

Sealed 19th July 1889.

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COPY

County—SUFFOLK.
Place—DUNWICH.
Trust—Town Trust.

C.
47,295.

Stamps { 10s.
10s.

*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 COMMONALTY of the Borough and " Corporation of DUNWICH," in the County of SUFFOLK ; and

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

Whereas Dunwich 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 :

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 the Reading Room at Dunwich on the 14th March 1889, and by advertisement in the "East Anglian Daily Times" newspaper on the 21st and 22nd March 1889 (being in each case more than one calendar month previously to the date hereof), and also sent through the Post to the persons acting in the administration of the above-mentioned property, at their respective last known places of abode in Great Britain or Ireland, viz., on the 6th June 1889, to

Colonel ST. JOHN BARNE, and
 GEORGE DIX, Bailiffs of the late Borough;
 THOMAS PEAD GOODA, and
 JOHN SADD, Chamberlains;
 Reverend JOHN FREDERICK NOOTT, and
 GEORGE T. ARNOTT, Assistant Justices;
 THOMAS GIRLING,
 RICHARD GIRLING, and
 JAMES REED GIRLING, Aldermen;
 Captain PHILIP BARNE, and
 ROBINSON BRIGGS, Freemen;

and on the 17th July 1889 to

Colonel the Honourable FRANCIS CHARLES
 BRIDGEMAN, M.P., a Freeman:

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 Commonalty of the Borough and Corporation of Dunwich" 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 Dunwich 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 (subject as herein-after provided) be administered by the same Trustees. Administration of Trust.
3. The said Trustees shall from time to time appoint one of their body to be an Ex-officio Trustee under the Minsmere Level Drainage Act (50 Geo. III., c. lxxxii.), and for the purposes of that Act (section 2), such Trustee shall be deemed to be "the senior Bailiff of the Borough of Dunwich for the time being." Trustees under Minsmere Level Drainage Act.
4. The real property mentioned in the Schedule hereto is hereby vested in "The Official Trustee of Charity Lands"; and the personal property shall be vested in the persons who are for the time being Trustees under this Scheme. Sums of cash not required for current expenditure shall be forthwith invested, under the authority of a separate Order of the Commissioners, in New Consols, in the name of "The Official Trustees of Charitable Funds." Vesting of property and investment of cash.
- TRUSTEES.
5. The body of Trustees shall (except at first as herein-after provided) consist of eight competent persons, namely, Trustees.
- Five Representative Trustees, and
Three Coöptative Trustees.
6. Every appointment of a Trustee shall be notified as soon as possible by the Trustees to the Charity Commissioners. Notification to Commissioners.
7. The Representative Trustees shall be appointed to office for a term of ^{three} ~~seven~~ years by election as follows:— Representative Trustees.
- FOUR by the Vestry of the Parish of Dunwich; and
ONE by the Suffolk Institute of Archæology and Natural History.

Each appointment shall be made at a meeting convened and held in accordance with the ordinary rules or practice of the electing body. The Chairman of the meeting shall forthwith cause the name of

each person appointed to be notified to the Chairman of the Trustees, or their Clerk or Secretary.

First Representative Trustees.

8. The first Representative Trustees shall be appointed as soon as possible after the date thereof, and their names shall be notified to Colonel St. John Barne herein-after mentioned on behalf of the Trustees when constituted.

Coöptative Trustees.

9. The Coöptative Trustees shall be persons residing or carrying on business in or near Dunwich. Every Coöptative Trustee shall be provisionally appointed for a term of five years 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.~~

First Coöptative Trustees.

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

Colonel ST. JOHN BARNE, and
 GEORGE DIX, late Bailiffs ;
 THOMAS PEAT GOODA, late a Chamberlain ; and
 The Reverend JOHN FREDERICK NOOTT, late an
 Assistant Justice of Dunwich.

Declaration by Trustees.

11. 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.

Determination of Trusteeship.

12. Any Trustee who ceases to be qualified as aforesaid, or 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.

Vacancies.

13. 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 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.

MEETINGS AND PROCEEDINGS OF TRUSTEES.

Quorum.

14. There shall be a quorum when ^{three} ~~five~~ Trustees are present at any meeting. Pending any vacancy, the Trustees for the time being, not

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being less in number than a quorum, may act for all purposes in the administration of the Trust.

15. The Trustees shall hold general meetings at least twice in each year. Meetings of Trustees.

16. 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.

17. 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 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. Notice of meetings.

18. The first meeting of the Trustees shall be summoned by or under the direction of Colonel Barne, 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. First meeting.

19. 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. Chairman.

20. Every matter at a meeting 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. Voting.

GENERAL MANAGEMENT.

21. 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. Minutes and accounts.

22. 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 Business arrangements and Clerk or Secretary.

of the Trustees of one of their body (without salary) or of some other fit person as their Clerk or Secretary, or of any necessary officers or agents, at such reasonable remuneration as shall be approved by the Commissioners.

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.

Repair and
insurance.

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.

Custody of
chattels, &c.

25. The Trustees shall cause the chattels and documents mentioned in the Schedule hereto to be deposited in some place in Dunwich where they shall be open to inspection at reasonable times free of charge to the inhabitants, if due provision is made for the safety and proper exhibition of the said chattels and documents, or otherwise in the County Museum at Ipswich; and the Trustees shall take care that any reasonable application to copy the documents shall be allowed.

Management and
letting of property.

26. 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 insuring 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.

Leases.

27. 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 the proper cultivation of the land, 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.

Poor may cut peat
on Heath.

28. The Trustees shall permit any poor inhabitant of Dunwich to cut peat and fuel from the unenclosed portion of the Corporation Heath upon payment of the yearly sum of 1s. 6d.

RIGHTS OF FREEMEN.

Claims of
Freemen.

29. Every person claiming to be entitled as a Freeman, or eldest son of a Freeman, born within the borough, in accordance with the provisions of Section 10, sub-section 1, of the Municipal Corporations Act, 1883, shall, within two calendar months from the date of this Scheme, send to Colonel Barne, or to the Trustees if constituted, his claim in writing, and future claims of eldest sons of Freemen so born, shall be similarly

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sent in on or before the 1st August in each year. The Trustees shall, within two calendar months from the expiration of the time for sending in claims, make out a Roll (to be called "The Freeman's Roll") containing the names of all persons entitled, or who, if the said Act had not been passed, would have been entitled as Freeman, or eldest sons of Freeman born within the borough or the area of the late borough, to a right of turning out cattle upon the Corporation Marsh and Heath, including the Skirts and the Saltings (or the Glows), and on any other lands as heretofore, and such Roll shall, from time to time, be revised by the Trustees by striking out the names of such of the persons entered therein as have died, and entering therein the names of any eldest sons of Freeman so born as aforesaid who may be entitled to be entered therein.

30. The Trustees shall not make out the Roll until one calendar month after the expiration of the time for sending in claims, and public notice of the day for making out such Roll and for revising the same shall be given by the Trustees 14 days previously. Public notice of making Roll.

31. No person whose name shall once have been entered shall (if alive) be struck off the Roll on any revision, unless notice in writing be served on him, or left at his last known place of abode at least seven days previously to the date fixed for such revision. No person to be struck off without notice.

32. The Trustees shall permit each person whose name shall be on the Freeman's Roll as a Freeman who now has, or as a Freeman's eldest son, born within the borough, who hereafter acquires, a right of turning out cattle as herein-before mentioned, to exercise and enjoy the said rights as fully and effectually, and for such time and in such manner as he by any statute, charter, byelaw, or custom of the late Corporation in force at the time of passing the Municipal Corporations Act, 1883, might or could have had, acquired, or enjoyed such rights in case that Act had not been passed. Enjoyment of rights.

33. Subject to the approval of the Commissioners the Trustees may apply any surplus funds of the Trust in purchasing and extinguishing any of the rights aforesaid. Trustees may purchase rights.

34. The Clerk or Secretary of the Trustees shall be the person to whom shall be paid, in trust for the Dunwich Town Trust, any fine, fee, or sum of money payable in consideration of freedom or the title to such rights as are reserved by the 10th section of the Municipal Corporations Act, 1883. Clerk or Secretary to receive fees for freedom, &c.

APPLICATION OF INCOME.

35. The Trustees shall apply the yearly income of the Trust as follows:—

First, in defraying the cost of insurance and repairs and all outgoings payable in respect of the property of the Trust, and all proper expenses of and incidental to the administration and management of the Trust: Outgoings and expenses.

School. See
Scheme 11.11.1910
cls. 4, 5 & 6.

Reading Room.

Secondly, in contributing any sum not exceeding 16% a year towards the support of any Public Elementary School in Dunwich not managed by a School Board :

Clearing
watercourse.

Thirdly, in contributing any sum not exceeding 15% a year towards the support of the Reading Room at Dunwich :

Accumulation.

Fourthly, in contributing any sum not exceeding 5% a year in or towards the cost of clearing the main watercourse between Dunwich and Blythborough.

The Trustees shall accumulate the residue and apply the accumulations from time to time to any purpose for the public benefit of the inhabitants of Dunwich, subject to the approval of the Commissioners.

GENERAL PROVISIONS.

Employment or
tenancy of
Trustees.

36. 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, except with the express sanction of the Commissioners, or be engaged in the supply of work or goods at the cost of the Trust.

Trust not to be
applied in aid of
rates, &c.

37. No part of the income or other property of the Trust shall in any case be applied directly or indirectly in aid of any rates in the Parish of Dunwich.

Persons interested
may take copies
of Scheme.

38. 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 take copies of the Scheme upon making a reasonable application for that purpose to the Trustees, or their Clerk or Secretary.

Questions of
proceedings under
Scheme.

39. 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.

40. 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.
REAL PROPERTY.

Description.	Extent.			Term.	Tenant.	Rent or Annual Value.		
	A.	R.	P.			£	s.	d.
1. The Corporation Farm, including Coney Hill Marsh, let by lease dated Sept. 29, 1883.	135	3	12	12 years from October 12, 1883.	Colonel Barne	65	0	0
2. Uruguay Cottage, let by lease dated Sept 30, 1878.	—	—	—	On terms of lease which expired Sept. 29, 1885.	Henry Gimmingham.	12	0	0
3. Land on Corporation Heath let for Coastguard station by lease dated Sept. 20, 1828.	0	2	0	On terms of lease which expired Sept. 29, 1888.	Lords Commissioners of the Admiralty.	2	10	0
4. A piece of land on Corporation Heath, let by parol agreement.	14	2	0	Yearly tenancy	George Dix -	2	2	0
5. Cottage - - -	—	—	—	- - -	— Wigg -	5	5	0
6. Cottage - - -	—	—	—	- - -	F. Swan -	3	10	0
7. The Corporation Marsh (about 55 acres), and Corporation Heath (from 200 to 250 acres), including the Skirts and the Saltings (or the Glows).	55 (about).							
(1.) Amount of "Entering bill" of stock entered to feed in 1886.	—	—	—	- - -	- - -	26	2	6
(2.) Amount of "Fines bill" for privileges of cutting flags and heath for firing for 1886.	—	—	—	- - -	- - -	2	14	6
8. The shingle or foreshore, with all wreckage and all rights under the Charter of 3 Edw. IV. Ground rents for six boat-houses on the beach.	About five miles.							
	—	—	—	- - -	- - -	0	9	0

PERSONAL PROPERTY.

1. An ancient silver mace, badge, and bailiffs' seal.
2. Deeds and other documents.
3. A sum of 14*l.* 1*s.* 8*d.* cash.

Sealed by Order of the Board this 19th day of
July 1889.

S. P. F. A. K. G.
Secretary

L.S.