

**MOWBRAY HEIGHTS WAR MEMORIAL HALL
(TRANSFER OF MONEYS).**

No. 59 of 1968.

AN ACT to authorize the trustees of the Mowbray Heights War Memorial Hall to sell certain land situated at Mowbray Heights held upon trust for a War Memorial Hall and to pay the net proceeds to the treasurer of the committee in control of the Mowbray Heights War Memorial Swimming Pool Fund and to authorize the trustees of the Mowbray Heights War Memorial Hall Building Fund to pay to the treasurer of the committee in control of the Mowbray Heights War Memorial Swimming Pool Fund certain moneys held by those trustees and to provide for matters incidental thereto.

[5 December 1968.]

WHEREAS in the year 1920 a certain piece of land comprising 36 perches and $\frac{4}{10}$ of a perch situated in the Parish of Seaford, County of Dorset, in this State, being the land comprised in Certificate of Title registered Volume CCLXXXIV Folio 46, was transferred to *William Clare*, of Newnham, *Alfred Wright* the Younger, of Mowbray, and *William James Neeson*, of Mowbray, to be held by them in trust for the erection of a war memorial hall: Preamble.

And whereas in the year 1940 that land was transferred to the Mayor, Aldermen, and Citizens of the city of Launceston with the object of forming a war memorial reserve:

And whereas in the year 1946 that land was transferred to *Charles William Kent*, *Nonus Clifford Luck*, *William Walter Drake*, *Eric Nubiong Hodgson*, *James John Guy*, *Alfred Grant*, *George Patrick Connolly*, and *Albert Ronald Fair*, all of Launceston, as trustees for the purposes originally intended, that is to say, for the erection of a war memorial hall:

And whereas in the year 1946 an appeal was conducted for the purpose of providing funds to construct a war memorial hall on that land:

And whereas donations totalling \$2784.72 were received to that appeal when that appeal was closed in or about the month of December 1946:

And whereas the control of those donations has been vested in *Eric Nubiong Hodgson, Reginald Joseph McElwee, James Box, Lionel Jack Wingrove Abbott, Nellie Muriel Biddis, James John Guy, and Nonus Clifford Luck*, who have acted as trustees with respect to those donations:

And whereas those donations have been invested at interest which has accumulated:

And whereas the accumulation of interest on those donations as at the thirty-first day of May 1968 amounts to the sum of \$2848.69:

And whereas the construction of a war memorial hall has never been commenced and it appears unlikely that it will be ever commenced or required:

And whereas in or about the month of September 1965 an appeal known as the "Mowbray Heights Memorial Swimming Pool Fund" was undertaken in and about Mowbray Heights and Newnham for the purpose of providing funds to enable the construction by the organizers of the Swimming Pool Fund of a suitable swimming pool at Mowbray Heights, together with proper amenities:

And whereas the trustees of that land are desirous that the land be sold and the proceeds transferred to the Swimming Pool Fund:

And whereas certain of the donors to the War Memorial Hall Fund were and are desirous that the donations to that Fund should be withdrawn therefrom and transferred to the Swimming Pool Fund:

And whereas the control of the donations to the Swimming Pool Fund is vested in a committee:

And whereas the committee controlling the Swimming Pool Fund has arranged for land to be made available as a site for the construction of the proposed swimming pool:

And whereas it is expedient that the proposed sale of the first-mentioned land and the transfer of the proceeds of the sale and the proposed transfer of donations be authorized:

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 *Mowbray Heights War Memorial Hall (Transfer of Moneys) Act 1968*.

Interpre-
tation.

2 In this Act, unless the contrary intention appears—

"committee" means the committee of the Mowbray Heights War Memorial Swimming Pool Fund, being the persons whose names are set out in the schedule, or such other persons as may for the time being constitute the committee thereof;

- “ the said land ” means the 36 perches and $\frac{1}{10}$ of a perch comprised in Certificate of Title registered Volume CCLXXXIV Folio 46;
- “ the Swimming Pool Fund ” means the Mowbray Heights War Memorial Swimming Pool Fund by whatever name it is called or described;
- “ the War Memorial Hall trustees ” means the persons for the time being in whom the said land is vested as trustees;
- “ the War Memorial Hall Fund ” means the Mowbray Heights War Memorial Fund by whatever name it is called or described;
- “ the War Memorial Hall Fund trustees ” means the persons for the time being in control of donations made to the War Memorial Fund.

3—(1) The War Memorial Hall trustees may sell the said land either by public auction or private contract and subject to such terms and conditions as they think fit and may pay the net proceeds of the sale to the treasurer of the committee. Authorization of sale of certain land.

(2) The receipt of the treasurer for the time being of the committee for the payment authorized to be made by subsection (1) of this section is a good discharge to the War Memorial Hall trustees, and they are not answerable for the application of the payment so made.

4—(1) The War Memorial Hall Fund trustees may pay to the treasurer of the committee the whole of the War Memorial Hall Fund. Authorization of certain payments.

(2) The receipt of the treasurer for the time being of the committee for the payment authorized to be made by subsection (1) of this section is a good discharge to the War Memorial Hall Fund trustees, and they are not answerable for the application of the payment so made.

5 The War Memorial Hall trustees and the War Memorial Hall Fund trustees are, by force of this section, released and discharged from, and indemnified against, all claims, demands, liabilities, and obligations arising out of or attaching to the sale of the said land and the payment to the treasurer of the committee of the moneys authorized by this Act to be paid to the treasurer by the War Memorial Hall trustees and the War Memorial Hall Fund trustees respectively. Indemnity.

THE SCHEDULE.

(Section 2.)

COMMITTEE OF THE SWIMMING POOL FUND.

Nonus Clifford Luck.

Darryl Chellis.

Jean Olive Smith.