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Act repealed.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

charitable uses, and in such case the scheme may deal with the endowed school and endowment thereof in like manner as if this section had not been enacted.

The governing body of every school to which this section applies may, if they think fit, charge such fees to the scholars as may from time to time be approved by the Committee of Council on Education, and shall permit the school to be inspected and the scholars therein to be examined by one of Her Majesty's Inspectors of Schools at such times and in such manner as the Committee of Council on Education may from time to time direct.

The certificate of the Charity Commissioners for England and Wales that a school is or is not a school to which this section applies shall be conclusive evidence of the fact for the purposes of the principal Act and this section.

Extension of Endowed Schools Acts to endowments, &c. vested in Her Majesty in right of the Crown or Duchy of Lancaster.

4. Where any endowment, or any right of holding or any power of government of or management over any endowment, or any power of appointing officers, teachers, exhibitioners, or others, either in any endowed school or with emoluments out of any endowment, is vested in Her Majesty in right of her Crown or of the Duchy of Lancaster, the Endowed Schools Acts, 1869 and 1873, shall extend to such endowment, right, or power; and the term "governing body" in those Acts shall be deemed to include Her Majesty:

Provided that—

(1.) Any scheme with respect to such endowment, right, or power shall not be approved by the Committee of Council on Education unless Her Majesty assent to such scheme:

(2.) All notices and documents required to be served on or sent to a governing body for the purposes of the Endowed Schools Acts, 1869 and 1873, may be served on or sent to the Lord Chancellor or the Chancellor of the Duchy of Lancaster, as the case may require:

(3.) With the consent of Her Majesty, a scheme may deal with any such right or power without saving or making due compensation therefor:

(4.) Any assent or consent of Her Majesty required for the purpose of the Endowed Schools Acts, 1869 and 1873, may be signified by Her Majesty's Sign Manual, countersigned by the Lord Chancellor or by the Chancellor of the Duchy of Lancaster, as the case may require.

Amendment of 32 & 33 Vict. c. 56. s. 11.

5. It shall be the duty of the Commissioners in every scheme to have the same regard to the educational interests of persons in a particular class in life as they are by section eleven of the principal Act required to have to the educational interests of any particular class of persons.

Amendment of 32 & 33 Vict. c. 56. s. 17. as to holders of office being retained on governing body.

6. Where under the express terms of the original instrument of foundation of any endowed school or educational endowment the holder of any particular office is a member of the governing body of the school or endowment, nothing in section seventeen of the principal Act shall be deemed to prevent the holder for the time being of such office from being retained as a member of the governing body of such school or endowment.

Extension of 32 & 33 Vict. c. 56. s. 19. as to schools excepted from the provisions as to religion.

7. A scheme relating to any educational endowment originally given to charitable uses since the passing of the Act of the first year of the reign of William and Mary, chapter eighteen (commonly called the Toleration Act), if by the express terms of the original instrument of foundation, or of the statutes or regulations made by the founder, or under his authority in his lifetime, or within fifty years after his death (which terms have been observed down to the commencement of the principal Act), it is required that the majority of the members of the governing body or that the majority of the persons electing the governing body of such endowment, or that the principal teacher employed in the school, or that the scholars educated by the endowment, shall be members of a particular church, sect, or denomination, shall be excepted from the provisions of the principal Act mentioned in section nineteen of the principal Act in like manner as a scheme mentioned in that section, and that section shall be construed as if a scheme relating to such an educational endowment as is above in this section mentioned were a scheme relating to an educational endowment mentioned in sub-section two of the said section.

Amendment of 32 & 33 Vict. c. 56. s. 25., as to new endowment mixed with old buildings.

8. Whereas by section twenty-five of the principal Act it is enacted as follows: "Where an endowment or part of an endowment originally given to charitable uses less "than fifty years before the commencement of this Act has, by reason of having been "spent on school buildings or teachers residences, or playground or gardens attached to "such buildings or residences, become so mixed with an old endowment given more than "fifty years before the passing of this Act, that in the opinion of the Commissioners "(subject to appeal to Her Majesty in Council) it cannot conveniently be separated from "such old endowment, then the whole endowment shall for the purposes of this Act be "deemed to be an endowment originally given to charitable uses more than fifty years "before the commencement of this Act," and it is expedient to amend the said section: Be it therefore enacted, that—

Where it appears to the Commissioners (subject to appeal to Her Majesty in Council) that the endowment originally given less than fifty years before the commencement of the principal Act is in value not less than the old endowment and was given under the belief that the old endowment was attached to some particular church, sect, or denomination, a scheme relating to such endowment shall provide for the giving of religious instruction to the scholars belonging to such church, sect, or denomination.

Scheme as to endowments in which schools under 31 & 32 Vict. c. 118. are interested.

9. Where two or more schools are jointly interested in an educational endowment, and one of such schools is a school mentioned in section three of "The Public Schools Act, 1868," the Commissioners shall not, without the consent of the special Commissioners for the time being under "The Public Schools Act, 1868," deal by any scheme with the interest of such last-mentioned school in the endowment, but, with the consent of those Commissioners to the dealing with such interest, may, by a scheme under the principal Act, deal with such interest as well as with all other interests in such endowment.

Explanation of 32 & 33 Vict. c. 56. s. 28. as to alteration of schemes.

10. A provision inserted in pursuance of section twenty-eight of the principal Act in any scheme, whether made before or after the passing of this Act, shall not be deemed to give the Charity Commissioners for England and Wales any power to alter any portions of such scheme except by a scheme established in pursuance of the Acts for the time being in force relating to such Charity Commissioners, or any of those Acts, and upon the same application, and after the same procedure and notices, and subject to the same right of appeal as a scheme established under those Acts by the Charity Commissioners in the exercise of their ordinary jurisdiction.

Alteration of religious instruction.

11. Where a scheme under the principal Act gives the governing body of any endowed school power to make regulations respecting the religious instruction given at such school, the scheme shall also provide for any alteration in such regulations not taking effect until the expiration of not less than one year after notice of the making of the alteration is given.

Amendment of 32 & 33 Vict. c. 56. ss. 34 to 36., as to time for objections to schemes.

12. Whereas by section thirty-four of the principal Act it is provided as follows: "During three months after the first publication of the draft of a scheme the Commis- "sioners shall receive any objections or suggestions made to them in writing respecting "such scheme, and shall receive any alternative scheme submitted to them by the "governing body of any endowment to which the scheme of the Commissioners relates;" and it is expedient to reduce the said period of three months to two months:

Be it therefore enacted, that—

"Two months" shall be substituted for "three months" in the said section, and all references in the principal Act to the said three months shall be construed to refer to the said two months.

Amendment of 32 & 33 Vict. c. 56. s. 37., as to approval of Committee of Council on Education to schemes.

13. The Committee of Council on Education as soon as a scheme is submitted to them shall, before approving the same, cause the scheme to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that during one month after the first publication of such notice the Committee of Council on Education will receive any objections or suggestions made to them in writing respecting such scheme.

After the expiration of the said month the Committee of Council on Education may, if they think fit, approve the scheme or may remit the scheme, with such declaration as the nature of the case seems to them to require, to the Commissioners; and section forty of the principal Act, as to the proceedings where a scheme is remitted with a declaration, shall in such case apply.

The Committee of Council on Education as soon as they approve a scheme shall forthwith cause the scheme so approved to be published and circulated in such manner as they think sufficient for giving information to all persons interested, together with a notice stating that unless within two months after the publication of the scheme when approved a petition is presented in pursuance of the principal Act to Her Majesty in Council against the scheme, or such petition as in this section mentioned is presented to the Committee of Council on Education, such scheme may be approved by Her Majesty without being laid before Parliament.

During the said two months a petition praying that the scheme may be laid before Parliament may be presented to the Committee of Council on Education by the governing body of the endowment to which the scheme relates, or by the council of any municipal borough directly affected by the scheme, or by any inhabitant ratepayers (not less than twenty) of any municipal borough or place directly affected by the scheme.

Amendment of 32 & 33 Vict. c. 56. s. 39., as to appeal to Queen in Council.

14. Whereas by section thirty-nine of the principal Act it is provided that Her Majesty may by order in Council refer any petition to Her Majesty in Council for the consideration and advice of five members at the least of her Privy Council, of whom two, not including the Lord President, shall be members of the Judicial Committee, and it is expedient to provide that such petition should be heard by persons of legal experience: Be it therefore enacted that—

Every such petition to Her Majesty in Council in pursuance of section thirty-nine of the principal Act shall be referred to the Judicial Committee of Her Majesty's Privy Council in like manner as if it were an appeal from a court from which an appeal lies to Her Majesty in Council, and the Judicial Committee shall hear and deal with such petitions in like manner as such appeals, and shall have the same power with respect to the costs of parties to the petition and otherwise as they have with respect to any such appeal, and shall make to Her Majesty a report or recommendation thereon (the nature of which shall be stated in open court) in like manner as in the case of any such appeal.

Any power by the Supreme Court of Judicature Act, 1873, conferred on Her Majesty of directing that appeals which ought to be heard by the Judicial Committee shall be heard by the appellate branch of such Court shall, if Her Majesty in Council thinks fit so to direct, apply to petitions presented in pursuance of the said section thirty-nine in like manner as if they were appeals, and if either an Order in Council relating to other appeals or any separate Order in Council direct that such petitions be referred for hearing to and be heard by the appellate branch of the said Court, the same shall be referred to and heard by that branch of the Court accordingly.

Laying of schemes before Parliament, and approval of Her Majesty in Council.

15. If, at the expiration of the time for a petition to Her Majesty in Council against any scheme, no such petition has been presented, and no petition praying that the scheme be laid before Parliament has been presented in pursuance of this Act to the Committee of Council on Education, it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme without the same being laid before Parliament.

If any such petition has been presented, the scheme shall be laid before both Houses of Parliament, and shall be so laid forthwith, if Parliament is then sitting, after the expiration of the time for the presentation of a petition to Her Majesty in Council, or (if a petition is presented to Her Majesty in Council against the scheme) after any later date at which the petition is withdrawn, or Her Majesty in Council directs the scheme to be laid before Parliament, and if Parliament be not then sitting, shall be so laid within three weeks after the beginning of the next ensuing session of Parliament; and if such scheme has lain before Parliament for not less than two months during the same session, then unless an address has been presented within such two months by one or other of the Houses of Parliament praying Her Majesty to withhold Her consent from such

scheme or any part thereof, it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme or any part thereof to which such address does not relate.

Annual report.

16. The Commissioners shall make to the Committee of Council on Education in every year a report of their proceedings under the principal Act and this Act, and such report shall be laid before Parliament. Such report shall describe all schemes not laid before Parliament which have been approved by Her Majesty during the year for which such report is made.

Continuance of powers of making schemes.

17. The power of making and approving a scheme under the principal Act as amended by this Act shall continue as respects unopposed schemes until thirty-first December one thousand eight hundred and seventy-four, and as respects schemes against which a petition shall have been presented to the Committee of Council on Education, as in this Act provided, until the fifteenth August one thousand eight hundred and seventy-four, and no longer.

Graduate of any university of the United Kingdom, if otherwise fit, shall be held qualified where the statutes require the head master to be a graduate of Oxford or Cambridge.

18. Whenever according to the rules, regulations, statutes, trusts, or constitution of any school, being an endowed school within the meaning of "The Endowed Schools Act, 1869," and with regard to which the said Commissioners are thereby empowered to make a new scheme, the head master or any other master is required to be a graduate of some specified university or universities, a graduate of any university of the United Kingdom having the degree which would be a qualification if it had been granted by one of the said specified universities, shall in future, if otherwise qualified, be eligible as such head master or other master.

Application of Act to schemes laid before Parliament during present session.

19. Where a scheme has been laid before Parliament during the present session, but has not at the expiration of such session lain for forty days before Parliament, and no address has been presented by either House of Parliament praying Her Majesty to withhold her consent from such scheme or any part thereof, the Committee of Council on Education may, if they think fit, cause to be published and circulated, in such manner as they think sufficient for giving information to all persons interested, a notice stating that unless within two months after the first publication of the notice such petition as is in this section mentioned is presented to the Committee of Council on Education such scheme may be forthwith approved by Her Majesty.

During the said two months a petition praying that the scheme may lie before Parliament during two months as directed by this Act may be presented to the Committee of Council on Education by any governing body, council, or ratepayers, who would, if such scheme were approved by such Committee after the commencement of this Act, be authorised by this Act to present a petition praying that such scheme may be laid before Parliament.

If no such petition is presented within the said two months it shall be lawful for Her Majesty by Order in Council to declare her approbation of such scheme in like manner as if it had lain for forty days before Parliament in accordance with the principal Act.

Any scheme to which this section applies and which is not approved by Her Majesty under this section shall continue to lie before Parliament, and the provisions of this Act shall apply in like manner as if such scheme had been laid before Parliament in pursuance of this Act.

Repeal.

20. The principal Act is hereby repealed as from the commencement of this Act to the extent mentioned in the third column of the schedule to this Act: Provided that this repeal shall not —

(*a.*) Affect anything duly done or suffered under any enactment hereby repealed; or

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

(*c.*) Affect any legal proceeding or remedy in respect of such right, obligation, or liability.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words 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.	Title.	Extent of Repeal.
32 & 33 Vict. c. 56.	The Endowed Schools Act, 1869.	Section thirty-seven down to "all persons interested," section thirty-nine from "Her Majesty by Order "in Council may refer any such petition," down to "information for obtaining a scheme," and section forty-one, except as regards schemes which have lain for forty days before Parliament before the commencement of this Act.

CHAPTER 88.

An Act for consolidating with Amendments the Acts for carrying into effect Treaties for the more effectual Suppression of the Slave Trade, and for other purposes connected with the Slave Trade. [5th August 1873.]

WHEREAS divers treaties for the more effectual suppression of the slave trade have been made by or on behalf of Her Majesty and Her Royal predecessors with foreign states, and the Acts mentioned in the second schedule to this Act have been passed for carrying into effect the said treaties or some of them:

And whereas it is expedient to consolidate the said Acts into one Act, and to make provision for carrying into effect the said treaties, and any treaty which may hereafter be made by or on behalf of Her Majesty with any foreign state for the more effectual suppression of the slave trade:

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, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Slave Trade Act, 1873.

Interpretation.

2. In this Act—

The term "the Treasury" means the Commissioners of Her Majesty's Treasury:

The term "the Admiralty" means the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral:

The term "vessel" means any vessel used in navigation:

The term "British possession" means any plantation, territory, settlement, or place situate within Her Majesty's dominions, and not forming part of the United Kingdom:

The term "governor" includes the officer for the time being administering the government of any colony; and where there is a local governor or lieutenant-governor under a governor-general, means the local governor or lieutenant-governor:

The term "the Slave Trade Act, 1824," means the Act of the session of the fifth year of the reign of King George the Fourth, chapter one hundred and thirteen, intituled "An Act to amend and consolidate the laws relating to the abolition "of the slave trade:"