



ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. 21.

An Act to enable the Bishop of *Durham* and the Freemen and Stallingers of the Borough of *Sunderland* to give up their respective Interests in certain Lands and Monies for the Purpose of endowing an Orphan Asylum at *Sunderland*, and of making better Provision for the Spiritual Wants of the Parish of *Sunderland*, and to enable such Asylum to acquire and hold additional Land, and to enlarge the Powers and to provide for the better Regulation and Management of the said Asylum, and for other Purposes.

[15th August 1853.]

WHEREAS there is a large Tract of Land at or near *Sunderland* in the County of *Durham* called *Sunderland Town Moor*, Part of which is still unenclosed, and other Parts thereof have been enclosed and built upon: And whereas in the Year One thousand eight hundred and forty-seven Portions of the said *Town Moor* and of the Sea Shore in front thereof were taken by the *Sunderland Dock Company* under the compulsory Powers of an Act of Parliament for the Purpose of making and constructing their said Dock, and the Purchase Money of Three thousand five hundred Pounds duly awarded in respect of the said Portion of the *Town Moor*,

[Private.]

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which

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which, with the Accumulations thereon, amounted on the Nineteenth Day of *November* One thousand eight hundred and fifty-one to Four thousand one hundred and forty-eight Pounds Four Shillings and Two-pence, was on or about that Day duly paid into the Court of Chancery to an Account entitled “*Ex parte* the *Sunderland* Dock Company—
 “ The Account of the Freemen and Stallingers of the ancient Borough
 “ of *Sunderland*, the Lord Bishop of *Durham*, and the Honourable
 “ *Charles Grey*, and the Right Honourable *John George Brabazon*
 “ Earl of *Besborough*, or some or one of them, in respect of divers
 “ Pieces or Parcels of Land, Hereditaments, and Premises situate at
 “ *Sunderland* near the Sea in the County of *Durham*,” and the Purchase Money of One thousand five hundred Pounds awarded in respect of the said Portion of the Sea Shore, which, with the Accumulations thereon, amounted on the said Nineteenth Day of *November* One thousand eight hundred and fifty-one to One thousand seven hundred and seventy-seven Pounds Sixteen Shillings, was on or about the same Day duly paid into the Court of Chancery to an Account entitled “*Ex parte* the *Sunderland* Dock Company—
 “ The Account of Her most Excellent Majesty the Queen in
 “ right of Her Crown, and the Right Honourable the Commis-
 “ sioners of Her Majesty’s Woods, Forests, Land Revenues, Works,
 “ and Buildings for and on behalf of Her Majesty, the Freemen
 “ and Stallingers of the ancient Borough of *Sunderland*, the
 “ Lord Bishop of *Durham*, the Right Honourable *William Keppel*
 “ Viscount *Barrington*, and the Honourable *Augustus Barrington*,
 “ and the Honourable *Charles Grey*, and the Right Honourable
 “ *John George Brabazon* Earl of *Besborough*, or some or one of
 “ them, in respect of the Sea Shore and the Bed and Soil of the
 “ Sea and Land recovered from the Sea in the Parish of *Sunder-*
 “ *land* near the Sea in the County of *Durham*,” pursuant to the Directions of “*The Lands Clauses Consolidation Act, 1845* :”
 And whereas in the Year One thousand eight hundred and fifty a further Portion of the said Town Moor was taken by the *York, Newcastle, and Berwick* Railway Company under the compulsory Powers of an Act of Parliament for the Purpose of making and constructing a certain Railway called the *Pensher* Branch Railway, and the Purchase Money duly awarded in respect thereof, amounting to Three thousand four hundred and ten Pounds, was also duly paid into the Court of Chancery to an Account entitled “*Ex parte* the *York, Newcastle, and Berwick* Railway Company—the
 “ Account of the Freemen and Stallingers of the ancient Borough
 “ of *Sunderland*; and the Bishop of *Durham*, or one of them, in
 “ respect of Six Acres Two Roods and Twenty Perches of Land
 “ situate at *Sunderland* near the Sea in the County of *Durham* :”
 And whereas the Bishop of *Durham* and the Freemen and Stallingers of the Borough of *Sunderland* respectively claim Rights of Property

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perty in the said Town Moor, and in the Monies so paid into the Court of Chancery for the Portions of the said Moor so taken as aforesaid, which Rights have been the Subject of expensive Litigation between the said Parties, and no Decision has yet been arrived at touching the same: And whereas by an Indenture of Bargain and Sale bearing Date the Twentieth Day of *March* One thousand eight hundred and fifty-one, and enrolled in the High Court of Chancery on the Twenty-eighth Day of *March* One thousand eight hundred and fifty-one, and made between the Freemen and Stallingers of the Borough of *Sunderland* of the one Part, and *Christopher Bramwell, Richard Spoor, John Ritson, Richard Bradley, William Robinson, James Crosby, John Ward, Nathan Horn, Michael Willey, John Scott, Robert Fenwick the elder, Thomas Wood, William Kirk, John Spoor, William Young, William Nicholson, Robert Tate, Thomas Hunter, John Robson, John Barry, James Douthwaite, William Walker, Martin Moor, John George Ritson, Edward Smith, Thomas Burdon Ward, Henry Bramwell, Charles Alderson, Robert Fenwick the younger, and Thomas Bradley*, of the other Part, it was witnessed, that, under the Authority and in accordance with the Provisions of a certain Act of Parliament made and passed in the Thirty-ninth Year of the Reign of Her Majesty Queen *Elizabeth*, intituled *An Act for erecting of Hospitals or Abiding and Working Houses for the Poor*, which said Act was revived and made perpetual by an Act made and passed in the Twenty-first Year of the Reign of King *James the First*, intituled *An Act for the reviving and making perpetual of an Act made in the Nine-and-thirtieth Year of the Reign of the late Queen Elizabeth*, intituled *An Act for erecting Hospitals and Abiding and Working Houses for the Poor*, the Freemen and Stallingers of the Borough of *Sunderland* did found, erect, and establish in and upon the Land described in the Schedule thereunder written an Hospital or Asylum for the Reception and Maintenance, and for the Education according to the Principles of the United Church of *England and Ireland*, of poor Children whose Fathers might be dead or suffering from confirmed Lunacy or Paralysis, and according to the Power and Authority given to them by the Statute or Statutes in that Case made and provided did limit, assign, and appoint that the said Hospital or Asylum, and the said *Christopher Bramwell, Richard Spoor, John Ritson, Richard Bradley, William Robinson, James Crosby, John Ward, Nathan Horn, Michael Willey, John Scott, Robert Fenwick, Thomas Wood, William Kirk, John Spoor, William Young, William Nicholson, Robert Tate, Thomas Hunter, John Robson, John Barry, James Douthwaite, William Walker, Martin Moor, John George Ritson, Edward Smith, Thomas Burdon Ward, Henry Bramwell, Charles Alderson, Robert Fenwick the younger, and Thomas Bradley*, and all such other Persons as should for the Time being be appointed

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appointed Principals or Governors of the said Hospital or Asylum, and their respective Successors, should for ever thereafter be incorporated by the Name or Style of "The Principals and Governors of the Freeman's Orphan Asylum;" and further, that the Freeman and Stallingers of the Borough of *Sunderland* did by the Indenture now in recital direct and appoint that by the Name of "The Principals and Governors of the Freeman's Orphan Asylum" the said Hospital or Asylum, and the Persons so thereby incorporated, founded, and named, and their Successors, should have full Power and Authority, and lawful Capacity and Ability, to purchase, take, hold, receive, and enjoy and have to them and their Successors for ever as well Goods and Chattels as Manors, Lands, Tenements, and Hereditaments, being Freehold, of any Person or Persons whomsoever, according to the Form and Effect of the Statutes in that Case made and provided; and the Freeman and Stallingers of the Borough of *Sunderland* did thereby direct and appoint that the said Hospital or Asylum, and the Persons so thereby incorporated, founded, and named, and their Successors, should have full Power and lawful Authority, by the Name of "The Principals and Governors of the Freeman's Orphan Asylum," to sue and to be sued, implead and be impleaded, to answer and be answered unto, in all Manner of Courts and Places within this Realm, as well Temporal as Spiritual, in all Manner of Suits whatsoever, and of what Nature or Kind soever such Suits or Actions were or should be; and the Freeman and Stallingers of the Borough of *Sunderland* did thereby assign and appoint that the said Principals and Governors should for ever thereafter have a Common Seal, with a Sextant and Globe engraven thereon, together with the Words following; (that is to say,) "The Principals and Governors of the Freeman's Orphan Asylum," by which Seal the said Principals and Governors should or might seal any Manner of Instruments touching the same Incorporation, and the Lands, Tenements, and Hereditaments, Goods and other Things, belonging thereto, or in anywise touching or concerning the same; and the Freeman and Stallingers of the Borough of *Sunderland* did thereby direct and appoint that the Number of Principals of the said Hospital or Asylum should be Twelve, but that the Number of Governors should be indefinite; and the Freeman and Stallingers of the Borough of *Sunderland* did thereby direct and appoint that the said *Christopher Bramwell, Richard Spoor, John Ritson, Richard Bradley, William Robinson, James Crosby, John Ward, Nathan Horn, Michael Willey, John Scott, Robert Fenwick the elder, and Thomas Wood* should be the first Principals of the said Hospital or Asylum, and that the said *William Kirk, John Spoor, William Young, William Nicholson, Robert Tate, Thomas Hunter, John Robson, John Barry, James Douthwaite, William Walker, Martin Moor, John George Ritson, Edward Smith, Thomas Burdon Ward, Henry Bramwell,*

Charles

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Charles Alderson, Robert Fenwick the younger, and Thomas Bradley should be the first Governors of the said Hospital or Asylum; and the Freemen and Stallingers of the Borough of *Sunderland* did thereby direct and appoint that, subject and without Prejudice to the Powers therein-after vested in General Meetings of the said Principals and Governors, the Principals should have the sole and entire Management of the said Hospital or Asylum, and of the Income and Property thereof, for the Uses, Purposes, and Benefit of the said Hospital or Asylum, and should have the sole and exclusive Right of nominating and appointing the Chaplain, Secretary, Master, Mistress, Matron, and all Nurses, Servants, and Attendants, and all such other Officers and Persons as they might deem necessary or useful for the Purposes of the said Hospital or Asylum, and the efficient Conduct and Management of the Affairs and Concerns thereof, and of removing or dismissing such Chaplain, Secretary, Master, Mistress, Matron, or all or any of such Officers, Servants, and Attendants, if they, the Principals, should think fit so to do, and should prescribe their respective Duties, and should also have the sole and exclusive Right of purchasing and providing all Articles of Food, Clothing, Books, and other Necessaries for the said Hospital or Asylum, and for the Children therein, and that it should and might be lawful for the Principals, or any Five or more of them, to assemble and meet together when and as often as they should think fit until the passing of Byelaws at a General Meeting of the said Principals and Governors, and from and after the passing of such Byelaws then at such Times and Places as should be directed by such Byelaws, and from Time to Time to do all such Acts as should appear to them, or the Majority of the Principals then present, to be necessary or fitting to be done in order to carry into full Operation and Effect the Objects and Purposes of the said Hospital or Asylum, so always that the same were not inconsistent with or repugnant to the Provisions of the said Indenture now in recital, or any existing Byelaws or Regulations made, ordered, or agreed upon at any General Meeting of the Principals and Governors of the said Hospital or Asylum, or the Laws and Statutes of this Realm; and the Freemen and Stallingers of the Borough of *Sunderland* did thereby direct and appoint that at any General Meeting of the said Principals and Governors it should and might be lawful for the said Principals and Governors, or such of them as should be then present, to ordain and make such and so many Byelaws, Rules, Orders, and Ordinances as to them, or the major Part of them, should seem necessary, convenient, and proper for the Regulation and good Government of the said Hospital or Asylum, and of the Principals and Governors thereof, and for convening the Ordinary or any Special Meetings of the said Principals and Governors, and for fixing and determining whether any and what Qualification should be necessary for enabling

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Persons to become Governors thereof, and for regulating the Manner of appointing or admitting Persons to be Governors, and the Manner of electing the Principals, and the Manner in which any Vacancy in the Number of Principals, by Death, Resignation, or otherwise, should be supplied, and for regulating the Times and Places at which Meetings of the Principals should be held, and the Qualification necessary for enabling poor Children to become Candidates for Admission into the said Hospital or Asylum, and the Numbers to be admitted therein, and the Persons by whom they might be elected or appointed, and the Mode of such Election or Appointment, and also the Period for which they might be permitted to remain in the Hospital or Asylum, and the Grounds or Reasons on or for which they might be removed, dismissed, or expelled therefrom, and the Provision which might be made for them on their leaving the said Hospital or Asylum, and, finally, for carrying the Object for which the said Hospital or Asylum was founded into full and complete Effect, and the said Byelaws, Rules, Orders, and Ordinances, or any of them, from Time to Time to alter, change, or annul, as any General Meeting should think requisite, so as such Byelaws, Rules, and Ordinances were not repugnant to the Laws or Statutes of the Realm; and the Freemen and Stallingers of the Borough of *Sunderland* did thereby direct and appoint that a General Meeting of the said Principals and Governors, to be called by the Principals, should be held within the Space of Three Months after the Date of the Indenture now in recital for the making and ordaining Byelaws, Rules, Orders, and Ordinances for the Government of the said Hospital or Asylum, and that a General Meeting of the said Principals and Governors, to be called the Annual General Meeting, should be held in the Month of *June* in every Year, or in such other Month as the Byelaws should direct, at which Meeting an Account of all Monies received and paid by the Principals should be produced; and that other General Meetings of the Principals and Governors might be held from Time to Time as Occasion should require, and as the Byelaws should direct; and the Freemen and Stallingers of the Borough of *Sunderland* did thereby direct and appoint that at all General Meetings of the said Principals and Governors some one of the Principals, to be chosen by the Principals, and in the Absence of all the Principals then some Governor, to be chosen at the Meeting, should preside as Chairman; and it was by the Indenture now in recital further witnessed, that in further pursuance of the Provisions contained in the before-mentioned Act of Parliament, and in consideration of the Sum of Ten Shillings paid by the said *Christopher Bramwell, Richard Spoor, John Ritson, Richard Bradley, William Robinson, James Crosby, John Ward, Nathan Horn, Michael Willey, John Scott, Robert Fenwick the elder, Thomas Wood, William Kirk, John Spoor, William Young, William Nicholson, Robert Tate,*

Thomas

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Thomas Hunter, John Robson, John Barry, James Douthwaite, William Walker, Martin Moor, John George Ritson, Edward Smith, Thomas Burdon Ward, Henry Bramwell, Charles Alderson, Robert Fenwick the younger, and Thomas Bradley, for and on behalf of the Principals and Governors of the Freemen's Orphan Asylum, they, the Freemen and Stallingers of the Borough of Sunderland, did thereby grant, bargain, and sell unto "The Principals and Governors of the Freemen's Orphan Asylum," and their Assigns, all those Two Pieces or Parcels of Land situate in the Parish of Sunderland in the County of Durham, more particularly mentioned and set forth in the Schedule annexed to the said Indenture, and specified in the Schedule (A.) to this Act annexed, to hold the said Pieces or Parcels of Land and Hereditaments, and all and singular other the Premises therein-before granted, bargained, and sold, or intended so to be, with their Appurtenances, unto and to the Use of "The Principals and Governors of the Freemen's Orphan Asylum," and their Assigns for ever; and it was by the Indenture now in recital further witnessed, that they, the Freemen and Stallingers of the Borough of Sunderland, did thereby grant, bargain, sell, and assign unto "The Principals and Governors of the Freemen's Orphan Asylum," and their Assigns, all that the Principal Sum of Five thousand Pounds, being the Sum awarded to be paid by the Sunderland Dock Company for the Purchase of Part of the aforesaid Moor, and all the Estate, Right, Title, Interest, Trust, Property, Claim, and Demand whatsoever, both at Law and in Equity, of them the Freemen and Stallingers of the Borough of Sunderland of, in, or to the said Sum, with full Power and Authority to use the Name of the Freemen and Stallingers of the Borough of Sunderland in all Actions, Suits, and other Proceedings for the Recovery thereof, to hold the said Principal Sum of Five thousand Pounds, and other the Monies and Premises therein-before assigned, or intended so to be, unto "The Principals and Governors of the Freemen's Orphan Asylum" and their Assigns for ever, to the End and Intent that "The Principals and Governors of the Freemen's Orphan Asylum" might therewith, or with a competent Part thereof, erect upon some Part of the said Pieces or Parcels of Land and Hereditaments a proper, suitable, and convenient Capital Messuage, Hospital, or Asylum, with all suitable Outbuildings, Offices, Walls, and Fences, and might furnish and fit up the same for the Reception and Residence of the said poor Children, Chaplain, Masters, Servants, and Officers, and generally for the Purposes of the Hospital or Asylum thereby founded and established, and that the Residue of the said Sum of Five thousand Pounds might be invested in the Public Funds, and that the Dividends and Interest thereof, together with the Rents and annual Proceeds of the said Piece or Parcel of Land and Hereditaments, might be applied by "The Principals and Governors of the Freemen's Orphan Asylum" in maintaining the said Hospital or

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Asylum, and maintaining, clothing, and educating the poor Children who might from Time to Time be admitted therein: And whereas the Bishop of *Durham*, although he does not admit the Validity of the last-mentioned Deed, is nevertheless anxious to prevent further Litigation and Expense, and being also desirous of promoting the Establishment and Endowment of an Orphan Asylum at *Sunderland* under proper Regulations, and of making better Provision for the Spiritual Wants of the Parish of *Sunderland*, has consented and agreed, upon Provision being made for Payment of all the Costs, Charges, and Expenses incurred by him in and about the Premises, to give up all his Interest in the said Town Moor and in the Lands and Tenements formerly Parts thereof, but which have been enclosed or built upon as aforesaid, and in the said Monies so paid into the Court of Chancery as aforesaid, for the Purpose (subject as herein-after mentioned) of endowing an Orphan Asylum, and for the Purpose of making better Provision for the Spiritual Wants of the said Parish of *Sunderland*: And whereas the Freemen and Stallingers have in like Manner consented, upon Provision being made for Payment of all the Costs, Charges, and Expenses incurred by them in and about the Premises, to give up for the same Purposes all their Interest in the said Town Moor, Messuages, Lands, Tenements, and Hereditaments, and in the Monies so paid into the Court of Chancery for the said Portions of the said Town Moor so taken as aforesaid: And whereas the Bishop of *Durham* is desirous that the Corporation mentioned in and intended to be created by the said Deed of the Twentieth Day of *March* One thousand eight hundred and fifty-one should, as altered and amended by this Act, be continued, and it is desirable that such Corporation, so altered and amended, should henceforth be called and known by the Name of "The Principals and Governors of the *Sunderland Orphan Asylum*:" And whereas it is expedient that the Quantity of Land which may be held by the said Corporation should be increased, and that they should be enabled to acquire and hold the remaining Portions of the said Moor, Messuages, Lands, and Hereditaments so proposed to be given up to them by the said Bishop of *Durham* and the Freemen and Stallingers, and also such other Lands and Hereditaments as may be purchased by the said Corporation, or as may be given to them by benevolent Individuals, and that the powers of the Principals and Governors of the said Asylum should be enlarged: And whereas a greater Number of Orphans might be admitted into the said Asylum, and the general Utility of the said Asylum would be greatly increased, if charitable or well-disposed Persons were encouraged to make Donations and to become Subscribers thereto by being admitted into the said Corporation, and authorized under certain Regulations and Restrictions to participate in the Management thereof: And whereas by an Indenture bearing Date the Thirteenth Day of *September* One thousand eight hundred and

Indenture
dated 13th

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and thirty-eight, and made between the Freemen and Stallingers of the Borough of *Sunderland* in the County of *Durham* of the one Part, and the Reverend *William Webb*, the then Rector of the Rectory and Parish Church of *Sunderland* aforesaid, of the other Part, and duly enrolled in the High Court of Chancery on the Seventeenth Day of *September* One thousand eight hundred and thirty-eight, the said Freemen and Stallingers granted and confirmed unto the said *William Webb*, and his Successors, Rectors of the said Rectory and Parish Church, an Annuity or clear yearly Sum of Thirty-one Pounds Ten Shillings, to be yearly issuing, payable, received, and taken by the said *William Webb*, and his Successors as aforesaid, out of and charged and chargeable upon all that large uninclosed Piece or Parcel of Land situated in the Parish of *Sunderland* aforesaid, and known by the Name of the Town Moor, the same to be payable and paid at or in the Porch of the Parish Church of *Sunderland* aforesaid between the Hours of Ten and Twelve of the Clock in the Forenoon on the First Day of *July* in every Year, free from Taxes, and without any other Deduction whatsoever, with Powers of Distress and Entry upon and Perception of the Rents and Profits of the said Lands and Hereditaments in case Default should be made in Payment of the said Annuity; and it was thereby declared, that the said *William Webb*, his Successors and Assigns, should stand seised of and interested in the said Annuity, in trust to pay the same unto the Treasurer for the Time being of an Institution lately established in *Sunderland* called "The Gray Schools," to be applied for the Purposes of such Institution; and it was by the said Indenture provided and expressly declared, that the Grant thereby made was made upon the express Condition that the Freemen and Stallingers for the Time being should at all Times thereafter be allowed to put and place and have in the said Schools Forty-two Children, to be instructed and taught without any Charge or Expense whatsoever, whether for Books or any other Account whatsoever, together with and in the same Manner as the other Children for the Time being in the said School; and it was thereby declared, that in case the said Institution or Schools should be dissolved, or should not be continued for the Purpose of instructing Children therein, or in case the Governors or Managers or Master of the said School should refuse to instruct therein any Child sent by the said Freemen and Stallingers for the Time being, or any of them, there not being above Forty-two Children at any one Time sent by the said Freemen and Stallingers for the Purpose of being instructed in the said Schools, then and in such Case the said Indenture and the Grant thereby made should cease and determine: Provided always, and it was thereby declared, that it should be lawful for the Governors and Managers for the Time being of the said Schools to expel therefrom any Child sent by the Free-

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men and Stallingers, or any of them, for any reasonable Cause: And it was thereby declared and agreed, that it should be lawful for each Freeman for the Time being to nominate Two Children, and each Stallinger for the Time being to nominate One Child, to be sent to the said Schools; and upon any Child so nominated quitting or being expelled from the said Schools the Person who nominated the said Child, or his Successor, should have the Power to nominate a Child to succeed the Child so quitting or being expelled, and so from Time to Time as often as a Child nominated by the said Freemen and Stallingers for the Time being should quit or be expelled from the said School; but in case such Power should not be exercised, either from the Neglect of the Party having the Right, or from there being any Vacancy in the Body of the said Freemen and Stallingers, within the Space of Three Calendar Months next after such Vacancy for the Time being should occur, the Vacancy should be filled up by the Freemen assembled at any of their Byelaws or Meetings, and the individual Freeman or Stallinger to whom such Power belonged should forfeit the same, but his Right to appoint on any future Vacancy should not be prejudiced by such Forfeiture; and it was thereby expressly agreed and declared, that no Child should be considered eligible, or should in any Case be nominated to be sent to the said School, unless his or her Parents were Parishioners of or were resident in the Parish of *Sunderland*, or unless such Child were the Issue of a Seaman or a Fisherman belonging to the Port of *Sunderland*, though living in any of the adjoining Parishes: And whereas the said Freemen and Stallingers are desirous that the Right and Power conferred upon them by the said herein-before in part recited Deed of putting, placing, and having at all Times Forty-two Children in the same Schools, to be instructed and taught without any Expense whatsoever, should be transferred to and vested in the Principals and Governors of the *Sunderland Orphan Asylum*, to be exercised by the Principals; but the several Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Corporation
as altered
and amended
to continue
under a new
Name.

I. That the said Corporation, called "The Principals and Governors of the Freeman's Orphan Asylum," as altered and amended by this Act, shall henceforth continue and be a Body Corporate, with perpetual Succession, and shall be called and known by the Name of "The Principals and Governors of the *Sunderland Orphan Asylum*," and shall have a Common Seal, with Power to change, alter, break, and make new the same when and as often as they shall judge it expedient

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expedient so to do, and by the same Name may sue and be sued, implead and be impleaded, answer and be answered, and defend and be defended, in any Court of Law or Record or Place of Judicature within the United Kingdom.

II. That the Corporation shall be able and capable at Law, to hold and retain for the Purposes of the said Asylum the Pieces or Parcels of Land, Messuages, Tenements, and Hereditaments comprised in the Schedules (A.) and (B.) to this Act annexed, with all and every the Appurtenances to the same Hereditaments and Premises belonging, and also by Gift, Exchange, Purchase, or otherwise to obtain and acquire, and hold and retain, for the Purposes of the said Asylum, any other Lands or Hereditaments, of any Tenure and of any Nature or Kind, either in Fee or for Terms for Life or Lives or Years, or otherwise, so that such Lands and Hereditaments, exclusive of the Lands comprised in the said Schedules, and also exclusive of any Lands or Hereditaments which may at any Time be vested in them, or in any Trustees for them, by way of Mortgage, or upon which any Sum of Money belonging to the Corporation may be charged, do not exceed One hundred Acres, and so as such Lands and Hereditaments as may be of Copyhold Tenure be surrendered to and held by some Person or Persons in trust for the Corporation; and for the like Purposes to hold and retain, and by Gift, Will, or otherwise obtain and acquire, any Monies and other Personal Estate and Property of what Nature or Kind soever: Provided always, that nothing in this Act contained shall extend to authorize the Corporation to acquire or hold any Lands, Hereditaments, or other Property in a Manner inconsistent with the Provisions of the Act Ninth *George* the Second, Chapter Thirty-six.

Corporation may acquire and hold Land.

III. That all Persons to whom any Lands or Hereditaments of Copyhold Tenure shall be surrendered in trust for the Corporation, or for the Purposes thereof, shall stand seised and possessed of and interested in the same upon trust for "The Principals and Governors of the *Sunderland* Orphan Asylum," and shall surrender or otherwise dispose of the same as the Corporation acting by the Principals shall from Time to Time direct.

Trustees of Copyhold Estates to hold the same in Trust for the Corporation.

IV. That from and immediately after the passing of this Act the several Pieces or Parcels of Land, Messuages, Tenements, and Hereditaments situated in the Parish of *Sunderland*, and mentioned and set forth in the Schedules (A. and B.) to this Act annexed, with all and every the Appurtenances to the same Hereditaments and Premises belonging, and the Reversion and Reversions, Remainder and

Lands vested in the Corporation.

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and Remainders, Rents, Issues, and Proceeds thereof, together with all Seam and Seams of Coal, Mines, and Minerals whatsoever within and under the said Premises, shall be and the same are hereby absolutely vested in the Corporation in Fee Simple for the Purposes of the said Asylum, and for the Purpose of providing for the Spiritual Wants of the Parish of *Sunderland* as herein-after mentioned, freed and absolutely discharged from all other existing Uses or Trusts to which the same are or may be subject, and from all existing Claims and Demands as aforesaid of the Bishop of *Durham* and of the Freemen and Stallingers of the Borough of *Sunderland* respectively upon or in respect of the same, and from all Incumbrances whatsoever, except an Annuity or yearly Rentcharge of Thirty-one Pounds Ten Shillings herein-before mentioned payable yearly to the Rector for the Time being of the Rectory and Parish Church of *Sunderland*, but subject to the existing Leases of the same Hereditaments or any Part thereof, and to the Provisions in this Act contained.

Monies to be transferred.

V. That from and immediately after the passing of this Act the said several Sums of Four thousand one hundred and forty-eight Pounds Four Shillings and Twopence, One thousand seven hundred and seventy-seven Pounds Sixteen Shillings, and Three thousand four hundred and ten Pounds, paid into the Court of Chancery as herein-before is mentioned, or the Stocks, Funds, or Securities in or upon which the same or any Part thereof have or hath been invested, and all Dividends and Interest accrued thereon, shall (subject as to the said Sum of Four thousand one hundred and forty-eight Pounds Four Shillings and Twopence to any Claim or Interest of the said *Charles Grey* and the said Earl of *Besborough* to or in the same or any Part thereof, and also subject as to the said Sum of One thousand seven hundred and seventy-seven Pounds Sixteen Shillings to any Claim or Interest of Her Majesty, or the Commissioners of Her Majesty's Woods, Forests, and Land Revenues in right of Her Majesty, and of the said Viscount *Barrington* and *Augustus Barrington*, *Charles Grey* and Earl of *Besborough*, or any of them, to or in the same or any Part thereof,) be paid and transferred to the Corporation, who shall thereout satisfy and pay all the Costs, Charges, and Expenses of the Bishop of *Durham* and of the said Freemen and Stallingers respectively in and about the Proceedings at Law and in Equity which have been instituted, prosecuted, or defended by them respectively since the Year One thousand eight hundred and forty-six in respect of the said Monies or any of them, or in respect of their alleged Rights therein and in the said Town Moor, when and so soon as such Costs, Charges, and Expenses shall have been taxed as between Attorney and Client or Solicitor and Client, as the Case may be.

VI. That

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VI. That it shall be lawful for the High Court of Chancery from Time to Time, upon the Petition of the Bishop of *Durham*, or upon the Petition of the Freemen and Stallingers of the Borough of *Sunderland*, or upon the Petition of any of the said other Parties in whose Names the said several Sums of Money were paid into the Court of Chancery as herein-before mentioned, to be preferred to the Court in a summary Way, to make such Order as to the said Court shall seem meet for transferring the said several Sums of Four thousand one hundred and forty-eight Pounds Fourteen Shillings and Twopence, One thousand seven hundred and seventy-seven Pounds Sixteen Shillings, and Three thousand four hundred and ten Pounds, and the Stocks, Funds, and Securities in or upon which the same or any Part thereof shall have been invested, and all Interest and Dividends accrued due in respect thereof, to the said Corporation, and for ascertaining, taxing, and settling the Costs, Charges, and Expenses herein-before directed to be paid by the Corporation.

Court of Chancery may order Costs to be taxed.

VII. That in order to make better Provision for supplying the Spiritual Wants of the Parish of *Sunderland* the Corporation shall henceforth yearly and every Year for ever hereafter pay the annual Sum of Two hundred Pounds by Four equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year, unto the Bishop of *Durham* for the Time being, for which his Receipt, or the Receipt of his Secretary for the Time being, shall be a sufficient Discharge, to be by the said Bishop applied, in such Manner as he in the uncontrolled Exercise of his Discretion shall think fit, for or towards supplying the Spiritual Wants of the Parish of *Sunderland*, the first quarterly Payment of the said annual Sum of Two hundred Pounds to be made on such of the said quarterly Days of Payment as shall first happen next after the passing of this Act.

Corporation to pay an annual Sum of 200*l.* to the Bishop of *Durham*, to be applied by him towards the spiritual Wants of the Parish.

VIII. Provided always, That in case the net Income to be derived by the Corporation from the Messuages, Lands, Tenements, and Hereditaments comprised in the said Schedules (A.) and (B.) to this Act annexed (including Way-leave Rents and the Rents of Houses and Buildings already erected and built, or which hereafter may be erected and built, upon the said Lands called the Town Moor, or any Part thereof, and including also One Seventh Part of the net Income to be derived by the Corporation from the Mines and Minerals and Seams of Coal in and under the said Lands called the Town Moor, and the whole of the net Income to be derived by the Corporation from the accumulating Fund to be produced by the Investment, as herein-after mentioned, of the other Six Seventh Parts of the Income to be derived by the Corporation from the said Mines and Minerals and Seams of Coal, after deducting the Rent of Thirty-

If the Rents of the Town Moor exceed 500*l.*, Two-fifths of the Excess to be also paid to the Bishop of *Durham*.

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one Pounds Ten Shillings payable to the Rector of *Sunderland* for the Gray Schools,) shall in any One Year ending on the Fifth Day of *January* exceed the Sum of Five hundred Pounds, then and in such Case Two Fifth Parts of such Excess shall, during the ensuing Year ending as aforesaid, over and above and in addition to the said yearly Sum of Two hundred Pounds, be paid by the Corporation to the Bishop of *Durham* for the Time being, to be by him applied in such Manner as he shall think fit for or towards supplying the Spiritual Wants of the Parish of *Sunderland*, and for which his Receipt, or the Receipt of his Secretary for the Time being, shall be a sufficient Discharge.

Annual Account of Income to be rendered by the Corporation to the Bishop.

IX. That the Corporation shall, on or before the Fifth Day of *April* in each Year, render or cause to be rendered to the Bishop of *Durham* for the Time being a just and true Account in Writing, showing the gross Income derived by them during the Year ending on the preceding Fifth Day of *January* from the several Sources aforesaid, and the Payments made by them out of or in respect of the same during the same Time, so as to enable the said Bishop to ascertain and know the net Income derived by the Corporation from the several Sources aforesaid in each and every Year ending on the Fifth Day of *January*.

Right of nominating Forty-two Children to "The Gray Schools" transferred to the Corporation, to be exercised by the Principals.

X. That from and immediately after the passing of this Act the Right and Power, by the said herein-before recited Indenture of the Thirteenth Day of *September* One thousand eight hundred and thirty-eight given to or vested in the Freemen and Stallingers of the Borough of *Sunderland*, of putting, placing, and having at all Times Forty-two children in the "Gray Schools" to be instructed and taught without any Expense whatsoever, shall be assigned and transferred to and be vested in the Principals and Governors of the *Sunderland* Orphan Asylum, to be exercised by the Principals; and all Vacancies, from whatever Cause arising, shall from Time to Time in like Manner be filled up and supplied by the Principals.

The Corporation may grant Site for new Gray Schools.

XI. And whereas the Buildings and Premises belonging to the said Gray Schools are inconveniently situated, and are not sufficiently capacious to accommodate the Children therein, and it is desirable that the same should be rebuilt, and whereas Part of the said Town Moor might be conveniently appropriated for that Purpose: Be it therefore enacted, That it shall be lawful for the Corporation, and they are hereby required, upon the Application in Writing of the Rector for the Time being of the Rectory and Parish Church of *Sunderland* requiring them so to do, to set out and appropriate a Part of the said Town Moor, not exceeding Half an Acre in Extent, convenient as to Situation, as and for a Site for the new School, and to

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to convey and assure the same when so set out unto the Rector for the Time being of the said Rectory and Parish Church of *Sunderland*, to be held by him and his Successors, Rectors of the said Parish, in trust for the said Gray School, and to the End and Intent that fit and proper Buildings for the Purposes of the said School may be erected and built thereon.

XII. That out of the said Sum of One thousand seven hundred and seventy-seven Pounds Sixteen Shillings the Sum of Four hundred Pounds shall be paid by the Corporation to the Rector of the said Parish, to be by him expended in erecting and building such fit and proper Buildings as last aforesaid.

Corporation to pay 400*l.* towards Erection of new Gray Schools.

XIII. That the Bishop of *Durham* for the Time being shall be the Patron of the said Asylum, and shall at all Times hereafter be allowed to put and place and have in the said Asylum Two Children, to be instructed and taught without any Charge or Expense whatever, whether for Books or on any other Account whatsoever, together with and in the same Manner as the other Children for the Time being in the Asylum: Provided always, that it shall be lawful for the Principals for any reasonable Cause to expel from the said Asylum any Child placed in the said Asylum by the said Bishop.

The Bishop of Durham to be Patron of the Asylum, and to have the Nomination of Two Children.

XIV. That the Number of Principals shall be Twenty-one, and shall consist of the following Persons:

Number of Principals.

The Rector of the Parish of *Sunderland* for the Time being.

The Mayor of *Sunderland* for the Time being.

Two Persons to be appointed by the Bishop of *Durham* for the Time being as herein-after mentioned.

Five Persons (being Aldermen of the Borough) to be selected and appointed from Time to Time by the Council of the Borough of *Sunderland* as herein-after mentioned.

The Twelve Persons appointed in and by the Indenture of Bargain and Sale bearing Date the Twentieth Day of *March* One thousand eight hundred and fifty-one and their Successors.

XV. That the Bishop of *Durham* for the Time being shall be entitled by any Writing under his Hand to appoint Two Persons to be Principals of the said Asylum; and when and as often as any Person who shall have been appointed a Principal by the said Bishop shall die or resign, or shall be removed from his Office, or become from any Cause unfit or incompetent to act, it shall be lawful for the Bishop of *Durham* for the Time being, by any Writing under his Hand, from Time to Time to appoint some other Person to be a Principal in the Place of the Principal who shall so die or resign,

Bishop of Durham to have the Nomination of Two Principals.

or

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or be removed from his Office, or become unfit or incompetent to act.

Corporation of Sunderland to appoint Five Principals.

XVI. That the Mayor, Aldermen, and Burgesses of the Borough of *Sunderland* shall by the Council of such Borough be entitled from Time to Time to nominate and appoint Five Persons to be Principals of the Asylum, and such Five Persons shall be selected by the Council from amongst the Aldermen of the Borough, and in case any of such Persons so nominated shall die, resign, or cease to be an Alderman of the Borough, or become from any Cause unfit or incompetent to act, the Council shall appoint another Alderman as a Principal in his Room and Stead, and a Certificate under the Hand of the Town Clerk shall be sufficient Notification of each such Appointment.

Acts of Principals to be valid notwithstanding Number not complete.

XVII. That all Acts of the Principals for the Time being shall be valid, notwithstanding there may be any Vacancy in the Office of Rector or Mayor, and notwithstanding the Bishop of *Durham* or the Council may not have made any such respective Appointments of Principals as aforesaid, or may not have filled up any Vacancy which may have occurred in the Number of Principals to be nominated and appointed by him or them.

If Number of Governors at any Time be reduced below Eighteen, Vacancies to be filled up from the Ratepayers of Sunderland.

XVIII. That in case the Number of Governors shall at any Time from any Cause whatever be reduced below Eighteen it shall be lawful for the Corporation, and they are hereby required forthwith, at some General Meeting, to complete the Number of Governors to Eighteen, by electing and appointing from amongst the Ratepayers of the Parish of *Sunderland* such and so many Persons as they shall think fit to be Governors of the said Asylum, and so from Time to Time as often as the Number of Governors shall happen to be reduced below Eighteen; and it shall not be necessary that the Ratepayers so to be elected and appointed Governors should have previously been Donors or Subscribers to the said Asylum, but every Ratepayer so to be elected and appointed a Governor as aforesaid shall, when so elected and appointed, have the same Rights and Privileges as if he had been expressly appointed a Governor by this Act.

Persons contributing Two Guineas annually, or Twenty Guineas at One Time, to be Governors.

XIX. And whereas it is expedient that Persons making Donations or contributing to a certain Extent to the Asylum should be entitled to participate in the Government and Management thereof: Be it therefore enacted, That every Person who shall contribute to the Asylum the Sum of Twenty Guineas or upwards, paid at One Time or within Three Years, shall be a Governor of the Asylum; and every Person who shall contribute to the Asylum annually the Sum of Two Guineas or upwards shall, as long as he shall continue to contribute

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contribute such Sum, be an annual Governor of the Asylum; and every Person who shall contribute to the Asylum any Sum less than Twenty Guineas, paid at One Time or within Three Years, or any Sum annually less than Two Guineas, shall, if allowed by the Byelaws, but not otherwise, be entitled to vote at the Election of Children into the Asylum, and shall have such Number of Votes (if more than One) at every such Election as the Amount of the Sum, whether annual or in gross, contributed by him to the Asylum may by the Byelaws for the Time being in force confer upon him; but such Person shall not be a Member of the Corporation, nor entitled to participate or in any Manner to interfere with the Government or Management thereof, nor to attend or be present at any Meeting of the Members of the Corporation, except such as shall be held for the Election of Children.

Persons contributing less than Twenty Guineas at One Time, or less than Two Guineas annually, to be entitled to vote at the Election of Children, but not to be Members of the Corporation.

XX. That at all Meetings of the Corporation for any Purpose whatever in relation thereto (save only and except for the Election of Children into the Asylum) every Principal shall be entitled to Four Votes, and every Governor shall be entitled to Two Votes; and if any Principal or Governor shall have contributed any annual or gross Sum to the Asylum, the Payment of such annual or gross Sum shall not entitle the Principal or Governor paying or having paid the same to any further or additional Vote in respect of the Sum so paid.

At Meetings of the Corporation Principals to have Four Votes and Governors Two Votes.

XXI. That at all Meetings for the Election of Children into the Asylum every Principal shall be entitled to Four Votes, and if he shall have contributed any gross or annual Sum to the Asylum he shall be entitled to an additional Vote or Votes, according to the Byelaws of the Corporation, in proportion to the Amount of the Sum contributed by him to the Asylum.

At Elections of Children Principals to have Four Votes, and additional Votes in proportion to Contribution.

XXII. That at all Meetings for the Election of Children into the Asylum every Governor whose Appointment as such shall have been wholly irrespective of any Money contributed by him to the Asylum shall be entitled to Two Votes, and if he shall have contributed any gross or annual Sum to the Asylum he shall be entitled to an additional Vote or Votes in proportion to the Amount of the Sum contributed by him to the Asylum, and according to the Byelaws of the Corporation; but every Governor whose Appointment as such shall have been in respect of Money contributed by him to the Asylum shall be entitled to such Number of Votes only as the Amount of the gross or annual Sums so contributed by him to the Asylum may according to the Byelaws of the Corporation confer.

At Elections of Children Governors not contributing to have Two Votes; but if contributing, then to vote in proportion to Amount of Contribution.

XXIII. That for the Purpose of encouraging charitable and well-disposed Persons to make Donations and to contribute to the

Byelaws may be made to regulate

[Private.]

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Asylum

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Privileges to be granted to Subscribers.

Asylum it shall be lawful for the Corporation from Time to Time, at any General Meeting, by any Byelaw to be then and there made, to determine the Number of Votes to which Persons or the Executors of Persons making Donations or contributing to the Asylum shall be entitled at the Election of Children into the Asylum, and also to confer upon such Persons, or any of them, and also upon Clergymen granting their Pulpits or preaching for the Asylum, such further and other Rights and Privileges with respect to participating in the Government and Management of the Asylum, and to the Nominations of Children as Candidates for Election, and to the Election of Children into the Asylum, and to placing Children in the Asylum without Election, as to the Members of the Corporation then present, or the major Part of them, shall seem best adapted to promote the Interest and further the Purposes of the Asylum, and such Byelaws, or any of them, from Time to Time to add to, amend, alter, or repeal, as to the Members of the Corporation present at any General Meeting, or the major Part of them, shall seem proper.

Power to invest the Monies of the Institution on Mortgage.

XXIV. That any of the Monies for the Time being belonging to the Corporation may be from Time to Time invested by the Principals, either in the Name of the Corporation, or in the Names of Trustees for the Corporation, on Mortgage of any Hereditaments of a clear and indefeasible Estate of Inheritance in Fee Simple, or of a Copyhold or Customary Estate of Inheritance, in *England* or *Wales*, but not in *Ireland*, free from Incumbrances, except Quit Rents and other small annual Payments, or upon any Bonds, Mortgages, or Debentures issued by any Railway or Dock Company in *England* or *Wales*; and any Money so invested may be called in, and the Payment of the same, and the Interest thereof, or any Part thereof, respectively, may be required and enforced whenever the Principals shall think it advisable so to do after the same shall have become due and payable.

Estates mortgaged to the Corporation shall, after the Mortgageors shall have released, or been foreclosed, be sold.

XXV. That when and so often as, in the Case of any Lands or Hereditaments being vested in the Corporation, or in any Trustees for them, for securing by way of Mortgage any Monies belonging to the Corporation, the Persons entitled in Equity to redeem the said Lands or Hereditaments shall release the Right to redeem the same, or such Right shall be absolutely foreclosed, the Corporation shall absolutely sell and dispose of the same for the Benefit of the said Asylum, and shall not be liable to any Penalties or Forfeitures for holding and retaining the same after such Release or final Order shall have been obtained, provided they absolutely sell and dispose of the same within Twenty-four Calendar Months after obtaining such Release or final Order.

XXVI. That,

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XXVI. That, subject to the Provisions in this Act contained, it shall be lawful for the Corporation to grant Leases, either with or without previous Agreements, of all or any Part of the Lands which now are, and which at any Time after the passing of this Act shall be, vested in the Corporation, or their Trustees, for the Purposes of the said Asylum, with their respective Appurtenances, (except the said Asylum after the Erection of the same, and the actual Site thereof, and also except Lands which shall be vested in the Corporation, or their Trustees, for the Purposes of the said Asylum, by way of Mortgage, and subject to Redemption,) for the Terms herein-after mentioned, every such Lease to commence and take effect in possession from or antecedently to the Date of the Agreement or Lease, or from any Period not exceeding Twelve Calendar Months from the Date of such Agreement or Lease, at the best yearly Rent that can be had or gotten for the same, and upon such other Terms and subject to such Conditions in all respects as may be agreed on, but without taking a Fine or Premium for the granting such Lease, (that is to say;) for any Term not exceeding Twenty-one Years for the common Purposes of Husbandry or Occupation, and for any Term not exceeding Ninety-nine Years for the Purpose of such Lands being built upon, or in order that then existing Buildings may be taken down, and the Sites thereof built upon, or that then existing Buildings may be rebuilt, repaired, or improved; and by any such Lease Powers may be granted to the Lessee of building, repairing, rebuilding, or improving any Houses or other Buildings, with or without Offices, Outbuildings, Gardens, Yards, or other Conveniences, and with or without liberty for the Lessee to take down all or any Part of the Buildings which shall be standing on the Premises to be comprised in any such Lease or Agreement at the Time of making thereof, and to convert or dispose of the Materials thereof to such Uses and Purposes as shall be therein mentioned and agreed upon, and Power to lay out and appropriate any Part of the Premises to be comprised in any such Lease or Agreement as and for Sewers, Streets, Approaches, Ways, Passages, and ornamental Grounds for the Use and Convenience of such Lessee and any other Tenant or Occupier of the said Premises, or for the Use and Convenience of the Public, in such Manner and upon such Terms as shall be mentioned and agreed upon in such Lease or Agreement; and that for the Purposes of the said Asylum it shall be lawful for the Corporation to accept a Surrender of any subsisting Lease or Agreement for a Lease, whether the Object of such Acceptance by the Corporation shall or shall not be to make a new Lease or Demise: Provided always, that the Rents and Reservations which shall be reserved by any such Leases as afore-said, and shall be received by the Corporation, shall be applied for the Purposes of the said Asylum.

As to granting Leases of Lands belonging to the Hospital.

XXVII. That

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As to grant-
ing Leases
of Land in
Mortgage.

XXVII. That it shall be lawful for the Corporation, with the Concurrence of the Persons entitled to the Equity of Redemption of Lands which may be vested in the Corporation, or their Trustees, for the Purposes of the said Asylum, by way of Mortgage, and subject to Redemption, to grant Leases of such Lands, with their respective Appurtenances, either with or without previous Agreements, for Terms not exceeding Twenty-one Years, to commence and take effect as aforesaid, upon such Terms and subject to such Conditions as shall be agreed on, so as in and by every Lease to be granted as last mentioned there be reserved the best Rent, during the Continuance of the Term of Years to be created by such Lease, that can be obtained or reasonably expected, taking all Circumstances into consideration, without taking any Fine for the granting of such Lease.

Power to
grant Min-
ing Leases.

XXVIII. That, subject to the Provisions in this Act contained, it shall be lawful for the Corporation from Time to Time to demise all and every or any of the Pits, Mines, and Quarries, and Seams or Beds of Coal, Lead, Iron, Stone, Clay, and other Substances within, under, or upon the said Town Moor, or any Part thereof, or within, under, or upon any Lands or Tenement which may be purchased or acquired by them, and also any Part or Parcel of the said Town Moor, or of such Land or Tenement which may be thought proper to be demised therewith, unto any Person or Persons for any Term or Number of Years not exceeding Forty-two Years, to commence and take effect in possession from or antecedently to the Date of such Lease, or from any Period not exceeding Twelve Calendar Months from the Date of such Lease, with full and free Liberty, Power, and Authority to open, use, and work such Pits, Mines, and Quarries, and to search for, win, work, and dispose of such Seams or Beds aforesaid, and with such other Liberties, Powers, and Authorities, and subject to such Covenants, Conditions, and Restrictions, as the Principals shall deem proper or expedient to be granted or inserted or reserved in any such Demise or Lease, and so as in all such Demises or Leases there be respectively reserved and made payable during the Continuance thereof the best and most improved Rents, Duties, Royalties, and Reservations respectively which can be obtained or reasonably expected for the same, without taking any Fine, Premium, or Foregift for the making thereof, and so that a Counterpart of every such Demise or Lease be executed by the Lessee, and a Memorandum, signed by the Secretary or acting Secretary for the Time being of the Corporation, or by any One of the Principals, indorsed upon the original Lease, acknowledging the Execution and Receipt of the Counterpart thereof, shall be Evidence of the Execution of such Counterpart.

Application
of Rents of
Mines.

XXIX. That the Rents, Tolls, Duties, Royalties, and Reservations, and other Monies which shall be received by the Corporation for or in respect of any Mines or Minerals or Seams of Coal in or under the

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the said Town Moor shall be applied and disposed of by the said Corporation in the Manner following; that is to say, One Seventh Part of such Rents, Tolls, Duties, Royalties, Reservations, and other Monies shall be applied by them as Part of their ordinary Income, and the remaining Six Seventh Parts thereof shall be laid out and invested in the Public Stocks or Funds of *Great Britain*, or upon Government or Real Securities, at Interest, in the Name of the Corporation, with full Power and Authority for the said Principals to vary such Securities at their Pleasure, and the Income arising therefrom shall be applicable and shall be applied as Part of the ordinary Income of the Corporation.

XXX. That the Receipt under the Hand of the Treasurer for the Time being of the Corporation shall at all Times be a sufficient and effectual Discharge to every Person for so much Money as in such Receipt shall be expressed to be received, and shall wholly exonerate the Person paying the same from seeing to the Application thereof; and that all Monies which shall be received by the Treasurer of the Corporation for the Purposes thereof shall be by him disposed of for the said Purposes, or otherwise accounted for, as the Principals shall from Time to Time direct.

Treasurer's Receipt to be a good Discharge

XXXI. That (with the Exception of the Land not exceeding half an Acre which may be appropriated to the Gray Schools, and Land not exceeding One Acre and a Half which may be used for the Site of the Asylum, and subject to any Rights now legally subsisting), all such Parts of the Town Moor and Lands comprised in Schedules (A.) and (B.) as are situate to the West of the *York, Newcastle, and Berwick* Railway, and now uninclosed, shall remain open and uninclosed, and no Fence, Erection, or Building of any Nature or Kind whatsoever shall be placed or erected or suffered to be placed or erected by the Corporation thereon, nor shall the Surface of such Parts of the Town Moor be broken or opened for any Pit, Quarry, Brickyard, or other Purpose, nor shall the same Parts be used for the Deposit of Timber, Bricks, Manure, Ballast, or other Materials, unless with the Consent in Writing in any of the Cases aforesaid of the Council of the Borough of *Sunderland*, to be signified under the Common Seal of the Mayor, Aldermen, and Burgesses of such Borough.

Parts of Town Moor to remain open and uninclosed.

XXXII. That if the existing Lease of *Sunderland* Barracks be at any Time determined, no Building, except Warehouses, shall be erected on any of the Land now comprised in such Lease, unless with the Consent of the Council of the Borough, to be signified in Writing under the Common Seal of the Mayor, Aldermen, and Burgesses of such Borough.

If Lease of Barracks be determined, Warehouses only to be erected on the Site.

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As to Service of Notices upon the Corporation.

XXXIII. And with respect to the Service of Notices upon the Corporation, be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Corporation, may be served by the same being given personally to the Treasurer for the Time being of the Corporation, or being left at the Office of such Treasurer, or being delivered to some Inmate at the Place of Abode of such Treasurer, or in case there be no Treasurer, or the Place of Abode of such Treasurer be not known, then by being given personally to any one of the Principals.

Expenses of the Act.

XXXIV. That all Costs, Charges, and Expenses attending or incident to preparing, applying for, obtaining, and passing this Act shall be paid by the Corporation out of any Money already received or hereafter to be received by them, in preference to any other Payment thereout, save and except the Costs, Charges, and Expenses herein-before directed to be paid by them to the Bishop of *Durham* and to the Freemen and Stallingers of *Sunderland*.

Interpretation of Terms.

XXXV. That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "The Corporation" shall mean "The Principals and Governors of the *Sunderland Orphan Asylum*."

The Expression "The Principals" shall mean the Principals of the Corporation, or the major Part of them, present at any Ordinary or Special Meeting of Principals of the Corporation, provided such Meeting shall consist of not less than Five Principals.

Saving Rights of the Bishop of *Durham*.

XXXVI. That nothing in this Act shall be taken to prejudice or affect the Right or Title of the Bishop of *Durham* to the Residue of the Sea Shore in front of the said Town Moor.

General Saving.

XXXVII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, and to their Heirs, Successors, Executors, and Administrators, (other than and except the Bishop of *Durham* and the Freemen and Stallingers of the Borough of *Sunderland*,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever of, in, to, or out of or upon the several Pieces or Parcels of Land, Messuages, Tenements, and Hereditaments mentioned and set forth in Schedules (A.) and (B.) to this Act annexed, and every or any of them, and every or any Part or Parts thereof, as they or any of them had before the passing of this Act, or would, could,

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could, or might have had, held, or enjoyed in case this Act had not been passed.

XXXVIII. That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression “*The Sunderland Orphan Asylum Act, 1853.*” Short Title.

XXXIX. That this Act shall not be a Public Act, but shall be printed by the several Printers to the Queen’s most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others. Act as printed by Queen’s Printers to be Evidence.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Firstly. All that Piece or Parcel of Land situate in the Parish of Sunderland in the County of Durham, Part of Sunderland Moor, containing by Admeasurement 20A. 2R. 36P. or thereabouts, bounded in part by a Road or Way leading to Saint John's Church, and formerly used as a Ropewalk, and on other Part by the Wall enclosing the Churchyard of the Parish of Sunderland, on the North by the Railway and Land belonging to the York, Newcastle, and Berwick Railway Company, on the East by drawing to a Point on the South, and in part by a public Highway leading from the Town of Sunderland, past the North Side of the Octagon Cottage to the Sea Beach, and in part on another Portion of the Wall of Sunderland Churchyard, and the Wall of Trafalgar Square on the West and South-west, and which said Piece or Parcel of Land is now in the Occupation of the York, Newcastle, and Berwick Railway Company, or their Under-tenants, under a Lease thereof granted by the said Freemen and Stallingers of the Borough of Sunderland, dated the 21st Day of August 1835.

And secondly. All that other Piece or Parcel of Ground situate in the Parish of Sunderland aforesaid, also Part of Sunderland Moor, containing by Admeasurement 1 Rood and 37 Perches or thereabouts, bounding on the Barrack Wall on the North, on the Lands and Works of the Sunderland Dock Company on the East and South, and on Land belonging to the said Freemen and Stallingers, and now under Lease to the York, Newcastle, and Berwick Railway Company, on the West, and Part of which said last-mentioned Piece or Parcel of Land was lately occupied by Messrs. Craven and Sons, and is now unoccupied, and other Part thereof is now held by Mr. John Munro, under Lease from the said Freemen and Stallingers.

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SCHEDULE (B.)

All that Piece or Parcel of Ground in the Parish of Sunderland upon which is built a Pottery, called the Sunderland Pottery, and other Premises situate, lying, and being on the North Side of the Coney Warren of Sunderland aforesaid, bounding on the Road leading from the East End of Sunderland aforesaid to the Pier on the South, on Premises formerly belonging to Christopher Thornhill Thornhill, and now to Messrs. Wood, Robson, and Jonassohn, on the North, on vacant Ground on the East, and on a Road leading from the High Street down to Thornhill's Wharf on the West; and which said Pottery and Premises are now in the Occupation of Messrs. Dixon and Co., under Lease from the said Freemen and Stallingers, dated the 10th Day of September 1835.

All that other Piece or Parcel of Ground, as now enclosed, situate in the Borough of Sunderland, containing 7 Acres 2 Roods and 12 Perches or thereabouts, together with the Messuages and Buildings thereon now used as Sunderland Barracks, and in the Occupation of Her Majesty's Troops, under Lease from the said Freemen and Stallingers, dated the 1st Day of January 1844.

All that other Piece or Parcel of Ground, Part of Sunderland Moor, now occupied by the Railway and Works of the York, Newcastle, and Berwick Railway Company under Leases from the Bishop of Durham and the said Freemen and Stallingers.

All that other Piece or Parcel of Waste Ground, being Part and Parcel of the Town Moor, and situate, lying, and being near or adjoining to the South End or Extremity of a certain Piece of Ground formerly used as a Ropery or Ropewalk, and now used as a public Road or Way (being Part of and situate at the West End of the said Town Moor), extending from the said Road on the West to the Parcel of Ground next therein-after described on the East, with the Messuage or Cottage called the Octagon Cottage, and all other Buildings now standing thereon, bounding on the said Road and Ground belonging to William Robinson, Esquire, on the West, upon a public high Road leading to the Sea Shore on the North, upon a Wall enclosing the Property of the said William Robinson on the South, and upon the Parcel of Ground next therein-after mentioned on the East; and also all that other Piece or Parcel of Waste Ground, being Part and Parcel of the said Town Moor, situate, lying, and being at the East End of the said Premises last herein-before described, and containing in Breadth at the West End thereof Twenty-nine Feet or thereabouts,

[*Private.*]

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and at the East End thereof Nineteen Feet Three Inches or thereabouts, and in Length from East to West Eighty-two Feet Nine Inches or thereabouts, bounding on the said Road leading from the Town of Sunderland to the Sea Beach on the North, on the York, Newcastle, and Berwick Railway on the East, on Property belonging to the said William Robinson, and known by the Name of the Hendon Lodge Property, on the South; and on the old Garden Wall of the said Octagon Cottage on the West, and which said Premises are now held by Christopher Bramwell, or his Assigns, under Lease from the said Freeman and Stallingers, dated the 7th Day of March 1850.

All that other Piece or Parcel of Ground lying to the East and North of a House called Hendon Lodge, formerly leased to Christopher Thompson Maling, Esquire, and afterwards to George Robinson, Esquire, and since to William Robinson, Esquire, his Son, together with the several Messuages and Buildings now standing thereon, and which said Premises are now held by Marshall Fowler and others under Lease from the said Freeman and Stallingers, dated the 6th Day of June 1850.

All that other Piece or Parcel of Ground situate and being in the Borough and Parish of Sunderland aforesaid bounded by and immediately adjoining a public Street called Coronation Street on the North, and from thence extending in irregular Dimensions Southwards, and is at the South End thereof Twenty-five Feet wide, and on the North End or Side thereof Ninety Feet wide, together with the several ancient Workshops, Cottages, Tenements, and Premises erected and built thereon, and which said Premises were lately held by John Kidson under Lease from the said Freeman and Stallingers, dated the 3rd Day of November 1841.

All that perpetual annual Ground Rent of Five Pounds secured upon, and issuing and payable out of certain Lands and Hereditaments in the Parish of Sunderland, formerly belonging to the said Freeman and Stallingers, and now known as Trafalgar Square, and granted and conveyed by them by Deed dated the 31st Day of October 1839.

All the remaining Parts and Parcels of Sunderland Moor aforesaid situate in the Parish of Sunderland aforesaid.

J. S. Robinson.

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