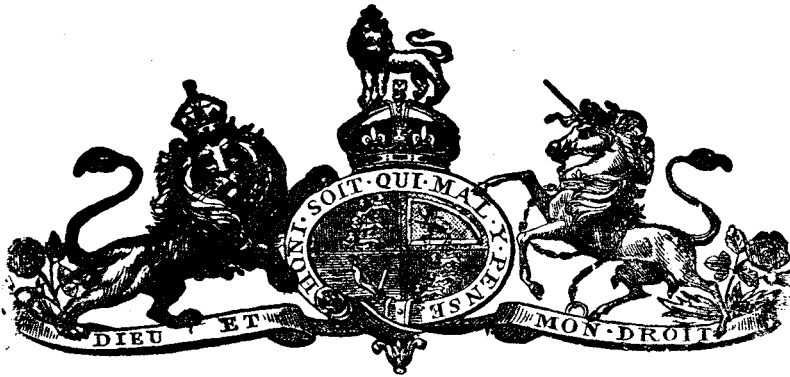


TASMANIA



1914.

ANNO QUINTO

GEORGII V. REGIS.

No. 25.

ANALYSIS.

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| <ul style="list-style-type: none"> 1. Short title. 2. Interpretation. 3. Power to capitalise income. 4. Industrial School to be institution for training girls for purposes of Act. 5. Trustees to pay treasurer of school. 6. Treasurer of school to apply moneys towards upkeep. | <ul style="list-style-type: none"> 7. Receipts of treasurer to be good discharges. 8. Trustees may apply funds to original objects. 9. "Trustee Act, 1898," to apply. 10. Trustees to pay costs. 11. Power to transfer fund to some charitable institution or institutions. |
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AN ACT to enlarge the Powers of the Trustees of "The Servants' Home" Trust.

A.D. 1914.

[8 January, 1915.]

WHEREAS by an Indenture dated the Fourteenth day of December, One thousand eight hundred and seventy-seven, made between the Very Rev. *Robert Rowland Davies*, *Benjamin Travers Solly*, and *Thomas James Crouch* of the First part, *James Backhouse Walker* of the Second part, and the said *Benjamin Travers Solly*, *Thomas James Crouch*, and *James Backhouse Walker* of the Third part, after reciting (*inter alia*) that the land in the said Indenture described and intended to be thereby conveyed was granted unto and to the use of the parties thereto of the First part, their heirs and assigns, and that the said land with the dwelling-house erected thereon, previously called or known as "The Servants' Home," and then called or known as "Gore House Institute," was purchased by the parties thereto of the First part, not with their own moneys, but by moneys collected by public subscription

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and private gifts, for the purpose of establishing a home for the servants in Hobart Town aforesaid, which moneys were entrusted by the subscribers thereof to the parties of the First part to be applied by them for the purpose aforesaid, and that the parties of the First part had not executed or signed any deed of trust or writing expressing the objects for which the said land and dwelling-house were purchased and held as aforesaid, and that the said *Robert Rowland Davies* wished to retire from being a trustee of the said land and dwelling-house, and the said *James Backhouse Walker* at the request of the parties thereto of the First part had consented and arranged to become a trustee of the said land and dwelling-house jointly with the said *Benjamin Travers Solly* and *Thomas James Crouch*, and in the place of the said *Robert Rowland Davies*, the said land and dwelling-house were granted, released, and confirmed unto the said *James Backhouse Walker* to the use of the said *Benjamin Travers Solly*, *Thomas James Crouch*, and *James Backhouse Walker*, and it was thereby agreed and declared (*inter alia*) that the said *Benjamin Travers Solly*, *Thomas James Crouch*, *James Backhouse Walker*, and the survivors or survivor of them, or the heirs or assigns of such survivor, and any trustees or trustee for the time being to be appointed should stand possessed of the said hereditaments and premises upon trust for the purposes of a home for female domestic servants and persons who have been or are about to become such, or for the purposes of an institution for training girls as servants, or for such other purposes as the trustees of the said Indenture at their sole discretion might from time to time deem to be most for the benefit of such persons as aforesaid, and it was also thereby declared that it should be lawful for the trustees of the said Indenture to sell and dispose of the said hereditaments and premises and to demise the said premises, and it was thereby declared that the trustees of the said Indenture should lay out and invest the whole or any part of the moneys to be produced by any such sale as aforesaid, and the moneys to arise from time to time from the letting of the said hereditaments and premises (after payment of all necessary expenses and outgoings), in investments authorised by the said Indenture, and to stand possessed of the moneys to be produced by such sale or in any such manner as aforesaid, and of the hereditaments which might be purchased therewith, and the funds and securities in or upon which any such moneys should be invested as aforesaid, and the annual income thereof, upon such and the same or the like trusts, and subject to such and the same or the like powers, provisoes, and declarations, as are therein declared and expressed concerning the hereditaments and premises thereby conveyed or as near thereto as circumstances would admit :

And whereas the hereditaments and premises referred to in the said Indenture were sold, and the net proceeds and some accumulations of rent were invested :

And whereas for many years past there has been no object within the scope of the trusts to which the income of the investments could be applied, and the net income has accumulated and been placed at interest :

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And whereas it is expedient that the trustees of the said Indenture should be empowered to capitalise all the accumulations of rent and income and all accruing income up to the Thirty-first day of December, One thousand nine hundred and thirteen, and to hold the same, together with the said net proceeds, as One capital sum, subject to the trusts of the said Indenture and to this Act: A.D. 1914.

And whereas it is expedient that the powers of the trustees of the said Indenture should be enlarged:

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:—

1 This Act may be cited for all purposes as "The Servants' Home Trustees Enabling Act, 1914." Short title.

2 In this Act, unless the context otherwise determines— Interpretation.

"The said Indenture" means the hereinbefore recited Indenture dated the Fourteenth day of December, One thousand eight hundred and seventy-seven:

"The Servants' Home Trust" means the trust created by and existing under and by virtue of the said Indenture:

"The Trustees" means the present and any future trustees of the Servants' Home Trust:

"The Servants' Home Trust Fund" means the capital moneys now held and hereafter to be held by the trustees, under and by virtue of the said Indenture and this Act.

3 The trustees may capitalise all income of the Servants' Home Trust Fund now accumulated, and all income accruing from the fund and accumulated invested income up to the Thirty-first day of December, One thousand nine hundred and fourteen, and shall add such capitalised sum to the capital moneys held under and by virtue of the said Indenture, and after payment thereof of the costs, charges, and expenses referred to in Section Ten hereof, shall hold such total sum as One capital sum on the trusts of and subject to the said Indenture, and subject to the provisions of this Act. Power to capitalise income.

4 The Hobart Industrial School for Girls shall, for the purposes of this Act, be considered to be an institution for training girls as servants within the meaning of the said Indenture. Industrial School to be institution for training girls for purposes of Act.

5 In addition to the powers conferred on them by the said Indenture, the trustees are hereby empowered, in their discretion, to pay the whole or any portion of the annual income arising from the Servants' Home Trust Fund to the Treasurer or Honorary Treasurer for the time being of the Hobart Industrial School for Girls. Trustees to pay treasurer of school.

6 Any treasurer or honorary treasurer for the time being of the Hobart Industrial School for Girls shall apply any moneys received by virtue of this Act towards the upkeep of the school. Treasurer of school to apply moneys towards upkeep.

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Receipts of
treasurer to be
good discharges.

7 The receipts in writing of the Treasurer or Honorary Treasurer of the Hobart Industrial School for Girls for any money which may be paid to him by the trustees under the authority of this Act shall be good and sufficient discharges to the trustees, and the trustees shall not be bound or required to see to the application nor be affected by the misapplication or non-application thereof.

Trustees may
apply funds to
original objects.

8 Nothing in this Act shall be construed to prohibit the trustees in their discretion, from time to time, applying the income of the Servants' Home Trust Fund, or any portion thereof, to any other object within the scope of the Servants' Home Trust as set out in the said Indenture instead of paying it to the Treasurer or Honorary Treasurer of the Hobart Industrial School for Girls.

"Trustee Act,
1898." to apply.

9 The trustees shall be deemed to be trustees within the meaning of "The Trustee Act, 1898," and shall have all the powers of trustees contained in that Act and the word "trust" as defined in that Act shall include the Servants' Home Trust and the provisions of that Act shall (so far as they are applicable) apply in every way to the trustees and to the Servants' Home Trust Fund.

Trustees to pay
costs.

10 The trustees shall pay out of the Servants' Home Trust Fund such law costs, charges, and expenses incurred in connection with and of and incidental to a summons taken out under "The Trustee Act, 1898," dated and filed in the Supreme Court of Tasmania the Second day of February One thousand nine hundred and Twelve as shall be certified to by the Taxing Officer of the Supreme Court of Tasmania and the trustees shall also pay out of such fund the costs charges and expenses of and incidental to this Act.

Power to transfer
fund to some
charitable
institution or
institutions.

11 If at any time the trustees shall desire to transfer the Servants' Home Trust Fund and the securities representing the same or any part or parts of such Fund or securities to the trustees or other managing body of some charity or charities, charitable institution or institutions, or charitable object or objects, they are hereby authorised to do so provided that they first obtain the sanction of a judge of the Supreme Court of Tasmania under Section 45 of "The Trustee Act, 1898," to such transfer or transfers, and such transfer or transfers when made shall have the effect of releasing the trustees from all responsibility or liability with respect to the Servants' Home Trust and the Servants' Home trust fund or such part of such trust and such fund as may have been transferred as the case may be.