



ANNO DECIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 4.

*By His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Lieutenant-Governor of the Island of Van Diemen's Land
and its Dependencies, with the Advice and Consent of the
Legislative Council.*

**AN ACT to enable the Fellows of the Royal Society of
Van Diemen's Land to sue and be sued in the Name of
the Secretary for the Time being of the said Society and
for other Purposes connected therewith.**

[15th September 1854.]

WHEREAS a certain Society has been established and is now carried PREAMBLE.
on in this Colony for the cultivation of Science in its various branches
and more especially with a view to develop and illustrate the physical
character and natural history of the Island of Van Diemen's Land and
of the neighbouring Australian Colonies—And whereas Her Majesty
the QUEEN hath been graciously pleased to signify Her consent to
become Patroness of the said Society and to command that the designa-
tion of such Society should be “The Royal Society of Van Diemen's
Land for Horticulture Botany and the Advancement of Science”—And
whereas the persons composing the said Society have collectively by
purchase donation and otherwise acquired and become possessed of
considerable real and personal property—And whereas it is expedient
that adequate provision be made for the recovery of debts fines and
penalties due and to become due to the Fellows of the said Society
collectively and for maintaining actions and other legal proceedings for
damages done to their property and also for prosecuting persons who
may steal or embezzle their goods chattels and effects and to entitle
persons having demands against the said Fellows collectively to sue the
Secretary of the said Society—And whereas it is expedient that the
Fellows of the said Society should have power to contract for and
purchase and to accept take receive and hold land for the purposes of the
said Society—And whereas by the constitution of the said Society His
Excellency Sir William Thomas Denison Knight the Lieutenant-Governor
for the time being of the Island of Van Diemen's Land and
its Dependencies is the President of the said Society and Sir John
Lewes Pedder Knight and John Lillie Doctor of Divinity and Joseph
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Hone Joseph Allport Thomas Daniel Chapman William Thomas Napier Champ Robert Officer Peter Fraser James Barnard George Washington Walker Alexander M'Naughtan and James Wilson Agnew Esquires have been at a general meeting of the Fellows of the said Society duly nominated and elected and now are the Members of the Council of the said Society and Joseph Milligan Esquire the Secretary for the time being of the said Society is by the constitution of the said Society a Member of the said Council of the said Society—And whereas the purposes of this Act cannot be adequately effected without the aid and authority of the Legislature—Be it therefore enacted by His Excellency SIR WILLIAM THOMAS DENISON Knight Lieutenant-Governor of the Island of Van Diemen's Land and its Dependencies with the advice and consent of the Legislative Council thereof as follows—that is to say—

Fellows of the Royal Society authorised to purchase and accept land.

Land granted by the crown for the purposes of the Society to be inalienable.

Land and other property belonging to the Society to be vested in Trustees.

Trustees dying &c. property to vest in the survivor.

I. The present Fellows of the said Royal Society and all such other persons as shall from time to time become Fellows thereof shall be and they are hereby authorised and empowered collectively to purchase either in fee-simple or for any lesser estate or term any land and also collectively to accept take receive and hold any land money property or effects whatsoever for the purposes of the said Society—Provided always that all land granted by Her Majesty the QUEEN Her Heirs or Successors to the Fellows of the said Society collectively for the purposes thereof shall be and continue to be for ever dedicated to the purposes and holden solely for the uses of the said Society.

II. All land charts books accounts minutes records and all other books kept by any officer of the said Society and relating to the affairs thereof and all furniture goods and chattels of what nature or kind soever now being or which shall at any time hereafter become the property of the Fellows of the said Society collectively shall be and the same are hereby declared to be vested in the said Sir William Thomas Denison Knight the Lieutenant-Governor for the time being of this Island and its Dependencies the President of the said Society and the said Sir John Lewes Pedder Knight and John Lillie Doctor of Divinity and Joseph Hone Joseph Allport Thomas Daniel Chapman William Thomas Napier Champ Robert Officer Peter Fraser James Barnard George Washington Walker Alexander M'Naughtan James Wilson Agnew and Joseph Milligan Esquires the Members of the said Council of the said Society and their Successors in office as Trustees for the Fellows of the said Society.

III. In case of the death resignation or absence from the Colony or of the incapacity of any or either of the said Trustees or of any other or future Trustee or Trustees the said land charts books furniture and other property vested by the operation of this Act in the before-mentioned Trustees shall vest in the surviving or remaining Trustees or Trustee until some other person or persons shall hold office in the said Society in the room or stead of the person or persons so dying resigning or being absent from the Colony or becoming incapable to act as such Trustee or Trustees.

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IV. No land which shall have been acquired for the purposes of the said Society by the Fellows thereof collectively by purchase or by private donation nor any of the charts books furniture or other personal property now being or which shall hereafter become the property of the Fellows of the said Society collectively shall be granted sold aliened assigned or in any manner conveyed or disposed of by the Trustees thereof for the Fellows of the said Society except for the purposes of the said Society—Provided that no grant sale alienation or conveyance of any real property shall in any case be good and valid whether at law or in equity except the same shall have been previously authorised by a vote of the majority of the Fellows of the said Society assembled at a Meeting duly convened according to the rules orders and bye-laws of the said Society to be made as hereinafter provided.

Land and personal property belonging to the Society to be inalienable except as provided.

V. All actions and suits against any person indebted to the Fellows of the said Society collectively (whether such person be a Fellow thereof or not) and all proceedings for the recovery of fines imposed by the bye-laws of the said Society to be made as hereinafter provided and all other proceedings at law or in equity to be instituted and prosecuted by or on behalf of the Fellows of the said Society collectively for the purposes of the said Society wherein the Fellows of the said Society collectively shall be in any way concerned against any person whatsoever shall and lawfully may be instituted and prosecuted in the name of the person who shall be Secretary of the said Society at the time any such action suit or other proceeding shall be instituted and all actions suits and other proceedings at law or in equity to be instituted or prosecuted against the Fellows of the said Society collectively shall be instituted and prosecuted against the Secretary for the time being of the said Society as the nominal Defendant on behalf of the said Fellows of the said Society and in all informations for any offence relating to any property whether real or personal vested in the Trustees aforesaid or their successors by the provisions of this Act or relating to any property whether real or personal holden occupied or used for the purposes of the said Society the said property shall and may be described as belonging to the Secretary for the time being of the said Society and the death resignation removal or other act of the Secretary whose name shall be employed as aforesaid in any action or other proceeding whether civil or criminal shall not abate the same but the same may be continued and prosecuted in the name of the person who shall be appointed by the Fellows of the said Society to be the successor to the said Secretary in his said office.

Suits by and against Fellows of the Society to be in the name of the Secretary.

VI. Within one month after the passing of this Act a Memorial containing the name of the Secretary of the said Society shall in the form set forth in the Schedule hereunto annexed and signed by the President of the said Society and verified by the declaration of some competent person as in the Schedule hereinbefore referred to is directed be delivered into the office of the Registrar of the Supreme Court of Van Diemen's Land and upon any person being at any time hereafter appointed Secretary of the said Society his name shall be registered in like manner—Provided always that until such Memorial shall be

Memorial of the Secretary's name to be enrolled in the Registry of the Supreme Court.

No action to be

brought in the Secretary's name till such enrolment.

delivered in manner herein directed no action suit or other proceeding shall be brought under the authority of this Act by or on behalf of the Fellows of the said Society collectively in the name of such Secretary for the time being.

Secretary to be reimbursed out of the funds of the Society any costs or charges incurred by him in any such action.

VII. Every Secretary for the time being against whose land goods or chattels execution upon any judgment or decree shall be issued or levied shall always be reimbursed and paid out of the funds of the said Society all such dues damages costs charges and expenses as he shall or may be put unto or become chargeable with and restitution shall be allowed between the said Secretary and the Fellows of the said Society as if this Act had not been passed.

Act to extend to all future Fellows.

VIII. The provisions in this Act contained shall extend and be construed and deemed and taken to extend to the Fellows of the said Society at all times during the continuance of the same whether the said Fellows be the original Fellows of the said Society or have been or shall be admitted as Fellows thereof at any period subsequent to the establishment of the same.

Fellows and persons having been Fellows may sue and be sued by the Fellows of the Society.

IX. Subject to the provisions hereinbefore contained the Fellows of the said Society collectively may institute and prosecute any action suit or other proceeding at law or in equity against any person being or having been or who hereafter may be or have been a Fellow of the said Society either solely or jointly with any other person against whom the Fellows of the said Society collectively have or may have any demand whatsoever as the case may require and any person being or having been or who hereafter may be or have been a Fellow of the said Society may in respect of any demand which such person may have either solely or jointly with any other person or persons against the Fellows of the said Society collectively or the funds or property belonging to the same institute and prosecute either solely or jointly with such other person or persons as the case may require any action suit or other proceeding at law or in equity against the Fellows of the said Society collectively and every person being or having been or who shall hereafter be or have been a Fellow of the said Society shall either solely or jointly with any other person or persons as the case may require be capable of proceeding against the Fellows of the said Society collectively and be liable to be proceeded against by the Fellows of the said Society collectively by such proceedings and with the same legal consequences as if such person had not been a Fellow of the said Society and no action suit or other such proceeding as aforesaid shall in any wise be affected or defeated by reason of the Plaintiffs or Defendants or any of them respectively or any other person in whom any interest may be averred or who may be in any wise interested or concerned in any such action suit or other such proceeding as aforesaid being or having been a Fellow of the said Society and all such actions suits and proceedings shall be conducted and have the same effect as if the same had been between strangers.

Fellow of the

X. No claim or demand which any Fellow of the said Society may
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have in respect of his share in the funds or property thereof shall be capable of being set off either at law or in equity against any demand which the Fellows of the said Society collectively may have against such Fellow on account of any matter or thing whatsoever but all proceedings with respect to such demand may be carried on as if no claim existed with respect to such funds or property.

Society not to set off his interest in the funds against any demand of the Society.

XI. If at any time after the passing of this Act any Fellow of the said Society shall steal or embezzle any book chart money goods chattels or effects bill note security or other property whatsoever vested in the Trustees of the said Society and their successors by the provisions of this Act or shall commit any fraud forgery crime or other offence against or with intent to injure or defraud the said Trustees or their successors or the Fellows of the said Society collectively such person shall be liable to information prosecution or other proceeding for such act of stealing and embezzlement and for any such fraud forgery crime or offence and may thereupon be lawfully convicted in like manner as if such person had not been or was not a Fellow of the said Society any law or usage to the contrary thereof notwithstanding.

Fellows of the Society guilty of any offence liable to the same consequences as if he were not such Fellow.

XII. The Fellows of the said Society or a majority of the Fellows thereof assembled at a meeting duly convened in that behalf according to the rules orders and bye-laws of the said Society now made or to be made as herein provided shall have full power and authority from time to time to make such rules orders and bye-laws as to them shall seem meet and proper for the management of the said Society in all respects whatsoever and from time to time to alter and repeal such rules orders and bye-laws or any of them and to make others as to the said Fellows or to the majority thereof as aforesaid shall seem expedient—And all rules orders and bye-laws so made as aforesaid being reduced into writing and signed by the person presiding at any such meeting and the Secretary for the time being of the said Society shall be binding upon all Fellows of the said Society and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same—Provided always that such rules orders and bye-laws shall not be repugnant to any of the provisions of this Act and that copies thereof shall be entered in a record book of the said Society.

Fellows empowered to pass bye-laws for the management of the Society.

XIII. All pecuniary fines and penalties imposed under and by virtue of any of the said rules orders and bye-laws of the said Society made under and by virtue of the provisions of this Act upon any Fellow of the said Society or upon any person who shall have been a Fellow thereof at the time when such fine or penalty was incurred shall be recoverable by action or suit in the name of the Secretary for the time being of the said Society.

Fines imposed on Fellows to be summarily recoverable by action in the name of the Secretary.

XIV. A majority of not less than three-fourths of the Fellows of the said Society assembled at a meeting duly convened in that behalf according to the rules orders and bye-laws of the said Society shall have full power and authority to expel any Fellow of the said Society

Any person expelled to cease to be held or taken to be a Fellow.

in any such case as to the said majority of the said Fellows so assembled as aforesaid shall seem meet and from the date of such expulsion the person so expelled shall cease to be deemed or taken to be or be a Fellow of the said Society or to hold use or exercise any of the rights or privileges of a Fellow thereof.

Short Title.

XV. In citing or referring to this Act in other Acts of Council and in legal instruments and proceedings and otherwise it shall be sufficient to use the expression "The Royal Society Act."

SCHEDULE.

MEMORIAL of the Name of the Secretary of the ROYAL SOCIETY OF VAN DIEMEN'S LAND FOR HORTICULTURE BOTANY AND THE ADVANCEMENT OF SCIENCE to be recorded in the Supreme Court of Van Diemen's Land in pursuance of "The Royal Society Act."

BE it known that on the _____ day of _____ 18 A.B. of _____ was duly appointed Secretary of the Royal Society of Van Diemen's Land for Horticulture Botany and the Advancement of Science.
C.D. President.

I E.F. of _____ do hereby solemnly and sincerely declare that the contents of this Memorial are true and that I was present and did see the same signed by the above-named President of the said Society. All which matters I conscientiously believe to be true. And I make this declaration under the provisions of the Act of this Island intituled *An Act for the Abolition of extra-judicial and unnecessary Oaths.*

E.F.

Taken before me this &c.

RICHARD DRY, *Speaker.*

Passed the Legislative Council this seventh day of September, one thousand eight hundred and fifty-four.

FR. HARTWELL HENSLOWE,
Clerk of the Council.

IN the name and on the behalf of Her Majesty I assent to this Act.

W. DENISON,
Lieut.-Governor.

*Government House, Hobart Town,
15th September, 1854.*