

71

We Justinian Heathcote Edwards Heathcote, of Aspsdale Hall in the County of Stafford Esquire, Francis Henry Mitchell Esquire, Sir David Salomons Baronet Member of Parliament, George Frederick Pollock and James Ewing Mathieson Esquires all of the City of London under the authority of the Acts of the fifth and eighth years of the Reign of Her Majesty for affording facilities for the Conveyance and Endowment of Sites for Schools and as to us the said Francis Henry Mitchell, Sir David Salomons George Frederick Pollock and James Ewing Mathieson (Mortgagers of the premises hereinafter described) at the request of the said Justinian Heathcote Edwards Heathcote Do hereby according to our respective estates and interests in the premises in consideration of Sixty three pounds twelve shillings and six pence to the said Justinian Heathcote Edwards Heathcote paid and of Ten shillings to each of us the said Francis Henry Mitchell, Sir David Salomons George Frederick Pollock and James Ewing Mathieson paid Grant and Convey unto William Henry Jackson Vicar of the District of Chesterton in the Parish of Wolstanton in the County of Stafford Clerk, Moses Chadwick of Chesterton aforesaid Colliery Bailiff and Richard Greatrex of Chesterton aforesaid Churchwardens of the District of Chesterton aforesaid All that piece or parcel of land situate at Red Street Chesterton in the Parish of Wolstanton in the said County of Stafford containing in the whole Five hundred and thirty seven and a half square yards bounded on the North east side thereof by the Road leading from Chesterton to Talk on the Hill on the Southeast and South west by land belonging to the said Justinian Heathcote Edwards Heathcote and on the North west by a Cottage and garden belonging to Matthew Hodgkinson and measuring on the North east side Thirteen and a half yards next the said Road on the South east side Twenty five yards from the said Road then running Southward or nearly so for a distance of Six and half yards and then running South westward Ten yards and measures on the South west side Twenty yards and on the North west side Thirty five yards which said premises are delineated in the Map drawn in the margin hereof Together with all the easements appurtenances and hereditaments corporeal and incorporeal belonging thereto or now used therewith and all our estate right title and interest in or to the same premises To hold the same unto and to the Use of the said Vicar and Churchwardens their Successors and assigns Except and always reserved unto the said Francis Henry Mitchell Sir David Salomons George Frederick Pollock and James Ewing Mathieson ~~and Justinian Heathcote Edwards~~ their heirs and assigns according to their respective estates and interests in the premises All mines of Coal ironstone and other minerals within or under the aforesaid hereditaments Together with full and free power and authority for the said Francis Henry Mitchell Sir David Salomons George Frederick Pollock and James Ewing Mathieson and Justinian Heathcote Edwards Heathcote their respective heirs and assigns and their respective Agents workmen servants and tenants respectively at all times hereafter to enter into and upon the

Heathcote Edwards Heathcote or his Heirs or Assigns or Executors or which may hereafter belong to the said Justinian Heathcote Edwards Heathcote his heirs or assigns and to exercise such rights and liberties in relation thereto as shall be deemed necessary or expedient for the purposes of the said Acts freed and absolutely discharged from all principal monies and interest owing upon or intended to be secured by and from all claims and demands under a certain Indenture of Mortgage dated the nineteenth day of May one thousand eight hundred and seventy-one and made between Justinian Heathcote Edwards Heathcote of the first part Samuel Herbert Cooper and Frederick Bernard Cooper of the second part and the said Francis Henry Mitchell Sir David Salomons George Frederick Pollock and James Ewing Mathieson of the third part or any security in such Indenture mentioned to have been transferred to the said Francis Henry Mitchell Sir David Salomons George Frederick Pollock and James Ewing Mathieson and Upon Trust to permit the said premises and all buildings thereon erected or to be erected to be for ever hereafter appropriated and ^{used} as and for a School for the education of children and Adults or Children only of the labouring Manufacturing or other poorer classes in the District of Chesterton and for no other purpose. And it is hereby declared that such School shall always be in union with and conducted according to the principles and in furtherance of the ends and designs of the National Society for promoting the education of the Poor in the Principles of the Established Church throughout England and Wales and subject to and in conformity with the declaration aforesaid such School and premises and the funds and endowments thereof in respect whereof no other disposition shall be made by the donor shall be controlled and managed in manner following that is to say the Principal officiating Minister for the time being of the said District shall have the superintendence of the religious and moral instructions of all the Scholars attending such School subject to the provisions hereinafter contained and may use or direct the premises to be used for the purpose of a Sunday School under his exclusive control and management. But in all other respects the control and management of such School and premises and of the funds and endowments thereof and the selection appointment and dismissal of the Schoolmaster and Schoolmistress and their Assistants (except when under the provisions hereinafter mentioned the dismissal of any Master Mistress or Assistant shall be awarded by the Bishop of the Diocese or the Arbitrators as the case may be) shall be vested in and exercised by a Committee consisting of the principal officiating Minister for the time being of the said District his Licensed Curate or Curates if the Minister shall appoint him or them to be a Member or Members of the said Committee and of five other persons of whom the following shall be first appointed that is to say the said Justinian Heathcote Edwards Heathcote Reginald Wood of Brownhills in the Parish of Burslem in the said County of Stafford Esquire Edward Moss of Hanley in the same County of Stafford Collier Manager Henshall Moss of Red Street aforesaid Brick and Tile Manufacturer and John Taylor of High Cross in the said Parish of Wolstanton such other persons contributing to be contributors in every year to the amount of

by law established and such to have a beneficial interest to the extent of a life estate at the least in real property situated in the said District or to be resident therein And any vacancy which shall occur in the number of the said other persons by death resignation incapacity or otherwise shall be filled up by the election of a person or persons qualified as aforesaid who shall be elected by the majority of votes of such of the contributors during the year current at the time of the election to the amount of Ten shillings each at least to the funds of the said School being Members of the said Church of England and qualified as the person to be elected by residence or estate as shall be present at the meeting duly convened for the purpose of the election or not being present thereat shall vote by any paper sent on or before the day of such meeting to the Chairman thereof and signed by any such Contributor wherein shall be named the person or persons whom such contributor shall desire to elect, and every contributor qualified to vote shall be entitled at every such election to give one vote in respect of each sum of Ten shillings but no person shall be entitled to give more than six votes in respect of any sum so contributed Provided that no election as aforesaid shall give or vest any right to or in any lay person to serve upon the Committee or anywise to interfere with the management of the School and the funds and endowments thereof until after he shall have in the presence of the Chairman at a meeting of the Committee made and signed in a Book to be kept at the said School a Declaration in the manner and form following that is to say "I A.B. do hereby solemnly and sincerely declare that I am a Member of the Church of England as by Law established" Provided also that no default of election nor any vacancy during any current year shall prevent the other Members of the Committee from acting until the vacancy shall be filled up - And it is hereby declared that no person shall be appointed or continue to be the Master or Mistress of the School who shall not be a Member of the Church of England And it is further declared that all the provisions of the Elementary Education Act of 1870 which constitute a public elementary School shall apply to the School to be constituted under this Deed Provided that if the Committee of Management herein described pass a resolution at a Meeting composed of a majority of the Managers for the time being to repay any Grant made in aid of the establishment of the said School out of the Parliamentary Grant for education and if the said Committee shall accordingly repay that amount to the Lords Commissioners of the Treasury for the time being the aforesaid Declaration whereby this School shall be a Public Elementary School within the meaning of the Elementary Education Act 1870 shall forthwith become void ^{and} of none effect And the Committee shall annually select one of the members thereof to act as Secretary who shall keep Minutes of the proceedings at the Meetings thereof in a Book to be provided for that purpose and shall give due Notice of all extraordinary meetings to each member of the Committee And the principal officiating Minister of the said District shall be Chairman of all Meetings of the Committee when present thereat and at any Meetings from which he shall be absent it shall be the duty of one of their members to be chairman thereof and all matters

attending the same and voting upon the question And if upon any matter there shall be an equality of votes the Chairman shall have a second being the casting vote And in case any differences shall arise between the Minister or Curate and the Committee of Management heretofore mentioned respecting the progress to be used in the School not being the Sunday School or the religious instruction of the Scholars attending the same or any regulation connected therewith or the exclusion of any Book the use of which in the School may be objected to on religious grounds or the dismissal of any Teacher from the School ^{on account} of his or her defective or unsound instruction of the children in religion the Minister or Curate or any Member of the Committee may cause a written statement of the matter in difference to be laid before the Bishop of the Diocese within which such school shall be situated a copy thereof having been previously communicated to the Committee or Minister or Curate if they or he shall not have been parties or privy to the making of the statement respectively and the Bishop may enquire concerning and determine the matter in difference and the decision of the Bishop in writing under his hand thereon when laid before the Committee shall be final and conclusive in the matter And the Committee of Management for the time being is hereby expressly required to take all such measures as may be necessary for immediately carrying the said decision into complete effect And in case any difference other than and except such difference as last described shall arise in the Committee of Management the minority thereof being not fewer than in number than one third of the whole of the Committee may make request in writing to the Lord President of Her Majesty's Most Honorable Privy Council for the time being and to the Bishop of the Diocese wherein the said School shall be situated and thereupon the said Lord President may nominate one of the Inspectors of Schools appointed as aforesaid to be an Arbitrator in the matter in difference and the said Bishop may nominate one of the beneficed clergymen of his Diocese to be another Arbitrator ^{in the same matter} And the arbitrators so nominated as aforesaid shall jointly select one of the Honorable Justices of the Peace being a lay Member of the Council as Arbitrator ^{in the same matter} And in case they shall not jointly select such third arbitrator within the space of thirty days next ensuing their first meeting the Archbishop of the Province within which the said School shall be situated and the said Lord President may jointly appoint a third Arbitrator And the three arbitrators so nominated as aforesaid shall enquire concerning the matter in difference and the award in writing under the hands of the said Arbitrators or of any two of them when laid before the Committee shall be final & conclusive in the matter And the Committee of Management for the time being is hereby expressly required to take all such measures as may be necessary for immediately carrying the said award into complete effect And it is hereby further declared that if the said Bishop or the said Arbitrators upon any such reference as aforesaid shall direct or award that any Master Mistress or Teacher in the said School shall be dismissed such direction or award when a copy thereof shall have been served upon the said Master Mistress or Teacher personally or by the same being left at his or her abode or at the School aforesaid addressed to the said Master Mistress or Teacher as the case may require shall be sufficient to put the same into effect and the said Master Mistress or Teacher so as to prevent him or her therefrom

and so as to disqualify him or her from holding thereby any right or interest under any deed of his or her previous or any future appointment. And the Committee may in the month of April in each year select and appoint a Committee of not more than Five ladies being Members of the said Church of England to assist them in the visitation and management of the Girls and Infant Schools which ladies' Committee shall remain in office until the first day of the same month in the following year when such Committee may be renewed. And I the said Justinian Heathe Edwards Heathe do hereby for myself my heirs Executors and administrators Covenant with the said Vicar and Churchwardens and their Successors in manner aforesaid and that the said premises shall at all times hereafter be held and enjoyed upon the trust and in manner aforesaid without interruption from and free from all incumbrances by me or my heirs or any persons lawfully claiming under or in trust for me or them or any of my Ancestors and that I and my heirs and all persons claiming under or in trust for me or them or any of my Ancestors shall upon every request and at the expense of the said Vicar and Churchwardens and their Successors make and perfect all such further assurances of the said premises as may be required by them for conveying the same to the use of the said Vicar and Churchwardens and their Successors. And this Deed further witnesseth that the said Justinian Heathe Edwards Heathe doth hereby for himself his heirs Executors and administrators ~~that in the event of injury or serious inconvenience being occasioned to the use of the premises~~ Covenant with Francis Richard Sandford of Whitehall in the city of Westminster Knight on the part of the Lords of Her Majesty's Treasury his Executors and administrators that in the event of injury or serious inconvenience being occasioned to the use of the premises hereby granted or intended so to be for a School by the working of the said mines the said Justinian Heathe Edwards Heathe his heirs Executors administrators and assigns will repay to the Lords Commissioners of the Treasury for the time being so much money in proportion to the injury done as shall have been advanced out of the Parliamentary Grant for the purposes of Education towards the erection of such school and that if full compensation for the injury done shall exceed the value of the money so advanced then the said Justinian Heathe Edwards Heathe doth hereby covenant for himself his heirs Executors and administrators with the said Vicar and Churchwardens and their Successors to pay over to them the difference. And it is hereby further agreed and declared that all such sums so to be received whether by the said Lords Commissioners of the Treasury or by the said Vicar and Churchwardens and their Successors shall be applied in effectuating the intent of these presents in such manner as Her Majesty's Principal Secretary of State for the Home Department for the time shall by writing under his hand direct. In witness whereof the said Justinian Heathe Edwards Heathe Francis Henry Mitchell Sir David Dalrymple George Frederick Pollock

and James Ewing Mathieson have hereto set their hands and seals this thirtieth day
of December one thousand eight hundred and seventy one —

J. H. Edwards Head Clerk

J. H. Mitchell

David Salomons

Geo F Pollock

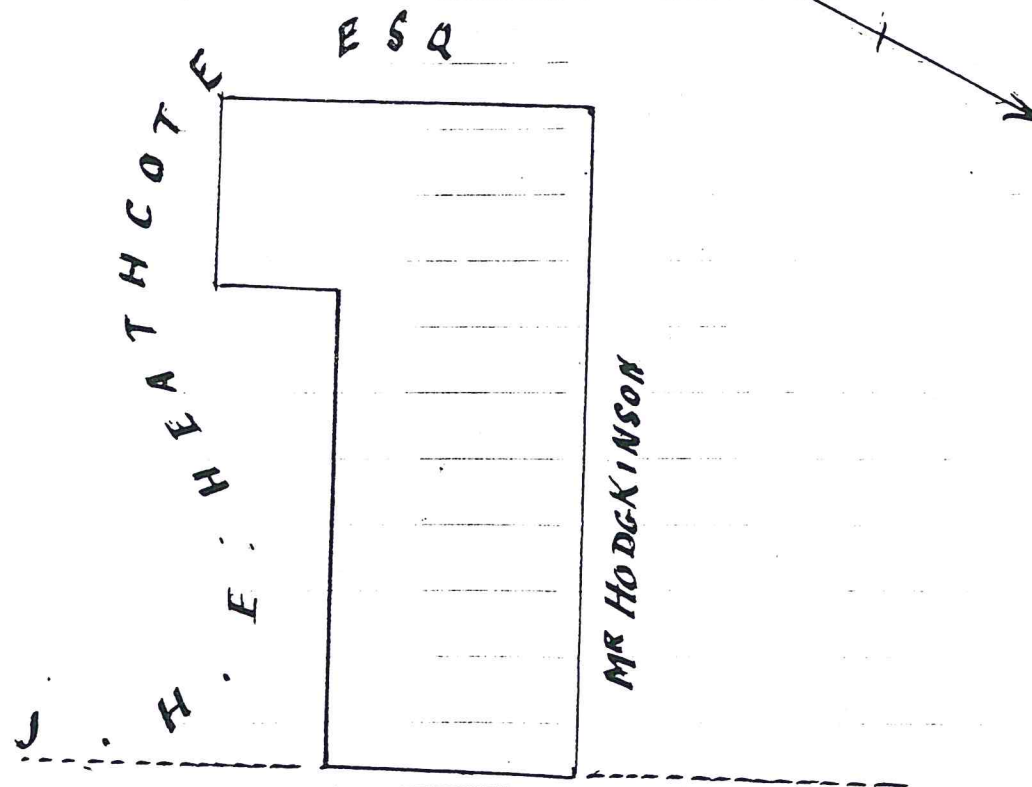
James E Mathieson

W. H. Jackson

Moses Chadwick

R. J. Groat

Plan referred to.



FROM CHESTERTON

TO TALKOTH HILL

Scale 10 yards to an Inch