

ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. xc.

An Act to incorporate the Members of the Institution called the Infant Orphan Asylum, and to enable them the better to carry on their charitable Designs. [1st August 1843.]

HEREAS in the Year One thousand eight hundred and twenty-seven an Institution was formed by several Noblemen, Gentlemen, and others, for maintaining and educating Orphans of both Sexes, from Three Months until Seven Years of Age, and the same was for some Time carried on in Premises originally provided for the Purpose at Hackney in the County of Middlesex, and hath been subsequently carried on at Dalston in the same County; and the said Institution hath been supported by the voluntary Subscriptions and Donations of charitable and welldisposed Persons, and a very great Number of such Infant Orphans have been received and maintained therein until the Age at which they became eligible for Admittance into the various other Institutions for the Reception of Orphan Children; and such Infant Orphans have not only been sheltered and protected from Vice and Want, but carefully instructed in the Principles of the Christian Religion as taught by the Established Church, and in Reading, [Local.] 32 XWriting,

Surrender, 28th April 1835.

Writing, and Arithmetic, and the Girls also in Needlework, and trained in Habits of Industry and Regularity: And whereas at a Court Baron held in and for the Manor of Hackney, commonly called the Lord's Hold, on the Twenty-eighth Day of April One thousand eight hundred and thirty-five, Thomson Hankey of Portland Place in the Parish of Saint Marylebone in the County of Middlesex, One of the Customary Tenants of the said Manor, surrendered into the Hands of the Lord of the said Manor, to the Use of Andrew Reed of Cambridge Heath within the said Manor, William Kirby of Hangers Lane, Stamford Hill, in the Parish of Tottenham in the County of Middlesex, James Taylor of Nelson Terrace in the Parish of Saint Mary Newington in the said County, Robert Gamman of Wilmot Square in the Parish of Saint Matthew Bethnal Green in the said County, John Ebenezer Bromley of the Commercial Road in the Parish of Saint George in the East in the said County, James Edward Hadow of Highbury Grove in the Parish of Saint Mary Islington in the said County, Charles Fiddey of Serjeant's Inn, Fleet Street, in the City of London, John Norbury of Finsbury Square in the Parish of Saint Leonard Shoreditch in the said County of Middlesex, and Charles John Brown of Brompton in the said County, Esquires, Trustees of the Infant Orphan Asylum, their Heirs and Assigns for ever, Two Messuages or Tenements situate on the South Side of Dalston within the said Manor, with the Buildings, Yard, and Gardens thereunto belonging; and at the same Court the said Charles Fiddey in his own proper Person, and the said Andrew Reed, William Kirby, James Taylor, Robert Gamman, John Ebenezer Bromley, James Edward Hadow, John Norbury, and Charles John Brown, by the said Charles Fiddey their Attorney, were duly admitted Tenants of the same Hereditaments and Premises, to hold the same at the Will of the Lord of the said Manor by the Rod, according to the Custom of the said Manor by Copy of Court Roll, by the yearly Rent of One Shilling, Rents, Suit of Court, Customs, and other Services thereof Indentures of theretofore due and of Right accustomed: And whereas by an Indenture bearing Date the Twenty-sixth Day of August One thousand eight hundred and thirty-five, and made between Thomas August 1835. Hankey of the one Part, and the said Andrew Reed, William Kirby, James Taylor, Robert Gamman, John Ebenezer Bromley, James Edward Hadow, Charles Fiddey, John Norbury, and Charles John Brown, Trustees of the Infant Orphan Asylum of the other Part, the yearly Sum of Four Pounds and Sixpence, being the Land Tax formerly charged upon the said Premises at Dalston, was conveyed unto the said Parties thereto of the second Part, their Executors, Administrators, and Assigns for ever: And whereas by an Indenture bearing Date the Twenty-sixth Day of August One thousand eight hundred and thirty-five, and made between the said Thomson Hankey of the one Part, and the said Andrew Reed, William Kirby, James Taylor, Robert Gamman, John Ebenezer Bromley, James Edward Hadow, Charles Fiddey, John Norbury,

Conveyance and Assignment, 26th

Norbury, and Charles John Brown, Trustees of the Infant Orphan Asylum of the other Part, a small Piece of Leasehold Ground, situate at Dalston aforesaid (being Part of the Yard of the said Messuage or Tenement comprised in the said recited Surrender of the Twenty-eighth Day of April One thousand eight hundred and thirty-five), containing in Length, from West to East on the South Side thereof, Thirteen Feet Ten Inches, then running North in a right Line Three Feet Eight Inches, then running West in a right Line at a Right Angle with the said last-mentioned right Line Thirteen Feet Ten Inches, then running South in a bevel Line Three Feet Six Inches, and then running East Thirteen Feet Ten Inches, with the Appurtenances, was assigned by the said Thomson Hankey unto the said Andrew Reed, William Kirby, James Taylor, Robert Gamman, John Ebenezer Bromley, James Edward Hadow, Charles Fiddey, John Norbury, and Charles John Brown, their Executors, Administrators, and Assigns, for the Residue of a Term of Forty Years from Michaelmas Day One thousand eight hundred and Sixteen, granted by an Indenture of Lease dated the Thirtieth Day of January One thousand eight hundred and seventeen, subject to the Payment of the yearly Rent of One Pound, by the said Indenture of Lease reserved, and to the Performance of the Covenants therein contained on the Lessees Part to be observed: And whereas the said Hereditaments and Premises at Dalston were surrendered and assigned to the said Andrew Reed, William Kirby, James Taylor, Robert Gamman, John Ebenezer Bromley, James Edward Hadow, Charles Fiddey, John Norbury, and Charles John Brown, in order that the same might be used for the Purposes of the Institution, and they have been and are accordingly used as an Asylum for the Reception of the Infant Orphans supported thereby: And whereas the Buildings and Premises at Dalston not being sufficiently capacious to carry into effect the charitable Designs and Objects of the Institution, a Treaty hath been entered into for the Purchase of a Piece of Ground at Snaresbrook in the County of Essex, upon which a larger and more capacious Asylum has been erected, and is almost completed: And whereas on the Completion of such new Asylum the present Asylum at Dalston will no longer be required for the Purposes of the Institution, and it will be expedient that the same should be sold, and the Proceeds thereof applied in aid of the general Funds of the Institution, or in making good so much of the said Funds as may be applied in the Purchase of the said Ground at Snaresbrook, and in the Erection of the new Asylum thereon: And whereas, in addition to the Buildings and Premises at Dalston, and the Offices belonging to the Institution, and the Household Goods and Furniture, and other Personal Property in and about the said Premises, the Funds now belonging to the Institution consist of Money and of Stock in the Public Funds of Great Britain, standing in the Names of Trustees: And whereas if the Institution were permanently established, and the Members thereof were made a Body Politic and Corporate, and were empowered to hold in Mortmain, either in the Name

Name of the Institution or in the Names of Trustees, as the Tenure of the Property may require, as well the said Copyhold and Leasehold Hereditaments and Premises at Dalston, and the said Ground and Hereditaments at Snaresbrook, in case the Purchase thereof should be completed, as also other Hereditaments, 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 the benevolent Designs of the Institution; 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 Queen's most Excellent Majesty, by and with the Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Presidents, Vice Presidents, Treasurer, and Governors for the Time being of the Institution shall be incorporated by the Name of "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum," and by that Name shall be a Body Corporate, with 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 unto, defend and be defended, in any Court of Law or Record, or Place of Judicature, within this Kingdom.

The Institution incorporated.

Power to

II. And be it enacted, That the said Presidents, Vice Presidents, hold Land; Treasurer, and Governors shall by their corporate Name be able and capable, without incurring any Penalties or Forfeitures, to hold and retain, for the Purposes of the Institution, the said Hereditaments and Premises at Dalston, and the said Ground and Hereditaments at Snaresbrook, in case the Purchase thereof shall be completed, and in the event of its becoming necessary or expedient to enlarge the Premises at Snaresbrook, to obtain and acquire, by Purchase, for a valuable Consideration, and hold and retain for the Purposes of the said Institution, any Lands of any Nature or Kind, either in Fee, or for Terms for Life or Years, or otherwise, so as that the Lands obtained, acquired, held, and retained for the Purpose of enlarging the said Premises at Snaresbrook do not exceed Forty Acres, and so as such Lands as may be of Copyhold Tenure be surrendered to and held by One or more Person or Persons as a Trustee or Trustees for and Personal the Institution; and also to obtain, acquire, hold, and retain for the Purposes of the Institution any Monies and other Personal Estate and Property, including Monies secured on Mortgage of or charged upon any Hereditaments; and also, for the Purposes of the Institution, to grant, sell, alien, demise, convey, assign, surrender, and dispose of the said Copyhold and Leasehold Hereditaments at Dalston, and also any other Hereditaments, Monies, and other Estate and Property, as well Real as Personal, for the Time being belonging to the Institution, and to do and execute all such Acts, Deeds, Matters,

Estate;

and to sell Lands and other Property.

Matters, and Things as may be necessary for the effecting and Completion of any such Grant, Sale; Alienation, Demise, Conveyance, Assignment, Surrender, or Disposition.

III. And be it enacted, That in case the Purchase of the Ground and Premises at Snaresbrook shall be completed the said Presidents, sold when Vice Presidents, Treasurer, and Governors shall, as soon as con-Asylum reveniently may be after the same shall be occupied for the Purposes of the Institution, sell the Buildings and Premises at Dalston in such Manner as may be deemed most advantageous.

Premises at Dalston to be moved to Snaresbrook.

IV. And be it enacted, That the Receipt of the Treasurer for the Treasurer's Time being of the Institution shall at all Times be a sufficient Dis-Receipts to charge to every Purchaser, Tenant, and other Person paying any Purchase Money, Rent, or other Sum of Money to such Treasurer Purchasers for so much Money as in such Receipt shall be expressed to be received, and shall wholly exonerate the Person paying the same from seeing to the Application thereof.

be good Discharges to and others.

V. And be it enacted, That from and immediately after the passing The Trustees of this Act the said Andrew Reed, William Kirby, James Taylor, in whom the Robert Gamman, John Ebenezer Bromley, James Edward Hadow, Charles Fiddey, John Norbury, and Charles John Brown, and the Sur- Dalston are vivors and Survivor of them, and the Heirs of such Survivor, shall vested, to stand seised of the said Copyhold Messuage or Tenement, Buildings hold the and Hereditaments at Dalston to which they were so admitted at the for the In-Court holden for the said Manor of Hackney, on the Twenty-eighth stitution. Day of April One thousand eight hundred and thirty-five, as hereinbefore is mentioned, upon Trust for "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum," absolutely for the Purposes of the Institution, and to surrender, assign, or otherwise dispose of the same as they shall from Time to Time direct, they "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum" paying all Fines and Fees payable in respect of the said Copyhold Hereditaments, and indemnifying the said Trustees therefrom.

Asylum and Premises at same in Trust

VI. And be it enacted, That immediately after the passing of this The Land Act the said Land Tax or yearly Sum of Four Pounds and Sixpence Tax charged charged upon and payable out of the said Copyhold Hereditaments mises at and Premises at Dalston, and so conveyed and assigned by the said Dalston recited Indenture of the Twenty-sixth Day of August One thousand vested in the eight hundred and thirty-five, and all Powers and Remedies for recovering the same, shall be vested in "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum," for all the Estate and Interest therein conveyed and assigned, or intended to be conveyed and assigned, by the said Indenture.

on the Pre-Corporation.

: [Local.]

Leasehold Piece of Ground vested in Corporation.

VII. And be it enacted, That immediately after the passing of this Act the small Piece of Leasehold Ground now forming Part of the Yard to the said Copyhold Messuage and Premises at Dalston, comprised in the said before-mentioned Indenture of Lease of the Thirtieth Day of January One thousand eight hundred and seventeen, and so assigned by the said recited Indenture of the Twenty-sixth Day of August One thousand eight hundred and thirty-five, shall be vested in "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum," for the Remainder of the said Term of Forty Years granted by the said Indenture of Lease, subject to the Rent, Covenants, Conditions, and Agreements in the said Indenture reserved and contained on the Part of the Lessees, with the full Benefit and Advantage of all Covenants therein contained, in as full and ample a Manner as the Lessees therein or their Assigns might or could have had or enjoyed the same under the said Indenture.

Trustees to whom Copyholds are surrendered, to stand seised thereof in Trust for the Institution.

VIII. And he it enacted, That all Persons to whom any Messuages, Lands, Tenements, or Hereditaments of Copyhold Tenure shall be surrendered as Trustees for the Institution shall stand seised, possessed of, and interested in the same, upon Trust for "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum," and shall surrender or otherwise dispose of the same as they shall from Time to Time direct.

Persons in whose Names Stock stands to transfer the same to the Institution.

IX. And be it enacted, That it shall be lawful for all Persons in whose Names any Stock in the Public Funds is standing, or in whose Names any other Personal Property is vested, in Trust for the Purposes of the Institution, to transfer, assign, and assure the same into the Name of "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum;" and the same respectively shall be so transferred, assigned, and assured as soon as may be after the passing of this Act, and the same respectively, when so transferred, assigned, and assured, shall, together with the Dividends and annual Produce thereof, be held and possessed by the Institution for the Purposes thereof; and the Persons so transferring, assigning, and assuring the same shall not be bound to see to the Application thereof, or of any Part thereof, and shall not be answerable or accountable for the Loss, Misapplication, or Nonapplication thereof, or of any Part thereof.

Power to invest the Monies of the Mortgage.

X. And be it enacted, That any of the Monies for the Time being belonging to the Institution may be from Time to Time Institution on invested, either in the Name of "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum," or in the Names of Trustees for the 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

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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 requied and enforced, when thought advisable so to do on the Part of the Institution.

XI. Provided always, and be it enacted, That when and so often Estates mortas in the Case of any Hereditaments being vested in the Names of gaged to the "The Presidents, Vice Presidents, Treasurer, and Governors of the Institution, if Infant Orphan Asylum," or of any Trustees for the Institution, for within 12 securing by way of Mortgage any Monies belonging to the Institution, the Person entitled in Equity to redeem the said Hereditaments gors shall shall release the Right to redeem the same, or such Right shall be have released absolutely foreclosed, the said Hereditaments may after such Release, or been foreor after the final Order upon the Decree of Foreclosure shall have be retained, been obtained on the Part of the Institution (as the Case may be), &c. be held and retained by "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum," for the Purposes of the 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 Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum," or in any Trustee or Trustees for them, for the Purposes of the Institution (exclusive of the said Hereditaments and Premises situate at Dalston, with the Appurtenances, and also exclusive of any Hereditaments then vested in "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum," or in any Trustees for them, by way of Mortgage, or upon which any Money belonging to the 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 Institution shall exceed the Value herein-before limited, then "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum" shall absolutely sell and dispose of the same for the Benefit of the Institution, and shall not be liable to any Penalties and Forfeitures 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 obtaining such Release or final Order.

Months after the Mortgaor been fore-

XII. And be it enacted, That all Bonds, Covenants, or other The Right of Obligations heretofore entered into, whereby any Person is bound sping on

Bonds and or Covenants

transferred to the Institution. or liable to any Persons, as Trustees or otherwise, for or on behalf of the Institution or otherwise, or whereby any Person is bound to do or perform any Duty, Act, Matter, or Thing touching or concerning the Institution or the Business thereof, or whereby any Person is Surety or otherwise responsible for any other Person doing or performing any Duty, Act, Matter, or Thing touching the Institution or the Business thereof, or hereby assigned, transferred, and set over to "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum;" and on Breach or Nonperformance of the Condition of any such Bond, or Nonperformance of any such Covenant or other Obligation, "The Presidents, Vice Presidents, Treasurer, and Governors of the Infant Orphan Asylum" may sue and take such Proceedings thereon at Law or in Equity, or otherwise, as if they were now and had originally been the Obligees, Covenantees, or Recipients of such Bond, Covenant, or Obligation; provided nevertheless, that the Persons appearing on the Face of such Bond, Covenant, or Obligation as the Obligees or Covenantees or Recipients thereof, or the Survivors or Survivor of them, or the Heirs, Executors, or Administrators of such Survivor, may, if expedient, sue and take any Proceedings therein at Law or in Equity, or otherwise, as if this Act had not been passed.

Service of Notices upon the Institution.

XIII. And with respect to the Service of Notices upon the Institution, be it enacted, That any Summons, Notice, or Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Institution, may be served by the same being given personally to the Secretary for the Time being of the Institution, or being left at the Office of such Secretary, or being delivered to some Inmate at the Place of Abode of such Secretary, or in case there be no Secretary, or the Place of Abode of the Secretary shall not be found, then by being given to any One of the Presidents, or Vice Presidents, or to the Treasurer.

The Appointment of Presidents, Vice Presidents, and Treasurer.

XIV. And be it enacted, That the Right Honourable and Most Reverend William Howley Doctor in Divinity, Lord Archbishop of Canterbury, His Grace the Duke of Wellington, the Right Honourable the Earl Cornwallis, the Right Honourable the Earl of Lonsdale, the Right Honourable the Earl of Eldon, The Right Honourable the Earl Howe, the Right Honourable Viscount Canterbury, the Right Honourable and Right Reverend Charles James Blomfield Doctor in Divinity, Lord Bishop of London, the Right Reverend Charles Richard Sumner Doctor in Divinity, Lord Bishop of Winchester, the Right Reverend Daniel Wilson Doctor in Divinity, Lord Bishop of Calcutta, the Right Honourable the Lord Kenyon, the Right Honourable the Lord Calthorpe, the Right Honourable Lord Duncannon, the Right Honourable Lord Ashley, the Right Honourable Lord Viscount Jocelyn, the Right Honourable Lord Robert Grosvenor, the Right Honourable John Humphery, Lord Mayor

Mayor of London, and George Byng Esquire, shall be and they are hereby appointed Presidents of the Institution; and the Right Honourable Sir Stephen Lushington, Sir Thomas Fowell Buxton Baronet, Sir Charles Forbes Baronet, Sir Claudius Stephen Hunter Baronet, Sir John Henry Pelly Baronet, Sir John Pirie Baronet, the Honourable and Reverend Baptist Wriothesly Noel Master of Arts, the Reverend Arthur Henry Kenney Doctor of Divinity, the Reverend James Rudge Doctor of Divinity, the Reverend Roderick M'Leod Doctor of Divinity, the Reverend Thomas Dale Master of Arts, the Reverend William Pitt Wigram Master of Arts, the Reverend William Wilson Bachelor of Divinity, Thomas Andrews Esquire, One of Her Majesty's Serjeants at Law, Sir George Carrol Knight, Alderman of the City of London, Anthony Brown Esquire, Alderman of the City of London, Sir Moses Montefiore Knight, George Arbuthnot, Ralph Bernal, Charles John Brown, Benjamin Bond Cabbell, John Capel, John Dickie, George Bartlett Hart, Charles Hoare, Edward Isaac, William Kirby, John Labouchere, John Masterman, John Francis Maubert, and James Taylor Esquires, shall be and they are hereby appointed Vice Presidents of the Institution; and John Deacon Esquire shall be Treasurer, and Benjamin Bond Cabbell Esquire shall be Sub-Treasurer, of the 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 Institution shall direct: Provided always, that during the Vacancy of the Office of Treasurer the Committee of the Institution may nominate any Person whom they may think proper to discharge the Duties of Treasurer till a Treasurer be regularly appointed in the Manner directed by the Rules of the Institution.

XV. And be it enacted, That the Persons who immediately before Officers of the passing of this Act were the Auditors, Trustees, Committee, the Institu-Chaplain, Secretaries, Sub-Secretary, Physician, Surgeon, Sub-Sur-tinue in geon, Solicitor, Surveyor, Superintendents, Matrons, and Collectors Office. of the Institution shall, from and after the passing of this Act, continue to hold the same Offices respectively under the Institution in the same Manner as if this Act had not been passed: Provided always, that no Person shall hereafter be appointed to act as a Clerical Secretary for or on behalf of the Institution unless he be a Clergyman of the Church of England.

XVI. And be it enacted, That no Person who shall be hereafter No Chaplain elected or appointed Chaplain or Morning or Evening Preacher to, or who shall be elected or appointed to officiate as a Clergyman for of the or on behalf of, the Institution shall in any Manner officiate in the Church of Chapel thereto belonging, or elsewhere within the same, unless such England.

[Local.]

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Person

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Person shall be of the Church of *England*, and shall have been ordained a Priest, nor until he shall have been duly licensed by the Bishop of the Diocese within which the said Chapel shall for the Time being be situate, or, in case the See shall be vacant, by the Archbishop of the Province.

Expences of Act how to be paid.

XVII. And be it enacted, That all the Costs and Expences attending the applying for, obtaining, and passing of this Act shall be paid by the Treasurer for the Time being of the Institution out of the Money already received or hereafter to be received by such Treasurer.

Interpretation of Act. XVIII. 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,

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 Word "Institution" shall mean the Institution incorporated by this Act:

The Word "Lands" shall extend to Manors, Messuages, Lands, Tenements, and Hereditaments of any Tenure.

Public Act.

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

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