowledge false in any material particular, or, knowing any such certificate to be forged, counterfeit, or false, makes use thereof, shall be liable on summary conviction to imprisonment for a period not exceeding three months, with or without hard labour.

Definitions and Repeal.

Schedules part of Act.

26. The schedules to this Act shall be of the same force as if they were enacted in the body of this Act.

Interpretation.

27. In this Act—

"Guardians." The term "guardians" includes any body of persons performing the functions of guardians within the meaning of the Acts relating to the relief of the poor:

"Union." The term "union" means any union or incorporation of parishes under any general or local Act, and any single parish having guardians as defined by this Act under any general or local Act:

"Common fund." The term "common fund" means, in the case of a union which comprises only one parish, the fund applicable to the relief of the poor of such parish:

"Summary Jurisdiction Acts." The term "the Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of Justices of the "Peace out of sessions within England and Wales with respect to summary "convictions and orders," inclusive of any Acts amending the same:

"Court of summary jurisdiction." The term "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts.

Repeal and savings.

28. The principal Act is hereby repealed, to the extent specified in the third column of the fourth schedule to this Act.

Provided that—

(1.) Any order or regulation of the Education Department made under any enactment hereby repealed shall continue in force as if it had been made under this Act:

(2.) Any school board elected under any enactment hereby repealed shall continue and be deemed to have been elected under this Act:

(3.) The repeal of any Act or enactment by this Act shall not—

(*a.*) Affect anything duly done or suffered under any such Act or enactment; or

(*b.*) Affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any such Act or enactment, or byelaw; or

(*c.*) Affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any such Act, enactment, or byelaw; or

(*d.*) Affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

Orders and Regulations of the Education Department relating to Elections of and Applications for School Boards.

7th October 1870.	Order fixing the boundaries of the divisions of the metropolis, with the number of members to be elected by each division, and appointing the returning officer for the first election of the school board for London and his deputies.
27th October 1870.	Order regulating the first election of the school board for London.
27th October 1870.	General regulations for the first election of school boards in boroughs.
21st December 1870.	General regulations for the first election of school boards in parishes not situate within municipal boroughs, or within the Metropolis.
21st December 1870.	General regulations as to passing resolutions for application for school boards in parishes not situate within municipal boroughs or within the Metropolis.
6th January 1871.	Regulations for the first election of a school board for the district of the local board of Oxford.
15th March 1873.	General regulations as to the formation of united school districts.

SECOND SCHEDULE.

Rules respecting Election of Members of a School Board.

(1.) The election of a school board shall be held at such time and in such manner and in accordance with such regulations as the Education Department may from time to time by order prescribe; and the Education Department may by order appoint or direct the appointment and make regulations as to the duties, remuneration, and expenses of any officers requisite for the purpose of such election, and do and make regulations respecting all other necessary things preliminary or incidental to such election, and revoke or alter any previous order, whether confirmed by or made in pursuance of this Act.

Provided as follows:

(*a.*) The candidates at every election shall be nominated in writing:

(*b.*) Any poll shall, so far as circumstances admit, be conducted in like manner in which the poll at a contested municipal election is directed by the Ballot Act, 1872, to be conducted; and, subject to any exceptions or modifications contained in any order of the Education Department made in pursuance of this Act, the Ballot Act, 1872, shall apply in the case of the election of a school board in like manner as if the provisions thereof were herein enacted with the substitution of "school board election" for "municipal election:"

35 & 36 Vict c. 33.

(*c.*) In a parish which is not situate in the city of London or in a borough, other than the borough of Oxford, the book containing the last rate made for such parish more than one month previously to any date shall be the register of the ratepayers entitled to vote in such parish at that date; and every ratepayer whose name appears in such rate book shall be entitled to vote unless he is disqualified for voting, and no person shall be entitled to vote whose name does not so appear.

(2.) Elections to fill casual vacancies in the Metropolis and elsewhere shall be held only on the day in the year appointed or prescribed for the election of members, unless the Education Department order an election to be held on some other day, in pursuance of the rule numbered sixteen in the first part of the second schedule to the principal Act.

(3.) An order made in pursuance of this schedule shall, save as otherwise provided by such order, apply to all school boards.

THIRD SCHEDULE.

Proceedings of School Board.

The following regulations shall be construed as part of the conditions mentioned in rule one in the third schedule to the principal Act; that is to say,

(*b.*) Not less than one ordinary meeting shall be held in each month, but where the board ordinarily meet more than once in every month, they may, by resolution passed by a majority of not less than two thirds of the members present and voting on the question, resolve not to have an ordinary meeting in the months of August and September, or one of such months. One meeting shall be held as soon as possible after every triennial election of members:

(*f.*) The names of the members present, and in the case of a division the names of those voting upon each question shall be recorded:

(*g.*) No business involving the appointment or dismissal of a teacher, any new expense, or any payment (except the ordinary periodical payments), or any business which under this Act requires the consent of the Education Department, shall be transacted unless notice in writing of such business has been sent to every member four days at least before the meeting.

FOURTH SCHEDULE.

Act repealed.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Session and Chapter.	Short Title.	Extent of Repeal.
34 & 35 Vict. c. 75. -	The Elementary Education Act, 1870.	The sub-section numbered ten in section thirty-seven; section fifty-seven; section fifty-nine; the sub-section numbered nine in section sixty; sections eighty and eighty-nine; section ninety, from "knowingly personate" to "voting in any such election or;" the rules numbered one and three in the first part of the second schedule; so much of the rule numbered six in the third part of the second schedule as relates to fixing a day for a casual election, and the conditions in rule one of the third schedule marked (*b.*) (*f.*) and (*g.*)

CHAPTER 87.

An Act to continue and amend the Endowed Schools Act, 1869.

[5th August 1873.]

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:

Construction of Act and short title. 32 & 33 Vict. c. 56.

1. This Act shall be construed as one with the Endowed Schools Act, 1869 (in this Act referred to as the principal Act), and the principal Act and this Act may be cited together as the Endowed Schools Acts, 1869 and 1873, and this Act may be cited as the Endowed Schools Act, 1873.

Commencement of Act.

2. This Act shall come into operation on the first day of September one thousand eight hundred and seventy-three, which day is in this Act referred to as the commencement of this Act.

Exception of elementary schools from 32 & 33 Vict. c. 56., and application thereto of 33 & 34 Vict. c. 75. s. 75.

3. Where an endowed school, not being a grammar school as defined by the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter seventy-seven, or a department of such a grammar school, is at the commencement of this Act an elementary school within the meaning of the Elementary Education Act, 1870, and the gross average annual income of the aggregate educational endowments of such school during the three years next before such commencement did not exceed one hundred pounds, in such case after the commencement of this Act nothing in the principal Act shall apply to such school or the endowments thereof, and section seventy-five of the Elementary Education Act, 1870, shall apply to such school and the endowments thereof in like manner as if it were a school which, at the commencement of the principal Act, was in receipt of an annual parliamentary grant, and schemes may accordingly be framed, submitted, and approved under the said section with reference to such school and endowments.

Provided, that nothing in this section shall prevent the Commissioners from making, on the application of the governing body of an endowment of which part only is an educational endowment to which this section applies, a scheme dealing in pursuance of the principal Act, with the part of such endowment applicable or applied to other