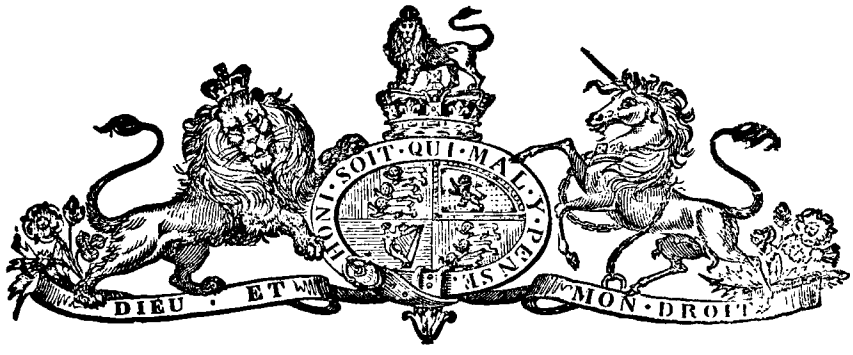


ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. LXXXIV.

An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in *Dulwich* in the County of *Surrey*, with certain Alterations. [25th *August* 1857.]

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 College of God's Gift in *Dulwich* in the County of *Surrey*, 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 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:

3d Report, 28th Feb. 1856.

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

Scheme confirmed.

SCHEDULE.

SCHEME for the Application and Management of the Charity called the COLLEGE OF GOD'S GIFT, in Dulwich, in the County of Surrey.

GENERAL PROVISIONS.

Present corporation dissolved.

1. The existing incorporation of the above-mentioned Charity, by the name of the College of God's Gift, in Dulwich, or by any other name, shall be dissolved; and the several offices and places of the master, warden, and fellows, brothers, and sisters of the said college shall be abolished from and after the 31st December 1857, and no new appointment shall be made to any office or place in or under the Charity according to its present constitution, after the establishment of this scheme.

Archbishop of Canterbury to continue visitor.

2. The Charity, as reconstituted by this scheme, shall be called "Alleyn's College of God's Gift, at Dulwich;" and the Archbishop of Canterbury, and his successors, shall continue to be the visitors of the Charity, with the same authorities, rights, and privileges as heretofore, so far as the same shall not be inconsistent with this scheme.

Governors.

3. There shall be nineteen governors of the Charity, who shall be called "The Governors of Alleyn's College, at Dulwich," and who shall have the control and management of the Charity, and the estates and property thereof, from and after the said 31st day of December 1857. Eight of such governors, herein-after called "The Elective Governors," shall be elected; and the remaining eleven, or non-elective governors, shall be appointed as herein-after provided.

Elective governors.

4. The vestries of the parishes of Saint Botolph Without Bishopsgate, Saint Saviour Southwark, Saint Luke Middlesex, and Saint Giles Camberwell shall each elect two of the said eight elective governors respectively; and the first election shall be made before the expiration of the month of November 1857. And every subsequent election shall be made by the vestry entitled to elect within three calendar months next after the occurrence of the vacancy requiring to be filled. Every elective governor shall be elected to hold office for a period of seven years, and shall be re-eligible at or subsequently to the determination of such period.

Non-elective governors.

5. The non-elective governors shall be appointed by the Court of Chancery, upon application to be made to the same court by Her Majesty's Attorney General, either by petition or by summons before one of the judges of the said court sitting at chambers. And the first appointment of non-elective governors shall be made as soon as conveniently may be after the establishment of this scheme; and whenever the number of non-elective governors for the time being shall be reduced by the occurrence of vacancies to eight, three suitable persons shall be appointed by the said court, upon such application as aforesaid, so as to make up the full number of eleven non-elective governors.

One of the non-elective governors to be appointed by the Court of Chancery shall be a resident inhabitant of the township or hamlet of Dulwich, and shall be distinguished in his appointment as the "Dulwich Governor." And upon any vacancy in the office of the "Dulwich Governor" for

for the time being, some other resident inhabitant of the same township, or hamlet shall be appointed by the said court to succeed to such vacancy whether the number of non-elective governors shall then have become reduced to eight or not; but nothing herein contained shall be construed as restraining the appointment of a larger number of non-elective governors from among residents in the said township or hamlet.

Vacancy in office of governor.

6. Death, resignation, bankruptcy, or insolvency, residence out of England, refusal or incapacity to act, or neglect to attend any meeting of the governors for one year, shall respectively create a vacancy in the office of governor The office of the Dulwich Governor shall also determine upon his ceasing to be resident in Dulwich.

Charity estates to be vested in governors for the time being.

7. All the real estate, of whatsoever tenure, and rights and privileges vested in or held in trust for the said college, or any of the members thereof, as such, (subject to the subsisting leases and charges, if any, thereof,) and the full benefit of all subsisting covenants, conditions, and securities made or entered into with or reserved to the said college, or any person or persons in trust for the same college, and all the personal estate belonging to or held in trust for the said college, or any of the members thereof as such, and the right to sue for and recover all choses in action recoverable for the benefit of the college, or any such member as aforesaid, shall, from and after the said 31st day of December 1857, be vested in the said governors, and shall from time to time thereafter vest and continue vested in the governors of Alleyn's College at Dulwich for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, 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 college before its dissolution, or to or with any preceding governors of the said Charity for the benefit thereof, shall be exerciseable by and in the names of the governors for the time being, as fully and effectually as the same right might be exercised by such college 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 college before its dissolution, or of any preceding governors for the time being of the 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.

Execution of leases and other instruments.

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 being on behalf and as the act of the whole of them, according to any order of the governors of the said Charity, made at any regular meeting of their body, 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 upon any proceedings to which the parties to the same lease or instrument, or their respective successors in title, representatives, or assigns, shall be parties or a party.

Stock committee.

9. The governors may from time to time appoint any four persons of their number to be a stock committee, into whose names all stock belonging to the Charity may from time to time be transferred, and the dividends on all such stock shall be disposable by the governors for the time being as

as part of the general income of the Charity. All or any sums of stock belonging to the Charity may also be transferred into the name of "The Official Trustees of Charitable Funds," in trust for the Charity under the provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855."

Transfer of the administration of Charity and its funds to governors.

10. The Charity shall continue to be managed and administered by the present governing body of the college until the said 31st day of December 1857 inclusive, and the accounts of the Charity shall be made up and finally balanced to that day. And there shall be paid to the master, warden, fellows, and poor brethren and sisters of the college respectively out of the current year's income a due proportion of the several annual or other payments to which they are respectively entitled under the present system of administration, to be calculated from the then last preceding day of payment up to the said 31st day of December 1857. And any surplus or balance of income which shall remain to the credit of the Charity after providing for and satisfying such proportion of the said several annual payments, and the requisite or proper expenses attending the management and administration of the Charity up to that time, and all trust funds held by the college, or by any of its members as such, in trust for any other charitable purposes, shall be paid and transferred on that day unto the governors to be appointed as provided by this scheme, or as they may direct, according to and to be held upon the subsisting trusts thereof.

Allowances to present members of college.

11. There shall be paid by the governors to the present master, warden, fellows, and poor brethren and sisters of the college respectively, or to such of them as shall be living on the said 31st day of December 1857, during their respective lives, out of the income of the Charity, in lieu and full satisfaction of all present and future allowances, rights, and emoluments, the following annual sums; that is to say,—

To the master, the sum of - -	£ 1,015
To the warden - - -	- 855
To the first and second fellows each -	- 500
To the third and fourth fellows each -	- 466
To each of the poor brethren and sisters -	- 150

The said allowances or annual sums shall commence from the said 31st day of December 1857, and shall be payable half-yearly, except the allowances to the poor brethren and sisters, which shall be paid monthly, or at such other periods as the governors may think fit, and shall be apportionable in cases of the death of any of the said recipients before or in the interval between any of the said half-yearly payments.

The allowance or annual sum payable to the warden shall, in the event of his surviving the master, be increased to 1,015*l.* from the day of the master's decease; but the whole of the said allowances or annual sums shall abate in proportion in case and so often as the clear income of the Charity, after paying and providing for all necessary or proper outgoings and expenses of management, as well as the several payments and expenses directed or authorized by this scheme for the benefit or maintenance of the present poor scholars, and the college grammar school, and the servants and others attached to the present establishment, shall in any year or years prove insufficient to pay the same allowances or annual sums in full.

12. Until

Performance of divine service until appointment of chaplain.

12. Until the appointment of a chaplain as herein-after provided, the present first and other fellows of the said college shall respectively continue as heretofore to perform or provide for the performance of divine service in the chapel of the college, or in some other building to be appointed by the governors for that purpose, and to discharge the other spiritual duties heretofore and of right discharged by them respectively; but, save as aforesaid, the said master, warden, and fellows respectively shall from and after the said 31st day of December 1857 be exonerated from all obligation of residence in the said college, or the performance of any duties with respect to the Charity, and from all restriction against their respective marriages.

Present poor scholars to receive instruction and other benefits as heretofore.

13. Until the establishment of a school in which the existing poor scholars shall be received and instructed, as contemplated by this scheme, and subject to the provisions herein contained, such poor scholars shall receive and enjoy the same instruction, maintenance, and other benefits, and shall also be entitled to the same apprenticeships and exhibitions to be respectively provided and paid out of the general income of the Charity, as such scholars respectively would have been entitled to receive and enjoy if this scheme had not been established.

Provision as to college grammar school.

14. Subject to the provisions of this scheme, and until the governors shall otherwise direct, the college grammar school may continue to be carried on as heretofore in the buildings hitherto used for such school; and the several stipends, allowances, and other payments which have been heretofore paid and allowed out of the income of the Charity for the purposes of such school may continue to be paid and allowed as heretofore; and upon the discontinuance of the said school the governors may, if they so think fit, pay to the master thereof, out of the general income of the Charity, such a reasonable gratuity or pension in consideration of his services as they may consider proper and expedient.

Present servants and attendants may be pensioned.

15. The servants and attendants now employed in the college, upon their respective services being dispensed with in consequence of the provisions of this scheme, may respectively have any reasonable pensions or gratuities paid to them by the governors out of the income of the Charity, in such manner and subject to such conditions as the said governors shall think fit.

Present pensions and exhibitions to be continued.

16. All pensions and exhibitions at present properly payable out of the income of the Charity shall continue to be paid to the present recipients thereof respectively during the tenure of their respective appointments, subject to the same rules and conditions as are now subsisting and applicable to the same respectively.

Clerk a Receiver.

17. The governors may appoint a clerk and a receiver (who respectively shall be removable by them at their pleasure), or they may grant the offices of clerk and receiver to one person, and they may pay to the holder of each such office, out of the income of the Charity, any reasonable stipend or allowance as a remuneration for his services. Every receiver shall, before entering upon his office, give such security for the due performance of the duties thereof as the governors shall direct.

Duties of clerk.

18. It shall be the duty of the clerk, subject to the control and direction of the governors, to give notices of and to attend all meetings of the governors or committees of the governors, to enter and keep minutes of the proceedings at all such meetings, to keep the accounts, and to pay the bills of the Charity, to prepare and make out such statements of account relating to the Charity as the governors shall from time to time require, and to perform all such other duties appertaining to the office of clerk of the Charity as the governors shall direct.

Duties of Receiver.

19. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the Charity estates and property, and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the governors, so often and at such times as shall be directed by them, a report as to the state and condition of the Charity estates, and also full and particular accounts of all rents, income, and monies collected or received on account of the Charity, and of all arrears due of such rents or income; and shall perform all such other duties appertaining to the office of receiver, in respect of the Charity and its property, as the governors shall reasonably direct. And unless the governors shall otherwise direct, all rents and incomes to be received by the receiver on account of the Charity shall, immediately upon the receipt thereof, be paid over by him to the bankers of the Charity to the credit of the Charity account.

General meetings.

20. There shall not be less than four meetings of the governors in every year, and such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively, or upon such other days, being respectively within thirty days next after the said quarterly days as shall have been appointed by the governors at any preceding meeting, and the said governors shall have power to appoint all such other meetings as they shall think necessary. All meetings shall be held at the college, and at the hour of noon, unless the governors shall fix some other convenient place in Dulwich, and some other convenient hour for holding the next or any other meeting. There shall also be a first general meeting of the governors, for the general purposes and business of the Charity, on the first day of January 1858.

Special meetings.

21. Any three or more governors may require the clerk to convene a special meeting of the governors for any special object to be mentioned in such requisition, and the clerk shall thereupon give notice to each governor of the holding of such meeting, specifying the time, place, and object thereof; and no business shall be transacted at any special meeting, which shall not be specified or sufficiently indicated in the notice.

Notice of meetings.

22. Notice shall be given by the clerk to every governor seven clear days at the least previously to a general meeting, and fourteen clear days at the least previously to a special meeting; and notice of every adjourned meeting, so far as the interval between the original and adjourned meetings will permit, shall be given in like manner immediately after the adjournment to all governors not present thereat, and every notice shall specify the place and the day and hour appointed for holding the meeting. All notices required to be given to any governor shall be in writing delivered to him, or sent by the post or otherwise to his usual place of residence.

23. There

Dulwich College.

Permanent chairman.

23. There shall be a permanent chairman of the governors, who, whenever present, shall preside as chairman at all meetings of the governors, and who shall hold office until he shall cease to be a governor, or shall resign, or be appointed receiver, or be removed from being such chairman by a resolution passed at any special meeting of the governors to be convened for that purpose. The first permanent chairman shall be elected by the governors at their first meeting; and every subsequent permanent chairman shall be elected at some special meeting of the governors, to be held upon due notice after an interval of not less than twenty-eight days after the vacancy of the office.

Quorum of governors at meetings.

24. 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, in case the permanent chairman shall be absent, or his office shall be vacant, the governors then present shall proceed to elect a deputy chairman, who, when so elected, shall preside as the chairman at such meeting.

Resolutions of the majority to be binding.

25. The resolutions and proceedings of a majority of the governors present at any meeting shall be binding on the whole body; and no resolution or proceeding shall be subsequently revoked or altered, except at a special meeting duly convened upon notice for that purpose. The chairman presiding at any 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.

26. 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 permanent chairman, or in his absence any governor then present, or the clerk if no governor be present, may adjourn the meeting to a subsequent day, not less than seven days distant. Any meeting may also be adjourned at any time by the chairman thereof upon a resolution for adjournment being adopted at such meeting.

Appointment of committees.

27. The governors may at any time appoint three or more of their body to be a committee for the purpose of making any inquiry or superintending, or performing any specific acts or duties which in their judgment may be more conveniently referred to or delegated to such committee. The acts and proceedings of every such committee shall be reported to the governors from time to time at their next meeting.

Minutes of proceedings.

28. The governors shall provide and keep minute books, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings thereat, and of all other transactions of the governors relating to the Charity. The minutes of the proceedings at each meeting shall be signed by the chairman of the meeting, and countersigned by the clerk.

Accounts.

29. The governors shall provide and cause to be kept proper account books, wherein shall be regularly entered and kept full accounts of all receipts and payments on behalf of the Charity, and such other particulars as the governors shall direct to be entered therein. All such accounts, and all accounts of the clerk and receiver, or other agents of the governors shall be examined, vouched, and audited half-yearly at the first general meeting after Midsummer Day and Christmas Day in every year, or at some adjournment of such meetings respectively, by one or more auditors, to be appointed for that purpose by

by the governors, and shall be signed by the chairman and two at least of the other governors present at such meeting; and a statement or sufficient abstract of such accounts, together with a statement showing the number of the boys of each description at the respective schools, and the number of exhibitioners, and the other recipients of the Charity, shall be printed and delivered annually to each governor, and to the vestry clerk of each of the said four parishes, and to such other persons as the governors shall think fit.

Bankers.

30. The governors shall from time to time appoint and employ bankers to the Charity, or for the purposes thereof; and all payments of money on account of the Charity shall be made, as far as practicable, by means of cheques or orders drawn on such bankers, to be signed at some meeting of the governors by the chairman thereof, and by one at least of the governors present thereat, and to be countersigned by the clerk.

Provision for payment of current expenses.

31. Such monies nevertheless as may from time to time be required for payment of the current expenses of the Charity may be paid or advanced by the governors for that purpose to the clerk or such other officer of the Charity, and in such manner, as they may consider expedient; and every such officer shall render to the governors, or as they shall direct, full and exact accounts of all such monies received or expended by him.

Custody of documents.

32. The governors shall provide some suitable room or place of deposit in the college, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the Charity, with proper lists or schedules thereof; and the contents of such room or place shall be examined by or under the direction of the governors at least once in each year; and such room or place shall be kept locked, and the keys thereof shall be kept in such secure custody, and under such regulations, as the governors shall from time to time prescribe.

Library.

33. The governors shall make suitable provision for the preservation and custody of the library belonging to the college, and shall appropriate annually, out of the income of the Charity, any sum not exceeding 100*l.* for binding, and the purchase of books; and subject to the superior authority and directions of the governors, the master of the college shall have the immediate charge and management of the library, and may establish suitable regulations for access thereto, and for the use of the books by the masters and boys of either school herein-after mentioned, and the officers and members of the establishment, and other persons, and generally for the management thereof.

Chaplain.

34. There shall be one chaplain, to be styled "The Chaplain of Alleyn's College of God's Gift at Dulwich," who shall be a duly qualified person in priests orders of the Established Church. The chaplain shall be appointed by the governors, who shall also have the power of removing him for neglect of duty, or other sufficient cause. The first appointment of a chaplain shall be made as soon as conveniently may be after the said 31st day of December 1857, and not later than the first general meeting to be held next after the 25th day of March 1858.

Chaplain's residence.

35. A suitable residence shall be erected or appropriated and provided by the governors at the expense of the Charity for the use of the chaplain, and such residence shall be occupied by the chaplain for the time being and his family

family rent free, and shall be kept in substantial repair, and all rates and taxes thereon paid by the governors out of the general income of the Charity; and the chaplain shall reside in his official residence rent free, and shall not underlet or part with possession of the same, or any part thereof, and he shall not absent himself from residence without the permission of the governors or of the master of the college acting under their authority.

Duties of chaplain.

36. The chaplain shall perform divine service in the chapel attached to the college upon Sundays, and on such other days and at such time as the governors or the master of the college, with their sanction, shall from time to time direct, and he shall discharge such spiritual duties for the benefit of the several objects of the Charity as established by this scheme, and the several persons for the time being belonging or attached thereto, as the governors or the master with their sanction shall authorize and direct, and also, so far as may be lawful and convenient, all such spiritual duties for the benefit of the township or hamlet of Dulwich, and the inhabitants thereof respectively, as have been heretofore commonly performed by the first or other fellows of the college.

Provision for annexation of ecclesiastical district to chaplaincy.

37. In case an ecclesiastical district comprising the said township or hamlet of Dulwich shall hereafter be legally created, the chaplain, with the consent of the governors of the said Charity, may become the incumbent or minister of such district, subject and without prejudice to the performance of his duties under this scheme.

Chaplain's stipend.

38. The governors shall pay to the chaplain out of the general income of the Charity, by equal half-yearly payments, a clear annual stipend not exceeding 350*l.* and not less than 250*l.*

Organist.

39. There shall be an organist for the purposes of the Charity, who shall be appointed by the governors, and shall be removable by them at pleasure, and who shall be paid such a reasonable annual salary out of the income of the Charity as the governors shall direct; and the duty of the organist shall be, subject to the control and direction of the master and the governors, to play the organ and generally to superintend the musical part of the services in the college chapel, and to instruct the boys in vocal music and choral singing at the schools herein-after constituted, or such of them as may be selected for that purpose by the master, and also such of the girls in the Dulwich girls school as herein-after provided. The governors may, if they so think fit, provide an official residence for the organist rent free out of the funds of the Charity.

Chapel.

40. The present chapel of the college shall continue to be appropriated and used as a place of divine worship for the purposes of the Charity and its establishment, and also for the inhabitants of the township or hamlet of Dulwich, in the same manner and to the same extent as heretofore; and the governors may, if they think fit, declare any number of the sittings to be free, or may require from any persons frequenting the chapel, and not being members of the Charity or its establishment, the payment of any reasonable sums by way of pew rent to be applied towards the expenses of such chapel, and the maintenance of the services thereof; provided that no such payment shall be required in respect of any pew or sitting in the chapel which shall

have been annexed or appropriated to any house in the township or hamlet of Dulwich under any agreement or resolution of the college during the continuance of the term or period for which such pew or sitting shall have been so annexed or appropriated. In case the present chapel shall at any time hereafter be found insufficient or unsuitable for the purposes of the Charity and for the inhabitants of the township or hamlet of Dulwich, it may either be altered or enlarged by the governors, or a new chapel in a convenient situation for the inmates of the college may be erected and fitted up by the governors upon a plan to be approved by the visitor; provided that in the construction of such new chapel arrangements shall be made for affording to the inhabitants of the township or hamlet of Dulwich an equal extent of accommodation at least to that heretofore enjoyed by them in the present chapel of the college, having regard also to the probable or eventual increase of population in the said township or hamlet.

Governors may prescribe rules and regulations.

41. Subject to the provisions of this scheme, the governors may from time to time prescribe such reasonable rules and regulations as they may think expedient for the internal government and conduct of the Charity and the establishment thereof as contemplated by this scheme, and of all officers and persons for the time being attached thereto or employed therein; and all such rules and regulations shall be observed by the persons affected thereby.

Three-fourths of net income to go to educational branch of Charity, and one-fourth to eleemosynary branch.

42. The Charity with respect to its objects shall consist of two branches, hereafter respectively called "the Educational" and "the Eleemosynary" branches; and the surplus annual income of the Charity, which shall remain after providing for and paying thereout the expenses of all necessary buildings, repairs, and insurance, and all other requisite or proper outgoings and expenses of management, as well as the stipends and salaries, and several other payments herein-before authorized or directed to be paid, and the interest and instalments of any debt payable thereout, shall be divided by the governors annually into equal fourth parts; and three of such fourth parts shall be placed by them from time to time to the account of "the educational branch" of the Charity, and (subject to the provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after directed; and the remaining one fourth part of such surplus income shall be placed by the said governors to the account of the eleemosynary branch of the Charity, and (subject to the said provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after also directed.

Surplus income of the Charity to be temporarily accumulated.

43. Provided nevertheless, that until the available surplus income of the Charity shall be sufficient for accomplishing the whole purposes hereby provided for with respect to the said educational and eleemosynary branches of the Charity respectively, or for bringing the same into active and complete operation, the amount of such surplus income as aforesaid shall be invested by the governors from time to time in the public funds or other government securities in the name of the stock committee for the time being, and the dividends thereon shall also be received and invested by them in like manner, so as to form an accumulating fund, which shall be ultimately applicable for such or the like purposes as are hereby declared of the income whence the same shall have arisen, except that if and so far as the governors may from time

time to time find the income for the time being sufficient for any partial accomplishment of such purposes respectively, it shall be lawful for them, with the sanction of the Board of Charity Commissioners for England and Wales, to apply the same income, or any part thereof, to such partial purposes.

For explanation and modification of this scheme.

44. If any doubt or question shall arise amongst the governors or any of them as to the proper construction or 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 opinion and advice, when given, shall be binding on the governors; and any provision in this scheme which may require to be explained or more closely adapted to the circumstances for the time being of the Charity may be explained, and adapted accordingly, by an order either of the Court of Chancery or of the Board of Charity Commissioners for England and Wales, to be made upon the application of the governors to the said Court or Board; and any provision in this scheme which shall be found inconvenient or objectionable may be modified accordingly by an order of the Court of Chancery, provided that no alteration shall be made by any such order involving a deviation from the main objects and principles of this scheme.

AS TO THE EDUCATIONAL BRANCH OF THE CHARITY.

Two schools to be established, an upper school and a lower school.

45. There shall be two schools, viz., an "Upper School," and a "Lower School," which shall be respectively established and maintained in the township or hamlet of Dulwich, out of the proportion of the income and funds of the Charity applicable to the educational branch thereof, subject and according to the provisions of this scheme.

Upper school.

46. The upper school shall be for the reception and instruction of boys as foundation scholars and day boys, and may be carried on in the present college buildings, which, for the purposes thereof, may be altered, enlarged, adapted, and fitted up by the governors, or, if necessary, new school buildings, with masters' residences, playgrounds, and appurtenances, may be erected, provided, and fitted up by them, according to any plan which shall be previously approved by the Board of Charity Commissioners for England and Wales.

Head master and under master.

47. There shall be a head master of the said upper school, to be styled, "The Master of Alleyn's College of God's Gift at Dulwich," and who shall have the general control and superintendence of the educational branch of the Charity, subject to the superior authority of the Governors, to whom he shall be responsible for the conduct thereof. There shall also be an under master of the same school, and such master and under master respectively shall be appointed by the governors.

Qualification of head and under master.

48. The master of the college, and the under master of the upper school, shall respectively be members of the Church of England, and graduates of one of the Universities of the United Kingdom, duly qualified to discharge the duties contemplated by this scheme; and the governors shall in all cases, previously to appointing any master or under master, advertise for candidates, and require and receive testimonials and other evidence of qualification in such manner

manner as they may deem expedient for securing the services of the most efficient and eligible persons.

Salaries of head master and under master.

49. The governors shall pay by equal half-yearly payments, out of the income of the educational branch of the Charity, a fixed annual salary or stipend of 400*l.* to the master of the college, and of 250*l.* to the under master of the upper school, and also, in addition to such fixed salaries or stipends, a half-yearly payment or sum of 30*s.* to the master, and 10*s.* to the under master, for every boy exceeding the number of fifty, who shall have bonâ fide attended the said school for a period of not less than three calendar months during the then preceding half year.

Assistant masters and teachers.

50. The master of the college, with the approbation of the governors, shall be at liberty from time to time to appoint such assistant masters or teachers, and such professors, lecturers, and instructors, as may be requisite and proper for the purposes of the school; and every person so appointed shall hold office during the pleasure of the governors, and shall be paid out of the income of the educational branch of the Charity such a reasonable salary or remuneration as the governors shall appoint.

Qualifications for admission of boys to upper school.

51. All boys between the ages of eight and fifteen years, whose parents or next friends shall be inhabitants of any of the said four parishes of Saint Botolph, Saint Saviour, Saint Luke, and Saint Giles Camberwell, being respectively of good character and conduct, and free from any infectious disease, and able to read and write, shall, to the extent of the accommodation afforded by the said upper school, be capable of being admitted thereto as day scholars, and of partaking of the benefits and advantages thereof, subject to the provisions of this scheme, and to such rules and regulations as may be prescribed by the governors consistently therewith; but no boy shall remain in the said school after he shall have attained the age of eighteen years. Subject to such rules and regulations as aforesaid, and subject to the right of preference in favour of boys from the four parishes aforesaid, it shall be lawful for the governors, if they think it expedient, at any time, to order the admission to the said school of boys from other parishes also, provided that the accommodation afforded by the school buildings and the funds of the Charity shall be sufficient for that purpose.

Applications for admission to upper school.

52. Every application for admission to the upper school as a day scholar shall be made in writing to the master of the college, in whom the power of admitting or rejecting applicants shall be vested in the first instance, subject to the revision and control of the governors in each case, and such applications shall be made in such form, and shall be accompanied by such testimonials and evidence of qualification, as the said master, with the sanction of the governors, shall from time to time require; and registers of the applications for admission, and also of the boys admitted to the school, specifying the respective dates of such applications and admissions respectively, and the residences of the boys, and such other particulars as the governors may direct or sanction, shall be kept by the said master, and shall be accessible to every governor.

Day boys may be partially boarded.

53. Any of the day boys attending the upper school may, with the consent of the governors, be admitted as day boarders upon the payment of such sums as

as the governors shall from time to time direct, and subject to such other reasonable regulations as they may prescribe.

Foundation scholars at upper school.

54. There shall be so many foundation scholars in the upper school, not exceeding the number of 24 at one time, as shall be fixed and determined from time to time by the governors, having regard to the amount of the income and resources of the educational branch of the Charity and the extent of accommodation afforded by the buildings, and the said foundation scholars shall be appointed in manner herein-after mentioned, and shall hold their respective appointments during such periods and subject to such regulations and conditions as the governors may from time to time prescribe.

Election of foundation scholars.

55. All boys belonging to any of the four parishes, either from the upper school or the lower school hereafter constituted, between the ages of 12 and 15 years, may offer themselves as candidates for appointment as foundation scholars in the upper school, subject and according to such regulations as the governors may from time to time prescribe; and the said foundation scholars shall be elected and appointed by the governors from time to time from the candidates who shall be reported to them by the master of the college to be the most deserving, having regard to the examinations passed by such candidates respectively at the examinations herein-after directed to be held of the said schools, and to their respective characters and conduct: Provided that of the whole number of foundation scholars in the upper school not less than one third shall be so elected and appointed by examination from the foundation scholars of the lower school.

Foundation scholars to be clothed and maintained at the expense of the Charity.

56. Subject to such regulations as shall from time to time be established or approved by the governors, the foundation scholars in the upper school shall during their continuance at the same school be lodged, boarded, clothed, educated, and maintained in all respects at the entire expense of the Charity, and the governors may, if they think fit, direct that such scholars shall wear a suitable cap or other mark of distinction.

Head master and second master not at liberty to receive and board any private pupils.

57. The master of the college and the second master of the upper school shall not be at liberty to receive and board any private pupils in their respective residences.

Suspension and expulsion of boys.

58. The governors shall have the power of dismissing and expelling any boy from the upper school for any immorality, insubordination, misconduct, 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.

59. An annual sum or capitation fee to be fixed and determined from time to time by the governors shall be paid by every boy attending the upper school, with the exception of the foundation scholars, and, until it shall be otherwise determined by the governors, the payment shall be according to the following scale; viz.:—

For every boy under the age of fourteen years:

If belonging to any of the four parishes aforesaid, 6*l.*

If not belonging to any of the same parishes, 8*l.*

For every boy above the age of fourteen years:

If belonging to any of the four parishes aforesaid, 8*l.*

If not belonging to any of the same parishes, 10*l.*

And all such capitation fees shall be paid in advance to the governors, or to such person as they may appoint to receive the same, in such half-yearly or other payments and at such times as the governors may direct; and the governors shall be at liberty in any special cases to vary the sum to be paid by any boy, or to remit the same either partially or entirely as a reward of his superior merit, or on the ground of the greater poverty of his parents or next friends.

Application of capitation fees.

60. The annual amount of the capitation fees to be received from the boys as aforesaid shall be paid and applied by the governors as follows, viz., one moiety thereof shall be paid half-yearly to the master of the college, and one-fourth part thereof shall be paid half-yearly to the under master of the upper school, in augmentation of their respective stipends, and the remaining one-fourth part thereof shall be applicable to the general purposes of the said school.

Instruction in upper school.

61. The instruction to be afforded in the upper school shall comprise, as far as may be—

The Principles of the Christian Religion and the Reading and Study of the Holy Scriptures;

English Literature and Composition;

The Greek, Latin, and modern Languages, and Literature;

History and Geography;

Writing and Vocal Music;

Mathematics, Algebra, Arithmetic, and Book-keeping;

Drawing and Designing, Practical Geometry and Mensuration, and the Principles of Civil Engineering;

Physics, Mechanics, Chemistry, and the Natural Sciences, especially with their applications to the Industrial and Practical Arts;

And generally such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education.

For the purposes of these several branches of instruction, the upper school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof respectively, shall be adapted to the same purposes accordingly.

The governors may also, out of the funds applicable to the educational branch of the Charity, from time to time provide such instruments, models, drawings, apparatus, and other requisites, and may employ either temporarily or otherwise such lecturers, professors, or teachers, as they shall think proper, and as the said funds shall be sufficient to provide for advancing or rendering more effective the instruction to be so given.

Discipline of school.

62. The course of instruction to be adopted in the upper school, and the hours of attendance, and the discipline and internal conduct and management thereof, and the holidays and vacations to be allowed therein, shall be under the direction and control of the master of the college, subject to such rules and regulations as the governors may from time to time approve.

63. There

Dulwich College.

Annual examination.

63. There shall be an annual examination of the boys at the upper school at such time as shall be appointed by the governors, who shall appoint one or more suitable examiners, being respectively graduates of one of the Universities of the United Kingdom, to conduct such examination, and may pay such examiners respectively any reasonable sum for their trouble and expenses; and such examination shall take place in the presence of the governors, and of the master of the college, and the under master of the school, or such of them as can conveniently attend; and the churchwardens of the said four parishes, and such other persons as the governors or the master may think fit, shall be invited to attend the same; and suitable prizes may be provided and distributed by the governors upon every such examination to the boys who shall be reported to them by the master of the college as deserving the same.

Not more than eight exhibitions of 100*l.* each.

64. Whenever the income and resources of the educational branch of the Charity shall, in the judgment of the governors, permit, it shall be lawful for the governors to establish and pay out of such income any number of exhibitions or scholarships, not exceeding eight in the whole, and not exceeding the amount of one hundred pounds per annum each; and such exhibitions or scholarships, when vacant, shall be open to the competition of all the boys at the upper school at the annual examination aforesaid, and may be awarded by the governors to the boys who shall appear to be most deserving thereof, having regard to the result of the said examination, and to the general character and conduct of such boys respectively: Provided that no boy shall be eligible for such exhibition who has not for the period of two years immediately preceding been educated in the upper or lower school.

Exhibitions tenable for five years.

65. Each exhibition or scholarship shall be tenable for five years, or for any less period, to be determined by the governors; provided that the holder shall during his tenure thereof continue to be resident at one of the English Universities, or to be a bonâ fide student of some learned or scientific profession or of the fine arts, with a view to the professional practice thereof, and shall continue to conduct himself with propriety and to the satisfaction of the governors.

Lower school.

66. The lower school shall be for the instruction and benefit of boys as foundation scholars and day boys, and shall be established and carried on in suitable buildings and premises, to be constructed or provided and fitted up for that purpose by the governors in Dulwich, according to a plan to be previously approved by the Board of Charity Commissioners for England and Wales; and the buildings of the present college grammar school may, if thought expedient, and subject to the like approval, be appropriated and altered, enlarged and fitted up, by the governors for the purpose of the said lower school.

Master of the lower school.

67. There shall be a master of the lower school to be appointed by the governors, who shall be a member of the Church of England, duly qualified to discharge the duties contemplated by this scheme; and the governors, previously to appointing any such master, shall advertise for candidates, and receive such testimonials and evidence of qualification as they may deem expedient for securing the services of the most efficient and eligible master.

68. The

Stipend to master of the lower school.

68. The master of the lower school shall be paid by the governors by half-yearly payments out of the income of the educational branch of the Charity a fixed annual stipend of 200*l.*, and also an additional half-yearly sum of 20*s.* for every boy exceeding the number of fifty who shall have bonâ fide attended the same school for a period of not less than three calendar months during the then preceding half-year.

Assistant masters or teachers.

69. The governors, upon the recommendation of the master of the college, may from time to time appoint such and so many persons as assistant masters, teachers, and instructors for the purposes of the lower school as in their opinion may be requisite or proper, having regard to the requirements of the same school, and the income and resources of the educational branch of the Charity; and every such person may be paid by the governors such a salary or remuneration as the governors may think proper, and every person to be so appointed shall hold office during the pleasure of the governors.

Foundation scholars at lower school.

70. There shall be so many "foundation scholars" in the lower school as shall be fixed and determined from time to time by the governors, having regard to the amount of the income and resources for the time being of the educational branch of the Charity.

Qualification of foundation scholars.

71. The foundation scholars at the lower school shall be appointed by the governors, and boys between the ages of eight and twelve years, of good character, free from infectious disease, and able to read and write, and being poor orphans having lost one or both parents, or in default of such then the children of poor deserving parents resident in any of the said several parishes of St. Botolph, St. Saviour, St. Luke, and St. Giles Camberwell, shall be eligible to be so appointed, but so that an equal number of the said foundation scholars shall be taken from each of the said parishes. The age up to which the foundation scholars may remain in the lower school may be fixed and determined from time to time by the governors, provided that no boy shall be allowed to remain as a foundation scholar in the same school after the age of sixteen years.

Election of foundation scholars.

72. The foundation scholars at the lower school shall be elected from time to time from amongst boys duly qualified as aforesaid, upon an examination and inquiry to be instituted by the governors, or by a committee of not less than three of their number, to be appointed for that purpose; and every such election shall be held either at Dulwich or at the respective parishes from which the scholars are to be elected, and shall take place at such times and be subject to such rules and regulations as may be prescribed by the said governors; and previously to every such election sufficient notice shall be given by the governors in such of the said parishes as may be interested therein, and in any manner and form which the governors may consider best calculated to ensure publicity, specifying the number of vacancies to be filled up, and the qualifications required from candidates, and the time and place at which the election will take place; and in making every such election the merits, qualifications, and claims of the candidates in regard to their respective proficiency, abilities, and general character, and the circumstances and character of their respective parents, shall be taken into due consideration by the governors.

73. The

Dulwich College.

Examination of candidates.

73. The governors may appoint any fit and proper person to examine the candidates at every such election, and may pay to such person out of the funds of the Charity any reasonable remuneration for his trouble and expenses, or they may authorize the master of the lower school, or the master of the college, or the under master of the upper school to act as the examiner upon any such occasion gratuitously; and so far as conveniently may be, and subject to such regulations as the governors may prescribe, every such examination may be attended by all parishioners of the parish for which the election in question shall be held, and by any other persons whom the said governors may think fit or expedient to admit to attend the same.

Foundation scholars to be clothed, educated, and maintained at expense of Charity.

74. The foundation scholars at the lower school shall be lodged and boarded in suitable buildings attached to the same school, to be provided and fitted up by the governors for that purpose, and shall also be clothed, maintained, and educated at the same school, at the entire expense of the Charity, in accordance with such rules and regulations as may be prescribed by the governors in that behalf.

Day boys at lower school.

75. Subject to the regulation and control of the governors, and to the extent of accommodation afforded by the school, all boys above the age of eight years, the children of the industrial or poorer classes resident in any of the four parishes aforesaid, being respectively of good character and able to read and write, and not suffering from any infectious disorder, shall be admissible to the lower school as day boys; but no such boy shall remain at the school after the age of sixteen years.

Applications for admission as day boys.

76. Every application for admission as a day boy to the lower school shall be made to the master of the same school, who shall keep a register of all such applications and of the boys admitted to the school, which register shall always be open to the inspection of every governor and of the master of the college.

Capitation fees.

77. A capitation fee to be fixed by the governors from time to time, but not exceeding 5*s.* a quarter for each boy under fourteen years of age, and 10*s.* a quarter for each boy above that age, shall be paid by the parents or friends of every day boy attending the lower school to the governors, or to any person appointed by them to receive the same; but the governors may in particular cases, if they see fit, as a reward of superior merit, or on the ground of the poverty of any boy or his friends, or for sufficient special reasons, excuse the payment of such capitation fees either wholly or in part. All such capitation fees shall be paid in advance quarterly, or at such other times as the governors may direct, and shall be paid and applied by the governors as follows, viz., one moiety of the amount thereof shall be paid half-yearly to the master of the lower school in augmentation of his stipend, and the remaining moiety shall be applied towards increasing the stipend or remuneration of the assistant masters or teachers of the said school respectively (if any), or for the general purposes of the same school, as the governors in their discretion shall think fit.

Provision for partially boarding day boys.

78. Any of the day boys attending the lower school may, with the consent of the governors, be admitted as day boarders, and may thereupon be boarded with

with the foundation scholars of the same school upon the payment of such a sum for defraying the expense as the governors may from time to time direct, and subject to such other reasonable regulations as they may prescribe.

Instruction in lower school.

79. The instruction to be given in the lower school shall comprise, as far as may be—

The Principles of the Christian Religion, and the Reading and Study of the Holy Scriptures;

Spelling, Reading, and Writing;

English Grammar and Composition, and the Latin and modern Languages;

General History and Geography;

Vocal Music;

Arithmetic, Algebra, Mathematics, and the Elements of Practical Geometry and of Mensuration;

Elementary Instruction in the Laws of Physics, Mechanics, Chemistry, and the Natural Sciences;

Elementary Freehand and Mechanical Drawing.

The instruction in these subjects shall bear especially on their application to the Industrial Arts, and to them may be added such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education, adapted to their probable occupations or stations in life.

For the purposes aforesaid the lower school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof shall be adapted to the same several purposes accordingly.

The governors may also from time to time, for the benefit of the lower school, make any such provision for promoting or rendering more effectual the instruction to be given therein, and particularly in any branches of physical or mechanical science as are authorized to be made by them for the benefit of the upper school for the like purposes, so far as in their judgment such provision shall be required, and the funds of the educational branch of the Charity properly applicable to this purpose will permit.

Suspension and expulsion of boys.

80. The boys at the lower school shall be liable to dismissal and expulsion by the governors for any breach of the rules of the school, or for theft, immorality, insubordination, or misconduct, or other sufficient cause. And upon the occurrence of any such offence or occasion, the master of the same school shall report the same to the master of the college, who shall have power to inquire into the same, and if he shall so think fit to suspend the offender from further attendance at the school, until the case shall have been reported by him to the governors, and decided upon by them.

Provision for the general superintendence and discipline of lower school.

81. The discipline and course of instruction to be adopted at the lower school, and the internal regulation and management thereof, shall be committed to the master of the same school, subject, nevertheless, to the general superintendence and direction of the master of the college, who shall be at liberty at all

all times to visit and inquire into the state and condition of the said lower school, and shall, at least once in each year, make a report thereon to the governors, and subject also to the orders and regulations of the governors.

Annual examination.

82. There shall be an annual examination of the boys at the lower school at such time as shall be appointed by the governors, who shall appoint some fit and proper examiner to conduct such examination, and may pay to him any reasonable remuneration for his trouble and expenses; and such examination shall take place in the presence of the governors, and of the masters of the upper and lower schools, or such of them as can conveniently attend, and the churchwardens of the said four parishes, and such other persons as the governors or the master of the college may from time to time think fit, shall be invited to attend the same. With the approbation of the governors, either the master of the college or the second master of the upper school may act as the examiner at any such annual examination gratuitously.

Prizes and apprenticing gifts.

83. The governors may yearly, upon the occasion of such examination as last aforesaid, distribute suitable prizes, to be provided out of the income and funds of the educational branch of the Charity, among the boys at the lower school who shall be found to be most deserving thereof, having regard to the results of the said examination and to the general character and conduct of such boys, according to a report thereof to be made to the governors by the master of the college in concurrence with the master of the lower school; and the governors may also yearly, upon the occasion of such annual examination, award and pay out of the same income and funds, to or for the benefit of a limited number of such boys as last aforesaid who shall be then leaving the school (but not exceeding the number of six in the whole during any one year), a gratuity or sum not exceeding 40*l.* in each case for the purpose of apprenticing or advancing such boys respectively in the world in such manner and subject to such conditions and regulations as the governors may prescribe: Provided that one third at least of the boys receiving such benefit shall be taken every year from the most deserving of the foundation scholars of the lower school, if a sufficient number of the foundation scholars should be then leaving the school.

Exhibitions or scholarships for the lower school.

84. Whenever the income and resources of the educational branch of the Charity shall in the judgment of the governors permit, any number of exhibitions or scholarships, not exceeding twelve in the whole, and not exceeding the amount of 40*l.* per annum each, may be awarded and paid by the said governors out of such income to or for the benefit of such boys as herein-after mentioned upon their leaving the lower school, and any such exhibition or scholarship shall be tenable by the boy to whom it shall be so awarded for a period not exceeding four years from the time of his leaving the school, provided that he shall continue to conduct himself with propriety and to the satisfaction of the governors; but no more than three such exhibitions or scholarships shall be awarded or filled up in any one year.

Competition for such exhibitions.

85. The said exhibitions or scholarships to the extent of the disposable vacancies for the time being therein shall be open to the competition of all boys at the lower school (as well foundation scholars as day boys) at the annual examination for the same schools, and shall be awarded by the governors to the boys who shall be found to be most deserving thereof, having

having regard to the result of the said examination, and to the general character and conduct of the boys, according to a report to be made to the governors by the master of the college in concurrence with the master of the lower school; but no boy shall be entitled to or receive any such exhibition or scholarship in addition to a gratuity for his apprenticeship or advancement as aforesaid: Provided also, that no boy shall be eligible for such exhibition or scholarship who has not for the period of two years immediately preceding been educated in the said lower school.

Masters to reside in and not to underlet their residences.

86. Suitable residences, with all proper fittings and appurtenances, shall be provided by the governors for the persons holding the respective offices of master of the college and under master and master of the said upper and lower schools, and the same persons respectively shall reside in their respective official residences rent-free, and shall have the occupation and use thereof in respect of their official character and duties, and not as tenants, and shall, if removed from office, deliver up possession of their said respective residences at such time and to such person as the governors may require or direct; and no master shall underlet or permit any person, except himself and his family, to occupy his official residence or any part thereof. The said official residences, with their respective appurtenances, shall be kept in proper repair, and all rates and taxes thereon shall be paid by the governors out of the income of the Charity.

Masters not to have other employments.

87. The master of the college and the under master and master of the said upper and lower schools respectively shall give their whole time and personal attention to the duties of their respective offices, and shall not respectively during their respective tenure of office accept or 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 their respective duties under this scheme.

Declaration to be signed by masters on entering into office.

88. The master of the college and the under master and master of the said upper and lower schools respectively, previously to entering into office under the provisions of this scheme, shall respectively sign a declaration to be entered in the minute book of the governors, which may be in the following form, or as near thereto as conveniently may be, *i.e.*:—

"I, declare, That I will always to the best "of my ability discharge the duties of during my tenure "of that office according to the provisions of the scheme for the regulation of "Alleyn's College of God's Gift at Dulwich, and that in case I shall be "removed from my office by the governors according to the provisions of the "same scheme, I will acquiesce in such removal, and will thereupon relinquish "all claim to such office and its future emoluments, and upon any such "removal, or upon any avoidance of my office, possession of my official resi- "dence with its appurtenances may be forthwith taken by the governors, or "any person appointed by them to take possession of the same."

Removal of masters.

89. The master of the college, and the under master of the upper school, and the master of the lower school respectively, shall be liable to be removed from their respective offices by the resolution of the governors present at a special meeting, to be called for the express purpose of considering the expediency of such removal upon a requisition of at least three governors, provided that the resolution

resolution for such removal shall be carried at such meeting by at least two-thirds of the governors present, and that the number of governors voting for the removal shall not be less than seven, and provided that the notice of meeting shall in this special case have been given to every governor by the space of at least one calendar month previously to the holding thereof, and that notice thereof shall have been also given in like manner by the same space previously to the master whose removal shall be proposed, and that such resolution shall be entered on the minutes and signed by the governors voting for the same.

Removal of head and under masters.

90. The master of the college, and the under master of the upper school, and the master of the lower school, shall also respectively be removable by the governors under the provisions of "The Charitable Trusts Act, 1853," and the governors may assign to any master or under master, upon his removal under this or the last foregoing clause, or upon his retirement, such a reasonable annual allowance by way of retiring pension, to be paid out of the income of the educational branch of the charity, as the Board of Charity Commissioners for England and Wales shall sanction.

Masters's salaries apportionable in case of death, &c.

91. Any master of the college, and any under master or master of the said upper and lower schools respectively, who may die, resign, or be removed from office under the provisions of this scheme in the interval between any two half-yearly days of payment, shall respectively be entitled to a due proportion of his salary or stipend, and of the portion of capitation fees, if any, payable to him 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.

Provision as to the religious instruction.

92. Prayers taken from the Liturgy of the Church of England, or of which the form shall have been approved by the visitor, shall be said daily in each of the said schools when the same shall meet. The religious instruction in both the schools shall be in accordance with the doctrines of the Church of England, and shall be given under the general direction of the master of the college to all boys, except that instruction in the Church Catechism, or in any distinctive doctrines of the Church of England, shall not be given to boys whose parents, or persons standing in loco parentis (being respectively persons not in communion with that church), shall state in writing to the master of the college that they object to such last-mentioned instruction upon conscientious grounds; and all the boys, except those last aforesaid, shall also attend divine service at the chapel of the college on Sundays, and on such other days and at such times as may be directed by the master of the college, subject to the approbation of the governors. The exemption from attending divine service at the chapel of the college on Sundays may also be extended by the governors or the master, if found necessary or convenient, to any day boys attending the schools from other places than Dulwich; but care shall be taken, as far as possible, that all boys who shall, by virtue of the said exception, be exempted from attendance at the said chapel as aforesaid, shall regularly attend some other place of religious public worship on Sundays.

Boarding establishment.

93. Every establishment which may be set up by any person or persons for the purpose of lodging or boarding boys at the upper or lower school shall be under the superintendence of the master of the college, subject to any rules and regulations which may be made by the governors.

Attendants and servants.

94. The governors may appoint from time to time such attendants and servants as may be found to be required for any of the purposes of the said respective schools at such reasonable salaries to be paid out of the income of the educational branch of the Charity as the governors may think fit, and may remove any such attendants and servants at pleasure.

Present poor scholars to be admitted as foundation scholars.

95. The present poor scholars at the college, or such of them (if any) as may retain their respective appointments when this scheme shall come into operation, shall be entitled to be admitted in the first instance as foundation scholars either at the upper or lower schools as the governors may determine and direct in each case.

Preference in favour of inhabitants of Dulwich for admission to schools.

96. In the appointment or admission of boys from the parish of Camberwell to either of the said schools, under any of the provisions of this scheme, boys being the children of resident inhabitants of the township or hamlet of Dulwich, and being otherwise duly qualified for appointment or admission, shall always be entitled to and have a preference, cæteris paribus, over boys being the children of persons resident in any other part of the said parish of Camberwell. Provided nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the merits and qualifications of the respective candidates for appointment or admission independently of their place of residence shall be equal in the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive upon all parties.

Schools to be subject to Her Majesty's Inspectors of Schools.

97. The schools shall respectively be subject to inspection by Her Majesty's Inspectors of Schools.

Provision for increase of number of foundation scholars and exhibitioners.

98. It shall be lawful for the governors from time to time, with the sanction of the Court of Chancery or the Board of Charity Commissioners for England and Wales, to be obtained upon application to such Court or Board, to increase the number of foundation scholars or exhibitioners at or from both or either of the said schools to such an extent as the amount of the income and resources of the educational branch of the Charity for the time being, and other circumstances, may render proper and expedient.

Surplus income.

99. The annual surplus income (if any) of the educational branch of the Charity which shall not be applied or required for the purposes herein-before expressed, shall be invested by the governors from time to time in the public funds or other Government securities, in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the educational branch of the Charity.

AS TO THE ELEEMOSYNARY BRANCH.

Almspeople.

100. There shall be such a number of almspeople belonging to the Charity as shall be determined by the governors from time to time, having regard to the amount of income available for the support of the eleemosynary branch of the Charity, and the extent of accommodation afforded by the buildings to be erected for that purpose according to this scheme; but the number of such almspeople for whom accommodation shall be provided by the governors in the first instance shall not exceed twenty-four.

101. Suit-

Residences for almspeople.

101. Suitable residences with gardens, if the same can be conveniently attached to them, and all necessary and proper fittings and conveniences, shall be erected or appropriated and provided by the governors for the reception and accommodation of the said almspeople upon the Charity estate if practicable, or elsewhere at Dulwich, and according to plans to be approved by the Board of Charity Commissioners for England and Wales.

Provision for locating present poor brethren and sisters.

102. The present poor brethren and sisters belonging to the Charity, or any of them, who may continue to hold their respective appointments after the 31st day of December next, shall be entitled to be placed, in the first instance, in the residences to be erected or appropriated and fitted up in accordance with the provisions of this scheme; and until sufficient residences shall be erected and fitted up for such poor brethren and sisters, and in case of and from and after their removal from the college, the governors shall provide them with fit residences or make such other provision for their location and domiciles as shall be just and expedient.

Qualification of almspeople.

103. One half of the almspeople shall be poor men to be called "Brethren," and the other half of such almspeople shall be poor women to be called "Sisters," and both classes shall be selected, so far as practicable, from among respectable persons, either married or single, who shall have fallen from better circumstances into indigence, and who shall be of the age of sixty years or upwards; and the said almspeople shall always be chosen and appointed from among residents in the said four parishes of Saint Botolph Without Bishopsgate, Saint Saviour Southwark, Saint Luke Middlesex, and Saint Giles Camberwell, respectively, in the proportion of one-fourth of the whole number of such almspeople from each of the said several parishes respectively.

Appointment of almspeople.

104. The right of appointing the almspeople shall be vested in the governors, but for the purpose of every such appointment the vestry of the parish from which the appointment is to be made shall submit to the governors the names of three persons duly qualified as aforesaid as candidates, with all proper information and evidences as to their qualification, condition, character, and circumstances, and so far as regards the candidates to be so submitted from the parish of Camberwell, having due regard to the preference herein-after reserved in favour of persons resident in the township or hamlet of Dulwich, and one of such candidates, if found duly qualified and eligible, shall thereupon be selected and appointed by the governors to fill the vacancy; but the governors may, if and so often as they shall think fit, on the ground of disqualification, or any other reasonable cause to be assigned by them, reject all or any of the three candidates to be so submitted to them for the purpose of any such appointment, and require other candidates to be submitted to them as aforesaid, in the respective places of any so rejected. In any case of the refusal or omission of the vestry to submit to the governors the names of proper candidates within twenty-eight days next after a notification made to them or to their clerk by order of the governors of a vacancy to be filled, or next after the rejection by the governors according to the preceding provision of any candidates or candidate for the said vacancy, the governors shall be at liberty to appoint any duly qualified person to fill such vacancy.

105. The

Weekly allowances to almspeople.

105. The almspeople, during the tenure of their respective appointments, shall have the use and occupation of their respective residences, together with such fittings and furniture (if any) as may be provided by the governors, rent free, and a weekly stipend to be fixed and determined from time to time by the governors, but not exceeding twenty shillings per week, shall be paid to each almsperson out of the income of the eleemosynary branch of the Charity.

Chaplain to have supervision of almspeople.

106. The chaplain of the college, subject to the superior authority and direction of the governors, shall have the immediate supervision and control of the almspeople, and shall take care that proper discipline and order is observed by them, and he shall half-yearly or more frequently report to the governors as to the state and condition of the almspeople and the eleemosynary branch of the Charity generally.

Pensioners.

107. Whenever the income of the eleemosynary branch of the Charity, after providing for the establishment and maintenance of twenty-four almspeople, shall be sufficient for the following purpose, the governors shall appoint from time to time as out-pensioners any number of persons not exceeding the number of almspeople for the time being, and not exceeding thirty-two in the whole. The number of such pensioners of either sex shall, so far as possible, be equal; and so far as may be convenient and practicable the several provisions herein contained with regard to the qualification of the said almspeople, and the proportion of the whole number to be appointed from the poor of each of the said four parishes respectively, and the mode of their election and appointment, and the tenure of their appointments, shall be applicable to the pensioners contemplated by this provision, except that such pensioners shall be eligible after the age of fifty years. The governors may pay to each pensioner during the tenure of his or her appointment, out of the last-mentioned income, a weekly or other periodical sum at the rate of ten shillings per week.

Removal and suspension of almspeople.

108. The governors shall have the power of removing and dismissing any almsperson or pensioner for disqualification, immorality, insubordination, misconduct, or other sufficient cause, and the master of the college may at any time suspend any almsperson or pensioner guilty of any such misconduct from the receipt of any allowance or benefit from the Charity until the case can be reported to the governors and decided upon by them.

Preference in favour of Dulwich for appointment as almspeople and pensioners.

109. In the appointment of any almsperson or pensioner from among residents in the parish of Camberwell under the provisions of this scheme, poor persons resident in the said township or hamlet of Dulwich, being otherwise duly qualified as required by this scheme, shall always be entitled to and have a preference, cæteris paribus, over poor persons resident in other parts of the said parish, and the nominations to be made by the vestry of the said parish of Camberwell shall in all cases be made in accordance with this provision; provided nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the qualifications and claims of the respective candidates in accordance with this scheme, independently of their place of residence, shall be equal according to the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive as between all parties.

110. The

Dulwich College.

Surplus income.

110. The annual surplus income (if any) of the eleemosynary branch of the Charity which shall not be applied or required for the purposes herein-before expressed, or any of them, shall be invested by the governors from time to time in the public funds or other Government securities, in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the eleemosynary branch of the Charity.

AS TO THE PICTURES AND OTHER MINOR FOUNDATIONS.

Provision for preservation and custody of pictures.

111. Provision shall be made by the governors, with the sanction of the President and Council of the Royal Academy, for the preservation and custody of the collection of pictures and other works of art bequeathed to the college by the respective wills of Sir Peter Francis Bourgeois and Margaret Desenfans, and all accretions or additions (if any) to such collection, in the present gallery, and, if necessary, in some additional gallery to be erected or otherwise provided for the purpose at the College at Dulwich, and subject to such regulations for making the same accessible to the public, and for other purposes, as the governors, with the like sanction or approval, may determine or direct.

Endowments of picture gallery.

112. All sums of stock, securities for money, and other property vested in or held by the college, or any person or persons in trust for the custody or preservation of the said pictures or works of art, or for any object or purpose connected therewith, or so much thereof as shall not have been already vested in the said governors by virtue of the provisions herein-before contained, shall be transferred to the governors hereby established, or to any four persons of their number to be appointed by them for that purpose, or as to such stock to the Official Trustees of Charitable Funds, and shall be placed by the governors to a separate account, to be called "The Picture Gallery Endowment Account," and the same stock, securities, and premises, and the dividends and income arising therefrom, shall be applicable primarily to the purposes of placing, preserving, and guarding the said pictures and works of art, but such purposes may include the erection, providing, appropriation, and fitting of any additional gallery which may be erected or provided in pursuance of the foregoing provision, and of keeping the same in repair. In case the services of the present curator and doorkeeper of the picture gallery, or of either of them, shall be dispensed with by the governors, a suitable yearly allowance or pension shall be assigned to them respectively during their respective lives, in consideration of their past services, such respective allowances or pensions to be paid by the governors half-yearly out of the income of the Picture Gallery Endowment.

Surplus income of picture gallery endowment.

113. The annual surplus income (if any) arising from the said Picture Gallery Endowment shall be applied by the governors in or towards providing instruction in drawing or designing for the boys at the two schools constituted by this scheme, and until so applied shall be accumulated and invested as part of the surplus income of the said educational branch of the Charity.

John Whitfield's gift.

114. The sum of 666*l.* 13*s.* 4*d.*, 3*l.* per cent. reduced Bank Annuities, bequeathed by John Whitfield, Esquire, by his will dated the 24th of April 1826,

1826, to the master and warden of the said College and their successors, upon trust to lay out the interest thereof annually in bread and potatoes, or other necessaries, and distribute the same in the months of December, January, and February in each year unto and among such twenty poor widows in the hamlet of Dulwich as the said master and warden should in their discretion consider most to stand in need of such assistance, and in proportion to the number of their respective families and wants, together with all accretions or additions, if any, to such bequest, shall be transferred to the Official Trustees of Charitable Funds, in trust for John Whitfield's Charity, Dulwich; and the chairman for the time being of the governors, and the master, and the chaplain for the time being of Alleyn's College of God's Gift at Dulwich as hereby constituted, shall be the trustees for the management and distribution of the said last-mentioned charity, and the income thereof shall be paid over from time to time to such trustees, or any one or more of them, in order that the same may be applied and distributed by them, or the majority of them, in accordance with the trusts declared by the said will.

James Allen's gift, or Dulwich girls' school.

115. The rents, dividends, and income arising from the estates and other property constituting the endowment of the school founded by James Allen, by indenture dated on or about the 31st of August 1741, for the benefit of the children of poor persons resident in the town of Dulwich, or within one mile thereof, and all accumulations of income and other funds belonging to the said endowment, shall be placed by the governors to a separate account, to be called "The Dulwich Girls' School Account." The chairman for the time being of the governors and the master and the chaplain for the time being of the said college shall be the trustees for the administration of the said last-mentioned school, which shall be established and carried on as a school for the instruction of girls being the children of poor persons resident in the hamlet of Dulwich and its immediate vicinity, subject to such regulations as may be prescribed by the said trustees, or the majority of them, with the sanction of the said Board of Charity Commissioners for England and Wales; and the organist of the college shall instruct in vocal music and choral singing such girls in the said school as the trustees may select; and the rents and income arising from the said endowment shall be paid over to the said trustees in trust for the purposes of the same school, and the governors of the said college shall be at liberty to appropriate in perpetuity a suitable piece of land out of the college estate as a site for school buildings for the said last-mentioned school, and any accumulations which have been already made, or may hereafter be made, out of the rents or income of the said endowment, may be applied by the said trustees in or towards erecting and fitting up suitable buildings for the purposes of the said school.

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