

WAGGA WAGGA
SCHOOL OF
ARTS ENABLING.

An Act to enable the Trustees of the Wagga Wagga School of Arts to mortgage certain lands situated in the town of Wagga Wagga, or lease any part thereof; and for declaring the trusts of the moneys raised by such mortgage or lease. [6th December, 1892.]

Preamble.

WHEREAS by Crown grant under the hand and seal of the Right Honorable Charles Robert Baron Carrington, Governor and Commander-in-Chief of the Colony of New South Wales, bearing date the twenty-seventh day of October, in the year one thousand eight hundred and eighty-six, entered on the register book, volume eight hundred and thirteen, folio one hundred and forty-five, Her Majesty did give and grant unto Alexander Thorley Bolton, James Gormly, Harry Berkeley Fitzhardinge, James Robert Garland, and Charles Hardy, all of Wagga Wagga aforesaid, their heirs and assigns, all that parcel of land described in the First Schedule hereto, upon trust to permit and suffer the said land to be approved as a site or place for the erection of such building or buildings for the School of Arts, established in the town of Wagga Wagga, as the president, senior vice-president, and treasurer, for the time being of such institution or other the managing officers thereof should think fit: And whereas by Crown grant under the hand and seal of the said Right Honorable Charles Robert Baron Carrington, bearing date the seventh day of August, in the year one thousand eight hundred and eighty-eight, entered on the register book, volume

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volume eight hundred and eighty-nine, folio two hundred and seventeen, Her Majesty did give and grant unto the said Alexander Thorley Bolton, James Gormly, Harry Berkeley Fitzhardinge, James Robert Garland, and Charles Hardy, their heirs and assigns, all that parcel of land described in the Second Schedule hereto to be held by them upon similar trusts to those hereinbefore recited : And whereas in pursuance and execution of the said trusts certain buildings were erected on the said land described and set out in the First and Second Schedules hereto for the purpose of carrying out the objects of the said institution : And whereas there is a debt due by the said institution to the Australian Joint Stock Bank, of the sum of two hundred and fifty pounds, or thereabouts for money advanced at various times for the purpose of effecting improvements to the said institution : And whereas the present accommodation is unsuited to the requirements of the said institution, and the buildings in use are in need of repair and enlargement, and it is expedient that the said Alexander Thorley Bolton, James Gormly, Harry Berkeley Fitzhardinge, James Robert Garland, and Charles Hardy should have power to raise money, by mortgage of the said lands described and set out in the First and Second Schedules to this Act for the purpose of adding to, enlarging, altering, and repairing the buildings now standing upon the said lands, or for pulling down the said buildings and rebuilding on the said lands : And whereas circumstances may arise which may render it necessary or desirable in the interest of the institution that some part of the land should be leased in manner hereinafter also provided : And whereas such power of mortgage or lease cannot be obtained without legislative sanction : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the 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. The words "the land" mean the said land described in the First and Second Schedules to this Act, and include the buildings and fences which now are or may hereafter be thereon, and the rights, easements, appendages, and appurtenances thereto, or usually held and enjoyed therewith, or reputed so to be. The words "the trustees" mean and include the said Alexander Thorley Bolton, James Gormly, Harry Berkeley Fitzhardinge, James Robert Garland, and Charles Hardy, and the survivors and survivor of them, and the trustees or trustee for the time being, in whom the land shall be vested. The words "the institution" mean the Wagga Wagga School of Arts. The words "the committee" mean the committee of management for the time being of the institution. Interpretation.

2. It shall be lawful for the trustees for the purpose of raising any sum or sums of money not exceeding four thousand pounds, which in their opinion it may be desirable to borrow for the purpose of adding to, enlarging, altering, and repairing the buildings now standing upon the land, or for pulling down the said buildings and rebuilding on the land, to execute any mortgage or mortgages in fee or for a less estate of the whole, or any part or parts of the land, and either with or without power of sale in case of default, and such other powers, provisions, and covenants, as the trustees shall think fit : Provided that no person who shall advance money upon the security of any mortgage purporting to be made under the power hereby given, shall be bound to inquire as to the advisability or propriety of the raising of such money, or as to the application of such money when raised and advanced, and the receipt of the trustees for the moneys so advanced shall effectually discharge the person or persons so advancing the same from being bound to see to the application thereof, and from any liability in respect of the misapplication or non-application thereof. Power to borrow money for building, &c.

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Power to lease.

3. It shall be lawful for the trustees, subject to the provisions hereinafter contained, to demise for any term not exceeding twenty-one years, any part of the land for such rent or rents, and with such conditions, provisions, and covenants as to the trustees shall seem fit, and to execute such leases thereof as they shall see fit: Provided always that all rents, received from such leases shall be applied in the first instance in and towards payment of the interest upon any mortgage executed under the power hereinbefore given, and the balance, if any, shall be devoted to the general purposes of the institution.

When power of mortgage and lease to be exercised.

4. The powers of mortgage and lease hereby conferred shall not nor shall either of them be exercised unless the same shall be authorised by a resolution duly passed and carried by not less than three-fourths of the members of the institution as may be present at a meeting specially convened for the purpose, and of which at least fourteen days' notice shall have been given by advertisement in two separate issues of at least two local newspapers; and provided that such resolution shall have been confirmed by a resolution duly passed and carried by a like majority of the members present at a subsequent special general meeting of the members of the institution, of which a similar notice as aforesaid shall have been duly given and held at an interval of not less than fourteen days, nor more than one month, from the date of the meeting at which such resolution shall have been first passed and carried; and provided further that no mortgagee shall be bound or concerned to see or inquire whether any such authority shall have been given or confirmed as aforesaid nor be affected by notice that the same has not been so given or confirmed. And provided also that prior to any proposed mortgage or lease being completed, the consent of the Minister of Public Instruction for the time being shall be obtained in writing, after a full statement to him of the facts relating to such proposed mortgage or lease.

Money raised on mortgage or lease objects of trust.

5. The trustees shall stand possessed of the moneys raised by any such mortgage or lease upon trust, in the first place to pay the costs and expenses incurred in the procuring and passing of this Act, and in the second place to pay the amount due to the Australian Joint Stock Bank aforesaid, and in the next place to apply the same in such manner and form as the committee shall determine by resolution, and as the Minister of Public Instruction shall approve, in and towards the adding to, enlarging, altering, and repairing the buildings now standing upon the said land, or for pulling down the said buildings and rebuilding on the said land according to the plans and specifications, to be approved of by a majority of the members present and entitled to vote at a special general meeting of the members of the said institution, of which at least fourteen days' notice shall have been given by advertisement published in two separate issues of at least two local newspapers: Provided always that it shall be lawful to apply from time to time so much of the funds of the institution as the committee of the institution shall think proper in and towards the payment of, or in and towards providing a sinking fund for the payment of the principal and interest due and owing on the security of any mortgage executed under the power hereinbefore contained.

Short title.

6. This Act may be cited as the "Wagga Wagga School of Arts Enabling Act."

King's School Council.

SCHEDULES.

FIRST SCHEDULE.

All that piece or parcel of land containing by admeasurement one rood one perch and half a perch, be the same more or less, situate, lying, and being in the Colony of New South Wales, in the county of Wynyard, parish of South Wagga Wagga, and town of South Wagga Wagga, being allotment number one of section number thirty-eight: Commencing on the south-eastern side of Johnston-street, at the western corner of allotment number five; and bounded thence on the north-west by that street south-westerly two chains sixty links; on the south-west by part of the north-eastern boundary line of allotment number two south-easterly, at right angles to Johnston-street, one chain; on the south-east by the north-western boundary line of allotment number three north-easterly, parallel with Johnston-street, two chains sixty links; and on the north-east by the south-western boundary line of allotment number five aforesaid north-westerly, at right angles to Johnston-street, one chain, to the point of commencement.

SECOND SCHEDULE.

All that piece or parcel of land containing by admeasurement eight perches, be the same more or less, situate, lying, and being in the Colony of New South Wales, in the county of Wynyard, parish of South Wagga Wagga, and town of South Wagga Wagga, being allotment number five of section number thirty-eight: Commencing on the south-eastern side of Johnston-street, at its intersection with the south-western side of Fitzmaurice-street; and bounded thence on the north-west by Johnston-street bearing south sixty degrees west fifty links; on the south-west by the north-eastern boundary of allotment one, of one rood one perch and half a perch, bearing south thirty degrees east one chain; on the south-east by the north-western boundary of allotment four of twenty-six perches and three-fourths of a perch, bearing north sixty degrees east fifty links to Fitzmaurice-street aforesaid; and on the north-east by that street bearing north thirty degrees west one chain, to the point of commencement.
