ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxxii.

An Act to incorporate the Governors and Subscribers to *St. Luke's Hospital* for Lunatics, and for better enabling them to carry on their charitable Designs. [4th *July* 1838.]

WHEREAS in the Year One thousand seven hundred and fifty a few benevolent Persons, having observed the many Evils which had resulted from the Want of charitable Establishments appropriated exclusively to the Reception of Lunatics, determined to open a Subscription for the Erection of a new Hospital for the Reception of poor Lunatics, and accordingly an Hospital, called *Saint Luke's Hospital* for Lunatics, and situate in the Parish of *Saint Luke* in the County of *Middlesex*, was built and completed and established by voluntary Contributions only; and in or about the Year One thousand seven hundred and eighty-seven, for the same Purposes, a new Hospital, situate on the North Side of *Old Street* in the said Parish of *Saint Luke* in the said County of *Middlesex*, was erected, completed, and established by voluntary Contributions only, and has since been supported by the Donations and Legacies of benevolent Persons, and upwards of Sixteen thousand Patients have since the opening of the Establishment on the Thirtieth Day of *July* One thousand seven hundred and fifty-one been received into the Hospital, and nearly Seven thousand of them have been discharged

therefrom cured: And whereas the said Hospital, with the Offices and Appurtenances thereunto belonging, and the Ground whereon the said Buildings stand, have, from the Year One thousand seven hundred and eighty-seven, been held under Leases, with a perpetual Right of Renewal, granted from Time to Time by the Mayor, Commonalty, and Citizens of the City of *London*, Governors of the House of the Poor commonly called *Saint Bartholomew's Hospital*, which Leases have been respectively granted for Terms of Forty Years each, at the yearly Rent of Two hundred Pounds, renewable at the Expiration of the first Fourteen Years of each of the said Terms upon Payment of Two hundred Pounds by way of Fine, and upon Surrender of the former Lease, and the same are now held under a similar Lease, bearing Date the First Day of *October* One thousand eight hundred and thirty-two, and made between the said Mayor and Commonalty and Citizens, Governors as aforesaid, of the one Part, and *John Clark Powell* Esquire, Treasurer, and *William Sikes* Esquire, *Henry Francis Shaw Lefevre* Esquire, and *Daniel Mildred* Esquire, Three of the Governors of the said Hospital, of the other Part, upon the same Terms: And whereas by an Indenture bearing Date the Eleventh Day of *June* One thousand seven hundred and eighty-eight, and made between *Samuel Whitbread* of *Chiswell Street* in the Parish of *Saint Luke* in the County of *Middlesex*, Esquire, of the one Part, and *Edward Payne* Esquire, of *London*, Merchant, *William Ewer* Esquire, of *London*, Merchant, *Christopher Puller* Esquire, of *London*, Merchant, *Charles Foreman* Esquire, of *London*, Merchant, *William Prowting* Esquire, of *Tower Street*, *London*, Apothecary, *Thomas Raikes* Esquire, of *London*, Merchant, *Thomas Strong* of *Red Cross Street*, *London*, Gentleman, *John Lambert* of *Cornhill*, *London*, Stock Broker, *Ebenezer Maitland* Esquire, of *London*, Merchant, *Thomas Roberts* the younger, of *Charter House Square*, *London*, Stock Broker, *Thomas Speed* of *Cannon Street*, *London*, Druggist, and *Stephen Todd* Esquire, of *Leadenhall Street*, *London*, Slopseller, Twelve of the Governors of the said Hospital, of the other Part, for the Considerations therein expressed, he the said *Samuel Whitbread* did, for himself, his Heirs and Assigns, give, grant, bargain, sell, and confirm unto the said *Edward Payne*, *William Ewer*, *Christopher Puller*, *Charles Foreman*, *William Prowting*, *Thomas Raikes*, *Thomas Strong*, *John Lambert*, *Ebenezer Maitland*, *Thomas Roberts*, *Thomas Speed*, and *Stephen Todd*, their Heirs and Assigns for ever, One Annuity, clear yearly Rent-charge, or annual Sum of One hundred and five Pounds of lawful Money of *Great Britain*, to be yearly issuing, payable, going, had, received, and taken by them the said *Edward Payne*, *William Ewer*, *Christopher Puller*, *Charles Foreman*, *William Prowting*, *Thomas Raikes*, *Thomas Strong*, *John Lambert*, *Ebenezer Maitland*, *Thomas Roberts*, *Thomas Speed*, and *Stephen Thodd*, their Heirs and Assigns, by and out of all that Capital Dwelling House of him the said *Samuel Whitbread*, belonging and adjoining to his Brewhouse, and Counting-houses, Offices, and Warehouses thereto adjoining, situate and being in *Chiswell Street* in the said Parish of *Saint Luke* in the County of *Middlesex*, and also by and out of the Public House situate and being at the Corner of *Chiswell Street* aforesaid, next and fronting *White Cross Street*, and also by and out of the Dwelling House adjoining to the said Public House Southwards in *White Cross Street* aforesaid,

aforesaid, and also by and out of the Brewhouse Yard, being behind and adjoining to the said Messuages, Tenements, and Dwelling Houses in *Chiswell Street* and *White Cross Street*, and also by and out of another Piece or Parcel of Ground whereon was erected a considerable Part of the Brewery Office, the Steam Engine House, and a Stable, all which said Premises contained in front next *Chiswell Street* aforesaid One hundred and sixty-five Feet of Assize (little more or less), and in front next *White Cross Street* aforesaid Fifty-five Feet of Assize (little more or less), and at the East and next to other Part of the said Brewhouse One hundred and forty-seven Feet of Assize (little more or less), and were wholly situate in the Parish of *Saint Luke* in the County of *Middlesex* aforesaid, the Ground Plot of which said Premises was delineated and described in the Plan thereof annexed to the now-stated Indenture, to hold the said annual Sum of One hundred and five Pounds unto and to the Use of the said *Edward Payne*, *William Ewer*, *Christopher Puller*, *Charles Foreman*, *William Prowting*, *Thomas Raikes*, *Thomas Strong*, *John Lambert*, *Ebenezer Maitland*, *Thomas Roberts*, *Thomas Speed*, and *Stephen Todd*, their Heirs and Assigns for ever, in Trust for carrying on the charitable Designs of the Governors of the said Hospital, and which said annual Sum was made payable by equal half-yearly Payments, with usual Powers of recovering and enforcing Payment of the same by Distress and Entry upon the Hereditaments charged therewith: And whereas the present Trustees of the said annual Sum of One hundred and five Pounds are the said *John Clark Powell* Esquire, of *Saint Helen's Place*, *Bishopsgate Street*, in the City of *London*, Merchant, the Treasurer of the said Hospital, and *John Jortin* of *Charlotte Street*, *Bedford Square*, in the said County of *Middlesex*, Esquire, *John Coope* of *Gloucester Place*, *Portman Square*, in the said County of *Middlesex*, Esquire, *John Weyland* of *Charles Street*, *Berkeley Square*, in the said County of *Middlesex*, Esquire, *Benjamin Bond Cabbell* of the *Middle Temple*, *London*, Esquire, *Mark Hunter* Esquire, of *Artillery Place*, *Finsbury Square*, in the said County of *Middlesex*, Merchant, *Henry Francis Shaw Lefevre* Esquire, of *Austin Friars* in the City of *London*, Merchant, *Daniel Mildred* Esquire, of *Nicholas Lane*, *Lombard Street*, in the City of *London*, Banker, *Richard Percival* the younger, Esquire, of *Lombard Street* aforesaid, Banker, *Charles Pott* Esquire, of *Bridge Street*, *Southwark*, in the County of *Surrey*, Vinegar Merchant, *James Powell* Esquire, of *Carey Street*, *Lincoln's Inn*, in the said County of *Middlesex*, Wine Merchant, and *Francis Wigg* Esquire, of *Bedford Row* in the said County of *Middlesex*, Builder, Eleven of the Governors of the said Hospital; and by an Indenture dated the Tenth Day of *August* One thousand eight hundred and thirty-seven, and made between the said *John Clark Powell*, *John Jortin*, and *John Coope*, of the one Part, and the said *John Weyland*, *Benjamin Bond Cabbell*, *Mark Hunter*, *Henry Francis Shaw Lefevre*, *Daniel Mildred*, *Richard Percival*, *Charles Pott*, *James Powell*, and *Francis Wigg*, of the other Part, the said annual Sum of One hundred and five Pounds was and is legally vested in the said present Trustees thereof: And whereas, in addition to the said yearly Rent-charge, and Leasehold Ground, Hospital, Offices, and Buildings, 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, Treasurer, and Governors thereof were made a Body Politic and Corporate, and were empowered to hold in Mortmain, as well the said Rent-charge, Ground, Hospital, and other Premises comprised in the said Indenture of the Eleventh Day of *June* One thousand seven hundred and eighty-eight and the said Indenture of Lease respectively, 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, its benevolent Designs would be thereby greatly promoted; but the same several Purposes 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 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 the President, Vice Presidents, Treasurer, 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, Treasurer, and Governors of *Saint Luke's Hospital*," and by that Name shall have perpetual Succession, and a Common Seal, with Power to change, alter, break, and make anew 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 Indenture of Lease, and the said yearly Rent-charge of One hundred and five Pounds, and the Powers, Rights, and Remedies for recovering and enforcing Payment of the same, and otherwise incident thereto, and for the Purposes of the said Hospital to hold or purchase any other Lands, Tenements, or Buildings which by Law they may hold or purchase, and also any Monies and other Personal Estate and Property, 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: Provided also, that the Monies, Lands, and Hereditaments which may be purchased or acquired under the Provisions of this Act, 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 the said Corporation, or any Trustee or Trustees for them, by way of Mortgage, or upon which any Sums belonging to the said Institution may be charged, but exclusive of the said yearly Rent-charge of One hundred and five Pounds, do not in the whole exceed the yearly Sum of Ten thousand Pounds,

The President, &c. of Saint Luke's Hospital incorporated.

Pounds, over and above all Charges and Expences, computing the same at the Rack Rents which might have been obtained for the same respectively at the Time of the Acquisition thereof: Provided always, that no Gift, Conveyance, Appointment, or Transfer of any Manors, Lands, and Hereditaments, or of any Stocks, Money, Goods, Chattels, or other Personal Estate to be laid out or disposed of in the Purchase of Lands or Hereditaments, shall be valid and effectual unless the same shall be executed, enrolled, and made in such Manner and at such Times as is or are required by an Act of Parliament made and passed in the Ninth Year of King *George* the Second, intituled *An Act to restrain the Disposition of Lands whereby the same become unalienable.*

The Lease-hold Piece of Ground and Premises, and the Rent-charge of 105*l.*, vested in the President, Vice Presidents, Treasurer, and Governors.

II. And be it further enacted, That immediately after the passing of this Act the said Piece of Ground, with the said Hospital and Erections thereon, and other the Premises comprised in and demised by the herein-before recited Indenture of Lease of the First Day of *October* One thousand eight hundred and thirty-two, and all Benefit and Right of Renewal of the said Lease, and also the yearly Rent-charge of One hundred and five Pounds, and the Powers, Remedies, Rights, and other Premises comprised in the said Indenture of the Eleventh Day of *June* One thousand seven hundred and eighty-eight, and all Arrears of the said yearly Rent-charge, shall be vested in the President, Vice Presidents, Treasurer, and Governors of *Saint Luke's Hospital*, for the Purposes of the said Institution, as to the said Leasehold Premises for the Remainder of the Term for which the said Premises were demised by the said Indenture of Lease, subject to the Rent, Covenants, Conditions, and Agreements by and in the said Indenture of Lease respectively reserved and contained on the Part of the Lessees, with the full Benefit and Advantage of the Covenant for Renewal and all other Covenants therein contained, in as full and ample a Manner as the said *John Clark Powell*, *William Sikes*, *Henry Francis Shaw Lefevre*, and *Daniel Mildred*, or any of them, as such Lessees as aforesaid, or the Survivors or Survivor of them, or the Executors, Administrators, and Assigns of such Survivor, might or could have had or enjoyed the same under or by virtue of the said Indenture of Lease; and the Heirs, Executors, and Administrators of the said Lessees respectively shall be discharged from the Rent, Covenants, and Agreements by and in the said Lease reserved and contained on the Part of the Lessees; and as to the said yearly Rent-charge, with all the Liens, Securities, Powers, Rights, and Remedies incident thereto, in as full and ample Manner as the said present Trustees thereof, the Survivors or Survivor of them, or the Heirs or Assigns of such Survivor, could or might have had or enjoyed the same; provided that the Lessor shall have the same Remedies against the Hospital as he would have had in case the Hospital had been the original Lessee.

Power to invest 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, Treasurer, and Governors of *Saint Luke's Hospital*, or in the Names or Name of the Trustees or a Trustee for the said Institution, on

Mortgage of any Hereditaments of a clear and indefeasible Estate or 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 Mortgagees 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, Treasurer, 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, Treasurer, 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, Treasurer, 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, Treasurer, 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, Treasurer, and Governors shall absolutely sell and dispose of the same, and hold and apply the Monies to arise thereby 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.

On whom Notices or legal Proceedings shall be served.

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, Treasurer, 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 the Delivery thereof at the Office of the said Secretary of the said Hospital, or of such other Officer, or, in case there shall be no Secretary or such Officer as aforesaid, upon the President, or any One of the Vice Presidents, or Treasurer, or delivered at any of their Places of Abode, shall be deemed good and sufficient Service upon the said incorporated Institution, and the President, Vice Presidents, Treasurer, and Governors thereof.

Rules and Regulations may be altered.

VI. 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 in force in 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 are or shall be prescribed by the present or any future Laws, Rules, and Regulations of the said Institution.

Saving the Rights of Her Majesty and others.

VII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Persons and Person, Bodies Politic and Corporate, and their respective Heirs, Executors, Administrators, Successors, 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, and the said yearly Rent-charge, 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.

VIII. 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 Treasurer of the said Institution out of any Money already received or hereafter to be received by the said Treasurer on account of the said Institution.

Public Act.

IX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.