

366.

ENDOWED SCHOOLS COMMISSION.

County of - Chester.

Place - Lower Peover.

HEME for the Management of the School founded by **Richard Cumberbach** and his Wife at **Lower Peover**, otherwise Nether Peover, in the County of Chester.

General object.

1. The object of this Foundation or Trust shall be to give a sound and practical education to boys and girls, in accordance with the doctrines of the Church of England, by means of a School or Schools in the township of Lower Peover, or otherwise. And from the date of this Scheme all the particulars which by the Endowed Schools Acts, 1869 and 1873, are capable of being hereby repealed and abrogated, shall, so far as relates to the management of this endowment, be repealed and abrogated.

Governing Body.

2. The Governing Body, herein-after called the Governors, shall, when completely formed and full, consist of eight persons, of whom two shall be ex-officio Governors, four Representative, and two Coöptative.

Ex-officio.

3. The ex-officio Governors shall be :—

The Owner of Tabley House, if of full age, and

The Vicar of Lower Peover,

for the time being respectively, if they will respectively accept and undertake to act in the trusts of this Scheme.

Representative.

4. The Representative Governors shall be elected to office for the term of five years by the ratepayers of the townships of Lower Peover, Little Peover, otherwise Peover Inferior, Allostock and Plumbley, one by the ratepayers of each township in township meeting.

Coöptative.

5. The Coöptative Governors, except as herein-after provided, shall be appointed to office for the term of eight years, by the Governors by a resolution to be forthwith notified by them, with all proper information to the Charity Commissioners for England and Wales, at their office in London; but no such appointment shall be valid until it has been approved by the said Commissioners, and their approval certified under their official seal. The first Coöptative Governors shall be two fit persons to be named at the first meeting of the other Governors under this Scheme.

Vacancies.

6. If, during his term of office, any Governor becomes bankrupt or incapacitated to act, or expresses to the Governors in writing his wish to retire, or omits for the space of two years to attend any meeting, the Governors shall cause a record of the fact to be entered in their books, and thereupon the Governor to whom such record applies shall forthwith cease to be a Governor.

7. Each vacancy in the office of Representative or Coöptative Governor shall, as soon as can conveniently be managed, be filled by the appointment of a new Governor, in manner herein-before prescribed, by the body entitled on such vacancy to appoint a new Governor. On each vacancy in the office of Repre-

sentative Governor, notice thereof shall be given by the Governors to the proper electing body. Any Governor may be re-appointed.

8. Women may be Governors.

Women
qualified.
Declaration
by Gover-
nors.

9. Every Governor shall, at or before the first meeting which he attends in that character, sign a memorandum declaring his acceptance of the office of Governor, and his willingness to do his duty as such, and to act in the trusts of this Scheme. And until he has signed such a declaration he shall not be entitled to discharge the functions of a Governor.

Chairman.

10. The Governors shall, at their first meeting of each year, elect one of their number to be Chairman of their meetings for that year, and make arrangements for supplying his place in case of his absence.

Quorum.

11. Three Governors shall be a quorum at any meeting.

Voting.

12. All matters and questions shall be determined by the majority of the Governors present at any meeting, and in the case of equality of votes, the Chairman shall have a second or casting vote.

Vesting
property.

13. All lands and hereditaments, not being copyhold, belonging to the Trust, and all terms, estates, and interests therein, shall from the date of this Scheme vest in the Official Trustee of Charity Lands, and his successors: And all stock in the public funds and other securities belonging to the Trust shall be transferred to and vest in the Official Trustees of Charitable Funds, by whom the dividends and income arising therefrom shall be from time to time paid to the Governors or their order.

Conversion
of land not
required for
actual use.

14. Subject as herein-after provided, the Governors shall, when and as favourable opportunity offers, if the Charity Commissioners deem it to be for the permanent benefit of the Trust, and with their sanction, sell such real estates of the Trust as are not required to be used for the objects of this Scheme, and shall, with the like sanction, invest the proceeds in the names of the Official Trustees of Charitable Funds in such mode as the Court of Chancery, in exercise of its statutory powers, or as any Act of Parliament, may authorise, for the investment of Trust Funds in general. In selling the house and land hitherto occupied by the Master of the School the Governors shall offer the same to the owner of Tabley House at a price approved by the Charity Commissioners.

Management
and letting
of estates.

15. All the estates and property of the Trust remaining unsold and not required to be retained or occupied for the purposes thereof shall, subject as herein-after provided, be let or otherwise managed by the Governors, or by their officers acting under their orders, according to the general law applicable to the management of property by Trustees of Charitable Foundations.

Timber and
minerals.

16. Any money arising from the sale of timber or from any mines or minerals on the Trust estates shall be treated as capital, and be invested in manner aforesaid, except in any special cases in which the Governors may be authorised by the Charity Commissioners to apply such money or any part thereof as income.

Jurisdiction
of Ordinary
abolished.

17. From the date of this Scheme all jurisdiction, if any, of the Ordinary relating to or arising from the

licensing of any Teacher under this Trust shall be abolished.

Provision
as to present
Master.

18. From the date of this Scheme the Rev. John Holme shall cease to be the Master of the School, and shall, so long as he remains vicar of Lower Over, be entitled to occupy rent free the house and land hitherto occupied by him as Master of the School.

New School
site and
buildings.

19. As soon as conveniently may be after the date of this Scheme the Governors shall provide on a site secured to the Trust and in accordance with plans and estimates approved by the Endowed Schools Commissioners, or, after their powers have ceased, by the Charity Commissioners, school buildings suitable for 150 children, with a house for the Head Teacher. For this purpose they may spend the sum of 1,000*l.* to be raised by sale or mortgage of any real estate of the Trust, under the direction of the Charity Commissioners, but shall not exceed this sum without the consent of such Commissioners.

The School
to be Public
Elementary.

20. The Governors shall hold the site of the School, with the buildings for the time being standing thereon, for the purposes of a Public Elementary School, in accordance with the provisions of section 7 of the Elementary Education Act, 1870.

Appoint-
ment and
dismissal of
Teachers.

21. The Governors shall appoint and dismiss all Teachers in the School at their discretion. The Principal Teacher shall be a member of the Church of England. The Governors may pay to the Principal Teacher out of the income of the endowment a fixed stipend not exceeding 30*l.* a year.

Tuition fees.

22. All scholars shall pay such tuition fees as the Governors may fix from time to time, no fee being more than 9*d.* a week.

Instruction:
Religious.

23. The Governors shall make proper regulations for the religious instruction to be given in the School, in accordance with the provisions of clause 1 of this Scheme.

No alteration in any regulations made by the Governors respecting the religious instruction to be given in the School shall take effect until the expiration of not less than one year after notice of the making of the alteration is given.

Secular.

24. The subjects of secular instruction shall be such as are required by the regulations of the Education Department to be taught in Public Elementary Schools. The Governors may add to such subjects from time to time.

Regulations
of the Edu-
cation De-
partment
may be
adopted.

25. If by reason of any provision in this Scheme a difficulty is found in conforming to any regulations which the Education Department under the Elementary Education Act, 1870, or under any authority, may impose as the conditions of a grant of money, or if for any other reason the Governors think it desirable, the Governors may adopt such regulations notwithstanding this Scheme, provided that such regulations shall not be inconsistent with clause 1 of this Scheme, or with the provisions of the Endowed Schools Acts, 1869 and 1873.

Application
of income.

26. The Governors shall, subject to any legal claims which may be due, apply the income of the residue of this Endowment in the advancement of

the education of boys and girls in one or more of the following ways; (that is to say,)

- (a.) Providing an Exhibition or Exhibitions tenable at some place of higher education, to be awarded on the ground of merit;
- (b.) Providing Exhibitions or other prizes to be given to meritorious scholars in the School;
- (c.) Providing for pupil teachers, on the termination of their engagement, with a satisfactory report from Her Majesty's Inspector of Schools, prizes or Exhibitions tenable in training colleges for teachers;
- (d.) Payments to the Principal Teacher for instruction given by him in subjects higher than those recognised by the regulations of the Education Department in force for the time being according to the Standards therein prescribed as the ordinary subjects of Elementary Education, no such payment being at the rate of more than 1*l*. in any one year for each scholar so instructed;
- (e.) Providing aids to industrial Instruction, such as tools and a carpenter's shed, field gardens or allotments for boys, or a kitchen or laundry for girls.

Religious exemptions.

27. No scholar shall 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 the School or out of this Trust to which he or she would otherwise have been entitled.

Saving of interests.

28. Nothing in this Scheme shall affect any interest which was on or before the 2nd day of August 1870 legally vested in any scholar on this Foundation.

Jurisdiction of Charity Commissioners.

29. If any doubt or question arises among the Governors as to the proper construction or application of any of the provisions of this Scheme, the Governors may apply to the Charity Commissioners for their opinion and advice thereon, which opinion and advice when given shall be binding on the Governors.

30. The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction frame Schemes for the alteration of any provisions of this Scheme, or otherwise for the government or regulation of the Trust, provided that such Schemes be not inconsistent with clause 1 of this Scheme, or with anything contained in the Endowed Schools Acts, 1869 and 1873.

Scheme to be printed and sold.

31. This Scheme shall be printed and a copy given to every person who shall become a Governor of the Trust, and to every Teacher appointed to the School, and copies shall be sold at a reasonable price to all persons who may wish to buy.

Date of Scheme.

32. The date of this Scheme shall be the day on which Her Majesty by Order in Council declares Her approbation of it.

We hereby signify our approval of this Scheme.

(Signed)

LYTTELTON.

6th March 1874.

HUGH GEO. ROBINSON.

Approved,

22nd April 1874,

(Signed)

RICHMOND.