

An Act to declare the Trusts of the Site of the Saint Leonards Mechanics' School of Arts; and to authorize the sale, mortgage, or lease thereof; and to declare the trusts of moneys to be produced by such sale, mortgage, or lease; and for other purposes. [19th September, 1890.]

SAINT LEONARDS
SCHOOL OF ARTS
ENABLING.

WHEREAS in the year one thousand eight hundred and fifty-nine Preamble. an institution was formed at Saint Leonards called the Saint Leonards Mechanics' School of Arts, the objects of which are the diffusion of scientific and other useful knowledge in manner mentioned in the rules thereof, and the same is still carried on at Saint Leonards aforesaid under the control of a committee of management. And whereas by indenture, dated the third day of February, one thousand eight hundred and eighty-five, made between Adolphus Rogalsky, of the first part, George Henry Smith, of the second part, and Edwin Mauney Sayers, Robert Dalziel Ward, Charles Henry Woolcott, John William Guise, and Frederick Alfred Adolphus Wilson, of the third part, all that parcel of land containing by admeasurement one rood six perches, portion of allotment number five of section number four, town of Saint Leonards, parish of Willoughby: Commencing on the south side of Mount-street at the north-east corner of the land now described; and bounded on the east by a line southerly at right angles to Mount-street one hundred and thirty-two feet; on the south by a line westerly at right angles to the eastern boundary ninety-five feet to the east side of William-street; on the west by one hundred and thirty-two feet of that street bearing northerly to its junction with Mount-street; and on the north by that street bearing easterly ninety-five feet to the point of commencement, was conveyed and assured unto and to the use of the said Edwin Mauney Sayers, Robert Dalziel Ward, Charles Henry Woolcott, John William Guise, and Frederick Alfred Adolphus Wilson, upon trust *inter alia* to permit and suffer the same premises to be appropriated as a site or place for the erection of such building or buildings for the Saint Leonards Mechanics' School of Arts as the president, senior vice-president, and treasurer for the time being of the said society, or other the managing officers thereof shall think fit. And whereas the said Charles Henry Woolcott has refused to act as such Trustee as aforesaid, and the said Edwin Mauney Sayers, Robert Dalziel Ward, John William Guise, and Frederick Alfred Adolphus Wilson are now the sole Trustees of the land under the said recited indenture. And whereas a building has been erected on the land, comprising a lecture hall, a library, reading, and class, and other rooms, and provided with books, furniture, apparatus, and necessaries for carrying on the work of the institution. And whereas the funds at the disposal of the institution have proved insufficient to defray the outlay incurred for the purposes aforesaid, and a debt of eight hundred and thirty-two pounds or thereabouts has been incurred in respect thereof, and it is anticipated that further sums will have to be expended to render the said institution efficient and attractive, and to enable it to keep pace with the advancement of the district in which it is situate. And whereas it is desirable to authorize the necessary funds for the purposes aforesaid to be raised by way of mortgage in manner herein-after provided. And whereas circumstances may arise which may render it necessary or desirable in the interest of the institution that the

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the land or some part thereof should be sold or leased in manner hereinafter also provided. And whereas the trusts on which the land were conveyed as aforesaid are insufficient, and it is expedient to extend such trusts and to declare the same as hereinafter expressed. 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:—

Interpretation.

1. In this Act---

The words "the land" mean the said land hereinbefore described, and include the buildings and fences which now are or may hereafter be thereon, and the rights, easements, appendages, and appurtenances thereto or usually held and enjoyed therewith or reputed so to be.

The words "the Trustees" mean and include the said Edwin Mauney Sayers, Robert Dalziel Ward, John William Guise, and Frederick Alfred Adolphus Wilson, and the survivors and survivor of them, and the Trustees or Trustee for the time being in whom the land shall be vested.

The words "the institution" mean the Saint Leonards Mechanics' School of Arts.

The words "the Committee" mean the committee of management for the time being of the institution.

Trusts of the land declared.

2. The land shall be held by the Trustees upon the trusts, and for the intents and purposes in and by the said recited indenture expressed, save and except such provisions thereof as relate to the appointment of new Trustees in case of a vacancy occurring in the Trusteeship, and upon the further trusts to permit and suffer the said land and all buildings erected, or to be erected thereon, to be used and enjoyed for the purposes of the institution, under the control of the committee, and upon further trust from time to time to convey, mortgage, demise, or otherwise assure the land and to apply the moneys to be produced or raised under the provisions hereof in manner hereinafter expressed.

Power to mortgage.

3. It shall be lawful for the Trustees, subject to the provisions hereinafter contained, from time to time to borrow any sum or sums of money on the security of the land, or any part thereof, and to execute to or in favour of any person or persons from whom such money shall be borrowed as security for the repayment thereof with interest at such rate as may be thought proper any mortgage or mortgages in fee, or for any less estate of the whole or any part or parts of the land, and either with or without power of sale in case of default, and such other powers, provisions, and covenants as the Trustees shall see fit.

Power to sell.

4. It shall be lawful for the Trustees from time to time, subject to the provisions hereinafter contained, to sell and dispose of the lands, or any part or parts thereof, by public auction or private contract after submission at auction, and either in one or several lots, and either at one time or at different times, and upon such terms and conditions as to title, time, and manner of payment and otherwise as they shall deem expedient, and for such prices as can be reasonably obtained for the same, with power to buy in at any sale and to rescind or vary any contract and to resell without being responsible for any differences in price or other loss, and to convey the land or any part or parts thereof which may be sold to the purchaser thereof, or as he shall direct, and the receipts of the Trustees for the purchase money of the whole or any part of the land shall discharge the purchaser thereof from any obligation to see to the application of the purchase money paid by him and from any liability in respect of the loss, non-application or misapplication thereof.

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5. It shall be lawful for the Trustees subject to the provisions hereinafter contained to demise for any term not exceeding twenty-one years all or any part of the land for such rent or rents and with such conditions, provisions, and covenants as to the Trustees shall seem fit, and to execute such leases thereof as they shall see fit.

Power to lease.

6. The powers of mortgage, sale, and lease hereby authorized shall not nor shall any of them be exercised unless the same shall be authorized by a resolution duly passed and carried by not less than three-fourths of the members of the institution as may be present at a meeting specially convened for the purpose in manner provided for calling special meetings by the rules and regulations thereof for the time being, and confirmed by a resolution duly passed and carried by a like majority of such members as may be present at a subsequent meeting of the members of the institution to be also specially called for the purpose in manner aforesaid, and to be held not less than one calendar month from the date of holding the meeting first above mentioned. And provided also, that prior to any proposed mortgage or sale being completed, the consent of the Minister for Public Instruction for the time being shall be obtained in writing after full statement to him of the facts relating to such proposed mortgage or sale.

Powers only to be used when authorized by three-fourths majority at two meetings.

7. Nothing in this Act contained shall be deemed or construed to render it necessary for any purchaser or mortgagee or lessee to inquire whether the Trustees or the committee or other officers of the institution for the time being exercising the powers hereby conferred were duly and regularly appointed, or whether the powers of sale, mortgage, and lease hereby conferred were duly and regularly exercised, or whether such meetings as aforesaid have been held, or such resolutions as aforesaid passed, nor be affected by notice to the contrary.

Clause for protection of purchasers, mortgagees, and lessees.

8. The moneys to be produced or raised by any such sale, mortgage, or lease as aforesaid, shall be applied in the first place to pay the costs and expenses incurred in the procuring and passing of this Act, and of or connected with any such sale, mortgage, or lease, and in the next place to apply the same in liquidation of the debt due and owing by the institution, and in the next place for the purposes of the institution in such manner and form as the committee shall determine by resolution and as the Minister for Public Instruction shall approve.

Application of money.

9. Notwithstanding anything contained in the said recited indenture or any rule or regulation of the institution to the contrary, if the Trustees, or any of them, shall die or resign, become insolvent, insane, or cease to reside in the District of Saint Leonards for a period of more than six months without leave from the committee, or shall be removed by a vote of a meeting of the members of the institution, of which meeting one month's notice shall be given by advertisement in some newspaper circulating in the District and by posting the same in the reading room of the institution it shall be lawful for the members of the institution, for the time being, in general meeting duly convened according to the rules of the institution, from time to time to elect other Trustees or another Trustee to supply the vacancy in the Trusteeship so caused. If a notice of such election, as by this Act provided, shall be inserted in the *Government Gazette*, such notice shall be evidence of the fact of a vacancy having occurred, and also of the appointment of such new Trustees or Trustee as aforesaid, and shall have the effect in the case of such vacancy occurring, otherwise than by death, of divesting the estate of the retiring Trustees or Trustee, and in all cases shall have the effect of vesting the trust property (if any) which, for the time being,

Appointment of new Trustees,

and effect thereof.

Australian Mutual Provident Society's Officers' Provident Fund Trustees.

being, shall be vested in the surviving or continuing Trustees or Trustee, in the new Trustees or Trustee named in such notice jointly with the surviving or continuing Trustees or Trustee, as the case may require, without further conveyance.

Short title.

10. This Act may be cited as the "Saint Leonards School of Arts Enabling Act."
