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CHARITY COMMISSIONERS

In the Matter of the Property of the Dissolved Corporation of "The MAYOR, ALDERMAN, and BURGESSES of the Borough of AXBRIDGE," in the County of SOMERSET; and

In the Matter of "The Municipal Corporations Act,

Whereas Axbridge 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:

County—SOMERSET.

Place—AXBRIDGE.

Trust—TOWN TRUST.

B.
42,950.

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

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 Axbridge, on the 28th December 1888, and by advertisement in the "Bristol Mercury" newspaper, and the "Weston Mercury and Somersetshire Herald" newspaper on the 29th December 1888 (being in each case more than one calendar month previously to the date hereof), and also sent through the Post to

HENRY READ,

JOHN BROOKES,

JOHN READ,

RICHARD DAY, late Capital Burgesses; and

CHARLES WEBSTER, late Town Clerk;

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 the 23rd March 1889:

And after due consideration of all objections made to the proposed Order or 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 Mayor, Alderman, and Burgesses of the Borough of Axbridge," dissolved by the Municipal Corporations Act, 1883.

SCHEME.

1. From and after the date of this Scheme all 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, 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 Axbridge Town Trust," and all trusts administered by the said Corporation or any officers or nominees thereof, either alone or jointly with any other persons shall be administered by the said Trustees. Administration of Trust.

2. The land and hereditaments mentioned in the Schedule hereto, and all other land and hereditaments, and estates and interests in lands and hereditaments belonging to the Trust, not being copyhold, shall be and the same are hereby vested in "The Official Trustee of Charity Lands," and his successors. Vesting of real estate.

3. All sums of cash belonging to or held in trust for the Trust, and not required for the current expenditure thereof, shall be forthwith invested, under the authority of a further Order of the Commissioners, in 2½ per cent. Consolidated Stock, in the name of "The Official Trustees of Charitable Funds." Investment of cash.

4. All chattels and other personal estate of the Trust shall be vested in the persons who for the time being are Trustees under this Scheme. Vesting of personal estate.

TRUSTEES.

5. The body of Trustees shall consist of ten competent persons, namely:— Trustees.

Six Representative Trustees, and
Four Coöptative Trustees.

6. Every appointment of a Representative Trustee shall be forthwith notified by the electing body to the Trustees; and every appointment of a Trustee shall be forthwith notified by the Trustees to the Charity Commissioners. Notification of appointment of Trustees.

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

8. Representative Trustees shall be elected to office for a term of five years by the following electing bodies respectively in the following proportions, viz.:— Representative Trustees.

FIVE by the Vestry of the Parish of Axbridge, and
ONE by the Archæological Society of Somerset.

The first Representative Trustees shall be appointed as soon as possible after the date hereof.

41.

Appointment of
Coöptative
Trustees.

9. Coöptative Trustees shall be persons residing in or near or carrying on business in Axbridge, and shall be provisionally appointed in each case for a term of seven years by the Trustees by a resolution passed at a special meeting, and every such appointment shall become valid if and when it has been approved under the Official Seal of the Commissioners, and shall date from that approval.

First Coöptative
Trustees.

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

HENRY READ, Farmer ;
JOHN BROOKES, Wine and Spirit Merchant ;
JOHN READ, Baker ; and
RICHARD DAY, Farmer, late Burgesses of Axbridge.

Determination of
Trusteeship.

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 period of two consecutive years, shall thereupon cease to be a Trustee.

Vacancies.

12. Upon the occurrence of a vacancy caused as aforesaid, or by death or the expiration of the term of office of any Trustee, the Trustees shall, at their next ensuing 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 forthwith cause notice thereof to be given to the proper electing body or the Clerk, if any, or other officer of such body. Each vacancy in the office of Trustee shall be filled as soon as possible, in the case of a Representative Trustee after the notice, and in the case of a Coöptative Trustee after the expiration of one calendar month from the entry of the vacancy in the minute book. Any Trustee may be re-appointed. Any vacancy in the office of Representative Trustee not filled by an appointment within three months from the notice thereof, shall for that turn be filled by an appointment made by the then existing Trustees.

MEETINGS AND PROCEEDINGS OF TRUSTEES.

Quorum.

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.

Meetings of
Trustees.

14. The Trustees shall hold general meetings at least twice in each year, at such times and at such places in the Parish of Axbridge, or within a convenient distance therefrom, as they shall from time to time appoint.

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

16. Notice in writing of every meeting, whether general, special, or Notice of meetings.
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.

17. If a quorum shall not have assembled within half-an-hour Adjourment of meetings.
after the time appointed for any meeting, the Trustees or Trustee present, or the Clerk or Secretary, if no Trustee be present, may adjourn the meeting. Any meeting may be adjourned by the Chairman upon the adoption of a resolution for its adjournment.

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

19. Every matter shall be determined by the majority of the Voting.
Trustees present and voting on the question. The 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.

20. Any resolution of the Trustees may be rescinded or varied from Rescinding resolutions.
time to time by the Trustees at a special meeting.

21. A minute book and books of account shall be provided and Minutes and accounts.
kept by the Trustees. Minutes of the entry into office of every new Trustee, and of all proceedings of the Trustees shall be entered in the minute book. 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.

22. The Trustees may from time to time make such arrangements Business arrangements and Clerk or Secretary.
as they may find most fitting for the transaction of the business of the Trust, including the deposit of money at some proper bank, and the drawing of cheques, and may appoint a Clerk or Secretary and pay him, not being a Trustee, such remuneration as shall be approved by the Commissioners.

RIGHTS OF BURGESSES.

Burgesses' Roll.

23. The Trustees shall, within three calendar months from their first meeting and after 14 days' public notice, make out a list to be called "The Burgesses' Roll" of all persons entitled, or who, if the Municipal Corporations Act, 1883, had not been passed, would have been entitled as Inferior Burgesses to a share of the income arising from the land at Cocklake, mentioned in the Schedule hereto, and such Roll shall from time to time be revised by the Trustees, after the like notice, by striking out the names of such persons as shall have died, or shall have become disqualified.

MANAGEMENT OF PROPERTY.

Allotments
Extension Act
1882.

24. 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.

Letting of
property.

25. The property numbered 7, 8, 9, and 10 in the Schedule hereto shall be let by the Trustees after notice given 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.

Leases.

26. 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.

Repair and
insurance.

27. The Trustees shall insure against fire the chattels and documents belonging to the Trust, and 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.

Rules for Town
Hall.

28. The Trustees may prescribe suitable rules for the management of the Town Hall, and may make such charges as they think fit for the temporary use of it.

Rules for markets
and fairs.

29. The Trustees may make such rules and byelaws as they shall think fit, not being inconsistent with the provisions of the Markets and Fairs Clauses Act, 1847 (10 Vict. c. 14), for the regulation and management of the markets and fairs to be holden at Axbridge.

Rules for weigh-
bridge.

30. The Trustees may prescribe rules and a scale of charges for use of the weighbridge, and shall cause such rules to be conspicuously exhibited in some convenient position adjacent to the weighbridge.

Preservation of
chattels.

31. The Trustees shall cause the maces, pictures, ancient chest and documents to be deposited for safe custody and open to public inspection in the Town Hall, and shall allow any reasonable application to copy the documents.

APPLICATION OF INCOME.

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

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

Secondly, in paying out of the income of the land at Cocklake the yearly sum of 10s. to the Rector of Axbridge for a sermon.

Thirdly, in paying the yearly sum of 1*l.* 1*s.* to each of the persons whose name is for the time being on the Burgesses' Roll.

Fourthly, in paying to Mr. Charles Webster, late Town Clerk and Clerk to the Borough Magistrates, an annuity of 9*l.* 14*s.* 3*d.*, as compensation in accordance with such order as shall be made by the Local Government Board in respect thereof.

Fifthly, in repairing and maintaining the Town Hall.

Sixthly, as to the residue, in contributing to the cost of the lighting of the streets and other public places in the town of Axbridge, or otherwise for the public benefit of the inhabitants thereof, subject to the approval of the Commissioners.

GENERAL PROVISIONS.

33. 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 of the Trust. 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 receive any share of profit therefrom, or be engaged in the supply of work or goods at the cost of the Trust. Employment or tenancy of Trustees.

34. A copy of this Scheme shall be kept with the minute book and books of account of the Trust; and every person interested in the Trust shall be at liberty to take copies of the Scheme upon making reasonable application to the Trustees. Copies of Scheme.

35. Any question that shall arise as to the construction of this Scheme, or as to the validity of any proceedings under it, or as to the administration of the Trust, shall be determined conclusively by the Commissioners upon such application as they shall require. Questions as to construction of Scheme, and proceedings under it.

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

SCHEDULE.

Annual Value.

	£	s.	d.
1. The Town Hall, including—			
Courthouse—let to County Justices for	7	0	0
and for County Court for	2	0	0
Market Hall let for storage of wool to Henry Read			
for	6	0	0
Occasional lettings (average)	4	0	0
2. Standings at fairs in Market Square (average)	2	12	0
3. The Weighbridge, payments for using (average)	6	0	0
4. The Manor of Axbridge.			
5. Chief rents in respect of property demised for 1,000 years, amounting to	96	6	3
6. A garden adjoining the Churchyard.			
7. A cottage and garden in Moor Lane, let on a yearly tenancy to John Westlake for	5	10	0
8. Sporting rights let to Henry Read for	1	0	0
9. The Bailiff's Wall, containing about 2 acres of pasture land, let to Thomas Chapman for	6	0	0
10. A close of meadow land called Overham, containing about 3 acres, at Cocklake, in the Parish of Wedmore, let on a yearly tenancy to Thomas Webber, for	10	0	0
11. Hurdles and other apparatus used at markets and fairs.			
12. Two silver maces.			
13. Two pictures (one attributed to Gainsborough).			
14. An ancient chest, and a fireproof safe, and the ancient charters and other documents contained in them.			

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Sealed by Order of the Board this 10th day of
May 1889.

G. H. Gauntlett

AUTHORIZED UNDER 50 & 51 VICT. C. 49. SEC. 3

