

An Act to revoke the Reservation of certain Land in the City of Oakleigh permanently reserved as a Site for a Mechanics' Institute and Free Library and to provide for the Transfer and Surrender to His Majesty of that Land and of certain other Land in the said City and for the Reservation of the said Lands for Municipal purposes and the Grant thereof to the Mayor Councillors and Citizens of the said City.

[28th October, 1930.]

WHEREAS by Order in Council of the twentieth day of March One thousand eight hundred and ninety-three the land described in the First Schedule to this Act was permanently reserved as a site for a Mechanics' Institute and Free Library: And whereas by a Crown grant bearing date the twelfth day of March One thousand nine hundred and seven and entered in the register-

Preamble.

Video Government Gazette, 24th March, 1893, p. 1509.

First Schedule.

Register-book
vol. 3185,
fol. 636883.

Register-book
vol. 1669, fol.
333782.

No. 1995.

Short title.

On transfer and
surrender to
Crown of lands
described in
First and
Second
Schedules:
Revocation of
reservation of
land described
in First
Schedule:

register-book of the Office of Titles volume 3185 folium 636883 the said land described in the said First Schedule was granted to David Wright Nicoll, William Herald Thomson and Joseph Alfred Wilmoth in trust in order to provide a site for a Mechanics' Institute and Free Library: And whereas the said David Wright Nicoll and William Herald Thomson and Arthur George Harston (hereinafter called "the said trustees") are the trustees for the time being under the said trust of the said land described in the said First Schedule: And whereas the said trustees are by certificate of title entered in the register-book of the Office of Titles volume 1669 folium 333782 also registered as joint proprietors of an estate in fee-simple in the land described in the Second Schedule to this Act: And whereas the lands described in the said First and Second Schedules are required for municipal purposes: And whereas the said trustees have agreed to transfer and surrender the lands described in the said First and Second Schedules to His Majesty in order that the said lands may be granted as hereinafter provided to the mayor councillors and citizens of the city of Oakleigh: And whereas the council of the said city has agreed in any buildings erected or to be erected on the said lands to maintain control and improve a free library for the benefit of the citizens of the said city and that the said mayor councillors and citizens shall be liable for all liabilities (whether under the *Oakleigh Mechanics' Institute Act 1905* or otherwise) of the said trustees in respect of the said lands: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. This Act may be cited as the *Oakleigh Land (Mechanics' Institute) Act 1930*.

2. When the lands described in the First and Second Schedules to this Act have been transferred and surrendered by the said trustees to His Majesty—

(a) the hereinbefore recited Order in Council of the twentieth day of March One thousand eight hundred and ninety-three relating to the land described in the First Schedule to this Act shall be hereby revoked;

(b) the

(b) the lands described in the First and Second Schedules to this Act shall be deemed to be and may be dealt with as unalienated lands of the Crown, and the Governor in Council may in accordance with the provisions of the Land Acts—

Reservation for municipal purposes and grant of lands described in First and Second Schedules.

(i) reserve the said lands for municipal purposes; and

(ii) grant the said lands to the mayor councillors and citizens of the city of Oakleigh on such terms and subject to such covenants conditions exceptions and reservations and upon such trusts as the Governor in Council thinks fit;

(c) the mayor councillors and citizens of the city of Oakleigh shall thereupon become liable for all the liabilities (whether under the *Oakleigh Mechanics' Institute Act* 1905 or otherwise) of the said trustees in respect of the lands described in the First and Second Schedules to this Act; and

Liability and duty of Oakleigh city council. No. 1905.

(d) the council of the said city shall in any buildings erected or to be erected on the said lands maintain control and improve a free library for the benefit of the citizens of the city of Oakleigh.

SCHEDULES.

FIRST SCHEDULE

Section 2.

Land permanently reserved as a site for a Mechanics' Institute and Free Library by Order in Council dated 20th March, 1893 (vide "Government Gazette," 24th February, 1893, page 1056, and 24th March, 1893, page 1509); and for which a Crown Grant dated 12th March, 1907, and entered in the Register-book of the Office of Titles, volume 3185, folium 636883, was issued.

Thirty-five and one-half perches, county of Bourke, town (now city) of Oakleigh, being allotment 1 of Section 41: Commencing at the north-west angle of the allotment; bounded thence by a right-of-way bearing east two chains twenty-one and seven-tenths links; thence by a right-of-way bearing south one chain; thence by allotment 2 bearing west two chains twenty-two and two-tenths links; and thence by Drummond-street bearing N. 0° 18' E. one chain to the point of commencement.

SECOND

Section 2.

SECOND SCHEDULE.

Freehold land of which David Wright Nicoll, William Herald Thomson and Arthur George Harston are the registered proprietors.

Thirty-five and six-tenths perches, county of Bourke, city of Oakleigh, being allotment 2 of Section 41: Commencing at the south-west angle of allotment 1; bounded thence by that allotment bearing east two chains twenty-two and two-tenths links; thence by a right-of-way bearing south one chain; thence by allotment 3 bearing west two chains twenty-two and seven-tenths links; and thence by Drummond-street bearing N. 0° 18' E. one chain to the point of commencement.