



ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

Cap. lxxi.

An Act to incorporate the Subscribers to the Institution called "The Refuge for the Destitute," and for the better enabling them to carry on their charitable Designs. [4th July 1838.]

WHEREAS in or about the Year One thousand eight hundred and five an Institution was formed, called "The Refuge for the Destitute," for the Purpose of providing a Place of Refuge for Persons discharged from Prisons or the Hulks, unfortunate and deserted Females, and others, who though willing to work are unable from Loss of Character to procure an honest Maintenance, and also in certain Cases to afford temporary Relief to distressed Persons until parochial or other Assistance can be obtained: And whereas the said Institution has been and is supported by the Donations, Legacies, and annual Subscriptions of benevolent Persons, and since the first Establishment of the said Institution nearly Five thousand Persons have been admitted into it, and a great Number of Persons annually receive the Benefits thereof; and the Benefits of the Institution could be greatly extended if the Funds thereof were increased: And whereas by Indentures of Lease and Release bearing Date respectively the Twenty-fourth and Twenty-fifth Days of *March* One thousand eight hundred and

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twenty-five, the Release being made between *Charles Lawrance*, therein described, of the First Part; *Thomas Taylor*, therein described, of the Second Part; *James Buckoll*, therein described, of the Third Part; and *Edward Forster*, *Stephen Lushington*, and *Peter Martineau*, Esquires, therein respectively described, of the Fourth Part, the said *Charles Lawrance*, *Thomas Taylor*, and *James Buckoll* conveyed all that Piece of Ground situate in the Parish of *St. Leonard Shoreditch* in the County of *Middlesex*, and in the said Indentures more particularly described, together with the Messuage, Buildings, and Offices erected and built thereon, with the Appurtenances, as the same were then in the Occupation of the said Institution, together with the redeemed Land Tax of the said Hereditaments, unto and to the Use of the said *Edward Forster*, *Stephen Lushington*, and *Peter Martineau*, their Heirs and Assigns for ever: And whereas the said Hereditaments were conveyed in manner aforesaid in order that the same might be used for the Purposes of the said Institution, and they have been and are accordingly used for the Reception of the Male Inmates thereof: And whereas a Messuage and other Hereditaments situate in the *Hackney Road* in the County of *Middlesex* are vested in the said *Edward Forster* (who has survived the Reverend *Edward William Whittaker* and *Alexander Bennett* deceased) for the Remainder of a Term of Thirty-five Years, wanting Twenty Days, from *Christmas One thousand eight hundred and ten*, created by an Indenture dated the Ninth Day of *February One thousand eight hundred and eleven*, and made between *James L'Homme*, therein described, of the one Part, and the said *Edward William Whittaker*, *Alexander Bennett*, and *Edward Forster* (then *Edward Forster* the younger), therein described, of the other Part, subject to an annual Rent of Two hundred and ten Pounds, which Premises are used for the Reception of the Female Inmates of the said Institution: And whereas, in addition to the said Messuage and Premises situate at *Hoxton* aforesaid, and the said Leasehold Premises situate in the *Hackney Road* aforesaid, and the several Offices belonging to the same respectively, and the Household Goods and Furniture, Stock in Trade for the Inmates of the said Buildings to work upon, and other Personal Property in and about the same Premises respectively, the Funds now belonging to the said Institution consist of Money and of Stock 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 Messuage and Premises situate at *Hoxton* aforesaid, and conveyed by the said Indentures of the Twenty-fourth and Twenty-fifth Days of *March One thousand eight hundred and twenty-five*, and during the Remainder of the aforesaid Term the said Leasehold Premises situate in the *Hackney Road*, or the Fee Simple thereof in case they shall acquire the same, 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 said 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 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 the Refuge for the Destitute," and by that Name shall have 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, 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 Statute of Mortmain, to hold and retain, for the Purposes of the said Institution, the Hereditaments situate at *Hoxton* aforesaid which were conveyed by and are held under the aforesaid Indentures of the Twenty-fourth and Twenty-fifth Days of *March* One thousand eight hundred and twenty-five, with the Appurtenances, and the said Messuage and Premises comprised in the said Term of Thirty-five Years, wanting Twenty Days, with the Appurtenances, during the Residue of such Term, and by such Means as charitable Institutions now are or may be enabled by Law, to obtain, acquire, hold, and retain for the Purposes of the said Institution as well the Inheritance in Fee Simple of the said Messuage and Premises comprised in the said Term, as also any other Manors, Messuages, Lands, Tenements, and Hereditaments, either in Fee, or for Terms for Life or Years, or otherwise; and also by such Means as aforesaid to obtain, require, hold, and retain, for the Purposes of the said Institution, any Monies and other Personal Estate and Property, including Monies secured on Mortgage of or charged upon any Hereditaments; 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.

The Institution incorporated.

II. And be it further enacted, That immediately after the passing of this Act the said Hereditaments conveyed by the said Indentures of Lease and Release of the Twenty-fourth and Twenty-fifth Days of *March* One thousand eight hundred and twenty-five shall be vested in the President, Vice Presidents, Treasurer, and Governors of the Refuge for the Destitute, and their Successors, for the Purposes of the said Institution, in as full and ample a Manner as the said *Edward Forster*, *Stephen Lushington*, and *Peter Martineau*, their Heirs and Assigns, might or could have had or enjoyed the same by virtue of the said Indentures of Lease and Release.

The Freehold Hereditaments at *Hoxton* vested in the Corporation.

III. And

The Leasehold Property in the Hackney Road vested in the Corporation for the Residue of the Term therein.

III. And be it further enacted, That immediately after the passing of this Act the Buildings and Premises comprised in the said Term of Thirty-five Years, wanting Twenty Days, created by the said Indenture of the Ninth Day of *February* One thousand eight hundred and eleven, shall be vested in the President, Vice Presidents, Treasurer, and Governors of the said Institution for the Remainder of the said Term of Thirty-five Years, wanting Twenty Days, 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 Assignees might or could have had or enjoyed the same under the said Indenture; and the Heirs, Executors, and Administrators of the said Lessees shall be discharged from the Rent, Covenants, and Agreements in the said Indenture reserved and contained on the Part of the Lessees.

Power to invest the Monies of the Institution on Mortgage.

IV. 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 the said Institution, or in the Names of Trustees for the said 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 any Monies 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 Institution, if not sold within 12 Months after the Mortgage shall have released or been foreclosed, may be retained, &c.

V. 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 Reprizes, 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 Hereditaments and Premises situate at *Hoxton* and in the *Hackney Road* aforesaid, with the Appurtenances, and also exclusive of any Hereditaments then vested in the said President, Vice Presidents, Treasurer, and Governors,

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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 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 obtaining of such Release or final Order.

VI. And be it further enacted, That in all Cases wherein it may be requisite for any Person or Party to serve the said 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 Secretary, or upon the President or any One of the Vice Presidents, or upon the Treasurer, or the Delivery thereof at the Office of the Secretary of the said Institution, shall be deemed good and sufficient Service upon the said Institution and the President, Vice Presidents, Treasurer, and Governors thereof.

On whom Notices or legal Proceedings shall be served.

VII. And be it further enacted, That the Most Honourable *Henry Marquis of Lansdowne* shall be and he is hereby appointed President of the said Institution; and that the Right Honourable *William*, by Divine Providence, Lord Archbishop of *Canterbury*, the Right Honourable *Charles Christopher Lord Cottenham*, Lord High Chancellor of *Great Britain*, the Most Noble *John Duke of Bedford*, the Most Honourable *Frederick William Marquis of Bristol*, the Right Honourable *Henry Lord Viscount Sidmouth*, the Right Honourable and Right Reverend *Charles James Lord Bishop of London*, the Right Honourable and Right Reverend *John Lord Bishop of Lincoln*, the Right Honourable *George Lord Kenyon*, the Right Honourable *George Gough Lord Calthorpe*, the Right Honourable *Robert Lord Carrington*, the Right Honourable *Nicholas Lord Bealey*, the Right Honourable *Thomas Spring Rice*, Chancellor of the Exchequer, the Right Honourable *Sir Robert Peel* Baronet, *Sir Stephen Gazelee* Knight, *Sir Thomas Baring* Baronet, *George Holford* Esquire, and *Edward Protheroe* Esquire, shall be and they are hereby appointed Vice Presidents of the said Institution; and that the said *Edward Forster* Esquire shall be and he is hereby appointed Treasurer of the said Institution; and Vacancies which shall from Time to Time be occasioned by their respective Deaths and Resignations, or annual Secession from Office (as the

Appointment of President, Vice-Presidents, and Treasurer.

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 said Institution shall direct.

Present Officers of the Institution to continue in Office.

VIII. And be it further enacted, That the Persons who immediately before the passing of this Act were the Trustees, Auditors, Committee, Visitors, Chaplain, Secretary, Physicians, Surgeon, Solicitors, Surveyor, Superintendents, Matrons, and Collector of the said Institution shall from and after the passing of this Act continue to hold the same Offices respectively until Death or Resignation of or Removal from their respective Offices under or by virtue of any Law, Rule, or Regulation of the said Institution.

The present Rules and Regulations of the Institution to continue in force.

IX. And be it further enacted, That the Laws, Rules, and Regulations by or under which the Qualifications for Governors, and the Elections or Appointments of the President, Vice Presidents, Treasurer, Governors, Committee, Sub-Committee, Visitors, and Officers of the said Institution, and their respective Privileges and Duties, and their Continuance as such President, Vice Presidents, Treasurer, Governors, Committee, Sub-Committee, Visitors, or Officers of the said Institution, have been regulated, and by or under which the weekly and other Meetings of the Governors, or of the Committee, Sub-Committee, and Visitors, have been held, and by or under which such Meetings and the Business at such Meetings have been managed and conducted, and by or under which the Affairs and Business of the said Institution have been carried on and the Property thereof has been managed, shall after the passing of this Act be and continue to be the Laws, Rules, and Regulations of the said Institution, except so far as they may be amended, altered, or repealed, or any new Laws, Rules, and Regulations may be made.

The existing Rules and Regulations may be altered.

X. 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 of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, may be made in such Manner as is or shall be prescribed by the present or any future Laws, Rules, and Regulations of the said Institution.

For paying the Expences of the Act.

XI. And be it further enacted, That all the Costs, Charges, and Expences attending or incident to the obtaining and passing of this Act shall or may be paid by the Treasurer for the Time being of the said Corporation out of the Money already received or hereafter to be received by the said Treasurer.

XII. And

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

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