



CHAPTER xc.

An Act for authorizing the election of Out-pensioners of the Hospital of Gilbert Earl of Shrewsbury at Sheffield in the county of York and for conferring larger powers of dealing with the Income of the said Hospital; and for other purposes.

A.D. 1886.

[25th June 1886.]

WHEREAS the Right Honourable Gilbert Earl of Shrewsbury by his will dated on or about the fourth day of May one thousand six hundred and sixteen appointed a hospital to be founded at Sheffield in the county of York for the perpetual maintenance of twenty poor persons and to be called the Hospital of Gilbert Earl of Shrewsbury and to be endowed with such revenues and possessions as his executors should think fit not being under two hundred pounds a year :

Preamble
recites will
of Gilbert
Earl of
Shrewsbury
dated 4 May
1616.

And whereas the Most Noble Henry Duke of Norfolk then Earl of Norwich and Earl Marshal of England great grandson and heir-at-law of the said Gilbert Earl of Shrewsbury in pursuance of the said will erected a hospital at Sheffield aforesaid and in the year one thousand six hundred and seventy-three made and established certain statutes constitutions and ordinances for the good government of the said hospital whereby it was ordained (amongst other things) that in the said hospital there should be for ever one governor and twenty poor persons ten men and ten women the men to be widowers or bachelors and the women to be widows or maids and the men and women to be three-score years of age or upwards unless any of them should be particularly dispensed withal by the said Earl Marshal of England or his heirs and that the persons to be elected should be taken or chosen out of the town or parish of Sheffield if any persons could therein be found fit the poor tenants thereabouts of the said Earl Marshal and his heirs to have the preference before any other in such election if duly qualified

Erection of
hospital by
Henry Duke
of Norfolk.

Statutes con-
stitutions and
ordinances
of 1673.

A.D. 1886. but if it should so happen that there should be no persons in the aforesaid town and parish capable of such place according to those statutes then the said Earl Marshal or his heirs might make choice of any person or persons qualified according to those statutes in any place or out of any other parish where the said Earl Marshal or his heirs had any lands tenements or hereditaments descended to him from the said Gilbert Earl of Shrewsbury and that the persons to be elected should be poor indigent people well esteemed of for godly life and conversation of good conditions peaceable and quiet amongst their neighbours and such as by persons of honest repute should be judged fit objects of that charity. And in the said statutes constitutions and ordinances there were contained divers directions powers and provisions for and concerning the appointment and removal of the governor and his assistants and their respective remunerations and the election and removal of the poor persons and the allowances to be made to them and such allowances included a sum of two shillings and sixpence a week to each person besides certain quantities of coal clothes and furniture and the power of electing the poor persons was vested in the said Earl Marshal and his heirs and if he or they neglected or failed to elect then in the governor and his assistants for the time being as therein mentioned and the power of appointing the governor and his assistants was vested in the said Earl Marshal and his heirs as therein mentioned. And it was thereby further ordained that whatsoever sum or sums of money should at the end of any year remain over and above the necessary disbursements therein and thereby appointed to be disbursed and laid out should be by the governor and his assistants for the time being put into the common treasury therein mentioned and whensoever it should be found that there remained in the said treasury (all necessary charges therein aforesaid being defrayed and all charges of pen ink and paper) above the sum of one hundred pounds then all such overplus money exceeding the sum of one hundred pounds aforesaid should be equally distributed amongst the poor persons in the said hospital according to the proportion of their allowance. And it was thereby further ordained that the said Earl Marshal and his heirs anything therein to the contrary notwithstanding did reserve a power to himself and his heirs for ever to alter dispense or repeal at his or their wills and pleasures any of those statutes constitutions and ordinances and to add such new ones from time to time as he or they should in wisdom think fit for the better government of the said hospital. Provided always that neither the said Earl nor his heirs should divert or diminish any part of the two hundred pounds clear yearly revenue appointed for the maintenance of the said hospital :

And whereas by an indenture dated the twenty-third day of November one thousand six hundred and eighty the said Henry Duke of Norfolk conveyed unto certain persons therein named and their heirs the said hospital and divers lands tithes and hereditaments therein described situate arising and being in the counties of York and Derby in trust for the said charity and by way of endowment thereof. And by the same indenture the power of appointing new trustees of the said premises was reserved unto the said Henry Duke of Norfolk and such person or persons as after his decease should be heirs of his family for the time being :

Conveyance
of hospital
and lands to
trustees
dated 23rd
November
1680.

And whereas by an Act of Parliament passed in the eleventh year of the reign of His late Majesty King George the First intituled "An Act for vesting in trustees several lands tenements
" and hereditaments in the counties of York and Derby for the
" maintenance of the poor persons in the hospital of Gilbert Earl
" of Shrewsbury long since deceased situate at Sheffield in the said
" county of York and for enlarging the buildings of the said
" hospital and adding more poor persons to those already esta-
" blished therein" after reciting (amongst other things) that the trust estate and the lands and revenues of the said hospital were considerably increased and advanced so that they would be sufficient to maintain eight or ten more poor persons besides the twenty then already established with the like allowance that the then members of the said hospital then had by the then constitution of the said hospital and that the Most Noble Thomas then Duke of Norfolk who was then the heir of the family of the said Gilbert Earl of Shrewsbury and also the heir of the said Henry Duke of Norfolk was desirous that the said charity should be continued and also enlarged by the addition of as many poor people as could be maintained in such manner as aforesaid out of the revenues of the said hospital and that convenient apartments or dwellings should be erected for them in or adjoining to the said hospital it was by the Act now in recital enacted that the said lands tithes and hereditaments and also certain moneys then in hand which had arisen out of the rents and profits of the same premises should be and they were thereby vested in certain persons therein named their heirs and assigns upon trust that they should apply the said moneys then in hand and all the yearly accruing rents of the said lands tithes and hereditaments in the first place to the making all such payments provisions and appointments to and for the then members of the said hospital and their successors as were by the constitution of the said hospital appointed to and for them respectively (to wit) two shillings and sixpence per week to each of them in moneys and such gowns shifts coals and furniture of their respective houses

Act of
11 Geo. I.
c. 33.

[Ch. xc.] *Gilbert Earl of Shrewsbury's Sheffield* [49 & 50 VICT.]
Hospital Act, 1886.

A.D. 1886. or dwellings as were appointed to or for each of them and should apply the surplus to erect such additional buildings as should be necessary for the habitation of such poor people as should be added members of the said hospital and also to maintain and keep the then existing house or building called Sheffield Hospital with the hall and chapel there and the then intended new buildings there and the gardens and yard thereunto belonging from time to time for ever as need or occasion should be with good and decent order and repair :

And it was thereby further enacted that after such additional buildings should be erected as many more poor men and poor women as could be maintained out of the revenue of the said hospital in the same manner as the then members of the said hospital were maintained and with the like stipends and allowances that were then paid and allowed to the then members of the said hospital (other than the governor) should be taken and elected out of the poor inhabitants of the town and parish of Sheffield aforesaid and put into the said hospital if any persons could therein be found fit the poor tenants of the said Thomas Duke of Norfolk and his heirs to have the preference but if no persons within the town or parish of Sheffield should be capable according to the said constitutions then the said Thomas Duke of Norfolk and his heirs should make choice of any person or persons qualified according to the said statutes and constitutions in any other place or parish thereabouts where he the said Thomas Duke of Norfolk and his heirs had any lands tenements and hereditaments descended to him and them from the said Gilbert Earl of Shrewsbury and that the said additional poor men and poor women should be put in in the same manner that the then members of the said hospital were elected and should be subject to the said constitutions of the said hospital in the same manner as the then members thereof were subject thereto but if the said Thomas Duke of Norfolk or his heirs should neglect by the space of six weeks to fill up such vacancies as should happen in the said hospital then the said trustees or their successors for the time being or the major part of them should fill up the same with poor people qualified as aforesaid and out of the places aforesaid and that the surplus of the said moneys and also the rents and profits of the lands vested as aforesaid in the said trustees should be from thenceforth employed to the making of such weekly payments in money and to the making of such provisions of coals gowns shifts and other things to and for each of the then members of the said hospital and to each of their successors as each of them the then members of the said hospital (the governor excepted) then had pursuant to the said constitutions and also to the making such weekly payments to and provisions of

coals gowns shifts and other things to and for every of the members so to be added members of the said hospital as were then paid and provided to and for each of the then members of the said hospital (other than the governor of the said hospital) pursuant to the said constitutions and should also be applied to the payment of certain yearly stipends or sums therein mentioned to the governors of the said hospital for their own use by quarterly payments. And it was thereby further enacted and declared that the surplus of the rents and profits which should remain from time to time after making the said provisions for the said governor and then poor people and the additional poor people to be added as aforesaid and after making the said repairs and buildings and after all the trusts to which the same were thereby before directed to be applied should be satisfied should be laid up in such manner and for such purposes as the said constitutions directed the surplus of the moneys belonging to the said hospital to be laid up and disposed of. And it was thereby further enacted that the number of poor persons that should be added to the then number of poor persons who were members of the said hospital should not be less than four men besides the then governor and the then other poor men and not less than four poor women besides the then poor women and that as many more poor men and women should be added to the said number from time to time as the revenues of the said hospital for the time being would extend to make such provision for as were by the said constitutions made for the then members of the said hospital (other than the governor thereof) so that a surplus of the said revenue should be always left sufficient to bear the expenses of the repairs and other necessary expenses relating to the said hospital. And in the Act now in recital there were contained divers other directions powers and provisions relating to the qualifications duties and remuneration of the governor who was always to be a clergyman of the Church of England and the appointment indemnity and reimbursement of the trustees and the appointment and remuneration of the receiver and collector of the rents and revenues of the said hospital respectively or otherwise concerning the management of the said hospital and of the property and affairs thereof :

And by the Act now in recital it was further provided enacted and declared that nothing therein contained should extend or be construed to extend to take away invalidate lessen or impeach all or any powers which by law belonged to the said Thomas Duke of Norfolk and his heirs as heirs to the said founder of the said hospital or which he could or might have challenged claim or demand use or exercise by virtue of any the orders and constitutions of the said hospital and not by that Act otherwise enacted altered or established

A.D. 1886. — and that the said Thomas Duke of Norfolk and his heirs should and might from time to time for ever thereafter have use exercise and enjoy such power so as the execution thereof should not lessen the revenues of the hospital nor the number of poor persons therein or to be therein nor alter or make void any matter or thing by that Act enacted altered or established as fully largely and amply to all intents and purposes as he might have done if that Act had never been made anything therein contained before to the contrary notwithstanding:

Act of
10 Geo. III.
c. 58.

And whereas by an Act of Parliament passed in the tenth year of the reign of His late Majesty King George the Third intituled “ An Act to explain and amend an Act passed in the eleventh year of the reign of His Majesty King George the First intituled an Act for vesting in trustees several lands tenements and hereditaments in the counties of York and Derby for the maintenance of the poor persons in the hospital of Gilbert Earl of Shrewsbury long since deceased situate at Sheffield in the said county of York and for enlarging the buildings of the said hospital and adding more poor persons to those already established therein and for enlarging the powers contained in the said Act and for other purposes ” after reciting (amongst other things) that the annual revenues of the said hospital did from time to time produce such sums of money as to enable the trustees of the said hospital to place out at interest several capital sums amounting together to nine hundred and fifty pounds or thereabouts which sums were the overplus of what had remained after defraying the annual payments allowances and expenses of the said hospital and which sums were then outstanding on securities at interest so that by and out of such interest as well as by and out of the rents and profits of the lands and hereditaments belonging to the said hospital there were maintained of then late years and until the year one thousand seven hundred and sixty-seven inclusive thirty-six poor people and that in the year one thousand seven hundred and sixty-eight a great storm or flood happened at the said town of Sheffield whereby a considerable part of the buildings of the said hospital was swept away and demolished and four of the members of the said hospital were drowned and that the original deed or instrument whereby statutes constitutions and ordinances were so made and established by the said Henry Duke of Norfolk for the government of the said hospital as is hereinbefore mentioned had for several years then past been lost or mislaid but that a copy thereof had been found and a copy thereof was annexed by way of schedule to the Act now in recital. And that ever since the time of passing the hereinbefore-recited Act of Parliament provisions had

been so dear and had borne so high a price in the neighbourhood of the said town of Sheffield that the sum of two and sixpence per week in money had been found to be an insufficient allowance and therefore the trustees of the said hospital had for several years past by and under the direction of the Most Noble Edward then Duke of Norfolk who was brother and heir of the said Thomas Duke of Norfolk then deceased allowed unto each of the poor persons members of the said hospital one shilling per week over and above the allowance of two shillings and sixpence per week directed by the hereinbefore recited Act of Parliament to be allowed to each of them. And that the said Edward Duke of Norfolk had resolved to give and bestow as a benefaction from himself to the said hospital the sum of one thousand pounds and had executed a bond to the trustees of the said hospital for securing the payment of the same sum. It was by the Act now in recital enacted that the said lands hereditaments and premises and also all the principal sums of money and securities belonging to the said hospital including the said sum of one thousand pounds and all sums to be at any time thereafter given or bestowed by way of bounties or benefactions to the said hospital should remain continue and be vested in certain persons therein named their heirs executors administrators and assigns respectively upon the several trusts and for the several intents and purposes thereinafter expressed and declared concerning the same that was to say upon trust that the said trustees for the time being should call in and compel payment of such of the said principal sums as should be thought proper to be called in and should apply the same and also so much and such part of the annual and other rents issues interest moneys proceed and profits of the said lands hereditaments principal sums and other the premises as the said trustees for the time being under the direction of the said Edward Duke of Norfolk during his life and after his decease of such other person or persons as thereinafter mentioned should find requisite in that behalf in the first place in payment of all costs and expenses of or to be occasioned by the passing that Act and in the next place in for or towards the rebuilding such part of the said hospital as had been demolished or damaged by the said storm or flood as aforesaid or otherwise and in effectually repairing and maintaining and keeping in repair the said hospital hall and chapel and the seats and pews therein and other the outbuildings belonging thereto and in the next place upon trust that the said trustees for the time being should from time to time pay and apply all the yearly and other rents issues and profits of the said hereditaments and all the interest yearly profits and proceed of the said principal sums and securities in for and towards making all such payments

[Ch. xc.] *Gilbert Earl of Shrewsbury's Sheffield* [49 & 50 Vict.]
Hospital Act, 1886.

A.D. 1886, and provisions to and for as well the then as all future members of the said hospital (other than and except the governor and the receiver or collector of the rents and revenues of the said hospital for the time being for the payment and discharge of whose salaries due provision was thereafter made) as by and under the directions thereafter contained were to be allowed and provided for the support of the poor people members of the said hospital such allowances to be paid them weekly in money together with all such gowns shirts shifts and such coals and furniture for their respective apartments or dwellings as by the said constitutions and the hereinbefore-recited Act of Parliament were directed or appointed to or for each of them and should in the next place pay certain yearly stipends or sums therein mentioned to the governor and the receiver and collector of the rents and revenues of the said hospital respectively :

And it was thereby further enacted and declared that out of the surplus of the said yearly and other rents issues interest moneys proceed revenues and profits the said trustees for the time being should by and under the directions of the said Edward Duke of Norfolk during his life and after his decease of such person and persons as thereafter mentioned weekly make answer and pay to and for the then members of the said hospital and their successors (other than the governor of the said hospital for the time being) such allowances appointments payments and stipends as the said trustees for the time being under the same directions should from the circumstances of the case or the exigencies of the times (having due regard to what the yearly income and revenues of the said hospital would afford) from time to time find requisite with full power and authority to the said trustees for the time being under the same directions to lessen increase vary change and alter such weekly allowances payments and stipends as they should also find requisite so as the same allowances payments and stipends should not at any time be reduced below or under three ~~shillings~~ and six pence a week in money to each of the said members (other than the said governor) respectively :

And it was thereby further enacted that the said trustees for the time being by and under the directions of the said Edward Duke of Norfolk during his life and after his decease he dying without issue male by and under the direction of such person and persons as thereafter mentioned should from time to time add as many more (or make such addition to the then number of) poor men and women as the said Duke at any time during his life and after his decease he dying without issue male as the person or persons so to be entitled as thereafter mentioned should pursuant to the said

constitutions direct and as the revenues of the said hospital for the time being would extend to make provision for so that a surplus of the said revenue should be always left sufficient to bear the expenses of the repairs and other incident expenses relating to the said hospital:

And in the Act now in recital there were contained certain powers for investing moneys and granting leases of hereditaments belonging to the said hospital and divers other directions powers and provisions relating to the appointment indemnity and reimbursement of the trustees or otherwise concerning the management of the said hospital and of the property and affairs thereof and also a provision to the effect that a certain copy of the said statutes constitutions and ordinances of one thousand six hundred and seventy-three should be deemed as valid as the original instrument containing the same so lost or mislaid as aforesaid would have been if the same were in being and could be produced:

And by the Act now in recital it was enacted and declared that all and every the rights powers and authorities which by the laws of this realm belonged or which by or under the said original constitutions were reserved to the right heirs or family of the said founders the said Gilbert Earl of Shrewsbury or the said Henry Earl of Norwich afterwards Duke of Norfolk or which by the hereinbefore-recited Act of Parliament were reserved or intended to be reserved or given to the said Thomas Duke of Norfolk and his heirs of visiting inspecting or superintending the said hospital and of inquiring into correcting amending or reforming the same and the errors and abuses which should or might have been committed in the government or administration thereof or of the revenues thereof and to do and execute all such matters and things as should be necessary for the effectually correcting amending and reforming all such errors and abuses as aforesaid and also all and every the rights powers and authorities to be derived or claimed under the said constitutions or under the hereinbefore-recited Act of Parliament of nominating and electing within the time in the Act now in recital mentioned the poor persons who were to become members of the said hospital in order to their being entitled to the benefit of the said charity and also of placing and displacing the governors and receivers of the said charity and of nominating within the time in the Act now in recital mentioned the trustees who were to supply the vacancies which should happen by deaths as therein mentioned should from and after the decease of the said Edward Duke of Norfolk he dying without issue male as aforesaid be annexed unto and be deemed and taken as appendant and belonging or appertaining unto the manor or lordship of Sheffield

A.D. 1886. — and all and every the same rights powers and authorities and also all the powers and authorities given by the Act now in recital of making such directions and appointments concerning the matters and things thereinbefore mentioned as in that Act were before expressed and all other rights powers and authorities as well for the doing or performing any act matter or thing which by or under any authority was by virtue of that Act or of the hereinbefore-recited Act to be derived to the said trustees for the time being for the executing or performing all or any of the trusts which under that Act or the hereinbefore-recited Act should for the time being be subsisting of or concerning the lands or hereditaments sums of money stocks funds and securities by the Act now in recital vested in them or of or concerning the rents or revenues of the said hospital or for any other purpose should upon the decease of the said Edward Duke of Norfolk he dying without issue male as aforesaid be transferred from the right heirs of the said Edward Duke of Norfolk and should devolve upon and be used exercised held and enjoyed by such person and persons as from and after the decease of the said Edward Duke of Norfolk he dying without issue male should from time to time by virtue of the uses and by and under the limitations contained in a certain indenture of release or settlement dated the eleventh day of June one thousand seven hundred and sixty-seven in that Act recited be entitled to any actual estate of freehold or inheritance in possession of or in the said manor of Sheffield to the end that the said visitatorial right and power and all the said other rights interests powers and authorities might go with the said manor and might be held and enjoyed therewith and might continue in the name blood and family of the ancestors of the said Edward Duke of Norfolk so long as it should please Almighty God :

And to that end it was thereby further enacted that he the said Edward Duke of Norfolk should and might from time to time during his life and after his decease he dying without issue male as aforesaid such person and persons as by and under such uses and limitations as aforesaid should be from time to time entitled as aforesaid should and might in like manner from time to time for ever thereafter have use exercise execute and enjoy such like rights powers and authorities as the said Edward Duke of Norfolk and his heirs might by virtue of any of the orders and constitutions aforesaid or by virtue of the hereinbefore-recited Act of Parliament or by the laws of this realm have had used exercised executed or enjoyed in case the Act now in recital had not been made as fully largely and amply to all intents and purposes as he the said Edward Duke of Norfolk and his heirs might have done if that Act had not been made yet so as that the use and exercise thereof should not

be contrary or repugnant to or in anywise inconsistent with the directions contained in that Act nor should lessen the revenues of the said hospital nor alter or make void any matter or thing by that Act enacted altered or established. Provided nevertheless that every nomination of all and every the poor persons who were to have the benefit of the said charity as aforesaid should be made within the time prescribed by the hereinbefore-recited Act of Parliament or otherwise should devolve upon the said trustees for the time being in such manner as was thereby prescribed and likewise that every nomination and election to be made by such persons as therein mentioned of new trustees to supply the vacancies which might be occasioned by deaths as therein mentioned should likewise be made within the time also thereby prescribed or otherwise should devolve upon the surviving trustees for the time being in such manner as was thereby provided :

A.D. 1886.

And whereas the said Edward Duke of Norfolk died on the twentieth day of September one thousand seven hundred and seventy-seven without issue :

And whereas under and by virtue of an Act of Parliament passed in the forty-third year of the reign of His said late Majesty King George the Third intituled "An Act for effectuating an exchange subject to the approbation of the High Court of Chancery of certain estates situate in the counties of Nottingham and Derby between the trustees of the estates of the hospital of Gilbert Earl of Shrewsbury long since deceased situate at Sheffield in the county of York and George Benson Strutt Esquire" certain lands and hereditaments in the county of Derby then belonging to the said hospital were exchanged for certain lands tithe rents and hereditaments in the county of Nottingham then belonging to the said George Benson Strutt :

Act of
43 Geo. III.
c. 58
(Private).

And whereas by an Act of Parliament passed in the fourth year of the reign of His late Majesty King George the Fourth intituled "An Act for changing the site of the hospital at Sheffield in the county of York founded by the Right Honourable Gilbert Earl of Shrewsbury and for the better regulation of the affairs of that Charity" after recitals whereby it appeared amongst other things that the Most Noble Bernard Edward then Duke of Norfolk was then tenant for life in possession of the said manor of Sheffield and patron and visitor of the said hospital and that the trustees of the said hospital had laid out a sum of six thousand pounds and another sum of one thousand pounds in the purchase of divers lands and hereditaments in the counties of York and Nottingham and that they were then possessed of a sum of four thousand pounds Three per Cent. Consolidated Bank Annuities and a sum of

Act of
4 Geo. IV.
c. 28
(Private).

[Ch. xc.] *Gilbert Earl of Shrewsbury's Sheffield* [49 & 50 Vict.]
Hospital Act, 1886.

A.D. 1886. — one thousand one hundred and fifty-five pounds two shillings and eleven pence cash which sums had arisen from the surplus revenues of the said hospital and that it was considered desirable to change the site of and rebuild the said hospital and that the said Bernard Edward Duke of Norfolk had agreed to give a sum of one thousand pounds towards the expenses of so doing it was enacted that certain pieces or parcels of land described in the first schedule to that Act which pieces or parcels of land were situate in the parish of Sheffield and were part of the settled estates of the said Bernard Edward Duke of Norfolk should from and immediately after the passing of that Act be and the same were thereby appropriated as and for the site of a new hospital and a chapel and governor's house with suitable outbuildings and for yards gardens a paddock and other appendages according to a plan thereinbefore referred to or as near thereto as might be found convenient in lieu of and exchange for the piece of ground and other hereditaments described in the second schedule to that Act which piece of ground and hereditaments formed the site of the old hospital and the court and gardens thereto. And provision was thereby made for erecting and completing the said new hospital chapel governor's house and other buildings and it was thereby enacted that the same when built should be deemed and considered as the hospital for the purposes of the said charity and be enjoyed accordingly and be called the hospital of Gilbert Earl of Shrewsbury and be subject to the same statutes constitutions ordinances and Acts of Parliament as the old hospital was then subject to and should be considered as endowed with the same estates wherewith the old hospital was then endowed the rents and profits of which estates should thenceforth be applied for the support and maintenance of the new hospital in such and the same manner as they would have been applicable for the support and maintenance of the old hospital if that Act had not been passed. And by the same Act provision was made for the governor residing in the house to be provided for him as aforesaid and for increasing his salary and the said purchases of lands and hereditaments by the trustees were confirmed and better provision was made for the appointment of new trustees :

Erection of new hospital. And whereas the said new buildings were erected pursuant to the lastly hereinbefore-recited Act of Parliament and they contained besides the chapel and the governor's house residences for forty poor persons and ever since the erection thereof there have been and there now are resident therein twenty poor men and twenty poor women or thereabouts duly qualified and elected pursuant to the hereinbefore-recited Acts of Parliament statutes

constitutions and ordinances and the weekly allowances in money paid to such poor persons out of the annual income of the said charity pursuant to the same Acts statutes constitutions and ordinances have for many years past been and now are at the rate of fourteen shillings a week for each man and ten shillings and six pence a week for each woman :

A.D. 1886.

And whereas the annual income of the said hospital continued to increase and there was a considerable surplus of such income left after providing thereout for the allowances in money coal clothes and furniture for the forty poor persons resident in the said hospital (hereinafter referred to as "the in-pensioners of the said hospital") and the salary of the governor and the expenses of keeping and maintaining in good repair and condition the hospital buildings and all rates taxes and other outgoings in respect thereof and the expenses of collecting the rents and other income and managing the estates and affairs of the said hospital and in or about the year one thousand eight hundred and forty-one the Most Noble Bernard Edward then Duke of Norfolk and lord of the said manor of Sheffield and patron and visitor of the said hospital determined that instead of adding to the said hospital buildings and increasing the number of in-pensioners there should be elected out-pensioners of the said hospital from the same classes and descriptions of persons as according to the statutes constitutions and ordinances for the time being of the said hospital would be eligible as in-pensioners and that such out-pensioners should receive out of the surplus annual income of the said hospital remaining after making the payments and provisions aforesaid weekly allowances in money but not any coals clothes or furniture and that they should not be entitled to reside in the said hospital buildings :

Election of
out-pen-
sioners.

And whereas in pursuance of the said determination in that behalf out-pensioners of the said hospital have from time to time been elected the number of such out-pensioners being originally small but being gradually increased as the annual income of the said hospital increased and there have for some years past been and there now are eighty such out-pensioners some of whom are men and some women and the weekly allowance to each out-pensioner which was originally five shillings has for many years past been and now is seven shillings :

And whereas a doubt has lately arisen whether the election of out-pensioners of the said hospital was authorised by any of the Acts of Parliament statutes constitutions or ordinances hereinbefore recited or referred to :

And whereas it is expedient that all elections of out-pensioners which have heretofore been made and all payments heretofore

A.D. 1886. made to them should be declared valid and that authority to elect out-pensioners in the future should be expressly conferred:

And whereas it is expedient to permit payments to be made out of the surplus annual income of the said hospital to the other purposes hereinafter authorised:

And whereas the Most Noble Henry Duke of Norfolk Earl Marshal and Hereditary Marshal of England is or claims to be lord of the said manor of Sheffield and patron and visitor of the said hospital and the Right Honorable Henry Earl of Effingham Alexander George Fullerton Esquire the Right Honorable Charles Edward Hastings Abney Hastings Earl of Loudoun the Right Honorable Edward Montagu Stuart Granville Earl of Wharncliffe the Honorable Edmund Bernard Talbot commonly called Lord Edmund Bernard Talbot the Right Honorable Lewis Henry Hugh Clifford Baron Clifford and the Right Honorable Marmaduke Francis Constable Maxwell Baron Herries are the present trustees of the said hospital:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

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 as follows:—

Short titles
of this Act
and the
recited Acts.

1. This Act may be cited for all purposes as *Gilbert Earl of Shrewsbury's Sheffield Hospital Act 1886* and the first hereinbefore-recited Act may be cited for all purposes as *Gilbert Earl of Shrewsbury's Sheffield Hospital Act 1724* and the secondly hereinbefore-recited Act may be cited for all purposes as *Gilbert Earl of Shrewsbury's Sheffield Hospital Act 1770* and the thirdly hereinbefore-recited Act may be cited for all purposes as *Gilbert Earl of Shrewsbury's Sheffield Hospital Act 1803* and the fourthly hereinbefore-recited Act may be cited for all purposes as *Gilbert Earl of Shrewsbury's Sheffield Hospital Act 1823* and all the hereinbefore-recited Acts and this Act together may be cited for all purposes as *Gilbert Earl of Shrewsbury's Sheffield Hospital Acts 1724 to 1886*.

Confirmation
of past
elections of
out-pen-
sioners and
authority to
elect them in
future.

2. All elections of out-pensioners of the said hospital which have heretofore been made and all payments heretofore made to them respectively are hereby declared valid and the said Henry Duke of Norfolk or other the person or persons in whom the power of electing in-pensioners of the said hospital shall for the time being be vested may at any time or times elect any person or persons to be

an out-pensioner or out-pensioners of the said hospital provided always that such out-pensioners shall be elected from the same classes and descriptions of persons as according to the statutes constitutions and ordinances for the time being of the said hospital shall be eligible as in-pensioners and such out-pensioners may be either men or women and all the out-pensioners for the time being shall receive such weekly or other allowances in money as have heretofore been fixed or as shall from time to time be fixed by the person or persons in whom the power of fixing the allowances in money to the in-pensioners shall for the time being be vested but the out-pensioners shall not be entitled to any coal clothes or furniture nor to reside in the said hospital buildings and their allowances in money shall only be payable out of the annual income of the said hospital which shall remain from time to time after providing thereout for the allowances in money coal clothes and furniture to the in-pensioners and the salary of the governor and the expenses of keeping and maintaining in good repair and condition the hospital buildings and all rates taxes and other outgoings in respect thereof and the expenses of collecting the rents and other income and managing the estates and affairs of the said hospital:

A.D. 1886.

Provided always that nothing herein contained shall in any way prejudice or affect the power of increasing or otherwise altering the allowances to the in-pensioners:

Provided also that any out-pensioner whether already elected or hereafter to be elected may at any time be deprived either temporarily or permanently of his or her allowance by the person or persons in whom the power of electing in-pensioners shall for the time being be vested for any reason which such person or persons may deem sufficient.

3. If at any time there shall be a surplus of the income of the hospital after providing for the due maintenance (pursuant to the said recited Acts and this Act) of the hospital and of its officers and almspeople (the number of the latter to be and to continue not less than forty in-pensioners and eighty out-pensioners) and if the said Henry Duke of Norfolk or other the person or persons in whom the power of electing in-pensioners of the hospital shall for the time being be vested shall be of opinion that it will be more beneficial to the poor of Sheffield to apply such surplus in manner hereinafter authorized rather than in or towards maintaining an increased number of in-pensioners or out-pensioners it shall be lawful for the said Henry Duke of Norfolk or other the person or persons aforesaid at any time or times and from time to time to direct payment

Power to
direct pay-
ments to
other
charities.

A. D. 1886. — out of such surplus income of any sum or sums of money to or for or towards the support or benefit of any public hospitals infirmaries or dispensaries for the relief of the sick poor of Sheffield now or hereafter to be established in or near Sheffield and from time to time to vary or alter the objects to or for which any such payment shall be directed to be made provided every such object be within the description hereinbefore set forth. Provided also that such payments shall be made by way of donation only and out of income which shall have accrued either in the year in which the same shall be applied or in some preceding year and shall not be made by way of annual subscription or otherwise so as to anticipate the income of any succeeding year.

As to future
regulation of
charity.

4. It shall be lawful for the High Court of Justice or for the Charity Commissioners in the exercise of their ordinary jurisdiction over charities but as to the said Commissioners at the request of the patron and visitor for the time being of the said hospital if of full age and not otherwise under any legal disability or if and so often as such patron and visitor shall be an infant or otherwise under legal disability then upon the request of the trustees for the time being of the hospital or a majority of such trustees to make from time to time by way of scheme any fresh rules and regulations either in lieu of or in addition to the rules and regulations of the foundation or on which the said hospital is for the time being conducted whether such rules and regulations have been established by Act of Parliament or otherwise in such manner as to the said Court or Commissioners shall seem fit having regard to the original foundation as altered and added to by the Acts hereinbefore recited and this Act and the scheme so made shall form part of or constitute the rules and regulations under which the hospital shall be administered and managed notwithstanding any clause matter or provision contained in the Acts hereinbefore recited or in this Act.

Expenses of
Act.

5. The expenses of obtaining and passing this Act and incidental thereto shall be paid out of the funds of the said hospital.