

ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

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Cap. i.

An Act to extend the Provisions of an Act of the Forty-eighth of King *George* the Third, relative to the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum; and to incorporate the Trustees thereof. [22d *April* 1842.]

WHEREAS by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for enabling Sir* Oswald Mosley *Baronet* 48G.3.c.127.
to grant certain Lands and Hereditaments in the Parish of Manchester *in the County Palatine of* Lancaster *for the Purposes of the* Manchester *Public Infirmary, Dispensary, Lunatic Hospital and Asylum; and for vesting the Property and Effects belonging to the said Charity in Trustees, for the Benefit thereof;* after reciting, that in the Year of our Lord One thousand seven hundred and fifty-three divers Persons in *Manchester* and in the Neighbourhood thereof had subscribed considerable Sums of Money for the Purpose of establishing a public Infirmary for the Relief of such diseased and wounded Persons as were from indigent Circumstances unable to supply themselves with Medical Assistance; and further reciting, that by Inden-

ture bearing Date the Third Day of *December* One thousand seven hundred and fifty-three, and made between Sir *Oswald Mosley* of *Ancoats* in the Parish of *Manchester* in the County of *Lancaster*, Baronet, Lord of the Manor of *Manchester* aforesaid (since deceased), of the one Part, and *George Lloyd*, *Edward Greaves*, *Edward Byrom*, and *James Massey*, Esquires, *Miles Bower* Gentleman, *John Bradshaw* Esquire, *Robert Booth* Esquire, *James Walker* Doctor of Physic, *John Lees*, *Robert Livesey*, *Nathaniel Philips*, and *Samuel Mellor*, Merchants, of the other Part, for the Considerations therein mentioned, all that Field, Close or Parcel of Land, situate, lying, and being at or near the upper End of a certain Street in *Manchester* aforesaid commonly called or known by the Name of *Dob Hole Field*, containing by Estimation One Acre and Twenty-five Perches, or thereabouts, were the same more or less, then late in the Possession, Tenure, or Occupation of *John Ambler* of *Manchester* aforesaid, Gentleman, and *Mary* his Wife, their or One of their Under-tenants, was demised, with the Appurtenances, unto the said *George Lloyd*, *Edward Greaves*, *Edward Byrom*, *James Massey*, *Miles Bower*, *John Bradshaw*, *Robert Booth*, *James Walker*, *John Lees*, *Robert Livesey*, *Nathaniel Philips*, and *Samuel Mellor*, their Executors, Administrators, and Assigns, from the Day next before the Day of the Date thereof for the Term of Nine hundred and ninety-nine Years, of Intent nevertheless and in Trust for the several Uses, Purposes, and Agreements relating to the Management, well Government, and Regulation of the said intended Infirmary or Hospital, in manner of its Constitution, as should be settled and agreed upon in manner therein mentioned, subject nevertheless to the Payment during the said Term unto the said Sir *Oswald Mosley*, his Heirs and Assigns, of the yearly Rent or Sum of Six Pounds, payable half-yearly, as therein mentioned; and further reciting, that by Indentures of Lease and Release, bearing Date respectively the First and Second Days of *October* One thousand seven hundred and eighty-three, the Release of Three Parts, and made between Sir *Ashton Lever* and *John Peploe Birch* of the First Part, Sir *John Parker Mosley* Baronet and *Oswald Mosley* Esquire of the Second Part, and *Josiah Birch* Esquire, the said *George Lloyd*, *James Massey*, and *James Walker*, and *John Caryl Worsley* Esquire, *John Markland* Esquire, *George Johnson* Esquire, *Peter Mainwaring* Doctor in Physic, *Samuel Kay* Doctor in Physic, *Richard Edward Hall* Surgeon, and *Charles White* Surgeon, of the Third Part, all that Plot or Parcel of Land lying and being near the public Infirmary and Hospital in *Manchester* aforesaid, bounded on the most Northerly Side by the said Infirmary and Hospital and the Ground belonging thereto, and being in Length on that Side One hundred and eighty-six Yards and Twelve Inches, on the most Easternly End by a Lane then called *Garrett Lane*, and being in Length along the said Lane Eighty-nine Yards and Twelve Inches, on the most Southerly Side by a certain Plot of Land then laid out for a Street of Six Yards wide, intended to be called *Street*, and being in Length along the said Street in an irregular Line One hundred and forty-three Yards and Twenty-four Inches, and on the most Westerly End thereof by another Plot of Land laid out for a Street of Twelve Yards wide, then intended to be called *Bath Street*, and being in Length along the said Street Fifty-five Yards and Two Inches, and

being in the Whole Eleven thousand two hundred and eleven superficial Square Yards of Land, or thereabouts, according to the Admeasurement then lately made of the said Premises, together with free Liberty and Power, as therein mentioned, to go, pass, and repass to and from the said Plot or Parcel of Land, or any Houses, Edifices, or Buildings erected thereupon, or by, through, or over the said Streets called *Bath Street* and *Street*, and all other public Streets and Ways then and thereafter to be made, laid out, and opened in and upon any other of the Lands of the Sir *John Parker Mosley* and *Oswald Mosley* adjoining or near to the said Plot or Parcel of Land therein-before mentioned, between *Garrett Lane* aforesaid and the River *Tib*, and also free Liberty and Power, as therein mentioned, to make or sink Soughs or Drains along the said Streets called *Bath Street* and *Street*, to communicate with the Drains or Soughs made or to be made in the same Streets or any Part of the Land of the said Sir *John Parker Mosley* and *Oswald Mosley*, between *Garrett Lane* and the River *Tib* in *Manchester* aforesaid, and from Time to Time to repair such Soughs and Drains, making good the Damage to be thereby done or occasioned, and obstructing the Passage of the said Streets as little as may be, was released and assured, with the Appurtenances, unto and to the Use of the said *Josiah Birch*, *George Lloyd*, *James Massey*, *James Walker*, *John Caryl Worsley*, *John Markland*, *George Johnson*, *Peter Mainwaring*, *Samuel Kay*, *Richard Edward Hall*, and *Charles White*, their Heirs and Assigns for ever, subject nevertheless to the Payment unto the said Sir *Ashton Lever* and *John Peploe Birch*, their Heirs and Assigns, of the clear annual Rent of Seventy-six Pounds, at the Times therein mentioned, with the usual Powers of Distress and Entry, and Perception of Rents and Profits, in case of Nonpayment of the same Rent, in manner therein mentioned; and further reciting, that besides an Infirmary or Hospital and Asylum for Lunatic Patients, a Dispensary, public Baths, and several other Buildings and Improvements had been erected and made upon the Land and Hereditaments comprised in the said Indentures of the Third Day of *December* One thousand seven hundred and fifty-three, and of the First and Second Days of *October* One thousand seven hundred and eighty-three, for the Benefit of the said Charities, which had been supported and maintained by the Donations and voluntary Contributions of charitable and well-disposed Persons, and were under the Direction and Management of Trustees, and that by reason of the Rents reserved in the said Indentures of the Third Day of *December* One thousand seven hundred and fifty-three, and the Second Day of *October* One thousand seven hundred and eighty-three, respectively, and by reason that neither of the said Indentures, nor the said Indenture of the First Day of *October* One thousand seven hundred and eighty-three, were duly inrolled, it was apprehended that the said Indentures respectively were void, as being contrary to the Statute made and passed in the Ninth Year of the Reign of His then late Majesty King *George* the Second, intituled *An Act to restrain the Disposition of Lands whereby the same become unalienable*, it is by the said Act now in recital enacted, that it should be lawful for the said then present Sir *Oswald Mosley*, his Heirs and Assigns, or any of them, or any Person or Persons as a Trustee or Trustees for him or them, at any Time

or Times after the passing of the said Act, to make and execute such Grants, Releases, Conveyances, or Assurances, Grant, Release, Conveyance, or Assurance, of all and singular or such and so many or such Part and Parts of the said Lands and Hereditaments comprised in the said Indenture of Lease of the Third Day of *December* One thousand seven hundred and fifty-three, and the said Indentures of Lease and Release of the First and Second Days of *October* One thousand seven hundred and eighty-three, respectively, or either or any of them, with the Erections, Edifices, Buildings, and Improvements thereon erected, built, and made, and other the Appurtenances, as he or they should at the Time of such Grants, Releases, Conveyances, or Assurances be seised of in Fee Simple, or should have a Power of Appointment or Disposal over the Fee thereof, unto such Persons as from Time to Time or at any Time or Times should be nominated and appointed Trustees for the Purpose of accepting and taking such Grants, Releases, Conveyances, and Assurances, by the major Part of the Benefactors and Subscribers of the said Charities for the Time being present at any Meeting to be holden in the Board Room of the said Infirmary, after Fourteen Days previous Notice by Advertisement in some or one of the *Manchester* Newspapers for that Purpose, their Heirs and Assigns, upon the Trusts and for the Purposes therein-after mentioned, reserving or not, as to the said then present Sir *Oswald Mosley*, his Heirs and Assigns, should seem expedient, of the said several Rents of Six Pounds and Seventy-six Pounds reserved as aforesaid, which Grants, Releases, Conveyances, and other Assurances should from the Time of making and executing thereof respectively be deemed, construed, and taken to be valid and effectual to all Intents and Purposes, the said Statute made and passed in the Ninth Year of the Reign of His Majesty King *George* the Second, or any of the Statutes of Mortmain, in anywise notwithstanding; and such Trustees for the Time being so to be appointed should be and were thereby accordingly empowered and enabled to accept and take the same; and it is thereby further enacted, that the Property of all and singular the Money, Implements, Materials, Furniture, Goods, Chattels, and Effects, Matters and Things whatsoever, then already belonging, due, or owing to the said Infirmary, Asylum, Dispensary, and Charities, or the Subscribers or Benefactors thereto, in respect or on account thereof, or which should thereafter be purchased, subscribed, contributed, or provided for the Purposes of the said Charities, should, from and after such Nomination and Appointment of Trustees as aforesaid, be vested in such Trustees so to be nominated and appointed as aforesaid, their Executors, Administrators, and Assigns, upon the Trusts and for the Purposes therein-after mentioned; and it is thereby further enacted, that the said Trustees so to be nominated and appointed as aforesaid, and the Survivors and Survivor of them, and the Heirs, Executors, and Administrators of such Survivor respectively, and the Assigns of such Trustees, or of the Survivors or Survivor of them respectively, should stand and be seised and possessed of and interested in the Hereditaments and Premises so demised or granted as aforesaid, or which should or might be granted or otherwise conveyed or assured by the said then present Sir *Oswald Mosley*, his Heirs or Assigns, in pursuance of the Power and Authority therein-before contained in

that Behalf, and also of and in all and singular the Money, Securities for Money, Implements, Materials, Furniture, Good, Chattels, and Effects, Matters and Things whatsoever, which might become vested in them in consequence of the said Act, and every Part thereof respectively, in Trust for and for the Benefit of the said Charities and charitable Purposes accordingly, and subject to the Rules, Orders, and Regulations then made and used, or such Rules, Orders, and Regulations as should thereafter be made, as therein mentioned, either with respect to the said Lands, Buildings, Hereditaments, and Premises, and the said Goods and Chattels of the said Infirmary, Dispensary, Lunatic Hospital, and Asylum, or with respect to the Recommendation and Admission of Patients, or otherwise relating to the Management, Regulation, and Government of the said Charities; and it is by the said Act now in recital further enacted, that when and so often as the Number of Trustees to be nominated and appointed for the Purposes aforesaid should, by Death or Resignation, be reduced to less than Ten in Number, then it should be lawful for the Trustees or Trustee for the Time being of the said Premises, after Fourteen Days previous Notice by Advertisement for that Purpose, to be inserted in one of the *Manchester* Newspapers, and they were thereby required, to nominate and appoint any other Persons to be Trustees for the Purposes aforesaid in the Place or Stead of the Trustees dying or resigning, and so *toties quoties*; and that when and so often as any new Trustees should be nominated or appointed for the Purposes aforesaid, the old or continuing and resigning Trustees for the Time being should convey and assign the Premises then vested in them upon the Trusts aforesaid, so that the same might become legally and effectually vested in the surviving or continuing Trustees and in such new Trustees jointly, or in such new Trustees wholly, as the Case should happen, their Heirs, Executors, and Administrators respectively, according to the Nature and Quality of the Premises, in Trust for the said Charities and charitable Purposes as aforesaid; and that all Conveyances, Assignments, and Assurances which should be made in pursuance of that Act should be good and effectual to all Intents and Purposes whatsoever, notwithstanding the said Statute of the Ninth Year of the Reign of His said Majesty King *George* the Second, or any of the Statutes of Mortmain: And whereas in pursuance of the Provisions of the said recited Act the several Plots of Land comprised in the said several Indentures, and the said Infirmary or Hospital and Asylum for Lunatic Patients, Dispensary, public Baths, and other Buildings erected upon the same Plots of Land or some Part thereof, have been duly conveyed and assured unto Trustees appointed according to the Provisions of the said Act, freed and discharged from the said several yearly Rents reserved or made payable as aforesaid, and all other Charges and Incumbrances affecting the same, upon Trust for the Use and Benefit of the said Charities and charitable Purposes: And whereas, in addition to the Land, Buildings, and Hereditaments herein-before mentioned, there is considerable other Property belonging to the said Charities, consisting of Money invested in the Government or public Stocks or on other Securities, Money in the Hands of the Bankers to the said Charities, and also of Furniture, Bedding, Surgical Instruments, Drugs, and other Effects: And whereas the said Charities have been of great

Value

Value to the Town of *Manchester* and the District which has enjoyed the Benefit thereof, and if the Provisions of the said Act were extended and enlarged, and the President, Treasurers, Deputy Treasurers, Benefactors, and Subscribers for the Time being of the said Charities were incorporated, and were empowered to hold Lands in Mortmain, and also to hold, retain, and dispose of the Monies, Stocks, Funds, Securities, and Personal Estate and Effects of the said Charities, in manner herein-after mentioned, it would tend to the greater Security of the Property of the said Charities, would avoid the Necessity and the consequent Expence of appointing new Trustees, and of conveying and transferring Land and Hereditaments, Monies, Stocks, Funds, Securities, and other Property to them, and would in other respects tend greatly to the permanent Establishment and Maintenance of the said Charities, and to the Promotion of the benevolent and charitable Designs thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Matters, and Things contained in the herein-before recited Act, except such of them as are by this Act repealed, altered, or otherwise provided for, shall, so far as Circumstances permit, be extended to this Act.

Provisions of former Act extended to this Act.

II. And be it enacted, That the President, Treasurers, Deputy Treasurers, Benefactors, and Subscribers for the Time being of and to the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum, shall be incorporated by the Name of "The President, Treasurers, Deputy Treasurers, Benefactors, and Subscribers of and to the *Manchester* Royal Infirmary, Dispensary, and Lunatic Hospital or Asylum," and by that Name shall be a Body Corporate, with perpetual Succession, and a Common Seal, and with Power to hold and retain, for the Purposes of this Act, the Lands comprised in the several herein-before mentioned Indentures, and all Buildings now erected or to be hereafter erected upon the said Lands, with the Appurtenances: Provided always, that if any Member of the said Corporation shall be guilty of a Breach of Trust or any Misfeasance in respect of any Property or Lands belonging to the *Manchester* Infirmary, Dispensary, and Lunatic Hospital or Asylum, or either of them, whether under the Sanction of the Corporate Seal or not, he shall be subject to the same Liabilities as if this Act had not been passed.

President, Treasurers, &c., incorporated.

III. And be it enacted, That immediately after the passing of this Act, and by virtue of the same, the said Plots of Land comprised in the herein-before recited Indenture of Demise of the Third Day of *December* One thousand seven hundred and fifty-three, and the Indenture of Release of the Second Day of *October* One thousand seven hundred and eighty-three, with the several Buildings and Erections standing and being upon the same, and the Members, Rights, Privileges, and Appurtenances thereto belonging, shall be absolutely vested in the Corporation hereby created, according to the true Intent and Purport of the Conveyances executed of the same Hereditaments

Lands and Funds vested in the Corporation.

Hereditaments as aforesaid, and that in like Manner all the Monies, Stocks, Funds, and Securities for Money, Goods, Chattels, Rights, Credits, and Effects, belonging, due, and owing to the said Charities, shall be vested in the said Corporation, and for that Purpose the Persons in whose Names any Sums of Money, Stocks, Funds, Mortgages, Securities for Money, or other Effects, shall at the Time of the passing of this Act stand or be secured, the beneficial Interest wherein shall belong to the said Charities hereby incorporated, shall forthwith transfer or assign the same respectively, so and in such Manner as that the same shall be vested in the said Corporation hereby created.

Monies may be laid out on Mortgage.

IV. And be it enacted, That as well the Monies arising from the Sale or Transfer of any of the public or Government Funds, Stocks, and Securities, or any other Securities, as also any other Monies for the Time being belonging to the said Charities, may from Time to Time be invested either in the Name of the said Corporation hereby created, or in the Names of any other Persons on behalf of and to be named and appointed by the said Corporation, upon Trust for the said Charities, on Mortgage of any Hereditaments of a clear and indefeasible Estate of Inheritance in Fee Simple, to be situate in *England* or *Wales*, free from Incumbrances, except Quit Rents or other annual small Payments, and Leases at Rack Rent to Tenants or Occupiers, with or without Powers of Sale, of any Hereditaments so to be conveyed in Mortgage, and with any other Clauses, Powers, and Limitations relating thereto which may be deemed desirable; 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, either by the Exercise of any such Powers of Sale aforesaid, or otherwise howsoever, as and when and so often as may be thought advisable on the Part of the said Charities, or the same Monies, Stocks, Funds, and Securities may in like Manner be invested in any of the public or Government Stocks, Funds, or Securities; and all such Mortgages, Stocks, Funds, and Securities may be from Time to Time called in, and the Money arising therefrom be again invested in manner aforesaid, so often as may be deemed expedient.

In Cases of Hereditaments being invested in the Corporation by way of Mortgage.

V. Provided always, and be it enacted, That when and so often as, in the Case of any Hereditaments being vested in the said Corporation, or in any Person or Persons to be named and appointed as last aforesaid upon Trust for the said Charities, for securing by way of Mortgage or otherwise any Monies belonging to the said Charities, the Person or Persons entitled in Equity to redeem the said Hereditaments shall release, or by Lapse of Time or otherwise shall lose or be deprived of the Right to redeem the same, or such Right shall be absolutely foreclosed, the said Hereditaments, after such Persons shall have so released, or lost or been deprived of the Right to redeem, or after the final Order upon the Decree of Foreclosure shall have been obtained on the Part of the said Charities, (as the Case may be,) shall be absolutely sold and disposed of for the Benefit of the said Charities, and the said Corporation, or the Persons in whom such Hereditaments may be vested, shall not be liable to any of the Penalties and Forfeitures of the Statutes of Mortmain for

holding and retaining the same after such Persons shall have so released, or lost or been deprived of the Right to redeem as aforesaid, or after such final Order shall have been obtained, but shall in all respects be competent to hold, retain, and dispose of the same notwithstanding the said Statutes or any Thing therein contained, provided the same be absolutely sold or disposed of within Twelve Calendar Months after the obtaining of such Release or final Order.

How Notices are to be given by the Corporation.

VI. And be it enacted, That in all Cases wherein it may be necessary for the said Corporation to give any Notice to or make any Requisition upon any Person whatsoever, or to publish any Advertisement, such Notice, Requisition, or Advertisement may be in Writing, signed by the acting Secretary of the said Charities for the Time being, or other Officer appointed by the said Corporation for such Purpose, without being required to be under the Common Seal of the said Corporation, or to be made under any Authority authorized by such Common Seal.

Existing Rules and Regulations of the Charities to continue in force.

VII. And be it enacted, That the Laws, Rules, and Regulations by or under which the Elections or Appointments of the Medical and other Officers, and their respective Privileges and Duties, and their Continuance as Officers of the said Charities, have been regulated, and by or under which the weekly and other Meetings of or relating to the Affairs of the said Charities have been held, and by or under which such Meetings have been managed and conducted, and by or under which the Affairs of the said Charities have been carried on, and new Rules, Resolutions, and Regulations concerning the same have been made and passed, 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 Charities, except so far as they may be amended, altered, or repealed by this Act, or by any new Laws, Rules, and Regulations which may be made in pursuance thereof and in conformity therewith.

Existing Rules and Regulations may be altered.

VIII. And be it 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 Charities may be amended, altered, or repealed, and any new Laws, Rules, and Regulations for the said Charities, 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 *England*, may be made and passed at such Meetings and in such Manner as is or shall be prescribed by the present or any future Laws, Rules, and Regulations, to be duly made or passed, of the said Charities.

Expences of the Act.

IX. And be it 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 Treasurer or Treasurers for the Time being of the said Charities, or by the said Corporation, out of any Monies already received or hereafter to be received by the said Treasurer or Treasurers on account of the said Charities, or which may belong to the said Corporation.

X. And

X. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretation of Act.

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

Words importing the Masculine Gender shall include Females:

The Expression Benefactors and Subscribers shall mean the Benefactors and Subscribers to the said Charities, who according to the subsisting Rules and Regulations for the Time being shall be entitled to attend and vote at the weekly and other Meetings to be held for the Election of Medical and other Officers, or for the conducting and managing the Affairs of the said Charities.

XI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

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