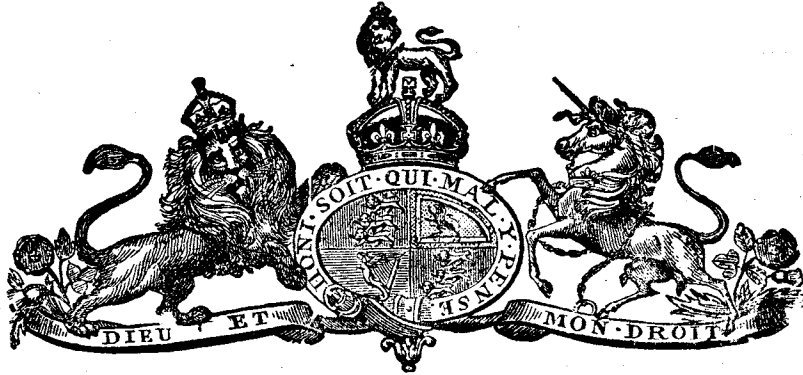


TASMANIA



1911.

ANNO SECUNDO

GEORGII V. REGIS,

No. 13.

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AN ACT to incorporate "The Hobart Children's Aid Association," to vest certain Lands, and for other purposes.

A.D. 1911.

[2 December, 1911.]

WHEREAS a certain association was some time since established in Hobart under the name of "The Hobart Town Ragged School Association," the objects thereof being the establishment and maintenance of schools for the gratuitous instruction of children whose parents are unable or unwilling to provide for the same:

PREAMBLE.

8d.]

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And whereas Sir *Philip Oakley Fysh*, *Thomas Westbrook*, and *John Macfarlane* are seized of the Three pieces of land situate in Macquarie-street, Lower Collins-street, and Watchorn-street, respectively, in Hobart, described in the schedule hereto, in trust for the said Hobart Town Ragged School Association :

And whereas it is expedient to alter the name of the said Association, and to incorporate the members thereof, and to vest the real and personal property held in trust for or belonging to the said Association in the corporation to be created by this Act ; and also to confer upon such corporation certain corporate powers, and otherwise to regulate the affairs of the said corporation :

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :—

Short title.

1 This Act may be cited as “The Hobart Children's Aid Association Incorporation Act.”

Alteration of name.

2 “The Hobart Town Ragged School Association” shall hereafter be called and known by the name of “The Hobart Children's Aid Association.”

Interpretation.

3 In this Act, unless the context otherwise requires—

“Annual general meeting” means the annual general meeting of the members of the Association to be held pursuant to this Act :

“Association” means the body corporate by the name of “The Hobart Children's Aid Association” constituted by this Act :

“Board” means the board of management for the time being in office by virtue of this Act.

Incorporation of members.

4—(1) The members for the time being of “The Hobart Children's Aid Association” shall be and they are hereby constituted a body corporate by the name of “The Hobart Children's Aid Association,” and by that name shall have perpetual succession, and may sue and be sued in all courts, and shall have a common seal ; and in all legal proceedings service of notice thereof upon the secretary of the Association for the time being shall be taken as good and sufficient service on the corporation hereby created.

Qualification of members.

(2) Every—

I. Person subscribing the sum of Ten Shillings or upwards per annum ; and

II. Protestant minister of religion officiating in the city of Hobart or suburbs—

shall be a member ; and shall be entitled to vote at any general or special meeting : Provided that, in the case of a member by subscription, he shall have been a member at least Three months prior to the issuing of the notices for such meeting.

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—
Objects of
Association.**5** The objects of the Association are—

- i. The gratuitous education, care, and assistance, as the board may think fit, of children and young persons who, in the opinion of the board, need the help or care of the Association :
- ii. The carrying out of anything conducive to, or in furtherance of, the above objects.

6 All real and personal property, of what nature or kind soever, vested in or held by any persons, whether as trustees or otherwise in trust for the Hobart Town Ragged School Association, shall forthwith by virtue of this Act, and without the necessity of any conveyance, vest in the said body corporate.

Transfer of
property.

7 The said body corporate is hereby empowered to take, hold, and enjoy to it and its successors for ever all the real and personal property by this Act vested in it (freed from any trusts created by the deed of grant or other muniment of title relating to such property), and may take, purchase, and hold any other real or personal property whatsoever, and may sell, grant, convey, demise, or otherwise dispose of, absolutely or by way of mortgage, any real or personal property by this Act vested in or hereafter to be acquired by such body corporate.

Power to acquire
and dispose of
property.

Provided always that no sale, mortgage, demise, or other disposition whatsoever of any such real or personal property shall be lawful, unless the same shall have been previously sanctioned by resolution of a general or special meeting of the members of the Association.

8—(1) For the purpose of carrying out the provisions of this Act there shall be constituted a board of management as hereinafter provided.

Board of manage-
ment.

(2) Such board shall consist of Ten persons.

(3) Only members of the association who are Protestants shall be eligible as members of the board.

(4) Until the first board shall be appointed under this Act the powers and duties by this Act conferred upon the board and its officers shall be exercisable and be performed by the members of the committee of "The Hobart Town Ragged School Association" in office immediately prior to the commencement of this Act, and the officers of that committee.

9 The board is hereby entrusted with and empowered to make all arrangements necessary or expedient for effectuating the objects and purposes of this Act ; and the matters to which this Act relates shall, subject to the provisions herein contained, be under and subject to the control, management, and superintendence of the board.

General control
of all matters to
which Act relates
vested in the
board.

And without in any way limiting its general powers hereinbefore contained, the board shall have power to—

Particular
powers of the
board.

- i. Receive, expend, invest, and manage the funds and property of the Association ;

Hobart Children's Aid Incorporation.

- A.D. 1911. ii. Establish and maintain schools, either primary, technical, or kindergarten, or of any other nature whatever :
- iii. Engage and dismiss teachers and other paid officers :
- iv. Initiate and conduct all legal proceedings :
- v. Transact, generally, all the business of the Association.
- Board may regulate its procedure. **10** Subject to the provisions of this Act and the regulations thereunder, the board may regulate its own procedure.
- Investment of funds. **11** The funds from time to time under the control and management of the board may be invested by the board—
- i. Upon deposit with the Treasurer of Tasmania or in any bank :
or
- ii. Upon first mortgage of the fee simple of land in Tasmania :
or
- iii. Upon Government securities of, or guaranteed by, the Commonwealth, or of, or guaranteed by, any State of the Commonwealth : or
- iv. Upon the securities of the Municipal Corporations of Hobart or Launceston : or
- v. Upon any other securities authorised by law for the investment of trust funds.
- Custody of seal. **12** The board shall have the custody and use of the common seal of the said body corporate, and the form thereof and all other matters relating thereto shall, from time to time, be determined by the board. The majority of the members of the board present at any meeting shall have power to use or direct the use of such seal for all purposes whatsoever requiring to be evidenced by the corporate seal of the said body corporate.
- Provided always that it shall not be necessary to require such seal to be affixed as evidence of the appointment of an attorney or solicitor by the said body corporate in or for the prosecution of any action, suit, or other proceeding.
- Governor to appoint first board. **13** The members of the first board and auditors shall, as soon as is practicable after the commencement of this Act, be appointed by the Governor, and shall hold office until their successors are elected.
- Annual meeting. **14** After the appointment of the first board, an annual general meeting of the members of the Association, of which Seven days' notice shall be given by advertisement in at least One of the newspapers published in Hobart, shall be held not later than the Thirtieth day of April in each year, commencing with the year One thousand nine hundred and twelve, for the election of another Board and auditors and for the transaction of the general business of the Association, and at such meeting the report of the preceding year shall be presented for adoption.

Hobart Children's Aid Incorporation.

15 Every board shall elect from its members a president, a vice-president, a secretary, and a treasurer.

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Board to elect officers.

Nomination and election of board.

16 The election of the board and auditors shall be by ballot, and shall be conducted in accordance with the provisions next following; but the Governor may, whenever the necessity arises, supplement the said provisions and make such provisions by proclamation as he may deem desirable to enable an election to be carried out:—

An alphabetical roll of all the members (distinguishing those in office) shall be prepared by the secretary, and shall be open for inspection by any member at least Fourteen days prior to the annual general meeting.

Any member may nominate any other member whose name is entered on such roll as a candidate for election on obtaining his written consent to be so nominated by giving notice thereof in writing to the secretary at least Seven days prior to the annual general meeting, and only those members of the Association whose names appear on such roll shall be entitled to vote at any such election.

The secretary shall forthwith prepare a list setting forth the names of candidates and their proposers, together with the office for which they are nominated, and such list, when complete, shall be open for inspection by any member.

The ballot shall take place on the day of the annual general meeting under the direction of the board, and shall commence at 8 p.m. and close at 9 p.m., and each member voting shall fold his ballot-paper up and place it in the ballot-box.

Retiring members shall, if still qualified, be eligible for re-election.

In the event of any equality of votes, where the number of votes is the smallest number in the polling, it shall be decided by lot which of the candidates having such equal number of votes shall be declared elected.

The result of the election shall be announced by the chairman at such annual general meeting, or at any adjournment thereof, and such announcement shall be final and conclusive.

17 In the event of there not being sufficient nominations in accordance with the preceding section, the board shall supply the omissions, and if there are only sufficient candidates for any office no ballot therefor shall be held.

Insufficient nominations.

18 If any member of the Board—

Seats on board, how forfeited.

- i. Dies: or
- ii. Resigns: or
- iii. Ceases to reside in the State: or

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- A.D. 1911. **iv.** Becomes bankrupt or insolvent; or files his petition for liquidation of his affairs by arrangement with his creditors: or
- v.** Becomes insane: or
- vi.** Absents himself from Three consecutive meetings of the board without sufficient reason in the opinion of the board—
his seat shall become vacant.
- Vacancies, how supplied.** **19** Vacancies in the offices of president, vice-president, secretary, or treasurer, of the first or any subsequent board, may be filled up by the board from amongst its number until the next annual general meeting.
Other vacancies in the board or in the office of auditor shall be filled up by the board until the next annual general meeting.
- Monthly meetings.** **20** The board shall meet at least Once in every Three months for the transaction of business.
Three members shall form a quorum, and the chairman shall be entitled to a casting vote only.
- Special meetings of board.** **21** It shall be competent for the president, the vice-president, or for any Three members of the board, to call a special meeting of the board by a written requisition to the secretary, provided Twenty-four hours' previous notice of such meeting be given by the secretary to every member of the board either personally or by post.
- Special general meetings.** **22** A special general meeting of the members of the Association may at any time be called by the secretary pursuant to a resolution of the board, or upon a requisition in writing signed by at least Fourteen members.
Notice of such meeting, stating its objects, shall be advertised in at least One newspaper published in Hobart at least Ten days prior to the day of meeting.
- Chairman.** **23** At every general meeting of the members of the Association the president, or in his absence the vice-president, shall preside as chairman, and in the absence of the president and the vice-president a chairman shall be elected from amongst the members of the board present.
- Voting.** **24** At every general meeting the voting (unless otherwise provided by the Act or regulations) shall be by show of hands in the first instance; but it shall be competent for the chairman or any Six members to demand a division.
- Regulations.** **25** The board may, with the approval of the Governor, make regulations for all or any of the following purposes:—
- i. Regulating elections of the board or any officers in any matters which are not sufficiently provided for by this Act;
 - ii. For the conduct of business at the meetings of the board;

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- III. For the management of any schools or classes under the control of the board: A.D. 1911.
- IV. For the admission of children and young persons to such schools or classes:
- V. For the assistance and advancement in other ways than by providing schools and classes as aforesaid of children and young persons who, in the opinion of the board, need the help or care of the Association:
- VI. For the admission of persons as life members of the Association:
- VII. For the expulsion of members:
- VIII. And, generally, for regulating the affairs of the Association and for regulating all matters touching the objects of this Act not sufficiently provided for, and for the effectual carrying out of such objects.

SCHEDULE.

DESCRIPTION OF LAND IN MACQUARIE-STREET.

All that piece of land containing by admeasurement 1 rood 13½ perches or thereabout situate in the Parish of Hobart and County of Buckingham in Tasmania and bounded on the south-east by 1 chain 12 links or thereabouts north-easterly along Macquarie-street such line commencing at the southern angle of an allotment of land containing 1 acre 3 roods and 12 perches or thereabouts granted to Simeon Lord and William Birch and their heirs by Letters Patent dated the 9th day of June in the 28th year of the reign of Her late Majesty Queen Victoria on the north-east by a north-westerly line of 3 chains 12 links along other part of that allotment on the north-west by a south-westerly line of 1 chain 12 links along other part of that allotment and on the south-west by a south-easterly line of 2 chains 88 links along the said allotment claimed by Thomas James Crouch and Robert Worley to the point of commencement.

DESCRIPTION OF LAND IN LOWER COLLINS-STREET.

All that piece or parcel of land situate lying and being in the City of Hobart bounded in the front thereof towards Collins-street by 46 feet and 6 inches along the property of Henry Edmonds on one side by premises now or formerly belonging to or occupied by James Lloyd on the other side by a roadway leading from Collins-street aforesaid to and along the piece or parcel of land hereby assigned and on the rear thereof by 46 feet and 6 inches along premises now or formerly belonging to or occupied by John French and also a free and uninterrupted way or passage of 9 feet 6 inches leading from Collins-street aforesaid to the said premises.

All that allotment or piece of land situate and being in the City of Hobart and containing by admeasurement 9 perches (be the same more or less) and bounded as follows (that is to say) on the north-west by 79½ links south-westerly along an allotment occupied by or belonging to Margaret Scringer and part of an allotment occupied by or belonging to Joseph Oakley commencing at a passage leading from Collins-street at a point thereon distant 1 chain and 7 links from Collins-street aforesaid on the south-west by 70½ links south-easterly along part of the lastmentioned allotment on the south-east by 74 links north-easterly along part of another allotment occupied by or belonging to Margaret Scringer aforesaid to the beforementioned passage and thence on the north-east by 76 links north-westerly along that passage to the point of commencement.

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DESCRIPTION OF LAND IN WATCHORN-STREET.

All that piece or parcel of land situate and being in Watchorn-street in Hobart aforesaid and formerly described as bounded in front by a line of 44 feet along Watchorn-street on one side by a straight line of 90 feet or thereabout along land formerly purchased by Robert Jacomb and running back to Lester's land on the other side by a line running along land formerly Napoleon Gilbert's but afterwards belonging to David Dunkley and parallel to the last-mentioned line and at the back by Lester's land. But which said land is now better described as bounded on the south-west or front by 65½ links or thereabout along Watchorn-street commencing at land granted to David Dunkley and extending north-westerly on the north-west by a straight line of 138 links or thereabout north-easterly partly along land now or heretofore belonging to or occupied by Catherine Bateman and partly along land now or heretofore belonging to or occupied by George Pierce on the north-east by a straight line extending south-easterly partly along land granted to Joseph Lester and partly along land granted to William Johnson to the said land granted to David Dunkley and on the south-east by a straight line of 136 links or thereabout south-westerly along that land to the point of commencement in Watchorn-street.