ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

****

Cap. cxxv.

An Act to amend and render more effectual, so far as relates to the Lord *Scudamore*'s Charity Monies, the Provisions of an Act passed in the Fourteenth Year of the Reign of His Majesty King *George* the Third, for improving the City of *Hereford*, and for other Purposes connected with the said City. [4th *August* 1840.]

WHEREAS by an Act passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the paving, repairing, cleansing, and* 14 G.3. c.38.
lighting the Streets and Lanes in the City of Hereford *and Suburbs thereof, and removing Nuisances and Annoyances therein; and for creating a Fund towards the Expences thereof, by enclosing divers Waste Grounds within the Liberties of the said City; and for the better Application of Charity Money for setting the poor People of the said City to work; and to enable Bodies Corporate to alienate their Houses and Lands within the said City*, after reciting, among other things, that by a Decree of the High Court of Chancery bearing Date the Eleventh Day of *February* One thousand seven hundred and sixty-three, made in a Cause therein mentioned, in which Decree it was stated that Sir *John Scudamore* Baronet, Lord Viscount *Scudamore*

of *Sligo* in the Kingdom of *Ireland*, by a Codicil to his Will, dated the Fourth Day of *September* in the Twentieth Year of *Charles* the Second, did give and bequeath to the Lord Bishop of *Hereford* for the Time being and other Persons therein described Four hundred Pounds, in Trust to be settled as a perpetual Stock to set to work the poor People of the said City of *Hereford*; and that the said Four hundred Pounds was paid, and in One thousand six hundred and ninety-eight put out at Interest by the then Trustees upon Mortgage; and that the Principal and Interest, amounting to One thousand and ninety-one Pounds Eleven Shillings, had been paid to *James* then Lord Bishop of *Hereford*, and laid out in the Purchase of Three *per Cent.* Annuities; and the said *James* Lord Bishop of *Hereford* admitted that there was then standing in his Name One thousand three hundred and twenty Pounds Fourteen Shillings Three *per Cent.* Consolidated Bank Annuities; the Court declared his Lordship a Trustee thereof, for the Benefit of the said Charity, and referred it to a Master to approve and settle a Scheme for the Application thereof to the Purposes of the said Charity; and it is by the said Act recited, that the Master made his Report bearing Date the Twenty-first Day of *November* One thousand seven hundred and sixty-four, and thereby certified that the Corporation of *Hereford* had laid before him a Scheme, whereby they proposed that the said One thousand three hundred and twenty Pounds Fourteen Shillings Three *per Cent.* Consolidated Bank Annuities (if so much should remain after Payment of the Costs of the said Suit) should be transferred to Trustees, to be approved of by the Court, in Trust as a perpetual Fund for the said Charity; and that such Trustees, or a major Part of them, should have Power to allow a Salary (not exceeding Fifteen Pounds *per Annum*) to any Person skilled in the Linen or Woollen Manufactures, who should undertake to instruct poor Persons, to be employed in the said City, in either of the said Manufactures, (that is to say,) in carding and spinning Wool, in weaving and dressing Woollen Cloth and Flannels, or in spinning Flax or Hemp, and weaving Cloth to be made thereof; and that the said Trustees, or the major Part of them, should have Power to purchase such Implements and Materials as should be necessary for the Purposes aforesaid, and to sell the Manufactures when wrought, and to enter into Contracts touching the same; and that an Account should be taken once or oftener in every Year by the said Trustees, or the major Part of them, of the Profits that should arise, which should be added to the Stock the succeeding Year, and that the whole Expence should not exceed the yearly Income of the said Capital Sum, which should remain as aforesaid; and that Entries should be made of all Monies received and expended, and a Transcript thereof transmitted yearly to the Quarter Sessions to be held for the said City, and kept among the Records there, that any Person might have Access thereto; and the said Relator concurring in the said Scheme the Master approved thereof; and further reciting that the said Cause was heard upon the Master's said Report on the Twenty-third Day of *March* One thousand seven hundred and sixty-five, when it was ordered that the said Report should be confirmed, and that the said Scheme should be carried into execution; and that the Dean of *Hereford*, the Chancellor of the Diocese of *Hereford*, the Rector

of *Saint Nicholas* in the said City of *Hereford*, the Mayor of *Hereford*, the Senior Alderman and Town Clerk of the said City of *Hereford*, for the Time being, together with the Bishop of *Hereford* for the Time being, should be Trustees of the said Charity; and that the said Annuities should be transferred to them, and that they should declare thereof accordingly, subject to the further Order of the said Court; and it is by the said Act further recited, that it had been found by Experience that the Mode established by the said Court for conducting and managing the said Charity was too contracted and confined, and in case a larger Number of Trustees should be appointed to dispose of the said Charity Money for employing the Poor of the said City in any Manufacture, Trade, or Business whatsoever within the said City, it would render the said Charity more extensive and effectual, it was by the said Act recited that the Right Honourable the Lord Lieutenant of the said County of *Hereford* for the Time being, the Mayor of the City of *Hereford* for the Time being, the Chief Steward of the said City of *Hereford* and his Deputy Steward for the Time being, the several Members of Parliament for the County and City of *Hereford* for the Time being, the Dean and Canon in Residence of the Cathedral Church of *Hereford* for the Time being, the Custos of the College of Vicars Choral of the Cathedral Church of *Hereford* for the Time being, the Chancellor of the Diocese of *Hereford* for the Time being, the Precentor of the Cathedral Church for the Time being, the Customer and Coroner of the City of *Hereford* for the Time being, the several Members of the Corporation of the said City of *Hereford* for the Time being who had passed the Chair, the Two Chamberlains of the said City for the Time being, the Town Clerk of the said City for the Time being, the Register of the Lord Bishop of *Hereford* for the Time being, the Register of the Dean of *Hereford* for the Time being, the Bailiff of the said Lord Bishop for the Time being, *Charles Howard* the younger, of *Holm Lacy* in the County of *Hereford*, Esquire, and such other Persons, not exceeding Ten, as the several Persons therein-before described, or the major Part of them present at their First Meeting, should nominate or appoint, together with Two substantial Householders or Persons residing in each Parish within the said City of *Hereford*, to be elected and chosen at a regular Vestry Meeting in each of such Parishes in *Easter* Week once in Three Years, or oftener, in case of the Death, Disability, or Removal of any or either of such Persons, by a Majority of the Parishioners attending at such Vestry Meeting, should be the Commissioners for putting the said Act in execution; and it was by the said Act further enacted, that the several other Persons therein named should be Commissioners for the Purpose of making such Allotments and Inclosures as therein mentioned; and it was by the said Act further enacted, that the Commissioners therein-before first appointed should be Trustees for the Application of and Disposition of the said Lord Viscount *Scudamore*'s Charity Money, and that the said One thousand three hundred and twenty Pounds Fourteen Shillings Three *per Cent.* Consolidated Bank Annuities, and the Dividends due and payable thereon, not applied pursuant to the said Decretal Order and Report, should be transferred, paid, and applied in such Manner as the said Commissioners therein-before first named or appointed.

appointed, or thereafter to be named or appointed by virtue of the said Act, or any Seven or more of them, should from Time to Time, at any public Meeting for that Purpose, order, direct, or appoint, for buying Materials and Utensils for setting the poor People of the said City to work, and for the employing them in any Manufacture, Trade, or Business whatsoever, within the said City or the Suburbs thereof; and that it should and might be lawful to and for the said Commissioners first above named or appointed, or any Seven or more of them, at such Meetings, to contract and agree with any Person or Persons for employing the said poor People, and for instructing them in any Manufacture, Trade, or Business, and for vending and disposing of the Wares and Manufactures worked up by them, and to pay such Premiums or Satisfaction as they should think reasonable for the same, or the Management thereof, and to erect or purchase a Workhouse or Workhouses for the Purposes aforesaid out of the said Charity Money, and to do and exercise all such further Powers, Authorities, and Acts whatsoever as should or might be necessary or convenient for the promoting and carrying on the said Charity; and it was thereby enacted that the said Commissioners, or any Seven or more of them, should and might advance, pay, or dispose of any Part of the said Principal Sum of One thousand three hundred and twenty Pounds Fourteen Shillings Three *per Cent.* Consolidated Bank Annuities, or the Dividends thereof, to any Contractor or Contractors, or to any Manager or Contractor of any Manufactory, for employing and setting the Poor of the said City to work, taking reasonable Security for the same, that the Money so advanced, paid, or disposed of should not be embezzled or lost: And whereas the said Commissioners appointed by the said Act, in the Execution of the Powers of the said Act, have applied from Time to Time Part of the said Trust Fund as by the said Act was authorized, and have accumulated a Portion of the Income thereof, and there is now the Sum of Six thousand and thirty-five Pounds Six Shillings and Five-pence Three *per Cent.* Consolidated Bank Annuities subject to the said Trusts: And whereas it is expedient that new Trustees should be appointed for the Administration of the said Charity Funds, and that the Powers of the said recited Act, as regards the Administration and Distribution of the said Funds, should be extended and enlarged, but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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, That the Right Honourable the Lord Bishop of *Hereford* for the Time being, the Lord Lieutenant of the said County of *Hereford* for the Time being, the Mayor of the City of *Hereford* for the Time being, the Chief Steward of the said City of *Hereford*, the several Members of Parliament for the County and City of *Hereford* for the Time being, the Dean and Canon in Residence of the Cathedral Church of *Hereford* for the Time being, the Custos of the College of Vicars Choral of the Cathedral Church of *Hereford* for the Time being, the Chancellor of the Diocese of *Hereford* for the Time being, the Precentor of the Cathedral Church for the Time being, the Coroner of the City of *Hereford* for the

Commissioners to put this Act into execution.

the

the Time being, Six Members of the Body Corporate of the said City, to be elected triennially by the Body Corporate of the said City, for the Time being, and Three of the present City Magistrates for their own Lives only, to be elected by the Trustees at the First Meeting to be held under the Provisions of this Act, the Two Chamberlains of the said City for the Time being, the Town Clerk of the said City for the Time being, the Register of the Lord Bishop of *Hereford* for the Time being, the Register of the Dean of *Hereford* for the Time being, the Bailiff of the said Lord Bishop for the Time being, and the Ten Commissioners acting for Life at the passing of this Act by virtue of the said recited Act, and the Twelve parochial Commissioners now and hereafter to be appointed by virtue of the said recited Act, shall be and they are hereby appointed Trustees for putting this Act in execution; and that the said Trustees alone shall and may execute all and every the Powers and Directions in this or the said Act contained, so far as relates to the said Charity Monies; and such Trustees shall be called "The Trustees of Lord *Scudamore*'s Charity."

On Death of Commissioners, &c., others to be chosen.

II. And be it further enacted by the Authority aforesaid, That in case any of the Commissioners under the said recited Act, or any future Trustees of the said Charity not elected by the Vestry as in the recited Act mentioned, and not being a Trustee by virtue of his Office, and not being one of the City Magistrates elected by virtue of this Act, shall die, it shall and may be lawful for the Trustees of the said Charity, on the next or any future Half-yearly Meeting of the said Trustees, to elect some other Person, qualified as herein-after mentioned, in the Place or Stead of the Commissioner or Trustee so dying.

Qualification of Commissioners.

III. Provided always, and be it further enacted by the Authority aforesaid, That no Person shall be capable of acting as a Trustee in the Execution of this and the said recited Act, so far as relates to the said Charity, unless he shall be, in his own Right or in Right of his Wife, in the actual Possession and Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments of the clear yearly Value of Forty Pounds, or shall be possessed of a Personal Estate of the Value of One thousand Pounds, except such of the Trustees as shall be appointed by the said Parishes, whose Qualifications shall be Twenty Pounds a Year, or shall be possessed of a Personal Estate of the Value of Five hundred Pounds.

Penalty on acting if not qualified.

IV. And be it further enacted, That if any Person not being so qualified shall presume to act as a Trustee in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for same, to be recovered in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, and the Person so sued shall prove that he was so qualified at the Time he acted, or otherwise shall pay the said Penalty, without any Proof being given as to his not being duly qualified.

Meeting of Trustees.

V. And be it further enacted, That the First Meeting of the Trustees for executing this Act shall be held in the Council Room in the Guildhall of the City of *Hereford*, or some other convenient House or Place in the said City, on the Second *Tuesday* in *August* One thousand eight hundred and forty, or as soon after as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, for the Purpose of the Payment of the Costs, Charges, and Expences of this Act, the Appointment of the Persons in whose Names the Trust Funds of the Charity are to be invested as herein-after mentioned, and for the Election of Three of the present City Magistrates as Trustees.

The Charity Funds may be employed in Manufactures, &c. in the City of Hereford, for setting to work the poor People thereof.

VI. And further be it enacted, That it shall and may be lawful for the said Trustees of Lord *Scudamore*'s Charity to advance or lend all or any Part of the said Trust Funds, or the Dividends or Interest thereof, to any Person or Persons who may be disposed to establish or carry on any Manufacture, Trade, or Business within the said City of *Hereford*, or the Liberties thereof, or as near thereto as Circumstances will admit, and for setting the poor People of the said City to work therein, either upon Government or Real Security in *England* or *Wales* of sufficient Value for securing the Repayment of the Amount of the Trust Funds so advanced or lent, with such Rate of Interest for the same as shall not be less than the average Amount of Interest of the Three *per Cent.* Consolidated Bank Annuities shall be at the Time such Money shall be advanced or lent as aforesaid; and also to use or employ all or any Part of the said Trust Funds, or the Dividends or Interest thereof, and in providing for the poor Children of the said City of *Hereford* a sound, practical, and useful Education, based on religious, moral, and industrial Instruction, and in erecting and providing any one or more Building or Buildings for School-room or School-rooms, or for the Dwelling House or Dwelling Houses of the Masters or Mistresses of the said Schools, under such Rules and Governance, and in such Manner, as the Lord Bishop of *Hereford* for the Time being shall direct; and also in assisting or contributing to any School, approved by the said Bishop, established or to be established for providing Education for such poor Children as aforesaid.

Trustees empowered to purchase Lands for the Purposes of this Act.

VII. And be it further enacted, That for carrying into effect the Purposes aforesaid or any of them it shall be lawful for the said Trustees to purchase or take on Lease any Messuages or Lands, not exceeding Two Acres, within or without the Liberties of the said City of *Hereford*, whether in Fee or for any Term of Years not less than Five hundred Years; and that such Messuages and Lands shall from Time to Time be conveyed and demised to or otherwise vested in the said Trustees and their Successors, upon Trust to stand seised and possessed of the same for the Purposes of this Act, or such of them as shall from Time to Time be capable of taking effect: Provided always, that it shall not be lawful for the said Trustees to expend out of the said Trust Funds a greater Sum than Five hundred Pounds in the Purchase of Lands or Buildings, or in the Erection of any Buildings for the Purposes of the said Charity.

VIII. And

Trustees may sell Lands not wanted.

VIII. And be it further enacted, That the said Trustees and their Successors shall and they are hereby authorized and required to sell, either altogether or in Parcels, and either by public Auction or private Contract, all or any of the Messuages, Lands, Materials, and other Effects to be by them purchased as aforesaid, which shall not be required for the Purposes of this Act; and that on any such Sale or Sales any Seven of the said Trustees acting in pursuance of any Resolution made at such Meeting as herein-after mentioned may in the Name of the whole convey, assign, or otherwise dispose of any such Messuages, Lands, Materials, and other Effects to the Purchaser or Purchasers thereof.

Securities to Trustees how to be made.

IX. And be it further enacted, That all and every the Securities which may be taken by the said Trustees in pursuance of this Act may be made to them in their Names of "The Trustees of Lord *Scudamore*'s Charity," or may be taken in the Name of the Treasurer or Treasurers or Clerk of the said Trustees, as they the said Trustees shall think fit.

Trustees to appoint a Treasurer and Clerk.

X. And be it further enacted, That the said Trustees shall, at any General Meeting to be held in pursuance of the Provisions of this Act, appoint a fit and proper Person or Persons (being a Banker or Bankers carrying on Business in the said City of *Hereford*) to be the Treasurer or Treasurers to the said Trustees, and from Time to Time may remove and displace such Person or Persons, and nominate and appoint any others in his or their Place or Stead; and that the said Trustees shall appoint some other fit and proper Person to be the Clerk to the said Trustees, and to allow such Clerk such Salary as they shall think fit, not exceeding Twenty-five Pounds *per Annum*, to be payable out of the said Trust Funds; and shall have full Power to require and take any Security from such Person or Persons so to be appointed as aforesaid.

Treasurer and Clerk not to be the same Person.

XI. Provided always, and be it further enacted, That it shall not be lawful to appoint the Person who may be appointed Clerk to the said Trustees in the Execution of this Act, or the Partner of any such Clerk, or any Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer to the said Trustees for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, or any Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk to the said Trustees; and if any Person shall accept both Offices of Clerk and Treasurer to the said Trustees for the Purposes of this Act, or if any Person being the Partner of any such Clerk to the said Trustees, or the Clerk or other Person in the Service or Employ of any such Clerk to the said Trustees, or of his Partner, shall accept the Office of Treasurer to the said Trustees, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or a Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk to the Trustees, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, every such Person so offending shall, for every such Offence,

Offence, forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information.

Duties of Treasurer and Clerk.

XII. And be it further enacted, That the said Treasurer or Treasurers and Clerk shall perform such Duties as shall be directed by the said Trustees, and shall cause proper Books of Account to be kept, and Entries to be made therein of all Collections, Receipts, Disbursements, and all other Measures, Transactions, and Things relating to the Affairs of the said Charity usually written and entered in Books of Account, and shall in every Year draw up a Report of all Receipts and Disbursements of the previous Year, up to the Day of the General Meeting of the Trustees in the Month of *January* in every Year; and which Report shall be audited by Three Auditors, to be annually appointed by the said Trustees at some General Meeting of the said Trustees; and thereupon such audited Accounts and Report shall be laid before the Trustees at the General Half-yearly Meetings to be held in the Months of *January* and *July* in each and every Year.

Receipts, &c. to be signed by Treasurer or Clerk, and counter-signed by Seven Trustees.

XIII. And be it further enacted, That the Receipts in Writing of the said Treasurer or Treasurers, or Clerk, countersigned by any Seven of the said Trustees of Lord *Scudamore*'s Charity, shall be a sufficient Discharge for any Monies payable to the said Trustees of Lord *Scudamore*'s Charity under or by virtue of any Power or Authority in this or the said recited Act contained.

General Meetings to be held in the City of Hereford.

XIV. And be it further enacted, That there shall be in every Year Two General Meetings of the said Trustees, to be held in the Council Room of the said City, or some other convenient Place in the said City of *Hereford*, between the Hours of Ten and One of the Clock in the Forenoon, on every first *Tuesday* in the Months of *January* and *July*; and that no Business shall be transacted at any Meeting of the said Trustees unless Seven or more Trustees be present at the Commencement of the Business and at the Time of any Decision; and the first of such Meetings shall be holden on the first *Tuesday* in *January* after the passing of this Act.

Proceedings to be entered in a Book.

XV. And be it further enacted, That Minutes of all Proceedings at every Meeting of the Trustees, and of the Names of the Trustees present, shall be entered in a Book to be kept for that Purpose, and shall be signed by the Person in the Chair at such Meeting, and by the Treasurer or Treasurers, or Clerk.

Special Meetings may be called.

XVI. And be it further enacted, That any Seven of the Trustees may at any Time call a Special Meeting of the Trustees, by Circular Letters signed by themselves, or the said Treasurer or Treasurers, Clerk or Clerks, and to be sent by the Post or delivered to all the Trustees not less than Ten Days before the Day of Meeting, such Circular Letters to specify the Day, Hour, and Place of Meeting, and the Objects for which the same is called; and at such Special Meeting

Meeting no Business shall be transacted, except such Business as cannot be delayed until the next General Meeting without Detriment to the Objects of the said Charity.

Chairman or Vice Chairman to preside at Meetings.

XVII. And be it further enacted, That the Lord Bishop of *Hereford* for the Time being shall, when present, be Chairman of the said Trustees at all Meetings; and there shall always be Three Vice Chairmen, such Vice Chairmen to be elected by the said Trustees; and that at all Meetings of the Trustees the Chair shall be taken by the said Bishop, if present, or if he shall be absent by One of the Vice Chairmen, and if all the Vice Chairmen shall be absent, then by some One of the Trustees present, to be elected at the Meeting.

How Questions at Meetings to be decided.

XVIII. And be it further enacted, That all Questions shall be decided by a Majority of the Votes of the Trustees present, including the Person in the Chair; and that if on any Occasion the Votes shall be equal, the Person in the Chair shall have a casting Vote.

Meetings of Trustees may be adjourned.

XIX. And be it further enacted, That every Meeting shall adjourn till a future Day, if Seven Trustees shall not assemble within One Hour from the Time specified for holding the same, or shall not be present at the Time when any Question shall be about to be decided upon; and that Notice of any such adjourned Meeting shall be given by a Circular Letter to be sent by the Post or delivered to the said Trustees by the Treasurer or Treasurers, Clerk or Clerks, at their respective Places of Abode within the said City of *Hereford* or the Liberties thereof, stating the Day and Time of Meeting; and that no Meeting shall be adjourned for more than Ten Days nor less than Five Days.

Providing for a Reserved Fund of 1,500*l.*

XX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Trustees, or their Successors, to expend the whole of the Funds and Monies which shall from Time to Time be vested in them, but that they shall always set apart and leave untouched the Sum of Fifteen hundred Pounds Three *per Cent.* Consolidated Bank Annuities at the least, as a Reserved Fund, the Income whereof shall be applied for the Purposes of this Act.

Funds to be transferred to new Trustees.

XXI. And be it further enacted, That the Persons in whose Names the said Trust Funds are now invested in the Three *per Cent.* Consolidated Bank Annuities shall and they are hereby required, when called upon so to do by the Trustees appointed by this Act, assign and transfer the said Trust Funds and Securities to the Names of any Five of the Trustees of the said Charity, such Five Persons to be nominated and appointed at the Meeting of the said Trustees to be holden in the Month of *August* next.

Surplus Monies to be invested in Three per Cents.

XXII. And be it further enacted, That all such Part of the said Trust Funds as shall not be wanted or applied for the Purposes of carrying into effect the Powers contained in this Act or the said recited Act shall from Time to Time be invested in the Purchase of Three

Three *per Cent.* Consolidated Bank Annuities; and the same, together with the said Sum of Fifteen hundred Pounds Three *per Cent.* Consolidated Bank Annuities, shall be invested in the Names of Five of the Trustees of the said Charity so nominated as aforesaid, or their Successors.

On Death, &c. of a Trustee, Funds standing in his Name to be transferred to that of his Successor.

XXIII. And be it further enacted, That on the Death, Resignation, Bankruptcy, Insolvency, or Incapacity to act of any of the said Trustees or of their Successors, a new Trustee or Trustees shall at the next or any future Half-yearly Meeting be appointed, and the said Trust Funds transferred accordingly; and all such Trustees so to be appointed shall sell and transfer such Trust Funds in such Manner as the Trustees of the Charity for the Time being shall at any Meeting to be held in pursuance of this Act appoint, subject nevertheless to the retaining such Reserved Fund as aforesaid.

Directing how Actions, &c. to be brought by and against the Trustees.

XXIV. And be it further enacted, That all Suits and Proceedings, whether at Law or Equity or Bankruptcy, or otherwise howsoever, as well in *Great Britain* and *Ireland* as elsewhere, by or on the Behalf of the said Trustees of Lord *Scudamore*'s Charity, shall be commenced and prosecuted in the Name of the Treasurer or Treasurers or Clerk for the Time being of the said Trustees; and that all Suits and Proceedings, whether at Law or in Equity, by or on behalf of any Person or Persons, whether Bodies Politic or others, and whether or not such Persons shall be Trustees of the said Charity, to be brought and prosecuted against the Trustees of Lord *Scudamore*'s Charity, shall be commenced and prosecuted against the said Treasurer or Treasurers or Clerk; but nothing in this Act contained shall prevent any Plaintiff from joining any of the said Trustees with such Treasurer and Clerk as a Defendant in Equity, for the Purpose of Discovery in case of Fraud.

Death of Treasurer, &c. not to abate Actions.

XXV. And be it further enacted, That no Action, Suit, or Proceeding, whether Civil or Criminal, commenced either by or against the said Trustees, shall be abated or prejudiced by the Death or by any Act of such Treasurer or Treasurers or Clerk, or by his Resignation or Removal either before or after Commencement of such Entries, Suit, or Proceeding, or by any Change in the said Trustees, but that the same shall be continued in the Name of such Officer as aforesaid, notwithstanding any such Death or Act, or such Resignation or Removal.

Property of Trustees how to be laid and stated.

XXVI. And be it further enacted, That in all Proceedings, Criminal as well as Civil, any Goods, Securities, or Effects belonging to the said Trustees may be laid and stated to be the Property of the said Trustees of Lord *Scudamore*'s Charity, in whomsoever the same may be vested, and it shall not be necessary to state the Names of the said Trustees, or any of them; and in all Proceedings, when necessary, for any Offence with Intent to injure or defraud the said Trustees, the same may be laid to have been done with Intent to injure the said Trustees of Lord *Scudamore*'s Charity, without any Statement of the Names of the said Trustees.

XXVII. And

Expences of Act.

XXVII. And be it further enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or incident thereto, shall be paid and discharged by the said Trustees out of the Funds now subject to the Purposes of the said Charity, in preference to any other Payment whatsoever.

Treasurer, &c. to be reimbursed any Costs.

XXVIII. And be it further enacted, That the said Treasurer and Clerk shall be reimbursed out of the aforesaid Charity Fund all Costs and Expences which he may be put unto by reason of any such Proceedings as aforesaid, but no such Officer shall be authorized to take any such Proceedings as aforesaid except the same shall have been directed at some General or Special Meeting of the said Trustees.

Clause of recited Act respecting Limitation of Actions repealed.

XXIX. And whereas by the said recited Act it was enacted, that no Action or Suit should be brought or prosecuted against any Person or Persons for any thing done in pursuance of the said recited Act, unless Twenty-one Days Notice thereof should be first given in Writing to the Clerk or Treasurer to the said Commissioners, signed by the Plaintiff or Plaintiffs, or unless the same should be commenced before the Expiration of Six Months next after the Fact committed, or unless Tender of reasonable Amends had not or should not have been made by or in behalf of the Defendant or Defendants in such Action or Suit, nor unless such Action or Suit should be laid and brought in the County of *Hereford;* and the Defendant or Defendants in any Action or Suit to be commenced for any thing done in pursuance of the said recited Act should and might plead the General Issue, and give the said recited Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the Matter or Thing for which such Action or Suit should be brought was done in pursuance and by the Authority of the said recited Act; and if such Matter or Thing should appear to have been so done, or if it should appear that such Action or Suit was brought before Twenty-one Days Notice thereof was given in Writing to the Clerk or Treasurer of the said Commissioners, signed by the Plaintiff or Plaintiffs, or if it should appear that such Action or Suit was not commenced before the Expiration of Six Months next after the Fact committed, or if it should appear that Tender of reasonable Amends was made by or in behalf of the Defendant or Defendants in such Action or Suit, before such Action or Suit was commenced, or if any such Action or Suit should be brought in any other County or Place than the County of *Hereford*, that then the Jury should find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs should become nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants should have appeared, or if upon Demurrer Judgment should be given against the Plaintiff or Plaintiffs, the Defendant or Defendants should and might recover Treble Costs, and should have such Remedy for the same as any Defendant or Defendants had or should have in any other Cases by Law: And whereas it is expedient that the said recited Provisions should be repealed; be it therefore enacted, That the said recited Provisions shall be and the same are hereby repealed.

XXX. And

Public Act.

XXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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