CHAPTER 7.

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

[11th August 1875.]

WHEREAS by "Charles Sheils' Almshouses Charity Act, 1864," (herein-after referred to as the Act of 1864,) provision was made for the regulation of Charles Sheils' Almshouses Charity, established by the will therein recited of Charles Sheils, and a Visitor and Governors of the charity were appointed, and the Governors were incorporated by the name "The Governors of Charles Sheils' Almshouses Charity:"

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

And whereas the said Acts respectively were applied for in pursuance of orders of the High Court of Chancery in Ireland respectively made in a matter then and now pending in the Court:

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

And whereas on the 22nd day of April 1875 the trustees of the said will, on behalf of the Governors, caused an application to be made to the said Court of Chancery, in the matter pending therein, for an order that the Governors might be authorised to apply in the present session of Parliament for a further or supplemental Act to enable them more efficiently to carry into effect the charitable scheme of the testator, and that the approbation of the court might be had of a draft of a proposed Bill then already prepared for that purpose, and for carrying into effect the several purposes therein specified, or such modifications thereof as might be deemed advisable:

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

(1.) That they deemed it expedient that the name of the charity should be changed:

(2.) That, as required by the Act of 1864, they had appropriated £25,000 as the management fund, and £20,000 as a fund for each of the five sets of almshouses:

(3.) That the five sets of almshouses, with superintendents houses, provided for by section 43 of the Act of 1864, had been erected, and that the same respectively were fully occupied:

(4.) That the income arising from the residue of each almshouses fund of £20,000, after providing for the purchase of land, and for the expenses of building, fitting up, and partially furnishing such almshouses, and from all additions made thereto, had been, so far as was required, applied by the Governors in the support of the inmates of such almshouses, and that the surplus of such income had, in pursuance of the thirteenth section of the Act of 1866, been added to the almshouses fund from which it arose:

(5.) That the income arising from the said management fund of £25,000 had been applied by the Governors from time to time, so far as was requisite, for the purposes mentioned in the forty-sixth section of the Act of 1864, and that the surplus of such income had, pursuant to the fifth section of the Act of 1866, from time to time been divided into five equal parts, and one of such parts added to each almshouses fund:

(6.) That the income arising from the unappropriated residue of the general charitable fund, after defraying the expenditure and liabilities chargeable thereon under the Act of 1864, had been from time to time accumulated, pursuant to the fifty-sixth section of the Act of 1864, until the original fund and accumulations amounted to £3,000; and that since the time when the unappropriated residue of the general charitable fund had reached the said amount of £3,000 the surplus income arising from such unappropriated residue of £3,000 had from time to time, pursuant to the fourteenth section of the Act of 1866, been divided into five equal parts, and one of such parts added to each almshouses fund:

(7.) That for several years then past the respective incomes arising from the respective almshouses funds, the man-

agement fund, and the unappropriated residue of the general charitable fund respectively had amounted to larger sums annually than had been required for the purposes to which the same funds respectively were applicable; and that the Governors had consequently, in pursuance of section twelve of the Act of 1866, with the sanction of the Visitor, increased the allowances to the inmates of the several almshouses by twenty-five per cent.:

(8.) That the Governors were of opinion that any further increase of the allowances to the inmates would be undesirable, and that the objects of the charity and the wishes of the testator would be better carried out by enlarging or adding to the sets of almshouses already built or building new houses in the immediate vicinity thereof, and in fitting up, furnishing, and maintaining such additions or new houses; and that the expenses of and attending the enlarging or adding to any particular set of almshouses ought to be borne by the fund belonging thereto:

(9.) That upon the 31st day of December 1874 the several almshouses funds were of the amounts following respectively; that is to say,

The Killough almhouses fund, nineteen thousand five hundred and three pounds two shillings and ninepence:

The Dungannon almshouses fund, eighteen thousand nine hundred and eighty-six pounds three shillings and fivepence:

The Carrickfergus almshouses fund, nineteen thousand one hundred and eight pounds three shillings and twopence:

The Armagh almshouses fund, eighteen thousand six hundred and thirty-three pounds seventeen shillings and tenpence;

The Dublin almshouses fund, eighteen thousand five hundred and seventy-two pounds fifteen shillings and fivepence:

(10.) That the surplus income which arose during the year ending on the 31st of December 1874 from each of the almshouses funds was as follows; that is to say,

From the Killough almshouses fund	£200	16	8
From the Dungannon almshouses fund	£147	0	9
From the Carrickfergus almshouses fund	£104	15	11
From the Armagh almshouses fund	£123	11	8
From the Dublin almshouses fund	£21	19	8

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(11.) That the surplus income which arose during the same period from the management fund was four hundred pounds, and that the surplus income which arose during the same period from the unappropriated residue of the general charitable fund was four hundred and seventy-one pounds six shillings and fourpence:

(12.) That the Governors deemed it expedient that they should be authorised, with the sanction of the Visitor, to superannuate such of their salaried officials or servants as may retire through any just cause from their service:

(13.) That inasmuch as the objects so alleged could not be attained without the authority of Parliament, and inasmuch as the Governors believed 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 authorise the same:

And whereas on the hearing of the said application the printed draft of the then proposed Bill for this Act was submitted to the said court, and the several instruments, statements, and events recited in the preamble of such Bill were proved to the said court:

And whereas on the said 22nd day of April one thousand eight hundred and seventy-five an order of the said court was made, whereby it was ordered that the proposed application to Parliament should be sanctioned and approved, and the printed draft Bill for this Act was submitted to the court, and was approved by the court, and in testimony thereof the Lord Chancellor of Ireland signed his name in the margin of the Bill:

And whereas, having regard to the wide and absolute discretion given by the testator to his trustees to alter or dispense with any of his directions as to the management and establishment of the charity, and to adopt such other courses in relation thereto as to them should seem prudent and desirable for the better regulation of the charity, it is expedient that the recited Acts 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,)

Short title.

1. This Act may be cited for all purposes as "Charles Sheils' Charity Act, 1875."

Acts to be read together.

2. The recited Acts as amended by this Act and this Act shall be read together.

Charity to be called "Charles Sheils' Charity."

3. Section 2 of the Act of 1864 is hereby repealed, and instead thereof it is hereby enacted that the charity founded by the testator Charles Sheils, as expressed in his will and codicil, and regulated by the recited Acts and this Act, shall from and after the passing of this Act be called "Charles Sheils' Charity."

Governors of Charles Sheils' Charity incorporated.

4. From and after the passing of this Act, the name of the Governors of the charity shall, instead of "The Governors of Charles Sheils' Almshouses Charity" be "The Governors of Charles Sheils' Charity," and by that name the Governors of the said charity (in this Act called "the Governors") shall henceforth be one body corporate, with perpetual succession and a common seal, and with power to take, hold, and dispose of lands and other real and personal property, for the purposes and subject to the provisions of the recited Acts and this Act, and to manage, regulate, and administer the charity, and to carry the recited Acts and this Act into execution: Provided that, notwithstanding the change of the name of the charity, and of the Governors thereof respectively, everything before the commencement of this Act done and suffered respectively under the said recited Acts, or either of them, shall be as valid as if such change of name had not been made; and the same shall accordingly be subject and without prejudice to everything so done and suffered respectively, and to all rights and liabilities, present and future, which, if it had not been made, would be incident to or consequent on any and everything so done and suffered respectively: Provided also, that no action, suit, or other proceeding which at or immediately before the passing of this Act had been commenced and was then pending, whether at the suit or instance of the Governors of Charles Sheils' Almshouses Charity, or against such Governors, shall abate, determine, or be otherwise affected for or by reason of the aforesaid change of the name of the Governors.

Powers with respect to additions to almshouses.

5. If and whenever the aggregate surplus income arising after the 31st day of December 1874 from the management fund, the several almshouses funds, and the unappropriated residue of the general charitable fund respectively shall amount or shall have amounted to the sum of one thousand five hundred pounds, the Governors may, if they think proper, expend any sum or sums not exceeding in the whole the sum of one thousand five hundred pounds in enlarging or adding to such one of the five sets of almshouses as they shall select, or in building a new almshouse

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or new almshouses in the immediate vicinity thereof, and in fitting up and furnishing the same, and the sum or sums so expended shall be taken from the almshouses fund of the set of almshouses in respect of which such works as aforesaid shall be executed; and the Governors may in like manner from time to time thereafter, if they think proper, proceed to enlarge or add to or build a new almshouse or new almshouses in the vicinity of all or any of the four other or remaining sets of almshouses, and to fit up and furnish the same, and may expend for that purpose any sum or sums not exceeding in the case of any one set of almshouses the sum of one thousand five hundred pounds, the sum or sums so expended in respect of any set of almshouses being taken from the almshouses fund of the set of almshouses in respect of which such works shall be executed; provided, however, that the Governors shall not proceed to enlarge or add to or build as aforesaid in the vicinity of the second set of almshouses selected by them for addition or enlargement until the aggregate surplus income arising after the thirty-first day of December one thousand eight hundred and seventy-four from the management fund, the several almshouses funds, and the unappropriated residue of the general charitable fund respectively shall amount or shall have amounted to the sum of three thousand pounds; nor shall they proceed as aforesaid in respect of the third set of almshouses selected by them for addition or enlargement until such aggregate surplus income as aforesaid shall amount or shall have amounted to the sum of four thousand five hundred pounds, or in respect of the fourth set of almshouses selected by them for addition or enlargement until such aggregate surplus income as aforesaid shall amount or shall have amounted to the sum of six thousand pounds, or in respect of the fifth set of almshouses selected by them for addition or enlargement until such aggregate surplus income as aforesaid shall amount or shall have amounted to the sum of seven thousand five hundred pounds.

Additions to be deemed parts of original almshouses added to.

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

Proviso to sect. 5 of Act of 1866 with respect to

7. The proviso next following shall be a proviso to section 5 of the Act of 1866; (that is to say,) Provided that if the Governors shall in any year by resolution declare that the portion of surplus

which but for this proviso would have been added to any of the almshouses funds ought not to be so added, but ought to be applied as if it were income arising from the same almshouses fund in that year, then such portion of surplus shall not be added to the said fund, but shall be applied in accordance with such resolution.

surplus of almshouses funds.

8. Section 14 of the Act of 1866 shall be read and construed as if the words following were added thereto; (that is to say,) Provided also, that if the Governors shall in any year by resolution declare that the portion of surplus which would but for this proviso have been added to any of the almshouses funds ought not to be so added, but ought to be applied as if it were income arising from the same almshouses fund in that year, then such portion of surplus shall not be added to the said fund, but shall be applied in accordance with such resolution.

Proviso to sect. 14 of Act of 1866, with respect to surplus of almshouses funds.

9. It shall be lawful for the Governors from time to time (with the sanction of the Visitor) to superannuate such of their salaried officials and servants as they may think proper, who shall have served as an officer or servant of the Governors for not less than twenty years, and shall have become incapable of discharging their duties as such officer or servant with efficiency by reason of infirmity of mind or body, or of old age, and to direct that each person so superannuated shall receive a yearly pension not exceeding two thirds the amount of his salary; but nothing herein contained shall entitle any such salaried official or servant absolutely to a pension, nor prevent him from being dismissed or discharged for misconduct, or other sufficient cause, without a pension; such pension as aforesaid shall be granted only upon the condition that it becomes forfeited, and may be withdrawn by the Governors (with the sanction of the Visitor) in either of the following cases:

1. On conviction of the grantee for any indictable offence:
2. If the Governors deem it proper that the pension should for any other cause be withdrawn.

As to superannuation of officials and servants.

10. No auditor of the accounts of the Governors shall be deemed to be within the provisions of the preceding section. Every pension granted under the powers of the preceding section shall be payable out of the income of the management fund.

Auditors not to be superannuated. Fund for pension.

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

Costs of Act.

12. 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

Saving rights of Her Majesty the Queen.

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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.

Persons bound by the Act.

13. 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,

(A.) The Visitor of Charles Sheils' Charity:

(B.) The Governors of Charles Sheils' Charity:

(C.) Joseph Surch, named in the testator's will and in the Act of 1864.

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

14. This Act shall not be a Public Act, but shall be printed by the several printers to the Queen's most Excellent Majesty, duly authorised 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.

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