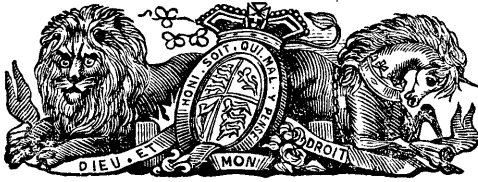


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No. 247



HOSPITALS' ORDINANCE, 1862.

IN THE TWENTY-SIXTH YEAR OF THE REIGN OF HER MAJESTY
QUEEN VICTORIA.

SESSION XVI., No. 95.

ANALYSIS.

Preamble

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AN ORDINANCE *to provide for the Management of the affairs of Hospitals, and to enable such Institutions to sue and be sued.*

WHEREAS it is expedient to encourage the establishment of Hospitals in those parts of the Province of Otago where they may be required to be maintained partly by private contributions and partly by aid from the public funds and to remove difficulties that may arise in the management of the affairs of such Institutions;

Preamble.

BE IT THEREFORE ENACTED by the Superintendent of the Province of Otago with the advice and consent of the Provincial Council thereof as follows:

1. The Superintendent of the said Province and his successors in office shall be capable of taking and holding all lands tenements and hereditaments which may be granted conveyed or bequeathed to any

Property to be vested in the Superintendent

such Institution and all such lands tenements and hereditaments shall be and shall be held to be vested in the said Superintendent and his successors in office in trust for the benefit of such Institution.

Superintendent to permit Committees to use property

2. It shall be lawful for the Superintendent to permit and suffer the Committee of Management or other Executive Officers of any such Institutions respectively to erect such buildings and perform such other acts in respect to such lands tenements or hereditaments and to use the same as to such Committee or other Executive Officers shall be deemed expedient and necessary for carrying out the object of such Institutions.

Committee of Management and Rules

3. The affairs of every such Institution shall be conducted by a Committee of Management who shall be elected in the manner hereinafter mentioned by contributors to the funds of such Institution to the extent also hereinafter mentioned and such Committee shall consist of such number of members including a President Treasurer and Secretary as such contributors shall determine by Rules which such contributors shall make or authorise their Committee to make for their guidance in such elections and in the management of the affairs of such Institution and which Rules or any of them may from time to time be revoked altered or varied as may be deemed proper by such contributors or by such Committee if authorised so to do provided that if any such Rules shall be repugnant to any of the provisions of this Ordinance the same shall be of no force or effect.

Suits on behalf of any Hospital may be in name of Treasurer

4. All actions suits and other proceedings to be commenced or prosecuted by or on behalf of any of the said Institutions or wherein any of the said Institutions shall respectively be interested or concerned shall and may be lawfully commenced and prosecuted in the name of the person who shall be Treasurer of such Institution at the time any such action suit or other proceeding shall be instituted as the nominal plaintiff complainant or petitioner as the case may be and such proceedings shall and may be prosecuted and carried on to their final termination in the name of such Treasurer notwithstanding any change that may have been made in the said office of Treasurer.

Goods and chattels may for the purpose of any suit, &c., be deemed the property of Treasurer for the time being

5. All goods chattels and effects belonging to any such Institution may be deemed and taken to be the property of the Treasurer thereof for all the purposes of any action or prosecution concerning the same until the termination of any such action or prosecution notwithstanding any change in the office of Treasurer during the progress thereof.

Actions against Hospitals

6. All actions suits and other proceedings to be commenced and prosecuted against any such Institution may be commenced and prosecuted against the Treasurer thereof for the time being as the nominal defendant for and on behalf of the said Institution and the death resignation or other act of the Treasurer of the said Institution shall not abate any such action suit or other proceeding but

the same may be continued where it left off and be prosecuted and carried on against the said Institution in the name of such person who was Treasurer when such action suit or other proceeding was instituted or commenced.

7. Every such Treasurer in whose name any such action suit or other proceeding shall be commenced prosecuted carried on or defended by and with the instructions of the Committee of Management shall be deemed to have incurred no personal liability and any liabilities so incurred shall be paid out of the funds of the said Institution. Treasurer to be reimbursed

8. The Committees and other officers of such Institutions respectively shall be elected by the majority of contributors either of the annual sum of one pound at the least or of ten pounds in one sum to the said Institutions respectively who may be present at the respective meetings to be called for the purpose of any such election as hereinafter provided. Election of Officers

9. The first public meeting of the contributors to any such Institution held under this Ordinance shall be called by the Superintendent upon fourteen days' notice by public advertisement in one or more newspapers or otherwise as he shall direct for the purpose of electing the Committee and other officers and transacting any other business of the said Institution and there shall be a public meeting of the contributors to such Institution in the month of January in every year to be called in such manner as shall be prescribed by the Rules of such Institution for the annual election of such officers as by such Rules shall fall to be then elected. Annual Meeting

10. If at the first meeting to be held under this Ordinance or at any Annual or Special General Meeting of the contributors to any of the said Institutions respectively at least ten of the contributors qualified to vote shall not assemble and proceed to business within one hour from the time fixed for the meeting no election of officers shall be made nor shall any business be done at that time but in such case there shall be another meeting of the said contributors to the said institution at the same place and at the same hour of the same day in the second following week and at this last mentioned meeting any number of contributors qualified to vote as aforesaid exceeding three shall constitute a meeting. Adjournment of Meeting

11. Every contributor qualified and intended to vote at such first mentioned meeting for the election of the Committee and the Medical and other officers and at the Annual Meetings or any Special General Meetings for elections or filling up vacancies agreeably to the Rules of the said Institutions respectively shall deliver to the Chairman of any such meeting a ticket with the names of the persons written thereon for whom he intends to vote the number of such persons not being greater than the number of persons to be elected otherwise the said vote to be null and void and the said ticket signed by Conduct of Election of Officers

the person presenting it after being read aloud by the Chairman shall be forthwith deposited in a box and shall not be withdrawn therefrom until the same shall be delivered to Scrutineers to be appointed by any Chairman of the Meeting.

Vacancy in office of Treasurer

12. When any such Treasurer shall die or be absent from the Province or resign or refuse or become incapable to act in relation to the said Institutions respectively a meeting shall be called in manner aforesaid and the like proceedings as in his own election shall take place for the election of a Treasurer in his stead and the person so elected shall to all intents and purposes be vested with the same rights powers and authorities as the person in whose place he shall have been so elected.

The Ordinance to be applied to Hospitals by Proclamation in the Gazette

13. The provisions of this Ordinance or any part thereof shall be applied to such Institutions only to which the Superintendent with the advice and consent of his Executive Council shall think fit to apply the same by Proclamation to be published in the *Provincial Government Gazette* and from and after the publication thereof this Ordinance shall be deemed and taken to apply to the Institution specified in any such Proclamation.

Construction of the word "Hospital"

14. The word "Hospital" used in this Ordinance shall be deemed to extend to and include any Benevolent Institution for the reception and relief of sick infirm and poor persons.

Short Title.

15. This Ordinance shall be termed and may be cited or referred to as the "Hospitals' Ordinance 1862."

Passed the Provincial Council this fourth day of December,
one thousand eight hundred and sixty-two.

CHARLES SMITH,

Clerk of Council.

ALEX. RENNIE,

Speaker.

Assented to on behalf of the Governor at Dunedin this
nineteenth day of December, one thousand eight hundred
and sixty-two.

J. L. C. RICHARDSON,

Superintendent of the Province of Otago.