

VICTORIA.



ANNO SEPTIMO

EDWARDI SEPTIMI REGIS.

No. 2122.

An Act to vest in "The Old Colonists Association" Land situated in the City of Fitzroy whereof the "Australasian Dramatic and Musical Association" is the Crown Grantee in pursuance of an Agreement between the said Associations and for other purposes.

[16th December, 1907.]

WHEREAS by a deed poll or Crown grant bearing date the seventh day of January One thousand eight hundred and seventy-eight registered in the register book of the Office of Titles volume 1046 folio 209114 and duly indorsed "No Survivorship" in order to provide a site at Fitzroy in connexion with the Australasian Dramatic and Musical Association for the reception of old decayed distressed or destitute actors or other persons connected with the dramatic profession the Governor in Council did grant the land described therein to certain trustees therein named in trust for the purposes aforesaid: and whereas a portion of the said land has been taken by the Victorian Railways Commissioners under their statutory powers for railway purposes and the land
now

Preamble.

First Schedule.

Second Schedule.

First Schedule.

now remaining in the said Crown grant subject to the trusts therein set forth is the land described in the First Schedule to this Act and is vested in James Cassius Williamson George Musgrove George Tallis and Henry Westley the duly appointed trustees thereof upon and subject to the trusts set forth in the said Crown grant: And whereas on the first day of June One thousand eight hundred and sixty-nine an association named "The Old Colonists Association of Victoria" was formed and is now existing: And whereas by a deed poll or Crown grant bearing date the first day of October One thousand eight hundred and seventy-seven registered in the register book of the Office of Titles volume 1003 folio 200572 and duly indorsed "No Survivorship" the Governor in Council did grant the land described in the Second Schedule hereto (being land contiguous to the land described in the First Schedule hereto) to certain trustees therein named upon and subject to the trusts conditions provisions declarations and reservations therein set forth to provide a site for buildings to be used as an asylum in connexion with the said "The Old Colonists Association" which said lands and hereditaments have been by subsequent transfers from time to time transferred to other duly appointed trustees under the provisions in that behalf of the said Crown grant and are now vested in Frank Graham of Little Collins-street east Melbourne merchant and Robert Caldwell Anderson of Collins-street west Melbourne the registered proprietors thereof by certificate of title registered volume 1941 folio 388101 in the register book of the Office of Titles and duly marked "No Survivorship" who hold the same subject to the trusts conditions provisions declarations and reservations set forth in the said Crown grant: And whereas the said Associations have up to the present time acted independently of each other and each of them has occupied and used the land in its Crown grant for the purposes for which it was granted and has erected buildings thereon as dwelling places for inmates elected under the Rules and Regulations of the Association; but it has been found that owing to the limited financial resources of the Australasian Dramatic and Musical Association and for other reasons the objects of the said Association could be better accomplished if the authority of Parliament could be obtained to the carrying out the scheme of arrangement contained in the agreement between the said Associations next hereinafter recited: And whereas by the said scheme of arrangement the said Associations have agreed subject to the authority of Parliament being obtained for that purpose as follows that is to say:—

That the land in the Crown grant volume 1046 folio 209114 so as aforesaid granted to and now held in trust for the "Australasian Dramatic and Musical Association" be taken over and made to vest in "The Old Colonists Association of Victoria" free and discharged from the trusts and conditions of the said Crown grant and thereafter be held together with the land comprised in the hereinbefore mentioned certificate of title volume 1941 folio 388101 by the said "The Old Colonists

Colonists Association" upon and subject to trusts conditions provisions declarations and reservations similar to those set forth in the hereinbefore recited Crown grant volume 1003 folio 200572 and also to the following further conditions and trusts that is to say:—

(1) The five old actors whose names are set out in the Third Schedule hereto and who are now the only duly admitted inmates of the homes standing upon the land comprised in the said Crown grant to the "Australasian Dramatic and Musical Association" and maintained therein by that Association shall immediately upon the said land and buildings becoming vested in the said "The Old Colonists Association" become and be deemed duly elected inmates of the homes of that Association, and each of them thereafter (subject nevertheless to the Rules and Regulations of the said Association for the time being in force) shall be maintained by the said Association until death or other determination of his or her connexion with the said Association. Third Schedule.

(2) That from and after the death of any one of the said five or the determination in any other way of his or her connexion with the Association the said Association shall throughout a period of seventy-five years commencing from the commencement of this Act maintain as inmates of the homes of the said Association four old actors as inmates of the homes of the said Association. The four survivors of the said five to be the first four and thenceforth upon the death or retirement of any of the said four survivors or of any old actor inmate elected under this provision the vacancy shall be filled by some old actor who shall have practised his or her dramatic profession for a period of not less than twenty-five years either altogether in Victoria or principally in Victoria with periods of occasionally temporary employment under professional engagements in any of the other States of the Commonwealth or New Zealand such actor to be nominated as candidate by the Council of the said "Australasian Dramatic and Musical Association" so long as such Association shall exist and thereafter in manner prescribed by the Rules and Regulations of the said "The Old Colonists Association" for the election of inmates of the homes of that Association. The old actors becoming inmates under this provision to be on the same footing in every respect as the other inmates of the said homes and subject to the same Rules and Regulations and without any preferential right to occupy any particular building or particular portion of the land and property of the said Association other than that allotted to them by the said Association: And whereas by the establishment by law of the said scheme and agreement the public advantage and the advantage of each of the said Associations and the objects for which they were respectively created and for which the said Crown grants were originally issued will be greatly promoted: And whereas it is expedient that this should be effected in manner and subject to the provisions hereinafter appearing. Be it therefore enacted by the King's Most Excellent

Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as *The Old Colonists Association Act 1907.*

Transfer by
Australasian
Dramatic and
Musical Association
to the King.

2. As soon as practicable after the passing of this Act the trustees in whom is vested the land comprised in the Crown grant volume 1046 folio 209114 now remaining subject to the trusts therein set forth shall transfer to His Majesty the King the land described in the First Schedule to this Act together with all buildings erections fixtures easements and appurtenances whatsoever on or belonging to or appurtenant to the said land and all their estate and interest as such trustees and all the estate and interest of the said "Australasian Dramatic and Musical Association" in the said land and premises free from all encumbrances and from all trusts conditions and obligations upon which the said land and premises were held under the said Crown grant and from all claims the said trustees or Association might have in respect of the said buildings and premises; and shall do and permit all acts and things necessary to enable His Majesty to become the registered proprietor of the said land and premises. The transfer to be expressed to be made in consideration and pursuance of this Act and shall be approved of by the Commissioner of Titles and when executed by the Governor in Council or such person as he shall direct on behalf of His Majesty shall be registered under the *Transfer of Land Act 1890* and a certificate of title issued thereon to and in the name of His Majesty.

Trustees and
Association relieved
from trusts.

3. From and after the registration of the said transfer the trustees of the said Association and the said Association shall be thenceforth released and discharged from all trusts obligations and liabilities in respect of the said land and premises so transferred.

Transfer by Old
Colonists
Association to the
King.

4. Simultaneously with or as soon as practicable after the execution of the transfer directed by the last preceding section the registered proprietors of Crown grant volume 1003 folio 200572 shall at the request and by the direction of the Council of the said "The Old Colonists Association" transfer to His Majesty the King the land buildings and hereditaments comprised in the said certificate of title and all their estate and interest and all the estate and interest of the said Association in the said land buildings and hereditaments and shall do and permit all acts and things necessary to enable His Majesty to become the registered proprietor of the said land and premises; the transfer shall be expressed to be made in consideration and pursuance of this Act, and shall be approved by the Commissioner of Titles and when executed by the
Governor

Governor in Council or such person as he shall direct on behalf of His Majesty shall be registered under the *Transfer of Land Act* 1890 and a certificate of title be issued thereon to and in the name of His Majesty.

5. When the two transfers to His Majesty the King authorized to be made under this Act have been duly registered in the Office of Titles and the said certificate of title volume 1941 folio 388101 and its duplicate duly cancelled and the said Crown grant volume 1046 folio 209114 cancelled as to the land comprised therein described in the First Schedule to this Act the Order in Council dated the seventh day of January, One thousand eight hundred and seventy-eight by which the land described in the First Schedule to this Act was reserved from sale permanently under the provisions of the *Land Act* 1869 as a site for the purposes of the Old Actors Association for the benefit and use of old actors and other persons connected with the dramatic profession and the Order in Council dated the twenty-third day of December One thousand eight hundred and seventy-four by which the land described in the Second Schedule to this Act was reserved from sale permanently under the provisions of the *Land Act* 1869 as a site for an Asylum in connexion with the Old Colonists Association of Victoria shall hereby be revoked and the lands so transferred shall thereupon become Crown lands freed from the conditions provisions and declarations contained in the hereinbefore recited Crown grants respectively as if such lands respectively had never been alienated from the Crown; and the Governor in Council may thereupon issue to and in the name of the trustees for the time being of the said "The Old Colonists Association" a single Crown grant of the lands so transferred, being the lands comprised in the First and Second Schedule hereto for an estate in fee simple subject nevertheless to reservations conditions provisions and declarations similar to those contained in the hereinbefore recited Crown grant to the said "The Old Colonists Association" and to conditions provisions and declarations giving effect to the terms and conditions of the hereinbefore recited agreement between the said two Associations specifically set forth in the recital hereinbefore contained of the said agreement, and also to such other reservations conditions provisions and declarations as the Governor in Council shall think fit.

6. Upon registration of the Crown grant to be issued to the trustees of the said "The Old Colonists Association" under the provisions of this Act the Registrar of Titles shall deliver the duplicate Crown grant to the trustees of the said "The Old Colonists Association" or to such person as they shall authorize to receive the same.

SCHEDULES.

 SCHEDULES.

Section 5.

FIRST SCHEDULE.

All that piece or parcel of land situated in the City of Fitzroy in the parish of Jika Jika county of Bourke being part of Crown allotment one of section forty-seven and containing by admeasurement four acres twenty-six perches and eight-tenths of a perch be the same more or less and bounded as follows : Commencing at the north angle of Crown allotment two of section forty-seven bounded thence by that allotment bearing S. 32° 12' W. eight chains forty-five links ; thence by a street bearing N. 20° 16' W. nine chains twenty-four links ; thence by Falconer-street bearing N. 54° 56' E. three chains fifty-five links ; thence by other part of Crown allotment one of section forty-seven by a line bearing S. 55° 54' E. five hundred and fifteen links and nine-tenths of a link ; and thence by part of the north-eastern boundary of Crown allotment one of section forty-seven bearing S. 39° 31' E. eighty-four links and four-tenths of a link to the commencing point.

Section 5.

SECOND SCHEDULE.

All that piece of land containing four acres and thirty-six perches more or less being Crown allotment two of section forty-seven town of Fitzroy in the parish of Jika Jika county of Bourke : Commencing at the south angle of Crown allotment one of the said section forty-seven ; bounded thence by that allotment bearing N. 32° 12' E. eight chains forty-five links ; thence by a line bearing S. 39° 31' E. four chains eighty-three links thence by McKean-street bearing S. 32° 10' W. nine chains sixty-four links ; and thence by a road with a concave curve of eighteen chains seventy-five links radius five chains thirty-five links to the point of commencement, the bearing and distance of the chord of the said curve being N. 27° 30' W. five chains thirty-two links and one half of a link.

THIRD SCHEDULE.

Mrs. Caroline Gladstone.
 John Riley.
 William Dibdin Bates.
 Joshua John Heawood.
 Thomas Holland.

 MELBOURNE :

By Authority : J. KEMP, Acting Government Printer.