CHAP. cxvii.

An Act for confirming a Scheme of the Charity Commissioners for certain charities in the parishes of Saint Olave and Saint John in the borough of Southwark. [14th July 1870.] A.D. 1870.

WHEREAS the Charity Commissioners for England and Wales, in their report to Her Majesty of their proceedings during the year one thousand eight hundred and sixty-nine, have reported that they have provisionally approved and certified (among other schemes for the application and management of charities) a scheme for certain charities belonging jointly to the parishes of Saint Olave and Saint John in the borough of Southwark, and for several charities belonging exclusively to the said parish of Saint John, and such scheme is set out in the appendix to their said report: 17th Report, dated 26th February 1870.

And whereas it is expedient that the said scheme as the same is set out in the schedule to this Act should be confirmed:

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:

1. The said scheme shall be confirmed and take effect. Scheme confirmed.

SCHEDULE to the Act.

In the matter of the several charities belonging jointly to the parishes of Saint Olave and Saint John in the borough of Southwark, and also of several charities belonging exclusively to the said parish of Saint John.

Scheme for the Management and Regulation of the above-mentioned Charities.

PART I.

Constitution of Trustees and Management Clauses.

Trust.

1. The charities shall be called "The United Charities of Saint Olave and Saint John, Southwark," and shall be administered by a body of trustees, whose full number shall be sixteen. Of these there shall be six entitled to act ex-officio and ten non-official; and of the non-official trustees six shall be elective and four permanent.

Ex-officio trustees.

2. The rectors, the senior churchwardens, heretofore called the rental wardens, and the senior overseers of the poor of the said parishes of Saint Olave and Saint John shall be the six ex-officio trustees.

Qualifications of non-official trustees.

3. The non-official trustees shall be persons able and willing to discharge the duties of the trust, and shall be resident in London or within a convenient distance of it.

First creation of non-official trustees.

4. At the annual Easter meeting of the vestry of each parish which shall take place next after the establishment of this scheme, five persons shall be elected trustees by the vestry of the parish of Saint Olave, and five by the vestry of the parish of Saint John, and of such five persons in each parish three shall be declared at the time of election to be elective trustees, and two to be permanent trustees.

Duration and succession of elective trustees.

5. One of such elective trustees in each parish shall go out of office in every year, but shall be eligible for re-election. The rotation in which the three first elective trustees in each parish shall go out of office shall be decided by lot. Subsequent elective trustees shall go out of office in rotation according to the date of their election, one in each parish going out at Easter every year, and the vacancies so created shall thereupon be filled up by the vestry of each parish at its Easter meeting.

6. If any elective trustee dies, or ceases to be a trustee otherwise than by his retirement in course of rotation, the vestry of the parish by whom such trustee was elected shall at their next Easter meeting elect another person to be

a trustee in his place; and every trustee elected to supply any such casual vacancy shall go out of office at the time when the term of office of the trustee in whose place he is elected would have expired in course of rotation.

Duration and succession of permanent trustees.

7. The permanent trustees shall continue trustees for life, or until their offices become otherwise vacant, as mentioned in clause eight of this scheme. And upon any vacancy in the post of a permanent trustee a new trustee, qualified as aforesaid, shall be appointed by the other trustees at their first meeting which shall be held after the lapse of one calendar month, by a resolution to be forthwith notified by them, with all proper information, to the Charity Commissioners for England and Wales, at their office in London; but no such appointment shall be valid until it has been approved by the said commissioners, and their approval certified under their official seal.

What shall vacate the post of a non-official trustee.

8. If any non-official trustee shall resign his office, which he may do by writing addressed to the trustees, or shall become bankrupt or incapacitated to act, or shall cease to be resident in London or within a convenient distance of it, or shall not attend any meeting of the trustees during a consecutive period of two years, the trustees shall cause a record of the fact to be entered in their books, and upon such record being entered the trustee to whom it applies shall immediately cease to be a trustee.

9. If any person, being already a non-official trustee, enters upon an office entitling him to be an ex-officio trustee, the number of trustees shall during such union of characters be considered as reduced by one, and the person filling two characters shall not on that account be entitled to more than one vote.

General meetings.

10. The trustees shall hold a general meeting once at least in every calendar month, to transact the general business of the charities, which meeting shall be held on the first Monday in the month, or on such other stated day as the trustees shall from time to time determine. The meetings of the trustees shall be held in the vestry hall of Saint Olave, or in such other convenient place within one of the said two parishes as the said trustees shall from time to time determine.

Special meetings.

11. A special meeting may at any time be summoned on the requisition of any three trustees, and the clerk shall issue summonses for such special meeting, whenever he may be required so to do by notice in writing given by any three trustees, specifying the object for which such special meeting is summoned; provided that at least two clear days' notice in writing of such special meeting, and of the object for which it is summoned, shall be left at or sent by post to the residences of the other trustees; and provided that no business shall be transacted at such special meeting other than the business specified in the notice thereof.

Chairman and vice-chairman.

12. A chairman and vice-chairman shall be elected by the trustees from among their number annually at the first meeting in every year. One of them shall be taken from the official or elective trustees of one parish, and the other from those of the other parish; subject to this regulation, either or both of them may be re-elected.

Resignation by chairman and vice-chairman.

13. The chairman or vice-chairman may resign by notice in writing given to the clerk of the trustees.

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Vacancies in office of chairman and vice-chairman.

14. Any vacancy in the office of chairman or vice-chairman occurring by the holder of the office resigning the same, or ceasing to be a trustee, shall be filled up by the election of a duly qualified trustee. Such election shall take place either at the next ordinary meeting or at a meeting specially convened for that purpose.

Quorum.

15. At every meeting five trustees shall be a quorum.

Chairman.

The chairman, or in his absence the vice-chairman, shall take the chair at the time appointed for holding the meeting; but if neither of them be present within five minutes after that time, the trustees then present shall elect one of themselves as chairman of the meeting; and in the event of an equality of votes in the election of chairman the question shall be decided by lot between the candidates having such equality of votes. The chairman of the meeting (whether the chairman or vice-chairman of the trustees, or a chairman elected for the occasion,) shall in case of equality of votes have a second or casting vote.

Majority to bind.

16. The acts of a majority of the trustees present at any meeting properly held shall bind the whole body.

Postponement of meetings.

17. If five trustees shall not appear within fifteen minutes from the time appointed for holding any meeting, either general or special, the trustee or trustees present may postpone such meeting until a subsequent day, provided that notice of such postponement shall be given or sent by post by the clerk to each trustee.

Adjournment of meetings failing quorum.

18. If no trustee shall appear within fifteen minutes of the time appointed for holding any of the general monthly meetings, the clerk shall adjourn the meeting to a day not more than seven days later than that from which it is adjourned, and shall forthwith send notice thereof to all the trustees.

Adjournment of meetings to complete business.

19. Any meeting of the trustees may be adjourned by a majority of the trustees present, at such time and place within the said two parishes or one of them as they may think fit, provided that notice of the adjourned meeting (and, if the majority of the trustees present shall so direct, of the matter or matters to be considered thereat,) shall be given or sent by post by the clerk to all the trustees, and provided that the trustee who was chairman of the original meeting shall, if present at the time appointed, be ipso facto chairman of the adjourned meeting, and if he be not present the same rule shall apply as if the adjourned meeting had been an original meeting.

Treasurers.

20. The chairman and vice-chairman for the time being of the trustees shall be joint treasurers, and all cheques or orders for the payment of money shall be signed by one of them, and countersigned by the clerk. No such cheque or order shall be signed save on the authority of a vote of a meeting, and except by such a cheque or order so signed no payment shall be made out of the funds belonging to the said charities.

Auditors.

21. Auditors shall be appointed annually. The trustees shall appoint one, and the vestries of the respective parishes shall appoint one each; and the said auditors shall audit the accounts of the said trustees to the thirty-first December

in every year, and a balance sheet of the same shall be deposited by the trustees at the office of the vestry clerk of each parish, on or before the twenty-fifth March following.

Minute and account books.

22. The trustees shall provide a minute book, wherein shall be entered a minute of their proceedings at every meeting, and shall provide all necessary account books, wherein shall be entered an account of the receipts and payments on behalf of the several charities respectively, which accounts shall be kept separate.

Clerk.

23. The trustees shall appoint a clerk, who shall hold office during the pleasure of the trustees, and who shall receive such salary as the trustees may from time to time think fit. The clerk shall keep the accounts of the charities, and receive the rents and income, and make the several payments thereout, under the immediate control and superintendence of the trustees, who shall be responsible for the due application by him of all such moneys; and he shall perform such further duties connected with the administration of the charity as shall be reasonably required of him by the trustees.

Other officers.

24. The trustees may also appoint such other officer or officers, if any, as shall be necessary for the purposes of the trust, and pay them such salary or salaries as they may from time to time think fit.

Management of estates.

25. The trustees shall have the sole management and the letting of the properties of the said several charities mentioned in the first schedule hereto, and the sole receipt and application of the rents and income thereof, to the exclusion of all trusts and powers heretofore vested in or exercised by the rector and churchwardens, or churchwardens and overseers, or other inhabitants of the said parishes or either of them.

Letting of estates.

26. All the estates and property of the charities not required to be retained or occupied for the purposes thereof shall be let and otherwise managed by the trustees, or by their clerk and treasurer acting under their control and superintendence, as herein-before provided, who shall receive all the income; and in every case public notice of the intention to let any land or other property shall be given by the trustees in the parishes of Saint Olave and Saint John, and also in the parish or parishes in which such land or property shall be situate, in such manner as the trustees shall consider most effectual for giving full publicity to such intention.

Powers of dealing with property.

27. The powers of the trustees to let, sell, exchange, mortgage, or otherwise dispose of the lands belonging to the charities shall be the ordinary powers appertaining by law to trustees of charities, and subject to the provisions of the Charitable Trusts Acts.

Vesting property.

28. All lands and hereditaments, not being copyhold, belonging to or held in trust for the charities, and all terms, estates, and interests therein, shall, from and after the passing of this scheme, vest in "The Official Trustee of Charity Lands" and his successors in trust for the charities; and all stock

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in the public funds and other securities shall be transferred to and vest in "The Official Trustees of Charitable Funds," by whom the dividends and income arising therefrom shall be from time to time paid to the local trustees or their order.

PART II.

Administration and Application of Income.

Payment of outgoings.

29. The trustees shall pay the salaries and remuneration of their clerk and other officers, and the other general expenses of and incident to the common administration of all the several charities in the first and second schedules mentioned, out of the income of such several charities, and shall pay any other special expenses, if any, which may attend the management and receipt of the rents and income of any of the said charities in particular, out of the income of such charities respectively, and shall apply the remaining net rents and income of the several charities in manner following:

Application of charities.

30. As to Searle's gift for sermons, and the rentcharges payable by the governors of the grammar school for repairing and adorning the parish churches of Saint Olave and Saint John:

The clear income of these charities shall be applied by the trustees to the several purposes to which the same are now applicable.

31. As to all the other charities mentioned in the first and second schedules hereto:

The clear income of these charities which shall remain after payment thereout of all necessary and proper outgoings and expenses of management shall be applied by the trustees in one or more of the following modes:

32. Such income may be applied to the benefit of the most deserving and necessitous inhabitants of the parishes of Saint Olave and Saint John, Southwark. The recipients shall be selected by the trustees, who shall provide them with clothing, bedding, fuel, medical or other aid in sickness, food or other articles in kind, or with pecuniary aid in special cases, as shall be considered by the trustees to be most advantageous to them, and that either directly or by aiding the funds of any clothing or other parochial clubs or associations to which they belong, the objects of which shall be to provide them with like benefits, but so nevertheless that no funds of the charity shall be applied directly or indirectly with the view of relieving or diminishing the poor rates of the said parishes:

33. The trustees may, in their discretion, apply such portion of the income as they think fit in annual subscriptions or donations in aid of the funds of any convalescent or other hospital or infirmary, in consideration of any reasonable arrangements to be made for the benefit of the poor of the parishes of Saint Olave and Saint John, Southwark:

34. The trustees may, in their discretion, apply such part of the income as they think fit towards the support of any school or schools for the education of

the poorer classes residing in the said parishes of Saint Olave and Saint John, so long as every such school shall be efficiently and properly conducted, and there shall not be any rule or practice in the management thereof which shall operate to exclude any children from admission thereto upon the sole ground of their particular religious creed or persuasion :

35. Or the trustees may, in their discretion, select boys or girls from among the most meritorious children at any such school, and award them small annual payments or exhibitions with the view of assisting or inducing the parents of promising scholars to continue their general education to a somewhat later period of life.

Repeal of Acts.

36. Such portions of the Acts sixth George Second, chapter eleven, and ninth George Fourth, chapter forty-five, as are inconsistent with the provisions of this scheme, shall be and the same are hereby repealed, provided that this repeal shall not affect the validity of anything already done or suffered, or any remedy or proceeding in respect thereof.

37. This scheme shall be printed, and copies thereof sold at such reasonable price as the trustees may direct.

Variation of scheme.

38. This scheme may from time to time be amended or altered under any jurisdiction empowered to establish schemes for the administration of endowed charities in England, as effectually as if the trusts hereby created had been established by the respective founders or under any such ordinary jurisdictions as aforesaid.

The FIRST SCHEDULE above referred to.

The Walcot Estate.

Description of Property.	Purposes to which applicable.
A freehold estate situate in the parish of Saint Mary, Lambeth, in the county of Surrey, consisting of— Thirteen houses, 114 to 126 inclusive, on the south-east side of Lambeth Walk. Thirty-four houses, 1 to 34 inclusive, on the south-west side of Walnut Tree Walk. Fourteen houses on the north-east side of Walnut Tree Walk, 53 to 66 inclusive. Eighteen houses on the west side of Kennington Road, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 148, 150, 152, 154, 156, 158, and 160. A small piece of ground, being part of the forecourt of the house 162 on the west side of Kennington Road. An angular piece of ground in front of No. 175, Kennington Road.	To and amongst the most needy and poor people of the parishes.

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RED ROSE CHARITY.

Description of Property.	Purposes to which applicable.
A leasehold estate in the parish of Saint John, Horselydown, Southwark, in the county of Surrey, held under a lease dated the 3rd October 1656, for the term of 500 years from Midsummer Day then last, at the yearly rent of a red rose, from the governors of the possessions, revenues, and goods of the Free Grammar School of Queen Elizabeth, of the parishioners of the parish of Saint Olave, Southwark, aforesaid, the particulars of which are as follows: A builder's warehouse next Saint John's churchyard in Fair Street. Three houses adjoining, being Nos. 6, 5, and 4, and a carpenter's shop next No. 4. Four houses and chapel in Fair Street, known as Nos. 69, 70, 71, and 72. Seven tenements in Artillery Lane, Fair Street. Six houses in Fair Street, Nos. 73, 74, 75, 76 (a public-house called the "Duke of York"), 77, and 78 (a public-house called the "King of Prussia"), and two houses adjoining in Parish Street, Nos. 41 and 40.	To and amongst the most needy and poor people of the parishes.
A leasehold estate in the parish of Meopham in the county of Kent, demised by the said governors by indenture, dated the 5th August 1846, for the term of 310 years, at the yearly rent of a red rose. The estate consists of a messuage, barn, and 16 acres and 2 perches of land.	
Another leasehold estate situate at Culverstone Green in the said parish of Meopham, and adjacent to the above estate, demised by the said governors for the term of 307 years from the 24th June 1849, at the yearly rent of a red rose. The estate consists of a beershop called the "Plough," with the brew-house, outhouse, stable, garden, and 2 a. 3 r. 9 p. thereto belonging.	
A leasehold estate, consisting of 86 acres of land, situate in the parish of Rudgwick in the county of Sussex, demised by the said governors by indenture, dated the 20th June 1854, for 302 years, at the yearly rent of a red rose.	

Dowsett's Charity.

Description of Property.	Purposes to which applicable.
The perpetual rents, amounting to 5*l.* 8*s.* per annum net.	Towards a free school in the parishes for the poor men's children of the parishes, and to 40 poor marriages in the parishes, and for faggots and coals yearly amongst the poorest people in the parishes.

Scragg's Charity.

Ditto, 6*s.* 8*d.* per annum - -	Amongst the householders of the parishes.

Skydmore's Charity.

Ditto, 1*l.* per annum - -	Amongst the poor people in the parishes in coals or other fuel in October.

Swaine's Charity.

Ditto, 5*s.* per annum - -	To the poor of the parishes.

Bridge House Charity.

Ditto, 2*l.* 13*s.* 4*d.* per annum - -	Ditto.

Turville's Charity.

Perpetual annuity of 5*l.* per annum -	Amongst the poorest and most needy in the parishes.

Terrell's Charity.

Ditto, 5*l.* per annum - -	In coals amongst the poor people of the parishes.

Henry Smith's Charity.

Fee-farm rent, 30*l.* per annum - -		Poor of the parishes.
Addition thereto, under Order of Chancery, dated June 1854, amounting per year ending 31st December 1863 to - -	22*l.* 19*s.* 6*d.* per ann.	Ditto.

Paradine's and Somers's and other Charities.

Lands containing 29a. 3r. 24p., in Westley and Fornham All Saints, county of Suffolk.	Annual rent, 55*l.*	Ditto.

Blackman's Charity.

Three pieces of land containing 8a. 1r. 30p., at Sydenham in the parish of Lewisham in the county of Kent - - -	Annual rent, 36*l.*	Ditto.

MARSHALL'S CHARITY.

Description of Property.		Purposes to which applicable.
Leasehold house at the corner of Horselydown Lane and Queen Elizabeth Street, held under indenture dated 2nd April 1667, for a term of 493 years from Michaelmas 1667, at the yearly rent of 1*s.* 4*d.* - -	Annual rent 26*l.*	Godly poor of honest life and conversation, and of good reputation, of the parishes, in bread or money therein, to be called the "Gift of God's Providence."
39*l.* 5*s.* 6*d.* consols - - - -		Ditto.

MANN'S CHARITY.

Fee-farm rent, 10*l.* per annum - -	Poor of the parishes.

HOSKIN'S CHARITY.

Ditto, 2*l.* per annum - - - -	To the use of the ancient and poorest people inhabiting in the parishes on St. Thomas' Day.

WHITWORTH'S GIFT.

Fee-farm rent, 2*l.* per annum - -	Among 20 poor old men or women of the parishes half-yearly, on the 14th day after Michaelmas and Lady Day.

BARNARD HYDE'S CHARITY.

Fee-farm rent, 4*l.* 10*s.* per annum, payable every tenth year.	Among 54 poor widows or maids of the parishes, to enable them to buy clothes or other necessaries.

DICKINSON'S CHARITY.

Alternate payment out of certain rents for apprenticing boys of the parish.	In placing poor children of the parishes apprentices to some handy trade yearly.

SIR JOHN FENNER'S CHARITY.

One undivided 10th of lands at Sproughton near Ipswich.	For the buying and providing yearly of 20 Bibles of the Canonical Scriptures only, of the smallest volume, all printed on good paper and handsomely bound with clasps, to such young persons of the parishes as are not able to buy them books.

MARTIN'S CHARITY.

42a. 1r. 23p. of freehold land called Foreriders, in the parish of Nevendon, county of Essex - - - } Rent 65*l.* 248*l.* 6*s.* 2*d.* consols in the name of the Accountant General of the Court of Chancery. 67*l.* 8*s.* 7*d.* consols in the names of Walker and others.	*Late.*—For buying Bibles in the English language for poor men's children. *For the future.*—To expend out of the income of this charity 20*l.* yearly in buying Bibles in the English language for poor men's children of the parishes, and to apply the residue of the income of this charity for the poor of the parishes.

ROGER HARRY YOUNG'S GIFT.

Description of Property.	Purposes to which applicable.
Messuage in Bermondsey Street - - } Rent 1*l.*	To the churchwardens and overseers for distributing of bread by them for the poor of the parishes.

SIR THOMAS CAMBELL'S GIFT.

The right to an annual supply, by the city of London, of a quantity of coal, now ten tons, subject to an annual payment for the same, now at the rate of 5*l.* 17*s.* 9*d.* per annum.	To the poorest parishioners of the parish at 5*d.* per bushel.

SEARLE'S GIFT.

Fee-farm rent out of lands in Kent, 6*l.* per annum, less land tax.	Three fifths to the rector of St. Olave's, and two fifths to the rector of St. John's for preaching 12 sermons yearly.

RENTCHARGES PAYABLE BY GOVERNORS OF GRAMMAR SCHOOL.

Fee-farm rent, 12*l.* per annum. Ditto, 4*l.* ditto.	Three fifths to the churchwardens of St. Olave's, for repairing and adorning the parish church of St. Olave's, and two fifths to the churchwardens of St. John's, for repairing and adorning the parish church of St. John's.

RENTCHARGE PAYABLE BY MAGDALEN COLLEGE, OXON.

Fee-farm rent out of land in Isle of Ducks, 15*l.* per annum.	For the poor of the parishes.

The SECOND SCHEDULE above referred to.

LEMPRIERE'S CHARITY.

Description of Property.	Purposes to which applicable.
312*l.* 1*s.* 1*d.* consols standing in the names of the Rev. James Ralph and others.	The poor of the parish of St. John.

REGAN'S CHARITY.

269*l.* 5*s.* 6*d.* consols standing in the names of Thomas Starling Benson, Esq., and others.	Such poor persons residing in the workhouse of the parish of St. John as the trustees should think proper.

HAYARDAHL'S CHARITY.

90*l.* new 3*l.* per cents. standing in the names of Thomas Flockton and others.	For bread to be given to the poor of the parish of St. John on Christmas Day.

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