



CHAPTER xxiv.

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the two Charities known as Allhallows Charity and the Charity of Thomas Marwood respectively both in the Parish of Honiton in the County of Devon. A.D. 1926.
—
[30th June 1926.]

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year nineteen hundred and twenty-five reported that they had approved and certified a Scheme for the application or management of the following Charities in the parish of Honiton in the county of Devon :—

- (1) The Charity called or known as Allhallows Charity regulated by an Indenture dated 20th July 15 Henry VIII. and the Act of Parliament 5 & 6 Will. IV. c. xvii;
- (2) The Charity of Thomas Marwood founded by will dated 14th September 1617 :

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

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present

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A.D. 1926. Parliament assembled and by the authority of the same as
— follows :—

Confirma-
tion of
Scheme.

1. The said Scheme is hereby confirmed Provided always that nothing in this Act or in the said Scheme shall be held to interfere with the ordinary jurisdiction over endowed charities now exerciseable or hereafter to become exerciseable by the High Court of Justice and the Charity Commissioners.

Short title.

2. This Act may be cited as the Allhallows and Marwood (Honiton) Charities Scheme Confirmation Act 1926.

SCHEDULE.

A.D. 1926.

Scheme for the application or management of the following Charities in the Parish of Honiton in the County of Devon :—

- (1) *The Charity called or known as Allhallows Charity regulated by an Indenture dated 20th July 15 Henry VIII. and the Act of Parliament 5 & 6 Will. IV. c. xvii. ;*
- (2) *The Charity of Thomas Marwood founded by will dated 14th September 1617.*

1. *Administration of Charities.*—The above-mentioned charities and the endowments thereof specified in the Schedule hereto and all other the endowments (if any) of the said charities shall be administered and managed so as to give effect to the provisions of this Scheme.

2. *Vesting of Real Estate.*—Any freehold or leasehold lands and hereditaments comprised in this Scheme are hereby vested in "The Official Trustee of Charity Lands" for all the estate and interest therein belonging to or held in trust for the charities.

TRUSTEES.

As to Allhallows Charity.

3. *Trustees.*—The above-mentioned Allhallows Charity and its endowments shall be administered by a body of Trustees consisting when complete of twelve competent persons being—

One ex-officio Trustee ;
Four representative Trustees ; and
Seven coöptative Trustees.

4. *Ex-officio Trustee.*—The ex-officio Trustee shall be—
The RECTOR for the time being of Honiton.

5. *Representative Trustees.*—The representative Trustees of Allhallows Charity shall (subject as hereinafter provided with respect to the first representative Trustees) be appointed as follows :—

Two by the council of the borough of Honiton ; and
Two by the parochial church council of Honiton :

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A.D. 1926. Each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the appointing body. The chairman of the meeting shall forthwith cause the name of each person appointed to be notified to the Trustees of Allhallows Charity or their clerk. The person appointed may be but need not be a member of the appointing body.

6. *First Representative Trustees.*—The following persons shall if living at the date of this Scheme and willing to act be the first representative Trustees of Allhallows Charity under this Scheme and shall be entitled subject to the provisions hereinafter contained with respect to determination of trusteeship to hold office for four years from the date of this Scheme:—

Appointed by the Council of the said Borough.

CYRIL NEVILLE TWEED of Honiton solicitor; and
EDMUND WALTER MATTHEWS of Lyndhurst Honiton retired
ironmonger.

Appointed by the said Parochial Church Council.

PERCY LANEY HARDING of Parkhurst Honiton outfitter; and
HENRY RICHARD HARRIS of Central Restaurant Honiton
baker.

7. *Coöptative Trustees.*—The coöptative Trustees shall be persons residing or carrying on business in or near the parish of Honiton.

8. *First Coöptative Trustees.*—The following persons shall if living at the date of this Scheme and qualified and willing to act be the first coöptative Trustees of Allhallows Charity under this Scheme and shall be entitled subject to the provisions hereinafter contained with respect to determination of trusteeship to hold office for the following periods respectively:—

SEABORNE WILLIAM HOOK of Dunkeswell near Honiton
retired butcher;

Sir JOHN KENNAWAY Baronet of Escot Ottery St. Mary in
the county of Devon; and

JOHN MURCH of High Street Honiton ironmonger all for
eight years from the date of this Scheme:

FRANK WILLIAM HARDING of Burwood Honiton draper;

Major AUGUSTUS THEODORE BAKER of Beechgrove Honiton;

JOHN HENRY FREDERICK JERRARD of Fairfield Honiton
M.B.; and

The Reverend JOHN HENRY HERBERT COPLESTON Rector of
St. Offwell near Honiton all for four years from the said
date.

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9. *Future Co-öptative Trustees.*—Every future co-öptative Trustee shall be appointed for a term of five years by a resolution of the Trustees of Allhallows Charity to be passed at a special meeting. A.D. 1926.

As to Charity of Thomas Marwood.

10. *Trustees.*—The above-mentioned charity of Thomas Marwood and its endowments shall be administered by a body of Trustees consisting when complete of eleven competent persons being—

Five nominated Trustees; and
Six representative Trustees.

11. *Nominated Trustees.*—Every nominated Trustee shall be a person residing or carrying on business in or near the parish of Honiton and shall be appointed by the Trustees for the time being of Allhallows Charity for a term of five years in each case by a resolution to be passed at a special meeting and may be but need not be a Trustee of Allhallows Charity.

12. *First Representative Trustees.*—The following persons if living at the date of this Scheme and willing to act shall be the first representative Trustees of the Charity of Thomas Marwood under this Scheme and shall be entitled subject to the provisions hereinafter contained with respect to determination of trusteeship to hold office for the following periods respectively:—

WILLIAM HELLINS FOALE grocer;

CHARLES HARDING retired draper; and

RICHARD HARRIS retired baker all of Honiton all for four years from the date of this Scheme:

EDWARD WILLIAM HELLIER solicitor;

JOB KNOWLES miller; and

The said CYRIL NEVILLE TWEED all of Honiton all for two years from the said date.

13. *Future Representative Trustees.*—The future representative Trustees of the Charity of Thomas Marwood shall be appointed by the council of the borough of Honiton. Each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the council. The chairman of the meeting shall forthwith cause the name of each person appointed to be notified to the Trustees of the Charity of Thomas Marwood or their clerk. The person appointed may be but need not be a member of the council.

As to the respective Bodies of Trustees.

14. *Declaration by Trustees.*—No person shall be entitled to act as a Trustee whether on a first or on any subsequent entry

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A.D. 1926, — into office until after signing in the minute book of the Trustees concerned a declaration of acceptance and of willingness to act in the trusts of this Scheme.

15. *Determination of Trusteeship.*—Any co-öptative or nominated Trustee who ceases to be qualified as aforesaid any representative co-öptative or nominated Trustee who is absent during a period of one year from all meetings of the body of Trustees to which he belongs and any Trustee who is adjudged bankrupt or makes a composition or arrangement with his creditors or who is incapacitated from acting or who communicates in writing to the Trustees concerned a wish to resign shall thereupon cease to be a Trustee.

16. *Vacancies.*—Upon the occurrence of a vacancy the Trustees concerned shall at their next meeting cause a note thereof to be entered in their minute book and in the case of a vacancy in the office of nominated or representative Trustee shall cause notice thereof to be given as soon as possible to the body entitled to appoint. Any competent Trustee may be re-appointed. No vacancy in the office of co-öptative or nominated Trustee shall be filled till after the lapse of one calendar month from its occurrence.

17. *Ordinary Meetings.*—Each body of Trustees shall hold at least two ordinary meetings in each year.

18. *Chairman.*—Each body of Trustees shall at their first ordinary meeting in each year elect one of their number to be chairman of their meetings until the commencement of the first ordinary meeting in the following year. The chairman shall always be eligible for re-election. If at any meeting the chairman is not present within ten minutes after the time appointed for holding the same or there is no chairman the Trustees present shall choose one of their number to be chairman of the meeting.

19. *Special Meetings.*—A special meeting of either body of Trustees may at any time be summoned by the chairman or any two Trustees of the body upon four days' notice being given to all the other Trustees of the body of the matters to be discussed.

20. *Quorum.*—There shall be a quorum at a meeting of either body of Trustees when four Trustees are present.

21. *Voting.*—Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the chairman of the meeting shall have a casting vote whether he has or has not previously voted on the same question but no Trustee shall in any other circumstances give more than one vote.

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22. *Minutes and Accounts.*—A minute book and books of account shall be provided and kept by each body of Trustees. All proper accounts shall in each year be made out and certified in such manner as the Charity Commissioners require and copies thereof shall be transmitted to the said Commissioners and published in conformity with the provisions of the Charitable Trusts Acts. A.D. 1926.

23. *General Power to make Regulations.*—Within the limits prescribed by this Scheme the respective bodies of Trustees shall have full power from time to time to make regulations for the management of the business under their control including the summoning of meetings the deposit of money at a proper bank the custody of documents and the appointment as clerk during their pleasure of one of themselves (without salary) or of some other fit person.

COMPROMISE OF CLAIM.

24. *Compromise of Claim.*—In consideration of the land belonging to the Charity of Thomas Marwood which is numbered 10 in the said Schedule having been appropriated with the buildings thereon for purposes in connexion with the school belonging to Allhallows Charity the Trustees of the last-mentioned charity shall pay out of the net yearly income of the same charity to the Trustees for the time being of the Charity of Thomas Marwood a yearly sum of £5. The payment of such yearly sum shall take effect and operate as a complete and effectual compromise and adjustment of claim on behalf of the last-mentioned charity in respect of the said land and buildings.

EDUCATIONAL FOUNDATION.

25. *Determination of Educational Endowment.*—It is hereby determined that the part of the endowment of the charities which is held for or ought to be applied to educational purposes consists of—

- (1) The said land numbered 10 in the said Schedule with the buildings thereon;
- (2) The lands and buildings belonging to Allhallows Charity which are numbered 1 in the said Schedule;
- (3) A yearly sum of £100 out of the net yearly income of the remaining endowments of Allhallows Charity which yearly sum shall subject to any scheme to be made by the Board of Education be applicable primarily for the repair of the schoolhouse and schoolroom referred to in the above-mentioned Act 5 & 6 Will. IV. c. xvii and subject thereto for the repair of any other buildings for the time being belonging to the Foundation hereinafter mentioned.

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26. *Separate Foundation.*—The said educational endowments shall be administered as a separate Foundation under the title of Allhallows Educational Foundation.

MANAGEMENT OF REAL PROPERTY OF RESPECTIVE CHARITIES.

27. *Allotments Extension Act 1882.*—The Trustees of Allhallows Charity may set apart and let in allotments in the manner prescribed by and subject to the provisions of the Allotments Extension Act 1882 any portion of the land belonging to that charity other than buildings and the appurtenances of buildings.

28. *Management and Letting of Property.*—Subject as aforesaid all the property of the respective charities not required to be retained or occupied for the purposes thereof shall be let and otherwise managed by the Trustees concerned. In every case public notice of the intention to let any land or other property shall be given by the Trustees concerned in such manner as they consider most effectual for ensuring full publicity. The Trustees concerned shall not create any tenancy in reversion after more than 3 years of any existing term or for more than 21 years certain or for less than the improved annual value at rackrent without the sanction of the Charity Commissioners or a competent court.

29. *Leases.*—The Trustees concerned shall provide that on the grant by them of any lease the lessee shall execute a counterpart thereof and every lease shall contain covenants on the part of the lessee for the payment of rent and all other usual and proper covenants applicable to the property comprised therein and a proviso for re-entry on non-payment of the rent or non-performance of the covenants.

30. *Repair and Insurance.*—The Trustees concerned shall keep in repair and insure against fire all the buildings of the respective charities not required to be kept in repair and insured by the lessees or tenants thereof.

APPLICATION OF INCOME.

As to the Allhallows Charity.

31. *Expenses of Management.*—The cost of repairs and insurance and all other charges and outgoings payable in respect of the property of Allhallows Charity and all the proper costs charges and expenses of and incidental to the administration and management of that charity shall be first defrayed by the Trustees thereof out of the income thereof.

32. *Application of Income.*—Subject to the payments aforesaid the yearly income of the said charity shall be applied by the said Trustees in the manner and to the objects hereinafter prescribed.

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33. *Fixed Payments.*—The said Trustees shall make the following yearly payments :— A.D. 1926.

- (1) To the Trustees for the time being of the Charity of Thomas Marwood the yearly sum of £5 hereinbefore mentioned;
- (2) To the governing body for the time being of the said educational foundation the yearly sum of £100 hereinbefore mentioned.

34. *Extraordinary Repair Fund of Church.*—Subject to any Order of the Charity Commissioners the Trustees of Allhallows Charity shall provide and maintain a fund for the extraordinary repair of the church of St. Michael Honiton formerly the parish church of Honiton and the tower thereof by paying out of the income of Allhallows Charity to “The Official Trustees of Charitable Funds” a yearly sum of £45 which shall be invested by the said Official Trustees at compound interest in the purchase in their name of Consols to the credit of an account to be entitled “Church Repair Fund.”

35. *Repair &c. of Church.*—Subject to the payments aforesaid a sufficient part of the income of Allhallows Charity shall be applied by the Trustees of that charity in payment to the parochial church council of Honiton of any charges properly incurred by them in the maintenance and ordinary repair and insurance against fire of the fabric of the said church and tower.

36. *As to Residue of Income.*—The residue of the income of Allhallows Charity shall be applied by the Trustees of that charity for other such good and charitable uses and purposes (not being educational) within the town and parish of Honiton as the said Trustees shall in their best discretion think fit and convenient.

As to the Charity of Thomas Marwood.

37. *Expenses of Management.*—The cost of repairs and insurance and all other charges and outgoings payable in respect of the property of the Charity of Thomas Marwood and all the proper costs charges and expenses of and incidental to the administration and management of that charity shall be first defrayed by the Trustees thereof out of the income thereof.

38. *Benefit of Poor.*—Subject to the payments aforesaid the yearly income of the said charity shall be applied by the Trustees thereof for the benefit of such deserving and necessitous persons bonâ fide resident in the parish of Honiton as they may select for the purpose. Provided that the said income shall not in any case be applied in aid of any rates for the relief of the poor or other purposes in the parish.

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GENERAL PROVISIONS.

39. *As to Investments and Cash.*—All investments comprised in this Scheme and not already held by the said Official Trustees of Charitable Funds shall be transferred under the authority of a further Order of the Charity Commissioners to the said Official Trustees and all sums of cash now or at any time belonging to either of the charities and not needed for immediate working purposes shall (unless otherwise ordered) as soon as possible be invested under the like authority in the name of the said Official Trustees.

40. *Appropriation of Benefits.*—The appropriation of the benefits of the charities shall be made by the Trustees concerned from time to time at meetings of their body and not separately by any individual Trustee or Trustees.

41. *Trustees not to be personally interested.*—No Trustee shall take or hold any interest in any property belonging to the charities otherwise than as a Trustee for the purposes thereof and no Trustee shall receive any remuneration or be interested in the supply of work or goods at the cost of the charities.

42. *Alteration of Scheme.*—The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction establish schemes for the alteration of any of the provisions of this Scheme as if those provisions had been made by a founder in the case of a charity having a founder.

43. *Questions under Scheme.*—Any question as to the construction of this Scheme or as to the regularity or the validity of any acts done or about to be done under this Scheme shall be determined conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

44. *Date of Scheme.*—The date of this Scheme shall be the date of the Act of Parliament confirming the same.

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SCHEDULE OF PROPERTY.

A.D. 1926.

Description.	Extent or Amount.	Tenant Person liable or Persons in whose Name invested.	Gross Yearly Income.
<i>Allhallows Charity.</i>			
A. R. P. £ s. d.			
1. Properties situate in the parish of Honiton as follows:—			
Land situate on the south side of Silver Street adjoining St. Paul's Church with school buildings thereon.	—	F. J. Middlemist (head master).	10 0 0
Land adjoining the last-mentioned land with the house garden dining hall and school chapel thereon.	—	Do. do.	15 0 0
NOTE.—These properties numbered 1 are the properties coloured light pink and dark pink on the plan which identified by the Official Seal of the Charity Commissioners and by the number 18282 is deposited in the office of the said Commissioners The part thereof hatched with black lines shows the schoolhouse and schoolroom referred to in the above-mentioned Act of Parliament 5 & 6 Will. IV. c. xvii no rent is payable by the said F. J. Middlemist in respect of this part.			
2. Properties situate in the said parish as follows:—			
House in High Street and Chapel Court.	—	John George Dare 3 5 or 7 years from 25th March 1922.	24 0 0
Do. do. - -	—	George Strawbridge 3 5 or 7 years from 24th June 1922.	24 0 0
Message No. 1 Summerland Place.	0 0 20	Mary Eliza Clark quarterly.	28 12 0
Message No. 2 Summerland Place.	0 0 9	Mrs. Read yearly -	24 0 0
Message No. 3 Summerland Place.	0 0 9	Edith Manley quar- terly.	24 0 0

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Description.	Extent or Amount.	Tenant Person liable or Persons in whose Name invested.	Gross Yearly Income.
<i>Allhallows Charity—cont.</i>	A. R. P.		£ s. d.
Message No. 4 Summerland Place.	0 0 9	Herbert Smith quarterly.	24 0 0
Message No. 5 Summerland Place.	—	Mrs. Lee yearly	24 0 0
Message No. 6 Summerland Place.	0 0 9	Benjamin E. Marshall quarterly.	24 0 0
Message No. 7 Summerland Place.	0 0 9	Richard Tucker quarterly.	24 0 0
Message No. 8 Summerland Place.	0 0 29	C. M. & S. D. Harrison yearly.	45 10 0
Cottage in New Street	—	F. G. Tucker weekly.	15 12 0
Do. do.	—	R. E. Richards weekly.	14 6 0
Cottage in High Street	—	R. W. Mildon quarterly.	11 8 0
Do. do.	—	Devon County Council weekly.	13 0 0
3. Stockbeare Farm in Yarcombe.	18 0 0	Lady Seaton yearly	20 0 0
4. Consols	£ s. d. 269 12 8	"The Official Trustees of Charitable Funds."	6 14 8
5. 5 per cent. War Loan Bond 1929-47.	100 0 0	Trustees of Allhallows Charity.	5 0 0
6. Acknowledgment rent in respect of window overlooking part of the property numbered 1 in this Schedule.	—	Owners of the Angel Hotel Honiton.	0 1 0
7. Acknowledgment rent in respect of right to lay main through Summerland Place.	—	The Honiton and District Electric Supply Company Limited.	0 1 0
8. Cash on deposit at the National Provincial Bank Limited (Honiton Branch) being accumulations of income.	202 12 1	—	—
<i>Charity of Thomas Marwood.</i>	A. R. P.		
9. Two houses builder's yard and garden at Honiton.	0 2 6	J. J. Pulman 3 5 or 7 years from 25th March 1922.	50 0 0

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Description.	Extent or Amount.	Tenant Person liable or Persons in whose Name invested.	Gross Yearly Income.
<p><i>Charity of Thomas Marwood</i> —cont.</p> <p>10. Land situate on the north side of Silver Street aforesaid and used as the playground of the school belonging to Allhallows Charity with buildings thereon used in connexion with the said school.</p> <p>NOTE.—This property numbered 10 is the property coloured light yellow and dark yellow on the said plan A rifle range has been substituted for the buildings at the north end of this property.</p>	<p>A. R. P.</p> <p>—</p>	<p>F. J. Middlemist (head master).</p>	<p>£ s. d.</p>

A.D. 1926.

Printed by EYRE and SPOTTISWOODE, LTD.,
 FOR
 WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of
 Acts of Parliament.

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