

An Act to incorporate the Sydney Mechanics School of Arts and for other purposes therein mentioned. [4th May, 1874.]

SYDNEY MECHANICS
SCHOOL OF ARTS
INCORPORATION.

WHEREAS a certain literary Society or Institute was established Preamble. in Sydney in the year one thousand eight hundred and thirty-three under the name or style of the "Sydney Mechanics School of Arts" the objects of the said Institution being the intellectual improvement of its members and the cultivation of literature science and art And whereas by three Acts of the Legislature of this Colony passed respectively in the sixteenth nineteenth and twenty-second years of the reign of Her present Majesty certain land and buildings were vested in the president senior vice-president and treasurer for the time being of the said Institution to hold the same in trust for the purpose of the said Institution and subject to the rules and regulations thereof and with power to mortgage or sell the same And whereas it is expedient to incorporate the members of the said Institution and to vest the real and personal property held in trust for or belonging to the said Institution in the corporation to be created by this Act and also to confer on such corporation certain corporate powers and otherwise to regulate the said Institution 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 New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited for all purposes as the "Sydney short title of Act. Mechanics School of Arts Incorporation Act of 1874."

2. The Acts enumerated in the Schedule hereto shall be and Repeal of Acts. the same are hereby repealed but such repeal shall not affect the past operation of any enactment in any of the said Acts contained or any proceeding act matter or thing instituted done or commenced thereunder.

3. All persons who have already become or who may hereafter become members of the Sydney Mechanics School of Arts (hereinafter termed the "Institution") shall be and they are hereby constituted a body corporate by the name of the "Sydney Mechanics School of Arts" and by that name shall have perpetual succession and a common seal and may sue and be sued implead and be impleaded answer and be answered proceed and be proceeded against in all Courts whatsoever.

4. All real and personal property of what nature or kind soever vested in or held by any person or persons whether as trustees or otherwise in trust for the said Institution shall on the passing of this Act be and the same is hereby transferred to and vested in the said body corporate.

5. The said body corporate are hereby empowered to take purchase hold and enjoy to them and their successors for ever all the said real and personal property hereby transferred to and vested in them and also may take purchase hold enjoy and receive any other real or chattel property whatsoever necessary or proper for the purpose of the Institution and may sell grant convey assure demise or otherwise dispose of either absolutely or by way of mortgage any such real or personal property hereby vested in or hereafter to be acquired by such body corporate Provided always that no sale mortgage demise encumbrance or other disposition whatsoever of any such real or personal property shall be lawful unless the same shall have been previously sanctioned by resolution of a general or special meeting of the members of the Institution.

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Management of
Institution by
committee.

Power of committee.

Custody and use of
corporate seal.

Existing by-laws
confirmed.

Evidence of by-laws.

Auditors.

Qualification of
members of
committee and
auditors.

Disqualification.

Election how
conducted.

6. The management and control of the Institution shall be entrusted to a committee to be elected as hereinafter provided and such committee shall consist of a president four vice-presidents a treasurer and twelve committee-men.

7. The said committee shall have power to make repeal amend or alter by-laws for the general regulation of the affairs of the Institution and the good conduct thereof and shall also have power to fine suspend or expel any member thereof subject to such members right to appeal to a general meeting to receive expend and manage the funds of the Institution to let any room or part of the said Institution for any period not exceeding six months to regulate the admission of persons not being members thereof to engage and dismiss the paid officers to dispose of by public auction or private contract any of the old damaged or worn out books papers apparatus or other effects belonging to the said body corporate to initiate conduct and defend all legal proceedings and to transact generally all the business of the Institution.

8. The said committee shall have the custody and use of the common seal of the said body corporate and the form thereof and all other matters relating thereto shall from time to time be determined by the said committee and a majority of the members thereof present at any meeting shall have power to use or direct the use of such seal for all purposes whatsoever requiring to be evidenced by the corporate seal of the said body corporate Provided always that it shall not be necessary to require such seal to be affixed as evidence of the appointment of an attorney or solicitor by the said body corporate in or for the prosecution of any action suit or other proceeding.

9. The rules and by-laws of the Institution in force at the time of the passing of this Act are hereby confirmed and shall except so far as repealed altered or amended in pursuance of the provisions of this Act be and continue binding on the members of the Institution and all other persons as fully and effectually as if the same had been made under this Act and a printed copy of such by-laws or of any by-laws made under the authority of this Act sealed with the seal of the said body corporate and purporting to be certified by the secretary of the Institution for the time being as correct shall be received in all Courts as conclusive evidence of such by-laws and of the same having been duly made under the authority of this Act.

10. There shall be three auditors of the Institution to be elected at each annual meeting.

11. All members of the Institution of at least six months standing who shall not be subject to the disqualification mentioned in the next section shall be eligible as members of the committee and auditors.

12. Any person deriving pecuniary advantages or emolument from the institution or contracting or agreeing therewith for the supply of any goods material or work thereto shall be disqualified from holding office or acting as a member of the committee or as an auditor whilst so deriving such advantage or emolument or contracting or agreeing as aforesaid.

13. The election of the committee of management and auditors shall be by ballot and shall be conducted in the following manner:—

An alphabetical roll of all the members eligible for election (distinguishing those in office) shall be prepared by the secretary and placed in the reading-room or vestibule of the Institution at least fourteen days prior to the annual meeting.

Any member may nominate any other member whose name is entered on such roll as a candidate for election by giving notice thereof in writing to the secretary at least seven days prior

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prior to the annual meeting and only those members whose names appear on such roll shall be entitled to vote at any such election.

The secretary shall prepare a list setting forth the names of candidates and their proposers together with the offices for which they are nominated and such list when complete shall be exposed in the vestibule and the names of the candidates shall also be advertised on the day of the ballot in two Sydney newspapers.

The ballot shall take place on the day of the annual meeting under the direction of the committee and shall commence at four p.m. and close at eight p.m. At the annual meeting three scrutineers not being candidates for election shall be chosen from the members present and shall report the result of the voting to the chairman of such meeting who shall in the event of any equality of votes have a casting vote and in the event of such chairman being one of the persons for whom an equal number of votes has been recorded then the meeting shall elect a chairman for the purpose only of receiving such report and giving if necessary a casting vote and such report shall be preserved among the records of the Institution until the next annual meeting. The result of the election shall be announced at the annual meeting or at an adjournment thereof.

14. In the event of there not being sufficient nominations in accordance with the last rule the committee shall prior to the annual meeting supply the omissions and if there be only sufficient candidates for any office no ballot will be held with respect to such office.

15. In the event of any vacancy occurring during the year in the offices of president vice-president treasurer or auditors the same may be filled up by the committee from amongst their number until the next annual meeting. Other vacancies in the committee shall be filled up by them for the like period from the scrutineers report in the order of majority of votes recorded.

16. The committee shall meet at least once in every month for the transaction of business. Five members shall form a quorum and the chairman shall be entitled to a casting vote only.

17. It shall be competent for the president for two vice-presidents or for any three members of committee to call a special meeting of the committee provided twenty-four hours previous notice of such meeting be given by the secretary to every member of the committee.

18. If any member of the committee shall resign or absent himself from the meetings thereof for three consecutive months without sufficient cause in the opinion of the committee or become otherwise disqualified under the twelfth section of this Act his seat shall be declared vacant at the next meeting of the committee.

19. A general meeting of the members of the Institution of which seven days notice shall be given by advertisement in two daily papers shall be held annually on the first Tuesday in February commencing at eight p.m. for the transaction of the general business of the Institution and at such meeting the report of the preceding year shall be presented for adoption.

20. A special general meeting of the said members may at any time be called by a majority of the committee or by fifty members of the Institution on a requisition in writing to the secretary signed by them and notice of such meeting stating its objects shall be published in two daily newspapers in Sydney at least ten days prior to the day of meeting.

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Matters to be
entertained at
meetings.

Chairman.

Voting.

21. No motion for winding up the Institution or for repealing altering adding to or amending any of its rules or for any other purpose except motions of course shall be proposed at any general meeting unless seven days previous notice thereof in writing be given to the secretary and a duplicate of such notice be at the same time posted in the vestibule of the Institution.

22. At every general meeting the president or in his absence one of the vice-presidents shall preside and in the absence of the president and all the vice-presidents the chairman shall be elected from the members of committee present.

23. At every general meeting the voting unless otherwise provided by the by-laws shall be by show of hands in the first instance but it shall be competent for the chairman or any six members to demand a division.

SCHEDEULE.

Repeal of Acts.

Year.	Title.
16 Vic.	An Act to enable the President Senior Vice-President and Treasurer of the Sydney Mechanics School of Arts to sell the land belonging to the said institution in George-street South Sydney and to purchase other land and erect new buildings in connection with the objects of the said society in a more convenient situation and for other purposes therein contained.
19 Vic.	An Act to amend an Act intituled "An Act to enable the President Senior Vice-President and Treasurer of the Sydney Mechanics School of Arts to sell the land belonging to the said institution in George-street south Sydney and to purchase other land and erect new buildings in connection with the objects of the said society in a more convenient situation and for other purposes therein contained."
22 Vic.	An Act to amend two Acts passed respectively in the sixteenth and nineteenth years of Her Majesty concerning land and buildings of the Sydney Mechanics School of Arts.