

An Act to authorize the sale of the site of the Tumut School of Arts and to provide for the expenditure of the money received therefrom in the erection of suitable buildings for a like purpose on a new site.
[15th December, 1890.]

TUMUT SCHOOL OF
ARTS SITE SALE.

WHEREAS by Crown grant under the hand and seal of Sir Augustus William Frederick Spencer Loftus, Governor-in-Chief of the Colony of New South Wales, and dated the thirteenth day of June, one thousand eight hundred and eighty-one, the land described in the Schedule hereto was granted unto James Robertson, Montague Marks, Robert Blosse Lynch, William Bridle, and Nathaniel Emanuel, upon trust (*inter alia*) to permit and suffer the said land to be appropriated as a site or place for the erection of such building or buildings for the School of Arts established in the town of Tumut, as the president, senior vice-president, and treasurer, for the time being, of such institution, or other the managing officers thereof, should think fit. And whereas the said James Robertson and Robert Blosse Lynch having departed this life, Edward George Brown and John Weeden were, with the approval of the Governor and Executive Council, appointed trustees in the place or stead of the said James Robertson and Robert Blosse Lynch, deceased. And whereas in exercise and pursuance of the powers and obligations contained in the said Crown grant, the said lands have been duly transferred to, and are now vested in, the said Montague Marks, William Bridle, Nathaniel Emanuel, Edward George Brown, and John Weeden upon the aforesaid trusts. And whereas the said land is not a suitable or eligible site for the erection of a building or buildings for the said Tumut School of Arts as aforesaid. And whereas certain other land forming a more eligible site has recently been purchased by the said institution, and has been conveyed or assured to Edward George Brown, William Bridle, and John Weeden upon similar trusts for the purposes of the said institution to those declared or created by the Crown grant hereinbefore referred to, and the purchase money for the last-mentioned land or site has been fully paid out of funds at the disposal of the said institution. And whereas it is expedient that the said land described in the Schedule hereto should be sold, and that the proceeds to arise from such sale should be handed to the said Edward George Brown, William Bridle, and John Weeden to be applied in or towards the erection of a building or buildings for the aforesaid School of Arts upon the said recently-purchased site. 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. After the passing of this Act it shall be lawful, subject to the provisions hereinafter contained, for the said Montague Marks, William Bridle, Nathaniel Emanuel, Edward George Brown, and John Weeden, hereinafter styled trustees, or the survivors or survivor of them or other the trustees for the time being of the said grant, to sell and dispose of the said land described in the Schedule hereto or any part or parts thereof by public auction or private contract, 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

Trustees authorized
to sell.

Tumut School of Arts Site Sale.

manner of payment and otherwise as they shall deem expedient, and for such price or 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 when sold to convey the land or any part or parts thereof to the purchaser or purchasers thereof, or as he or they shall direct, in fee simple, freed, and discharged from the trusts affecting the same, and the receipts of the trustees or the survivors or survivor of them or other the trustees for the time being of the said grant for the purchase money of the whole or any part of the land shall discharge the purchaser thereof from the purchase money payable by him, and from any obligation to see to the application thereof, and from any liability in respect of the loss, non-application, or misapplication thereof.

Powers only to be used when authorized by three-fourths majority at two meetings, and subject to consent of Minister of Public Instruction.

Application of proceeds of sale.

Trusts of the land declared.

Appointment of new trustees.

2. The powers of sale 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 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 sale.

3. The moneys to be produced or raised by any such sale as aforesaid shall be paid into the hands of the said Edward George Brown, William Bridle, and John Weeden, or the survivors or survivor of them or other the trustees for the time being of the said recently purchased site, to be applied by them in or towards the erection of a building or buildings for the said School of Arts upon the said land or site recently purchased for that purpose, and the receipt of any person or persons to whom any moneys shall be paid under the provisions of this Act shall be a valid and complete discharge to the person or persons paying the same, his or their heirs or assigns, for such moneys.

4. The said recently purchased site shall be held by the said Edward George Brown, William Bridle, and John Weeden, or the survivors or survivor of them, or other the trustees or trustee for the time being to be appointed in manner hereinafter provided upon the trusts, and for the intents and purposes in and by the conveyance or assurance thereof to the said Edward George Brown, William Bridle, and John Weeden expressed, save and except such provisions thereof as are inconsistent with the provisions hereinafter contained relating to the appointment of a new trustee or new trustees in case of a vacancy or vacancies 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 said institution, known as or called the Tumut School of Arts : And, notwithstanding anything contained in the conveyance or assurance to the said Edward George Brown, William Bridle, and John Weeden, of the said recently-purchased land or site, or in any other deed declaring or affecting the trusts thereof, or any rule or regulation of the said institution to the contrary, if the said Edward George Brown, William Bridle, and John Weeden, or any, or either of

Tumut School of Arts Site Sale.

of them, or any trustee or trustees to be appointed as hereinafter provided, shall die, or resign, become insolvent, bankrupt, or insane, or cease to reside within thirty miles of the town of Tumut for a continuous period of more than two years, then, and in any or either of such cases, it shall be lawful for the members of the said institution, by a resolution duly passed and carried by not less than three-fourths of the members of the institution, present at a meeting specially convened for the purpose in the manner provided for calling special meetings by the rules and regulations of the said institution for the time being, and confirmed by a resolution duly passed and carried by the like number of the members 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 specially convened as first above-mentioned, from time to time, or at any time, to declare the seat or seats of such trustee or trustees vacant, and the same shall be vacant, provided such trustee or trustees of the said institution shall have been fully discharged and released from, or indemnified against, any and every liability which he or they may have incurred for the use or benefit of, or in any manner in respect of, the said institution, under or by reason of any mortgage, cash credit, or other bond, covenant, agreement, or other undertaking of any kind whatsoever, and if the consent in writing to his or their removal from the said trust, duly signed by any such trustee or trustees, or of the executors or administrators of any deceased trustee or trustees, or of the official assignee or committee of any such insolvent, bankrupt, or insane trustee or trustees shall have been transmitted to, and received by, the Governor and Executive Council, with a copy of the decision of the special general meetings of the members of the institution, duly signed by the president of the institution for the time being, then, with the consent of the Governor and Executive Council, it shall be lawful for the members of the institution, from time to time, to elect other trustees or trustee to supply the vacancy in the trusteeship so caused; and if the Governor and Executive Council approve of the person or persons so elected, a notification to that effect, duly signed by the president of the institution for the time being, and published in the *Gazette*, shall be evidence 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, 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.

5. This Act may be cited as the "Tumut School of Arts Site short title. Sale Bill of 1890."

SCHEDEULE.

All that piece or parcel of land containing by admeasurement one acre one rood and half a perch, be the same more or less, situate, lying, and being in the said Colony of New South Wales, in the county of Wynyard, parish of Tumut, and town of Tumut, being allotment number five of section twenty-six: Commencing at the eastern corner of the section; and bounded thence on the south-east by Wynyard-street south-westerly five chains; on the south-west by the north-eastern boundary-line of allotment four north-westerly at right angles to Wynyard-street two chains fifty-one links; on the north-west by the south-eastern boundary-line of allotment six north-easterly parallel with Wynyard-street five chains to Simpson-street; and on the north-east by that street south-easterly two chains fifty-one links, to the point of commencement.