

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

An Act to incorporate the members of the Sir Moses Montefiore Jewish Home; to promote the objects thereof; to vest certain lands and other property in a Body Corporate; to declare the trusts thereof and to confer powers thereon; and for other incidental purposes. [Assented to, 5th April, 1927.]

WHEREAS by an Indenture bearing date the fifteenth day of September, one thousand eight hundred and eighty-six, registered number ninety-eight, book three hundred and seventy-eight, made between Henry Solomon, David Mitchell, The Honorable Henry Emanuel Cohen, George Judah Cohen, and Mark Myers therein described and designated Trustees

The Sir Moses Montefiore Jewish Home.

Trustees of the first part the said David Mitchell and William Mears therein described of the second part and the several persons whose names and seals were or should be from time to time subscribed and affixed thereto of the third part The said parties of the first second and third parts each for himself severally and respectively and for his several and respective heirs executors and administrators did thereby covenant promise and declare with and to the others and other of them and each and every of their heirs executors administrators and assigns jointly and severally in manner following (inter alia) that the several parties thereto should become and be associated together and constitute and form a Society under the name or style of "The Sir Moses Montefiore Jewish Home" and that the objects and purposes of the Society should be the erecting and building of a Messuage or House as a Home for the shelter, support and relief of aged, infirm and destitute persons of the Jewish Faith, the purchase of other land for the like purpose or the purchase of any tenement or premises for the shelter and support of any such persons as aforesaid and the relief of any such persons as aforesaid by admission to the Home donations pensions and loans and such Home should be carried on and supported by voluntary subscriptions and donations And that the said Henry Solomon, David Mitchell, Henry Emanuel Cohen, George Judah Cohen, and Mark Myers be and they were thereby appointed the Trustees of the said Society and that certain land situate on the west side of Dowling-street in the City of Sydney described in an Indenture of Conveyance bearing date the twentieth day of November one thousand eight hundred and eighty-six made between Alban Joseph Riley therein described of the one part and the said Trustees of the other part should as at the date of the now reciting Indenture stand in the names of the said Trustees and that they should stand seized of the same upon trust for the objects and purposes of the said Society and should convey or assure the same as the Board of Management should in writing from time to time direct or appoint
And

The Sir Moses Montefiore Jewish Home.

And whereas a messuage or house was erected and built upon the said land situate in Dowling-street aforesaid and was used as a Home by the said Society And whereas the said land situate in Dowling-street aforesaid with the messuage or house erected thereon was sold by the Board of Management of the said Society for the time being and duly conveyed by the then Trustees of the said Society And whereas certain other land in the Municipality of Woollahra more particularly described in the Schedule hereto together with a building thereon was purchased by the Board of Management for the time being of the said Society for the purpose of the said Society and conveyed to the present Trustees of the said Society And whereas by the unanimous voice of a combined meeting of members of a Society known as the Sydney Hebrew Philanthropic and Orphan Society and of members of the Sir Moses Montefiore Jewish Home the said two institutions became amalgamated on the twentieth day of May one thousand eight hundred and eighty-nine And whereas under the terms of Amalgamation it was stipulated that the name of The Sydney Hebrew Philanthropic and Orphan Society should be preserved and the amalgamated Societies have since then been known as The Sir Moses Montefiore Jewish Home with which is incorporated the Sydney Hebrew Philanthropic Society And whereas with the increase of population since their amalgamation entailing much larger scope for charitable activity it may now or in future be desirable to separate them and that each again may act in its own charitable sphere and whereas doubts have arisen as to whether these amalgamated Societies can be separated And whereas doubts have also arisen as to whether the said Societies have power jointly or severally to join amalgamate with or form a constituent part of or become a member of a Federation Union or Organisation of Jewish Charities And whereas doubts have also arisen as to the true intent and meaning of certain provisions in the hereinbefore recited Indenture of the fifteenth day of September one thousand eight hundred and eighty-six And whereas no power is contained

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contained in the said Indenture to alter any of its provisions And whereas it is expedient to remove such doubts and to remodel and declare the trusts expressed and implied in the said Indenture of the fifteenth day of September one thousand eight hundred and eighty-six in respect of all the real and personal property both present and future of or to which the said Society is shall or may be entitled and to vest the same in a Body Corporate And whereas the present Trustees of the said Society in whom the said land as more particularly described in the Schedule hereto is legally vested are George Judah Cohen, Leopold Wolfe Cohen, Louis Morris Phillips, Ernest Ralph Cohen, and Bernard David Rothbury: Be 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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Interpreta-
tion clause.

1. In this Act, unless the context or subject-matter otherwise requires,—

“Board of Management” means the persons who for the time being constitute the Board of Management of the Body Corporate.

“Body Corporate” means the Body Corporate constituted by this Act.

“Members” include—

(a) all persons of the Jewish Faith who at the date of the passing of this Act are entitled according to the Constitution and Rules of the Society to vote at General Meetings of the Society;

(b) all persons of the Jewish Faith who are entitled according to the Rules for the time being in existence of the Body Corporate to vote at General Meetings of the Body Corporate or who are otherwise according to such Rules members of the Body Corporate.

“Society” means all persons who at the date of the passing of this Act are members of and constitute the body known as The Sir Moses Montefiore

The Sir Moses Montefiore Jewish Home.

Montefiore Jewish Home with which is incorporated the Sydney Hebrew Philanthropic and Orphan Society, whose objects are more particularly defined in subsection (c) of section five of this Act.

2. From and after the passing of this Act the members of the Society shall be and they are hereby constituted a Body Corporate by the name of "The Sir Moses Montefiore Jewish Home" and by that name shall have perpetual succession and a Common Seal and may enter into contracts and sue and be sued and proceed and be proceeded against in all courts. Incorporation.

3. (a) The land described in the Schedule hereunder written is hereby vested in the Body Corporate in fee simple subject to any Mortgages Liens and Encumbrances (if any) existing thereon at the date of the passing of this Act and subject thereto the said land shall be held by the Body Corporate freed and discharged from any and all trusts affecting the same but upon a charitable trust for the objects of the Body Corporate as specified in section five of this Act. If however it becomes impracticable to give effect to the said objects the said land or the investments for the time being representing the same shall be held upon trust for such charitable objects and subject to such powers of sale and disposition as the members of the Body Corporate shall determine by resolution in manner prescribed in section twenty-three of this Act. Vesting real and personal estate in Body Corporate.

(b) The Registrar-General is hereby directed and empowered to make every such entry cancellation and correction on the said Certificate of Title and in the Register as shall or may be necessary to register the Body Corporate as the Registered Proprietor of the said land and to issue in the name of the Body Corporate the said Certificate of Title or a new Certificate of Title to the said land free from all trusts caveats and other notifications.

(c) All other real and personal estate which at the date of the passing of this Act is vested in and held by any person in trust for and on behalf of the Society is hereby transferred to and vested in the Body Corporate subject to any trusts affecting the same.

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Power to hold
real and
personal
estate.

4. The Body Corporate may—

(a) take purchase acquire hold and enjoy in fee-simple or for any less estate lands with or without buildings thereon.

(b) take purchase acquire and receive hold and enjoy any chattels and personal property and

(c) upon such terms and conditions as to it may seem fit sell grant convey demise and otherwise dispose of either absolutely or by way of mortgage or charge or otherwise howsoever any of the real and personal property belonging or which may belong to the Body Corporate including the whole or any part of the land described in the said Schedule hereunder written Provided always that the land comprised in the said Schedule shall not neither shall any part thereof be sold or mortgaged or charged or leased at any one time for a term exceeding five years without the authority of the members first had and obtained which authority shall be evidenced by Resolution in manner prescribed in section twenty-three of this Act Provided always that the Board of Management may from time to time without such authority borrow upon the Security of any lands belonging to the Body Corporate by way of mortgage charge or encumbrance or by deposit of title deeds such sum and sums of money as the Board of Management may think necessary for any of the objects or purposes of the Body Corporate Provided further that if the said land or any part thereof be alienated by the Body Corporate the trusts declared by section five of this Act shall attach to whatever is received by the Body Corporate by way of consideration or in exchange Provided also that if such consideration or any part thereof consists of money then pending the application of same in providing and maintaining a Home for the purposes mentioned in subsection (a) of section five of this Act such money shall be invested in manner prescribed by subsection (f) of section eight of this Act and the nett income derived therefrom shall be applied in and towards all or any of the objects set forth in subsections (a) (b) and (c) of the said section five.

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5. The objects of the Body Corporate as set forth in this section shall not be altered and such objects shall be :—

Objects of
the Body
Corporate

(a) To provide and maintain a Home for the shelter support and relief permanent as well as temporary of aged or infirm or destitute persons of both sexes of the Jewish Faith.

(b) To provide elsewhere than in the Home to be provided and maintained as mentioned in subclause (a) hereof for the shelter support and relief permanent as well as temporary of aged or infirm or destitute persons of both sexes of the Jewish Faith.

(c) And as referring more particularly to the objects of the amalgamated Sydney Hebrew Philanthropic and Orphan Society to grant relief to any persons of the Jewish Faith by monetary payments to any such persons either by way of gift or upon loan or by guaranteeing the repayment of any moneys borrowed from any person Society or Institution by any such person or persons or by gift or loan of goods or by gifts of clothing.

6. No purchaser, mortgagee, lessee, or other person or the Registrar-General upon any sale, exchange, mortgage, lease or other dealing purporting to be made under the powers granted by or under this Act shall be concerned to see or inquire into the necessity or propriety thereof or the mode of exercising the same nor be affected by notice that the exercise of the power is unauthorised irregular or improper nor be concerned to see to the application or disposition of any purchase mortgage or other money or moneys.

Purchaser not
concerned to
inquire as to
necessity or
propriety of
sale or
mortgage.

7. The receipt of the Treasurer for the time being of the Body Corporate countersigned by the Secretary for the time being or by such other person as the Board of Management may from time to time appoint for any and all moneys payable to the Body Corporate shall be a good and valid discharge therefor exonerating the person paying such moneys from seeing to the application thereof or being concerned as to the non-application or misapplication thereof without any proof that the person signing and countersigning such receipt is such Treasurer Secretary or other person.

8.

The Sir Moses Montefiore Jewish Home.

Application
of alienation
and mortgage
moneys.

8. If at any time any land or any part or parts thereof other than that mentioned in the said Schedule are alienated leased mortgaged or charged the net proceeds of such alienation lease mortgage or charge or the net income derived from any investment thereof shall be applied in one or more of the ways following, that is to say :—

(a) In the purchase of an estate in fee-simple in any lands in the said State for the purposes of the Body Corporate.

(b) In maintaining in a proper and sufficient state of repair and insuring any buildings and improvements of or belonging to the Body Corporate.

(c) In the erection of buildings and other improvements of a permanent nature upon any lands belonging to the Body Corporate.

(d) In liquidation of any mortgage encumbrance or liability on or in respect of any part of any of such lands buildings and improvements.

(e) In carrying into effect any of the objects or purposes of the Body Corporate.

(f) Pending application of such net proceeds for any or either of the foregoing purposes the same shall be invested in or upon mortgage of real estate in the State of New South Wales or in upon Government (Federal as well as State) Municipal or Shire Securities or on deposit fixed or otherwise in any Bank carrying on business in the said State.

Board of
Management.

9. The Board of Management shall consist of a president, honorary treasurer, honorary secretary, and not more than ten committeemen (male or female) being members of the Jewish Faith.

Annual
meeting.

10. A general meeting of members of the Sir Moses Montefiore Jewish Home shall be held in the month of February of each year.

Board of
Management.

11. The members of the Board of Management in office at the date of the passing of this Act shall constitute the first Board of Management of the Body Corporate and shall hold office until the first General Meeting of the Body Corporate and at such General Meeting and thereafter at each annual General Meeting the

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the Board of Management shall retire from office and a new Board of Management shall be elected at such annual General Meeting and in the event of no such appointment being made the members of the Board of Management then in office shall continue to hold such office until their successors are appointed. A retiring member shall be eligible for re-election.

12. If a vacancy occur in the office of a member of the Board of Management between two annual General Meetings the remaining members of the Board of Management may at a duly constituted meeting of the said Board of Management elect in such manner as they shall think fit a person qualified to be a member thereof to fill the vacancy. Filling vacancies on Board of Management.

13. A document purporting to be a copy of any Resolution of the Body Corporate or of the Board of Management, as the case may be, authorising any sale exchange mortgage lease or other dealing and the appointment of any person or persons to carry out and receive moneys in respect of such sale exchange mortgage lease or other dealing certified under the hand of the President of the Board of Management and two members thereof for the time being shall be prima facie evidence in favour of all persons purchasing advancing moneys leasing or otherwise acquiring or possessing any estate or interest in the property therein referred to and shall be conclusive evidence that such Resolutions were duly passed without the necessity of proving that the signatories to such documents were such President and members. Evidence of Resolution.

14. The Body Corporate may from time to time and at any time as to all or any one or more of its objects as defined in and by section five upon and subject to such terms and conditions as the Body Corporate may by Resolution determine and especially subject to the retention by the Body Corporate of any gift bequest or endowment which has been is now and may be at any time hereafter given or bequeathed to the Sir Moses Montefiore Jewish Home join amalgamate with or form a constituent part of or become a member of any federation union society or organisation of any Jewish Charities Power to join other organisations.

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Charities whether or not having objects similar in all or any respects to all or any of the objects of the Body Corporate and without in any way limiting abridging or prejudicing the generality of the foregoing in particular an Organisation to be called "The Federation of Jewish Societies of Sydney" And upon the exercise by the Body Corporate of any of the powers herein conferred by this section it may admit as members of the Body Corporate persons who are members of or subscribers to any federation union society or organisation aforesaid subject or not subject to the payment to the Body Corporate of any sum of money whether by way of donation subscription gift or otherwise.

Power to
separate
objects.

15. (a) The Body Corporate may by Resolution passed by a two-thirds majority present at a meeting of the members of the Body Corporate separate or divide the objects mentioned in section five of this Act the one relating to those mentioned in subsections (a) and (b) of that section and the other relating to that mentioned in subsection (c) of the same section and the Body Corporate may pursue the objects mentioned in the said subsection (a) and (b) separately and apart from that mentioned in the said subsection (c).

(b) If and whenever the said objects are separated or divided as aforesaid all moneys whether invested or not belonging to the Body Corporate or to which it is or may be in anywise entitled shall by virtue of this Act be vested in the Body Corporate for the sole purposes of subsection (a) and (b) of section five of this Act unless the Body Corporate by resolution determines to allocate any part or parts thereof for the purposes of subsection (c) of the said section five or unless any real or personal estate shall have been or may be specifically given or bequeathed to the said Sydney Hebrew Philanthropic and Orphan Society.

(c) If and whenever the said objects are separated or divided the said Sydney Hebrew Philanthropic and Orphan Society may under that distinct designation after its separation from the Body Corporate join or amalgamate with any other Jewish Society or Societies of similar objects to it and may also under its
distinct

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distinct designation upon and subject to such terms and conditions as the Board of Management of the Body Corporate may determine and subject to the provisions in section fourteen and subsection (b) of this section form a constituent part of or become a member of a Federation Union Society or Organisation of any Jewish Charities whether or not having objects similar in all or any respects to all or any of the objects of the Body Corporate.

16. The Regulations and By-laws of the Society as existing at the date of the passing of this Act shall be subject to the provisions of this Act be the Regulations and By-laws of the Body Corporate until the same shall be altered in accordance with the provisions of this Act.

Power
to make
Regulations

17. The Board of Management may from time to time with the approval of the Body Corporate alter or repeal all or any Rules and may make new Rules not only for the objects of the Body Corporate as a whole but also for those objects if and when the same are separated or divided into two separate and distinct objects as provided by section fifteen of this Act and in particular and without restricting the generality of this provision may make Rules—

Power to
make Rules.

- (a) for regulating the times and modes of calling Meetings and for regulating the transaction of business at Meetings;
- (b) for the exercise by the Body Corporate of all or any of its powers;
- (c) for the application or investment of its funds;
- (d) for the appointment by election or otherwise of officers to manage all or any of the affairs of the Body Corporate and for the retirement or removal of such officers;
- (e) for the admission or qualification of persons as members of the Body Corporate;
- (f) for fixing the votes of the members of the Body Corporate;
- (g) for the appointment of staff and servants;
- (h) generally for the support management and government of the Body Corporate and of all officers servants and other persons employed by the Body Corporate.

18.

The Sir Moses Montefiore Jewish Home.

Power to
guarantee
payment of
loans.

18. The President or Chairman for the time being and the Secretary or Treasurer for the time being of the Board of Management may from time to time on behalf of the Body Corporate jointly guarantee the payment of any moneys borrowed or about to be borrowed by any persons in accordance with the provisions of subsection (c) of section five of this Act.

Life
Governors.

19. Any person who at the date of the passing of this Act is a Life Governor of The Sir Moses Montefiore Jewish Home shall be a Life Governor of the Body Corporate and be entitled to vote at any General Meeting and to be elected as a member of the Board of Management. Every donor of the sum of fifty pounds or more given in one sum may be appointed a Life Governor. Any person who shall confer any signal benefit on the Sir Moses Montefiore Jewish Home irrespective of a donation may be appointed a Life Governor of the Body Corporate.

Reports and
balance-
sheets.

20. The Board of Management shall cause true accounts to be kept of all the Real and Personal property of the Body Corporate and of the receipts disbursements credits and liabilities thereof and the Board shall lay before the members of the Body Corporate present at the Annual General Meeting thereof a statement of the income and expenditure from the first day of January to the thirty-first day of December of the preceding year. The accounts of the Body Corporate shall be examined and the correctness of the Balance Sheet ascertained by two Auditors to be appointed by the Body Corporate at the Annual General Meeting or failing such appointment to be appointed by the Board of Management.

Quorum.

21. No question shall be decided at any meeting of the Board of Management unless six members at the least shall be present at the time of such decision, and no question shall be decided at any General Meeting of members of the Body Corporate unless fifteen members shall be present at the time of such decision.

Securing of
rights.

22. Nothing in this Act contained or that may be done under this Act shall be deemed prejudicially to affect or to deprive any person of any right whatsoever
which

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which he now has arising out of contract or tort and any such right which may at the time of passing of this Act have been enforceable against the Trustees of the unincorporated Sir Moses Montefiore Jewish Home in their capacity as such Trustees may be enforced in like manner against the Body Corporate.

23. If any of the objects specified in section five of this Act shall fail or if from insufficiency of funds or from any other cause it shall at any time hereafter be found that the Body Corporate cannot be properly worked and carried on according to the true intent and meaning of this Act it shall be lawful for a Special General Meeting of the Body Corporate called for the purpose of taking into consideration the propriety of winding up the affairs thereof to pass a Resolution to that effect and the manner in which the net proceeds shall be applied but such Resolution shall have no force or effect until confirmed by the votes of three-fourths of the members present at another Special General Meeting to be held not later than one calendar month after the previous Meeting. Winding up.

24. If it shall be resolved according to the preceding section of this Act to wind up the affairs of the Body Corporate then the Body Corporate shall be dissolved and the whole of the Real and Personal estate belonging thereto shall be sold by public auction tender or private contract and the proceeds thereof shall be applied in and towards the payment of all costs charges and expenses of and incidental to such sale and winding-up and in payment of all liabilities of the Body Corporate and the net proceeds shall be dealt with in such manner as shall be determined by Resolution passed in terms of the preceding section of this Act. Dissolution.

25. The Board of Management Trustees and other officers of the Body Corporate shall be indemnified and saved harmless out of the funds of the Body Corporate from and against all loss costs charges damages and expenses which may be incurred or sustained for or on account of the Body Corporate or in consequence of any act matter or thing which may be done in carrying into effect the objects and purposes of the Body Corporate

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Corporate or in or about any proceeding or arbitration to be brought commenced defended or entered into on account or by direction of the Board of Management or otherwise in or about the execution of their respective offices or trusts except such costs charges losses damages or expenses as shall happen by or through the wilful neglect of any member of such Board of Management or the Trustees or other officers respectively.

26. The members of the Board of Management for the time being of the Body Corporate shall be charged and chargeable only for so much money as they and each of them respectively shall actually receive and shall not be answerable or accountable for the receipt by the others or other of them nor for joining in any receipt for the sake of conformity but each only for his own acts and defaults. Provided that no Trustee or Member of the Board of Management shall be responsible for any loss which may arise from a failure to insure the buildings belonging to the Body Corporate or to keep any insurance on foot.

Short title.

27. This Act may be cited as "The Sir Moses Montefiore Jewish Home Act, 1927."

SCHEDULE.

ALL that piece or parcel of land situate at the corner of Old South Head road and Victoria-road, Bellevue Hill, in the Parish of Alexandria, County of Cumberland, and State of New South Wales, being the whole of the land comprised in Certificate of Title registered Volume 3,390 Folio 174.

The Sir Moses Montefiore Jewish Home.

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By Authority :

ALFRED JAMES KENT, Government Printer, Sydney, 1927.

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

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 24th March, 1927.*

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

An Act to incorporate the members of the Sir Moses Montefiore Jewish Home; to promote the objects thereof; to vest certain lands and other property in a Body Corporate; to declare the trusts thereof and to confer powers thereon; and for other incidental purposes.
[Assented to, 5th April, 1927.]

WHEREAS by an Indenture bearing date the fifteenth day of September, one thousand eight hundred and eighty-six, registered number ninety-eight, book three hundred and seventy-eight, made between Henry Solomon, David Mitchell, The Honorable Henry Emanuel Cohen, George Judah Cohen, and Mark Myers therein described and designated Trustees

The Sir Moses Montefiore Jewish Home.

Trustees of the first part the said David Mitchell and William Mears therein described of the second part and the several persons whose names and seals were or should be from time to time subscribed and affixed thereto of the third part The said parties of the first second and third parts each for himself severally and respectively and for his several and respective heirs executors and administrators did thereby covenant promise and declare with and to the others and other of them and each and every of their heirs executors administrators and assigns jointly and severally in manner following (inter alia) that the several parties thereto should become and be associated together and constitute and form a Society under the name or style of "The Sir Moses Montefiore Jewish Home" and that the objects and purposes of the Society should be the erecting and building of a Messuage or House as a Home for the shelter, support and relief of aged, infirm and destitute persons of the Jewish Faith, the purchase of other land for the like purpose or the purchase of any tenement or premises for the shelter and support of any such persons as aforesaid and the relief of any such persons as aforesaid by admission to the Home donations pensions and loans and such Home should be carried on and supported by voluntary subscriptions and donations And that the said Henry Solomon, David Mitchell, Henry Emanuel Cohen, George Judah Cohen, and Mark Myers be and they were thereby appointed the Trustees of the said Society and that certain land situate on the west side of Dowling-street in the City of Sydney described in an Indenture of Conveyance bearing date the twentieth day of November one thousand eight hundred and eighty-six made between Alban Joseph Riley therein described of the one part and the said Trustees of the other part should as at the date of the now reciting Indenture stand in the names of the said Trustees and that they should stand seized of the same upon trust for the objects and purposes of the said Society and should convey or assure the same as the Board of Management should in writing from time to time direct or appoint
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Interpreta-
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1. In this Act, unless the context or subject-matter otherwise requires,—

“Board of Management” means the persons who for the time being constitute the Board of Management of the Body Corporate.

“Body Corporate” means the Body Corporate constituted by this Act.

“Members” include—

(a) all persons of the Jewish Faith who at the date of the passing of this Act are entitled according to the Constitution and Rules of the Society to vote at General Meetings of the Society;

(b) all persons of the Jewish Faith who are entitled according to the Rules for the time being in existence of the Body Corporate to vote at General Meetings of the Body Corporate or who are otherwise according to such Rules members of the Body Corporate.

“Society” means all persons who at the date of the passing of this Act are members of and constitute the body known as The Sir Moses Montefiore

The Sir Moses Montefiore Jewish Home.

Montefiore Jewish Home with which is incorporated the Sydney Hebrew Philanthropic and Orphan Society, whose objects are more particularly defined in subsection (c) of section five of this Act.

2. From and after the passing of this Act the members of the Society shall be and they are hereby constituted a Body Corporate by the name of "The Sir Moses Montefiore Jewish Home" and by that name shall have perpetual succession and a Common Seal and may enter into contracts and sue and be sued and proceed and be proceeded against in all courts.

Incorporation.

3. (a) The land described in the Schedule hereunder written is hereby vested in the Body Corporate in fee simple subject to any Mortgages Liens and Encumbrances (if any) existing thereon at the date of the passing of this Act and subject thereto the said land shall be held by the Body Corporate freed and discharged from any and all trusts affecting the same but upon a charitable trust for the objects of the Body Corporate as specified in section five of this Act. If however it becomes impracticable to give effect to the said objects the said land or the investments for the time being representing the same shall be held upon trust for such charitable objects and subject to such powers of sale and disposition as the members of the Body Corporate shall determine by resolution in manner prescribed in section twenty-three of this Act.

Vesting real and personal estate in Body Corporate.

(b) The Registrar-General is hereby directed and empowered to make every such entry cancellation and correction on the said Certificate of Title and in the Register as shall or may be necessary to register the Body Corporate as the Registered Proprietor of the said land and to issue in the name of the Body Corporate the said Certificate of Title or a new Certificate of Title to the said land free from all trusts caveats and other notifications.

(c) All other real and personal estate which at the date of the passing of this Act is vested in and held by any person in trust for and on behalf of the Society is hereby transferred to and vested in the Body Corporate subject to any trusts affecting the same.

4.

The Sir Moses Montefiore Jewish Home.

Power to hold
real and
personal
estate.

4. The Body Corporate may—

(a) take purchase acquire hold and enjoy in fee-simple or for any less estate lands with or without buildings thereon.

(b) take purchase acquire and receive hold and enjoy any chattels and personal property and

(c) upon such terms and conditions as to it may seem fit sell grant convey demise and otherwise dispose of either absolutely or by way of mortgage or charge or otherwise howsoever any of the real and personal property belonging or which may belong to the Body Corporate including the whole or any part of the land described in the said Schedule hereunder written Provided always that the land comprised in the said Schedule shall not neither shall any part thereof be sold or mortgaged or charged or leased at any one time for a term exceeding five years without the authority of the members first had and obtained which authority shall be evidenced by Resolution in manner prescribed in section twenty-three of this Act Provided always that the Board of Management may from time to time without such authority borrow upon the Security of any lands belonging to the Body Corporate by way of mortgage charge or encumbrance or by deposit of title deeds such sum and sums of money as the Board of Management may think necessary for any of the objects or purposes of the Body Corporate Provided further that if the said land or any part thereof be alienated by the Body Corporate the trusts declared by section five of this Act shall attach to whatever is received by the Body Corporate by way of consideration or in exchange Provided also that if such consideration or any part thereof consists of money then pending the application of same in providing and maintaining a Home for the purposes mentioned in subsection (a) of section five of this Act such money shall be invested in manner prescribed by subsection (f) of section eight of this Act and the nett income derived therefrom shall be applied in and towards all or any of the objects set forth in subsections (a) (b) and (c) of the said section five.

5.

The Sir Moses Montefiore Jewish Home.

5. The objects of the Body Corporate as set forth in this section shall not be altered and such objects shall be :—

Objects of
the Body
Corporate.

(a) To provide and maintain a Home for the shelter support and relief permanent as well as temporary of aged or infirm or destitute persons of both sexes of the Jewish Faith.

(b) To provide elsewhere than in the Home to be provided and maintained as mentioned in subclause (a) hereof for the shelter support and relief permanent as well as temporary of aged or infirm or destitute persons of both sexes of the Jewish Faith.

(c) And as referring more particularly to the objects of the amalgamated Sydney Hebrew Philanthropic and Orphan Society to grant relief to any persons of the Jewish Faith by monetary payments to any such persons either by way of gift or upon loan or by guaranteeing the repayment of any moneys borrowed from any person Society or Institution by any such person or persons or by gift or loan of goods or by gifts of clothing.

6. No purchaser, mortgagee, lessee, or other person or the Registrar-General upon any sale, exchange, mortgage, lease or other dealing purporting to be made under the powers granted by or under this Act shall be concerned to see or inquire into the necessity or propriety thereof or the mode of exercising the same nor be affected by notice that the exercise of the power is unauthorised irregular or improper nor be concerned to see to the application or disposition of any purchase mortgage or other money or moneys.

Purchaser not
concerned to
inquire as to
necessity or
propriety of
sale or
mortgage.

7. The receipt of the Treasurer for the time being of the Body Corporate countersigned by the Secretary for the time being or by such other person as the Board of Management may from time to time appoint for any and all moneys payable to the Body Corporate shall be a good and valid discharge therefor exonerating the person paying such moneys from seeing to the application thereof or being concerned as to the non-application or misapplication thereof without any proof that the person signing and countersigning such receipt is such Treasurer Secretary or other person.

Receipts.

8.

The Sir Moses Montefiore Jewish Home.

Application
of alienation
and mortgage
moneys.

8. If at any time any land or any part or parts thereof other than that mentioned in the said Schedule are alienated leased mortgaged or charged the net proceeds of such alienation lease mortgage or charge or the net income derived from any investment thereof shall be applied in one or more of the ways following, that is to say :—

(a) In the purchase of an estate in fee-simple in any lands in the said State for the purposes of the Body Corporate.

(b) In maintaining in a proper and sufficient state of repair and insuring any buildings and improvements of or belonging to the Body Corporate.

(c) In the erection of buildings and other improvements of a permanent nature upon any lands belonging to the Body Corporate.

(d) In liquidation of any mortgage encumbrance or liability on or in respect of any part of any of such lands buildings and improvements.

(e) In carrying into effect any of the objects or purposes of the Body Corporate.

(f) Pending application of such net proceeds for any or either of the foregoing purposes the same shall be invested in or upon mortgage of real estate in the State of New South Wales or in upon Government (Federal as well as State) Municipal or Shire Securities or on deposit fixed or otherwise in any Bank carrying on business in the said State.

Board of
Management.

9. The Board of Management shall consist of a president, honorary treasurer, honorary secretary, and not more than ten committeemen (male or female) being members of the Jewish Faith.

Annual
meeting.

10. A general meeting of members of the Sir Moses Montefiore Jewish Home shall be held in the month of February of each year.

Board of
Management.

11. The members of the Board of Management in office at the date of the passing of this Act shall constitute the first Board of Management of the Body Corporate and shall hold office until the first General Meeting of the Body Corporate and at such General Meeting and thereafter at each annual General Meeting
the

The Sir Moses Montefiore Jewish Home.

the Board of Management shall retire from office and a new Board of Management shall be elected at such annual General Meeting and in the event of no such appointment being made the members of the Board of Management then in office shall continue to hold such office until their successors are appointed. A retiring member shall be eligible for re-election.

12. If a vacancy occur in the office of a member of the Board of Management between two annual General Meetings the remaining members of the Board of Management may at a duly constituted meeting of the said Board of Management elect in such manner as they shall think fit a person qualified to be a member thereof to fill the vacancy. Filling vacancies on Board of Management.

13. A document purporting to be a copy of any Resolution of the Body Corporate or of the Board of Management, as the case may be, authorising any sale exchange mortgage lease or other dealing and the appointment of any person or persons to carry out and receive moneys in respect of such sale exchange mortgage lease or other dealing certified under the hand of the President of the Board of Management and two members thereof for the time being shall be prima facie evidence in favour of all persons purchasing advancing moneys leasing or otherwise acquiring or possessing any estate or interest in the property therein referred to and shall be conclusive evidence that such Resolutions were duly passed without the necessity of proving that the signatories to such documents were such President and members. Evidence of Resolution.

14. The Body Corporate may from time to time and at any time as to all or any one or more of its objects as defined in and by section five upon and subject to such terms and conditions as the Body Corporate may by Resolution determine and especially subject to the retention by the Body Corporate of any gift bequest or endowment which has been is now and may be at any time hereafter given or bequeathed to the Sir Moses Montefiore Jewish Home join amalgamate with or form a constituent part of or become a member of any federation union society or organisation of any Jewish Charities Power to join other organisations.

The Sir Moses Montefiore Jewish Home.

Charities whether or not having objects similar in all or any respects to all or any of the objects of the Body Corporate and without in any way limiting abridging or prejudicing the generality of the foregoing in particular an Organisation to be called "The Federation of Jewish Societies of Sydney" And upon the exercise by the Body Corporate of any of the powers herein conferred by this section it may admit as members of the Body Corporate persons who are members of or subscribers to any federation union society or organisation aforesaid subject or not subject to the payment to the Body Corporate of any sum of money whether by way of donation subscription gift or otherwise.

Power to
separate
objects.

15. (a) The Body Corporate may by Resolution passed by a two-thirds majority present at a meeting of the members of the Body Corporate separate or divide the objects mentioned in section five of this Act the one relating to those mentioned in subsections (a) and (b) of that section and the other relating to that mentioned in subsection (c) of the same section and the Body Corporate may pursue the objects mentioned in the said subsection (a) and (b) separately and apart from that mentioned in the said subsection (c).

(b) If and whenever the said objects are separated or divided as aforesaid all moneys whether invested or not belonging to the Body Corporate or to which it is or may be in anywise entitled shall by virtue of this Act be vested in the Body Corporate for the sole purposes of subsection (a) and (b) of section five of this Act unless the Body Corporate by resolution determines to allocate any part or parts thereof for the purposes of subsection (c) of the said section five or unless any real or personal estate shall have been or may be specifically given or bequeathed to the said Sydney Hebrew Philanthropic and Orphan Society.

(c) If and whenever the said objects are separated or divided the said Sydney Hebrew Philanthropic and Orphan Society may under that distinct designation after its separation from the Body Corporate join or amalgamate with any other Jewish Society or Societies of similar objects to it and may also under its
distinct

The Sir Moses Montefiore Jewish Home.

distinct designation upon and subject to such terms and conditions as the Board of Management of the Body Corporate may determine and subject to the provisions in section fourteen and subsection (b) of this section form a constituent part of or become a member of a Federation Union Society or Organisation of any Jewish Charities whether or not having objects similar in all or any respects to all or any of the objects of the Body Corporate.

16. The Regulations and By-laws of the Society as existing at the date of the passing of this Act shall subject to the provisions of this Act be the Regulations and By-laws of the Body Corporate until the same shall be altered in accordance with the provisions of this Act. Power to make Regulations.

17. The Board of Management may from time to time with the approval of the Body Corporate alter or repeal all or any Rules and may make new Rules not only for the objects of the Body Corporate as a whole but also for those objects if and when the same are separated or divided into two separate and distinct objects as provided by section fifteen of this Act and in particular and without restricting the generality of this provision may make Rules— Power to make Rules.

- (a) for regulating the times and modes of calling Meetings and for regulating the transaction of business at Meetings;
- (b) for the exercise by the Body Corporate of all or any of its powers;
- (c) for the application or investment of its funds;
- (d) for the appointment by election or otherwise of officers to manage all or any of the affairs of the Body Corporate and for the retirement or removal of such officers;
- (e) for the admission or qualification of persons as members of the Body Corporate;
- (f) for fixing the votes of the members of the Body Corporate;
- (g) for the appointment of staff and servants;
- (h) generally for the support management and government of the Body Corporate and of all officers servants and other persons employed by the Body Corporate.

18.

The Sir Moses Montefiore Jewish Home.

Power to
guarantee
payment of
loans.

18. The President or Chairman for the time being and the Secretary or Treasurer for the time being of the Board of Management may from time to time on behalf of the Body Corporate jointly guarantee the payment of any moneys borrowed or about to be borrowed by any persons in accordance with the provisions of subsection (c) of section five of this Act.

Life
Governors.

19. Any person who at the date of the passing of this Act is a Life Governor of The Sir Moses Montefiore Jewish Home shall be a Life Governor of the Body Corporate and be entitled to vote at any General Meeting and to be elected as a member of the Board of Management. Every donor of the sum of fifty pounds or more given in one sum may be appointed a Life Governor. Any person who shall confer any signal benefit on the Sir Moses Montefiore Jewish Home irrespective of a donation may be appointed a Life Governor of the Body Corporate.

Reports and
balance-
sheets.

20. The Board of Management shall cause true accounts to be kept of all the Real and Personal property of the Body Corporate and of the receipts disbursements credits and liabilities thereof and the Board shall lay before the members of the Body Corporate present at the Annual General Meeting thereof a statement of the income and expenditure from the first day of January to the thirty-first day of December of the preceding year. The accounts of the Body Corporate shall be examined and the correctness of the Balance Sheet ascertained by two Auditors to be appointed by the Body Corporate at the Annual General Meeting or failing such appointment to be appointed by the Board of Management.

Quorum.

21. No question shall be decided at any meeting of the Board of Management unless six members at the least shall be present at the time of such decision, and no question shall be decided at any General Meeting of members of the Body Corporate unless fifteen members shall be present at the time of such decision.

Securing of
rights.

22. Nothing in this Act contained or that may be done under this Act shall be deemed prejudicially to affect or to deprive any person of any right whatsoever which

The Sir Moses Montefiore Jewish Home.

which he now has arising out of contract or tort and any such right which may at the time of passing of this Act have been enforceable against the Trustees of the unincorporated Sir Moses Montefiore Jewish Home in their capacity as such Trustees may be enforced in like manner against the Body Corporate.

23. If any of the objects specified in section five of this Act shall fail or if from insufficiency of funds or from any other cause it shall at any time hereafter be found that the Body Corporate cannot be properly worked and carried on according to the true intent and meaning of this Act it shall be lawful for a Special General Meeting of the Body Corporate called for the purpose of taking into consideration the propriety of winding up the affairs thereof to pass a Resolution to that effect and the manner in which the net proceeds shall be applied but such Resolution shall have no force or effect until confirmed by the votes of three-fourths of the members present at another Special General Meeting to be held not later than one calendar month after the previous Meeting. Winding up.

24. If it shall be resolved according to the preceding section of this Act to wind up the affairs of the Body Corporate then the Body Corporate shall be dissolved and the whole of the Real and Personal estate belonging thereto shall be sold by public auction tender or private contract and the proceeds thereof shall be applied in and towards the payment of all costs charges and expenses of and incidental to such sale and winding-up and in payment of all liabilities of the Body Corporate and the net proceeds shall be dealt with in such manner as shall be determined by Resolution passed in terms of the preceding section of this Act. Dissolution.

25. The Board of Management Trustees and other officers of the Body Corporate shall be indemnified and saved harmless out of the funds of the Body Corporate from and against all loss costs charges damages and expenses which may be incurred or sustained for or on account of the Body Corporate or in consequence of any act matter or thing which may be done in carrying into effect the objects and purposes of the Body Corporate

The Sir Moses Montefiore Jewish Home.

Corporate or in or about any proceeding or arbitration to be brought commenced defended or entered into on account or by direction of the Board of Management or otherwise in or about the execution of their respective offices or trusts except such costs charges losses damages or expenses as shall happen by or through the wilful neglect of any member of such Board of Management or the Trustees or other officers respectively.

26. The members of the Board of Management for the time being of the Body Corporate shall be charged and chargeable only for so much money as they and each of them respectively shall actually receive and shall not be answerable or accountable for the receipt by the others or other of them nor for joining in any receipt for the sake of conformity but each only for his own acts and defaults. Provided that no Trustee or Member of the Board of Management shall be responsible for any loss which may arise from a failure to insure the buildings belonging to the Body Corporate or to keep any insurance on foot.

Short title.

27. This Act may be cited as "The Sir Moses Montefiore Jewish Home Act, 1927."

SCHEDULE.

ALL that piece or parcel of land situate at the corner of Old South Head road and Victoria-road, Bellevue Hill, in the Parish of Alexandria, County of Cumberland, and State of New South Wales, being the whole of the land comprised in Certificate of Title registered Volume 3,390 Folio 174.

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

D. R. S. DE CHAIR,
Governor.
Government House,
Sydney, 5th April, 1927.

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

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 11th March, 1927.*

New South Wales.



ANNO SEPTIMO DECIMO

GEORGII V REGIS.

An Act to incorporate the members of the Sir Moses Montefiore Jewish Home; to promote the objects thereof; to vest certain lands and other property in a Body Corporate; to declare the trusts thereof and to confer powers thereon; and for other incidental purposes.

WHEREAS by an Indenture bearing date the fifteenth day of September, one thousand eight hundred and eighty-six, registered number ninety-eight, book three hundred and seventy-eight, made
5 between Henry Solomon, David Mitchell, The Honorable Henry Emanuel Cohen, George Judah Cohen, and Mark Myers therein described and designated
Trustees

The Sir Moses Montefiore Jewish Home.

Trustees of the first part the said David Mitchell and William Mears therein described of the second part and the several persons whose names and seals were or should be from time to time subscribed and affixed thereto of the third part The said parties of the first second and third parts each for himself severally and respectively and for his several and respective heirs executors and administrators did thereby covenant promise and declare with and to the others and other of them and each and every of their heirs executors administrators and assigns jointly and severally in manner following (inter alia) that the several parties thereto should become and be associated together and constitute and form a Society under the name or style of "The Sir Moses Montefiore Jewish Home" and that the objects and purposes of the Society should be the erecting and building of a Messuage or House as a Home for the shelter, support and relief of aged, infirm and destitute persons of the Jewish Faith, the purchase of other land for the like purpose or the purchase of any tenement or premises for the shelter and support of any such persons as aforesaid and the relief of any such persons as aforesaid by admission to the Home donations pensions and loans and such Home should be carried on and supported by voluntary subscriptions and donations And that the said Henry Solomon, David Mitchell, Henry Emanuel Cohen, George Judah Cohen, and Mark Myers be and they were thereby appointed the Trustees of the said Society and that certain land situate on the west side of Dowling-street in the City of Sydney described in an Indenture of Conveyance bearing date the twentieth day of November one thousand eight hundred and eighty-six made between Alban Joseph Riley therein described of the one part and the said Trustees of the other part should as at the date of the now reciting Indenture stand in the names of the said Trustees and that they should stand seized of the same upon trust for the objects and purposes of the said Society and should convey or assure the same as the Board of Management should in writing from time to time direct or appoint

And

The Sir Moses Montefiore Jewish Home.

And whereas a messuage or house was erected and built upon the said land situate in Dowling-street aforesaid and was used as a Home by the said Society And whereas the said land situate in Dowling-street aforesaid
5 with the messuage or house erected thereon was sold by the Board of Management of the said Society for the time being and duly conveyed by the then Trustees of the said Society And whereas certain other land in the Municipality of Woollahra more particularly described
10 in the Schedule hereto together with a building thereon was purchased by the Board of Management for the time being of the said Society for the purpose of the said Society and conveyed to the present Trustees of the said Society And whereas by the unanimous voice of
15 a combined meeting of members of a Society known as the Sydney Hebrew Philanthropic and Orphan Society and of members of the Sir Moses Montefiore Jewish Home the said two institutions became amalgamated on the twentieth day of May one thousand eight hundred
20 and eighty-nine And whereas under the terms of Amalgamation it was stipulated that the name of The Sydney Hebrew Philanthropic and Orphan Society should be preserved and the amalgamated Societies have since then been known as The Sir Moses Montefiore
25 Jewish Home with which is incorporated the Sydney Hebrew Philanthropic Society And whereas with the increase of population since their amalgamation entailing much larger scope for charitable activity it may now or in future be desirable to separate them and
30 that each again may act in its own charitable sphere and whereas doubts have arisen as to whether these amalgamated Societies can be separated And whereas doubts have also arisen as to whether the said Societies have power jointly or severally to join
35 amalgamate with or form a constituent part of or become a member of a Federation Union or Organisation of Jewish Charities And whereas doubts have also arisen as to the true intent and meaning of certain provisions in the hereinbefore recited Indenture
40 of the fifteenth day of September one thousand eight hundred and eighty-six And whereas no power is contained

The Sir Moses Montefiore Jewish Home.

contained in the said Indenture to alter any of its provisions And whereas it is expedient to remove such doubts and to remodel and declare the trusts expressed and implied in the said Indenture of the fifteenth day of
 5 September one thousand eight hundred and eighty-six in respect of all the real and personal property both present and future of or to which the said Society is shall or may be entitled and to vest the same in a Body Corporate And whereas the present Trustees of the said
 10 Society in whom the said land as more particularly described in the Schedule hereto is legally vested are George Judah Cohen, Leopold Wolfe Cohen, Louis Morris Phillips, Ernest Ralph Cohen, and Bernard David Rothbury: Be it therefore enacted by the King's Most Excellent
 15 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. In this Act, unless the context or subject-matter
 20 otherwise requires,— terpreta-
ion clause.

“Board of Management” means the persons who for the time being constitute the Board of Management of the Body Corporate.

25 “Body Corporate” means the Body Corporate constituted by this Act.

“Members” include—

(a) all persons of the Jewish Faith who at the date of the passing of this Act are entitled according to the Constitution and Rules of the
 30 Society to vote at General Meetings of the Society;

(b) all persons of the Jewish Faith who are entitled according to the Rules for the time being in existence of the Body Corporate to
 35 vote at General Meetings of the Body Corporate or who are otherwise according to such Rules members of the Body Corporate.

40 “Society” means all persons who at the date of the passing of this Act are members of and constitute the body known as The Sir Moses Montefiore

The Sir Moses Montefiore Jewish Home.

Montefiore Jewish Home with which is incorporated the Sydney Hebrew Philanthropic and Orphan Society, whose objects are more particularly defined in subsection (c) of section five of this Act.

5 **2.** From and after the passing of this Act the members of the Society shall be and they are hereby constituted a Body Corporate by the name of "The Sir Moses Montefiore Jewish Home" and by that name shall have perpetual succession and a Common Seal and may enter into contracts and sue and be sued and proceed and be proceeded against in all courts.

10 **3.** (a) The land described in the Schedule hereunder written is hereby vested in the Body Corporate in fee simple subject to any Mortgages Liens and Encumbrances (if any) existing thereon at the date of the passing of this Act and subject thereto the said land shall be held by the Body Corporate freed and discharged from any and all trusts affecting the same but upon a charitable trust for the objects of the Body Corporate as specified in section five of this Act. If however it becomes impracticable to give effect to the said objects the said land or the investments for the time being representing the same shall be held upon trust for such charitable objects and subject to such powers of sale and disposition as the members of the Body Corporate shall determine by resolution in manner prescribed in section twenty-three of this Act.

20 (b) The Registrar-General is hereby directed and empowered to make every such entry cancellation and correction on the said Certificate of Title and in the Register as shall or may be necessary to register the Body Corporate as the Registered Proprietor of the said land and to issue in the name of the Body Corporate the said Certificate of Title or a new Certificate of Title to the said land free from all trusts caveats and other notifications.

35 (c) All other real and personal estate which at the date of the passing of this Act is vested in and held by any person in trust for and on behalf of the Society is hereby transferred to and vested in the Body Corporate subject to any trusts affecting the same.

*The Sir Moses Montefiore Jewish Home.***4.** The Body Corporate may—

- (a) take purchase acquire hold and enjoy in fee-simple or for any less estate lands with or without buildings thereon.
- 5 (b) take purchase acquire and receive hold and enjoy any chattels and personal property and
- (c) upon such terms and conditions as to it may seem fit sell grant convey demise and otherwise dispose of either absolutely or by way of mortgage or charge
- 10 or otherwise howsoever any of the real and personal property belonging or which may belong to the Body Corporate including the whole or any part of the land described in the said Schedule hereunder written
- 15 Provided always that the land comprised in the said Schedule shall not neither shall any part thereof be sold or mortgaged or charged or leased at any one time for a term exceeding five years without the authority of the members first had and obtained which authority shall be evidenced by Resolution in manner pre-
- 20 scribed in section twenty-three of this Act Provided always that the Board of Management may from time to time without such authority borrow upon the Security of any lands belonging to the Body Corporate by way of mortgage charge or encum-
- 25 brance or by deposit of title deeds such sum and sums of money as the Board of Management may think necessary for any of the objects or purposes of the Body Corporate Provided further that if the said land or any part thereof be alienated by the Body Corporate the
- 30 trusts declared by section five of this Act shall attach to whatever is received by the Body Corporate by way of consideration or in exchange Provided also that if such consideration or any part thereof consists of money then pending the application of same in providing and
- 35 maintaining a Home for the purposes mentioned in subsection (a) of section five of this Act such money shall be invested in manner prescribed by subsection (f) of section eight of this Act and the nett income derived therefrom shall be applied in and towards all or any of
- 40 the objects set forth in subsections (a) (b) and (c) of the said section five.

Power to hold
real and
persona
estate.

The Sir Moses Montefiore Jewish Home.

5. The objects of the Body Corporate as set forth in this section shall not be altered and such objects shall be :— Objects of the Body Corporate.

(a) To provide and maintain a Home for the shelter support and relief permanent as well as temporary of aged or infirm or destitute persons of both sexes of the Jewish Faith.

(b) To provide elsewhere than in the Home to be provided and maintained as mentioned in subclause (a) hereof for the shelter support and relief permanent as well as temporary of aged or infirm or destitute persons of both sexes of the Jewish Faith.

(c) And as referring more particularly to the objects of the amalgamated Sydney Hebrew Philanthropic and Orphan Society to grant relief to any persons of the Jewish Faith by monetary payments to any such persons either by way of gift or upon loan or by guaranteeing the repayment of any moneys borrowed from any person Society or Institution by any such person or persons or by gift or loan of goods or by gifts of clothing.

6. No purchaser, mortgagee, lessee, or other person or the Registrar-General upon any sale, exchange, mortgage, lease or other dealing purporting to be made under the powers granted by or under this Act shall be concerned to see or inquire into the necessity or propriety thereof or the mode of exercising the same nor be affected by notice that the exercise of the power is unauthorised irregular or improper nor be concerned to see to the application or disposition of any purchase mortgage or other money or moneys. Purchaser not concerned to inquire as to necessity or propriety of sale or mortgage.

7. The receipt of the Treasurer for the time being of the Body Corporate countersigned by the Secretary for the time being or by such other person as the Board of Management may from time to time appoint for any and all moneys payable to the Body Corporate shall be a good and valid discharge therefor exonerating the person paying such moneys from seeing to the application thereof or being concerned as to the non-application or misapplication thereof without any proof that the person signing and countersigning such receipt is such Treasurer Secretary or other person. Receipts.

8.

The Sir Moses Montefiore Jewish Home.

8. If at any time any land or any part or parts thereof other than that mentioned in the said Schedule are alienated leased mortgaged or charged the net proceeds of such alienation lease mortgage or charge or the net income derived from any investment thereof shall be applied in one or more of the ways following, that is to say :—

Application
of alienation
and mortgage
moneys.

(a) In the purchase of an estate in fee-simple in any lands in the said State for the purposes of the Body Corporate.

(b) In maintaining in a proper and sufficient state of repair and insuring any buildings and improvements of or belonging to the Body Corporate.

(c) In the erection of buildings and other improvements of a permanent nature upon any lands belonging to the Body Corporate.

(d) In liquidation of any mortgage encumbrance or liability on or in respect of any part of any of such lands buildings and improvements.

(e) In carrying into effect any of the objects or purposes of the Body Corporate.

(f) Pending application of such net proceeds for any or either of the foregoing purposes the same shall be invested in or upon mortgage of real estate in the State of New South Wales or in upon Government (Federal as well as State) Municipal or Shire Securities or on deposit fixed or otherwise in any Bank carrying on business in the said State.

9. The Board of Management shall consist of a president, honorary treasurer, honorary secretary, and not more than ten committeemen (male or female) being members of the Jewish Faith.

Board of
Management.

10. A general meeting of members of the Sir Moses Montefiore Jewish Home shall be held in the month of February of each year.

Annual
meeting.

11. The members of the Board of Management in office at the date of the passing of this Act shall constitute the first Board of Management of the Body Corporate and shall hold office until the first General Meeting of the Body Corporate and at such General Meeting and thereafter at each annual General Meeting the

Board of
Management.

The Sir Moses Montefiore Jewish Home.

the Board of Management shall retire from office and a new Board of Management shall be elected at such annual General Meeting and in the event of no such appointment being made the members of the Board of Management then in office shall continue to hold such office until their successors are appointed. A retiring member shall be eligible for re-election.

12. If a vacancy occur in the office of a member of the Board of Management between two annual General Meetings the remaining members of the Board of Management may at a duly constituted meeting of the said Board of Management elect in such manner as they shall think fit a person qualified to be a member thereof to fill the vacancy.

13. A document purporting to be a copy of any Resolution of the Body Corporate or of the Board of Management, as the case may be, authorising any sale exchange mortgage lease or other dealing and the appointment of any person or persons to carry out and receive moneys in respect of such sale exchange mortgage lease or other dealing certified under the hand of the President of the Board of Management and two members thereof for the time being shall be prima facie evidence in favour of all persons purchasing advancing moneys leasing or otherwise acquiring or possessing any estate or interest in the property therein referred to and shall be conclusive evidence that such Resolutions were duly passed without the necessity of proving that the signatories to such documents were such President and members.

14. The Body Corporate may from time to time and at any time as to all or any one or more of its objects as defined in and by section five upon and subject to such terms and conditions as the Body Corporate may by Resolution determine and especially subject to the retention by the Body Corporate of any gift bequest or endowment which has been is now and may be at any time hereafter given or bequeathed to the Sir Moses Montefiore Jewish Home join amalgamate with or form a constituent part of or become a member of any federation union society or organisation of any Jewish

The Sir Moses Montefiore Jewish Home.

Charities whether or not having objects similar in all or any respects to all or any of the objects of the Body Corporate and without in any way limiting abridging or prejudicing the generality of the foregoing in particular an Organisation to be called "The Federation of Jewish Societies of Sydney" And upon the exercise by the Body Corporate of any of the powers herein conferred by this section it may admit as members of the Body Corporate persons who are members of or subscribers to any federation union society or organisation aforesaid subject or not subject to the payment to the Body Corporate of any sum of money whether by way of donation subscription gift or otherwise.

15. (a) The Body Corporate may by Resolution passed by a two-thirds majority present at a meeting of the members of the Body Corporate separate or divide the objects mentioned in section five of this Act the one relating to those mentioned in subsections (a) and (b) of that section and the other relating to that mentioned in subsection (c) of the same section and the Body Corporate may pursue the objects mentioned in the said subsection (a) and (b) separately and apart from that mentioned in the said subsection (c).

Power to
separate
objects.

(b) If and whenever the said objects are separated or divided as aforesaid all moneys whether invested or not belonging to the Body Corporate or to which it is or may be in anywise entitled shall by virtue of this Act be vested in the Body Corporate for the sole purposes of subsection (a) and (b) of section five of this Act unless the Body Corporate by resolution determines to allocate any part or parts thereof for the purposes of subsection (c) of the said section five or unless any real or personal estate shall have been or may be specifically given or bequeathed to the said Sydney Hebrew Philanthropic and Orphan Society.

(c) If and whenever the said objects are separated or divided the said Sydney Hebrew Philanthropic and Orphan Society may under that distinct designation after its separation from the Body Corporate join or amalgamate with any other Jewish Society or Societies of similar objects to it and may also under its distinct

The Sir Moses Montefiore Jewish Home.

distinct designation upon and subject to such terms and conditions as the Board of Management of the Body Corporate may determine and subject to the provisions in section fourteen and subsection (b) of this section
 5 form a constituent part of or become a member of a Federation Union Society or Organisation of any Jewish Charities whether or not having objects similar in all or any respects to all or any of the objects of the Body Corporate.

10 **16.** The Regulations and By-laws of the Society as existing at the date of the passing of this Act shall subject to the provisions of this Act be the Regulations and By-laws of the Body Corporate until the same shall be altered in accordance with the provisions of this Act. Power to make Regulations

15 **17.** The Board of Management may from time to time with the approval of the Body Corporate alter or repeal all or any Rules and may make new Rules not only for the objects of the Body Corporate as a whole but also for those objects if and when the same
 20 are separated or divided into two separate and distinct objects as provided by section fifteen of this Act and in particular and without restricting the generality of this provision may make Rules— Power to make Rules.

- 25 (a) for regulating the times and modes of calling Meetings and for regulating the transaction of business at Meetings;
- (b) for the exercise by the Body Corporate of all or any of its powers;
- 30 (c) for the application or investment of its funds;
- (d) for the appointment by election or otherwise of officers to manage all or any of the affairs of the Body Corporate and for the retirement or removal of such officers;
- 35 (e) for the admission or qualification of persons as members of the Body Corporate;
- (f) for fixing the votes of the members of the Body Corporate;
- (g) for the appointment of staff and servants;
- 40 (h) generally for the support management and government of the Body Corporate and of all officers servants and other persons employed by the Body Corporate.

The Sir Moses Montefiore Jewish Home.

18. The President or Chairman for the time being and the Secretary or Treasurer for the time being of the Board of Management may from time to time on behalf of the Body Corporate jointly guarantee the payment of
 5 any moneys borrowed or about to be borrowed by any persons in accordance with the provisions of subsection (c) of section five of this Act.

Power to
guarantee
payment of
loans

19. Any person who at the date of the passing of this Act is a Life Governor of The Sir Moses Montefiore Jewish
 10 Home shall be a Life Governor of the Body Corporate and be entitled to vote at any General Meeting and to be elected as a member of the Board of Management. Every donor of the sum of fifty pounds or more given in one sum may be appointed a Life Governor. Any
 15 person who shall confer any signal benefit on the Sir Moses Montefiore Jewish Home irrespective of a donation may be appointed a Life Governor of the Body Corporate.

Life
Governors.

20. The Board of Management shall cause true
 20 accounts to be kept of all the Real and Personal property of the Body Corporate and of the receipts disbursements credits and liabilities thereof and the Board shall lay before the members of the Body Corporate present at the Annual General Meeting
 25 thereof a statement of the income and expenditure from the first day of January to the thirty-first day of December of the preceding year. The accounts of the Body Corporate shall be examined and the correctness of the Balance Sheet ascertained by two Auditors to be
 30 appointed by the Body Corporate at the Annual General Meeting or failing such appointment to be appointed by the Board of Management.

Reports and
balance-
sheets.

21. No question shall be decided at any meeting of the Board of Management unless six members at the
 35 least shall be present at the time of such decision, and no question shall be decided at any General Meeting of members of the Body Corporate unless fifteen members shall be present at the time of such decision.

Quorum.

22. Nothing in this Act contained or that may be
 40 done under this Act shall be deemed prejudicially to affect or to deprive any person of any right whatsoever which

Securing of
rights.

The Sir Moses Montefiore Jewish Home.

which he now has arising out of contract or tort and any such right which may at the time of passing of this Act have been enforceable against the Trustees of the unincorporated Sir Moses Montefiore Jewish Home in
 5 their capacity as such Trustees may be enforced in like manner against the Body Corporate.

23. If any of the objects specified in section five ^{Winding up.} of this Act shall fail or if from insufficiency of funds or from any other cause it shall at any time hereafter
 10 be found that the Body Corporate cannot be properly worked and carried on according to the true intent and meaning of this Act it shall be lawful for a Special General Meeting of the Body Corporate called for the purpose of taking into consideration the
 15 propriety of winding up the affairs thereof to pass a Resolution to that effect and the manner in which the net proceeds shall be applied but such Resolution shall have no force or effect until confirmed by the votes of three-fourths of the members present at another
 20 Special General Meeting to be held not later than one calendar month after the previous Meeting.

24. If it shall be resolved according to the preceding ^{Dissolution.} section of this Act to wind up the affairs of the Body Corporate then the Body Corporate shall be dissolved
 25 and the whole of the Real and Personal estate belonging thereto shall be sold by public auction tender or private contract and the proceeds thereof shall be applied in and towards the payment of all costs charges and expenses of and incidental to such sale and winding-up
 30 and in payment of all liabilities of the Body Corporate and the net proceeds shall be dealt with in such manner as shall be determined by Resolution passed in terms of the preceding section of this Act.

25. The Board of Management Trustees and other
 35 officers of the Body Corporate shall be indemnified and saved harmless out of the funds of the Body Corporate from and against all loss costs charges damages and expenses which may be incurred or sustained for or on account of the Body Corporate or in conse-
 40 quence of any act matter or thing which may be done in carrying into effect the objects and purposes of the Body
 c 98—C Corporate

The Sir Moses Montefiore Jewish Home.

Corporate or in or about any proceeding or arbitration to be brought commenced defended or entered into on account or by direction of the Board of Management or otherwise in or about the execution of their respective
5 offices or trusts except such costs charges losses damages or expenses as shall happen by or through the wilful neglect of any member of such Board of Management or the Trustees or other officers respectively.

26. The members of the Board of Management for
10 the time being of the Body Corporate shall be charged and chargeable only for so much money as they and each of them respectively shall actually receive and shall not be answerable or accountable for the receipt by the others or other of them nor for joining in any receipt for
15 the sake of conformity but each only for his own acts and defaults Provided that no Trustee or Member of the Board of Management shall be responsible for any loss which may arise from a failure to insure the buildings belonging to the Body Corporate or to keep
20 any insurance on foot.

27. This Act may be cited as "The Sir Moses
Montefiore Jewish Home Act, 1927." Short title.

SCHEDULE.

25 ALL that piece or parcel of land situate at the corner of Old South Head road and Victoria-road, Bellevue Hill, in the Parish of Alexandria, County of Cumberland, and State of New South Wales, being the whole of the land comprised in Certificate of Title registered Volume 3,390 Folio 174.

Legislative Council

1927.

A BILL

To incorporate the members of the Sir Moses Montefiore Jewish Home; to promote the objects thereof; to vest certain lands and other property in a Body Corporate; to declare the trusts thereof and to confer powers thereon; and for other incidental purposes.

(As amended and agreed to in Select Committee.)

WHEREAS by an Indenture bearing date the fifteenth day of September, one thousand eight hundred and eighty-six, registered number ninety-eight, book three hundred and seventy-eight, made between Henry Solomon, David Mitchell, The Honorable Henry Emanuel Cohen, George Judah Cohen, and Mark Myers therein described and designated

78336 c 98—A Trustees

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

Trustees of the first part the said David Mitchell and William Mears therein described of the second part and the several persons whose names and seals were or should be from time to time subscribed and affixed thereto of the third part The said parties of the first 5 second and third parts each for himself severally and respectively and for his several and respective heirs executors and administrators did thereby covenant promise and declare with and to the others and other of them and each and every of their heirs executors 10 administrators and assigns jointly and severally in manner following (inter alia) that the several parties thereto should become and be associated together and constitute and form a Society under the name or style of "The Sir Moses Montefiore Jewish Home" and that 15 the objects and purposes of the Society should be the erecting and building of a Messuage or House as a Home for the shelter, support and relief of aged, infirm and destitute persons of the Jewish Faith, the purchase of other land for the like purpose 20 or the purchase of any tenement or premises for the shelter and support of any such persons as aforesaid and the relief of any such persons as aforesaid by admission to the Home donations pensions and loans and such Home should be carried on and supported by 25 voluntary subscriptions and donations And that the said Henry Solomon, David Mitchell, Henry Emanuel Cohen, George Judah Cohen, and Mark Myers be and they were thereby appointed the Trustees of the said Society and that certain land situate on the west side of 30 Dowling-street in the City of Sydney described in an Indenture of Conveyance bearing date the twentieth day of November one thousand eight hundred and eighty-six made between Alban Joseph Riley therein described of the one part and the said Trustees of the 35 other part should as at the date of the now reciting Indenture stand in the names of the said Trustees and that they should stand seized of the same upon trust for the objects and purposes of the said Society and should convey or assure the same as the Board of Management 40 should in writing from time to time direct or appoint
And

And whereas a messuage or house was erected and built upon the said land situate in Dowling-street aforesaid and was used as a Home by the said Society And whereas the said land situate in Dowling-street aforesaid
5 with the messuage or house erected thereon was sold by the Board of Management of the said Society for the time being and duly conveyed by the then Trustees of the said Society And whereas certain other land in the Municipality of Woollahra more particularly described
10 in the Schedule hereto together with a building thereon was purchased by the Board of Management for the time being of the said Society for the purpose of the said Society and conveyed to the present Trustees of the said Society And whereas by the unanimous voice of
15 a combined meeting of members of a Society known as the Sydney Hebrew Philanthropic and Orphan Society and of members of the Sir Moses Montefiore Jewish Home the said two institutions became amalgamated on the twentieth day of May one thousand eight hundred
20 and eighty-nine And whereas under the terms of Amalgamation it was stipulated that the name of The Sydney Hebrew Philanthropic and Orphan Society should be preserved and the amalgamated Societies have since then been known as The Sir Moses Montefiore
25 Jewish Home with which is incorporated the Sydney Hebrew Philanthropic Society And whereas with the increase of population since their amalgamation entailing much larger scope for charitable activity it may now or in future be desirable to separate them and
30 that each again may act in its respective own charitable spheres sphere And whereas doubts have arisen as to whether these amalgamated Societies can be separated And whereas doubts have also arisen as to whether the said Societies have power jointly or severally to join
35 amalgamate with or form a constituent part of or become a member of a Federation Union or Organisation of Jewish Charities And whereas doubts have also arisen as to the true intent and meaning of certain provisions in the hereinbefore recited Indenture
40 of the fifteenth day of September one thousand eight hundred and eighty-six And whereas no power is contained

contained in the said Indenture to alter any of its provisions And whereas it is expedient to remove such doubts and to remodel and declare the trusts expressed and implied in the said Indenture of the fifteenth day of September one thousand eight hundred and eighty-six 5 in respect of all the real and personal property both present and future of or to which the said Society is shall or may be entitled and to vest the same in a Body Corporate And whereas the present Trustees of the said Society in whom the said land as more particularly de- 10 scribed in the Schedule hereto is legally vested are George Judah Cohen, Leopold Wolfe Cohen, Louis Morris Phillips, Ernest Ralph Cohen, and Bernard David Rothbury: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the 15 Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Interpreta-
tion clause.

1. In this Act, unless the context or subject-matter otherwise requires,— 20

“Board of Management” means the persons who for the time being constitute the Board of Management of the Body Corporate.

“Body Corporate” means the Body Corporate constituted by this Act. 25

“Members” include—

(a) all persons of the Jewish Faith who at the date of the passing of this Act are entitled according to the Constitution and Rules of the Society to vote at General Meetings of the 30 Society;

(b) all persons of the Jewish Faith who are ~~for the time being~~ entitled according to the Rules for the time being in existence of the Body Corporate to vote at General Meetings 35 of the Body Corporate or who are otherwise according to such Rules members of the Body Corporate.

“Society” means all persons who at the date of the passing of this Act are members of and 40 constitute the body known as The Sir Moses Montefiore

Montefiore Jewish Home with which is incorporated the Sydney Hebrew Philanthropic and Orphan Society, whose objects are more particularly defined in subsection (c) of section five of this Act.

5 **2.** From and after the passing of this Act the members of the Society shall be and they are hereby constituted a Body Corporate by the name of "The Sir Moses Montefiore Jewish Home" and by that name
10 shall have perpetual succession and a Common Seal and may enter into contracts and sue and be sued and proceed and be proceeded against in all courts.

3. (a) The land described in the Schedule hereunder written is hereby vested in the Body Corporate in fee
15 simple subject to any Mortgages Liens and Encumbrances (if any) existing thereon at the date of the passing of this Act and subject thereto the said land shall be held by the Body Corporate freed and discharged from any and all trusts affecting the same but
20 upon a charitable trust for the objects of the Body Corporate as specified in section five of this Act. If however it becomes impracticable to give effect to the said objects the said land or the investments for the time being representing the same shall be held upon
25 trust for such charitable objects and subject to such powers of sale and disposition as the members of the Body Corporate shall determine by resolution in manner prescribed in section twenty-three of this Act.

 (b) The Registrar-General is hereby directed and
30 empowered to make every such entry cancellation and correction on the said Certificate of Title and in the Register as shall or may be necessary to register the Body Corporate as the Registered Proprietor of the said land and to issue in the name of the Body Corporate the
35 said Certificate of Title or a new Certificate of Title to the said land free from all trusts caveats and other notifications.

 (c) All other real and personal estate which at the date of the passing of this Act is vested in and held
40 by any person in trust for and on behalf of the Society is hereby transferred to and vested in the Body Corporate subject to any trusts affecting the same.

Power to hold
real and
personal
estate.

4. The Body Corporate may—

(a) take purchase acquire hold and enjoy in fee-simple or for any less estate lands with or without buildings thereon.

(b) take purchase acquire and receive hold and enjoy any chattels and personal property and

(c) upon such terms and conditions as to it may seem fit sell grant convey demise and otherwise dispose of either absolutely or by way of mortgage or charge or otherwise howsoever any of the real and personal property belonging or which may belong to the Body Corporate including the whole or any part of the land described in the said Schedule hereunder written Provided always that the land comprised in the said Schedule shall not neither shall any part thereof be sold or mortgaged or charged or leased at any one time for a term exceeding five years without the authority of the members first had and obtained which authority shall be evidenced by Resolution in manner prescribed in section twenty-three of this Act Provided always that the Board of Management may from time to time without such authority borrow upon the Security of any lands belonging to the Body Corporate by way of mortgage charge or encumbrance or by deposit of title deeds such sum and sums of money as the Board of Management may think necessary for any of the objects or purposes of the Body Corporate Provided further that if the said land or any part thereof be alienated by the Body Corporate the trusts declared by section five of this Act shall attach to whatever is received by the Body Corporate by way of consideration or in exchange Provided also that if such consideration or any part thereof consists of money then pending the application of same in providing and maintaining a Home for the purposes mentioned in subsection (a) of section five of this Act such money shall be invested in manner prescribed by subsection (f) of section eight of this Act and the nett income derived therefrom shall be applied in and towards all or any of the objects set forth in subsections (a) (b) and (c) of the said section five.

5. The objects of the Body Corporate as set forth in this section shall not be altered and such objects shall be :—

Objects of
the Body
Corporate.

(a) To provide and maintain a Home for the shelter support and relief permanent as well as temporary of aged or infirm or destitute persons of both sexes of the Jewish Faith.

(b) To provide elsewhere than in the Home to be provided and maintained as mentioned in subclause (a) hereof for the shelter support and relief permanent as well as temporary of aged or infirm or destitute persons of both sexes of the Jewish Faith.

(c) And as referring more particularly to the objects of the amalgamated Sydney Hebrew Philanthropic and Orphan Society to grant relief to any persons of the Jewish Faith by monetary payments to any such persons either by way of gift or upon loan or by guaranteeing the repayment of any moneys borrowed from any person Society or Institution by any such person or persons or by gift or loan of goods or by gifts of clothing.

6. No purchaser, mortgagee, lessee, or other person or the Registrar-General upon any sale, exchange, mortgage, lease or other dealing purporting to be made under the powers granted by or under this Act shall be concerned to see or inquire into the necessity or propriety thereof or the mode of exercising the same nor be affected by notice that the exercise of the power is unauthorised irregular or improper nor be concerned to see to the application or disposition of any purchase mortgage or other money or moneys.

Purchaser not
concerned to
inquire as to
necessity or
propriety of
sale or
mortgage.

7. The receipt of the Treasurer for the time being of the Body Corporate countersigned by the Secretary for the time being or by such other person as the Board of Management may from time to time appoint for any and all moneys payable to the Body Corporate shall be a good and valid discharge therefor exonerating the person paying such moneys from seeing to the application thereof or being concerned as to the non-application or misapplication thereof without any proof that the person signing and countersigning such receipt is such Treasurer Secretary or other person.

Receipts.

8.

Application
of alienation
and mortgage
moneys.

8. If at any time any land or any part or parts thereof other than that mentioned in the said Schedule are alienated leased mortgaged or charged the net proceeds of such alienation lease mortgage or charge or the net income derived from any investment thereof shall be applied in one or more of the ways following, that is to say :— 5

(a) In the purchase of an estate in fee-simple in any lands in the said State for the purposes of the Body Corporate. 10

(b) In maintaining in a proper and sufficient state of repair and insuring any buildings and improvements of or belonging to the Body Corporate.

(c) In the erection of buildings and other improvements of a permanent nature upon any lands belonging to the Body Corporate. 15

(d) In liquidation of any mortgage encumbrance or liability on or in respect of any part of any of such lands buildings and improvements.

(e) In carrying into effect any of the objects or purposes of the Body Corporate. 20

(f) Pending application of such net proceeds for any or either of the foregoing purposes the same shall be invested in or upon mortgage of real estate in the State of New South Wales or in upon Government (Federal as well as State) Municipal or Shire Securities or on deposit fixed or otherwise in any Bank carrying on business in the said State. 25

Board of
Management.

9. The Board of Management shall consist of a president, honorary treasurer, honorary secretary, and not more than ten committeemen (male or female) being members of the Jewish Faith. 30

Annual
meeting.

10. A general meeting of members of the Sir Moses Montefiore Jewish Home shall be held in the month of January ~~February~~ of each year. 35

Board of
Management.

11. The members of the Board of Management in office at the date of the passing of this Act shall constitute the first Board of Management of the Body Corporate and shall hold office until the first General Meeting of the Body Corporate and at such General Meeting and thereafter at each annual General Meeting the 40

the Board of Management shall retire from office and a new Board of Management shall be elected at such annual General Meeting and in the event of no such appointment being made the members of the Board of Management then in office shall continue to hold such office until their successors are appointed. A retiring member shall be eligible for re-election.

12. If a vacancy occur in the office of a member of the Board of Management between two annual General Meetings the remaining members of the Board of Management may at a duly constituted meeting of the said Board of Management elect in such manner as they shall think fit a person qualified to be a member thereof to fill the vacancy.

Filling
vacancies on
Board of
Management.

13. A document purporting to be a copy of any Resolution of the Body Corporate or of the Board of Management, as the case may be, authorising any sale exchange mortgage lease or other dealing and the appointment of any person or persons to carry out and receive moneys in respect of such sale exchange mortgage lease or other dealing certified under the hand of the President of the Board of Management and two members thereof for the time being shall be prima facie evidence in favour of all persons purchasing advancing moneys leasing or otherwise acquiring or possessing any estate or interest in the property therein referred to and shall be conclusive evidence that such Resolutions were duly passed without the necessity of proving that the signatories to such documents were such President and members.

Evidence of
Resolution.

14. The Body Corporate may from time to time and at any time as to all or any one or more of its objects as defined in and by section five upon and subject to such terms and conditions as the Body Corporate may by Resolution determine and especially subject to the retention by the Body Corporate of any gift bequest or endowment which has been is now and may be at any time hereafter given or bequeathed to the Sir Moses Montefiore Jewish Home join amalgamate with or form a constituent part of or become a member of any federation union society or organisation of any Jewish

Power to
join other
organisations.

Charities whether or not having objects similar in all or any respects to all or any of the objects of the Body Corporate and without in any way limiting abridging or prejudicing the generality of the foregoing in particular an Organisation to be called "The Federation of Jewish Societies of Sydney" And upon the exercise by the Body Corporate of any of the powers herein conferred by this section it may admit as members of the Body Corporate persons who are members of or subscribers to any federation union society or organisation aforesaid subject or not subject to the payment to the Body Corporate of any sum of money whether by way of donation subscription gift or otherwise.

Power to
separate
objects.

15. (a) The Body Corporate may by Resolution passed by a two-thirds majority present at a meeting of the members of the Body Corporate separate or divide the objects mentioned in section five of this Act the one relating to those mentioned in subsections (a) and (b) of that section and the other relating to that mentioned in subsection (c) of the same section and the Body Corporate may pursue the objects mentioned in the said subsection (a) and (b) separately and apart from that mentioned in the said subsection (c).

(b) If and whenever the said objects are separated or divided as aforesaid all moneys whether invested or not belonging to the Body Corporate or to which it is or may be in anywise entitled shall by virtue of this Act be vested in the Body Corporate for the sole purposes of subsection (a) and (b) of section five of this Act unless the Body Corporate by resolution determines to allocate any part or parts thereof for the purposes of subsection (c) of the said section five or unless any ~~legacy~~ **real or personal estate** shall have been or which may be specifically given ~~and~~ or bequeathed to the said Sydney Hebrew Philanthropic and Orphan Society.

(c) If and whenever the said objects are separated or divided the said Sydney Hebrew Philanthropic and Orphan Society may under that distinct designation after its separation from the Body Corporate join or amalgamate with any other Jewish Society or Societies of similar objects to it and may also under its distinct

- distinct designation upon and subject to such terms and conditions as the Board of Management of the Body Corporate may determine and subject to the provisions in section fourteen and subsection (b) of this section
- 5 form a constituent part of or become a member of a Federation Union Society or Organisation of any Jewish Charities whether or not having objects similar in all or any respects to all or any of the objects of the Body Corporate.
- 10 **16.** The Regulations and By-laws of the Society as existing at the date of the passing of this Act shall subject to the provisions of this Act be the Regulations and By-laws of the Body Corporate until the same shall be altered in accordance with the provisions of this Act. Power to make Regulations.
- 15 **17.** The Board of Management may from time to time with the approval of the body corporate alter or repeal all or any Rules and may make new Rules not only for the objects of the Body Corporate as a whole but also for those objects if and when the same
- 20 are separated or divided into two separate and distinct objects as provided by section fifteen of this Act and in particular and without restricting the generality of this provision may make Rules—
- 25 (a) for regulating the times and modes of calling Meetings and for regulating the transaction of business at Meetings;
- (b) for the exercise by the Body Corporate of all or any of its powers;
- 30 (c) for the application or investment of its funds;
- (d) for the appointment by election or otherwise of officers to manage all or any of the affairs of the Body Corporate and for the retirement or removal of such officers;
- 35 (e) for the admission or qualification of persons as members of the Body Corporate;
- (f) for fixing the votes of the members of the Body Corporate;
- (g) for the appointment of staff and servants;
- 40 (h) generally for the support management and government of the Body Corporate and of all officers servants and other persons employed by the Body Corporate.
- 18.**

Power to
guarantee
payment of
loans.

18. The President or Chairman for the time being and the Secretary or Treasurer for the time being of the Board of Management may from time to time on behalf of the Body Corporate jointly guarantee the payment of any moneys borrowed or about to be borrowed by any persons in accordance with the provisions of subsection (c) of section five of this Act.

Life
Governors.

19. ~~All persons~~ Any person who at the date of the passing of this Act ~~are is~~ a Life ~~Governors~~ Governor of The Sir Moses Montefiore Jewish Home shall be a Life ~~Governors~~ Governor of the Body Corporate and be entitled to vote at any General Meeting and to be elected as a member of the Board of Management. Every donor of the sum of fifty pounds or more given in one sum may be appointed a Life Governor. Any person who shall confer any signal benefit on the Sir Moses Montefiore Jewish Home irrespective of a donation may be appointed a Life Governor of the Body Corporate.

Reports and
balance-
sheets.

20. The Board of Management shall cause true accounts to be kept of all the Real and Personal property of the Body Corporate and of the receipts disbursements credits and liabilities thereof and the Board shall lay before the members of the Body Corporate present at the Annual General Meeting thereof a statement of the income and expenditure from the first day of January to the thirty-first day of December of the preceding year. The accounts of the Body Corporate shall be examined and the correctness of the Balance Sheet ascertained by two Auditors to be appointed by the Body Corporate at the Annual General Meeting or failing such appointment to be appointed by the Board of Management.

Quorum.

21. No question shall be decided at any meeting of the Board of Management unless six members at the least shall be present at the time of such decision, and no question shall be decided at any General Meeting of members of the Body Corporate unless fifteen members shall be present at the time of such decision.

Securing of
rights.

22. Nothing in this Act contained or that may be done under this Act shall be deemed prejudicially to affect or to deprive any person of any right whatsoever which

which he now has arising out of contract or tort and any such right which may at the time of passing of this Act have been enforceable against the Trustees of the unincorporated Sir Moses Montefiore Jewish Home in
5 their capacity as such Trustees may be enforced in like manner against the Body Corporate.

23. If any of the objects specified in section five ^{Winding up.} of this Act shall fail or if from insufficiency of funds or from any other cause it shall at any time hereafter
10 be found that the Body Corporate cannot be properly worked and carried on according to the true intent and meaning of this Act it shall be lawful for a Special General Meeting of the Body Corporate specially called for the purpose of taking into consideration the
15 propriety of winding up the affairs thereof to pass a Resolution to that effect and the manner in which the net proceeds shall be applied but such Resolution shall have no force or effect until confirmed by the votes of three-fourths of the members present at another
20 Special General Meeting to be held not later than one calendar month after the previous Meeting.

24. If it shall be resolved according to the preceding ^{Dissolution.} section of this Act to wind up the affairs of the Body Corporate then the Body Corporate shall be dissolved
25 and the whole of the Real and Personal estate belonging thereto shall be sold by public auction tender or private contract and the proceeds thereof shall be applied in and towards the payment of all costs charges and expenses of and incidental to such sale and winding-up
30 and in payment of all liabilities of the Body Corporate and the net proceeds shall be dealt with in such manner as shall be determined by Resolution passed in terms of the preceding section of this Act.

25. The Board of Management Trustees and other
35 officers of the Body Corporate shall be indemnified and saved harmless out of the funds of the Body Corporate from and against all loss costs charges damages and expenses which may be incurred or sustained or be put to
40 for or on account of the Body Corporate or in consequence of any act matter or thing which may be done in carrying into effect the objects and purposes of the Body
c 98—C Corporate

Corporate or in or about any proceeding or arbitration to be brought commenced defended or entered into on account or by direction of the Board of Management or otherwise in or about the execution of their respective offices or trusts except such costs charges losses damages or expenses as shall happen by or through the wilful neglect of any member of such Board of Management or the Trustees or other officers respectively. 5

26. The members of the Board of Management for the time being of the Body Corporate shall be charged and chargeable only for so much money as they and each of them respectively shall actually receive and shall not be answerable or accountable for the receipt by the others or other of them nor for joining in any receipt for the sake of conformity but each only for his own acts and defaults. Provided that no Trustee or Member of the Board of Management shall be responsible for any loss which may arise from a failure to insure the buildings belonging to the Body Corporate or to keep any insurance on foot. 10 15 20

Short title.

27. This Act may be cited as "The Sir Moses Montefiore Jewish Home Act, 1927."

SCHEDULE.

ALL that piece or parcel of land situate at the corner of Old South Head road and Victoria-road, Bellevue Hill, in the Parish of Alexandria, 25 County of Cumberland, and State of New South Wales, containing two roods twenty-eight and one-quarter perches or thereabouts and being the whole of the land comprised in Certificate of Title registered Volume 3,390 Folio 174.

Sydney: Alfred James Kent, Government Printer—1927.

[1s. 1d.]

Legislative Council

1927.

A BILL

To incorporate the members of the Sir Moses Montefiore Jewish Home; to promote the objects thereof; to vest certain lands and other property in a Body Corporate; to declare the trusts thereof and to confer powers thereon; and for other incidental purposes.

WHEREAS by an Indenture bearing date the fifteenth day of September, one thousand eight hundred and eighty-six, registered number ninety-eight, book three hundred and seventy-eight, made between Henry Solomon, David Mitchell, The Honorable Henry Emanuel Cohen, George Judah Cohen, and Mark Myers therein described and designated

78336

c 98—A

Trustees

Trustees of the first part the said David Mitchell and William Mears therein described of the second part and the several persons whose names and seals were or should be from time to time subscribed and affixed thereto of the third part The said parties of the first 5 second and third parts each for himself severally and respectively and for his several and respective heirs executors and administrators did thereby covenant promise and declare with and to the others and other of them and each and every of their heirs executors 10 administrators and assigns jointly and severally in manner following (inter alia) that the several parties thereto should become and be associated together and constitute and form a Society under the name or style of "The Sir Moses Montefiore Jewish Home" and that 15 the objects and purposes of the Society should be the erecting and building of a Messuage or House as a Home for the shelter, support and relief of aged, infirm and destitute persons of the Jewish Faith, the purchase of other land for the like purpose 20 or the purchase of any tenement or premises for the shelter and support of any such persons as aforesaid and the relief of any such persons as aforesaid by admission to the Home donations pensions and loans and such Home should be carried on and supported by 25 voluntary subscriptions and donations And that the said Henry Solomon, David Mitchell, Henry Emanuel Cohen, George Judah Cohen, and Mark Myers be and they were thereby appointed the Trustees of the said Society and that certain land situate on the west side of 30 Dowling-street in the City of Sydney described in an Indenture of Conveyance bearing date the twentieth day of November one thousand eight hundred and eighty-six made between Alban Joseph Riley therein described of the one part and the said Trustees of the 35 other part should as at the date of the now reciting Indenture stand in the names of the said Trustees and that they should stand seized of the same upon trust for the objects and purposes of the said Society and should convey or assure the same as the Board of Management 40 should in writing from time to time direct or appoint And

And whereas a messuage or house was erected and built upon the said land situate in Dowling-street aforesaid and was used as a Home by the said Society And whereas the said land situate in Dowling-street aforesaid
5 with the messuage or house erected thereon was sold by the Board of Management of the said Society for the time being and duly conveyed by the then Trustees of the said Society And whereas certain other land in the Municipality of Woollahra more particularly described
10 in the Schedule hereto together with a building thereon was purchased by the Board of Management for the time being of the said Society for the purpose of the said Society and conveyed to the present Trustees of the said Society And whereas by the unanimous voice of
15 a combined meeting of members of a Society known as the Sydney Hebrew Philanthropic and Orphan Society and of members of the Sir Moses Montefiore Jewish Home the said two institutions became amalgamated on the twentieth day of May one thousand eight hundred
20 and eighty-nine And whereas under the terms of Amalgamation it was stipulated that the name of The Sydney Hebrew Philanthropic and Orphan Society should be preserved and the amalgamated Societies have since then been known as The Sir Moses Montefiore
25 Jewish Home with which is incorporated the Sydney Hebrew Philanthropic Society And whereas with the increase of population since their amalgamation entailing much larger scope for charitable activity it may now or in future be desirable to separate them and
30 that each again may act in its respective charitable spheres And whereas doubts have arisen as to whether these amalgamated Societies can be separated And whereas doubts have also arisen as to whether the said Societies have power jointly or severally to join
35 amalgamate with or form a constituent part of or become a member of a Federation Union or Organisation of Jewish Charities And whereas doubts have also arisen as to the true intent and meaning of certain provisions in the hereinbefore recited Indenture
40 of the fifteenth day of September one thousand eight hundred and eighty-six And whereas no power is contained

contained in the said Indenture to alter any of its provisions And whereas it is expedient to remove such doubts and to remodel and declare the trusts expressed and implied in the said Indenture of the fifteenth day of September one thousand eight hundred and eighty-six 5 in respect of all the real and personal property both present and future of or to which the said Society is shall or may be entitled and to vest the same in a Body Corporate And whereas the present Trustees of the said Society in whom the said land as more particularly de- 10 scribed in the Schedule hereto is legally vested are George Judah Cohen, Leopold Wolfe Cohen, Louis Morris Phillips, Ernest Ralph Cohen, and Bernard David Rothbury: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the 15 Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Interpreta-
tion clause.

1. In this Act, unless the context or subject-matter otherwise requires,— 20

“Board of Management” means the persons who for the time being constitute the Board of Management of the Body Corporate.

“Body Corporate” means the Body Corporate constituted by this Act. 25

“Members” include—

(a) all persons of the Jewish Faith who at the date of the passing of this Act are entitled according to the Constitution and Rules of the Society to vote at General Meetings of the 30 Society;

(b) all persons of the Jewish Faith who are for the time being entitled according to the Rules for the time being in existence of the Body Corporate to vote at General Meetings 35 of the Body Corporate or who are otherwise according to such Rules members of the Body Corporate.

“Society” means all persons who at the date of the passing of this Act are members of and 40 constitute the body known as The Sir Moses Montefiore

Montefiore Jewish Home with which is incorporated the Sydney Hebrew Philanthropic and Orphan Society, whose objects are more particularly defined in subsection (c) of section five of this Act.

5 **2.** From and after the passing of this Act the members of the Society shall be and they are hereby constituted a Body Corporate by the name of "The Sir Moses Montefiore Jewish Home" and by that name
10 shall have perpetual succession and a Common Seal and may enter into contracts and sue and be sued and proceed and be proceeded against in all courts.

3. (a) The land described in the Schedule hereunder written is hereby vested in the Body Corporate in fee simple subject to any Mortgages Liens and Encumbrances (if any) existing thereon at the date of the passing of this Act and subject thereto the said land shall be held by the Body Corporate freed and discharged from any and all trusts affecting the same but
15 upon a charitable trust for the objects of the Body Corporate as specified in section five of this Act. If however it becomes impracticable to give effect to the said objects the said land or the investments for the time being representing the same shall be held upon
20 trust for such charitable objects and subject to such powers of sale and disposition as the members of the Body Corporate shall determine by resolution in manner prescribed in section twenty-three of this Act.

 (b) The Registrar-General is hereby directed and
30 empowered to make every such entry cancellation and correction on the said Certificate of Title and in the Register as shall or may be necessary to register the Body Corporate as the Registered Proprietor of the said land and to issue in the name of the Body Corporate the
35 said Certificate of Title or a new Certificate of Title to the said land free from all trusts caveats and other notifications.

 (c) All other real and personal estate which at the date of the passing of this Act is vested in and held
40 by any person in trust for and on behalf of the Society is hereby transferred to and vested in the Body Corporate subject to any trusts affecting the same.

Power to hold
real and
personal
estate.

4. The Body Corporate may—

(a) take purchase acquire hold and enjoy in fee-simple or for any less estate lands with or without buildings thereon.

(b) take purchase acquire and receive hold and enjoy any chattels and personal property and

(c) upon such terms and conditions as to it may seem fit sell grant convey demise and otherwise dispose of either absolutely or by way of mortgage or charge or otherwise howsoever any of the real and personal property belonging or which may belong to the Body Corporate including the whole or any part of the land described in the said Schedule hereunder written Provided always that the land comprised in the said Schedule shall not neither shall any part thereof be sold or mortgaged or charged or leased at any one time for a term exceeding five years without the authority of the members first had and obtained which authority shall be evidenced by Resolution in manner prescribed in section twenty-three of this Act Provided always that the Board of Management may from time to time without such authority borrow upon the Security of any lands belonging to the Body Corporate by way of mortgage charge or encumbrance or by deposit of title deeds such sum and sums of money as the Board of Management may think necessary for any of the objects or purposes of the Body Corporate Provided further that if the said land or any part thereof be alienated by the Body Corporate the trusts declared by section five of this Act shall attach to whatever is received by the Body Corporate by way of consideration or in exchange Provided also that if such consideration or any part thereof consists of money then pending the application of same in providing and maintaining a Home for the purposes mentioned in subsection (a) of section five of this Act such money shall be invested in manner prescribed by subsection (f) of section eight of this Act and the nett income derived therefrom shall be applied in and towards all or any of the objects set forth in subsections (a) (b) and (c) of the said section five.

5. The objects of the Body Corporate as set forth in this section shall not be altered and such objects shall be:—

Objects of
the Body
Corporate.

(a) To provide and maintain a Home for the shelter support and relief permanent as well as temporary of aged or infirm or destitute persons of both sexes of the Jewish Faith.

(b) To provide elsewhere than in the Home to be provided and maintained as mentioned in subclause (a) hereof for the shelter support and relief permanent as well as temporary of aged or infirm or destitute persons of both sexes of the Jewish Faith.

(c) And as referring more particularly to the objects of the amalgamated Sydney Hebrew Philanthropic and Orphan Society to grant relief to any persons of the Jewish Faith by monetary payments to any such persons either by way of gift or upon loan or by guaranteeing the repayment of any moneys borrowed from any person Society or Institution by any such person or persons or by gift or loan of goods or by gifts of clothing.

6. No purchaser, mortgagee, lessee, or other person or the Registrar-General upon any sale, exchange, mortgage, lease or other dealing purporting to be made under the powers granted by or under this Act shall be concerned to see or inquire into the necessity or propriety thereof or the mode of exercising the same nor be affected by notice that the exercise of the power is unauthorised irregular or improper nor be concerned to see to the application or disposition of any purchase mortgage or other money or moneys.

Purchaser not
concerned to
inquire as to
necessity or
propriety of
sale or
mortgage.

7. The receipt of the Treasurer for the time being of the Body Corporate countersigned by the Secretary for the time being or by such other person as the Board of Management may from time to time appoint for any and all moneys payable to the Body Corporate shall be a good and valid discharge therefor exonerating the person paying such moneys from seeing to the application thereof or being concerned as to the non-application or misapplication thereof without any proof that the person signing and countersigning such receipt is such Treasurer Secretary or other person.

Receipts.

Application
of alienation
and mortgage
moneys.

8. If at any time any land or any part or parts thereof other than that mentioned in the said Schedule are alienated leased mortgaged or charged the net proceeds of such alienation lease mortgage or charge or the net income derived from any investment thereof shall be applied in one or more of the ways following, that is to say :—

(a) In the purchase of an estate in fee-simple in any lands in the said State for the purposes of the Body Corporate. 10

(b) In maintaining in a proper and sufficient state of repair and insuring any buildings and improvements of or belonging to the Body Corporate.

(c) In the erection of buildings and other improvements of a permanent nature upon any lands belonging to the Body Corporate. 15

(d) In liquidation of any mortgage encumbrance or liability on or in respect of any part of any of such lands buildings and improvements.

(e) In carrying into effect any of the objects or purposes of the Body Corporate. 20

(f) Pending application of such net proceeds for any or either of the foregoing purposes the same shall be invested in or upon mortgage of real estate in the State of New South Wales or in upon Government (Federal as well as State) Municipal or Shire Securities or on deposit fixed or otherwise in any Bank carrying on business in the said State. 25

Board of
Management.

9. The Board of Management shall consist of a president, honorary treasurer, honorary secretary, and not more than ten committeemen (male or female) being members of the Jewish Faith. 30

Annual
meeting.

10. A general meeting of members of the Sir Moses Montefiore Jewish Home shall be held in the month of January of each year. 35

Board of
Management.

11. The members of the Board of Management in office at the date of the passing of this Act shall constitute the first Board of Management of the Body Corporate and shall hold office until the first General Meeting of the Body Corporate and at such General Meeting and thereafter at each annual General Meeting the

the Board of Management shall retire from office and a new Board of Management shall be elected at such annual General Meeting and in the event of no such appointment being made the members of the Board of Management then in office shall continue to hold such office until their successors are appointed. A retiring member shall be eligible for re-election.

12. If a vacancy occur in the office of a member of the Board of Management between two annual General Meetings the remaining members of the Board of Management may at a duly constituted meeting of the said Board of Management elect in such manner as they shall think fit a person qualified to be a member thereof to fill the vacancy.

Filling
vacancies on
Board of
Management.

13. A document purporting to be a copy of any Resolution of the Body Corporate or of the Board of Management, as the case may be, authorising any sale exchange mortgage lease or other dealing and the appointment of any person or persons to carry out and receive moneys in respect of such sale exchange mortgage lease or other dealing certified under the hand of the President of the Board of Management and two members thereof for the time being shall be prima facie evidence in favour of all persons purchasing advancing moneys leasing or otherwise acquiring or possessing any estate or interest in the property therein referred to and shall be conclusive evidence that such Resolutions were duly passed without the necessity of proving that the signatories to such documents were such President and members.

Evidence of
Resolution.

14. The Body Corporate may from time to time and at any time as to all or any one or more of its objects as defined in and by section five upon and subject to such terms and conditions as the Body Corporate may by Resolution determine and especially subject to the retention by the Body Corporate of any gift bequest or endowment which has been is now and may be at any time hereafter given or bequeathed to the Sir Moses Montefiore Jewish Home join amalgamate with or form a constituent part of or become a member of any federation union society or organisation of any Jewish

Power to
join other
organisations.

Charities whether or not having objects similar in all or any respects to all or any of the objects of the Body Corporate and without in any way limiting abridging or prejudicing the generality of the foregoing in particular an Organisation to be called "The Federation of Jewish Societies of Sydney" And upon the exercise by the Body Corporate of any of the powers herein conferred by this section it may admit as members of the Body Corporate persons who are members of or subscribers to any federation union society or organisation aforesaid subject or not subject to the payment to the Body Corporate of any sum of money whether by way of donation subscription gift or otherwise.

Power to
separate
objects.

15. (a) The Body Corporate may by Resolution passed by a two-thirds majority present at a meeting of the members of the Body Corporate separate or divide the objects mentioned in section five of this Act the one relating to those mentioned in subsections (a) and (b) of that section and the other relating to that mentioned in subsection (c) of the same section and the Body Corporate may pursue the objects mentioned in the said subsection (a) and (b) separately and apart from that mentioned in the said subsection (c).

(b) If and whenever the said objects are separated or divided as aforesaid all moneys whether invested or not belonging to the Body Corporate or to which it is or may be in anywise entitled shall by virtue of this Act be vested in the Body Corporate for the sole purposes of subsection (a) and (b) of section five of this Act unless the Body Corporate by resolution determines to allocate any part or parts thereof for the purposes of subsection (c) of the said section five or unless any legacy shall have been or which may be specifically given and bequeathed to the said Sydney Hebrew Philanthropic and Orphan Society.

(c) If and whenever the said objects are separated or divided the said Sydney Hebrew Philanthropic and Orphan Society may under that distinct designation after its separation from the Body Corporate join or amalgamate with any other Jewish Society or Societies of similar objects to it and may also under its distinct

distinct designation upon and subject to such terms and conditions as the Board of Management of the Body Corporate may determine and subject to the provisions in section fourteen and subsection (b) of this section 5 form a constituent part of or become a member of a Federation Union Society or Organisation of any Jewish Charities whether or not having objects similar in all or any respects to all or any of the objects of the Body Corporate.

10 **16.** The Regulations and By-laws of the Society as existing at the date of the passing of this Act shall subject to the provisions of this Act be the Regulations and By-laws of the Body Corporate until the same shall be altered in accordance with the provisions of this Act. Power to make Regulations.

15 **17.** The Board of Management may from time to time alter or repeal all or any Rules and may make new Rules not only for the objects of the Body Corporate as a whole but also for those objects if and when the same are separated or divided into two separate and distinct 20 objects as provided by section fifteen of this Act and in particular and without restricting the generality of this provision may make Rules— Power to make Rules.

(a) for regulating the times and modes of calling Meetings and for regulating the transaction of business at Meetings;

25 (b) for the exercise by the Body Corporate of all or any of its powers;

(c) for the application or investment of its funds;

30 (d) for the appointment by election or otherwise of officers to manage all or any of the affairs of the Body Corporate and for the retirement or removal of such officers;

(e) for the admission or qualification of persons as members of the Body Corporate;

35 (f) for fixing the votes of the members of the Body Corporate;

(g) for the appointment of staff and servants;

40 (h) generally for the support management and government of the Body Corporate and of all officers servants and other persons employed by the Body Corporate.

18.

Power to
guarantee
payment of
loans.

18. The President or Chairman for the time being and the Secretary or Treasurer for the time being of the Board of Management may from time to time on behalf of the Body Corporate jointly guarantee the payment of any moneys borrowed or about to be borrowed by any persons in accordance with the provisions of subsection (c) of section five of this Act. 5

Life
Governors.

19. All persons who at the date of the passing of this Act are Life Governors of The Sir Moses Montefiore Jewish Home shall be Life Governors of the Body Corporate and be entitled to vote at any General Meeting and to be elected as a member of the Board of Management. Every donor of the sum of fifty pounds or more given in one sum may be appointed a Life Governor. Any person who shall confer any signal benefit on the Sir Moses Montefiore Jewish Home irrespective of a donation may be appointed a Life Governor of the Body Corporate. 10 15

Reports and
balance-
sheets.

20. The Board of Management shall cause true accounts to be kept of all the Real and Personal property of the Body Corporate and of the receipts disbursements credits and liabilities thereof and the Board shall lay before the members of the Body Corporate present at the Annual General Meeting thereof a statement of the income and expenditure from the first day of January to the thirty-first day of December of the preceding year. The accounts of the Body Corporate shall be examined and the correctness of the Balance Sheet ascertained by two Auditors to be appointed by the Body Corporate at the Annual General Meeting or failing such appointment to be appointed by the Board of Management. 20 25 30

Quorum.

21. No question shall be decided at any meeting of the Board of Management unless six members at the least shall be present at the time of such decision, and no question shall be decided at any General Meeting of members of the Body Corporate unless fifteen members shall be present at the time of such decision. 35

Securing of
rights.

22. Nothing in this Act contained or that may be done under this Act shall be deemed prejudicially to affect or to deprive any person of any right whatsoever which 40

which he now has arising out of contract or tort and any such right which may at the time of passing of this Act have been enforceable against the Trustees of the unincorporated Sir Moses Montefiore Jewish Home in
5 their capacity as such Trustees may be enforced in like manner against the Body Corporate.

23. If any of the objects specified in section five
of this Act shall fail or if from insufficiency of funds
or from any other cause it shall at any time hereafter
10 be found that the Body Corporate cannot be properly
worked and carried on according to the true intent and
meaning of this Act it shall be lawful for a Special
General Meeting of the Body Corporate specially called
for the purpose of taking into consideration the
15 propriety of winding up the affairs thereof to pass a
Resolution to that effect and the manner in which the
net proceeds shall be applied but such Resolution shall
have no force or effect until confirmed by the votes
of three-fourths of the members present at another
20 Special General Meeting to be held not later than one
calendar month after the previous Meeting.

24. If it shall be resolved according to the preceding
section of this Act to wind up the affairs of the Body
Corporate then the Body Corporate shall be dissolved
25 and the whole of the Real and Personal estate belonging
thereto shall be sold by public auction tender or private
contract and the proceeds thereof shall be applied in
and towards the payment of all costs charges and
expenses of and incidental to such sale and winding-up
30 and in payment of all liabilities of the Body Corporate
and the net proceeds shall be dealt with in such manner
as shall be determined by Resolution passed in terms
of the preceding section of this Act.

25. The Board Trustees and other officers of the
35 Body Corporate shall be indemnified and saved harmless
out of the funds of the Body Corporate from and against
all loss costs charges damages and expenses which may
be incurred sustained or be put to for or on account
of the Body Corporate or in consequence of any act
40 matter or thing which may be done in carrying into
effect the objects and purposes of the Body Corporate

or in or about any proceeding or arbitration to be brought commenced defended or entered into on account or by direction of the Board or otherwise in or about the execution of their respective offices or trusts except such costs charges losses damages or expenses as shall happen by or through the wilful neglect of any member of such Board or the Trustees or other officers respectively. 5

26. The members of the Board for the time being of the Body Corporate shall be charged and chargeable only for so much money as they and each of them respectively shall actually receive and shall not be answerable or accountable for the receipt by the others or other of them nor for joining in any receipt for the sake of conformity but each only for his own acts and defaults. Provided that no Trustee or Member of the Board shall be responsible for any loss which may arise from a failure to insure the buildings belonging to the Body Corporate or to keep any insurance on foot. 10 15

Short title.

27. This Act may be cited as "The Sir Moses Montefiore Jewish Home Act, 1927." 20

SCHEDULE.

ALL that piece or parcel of land situate at the corner of Old South Head road and Victoria-road, Bellevue Hill, in the Parish of Alexandria, County of Cumberland, and State of New South Wales, containing two roods twenty-eight and one quarter perches or thereabouts and being the whole of the land comprised in Certificate of Title registered Volume 3,390 Folio 174. 25