



**CHAPTER xxiv.**

An Act for amending Charles Sheils' Almshouses Charity Act 1864 Charles Sheils' Almshouses Charity Act 1866 and Charles Sheils' Charity Act 1875. A.D. 1911.

[2nd June 1911.]

**W**HEREAS by Charles Sheils' Almshouses Charity Act 1864 (hereinafter referred to as "the Act of 1864") provision was made for the regulation of Charles Sheils' Almshouses Charity established by the will therein recited of Charles Sheils and a visitor and governors of the charity were appointed and the Governors were incorporated by the name "The Governors of Charles Sheils' Almshouses Charity":

And whereas the said Act was amended by Charles Sheils' Almshouses Charity Act 1866 (hereinafter referred to as "the Act of 1866"):

And whereas the said Acts of 1864 and 1866 were further amended by Charles Sheils' Charity Act 1875 (hereinafter referred to as "the Act of 1875") and the name of the Governors was changed to "The Governors of Charles Sheils' Charity":

And whereas the said Acts of 1864 1866 and 1875 were applied for in pursuance of orders of the High Court of Chancery in Ireland made in a matter then in the High Court of Chancery in Ireland and now pending in the High Court of Justice in Ireland (Chancery Division) (hereinafter called "the court"):

And whereas the Governors have put the said Acts in execution and they find that some of the provisions thereof respectively require amendment:

And whereas on the 25th day of June 1910 the trustees of the said will on behalf of the Governors caused an application to be made to the court in the matter pending therein for an

A.D. 1911. order that the Governors might be authorised to apply in the present session of Parliament for a further or supplemental Act to enable them more efficiently to carry into effect the charitable scheme of the testator and that the approbation of the court might be had of a draft of a proposed Bill then already prepared for that purpose and for carrying into effect the several purposes therein specified or such modifications thereof as might be deemed advisable:

And whereas on the hearing of the application it was alleged on behalf of the Governors in support thereof—

- (1) That as authorised by the Act of 1875 they had expended out of the aggregate surplus arising after the 31st December 1874 from the management fund the several almshouses funds and the unappropriated residue of the general charitable fund respectively in building new almshouses in the vicinity of each of the five sets of almshouses and in fitting up and furnishing the same the following sums (namely):—

In building and in fitting up and furnishing four additional almshouses to the Killough Almshouses	-	-	-	-	£1,261	9	1
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In building and in fitting up and furnishing four additional almshouses to the Dungannon Almshouses	-	-	-	-	1,579	16	8
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In building and in fitting up and furnishing four additional almshouses to the Carrickfergus Almshouses	-	-	-	-	1,353	6	7
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In building and in fitting up and furnishing four additional almshouses to the Armagh Almshouses	-	-	-	-	1,566	10	10
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In building and in fitting up and furnishing four additional almshouses to the County Dublin Almshouses	-	-	-	-	1,438	10	4
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and that the said new almshouses were fully occupied:

- (2) That upon the 31st day of December 1909 the several almshouses funds were of the amounts respectively (that is to say):—

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The Killough Almshouses Fund	£31,241	0	6
The Dungannon Almshouses Fund	-	-	26,695 15 8
The Carrickfergus Almshouses Fund	-	-	36,166 7 7
The Armagh Almshouses Fund	25,820	10	8
The County Dublin Almshouses Fund	-	-	20,234 5 11

- (3) That the surplus income which arose during the year ending on the 31st December 1909 from each of the undermentioned almshouses funds was as follows:—

From the Killough Almshouses Fund	-	-	£256 11 7
From the Dungannon Almshouses Fund	-	-	134 18 3
From the Carrickfergus Almshouses Fund	-	-	478 11 5
From the Armagh Almshouses Fund	-	-	24 15 10

- (4) That the income of the County of Dublin Almshouses Fund which arose during the year ending the 31st December 1909 was insufficient for the needs of that set of almshouses by the sum of £139 0s. 11d.:
- (5) That the surplus income which arose during the same period from the management fund was £327 9s. 9d.:
- (6) That the respective incomes arising from the respective almshouses funds the management fund and the unappropriated residue of the general charitable fund have been applied for the purposes to which the same were respectively applicable under the said Acts and in the case of several of the said almshouses funds amounted for several years to larger sums than required for the said purposes:
- (7) That the Governors were desirous of obtaining further powers of under certain circumstances adding to the almshouses already built or building a new almshouse

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or new almshouses in the immediate vicinity thereof and in fitting up furnishing and maintaining such additional or new houses and charging the expense thereof on the fund belonging to the set of almshouses in respect of which such addition or additions should be made:

- (8) That the Governors deemed it expedient that if they should be of opinion that buildings in connection with any particular set of almshouses could not with advantage be added to then they should be at liberty whenever the amount standing to the credit of any particular almshouses fund should exceed a sum the income on which would be sufficient for the maintenance of the said almshouses to transfer to the credit of any other almshouses fund or funds such excess or any portion thereof:
- (9) That the Governors were desirous of repealing section 40 of the Act of 1864 and modifying section 45 of the Act of 1864 as regards the powers of the local boards in respect of the nomination and removal of their officials and section 9 of the Act of 1875 in respect of granting gratuities or pensions to such officials:
- (10) That in the opinion of the Governors it was desirable that they should have power to erect buildings in connection with any set of almshouses if such were required for occupation by any official or servant other than the superintendent and charging the cost thereof against the management fund or the almshouses funds or the unappropriated residue of the general charitable fund:
- (11) That the Governors now deemed it expedient that a reserve fund should be formed in any year from the surplus income or any portion thereof of the management fund together with the surplus revenue arising from funds other than the respective almshouses funds to be applied from time to time as the Governors think fit for the alteration adding to or improvement of any of the existing almshouses or in providing increased comforts for the occupants thereof or of any of them:

(12) That inasmuch as the objects so alleged could not be attained without the authority of Parliament and inasmuch as the Governors consider the same to be of considerable importance with reference to the well-working of the charity they had caused notice to be given for an application to Parliament in the present session to authorise the same :

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And whereas on the hearing of the application the draft of the then proposed Bill for this Act was submitted to the court :

And whereas on the 25th day of June 1910 an order of the court was made whereby it was ordered that the proposed application to Parliament should be sanctioned and approved and the draft Bill for this Act was submitted to the court and was approved by the court and in testimony thereof the Lord Chancellor of Ireland signed his name in the margin of the Bill :

And whereas having regard to the wide and absolute discretion given by the testator to his trustees to alter or dispense with any of his directions as to the management and establishment of the charity and to adopt such other courses in relation thereto as to them should seem prudent and desirable and for the better regulation of the charity it is expedient that the said recited Acts of 1864 1866 and 1875 be amended as appears by this Act :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

Wherefore Your Majesty's most dutiful and loyal subjects the Governors of Charles Sheils' Charity do most humbly beseech Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may for all purposes be cited as Charles Sheils' Charity Act 1911. Short title.

2. This Act and the Acts of 1864 1866 and 1875 may be together cited as Charles Sheils' Charity Acts 1864 to 1911. Citation of Acts.

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Power to  
expend funds  
in adding to  
almshouses.

3. Whenever the amounts standing to the credit of any particular almshouses fund shall exceed the sum of twenty-four thousand pounds the Governors may expend any sum or sums not exceeding in the whole the amount of such excess in enlarging or adding to that set of almshouses and in fitting up and furnishing the same.

Additions to  
form part of  
original sets  
of alms-  
houses.

4. The addition or additions or new house or houses shall for all the purposes of the recited Acts and this Act be considered as part of the original set of almshouses to or in the vicinity of which such addition or additions or new house or houses shall be made or built and the inmates of such addition or additions or new house or houses shall for all the purposes of the said Acts be considered as inmates of such original set of almshouses.

Power to  
transfer ex-  
cess funds.

5. Whenever the Governors shall be of opinion that the buildings in connection with any particular set of almshouses cannot with advantage be further enlarged or added to then whenever the amount standing to the credit of that particular set of almshouses fund shall exceed a sum the income on which shall in the opinion of the Governors be sufficient for the maintenance of the said set of almshouses the Governors may transfer to the credit of any other almshouses fund or funds such excess or any portion or portions thereof.

Repeal.

6. Sections 40 (Sanction of byelaws &c.) and 45 (Powers of local boards) of the Act of 1864 and section 9 (As to superannuation of officials and servants) of the Act of 1875 are hereby repealed.

Powers to  
local board.

7. The local board may with the approval of the Governors appoint remove and determine the duties of a superintendent lady superintendent or other governing officer or officers of the set of almshouses under their management who shall hold office during the pleasure of the local board subject to the control of the Governors at such salary or salaries notwithstanding section 53 of the Act of 1864 and section 11 of the Act of 1866 as the Governors shall for each set of almshouses determine. The local board may also subject to the approval of the Governors elect candidates for admission into the almshouses admit inmates and dismiss the same from the almshouses and remove from the almshouses children who are disqualified by age from continuing therein and every local board shall have such other powers as the Governors confer on them.



8. The Governors may (with the sanction of the visitor) grant to any salaried officer or servant who shall have served as an officer or servant of the Governors for not less than ten years on his or her ceasing to serve a gratuity not under any circumstances exceeding three years of the salary received by such officer or servant or in the alternative a pension not exceeding one-fiftieth part of such salary for each year of service and so that no such pension shall exceed two-thirds of the amount of the salary. Nothing contained in this section shall entitle any such salaried officer or servant to a gratuity or pension as of right nor prevent the Governors from discharging or removing him or her without gratuity or pension. Any such pension shall be so granted only upon the condition that it shall become forfeited and may be withdrawn by the Governors with the sanction of the visitor on the conviction of the grantee for any indictable offence or if in the opinion of the Governors it is proper that the pension should be withdrawn. The Governors may charge any gratuity or pension granted under this section either against the particular almshouses fund of the houses in respect of which the officer or servant was appointed or against the management fund or partly against one and partly against the other of such funds.

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Power to grant gratuities or pensions.

9. The Governors may erect any building required for occupation in connection with any set of almshouses by an officer or officers servant or servants other than the superintendent and charge the cost against the management fund or the almshouses fund belonging to such set of almshouses or the unappropriated residue of the general charitable fund or partly against one and partly against another or others of such funds.

Power to erect buildings for occupation of officers and others.

10. Notwithstanding the provisions of section 5 of the Act of 1866 the Governors may in any year determine that for that year the surplus income of the management fund referred to in that section and section 48 of the Act of 1864 or any portion thereof instead of being divided among the almshouses funds shall together with the surplus revenue arising from funds other than the respective almshouses funds be appropriated as a separate accumulating fund to be called "the reserve fund" and shall be invested by the Governors in accordance with the testator's will and the income from the same may be invested so as to be increased as by compound interest and the Governors

Powers as to accumulation and application of reserve fund.

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A.D. 1911. — may apply such accumulated funds or the income thereof or any part thereof respectively towards the alteration or improvement of any of the then existing almshouses or in providing increased comforts for the occupants thereof or of any of them.

Costs of Act. **11.** All the costs charges and expenses of and incidental to the preparing and applying for obtaining and passing this Act shall be paid by the Governors out of the unappropriated residue of the general charitable fund.

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