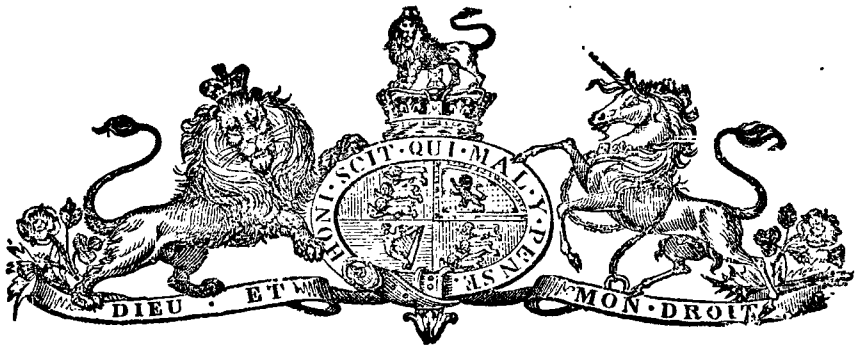


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XCIX.

An Act for confirming an amended Scheme of the Charity Commissioners for the Charity called Sir *John Port*'s Hospital in *Etwall* and School in *Repton* in the County of *Derby*.

[12th *August* 1867.]

WHEREAS the Charity Commissioners for *England* and *Wales*, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and sixty-six, have reported that they have provisionally approved and certified a Scheme for Sir *John Port*'s Hospital in *Etwall* and School in *Repton* in the County of *Derby*, and such Scheme is set out in the Appendix to their said Report: 14th Report, dated 27th Feb. 1867.

And whereas it is expedient that the said Scheme, as the same is amended and set out in the Schedule to this Act, should be confirmed:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The said Scheme, as amended and set forth in the Schedule, shall be confirmed and take effect. Scheme, as amended, confirmed.

SCHEDULE.

SCHEME.

Commencement of Scheme.

1. This Scheme shall be finally established and come into full Operation upon the final passing of the Order of the Charity Commissioners appointing a Portion of the First Body of Trustees to be made as herein-after mentioned.

Dissolution of Corporation and Court of Management.

2. Upon the final Establishment of this Scheme the existing Corporation, called the "Master, Schoolmaster, Ushers, Poor Men, and Poor Scholars of the "Hospital and Free School of Sir John Port, Knight, in Etwall and Repton, "otherwise Reppingdon, of the Foundation of the said Sir John Port," shall be dissolved, and the Court of Management thereof abolished. Thenceforth

Establishment of Trustees.

the Management and Control of the said Hospital and School, and of all the Possessions thereof, shall be vested in a Body of Trustees, who shall be called "Sir John Port's Trustees," and the legal Estate in all Lands and Hereditaments belonging to or held in trust for the Charity shall vest in "The Official Trustee of Charity Lands" and his Successors in trust for "Sir John Port's Trustees."

Vesting of Personal Estate.

3. All the Personal Estate and Effects of the Charity shall vest in the Official Trustees of Charitable Funds in trust for Sir John Port's Trustees.

Power of Sale as to Personal Estate.

4. It shall be lawful for the Trustees, with the Consent of the Charity Commissioners, to sell any Portion of the Personal Estate and Effects of the Charity either by Public Auction or Private Contract, and upon Payment of the Purchase Money the Official Trustees of Charitable Funds shall assign such Personal Estate as may be so sold to the Purchaser or Purchasers thereof freed and discharged from any Trust for Sir John Port's Trustees, and the Proceeds of such Sale shall be applied in manner herein provided.

First Trustees.

5. The First Members of the Body of Trustees shall be the Three Hereditary Governors of the Hospital and School; namely,—

The Most Noble Henry Weysford Charles Plantagenet Marquis of Hastings;

The Right Honourable George Philip Cecil Arthur Earl of Chesterfield, and Sir Robert Tolver Gerard, Baronet;

Sir John Harpur Crewe, Baronet, as Heir of John Harpur, Esquire, mentioned in the subsisting Charter;

The Reverend David Crawford Cochrane, M.A., in right and during Tenure of his Office of Master of the Hospital in Etwall; and Seven other Persons resident within Twenty Miles of the Schoolhouse at Repton:

Provided that no Person, except as aforesaid, deriving any Emolument from the Funds of the Charity shall be eligible to become or to act as a Trustee.

6. The

Sir John Port's Charity.

Trustees when to be appointed.

6. The First Trustees shall be appointed as follows:—Within Three Calendar Months after the Act confirming this Scheme has received the Royal Assent the Hereditary Governors shall appoint Three Trustees duly qualified as aforesaid; the other Four shall be appointed by order of the Charity Commissioners. If the Hereditary Governors neglect to appoint Three Trustees within the said Term of Three Months, so many Places as they neglect to fill shall be filled by order of the Charity Commissioners. If any of the Hereditary Governors or Sir John Harpur Crewe decline to act under this Scheme, his Place shall be filled by order of the Charity Commissioners.

Future Trustees.

7. The Hereditary Governors and the Heir for the Time being of John Harpur shall, if willing to accept and competent to act in the Trust, be always Members of the Body of Trustees. The remaining Trustees shall consist of Seven Persons duly qualified as aforesaid, of whom Three shall be appointed by the Hereditary Governors, and the remaining Four shall, after the First Appointment, be appointed by the general Body of Trustees, with the Sanction of the Charity Commissioners.

If Governors or Heir of John Harpur incompetent to act, or fail to appoint, the general Body shall fill Vacancies in the Trust.

8. If any of the Hereditary Governors or the Heirs of John Harpur declines or is incompetent to be a Trustee, or if the Hereditary Governors omit for the Space of Six Calendar Months after the Vacation of Office by any of the Trustees appointed by them to replace such Trustees, the Power of appointing Trustees to fill all such vacant Places shall be exercised by the general Body of Trustees, with the Sanction of the Charity Commissioners; provided always, that any of the Hereditary Governors or the Heir of John Harpur having been incompetent to act, and having become freed from such Incompetency, shall be entitled to act as a Trustee, though the Number may be thereby temporarily increased.

Vacancies in the Trust.

9. The Office of Trustee shall become vacant as to all the appointed Trustees on their Resignation or Bankruptcy, or on their ceasing to reside within Twenty Miles of the School-house in Repton, or their Refusal or Incapacity or Omission for a Period of Two consecutive Years to act.

Rights to vest in Trustees.

10. All Rights, Privileges, and the full Benefit of all subsisting Covenants, Conditions, and Securities made, reserved, or belonging to the existing Corporation or Court of Management, or to any Person in trust for them, and all Personal Estate and Right to sue for and recover all Rents, Choses in Action, and Monies belonging to or recoverable for the Benefit of the said Institutions, or either of them, shall immediately and from Time to Time vest and continue vested in "Sir John Port's Trustees" for the Time being, and the Right to sue upon or enforce all or any Covenants, Conditions, and Securities made, reserved, or contracted to or with the said Corporation or Court of Management before their Dissolution or Abolition, or to or with any preceding Members thereof, shall be exerciseable in the Name of "Sir John Port's Trustees" as fully and effectually as the same might have been exercised by and in the Name of such Corporation, Court of Management, or Members thereof, if this Scheme had not been established.

Advowson of Willington.

11. Upon the final Establishment of this Scheme the Advowson of Willington shall be sold, and the Proceeds of such Sale shall vest in Official Trustees of Charitable Funds, and their Successors, in trust for Sir John Port's Trustees, and shall be applied in the Manner herein-after directed.

12. So

Sale of the Advowson of Willington.

12. So soon as conveniently may be after this Scheme shall come into operation, the Trustees of the Charity, with the Concurrence of the Charity Commissioners, shall sell the Advowson of Willington, either by Public Auction or Private Contract, and upon Payment of the Purchase Money the Official Trustee of Charity Lands shall convey the said Advowson to the Purchaser thereof, or to such Person as he may appoint, freed and discharged from any Trust for Sir John Port's Trustees.

Foundation of Schools at Repton and Etwall.

13. The Proceeds of the Sale of the Advowson of Willington, together with such further Part of the Funds of the Charity as may be required for such Purposes, shall be applied, in conjunction with such Grant as shall be made by the Committee of the Privy Council on Education, to the Erection of Two Schoolhouses with Masters Residences, one to be situated in Repton and the other in Etwall.

Power to purchase Land for Schools.

14. It shall be lawful for the Trustees to purchase Land or Buildings in Repton and Etwall or either of them for the Purposes of providing Schoolhouses, and Houses for the Masters of the said Schools, or, at their Option, it shall be lawful for the Trustees to appropriate any Land or Buildings held in trust for the Charity at Repton or Etwall to such Purposes or any of them, and all Lands that may be purchased under this Provision shall vest in the Official Trustee of Charity Lands and his Successors in trust for "Sir John Port's Trustees."

Sale of the Hospital.

15. Upon receiving the Request in Writing of a Majority of the Trustees, of which Two shall be Hereditary Governors, the Official Trustee of Charity Land shall sell the Hospital and its Appurtenances, either by Public Auction or Private Contract, and upon Receipt of the Purchase Money shall convey the said Hospital and its Appurtenances to the Purchaser, or to such Person as he may appoint, freed and discharged from any Trust for Sir John Port's Trustees.

The Proceeds of the Sale of the Hospital.

16. The Proceeds of the Sale of the said Hospital, if and when the same shall be made, shall be invested in the Names of the Official Trustees of Charitable Funds, in trust for Sir John Port's Trustees, and the Income thereof shall be applied in the Manner herein-before provided with regard to surplus Income.

Appointments how to be filled up.

17. The Hereditary Governors shall have the Right of appointing the Head Master of the School and the Two Ushers thereof as heretofore, and the Sixteen Almsmen and Eight poor Scholars shall be appointed by the said Governors and the Heir of the said John Harpur as heretofore. All such Appointments shall be made within a reasonable Time.

No Lapse to Judge of Assize.

There shall be no Lapse of the Right of Appointment to the Judge of Assize, as provided by the Private Act of Parliament, Fifth George the Fourth, Chapter Thirty-eight, for regulating the Affairs of this Charity; but during Vacancies the Trustees shall make such Provision as seems to them expedient for the due Conduct of the School.

Power to appoint Almswomen instead of Almsmen.

18. It shall be lawful for the Hereditary Governors and the Heir of John Harpur for the Time being, if they shall think fit, from Time to Time, under special Circumstances of Indigence or Infirmity, to appoint Almswomen instead of Almsmen: Provided always, that the total Number of such Almsmen and Almswomen together shall not at any One Time exceed Sixteen: And the Word "Almsmen" in this Scheme shall include "Almswomen."

19. The

Duties of the Master of Hospital.

19. The present Master of the Hospital shall discharge such Functions as may be imposed on him by any Laws, Constitutions, or Ordinances made under the Authority herein-after conferred.

Upon the next Vacancy of the Office of Master of the Hospital the said Office shall cease and determine, and no further Appointment thereunto shall be made, and the Emolument of such Office shall thenceforth be applied in the Manner herein-after directed.

Trustees to have Management,

20. The Trustees shall have the general Management of the whole Property of the Charity, with such Power and Authorities as the Law confers on Trustees managing Property belonging to Charities.

and make Laws, Constitutions, and Ordinances.

21. The Trustees shall from Time to Time, and as Circumstances require, subject to the Approval of the Board of Charity Commissioners for England and Wales, frame Laws, Constitutions, and Ordinances for the Conduct and Management of all Matters connected with the Administration of their Trust, and its Possessions and Affairs, including the Regulation of their own Proceedings, and also for the Government and Conduct of the Almsmen, and existing Free School at Repton, and of all the Officers and Beneficiaries of the Charity.

Specifically as to free Education;

22. In framing such Laws, Constitutions, and Ordinances for the Government and Conduct of the said School it shall be lawful for them, with the Approval aforesaid, to make such Regulations or Restrictions respecting any Privileges of free Education which may be claimed by or be desirable to be conferred upon Residents in Repton, Etwall, or elsewhere, as may be most for the Benefit of the said Residents and School; provided that no such Laws, Constitutions, or Ordinances shall prevent or interfere with the Exercise of the Right of the Hereditary Governors and the Heir of John Harpur to appoint poor Scholars as heretofore.

and as to Residence and Attendance at Church of Almsmen and Master.

23. In framing such Laws, Constitutions, and Ordinances for the Regulation of the said Hospital and Almsmen, it shall be lawful for the Trustees, with the Approval aforesaid, to provide that the Almsmen shall be relieved from the Obligation to reside in the Hospital, or to attend Divine Service in Etwall Church, and that the Master shall be relieved from his Obligation to reside in the Hospital, or to perform Divine Service in Etwall Church, and to make such Regulations concerning these several Matters as from Time to Time shall appear to be required by Circumstances.

Removal of Beneficiaries.

24. The Trustees shall have the Power of removing or depriving of the Benefit of the Charity for Misbehaviour, or other just and sufficient Cause, any Person now receiving or hereafter appointed to receive the Benefit of the Charity; provided always, that such Removal shall be made with the Sanction of the Charity Commissioners.

Existing Rights preserved.

25. No Laws, Constitutions, or Ordinances made under the Authority of this Scheme shall, except as herein expressly provided, have the Effect of placing any existing Member of the Corporate Body in a worse Position with respect to his Emoluments and Privileges, or, without his own Consent, in any different Position, than he now holds under the present Constitution of the Charity.

26. After

Sir John Port's Charity.

Surplus Income.

26. After answering all the Expenses of Management, the Income of the Foundation shall be applied to the Support of One School at Repton and One School at Etwall for the Poor in connexion with the Committee of the Privy Council on Education, and next according to the Laws, Constitutions, and Ordinances to be made as aforesaid, in such Proportions and Manner as shall be deemed most for the Benefit of the Institutions, in the Support or Increase of either the Hospital or Out-Pensioners, and in the Support or Extension of the existing Free School in Repton.

Repeal of Acts.

27. When the First Code of such Laws, Constitutions, and Ordinances receives the Sanction of the Charity Commissioners, it shall be lawful therewith, and as Part thereof, to declare that the Private Acts of Parliament (5 Geo. IV. c. 38. and 6 and 7 William IV. c. 21.) which now regulate this Charity are wholly (with the Exception of the Eleventh Section of the Fifth George the Fourth, Chapter Thirty-eight, which enacts that all and every the poor Men to be hereafter nominated and appointed under or by the virtue of that Act shall be selected from the Poor or poorest of the Parish of Etwall, so long as proper Objects can there be found) repealed, and the same shall be wholly repealed accordingly; provided that this Repeal shall not affect the Validity or Invalidity of anything already done or suffered, or any Remedy or Proceeding in respect thereof.

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