

APPLEBY, SPURLING & KEMPE

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CABLES:  
"APPLEBY BERMUDA"

Please quote: RHM/jwf/S943

26th February, 1964

Mr. H.J. Hallett, therefore seem to me that any grant under  
Head Master, Letters Patent should be made to Body No. 1  
Saltus Grammar School, Trustees and not to the Governors  
Pembroke. Grammar School who are probably no longer in  
existence.

Dear Uncle Henry, that this point should be given very careful  
consideration since as you know the persons who comprise  
Body No. 1. Thank you for forwarding to me the letter  
of 20th February, 1964, from Rouge Croix Pursuivant  
of Arms relative to the projected crest for the school.

I have looked at the draft wording of the proposed  
Letters Patent and I doubt whether this reflects the true  
position. It seems to imply that the management and  
operation of the school are in the hands of the Governors  
of the Saltus Grammar School as incorporated under the  
Saltus Grammar School Act, 1903. I do not believe that  
this is in fact the case and understand that the corporate  
body created under that Act is probably now defunct.

In the Memorandum which I prepared on 19th May,  
1961, (a copy of which I understand that you have) I  
surveyed the various statutes in Bermuda Legislation  
which appear to concern the school. That Memorandum was  
based solely on the statutes and of course I had no  
information as to what in fact had transpired over the  
past years.

I believe a copy of that Memorandum was sent to  
Sir John Cox who himself prepared a commentary on it  
filling in the information from historical sources which  
was not within my own knowledge. Sir John confirmed what  
in fact I had suspected, i.e. that the Governors of the  
Saltus Grammar School (as incorporated under the 1903 Act)  
were in fact a defunct body and, if they had acted, certainly  
were not acting at the present time. The only bodies who  
are functioning at the moment are Body No. 1 of the Devonshire  
College Trustees and the Trustees of the Saltus Trust  
established under the 1938 Act. It is my understanding that

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the actual operation and administration of the school is (and has for a great many years been) in the sole control of Body No. 1; the Trustees of the Saltus Trust would appear to be little more than holding trustees for the investments derived from the will of Samuel Saltus.

It would therefore seem to me that any grant under the proposed Letters Patent should be made to Body No. 1 of the Devonshire College Trustees and not to the Governors of Saltus Grammar School who are probably no longer in existence.

I think that this point should be given very careful consideration since as you know the persons who comprise Body No. 1 are nominated and appointed by the Governor-in-Council. If you do not happen to have a copy of Sir John Cox's Memorandum, I will be happy to supply you with one.

Yours faithfully,

Robert H. Motyer.

RHM/jwf