ANNO DECIMO SEXTO & DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

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## *Cap.* 14.

An Act to amend an Act of Parliament made and passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to enable the Governors of the Free Grammar School of* Clitheroe *in the County of* Lancaster *to sell and grant Building Leases of the School Estates, and to enlarge the Powers of the Governors;* and to authorize the Court of Chancery to apply Parts of the Proceeds of the Sales effected under such Act towards Discharge of certain Debts of the said School, and to vary the Investment of such Proceeds, and apply the Income thereof towards the Maintenance of the School; and to enlarge the Powers of granting Building Leases created by the said Act; and for other Purposes. [15th *August* 1853.]

1 Vict. c. 32. (Pr.) Charter dated 29th August, 1st & 2d Phil. & Mar.

WHEREAS by the Act passed in the First Year of the Reign of Her present Majesty, Chapter Thirty-two (Private), after reciting the Letters Patent dated the Twenty-ninth Day of *August* in the First and Second Years of the Reign of King *Philip* and Queen *Mary* of *England*, whereby (among other things) the

the said King and Queen founded the Grammar School in *Clitheroe* in the County of *Lancaster* called "The Free Grammar School of *Mary* Queen of *England*," and constituted the Governors thereof a Body Corporate and Politic, by the Name of "The Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Philip* and Queen *Mary* of *England* in *Clitheroe* in the County of *Lancaster*," to continue by the same Name for ever, with perpetual Succession, the said Governors were by the First Section of the said Act empowered to sell certain of the School Estates comprised in the First Schedule to such Act; and by the Second Section of such Act the Purchasers of such Estates were directed to pay their Purchase Monies into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there "*Ex parte* the Purchaser or Purchasers of the Estates of the Governors of *Clitheroe* School;" and by the Fourth Section, after directing the Costs, Charges, and Expenses of and attending the obtaining the Act and a Sum of One thousand five hundred Pounds therein more particularly mentioned to be paid by and out of such Purchase Monies, the Residue of such Purchase Monies was directed to be laid out in the Purchase of other Land to be settled and assured to and for the Use of the Governors of the said School, and their Successors for ever, upon the several Trusts, Intents, and Purposes in the said therein-before recited Letters Patent declared of and concerning the Lands respectively therein mentioned and thereby granted to the said Governors and their Successors, but subject to and with the further Trusts and Powers therein-after expressed and contained: and by the Fifth Section of the said Act it was enacted that all Sums of Money which should be paid into the Bank in the Name of the said Accountant General, in manner therein-before directed, and which should not be required for the Payment of the said Costs, Charges, Expenses, and Debt, should, until such Purchases should be made as aforesaid, be laid out in the Purchase of Navy or Victualling Bills or Exchequer Bills, and the Interest arising from the Money so laid out in the said Navy or Victualling Bills or Exchequer Bills, and the Money received for the same, as they should respectively be paid off by Government, should be laid out in the Name of the said Accountant General in the Purchase of other Navy or Victualling or Exchequer Bills; provided that it should and might be lawful for the High Court of Chancery to make such General Order or Orders, or Special Order or Orders, if necessary, that whensoever the Exchequer Bills of the Date of those in the Hands of the said Accountant General should be in a Course of Payment by Government, and new Exchequer Bills should be issued, such new Exchequer Bills might be received in exchange for those which were in a Course of Payment as should be effectual for enabling such Receipt in Exchange; and in such Case the Interest of the

the old Bills should be laid out as before directed with respect to the Interest where the Bills were paid off; all which Navy and Victualling and Exchequer Bills should be deposited in the Bank in the Name of the said Accountant General, and should there remain until proper Purchases should be found and approved as before directed, and until the same should, upon a Motion or Petition setting forth such Approbation to be preferred to the said Court of Chancery in a summary Way by the said Governors of the said School, or their Successors, or the major Part of such Governors, be ordered to be sold by the said Accountant General for the completing such Purchases respectively in such Manner as the said Court should think just and direct; provided always, that it should and might be lawful to and for the said High Court of Chancery, from Time to Time, upon Petition to be presented by the Parties interested in a summary Way, to make any Order or Orders for taxing the Costs, Charges, and Expenses therein-before authorized to be paid, and also the Costs of the several Applications to be made to that Court respecting the Matters aforesaid, and the Costs of taking the same Monies out of the Bank and investing such Monies in a new Purchase or Purchases as aforesaid, and for Payment of such taxed Costs out of the said Monies arising by Sale of the said Navy, Victualling, or Exchequer Bills so to be paid as aforesaid, and to make any such Orders as the said Court should think proper for the Sale of the said Navy or Victualling or Exchequer Bills, or any of them, or investing the Money arising from the Sale or Sales of the same in any such Purchase or Purchases as aforesaid, and for completing the Sales or Purchases authorized by the now reciting Act, and to make any other Order or Orders or give any other Direction or Directions respecting the Trusts and Purposes of the said Act, and the carrying the same into execution, or otherwise relating to the same, as the said Court should from Time to Time judge or deem necessary, proper, or expedient; and by the Sixth Section of the said Act it was further enacted, that it should and might be lawful to and for the Governors of the said School and their Successors, or the major Part of them, and they were thereby authorized and empowered, at any Time or Times thereafter, with the Approbation of the Bishop of the Diocese for the Time being, testified by Writing under his Hand, to contract and agree to lease, and afterwards to lease, or in the first instance and without any such previous Contract or Agreement to lease, to any Person or Persons willing to take the same, and to his, her, or their Executors, Administrators, or Assigns, all or any Part or Parts of the several Lands and Hereditaments to be purchased as therein-before mentioned, and also of the Messuages, Tenements, Lands, and Hereditaments comprised in the Second Schedule to the now reciting Act, with their respective Appurtenances, for any Term or Number of Years not exceeding Ninety-nine Years, commencing from or antecedently to the Date of every such Contract or Agreement

or

or Lease, and to take effect in possession, and not in remainder or reversion or by way of future Interest, either for the Purpose of repairing, rebuilding, or substantially improving any Houses or other Buildings which were or should be erected on the same Lands and Hereditaments or any Part thereof, or of erecting any new Houses or other Buildings, with or without Offices, Outbuildings, or other Conveniences, with Liberty for the Lessee or Lessees to take down all or any Part of the Buildings which should be standing on the Premises to be comprised in any such Demise or Lease at the Time of granting or making thereof, and to convert or dispose of the Materials thereof to such Uses and Purposes as should be therein mentioned and agreed upon; and also to lay out and appropriate any Part of the Premises to be comprised in any such Demise or Lease as and for a Way or Ways, Passage or Passages, for the Use and Convenience of such Lessee or Lessees, and others the Tenants or Occupiers of the same Premises, or for the Use and Convenience of the Public, in such Manner as should be mentioned and agreed upon in such Demise or Lease, upon such Terms and subject to such Conditions as in such Act mentioned: And whereas, pursuant to the Provisions of the said Act, certain Parts of the said School Lands have been sold, and the Purchase Monies for the same have been paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and placed to his Account there "*Ex parte* the Purchaser or Purchasers of the Estates of the Governors of *Clitheroe* School;" and the Monies which have been so paid in amount altogether to the Sum of Fifteen thousand three hundred and twenty-four Pounds Four Shillings and Ninepence; and out of the Monies so paid in, as the same were sufficient for the Purpose, the Costs, Charges, and Expenses and the said Sum of One thousand five hundred Pounds respectively by the said Act authorized to be paid have been accordingly paid under Orders of the said Court of Chancery in that Behalf made; and in the Year One thousand eight hundred and forty-three a Contract for the Purchase of certain Lands situate in the Vicinity of *Clitheroe* in the County of *Lancaster* was entered into for the Sum of Four thousand and eighty-five Pounds, which Contract was afterwards and in the Month of *January* One thousand eight hundred and forty-five extended so as to comprise other Land in the same Vicinity, and the Purchase Money increased to Six thousand eight hundred and forty-five Pounds, but Difficulties having existed in adducing a Title to the Property to the Satisfaction of the Master of the said Court of Chancery to whom the Matter was referred such Purchase was not completed until the Month of *March* One thousand eight hundred and forty-seven: And whereas certain small Parts of the said School Estates comprised in the said First Schedule to the said Act are still unsold: And whereas the said recited Act having directed the

Proceeds

Proceeds of the Sales of the said School Lands to be accumulated whilst the same remained in the Bank of *England*, the annual Income of the School available for defraying the necessary Expenses of the School was diminished by the Sales from Time to Time, until in the Year ending at *Midsummer* One thousand eight hundred and forty-six such Income became reduced to Ninety-eight Pounds Seven Shillings and Eleven pence only, and no more; and the said Governors, although they made considerable Reductions in the Expenses of the School, were unable, without Prejudice to it and the Population entitled to avail themselves of it, to keep such Expenses within the available Income: And whereas, besides the said Sum of One thousand five hundred Pounds authorized to be paid by the said Act, certain other Debts had before such Act passed been incurred by the Governors of the School in completing the Residence of the Head Master in the said Act mentioned, and for Repairs to the Schoolhouse and the other Property of the said School, and for some Bills of Costs due to the Solicitors of the Governors for Business by them done for the said School, and sundry small Tradesmen's and Workmen's Bills which had for some Time been accumulating, and the Amount of such Debts, together with the Interest on the said Sum of One thousand five hundred Pounds, was left by the said Act to be provided for out of the available Income of the said School: And whereas, in addition to the current Expenses for Salaries and otherwise more immediately incurred in keeping up the said School, the Governors, from Time to Time, after the passing of the said Act, found themselves obliged to lay out large Sums of Money in effecting Repairs on the School Buildings and the other Buildings on the Property: And whereas the Expenses for Surveyors and Auctioneers Charges and for Advertisements and other Expenses of and incidental to the said Sales which have been effected under the said Act, and the Bills of Costs for Business done in and about such Sales, were also left by the said Act to be provided for out of the available Income of the said School: And whereas the said Governors, in order to keep the School open and afford the populous Neighbourhood in which it stands the Benefit of it, obtained from Time to Time Advances of Money from their Bankers, which Advances but for the Circumstances aforesaid would not have been necessary, and which Advances the Governors expected to meet and repay by finding Purchases for the Investment of the Monies in Court, and such Investment having been delayed, and the Bankers requiring a Part of what had been so advanced to be repaid, the said Governors in One thousand eight hundred and forty-three, for the Purpose of meeting that Demand and some other small then outstanding Accounts, took up at Interest the Sum of Two thousand Pounds, and the Governors again in One thousand eight hundred and forty-seven took

took up at Interest the further Sum of One thousand five hundred Pounds in order to discharge that which remained due to the Bankers and other outstanding Claims, and such Sums of Two thousand Pounds and One thousand five hundred Pounds are still unpaid: And whereas there still remain in Court to the Account aforesaid, Proceeds of the said Sales, Exchequer Bills for Five thousand two hundred Pounds, and in Cash Seventy-five Pounds Five Shillings, the Income whereof is not and will not be available for the Purposes of the School so long as the same remains in Court under the Provisions of the said Act: And whereas the Provision in the said Act restricting the Investment of the Proceeds of the said Sales to Navy Bills, Victualling Bills, and Exchequer Bills has proved very prejudicial to the said School, as the annual Proceeds of the said Sales would have produced a much greater Income if they had been invested in the Purchase of Parliamentary Stocks or Public Funds of *Great Britain* instead of Exchequer Bills, which at present pay a very low Rate of Interest; and if the said present Debts of the said School were discharged out of the aforesaid Fund in Court, and the Income of the Residue of such Fund was made available for the current Expenses of the said School, the annual Income of the said School would not only be sufficient to defray the current Expenses of the School, but also to increase the Efficiency of it, and it would be greatly for the Benefit of the said School and of the large Population who are entitled to have their Children educated at such School if Authority were given for the Application of a sufficient Part of the said Fund in Court standing to the Credit of the said Account intituled "*Ex parte* the Purchaser or Purchasers of the Estates of the Governors of *Clitheroe* School" to the Discharge of the Debts of the said School: And whereas the Land purchased as aforesaid under the Authority of the said Act and Parts of the other School Lands not comprised in the said First Schedule to the said Act are situate in the immediate Vicinity of *Clitheroe* aforesaid, and are conveniently situated for building; and other of the Monies produced and to be produced by the Sales by the said Act authorized may be laid out in the Purchase of Lands similarly situated, and such Lands might be rendered considerably more productive if Power was conferred to make Conveyances in Fee Simple, or to grant Leases for long Terms of Years, of the said Lands for the Purpose of building thereon, at Rents adequate to the Estates and Terms therein granted or demised: And whereas the said Governors preferred their Petition to the said Court of Chancery, stating in substance the said Act and other the Matters and Things aforesaid, and praying that a sufficient Part of the said Exchequer Bills standing in the Name of the said Accountant General to the Credit of the said Account intituled "*Ex parte* the Purchaser or Purchasers of the Estates of the Governors of *Clitheroe* School" might

Petition of Governors to the Court of Chancery.

might be ordered to be sold, and the Proceeds thereof paid to the said Governors, to be by them applied in discharge of the said Sums of Two thousand Pounds and One thousand five hundred Pounds so due and owing from the said School and the Interest on such Sums; and also that the said Exchequer Bills, or so much thereof as after answering the Purposes aforesaid might remain standing to the Credit of the said Account, might be sold, and the Proceeds thereof laid out in the Purchase of Bank Three Pounds *per Centum* Annuities in the Name of the said Accountant General to the Account aforesaid, and that the Interest, Dividends, and annual Profits of the Monies and Securities for the Time being standing to the Credit of the said Account intituled "*Ex parte* the Purchaser or Purchasers of the Estates of the Governors of *Clitheroe* School" might be ordered to be paid to the said Governors, to be by them applied in and towards defraying the current Expenses of the said School, instead of accumulating the same as by the said Act of Parliament passed in the First Year of the Reign of Her present Majesty was directed; and that the said Governors might be authorized to grant such Estates and Leases of and on the said Property of the said School as in the said Petition mentioned, or otherwise that they might be at liberty to apply for and obtain an Act of Parliament to alter and amend the said Act passed in the First Year of Her present Majesty's Reign, and to extend the Provisions thereof so far as might be necessary for effectuating the Purposes aforesaid: And whereas the Matter of the said Petition came on to be heard before the Right Honourable the Master of the Rolls on the Ninth Day of *May* One thousand eight hundred and fifty-three, when his Honour was pleased to give Liberty to the said Governors to submit to his Honour in Chambers a Bill to be promoted in Parliament for the Purposes in the Petition mentioned: And whereas, in pursuance of the Liberty so given to the said Governors, the Draft of an Act for carrying into effect the Purposes in the Petition mentioned hath been submitted to his Honour the Master of the Rolls, who hath been pleased to approve thereof, as appears by the Certificate of such Approval signed by his Honour at the Foot of the Draft of such Act dated the Fourth Day of *June* One thousand eight hundred and fifty-three: And whereas the several Objects and Purposes herein-before mentioned cannot be obtained or effected without the Aid and Authority of Parliament: Therefore Your Majesty's most dutiful and loyal Subjects, "The Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Philip* and Queen *Mary* of *England* in *Clitheroe* in the County of *Lancaster*," do most humbly beseech 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, as follows:

Order dated 9th May 1853.

I. Notwith-

*Clitheroe Grammar School Act*, 1853.

Court of Chancery authorized to direct Payment of the present School Debt out of the Proceeds of the Sales of the School Estates.

I. Notwithstanding anything in the said above-mentioned Act contained, it shall be lawful for the said Court of Chancery and such Court is hereby authorized and empowered to order a competent Part of the said Exchequer Bills in the Hands of the said Accountant General in trust or to the Credit of the said Account intituled "*Ex parte* the Purchaser or Purchasers of the Estates of the Governors of *Clitheroe* School" to be sold, and the Proceeds thereof, and also any Cash which may be standing to the Credit of the same Account, to be applied in or towards Discharge of the said Sums of Two thousand Pounds and One thousand five hundred Pounds, and the Interest thereon respectively, or so much and such Part or Parts of such Sums and Interest respectively as the said Court may think fit to order to be paid thereout, and such Exchequer Bills and Proceeds and Cash may be respectively sold and applied accordingly: Provided nevertheless, that before making any such Order as aforesaid it shall be lawful for the said Court to order such Inquiries to be made and Accounts taken and generally to give such Directions with reference to the said Sums of Two thousand Pounds and One thousand five hundred Pounds, or either of them or any Part thereof, as such Court shall in that Behalf deem fit and proper.

The Proceeds of the Sales may be invested in the Public Funds, and the Income applied to defray the current Expenses of the School.

II. Notwithstanding anything in the said recited Act contained, it shall be lawful for the said Court of Chancery and such Court is hereby authorized and empowered to order all or any Part of the said Exchequer Bills to be sold, and the Proceeds thereof, and also any Cash which may from Time to Time or at any Time be standing to the Credit of the said Account, to be laid out in the Purchase of any of the Parliamentary Stocks or Public Funds of *Great Britain* in the Name and with the Privity of the Accountant General of the said Court of Chancery in trust "*Ex parte* the Purchaser or Purchasers of the Estates of the Governors of *Clitheroe* School," and to order all or any Part of the Dividends and Interest to arise from such Stocks or Funds when purchased, in the meantime and until the same shall have been laid out in the Purchase of other Lands under and pursuant to the said recited Act, to be paid to the said Governors of the said School and their Successors, to be by them applied in or towards defraying the current Expenses of the said School, and the same Exchequer Bills, Proceeds, Dividends, and Interest may be respectively sold and applied accordingly.

Power to the Governors, with the Approbation of the Court of Chancery, to demise

III. Notwithstanding anything in the said recited Act contained, it shall be lawful for the Governors of the said School and their Successors, or the major Part of them, with the Approbation of the Court of Chancery, to demise or lease all or any Part of the Lands of which such Governors shall be in the actual Possession or in the actual Receipt of the Rents and Profits for or for the Purposes of the said

said School, or any of them, or to convey the Fee Simple thereof to any Person or Persons whomsoever in consideration of a yearly Rent to be limited in Use or made payable thereout during the Continuance of the Estate or Term thereby granted to the said Governors and their Successors, or for such other Consideration or Considerations, and generally on such Terms and Conditions, and with such Reservations and Stipulations, as the said Court may think fit; and the Approbation of the Court of Chancery to any such Lease or Conveyance may be obtained by an Application to be made in the first instance to a Judge of the said Court at Chambers, of which Application Her Majesty's Attorney General shall have Notice: Provided always, that notwithstanding the aforesaid Provision, the said Governors and their Successors, or the major Part of them, shall be at liberty to enter into any Agreement for any Conveyance or Lease as aforesaid within the Powers of this Act, conditional upon the Approbation of the said Court of Chancery being afterwards obtained thereto; but no Lessee or Grantee shall be let into possession of any Part of the said Lands until such Approbation shall have been obtained.

for any Term, or to convey in Fee.

IV. Notwithstanding anything in the said recited Act contained, it shall be lawful for the said Court of Chancery to order any Costs, Charges, and Expenses incurred or occasioned, or to be incurred or occasioned, in or about the carrying into execution or effect of any of the Powers or Authorities created or conferred by the said recited Act, and not by such Act already authorized to be paid by and out of the Fund therein in that Behalf mentioned, and also any Costs, Charges, and Expenses to be incurred or occasioned in or about the obtaining or applying for this Act, or preparatory thereto, or in or about carrying into execution or effect any of the Powers or Authorities created or conferred by this Act, to be raised and paid by and out of the said Exchequer Bills, or any Stocks, Funds, or Securities, or Cash which may from Time to Time or for the Time being be in trust or standing to the Credit of the said Account intituled "*Ex parte* the Purchaser or Purchasers of the Estates of the Governors of *Clitheroe* School," and the same may be raised and paid accordingly.

Provision for Payment of Expenses not provided for by 1 Vict. c. 32., and of the Expenses of this Act.

V. In order to prevent the Property of the said School from being permanently diminished by the Application of the said Exchequer Bills and Cash herein-before authorized it shall be lawful for the said Court of Chancery to order any Part of the Income of the Charity to be set apart and invested and accumulated until such Sum as the Court may think fit, not exceeding the total Amount paid and applied under the Authority of this Act in or towards Discharge of the said Sums of Two thousand Pounds and One thousand five hundred Pounds, shall have been raised; and all Sums so set apart and

Provision against Diminution of the Capital of the School Property.

and the Accumulations thereof shall be carried to such Account as the said Court shall in that Behalf from Time to Time direct; and the Monies so set apart and accumulated, and the Interest, Dividends, and annual Profits thereof, shall, when and so soon as such Sum as aforesaid shall have been raised, be applicable and applied in such and the same Manner as by the said recited Act and this Act are expressed and declared of and concerning the Monies arisen and to arise from the Sales of the School Lands by the said Act authorized to be sold.

Court of Chancery empowered to make Orders in a summary Way as to Matters directed by this Act.

VI. In all Cases in which an Application to the said Court of Chancery shall become requisite or desirable for any of the Purposes or under any of the Provisions of this Act (except where under the preceding Provisions an Application may be made in the first instance to a Judge at Chambers), such Application may be made in a summary Way by Petition to the said Court intituled "In the Matter of the *Clitheroe* Grammar School" and of this Act, and served on Her Majesty's Attorney General; and it shall be lawful for the said Court of Chancery to hear every Petition which shall be presented under this Act, and to make such Order or Orders thereon, and as to the Proceedings in respect thereof, and as to the Party or Parties to be served with the Proceedings, and as to the Costs, Charges, and Expenses of all Parties to be incurred by or in consequence of any Proceedings under this Act whether commenced by Petition or in Chambers, as the said Court shall think fit.

Interpretation of Terms.

VII. In this Act (where the Context or necessary Construction is not inconsistent with the Interpretation and Meaning hereby given) the Expressions "The Governors of the said School" and "The said Governors" shall mean the said Body Corporate styled "The Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Philip* and Queen *Mary* of *England* in *Clitheroe* in the County of *Lancaster*:"

The Expression "The said Exchequer Bills" shall mean such Exchequer Bills as from Time to Time or for the Time being may be deposited in the Bank of *England* in the Name of the Accountant General of the said Court of Chancery to his Account there "*Ex parte* the Purchaser or Purchasers of the Estates of the Governors of *Clitheroe* School," under the Provisions of the above-recited Act:

The Expression "The Court of Chancery" shall mean and include the Lord High Chancellor, and the Lord Keeper and Lords Commissioners of the Great Seal, and the Lords Justices of the Court of Appeal in Chancery respectively for the Time being, and also the Master of the Rolls, and every Vice Chancellor or other Judge of the Court of Chancery for the Time being.

VIII. For

Short Title.

VIII. For all Purposes of Citation or Reference with respect to this Act it shall be sufficient to use the Words "*Clitheroe* Grammar School Act, One thousand eight hundred and fifty-three."

General Saving.

IX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, and his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except such Person or Persons as is or are or may be seised or possessed of any Messuages, Lands, Tenements, or Hereditaments, or any Goods, Chattels, or Personal Estate, upon the Trusts of the Letters Patent recited in the said Act or any of them, and his and their Heirs, Executors, and Administrators, or in trust for the said School or the Scholars, Masters, or Ushers thereof, or any of them,) all such Estate, Right, Title, Interest, Claim, and Demand of, in, to, or out of the Lands hereby authorized to be conveyed and demised as aforesaid, and the Exchequer Bills and Cash hereby authorized to be applied, as he or they or any of them had before the passing of this Act, or could or might have had in case this Act had not been passed.

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

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

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1853.