

*Royal Alexandra Hospital for Children Incorporation.*

## Act No. 8, 1906.

ROYAL ALEXANDRA  
HOSPITAL FOR  
CHILDREN  
INCORPORATION.

An Act to incorporate and otherwise promote the objects of the Royal Alexandra Hospital for Children. [10th September, 1906.]

Preamble.

WHEREAS in the year one thousand eight hundred and seventy-nine a society or institution was established, known as the Sydney Hospital for Sick Children, having for its object to afford medical and surgical relief to the children of poor and destitute persons and others requiring such aid: And whereas, with the sanction of His Majesty the King and Her Majesty the Queen Alexandra, the name of the said hospital was duly changed, as and from the fourth day of May, one thousand nine hundred and four, to the Royal Alexandra Hospital for Children: And whereas certain freehold and leasehold lands particularised in the first and second parts of the Schedule to this Act are now vested in the persons whose names appear opposite such lands in the said Schedule, subject to such incumbrances as are therein referred to, upon certain trusts for the benefit and purposes of the said institution: And whereas buildings for the purposes of the said institution have been and are being erected on the said lands for the purposes of the said institution: And whereas large sums of money have been bequeathed or given to the said institution for its maintenance and endowment 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 the said institution is possessed of money, the aforesaid lands, buildings, and other securities and property: And whereas, in order to more effectually and economically carry out the objects of the said institution, it is deemed expedient that their property, rights, and liabilities should be respectively transferred to and vested in the said body corporate: Be it therefore enacted by the King'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:—

Short title.

1. This Act shall be cited as the "Royal Alexandra Hospital for Children Incorporation Act of 1906."

Interpretation.

2. The words "body corporate" in this Act shall in all cases mean the Royal Alexandra Hospital for children as incorporated under this Act.

The word "board" shall mean the board of management as the same shall for the time being and from time to time consist and be constituted.

The

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The words "by-law, rules, and regulations" shall mean the by-laws, rules, and regulations of the said body corporate.

The word "institution" shall mean the Royal Alexandra Hospital for Children.

The word "benefactor" shall mean—

- (a) any person who has already subscribed, or who, after the passing of this Act, shall subscribe to the funds of the said hospital a sum of not less than fifty pounds within any period of six months: Provided, however, that in the case of a partnership, company, corporation, association, or society making such subscription, the board shall be entitled to nominate the person entitled to be a benefactor in respect of such subscription;
- (b) any person who has already been nominated, or who, after the passing of this Act, shall be nominated as a benefactor by a testator bequeathing to the funds of the said hospital a sum of not less than one hundred pounds, or failing such nomination an executor of such testator: Provided, however, that no testator shall be entitled to nominate more than one benefactor;
- (c) any minister of religion whose congregation has already subscribed, or who shall after the passing of this Act subscribe, a sum of not less than fifty pounds within one year to the funds of the said hospital;
- (d) and any honorary consulting physician, honorary consulting surgeon, honorary physician, and honorary surgeon of the institution whilst in office.

The word "member" shall mean any person who shall subscribe to the funds of the said hospital a sum of not less than ten shillings annually: Provided, however, that any person whose subscription for any year remains unpaid on the thirty-first day of December of such year, shall cease to be a member: Provided also, that no subscriber other than a benefactor shall be entitled to vote at any election who has not paid his subscription at least three months prior to such election.

The word "treasurer" shall mean the treasurer for the time being, or any person appointed and for the time being acting in the capacity of treasurer of the said hospital.

The word "secretary" shall mean the secretary for the time being, or any person appointed and for the time being acting in the capacity of secretary of the said hospital.

3. On and from and after the passing of this Act, all persons who shall be benefactors or members of the said institution at the passing of this Act, and all other persons who shall thereafter become benefactors or members of the said institution, shall be, subject to the provisions

Benefactors and members to be a corporation.

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provisions in this Act contained, a body corporate by the name of the Royal Alexandra Hospital for Children, 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, proceed or be proceeded against in all courts.

All trust property to be vested in body corporate.

4. All real and personal estate which is now or may hereafter at any time be vested in and held by any person or persons in trust for the said institution, is and shall be hereby transferred to and vested in the said body corporate, subject to any existing incumbrances thereto, excepting any real or personal estate held in trust for the said institution, and which would be forfeited in the event of such property being divested from the trustees thereof.

Express trusts to be dealt with specially.

5. All property so vested in the said body corporate, so far as the same or any part thereof is affected by any express trust, shall be held, managed, and dealt with by the said body corporate, subject to, and in conformity with, such expressed trusts.

Power to hold and deal with lands, &c.

6. 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 for the purposes of the said institution, but also any other lands and hereditaments whatsoever and wheresoever situate, and also to take, purchase, receive, hold, and enjoy any chattels and personal property, and also to sell, grant, convey, 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.

Property of institution to be managed by board.

7. The said institution and the property of the said body corporate shall be governed, managed, and disposed of by the board of management 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 members of the board 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 by such board.

Six members to form a quorum.

Board of management.

8. The board shall, for all purposes connected with the said institution, be the representative of the said body corporate, and shall consist of a president, two vice-presidents (one of these being a female), treasurer, secretary, nine female members, and seven male members, together with those persons who at the time of the passing of this Act are life members of the board of management, and two representative members to be annually elected by the honorary medical and surgical officers of the said hospital: Provided that no paid official shall be entitled to a seat on the board.

First board.

9. A general meeting of the benefactors and members shall be held within two months after the passing of this Act for the purpose of electing

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electing a president, two vice-presidents, treasurer, secretary, and sixteen members, who, together with those persons who are life members of the board of management at the time of the passing of this Act and the two representative members elected as aforesaid, shall collectively form the first board under the Act, and until the said election shall have taken place the existing board of management shall continue to manage the said institution.

10. The president, vice-presidents, treasurer, and secretary shall be elected annually at the annual meeting of the benefactors and members, which shall be held in the month of March, or as soon thereafter as the board may deem advisable, and of the nine female members of the board four shall retire annually, and of the seven male members of the board three shall retire annually, the retiring members of the board being those whose attendance at the meetings of the board shall have been the least numerous. And where any doubt shall exist as to the members of the board to retire under this provision the board shall determine the matter by ballot, but the retiring members shall in every year be eligible for re-election.

Election of president, vice-presidents, treasurer, secretary, and members of board at annual meeting.

11. Any vacancy occurring among the members of the board by death, resignation, or otherwise, before or after the holding of the first general meeting under this Act, shall be filled by such person as may be appointed by the board, and any person so appointed shall retire at the next general meeting, but shall be eligible for re-election.

Vacancies, how filled.

12. A special general meeting of the benefactors and members of the body corporate for the transaction of any particular business, may at any time be called by the board or president, and on receiving a requisition signed by not less than nine benefactors or members of the body corporate, the secretary shall call a special general meeting of the members of the body corporate.

Special general meeting.

13. At every annual or special general meeting of benefactors and members of the body corporate, ten members shall be required to form a quorum.

Quorum at general meetings.

14. The board shall meet monthly, or oftener if necessary. Any member of the board absenting himself or herself, without leave, from meetings of the board for four consecutive months, shall be considered to have vacated his or her seat.

Board meetings.

15. Ministers of religion shall, subject and according to the provisions of the by-laws, rules, and regulations of the body corporate, be entitled to access to such inmates as are of such minister's own denomination.

Ministers of religion to have free access to inmates.

16. It shall be lawful for the board of management to make by-laws, rules, and regulations for the general management of the affairs of the said body corporate. And until such by-laws, rules, and regulations shall have been made, the rules and regulations of the institution at present in force are hereby confirmed, and shall, except

Power to make by-laws, rules, and regulations.

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so far as repealed, altered, or amended by any by-laws, rules, and regulations made under this Act, be and continue binding on the members of the said body corporate.

Evidence of copy of by-laws.

**17.** A printed 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 body corporate as being correct, shall be received in all courts as conclusive evidence of such by-laws, rules, and regulations, and of the same having been duly made under the authority of this Act.

Power of board to invest funds.

**18.** It shall be lawful for the board of management from time to time to invest any funds of the said body corporate in British Government securities, in any Government funds or debentures of the Commonwealth of Australia, or of any State of the Commonwealth of Australia, or of the colony of New Zealand, or in any debentures or debenture stock of any municipal corporation therein, or of any bank or incorporated company carrying on business therein, or by way of deposit in any bank for fixed periods or otherwise, or by way of purchase of or mortgage upon any freehold estate.

Board to appoint committees.

**19.** The board may, from time to time, elect and appoint from their own body a house committee and such and so many sub-committees as they may think fit for transacting the affairs and business of the institution, with and subject to such powers, privileges, provisions, and conditions as shall be expressed and declared by the by-laws, rules, and regulations.

Informality of election of members of the board or officer not to invalidate Acts, &c.

**20.** No irregularity, informality, or illegality in the election or appointment of any member of the board of management or officer of the institution shall render illegal or invalid any Act, deed, matter, or thing done or executed, or suffered to be done or executed by such member of the board 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, rules, and regulations, be determined by resolution to be good or bad; and if bad, the vacancy may be supplied in such way as may be provided for in such by-laws, rules, and regulations, the provisions whereof as to the validity of any such election or appointment, and the acts, deeds, or things done by any member of the board 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, and affix same.

**21.** It shall be lawful for the said board to design at any time, and from time to time change or alter, the common seal of the said body corporate. Such seal shall be in the custody of the president and one other member of the board, and a majority of the members of the board present at any duly constituted meeting of the board shall have the power to use or direct the use of such seal for all purposes requiring to be evidenced by the corporate seal of the body corporate: Provided that it shall not be necessary to require such seal to be affixed

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affixed as evidence of the appointment by the said body corporate of an attorney or solicitor in or for the prosecution of any action, suit, or other proceeding.

**22.** Notice to or service upon the secretary of the said body corporate shall be deemed to be a notice to or service upon the body corporate. Notice and service.

**23.** The members of the board for the time being of the said body corporate shall be respectively charged only for such moneys, stocks, funds, and securities as they shall respectively actually receive, notwithstanding their respectively signing any receipt for the sake of conformity, and shall be answerable and accountable only for their own acts, receipts, neglects, or defaults, and not for those of each other, nor for any banker, broker, or other person with whom any trust moneys or securities may be deposited, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor for any other loss, unless the same shall happen through their own wilful default respectively. Indemnity to members of the board.

## THE SCHEDULE.

FIRST PART—*Freehold.*

ALL that parcel of land, part of the Toxteth Park Estate, situate in the borough of the Glebe, in the colony aforesaid: Commencing at a point on the Glebe road at the eastern corner of the said estate; and bounded on the north-east by that road bearing north-westerly one hundred and twenty-feet to a road forty feet wide; on the north-west by the last-mentioned road bearing south-westerly one hundred and eighty feet to another part of the land conveyed to Thomas James Bowyer; thence on the south-west by that land, being a line bearing south-easterly one hundred and twenty feet to the south-east boundary fence of the said estate; and on the south-east by the said boundary fence, being a line bearing north-easterly one hundred and eighty feet, to the point of commencement. The Perpetual Trustee Company, Limited—  
Subject to mortgage,  
dated 20th November,  
1902, to Reginald Charles  
Allen and Arthur  
Wigram Allen.

All that parcel of land, part of the Toxteth Park Estate, situate in the borough of the Glebe, in the colony aforesaid: Commencing at a point in Wigram-street at the corner of the land conveyed to Joseph Paul Walker, distant one hundred and eighty feet from the intersection of the Glebe road with Wigram-street; bounded on the north-west by Wigram-street, bearing south-westerly seventy feet; thence on the south-west by other part of the Toxteth Park Estate, being a line bearing south-easterly one hundred and twenty feet to the south-east boundary fence of said estate; thence on the south-east by said boundary fence, being a line bearing north-easterly seventy feet to land conveyed to Joseph Paul Walker; and on the north-east by that land bearing north-westerly one hundred and twenty feet, to the point of commencement. The Perpetual Trustee Company, Limited—  
Subject to mortgage,  
dated 20th November,  
1902, to Reginald Charles  
Allen and Arthur  
Wigram Allen.

All that piece or parcel of land situated in the borough of Camperdown, in the parish of Petersham, county of Cumberland, and State of New South Wales, be the hereinafter mentioned several dimensions a little more or less, containing by admeasurement six acres one rood four perches, more or less, and being part of lot forty-two as occupied of the subdivision of the Camperdown Estate grant to William Bligh, of two hundred and forty acres, dated tenth August, one thousand eight hundred and six: Commencing on a north-western building line of Pymont Bridge road at the south-eastern corner of lot forty-one of said subdivision, as now comprised in certificate of title, volume one thousand three hundred and forty-one, folio two hundred and forty-eight; and bounded thence on the south-east by north-western building lines of said Pymont Bridge road, Sir Francis Bathurst  
Sutton, The Honorable  
Frederick Thomas  
Humphrey, William  
Percy Faithfull, John  
St. Vincent Welch.  
bearing

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bearing successively north sixty-three degrees fifty-six and a half minutes east one hundred and twenty feet, north one degree forty-three and a half minutes east seventy-five feet one and a quarter inches, north fifty-six degrees forty-two and a half minutes east ninety-one feet ten and a half inches, and north forty-seven degrees forty-six minutes east one hundred and fifteen feet two inches to its intersection with the south-western boundary of lot forty-three of said subdivision; thence on the north-east by part of that south-western boundary of said lot forty-three, being a fenced line bearing north twenty-four degrees three minutes west five hundred and thirty feet eleven inches to the southern (outer) edge of the Orphan School Creek stormwater channel as constructed; thence on the north by part of that southern (outer) edge of the said Orphan School Creek stormwater channel as constructed, bearing westerly to its junction with the eastern (outer) edge of Johnstone's Creek stormwater channel as constructed; thence on the west by part of that eastern (outer) edge of said Johnstone's Creek stormwater channel as constructed, bearing southerly to its intersection with the north-westerly prolongation of the north-eastern boundary of aforesaid lot forty-one, as now occupied in certificate of title, volume one thousand three hundred and forty-one, folio two hundred and forty-eight, as aforesaid; and thence on to the south-west by that prolongation of and by the north-eastern boundary of lot forty-one, as in certificate of title aforesaid, being fenced line bearing in all south twenty-three degrees forty minutes east four hundred and twenty-four feet, and south twenty-four degrees twelve minutes east four hundred and three feet six inches, to the point of commencement.

SECOND PART--*Leaschold.*

The Perpetual Trustee  
Company, Limited

All that piece or parcel of land, situated in the city of Sydney, in the parish of St. Andrew, county of Cumberland, and State of New South Wales, be the hereinafter mentioned several dimensions a little more or less, containing by admeasurement twenty-four and three-quarter perches, and forming part of block one D of the Ultimo Estate subdivision: Commencing at the intersection of the southern building line of Valentine-street with the north-eastern side of Quay-street; and bounded thence on the north by part of the southern building line of Valentine-street bearing south eighty-three degrees forty-eight minutes east one hundred and twelve feet eleven inches; thence on the east by the western boundaries, as occupied, of allotments fronting George-street, being a line bearing south five degrees twenty-five minutes west one hundred and four feet ten and three-quarter inches; thence on the south-east and on part of the south-west by north-western and north-eastern sides of walls of brick building bearing successively south thirty-four degrees twenty-one minutes west one foot ten and a-half inches, and north fifty-three degrees forty-five minutes west thirty-nine feet five and a-half inches to the north-eastern side of Quay-street aforesaid; and thence on the remainder of the south-west by part of the north-eastern side of that street bearing north thirty-six degrees fourteen and a-half minutes west one hundred and seventeen feet seven inches, to point of commencement.

Sir Matthew Henry  
Stephen and Harry  
Chambers Kent, subject  
to a mortgage to James  
Sutherland Mitchell,  
dated 31st December  
1892.

All that piece or parcel of land situated at Glebe Point: Commencing on the north-eastern side of Glebe Point road two hundred and sixty-one feet one and a-half inches south-easterly from its junction with the south-eastern side of Ferry road; and bounded thence on the south-west by Glebe Point road, bearing south-easterly one hundred and eighty-six feet nine and a-half inches; thence on the south-east by a fenced line and its continuation bearing north-easterly in all five hundred and thirty-one feet seven inches to Brougham-lane, fifteen feet wide; thence on the north-east by that lane bearing north-westerly one hundred and eighty-three feet ten and three-quarter inches; thence on the north-west by lines passing partly along the south-eastern side of a wall, and being partly fenced, bearing south-westerly in all five hundred and twenty-eight feet nine inches, to the point of commencement, and containing by admeasurement two acres thirty-eight and three-quarter perches, or thereabouts.