ANNO TERTIO

GEORGII IV. REGIS.

CAP. LXXIX.

An Act to amend an Act of the Fifty-third Year of the Reign of His late Majesty, for the Appointment of Commissioners for the Regulation of the several endowed Schools in *Ireland*.

[26th *July* 1822.]

WHEREAS by an Act passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Appointment of Commissioners for the Regulation of the several endowed Schools of public and private Foundation in* Ireland, 53 G.3. c.107. it is amongst other things enacted, that the Lord Primate of all *Ireland*, the Lord High Chancellor of *Ireland*, the Lord Archbishop of *Dublin*, the Lord Archbishop of *Tuam*, and the respective Coadjutors of the said Primate and Archbishops for the Time being, the Lord Chief Justice of the Court of King's Bench in *Ireland*, and the Provost of *Trinity College, Dublin*, for the Time being, and Four of the Bishops of *Ireland*, to wit, one for each Province, and Four other proper and discreet Persons, such Bishops and other Persons to be from Time to Time appointed by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, and to be removable at his or their Pleasure, shall be a Corporation, and be called The Commissioners of Education in *Ireland*: And whereas it is expedient that certain other Persons should be appointed to be Commissioners, together with the Commissioners named in the said Act, in order that the said Corporation may be further increased, and the Purposes thereof more effectually carried into Execution: Be it therefore enacted by the King's most Excellent Majesty, by

 and

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 passing of this Act, the Archbishop of *Cashel* and his Coadjutor now and hereafter for the Time being, the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* now and hereafter for the Time being, and the Member chosen to serve in Parliament for the said *Trinity College* in *Dublin* now and hereafter for the Time being, shall be and are hereby appointed, and shall be deemed and taken to be respectively Commissioners of Education in *Ireland*, and Members respectively of the said Corporation, to all Intents and Purposes, as fully and effectually, and with all such Rights, Powers, and Privileges, as if they had respectively been included and mentioned as such Commissioners and Members of the said Corporation in the said recited Act.

Archbishop of Cashel, Chief Secretary to Lord Lieutenant, and the Member of Parliament for Trinity College, shall be additional Commissioners.

II. And be it further enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to appoint Two other proper and discreet Persons who shall be usually resident in the City of *Dublin*, to be Commissioners of Education in *Ireland*, and to be removable at the Pleasure of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being; and such Two Persons so to be appointed shall thereupon become and be Two of the Commissioners of Education in *Ireland*, and Members respectively of the said Corporation, during the Pleasure of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, as fully and effectually as if they had been so constituted, appointed, and specified in and by the said recited Act.

Lord Lieutenant may name Two Residents in Dublin to be additional Commissioners.

III. And whereas in and by the said recited Act it is amongst other things provided, that no Proceeding which requires to be ratified and confirmed by the Common Seal of the said Corporation, shall be finally concluded, nor the said Seal fixed to any Deed or Instrument in the Name of the said Commissioners, unless the Lord Primate, or the Lord Chancellor, or the Chief Justice of the Court of *King's Bench* for the Time being, be personally present at the Meeting of the said Commissioners at which it is proposed that such Proceeding shall be determined, or such Deed or Instrument shall be executed; or unless the Consent and Approbation of Two of the said Commissioners last mentioned, previously given to such Proceeding, or to such Deed or Instrument, shall be signified under their Hand respectively, and communicated to the Commissioners assembled at such Meeting, held pursuant to general Notice, as in the said Act is provided; for remedying Inconveniences resulting from the said Provision, be it enacted, That the said recited Provision of the said Act shall be and the same is hereby repealed.

So much of recited Act as requires the Presence of the Lord Primate, &c. for affixing the Corporation Seal, found inconvenient, repealed.

IV. And be it further enacted, That from and after the passing of this Act, the Seal of the said Corporation may be affixed to any Deed, Act, or Instrument, in the Name of the said Corporation, at any Meeting of the said Commissioners, or of any Three of them, of whom the Lord Primate, the Lord Chancellor, or any of the

Seal may be affixed by Three Trustees, the Primate or Chancellor, &c. being one.

Archbishops of *Dublin*, *Cashel*, or *Tuam*, or the Chief Justice of the Court of King's Bench, or the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or the Provost of *Trinity College*, *Dublin*, for the Time being respectively, shall be One.

Visitations of any School may be holden in Dublin by the Commissioners.

V. And whereas Doubts are entertained whether the said Commissioners can lawfully hold a Visitation of any of the Schools mentioned in the said Act in the City of *Dublin*; be it therefore declared and enacted, That it shall and may be lawful to and for the said Commissioners, or any Three of them, to hold any Visitation of any such School in *Ireland*, at such Place in the City of *Dublin* as they shall respectively appoint; and at such Visitation to use and exercise all and every the Rights, Powers, Authorities, and Privileges which they are respectively empowered by the said Act to use or exercise at any Visitation, and at any Place whatsoever; and that each and every Act, Matter, and Thing done by such Commissioners at, or in pursuance of, or after any such Visitation, shall be of the same Force, Validity, and Effect, to all Intents and Purposes, as if such Visitation had been held at such School.

So much of recited Act as authorizes the Appointment of Assistant Visitors, by Instrument under Hands and Seals of Commissioners, repealed.

VI. And whereas by the said recited Act it is among other things provided, that if at any Time it shall seem requisite to the said Commissioners, it shall and may be lawful for the said Commissioners, by any Writing under their Hands and Seals, to depute and appoint One or more Person or Persons, for them and in their Stead to visit any of the Schools in the said Act mentioned in that Behalf, and to proceed therein in manner in the said Act provided: And whereas it is expedient that every such Appointment shall be made by Instrument under the Common Seal of the said Commissioners; be it therefore enacted, That so much of the said Act as provides that any Deputation or Appointment of such Visitor shall be under the Hands and Seals of the said Commissioners, shall be and the same is hereby repealed; and that from and after the passing of this Act, it shall and may be lawful to and for the Commissioners of Education in *Ireland*, by Deed or Instrument under the Common Seal of the said Corporation, from Time to Time to depute and appoint, when it shall seem to them requisite so to do, One or more Person or Persons, for them and in their Stead to visit any of the Schools mentioned in the said Act, and to proceed with and in such Visitation in manner in the said Act directed in that Behalf, and not otherwise.

Such Appointment shall be under the Corporation Seal.

Oath of Assistant Commissioners shall be taken before some official Commissioner.

VII. And be it further enacted, That every Person so appointed by the said Commissioners to visit any of the said Schools, shall, before he shall do any Act under or by virtue of such Appointment, take the following Oath before any One or more of the said Commissioners holding the Office of a Commissioner or Commissioners in right of his or their respective Offices aforesaid; (that is to say),

'I *A. B.* having been appointed by the Commissioners of Education in *Ireland*, for them and on their Behalf, to visit the School of , do swear, That I will faithfully and diligently

'diligently execute the Duties of the said Office, according to the 'best of my Skill and Judgment, and without Favour or Partiality to 'any Person or Persons whatsoever. So help me GOD.'

Which Oath any One or more of such Commissioners respectively is and are hereby authorized and empowered to administer.

Surplus of Funds of any one of the Free Schools of Armagh, Dungannon, Enniskillen, &c. may be applied in Improvement of any other of such Schools.

VIII. And whereas by the said recited Act the several Lands, Tenements, and Hereditaments granted by King *Charles* the First, for the Use of the Masters of the Schools of *Armagh*, *Dungannon*, *Enniskillen*, *Raphoe*, *Cavan*, *Bannagher*, and *Carysfort*, are vested in the said Commissioners and their Successors for ever, for the Maintenance and Support of the Masters of the said several Schools, and of Under Masters when necessary, and to the enlarging, furnishing, and providing the School-houses and Grounds thereof respectively, in Manner therein mentioned; and it is by the said Act provided, that the Residue of any of the Funds of the said Schools respectively, shall be applied in the supporting of Free Scholars in such Schools respectively, and to the Endowment of Exhibitions to *Trinity College*: And whereas it is expedient that the said Commissioners of Education should have Power, in the First Instance, to apply such Residue as herein-after provided; be it therefore enacted, That whenever any Residue shall remain of the Funds of any of the said Schools last mentioned, after defraying the Expence of the Master and of the Under Master or Masters (if any), and of all Enlargements and Improvements of and in the School House, Grounds, Appurtenances, and Furniture thereof, which shall be thought necessary, as by said Act is directed, it shall and may be lawful to and for the said Commissioners of Education, if they shall think fit, to cause such Residue, or such Part or Share thereof as they shall deem sufficient, to be applied to and in the like Maintenance and Improvement of any other or others of the said Schools last mentioned, whose Funds may stand in need of such Aid; and if such Residue shall be more than sufficient for that Purpose, then so much as shall remain thereof shall be applied in Manner in the said recited Act directed.

Commissioners may apply to Lord Lieutenant for Advances on the Credit of such Surplus.

IX. And be it further enacted, That in any such Case, if there shall be an occasion for an Advance of Money, according to the Provisions of the said recited Act of the Fifty-seventh Year of His late Majesty's Reign, it shall and may be lawful to and for the said Commissioners of Education to petition the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for such Advance on the Security of such Residue of the Funds of any one or more of the said last-mentioned Schools, to be applied to the Improvement of any other or others of such Schools, and for the Purposes of such Improvement; and it shall be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to order such Advance to be made, in such and the like Manner in all respects, as is provided in the said Act in Cases where the Sum advanced is to be applied for the Benefit of any School on whose Funds the Repayment thereof is to be secured; and such Advance so ordered shall be made in such and the like Manner, and on the same Terms and Conditions, and no other, as in the

the said Act is provided with respect to any Advances authorized by the said recited Act.

Provision in recited Act as to Presentments for Diocesan Schools, &c. repealed.

X. And whereas it is by the said Act among other things provided, that whenever the Grand Jury of any County in which any Diocesan or District School, or the Site appointed for the same, shall be, shall present any Sum on the County for purchasing, providing, building, or repairing any such School House, or a Dwelling House for the Master thereof, or any Offices or Appurtenances thereof respectively, or a Site for the same, in manner therein mentioned, and shall make such Presentment as and for the School House of the Diocese only within which such County shall be situate, or as and for the Dwelling House of the Master of such Diocesan School only, such Diocese shall not be or remain united to or with any other Diocese under any of the Provisions of the said Act; but such Diocesan School shall be supported within its proper Diocese only, and that the Money raised in such Diocese shall be applied solely to the Use of such Diocesan School, and not to any District School or other School out of such Diocese: And whereas the beneficial Consequences expected have not followed from the said recited Proviso; be it therefore enacted, That the said recited Proviso shall be and the same is hereby repealed.

So much of recited Act as empowers Commissioners to visit certain Schools of private Foundation, extended to future private Schools of a like Nature.

XI. And whereas in and by the said recited Act of the Fifty-third Year of His said late Majesty's Reign, divers Powers are granted to the said Commissioners of Education to visit and regulate certain Schools of private Foundation and Endowment then existing in *Ireland*, of the Nature and Description in the said Act particularly set forth; and it is expedient to extend the said Powers to all such Schools of private Foundation and Endowment which may at any Time exist in *Ireland*; be it therefore enacted, That all and every the Powers by the said recited Act granted to or vested in the Commissioners of Education for visiting and regulating such Schools of private Foundation and Endowment, as were existing at the Time of the passing of the said Act, shall extend to all Schools of the Nature and Description in the said Act mentioned, which have been or shall be built, erected, founded, or endowed in *Ireland* at any Time after the passing of the said recited Act or this Act, in the same Manner and to the same Extent in all respects whatsoever, as if such Schools had been founded, endowed, and erected previous to the passing of the said recited Act, and not further or otherwise.

Advances for building Schools, &c. made repayable by Instalments of Six per Cent. per Annum instead of Ten per Cent. as under recited Act.

XII. And be it further enacted, That from and after the passing of this Act, upon any Petition to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from the Commissioners under the said recited Act, for the Advance of Money for purchasing, building, rebuilding, enlarging, or repairing any School House belonging to any School under the Jurisdiction of the said Commissioners, or any of the Appurtenances or Accommodations belonging to or necessary for the convenient Use of such School, setting forth what yearly Sum, not being less than Six *per Centum* on the Sum required, can be paid out of the Revenue of such School, to replace the Sum so advanced, it shall and may be lawful for the Lord Lieutenant, or

other Chief Governor or Governors of *Ireland* for the Time being, if he or they shall think proper so to do, to direct that such Sum as he or they shall think proper, not exceeding the Sum required by such Petition, shall be advanced and repaid in like Manner as such Lord Lieutenant, or other Chief Governor or Governors, is by the said Act authorized to do in case of a Petition setting forth what yearly Sum less than Ten *per Centum* can be paid out of the Revenue of such School, and as if the said Sum of Six *per Centum* had been mentioned in the said Act instead of the said Sum of Ten *per Centum*; any thing in the said recited Act to the contrary notwithstanding.

Act may be amended.

XIII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be made during the present Session of Parliament.

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