CAP. CXI.

An Act for confirming a Scheme of the Charity Commissioners for *Stoke Poges* Hospital in the County of *Bucks*, with certain Alterations. [29th *July* 1856.]

3d Report, dated 28th Feb. 1856.

'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 Fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the Hospital of the Lord *Hastings* of *Loughborough*, founded in *Stoke Poges* in the County of *Bucks*, and such Scheme is set out in the Appendix to the said Report: And whereas it is expedient that the said Scheme, as the same, with certain Modifications thereof, is set out in the Schedule to this Act, shall be confirmed and take effect:' 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:

Scheme confirmed.

I. The Scheme set out in the Schedule to this Act shall be confirmed and take effect.

SCHEDULE.

SCHEME.

The corporation dissolved.

1. The existing incorporation of the hospital by the name of "The Master, Brethren, and Sisters of the Hospital of Stoke Poges, in the County of Bucks," or by any other name, shall be dissolved, and the Charity be henceforth regulated and managed according to the provisions of this scheme, all former statutes and provisions for the regulation or government thereof being repealed, and the visitatorial power of the Dean of Windsor and the Provost of Eton College, for the time being, shall absolutely cease and determine.

Appointment of trustees.

2. The Charity and its property shall be under the regulation and management of ten trustees, to be called "The Trustees of Lord Hastings' Hospital of Stoke Poges, in the County of Bucks," of whom the Dean of Windsor, the Provost of Eton College, and the vicar, unless he be master, and two churchwardens of the parish of Stoke Poges, for the time being, shall, by virtue of their respective offices, always be five, and shall be called the official trustees, and the five other trustees shall be persons resident within ten miles from the parish church of Stoke Poges, and shall be called the non-official trustees, and that the following persons shall be the first non-official trustees, namely, the Right Honourable Henry Labouchere, of Stoke Park, in the County of Bucks, Abraham Darby, of Stoke Court, in the same county, Esquire, Lieutenant Colonel Richard Howard Vyse, of Stoke Place, in the same county, Robert Harvey, of Langley Park, in the same county, Esquire, and the Reverend John Culling Evans, of Stoke Poges, in the said county of Bucks, Clerk.

Succession of trustees.

3. The death, resignation, bankruptcy, or insolvency of any non-official trustee, or his ceasing to reside within ten miles from the parish church of Stoke Poges, or his refusal or incapacity or neglect for a period of two consecutive years to act as a trustee, shall create a vacancy of his office, and as soon as conveniently may be thereafter the remaining trustees, official and non-official, at a regular meeting of their body, shall nominate some fit person resident within ten miles from the parish church of Stoke Poges to fill such vacancy, and such nomination shall be forthwith certified to the Charity Commissioners for England and Wales for their confirmation, and being confirmed by their order shall constitute a complete appointment of such new trustee, and in the mean time the surviving or continuing trustees shall be competent to act.

Estate vested in trustees.

4. All the real estate and rights and privileges of the Charity, subject to the subsisting leases, tenancies, and charges (if any) thereof, and the full benefit of all reservations, covenants, conditions, and securities made or reserved to the said master, brethren, and sisters, and a right to recover, sue upon, and enforce the same respectively, and all the personal estate belonging to the Charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall immediately become vested and shall from time to time

time remain vested in the trustees thereof for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance, and all contracts and liabilities of the said master, brethren, and sisters before their dissolution shall be enforceable against the trustees of the Charity for the time being to the extent of the property or assets thereof, but not against the private estates of such trustees.

Houses and buildings to be kept repaired and insured.

5. The hospital and all houses and buildings belonging to the Charity, which the lessees or tenants thereof shall not for the time being be bound to keep repaired and insured against fire, shall be kept in repair and insured by the trustees out of the income of the Charity.

Trustees to let and manage the property.

6. The trustees shall have the whole management of the Charity estates, and shall let the same, with the exception of the hospital and the buildings, gardens, and appurtenances annexed thereto, and such lands and premises as they shall from time to time think it expedient to retain in hand for the purposes of the Charity, at the best annual rents to be obtained for the same; and no lease of the Charity property shall be granted in reversion after any subsisting term of which more than three years shall be unexpired, or for any life or lives, or for any longer term than twenty-one years from the date thereof, or in consideration of any fine or premium, without the authority of the Board of Charity Commissioners for England and Wales; and every lease of the Charity property shall contain covenants by the lessee for the payment of the reserved rent, and such proper covenants for the repair and insurance of the houses and buildings (if any), or for the due cultivation of the land or management of the property comprised therein, as the lessors shall think necessary for securing the performance of the terms of their contract, and a condition of re-entry on non-payment of the reserved rent or nonperformance of the covenants therein contained.

Leases and other instruments may be executed by any three of the trustees.

7. Leases and other deeds and instruments for the letting or disposition of the Charity Estate executed or made by any three of the trustees for the time being, on behalf and as the act of the whole of them, according to any order of the trustees, made at a regular meeting of their body, shall be as effectual as if executed and made by all the trustees, and the recital of any such order contained in any such lease, deed, or instrument, shall be primâ facie evidence thereof upon any proceedings to which the parties to the same lease, deed, or instrument, or their respective successors in title, shall be parties or a party.

No trustee to hold Charity property.

8. No trustee shall become a tenant or occupier of, or beneficially interested in the Charity Estate, or any part thereof, except with the approbation of the Charity Commissioners for England and Wales, and no trustee shall become master or officer of the Charity: Provided always, that the vicar may be appointed master of the said hospital, but shall thereupon cease to be a trustee.

Stock to be transferred to official trustees.

9. All stock held in trust for the Charity, or for any members or objects thereof, shall be transferred to the official trustees of Charitable Funds, by whom the dividends thereon shall be remitted from time to time to the acting trustees of the Charity upon the receipt of any one or more of them, in order to be applied upon the subsisting trusts thereof.

Clerk and receiver.

10. The trustees, if they shall find it necessary, may from time to time appoint or employ any fit person as their clerk and receiver, but during their pleasure only, and may pay or allow to him a remuneration for his services not exceeding 10*l.* per annum.

Duties of clerk and receiver.

11. The duties of the clerk and receiver shall be to deliver or send notices of meetings to the trustees, to attend them at their meetings, to enter minutes of their proceedings thereat, to collect and receive the rents and income, and to keep the accounts of the charity, to preserve, subject to the directions of the trustees, all vouchers for payments on behalf of the charity, to make out annually detailed accounts of all receipts and payments in respect thereof, and of its assets and liabilities, or to perform all such of these duties and all such other duties in respect of the charity, as the trustees shall direct.

Notice of Meetings.

12. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the post at his residence three clear days at the least previously to such meeting, and such notice shall specify the place and the day and hour for holding the meeting.

General meetings of trustees.

13. The trustees shall hold not less than two general meetings in each year for transacting the business of the Charity, namely, on the second Thursday after Lady Day and Michaelmas Day respectively, or at such other times within thirty days next after any of the said half-yearly days respectively as the trustees at any previous meeting or meetings of their body shall have appointed for that purpose. All meetings shall be held in the hospital, or in some convenient

convenient place in the parish of Stoke Poges or its vicinity, to be determined from time to time by the trustees.

Special meetings.

14. Any two or more trustees may call a special meeting, and notice in writing shall be delivered or sent as aforesaid to each trustee of the time, place, and object of such meeting, and no business shall be transacted at any special meeting not specified or sufficiently indicated in the notice.

Quorum of trustees at meetings.

15. Three trustees shall form a quorum at any meeting, and as soon after the time fixed for holding the same as a sufficient number of trustees shall be present to form a quorum they shall proceed to elect a chairman from amongst themselves, and in the event of an equality of votes on the election of chairman the choice between the persons proposed shall be determined by lot. The acts of a majority of trustees present at any meeting shall be binding on all, but may be revoked or altered by the trustees, or a majority of trustees, present at any subsequent meeting. 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.

Majority of votes to be binding.

Adjournment of meetings.

16. If after the lapse of one hour from the time appointed for holding any meeting a sufficient number of trustees shall not be in attendance to form a quorum, the trustees, or any one or more of them present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned by a resolution thereof.

Entries and minutes of proceedings and their operation in particular cases, as primâ facie evidence.

17. The trustees shall provide a minute book, wherein shall be entered the names of all trustees of the Charity, together with the time and manner of their respectively becoming and ceasing to be trustees, and there shall also be entered therein the names of the trustees attending each meeting, and minutes of all their acts and proceedings relating to the Charity. The minutes shall be signed by the chairman of the meeting, and shall be admitted for all purposes as primâ facie evidence of the matters recorded therein.

Accounts.

18. The trustees shall provide proper account books, wherein shall be regularly entered and kept accounts of all receipts and payments on behalf of the Charity, and such other particulars as they shall direct. The accounts for each year shall be made up to the same day of every year, to be appointed for that purpose by the trustees, and shall be examined, vouched, and audited at the first general meeting of the trustees to be held thereafter, and shall be signed by the chairman and, at least, one other trustee present at such meeting.

Cheques, &c.

19. All cheques and orders for the payment of money shall be signed by the chairman of a meeting of the trustees and, at least, two other trustees present thereat, and shall be countersigned by the person (if any) filling the office or discharging the duties of clerk.

Custody of documents.

20. The trustees shall provide and keep a box or safe, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the Charity, or such of them as shall not be deposited with the said Charity Commissioners for safe custody, under the provisions of "The Charitable Trusts Act, 1853," and the contents of such box or safe shall be examined by the trustees at least once in each year, and the same shall be kept locked, and the key thereof kept by such person, and subject to such regulations as the trustees shall appoint for that purpose.

Establishment of hospital until the abolition of mastership.

21. The establishment of the hospital shall consist of not less than five poor inmates, and the number of inmates shall from time to time be increased by the trustees, if and as and when the clear income of the Charity for the time being applicable to the benefit of the inmates shall be sufficient to provide the clear sum of seven shillings per week for the benefit of each of them, and other circumstances shall in the judgment of the trustees render such measure expedient.

Master.

22. The master shall be a clergyman of the Church of England, and the Reverend John Alexander Gower, the present master, shall continue to be the master. Each master shall hold his office subject to and in accordance with the provisions of this scheme.

Right of appointing master.

23. The right of appointing the master upon any vacancy shall belong to the person or persons in whom the right of appointing the master of the hospital would have been legally vested derivatively from Lord Hastings of Loughborough, the founder of the Charity, if the incorporation thereof had not been dissolved.

Duties of Masters.

24. The master shall read prayers from the Book of Common Prayer, by himself or his deputy approved by the trustees, in the chapel every morning to the poor brethren and sisters

sisters, subject to the provisions in that behalf herein-after contained, and shall, subject to the general direction of the trustees, have the superintendence, care, management, and control of the poor inmates of the hospital. The present master shall be entitled to the occupation and enjoyment of the residence in the hospital now appropriated to him, with the garden and appurtenances, rent-free, except such parts of the buildings and premises as have been at any time heretofore used or enjoyed by any poor inmates of the hospital, and as the trustees shall think it expedient to re-appropriate to the same purposes, and all future masters shall be entitled to the occupation and enjoyment of the same residence and premises, or so much thereof as the trustees shall not think it expedient to appropriate to the poor inmates, or to any general purposes of the Charity.

Power for master to let his residence, with consent of trustees.

25. The master shall not absent himself from the hospital for any longer period than three calendar months in any year without the permission in writing of the trustees: provided always, that if the vicar of the parish be master, his residence in the vicarage house shall be considered residence for the purposes of this Act, and he may, with the written consent of the trustees, and upon such terms as they may approve, let the house for the benefit of the trust.

Removal of master.

26. The trustees, with the authority of the Charity Commissioners for England and Wales, may remove any master from his office for neglect of duty, incompetence, or other sufficient cause.

Inmates.

27. The present five poor brethren shall continue to be inmates of the hospital, subject to and in accordance with the provisions of this scheme, and all future inmates shall be nominated by the trustees, or, in case the vicar shall be master, then by the trustees and the vicar jointly.

Qualification of inmates.

28. The hospital having been originally founded for four brethren and two sisters, the same proportion between the numbers of male and female inmates shall as nearly as conveniently may be from time to time be preserved, and the inmates at the time of their appointment shall be poor impotent or disabled persons of good character, single (whether having been previously married or not), not less than fifty years of age, natives of or resident for the time being in the parish of Stoke Poges, and who shall not at any time within twelve calendar months next preceding their appointment have been in receipt of parochial relief: provided always, that if any poor brother or sister shall intermarry with any person whomsoever, the place of him or her so marrying shall be deemed to have become vacant, as if he or she were dead.

Rooms.

29. Each inmate shall have the use and occupation of a separate room in the hospital rent-free, to be assigned to him or her by the trustees, and the use in common with the other inmates of the kitchen, scullery, and garden now used by the inmates, subject to such rules and regulations as may be prescribed from time to time by the trustees.

Inmates to reside and not to let their rooms.

30. The inmates shall respectively reside in the hospital, and shall not absent themselves therefrom without the permission of a trustee, and no inmate shall let or part with the possession of his or her room in the hospital.

Power to remove the inmates.

31. It shall be lawful to the trustees to remove any of the inmates for immorality, drunkenness, or quarrelsome behaviour, or for the breach of any of the rules or regulations contained in this scheme, or to be prescribed by the trustees by virtue hereof, or for any other cause which in the judgment of the trustees shall justify such removal.

Allowances to master and inmates.

32. The clear annual rents and income of the Charity which shall remain after providing for the expenses of management, repairs, and insurance, and other necessary outgoings, shall be divided by the trustees into so many equal parts as there are or shall be poor inmates of the hospital for the time being in addition to the master, and one of such parts shall be paid by them to the master in equal half-yearly payments, and the remainder shall be applied by them for the benefit of the inmates in equal shares, either in money payments, or in food, fuel, clothing, or other necessary articles in kind, or partly in money payments and partly in kind, at such periods and in such manner as the trustees shall consider expedient.

Power to employ medical practitioner.

33. The trustees may, if they think fit, from time to time employ a medical practitioner to give all proper medical attendance to the poor inmates, and to supply them with proper medicines and appliances in their sickness or need, and may pay to him therefor any reasonable

able salary or compensation out of those parts of the clear yearly income of the Charity otherwise applicable distributively for the benefit of such poor inmates.

Power to sell Charity property.

34. Upon or at any time after the first avoidance of the mastership, or with the consent in writing of the present master during the period of his holding office, the trustees shall have power, with the consent in writing of the person or persons for the time being entitled to the right of appointing the master, and being of full age, and with the approbation of the Charity Commissioners for England and Wales, to sell the present hospital buildings, and the gardens and ground annexed thereto, or any part of the premises with the appurtenances, and to apply the produce of such sale to the erection and establishment of a new hospital upon some site in the parish of Stoke Poges or its immediate vicinity, to be also bought, if necessary, out of such purchase money, for the reception of the master and poor inmates, or of such inmates solely, as the case may require, and any surplus of such purchase money shall be invested by the trustees in the purchase of real estate, with the approval of the said Charity Commissioners, when any such convenient purchase shall be found, and in the meantime in the public funds, and the rents, dividends, and income arising from such real estate or funds respectively shall be applicable as the other yearly income of the Charity.

Scheme to be printed.

35. This scheme shall be printed, and a copy delivered to every person who shall become a trustee or master of the Charity.

Copies of scheme may be taken.

36. A copy of this scheme shall be kept with the books of account and other documents belonging to the Charity, and every parishioner of Stoke Poges, and other person interested in the Charity, shall be at liberty to take copies of the scheme or any part thereof (upon making an application for that purpose to the trustees) at such times, and subject to such reasonable conditions, as may be prescribed by the trustees.

Doubts and disputes to be decided by the Charity Commissioners.

37. If any doubt or question shall arise amongst the trustees as to the construction or proper application of any of the provisions of this scheme, or the management of the Charity, application may be made by the trustees to the Charity Commissioners for England and Wales for their opinion and advice thereon, which, when given, shall be conclusive on the trustees.

CAP. CXII.

An Act to amend the Act of the last Session of Parliament, Chapter One hundred and twenty, for the better Local Management of the Metropolis.

[29th *July* 1856.]

18 & 19 Vict. c. 120.

'WHEREAS it is expedient to amend the Act of the last Session of Parliament, 'Chapter One hundred and twenty, "for the better Local Management of the 'Metropolis," as herein-after mentioned:" Be it therefore 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:

Church Rates where made in open Vestry before passing of the Act 18 & 19 Vict. c. 120. to continue to be so made.

I. Where at the Time of the passing of the said Act the Power of making Church Rates or Rates of the Nature of Church Rates in any Parish was vested in any open Vestry, or in any Meeting in the Nature of an open Vestry Meeting, or in any Meeting of the Parishioners, Inhabitants, or Ratepayers generally, or of such of the Parishioners, Inhabitants, or Ratepayers as were rated at or above any specified Amount or Value (whether such Vestry or Meeting were holden for the Parish at large or for any Liberty or other District therein), such Power shall not be deemed to have become vested in the Vestry constituted in such Parish under the said Act, but shall be exercised as if the said Act had not been passed: Provided always, that this Act shall not affect any such Rate made before the passing thereof by any such Vestry as last aforesaid.

Nothing in this Act or in 18 & 19 Vict.

II. Nothing in the said Act or this Act shall affect or be deemed to have affected any Power of electing or appointing Churchwardens or making Church Rates, or other Power which,