

SYDNEY UNIVERSITY SETTLEMENT INCORPORATION BILL.

*Schedule of the Amendment referred to in Legislative Council's
Message of 23 September, 1959.*

Page 2, clause 4, lines 33 to 36 inclusive. *After* "shall" on line 33 *omit* all words down to and including the word "effect" on line 36, and *insert* in lieu thereof **"be deemed to be property given, devised or bequeathed, as the case may be, to the corporation"**.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 September, 1959.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
an Amendment.*

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 23 September, 1959.*

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. , 1959.

An Act to incorporate the executive committee of the Sydney University Settlement; to confer and impose on the corporation so created certain powers, authorities, duties and functions; to vest in such corporation the property of the Sydney University Settlement; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Sydney University Short title. Settlement Incorporation Act, 1959".

35557 29—

2.

NOTE.—The words to be *omitted* are ruled through; those to be *inserted* are printed in **black letter**.

Sydney University Settlement Incorporation.

2. (1) In this Act unless the context or subject matter otherwise indicates or requires— Definitions.

“Constitution” means the constitution for the time being of the Settlement.

5 “Corporation” means the body incorporated by this Act.

“Executive committee” means the executive committee for the time being appointed under the constitution.

“Settlement” means the association known as the Sydney University Settlement.

10 (2) The constitution (so far as it relates to the constitution of the executive committee of the Settlement as existing immediately before the commencement of this Act) shall, subject to this Act, be the constitution of the corporation at such commencement.

15 3. The members for the time being of the executive committee shall be a body corporate under the name of “The Sydney University Settlement” and by that name shall have perpetual succession and a common seal and may sue and be sued, and shall be capable of purchasing, holding, granting, 20 demising, disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Incorporation.

4. (1) All property in New South Wales—

25 (a) which immediately before the commencement of this Act was vested in or held by any person in trust for or on behalf of or for the benefit of the Settlement shall by virtue of this Act be divested from such person and shall vest in the corporation as from such commencement; and Vesting of property.

30 (b) which shall at any time after such commencement be given, devised or bequeathed to any person in trust for or on behalf of or for the benefit of the Settlement shall by virtue of this Act be divested from such person and shall vest in the corporation as from the date upon which such gift, 35 devise or bequest takes effect be deemed to be property given, devised or bequeathed, as the case may be, to the corporation.

(2)

Sydney University Settlement Incorporation.

(2) A certificate under the common seal of the corporation that the land described in the certificate is situated within New South Wales and is property vested in or held by any person in trust for or on behalf of or for the benefit of the
5 Settlement shall—

(a) for the purpose of any application by the corporation to be registered as the proprietor, pursuant to a vesting by this Act, of any land under the provisions of the Real Property Act, 1900, as amended
10 by subsequent Acts, of which the body corporate is not the registered proprietor, be conclusive evidence, and

(b) in any action, suit or other proceeding, whether civil or criminal, be prima facie evidence,
15 of the facts so certified.

(3) All property vested in the corporation by the operation of—

(a) paragraph (a) of subsection one of this section shall be held by it subject to the conditions or trusts on which it was held immediately before such vesting ;
20 and

(b) paragraph (b) of subsection one of this section shall be held by it, where the gift, devise or bequest was made subject to any express conditions or trusts, subject to those conditions or trusts, and where the
25 gift, devise or bequest was not so made, subject to a trust for the objects of the Settlement specified in its constitution :

Provided that where by or under the constitution power
30 has been conferred on the executive committee to sell, grant, convey, demise or otherwise dispose of, either absolutely or by way of mortgage or otherwise, any of the property of the Settlement that power may be exercised by the corporation notwithstanding any condition or trust affecting the property in
35 the hands of the corporation.

(4)

Sydney University Settlement Incorporation.

(4) All rights accruing or accrued to any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section are hereby vested in the corporation and may be enforced by the corporation.

All liabilities of the Settlement or of any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section may be enforced against the corporation.

5. (1) No purchaser, mortgagee, lessee or other person dealing with the corporation, and neither the Registrar-General nor the Crown Solicitor nor any other person registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be made under a power conferred by this Act, be concerned to see or enquire into the necessity for or the propriety or the mode of exercising the power, or be affected by notice that the exercise of the power is unauthorised, irregular or improper, and a receipt for any money payable to the corporation, signed by its treasurer, shall be a sufficient discharge in favour of and shall exonerate the person paying such money from all responsibility for the application of such money.

Protection
of
purchasers,
etc.

(2) Where—

(a) an instrument purports to be executed by the corporation and to pass or create an estate or interest in land described in the instrument as being land held in trust for the Settlement;

(b) that land is not under the provisions of the Real Property Act, 1900, as amended by subsequent Acts; and

(c) the instrument is registered under the provisions of the Registration of Deeds Act, 1897, as amended by subsequent Acts;

such instrument shall—

(i) in favour of every person claiming any estate or interest under or through the instrument, be conclusive evidence against the corporation that the land described

Sydney University Settlement Incorporation.

5 described in the instrument as being land held in trust for the Settlement was at the time of the execution of the instrument held in trust for the Settlement, and that the corporation had at the time of the execution thereof an estate or interest in the land so described sufficient to make the instrument effective to pass or create the estate or interest which the instrument purported to pass or create; and

10 (ii) in favour of every person claiming any estate or interest under or through the instrument and having taken for value, without notice that the land in which the instrument purports to create an estate or interest was not land held in trust for the Settlement or that the corporation had not an estate or interest sufficient to make the instrument effective to pass or create the estate or interest which the instrument purports to pass or create and in favour of every person claiming under or through any person having so taken, as against every person claiming under or through an instrument executed before the commencement of this Act, or under or through an instrument executed by the corporation, and not in either of such cases registered under the Registration of Deeds Act, 1897, as amended by subsequent Acts, before the registration under that Act, as so amended, of the instrument by this subsection made evidence, be conclusive evidence that the land described in the instrument so made evidence as being land held in trust for the Settlement was at the time of execution of the instrument land held in trust for the Settlement, that at the time of such execution the corporation had an estate or interest in the land so described sufficient to make that instrument effective to pass or create the estate or interest which that instrument purported to pass or create and that power had been conferred by or under the constitution on the corporation to execute that instrument.

(3) Any person deprived of any estate or interest in land by any such instrument as is mentioned in subsection 40 two of this section may bring and prosecute an action for damages

Sydney University Settlement Incorporation.

damages against the corporation and any judgment recovered by the plaintiff in any such action shall be enforceable by execution against the real or personal property for the time being vested in the corporation whether trust property or not
 5 and any real or personal property taken by a purchaser on a sale in any such execution shall be free of all trusts affecting the same while vested in the execution debtor, except a trust created by the Crown, and the proceeds of every such sale shall in the hands of the Sheriff and of the execution creditor
 10 be free of all trusts to which it would be subject in the hands of the execution debtor.

6. (1) It shall be lawful for the executive committee at any time to design and to change or alter the common seal of the corporation. Such seal shall be in the custody of the
 15 secretary of the Settlement and shall not be affixed to any document except pursuant to a resolution of the executive committee.

Seal and execution of documents.

The execution of any document to which the common seal is affixed shall not be complete without the signature of two
 20 members of the executive committee :

Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the said corporation of an attorney, solicitor, or proctor in or for the prosecution or defence of any action, suit, or other proceeding.

25 (2) (a) Every instrument bearing what purports to be the common seal of the corporation and purporting to be executed in accordance with the provisions of subsection one of this section shall, in favour of a person claiming for value and in good faith under or through that instrument, be
 30 conclusively presumed to have been duly executed by the corporation.

(b) Section 51A of the Conveyancing Act, 1919, as amended by subsequent Acts, does not apply to or in respect of any instrument executed by the corporation.

35 7. Notice to or service upon the secretary of the Settlement shall be deemed to be a notice to or service upon the corporation.

Service upon corporation.

Sydney University Settlement Incorporation.

8. As soon as practicable after the commencement of this Act a copy of the constitution in force immediately before the commencement of this Act, certified under the common seal of the corporation, shall be registered in the office of the Registrar-General in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts.

Constitution
to be
registered.

Any instrument effecting a change in the constitution shall be certified and registered in like manner.

10 The production of a copy of any instrument so registered, certified by the Registrar-General or a Deputy Registrar-General, shall be received in all courts as conclusive evidence of the contents of the instrument; and in favour of any person dealing bona fide and for value with the corporation shall, together with this Act, be conclusive evidence of the objects and powers for the time being of the corporation unless such person shall have notice to the contrary.

9. As soon as practicable after the commencement of this Office. Act a notification of the address of the office of the corporation in or to the effect of the form and in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts, shall be registered in the office of the Registrar-General and a like notification of every change of address shall be registered in like manner.

25 10. It shall be the duty of the secretary of the Settlement to take all necessary steps to comply with the provisions of sections eight and nine of this Act.

Duty of
secretary.

1. The first part of the report deals with the general situation of the country and the progress of the work during the year.

2. The second part deals with the results of the work done during the year.

3. The third part deals with the conclusions drawn from the work done during the year.

4. The fourth part deals with the recommendations made for the future work.

5. The fifth part deals with the summary of the work done during the year.

6. The sixth part deals with the conclusions drawn from the work done during the year.

7. The seventh part deals with the recommendations made for the future work.

8. The eighth part deals with the summary of the work done during the year.

9. The ninth part deals with the conclusions drawn from the work done during the year.

10. The tenth part deals with the recommendations made for the future work.

11. The eleventh part deals with the summary of the work done during the year.

12. The twelfth part deals with the conclusions drawn from the work done during the year.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 September, 1959.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
an Amendment.*

*Legislative Council Chamber,
Sydney,*

Clerk of the Parliaments.

, 1959.

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

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5 “Corporation” means the body incorporated by this Act.

“Executive committee” means the executive committee for the time being appointed under the constitution.

“Settlement” means the association known as the Sydney University Settlement.

10 (2) The constitution (so far as it relates to the constitution of the executive committee of the Settlement as existing immediately before the commencement of this Act) shall, subject to this Act, be the constitution of the corporation at such commencement.

15 3. The members for the time being of the executive committee shall be a body corporate under the name of “The Sydney University Settlement” and by that name shall have perpetual succession and a common seal and may sue and be sued, and shall be capable of purchasing, holding, granting, 20 demising, disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Incorporation.

4. (1) All property in New South Wales—

Vesting of property.

25 (a) which immediately before the commencement of this Act was vested in or held by any person in trust for or on behalf of or for the benefit of the Settlement shall by virtue of this Act be divested from such person and shall vest in the corporation as from such commencement; and

30 (b) which shall at any time after such commencement be given, devised or bequeathed to any person in trust for or on behalf of or for the benefit of the Settlement shall by virtue of this Act be divested from such person and shall vest in the corporation as from the date upon which such gift, 35 devise or bequest takes effect be deemed to be property given, devised or bequeathed, as the case may be, to the corporation.

(2)

Sydney University Settlement Incorporation.

(2) A certificate under the common seal of the corporation that the land described in the certificate is situated within New South Wales and is property vested in or held by any person in trust for or on behalf of or for the benefit of the
5 Settlement shall—

(a) for the purpose of any application by the corporation to be registered as the proprietor, pursuant to a vesting by this Act, of any land under the provisions of the Real Property Act, 1900, as amended
10 by subsequent Acts, of which the body corporate is not the registered proprietor, be conclusive evidence, and

(b) in any action, suit or other proceeding, whether civil or criminal, be prima facie evidence,
15 of the facts so certified.

(3) All property vested in the corporation by the operation of—

(a) paragraph (a) of subsection one of this section shall be held by it subject to the conditions or trusts on which it was held immediately before such vesting ;
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(b) paragraph (b) of subsection one of this section shall be held by it, where the gift, devise or bequest was made subject to any express conditions or trusts, subject to those conditions or trusts, and where the
25 gift, devise or bequest was not so made, subject to a trust for the objects of the Settlement specified in its constitution :

Provided that where by or under the constitution power
30 has been conferred on the executive committee to sell, grant, convey, demise or otherwise dispose of, either absolutely or by way of mortgage or otherwise, any of the property of the Settlement that power may be exercised by the corporation notwithstanding any condition or trust affecting the property in
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5 and may be enforced by the corporation.

All liabilities of the Settlement or of any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section may be enforced against the
10 corporation.

5. (1) No purchaser, mortgagee, lessee or other person dealing with the corporation, and neither the Registrar-General nor the Crown Solicitor nor any other person registering or certifying title shall, upon any sale, exchange, mortgage,
15 lease or other dealing purporting to be made under a power conferred by this Act, be concerned to see or enquire into the necessity for or the propriety or the mode of exercising the power, or be affected by notice that the exercise of the power is unauthorised, irregular or improper, and a receipt for any
20 money payable to the corporation, signed by its treasurer, shall be a sufficient discharge in favour of and shall exonerate the person paying such money from all responsibility for the application of such money.

Protection
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purchasers,
etc.

(2) Where—

25 (a) an instrument purports to be executed by the corporation and to pass or create an estate or interest in land described in the instrument as being land held in trust for the Settlement;

30 (b) that land is not under the provisions of the Real Property Act, 1900, as amended by subsequent Acts; and

(c) the instrument is registered under the provisions of the Registration of Deeds Act, 1897, as amended by subsequent Acts;

35 such instrument shall—

(i) in favour of every person claiming any estate or interest under or through the instrument, be conclusive evidence against the corporation that the land
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Sydney University Settlement Incorporation.

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10 (ii) in favour of every person claiming any estate or interest under or through the instrument and having taken for value, without notice that the land in which the instrument purports to create an estate or interest was not land held in trust for the Settlement or that the corporation had not an estate or interest sufficient to make the instrument effective to pass or create the estate or interest which the instrument purports to pass or create and in favour of every person claiming under or through any person having so taken, as against every person claiming under or through an instrument executed before the commencement of this Act, or under or through an instrument executed by the corporation, and not in either of such cases registered under the Registration of Deeds Act, 1897, as amended by subsequent Acts, before the registration under that Act, as so amended, of the instrument by this subsection made evidence, be conclusive evidence that the land described in the instrument so made evidence as being land held in trust for the Settlement was at the time of execution of the instrument land held in trust for the Settlement, that at the time of such execution the corporation had an estate or interest in the land so described sufficient to make that instrument effective to pass or create the estate or interest which that instrument purported to pass or create and that power had been conferred by or under the constitution on the corporation to execute that instrument.

35 (3) Any person deprived of any estate or interest in land by any such instrument as is mentioned in subsection 40 two of this section may bring and prosecute an action for damages

Sydney University Settlement Incorporation.

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10 be free of all trusts to which it would be subject in the hands of the execution debtor.

6. (1) It shall be lawful for the executive committee at any time to design and to change or alter the common seal of the corporation. Such seal shall be in the custody of the
15 secretary of the Settlement and shall not be affixed to any document except pursuant to a resolution of the executive committee.

Seal and
execution
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The execution of any document to which the common seal is affixed shall not be complete without the signature of two
20 members of the executive committee :

Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the said corporation of an attorney, solicitor, or proctor in or for the prosecution or defence of any action, suit, or other proceeding.

25 (2) (a) Every instrument bearing what purports to be the common seal of the corporation and purporting to be executed in accordance with the provisions of subsection one of this section shall, in favour of a person claiming for value and in good faith under or through that instrument, be
30 conclusively presumed to have been duly executed by the corporation.

(b) Section 51A of the Conveyancing Act, 1919, as amended by subsequent Acts, does not apply to or in respect of any instrument executed by the corporation.

35 7. Notice to or service upon the secretary of the Settlement shall be deemed to be a notice to or service upon the corporation.

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Sydney University Settlement Incorporation.

8. As soon as practicable after the commencement of this Act a copy of the constitution in force immediately before the commencement of this Act, certified under the common seal of the corporation, shall be registered in the office of the Registrar-General in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts.

Constitution
to be
registered.

Any instrument effecting a change in the constitution shall be certified and registered in like manner.

10 The production of a copy of any instrument so registered, certified by the Registrar-General or a Deputy Registrar-General, shall be received in all courts as conclusive evidence of the contents of the instrument; and in favour of any person dealing bona fide and for value with the corporation shall, together with this Act, be conclusive evidence of the objects and powers for the time being of the corporation unless such person shall have notice to the contrary.

9. As soon as practicable after the commencement of this Act a notification of the address of the office of the corporation in or to the effect of the form and in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts, shall be registered in the office of the Registrar-General and a like notification of every change of address shall be registered in like manner.

10. It shall be the duty of the secretary of the Settlement to take all necessary steps to comply with the provisions of sections eight and nine of this Act.

Duty of
secretary.

1. The first of these is the fact that the
2. second of these is the fact that the
3. third of these is the fact that the
4. fourth of these is the fact that the
5. fifth of these is the fact that the

6. The sixth of these is the fact that the
7. seventh of these is the fact that the
8. eighth of these is the fact that the
9. ninth of these is the fact that the
10. tenth of these is the fact that the

11. The eleventh of these is the fact that the
12. twelfth of these is the fact that the
13. thirteenth of these is the fact that the
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15. fifteenth of these is the fact that the

16. The sixteenth of these is the fact that the
17. seventeenth of these is the fact that the
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Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
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New South Wales



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stitution of the executive committee of the Settlement as
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mittee shall be a body corporate under the name of “The tion.
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perpetual succession and a common seal and may sue and be
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Vesting of
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shall by virtue of this Act be divested from such
person and shall vest in the corporation as from
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25 subject to those conditions or trusts, and where the gift, devise or bequest was not so made, subject to a trust for the objects of the Settlement specified in its constitution :

Provided that where by or under the constitution power
30 has been conferred on the executive committee to sell, grant, convey, demise or otherwise dispose of, either absolutely or by way of mortgage or otherwise, any of the property of the Settlement that power may be exercised by the corporation notwithstanding any condition or trust affecting the property in
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All liabilities of the Settlement or of any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section may be enforced against the corporation.

5. (1) No purchaser, mortgagee, lessee or other person dealing with the corporation, and neither the Registrar-General nor the Crown Solicitor nor any other person registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be made under a power conferred by this Act, be concerned to see or enquire into the necessity for or the propriety or the mode of exercising the power, or be affected by notice that the exercise of the power is unauthorised, irregular or improper, and a receipt for any money payable to the corporation, signed by its treasurer, shall be a sufficient discharge in favour of and shall exonerate the person paying such money from all responsibility for the application of such money.

Protection
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(2) Where—

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- (b) that land is not under the provisions of the Real Property Act, 1900, as amended by subsequent Acts; and
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(ii) in favour of every person claiming any estate or interest under or through the instrument and having taken for value, without notice that the land in which the instrument purports to create an estate or interest was not land held in trust for the Settlement or that the corporation had not an estate or interest sufficient to make the instrument effective to pass or create the estate or interest which the instrument purports to pass or create and in favour of every person claiming under or through any person having so taken, as against every person claiming under or through an instrument executed before the commencement of this Act, or under or through an instrument executed by the corporation, and not in either of such cases registered under the Registration of Deeds Act, 1897, as amended by subsequent Acts, before the registration under that Act, as so amended, of the instrument by this subsection made evidence, be conclusive evidence that the land described in the instrument so made evidence as being land held in trust for the Settlement was at the time of execution of the instrument land held in trust for the Settlement, that at the time of such execution the corporation had an estate or interest in the land so described sufficient to make that instrument effective to pass or create the estate or interest which that instrument purported to pass or create and that power had been conferred by or under the constitution on the corporation to execute that instrument.

(3) Any person deprived of any estate or interest in land by any such instrument as is mentioned in subsection two of this section may bring and prosecute an action for damages

Sydney University Settlement Incorporation.

damages against the corporation and any judgment recovered by the plaintiff in any such action shall be enforceable by execution against the real or personal property for the time being vested in the corporation whether trust property or not
 5 and any real or personal property taken by a purchaser on a sale in any such execution shall be free of all trusts affecting the same while vested in the execution debtor, except a trust created by the Crown, and the proceeds of every such sale shall in the hands of the Sheriff and of the execution creditor
 10 be free of all trusts to which it would be subject in the hands of the execution debtor.

6. (1) It shall be lawful for the executive committee at any time to design and to change or alter the common seal of the corporation. Such seal shall be in the custody of the
 15 secretary of the Settlement and shall not be affixed to any document except pursuant to a resolution of the executive committee.

Seal and
execution
of
documents.

The execution of any document to which the common seal is affixed shall not be complete without the signature of two
 20 members of the executive committee :

Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the said corporation of an attorney, solicitor, or proctor in or for the prosecution or defence of any action, suit, or other proceeding.

25 (2) (a) Every instrument bearing what purports to be the common seal of the corporation and purporting to be executed in accordance with the provisions of subsection one of this section shall, in favour of a person claiming for value and in good faith under or through that instrument, be
 30 conclusively presumed to have been duly executed by the corporation.

(b) Section 51A of the Conveyancing Act, 1919, as amended by subsequent Acts, does not apply to or in respect of any instrument executed by the corporation.

35 7. Notice to or service upon the secretary of the Settlement shall be deemed to be a notice to or service upon the corporation.

Service
upon
corporation.

Sydney University Settlement Incorporation.

8. As soon as practicable after the commencement of this Act a copy of the constitution in force immediately before the commencement of this Act, certified under the common seal of the corporation, shall be registered in the office of the Registrar-General in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts.

Constitution
to be
registered.

Any instrument effecting a change in the constitution shall be certified and registered in like manner.

10 The production of a copy of any instrument so registered, certified by the Registrar-General or a Deputy Registrar-General, shall be received in all courts as conclusive evidence of the contents of the instrument; and in favour of any person dealing bona fide and for value with the corporation shall, together with this Act, be conclusive evidence of the objects and powers for the time being of the corporation unless such person shall have notice to the contrary.

9. As soon as practicable after the commencement of this Office. Act a notification of the address of the office of the corporation in or to the effect of the form and in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts, shall be registered in the office of the Registrar-General and a like notification of every change of address shall be registered in like manner.

10. It shall be the duty of the secretary of the Settlement to take all necessary steps to comply with the provisions of sections eight and nine of this Act.

Duty of
secretary.

No. , 1959.

A BILL

To incorporate the executive committee of the Sydney University Settlement; to confer and impose on the corporation so created certain powers, authorities, duties and functions; to vest in such corporation the property of the Sydney University Settlement; and for purposes connected therewith.

[MR. HEFFRON;—27 August, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Sydney University Settlement Incorporation Act, 1959". Short title.

Sydney University Settlement Incorporation.

2. (1) In this Act unless the context or subject matter otherwise indicates or requires— Definitions.

“Constitution” means the constitution for the time being of the Settlement.

5 “Corporation” means the body incorporated by this Act.

“Executive committee” means the executive committee for the time being appointed under the constitution.

“Settlement” means the association known as the Sydney University Settlement.

10 (2) The constitution (so far as it relates to the constitution of the executive committee of the Settlement as existing immediately before the commencement of this Act) shall, subject to this Act, be the constitution of the corporation at such commencement.

15 3. The members for the time being of the executive committee shall be a body corporate under the name of “The Sydney University Settlement” and by that name shall have perpetual succession and a common seal and may sue and be sued, and shall be capable of purchasing, holding, granting, 20 demising, disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Incorporation.

4. (1) All property in New South Wales—

25 (a) which immediately before the commencement of this Act was vested in or held by any person in trust for or on behalf of or for the benefit of the Settlement shall by virtue of this Act be divested from such person and shall vest in the corporation as from such commencement; and

30 (b) which shall at any time after such commencement be given, devised or bequeathed to any person in trust for or on behalf of or for the benefit of the Settlement shall by virtue of this Act be divested from such person and shall vest in the corporation as 35 from the date upon which such gift, devise or bequest takes effect.

Vesting of property.

(2)

Sydney University Settlement Incorporation.

(2) A certificate under the common seal of the corporation that the land described in the certificate is situated within New South Wales and is property vested in or held by any person in trust for or on behalf of or for the benefit of the
5 Settlement shall—

(a) for the purpose of any application by the corporation to be registered as the proprietor, pursuant to a vesting by this Act, of any land under the provisions of the Real Property Act, 1900, as amended
10 by subsequent Acts, of which the body corporate is not the registered proprietor, be conclusive evidence, and

(b) in any action, suit or other proceeding, whether civil or criminal, be prima facie evidence,
15 of the facts so certified.

(3) All property vested in the corporation by the operation of—

(a) paragraph (a) of subsection one of this section shall be held by it subject to the conditions or trusts on which it was held immediately before such vesting;
20 and

(b) paragraph (b) of subsection one of this section shall be held by it, where the gift, devise or bequest was made subject to any express conditions or trusts,
25 subject to those conditions or trusts, and where the gift, devise or bequest was not so made, subject to a trust for the objects of the Settlement specified in its constitution :

Provided that where by or under the constitution power
30 has been conferred on the executive committee to sell, grant, convey, demise or otherwise dispose of, either absolutely or by way of mortgage or otherwise, any of the property of the Settlement that power may be exercised by the corporation notwithstanding any condition or trust affecting the property in
35 the hands of the corporation.

(4)

Sydney University Settlement Incorporation.

(4) All rights accruing or accrued to any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section are hereby vested in the corporation and may be enforced by the corporation.

All liabilities of the Settlement or of any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section may be enforced against the corporation.

5. (1) No purchaser, mortgagee, lessee or other person dealing with the corporation, and neither the Registrar-General nor the Crown Solicitor nor any other person registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be made under a power conferred by this Act, be concerned to see or enquire into the necessity for or the propriety or the mode of exercising the power, or be affected by notice that the exercise of the power is unauthorised, irregular or improper, and a receipt for any money payable to the corporation, signed by its treasurer, shall be a sufficient discharge in favour of and shall exonerate the person paying such money from all responsibility for the application of such money.

Protection
of
purchasers,
etc.

(2) Where—

(a) an instrument purports to be executed by the corporation and to pass or create an estate or interest in land described in the instrument as being land held in trust for the Settlement;

(b) that land is not under the provisions of the Real Property Act, 1900, as amended by subsequent Acts; and

(c) the instrument is registered under the provisions of the Registration of Deeds Act, 1897, as amended by subsequent Acts;

such instrument shall—

(i) in favour of every person claiming any estate or interest under or through the instrument, be conclusive evidence against the corporation that the land described

Sydney University Settlement Incorporation.

5 described in the instrument as being land held in trust for the Settlement was at the time of the execution of the instrument held in trust for the Settlement, and that the corporation had at the time of the execution thereof an estate or interest in the land so described sufficient to make the instrument effective to pass or create the estate or interest which the instrument purported to pass or create; and

10 (ii) in favour of every person claiming any estate or interest under or through the instrument and having taken for value, without notice that the land in which the instrument purports to create an estate or interest was not land held in trust for the Settlement or that the corporation had not an estate or interest sufficient to make the instrument effective to pass or create the estate or interest which the instrument purports to pass or create and in favour of every person claiming under or through any person having so taken, as against every person claiming under or through an instrument executed before the commencement of this Act, or under or through an instrument executed by the corporation, and not in either of such cases registered under the Registration of Deeds Act, 1897, as amended by subsequent Acts, before the registration under that Act, as so amended, of the instrument by this subsection made evidence, be conclusive evidence that the land described in the instrument so made evidence as being land held in trust for the Settlement was at the time of execution of the instrument land held in trust for the Settlement, that at the time of such execution the corporation had an estate or interest in the land so described sufficient to make that instrument effective to pass or create the estate or interest which that instrument purported to pass or create and that power had been conferred by or under the constitution on the corporation to execute that instrument.

(3) Any person deprived of any estate or interest in land by any such instrument as is mentioned in subsection
40 two of this section may bring and prosecute an action for damages

Sydney University Settlement Incorporation.

damages against the corporation and any judgment recovered by the plaintiff in any such action shall be enforceable by execution against the real or personal property for the time being vested in the corporation whether trust property or not
 5 and any real or personal property taken by a purchaser on a sale in any such execution shall be free of all trusts affecting the same while vested in the execution debtor, except a trust created by the Crown, and the proceeds of every such sale shall in the hands of the Sheriff and of the execution creditor
 10 be free of all trusts to which it would be subject in the hands of the execution debtor.

6. (1) It shall be lawful for the executive committee at any time to design and to change or alter the common seal of the corporation. Such seal shall be in the custody of the
 15 secretary of the Settlement and shall not be affixed to any document except pursuant to a resolution of the executive committee.

Seal and
execution
of
documents.

The execution of any document to which the common seal is affixed shall not be complete without the signature of two
 20 members of the executive committee :

Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the said corporation of an attorney, solicitor, or proctor in or for the prosecution or defence of any action, suit, or other proceeding.

25 (2) (a) Every instrument bearing what purports to be the common seal of the corporation and purporting to be executed in accordance with the provisions of subsection one of this section shall, in favour of a person claiming for value and in good faith under or through that instrument, be
 30 conclusively presumed to have been duly executed by the corporation.

(b) Section 51A of the Conveyancing Act, 1919, as amended by subsequent Acts, does not apply to or in respect of any instrument executed by the corporation.

35 7. Notice to or service upon the secretary of the Settlement shall be deemed to be a notice to or service upon the corporation.

Service
upon
corporation.

Sydney University Settlement Incorporation.

8. As soon as practicable after the commencement of this Act a copy of the constitution in force immediately before the commencement of this Act, certified under the common seal of the corporation, shall be registered in the office of the Registrar-General in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts.

Constitution
to be
registered.

Any instrument effecting a change in the constitution shall be certified and registered in like manner.

10 The production of a copy of any instrument so registered, certified by the Registrar-General or a Deputy Registrar-General, shall be received in all courts as conclusive evidence of the contents of the instrument; and in favour of any person dealing bona fide and for value with the corporation shall, together with this Act, be conclusive evidence of the objects and powers for the time being of the corporation unless such person shall have notice to the contrary.

9. As soon as practicable after the commencement of this Office. Act a notification of the address of the office of the corporation in or to the effect of the form and in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts, shall be registered in the office of the Registrar-General and a like notification of every change of address shall be registered in like manner.

25 10. It shall be the duty of the secretary of the Settlement to take all necessary steps to comply with the provisions of sections eight and nine of this Act.

Duty of
secretary.

SYDNEY UNIVERSITY SETTLEMENT INCORPORATION BILL, 1959.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to incorporate the executive committee of the Sydney University Settlement;
- (b) to confer and impose upon the corporation so created certain powers, authorities, duties and functions; and
- (c) to vest in that corporation the property of the Settlement.

SYDNEY UNIVERSITY SETTLEMENT INCORPORATION BILL

1939.

EXPLANATORY NOTE.

The object of the Bill is--

- (a) to incorporate the Sydney University Settlement as a company limited by guarantee;
- (b) to provide for the raising of funds for the settlement and for the carrying out of its objects;
- (c) to provide for the appointment of a committee of management for the settlement.

ENACTED

PROOF.

No. , 1959.

A BILL

To incorporate the executive committee of the Sydney University Settlement; to confer and impose on the corporation so created certain powers, authorities, duties and functions; to vest in such corporation the property of the Sydney University Settlement; and for purposes connected therewith.

[MR. HEFFRON;—27 August, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Sydney University Settlement Incorporation Act, 1959". Short title.

Sydney University Settlement Incorporation.

2. (1) In this Act unless the context or subject matter otherwise indicates or requires— Definitions.

“Constitution” means the constitution for the time being of the Settlement.

5 “Corporation” means the body incorporated by this Act.

“Executive committee” means the executive committee for the time being appointed under the constitution.

“Settlement” means the association known as the Sydney University Settlement.

10 (2) The constitution (so far as it relates to the constitution of the executive committee of the Settlement as existing immediately before the commencement of this Act) shall, subject to this Act, be the constitution of the corporation at such commencement.

15 3. The members for the time being of the executive committee shall be a body corporate under the name of “The Sydney University Settlement” and by that name shall have perpetual succession and a common seal and may sue and be sued, and shall be capable of purchasing, holding, granting, 20 demising, disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Incorporation.

4. (1) All property in New South Wales—

Vesting of property.

25 (a) which immediately before the commencement of this Act was vested in or held by any person in trust for or on behalf of or for the benefit of the Settlement shall by virtue of this Act be divested from such person and shall vest in the corporation as from such commencement; and

30 (b) which shall at any time after such commencement be given, devised or bequeathed to any person in trust for or on behalf of or for the benefit of the Settlement shall by virtue of this Act be divested from such person and shall vest in the corporation as 35 from the date upon which such gift, devise or bequest takes effect.

(2)

Sydney University Settlement Incorporation.

(2) A certificate under the common seal of the corporation that the land described in the certificate is situated within New South Wales and is property vested in or held by any person in trust for or on behalf of or for the benefit of the
5 Settlement shall—

(a) for the purpose of any application by the corporation to be registered as the proprietor, pursuant to a vesting by this Act, of any land under the provisions of the Real Property Act, 1900, as amended
10 by subsequent Acts, of which the body corporate is not the registered proprietor, be conclusive evidence, and

(b) in any action, suit or other proceeding, whether civil or criminal, be prima facie evidence,
15 of the facts so certified.

(3) All property vested in the corporation by the operation of—

(a) paragraph (a) of subsection one of this section shall be held by it subject to the conditions or trusts
20 on which it was held immediately before such vesting; and

(b) paragraph (b) of subsection one of this section shall be held by it, where the gift, devise or bequest was made subject to any express conditions or trusts,
25 subject to those conditions or trusts, and where the gift, devise or bequest was not so made, subject to a trust for the objects of the Settlement specified in its constitution :

Provided that where by or under the constitution power
30 has been conferred on the executive committee to sell, grant, convey, demise or otherwise dispose of, either absolutely or by way of mortgage or otherwise, any of the property of the Settlement that power may be exercised by the corporation notwithstanding any condition or trust affecting the property in
35 the hands of the corporation.

(4)

Sydney University Settlement Incorporation.

(4) All rights accruing or accrued to any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section are hereby vested in the corporation and may be enforced by the corporation.

All liabilities of the Settlement or of any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section may be enforced against the corporation.

5. (1) No purchaser, mortgagee, lessee or other person dealing with the corporation, and neither the Registrar-General nor the Crown Solicitor nor any other person registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be made under a power conferred by this Act, be concerned to see or enquire into the necessity for or the propriety or the mode of exercising the power, or be affected by notice that the exercise of the power is unauthorised, irregular or improper, and a receipt for any money payable to the corporation, signed by its treasurer, shall be a sufficient discharge in favour of and shall exonerate the person paying such money from all responsibility for the application of such money.

Protection
of
purchasers,
etc.

(2) Where—

- (a) an instrument purports to be executed by the corporation and to pass or create an estate or interest in land described in the instrument as being land held in trust for the Settlement;
- (b) that land is not under the provisions of the Real Property Act, 1900, as amended by subsequent Acts; and
- (c) the instrument is registered under the provisions of the Registration of Deeds Act, 1897, as amended by subsequent Acts;

such instrument shall—

- (i) in favour of every person claiming any estate or interest under or through the instrument, be conclusive evidence against the corporation that the land described

Sydney University Settlement Incorporation.

5 described in the instrument as being land held in trust for the Settlement was at the time of the execution of the instrument held in trust for the Settlement, and that the corporation had at the time of the execution thereof an estate or interest in the land so described sufficient to make the instrument effective to pass or create the estate or interest which the instrument purported to pass or create; and

10 (ii) in favour of every person claiming any estate or interest under or through the instrument and having taken for value, without notice that the land in which the instrument purports to create an estate or interest was not land held in trust for the Settlement or that the corporation had not an estate or interest sufficient to make the instrument effective to pass or create the estate or interest which the instrument purports to pass or create and in favour of every person claiming under or through any person having so taken, as against every person claiming under or through an instrument executed before the commencement of this Act, or under or through an instrument executed by the corporation, and not in either of such cases registered under the Registration of Deeds Act, 1897, as amended by subsequent Acts, before the registration under that Act, as so amended, of the instrument by this subsection made evidence, be conclusive evidence that the land described in the instrument so made evidence as being land held in trust for the Settlement was at the time of execution of the instrument land held in trust for the Settlement, that at the time of such execution the corporation had an estate or interest in the land so described sufficient to make that instrument effective to pass or create the estate or interest which that instrument purported to pass or create and that power had been conferred by or under the constitution on the corporation to execute that instrument.

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(3) Any person deprived of any estate or interest in land by any such instrument as is mentioned in subsection
40 two of this section may bring and prosecute an action for damages

Sydney University Settlement Incorporation.

damages against the corporation and any judgment recovered by the plaintiff in any such action shall be enforceable by execution against the real or personal property for the time being vested in the corporation whether trust property or not
5 and any real or personal property taken by a purchaser on a sale in any such execution shall be free of all trusts affecting the same while vested in the execution debtor, except a trust created by the Crown, and the proceeds of every such sale shall in the hands of the Sheriff and of the execution creditor
10 be free of all trusts to which it would be subject in the hands of the execution debtor.

6. (1) It shall be lawful for the executive committee at any time to design and to change or alter the common seal of the corporation. Such seal shall be in the custody of the
15 secretary of the Settlement and shall not be affixed to any document except pursuant to a resolution of the executive committee.

The execution of any document to which the common seal is affixed shall not be complete without the signature of two
20 members of the executive committee :

Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the said corporation of an attorney, solicitor, or proctor in or for the prosecution or defence of any action, suit, or other proceeding.

25 (2) (a) Every instrument bearing what purports to be the common seal of the corporation and purporting to be executed in accordance with the provisions of subsection one of this section shall, in favour of a person claiming for value and in good faith under or through that instrument, be
30 conclusively presumed to have been duly executed by the corporation.

(b) Section 51A of the Conveyancing Act, 1919, as amended by subsequent Acts, does not apply to or in respect of any instrument executed by the corporation.

35 7. Notice to or service upon the secretary of the Settlement shall be deemed to be a notice to or service upon the corporation.

Sydney University Settlement Incorporation.

8. As soon as practicable after the commencement of this Act a copy of the constitution in force immediately before the commencement of this Act, certified under the common seal of the corporation, shall be registered in the office of the Registrar-General in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts.

Constitution
to be
registered.

Any instrument effecting a change in the constitution shall be certified and registered in like manner.

10 The production of a copy of any instrument so registered, certified by the Registrar-General or a Deputy Registrar-General, shall be received in all courts as conclusive evidence of the contents of the instrument; and in favour of any person dealing bona fide and for value with the corporation shall, together with this Act, be conclusive evidence of the objects and powers for the time being of the corporation unless such person shall have notice to the contrary.

9. As soon as practicable after the commencement of this Office. Act a notification of the address of the office of the corporation in or to the effect of the form and in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts, shall be registered in the office of the Registrar-General and a like notification of every change of address shall be registered in like manner.

10. It shall be the duty of the secretary of the Settlement to take all necessary steps to comply with the provisions of sections eight and nine of this Act.

Duty of
secretary.

General Provisions

8. As soon as practicable after the commencement of this Act a copy of the constitution in force immediately before the commencement of the Act, certified under the common seal of the corporation, shall be retained in the office of the Registrar-General in the manner prescribed by regulations made under the Government of India Act, 1919, as amended by subsequent Acts.

Any instrument affecting a share in the corporation shall be certified and registered in the manner.

10. The production of a copy of any instrument so registered certified by the Registrar-General or a Deputy Registrar-General, shall be received in all courts as conclusive evidence of the contents of the instrument; and in favour of any person dealing bona fide and for value with the corporation shall be together with this Act, be deemed to be evidence of the rights and powers for the time being of the corporation unless such person shall have notice to the contrary.

9. As soon as practicable after the commencement of this Act a notification in the official gazette of the corporation shall be issued in the form and in the manner prescribed by regulations made under the Government of India Act, 1919, as amended by subsequent Acts, shall be retained in the office of the Registrar-General and a copy of the notification shall be of address shall be retained in the manner.

10. It shall be the duty of the Registrar-General of the corporation to take all necessary steps to comply with the provisions of sections eight and nine of this Act.

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 16, 1959.

An Act to incorporate the executive committee of the Sydney University Settlement; to confer and impose on the corporation so created certain powers, authorities, duties and functions; to vest in such corporation the property of the Sydney University Settlement; and for purposes connected therewith. [Assented to, 7th October, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Sydney University Short title. Settlement Incorporation Act, 1959".

Sydney University Settlement Incorporation.

Definitions.

2. (1) In this Act unless the context or subject matter otherwise indicates or requires—

“Constitution” means the constitution for the time being of the Settlement.

“Corporation” means the body incorporated by this Act.

“Executive committee” means the executive committee for the time being appointed under the constitution.

“Settlement” means the association known as the Sydney University Settlement.

(2) The constitution (so far as it relates to the constitution of the executive committee of the Settlement as existing immediately before the commencement of this Act) shall, subject to this Act, be the constitution of the corporation at such commencement.

Incorporation.

3. The members for the time being of the executive committee shall be a body corporate under the name of “The Sydney University Settlement” and by that name shall have perpetual succession and a common seal and may sue and be sued, and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Vesting of property.

4. (1) All property in New South Wales—

(a) which immediately before the commencement of this Act was vested in or held by any person in trust for or on behalf of or for the benefit of the Settlement shall by virtue of this Act be divested from such person and shall vest in the corporation as from such commencement; and

(b) which shall at any time after such commencement be given, devised or bequeathed to any person in trust for or on behalf of or for the benefit of the Settlement shall be deemed to be property given, devised or bequeathed, as the case may be, to the corporation.

(2)

Sydney University Settlement Incorporation.

(2) A certificate under the common seal of the corporation that the land described in the certificate is situated within New South Wales and is property vested in or held by any person in trust for or on behalf of or for the benefit of the Settlement shall—

(a) for the purpose of any application by the corporation to be registered as the proprietor, pursuant to a vesting by this Act, of any land under the provisions of the Real Property Act, 1900, as amended by subsequent Acts, of which the body corporate is not the registered proprietor, be conclusive evidence, and

(b) in any action, suit or other proceeding, whether civil or criminal, be prima facie evidence,

of the facts so certified.

(3) All property vested in the corporation by the operation of—

(a) paragraph (a) of subsection one of this section shall be held by it subject to the conditions or trusts on which it was held immediately before such vesting; and

(b) paragraph (b) of subsection one of this section shall be held by it, where the gift, devise or bequest was made subject to any express conditions or trusts, subject to those conditions or trusts, and where the gift, devise or bequest was not so made, subject to a trust for the objects of the Settlement specified in its constitution :

Provided that where by or under the constitution power has been conferred on the executive committee to sell, grant, convey, demise or otherwise dispose of, either absolutely or by way of mortgage or otherwise, any of the property of the Settlement that power may be exercised by the corporation notwithstanding any condition or trust affecting the property in the hands of the corporation.

Sydney University Settlement Incorporation.

(4) All rights accruing or accrued to any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section are hereby vested in the corporation and may be enforced by the corporation.

All liabilities of the Settlement or of any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section may be enforced against the corporation.

Protection
of
purchasers,
etc.

5. (1) No purchaser, mortgagee, lessee or other person dealing with the corporation, and neither the Registrar-General nor the Crown Solicitor nor any other person registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be made under a power conferred by this Act, be concerned to see or enquire into the necessity for or the propriety or the mode of exercising the power, or be affected by notice that the exercise of the power is unauthorised, irregular or improper, and a receipt for any money payable to the corporation, signed by its treasurer, shall be a sufficient discharge in favour of and shall exonerate the person paying such money from all responsibility for the application of such money.

(2) Where—

- (a) an instrument purports to be executed by the corporation and to pass or create an estate or interest in land described in the instrument as being land held in trust for the Settlement;
- (b) that land is not under the provisions of the Real Property Act, 1900, as amended by subsequent Acts; and
- (c) the instrument is registered under the provisions of the Registration of Deeds Act, 1897, as amended by subsequent Acts;

such instrument shall—

- (i) in favour of every person claiming any estate or interest under or through the instrument, be conclusive evidence against the corporation that the land described

Sydney University Settlement Incorporation.

described in the instrument as being land held in trust for the Settlement was at the time of the execution of the instrument held in trust for the Settlement, and that the corporation had at the time of the execution thereof an estate or interest in the land so described sufficient to make the instrument effective to pass or create the estate or interest which the instrument purported to pass or create; and

- (ii) in favour of every person claiming any estate or interest under or through the instrument and having taken for value, without notice that the land in which the instrument purports to create an estate or interest was not land held in trust for the Settlement or that the corporation had not an estate or interest sufficient to make the instrument effective to pass or create the estate or interest which the instrument purports to pass or create and in favour of every person claiming under or through any person having so taken, as against every person claiming under or through an instrument executed before the commencement of this Act, or under or through an instrument executed by the corporation, and not in either of such cases registered under the Registration of Deeds Act, 1897, as amended by subsequent Acts, before the registration under that Act, as so amended, of the instrument by this subsection made evidence, be conclusive evidence that the land described in the instrument so made evidence as being land held in trust for the Settlement was at the time of execution of the instrument land held in trust for the Settlement, that at the time of such execution the corporation had an estate or interest in the land so described sufficient to make that instrument effective to pass or create the estate or interest which that instrument purported to pass or create and that power had been conferred by or under the constitution on the corporation to execute that instrument.

(3) Any person deprived of any estate or interest in land by any such instrument as is mentioned in subsection two of this section may bring and prosecute an action for damages

Sydney University Settlement Incorporation.

damages against the corporation and any judgment recovered by the plaintiff in any such action shall be enforceable by execution against the real or personal property for the time being vested in the corporation whether trust property or not and any real or personal property taken by a purchaser on a sale in any such execution shall be free of all trusts affecting the same while vested in the execution debtor, except a trust created by the Crown, and the proceeds of every such sale shall in the hands of the Sheriff and of the execution creditor be free of all trusts to which it would be subject in the hands of the execution debtor.

Seal and
execution
of
documents.

6. (1) It shall be lawful for the executive committee at any time to design and to change or alter the common seal of the corporation. Such seal shall be in the custody of the secretary of the Settlement and shall not be affixed to any document except pursuant to a resolution of the executive committee.

The execution of any document to which the common seal is affixed shall not be complete without the signature of two members of the executive committee :

Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the said corporation of an attorney, solicitor, or proctor in or for the prosecution or defence of any action, suit, or other proceeding.

(2) (a) Every instrument bearing what purports to be the common seal of the corporation and purporting to be executed in accordance with the provisions of subsection one of this section shall, in favour of a person claiming for value and in good faith under or through that instrument, be conclusively presumed to have been duly executed by the corporation.

(b) Section 51A of the Conveyancing Act, 1919, as amended by subsequent Acts, does not apply to or in respect of any instrument executed by the corporation.

Service
upon
corporation.

7. Notice to or service upon the secretary of the Settlement shall be deemed to be a notice to or service upon the corporation.

Sydney University Settlement Incorporation.

8. As soon as practicable after the commencement of this Act a copy of the constitution in force immediately before the commencement of this Act, certified under the common seal of the corporation, shall be registered in the office of the Registrar-General in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts. Constitution
to be
registered.

Any instrument effecting a change in the constitution shall be certified and registered in like manner.

The production of a copy of any instrument so registered, certified by the Registrar-General or a Deputy Registrar-General, shall be received in all courts as conclusive evidence of the contents of the instrument; and in favour of any person dealing bona fide and for value with the corporation shall, together with this Act, be conclusive evidence of the objects and powers for the time being of the corporation unless such person shall have notice to the contrary.

9. As soon as practicable after the commencement of this Office. Act a notification of the address of the office of the corporation in or to the effect of the form and in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts, shall be registered in the office of the Registrar-General and a like notification of every change of address shall be registered in like manner.

10. It shall be the duty of the secretary of the Settlement Duty of
secretary. to take all necessary steps to comply with the provisions of sections eight and nine of this Act.

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1959

THE HISTORY OF

THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT TO THE PRESENT TIME
BY SAMUEL JOHNSON
OF THE BOSTON BAR

IN TWO VOLUMES
THE FIRST VOLUME
CONTAINING THE HISTORY FROM THE FIRST SETTLEMENT TO THE YEAR 1780
THE SECOND VOLUME
CONTAINING THE HISTORY FROM THE YEAR 1780 TO THE PRESENT TIME

LONDON: Printed by J. JOHNSON, in Pall-mall, 1790.
BY J. JOHNSON, in Pall-mall, 1790.

THE HISTORY OF THE CITY OF BOSTON
FROM THE FIRST SETTLEMENT TO THE PRESENT TIME

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 September, 1959.*

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 16, 1959.

An Act to incorporate the executive committee of the Sydney University Settlement; to confer and impose on the corporation so created certain powers, authorities, duties and functions; to vest in such corporation the property of the Sydney University Settlement; and for purposes connected therewith. [Assented to, 7th October, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows : —

1. This Act may be cited as the "Sydney University Short title. Settlement Incorporation Act, 1959".

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Sydney University Settlement Incorporation.

Definitions.

2. (1) In this Act unless the context or subject matter otherwise indicates or requires—

“Constitution” means the constitution for the time being of the Settlement.

“Corporation” means the body incorporated by this Act.

“Executive committee” means the executive committee for the time being appointed under the constitution.

“Settlement” means the association known as the Sydney University Settlement.

(2) The constitution (so far as it relates to the constitution of the executive committee of the Settlement as existing immediately before the commencement of this Act) shall, subject to this Act, be the constitution of the corporation at such commencement.

Incorporation.

3. The members for the time being of the executive committee shall be a body corporate under the name of “The Sydney University Settlement” and by that name shall have perpetual succession and a common seal and may sue and be sued, and shall be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Vesting of property.

4. (1) All property in New South Wales—

(a) which immediately before the commencement of this Act was vested in or held by any person in trust for or on behalf of or for the benefit of the Settlement shall by virtue of this Act be divested from such person and shall vest in the corporation as from such commencement; and

(b) which shall at any time after such commencement be given, devised or bequeathed to any person in trust for or on behalf of or for the benefit of the Settlement shall be deemed to be property given, devised or bequeathed, as the case may be, to the corporation.

(2)

Sydney University Settlement Incorporation.

(2) A certificate under the common seal of the corporation that the land described in the certificate is situated within New South Wales and is property vested in or held by any person in trust for or on behalf of or for the benefit of the Settlement shall—

- (a) for the purpose of any application by the corporation to be registered as the proprietor, pursuant to a vesting by this Act, of any land under the provisions of the Real Property Act, 1900, as amended by subsequent Acts, of which the body corporate is not the registered proprietor, be conclusive evidence, and
- (b) in any action, suit or other proceeding, whether civil or criminal, be prima facie evidence,

of the facts so certified.

(3) All property vested in the corporation by the operation of—

- (a) paragraph (a) of subsection one of this section shall be held by it subject to the conditions or trusts on which it was held immediately before such vesting; and
- (b) paragraph (b) of subsection one of this section shall be held by it, where the gift, devise or bequest was made subject to any express conditions or trusts, subject to those conditions or trusts, and where the gift, devise or bequest was not so made, subject to a trust for the objects of the Settlement specified in its constitution :

Provided that where by or under the constitution power has been conferred on the executive committee to sell, grant, convey, demise or otherwise dispose of, either absolutely or by way of mortgage or otherwise, any of the property of the Settlement that power may be exercised by the corporation notwithstanding any condition or trust affecting the property in the hands of the corporation.

(4)

Sydney University Settlement Incorporation.

(4) All rights accruing or accrued to any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section are hereby vested in the corporation and may be enforced by the corporation.

All liabilities of the Settlement or of any person in New South Wales on behalf of the Settlement in respect of any property vested in the corporation by the operation of subsection one of this section may be enforced against the corporation.

Protection
of
purchasers,
etc.

5. (1) No purchaser, mortgagee, lessee or other person dealing with the corporation, and neither the Registrar-General nor the Crown Solicitor nor any other person registering or certifying title shall, upon any sale, exchange, mortgage, lease or other dealing purporting to be made under a power conferred by this Act, be concerned to see or enquire into the necessity for or the propriety or the mode of exercising the power, or be affected by notice that the exercise of the power is unauthorised, irregular or improper, and a receipt for any money payable to the corporation, signed by its treasurer, shall be a sufficient discharge in favour of and shall exonerate the person paying such money from all responsibility for the application of such money.

(2) Where—

- (a) an instrument purports to be executed by the corporation and to pass or create an estate or interest in land described in the instrument as being land held in trust for the Settlement;
- (b) that land is not under the provisions of the Real Property Act, 1900, as amended by subsequent Acts; and
- (c) the instrument is registered under the provisions of the Registration of Deeds Act, 1897, as amended by subsequent Acts;

such instrument shall—

- (i) in favour of every person claiming any estate or interest under or through the instrument, be conclusive evidence against the corporation that the land described

Sydney University Settlement Incorporation.

described in the instrument as being land held in trust for the Settlement was at the time of the execution of the instrument held in trust for the Settlement, and that the corporation had at the time of the execution thereof an estate or interest in the land so described sufficient to make the instrument effective to pass or create the estate or interest which the instrument purported to pass or create; and

- (ii) in favour of every person claiming any estate or interest under or through the instrument and having taken for value, without notice that the land in which the instrument purports to create an estate or interest was not land held in trust for the Settlement or that the corporation had not an estate or interest sufficient to make the instrument effective to pass or create the estate or interest which the instrument purports to pass or create and in favour of every person claiming under or through any person having so taken, as against every person claiming under or through an instrument executed before the commencement of this Act, or under or through an instrument executed by the corporation, and not in either of such cases registered under the Registration of Deeds Act, 1897, as amended by subsequent Acts, before the registration under that Act, as so amended, of the instrument by this subsection made evidence, be conclusive evidence that the land described in the instrument so made evidence as being land held in trust for the Settlement was at the time of execution of the instrument land held in trust for the Settlement, that at the time of such execution the corporation had an estate or interest in the land so described sufficient to make that instrument effective to pass or create the estate or interest which that instrument purported to pass or create and that power had been conferred by or under the constitution on the corporation to execute that instrument.

- (3) Any person deprived of any estate or interest in land by any such instrument as is mentioned in subsection two of this section may bring and prosecute an action for damages

Sydney University Settlement Incorporation.

damages against the corporation and any judgment recovered by the plaintiff in any such action shall be enforceable by execution against the real or personal property for the time being vested in the corporation whether trust property or not and any real or personal property taken by a purchaser on a sale in any such execution shall be free of all trusts affecting the same while vested in the execution debtor, except a trust created by the Crown, and the proceeds of every such sale shall in the hands of the Sheriff and of the execution creditor be free of all trusts to which it would be subject in the hands of the execution debtor.

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The execution of any document to which the common seal is affixed shall not be complete without the signature of two members of the executive committee :

Provided that it shall not be necessary to require such seal to be affixed as evidence of the appointment by the said corporation of an attorney, solicitor, or proctor in or for the prosecution or defence of any action, suit, or other proceeding.

(2) (a) Every instrument bearing what purports to be the common seal of the corporation and purporting to be executed in accordance with the provisions of subsection one of this section shall, in favour of a person claiming for value and in good faith under or through that instrument, be conclusively presumed to have been duly executed by the corporation.

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9. As soon as practicable after the commencement of this Act a notification of the address of the office of the corporation in or to the effect of the form and in the manner prescribed by regulations made under the Conveyancing Act, 1919, as amended by subsequent Acts, shall be registered in the office of the Registrar-General and a like notification of every change of address shall be registered in like manner. Office.

10. It shall be the duty of the secretary of the Settlement to take all necessary steps to comply with the provisions of sections eight and nine of this Act. Duty of
secretary.

In the name and on behalf of Her Majesty I assent to this Act.

E. W. WOODWARD,
Governor.

Government House,
Sydney, 7th October, 1959.

