



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

Cap. 35.

An Act to extend the Provisions of Two Acts, of the Second Year of King *William* the Fourth and the First Year of Her present Majesty, relating to the Free Grammar School of King *Edward* the Sixth, in *Birmingham* in the County of *Warwick*. [30th July 1842.]

WHEREAS by an Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King Edward the Sixth, in Birmingham in the County of Warwick, to erect a School House, Masters Houses, and other suitable Accommodations for the said School, and to extend the Objects of the Charity; and for other Purposes,* 1 & 2 W.4. c. 17.
 after reciting therein Letters Patent of His late Majesty King *Edward* the Sixth, whereby a Free Grammar School, with a Master or Pedagogue and a Sub-Pedagogue or Usher, was founded for the Instruction of Boys and Youths in Grammar, and the Governors thereof were appointed and incorporated by the Name of "The Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Edward* the Sixth, in *Birmingham* in the County of *Warwick*," (in the said Letters Patent *Brymyncham*,) and divers Messuages and Lands were granted to the said Governors for the Support of the said School;

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School, and the said Governors were empowered, with the Advice of the Bishop of the Diocese for the Time being, to make Regulations for the Government of the said School, and after reciting divers Proceedings in a Suit in the High Court of Chancery, in which His Majesty's Attorney General, at the Relation of the said Governors, was Informant, and the said Governors were Plaintiffs, and the Honourable and Right Reverend Father in God *Henry* late Lord Bishop of *Lichfield* and *Coventry*, *John Cooke*, the Master or Pedagogue, and *Rann Kennedy*, the Sub-Pedagogue or Usher of the said School, were Defendants, and after divers other Recitals, it was by the said Act now in recital, among other things, enacted, that it should be lawful for the said Governors, under the Direction of the said Court of Chancery, to purchase the Piece of Land, Dwelling Houses, Buildings, and Erections therein mentioned adjoining the then existing Site, in *New Street* in *Birmingham* aforesaid, of the said Free Grammar School, and to add the Lands so to be purchased to the then existing Site of the said Free Grammar School; and that it should be lawful for the said Governors and their Successors to cause the then existing School House, Masters Houses, and other Buildings in *New Street* in *Birmingham* aforesaid, in which the said Free Grammar School was then carried on, to be pulled down, and the Materials to be sold and disposed of, and under the Direction of the said Court to build and lay out a School House, Masters Houses, and other Buildings and Play Grounds suitable for the Purposes of the said Free Grammar School, on the said then existing Site in *New Street* aforesaid, or on the said Site with the Addition thereto of the Land therein-before authorized to be purchased, or of any Part thereof; and it was further enacted, that it should be lawful for the said Governors, and they were thereby required, within Eight Years after the passing of the said Act, to appropriate a Sum not exceeding Four thousand Pounds, in order to build and establish, upon such Parts of the Charity Estates as they should consider to be most convenient for the Purpose, Four Schools for the elementary Education of the Male and Female Children of the poorer Inhabitants of the Town, Parish, and Manor of *Birmingham*, and to nominate and appoint Masters and Mistresses, with such Salaries, payable out of the Rents of the Charity Estates, as the said Governors should think right, and by such Act the said Governors were authorized to sell such Parts of the Estates of the said Charity as were comprised in the First and Second Schedules to the same Act; and it was by the said Act further enacted, that it should be lawful for the said Governors and their Successors to borrow and take up, at Interest, from Time to Time, such Sums of Money, not exceeding the Amount therein-after and herein-after mentioned, as the said Governors and their Successors should from Time to Time require, for paying the said Costs and Expences incurred in the said Suit in the said High Court of Chancery, and the Costs, Charges, and Expences of preparing and obtaining the said Act, and incidental thereto, including the Expences of Two previous Applications to Parliament, and for paying for the said Piece of Land, Dwelling Houses, Buildings, and Erections adjoining to the then Site of the said Free Grammar School; or any Estate or Interest therein, in case the said Governors or their Successors should purchase the same, and for paying the Expence of erecting, completing, and finishing such
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Houses, Buildings, and Conveniences as should be adequate and suitable for the Purposes of the said Free Grammar School, and also for purchasing the Surrender of any Leasehold or outstanding Interest in the Hereditaments in *New Street* and *Peck Lane* therein-before mentioned, and in erecting and completing such Houses, Buildings, and other Conveniences as should be adequate and suitable for the Purposes of the said new School for teaching modern Languages, the Arts and Sciences, and also for building and establishing the said elementary Schools as aforesaid, and for paying all other Expences incurred in carrying into effect any of the Purposes of the said Act, and by any Writing or Writings under the Common Seal of the said Governors to grant and demise all or any Part of the Messuages, Lands, and Hereditaments belonging to the said Governors (except the Hereditaments comprised in the First and Second Schedules to the said Act) unto such Person or Persons, Body or Bodies Corporate, as should advance all or any Part of the Money thereby authorized to be borrowed as aforesaid, his, her, or their respective Executors, Administrators, Successors, and Assigns, as a Security for the Money so advanced, with Interest, and that such Mortgages should or might, so far as the same might be applicable, be in the Form or to the Effect therein contained; and it was by the said Act further enacted, that it should be lawful for the Person or respective Persons for the Time being entitled to any Mortgage or Mortgages to be made in pursuance of the said Act, from Time to Time, by Writing under his, her, or their Hand and Seal, or respective Hands and Seals, or (in the Case of Bodies Corporate having a Common Seal) under their Common Seal, to transfer such Mortgage or Mortgages, and the full Benefit thereof, to any Person or Persons whomsoever, and that every such Transfer should or might (so far as the same might be applicable) be made in the Form or to the Effect therein contained; and it was by the said Act further enacted, that the Money to be raised by Mortgage as therein and herein before mentioned, together with the Monies to arise by the Sale of certain Sums of Stock therein-before authorized to be sold, and by the Sale of the Hereditaments in the said First and Second Schedules to the said Act, in case the said Premises, or any of them, should be sold, and the Monies to arise by the Sale of the Materials of the Buildings thereby authorized to be pulled down as aforesaid should not exceed the Sum of Fifty thousand Pounds, unless the said Governors or their Successors should purchase the said Lands and Hereditaments adjoining to the then present Site of the said Free Grammar School, or should purchase the Surrender of any Leasehold or outstanding Interest in the Hereditaments in *New Street* and *Peck Lane* as aforesaid; and in case the said Governors or their Successors should purchase the said Lands and Hereditaments adjoining to the present Site as aforesaid, and should also purchase the Surrender of any Leasehold or outstanding Interest in the Hereditaments in *New Street* and *Peck Lane* as aforesaid, then so much more only than the Sum of Fifty thousand Pounds might be raised as should be equal to the Amount agreed to be paid by the said Governors for such respective Purchases, and the Amount of the Expences attending any such Purchases; and it was by the said Act further enacted, that a sufficient Portion of the Rents and Profits belonging to the said Charity should be appropriated for the Purpose
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of keeping down the Interest on the said Mortgages, and for Discharge of the Principal, as therein mentioned; and it was by the said Act further enacted, that the Money so to be raised by the several Sales aforesaid, and also the Money to be raised by the said Mortgages, after Payment thereof of the Costs and Expences incurred in the said Suit in the High Court of Chancery, and the Costs, Charges, and Expences of preparing and obtaining the said Act, and incidental thereto, including the Expence of Two previous Applications to Parliament, should be applied by the said Governors, from Time to Time as the same should be wanted, in paying for the said Land and Hereditaments adjoining to the said Site of the said Free Grammar School, and in paying the Expence of erecting, completing, and finishing such Houses, Buildings, and Conveniences as should be adequate and suitable for the said Free Grammar School, and also for the paying for the Purchase of the Surrender of any Leasehold or outstanding Interest in the Hereditaments in *New Street* and *Peck Lane* as aforesaid, and also in paying the Expence of erecting, completing, and finishing such Houses, Buildings, and Conveniences as should be adequate and suitable for the Purposes of the said new School for teaching modern Languages, the Arts and Sciences, and also in building and establishing the said elementary Schools, and in paying the Expences incurred in carrying into effect any of the Purposes of the said Act; and it was by the said Act further enacted, that such Part of the Money applicable to the Purposes of the said Act should be laid out by the said Governors in erecting, completing, and finishing the Houses, Buildings, and other Conveniences for the said Free Grammar School, and such further Part of the same Money should be laid out by the said Governors in erecting, completing, and finishing Houses and other Conveniences for the said new School for teaching modern Languages, the Arts and Sciences, as should be approved of in that Behalf respectively by the said High Court of Chancery, upon any Application or Applications to be made by the said Governors for that Purpose; and it was by the said Act further enacted, that the said Free Grammar School should be established, regulated, and managed according to the Rules and Regulations contained in the Scheme in the said Act mentioned, so varied and amended as therein mentioned and as therein-before set forth (except as to the Number of Boarders to be taken by the Masters), and as to all Particulars to which the same Rules and Regulations should apply, including the Powers of repealing and varying any then present or future Statutes, and of adding new Articles as in the said Scheme mentioned, or according to any Scheme or Schemes which should thereafter be approved of by the said Court of Chancery, any thing in the said Letters Patent, or any Statute, Ordinance, or Usage, to the contrary thereof in anywise notwithstanding; and it was by the Act now in recital further enacted, that from and after the passing thereof the Head Master of the said School for the Time being should not be authorized or empowered to take into his House as Boarders any greater Number of Boys than Eighteen, and the Usher for the Time being any greater Number than Twelve, and each of the then present Assistants to the said Head Master and Usher any greater Number than Four, and that no future Assistants to the Head Master and Usher for the Time being should take or receive into his House any

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Boarders whatever, and the Governors of the said School, and their Successors, should not have Power to increase the Number of Boarders to be taken by the said respective Masters, any thing in the Scheme therein-before set forth to the contrary thereof in anywise notwithstanding; and it was by the said Act further enacted, that in all Cases in which the said Governors were thereby authorized to do any Act under the Direction or with the Approbation of the said High Court of Chancery, and in all other Cases in which the Direction, Approbation, or Sanction of the said Court should be necessary under the Provisions of the said Act, such Direction, Approbation, or Sanction should be made and given respectively by Order of the said Court, made in a summary Way upon a Petition to be presented by the said Governors for the Time of the said Free Grammar School: And whereas by an Act passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to alter and amend* ^{7 W. 4. &} *an Act passed in the Second Year of the Reign of His late Majesty* ^{1 Vict. c. 41.} *King William the Fourth, intituled 'An Act to enable the Governors of ' the Possessions, Revenues, and Goods of the Free Grammar School of ' King Edward the Sixth, in Birmingham in the County of Warwick, ' to erect a School House, Masters Houses, and other suitable Accommodations for the said School, and to extend the Objects of the Charity ; ' and for other Purposes,'* after reciting (among other things) that no Part of the Money which had been then already raised under the Powers of the said firstly herein-before recited Act had been raised by Sale of any of the Messuages, Lands, and Hereditaments comprised in the Second Schedule to the same Act, and that it was intended that the whole of the Remainder still to be raised under the Powers of such Act should be raised by Mortgage, and not by Sale, and that the Lands and Hereditaments mentioned in the Schedule to the said Act now in recital (being the whole of the Hereditaments comprised in the Second Schedule to the said firstly herein-before recited Act, and such Part as remained unsold of the Hereditaments contained in the First Schedule to the same Act,) were detached Portions of the Estates belonging to the said Charity, and from their Situation were likely to be sold for a high Price, it was enacted (among other things), that it should be lawful for the said Governors to pay and apply such Part of the said Sum of Fifty thousand Pounds raised or to be raised in pursuance of the firstly herein-before recited Act as should be required for that Purpose, in Payment and Discharge of the Sum of Six thousand five hundred and nineteen Pounds Fourteen Shillings and Seven-pence, the Excess of the Expence therein-before mentioned to have been incurred in completing the said new Grammar School, Buildings, and Grounds, over and above the Sum of Thirty thousand Pounds, originally appropriated for that Purpose, as therein is mentioned, or in Payment or Discharge of other the Excess which should ultimately be incurred, so that such Excess, including the said Sum of Six thousand five hundred and nineteen Pounds Fourteen Shillings and Seven-pence, did not exceed Seven thousand Pounds; and it was further enacted, that the said School for teaching modern Languages, the Arts and Sciences, should be established, conducted, and carried on in some Part or Parts of the said newly erected Grammar School Buildings, or in any additional Buildings to be erected under the Powers of the Act now in recital, and that the said new School for

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teaching modern Languages, the Arts and Sciences, should, as to the Nomination, Number from Time to Time of Masters, Lecturers, and Teachers, the Amount of their Salaries or Remuneration, and the Powers of removing them, as to the particular Branches of Education which should be taught by each Master, Lecturer, or Teacher, as to the Apparatus and Instruments and Accommodations to be provided, as to the Place of Birth, Age, and Number of Scholars to be received, as to the Part or Parts of the Buildings to be allotted from Time to Time for the Purposes of the said new School, and as to all other Particulars relating to the Management and Conduct of the said new School, be established and regulated according to a Scheme or Schemes to be from Time to Time made by the said Governors for that Purpose, and to be confirmed and approved of by an Order or Orders of the said Court to be made in a summary Way upon a Petition or Petitions to be preferred by the Governors; and it was by the said Act now in recital enacted, that it should be lawful for the said Governors, and their Successors, under the Direction of the said Court of Chancery, to purchase certain Lands and Buildings therein mentioned, belonging to *Frind Cregoe Colmore* Esquire, and others, and the said Governors were thereby authorized to sell the said Lands and Hereditaments comprised in the said Schedule to the Act now in recital; and it was by the said Act now in recital further enacted, that it should be lawful for the said Governors to borrow and take up at Interest, from Time to Time, such Sums of Money, not exceeding the Sum of Ten thousand Pounds, over and above the Costs of applying for and obtaining the said Act now in recital, and relative thereto, as the said Governors should from Time to Time require for paying the Costs and Expences incurred in the Proceedings in the said Court therein mentioned, and the Costs, Charges, and Expences of applying for and obtaining the said Act now in recital, and incident thereto, and for paying for the said Lands and Buildings therein-before authorized to be purchased, in case the said Governors should purchase the same, and for making good the Deficiency therein-before mentioned to have been estimated of Four thousand four hundred and seventy-eight Pounds One Shilling and Five-pence, or other the Deficiency which should happen in the Income of the said Charity, and for Payment of the Expence of the additional Accommodation and Instruction (if any) to be provided as afore-said, and generally for paying any Expences which might be incurred in carrying into effect any of the Purposes of the said Act now in recital; and it was thereby further enacted, that it should be lawful for the said Governors and their Successors, by any Writing or Writings under the Common Seal of the said Governors, to grant and demise all or any Part of the Messuages, Lands, and Hereditaments belonging to the said Governors (except the Hereditaments comprised in the said Schedule to the said Act now in recital) unto such Person or Persons, or Body or Bodies Corporate, as should advance all or any Part of the Monies thereby authorized to be borrowed and raised, his, her, or their respective Executors, Administrators, Successors, or Assigns, as a Security for the Money so advanced, with Interest, and that such Mortgages should or might (so far as the same might be applicable, and with such Variation as the Reference to the said Act now in recital, instead of the said

said therein and herein before recited Act, or other Circumstances, might require or render expedient or convenient,) be in the Form or to the Effect provided in and by the said therein and herein before recited Act for the Mortgages to be made for the Purposes of the said therein and herein before recited Act; and it was thereby further enacted, that all Mortgages to be made in pursuance of the said Act now in recital should be numbered progressively, commencing with Number Fifty, and should be good, valid, and effectual in Law, but should have no Preference as between one and another in respect of the Priority of the Dates or Numbers of such Mortgages, or otherwise; provided always, and it was thereby further enacted, that all Mortgages then already made or thereafter to be made in pursuance of the said therein and herein before recited Act should have Priority and Preference over the Mortgages to be made in pursuance of the said Act now in recital, including Mortgages made in pursuance of the said Act now in recital for raising Money to pay off and discharge Mortgages then already made or thereafter to be made in pursuance of the said therein and herein before recited Act; and it was by the said Act now in recital further enacted, that it should be lawful for the Person or Persons, or Body or Bodies Corporate, for the Time being entitled to any Mortgage or Mortgages to be made in pursuance of the said Act now in recital, from Time to Time, by Writing under his, her, or their Hand and Seal, or respective Hands and Seals, (or, in case of Bodies Corporate having a Common Seal, under their Common Seal,) to transfer such Mortgage or Mortgages, and the full Benefit thereof, to any Person or Persons whomsoever, and that every such Transfer should or might (so far as the same might be applicable, with such Variations as the Reference to the said Act now in recital, instead of the said therein and herein before recited Act, or other Circumstances, might require or render expedient or convenient,) be made in the Form or to the Effect in the said therein and herein before recited Act provided for the Transfer of Mortgages to be made in pursuance of the said therein and herein before recited Act; and it was by the said Act now in recital further enacted, that if the said Governors or their Successors should deem it expedient to pay off the Mortgages then already made or thereafter to be made in pursuance of the said therein and herein before recited Act, or the Mortgages to be made in pursuance of the said Act now in recital, including any Mortgage or Mortgages to be made in pursuance of the Power now in recital, or any of such Mortgages respectively, or any Part thereof, then and in every such Case, and from Time to Time as often as the said Governors or their Successors should deem expedient, it should be lawful for the said Governors and their Successors to raise any Sum not exceeding the Sum which should be requisite to pay off and discharge the said Mortgages so for the Time being intended to be paid off and discharged, and the Costs and Expences attending the raising of the same, and to apply the Money so to be raised from Time to Time accordingly; and it was by the said Act now in recital further enacted, that the said Surplus and Residue or Sum of Three thousand five hundred and eighty Pounds Eight Shillings and One Penny, or other the Surplus or Residue which would remain of the said Sum of Fifty thousand Pounds after providing for the Purposes of the said therein and herein before recited Act, or such of them as would remain to be accomplished after the passing of the Act now in recital,

recital, and also the Money to be raised by the Sale of the said Hereditaments in the Schedule to the said Act now in recital, in case the same, or any of them, should be sold, and also the Money to be raised by the said Mortgages to be made in pursuance of the same Act as therein-before directed, but so that the Monies to be raised by the said Mortgages and the Sale of the said Hereditaments did not together exceed the Sum of Ten thousand Pounds over and above the Costs thereby authorized to be raised, should (after Payment thereof of the Costs and Expences incurred in the said Proceedings in the said Court, and the Costs, Charges, and Expences of applying for and obtaining the Act now in recital, and incident thereto,) be applied by the said Governors, from Time to Time as the same should be wanted, in making good and satisfying the said estimated Deficiency of Four thousand four hundred and seventy-eight Pounds One Shilling and Five-pence, or other the Deficiency which should happen in the Income of the said Charity Estates, to meet the annual Expenditure, (including the Expence of any System of Instruction to be established and carried on under any Scheme or Schemes to be approved of by the said Court of Chancery in pursuance of the Act now in recital,) and for paying for the said Lands and Buildings therein-before authorized to be purchased, or any Part or Parts thereof, in case the said Governors should purchase the same, and for paying the Costs, Charges, and Expences which should be incurred in providing additional Accommodation and Instruction for an increased Number of Scholars in case the said additional Accommodation should be provided, and generally for paying all or any Costs, Charges, or Expences which might be in anywise incurred in carrying into effect any of the Purposes of the Act now in recital; and it was thereby further enacted, that it should be lawful for the said Governors and their Successors to sell the said Hereditaments comprised in the said Schedule to the said Act now in recital, or any Part thereof, in pursuance of the Powers in such Act contained, notwithstanding the Sum to arise by such Sale or Sales, together with the Money then already raised or to be raised by Mortgage as therein mentioned, should exceed the Sum of Ten thousand Pounds, over and above the said Costs thereby authorized to be raised as therein mentioned, and to apply the Excess of the Money to arise by such Sale or Sales and such Mortgage or Mortgages, over and above the Sum of Ten thousand Pounds, and the Costs, thereby authorized to be raised as therein mentioned, at the Discretion of the said Governors or their Successors, either in paying off the Principal and Interest then due upon any of the Mortgages which should have been made in pursuance of the said therein and herein before recited Act, or the said Act now in recital, or in paying the Purchase Money and the Costs of purchasing any of the Hereditaments by the firstly herein-before recited Act authorized to be purchased, and which had not then been purchased, or any of the Lands and Buildings by the said Act now in recital authorized to be purchased, or for all of the said Purposes; and it was by the said Act now in recital further enacted, that in case the said Residue or Sum of Three thousand five hundred and eighty Pounds Eight Shillings and One Penny, or other the Surplus of the said Sum of Fifty thousand Pounds, and the said Sum of Ten thousand Pounds, and the Sum raiseable for the Costs of applying for and obtaining such Act, and incident thereto, should amount to a larger Sum than should

be wanted for the Purposes for which the same Three thousand five hundred and eighty Pounds Eight Shillings and One Penny, or other Surplus of the said Sum of Fifty thousand Pounds, the said Sum of Ten thousand Pounds, and the Amount of Costs, were by such Act appropriated as aforesaid, the Excess should be applied in the same Manner as was therein-before directed with respect to the Money to be raised under the Powers of such Act by Sales and Mortgages, over and above the Sum of Ten thousand Pounds and the Costs thereby authorized to be raised as aforesaid; and it was thereby further enacted, that in all Cases in which the said Governors were thereby authorized to do any Act under the Direction or with the Approbation of the Court of Chancery, and in all other Cases in which the Direction, Approbation, or Sanction of the said Court should be necessary under the Provision of the said Act now in recital, or in which the Court was thereby authorized to make any Order or Direction, such Direction or Approbation or Sanction should be made and given respectively by Order of the said Court made in a summary Way upon a Petition to be presented by the said Governors for the Time being: And whereas by an Order, bearing Date the Seventh Day of *March* One thousand eight hundred and forty-two, made in the said Cause, and in the Matter of the herein-before recited Acts, upon the Petition of the Governors of the said Charity, it was referred to the Master to whom the said Cause and Matter stood referred to inquire and state to the Court (amongst other things) what Sums had been raised under the Authority of the said Act of Parliament of the First Year of the Reign of Her present Majesty Queen *Victoria*, and how such Sums, together with the Sum of Three thousand five hundred and eighty Pounds Eight Shillings and One Penny, the Surplus of the said Sum of Fifty thousand Pounds raised under the Provisions of the said Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, had been applied, and whether the Purposes to which the same had been applied had been fit and proper, and beneficial to the Objects of the said Charity; and the said Master was directed to inquire and state to the Court what Sums had been received by the said Governors on account of the Lands and Hereditaments of the said Charity sold to the Company of the Proprietors of the Canal Navigation, as in the said Petition mentioned, and how such Sums which had been received had been applied, and whether the Purposes to which the same had been applied had been fit and proper, and beneficial to the Objects of the said Charity; and the said Master was also directed to inquire and state to the Court whether it would be fit and proper that the Objects and Purposes mentioned in the Report of the Committee of the said Governors, of the Fifth Day of *January* One thousand eight hundred and forty-two, in the Petition mentioned as adopted by the said Governors, and the Objects and Purposes mentioned in the Resolution of the Governors of the Eighth Day of *January* One thousand eight hundred and forty-two, in the said Petition mentioned, or any and which of them ought to be carried into effect, or should be carried into effect, with any and what Modifications or Alterations therein, and whether it would be fit and proper that an Application should be made to Parliament for effecting such Objects and Purposes, or any of them, and, if so, what Sum ought to be raised by the Authority of Parlia-

Order of the
Court of
Chancery,
dated
7th March
1842.

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Master's
Report, dated
26th May
1842.

ment, and by what Means, and how the same ought to be applied, and whether it would be fit and proper that the Sum of Four hundred and fifty-nine Pounds Fifteen Shillings and Eight-pence Bank Three *per Cent.* Consolidated Annuities standing in the Name of the Accountant General of the Court of Chancery, "*Ex parte* the Trustees for executing an Act of the Forty-seventh George Third, intituled *An Act for enlarging the Churchyard belonging to the Parish of Saint Martin in the Town of Birmingham in the County of Warwick, and for providing an additional Cemetery or Burial Ground for the Use of the said Parish,*" should be sold, and, if so, how the Money to arise by such Sale should be applied, and that he should be at liberty to state any Circumstances relating to the said Inquiries specially as he should think fit: And whereas the said Master made his separate Report, bearing Date the Twenty-sixth Day of *May* One thousand eight hundred and forty-two, in pursuance of the herein-before recited Order, and thereby (among other things) found that the Sum of Three thousand five hundred and eighty Pounds Eight Shillings and One Penny, the Residue or Surplus of the Sum of Fifty thousand Pounds raiseable under the firstly herein-before recited Act, after providing for the said Sum of Six thousand five hundred and nineteen Pounds Fourteen Shillings and Seven-pence, and the other Objects and Purposes of the same Act, was raised and carried to the Account of the Monies raiseable under the said secondly herein-before recited Act, and had been applied in the Manner mentioned and set forth in the Second Schedule to the said Report annexed; and he found that the said Sum of Ten thousand Pounds, and the Costs, by the said secondly herein-before recited Act authorized to be raised, had been raised under the Powers of such Act; and he found that the Buildings of the said School were completed and finished in the Year One thousand eight hundred and thirty-eight, and a certain Statute and Ordinance, bearing Date the Tenth of *January* One thousand eight hundred and thirty-eight, for amending the said Scheme for the Regulation of the said Grammar School, was duly made, and a Scheme for teaching in such School the modern Languages and the Arts and Sciences, pursuant to the said secondly herein-before recited Act, was afterwards settled by him, and was confirmed by an Order of the said Court of Chancery, dated the Fifth of *May* One thousand eight hundred and thirty-eight; and he found that the Sums of Money by the said secondly herein-before recited Act authorized to be applied as aforesaid were insufficient for the completing, finishing; and fitting up the said School, and the yearly Income of the Estates of the said Charity had, up to the Time of the said Report, been insufficient to answer the yearly Expenditure on account of the said School and the other Objects of the said Charity, and Sums to a large Amount had been expended by the said Governors in Improvements and necessary Alterations of and upon the Estates of the said Charity, by which Means a large Excess of Expenditure had been occasioned beyond the Sums by the said secondly herein-before recited Act authorized to be expended for the Purposes in such Act mentioned, and a large Debt or Deficiency had been incurred, as appeared by the Reports of the said Governors in the said Report stated; and the said Master by his said Report found that Sums of Money, amounting to Eight thousand
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three hundred and forty-four Pounds Sixteen Shillings and Two-pence, being the Surplus of the Sums raised under the said secondly hereinbefore recited Act of Parliament remaining unapplied under the Provisions of the said Act, had been applied by the said Governors towards Satisfaction of the said Deficiency, and if such Application thereof should be sanctioned by the said Court the Amount of the Sum stated in such last-mentioned Report as requisite to provide for such Deficiency, and the other Purposes of the last-mentioned Report, would be reduced by such Sum of Eight thousand three hundred and forty-four Pounds Sixteen Shillings and Two-pence; and the said Master found that a Sum of Four hundred and fifty-nine Pounds Fifteen Shillings and Eight-pence, Three Pounds *per Cent.* Consolidated Bank Annuities, was then standing in the Name of the Accountant General of the said Court of Chancery, the Account of the Trustees for executing an Act for enlarging the Churchyard belonging to the Parish of *Saint Martin* in the Town of *Birmingham* in the County of *Warwick*, and for providing an additional Cemetery or Burial Ground for the Use of the said Parish, being the Produce of certain Land of the said Charity, sold under the Provisions of the Act which was passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, and it was advisable that the same should be sold, and the Produce of such Sale applied towards Satisfaction of the said Deficiency; and he found that, under the Provisions of certain Acts relating to the *Birmingham* Canal Navigation, certain of the Lands and Tenements of the said Charity had at various Times been sold to the Company of Proprietors of the said Navigation, and the Purchase Money for the same, amounting to Three thousand five hundred and forty-five Pounds Nine Shillings in the whole, had been received by the said Governors, and the Sum of Two thousand eight hundred and eighty Pounds, Part thereof, had been applied by them in purchasing the Land and Premises in *Colmore Street* aforesaid, authorized to be purchased by the said Act of Her present Majesty, and Three hundred and fifty Pounds, other Part thereof, was applied by them in purchasing the Interest of the Executors of Mr. *Phipson* as a Leaseholder in certain Land of the said Charity, which Purchase was beneficial to the said Charity Estate, and the Sum of Three hundred and fifteen Pounds Nine Shillings, being the Residue of such Sum of Three thousand five hundred and forty-five Pounds Nine Shillings, had been carried by the said Governors to the general Account of the said Charity; and the said Master found that Three only of the said elementary Schools had been established, and the School in *Shut Lane*, mentioned in the Resolution next therein-after stated, was well adapted for the Purposes of the Fourth elementary School; and he found that at a Meeting of the said Governors, held on the Eighth of *February* One thousand eight hundred and forty-two, certain Resolutions were passed, as follows; *videlicet*, "It is ordered, that the School in *Shut Lane* be appropriated for the Fourth elementary School, as it appears to this Meeting that it will, with some slight Repairs, be sufficient to accommodate One hundred Boys, and will save the Expence of erecting another School: It is ordered, that the Sanction of the Court of Chancery be obtained to the above Order, if necessary;" and the said Master by his said Report found that certain Leases of the Estates of the said Charity would expire in the Years One thousand

sand

sand eight hundred and forty-four, One thousand eight hundred and forty-five, and One thousand eight hundred and forty-six, which would occasion an Increase of upwards of Three thousand Pounds in the yearly Income of the said Charity, and the said Charity Estates comprised a large Extent of Land well adapted for Building Purposes, from the letting of which considerable Increase of Income might be expected; and the said Master found that the said School, as then conducted under the said Schemes, Statutes, and Ordinances, had been found to be, and in fact was, very beneficial to the Inhabitants of the Town of *Birmingham*, and there were then Two hundred and thirty-five Boys in the said Classical School, and Two hundred and fifteen Boys in the School established for *English* and Foreign Literature, Arts and Sciences, and upwards of Two hundred and fifty Girls and Four hundred and fifty Boys in the elementary Schools; and the said Master found that the Object and Purposes of the said Report of the Fifth of *January* One thousand eight hundred and forty-two, as regarded the raising of further Sums, and the Application thereof, as therein mentioned, and certain of the other Objects and Purposes thereof, and of the Alterations thereby proposed to be made in the Regulations of the said School, could not, as the said Governors were advised, be effected, except by an Act of Parliament, and others of the Objects and Purposes thereof, and of the Alterations thereby proposed to be made in the Regulations of the said School, could not be effected, except by a Scheme, or by Alterations in the existing Schemes, to be made by the said Court of Chancery; and the said Master stated that he had, in the First Schedule to his said Report annexed, set forth a true Statement of the said Sum of Three thousand five hundred and eighty Pounds Eight Shillings and One Penny, the Surplus or Residue of the said Sum of Fifty thousand Pounds, and also of the Sum of One thousand Pounds reserved out of the said Sum of Fifty thousand Pounds, for the Purpose of building the Fourth elementary School, and also the Sum of Two hundred and two Pounds One Shilling and Sixpence, raised under the said Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, beyond the Amount thereby authorized, and also of the Money raised by the said Governors under the said Act of the First Year of the Reign of Her present Majesty, and also of the several Sums of Money which had been received by the said Governors on account of the Lands and Hereditaments of the said Charity sold to the Company of Proprietors of the *Birmingham* Canal Navigation, and also of the Income received by the said Governors from the said Charity Estates over and above the Sum calculated upon in the State of Facts referred to in his said Report of the Eighth Day of *June* One thousand eight hundred and thirty-seven; and he found that the said Second Schedule to his said Report annexed contained a true Statement of the Manner and the several Purposes in and for which the several Sums mentioned and contained in the said First Schedule to his said Report annexed had been paid and applied by the said Governors, and of the several Sums of Money which had been expended by the said Governors over and above the Monies contained in the said First Schedule, and the Items calculated upon in the State of Facts referred to in the Report of the said Master, dated the Eighth Day of *June* One thousand eight hundred and thirty-seven, up to the Twenty-fourth Day of *March* One thousand

thousand eight hundred and forty-one, and he had, in the Third Schedule to his said Report annexed, set forth a true Statement of the estimated Income of the said Charity Estates, from the Twenty-fifth *March* One thousand eight hundred and forty-one to the Twenty-fourth Day of *March* One thousand eight hundred and forty-four, and of the Increase of Income which was expected to arise from the said Charity Estates in the Years One thousand eight hundred and forty-four, One thousand eight hundred and forty-five, and One thousand eight hundred and forty-six, by the Expiration of Leases of Parts of the said Charity Estate, exclusive of the Income which might be derived in the meantime from the letting of Land for Building Purposes, and particularly of the *Lady Wood* Estate, of which Seventy Acres and upwards were then laid out for that Purpose; and he found that the said Third Schedule also contained a true Statement of the estimated Amount of the Expences of carrying on the said School up to the End of the Year ending the Twenty-fourth Day of *March* One thousand eight hundred and forty-seven, according to the several Acts of Parliament and of the Schemes for regulating the said School, and also of the estimated Expences for carrying on the Four elementary Schools up to the said Twenty-fourth Day of *March* One thousand eight hundred and forty-seven; and having considered the State of Facts and Evidence laid before him, as in his said Report mentioned, the said Master found that the Sums which had been raised under the Authority of the said Act of the First Year of the Reign of Her present Majesty Queen *Victoria* were as set forth in the First Schedule to his said Report annexed; and he found that such Sums, together with the said Sum of Three thousand five hundred and eighty Pounds Eight Shillings and One Penny, the Surplus of the Sum of Fifty thousand Pounds raised under the Provisions of the said Act of the Second Year of the Reign of His late Majesty King *William* the Fourth as aforesaid, had been applied, together also with other Monies in the said First Schedule mentioned, in manner and for the Purposes mentioned and set forth in the Second Schedule to his said Report annexed; and he was of opinion and found that the Purposes to which the same had been applied had been fit and proper and beneficial to the Objects of the said Charity; and he further found that the Sums which had been received by the said Governors on account of the Lands and Hereditaments of the said Charity sold to the Company of Proprietors of the *Birmingham* Canal Navigation, as in the said Petition mentioned, were as set forth in the said First Schedule to his said Report annexed; and he found that such Sums which had been so received had been applied, together with other Monies, in manner set forth in the Second Schedule to his said Report annexed, and that, as to the Sums of Two thousand two hundred and ninety-six Pounds Nine Shillings, and One thousand two hundred and forty-nine Pounds, making together Three thousand five hundred and forty-five Pounds Nine Shillings, received from the Company of Proprietors of the *Birmingham* Canal Navigation, the same had been in part applied in paying for certain Lands and Hereditaments purchased by the said Governors of *Frind Cregoe Colmore* Esquire, under the Directions of the said Court of Chancery, and in pursuance of the said Act of the First Year of Her present Majesty, as therein-before in that Behalf

[*Private.*]11 *n*

stated;

stated ; and he was of opinion and found that the Purposes to which the same had been applied had been fit, proper, and beneficial to the Objects of the said Charity ; and he further found that it appeared to him that it would require a further Sum of Fourteen thousand five hundred and twenty-eight Pounds Five Shillings and Seven-pence, beyond the estimated Income of the said Charity Estates up to the Year ending the Twenty-fourth Day of *March* One thousand eight hundred and forty-seven, for the Management of the said Charity, and to carry on the said Grammar School and the said enlarged System of Education according to the Acts of the Second Year of the Reign of His late Majesty King *William* the Fourth and of the First Year of the Reign of Her present Majesty Queen *Victoria*, and the Schemes for regulating the School, and also to carry on the said elementary Schools to same Period, the Detail of which said Sum of Fourteen thousand five hundred and twenty-eight Pounds Five Shillings and Seven-pence he had set forth in the Third Schedule to his said Report annexed ; and he was of opinion and found that in order to liquidate the Sum of Four thousand six hundred and ninety-five Pounds Fourteen Shillings and Sixpence, which, as appeared by the said Second Schedule, was the Deficiency on the said Twenty-fourth Day of *March* One thousand eight hundred and forty-one, and also the said Sum of Fourteen thousand five hundred and twenty-eight Pounds Five Shillings and Seven-pence, it was requisite that the said Governors should be authorized to apply for an Act of Parliament to raise the Sum of Twenty thousand Pounds by Mortgage of the said Charity Estates, or by Sale of such Portion of them as was contained in the Fourth Schedule to his said Report, and in the Schedules to the said last-mentioned Acts of Parliament annexed, and also to raise such further Sum as might be necessary to pay the Expence of the present Application, and of the said proposed Act, and of carrying the same into effect ; and he was of opinion and found that the said Sum of Four hundred and fifty-nine Pounds Fifteen Shillings and Eight-pence, Bank Three Pounds *per Cent.* Consolidated Annuities, then standing in the Name of the Accountant General of the said Court, should be sold, and the Proceeds thereof applied towards the Payment of the Sums so proposed to be raised ; and he was of opinion and found that, in order to purchase the Remainder of the Lands and Hereditaments which the said Governors were authorized to purchase under the said Act of the First Year of the Reign of Her present Majesty Queen *Victoria*, a further Sum of Eight thousand Pounds would be required, and that it was expedient that such Purchases should be made, and the said Sum raised, at such Time and in such Manner as the said Court of Chancery should direct, and that Powers should be inserted in the said proposed Act for that Purpose ; and the said Master submitted that it was expedient that a Power should be obtained by the said Act to authorize the said Court of Chancery from Time to Time to frame and adopt any new Scheme or Schemes, or to alter and modify any existing Scheme or Schemes, for the Regulation of the said Schools, in such Manner as the said Court should think beneficial to the said School, notwithstanding the Restrictions and Clauses in the said Act of the Second Year of the Reign of His late Majesty King *William* the Fourth as to Boarders, or any of the other Powers, Restrictions, and Provisions contained

contained in the same Act, or the said Act of the First Year of the Reign of Her present Majesty: And whereas by an Order of the said Court of Chancery, made the Twenty-eighth Day of *May* One thousand eight hundred and forty-two, upon the Petition of the said Governors, the said Court did order that the said Master's Report bearing Date the Twenty-sixth Day of *May* One thousand eight hundred and forty-two be confirmed, and the said Court declared that the Purposes to which the Sums which had been raised under the Authority of the Act of Parliament of the First Year of the Reign of Her Majesty Queen *Victoria*, and which were set forth in the First Schedule annexed to such Report, together with the Sum of Three thousand five hundred and eighty Pounds Eight Shillings and One Penny, the Surplus of the Sum of Fifty thousand Pounds raised under the Provisions of the said Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, and also the Sums which had been received by the said Governors on account of the Lands and Hereditaments of the said Charity sold to the Company of Proprietors of the *Birmingham* Canal Navigation in the said Petition mentioned, and which were set forth in the First Schedule to the said Master's Report, and also the Sums expended by the said Governors over and above the Monies set forth in such First Schedule, an Account of the Expenditure of which Sums was set forth in the Second Schedule annexed to such Report, had been fit and proper, and beneficial to the Objects of the said Charity, and that the said Governors should be at liberty, in this present Session or any future Session of Parliament, to apply for and obtain an Act of Parliament for the Purpose of raising, by Mortgage of the said Charity Estates, or by Sale of such Portion of them as is mentioned in the Fourth Schedule to the said Report, and in the Schedule to the said Act of the First Year of the Reign of Her present Majesty Queen *Victoria*, or partly by Mortgage and partly by Sale as aforesaid, and by Sale of the said Sum of Four hundred and fifty-nine Pounds Fifteen Shillings and Eight-pence, Three Pounds *per Cent.* Consolidated Bank Annuities, standing in the Name of the Accountant General of the said Court, "The Account of the Trustees for executing an Act for enlarging the Churchyard belonging to the Parish of *Saint Martin* in the Town of *Birmingham* in the County of *Warwick*, and for providing an additional Cemetery or Burial Ground for the Use of the said Parish," any Sum or Sums, not exceeding Twenty thousand Pounds in the whole, to be applied in the Manner and for the Purposes mentioned in the said Master's Report, and also such further Sum or Sums of Money as might be necessary to pay the Costs of all Parties in that Application, and of all previous Proceedings relating thereto, and of the said proposed Act, and of all future Costs, Charges, and Expences in carrying the same into effect, and also any further Sum or Sums, not exceeding eight thousand Pounds in the whole, to be applied in purchasing the Remainder of the Lands and Hereditaments which the said Governors were authorized to purchase under the said Act of the First Year of the Reign of Her Majesty Queen *Victoria*, such Purchases to be made, and such last-mentioned Sum or Sums of Money to be raised, at such Time and in such Manner as the said Court should direct, and that Powers should be inserted in the said proposed Act for that Purpose,

and

Order of the
Court of
Chancery,
dated
28th May
1842.

and that Powers should be contained in the said Act for authorizing and enabling the said Court from Time to Time to frame and adopt any new Scheme or Schemes, or to alter and modify any existing Scheme or Schemes, for the Regulation of the said School or the said Charity, in such Manner as the Court should think beneficial to the said School or the said Charity, notwithstanding the Restrictions and Clauses in the said Act of the Second Year of the Reign of His late Majesty King *William* the Fourth as to Boarders, or any of the other Powers, Restrictions, and Provisions contained in the same Act, and of the Act of the First Year of the Reign of Her present Majesty: And whereas the Reverend *James Prince Lee*, Master of Arts, is the present Pedagogue or Head Master of the said Free Grammar School, and the Reverend *Sydney Gedge*, Master of Arts, is the Sub-Pedagogue or Usher of the said Free Grammar School: And whereas it is expedient that the several Purposes and Objects in the herein-before recited Report mentioned should be carried into effect in manner herein-after mentioned: Now may it 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, That the said herein-before recited Acts of the Second Year of the Reign of His late Majesty and of the First Year of the Reign of Her present Majesty, and all and every the Powers, Provisoes, Authorities, Matters, and Things therein respectively contained, (save and except such of them, or such Part or Parts thereof, as are herein-after varied, altered, or repealed,) shall remain and contain in full force and effect, and be good, valid, and effectual, to all Intents and Purposes.

Recited Acts to continue in force, except as altered or repealed by this Act.

Power to sell Lands comprised in the Schedule to this Act.

II. And be it further enacted, That it shall be lawful for the said Governors and their Successors, at any Time or Times after the passing of this Act, to sell, either altogether or in Parcels, and either by public Auction or private Contract, the Lands and Hereditaments mentioned in the Schedule to this Act, (the same consisting of the Hereditaments comprised in the said Schedule to the said Act of the First Year of the Reign of Her present Majesty, and those in the said Fourth Schedule to the said Master's Report, dated the Twenty-sixth Day of *May* One thousand eight hundred and forty-two, respectively,) and to convey the same to the Purchaser or Purchasers thereof in Fee Simple, or to such Uses as such Purchaser or Purchasers shall direct; and the Receipts contained in the Conveyances under the Common Seal of the said Governors for the Purchase Money of the Hereditaments so sold as last aforesaid shall be effectual Discharges to the Purchasers for their Purchase Money, or for so much thereof as in such Conveyances respectively shall be expressed to be received.

Lands remaining unsold to be exclusively charged with subsisting Mortgages in

III. And be it further enacted, That if any of the Hereditaments comprised in the said Schedule to this present Act, and not comprised in the Schedule to the herein-before recited Act of the First Year of the Reign of Her present Majesty, shall be sold in pursuance of this Act, then and in such Case the Lands which are or may be subject to the Mortgages under either of the herein-before recited Acts

(other than such of the same Lands as are comprised in the said Schedule to this present Act) shall, as between the Lands sold and the other Lands subject to such Mortgages, be the primary Fund for the Satisfaction and Discharge of such Mortgages in Exoneration and Indemnity of the Lands which may be sold, but without Prejudice nevertheless to the Right of any Mortgagee or Mortgagees to avail himself or themselves of all or any of the said Lands subject to such Mortgage or Mortgages, either altogether or in any Order they or he may think proper.

Exoneration
of Lands
sold.

IV. And be it further enacted, That it shall be lawful for the said Governors and their Successors to borrow and take up at Interest, from Time to Time, such Sums of Money as the said Governors or their Successors shall from Time to Time require for paying the Costs, Charges, and Expences of all Parties in the said recited Proceedings in the said Court of Chancery, and the Costs, Charges, and Expences of preparing and obtaining this Act, and incidental thereto, and such further Sums of Money as the said Governors or their Successors shall from Time to Time require for paying or discharging the said Sum of Four thousand six hundred and ninety-five Pounds Fourteen Shillings and Sixpence, the Deficiency on the Twenty-fourth Day of *March* One thousand eight hundred and forty-one as aforesaid, and the said estimated Deficiency of Fourteen thousand five hundred and twenty-eight Pounds Five Shillings and Seven-pence, or other the Deficiency which may occur in the Income of the said Charity, for the Management of the said Charity and carrying on the said Schools according to the Schemes now in force, or such other Scheme or Schemes as may for the Time being be in force, until the Year ending the Twenty-fourth Day of *March* One thousand eight hundred and forty-seven, and also such further Sums of Money as the said Governors or their Successors shall from Time to Time require for paying for the Remainder of the Hereditaments which the said Governors and their Successors were authorized to purchase under the said Act of the First Year of the Reign of Her present Majesty, in case the said Governors or their Successors shall purchase the same, and for the Costs, Charges, and Expences of carrying into effect any of the Purposes of this Act, or of the herein-before recited Acts, or either of them.

Power to
borrow
Money to
make good
the present
and the esti-
mated De-
ficiency of
Income, and
to purchase
certain Lands
and pay
Costs.

V. Provided always, nevertheless, and be it further enacted, That the said Governors or their Successors shall not purchase or raise any Money for purchasing all or any of the said Remainder of the Hereditaments which the said Governors and their Successors were authorized to purchase under the said Act of the First Year of the Reign of Her present Majesty, without the Approbation of the said Court of Chancery.

No Lands to
be purchased,
except under
the Direction
of the Court
of Chancery.

VI. Provided always, and be it further enacted, That if the said Governors or their Successors shall not purchase the Remainder of the said Hereditaments which they were authorized to purchase by the said Act of the First Year of the Reign of Her present Majesty, then the Money to be raised by Mortgage as herein-before is mentioned, together with the Money to arise by the Sale of the said

Money bor-
rowed not to
exceed (over
the Costs)
certain speci-
fied Sums.

[Private.]

Hereditaments in the said Schedule to this Act, in case the same or any of them shall be sold, shall not (over and above the Money required for paying the Costs, Charges, and Expences incurred in the said Proceedings in the said Court of Chancery, and the Costs, Charges, and Expences of preparing and obtaining this Act, and incidental thereto,) exceed the Sum of Twenty thousand Pounds; and if the said Governors or their Successors shall (with the Approbation of the said Court of Chancery as aforesaid) purchase the Remainder of the said Hereditaments which they were authorized to purchase by the said Act of the First Year of the Reign of Her present Majesty, then the Money to be raised by Mortgage as herein-before is mentioned, together with the Money to arise by Sale of the said Hereditaments in the said Schedule to this Act, shall not (over and above the Money required for paying for the Costs, Charges, and Expences aforesaid,) exceed the Sum of Twenty-eight thousand Pounds.

Power for the
Governors to
raise Money
to pay off
Mortgages.

VII. And be it further enacted, That if the said Governors or their Successors shall deem it expedient to pay off the Mortgages already made or hereafter to be made in pursuance of the said herein-before recited Acts or either of them, or the Mortgages to be made in pursuance of this Act, including any Mortgage or Mortgages to be made in pursuance of this present Power, or any of such Mortgages respectively, or any Part thereof, then and in every such Case, and from Time to Time as often as the said Governors or their Successors shall deem it expedient, it shall be lawful for the said Governors and their Successors to raise any Sum not exceeding the Sum which shall be requisite to pay off and discharge the said Mortgages so for the Time being intended to be paid off and discharged, and the Costs and Expences attending the raising of the same, and to apply the Money so to be raised from Time to Time accordingly.

Power to
make Mort-
gages to se-
cure Money
borrowed.

VIII. And be it further enacted, That it shall be lawful for the said Governors and their Successors, by any Writing or Writings under the Common Seal of the said Governors, to grant and demise all or any Part of the Messuages, Lands, and Hereditaments belonging to the said Governors (except the Hereditaments comprised in the said Schedule to this Act) unto such Person or Persons, or Body or Bodies Corporate, as shall advance all or any Part of the Monies hereby authorized to be borrowed and raised as aforesaid, his, her, or their respective Executors, Administrators, Successors, or Assigns, as a Security for the Money so advanced with Interest, and that such Mortgages shall or may, so far as the same may be applicable, and with such Variation as the Reference to this Act instead of the said firstly herein-before recited Act, or other Circumstances, may require or render expedient or convenient, be in the Form or to the Effect provided in and by the said firstly herein-before recited Act for the Mortgages to be made for the Purposes of the said firstly herein-before recited Act.

Mortgages to
be numbered,
but to have
no Priority
between one
and another.

IX. And be it further enacted, That all Mortgages to be made in pursuance of this Act shall be numbered progressively, commencing with Number 70, and shall be good, valid, and effectual in Law, but shall have no Preference as between one and another in
1
respect

respect of the Priority or the Dates or Numbers of such Mortgages, or otherwise.

X. Provided always, and be it further enacted, That all Mortgages made in pursuance of either of the said herein-before recited Acts shall have Priority and Preference over the Mortgages to be made in pursuance of this Act, including Mortgages made in pursuance of this Act for raising Money to pay off and discharge Mortgages made in pursuance of either of the said herein-before recited Acts.

Existing Mortgages to have Priority over Mortgages under this Act.

XI. And be it further enacted, That it shall be lawful for the Person or respective Persons, or Body or Bodies Corporate, for the Time being entitled to any Mortgage or Mortgages to be made in pursuance of this Act, from Time to Time, by Writing under his, her, or their Hand and Seal, or respective Hands and Seals, or (in case of Bodies Corporate having a Common Seal) under their Common Seal, to transfer such Mortgage or Mortgages, and the full Benefit thereof, to any Person or Persons whomsoever, and that every such Transfer shall or may (so far as the same may be applicable, with such Variations as the Reference to this Act instead of the said firstly herein-before recited Act, or other Circumstances, may require or render expedient or convenient,) be made in the Form or to the Effect in the said firstly herein-before recited Act provided for the Transfer of Mortgages to be made in pursuance of the said firstly herein-before recited Act.

Power to transfer Mortgages.

XII. And be it further enacted, That every Mortgage to be made or purporting to be made in pursuance of this Act shall be an effectual Discharge to the Mortgagee for the Money for securing the Repayment whereof such Mortgage shall be expressed to be given, and shall discharge such Mortgagee from seeing to the Application thereof, or being answerable for the Misapplication or Nonapplication thereof, and from any Liability to inquire into the Necessity for making such Mortgage, or the Propriety of making the same.

Mortgages to be effectual Discharges to Persons advancing the Money.

XIII. And be it further enacted, That no Mortgagee shall be bound to ascertain that Money has not been raised up to the Amount herein-before authorized, and his or her Security, purporting to be made in pursuance of this Act, shall not be affected by the Fact that more than the Amount hereby authorized has been received and raised as aforesaid.

No Mortgagee to be bound to see to the Propriety of his Mortgage.

XIV. Provided nevertheless, and be it further enacted, That, notwithstanding any such Mortgage or Mortgages as aforesaid, it shall be lawful for the said Governors and their Successors, from Time to Time, to make such Contracts and Agreements for granting Leases, and such Leases, either under the Powers which the said Governors now possess by Law, or under any Powers which shall hereafter be given or confirmed to the said Governors or their Successors, or otherwise howsoever, as they the said Governors might have made in case the Act, and the said Mortgage or Mortgages in pursuance thereof, had not been passed or made, and that such Mortgage or Mortgages shall also be subject to the Effect of all such Contracts

Leases and Agreements for Leases made by the Governors to be binding on Mortgages.

or

or Agreements for Leases, and of all such Leases, as have been already made of any of the Estates of the said Charity, and are now subsisting.

Application
of the Monies
to be raised
by Sale and
Mortgage.

XV. And be it further enacted, That the Money to be raised by the Sale of the said Hereditaments in the said Schedule to this Act, or any of them, in case they or any of them shall be sold, and the Money to be raised by the Mortgages to be made in pursuance of this Act as herein-before directed, shall (after Payment thereof of the Costs and Expences incurred in the said Proceedings in the said Court of Chancery, and the Costs, Charges, and Expences of preparing, applying for, and obtaining this Act, and incidental thereto,) be applied by the said Governors, from Time to Time as the same shall be wanted, in Payment and Discharge of the said Sum of Four thousand six hundred and ninety-five Pounds Fourteen Shillings and Sixpence, the Deficiency on the Twenty-fourth Day of *March* One thousand eight hundred and forty-one as aforesaid, and of the said estimated Deficiency of Fourteen thousand five hundred and twenty-eight Pounds Five Shillings and Seven-pence, or other the Deficiency which may be in the Income of the said Charity, for the Management of the said Charity and carrying on the said Schools according to the Schemes now in force, or such other Scheme or Schemes as may for the Time being be in force, until the Year ending the Twenty-fourth Day of *March* One thousand eight hundred and forty-seven, and in Payment for the Remainder of the Hereditaments which the said Governors and their Successors were authorized to purchase under the said Act of the First Year of the Reign of Her present Majesty, in case the said Governors or their Successors shall purchase the same, and generally in Payment of all or any Costs, Charges, or Expences which may be in anywise incurred in carrying into effect any of the Purposes of this Act, or of the herein-before recited Acts, or either of them.

Power to sell
the Lands
authorized
to be sold,
although the
Monies
needed may
have been
raised by
Mortgage.

Application
of the Sur-
plus Monies
thence aris-
ing.

XVI. Provided always, and be it further enacted, That it shall be lawful for the said Governors and their Successors to sell the said Hereditaments comprised in the said Schedule to this Act, or any Part thereof, in pursuance of the Powers contained in this Act, notwithstanding the Money to arise by such Sale or Sales, together with the Money then already raised or to be raised by Mortgage as aforesaid, shall exceed the Sum of Twenty thousand Pounds or Twenty-eight thousand Pounds, as the Case may be, over and above the said Costs, Charges, and Expences hereby authorized to be raised as aforesaid, and to apply the Excess of the Money to arise by such Sale or Sales, and by Mortgage as aforesaid, over and above the Sum of Twenty thousand Pounds or Twenty-eight thousand Pounds, as the Case may be, and the Costs, Charges, and Expences hereby authorized to be raised as aforesaid, at the Discretion of the said Governors or their Successors, either in paying off the Principal due upon any of the Mortgages which shall have been made in pursuance of this Act, or of either of the herein-before recited Acts, or for any of the Purposes of this Act or of the herein-before recited Acts, or either of them, except in Payment of the Interest, or any of the current annual Expences of the said Charity, other than such as are intended to be provided for by this Act.

XVII. Pro-

XVII. Provided always, and be it further enacted, That in case the Monies which may be actually raised under or by virtue of this Act shall be more than shall be wanted for the Purposes for which the same are by this Act appropriated as aforesaid, the Excess shall be applied in the same Manner as is herein-before directed with respect to the Excess of the Money to be raised under or by virtue of this Act, over and above the Sum of Twenty thousand Pounds or Twenty-eight thousand Pounds, as the Case may be, and the Costs, Charges, and Expences, hereby authorized to be raised as aforesaid.

Application of Monies raised, but not required for the Purposes of the Act.

XVIII. And be it further enacted, That so much of the herein-before recited Act of the Second Year of the Reign of His said late Majesty King *William* the Fourth as relates to the Number of Boarders to be taken by the Head Master and Usher of the said School, and by the then Assistants to the said Master and Usher, and as prohibits all then future Assistants from taking any Boarders, shall be and the same is hereby declared to be repealed; and the Number of Boarders to be taken by the Head Master and Usher for the Time being of the said School, and by all or any of the Assistants to the said Head Master and Usher, or Assistant or other Masters of the said School, for the Time being, shall henceforth from Time to Time be regulated, subject to the Proviso next herein-after contained, by the said Governors, according to a Scheme or Schemes to be from Time to Time confirmed and approved of by an Order or Orders of the said Court of Chancery to be made in a summary Way upon a Petition or Petitions to be preferred by the said Governors.

Repealing so much of 2 W. 4. c. 17. as relates to the Boarders to be taken by the Masters.

Boarders to be regulated by the Court of Chancery.

XIX. Provided nevertheless, and be it further enacted, That the Number of Boarders to be taken by the Head Master, Usher, Assistants, and Assistant or other Masters for the Time being of the said School, or any of them, shall not altogether at any Time exceed the Number of Thirty, and that no Diminution of the Number of Boarders permitted to be taken by the present Head Master shall be made without his Consent, and that no Diminution of the Number of Boarders to be taken by the present Usher shall be made without his Consent.

Number of Boarders not to exceed Thirty in the whole.

XX. Provided always, and be it further enacted, That nothing herein contained shall be deemed, construed, or taken to abridge or alter any Powers or Authorities to which the Lord Bishop of the Diocese for the Time being is or may be entitled immediately before the passing of this Act; and that in case any Question, Dispute, or Difference shall at any Time or Times hereafter arise between the said Lord Bishop for the Time being and the said Governors or their Successors, touching or concerning the Extent of the said Powers or Authorities, or any of them, or in relation thereto, then and so often as the same shall happen it shall be lawful for the said Lord Bishop for the Time being to apply to the said High Court of Chancery, by Information and Bill, or in a summary Way by Petition, to obtain the Decree or Order of the said Court upon the Subject Matter of any such Question, Dispute, or Difference; and that all the Costs, Charges, and Expences of every such Proceeding shall be paid and allowed, out

Act not to affect the Rights of the Bishop of the Diocese.

[Private.]

of the Revenues and Estate belonging to the said School, to both or either of the said Parties, as the Court shall direct.

All Orders of the Court of Chancery to be made in a summary Way upon Petition.

XXI. And be it further enacted, That in all Cases in which the said Governors are hereby authorized to do any Act under the Direction or with the Approbation of the said High Court of Chancery, and in all other Cases in which the Direction, Approbation, or Sanction of the said Court shall be necessary under the Provisions of this Act, or in which the Court is hereby authorized to make any Order or Direction, such Direction, Approbation, or Sanction shall be made and given respectively by Order of the said Court, made in a summary Way upon a Petition to be presented by the said Governors for the Time being.

General Saving.

XXII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the Governors of the said Free Grammar School and their Successors, and the said *James Prince Lee* and *Sydney Gedge*, and all Persons claiming or to claim by, from, through, under, or in Trust for them or any of them,) all such Estates, Rights, Titles, and Interests whatsoever as belonged to or were holden by them respectively, or any of them, immediately before the passing of this Act.

Act as printed by Queen's Printers to be Evidence.

XXIII. And be it further enacted, That this Act 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.

The SCHEDULE referred to in the foregoing Act.

Date of the Lease.	Name of the original Lessee.	Term of Years.	Expiration of the Lease.	Rent and Land Tax received.	Present Description of the Property.
<i>New Street, Birmingham.</i>					
11 th August 1738.	Stephen Russell -	Ninety-nine Years.	24 th Day of March 1838.	£ s. d. 2 0 0	Messuage and Appurtenances.
25 th March 1777.	John Green -	Sixty-one Years.	25 th Day of March 1838.	3 13 0	Messuage and Appurtenances.
<i>High Street.</i>					
6 th February 1744.	Thomas Robinson	Ninety-nine Years.	23 ^d Day of March 1844.	3 15 6	Two Messuages and retail Shops and Outbuildings.
6 th March 1744.	Joseph Mantel junior.	Ninety-nine Years.	23 ^d Day of March 1844.	2 16 6	One Messuage and Shop, and Six small Messuages behind, and Appurtenances.
<i>Dale End.</i>					
4 th July 1744	John Brown -	Ninety-nine Years.	23 ^d Day of March 1844.	2 16 0	Three Messuages and Retail Shops, and several small Houses and Appurtenances.
1 st August 1744.	Thomas Yates -	Ninety-nine Years.	23 ^d Day of March 1844.	2 0 0	One Messuage and Retail Shop, Shopping and Appurtenances.
5 th December 1744.	Thomas Turner	Ninety-nine Years.	23 ^d Day of March 1844.	7 0 0	Four Dwelling Houses and Retail Shops, Seven small Houses behind, and Appurtenances.
<i>Bull Street.</i>					
6 th February 1744.	Jonathan Ruston	Ninety-nine Years.	23 ^d Day of March 1844.	6 15 0	Seven Messuages and Retail Shops, Buildings, and Appurtenances.
7 th November 1744.	Thomas Robins -	Ninety-nine Years.	24 th Day of March 1844.	1 15 0	A Messuage or Building and Appurtenances.
7 th May 1746	John Beet -	Ninety-nine Years.	27 th Day of September 1845.	8 17 9	Three Messuages and Retail Shops and Appurtenances.
1 st January 1752.	Thomas Ashwell	Ninety-two Years.	23 ^d Day of March 1844.	8 10 0	Two Messuages and Retail Shops.

Walmer Lane Estate, consisting of Pasture Land and small Gardens, containing about Thirty-five Acres, in the Parish of Birmingham.

An Estate consisting of Houses and Land bounded by Moor Street, Park Street, and Masshouse Lane, in Birmingham.

The Reversion in Fee Simple of the said Governors of and in all that Piece of Land bounded on the North by the Birmingham Canal Navigation, on the South by Land and Buildings of the said Charity called the Crescent, on the East by Land belonging to the Company of Proprietors of the Birmingham Canal Navigation, and the West by a Road called Farmer's Bridge Road, and containing in the whole Two thousand one hundred and seventy-six square Yards or thereabouts :

And also of and in all that Piece of Land in front of the said Crescent, now used as a Carriage Road and Plantation, containing in Depth at either End Twelve Yards or thereabouts, and carrying the same Depth throughout the whole Length, and containing in Length Three hundred Yards or thereabouts :

And of and in all the Store Vaults under the same.

The above Pieces of Land are now subject to a Lease dated the Nineteenth Day of February One thousand seven hundred and ninety, and granted by the said Governors to Charles Norton for a Term of One hundred and twenty Years from Twenty-fifth March One thousand seven hundred and eighty-nine.

J. W. Whateley.

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