

VICTORIA.



ANNO NONO

ELIZABETHÆ SECUNDÆ REGINÆ.

No. 6698.

An Act relating to the Lands occupied by Queen's College, Ormond College and Newman College respectively, being Colleges affiliated to the University of Melbourne.

[13th December, 1960.]

WHEREAS in the purported exercise of the powers conferred Preamble.
 by an Act of the Parliament of Victoria numbered 391— No. 391.
 a certificate of title entered in the register book of the Office of Titles volume 1157 folium 231227 dated the twenty-sixth day of January One thousand eight hundred and eighty was issued to certain persons therein named as the proprietors of an estate in fee simple in the land therein delineated, being the land now occupied by Queen's College, a college affiliated to the University of Melbourne (hereinafter called the "Queen's College land");
 a certificate of title entered in the register book of the Office of Titles, volume 1335 folium 266931 dated the twenty-third day of January One thousand eight hundred and eighty-two was issued to certain persons therein named as the proprietors of an estate in fee simple in the land therein delineated, being the land now occupied by Ormond College, a college affiliated to the University of Melbourne (hereinafter called the "Ormond College land"); and

a certificate

a certificate of title entered in the register book of the Office of Titles volume 2796 folium 559157 dated the tenth day of September One thousand nine hundred was issued to certain persons therein named as the proprietors of an estate in fee simple in the land therein delineated, being the land now occupied by Newman College, a college affiliated to the University of Melbourne (hereinafter called the "Newman College land") :

And whereas immediately before the commencement of this Act—

Arthur Edward Albiston of Auburn-road Auburn, Herbert Garfield Secomb of Parlington-street Canterbury, Christopher Irving Benson of Hoddle-street Elsternwick, and Charles Kingston Daws of 348 Barkers-road Hawthorn, all Methodist Ministers, Harry Stuart Hutchison of Erica-avenue East Malvern, Solicitor, Harry Wason McCutcheon of Stanhope-grove Camberwell, Accountant, David Hugh Eakins of 90 Yarrbat-avenue Balwyn, Civil Engineer, and Harold Addison Woodruff of 55 Wills-street Kew, retired, are registered in the said certificate of title volume 1157 folium 231227 as joint proprietors of the said estate in fee simple in the Queen's College land under and by virtue of the Methodist Church Acts ;

The Presbyterian Church of Victoria Trusts Corporation is registered in the said certificate of title volume 1335 folium 266931 as the proprietor of the said estate in fee simple in the Ormond College land ; and

The Roman Catholic Trusts Corporation for the Diocese of Melbourne is registered in the said certificate of title volume 2796 folium 559157 as the proprietor of the said estate in fee simple in the Newman College land :

And whereas doubts have arisen as to the validity of the certificates of title issued as aforesaid, as to the effect upon the titles thereto of earlier reservations or grants of the said lands and as to the powers of the proprietors for the time being of the said estates in the said lands :

And whereas it is expedient to resolve those doubts and for that purpose to validate the issue of each of the said certificates of title, to revoke all earlier reservations and restrictions in respect of the said lands, and to make provision with respect to the powers of the respective proprietors thereof as hereinafter provided :

Be

Be it therefore enacted by the Queen'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 *University Colleges Lands Act* 1960. Short title.

2. Notwithstanding anything in the Act of the Parliament of Victoria numbered 391 or in any other Act or enactment, each of the hereinbefore recited certificates of title shall be deemed to have been validly issued and each such certificate of title shall accordingly confer on the registered proprietors and be deemed always to have conferred on the registered proprietors for the time being a valid and effectual title to an estate in fee simple in the land therein delineated. Validation of certificate of title and effect thereof.

3. Every reservation, whether permanent or temporary, of any of the said lands or of any part of any of the said lands made before the commencement of this Act shall be hereby revoked made void and annulled, and no trust or limitation or restriction which arose or was supposed to arise by virtue of any such reservation or by virtue of the provisions of any former grant of any of the said lands or any part thereof shall have any force or effect whatever after the commencement of this Act. Revocation of former reservations, &c.

4. Notwithstanding anything in any Act or enactment or in any trust deed, the present registered proprietors of each of the said lands and subject to any trust encumbrance limitation or restriction that may hereafter be validly created, their successors in title shall have full power to mortgage charge sell transfer convey lease exchange or dispose of the whole or any part of the land comprised in the relevant certificate of title freed and discharged from all trusts encumbrances limitations restrictions and reservations affecting the land, but shall not exercise any such power without the consent of the Governor in Council thereunto having been first obtained. Powers of proprietors to sell, mortgage, &c. lands in certificates of title.

5. (1) Pending the exercise of any of the powers conferred by the last preceding section and without limiting those powers in any way, the land comprised in each such certificate of title shall be held by the registered proprietors and used for the purposes and be subject to the trusts specified in any relevant Act or enactment or deed of trust relating to that land. Holding of lands pending exercise of power of sale, &c.

(2) Any

Application
of moneys
arising from
exercise of
power of
sale, &c.

(2) Any moneys arising from the exercise by the registered proprietors of any of the powers conferred by the last preceding section shall, subject to and in accordance with the provisions specified in that behalf in any relevant Act or enactment or deed of trust relating to the land, be applied for the purposes of a college affiliated to the University of Melbourne or some other educational purposes of a kindred nature.
