

TASMANIA.



1938.

ANNO SECUNDO

GEORGII VI. REGIS:

No. 61.

ANALYSIS.

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AN ACT to provide for the Sale of certain Land at Burnie and for the Distribution of the Burnie Returned Soldiers' Memorial Trust Fund.

[16 December, 1938.]

A.D.

1938

WHEREAS a sum of money known as the Emu Bay Patriotic Fund was many years ago raised by public subscription and donations in the Municipality of Burnie:

Preamble.

And whereas one of the purposes of the said Fund was to enable the purchase of land at Burnie and to erect thereon a building for the use of the Returned Sailors' and Soldiers' Imperial League of Australia (hereinafter called "the League"):

And whereas at a meeting held at Burnie on the ninth day of June, one thousand nine hundred and twenty, *Hubert Charles Piercey, Henry Zouch Stephens, Andrew Kidd McGaw, Samuel Bird and Francis James Tallack*

Burnie Soldiers' Memorial Trust Fund.

A.D. 1938. (hereinafter called "the original trustees") were duly appointed trustees of such land as might be purchased as aforesaid and of any other money which may be handed to them from the said Fund or otherwise acquired by them in advancement of the said project:

And whereas the land described in the schedule hereto (hereinafter called "the said land") became vested in the original trustees upon the trusts set forth in a certain deed poll or declaration of trust under their hands and seals dated the nineteenth day of August, one thousand nine hundred and twenty-one (hereinafter called "the declaration of trust"):

And whereas the present trustees under the declaration of trust are the said *Andrew Kidd McGaw* and *Samuel Bird* together with *Thomas Malcolm Crisp*, *Lisle Christian Palliser Wilson*, and *Richard John Duncan Loane*:

And whereas the trustees are seized of an estate in fee simple in possession of the said land and are possessed of a sum of money called the Returned Soldiers' Memorial Trust Fund which comprises the balance of a sum of two hundred and fifty pounds provided by the Burnie Branch of the League and of a sum of one thousand pounds received by the original trustees from the Emu Bay Patriotic Fund, and other moneys and accumulated interest thereon now amounting to the sum of one thousand pounds or thereabouts:

And whereas it has been found impracticable to erect a building for the purposes aforesaid or for any purposes within the declaration of trust and it has become apparent to the trustees that they are unable to carry out the terms of the declaration of trust with the funds at their disposal, and the Burnie Sub-branch of the League being the body entitled to benefit under the declaration of trust has requested the trustees to sell the said land and to apply the proceeds together with the other said moneys in the hands of the trustees comprising the Returned Soldiers' Memorial Trust Fund in the manner hereinafter appearing:

And whereas it is desirable to empower the trustees to do so:

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 *Burnie Soldiers' Memorial Trust Fund Act 1938*.

*Burnie Soldiers' Memorial Trust Fund.***2** In this Act—

A.D. 1938.

“ The Trustees ” means the duly appointed trustees for the time being under the declaration of trust mentioned in the preamble.

Interpreta-
tion.

3 It shall be lawful for the trustees to sell the land described in the schedule.

Trustees
empowered
to sell land.

4 Upon such sale, the trustees shall hold the money received therefrom as part of The Returned Soldiers' Memorial Trust Fund and shall apply the said Fund in the manner following—

Disposal of
money.

- I. For the payment thereof of all costs, charges, and expenses whatsoever incurred by the trustees, of, or incidental to such sale, and to the appointment of the trustees, and to the preparation and presentation to Parliament of this Act :
- II. For the repayment to the committee of the Emu Bay Patriotic Fund the sum of one thousand pounds and to the Burnie Sub-branch of the League the sum of two hundred and fifty pounds : and
- III. The balance of the moneys remaining in the hands of the trustees, upon or towards such public, patriotic, educational, public welfare or charitable object (including, but not restricted to, a contribution to a Child Welfare Clinic at Burnie, the care of soldiers' graves or the assistance of any project for the benefit of former sailors and soldiers or the sick or poor residents of the Municipality of Burnie, or all or any of the before-mentioned objects), as the trustees or a majority of at least three of their number shall decide.

5 Upon the sale of the said land and the complete distribution under this Act of all money held by the trustees, the trustees shall submit to the Attorney-General their accounts of the trust, and, upon the Attorney-General notifying the trustees that he has approved thereof, the trustees shall be discharged from the declaration of trust mentioned in the preamble and from all further duties or liabilities thereunder.

Trustees'
accounts
and release.

A.D. 1938.

THE SCHEDULE.

All that piece of land containing by estimation 10 6/10 perches or thereabouts situate in the Town of Burnie in Tasmania and bounded on the south by a straight line of 44 feet or thereabouts commencing at the south-east angle of allotment No. 106 on the plan of the Town of Burnie and extending easterly along Cattley-street thence on the east by a straight line of 60 feet or thereabouts along other portion of allotment No. 78 being the property of Albert Ernest Terry to allotment No. 79 now occupied by or belonging to Alexander McAndrew Bewsher thence on the north by a straight line of 44 feet or thereabouts along the last-mentioned land to allotment No. 106 aforesaid and thence on the west by a straight line of 66 feet or thereabouts along that allotment now belonging to the Municipality of Burnie to the point of commencement together with a right-of-way and passage for the trustees their executors administrators and assigns jointly with the said Albert Ernest Terry his executors administrators and assigns and their tenants servants and workmen at all times either by day or by night and for all purposes with or without horses carts carriages or other vehicles laden or unladen to go pass and repass and to drive cattle sheep and other animals along over and upon all that strip of land leading from Cattley-street aforesaid along the eastern boundary of the land above described and being of the width of 10 feet and a length of 65 feet being the land conveyed to the original trustees by indenture of conveyance dated the eighteenth and registered the twenty-fourth days of August 1921 No. 15/4602 and made between the Perpetual Trustees Executors and Agency Company of Tasmania Limited of the first part the National Executors and Trustees Company of Tasmania Limited of the second part Albert Ernest Terry of Burnie of the third part and the said original trustees of the fourth part as the said piece of land and right-of-way as shown in the plan endorsed on the said indenture of conveyance and therein surrounded by red and blue lines respectively.