



# Chelsea and Kilmainham Hospitals Act 1826

1826 CHAPTER 16 7 Geo 4

An Act to consolidate and amend several Acts relating to the Royal Hospitals for  
Soldiers at Chelsea and Kilmainham [11th April 1826]

## Modifications etc. (not altering text)

- C1 Short title “The Chelsea and Kilmainham Hospitals Act 1826” given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act repealed so far as it relates to the payment and management of out-pensioners by the Act 9 & 10 Vict. c. 10, s. 1
- C3 Functions of Commissioners of the Royal Hospital for Soldiers at Chelsea so far as they relate to pensions or grants to which War Pensions Acts 1915 to 1921 apply or those in respect of wounds or disabilities suffered in any war before 4.8.1914 or those payable on account of disablement or death arising out of service after 2.9.1939 now exercisable by Secretary of State: [Ministry of Pensions Act 1916 \(c. 65\), s. 2\(1\)\(b\)](#), [War Pensions Act 1920 \(c. 23\), s. 1\(1\)](#), S.R. & O. 1939/1194 (Rev. XV, p. 169: 1939 II, p. 2557), S.I. 1953/1198 (1953 I, p. 1228), [Ministry of Social Security Act 1966 \(c. 20\), s. 2](#) and S.I. 1968/1699
- C4 Preamble omitted under authority of [Statute Law Revision Act 1890 \(c. 33\)](#)
- C5 Certain words of enactment repealed by [Statute Law Revision \(No. 2\) Act 1888 \(c. 57\)](#) and remainder omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C6 Certain words repealed by [Statute Law Revision Act 1890 \(c. 33\)](#)
- C7 [Crown Lands Act 1702 \(c. 1\)](#) cited or referred to by its short title under authority of [Statute Law Revision Act 1893 \(c. 14\), s. 3](#)

1, 2. .... F1

## Textual Amendments

- F1 Ss 1, 2 repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

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**3 All pensions for disabled soldiers to be under the management of the commissioners of Chelsea Hospital;**

The payment of all pensions, allowances, and relief, granted or to be granted to disabled, invalid, and discharged soldiers, . . . <sup>F2</sup> payable at Chelsea . . . <sup>F2</sup> shall be under the management, controul, authority, and direction of the lords and others, commissioners of the royal hospital for soldiers at Chelsea in the county of Middlesex.

**Textual Amendments**  
**F2** Words repealed by [Statute Law Revision Act 1878 \(c. 79\)](#)

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**Modifications etc. (not altering text)**  
**C8** County of Middlesex now abolished: [London Government Act 1963 \(c. 33\), s. 3\(1\)](#)

**4** . . . . . <sup>F3</sup>

**Textual Amendments**  
**F3** S. 4 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch 1 Pt. IV](#)

**5** . . . . . <sup>F4</sup>

**Textual Amendments**  
**F4** S. 5 repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**6–9** . . . . . <sup>F5</sup>

**Textual Amendments**  
**F5** Ss. 6–9, 12 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch 1. Pt. IV](#)

**10 Soldiers entitled to pension to have the benefit of the regulations and orders in force at the time of their enlistment, except in certain cases.**

Every soldier who shall from and after the passing of this Act become entitled to his discharge by reason of the expiration of any period of service fixed in any orders and regulations made by His Majesty in that behalf, or shall have been discharged by reason of being an invalid, or disabled, or having been wounded, shall thereupon be entitled (except in the cases herein-after mentioned of admission into either of the said hospitals at Chelsea . . . <sup>F6</sup>, or expulsion therefrom) to receive such pension, allowance, or relief, as shall have been fixed in any orders or regulations made by His Majesty, in relation to such cases respectively, and in force at the time of his enlistment, and for the payment whereof money shall have been voted by Parliament; and every such soldier shall receive the same under the provisions of this Act, or any rules or regulations

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made in pursuance thereof, by the said commissioners of the said hospital at Chelsea as aforesaid.

**Textual Amendments**

**F6** Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. IV](#)

**11 Regulations to be annually laid before Parliament.**

Provided always, that all orders and regulations from time to time made by His Majesty, in relation to the discharge of soldiers after the expiration of any periods of service, and also in relation to any pension, allowance, or relief, to any discharged or invalid, disabled, or wounded soldiers, shall annually be laid before Parliament; and that estimates of the amount of all such pensions, allowances, and relief, and of all contingent expences and charges relating to the payment, controul, and management thereof shall also be annually laid before Parliament.

**12** ..... <sup>F7</sup>

**Textual Amendments**

**F7** [Ss. 6–9, 12](#) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch 1](#). Pt. IV

**13 Commissioners of Chelsea Hospital empowered, in case of frauds or misconduct, to take away or refuse pensions.**

It shall and may be lawful for the said commissioners of the said hospital at Chelsea, and they are hereby authorized and empowered, upon complaint and proof to their satisfaction being made to them of any fraud, with respect to the claiming, obtaining, or receiving of any pension or other money from the said hospital at Chelsea, . . . <sup>F8</sup>, or of other gross misconduct attempted or practised by any person being a pensioner, entitled or claiming to be a pensioner of the said royal hospital, to suspend or take away the pension, or altogether reject, object to, or refuse the title or claim to pension of the person so offending, and to issue to the paymaster of out-pensions of the said hospital at Chelsea a notice in writing, under the hand of the secretary, of any pension being so suspended or taken away, and upon the said notice being issued to the said paymaster of pensions he shall suspend the payment of the pension therein mentioned, according to the tenor of the said notice; anything in any other Act or herein contained to the contrary thereof in anywise notwithstanding.

**Textual Amendments**

**F8** Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. IV](#)

**14 Commissioners empowered to expel in-pensioners guilty of offences, or misconducting themselves.**

It shall be lawful for the said commissioners of the said hospital at Chelsea, and they are hereby authorized and empowered, as often as occasion shall arise, to remove and

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expel from the said hospital at Chelsea any in-pensioner of the said hospital convicted of any felony or misdemeanour, or who shall in any way misconduct himself, so as to render him undeserving, in the judgment of the said commissioners, to be continued any longer a pensioner of the said hospital at Chelsea.

**15, 16.** ..... F9

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**Textual Amendments**  
F9 Ss. 15, 16 repealed by Statute Law Revision Act 1873 (c. 91)

**17** ..... F10

.....  
**Textual Amendments**  
F10 S. 17 repealed by Army Pensions Act 1830 (c. 41), s. 1

**18–20** ..... F11

.....  
**Textual Amendments**  
F11 Ss. 18–20 repealed by Statute Law Revision Act 1873 (c. 91)

**21** ..... F12

.....  
**Textual Amendments**  
F12 S. 21 repealed by Army Pensions Act 1830 (c. 41) s. 1

**22** ..... F13

.....  
**Textual Amendments**  
F13 S. 22 repealed by Statute Law (Repeals) Act 1976 (c. 16), Sch 1. Pt. IV

**23 Notice by pensioner of change of residence.**

Every pensioner resident in Great Britain or Ireland, who shall be entitled to receive payment of his pension by remittance or order, shall, as often as he shall change his place of abode, give notice thereof to the said commissioners of the said hospital at Chelsea; and in case, for want of any such notice, any loss shall happen by reason of any remittance or order being sent for any pension to the place from which such pensioner shall have removed without giving such notice, and to which place his

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pension shall have been remitted pursuant to the notice inserted in the preceding affidavit such loss shall fall upon and be borne and sustained by such pensioner so making default in this behalf.

**24** <sup>X1</sup>† **In-pensioners to be considered as having given up all claim to out-pension upon their admission to Chelsea Hospital. Commissioners may restore an in-pensioner resigning the hospital with leave, to the whole or a part of his out-pension**

Every non-commissioned officer or soldier who shall have been already admitted or shall hereafter be admitted as an in-pensioner <sup>F14</sup> ... at Chelsea <sup>F14</sup> ..., shall be considered and taken, at the time of his admission thereto, to have for ever given up all right, title, claim, and interest to any pension or annual allowance for his services in the army, or for wounds or disabilities, and to which he might otherwise be or have been entitled; and his claim, title, and interest to any pension or allowance as aforesaid shall, from and immediately upon his admission <sup>F14</sup> ..., be deemed and taken to have ceased, determined, and become utterly null and void to all intents and purposes, notwithstanding he may afterwards, from any cause whatever, cease to be an in-pensioner <sup>F14</sup> ...: Provided always, that in the event of any in-pensioner <sup>F14</sup> ... being allowed by the commissioners of the said hospital at Chelsea to resign and quit <sup>F14</sup> ... as an in-pensioner, for reasonable cause shown to them, it shall and may be lawful for the said commissioners of the said hospital at Chelsea to restore the non-commissioned officer or soldier so ceasing to be an in-pensioner <sup>F14</sup> ..., either to the same out-pension to which such non-commissioned officer or soldier was entitled at the time of his entering <sup>F14</sup> ..., or to any less rate of pension, according to the discretion of the said commissioners.

**Editorial Information**

**X1** A dagger appended to a marginal note means that it is no longer accurate

**Textual Amendments**

**F14** Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch. 1 Pt. IV](#)

**25** ..... <sup>F15</sup>

**Textual Amendments**

**F15** S. 25 repealed by [Theft Act 1968 \(c. 60\), s. 33\(3\), Sch. 3 Pt. I](#) and [Theft Act \(Northern Ireland\) 1969 \(c. 16\), s. 31\(2\), Sch. 3 Pt. I](#)

**26** ..... <sup>F16</sup>

**Textual Amendments**

**F16** S. 26 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\), Sch 1. Pt. IV](#)

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**27 Secretary and senior clerks of Chelsea Hospital may administer certain oaths to out-pensioners.**

It shall and may be lawful to and for the secretary of the said hospital at Chelsea, and the chief and first four senior clerks respectively on the establishment of the office of the secretary of the said hospital for the time being, and they are hereby authorized and required, as often as occasion shall be, to administer to all and every person entitled, or claiming to be entitled, to any out-pension or allowance of money . . . <sup>F17</sup> from the said hospital at Chelsea . . . <sup>F17</sup>, or to any allowance on account of service in His Majesty's army, all and every oath and oaths required or directed to be taken by any law or laws which now is or are or shall be in force at the time such oath is required or directed as aforesaid, and also to administer any other oath or oaths to any person or persons, or to any other person or persons, touching any such matters as shall be necessary for the purpose of preventing frauds in the receiving of pensions, or proving the identity of such person or persons, or for the purpose of ascertaining or proving his or their service, or particulars of service, in His Majesty's army, or of any other service for which any out-pension or allowance shall be claimed or granted, or of ascertaining or proving the fact of any disability or other circumstance in respect of which such pension shall be claimed or granted.

**Textual Amendments**  
**F17** Words repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch. 1 Pt. IV](#)

[<sup>F18</sup>28 Every person or persons who shall take any false oath as to the particulars aforesaid, or in the case aforesaid, or any or either of them, before the said secretary of the said hospital at Chelsea, or before the said chief clerk, or either of the said four first senior clerks as aforesaid, shall be deemed guilty of perjury, and shall suffer such punishment as by law may be adjudged to persons guilty of perjury.]

**Textual Amendments**  
**F18** [S. 28](#) repealed (E.W.N.I.); (N.I.) by [S.I. 1979/1714](#), [Sch. 2](#); (E.W.) by [Perjury Act 1911 \(c. 6\)](#), [Sch.](#)

**29** . . . . . <sup>F19</sup>

**Textual Amendments**  
**F19** [S. 29](#) repealed by the Act of 5 & 6 Vict. c. 70, s. 1

**30** . . . . . <sup>F20</sup>

**Textual Amendments**  
**F20** [Ss. 30, 32](#) repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

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**31 Statements of the numbers of out-pensioners to be made up.**

The said commissioners of the said hospital at Clesea are hereby authorized and directed to make up, or cause to be made up, at the usual times at which the same have heretofore made-up, or at such other times as the said commissioners, by and with the concurrence of the Treasury, shall from time to time order or direct, an exact statement or list of the number of out-pensioners borne on the out-pension lists, or who have either personally appeared, or have been certified by proper affidavits to be living during the whole or part of the quarter then immediately preceding.

**32** ..... F21

**Textual Amendments**

**F21** Ss. 30, 32 repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**33** ..... F22

**Textual Amendments**

**F22** S. 33 repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), [Sch 1. Pt. IV](#)

**34 Clothes, linen, and stores of the hospital to be marked.**

The said commissioners of the said hospital at Chelsea shall and may, and they are hereby authorized to cause the clothes, linen, stores, and other articles belonging to the said hospital, capable of being marked, to be from time to time marked, stamped, or branded, with the words “Chelsea Hospital”, and from time to time, in case the said commissioners should sell or dispose of any of the said clothes, linen, stores or other articles, or should allow the in-pensioners, or any of them, to sell or dispose of any of the said clothes, linen, stores, or other articles, then the said commissioners shall and may, and they are hereby authorized to obliterate or deface the said marks, stamps, and brands respectively, by marking, stamping, or branding upon the said clothes, linen, stores, or other articles so sold or disposed of by the said commissioners, or so allowed by them to be sold or disposed of by the said in-pensioners, or any of them, the said words “Chelsea Hospital” reversed over and upon the said words before marked, stamped, or branded on the said clothes, linen, stores, goods, and articles respectively ; . . . <sup>F23</sup>, such mark, stamp, or brand, not obliterated or defaced as aforesaid, to be considered and taken as sufficient evidence, without further proff, that the clothes, linen, stores, goods, and articles so marked, stamped, or branded, and not obliterated or defaced as aforesaid, are the property of the said commissioners, . . . <sup>F23</sup>

**Textual Amendments**

**F23** Words repealed by [Theft Act 1968 \(c. 60\)](#), s. 33(3), [Sch. 3 Pt. I](#)

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**35 Actions, &c. on behalf of Chelsea Hospital to be brought in the name of the treasurer.**

All actions or suits to be brought, commenced, or prosecuted by or on behalf of the commissioners of the said hospital at Chelsea, may be brought, commenced, and prosecuted in the name of the treasurer, or deputy treasurer, or secretary of the said hospital for the time being; and upon the trial or hearing of any such action or suit, it shall not be necessary to produce any commission, charter, or authority appointing, confirming, or constituting the commissioners of the said hospital at Chelsea, nor any warrant, instrument, or authority appointing the treasurer or deputy treasurer, or secretary, to their respective offices, nor any power, grant, letters patent, or authority under or by virtue of which the commissioners for the said hospital at Chelsea, or treasurer or deputy treasurer, or secretary, shall respectively act in the execution of their said offices, but the general acting of the said commissioners, treasurer or deputy treasurer, or secretary, in their said respective offices of commissioners, treasurer or deputy treasurer, or secretary, shall be deemed sufficient proof of the due appointment of them respectively to their said respective offices; . . . <sup>F24</sup>

**Textual Amendments**  
**F24** Words repealed by [Indictments Act 1915 \(c. 90\)](#), [Sch. 2](#) and expressed to be repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), [Sch. Pt. IV](#)

**36, 37.** . . . . . <sup>F25</sup>

**Textual Amendments**  
**F25** [Ss. 36, 37](#) repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

**38** . . . . . <sup>F26</sup>

**Textual Amendments**  
**F26** [S. 38](#) repealed by [Theft Act 1968 \(c. 60\)](#), [s. 33\(3\)](#), [Sch. 3 Pt. I](#) and [Theft Act \(Northern Ireland\) 1969 \(c. 16\)](#), [s. 31\(2\)](#), [Sch. 3 Pt. I](#)

**39** . . . . . <sup>F27</sup>

**Textual Amendments**  
**F27** [S. 39](#) repealed by [Finance Act 1970 \(c. 24\)](#), [Sch. 8 Pt. V](#) and [Finance Act \(Northern Ireland\) 1970 \(c. 21\)](#), [Sch 3 Pt. III](#)

**40** . . . . . <sup>F28</sup>



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**Textual Amendments**

**F28** S. 40 repealed by [Army Pensions Act 1830 \(c. 41\)](#) s. 1

**41 Acts to be done by commissioners may be done by any three of them.**

Where by this or any other Act or Acts of Parliament any matters or things are directed to be done by the commissioners of the said hospital at Chelsea, or by any specific number of the said commissioners, it shall be lawful for all such matters and things to be done either by the commissioners of the said hospital at Chelsea, or by any three of the said commissioners.

**42, 43.** ..... **F29**

**Textual Amendments**

**F29** Ss. 42, 43 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), s. 1(1), [Sch. 1 Pt. XVI](#)

**44 Commissioners empowered to purchase lands, &c. for the purposes of the hospital.**

It shall and may be lawful for the lords and others, commissioners of the said hospital at Chelsea for the time being, for the purposes of for the advantage of the said royal hospital, or for the improvement of the building or neighbourhood of the said hospital, or for any purposes connected with the said royal hospital, and they are hereby empowered, to treat, contract, and agree for the absolute purchase, and to complete purchases already agreed to be made, of any messuages, land, tenements, or hereditaments, and the freehold and inheritance thereof, or any estate or interest therein, with any body or bodies politic, corporate, or collegiate, or any tenant or tenants for life, or fee tail general or special, or for any terms or terms of years absolute or determinable on any life or lives, or with any feoffees in trust, executors, administrators, husbands, guardians, committees for lunatics and idiots, or other trustees whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of their cestuique trust respectively, whether infants or issue unborn, lunatics, idiots, femmes covert, or other person or persons whomsoever, who shall be willing to sell the same; and upon payment of the purchase money for the same respectively to the parties or persons respectively entitled thereto, or upon payment thereof [<sup>F30</sup>into the Supreme Court], in manner by this Act directed (as the case may be), the messuages, lands, tenements, and hereditaments so to be purchased as aforesaid shall vest absolutely in the said lords and others, commissioners and governors for the time being, or in such person or persons as they shall in any such contract nominate to be their trustee or trustees for that purpose, to and for the purposes of the said institution, or for the health and comfort of the pensioners maintained therein, and from thenceforth all other parties and persons whomsoever shall be divested of all right and title, claim or reservation, of, in, or to such lands, tenements, and hereditaments, and any term, right and interest therein so purchased, without incurring or being subject or liable to any penalties or forfeitures of [<sup>F31</sup>the statutes of mortmain, or] any [<sup>F31</sup>other] law or statute whatsoever; in case of a re-sale of the said lands, tenements, or hereditaments, or any of them, under the provision,

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herein-after in that behalf contained, to purchase and hold other lands, tenements, or hereditaments in like manner.

#### Textual Amendments

**F30** Words substituted by [Administration of Justice Act 1965 \(c. 2\), s. 18 Sch. 1](#)

**F31** Words repealed (E.W.) (S.) by [Charities Act 1960 \(c. 58\), s. 49\(2\)\(b\)](#), Sch. 7 Pt. II

#### Modifications etc. (not altering text)

**C9** [S. 44](#) excluded as to persons within the jurisdiction of the judge by [Mental Health Act 1959 \(c. 72\), s. 121, Sch. 5](#)

**C10** [Ss. 44, 45](#) excluded by [Mental Health Act 1983 \(c. 20, SIF 85\), s. 113, Sch. 3](#)

## 45 Bodies politic, trustees, &c. to the commissioners.

It shall and may be lawful to and for all bodies politic, corporate, or collegiate, corporations aggregate or sole, tenants for life, or in fee tail general or special, or for any term or terms of years absolute or determinable on any life or lives, and for all feoffees in trust, executors, administrators, husbands, guardians, committees for lunatics and idiots, and other trustees whomsoever, not only for and on behalf of their cestuique trust respectively, whether infants or issue unborn, lunatics, idiots, of femes covert or other person or persons under any disability of acting for himself, herself, and themselves, and also to and for all femes covert who are or shall be seised, possessed of, or interested in any messuages, lands, tenements, or hereditaments, or any part thereof, which shall be thought fit or expedient to be purchased by the said lords and others, commissioners for the time being of the said hospital, for the use or benefit of the said institution, or for the health or comfort of the pensioners maintained therein, to treat, contract, and agree with the said lords and others, commissioners of the said hospital, or any person or persons appointed by them and on their behalf, for the absolute sale of the same hereditaments to them, and also to convey by indenture of bargain and sale the hereditaments to be contracted or agreed to be purchased, and the inheritance thereof in fee simple, unto and to the use of the said lords and others, commissioners of the said hospital at Chelsea for the time being, or to a trustee or trustees appointed by them on their behalf; and which the said bargain and sale shall, without any fine or fines, recovery or recoveries, or other conveyances or assurances in the law whatsoever, and without inrolment, be good, valid, and effectual to all intents and purposes, not only to convey the estate and interest of the person and persons and bodies conveying, but also to convey all right, estate, interest, use, property, possibility, claim, and demand whatsoever of their said several cestuique trust, and of all persons whomsoever claiming or to claim by, from, or under him, her, or them, or under any other persons whomsoever, or claiming or to claim in remainder or reversion expectant on any particular estate, or by way of executory devise, or springing use, or otherwise howsoever, and the same shall be deemed and considered to bar the dower and dowers of any such person or persons, and all estates tail and other estates, possessions, reversion, remainder, or expectancy, and the issue and issues of any person or persons claiming under them, as effectually as fines or common recoveries, or any other conveyance or assurance would do, if levied or suffered or executed by the proper parties in due form of law; any law, statute, or usage, or any other matter or thing whatsoever, to the contrary thereof in anywise notwithstanding; and all bodies corporate or collegiate, corporations aggregate or sole, and all tenants for life, or in fee tail general or special, or for any term or terms of years absolute or determinable on any life or lives, and all feoffees in trust, executors, administrators, husbands, guardians,

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committees, trustees, and all and every other person and persons, is and are and shall be indemnified for what he, she, or they shall do by virtue and in pursuance of this Act.

**Modifications etc. (not altering text)**

- C11** S. 45 excluded as to persons within the jurisdiction of the judge by [Mental Health Act 1959 \(c. 72\)](#), s. 121, [Sch. 5](#)
- C12** Ss. 44, 45 excluded by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 113, [Sch. 3](#)

**46 Application of purchase money when amounting to 200*l.***

In all case in which there shall be any money to be paid for any messuages, lands, tenements, or hereditaments, contracted for or purchased, which shall belong to any body corporate, collegiate, or ecclesiastical, tenat for life or in tail or for years, trustee, feme covert, infant, lunatic, or person or persons under any disability or incapacity as aforesaid, such money shall, in case the same shall amount to or exceed the sum of two hundred pounds, with all convenient speed be paid [<sup>F32</sup>into the Supreme Court] ; to the intent that such money may be applies, under the direction and with the approbation of the said court, to be signified by an order made upon a petition to be preferred in a summary way by the person or persons who would have been entitled to the rents and profits of the said lands, tenements, and hereditaments, in the purchase of other lands, tenements, and hereditaments, which shall be conveyed and settled to, for, and upon such and the like uses, trusts, intents, and purposes, and in the same manner as the messuages, lands, tenements, and hereditaments which have been or shall be purchased for the purposes aforesaid stood and were settled and limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined, and capable of taking effect; [<sup>F32</sup>and if, before the said money is so applied, it is [<sup>F33</sup>invested under section 38 of the Administration of Justice Act 1982], the annual proceeds thereof] shall from time to time be paid, by order of the said court, to the person or persons who would for the time being have been entitled to the rents and profits of the said lands, tenements, and hereditaments, so hereby directed to be purchased, in case such purchase and settlement thereof were then actually made.

**Textual Amendments**

- F32** Words substituted by [Administration of Justice Act 1965 \(c. 2\)](#), s. 18 [Sch. 1](#)
- F33** Words substituted by [Administration of Justice Act 1982 \(c. 53, SIF 34, 37, 38\)](#), ss. 46(2)(a)(i), 48

**Modifications etc. (not altering text)**

- C13** S. 46 excluded as to persons within the jurisdiction of the judge by [Mental Health Act 1959 \(c. 72\)](#), s. 121, [Sch. 5](#)
- C14** S. 46 excluded by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 113, [Sch. 3](#)

**47 Application when less than 200*l.* and exceeding 20*l.***

Provided always, that if any money so to be paid for any lands, tenements, and hereditaments to be purchased for the purposes aforesaid, and belonging to any body corporate, collegiate, or ecclesiastical, tenet for life or in tail, or for years, trustees, femecover, infant, lunatic, or any person or persons under disability or incapacity as aforesaid, shall be less than the sum of two thousand pounds, and shall exceed the sum of twenty pounds. then and in all such cases the same shall, at the option of the person

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or persons for the time being entitled to the rents and profits of the hereditaments so purchased, taken, or used, or of his, her, or their guardians or guardians, committee or committees, in cases of infancy, idiocy, or lunacy, to be signified in writing under their respective hands, to be paid, [<sup>F34</sup>into the Supreme Court], in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like option, to two trustees, to be named by the person or persons making such option, and approved by the said lords commissioners of the said hospital, such nomination and approbation to be signified by writing under the hands of the nominating and appointing parties, in order that such principal money, and the dividends to arise therefrom, or the interest thereof, may be applied in the manner herein-before directed, so far as the case shall be applicable, without obtaining or being required to obtain the direction or approbation of the said High Court of Chancery.

#### Textual Amendments

**F34** Words substituted by [Administration of Justice Act 1965 \(c. 2\), s. 18 Sch. 1](#)

#### Modifications etc. (not altering text)

**C15** [S. 47](#) excluded as to persons within the jurisdiction of the judge by [Mental Health Act 1959 \(c. 72\), s. 121, Sch. 5](#)

**C16** [Ss. 47, 48](#) excluded by [Mental Health Act 1983 \(c. 20, SIF 85\), s. 113, Sch. 3](#)

### 48 Application when not exceeding 20l.

Provided always, that when such money so contracted and agreed to be paid as last before-mentioned, shall not exceed the sum of twenty pounds, then and in all such cases the same shall belong absolutely and be paid to the person or persons who would for the time being have been entitled to the rents and profits of the lands, tenements, or hereditaments so purchased or agreed for, or hereafter to be purchased, for the purposes aforesaid, or in case of infancy, idiocy, or lunacy, then to his, her, or their guardian or guardians, committee or committees, to and for the use and benefit of such person or persons so entitled respectively.

#### Modifications etc. (not altering text)

**C17** [S. 48](#) excluded as to persons within the jurisdiction of the judge by [Mental Health Act 1959 \(c. 72\), s. 121, Sch. 5](#)

**C18** [Ss. 47, 48](#) excluded by [Mental Health Act 1983 \(c. 20, SIF 85\), s. 113, Sch. 3](#)

### 49 In case of disputed titles, the persons in possession to be deemed entitled.

Provided always, that where any question shall arise touching the title of any person to any money to be paid, [<sup>F35</sup>into the Supreme Court], in pursuance of this Act, for the purchase of any lands, tenements, or hereditaments, or of any estate, right, or interest in any lands, tenements, or hereditaments, so purchased or to be purchased as aforesaid, or to any [<sup>F35</sup>securities] to be purchased with any such money, as to the dividends or interest of any such [<sup>F35</sup>securities], the person or persons who shall have been in possession of such lands, tenements, or hereditaments at the time of such purchase, and all person claiming under such person or persons, or under the possession of such person or persons, shall be deemed and taken to have been lawfully entitled to such lands, tenements, or hereditaments, according to such possession, until the contrary

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shall be shewn to the satisfaction of the said court; and the dividends or interest of the [<sup>F35</sup>securities] to be purchased with such money, and also the capital of such [<sup>F35</sup>securities], shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said court that such possession was a wrongful possession, and that some other person or persons was or were lawfully entitled to such lands, tenements, or hereditaments, or to some estate or interest therein.

#### Textual Amendments

**F35** Words substituted by [Administration of Justice Act 1965 \(c. 2\), s. 18 Sch. 1](#)

### 50 Court may order expences of purchases to be paid by the commissioners.

Provided also, that where, by reason of any disability or incapacity of the person or persons, or corporation, entitled to any lands, tenements, or hereditaments purchased or to be purchased under the authority of this Act, the purchase money for the same shall be required to be paid into the [<sup>F36</sup>into the Supreme Court], and to be applied in the purchase of other lands, tenements, or hereditaments, to be settled to the like uses in pursuance of this Act, it shall be lawful for the said court to order the expences of all purchases so agreed for or purchased, or hereafter from time to time to be made in pursuance of this Act, or so much of such expences as the said court shall deem reasonable, to be paid by the said lords and others, commissioners of the said hospital at Chelsea, who shall from time to time pay such sums of money for such purposes as the said court shall direct :

Provided always, that no such order shall be made if it can be shewn by the said lords and others, commissioners of the said hospital at Chelsea, or it shall appear upon the face of the agreement for any purchase aforesaid, that the consideration money for the same was intended to cover and include all contingent and other expences relating to the said purchase.

#### Textual Amendments

**F36** Words substituted by [Administration of Justice Act 1965 \(c. 2\), s. 18 Sch. 1](#)

### 51 On payment of purchase money, the lands, &c. vested in the commissioners.

Upon payment of the money contracted or to be contracted or agreed to be paid for the purchase of any lands, tenements, or hereditaments, or any estate, right, or interest as aforesaid, to the party or parties, or person or persons, respectively entitled to receive such monies, or their agents, or upon payment thereof into [<sup>F37</sup>into the Supreme Court] for the purpose of being disposed of in manner herein-before directed, as the case may be, all the estate, right, title, interest, use, trust, property, claim and demand in law or in equity, of the party or parties and person or persons respectively to whom or for whose use or benefit the same shall be paid, in, to, or out of such lands, tenements, or hereditaments, shall vest in the said lords and others, commissioners of the said hospital at Chelsea for the time being, or in such person or persons as they shall from time to time nominate to be their trustee or trustees for the time being for the said purpose.

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**Textual Amendments**

**F37** Words substituted by [Administration of Justice Act 1965 \(c. 2\), s. 18 Sch. 1](#)

**52**

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**F38**

**Textual Amendments**

**F38** [S. 52](#) repealed by [Statute Law Revision Act 1873 \(c. 91\)](#)

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SCHEDULE TO WHICH  
THIS ACT REFERS.

F39

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**Textual Amendments**

**F39** Sch. repealed by Statute Law Repeals Act 1977 (c. 18), s. 1(1), **Sch. 1 Pt. XVI**

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Chelsea and Kilmainham Hospitals Act 1826.