

*Sydney Dispensary.*

## 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. [*Reserved—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.

2. 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.

3. And be it enacted That the members of the said society or institution 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

SYDNEY DISPENSARY.

Preamble.

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

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

The members of the society authorized to accept purchase or lease lands &amp;c.

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minable 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 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 authorized and required to pay the same accordingly.

Provisions of Act to continue notwithstanding change of members.

4. 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.

5. 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.

6. 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.

7. 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.