shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

Not to extend to prevent the holding of certain Meetings relating to the Militia.

III. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called in *Great Britain* under the Authority of One of Her Majesty's Principal Secretaries of State, or in *Ireland* under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

## CAP. LIII.

### An Act for confirming a Scheme of the Charity Commissioners for the Endowed School at *Moulton* in the County of *Lincoln*. [14th *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 Endowed School at *Moulton* in the County of *Lincoln* founded by the Will of *John Harrox*, and such Scheme is set out in the Appendix to the said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the said Scheme 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:

Scheme confirmed.

I. The said Scheme shall be confirmed and take effect.

## SCHEDULE.

### SCHEME.

#### As to General Management.

Corporation dissolved, and charity estate vested in governors.

1. The existing incorporation of the above-mentioned school, by the name of "The Preceptor or Master of the Free School of John Harrox in Moulton," or by any other name, is hereby dissolved, and the charity, and the estates and property thereof, shall from and after the establishment of this scheme be under the management and control of governors, to be called "The Governors of the Moulton Endowed Schools." The full number of governors shall be twelve, of whom the Vicar of Moulton, the Vicar of Whaplode, the Rector of Fleet, and the Vicar of Weston respectively for the time being shall by virtue of their respective offices always be four; and in the first instance the following persons shall be the other eight governors; that is to say, John Tatam of Moulton aforesaid, Esquire; Robert King of the same place, Gentleman; Robert Everard of Fulney House, Spalding, in the same county, Esquire; (being the three present non-official trustees of the charity;) and the Right Honourable Sir John Trollope of Casewick House near Stamford in the same county, Baronet; John Richard Carter of Spalding in the same county, Esquire; Joseph Chamberlain Barker of Holbeach, Esquire; Thomas Cammack of Spalding aforesaid, Esquire, M.D.; and Matthew Clark of Goddard's Hall, Moulton, Esquire.

Succession of governors.

2. The death, resignation, bankruptcy, insolvency, or removal from residence in the county of Lincoln of any non-official governor, or his refusal or incapacity to act, or neglect for a period of two consecutive years to attend any meeting of the governors, shall respectively create a vacancy in the office of such governor; and as soon as conveniently may be after the occurrence of any such vacancy, the remaining governors for the time being shall appoint some fit and proper person resident within the said county of Lincoln to fill such vacancy so as to keep up the full number of eight non-official governors.



3. Every

Appointment of future governors.

3. Every appointment of a governor shall be made at some general or special meeting of the governors for the time being, and shall be forthwith notified by the chairman of the meeting or the Clerk to the Charity Commissioners for England and Wales; and no such appointment shall be valid until approved by an order under the official seal of the said commissioners; and a minute or memorandum of every such appointment, when so approved, and of the order of the said commissioners approving thereof, shall be entered in the minute book kept for recording the proceedings of the governors, at the first meeting after the receipt of such order, and shall be signed by the chairman at such meeting; and such minute or memorandum shall be sufficient evidence of the appointment to which it relates.

The governors for the time being during any vacancy or vacancies in the governing body shall be competent to exercise all the authorities hereby vested in the governors.

Charity estate vested in governors for the time being.

4. All the real estate, of whatever tenure, now vested in the said corporation, or belonging to or held in trust for the charity, and all rights and privileges belonging to or held in trust for the charity, (subject to any subsisting leases thereof and charges thereon,) and the full benefit of all subsisting covenants, conditions, and securities made or entered into with or reserved to the said corporation, or any person or persons in trust for or for the benefit of the charity, 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 be immediately and shall from time to time vest and continue vested in "The Governors of Moulton Endowed School" for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, surrender, or assurance; and the right to sue upon or enforce all or any covenants, conditions, or securities made, reserved, or contracted to or with the said corporation before its dissolution, or to or with any preceding governors of the said charity, shall be exerciseable in the name of "The Governors of Moulton Endowed School," as fully and effectually as the same right might be exercised by such corporation if not dissolved, or by such preceding governors if still retaining their office; and in the same manner all contracts and liabilities of the said corporation before its dissolution, or of any preceding governors for the time being of the said charity, may be enforced against the governors thereof for the time being to the extent of the property or assets of the charity, but not against their private estates.

Copyholds.

5. The copyhold lands and hereditaments belonging to or held in trust for the charity may be enfranchised by the governors, with the consent of the person or respective persons who shall for the time being be in the actual possession or enjoyment of the manor or respective manors of which the same lands and hereditaments respectively shall be held, upon such terms and conditions as shall be approved by the Charity Commissioners for England and Wales; and in the meantime, and until such enfranchisement shall be effected, the lords or owners for the time being of the respective manors of which the same lands and hereditaments respectively shall be held shall be entitled to the same fines, rents, services, and other benefits (if any) in respect of such lands and hereditaments, as they respectively would or might have been legally entitled to if this scheme had not been established.

Houses and buildings to be kept repaired and insured by governors.

6. The schoolhouses and masters' residences, with the buildings attached thereto respectively, and the other houses and buildings belonging to the charity, (which shall not be kept repaired and insured by the tenants thereof under any covenant or agreement in that behalf,) shall be kept repaired and insured by the governors out of the income of the charity.

Governors to let and manage the property.

7. The governors shall have the control and management of the charity property, and shall let the same (with the exception of the schoolhouses and premises) at the best annual rents, provided that no lease of the charity property or any part thereof be granted in reversion or for a longer term than fourteen years, without the sanction of the Charity Commissioners for England and Wales, and that every such lease shall contain covenants by the lessees for the payment of rent, the repair and insurance of the houses and buildings comprised in such lease, a proviso for re-entry on nonpayment of rent or nonperformance of the covenants, and all other usual and proper covenants applicable to the property comprised in the lease. No governor shall, either directly or indirectly, become a tenant or occupier of the charity estate or any part thereof, for his own benefit or for the benefit of any other person.

Leases to be executed and

8. Leases and other deeds and instruments for the letting or disposition of the charity estate or any part thereof may be executed and made by any five of the governors for the time

time being on behalf and as the act of the whole of them, according to any order of the governors made at any meeting, and shall have the same effect as if executed by all the said governors; and the recital of any such order contained in any deed or instrument by which any such lease or other disposition shall be effected shall be primâ facie evidence thereof. actions brought by any five governors.

9. The governors shall appoint some four of their number to be the persons into whose names any sums of stock to be purchased from time to time in trust for the charity shall be transferred, and who shall be called the "Stock Committee;" and as often as the number of the Stock Committee shall be reduced by vacancies to two, two other governors shall be appointed in like manner, into whose names the stock shall be transferred jointly with those of the two continuing members of such Stock Committee. Stock committee.

10. The governors shall appoint a clerk and a receiver, who respectively shall be removable by them when and as they may think fit. The offices of clerk and receiver may be combined in one person. A master or assistant master of the Lower School may be appointed as clerk, but not as receiver. The governors may pay or allow to the clerk and receiver respectively, out of the income of the charity, such reasonable salary or remuneration as they may from time to time appoint. Any one of the governors may be appointed to execute the offices of clerk and receiver, or either of them, gratuitously. The receiver shall, unless he be one of the governors, give such security, before entering upon his office, as the governors shall direct. Clerk and receiver.

11. The duties of the clerk shall be to attend the governors at their meetings, to attend and give information to any committees appointed by the governors, to enter the minutes of the proceedings at meetings of the governors, to keep the accounts of the charity, and to prepare and send such statements thereof as the governors are bound to furnish under "The Charitable Trusts Act, 1853," or otherwise; to preserve, subject to the directions of the governors, all vouchers for payments on behalf of the charity; to make out annually a detailed account and statement of the receipts and payments in respect of the charity, and of its assets and liabilities (if any), which shall be vouched and passed before the governors at their first general meeting after Christmas Day; and to perform all such duties in respect of the charity and to the management thereof as the governors shall direct. Duties of clerk.

12. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the charity property and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the governors annually a report showing the state and condition of the charity estate, and shall perform all such other duties and acts appertaining to the office of receiver in respect of the charity and its property, and the management thereof, as the governors shall direct. Duties of receiver.

13. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the clerk to each governor 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. Notice of meetings.

14. The governors shall hold not less than four general meetings in each year for transacting the business of the charity. And such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively. But the governors shall have power from time to time to appoint some other day within thirty days next after any of the respective quarter days aforesaid for holding the then next quarterly meeting. The meetings shall be held in the schoolhouse, or in some other convenient place in the parish of Moulton, to be determined from time to time by the governors. General meetings.

15. If circumstances require it, any two or more of the governors for the time being may send a requisition to the clerk calling a special meeting; and the clerk shall, upon the receipt of such requisition, give notice in writing to each of the governors of the time, place, and object of such meeting; and no business shall be transacted at any special meeting which shall not be specified or sufficiently indicated in the notice. Special meetings.

16. Five governors shall form a quorum at any meeting, and so soon after the time fixed for the holding of any meeting as a sufficient number of governors shall be present to form a quorum, they shall proceed to elect a chairman from amongst the governors then present, and in the event of an equality of votes on the election of chairman the choice between the two persons Quorum of meetings.

Majority of votes to be binding.

persons proposed shall be determined by lot. The act and proceedings of a majority of governors present at any meeting properly held shall be binding on the whole body, but such acts and proceedings or any of them may be revoked or altered from time to time, wholly or partially, by the governors, or the majority of them, 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.

Adjournment of meetings.

17. If after the space of one hour from the time appointed for holding any meeting a sufficient number of governors shall not be in attendance to form a quorum, the governors, or any one or more of them present, or the clerk, if no governor be present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned at any time by the chairman upon a resolution for adjournment being adopted at such meeting.

Appointment of a committee.

18. The governors may at any meeting appoint three or more of their body as a committee for the purpose of making any inquiry, or superintending or performing any specific act or duty which in the judgment of the governors may be more conveniently referred to such committee; but the acts and proceedings of such committee shall be reported to the governors from time to time at the then next general meeting.

Application of income.

19. The governors shall apply the clear yearly income of the charity (which shall remain after providing for and defraying thereout the expense of repairing and keeping insured the houses and buildings belonging to the charity, the salaries of the clerk and receiver, and the other current and proper expenses of management, and of executing the trust in pursuance of this scheme,) in manner following;—

1st. For interest on existing mortgage debt.

Firstly, In providing for the interest payable in respect of the principal mortgage debt with which the charity property now stands charged.

2d. For interest on money to be raised for purpose of scheme.

Secondly, In providing for the interest or annuity, and the instalments of principal in respect of the sum or sums (if any) to be raised for providing, building, altering, and fitting up the school buildings and premises as herein-after mentioned.

3d. For retiring pension to late master.

Thirdly, In paying to the Reverend Charles Moore, late master of the school, (who has consented to retire upon the annuity herein-after mentioned being secured to him,) an annuity of one hundred pounds during his natural life, by half-yearly payments, on the 6th day of April and the eleventh day of October in each year, the first of such half-yearly payments to be made on the eleventh day of October one thousand eight hundred and fifty-six.

4th. For salary of master of Upper School.

Fourthly, In paying to the master of the Upper School the annual stipend herein-after mentioned.

5th. For salary of master of Lower School.

Fifthly, In paying to the master of the Lower School the annual stipend herein-after also mentioned.

6th. For stipends of assistant masters and teachers of both schools.

Sixthly, In paying the respective stipends of the assistant masters and teachers (if any) to be appointed for the Upper and Lower Schools respectively under the provisions of this scheme.

7th. For expense of examination and prizes.

Seventhly, In paying the expense of the annual examinations at the said schools respectively, and of the prizes (if any) to be awarded thereat.

8th. Surplus income.

Eighthly, Any surplus income of the charity which shall remain after providing for the several payments aforesaid shall be invested periodically by the governors in the three pounds per cent. consolidated annuities, and the dividends thereon shall be invested from time to time in like manner, so as to form an "accumulation fund" of the amount and for the purposes herein-after mentioned; and, subject to the formation and continuance of such accumulation fund, such surplus income shall be applied by the governors in increasing the salaries of the masters or assistant masters of the schools respectively or otherwise for the benefit of the said schools or either of them, or to such other educational purposes for the benefit of the parish of Moulton and its vicinity as the governors shall, with the sanction of the Charity Commissioners for England and Wales, think fit. All proper expenses which shall have been incurred by the said late master or the present overseers or trustees in continuing the management of the charity or the conduct of the school up to the time when this scheme comes into actual operation shall be defrayed and paid by the governors out of the income of the charity.

20. The

20. The full amount of the "Accumulation Fund" to be raised and formed under the foregoing provision shall be one thousand pounds three pounds per cent. consolidated annuities, and no more. And such "Accumulation Fund" shall be applied by the governors, when and as it amounts to a suitable sum, and either before or after it reaches the said amount of one thousand pounds, in or towards the discharge (subject to the provision hereinafter contained) of the said principal mortgage debt now charged on the charity estate, or of any principal debt to be hereafter borrowed by the governors on the security of the same estate under the provisions of this scheme, or, with the sanction of the Board of Charity Commissioners, in defraying the expense of any extraordinary repairs or additions to the buildings or other improvements of the charity estate or any part thereof. But the amount (if any) to be taken from time to time from the "Accumulation Fund" for any of the above purposes shall be replaced out of the annual surplus income of the charity, so as to keep up the same fund as far as possible to the aforesaid full amount of one thousand pounds. Subject to the foregoing provisions, whenever the "Accumulation Fund" shall be at the said full amount of one thousand pounds the dividends and annual income thereof shall be applied by the governors in or towards the expense of the ordinary repairs of the charity estate, and subject thereto shall be applicable as part of the surplus income of the charity. Accumulation Fund.

No payment shall be made by the governors out of the "Accumulation Fund" in or towards the discharge of the aforesaid subsisting mortgage debt during the continuance of the annuity of one hundred pounds payable to the said Reverend Charles Moore during his life under this scheme, unless such payment shall be required by the mortgagees.

21. The governors, with the sanction of the Charity Commissioners for England and Wales, may make all requisite or proper alterations in, or additions to, the master's house and other buildings, and may provide other houses or buildings, (if requisite for the purposes of the schools or either of them,) and may fit up the same respectively with the necessary fittings and apparatus for carrying on such schools, and may appropriate and lay out a suitable piece or pieces of the charity land as a play ground or play grounds for the use of the boys at such schools respectively; and the governors shall be at liberty, under the direction of the said commissioners, to raise on mortgage, or by way of annuity, upon the security of the whole or any part of the charity estate (except the school house and school buildings and premises), such sum or sums of money as may be necessary or proper for the foregoing purposes or any of them; and in the event of any sum being so raised on mortgage, the governors shall, out of the income of the charity, set aside annually, and vest in aid of the Accumulation Fund aforesaid, a sum of money equal to one thirtieth part at the least of the principal to be so raised. Additions and alterations in school buildings. Power to raise money.

22. The governors shall cause a proper minute book to be provided and kept, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings at the meetings, the reports of committees, and all other transactions of the governors relating to the charity. The minutes of the proceedings at each meeting shall be signed by the chairman thereof. Minutes of meetings.

23. The governors shall also cause proper account books to be provided and kept, wherein shall be regularly entered an account of the receipts and payments on behalf of the charity, and such other particulars as the governors shall direct. The year's account shall be examined, vouched, and audited annually at the first general meeting of the governors after Christmas Day, or at some adjournment thereof, and shall be signed by the chairman, and at least two of the other governors present at such meeting. Accounts.

24. All cheques and orders for the payment of money shall be signed by the chairman at some meeting of the governors, and by one at least of the other governors present at such meeting, and shall be countersigned by the clerk or by the governor (if any) filling that office. Cheques, &c.

25. The governors may appoint a banker for the purposes of the trust, and may change such banker whenever they shall think fit. Banker.

26. The governors shall cause to be provided and kept, in some suitable place, a box or safe, with a secure lock, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the charity, with a list thereof; and the contents of such box shall be examined by the governors at some meeting at least once in each year, and such box shall be kept locked. Custody of documents.

27. This

Scheme to be printed.

27. This scheme shall be printed, and a copy given to every person who shall become a governor of the charity, and to every master and assistant master of the respective schools.

Alteration of scheme.

28. Upon application made by the governors to the Board of Charity Commissioners for England and Wales, any of the provisions of this scheme respecting the management of the charity, or the schools hereafter established, or either of them, which shall be found inconvenient or objectionable, may be modified or altered by an order of the said Board, provided that no alteration be made which shall be inconsistent with the main objects and provisions of this scheme.

Copies of scheme may be taken.

29. A copy of this scheme shall be kept with the books of account and other documents belonging to the charity, and all persons interested in the charity shall be at liberty to take copies of this scheme or any part thereof, (upon making an application for that purpose to the governors,) at such times and subject to such reasonable conditions as may be prescribed by the governors.

Doubts or disputes to be decided by Charity Commissioners.

30. If any doubt or question shall arise amongst the governors, or any of them, 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 governors to the Charity Commissioners for England and Wales, for their opinion and advice thereon, which, when given, shall be conclusive on the governors.

Interpretation.

31. In this scheme the following expressions, whenever used, shall respectively have the following meaning and effect; that is to say, the expression "the charity" shall mean the Moulton endowed schools established and regulated by this scheme.

The expression "the governors" shall mean the governors of the Moulton endowed schools appointed and to be hereafter appointed as provided by this scheme.

The expression "the schools" shall mean the Moulton endowed schools as established by this scheme.

AS TO THE UPPER SCHOOL.

Schoolhouse.

32. The Upper School shall be carried on in the house and buildings hitherto used or appropriated as the residence for the master of the school, subject and according to the provisions of this scheme; and the said house and buildings may, if necessary, be altered, added to, adapted, and fitted up by the governors for the purposes of the school, in accordance with the provisions herein-before contained for that purpose.

Appointment and qualification of master.

33. The first master shall be elected and appointed by the governors at a meeting to be held for that purpose as soon as conveniently may be after the establishment of this scheme; and in case of any vacancy in the mastership by the death, resignation, or removal of such master, or of any future master, the governors shall elect and appoint a new master at some meeting to be specially called for the purpose as soon as conveniently may be after the occurrence of the vacancy. The master shall be a member of the Church of England, and a graduate of one of the Universities of Oxford, Cambridge, Durham, or Dublin; and for the purpose of obtaining an efficient master the trustees shall, previously to such election, advertise in such newspapers, and receive such testimonials of candidates, as they may deem expedient.

Stipend to master.

34. The master shall be paid out of the income of the charity a fixed annual stipend of one hundred and fifty pounds, by half-yearly payments; and any master who shall die, resign, or be removed under the provisions of this scheme, shall be entitled to a due proportion of his stipend, and of the portion of capitation fees payable to the master under the provisions of this scheme, from the previous half-yearly day of payment thereof up to the day of his death, resignation, or removal.

Master to reside.

35. The master shall reside in and occupy the dwelling house and premises attached to the school, and not elsewhere; and he shall have the occupation and use of such house and premises in respect of his official character and duties, and not as tenant, and shall, if removed from his office, deliver up possession of the said house and premises, at such time and to such person or persons as the governors may direct.

Master not to underlet residence.

36. The master shall not underlet, or permit any person except himself and family, and the boarders to be taken by him under this scheme, to occupy the dwelling house and premises appropriated to him as a residence, or any part thereof.

Master not to have other employment.

37. The master shall give his personal attention to the duties of the school, and shall devote his time exclusively thereto; and during his tenure of office he shall not accept or hold

hold any benefice having the cure of souls, or any office or appointment which, in the opinion of the governors, may interfere with the proper performance of his school duties.

Master not to receive other than authorized fees.

38. Neither the master, nor any assistant master, shall receive or demand from any boy in the school, or from any person whomsoever on behalf of any such boy, any gratuity, fee, or payment, other than is prescribed or authorized by this scheme.

Boarders.

39. The master shall be at liberty to receive in his official residence such a number of boys as boarders as the governors, having regard to the extent of accommodation and the interests of the school, may from time to time authorize or direct; but such boarders shall be instructed in the school in common with the other boys, without any distinction whatever. The scale of payments and other terms upon which boarders may be received by the master shall be authorized by the governors in the first instance, and shall be subject to revision by them, if and when they shall think fit.

Removal of master.

40. The master shall be liable to be removed from his office by the governors for any sufficient cause; and for the purpose of such removal a special meeting of the governors shall be called by notice upon a requisition to the clerk, signed by three at least of the governors; and if a resolution for the removal of the master shall be carried at such meeting by at least two thirds of the governors present, it shall be entered on the minutes, and signed by such of the governors as vote for the same; and the same resolution shall, after the interval of at least one calendar month, be submitted to another similar meeting duly called by notice, and if the same be confirmed by two thirds of the governors present at such last-mentioned meeting, such confirmation shall also be entered on the minutes; and a copy of such resolution and confirmation shall, within one week after the holding of such last-mentioned meeting, be forwarded by the governors or their clerk to the Charity Commissioners for England and Wales; and if the said Commissioners shall, by an order under their seal, signify their approval of such resolution, the master shall be considered as removed on the day of such approval, and his office shall be vacant on and from that day.

Declaration to be signed by master.

41. Every master, previously to entering into office, shall be required to sign a declaration, to be entered in the minute book of the governors, in the following form:—

"I, , declare that I will always, to the best of my "ability, discharge the duties of master of the Upper School at Moulton, during my tenure "of the office, according to the provisions of the scheme for the regulation thereof, and that "in case I shall be removed from the mastership by the governors, according to the pro- "visions of the same scheme, I will acquiesce in such removal, and will thereupon relinquish "all claim to the mastership and its future emoluments, and will deliver up possession of the "school and school residence to the governors."

Appointment of assistant master.

42. When in the judgment of the governors the assistance of an additional master shall be required, and the funds of the charity shall be sufficient for the purpose, the governors may appoint some proper qualified person as assistant master of the school, and may also from time to time appoint some suitable person to succeed to any vacancy in the office of assistant master. Every assistant master shall be a member of the Church of England, qualified to give instruction in the various branches of education to be provided at the school; and for the purpose of obtaining an efficient assistant master, the governors shall, previously to such election, advertise in such newspapers, and receive such testimonials of candidates, as they may deem expedient.

Removal of assistant master.

43. The assistant master shall hold office during the pleasure of the governors, who may remove him from his office, by a resolution passed for that purpose, at any meeting, either with or without assigning a cause for such removal.

Stipend of assistant master.

44. The assistant master shall be paid out of the income of the charity such an annual stipend as the governors may think fit, not exceeding the annual sum of 80*l*. Any assistant master who shall be removed by the governors for cause assigned shall be entitled to a proportionate part of his stipend, and of the fees payable to the assistant master under this scheme, up to the day of his removal; but any assistant master who shall be removed without cause assigned shall be entitled to a quarter's notice, and to receive his stipend and proportion of fees up to the expiration of such notice, or shall, in lieu of notice, at the option of the governors, be paid a sum equivalent to a quarter's stipend and a quarter's proportion of fees.

Additional teachers.

45. Whenever circumstances require it, and the income of the charity shall be sufficient for the purpose, the governors may appoint an additional teacher or teachers for the purposes of the school, and may pay to every such teacher such salary or stipend, not exceeding the annual sum of eighty pounds, as they shall see fit. Every such teacher shall hold office during the pleasure of the governors, and may be displaced by them at any time, with or without notice, as they shall see fit.

Instruction.

46. The instruction to be afforded in the school shall comprise the principles of the Christian religion, the Greek, Latin, French, and German languages and literature, elementary instruction in the sciences applicable to the practical arts, land surveying, drawing, and designing, mathematics, algebra, arithmetic, book and account keeping, general English literature and composition, sacred and profane history, geography and writing, and such other subjects of instruction as the governors may from time to time authorize or direct, with a view to providing a sound religious, moral, and useful education. But it shall be in the discretion of the governors to defer any portion of the instruction herein-before specified which the funds for the school for the time being shall be insufficient to provide.

The school may be divided into such departments or sections for the purposes of the instruction to be given thereat as the governors may from time to time direct.

Religious instruction.

47. Religious instruction shall be given by the master at such times as he shall think best by reading and explaining the Holy Scriptures to all the boys; and instruction in the liturgy and catechism of the Church of England shall also be given by the master in like manner to all the boys, except those whose parents, or persons standing in loco parentis, (being respectively persons not in communion with that Church,) shall state in writing to the governor or the master that they object to such last-mentioned instruction upon conscientious grounds.

Prayers in school.

48. Suitable prayers taken from the liturgy of the Church of England shall be read by the master every morning and evening in the school.

Attendance at church.

49. The boys, accompanied by the master, shall attend Divine Service at the parish church of Moulton regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis, (being respectively persons not in communion with the Church of England,) shall state in writing to the governors or the master that they object to such attendance upon conscientious grounds, and in such cases the master shall take care as far as possible that all such boys shall regularly attend some other place of religious public worship on Sundays.

Qualification of boys.

50. All boys residing in the wapentake of Elloe, of the age of eight years and upwards, being of good character, and able to read and write, (unless unfitted by infectious disorder or other sufficient cause,) shall, to the extent and capacity of the school, be qualified for admission thereto and entitled to partake of all the benefits and advantages thereof, on payment of such sums as by this scheme are provided, but no boy shall be entitled to remain in the said school after he shall have attained the age of nineteen years. The admission and number of the boys, and their continuance in the school, shall be regulated from time to time by the governors, who may at any time order the admission into the school of boys residing elsewhere than in the wapentake of Elloe, if the accommodation at the school be sufficient for that purpose.

Election of boys.

51. The governors shall have the power of placing boys in the school, subject to any regulations which they may make from time to time at any meeting.

Register of boys.

52. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the periods of their severally being admitted to and leaving the same, and such register shall always be open to the inspection of the governors, and of the persons authorized by them.

Suspension and expulsion of boys.

53. The governors shall have the power of dismissing and expelling any boy from the school for any breach of the rules, or for immorality, theft, indecent conduct, or insubordination, or other sufficient cause, and the master may immediately suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the governors, and decided upon by them.

Capitation fees.

54. The boys attending the school shall pay capitation fees, as follows; viz.—Every boy under twelve years of age such sum not exceeding one pound per quarter, and every boy being

being twelve years of age and upwards, such sum not exceeding one pound five shillings per quarter, as the governors shall from time to time direct.

Such capitation fees shall be paid in advance quarterly to the master, and shall be accounted for by him to the governors, in order that the same may be applied by them as directed by this scheme.

Foundation scholars.

55. The governors may, if they see fit, appoint boys from the Lower School to be foundation scholars in the Upper School, and may remit the payment of capitation fees in favour of such foundation scholars, either wholly or in part; provided that there shall not be more than six foundation scholars in the school at one time, and that no more than two such foundation scholars shall be appointed in any one year. The foundation scholars shall hold their respective appointments during such periods, and subject to such regulations and conditions, as the governors may from time to time prescribe; and such scholars (or any of them) may be appointed by the governors from time to time, upon the occasion of the annual examination of the Lower School, as herein-after mentioned.

Application of capitation fees.

56. The capitation fees received from the boys shall be applied by the governors first in providing the prizes and paying the examiner for the purposes of the examination directed by this scheme, and the clear residue of such fees shall be divided half-yearly into three parts, and two of such third parts shall be paid to the master in augmentation of his stipend, and the remaining one third part shall be paid to the assistant master (if any) in like manner, and if there be no assistant master such one third part shall be carried to the general account of the charity. Such payments to the master and assistant master (if any) shall be made half-yearly, on such days as the governors may from time to time direct.

Stationery for scholars.

57. All printed books and stationery necessary for the use of the scholars shall be provided at the expense of the parents, relations, or friends of the scholars.

Firing and lights.

The master shall provide all requisite fuel, firing, and lights for the use of the school; and the governors, if they think fit, may allow and pay to the master out of the income of the charity such an annual sum not exceeding twenty pounds, as they may consider sufficient for those purposes.

Internal regulation of school.

58. Subject to the directions herein contained, and to such general regulations as the governors may from time to time prescribe, the discipline of the school, and the internal regulations and management thereof, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the master of the school.

Annual examination.

59. There shall be an annual examination of the boys at the school at such time as shall be appointed by the governors; and the governors shall appoint a suitable examiner, being a graduate of one of the English universities, or of the University of Dublin, to conduct such examination, and may pay the examiner any sum not exceeding three pounds three shillings, for his trouble and expenses; and such examination shall take place in the presence of the governors, or such of them as can conveniently attend, and of the master of the school, and such other persons as the governors may from time to time invite to attend the same.

Prizes.

60. The governors may yearly, upon the occasion of such examination, distribute such prizes as they may think fit among the meritorious scholars who shall distinguish themselves for learning or good conduct, and who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided that no single prize shall exceed in value the sum of one pound, and that the whole amount to be expended in prizes in any one year shall not exceed the sum of five pounds.

## As to the Lower School.

Schoolhouse.

61. The Lower School shall be carried on in the schoolhouse and premises hitherto used as the grammar school, subject and according to the provisions of this scheme. Such schoolhouse and premises may be adapted and fitted up by the governors for the purposes of the school, in accordance with the provisions herein-before contained for that purpose.

Appointment of master.

62. The master of the Lower School shall be appointed by the governors at a meeting to be held for that purpose as soon as conveniently may be after the establishment of this scheme; and every vacancy in such mastership shall be filled up by the governors from time to time by a fresh appointment to be made at a meeting to be specially called for the

purpose as soon as conveniently may be after the occurrence of such vacancy. The master shall be a member of the Church of England, duly qualified to give instruction in the various branches of education contemplated by this scheme for the Lower School. And for the purposes of obtaining an efficient master, the governors shall, previously to making any appointment, advertise in such newspapers and receive such testimonials of candidates as they may deem expedient.

Stipend to master.

63. The master of the Lower School shall be paid out of the income of the charity, in half-yearly payments, such an annual stipend not exceeding the sum of seventy pounds as shall be fixed from time to time by the governors.

If the master shall be removed by the governors for cause assigned, he shall be entitled to a proportionate part of his stipend, and of the portion of capitation fees payable to the master under this scheme up to the day of his removal; but if he shall be removed without cause assigned, he shall be entitled to have a quarter's notice of such removal, and to receive his stipend and proportion of capitation fees up to the expiration of such notice, or in lieu of such notice he shall, at the option of the governors, be paid a sum equivalent to a quarter's stipend and a quarter's portion of fees.

Master not to have other employment.

64. The master shall not at any time during the tenure of his office hold or exercise any other office, appointment, or employment whatsoever, except as permitted by this scheme.

Master's residence.

65. The governors, if they so think fit, may provide a suitable house and premises in the parish of Moulton for the residence of the master of the Lower School (either by renting, or by purchasing, or building the same,) out of the funds and resources of the charity; provided that no such house or premises shall be so purchased or built by the governors without the sanction of the Board of Charity Commissioners for England and Wales.

Master to reside.

66. The master shall reside in the parish of Moulton, and in case any residence shall be provided for him by the governors, in accordance with the foregoing provision, he shall reside therein, and have the use and occupation thereof in his official character, and not as tenant, and he shall not underlet or part with the possession of the same residence and premises, or any part thereof, and in case of his removal he shall deliver up possession thereof to the governors, or as they shall direct.

Removal of master.

67. The master shall hold office during the pleasure of the governors, who may from time to time remove him from his office as they shall see occasion, at a meeting to be duly convened for that purpose, either with or without assigning cause for such removal.

Declaration to be signed by master.

68. Every master previously to entering into office shall be required to sign a declaration to be entered in the minute book of the governors in the following form:—

"I, , declare that I will always, to the best of my ability, "discharge the duties of master of the Lower School at Moulton during my tenure of the "office, according to the provisions of the scheme for the regulation thereof; and that "in case I shall be removed by the governors I will acquiesce in such removal, and "will thereupon relinquish all claim to the mastership, and its future emoluments, "and will deliver up possession of the school and school residence (if any) to the "governors."

Assistant master or teachers.

69. If circumstances require it, and the funds and resources of the charity shall be sufficient, the governors may from time to time appoint an assistant master, and any additional teacher or teachers, for the purposes of the school, at such respective salaries, not exceeding the annual sum of fifty pounds for each such salary, as the governors may think proper; and such assistant master and teachers respectively may be at any time removed by the governors with or without notice or cause assigned.

Masters not to receive other than authorized fees.

70. Neither the master nor any assistant master or teacher shall at any time receive or demand from any boy in the school, or from any person whomsoever, on behalf of any such boy, any gratuity, fee, or payment, other than as is prescribed or authorized by this scheme.

Instruction.

71. The instruction to be afforded in the Lower School shall be in the principles of the Christian religion, reading, writing, spelling, vocal music, general history and geography, English grammar, arithmetic, book and account keeping; and elementary instruction shall be given in the sciences applicable to trades and useful pursuits, and in such other subjects as

as the governors may from time to time authorize or direct, with the view of providing a sound, moral, religious, and useful education adapted for the working, labouring, and other poorer classes. But the governors may defer any portion of the instruction herein-before specified which the funds of the school may be not sufficient to provide; and for the purposes of convenient instruction they may divide the school into such departments or sections as they may think fit.

Religious instruction.

72. Religious instruction shall be given by the master at such times as he shall think best, by reading and explaining the Holy Scriptures to all the boys; and instruction in the catechism of the Church of England shall also be given by the master in like manner to all the boys, except those whose parents, or persons standing in loco parentis, (being respectively persons not in communion with that Church,) shall state in writing to the master or the governors that they object to such last-mentioned instruction upon conscientious grounds.

Prayers in school.

73. Suitable prayers, taken from the liturgy of the Church of England, shall be read by the master every morning and evening in the school.

Attendance at church.

74. The boys, accompanied by the master, shall attend Divine Service in the parish church at Moulton regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis, (being respectively persons not in communion with the Church of England,) shall state in writing to the governors or the master that they object to such attendance upon conscientious grounds; and in such case the master shall take care, as far as possible, that all such boys shall regularly attend some other place of religious public worship on Sundays.

Qualification of boys.

75. All boys residing in the parish of Moulton of the age of six years and upwards, and being of good character, (unless unfitted by infectious disorder or other sufficient cause,) shall, to the extent and capacity of the school, be capable of admission to the Lower School, and entitled to partake of all the benefits and advantages thereof, on payment of such sums as by this scheme are provided; but no boy shall be entitled to remain in the said school after he shall have attained the age of seventeen years; and the admission and number of the boys, and their continuance in the school, shall be regulated from time to time by the governors, who, if they shall think fit, and if the accommodation of the school be sufficient, may at any time order that boys from any of the neighbouring parishes shall be admissible to the school in addition to those residing in the said parish of Moulton.

Election of boys.

76. The governors shall have the power of placing the boys in the school, subject to such regulations as they may from time to time prescribe at any meeting.

Registry of boys.

77. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the respective periods of their being admitted to and leaving the same; and such register shall always be open to the inspection of the governors and of the persons authorized by them.

Suspension and expulsion of boys.

78. The boys at the school shall be liable to dismissal or expulsion by the governors for any breach of the rules, or for theft, immorality, indecent conduct, or insubordination, or other sufficient cause; and the master shall have power immediately to suspend any boy guilty of any such misconduct from further attendance at the school, until the case can be reported to the governors, and decided upon by them.

Capitation fees.

79. The governors shall be at liberty to direct that the boys attending the school shall pay capitation fees as follows; viz.:—Every boy under twelve years of age, such sum not exceeding four shillings per quarter, and every boy, being twelve years of age and upwards, such sums not exceeding six shillings per quarter, as the governors may from time to time authorize or direct; and all capitation fees (if any) to become payable under this provision shall be paid by each boy, or his parents or friends, in advance quarterly to the master, who shall account for the same to the governors; but the governors may, in particular cases, if they see fit, direct that such capitation fee may be paid weekly or monthly; and they may, on the ground of poverty or other sufficient reason, excuse in special cases the payment of such capitation fees, either wholly or in part.

Application of capitation fees.

80. The capitation fees (if any) to be received from the boys shall be paid and applied by the governors, as follows; viz.—Two third parts thereof shall be paid half-yearly to the master of the school, in augmentation of his stipend, and the remaining one third part shall be applied towards increasing the remuneration of the assistant master or teachers of the school

school respectively (if any), or in providing prizes for the boys as herein-after mentioned, or for the general purposes of the charity, as the governors, in their discretion, shall think fit.

Stationery for scholars.

81. All printed books, slates, and stationery necessary for the use of the boys shall be provided and found by and at the expense of their respective parents, relations, or friends; but the trustees shall be at liberty to dispense with this provision in cases of necessity arising from poverty or other sufficient cause.

Firing, lights, and attendance.

82. All requisite firing, fuel, and lights for the use of the school, and the requisite attendance for cleaning and taking care of the schoolhouse, shall be provided by the governors out of the income of the charity.

Internal regulation of school.

83. Subject to the directions herein contained, and to such general regulations as the governors may from time to time prescribe, the discipline of the school, and the internal regulations and management thereof, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the master of the school.

Annual examination.

84. There shall be an annual examination of the boys at the school at such time as shall be appointed by the governors; and the governors shall appoint some fit and proper examiner to conduct such examination, and may pay the examiner any sum not exceeding one guinea for his trouble and expenses; and such examination shall take place in the presence of the governors, or such of them as can conveniently attend, and of the masters of the Upper and Lower Schools, and such other persons as the governors may from time to time invite to attend the same. With the approbation of the governors, either the master or assistant master of the Upper School may act as the examiner at any such annual examination; but in that case no payment shall be made to such master or assistant master respectively for their respective services.

Prizes.

85. The governors may yearly, upon the occasion of such last-mentioned examination, distribute such and so many prizes as they may think fit among the meritorious scholars who shall distinguish themselves for learning or good conduct, and who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided that no such single prize shall exceed in value the sum of 10*s.*, and that the whole amount to be expended in such prizes in any one year shall not exceed the sum of two pounds. Subject to the provision herein-after contained respecting the foundation scholars to be appointed in the Upper School, the appointment to such foundation scholarships may be made the subject of competition at the said annual examinations at the Lower School; and such appointments may be given by the governors from time to time to the boys who upon the occasion of such examination shall appear to be most deserving thereof, having regard to their respective proficiency, capacity, and general conduct.

## CAP. LIV.

### An Act to facilitate the Despatch of Business before Grand Juries in *England* and *Wales*. [14th *July* 1856.]

'WHEREAS it would expedite and improve the Administration of Criminal Justice if 'Persons attending to give Evidence before Grand Juries were sworn in the Presence 'of the Jurors who are to act upon such Testimony:' 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:

Witnesses examined before Grand Juries to be sworn in the Presence of the Jurors.

I. From and after the passing of this Act it shall be lawful for the Foreman of every Grand Jury empannelled in *England* and *Wales*, and he is hereby authorized and required to administer an Oath to all Persons whomsoever who shall appear before such Grand Jury to give Evidence in support of any Bill of Indictment, and all such Persons attending before any Grand Jury to give Evidence may be sworn and examined upon Oath by such Grand Jury touching the Matters in question; and every Person taking any Oath or Affirmation in support of any Bill of Indictment who shall wilfully swear or affirm falsely shall be deemed