CHAPTER 6.

An Act for the better regulation of the Hospital of Saint John the Baptist in the Town of Bedford and to provide for the separation of the Rectory of the Parish of Saint John the Baptist in the Town of Bedford from the Mastership of the said Hospital. [11th August 1881.] A.D. 1881.

WHEREAS Her Majesty's Attorney General on the twelfth day of September one thousand eight hundred and sixty-one filed an information in the High Court of Chancery in England which was afterwards amended and as amended was against the Master and Co-brethren of the Hospital of Saint John the Baptist in the town of Bedford in the county of Bedford the Reverend Henry Pearse clerk and the mayor aldermen and burgesses of the borough of Bedford as defendants showing among other things (as the facts were)

That there was in the town of Bedford an ancient Hospital of Saint John the Baptist the corporate title whereof was "The Master "and Co-brethren of the Hospital of Saint John the Baptist in the "Town of Bedford in the County of Bedford" and the corporate body whereof was composed of a master and co-brethren or bedesmen and the master whereof had been for some centuries the rector of the said parish of Saint John the Baptist in the town of Bedford.

That the best evidence of the foundation of this charity which had been obtained was from an entry in an ancient Book of Memoranda in the time of Henry Beaufort Bishop of Lincoln remaining in the registry of Buckden which was set forth in the information and of which the following is a translation (that is to say)

"Be it remembered that in the year of our Lord nine hundred "and eighty Robert de Parys founder of the New Hospital of Saint "John the Baptist in the town of Bedford for the declaration of "estate of the same hospital in future willeth and ordaineth so far

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" as in himself is that in the said hospital there be two or three " brethren according to the faculty of the said hospital of whom " the more advanced do hold the place of master Which brethren " together let them say matins and other canonical hours and " celebrate divine offices for the living and for the dead every day " according to the estate of the said hospital and together also let " them eat in the hall and lie in the dormitory and let them bear " decent clothing and priestly tonsure with one mantle of black " cloth or of other decent colour according to the disposition of the " master Which brethren also at their admission shall swear " obedience to the master aforesaid and that they shall stand " in the same hospital for term of their life psalming and " praying for the soul of the said Robert de Parys the founder " and for the souls of John and Henry Saint John and of John le " Neve and also of them who have given rents or possessions to the " same hospital or shall give in future The aforesaid founder " willeth also and ordaineth that all poor men who are of free birth " of the aforesaid town in which the same hospital is situate if they " shall have come to that poverty by misfortune and without their " own fault and ask sustenance in the same hospital be charitably " received in the same house by the master and co-brethren all poor " men born out of the town of Bedford being utterly repulsed Nor " shall it be lawful to the mayor nor to the bailiffs of Bedford nor " to the burgesses of the same town to present any poor man to the " said hospital before that he shall have been presented to me or " my successors and with my will or that of my successors he shall " be received And that all the excesses of the same brethren " committed within the closes of the hospital aforesaid or without " be corrected and punished by the master aforesaid And if the " brethren shall be found rebellious in the correction aforesaid let " them be corrected by the bishop Let the default of the master " himself lawfully proved be corrected by the bishop himself The " aforesaid founder willeth also and ordaineth that every brother at " his admission take a corporal oath to hold and firmly observe all " the articles above written And also the aforesaid founder willeth " and ordaineth that a copy of this ordinance for misfortune of fire " or other whatsoever do remain in the common chest of the town " aforesaid and be inrolled with the mayor and bailiffs who are and " for the future time shall be for the greater security of such thing " And to all and singular the things contained in this ordinance and " firmly to be holden to these presents my seal is appended."

That although there could be no doubt as to the inaccuracy of the date (viz. 980) assigned by the Lincoln register to the foundation of Robert de Parys yet the instrument of foundation there

specified had always been considered and acted upon as authentic in the several courts in which the hospital had been the subject of dispute.

That the hospital was not noticed in the taxation of Pope Nicholas in one thousand two hundred and ninety-one although certainly existing long before that time Hospitals of an eleemosynary character not being included in that record.

That in one thousand four hundred and forty-four the Mayor of Bedford presented the master to the Bishop of Lincoln for institution and from this period at least if not earlier the mayor alone or mayor and burgesses had regularly presented to the mastership of the hospital and that of late years on institution the form of admission had been to the rectory of the parish church of Saint John the Baptist with the Hospital of Saint John the Baptist in the town of Bedford.

That the hospital was recorded in the Valor Ecclesiasticus taken 26th Henry VIII. (1535) and its yearly value there stated at twenty-six pounds nine shillings and one halfpenny.

That on the twelfth day of July one thousand six hundred and fifty-three a commission of charitable uses issued which was executed at Bedford and by the order of the commissioners bearing date the twenty-third day of May one thousand six hundred and fifty-four certain persons therein named were ordered to deliver up possession of the premises found to be in their possession to John Gifford therein stated to be master and rector of the hospital and rectory and to pay certain sums of money ordered by the said decree and that the commissioners in their decree stated that all the lands et cetera mentioned in the inquisition were assured and conveyed unto the master and rector of the Hospital and Rectory of Saint John the Baptist in the town of Bedford and his successors masters and rectors of the same hospital and rectory of the said parish church of Saint John the Baptist to the intent that the same and the rents revenues issues and profits thereof should be perpetually disposed employed applied and bestowed by the masters and rectors of the said hospital and rectory for the time being for and towards the maintenance of the master and rector aforesaid being a preaching minister for the parish of Saint John the Baptist there being no other minister belonging to the said parish but only the said master and rector and for and towards the clothing and relief of poor aged men of the town and borough of Bedford aforesaid presented by the corporation of the said town of Bedford and other good and charitable uses.

That the defendant the Reverend Henry Pearse was instituted on the sixth day of February one thousand eight hundred and thirty-five to the rectory of the parish of Saint John's with the hospital.

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That the sum of ninepence a week was usually paid monthly to ten poor men and one shilling each on Saint John's and Saint Thomas's days in lieu of dinners but no other advantage was at the date of the information derived by them from the hospital except that on affixing the hospital seal to any lease two of them were present who received two shillings and sixpence each from the master and lessee.

That the property of the hospital at the date of the information consisted of the master's house with the appurtenances and of certain farms fields and messuages principally in and about the town of Bedford the value whereof in fee simple in possession was about fifty-six thousand two hundred and eighty-four pounds but nearly the whole thereof had been let on leases for lives on fines which had been received by the master for the time being and the only payment made by the master had been the sum of nineteen pounds ten shillings per annum to and among the ten bedesmen.

That in the session of Parliament in the year one thousand eight hundred and sixty the defendants the mayor aldermen and burgesses of the borough of Bedford with the consent of the defendant the Reverend Henry Pearse had promoted a Bill in Parliament to authorise a sale of the hospital lands and the application of the proceeds for certain ecclesiastical purposes in the borough of Bedford.

And the informant prayed that it might be declared that the whole of the possessions lands tenements and hereditaments belonging to or in the possession of the defendants the master and co-brethren of the Hospital of Saint John the Baptist in the town of Bedford belonged to the said hospital and were subject to the trusts of the said hospital as declared by the said Robert de Parys and that no part thereof belonged to the rectory of the said parish of Saint John the Baptist or to the master of the said hospital otherwise than as such master and that a Scheme might be settled for the better administration of the trusts of the said hospital and for the application of the rents profits and income of the possessions belonging thereto and that in such Scheme provisions might be made for the extension of the benefits of the said hospital to the poor of the town of Bedford and that the defendants the master and co-brethren of the said hospital might be restrained from granting any further leases of the possessions of the said hospital on fines or otherwise than for terms not exceeding twenty-one years at the best rents and that the defendant the Reverend Henry Pearse as master of the said hospital might be decreed to account for the sums of money received by him by way of fines upon any leases that had been granted by him.

And whereas the defendants to the said information duly appeared and put in their answers thereto:

And whereas by the decree of the Master of the Rolls made on the hearing of the said cause on the thirtieth day of June one thousand eight hundred and sixty-four it was declared that the property of the Hospital of Saint John the Baptist in the possession of the master and co-brethren belonged to the hospital only and was subject to the trusts of the said hospital as declared by the declaration of estate of Robert de Parys And that the right of presentation to the mastership vested in the Corporation of Bedford was held upon the same trusts and it was declared that the property ought not to be let on fines or otherwise than for terms of not more than twenty-one years in possession at the best improved rents And it was ordered that a Scheme for the future regulation and administration of the hospital and the application of the present and future rents profits and income thereof should be settled by the judge and that provision should be made therein for the future appointment of trustees and certain inquiries were directed:

And whereas the said mayor aldermen and burgesses appealed from the said decree and by the order of the Lords Justices of Appeal in Chancery made on the third day of August one thousand eight hundred and sixty-five on the hearing of the said appeal it was ordered that the decree be varied so far as the same declared that the property of the hospital in the possession of the defendants the master and co-brethren belonged to the hospital only and was subject to the trusts of the said hospital as declared by the declaration of estate of Robert de Parys and that the right of presentation to the mastership vested in the corporation of Bedford was held by the said Corporation upon the same trusts and instead thereof their Lordships declared that the property of the hospital in the possession of the master and co-brethren but not including the right of presentation to the mastership of the hospital and to the rectory of the parish of Saint John the Baptist belonged to the hospital only and was subject to the trusts of the said hospital as declared by the declaration of estate of Robert de Parys and that the right of presentation to the mastership and rectory belonged to the mayor aldermen and burgesses of Bedford in their corporate capacity and not as charitable trustees And the said decree of the Master of the Rolls was affirmed in other respects:

And whereas the income of the charity which after the said decree came into operation was much reduced is now likely to be increased in consequence of the falling in of leases:

And whereas pursuant to the said decree a Scheme has been settled and approved and on the twenty-seventh day of April one

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thousand eight hundred and eighty-one signed by his Lordship the Master of the Rolls in testimony of his approval thereof and in connexion with the said Scheme it has been proposed that the rectory of the said parish of Saint John the Baptist should on the termination of the present incumbency thereof be separated from the mastership of the hospital and that the mastership of the hospital should not be filled up:

And whereas the objects of the Scheme including such separation cannot be obtained without the authority of Parliament:

And whereas by an order of the High Court of Justice made in the said cause on the twenty-seventh day of April one thousand eight hundred and eighty-one it was ordered that Her Majesty's Attorney General be at liberty to apply to Parliament for an Act to carry into effect the Scheme so approved and signed and filed in the Filing and Record Department of the Central Office of the Supreme Court of Judicature and to provide for the separation of the rectory of the parish of Saint John the Baptist from the mastership of the said hospital and that a draft of the Bill for the Act should be settled by the judge:

And whereas by a certificate of the chief clerk of his Lordship the Master of the Rolls made in the said cause on the twenty-eighth day of April one thousand eight hundred and eighty-one he certified that the draft of the Bill for the said Act had been settled and approved by the judge and was identified by his signature in the margin thereof and that the several instruments facts and events recited in the preamble of the Bill before the recital of the said certificate had been proved in the cause:

And whereas the said certificate became absolute on the ninth day of May one thousand eight hundred and eighty-one:

And whereas a copy of the Scheme so approved and filed in the Filing and Record Department of the Central Office of the Supreme Court of Judicature as aforesaid is set forth in the Schedule to this Act:

And whereas it is expedient that the said Scheme should be carried into effect and that provision should be made for the separation of the rectory of the said parish from the mastership of the said hospital:

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 as follows:

Short title.

1. This Act may for all purposes be cited as the St. John's Hospital Bedford Act 1881.

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Confirmation of Scheme in Schedule.

2. The Scheme for the regulation of the Hospital of Saint John the Baptist in the town of Bedford which is set forth in the Schedule to this Act annexed is by this Act confirmed and as so set forth or as varied from time to time in accordance with the provisions of this Act is made binding on all persons and corporate or other bodies interested and from and after the passing of this Act the hospital to which the Scheme relates shall be governed and regulated and the estates belonging thereto shall be managed and the revenues thereof shall be applied and disposed of in accordance with such of the provisions of the Scheme as from time to time shall be in force A plan signed by the Right Honourable John Thomas Earl of Redesdale the Chairman of Committees of the House of Lords showing in green colour the land comprised in the first part of the schedule annexed to the said Scheme and in pink colour the land comprised in the second. and third parts of the said schedule shall be deposited as follows videlicet one copy in the office of the Clerk of the Parliaments and another copy with the clerk of the peace for the time being of the county of Bedford and the said clerk of the peace shall permit any person to inspect the same within the usual office hours on payment of one shilling and a copy of the said plan certified by the said clerk of the peace shall be received as the best evidence of the contents of the said plan in all courts of justice.

High Court of Justice or Charity Commissioners to have power to alter Scheme.

3. It shall be lawful for the High Court of Justice from time to time upon the application of Her Majesty's Attorney General or of the trustees of the hospital with the sanction of the Attorney General and in the exercise of its ordinary jurisdiction over charities or for the Charity Commissioners for England and Wales in the exercise of their jurisdiction over charities and subject to the restrictions and rights of appeal contained in and given by the statutes for the time being regulating such exercise to make from time to time any alterations in or additions to the Scheme for the time being in force in such manner as to the said court or commissioners shall seem fit having regard to the original foundation and the scope and intention of the Scheme as set forth in the Schedule to this Act and so that no such alteration or addition shall repeal or vary any of the clauses or provisions contained in this Act and the charity shall be held administered and managed under or by virtue of this Act in accordance with the provisions of the Scheme from time to time in force.

Separation of the rectory of the parish of

4. When and so soon as the Reverend Henry Pearse clerk shall cease to be rector of the parish of Saint John the Baptist and master

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St. John the Baptist from the mastership of the hospital.

of the Hospital of Saint John the Baptist in the town of Bedford the following provisions shall have effect (that is to say) :

(1) The rectory of the parish church of Saint John the Baptist and mastership of the Hospital of Saint John the Baptist in the town of Bedford shall become and be the rectory of the parish church of Saint John the Baptist in the town of Bedford only and by that name shall continue to be an ecclesiastical benefice with all rights and privileges previously belonging thereto (except rights or privileges over or in connexion with the said Hospital of Saint John the Baptist or the property of the said hospital) and the corporation of "the master and co-"brethren of the Hospital of Saint John the Baptist in the town "of Bedford in the county of Bedford" (herein-after called the Hospital Corporation) shall be dissolved and the office of master of the hospital shall not be filled up :

(2) The freehold of the parish church of Saint John the Baptist aforesaid and the churchyard shall be in the rector of the said parish of Saint John the Baptist for the time being and the following hereditaments shall without any assurance or act in the law vest in the rector of the said parish and his successors for the use and benefit of the rector of the said parish for the time being (that is to say) the dwelling-house known as Saint John's Rectory with the yard drying ground gardens and outbuildings thereto belonging and the moat adjoining one of the said gardens (subject to the mortgage thereon made to the Governors of Queen Anne's Bounty if then subsisting) which shall be the house of residence of the said rectory and the piece of pasture land adjoining the same garden and situate in the said parish and occupied by Samuel Leach Kilpin and containing or reputed to contain together with the said moat four acres one rood and ten perches And also all that piece of garden ground situate in the said parish and now in the occupation of John Turner and bounded on the north by the said churchyard on the east in part by one of the said gardens and in other part by other property of the hospital on the south by premises of the said John Turner and on the west by Saint John's Street which shall be the glebe land of the said rectory :

(3) There shall be paid to the rector of the said parish of Saint John the Baptist for the time being out of the revenues of the said hospital the perpetual yearly sum of three hundred and fifty pounds clear of all deductions (except income tax) to be paid by the trustees or persons acting in the administration of the property of the said hospital by equal half-yearly payments

the first of such payments to become due at the end of six calendar months next after the termination of the present incumbency of the rectory and mastership:

(4) All hereditaments and property and all rights belonging to the said hospital at the time of the dissolution of the Hospital Corporation and also a piece of land in the parish of Saint Mary in the town of Bedford containing one acre two roods and seven perches which on the inclosure of that parish was awarded to the rector of the parish of Saint John in lieu of tithes on commonable lands in the said parish of Saint Mary (except property by this Act vested in the rector of the said parish and except the legal estate in the lands of the hospital) shall immediately upon such dissolution without any assurance or act in the law vest in the persons who shall then be the trustees for the time being of the hospital under the provisions of the said Scheme for the purposes by the said Scheme declared discharged from all obligations and liabilities except obligations created by this Act to the rector of the said parish or his successors and discharged from all liability for the repairs of or otherwise in relation to the said parish church and thereupon also all obligations and liabilities of the hospital existing at the time of the said dissolution (except such as are herein expressed to be discharged) shall be transferred to the said trustees and the legal estate in the lands of the hospital shall vest in the official trustee of charity lands in trust for the hospital.

Advowson to vest in mayor aldermen and burgesses. Power to sell same and land in third part of schedule to Scheme.

5. Subject to the provisions herein-before contained upon the passing of this Act the advowson or right of presentation to the rectory and parish church of Saint John the Baptist in the town of Bedford in the county of Bedford shall vest in the mayor aldermen and burgesses of the borough of Bedford in their corporate capacity and it shall be lawful for the council of the said borough to sell such advowson or right of presentation and also the land described in the third part of the schedule annexed to the Scheme herein-before mentioned when such land shall have been conveyed to the said mayor aldermen and burgesses in such manner as they shall think fit and to convey and assure the same under the common seal of the said borough to the purchasers thereof and the proceeds of such sales shall be paid to the treasurer of the said borough whose receipt shall be a sufficient discharge to the purchasers for their purchase money and such proceeds shall be applied in or towards the payment to the solicitor of Her Majesty's Attorney General of the sum of five hundred pounds towards the cost of obtaining this Act and subject thereto shall be applied in payment of the costs of

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the said mayor aldermen and burgesses of and incidental to the passing of this Act and not otherwise provided for and also in repayment to them of the amount which shall have been expended by them in making the public recreation ground and road hereinafter mentioned and the residue of such proceeds shall be by the said treasurer invested in Government securities for the use of the mayor aldermen and burgesses and the annual interest payable thereon shall be carried to the account of the borough fund of the said borough.

Recreation ground.

6. The piece of land described in the first part of the schedule annexed to the Scheme set forth in the Schedule to this Act and containing sixty-one acres one rood and thirty-seven perches shall be devoted to the purpose of a public recreation ground for the town of Bedford in manner following (that is to say):

1. The trustees of the hospital shall permit the mayor aldermen and burgesses of Bedford acting by the council of the borough to enclose fence drain plant lay out and form the said piece of land free of expense to the hospital as a ground for the purposes mentioned in the Recreation Grounds Act 1859 as soon as possession can be lawfully obtained and shall also permit the said mayor aldermen and burgesses at the cost of the said mayor aldermen and burgesses to form the pieces of land described in the second part of the schedule to the said Scheme annexed into a road or highway communicating at the west end thereof with the Cemetery Road and at the southern extremity of the branch of the said intended road which will run from north to south with any road which may hereafter be made over adjoining land of the hospital and to properly pave sewer and metal the said road and provide the same with means of lighting and do all things necessary to make the said road a public highway repairable by the inhabitants at large:

22 Vict. c. 27.

2. When the said recreation ground shall have been so formed and the said road shall have been completed and have become a highway repairable by the inhabitants at large the trustees shall convey the land forming the said recreation ground (with such reservations and subject as in the said Schedule mentioned) to the said mayor aldermen and burgesses in fee simple to be held as a public ground for all the purposes of the Recreation Grounds Act 1859 the said mayor aldermen and burgesses covenanting duly to keep up and maintain the said ground in all respects free of expense to the hospital and suitably to the purposes for which such ground shall have been so granted and by way of

compensation for the expenses which the said mayor aldermen and burgesses shall have incurred in forming the said ground and road the trustees shall convey the pieces of land described in the third part of the schedule to the said Scheme annexed subject as therein mentioned to the said mayor aldermen and burgesses:

3. The managers and directors of the said recreation ground shall be the council of the said borough or a committee to be appointed by them:

4. Byelaws and regulations for the said recreation ground may be made and enforced in the manner in that behalf prescribed by the Recreation Grounds Act 1859 or by any Act or Acts for the time being in force amending the same:

5. It shall be lawful for the said mayor aldermen and burgesses acting by the council of the borough at any time hereafter with the sanction of the Charity Commissioners for England and Wales and with the consent of the trustees of the hospital for the time being to change the site of the said recreation ground to one more central as regards the town of Bedford and with such sanction as aforesaid to execute and do all such assurances and things as shall be requisite for carrying such change of site into effect and the provisions herein contained shall extend and apply to the recreation ground so substituted.

Expenses of Act.

7. The excess of the costs of obtaining this Act beyond the said five hundred pounds shall be paid out of the funds of the hospital Pending the carrying out of the sales directed by clause five of this Act the said mayor aldermen and burgesses may borrow the amount required for payment of the said sum of five hundred pounds and for making the said recreation ground and road on the security of the amount to be produced by such sales.

General saving.

8. Saving always to the Queen's most Excellent Majesty her heirs and successors and to all persons and bodies politic and corporate and their respective heirs successors executors administrators and assigns (other than the several persons and bodies corporate who by this Act are expressly excepted out of the general saving) all such estates right title interest property benefit claim and demand whatsoever of in to or out of the estates property and revenues of the hospital or any part thereof as they or any of them had before the passing of this Act or would could or might have hold or enjoy if this Act were not passed.

Exceptions from general saving.

9. The persons and bodies corporate following and their respective heirs successors executors administrators and assigns are

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by this Act excepted out of the general saving in this Act contained and are the only persons bound by this Act All persons and bodies corporate now or hereafter claiming any right title interest power or authority benefit or otherwise under or by virtue of any charter deed or other instrument relating to the foundation or endowment of the Hospital of Saint John the Baptist in the town of Bedford the mayor aldermen and burgesses of the borough of Bedford as patrons of the hospital and advowson of the said rectory and all persons and bodies now or hereafter claiming any interest in the patronage of the hospital and advowson and the rector of the parish of Saint John the Baptist in the town of Bedford.

Act to be printed by Queen's printers and admitted as evidence.

10. This Act shall not be a Public Act but shall be printed by the several printers to the Queen's most Excellent Majesty duly authorised to print the statutes of the United Kingdom and a copy thereof so printed by any of them shall be admitted as evidence thereof by all judges justices and others.

The SCHEDULE referred to in the foregoing Act.

SCHEME.

Charity to be under management of trustees.

1. The Hospital of Saint John the Baptist in Bedford (herein-after called "the hospital") and the lands and property thereof shall be under the management and control of trustees the full number of whom shall be twelve No person shall be appointed a trustee who is not a resident in or a burgess of the borough of Bedford The rector for the time being of the parish of Saint John the Baptist in Bedford shall be a trustee ex officio The remaining eleven trustees shall be from time to time appointed as follows (that is to say):

Five by the council of the borough of Bedford:

One by the governors of the Harpur Trust Bedford:

One by the trustees of such of the municipal charities of Bedford as are connected with the Church of England:

One by the trustees of the other municipal charities of Bedford:

Three by the other or remaining trustees of the hospital for the time being (which expression shall include all continuing trustees of the charity but not retiring trustees):

But so that any appointment by the trustees of the hospital shall be forthwith notified by them in writing to the Charity Commissioners for England and Wales and shall not be valid unless and until the same shall have been confirmed by an order of the said Commissioners under their common seal.

Appointment of new trustees.

2. Whenever a vacancy shall occur in the number of trustees (other than ex officio trustees) either by death or resignation or by refusing declining or becoming incapable to act or ceasing to act for a period of two years (each of which said several circumstances respectively shall disqualify a trustee from continuing to act as such and shall create a vacancy of the office held by the person so disqualified) some fit and proper person shall be appointed as herein-before mentioned to supply such vacancy but the acts and proceedings of the trustees for the time being shall be valid notwithstanding any vacancy or vacancies in their number.

Meetings of trustees.

3. The trustees shall hold not less than four general meetings in each year for transacting the business of the charity which shall be held at such convenient place as the trustees shall determine and such meetings shall be held on the third Wednesday in the months of January April July and October respectively unless the trustees shall in any year appoint some other days for the holding thereof and notice of every meeting not being an adjourned meeting shall be given by the secretary or clerk in writing to each trustee seven clear days at least before the time appointed for holding the same Such notice may be delivered at or sent by post to the residence of each trustee.

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Quorum and proceedings at meetings.

4. At every meeting any three of the trustees shall form a quorum In their absence and so soon after the time fixed for the holding of any meeting as a sufficient number of trustees shall be present to form a quorum they shall proceed to elect a chairman from amongst the trustees present and in the event of an equality of votes on the election of chairman the question shall be decided between the persons proposed by lot.

The acts and proceedings of a majority of votes at any meeting properly held shall be binding on the whole of the trustees but the trustees or the majority of them present at any subsequent meeting duly held shall have power from time to time to alter or rescind any resolution or direction which may have been come to or given at any previous meeting provided that seven days' notice in writing shall be given in manner aforesaid to each trustee of any motion to alter or rescind any such resolution or direction.

The chairman of every meeting shall in the event of an equality of votes have in addition to his original vote a second or casting vote.

If at any time there shall not after the space of half-an-hour from the time appointed for holding any meeting be a sufficient number of trustees in attendance to form a quorum the trustees or trustee who shall be present or if there be none present the secretary or clerk may adjourn the meeting until some subsequent day The trustees may likewise adjourn any meeting as they may think fit Three clear days' notice of any adjourned meeting shall be given to each trustee by the secretary or clerk in the manner herein-before directed.

Special meetings.

5. Special meetings of the trustees may at any time be called on the requisition in writing of two or more trustees and the secretary or clerk on the receipt of such requisition shall duly convene such meeting by giving the requisite notice in writing to each trustee which notice shall specify the object time and place of the meeting No business shall be transacted at a special meeting other than that which shall be mentioned in such notice Special meetings may be adjourned in the same manner as ordinary meetings.

Power to appoint a committee.

6. The trustees may at any ordinary or special meeting appoint from their own body as there may be occasion three or more trustees to be a committee for the purpose of making any inquiry or performing any duty which in the opinion of the trustees would be more efficiently executed by a committee but the acts and proceedings of such committee shall be submitted to the next general meeting for confirmation.

Minute and account books.

7. The trustees shall provide a minute book wherein shall be entered a minute of their proceedings at every meeting which minute shall be signed by the chairman of such meeting or of the next succeeding meeting and in which book shall also be entered the reports of the committees appointed by the trustees The trustees shall likewise provide all necessary account books wherein shall be entered an account of the receipts and payments on behalf of the charity.

Secretary or clerk.

8. The trustees may if they shall see fit appoint some fit and proper person to execute the office of secretary or clerk to the trustees during their pleasure and may allow any such secretary or clerk for his care and pains in the

performance of his office such annual sum as they shall think fit not exceeding the sum of four pounds per cent. per annum on the gross income of the charity.

His duties.

9. The duties of the secretary or clerk shall be to attend the trustees at their meetings to attend and give information to any committee of the trustees to keep the accounts of the charity and to furnish and send duplicates or true copies thereof in manner directed by the Charitable Trusts Acts or otherwise for the time being by law required to preserve subject to the direction of the trustees all vouchers for payments made on behalf of the charity to enter into the minute book the minutes of every meeting of the trustees and the reports of every committee that may be appointed and to perform all such other duties appertaining to the office of secretary or clerk in respect of the charity and the management thereof as the trustees shall direct or are by this Scheme directed.

Receiver.

10. The trustees may if they think proper from time to time appoint some fit and proper person to be receiver of the rents and profits of the charity estates who shall hold office at the pleasure of the trustees and give such security for the due performance of his duties as the trustees shall think necessary The trustees may allow to the receiver such sum not exceeding five pounds per cent. per annum on the sums actually received by him as they shall think fit.

Duties of receiver.

11. The duties of the receiver shall be to collect and get in the rents and profits of the charity estates to pay the moneys which may from time to time come to his hands to the bankers of the trustees to see that the tenants properly cultivate the lands and perform their covenants and engagements and that the buildings belonging to the charity are kept properly repaired and insured once in every half-year to render to the trustees an account of his receipts and payments with vouchers for such payments and also a report showing the state and condition of the charity estates and the buildings thereon and to attend on the audit of the accounts.

Power to combine offices of secretary or clerk and receiver.

12. The trustees may if they shall think it expedient appoint one person to execute the two offices of secretary or clerk and receiver and may in that event allow to him in respect of the combined offices such sum not exceeding seven pounds per cent. per annum on the sums actually received by him as they may see fit.

Bankers.

13. The trustees shall appoint as their banker or bankers some responsible joint stock banking company or some fit and responsible person or persons carrying on the business of bankers with whom shall be deposited all moneys of the charity and they shall change such banker or bankers at any time if they shall see fit.

Cheques.

14. All payments on account of the charity shall be made by cheques or orders of at least two of the trustees countersigned by the secretary or clerk and no such cheque or order shall be signed or countersigned except under the authority of an order of the trustees at a meeting duly convened Provided that the trustees may make provision for small and casual payments by giving the secretary or clerk from time to time a cheque for petty cash for

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such amount not exceeding twenty pounds as they may think necessary of which he shall duly dispose and for which he shall account.

Box to be provided.

15. The trustees shall provide out of the funds of the charity a fire-proof box or safe with two keys and a secure lock which shall be deposited in such secure place as the trustees shall select and in such box or safe shall be deposited the account books deeds writings and other documents belonging to the charity together with a list thereof signed by the secretary or clerk and such box or safe shall be kept locked and one key thereof be kept by the secretary or clerk and the other by such one of the trustees as the majority of them present at any meeting shall direct.

Trustees not to hold charity property.

16. No person shall act as a trustee who shall directly or indirectly take a lease of or hold or occupy any property belonging to the charity for his own benefit or hold any office of profit or emolument under the trust nor shall any trustee transact any business for the charity for profit.

Custody of the corporate seal.

17. The trustees shall have the custody of the common seal of the master and co-brethren of the Hospital of Saint John the Baptist and shall be at liberty when requisite to use the corporate seal and the corporate name.

Trustees to let and manage estates.

18. The trustees shall let and manage the estates and property of the hospital to the best advantage and may grant leases of the charity estates for terms not exceeding twenty-one years in possession and without taking any fine or premium but not for any longer period except with the approval of the Board of Charity Commissioners for England and Wales or of some court of competent jurisdiction.

Trustees to keep premises repaired and insured.

19. The trustees shall cause to be kept in good repair and insured against loss or damage by fire all buildings on the charity estates including whilst the Reverend Henry Pearse shall continue master of the hospital the house and buildings which he shall be entitled to occupy under this Scheme and the expenses thereof and the ordinary expenses attending the execution of the trust shall be paid by the trustees out of the same charity.

Present master's salary, &c.

20. So long as the Reverend Henry Pearse shall continue rector of the parish of Saint John the Baptist and master of the hospital he shall be at liberty to occupy the dwelling-house known as Saint John's Rectory with the gardens buildings and lands mentioned and described in the second sub-section of section four of the foregoing Act and shall receive as his stipend as from the sixth day of April one thousand eight hundred and eighty the annual sum of four hundred and fifty pounds out of the income of the charity by equal half-yearly payments in full of all allowances.

Future payment to rector of Saint John's parish

21. After the termination of the incumbency of the Reverend Henry Pearse there shall be paid out of the revenues of the hospital to the rector for the time being of the parish of Saint John the Baptist the yearly sum of three hundred and fifty pounds by equal half-yearly payments clear of all deductions (except income tax) and the office of master of the hospital shall not be filled up The Reverend Henry Pearse and all future rectors of the said parish of Saint John shall pay all the principal and interest which during their respective incumbencies shall become due to the Governors of the Bounty of Queen Anne for the augmentation of small livings by virtue of an indenture dated the

twenty-ninth day of October one thousand eight hundred and fifty and made between the Reverend Henry Pearse of the one part and the said governors of the other part. A.D. 1881.

Recreation ground.

22. The piece of land described in the first part of the schedule to this Scheme annexed and containing sixty-one acres one rood and thirty-seven perches shall be devoted to the purpose of a public recreation ground for the town of Bedford in manner following (that is to say):

1. The trustees of the hospital shall permit the mayor aldermen and burgesses of Bedford acting by the council of the borough to enclose fence drain plant lay out and form the said piece of land free of expense to the hospital as a ground for the purposes mentioned in the Recreation Grounds Act 1859 as soon as possession can be lawfully obtained and shall also permit the said mayor aldermen and burgesses at the cost of the said mayor aldermen and burgesses to form the pieces of land described in the second part of the schedule to this Scheme annexed into a road or highway communicating at the west end thereof with the Cemetery Road and at the southern extremity of the branch of the said intended road which will run from north to south with any road which may hereafter be made over adjoining land of the hospital and to properly pave sewer and metal the said road and provide the same with means of lighting and do all things necessary to make the said road a public highway repairable by the inhabitants at large.

2. When the said recreation ground shall have been so formed and the said road shall have been completed and have become a highway repairable by the inhabitants at large the trustees shall convey the land forming the said recreation ground (with such reservations and subject as in the said schedule mentioned) to the said mayor aldermen and burgesses in fee simple to be held as a public ground for all the purposes of the Recreation Grounds Act 1859 the said mayor aldermen and burgesses covenanting duly to keep up and maintain the said ground in all respects free of expense to the hospital and suitably to the purposes for which such ground shall have been so granted and by way of compensation for the expenses which the said mayor aldermen and burgesses shall have incurred in forming the said ground and road the trustees shall convey the pieces of land described in the third part of the schedule to this Scheme annexed subject as therein mentioned to the said mayor aldermen and burgesses.

3. The managers and directors of the said recreation ground shall be the council of the said borough or a committee to be appointed by them.

4. Byelaws and regulations for the said recreation ground may be made and enforced in the manner in that behalf prescribed by the Recreation Grounds Act 1859 or by any Act or Acts for the time being in force amending the same.

5. It shall be lawful for the said mayor aldermen and burgesses acting by the council of the borough at any time hereafter with the sanction

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of the Charity Commissioners for England and Wales and with the consent of the trustees of the hospital for the time being to change the site of the said recreation ground to one more central as regards the town of Bedford and with such sanction as aforesaid to execute and do all such assurances and things as shall be requisite for carrying such change of site into effect and the provisions herein contained shall extend and apply to the recreation ground so substituted.

Existing pensioners.

23. The three existing pensioners of the hospital shall continue to be paid the sum of two shillings and sixpence per week each and also the sum of one shilling each on Saint John's Day and one shilling each on Saint Thomas's Day as heretofore.

Recoupment of capital fund applied in payment of costs.

24. The trustees shall annually set apart the sum of one hundred pounds out of the income of the charity and invest and accumulate the same and the resulting income until the accumulated fund shall amount to two thousand nine hundred and ninety-three pounds and fivepence being the sum expended out of capital for costs prior to the date of this Scheme and the said sum of two thousand nine hundred and ninety-three pounds and fivepence when so raised and recouped shall be treated and dealt with as part of the capital funds of the charity.

Application of remaining income.

25. Subject as aforesaid the net annual income of the property of the hospital after answering the purposes mentioned in clauses nineteen twenty and twenty-one of this Scheme shall be expended at the discretion of the trustees in all or any one or more of the following modes of application (that is to say)

1. The granting of pensions to deserving and necessitous inhabitants of the borough of Bedford who shall have been born in the borough and shall have resided in the borough for not less than fifteen years next preceding the time of their appointment who shall not during that period have received poor law relief other than medical relief and who from age ill health accident or infirmity shall be unable to maintain themselves by their own exertions such pensions not to exceed the amounts following viz.—

   Fifteen pounds per annum for single persons or widowers or widows without children dependent on them for support.

   Twenty pounds per annum for persons having a husband or wife living but no children dependent on them and

   Twenty-five pounds per annum for persons having a child or children dependent on them.

Provided that such pensions shall only be granted after a full investigation of the character and circumstances of the applicants such investigation resulting in proof that the intended pensioner has lived with reasonable providence and has no relations able and liable to support him or her.

In case of equality of claims preference shall be given to those who have been longest resident in the borough of Bedford The pensions so granted shall be for life Provided always that the trustees may at any time revoke the grant of a pension the holder of which shall

be proved to their satisfaction to have been guilty of serious misconduct or to have become possessed of sufficient means to support himself or herself.

2. Contributions towards the purchase of annuities present or deferred for the benefit of persons qualified according to the provisions of sub-section 1 of this clause or in aid of income or other means of support possessed by such persons and which shall be proved to the satisfaction of the trustees to have been acquired by the personal exertions of those possessing them.

3. The payment of exhibitions tenable at any place of education higher than elementary or of technical or industrial instruction to be approved by the trustees by children who shall for not less than six years have attended some public or other efficient elementary school in the town of Bedford such exhibitions to be of such amounts and to be awarded and held for such periods and subject to such regulations and conditions as the trustees shall from time to time determine.

4. Payment of subscriptions or donations in aid of any dispensary infirmary hospital or convalescent institution or in aid of any institution for providing nurses from or by means of which poor inhabitants of Bedford may receive benefit.

Provided always that all assistance to be given out of the funds of the charity shall be given on such principle and in such manner as shall be calculated to afford most encouragement to provident habits and without reference to the religious belief or political opinions of the persons relieved.

Scheme to be printed

26. This Scheme to be printed and a copy thereof given to every person who shall be or become a trustee of the charity.

The SCHEDULE to the foregoing Scheme.

First Part.

A piece of land situate in the parish of St. Peter Martin in the borough of Bedford in the county of Bedford containing sixty-one acres one rood and thirty-seven perches bounded on the west by the Cemetery Road on the north by the property of the Burial Board for the borough of Bedford and by other land of the hospital late in the occupation of George Higgins on the north-east and south-east by land belonging or reputed to belong to Morgan Hugh Foster and on the south by the land described in the second part of this schedule and which said piece of land with the boundaries and dimensions thereof is more particularly shown on the plan annexed to this scheme and is thereon coloured green Excepting and reserving nevertheless to the owners and occupiers for the time being of the said land of the hospital late in the occupation of George Higgins a free right of carriage and other way for all purposes to and from the Cemetery Road of the clear width of fifteen feet and the length of one thousand five hundred and twenty feet measuring from the Cemetery Road along the fences separating the land herein-before described from the property of the Bedford Burial Board and the last-mentioned land

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of the hospital and the right to lay and maintain sewers and drains over the land over which the said right of way extends and also the use for all purposes of all drains sewers and watercourses convenient to be used with the said last-mentioned land of the hospital and now or at any other time hereafter passing through or under the land herein-before described.

Second Part.

A piece of land situate in the same parish containing six acres two roods and twenty-four perches lying between the piece of land described in the first part of this schedule on the north and the piece of land next mentioned and the two pieces of land comprised in the third part of this schedule on the south and another piece of land containing one rood and eleven perches situate in the same parish and lying on the south side of the piece of land last mentioned and bounded on the east and west by the pieces of land described in the third part of this schedule and on the south by other lands of the said hospital and which said pieces of land with the boundaries and dimensions thereof are more particularly shown on the said plan and are thereon coloured pink.

Third Part.

A piece of land situate in the same parish containing one acre and sixteen perches bounded on the west by the Cemetery Road on the north and east by the pieces of land described in the second part of this schedule and on the south by other land of the said hospital and another piece of land situate in the same parish containing seven acres one rood and thirteen perches bounded on the west north and north-east by the lands described in the second part of this schedule and on the south by other lands of the said hospital and by land belonging to the rector of the parish of Saint Peter's Bedford and which said pieces of land with the boundaries and dimensions thereof are more particularly shown on the said plan and are thereon coloured pink subject to all rights of way and other easements if any to which the said pieces of land are subject and excepting and reserving to the owners and occupiers for the time being of the land of the hospital lying to the south of the three last-mentioned pieces of land the use for all purposes of all drains sewers and watercourses convenient to be used with the said last-mentioned land of the hospital and now or at any time hereafter passing through or under the land herein-before described.

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