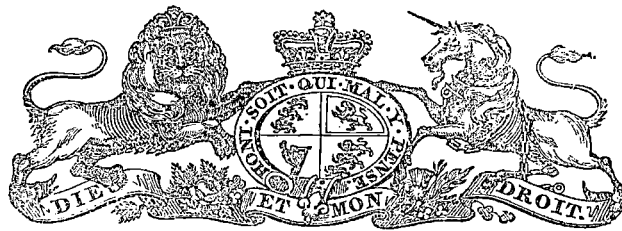


(No. 66.)



1860.

T A S M A N I A.

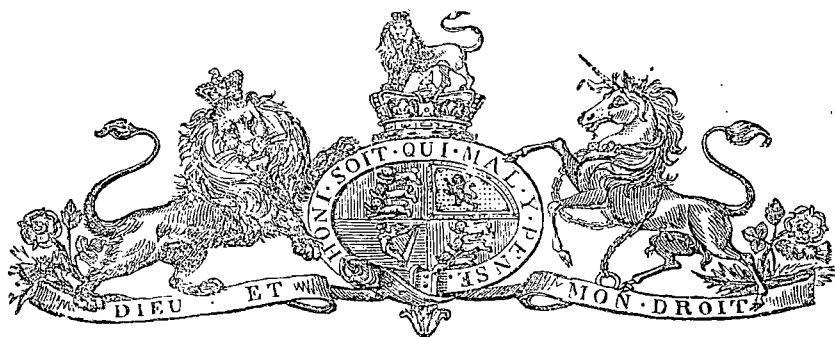
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S T . M A R Y ' S H O S P I T A L .

D E C L A R A T I O N O F T R U S T .

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Laid upon the Table by Mr. Colonial Treasurer, and ordered by the House to be printed, 24 August, 1860.



TO ALL TO WHOM THESE PRESENTS SHALL COME.

James Ebenezer Bicheno of Hobart Town in Van Diemen's Land Colonial Secretary  
Robert Power of the same place Surveyor-General the Reverend William Bedford  
of the same place Doctor of Divinity Askin Morrison of the same place Merchant  
and Edward Samuel Pickard Bedford of the same place Surgeon severally send  
GREETING:

WHEREAS an Institution in the nature of a Self-supporting Hospital for the benefit of the labouring classes of society in Van Diemen's Land was some time since established and still exists in Hobart Town aforesaid under the name or style of "St. Mary's Hospital" AND WHEREAS the said Institution was projected and established by the said Edward Samuel Pickard Bedford who hath always been and still is the Acting Manager and also the Medical Superintendent thereof AND WHEREAS the said Institution is now conducted in premises rented for that purpose in Hobart Town aforesaid AND WHEREAS it hath been proposed to erect a building in the nature of a Hospital or Infirmary for the use of the said Institution and certain funds have been subscribed and it is intended to obtain further subscriptions for that purpose AND WHEREAS the Colonial Government of Van Diemen's Land having consented to grant an allotment of Land in Hobart Town whereon to erect such Hospital or Infirmary as aforesaid Her present Majesty by Letters Patent dated the eighth day of October now instant and enrolled in the Supreme Court of Van Diemen's Land on the twentieth day of October gave and granted unto the said James Ebenezer Bicheno Robert Power William Bedford Askin Morrison and Edward Samuel Pickard Bedford and their heirs ALL THAT allotment or piece of Land situate and being in the City of Hobart Town in Van Diemen's Land containing thirty perches and one-half of a perch or thereabout and bounded as follows that is to say on the north west by one chain fifty-one links and one-half of a link north-easterly along Davey-street from its angle with Salamanca Place on the north east by one chain thirty-three links and one-half of a link south-easterly along Crown Land on the south east by one chain and forty links south-westerly also along Crown Land to Salamanca Place aforesaid and thence on the south west by one chain and thirty-three links north-westerly also along Salamanca Place to the point of commencement together with the appurtenances TO HOLD the same unto and to the use of the said James Ebenezer Bicheno Robert Power William Bedford Askin Morrison and Edward Samuel Pickard Bedford their heirs and assigns for ever at the annual quit-rent of one farthing AND WHEREAS previously to the issuing of the said recited Letters Patent it was agreed that upon the same being issued these presents should be executed by the said James Ebenezer Bicheno Robert Power William Bedford Askin Morrison and Edward Samuel Pickard Bedford NOW THEREFORE the said James Ebenezer Bicheno Robert Power William Bedford Askin Morrison and Edward Samuel Pickard Bedford do hereby severally declare that they have not nor have nor hath any or either of them nor had they or any or either of them at any time any beneficial estate or interest whatsoever in the said allotment hereinbefore described or any part thereof and they the said James Ebenezer Bicheno Robert Power William Bedford Askin Morrison and Edward Samuel Pickard Bedford do hereby severally declare that they now stand seized and possessed of the said allotment of Land and that they and the survivors and survivor of them and the heirs and assigns of such survivor shall and will henceforth stand seized and possessed of and interested in the same allotment of Land upon the trusts and for the intents and purposes and with under and subject to the declarations and agreements hereinafter expressed and declared of and concerning the same that is to say Upon Trust that they the said James Ebenezer Bicheno Robert Power William Bedford Askin Morrison and Edward Samuel Pickard Bedford or other the Trustees or Trustee for the time being of these presents do and shall permit and suffer to be erected upon the said allotment of Land such Messuage and Buildings as the said Edward Samuel Pickard Bedford or other the Acting Manager and Medical Superintendent for the time being of the said Institution to be appointed as hereinafter mentioned shall desire to erect upon the said allotment or any part thereof And do and shall permit the said allotment with the Buildings which may be so erected thereon to be held occupied and enjoyed by such persons for such purposes and under and subject to such rules regulations and restrictions as the said Edward Samuel Pickard Bedford or other the Acting Manager and Medical Superintendent for the time being of the said Institution shall from time to time order direct or appoint And do and shall at any time or times by the direction in writing of the Chief Justice for the time being of the Supreme Court of Van Diemen's Land raise such sum or sums of money as he shall direct by one or more mortgage or mortgages of the said Trust Estate and thereupon enter into make and execute any conveyance demise or other necessary security for that purpose And do and shall also when the said Trustees or Trustee shall be directed in writing so to do by the Chief Justice for the time being of the said Supreme Court absolutely make sale of the said Trust Estate or any part thereof and the fee simple and inheritance thereof either by public auction or private contract and for cash or upon any credit and convey the same Trust Estate or such part thereof as may be so sold unto the person or persons who shall become the purchaser or purchasers thereof And do and shall also at any time or times by such direction as aforesaid of the said Chief Justice for the time being convey the said Trust Estate or any part thereof to any person or persons in exchange for or in lieu of any other

hereditaments or premises as the said Chief Justice for the time being may from time to time direct or appoint AND upon this further Trust that the said Trustees or Trustee for the time being shall be seized and possessed of the hereditaments and premises if any which shall be taken in exchange as aforesaid upon the same or the like trusts or for the same or the like intents and purposes as are hereinbefore expressed and declared concerning the allotment of Land hereinbefore described with the Buildings which may be erected thereon or as near thereto as may be and the nature of the hereditaments so to be taken in exchange and the purposes for which they shall be taken in exchange will admit AND upon this further Trust that the said Trustees or Trustee for the time being shall stand possessed of the money which shall from time to time be received on any sale or mortgage or exchange which shall be made under the trusts hereinbefore declared Upon Trust to invest lay out or dispose of the same in such manner and for such purposes for the improvement of the trust property or the enlargement repair or re-building of the Trust premises or any of them or otherwise for the benefit of the said Institution as the said Trustees or Trustee with the concurrence of the said Chief Justice for the time being shall think fit AND upon this further Trust that in case the said Institution shall be dissolved and no patients shall for the space of two successive years be received in the buildings to be erected on the Land hereinbefore described or in any buildings which may stand upon any Land taken by virtue of any exchange or new purchase under the Trusts aforesaid Then that the said Trustees or Trustee for the time being shall stand seized and possessed of the said Trust Estate Upon Trust to convey and assure the same to such person or persons in such manner and for such purposes either civil or religious and of such charitable and benevolent nature as the said Chief Justice for the time being shall by any writing under his hand direct or appoint And it is hereby declared and agreed that the said Trustees and Trustee for the time being under these presents shall during such time as the said Edward Samuel Pickard Bedford shall think fit to act as the Manager and Medical Superintendent of the said Institution permit and suffer him the said Edward Samuel Pickard Bedford to manage and control the said Institution and the affairs and Officers and servants thereof in all respects and to act as the sole Medical Officer thereof if he the said Edward Samuel Pickard Bedford shall think fit to do so and also to appoint or hire any Medical Officer or other Officer or servants under him the said Edward Samuel Pickard Bedford and from time to time to remove and dismiss any such Officer or servant at discretion and generally to do all acts which may be necessary for carrying on and conducting the said Institution, and to receive the subscriptions made from time to time towards the objects of the said Institution and the fees from time to time payable by the patients thereof and to apply the same respectively in such manner for the benefit of the said Institution and the patients thereof as he the said Edward Samuel Pickard Bedford shall think fit AND it is hereby further declared and agreed that in the event of the decease of the said Edward Samuel Pickard Bedford or of his ceasing permanently to reside in Hobart Town aforesaid or within five miles thereof or of his neglecting or refusing to act as the Acting Manager and Medical Superintendent of the said Institution the Trustees or Trustee for the time being of these presents shall thereupon and from time to time thereafter when necessary nominate and appoint such proper and qualified person to be Manager and Medical Superintendent of the said Institution and of the affairs thereof as the said Trustees or Trustee for the time being or the major part of them shall think fit AND it is hereby further declared and agreed that the person who shall for the time being be the Manager and Medical Superintendent of the said Institution shall give and render to the Trustees or Trustee for the time being of these presents on the first day of January and the first day of July in every year or within fourteen days next thereafter a true and particular account of all receipts payments disbursements sales purchases transactions matters and things which shall have been made or have happened during the preceding half-year in relation to the said Institution or the management and affairs thereof with such vouchers receipts and other evidence in support of the said account as the said Trustees or Trustee for the time being shall think reasonable And that the said Trustees or Trustee for the time being do and shall on the settlement of every such account pay or allow to such Manager and Medical Superintendent as aforesaid such salary or recompense for his care pains and trouble in managing and superintending the said Institution and the affairs thereof as they the said Trustees or Trustee for the time being shall think proper or as shall have been previously agreed upon And do and shall cause every such account when finally adjusted and settled to be entered in a book or books to be provided and kept for that purpose by the said Trustees or Trustee for the time being And do and shall cause or procure the same account when so entered as aforesaid to be respectively subscribed and certified to be correct by the Manager and Medical Superintendent for the time being of the said Institution and also by the said Trustees or Trustee for the time being And do and shall require and take from the person to be appointed the Manager and Medical Superintendent for the time being of the said Institution (after the decease resignation or removal of the said Edward Samuel Pickard Bedford as aforesaid) with one or more Surety or Sureties such bond or other security for the due and faithful discharge of his duties as such Manager and Medical Superintendent as aforesaid as the said Trustees or Trustee for the time being or the majority of them shall think proper And it is hereby declared that the nomination and appointment of any Manager and Medical Superintendent of the said Institution under the provision for that purpose hereinbefore contained shall be revocable at the pleasure of the Trustees or Trustee for the time being of these presents or the majority of them AND it is hereby declared and agreed that the person or persons who shall become the purchaser or purchasers or take a mortgage or mortgages of all or any part of the said Trust Estate his her or their heirs executors or administrators shall not be affected in any manner by any of the Trusts hereinbefore declared and shall not be obliged to see to the application of the money which may be advanced or paid by him her or them respectively as the consideration of such purchase or purchases mortgage or mortgages nor be answerable or accountable for the loss mis-application or non-application of the same money or any part thereof after the same shall have been paid to or to the order of the Trustees or Trustee for the time being under these presents and that every receipt which shall be given by the said Trustees or Trustee for the time being for such purchase or mortgage money or any part thereof shall be a good valid and sufficient discharge for the money which shall be thereby acknowledged to have been received and that every

sale and mortgage which shall be made and contract for sale which may be entered into and conveyance which may be executed by the said Trustees or Trustee for the time being pursuant to the Trusts hereinbefore declared shall be binding and conclusive on all persons claiming any benefit or interest under the Trusts hereinbefore contained AND it is hereby further declared that when and so often as from death absence from this Colony disability or refusal to act there shall be less than three Acting Trustees of the said Trust Estate (exclusive of the said Edward Samuel Pickard Bedford) the vacancy in the number of Trustees shall be supplied by the appointment of so many additional persons as will make up the number of three Trustees such appointment to be made in writing by the survivors or survivor of them the said James Ebenezer Bicheno Robert Power William Bedford Askin Morrison and Edward Samuel Pickard Bedford or the heirs or assigns of such survivor And that with all convenient speed after every such appointment such conveyances shall be made and executed at the expense of the said Trust premises or of the funds of the said Institution as shall be necessary or be deemed advisable for vesting the said Trust Estate in the surviving or continuing Trustee or Trustees and such new Trustee or Trustees or if there shall be no surviving or continuing Trustee then in such new Trustee or Trustees only upon the Trusts hereinbefore declared of and concerning the same Trust Estate or such of them as may be then subsisting or capable of taking effect and that the new Trustees who shall be so from time to time appointed as aforesaid shall have the same powers and authorities in every respect as the Trustees in whose place they shall be appointed AND it is hereby further declared that as to any purchaser or mortgagee of the said Trust Estate or any part thereof or any person with whom any such exchange shall be made as aforesaid such conveyances or assurances as shall from time to time be made as herein before mentioned shall be sufficient evidence of the said Trust Estate being properly vested in such new Trustees or Trustee and of his or their power to sell mortgage or exchange the same in manner aforesaid and that no such purchaser or mortgagee nor any person with whom any such exchange as aforesaid shall be made shall be bound to enquire into or ascertain the due appointment of any new Trustee or Trustees under these presents AND it is hereby also declared that during the existence of the said Institution the building or buildings in which the same shall or may be conducted or carried on shall with or out of the funds of the said Institution be insured and kept insured in some public Insurance Company or Office in Van Diemen's Land against loss or damage by fire in the joint names of the Trustees for the time being of these presents in the full value of such buildings if any such Insurance Office will insure the said buildings in the full value thereof or if not then in the highest sum in which any such Insurance Company or Office will insure the same and that in case the buildings which may be so insured as aforesaid or any of them shall at any time or times be destroyed or damaged by fire then and so often as the same shall happen all such sums of money as shall be recovered or received in respect of or under any such Insurance as aforesaid shall with all convenient speed be laid out and applied in or towards the substantially re-building reinstating and repairing such of the said buildings as shall be so destroyed or damaged as aforesaid AND it is hereby lastly declared and agreed that the Trustees and Trustee for the time being under these presents and their respective heirs executors administrators and assigns shall be accountable for such moneys only as they respectively shall actually receive by virtue of these presents and shall not be answerable the one for the other or others of them or for signing receipts for the sake of conformity or for any involuntary loss or losses and that all sums of money costs charges and expenses which the Trustees or Trustee for the time being under these presents or any of them shall pay incur or sustain in or about the execution of the Trusts hereinbefore declared or in relation thereto shall be retained by or paid to them respectively out of the funds of the said Institution or in failure of funds applicable or sufficient for such purpose such sums of money costs charges and expenses shall be raised and paid by mortgage of the said Trust Estate or a sufficient part thereof IN WITNESS whereof the said James Ebenezer Bicheno Robert Power William Bedford Askin Morrison and Edward Samuel Pickard Bedford have hereunto set their hands and seals the twenty-first day of October in the year of Our Lord one thousand eight hundred and forty-six.

DATED 15 FEBRUARY, 1854.

*APPOINTMENT of Messrs. ALEXANDER M'NAUGHTAN and FRANCIS HARTWELL HENSLOWE as Trustees of St. Mary's Hospital in the places of JAMES E. BICHENO and the Rev. Dr. BEDFORD, deceased.*

Received a Memorial this Twenty-third day of June, One thousand eight hundred and fifty-four, at Three P.M.

WM. SORELL, *Registrar of Deeds.*  
No. 9949.

TO ALL TO WHOM THESE PRESENTS SHALL COME.

Robert Power, of Hobart Town, Van Diemen's Land, Surveyor-General; Askin Morrison, of the same place, Merchant; Edward Samuel Pickard Bedford, of the same place, Surgeon; Alexander M'Naughtan, of the same place, Merchant; and Francis Hartwell Henslowe, of the same place, Esquire, severally send GREETING:

WHEREAS an Institution, in the nature of a Self-supporting Hospital for the benefit of the labouring classes of society in Van Diemen's Land, was, some years since, established in Hobart Town aforesaid, under the name or style of "St. Mary's Hospital" and was then carried on in premises rented for that purpose: And whereas in the year One thousand eight hundred and forty-six it was proposed to erect a building in the nature of a Hospital or Infirmary for the use of the said Institution, and

certain funds were subscribed for that purpose: And whereas the Colonial Government of Van Diemen's Land thereupon consented to grant an allotment of Land in Hobart Town aforesaid whereon to erect the said Hospital or Infirmary, and by Letters Patent dated the eighth, and enrolled in the Supreme Court of Van Diemen's Land on the twentieth day of October, in the year One thousand eight hundred and forty-six, Her present Majesty gave and granted unto James Ebenezer Bicheno, then of Hobart Town aforesaid, Colonial Secretary, but since deceased, the said Robert Power, the Reverend William Bedford, then of Hobart Town aforesaid, Doctor of Divinity, but since deceased, the said Askin Morrison, and the said Edward Samuel Pickard Bedford, and their heirs, an allotment or piece of Land containing thirty perches and one-half of a perch or thereabout, situate in Davey-street, in Hobart Town aforesaid, at the angle formed by that street with the street called Salamanca Place, to hold the same unto and to the use of the said James Ebenezer Bicheno, Robert Power, William Bedford, Askin Morrison, and Edward Samuel Pickard Bedford, their heirs and assigns forever, at a nominal Quit-rent: And whereas by a Deed Poll, dated the twenty-first and registered on the twenty-second day of October, in the year One thousand eight hundred and forty-six, under the hands and seals of the said James Ebenezer Bicheno, Robert Power, William Bedford, Askin Morrison, and Edward Samuel Pickard Bedford, they the said several last-named parties severally declared the trusts, interests, and purposes, upon which they then stood seized and possessed, and upon which they and the survivors and survivor of them, and the heirs and assigns of such survivor, would thenceforth stand seized and possessed of and interested in the said allotment of Land granted to them as aforesaid: AND WHEREAS a building in the nature of a Hospital or Infirmary for the use of the said Institution was thereafter erected upon the said allotment granted for that purpose, and the said Institution hath ever since been and now is carried on in the said Hospital or Infirmary: AND WHEREAS the said James Ebenezer Bicheno departed this life at Hobart Town aforesaid, on the twenty-fifth day of February, in the year One thousand eight hundred and fifty-one: AND WHEREAS the said William Bedford departed this life at Hobart Town aforesaid, on the second day of December, in the year One thousand eight hundred and fifty-two: AND WHEREAS the said Robert Power, Askin Morrison, and Edward Samuel Pickard Bedford are the present Trustees of the said Institution: AND WHEREAS the said recited Deed Poll of the twenty-first day of October, in the year One thousand eight hundred and forty-six, contains a declaration that when and so often as from death, absence from Van Diemen's Land, disability, or refusal to act, there should be less than three acting Trustees of the said Trust Estate (exclusive of the said Edward Samuel Pickard Bedford) the vacancy in the number of Trustees should be supplied by the appointment of so many additional persons as would make up the number of five Trustees, such appointment to be made in writing by the survivors or survivor of them the said James Ebenezer Bicheno, Robert Power, William Bedford, Askin Morrison, and Edward Samuel Pickard Bedford, or the heirs or assigns of such survivor, and that with all convenient speed after every such appointment such conveyances should be made and executed at the expense of the said Trust premises or of the Funds of the said Institution as should be necessary or be deemed advisable for vesting the said Trust Estate in the surviving or continuing Trustee or Trustees, and such new Trustee or Trustees, or if there should be no surviving or continuing Trustee then in such new Trustee or Trustees, only upon the Trusts in the same Deed Poll declared of and concerning the same Trust Estate, or such of them as might be then subsisting or capable of taking effect, and that the same Trustees who should be so from time to time appointed as aforesaid should have the same powers and authorities in every respect as the Trustees in whose place they should be appointed: AND WHEREAS it hath been agreed between the said several parties hereto that the said Alexander Macnaughtan and Francis Hartwell Henslowe shall be appointed Trustees of the said Institution in the places of the said James Ebenezer Bicheno and William Bedford, and it is intended that so soon as may be practicable after such appointment the said Trust Estate shall be vested in the said Alexander Macnaughtan and Francis Hartwell Henslowe jointly with the said Robert Power, Askin Morrison, and Edward Samuel Pickard Bedford as such Trustees. NOW THEREFORE KNOW YE that in pursuance and exercise of the power or authority for this purpose vested in the said Robert Power, Askin Morrison, and Edward Samuel Pickard Bedford under or by virtue of the said herein-before recited Deed Poll of the twenty-first day of October, in the year one thousand eight hundred and forty-six, they the said Robert Power, Askin Morrison, and Edward Samuel Pickard Bedford, as such surviving Trustees thereunder, HAVE and each of them HATH nominated and appointed, and by these presents DO and each of them DOth nominate and appoint the said Alexander Macnaughtan and Francis Hartwell Henslowe as and to be Trustees of the Trust Estate and Premises comprised and described in the same Deed Poll, in the places and stead of the said James Ebenezer Bicheno and William Bedford, deceased, and to act in and execute and exercise the several trusts, powers, discretions, and authorities created, expressed, or declared, and contained in and by the same Deed Poll, or such of them as are or may be now subsisting or capable of taking effect; AND each of them, the said Alexander Macnaughtan and Francis Hartwell Henslowe DOth hereby declare his acceptance of the said trusts, powers, discretions, and authorities hereinbefore mentioned or referred to. AS WITNESS the hands and seals of the said Robert Power, Askin Morrison, Edward Samuel Pickard Bedford, Alexander Macnaughtan, and Francis Hartwell Henslowe, the fifteenth day of February in the year of our Lord one thousand eight hundred and fifty-four.

R. POWER, (L.S.)

ALEX. MACNAUGHTAN, (L.S.)

ASKIN MORRISON, (L.S.)

FR. HARTWELL HENSLOWE, (L.S.)

E. S. P. BEDFORD, (L.S.)

The within written Deed Poll was signed, sealed, and delivered by all the parties thereto in the presence of R. W. Nutt.