



## CHAPTER 1.

An Act to authorise the payment under certain conditions of a Legacy bequeathed by Louisa Anne Ryland to the General Hospital Birmingham. A.D. 1893.  
[9th June 1893.]

WHEREAS by will dated the twenty-third day of December one thousand eight hundred and eighty-five Louisa Anne Ryland of Barford Hill in the county of Warwick spinster (hereinafter called "the testatrix") among other things devised all her freehold estates at Sherborne in the county of Warwick and all other her freehold manors messuages lands tenements and hereditaments to the use of William Charles Henry Alston Smith of Cannon Street Birmingham for his life with remainder to the use of the first and other sons of the said William Charles Henry Alston Smith successively according to seniority in tail general with remainder to the use of the first and other daughters of the said William Charles Henry Alston Smith successively according to seniority in tail general with remainder to the use of Frederick Ryland of number 17 Augustus Road Edgbaston son of William Ryland deceased formerly of Noel Road Edgbaston for his life with remainder to the use of the first and other sons of the said Frederick Ryland successively according to seniority in tail general with remainder to the use of the first and other daughters of the said Frederick Ryland successively according to seniority in tail general with remainder to the use of Thomas William Ryland (another son of the said William Ryland deceased) for his life with remainder to the use of the first and other sons of the said Thomas William Ryland successively according to seniority in tail general with remainder to the use of the first and other daughters of the said Thomas William Ryland successively according to seniority in tail general with remainder to the use of the general trustees of the testatrix therein-after named their executors and administrators during the life of Frances Hannah the wife of Thomas Frederick Chavasse of Birmingham surgeon daughter of the late Arthur Ryland of Birmingham solicitor

A.D. 1893.

deceased upon trust to pay the rents issues and profits thereof to the said Frances Hannah Chavasse during her life for her sole and separate use free from marital control and so that she should have no power during coverture to dispose thereof by way of anticipation with remainder to the use of the first and other sons of the said Frances Hannah Chavasse successively according to seniority in tail general with remainder to the use of the first and other daughters of the said Frances Hannah Chavasse successively according to seniority in tail general with remainder to the use of the first and other sons of Martha Beale deceased late the wife of William John Beale formerly of Birmingham solicitor also deceased successively according to seniority in tail general with divers remainders over :

And whereas the testatrix by her said will appointed the said William Charles Henry Alston Smith John Barham Carslake of Birmingham solicitor and George Spencer Mathews of Birmingham land agent to be general trustees and executors of her said will and bequeathed to her said general trustees all the residue of her personal estate and effects upon trust to call in and convert the same into money with power to suspend the calling in and conversion of any parts thereof for such periods as her general trustees or trustee for the time being should deem expedient and out of the proceeds of such calling in and conversion to pay her debts and funeral and testamentary expenses and the pecuniary legacies given by her said will or any codicil thereto and all legacy duty annuities and legacies pecuniary or otherwise given by her said will or any codicil thereto :

And the testatrix directed that her said general trustees or the survivors or survivor of them or the executors or administrators of such survivor or other her general trustees or trustee for the time being might at their discretion lay out and invest the ultimate surplus of the moneys to arise from the getting in and conversion of her residuary personal estate or any part thereof in the purchase of freehold hereditaments in England or Wales and that in the event of their so doing they should settle and assure or cause to be settled and assured the hereditaments so to be purchased to the uses and upon and for the trusts intents and purposes and with under and subject to the powers declarations and provisions by that her will limited and declared of and concerning the freehold estates therein-before devised or as near thereto as circumstances would admit and that in the meantime and until such surplus should be so invested as aforesaid her said general trustees or trustee should invest the same surplus in any of the modes of investment therein-after authorised with power from time to time to vary such investments for any others of the description thereby authorised and should pay and apply the income thereof

to the person or persons and for the purposes to whom and for which under and by virtue of her will the rents issues and profits of the said hereditaments so to be purchased as aforesaid would for the time being be payable or applicable in case such purchase and settlement as aforesaid had been made And she thereby declared that notwithstanding the discretion therein-before given to her general trustees or trustee for the time being to invest or refrain from investing the said surplus of her residuary personal estate or any part thereof in the purchase of real estate the said surplus of her residuary personal estate should for the purpose of transmission be impressed with the quality of real estate from the time of her decease :

And whereas by a third codicil dated the twentieth day of October one thousand eight hundred and eighty-eight to her will above recited the testatrix made a bequest in the words following:—

“To the General Hospital Birmingham the legacy of twenty-  
 “ five thousand pounds But I declare that the said legacy  
 “ shall not nor shall any portion of it be paid or be payable  
 “ but that it shall wholly lapse unless within five years next after  
 “ my decease ample and proper accommodation of a permanent  
 “ character to the satisfaction of my three friends William  
 “ Evans of the Spring Kenilworth in the county of Warwick  
 “ esquire William Septimus Harding formerly of Birmingham  
 “ solicitor but now of Harborne in the county of Stafford  
 “ esquire and George Spencer Mathews of Birmingham one  
 “ of the executors of my said will or the survivors or survivor  
 “ of them testified by writing under their or his hands or  
 “ hand shall have been provided for the whole of the in-  
 “ patients of the said hospital on a new site or new sites  
 “ or partly on the present site and partly on a new site or  
 “ new sites in a building or buildings so arranged constructed  
 “ and furnished as to afford every reasonable comfort and  
 “ prospect of recovery to the patients And I further declare  
 “ that the decision of my said three friends or the survivors or  
 “ survivor of them testified as aforesaid as to whether the said  
 “ condition has or has not been complied with shall be final  
 “ and conclusive on all parties And I also declare that the  
 “ said legacy is in addition to the legacy bequeathed to the  
 “ said hospital by my said will” :

And whereas the testatrix made other codicils to her said will which did not affect the herein-before recited provisions of her will and third codicil :

And whereas the testatrix died upon the twenty-eighth day of January one thousand eight hundred and eighty-nine and her will

A.D. 1893. and the codicils thereto were on the fifteenth day of March following proved in the Birmingham District Registry by the said William Charles Henry Alston Smith John Barham Carslake and George Spencer Mathews the executors and general trustees of the testatrix as aforesaid :

And whereas in pursuance of a direction in that behalf in the said recited will contained the said William Charles Henry Alston Smith by Royal Licence dated on or about the seventeenth day of May one thousand eight hundred and eighty-nine assumed the surname of Ryland in addition to and after that of Smith :

And whereas the said William Charles Henry Alston Smith-Ryland is now under the limitations of the said recited will the tenant for life in possession of the hereditaments by such will so devised and settled as aforesaid :

And whereas the said William Charles Henry Alston Smith-Ryland being a bachelor intermarried on the thirteenth day of October one thousand eight hundred and eighty-seven with Edith Richards and there is issue of such marriage one son named Henry Dennis Smith-Ryland who was born on the thirteenth day of September one thousand eight hundred and ninety-one and one daughter named Adria Noel Smith-Ryland who was born on the tenth day of December one thousand eight hundred and ninety-two and the said William Charles Henry Alston Smith-Ryland has no other issue :

And whereas the said Frederick Ryland the second tenant for life named in the said recited will intermarried first on the tenth day of May one thousand eight hundred and seventy-seven with Caroline Ellen Taylor who died on the twenty-fifth day of October one thousand eight hundred and seventy-eight and there is no issue of such marriage and secondly on the eighteenth day of March one thousand eight hundred and eighty-five with Clara Chamberlain and there is issue of such marriage as follows (namely) Caroline Ryland who was born on the twenty-third day of July one thousand eight hundred and eighty-six Clara Winifred Ryland who was born on the thirtieth day of November one thousand eight hundred and eighty-seven Sybil Mary Ryland who was born on the seventeenth day of July one thousand eight hundred and ninety and Helen Ryland who was born on the fifth day of January one thousand eight hundred and ninety-two and the said Frederick Ryland has no other issue :

And whereas the said Thomas William Ryland the third tenant for life named in the said recited will is a bachelor :

And whereas the said Frances Hannah the fourth tenant for life named in the said recited will has issue by her marriage on the twenty-second day of January one thousand eight hundred and

eighty-five with the said Thomas Frederick Chavasse as follows (namely) Gwendoline Louisa Ryland Chavasse who was born on the twentieth day of October one thousand eight hundred and eighty-five and Arthur Ryland Chavasse who was born on the ninth day of October one thousand eight hundred and eighty-seven and Frances Gladys Ryland Chavasse born on the fifteenth day of February one thousand eight hundred and ninety-three and the said Frances Hannah Chavasse has no other issue :

A.D. 1893.  
—

And whereas the said Martha Beale then Martha Phipson spinster intermarried with the said William John Beale on the twenty-third day of May one thousand eight hundred and thirty-seven and died upon the sixteenth day of August one thousand eight hundred and eighty-three leaving William Phipson Beale her eldest son and other issue :

And whereas the said William Phipson Beale the eldest son of the said Martha Beale is the first heir in tail general of full age under the limitations of the said recited will :

And whereas it is provided by the will of the testatrix that her charitable legacies shall be provided for and paid out of her purely personal estate which is amply sufficient for the purpose :

And whereas by reason of the said general hospital as now existing being inadequate to meet the requirements of the greatly increased and increasing population of Birmingham and of its being situated in a part of the city which is densely built upon and surrounded by property of an insanitary nature it has been found desirable to remove the hospital to a site to which these objections do not apply and to construct thereon and furnish a new hospital of a size and in a manner thoroughly adapted for the proper accommodation and treatment of the patients therein and which should fulfil the condition stipulated by the recited codicil of the testatrix of affording to such patients every reasonable comfort and prospect of recovery :

And whereas plans for such new hospital have been prepared for the committee of the said hospital and approved by them and an area of four acres of land in a convenient situation within the city of Birmingham has been acquired by them for the erection of a new hospital but by reason of the great difficulty of obtaining a good site of sufficient extent within the city and of the number of owners of lands and buildings to be treated with it has been impossible until quite recently to conclude the necessary arrangements for the acquisition of the said site and to enter into contracts for the erection of the hospital thereon :

And whereas it will be impossible without a great and unnecessary expenditure of money to clear the said site and to erect the new

A.D. 1893.

hospital thereon by the twenty-eighth day of January one thousand eight hundred and ninety-four being five years from the date of the death of the testatrix as stipulated by her codicil above recited :

And whereas the committee of the hospital are now proceeding with the construction of the said hospital and are advised that the same will be erected and furnished and fit for occupation by the twenty-eighth day of January one thousand eight hundred and ninety-nine if not sooner :

And whereas the cost of erecting and furnishing the said hospital including the purchase of the site thereof is computed to amount to the sum of one hundred and seventy-five thousand pounds or thereabouts and it is of great importance to the community of Birmingham that the bequest by the testatrix of twenty-five thousand pounds should be available as a contribution towards the funds required for the erection and furnishing of the said new hospital :

And whereas it is expedient that with this view if the said William Evans William Septimus Harding and George Spencer Mathews or the survivors or survivor of them or such of them as are of capacity or in the event of the death or incapacity of all of them before the certificate herein-after mentioned shall have been given then the mayor and recorder of Birmingham for the time being shall at any time before the twenty-eighth day of January one thousand eight hundred and ninety-nine be satisfied that such new hospital as aforesaid has been erected and furnished in such manner as to fulfil the conditions stipulated by the recited codicil of the testatrix and shall testify their or his opinion to that effect by writing under their or his hands or hand the trustees should thereupon be authorised as herein-after provided to pay over to the trustees of the hospital the said sum of twenty-five thousand pounds out of the personal estate of the testatrix :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

Therefore your Majesty's most dutiful and loyal subjects the said William Charles Henry Alston Smith-Ryland John Barham Carslake George Spencer Mathews Frederick Ryland Thomas William Ryland Frances Hannah Chavasse and William Phipson Beale 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 :—

Short title.

1. This Act may be cited as Ryland's Estate Act 1893.

2. In this Act the expression "the trustees" means the trustees or trustee for the time being of the will of the said late Louisa Anne Ryland "the hospital trustees" means the trustees for the time being of the said General Hospital Birmingham and "the committee" means the committee for the time being acting in the management of the said hospital.

A.D. 1893.

Interpre-  
tation.

3. If on or before the twenty-eighth day of January one thousand eight hundred and ninety-nine the said William Evans William Septimus Harding and George Spencer Mathews or the survivors or survivor of them or such of them as are of capacity or in the event of the death or incapacity of all of them before the certificate herein-after mentioned shall have been given then the mayor and recorder of Birmingham for the time being shall be satisfied that ample and proper accommodation of a permanent character has been provided for the whole of the in-patients of the General Hospital Birmingham in the new hospital now in course of erection as aforesaid and that the same is so arranged constructed and furnished as to afford every reasonable comfort and prospect of recovery to the in-patients therein the said William Evans William Septimus Harding and George Spencer Mathews or the survivors or survivor of them or the said mayor and recorder as the case may require may thereupon grant a certificate to that effect in writing under their or his hands or hand and such certificate shall have all such and the same force and effect in all respects for all the purposes of the recited codicil of the testatrix as if the same had been granted on or before the twenty-eighth day of January one thousand eight hundred and ninety-four and as if the said twenty-eighth day of January one thousand eight hundred and ninety-nine had been mentioned in the said codicil as the period within which such certificate should be granted and upon receipt of such certificate the trustees shall and they are hereby authorised out of the personal estate of the testatrix to pay to the hospital trustees the sum of twenty-five thousand pounds bequeathed to the hospital by the testatrix and they shall be and are hereby indemnified against all challenge or claim of every kind for making such payment in respect of such certificate not having been granted within five years after the death of the testatrix.

Authorising  
payment of  
legacy to  
General  
Hospital  
Birmingham  
subject to  
certain  
conditions.

4. Saving to the Queen's most Excellent Majesty Her heirs and successors and to all and every person body politic and corporate and their respective heirs successors executors and administrators and assigns other than and except the several persons who are by this Act expressly excepted out of the general saving all such estate right title interest claim and demand whatsoever of in to or out of the residuary personal estate of the testatrix or the income thereof

General  
saving  
clause.

A.D. 1893. — or the accumulations thereof or any part thereof respectively as they every or any of them would have had or enjoyed or been entitled to if this Act had not been passed.

Exceptions  
from general  
saving.

5. The following persons are excepted out of the general saving herein-before contained and accordingly are the only persons bound by this Act to wit:—

William Charles Henry Alston Smith-Ryland ;  
Henry Dennis Smith-Ryland ;  
Adria Noel Smith-Ryland ;  
Frederick Ryland ;  
Caroline Ryland ;  
Clara Winifred Ryland ;  
Sybil Mary Ryland ;  
Helen Ryland ;  
Thomas William Ryland ;  
Frances Hannah Chavasse ;  
Gwendoline Louisa Ryland Chavasse ;  
Arthur Ryland Chavasse ;  
Frances Gladys Ryland Chavasse ;  
William Phipson Beale :

And every other person who is at the time of the passing of this Act or shall afterwards become entitled under the said will and codicils of the testatrix Louisa Anne Ryland to any estate or interest in the testatrix's residuary personal estate or the income thereof or the accumulations thereof or any part thereof respectively and the executors and the general trustees for the time being of the said will of the testatrix and codicils of the testatrix.

Costs of  
Act.

6. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the hospital trustees out of the funds of the General Hospital Birmingham.

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

7. 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.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament:

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
90, WEST NILE STREET, GLASGOW; or  
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.