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1911.

A BILL

To enable the members of City Tattersall's Club to sue and be sued in the name of its chairman; to alter its existing rules; and in other respects to carry out the objects of the club.

WHEREAS a racing and sporting club has been formed, and has Preamble. for some years existed in Sydney under the name of City Tattersall's Club, and has from time to time initiated and conducted race meetings and has accumulated funds, and it has been discovered
5 that the rules of the said club do not define the objects of the said club, and contain no provisions enabling the committee or the majority of the members of the said club to deal with the funds of the said club, or to invest the same, or pay the same in promoting the objects of the said club, or to borrow money, and are in other ways defective:
10 And whereas the said rules cannot, except by the authority of the Legislature, be altered or supplemented so as to bind all the members
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	of the said club without the express consent thereto of each and every member of the said club : And whereas the members of the said club are desirous that the said defects should be cured, and that power should be given to the majority of the members of the said club to amend the said rules: 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:—	5
Short title.	1. This Act may be cited for all purposes as the "City Tattersall's Club Act of 1911."	10
Interpretation.	2. In this Act (unless otherwise indicated by the context)—	
Club.	"Club" means the said City Tattersall's Club.	
Chairman.	"Chairman" means the chairman for the time being of the club.	
Committee.	"Committee" means the committee for the time being of the club.	15
Member. Members.	"Member" and "members" mean respectively a member and members for the time being of the club.	
Present rules to be in force until adoption of new rules.	3. Until the passing and adopting of new rules in the manner hereinafter provided, the present rules of the club shall, so far as they are not inconsistent with this Act, be in force and binding on all the members.	20
Committee may call meetings for adoption of new rules or repeal or amendment of existing rules.	4. The Committee may, and upon the written requisition of not less than ten members, shall from time to time call meetings of the club for the adoption of new rules or the repeal or amendment of the existing rules, such meetings to be called in the same manner and subject to the same conditions as shall be provided by the rules of the club for the time being with respect to the calling of special general meetings thereof. At any such meeting of which not less than thirty members are present, the proposed new rules or repeals or amendments of existing rules shall be submitted for the consideration of the meeting, and the same may be approved, rejected, or amended by the majority of such meeting or any adjournment thereof, and upon being confirmed as hereinafter in this Act provided, shall so far as they are not inconsistent with this Act, become the rules of the club, and binding upon the members.	25 30 35
Chairman to convene meeting for purpose of confirming or rejecting change in rules.	5. After any change in the rules has been carried at any meeting of the club duly called for that purpose, the chairman shall convene another meeting of the club in the same manner as aforesaid, and shall be for the purpose of confirming or rejecting such change. At any such meeting the new rules, and the repeals and amendments of the existing rules which may have been carried at the former meeting, shall be put separately to the meeting, and shall thereupon be each confirmed or rejected, but no amendments shall be allowed, and such of the new rules, repeals, or amendments as are duly confirmed by a majority of the meeting shall thereupon, so far as they are not inconsistent	40 45

inconsistent with this Act, be binding on all the members : Provided that any member disapproving of any change in the rules of the club may, within one calendar month of such confirmation, resign his membership, and shall thereupon be relieved from all liabilities which
5 may by such new rules, alterations, or amendments be imposed upon the members.

6. It shall be lawful for the committee in the name of the chairman from time to time on behalf of and for the purposes of the said club, to borrow money by way of mortgage or other form of
10 security of the lands, tenements, and hereditaments real or personal of the club, or by issue of debentures, secured upon the lands, tenements, and hereditaments, real or personal, of the club, or in any other way upon the security of the lands, tenements, or hereditaments, real and
15 lands, tenements, and hereditaments, real or personal of the club, or any portion thereof, and in any way to realise or dispose of the money, goods and chattels, choses in action or other personalty of the club for and in furtherance of the objects of the club : Provided that no such
20 borrowing, mortgage, issue of debentures, or sale or leasing of the said lands, tenements, and hereditaments shall be made without the consent of the majority of a special general meeting of the club called to consider such proposed borrowing, mortgage, issue of debentures, sale, leasing, realisation, or disposition.

7. It shall be lawful for the committee in the name of the chairman, from time to time on behalf of the club to expend the funds
25 of the club, now held by the club, or hereafter accruing or accumulating, in improving, repairing, renovating, or rebuilding the premises now occupied by the club, or in the purchase or lease of other buildings for the use of the members as club premises, or in the purchase or lease of
30 land, and in the erection thereon of buildings for the use of the members as club premises, and in the improvement of such land and the repair or alteration of such premises ; and also from time to time, in the name of the chairman, to invest the funds of the club now held by the club, or hereafter accruing or accumulating in bank deposits or
35 Government debentures of any of the Australian States, or in loan on the mortgage of real property in the City of Sydney. Provided that no such purchase or lease shall be made, and no such buildings shall be erected, and no considerable expenditure at one time or in one contract shall be made in the improvement of such land or repair or
40 alteration of such premises, and no considerable investment of the funds of the club shall be made without the consent in each case of a majority of a special general meeting called to consider the proposed purchase, lease, erection of buildings, improvement, repair, alteration, or investment, as the case may be, such meetings to be convened as in manner
45 hereinbefore provided.

Real and personal property of the club to be vested in the chairman.

8. All lands, tenements, and hereditaments, and all personal chattels and effects which are now held by the club or by any person in trust for or on behalf of the club or the members thereof, shall immediately upon the passing of this Act become and be vested in and be held by the chairman and his successors in such office in trust for the club, and in the like manner as if such chairman and his respective successors in such office were in law a corporation sole, and as if the personalty were real estate and all lands, tenements, and hereditaments real and personal, and all personal chattels and effects which may hereafter be contracted for or be required by or belong to the club or the members thereof collectively may be conveyed, assigned, and assured to, and shall therefrom become vested in the chairman and his successors in such office in trust for the club, and in like manner as if such chairman and his successors in such office were in law a corporation sole, and as if the personalty were real estate; but nothing herein or in this Act contained shall be taken to incorporate the club or its members or (except as hereinbefore in this Act provided as to members resigning after any change in the rules of the club) to relieve or exonerate the members, or any of them, from any responsibility, duty, contract, or obligation which they would be subject or liable to, either as between the club and other persons or as between the individual members of the club if this Act had not been passed.

Actions to be in the name of the chairman.

9. All actions, suits, proceedings, or prosecutions in any court, civil or criminal, and whether at law or in equity, commenced, instituted, prosecuted, or continued from and after the passing of this Act, by or on behalf of the club, against any person whatsoever, or against the club, whether such person be a member of the club or otherwise, shall and may be lawfully commenced, instituted, prosecuted, continued, or defended in the name of the chairman holding office at the time of the commencement of such action, suit, proceeding, or prosecution as nominal plaintiff, defendant, petitioner, respondent, or prosecutor, as the case may be, for and on behalf of the club and its members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of the chairman, and any offence committed with intent to injure or defraud the club may in any prosecution for the same be stated or said to have been committed with intent to defraud or injure the chairman, and the death, resignation, or removal or other act of the chairman, in whose name any such proceeding shall have been commenced, shall not abate any such action, suit, proceeding, or prosecution, but the same may be continued and concluded in the same name.

Memorial of the chairman's name to be recorded in the Supreme Court.

10. Within one calendar month after the passing of this Act a memorial in the name of the chairman, substantially in the form set forth in the Schedule to this Act, signed by the chairman, shall be recorded upon oath, which oath any justice of the peace or commissioner for affidavits is hereby empowered to take, by the secretary of the

the club in the Supreme Court of New South Wales; and whenever as often as any new chairman shall be elected, a memorial in the name of such newly elected chairman in the same or a similar form, and signed by such newly elected chairman, shall, within
 5 one calendar month of the election of such new chairman, be recorded upon oath taken as aforesaid by the secretary of the club in the Supreme Court of New South Wales and the production in any court of justice, or before any person having by law or by consent of
 10 parties authority to hear evidence of any such memorial or any office or examined copy thereof, shall be prima facie evidence of the truth of the statements in such memorial, or office, or examined copy, and the production in any such court or before any person having authority as
 15 aforesaid of the then last registered memorial or of any office or examined copy thereof, shall be prima facie evidence that the chairman therein named is the chairman of the club.

11. Until such memorial as hereinbefore first mentioned shall be recorded in the manner hereinbefore in this Act directed, no action, suit, prosecution, or other proceeding shall be brought by the club
 20 or any members thereof on behalf of the club in the name of the chairman.

No action to be brought until memorial is recorded.

12. Every judgment and every decree or order which shall be, at any time after the passing of this Act, obtained against the chairman
 on behalf of the club shall and may take effect and be enforced and execution thereon be issued against the property and effects of the
 25 club in the same manner as if such judgment, decree, or order had been made against the said club.

Effect of judgment against the chairman.

SCHEDULE.

City Tattersall's Club, Sydney.

MEMORIAL to record the name of the Chairman of City Tattersall's Club in the Supreme
 30 Court of New South Wales, pursuant to the City Tattersall's Club Act of 1911.

The name of the said Chairman is
 and he was duly elected to the office of Chairman on the
 day of A.D., 191 .

Chairman.

35 I, _____ of _____
 make oath and say that I am the Secretary of City Tattersall's Club, and that I saw the foregoing memorial signed by the abovenamed Chairman, and that he was duly elected Chairman on the day abovementioned.

40 Sworn this _____ day of _____ one thousand nine
 hundred and _____, before me,