ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. 41.

**An Act to alter and amend 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 Schoolhouse, Masters Houses, and other suitable Accommodations for the said School, and to extend the Objects of the Charity; and for other Purposes.* [15th *July* 1837.]

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 Schoolhouse, Masters Houses, and other suitable Accommodations for the said School, and to extend the Objects of the Charity, and for other Purposes*, after reciting therein Letters Patent of His late Majesty King *Edward* the Sixth, whereby a Free Grammar School 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 2 W. 4. c. 17.

County of *Warwick*" (in the said Letters Patent called *Brymyncham*), and divers Messuages and Lands in the Manor and Parish of *Birmingham* were granted to the said Governors for the Support of the said 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*, and *Rann Kennedy* 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 and their Successors, under the Direction of the said Court, to purchase the Piece of Land, Dwelling Houses, Buildings, and Erections adjoining the then present Site in *New Street* in *Birmingham* aforesaid of the said Free Grammar School, and to take Conveyances of the same, and to hold the same as Part of the Estates belonging to the said Charity; and that it should be lawful for the said Governors and their Successors, under the Direction of the said Court, to add the Lands to be purchased as last aforesaid, or any Part thereof, to the said Site of the said Free Grammar School, and in order thereto to pull down and clear away any Dwelling Houses, Buildings, and Erections which might be standing on the Lands to be added to the Site of the said Free Grammar School; and it was by the said Act now in recital further enacted, that it should be lawful for the said Governors and their Successors immediately after the passing thereof to cause the then present Schoolhouse, 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 of Chancery, to build and lay out a Schoolhouse, Masters Houses, and other Buildings and Play Grounds suitable for the Purposes of the said Free Grammar School on the said Site in *New Street* aforesaid, or on the said Site, with the Additions thereto, of the Land therein-before authorized to be purchased, or of any Part thereof; and it was by the said Act further enacted, that from and immediately after the Twenty-fifth Day of *March* One thousand eight hundred and thirty-three it should be lawful for the said Governors, and their Successors and they were thereby required, to treat for, and, under the Direction of the said Court of Chancery, to purchase a Surrender of the Leasehold or other outstanding Interest in such Part of a Piece or Parcel of Land, Part of the said Charity Estates, situated in and fronting to *New Street* and *Peck Lane* in *Birmingham* aforesaid, as the said Court should determine to be sufficient for the new Schoolhouse and other Buildings therein-after mentioned; and after such Purchases should have been made, and a Surrender of the said Leasehold or other outstanding Interest should have been obtained, to cause the Messuages and Buildings standing on the said Piece or Parcel of Land to be pulled down, and the Materials to be sold and disposed of, and to build and lay out upon the said Piece or Parcel of Land such Schoolhouse, to be fronting to *New Street* aforesaid, Masters Houses,

and other Erections and Play Grounds, as the said Governors and their Successors, under the like Direction of the said High Court of Chancery, should judge to be adequate and proper for the Purposes of a new School for teaching modern Languages, the Arts and Sciences; and it was by the said Act further enacted, that in case the said Governors or their Successors should be unable to purchase a Surrender of the Leasehold or other outstanding Interest in a sufficient Part of the Piece or Parcel of Land therein-before last mentioned, then the said Governors and their Successors, from and immediately after the Expiration of the Lease or Leases then subsisting on the said Piece of Land, should, under the like Direction of the said High Court of Chancery, erect and build and lay out on some Part of the said Land the said Schoolhouse, Masters Houses, and other Erections and Play Grounds for the said new School for teaching modern Languages, the Arts and Sciences; and it was by the said Act further enacted, that it should be lawful for the said Governors and their Successors and they were thereby required, within Eight Years after the passing of the said Act, to appropriate a Sum not exceeding Four thousand Pounds for the Establishment of elementary Schools as therein mentioned; 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 or their Successors should from Time to Time require for paying the 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 present 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 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* in *Peck Lane* therein and herein-before mentioned, and 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

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 is 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 First said 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 Land 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 Land and Hereditaments surrendered 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 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 thereout of the 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 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 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

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, Buildings, 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,) 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 said Act further enacted, that the said new School for teaching modern Languages, the Arts and Sciences, as to the Nomination and Number of Masters or Teachers, the Amount of their Salaries, and the Powers of removing them, as to the particular Branches of Education to be taught by each, as to the Place of Birth, Age, and Number of Scholars to be received, and as to all other Particulars relating to the Management and Conduct of the said new School, should be established and regulated according to a Scheme or Schemes for that Purpose to be confirmed and approved of from Time to Time by an Order of the High Court of Chancery, to be made in a summary Way upon a Petition to be preferred to the said Court by the said Governors; 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 being of the said Free Grammar School; and it was by the said Act further enacted, that in case the said Governors should at any Time thereafter deem it necessary to apply to the High Court of Chancery or to Parliament, the said Governors should and they were thereby required to give One Month's previous Notice by Advertisement in some one Newspaper printed and published within the said Town of *Birmingham* of the general Nature of such intended Application: And whereas by an Order made on the Twenty-first Day of *April* One thousand eight hundred and thirty-seven by the Lord High Chancellor in the Cause aforesaid, and in the Matter of the

Order of the Court of Chancery, dated 21st April 1837.

the said Act of Parliament upon the Petition of the said Governors, it was referred to the Master to whom the said Cause stood referred to inquire and state to the Court whether it would be fit and proper that the Objects and Purposes in the said Petition and Order and herein-after mentioned, or any or either of them, should be carried into effect, and whether it would be fit and proper that an Application should be made to Parliament for effectuating the Objects and Purposes in the said Petition also mentioned, or any of them, and that the said Master was to be at liberty to state any Circumstances relating to the said Inquiries specially as he might think fit: And whereas the said Master made his Report, bearing Date the Twenty-sixth Day of *May* One thousand eight hundred and thirty-seven, in pursuance of the said last-mentioned Order, and thereby found from the Affidavits and as therein mentioned (amongst other Things) that the Notice of the said intended Application to the said Court of Chancery and to Parliament required by the said Act was published in *Aris's Birmingham Gazette* on the Twenty-seventh Day of *February* then last; and the said Master also found, that in pursuance of the said Act, and under certain Orders of the said Court, bearing Date respectively the Seventh and Tenth Days of *August* One thousand eight hundred and thirty-two, the said Governors purchased the Piece or Parcel of Land and the Buildings and Hereditaments thereon, adjoining the then present Site of the said Free Grammar School, at the Sum of Twenty thousand two hundred and ninety Pounds Five Shillings and Seven-pence, including the Costs attendant on such Purchases; and that by an Order of the said Court, bearing Date the Eighth Day of *August* One thousand eight hundred and thirty-three, it was ordered that such Portion of the Land so purchased as was shown in a Plan marked E. in the Fifth Schedule to the Report of the Master in the said Order mentioned, should be added to the Site of the late Free Grammar School, and that the said Governors should build and lay out a Schoolhouse, Masters Houses, and other Buildings and Play Grounds suitable for the Purposes of the said Free Grammar School, on the then present Site of the said late Free Grammar School, with the Addition thereto of such Part only of the Land so purchased as in the said Report mentioned, according to the Plan or Design therein stated of *Charles Barry* the Architect in the said Report mentioned; and it was further ordered that a Sum not exceeding Thirty thousand Pounds be laid out by the said Governors in erecting, completing, and finishing the Houses, Buildings, and other Conveniences for the said Free Grammar School, *videlicet*, a Sum not exceeding Twenty-six thousand five hundred Pounds in the Erection of a new Schoolhouse and Masters Houses according to the Design and Plans of the said *Charles Barry*, and the remaining Sum of Three thousand five hundred Pounds for the estimated Expence of levelling the Ground, fencing out the School Buildings and Masters Houses, and for the necessary Fixtures and Fittings of the said Schoolhouses, and other contingent Expences; and the said Master also found that the said new Schoolhouse and Masters Houses were nearly completed, and would be ready for Occupation in the Month of *August* next; and by his said Report the said Master also found that the said Governors, having been for some Time past impressed with the Opinion that a more enlarged System of Education in

Master's Report, dated 26th May 1837.

in the Grammar School, which was and is at present confined to the learned Languages, would be of great public Advantage, had come to a Resolution, at a Meeting held on the Fifth of *October* One thousand eight hundred and thirty-six, that Instruction in modern Languages, the Arts and Sciences, in the Classical School, in addition to the present System of Education there, appeared to offer many and great Advantages, and appointed a Committee of their own Body to inquire and report upon the Means of carrying such Resolution into effect; and that the said Committee made their Report in Writing bearing Date the Seventh Day of *December* One thousand eight hundred and thirty-six, and thereby reported, among other Things, that the Means which the said Committee recommended for the Furtherance of the said Governors Views were and are the following; as regards modern Languages, they recommended the *French*, *German*, *Spanish*, *Italian*, and such other modern Languages and Literature as might be thought beneficial, should be taught in the Classical School by Teachers to be specially appointed for the Purpose; and they also recommended that a Master should be appointed to teach the higher Branches of Arithmetic and Mathematics, and that the Governors should have Power to appoint an Assistant Master, if found necessary; and that Masters should be appointed to teach general *English* Literature, Grammar, and Arithmetic, and the Elements of Composition, Sacred and Profane History, Writing and Arithmetic, and that a Master should be appointed to teach Drawing and Architectural Design; and that the Governors should have Power to engage Lecturers or Teachers to afford Instruction in Chemistry, Mineralogy, Mechanics, Natural and Experimental Philosophy, and such other Branches of the Arts and Sciences as might be beneficial to the School; and that the Governors should be authorized to purchase proper Instruments and Apparatus for the Purpose of such Lectures and Instruction, and that the Head Master should give Instruction in the higher Branches of *English* Literature as well as in the learned Languages, and that he should at all Times have a First Class of not less than Twenty Boys in the higher Branches of Classical Learning; and that the Head Master should have the general Superintendence of the different Schools, and should report from Time to Time to the Governors of the State of the Schools, the Efficiency of the Masters, and the Proficiency of the Scholars; and the Governors should have Power to allow Boys to remain in the School beyond the Age of Nineteen Years, to enable them to take Degrees to be conferred by the University of *London* under the Charter lately granted by the Crown for that Purpose, and that no Boy should be capable of taking an Exhibition after Nineteen Years of Age; that the said Committee were of opinion that such new System might be partially commenced in One thousand eight hundred and thirty-eight, and progressively enlarged in succeeding Years till carried into full Effect; and the said Committee stated that the new Buildings would contain the following Number of Scholars; (*videlicet*,) the Grammar School Three hundred and forty Boys, and the Two School-rooms under the Library Eighty Boys each, making a Total of Five hundred Boys, which Accommodation they conceived would be sufficient for some Years for all the Purposes contemplated; and that a separate School for modern Languages, the Arts and Sciences, would be rendered unnecessary; and that by this Plan a large Outlay would

be

be saved, and a great Increase of Revenue would be derived from the valuable Site a new School would occupy; and the said Committee stated, that from the best Opinions they had been able to obtain they found it would be absolutely necessary, in order to carry into effect the proposed Plan of the said Governors, to apply for the Sanction of the Legislature, which could not be done without incurring considerable Expence, but after the Opinion expressed in the Memorial in the said Report mentioned recently addressed to the said Governors by a large Proportion of the most respectable and influential Inhabitants of the Town of all Parties, the said Committee could not anticipate any Opposition to the Bill; and that the said Report, after being fully considered by the whole Body of Governors at several Meetings, was adopted by them, and that the said Governors applied to the Lord Bishop of *Lichfield* and *Coventry* for his Advice in the Matters aforesaid prior to the Separation of the Archdeaconry of *Coventry*, in which the said School and the Charity Estates are situate, and the Annexation of the said Archdeaconry to the Diocese of *Worcester*, and the said Lord Bishop sent his Advice in a Paper Writing in the Terms in the said Report mentioned, fully approving of the said proposed enlarged Course of Education, subject to certain Suggestions in the said Writing contained; and the said Master by his said Report also found that the said Governors had applied to the Lord Bishop of *Worcester* for his Advice upon the Matters aforesaid, and his Lordship had sent his Advice in a Paper Writing in the Terms in the said Report mentioned, fully approving of the said proposed enlarged Course of Education; and the said Master also found that the said new Schoolhouse would afford sufficient Accommodation, not only for the Instruction of Boys in the Grammar School, but also for the Instruction of Boys in the modern Languages, the Arts and Sciences, as proposed in the said Report of the Seventh Day of *December* One thousand eight hundred and thirty-six, and to the Extent proposed thereby, and that the said School Buildings were sufficient to meet the present Wants of the Inhabitants of the said Town of *Birmingham* both as a Grammar School and for Instruction in the modern Languages, the Arts and Sciences; and that in order to provide additional Accommodation for an increased Number of Scholars at any future Time beyond that now contemplated, and to enlarge the Site of the present School Buildings, and regard being also had to the other Property belonging to the Charity adjoining to and opposite the said new School Buildings, it would be to the Interest of the said Charity that the Governors should be enabled to purchase, under the Directions of the said Court, the Reversion in Fee of the Land and Buildings belonging to *Frind Cregoe Colmore* Esquire, and others, in *Colmore Street*, and extending down to the other Land of the said Charity in *Dudley Street*, and also the Leasehold Interests therein, and to sell other Parts of the said Charity Estates for the Purpose of paying for the same; and the said Master found that the said Governors therefore submitted, that it would be fit and proper that the enlarged System of Education recommended by the said Report of the Committee of the Seventh Day of *December* One thousand eight hundred and thirty-six should be carried into effect in the newly-erected School Buildings, instead of having a new School for teaching modern Languages, the Arts

and Sciences, erected in another Part of *New Street* aforesaid, as required by the said Act of Parliament; that the said Governors should be authorized to purchase, under the Directions of the said Court, the Reversion in Fee of the Lands and Buildings in *Colmore Street* aforesaid, and the Leasehold Interests therein; and that it would be fit and proper that an Application should be made to Parliament for effectuating such Objects and Purposes, and also for Powers to raise by Sale or Mortgage of Part of the Lands belonging to the said Charity such Sum of Money as might be necessary for the several Purposes aforesaid, and of such Application to Parliament and the Proceedings relative thereto, and proposed the same accordingly; and the said Master by his said Report certified that it would be fit and proper that the several Objects and Purposes in the said Petition, and also therein-before mentioned, should be carried into effect, and that it would be fit and proper that an Application should be made to Parliament for effectuating the said several Objects and Purposes: And whereas by an Order of the High Court of Chancery bearing Date the Thirty-first Day of *May* One thousand eight hundred and thirty-seven, made in the Cause and Matter aforesaid on the Petition of the said Governors, it was ordered that the said Report dated the Twenty-sixth Day of *May* One thousand eight hundred and thirty-seven should be confirmed, and it was referred back to the said Master to inquire and state to the Court what Sum of Money in addition to and besides the Sum of Three thousand five hundred and eighty Pounds, being the Residue (after providing for the Purposes in the said Report and herein-after mentioned) of the said Sum of Fifty thousand Pounds, it would be fit and proper to raise for effectuating the Objects and Purposes in the said last-mentioned Petition and herein-before mentioned, and whether it would be fit and proper that the Governors should apply to Parliament for Powers to raise such Sum: And whereas, in pursuance of the said last-mentioned Order, the said Master made his Report, bearing Date the Eighth Day of *June* One thousand eight hundred and thirty-seven, and thereby found in manner therein mentioned (among other Things) that, owing to the several Circumstances in the said Report mentioned, the total Expence in completing the said new School Buildings exceed the Sum of Thirty thousand Pounds herein-before mentioned to have been appropriated for that Purpose by the Sum of Six thousand five hundred and nineteen Pounds Fourteen Shillings and Seven-pence, subject to the usual Account of Extras and Omissions to be made up when the Buildings were quite completed, but which Account it was apprehended would not vary the Amount before mentioned; and the said Master also found, that after providing for the above Sum of Six thousand five hundred and nineteen Pounds Fourteen Shillings and Seven-pence, and the other Objects and Purposes contemplated by the said Act, there would remain a Sum of Three thousand five hundred and eighty Pounds Eight Shillings and One Penny, or thereabouts, applicable to the Objects and Purposes mentioned in the said Report of the Twenty-sixth Day of *May* One thousand eight hundred and thirty-seven; and the said Master also found that it was intended, if necessary, to apply to the said Court or to Parliament to authorize the Application of a Part of the said Sum of Fifty thousand Pounds in Payment of the

Order of the Court of Chancery, dated the 31st Day of May 1837.

Master's Report, dated 8th Day of June 1837.

the said Sum of Six thousand five hundred and nineteen Pounds Fourteen Shillings and Seven-pence; and that in order to establish the said enlarged System of Education mentioned in the said Report of the Twenty-sixth Day of *May* One thousand eight hundred and thirty-seven, the said Governors proposed to appoint, in the Year One thousand eight hundred and thirty-eight, Two *English* Masters, in the Year One thousand eight hundred and thirty-nine One *French* Master and a Drawing Master, in the Year One thousand eight hundred and forty an additional *English* Master, Mathematical Master, and a *German* Master, and that it would be attended with great public Benefit if the said enlarged System of Education were immediately commenced, instead of delaying the same until a sufficient Income beyond the present Expence should be derived from the said Charity Estates; that such System might be carried into immediate Operation if the Governors were authorized to apply the Residue of the said Sum of Fifty thousand Pounds, after paying thereout the Excess of the Costs of the said Buildings, towards establishing such System, and to raise such further Sum of Money for that Purpose as the said Court should think fit; and the said Master also found that the Expenditure of the said Free Grammar School from the Twenty-fifth Day of *March* One thousand eight hundred and thirty-six to the Twenty-fourth Day of *March* One thousand eight hundred and thirty-seven would exceed the Income by One thousand five hundred and six Pounds Twelve Shillings and Seven-pence, and that the Expenditure for the Year ending the Twenty-fourth Day of *March* One thousand eight hundred and thirty-eight was expected to exceed the Income for that Year by One thousand six hundred and sixty-six Pounds Nineteen Shillings and Seven-pence, and that the Expenditure for the Year ending the Twenty-fourth Day of *March* One thousand eight hundred and thirty-nine was expected to exceed the Income for that Year by the Sum of Six hundred and eighty-eight Pounds Seven Shillings and Two-pence, and that the Income for the Year ending the Twenty-fourth Day of *March* One thousand eight hundred and thirty-eight would have been increased Two hundred Pounds, and the Income for the Year ending the Twenty-fourth Day of *March* One thousand eight hundred and thirty-nine would have been increased by One thousand three hundred and sixty Pounds had it not been for the Alteration of the Style in the Year One thousand seven hundred and fifty-one, the Leases of the Estates from which such Increase would have arisen not expiring till One Year later than they would have expired according to their respective Dates, and which Circumstance had only recently been discovered; and that if the said proposed enlarged System of Education were commenced in the Year One thousand eight hundred and thirty-eight, and progressively enlarged until One thousand eight hundred and forty, a further Deficiency would be incurred in the following Years, *videlicet*, the Sum of Four hundred and seventy-one Pounds in One thousand eight hundred and thirty-eight, and the further Sum of Nine hundred and forty-three Pounds in One thousand eight hundred and thirty-nine, which would make the total Deficiency at that Time Four thousand four hundred and seventy-eight Pounds One Shilling and Five-pence, and that in the Year One thousand eight hundred and forty there will be a further Increase of Income of One thousand four hundred

and three Pounds Eleven Shillings and Three-pence, and in the Year One thousand eight hundred and forty-four a further Increase from the Expiration of Leases of upwards of Two thousand Pounds, exclusive of Land which in the intermediate Periods will be let for Building Purposes; and the said Governors proposed to obtain Power in the said intended Act to apply the said Sum of Three thousand five hundred and eighty Pounds, being the Balance of the said Sum of Fifty thousand Pounds, towards the aforesaid Deficiency of Four thousand four hundred and seventy-eight Pounds One Shilling and Five-pence, and also to raise by way of Mortgage or Sale of Parts of the Lands of the said Charity, as the said Court shall direct, such further Sum as might be necessary to meet the said Deficiency, and also for the Purchase of the Reversion in Fee of the said Land and Buildings belonging to *Frind Crego Colmore* Esquire, and others, and the Leasehold Interests therein, and for the Costs of the said intended Act of Parliament and the Proceedings relative and incident thereto; and that it was apprehended that a further Sum not exceeding Ten thousand Pounds would be required for the Purposes aforesaid, exclusive of the said Costs, and the said Governors therefore submitted that it would be fit and proper to raise the Sum of Ten thousand Pounds in addition to and besides the Sum of Three thousand five hundred and eighty Pounds, being the Residue of the said Sum of Fifty thousand Pounds, for effectuating the Objects and Purposes in the said Petition and herein-before mentioned, and that it would be fit and proper that the said Governors should apply to Parliament for Power to raise such Sum, and that the said Governors proposed that the said Sum should be raised, and the Application to Parliament should be made accordingly; and the said Master certified, that in addition to and besides the said Sum of Three thousand five hundred and eighty Pounds, the Residue of the said Sum of Fifty thousand Pounds, the Sum of Ten thousand Pounds would be fit and proper to be raised for effectuating the Objects and Purposes in his said Report and herein-before mentioned, and that it would be fit and proper that the said Governors should apply to Parliament for Power to raise such Sum and the said Costs: And whereas by an Order of the said Court of Chancery made the Tenth Day of *June* One thousand eight hundred and thirty-seven, upon the Petition of the said Governors, the last-mentioned Report was absolutely confirmed, and it was ordered that the said Governors should be at liberty to apply to Parliament for an Act for effectuating the several Objects and Purposes mentioned in the Master's Report of the Twenty-sixth Day of *May* One thousand eight hundred and thirty-seven, and it was ordered that the said Governors should be at liberty to include in such Application to Parliament Powers to raise the Costs of applying for such Act and relative thereto, and also the said Sum of Ten thousand Pounds in addition to and besides the Sum of Three thousand five hundred and eighty Pounds, the Residue of the Sum of Fifty thousand Pounds in the said Report of the Eighth Day of *June* One thousand eight hundred and thirty-seven mentioned, for effectuating the Objects and Purposes aforesaid: And whereas no Part of the Money which has been hitherto raised under the Powers of the said recited Act has been raised by Sale of any of the Messuages, Lands, and Hereditaments comprised in the Second Schedule to the same Act,

Order of the Court of Chancery, dated 10th June 1837.

Act, and it is intended that the whole of the Remainder still to be raised under the Powers of the said Act shall be raised by Mortgage, and not by Sale: And whereas the Lands and Hereditaments mentioned in the Schedule to this Act, being the whole of the Hereditaments comprised in the Second Schedule to the said recited Act, and such Part as remains unsold of the Hereditaments contained in the First Schedule to the said recited Act, are detached Portions of the Estates belonging to the said Charity, and from their Situation are likely to be sold for a high Price: And whereas the Reverend *Francis Jeune* D.C.L., Clerk, is the present Pedagogue or Head Master of the said Free Grammar School, and the Reverend *Sydney Gedge* A.M., Clerk, 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 said Reports bearing Date respectively the Twenty-fifth Day of *May* and the Eighth Day of *June* One thousand eight hundred and thirty-seven, and herein-before 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,

Confirmation of recited Act, except in so far as the same is hereby repealed.

That the said herein-before in part recited Act of the Second Year of the Reign of His late Majesty, and all and every the Powers, Provisoes, Authorities, and other Matters and Things therein contained, (save and except such of them or such Part or Parts thereof as are herein-after varied, altered, or repealed,) shall remain and continue in full Force and Effect, and be good, valid, and effectual to all Intents and Purposes.

Repeal of so much of recited Act as relates to building a new School for teaching modern Languages, the Arts and Sciences.

II. And be it further enacted, That so much and such Part of the said herein-before in part recited Act of the Second Year of the Reign of His said late Majesty as authorizes and requires the said Governors and their Successors to treat for, and, under the Direction of the said Court of Chancery, to purchase, a Surrender of the Leasehold or other outstanding Interest in such Part of a Piece or Parcel of Land, Part of the said Charity Estates, situated in and fronting to *New Street* and *Peck Lane* in *Birmingham* aforesaid, as the said Court should determine to be sufficient for the new Schoolhouse and other Buildings for teaching the modern Languages, the Arts and Sciences, and also so much and such Part of the said herein-before in part recited Act as authorizes and requires the said Governors and their Successors (either after such Purchase should have been made and such Surrender obtained, or immediately after the Expiration of the Lease or Leases then subsisting on the said Piece of Land,) to build and lay out upon the said Piece or Parcel of Ground such Schoolhouse to be fronting to *New Street* aforesaid, Masters Houses, and other Erections and Play Grounds as the said Governors and their Successors, under the like Direction of the said High Court of Chancery, should judge to be adequate and proper for the Purposes of a new School for teaching modern Languages, the Arts and Sciences, and also so much and such Part of the said herein-before recited Act as directs that any of the Money to be raised by the Ways and Means therein mentioned shall be applied in purchasing the Surrender of any Leasehold

or

or outstanding Interest in the Hereditaments in *New Street* and *Peck Lane* aforesaid, or 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 so much and such Part of the said herein-before recited Act as provides that the said new School for teaching modern Languages, the Arts and Sciences, should be established and regulated, as therein mentioned, according to a Scheme or Schemes for that Purpose, to be confirmed and approved of from Time to Time by an Order of the said High Court of Chancery, shall be and the same are hereby declared to repealed.

Part of the Sum of 50,000*l.* may be applied in discharge of the Expence incurred in completing the new Grammar-School above 30,000*l.*

III. And be it further enacted, That it shall be lawful for the said Governors and their Successors to pay and apply such Part of the said Sum of Fifty thousand Pounds raised or to be raised in pursuance of the said recited Act as shall be required for that Purpose in Payment and Discharge of the said Sum of Six thousand five hundred and nineteen Pounds Fourteen Shillings and Seven-pence, the Excess of the Expence incurred in completing the said new Grammar School Buildings and Grounds, over and above the said Sum of Thirty thousand Pounds originally appropriated for that Purpose, or in Payment or Discharge of other the Excess which shall ultimately be incurred, so that such Excess, including the said Sum of Six thousand five hundred and nineteen Pounds Fourteen Shillings and Seven-pence, do not exceed the Sum of Seven thousand Pounds.

The new School for teaching the modern Languages, the Arts and Sciences, to be carried on in the Grammar School, as the Court of Chancery shall think fit.

IV. And be it further enacted, That the said new School for teaching modern Languages, the Arts and Sciences, shall 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 this Act; and that the said new School for teaching modern Languages, the Arts and Sciences, shall, 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 shall 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 of Chancery, to be made in a summary Way upon a Petition or Petitions to be preferred by the said Governors.

The Governors may provide an additional Accommodation

V. Provided always, and be it further enacted, That in order from Time to Time to provide additional Accommodation for an increased Number of Scholars, if and when it shall be deemed expedient so to do,

for an increased Number of Scholars.

do, it shall be lawful for the said Governors and their Successors, under the Direction of the said Court of Chancery, to erect and build and lay out on some Part or Parts of the said Charity Estates lying on the Eastern Side of *Peck Lane* and facing thereto, and to *Little Colmore Street* (being the Lands belonging to the said Charity lying between the said new Grammar School and *Little Colmore Street* and *Peck Lane* respectively,) or on the Lands to be purchased in pursuance of this Act as herein-after is mentioned, or partly on one and partly on the other of the said Premises, such new Schoolhouse or Schoolhouses, Masters House or Masters Houses, Erections, Play Grounds, or other Accommodations, as to the said Governors and their Successors and to the said Court shall seem meet, and to use and employ the said new School or Houses, Buildings and Play Grounds and Accommodations, so to be erected and made as last aforesaid, for the Purposes of the Grammar School, or for the Purposes of the School for teaching the modern Languages, the Arts and Sciences, or for both the said Purposes, as the said Governors, with the Approbation of the High Court of Chancery, shall from Time to Time direct.

Power to the Governors to purchase certain Lands and Buildings for the Purposes of the School.

VI. And be it further enacted, That it shall be lawful for the said Governors and their Successors, under the Direction of the said High Court of Chancery, to purchase the Lands and Buildings belonging to *Frind Cregoe Colmore* Esquire and others, consisting of the following Particulars; that is to say, the Land and Buildings lying between *Colmore Street* and *Little Colmore Street*, containing about Two thousand five hundred and thirty-six Square Yards, the Land and Buildings lying on the South Side of *Colmore Street* between the same Street and other Lands and Buildings belonging to the said Charity, so far as the said Lands and Buildings belonging to the said Charity extend, and running thereon beyond the Charity Lands easterly to the Yard and Buildings belonging to the *Hen and Chickens* Hotel, the said Land and Buildings on the South of *Colmore Street* forming an Oblong of nearly equal Breadth from *Colmore Street* throughout, except that the Breadth is greater immediately to the East of the Charity Lands, and containing about Two thousand four hundred and sixty Square Yards, and also the Land and Buildings lying to the East of a Way or Passage running between *Colmore Street* and *Little Colmore Street* parallel to *Peck Lane*, and bounded on the East by the *Hen and Chickens* Hotel, and running North from *Colmore Street* to the North Side of *Little Colmore Street*, and containing about Seven hundred and thirty-five Square Yards, and also the said Way or Passage running between *Colmore Street* and *Little Colmore Street*, and dividing the said Land and Buildings, containing Two thousand five hundred and thirty-six Square Yards or thereabouts, from the Land and Buildings containing Seven hundred and thirty-five Square Yards or thereabouts, or any Part or Parts of the said Lands and Buildings, and any Estate or Interest in the said Premises or any Part thereof, and to take a Conveyance or Conveyances of the Premises, or of the Estate or Interest therein which shall be purchased as aforesaid, to them the said Governors and their Successors, and to hold the same as Part of the Estates belonging to the

the said Charity, without any Licence or Writ of Ad quod damnum, the Statutes of Mortmain, or any other Law, Usage, Statute, or Custom, to the contrary thereof in anywise notwithstanding.

Power for incapacitated Persons to convey.

VII. And be it further enacted, That it shall and may be lawful to and for all and every Person or Persons, Bodies Politic or Collegiate, Corporations Aggregate or Sole, and to and for Trustees for charitable and other public Purposes, and to and for all Trustees or Committees for Infants, Lunatics, Idiots, and other incapable Persons, and to and for all Femes Covert or Tenants for Life or Tenants in Tail, and all and every other Person and Persons who is or are or shall or may be seised, possessed of, or interested in the said Lands and Buildings which the said Governors and their Successors are by this Act empowered to purchase and hold, but being incapable of selling the same, and making a good Title thereto in Fee Simple, or for the Estate or Interest to be purchased as aforesaid, to contract and agree to sell to the said Governors or their Successors any such Lands and Buildings or Hereditaments, and Rights in, over, or upon the same or any Estate and Interest therein, and by Indenture or Indentures duly sealed and delivered, and enrolled in the said Court of Chancery in manner required by Law for Conveyance of Lands in Mortmain, absolutely to convey in Fee the same Lands, Buildings, and Hereditaments, and to assign or surrender any such Estate or Interest as aforesaid to the said Governors and their Successors; and such Deed or Deeds, being duly executed and enrolled as aforesaid, shall effectually and absolutely bar all Estates Tail and other Estates and Interests in Possession, Reversion, Remainder, or Expectancy, and convey all other Estates and Interests in the Hereditaments so conveyed; and all and every such Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Trustees for charitable or other public Purposes, Trustees or Committees, Femes Covert, Tenants for Life or Tenants in Tail, or other Person or Persons as aforesaid, shall be and are hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

When the Purchase Money exceeds 200*l.* the same to be laid out in the Purchase of other Lands under the Direction of the Court of Exchequer.

VIII. And be it further enacted, That if any Money shall be agreed to be paid for any Hereditaments so to be purchased by the said Governors by virtue of the Powers of this Act, for the Purposes of this Act, which shall belong to any Trustee or Trustees for charitable or other public Purposes, or to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money, in case the same shall amount to or exceed the Sum of Two hundred Pounds, shall be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there "*ex parte* 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*," pursuant to the Method prescribed by an Act passed in the First Year of King *George* the Fourth, intituled *An Act for better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes,* and the General Orders of the said Court,

1 G. 4. c. 35.

Court, and without Fee or Reward; and so soon as conveniently may be after the same shall have been so paid in as aforesaid the same Monies shall, upon a Petition to be preferred to the said Court of Exchequer in a summary Way by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Estates to be purchased with such Monies, pursuant to this Act, in case the same had been purchased as herein-after mentioned, if such Person or Persons had been of full Age, but if such Person or Persons shall be under Age, then by his, her, or their Guardian or Guardians, to be laid out, by and with the Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Hereditaments which shall be so purchased by the said Governors and their Successors stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and that in the meantime and until such Purchase shall be made the same Money shall, by Order of the said Court of Exchequer upon Application thereto in a summary Way, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum per Annum* Consolidated Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments hereby directed to be purchased therewith in case such Purchase and Settlement were made.

When Purchase Money shall be less than 200*l.* and exceed 20*l.*

IX. And be it further enacted, That in case the Money agreed to be paid for any Hereditaments so to be purchased by the said Governors by virtue of the Powers of this Act for the Purposes aforesaid shall belong to any Person or Persons under any Disability or Incapacity as aforesaid, and shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in every such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents of the Hereditaments so purchased by the said Governors, or of his, her, or their Guardian or Guardians, Committee or Committees, to be signified by Writing under their respective Hands, be paid into the Bank in the Name and with the Privity of the Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, to be applied as herein-before directed with respect to such Monies when the same amount to or exceed the Sum of Two hundred Pounds; or otherwise the same shall be paid (at the like Option) to Two Trustees, to be nominated by the Person or Persons making such Option, by Writing under the Hands of such Person or Persons, and approved of by the said Governors by Writing under their Common Seal, in order that such Money and the Dividends thereon may be applied in any Manner herein-before directed, without any Direction or Approbation of the said Court of Exchequer; and that where such Money so

Where exceeding 20*l.*

agreed to be paid by the said Governors shall be less than Twenty Pounds the same shall be paid to the Person or Persons who would for

for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased by the said Governors, or in case of Infancy or Lunacy then to the Guardians or Committees of such Person or Persons, to be applied for the Benefit of such Person or Persons.

The Receipt of the Accountant General, and the Receipts of the Cashier of the Bank, and the Receipts of Trustees, &c., to be Discharges.

X. And be it further enacted, That the Certificate and Certificates of the said Accountant General of the Court of Exchequer together with the Receipt and Receipts of the Cashier of the Bank to be thereto annexed, and therewith filed in the Register Office of the said Court, of the Payment into the Bank of *England* by the said Governors or their Successors of their Purchase Monies, shall from Time to Time be a good and sufficient Discharge to the said Governors and their Successors for so much of the said Purchase Money for which such Certificate or Certificates and Receipt or Receipts shall be given; and after taking such Certificate or Certificates, and Receipt or Receipts, the said Governors and their Successors shall be absolutely acquitted and discharged from the same Monies, and shall not be obliged to see to the Application, or be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or any Part thereof; and that the Receipts in Writing of any Two Trustees, to be nominated and approved as aforesaid, for any Purchase Money authorized to be paid to such Trustees as aforesaid, and that the Receipts in Writing of the Person or Persons, Guardian or Guardians, Committee or Committees, authorized to receive any Purchase Money respectively, shall in like Manner be effectual Discharges to the said Governors for the Money in such Receipts expressed to be received.

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

XI. 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 said Schedule to this Act, (the same consisting of such Part as still remains unsold of the Hereditaments comprised in the First Schedule to the said recited Act, and the whole of the Hereditaments comprised in the Second Schedule to the said recited Act,) 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.

Power to Governors to raise Money by Mortgage not exceeding 10,000*l.* and Costs of the Act.

XII. 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, not exceeding the Sum of Ten thousand Pounds, over and above the Costs of applying for and obtaining this Act and relative thereto, as the said Governors or their Successors shall from Time to Time require for paying the Costs and Expences incurred in the Proceedings in the said Court of Chancery herein-before mentioned, and the Costs, Charges, and Expences of applying

applying for and obtaining this Act and incident thereto, and for paying for the said Lands and Buildings herein-before authorized to be purchased in case the said Governors or their Successors shall purchase the same, and for making good the said estimated Deficiency of Four thousand four hundred and seventy-eight Pounds One Shilling and Five-pence, or other the Deficiency which shall 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 aforesaid, and generally for paying any Expences which may be incurred in carrying into effect any of the Purposes of this Act.

Governors empowered to make Mortgages.

XIII. 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, 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 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 recited Act for the Mortgages to be made for the Purposes of the said recited Act.

Mortgages to be numbered progressively.

XIV. And be it further enacted, That all Mortgages to be made in pursuance of this Act shall be numbered progressively, commencing with Number Fifty, and shall be good, valid, and effectual in Law, but shall have no Preference as between one and another in respect of the Priority of the Dates or Numbers of such Mortgages or otherwise.

Priority of Mortgages.

XV. Provided always, and be it further enacted, That all Mortgages already made or hereafter to be made in pursuance of the said recited Act 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 already made or hereafter to be made in pursuance of the said recited Act.

Power to transfer Mortgages.

XVI. 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 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 shall or may (so far as the same may be applicable, with such Variations as the Reference to this Act instead of the said

recited Act, or other Circumstances, may require, or render expedient or convenient,) be made in the Form or to the Effect in the said recited Act provided for the Transfer of Mortgages to be made in pursuance of the said recited Act.

Mortgages to be effectual Discharges for Money advanced.

XVII. 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 subject to subsisting Leases and Leases hereafter to be made.

XVIII. 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 Contract sand 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 this 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 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.

Mortgagees not to be concerned as to the Sum Sum raised.

XIX. Provided always, and be it further enacted, That no Mortgagee shall be bound to ascertain that Money has not been raised up to the said 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.

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

XX. 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 in part recited Act, 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.

Application of the Residue of the Sum of 50,000*l.* of

XXI. And be it 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 will remain

the Money ao be raised, and of the Produce of the Sales.

remain of the said Sum of Fifty thousand Pounds, after providing for the Purposes of the said recited Act, or such of them as will remain to be accomplished after the passing of this Act, and also the Money to be raised by the Sale of the said Hereditaments in the said Schedule to this Act, in case the same or any of them shall be sold, and also the Money to be raised by the said Mortgages to be made in pursuance of this Act as herein-before directed, but so that the Money to be raised by the said Mortgages and the Sale of the said Hereditaments do not together exceed the Sum of Ten thousand Pounds, over and above the Costs hereby authorized to be raised, shall (after Payment thereout of the Costs and Expences incurred in the said Proceedings in the said High Court of Chancery, and the Costs, Charges, and Expences of applying for and obtaining this Act and incident thereto,) be applied by the said Governors, from Time to Time as the same shall 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 shall happen in the Income of the said Charity Estates, to meet the annual Expenditure, (including the Expence of any System of Education or Instruction to be established and carried on under any Scheme or Schemes to be approved of by the said Court in pursuance of this Act,) and for paying for the said Lands and Buildings herein-before authorized to be purchased, or any Part or Parts thereof, in case the said Governors or their Successors shall purchase the same, and for paying the Costs, Charges, and Expences which shall be incurred in providing additional Accommodation and Instruction for an increased Number of Scholars in case the said additional Accommodation shall be provided, and generally for paying all or any Costs, Charges, or Expences which may be in anywise incurred in carrying into effect any of the Purposes of this Act.

The Amount of Money to be expended in providing additional Accommodation to be in the Discretion of the Court of Chancery.

XXII. Provided always, and be it further enacted, That such Part of the Monies applicable to the Purposes of this Act shall be laid out by the said Governors in providing the additional Accommodation and Instruction for an increased Number of Scholars herein-before mentioned, or for carrying on any System of Education in Instruction to be established under any Scheme or Schemes to be approved of by the said Court in pursuance of this Act, as shall be approved of in that Behalf by the said High Court of Chancery upon any Application or Applications to be made by the said Governors for that Purpose.

Directions as to the Application of the Excess of Money raised for the Purposes of this Act, over the Sum of 10,000*l.* and Costs.

XXIII. 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 in this 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 aforesaid, shall exceed the Sum of Ten thousand Pounds, over and above the said Costs hereby authorized to be raised as aforesaid, 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 hereby authorized to be raised as aforesaid, at the

the Discretion of the said Governors or their Successors, either in paying off the Principal and Interest due upon any of the Mortgages which shall have been made in pursuance of this Act or of the said recited Act, or in paying the Purchase Money and the Costs of purchasing any of the Hereditaments by the said recited Act authorized to be purchased, and which have not hitherto been purchased, or any of the Lands and Buildings by this Act authorized to be purchased, or for all of the said Purposes.

Direction as to the Application of the Excess of Money raised over what is wanted.

XXIV. Provided always, and be it 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 raisable for the Costs of applying for and obtaining this Act and incident thereto, shall amount to a larger Sum than shall be wanted for the Purposes for which the same Three thousand five hundred and eighty Pounds Eight Shillings and One Penny, or other the Surplus of the said Sum of Fifty thousand Pounds, the said Sum of Ten thousand Pounds, and the Amount of Costs, 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 the Powers of this Act, by Sales and Mortgages, over and above the Sum of Ten thousand Pounds, and the Costs hereby authorized to be raised as aforesaid.

Reservation of the Rights of the Lord Bishop of the Diocese, and Mode of determining the Extent of his Rights.

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

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

XXVI. 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.

XXVII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all and every other Persons and Person, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the said Governors of the said Free Grammar School and their Successors, and the said *Francis Jeune* 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.

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

XXVIII. 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

The SCHEDULE before referred to.

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.
				£ s. d.	
		New Street, Birmingham.			
11th August 1738.	Stephen Russell -	Ninety-nine Years.	24th Day of March 1838.	2 0 0	Messuage and Appurtenances.
25th March 1777.	John Green -	Sixty-one Years.	25th Day of March 1838.	3 13 0	Messuage and Appurtenances.
		High Street.			
6th February 1744.	Thomas Robinson	Ninety-nine Years.	23d Day of March 1844.	3 15 6	Two Messuages and Retail Shops and Outbuildings.
6th March 1744.	Joseph Mantel, jun.	Ninety-nine Years.	23d Day of March 1844.	2 16 6	One Messuage and Shop, and Six small Messuages behind, and Appurtenances.
		Dale End.			
4th July 1744	John Brown -	Ninety-nine Years.	23d Day of March 1844.	2 16 0	Three Messuages and Retail Shops, and several small Houses behind, and Appurtenances.
1st August 1744.	Thomas Yates -	Ninety-nine Years.	23d Day of March 1844.	2 0 0	One Messuage and Retail Shop, Shopping and Appurtenances.
5th December 1744.	Thomas Turner -	Ninety-nine Years.	23d Day of March 1844.	7 0 0	Four Dwelling Houses and Retail Shops, Seven small Houses behind, and Appurtenances.
		Bull Street.			
6th February 1744.	Jonathan Ruston	Ninety-nine Years.	23d Day of March 1844.	6 15 0	Seven Messuages and Retail Shops, Buildings and Appurtenances.
7th November 1744.	Thomas Robins -	Ninety-nine Years.	24th Day of March 1844.	1 15 0	A Messuage or Building and Appurtenances.
7th May 1746	John Beet -	Ninety-nine Years.	27th Day of Sept. 1845.	8 17 9	Three Messuages and Retail Shops and Appurtenances.
1st January 1752.	Thomas Ashwell -	Ninety-two Years.	23d Day of March 1844.	8 10 0	Two Messuages and Retail Shops.

J. W. Whateley.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1837.