



ANNO PRIMO

EDWARDI VIII REGIS.

A.D. 1936.

No. 2297.

An Act to enact certain provisions respecting certain trust property held by Executor Trustee and Agency Company of South Australia Limited upon certain trusts created by the late Alfred Henry Bennett, to vest certain lands in the council of the District Council District of Enfield, and for purposes incidental thereto.

[Assented to, 22nd October, 1936.]

WHEREAS pursuant to a certain deed of trust dated the twenty-first day of April nineteen hundred and twenty-six and made between the late Alfred Henry Bennett of Adelaide, Medical Practitioner, of the one part and Executor Trustee and Agency Company of South Australia Limited of the other part, and pursuant to certain other instruments and documents, Executor Trustee and Agency Company of South Australia Limited holds certain lands, shares and money upon trust to develop part of the land as a children's playground and as pleasure and recreation grounds, and to erect on the remainder of the land dwelling houses for indigent persons described in the said deed, and upon trust to apply the income arising from the investment of the said money and from the said shares for the purpose of planting, equipping, improving and maintaining the said playground and pleasure and recreation grounds, and of erecting and maintaining the said dwelling houses: AND WHEREAS the income arising or likely to arise from the said investments and shares is insufficient to carry out the said purposes: AND WHEREAS the Council of the District Council

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District of Enfield has agreed to accept the said lands and to carry out as far as practicable the trusts created by the late Alfred Henry Bennett in relation to the children's playground and pleasure and recreation grounds: AND WHEREAS it is expedient to sell the said shares for the benefit of the widow of the late Alfred Henry Bennett: NOW THEREFORE BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:—

Short title. 1. This Act may be cited as the "Manningham Recreation Ground Act, 1936".

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

"Council" means the council of the District Council District of Enfield.

"deed of trust" means the deed of trust dated the twenty-first day of April, nineteen hundred and twenty-six, and made between Alfred Henry Bennett of Adelaide Medical Practitioner of the one part and Executor Trustee and Agency Company of South Australia Limited of the other part.

"the trustee company" means Executor Trustee and Agency Company of South Australia Limited.

"trust land" means the land referred to in the deed of trust being the whole of the land described in Certificate of Title, Register Book, Volume 1431, Folio 119.

Vesting of trust land in District Council of Enfield. 3. (1) The whole of the trust land is by virtue of this Act and without any further or other assurance vested in the Council for an estate in fee simple.

(2) The Registrar-General holding office under The Real Property Act, 1886, shall make such entries in the Register Book and on the duplicate certificate of title to the trust land when produced to him for the purpose as are necessary to evidence the title of the Council to that land.

Development of portion of the land as a playground and pleasure grounds. 4. (1) The Council shall hold that part of the trust land which consists of portion of Allotment 12 of the subdivision of section 480 Hundred of Yatala laid out as Hampstead Heath, as a public reserve under and subject to Part XXII. of the Local Government Act, 1934, but shall not have power to exchange that land under that Part.

(2) The Council shall from time to time, whenever it has money available for the purpose, plant, improve and equip the land mentioned in subsection (1) of this section as a children's playground and as pleasure and recreation grounds

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for use by the public. In so doing the Council shall adhere as nearly as practicable to the design in Plan Number 2 annexed to the deed of trust and shall erect a drinking fountain bearing the inscription set out in the deed of trust.

5. (1) The Council shall at such time or times as it deems convenient sell that part of the trust land which consists of part of Allotment 1 of the Subdivision of section 480 Hundred of Yatala, laid out as Hampstead Heath, either in one lot or in separate parcels, and by public auction or private contract adopting that mode of sale which will, in the Council's opinion, produce the greatest net return.

Sale of residential sites.

(2) The Council shall apply the proceeds of the sale of the said land firstly in payment of the expenses of and incidental to the sale, and secondly towards defraying the expenses of carrying out the purposes mentioned in subsection (2) of section 4.

6. The trustee company shall as soon after the passing of this Act as it deems expedient, sell the shares held by it pursuant to the deed of trust and apply the proceeds of that sale and all other income and money held by it pursuant to the deed of trust as follows :—

Sale of shares by the trustee company and appropriation of proceeds.

- (a) In payment of the expenses of and incidental to the sale :
- (b) In payment of all succession duty and Commonwealth estate duty in respect of property passing under the deed of trust and all accrued interest on the amount of those duties :
- (c) In payment of the commission and other costs, charges, and disbursements properly payable to the trustee company or any other person in respect of the trust property :
- (d) In payment of the balance to Elizabeth Bennett, widow of the late Alfred Henry Bennett.

7. Upon compliance with the obligations imposed upon it by this Act the trustee company shall be discharged from all other obligations under the deed of trust.

Discharge of trustee company from further obligation.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.