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VICTORIÆ REGINÆ.

Cap. 9.

An Act for amending "*Charles Sheils' Almshouses Charity Act, 1864.*" [6th August 1866.]

WHEREAS by "*Charles Shiels' Almshouses Charity Act, 1864,*" Provision was made for the Regulation of "*Charles Sheils' Almshouses Charity,*" established by the Will therein recited of *Charles Sheils* (whose Name is in Sections One and Two of the Act as printed by the Printers to the Queen's most Excellent Majesty spelt by Mistake "*Shiels*" instead of "*Sheils*"); and a Visitor and Governors of the Charity were appointed, and the Governors were incorporated by the Name "*The Governors of Charles Sheils' Almshouses Charity:*" And whereas the Act was applied for in pursuance of an Order of the High Court of Chancery in *Ireland* made in a Matter then and now pending in the Court: And whereas the Governors are proceeding to put the Act in execution, but they find that some of the Provisions thereof require Amendment: And whereas on the Fourteenth Day of *March* One thousand eight hundred and sixty-six the Trustees, on behalf of the Governors, caused an Application to be made to the Court in the Matter pending therein for an Order that the Governors might be authorized to apply in the present Session of Parliament for a further or supplemental Act to enable them more efficiently to carry into effect the Charitable Scheme of the Testator,

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and that the Approbation of the Court might be had of a Draft of a proposed Bill then already prepared for that Purpose, and for carrying into effect the several Purposes therein specified, or such Modifications thereof as might be thereafter deemed advisable : And whereas on the Hearing of the Application it was alleged on behalf of the Governors in support thereof—

1. That they were negotiating for the Purchase of Sites for the Five Sets of Almshouses provided for by Section Forty-three of the Act, but they apprehended that they should be unable to purchase in every Case a Site held in Fee Simple Absolute, and it would be advantageous to the Charity if they were authorized to acquire Sites held on perpetually renewable Leases, or for Interests of equivalent Duration, and subject to or with Indemnity against Rents or Rentcharges :
2. That the General Charitable Fund amounted to One hundred and twenty-six thousand Pounds or thereabouts :
3. That, as required by the Act, they had appropriated Twenty-five thousand Pounds as the Management Fund, and Twenty thousand Pounds as a Fund for each of the Five Sets of Almshouses, leaving only One thousand Pounds or thereabouts as the unappropriated Residue of the General Charitable Fund :
4. That they deemed it requisite that they should be authorized to apply out of each Almshouses Fund Five thousand Pounds, instead of Three thousand five hundred Pounds, as limited by the Act for the Purchase of Land for the respective Set of Almshouses, and for building them and fitting them up, and for fencing and laying out the Ground, and providing a Supply of Water :
5. That they considered that the Fund appropriated for each Set of Almshouses would probably be barely sufficient for the Maintenance of the same and the Inmates thereof, and deemed it expedient that instead of their attempting to form an accumulating Fund, as provided for by the Act, all Surplus Income should be divided between and added to the Almshouses Funds :
6. That they considered it expedient that the Governors should *ex officio* be Members of the Local Boards of Management :
7. That they regarded Two successive Meetings of the Governors, and the Sanction of the Visitor, as needless and inconvenient Formalities for authorizing them to exercise, in however slight a Degree, the Discretion given to them by Sections Fifty-three and Fifty-four of the Act, and it would be advantageous to the Charity that these Formalities should be abolished, and there should be substituted for them a Power for the Visitor to revoke their Orders in that Behalf, if he should find it necessary to do so :

8. That

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8. That they deemed it expedient that they should be authorized to provide Water, Light, and Fuel for Inmates of the Almshouses, either *gratis* or at less than Cost Price :
9. That they considered it requisite that the Provisions of the Act with respect to the Expenses of the Governors and of Local Boards should be amended :
10. That, inasmuch as the Objects so alleged could not be attained without the Authority of Parliament, and inasmuch as the Governors considered the same to be of considerable Importance with reference to the well-working of the Charity, they had caused Notices to be given for an Application to Parliament in the present Session for an Act to authorize the same :

And whereas on the Hearing of the Application the Draft of the then proposed Bill for this Act was submitted to the Court :

And whereas on the Fourteenth Day of *March* One thousand eight hundred and sixty-six an Order of the Court was made, whereby it was ordered that the proposed Application to Parliament should be sanctioned and approved, and that the Draft Bill for the Act for carrying into effect the several Purposes therein specified, or such Modifications thereof as might be thereafter deemed advisable, should be also approved, with the additional Proviso to be inserted that in any Lease for Years to be taken by the Governors of the Charity the Term therein should not be less than Two hundred and fifty Years, and that the Draft Bill, when finally settled, and previous to its Introduction into Parliament, should be again submitted to the Court for the final Approval thereof: And whereas the Bill for this Act was accordingly submitted to the Court (the Sum to be applicable for purchasing Land for and building and fitting up each Set of Almshouses, and incidental Matters, being increased from Five thousand Pounds to Six thousand Pounds), and was finally approved by the Court, and in testimony thereof Master *Litton*, One of the Masters of the Court, signed his Name in the Margin of the Bill: And whereas, having regard to the wide and absolute Discretion given by the Testator to his Trustees to alter or dispense with any of his Directions as to the Management and Establishment of the Charity, and to adopt such other Courses in relation thereto as to them should seem prudent and desirable and to the better Regulation of the Charity, it is expedient that the recited Act be amended as appears by this Act: And whereas the Objects of this Act cannot be attained without the Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects the Governors of *Charles Sheils' Almshouses Charity* do most humbly beseech 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; (that is to say,)

Order of
Court, dated
14th March
1866.

1. This

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Short Title.

1. This Act may for all Purposes be cited as "*Charles Sheils' Almshouses Charity Act, 1866.*"

Recited Act and this Act to have Effect as One.

2. The recited Act, as amended by this Act, and this Act, shall be read together and have Effect as if they were One Act, and as if this Act had been passed immediately after the passing of the recited Act.

Governors ex-officio Members of Local Board.

3. The Governors shall *ex officio* be Members of every Local Board under the recited Act.

Notice of adjourned Meeting of Governors.

4. Where a Meeting of the Governors is adjourned for more than Seven Days, then Notice of the adjourned Meeting shall be given as in the Case of an original Meeting.

Surplus Income of Management Fund.

5. Section Forty-eight of the recited Act is by this Act repealed, and (instead thereof) if and whenever the Surplus arising in any Year ending on the Thirty-first Day of *December* from the Management Fund is more than sufficient for the Purposes thereof during that Year, the surplus Income for that Year shall be divided into Five equal Parts, and One of the Five Parts shall be added to and form Part of One of the Almshouses Funds, so that every Almshouses Fund shall be increased by One Fifth Part of the Surplus.

Limit of Expenditure for building Almshouses.

6. Section Fifty of the recited Act is by this Act repealed, and (instead thereof) out of every Almshouses Fund the Governors may apply such a Sum, not exceeding Six thousand Pounds, as they think fit, in purchasing Land for and erecting thereon the respective Set of Almshouses, with the Superintendent's House, and in fitting up and furnishing the same, and in laying out and fencing the Land, and providing a Supply of Water, and in defraying the incidental Expenses.

Land purchased may be Fee Simple or perpetually renewable Leasehold.

7. The Land which the Governors so purchase may be purchased by them either for an Estate in Fee Simple absolute, or for a perpetually renewable Leasehold Interest, and in any Case either subject or not subject to any Rent or Rentcharge, or the Burthen of any Covenants or Conditions, and either with or without any Apportionment of the Rent or Rentcharge, if any, and either with or without any Indemnity against all or any Part of the Rent or Rentcharge, Covenants or Conditions, and may be so purchased by them either at Public Auction or by Private Contract, and subject to any ordinary or special Conditions of Sale, and generally on such Terms and in such Manner as the Governors think fit, and they may enter into and carry into effect any ordinary or special Agreements with respect to the Purchase which they think requisite, and where the Governors so purchase any Land for any Estate, Term, or Interest less than the Fee Simple they may thereafter purchase in like Manner any further or reversionary Estate, Term, or Interest therein, and where the Governors so purchase any
Land

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Land subject to all or any Part of any Rent or Rentcharge, or the Burthen of any Covenants or Conditions, they may thereafter purchase in like Manner the Discharge of the Land from all or any Part of the same: Provided that where the Governors purchase any Land for a perpetually renewable Leasehold Interest they shall not build thereon unless and until, either under any Act of Parliament in that Behalf or otherwise, it is vested in them for an Estate in Fee Simple absolute.

8. Where, in order to provide a Site for a Set of Almshouses, the Governors purchase more than Three Acres of Land, they shall appropriate for the Purposes of the respective Set of Almshouses Three Acres thereof, or as nearly thereto as they find convenient, and, at such Time as they think fit, but not later than Ten Years after the Time of the Purchase thereof, shall sell and dispose of the surplus Land, and they may sell and dispose of the same by Private Contract or Public Auction, and subject to such ordinary or special Conditions of Sale, for the best Price to be reasonably had for the same, to such Persons and in such Manner in all respects as they think fit, with Liberty for them to fix reserved Biddings, and to buy in at Auctions, and to rescind on Terms or *gratis* any Contracts for Sale, and may enter into, make, execute, and do all such Agreements, Assurances, Acts, Deeds, and Things as they think requisite in that Behalf.

Sale of Surplus Land.

9. While any surplus Land is unsold the Governors may let it to such Persons at such Rents and on such Terms and Conditions as they think fit, and, where they think fit, for any Term to continue beyond the Ten Years prescribed for the Sale of the Land.

Interim Letting of Surplus Land.

10. The net Monies produced by the Sale of the surplus Land shall be added to the respective Almshouses Fund, and the net Rents produced by letting the surplus Land while unsold shall be dealt with and disposed of as if they were Income arising from the respective Almshouses Fund.

Application of Proceeds of Sales and Rents.

11. Section Fifty-three of the recited Act is by this Act repealed, and (instead thereof), except so far as the Governors from Time to Time otherwise determine, with the Sanction of the Visitor, the Income to be so applied for the Maintenance of the respective Set of Almshouses and the Inmates thereof shall be applied as follows; that is to say,

Application of Income for Almshouses.

Superintendent's Salary	-	-	-	-	£40
Depreciation and Repair Fund	-	-	-	-	50
Insurance and Petty Charges	-	-	-	-	10
Medical Fund	-	-	-	-	20
Burial Fund	-	-	-	-	10
					<u>£130</u>

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And the Residue of the Income shall be applied, so far as is requisite, for the Maintenance of the Inmates of the respective Set of Almshouses, and for providing them, either *gratis* or at less than the Cost thereof, with Water, Fuel, and Light: Provided that the Visitor may at any Time require the Governors to return to the Scale of Payment expressed in this Section, and they shall return thereto at such Time as he prescribes.

Payments
to be made
to Inmates.

12. Section Fifty-four of the recited Act is by this Act repealed and (instead thereof), except so far as the Governors from Time to Time otherwise determine, with the Sanction of the Visitor, the Income to be so applied for the Maintenance of the Inmates of the respective Set of Almshouses, irrespective of the Amount appropriated for providing them with Fuel, Light, and Water, shall be so applied by making to or for them respectively Payments or Allowances not exceeding the following; that is to say,

- (A.) For One Child under the Age of Ten Years, Two Pounds a Year;
- (B.) For One Child between the Ages of Ten and Fifteen Years, Four Pounds a Year;
- (C.) For One Adult, Eight Pounds a Year;
- (D.) And so in proportion for less than a Year :

Provided that the Visitor may at any Time require the Governors to return to the Scale of Payment expressed in this Section, and they shall return thereto at such Time as he prescribes.

Surplus
Income of
Almshouses
Funds.

13. Section Fifty-five of the recited Act is by this Act repealed, and (instead thereof) if and whenever the Residue of the Income arising from the respective Almshouses Fund for any Year ending with the Thirty-first Day of *December* is more than sufficient for the Maintenance, in accordance with this Act, of the respective Set of Almshouses and the Inmates thereof for that Year, the surplus Income for that Year shall be added to and form Part of the respective Almshouses Fund, but if and when the Governors think fit a Sum not exceeding any such Surplus of any preceding Years may be applied in any succeeding Years for the Maintenance in accordance with this Act of the respective Set of Almshouses and the Inmates thereof.

Surplus
Income of
General
Charitable
Fund.

14. The Proviso next following shall be a Proviso to Section Fifty-six of the recited Act; (that is to say,) Provided that if and whenever the unappropriated Residue of the General Charitable Fund amounts to Three thousand Pounds, and the Income therefrom for any Year ending with the Thirty-first Day of *December* is more than sufficient for defraying the general Expenditure and Liabilities of the Governors for that Year, the surplus Income for that Year shall be divided into Five equal Parts, and One of the Five Parts shall be added to and form

Part

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Part of One of the Almshouses Funds, so that every Almshouses Fund shall be increased by One Fifth Part of the Surplus.

15. Section Fifty-seven of the recited Act is by this Act repealed.

Repeal of
Section 57.
of recited
Act.

16. Section Fifty-eight of the recited Act is by this Act repealed, and (instead thereof) provided that, in order to meet Contingencies, the Governors from Time to Time may keep as the unappropriated Residue of the General Charitable Fund, after making the Appropriations by the recited Act required for the Management Fund and the several Almshouses Funds respectively, such a Sum as they think fit not exceeding Three thousand Pounds.

Unappropriated
Residue of
General
Charitable
Fund.

17. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to every other Person and Body Politic and Corporate, and their respective Heirs, Successors, Executors, and Administrators, (other than and except the several Persons who are by this Act expressly excepted out of this General Saving,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, of, to, in, or out of the Estates and Effects of the Testator *Charles Sheils*, to which this Act relates, or any Part thereof, as they or any of them had before the passing of this Act, or could or might have or enjoy if this Act were not passed.

General
Saving.

18. Provided that the Persons following are expressly excepted out of the General Saving in this Act contained, and they accordingly are the only Persons bound by this Act; that is to say,

Persons
bound by
Act.

(A.) The several Persons bound by the recited Act:

(B.) The Visitor of *Charles Sheils' Almshouses Charity*:

(C.) The Governors of *Charles Sheils' Almshouses Charity*.

19. This Act shall not be a Public Act, but shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

Act as
printed by
Queen's
Printers to
be Evidence.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1866.

