

Sealed 8th January 1918.

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County—**NORFOLK.**

Parish—**ELLINGHAM** near **BUNGAY.**

Charities—**Bonfellow, otherwise  
Partable Lands.**

**Packard.**

**Poor's Allotment.**

**Town Lands.**

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29,984.

Stamps { 10s.  
          10s.

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

### CHARITY COMMISSION.

In the Matter of the following Charities, in the Parish of **ELLINGHAM** near **BUNGAY**, in the County of **NORFOLK** :—

Charity.	Particulars of Origin or Government.
<b>BONFELLOW, HENRY, otherwise The PARTABLE LANDS.</b>	Will dated 22nd February 1650; and Order of Charity Commissioners of 22nd October 1879 appointing Trustees.
<b>PACKARD, JOHN. POOR'S ALLOTMENT. TOWN LANDS.</b>	Will proved on the 3rd July 1819. Inclosure Award dated 23rd April 1806. Deed dated 25th January 1392-3.

and

In the Matter of "The Charitable Trusts Acts, 1853 to 1914."

**The Board of Charity Commissioners for England and  
Wales**, upon an application made to them on the 29th March 1915, in  
writing, signed by

**ERNEST GEORGE YOUNGMAN,  
FREDERICK BARBER, and  
HARRY CULLEY,**

being inhabitants of the Parish of Ellingham near Bungay within which  
the above-mentioned Charities are administered or applicable;

The said **FREDERICK BARBER.**

being also one of the then Churchwardens of the said Parish and as such  
one of the Trustees of the Charity of Henry Bonfellow, otherwise the  
Partable Lands, and of the Poor's Allotment Charity, and one of the  
persons acting in the administration of all the Charities; and

The said **HARRY CULLEY**

being also one of the then Overseers of the Poor of the said Parish and  
as such one of the Trustees of the said Poor's Allotment Charity :

And it appearing that the gross annual income of no one of the Charities amounts to 50*l.* :

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 Public Elementary School, Ellingham near Bungay, on the 9th December 1916, and by advertisement in the newspapers called "The Norwich Journal" and "The Eastern Daily Press" on the same date; and also sent through the post to

The RECTOR of the said Parish;

The present CHURCHWARDENS and OVERSEERS OF THE POOR of the said Parish; and

The LORDS of the Manors of Stockton with the Soke and Ellingham Nevells;

being or some of them being those of the Trustees or persons acting in the administration of the Charities or of one or more of them who were not privy to the said application, at their respective last known places of abode in Great Britain or Ireland, on the 24th August 1917 (being in each case more than one calendar month before the date hereof) :

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

And after due communication of the draft of the subjoined Scheme to the Parish Council of Ellingham :

Do hereby Order as follows :—

The subjoined Scheme is approved and established as the Scheme for the regulation of the Charities.

#### SCHEME.

1. *Administration of Charities.*—The above-mentioned Charities and the endowments thereof specified in the Schedule hereto, and all other the endowments (if any) of the said Charities, shall be administered and managed so as to give effect to the provisions of this Scheme, under the title of the United Charities.

2. *Vesting of Freeholds and Leaseholds.*—Any freehold or leasehold lands and hereditaments comprised in this Scheme are hereby vested in "The Official Trustee of Charity Lands" for all the estate and interest therein belonging to or held in trust for the Charities.

3. *As to Copyholds.*—The persons herein-after appointed to be the first Additional Estate Trustees under this Scheme are hereby appointed to convey or assign any copyhold property comprised in this Scheme, to the intent that they may do all such acts as may be necessary to vest the same property in them, in trust for the Estate Charity herein-after constituted.

#### ESTATE CHARITY.

4. *Estate Charity.*—The property specified in the said Schedule under the heading of the Town Lands, with the exception of the cottage known as the Leet House and of the piece of ground containing 2r. 3p. or thereabouts occupied therewith, shall be administered as an Estate Charity, to be called the Town Lands Estate Charity, herein-after called the Estate Charity.

#### LEET HOUSE CHARITY.

5. *Leet House Charity.*—The said cottage known as the Leet House and the said piece of ground occupied therewith shall be administered as a separate Charity, to be called the Leet House Charity.

## BRANCHES.

6. *Branches.*—Subject as herein provided with reference to the Estate Charity, the Charities and their endowments shall be administered in two branches, to be called respectively—

- The Church Branch, and
- The Town and Poor's Branch.

*The Church Branch.*

7. *Church Branch Endowment.*—The endowment of the Church Branch shall consist of one half part of the net yearly income of the Estate Charity.

*The Town and Poor's Branch.*

8. *Town and Poor's Branch Endowment.*—The Endowment of the Town and Poor's Branch shall consist of—

- (a) The remaining half part of the net yearly income of the Estate Charity, and
- (b) The endowments of—
  - The Charity of Henry Bonfellow, otherwise The Partable Lands,
  - The Charity of John Packard,
  - The Poor's Allotment, and
  - The Leet House Charity.

## TRUSTEES.

*As to Estate Charity.*

9. *Estate Trustees.*—The property of the Estate Charity shall be under the administration and management of a body of Trustees, in this Scheme called the Estate Trustees, which (subject as herein-after provided with respect to Additional Trustees) shall consist of the Trustees for the time being of the Church Branch and the Trustees for the time being of the Town and Poor's Branch, acting together.

10. *Additional Estate Trustees.*—The Estate Trustees shall as soon as possible after the date of this Scheme appoint two persons to be Additional Estate Trustees with a view to their being admitted as tenants of the property of the Estate Charity which is of copyhold tenure. The persons so appointed shall be entitled, subject to the provisions herein-after contained with respect to determination of Trusteeship, to hold office for life.

So long as any property of the Estate Charity is of copyhold tenure, it shall be lawful for the Estate Trustees for the time being from time to time, on the death or determination of office of the last surviving or continuing Additional Estate Trustee, to appoint two persons to be Additional Estate Trustees with a view to their being admitted as tenants of such property on the Court Rolls. Every Additional Trustee so appointed shall be appointed for life.

If and when all the copyhold property of the Estate Charity has been enfranchised, the Additional Estate Trustees for the time being shall cease to hold office.

*As to Church Branch.*

11. *Trustees of Church Branch.*—The body of Trustees of the Church Branch shall consist of—

- The RECTOR and CHURCHWARDENS for the time being of Ellingham near Bungay.

*As to Town and Poor's Branch.*

12. *Trustees of Town and Poor's Branch.*—The body of Trustees of the Town and Poor's Branch shall, when complete consist of—

- Ex-officio Trustees, and
- Four Representative Trustees.

13. *Ex-officio Trustees.*—The Ex-officio Trustees shall be—

- The said RECTOR, and
- The LORDS for the time being, if males of full age and willing to act, of the Manors of Stockton with the Soke and Ellingham Nevells.

14. *Representative Trustees.*—The Representative Trustees shall be appointed by the Parish Council of Ellingham near Bungay. Each appointment shall be made for a term of four years at a meeting convened and held according to the ordinary practice of the Council. The Chairman of the meeting shall forthwith cause the name of each person appointed to be notified to the Trustees or their Clerk. The person appointed may be, but need not be, a member of the Council. The first Representative Trustees shall be appointed as soon as possible after the date hereof, and their names shall be notified to the said Rector on behalf of the Trustees.

*As to the respective Bodies of Trustees.*

15. *Declaration by Trustees.*—No person shall be entitled to act as a Trustee, whether on a first or on any subsequent entry into office, until after signing in the minute book of the Trustees concerned a declaration of acceptance and of willingness to act in the trusts of this Scheme.

16. *Determination of Trusteeship.*—Any Representative Trustee who is absent during a period of one year from all meetings of a body of Trustees to which he belongs, and any Trustee who is adjudged bankrupt or makes a composition or arrangement with his creditors, or who is incapacitated from acting, or who communicates in writing to the Trustees a wish to resign, shall thereupon cease to be a Trustee. An Estate Trustee who vacates his office as such Trustee shall at the same time vacate his office (if any) as a Branch Trustee.

17. *Vacancies.*—Upon the occurrence of a vacancy the Trustees concerned 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 said Council. Any competent Trustee may be re-appointed.

18. *Ordinary Meetings.*—Each body of Trustees shall hold at least two ordinary meetings in each year.

19. *First Meetings.*—In the case of each body of Trustees the first meeting shall be summoned by the said Rector, or, if he fails for two calendar months after the date of this Scheme to summon a meeting, by any two of the Trustees of the body.

20. *Chairman.*—Each body of Trustees shall at their first ordinary meeting in each year elect one of their number to be Chairman of their meetings for the year. They shall make regulations for supplying his place in case of his death, resignation, or absence. The Chairman shall always be re-eligible.

21. *Special Meetings.*—In the case of each body a special meeting may at any time be summoned by the Chairman or any two Trustees of the body upon four days' notice being given to the other Trustees or Trustee of the matters to be discussed.

22. *Quorum.*—There shall be a quorum when there are present at a meeting four Trustees in the case of the Estate Trustees, two Trustees in the case of the Trustees of the Church Branch, and three Trustees in the case of the Trustees of the Town and Poor's Branch.

23. *Voting.*—Every matter shall be determined by the majority of votes of the Trustees present and voting on the question. In case of equality of votes the Chairman shall have a casting vote, whether he has or has not previously voted on the same question, but no Trustee shall in any other circumstances give more than one vote.

24. *Minutes and Accounts.*—A minute book and books of account shall be provided and kept by each body of Trustees. All proper accounts shall in each year be made out and certified in such manner as the Charity Commissioners require, and copies thereof shall be transmitted to the said Commissioners, and published in conformity with the provisions of the Charitable Trusts Acts.

25. *General Power to make Regulations.*—Within the limits prescribed by this Scheme the respective bodies of Trustees shall have full power from time to time to make regulations for the conduct of the business under their control, including the summoning of meetings, the deposit of money at a proper bank, the custody of documents, and the appointment as Clerk during their pleasure of one of themselves (without salary) or of some other fit person.

MANAGEMENT OF REAL PROPERTY.

26. *Interpretation.*—The expression "the Trustees" in the five next following clauses shall mean the Estate Trustees so far as regards the property of the Estate

Charity and the Trustees of the Town and Poor's Branch so far as regards the property of that Branch.

27. *Allotments Extension Act, 1882.*—The Trustees shall let and otherwise manage in conformity with the provisions of the Allotments Extension Act, 1882, such of the lands belonging to the Charities as are subject to the provisions of the Fourth Section of that Act. The Trustees may set apart and let in allotments in the manner prescribed by and subject to the provisions of the said Act any portion of the land belonging to the Charities other than buildings and the appurtenances of buildings.

28. *Management and Letting of Property.*—Subject as aforesaid, all the property of the Charities not required to be retained or occupied for the purposes thereof shall be let and otherwise managed by the Trustees. In every case public notice of the intention to let any land or other property shall be given by the Trustees in such manner as they consider most effectual for ensuring full publicity. The Trustees shall not create any tenancy in reversion after more than 3 years of any existing term, or for more than 21 years certain, or for less than the improved annual value at rack-rent, without the sanction of the Charity Commissioners or a competent Court.

29. *Leases.*—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.

30. *Copyholds.*—The Trustees may either—

- (1) Provide for the payment of fines and fees on changes of tenants on the Court Rolls of any copyhold property comprised in this Scheme by effecting and maintaining from time to time an insurance for a sufficient sum upon the lives of such tenants and the survivor of them; or
- (2) Enfranchise the said copyhold property, and for this purpose—
  - (a) Create a fund by yearly payments to "The Official Trustees of Charitable Funds," to be invested and accumulated by them to the credit of an "Enfranchisement Fund," or
  - (b) Raise the amount of the cost in such manner as may be approved by the Charity Commissioners.

31. *Repair and Insurance.*—The Trustees shall keep in repair and insure against fire all the buildings of the Charities not required to be kept in repair and insured by the lessees or tenants thereof.

#### APPLICATION OF INCOME.

##### *As to Estate Charity.*

32. *Expenses of Management.*—The cost of repairs and insurance, and all other charges and outgoings payable in respect of the property of the Estate Charity and all the proper costs, charges and expenses of and incidental to the administration and management of the said property shall be first defrayed by the Estate Trustees out of the income thereof.

33. *Application of Income.*—Subject to the payments aforesaid, the yearly income of the Estate Charity shall be divided by the Estate Trustees into two equal parts, whereof one part shall be paid to the Trustees for the time being of the Church Branch for application by them as the income of that Branch as herein-after prescribed, and the remaining part shall be paid to the Trustees for the time being of the Town and Poor's Branch for application by them as part of the income of that Branch as herein-after prescribed.

##### *As to Church Branch.*

34. *Church Purposes.*—The Trustees of the Church Branch shall apply the clear yearly income of that Branch in the payment of any charges lawfully incurred by the said Churchwardens in the maintenance and repair and insurance against fire or other risk of the fabric of the Parish Church of Ellingham near Bungay, and the maintenance, repair or renewal of the boundary walls, fences and entrance gates of the Churchyard of the said Church; and, subject thereto, in the payment of the like charges in respect of the maintenance of the services of the said Church and of the furniture thereof. If

in any year the whole of the said income is not applied as aforesaid, the residue thereof (subject to any further Order or direction of the Charity Commissioners) shall be accumulated so as to form a fund for the extraordinary repairs, improvement or enlargement of the fabric of the said Church, and for that purpose shall be paid to the said Official Trustees of Charitable Funds, for investment in their name.

*As to Town and Poor's Branch.*

35. *Expenses of Management.*—The Leet Fee of 8s. 4d., the cost of repairs and insurance, and all other charges and outgoings payable in respect of the property of the Town and Poor's Branch, and all the proper costs, charges and expenses of and incidental to the administration and management of that Branch shall be first defrayed by the Trustees of that Branch out of the income thereof.

36. *Public Purposes and General Benefit of Poor.*—The Trustees of the Town and Poor's Branch shall apply the clear yearly income of that Branch remaining after the payments aforesaid in one or more of the following ways:—

- I. For such public purposes, not met by the rates, for the benefit of the inhabitants of the Parish of Ellingham near Bungay, as the Trustees may from time to time think fit:
- II. In making payments, under one or more of the following heads, for the benefit either of the poor of the Parish of Ellingham near Bungay generally, or of such deserving and necessitous persons resident therein as the Trustees select for this purpose, and in such way as they consider most advantageous to the recipients, and most conducive to the formation of provident habits—

(1) Subscriptions or donations in aid of the funds of—

- (a) Any Dispensary, Infirmary, Hospital, or Convalescent Home, whether general or special, upon such terms (so far as may be) as to enable the Trustees to secure the benefits of the institution for the objects of the Branch;
- (b) Any Provident Club or Society established in or near Ellingham near Bungay for the supply of Coal, Clothing, or other necessaries:

(2) Contributions towards—

- (a) The provision of Nurses for the Sick and Infirm;
- (b) The provision of duly certified Midwives to attend women in childbirth;
- (c) The travelling expenses of Patients to and from such institutions as are above-mentioned in paragraph (1) (a);
- (d) The cost of the Outfit on entering upon a trade or occupation, or into service, of any person under the age of twenty-one years;
- (e) The cost of providing proper care and supervision (including any necessary cost of locomotion) for poor persons requiring temporary change of air or special protection or treatment:

(3) The supply of—

- (a) Clothes, Linen, Bedding, Fuel, Tools, Medical or other aid in Sickness, Food or other articles in kind;
- (b) Temporary relief in money, by way of loan or otherwise, in case of unexpected loss, or sudden destitution.

Provided that income applicable under section II. of this clause shall in no case be applied in aid of any rates for the relief of the poor or other purposes, or so that any individual or institution may become entitled to a periodical or recurrent benefit therefrom.

37. *Investment of Cash.*—All sums of cash now or at any time belonging to the Town and Poor's Branch and not needed for immediate working purposes shall (unless otherwise ordered) as soon as possible be invested, under the authority of a further

Order of the Charity Commissioners, in the name of the said Official Trustees Charitable Funds in trust for the said Branch.

GENERAL PROVISIONS.

38. *Appropriation of Benefits.*—The appropriation of the benefits of the respective Branches shall be made by the Trustees concerned from time to time at meetings of their body, and not separately by any individual Trustee or Trustees.

39. *Trustees not to be personally interested.*—No Trustee shall take or hold any interest in property belonging to the Charities otherwise than as a Trustee for the purposes thereof, and no Trustee shall receive any remuneration, or be interested in the supply of work or goods, at the cost of the Charities.

40. *Questions under Scheme.*—Any question as to the construction of this Scheme, or as to the regularity or the validity of any acts done or about to be done under this Scheme, shall be determined conclusively by the Charity Commissioners, upon such application made to them for the purpose as they think sufficient.

*0 except with the consent of the Charity Commissioners (Scheme 27 Jan 1920)*

SCHEDULE OF PROPERTY.

Description.	Extent or Amount.	Tenant or Persons in whose Name invested.	Gross Yearly Income.
<i>Charity of Henry Bonfellow, otherwise The Partable Lands.</i>			
Consols	£ s. d. 813 1 10	"The Official Trustees of Charitable Funds."	£ s. d. 20 6 4
<i>Charity of John Packard.</i>			
Consols	40 0 0	Do. do.	1 0 0
<i>The Poor's Allotment.</i>			
Pieces of land at Ellingham as follows:—	A. R. P.		
The First Rush Fen	—	William Read	5 0 0
The Second do.	—	Arthur Jesse Doddington	4 5 0
The Third do.	—	Charles Fulcher	5 12 6
The Fourth do.	—	William Read	2 10 0
<i>The Town Lands.</i>			
Lands and hereditaments at Ellingham as follows:—			
<i>Sale 1875</i> Arable land	10 0 0	Charles Fulcher	8 0 0
Do. let as field allotments	1 2 0	Various	2 8 0 (in 1915)
Do.	0 3 0	Charles Fulcher	0 10 0
Do.	15 2 24	Albert Edward Girling	11 17 6
<i>Sale 1970</i> Cottage and land	2 0 5	John Thrower	7 0 0
Cottage and garden	0 2 0	Joseph Bunn	4 0 0
Land at Kirby Cane known as the Kirby Cane Allotment.	0 3 6	Various	0 10 0

Description.	Extent or Amount.	Tenant or Persons in whose Name invested.	Gross Yearly Income.
5/10/1918 11/6/1918 Cottage known as the Leet House and ground occupied therewith.	A. R. P. 0 2 3	Robert Cossey	£ s. d. 6 0 0
Consols - - - -	£ s. d. 54 14 3	"The Official Trustees of Charit- able Funds."	1 7 4

NOTE.—Of the lands and hereditaments (other than the Leet House and ground occupied therewith) specified in the foregoing Schedule under the heading of the Town Lands two parcels consisting respectively of a messuage and 2a. and of 2a. 2r. 7p. are said to be copyhold of the Manor of Brome Hall in Brome. Subject as aforesaid the lands and hereditaments specified in the said Schedule are freehold.

Sealed by Order of the Board this 8th day of January 1918.

L. S.