

COPY OF SCHEME for the management of THE PHIBSBOROUGH SUNDAY AND DAILY SCHOOLS, Dublin, provisionally approved by the LORD LIEUTENANT in COUNCIL. Presented to the HOUSE of COMMONS, in pursuance of the Educational Endowments (Ireland) Act, 1885.

Privy Council Office,
Dublin Castle,
28th April, 1891.

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W. S. B. KAYE,
Clerk of the Council.

(Presented pursuant to Act of Parliament.)

Ordered, by The House of Commons, to be Printed,
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EDUCATIONAL ENDOWMENTS (IRELAND) COMMISSION.

SCHEME framed under the Educational Endowments (Ireland) Act, 1885, for the future government and management of the Educational Endowments of "**The Phibsborough Sunday and Daily Schools**," situate at Blaquiery Bridge, North Circular Road, Dublin.

WHEREAS, in the year 1822, Schools were founded, by means of voluntary contributions, at Phibsborough, in the suburbs of the City of Dublin, under the name of "**The Phibsborough Sunday and Daily Schools**," for the purpose of affording an united and religious education to the children of the district, upon the fundamental principles that catechisms and books of religious controversy should be excluded, and that the Bible, without note or comment, should be read by all the pupils who had attained a suitable proficiency in reading :

And whereas by Indenture of Lease dated December 31, 1825, the plot of ground described in the First Schedule hereto was demised to certain Trustees therein named, for the term of 999 years, subject to the yearly rent of two pounds Irish currency, equivalent to £1 16s. 11d. present currency, for the purposes of the said Schools :

And whereas a Schoolhouse and a Teacher's residence were soon afterwards erected upon a portion of the said premises, and the Phibsborough Sunday and Daily Schools were established therein, under the management of a Committee elected by the Subscribers to the funds of the Schools, and the said Schools were maintained by voluntary contributions until after the Report and Order hereinafter mentioned :

And whereas by Indenture of Under-lease dated February 23, 1870, Robert Macalister, the then sole Trustee of the said premises, demised to James Jennings the portion of the said premises described in the Second Schedule hereto, at the yearly rent of four pounds :

And whereas Lucy Susannah Herbert, of Phibsborough Road near Dublin, widow, deceased, who for many years and until her death was a member of the Managing Committee of the said Schools, by her Will dated November 23, 1850, bequeathed the sum of six pounds yearly to the said Schools, under the description of "**the Sunday and Daily School at Blaquiery Bridge**;" and also devised and bequeathed the residue of her property, after payment of certain legacies and subject to certain life annuities, to certain Trustees therein named, upon trust for the benefit of the said Schools, and of the Chaplain hereinafter mentioned, in manner hereinafter appearing; and the said Testatrix by her Will desired that the said School, under the description of "**the Phibsborough Sunday and Daily School**," should be opened for Boys and Girls, with a Master and Mistress both Protestants, and that after the subscriptions should be collected, the remaining necessary expenses should be paid out of the property left in the hands of the said Trustees, after which the overplus should be applied as a salary for whatever Chaplain might be appointed to do duty at the Female Penitentiary at the North Circular Road, Dublin, and to give religious instruction at the said Schools :

And whereas, under a Report of Edward Litton, Master in Chancery, dated November 20, 1857, in a certain cause between the Rev. Gibson Black and the Rev. Francis Faris, petitioners; and William Freeman, respondent; afterwards confirmed by Order of the Lord High Chancellor of Ireland, the

property held upon trust for the aforesaid purposes under the Will of the said Testatrix was ascertained, and a Scheme was settled for the management of the said Schools and property; and it was thereby declared and provided that the primary object of the instruction to be given in the said Schools should be the advancement of Scriptural Education; that the said Schools should be conducted under the superintendence of a Master and Mistress to be appointed by the Managing Committee of the said Schools for the time being; that such Managing Committee should consist of the then present and future Trustees of the Will of the said Lucy Susannah Herbert, the then present and future Trustees of the Lease under which the said Schools were held, and the then present surviving members of the Managing Committee which existed at the time of the death of the said Testatrix, with power to add to their number from any Subscribers for the time being to the said Schools, being Protestants, and being subscribers to the annual amount of ten shillings or more, so as to make up the number of nine members of such Managing Committee; that a Protestant Master should be placed over the Boys School, fully competent to give the Boys a thorough mercantile education, and that the said Master should be engaged to hold, in addition to the Day School, an Evening School for the benefit of older Boys who could not attend during the day; that a Protestant Mistress should be engaged for the Girls School, who, in addition to her competency in giving a thorough English education, should be qualified to give instruction in the various branches of female industry; that the Holy Scriptures should be read daily by all the pupils in the said Schools; that all teachers in the Sunday School should act gratuitously; that the Chaplain of the Dublin Female Penitentiary for the time being should be at liberty to give religious instruction in the Schools; and that an annual salary of twenty-five pounds should be paid out of the income of the said property to the said Chaplain;

And whereas, at the date of the said Report and Order, John Lang of Sackville Street, in the City of Dublin, and Robert Macalister, of Phibsborough, aforesaid, were the Trustees of the above-mentioned Lease, both being members of the Presbyterian Church; and the present Trustee thereof is Alexander Macalister, M.D., of Cambridge, England, the executor of the said Robert Macalister, who survived the said John Lang;

And whereas by Order of the Vice-Chancellor of Ireland, dated May 6, 1872, John Wilson Jenings and Gibson Black were appointed to be Trustees of the Will of the said Lucy Susannah Herbert, both being members of the Church formerly established by law and referred to in the Irish Church Act, 1869, as the Church of Ireland; and the said Gibson Black has since died, and the said John Wilson Jenings is now the sole surviving Trustee of the said Will, and now desires to retire:

And whereas, after the date of the said Report and Order, the number and amount of the subscriptions to the said Schools greatly diminished; and for many years past the said Schools have been chiefly maintained by the income of the property held upon trust for the hereinbefore recited purposes of the said Will, after payment of the above-mentioned salary; and since the year 1881 the Boys School has been discontinued, no Schoolmaster has been employed, and the male and female pupils have been placed under the instruction of a Schoolmistress employed for the purpose by the present Managing Committee; and the School-buildings have required large expenditure upon repairs; and the funds available for the purposes of the said Schools have, for some time past, been insufficient fully to carry out the provisions of the said Will and of the said Report and Order:

And whereas the property now held upon trust for the hereinbefore recited purposes of the said Will consists of the sum of £3,451 13s. 6d. Government Stock, formerly standing in the books of the Governor and Company of the Bank of Ireland in the names of the said John Wilson Jenings and Gibson Black, as Trustees of the said Will, and in the Third Schedule hereto particularly mentioned:

And whereas the property, funds, and securities held in trust for or applicable to the purposes of the said Schools now constitute Educational Endowments within the meaning of the Educational Endowments (Ireland) Act, 1885, and the said Act applies to the same :

And whereas it has appeared to the Commissioners under the said Act, after due inquiry, that it is expedient to make provision for the future government and management of the said Endowments, in manner hereinafter appearing :

Therefore, from and after the date of this Scheme, being the day upon which the Lord Lieutenant shall by Order in Council declare his approbation thereof, the said Endowments shall be held, governed, managed, and applied, for the purposes, with the powers, under the conditions and provisions, and in the manner hereinafter set forth, and not otherwise, any previous Act of Parliament, Letters Patent, Statute, Scheme, Decree, Order, Charter, Deed, Will, Instrument, Trust, or Direction, relating to the subject-matter of this Scheme, to the contrary notwithstanding.

Preliminary.

Definitions.

1. For the purposes of this Scheme, unless the context otherwise requires, the following terms shall be interpreted as follows :

“The Act” shall mean the Educational Endowments (Ireland) Act, 1885.

“The Governors” shall mean the Governors of the Phibsborough Sunday and Daily Schools, hereby incorporated.

“The Schools” shall mean the Schools heretofore existing at Blaquiery Bridge, North Circular Road, Dublin, and known by the name of “The Phibsborough Sunday and Daily Schools,” and shall include any other School or Schools for the time being managed maintained or aided by the Governors under the provisions of this Scheme.

“The Endowments” shall mean and include all the lands, buildings hereditaments, rents, dividends, moneys, securities, chattels, and effects, described in the Schedules hereto, and all income and produce thereof, due and accruing, and all other the property, real and personal, at the date of this Scheme held by any person or persons in trust for or applicable to the purposes of the Schools, or which may hereby or hereafter become or be vested in the Governors for any of the purposes of this Scheme.

“The Diocesan Council” shall mean the body known as the Diocesan Council of the Diocese of Dublin, appointed in accordance with the constitution of the Church formerly established by law, and referred to in the Irish Church Act, 1869, as the Church of Ireland, hereinafter referred to as the said Church, and shall include any authority duly empowered under the said constitution to perform the functions now performed by the Diocesan Council.

“The Select Vestry” shall mean the body known as the Select Vestry of the Church or Congregation of the Dublin Female Penitentiary, North Circular Road, Dublin (hereinafter referred to as the Female Penitentiary), appointed in accordance with the constitution of the said Church, and shall include any authority duly empowered under the said constitution to perform the functions now performed by the Select Vestry. If and whenever there shall be no Select Vestry appointed as aforesaid, the Managing Committee of the said Penitentiary may exercise all the powers of the Select Vestry under this Scheme. If and whenever there shall be no such Managing Committee or Select Vestry, the Diocesan Council may exercise all the said powers.

“The Presbytery” shall mean the body known as the Presbytery of Dublin in connection with the General Assembly of the Presbyterian Church

in Ireland, appointed in accordance with the laws of the said Presbyterian Church, and shall include any authority duly empowered under the said laws to perform the functions now performed by the Presbytery.

"The Methodist Conference" shall mean the assembly known as the Yearly Conference of the people called Methodists in the connexion established by the late Rev. John Wesley, or other the supreme authority for the time being of the Methodist Church in Ireland, and shall include any authority duly empowered to represent or act for the Methodist Conference in that behalf.

"Elementary Education" shall mean such education as may be given in the National Schools which are aided by grants from the Commissioners of National Education in Ireland.

"Intermediate Education" shall mean education in such subjects as are or may be included in the Programme of Examinations held by the Intermediate Education Board for Ireland.

"Technical Education" shall mean and include all technical instruction and manual instruction within the meaning of the Technical Instruction Act, 1889, and all other theoretical and practical instruction and training which may directly tend to prepare young persons for any industry, trade, handicraft, or commercial pursuit or employment.

The Governing Body.

2. From and after the date of this Scheme, a Governing Body shall be formed for the government and management of the Endowments. Incorporation of Governing Body.

It shall consist of one *ex-officio* Governor, and eight Representative Governors appointed as hereinafter provided of whom one shall represent the Diocesan Council, one shall represent the Select Vestry, one shall represent the Presbytery, one shall represent the Methodist Conference, and four shall represent the Subscribers to the funds of the Schools.

The Chaplain for the time being appointed to do duty at the Female Penitentiary, being a clergyman of the said Church, and having undertaken to give religious instruction in the Schools in accordance with the provisions of this Scheme, shall be the *ex-officio* Governor.

The first Representative Governors shall be such and so many of the following persons as at the date of this Scheme shall be qualified able and willing to act as Governors :—

Representative Governors.

1. Frederick V. Clarendon, C.E., 36 Mountjoy Square, Dublin.
2. Charles J. Soden, 5 Charleville Terrace, North Circular Road, Dublin.
3. Andrew Taylor, 15 Belvidere Place, Dublin.
4. George Macnie, Baymount, Clontarf.
5. John L. Collins, Charleville Road, North Circular Road, Dublin.
6. Charles R. M'Namara, 10 South Frederick Street, Dublin.
7. Miss Elizabeth Meade, 37 Eccles Street, Dublin.
8. Miss Cherry Mulloy, Ardilaun Terrace, North Circular Road, Dublin.

All the Governors shall be Protestants ; and resident in the City of Dublin, or within two miles of the Schools. Ladies, being otherwise qualified, shall be eligible as Representative Governors.

The Governors, for the time being, shall constitute a Body Corporate, by the name of "The Governors of the Phibsborough Sunday and Daily Schools," with perpetual succession and a common seal, and power to acquire and hold property, real and personal, for the purposes of this Scheme.

3. The above named Representative Governors shall hold office until they shall vacate the same as hereinafter provided. Appointment of Representative Governors.

Every outgoing Representative Governor, if otherwise qualified, shall be eligible for re-election.

Diocesan Council.

If at the date of this Scheme the above named Frederick V. Clarendon shall have ceased to be qualified, or shall be unable or unwilling to act as a Governor, and whenever thereafter he, or any Representative Governor appointed in his place, shall vacate office as hereinafter provided, the Diocesan Council may appoint a qualified person as a Representative Governor to fill the vacancy.

Select Vestry.

If at the date of this Scheme the above named Charles J. Soden shall have ceased to be qualified, or shall be unable or unwilling to act as a Governor, and whenever thereafter either he, or any Representative Governor appointed in his place, shall vacate office as hereinafter provided, the Select Vestry may appoint a qualified person as a Representative Governor to fill the vacancy.

Presbytery.

If at the date of this Scheme the above named Andrew Taylor shall have ceased to be qualified, or shall be unable or unwilling to act as a Governor, and whenever thereafter he, or any Representative Governor appointed in his place, shall vacate office as hereinafter provided, the Presbytery may appoint a qualified person as a Representative Governor to fill the vacancy.

Methodist Conference.

If at the date of this Scheme the above named George Macnie shall have ceased to be qualified, or shall be unable or unwilling to act as a Governor, and whenever thereafter he, or any Representative Governor appointed in his place, shall vacate office as hereinafter provided, the Methodist Conference may appoint a qualified person as a Representative Governor to fill the vacancy.

Appointment.

Each of the electing bodies aforesaid may, from time to time, define the period, not being less than one year nor more than three years, for which each Governor appointed by them, respectively, shall hold office, and may, at any time, revoke any appointment made by them, respectively, and may, from time to time, appoint a qualified person to fill the place of any Representative Governor appointed by them, respectively, whose period of office shall have expired, or whose appointment shall have been revoked, or who shall vacate office as hereinafter provided.

Failure to Appoint.

If at any time any of the electing bodies aforesaid shall fail to appoint a qualified person to fill any vacancy occurring as aforesaid, within the period of three months after the vacancy shall have been notified by the Governors, as hereinafter provided, to the electing body entitled to fill the same, the remaining Governors, at a meeting held on due notice, may co-opt, as a Representative Governor, a qualified person of the same religious denomination to which the Governor vacating office belonged at the time of his appointment, and each Governor so co-opted shall hold office until the electing body aforesaid shall appoint a Representative Governor in his place, or until he shall vacate office as herein provided.

Subscribers.

If at the date of this Scheme the above named John L. Collins, Charles R. M'Namara, Elizabeth Meade, and Cherry Mulloy, or any of them, shall have ceased to be qualified, or shall be unable or unwilling to act as a Governor, and whenever thereafter any of them, or any Representative Governor appointed in place of any of them, shall vacate office as hereinafter provided, the Subscribers, or the remaining Governors, may, in manner hereinafter prescribed, appoint a qualified person as a Representative Governor to fill each vacancy.

The Subscribers.

Qualifications of Subscribers.

4. The following persons, herein referred to as the qualified Subscribers, shall be qualified to attend and vote at the meetings of the Subscribers and in the election of Governors:—

(a.) Persons who, at any time before or after the date of this Scheme, shall have subscribed not less than Five Pounds in one sum to the funds of the Schools.

(b.) Persons who, at any time before or after the date of this Scheme, shall have collected and paid Ten Pounds in one sum to the funds of the Schools.

(c.) The Legal Personal Representatives of persons who, at any time before or after the date of this Scheme, shall have bequeathed any sum not less than One Hundred Pounds for the benefit of the Schools, or for any of the purposes of this Scheme.

(d.) Persons who, after the date of this Scheme, shall annually subscribe not less than Ten Shillings, or shall annually collect and pay not less than Two Pounds to the funds of the Schools. Provided that no annual Subscriber shall be qualified to act or vote as such until a period of six months shall have elapsed from the date of the payment by him of his first annual subscription, or collection, nor in any year for which the annual subscription or collection aforesaid shall not have been paid.

5. The Governors shall cause to be prepared and regularly kept, in a book to be provided for the purpose, a Register containing the names and last known addresses of the qualified Subscribers, with the particulars of the payments constituting their respective qualifications. The Register of Subscribers may be corrected from time to time by the Governors, or at any meeting of the Subscribers, and the same, when signed by the Chairman of any meeting of the Governors or of the Subscribers, and certified to be correct by the Secretary, or other officer appointed for the purpose, shall be conclusive evidence that those named therein, and none others, are the qualified Subscribers, for the time being, under this Scheme. **Register of Subscribers.**

6. The first Annual Meeting of the Subscribers shall be held in the month of December or January first happening after the date of this Scheme, upon a day to be appointed by the Governors, if the number of the qualified Subscribers shall then amount to ten at the least, and an Annual Meeting of the Subscribers shall be held in the month of December or January in every subsequent year, upon a day to be appointed by the Governors, so long as the number of the qualified Subscribers shall amount to ten at the least. **Annual Meetings of Subscribers.**

7. Within one month but not less than one week before the day appointed for each Annual Meeting of the Subscribers, the Governors shall cause due notice of the meeting to be sent, by post or otherwise, to the last known address of each Subscriber, with a voting paper in such form and with such directions and information as the Governors shall deem sufficient to enable each Subscriber receiving the same, and unable to attend the meeting, to appoint a proxy, or to vote by voting paper, in any election of Governors which may take place at such Annual Meeting. **Election of Governors representing Subscribers.**

At each annual Meeting held as aforesaid, after any one or more of the above named Governors representing the Subscribers shall have vacated office, the Subscribers present or represented by proxy or voting by voting papers, may elect so many qualified persons to be Governors representing the Subscribers as will make up the number of such Governors to four; provided that if the number of Subscribers so voting at any Annual Meeting shall be less than forty, they shall elect only one Representative Governor for every ten Subscribers so voting. Each Governor elected as aforesaid shall hold office until the time appointed for the next Annual Meeting of the Subscribers, or until he shall vacate office as hereinafter provided whichever shall first happen.

Every vacancy which may be left unfilled by the Subscribers under the foregoing provisions shall be filled by the remaining Governors as hereinafter provided.

Two at least of the Governors representing the Subscribers shall, at all times, be members of the said Church.

Casual Vacancies.

8. If at the date of this Scheme any of the above named Governors representing the Subscribers shall have ceased to be qualified, or shall be unable or unwilling to act as a Governor, and whenever thereafter any Representative Governor shall die, or resign by writing under his hand, or become bankrupt, or refuse to act, or become incapable of acting, or shall cease to be a Protestant, or shall cease to reside in the City of Dublin or within two miles of the Schools, or shall for one year fail to attend any meeting of the Governors, his office shall thereupon become vacant, and the fact of the vacancy, with the cause thereof, shall be recorded in the minutes of the Governors. Each vacancy occurring among the Governors representing the Diocesan Council, the Select Vestry, the Presbytery, or the Methodist Conference, respectively, shall be notified by the Governors to the person authorised to convene the electing body entitled to fill the same. Each vacancy occurring as aforesaid among the Governors representing the Subscribers, shall be filled by the remaining Governors, who shall, at a meeting held on due notice, co-opt a qualified person to fill the vacancy, and each person so co-opted shall hold office until the time appointed for the next Annual Meeting of the Subscribers, or until he shall vacate office as aforesaid, whichever shall first happen.

*Vesting and Transfer of the Endowments.***Vesting of Endowments.**

9. From and after the date of this Scheme, the Endowments, and all rights, powers and remedies for the recovery thereof, shall, without any new conveyance or instrument, become and be vested in the Governors, and shall be thenceforth held by them and their successors for ever, upon and for the trusts and purposes of this Scheme; subject to the conditions and provisions herein contained, and to all such rents, charges, rights, tenancies, easements, and liabilities, as at the date of this Scheme may lawfully affect the same. From and after the date of this Scheme, the Governor and Company of the Bank of Ireland, upon the written requisition of the Governors, shall, without further order, transfer to and register in their books, in the name of "The Governors of the Phibsborough Sunday and Daily Schools," the sum of Government Stock mentioned in the Third Schedule hereto, formerly standing in the names of John W. Jenings and Gibson Black, as Trustees of the hereinbefore recited Will; and all dividends due or accruing upon the said Stock, and all rents and other property, securities, goods, chattels, and moneys, which at the date of this Scheme may be held by any person or persons, in trust for or applicable to the purposes of this Scheme or any of them, and all sums then due or accruing on account of the Endowments, shall be delivered, transferred, and paid by the person or persons possessed thereof, or bound to pay the same, to the Governors. The receipt of the Governors, duly executed as hereinafter provided, for any delivery, transfer, or payment hereby directed, shall be a good discharge for the person or persons making the same, and he or they shall not thenceforth be answerable for the application thereof.

*Trusts of the Endowments.***Trusts of Endowments.**

10. From and after the date of this Scheme, and subject to the conditions and provisions herein contained, the Endowments, and all other property of or belonging to the Governors, or available for the purposes of this Scheme, shall be held by them upon trust to maintain, at or near Phibsborough in the suburbs of the City of Dublin, a Sunday School or Sunday Schools, and a Daily School or Daily Schools, as hereinafter provided, for the purpose of affording, in accordance with the provisions of this Scheme, to male and female pupils of all Protestant denominations resident in the locality, a thorough English Elementary Education, with religious and Scriptural instruction, and with instruction in such subjects and branches of Intermediate and Technical Education as the Governors may from time to time think best suited to the wants of the locality, and to the requirements of the pupils.

Application of the Endowments.

11. All moneys received by the Governors under or for the purposes of this Scheme shall, subject to the other provisions of this Scheme, and to any special trusts or conditions upon which any part thereof may be received, be expended and applied by them for the following purposes, or for such and so many of them as to the Governors shall from time to time seem expedient:—

Application of the Endowments.

(a.) To maintain the School buildings, furniture, appliances, and premises in good order and condition, and to make such additions thereto, and such improvements therein, as may be required from time to time; and to provide and maintain such appliances, and to furnish such materials, as may be necessary for the education of the pupils from time to time taught in the Schools.

(b.) To pay all rents, taxes, cost of insurance, and other charges, necessarily or properly payable out of or for the said premises, and to defray the necessary working expenses of the Schools, and the cost of management.

(c.) To employ and pay such teachers as they may deem it expedient to engage for the instruction of the pupils in the Schools, and to supplement the salaries or emoluments of any teachers who may be entitled to any salary or emolument from the Commissioners of National Education or from any other source, including teachers qualified to give technical instruction to Boys in such subjects as drawing, modelling, handicraft, and the use of tools; and to Girls in drawing, and in such subjects of domestic utility as cooking, washing, knitting, needlework, and dressmaking; and to Boys and Girls in such other subjects of Technical Education as the Governors shall deem suitable or useful for any sufficient number of pupils; and to infant pupils in the Kindergarten system.

(d.) To provide prizes for the most deserving pupils; such prizes may be awarded in money, or in remission of school fees, or in such other manner as the Governors may deem best calculated to stimulate the industry, or to promote the progress of the pupils, and may be so given as to enable or encourage deserving and capable pupils, who require such assistance, to continue their education at the Schools longer than they could otherwise do, or to obtain special or advanced education elsewhere.

(e.) To provide and pay to the Chaplain, for the time being, of the Female Penitentiary, such salary as under the provisions of this Scheme shall be payable to him from time to time.

(f.) To defray any other expenses incurred in carrying out the purposes of this Scheme.

Additional Endowments.

12. The Governors may collect, receive, acquire, and hold donations, grants, devises, bequests, subscriptions, and other additional endowments, real or personal, and may apply the same for all or any of the purposes of this Scheme. They may also collect, receive, acquire, and hold donations, grants, devises, bequests, subscriptions, and other endowments, real or personal, and may apply the same for any object connected with all or any of the purposes of this Scheme, which shall not be inconsistent with, or calculated to impede, the efficient working of the provisions hereof. All property and moneys so received or applied shall be included in the accounts to be kept by the Governors under this Scheme.

Additional Endowments.

Aid from Public sources.

13. The Governors may make all arrangements from time to time necessary to enable them to obtain for the Schools from the Commissioners of National Education, from the Intermediate Education Board, from the Commissioners of Public Works, from the Science and Art Department, or from any other public body, or under any statute, such aid, by way of provision for technical or other special instruction, teachers salaries, results fees, prizes, and grants or loans for building or other purposes, as may at any time be available for or open to like schools or the pupils thereof. The Governors may, notwithstanding anything herein contained, place any or all of their Schools or classes in connection with or under the inspection of any such public body as aforesaid; and may comply with any rules or regulations for the time being in force respecting schools or pupils receiving such aid. All money and other aid which the Governors may so receive shall, subject to such rules and regulations, be applied by them in conformity with the provisions of this Scheme, and shall be accounted for accordingly.

General Provisions as to the Schools.

Maintenance and Removal of Schools.

14. Unless and until the Governors shall otherwise provide, the Schools shall be maintained in the existing buildings, but the Governors, if and when they shall so think fit, may remove the Schools to or may establish any additional School or Schools upon any other convenient site or sites, in the same locality. The buildings and premises vacated upon any such removal shall be sold, let, or otherwise disposed of, by the Governors, to the best advantage. Provided always that no agreement for the letting, sale, or disposal of the existing school premises shall be made or entered into by the Governors, or shall become binding upon them, without the previous sanction of the Commissioners of Charitable Donations and Bequests for Ireland.

General Education.

15. Whenever the funds at the disposal of the Governors shall suffice, they shall maintain a Daily School for Boys, under a competent Master qualified to teach, in addition to the usual subjects of Elementary Education, such subjects of Technical Education as the Governors shall from time to time think it expedient to have taught in the School, and they shall also maintain a Daily School for Girls and Infants, under a competent Mistress, qualified to teach, in addition to the usual subjects of Elementary Education, such branches of female industry as the Governors shall, from time to time, think it expedient to have taught in the School. Whenever the funds at the disposal of the Governors shall be insufficient to enable them to employ a competent Master and Mistress for the separate education of Boys and Girls, they may maintain one Daily School, under a competent Master or Mistress, qualified as above mentioned, in such manner as shall seem most expedient, and best calculated to enable the Governors to obtain aid, from public or from private sources, for the Schools.

Evening Schools and Classes.

16. The Governors may maintain, in addition to the Daily Schools, an Evening School or evening classes for the education of pupils who are engaged during the day in trade or other business, and who are desirous of carrying on their education in the evening. The course of instruction in the Evening School or evening classes shall be arranged with special regard to the requirements of pupils obliged to maintain themselves by commercial, industrial, or technical pursuits; and may comprise instruction and training in any subjects of Intermediate or Technical Education which the Governors may deem suitable or useful for any sufficient number of the pupils.

Religious Instruction.

17. The Governors shall provide religious and Scriptural instruction for the pupils attending the Daily Schools; provided that if and so long as the Schools are in connection with the Commissioners of National Education, such instruction shall be given in accordance with the Rules and Regulations of the said Commissioners in force for the time being in reference to "Non-vested Schools"; provided also that no pupil attending the Daily Schools shall at any time be compelled or permitted to receive or to be present at any religious instruction to which his or her parents or guardians shall object; provided also

that the arrangements for giving religious instruction shall be so made that no pupil attending for secular instruction only shall be thereby excluded, directly or indirectly, from any of the advantages of the secular education given in the Schools. The Chaplain of the Female Penitentiary, so long as he shall act as a Governor, shall make all necessary and proper arrangements for the religious instruction to be given in the Schools, and shall himself give religious instruction to such of the pupils as are members of the said Church, and shall also see that Scriptural instruction is given, as hereinbefore provided, to any other pupils whose parents or guardians shall permit them to receive the same; provided that, whenever pupils who are not members of the said Church shall attend the Schools, the Governors shall, under arrangements to be made for that purpose, afford suitable opportunities, at reasonable times, to clergymen and other proper persons approved by the parents or guardians of such pupils, of giving religious instruction, in the Schools, to such pupils, in accordance with their religious denominations.

18. On Sundays, and at any other times when the School buildings shall not be occupied or required for the purposes of the Daily Schools, or of Evening Schools or evening classes to be maintained by the Governors as aforesaid, the Governors, subject to the other provisions of this Scheme, and to any Rules and Regulations for the time being applicable to the Schools, shall permit the same to be used for the purposes of Sunday Schools, and of classes for the religious instruction of Protestant pupils, under such regulations as the Governors shall from time to time think fit. The Chaplain of the Female Penitentiary, so long as he shall act as a Governor, shall be the Manager, and shall have the general supervision, of the Sunday Schools and classes aforesaid, and shall, subject to the approval of the Governors, have the selection of the teachers therein; provided that no part of the Endowments derived under the hereinbefore recited Will shall be applied to the payment of any salaries or remuneration to teachers of the Sunday Schools. Sunday school.

19. At all times when the School buildings shall not be occupied or required for any of the other purposes of this Scheme, the Governors, subject to the other provisions of this Scheme, and to any Rules and Regulations for the time being applicable thereto, may permit the same to be used for such meetings and purposes, and upon such terms and conditions, as may from time seem expedient. The Governors may, from time to time, assign such part or parts of the School buildings as they shall think fit, for the residence of the Master or Mistress, or of any other teacher or teachers, employed in the Schools. Use of School Buildings.

20. If and so long as the Schools are in connection with the Commissioners of National Education, the same shall be governed and managed in accordance with the Rules and Regulations of the said Commissioners for the time being applicable thereto, and the Chaplain of the Female Penitentiary, if acting as a Governor, may also act as the Manager of the Schools. If the said Chaplain should not be able and willing so to act, the Governors may appoint one of their own number, or any other duly qualified person, to be Manager of the Schools under the said Commissioners. If the Lord Lieutenant shall not appoint an Inspector of the Schools in pursuance of the Act, section 17, each Inspector from time to time appointed by the said Commissioners to inspect the Schools shall be deemed to be the Inspector appointed by the Lord Lieutenant under the Act, and the reports of such Inspector shall be presented by the Governors to the Lord Lieutenant, but such Inspector shall not be entitled, as such, to any remuneration in addition to the remuneration which he may be entitled to receive from the said Commissioners. If and whenever the Lord Lieutenant shall appoint an Inspector of the Schools in pursuance of the Act, section 17, such Inspector shall inspect the same once at least in each year, and as much oftener as the Lord Lieutenant may direct, and shall present his reports thereon to the Lord Lieutenant, and the remuneration of such Inspector, when fixed by the Lord Lieutenant, shall be defrayed by the Governors as the Lord Lieutenant may direct. Inspection and Management.

School Fees.

21. The Governors may from time to time authorize the charge of such school fees as they may think reasonable; provided that the Governors may reduce or remit the fees in the case of any pupil if the Governors are satisfied that such pupil is unable to pay the ordinary fees, and that they shall, so far as the income of the Endowments will suffice, provide Elementary Education, free of charge, for all children of Protestant parents, resident in the locality of the Schools, who shall satisfy the Governors that they are unable to pay school fees.

Payment to Chaplains.

22. If, and so long as the funds at the disposal of the Governors for the purposes of this Scheme shall be insufficient to maintain two Daily Schools, under a competent Master and a competent Mistress, for the separate education of Boys and Girls, with an average daily attendance in each of the said Schools of twenty-five pupils at the least, the amount to be paid out of the income of the Endowments derived under the hereinbefore recited Will to the Chaplain of the Female Penitentiary, if acting as a Governor, shall, until such Schools shall be established and in operation, be the sum of Ten Pounds *per annum*, payable half-yearly. If and whenever the Governors shall maintain two Daily Schools as aforesaid, with an average daily attendance in each of the said Schools of twenty-five pupils at the least, the amount to be paid as aforesaid to the said Chaplain, if acting as a Governor, shall be the sum of Twenty-five Pounds *per annum*, payable half-yearly.

Provided always that so long as the Rev. Nathaniel W. Carre shall continue to hold office as Chaplain of the Female Penitentiary, and shall act as a Governor, the amount to be paid to him out of the income of the Endowments derived under the hereinbefore recited Will shall not, in any year, be reduced below the sum of Twenty-five Pounds *per annum*, which sum shall be payable to him as directed by the hereinbefore recited Report and Order.

General Provisions as to the Governors.

Chairman, Quorum, and Honorary Officers.

23. The Chaplain of the Female Penitentiary, if acting as a Governor, shall be the Chairman of the Governors; whenever the said Chaplain shall not be acting as a Governor, the Governors shall elect a Chairman out of their own number, who shall hold office for such period as the Governors shall fix. The Chairman shall preside at the meetings of the Governors, or in his absence the majority of the Governors present shall elect one of their number to act as Chairman. Three Governors shall constitute a *quorum*, and all matters and questions shall be determined by the majority of the Governors present. In every case of equality of votes, the Chairman of the meeting shall have a second or casting vote. The Governors may appoint from among their own number an Honorary Secretary and such other Honorary Officers as they may, from time to time, think fit.

Meetings.

24. Within one month after the date of this Scheme, and four times at the least in every year thereafter, the Governors shall meet at the Schools, and they shall also meet at such other times and places as they may, from time to time, appoint. At each meeting held at the Schools the Governors shall take the opportunity of examining for themselves into the condition of the School premises, and the efficiency of the education given therein. Notice of every meeting shall be given to each Governor by the Honorary Secretary, or other Officer appointed in that behalf, three clear days, or such other time as the Governors may direct, before the meeting. The Chairman, the Honorary Secretary, or any three other Governors, may at any time summon a special meeting, giving notice to each Governor six clear days, or such other time as the Governors may direct, before the meeting, specifying in such notice the object thereof. Every meeting may adjourn for the completion of its business to such time and place as the Governors present may appoint.

25. Every Governor shall, at or before the first meeting which he or she attends, sign a declaration, in a book to be kept for that purpose, of his or her acceptance of the office of Governor, and until he or she has signed such declaration he or she shall not be entitled to act as a Governor. Minute books shall be kept by the Governors, in which minutes of all their proceedings shall be duly entered. All deeds and other writings sealed with the common seal, and signed at any meeting by the Chairman of the meeting and two other Governors, shall be held to be validly executed on behalf of the Governors. Minutes, Books, and Documents.

26. The Governors may, from time to time, appoint a Committee or Committees of any two or more of their number, to visit the Schools, to carry into execution any orders, rules, or directions of the Governors with respect to the purposes of this Scheme, or to manage such business as the Governors may deem it expedient to depute to a Committee. They may also, if they think fit, appoint a Committee of Ladies to assist them in the management of the Schools. The Governors may fix the *quorum*, define the duties, and regulate the proceedings of each Committee as they may think fit. The Governors may from time to time make such by-laws and regulations as they shall consider convenient and needful for the good management of the Schools, for the election of Governors by the Subscribers, for summoning and regulating the meetings of the Subscribers, and for effectuating the other purposes of this Scheme; provided that no such by-law or regulation shall be inconsistent with the provisions of this Scheme, and that the same may be repealed, altered, and amended by the Governors, as they may from time to time think fit. The Governors shall present to the Subscribers, at each Annual Meeting, a report of their proceedings during the preceding year, with the last reports of the Auditor and Inspector, and such further information as the Governors shall think fit, or as the Subscribers shall require. Committees, By-Laws, and Report.

27. The Governors shall cause to be kept regular accounts of all their receipts and disbursements, in such manner and form as may be from time to time prescribed or approved by the Local Government Board, and the accounts for each year ending the thirty-first day of December, or such other day as the Board may appoint, or an abstract thereof, in such form as the said Board shall prescribe or approve, shall be submitted for audit on or before the first day of March following, or such other day as the Board may appoint, to an Auditor of the Local Government Board, or to some other competent authority to be appointed or approved by the said Board. The Local Government Board may fix, and the Governors shall pay, such reasonable sum as shall be necessary to defray the cost of audit. The Governors shall keep an account with such Bank as they may from time to time select, and all moneys receivable or payable by them, except petty cash, shall be lodged to or drawn from such account, and every cheque shall be signed by two Governors, at the least, thereto authorized. A separate account shall be kept of the income of the Endowments derived under the hereinbefore recited Will, and the accounts shall be so kept and audited as to show the surplus, if any, of the income of the Endowments received in each year, after payment thereof of the expenses of maintaining the Schools and of the sums payable to the above-mentioned Chaplain under the provisions of this Scheme. Accounts and Audit.

28. Subject to the provisions of this Scheme, the Governors may prescribe and regulate the course of instruction, and shall have and exercise general supervision and control over the Schools; they may appoint from time to time, upon such terms as they shall think fit, and at such salaries as they may deem sufficient, such teachers and other officers as they shall from time to time deem requisite. Subject to the provisions hereinafter contained as to the vested interests of individuals holding office at the date of the passing of the Act every teacher, officer, and other person in the employment of the Governors, shall be removable by the Governors for such cause as they shall deem adequate, or upon reasonable notice, or upon payment of a reasonable sum, not exceeding six months salary, in lieu of notice. No Governor shall be Powers of Governors.

appointed to any paid office or employment under the Governors, and no person entitled to any salary or emolument out of the Endowments shall be capable of becoming, or shall continue to be a Representative Governor.

Management of Property.

Management.

29. The Governors shall, from time to time, make such arrangements as they may deem expedient for the custody of their common seal, and of all deeds and documents belonging to the Endowments, for the management of the estates and property vested in them, and for letting or disposing of any lands or buildings belonging to the Endowments, and not required for the purposes of the Schools, to the best advantage.

Investment.

30. The Governors may from time to time sell any of the funds or securities vested in them, and may invest the moneys arising therefrom, or other the capital of the Endowments, and also any surplus or residue of income not required for the purposes of the Schools, in any of the public stocks funds or securities of the United Kingdom, or of any colony or dependency thereof; or in the stock of the Bank of England or of the Bank of Ireland; or upon freehold or leasehold securities in the United Kingdom; or upon the bonds, debentures or mortgages of any municipal commercial or other joint stock company or corporation, carrying on business or constituted for any purpose in the United Kingdom, or any colony or dependency thereof; or in any other securities sanctioned by law, or by the practice of the High Court of Justice, for the investment of trust funds. The Governors may from time to time vary such investments, and may in any year have recourse to the accumulations of income from any previous year or years.

Payment of Expenses.

Expenses.

31. The Governors shall, subject to the other provisions of this Scheme, pay out of the income of the Endowments hereby vested in them, all charges which under the provisions of the Act shall be properly and necessarily payable by the Governors, for the costs and expenses of this Scheme, or for audit and inspection, or for other purposes.

Provision for Vested Interests and Superannuation.

**Vested Interests
and Super-
annuation.**

32. Every individual who at the date of the passing of the Act held, and at the date of this Scheme shall continue to hold, any office, place, employment, pension, compensation, allowance, or emolument, under or arising out of the Endowments hereby transferred to and vested in the Governors, shall continue to hold, and shall be entitled to receive the same from the Governors, upon the same terms and in the same manner, in every respect, as he or she held and was entitled to receive the same at the date of the passing of the Act; and every such individual shall remain bound to perform the same and all like duties for the Governors, so long as his or her employment shall continue, as he or she would have been bound to perform for his or her existing employers if this Scheme had not passed; and the employment of every such individual may be determined by the Governors in the same manner, and under the same conditions, as if this Scheme had not passed. The Governors may grant to any officer in their employment who, otherwise than from wilful misconduct, shall become incapable of further duty, or whose services shall be no longer required, such reasonable retiring pension and gratuity, to be fixed by the Governors with due regard to length of service, to the circumstances of his or her employment, and to the amount of the Endowments, as the Commissioners of Charitable Donations and Bequests shall approve.

Discharge of existing Trustees.

Discharge of Trustees.

33. Immediately after the date of this Scheme the existing Trustees of the Endowments shall proceed to pay and discharge, out of the moneys

in their hands, all the salaries, outgoings, and liabilities due or payable by them up to the date of this Scheme, including their costs of and incident to the preparation of this Scheme (such costs, if any, to be taxed and certified by the proper officer of the High Court of Justice in Ireland), and shall prepare a final account of all their receipts and disbursements, commencing from the account last audited before the passing of the Act, and shall submit the same for audit to the Local Government Board, or to such other competent authority as the said Board shall direct or approve. Upon such audit, the net cash balances remaining in the hands of the said Trustees, or of their agents, treasurers, or bankers, or of any other person on their account, shall be ascertained and certified, and thereupon the same, and all securities held by the said Trustees, shall forthwith be transferred or paid to the Governors, to be by them held and applied for the purposes of this Scheme, and accounted for accordingly. The said Trustees, and all or any other persons having custody thereof, shall at the same time deliver to the Governors all books, documents, and other chattels and effects belonging to or held by them as or for such Trustees, who shall thereupon be discharged. All rents, debts, and other sums then accruing or payable to or recoverable by the said Trustees, shall thereupon and thenceforth accrue and become payable to and recoverable by the Governors, and all sums then payable by or recoverable from, and all contracts and liabilities then binding upon the said Trustees, shall thereupon and thenceforth become and be, to the same extent and out of the same funds, payable by and recoverable from and binding upon the Governors.

Printing of Scheme.

34. The Governors shall cause this Scheme to be printed, or shall procure printed copies thereof, and shall keep the same for sale at a reasonable price. Printing Scheme.

Alteration of Scheme.

35. This Scheme may be altered from time to time by the Commissioners of Charitable Donations and Bequests for Ireland, in any matter whatsoever, upon the application of the Governors, or upon the joint application of the Diocesan Council, the Presbytery, and the Methodist Conference, but except upon such application no alteration shall be so made, and no alteration shall be made contrary to anything contained in the Act. Alteration of Scheme.

SCHEDULES REFERRED TO IN THE FOREGOING SCHEME.

FIRST SCHEDULE.

School Premises and Land.

All that plot of ground situate on the east side of the Royal Canal at Blaquiery Bridge, containing 57 perches Irish plantation measure, demised for the purposes of the Schools by John Birch to the Right Honorable Jane, Countess of Belvidere, Robert Hyndman, and Joseph Henry, by Indenture of Lease, dated December 31, 1825, for 999 years, at the yearly rent of £2 late Irish currency, equivalent to £1 16s. 11d. present currency, upon a portion of which premises the Phibsborough Sunday and Daily Schools have been erected.

SECOND SCHEDULE.

The Premises let to Tenants.

All that piece or plot of the premises mentioned in the First Schedule bounded on the south by the yard of the Schoolhouse, which was by Indenture of Lease dated February 23, 1870, demised by Robert Macalister, the then surviving Trustee of the said premises, to James Jennings, for 99 years from September 29, 1869, at the yearly rent of £4, upon which premises the said James Jennings has erected certain cottages and buildings; with all rents, due and accruing, or received, from the same.

THIRD SCHEDULE.

Endowments derived under the Will of Lucy Susannah Herbert.

1. The sum of £3,451 13s. 6d. Government Stock, heretofore standing in the books of the Governor and Company of the Bank of Ireland, in the names of John Willson Jennings, Rev. Nathaniel William Carre, and Charles Rexter M'Namara, as Trustees for the purposes of the said Will.
2. All dividends and income of the said Stock, due and accruing, and all moneys in the hands of the Trustees on account thereof.

EDUCATIONAL ENDOWMENTS (IRELAND)
ACT, 1885.

SCHEME for the management of the PHIBSBOROUGH
SUNDAY AND DAILY SCHOOLS, Dublin.

(Presented pursuant to Act of Parliament.)

*Ordered, by The House of Commons, to be Printed,
1 May, 1891.*

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