



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

# VICTORIÆ REGINÆ.

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C A P. CXVIII.

An Act to make further Provision for the good  
Government and Extension of certain Public  
Schools in *England*. [31st *July* 1868.]

**W**HEREAS the Commissioners appointed under a Commission issued in the Year One thousand eight hundred and sixty-one have made their Report, and thereby recommended various Changes in the Government, Management, and Studies of the Schools herein-after mentioned, with a view to promote their greater Efficiency, and to carry into effect the main Objects of the Founders thereof; but such Changes cannot be carried into effect without the Authority of Parliament: 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.*

1. This Act may be cited for all Purposes as the "Public Schools Short Title. Act, 1868."

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2. "School"

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“School.”

2. “School” includes, in the Case of *Eton* and *Winchester*, *Eton College* and *Winchester College*.

Definition of  
“Existing  
Governing  
Body.”

3. “Existing Governing Body” of a School shall for the Purposes of this Act mean—

- (1.) At *Eton*, the Provost and Fellows :
- (2.) At *Winchester*, the Warden and Fellows :
- (3.) At *Westminster*, the Dean and Chapter of *Westminster*, the Dean of *Christ Church, Oxford*, and the Master of *Trinity College, Cambridge* :
- (4.) At *Charterhouse*, the Governors :
- (5.) At *Harrow*, the Governors :
- (6.) At *Rugby*, the Trustees :
- (7.) At *Shrewsbury*, the Trustees :

“New  
Governing  
Body.”

“New Governing Body of a School” shall for the Purposes of this Act mean a Governing Body the Constitution of which has been altered in pursuance of this Act, or, if no such Alteration shall have been made, the Governing Body which shall be in existence at the End of the Time assigned by this Act for making such Alteration, or a Body which has been established under this Act as the new Governing Body of a School.

Definition of  
“Boys on  
the Foun-  
dation.”

4. Boys on the Foundation shall for the Purposes of this Act mean—

- (1.) At *Eton*, the King’s Scholars or Scholars belonging to the College of *Eton* :
- (2.) At *Winchester*, the Scholars belonging to the College of *St. Mary, Winchester* :
- (3.) At *Westminster*, the Queen’s Scholars :
- (4.) At *Charterhouse*, the Foundation Scholars or Boys nominated by the Governors, and entitled to receive gratuitous Education :
- (5.) At *Harrow*, the Boys entitled to Education wholly or partially gratuitous :
- (6.) At *Rugby*, the Boys entitled to Education wholly or partially gratuitous by reason of their being Sons of Residents in *Rugby* or within a certain Distance of *Rugby* :
- (7.) At *Shrewsbury*, the Boys entitled to Education wholly or partially gratuitous by reason of their being Sons of Burgesses.

*Statutes by Governing Bodies.*

Power to  
Governing  
Bodies of  
Schools to  
which this

5. The existing Governing Body of each of the Schools to which this Act applies may at any Time before the First Day of *May* One thousand eight hundred and sixty-nine, or within such further Time as may be determined by Her Majesty in Council as hereinafter

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after mentioned, make a Statute or Statutes for determining and establishing the Constitution of the Governing Body of each of such Schools in such Manner as may be deemed expedient; with Power in the Case of *Westminster* to establish a Governing Body for the School, including Boys whether on the Foundation or not, either wholly or partially distinct from the Dean and Chapter of *Westminster*; but from and after the said First Day of *May* One thousand eight hundred and sixty-nine, or such further Time as aforesaid, all Powers of making Statutes vested by this Section in the Governing Body of a School shall pass to the Special Commissioners herein-after mentioned. Any Governing Body established for *Westminster School* shall be a Body Corporate, with a perpetual Succession and a Common Seal (with Power to hold Lands for the Purposes of the School without Licence of Mortmain), and subject to the Provisions of this Act shall, as to leasing their Land, have the same Powers and be subject to the same Disabilities as may be possessed by or attached to the Dean and Chapter of *Westminster* in respect of Lands in their Possession.

Act applies to alter their Constitutions.

6. Subject to the Restrictions herein-after mentioned, the new Governing Body of every School to which this Act applies may at any Time before the First Day of *January* One thousand eight hundred and seventy, or within such further Time as may be determined by Her Majesty in Council as herein-after mentioned, make Statutes with respect to all or any of the following Matters :

Governing Bodies of Schools to which this Act applies to make Statutes with respect to Matters herein named.

- (1.) With respect to the Boys on the Foundation, to remove, wholly or partially, local or other Restrictions on the Class of Boys entitled to become Boys on the Foundation, to make Admission on the Foundation wholly or partially dependent on Proficiency in a competitive or other Examination, and to define the Age for the Admission of a Boy on the Foundation, and the Age at which he may be required to leave the School :
- (2.) With respect to the Privileges and Number of Boys on the Foundation, to abridge or extend such Number and Privileges whenever, from Change of Circumstances, it seems expedient to abridge or extend them :
- (3.) With respect to the Privileges and Number of Boys who under any Statute or Benefaction may be entitled to any Rights to Education or Maintenance :
- (4.) With respect to Scholarships, Exhibitions, or other Emoluments, either tenable at the School, or tenable after quitting the School by Boys educated thereat, to do all or any of the following Things ; that is to say,
  - a. To consolidate any Two or more of such Emoluments ; to divide any single Emolument into Two

or

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or more; to convert any Scholarship or Exhibition tenable at the School into a Prize or Prizes; to remove any Restrictions on the Election or Appointment to such Emoluments; to open to general or limited Competition within the School Emoluments now conferred otherwise than by competitive Examination; and to define or vary the Subjects of Examination for any Emolument; provided that the foregoing Powers shall not extend to any Emolument created within Fifty Years before the passing of this Act; and,

b. To convert Emoluments attached to any particular College at *Oxford* or *Cambridge*, but not payable out of Funds held by such College, into Emoluments tenable at any College or Hall at either University, or otherwise by any Member of such University:

- (5.) With respect to the Mode and Conditions of Appointment to any Ecclesiastical Benefice the Patronage of which is vested in the Governing Body as such, or to which Persons educated at or connected with the School have an exclusive or preferential Claim:
- (6.) With respect to the Number, Position, Rank in the School, and Salaries and Emoluments of Masters who may receive any Salary or Emolument out of Property belonging to or held in trust for the School, with Power to abolish any such Mastership other than the Head Mastership, and to remove any Conditions as to Marriage, Education at a particular Place, or otherwise, attaching to any Candidates for such Mastership:
- (7.) With respect to the Disposal of the Income of the Property of the School, either for the Purpose of improving or enlarging the existing Establishment or of founding Exhibitions or Scholarships tenable at the School or elsewhere, or of establishing any subordinate or other Schools in connexion therewith, with Power in the Case of *Eton* and *Winchester* Colleges to regulate the future Income and all other Emoluments of the future Provost and Fellows and the future Warden and Fellows respectively, and to determine the Number of such Fellows, and the Emoluments and Advantages to be hereafter enjoyed by all the Members of each of those Foundations, or by those now entitled to any Payment thereout:
- (8.) With respect to any Office not heretofore mentioned the Salary of which is payable out of Property belonging to or held in trust for the School.

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7. The new Governing Body of any School to which this Act applies may, by Statute made in manner herein provided, consolidate and amend any existing Statutes or Regulations relating to such School, whether in force by Act of Parliament, Charter, Judicial Decree, Instrument of Endowment, or otherwise, with Power to repeal any Statute or Regulation that has in the Opinion of that Body become obsolete, or has become incapable of Observance by reason of Changes authorized to be made under this Act.

Power to Governing Bodies to consolidate and amend existing Statutes and Regulations.

8. The following Restrictions shall be imposed on any Governing Body of a School making Statutes under this Act :

Restrictions on making Statutes as herein stated.

- (1.) Where Two or more Schools are interested in any Scholarship, Exhibition, or Emolument, a Statute made by the Governing Body of One School shall not affect the Interest of any other School, except with the Consent of a Majority of the Governors, Trustees, or other Governing Body of the last-mentioned School :
- (2.) Where any Statute proposed to be made by any Governing Body of a School affects any Scholarship, Exhibition, or Emolument attached to any College in either of the Universities of *Oxford* and *Cambridge*, Notice in Writing of such intended Statute shall be given to the Head of such College Two Months at least before such Statute is submitted to the Special Commissioners as herein-after mentioned :
- (3.) Where any Statute proposed to be made by any Governing Body of a School affects the Interests of any Person or Class of Persons deriving Benefit under the Institutions in force with respect to the same, a Copy of such proposed Statute shall be deposited in some convenient Place for public Inspection in the Locality in which such School is situated ; and Notice of such Copy having been so deposited shall be given in some Newspaper circulating in such locality Two Months at the least before such Statute is submitted to the Special Commissioners ; and the said Governing Body shall hear all Objections which such Person or Class of Persons may be desirous of urging against the same :
- (4.) No Statute made by any Governing Body of a School under this Act shall be of any Validity until the same has been approved by Her Majesty in Council as herein-after mentioned, but when so approved all the Requisitions of this Act in respect thereto shall be deemed to have been duly complied with, and the Statute shall be of the same

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Force as if it had been contained in this Act, subject nevertheless to the Power of Alteration or Repeal herein-after conferred.

All Statutes to be laid before the Queen in Council.

9. All Statutes made by any Governing Body of a School under the Powers herein contained shall be submitted to the Special Commissioners herein-after appointed, and, if approved by them, be laid before Her Majesty in Council, and be forthwith published in the *London Gazette*; and it shall be lawful for the Trustees of any Scholarship, Exhibition, or Emolument to which such Statute may relate, or for any Person or Body Corporate directly affected thereby, within Two Months after such Publication in the *London Gazette*, to petition Her Majesty in Council, praying Her Majesty to withhold Her Approval from the whole or any Part of such Statute. The Petition shall be referred by Her Majesty by Order 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 such Five Members may, if they think fit, admit any Petitioner or Petitioners to be heard by Counsel in support of his or their Petition.

Any Petition not proceeded with in accordance with the Regulations made with respect to Petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

Her Majesty in Council may approve or disapprove Statutes.

10. It shall be lawful for Her Majesty in Council to signify Her Approval or Disapproval of any Statute or Part of a Statute made by any Governing Body of a School in pursuance of this Act at the Times following; that is to say, where a Petition has been presented against such Statute at any Time after the Hearing or Withdrawal of such Petition, and where no such Petition has been presented at any Time after the Expiration of the Time limited by this Act for the Presentation of a Petition. If Her Majesty signify Her Disapproval of any Statute, or any Part thereof, the Governing Body of the School which framed the Statute may frame another Statute in that Behalf, subject to the same Conditions as to the Approval of the Special Commissioners and of Her Majesty in Council as are imposed by this Act in relation to the making of original Statutes by any Governing Body of a School, and so on from Time to Time as often as Occasion requires, so that such Statutes are made, in the Case of the existing Governing Body of a School, before the First Day of *January* One thousand eight hundred and sixty-nine, or within such further Time as Her Majesty may by Order in Council appoint

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appoint in manner herein-after mentioned, and, in the Case of the new Governing Body of a School, before the said First Day of *January* One thousand eight hundred and seventy, or within such further Time as Her Majesty may by Order in Council appoint in manner herein-after mentioned.

11. Any Statute made in exercise of the Powers of this Act may, at any Time or Times after the Expiration of the Powers by this Act conferred on the Special Commissioners, be repealed or altered by the Governing Body for the Time being in the same Manner and subject to the same Provisions, with the Exception of those requiring such Statutes to be submitted to and approved by the Special Commissioners, in and subject to which Statutes may be made by the Governing Body.

As to Repeal or Alteration of Statutes made in exercise of Powers of this Act.

*Regulations by Governing Bodies.*

12. It shall be lawful for the new Governing Body of every School to which this Act applies, notwithstanding anything contained in any existing Act of Parliament, Charter, Statute, Decree, Instrument of Foundation, or Endowment or other Instrument, and notwithstanding any Custom, from Time to Time to make, alter, or annul such Regulations as they may deem it expedient to make, alter, or annul with respect to any of the following Matters :

General Power of Governing Body to make, alter, or annul Regulations.

- (1.) With respect to the Number of Boys, other than Boys on the Foundation, in the School, their Ages, and the Conditions of Admission to the School :
- (2.) With respect to the Mode in which the Boys, whether on the Foundation or not, are to be boarded and lodged, and the Conditions on which Leave to keep a Boarding House should be given :
- (3.) With respect to the Payments to be made for the Maintenance and Education of the Boys, other than Boys on the Foundation, including Fees and Charges of all Kinds, and to Payments by Boys on the Foundation in respect of anything which they are not entitled to receive gratuitously ; and with respect to the Application of the Monies to be derived from those Sources, and of Monies paid out of the Income of the Foundation on account of the Instruction of Boys on the Foundation :
- (4.) With respect to Attendance at Divine Service, and, where the School has a Chapel of its own, with respect to the Chapel Services and the Appointment of Preachers :
- (5.) With respect to the Times and Length of the ordinary Holidays :

(6.) With

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- (6.) With respect to the sanitary Condition of the School and of the Premises connected therewith :
- (7.) With respect to the Introduction of new Branches of Study, and the Suppression of old ones, and the relative Importance to be assigned to each Branch of Study :
- (8.) With respect to the Number, Position, and Rank in the School, and Salaries and Emoluments, of the Masters, in so far as such Masters are not affected by any Statute made in accordance with the Provisions herein-before contained :
- (9.) With respect to giving Facilities for the Education of Boys whose Parents or Guardians wish to withdraw them from the Religious Instruction given in the School :
- (10.) With respect to giving Facilities for Boys other than Boarders to attend at the School, and participate in the educational Advantages thereof :
- (11.) With respect to the Powers committed to the Head Master :  
 Provided that the Charges made for the Maintenance and Education of the Boys shall be kept distinct : Provided that the new Governing Body, in all Cases where the Head Master is not a Member of the Body making the Regulations, shall, before making any such Regulations, consult the Head Master in such a Manner as to give him full Opportunity for the Expression of his Views : Provided that it shall be lawful for the Head Master from Time to Time to submit Proposals for making, altering, or annulling any such Regulations, or any other Matter affecting the Condition of the School, to the Governing Body, who shall proceed to consider, and, if they think fit, adopt the same.

*Masters.*

Appoint-  
ment of  
Masters.

**13.** The Head Master of every School to which this Act applies shall be appointed by and hold his Office at the Pleasure of the new Governing Body. All other Masters shall be appointed by and hold their Offices at the Pleasure of the Head Master. No Candidate for any Mastership shall be entitled to Preference by reason of his having been a Scholar of or educated at the School of which he desires to be Master.

*Boys on the Foundation.*

Saving of  
Rights as to  
Harrow and  
Rugby  
Schools.

**14.** Nothing in this Act contained or done in pursuance thereof shall affect the Rights of Persons residing in the Parish of *Harrow* at the Time of the passing of this Act to send their Children to *Harrow School*, or the Rights of Persons residing at the Time of the passing of this Act in or within Five Miles of *Rugby* to send their Children to *Rugby School*.

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Nothing in this Act contained or done in pursuance thereof shall affect the Rights of Persons being Burgesses of *Shrewsbury* at the Time of the passing of this Act to send their Children to *Shrewsbury School*. and of *Shrewsbury School*.

*Special Commissioners.*

**15.** The several Persons herein-after named, (that is to say,) the Most Reverend Father in God *William* Lord Archbishop of *York*, the Most Noble *Robert Arthur Talbot Gascoigne-Cecil* Marquis of *Salisbury*, the Right Honourable *Russell Gurney*, Recorder of the City of *London*, Sir *John Lubbock* Baronet, Sir *John George Shaw Lefevre*, Knight Commander of the Bath, *John Duke Coleridge* Esquire, One of Her Majesty's Counsel, *Charles Stuart Parker* Esquire, shall be Special Commissioners for the Purposes of this Act, and shall have a Common Seal, and Three of the said Commissioners shall be a Quorum. Appointment of Commissioners.

**16.** The Powers conferred on the Special Commissioners by this Act shall be in force until the First Day of *January* One thousand eight hundred and seventy-one, and it shall be lawful for Her Majesty, if She think fit, by and with the Advice of Her Privy Council, to continue the same until the First Day of *January* One thousand eight hundred and seventy-two. Duration of Powers of Commissioners.

**17.** If any Vacancy occurs in the Number of the Special Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may, by Instrument under Her Sign Manual, fill up such Vacancy. Vacancy in Number of Commissioners.

**18.** In the Exercise of the Authorities vested by this Act in the Special Commissioners they shall have Power to require from any Officer of any School to which this Act applies the Production of any Documents or Accounts relating to such School, and any Information relating to the Revenues, Statutes, Usages, or Practice thereof. Commissioners empowered to require Production of Documents, &c.

**19.** On and after the First Day of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty as herein-after mentioned, all such Powers of making Statutes, of making Regulations, and of making and proposing Schemes, as are by this Act vested in any Governing Body of any School to which this Act applies, shall pass to and vest in the Special Commissioners appointed under this Act (subject, nevertheless, in the Case of a Statute affecting any Scholarship, Exhibition, Powers of Special Commissioners.

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bition, or Emolument in any School other than that for which the Statute is made, to the Restrictions by this Act imposed on the Governing Body in making a like Statute); and the Special Commissioners may exercise such Powers in respect of all Matters in which any Governing Body may have failed to exercise the same in a Manner approved by the Special Commissioners.

The Commissioners shall, in the Case of a Regulation, Two Months at the least before finally making the same, and, in the Case of a Statute or Scheme, Two Months at the least before laying the same before Her Majesty in Council, serve a Copy of such Regulation, Statute, or Scheme on the Governing Body of the School to which it relates, (and if it be a Statute affecting any Scholarship, Exhibition, or Emolument attached to any College in either of the Universities on the Head of such College,) and hear all Objections that such Governing Body or College may be desirous of urging against the same.

Any Regulation made by the Special Commissioners, unless an express Power of altering the same is vested in the Governing Body, shall be deemed to be in the Nature of a Statute, and be alterable only in manner in which Statutes are capable of being altered in pursuance of this Act; but, except in so far as relates to Regulations made by the Commissioners, and except during such Time as the Powers of the Special Commissioners under this Section remain in force, the Power of the new Governing Body of the School to make, alter, or annul Regulations shall remain unaffected by the Power hereby given to the Commissioners of making the same.

Any Statute or Scheme made by the Special Commissioners in pursuance of this Act shall be subject to the Provisions herein-before contained as to the same being laid before Her Majesty in Council, and as to the Approval or Disapproval of Her Majesty, and as to its subsequent Repeal or Alteration, with the Consent of Her Majesty in Council, as if it were a Statute made by the Governing Body of the School which had been approved by the Special Commissioners, with this Addition, that the Approval or Disapproval of Her Majesty to any such Statute or Scheme as last aforesaid shall not be signified until such Statute or Scheme has been laid before both Houses of Parliament for a Period of not less than Forty Days.

*Miscellaneous.*

Provisions  
to Westmin-  
ster School.

20. The following Provisions shall be made with respect to *Westminster School*; that is to say,

- (1.) There shall be paid to the Governing Body of *Westminster School* for the Time being by the Ecclesiastical Commissioners for the Support of the School an annual Sum of  
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not less than Three thousand five hundred Pounds, and a Capital Sum of Fifteen thousand Pounds :

- (2.) The annual Sum of Three thousand five hundred Pounds shall be paid by equal half-yearly Payments on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, the first half-yearly Payment to be made on the Twenty-fifth Day of *March* next after the passing of this Act, and the said Capital Sum of Fifteen thousand Pounds on the Twenty-ninth Day of *September* next :
- (3.) The Ecclesiastical Commissioners shall take Steps as soon as they can conveniently for transferring to and vesting in the Governing Body for the Time being of *Westminster School* and their Successors in Fee Simple, for the Support of the School, such a Portion of the Estates then vested in the Commissioners as may be adequate to produce an annual Income of not less than Three thousand five hundred Pounds after deducting all Expenses of Management :
- (4.) Upon such Transfer as aforesaid being effected the Payment of the said annual Sum of Three thousand five hundred Pounds by the Ecclesiastical Commissioners shall cease :
- (5.) The said Capital Sum of Fifteen thousand Pounds shall be invested by the Governing Body of the School in Three Pound *per Centum* Bank Annuities, and shall be applied in manner herein-after mentioned :
- (6.) From and after the passing of this Act, there shall vest in the Governing Body for the Time being of *Westminster School*, for the Use of the School, the Playground in *Vincent Square*, with the Lodge on such Playground, the Dormitory with its Appurtenances, the School and Class Rooms, the Houses and Premises of the Head Master and Under Master, the Three Boarding Houses, and the Gymnasium, excepting the Crypts :
- (7.) All the said Buildings shall be held by the said Governing Body for the Use of the School, and it shall be incumbent on the said Governing Body to keep as an open Space for the Recreation of the Boys, and for no other Purpose, the said Playground in *Vincent Square* :
- (8.) The Hall and the Playground in *Dean's Yard* shall continue to be used in the same Manner as heretofore by the Scholars of *Westminster School* :
- (9.) The Dean and Chapter of *Westminster* shall transfer to and vest in the Governing Body of *Westminster School* in Fee Simple the Houses following, on the request of such

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such Governing Body, at such Times and upon Payment of such Sums as are herein-after mentioned; that is to say,

First. The House in *Great Dean's Yard* now occupied by the Rector Canon of *Saint John the Evangelist* on the next Avoidance of the said Canonry, and on Payment of the Sum of Four thousand Pounds to the Ecclesiastical Commissioners :

Second. The House now occupied by the Sub-Dean on the next Avoidance of the Canonry held by the said Sub-Dean, and on Payment to the said Commissioners of the like Sum of Four thousand Pounds :

Third. The House now occupied by Mr. *Turle* on the next Vacancy in the Office of Organist of the Collegiate Church, *Westminster*, and on Payment to the said Commissioners of the Sum of Two thousand Pounds :

(10.) The Governing Body of the School shall be at liberty to make the foregoing Payments of Four thousand Pounds, Four thousand Pounds, and Two thousand Pounds, or such of them as may be required, out of the said Sum of Fifteen thousand Pounds, and may apply the Residue of the said Sum in erecting new Buildings or improving old Buildings, or otherwise in making Improvements in or about the Property of the School, and they may apply the Income arising from any Securities on which the said Sum of Fifteen thousand Pounds may for the Time being be invested in the same Manner in which the Residue of their Income is applicable :

(11.) The Monies paid to the Ecclesiastical Commissioners in respect of the said Canonry Houses, or either of them, shall be held by the said Commissioners on trust for the Dean and Chapter of *Westminster*, to be expended in building on the College Gardens, according to Plans to be approved by the Dean of *Westminster* for the Time being, Houses or a House equivalent to the Houses or House in respect of which such Payments may be made; and in the meantime the Ecclesiastical Commissioners shall allow and pay to the Canon or Canons who would have been entitled to the Occupation of such House or Houses if the same had not been so taken for the Purposes of *Westminster School* Interest after the Rate of Three Pounds *per Centum per Annum* on such Monies or the Balances thereof from Time to Time remaining in the Commissioners Hands :

(12.) The

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- (12.) The Monies paid to the Ecclesiastical Commissioners in respect of the House now occupied by Mr. *Turle*, the Organist of the Collegiate Church of *Westminster*, shall be held by the Commissioners in trust for the Dean and Chapter of *Westminster*, who shall be entitled to Interest thereon after the like Rate of Three Pounds *per Centum per Annum* until such Capital Monies and all Balances thereof shall have been expended by the Dean and Chapter in providing another Residence for the Organist of their Church :
- (13.) If the Dean and Chapter of *Westminster* and the Governing Body for the time being of *Westminster School* agree that it would be for the Benefit of the School that any Premises not herein-before mentioned, and being at the Time of such Agreement Part of the Property of the Dean and Chapter, should become the Property of the School, the Dean and Chapter may convey the same to the School at a Price to be agreed upon or to be settled by an Arbitrator to be appointed by the President for the Time being of Her Majesty's Most Honourable Privy Council :
- (14.) Any Transfers of Lands which in pursuance of this Act may be made by the Ecclesiastical Commissioners to the Governing Body of *Westminster School* may be effected under the Provisions of a Scheme prepared by the Ecclesiastical Commissioners, and approved and ratified by Order of Her Majesty in Council, and published in the *London Gazette*, and such Scheme shall be effectual for transferring to and vesting in the Governing Body of the School all Estates and Interests which it purports to transfer without any Conveyance, Assurance, or Act in the Law :
- (15.) In consideration of the above-mentioned Payments of Three thousand five hundred Pounds *per Annum* and of Fifteen thousand Pounds, all annual or other Sums of Money which if this Act had not been passed would have been paid to *Westminster School* by the said Dean and Chapter after the Twenty-ninth Day of *September* next shall belong and be paid to the Ecclesiastical Commissioners for *England* :
- (16.) In the event of *Westminster School* being removed beyond the City of *Westminster*, all the Property and Income derived by the School from the Ecclesiastical Commissioners, or the Dean and Chapter of *Westminster*, or their Estates, shall revert to and become vested in the Ecclesiastical Commissioners.

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Scheme for  
Buildings.

**21.** The new Governing Body of any of the Schools to which this Act applies may at any Time before the First Day of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty in Council as herein-after mentioned, submit to the Special Commissioners, and, if approved of by them, may lay a Scheme before Her Majesty in Council for making any Additions to or Alterations in the Buildings of the School, and for raising Monies for that Purpose by Mortgage of any Property belonging to or held in trust for the School, with Power to suspend any Scholarships or Exhibitions payable out of such Property ; they may also in any such Scheme make Provisions for exchanging any Lands belonging to such School for other Lands, and for purchasing any Land that may be required for making such Additions or Alterations as aforesaid ; and every such Scheme shall be subject to the same Provisions, and if approved shall take effect and be subject to Alteration, in the same Manner as Statutes made by a Governing Body.

Livings  
to which  
Shrewsbury  
School has a  
preferential  
Claim.

**22.** Whereas the Right of Appointment to Vacancies in the Vicarage of *Cherbury* and the Perpetual Curacies of *St. Mary's Astley* and *Clive* is vested in Trustees appointed by the Lord Chancellor, in pursuance of the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Seventy-six, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*: And whereas the Sons of certain Burgesses educated at *Shrewsbury School*, and the Head and Second Master of the said School, have a preferential Claim to be appointed to the said Vicarages and Curacies : Be it enacted, That the said Trustees may, at any Time after the passing of this Act, upon the Requisition of the Governing Body of the said School, sell the Right of Presentation or Appointment to the said Vicarages and Curacies, or any of them, and pay over the Monies arising from such Sale to the Governing Body of the School, to be applied by that Body for the Benefit of the School.

Scheme for  
constituting  
Parish of  
Eton a  
distinct  
Vicarage.

**23.** The Ecclesiastical Commissioners for *England* shall lay before Her Majesty in Council such Scheme as may appear to the said Commissioners to be best adapted for relieving the Provost of *Eton* from the Spiritual Charge of the Parish of *Eton*, and constituting the same a distinct Vicarage in the Gift of the Provost and Fellows of *Eton*, with an Endowment out of the Revenues of *Eton College* of an annual Sum to an Amount, as soon as such Revenues may be able to defray the Charge, of Six hundred Pounds, or, in case the Vicar is provided with a Residence at  
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the Expense of the College, such less Sum as the said Commissioners shall judge sufficient; and any such Scheme, when approved of by Her Majesty in Council, shall be of the same Force as if it had been contained in this Act.

24. The new Governing Body of *Eton* may, at any Time before the First Day of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty in Council, as in this Act mentioned, submit to the Special Commissioners, and, if approved of by them, lay a Scheme or Schemes before Her Majesty in Council, for dealing with the Estates of *Eton College* in such Manner as to bring the whole of them, so soon as it may be thought expedient, into a System of being let at Rack-rent instead of being let on Leases renewable on Payment of Fines; and the said Governing Body may in such Scheme or Schemes provide for raising by Mortgage of the College Estates, or any of them, such Sums as may be sufficient for securing to the existing Members of the College the estimated Amount of Income, calculated on the Average of the preceding Seven Years, that would have accrued to them if the Estates comprised in the Scheme had been let in the usual Way; and any such Scheme or Schemes may extend to the whole or to a Portion only of the said College Estates; and the Monies to be raised by Mortgage may include the Amount of all Expenses that may properly be incurred by the College in carrying such Scheme or Schemes into effect; and it may be provided in such Scheme or Schemes that the Amount of Monies to be raised by Mortgage, and the Amount of Expenses to be allowed, and generally that the working of any such Scheme in such Matters as cannot be specifically regulated by the Scheme, shall be subject to the Control of such Department of the Government, or of Persons appointed by a Department of the Government, as may seem good to the said Special Commissioners.

Power of  
Eton College  
to make a  
Scheme for  
running out  
their Leases.

The new Governing Body of *Winchester* may also in like Manner submit to the Special Commissioners and, if approved of by them, lay a Scheme or Schemes before Her Majesty in Council for running out the Leases on Property belonging to such College.

25. Any Scheme authorized to be made under this Act may contain all Powers and Provisions that may be thought expedient for carrying into effect its Objects; and where any Scheme authorizes the Purchase or Acquisition of any Lands, there shall be deemed to be incorporated with such Scheme "The Lands Clauses Consolidation Act, 1845," with the Exception of the Provisions relating to the Purchase of Lands otherwise than by Agreement, and of the Provisions relating to Entry upon Land, to intersected

General  
Provision as  
to Schemes.

Lands,

*Public Schools.*

Lands, and to the Recovery of Forfeitures, Penalties, and Costs, and of the Provisions relating to Access to the Special Act.

Power to remove Shrewsbury School to another Site.

**26.** The new Governing Body of *Shrewsbury School* may, if they deem it expedient, at any Time after the passing of this Act, lay a Scheme before Her Majesty in Council for the Removal of the School from its actual Site to some other Place, and may provide in such Scheme for the Sale or Mortgage of any Property belonging to or held in trust for such School, and for its Appropriation to Building or other Purposes, with Power to suspend any Scholarships or Exhibitions payable out of such Property, and for the Purchase of other Property, and for the Erection of new Buildings on the Property so purchased, and generally for all Matters (including the Sale of any surplus Property that may be purchased, and the Investment of the Money which may be produced by such Sale,) required to effect such Removal in a convenient Manner, to the same Extent as if such Governing Body were the Absolute Owners of any Property they may be dealing with under this Section as Purchasers, Vendors, or otherwise; and any such Scheme shall be subject to the same Provisions, and, if approved, shall take effect and be subject to Alteration in the same Manner as Statutes made by a Governing Body:

Provided, firstly, that any Scheme made under this Section before the Expiration of the Powers by this Act conferred on the Special Commissioners shall be approved of by them before being laid before Her Majesty in Council; secondly, that the Power of making a Scheme under this Section shall not pass to the Special Commissioners or cease after the First of *January* One thousand eight hundred and seventy, or such further Time as may be determined by Her Majesty as herein-after mentioned, but shall continue vested in the new Governing Body of the said School; thirdly, that the School shall not be removed to any Site exceeding in Distance Three Miles measured in a straight Line from the Market Place in *Shrewsbury*.

Not to affect certain Rights of Parties interested as herein stated.

**27.** Nothing contained in this Act, or done in pursuance of the Powers thereby conferred, shall, as respects any Schools to which this Act applies, affect—

- (1.) Any Boy being at the Time of the passing of this Act on the Foundation of any of the said Schools, so far as respects his Interest in such Foundation during his Continuance at School:
- (2.) The Tenure by any Person of any Scholarship, Exhibition, or other like Emolument held by him at the Time of the passing



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passing of his Act, and not forming Part of the Interest of a Boy on the Foundation herein-before mentioned :

- (3.) The vested Interests of any Master in any of the said Schools appointed to his Office before the passing of the Public Schools Act, 1864, unless a due Equivalent be made in respect thereof :
- (4.) The pecuniary Interest belonging to or capable of being enjoyed by any Member of the Governing Bodies of the said Schools who may have been appointed to his Office before the passing of the said Public Schools Act, 1864, unless a due Equivalent be made in respect thereof :
- (5.) The Status as a Member of any Person who may have been appointed a Member of the Collegiate Bodies of *Eton* or *Winchester* before the passing of the said Public Schools Act of 1864 :

And nothing contained in this Act or done in pursuance of the Powers thereof shall affect the Dean and Chapter of *Westminster* or any Member of that Body, except in so far as relates to their Status as apart from the Governing Body of *Westminster School*, or is herein-before expressly provided with respect to the Property to be appropriated to or for the Use of the said School.

**28.** Subject to any Alterations made by this Act, or by any Scheme or Statute made in pursuance of this Act, all Powers vested by Act of Parliament, Charter, Instrument of Endowment, Custom, or otherwise, in the existing Governing Body of a School to which this Act applies, in relation to such School or the Government thereof, shall continue in force, and may be exercised by such Governing Body until a new Governing Body is appointed, and after the Appointment of a new Governing Body by the new Governing Body, in the same Manner in which they might have been exercised if this Act had not passed.

Saving of existing Powers of Governing Bodies.

**29.** From and after the passing of this Act, the Corporation known by the Name of "The Governors of the Lands, Possessions, Revenues, and Goods of the Hospital of King *James* founded in *Charterhouse* within the County of *Middlesex* at the humble "Petition and only Costs and Charges of *Thomas Sutton* Esquire," shall bear the Corporate Name of "The Governors of *Sutton's Hospital* in *Charterhouse*," but such Change of Name shall not in any way affect the Position, Rights, or Obligations of the said Governors, or cause any Action, Suit, or other legal Proceeding carried on by or against them to abate ; and, except so far as the above-mentioned Change of Name is concerned, nothing in this Act contained shall affect the Private Act passed in the Session of Thirtieth and

Saving of Act relating to Charterhouse.

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Thirty-first Years of the Reign of Her present Majesty, Chapter Eight, intituled *An Act for enabling the Governors of the Lands, Possessions, Revenues, and Goods of the Hospital of King James founded in Charterhouse within the County of Middlesex at the humble Petition and only Costs and Charges of Thomas Sutton Esquire to sell the Site of the School of the said Hospital and other Lands, to acquire a new Site for the School, and to erect a new School thereon, and for other Purposes.*

Extension of  
Time for  
Governing  
Bodies  
to make  
Statutes.

**30.** Her Majesty may, by Order in Council, as respects the existing Governing Body of any School to which this Act applies, at any Time before the First Day of *May* One thousand eight hundred and sixty-nine, extend for a Period not exceeding One Month the Time within which such Governing Body may make a Statute for the Alteration of the Constitution of such Governing Body, and, as respects the new Governing Body of any School to which this Act applies, at any Time before the First of *January* One thousand eight hundred and seventy, extend the Time within which such new Governing Body is by this Act empowered to make Statutes to a Period not exceeding the First Day of *January* One thousand eight hundred and seventy-one.

Provision as  
to College  
Chapels.

**31.** The Chapel of every School to which this Act applies shall be deemed to be a Chapel dedicated and allowed by the Ecclesiastical Law of this Realm for the Performance of Public Worship and the Administration of the Sacraments according to the Liturgy of the Church of *England*, and to be free from the Jurisdiction or Control of the Incumbent of the Parish in which such Chapel is situate.

Any Scheme which may be made in pursuance of this Act constituting the Parish of *Eton* a separate Vicarage shall contain Provisions making the existing Chapel of Ease at *Eton* the Parish Church of *Eton*, and exempting the College Chapel from being dealt with as a Parish Church.

Removal of  
Site of  
Westminster  
School.

**32.** Subject to the Conditions in this Act contained with respect to the Forfeiture of Property, the Governing Body for the Time of *Westminster School* may lay a Scheme before Her Majesty in Council for the Removal of the School to some other Site; and any such Scheme shall be subject to the same Provisions, and, if approved, shall take effect and be subject to Alterations, in the same Manner as Statutes made by a Governing Body :

Provided, firstly, that any Scheme made under this Section before the Expiration of the Powers by this Act conferred on the Special Commissioners shall be approved of by them before being laid before Her Majesty in Council; secondly, that the Power of  
making

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*Public Schools.*

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making a Scheme under this Section shall not pass to the Special Commissioners, or cease after the Expiration of the Powers of the Special Commissioners, but shall continue vested in the Governing Body for the Time being of the said School.

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LONDON: Printed by EYRE and SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1886.

ISBN 0 10 520071 9