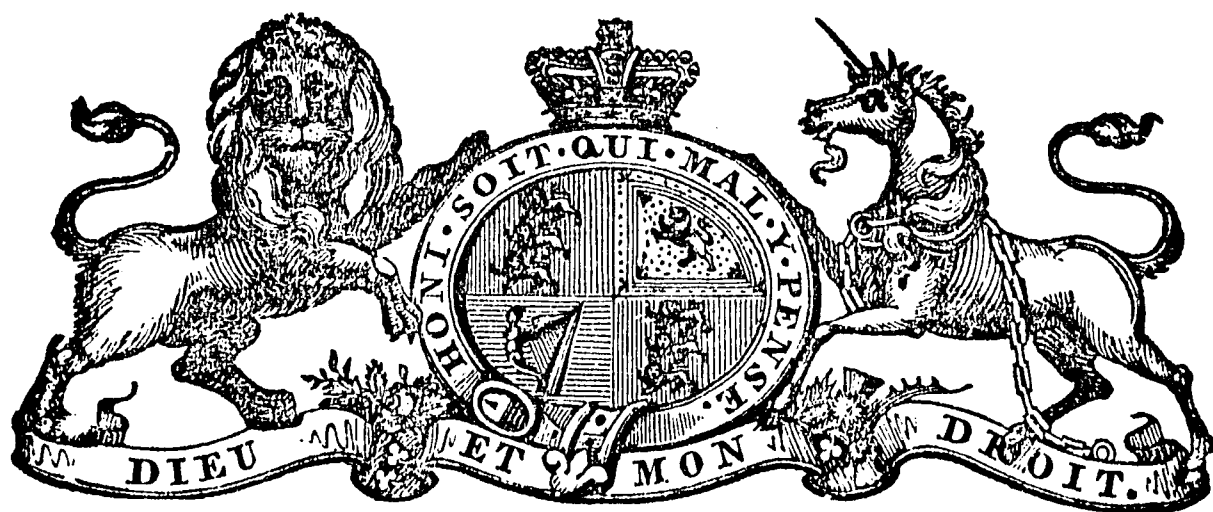


VICTORIA.



ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. CCXX.

An Act for Hospitals and Charitable Institutions.
[2nd June, 1864.]

WHEREAS it is expedient to provide for the good government of hospitals and other charitable institutions 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 Victoria in this present Parliament assembled and by the authority of the same as follows—

1. Any institution established for the cure of disease or for the relief of diseased aged incurable or destitute persons and supported in whole or in part by the voluntary contributions of not less than fifty persons each of whom shall have paid not less than one pound per annum or twenty pounds in one donation may be incorporated as hereinafter mentioned and all persons who shall have paid as aforesaid shall be deemed contributors within the meaning of this Act.

Hospitals and Charitable Institutions defined.

2. It shall be lawful for the Governor in Council on the receipt of a petition signed by not less than twenty-five of the said persons praying that such institution may be incorporated to cause the substance or prayer of such petition to be published in the *Government Gazette* and (if no counter petition signed by an equal or greater number of such persons shall have been delivered at the office of the Chief Secretary within one month after the date of such publication) the Governor in Council may declare the contributors for the time being to such institution to be and they shall thereupon become and continue a body politic and corporate by the style and title named in the Order in Council and shall have perpetual succession and a common seal.

They may be incorporated.

3. After such Order in Council as aforesaid all previous and preliminary steps and proceedings as hereinbefore required shall be deemed to have been duly and properly taken and no objection whatsoever shall be taken to the incorporation of such contributors but they shall under all circumstances be deemed to be duly and legally incorporated within the meaning of this Act whether it shall have been complied with or not.

Incorporation to be valid.

4. Every

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Hospitals &c. to be governed by a committee.

4. Every such incorporated institution as aforesaid shall be governed by a committee of not less than seven members to be elected by the contributors for the time being to such institution and such committee or any four of them shall have and exercise all the powers and authorities by this Act vested in the corporation and one fourth part of such committee or such fractional part as shall be nearest to one fourth part but no more may be honorary medical men on the staff of such institution and the president vice-presidents and treasurer of every such institution shall by virtue of their respective offices be members of such committee.

Meeting of contributors to decide the number of and to elect committee and medical staff.

5. After such incorporation as aforesaid it shall be lawful for any ten or more contributors who shall have signed the said petition for incorporation to convene a public meeting of the contributors to such institution (by advertisement in some newspaper published in the neighbourhood of such institution or if there shall be no newspaper published in such neighbourhood then in some newspaper circulating therein at least one week previous to such meeting) for the following purposes that is to say—

1. For deciding on the number of the committee of such institution and for electing the same.
2. For deciding the number of honorary medical officers and for electing the same.

Proceedings at such meeting.

6. Every such meeting shall choose its own chairman who shall have a vote only in the event of there being an equality of votes and every question submitted to such meeting shall be decided by a majority of the votes of contributors then present and until such election shall have been made the management of every such institution shall vest in and be carried on by the governing body which shall have previously administered its affairs and all officers of such institution shall continue in office.

Bye-laws.

7. It shall be competent for the corporation of any such institution to make bye-laws for the regulation of its own proceedings for fixing the number of votes of contributors in proportion to the amount of their contributions for determining the validity of disputed elections and for conducting such elections and generally for all matters whatsoever affecting the management of the institution not inconsistent with the laws of this colony but no such bye-laws shall be of any force or effect until one month after the same shall have been confirmed by a general meeting of contributors specially convened for that purpose and published in the *Government Gazette* Provided that no such bye-laws shall enable any contributor to exercise more than three votes.

Disallowance of bye-laws.

8. The Governor in Council may at any time revoke any such bye-law and every order by which any such bye-law shall be revoked shall be published in the *Government Gazette* and shall take effect from the time of such publication.

Legality of bye-laws may be tried in a summary way.

9. If any contributor to the support of any such incorporated institution as aforesaid shall desire to dispute the validity of any such bye-law and shall pay into the Supreme Court the sum of fifteen pounds as security for the costs of the proceedings hereinafter mentioned it shall be lawful for such contributor to apply to the said court upon an affidavit of the facts for a rule calling upon the corporation to show cause why such bye-law should not be quashed for the illegality thereof and the said court may make the same absolute or discharge it with or without payment of costs as to the court shall seem meet.

Property of institution to be vested in body corporate.

10. All real and personal estate held by any person in trust for any institution at the time of the incorporation thereof under the provisions

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provisions of this Act shall be and the same is hereby transferred to and vested in such incorporated institution.

11. On the second Thursday in the month of January in every year one-third part of the elected members of the committee shall go out of office (but may nevertheless be re-elected) and the persons who shall go out of office shall be those who have been the longest in office without re-election or where two or more shall have been in office for the same length of time then those who shall go out of office shall be determined by lot.

Retirement of committee-men.

12. If any member of the committee shall die or resign by letter under his hand addressed to the chairman of the committee or become insolvent or compound with his creditors or be convicted of any treason felony or misdemeanor or be absent for four consecutive meetings from the committee his office shall become vacant and the remaining members of the committee may declare his office vacant and temporarily appoint thereto some contributor to such institution until the next annual meeting for the election of the committee when the person thus temporarily appointed shall retire as one of those who by the provisions of this Act are required to go out of office.

Vacancies how filled.

13. All notices to any officer or member of or contributor to any present or future charitable institution whether incorporated or not which by the charter statutes laws or rules (as the case may be) of such institution for the time being are or shall be required to be given may be served by the same being transmitted through the post directed according to an address in this colony (to be left for that purpose by such officer member or contributor in writing under his hand at the chief establishment of such institution) in such time as to admit of their delivery in the due course of post at or before such period (if any) as is or shall be prescribed by the charter statutes laws or rules (as the case may be) for the time being of such institution for the giving of such notices.

Notices to contributors may be sent by post to registered address.
14 and 15 Vict. c. 56 s. 2.

14. In proving such service as aforesaid it shall be sufficient to prove that such notice was so directed as aforesaid and put into a general post office in such time as aforesaid but so nevertheless that nothing in this Act contained shall be held to render invalid any personal service of any notice or to render necessary to the effectual service of any notice any further act matter or thing than would have been required for the service thereof by the charter statutes laws or rules for the time being of the institution which the same shall concern if this Act had not been passed.

Proof of service.
Ib. s. 2.

15. No notice of any intended court board meeting or election shall be required to be served either by post or otherwise on any officer or member of or contributor to any such institution as last aforesaid who shall not have left an address in the manner at the place and for the purpose hereinbefore mentioned anything in any such charter statutes laws or rules to the contrary notwithstanding.

Notice to certain contributors to be unnecessary.
Ib. s. 2.

16. The several Acts mentioned in the Schedule to this Act shall not extend or apply to or in any manner affect any institution incorporated under this Act or any of the officers or servants of the same or any of the contributors thereto.

Existing Acts inapplicable.

THE SCHEDULE.

Hospitals and Charitable Institutions.

THE SCHEDULE.

Date of Act.	Title of Act.
11 Vict. No. 59 ..	"An Act to enable certain Public Hospitals to sue and be sued in the name of their Treasurer and to provide for the taking and holding of Real Property belonging to such Hospitals respectively."
13 Vict. No. 20 ..	"An Act to amend an Act intituled 'An Act to enable certain Public Hospitals to sue and be sued in the name of their Treasurer and to provide for the taking and holding of Real Property belonging to such Hospitals respectively.'"
24 Vict. No. 116 ..	"An Act to amend an Act intituled 'An Act to amend an Act intituled "An Act to enable certain Public Hospitals to sue and be sued in the name of their Treasurer and to provide for the taking and holding of Real Property belonging to such Hospitals respectively."'"

BY AUTHORITY:

JOHN FERRES, Government Printer, Melbourne.