

Newcastle Agricultural, Horticultural, and Industrial Association Act of 1905 (Private Act)

[1905-nah]



New South Wales

Status Information

Currency of version

Repealed version for 7 December 2007 to 10 July 2008 (accessed 23 December 2024 at 6:50)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

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

Notes—

- **Repeal**

The Act was repealed by sec 42 (2) (a) of the [Sporting Venues Authorities Act 2008 No 65](#) with effect from 11.7.2008.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Contents

Long title	3
Preamble	3
1 Power to mortgage	4
2 Application of proceeds	4
3 Governor may appoint and remove trustees, and make regulations	4
4 Name of Act	4
5 Repeal of Act does not affect operation of certain provisions	4

Newcastle Agricultural, Horticultural, and Industrial Association Act of 1905 (Private Act)



New South Wales

An Act to empower the trustees of certain lands at Newcastle, in the State of New South Wales, dedicated and granted for the use of the Newcastle Agricultural, Horticultural, and Industrial Association, to mortgage the said lands, and to raise money on mortgage of the said lands; and for other purposes in connection therewith.

Preamble

WHEREAS by notice in the Government Gazette, of the second day of August, one thousand nine hundred and five, portions two thousand two hundred and forty-eight, two thousand two hundred and forty-nine, two thousand two hundred and fifty, two thousand two hundred and fifty-one, two thousand two hundred and fifty-two, two thousand two hundred and fifty-three, two thousand two hundred and fifty-four, two thousand two hundred and fifty-five, two thousand two hundred and fifty-six, two thousand two hundred and fifty-seven, two thousand two hundred and fifty-eight, two thousand two hundred and fifty-nine, two thousand two hundred and sixty, two thousand two hundred and sixty-one, two thousand two hundred and sixty-two, two thousand two hundred and sixty-three, two thousand two hundred and sixty-four, two thousand three hundred and twenty-six, two thousand four hundred and ninety-six, and a strip of land lying between portions two thousand four hundred and ninety-eight and two thousand four hundred and thirty-six, making a total area of seventeen acres five and three-quarter perches, exclusively of a reserve one chain wide for a drain passing through portion two thousand four hundred and ninety-eight in a south-easterly direction, the area of which has been deducted in estimating such total area, all situated in the county of Northumberland, parish of Newcastle, at Newcastle, were dedicated by the Governor, with the advice of the Executive Council, for the use of the Newcastle Agricultural, Horticultural, and Industrial Association, subject to certain conditions therein specified: And whereas by notice in the Government Gazette of the twenty-seventh day of September, one thousand nine hundred and five, the Governor, with the advice aforesaid, had been pleased to approve of the appointment of certain persons therein mentioned as trustees of the said lands: And whereas it is expedient that the said trustees should have power to mortgage the said lands, and with the proceeds thereof pay off the liabilities incurred in effecting improvements thereon, and to effect other improvements thereon, as is hereinafter provided:

Be it therefore enacted by the King'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 Power to mortgage

- (1) It shall be lawful for the trustees for the time being of the said lands, with the written consent of the then Secretary for Lands, from time to time to raise money on mortgage of the said lands or any part thereof; and for that purpose to execute any necessary instruments, and the receipt in writing of the trustees shall, in the absence of fraud, be a sufficient discharge to a mortgagee of the said lands, or any portion thereof, and shall exonerate him from seeing to the application or nonapplication of the moneys paid or advanced by him from all liability in respect of any misapplication or nonapplication thereof.
- (2) A mortgage under this Act may contain a power of sale.
- (3) Where a mortgage is given pursuant to this Act the land comprised in such mortgage shall, in the hands of the mortgagee and of any person claiming through or under him, be freed and discharged from any trust or dedication affecting such land.

2 Application of proceeds

The said trustees shall stand possessed of the moneys arising from any such mortgage, upon trust, to apply the same in payment and discharge of the present liabilities existing on the said lands, and, further, in the effecting of other improvements, and in the conduct and management of the affairs of the said association.

3 Governor may appoint and remove trustees, and make regulations

The Governor, with the advice of the Executive Council, shall, as to the removal and appointment of trustees of the said lands, and as to the making of rules and regulations for the proper control and management of the said lands, have all the powers conferred on him by section one hundred and six of the *Crown Lands Act of 1884* in respect of the lands dedicated for the public purposes therein mentioned.

4 Name of Act

This Act may be cited as the *Newcastle Agricultural, Horticultural, and Industrial Association Act of 1905*.

5 Repeal of Act does not affect operation of certain provisions

- (1) Despite the repeal of the *Newcastle Agricultural, Horticultural, and Industrial Association (Extension) Act 1925*, section 2 of, and the Schedule to, that Act continue to have effect and are taken to have been transferred to this Act.
- (2) Section 2 of, and the Schedule to, the *Newcastle Agricultural, Horticultural, and Industrial Association (Extension) Act 1925* are transferred provisions to which section

30A of the *Interpretation Act 1987* applies.