

County—OXFORD.

Parish—WHEATLEY.

Charity—The Common Allotment.

T.H.
31,686.

Vesting
Scheme.



CHARITY COMMISSION.

In the Matter of the Charity called “The WHEATLEY
COMMON ALLOTMENT” in the Parish of
WHEATLEY, in the County of OXFORD; and
In the Matter of “The Charitable Trust Acts, 1853 to
1869”.

The Board of Charity Commissioners for England and Wales, having considered an application in writing made to them on the 28th day of October 1878, in the matter of the above-mentioned Charity, by

WILLIAM EARLE BISCOE, of Holton Park,
Esquire ;

EDMUND RUCK KEENE, of Tiddington, a Major
in Her Majesty's Army ; and

WILLIAM HENRY ASHIIURST, of Waterstock,
Esquire; all in the said County of Oxford;

who with

ALEXANDER SAMUEL LYSAGHIT
NEWINGTON, of Wheatley aforesaid, Surgeon

are the present Trustees of the said Charity appointed by the Orders of the said Board, dated respectively the 31st day of October 1876 and the 30th day of April 1878:

And if appearing to the said Board, that the endowment of the said Charity consists of the land and hereditaments mentioned in the second clause of the Scheme comprised in the Schedule hereto :

And that there is not at present any pecuniary income arising therefrom:

And that it is desirable that a Scheme should. be established for the future regulation of the said Charity:

And that the legal estate in the real property belonging thereto should be vested in trust for the .said Charity in manner herein-after mentioned:

And upon notice of the intention of the said Board to make an order for the fore-going objects having been given by the affixing of the same, according to the direction of the said Board, to or near a] principal outer door of the Parish Church of Wheatley aforesaid, on the 10th day of November 1878, being more than one calendar month previously to the date hereof, and having been also sent through the Post under the like direction, unto the said Alexander Samuel Lysaght Newington, at his present or last known place of abode in England, on the 1st day of January 1879:

And upon considering all suggestions made to them with reference to the proposed Order:

Do hereby order that the Scheme set forth in the Schedule hereto be approved and established as the Scheme for the future regulation of the said Charity.

SCHEDULE.

1. The Charity and its endowment shall be administered and managed subject to and in conformity with the provisions of this Scheme, under the title of “The Wheatley Common Allotment.”

2. The land constituting the endowment of the Chanty consisting of 27a. 1r. 23p. or thereabouts, situate in the said Parish of Wheatley, and commonly called “The Howe,” and all term and estate therein, together with the appurtenances, shall be and the same is hereby vested in “The Official Trustee of Charity Lands,” and his successors, in trust for the Charity.

3. The Trustees of the Charity shall be four in number.

4 The following persons shall be the first Trustees under this Scheme, viz:—

WILLIAM EARLE BISCOE, of Holton Park, Esquire;
ALEXANDER SAMUEL LYSAGHT ' NEWINGTON, of
Wheatley aforesaid, Bachelor of Medicine;
EDMUND RUCK KEENE, of Tiddington, a Major in Her Majesty's
Army ; and
WILLIAM HENRY ASHHURST, of Waterstock Esquire; all in the
said County of Oxford.

Termination of
Trusteeship.



5. Any Trustee of the Charity who shall become bankrupt or incapacitated to act, or shall communicate in writing to the Trustees his wish to resign, or shall fail to attend any meeting of the Trustees during a consecutive period of two years, shall thereupon cease to be a Trustee, and the Trustees shall cause an entry to be made in their Minute Book at their next meeting of every vacancy thus occasioned, or by the death of any non-official Trustee. Pending any vacancy in the body of Trustees, the surviving or continuing Trustee for the time being, not being less in number than a quorum, may act for all purposes in the administration of the Charity.

Appointment of
Trustees.

6. Trustees shall be provisionally appointed to fill vacancies by the Trustees at a Special meeting of their body, to be held after the lapse of one calendar month from the occurrence of each vacancy, by a resolution to be forthwith notified by them, with all proper information, to the Charity Commissioners at their office, in London. No provisional appointment shall be valid until it has been approved by the said Commissioners, and their approval certified under their Official Seal.

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

Meetings of
Trustees.

8, Special Meetings shall be convened upon the requisition of any two Trustees.

Special meetings.

9. Notice in writing of every meeting, whether General, Special, or Adjourned, shall be delivered or sent to each Trustee four clear days at least before the date of the meeting, so far as, in the case of an adjourned meeting, the interval between the original and adjourned meetings will-permit. Every notice of meeting shall state the place, day, and hour of the meeting, and every notice of a Special meeting shall further state the matters to be discussed thereat.

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

11. The Trustees may elect any one of their number to be their permanent Chairman, who shall hold office until another such Chairman shall be elected in his place. In the absence of the permanent Chairman from any meeting, or if there be no such Chairman, the Trustees present thereat shall elect one of their number to be Chairman of that meeting ; and if for the purpose of such election it is found necessary to have a Chairman, the senior Trustee present according to the date or order of his appointment, shall be Chairman for that limited purpose.

12. The Trustees shall lay out and apportion the said land in manner and for the objects following :—

- (a.) A portion of the said land, situated at the upper or and southern side thereof, and consisting of twenty acres Field Gardens, or thereabouts, shall be laid out as allotments or field gardens for the use of Cottagers and poor Inhabitants of Wheatley, and any part of the same not required as allotments by such inhabitants shall be let by the Trustees either to any neighbouring poor or otherwise from year to year, at the best rent that can be obtained for the same.
- (b.) The remainder of the said land permanent pasture, and shall be called the Wheatley Recreation Ground, of which two and a half acres or thereabouts shall be set apart and appropriated as a cricket ground for the use of the said inhabitants of Wheatley. The land appropriated as such recreation -ground shall be subject to such rules and regulations as the Trustees shall from time to time make for the due preservation, management, disposition, and use of the same, having regard to the reasonable and proper use of the same by the cottagers or poor of Wheatley, heretofore known as stockers, and accustomed to depasture their cattle on the upper common at Shotover.

13. The allotments or field gardens shall be laid out plots, consisting of not more than twenty poles each or thereabouts, and shall be let at a rent of not less than threepence and

not more than sixpence per pole, as the Trustees shall determine, payable at such annual or shorter periods, and on such terms and conditions for securing the due cultivation and regulation of the said allotments and field gardens and otherwise, as they shall from time to time prescribe. The Trustees shall provide, on the letting thereof, that the same shall not be sublet, and shall be occupied and cultivated solely on the account and for the benefit of the tenant; that no building shall be erected or used as a dwelling thereon ; and that the tenancy shall be summarily determined if the rent reserved shall be in arrear for forty days. The Trustees may also provide that such rent shall be paid for any period, not exceeding one year, in advance.

Contributions by
stockers.

14 The cottagers and poor admitted by the Trustees as entitled to be stockers as aforesaid may turn out to graze on the said Wheatley Recreation Ground, cows, ox on, steers, heifers, sheep, horses, or donkeys, and they shall pay to the Trustees such fixed charge per bead of such stock respectively as the Trustees shall from time to time settle and determine.

Fences, roads, and
paths.

15. The Trustees shall, as soon as is practicable, set out and assign the several portions or plots of the said land to be appropriated respectively for allotments or field gardens and recreation ground, and the same shall be separated by a quickset fence, with such gates or means of communication from one division to the other as may be desirable. The Trustees shall also at the same time lay out the roads or paths by which access is to be had to the different parcels of the said land appropriated as aforesaid, and direct whether any and what fence shall surround the plot appropriated as a cricket ground, and the situation thereof.

Expenses of
management.

16. All the proper costs, charges, and expenses of and incidental to the administration of the Charity shall be first defrayed by the Trustees out of the income to be raised from the rents of such allotments and field gardens, the payments by the said stockers, and any other funds received by them under -the provisions of this Scheme. Subject to the payments aforesaid, all the net yearly income of the Charity shall be applied by the Trustees at their - discretion in the manner and to the objects herein-after prescribed, or such of them as they shall deem most beneficial and practicable, viz.,—

Application of
Income.

- (a.) In providing for such of the poor inhabitants of Wheatley as are not and have not for the previous year been either stockers as aforesaid or occupiers of any of the said allotments or field gardens, the cost and delivery at their dwellings of coals, annually on St. Andrew's-Day or the day following, and in providing useful articles of clothing for the aged persons and children among such poor heretofore accustomed to gather and dispose of wild flowers, fruit, and fern from the common. The recipients of such coals and clothing who shall subscribe or pay to the Benefit Fund of the Trustees, or as they shall direct, one penny per week from the first day of -April to the first day of October preceding, shall receive five hundred weight of coal or articles of clothing of the value of five shillings, and any, who with the permission of the Trustees shall subscribe larger or smaller sums, proportionate quantities of coals or clothing.
- (b.) In or towards providing and maintaining a covered Recreation ground, building or shed, seats, benches, or other accommodation on the said recreation ground for the convenient use thereof, and in the improvement of the said land, or towards establishing or maintaining a reading or coffee room, or both, to be open to the poor inhabitants of Wheatley, and supplying fuel, lighting, and any newspapers and periodicals for the same as the Trustees shall direct.
- (c.) Any surplus of such income may be divided and distributed amongst the stackers and occupiers of the said allotments or field gardens respectively, in proportion to the amount of rents and charges aforesaid which have been paid or contributed by them respectively, or added to the Benefit Fund, or otherwise applied for the benefit of the cottagers and poor inhabitants as the Trustees shall direct. The Trustees may depute the receipt and management of the Benefit Fund to a committee composed of inhabitants of the parish, male or female, appointed by the Trustees from time to time, who are willing to undertake the same and render accounts thereof.

17. The Trustees may cause this Scheme to be printed at the Copies of Scheme expense of the Charity, and copies may be sold at such reasonable prices as the Trustees may put upon them.

18. Any question affecting the regularity or the validity of Questions of pro- any proceedings under this scheme shall be determined conclusively the Charity Commissioners, upon such application made to them for the purpose as they think sufficient.

19. If any doubt or question shall arise amongst the Trustees as to the construction or application of any of the provisions of this Scheme or the management of the Charity, they may apply to the Charity Commissioners for their opinions and advice thereof which when given shall be binding on the Trustees, and on all persons claiming under the Trust who shall be affected by ; 10 question so, decided.

Sealed by Order of the Board this 18th day of February, 1878.
HENRY M VANE