



ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xxix.

An Act for extending the Benefit of the Royal Naval School to Children at present ineligible to be admitted therein, and for authorizing the Establishment of a Chapel in connexion with the said School, and for amending the Acts relating thereto. [5th June 1851.]

WHEREAS by an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty (Local and Personal Acts), Chapter Eighty-six, the Subscribers to an Institution for the Education of Children of Officers of the Royal Navy and Marines were incorporated by the Name of "The Royal Naval School," and were authorized to have, hold, receive, enjoy, possess, and retain, for the Ends and Purposes of the said Act, and in trust for the Benefit of the said Institution, all such Sum and Sums of Money as had been or should be paid, given, devised, or bequeathed by any Person or Persons for the Purposes of the said Institution, and also purchase, take, or receive, and thenceforth hold and enjoy, any Lands, Tenements, or Hereditaments, not exceeding Twelve Acres in the whole; and by the said Act it was enacted, that the General Meeting of the said Corporation should have full Power and Authority from Time to Time to make such Rules, Orders, and Byelaws as to them should seem proper, for governing, regulating, ordering, and managing the said Institution, and

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3 & 4 Vict. c. 86.

*The Royal Naval School Amendment Act, 1851.*8 & 9 Vict.
c. 22.

the Officers, Servants, and Persons employed in and about the Affairs thereof, and the Application and Qualification for Admission into the said School: And whereas at a General Meeting of the Corporation of the Royal Naval School held on the Fifteenth Day of *June* One thousand eight hundred and forty-one divers Rules, Orders, and Byelaws for governing, ordering, and managing the said Institution were made and passed, and under the said Rules, Orders, and Byelaws so made and passed as aforesaid no Child was or is eligible for Admission into the said School, other than the Sons of such Officers in Her Majesty's Navy and the Royal Marines as according to the Regulations then existing, or any Regulations that might thereafter be made by the Lord High Admiral of *Great Britain*, or the Commissioners for executing that Office, then were or thereafter might be entitled to mess in the Wardroom (commonly called Wardroom Officers), and the Sons of Officers of any higher Rank in Her Majesty's Navy and the Royal Marines: And whereas under or by virtue of an Act passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty (Local and Personal Acts), Chapter Twenty-two, the Committee for the Management of the Patriotic Fund became entitled, upon Payment of the Sum of Eight thousand Pounds to the Royal Naval School (which Sum has since been duly paid), to the perpetual Right of nominating Twelve Boys, qualified as to Parentage, Age, and otherwise according to the Byelaws for the Time being in force for the Regulation of the said School, and subject to the Restrictions contained in the said Act for Admission into the said School as Pupils there, in the Manner therein mentioned: And whereas it would be for the Advantage of the said School if Children other than and besides those now eligible for Admission therein were authorized to be admitted into the said School, upon such Terms and Conditions and subject to such Restrictions as the Corporation of the Royal Naval School may deem to be requisite and proper in order to secure to the Sons of Officers in Her Majesty's Navy and the Royal Marines, being Pupils in the said School, the full and exclusive Enjoyment of the Advantages to which they are at present entitled, and if a Chapel for the Celebration of Divine Service therein according to the Rites and Ceremonies of the United Church of *England* and *Ireland* were erected, for the Benefit of the Masters, Pupils, Officers, and Servants of the said School, and if the Quantity of Land authorized to be held, received, enjoyed, possessed, and retained by the said Institution were increased, and if the Acts relating to the said School were amended; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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; (that is to say,)

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I. That it shall and may be lawful for the Royal Naval School, by Byelaws for that Purpose to be from Time to Time passed at any General Meeting of the Members of the said Corporation, to authorize the Admission into the said School of the Children of Persons not being Officers in Her Majesty's Navy or the Royal Marines, upon such Terms and Conditions, and subject to such Restrictions, and with such Privileges and Advantages, as shall be provided in and by such Byelaws or any of them, anything in the said recited Acts or either of them, or in the Constitution of the said School, to the contrary thereof in anywise notwithstanding.

General Meeting of the Corporation may admit Children, whether Sons of Officers or not, to become Pupils.

II. Provided always, That nothing contained in this Act, or in any Byelaw which may be made in pursuance thereof, shall take away, diminish, or lessen or in any Manner interfere with any Rights, Privileges, or Advantages heretofore granted to or possessed or enjoyed by the Sons of Officers in Her Majesty's Navy or the Royal Marines, being Pupils in the said School, but such Pupils in the said School as shall be the Sons of Officers in Her Majesty's Navy or the Royal Marines shall have the full and exclusive Enjoyment of all Rights, Privileges, and Advantages to which they are at present entitled.

Privilege possessed by Pupils, being Sons of Officers, not to be affected.

III. Provided always, That nothing contained in this Act, or any Byelaw which may be made in pursuance thereof, shall extend or be deemed or construed to extend to enlarge or in any Manner to alter or vary the Qualification to be possessed by Boys admissible into the same School on the Nomination of the Chairman of the Committee for managing the Patriotic Fund, in exercise of the Power given to or conferred upon the said Committee or the Chairman thereof by the said recited Act of the Eighth and Ninth *Victoria*, Chapter Twenty-two, or to authorize the Chairman of the said Committee to nominate as a Pupil in the said School any Boy not being the Son of an Officer in Her Majesty's Navy or the Royal Marines of the Rank herein-before mentioned, but such Children, and such Children only, shall be qualified and eligible for Admission into the Royal Naval School as Pupils there on the Nomination of the Chairman of the said Committee as would have been qualified or been eligible for Admission into the said School on such Nomination according to the Byelaws passed on the Fifteenth Day of *June* One thousand eight hundred and forty-one, the Provision in the First Section of the said recited Act of the Eighth and Ninth *Victoria*, Chapter Twenty-two, that the Qualification as to Parentage, Age, and otherwise, to be possessed by Boys to be admitted into the said School on such Nomination as aforesaid, shall be according to the Byelaws for the Time being in force for the general Regulation of the said School, to the contrary notwithstanding.

Privileges of Committee for managing the Patriotic Fund not to be extended or enlarged.

IV. That

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Provisions
of recited
Act limiting
Lands to be
purchased
repealed.

IV. That so much of the said recited Act of the Third and Fourth *Victoria*, Chapter Eighty-six, as limits the Lands, Tenements, or Hereditaments to be purchased, received, or taken by the Royal Naval School for the Purposes of the said Institution to Twelve Acres, shall be and the same is hereby repealed.

Power to
Corporation
to hold
Lands not
exceeding
Forty Acres
additional.

V. That the Royal Naval School shall and may, by Purchase or otherwise, obtain, acquire, hold, retain, and enjoy, for the Purposes of the said Institution, any Lands, Tenements, or Hereditaments, of any Nature or Kind, either in Fee or for Terms for Life or Years, or otherwise, so as such Lands, Tenements, and Hereditaments, exclusive of the Ground or Site of the said School, and any other Land which may now be vested in them, or in any Trustees or Trustee for them, and also exclusive of any Lands, Tenements, or Hereditaments which may at any Time be vested in them, or any Trustees or Trustee for them, by way of Mortgage, or upon which any Sum or Sums of Money belonging to the said Institution may be charged, do not exceed in the whole Forty Acres, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain: Provided nevertheless, that nothing in this Act contained shall make valid any Grant, Purchase, Devise, or Bequest which would be void under the Provisions of an Act passed in the Ninth Year of the Reign of His Majesty King *George the Second*, intituled *An Act to restrain the Disposition of Lands whereby the same become inalienable*.

9 G. 2. c. 36.

Power to
invest the
Monies of
the School on
Mortgage.

VI. That any of the Monies for the Time being belonging to the Royal Naval School may be from Time to Time invested, either in the Name of the Royal Naval School, or in the Names of Trustees for the said School, on Mortgage of any Hereditaments of a clear and indefeasible Estate of Inheritance in Fee Simple in *England* or *Wales*, but not in *Ireland*, free from Incumbrances, except Quit Rents and other small annual Payments; and any Money so invested may be called in, and the Payment of the same and the Interest thereof, or any Part thereof respectively, may be required and enforced, when thought advisable so to do on the Part of the Royal Naval School.

Estates mort-
gaged to the
School, if not
sold within
12 Months
after the
Mortgagors
shall have
released, &c.,
may be
retained, &c.

VII. Provided always, That when and so often as, in the Case of any Hereditaments being vested in the Royal Naval School, or in any Trustees for the said School, for securing by way of Mortgage any Monies belonging to the said School, the Persons entitled in Equity to redeem the said Hereditaments shall release the Right to redeem the same, or such Right shall be absolutely foreclosed, the said Hereditaments may after such Release, or after the final Order upon the Decree of Foreclosure shall have been obtained on the Part of the said School, (as the Case may be,) be held and retained by the Royal Naval School for the Purposes of the said School, provided the clear yearly Value of the same, over and above all Charges and Reprises, computed

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computed at the Rackrent which at the Time of such Release or final Order (as the Case may be) could be obtained for the same, do not exceed, with the other Hereditaments then vested in the Royal Naval School, or in any Trustee or Trustees for them, for the Purposes of the said School, (exclusive of the Site of the said School, with the Appurtenances, and also exclusive of any of the Hereditaments then vested in the Royal Naval School, or in any Trustees for them, by way of Mortgage, or upon which any Money belonging to the said School may be charged,) the clear yearly Value of Ten thousand Pounds, over and above all Charges and Reprises, computing the yearly Value of such other Hereditaments at the Rackrent which at the Time of such Release or final Order (as the Case may be) could be obtained for the same respectively; but if the clear yearly Value of any Hereditaments in regard to which such Release or such final Order upon a Decree of Foreclosure shall have been obtained on the Part of the said School shall exceed the Value herein-before limited, then the Royal Naval School shall absolutely sell and dispose of the same, for the Benefit of the said School, and shall not be liable to any Penalties and Forfeitures for holding and retaining the same after such Release or final Order shall have been obtained, provided they absolutely sell and dispose of the same within Twelve Calendar Months after obtaining such Release or final Order.

VIII. And whereas by the Second Section of the said recited Act of the Third and Fourth Years of the Reign of Her present Majesty Queen *Victoria*, Chapter Eighty-six, the Corporation of the Royal Naval School are empowered from Time to Time to appoint a Committee, to be called the Council of the said Institution, which Council shall have such and so many of the Powers and Authorities and Discretion given to or vested in the said Corporation as the said Corporation shall from Time to Time think proper to delegate to such Council: And whereas it is expedient, in order to secure, as far as possible, to the Officers in Her Majesty's Navy and in the Royal Marines, a due Preponderance in the Management of the Affairs of the said Institution, that the greater Part of the Members of the said Council should be Officers in Her Majesty's Navy or in the Royal Marines: Be it therefore enacted, That Two Thirds at least of the Members of the said Council shall always be Officers in Her Majesty's Navy or in the Royal Marines.

Constitution of the Committee called the Council of the Institution.

IX. That it shall be lawful for the Council of the Royal Naval School, if authorized so to do by the Resolution of the Members present at any General Meeting of the said Corporation, to erect on some Portion of the Land and Hereditaments now belonging or that may hereafter belong to the said School a Chapel contiguous to the said School, and to fit up the same with all Things necessary and proper for the Performance of Divine Service therein according to

Chapel may be erected.

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the Rites and Ceremonies of the United Church of *England* and *Ireland*, for the Use of the Masters, Pupils, Officers, and Servants of the said School.

Power to the Church Building Commissioners to appropriate Chapel for the sole Use of the School, with Consent of the Bishop.

X. That it shall be lawful for Her Majesty's Commissioners for building new Churches, upon their being satisfied as to the Validity of the Title to the Fee Simple of the Land on which the said Chapel may be erected, and with the Consent in Writing of the Bishop of the Diocese in which the said School is situated, on an Application and Request in Writing being made to them by the Council of the Royal Naval School previous to the Consecration of the said Chapel, setting forth that it has been completed and fitted up, to order and direct, by any Instrument under their Common Seal, that such Chapel and the Site thereof shall on the Consecration thereof be devoted to Ecclesiastical Purposes for ever, and be set apart for the Use of the Royal Naval School, and the Masters, Pupils, Officers, and Servants thereof, and that the said Chapel and the Chaplain thereof shall be subject to the ordinary Jurisdiction of the Bishop of the Diocese, but shall be exempt from any Control or Interference whatever on the Part of the Incumbent of the Parish or District wherein the same may be situate, and his Successors; and such Order and Direction shall be valid and effectual to all Intents and Purposes, any Statute, Law, or Custom to the contrary notwithstanding; and such Instrument shall be registered in the Registry of the Bishop of the said Diocese, and shall be admitted as Evidence in all Courts of Law and Equity and in all Ecclesiastical Courts of such Chapel and the Site thereof having been so set apart for the Purposes aforesaid: Provided always, that the said Chapel shall not be used by any Persons other than the Royal Naval School, and the Masters, Pupils, Officers, and Servants thereof, and the Wives and Families of the said Masters and Officers, without the Consent in Writing of the Bishop of the Diocese in which the said Chapel is situated.

Power to Bishop to consecrate the Chapel, and the Council to nominate a Chaplain, to be licensed by the Bishop.

XI. That it shall be lawful for the Bishop of the Diocese in which the said School is situated, on an Endowment and Repair Fund as herein-after mentioned being secured by the Royal Naval School to the Satisfaction of the said Bishop, to consecrate the said Chapel; and immediately after such Order and Direction as aforesaid by the said Commissioners, and the Consecration of the said Chapel, and so from Time to Time whenever a Vacancy shall occur, it shall be lawful for the Council of the Royal Naval School from Time to Time to nominate to the Bishop of the said Diocese as Chaplain of the said Chapel a fit and proper Person, being in Priest's Orders, and for the Bishop to grant to such Person so to be nominated a Licence to officiate in the said Chapel according to the Rites and Ceremonies of the United Church of *England* and *Ireland*; and such Chaplain, when so nominated and licensed, shall have Power, during the Continuance of such

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Licence, to officiate therein accordingly; and the said Council of the Royal Naval School may from Time to Time, with the Consent in Writing of the Bishop of the said Diocese for the Time being, remove any such Chaplain from his said Office, by an Instrument under the Common Seal of the said School ordering his Dismissal; and thereupon the said Licence shall be void, without Prejudice to the Rights of the Bishop for the Time being of the said Diocese with respect to the Revocation of any such Licence.

Power to remove Chaplain, with Consent of the Bishop.

XII. That after such Order and Direction as aforesaid by Her Majesty's Commissioners such Chapel and the Site thereof, and the Chaplain or Officiating Minister thereof, shall be free from any Control or Interference whatsoever of the Incumbent of the Parish or District wherein the same may be situate, and his Successors; and such Incumbent and his Successors shall not have, claim, or exercise any Right to officiate in such Chapel, or otherwise in any Manner to control or interfere therewith, or with the Chaplain or Officiating Minister for the Time being, any Statute, Law, or Custom to the contrary notwithstanding: Provided always, that nothing in this Act contained shall alter or affect the Rights of the Church of the Parish or District in which the said Chapel shall be situate, or of the Incumbent of such Parish or District, with respect to the Performance of the Offices of Baptism, Marriage, or Churching in the Church of such Parish or District, or of Burials in the same or in the Churchyard thereof.

Incumbent of Parish wherein Chapel situate not to interfere when the same is set apart by the Commissioners.

XIII. That it shall be lawful for the Council of the Royal Naval School, with the Approbation of a General Meeting of the Members of the said Corporation, and they are hereby required, previous to the Consecration of such Chapel, to endow, by Deed under the Common Seal of the said Corporation, the said Chapel with an annual Income in perpetuity of not less than Fifty Pounds out of the Revenues now belonging or hereafter to belong to the said Royal Naval School, and to charge and secure such annual Endowment by way of Charge on such Revenues or otherwise to the Satisfaction of the said Bishop, and such Endowment shall be paid to the Chaplain for the Time being of such Chapel in Two equal half-yearly Payments, (that is to say,) on *Lady Day* and *Michaelmas Day* in each Year, and the first half-yearly Payment, or a proportionate Part thereof, calculated from the Day on which the said Chapel shall be consecrated, shall be made on such of the said Days as shall first happen next after the Consecration of such Chapel; and the Chaplain of such Chapel for the Time being shall have the Power of recovering such half-yearly Payment, or such Part thereof as may be in arrear and unpaid, by Action of Debt against the said Corporation; and such Endowment shall be valid without any Licence or Writ of *Ad quod damnum*, the Statutes of Mortmain or any other Statute or Law to the contrary notwithstanding, and may be from Time to Time increased by the said

Endowment of Chapel.

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said Council, with the Approbation of a General Meeting of the Members of the Corporation of the said School, and such increased Endowment, when made, shall be paid and recovered in the same Manner as the first or original Endowment is by this Act payable and recoverable: Provided always, that in the event of the Removal, Resignation, or Death of the Chaplain for the Time being, or other Avoidance of the said Office of Chaplain, a proportionate Part of the then accruing half-yearly Payment of the said Endowment from the last half-yearly Day of Payment thereof to such Death or Avoidance shall belong to and be paid to such Chaplain, or his Executors or Administrators, and the Residue of such half-yearly Payment shall belong to and be paid to the Successor of such Chaplain at the next half-yearly Payment; and every such Deed of Endowment shall be registered in the said Registry of the Bishop of the said Diocese, and shall be received in Evidence in all Courts of Law and Equity and in all Ecclesiastical Courts.

A Fund to be provided for Repair of Chapel.

XIV. That it shall be lawful for the Council of the Royal Naval School and they are hereby required to charge in like Manner in perpetuity the Revenues of the said School with an annual Sum of not less than Twenty Pounds, by way of a Fund for the Sustentation of the Fabric of the said Chapel, and for defraying the Expenses attending the Performance of Divine Service therein, and of all such decent and necessary Repairs as from Time to Time may be requisite; and such Repair Fund shall be paid on or before the First Day of *January* in each Year to the Treasurer for the Time being of the said Royal Naval School, and shall be applied by him to all or any of the Purposes aforesaid as the said Council shall from Time to Time order and direct; and any annual Surplus after the Payment of Expenses shall accumulate in the Hands of such Treasurer, to be applied by him in any succeeding Year or Years to the like Purposes as the said Council shall from Time to Time order and direct: Provided always, that the Parish or District in which the said Chapel may be situate shall be exempt from any Liability to contribute towards the Sustentation of the Fabric and Repairs of the said Chapel, and all Expenses whatsoever incident to the Performance of Divine Service as aforesaid.

Short Title.

XV. That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Royal Naval School Amendment Act, 1851."

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.