

NEWCASTLE AND NORTHUMBERLAND BENEVO- LENT SOCIETY DISSOLUTION ACT.

An Act to provide for the dissolution of the Newcastle and Northumberland Benevolent Society; to vest the assets of the said Society in trustees for sale and realisation; to define the powers, authorities, duties and functions of such trustees; to provide for the disposition of the proceeds of sale and realisation; and for purposes connected therewith. [Assented to, 29th November, 1955.] Elizabeth II.

WHEREAS the Newcastle and Northumberland Benevolent Society (hereinafter referred to as the "Society") is an unincorporated association having for its objects the relief of the wants of the poor, distressed, and aged and the establishment and maintenance of an asylum for the aged and destitute of both sexes, a temporary home for homeless and friendless children, cottage homes for aged couples and a lying-in hospital: AND WHEREAS by the rules of the said Society it is provided that every annual subscriber of half a guinea or upwards should be a member of the Society so long as his or her subscription is continued: AND WHEREAS by a Deed of Conveyance dated the fourteenth day of February, one thousand eight hundred and eighty-seven, made between Emma Edwards and Moses Edwards of the one part and Messrs. William Arnott, John Harris and James Cole Ellis of the other part the lands described in the Schedule to this Act were vested in the said William Arnott, John Harris and James Cole Ellis as trustees for the Society: AND WHEREAS the said trustees are all long since deceased and no new trustees have been appointed in their place: AND WHEREAS there are now no financial members of the Society which has ceased active operations: AND
WHEREAS

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WHEREAS it is expedient to dissolve the said Society and to provide for the appointment of trustees of the lands described in the Schedule to this Act and the building erected thereon and of any other property moneys or securities held in connection therewith and to vest the said lands property moneys or securities in such trustees as trustees for sale and realisation and to declare the trusts upon which the same shall be held by such trustees and to define the powers, authorities, duties and functions of such trustees and to provide for the disposition of the proceeds of sale and realisation in manner hereinafter appearing: **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:—

**Short
title.**

1. This Act may be cited as the “Newcastle and Northumberland Benevolent Society Dissolution Act, 1955.”

**Interpreta-
tion.**

2. In this Act, unless the context or subject matter otherwise indicates or requires:—

“New Society” means the Newcastle and District Benevolent Society a charitable organisation registered on the fourteenth day of November, one thousand nine hundred and fifty-two under the Charitable Collections Act, 1934-1941.

“Society” means the Newcastle and Northumberland Benevolent Society the unincorporated charitable society mentioned in the Preamble to this Act.

“trust property” means the lands described in the Schedule to this Act and all other property moneys debts or securities belonging to or held on trust for or on behalf of the Society.

“trustees” means the trustees for the time being appointed by or in pursuance of this Act.

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3. (1) There shall be three trustees for the purposes of this Act. Trustees. 1

(2) The first three trustees shall be Bertie Clyde Cadogan of York Street, Mayfield, Pensioner, Francis Roy Druery of number thirty-nine Newcastle Road, Wallsend, Secretary of the Western Suburbs Maternity Hospital, and Robert Cox of number two Vera Street, Waratah, Ambulance Driver.

4. (1) The Governor may by notification published in the Gazette appoint a new trustee in the place of any trustee in any of the following cases:— Appointment of new trustees.

- (a) where a trustee dies;
- (b) where a trustee remains out of New South Wales for more than two years;
- (c) where a trustee by letter addressed to the Chief Secretary (i) notifies him that he desires to be discharged from all or any of the trusts or powers reposed in or conferred on him, or (ii) resigns his office;
- (d) where a trustee refuses or is unfit to act in such trusts or powers or is incapable of acting therein;
- (e) where a trustee is removed in pursuance of the power conferred by section five of this Act.

(2) Upon the appointment of a new trustee the trust property shall by virtue of this Act vest in the new trustee so appointed jointly with the continuing trustees.

5. The Governor may remove any of the trustees referred to in section three of this Act or any trustee appointed under section four of this Act. Notification of such removal shall be published in the Gazette. Removal of trustees.

6. The Society is hereby dissolved.

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7. The trust property is hereby transferred to and vested in the trustees. Vesting of trust property. 1

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8. Any rights including choses in action arising out of contract tort or otherwise in anywise relating to the trust property which were at the time of the passing of this Act vested in the Society or any person or corporation in trust for it or on its behalf are hereby vested in the trustees and may be exercised by them.

**Trusts on
which trust
property to
be held.**

9. (1) The trustees shall hold the trust property upon trust to sell dispose of and convert into money such part or parts of the same as shall not consist of money and to get in and realise such part or parts thereof as shall consist of money.

(2) Any such sale may be either for cash or on such terms of credit as the trustees may think fit and for the purposes of such sale or disposal they may accept mortgages or other securities to secure the payment of the whole or any part of the purchase moneys.

(3) The trustees may exercise all the rights powers or discretions conferred on trustees for sale by the Trustee Act, 1925, or any Act amending the same.

(4) Any mortgages or securities accepted by the trustees to secure payment of purchase money and the income to be derived from such mortgages and securities shall be held by the trustees for the purposes referred to in sections twelve to sixteen inclusive of this Act.

**Protection
of
purchasers,
etc.**

10. No purchaser or other person or the Registrar-General upon any sale or other dealing purporting to be made under the powers granted by or under this Act shall be concerned to see or enquire into the necessity for or propriety thereof, or the mode of exercising the same, or be affected by notice that the exercise of the power is unauthorised, irregular, or improper, or be concerned to see to the application or disposition of any purchase money interest or other money paid by him.

**Moneys,
arising
from sale,
etc.**

11. The moneys (if any) arising from any sale or other dealing purporting to be made under the powers granted by or under this Act shall be paid to the trustees and the receipt of the trustees shall be an effective discharge therefor.

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12. The trustees may repair, alter, add to, pull down, rebuild or renew any buildings or structures forming part of the trust property and for such purposes may use any moneys which are or may be in their hands or under their control and may raise on mortgage such sums as may be required for such purposes. Repair of
buildings,
etc. }

13. (1) The trustees may insure against loss or damage, whether by fire or otherwise, any insurable property forming part of the trust property and against any risk or liability against which it would be prudent for a person to insure if he were acting for himself. Insurance. }

(2) The insurance may be for any amount provided that together with the amount of any insurance already on foot, the total shall not exceed the insurable value or liability.

(3) The premiums may be paid by the trustees out of the income derived from the trust property.

14. (1) The trustees may, out of the moneys receivable in respect of any insurance policy, rebuild, reinstate, replace, or repair any property lost or damaged. Application
of moneys
received
from
insurance. }

(2) Any moneys receivable in respect of any insurance policy not so expended shall form part of the trust property and be held by the trustees accordingly.

15. The trustees shall be responsible for the care management control and maintenance of the trust property pending the sale and realisation thereof to the extent only of moneys in their hands or at their disposal for such purposes. Responsi-
bility of
trustees for
care, etc.,
of trust
property. }

16. The proceeds of such sale disposal and getting in of the trust property after deducting therefrom all costs charges mortgages encumbrances and commissions in connection with such sale disposal and getting in and after payment thereof of all outstanding debts and liabilities of the Society of which the trustees shall have notice before such payment as is hereinafter mentioned Payment of
proceeds of
sale to
New Society
and others. }

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mentioned shall be paid by the trustees to the New Society or to such other charitable associations organisations or funds and in such amounts or proportions as the trustees may think fit and as may be approved in writing by the Chief Secretary.

Discharge to
trustees for
moneys paid
by trustees.

17. The receipt of the President Secretary or Treasurer of the New Society or of any such other charitable association organisation or fund as is mentioned in section sixteen of this Act shall be a sufficient discharge to the trustees for the moneys so paid by the trustees who shall not be concerned to see to the application or disposition of such moneys.

SCHEDULE.

ALL THAT piece or parcel of land situated in the City and Parish of Newcastle, County of Northumberland and State of New South Wales being part of Lot 43 Section L of the Australian Agricultural Company's estate, having a frontage of forty-four feet to Parry Street and a depth of ninety-one feet eight inches, be the said dimensions a little more or less, on which is erected a weatherboard cottage, number nine Parry Street.
