

An Act to incorporate “The Prince Alfred Hospital.” [3rd April, 1873.]

Preamble.

WHEREAS a Public Meeting was held in Sydney on the twentieth day of March one thousand eight hundred and sixty-eight at which certain resolutions were passed expressing a determination that a substantial and permanent Monument should be erected in commemoration of the heartfelt gratitude of the inhabitants of New South Wales for the preservation of His Royal Highness Prince Alfred and that the form of memorial most appropriate to the object in view and best calculated to represent the feelings of the community would be a Hospital for the relief of the sick and maimed possessing all modern appliances necessary for the effective treatment of disease and for the comfort of the inmates including a ward for convalescents until suitable accommodation should be provided for such And whereas a committee was formed for collecting subscriptions for the erection of such Hospital and the carrying out of such resolutions And whereas a number of persons resident in all parts of the said Colony and elsewhere have subscribed towards such objects and there is now in the hands of the Treasurers a large sum of money from such subscriptions applicable to such purposes And whereas such sum of money has been subscribed by persons of all shades of religious opinion and belief and it is deemed expedient that the said Institution shall be entirely unsectarian in character And whereas by reason of the very large number of subscribers towards the erection and establishment of such Hospital and the impossibility of having a meeting of such subscribers for the purpose of their choosing the first Directors of the said Hospital to represent them as the donors of the fund with which such Hospital shall be erected it is expedient that such first Directors should by this Act be nominated and appointed and that provision should be made for the election from time to time of Directors to represent the said persons subscribing the fund for the erection and constitution of the said Hospital And whereas a portion of the land originally granted to the University of Sydney in the year one thousand eight hundred and fifty-five is intended to be resumed by Her Majesty under an Act of the Legislature for that purpose in order that the same may be granted for the purposes of the Prince Alfred Hospital in accordance with and subject to certain conditions and trusts in such Act expressed And whereas it is expedient for the purpose of more effectually carrying out the said determination as to the erection of the said Hospital and of providing for and carrying out the good government

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government and management of the said Hospital that the contributors for the time-being to the erection and support of the said Hospital should be incorporated with and subject to the powers privileges restrictions and provisions hereinafter mentioned and that the said land should be vested and held in manner hereinafter mentioned Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. All persons who have already subscribed and all persons who after the passing of this Act shall subscribe towards the erection and completion of the said Hospital and who after the passing of this Act and the completion of the said Hospital shall contribute to the support of the said Hospital and also all persons who after the completion of the said Hospital shall contribute to the support of the said Institution for so long and during such time as they shall continue to be such contributors to the support of the said Institution and also all persons who shall have paid or shall hereafter pay one entire sum of fifty pounds towards either the erection completion or support of the said Hospital shall be from the time of the passing of this Act subject to the provisions in this Act contained a body corporate by the name of "The Prince Alfred Hospital" by which name such body corporate shall have perpetual succession and a common seal and in the same name shall and may sue and be sued implead or be impleaded proceed or be proceeded against in all Courts of the said Colony and may prefer lay and prosecute any indictment information and prosecution against any person or persons whomsoever for any offence and in all indictments informations and prosecutions it shall be lawful to state any property of the said corporate body to be the property of the said corporate body in its corporate name and to allege any intent to defraud the said corporate body or any of its officers to be an intent to defraud the said corporate body in its corporate name.

Subscribers to
Hospital to be
corporation.

2. All real and personal estate vested in and held by any person or persons in trust for the said Prince Alfred Hospital at the time of the passing of this Act shall be and the same is hereby transferred to and vested in the said body corporate.

All property in
Trustees for Hospital
vested in body
corporate.

3. It shall be lawful for the said body corporate to take purchase hold and enjoy not only such lands buildings and hereditaments as may from time to time be required used or occupied for the immediate requirements and purposes of the said Hospital but also any other lands and hereditaments whatsoever wheresoever situate and also to take purchase receive hold and enjoy any goods chattels and personal property and also to sell grant convey assure demise or otherwise dispose of either absolutely or by way of mortgage any of the property real or personal belonging to the said body corporate Provided that it shall not be lawful for the said body corporate so to sell grant convey assure demise or dispose of the said portion of the land originally granted to the said University of Sydney so as aforesaid intended to be resumed by Her Majesty and to be granted for the purposes of the said Hospital or any part thereof or any lands or hereditaments which may at any time hereafter be granted to the said body corporate by the Crown by way of free gift unless with the approval of the Governor and Executive Council to be testified by writing under the hand of the Governor countersigned by the Colonial Secretary for the time-being except by way of lease for any term not exceeding twenty-one years from the time of the granting of any such lease in and by which there shall be reserved and made payable during the whole of the term to be thereby granted the best yearly rent that can be reasonably gotten for the same without any fine or premium.

Power to hold and
deal with lands.

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Hospital and property to be managed by Directors.

4. The said Hospital and the property of the said body corporate shall be governed managed and disposed of by the Board of Directors of the said Institution for the time-being subject to the by-laws rules and regulations for the time-being of the said Institution and six Directors shall form a quorum of such Board for the doing any act or performing or transacting any business which may under the provisions of this Act or the by-laws rules and regulations of the said body corporate be done performed or transacted.

Appointment of first Directors.

5. The first Directors of the said Institution and who shall for all purposes connected with the said Institution be the representatives of the said persons who have subscribed to the fund for the erection and establishment of the said Hospital shall be fifteen in number and such first Directors shall be the Chancellor for the time-being of the University of Sydney the Dean of Faculty of Medicine of the said University and three other persons to be appointed from time to time by the Governor and Executive Council together with Ewen Wallace Cameron Robert Coveny Eyre Goulburn Ellis John Fairfax the Honorable Thomas Holt Edward Knox Lewis Wolfe Levy Alfred Roberts John Smith M.D. and John Brown Watt and such Directors shall subject to the conditions and provisions herein contained hold office until the said Hospital shall have been erected and shall be opened and ready for the reception of patients and for thirteen months thereafter.

Appointment of new Director in place of any first Director ceasing to be Director.

6. In the event of any one of such first Directors as mentioned in the last preceding section or any Director nominated and appointed under the provisions of this section at any time and from time to time under any of the provisions in this Act or any by-laws and rules made hereunder ceasing to be a Director the Board of Directors shall within three months of such vacancy nominate and appoint some other person from among such original donors of not less amount than five pounds to the fund for erecting and establishing the said Hospital or from the annual subscribers of amounts not less than two pounds per annum to the said Hospital to be a Director in the room and place of such person so ceasing to be such Director and every Director so appointed shall for all the purposes and provisions of this Act be taken and considered to be a first Director in the same manner as if he had been hereby appointed one of the said first Directors Provided always that when and so often as any person appointed by the Governor and Executive Council ceases to be a Director some other person shall be appointed by the Governor with the advice aforesaid.

Appointment of Directors after Hospital opened to represent annual subscribers.

7. Within thirteen months after the said Hospital shall have been erected and shall be opened and ready for the reception of patients the said first Directors shall call a meeting of the then annual subscribers to the support and maintenance of the said Institution for the reception of patients by an advertisement in any one or more of the newspapers published in Sydney for fourteen days before the time of such meeting for the purpose of electing Directors to represent such annual subscribers at the Board of Directors as the same shall thenceforth be constituted and at such meeting such subscribers shall elect ten Directors and the Governor and Executive Council may appoint three Directors in lieu of the persons previously appointed.

Appointment at annual meeting of Directors in place of retiring Directors.

8. At every annual meeting subsequently held in the month of July in every year five of such ten Directors mentioned in the last preceding section shall retire and the five who are to retire shall be determined by lot and when the whole of such ten Directors shall have retired then at every such subsequent annual meeting five of the ten Directors elected by the annual subscribers towards the support of the Institution shall retire in rotation the Directors so retiring being eligible for re-election and at every such annual meeting it shall be lawful for the then annual subscribers to the support of the said Institution

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Institution to elect five Directors in the room of the said Directors then retiring according to the provisions herein contained and if there shall be more than five candidates such election shall be by ballot.

9. As soon as the said Directors shall have been so as aforesaid elected the said Board of Directors of and for the said Institution shall consist of fifteen Directors made up of the said ten Directors first herein provided for and the Chancellor of the University for the time-being the Dean of Faculty of Medicine of the said University and the three persons appointed by the Governor with the advice aforesaid and of such Board the presence of six Directors shall form a quorum.

After subscribers
Directors appointed
Board to consist of
fifteen.

10. Ministers of religion shall subject and according to the provisions of the by-laws rules and regulations to be made by the Board of Directors have free admittance to the said Hospital for the purpose of giving and administering religious instruction and consolation to any patients in the said Hospital of such minister's own denomination but in no case shall any minister of religion of any denomination be capable of being elected a Director of the said Hospital.

Ministers of Religion
to have free access
to Hospital but not
capable of being
elected Directors.

11. It shall be lawful for the Board of Directors at any time and from time to time to make repeal and alter by-laws rules and regulations for regulating their own times and mode of meetings and transacting business for fixing the number of votes of contributors in proportion to the amount of their contributions for determining the qualification disqualification change retirement election and appointment of Directors (except as herein provided for) medical officers auditors executive and other officers and nursing staff and sub-committees of the said Institution and generally for the support management and government of the said Institution and of all officers servants and patients thereof Provided that no such by-laws rules or regulations shall be in any way repugnant to or inconsistent with the provisions herein contained.

Power to make
by-laws.

12. A copy of any such by-laws rules and regulations sealed with the seal of the said body corporate and purporting to be certified by the Secretary for the time-being of the said Institution as being correct shall be received in any Court as conclusive evidence of such by-laws rules and regulations.

Copy of by-laws to
be evidence.

13. It shall be lawful for the Board of Directors from time to time and for the time-being to invest any of the funds of the said body corporate and which may not in the opinion of such Board of Directors be required for the current expenses of the said Institution and any moneys given or bequeathed to the said Institution or arising from the sale of property granted devised bequeathed or given to the said Institution according to the discretion of such Board of Directors in any Government funds or debentures of the Australian Colonies or in any debentures or debenture stock of any Municipal Corporation in the said Colonies or of any Bank or incorporated Company carrying on business in the said Colonies or by way of purchase mortgage or otherwise upon any freehold estate in the said Colonies with power from time to time and at any time to vary and transfer any such investment for or into any other investment of a like kind Provided always that it shall be lawful for the Board of Directors in their absolute discretion at any time and from time to time to resort to any such investments and to realize the same for the purpose of applying the moneys to arise from the sale and realization of the same in or towards any then current or immediate expense or requirement of the said Institution.

Power of Directors
to invest funds.

14. The Board of Directors shall from time to time elect and appoint from amongst such Board a house committee and such and so many sub-committees as they may think fit for transacting the affairs

Directors to appoint
sub-committees.

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affairs and business of the said Institution with and subject to such powers privileges provisions and conditions as shall be provided and declared by the by-laws rules and regulations for the time-being.

Power to appoint medical and nursing staff.

15. It shall be lawful for the Board of Directors from time to time to make provision for the appointment and support of a medical school and a nursing and training staff for the said Institution.

Informality of election of Director or officer not to invalidate this Act.

16. No irregularity informality or illegality in the election or appointment of any Director or officer of the said Institution shall be taken or construed to render illegal or invalid any act deed matter or thing done or executed or suffered to be done or executed by such Director or officer in pursuance of such election or appointment but any such election or appointment may in such way as may be provided for in the said by-laws for the time-being be determined to be good or bad and if bad the vacancy supplied in such way as may be provided for in such by-laws and the provisions of the said by-laws for the time-being as to the validity of any such election or appointment and the acts deeds and things done by any Director or officer in pursuance of any such election or appointment shall have the force and effect of law.

Power to make and alter common seal.

17. It shall be lawful for the said Board of Directors to design at any time and from time to time to change or alter the common seal of the said body corporate.

Proceedings may be instituted for recovering remuneration for treatment in the Hospital.

18. It shall be lawful for the Treasurer at any time to institute and prosecute on behalf and in the name of the said body corporate proceedings in any Court against any person who may have received medical or surgical care and attention or both in the said Institution or against the executors or administrators of any such person or against the Curator of the estate of any such person for the recovery of fees and remuneration for such care and attention and any amount recovered in any such proceeding shall be applied in such way as may be provided in the said by-laws for the time-being.

Unclaimed moneys of deceased patient to form "Samaritan Fund."

19. All unclaimed moneys of patients who shall die in the said Hospital shall be the property of the said body corporate and shall form a distinct and separate fund to be called the "Samaritan Fund" which fund shall be managed and disposed of in such manner as by the by-laws for the time-being of the said Institution shall be provided for the benefit of the necessitous outgoing patients.

Interpretation.

20. The words "body corporate" in this Act shall in all cases mean the said Corporation of "The Prince Alfred Hospital" hereby created The word "Institution" in this Act shall in all cases mean the said Hospital so incorporated as an establishment for all the purposes of an Hospital The words the "Board of Directors" in this Act shall in all cases mean the Board of Directors as the same shall for the time-being and from time to time consist and be constituted either in number or otherwise The word "Treasurer" in this Act shall in all cases mean the Treasurer for the time-being or any person appointed to act and for the time-being acting in the capacity of Treasurer for the said Institution.

Act may be amended or repealed.

21. Nothing herein contained shall be deemed or constructed to prevent the Legislature of the Colony for the time being from altering amending or repealing the provisions of this Act or any of them as the public interests may at any time seem to render necessary or expedient.

Title of Act.

22. This Act may for all purposes be cited as "The Prince Alfred Hospital Act."