

## No. XXIII.

An Act to enable the Members of a certain Institution, in the Colony of New South Wales, denominated "The Sydney Dispensary," to sue and be sued in the name of the Treasurer for the time being, and for other purposes therein mentioned. [15th November, 1843.]

**W**HEREAS a society or institution has been established in the Colony of New South Wales, called "The Sydney Dispensary," which has for its object, to afford medical and surgical relief to poor and destitute persons; and whereas, to ensure its permanent prosperity, it is expedient that some member of the same should be entitled to sue, and be liable to be sued, in the place of the whole of the members of such society or institution: 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 and suits whatsoever, against any person or persons, whether a member or members of the said society or institution, 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 institution, or wherein the said society or institution 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 or institution, 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 or institution; 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.

Society to be sued by and in the name of the Treasurer.

II. And be it enacted, That all actions, suits, and other proceedings at law or in equity, to be commenced and prosecuted against the said society or institution, shall be commenced and prosecuted against the Treasurer thereof for the time being, as the nominal defendant, for and on behalf of the said society or institution; and that the death, resignation, or other Act of the Treasurer of the said society or institution, shall not abate any such action, suit or proceeding, but the same may be continued where it left off, and be prosecuted and carried on against the said society or 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 society or institution.

Actions and suits against the society to be prosecuted against the Treasurer on behalf of the same.

III. And be it enacted, That the members of the said society or institution shall be, and they are hereby authorised 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 and effects whatsoever, which shall be made to them or their said Treasurer, for the purpose of promoting the objects of the said society or institution: Provided, that if it shall at any time appear that the value of such lands, tenements, or hereditaments, exceeds the sum of forty thousand pounds, or if it shall appear that the annual income

The members of the society authorised to accept, purchase, or lease lands, &c.

income or revenue arising therefrom, exceeds the sum of three thousand pounds, it shall and may be lawful for the Governor, by and with the advice and consent of the Legislative Council of the said Colony, to direct that such a portion of the said annual income or revenue, as to the said Governor and Council shall seem proper, shall be paid to the trustees or directors of any society or societies now established or instituted, or hereafter to be established or instituted for the relief of the poor, or for any other charitable purpose within the City of Sydney; and the Treasurer for the time being of the Sydney Dispensary or Hospital, is hereby authorised and required to pay the same accordingly.

Provisions of  
Act to continue,  
notwithstanding  
change of  
members.

IV. And be it enacted, That the provisions in this Act contained shall extend, and be construed and taken to extend, to the said society or institution at all times during the continuance of the same, whether the said society or institution 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.

Provisions of  
this Act to apply  
to hospital  
if elected by the  
society.

V. And be it enacted, That in the event of the committee for the time being of the said society or institution establishing, in consequence of increasing disease or other sufficient cause, on the ground or buildings assigned or conveyed, or hereafter to be assigned or conveyed to them, or to the said society or institution, a general hospital for the reception and relief of sick patients, and furnishing the same with medical and surgical assistance, all the foregoing and following provisions of this Act shall be held as applicable to the said hospital.

Not to be construed to affect  
any right of  
Her Majesty,  
Her Heirs, &c.

VI. Provided always, and be it enacted, That nothing in this ordinance contained, shall be deemed to affect or apply to any right, title, or interest, of Her Majesty, Her 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, her, or them.

This Act to be  
deemed a public  
Act.

VII. And be it enacted, That this shall be deemed a public Act, and shall be judicially taken notice of as such, by all Judges, Justices, and other persons whatever, without the same being specially shewn or pleaded.

ALEX. McLEAY,  
SPEAKER.

*Passed the Legislative Council,  
this fifteenth day of November,  
One thousand eight hundred  
and forty-three.*

*Agreeably to the provisions of the 31st  
clause of 5th and 6th of Victoria,  
No. 76, I reserve this Bill for the  
signification of Her Majesty's  
Pleasure thereon.*

GEORGE GIPPS,  
GOVERNOR.

WM. MACPHERSON,  
CLERK OF THE COUNCIL.

Note:—See the Proclamation of His Excellency the Governor, bearing date the 14th April, 1845, published in the *New South Wales Government Gazette* of the same month, notifying that this Act, having been confirmed, ratified, and finally enacted, by an order of Her Majesty in Council, would take effect from the date of such Proclamation.