

Draft

Sealed

1889.

County—**SOUTHAMPTON.**

Place—**BRADING (ISLE OF WIGHT).**

Trust—**Town Trust.**

Stamps { 10s.
10s.

B.
43,626.

*Scheme for Corporate Property, including—
Appointment of Trustees, and
Vesting in Official Trustee of Charity
Lands.*



CHARITY COMMISSION.



In the Matter of the Property of the dissolved
Corporation of "The BAILIFFS, BURGESSES,
" and COMMONERS of the Borough of
" BRADING " (ISLE OF WIGHT), in the
County of SOUTHAMPTON; and

In the Matter of "The Municipal Corporations Act,
1883."

Whereas Brading is a place mentioned in the first
Schedule to the Municipal Corporations Act, 1883, and Her
Majesty has not been pleased to grant a charter to that place:

And whereas no part of the said place is comprised in the
district of any Local Board or Improvement Commissioners:

**Now The Board of Charity Commissioners for
England and Wales**, in pursuance of the powers given to
them by the said Act:

8825

And after due notice of the intention to make this Order published according to the direction of the Board by being affixed to or near a principal outer door of the Parish Church and Town Hall of Brading on the 12th October 1889, and by advertisement in "The Isle of Wight Express" newspaper on the 11th October 1889, and in the "Isle of Wight County Press" newspaper on the 12th October 1889 (being in each case more than one calendar month previous to the date hereof), and also sent through the Post to

WILLIAM RIDDICK, and
 GEORGE HENRY BENCH, late Bailiffs;
 JAMES BARHAM, late Justice;
 CLEM PAIN, late Foreman of Jurats; and
 GEORGE BURT,
 WILLIAM BURT,
 WILLIAM SEYMOUR,
 MAURICE PAIN,
 WILLIAM WIGGINTON,
 WILLIAM WHEWAY,
 WILLIAM BRONWIN,
 JOHN McMAHON,
 JAMES JOHNSON,
 ALFRED SIMMONDS,
 JAMES TAYLOR, and
 WILLIAM WHEELER the Younger, late Jurats,
 all of Brading;

the persons acting in the administration of the above-mentioned property, at their respective last known places of abode in Great Britain or Ireland, on *12 March 1890.*

And after due consideration of all objections made to the proposed Order and suggestions for the variation thereof:

Do hereby Order, That the subjoined Scheme be approved and established as the Scheme for the application of the property of the late Corporation of "The Bailiffs, Burgesses, and Commoners of the Borough of Brading" dissolved by the Municipal Corporations Act, 1883.

SCHEME.

1. This Scheme shall come into operation on the day on which it is approved and established by an Order of the Charity Commissioners, which day is herein-after referred to as the date hereof. Date of Scheme.

2. From and after the date hereof the property mentioned in the Schedule hereto, and all other property of the above-mentioned dissolved Corporation, or of any person as member or officer thereof, or of any court or judge whose jurisdiction is abolished by the Municipal Corporations Act, 1883, shall be administered and managed by the body of Trustees herein-after constituted, subject to and in conformity with the provisions of this Scheme, under the title of "The Brading Town Trust," and all trusts administered by the said Corporation, or any officers or nominees thereof, either alone or jointly with any other person, shall be administered by the same Trustees. Administration of Trust.

3. The real property mentioned in the Schedule hereto, and all other real property and chattels real belonging to the Trust, are hereby vested in "The Official Trustee of Charity Lands." All sums of cash not required for current expenditure shall be forthwith invested under the authority of a separate Order of the Charity Commissioners in New Consols in the name of the Official Trustees of Charitable Funds. All the other personal property of the Trust shall be vested in the persons who are for the time being Trustees under this Scheme. Vesting of property and investment of cash. *not being copy held*

TRUSTEES.

4. The body of Trustees shall consist of nine competent persons, Trustees, namely,

Five Representative Trustees, and
Four Coöptative Trustees.

5. Every appointment of a Trustee shall be notified as soon as possible by the Trustees to the Charity Commissioners. Notification to Commissioners.

6. The Representative Trustees shall be appointed to office for a term of five years by election by the inhabitant ratepayers resident within the area co-extensive with that of the ancient Borough of Brading. Representative Trustees.

The expression "ratepayers" means occupiers of rateable hereditaments whose names are entered in the occupiers' column of the rate book in accordance with s. 19 of the Poor Rate Assessment and Collection Act, 1869.

Each appointment shall be made in accordance with the following rules :—

RULES FOR ELECTION OF REPRESENTATIVE TRUSTEES.

1. A meeting of the electing body may be convened in the case of the first meeting by or under the direction of Mr. William Riddick, or in his default, of the Trustee whose name shall for the time being stand next on the list of Coöptative Trustees, and in the case of subsequent meetings, by the Clerk or Secretary of the Trustees, or some other person acting under their direction.

*within the area aforesaid/
Said*

*6 months
must run
current*

2. Each meeting shall be convened by notice in writing or print affixed to or near a principal outer door of the Town Hall and of the Parish Church, and every building registered as a place of religious worship ~~in Brading~~, in each case seven clear days at least before the meeting. Every notice of meeting shall state the place, day, hour, and object of the meeting. The place of meeting shall be within the area ~~as extensive with that of the ancient Borough of Brading~~, and the hour not earlier than 7 p.m.

3. The inhabitant ratepayers present at the meeting shall elect a Chairman of the meeting, who shall not be a candidate for the office of a Representative Trustee.

4. Every candidate for the office of Representative Trustee shall be proposed and seconded at the meeting.

5. If no greater number of candidates than the number of vacancies shall be so proposed and seconded, such candidates so proposed and seconded shall be declared to be duly appointed.

6. If a greater number of candidates than the number of vacancies shall be so proposed and seconded, the appointment shall be made by the votes of the electing body.

7. A candidate shall not be entitled to vote. Each voter may give one vote in respect of each vacancy, but no voter shall give more than one vote to any candidate.

8. In the first instance the Chairman of the meeting shall take the votes of the persons present at the meeting, and entitled to vote, by a show of hands. In case of equality of votes, the Chairman of the meeting shall be entitled to give a casting vote in favour of one or more candidate or candidates as the case may be. Unless a poll is thereupon demanded the candidate, or the number of candidates equal to the number of vacancies, obtaining the greater number of votes shall be declared to be duly appointed.

9. It shall be competent for any candidate or any one or more of the persons present at the meeting and entitled to vote to demand at the meeting a poll of the inhabitant ratepayers entitled to appoint to the vacant office.

10. If a poll is demanded the Chairman of the meeting shall at once fix the day for holding the same, not being less than three clear days from the date of the meeting. The poll shall be held on one day only, and shall be open for at least the periods from noon to 2 p.m., and from 5 p.m. to 8 p.m.

11. The Chairman of the meeting shall make such arrangements as he shall consider to be proper for taking and recording the votes at such poll as aforesaid, and shall appoint a competent person to preside at each polling place. Such person shall ascertain that each person claiming to vote is entitled to do so, and for this purpose the entries in the book containing the last rate shall be accepted as conclusive evidence.

12. Each candidate shall be at liberty, either by himself or by an agent to be appointed by him, to attend the poll with the view of satisfying himself that the proceedings thereat are properly conducted.

13. As soon as may be after the close of the poll, the person who was elected Chairman under Rule 3 shall declare the candidate or the number of candidates equal to the number of vacancies obtaining the greater number of votes to be duly appointed. In case of equality of votes such person shall be entitled to give a casting vote in favour of one or more candidate or candidates, as the case may be.

14. No appointment of a Representative Trustee shall be void or voidable by reason of any defect, irregularity, or error in the proceedings for his appointment, unless an objection by notice in writing of such defect, irregularity, or error shall have been made at the meeting or within four days after the meeting when there has been no poll, or within four days after the poll, and delivered to the person who shall have been elected Chairman as aforesaid. Such person shall decide as to the validity of the objection subject to an appeal, within four days after such decision shall have been given, to the Charity Commissioners.

First Representative Trustees.

7. The first Representative Trustees shall be appointed as soon as possible after the date thereof, and their names shall be notified to Mr. William Riddick, on behalf of the Trustees when constituted.

Coöptative Trustees.

8. The Coöptative Trustees shall be persons residing or carrying on business in or near Brading, and shall be appointed to office for a term of eight years. Every future Coöptative Trustee shall be provisionally appointed by a resolution of the Trustees to be passed at a special meeting. A provisional appointment shall become valid

only if and when the Commissioners have certified their approval of it under their official seal, and shall date from such approval.

9. The following persons shall be deemed to be, and are hereby approved as, the first Coöptative Trustees, viz. :—

First Coöptative Trustees.

WILLIAM RIDDICK, and
GEORGE HENRY BENCH, late Bailiffs of Brading;
JAMES BARHAM, late Justice; and
The Reverend EDGAR SUMMERS, Vicar of Brading.

10. No person shall be entitled to act as a Trustee, whether upon his first or any subsequent appointment, until he shall have signed in the minute book of the Trustees a declaration that he accepts and is willing to act in the trusts of this Scheme.

Declaration by Trustees.

11. Any Coöptative Trustee who ceases to be qualified as aforesaid, and any Trustee who is adjudicated a bankrupt, or who refuses, or is unfit, or is incapacitated to act, or who communicates in writing to the Trustees his wish to resign, or who is absent from all meetings of the Trustees during a consecutive period of two years, shall thereupon cease to be a Trustee.

Determination of Trusteeship.

12. Upon the occurrence of a vacancy the Trustees shall, at their next meeting, cause a note thereof to be entered in their minute book, and in the case of a vacancy in the office of Representative Trustee, shall cause notice thereof to be given as soon as possible to the proper electing body. Any Trustee may be re-appointed. No vacancy shall be filled till after the lapse of one calendar month, in the case of a Representative Trustee, from the notice, and in the case of a Coöptative Trustee, from the ~~entry in the minute book~~ ^{occurrence} of the vacancy. Any vacancy in the office of Representative Trustee not filled by an appointment made by the proper electing body within six months from the notice shall for that turn be filled by an appointment made by the then existing Trustees.

Vacancies.

MEETINGS AND PROCEEDINGS OF TRUSTEES.

13. There shall be a quorum when four Trustees are present at any meeting. Pending any vacancy, the Trustees for the time being, not being less in number than a quorum, may act for all purposes in the administration of the Trust.

Quorum.

14. The Trustees shall hold general meetings at least twice in each year.

Meetings of Trustees.

15. The Chairman or any two Trustees may at any time summon a special meeting for any cause that seems to him or them sufficient.

Special meetings.

16. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent through the post to each Trustee by the Clerk or Secretary, or by some other person acting under the

Notice of meetings.

direction of the Trustees, or in the case of a special meeting, by or under the direction of the person or persons summoning the meeting, seven clear days at least before the date of the meeting, so far as, in the case of an adjourned meeting, the interval between the original and adjourned meetings will permit. Every notice of meeting shall state the place, day, and hour of the meeting, and every notice of a special meeting shall further state the matters to be discussed thereat.

First meeting.

17. The first meeting of the Trustees shall be summoned by or under the direction of Mr. William Riddick, upon some day to be fixed by him, being within two calendar months from the date hereof, or if he shall fail to do so, by any two Trustees.

Chairman.

18. The Trustees shall, at their first ordinary meeting in every 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.

Voting.

19. Every matter shall be determined by the majority of the Trustees present and voting on the question. The acting Chairman shall have a casting vote, whether or not he shall have previously voted on the same question, but no Trustee shall in any other circumstances give more than one vote.

GENERAL MANAGEMENT.

Minutes and accounts.

20. A minute book and books of account shall be provided and kept by the Trustees. All proper accounts in relation to the Trust, which the Trustees will on the establishment of this Scheme be bound under the Charitable Trusts Acts or otherwise to render, shall in each year be made out and certified, and copies thereof transmitted to the Commissioners, and published, in conformity with the provisions of those Acts. *An abstract of the accounts shall be published by the Trustees annually in some newspaper having a general circulation in Reading and its vicinity.*

Business arrangements and Clerk or Secretary.

21. The Trustees may from time to time make such arrangements as they shall find most fitting for the conduct of the business of the Trust, including the deposit of money at a proper bank and the drawing of cheques, and for the appointment during the pleasure of the Trustees of one of their body (without salary), or of some other fit person as their Clerk or Secretary, or of any other officers or agents, at such reasonable remuneration as shall be approved by the Commissioners.

General power to make regulations.

22. Within the limits prescribed by this Scheme the Trustees shall have full power to make regulations for the management of the Trust and such regulations shall be binding on all persons affected thereby.

MANAGEMENT OF PROPERTY.

Allotments Extension Act, 1882.

23. The Trustees may set apart and let any portions of the land belonging to the Trust in allotments in the manner prescribed by and subject to the provisions of the Allotments Extension Act, 1882.

24. The Trustees shall keep in repair and insure against fire all the buildings of the Trust not required to be kept in repair and insured by the lessees or tenants thereof. Repair and insurance.

25. The Trustees shall cause such of the chattels and documents mentioned in the Schedule hereto as are of public interest to be deposited for safe custody in the Town Hall, and the Trustees shall take care that any reasonable application to copy the documents shall be allowed. Custody of chattels, &c.

26. The Trustees may from time to time prescribe rules for the management of the Town Hall, and may make such charges for the temporary use thereof as they shall think fit. Rules for Town Hall.

27. Except as herein provided, all the property of the Trust not required to be retained or occupied for the purposes thereof shall be let and otherwise managed by the Trustees. In every case notice of the intention to let any land shall be given by the Trustees in such manner as they shall consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion, or for more than seven years certain, or for less than the improved annual value at rackrent, without the sanction of the Commissioners or a competent court. Management and letting of property.

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

APPLICATION OF INCOME.

29. The Trustees shall apply the yearly income of the Trust as follows:— Outgoings and expenses.

First, in defraying the cost of insurance and ordinary repairs and all outgoing payments in respect of the property of the Trust (including the payment of the fee farm rent of 2*l.* 13*s.* 4*d.*, less 5*s.* for land tax, now payable to the Trustees of Mrs. Price, and the repayment by annual instalments of 10*l.* of the debt due to the Hampshire Bank at Sandown), and all proper expenses of and incidental to the administration and management of the Trust:

Secondly, in forming a fund for the extraordinary repairs and improvement of the Town Hall, and for this purpose the Trustees shall pay a yearly sum of 10*l.* until the fund shall amount to 100*l.* to "The Official Trustees of Charitable Funds," who shall invest the same in their name in 2*l.* 15*s.* per cent. Consolidated stock at compound interest. Repair Fund.

Thirdly, in contributing to the cost of improving the water-supply or of paving or lighting the streets and other public Paving, lighting, &c.

So soon as the said Capital Money Act is the Hampshire Bank at Sandown has been fully repaid

Please see letter

X do

places within the area co-extensive with that of the ancient Borough of Brading, or for any other purpose for the public benefit of the inhabitants of that area, subject to the approval of the Commissioners.

Employment or
tenancy of
Trustees.

30. No Trustee acting as Clerk or Secretary or in any other capacity in respect of the Trust shall receive any salary or remuneration from the funds thereof. No Trustee shall, for his own benefit, or for the benefit of any other person, either directly or indirectly, hold or occupy any land of the Trust or any interest therein, or be engaged in the supply of work or goods at the cost of the Trust.

Persons interested
may take copies of
Scheme.

31. A print of this Scheme shall be kept with the books of account belonging to the Trust; and every person interested in the Trust shall be at liberty to copy it upon making a reasonable application for that purpose to the Trustees, or their Clerk or Secretary.

Questions of
proceedings
under Scheme.

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

Construction of
Scheme.

33. If any doubt or question shall arise amongst the Trustees as to the construction or application of any of the provisions of this Scheme, or the administration and management of the Trust, they may apply to the Commissioners for their opinion and advice thereon, which when given shall be binding on the Trustees and on all persons claiming under the Trust who shall be affected by the question so decided.

SCHEDULE OF PROPERTY.

(1.) Property let on lease, as follows:—

Description.	Term.	Original Lessee and present Tenant.	Gross Annual Value.
<i>Highland</i> 1. Cottage, south entrance to the town. <i>but an</i> <i>what kind of house have</i> <i>by south</i>	99 years from 25 March 1846.	Benjamin Jolliffe, now T. J. L. Boardman.	£ s. d. 5 10 0
2. Malthouse, with messuage and tenement adjoining.	99 years from 10 October 1849.	George Kemp, now Trustees of George Kemp.	10 0 0
3. Two cottages called Burts, south side of Pit Lane.	99 years from 6 August 1852.	Edward Budgen James.	1 0 0
4. Three cottages, south entrance to the town, and on north side of Pit Lane.	99 years from 25 March 1854.	R. Loe, now T. J. L. Boardman.	3 0 0
5. Land adjoining last-mentioned.	Do. do.	Eleanor Harris, now Mrs. Cooper.	0 10 0
6. Land and three cottages (now one cottage), High Street.	99 years from 29 September 1868.	George Simmonds, now T. J. L. Boardman.	1 10 0
7. House, shop, and bakehouse, High Street, corner of Cross Street.	Do. do.	Henry Humphrey now Executors of Henry Humphrey (Charles Walker, assignee without permission).	1 0 0
8. Cottage and outhouse behind malthouse.	Do. do.	John Raddick, now Henry Redstone.	2 2 0
9. Land and cottage, High Street.	Do. do.	Henry Simmonds	1 5 0
10. Land, four cottages, dwelling house, store, and shop, High Street, known as Midlane's tenement.	Do. do.	Richard Gardener, now Percy Hollis.	10 0 0
11. Land, part of Furlongs, formerly belonging to the late Sir H. Oglander, on which several houses have been erected.	1,000 years from 30 July 1862.	James Jacobs	8 4 0
12. Land, part of Furlongs, formerly belonging to the late Sir H. Oglander, on which two houses and shops have been erected.	Do. do. 6 April 1862.	William Pain	2 10 0
		Total -	46 11 0

Gross Annual Value.

£ s. d.

(2.) Rentcharge on part of New Farm granted by the late Sir H. Oglander by Deed of 6th September 1870 (i.e., 41 acres and 5 perches, Nos. 351, 352, 375, 378, and 379 on the Ordnance Map of the Parish of Brading)

20 6 0

Carried forward

66 17 0

(3.) Pieces of land let by parol agreement, as follows:—

Description.	Tenant.	Gross Annual Value.
	Brought forward -	£ s. d. 66 17 0
1. Site called Penthouse, north of malthouse.	William Harvey's executors	0 1 0
2. Crouches enclosure in front of "Wigginton's."	Frederick Lock	0 1 0
3. Mall (small frontage)	James Harvey	0 1 0
4. Enclosure in front of Little Jane's Cottage.	Thomas Frampton	0 0 2
5. Kent's enclosure (frontage)	Frank Jacobs	0 1 0
6. Belle Vue Do. do.	Mrs. Cooper	0 0 3
7. Small plantation next the Pound	Churchwardens	0 1 0
		67 2 5

(4.) The Town Hall, with the stocks and the whipping post.

(5.) Town Pound.

(6.) Bull ring and green or late green.

(7.) Town lamps.

(8.) Furniture of Town Hall.

(9.) Library of about 1,400 books in Town Hall.

(10.) Town Pumps and Wells.

(11.) Customary payments made by Traders within the area co-extensive with that of the ancient Borough, which payments amounted in the year 1886 to a sum of 2l. 1s. 10d.

(12.) Sums paid in respect of ¹⁸⁵186 different properties within the area aforesaid, and applicable towards payment of the fee farm rent now payable to the Trustees of Mrs. Price, amounting in the year 1886 to a sum of 1l. 1s. 8d.

(13.) Chattels and Documents, as follows:—

Chattels:—

Fireproof safe, and a wooden chest.

Two Constable's Halberds.

Ancient seal of the "King's Town of Bradinge."

Two brass scales.

Six brass bell-weights.

Two brass gauges.

Nest of brass weights.

Two plated candlesticks.

Standard for ell and yard measures.

Documents :—

Charter or grant of 1 Edw. VI. of markets and fairs.
 Town Arms.
 Ancient Custom of the Town, 1547.
 Counterparts of ten leases.
 Eleven old counterparts.
 Four old leases.
 Eleven Town Books.
 Burn's Justice of the Peace. 3 vols.
 Bible.
 A book of stamps.
 A law book.
 Book for the jurisdiction of the leet.
 Act of Parliament for the Assize of Bread.
 Sundry other documents and copies of documents,
 and two fire policies.
 List of Leases.

[NOTE.—The following documents are now held by the Capital and Counties Bank at Sandown :—

Counterpart lease, Oglander to Pain, 6 April 1862.
 *Do. do. Oglander to Jacobs, 30 July 1862.
 License in Mortmain, 30 June 1870.
 Conveyance and covenant, Oglander to Bailiffs, 6 September 1870.]

Sealed by Order of the Board this day
 of 1889.

L.S.

Authorised under 50 & 51 Vict. c. 49. sec. 3.

LONDON: Printed by EYRE and SPOTTISWOODE,
 Printers to the Queen's most Excellent Majesty.
 For Her Majesty's Stationery Office.

1889.