

THE TWENTY-NINTH SCHEDULE.

(Section 31.)

KING ISLAND.
PARISH OF NUGARA.
4A. 3r. 27 1/10p.

Commencing at the north-west angle of 6 acres 3 roods 13 1/10 perches purchased by N. C. Burgess and bounded on the east by 8 chains 69 6/10 links southerly along 6 acres 3 roods 13 1/10 perches aforesaid on the south by 8 chains 24 links westerly along an access road on the south-west by 1 chain 34 8/10 links north-westerly along a main road one chain wide on the north-west by 3 chains 52 3/10 links north-easterly along a public road one chain wide on the west by 6 chains 66 4/10 links northerly in three bearings again along that road and along 49 acres 1 rood 0 perches purchased by F. G. Miller and thence on the north by 4 chains 99 9/10 links easterly along portion of 30 acres 0 roods 11 perches purchased by K. H. Robinson to the point of commencement as the same is shown on Survey Diagram Volume 196R Folio 8.

THE THIRTIETH SCHEDULE.

(Section 32.)

LAND DISTRICT OF FLINDERS.
PARISH OF CAPE BARREN ISLAND.

All that area of Crown land containing 1 rood 17 2/10 perches being lots 1 and 2 as shown on Survey Diagram Volume 217 Folio 5.

GUESDON BEQUEST (ADMINISTRATION).**No. 65 of 1972.**

AN ACT to authorize the substitution of certain beneficiaries under the Guesdon bequest in favour of certain institutions and for other purposes incidental to the administration of the trust.

[21 December 1972.]

WHEREAS by his will William Andrew Guesdon late of Denmark Lodge, The Grove, Clapham Common in the County of Surrey in England, Gentleman, deceased, devised to his executors a sum of money and the residue of his estate on trust to be applied for such philanthropic and charitable purposes in England, Wales, Scotland, and Tasmania as they should consider most deserving of support: Preamble.

And whereas by Order dated the sixteenth day of June 1898 in the High Court of Justice a scheme for the appropriation of a specified sum from that sum of money and residue to be applied in this State was ordered to be adopted:

And whereas there was specified in that scheme a number of charitable institutions which have ceased or will cease to exist and it is expedient to enable the trustees to apply sums of money set aside for certain charitable institutions for the benefit of other institutions having similar objects in accordance with the intentions of the testator:

And whereas for the better administration of the trust it is expedient to empower the trustees in certain cases to substitute beneficiaries under the bequest and to enlarge their authority to invest trust funds:

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title. **1** This Act may be cited as the *Guesdon Bequest (Administration) Act 1972*.

Interpretation. **2—(1)** In this Act, unless the contrary intention appears—

“charitable institution” means an institution specified in the scheme referred to in the preamble to this Act and includes any institution substituted for any of those institutions by the Supreme Court or by section three or by the trustees under the authority of an approval of the Attorney-General in that behalf given as provided by section four;

“deceased” means *William Andrew Guesdon* late of Denmark Lodge, The Grove, Clapham Common in the County of Surrey in England, Gentleman, deceased;

“trustees” means the trustees in this State from time to time of the deceased and includes any two of those trustees acting together.

(2) A reference in this Act to a sum shall be construed as a reference to a sum of money held in trust by the trustees under the will of the deceased.

Substitution of certain institutions as beneficiaries.

3 Notwithstanding anything contained in the will of the deceased, the trustees may apply the sums specified in Part I of the schedule being the sums which, prior to the commencement of this Act, were applicable for the benefit of the charitable institutions appearing opposite each sum in that Part for the benefit of the institutions set out in Part II of the schedule to the extent in each case of the sums appearing opposite each institution in that Part.

Power to substitute institutions as beneficiaries in place of institutions ceasing to exist.

4—(1) In any case in which any charitable institution has ceased, or is about to cease, to exist, the trustees shall make such inquiry as to them seems proper and adequate for the purpose of ascertaining some other institution in this State having similar objects to that charitable institution, regard being had to the intentions of the deceased as appearing from his will, and shall certify in writing their opinion therein to the Attorney-General.

(2) A certificate of the trustees under subsection (1) of this section that a charitable institution has ceased or will cease to exist and of proper and adequate inquiry and of their opinion as in that subsection referred to is, for all purposes, conclusive evidence of those facts.

(3) In certifying their opinion under subsection (1) of this section as to an institution which may properly be endowed in substitution for a charitable institution which has or will cease to exist, the trustees may apply to the Attorney-General for his approval under this section.

(4) On receiving the certificate of the trustees, referred to in subsection (1) of this section, and on application by them under subsection (3) of this section, the Attorney-General may, in writing, approve of the substitution of the institution therein referred to for the charitable institution which has ceased, or will cease, to exist and may specify in such approval the terms and conditions (if any) on and subject to which it is given.

(5) An approval of the Attorney-General under this section is authority for the trustees, in accordance with the terms and conditions (if any) specified therein, to apply for the benefit of the institution in respect of which the approval was given the sum formerly applied for the benefit of the charitable institution which has ceased, or will cease, to exist and any accumulations thereof to the total exclusion of that charitable institution.

(6) The Attorney-General may specify in an approval under this section a date for the purpose of this section being either antecedent or subsequent to the date of the approval and the authority thereby afforded shall be effective as from that date; if no date is so specified such authority shall be effective from the date of the approval.

5—(1) To any extent to which there is or may be any doubt as to the validity of the application by the trustees of any sums for the benefit of the West Coast District Hospital, those sums shall be deemed to have been applied in all respects as if that institution had been substituted as by this Act provided for the Strahan (District) Hospital and the Queenstown (District) Hospital from the time of the last payment by way of application of sums for the benefit of each of those institutions respectively.

Removal of doubts and indemnity.

(2) No action, suit, or demand shall be brought or allowed by or in favour of any person against the Attorney-General, the trustees or any of them, or any other person for or in respect of any alleged breach of trust or otherwise in relation to any act, matter, or thing done in pursuance of, or for the purpose of giving effect to, the provisions or objects of this Act.

6 For the purposes of the administration of the trusts by the trustees under the will of the deceased, subsection (1) of section five of the *Trustee Act* 1898 shall be read as if the words “, unless expressly forbidden by the instrument, if any, creating the trust,” were not contained therein.

Investment of trust funds.

THE SCHEDULE.

(Section 3.)

PART I.

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Launceston District Nursing Association	3,000.00
Zeehan and Dundas District Hospital	2,000.00
Queenstown (District) Hospital	2,000.00
Strahan (District) Hospital	2,000.00

PART II.

Cosgrove Park Domiciliary Nursing Service	3,000.00
West Coast District Hospital	4,000.00
Zeehan District Nursing Centre	2,000.00

CONSTITUTION (No. 2).

No. 66 of 1972.

AN ACT to amend the *Constitution Act 1934*.

[21 December 1972.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Constitution Act (No. 2)* 1972.

(2) The *Constitution Act 1934*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall be deemed to have commenced on the twenty-second day of May 1971.