



ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

Cap. 25.

An Act to enable the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Edward* the Sixth in *Macclesfield* in the County of *Chester* to establish a Second School, to be called "The Modern Free School," in *Macclesfield* in the County of *Chester*, and for other Purposes. [4th July 1838.]

WHEREAS Sir *John Percival*, by his Will bearing Date the Twenty-fifth Day of *January* One thousand five hundred and two, endowed a Free Grammar School in the Town of *Macclesfield*, that the Sons of Gentlemen and other good Men of that Town and the Country thereabout might be taught Grammar; and he thereby directed certain Lands should be purchased as well for the Maintenance of the said School as for the Uses therein mentioned, which Lands appear to have passed afterwards into the Possession and Seisin of King *Henry* the Eighth, His Heirs and Successors: And whereas His late Majesty King *Edward* the Sixth, by His Letters Patent under the Great Seal of *England* bearing Date the Twenty-fifth Day of *April* in the Sixth Year of His Reign, upon the Petition as well of the Inhabitants of *Macclesfield* in the County of *Chester* as of many other of His Subjects of the

Sir John Percival's Will, January 1502.

Charter of 6 Edw. 6.

[Private.]

whole

whole neighbouring Country to him presented for a Grammar School, to be erected and established in *Macclesfield* within the Parish of *Prestbury* in the County of *Chester* aforesaid, for the Institution and Instruction of Children and Youth, did of His especial Grace will, grant, and ordain, for Him and His Heirs, that thenceforth there should be One Grammar School in *Macclesfield* aforesaid, which should be called the Free Grammar School of King *Edward* the Sixth, for the Education, Institution, and Instruction of Children and Youth in the Grammar, to continue for all future Times to come; and His said Majesty did erect, create, ordain, and found the same School to be continued for ever under One Master or Tutor and One Sub-Tutor or Usher; and that His Intention aforesaid might take the better Effect, and that the Lands, Tenements, Rents, Revenues, and other Profits to be granted, assigned, and appointed for the Maintenance of the aforesaid School might the better be governed for the Continuance of the same, His said Majesty did will, grant, and ordain that thenceforth there should be within the Vill of *Macclesfield* and Parish of *Prestbury* aforesaid Fourteen of the most discreet and honest Inhabitants of the same Vill and Parish which should be for the Time being and should be called Governors of the Possessions, Revenues, and Goods of the said School called and to be called the Free Grammar School of King *Edward* the Sixth in *Macclesfield* in the County of *Chester*; and therefore His said Majesty did thereby nominate, constitute, and declare Fourteen Persons therein named and described to be the first Governors of the Possessions, Revenues, and Goods of the said Free Grammar School, to exercise and occupy the same Office from the Date of the said Letters Patent during their Lives; and His said Majesty did incorporate the same Fourteen Persons Governors of the same School, and did really and fully create, ordain, appoint, and declare them a Body Corporate and Politic for ever to continue by the Name of the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Edward* the Sixth in *Macclesfield* aforesaid in the County of *Chester*; and His said Majesty did will and grant that the same Governors might have a perpetual Succession, and by the same Name might and should be Persons fit and capable to have, receive, and acquire of His said Majesty the Lands, Tenements, and Hereditaments therein-after specified and other Lands and Hereditaments whatsoever of His said Majesty or of any other Person or Persons whatsoever; and His said Majesty did ordain and declare, that whensoever it should happen that any One or more of the said Governors for the Time being should die, or remove, or dwell elsewhere, and with his Family to depart out of the Vill of *Macclesfield* and Parish of *Prestbury* aforesaid, that then it might and should be lawful for the other of the said Governors surviving, and dwelling with their Families or the greater Part of them, to choose and nominate some other fit Person or Persons of the Inhabitants of the said Vill of *Macclesfield* and Parish of *Prestbury* aforesaid into the Place or Places of him or them so dying, or departing with his and their Family as aforesaid, to succeed in the Office of a Governor, and this as often as the Case should so fall out; and His said Majesty, being willing to bring into effect His Intention in this Behalf, of His special Grace did give and grant unto the aforesaid Governors all the Premises therein described, being Parcels of the Lands and Possessions called the Prebends Lands, then lately belonging and appertaining to the College of *Saint John* the Baptist in the City of *Chester*, and being late Parcels of the Possessions thereof, and also all that then

late Chantry called the *Pettie Canon* within the City of *Chester*, with all its Rights and Appurtenances therein described, and His said Majesty's One Tenement called the *School-house*, with all their Appurtenances, situate, lying, and being in *Macclesfield*, *Broken Cross*, *Mottram*, and *Prestbury*, or elsewhere within the said County of *Chester*, which were theretofore given, assigned, or appointed for the Maintenance of the Grammar School in *Macclesfield* aforesaid, and all other His said Majesty's Messuages, Lands, Tenements, Rents, Reversions, and Hereditaments whatsoever in *Macclesfield*, *Broken Cross*, *Mottram*, and *Prestbury* aforesaid, or elsewhere wheresoever, which were theretofore given, granted, assigned, or appointed for the Sustentation or Maintenance of the Grammar School in *Macclesfield* aforesaid, and all and every His said Majesty's Woods, Underwoods, and Trees whatsoever growing and being in or upon the Premises, and the Reversion and Reversions whatsoever of all and singular the Premises and of every Parcel thereof, and also the Rents and yearly Profits whatsoever reserved upon any Demise or Grant of the Premises or any Part thereof, howsoever made, as fully, freely, wholly, and in as ample a Manner as any Governor, Chaplain, or Incumbent of the said late College, or any Chanterist or Incumbent of the said late Chantry, or any other Person or Persons theretofore having Possession or being seised of the Premises, the same or any Part thereof had held or enjoyed or ought to have held or enjoyed, and as fully, freely, and wholly, and in as ample a Manner and Form, as all and singular the same by reason or pretext of a certain Act for dissolving or determining of divers Chantries, Colleges, Guilds, Fraternities, and Free Chapels in His said Majesty's Parliament held at *Westminster* in the First Year of His Reign (amongst others) enacted and provided, or by any other Right or Title to the same, had come or ought to have come to His said Majesty's Hands, and then being or ought to be or had been in his Hands, which said Messuages, Lands, Tenements, Rents, Reversions, Services, and all and singular other the Premises, were then extended to the full yearly Value of Twenty-one Pounds Five Shillings, to hold the same to the aforesaid Governors of the Possessions, Revenues, and Goods of the said Free School and their Successors for ever, to be held of His said Majesty, His Heirs and Successors, as of His Manor of *East Greenwich* in His County of *Kent*, and rendering to His said Majesty, His Heirs and Successors, Twenty-five Shillings at His Court of Augmentation of the Revenues of His Crown at the Feast Day of *Saint Michael* the Archangel every Year, to be paid for all Rents, Services, and Demands whatsoever; and His said Majesty, for Himself, His Heirs and Successors, did grant to the aforesaid Governors and their Successors that from thenceforth they might for ever have a Common Seal to transact their Business concerning the Premises and other Matters expressed and specified in the said Letters Patent or any Parcel thereof only, and that the Governors by the Name aforesaid might and should be able to sue and be sued, to defend and be defended, to answer and be answered, in any Courts or Places, and before any Judges or Justices, in any Causes, Actions, Businesses, Pleas, and Demands touching or concerning the Premises or other the Matters above written or any Parcel thereof, or for any Offences, Transgressions, Causes, or Matters by any Person done or to be done in or about the Premises or any thing in the said Letters Patent specified; and His said Majesty of His special Grace did give and grant to the aforesaid Governors and their Successors, and the major Part of them, full
Power

Power and Authority to nominate and appoint a Master and Usher of the aforesaid School as often as the same School should be void of a Master or Usher; and that the same Governors, with the Advice of the Bishop of the Diocese for the Time being, from Time to Time might make fit and wholesome Statutes and Ordinances in Writing concerning or touching the ordering and directing of the Master and Usher and Scholars of the aforesaid School for the Time being, and touching or concerning the Stipend or Salary of the said Master and Usher, and other Things appointed and to be appointed to the same School, and the ordering, governing, Preservation, and Disposition of the Rents and Revenues, and sustaining of the same School, which Statutes and Ordinances so to be made His said Majesty did will and grant and command inviolably to be observed from Time to Time; and His said Majesty of His special Grace did give and grant to the aforesaid Governors and their Successors special Licence and free and lawful Power and Authority to have, receive, and take to them and their Successors for the sustaining and maintaining of the School aforesaid, as well of His said Majesty, His Heirs and Successors, as of any other Person or Persons whatsoever, Manors, Messuages, Lands, Tenements, Rectories, Tithes, and other Hereditaments whatsoever within the Kingdom of *England* or elsewhere within His Majesty's Dominions, so that they did not exceed the clear yearly Value of Twenty Pounds over and besides the said Messuages, Lands, Tenements, and other the Premises to the aforesaid Governors and their Successors as aforesaid by the said Letters Patent granted, the Statute of Mortmain or any other Statute, Act, Ordinance, or Provision to the contrary notwithstanding; and His said Majesty willed and ordained that all the Issues, Rents, and Revenues of the aforesaid Lands, Tenements, and Possessions by the said Letters Patent granted, and thereafter to be given and assigned to the Sustentation of the aforesaid School, from Time to Time should be converted to the sustaining the Master and Usher of the said School for the Time being, and not otherwise or to any other Uses or Intentions: And whereas by an Act of Parliament passed in the Fourteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to confirm certain Sales and Purchases of Estates made by the Governors of the Free Grammar School of King Edward the Sixth in Macclesfield in the County of Chester; to enable them to make other Sales, Purchases, and Exchanges; and to improve and extend the Benefits of the Foundation of the said School*, it was enacted (amongst other Things), that it should and might be lawful to and for the said Governors of the said School for the Time being, or the major Part of them, to elect, nominate, and appoint such or so many Person or Persons to be Master or Masters to teach and instruct the Children and Youth who should be educated at the said School, not only in Grammar and Classical Learning, but also in Writing, Arithmetic, Geography, Navigation, Mathematics, and modern Languages, and in such and so many Branches of Literature and Education as should from Time to Time in the Judgment of the said Governors or the major Part of them be proper and necessary to render the said Foundation of the most general Use and Benefit, and as the State of the Revenues of the said School would admit, so that nevertheless there should always be One Head Master and One Usher at least for teaching and instructing the Children and Youth in Grammar and Classical Learning at the said School; and it was thereby further enacted, that it should and might be lawful to and for the Governors of the said School for the Time being,

being, or the major Part of them, by and out of the Revenues of the Estates and Possessions of the said School to pay and allow to such Person or Persons respectively who should be elected, nominated, and appointed the Head Master and Usher of the said School, and such as should be nominated and appointed additional Master or Masters to teach and instruct the Children and Youth who should be educated at the said School in such Branches of Literature and Education as aforesaid, such annual Salaries or Stipends from Time to Time as to the said Governors or the major Part of them for the Time being should seem meet, and so as the Salary of the Head Master of the said School for the Time being be not less than after the Rate of One hundred Pounds *per Annum*, clear of all Deductions, over and besides the Use of the Schoolhouse, with the Buildings thereto belonging, and the Field adjoining to the same, subject to the Quit Rent of Ten Shillings for the House and Six Pounds for the said Field, to be paid by such Head Master, and so as the Salary of the Usher be not less than after the Rate of Forty Pounds a Year, clear of all Deductions; and in the said Act of Parliament was contained a Proviso, and it was thereby enacted, that no Head Master or Usher of the said School or any additional Master or Masters to be appointed by virtue of the said Act, to whom any Salary or Stipend should be paid or allowed by the said Governors out of the Revenues of the said School, should accept or take any Stipend or other Payment from the Parents, Guardians, or other Persons respectively having the Care of any of the Children or Youth who should be educated at the said School, for teaching and instructing the same Children and Youth in the respective Branches of Literature and Education which should be there taught, other than such Stipend or other Payment for or in respect of such Children and Youth there taught as the said Governors or the major Part of them should from Time to Time by Writing under their Hands authorize him or them respectively to receive or take; and it was thereby further enacted, that it should and might be lawful for the said Governors of the said School for the Time being, or the major Part of them, to lay out, expend, and employ so much and such Part of the Rents and Profits of the said Trust Estate as they should from Time to Time deem necessary or expedient for the Support and Improvement of the same Estates, and also by Writing under their Common Seal to appoint an Agent or Receiver of the Rents and Profits of the said Trust Estates, and to allow such Agent or Receiver, out of the Revenues of the said School, a yearly Salary for his Trouble, so as the same exceeded not the Sum of One Shilling in the Pound of such clear Rents of the said Trust Estate as such Agent or Receiver should yearly receive, and so as the respective Salaries of the Head Master and Usher of the said School were not thereby reduced to less than as before was mentioned; and that it should and might be lawful for the said Governors for the Time being, or the major Part of them, from Time to Time at Pleasure to displace such Agent or Receiver and to appoint another instead of the Person so displaced; and it was thereby further enacted, that it should and might be lawful to and for the said Governors and their Successors, or the major Part of them, with the Advice of the Lord Bishop of *Chester* for the Time being, from Time to Time to make fit and wholesome Statutes and Ordinances in Writing touching and concerning the ordering and directing of the Head Master, Usher, and Scholars of the said School for the Time being, and the additional Masters to be appointed in pursuance of the said Act as afore-

[*Private.*]8 *k*

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said, and also touching and concerning the Stipends and Salaries of the said Master and Usher and additional Masters, and other Things appointed and to be appointed to the same School, and the ordering, governing, Preservation, and Disposition of the Rents and Revenues and sustaining of the same School, which said Statutes and Ordinances should be binding and to be observed by all Persons, and should be sufficient in any Court of Law or Equity to justify all Persons who should act under the same; and it was thereby further enacted, that for defraying the Costs, Charges, and Expences attending the obtaining and passing the said Act and incident thereto, it should and might be lawful to and for the said Governors of the said School for the Time being or the major Part of them, and they were thereby empowered, by Demise by Way of Mortgage of any Part or Parts of the Messuages, Tenements, Lands, or Hereditaments of or belonging to the said School so in them vested as aforesaid for any Term or Number of Years, without Impeachment of Waste, to raise, borrow, or take up at Interest such Sum of Money as would be sufficient to enable the said Governors to answer, pay, and satisfy the same Costs, Charges, and Expences attending the obtaining and passing the said Act and incident thereto, the same being first settled and ascertained by the said Governors or the major Part of them; and that the said Money so to be borrowed on Mortgage for the Purpose aforesaid should be repaid either out of the Monies which should arise by Sale of such Parts of the said Trust Estates as were thereby authorized to be sold, as soon as the same could be effected, or otherwise the same or any Part or Parts thereof should or might be paid out of the Rents and Profits of the said Trust Estates, or any of the Leases for Lives which should happen to drop, or by Sale of the Timber on the Trust Estates, or otherwise as it should be found most expedient by the said Governors or the major Part of them; and that in the meantime the Interest of the Money to be secured by such Mortgage should be paid and kept down by and out of the annual Rents and Profits of the said Trust Estates, so as the Salaries of the said Master and Usher of the said School were not reduced to less than was before mentioned; and it was thereby provided that nothing in the said Act contained should extend or be construed to extend to restrain the Governors of the said School for the Time being from making such Increase in the respective Salaries of the Head Master and Usher of the said School as the said Governors of the said School or the major Part of them should think proper, and as the Revenues of the said School would admit: And whereas by an Order of the High Court of Chancery made by his Honour the Vice Chancellor, bearing date the Twenty-third Day of *December* One thousand eight hundred and thirty-five, upon the Petition of the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Edward* the Sixth in *Macclesfield* in the County of *Chester*, and of *John Ryle* Esquire, the Reverend *John Darcey* Clerk, *Thomas Ryle Daintry* and *William Hopes* Esquires, in the Matter of the said Free Grammar School, and of a certain Act of Parliament passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, and intituled *An Act to provide a summary Remedy in Cases of Abuses of Trusts created for Charitable Purposes*, it was referred to the Master of the said Court in rotation to inquire into the present State and Condition of the Charity in the Petition mentioned, and what Estates and other Property were vested in the Governors of the Possessions, Revenues, and Goods of the Free Gram-

Order of the
Court of
Chancery,
23d Decem-
ber 1835.

52G.3.c.101.

mar School in the Petition mentioned, and what was at that Time the Amount of the annual Income of the said Charity Estates and Property; and the said Master was to be at liberty to state any special Circumstances as to such Estates, Property, and Income as he should think fit, and the said Master was to settle and approve of a Scheme for the future Management and Establishment of the said Free Grammar School, having regard to the Amount of the annual Income of the said Charity Estates and Property, and also having regard to the Charter and Act or Acts of Parliament of or relating to the said Free Grammar School; and the said Master was also to inquire and state to the Court whether it would be for the Benefit of the said Charity that any and what Addition should be made to the present Establishment of the said Free Grammar School, and whether, after providing amply for the Objects of the said Free Grammar School as a School for Instruction in learned Languages, any and what surplus Income of the said Charity Estates and Property would remain; and in case he should find that any such surplus Income would remain, then he was to inquire and state to the Court in what Manner it would be best and most beneficial to the said Charity that such surplus Income should be applied, and whether any and what Part of the said surplus Income or of the Funds arising from the Accumulations of the Income of the said Charity should be applied in providing Means for the Establishment of Exhibitions from the said Free Grammar School for Scholars who might go from thence to the Universities of *Oxford* or *Cambridge*; and in case the said Master should be of opinion that such Exhibitions should be established, then he was to settle and state to the Court how many of such Exhibitions, and to what Amount respectively, and for what Length of Time, and under what Rules, Orders, and Regulations, and generally in what Manner the same should be established; and the said Master was also to approve of a Scheme for the Application of such surplus Income or Accumulations, or any Part thereof, to such the aforesaid Purposes or such other Purposes as he might think fit; and the said Master was likewise to inquire and state to the Court whether it would be for the Benefit of the said Charity that the said Governors should apply for an Act of Parliament to give Effect to the Purposes aforesaid, or such of them as the said Master might approve in respect to the Extension of the Charity and might consider beyond the ordinary Powers of the said Governors and Visitor; and after the said Master should have made his Report such further Order should be made as should be just: And whereas in pursuance of the said Order the Master to whom the said Matter stood referred made his Report, bearing Date the Twentieth Day of *April* One thousand eight hundred and thirty-seven, and thereby after reciting the said Order the said Master stated that he had been attended by the respective Solicitors for the Petitioners and for His Majesty's Attorney General, and in their Presence he had proceeded on the several Matters so referred to him, and a State of Facts had been laid before him on behalf of the Petitioners, and in support thereof the said Act of Parliament herein-before mentioned and therein-after recited had been produced and read before him, together with several Affidavits in the said Report mentioned, the said Master found from the said State of Facts and Affidavits in manner in the said Report mentioned, amongst other Things, that under and by virtue of certain Powers of Sale and Exchange and other Powers vested in the said Governors by the said herein-before recited Act of the Fourteenth Year of the Reign of His late Majesty King *George* the Third, and under and by
virtue

Report of
the Master,
20th April,
1837.

5 G. 4. c. 4.

virtue of a certain other Act of Parliament passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act made in the Fourteenth Year of the Reign of His late Majesty, for confirming certain Sales and Purchases made by the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King Edward the Sixth in Macclesfield in the County of Chester, and to enable them to grant Building Leases of certain of their Estates, and to improve and extend the Benefits of the Foundation of the said School, and for other Purposes therein mentioned*, various Sales and Exchanges, and Purchases by way of Reinvestment, and long Leases had from Time to Time been made, whereby and from other general Causes the Income at the Disposal of the said Governors had been very materially increased; that in the Schedule to the said Report annexed, being the first of the Two Schedules to the said Report, was contained a full Account of the whole of the Charity Estates vested in the said Governors except certain Parts of an Estate called the *Halle Fields*, and an Allotment adjoining; that the *Halle Fields* Estate was situate as therein mentioned, and consisted of the Particulars therein mentioned; and after various Statements of the Rental and other Particulars of the Estates, by which it appeared that in the Year ending on the Twenty-fifth Day of *March* One thousand eight hundred and thirty-eight the total Income of the Charity Estates for that Year would amount to One thousand one hundred and eighty-eight Pounds Five Shillings and Sixpence, the said Master found in manner aforesaid that the Rents of the Charity Estates had not for some Time past varied to any considerable Amount, and further that the Property in or near the City of *Chester* and the Town of *Macclesfield* was chiefly let as Accommodation Land, a considerable Portion of which was also well adapted for Building Ground, particularly the *Halle Fields* Estate, which lay close to the Town of *Macclesfield* and near the *Macclesfield* Canal; that the great Increase which had taken place of late Years in the Income of the said Charity had been principally caused by the granting of Building Leases upon annual Ground Rents since the passing of the said Statute of *George* the Fourth, from which Source a further Improvement in the Income thereof might reasonably be expected in consequence of the great Increase which had taken place in the Trade, Commerce, and Population of the Town of *Macclesfield*; that several of the Inhabitants of the said Town of *Macclesfield* had expressed themselves very desirous to have a Second School established and paid for out of the Trust Funds of the said Charity, so as to leave the said Establishment of the said Free Grammar School unaltered, and to supply the Advantages of Education upon a different System to Scholars who might require the main Part of their Time to be given to the Attainment of modern Languages and such Arts and Sciences as would best enable them to carry on the Trade and support the Commerce of *Macclesfield* aforesaid; that the Governors aforesaid accordingly appointed a Sub-Committee to consider how far any such Scheme might be advisable, and that such Sub-Committee had reported that such Second School would be of great Advantage to the Town and Neighbourhood of *Macclesfield*, and might be so managed as not to cost above Two hundred Pounds a Year; and had further reported that the Establishment of Four Exhibitions of Fifty Pounds a Year each, to be given to the Sons of Inhabitants of the Parish of *Prestbury* upon leaving the said Free Grammar School, would be of very great Advantage to the Town and Neighbourhood of *Macclesfield*;

field; and had also proposed that One such Exhibition should be given in each Year, and to be held for Four Years, at the Universities of *Oxford* or *Cambridge*; that the Governors aforesaid were very willing to comply with such Wishes of the Inhabitants of the Town and Neighbourhood of *Macclesfield* and such Recommendation of such Committee, but had been advised that they had not sufficient Power and Authority to found any such Second School, and could not obtain the same, without applying for an Act of Parliament to that Effect, which the Governors aforesaid were not willing to do without the Sanction of the said Court of Chancery; that the Schoolhouse and Schools (though sufficiently commodious for the present Foundation) could not be divided or altered so as to afford Accommodation for Two separate Schools; that the Two Houses and Buildings mentioned in the said Schedule annexed to the said Master's Report to be situate in *King Edward Street* in *Macclesfield* aforesaid, and to be in the Holding of *William Boothby*, adjoin the present Schools, and were only held by him from Year to Year; that such Houses and Buildings were frequently in want of Repairs, being old and in a State of Decay; that if the same, together with a small Building thereto adjoining, belonging to the said Governors, and which was used by the Reverend *Francis Stonebrower Newbold* Doctor of Divinity, then Head Master of the said School, as a Carriage House, (but forming no Part of the Buildings belonging to the School House, to the Use of which the Head Master for the Time being was entitled, as therein-before was mentioned,) were pulled down an eligible Site with a Frontage of Seventeen Yards to *King Edward Street*, would be obtained for building a Schoolhouse, Master's House, and other Buildings suitable to the Purpose of such Second School, by which Plan the new School would be close to the present Establishment, though the one would be quite distinct and separate from the other; that there was also a certain Plot of Ground not built upon, belonging to the said Governors, situate directly opposite to the present Schoolhouse, on the other Side of the said Street called *King Edward Street*, then used by the said *Francis Stonebrower Newbold* as a Garden, (but forming no Part of the Premises belonging to such Schoolhouse, to the Use whereof the Head Master for the Time being was entitled, as therein-before was mentioned,) but which in point of Situation and Convenience, in having the Two Schools close together yet distinct from each other, would afford another equally if not more eligible Site for erecting such Buildings as aforesaid; and after stating amongst other things an Affidavit, by which it appeared that an Estimate had been made of the Expences of building, erecting, and completing a new School, Schoolhouse, and suitable Outbuildings on the Plot of Ground opposite the present Schoolhouse in *King Edward Street* in *Macclesfield* aforesaid, as in the said Report is mentioned, and that the Expence of erecting and completing such new School, Schoolhouse, and other suitable Outbuildings in a workmanlike Manner, and with good Materials, according to the Ground Plan, Elevations, and Specifications therein mentioned, would amount to the Sum of One thousand Pounds or thereabouts; the said Master further stated in his said Report, that the Petitioners had submitted to him that no new Scheme was necessary for the Regulation of the said Free Grammar School, but that the same should be conducted in the same Manner as it had been conducted hitherto, except that the Governors should be authorized to limit the Number of Boarders to be taken by the Head Master and Usher of the said Free Grammar School;

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and having regard to the providing fully for all the direct Objects of a Grammar School Education, consistently with the said Charter and Statute of *George* the Third, they the said Petitioners had proposed that a Second School adjoining or near to the present Schoolhouse and Premises should be established, and called "The Modern Free School in *Macclesfield* in the County of *Chester*;" and had further proposed that the Governors should be empowered to apply for an Act of Parliament to authorize them to build a Schoolhouse, Master's House, and other Buildings suitable for the Purpose of such Modern School, and to pay the Expences of erecting, completing, and finishing the same Buildings out of the Accumulations of Income for the Time being; and further, if the Site of any of the present Buildings should be wanted for the above-mentioned Purpose, then that the Governors should be empowered to cause the same to be pulled down, and the Materials sold or disposed of, and the Monies arising therefrom applied towards defraying the Expences of erecting such Buildings as aforesaid; and the said Petitioners had proposed that certain Exhibitions should be established from the said Free Grammar School for Scholars who might go from thence to the Universities of *Oxford* or *Cambridge*; and they had also proposed a Scheme for the Regulation of the said new School, and for the Establishment, Regulation, and Support of the said Exhibitions, and for the Application of the surplus Income of the said Charity Estates for such Purposes; and the Petitioners had also submitted to him that the Governors should apply for an Act of Parliament to give Effect to such of the Purposes aforesaid as the Court should approve in respect of the Extension of the said Charity, and should consider beyond the ordinary Powers of the Governors and Visitor; and upon due Consideration of the said Proposal, and of the Evidence and Facts set forth in his said Report, the said Master found, that the Estates and other Property which were then vested in the Governors of the Possessions, Revenues, and Goods of the said Free Grammar School consisted of the several Particulars mentioned in the First Schedule to his Report annexed, being the Schedule hereinbefore referred to; and the said Master found, that the annual Income of the said Charity Estates and Property amounted at that Time to the Sum of One thousand one hundred and sixty-seven Pounds Eight Shillings and Seven-pence Three Farthings; and he also found, that the annual Outgoings of the said Charity amounted to the Sum of Seven hundred and sixty-two Pounds Nineteen Shillings, which Sum being deducted from the said Sum of One thousand one hundred and sixty-seven Pounds Eight Shillings and Seven-pence Three Farthings left a surplus Income of Four hundred and four Pounds Nine Shillings and Seven-pence Three Farthings; and he found that the Rental of the Year One thousand eight hundred and thirty-eight would amount to the Sum of One thousand one hundred and eighty-eight Pounds Five Shillings and Sixpence, wherefrom being deducted the said Sum of Seven hundred and sixty-two Pounds Nineteen Shillings would leave a surplus Income of the said Charity Estates and Property of Four hundred and twenty-five Pounds Six Shillings and Sixpence, after providing amply for the Objects of the said Free Grammar School as a School for Instruction in the learned Languages; and the said Master also stated in his said Report, that he had not settled a Scheme for the future Management and Establishment of the said Free Grammar School, the said Petitioners having submitted to him that it was unnecessary, and not having laid before him

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any new Scheme for such Purposes, except as to the Number of Boarders to be taken by the Head Master and Usher of such School; and the said Master was of opinion, that it was fit and proper that the Governors of the said Charity should be authorized to limit the Number of Boarders to be taken by the Head Master and Usher of the said Free Grammar School; and the said Master was of opinion, that Four Exhibitions should be forthwith established from the said Free Grammar School for Scholars who might go from thence to the Universities of *Oxford or Cambridge*; and the said Master was also of opinion, that it would be for the Benefit of said Charity that a Second School should be established in the Manner proposed by the said Petitioners as aforesaid, and that for that Purpose a Schoolhouse, Master's House, and other Buildings suitable for the Purpose of such Second School should be erected, and that the Expence of erecting such Buildings be defrayed out of the Accumulations of Income of the said Charity Estates for the Time being; and the said Master approved of the Scheme that had been proposed before him for the Establishment, Regulation, and Support of the said Exhibitions and of the said new School, and for the Application of the surplus Income of the said Charity Estates for such Purposes; and in the Second Schedule to his said Report annexed the said Master set forth the Particulars of such Scheme, and the said Master was of opinion that an Act of Parliament was necessary to authorize the Governors to establish the said additional School: And whereas the Scheme by the said Master, so approved as aforesaid, for the Establishment, Regulation, and Support of the said Exhibitions and of the said new School, and for the Application of the surplus Income of the said Charity Estates for such Purposes, is in the following Words; (that is to say,) " that at such Modern School Instruction be given in Writing, Arithmetic, Mathematics, the modern Languages, and in such other Branches of Education (exclusive of the learned Languages) as the Governors shall for that Purpose from Time to Time direct, and further that the Governors shall be authorized to appoint One or more Master or Masters to be attached to the Modern School as often as the same shall be void of a Master or Masters to teach and instruct the Boys frequenting the same in the several Branches of Education from Time to Time required to be taught at such School, with a competent Salary or Salaries, with Liberty for such Master or Masters to take a limited Number of Boarders, and to make a small Charge *per Quarter* for the Tuition of each of the Scholars of the said School such Number of Boarders and the Amount of such Charge to be from Time to Time fixed by the Governors; that such Master or Masters for the Time being shall inhabit the Dwelling House or Houses provided for him or them by the Governors, without paying any Rent for the same, during so long a Time as he or they shall continue Master, and no longer; and all Parochial and Parliamentary Taxes and Repairs, as between Landlord and Tenant, charged upon such Dwelling House or Houses, shall be also paid out of the Rents of the Estates; and the Governors shall be authorized to appoint from Time to Time, as often as Occasion shall require, the following Masters, with Salaries to be paid out of the Revenues of the Charity, to attend both the Grammar School and the Modern School at proper Times, to be fixed by the Head Master of the Grammar School, subject to the Approval and Decision of the Governors, if any Dispute arise, namely, *French* Master, with a competent yearly Salary, to teach and instruct the Boys frequenting the Modern School in the *French* Language, and Writing Master, with a competent yearly Salary, to teach and

and instruct the Boys in Writing, Arithmetic, and the lower Branches of Mathematics, with Power for the Governors to allow such *French* Master and Writing Master each to make a small Charge *per* Quarter for each Boy instructed by them respectively at the said Modern School, the Amount of such Charge to be from Time to Time fixed by the Governors; and further, that no Boy be admitted into such School under the Age of Seven Years, and who shall not previously thereto be able to read *English*, and the Master under whose Care such Boy is to be placed shall examine and admit him if he be so qualified, but not otherwise; and further, that when and so often as in the Judgment of the said Governors it shall be thought proper and necessary that any of the Masters or Teachers for the Time being of the said Modern School ought to be removed by reason of Immorality, Neglect of Duty, Incapacity from permanent Illness or Infirmary, or other sufficient Cause, it shall be in the Power of the Governors from Time to Time to remove any of such Masters or Teachers, and thereupon appoint a Successor to the Person so removed according to the Regulations herein contained; that Four Exhibitions of Fifty Pounds a Year each shall be founded as Part of the Establishment of the said Free Grammar School for the Boys, who shall go from thence to the Universities of *Oxford* or *Cambridge*, One of such Exhibitions to be given away in each Year, and to be held for Four Years according to the following Rules and Regulations; (that is to say,) First, That the Governors shall annually appoint Two Examiners, who respectively shall have taken the Degree of Master of Arts or Bachelor of Civil Laws at one of the Universities of *Oxford* or *Cambridge*; Secondly, That a Meeting of the Governors shall be held once in every Year on a Day to be fixed by the Governors, on which Day such Examiners shall attend at the School, and examine all such Boys as shall be Candidates for an Exhibition, and shall report to the Governors the Names of such Boys as they shall find qualified to receive Exhibitions, and shall arrange the Names of the said Candidates according to their respective Excellence in Classical Learning; and if either of the Examiners shall not attend, then the one who does attend shall alone have the Power to conduct such Examinations and make such Report to the Governors as aforesaid; Thirdly, That the Governors shall immediately after such Report shall be made present or give the Exhibition to any such Boy, being a Native of the Parish of *Prestbury*, as shall be reported duly qualified to hold the same; and in case there shall be no Candidates who shall be Natives of the Parish of *Prestbury*, or in case any of such Candidates shall not be reported duly qualified, the Governors shall present or give such Exhibition to any other Candidate who shall not be a Native of the Parish of *Prestbury*, and who shall be reported qualified to hold the same, provided that no Boy shall be qualified to be a Candidate unless he shall have been educated at least Three Years in the said School-prior to such annual Examination; Fourthly, That each of the said Examiners shall be respectively paid a competent Sum for conducting such Examination, and for his travelling and other Expences, and that the Amount of such Payment be fixed and provided for by the Governors out of the Rents of the Estates; Fifthly, That each Exhibition shall be held by the Exhibitioner for Four Years from the Commencement of the University Term next after the Presentation to such Exhibition, or for such Portion of the Four Years only as they shall be *bonâ fide* Residents at one of the Universities during the usual Terms, until they shall have taken the Degree of Bachelor of Arts, and after that Time for such Period (if any) as the Regulations of the College to which they belong shall require; and in

in case any of the Exhibitions shall cease before the Expiration of Four Years by Death or any other Cause, it shall be lawful for the Governors, so often as the Case shall happen, if they think fit, to give the Exhibition so vacant for the Residue of the Four Years either to any Boy then a Member of the said School who shall have been reported qualified for an Exhibition, although he failed in obtaining the same, and who shall be going to College, or to any Boy formerly a Member of the said School and reported to be qualified as aforesaid, who shall then be a resident Member of one of the said Universities and under the Degree of Bachelor of Arts, always preferring Natives of the Parish of *Prestbury* to any other Boys; that if in any one Year there shall be no Candidate for the Exhibition then vacant or no Boy qualified to take the same, such Exhibition shall from Time to Time remain vacant until the Period at which the Governors shall think fit to fill up the same out of the Number of Students declared qualified by the Examiners; and that the Exhibitions shall be paid out of the Rents of the Charity Estates by half-yearly Payments on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in each Year, on the Exhibitioners producing authentic Certificates of Residence and general orderly Conduct; that the Governors, with the Advice of the Bishop of the Diocese for the Time being, shall have Power to make Statutes and Ordinances from Time to Time touching the Order, Government, and Direction of the Master of the said Modern School and the Mode of Education of the Scholars and the said Exhibitions, and also from Time to Time to repeal or vary any such Statutes and Ordinances and to make others in lieu thereof, and further as to any Alteration in the said Modern School in case any should be necessary or expedient, and as to any Difficulties, in case any should arise respecting an Increase of the Number or Value of the Exhibitions, or in the Number of Masters or Teachers, the Amount or Increase from Time to Time of their or any of their Salaries, as to the particular Branches of Education to be taught by each :” And whereas by an Order of the said Court of Chancery, made the Twenty-third Day of *May* One thousand eight hundred and thirty-seven, upon the Petition of the said Governors, the Report of the said Master of the Twentieth Day of *April* One thousand eight hundred and thirty-seven was confirmed; and it was ordered, that the said Governors be at liberty forthwith to establish Four Exhibitions from the said School for Scholars to go from thence to the Universities of *Oxford* or *Cambridge*; and it was ordered that such Exhibitions be of such Amount, for such Length of Time, and under and subject to such Rules, Orders, and Regulations as were mentioned and set forth in the Second Schedule to the said Master’s Report and to the said Petition annexed; and it was ordered that the said Governors should be at liberty, having regard to the providing fully for the direct Objects of a Grammar School Education consistently with the said Charter and Statute of His late Majesty King *George* the Third, to apply for an Act of Parliament to authorize them to establish such Second School as in the said Report mentioned, according to the Scheme approved of by the said Master, and also set forth in the Second Schedule to the said Report and to the Petition annexed, and also, if necessary, to confirm the said Exhibitions; and it was ordered that the said Governors should be at liberty to apply the surplus Income of the said Charity to the Purposes of such Exhibitions and additional School; and it was ordered that it should be referred back to the said Master to tax the

Order of the Court of Chancery, 23d May 1837, confirming the Master’s Report.

[*Private.*]

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Costs,

Costs, Charges, and Expences of the Petitioners and of His Majesty's Attorney General of and relating to the said former Petition and Reference and of the said then Application, and consequent thereon; and it was ordered that the same be retained and paid by the Governors out of the Accumulations of the Income of the said Charity Estates then in their Hands: And whereas since the said Master made his Report as aforesaid the Income of the said Charity has been increased by the dropping of a Lease for Lives, and after the Twenty-fifth Day of *March* One thousand eight hundred and thirty-eight the same will amount to One thousand two hundred and thirteen Pounds a Year, so that the surplus Income each Year from that Time will amount to Four hundred and fifty Pounds or thereabouts: And whereas the said Governors have now in hand the Sum of Four hundred and thirty-six Pounds Eight Shillings and Two-pence, which has accumulated from the Rents and Profits of the said Trust Estates: And whereas in pursuance of the Powers in that Behalf given and reserved to them in and by the said herein-before recited Act of the Fourteenth Year of the Reign of His said late Majesty King *George* the Third, the said Governors have at various Times sold and disposed of such Parts of the said Trust Estates as consisted of old Houses and Buildings, and have invested the Monies arising from such Sales in the Purchase of Lands lying close to the Town of *Macclesfield*, to the great Advantage of the said Charity; but the Power thereby also given or reserved to the said Governors, of exchanging such Parts of their Estates as lie dispersed or intermixed with the Lands of other Persons for other Lands of equal Value, has not been found sufficient to enable them to effect the Object intended of rendering the Trust Estates more compact and less expensive in the Management thereof: And whereas the Lands lying so dispersed and intermixed with the Lands of other Persons are for the most part situate in or near the City of *Chester*, and after the making of a certain Railway under the Authority of an Act of Parliament passed in the First Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from the City of Chester to join the Grand Junction Railway near Crewe Hall in the County of Chester, to be called the Chester and Crewe Railway*, such Lands will by reason of the Line of the said Railway passing through a Portion of the same become more dispersed and expensive in the Management thereof: And whereas, for the Purpose of making the said Trust Estates more compact and less expensive in the Management thereof, it is necessary that the said Governors should have Power to sell and dispose of so much and such Parts of the said Estates lying in or near the City of *Chester* as are mentioned and described in the Schedule to this Act annexed, and to lay out the Money arising from such Sales in the Purchase of other Lands to be vested in the said Governors upon the same Trusts, by which Means also the Income of the said Charity would be materially increased, as different Parts of the Lands comprised in such Schedule, which the Governors can now only let as Agricultural Lands, might be sold for Building Purposes to very great Advantage, from the local Situation thereof: And whereas it is expedient that the said Scheme should be confirmed, except in such Particulars as the same is herein-after varied and amended, and also that Provision should be made for the carrying on, Management, and Conduct of the said proposed new School: And whereas the Reverend *William Alexander Osborne* B. A. is the present Master or Tutor of the said Free Grammar School, and the

Reverend

7 W. 4. &
1 Vict. c. 63.

Reverend *John Bidgood Bennett* M. A. is the Sub-tutor or Usher of the said Free Grammar School: And whereas it has been considered that a Site for the Schoolhouse, Master's House or Master's Houses, and other Buildings for the Purposes of the said proposed new School more suitable than either of the proposed Sites mentioned in the said Report may be found, if the said Governors be authorized to choose a Site upon any Part of the Lands within the Town of *Macclesfield* which at the Time of such Selection shall belong to the said Charity: Now may it please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said herein-before-mentioned Act of the Fourteenth Year of the Reign of His late Majesty King *George* the Third, and the said herein-before-mentioned Act of the Fifth Year of His late Majesty King *George* the Fourth, and all and every the Powers, Provisoos, and Authorities, and other Matters and Things in the said Acts and each of them contained (save and except such of them or such Part or Parts thereof (if any) as are hereby varied, altered, or repealed,) shall remain and continue in full Force and Effect, and be good, valid, and effectual to all Intents and Purposes whatsoever.

Recited Acts of 14 G. 3. and 5 G. 4. to remain in force, except in so far as the same are altered or repealed.

II. And be it further enacted, That it shall be lawful for the said Governors or their Successors at any Time or Times after the passing of this Act to establish Exhibitions (not exceeding Four in the whole) to be given to Scholars who shall go from the said Free Grammar School to either of the Universities of *Oxford* and *Cambridge*, and that such Exhibitions shall be of such Number and Amount (except so far as the same may for the present be restricted in Number by reason of the Provision for Payment thereof herein-after mentioned), and shall be held for such Length of Time, and shall be established, given, and held subject to such Rules, Orders, and Regulations, in every Particular, except as herein-after next provided, as are mentioned and set forth in the said Scheme in that Behalf herein-before stated, or shall hereafter from Time to Time be mentioned and set forth in any Scheme or Schemes for that Purpose to be confirmed and approved of by an Order or Orders of the said 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 or their Successors.

Power to establish Exhibitions to the Universities of *Oxford* and *Cambridge*.

III. Provided always, and be it further enacted, That the said Governors and their Successors shall, as soon as conveniently may be after the Examiners or Examiner shall have reported to them the Names of such Boys as shall be found qualified to receive an Exhibition, present or give the Exhibition to such Boy, being the Son of an Inhabitant of the said Parish of *Prestbury*, as shall be reported duly qualified to hold the same, and shall appear by such Report to be the best Classical Scholar out of the Number of Boys, being Sons of the Inhabitants of such Parish, reported qualified as aforesaid; and in case any Two or more of such last-mentioned Boys shall be arranged and classed as equal in Classical Learning, that then it shall be in the Power of the said Governors and their Successors to present or give the Exhibition to such One of the said Boys so arranged and classed as shall appear to them, from pecuniary

Qualification of an Exhibitioner.

niary Circumstances or otherwise, best entitled to be the Object of their Bounty; and if only One Boy, being the Son of an Inhabitant of the said Parish of *Prestbury*, shall be reported qualified as aforesaid; then the said Governors and their Successors shall present and give the Exhibition to such Boy; and in case there shall be no Candidates who shall be Sons of Inhabitants of the said Parish of *Prestbury*, or in case any of such Candidates shall not be reported duly qualified, then the said Governors and their Successors shall present or give the Exhibition to any other Candidate who shall not be the Son of an Inhabitant of the said Parish of *Prestbury*, and who shall be reported duly qualified to hold the same, always preferring the best Classical Scholar when Two or more of such Candidates as last aforesaid shall be reported qualified, with the same Power of Selection, in case any Two or more of the said last-mentioned Candidates shall be arranged and classed as equal in Classical Learning, as is herein-before given to the said Governors in the Cases of Candidates who are the Sons of Inhabitants of the said Parish of *Prestbury*: Provided also, that the said Governors and their Successors, in disposing of any of the Exhibitions which shall cease before the Expiration of the Four Years by Death or otherwise, instead of preferring Natives of the said Parish of *Prestbury*, as mentioned in the said Scheme herein-before in that Behalf set forth, shall give the Preference in such Case to the Sons of the Inhabitants of the said Parish of *Prestbury*, any thing in the said Scheme to the contrary thereof in anywise notwithstanding.

Power to establish a Modern Free School, and to erect suitable Buildings on some Part of the Charity Estates in *Macclesfield*.

IV. And be it further enacted, That as soon as conveniently may be after the passing of this Act it shall be lawful for the said Governors and their Successors to establish a new School in the said Town of *Macclesfield*, for the Purpose of teaching modern Languages and the Arts and Sciences, the Cultivation of which will tend to promote the Trade and Commerce of the Town of *Macclesfield* and the Neighbourhood thereof, to be called "The Modern Free School in *Macclesfield* in the County of *Chester*;" and to select a Site suitable for the new Schoolhouse, Master's Houses, and other Buildings and Conveniences herein-after mentioned, upon any Part of the Lands within the said Town of *Macclesfield* which at the Time of such Selection shall belong to the said Charity, and after such Site shall have been so selected to cause the Messuages and Buildings (if any) which shall be standing on the said Site to be pulled down, and the Materials to be sold and disposed of, and to build and lay out upon the said Site such Schoolhouse, Master's Houses, and other Erections, Yards, Courts, and Play Grounds as the said Governors and their Successors, under the Direction of the said High Court of Chancery, shall judge to be adequate and proper for the Purposes of the said Modern Free School in *Macclesfield* aforesaid.

Power to Governors to raise Money by Mortgage not exceeding 1,000*l*.

V. And be it further enacted, That it shall and may 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 in the whole the Sum of One thousand Pounds, as the said Governors shall from Time to Time require in or towards paying the Expence of erecting, completing, and finishing such Houses, Buildings, and other Conveniences as shall be adequate and suitable for the Purposes of the said Modern Free School, and by any Writing or Writings under the Common Seal of the said Governors to grant or demise all or any Part of the Messuages, Lands, and

Hereditaments belonging to the said Governors (except the Hereditaments comprised in the Schedule to this Act) unto such Person or Persons or Body or Bodies Corporate as shall advance all or any Part of the Money hereby 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 shall or may (so far as the same may be applicable) be in the Form or to the Effect following; (that is to say,)

WE, the Governors of the Possessions, Revenues, and Goods of the Form of Free Grammar School of King *Edward* the Sixth in *Macclesfield* Mortgage. in the County of *Chester*, in consideration of the Sum of advanced and lent to us by of upon the Credit and for the Purposes of a certain Act of Parliament passed in the Year of the Reign of Queen *Victoria*, intituled [*here state the Title of this Act*], do hereby grant, bargain, sell, and demise unto the said [his, her or their], Executors, Administrators, Successors, and Assigns, all and singular the Messuages, Lands, Tenements, and Hereditaments now vested in or belonging to us, and which we are by the said Act authorized to mortgage [*or, as the Case may require, insert a short Description of such Part of the Charity Estates as is intended to be charged*], to be had and holden from the Day next before the Day of the Date hereof until the said Sum of together with Interest henceforth for the same after the Rate of *per Centum per Annum*, shall have been fully repaid and satisfied; such Interest to be payable in the meantime half-yearly on the Day of and the Day of in every Year. In witness whereof we the said Governors have caused our Common Seal to be hereunto set and affixed this Day of in the Year of our Lord One thousand eight hundred and .

VI. And be it further enacted, That it shall be lawful for the Person or respective Persons 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 or their Hand and Seal or respective Hands and Seals, or (in case of Bodies Corporate having a Common Seal) under their Common Seal, to transfer such Mortgage or Mortgages, and the full Benefit thereof, to any Person or Persons whomsoever; and that every such Transfer shall or may (so far as the same may be applicable) be made in the Form or to the Effect following; (that is to say,)

I of being entitled to Form of Transfer of Mortgage. the Principal Sum of by virtue of a Mortgage under the bearing Date the Day of Common Seal of the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Edward* the Sixth in *Macclesfield*, upon the Credit and for the Purposes of a certain Act of Parliament passed in the Year of the Reign of Queen *Victoria*, intituled [*here state the Title of this Act*], do hereby, in consideration of the Sum of to me paid by *A.B.* [*Private.*] 8 n of

last mentioned, then such Deficiency shall be supplied and the Amount thereof paid and satisfied by the said Governors and their Successors by and out of such of the surplus Funds of the said Charity as are hereinafter directed to be applied for the Maintenance of the said Modern Free School.

XI. Provided always, and be it further enacted, That the Amount of the said Monies to be laid out as aforesaid by the said Governors and their Successors in building, laying out, completing, and finishing the Houses, Buildings, Courts, Yards, Play Grounds, and other Conveniences for the said Modern Free School shall be determined or approved of by the said High Court of Chancery upon any Application or Applications to be made by the said Governors or their Successors for that Purpose.

The Amount of Money to be expended in building shall be determined by Court of Chancery.

XII. And be it further enacted, That it shall be lawful for the said Governors and their Successors, under the Directions of the said High Court of Chancery, by and out of the Surplus or Residue which shall from Time to Time remain of the Income of the said Charity, after providing for the Maintenance of the said Free Grammar School and for all the Purposes thereof, to pay and allow Two of the said Exhibitions hereby authorized to be established, or such of the said Two Exhibitions as shall for the Time being be established, to the Person or Persons by whom the same respectively shall for the Time being be held pursuant to the Scheme or Schemes which shall for the Time being be in force for regulating such Exhibitions as aforesaid; and also to pay and allow to the Examiners a competent Sum for conducting the Examination of Candidates for such Exhibitions, and for their travelling and other Expences; and as to the clear Surplus or Residue which shall from Time to Time remain of the Income of the said Charity after providing for the Maintenance of the said Free Grammar School, and after providing for Two of the said Exhibitions and the Expences of Examinations as aforesaid, it shall be lawful for the said Governors and they are hereby required to apply such last-mentioned Surplus for the Maintenance of the said Modern Free School and all the Purposes thereof so long as the same Surplus does not exceed yearly the Sum of Three hundred and fifty Pounds; and when and so soon as the same shall exceed that Amount yearly, then it shall be lawful for the said Governors and their Successors, and they are hereby required, by and out of such clear Surplus as last aforesaid, in the first place to apply an annual Sum of Three hundred and fifty Pounds from Time to Time for the Maintenance of such Modern Free School and all the Purposes thereof; and, subject thereto, in the next place, to pay and allow from Time to Time, as and when Circumstances will permit, the Two other or remaining Exhibitions hereby authorized to be established, or such of them as shall for the Time being be established, to the Person or Persons by whom the same respectively shall for the Time being be held, pursuant to the Scheme or Schemes which shall for the Time being be in force for regulating such Exhibitions as aforesaid.

Application of surplus Income.

XIII. Provided always, and be it further enacted, That it shall be lawful for the said Governors and their Successors, by and out of the Accumulations of the Income of the said Charity now in hand as aforesaid, and the further Accumulations which shall hereafter arise, to pay all the Costs, Charges, and Expences which have been incurred or shall be

How the Costs of obtaining and preparing the Act are to be defrayed.

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be incurred in preparing, obtaining, and passing this Act, or incident thereto.

The Modern Free School to be regulated according to the Scheme approved of by the Court of Chancery, except as herein provided.

XIV. And be it further enacted, That the said Modern Free School, as to the Nomination and Number of Masters or Teachers, the Amount of their Salaries, and the Power of removing them, as to the particular Branches of Education to be taught in the said School, as to the Admission of Scholars therein, and as to all other Particulars relating to the Management and Conduct of the same School, shall be established and regulated, except as herein-before and next herein-after provided, according to the said Scheme herein-before set forth in the said herein-before recited Report of the said Master bearing Date the Twentieth Day of *April* One thousand eight hundred and thirty-seven.

Masters, &c. of Modern School not to take any Boarders.

Charge of the Head Master of Modern School for Tuition of each Scholar.

XV. Provided always, and be it further enacted, That the Masters or Ushers of the said Modern Free School for the Time being shall not be at liberty or authorized and empowered to take into their Houses any Boarders whatever; and that the Amount of the Charge of the Head Master for the Tuition of each of the Scholars (inclusive of all Charges for School Books or Stationery) at the said Modern Free School, to be from Time to Time fixed by the said Governors, shall not exceed Ten Shillings and shall not be less than Five Shillings *per* Quarter, any thing in the said Scheme herein-before set forth to the contrary thereof in any-wise notwithstanding.

Power to make Statutes and Ordinances touching the Modern School and Exhibitions.

XVI. And be it further enacted, That the Governors, with the Advice of the Bishop of the Diocese for the Time being, shall have Power to make Statutes and Ordinances from Time to Time touching the Order, Government, and Direction of the Masters of the said Modern School, and the Mode of Education of the Scholars, and the said Exhibitions, and also from Time to Time to repeal or vary any such Statutes and Ordinances, and to make others in lieu thereof.

How a Surplus of the Revenues of the Charity is to be applied.

XVII. And be it further enacted, That in case there shall be a Surplus of the Revenues of the said Charity after answering all the Purposes of the said Free Grammar School, and also the Purposes of the said Scheme herein-before set forth, as the same is hereby revised and amended, or any other Scheme or Schemes which shall hereafter be approved of for establishing and regulating the said Exhibitions and Modern Free School as aforesaid, then and in such Case such Surplus shall from Time to Time be applied in such Manner as the said High Court of Chancery shall direct, for improving, enlarging, extending, or increasing the said Free Grammar School and Modern Free School, or either of them, or for promoting in any way the Objects of the said Schools or either of them, or for increasing the Number or Value of the said Exhibitions.

Power to extend the Limits within which Persons residing may be Governors.

XVIII. And whereas it would tend to promote the Interests of the said Charity if the Limits were enlarged within which the Persons now eligible to be Governors of the Possessions, Revenues, and Goods of the said Free Grammar School must be Inhabitants; be it therefore enacted, That any Person being an Inhabitant of any Parish or Township included in the *Prestbury* Division of the Hundred of *Macclesfield* shall from and after the passing of this Act be eligible and in all respects qualified to be
and

and continue to be a Governor, in the same Manner as if such Person were an Inhabitant of the Vill of *Macclesfield* or Parish of *Prestbury* aforesaid; and that in case any Governors shall remove and dwell elsewhere, and with his Family depart out of the *Prestbury* Division of the Hundred of *Macclesfield*, or be incapacitated from attending, or shall wholly neglect to attend any Meeting of the Governors during the Space of Two Years, he shall cease to be a Governor, but such Governor shall not thereby be disqualified from being re-elected.

XIX. And be it further enacted, That in case it shall happen at any Meeting that shall be had or held at any Time hereafter by the said Governors touching or concerning any Act, Matter, or Thing relating to the ordering and governing of the said Charity, or the Election and Appointment of any Master or Masters, or the Applications of the Revenues thereof, or any Matter or Thing by this Act or by the said Act of the Fifth Year of the Reign of His late Majesty King *George* the Fourth provided or directed, or otherwise howsoever, that the Governors of the said School then present shall be divided in their Opinions upon or concerning any Matter or Thing there debated or in question, and the Number of Governors upon such Division shall happen to be equal, then and in such Case, and when and as often as the same shall so happen, the senior Governor present at such Meeting shall determine such Matter so in question, and such Determination shall be considered and taken as the Determination of a Majority of the said Governors.

If the Governors are equally divided upon any Question, the senior Governor to have the casting Vote.

XX. 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 make Sale and dispose, either altogether or in Parcels, and either by public Auction or private Contract, or partly by public Auction and partly by private Contract, of the Lands and Hereditaments mentioned in the Schedule to this Act, and, upon Payment into the Bank in manner herein-after mentioned of the Purchase Money for which the said Hereditaments or any Part thereof shall be sold, to convey the said Hereditaments, or any the Part or Parts thereof for which the Purchase Money shall be so paid as aforesaid, unto the Purchaser or Purchasers thereof respectively, in Fee Simple, or to such Uses as such Purchaser or Purchasers respectively shall direct.

Power to sell Lands mentioned in the Schedule.

XXI. And be it further enacted, That the Purchaser or Purchasers of the said Lands and Hereditaments hereby authorized to be sold, or any Part or Parts thereof, shall pay his, her, or their Purchase Money into the Bank of *England* in the Name and with the Privity of the Accountant General of the said High Court of Chancery, to be placed to his Account there "*Ex parte* the Purchaser or Purchasers of the Estate of the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Edward* the Sixth in *Macclesfield* in the County of *Chester*," pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second, Chapter the Twenty-fourth.

Money to be paid into the Bank of England.

[Private.]

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XXII. And

Certificates of Accountant General and Receipts of the Cashier of the Bank shall be good Discharges to Purchasers.

XXII. And be it further enacted, That the Certificate or Certificates of the said Accountant General, together with the Receipt or Receipts of one of the Cashiers of the Bank of *England* thereto annexed, and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of *England*, by the Purchaser or Purchasers of the Hereditaments hereby authorized to be sold, or any of them, or any Part thereof, of his, her, or their Purchase Money, shall from Time to Time and at all Times be a good and sufficient Release and Discharge to such Purchaser or Purchasers, and his, her, or their Heirs, Executors, Administrators, and Assigns respectively, for so much of the said Purchase Money for which such Certificate or Certificates and such Receipt or Receipts shall be so given; and after filing such Certificate or Certificates such Purchaser or Purchasers, and his, her, or their Heirs, Executors, Administrators, or Assigns, shall be absolutely and for ever freed and discharged of and from the same Purchase Money, and shall not be answerable or accountable for any Loss, Misapplication, or Nonapplication thereof, or of any Part thereof.

Monies arising from Sales to be laid out in Purchase of other Hereditaments.

XXIII. And be it further enacted, That the Monies to arise from such Sale or Sales as aforesaid (after deducting such Costs, Charges, and Expenses as herein-after mentioned) shall with all convenient Speed be laid out and invested, under the Direction of the said Court of Chancery, in pursuance of an Order or Orders for that Purpose to be obtained on Petition in a summary Way, by the said Governors or their Successors, in the Purchase of Freehold Messuages, Lands, Tenements, and Hereditaments of Inheritance, to be situate in the said Town of *Macclesfield* or within Ten Miles thereof, and to be approved of by the said Court of Chancery; and that thereupon, and as soon as conveniently may be after making such Purchase or Purchases, all and singular the Hereditaments which shall be so purchased shall be conveyed and assured unto and to the Use of the said Governors and their Successors, and shall be taken and held by them for the Benefit of the said Charity, without any Licence or Warrant of Ad quod damnum, the Statutes of Mortmain, or any other Law, Usage, Statute, or Custom, to the contrary thereof in anywise notwithstanding.

Until such Monies are invested in other Purchases they shall be laid out in Navy, Victualling, or Exchequer Bills.

XXIV. And be it further enacted, That in the meantime and until the Money arising from the said Sale or Sales shall be invested in such Purchase or Purchases as aforesaid the same shall from Time to Time be laid out, under the Direction of the said Court of Chancery, in the Purchase of Navy or Victualling or Exchequer Bills, and the Interest arising from the Money so laid out in the said Navy or Victualling or Exchequer Bills, and the Money received for the same as they shall be respectively paid off, shall be laid out in the Name of the said Accountant General in the Purchase of other Navy or Victualling or Exchequer Bills; provided always, that it shall be lawful for the said Court of Chancery to make such General Order or Orders, or Special Order or Orders, if necessary, that whenever the Navy or Victualling or Exchequer Bills of the Date of those in the Hands of the said Accountant General shall be in the course of Payment by Government, and new Navy or Victualling or Exchequer Bills shall be issued, such new Navy or Victualling or Exchequer Bills may be received in Exchange for those which are so in course of Payment as shall be

effectual for enabling such Receipt in Exchange, and that in that Event the Interest of the new Bills shall be laid out as before directed with respect to the Interest of the old Bills which are paid off; and all the said Navy or Victualling or Exchequer Bills shall be deposited in the Bank in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases shall be found and approved as herein-before directed, and until the same shall, upon a Petition setting forth such Approbation, to be preferred to the said Court in a summary Way by the said ~~Governors or their Successors~~, be ordered to be sold by the said Accountant General for completing the said Purchase or Purchases hereby authorized to be made, in such Manner as the said Court shall think just and meet; and if the Money arising by the Sale of any such Navy or Victualling or Exchequer Bills shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then and in such Case the Surplus which shall remain over and above the said Amount of the original Purchase Money shall be paid to the said Governors or their Successors as Part of the Income of the said Charity.

XXV. Provided always, and be it further enacted, That in case a convenient Purchase or Purchases shall be found the Price or aggregate Prices of which shall exceed the Amount of the Monies herein-before made applicable for the Payment thereof by a Sum not exceeding Two hundred Pounds, then and in such Case it shall be lawful for the said Governors and their Successors to make up the Deficiency out of any other Monies then in their Hands which shall be applicable either to that Purpose or to the general Purposes of the said Charity, and to complete such Purchase or Purchases accordingly, and to hold the Premises purchased without any Licence or Writ of Ad quod damnum, the Statute of Mortmain, or any other Law, Usage, Statute, or Custom, to the contrary thereof in anywise notwithstanding.

Power to Governors to expend an additional Sum not exceeding 200*l.* in making such Purchases.

XXVI. Provided also, and be it further enacted, That if after making such Purchase or Purchases as are herein-before directed to be made, and answering the several Purposes to which the Money to arise by the Sale of the Hereditaments hereby authorized to be sold is hereby made applicable, there shall remain of the Monies to arise by the said Sale or Sales of the Hereditaments hereby authorized to be sold a Surplus or Residue not exceeding Two hundred Pounds, then and in such Case the said last-mentioned Surplus or Residue shall be paid to the said Governors or their Successors, to be by them applied in any permanent Improvements of the Estates of the said Charity, or otherwise for the Benefit of the said Charity, as the said Governors for the Time being shall think fit.

If after making Purchases there shall remain a Surplus not exceeding 200*l.*, such Surplus to be paid to Governors.

XXVII. And be it further enacted, That it shall be lawful for the said Court of Chancery from Time to Time to make such Order as the said Court shall think expedient or reasonable for allowing, taxing, and settling all Costs, Charges, and Expences which shall be incurred in making any Application to the said Court in pursuance of this Act, and in making and completing the Sales and Purchases hereby authorized to be made, or otherwise in carrying into execution the Trusts and Purposes of this Act or incidental thereto, and also from Time to Time to make Orders for the Payment of all such Costs, Charges, and Expences as aforesaid

Costs of Sales, Purchases, and other Expences may be settled and allowed by the Court of Chancery.

aforesaid out of the Monies which shall arise from any Sale or Sales of any Messuages, Lands, Tenements, or Hereditaments under this Act, and which shall be so paid into the Bank as aforesaid, or out of the Monies arising by the Sale of the said Navy, Victualling, or Exchequer Bills so to be purchased as aforesaid, or out of the Interest thereof, or out of the Surplus or Residue or Accumulations now in the Hands of the said Governors of the Income of the said Charity, or out of the future Income of the said Charity, or any Part thereof, or any Accumulations thereof or of any Part thereof respectively, as to the said Court shall seem expedient.

Rights of the Bishop of the Diocese reserved;

how to be determined.

XXVIII. 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, or for the said Governors or their Successors, 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 Charity, 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.

XXIX. And be it further enacted, That in all Cases in which the said Governors and their Successors are hereby authorized to do any Act under the Direction or with the Approbation of the said 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, 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 of the said Free Grammar School.

Notice to be given of future Application to the Court of Chancery or to Parliament.

XXX. And be it further enacted, That in case the Governors shall at any Time hereafter deem it necessary to apply to the High Court of Chancery or to Parliament, the said Governors shall and they are hereby required to give One Month's previous Notice, by Advertisement in some one Newspaper printed and published within the said Town of *Macclesfield*, of the general Nature of such intended Application, and if there shall not be any Newspaper printed and published within the said Town of *Macclesfield*, then such Notice as aforesaid shall be given by Advertisement in some other Newspaper printed and published in the City or County of *Chester*.

Abstract of Accounts to be published annually.

XXXI. And be it further enacted, That an Abstract of the Accounts of the Income and Expenditure of the Revenues arising from the School Estates shall be hereafter published by the Governors once in the Month of

of *August* in every Year in some one Newspaper printed and published within the said Town of *Macclesfield*; and in case there shall not be any Newspaper printed and published within the said Town of *Macclesfield*, then an Abstract of such Accounts shall be published as aforesaid in some other Newspaper printed and published in the City or County of *Chester*.

XXXII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the said Governors of the said Free Grammar School and their Successors, and the said *William Alexander Osborne* and *John Bidgood Bennett*, 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.

XXXIII. 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.

General
Saving.

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

SCHEDULE mentioned in the foregoing Act, and thereby referred to.

	Quantity in Statute Measure.		
	A.	R.	P.
A Field, Close, or Parcel of Land or Ground situate, lying, and being in the Parish of Saint John the Baptist in the City of Chester and County of the same City, called or known by the Name of the Chester Field, and now in the Occupation of Elizabeth Brassey and Thomas Gregory or one of them, containing by Admeasurement - - - - -	3	2	38
Two several Fields, Closes, or Parcels of Lands situate, lying, and being in the said Parish of Saint John the Baptist called or known by the Names of the Shoulder of Mutton and the Little Meadow, together with a certain Occupation Road to the said Field called the Shoulder of Mutton, all now or late in the Occupation of Messieurs Walker and Company, and containing together by Admeasurement - - - - -	8	0	19
A Field, Close, or Parcel of Land situate, lying, and being in the said Parish of Saint John the Baptist, and a certain other Field, Close, or Parcel of Land thereto adjoining, situate in the Township of Hoole in the County of Chester, both in the Occupation of Thomas Walker or his Under-tenants, and containing together by Admeasurement - - - - -	4	3	35
A Field, Close, or Parcel of Land situate, lying, and being in Hoole aforesaid, called or known by the Name of the Cow Pasture, late in the Occupation of Thomas Lanceley deceased, but now of his Representatives, containing by Admeasurement - - - - -	7	3	2
A Field, Close, or Parcel of Land situate, lying, and being in the said Parish of Saint John the Baptist called or known by the Name of the Brewery Field, together with a certain Plot of Land thereto adjoining, heretofore used as a Road to the said Lands, in the Occupation of Thomas Walker, but now in Tillage, all in the Occupation of Robert Miller, and containing together by Admeasurement - - - - -	5	0	14
A Field, Close, or Parcel of Land situate, lying, and being in Hoole aforesaid, called or known by the Name of the Shoulder of Mutton, now in the Occupation of John Brown, containing by Admeasurement - - - - -	6	2	23
A Field, Close, or Parcel of Land called Francis Field, and Two Fields or Parcels of Land severally called Intacks from Hoole Heath, all situate in Hoole aforesaid, and now in the Occupation of Joseph Webster, and containing together by Admeasurement -	15	2	26

Edward Proctor.