

New South Wales.



ANNO SECUNDO

EDWARDI VII REGIS.

Act No. 68, 1902.

An Act to consolidate the enactments for enabling 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, for providing for the appointment of new trustees, and for other matters in connection therewith. [Assented to, 5th September, 1902.]

BE it 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. This Act may be cited as the "Trustees of Schools of Arts Enabling Act, 1902." Short title.
- 2. (1) The Act fifty-seven Victoria number five is hereby repealed. Repeal and savings.
- (2) All sales, leases, or mortgages effected, all resolutions passed or carried, all notices given or published, all consents or approvals obtained, and all persons appointed or elected under the provisions

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provisions of the Act hereby repealed and existing, having any effect, or holding office, as the case may be, at the time of the passing of this Act, shall be deemed to have been effected, passed, carried, given, published, obtained, appointed, or elected respectively hereunder.

Interpretation.
57 Vic. No. 5, ss. 1
and 12.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“institution” means Mechanics’ Institute, School of Arts, or other institution for public instruction or amusement;

“lands” means lands reserved, dedicated, granted, or held for any institution;

“Minister” means the Minister administering the Public Instruction Act of 1880, or any Act in substitution of the same;

“trustee” means trustee of lands.

Saving of particular
Acts.
Ibid. s. 11.

4. Nothing in this Act shall affect any of the provisions of any Act relating to any particular institution or the trustees thereof.

Mode of obtaining
power to sell, &c.
Ibid. s. 2.

5. (1) Any trustees desiring to sell, lease, or mortgage any lands or any part thereof, may, by giving fourteen days’ notice by advertisement in two separate issues of a newspaper circulating in the district in which such lands are situate, convene for the special purpose of considering the desirability of such sale, lease, or mortgage, a meeting of the members of the institution for which such lands are reserved, dedicated, granted, or held.

First meeting.

Second meeting.

(2) If at such meeting a resolution to the effect that it is desirable to sell, lease, or mortgage such lands is duly passed and carried by a majority of not less than three-fourths of such members present at such meeting, the trustees may, by giving fourteen days’ notice as aforesaid, convene for the special purpose of confirming such resolution a second meeting of such members.

When to be held.

(3) Such second meeting shall be held not less than one month from the date of holding the meeting first above-mentioned.

Confirmation of
resolution.

(4) At such second meeting such resolution may be confirmed by a resolution duly passed and carried by a majority of not less than three-fourths of such members present at such second meeting.

Application for
Minister’s consent.
Ibid. s. 2.

6. Such trustees may also apply to the Minister on a full statement to him of the facts relating to the proposed sale, lease, or mortgage, for his consent thereto in writing.

Consent.
Ibid. s. 5.

7. (1) 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.

General and
particular consent.
Ibid. s. 3.

(2) In the case of an application for leave to sell or lease any lands, the Minister may give his consent either generally by authorising the sale or lease of such lands subject to such conditions, restrictions, reservations,

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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.

(3) In the case of an application for leave to mortgage any land, 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.

8. (1) After the confirmation of such resolution as aforesaid and after obtaining the written consent hereinbefore mentioned, and not otherwise, the trustees may sell, lease, or mortgage the lands, in respect of which such resolution was passed and consent given, according to the terms of such consent :

Sale, lease, and mortgage.

57 Vic. No. 5, s. 1.

Provided that where the Minister has given his consent generally, as in the next preceding 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 of by him.

Proviso.

Ibid. s. 4.

(2) A mortgage under this Act may contain a power of sale.

Power of sale.

Ibid. s. 3.

9. (1) 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.

Minister may appoint person to execute conveyance.

Ibid. s. 6.

(2) The receipt of the person so appointed shall be a sufficient discharge to any purchaser, lessee, or mortgagee bona fide paying money in respect of any sale, lease, or mortgage under this Act.

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

Bona fide purchaser protected.

Ibid. s. 7.

11. (1) 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 directs.

Proceeds to be held on trust and invested.

Ibid. s. 8.

(2) 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 directs.

12. 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.

Conveyance to vest lands free from trust.

Ibid. s. 9.

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Resignation of trustees.
57 Vic. No. 5, s. 10.
Appointment of new trustees.
Ibid.

13. Any trustee, whether appointed as hereinafter provided, or otherwise, may resign by giving written notice to the Minister.

14. (1) If any trustee, whether appointed as hereinafter provided or otherwise, resigns, or dies, or becomes bankrupt or insane, or if for any other reason it is not desirable that he should continue in the administration of the trust, the members of the institution may, 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 five, declare the office of such trustee vacant, and thereupon the office of such trustee shall be vacant.

(2) A copy of such resolution shall be sent to the Minister.

(3) Thereupon such members may, at a second meeting, of which notice shall be given as aforesaid, elect one or more new trustees to fill the vacancy so caused.

(4) If the Minister approves of the new trustee or trustees so elected, or any of them, he shall declare his approval by notice in the Gazette.

(5) 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 any.

By Authority : WILLIAM APPEGATE GULLICK, Government Printer, Sydney, 1902.

[3d.]

I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Legislative Council Chamber,
Sydney, 20th August, 1902. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



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EDWARDI VII REGIS.

Act No. 68, 1902.

An Act to consolidate the enactments for enabling 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, for providing for the appointment of new trustees, and for other matters in connection therewith. [Assented to, 5th September, 1902.]

BE it 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. This Act may be cited as the "Trustees of Schools of Arts Short title. Enabling Act, 1902."

2. (1) The Act fifty-seven Victoria number five is hereby Repeal and savings. repealed.

(2) All sales, leases, or mortgages effected, all resolutions passed or carried, all notices given or published, all consents or approvals obtained, and all persons appointed or elected under the provisions

Trustees of Schools of Arts Enabling.

provisions of the Act hereby repealed and existing, having any effect, or holding office, as the case may be, at the time of the passing of this Act, shall be deemed to have been effected, passed, carried, given, published, obtained, appointed, or elected respectively hereunder.

3. In this Act, unless the context or subject-matter otherwise indicates or requires,—

“institution” means Mechanics’ Institute, School of Arts, or other institution for public instruction or amusement;

“lands” means lands reserved, dedicated, granted, or held for any institution;

“Minister” means the Minister administering the Public Instruction Act of 1880, or any Act in substitution of the same;

“trustee” means trustee of lands.

4. Nothing in this Act shall affect any of the provisions of any Act relating to any particular institution or the trustees thereof.

5. (1) Any trustees desiring to sell, lease, or mortgage any lands or any part thereof, may, by giving fourteen days’ notice by advertisement in two separate issues of a newspaper circulating in the district in which such lands are situate, convene for the special purpose of considering the desirability of such sale, lease, or mortgage, a meeting of the members of the institution for which such lands are reserved, dedicated, granted, or held.

(2) If at such meeting a resolution to the effect that it is desirable to sell, lease, or mortgage such lands is duly passed and carried by a majority of not less than three-fourths of such members present at such meeting, the trustees may, by giving fourteen days’ notice as aforesaid, convene for the special purpose of confirming such resolution a second meeting of such members.

(3) Such second meeting shall be held not less than one month from the date of holding the meeting first above-mentioned.

(4) At such second meeting such resolution may be confirmed by a resolution duly passed and carried by a majority of not less than three-fourths of such members present at such second meeting.

6. Such trustees may also apply to the Minister on a full statement to him of the facts relating to the proposed sale, lease, or mortgage, for his consent thereto in writing.

7. (1) 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.

(2) In the case of an application for leave to sell or lease any lands, the Minister may give his consent either generally by authorising the sale or lease of such lands subject to such conditions, restrictions, reservations,

Interpretation.

57 Vic. No. 5, ss. 1 and 12.

Saving of particular Acts.

Ibid. s. 11.

Mode of obtaining power to sell, &c.

Ibid. s. 2.

First meeting.

Second meeting.

When to be held.

Confirmation of resolution.

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Consent.

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General and particular consent.

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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.

(3) In the case of an application for leave to mortgage any land, 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.

8. (1) After the confirmation of such resolution as aforesaid and after obtaining the written consent hereinbefore mentioned, and not otherwise, the trustees may sell, lease, or mortgage the lands, in respect of which such resolution was passed and consent given, according to the terms of such consent : Sale, lease, and mortgage. 57 Vic. No. 5, s. 1.

Provided that where the Minister has given his consent generally, as in the next preceding 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 of by him. Proviso. Ibid. s. 4.

(2) A mortgage under this Act may contain a power of sale. Power of sale. Ibid. s. 3.

9. (1) 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. Minister may appoint person to execute conveyance. Ibid. s. 6.

(2) The receipt of the person so appointed shall be a sufficient discharge to any purchaser, lessee, or mortgagee bona fide paying money in respect of any sale, lease, or mortgage under this Act.

10. No purchaser, lessee, or mortgagee dealing bona fide with a person appointed under section nine shall be prejudiced or affected by any omission or irregularity in respect of any of the matters prescribed by this Act. Bona fide purchaser protected. Ibid. s. 7.

11. (1) 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 directs. Proceeds to be held on trust and invested. Ibid. s. 8.

(2) 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 directs.

12. 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. Conveyance to vest lands free from trust. Ibid. s. 9.

Trustees of Schools of Arts Enabling.

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(2) A copy of such resolution shall be sent to the Minister.

(3) Thereupon such members may, at a second meeting, of which notice shall be given as aforesaid, elect one or more new trustees to fill the vacancy so caused.

(4) If the Minister approves of the new trustee or trustees so elected, or any of them, he shall declare his approval by notice in the Gazette.

(5) 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 any.

In the name and on the behalf of His Majesty I assent to this Act.

HARRY H. RAWSON,
Governor.

State Government House,
Sydney, 5th September, 1902.

Certificate to accompany the Trustees of Schools
of Arts Enabling Bill.

I CERTIFY that this Bill solely consolidates and in no way alters, adds to, or amends the law as contained in the enactments therein consolidated.

CHAS. G. HEYDON,
Commissioner for the Consolidation of the Statute Law.

Trustees of Schools of Arts Enabling Bill.

TABLE showing how the enactments consolidated have been dealt with.

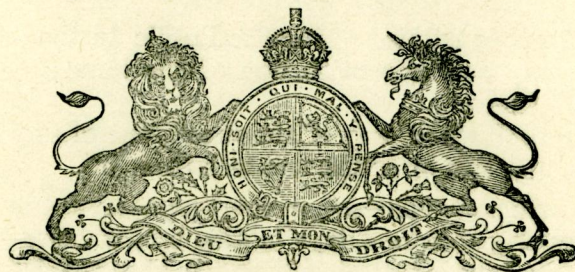
Section of Repealed Act.	Section of Consolidated Act.	Remarks.
57 VICTORIA No. 5.		
1	3, 8 (1)	
2	5, 6	
3	7 (2), (3), 8 (2)	
4	8	
5	7 (1)	
6	9	
7	10	
8	11	
9	12	
10	13, 14	
11	4	
12	3	Part omitted: Short title.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 9th July, 1902. }*

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



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EDWARDI VII REGIS.

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(2) If at such meeting a resolution to the effect that it is desirable to sell, lease, or mortgage such lands is duly passed and carried by a majority of not less than three-fourths of such members present at such meeting, the trustees may, by giving fourteen days’ notice as aforesaid, convene for the special purpose of confirming such resolution a second meeting of such members.

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(3) In the case of an application for leave to mortgage any land, 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.

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(2) A mortgage under this Act may contain a power of sale. Power of sale. Ibid. s. 3.

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