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Herts

A
CONCISE HISTORY
OF
THE FREE GRAMMAR SCHOOL
OF
King Edward the Sixth,
AT BERKHAMSTEAD,
AS DETAILED IN THE
REPORT OF THE RELATORS
IN A SUIT INSTITUTED IN THE HIGH COURT OF CHANCERY
IN MICHAELMAS TERM, 1742,
WHICH FINALLY TERMINATED IN 1842,
WITH
THE NEW SCHEME
FOR ITS FUTURE MANAGEMENT,
UPON AN ENLARGED SYSTEM OF CLASSICAL AND MODERN
USEFUL EDUCATION.
ALSO,
THE PROCEEDINGS
OF
THE NEWLY APPOINTED GOVERNORS,
AND
THE INJUNCTIONS
OF
THE REV. LEWIS SNEYD, M.A.
Warden of All Souls' College, Oxford,
THE VISITOR.

HERTFORD:
ST. AUSTIN AND SON, FORE STREET.
1842.

Patroness:

HER MOST EXCELLENT MAJESTY QUEEN VICTORIA.

VISITOR:

THE REV. LEWIS SNEYD, M.A.,
WARDEN OF ALL SOULS' COLLEGE,
OXFORD.

GOVERNORS:

THE HON. JAMES WALTER VISCOUNT GRIMSTON, M.P.,
THE HON. WILLIAM BOOTH GREY,
THE HON. GRANVILLE DUDLEY RYDER, M.P.,
THE HON. CHARLES COMPTON CAVENDISH, M.P.,
SIR JOHN SAUNDERS SEBRIGHT, BART.,
THE REV. JOHN CROFTS, M.A.,
LEVI AMES, ESQ.,
JOHN BARNES, ESQ.,
AUGUSTUS SMITH, ESQ.

TREASURER:

AUGUSTUS SMITH, ESQ.

HEAD MASTER:

THE REV. EDWARD JOHN WILCOCKS, M.A.

USHER:

MR. GEORGE SCOTT.

SOLICITOR:

EDWARD LAMBERT, ESQ.
4, RAYMOND BUILDINGS.

PREFACE.

THE BERKHAMSTEAD SCHOOL has for upwards of a century been totally useless as a place for education. It has been known only in the Court of Chancery, where, during that lengthened period, its rich endowment was year after year expended in paying to a Master and Usher large salaries without duties to perform, and the surplus, amounting to many thousands of pounds, was expended in law costs. A final end has at length been put to this wasteful expenditure;—Lord Cottenham, the late Lord Chancellor, when he first judicially heard the case, in August, 1838, directed that a new scheme should be adopted for making the School *more generally useful*, and before his Lordship resigned the Great Seal, in 1841, one of his last judgments given in Lincoln's Inn Hall was to approve of the scheme, for the future regu-

lation of this most important Seminary and Charity, and which is detailed in the following pages. The School has since been re-opened under the auspices of the Noble and Honorable Gentlemen who have been appointed the new Governors; it seems, therefore, that a period has now arrived when it is become desirable that every important information relative to the system of education to be adopted in future in this public Seminary, should be made known to the Inhabitants of the Town of Berkhamstead, who are peculiarly interested in its welfare, and also to the public at large, to whom the School is now thrown open. It is for these reasons that the following pages have been compiled, and are now submitted to the perusal and consideration of those who may feel disposed to trace back to the darker ages the origin of a Seminary well calculated to give to youth a thoroughly classical, commercial, and religious education, and thereby to qualify them to fill stations in the world which may render them useful in their day and generation. It may, perhaps, not be generally known that in 1346 Edward the Third created his son, Edward the Black Prince,

Duke of Cornwall, and gave to him the Castle, Manor, and Vill of Berkhamstead, to hold to him and the heirs of him, and the eldest son of the heirs of the Kings of England, consequently the Manor of Berkhamstead is now vested in Albert, Prince of Wales, and Duke of Cornwall, the eldest son of our beloved Queen Victoria.

Berkhamstead is situated 27 miles from London, and there is a Station of the London and Birmingham Railway close to the town, which is salubrious and healthy, and the adjoining country abounds with delightful walks and rides. The School-house is a splendid antient Gothic building, fronting on the south to the Church-yard, and on the north to a most commodious play-ground, walled in. The Building is extensive, and has on the west an excellent house for the residence of the Head Master, with suitable dormitories and conveniences for the accommodation of twelve boarders; on the east is the Usher's house, with like apartments for eight boarders. In the centre is the School-room, which is most commodious and lofty, capable of holding the 144 scholars, the number limited in the Charter of foundation. Under the

auspicious controul of the present Governors, and the sound learning which the Visitor has, by his injunctions, required shall be taught, and in which the new Master will cordially co-operate, it is to be hoped that henceforward the present and future rising generations may receive from this establishment the essential benefits intended by the pious Founder,—whose excellent motto, found on one of the panes of glass in the School-room, will be a fit conclusion to these observations:—

“Virtus laudata crescit,
Innocens innocentiam
Testimonis comprobatur.”

1st October, 1842.

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THE REPORT

OF AUGUSTUS SMITH, AND BENJAMIN MARTIN,
THE RELATORS AND PETITIONERS IN THIS
CAUSE AND MATTER,

To the Governors of the said Free School.

THE High Court of Chancery having at length approved of, and ordered a new scheme for the future regulation of this School, and for the Management of the Charity Estates, and having appointed Governors to superintend (with the Master and Usher) such management, and the late Master and Usher having resigned their Offices, and fresh appointments having taken place, a new era is about to open on this antient Foundation, and, inasmuch as the present Master and Usher, and nearly all the Governors, by reason of their very recent appointment, are probably but partially acquainted with the terms of the Original Foundation of the School, and with the history of the suit in Chancery, which has now, after one century's duration, been at length brought to a conclusion, the Relators, in closing their own labours, have felt that a detailed Report, embracing these points, may not only be due, but useful, to the Governors in commencing and in prosecuting the duties now devolving upon

them, forming, thus, a continuous Record of all former proceedings, more especially of those carried on through the agency of themselves, and a document of ready reference to those, the exercise of whose powers, hereafter, must necessarily, sometimes, recur to the circumstances and proceedings which occasioned their being conferred.

The Origin of this School may be traced from the following Document, which is copied *verbatim et literatim* from the Original, written upon a sheet of paper, and found in the Box containing the Deeds &c. of the Estates of this Charity, now in the Office of Samuel Duckworth, Esq., the Master in Chancery:—

“FOUNDACON OF SCHOOL.

“Aboute ye 15th yeare of Henry ye Eight all ye inhabitation of Bark^d in ye County of Hert^{sd} did consult and agree yt ye whole lands of there Brotherhood should be employed to ye finding of a Schoolmaster to teach there Children and to ye building of a Schoole to teach in. Doctor Incent late deane of St Pauls being borne there and at yt time pressident and cheafe of ye s^d fraternity did send to y^m a Schoolmaster and was also content yt all his lands wch he had there either by his Parents or by purchase should also be joyned wth ye Brotherhood lands for yt purpose. So yt always after yt time ye Deans lands were counted and reputed as p^{te} of the Brotherhood lands as ye rentalls of ye collection doe plainly declare. This order continued to ye 33th yeare of Henry ye Eight where as ye Deane fearing ye s^d lands being in ye name of ye Brotherhood

for ye better establisshment of ye same obtained of ye Kings Mat^e licence to purchase £40 pound in land by ye yeare to found a Schoole with an incorporation at Barkhamsted aforesaid whereof ye Kings alwayes of this realme should be foundered for ever after ye decease of ye s^d Deane by ye s^d licence and should name and put in ye Schoolmaster there as often as yt Roome should happen to be voide w^{ch} thing also was decreed by Act or Parlam^t second and third yeare of Edward the Sixt in consideration whereof we have humbly dessired aide and helpe at ye present time of ye Quenes Majesty.

“Soone after ye aforesaid licence was graunted and had all ye lands before mentioned for ye more assurance were appointed vnder ye fores^d purchase and licence for £40 pound Then ye s^d Deane not w^t ye heelp of ye town & country builded with all speed a fair schoole large and great all of brick very sumptuously with a Lodging for ye Schoolmaster joyning to ye West end of ye same where ye Deane himselfe did lye and keepe house diverse times before his death & at ye east end of ye s^d School there is two Lodgings one for ye Usher & ye other for ye chaplain or Chauntry Prest. T^hole building is so strong & faire yt ye like graunted Schoole for yt point is not to be seene in ye whole realme of England. *hau*

“THE FIRST ERECTION OF YE SCHOOLE AT BARKHAMSTED.

“When ye s^d Schoole was thus finished ye Deane sent for ye cheafe men of ye towne into ye Schoole where he kneeling dwone gave thanks to Almighty

God which had given him life to see y^e perfection of y^t worke w^{ch} both he and y^e towne & y^e Country had been about it for y^e space of 20 yeares before as it is manifessted by y^e premises—further the read his licence.

“Then he called for Richard Rive and placed him in y^e seate there made for y^e Schoolmaster and so ordaine make and appointed him to be Maister of y^e same School and after y^t took him by y^e hand and gave him possession of y^e lodging pertaining to y^e Office (in like manner he placed John Audley to be Usher and Job East to be Chaplen) This done he did give possession by his Deed bearing date 23rd of March in the 36th yeare of King Henry y^e Eight to y^e s^d Richard Rive, John Audeley and Job East and their successor of ever of all y^e Lands to y^e s^d Schoole than appointed w^{ch} are expressed particularly in y^e Acte of Parlim^t made y^e second & third yeare of King Edward y^e Sixt finally y^e Deane began te deum laudam w^{ch} being finished wth othere ceremonies y^e whole companie did there drink to gether & so separated.

“Witnesses of this erection exemptyfied under y^e broade seale

“Mr BARNARD, Steward

“Mr SMITH, Chaplen ct.

The occasion of y^e second foundation The Deane died y^e next yeare after y^e erection afors^d—Sone after his death y^e Kings Majesty was informed by some evill Psons y^t y^e Dean had laid to y^e s^d Schoole more revenu than his licence did permit him w^e complaint was found untrew for Imediatly after Henry Haidon and John Waterhouse Gent now appointed by certaine of y^e coun-

cell to survey y^e s^d lands y^e 11th of January in y^e 38th yeare of Henry y^e Eight w^{ch} s^d Commissioners found the whole Some of y^e revenues to be only 30^{lb} 13^{sh} shillings and 4^d pence as it appeareth by y^e s^d survey.

“About y^e same time upon like occasion y^e Schoolmaster was commanded to show y^e foundation of y^e s^d Schoole to such as were appointed by y^e Kings Majesty his Councell in y^e beginning of y^e Reigne of Edward y^e Sixt w^{ch} Men seeing a licence wth a deed and no incorporation could be found or showed by & by gave sentence y^t y^e foundati was nothing worth.

“The full value of the Estate to y^e Schoole y^e annum:—The Stipend paid out of it 30^{lb} 11^s 0 and 45 bushells of wheat out of which stipend the schoole payeth yearly for quit rents to y^e King to y^e Poore's rate and other rates 5^{lb} 4^s 2^d

“The Schoole and schoolehouses being a large building are a very great charge to be kept in repair all which is disburst out of y^e stipend within these five last yeares the charges for repaires amounts to above £60 The charges that every Schoolemaster disburs for y^e Pateint for y^e Office of Schoolemaster is as great as y^e best living in y^e Kings Guift.

“The s^d Schoole being free for the educating of children from all p^{ts} of England is a great Hindrance to the Schoolemaster.”

It is important here to set out so much of the Act of Parliament as may shew the powers given to the Master and Usher, and also the regulations as to the School, because some of them still remain in force and are not altered by the new scheme.

Extracts from "An Act for the foundacon of a School at Barkhamstead in the Countye of Hertford—

"Oure said Souveraigne Lord the King did erecte ordayne stablishe & founde w^t.in the s^d Towne of Berkehampstede one Freescole for the instruceon and teaching of Children in Grammr to the nombre of 144 for evermore to endure—

"And maketh Richard Rive the first & chief Mr of the same Scole and John Awdeley the Usher of the same during his highnes pleasure for the teaching of the s^d Children frely w^t.out taking any stipendi for the teaching of the same Children either of them or any of their Parents or Friends

"And that the same Freescole from Henceforth shalbe called and named the freescole of King Edwarde the Sixte in Berkehampstedde for evermore

"And that the s^d Mr and Usher and their successors by the name of Mr and Usher of the Freescole of King Edwarde the Sixte in Berkhamstedde shalbe called and shalbe one bodie incorporate by that name for evermore

"And by the same name shall impleade other and be impleaded in whatsoever Courts

"And shall have one common Seale to s^rve for the causes and matters touching the s^d Freescole

"And that the s^d Mr and Usher shall have holde occupye & enjoye to them & their Successors all the said mannors mesuags lands tent's & all & singular other the p^rmisses by the said John Incent by the said Dede given and graunted and that the revenues issues & proffits of the same shall be employed and bestowed by the said Mr & Usher & their Successors in manner following—That the Mr of the said Freescole for the tyme being shall

have thereof yerely for his Stipende and Wags for the teaching of the said Children Seventene Pounds six shillings and eight pence And that the Ussher of the same Scole for the tyme being shall have thereof yerely for his Stipende and Wages for the teching of the said Children Eight Poundes thirteen shillings and foure pence.

"And that the residue of the Revenues shall be yerely employed & bestowed in & aboute the relief & helpe of pore People in the s^d Towne of Berkehampstedde & the reperations of the House of the said Scole.

"That our said Sovaigne Lord his Heirs & Successours at all and evy such tyme and tymes when the said Scole shalbe voide of a Scolemaster by deathe or by any other lafull waies shall & may name and appointe one mete Man to be Mr of the said Freescole forevmore. And that the Mr of the said Scole shall and may name & appointe one mete Man to be Ussher of the same at evy tyme and tymes when the said Scole shall happen to be voide of one Ussher hereafter for evmore. And that the Warden of the Colleage of All Sowles in the Universitie of Oxforde for the tyme being shall & may evy thirde yere for evy visett and ovsee the said Scole & the Master and Ussher of the same And if the same Warden upon his said visitacon doo finde or p^rceive that the s^d Mr & Ussher or any of them doo not their dutie in the xecucon of their Offices in the teaching & instructing of the said Children that then the said Warden shall & may after lawfull monycon discharge & avoide the s^d Mr & Ussher or suche one of them as shall offende in thexecutinge of his said Office & that upon every such discharge the office of Mr or

Ussher so happening to be discharged in forme aforesaide shalbe voide.

"And that the ^sd Warden at every such visitacon shall have xiijs—iiij^d—That the ^sd Mr & Ussher and their Successo's shall not at any tyme hereafter bgayne graunte sell exchange or otherwise alyen the said mannors landes tent^s & [¶]misses or any [¶]te or [¶]ecle of the same in Fee simple or Fee tayle to any [¶]son or [¶]sons or suffer any Fyne Recovye acte or acts thing or things or any other conveyance in the lawe of the ^sd lands whereby the same or any parte thereof shall be alyened wtoute thassent of our Sovraigne Lord the King his Heires and Successours—otherwise it shall be voide & of none effect in the Lawe.

"That it shall be lawful for the said Mr & Ussher by Indenture under their Common Seale to make leases of the [¶]misses or any [¶]te thereof for term of 31 yeares & 3 lives to any [¶]son or [¶]sons so that the same be not made to endure above the term of 31 yeares or three lives—& be not withoute impeachment of waste And that there be yerely reserved & payable during the said tmes to the said Master and Ussher & their Succors the accustomed & usual rents thereof or more."

In Michaelmas term, 1742, this suit was commenced by the Attorney-General, at the relation of the Rev. Dr. Cowper, the then Rector, and the Churchwardens and Overseers of Berkhamstead, against the Rev. Evan Price and the Rev. Thomas Allett, the Master and Usher of the School, stating that the Estates were of greater value than was sufficient to satisfy the yearly stipends payable to the Master and Usher, and to effect the reparation

of the buildings; and that the residue of the revenues ought to have been yearly employed in the relief of the poor people of the town of Berkhamstead; but that the said Evan Price, ever since he had been Master, had received the rents and managed the Estates, as he thought fit, without accounting to any person whatsoever. And that the said Master and Usher had, so far from teaching children to the number of 144, that during any part of the time that they or either of them had been Master or Usher they had not taught at any one time above four, though many more children, and proper objects to partake of the benefit of the said Charity, were desirous by their friends and relations to be placed in the said Free School.

And the said information prayed that the Master and Usher might come to an account for the rents and fines arising from any leases, and that same might be applied according to the donations and directions of the Act of Parliament, and that proper directions might be given for the better carrying into execution, and managing the said Charity Estates for the time to come, and that a Receiver might be appointed to collect the rents, and that same might be applied as the Court should direct.

By a Decree, dated the 13th July, 1744, it was declared that the Warden of All Souls College, Oxford, for the time being, was, by the Act of Parliament, the Local Visitor of the said School, but not of the Estates and Revenues thereof. And that the accounting for, and regulating the management, of the said Estates and Revenues were subject to the jurisdiction of the Court.

And it was referred to the Master to take an account of the rents and profits of the lands belonging to the School, and of all money raised by fines upon leases that had been received by the Master and Usher, or either of them; and in taking the account the Master was to allow for the stipends of the Master and Usher of the said School, directed by the Act of Parliament, and for repairs. And to enquire what repairs were necessary to be made upon the School-house, or any of the premises not then in lease; and that what should be coming on the balance of the account should be first applied in making such repairs, and the consideration as to the disposition of the surplus was reserved until after the Master's Report; and that such part of the School Estate as was then out of lease, and the residue thereof, as the leases then in being should expire, should be let with the approbation of the Master, to the best bidders; and that the Master and Usher of the said School should duly execute such leases as the Master of the Court should approve, but he was to take care that in all such leases proper covenants should be inserted to oblige the tenants to keep the tenements in good and sufficient repair, and to bear all charges thereof; and in case any fines should be taken upon such leases the money should be applied in the first place towards the repairs of the School Estate, and the application of the residue was reserved until after the Report. And any of the parties were to lay before the Master a scheme for the application of the surplus on the accounts directed, and also of the surplus of the improved annual income of the School Estate, after all payments thereof, and likewise for the management thereof; and the Master was to state

the same, with his opinion, to the Court. And consideration was reserved whether the stipends of the Master and Usher might, pursuant to the true intent and meaning of the Act of Parliament, be augmented, and in what proportion.

By another Decree, dated 3rd May, 1753, it was decreed by the Court that, according to the true construction of the Letters Patent and Act of Parliament, it was in the power of the Court to augment the salary of the Master and Usher, and the allowance to the other branches of the Charity, out of the increase of the income of the Estate. And it was referred to the Master of the Court to consider and adjust the several augmentations that were reasonable and proper to be made of the said salaries, and the other branches of the Charity, for the time past, since the said Evan Price became Master, and for the time to come.

The Master of the Court by his Report, dated 23rd July, 1754, certified that, in his opinion, all the rents, issues, fines, and profits arising from the Charity Estates, after deducting the quit-rents, should in future be divided into three equal parts, to be disposed of as follows, viz. two-thirds to the Master and Usher (whereof two-thirds should be allotted to the Master and the remaining third to the Usher), and that the remaining overplus, or third, should be applied in the first place towards the repairs of the school-house and buildings thereto, and in payment of all taxes charged thereon and other incidental expences relating to the Charity, and the overplus towards payment of the costs of the suit, and the residue (if any) in the last place, to be distributed amongst the poor people of the town of Berkhamstead not receiving

alms of the parish, to be distributed by the Master and Usher, the Rector and two Churchwardens of the parish for the time being.

This Report was confirmed by a Decree of the Court, dated 30th October, 1754, and from that time for a great many years following all money received for fines, rents, and profits of the Estates were paid as thereby directed.

The suit from that period appears to have been in abeyance until 1813, when an Order, dated the 29th July, was made, that any of the parties to the suit might be at liberty to lay proposals before the Master, as to the future management of the Charity Estates, and if he should be of opinion that it would be for the benefit of the Charity Estates that the same should thereafter be let, either upon fines, or partly upon fines, he was to be at liberty to receive proposals and to state his opinion thereon, as to the application of those fines, either as divisible at the time paid, or to be considered a permanent fund for the future interest of the different objects of the Charity.

The Master made his Report the 30th May, 1821, certifying that a proposal had been laid before him by the Relators, of the following scheme for the future management of the Estates, and the application of the rents and profits: First, That all future lettings should be by auction before the Master to whom the cause might from time to time stand transferred, and should be for the term of thirty-one years, and for the most improved annual rent which should be bid for the same Estates, without any fines, such rents to be clear, without any deduction for taxes and repairs, and that the persons taking the same should put, and

during the time keep, and at the expiration thereof leave, the buildings, fences, drains, and ditches in tenantable and proper repair.

Secondly, that the Receiver should be continued, and should pass his accounts before the Master annually.

Thirdly, that the Receiver should retain out of the rents the expenses of such lettings, to be allowed in passing his accounts.

Fourthly, that the Master should ascertain from time to time the net balance on the Receiver's accounts—exclusive only of what he should allow for the repairs of the School-house, and for the expences of the lettings of the Charity Estates, and should also ascertain what was the moiety of such net balance, and should pay such moiety to the Master and Usher for their stipends, in the proportion of two-thirds thereof to the Master, and one-third part thereof to the Usher, and should pay the other moiety to the Rector and Churchwardens of Berkhamstead, and to the Master and Usher, to be by them distributed among the poor not receiving aid or deemed parochial poor of the Parish, and not maintained or kept in any workhouse or almshouse belonging to the Parish, but who had actually resided in the Town for the space of three years, and paid the Church and Poor-rates, and no others.

The said Master further certified that since the Decree of October, 1754, the Charity Estates had been managed, and the rents applied, pursuant to the scheme sanctioned by that decree,—and that it had been admitted before him by all parties that there had not been any Scholar, within the intent and meaning of the Act of Parliament and Letters Patent, taught in or admitted to the said Free

School for upwards of 25 years then last past ; and having regard to local and other circumstances, it did not appear to the Master that there was any probability that the original, and apparently chief object of the Donor and Royal Founder of the Charity, that is to say, the teaching of children in Grammar upon the foundation of the same Free School, would thereafter be carried into effect, nor did it appear that the other objects of the Charity had, at least within ten years then last, received that benefit which seemed to have been intended by the Charity to be provided for them ;—and the said Master therefore conceived it to be reasonable and proper, under all the circumstances, that the Charity should be so managed, and the rents so applied, as might answer and effectuate the only direct and essential objects of the Charity then existing, or likely to exist. And that the scheme proposed by the Relators, the then Rector and Churchwardens of Berkhamstead, was calculated for that purpose, and he approved thereof for the future management of the Charity Estates, and the application of the rents, subject nevertheless, to be varied under the authority of the Court, in case any change of circumstances should thereafter occur respecting the said Free School.

Exceptions were taken to this Report by the Master and Usher ; and on the 25th June, 1822, it was ordered by the Court that the Master should review his Report for the purpose of ascertaining what had been the average income of the then Master of the School, and that the same annual sum should be continued to the Master of the School ; and that the Master, in reviewing the Report, was to have regard that the then and future

Ushers and the future Masters of the School should be resident.

The Master made his Report, 20th July, 1829, and certified that the annual sum of 250*l.* 10*s.* 9*d.* had been the average income of the then Master of the School.

By an order of the Court of the 21st Dec., 1829, it was ordered, that the said scheme should be adopted, with the addition as to the residence of the Masters and Ushers of the School, and that 250*l.* 10*s.* 9*d.* should be the annual amount payable to the Master, and 125*l.* 5*s.* 4*d.* payable to the Usher for the period subsequent to Lady-day, 1822, and in future until the further order of the Court ; and that the School-house and Buildings should be insured against damage by fire.

From this period to the year 1830, or thereabouts, the suit again slumbered, and the School remained perfectly useless as a seminary for education, the Master and Usher for the time being declining to receive into it any boys who were not the children of persons resident at Berkhamstead, and refusing also to instruct them in anything but Latin and Greek.

Subsequent to this period the Rector and several other gentlemen in the neighbourhood were formed into a Committee, with a view to make the School efficient as a place of education.

In 1833, the Visitor compelled the Master of the School to resume his residence at the School-house ; and in August, 1834, the School was again reopened, but restricted as to free scholars to those whose parents resided within the limits of the town of Berkhamstead, and also as to instruction in the Latin and Greek languages only, with extended

education in writing, arithmetic, and English literature, upon payment of five guineas each boy per annum.

A very few boys only entered the School upon these terms, and in a very short period, (a few weeks only) the School was again closed.

On the 31st August, 1837, a public meeting of the parishioners was held, "for the purpose of authorising the parish officers to take such steps as may be necessary in the Court of Chancery for obtaining a new Act for the regulation of the School." And it was resolved that it is the opinion of this Vestry, that the parish officers, as relators, should take proper steps for instituting proceedings in the Court of Chancery for obtaining a scheme for a new Act of Parliament for the regulation of the Grammar School, and that the conducting of the school affairs should, in consequence, be entrusted to some eminent solicitor, resident in London, and versant in Chancery business for that purpose.

Immediately after this meeting, two of the Relators, Mr. Augustus Smith, then churchwarden, and Mr. Benjamin Martin, then overseer of the parish, (the other Relators either opposing or declining to take part in the proceedings) appointed Mr. Edward Lambert, their Solicitor, with a view to carry out the above resolution of Vestry.

This want of unanimity among the Relators presenting, however, a bar to further proceedings, and the constant change in the persons composing that body, proving very inconvenient and injurious to any prosecution of the suit, a Memorial from the Inhabitants of Berkhamstead was, in (consequence) on the 14th November, 1837, presented to Sir John Campbell, then Attorney General, setting

forth all the facts of the proceedings in Chancery, and praying that her Majesty's Attorney General would permit the said Augustus Smith and Benjamin Martin to be named and substituted as Relators in the information in the place of the Rector, Churchwardens, and Overseers of the said Parish, and be entrusted with the conduct of the said information and the proceedings therein. The Attorney General appointing Wednesday, the 3rd January, 1838, at twelve o'clock, at his chambers, to consider of such Memorial,—when all parties attended by Counsel were heard, by the Attorney General, who, on the 10th January, 1838, issued the following order:—

IN CHANCERY.

Attorney-General v. Dupré and another.

Having perused the memorial and the affidavits in this case, and heard counsel on both sides, it appears to me that the Charity has long been administered in the most lamentable manner, so that the intention of the Founder has been completely frustrated, and that no benefit has arisen to the public from the present information, or is likely to arise from it unless it be conducted by new Relators. I therefore direct that proceedings in the information be stayed till new Relators are substituted, and as far as I have authority, I direct that the Memorialists, Augustus Smith and Benjamin Martin, be substituted as Relators, in the room of the Rector, Churchwardens, and Overseers of the Parish of Berkhamstead, and I consent to any application to the Court of Chancery, and to any

order that may be made by the Court for this purpose.

I conceive that the individuals who are now Rector, Churchwardens, and Overseer of the Parish are not properly Relators, but I direct as a condition to the substitution of new Relators, that these individuals shall be indemnified against any costs for which they may be liable to the defendants.

I consent to the new Relators presenting the proposed petition to the Lord Chancellor, and taking all such steps as they shall be advised are likely to make the funds of the Charity available for the instruction of youth, instead of being utterly wasted as they have been for so long a period of time.

On the 22nd January, the application was made to the Lord Chancellor, to appoint the new Relators, when his Lordship suggested that the order made by the Attorney General should be referred back to him, so as to make it referable to the petition in the matter of the Berkhamstead School, as well as to the cause, *Attorney General v. Dupré*, which was done, and on the 17th February, 1838, the Attorney General extended his order accordingly, and on the 24th February, the case was again brought on before the Lord Chancellor, who was pleased to order that the said Augustus Smith and Benjamin Martin be appointed or substituted in the place and stead of the Rector, Churchwardens, and of the Rev. John Crofts, James Smith, and Thomas Archer, the petitioners in the said matter, or otherwise be named as the Relators in the above information, and Petitioners in the said

matter; and that they be at liberty to act and conduct all future proceedings in the said cause and matter in the name of the Attorney-General, or in their own names, as Relators and Petitioners, and that the said Rector, Churchwardens, and Overseers, be exonerated, and be paid their costs, to be paid by the Receiver. And that all the papers and documents of, and relating to the said matter, and information and proceedings, in the possession or power of the said Relators and Petitioners, or of Messrs. Smith and Grover, their solicitors, or of Mr. John Thomas Grover, their agent, be delivered over to the said Augustus Smith and Benjamin Martin, or to Messrs. Lambert and Bender, their solicitors.

A petition was, as soon as possible, afterwards presented to the Lord Chancellor, praying for a new scheme, which came on for hearing on the 8th August, 1838, when his lordship was pleased to order that it be referred to the Master, to approve of a scheme to make the Charity more generally useful, and to enquire whether it is expedient that there should be an Act of Parliament.

On the 14th November, 1838, the state of facts, and proposal for a new scheme, was carried in before the then Master, Francis Cross, Esq., but no appointment was obtained before him until the 10th December, and nothing could be done, although repeated warrants were obtained, Master Cross being, at that time, in a bad state of health, and unable to attend to his duties.

On the 24th January, 1839, application was made to the Court, in consequence of the indisposition of Master Cross, that the cause and matter should be transferred to such other Master as the Court should

think fit, and on the 11th February, his lordship was pleased to order that it be referred to the Master in rotation.

Very soon afterwards Master Cross resigned, and Samuel Duckworth, Esq. was appointed Master in Chancery in his stead; and on the 27th March, 1839, his lordship was pleased to direct that the order for removing the cause from the office of Master Cross should be discharged, and the papers remain with Master Duckworth.

At this time there were two schemes for the management of the School and Charity before the Master, the one carried in by the Relators, and the other by the defendants, the Master and Usher, and copies of these were presented to the Attorney-General, with a memorial from the Relators, praying him to examine into such two schemes, and to instruct counsel on behalf of the Crown (the patron of the School) to attend before Master Duckworth, to whom the said cause and matter stood referred, to support such schemes, wholly or in part, as the Attorney-General should think best calculated for carrying into effect the principle laid down in his order, before mentioned, and the order of the Court for making the School more generally useful, or to give such other directions as he should think fit.

On the 20th April, 1839, all parties attended by counsel before the Attorney-General, when he was pleased to make the following order:—

Having heard counsel for the Relators and Defendants, I approve of the following suggestions:

1st. That the power of managing the estates should be in the Master and Usher, together with nine additional Governors, to be added to

the corporation, and to be nominated by the Crown.

2. The Master and Assistants to be appointed by the Governors. The education in future to be both Elementary and Classical, including English, Mathematics, Geometry, &c.
3. The scholars to be examined in the doctrines and principles of the Christian religion, but no religious test to be interposed.
4. The duties of the Visitor not to be interfered with.
5. The admission of scholars not to be confined to the children of Berkhamstead, but to be open to children of all England.
6. The salary of the present Master to be continued, but if he should retire, a liberal retiring allowance to be given him.
7. A small payment should be made by the scholars to the Master and Usher, and their salaries to be then placed on a lower scale.
8. An Act of Parliament is essentially necessary to effect these objects and should be applied for without delay.

With these suggestions of the Attorney-General the Relators immediately went before the Master, who from this period was attended by counsel on behalf of the defendants, on behalf of the Crown, and on behalf of the Visitor,—although the Relators, in order to save expense to the Charity, did not attend by Counsel. It is due to Master Duckworth to state, that he gave every facility in his power for prosecuting the enquiry as rapidly as possible, having frequently given appointments for several days in each week, and several hours in each day.

In consequence of the suggestion of the Attorney-General, a negotiation commenced for the retirement of the Messrs. Dupré, the Master and Usher of the School, which was ultimately arranged; and on the 22nd June, 1839, an application was made to the Court, when the Lord Chancellor was pleased to order that it be referred to Master Duckworth, to enquire and certify to the Court whether it be for the benefit of the Charity that Thomas Dupré, the Master, and William Dupré, the Usher, should resign their said offices in consideration of the payment of the yearly sum of 250*l.* out of the income of the Charity to the said Thomas Dupré during the term of his natural life.

On the 19th of December, 1839, the Master made his Report, that upon consideration of all the matters it appeared to him that the charitable intention of the original Donor of the Estates, and the object, intent, and meaning of the Act of Parliament, so far as regards the Free Grammar School, had for many years become wholly inoperative, and so far as regarded the benefit intended for the poor of Berkhamstead, it had for many years become wholly unavailable, and that it would therefore be desirable that some plan should be devised and adopted for the regulation and management of the said Free Grammar School and of the Charity Estates, and for the application of the rents, so that the said Charity might be made more generally useful, and that, as the resignation of the then Master and Usher would, as it seemed to him, facilitate the devising of such a plan and the adoption thereof, it would be desirable that the same should be obtained, and that, in consideration thereof, a retiring pension, nearly equal to the

salary which he was then in the enjoyment of, should be settled upon the Master of the School during his life, and it appeared that 250*l.* was nearly equal to the salary of the Master. And he was therefore of opinion that under all the circumstances of the case, it would be for the benefit of the Charity that Thomas Dupré, the Master, and William Dupré, the Usher, of the said School, should be at liberty to resign their offices, in consideration of the payment of a yearly sum of 250*l.* out of the income of the said Charity, to the said Thomas Dupré during the term of his natural life.

On the 28th of March, 1840, the Petition of the Relators to confirm the Master's Report was heard by the Lord Chancellor, but no order was made thereon until the 2nd of November, 1840, when his Lordship confirmed the Report, and directed that the said yearly sum of 250*l.* should be paid to the said Thomas Dupré by equal quarterly payments, and that the retirement of the said Master and Usher should be a part of the scheme.

The delay in the Lord Chancellor's judgment occasioned a complete stop to the scheme in the Master's Office, but after the order had been made the Relators again prosecuted their scheme before Master Duckworth, who finally arranged and signed his Report on the 13th of July, 1841, and on the 9th of August following the Lord Chancellor heard the cause, and made his order thereon, varying the Report in some few points.

On the 17th of August, the Rev. Thomas Dupré, the Master, and the Rev. Wm. Dupré, the Usher, resigned their offices, and on the same day the Rev. Lewis Sneyd, Warden of the College of All

Souls, in the University of Oxford, and Visitor of the Free School of King Edward the Sixth, at Berkhamstead, in pursuance of a power reserved by the Act 3rd and 4th Victoria, c. 77, entitled "An Act for improving the condition and extending the benefits of Grammar Schools," assigned to the said Thomas Dupré, and approved of, the pension of 250*l.* per annum, to be paid to him or his assigns from the time of his resignation during his life, by half-yearly payments, on the 1st of January and 1st July yearly, with a proportionate part of the said pension to the executors, administrators, and assigns, of the said Thomas Dupré, immediately after his decease, for the time which he should have lived for the then current half year. And the said Visitor did thereby authorize, empower, and direct the Governors or Trustees of the said School, or other the person or persons for the time being in the receipt of the rents and profits of the Estates belonging to the School, to pay from time to time to the said Thomas Dupré, or according to his order, the said pension of 250*l.* in manner aforesaid.

On the 15th day of September, her Majesty saw pleased, by Letters Patent, to grant the office of Schoolmaster to the Rev. Edward John Wilcocks, during the term of his natural life, with all the fees, profits, commodities, and advantages to the same office belonging or appertaining, from the time of the resignation of the said Thomas Dupré, the last schoolmaster, subject, nevertheless, to the aforesaid scheme and decree, and to any other scheme or schemes for the like purpose to be made by the High Court of Chancery.

Mr. Wilcocks has since appointed Mr. George Scott to be Usher of the School, upon the same terms on which he was appointed Master.

Having now endeavoured to give a detail of the proceedings in this cause, from its commencement in November, 1742, to the present time, it will be seen, upon reference to the dates, that the business has only been under the control of the new Relators since their appointment in February, 1838; who have thus had the satisfaction during this period, comparatively brief—brief, when speaking of matters under the wing of Chancery,—to bring this long pending and most expensive suit to a final close; thus immediately putting a stop to the heavy costs incurred for so many years in litigation, and giving promise, through the exertions and assistance of the newly appointed Governors, of carrying out the intentions of the Donor and Royal Founder of this important Charity, by establishing a proper system of management of the Estates, increasing in value year after year, and of opening to the youth of Berkhamstead and of the country at large, a sound School for classical, useful, and religious education.

The Relators, with much satisfaction to themselves, retire from the active exercise of their functions, and with all confidence trust to the realization of the plans—to form the ground work of which they have so anxiously contended—to the exercise of those high powers with which the Governors, in conjunction with the Visitor, are invested, for making this noble foundation, in the words of the Lord Chancellor, "more generally," and they hope also more permanently, "useful."

Substance of the Scheme as approved by the Master in Chancery, and embodying the Alterations as confirmed by the Decree of the Lord Chancellor, on the 9th of August, 1841, for the future Government and Management of King Edward the Sixth's Free Grammar School, at Great Berkhamstead.

1841. July 13.—The Master, by his Report of this date, approved of the following as a fit and proper scheme to make the Charity in question more generally useful:—

That the Master and Usher shall execute a proper deed in writing for resigning their respective offices, and that the annual sum of Two Hundred and Fifty Pounds be thenceforth paid to the said master during his life, as a consideration for his so resigning, out of the income of the said Charity, as provided by the order of the 2d day of November, 1840, and that the due and regular payment of such annual sum of two hundred and fifty pounds be properly secured to him by an order of this Court, to be registered pursuant to the provisions of an Act of Parliament made and passed in the 1st and 2d years of the reign of her present Majesty, cap. 110; and that afterwards, the regulation and management of the estates, revenues, and goods of the said Charity and School shall be placed in the hands of, or vested in, eleven Governors, of whom the Master and Usher for the time being shall be two; and that the said Master and Usher of the said School for the time being, shall permit the said governors to receive and take the annual and other rents, issues, and profits of all and singular

the real estates, vested in the said Master and Usher for the purposes of the said School and Charity, from time to time, to manage, let, and set the same, and to use, order, and dispose of the goods and personal estate held by the said Master and Usher for the purposes of the said School and Charity, in such manner as the said Governors shall in their discretion think best for the benefit of the same School and Charity for the purposes aforesaid; the said Master and Usher shall, in their corporate capacity, make and execute all such deeds, leases, and other instruments, and do and perform all such acts as the said Governors shall require; and the said Governors shall be at liberty to use the corporate name of the said Master and Ushers for the purpose of bringing such actions and suits at law and in equity as the said Governors for the time being shall think proper, and for the benefit of the said School and Charity, the said Master and Usher being saved harmless and indemnified therein out of the said estates. That no lease of the said real estates, or any part thereof, be made for any longer period than twenty-one years in possession, and not in reversion; and that in every such lease there shall be reserved the best improved yearly rent that may reasonably be had for the same, without any fine or premium being taken. That from time to time, whenever any one or more of the nine Governors hereinafter named, or any of the Governors hereafter to be nominated and appointed, as hereinafter mentioned, shall die, resign, or refuse, or shall for twelve calendar months neglect, or be incapable to act (unless some reasonable cause to be allowed by the major part of the other Governors), the place of such Go-

vernor or Governors so dying, resigning, refusing, neglecting, or being incapable to act, shall be declared vacant by the major part of the remaining Governors present at a quarterly meeting of Governors to be held as hereinafter provided, and the major part of the remaining Governors present at a quarterly meeting, or some adjournment thereof, within four calendar months next after such declaration, shall nominate in respect of each vacancy two several fit and proper persons, being respectively members of the Church of England as by law established, and whose respective places of residence shall be situated not more than fifteen miles distant from the site of the present Grammar School-house, and shall cause the names, residences, and descriptions of the persons so nominated, together with a statement of the cause of such nomination, to be delivered in writing to the Visitor of the said School within fourteen days next after such nomination; and the said Visitor shall, within two calendar months next after he shall have received such names and statements, appoint to fill each such vacant place one of the two persons so nominated as aforesaid, in respect of such vacancy; and in case the said Visitor shall not so appoint within such two calendar months, then such of the said two persons, as shall be first named in respect of such vacancy in the writing so delivered to the said Visitor, shall be deemed and taken to be duly appointed to fill the place so declared to be vacant; and if the place of any such Governor dying, resigning, or refusing as aforesaid, shall not be so declared vacant as aforesaid, within six calendar months next after such death, resignation, or refusal, or if the said remaining Governors shall not, at the quarterly

meeting, or some adjournment thereof, within four calendar months next after the declaration of any vacancy, nominate such persons as aforesaid, or shall not cause such names and statement as aforesaid to be delivered to the said Visitor in the manner hereinbefore mentioned, then the said Visitor may nominate and appoint such person or persons as he shall deem most fit and proper, being a member or members of the Church of England, and whose place or respective places of residence shall be situated as aforesaid, to fill the place or places of the person or persons so dying, resigning, or refusing, or which shall have been so declared vacant; and every person nominated and appointed in any such manner as aforesaid, shall immediately after such appointment become and be a Governor, and shall have all such and the same powers and authorities as were immediately before such vacancy vested in, or might have been exercised by, the Governor in whose place he shall have been so appointed.

Secondly. That no person holding or occupying any part of the real estates aforesaid, or being possessed of any legal or equitable interest in the same, whatsoever, for his own benefit, or for the benefit of any other person or persons, or holding any place of profit, or any beneficial contract connected with the said School or Estates, shall be nominated or appointed such Governor herein named, or hereafter to be nominated and appointed as aforesaid, shall afterwards become entitled otherwise than by descent, devise, or bequest, to any such holding, occupation, interest, place, or contract as aforesaid, the place of such Governor shall be declared vacant in like manner as if such

Governor were at the time of such declaration naturally dead; and if any such Governor shall become entitled to any such holding, occupation, interest, place, or contract, by descent, devise, or bequest, he shall continue a Governor for twelve calendar months next ensuing, and at the expiration of such twelve calendar months his place shall be declared vacant in manner aforesaid, unless he shall in the meantime *bonâ fide* disclaim, renounce, or absolutely dispose of, or determine all such holding, occupation, interest, place, or contract; and immediately after any such declaration, and not before, the place of the Governor shall be and become vacant, as if he were at the time of such declaration naturally dead, and the said place filled up as hereinbefore mentioned. But whereas such portions of the said real estates, as are specified in the schedule hereunto annexed, lie intermixed or connected with the lands of persons to whom the occupation thereof, or of a part or parts thereof, is or may be an accommodation, and whose tenancy thereof may be more beneficial to the said School and Charity than the tenancy of any other person; and such persons may, notwithstanding such tenancy, be fit and proper persons to be Governors, it is provided that if the Governors for the time being shall be of opinion that it will be for the benefit of the said School and Charity, that any person or persons be appointed or continue a governor or governors, notwithstanding he or they held, occupy, or be interested as aforesaid in any portion of the said real estates specified in the said schedule, the said Governors may dispense with the disqualification of such person or persons in respect of his or their said holding, occupation, or

interest, provided that such dispensation shall be made in writing and be signed by the Governors making the same, and shall state the cause of such disqualification, and the reasons of the said Governors for dispensing therewith, and shall be transmitted to the said visitor and be approved of by him.

Thirdly. That the annual and other rents, issues, and profits of the said real and personal estates, after deducting the quit rents, shall, so far as the same will extend, be henceforth applied by the Governors, for the time being, in manner following—that is to say, in the first place, in payment of the Rev. Thomas Dupré, the present master of the said School, during the term of his natural life, and as a retiring allowance, the annual sum of two hundred and fifty pounds, by equal half-yearly payments on the 1st day of January and the 1st day of July in each and every year; the first of such half-yearly payments to be made on such of the said days as shall first happen upon or after the expiration of six calendar months next after the said Thomas Dupré, and the Rev. Samuel Dupré, the present Usher of the said School, shall have severally resigned and vacated their said respective offices of Master and Usher, together with a proportionate part of such annuity for so much time as shall elapse between the last of such resignations and vacancies, and the first of the said half-yearly days of payment, and a like proportionate part to the executors, administrators, or assigns of the said Thomas Dupré, for so much of any half-year as shall have elapsed between the last of the said half-yearly days of payment and the day of the decease of the said Thomas Dupré; secondly, in

repairing and keeping in repair, the said School-house and the buildings and appurtenances connected therewith, and in payment of the costs, charges, and expenses of, or incidental to, the management, repairs, and maintenance of the estate and premises belonging to the said School and Charity. That in lieu and satisfaction of the monies heretofore directed to be paid and applied in and about the relief of the poor people of the town of Berkhamstead aforesaid, there shall yearly and every year be paid and applied by the said Governors, the sum of Fifty Pounds, or such larger sum as the said Governors shall think fit, not exceeding one-sixth part of the net income of the said estates during the year last past, after deducting the payments hereinbefore directed to be made, in such manner as the said Governors shall from time to time think proper, for or towards the support, or in the establishment and maintenance of an Infant or other Elementary School, or any institution for the teaching of the male and female children of the said poor people of the said town, in such matters as the said Governors shall from time to time see fit and direct. And whereas the Visitor of the said School, in order more fully to effect the intention of the founder of the same, has agreed to make and enforce his injunctions, directing that in addition to the usual and due instruction in religion, grammar, and classical learning, the scholars in the said School be instructed, in such manner as the Visitor for the time being shall from time to time direct, in English literature, in history, geography, writing, mathematics, and at the discretion of the said Visitor in other branches of useful and liberal

education; and it being desirable that such additional instruction be given, and that for promoting the same the provisions heretofore made for payment of the Master and Usher of the said School be varied, it is therefore provided, that the residue of the rents, issues, and profits of the real and personal estates of the said School and Charity shall, subject to the payment in this scheme before directed, be paid and applied by the said Governors in manner following—that is to say, that there shall be paid to the Master as aforesaid, for the time being, the yearly salary of One Hundred Pounds; and to the Usher, for the time being, the yearly salary of Fifty Pounds; and that in addition to the said respective salaries, there shall be also paid as aforesaid, in respect of the several foundation scholars in the same School, as many yearly sums, not exceeding five pounds each, to be paid and regulated from time to time as hereinafter provided, as shall be equal to the number of the said foundation scholars; and the said several yearly sums shall be paid by the said Governors to the said Master and Usher for the time being, in the proportions of two-thirds to the Master, and one-third to the Usher, and shall be paid together with their said respective salaries, by equal half-yearly payments, on the 5th day of April and the 5th day of October in every year; and the children in respect of whom such payments shall be so made, shall have the benefit of the said School gratuitously, and shall be free scholars therein. That in case the income of the said School shall not be sufficient to admit of the aforesaid payment of as many additional sums as shall be equal to the full number of the foundation scholars

in the said School, then there shall be paid in manner aforesaid, as many of such sums as the said income will suffice to pay, and such payments shall be applied in respect of the said foundation scholars, according to the priority of their respective admissions as foundation scholars into the said school; and during such time as the said income shall be insufficient to provide such annual sums in respect of all the foundation scholars, there shall be paid to the said Governors by the friends of every foundation scholar, in respect of the increased benefit to be afforded him in the said School, the like yearly sum, not exceeding five pounds, to be fixed and regulated from time to time as aforesaid, by equal half-yearly payments to be made in advance; and for and in respect of every scholar, not being a foundation scholar, there shall be paid in the like manner the yearly sum of nine pounds, or such greater or less sum in lieu thereof, as may be from time to time appointed, under the power hereinafter provided; and that such respective sums shall, as soon as received, be paid over by the said Governors to the said Master and Usher for the time being, in the respective proportions of two-third parts to the said Master, and one-third part to the said Usher, without any deduction or abatement whatsoever. That the said Master and Usher shall, out of the payments to be so made to them as aforesaid, provide in like proportions for the payment of such assistants, as shall be necessary for the due instruction of the said children; provided that every such assistant shall from time to time be appointed by the Master of the said School, and be approved of by the said Visitor. That the said Visitor, or the said Governors, other

than and exclusive of the said Master and Usher, with the sanction of the said Visitor, shall have power, from time to time to alter, appoint, and regulate, as to amount and otherwise, the annual sums to be paid to the said respective Masters and Ushers for the time being, from the income of the said School Estates, and also the annual sums to be paid as aforesaid for or in respect of the said foundation and other scholars, not being free scholars; provided that such sums to be paid in respect of the foundation scholars shall not be raised above five pounds each; provided that, if at any time for the space of one whole year, there shall have been a smaller number of foundation scholars than twenty in the said school, the Governors shall, if they think fit, be at liberty, so long as the number of scholars shall continue less than twenty, to carry the surplus (if any) of the income of the said estates which shall remain, after paying to the said Master and Usher their said salaries, and the annual sums for the time being payable as aforesaid in respect of the foundation scholars then in the School, to an Accumulation Fund, to provide for repairs, buildings, rebuildings, or for improvements of or upon the Estates of the said School, and for the benefit of the same; and the said Governors shall apply such fund, and the produce thereof, from time to time accordingly, subject nevertheless to any order which may be made by the High Court of Chancery for any further or other disposition of such fund and the produce thereof.

Fourthly. That the said Governors shall from time to time elect as foundation scholars, to be admitted into the said school to the number of

One Hundred and Forty-four, the children of persons who, if living at the time of such election shall be then resident inhabitants of the town of Berkhamstead aforesaid, or who, if then deceased, shall have been resident inhabitants of the said town at the time of their decease; and for default of such children, to the number aforesaid, then the children of parents who shall then be, or who shall previously have been, living in any part of the United Kingdom: that so soon as reasonably may be after such election, the master of the said School shall examine every child so elected, for the purpose of ascertaining whether such child is able to read English, and also shall inquire as to the age of such child; and if the said Master shall be satisfied that such child is able to read English, and has attained the age of seven years, and has not exceeded the age of fourteen years, such child shall be immediately admitted by the said Master into the said School, otherwise the election shall be void, and the said Governors shall thereupon proceed to another election.

Fifthly. That the Warden of All Souls' College, Oxford, who is the Visitor of the said School under the said Letters Patent and Act of Parliament of King Edward the Sixth, shall be paid at each triennial visitation, the sum of Fifteen Pounds Fifteen Shillings, which shall include his travelling and other expenses, and such payment shall be made by the said Governors, at the time of such visitation, out of any monies then at their disposal. That in case the said Visitor shall, on the application of the said Governors, think it desirable that an examination of the children educated at the said School shall at any time or times be held, and the

said Visitor or any person appointed by and subject to the directions of the said Visitor, shall thereupon attend at the said School at such time as the said Visitor shall appoint, for the purpose of making such examination, the sum of ten pounds ten shillings shall be paid and satisfied in the manner and from the funds aforesaid, to such Visitor or examiner at the time of such attendance.

Sixthly. That, subject to such injunctions as the said Visitor shall from time to time make for the like purposes, the said Governors may from time to time form fit and wholesome Bye-Laws, Rules, and Ordinances, in writing, respecting the ordering and directing of the said Master, Usher, and Assistants, and the scholars of the said School for the time being, and the mode of education of such scholars; provided that no such bye-law, rule, or ordinance shall tend to defeat the original institution of the said School as a Free Grammar School, or the additional instruction intended as aforesaid to be given therein; and a copy of every such bye-law, rule, or ordinance shall be delivered to the said Visitor for his sanction, within the space of one calendar month next after the same shall have been made.

Seventhly. That all the acts, orders, and proceedings of the said Governors shall be entered in a book or books, to be kept for that purpose, and signed by the chairman for the time being, at the respective meetings at which such acts, orders, or proceedings shall be had or made; and all the meetings of the said Governors shall be held in a room, to be provided, appropriated, and kept for that purpose, or in some part of the school-house,

where proper conveniences shall be made for depositing and keeping all deeds, books, and papers of, or in anywise relating to, the said School and Charity, and the same shall be deposited under two proper and distinct locks and keys, one of which keys shall be kept by the Master of the said School for the time being, and the other by the treasurer for the time being, or some other person to be appointed by the said Governors.

Eighthly. That a general quarterly meeting of the said Governors shall be held on the first Tuesday next after Christmas-day, Lady-day, Midsummer-day, and Michaelmas-day respectively in every year; and that special meetings of the said Governors shall be held oftener, if occasion shall require, upon notice thereof being given by any three or more of the said Governors, in writing under their hands, to the others of the then Governors, in manner hereinafter provided. That no such special meeting shall be held, except ten days' previous notice be given to each Governor, specifying in such notice the nature of the business to be discussed; and no business other than such as shall be so specified, shall be brought forward at such meeting. That every notice, hereby required to be given, shall be in writing, and shall either be delivered to the person for whom the same is intended, or shall be left at his usual place of residence, or be transmitted by the post, properly directed to such person: and to avoid doubts as to the time at which such notices shall be considered as given, it is provided that every notice so left shall be deemed to be received by the person for whom it is intended on the day when the same is left as afore-

said; and every notice so transmitted shall be deemed to be received upon the day when, by the ordinary course of the post, the same ought to arrive at the place to which it is directed as aforesaid. That at each of such meetings, five at least of the said Governors shall be present, and the determination and act of the major part of the Governors present at such meeting shall be considered as the determination and act of all the said Governors, as well those who are absent as those who are present, and shall be binding accordingly; and if it shall happen that the Governors then present shall be equally divided in their opinions upon or concerning any matter or question, in such case the chairman at such meeting shall determine such matter, so in question, by a second or casting vote, and such determination shall be considered and taken as the determination of the majority of the said Governors present at such meeting.

Ninthly. That the Governors may, from time to time, appoint and remove any one or more agents or receivers of the rents of the said estates, and such other officers, ministers, or servants, for the proper management of the estates of the said School and Charity, as they shall think fit; provided that every such receiver shall give security to the satisfaction of the said Governors for his due accounting for the rents and profits of the said Charity estates.

Tenthly. That the said Governors shall, from time to time, elect from among themselves some person (not being the Master or Usher) to act as their treasurer, and may, from time to time, remove any such treasurer, and appoint another in his stead,

so often as to them shall seem meet; but such treasurer shall not in any case receive any compensation or reward for his trouble for being such treasurer as aforesaid. That the said Governors shall have power to make orders, from time to time, touching the duties and conduct, and the stipends and salaries of the said agents, receivers, and other officers, ministers, or servants, to be by them appointed, and touching the management of the said Charity estates, and the application of the rents, revenues, issues, and profits thereof to the sustentation of the buildings and estates of the said School, in such manner as shall appear to them to be necessary and proper, so as every such order shall be consistent and conformable to this scheme; and also, from time to time, revoke or vary any of such orders, and to make others in lieu thereof.

Eleventhly. That the Master and Usher for the time being shall respectively inhabit the two several dwelling-houses provided for them adjoining the said school-house, without paying any rent for the same, during so long time as they shall respectively continue Master and Usher of the said School, and no longer; and all parochial and parliamentary taxes and repairs, as between landlord and tenant, charged upon such dwelling-houses, shall be also paid out of the rents and profits of the estates.

Twelfthly. That the Master and Usher of the said School, for the time being, shall respectively be at liberty, with the consent of, and subject to, the regulations, as well as to number or otherwise, to be from time to time made, by the said Visitor or by the said Governors, other than and exclusive of the said Master and Usher, in the manner and

with the sanction aforesaid, to take children into their respective houses as boarders, and to educate them in the said School, and to receive from the friends of such boarders payment in respect of such board and lodging, such friends paying to the said Governors for such education the annual sums hereinbefore in that behalf mentioned.

Thirteenthly. That all printed and other books, pens, paper, instruments, slates, coals, candles, and other conveniences, which in the judgment of the Governors shall be thought proper and necessary to be provided for the use of the children to be educated in the said School, may from time to time be found and provided by the said Governors at their discretion, and the said Governors may at their discretion purchase books for a library for the use of the said School, and may also allow rewards and prizes to meritorious deserving scholars educated in the said School, not exceeding for such rewards and prizes, in the whole, the sum of thirty pounds in any one year, to be paid and distributed by the Master in such manner to and amongst such meritorious and deserving scholars as he shall think proper, and the costs, charges, and expenses of providing the same, shall be paid and discharged out of the said Charity Estates, at such times and in such manner as the said Governors shall order and direct, subject and without prejudice to the salaries and yearly sums hereinbefore mentioned.

Fourteenthly. That the receiver of the rents and the agents, officers, and ministers, respectively of the said Governors and the treasurer, shall, at the quarterly meeting in June in every year, deliver to

the said Governors an account, in writing, of all receipts, payments, and applications of the rents and profits of the Charity Estates, and of the nature and circumstances thereof, up to the 5th day of April then next preceding, which account shall be examined by the said Governors, and if approved, shall be signed by five, at least, of the said Governors, signifying such approbation and a statement of such yearly accounts of the income and expenditure of the receivers, arising from the School Estates, together with a statement of the number of children educated in the said School, during the then preceding year, shall be forthwith sent by the said Governors to the Visitor and to the Secretary of State for the Home Department.

Fifteenthly. And that such scheme, and every part thereof, be subject and without prejudice to the rights, powers, and authorities vested in the said Visitor and his successors. That the following persons be appointed Governors of the said Free Grammar School, together with the Master and Usher, for the time being :—

THE HONOURABLE VISCOUNT GRIMSTON,
 THE HONOURABLE WILLIAM BOOTH GREY,
 THE HONOURABLE GRANVILLE DUDLEY RYDER,
 THE HONOURABLE CHARLES COMPTON CAVENDISH,
 SIR JOHN SAUNDERS SEBRIGHT,
 THE REV. JOHN CROFTS,
 LEVI AMES, ESQ.,
 JOHN BARNES, ESQ.,
 AND THE PETITIONER
 AUGUSTUS SMITH, ESQ.

And it was ordered, that William Duncombe do continue to act as receiver of the said Charity Estates, in respect of all rents and profits which should accrue, due up to Lady-day 1842. And it was ordered, that the rents and profits of such Estates, from such last-mentioned period, be thereafter received by the Governors, for the time being, of the said School Estates, or their treasurer, or other officer, for the time being, pursuant to the provisions in the said scheme contained in that behalf. And it was ordered, that the said William Duncombe do, upon the first day of Trinity Term, which would be in the year 1842, carry in before the Master his final account of receipts and payments, as such receiver as aforesaid. And it was ordered, that the balance which should appear to be due from him upon such final account, being settled and passed by the said Master, be paid by him within twenty-one days from the passing of his said account, into the Bank of England, to be placed there to the credit of the Accountant-General of this Court, in trust, in this cause and matter.

The remaining part of the order provides for the payment out of the School Fund of the costs of the Relators, the Defendants, the Visitor, and the Attorney-General.

At a meeting of the Governors, held 29th March, 1842, Augustus Smith, Esq., was appointed Treasurer, and Edward Lambert, Esq., Solicitor.

MAY 30, 1842.—The following advertisement was ordered to be inserted in the county newspapers.

"King Edward the Sixth's Grammar School, in Berkhamstead."

"The Governors of the said School will meet on Tuesday, the 28th of June instant, at twelve o'clock, to elect scholars, on the Foundation.

"Boys to be admitted must be above seven and under fourteen years of age, and able to read English. The children of persons resident in Berkhamstead, or who were born there, have a prior right to admission.

"The first fifteen elected will receive their instruction free. A sum of five pounds per annum, payable in advance, half-yearly, is to be paid for those admitted beyond that number, who will become free of the Foundation as vacancies occur, according to the date of their election.

"All books, &c., to be paid for by the parents. The course of instruction is chiefly directed to furnish a liberal and useful education for the sons of respectable persons, who are engaged in professional, commercial, trading, or agricultural pursuits, and accordingly includes the English, Latin, and Greek languages, besides writing, arithmetic, book-keeping, geography, mathematics, and history; and, eventually, modern languages, choral singing, and drawing.

"All applications for admission must be made in writing.

"Blank forms for which may be obtained, by applying, personally, to Mr. Scott, the Usher, at Great Berkhamstead; Augustus Smith, Esq., the Treasurer, Ashlyn's Hall; or Edward Lambert, Esq., Secretary to the Governors, 4, Raymond's Buildings, Gray's Inn.

"The School will open on Wednesday, the 10th of August.

"GRIMSTON, CHAIRMAN."

The following Form of Application for Admission was agreed to:—

TO THE GOVERNORS OF KING EDWARD THE SIXTH'S GRAMMAR SCHOOL, IN BERKHAMSTEAD.

I request admission on the Foundation of your School for _____

son of _____

born at _____ *aged* _____ *years*

the _____ *of last* _____ *now resident*

with _____ *at* _____

Signed _____

Parent or Guardian.

Profession _____

Residence _____

Dated this _____ *day of* _____ *184* _____

No. _____ *Registered this* _____ *day of* _____ *184* _____

Resolved,—That the time at which the School open be fixed for Wednesday, the 10th of August.

JUNE 28, 1842.—*Resolved,—That in the election of Scholars on the foundation, all candidates for admission be considered in the following order:—*

1st. The sons of persons now resident in Berkhamstead.

2ndly. The sons of persons who were residents at the time of their decease.

- 3rdly. The sons of persons in the neighbourhood who would live at home.
 4thly. The sons of persons from a distance who would board in the town.

Resolved,—That each candidate in the respective classes, if eligible in other respects, be elected on the foundation, according to seniority. Provided, however, that only one Scholar out of the same family be free of the foundation at one time, so long as there are other candidates eligible out of Class 1.

That all future applications for admission be accompanied with an attested copy, from a register of baptisms or births, of the entry of the candidate's birth in such registry.

Thirty-nine Scholars were admitted on the foundation.

AUGUST 2, 1842.—Four Scholars were admitted.

Resolved,—That in order to celebrate the opening of the School under its new constitution, by an appropriate acknowledgment of its dependence on the Divine blessing for success, the Governors be requested to meet at the School-house at twelve for business, on Wednesday the tenth of August, and to proceed, at two o'clock, with the boys to the Parish Church, to attend Divine service, and that the Visitor be requested to name a Preacher for the occasion.

AUGUST 10, 1842.—At a meeting of the Governors, the scholars elected on the Foundation were introduced, and their being able to read English, and their having been vaccinated, or reputed to have been, authenticated—

Resolved,—That those scholars who were admitted, and have not to-day appeared, be allowed until the next meeting of the Governors, on the 4th of October, to make their appearance, and that the admission of such scholars, as shall not then have appeared, and paid their fee, shall be deemed null and void.

The injunctions received from the Visitor were laid before the Governors, and ordered to be entered at the close of this day's minutes.

INJUNCTIONS OF THE VISITOR.

To all persons to whom these presents shall come, or whom they may concern, and particularly to the Reverend the Master and Usher of the Free Grammar School of King Edward the Sixth, in Berkhamstead, I, Lewis Sneyd, Clerk, Master of Arts, Warden of All Souls College, in the University of Oxford, and Visitor of the said school, send greeting—

Whereas, by a decree of her Majesty's High Court of Chancery, made on the 9th day of August, in the year of our Lord 1841, in a cause in which her Majesty's Attorney-General was Informant, and the Rev. Thomas Dupré, and the Rev. William Dupré were Defendants, a scheme has been established for the future management of the estates and revenues of the said school, and the said school, which for a long time past has been closed, is now about to be re-opened. And, whereas it is fit that proper injunctions and rules be made for the due regulation thereof, and of the education to be thereby provided, when so re-opened, and the right and power of making and enforcing such regula-

tions is vested, exclusively in the Visitor of the said school. And, whereas, during the proceedings in the said cause, I proposed, and agreed to make and enforce, as such Visitor, my injunctions, directing that, in addition to the usual, and due instruction in religion, grammar, and classical learning, the scholars, in the said school, shall be instructed in such manner as the Visitor for the time being shall from time to time direct, in English literature, in history, geography, writing, mathematics, and, at the discretion of the said Visitor, in other branches of useful and liberal education. And, whereas, I am desirous of performing the said agreement, and of duly regulating the said school, to the end that, by the blessing of Divine Providence, it may be the means of effectually advancing true religion and sound learning, to the glory of Almighty God, and the temporal and eternal welfare of man, according to the intent of John Incent, clerk, Doctor of Laws, sometime Fellow of All Souls College aforesaid, and afterwards Dean of the Cathedral Church of St. Paul, in the City of London, the pious and munificent founder of the said school, and pursuant to an Act for establishing the same, made and passed in the Parliament holden in the second and third years of the reign of his Majesty King Edward the Sixth. Now know ye, that in pursuance of the said desire and agreement, and for the purpose, and to the end aforesaid, and by virtue of every power and authority vested in me, as such Visitor, as aforesaid, I do hereby direct, ordain, and strictly enjoin that—

1st. The scholars in the said school be carefully

and diligently taught by the said Master and Usher on week-days, as well as during the time hereinafter provided on Sundays, in the Holy Scriptures, the Church Catechism, the Liturgy, Doctrine, and Discipline of the Church of England.

2nd. That the said scholars be also carefully and diligently instructed by the said Master and Usher, and by the Assistants, who from time to time may be employed in the said School, in the Greek, Latin, and English languages, reading, writing, and grammar, and also in history and chronology, ancient, modern, and ecclesiastical,—in geography, and the use of the globes, in arithmetic and book-keeping, the elements of mathematics, in mechanics, and surveying.

3rd. That, so soon as suitable arrangements for the purpose can be made, they be in like manner instructed in the elements of botany, of geology, mineralogy, and agricultural chemistry, and in the French language, drawing, and vocal music.

And I do hereby further direct, ordain, and enjoin, that the following Rules, Bye Laws, and Ordinances, be observed and kept, that is to say:—

1st. That the following holidays be allowed, viz.:—*At Easter*, from the Thursday in Passion Week, to the Tuesday following, both inclusive, if desired by the parents or guardians of the respective Scholars, not otherwise. *At Midsummer*, six weeks from the Wednesday after the Midsummer meeting of the Governors of the Estates and Revenues of the said School. *At Christmas*, four weeks, from and next after the third Wednesday in December. A half holiday every Saturday; a whole holiday on the Queen's birthday; a whole

holiday on the Founder's day. And that no other holiday be allowed without the written consent of two or more of the said Governors, not being the Master or Usher, except that the said Master may, without such consent, if he thinks fit, allow any boy or boys, at the request of his or their respective parents or guardians, to be absent during the whole or any part of Sunday.

2nd. That the School-hours be from 9 to 12 o'clock in the morning, and from 2 to 5 o'clock in the afternoon; but in winter the latter to close half an hour before dark.

3rd. That morning school be always preceded by prayers, and the reading of portions of the Holy Scriptures, and that the School close in the evening in the like manner.

4th. That the Scholars assemble at the School-house every Sunday morning at ten o'clock, for religious instruction, preparatory to attending church, and that they attend, under the care and supervision of both Master and Usher, the morning and afternoon services in the School chancel, in the Parish Church.

5th. That any Scholar who shall misconduct himself either at the School or elsewhere, be punished by the Master at his discretion, and that in the event of any serious misconduct on the part of any boy, the Master be authorised to suspend him, and that he report the same to the said Governors at their next general meeting, or at a previous special meeting, to be held for that purpose, who may continue, or remove such suspension, or expel such boy, at their discretion, subject to an appeal to the Visitor.

6th. That the Scholars attend School regularly

and punctually on the days, and at the hours appointed, unless prevented by sickness, or some other cause, to be deemed sufficient by the Master.

MASTER AND USHER.

First. That the Master be allowed to receive twelve scholars and the Usher eight, and no more, to board and lodge in their respective houses, but that no difference whatever either in the course of instruction or mode of treatment, be permitted between such and the other Foundation Scholars, being elected to the same foundation in like manner.

Second. That neither the Master or Usher undertake any clerical or parochial duty in Berkhamstead, or in the neighbourhood thereof, or elsewhere, during the school hours, except on occasions of moment or emergency.

Third. That the Master keep a correct registry of the daily attendance of the scholars, their progress in learning, and their conduct, for the information of the Visitor and Governors; and from which periodical reports shall be transmitted, at the commencement of the Christmas and Midsummer holidays, to the parents or guardians of the respective scholars.

Fourth. That when any scholar attain the age of twelve years, the Master apply to the parents or guardians of such scholar, for information as to the particular profession or business to which he may be destined, and that his course of study be directed according to the information so obtained, in the manner most likely to be advantageous to such scholar.

And I do hereby strictly enjoin the Master, Usher, and Assistants of the said school for the time being, carefully to observe and keep these injunctions, and to use their best endeavours to cause the same to be observed for the purposes and to the end aforesaid.

And I do ordain that the said Master may make such special orders and regulations in conformity therewith, as he shall from time to time think proper for carrying the same into effect, and that the said Usher and Assistants do obey such special orders and regulations.

And I do hereby reserve to myself and to my successors, visitors for the time being of the said school, full power to repeal, alter, or add to these injunctions, and to make such further or other injunctions and regulations respecting the said school, as I or they respectively shall deem fit and proper. In witness whereof I, the above-named Visitor, have, to the first twelve pages of these injunctions (contained in thirteen pages) set my hand; and to this the thirteenth and last page thereof, set my hand and seal this 6th day of August, in the year of Our Lord, 1842,

(L.S.) LEWIS SNEYD.

This concludes the history of this important School, its original foundation, the suit in Chancery, the new scheme, and the proceedings of the Governors to this time.—*Laus Deo Gratia fundatoribus.*