

No. V.

An Act to enable the trustees of lands held for a Mechanics' Institute or School of Arts or other Institution for public instruction or amusement to sell, lease, and mortgage such lands; to provide for the appointment of new trustees; and for other matters in connection therewith.
[13th December, 1893.]

TRUSTEES OF
SCHOOLS OF ARTS
ENABLING.

BE it 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 trustees of lands reserved, dedicated, granted, or held for a Mechanics' Institute or School of Arts or other institution for public instruction or amusement, to sell, mortgage, or lease the said lands or any part of them.

Trustees to have
power of sale, lease,
and mortgage.

2. The powers of sale, lease, and mortgage hereby conferred shall not be exercised unless a resolution to the effect that it is desirable to exercise such powers has been duly passed and carried by a majority of not less than three-fourths of the members of the Institute, School of Arts, or other institution as in the first section described, present at a meeting specially convened for the purpose, of which fourteen days' notice has been given by advertisement in two separate issues of a newspaper circulating in the district in which the lands are situated, and confirmed by a resolution duly passed and carried by a like majority of such members as may be present at a subsequent meeting specially convened for the purpose, after fourteen days' notice given as aforesaid, and held not less than one calendar month from the date of holding the meeting first above-mentioned; and unless the consent of the Minister has been obtained in writing after full statement to him of the facts relating to the proposed exercise of such powers.

Sale, &c., to be
sanctioned by
resolution and
approved by the
Minister.

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Consent of the Minister may be general or particular, except in case of mortgage.

No mortgage to be for more than one half the value.

Price agreed upon and rent reserved to be submitted to the Minister in each case.

Consent may be given as to part or whole and may be withdrawn or modified.

Minister may appoint person to execute conveyance.

Bond fide purchaser protected.

Proceeds to be held on trust and invested.

Conveyance to vest lands free from trust.

Appointment of new trustees.

3. In the case of an application for leave to sell or lease the Minister may give his consent either generally by authorising the sale or lease of the lands subject to such conditions, restrictions, reservations, and covenants, and in such manner and within such time, as he may think desirable, or by approving of particular contracts of sale or lease. In the case of an application for leave to mortgage such general authority shall not be given, but the terms of the proposed mortgage shall in each case be submitted to the Minister for approval, and his consent shall not, unless under circumstances which in the minute of approval he certifies to be exceptional, be given to a mortgage of any lands for more than one half of their estimated value. A mortgage under this Act may contain a power of sale.

4. Where the Minister has given his consent generally as in the last section provided, no lands shall be sold or leased in pursuance of such consent, unless in each case the price agreed upon or rent reserved has been submitted to and approved by him.

5. The Minister may in any case give his consent, either as to the whole, or as to part of any lands in respect of which any application is made, and may at any time withdraw his consent, either wholly or partially, or vary the terms and conditions thereof, if he can do so without prejudice to the rights of third parties.

6. In any case in which trustees desire to exercise the powers conferred by this Act the Minister may appoint some person who shall have power to execute all conveyances and instruments and do all things necessary to the due exercise of such powers. The receipt of the person so appointed shall be a sufficient discharge to any purchaser, lessee, or mortgagee *bond fide* paying money in respect of any sale, lease, or mortgage under this Act.

7. No purchaser, lessee, or mortgagee dealing *bond fide* with a person appointed under section six shall be prejudiced or affected by any omission or irregularity in respect of any of the matters prescribed by this Act.

8. The proceeds of any sale, lease, or mortgage under this Act shall be held by the trustees, after payment of costs, expenses, and encumbrances, for the general purposes of the trust, and shall be invested or applied as the Minister may direct. The Minister may direct that any portion of the income or revenue of the trustees shall be set apart for payment of interest on or the gradual extinction of any mortgage debt, and the portion so set apart shall be invested as the Minister may direct.

9. Lands conveyed to any person under the provisions of this Act shall vest in him free from all trusts which affected them in the hands of the persons by whom or on whose behalf they were conveyed.

10. If any such trustee as aforesaid, or any trustee appointed as hereinafter provided resigns (which he is hereby empowered to do by written notice to the Minister) or dies, or becomes bankrupt or insane, or if for any other reason it is not desirable that any trustee should continue in the administration of the trust, it shall be lawful for the members of the Institute, School of Arts, or other institution as in the first section described, by a resolution duly passed and carried at a meeting specially convened for the purpose, of which not less than fourteen days notice shall be given in the manner provided in section two, to declare the office of such trustee vacant, and thereupon the office of such trustee shall be vacant, and a copy of such resolution shall be sent to the Minister, and then it shall be lawful for such members at a second meeting, of which notice shall be given as aforesaid, to elect one or more new trustees to fill the vacancy so caused. And if the Minister approve of the new trustee or trustees so elected, or any of them, he shall declare his approval

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approval by notice in the *Gazette*, and such notice shall be evidence of the appointment of the new trustee or trustees so approved, and shall have the effect of divesting the estate of the trustee whose office was so vacated as aforesaid, and of vesting the trust property, together with all powers, rights, and choses in action relating thereto in the new trustee or trustees so approved as aforesaid jointly with the surviving or continuing trustee or trustees if such there be.

11. Nothing in this Act shall affect any of the provisions of any Act relating to any particular School of Arts, Mechanics' Institute, or other institution as in the first section described, or the trustees thereof. Private Acts not affected.

12. This Act may be cited as the "Trustees of Schools of Arts Enabling Act," and in it the word "Minister" means the Minister of Public Instruction or any Minister administering the "Public Instruction Act of 1880," or any Act amending or in substitution of the same. Short title, &c.
