



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. vii.

An Act to incorporate the Subscribers to the *Middlesex* Hospital, and for better enabling them to carry on their charitable Designs.

[30th March 1836.]

WHEREAS in or about the Year One thousand seven hundred and forty-seven an Institution was formed "for the Relief of sick and lame Patients and lying-in Married Women," the Benefits of which were afterwards extended to Persons afflicted with Cancer; and for the Purposes of the said Institution an Hospital called "The *Middlesex* Hospital," and situate on the North Side of *Charles Street* in the Parish of *Saint Marylebone* in the County of *Middlesex*, was erected, completed, and established by voluntary Contributions only, and has since been supported by the Donations, Legacies, and annual Subscriptions of benevolent Persons, and nearly One hundred and twenty thousand Patients have during the last Twenty Years derived Relief from the said Hospital: And whereas by an Indenture of Lease bearing Date the Second Day of *April* One thousand seven hundred and ninety-two, and made between *Charles Berners* of *Woolverton Park* in the County of *Suffolk*, Esquire, Son and Heir at Law of *William Berners*, then late of the same Place, Esquire, deceased, of the First Part; the Most Noble *Hugh Duke of Northumberland*, the then President of the said Hospital, the Right Honourable *Algernon Earl of Beverley* and the Right Honourable *Thomas Lord Grey de Wilton*, Two of the then Vice Presidents

Indenture of Lease of 2d April 1792.

[Local.]

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of the said Hospital, *John Hale* Esquire and *John Collick* Esquire, the then Treasurers of the said Hospital, and *William Drake* the younger, Esquire, and *Thomas Edwards Freeman* Esquire, Two of the then Governors of the said Hospital, of the Second Part; and *Richard West*, therein described, of the Third Part, in pursuance of an Agreement bearing Date the Sixteenth Day of *May* One thousand seven hundred and fifty-four, and made between the said *William Berners* of the one Part, and Sir *William Beauchamp Proctor* Baronet and Sir *Kendreth Clayton* Baronet, then Vice Presidents of the said Hospital, and *John Horne*; then Treasurer of the said Hospital, and *Stephen Le Bas*, *Abraham Maddock*, and *John Jackson*, Three of the then Governors of the said Hospital, of the other Part, the said *Charles Berners* demised the Piece of Ground on Part of which the said Hospital is built, being a Piece of Ground particularly described in the said Agreement, and therein mentioned to be situate in the Parish of *Saint Marylebone* in the County of *Middlesex*, and to extend from East to West in the Front on the South Side thereof Two hundred Feet of Assize, little more or less, and in Depth from North to South on the East Side thereof Three hundred and eighty-four Feet of Assize, little more or less, and from North to South on the West Side thereof Three hundred and forty-one Feet of Assize, little more or less, and from East to West in the Rear thereof One hundred and sixty-seven Feet of Assize, little more or less, and also the said Hospital, and the Offices, Erections, and Buildings erected and built on the said Piece of Ground, with the Appurtenances, unto the said *Hugh Duke of Northumberland*, *Algernon Earl of Beverley*, *Thomas Lord Grey de Wilton*, *John Hale*, *John Collick*, *William Drake*, and *Thomas Edwards Freeman*, their Executors, Administrators, and Assigns, for the then Residue of a Term of Nine hundred and ninety-nine Years, commencing and to be computed from the Day of the Date of the said Agreement at the yearly Rent of Fifteen Pounds, payable as therein mentioned, and subject to the Covenants and Agreements in the said Lease contained on the Part of the Lessees: And whereas the said *Hugh Duke of Northumberland*, *Algernon Earl of Beverley*, *Thomas Lord Grey de Wilton*, *John Hale*, *John Collick*, *William Drake*, and *Thomas Edwards Freeman* severally departed this Life without having assigned the said Lease, or the said Piece of Ground, Erections, and Premises, to any Person or Persons in Trust for the said Institution, and no Assignment of the same hath been made by the Executors or Administrators of the said Lessees or any of them: And whereas, in addition to the said Hospital and the several Offices belonging thereto, 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 of considerable Amount in the Public Funds of *Great Britain* standing in the Names of Trustees: And whereas, if the said Institution were permanently established, and the President, Vice Presidents, Treasurers, and Governors thereof were made a Body Politic and Corporate, and were empowered to hold in Mortmain, as well the said Hospital and other the Premises comprised in the said Term of Years created by the said Indenture of Lease, and also other Hereditaments to a limited annual Amount in Value, with sufficient Power to sell the same respectively, and to hold, retain, and dispose of Monies and other Personal Estate and Property of all Descriptions, it would greatly promote its benevolent Designs; but the several Purposes aforesaid cannot be carried into effect without the Aid and Authority of Parliament: May it therefore please

Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the President, Vice Presidents, Treasurers, 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 and Style of "The President, Vice Presidents, Treasurers, and Governors of the *Middlesex* Hospital;" 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 so 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 or Courts of Law or Record, or Place or Places of Judicature, within this Kingdom, and by the same Name shall be able and capable, without incurring the Penalties or Forfeitures of the Statutes of Mortmain, to hold and retain for the Purposes of the said Institution the said Hospital and other the Premises comprised in the said Term of Nine hundred and ninety-nine Years, created by the aforesaid Indenture of Lease, and by Will, Gift, Purchase, or otherwise; to obtain, acquire, hold, and retain, for the Purposes of the said Institution, as well the Inheritance in Fee Simple of the said Hospital and Premises, as also any other Manors, Messuages, Lands, Tenements, and Hereditaments, either in Fee or for Terms for Life or Years, or otherwise, so as such Manors, Messuages, Lands, Tenements, and Hereditaments, exclusive of the said Hospital, and also exclusive of any Hereditaments which may at any Time or Times after the passing of this Act be vested in them or in any Trustee or Trustees for them by way of Mortgage, or upon which any Sum or Sums of Money belonging to the said Institution may be charged, do not in the whole exceed the clear yearly Value of Ten thousand Pounds, over and above all Charges and Reprizes, computing the same at the Rack Rent which might have been obtained for the same respectively at the Time of the obtaining or Acquisition thereof, and also by Will, Gift, Purchase, or otherwise, to obtain, acquire, hold, and retain, for the Purposes of the said Institution, any Monies and other Personal Estate and Property, including Monies secured on Mortgage of or charged upon any Hereditaments, and also to grant, alien, demise, assign, and dispose of any Hereditaments, Monies, and other Estate and Property, as well Real as Personal, for the Time being belonging to the said Institution, and to do and execute all such Acts and Deeds as shall be necessary for the effecting and Completion of any such Grant, Alienation, Demise, Assignment, or Disposition.

The President, &c. of Middlesex Hospital incorporated.

II. And be it further enacted, That immediately after the passing of this Act the Piece of Ground, with the said Hospital and Erections thereon, and other the Premises comprised in and demised by the hereinbefore recited Indenture of Lease of the Second Day of *April* One thousand seven hundred and ninety-two, shall be vested in the President, Vice Presidents, Treasurers, and Governors of the *Middlesex* Hospital, for the Purposes of the said Institution, for the Remainder of the Term of Nine hundred and ninety-nine Years, for which the same Premises were demised by the said Indenture of Lease, subject to the Rent, Covenants, Conditions, and Agreements in the said Indenture of Lease respectively reserved and contained on the Part of the Lessees, with the full Benefit and Advantage

The Leasehold Piece of Ground and Premises vested in the President, Vice Presidents, Treasurers, and Governors.

Advantage of all Covenants therein contained, in as full and ample a Manner as the said *Hugh Duke of Northumberland, Algernon Earl of Beverley, Thomas Lord Grey de Wilton, John Hale, John Collick, William Drake, and Thomas Edwards Freeman*, or any of them, as such Lessees as aforesaid, or the Survivor of them, or the Executors, Administrators, or Assigns of such Survivor, might or could have had or enjoyed the same under or by virtue of the said Indenture of Lease and Agreement, or either of them; and the Heirs, Executors, and Administrators of the said Lessees respectively shall be discharged from the Rent, Covenants, and Agreements in the said Lease reserved and contained on the Part of the Lessees.

Power to invest the Monies of the Hospital on Mortgage.

III. And be it further 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 President, Vice Presidents, Treasurers, and Governors of the *Middlesex* Hospital, or in the Names of Trustees for the said Institution, on Mortgage of any Hereditaments of a clear and indefeasible Estate of Inheritance in Fee Simple in *England* or *Wales*, but not in *Ireland*; free from Incumbrances except Quit Rents and other small annual Payments; and any Money so invested may be called in, and the Payment of the same and 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 Institution.

Estates mortgaged to the Hospital, where the Mortgagers shall have released or be foreclosed, may be retained, in certain Cases.

IV. Provided always, and be it further enacted, That when and so often as in the Case of any Hereditaments being vested in the Names of the said President, Vice Presidents, Treasurers, and Governors, or of any Trustee or Trustees for the said Institution, for securing by way of Mortgage any Monies belonging to the said Institution, the Person or Persons entitled in Equity to redeem the said Hereditaments shall release the Right to redeem the same, or such Right shall be absolutely foreclosed, the said Hereditaments may, after such Release, or after the final Order upon the Decree of Foreclosure shall have been obtained on the Part of the said Institution (as the Case may be), be held and retained by the said President, Vice Presidents, Treasurers, and Governors for the Purposes of the said Institution, provided the clear yearly Value of the same, over and above all Charges and Reprises, computed at the Rack Rent which at the Time of such Release or final Order (as the Case may be) could be obtained for the same, do not exceed, with the other Hereditaments then vested in the said President, Vice Presidents, Treasurers, and Governors for the Purposes of the said Institution, exclusive of the said Hospital and Premises, with the Appurtenances, and also exclusive of any Hereditaments then vested in the said President, Vice Presidents, Treasurers, and Governors, or in any Trustee or Trustees for them, by way of Mortgage, or upon which any Money belonging to the said Institution may be charged, the clear yearly Value of Ten thousand Pounds, over and above all Charges and Reprises, computing the yearly Value of such other Hereditaments at the Rack Rent which at the Time of such Release or final Order (as the Case may be) could be obtained for the same respectively; but if the clear yearly Value of any Hereditaments in regard to which such Release or such final Order upon a Decree of Foreclosure shall have been obtained on the Part of the said Institution shall exceed the Value above limited, then the said President, Vice Presidents, Treasurers, and

and Governors shall absolutely sell and dispose of the same for the Benefit of the said Institution; 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 shall have been obtained, provided they absolutely sell and dispose of the same within Twelve Calendar Months after the obtaining of such Release or final Order.

V. And be it further enacted, That in all Cases wherein it may be requisite for any Person or Party to serve the said Incorporated Institution, or the President, Vice Presidents, Treasurers, and Governors thereof, with any Notice, Writ, or other legal Proceeding, or Proceedings at Law or in Equity, the Service thereof upon the Secretary for the Time being of the said Institution, or any other Officer for the Time being of the said Institution performing the Duties of the Secretary, or upon the President or any One of the Vice Presidents or Treasurers, or the Delivery thereof at the Office of the said Secretary at the said Hospital, shall be deemed good and sufficient Service upon the said Incorporated Institution, and the President, Vice Presidents, Treasurers, and Governors thereof.

On whom Notices or legal Proceedings shall be served.

VI. And be it further enacted, That the Most Noble *Hugh* Duke of *Northumberland*, Knight of the Most Noble Order of the Garter, shall be and he is hereby appointed President of the said Institution; and the Right Honourable *Charles Christopher* Baron *Cottenham*, Lord High Chancellor of *Great Britain*, the Most Noble *John* Duke of *Bedford*, Knight of the Most Noble Order of the Garter, the Most Noble *William Henry* Duke of *Portland*, Knight of the Most Noble Order of the Garter, the Most Noble *Arthur* Duke of *Wellington*, Knight of the Most Noble Order of the Garter, the Most Noble *Charles* Duke of *Dorset*, Knight of the Most Noble Order of the Garter, the Most Noble *George* Duke of *Sutherland*, the Most Honourable *George James Horatio* Marquis of *Cholmondeley*, the Most Honourable *Robert* Marquis of *Westminster*, the Right Honourable *John* Lord *Duncannon*, the Right Honourable *Robert* Lord *Henley*, Sir *William Weller Pepys* Baronet, Sir *Charles Forbes* Baronet, *John Pepys* Esquire, *Thomas Lowndes* Esquire, and *Edward Berkeley Portman* Esquire, shall be and they are hereby appointed Vice Presidents of the said Institution; and Sir *Samuel Scott* of *Cavendish Square* in the County of *Middlesex*, Baronet, and *John Capel* of *Russell Square* in the said County of *Middlesex*, Esquire, shall be and they are hereby appointed Treasurers of the said Institution; and Vacancies which shall from Time to Time be occasioned by their respective Deaths and Resignations or annual Secession from Office, as the Case may be, or by the Death or Resignation or annual Secession from Office of the Persons who shall hereafter fill the Offices aforesaid respectively, shall be filled up in such Manner as the Laws, Rules, and Regulations for the Time being of the said Institution shall direct.

Appointment of President, Vice Presidents, and Treasurers.

VII. And be it further enacted, That the Persons who immediately before the passing of this Act were the Medical Officers, Chaplain, Secretary, House Steward, and Matron to the said Institution shall, from and after the passing of this Act, continue to hold the same Offices respectively until Death or Resignation of or Removal from their respective Offices under or by virtue of any Law, Rule, or Regulation of the said Institution.

The Medical Officers, &c. to continue in Office.

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VIII. And

The present Rules and Regulations of the Hospital to continue in force.

VIII. And be it further enacted, That the Laws, Rules, and Regulations by or under which the Qualifications for Governors, and the Elections or Appointments of the President, Vice Presidents, Treasurers, Governors, Medical and other Officers, and their respective Privileges and Duties, and their Continuance as Governors, Members, or Officers of the said Institution, have been regulated, and by or under which the weekly and other Meetings of the Governors 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 Institution have been carried on and the Property thereof has been managed, shall, after the passing of this Act, be and continue to be the Laws, Rules, and Regulations of the said Institution, except so far as they may be amended, altered, or repealed, or any new Laws, Rules, and Regulations may be made.

Rules and Regulations may be altered.

IX. And be it further enacted, That all or any of the Laws, Rules, and Regulations which are or shall for the Time being be the existing Laws, Rules, and Regulations of the said Institution may be amended, altered, or repealed, and any new Laws, Rules, and Regulations for the said Institution, and for carrying on the Affairs and Business thereof, and for the Management of the Property thereof, so as such Amendments, Alterations, Laws, Rules, and Regulations be not repugnant to this Act, or to the Laws or Statutes of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, may be made at such Meetings of the Governors for the Time being of the said Institution, and in such Manner as is or shall be prescribed by the present or any future Laws, Rules, and Regulations of the said Institution.

Saving the Rights of His Majesty and others.

X. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Persons and Person, Bodies Politic and Corporate, and their respective Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, Trust, Interest, Claim, and Demand into, out of, or upon the said Piece of Ground comprised in the Lease of the said Hospital and other Buildings, or any Part thereof, as they or any of them had before the passing of this Act, or would, could, or might have had if this Act had not been passed.

For paying the Expences of the Act.

XI. And be it further enacted, That the Costs, Charges, and Expences attending on or incident to the obtaining and passing of this Act shall be paid and defrayed by the Treasurers of the said Institution out of any Money already received or hereafter to be received by the said Treasurers on account of the said Institution.

Public Act.

XII. And be it further 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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