



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

Cap. 43.

An Act for effecting an Exchange between the Mayor, Aldermen, and Burgesses of the Borough of *Great Yarmouth* in the County of *Norfolk*, and the Trustees of a Charity in the said Borough called “The Children’s Hospital.”

[21st June 1841.]

WHEREAS the Mayor, Aldermen, and Burgesses of the Borough of *Great Yarmouth* in the County of *Norfolk* are seised of or well entitled to the Buildings, Land, and Hereditaments described or mentioned in the First Schedule to this Act annexed, for an Estate of Freehold and Inheritance in Fee Simple, free from Incumbrances: And whereas Part of the said Buildings, Land, and Hereditaments is now in the Occupation of the Trustees of a certain Charity in the said Borough of *Great Yarmouth* called “The Children’s Hospital,” as Tenants thereof from Year to Year to the said Mayor, Aldermen, and Burgesses, and the same Part is used by the said Trustees for the Purposes of the said Charity: And whereas the Residue of the said Buildings, Land, and Hereditaments hath been heretofore appropriated and allowed by the said Mayor, Aldermen, and Burgesses to be used as a Workhouse for the Poor of the Parish of *Great Yarmouth* in the said Borough receiving Parish Relief, and for other Purposes connected with such Workhouse: And whereas the Honourable and Reverend *Edward Pellew*

[*Private.*]

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Clerk,

Clerk, and *John Brightwen, John Penrice, William Barth, Simon Cobb, Samuel Paget, George Danby Palmer, Edmund Preston, Charles Nichols, William Hammond, Richard Sibbs Lonsdale, John Edward Lacon, Harry Verelst Worship, William Johnson, and John Ereamé Ranney*, Esquires, are the Trustees of the said Charity called "The Children's Hospital," and under an Order of the Lord High Chancellor, bearing Date the Nineteenth Day of *October* One thousand eight hundred and thirty-six, as such, are seised of or entitled to the Part of the Messuage or Buildings and Hereditaments described or mentioned in the Second Schedule to this Act annexed for an Estate of Freehold and Inheritance in Fee Simple, but upon Trusts and subject to Provisions for the Maintenance and Support of the said Hospital: And whereas the Part of the Messuage or Buildings and Hereditaments described or mentioned in the said Second Schedule to this Act forms and are now used and occupied as Part of a Messuage or Dwelling House adjoining to the Fish Market in the said Borough of *Great Yarmouth*, and the other Part of the said Messuage and Hereditaments is the absolute and Fee Simple Property of the said Mayor, Aldermen, and Burgesses: And whereas the Buildings, Land, and Hereditaments described or mentioned in the said First Schedule to this Act annexed (being, as aforesaid, the Property of the Mayor, Aldermen, and Burgesses of the said Borough of *Great Yarmouth*,) are contiguous to and intermixed with the Buildings, Offices, Land, and Hereditaments belonging to and vested in the Trustees of the said Charity called "The Children's Hospital," and are used by the said Trustees for the Purposes of the said Charity: And whereas the said Buildings, Land, and Hereditaments, being so intermixed as aforesaid, are of comparatively little Value to the said Mayor, Aldermen, and Burgesses, but if the same were added to and made Part of the Buildings, Offices, Land, and Hereditaments belonging, as aforesaid, to the said Charity, the Value of such Buildings, Offices, Land, and Hereditaments would be considerably increased, and the Trustees thereof would be enabled, not only to enlarge and improve the Site of the same, but also to enlarge and improve the School House or Room belonging to the said Charity, and to extend the other beneficial Purposes and Objects thereof: And whereas the Part of the Messuage or Buildings and Hereditaments described or mentioned in the said Second Schedule to this Act (being, as aforesaid, the Property of the said Trustees,) is productive of but little Benefit to the said Charity, but, if added to the other Part of the said Messuage and Buildings, the Property of the said Mayor, Aldermen, and Burgesses, would materially increase the Value thereof, and would enable the said Mayor, Aldermen, and Burgesses to carry into effect certain contemplated Improvements for the Benefit and Convenience of the said Borough and the Inhabitants thereof: And whereas, in order to effect the several beneficial Purposes aforesaid, it was lately arranged and agreed, by and between the said Mayor, Aldermen, and Burgesses, and the said Trustees of the said Charity, that the Buildings, Land, and Hereditaments described or mentioned in the said First Schedule to this Act annexed should be given by the said Mayor, Aldermen, and Burgesses to the Trustees of the said Charity, in lieu of and in exchange for their Part of said Messuage or Buildings and Hereditaments

ditaments described or mentioned in the Second Schedule to this Act annexed; but the Buildings, Land, and Hereditaments described or mentioned in the said First Schedule, and belonging, as aforesaid, to the said Mayor, Aldermen, and Burgesses, being of much greater Value than the said Part of the said Messuage or Buildings and Hereditaments described or mentioned in the said Second Schedule, and belonging to the said Trustees of the said "Children's Hospital," it was further agreed that an annual Sum or yearly Rent-charge of Ninety Pounds should be charged upon the said Hereditaments in the said First Schedule, and be limited and secured to the said Mayor, Aldermen, and Burgesses, and their Successors, and that the Sum of Ten Pounds should be paid by the said Trustees to the said Mayor, Aldermen, and Burgesses, by way of Equality of Exchange: And whereas it would be for the Benefit and Advantage of the said Charity that the said Exchange so agreed upon by and between them as aforesaid should be carried into effect: But inasmuch as the several beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament, Your Majesty's most dutiful and loyal Subjects, the said Trustees of the said Charity called "The Children's Hospital," and the said Mayor, Aldermen, and Burgesses of *Great Yarmouth* aforesaid, 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, That from and immediately after the passing of this Act, and the Payment, herein-after mentioned, of the said Sum of Ten Pounds, all the Buildings, Land, and Hereditaments comprised or mentioned in the said First Schedule to this Act, with their and every of their Rights, Members, and Appurtenances, and the Freehold and Inheritance in Fee Simple of the same, and the Reversion and Reversions, Remainder and Remainders, yearly and other Rents, Issues, and Profits thereof, shall stand and be settled and limited to the Use and Intent that the said Mayor, Aldermen, and Burgesses, and their Successors and Assigns, shall and may thenceforth for ever have, receive, and take One Annuity or yearly Rent-charge of Ninety Pounds Sterling, to be yearly issuing and payable out of and charged and chargeable upon all the said Buildings, Land, and Hereditaments described or mentioned in the said First Schedule to this Act, and to be payable and paid to the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, free from all Deductions for Taxes, or on any other Account whatsoever, at or in the Toll House Hall of the said Borough, by equal half-yearly Payments, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, and the first Payment thereof to begin and be made on such of the said Days as shall first or next happen after the passing of this Act; and to the further Use and Intent that, in case and as often as the said Annuity or yearly Rent-charge of Ninety Pounds, or any half-yearly Payment of the same, shall be in arrear or unpaid, in the Whole or in Part, by the Space of Twenty-one Days next over or after either of the Days or Times whereon the same is hereby appointed to be paid as aforesaid, then and so often, and from Time to Time, it shall and may be lawful to and for the said Mayor, Aldermen,

The Premises in the First Schedule vested in the Trustees of the Charity called "The Children's Hospital" in Fee, but subject to a Rent-charge of Ninety Pounds per Annum to the Mayor, Aldermen, and Burgesses.

Aldermen, and Burgesses, their Successors and Assigns, into and upon the said Buildings, Land, and Hereditaments described or mentioned in the said First Schedule to this Act, or any Part thereof, to enter, and distress for the said Annuity or yearly Rent-charge of Ninety Pounds, or any half-yearly Payment of the same, and all Arrears thereof, and the Distress and Distresses then and there found to detain, manage, sell, and dispose of in the same Manner in all respects and on the same Terms as Distresses for Rent reserved upon Leases for Years may be and are or ought to be detained, managed, sold, and disposed of, as if the said Annuity or yearly Rent-charge of Ninety Pounds were a Rent reserved upon a common Lease for Years, to the Intent that the said Mayor, Aldermen, and Burgesses, and their Successors and Assigns, shall or may thereby, therewith, or otherwise be fully satisfied and paid the said Annuity or yearly Rent-charge of Ninety Pounds, and all Arrears thereof, and all Costs, Charges, and Expences to be occasioned by the Nonpayment and Recovery of the same or of any Part thereof; and to the further Use and Intent, from Time to Time, when and as often as it shall happen that the said Annuity or yearly Rent-charge of Ninety Pounds, or any Part thereof, shall be in arrear or unpaid by the Space of Twenty-eight Days next over or after either of the Days or Times herein-before appointed for Payment of the same, then and so often, and from Time to Time, and either upon or at any Time after the Expiration of the said Twenty-eight Days, it shall and may be lawful to and for the said Mayor, Aldermen, and Burgesses, their Successors and Assigns, (although no formal or legal Demand shall be made of the same,) into and upon the said Hereditaments mentioned or comprised in the said First Schedule to this Act, or into and upon any Part thereof in the Name of the whole of the same, to enter, and the same to have, hold, and enjoy, and the Rents and Profits thereof to receive and take, to and for their own Use and Benefit, until thereby, therewith, or otherwise they shall be fully satisfied and paid the said Annuity or yearly Rent-charge of Ninety Pounds, and all Arrears thereof, and also so much of the same as shall incur and grow due during such Time as they shall continue in the Possession of the Premises after every such Entry as aforesaid, and also all such Costs, Charges, Damages, and Expences as shall be occasioned by the Nonpayment or Recovery of the said Rent-charge, or any Part thereof, at the Days or Times aforesaid, and such Possession, when taken, to be without Impeachment of Waste; and, subject to the said Annuity or yearly Rent-charge of Ninety Pounds, and to the said Powers and Remedies for recovering and enforcing the Payment thereof, the said Buildings, Land, and Hereditaments described or mentioned in the said First Schedule to this Act shall go, remain, and be unto, and the same are accordingly by this Act settled upon and vested in, the said Trustees of the said Charity called "The Children's Hospital," their Heirs and Assigns, for ever, freed and absolutely exonerated and discharged of and from all the Estate, Right, Title, and Interest, Claim and Demand whatsoever, of the said Mayor, Aldermen, and Burgesses, and their Successors, in, to, from, or out of the same Hereditaments or any Part thereof, but nevertheless upon the same or the like Trusts, and for the same or the like Intents and Purposes, and subject to the same or the like Provisions
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as the said Part of the Messuage, Buildings, and Hereditaments described or mentioned in the said Second Schedule to this Act was held upon or subject or liable to immediately before the passing of the same.

II. And be it further enacted, That from and after the passing of this Act, and the Payment, in manner hereinafter mentioned, of the said Sum of Ten Pounds, the said Part of the said Messuage, and all the Buildings and Hereditaments described or mentioned in the said Second Schedule to this Act, with their and every of their Rights, Members, and Appurtenances, and the Freehold and Inheritance in Fee Simple of the same, and the Reversion and Reversions, Remainder and Remainders, yearly and other Rents, Issues, and Profits thereof, shall be and the same are accordingly by this Act settled upon and vested in the said Mayor, Aldermen, and Burgesses of the said Borough of *Great Yarmouth* aforesaid, and their Successors for ever, freed and absolutely discharged of and from all the Estate, Right, Title and Interest, Claim and Demand whatsoever, of the Trustees of the said Charity called "The Children's Hospital," their Successors and Assigns, and of and from all Trusts, Intents, and Purposes heretofore declared or subsisting of or concerning the same.

The Premises in the Second Schedule vested in the Mayor, Aldermen, and Burgesses in Fee.

III. And be it further enacted and declared, That the said Sum of Ten Pounds, to be paid by the Trustees of the said Hospital, as herein-before is mentioned, shall, as soon as conveniently may be after the passing of this Act, be paid by such Trustees to the said Mayor, Aldermen, and Burgesses, and that the Receipt of the Town Clerk for the Time being of the said Borough of *Great Yarmouth* shall be a full and effectual Discharge for the same, to all Intents and Purposes whatsoever.

The Sum of Ten Pounds to be paid by the Trustees to the Mayor, Aldermen, and Burgesses.

IV. And be it further enacted, That if the said Mayor, Aldermen, and Burgesses, or their Successors, shall at any Time hereafter be evicted from the Possession or Enjoyment of the Part of the Messuage, Buildings, and Hereditaments comprised in the said Second Schedule to this Act, by any Right or Title precedent to the passing of this Act, then and in such Case, and thenceforth, it shall and may be lawful to and for the said Mayor, Aldermen, and Burgesses, and their Successors, immediately after such Eviction from the Possession of the same Hereditaments, to enter into and upon the said Hereditaments mentioned and comprised in the said First Schedule to this Act, and the same to have, hold, and enjoy again as in their first and former Estate, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as if this Act had not been passed; and then and thenceforth the said Annuity or Rent-charge hereby limited as aforesaid shall cease and be void.

Provision in case the said Mayor, Aldermen, and Burgesses should be evicted from the Lands in the Second Schedule.

V. And be it further enacted, That if the said Trustees of the said "Children's Hospital," their Heirs or Assigns, shall at any Time hereafter be evicted from the Possession or Enjoyment of the said Buildings, Land, and Hereditaments comprised in the said First Schedule to this Act, by any Right or Title precedent to the passing

If the Trustees should be evicted from the Premises in the First Schedule.

[*Private.*]

Bodies Politic and Corporate, his, her, and their respective Heirs, Executors, Administrators, and Assigns, (except the said Mayor, Aldermen, and Burgesses of *Great Yarmouth* aforesaid, and their Successors, and the said Trustees of the said "Children's Hospital," and their Heirs, Executors, Administrators, Cestuique Trust, and Assigns,) all such Estates, Rights, Titles, Interest, Claims, and Demands whatsoever, of, in, to, or out of the said Hereditaments and Premises comprised in or in any Manner affected by this Act as aforesaid, as they or any of them respectively had before the passing, or respectively could or might have had, held, enjoyed, or been entitled to in case this Act had not been passed.

IX. And be it further enacted, That this Act shall be printed by the several Printers of the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

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

The First SCHEDULE to which this Act refers.

A Building lately used as Part of the Workhouse for the Poor of the Parish of Great Yarmouth in the County of Norfolk, abutting upon a Building belonging to the Trustees of the Children's Hospital Charity in the said Borough (also late Part of the said Workhouse) towards the North, upon the Town Wall towards the East, and upon the Yard next herein-after described towards the South and West; a Piece of Ground, late Part of the Yard of the said Workhouse, bounded by Ground belonging to the said Trustees of the said Children's Hospital, and late other Part of the said Workhouse Yard, towards the North, by certain Buildings lately used as Part of the said Workhouse, and belonging to the said Mayor, Aldermen, and Burgesses, and herein-after described, and certain other Buildings used by the said Trustees of the said Children's Hospital for the Purposes of the said Hospital, and belonging to the said Trustees, towards the West, by the said Building firstly herein-before described and the said Town Wall towards the East, and by other Property of the said Mayor, Aldermen, and Burgesses herein-after described toward the South; another Building lately used as Part of the said Workhouse, abutting upon Ground and Premises of the said Trustees of the said Children's Hospital, Part whereof was lately used as the said Workhouse Yard, and the other Part thereof is in the Occupation of certain Tenants of the said Trustees, towards the North, upon other Property of the said Trustees, used by them for the Purposes of the said Children's Hospital Charity, towards the South, upon the Piece of Ground lately used as the said Workhouse Yard, and secondly herein-before described, towards the East, and upon the Market Place of Great Yarmouth aforesaid towards the West; a Range of Sheds or Out-houses, late Part of the said Workhouse, bounded by the said Piece of Ground secondly herein-before described in part, and the Piece of Ground next herein-after described in other Part, towards the North, by Ground and Hereditaments used as a Burial Ground, called

called the Yarmouth General Cemetery, and vested in William Barth, Esquire, and others, as Trustees for the Proprietors of the said Cemetery, towards the South, by the said Town Wall towards the East, and by the Piece of Ground next herein-after described towards the West; a Piece of Ground, with Four several Buildings and Outhouses thereon, comprising a Building lately used for Purposes connected with the said Workhouse, the late Residence of the Governor of the said Workhouse, and Outbuildings thereto, the late Board or Vestry Room of the said Workhouse, and a Building occupied by the Mistress of the said "Children's Hospital School;" which Piece of Ground abuts upon Ground and Buildings belonging to the said Trustees of the said Hospital, and used by them for the Purposes of the said Charity, towards the North, upon Ground and Hereditaments of the said Trustees leased to divers Persons in part, and upon the said General Cemetery in other Part, and the said Building lastly herein-before described in other Part, towards the South, upon the said Piece of Ground secondly herein-before described in part, and the said Building lastly herein-before described in other Part, towards the East, and upon the Market Place of Great Yarmouth aforesaid towards the West.

Net annual Value £ 125

Value in Fee Simple 3125

There are not any Timber or other Trees.

Thomas Marsh Nelson.

The Second SCHEDULE to which this Act refers.

A Piece of Ground near the Fish Stalls in Great Yarmouth aforesaid, which Fish Stalls are the Property of the Mayor, Aldermen, and Burgesses of the Borough of Great Yarmouth, abutting upon the Market Place of Great Yarmouth aforesaid towards the West, upon Ground and Premises belonging to the said Mayor, Aldermen, and Burgesses, leased to Dawson Turner and John Brightwen, and which Lease has been assigned to Mr. Archer Leeder, towards the East, upon the common Highway towards the North, and upon the said Fish Stalls and the Entrance thereto from the Market Place in part, and the Alehouse of the said Mayor, Aldermen, and Burgesses, called the Jolly Butchers, in other Part, towards the South, together with so much of the Tenement or Dwelling House and Baking Office erected thereon, and on the said Ground belonging to the said Mayor, Aldermen, and Burgesses, and adjoining to the East Side thereof, as stands on the said Piece of Ground herein-before described.

Net annual Value £ 6 0 0

Value in Fee Simple 150 0 0

There are not any Timber or other Trees.

Thomas Marsh Nelson.