



CHAPTER cvii.

An Act to provide for the Administration and Government of the Hospital of Saint Mary the Virgin and of the Free Grammar and other Foundation Schools in Newcastle-upon-Tyne and for extending the objects of those charities
A.D. 1888.
[24th July 1888.]

WHEREAS by a charter or letters patent of His Majesty King James the First dated the twenty-seventh day of May in the ninth year of his reign after reciting that there had long existed in the town of Newcastle in the Westgate an hospital called "the Hospital of Saint Mary the Virgin" the founder whereof did not certainly appear which hospital (in this Act referred to as "the hospital") consisted of one master and six poor brethren which master and brethren held divers lands and hereditaments for the support of the poor therein in free alms and that the deeds grants and letters patent concerning the foundation and endowment of the hospital had been lost or decayed it was ordained that the hospital or house in the Westgate should be and remain a hospital for the support relief and maintenance of poor persons and should consist of a master and six poor men to be found and supported in the hospital and that the hospital should be called "the Hospital of Saint Mary the Virgin within the town of Newcastle-upon-Tyne" and that one man who should be at least a Master of Arts should be called the master of the hospital and of all the lands and hereditaments goods and chattels thereof and that there should be in the hospital six poor and indigent men single or unmarried of advanced age there to be supported and maintained to be called "the brethren of the hospital" and the first master and poor men were thereby appointed and they and their successors were created a body corporate with the usual powers and the appointment of the master from time to time was thereby vested in the mayor and burgesses of the town of Newcastle-upon-Tyne and the appointment of the brethren was vested in the

Charter—
27th May
1611.

A.D. 1888. — master and it was declared and granted that the said mayor and burgesses should be the patrons of the hospital and should revise the statutes thereof and make new statutes not being repugnant to such of the ancient statutes as were not contrary to the laws of the realm and the hospital lands and hereditaments were granted unto the said master and brethren and their successors with power to demise such of the premises as were usually demised for the term of twenty-one years or three lives as therein mentioned :

Decree—
15th December 1840. And whereas by a decree of the High Court of Chancery dated the fifteenth day of December one thousand eight hundred and forty and made in a suit and supplemental suit known as “the Attorney-General v. Moises” wherein the Attorney-General was informant and among others the master and brethren of the hospital and the said mayor and burgesses were defendants it was among other things ordered that it should be referred to one of the masters of the said court to inquire and state to the court the particulars of the estates of the hospital and of the leases on which they were held and to approve of a scheme for the future regulation of the affairs of the hospital both with regard to the mode of letting and of management of the estates and property thereof and also to the due application of the income and profits thereof regard being had to the increased amount of the same :

Decree—
9th July 1846. And whereas by a further decree of the High Court of Chancery dated the ninth day of July one thousand eight hundred and forty-six made in the said suit and supplemental suit and in further supplemental suits known by the same title a further inquiry was directed as to the existing leases of and powers of leasing the said estates and property and it was ordered that the said master should settle a Scheme for carrying out any of the purposes therein mentioned which might be approved by him and if he considered that an Act of Parliament was necessary to effect any of the purposes that he should approve of a Bill to be submitted to Parliament in reference thereto :

Master's report—
27th July 1846. And whereas in pursuance of the said decrees the master made his report dated the twenty-seventh day of July one thousand eight hundred and forty-six and thereby among other things certified that he had settled and approved a Scheme set forth in a schedule thereto for the future regulation and management of the charity and that he was of opinion that an Act of Parliament should be obtained for carrying out the said Scheme and had settled and approved a draft Bill for that purpose :

Scheme of 1846. And whereas by the said Scheme after certain provisions concerning the leasing and management of the property of the hospital the

erection of almshouses and a chapel the increase of the number of the brethren to eight the qualifications and duties of the master of the hospital (hereinafter referred to as "the master") and his appointment by the council of the borough of Newcastle-upon-Tyne and his removal by them for misbehaviour or neglect or refusal to perform the duties of his office it was provided to the following effect (that is to say) :—

That the brethren should be poor men inhabitants of the said borough not receiving parochial relief without wives and of the age of fifty years and upwards;

That each of the brethren should have at least one room in the said almshouses wherein to reside and should receive out of the income of the charity such annual sum not exceeding thirty pounds as the portion of the annual income of the charity estates thereinafter made applicable to the payment of the brethren should from time to time allow;

That the master should appoint one of the most able of the brethren to see that all the fires were put out at night and otherwise to see to the security of the almshouses for which duties he should receive in addition to his said annual stipend the further annual sum of fifty shillings;

That casual vacancies among the brethren caused by death or removal should be filled by the master out of persons duly qualified in that behalf;

That the master with the approbation of the said council might remove from the almshouses any of the brethren for misbehaviour or neglect or refusal to conform to the rules and regulations of the hospital;

That the sittings in the chapel not appropriated as free sittings should be let and the rents applied in payment of the salaries of the officers of the chapel (other than the minister) and the expenses of the chapel and that the surplus (if any) of such rents should be paid to the master;

That the income of the charity estates should be applied in paying the salary of any receiver appointed by the Court of Chancery the costs and expenses of keeping the said almshouses in repair and so much of the salaries and other expenses hereinbefore directed to be paid out of the pew-rents of the said chapel as such pew-rents should be insufficient to pay (including the expenses of repairing the said chapel) and also all law and current expenses incident to the management of the said charity estates and carrying into execution the powers of the Act of Parliament authorized to be applied for and such other costs

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and expenses as the Court of Chancery might direct to be paid thereout and also the interest of the money which might be borrowed on mortgage of the charity estates and in setting aside annually a sum of money equal to one-twentieth part of the principal money so borrowed as a sinking fund for the discharge thereof and subject to the payments aforesaid the said income should be divided into three equal parts and one of such parts not exceeding the annual sum of five hundred pounds or such other larger annual sum as having regard to the said income the Court of Chancery might from time to time order and direct should be paid to the master of the hospital and should be the whole of his share of the proceeds of the charity estates and property and should be his remuneration for the services which he was required to perform or cause to be performed in the said chapel;

That the remaining two-thirds of the said income should be applied and disposed of in the first place in paying the annual and other sums directed to be paid to the poor brethren of the hospital in the next place in making up to the master of the hospital an annual income of three hundred pounds in case the one-third part of the said income thereinbefore directed to be paid to him should fall short of that sum and after making the payments aforesaid the remainder of the said two-thirds of the said income together with the surplus (when there should be a surplus) of the said one-third part after payment thereout of the annual sum of five hundred pounds provided for the master if the same should in the opinion of the council of the borough be sufficient for that purpose should be applied by the said Council in the maintenance and establishment of a school or schools for the education of the children of such of the inhabitants of the said borough as should be willing to send their children to such school or schools according to a Scheme or Schemes to be approved and ordered by the Court of Chancery and if after providing for the maintenance and establishment of such school or schools there should still remain a surplus of the said income it should be applied in such manner and for such purposes as the Court should from time to time direct and in the meantime should be paid into the Bank of England in the name and with the privity of the Accountant-General to be there placed to an account intituled: "The Account of the Surplus Income of the
" Estates of the Master and Brethren of the Hospital of Saint
" Mary the Virgin within the Borough of Newcastle-upon-
" Tyne";

That the appointment and removal of the masters and teachers of the said schools should be with the said council; A.D. 1888.

That the mayor aldermen and burgesses of the said borough should be the patrons and visitors of the said schools and should make rules and regulations for their management and conduct;

That if the portion of income to be applied to the establishment and maintenance of the said schools should be insufficient for that purpose it should be paid into the Bank of England to a like account and invested and accumulated until sufficient for the purpose;

That the Court of Chancery should have power from time to time to make fresh rules and orders for the management of the charity estates and the appropriation of the income thereof and for the general regulation of the hospital and the master and brethren thereof and the chapel and almshouses belonging thereto and the schools which might be maintained or established out of the income thereof and also from time to time to repeal or vary any of the present or future rules and orders and to make others in lieu thereof and all such rules and orders should be considered as and be part of the Scheme for the future management and regulation of the charity and should be from time to time added to the other articles therein set forth so as the same be not repugnant to the provisions of the Act of Parliament so to be obtained:

And whereas by a further Order of the said High Court of Chancery dated the thirtieth day of July one thousand eight hundred and forty-six and made in the said suits it was ordered that the said master's report should be confirmed and that application should be made for an Act of Parliament to carry the said Scheme into effect:

Order of Court—
30th July
1846.

And whereas by the Act of Parliament 9 and 10 Victoria cap. xlii. (private) intituled "An Act for Enabling the Master and Brethren of the Hospital of Saint Mary the Virgin within the Borough of Newcastle-upon-Tyne to grant Building Repairing Mining and other Leases of their Estates and for Extending the Objects of the Charity and Regulating the Appropriation of the Income thereof" and in this Act called "the Act of 1846" it was enacted:—

9 & 10 Vict.
c. xlii. Act
of 1846.

That the hospital should thenceforth consist of a master and eight brethren and the master and brethren for the time being should be called "the master and brethren of the Hospital of Saint Mary the Virgin within the borough of Newcastle-upon-Tyne";

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That the master of the hospital should be a clergyman of the Church of England and at least a Master of Arts of the University of Oxford Cambridge Dublin Durham or London and should be resident within the borough of Newcastle-upon-Tyne and should not after the first day of August one thousand eight hundred and forty-seven without the consent of the council hold any ecclesiastical benefice with cure of souls ;

That the brethren of the hospital should be poor men inhabitants of the borough of Newcastle-upon-Tyne not receiving parochial relief without wives and of the age of fifty years and upwards ;

And after certain special provisions authorizing the surrender on or before the thirty-first day of August one thousand eight hundred and forty-eight of certain specified leases and the granting of substituted leases and other provisions concerning the leasing and management of the property of the hospital it was by the said Act further enacted to the following effect (that is to say) :—

That the master and brethren should within three years from the passing of the said Act erect (at a cost not exceeding one thousand pounds except with the consent of the Court) almshouses containing at least one room for each of the brethren and also (at a cost not exceeding five thousand pounds except with the like consent) a chapel to accommodate at least five hundred persons wherein should be set apart and appropriated free of cost a pew for the brethren and three-fifths at the least of the sittings for the poor of the said borough in which chapel the said master being duly licensed in that behalf or some other duly licensed chaplain appointed by him should perform or cause to be performed divine service according to the Liturgy of the Church of England twice on every Sunday Christmas Day and Good Friday (each such service being a full service including a sermon) and should also read or cause to be read fit and proper morning prayers daily throughout the year ;

And after certain other provisions as to the application of the proceeds of sale of lands and of the proceeds of mines it was by the said Act further enacted to the following effect (that is to say) :—

That the master and brethren should thenceforth be appointed and maintained and be removable and the said almshouses and chapel be repaired and kept up and the income of the said charity estates be applied and disposed of and the said charity be regulated and conducted according to the rules and regulations contained in the Scheme set forth in the said report and

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in case the said rules and regulations should at any time thereafter be altered or amended or any new rules or regulations should be made under the power for that purpose contained in the said Scheme then according to such rules and regulations as in any Scheme or Schemes which should thereafter be approved by the Court of Chancery should be respectively directed or authorized anything in the said recited letters patent or any statute ordinance or usage to the contrary thereof notwithstanding;

That if after answering all the purposes in the said Scheme and that Act directed to be provided for out of the income of the said charity and also all the purposes of any Scheme or Schemes which should thereafter be approved of for regulating the appropriation of that income there should still be a surplus of such income then and in every such case and so often as the same should happen such surplus should from time to time be applied in such manner as the Court of Chancery should direct for enlarging extending or increasing the objects of the said charity or any school or schools which might for the time being be wholly or partially supported out of the income thereof;

And in the said Act were also contained provisions for borrowing money on mortgage to complete the building of the said almshouses and chapel and for a sinking fund and for the keeping and auditing of accounts and for the payment of costs and that all moneys belonging to the charity thereby directed to be paid into court or previously paid into court should be transferred to the credit of the said cause "Attorney-General v. Moises" to the like account to which the same were then standing or were thereby directed to be paid in and that the Court of Chancery might make orders in a summary way as to matters directed by the said Act and that all applications to the court under the Act should be made in the said suit and for saving rights as therein mentioned:

And whereas by the Act 11 and 12 Victoria cap. xxi. (private) 11 & 12 Vict. the time for the said surrender of the said leases was extended to c. xxi. the thirty-first day of August one thousand eight hundred and forty-nine:

And whereas after the passing of the Act of 1846 and in pursuance thereof the almshouses and chapel therein mentioned were erected and paid for and after providing for the objects and purposes specified in the said Scheme and the Act of 1846 surplus income of the said hospital became applicable under the said Scheme and Act to the maintenance and establishment of a school or schools as

A.D. 1888. — therein provided according to a scheme to be approved and ordered by the High Court of Chancery :

Charter—
22nd March
1600.

And whereas by a charter granted by Her Majesty Queen Elizabeth dated the twenty-second day of March in the forty-second year of her reign to the mayor and burgesses of the town of Newcastle-upon-Tyne confirming previous charters it was ordained among other things that there should be a Free Grammar School to be called "the Free Grammar School of Queen Elizabeth in Newcastle-upon-Tyne" to consist of a master and scholars who were thereby incorporated with powers to hold land and that the said master and an usher should be elected by the said mayor and burgesses or by the mayor and common council of the said town :

And whereas the said grammar school was duly established and was kept for some time in a building belonging to the hospital and subsequently in a house in Charlotte Square the property of the Corporation of the said town who paid the master of the said school an annual salary of one hundred and five pounds :

Scheme confirmed by
Order 1st
May 1858.

And whereas by a Scheme (hereinafter referred to as "the Scheme of 1858") confirmed by an order of the High Court of Chancery dated the first day of May one thousand eight hundred and fifty-eight and made in the said suit being a Scheme for the application of the surplus income of the hospital after providing for the objects and purposes specified in the hereinbefore-recited Scheme and the Act of 1846 it was provided among other things that the said grammar school should be carried on as theretofore in the house and buildings situate in Charlotte Square without the payment of rent the mayor aldermen and burgesses of Newcastle-upon-Tyne (thereinafter called "the Corporation") thereby consenting thereto and that the Corporation should be at liberty to resume their possession of the said house and buildings on providing for the use of the said grammar school other premises of equal convenience to be approved for that purpose by the Court of Chancery and that the Corporation might with the consent of the Court of Chancery purchase a site and erect suitable school buildings thereon out of the property of the charity or by borrowing money as thereafter provided and on the completion of such buildings they might resume possession of the said house and premises then used for the grammar school or of any premises provided by them in lieu thereof paying to the charity the annual sum of one hundred pounds and that the premises for the time being used for the school except any new buildings so to be erected as aforesaid should be kept in repair by the Corporation and that such new buildings when erected should be kept in repair out of the income of the charity and that in case the stock and money in

hand should not (after providing a school and buildings for Saint Mary's School as thereafter provided) be sufficient for the purposes aforesaid the Corporation should be at liberty with the sanction of the court to raise on the security of the charity estates or a sufficient part thereof in manner therein mentioned any sum not exceeding two thousand pounds and that there should be paid annually out of the surplus income of the charity the sum of four hundred and forty pounds in or towards the support of the said grammar school including the exhibitions and prize premiums thereafter mentioned provided that such annual sum of four hundred and forty pounds should only be payable whilst the Corporation should continue to devote the said house and buildings or some equally commodious buildings for the purposes of the said grammar school or should pay in lieu thereof as thereinbefore provided the annual sum of one hundred pounds and should keep such premises in repair and should continue to pay annually the sum of one hundred and five pounds to the head master for or towards his stipend and that a school for boys should be established in Newcastle-upon-Tyne in some convenient situation as near as possible to the hospital buildings of the charity and should be called or known by the name of "Saint Mary's School" and that such school should be of a class similar to the schools of the National Society and that the Corporation should provide a site for such school on land belonging to the charity or should purchase such site and should erect thereupon proper school buildings with a residence for the master such site and buildings to be first approved by the Court of Chancery and that the Corporation should out of the surplus income of the charity provide the annual sum of one hundred and fifty pounds for the support of Saint Mary's School and it was by the said Scheme further provided that if there should remain any surplus income after providing for the objects aforesaid the Corporation should establish a new school for girls to be called "Saint Mary's Girls' School" on some land situate near to the hospital and might expend the sum of two thousand pounds in providing a site and building to be approved by the Court of Chancery and might provide an annual sum not exceeding one hundred and fifty pounds to support the same school and that the Corporation might borrow the said sum of two thousand pounds on the security of the charity property as therein provided and that the Saint Mary's Girls' School should be carried on under provisions similar as near as possible to those thereinbefore provided for Saint Mary's School and it was by the said Scheme lastly provided that if after providing for such girls' school there should be a surplus of the income of the charity such surplus should be accumulated at compound interest

A.D. 1888. — in the Three per Centum Consols the investments being made in the name of the official trustees for charities and that when such fund should amount to two thousand pounds application should be made to the Court of Chancery for a further Scheme for the distribution of such accumulations and of the surplus income of the charity :

And whereas in pursuance of the Scheme of 1858 the said mayor aldermen and burgesses (in this Act called "the Corporation") provided a site and erected school buildings thereon for the said grammar school out of the property of the hospital and the said annual sum of four hundred and forty pounds has been provided out of the surplus income :

And whereas the said grammar school has since the completion of the said buildings in or about the year one thousand eight hundred and seventy been carried on therein and the Corporation resumed possession of the said premises in Charlotte Square and have continued to pay to the master of the said school the said annual sum of one hundred and five pounds and have paid to the hospital the said annual sum of one hundred pounds :

And whereas in further pursuance of the Scheme of 1858 Saint Mary's School has been established and a site and buildings therefor have been provided out of the property of the hospital and the said annual sum of one hundred and fifty pounds has been paid for the support of that school out of the surplus income of the said hospital but the said school for girls to be called "Saint Mary's Girls' School" has not been established :

And whereas the Corporation have from time to time expended for the benefit of the said grammar school and Saint Mary's School various sums out of their corporate funds :

Amending
Scheme—
4th January
1873.

And whereas the Scheme of 1858 was amended as to certain details by an Order of the Charity Commissioners for England and Wales dated the fourth day of January one thousand eight hundred and seventy-three :

And whereas none of the hereinbefore-recited borrowing powers have been exercised :

Order of
Court—1st
August 1882.

And whereas by an Order of the Chancery Division of the High Court of Justice made in the said suit on the first day of August one thousand eight hundred and eighty-two the Lord Bishop of Newcastle for the time being the Chairman for the time being of the School Board of Newcastle-upon-Tyne Nathaniel George Clayton George Anthony Fenwick and John William Pease and three persons to be from time to time nominated by the Corporation were appointed to be trustees jointly with the master of the hospital to manage let set and receive the income of the estates of the said

charity and to apply such income as the same ought from time to time to be applied by such master if such trustees had not been appointed: A.D. 1888.

And whereas it is expedient to make further provisions with respect to the appointment of future trustees for the purposes mentioned in the last preceding recital:

And whereas the estates of the hospital consist of the said chapel and almshouses the said grammar school the said Saint Mary's School for boys and land adjoining the same respectively and also certain lands and buildings in the said city and at Fenham Bolam Peck's House and Stamfordham in the county of Northumberland and at Dunston in the county of Durham in lease to various tenants:

And whereas on the twentieth day of June one thousand eight hundred and eighty-eight there were standing to the credit of the said suit the following sums namely:—

Three thousand five hundred and eighty pounds two shillings and eleven pence Two and three-quarters per Cent. Consolidated Stock ex parte the mayor aldermen and burgesses of the borough of Newcastle-upon-Tyne In the matter of the Hospital of Saint Mary the Virgin Newcastle-upon-Tyne;

One hundred and sixteen pounds seventeen shillings and six pence on deposit and eight pounds thirteen shillings and nine pence cash ex parte the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne In the matter of the Newcastle-upon-Tyne Improvement Act 1882. in respect of hereditaments claimed by the master and brethren of the hospital of Saint Mary the Virgin within the borough of Newcastle-upon-Tyne and the trustees of the estate of the said hospital;

One thousand four hundred and eighty-three pounds two shillings on deposit the account of the rents of the mines part of the estates of the master and brethren of the Hospital of Saint Mary the Virgin within the borough of Newcastle-upon-Tyne;

And at the same date there was also a sum of two hundred and twenty pounds eleven shillings and four pence Two and three-quarters per Cent. Consolidated Stock and three pounds six shillings and two pence cash in the name of the official trustees of charitable funds arising from the investment of surplus income of the hospital estates:

And whereas Her Majesty by Her Royal charter dated the thirtieth day of June one thousand eight hundred and eighty-two declared that the borough of Newcastle-upon-Tyne should be a city and be styled "the city and county of Newcastle-upon Tyne" and that the mayor aldermen and burgesses of the borough of Newcastle-upon- Charter—
30th June
1882.

A.D. 1888. Tyne should thenceforward be one body politic and corporate by the name and style of "the mayor aldermen and citizens of the "city and county of Newcastle-upon-Tyne" (in this Act called "the Corporation") :

And whereas the population in certain parishes adjacent to the said chapel has greatly increased and the provision for the spiritual wants thereof is inadequate and it is expedient that on the present master ceasing to hold office the office of master of the hospital should be abolished and that the brethren of the hospital be thenceforth appointed by the Corporation acting by the council of the said city (hereinafter referred to as "the council") and that a new ecclesiastical district or parish be constituted for all ecclesiastical purposes whereof the said chapel shall be the church and that the annual sum of four hundred pounds be paid out of the income of the hospital as and for the endowment of the said church and parish :

Draft
Scheme.

And whereas the Charity Commissioners for England and Wales have published a draft Scheme for the administration of the hospital and the said schools and the Corporation have suggested certain modifications therein so as (among other things) to carry into effect the purposes in the next preceding recital mentioned to which modifications the said Commissioners have assented and it is expedient that the said Scheme so agreed to and as set forth in the schedule to this Act should be confirmed and carried into effect and that the said Acts should be repealed :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

And whereas an absolute majority of the whole number of the council at a meeting held on the twenty-sixth day of October one thousand eight hundred and eighty-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Newcastle Daily Chronicle" a local newspaper published and circulating in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act in so far as it should not be paid out of the funds of the hospital should be charged on the city fund :

And whereas such resolution was published twice in the "Newcastle Daily Journal" a newspaper published and circulating in the city and has received the approval of one of Her Majesty's Principal Secretaries of State :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a

similar notice on the eleventh day of January one thousand eight hundred and eighty-eight being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1888.

And whereas the owners and ratepayers of the city by resolution in the manner provided in the third schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

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):—

PART I.

PRELIMINARY.

1. This Act may be cited as Saint Mary's Hospital (Newcastle-upon-Tyne) Act 1888. Short title.

2. This Act is divided into Parts as follows (that is to say):—

Act divided
into Parts.

Part I.—Preliminary.

Part II.—As to the master and brethren.

Part III.—Confirming the new Scheme for the administration of the hospital and schools.

Part IV.—As to formation of new ecclesiastical parish.

Part V.—Miscellaneous.

3. This Act except where otherwise expressly provided shall commence and take effect on the passing thereof. Commence-
ment of Act.

4. In this Act and in the schedule thereto unless the context otherwise requires— Interpreta-
tion.

“The hospital” means the Hospital of Saint Mary the Virgin within the city and county of Newcastle-upon-Tyne;

“The master and brethren” means the master and brethren of the hospital;

“The master” means the master of the hospital;

“The brethren” means the brethren of the hospital;

“Resident brethren” means brethren entitled to reside in the almshouses;

“Non-resident brethren” means brethren not entitled to reside in the almshouses;

“The chapel” means the chapel of the hospital;

“The almshouses” means the almshouses for the time being of the hospital;

“The recited Acts” means the Acts recited in the preamble to this Act;

“The Scheme” means the Scheme scheduled to and confirmed by this Act;

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- “The schools” means the schools dealt with by the Scheme;
- “Hospital land” means and includes all lands and hereditaments and all estates and interests therein belonging to the hospital except the chapel and the grounds thereof and the schools and the lands and buildings used and occupied therewith;
- “Hospital capital funds” means and includes all stock in the public funds and other securities and capital moneys belonging to the hospital and except where otherwise authorized by the Charity Commissioners all moneys arising from the sale of timber or from any mines and minerals on or under the hospital land or the schools;
- “The trustees” means the trustees appointed by or under the Scheme to manage the hospital land;
- “The governors” means the governors appointed by or under the Scheme to administer the schools;
- “The city” means the city and county of Newcastle-upon-Tyne;
- “The council” means the council of the city;
- “The town clerk” means the town clerk of the city;
- “The Charity Commissioners” means the Charity Commissioners for England and Wales;
- “The Ecclesiastical Commissioners” means the Ecclesiastical Commissioners for England;
- “The bishop” means the Lord Bishop of Newcastle;
- “The new parish” means the new ecclesiastical district or parish to be formed under the provisions of this Act;
- “The vicar” means the vicar of the new parish;
- “The church” means the church of the new parish.

Repeal of
recited Acts
(9 & 10 Vict.
c. xlii. and
11 & 12 Vict.
c. xxi).

5. The recited Acts are hereby repealed but such repeal shall not (unless so expressly provided) affect the validity invalidity effect or consequence of anything already done or suffered or any existing status or capacity or any right already acquired or accrued or any debt claim or demand or any remedy or proceeding in respect of any such right debt claim or demand or the proof of any past act or thing.

PART II.

AS TO THE MASTER AND BRETHREN.

Constitution
of hospital.

6. (1.) So long as the Reverend Robert Anchor Thompson (clerk) the present master shall hold office the hospital shall consist of the master and eight brethren subject to increase as hereinafter provided and shall be called “the master and brethren of the Hospital of Saint Mary the Virgin within the city and county of Newcastle-upon-Tyne.”

(2.) When and so soon as the present master shall cease to hold office the office of master of the hospital shall not be filled up and shall cease to exist and the Corporation of "the master and brethren" of the Hospital of Saint Mary the Virgin within the city and "county of Newcastle-upon-Tyne" shall be dissolved but the hospital shall continue to exist and shall consist of the brethren for the time being and shall be called "the Hospital of Saint Mary the Virgin in the city and county of Newcastle-upon-Tyne." A.D. 1888.

7. The present master so long as he shall hold office and after he shall cease to hold office the council shall from time to time appoint such a number of additional resident brethren not exceeding eight and when the net income of the hospital shall exceed what is requisite for the establishment and maintenance of the school for the education of girls as provided for by the Scheme such a number of non-resident brethren not exceeding sixteen as the Charity Commissioners having regard to the income of the hospital may think fit and as they shall specify in any order or orders. Additional brethren.

8. The present master so long as he shall hold office shall twice on every Sunday Christmas Day and Good Friday in every year perform or cause to be performed in the chapel divine service according to the Liturgy of the Church of England by himself or by some sufficient chaplain (to be appointed and paid by him) being a clergyman of the Church of England in priest's or deacon's orders duly licensed in that behalf by the bishop. Each such service shall be a full service including a sermon. And such master shall also in like manner daily throughout the year read or cause to be read fit and proper morning prayers in the chapel. Master to perform divine service in the chapel.

9. The trustees shall out of the income of the hospital pay to the present master so long as he shall hold office the yearly sum of six hundred pounds clear of all deductions (except income tax) by equal quarterly payments and the first of such payments shall be made on the first day of August one thousand eight hundred and eighty-eight. Salary of the master.

10. In case the present master shall at any time misbehave himself or neglect decline or fail to perform or to cause to be performed the duties of his office or shall without the consent of the council cease to reside within the city or within twenty miles thereof or shall hold any benefice with cure of souls without the consent of the council the council may remove him from his office and declare the same to be vacant and thereupon he shall cease to be master of the hospital and to be entitled to any portion of the said yearly sum of six hundred pounds and shall on demand by the town clerk under Council may remove the master for neglect of duty &c.

A.D. 1888. — his hand deliver up to him the seal of the hospital and all books deeds papers documents and property belonging to the hospital and in his possession.

Qualification of brethren.

11. The brethren shall be poor men of good character inhabitants of the city not receiving parochial relief without wives and of the age of fifty years or upwards.

Master or council to appoint one of the brethren to see fires out &c.

12. The present master and after he shall cease to hold office the council shall from time to time appoint one of the most able of the brethren to see that all the fires in the almshouses are put out at night and otherwise to see to the security of the almshouses and for such duty such brother shall in addition to his annual stipend receive the annual sum of fifty shillings.

Master or council may employ a nurse.

13. The present master and after he shall cease to hold office the council may from time to time as occasion may arise employ a competent person to act as a nurse and attend upon the brethren in case of illness The remuneration of such nurse shall be after a rate not exceeding thirty pounds a year.

Stipend &c. of brethren.

14. Each of the brethren shall receive out of the income of the hospital an annual sum of thirty pounds which shall be deemed to accrue due from day to day and except as provided in the Scheme with respect to the accommodation of additional resident brethren each of the resident brethren shall have at least one room in the almshouses wherein to reside.

Brethren may be removed for misconduct &c.

15. The present master with the consent of the council and after such master shall cease to hold office the council may remove from the almshouses any of the resident brethren and may expel any of the non-resident brethren who shall be guilty of gross misbehaviour or shall refuse or neglect to conform to the rules and regulations of the hospital and any person so removed or expelled and any of the brethren who shall become insane and shall be removed to an asylum for pauper lunatics shall upon and as from the date of such removal or expulsion cease to be one of the brethren or to be entitled to any allowance out of the income of or to any right or privilege in the hospital.

Vacancies among the brethren how to be filled.

16. When and so often as any vacancy shall occur in the hospital by the death or removal or expulsion of any of the brethren the present master and after he shall cease to hold office the council within one month after such vacancy shall occur shall appoint another qualified person to fill such vacancy.

A pew in the chapel to be set apart for

17. There shall be set apart and appropriated for the use of the brethren a pew or sittings and for the use of the poor of the city

three-fifths at least of the whole number of sittings in the chapel which pew and sittings shall be for the free use and benefit of the brethren and the said poor respectively during all hours in which any divine service is performed in the chapel without any rent assessment or payment for or in respect thereof.

A.D. 1888.

the brethren and three-fifths of the sittings to be free for the poor.

As to rents of sittings in the chapel.

18. Until the chapel is constituted the church of the new parish the sittings in the chapel not so set apart and appropriated shall be let at such rents as the council shall from time to time direct and the said rents shall be received by three chapel wardens who shall be appointed on Easter Tuesday in every year as to one by the master and as to the other two by the majority of the renters of sittings in the chapel then assembled therein.

19. The schools and the lands and buildings used and occupied therewith and by the Scheme placed wholly under the administration of the governors in whomsoever the same are vested shall vest in the official trustee of charity lands and his successors in trust for the governors.

Vesting certain property in trust for governors.

20. As soon as the present master shall cease to hold office the hospital land shall vest in the official trustee of charity lands and his successors in trust for the trustees.

Vesting hospital land in trust for trustees.

21. The hospital capital funds shall be paid and transferred to the official trustees of charitable funds as to a sum of three thousand five hundred and eighty pounds two shillings and eleven pence Two and three-quarters per Cent. Consolidated Stock part thereof in trust for the governors and as to the remaining part thereof in trust for the trustees and for the purpose of such transfer any necessary application shall be made by the proper body or bodies.

Vesting stock and securities.

PART III.

CONFIRMING THE NEW SCHEME FOR THE ADMINISTRATION OF THE HOSPITAL AND SCHOOLS.

22. The Scheme for the administration of the hospital and the schools set forth in the schedule to this Act is by this Act confirmed and as so set forth or as amended or altered from time to time in accordance with the provisions of this Act shall have effect as if the same were part of this Act and from and after the passing of this Act the hospital and the schools shall be governed and regulated and the estates belonging thereto shall be managed and the revenues thereof shall be applied and disposed of in accordance with the provisions of this Act and of such of the provisions of the Scheme or of any alterations or amendments thereof as from time to time shall be

Confirmation of Scheme in schedule.

A.D. 1888. in force Provided always that the Scheme may from time to time be amended or altered as if the trusts thereby created had been established by a founder of a charity.

Charity
Commis-
sioners may
alter the
Scheme.

PART IV.

AS TO FORMATION OF NEW ECCLESIASTICAL PARISH.

Provisions
on master
ceasing to
hold office.

23. As soon as the master shall cease to hold office the following provisions shall have effect (that is to say) :—

- (1.) The Ecclesiastical Commissioners shall forthwith prepare a Scheme for the constitution of the new parish by the taking from any of the ecclesiastical districts or parishes adjacent to the chapel such portions as they think expedient having regard to the spiritual requirements of such districts or parishes and shall prepare and annex to the draft Scheme a map or plan setting forth and describing the metes and bounds of the proposed new parish and shall transmit a copy of the draft Scheme and map or plan to the bishop and to the patrons and incumbents of such districts or parishes who may within one month thereafter jointly or severally send to the Ecclesiastical Commissioners such observations and recommendations thereon as they may respectively think fit and the decision of the Ecclesiastical Commissioners thereon shall be final and the draft Scheme as finally approved by them shall be sealed and published by them in the "London Gazette" and the new parish shall as from the date of publication be deemed to be duly constituted and to be a new parish created under the New Parishes Acts 1843 1844 and 1856 as amended by any subsequent Act and shall be called by the name of Saint Mary the Virgin and the chapel shall be the church of the new parish and the provisions of those Acts so far as they are not inconsistent with or varied by this Act shall extend and apply to the new parish and to the said church and to the vicar :
- (2.) The grounds of the church shall consist of the piece of land containing about three thousand two hundred and thirty-five square yards on part of which the chapel now stands and having a frontage to Westmoreland Road of two hundred and thirty-three feet and to Rye Hill of one hundred and five feet and the western and southern boundaries whereof are respectively one hundred and forty-nine and two hundred and twenty-nine feet long :
- (3.) A copy of the said map or plan shall be deposited at the office of the registrar of the diocese of Newcastle :

(4.) No burials or interments shall be permitted in or under the church or the grounds thereof: A.D. 1888.

(5.) The freehold of the church and of the grounds thereof shall vest in the Ecclesiastical Commissioners until the vicar shall be duly collated and inducted and upon such collation and induction shall vest in the vicar:

(6.) The advowson or right of presentation to the vicarage and church shall vest in the bishop:

(7.) The vicar shall be at least a Master of Arts of the University of Oxford Cambridge Dublin Durham or London.

24. The provisions of the foregoing sections of this Act the marginal notes whereof are respectively—

“Master to perform divine service in the chapel” and “A pew in the chapel to be set apart for the brethren and three-fifths of the sittings to be free for the poor”

shall extend and apply mutatis mutandis to the church and to the vicar.

25. The trustees shall pay to the vicar out of the revenues of the hospital the perpetual yearly sum of four hundred pounds clear of all deductions (except income tax) by equal quarterly payments the first of such payments to become due and payable at the end of three months next after his collation to the said church and save as aforesaid no moneys shall be paid to or in relation to the said church out of the funds or revenues of the hospital.

PART V.

MISCELLANEOUS.

26. The accounts required by the Scheme to be rendered to the Charity Commissioners by the trustees and the governors respectively shall before being so rendered be submitted together with all vouchers and papers relating thereto to the elective auditors and the mayor's auditor of the city elected and appointed under the provisions of the Municipal Corporations Act 1882 or any Act or Acts amending the same or in case a paid auditor or paid auditors be appointed under the provisions of section 109 of the Newcastle-upon-Tyne Improvement Act 1882 then to such paid auditor or auditors and the mayor's auditor for the purpose of being examined and audited and if such accounts shall be correct the said auditors shall sign the same.

27. Nothing in this Act shall be deemed or construed either to impeach or to give validity to any leases of the estates of the hospital granted before the passing of this Act.

[Ch. cvii.] *Saint Mary's Hospital (Newcastle- [51 & 52 VICT.]
upon-Tyne) Act, 1888.*

A.D. 1888.

Copy of Act
to be given to
trustees &c.

28. A copy of this Act and of every amendment or alteration of the scheme shall be given to every trustee governor head master and assistant master upon their respective appointments.

Costs of Act.

29. The costs charges and expenses preliminary to and of and incidental to the applying for obtaining and passing of this Act including the costs incurred by the master in relation thereto shall be paid out of the funds of the hospital.

The SCHEDULE referred to in the foregoing Act.

A.D. 1888.

THE SCHEME.

1. In this Scheme unless the subject or context otherwise requires—

Interpretation.

“Hospital land” means and includes all lands and hereditaments and all estates and interests therein belonging to the hospital except the chapel and the grounds thereof and the schools and the lands and buildings used and occupied therewith;

“The schools” means the schools dealt with by this Scheme;

“The foundation” means and includes the schools and the lands and buildings occupied therewith and the income of the hospital by this scheme made applicable to educational purposes and all the other endowments of the schools;

“Hospital capital funds” means and includes all stock in the public funds and other securities and capital moneys belonging to the hospital and (except where otherwise authorized by the Charity Commissioners) all moneys arising from the sale of timber or from any mines and minerals on or under the hospital land or the schools;

“The Corporation” means the mayor aldermen and citizens of the city and county of Newcastle-upon-Tyne.

2. There shall be constituted two governing bodies one for the management of the hospital land to be called “the trustees of the Hospital of Saint Mary the Virgin” and in this Scheme referred to as “the trustees” The other for the administration of the Foundation to be called “the governors of the Newcastle-upon-Tyne Royal Grammar School” in this Scheme referred to as “the governors.”

Governing bodies.

3. Religious opinions or attendance or non-attendance at any particular form of religious worship shall not in any way affect the qualification of any person for being one of a governing body under this Scheme.

Religious opinions of governing bodies.

4. The hospital land shall be let or otherwise managed by the trustees according to the general law applicable to the management of property by trustees of charitable foundations.

Management and letting of hospital land.

5. The pew rents of the chapel until constituted a parish church shall be paid over to the trustees by the persons receiving the same.

Pew rents.

6. The trustees shall out of the hospital capital funds pay the following sums and provide for the following matters (that is to say):—

Payments out of hospital capital funds.

The sum of twelve hundred and three pounds fifteen shillings and two pence to the Corporation if the same shall be accepted by them in writing under their seal in full satisfaction of all claims by them in respect of moneys advanced by them for the benefit of the Free Grammar School and Saint Mary's School respectively;

[Ch. cvii.] *Saint Mary's Hospital (Newcastle-upon-Tyne) Act, 1888.* [51 & 52 VICT.]

A.D. 1888.

A sum not exceeding seven hundred and fifty pounds for providing (under the direction of the Charity Commissioners) offices for the business of the governing bodies;

A sum not exceeding two thousand four hundred pounds for providing (under the direction of the Charity Commissioners) dwellings for the resident brethren who may be added under any order or orders of the Charity Commissioners.

Payments out of net income of hospital.

7. The net income of the hospital land and the interest dividends and annual proceeds of the hospital capital funds and the pew rents of the chapel until it be constituted a parish church shall be applied by the trustees as follows (that is to say):—

In paying the yearly sum of six hundred pounds to the present master (so long as he shall hold office) clear of all deductions (except income tax) and by equal quarterly payments;

In paying the yearly sum of thirty pounds to each of the eight brethren of the hospital and to each of any additional resident brethren who may hereafter be appointed;

In paying a sum not exceeding thirty pounds per annum to a nurse for the brethren;

In paying a yearly sum of two pounds ten shillings to such one of the brethren who may be appointed to see to the security of the almshouses;

In paying until dwellings are provided for the said additional resident brethren a yearly sum of seven pounds and ten shillings for each of such brethren to make temporary provision for his accommodation;

In paying until the chapel be constituted a parish church a yearly sum of one hundred and twenty-one pounds eleven shillings and four pence for the salaries of the clerk organist beadle pew-openers and other officers of the chapel except the minister and for providing the sacramental bread and wine and (when necessary) for lighting and heating the said chapel and the surplus of such last-mentioned yearly sum if and when more than sufficient for those purposes to the master;

In paying in each year such a sum of money as may be needed for payment for repairs rates taxes and insurance and other expenses of management of property and business in respect of the said almshouses and offices and the buildings and lands occupied therewith and in respect also of the said chapel and the grounds thereof until such chapel be constituted the church of the new parish;

In paying to the vicar of the new parish the yearly sum of four hundred pounds clear of all deductions except income tax and by equal quarterly payments; and

In paying the surplus over to the governors for educational purposes as provided for by this scheme subject to the payment thereof of the yearly sum of thirty pounds to each of any non-resident brethren who may be hereafter appointed under any order or orders of the Charity Commissioners.

The governors.

8. Subject as herein provided the Foundation shall be administered by a governing body herein called "the governors" consisting of eighteen com-

petent persons duly qualified to discharge the duties of the office fourteen A.D. 1888.
to be called representative governors and four to be called coöptative
governors.

9. The representative governors shall be appointed by the following electing Representative
governors.
bodies respectively in the following proportions (that is to say):—

One by the Hebdomadal Council of the University of Oxford;

One by the Council of the Senate of the University of Cambridge;

One by the Senate of the University of Durham;

One by the Council of the Durham College of Science Newcastle-upon-Tyne;

One by the Council of the University of Durham College of Medicine at Newcastle-upon-Tyne; and

Nine by the Council of the city of Newcastle-upon-Tyne.

Each appointment by an electing body shall be made at a meeting thereof convened and held as nearly as may be in accordance with the ordinary rules or practice (if any) of such body. Every representative governor shall be appointed to office for the term of five years reckoned from the date of the appointment. The first representative governors shall be appointed as soon as conveniently may be after the date of the confirmation of this Scheme. The chairman or other presiding officer of each meeting at which the appointment of any representative governors or governor shall be made shall forthwith cause the names or name of the persons or person so appointed to be notified in the case of first appointment to the governor whose name then stands first on the list of coöptative governors and in other cases to the chairman of the governors or their clerk (if any) or other agent. Any appointment of a representative governor not made as aforesaid within six calendar months from the date of the confirmation of this Scheme or of the notice hereinafter prescribed of a vacancy as the case may be shall for that turn be made by the then existing governors.

10. The first coöptative governors shall be Robert Spence Watson of Coöptative
governors.
41 Pilgrim Street Newcastle-upon-Tyne esquire Robert Robey Redmayne of the Royal Infirmary Newcastle-upon-Tyne esquire the Reverend Canon Lloyd vicar of Newcastle-upon-Tyne and John William Pease of Newcastle-upon-Tyne esquire. The future coöptative governors shall be appointed in each case by the general body of governors at a special meeting by a resolution to be forthwith notified by them with all proper information to the Charity Commissioners at their office in London but no such appointment shall be valid until it has been approved by such Commissioners and their approval certified under their official seal. The coöptative governors shall be appointed to office each for the term of eight years reckoned in the case of a future coöptative governor from the date of the approval of his appointment.

11. Any governor who shall become bankrupt or incapacitated to act or Vacancies.
shall notify in writing to the governors his wish to resign or shall for the space of two consecutive years omit to attend any meeting shall thereupon forthwith vacate the office of governor and the governors shall cause an entry to be made in their minute book of every vacancy caused as aforesaid or by the death or the expiration of the term of office of any governor and as soon as conveniently may be after any vacancy a new governor shall be appointed

[Ch. cvii.] *Saint Mary's Hospital (Newcastle-upon-Tyne) Act, 1888.* [51 & 52 VICT.]

- A.D. 1888. — by the body entitled as aforesaid to make such appointment. Any governor may be reappointed. Notice of every vacancy of the office of representative governor shall be given as soon as conveniently may be by or under the direction of the governors to the proper electing body or the clerk (if any) or other agent of such body.
- Declaration by governors. 12. Every governor shall at or before the first meeting which he attends upon his first or any subsequent entry into office sign a memorandum declaring his acceptance of the office of governor and his willingness to act in the trusts of this Scheme. And until he has signed such a memorandum he shall not be entitled to act as a governor.
- First meeting. 13. Within one calendar month from the time at which under the provisions herein contained the administration of the Foundation subject as herein provided passes to the governors a meeting shall be held upon the summons of the governor whose name then stands first upon the list of coöptative governors upon some day to be fixed by him. At this meeting the governors shall elect one of their number to be chairman of the meeting and shall make arrangements for the conduct of business.
- Meetings. 14. The governors shall hold their meetings in some convenient place in Newcastle-upon-Tyne or elsewhere and shall hold at least two ordinary meetings in each year. Notice in writing of each ordinary meeting shall be delivered or sent by post to each governor by the clerk if any or by some other person acting under the direction of the governors at least seven days before such meeting.
- Special meetings. 15. The chairman or any two governors may at any time summon a special meeting for any cause that seems to him or them sufficient. All special meetings shall be convened by or under the direction of the person or persons summoning the meeting by notice in writing delivered or sent by post to each governor specifying the object of the meeting and it shall be the duty of the clerk (if any) to give such notice when required by the chairman or by any two governors.
- Chairman. 16. The governors shall at their first ordinary meeting in each year elect one of their number to be chairman of their meetings for the current year. They shall make regulations for supplying his place in case of his death resignation or absence. The chairman shall always be re-eligible.
- Quorum and voting. 17. There shall be a quorum when seven governors are present at a meeting. Every question at a meeting except as herein provided shall be determined by the majority of the governors present and voting on the question and in case of equality of votes the chairman shall have a second or casting vote. Any resolution of the governors may be rescinded or varied at a special meeting held after not less than seven days' notice.
- Adjournment of meetings. 18. If at the time appointed for a meeting a sufficient number of governors to form a quorum are not present or if at any meeting the business is not completed the governors present may adjourn the meeting to a day and time of which if the meeting is adjourned for more than two days notice shall forthwith be delivered or sent by post to each governor.
- Minutes. 19. A minute book shall be provided and kept by the governors and minutes of the entry into office of every new governor and of all proceedings of the governors shall be entered in such minute book.

A.D. 1888.

Accounts.

20. The governors shall make out and render to the Charity Commissioners such accounts as shall be required by such Commissioners and shall also on rendering accounts for any year to such Commissioners cause proper abstracts of such accounts to be published in one or more local newspapers for general information and exhibit for public inspection in some convenient place in Newcastle-upon-Tyne copies of the accounts so rendered for such year giving due public notice in one or more local newspapers where and when the same may be seen and shall at all reasonable times allow the accounts so rendered for any year or years to be inspected and copies thereof or extracts therefrom to be made by all persons applying for the purpose.

Business arrangements.

21. The governors may from time to time make such arrangements as they may find most fitting for the custody of all deeds and other documents belonging to the Foundation for deposit of money for the drawing of cheques and for the appointment of a clerk or of any necessary agents for their assistance in the conduct of the business of the Foundation at such reasonable salaries or scale of remuneration as shall be approved by the Charity Commissioners but no governor acting as such clerk or agent shall be entitled to any salary or remuneration.

Management and letting of property.

22. Any property of the Foundation hereby placed wholly under the administration of the governors and not occupied for the purposes of the Foundation shall be let or otherwise managed by the governors or by their agents acting under their orders according to the general law applicable to the management of property by trustees of charitable foundations. All payments for repairs rates taxes and insurance of any such property occupied for the purposes of a school of the Foundation shall unless otherwise provided for be made out of the income of the Foundation applicable to the purposes of such school.

Transfer of administration of foundation governors.

23. Until the completion of the full number of governors or the expiration of the first three calendar months or further time (if any) allowed under this clause from the date of the confirmation of this Scheme the present governing body so far as relates to each endowment under this Scheme shall retain such powers as will enable them to administer the same in the meantime under this Scheme but on such completion or expiration whichever shall first happen they shall so far as relates exclusively to the Foundation become ipso facto discharged from their office and the administration of the Foundation shall subject as herein provided pass to the governors. Such period of three calendar months may be extended if necessary by an order of the Charity Commissioners made upon the application of any one or more of the present governing body or of the governors.

Governors may act although body not full.

24. After the administration of the Foundation has subject as herein provided passed to the governors as aforesaid the governors for the time being if a quorum is formed may act for the purposes of this Scheme although the number of governors as hereinbefore constituted is not full.

Temporary school arrangements.

25. So far as may be not inconsistent with anything contained in the Endowed Schools Act 1869 and amending Acts each school of the Foundation may be carried on as heretofore until the end of the school term (if any) current at the date of the confirmation of this Scheme or until such other time

A.D. 1888. — as may with the approval of the Charity Commissioners be fixed by the body for the time being having the administration of the Foundation under this scheme.

Saving of interests of scholars.

26. Any scholarship exhibition or other benefit to which any boy who was on the thirty-first day of July one thousand eight hundred and eighty-six on the Foundation is legally entitled shall be continued to him.

THE SCHOOLS.

Schools of foundation.

27. The grammar school of the Foundation shall be maintained under this Scheme in or near the city of Newcastle-upon-Tyne as a school for boys hereinafter called "the grammar school" or "the school." It shall be a school for day-scholars and if the governors think fit for boarders. The Saint Mary's School of the Foundation hereinafter called "Saint Mary's School" may if the governors think fit be maintained under this Scheme as a school for boys for a period of not more than five years from the date of the confirmation of this Scheme or for such longer period as may be allowed by the Charity Commissioners but except as aforesaid shall not henceforth be carried on. The whole or any part of the site and buildings now used for the purposes of that school may after that school ceases to be carried on be used for the purposes of the grammar school.

Income of schools.

28. All moneys received as income exclusively in respect of either school whether from fees of scholars or otherwise shall be applicable wholly for the purposes of such school. There shall further be applicable out of the other income of the Foundation for the purposes of Saint Mary's School so long as the same is carried on a yearly sum of not more than one hundred and fifty pounds and for the purposes of the grammar school and the exhibitions attached thereto a yearly sum of six hundred and fifty pounds and the income of the repairs and improvement fund hereinafter mentioned and further on receipt of the yearly sum of one hundred and five pounds hereinafter mentioned such yearly sum of one hundred and five pounds. Such further payments may also be made out of the other income of the Foundation for improving the accommodation and convenience of the buildings or premises used for the purposes of the grammar school as the income of the Foundation hereinbefore made applicable for the purposes of the grammar school may be insufficient to meet and as shall from time to time be sanctioned by the Charity Commissioners.

Religious instruction.

29. Subject to the provisions of this Scheme religious instruction in accordance with the principles of the Christian faith shall be given in each school under such regulations as shall be made from time to time by the governors. No alteration in any such regulations shall take effect until the expiration of not less than one year after notice of the making of the alteration shall have been given by the governors in such manner as they shall think best calculated to bring the matter within the knowledge of persons interested in the school concerned.

Masters not required to be in holy orders.

30. No person shall be disqualified for being a master in either school by reason only of his not being or not intending to be in holy orders.

Teachers not to be governors.

31. No master or teacher of either school shall be a governor.

A.D. 1888.

SAINT MARY'S SCHOOL.

32. Saint Mary's School so long as it is carried on shall be carried on in the buildings hitherto occupied by the same school and shall be conducted as a public elementary school under section 7 of the Elementary Education Act 1870. When it ceases to be carried on the provisions of this Scheme for carrying on the same shall cease to have effect.

Public elementary school.

33. The governors shall appoint and pay and may at their pleasure dismiss all teachers in Saint Mary's School and subject to any regulations of the Education Department in force for the time being shall have power to regulate and prescribe from time to time their respective qualifications.

Teachers.

34. All scholars in Saint Mary's School shall pay such tuition fees suitable in an elementary school as the governors shall fix from time to time.

Payments for tuition.

35. Besides religious instruction as hereinbefore provided instruction in the subjects required by the regulations of the Education Department shall also subject to the control of the governors be given in Saint Mary's School according to the classification and arrangements made by the principal teacher.

Instruction.

36. The governors shall not be precluded by any provision in this Scheme from conforming to any regulations which the Education Department under the Elementary Education Act 1870 or any Act or Acts amending the same or under any authority may impose as the conditions of a grant of money provided that such regulations shall not be inconsistent with the provisions of the Endowed Schools Act 1869 or any Act or Acts amending the same.

Regulations of Education Department.

SCHOLARSHIPS IN PLACE OF SAINT MARY'S SCHOOL.

37. After Saint Mary's School ceases to be carried on the governors shall apply a yearly sum of one hundred and fifty pounds in maintaining scholarships tenable at the grammar school each of a yearly value of not more than fourteen pounds. Such scholarships shall be awarded only to boys who are and have for not less than three years been scholars in any of the public elementary schools in the school district of Newcastle-upon-Tyne and the governors shall make such arrangements relative to the elections to these scholarships as seem to them best adapted to secure the double object of attracting good scholars to the grammar school and advancing education at the said public elementary schools. In other respects these scholarships shall be subject to such of the conditions hereinafter contained relating to scholarships as are not limited to scholarships in the grammar school.

Scholarships for boys from public elementary schools.

THE GRAMMAR SCHOOL.

38. The grammar school shall be maintained in the buildings hitherto occupied for the purposes of the same school or in other suitable buildings in or near Newcastle-upon-Tyne hereafter to be provided for the purpose by the governors.

Grammar school.

39. There shall be a head master of the grammar school. He shall be a graduate of some university in the United Kingdom. The present head master shall if willing continue to be the head master under this Scheme.

Head master.

[Ch. cvii.] *Saint Mary's Hospital (Newcastle-upon-Tyne) Act, 1888.* [51 & 52 VICT.]

A.D. 1888. Appointment. Every head master hereafter to be appointed shall be appointed by the governors at a special meeting to be held as soon as conveniently may be after a vacancy or after notice of an intended vacancy. In order to get the best candidates the governors before making any appointment shall give public notice of the vacancy and invite applicants for the office by advertisements in newspapers or by such other means as they may judge best calculated to secure the object.

Dismissal with notice. 40. The governors may dismiss the head master without assigning cause after six calendar months' written notice given to him in pursuance of a resolution passed at two special meetings held at an interval of not less than fourteen days such resolution being affirmed at each meeting by not less than two-thirds of the governors present and voting on the question.

Dismissal without notice. 41. The governors for what in their opinion is urgent cause may by a resolution passed at a special meeting and affirmed by not less than two-thirds of the whole number of governors for the time being declare that the head master ought to be dismissed from his office as in this clause provided and in that case they may appoint a second special meeting to be held not less than a week after the first and may by a resolution passed at such second meeting and affirmed by not less than two-thirds of the whole number of governors for the time being thereupon absolutely and finally dismiss him. And if at the first of such meetings the governors think fit at once to suspend the head master from his office until the second of such meetings they may so suspend him by resolution affirmed by not less than two-thirds of the whole number of governors for the time being. Full notice and opportunity of defence at both such meetings shall be given to the head master.

Declaration by head master. 42. Every head master before taking office under this Scheme shall sign a declaration to be entered in the minute book of the governors to the following effect:—

“I declare that I will always to the best of my ability discharge the duties of head master of Newcastle-upon-Tyne Royal Grammar School during my tenure of the office and that if I am removed therefrom I will thereupon acquiesce in such removal and will relinquish all claim to the mastership and its future emoluments and will deliver up to the governors or as they direct possession of all the property of the school then in my possession or occupation.”

Head master's official residence. 43. The head master shall dwell in the residence (if any) assigned for him. The occupation and use of such residence and of any other property of the Foundation occupied by him as head master shall be had by him in respect of his official character and duties and not as tenant and if he is removed from his office he shall deliver up possession of such residence and other property to the governors or as they direct. He shall not except with the permission of the governors permit any person not being a member of his family to occupy such residence or any part thereof.

Head master not to have other employment. 44. The head master shall give his personal attention to the duties of the school and shall not hold any benefice having the cure of souls or undertake any office or employment interfering with the proper performance of his duties as head master.

45. No head master or assistant master shall receive or demand from any boy in the school or from any person whomsoever on behalf of any such boy any gratuity fee or payment except such as are prescribed or authorized by or under this Scheme.

A.D. 1888.

Masters not to receive other than authorized fees.

46. Within the limits fixed by this Scheme the governors shall prescribe the general subjects of instruction the relative prominence and value to be assigned to each group of subjects the arrangements respecting the school terms vacations and holidays and the payments by day scholars and the number of and payments by boarders. They shall take general supervision of the sanitary condition of the school buildings and arrangements. They shall fix the number of assistant masters to be employed. They shall every year fix the amount which they think proper to be paid out of the income of the Foundation applicable for the purposes of the grammar school for the purpose of maintaining assistant masters and providing and maintaining a proper school plant or apparatus.

Jurisdiction of governors over school arrangements.

47. Before making any regulations under the last foregoing clause the governors shall consult the head master in such a manner as to give him full opportunity for the expression of his views. The head master may also from time to time submit proposals to the governors for making or altering regulations concerning any matter within the province of the governors. The governors shall fully consider any such expression of views or proposals and shall decide upon them.

Views and proposals of head master.

48. Subject to any rules prescribed by or under the authority of this Scheme the head master shall have under his control the choice of books the method of teaching the arrangement of classes and school hours and generally the whole internal organization management and discipline of the school including the power of expelling boys from the school or suspending them from attendance thereat for any adequate cause to be judged of by him but on expelling or suspending any boy he shall forthwith report the case to the governors.

Jurisdiction of head master over school arrangements.

49. The head master shall have the sole power of appointing and may at pleasure dismiss all assistant masters and shall determine subject to the approval of the governors in what proportions the sum fixed by the governors for the maintenance of assistant masters and school plant and apparatus shall be divided among the various persons and objects for which it is fixed in the aggregate. And the governors shall pay the same accordingly either through the hands of the head master or directly as they think best.

Assistant masters and payments for school objects.

50. The head master shall receive a fixed yearly stipend of two hundred pounds. He shall also receive a capitation payment calculated on such a scale uniform or graduated as may be fixed from time to time by the governors at the rate of not less than two pounds nor more than three pounds a year for each boy in the school.

Income of head master.

51. All boys including boarders except as herein provided shall pay tuition fees to be fixed from time to time by the governors at the rate of not less than eight pounds nor more than fourteen pounds a year for any boy. No difference in respect of tuition fees shall be made between any scholars on account of place of birth or residence or of their being or not being boarders. The payments from boarders exclusive of the tuition fees shall be at the rate of not more than fifty pounds a-year for any boy. No extra or additional pay-

Tuition and boarding fees.

[Ch. cvii.] *Saint Mary's Hospital (Newcastle-upon-Tyne) Act, 1888.* [51 & 52 VICT.]

A.D. 1888. — ment of any kind shall be allowed without the sanction of the governors and the written consent of the parent or person occupying the place of parent of the scholar concerned. All payments for tuition fees shall be made in advance to the head master or to such other person as the governors shall from time to time fix and shall be accounted for by the person receiving them to the governors and be treated by them as part of the general income of the Foundation applicable to the purposes of the grammar school.

Ages for school.

52. No boy shall be admitted to the school under the age of seven years. No boy shall remain in the school after the age of seventeen years or if he attains that age during a school term then after the end of such term except with the permission of the governors which in special cases may be given upon the recommendation of the head master.

To whom school is open.

53. Subject to the provisions established by or under the authority of this Scheme the school and all its advantages shall be open to all boys of good character and sufficient health who are residing with their parents guardians or near relations within degrees to be fixed by the governors or are boarding under regulations made by the governors in the house of any master. No boy not so residing or boarding shall be admitted to the school without the special permission of the governors.

Applications for admission.

54. Applications for admission to the school shall be made to the head master or to some person appointed by the governors according to a form to be approved of by them and delivered to all applicants.

Register of applications.

55. The head master or some person appointed by the governors shall keep a register of applications for admission showing the date of every application and of the admission withdrawal or rejection of the applicant and the cause of any rejection and the age of each applicant.

Entrance examination.

56. Every applicant for admission shall be examined by or under the direction of the head master. The head master shall appoint convenient times for that purpose and give reasonable notice to the parents or next friends of the boy to be so examined. No boy shall be admitted to the school except after undergoing such examination and being found fit for admission. Those who are so found fit shall if there is room for them be admitted in order according to the dates of their application. The examination for admission shall be graduated according to the age of the boy and shall be regulated in other particulars from time to time by or under the direction of the governors but it shall never fall below the following standards (that is to say) :—

Reading ;

Writing from dictation ;

Sums in the first two simple rules of arithmetic with the multiplication table.

Secular instruction.

57. Besides religious instruction as hereinbefore provided instruction shall be given in the school in the following subjects (that is to say) :—

Reading writing and arithmetic ;

Geography and history ;

English grammar composition and literature ;

Mathematics ;

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Latin ;
Modern foreign European languages ;
Natural science ;
Drawing drill and vocal music.

In natural science special attention shall be given to chemistry geology mechanics metallurgy and such other branches of natural science as specially bear upon the leading branches of industry in Newcastle-upon-Tyne or the neighbourhood. Greek may be taught at an additional fee at the rate of not less than three pounds a year for each boy. Subject to the provisions of this Scheme the course of instruction shall be according to the classification and arrangements made by the head master.

58. There shall be once in every year an examination of the scholars by an examiner or examiners appointed or approved for that purpose by the governors but otherwise unconnected with the school. The day of examination shall be fixed by the governors after consulting the head master. The examiner or examiners shall report in writing to the governors on the proficiency of the scholars and on the condition of the school as regards instruction and discipline as shown by the result of the examination. The governors shall send a copy of the report to the head master and to the Charity Commissioners.

Yearly examination.

59. The head master shall make a report in writing to the governors yearly at such time as they shall direct on the general condition and progress of the school and on any special occurrences during the year. He may also mention the names of any boys who in his judgment are worthy of reward or distinction having regard both to proficiency and conduct.

Head master's yearly report.

60. The governors may award prizes of books or other suitable rewards as marks of distinction to any boys mentioned as worthy of reward or distinction by the head master or by the examiner or examiners.

Prizes.

61. The governors may if they think fit and the income at their disposal suffice for the purpose agree with the head master of the grammar school for the formation of a fund in the nature of a pension or superannuation fund the main principles of such agreement being that the head master and the governors respectively shall contribute yearly for a period of twenty years such sums as may be agreed on that these contributions shall accumulate at compound interest that in case the head master serves his office for such twenty years he shall on his retirement be entitled to the whole accumulated fund that in case he retires earlier on account of permanent disability from illness he shall also be entitled to the whole of the same fund and that in all other cases he shall on his ceasing to be master be entitled to the amount produced by his own contributions. If any question shall arise upon the construction or working of this provision the same shall be referred by the governors to the Charity Commissioners whose decision thereon shall be final and conclusive.

Pensions.

62. Scholarships in the form of exemptions total or partial from the payment of tuition fees shall be maintained in the school at the rate of not more than one scholarship in the form of total exemption for every twenty boys in the school nor more than one scholarship in the form of partial exemption for every ten boys in the school. Boys to whom such scholarships shall be awarded shall be called "Foundation scholars." No such scholarship shall be awarded

Scholarships.

A.D. 1888. — to any boy then in the school unless the head master shall report in writing that he is deserving of it by reason of his character and good conduct.

Exhibitions. 63. The governors shall apply a yearly sum of one hundred and fifty pounds in maintaining exhibitions each of a yearly value of not less than thirty pounds nor more than fifty pounds tenable for not more than three years at any other place of education approved by them as being in their opinion suited to advance the education of the holder and to be awarded to boys who are and have for not less than three years been scholars in the grammar school.

Repairs and improvements fund. 64. The sum of three thousand five hundred and eighty pounds two shillings and eleven pence Two and three-quarters per Cent. Consolidated Stock shall be placed to a separate account entitled "Repairs and Improvements Fund." The income of such fund shall be paid to the governors and applied by them in ordinary repairs or improvements of property used for the purposes of the grammar school and if not wanted for that purpose shall be accumulated for the like purpose in any future year or years.

Residue of grammar school income. 65. Subject to the payment of the expenses of management of property and business and of any necessary or proper outgoings in respect of the grammar school any income of the Foundation applicable for the purposes of the grammar school not applied under the foregoing provisions and not needed as a balance to meet current expenses may be applied for the purposes of the grammar school in improving the accommodation or convenience of the school buildings or premises or generally in extending or otherwise promoting the objects and efficiency of the same school and so far as not so applied shall on passing the yearly accounts be invested in the name of the Official Trustees of Charitable Funds in trust for the Foundation in augmentation of its endowment but so that the further income so arising shall be added to the said yearly sum applicable for the purposes of the grammar school.

FURTHER CONDITIONS AS TO SCHOLARSHIPS AND EXHIBITIONS.

General conditions as to scholarships and exhibitions. 66. The scholarships and exhibitions under this Scheme shall be established in such manner and order as to secure as nearly as may be a regular rotation of award and subject as herein provided shall be awarded and held under such regulations and conditions as the governors think fit. Every scholarship and exhibition shall be given as the reward of merit on the result of such examination as the governors think fit and shall except as herein provided be freely and openly competed for and shall be tenable only for the purposes of education. Any scholarship or exhibition for which there shall be no candidate who on examination shall be adjudged worthy to take it shall for that turn not be awarded.

Deprivation. 67. If the holder of a scholarship or exhibition shall in the judgment of the governors be guilty of serious misconduct or idleness or fail to maintain a reasonable standard of proficiency or wilfully cease to pursue his education the governors may deprive him of the scholarship or exhibition and for this purpose in the case of an exhibition tenable away from the grammar school may act on the report of the proper authorities of the school or place of education at which the same is held or on such other evidence as the governors think sufficient. For the purposes of this clause the decision of the governors shall be final in every case.

FUTURE SCHOOL FOR GIRLS.

A.D. 1888.

68. Subject as aforesaid and to any necessary or proper payments for expenses of management and for outgoings in respect of the Foundation any income of the Foundation not applied under the foregoing provisions and not needed as a balance to meet current expenses shall be invested in the name of the official trustees of charitable funds and accumulated to form a fund to be applied primarily for establishing and maintaining in or near the city of Newcastle-upon-Tyne a school for the education (not being merely elementary education) of girls in accordance with a scheme to be made under the Endowed Schools Act 1869 and amending Acts and subject thereto for educational purposes in the said city in accordance with a further scheme or schemes to be similarly made.

Residue for establishment of school for girls, &c.

THE TRUSTEES.

69. The trustees shall ultimately consist of one ex-officio trustee and seven representative trustees and three coöptative trustees :—

Who to be trustees.

The ex-officio trustee shall be—

The Lord Bishop of Newcastle ; but

The present master so long as he shall hold office shall also be an ex-officio trustee :

Six of the representative trustees shall be appointed by the council ; and

One representative trustee shall be appointed by the School Board for Newcastle-upon-Tyne :

The coöptative trustees shall be appointed by the general body of trustees at a meeting thereof specially summoned with notice of the business to be transacted thereat :

Every representative trustee shall hold office for the period of six years from the date of his appointment :

Every coöptative trustee shall hold office for the period of five years from the date of his appointment :

The said ex-officio trustees and Nathaniel George Clayton, George Anthony Fenwick and John William Pease (the trustees appointed under the order of the Chancery Division of the High Court of Justice) and the trustees nominated and appointed by the Corporation under the said order and three other trustees to be appointed by the Corporation at the first meeting of the council after the expiration of fourteen days from the confirmation of this Scheme shall be the first trustees for the management of the hospital land and shall be deemed to be respectively ex-officio coöptative and representative trustees appointed in accordance with the provisions of this Scheme and the said coöptative and representative trustees if they so long continue qualified shall respectively hold office for the period of five years and six years from the confirmation of this Scheme.

70. The provisions of the following clauses of the Scheme (that is to say) :—

Regulations as to trustees.

Clause 11 (vacancies) ;

Clause 12 (declaration by governors) ;

Clause 14 (meetings) ;

Clause 15 (special meetings) ;

[Ch. cvii.] *Saint Mary's Hospital (Newcastle-upon-Tyne) Act, 1888.* [51 & 52 VICT.]

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- Clause 16 (chairman);
- Clause 17 (quorum and voting);
- Clause 18 (adjournment of meetings);
- Clause 19 (minutes);
- Clause 20 (accounts); and
- Clause 21 (business arrangements);

shall mutatis mutandis extend and apply to and in relation to the trustees provided that the quorum of the trustees shall be five.

The trustees if a quorum be formed may act for such of the purposes of this Scheme as are to be carried into execution by them although their number as hereinbefore constituted is not full.

GENERAL.

Religious
exemptions.

71. The parent or guardian of or person liable to maintain or having the actual custody of any scholar attending either school as a day scholar may claim by notice in writing addressed to the head master or principal teacher the exemption of such scholar from attending prayer or religious worship or from any lesson or series of lessons on a religious subject and a scholar shall not by reason of any exemption from attending prayer or religious worship or from any lesson or series of lessons on a religious subject be deprived of any advantage or emolument in either school or out of the endowment of the Foundation to which he would otherwise have been entitled.

If the parent or guardian of or person liable to maintain or having the actual custody of any scholar who is about to attend either school and who but for this clause could only be admitted as a boarder desires the exemption of such scholar from attending prayer or religious worship or from any lesson or series of lessons on a religious subject but the persons in charge of the boarding houses of such school are not willing to allow such exemption then it shall be the duty of the governors to make proper provisions for enabling the scholar to attend such school and have such exemption as a day scholar without being deprived of any advantage or emolument to which he would otherwise have been entitled.

If any teacher in the course of other lessons at which any scholar exempted under this clause is in accordance with the ordinary rules of either school present shall teach systematically and persistently any particular religious doctrine from the teaching of which any exemption has been claimed as in this clause before provided the governors shall on complaint made in writing to them by the parent guardian or person liable to maintain or having the actual custody of such scholar hear the complainant and enquire into the circumstances and if the complaint is judged to be reasonable make all proper provisions for remedying the matter complained of.

Further
endowments.

72. The governors may receive any additional donations or endowments for the general purposes of the Foundation. They may also receive donations or endowments for any special objects connected with the Foundation which shall not be inconsistent with or calculated to impede the due working of the provisions of this Scheme. Any question arising upon this last point shall be referred to the Charity Commissioners for decision.

73. Within the limits prescribed by this Scheme each governing body shall have full power from time to time to make regulations for the conduct of their business and for the management of the matters hereby placed under their administration respectively and such regulations shall be binding on all persons affected thereby.

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General power of governing bodies to make regulations.

74. Any question affecting the regularity or the validity of any proceeding under this Scheme shall be determined conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

Question of proceedings under Scheme.

75. If any doubt or question arises among any governing body under this Scheme as to the proper construction or application of any of the provisions of this Scheme such governing body shall apply to the Charity Commissioners for their opinion and advice thereon which opinion and advice when given shall be binding on such governing body and on all persons claiming under this Scheme who shall be affected by the question so decided.

Construction of Scheme.

76. So far as relates to the Foundation all jurisdiction of the ordinary relating to or arising from the licensing of masters in any endowed school is hereby abolished.

Jurisdiction of ordinary abolished.

77. From the date of the confirmation of this Scheme the Corporation of the Master and Scholars of the Free Grammar School of Queen Elizabeth in Newcastle-upon-Tyne shall be dissolved subject and without prejudice to the power of such Corporation (which power is hereby reserved and continued to them) to do all or any such legal acts as may be necessary or proper for carrying into effect or completing the objects of this Scheme and except as herein otherwise expressly provided all rights powers and liabilities vested in the said Corporation shall be transferred to and vested in the governors created by this Scheme.

Dissolution of Grammar School corporation.

78. From the date of the confirmation of this Scheme all rights and powers reserved to belonging to claimed by or capable of being exercised by any person or body other than Her Majesty as visitor of the Foundation or any part of it shall be transferred to Her Majesty and all such rights and powers and also any like rights or powers vested in Her on the second day of August one thousand eight hundred and sixty-nine shall be exercised only through and by the Charity Commissioners.

Jurisdiction of visitor.

79. Nothing in this Scheme shall affect either of the endowments attached to the Grammar School respectively known as "the Dale Scholarship Fund" and "the Meikle Prize Fund."

Saving for certain scholarship funds.

80. Nothing in this Scheme shall take away or lessen the obligation of the Corporation to pay a yearly sum of one hundred and five pounds to the head master of the Grammar School and a yearly sum of one hundred pounds to the hospital or the Grammar School except that such sums instead of being so paid as aforesaid shall be payable only to the governors or their order as part of the general income of the Foundation.

As to payments by Corporation.

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