

New South Wales.



ANNO TERTIO

GULIELMI IV. REGIS.

An Act to enable the Members of a certain Society
in the Colony of New South Wales denomi-
nated "The Benevolent Society" to sue and
be sued in the name of their Treasurer for
the time being and for other purposes therein
mentioned. [24th August, 1832.]

BENEVOLENT
SOCIETY.

WHEREAS a society has been established in the Colony of New Preamble. South Wales called "The Benevolent Society" which has for its object the relief of such poor persons as through age accident or infirmity are unable to support themselves And whereas to insure its permanent prosperity it is expedient that some member of the same should be enabled to sue and be liable to be sued in the place of the whole of the members of such society Be it therefore enacted by His Excellency the Governor by and with the advice of the Legislative Council that all actions and suits whatsoever against any person or persons whether a member or members of the said society or otherwise and all other proceedings whatsoever whether at law or in equity to be commenced or prosecuted by or on behalf of the said society or wherein the said society is or shall be in anywise interested or concerned against any person or persons body or bodies corporate or politic shall and may be lawfully commenced and prosecuted in the name of the person who shall be the Treasurer of the said society at the time any such action suit or other proceeding shall be instituted as the nominal plaintiff complainant or petitioner for and on behalf of the said society and such proceedings shall and may be prosecuted and carried on to their final termination in the name of such Treasurer notwithstanding any change may have been made in the said office of Treasurer during the progress of such suit action or other proceeding.

Enabling the society
to sue in the name of
their Treasurer.

2. And be it further enacted That all actions suits and other proceedings at law or in equity to be commenced and prosecuted against the said society shall be commenced and prosecuted against Actions against the
society to be prose-
cuted against their
Treasurer.

Benevolent Society.

Proviso for indemnifying Treasurer.

Society to hold lands or hereditaments in the name of their Treasurer.

Proviso.

Act not to be affected by change of members of the society.

Punishment of inmates of the Asylum for waste of goods or materials committed to their care.

Act not to affect the rights of His Majesty or of others not mentioned herein.

Commencement of Act.

the Treasurer thereof for the time being as the nominal defendant for and on behalf of the said society and that the death resignation or other act of the Treasurer of the said society shall not abate any such action suit or other proceeding but the same may be continued where it left off and be prosecuted and carried on against the said society in the name of such person who was Treasurer when such action suit or other proceeding was instituted or commenced Provided always that every such Treasurer in whose name any such action suit or other proceeding shall be commenced prosecuted carried on or defended shall in all cases be reimbursed and paid out of the funds of the said society.

3. And be it further enacted That the members of the said society shall be and they are hereby authorized and enabled by and in the name of their Treasurer for the time being to accept take and hold by purchase or lease any estate or estates in lands tenements or hereditaments of inheritance or for lives or years or for years determinable on the death of any life or lives as also to accept take and hold all voluntary grants and donations of lands tenements or hereditaments or of any estate or interest therein Provided that the same be and be made by deeds indented sealed and delivered in the presence of two or more credible witnesses twelve calendar months at least before the death of such grantor or donor (including the days of the transfer and death) and of any personal property or effects whatsoever which shall be made to them or their said Treasurer for the purpose of promoting the objects of the said society.

4. And be it further enacted That the provisions in this Act contained shall extend and be construed and taken to extend to the said society at all times during the continuance of the same whether the said society be now or be hereafter composed of all or some of the persons who were the original members thereof or be composed altogether of persons who were not the original members of the same.

5. And be it further enacted That if any poor person who hath been or shall be admitted as an inmate into the Asylum of the said society shall wilfully waste any of the goods or materials committed to his or her care or shall take or carry away without permission of the Superintendent or person having charge of the said Asylum any goods or materials provided for the use thereof or belonging to any person residing there it shall and may be lawful for any two Justices upon complaint being made before them upon oath to hear the same and the party accused and upon conviction to commit the offender to the common gaol there to be kept on bread and water for any time not exceeding one month.

6. Provided always and be it further enacted That nothing in this Ordinance contained shall be deemed to affect or apply to any right title or interest of His Majesty his Heirs and Successors or of any body corporate or politic or of any other person or persons excepting such as are mentioned herein or of those claiming by or under him or them.

7. And be it further enacted That this Ordinance shall not commence or take effect until the same shall have received the Royal approbation and the notification of such approbation shall have been made by His Excellency the Governor in the *New South Wales Government Gazette*.