

## GERALDTON SAILORS AND SOLDIERS' MEMORIAL INSTITUTE.

20° GEO. V., No. XXXVI.

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No. 38 of 1929.

### AN ACT to vest the Geraldton Sailors and Soldiers' Memorial Institute in Trustees and for purposes incidental thereto.

[Assented to 31st December, 1929.]

Preamble.

WHEREAS the Sailors and Soldiers' Memorial Institute Incorporated is registered as the proprietor of all those pieces of land being:—

Firstly: Portion of Geraldton town lot 54 and being part of lot 1 on Diagram 3065 now the subject of Diagram 5349, and secondly, portion of Geraldton town lot 54 and being lot 2 on Plan 3065, and being the whole of the land comprised in Certificate of Title Volume 768, Folio 48: And whereas the said land, together with certain furniture, fittings, goods, and chattels now upon or about the said land or in, upon, or about the buildings erected thereon was purchased with certain funds collected by a committee, for the purpose of providing in Geraldton a suitable memorial to fallen sailors and soldiers: And whereas the sum of One thousand one hundred and thirteen pounds fifteen shillings and sevenpence (£1,113 15s. 7d.) or thereabouts, being the unexpended balance of such funds and interest thereon, is now held by the mayor of Geraldton, having been handed over by the said committee to the said mayor: And whereas it is expedient to vest the said land and the said furniture, fittings, goods, and chattels and the said money in trustees and to invest such trustees with certain powers:

**B**E it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Geraldton Sailors and Soldiers' Memorial Institute Act, 1929.*

2. In this Act—

Interpretation.

- “The said land” means the land hereinbefore referred to;
- “The said moneys” means the sum of money hereinbefore referred to and all interest thereon;
- “The trustees” means the trustees for the time being appointed under this Act;
- “Returned soldier” means any person who is eligible for membership of “Returned Sailors and Soldiers’ Imperial League of Australia.”

3. The incorporation of the Sailors and Soldiers’ Memorial Institute under the Association Incorporation Act, 1895, is hereby dissolved: Provided that any and every deed, contract, agreement, act, matter, or thing heretofore executed or done by such association shall have and take effect as if such corporation had been regular and in accordance with the said Act.

Incorporation dissolved.

4. (1.) For the purpose of this Act there shall be five trustees, who shall be a body corporate, under the name of The Trustees of the Geraldton Sailors and Soldiers’ Memorial Institute, with perpetual succession and a common seal, and shall have power to hold real and personal property and to sue and be sued.

Trustees to be a corporate body.

(2.) The mayor for the time being of the municipality of Geraldton shall (*ex officio*) be one of the trustees and the chairman thereof.

(3.) Two of the trustees shall be ratepayers of the municipality of Geraldton and shall be elected by the council of the municipality, who may at any time remove them or either of them from office, and may on such removal, or on any vacancy through any cause occurring in the trustees so elected by the said council fill such vacancy by the election of another ratepayer or other ratepayers. Either or both of such trustees may be a councillor or councillors of the said municipality.

(4.) The remaining two trustees shall be appointed by the executive for the time being of the Geraldton sub-branch of the Returned Sailors and Soldiers’ Imperial League of Australia, which on any vacancy, from any cause occurring in the trustees appointed by it, fill such vacancy by the appointment of another person or other persons.

(5.) The Governor may, at any time, exercise the powers of the said council or the said executive under this section if such council or executive shall fail to make any necessary election.

(6.) The certificate of the said mayor shall, in the absence of fraud, be conclusive evidence of the names of the trustees for the time being appointed and of the due appointment of such trustees.

*Vesting of lands and  
chattels in trustees.*

5. Such land, chattels, and money are hereby vested in the trustees as to the land in fee simple, and as to the chattels absolutely, on the following trusts:—

- (a) as to the land and chattels in trust to be used as a club house for all returned soldiers;
- (b) as to the money in trust to invest in investments allowed by law for the investment of trust funds, and to apply the income therefrom in the maintenance, upkeep, improvement, or replacement of the said land, including the buildings thereon and the said chattels.

*Powers of trustees.*

6. The trustees are hereby authorised and empowered, with the approval of the Governor, to exercise any of the following powers with relation to the said land:—

- (a) to sell the said land or any portion thereof, with the buildings thereon, and to transfer or otherwise assure the same to a purchaser or purchasers free and absolutely discharged from any trust to which such land or any portion thereof may be subject;
- (b) mortgage such lands or any portion thereof for the purpose of any security to assure the same to the mortgagee freed and discharged from any such trusts as aforesaid;
- (c) to lease the land or any portion thereof, notwithstanding such trusts, for any term with or without a right of renewal or option of purchase, and subject to such covenants, conditions, and agreements as they may think fit: Provided, that the trustees may, without the approval of the Governor, lease for a term of not longer than three years the said

land and buildings, and the said chattels to the said Geraldton sub-branch of the Returned Sailors and Soldiers' Imperial League of Australia: Provided, that such sub-branch shall use such land, buildings, and chattels as a club for returned soldiers.

7. The common seal of the trustees shall not be affixed to any instrument except by a majority of the trustees, and the trustees so affixing such common seal shall countersign every such instrument.

Affixing the seal.

8. The Registrar of Titles shall upon application by the trustees enter the trustees under their corporate name as proprietors of the said land for an estate in fee simple therein.

Registrar of Titles to register trustees as proprietors of land.

9. The trustees shall be entitled to be reimbursed in respect of all proper expenses incurred by them as such, but no trustee shall accept any remuneration or reward for his services as such.

Reimbursement of expense of trustees.

10. No trustee shall be liable as such to any creditor of the trustees beyond the property of the trustees in his hands.

No trustee to incur personal liability.

11. The trustees shall present to the council of the said municipality annually a financial statement certified by the town clerk or auditor, and a report of their proceedings and operations during the year.

Accounts, annual report, and financial statement.