



ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lxxx.

An Act to incorporate the Governors of the Hospital for Consumption and Diseases of the Chest, and to authorize the Establishment of a Chapel in connexion with the said Hospital, and to enable the said Governors the better to carry on their charitable Designs. [1st August 1849.]

WHEREAS in or about the Year One thousand eight hundred and forty-one an Institution was formed for the Relief of poor Persons afflicted with pulmonary Consumption, or labouring under other severe Diseases of the Lungs, and for the Purpose of the said Institution a Hospital, called "The Hospital for Consumption and Diseases of the Chest," and situated on the North-west Side of the *Fulham Road* in the Parish of *St. Mary Kensington* in the County of *Middlesex*, with other Erections appertaining thereto, has been built by means of voluntary Contributions, and has since been supported by the Donations, Legacies, and annual Subscriptions of benevolent Persons: And whereas by an Agreement bearing Date the Second Day of *May* One thousand eight hundred and forty-four, and expressed to be made between *Thomas Budgen* Esquire, the Right Honourable *Arthur George* Earl of *Onslow*, the Right Honourable

Agreement
dated
2d May 1844.

[Local.]

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able *Henry Thomas* Earl of *Chichester*, the Right Honourable *John Robert* Viscount *Sydney*, the Right Honourable *George Alan* Viscount *Middleton*, the Honourable *Thomas Cranley Onslow*, the Right Honourable *William* Earl of *Lovelace*, the Honourable and Reverend *John Evelyn Boscawen* Clerk, Sir *Richard Frederick* Baronet, Sir *John Charles Merrik Burrell* Baronet, *John Robert Budgen* Esquire, *Harvey Coombe* Esquire, *Henry Currie* Esquire, *William Joseph Denison* Esquire, the Reverend *Arthur Onslow* Clerk, the Reverend *Arthur Cyril Onslow* Clerk, *William Holme Sumner* Esquire, *Inigo Thomas* Esquire, *Henry William Vincent* Esquire, the Reverend *Frederick Vincent* Clerk, and the Reverend *Charles Weston* Clerk, of the First Part, and the Right Honourable *Henry Granville* Earl of *Arundel and Surrey*, the Right Honourable *Algernon George* Lord *Lovaine*, *James William Farrer* Esquire, One of the Masters of the High Court of Chancery, and *John Labouchere* Esquire, of the Second Part, the said Persons, Parties thereto of the First Part, covenanted and agreed with the said *Henry Granville* Earl of *Arundel and Surrey*, *Algernon George* Lord *Lovaine*, *James William Farrer*, and *John Labouchere*, their Executors, Administrators, and Assigns, to demise and lease to the said *Henry Granville* Earl of *Arundel and Surrey*, *Algernon George* Lord *Lovaine*, *James William Farrer*, and *John Labouchere*, their Executors, Administrators, and Assigns, or to such Person or Persons as they should nominate, the Piece of Ground (on Part of which the said Hospital is built) in the said Agreement mentioned to be situate in the *Fulham Road* in the Parish of *Kensington* in the County of *Middlesex*, and particularly delineated in the Ground Plan thereto annexed, with the Hospital and other Buildings which might be erected thereon, for the Term of Ninety-nine Years from the Twenty-fifth Day of *March* One thousand eight hundred and forty-four, at a Peppercorn Rent for the first Two Years of the said Term, and at the yearly Rent of One hundred and seventy Pounds, clear of all Deductions, (the Land Tax being redeemed,) for the Residue of the said Term, upon the Terms and subject to the Covenants and Provisions on the Part of the intended Lessees in the said Agreement mentioned or referred to : And whereas, in addition to the said Hospital and Premises, and the Household Goods and Furniture, and other Personal Property in and about the same, the Funds now belonging to the said Institution consist of Money, and of Stock in the Public Funds of *Great Britain* standing in the Names of Trustees, and certain reversionary Interests contingent on the Death of Persons now living : And whereas the Governors of the said Hospital are desirous of still further prosecuting their said charitable Designs (which are highly beneficial to the Nation), and of enlarging and adding to the said Hospital, and are also desirous of erecting upon other Part of the said Piece of Ground comprised in the said Agreement, and immediately contiguous to the said Hospital, or upon Ground in the immediate Neighbourhood thereof, a Chapel for the Celebration of Divine Service therein according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, for the Purposes of the said Institution ; and it is apprehended that the incorporating the President, Vice Presidents, Treasurer, and Governors of the said Hospital as One Body Corporate and Politic, and the giving them the Powers and Authorities herein-after conferred, will greatly facilitate the Prosecution

cution of the aforesaid charitable Designs, and will induce many charitable and well-disposed Persons materially to increase the Funds of the said Hospital: May it therefore 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 following Words and Expressions shall have the Meanings hereby assigned to them, unless there be something in the Subject Matter or Context repugnant to such Construction; (that is to say,)

Interpreta-
tion of
Terms.

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

Words importing the Masculine Gender only shall include Females: The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments of any Tenure, and also any Estate or Interest therein:

The Words "the said Corporation" shall mean the President, Vice Presidents, Treasurer, and Governors of the Hospital for Consumption and Diseases of the Chest:

The Words "the said Committee" shall mean the Committee for the Time being appointed for transacting and managing the Affairs and Property of the said Corporation.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The Consumption Hospital Act, 1849."

Short Title.

III. And be it enacted, That the President, Vice Presidents, Treasurer, and Governors for the Time being of the said Institution shall be and they are hereby declared to be One Body Politic and Corporate, by the Name of "The President, Vice Presidents, Treasurer, and Governors of the Hospital for Consumption and Diseases of the Chest," and by that Name shall have perpetual Succession and a Common Seal, with Power to change, alter, break, and make new the same when and as often as they shall judge the same to be expedient, and by the same Name may sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in any Court of Law or Equity, or other Court or Place of Record or Judicature, and before any Judges, Justices, or Officers within the United Kingdom of *Great Britain and Ireland*, and may act and do in all Matters and Things relating to themselves and their Corporate Property, Real and Personal, in as ample Manner and Form and as fully and effectually as any Subjects of the Realm lawfully may or can.

The Presi-
dent, &c. of
the Hospital
incorpor-
ated.

IV. And be it enacted, That the Common Seal of the said Corporation shall be kept under the Custody and Control of the said Committee, and they shall have full Power and Authority to use the same, subject to the Regulations of the said Institution.

Providing
for the Cus-
tody and Use
of Common
Seal.

V. And be it enacted, That the said Presidents, Vice Presidents, Treasurer, and Governors shall by their Corporate Name for ever hereafter be able and capable in Law (by such Means as charitable Institutions

Corporation
enabled to
possess Pro-
perty and

receive
Bequests.

Institutions now are or may be enabled by Law) to possess, hold, and retain, for the Purposes of the said Institution and of this Act, all such Monies and other Personal Estate and Property, of what Nature or Value soever, (including Monies secured upon Mortgage of or charged upon any Hereditaments,) as have been purchased or accumulated or shall at any Time or Times hereafter be purchased or accumulated by them for the Purposes of the said Institution, and as have been given or bequeathed or shall at any Time or Times hereafter be given or bequeathed by any Person or Persons to or for the charitable Purposes of the said Institution: Provided nevertheless, that nothing in this Act contained shall make valid any Grant, Purchase, Devise, or Bequest which would be void under the Enactments contained in an Act passed in the Ninth Year of the Reign of His Majesty King George the Second, intituled *An Act to restrain the Disposition of Lands whereby the same become inalienable.*

9 G. 2. c. 36.

Trustees to whom Copyholds are surrendered to stand seised thereof in trust for the Hospital.

VI. And be it enacted, That all Persons to whom any Lands of Copyhold Tenure shall be surrendered as Trustees for the said Corporation shall stand seised or possessed of and interested in the same upon trust for the said Corporation, and shall surrender or otherwise dispose of the same as the said Committee shall from Time to Time direct.

The Estate, &c. under the Agreement of 2d May 1844 vested in the Corporation.

VII. And be it enacted, That immediately upon and by virtue of the passing of this Act all the Estate, Right, Title, and Interest of the said *Henry Granville Earl of Arundel and Surrey, Algernon George Lord Lovaine, James William Farrer, and John Labouchere*, and their Executors, Administrators, and Assigns, under or by virtue of the aforesaid Agreement of the Second Day of *May* One thousand eight hundred and forty-four, in and to the said Piece of Ground (with the said Hospital and Erections thereon), and all and singular other the Premises comprised in and agreed to be demised by the same Agreement, shall become vested in the said Corporation, who shall thereupon be affected by all the Liabilities incurred or to be incurred under or by virtue and have and enjoy all the Benefit of the same Agreement, or of any Lease to be made in pursuance thereof, as fully and effectually as would have been the Case if the said Corporation had been already incorporated at the Date of the said Agreement, and had been named therein instead of the said Earl of *Arundel and Surrey, Lord Lovaine, James William Farrer, and John Labouchere*, as Parties thereto of the Second Part, and the said Corporation may accordingly, after the passing of this Act, sue and be sued in such Corporate Name as aforesaid in respect of the same Agreement; and the said several last-mentioned Persons, and their Executors, Administrators, and Assigns, shall be discharged from all Liabilities incurred or to be incurred by virtue of such Agreement.

Trustees of Stock and other Personal Property to transfer the same to the Corporation.

VIII. And be it enacted, That it shall be lawful for all Persons in whose Names any Stock in the Public Funds is standing (forming Part of the general Funds of the said Hospital, and distinct from the Fund called "*The Rose Charity Fund*"), or in whom or whose Names any other Personal Property is vested or standing in trust for the Purposes of the said Hospital, to transfer, assign, and make over
the

the same into the Name of or unto the said Corporation, and which Stock or other Personal Property respectively shall be so transferred, assigned, and made over, as soon as may be after the passing of this Act; and when so transferred, assigned, and made over shall, together with the Dividends and annual Produce thereof, be held and possessed by the said Corporation for the Purposes thereof; and the Persons so transferring, assigning, or making over the same respectively shall not be bound to see and are hereby discharged from seeing to the Application thereof or of any Part thereof, and shall not be answerable or accountable for the Loss, Misapplication, or Nonapplication thereof or of any Part thereof.

IX. And be it enacted, That it shall be lawful for the said Corporation from Time to Time to contract for the following Considerations respectively, (that is to say,) Money to be paid, Lands to be given in exchange, or the Surrender of any Lease or Agreement for a Lease by the said Corporation, or for any One or more of the same Considerations respectively for the Purchase or Acquisition by them (subject to such Stipulations and Conditions, if any, relating to the Apportionment of or Release from any Tithe, or Rent-charge in lieu of Tithe, or any Rent Service, Rent-charge, Chief or Customary or other Rent, or any other Payment or Incumbrance charged upon or payable out of or to the Erection or Nonerection of Buildings upon or Fences to or otherwise howsoever relating to or affecting the Lands to be purchased or acquired, or any Lands, Roads, or Ways adjoining the same, or any Part thereof, as to the contracting Parties may seem fit,) of the absolute Property, or any Term or Terms of Years, or other Estate or Interest of, in, or out of the said Hospital and Erections, and the said Piece of Ground and Premises comprised in the said Agreement of the Second Day of *May* One thousand eight hundred and forty-four, or any Part or Parts thereof, and also of, in, or out of any further Lands which may appear to the said Committee to be desirable for the Purposes of the said Institution, with all such Parties as either under the Provisions in that Behalf herein-after contained or otherwise shall have Power to dispose of the same several Premises, Lands, Estate, or Interest, and as shall be willing so to do, and to acquire, hold, and enjoy such Premises, Lands, Estate, or Interest accordingly: Provided always, that the Lands to be acquired by the said Corporation by way of Gift, Purchase, Exchange, or Surrender as aforesaid shall not together exceed Twenty Acres at any One Time.

Power to
purchase
Lands.

X. And be it enacted, That it shall be lawful for the Parties of the First Part to the herein-before recited Agreement, or the Survivors or other the Trustees for the Time being of a Charity commonly called *Smith's* Charity, and also for their Tenants or Lessees, or any of them for the Time being, occupying or holding or interested in any Lands immediately adjoining or near to the said Premises comprised in or now subject to the herein-before recited Agreement, or any Part or Parts thereof, for the Purpose of any such Purchase or Acquisition by the said Corporation as aforesaid, with the Approbation and Consent of the High Court of Chancery, to be obtained on Petition in a summary Way at any Time or Times hereafter, to enter into every such Contract with the said Corporation for the Sale, Exchange, De-

Smith's
Trustees
enabled to
sell and
convey.

mise for any Term or Terms of Years not exceeding Nine hundred and ninety-nine Years, Surrender, or other Disposition unto the said Corporation of the said Hospital, Erections, Piece of Ground and Premises, comprised in or now subject to the said recited Agreement, or any Estates or Interest therein, or of any Lands immediately adjoining or near to the same, or of any Part or Parts thereof respectively, and for any One or more of the Considerations herein-before specified, and either with or without any such Stipulations and Conditions of the Character herein-before mentioned or referred to, or any such other Stipulations or Conditions as the said Trustees for the Time being of the said Charity may deem expedient, and for the Purpose of carrying any such Contract into effect, with such Consent as aforesaid, to grant, assign, demise, surrender, or convey and assure the Lands to be comprised in such Contract unto or for the Benefit of the said Corporation, their Successors and Assigns, and to accept and take any Conveyance of any Lands to be given in exchange, and any Surrender of any Lease or Agreement for a Lease to be surrendered by the said Corporation, which may respectively be the Consideration or Part of the Consideration of any such Contract, and to execute all Deeds and Assurances which may be necessary for carrying every such Conveyance or Surrender into operation; and further, that for the Purposes aforesaid all the Clauses and Provisions contained in "The Lands Clauses Consolidation Act, 1845," with respect to the Sale, Conveyance, or Release of Lands, or any Estate or Interest therein, by Parties being seised, possessed, or entitled to any such Lands, or any Estate or Interest therein, as in the said Act mentioned, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, shall (so far as the same shall be applicable) be incorporated with this Act.

Corporation may enter into Covenants for the Performance of the before-mentioned Conditions.

XI. And be it enacted, That upon every or any such Purchase or Acquisition by the said Corporation as aforesaid it shall be lawful for the said Corporation, by Deed or Deeds under their Common Seal, to enter into Covenants for themselves, their Successors and Assigns, for the Observance and Performance of any such Stipulations or Conditions as herein-before are mentioned, with or without Penalties or Agreements for Payment by the said Corporation, their Successors or Assigns, of a Sum by way of liquidated Damages for the Non-observance or Nonperformance of any such Stipulation or Condition, the Burden of which Covenants shall run with the Estate or Interest purchased or acquired; and upon every or any such Purchase or Acquisition it shall be lawful to reserve or give to any Persons whomsoever, described by Name, Estate, Representation, or otherwise howsoever, all effectual Power, in the event of Nonperformance or Nonobservance of any such Covenants as aforesaid, to enter upon the Lands in which an Estate or Interest shall be so purchased or acquired, or upon any Part of the same Lands, and by such Entry to avoid and put an end to such Estate and Interest; and such Powers may be so reserved or given as well on Conveyances in Fee or for a less Estate as on Leases for a Term of Years.

The Consideration for Lands taken

XII. And with respect to the Consideration (in all Cases where the same shall consist either wholly or in part of Lands to be given or taken

taken in exchange or surrendered as aforesaid) for any Lands, Estate, or Interest to be purchased or taken by the said Corporation from the said Trustees for the Time being, their Tenants or Lessees, in exercise of the Powers of this Act, be it enacted, That such Consideration or part Consideration shall be of not less Value than shall be determined by the Valuation of Two able practical Surveyors, and if such Two Surveyors cannot agree in the Valuation, then by a Third Surveyor, which Surveyors shall be respectively nominated and appointed in such Manner, and shall annex to their respective Valuation such Declaration in Writing, as by the said Lands Clauses Consolidation Act, 1845, is respectively provided with respect to the Purchase Money therein referred to as to be paid for any Lands to be taken from any Party under any Disability; and further, with respect to such Consideration as last aforesaid, that, so far as the same shall consist of Lands to be given in exchange by the said Corporation, such lastly mentioned Lands shall be conveyed or limited and settled, at the Expense, Costs, and Charges of the said Corporation, upon and for the like Uses, Trusts, and Purposes, and in the same Manner, as the Lands in exchange for which such Lands shall be so given by the said Corporation were previously settled or limited.

from Smith's Trustees, &c. to be determined by Valuation.

XIII. And be it enacted, That it shall be lawful for the said Trustees for the Time being of the Charity called *Smith's* Charity, with the Approbation and Consent of the said High Court of Chancery, to be obtained as aforesaid, by any Grant or Conveyance, signed by any Seven or more of them, to give, grant, and convey unto the said Corporation any Part or Parts of the Lands and Premises (other than the Site of the said Hospital) comprised in or subject to the herein-before recited Agreement, not exceeding in the whole Half an Acre, to be used as a Site for such Chapel and Chaplain's Residence as herein-after are mentioned; and every such Gift, Grant, and Conveyance shall be made to the said Corporation and their Successors, to be used for the Purpose aforesaid, and may be made and given without any valuable Consideration whatever; and all Conveyances and Assurances made for carrying any such Gift or Grant into effect shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Persons so giving, granting, and conveying as aforesaid are hereby indemnified for or in respect of any such Gift, Grant, or Conveyance which they shall respectively make or convey by virtue or in pursuance and for the Purposes of this Act; and every or any such Gift or Grant may be made subject to any such Stipulations or Conditions as are herein-before authorized to be made or agreed to upon Purchases by the said Corporation; and upon every or any such Gift or Grant it shall be lawful for the said Corporation, by Deed or Deeds under their Common Seal, to enter into Covenants, for themselves and their Successors, for the Observance and Performance of any such Stipulations or Conditions, with or without Penalties or Agreements, for Payment by the said Corporation and their Successors of a Sum by way of liquidated Damages for the Nonobservance or Nonperformance of any such Stipulation or Condition; and further, that all Grants, Conveyances, and Assurances which shall be so made may and shall be made according to the Form contained in an Act

Smith's Trustees empowered to give Land for a Site for the Chapel and Chaplain's Residence.

made

made and passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to amend and render more effectual Two Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes, or in such other Form as the Case may require, or as near thereto as the Circumstances of the Case will admit; and every such Conveyance and Assurance shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates, Rights, Titles, Trusts, and Interests whatsoever.*

Power to Corporation to alien Lands and other Property.

XIV. And be it enacted, That it shall be lawful for the said Corporation to sell, grant, demise, surrender, exchange, assign, and dispose of any Lands and Property, as well Real as Personal, whereof or wherein the said Corporation shall have any Estate or Interest, and to do and execute all such Acts, Deeds, and Assurances as shall be necessary for the effecting and Completion of any such Grant, Surrender, Demise, Exchange, Assignment, or Disposition: Provided always, that nothing herein contained shall enable the said Corporation to sell, grant, demise, surrender, exchange, assign, or dispose of the said Hospital or any Additions thereto, and the Chapel and Chaplain's Residence, to be erected as herein-after is mentioned, and the actual Sites thereof respectively, and any Lands which are or may be acquired by the said Corporation for the Accommodation, Exercise, or Recreation of the Patients of the said Hospital, or which are or may be given to the said Corporation.

As to granting Leases of Lands belonging to the Hospital.

XV. And be it enacted, That it shall be lawful for the said Corporation to grant Leases, either with or without previous Agreements, of all or any Part of the Lands which at any Time after the passing of this Act shall be vested in the said Corporation or their Trustees for the Benefit of the Hospital, with their respective Appurtenances, (except the said Hospital, and all Additions thereto, and the Chapel and Chaplain's Residence, to be erected as herein-after is mentioned, and the actual Sites of the same respectively, and except Lands which shall be vested in the said Corporation or their Trustees by way of Mortgage, and subject to Redemption,) for any Terms whatsoever, not exceeding Ninety-nine Years, to commence and take effect in possession from and antecedently to the Date of the Agreement or Lease, or from any Period not exceeding Twelve Calendar Months from the Date of such Agreement or Lease, upon such Terms and subject to such Conditions as may be agreed on, and either for the common Purposes of Husbandry or Occupation, or for the Purpose of such Lands being built upon, or in order that then existing Buildings may be taken down, and the Sites thereof built upon, or that then existing Buildings may be rebuilt, repaired, or improved; and by any such Lease Powers may be granted to the Lessee of building, repairing, rebuilding, or improving any Houses or other Buildings, with or without Offices, Outbuildings, Gardens, Yards, or other Conveniences, and with or without Liberty for the Lessee to take down all or any Part of the Buildings which shall be standing on the Premises to be comprised in any such Lease at the Time of making thereof, and to convert or dispose of the Materials thereof to such Uses and Purposes

as

as shall be therein mentioned and agreed upon, and Power to lay out and appropriate any Part of the Premises to be comprised in any such Lease as and for Sewers, Approaches, Ways, Passages, and ornamental Grounds, for the Use and Convenience of such Lessee and any other Tenant or Occupier of the said Premises, or for the Use and Convenience of the Public, in such Manner and upon such Terms as shall be mentioned and agreed upon in such Demise or Lease, so as in and by every Lease to be granted as aforesaid there be reserved the best Rent during the Continuance of the Term of Years to be created by such Lease that can be reasonably had or obtained, taking all especial Circumstances into consideration, for the Lands to be thereby demised, without taking a Fine for the granting of such Lease; and that for the Purposes aforesaid it shall be lawful for the said Corporation to accept a Surrender of any subsisting Lease or Agreement for a Lease, in order to make a new Lease or Demise for the like Period and subject to the like Restrictions as herein-before are mentioned: Provided always, that the Rents and Reservations which shall be reserved by any such Leases as aforesaid, and be received by the said Corporation, shall be applied for the Purposes of the said Hospital.

XVI. And be it enacted, That it shall be lawful for the said Corporation, with the Concurrence of the Persons entitled to the Equity of Redemption of Lands which may be vested in the said Corporation, or their Trustees, by way of Mortgage, and be subject to Redemption, to grant Leases of such Lands, with their respective Appurtenances, either with or without previous Agreements, for Terms not exceeding Twenty-one Years, to commence and take effect as aforesaid, upon such Terms and subject to such Conditions as shall be agreed on, so as in and by every Lease to be granted as last mentioned there be reserved the best Rent during the Continuance of the Term of Years to be created by such Lease that can be reasonably obtained, taking all Circumstances into consideration, without taking any Fine for the granting of such Lease.

As to granting Leases of Lands in Mortgage.

XVII. And be it enacted, That any of the Monies for the Time being belonging to the said Institution may be from Time to Time invested either in the Name of the said Corporation or in the Names of Trustees for the said Corporation, to be nominated by the said Committee, on Mortgage of any Manors, Messuages, Lands, Tenements, or Hereditaments, of a clear and indefeasible Estate of Inheritance in Fee Simple in *England* or *Wales*, free from Incumbrances, except Quit Rents and other small annual Payments, or held upon any Lease or Leases for any Term or Terms of Years, of which not less than Sixty Years shall be unexpired, or in the Purchase of Stock in the Public Funds of *Great Britain*, in Exchequer Bills, *South Sea* Stock, or Bank Stock; and that any Monies or any Part of any Monies so invested may be called in, and the Payment of the same, and of the Interest thereof or any Part thereof respectively, may be required and enforced, when thought advisable so to do on the Part of the said Corporation: Provided nevertheless, that no Money shall be so invested on Mortgage unless, as a further Security for the Repayment of the Money invested and the Interest thereof, the Mortgage be accom-

Investments.

panied with a Power of Sale exercisable by or on behalf of the said Corporation.

As to Fore-
closures.

XVIII. Provided always, and be it enacted, That when any Lands are vested in the said Corporation, or any Trustee or Trustees for the said Corporation, for securing by way of Mortgage any Monies belonging to the said Corporation, and the Persons entitled in Equity to redeem the said Lands shall release the Right to redeem the same, or shall be absolutely foreclosed their Equity of Redemption in the said Lands, then the said Lands may, after such Release, or after the final Order upon the Decree of Foreclosure, (as the Case may be,) be held by the said Corporation, and the said Corporation shall absolutely sell and dispose of the same Lands for the Benefit of the said Corporation, and shall not be liable to the Penalties and Forfeitures of the Statutes of Mortmain for holding and retaining the same after such Release or final Order, provided they absolutely sell and dispose of the same within Twenty-four Calendar Months next after the obtaining such Release or final Order.

The Right
of suing on
Bonds, &c.
transferred
to the Cor-
poration.

XIX. And be it enacted, That all Bonds or Obligations heretofore entered into, whereby any Persons are bound or liable to the Treasurer, or to any Persons, as Trustees or otherwise, for or on behalf of the said Institution or otherwise, or whereby any Persons are bound to do or perform any Duty, Act, Matter, or Thing touching or concerning the said Hospital or the Business thereof, or whereby any Persons are Sureties or otherwise responsible for any other Persons doing or performing any Duty, Act, Matter, or Thing touching the said Hospital or the Business thereof, shall, upon and by virtue of the passing of this Act, be vested in and transferred to the said Corporation and their Successors; and on Breach or Nonperformance of the Condition of any such Bond or Obligation the said Corporation and their Successors may sue and take such Proceedings thereon, at Law or in Equity or otherwise, as if they were now and had originally been the Obligees of such Bond or Obligation: Provided nevertheless, that the Persons appearing on the Face of such Bond or Obligation as Obligees thereof may, if expedient, sue and take any Proceedings thereon, at Law or in Equity or otherwise, as if this Act had not been passed.

Service of
Notices
upon the
Institution.

XX. And be it enacted, That in all Cases wherein it may be requisite for any Person or Party to serve upon the said Corporation any Notice, Writ, Summons, or other Proceeding, at Law or in Equity, the giving the same personally to the Secretary for the Time being of the said Institution, or to any other Officer thereof for the Time being performing the Duties of the Secretary, or the leaving the same at the Rooms or Office of the Secretary at the said Hospital, or in case there shall be no such Secretary or other Officer the giving the same personally to the Treasurer of the said Hospital, shall be deemed good and sufficient Service of the same respectively upon the said Corporation.

Appoint-
ment of the
President,
Vice Pre-

XXI. And be it enacted, That the Most Noble *Charles* Duke of *Richmond* shall be and is hereby appointed President of the said Hospital, and that the Most Reverend *John Bird* Archbishop of *Canterbury*,

Canterbury, Primate of all *England* and Metropolitan, the Most Reverend *Thomas* Archbishop of *York*, the Most Noble *Henry Charles* Duke of *Norfolk*, the Most Noble *Francis Godolphin* Duke of *Leeds*, the Most Honourable *Henry* Marquis of *Lansdowne*, *Henry Granville Howard* Esquire, commonly called Earl of *Arundel and Surrey*, the Right Honourable *Frederick* Earl *Jermyn*, the Right Honourable *Randolph* Earl of *Galloway*, the Right Honourable *George* Earl *Cadogan*, the Right Honourable *Henry* Earl of *Harewood*, the Right Honourable *John* Earl of *Eldon*, the Right Honourable *William* Earl of *Burlington*, the Right Honourable *Charles* Earl of *Yarborough*, the Right Honourable *Charles* Viscount *Canning*, *Anthony Ashley Cooper* Esquire, commonly called Viscount *Ashley*, the Right Honourable *Algernon George* Lord *Lovaine*, *Patrick James Herbert Crichton Stuart* Esquire, commonly called Lord *Patrick Stuart*, *Dudley Coutts Stewart* Esquire, commonly called Lord *Dudley Stuart*, the Right Reverend *Edward* Bishop of *Durham*, the Right Reverend *Charles Richard* Bishop of *Winchester*, the Right Reverend *John* Bishop of *Lincoln*, the Right Reverend *Charles Thomas* Bishop of *Ripon*, the Right Reverend *Edward* Bishop of *Salisbury*, the Right Reverend *Henry* Bishop of *Worcester*, the Right Reverend *Samuel* Bishop of *Oxford*, the Right Reverend *Daniel* Bishop of *Calcutta*, the Right Reverend *Aubrey* Bishop of *Jamaica*, the Right Reverend *George* Bishop of *Madras*, the Right Honourable *Charles John* Lord *Teignmouth*, the Right Honourable *William* Lord *Faversham*, the Right Honourable *Nicholas* Lord *Colborne*, Sir *Edward Paget* Knight Grand Cross of the Most Honourable Order of the Bath, a General in Her Majesty's Army, and the Reverend Sir *Henry Foulis* Baronet, shall be and they are hereby appointed Vice Presidents of the said Institution, and that *John Labouchere* of *Portland Place* in the County of *Middlesex*, Esquire, shall be and he is hereby appointed Treasurer of the said Institution: Provided always, that in case of any Vacancy in the Office or Offices of President, Vice Presidents, or Treasurer of the said Corporation, by Death or otherwise, or in case it shall be deemed expedient to increase the Number of such Officers, such Vacancy or new Appointment may from Time to Time be supplied or made (when considered expedient) by a General or Special Court of Governors, in manner to be directed by the Rules or Bye Laws for the Time being in that Behalf of the said Hospital: Provided also, that during the Vacancy of the Office of Treasurer the said Committee may, in case of Necessity, nominate any Person or Persons to discharge the Duties of Treasurer till a Treasurer be regularly appointed by a General or Special Court as aforesaid.

XXII. And be it enacted, That the Persons who immediately before the passing of this Act were the Chaplain and the medical and other Officers of the said Institution shall from and after the passing of this Act continue to hold their respective Offices in the said Hospital, under the said Corporation, for such Period or Periods as is provided by the Rules and Regulations for the Time being of the said Hospital.

Present Officers of the Hospital to continue in Office.

XXIII. And

Existing Bye
Laws, &c. to
continue till
altered.

XXIII. And be it enacted, That the Bye Laws, Rules, and Regulations by or under which the Qualifications for and Rights of Governors, and the Rights of Subscribers and Benefactors, and the Election or Appointment of the present or any future Chaplain and medical and other Officers, and their respective Duties and Privileges, and their Continuance as Members or Officers of the said Hospital, have been regulated, and by or under which the Meetings of the Governors and Committees have been held, and by or under which such Meetings and the Business at such Meetings have been managed and conducted, and by or under which the Affairs and Business of the said Hospital have been carried on, and the Property thereof hath been managed, shall after the passing of this Act be and continue to be the Bye Laws, Rules, and Regulations of the said Corporation and of the said Hospital, except so far as they may be amended, altered, or repealed, or any new Bye Laws, Rules, or Regulations may be made, as herein-after provided.

New Bye
Laws, &c.
may be
made.

XXIV. And be it enacted, That all or any of the Bye Laws and Regulations of the said Corporation or of the said Hospital, existing at the Time of the passing of this Act, or at any Time or Times hereafter, may be amended, altered, repealed, or suspended, or any new Bye Laws and Regulations for the said Corporation or the said Hospital, and for carrying on the Affairs and Business thereof, and for the Management of the Property thereof, (so as such Amendments, Alterations, Repeals, and Suspensions, Bye Laws and Regulations, be not repugnant to this Act, or to the Laws and Statutes of that Part of the United Kingdom called *England*;) may be made at such Meetings of the Governors for the Time being of the said Corporation or of the said Committee, and in such Manner, as is or shall be prescribed by the Bye Laws and Regulations thereof for the Time being.

Power to
Corporation
to erect a
Chapel, to be
under their
Control.

XXV. And whereas the Site of the said Hospital, and the Piece of Ground on which the aforesaid Chapel and the Residence for the Chaplain are proposed to be erected as aforesaid, are situate in the District of the *Holy Trinity Brompton* within the Parish of *Saint Mary Kensington* aforesaid, and in the Diocese of the Bishop of *London*, and it is intended that the said Chapel should be permanently endowed: And whereas the Cost of the Erection of the said Chapel, and the fitting the same up for the Performance of Divine Service therein, and the Endowment thereof, and the Erection of the Residence for the Chaplain of the same, will amount to a large Sum of Money, which will be defrayed out of the Funds of the said Hospital: And whereas it will conduce to the spiritual Interests of the said Hospital, and to its permanent Prosperity, that Power should be given to Her Majesty's Commissioners for building new Churches to cause such Chapel, after the Consecration of the same, to be set apart for the Purposes of the said Hospital, and that the said Committee thereof should have the Control and Management of such Chapel, subject nevertheless in all respects to the ordinary Jurisdiction of the Bishop of the Diocese within which the same shall be situate: Be it therefore enacted, That when and so soon as the said Corporation shall have acquired the Inheritance in Fee Simple of the Land whereon the
said

said Chapel is intended to be built, it shall be lawful for the said Corporation, out of the Funds of the said Hospital, to erect and complete upon such Site a Chapel for the Performance of Divine Service according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, with all suitable Accommodations, and also to erect a Residence for the Chaplain of the said Chapel; and such Chapel and Residence, and the Appurtenances, shall be vested in and be deemed and taken to be Part of the Possessions of the said Corporation.

XXVI. And be it enacted, That it shall be lawful for Her Majesty's Commissioners for building new Churches, and they are hereby required, upon their being satisfied as to the Validity of the Title to the Fee Simple of the Site of the said Chapel, on an Application and Request in Writing being made to them by the said Committee previous to the Consecration of the said Chapel, setting forth that it has been completed and fitted up, to order and direct, by any Instrument in Writing under their Common Seal, that such Chapel and the Site thereof shall, on the Consecration thereof, be devoted to ecclesiastical Purposes for ever, and be set apart exclusively for the Use of the said Hospital, and the Inmates, Patients, Officers, and Servants belonging to the said Hospital; and that the said Chapel, and the Chaplain or officiating Minister thereof for the Time being, shall be exempt from any Control or Interference whatever on the Part of the Incumbents of the said Parish of *St. Mary Kensington* and of the District or Church of the *Holy Trinity Brompton* aforesaid, and of any new District hereafter to be formed respectively, or either of them, and their respective Successors, in so far as relates to the Performance of his Duties in the said Hospital and Chapel, and no further; and such Order and Direction shall be valid and effectual to all Intents and Purposes, any Statute, Law, or Custom to the contrary notwithstanding; and such Instrument shall be registered in the Registry of the Bishop of *London*, and shall be admitted as Evidence in all Courts of Law and Equity, and in all Ecclesiastical Courts, of such Chapel and the Site thereof having been so set apart for the Purposes aforesaid.

Power to the Church Building Commissioners to appropriate the Chapel.

XXVII. And be it enacted, That it shall be lawful for the Bishop of *London* for the Time being to consecrate the said Chapel; and immediately after such Order and Direction as aforesaid by the said Commissioners, and the Consecration of the said Chapel, and so from Time to Time whenever a Vacancy shall occur, it shall be lawful for the said Committee and they are hereby required from Time to Time to nominate to the Bishop of the said Diocese, as Chaplain of the said Chapel, a fit and proper Person, of godly Life and Conversation, being in Priests Orders, and for the Bishop to grant to such Person so to be nominated a Licence to officiate in the said Chapel according to the Rites and Ceremonies of the United Church of *England* and *Ireland*; and such Chaplain, when so nominated and licensed, shall have Power during the Continuance of such Licence to officiate therein accordingly; and the said Committee may from Time to Time, with the Consent in Writing of the Bishop of *London* for the Time being, remove any such Chaplain from his said Office by an Instrument under the Common Seal of the said Corporation, ordering his Dis-

Power to the Bishop to consecrate the Chapel, and to the Committee to nominate a Chaplain and to remove him, with Consent of Bishop of London.

[Local.]

13 P

missal,

missal, and thereupon the said Licence shall be void, without Prejudice to the Rights of the Bishop for the Time being of the said Diocese with respect the Revocation of any such Licence.

Chapel to be appropriated for Divine Service.

XXVIII. And be it enacted, That the said Chapel, when consecrated, shall for ever thereafter be set apart and dedicated to the Service of Almighty God as a Place of Divine Worship according to the Doctrine, Rites, and Ceremonies of the United Church of *England* and *Ireland*: Provided always, that it shall not be lawful for the Chaplain of the said Hospital, or any other Person, to perform the Rites of Marriage or Burial within the said Chapel, or to administer the Sacrament of Baptism, without the Consent of the Incumbent of the Parish or District within which the said Chapel shall be situate.

Performance of Divine Service.

XXIX. And be it enacted, That it shall be lawful for the said Committee and they are hereby required, from and after the Consecration of the said Chapel, and thenceforth for ever, to cause Divine Service according to the Liturgy of the United Church of *England* and *Ireland* to be performed in the said Chapel by the Chaplain thereof to be so nominated and licensed as aforesaid, twice on every *Sunday* throughout the Year, and on *Christmas Day*, *Good Friday*, and such Days as shall be at any Time hereafter appointed for public Fasts or Thanksgivings, One Sermon at least being preached on each of such Days of Performance of Divine Service, and also to cause Divine Service to be performed in the said Chapel at such other Times as the Committee may, with the Consent of the Bishop, determine upon.

Endowment of Chapel.

XXX. And be it enacted, That it shall be lawful for the said Corporation and they are hereby required, within Fourteen Days next after the Consecration of such Chapel, to endow by Deed under their Common Seal the said Chapel, with an annual Income in perpetuity of not less than Fifty Pounds, out of the Revenues now belonging or hereafter to belong to the said Hospital, and to charge and secure such annual Endowment by way of Charge on the Revenues of such Hospital or otherwise to the Satisfaction of the Bishop of the Diocese, and such Endowment shall be paid to the Chaplain for the Time being of such Chapel in Two equal half-yearly Payments, that is to say, on the Twenty-fifth Day of *March* and Twenty-ninth Day of *September* in each Year, and on the first of such Days as shall happen next after the Consecration of such Chapel such Proportion of the said Endowment as shall have accrued from the Time of such Consecration to such last-mentioned Day shall be paid to the Chaplain for the Time being; and such Endowment shall be valid, without any Licence or Writ of *Ad quod damnum*, the Statutes of Mortmain or any other Statute or Law to the contrary notwithstanding, and may be from Time to Time increased by the said Corporation; and such increased Endowment, when made, shall be paid and recovered in the same Manner as the first or original Endowment is by this Act payable and recoverable: Provided always, that any such original and additional Endowment out of the Revenues of the said Hospital shall not in the whole amount to more than the annual Sum of Three hundred Pounds; and that in the event of the Removal, Resignation, or Death of the Chaplain

Chaplain for the Time being, or other Avoidance of the said Office of Chaplain, a proportionate Part of the then accruing half-yearly Payment of the said Endowment from the last half-yearly Day of Payment thereof to such Death or Avoidance shall belong to and be paid to such Chaplain, or his Executors, Administrators, or Assigns, and the Residue of such half-yearly Payment shall belong to and be paid to the Successor of such Chaplain at the next half-yearly Payment; and every such Deed of Endowment shall be registered in the said Registry of the Bishop of *London*, and shall be received in Evidence in all Courts of Law and Equity, and in all Ecclesiastical Courts.

XXXI. And be it enacted, That it shall be lawful for the said Corporation and they are hereby required to charge in like Manner in perpetuity the Revenues of the said Hospital with an annual Sum of not less than Twenty Pounds by way of a Fund for the Sustentation of the Fabric of the said Chapel, and for defraying the Expenses attending the Performance of Divine Service therein, and of all such decent and necessary Repairs as from Time to Time may be requisite; and such Repair Fund shall be paid on the First Day of *January* in each Year to the Treasurer for the Time being of the said Hospital, and shall be applied by him to all or any of the Purposes aforesaid, as the said Committee shall from Time to Time order and direct; and any annual Surplus after the Payment of Expenses shall accumulate in the Hands of such Treasurer, to be applied by him in any succeeding Year or Years to the like Purposes as the said Committee shall from Time to Time order and direct: Provided always, that the Parishes of *Saint Mary Kensington* and the District of the *Holy Trinity Brompton* respectively shall be exempt from any Liability to contribute towards the Sustentation of the Fabric and Repairs of the said Chapel, and all Expenses whatsoever incident to the Performance of Divine Service as aforesaid.

An annual Sum to be set apart in perpetuity for Repairs of Chapel.

XXXII. And be it enacted, That if Default shall be made in Payment as aforesaid of such annual Endowment for the Time being, or any Part or any Apportionment thereof, to the Chaplain for the Time being, or to the Executors, Administrators, or Assigns of a Chaplain who has died, resigned, or been removed, by the Space of One Calendar Month after any of the Days of Payment whereon the same ought to be paid, then it shall be lawful for such Chaplain, and his Executors, Administrators, or Assigns, to sue for and recover the same, or such Part thereof as may be in arrear and unpaid, against the said Corporation, by Action of Debt or upon the Case in any of Her Majesty's Courts of Record at *Westminster*.

Remedy for the Recovery of the Chaplain's Income.

XXXIII. And be it enacted, That the Receipt under the Hand of the Treasurer for the Time being of the said Institution shall at all Times be a sufficient Discharge to every Purchaser, Tenant, and other Person or Persons, Body Politic or Corporate whatsoever, paying to such Treasurer any Purchase Money, Rent, or other Sum of Money, or the Dividends, Interest, or annual Income of any Stock, Security, or Sum of Money belonging to the said Hospital, for so much Money as in such Receipt shall be expressed to be received, and shall

Treasurer's Receipt to be a good Discharge to Purchasers and others.

shall wholly exonerate the Person paying the same from the same, and also from seeing to the Application thereof.

General
Saving.

XXXIV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Persons and Person, Bodies Politic and Corporate, and their respective Heirs, Executors, Administrators, Successors, and Assigns, (other than and except the aforesaid Parties to the herein-before recited Agreement of the Second Part, and their respective Executors and Administrators, and also all and every the Person or Persons claiming or to claim any Estate, Right, Title, or Interest under the future Exercise of any One or more of the Powers or Provisions in this Act contained,) all such Estate, Right, Title, Trust, Interest, Claim, and Demand whatsoever (if any) in, to, or out of or upon the said Hospital and Piece of Ground aforesaid, or any of them, or any Part thereof, as they or any of them had before the passing of this Act, or could or might have had if this Act had not been passed.

Expenses of
the Act.

XXXV. And be it enacted, That the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the Treasurer of the said Corporation out of any Money already received or hereafter to be received by the said Treasurer.

Public Act.

XXXVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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