

Hospitals Partial Incorporation.

No. LIX.

An Act to enable certain Public Hospitals to sue and be sued in the name of their Treasurer and to provide for the taking and holding of Real Property belonging to such Hospitals respectively. [17th June, 1847.]

HOSPITALS PARTIAL
INCORPORATION.

WHEREAS there are Hospitals established in the Cities of Melbourne and Newcastle and in the Towns of Parramatta Windsor Bathurst Maitland Brisbane Goulburn and Yass in the Colony of New South Wales maintained partly by private contributions and partly by aid from the public funds and Hospitals to be maintained in like manner may hereafter be established in other towns in the said Colony And whereas difficulties may arise in entering into contracts for and on behalf of the said institutions and in recovering debts due to the same and in maintaining actions or other proceedings for damages done to their property and also in prosecuting persons who may steal or embezzle their goods chattels and effects and it would be just and convenient that persons having demands against any of the said institutions should be entitled to sue some member thereof Be it therefore enacted by His Excellency the Governor of New South Wales with the advice and consent of the Legislative Council thereof That all actions suits and other proceedings at Law or in Equity to be commenced or prosecuted by or on behalf of any of the said institutions or wherein any of the said institutions shall respectively be 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 Treasurer of such institution at the time any such action suit or other proceeding shall be instituted as the nominal plaintiff complainant or petitioner (as the case may be) 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 Treasurers
of the Hospitals of
Melbourne Parra-
matta Windsor
Bathurst Newcastle
Maitland Brisbane
Goulburn and Yass
to sue on behalf of
the said institutions.

2. And be it enacted That in all prosecutions for the embezzling robbing stealing or in any manner defrauding any of the said institutions it shall be lawful in all informations or indictments to state therein the property of such institution to be the property of the Treasurer thereof for the time being and any offender or offenders may thereupon be lawfully convicted of any such offence and no change in the office of such Treasurer during the progress of any such prosecution shall abate or in any manner affect such prosecution.

In prosecutions the
property of such
institutions respec-
tively may be stated
to be the property of
their Treasurers.

3. And be it enacted that all actions suits and other proceedings at Law or in Equity to be commenced and prosecuted against any of the said institutions shall be commenced and prosecuted against the Treasurer thereof for the time being as the nominal defendant for and on behalf of the said institution and that the death resignation or other act of the Treasurer of the said institution 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 institution 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 institution.

Actions against any
of the said institu-
tions to be prosecuted
against their Treasurers.

Hospitals Partial Incorporation.

Memorial of the names of the Treasurers of the said institutions respectively to be recorded in the office of the Registrar General or Deputy Registrar Melbourne.

4. And be it enacted That a memorial containing the name of the Treasurer for the time being of each of the said institutions respectively in the form and to the effect set forth, in the Schedule hereunto annexed marked A signed by the Treasurer of each of the said institutions respectively and by a majority of the Committee thereof shall within three months from the passing of this Act and from time to time as occasion may require be recorded upon the oath of one or more credible witness or witnesses in the office of the Registrar General of New South Wales or in the office of the Deputy Registrar of the Supreme Court for the District of Port Phillip as the case may be and no action suit or other proceeding shall be brought by any of the said institutions respectively until such memorial thereof as aforesaid shall have been so recorded by such institution and the Treasurer named in such memorial shall be held to be the Treasurer of the institution recording the same.

Property of said institutions respectively to be vested in Trustees for their benefit.

5. And whereas it is expedient that all real property belonging to any of the said institutions respectively should be held by and be vested in Trustees for the benefit thereof Be it enacted That Trustees not more than five in number for each of the said institutions and their successors (to be elected in manner hereinafter provided) shall be capable of taking and holding all lands tenements and hereditaments which may be granted conveyed or bequeathed to such institutions respectively or any of them and all such lands tenements and hereditaments shall be and shall be held to be absolutely vested in such Trustees respectively and it shall be lawful for such Trustees to permit and suffer the Committee or other executive officers of any such institution respectively to erect such buildings and perform such other acts in respect to such lands tenements or hereditaments and to use the same as to such Committee or other executive officers shall be deemed expedient and necessary for carrying out the objects of such institution.

Trustees Treasurers Committees and other officers of the said institutions to be elected by contributors of £1 at the least or £10 in one sum.

6. And be it enacted That the said Trustees and the Treasurers and Committees and other officers of the said institutions respectively shall be elected by the majority of contributors either of the annual sum of one pound sterling at the least or of ten pounds in one sum to the said institutions respectively who may be present at the respective meetings to be called for the election of any of the officers thereof as hereinafter provided.

Public meeting of contributors to be held for the election of officers.

7. And be it enacted That a public meeting of the contributors to the said institutions respectively shall be called by the respective Secretaries of the said institutions under the authority of the respective Committees thereof on any day within two months after the passing of this Act for the purpose of electing the said Treasurer and Trustees of the said institutions respectively and in the month of January in every year for the annual election of all the other officers of the said institutions respectively.

Adjournment of annual or special general meeting if ten contributors qualified to vote shall not be present.

8. And be it enacted That if at any annual or special general meeting of the contributors to any of the said institutions respectively at least ten of the contributors qualified to vote shall not assemble and proceed to business within one hour from the time fixed for the meeting no election of officers shall be made nor shall any business be done at that time but in such case there shall be another meeting of the said institution at the same place and at the same hour of the same day in the following week and at this last mentioned meeting any number of contributors (qualified to vote as aforesaid) exceeding three shall constitute a meeting.

Mode of conducting the election.

9. And be it enacted That every contributor qualified and intending to vote at such first mentioned meeting for the election of such Treasurer and Trustees and at the annual meetings for all other officers,

Hospitals Partial Incorporation.

officers of the said institutions respectively shall deliver to the Chairman of such meeting a ticket with the names of the persons written thereon for whom he intends to vote the number of such persons not to be greater than the number of persons to be elected otherwise the said vote to be null and void and the said ticket signed by the person presenting it after being read aloud by the Chairman shall be forthwith deposited in a box and shall not be withdrawn therefrom until the same shall be delivered to scrutineers to be appointed by the Chairman of the meeting.

10. And be it enacted That when any such Treasurer Trustee or Trustees shall die or be absent from the Colony for more than twelve months or resign or refuse or become *non compos mentis* or otherwise incapable to act in relation to the said institutions respectively a meeting shall be called in manner aforesaid and the like proceedings shall take place for the election of such Treasurer or Trustee or Trustees as the case may be and the person or persons so elected as Treasurer Trustee or Trustees shall to all intents and purposes be vested with the same rights powers and authorities in law as the person in whose place he shall have been so elected.

Vacancies how to be filled up.

11. And whereas Hospitals to be maintained in the manner hereinbefore mentioned may hereafter be established in other towns in the said Colony to which it may be desirable to extend the provisions of this Act Be it therefore enacted That whenever the Governor shall deem it expedient to extend the provisions of this Act to any Hospital hereafter to be established in any town in the said Colony not mentioned in this Act it shall and may be lawful for the said Governor to declare the same by Proclamation to be published in the *Government Gazette* and from and after the publication thereof this Act shall be deemed and taken to apply to the Hospital or Hospitals to be specified in such Proclamation to all intents and purposes as fully and effectually as if the said Hospital or Hospitals were specially named herein.

Governor may extend the provisions of this Act to any Hospital hereafter to be established.

SCHEDULE A.

MEMORIAL of the name of the Treasurer of the Hospital at _____ in the Colony of New South Wales to be recorded in the office of the Registrar General at Sydney (or in the office of the Deputy Registrar of the Supreme Court at Port Phillip as the case may be) in the said Colony in pursuance of an Act of the Governor and Legislative Council passed in the eleventh year of the reign of Her present Majesty Queen Victoria intituled "*An Act to enable certain Public Hospitals to sue and be sued in the name of their Treasurer and to provide for the taking and holding of Real Property belonging to such Hospitals respectively*"

Be it known that on the _____ day of _____ 184 ____ A. B. was duly elected Treasurer of the Hospital at _____

A. B. Treasurer.
 E. F. { Being a majority } G. H.
 of the members of
 I. K. { the Committee. } L. M.

O. Q. of _____ gentleman maketh oath and saith that he was present and did see the foregoing Memorial signed by the above-named Treasurer and members of the Committee of the Hospital at _____

Sworn this
 day of _____

184 ____