



T H I S A G R E E M E N T is made the *third* day of *June* One thousand nine hundred and thirty eight  
BETWEEN MARJORY LEES of "Westholme" Newport Street Werneth  
in the COUNTY BOROUGH OF OLDHAM (hereinafter called "the  
Donor") of the one part and the MAYOR ALDERMEN AND  
BURGESSES OF THE COUNTY BOROUGH OF OLDHAM (hereinafter  
called "the Corporation") of the other part WHEREAS by an  
Assignment dated the twenty first day of February One  
thousand nine hundred and eleven made between SAMUEL  
WHITEHEAD and CHARLES WHITEHEAD of the first part, CHARLES  
COLLINGE SPENCER of the second part, EDWARD TRUSTRAM of the  
third part SARAH ANN LEES and the Donor of the fourth part  
and the CORPORATION of the fifth part a plot of land situate  
at Nether Hey in Oldham aforesaid containing six acres or  
thereabouts was assigned <sup>unto</sup> ~~under~~ the Corporation for the residue  
then unexpired of a term of nine hundred and ninety nine  
years granted by a Lease dated the first day of December  
One thousand nine hundred and eight made between the  
Reverend Walter Muirhead Hope of the first part the  
Ecclesiastical Commissioners for England of the second part  
the Reverend Frederick Wilson Cooper of the third part and  
the said Charles Collinge Spencer of the fourth part WHEREAS  
the Corporation in the said Assignment covenanted with the  
said Sarah Ann Lees and the Donor and each of them that they  
the Corporation would use the land thereby assigned as and  
for a recreation ground for the Municipal Secondary School  
of the Borough of Oldham held at the Municipal School in  
Greengate Street Oldham or for any additional secondary

school or schools of a like character which might in the future be provided and maintained by the Corporation AND WHEREAS it was provided in the said assignment that the covenant therein contained for the use of the land thereby assigned as a recreation ground might be altered or varied during the joint lives of the said Sarah Ann Lees and the Donor and during the life of the survivor of them by Deed executed by the Corporation and by the said Sarah Ann Lees and the Donor or by the survivor of them provided that under such alteration or variation the land thereby assigned should be continued to be used as a recreation ground or playground for some specific or general purpose or purposes AND WHEREAS the said Sarah Ann Lees died on the fourteenth day of April One thousand nine hundred and thirty five AND WHEREAS the Board of Charity Commissioners on the twenty sixth day of May one thousand nine hundred and eleven ordered and determined that if and so long as the recreation ground comprised in the said assignment in judgement of the Board of Education continued to be used exclusively for any secondary school or schools the whole of the endowment of the said charity was to be held for and ought to be applied to educational purposes AND WHEREAS the Corporation as the Local Education Authority for the County Borough of Oldham being now desirous of using the said recreation ground for the use of the scholars of the elementary and secondary schools some of which are not schools provided and maintained by the

Corporation have requested the Donor to vary the covenant contained in the said assignment in manner hereinafter appearing which the Donor has agreed to do.

NOW THIS DEED WITNESSETH AS FOLLOWS :-

IN PURSUANCE of the said agreement and in consideration of the Premises the Donor hereby declares that the Corporation shall (notwithstanding any covenant contained in the said assignment) be at liberty to use the said piece of land comprised therein for the use of the use of the scholars of the said elementary and secondary schools or any other school or schools.

IN WITNESS whereof the Donor has hereunto set her hand and seal and the Corporation have caused their Corporate Seal to be hereunto affixed the day and year first before written.

Signed, Sealed and Delivered }  
by the said MARJORY LEES in }  
the presence of :-

*Marjory Lees.*

*H. m. Vigors.*  
*Withholding Sh.*  
*Newport St.*  
*(widow) Oldham.*

THE CORPORATE SEAL of the }  
Mayor Aldermen and Burgesses }  
of the County Borough of }  
Oldham was hereunto affixed }  
in the presence of :-

Town Clerk.

Dated 3<sup>rd</sup> June 1938

64

MISS MARJORY LEES

and

THE CORPORATION OF OLDHAM.

— A G R E E M E N T. —

Relating to the variation  
and alteration of Conveyance.

T. Alker,  
Town Clerk,  
Oldham.

53239