

An Act to enable the present or other the trustees for the time being of the Mechanics School of Arts, at Raymond Terrace, in the Colony of New South Wales, to sell the lands, hereditaments, buildings, and premises, and goods and chattels vested in them as such trustees as aforesaid, and to apply the proceeds of such sale if and when effected in the manner and for the purposes hereinafter specified. [14th February, 1893.]

RAYMOND TERRACE
MECHANICS
SCHOOL OF ARTS
SALE.

WHEREAS by an indenture by way of conveyance bearing date Preamble.
the thirtieth day of December, one thousand eight hundred and seventy-nine, and made between James Hill, therein described of the one part, and John Richardson, James Kilgour, John Jacob Michel, John Cowan Garrett, John Shadrach Hart, and William Edward Shaw, therein described as trustees of the Raymond Terrace Mechanics School of Arts, of the other part, the said James Hill did appoint, and did also grant, bargain, sell, release, and confirm unto the said trustees and their heirs all that the piece of land and hereditaments therein mentioned and set out in the Schedule to this Act, to hold unto and to the use of the said trustees, their heirs and assigns, to the intent that a building might be erected on the said parcel of land for the use of the members for the time being of the said Raymond Terrace Mechanics School of Arts: And whereas by the indenture now in statement it was agreed and declared that it should be lawful for the members of the said School of Arts present at any duly convened and constituted meeting by resolution of a majority of such members actually present from time to time to appoint a new trustee or new trustees in the room of any trustee or trustees who might die, or desire to be discharged, or become unable or unwilling to act, or go to reside out of the Colony, and that the entry of such appointment in the minutes of such meeting, or the conveyance of the trust estate purporting to be made in pursuance of such resolution should, as concerned all persons dealing with the trustees named in the resolution or conveyance, be conclusive evidence of the due appointment of the trustees therein named: And whereas the said James Kilgour departed this life on or about the fourteenth day of February, one thousand eight hundred and eighty one: And whereas by a certain memorandum bearing date the twenty-sixth day of August, one thousand eight hundred and eighty-six, under the hand of the said William Edward Shaw, he the said William Edward Shaw did retire from the trusts of the said recited indenture: And whereas in pursuance of and in due accordance with the provisions of the said recited indenture one Lot Bishop and one John Parsons Green were duly appointed trustees of the said recited indenture, in the room of the said James Kilgour, deceased, and of the said William Edward Shaw: And whereas by a resolution passed by a majority of the said members of the said Raymond Terrace Mechanics School of Arts and actually present, it was resolved that the then trustees of the said recited indenture should be, and they were thereby empowered to borrow

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borrow the sum of four hundred pounds, to be applied in and towards the payment and liquidation to that amount of the debts and liabilities of the said Raymond Terrace Mechanics School of Arts, and to mortgage the land and premises described in the said indenture, with all the buildings and erections thereon, and all the rights and appurtenances thereto belonging, as security for the repayment of the said sum and interest thereon, at such rate, for such term, and upon such conditions and stipulations as the said trustees might deem fit: And whereas the said trustees then arranged to borrow from one William Scully the said sum of four hundred pounds for the purposes aforesaid, and to secure the repayment of the same with interest by a mortgage on the said land and premises: And whereas by indenture by way of mortgage, bearing date the nineteenth day of October, one thousand eight hundred and eighty-six, and made between John Richardson, John Jacob Michel, John Cowan Garrett, John Shadrach Hart, Lot Bishop, and John Parsons Green (being the present trustees of the said indenture of the thirtieth day of December, one thousand eight hundred and seventy-nine) of the one part, and the said William Scully of the other part, it was witnessed that in consideration of four hundred pounds then paid by the said mortgagee to the said mortgagors, they and each of them did thereby grant, bargain, sell, alien, release, convey, and confirm unto the said mortgagee, his heirs and assigns, all that the allotment or parcel of land and premises set out in the said Schedule to this Act, and hereinafter called "the said land," to hold the same with the appurtenances unto the said mortgagee, his heirs and assigns, to the use of the said mortgagee, his heirs and assigns for ever, subject, however, to the usual proviso for redemption and reconveyance on payment of principal and interest due and to become due on the said mortgage: And the said indenture of mortgage further contained the usual power of sale in case of default in payment of the said principal sum and interest, the usual proviso for quiet enjoyment until default in payment of said principal and interest, and the usual covenants contained in deeds of a like nature: And whereas the time for payment of the said principal sum of four hundred pounds has expired, and the said trustees are unable to pay the same, not having any funds for that purpose in their hands or at their disposal: And whereas the Municipal Council of Raymond Terrace are desirous of purchasing the said land with the buildings and improvements thereon as a Town Hall, and for the purpose of establishing a School of Arts or a Free Library there, in accordance with the "Municipalities Act of 1867," and for general municipal purposes: And whereas the said trustees, with the consent of the said William Scully as such mortgagee as aforesaid, and with the consent of a majority of the members of the said Mechanics School of Arts actually present at a meeting duly convened for that purpose, and by a resolution then passed which was duly confirmed by a majority of the members of the said Mechanics School of Arts actually present at another meeting called for the purpose of confirming such resolution, have agreed to sell the said allotment or parcel of land and premises, together with all buildings erected thereon and all appurtenances thereto belonging to the said Municipal Council for the purposes mentioned in the last preceding recital, and the said Municipal Council have agreed to purchase and pay for the same at the price aforesaid, out of the funds of the Municipal District of Raymond Terrace: And whereas it is doubtful whether the said trustees had the power to mortgage the said land as aforesaid, and it is also doubtful what effect a reconveyance of the said allotment or parcel of land if executed would have, and who should be the persons to whom the same should be so reconveyed, and, further,

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further, whether in case of such reconveyance being executed the present trustees of the said recited indenture, or the former trustees thereof, or the representatives of any deceased trustee could thereafter jointly or otherwise sell the said allotment or parcel of land to the said Municipal Council, and pass a good title to that Council, even although directed to do so by a resolution of the majority of the members of the said Mechanics School of Arts, at a meeting duly called for that purpose: And whereas the said Municipal Council have determined not to purchase the said allotment or parcel of land with the buildings and improvements thereon unless they are assured of a good title thereto, and that the same should be absolutely freed and discharged from the incumbrance created by the said mortgage, and all trusts or incumbrances affecting the same: And whereas there are also vested in the said trustees certain goods and chattels used in connection with the said Mechanics School of Arts, and they are desirous of selling the same in the manner and for the purposes hereinafter mentioned: 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. It shall be lawful for the said John Richardson, John Jacob Michel, John Cowan Garrett, John Shadrach Hart, Lot Bishop, and John Parsons Green, as such trustees as aforesaid, or other the trustees for the time being of the said indenture of the thirtieth day of December, one thousand eight hundred and seventy-nine, to sell, and with the consent and joinder of the said William Scully as such mortgagee as aforesaid, to absolutely convey and assure the said land, hereditaments, and premises, set out in the Schedule hereto, together with the said Mechanics School of Arts, and all buildings erected thereon, to the said Municipal Council of Raymond Terrace, so as to vest the same in the said Municipal Council in fee simple.

Trustees may sell to Municipal Council the School of Arts at Raymond Terrace.

2. The said Municipal Council shall pay to the said William Scully as such mortgagee such sum as will be a full and complete discharge of all moneys due and owing in respect of the aforesaid mortgage; and upon such payment as aforesaid, and the execution by the said trustees and the said William Scully of the conveyance aforesaid, the said land, buildings, and premises shall vest in the Municipal Council, free from all incumbrances and trusts whatsoever, and the said Municipal Council shall be held and considered to have acquired a perfect and indefeasible title thereto.

Mortgagee to be paid principal and interest.

3. It shall be lawful for the said trustees to sell to the said Municipal Council the goods and chattels used in connection with the said Mechanics School of Arts at such price as may be agreed upon, and the said Municipal Council shall and may use the same in connection with the School of Arts and Free Library so to be established as aforesaid, or otherwise as the said Council shall determine.

Trustees may sell goods and chattels used in connection with School of Arts.

4. The said Municipal Council shall (after such conveyance as aforesaid is executed) hold the land, and the buildings and improvements thereon as and for a Town Hall, and a School of Arts or a Free Library, and for other general municipal purposes.

Purposes for which the Municipal Council shall hold the land and buildings.

5. It shall be lawful for the said trustees to sell any other goods and chattels vested in them as such trustees as aforesaid, and to apply and dispose of the proceeds and any other moneys which they may have in hand in paying the costs, charges, and expenses connected with the sales hereby authorised, or with the passing of this Act, and the surplus (if any) in such manner as may be directed by a meeting of the members of the said Mechanics School of Arts called for the purpose; and from and immediately after the conclusion of such meeting

Trustees may sell other goods and chattels, and dispose of proceeds.

Willoughby and Gordon Tramway Acts Amending.

meeting or any adjournment thereof, being a final meeting, the said trustees shall cease to be such trustees as aforesaid, and their duties and responsibilities in respect of their said office shall likewise cease and determine, save and except in such cases and in respect to such causes of action or suit as might have accrued or be accruing to them, or existing against them antecedent to or up to the date and time of the holding of such meeting.

Short title.

6. This Act may be styled and cited as the “Raymond Terrace Mechanics School of Arts Sale Act.”

THE SCHEDULE REFERRED TO.

All that allotment or parcel of land containing by admeasurement two roods, and situated in the town of Raymond Terrace aforesaid, allotment number seventeen of section number seven : Bounded on the south-east by one chain of the north-west side of Sturgeon-street bearing south forty degrees west; on the south-west by a line dividing it from allotment number sixteen bearing west forty-five degrees north five chains; on the north-west by a line dividing it from allotment number four bearing north forty degrees east one chain; and on the north-east by a line dividing it from allotment number eighteen bearing east forty degrees south five chains to Sturgeon-street, being the allotment sold as lot nine in pursuance of the advertisement of twenty-fifth September, one thousand eight hundred and thirty-eight.
