

# Orange Show Ground Act 1897 (Private Act)

[1897-osg]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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# Orange Show Ground Act 1897 (Private Act)



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An Act to authorise the trustees of the Orange Pastoral and Agricultural Association to mortgage certain lands granted to the said trustees for the use and general purposes of the said Association for the purpose of enabling the said trustees to pay off the present liabilities of the said Association incurred in erecting the buildings and improvements now standing upon the said lands, and to effect further permanent improvements thereon; and also to sell the same lands, and to purchase other lands in the town of Orange or in the vicinity of the said town for the use of the said Association, and to mortgage the lands so to be purchased for the purpose of enabling the said trustees to effect permanent improvements thereon.

## Preamble

WHEREAS by deed-poll or grant from the Crown, bearing date the twenty-sixth day of June, in the fifty-ninth year of the reign of Her Most Gracious Majesty Queen Victoria, and in the year of our Lord one thousand eight hundred and ninety-five, and registered volume one thousand one hundred and eighty-two, folio ninety-six, under the hand of His Excellency the Honorable Sir Frederick Matthew Darley, Knight, then Lieutenant-Governor of the Colony of New South Wales, all that piece or parcel of land in the said Colony, containing by admeasurement twelve acres three roods thirty-five perches, be the same more or less, situated in the county of Bathurst, parish of Orange, town of Orange, section forty-seven: Commencing at a point where the southern side of Moulder-street meets the western side of Pieslie-street; and bounded thence on the north by Moulder-street aforesaid bearing west ten chains to Lord's-place; on the west by Lord's-place bearing south twelve chains ninety-seven links to Endsleigh-street; on the south by Endsleigh-street aforesaid bearing east ten chains to Pieslie-street aforesaid; and on the east by Pieslie-street aforesaid bearing north twelve chains ninety-seven links to the point of commencement, was thereby granted unto Andrew Taylor Kerr, Thomas Dalton, Frederick Treweeke, Henry William Larance, and John William Smith, and their heirs and assigns for ever, subject to the reservations and provisos hereinafter mentioned, and upon and for the trusts, intents, and purposes hereinafter declared of and concerning the said land, that was to say upon trust to use the said land as a show ground for the use and general purposes of the Orange Pastoral and Agricultural Society, and for no other use, trust, or purpose whatsoever: And it was thereby declared that when and so often as the said Andrew Taylor Kerr, Thomas Dalton, Frederick Treweeke, Henry William Larance, and John William Smith, or any trustee or trustees to be appointed by virtue thereof should die, resign, cease to reside in the said Colony, or become incapable of acting

in the trusts thereby created, it should be lawful for the Governor for the time being of the said Colony, with the advice of the Executive Council thereof, from time to time, by writing under his hand, to name and appoint a new trustee or trustees in the place and stead of any trustee or trustees so dying, resigning, ceasing to reside in the said Colony, or becoming incapable of acting in the said trusts, and upon every such appointment the trust property should be transferred so that the same might be vested in the trustees or trustee for the time being upon the trusts and for the intents and purposes thereinbefore created and declared of and concerning the same: And whereas the said John William Smith died on the fifteenth day of October, one thousand eight hundred and ninety-five: And whereas His Excellency Viscount Hampden, Governor of the said Colony, with the advice of the Executive Council thereof, on the eleventh day of April last, duly named and appointed John Kenna as a new trustee in the place and stead of the said John William Smith: And whereas the said Frederick Treweeke died on or about the twentieth day of July, one thousand eight hundred and ninety-six, and no new trustee has been appointed in the place or stead of the said Frederick Treweeke: And whereas the said trustees have for some time since permitted the members of the said Association to have the use and enjoyment of the land as a show ground, and the Association has expended large sums of money in making and erecting fences, grand stand, sheep pavilion, pavilion, and other buildings and improvements on the said land for the purpose of carrying out the objects of the said trusts: And whereas it is desired to pay off the present liabilities of the said Association incurred in making and erecting the buildings and improvements hereinbefore mentioned or referred to, and effect further permanent improvements on the said land: And whereas it is expedient that the said trustees should have power to mortgage the said land for the purposes mentioned in the recital lastly hereinbefore contained: And whereas circumstances have arisen which render the said land unsuited to the requirements of the said Association, and it is expedient that the said trustees should have power to sell the same, and that the proceeds to arise from such sale should be applied in or towards the purchase of land in the town or vicinity of the town of Orange aforesaid, to be held for the like purposes, and in or towards effecting permanent improvements on the land so to be purchased as aforesaid, and that the said trustees should have power to mortgage the land so to be purchased as aforesaid as hereinafter provided:

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 Trustees may mortgage or sell**

It shall be lawful for the trustees (which expression shall be deemed to include the trustees for the time being of the said association):

- (l) with the consent of the Secretary for Lands, from time to time, to raise money on mortgage of the said land so granted as aforesaid by the hereinbefore recited Crown grant or any part thereof, and for that purpose to transfer and assure the same to the mortgagee, and

(II) to sell and dispose of the same by public auction or private contract, and either in one lot or in several lots, and either at one time or at different times, and upon such terms and conditions as they may deem expedient, for such price as can be reasonably obtained for the same, with power to buy in at any sale, and to rescind or vary any contract for sale, and to resell without being responsible for any loss occasioned by such rescission and resale, and to transfer and assure the same to the purchaser,

and the land so transferred and assured shall vest in the mortgagee or purchaser freed and discharged from any trust under the hereinbefore recited Crown grant affecting the same, and the receipt in writing of the trustees shall, in the absence of fraud, be a sufficient discharge to a mortgagee or purchaser of the said land or any portion thereof, and exonerate him from seeing to the application of the moneys advanced or paid by him, and from all liability in respect of any misapplication or non-application thereof.

## **2 Trustees may give credit**

It shall be lawful for the trustees to allow any purchaser or purchasers credit for the payment of the whole or any part of the purchase money upon such terms as to interest or otherwise as the trustees may deem reasonable and expedient.

## **3 Application of proceeds of sale**

The trustees shall stand possessed of the moneys arising from such mortgage or sale upon trust to apply the same in or towards the liquidation of the present liabilities incurred in effecting improvements on the said land, and in and towards the purchase of other land in the town or in the vicinity of the town of Orange aforesaid, upon such terms and conditions and for such price or prices as to the trustees shall seem fit, and (save as hereinafter otherwise provided) the land so purchased shall be subject to any trust which, in virtue of the Crown grant hereinbefore mentioned, affected the land granted as aforesaid, and shall be held by the trustees for the use and general purposes of the Orange Pastoral and Agricultural Association, with the same powers and subject to the same limitations as they now hold the land so granted as aforesaid.

## **4 Power to mortgage purchased lands**

The trustees for the time being of the land purchased under the powers conferred by section three of this Act are hereby empowered from time to time with the consent of the Secretary for Lands to execute any mortgage of the said land or lands, or any part or parts thereof, freed and discharged from any trust affecting the same for the purpose of securing the purchase money of the same or any part thereof, or for erecting permanent improvements thereon, and the receipt of such trustees shall be a sufficient discharge to any person or persons bona fide advancing money upon mortgage thereof, and shall exonerate any such person from seeing to the application of such money, and from all liability in respect of any misapplication or non-application thereof.

## **5 Power of Governor to remove and appoint trustees and to make regulations**

The Governor, with the advice of the Executive Council, shall, as to the removal and appointment of trustees of the land or lands purchased under the provisions of section three, and as to the making of rules and regulations in respect thereof, have all the powers conferred upon him by section one hundred and six of the *Crown Lands Act of 1884* in respect of lands dedicated for the public purposes therein mentioned.

## **6 Name of Act**

This Act may be cited as the *Orange Show Ground Act 1897*.