

New South Wales.



ANNO VICESIMO

GEORGII V REGIS.

An Act to provide for the temporal affairs of The
Salvation Army in the State of New South
Wales. [Assented to, 19th November, 1929.]

WHEREAS by a Deed Poll hereinafter called the Preamble.
Deed of Constitution dated the seventh day of
August, one thousand eight hundred and seventy-eight,
and under the hand and seal of William Booth and
afterwards enrolled in the Chancery Division of the
High Court of Justice on the thirteenth day of August,
one thousand eight hundred and seventy-eight, the
origin and doctrines of the Christian Mission therein
referred to were recited and stated and it was by the
said

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said Deed Poll amongst other things provided that the said Christian Mission was and should always be thereafter under the oversight direction and control of some one person who should be the General Superintendent thereof whose duty it should be to determine and enforce the discipline and laws and superintend the operations of the said Christian Mission and to conserve the same to and for the objects and purposes for which it was first originated and that the said General Superintendent should have the powers therein mentioned that the said William Booth should continue to be for the term of his natural life the General Superintendent of the said Christian Mission unless he should resign such office that the said William Booth and other General Superintendent who should succeed him should have power to appoint his successor to the office of General Superintendent and all the rights powers and authorities should vest in the person so appointed upon the decease of the said William Booth or other General Superintendent appointing him or at such other period as might be named in the document appointing him and that it should be the duty of every General Superintendent to make in writing as soon as conveniently might be after his appointment a statement as to his successor and as to the means which were to be taken for the appointment of the successor on the decease of the General Superintendent or upon his ceasing to perform the duties of the office such statement to be signed by the General Superintendent and delivered under seal to the Solicitor for the time being of the said Christian Mission but such statement might be altered at will by the General Superintendent at any time during his continuance in office pending a new statement being signed by him and delivered as before mentioned to such Solicitor as aforesaid And whereas by the said recited Deed Poll it was provided that the General Superintendent should have power to expend on behalf of the Christian Mission all moneys contributed for the general purposes of the said Christian Mission or for any of the special objects of its operations but he should annually publish a balance-sheet duly audited of all such receipts and expenditure

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expenditure and that the General Superintendent should have power to acquire by gift purchase or otherwise any hall or meeting-house school-room vestry land building and appurtenances and any seats fittings furniture or other property whatsoever which might in his judgment be required for the purposes of the said Christian Mission and to build upon such land or alter or pull down any such buildings and to hire on lease or otherwise any land or buildings and to lend give away and sell or otherwise dispose of any such properties lands or buildings as he might deem necessary in the interests of the said Christian Mission wherein all trustees should render him every assistance and that he might in all such cases as he should deem it expedient so to do nominate trustees or a trustee of any part or parts thereof respectively of any such property and direct the conveyance and transfer thereof to such trustees or trustee with power for the General Superintendent to declare the trusts thereof and from time to time if it should seem expedient to him so to do to revoke any such trusts or the appointment of any such trustees or trustee and pending such revocation the same property should be conveyed or transferred to such persons or person upon such trusts as he might direct but only for the benefit of the said Christian Mission And whereas by a further Deed Poll under the hand of the said William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, and enrolled in the Supreme Court of Judicature England on the twenty-seventh day of July, one thousand nine hundred and four, it was recited that on or about the first day of January, one thousand eight hundred and seventy-nine, the name of the said religious society or organization was changed from "The Christian Mission" to "The Salvation Army" as appears by Memorandum under the hand of the said William Booth dated the twenty-fourth day of June, one thousand eight hundred and eighty, and endorsed on the said recited Deed Poll of the seventh day of August, one thousand eight hundred and seventy-eight, and that the said society or organization

had

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had since been and was then known as it now is as The Salvation Army and that the title of the "General Superintendent" thereof had been altered and shortened into that of "General" and that the said William Booth was then known and designated and it was expected that every successor of his would be thereafter known and designated as the "General" of The Salvation Army And whereas it was also recited by the lastly herein recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, that in order to minimise the possibility of doubt dispute or litigation it was considered desirable to provide more fully and specifically than was done by the Deed of Constitution for the events in which the General for the time being should cease to perform the duties of his office and also for the nomination and appointment of a successor to the General for the time being on his dying or ceasing to perform the duties of office and that the said William Booth had accordingly determined to execute the said recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four And whereas the said Deed Poll now in recital sets forth more fully and effectually such events and makes provision inter alia that every General for the time being of The Salvation Army should be deemed to cease to perform the duties of his office within the meaning of clause six of the said Deed of Constitution and to vacate such office upon the happening of any of the events therein referred to that is to say if inter alia the Commissioners of The Salvation Army or a majority of such Commissioners amounting to at least four in five should declare in writing under their hands that they are satisfied that the General is inter alia permanently incapacitated by mental or physical infirmity from the adequate performance of the duties of his office or if a resolution adjudicating the General unfit for office and removing him therefrom should be passed by a majority of not less than three-fourths of the members present and voting at a meeting of the High Council of The Salvation Army as thereafter provided for And whereas by a Deed Poll under the hand and seal of William Bramwell

Booth

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Booth bearing date the first day of June, one thousand nine hundred and twenty, it was recited that the said William Booth had died on the twentieth day of August, one thousand nine hundred and twelve, having by Deed Poll under his hand and seal dated the twenty-first day of August, one thousand eight hundred and ninety, in exercise of the power in that behalf vested in him by the said Deed of Constitution as aforesaid appointed the said William Bramwell Booth to be his successor in the office of General of The Salvation Army and that the said William Bramwell Booth had by Deed Poll under his hand and seal dated the twenty-third day of August, one thousand nine hundred and twelve, duly accepted the said office And whereas it was recited by the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, that in connection with and as the outcome of the work teaching and experience of The Salvation Army in the United Kingdom and in Australia and other countries of the world the said William Booth and the said William Bramwell Booth had evolved and promulgated various operations for the social temporal and moral welfare of the poorer and more needy classes of society and all persons who were destitute feeble-minded or vicious or suffering from injuries or sickness or ill-health or orphans or for children needing care in orphanages or reformatories and for other charitable purposes which operations are generally known and described as the Social Work of The Salvation Army and which in relation to the Commonwealth of Australia (hereinafter called the said Commonwealth) are sometimes referred to as the Social Work and that in connection with the carrying out of the Social Work in the said Commonwealth the said William Booth and the said William Bramwell Booth as his successor in office had acquired certain real and personal property particularised in the schedule thereto and other real and personal property would thereafter be acquired for the purposes of the Social Work and that it was thought desirable that the same respectively should be kept distinct from the other or proper real and personal property of The Salvation Army and be used

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used and devoted exclusively in and to the Social Work in and connected with the said Commonwealth and that the Social Work should be confined and regulated and the trusts of the said real and personal property already acquired and thereafter to be acquired for or in connection therewith declared as thereafter appearing And whereas by the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, the said William Bramwell Booth declared that the real and personal property particularised in the said schedule and all property real and personal which might thereafter be acquired by gift grant purchase or in any manner whatsoever for the purposes of the Social Work in or in connection with the said Commonwealth and all real and personal property for the time being representing the same or any part thereof respectively and all which are sometimes thereafter collectively referred to as the trust property should at all times thereafter be held upon trust to use and apply the same and the income thereof for the social temporal and moral welfare and the improvement of the poorer and more needy classes of society and all persons who were destitute or vicious or feeble-minded or suffering from injuries or sickness or ill-health or orphans or for children needing care in orphanages or reformatories in the said Commonwealth and for other charitable purposes in connection with the said Commonwealth in such ways and by such means as the said William Bramwell Booth or other the Director as thereafter defined for the time being of the Social Work should at any time or from time to time think fit subject nevertheless to the provisos therein contained And whereas by the said Deed Poll now in recital it was provided that the said Social Work should at all times thereafter be under the oversight direction and control of the person who should for the time being be General of The Salvation Army and he should be called in relation to the Social Work the Director of the Social Work (thereinafter referred to as the said Director) and that it should be his duty to determine and enforce the laws and to superintend the operations of the Social Work

and

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and to conserve the same and the trust property for the purpose of the trusts thereby declared And whereas it was provided that for the purpose of identifying or ear-marking the trust property and the income thereof and of keeping the same distinct from all property of The Salvation Army full accounts of all moneys contributed collected or received for the Social Work and of the application thereof should be kept in such manner as to keep the same always distinct and separate from the property of The Salvation Army and that all conveyances leases transfers assignments and assurances made to the Director for the time being for the purposes of the Social Work should be expressed to be made to him as such Director and should thereupon become subject to the trusts of the presents now in recital and that whenever any property real or personal required for the purposes of the Social Work should be conveyed leased assigned transferred or assured to any trustees or trustee other than the Director for the time being such trustees or trustee should in each case execute a sufficient declaration of trust so as in every case to enable the property so conveyed leased assigned transferred or assured to be sufficiently identified or ear-marked as being property devoted to the purposes of the Social Work And whereas the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, set forth the powers which the Director should have over and on and concerning the said trust property And whereas at a duly convened meeting of the High Council of The Salvation Army held at Sunbury in the United Kingdom on the thirteenth day of February, one thousand nine hundred and twenty-nine, the High Council of The Salvation Army referred to in the said recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, duly and in accordance with the said Deed Poll adjudicated the said William Bramwell Booth unfit for office and removed him therefrom and by way of record declared that the said adjudication was based upon the state of health of the said William Bramwell Booth and the said High Council

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Council in pursuance of the power vested in it by the said Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, elected Edward John Higgins a Commissioner of The Salvation Army as successor in the office of General of The Salvation Army to the said William Bramwell Booth And whereas by Deed Poll under his hand and seal dated the thirteenth day of February, one thousand nine hundred and twenty-nine, the said Edward John Higgins duly accepted the said office upon and subject to the terms of the said recited Deeds Poll dated the seventh day of August, one thousand eight hundred and seventy-eight, and the twenty-sixth day of July, one thousand nine hundred and four, respectively And whereas the said William Bramwell Booth died on the sixteenth day of June, one thousand nine hundred and twenty-nine And whereas it is expedient to provide that the whole of the property real and personal of The Salvation Army in New South Wales which was at the time of his death held and now stands in the name of the said William Bramwell Booth upon the trusts of the hereinbefore recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, and the twenty-sixth day of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty, respectively, and also that all other property real and personal of or to which The Salvation Army in New South Wales is entitled held by and standing in the name of the said William Bramwell Booth at the time of his death or now standing in the name or names of any other person or persons and which the General for the time being of The Salvation Army as such General and as Director of the said Social Work of The Salvation Army respectively is entitled to have vested in him upon the trusts of the said recited Deeds Poll according to the nature of the same shall vest in a body of Trustees and the said Trustees shall be a body corporate with the powers and authorities hereinafter set forth: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice of the Legislative Council and the Legislative Assembly
of

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of the State of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as “The Salvation Army Short title.
(New South Wales) Property Trust Act, 1929.”

2. In this Act, unless the context or subject-matter Definitions.
otherwise indicates or requires, the words—

- (a) “Trustees” or “Trust” mean “The Salvation Army (New South Wales) Property Trust”;
- (b) “General” or “The General” shall mean the General of The Salvation Army under its Constitution or his Attorney for the time being in the State of New South Wales duly authorised in that behalf or such other person as shall for the time being have vested in him under the said Constitution general control and authority over the property in England of The Salvation Army or the attorney for the time being in the State of New South Wales of such person duly authorised in that behalf.

3. The Trustees shall be a body corporate by the name of “The Salvation Army (New South Wales) Property Trust,” and shall have perpetual succession and a common seal, and shall be capable of acquiring, holding, managing, controlling, and subject to this Act, granting, mortgaging, demising, selling, disposing of or otherwise dealing with any property, real and/or personal, and of suing and being sued by the aforesaid name and doing and suffering all such other acts and things as bodies corporate may by law do or suffer. Incorporation of Trustees : Power to hold real and personal property, &c.

4. The number of the Trustees shall be not less than five and not more than seven, and shall consist of persons appointed in writing by the General. Number and appointment of Trustees.

5. The Trustees for the time being shall have the custody of the common seal of the said corporate body, and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the said corporate body, and three members for the time being of the said corporate body shall constitute a quorum. Custody of common seal and quorum of Trustees.

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Execution
of deed.

6. Any deed or instrument executed or signed, and any other act, matter, or thing done by any three members of the corporate body aforesaid, and in pursuance of a resolution of the said corporate body and under the common seal of the said corporate body shall be as effectual as if the same had been executed, signed, or done by all the members of the said corporate body.

Vesting of
property in
Trustees.

7. All lands, tenements, and hereditaments, including chattels real situate in the State of New South Wales, together with all rights, easements, and appurtenances relating thereto and all personal property which were at the time of his death held by and now stand in the name of the said William Bramwell Booth, as General of The Salvation Army or Director of the Social Work of The Salvation Army respectively, upon the trusts of the said respective Deeds Poll, and all other lands, tenements, and hereditaments whatsoever, including chattels real situate as aforesaid, which at the time of the passing of this Act stand in the name of the said William Bramwell Booth or in the name or names of any other person or persons in trust for The Salvation Army in New South Wales or for any of its funds or any auxiliary or department of its work or any corps or institution of The Salvation Army in New South Wales or to which The Salvation Army in New South Wales is otherwise entitled save and except any property held by The Salvation Army Auxiliary Company of Australia Proprietary, Limited, shall without any conveyance or transfer vest in the Trustees upon the trusts and with the powers, authorities, and discretions and subject to the terms, provisions, and conditions of this Act and the said recited Deed of Constitution, and the said Deed Poll of William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, or the Deed Poll under the hand and seal of William Bramwell Booth bearing date the first day of June, one thousand nine hundred and twenty, according to the particular trusts in each case upon which the same shall be held at the time of the passing of this Act but subject and without prejudice to any special trusts if any upon which the same may be

held

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held and subject also to any reservation, mortgage, charge, encumbrance, lien, or lease affecting the same respectively and subject and without prejudice to any resulting trust or any trust of any such lands, tenements, or hereditaments in favour of the donor or any person or corporation other than The Salvation Army and upon and subject to no other trusts or provisions whatsoever.

8. The Trustees shall be entitled at all times hereafter to exercise all the powers relating to the lands, tenements, and hereditaments and personal property hereby vested in them, and in respect of all lands, tenements, and hereditaments and personal property which may hereafter be acquired by them or which may become vested in them under this Act which are now exercisable by the General of The Salvation Army and the Director of the Social Work of The Salvation Army for the time being respectively under the said recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, the twenty-sixth day of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty, according as they shall and may hold the same upon one or the other of such trusts, and may exercise such powers and all or any of the powers by this Act conferred upon them, notwithstanding there shall be for the time being any vacancy in the office of General of The Salvation Army and/or the office of Director of the Social Work of The Salvation Army.

Powers of
Trustees.

9. All property held by the Trustees shall, so far as the same is not subject to any express trust, be held and dealt with by them in accordance with and subject to the powers and provisions of the said recited Deeds Poll respectively, according to the trusts upon which the same shall respectively be held: Provided that no person dealing with the Trustees shall be bound to inquire into the propriety or necessity of any such dealing.

Trust prop-
erty: how
held.

10. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to mortgage and for that purpose to appoint, convey, and assure in fee or for any term of years all or any lands

Power to
mortgage.

hereby

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hereby vested in them and/or all or any lands which may hereafter be or become vested in them to any person for securing such sum or sums of money as they may deem requisite or necessary for the purposes of The Salvation Army and/or the Social Work of The Salvation Army: Provided nevertheless that any moneys raised on any property which shall for the time being be held upon trust for the Social Work of The Salvation Army shall only be used for the purposes of the said Social Work.

Power to sell.

11. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to sell any real and personal estate now hereby vested in them or which shall hereafter vest in them by public auction or private contract as they may deem expedient at such price as can be reasonably obtained for the same and when sold convey the same or any part thereof, and thereupon the same shall vest in the purchasers, their heirs, executors, administrators, or assigns according to the estate and interest of the Trustees therein absolutely freed and discharged from the trusts affecting the same.

Receipts for mortgage and purchase moneys, &c.

12. The receipt in writing of a majority of the Trustees or of any person or persons authorised by such majority in writing to receive the same for the mortgage moneys raised on any property mortgaged by the Trustees or for the purchase money of any property sold under this Act or for any moneys which shall be payable to them when exercising any of the powers hereby conferred upon them or when exercising any of the powers for the time being vested in the General or the Director of the Social Work as the case may be under and by virtue of the said recited Deeds Poll shall exonerate the mortgagee and/or the purchaser and/or all other persons for the time being paying such moneys to the Trustees, or the person or persons authorised as aforesaid from seeing to the application of the same, and from all liability as to the misapplication or non-application thereof and from inquiring into the propriety or necessity of any mortgage or sale, lease, or other dealing whatsoever.

13.

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13. The proceeds of the sale of any lands held for the purpose of the said Social Work shall be devoted to the purposes of the Social Work, and the Trustees may for such purposes acquire therewith other lands and buildings for the purposes of such Work.

Proceeds of sale of land held for the Social Work.

14. The Trustees shall have power to regulate the time and place of their meetings and of the procedure to be followed thereat. They shall hold regular meetings, and shall cause to be kept minutes of their proceedings and their resolutions, which shall at all times be open for inspection by the General, and the Trustees shall keep a register of all lands now or hereafter vested in them, and shall indicate in such register which lands are held for the general purposes of The Salvation Army and which are held for the Social Work of The Salvation Army: Provided nevertheless that the trusts upon which any of the said lands for the time being are held may with the consent of the General be enlarged, modified, varied, or altered from time to time: Provided that all such lands shall from time to time be held upon either one or the other of the trusts hereinbefore mentioned.

Meetings of Trustees, minutes, &c.

15. The General may from time to time by writing remove any person from the office of Trustee and appoint another person to be a Trustee in the place of the person so removed.

Removal of Trustees.

16. The continuing Trustees, provided there shall be not less than three Trustees, shall be empowered to act notwithstanding there shall be a vacancy or vacancies in the number of Trustees either by death, resignation, or removal, but each such vacancy shall be filled as soon as practicable after such vacancy occurs.

Power of continuing Trustees to act.

17. The Trustees may appoint officers of the Trust, and the New South Wales Government Gazette containing a notification, purporting to be signed by the attorney for the time being of the General, of the appointment of a secretary and/or other officer shall be prima facie evidence and in favour of the Crown and the Registrar-General and every person who deals for value with the Trustees

Appointment of officers: evidence of resolutions.

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Trustees conclusive evidence of his or their due appointment, and a certificate signed by the secretary for the time being of the Trust as to who are the persons for the time being constituting the Trustees, and a certificate of such secretary certifying to any resolution of the Trustees shall be prima facie evidence and in favour of the Crown and the Registrar-General and every person who deals for value with the Trustees conclusive evidence as to who are the Trustees for the time being, and of any such resolution, as the case may be, and judicial notice shall be taken of the signature of the secretary for the time being of every such certificate.

Construction
of wills, &c.

18. Whenever by any will, deed, or other instrument any property, real or personal, has been or shall be devised, bequeathed, given, granted, released, conveyed, or appointed or has been or shall be declared or directed to be held upon trust to or for the benefit of The Salvation Army or of any fund, institution, branch, or corps thereof or shall be or become recoverable by or payable to The Salvation Army or by or to the said fund, institution, branch, or corps or be receivable by or payable to any officer thereof for the benefit of The Salvation Army or any of its funds, institutions, branches, or corps, or for its Social Work, the said will, deed, or instrument as aforesaid shall be construed and operate and take effect as though the Trustees were named therein, and the acknowledgment or receipt of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees, or a majority of them, for any such gift shall be a sufficient discharge to the person or persons liable to deliver or transfer any such money or property under such will, deed, or instrument, and all property, real or personal, so devised, bequeathed, given, granted, released, conveyed, or appointed, or declared or directed to be held upon trust as aforesaid shall, subject to the trusts of such will, deed, or other instrument, and subject to any direction to the contrary therein contained so far as the same are capable of taking effect, be under the direction and control of the Trustees, and they may call for the transfer, conveyance, or delivery thereof.

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19. (a) Whenever by any will, deed, or other instrument, or by any gift or disposition of property made before but not taking effect until after the passing of this Act, or by any will or other instrument or by any gift or other disposition of property made after the passing of this Act any real or personal property has been or is devised, bequeathed, or given to or for the benefit of The Salvation Army or to or for the benefit of any fund, corps, institution, branch, or auxiliary thereof other than real or personal property devised, bequeathed, or given to specific trustees upon trust for The Salvation Army or for any such fund, corps, institution, branch, or auxiliary thereof all such real and personal property shall vest in the Trustees incorporated under the authority of this Act.

Vesting in Trustees of property given or devised, &c., for benefit of The Salvation Army.

(b) The Trustees shall hold any such real and personal property upon the trusts, if any, declared in respect thereof, and if no such trusts have been declared shall hold and deal with such real and personal property and the proceeds thereof in trust for The Salvation Army for such purposes and in such manner as they may deem expedient, and may convey, transfer, or deliver any such real or personal property to such persons and upon such trusts as they think fit, and the Trustees and any person to whom any such real or personal property is so conveyed, transferred, or delivered may sell, lease, mortgage, or otherwise deal with any such real or personal property: Provided that the receipt in writing of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees or a majority of them of any moneys receivable by them in the exercise of these powers shall exonerate the person paying the same to them from seeing to the application thereof and all liability as to the misapplication or non-application thereof, and no person shall be bound to inquire into the validity of any sale, conveyance, lease, or mortgage as aforesaid.

How vested property held.

20. 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

Preservation of rights of claimants.

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which he now has arising out of contract or tort and any such right which may at the time of the passing of this Act have been enforceable against the General or his predecessor in the office of General of the Salvation Army and in respect of which right the property hereby vested was liable may be enforced against the Trustees.

Vesting of
rights of the
General in
the Trustees.

21. Any rights, including choses in action, arising out of contract or tort relating in any wise to the real and personal property hereby vested in the Trustees which were at the time of his death in the said William Bramwell Booth or at the time of the passing of this Act are in the General are hereby vested in the Trustees and may be enforced by them.

By Authority :

ALFRED JAMES KENT, I.S.O., Government Printer, Sydney, 1929.

[6d.]

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, 13th November, 1929.*

New South Wales.



ANNO VICESIMO

GEORGII V REGIS.

An Act to provide for the temporal affairs of The
Salvation Army in the State of New South
Wales. [Assented to, 19th November, 1929.]

WHEREAS by a Deed Poll hereinafter called the Preamble.
Deed of Constitution dated the seventh day of
August, one thousand eight hundred and seventy-eight,
and under the hand and seal of William Booth and
afterwards enrolled in the Chancery Division of the
High Court of Justice on the thirteenth day of August,
one thousand eight hundred and seventy-eight, the
origin and doctrines of the Christian Mission therein
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said Deed Poll amongst other things provided that the said Christian Mission was and should always be thereafter under the oversight direction and control of some one person who should be the General Superintendent thereof whose duty it should be to determine and enforce the discipline and laws and superintend the operations of the said Christian Mission and to conserve the same to and for the objects and purposes for which it was first originated and that the said General Superintendent should have the powers therein mentioned that the said William Booth should continue to be for the term of his natural life the General Superintendent of the said Christian Mission unless he should resign such office that the said William Booth and other General Superintendent who should succeed him should have power to appoint his successor to the office of General Superintendent and all the rights powers and authorities should vest in the person so appointed upon the decease of the said William Booth or other General Superintendent appointing him or at such other period as might be named in the document appointing him and that it should be the duty of every General Superintendent to make in writing as soon as conveniently might be after his appointment a statement as to his successor and as to the means which were to be taken for the appointment of the successor on the decease of the General Superintendent or upon his ceasing to perform the duties of the office such statement to be signed by the General Superintendent and delivered under seal to the Solicitor for the time being of the said Christian Mission but such statement might be altered at will by the General Superintendent at any time during his continuance in office pending a new statement being signed by him and delivered as before mentioned to such Solicitor as aforesaid And whereas by the said recited Deed Poll it was provided that the General Superintendent should have power to expend on behalf of the Christian Mission all moneys contributed for the general purposes of the said Christian Mission or for any of the special objects of its operations but he should annually publish a balance-sheet duly audited of all such receipts and expenditure

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expenditure and that the General Superintendent should have power to acquire by gift purchase or otherwise any hall or meeting-house school-room vestry land building and appurtenances and any seats fittings furniture or other property whatsoever which might in his judgment be required for the purposes of the said Christian Mission and to build upon such land or alter or pull down any such buildings and to hire on lease or otherwise any land or buildings and to lend give away and sell or otherwise dispose of any such properties lands or buildings as he might deem necessary in the interests of the said Christian Mission wherein all trustees should render him every assistance and that he might in all such cases as he should deem it expedient so to do nominate trustees or a trustee of any part or parts thereof respectively of any such property and direct the conveyance and transfer thereof to such trustees or trustee with power for the General Superintendent to declare the trusts thereof and from time to time if it should seem expedient to him so to do to revoke any such trusts or the appointment of any such trustees or trustee and pending such revocation the same property should be conveyed or transferred to such persons or person upon such trusts as he might direct but only for the benefit of the said Christian Mission And whereas by a further Deed Poll under the hand of the said William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, and enrolled in the Supreme Court of Judicature England on the twenty-seventh day of July, one thousand nine hundred and four, it was recited that on or about the first day of January, one thousand eight hundred and seventy-nine, the name of the said religious society or organization was changed from "The Christian Mission" to "The Salvation Army" as appears by Memorandum under the hand of the said William Booth dated the twenty-fourth day of June, one thousand eight hundred and eighty, and endorsed on the said recited Deed Poll of the seventh day of August, one thousand eight hundred and seventy-eight, and that the said society or organization had

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had since been and was then known as it now is as The Salvation Army and that the title of the "General Superintendent" thereof had been altered and shortened into that of "General" and that the said William Booth was then known and designated and it was expected that every successor of his would be thereafter known and designated as the "General" of The Salvation Army And whereas it was also recited by the lastly herein recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, that in order to minimise the possibility of doubt dispute or litigation it was considered desirable to provide more fully and specifically than was done by the Deed of Constitution for the events in which the General for the time being should cease to perform the duties of his office and also for the nomination and appointment of a successor to the General for the time being on his dying or ceasing to perform the duties of office and that the said William Booth had accordingly determined to execute the said recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four And whereas the said Deed Poll now in recital sets forth more fully and effectually such events and makes provision inter alia that every General for the time being of The Salvation Army should be deemed to cease to perform the duties of his office within the meaning of clause six of the said Deed of Constitution and to vacate such office upon the happening of any of the events therein referred to that is to say if inter alia the Commissioners of The Salvation Army or a majority of such Commissioners amounting to at least four in five should declare in writing under their hands that they are satisfied that the General is inter alia permanently incapacitated by mental or physical infirmity from the adequate performance of the duties of his office or if a resolution adjudicating the General unfit for office and removing him therefrom should be passed by a majority of not less than three-fourths of the members present and voting at a meeting of the High Council of The Salvation Army as thereafter provided for And whereas by a Deed Poll under the hand and seal of William Bramwell

Booth

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Booth bearing date the first day of June, one thousand nine hundred and twenty, it was recited that the said William Booth had died on the twentieth day of August, one thousand nine hundred and twelve, having by Deed Poll under his hand and seal dated the twenty-first day of August, one thousand eight hundred and ninety, in exercise of the power in that behalf vested in him by the said Deed of Constitution as aforesaid appointed the said William Bramwell Booth to be his successor in the office of General of The Salvation Army and that the said William Bramwell Booth had by Deed Poll under his hand and seal dated the twenty-third day of August, one thousand nine hundred and twelve, duly accepted the said office. And whereas it was recited by the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, that in connection with and as the outcome of the work teaching and experience of The Salvation Army in the United Kingdom and in Australia and other countries of the world the said William Booth and the said William Bramwell Booth had evolved and promulgated various operations for the social temporal and moral welfare of the poorer and more needy classes of society and all persons who were destitute feeble-minded or vicious or suffering from injuries or sickness or ill-health or orphans or for children needing care in orphanages or reformatories and for other charitable purposes which operations are generally known and described as the Social Work of The Salvation Army and which in relation to the Commonwealth of Australia (hereinafter called the said Commonwealth) are sometimes referred to as the Social Work and that in connection with the carrying out of the Social Work in the said Commonwealth the said William Booth and the said William Bramwell Booth as his successor in office had acquired certain real and personal property particularised in the schedule thereto and other real and personal property would thereafter be acquired for the purposes of the Social Work and that it was thought desirable that the same respectively should be kept distinct from the other or proper real and personal property of The Salvation Army and be used

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used and devoted exclusively in and to the Social Work in and connected with the said Commonwealth and that the Social Work should be confined and regulated and the trusts of the said real and personal property already acquired and thereafter to be acquired for or in connection therewith declared as hereinafter appearing And whereas by the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, the said William Bramwell Booth declared that the real and personal property particularised in the said schedule and all property real and personal which might thereafter be acquired by gift grant purchase or in any manner whatsoever for the purposes of the Social Work in or in connection with the said Commonwealth and all real and personal property for the time being representing the same or any part thereof respectively and all which are sometimes thereafter collectively referred to as the trust property should at all times thereafter be held upon trust to use and apply the same and the income thereof for the social temporal and moral welfare and the improvement of the poorer and more needy classes of society and all persons who were destitute or vicious or feeble-minded or suffering from injuries or sickness or ill-health or orphans or for children needing care in orphanages or reformatories in the said Commonwealth and for other charitable purposes in connection with the said Commonwealth in such ways and by such means as the said William Bramwell Booth or other the Director as hereinafter defined for the time being of the Social Work should at any time or from time to time think fit subject nevertheless to the provisos therein contained And whereas by the said Deed Poll now in recital it was provided that the said Social Work should at all times thereafter be under the oversight direction and control of the person who should for the time being be General of The Salvation Army and he should be called in relation to the Social Work the Director of the Social Work (hereinafter referred to as the said Director) and that it should be his duty to determine and enforce the laws and to superintend the operations of the Social Work
and

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and to conserve the same and the trust property for the purpose of the trusts thereby declared And whereas it was provided that for the purpose of identifying or ear-marking the trust property and the income thereof and of keeping the same distinct from all property of The Salvation Army full accounts of all moneys contributed collected or received for the Social Work and of the application thereof should be kept in such manner as to keep the same always distinct and separate from the property of The Salvation Army and that all conveyances leases transfers assignments and assurances made to the Director for the time being for the purposes of the Social Work should be expressed to be made to him as such Director and should thereupon become subject to the trusts of the presents now in recital and that whenever any property real or personal required for the purposes of the Social Work should be conveyed leased assigned transferred or assured to any trustees or trustee other than the Director for the time being such trustees or trustee should in each case execute a sufficient declaration of trust so as in every case to enable the property so conveyed leased assigned transferred or assured to be sufficiently identified or ear-marked as being property devoted to the purposes of the Social Work And whereas the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, set forth the powers which the Director should have over and on and concerning the said trust property And whereas at a duly convened meeting of the High Council of The Salvation Army held at Sunbury in the United Kingdom on the thirteenth day of February, one thousand nine hundred and twenty-nine, the High Council of The Salvation Army referred to in the said recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, duly and in accordance with the said Deed Poll adjudicated the said William Bramwell Booth unfit for office and removed him therefrom and by way of record declared that the said adjudication was based upon the state of health of the said William Bramwell Booth and the said High Council

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Council in pursuance of the power vested in it by the said Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, elected Edward John Higgins a Commissioner of The Salvation Army as successor in the office of General of The Salvation Army to the said William Bramwell Booth And whereas by Deed Poll under his hand and seal dated the thirteenth day of February, one thousand nine hundred and twenty-nine, the said Edward John Higgins duly accepted the said office upon and subject to the terms of the said recited Deeds Poll dated the seventh day of August, one thousand eight hundred and seventy-eight, and the twenty-sixth day of July, one thousand nine hundred and four, respectively And whereas the said William Bramwell Booth died on the sixteenth day of June, one thousand nine hundred and twenty-nine And whereas it is expedient to provide that the whole of the property real and personal of The Salvation Army in New South Wales which was at the time of his death held and now stands in the name of the said William Bramwell Booth upon the trusts of the herein-before recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, and the twenty-sixth day of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty, respectively, and also that all other property real and personal of or to which The Salvation Army in New South Wales is entitled held by and standing in the name of the said William Bramwell Booth at the time of his death or now standing in the name or names of any other person or persons and which the General for the time being of The Salvation Army as such General and as Director of the said Social Work of The Salvation Army respectively is entitled to have vested in him upon the trusts of the said recited Deeds Poll according to the nature of the same shall vest in a body of Trustees and the said Trustees shall be a body corporate with the powers and authorities hereinafter set forth: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice of the Legislative Council and the Legislative Assembly
of

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of the State of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as “The Salvation Army Short title.
(New South Wales) Property Trust Act, 1929.”

2. In this Act, unless the context or subject-matter Definitions.
otherwise indicates or requires, the words—

- (a) “Trustees” or “Trust” mean “The Salvation Army (New South Wales) Property Trust”;
- (b) “General” or “The General” shall mean the General of The Salvation Army under its Constitution or his Attorney for the time being in the State of New South Wales duly authorised in that behalf or such other person as shall for the time being have vested in him under the said Constitution general control and authority over the property in England of The Salvation Army or the attorney for the time being in the State of New South Wales of such person duly authorised in that behalf.

3. The Trustees shall be a body corporate by the name of “The Salvation Army (New South Wales) Property Trust,” and shall have perpetual succession and a common seal, and shall be capable of acquiring, holding, managing, controlling, and subject to this Act, granting, mortgaging, demising, selling, disposing of or otherwise dealing with any property, real and/or personal, and of suing and being sued by the aforesaid name and doing and suffering all such other acts and things as bodies corporate may by law do or suffer. Incorporation of Trustees : Power to hold real and personal property, &c.

4. The number of the Trustees shall be not less than five and not more than seven, and shall consist of persons appointed in writing by the General. Number and appointment of Trustees.

5. The Trustees for the time being shall have the custody of the common seal of the said corporate body, and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the said corporate body, and three members for the time being of the said corporate body shall constitute a quorum. Custody of common seal and quorum of Trustees.

6.

The Salvation Army (New South Wales) Property Trust.

Execution
of deed.

6. Any deed or instrument executed or signed, and any other act, matter, or thing done by any three members of the corporate body aforesaid, and in pursuance of a resolution of the said corporate body and under the common seal of the said corporate body shall be as effectual as if the same had been executed, signed, or done by all the members of the said corporate body.

Vesting of
property in
Trustees.

7. All lands, tenements, and hereditaments, including chattels real situate in the State of New South Wales, together with all rights, easements, and appurtenances relating thereto and all personal property which were at the time of his death held by and now stand in the name of the said William Bramwell Booth, as General of The Salvation Army or Director of the Social Work of The Salvation Army respectively, upon the trusts of the said respective Deeds Poll, and all other lands, tenements, and hereditaments whatsoever, including chattels real situate as aforesaid, which at the time of the passing of this Act stand in the name of the said William Bramwell Booth or in the name or names of any other person or persons in trust for The Salvation Army in New South Wales or for any of its funds or any auxiliary or department of its work or any corps or institution of The Salvation Army in New South Wales or to which The Salvation Army in New South Wales is otherwise entitled save and except any property held by The Salvation Army Auxiliary Company of Australia Proprietary, Limited, shall without any conveyance or transfer vest in the Trustees upon the trusts and with the powers, authorities, and discretions and subject to the terms, provisions, and conditions of this Act and the said recited Deed of Constitution, and the said Deed Poll of William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, or the Deed Poll under the hand and seal of William Bramwell Booth bearing date the first day of June, one thousand nine hundred and twenty, according to the particular trusts in each case upon which the same shall be held at the time of the passing of this Act but subject and without prejudice to any special trusts if any upon which the same may be held

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held and subject also to any reservation, mortgage, charge, encumbrance, lien, or lease affecting the same respectively and subject and without prejudice to any resulting trust or any trust of any such lands, tenements, or hereditaments in favour of the donor or any person or corporation other than The Salvation Army and upon and subject to no other trusts or provisions whatsoever.

8. The Trustees shall be entitled at all times hereafter to exercise all the powers relating to the lands, tenements, and hereditaments and personal property hereby vested in them, and in respect of all lands, tenements, and hereditaments and personal property which may hereafter be acquired by them or which may become vested in them under this Act which are now exercisable by the General of The Salvation Army and the Director of the Social Work of The Salvation Army for the time being respectively under the said recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, the twenty-sixth day of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty, according as they shall and may hold the same upon one or the other of such trusts, and may exercise such powers and all or any of the powers by this Act conferred upon them, notwithstanding there shall be for the time being any vacancy in the office of General of The Salvation Army and/or the office of Director of the Social Work of The Salvation Army.

Powers of
Trustees

9. All property held by the Trustees shall, so far as the same is not subject to any express trust, be held and dealt with by them in accordance with and subject to the powers and provisions of the said recited Deeds Poll respectively, according to the trusts upon which the same shall respectively be held: Provided that no person dealing with the Trustees shall be bound to inquire into the propriety or necessity of any such dealing.

Trust pro-
perty: how
held.

10. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to mortgage and for that purpose to appoint, convey, and assure in fee or for any term of years all or any lands hereby

Power to
mortgage.

The Salvation Army (New South Wales) Property Trust.

hereby vested in them and/or all or any lands which may hereafter be or become vested in them to any person for securing such sum or sums of money as they may deem requisite or necessary for the purposes of The Salvation Army and/or the Social Work of The Salvation Army: Provided nevertheless that any moneys raised on any property which shall for the time being be held upon trust for the Social Work of The Salvation Army shall only be used for the purposes of the said Social Work.

Power to sell.

11. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to sell any real and personal estate now hereby vested in them or which shall hereafter vest in them by public auction or private contract as they may deem expedient at such price as can be reasonably obtained for the same and when sold convey the same or any part thereof, and thereupon the same shall vest in the purchasers, their heirs, executors, administrators, or assigns according to the estate and interest of the Trustees therein absolutely freed and discharged from the trusts affecting the same.

Receipts for mortgage and purchase moneys, &c.

12. The receipt in writing of a majority of the Trustees or of any person or persons authorised by such majority in writing to receive the same for the mortgage moneys raised on any property mortgaged by the Trustees or for the purchase money of any property sold under this Act or for any moneys which shall be payable to them when exercising any of the powers hereby conferred upon them or when exercising any of the powers for the time being vested in the General or the Director of the Social Work as the case may be under and by virtue of the said recited Deeds Poll shall exonerate the mortgagee and/or the purchaser and/or all other persons for the time being paying such moneys to the Trustees, or the person or persons authorised as aforesaid from seeing to the application of the same, and from all liability as to the misapplication or non-application thereof and from inquiring into the propriety or necessity of any mortgage or sale, lease, or other dealing whatsoever.

13.

The Salvation Army (New South Wales) Property Trust.

13. The proceeds of the sale of any lands held for the purpose of the said Social Work shall be devoted to the purposes of the Social Work, and the Trustees may for such purposes acquire therewith other lands and buildings for the purposes of such Work.

Proceeds of
sale of land
held for the
Social Work.

14. The Trustees shall have power to regulate the time and place of their meetings and of the procedure to be followed thereat. They shall hold regular meetings, and shall cause to be kept minutes of their proceedings and their resolutions, which shall at all times be open for inspection by the General, and the Trustees shall keep a register of all lands now or hereafter vested in them, and shall indicate in such register which lands are held for the general purposes of The Salvation Army and which are held for the Social Work of The Salvation Army: Provided nevertheless that the trusts upon which any of the said lands for the time being are held may with the consent of the General be enlarged, modified, varied, or altered from time to time: Provided that all such lands shall from time to time be held upon either one or the other of the trusts hereinbefore mentioned.

Meetings of
Trustees,
minutes, &c

15. The General may from time to time by writing remove any person from the office of Trustee and appoint another person to be a Trustee in the place of the person so removed.

Removal of
Trustees.

16. The continuing Trustees, provided there shall be not less than three Trustees, shall be empowered to act notwithstanding there shall be a vacancy or vacancies in the number of Trustees either by death, resignation, or removal, but each such vacancy shall be filled as soon as practicable after such vacancy occurs.

Power of
continuing
Trustees to
act.

17. The Trustees may appoint officers of the Trust, and the New South Wales Government Gazette containing a notification, purporting to be signed by the attorney for the time being of the General, of the appointment of a secretary and/or other officer shall be prima facie evidence and in favour of the Crown and the Registrar-General and every person who deals for value with the Trustees

Appointment
of officers:
evidence of
resolutions.

The Salvation Army (New South Wales) Property Trust.

Trustees conclusive evidence of his or their due appointment, and a certificate signed by the secretary for the time being of the Trust as to who are the persons for the time being constituting the Trustees, and a certificate of such secretary certifying to any resolution of the Trustees shall be prima facie evidence and in favour of the Crown and the Registrar-General and every person who deals for value with the Trustees conclusive evidence as to who are the Trustees for the time being, and of any such resolution, as the case may be, and judicial notice shall be taken of the signature of the secretary for the time being of every such certificate.

Construction
of wills, &c.

18. Whenever by any will, deed, or other instrument any property, real or personal, has been or shall be devised, bequeathed, given, granted, released, conveyed, or appointed or has been or shall be declared or directed to be held upon trust to or for the benefit of The Salvation Army or of any fund, institution, branch, or corps thereof or shall be or become recoverable by or payable to The Salvation Army or by or to the said fund, institution, branch, or corps or be receivable by or payable to any officer thereof for the benefit of The Salvation Army or any of its funds, institutions, branches, or corps, or for its Social Work, the said will, deed, or instrument as aforesaid shall be construed and operate and take effect as though the Trustees were named therein, and the acknowledgment or receipt of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees, or a majority of them, for any such gift shall be a sufficient discharge to the person or persons liable to deliver or transfer any such money or property under such will, deed, or instrument, and all property, real or personal, so devised, bequeathed, given, granted, released, conveyed, or appointed, or declared or directed to be held upon trust as aforesaid shall, subject to the trusts of such will, deed, or other instrument, and subject to any direction to the contrary therein contained so far as the same are capable of taking effect, be under the direction and control of the Trustees, and they may call for the transfer, conveyance, or delivery thereof.

19.

The Salvation Army (New South Wales) Property Trust.

19. (a) Whenever by any will, deed, or other instrument, or by any gift or disposition of property made before but not taking effect until after the passing of this Act, or by any will or other instrument or by any gift or other disposition of property made after the passing of this Act any real or personal property has been or is devised, bequeathed, or given to or for the benefit of The Salvation Army or to or for the benefit of any fund, corps, institution, branch, or auxiliary thereof other than real or personal property devised, bequeathed, or given to specific trustees upon trust for The Salvation Army or for any such fund, corps, institution, branch, or auxiliary thereof all such real and personal property shall vest in the Trustees incorporated under the authority of this Act.

Vesting in Trustees of property given or devised, &c., for benefit of The Salvation Army.

(b) The Trustees shall hold any such real and personal property upon the trusts, if any, declared in respect thereof, and if no such trusts have been declared shall hold and deal with such real and personal property and the proceeds thereof in trust for The Salvation Army for such purposes and in such manner as they may deem expedient, and may convey, transfer, or deliver any such real or personal property to such persons and upon such trusts as they think fit, and the Trustees and any person to whom any such real or personal property is so conveyed, transferred, or delivered may sell, lease, mortgage, or otherwise deal with any such real or personal property: Provided that the receipt in writing of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees or a majority of them of any moneys receivable by them in the exercise of these powers shall exonerate the person paying the same to them from seeing to the application thereof and all liability as to the misapplication or non-application thereof, and no person shall be bound to inquire into the validity of any sale, conveyance, lease, or mortgage as aforesaid.

How vested property held.

20. 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

Preservation of rights of claimants.

The Salvation Army (New South Wales) Property Trust.

deliver any such real or personal property to such persons and upon such trusts as they think fit, and the Trustees and any person to whom any such real or personal property is so conveyed, transferred, or
 5 delivered may sell, lease, mortgage, or otherwise deal with any such real or personal property: Provided that the receipt in writing of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees or a majority of them of any
 10 moneys receivable by them in the exercise of these powers shall exonerate the person paying the same to them from seeing to the application thereof and all liability as to the misapplication or non-application thereof, and no person shall be bound to inquire into
 15 the validity of any sale, conveyance, lease, or mortgage as aforesaid.

20. 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
 20 which he now has arising out of contract or tort and any such right which may at the time of the passing of this Act have been enforceable against the General or his predecessor in the office of General of the Salvation Army and in respect of which right the property hereby
 25 vested was liable may be enforced against the Trustees.

Preservation
of rights of
claimants.

21. Any rights, including choses in action, arising out of contract or tort relating in any wise to the real and personal property hereby vested in the Trustees which were at the time of his death in the said William
 30 Bramwell Booth or at the time of the passing of this Act are in the General are hereby vested in the Trustees and may be enforced by them.

Vesting of
rights of the
General in
the Trustees.

THE SALVATION ARMY (NEW SOUTH WALES) PROPERTY TRUST BILL

(Schedule of the Legislative Assembly's Amendments.)

- Page 9, clause 2 (b), line 15. *Omit* " or persons or body "
- Page 9, clause 2 (b), line 16. *Omit* " or them or it "
- Page 9, clause 2 (b), line 19. At end of clause *add* "**or the attorney for the time being in the State of New South Wales of such person duly authorised in that behalf**"
- Page 9, clause 4, line 34. *After* " appointed " *insert* "**in writing**"
- Page 10, clause 7, line 30. *Omit* " trust " *insert* "**the trusts**"
- Page 10, clause 7, line 32. *After* " of " *insert* "**this Act and**"
- Page 11, clause 8, line 15. *Omit* " vested in " *insert* "**exercisable by**"
- Page 12, clause 10, line 3. *Omit* " or persons or company "
- Page 13, clause 14, line 12. *Omit* " properties " *insert* "**lands**"
- Page 13, clause 14, line 14. *Omit* " properties " *insert* "**lands**"
- Page 13, clause 14, line 17. *Omit* " properties " *insert* "**lands**"
- Page 13, clause 14, line 20. *Omit* " properties " *insert* "**lands**"
- Page 13, clause 15, line 24. *Omit* " under his hand "
- Page 13. *Omit* clause 17 *insert* new clause 17.
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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, 29th October, 1929.*

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with Amendments.

S. G. BOYDELL,
Clerk of the Legislative Assembly.
*Legislative Assembly Chamber,
Sydney, 7 November, 1929.*

New South Wales.



ANNO VICESIMO

GEORGII V REGIS.

An Act to provide for the temporal affairs of The
Salvation Army in the State of New South
Wales.

WHEREAS by a Deed Poll hereinafter called the *Preamble.*
Deed of Constitution dated the seventh day of
August, one thousand eight hundred and seventy-eight,
and under the hand and seal of William Booth and
afterwards enrolled in the Chancery Division of the
High Court of Justice on the thirteenth day of August,
one thousand eight hundred and seventy-eight, the
origin and doctrines of the Christian Mission therein
referred to were recited and stated and it was by the
said

4879

c 1—

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

The Salvation Army (New South Wales) Property Trust.

said Deed Poll amongst other things provided that the said Christian Mission was and should always be thereafter under the oversight direction and control of some one person who should be the General Superintendent
5 thereof whose duty it should be to determine and enforce the discipline and laws and superintend the operations of the said Christian Mission and to conserve the same to and for the objects and purposes for which it was first originated and that the said General Superin-
10 tendent should have the powers therein mentioned that the said William Booth should continue to be for the term of his natural life the General Superintendent of the said Christian Mission unless he should resign such office that the said William Booth and other General Superin-
15 tendent who should succeed him should have power to appoint his successor to the office of General Superintendent and all the rights powers and authorities should vest in the person so appointed upon the decease of the said William Booth or other General Superintendent
20 appointing him or at such other period as might be named in the document appointing him and that it should be the duty of every General Superintendent to make in writing as soon as conveniently might be after his appointment a statement as to his successor and as
25 to the means which were to be taken for the appointment of the successor on the decease of the General Superintendent or upon his ceasing to perform the duties of the office such statement to be signed by the General Superintendent and delivered under seal to the
30 Solicitor for the time being of the said Christian Mission but such statement might be altered at will by the General Superintendent at any time during his continuance in office pending a new statement being signed by him and delivered as before mentioned to such Solicitor
35 as aforesaid And whereas by the said recited Deed Poll it was provided that the General Superintendent should have power to expend on behalf of the Christian Mission all moneys contributed for the general purposes of the said Christian Mission or for any of the special objects
40 of its operations but he should annually publish a balance-sheet duly audited of all such receipts and expenditure

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expenditure and that the General Superintendent should have power to acquire by gift purchase or otherwise any hall or meeting-house school-room vestry land building and appurtenances and any seats fittings
5 furniture or other property whatsoever which might in his judgment be required for the purposes of the said Christian Mission and to build upon such land or alter or pull down any such buildings and to hire on lease or otherwise any land or buildings and
10 to lend give away and sell or otherwise dispose of any such properties lands or buildings as he might deem necessary in the interests of the said Christian Mission wherein all trustees should render him every assistance and that he might in all such cases as he
15 should deem it expedient so to do nominate trustees or a trustee of any part or parts thereof respectively of any such property and direct the conveyance and transfer thereof to such trustees or trustee with power for the General Superintendent to declare the trusts thereof
20 and from time to time if it should seem expedient to him so to do to revoke any such trusts or the appointment of any such trustees or trustee and pending such revocation the same property should be conveyed or transferred to such persons or person upon such trusts
25 as he might direct but only for the benefit of the said Christian Mission And whereas by a further Deed Poll under the hand of the said William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, and enrolled in the Supreme Court
30 of Judicature England on the twenty-seventh day of July, one thousand nine hundred and four, it was recited that on or about the first day of January, one thousand eight hundred and seventy-nine, the name of the said religious society or organization was changed
35 from "The Christian Mission" to "The Salvation Army" as appears by Memorandum under the hand of the said William Booth dated the twenty-fourth day of June, one thousand eight hundred and eighty, and endorsed on the said recited Deed Poll of the seventh
40 day of August, one thousand eight hundred and seventy-eight, and that the said society or organization
had

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had since been and was then known as it now is as The Salvation Army and that the title of the "General Superintendent" thereof had been altered and shortened into that of "General" and that the said William Booth
5 was then known and designated and it was expected that every successor of his would be thereafter known and designated as the "General" of The Salvation Army. And whereas it was also recited by the lastly herein recited Deed Poll of the twenty-sixth day of
10 July, one thousand nine hundred and four, that in order to minimise the possibility of doubt dispute or litigation it was considered desirable to provide more fully and specifically than was done by the Deed of Constitution for the events in which the General for
15 the time being should cease to perform the duties of his office and also for the nomination and appointment of a successor to the General for the time being on his dying or ceasing to perform the duties of office and that the said William Booth had accordingly determined to
20 execute the said recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four. And whereas the said Deed Poll now in recital sets forth more fully and effectually such events and makes provision inter alia that every General for the time
25 being of The Salvation Army should be deemed to cease to perform the duties of his office within the meaning of clause six of the said Deed of Constitution and to vacate such office upon the happening of any of the events therein referred to that is to say if inter alia the Commissioners of
30 The Salvation Army or a majority of such Commissioners amounting to at least four in five should declare in writing under their hands that they are satisfied that the General is inter alia permanently incapacitated by mental or physical infirmity from the adequate per-
35 formance of the duties of his office or if a resolution adjudicating the General unfit for office and removing him therefrom should be passed by a majority of not less than three-fourths of the members present and voting at a meeting of the High Council of The Salvation Army
40 as thereafter provided for. And whereas by a Deed Poll under the hand and seal of William Bramwell

Booth

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Booth bearing date the first day of June, one thousand nine hundred and twenty, it was recited that the said William Booth had died on the twentieth day of August, one thousand nine hundred and twelve, having by Deed 5 Poll under his hand and seal dated the twenty-first day of August, one thousand eight hundred and ninety, in exercise of the power in that behalf vested in him by the said Deed of Constitution as aforesaid appointed the said William Bramwell Booth to be his successor in the 10 office of General of The Salvation Army and that the said William Bramwell Booth had by Deed Poll under his hand and seal dated the twenty-third day of August, one thousand nine hundred and twelve, duly accepted the said office And whereas it was recited by the said 15 recited Deed Poll of the first day of June, one thousand nine hundred and twenty, that in connection with and as the outcome of the work teaching and experience of The Salvation Army in the United Kingdom and in Australia and other countries of the world the said 20 William Booth and the said William Bramwell Booth had evolved and promulgated various operations for the social temporal and moral welfare of the poorer and more needy classes of society and all persons who were destitute feeble-minded or vicious or suffering from 25 injuries or sickness or ill-health or orphans or for children needing care in orphanages or reformatories and for other charitable purposes which operations are generally known and described as the Social Work of The Salvation Army and which in relation to the Com- 30 monwealth of Australia (thereinafter called the said Commonwealth) are sometimes referred to as the Social Work and that in connection with the carrying out of the Social Work in the said Commonwealth the said William Booth and the said William Bramwell Booth as his 35 successor in office had acquired certain real and personal property particularised in the schedule thereto and other real and personal property would thereafter be acquired for the purposes of the Social Work and that it was thought desirable that the same respectively 40 should be kept distinct from the other or proper real and personal property of The Salvation Army and be used

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used and devoted exclusively in and to the Social Work in and connected with the said Commonwealth and that the Social Work should be confined and regulated and the trusts of the said real and personal property already
5 acquired and thereafter to be acquired for or in connection therewith declared as thereafter appearing And whereas by the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, the said William Bramwell Booth declared that the real and
10 personal property particularised in the said schedule and all property real and personal which might thereafter be acquired by gift grant purchase or in any manner whatsoever for the purposes of the Social Work in or in connection with the said Commonwealth
15 and all real and personal property for the time being representing the same or any part thereof respectively and all which are sometimes thereafter collectively referred to as the trust property should at all times thereafter be held upon trust to use and apply the
20 same and the income thereof for the social temporal and moral welfare and the improvement of the poorer and more needy classes of society and all persons who were destitute or vicious or feeble-minded or suffering from injuries or sickness or ill-health or orphans or for
25 children needing care in orphanages or reformatories in the said Commonwealth and for other charitable purposes in connection with the said Commonwealth in such ways and by such means as the said William Bramwell Booth or other the Director as thereafter
30 defined for the time being of the Social Work should at any time or from time to time think fit subject nevertheless to the provisos therein contained And whereas by the said Deed Poll now in recital it was provided that the said Social Work should at all times thereafter
35 be under the oversight direction and control of the person who should for the time being be General of The Salvation Army and he should be called in relation to the Social Work the Director of the Social Work (thereinafter referred to as the said Director) and that
40 it should be his duty to determine and enforce the laws and to superintend the operations of the Social Work
and

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and to conserve the same and the trust property for the purpose of the trusts thereby declared And whereas it was provided that for the purpose of identifying or ear-marking the trust property and the income thereof
5 and of keeping the same distinct from all property of The Salvation Army full accounts of all moneys contributed collected or received for the Social Work and of the application thereof should be kept in such manner as to keep the same always distinct and
10 separate from the property of The Salvation Army and that all conveyances leases transfers assignments and assurances made to the Director for the time being for the purposes of the Social Work should be expressed to be made to him as such Director and should there-
15 upon become subject to the trusts of the presents now in recital and that whenever any property real or personal required for the purposes of the Social Work should be conveyed leased assigned transferred or assured to any trustees or trustee other than the
20 Director for the time being such trustees or trustee should in each case execute a sufficient declaration of trust so as in every case to enable the property so conveyed leased assigned transferred or assured to be sufficiently identified or ear-marked as being property
25 devoted to the purposes of the Social Work And whereas the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, set forth the powers which the Director should have over and on and concerning the said trust property And
30 whereas at a duly convened meeting of the High Council of The Salvation Army held at Sunbury in the United Kingdom on the thirteenth day of February, one thousand nine hundred and twenty-nine, the High Council of The Salvation Army referred to in the said
35 recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, duly and in accordance with the said Deed Poll adjudicated the said William Bramwell Booth unfit for office and removed him there- from and by way of record declared that the said
40 adjudication was based upon the state of health of the said William Bramwell Booth and the said High Council

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Council in pursuance of the power vested in it by the said Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, elected Edward John Higgins a Commissioner of The Salvation Army as
5 successor in the office of General of The Salvation Army to the said William Bramwell Booth And whereas by Deed Poll under his hand and seal dated the thirteenth day of February, one thousand nine hundred and
10 twenty-nine, the said Edward John Higgins duly accepted the said office upon and subject to the terms of the said recited Deeds Poll dated the seventh day of August, one thousand eight hundred and seventy-eight, and the twenty-sixth day of July, one thousand nine
15 hundred and four, respectively And whereas the said William Bramwell Booth died on the sixteenth day of June, one thousand nine hundred and twenty-nine And whereas it is expedient to provide that the whole of the property real and personal of The Salvation Army in New South Wales which was at the time of his
20 death held and now stands in the name of the said William Bramwell Booth upon the trusts of the hereinbefore recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, and the twenty-sixth day of July, one thousand nine hundred
25 and four, and the first day of June, one thousand nine hundred and twenty, respectively, and also that all other property real and personal of or to which The Salvation Army in New South Wales is entitled held by and standing in the name of the said William Bramwell
30 Booth at the time of his death or now standing in the name or names of any other person or persons and which the General for the time being of The Salvation Army as such General and as Director of the said Social Work of The Salvation Army respectively is entitled to
35 have vested in him upon the trusts of the said recited Deeds Poll according to the nature of the same shall vest in a body of Trustees and the said Trustees shall be a body corporate with the powers and authorities hereinafter set forth: Be it therefore enacted by the
40 King's Most Excellent Majesty by and with the advice of the Legislative Council and the Legislative Assembly
of

The Salvation Army (New South Wales) Property Trust.

of the State of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as “The Salvation Army Short title.
5 (New South Wales) Property Trust Act, 1929.”

2. In this Act, unless the context or subject-matter Definitions.
otherwise indicates or requires, the words—

- (a) “Trustees” or “Trust” mean “The Salvation
Army (New South Wales) Property Trust”;
10 (b) “General” or “The General” shall mean the
General of The Salvation Army under its
Constitution or his Attorney for the time being
in the State of New South Wales duly
authorised in that behalf or such other person
15 ~~or persons or body~~ as shall for the time being
have vested in him ~~or them or it~~ under the
said Constitution general control and authority
over the property in England of The Salvation
Army **or the attorney for the time being in**
20 **the State of New South Wales of such person**
duly authorised in that behalf.

3. The Trustees shall be a body corporate by the name Incorporation of Trustees :
of “The Salvation Army (New South Wales) Property Trust,” and shall have perpetual succession and a Power to hold real and personal property, &c.
25 common seal, and shall be capable of acquiring, holding, managing, controlling, and subject to this Act, granting, mortgaging, demising, selling, disposing of or otherwise dealing with any property, real and/or personal, and of suing and being sued by the aforesaid name and doing
30 and suffering all such other acts and things as bodies corporate may by law do or suffer.

4. The number of the Trustees shall be not less than Number and appointment of Trustees.
five and not more than seven, and shall consist of persons appointed **in writing** by the General.

35 **5.** The Trustees for the time being shall have the custody of the common seal of the said corporate body, Custody of common seal and quorum of Trustees.
and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the said corporate body, and three members
40 for the time being of the said corporate body shall constitute a quorum.

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6. Any deed or instrument executed or signed, and any other act, matter, or thing done by any three members of the corporate body aforesaid, and in pursuance of a resolution of the said corporate body and ^{Execution of deed.} under the common seal of the said corporate body shall be as effectual as if the same had been executed, signed, or done by all the members of the said corporate body.

7. All lands, tenements, and hereditaments, including chattels real situate in the State of New South ^{Vesting of property in Trustees.} Wales, together with all rights, easements, and appurtenances relating thereto and all personal property which were at the time of his death held by and now stand in the name of the said William Bramwell Booth, as General of The Salvation Army or Director of the Social Work of The Salvation Army respectively, upon the trusts of the said respective Deeds Poll, and all other lands, tenements, and hereditaments whatsoever, including chattels real situate as aforesaid, which at the time of the passing of this Act stand in the name of the said William Bramwell Booth or in the name or names of any other person or persons in trust for The Salvation Army in New South Wales or for any of its funds or any auxiliary or department of its work or any corps or institution of The Salvation Army in New South Wales or to which The Salvation Army in New South Wales is otherwise entitled save and except any property held by The Salvation Army Auxiliary Company of Australia Proprietary, Limited, shall without any conveyance or transfer vest in the Trustees upon ~~trust~~ **the trusts** and with the powers, authorities, and discretions and subject to the terms, provisions, and conditions of **this Act and** the said recited Deed of Constitution, and the said Deed Poll of William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, or the Deed Poll under the hand and seal of William Bramwell Booth bearing date the first day of June, one thousand nine hundred and twenty, according to the particular trusts in each case upon which the same shall be held at the time of the passing of this Act but subject and without prejudice to any special trusts if any upon which the same may be held

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held and subject also to any reservation, mortgage, charge, encumbrance, lien, or lease affecting the same respectively and subject and without prejudice to any resulting trust or any trust of any such lands, tenements, or hereditaments in favour of the donor or any person or corporation other than The Salvation Army and upon and subject to no other trusts or provisions whatsoever.

8. The Trustees shall be entitled at all times hereafter to exercise all the powers relating to the lands, tenements, and hereditaments and personal property hereby vested in them, and in respect of all lands, tenements, and hereditaments and personal property which may hereafter be acquired by them or which may become vested in them under this Act which are now vested in **exercisable by** the General of The Salvation Army and the Director of the Social Work of The Salvation Army for the time being respectively under the said recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, the twenty-sixth day of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty, according as they shall and may hold the same upon one or the other of such trusts, and may exercise such powers and all or any of the powers by this Act conferred upon them, notwithstanding there shall be for the time being any vacancy in the office of General of The Salvation Army and/or the office of Director of the Social Work of The Salvation Army.

Powers of
Trustees.

9. All property held by the Trustees shall, so far as the same is not subject to any express trust, be held and dealt with by them in accordance with and subject to the powers and provisions of the said recited Deeds Poll respectively, according to the trusts upon which the same shall respectively be held: Provided that no person dealing with the Trustees shall be bound to inquire into the propriety or necessity of any such dealing.

Trust pro-
perty: how
held.

10. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to mortgage and for that purpose to appoint, convey, and assure in fee or for any term of years all or any lands hereby

Power t
mortgage.

The Salvation Army (New South Wales) Property Trust.

hereby vested in them and/or all or any lands which may hereafter be or become vested in them to any person ~~or persons or company~~ for securing such sum or sums of money as they may deem requisite or necessary
 5 for the purposes of The Salvation Army and/or the Social Work of The Salvation Army: Provided nevertheless that any moneys raised on any property which shall for the time being be held upon trust for the Social Work of The Salvation Army shall only be used for the
 10 purposes of the said Social Work.

11. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to sell any real and personal estate now hereby vested in them or which shall hereafter vest in them by public auction
 15 or private contract as they may deem expedient at such price as can be reasonably obtained for the same and when sold convey the same or any part thereof, and thereupon the same shall vest in the purchasers, their heirs, executors, administrators, or assigns according to
 20 the estate and interest of the Trustees therein absolutely freed and discharged from the trusts affecting the same.

12. The receipt in writing of a majority of the Trustees or of any person or persons authorised by such majority in writing to receive the same for the mort-
 25 gage moneys raised on any property mortgaged by the Trustees or for the purchase money of any property sold under this Act or for any moneys which shall be payable to them when exercising any of the powers hereby conferred upon them or when exercising any of
 30 the powers for the time being vested in the General or the Director of the Social Work as the case may be under and by virtue of the said recited Deeds Poll shall exonerate the mortgagee and/or the purchaser and/or all other persons for the time being paying such moneys
 35 to the Trustees, or the person or persons authorised as aforesaid from seeing to the application of the same, and from all liability as to the misapplication or non-application thereof and from inquiring into the propriety or necessity of any mortgage or sale, lease, or other
 40 dealing whatsoever.

Power to sell.
 Receipts for mortgage and purchase moneys, &c.

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13. The proceeds of the sale of any lands held for the purpose of the said Social Work shall be devoted to the purposes of the Social Work, and the Trustees may for such purposes acquire therewith other lands and
 5 buildings for the purposes of such Work.

Proceeds of
sale of land
held for the
Social Work.

14. The Trustees shall have power to regulate the time and place of their meetings and of the procedure to be followed thereat. They shall hold regular meetings, and shall cause to be kept minutes of their proceedings
 10 and their resolutions, which shall at all times be open for inspection by the General, and the Trustees shall keep a register of all properties lands now or hereafter vested in them, and shall indicate in such register which
 15 properties lands are held for the general purposes of The Salvation Army and which are held for the Social Work of The Salvation Army: Provided nevertheless that the trusts upon which any of the said properties lands for the time being are held may with the consent of the General be enlarged, modified, varied, or altered from time to
 20 time: Provided that all such properties lands shall from time to time be held upon either one or the other of the trusts hereinbefore mentioned.

Meetings of
Trustees,
minutes, &c.

15. The General may from time to time by writing ~~under his hand~~ remove any person from the office of
 25 Trustee and appoint another person to be a Trustee in the place of the person so removed.

Removal of
Trustees.

16. The continuing Trustees, provided there shall be not less than three Trustees, shall be empowered to act notwithstanding there shall be a vacancy or vacancies
 30 in the number of Trustees either by death, resignation, or removal, but each such vacancy shall be filled as soon as practicable after such vacancy occurs.

Power of
continuing
Trustees to
act.

17. The Trustees may appoint officers of the Trust, and the New South Wales Government Gazette con-
 35 taining a notification, purporting to be signed by the attorney for the time being of the General, of the appointment of a secretary and/or other officer shall be sufficient evidence of his or their due appointment, and a certificate signed by the secretary for the time being
 40 of the Trust as to who are the persons for the time being

Appoint-
ment of
officers:
evidence of
resolutions.

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being constituting the Trustees, and a certificate of such secretary certifying to any resolution of the Trustees shall be prima facie evidence as to who are the Trustees for the time being, and of any such resolution, as the case may be, and such certificate shall be received and taken in all legal proceedings, and in all dealings with such lands before the Registrar-General or the Examiners of Title, and on all occasions whatsoever as sufficient evidence as to who are the Trustees, and of such resolution having been duly passed, and judicial notice shall be taken of the signature of the secretary for the time being of every such certificate.

17. The Trustees may appoint officers of the Trust, and the New South Wales Government Gazette containing a notification, purporting to be signed by the attorney for the time being of the General, of the appointment of a secretary and/or other officer shall be prima facie evidence and in favour of the Crown and the Registrar-General and every person who deals for value with the Trustees conclusive evidence of his or their due appointment, and a certificate signed by the secretary for the time being of the Trust as to who are the persons for the time being constituting the Trustees, and a certificate of such secretary certifying to any resolution of the Trustees shall be prima facie evidence and in favour of the Crown and the Registrar-General and every person who deals for value with the Trustees conclusive evidence as to who are the Trustees for the time being, and of any such resolution, as the case may be, and judicial notice shall be taken of the signature of the secretary for the time being of every such certificate.

Appointment
of officers :
evidence of
resolutions

18. Whenever by any will, deed, or other instrument any property, real or personal, has been or shall be devised, bequeathed, given, granted, released, conveyed, or appointed or has been or shall be declared or directed to be held upon trust to or for the benefit of The Salvation Army or of any fund, institution, branch, or corps thereof or shall be or become recoverable by or payable to The Salvation Army or by or to the said fund, institution, branch, or corps or be receivable by or payable to any officer thereof for the benefit of The Salvation Army or any

Construction
of wills, &c.

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- any of its funds, institutions, branches, or corps, or for its Social Work, the said will, deed, or instrument as aforesaid shall be construed and operate and take effect as though the Trustees were named therein, and the acknowledgment or receipt of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees, or a majority of them, for any such gift shall be a sufficient discharge to the person or persons liable to deliver or transfer any such money or property under such will, deed, or instrument, and all property, real or personal, so devised, bequeathed, given, granted, released, conveyed, or appointed, or declared or directed to be held upon trust as aforesaid shall, subject to the trusts of such will, deed, or other instrument, and subject to any direction to the contrary therein contained so far as the same are capable of taking effect, be under the direction and control of the Trustees, and they may call for the transfer, conveyance, or delivery thereof.
- 20 **19.** (a) Whenever by any will, deed, or other instrument, or by any gift or disposition of property made before but not taking effect until after the passing of this Act, or by any will or other instrument or by any gift or other disposition of property made after the passing of this Act any real or personal property has been or is devised, bequeathed, or given to or for the benefit of The Salvation Army or to or for the benefit of any fund, corps, institution, branch, or auxiliary thereof other than real or personal property devised, bequeathed, or given to specific trustees upon trust for The Salvation Army or for any such fund, corps, institution, branch, or auxiliary thereof all such real and personal property shall vest in the Trustees incorporated under the authority of this Act.
- 35 (b) The Trustees shall hold any such real and personal property upon the trusts, if any, declared in respect thereof, and if no such trusts have been declared shall hold and deal with such real and personal property and the proceeds thereof in trust for The Salvation Army for such purposes and in such manner as they may deem expedient, and may convey, transfer, or deliver

Vesting
Trustees
property
given or
devised, &c.
for benefit of
The Salva-
tion Army.

How vested
property
held.

The Salvation Army (New South Wales) Property Trust.

deliver any such real or personal property to such persons and upon such trusts as they think fit, and the Trustees and any person to whom any such real or personal property is so conveyed, transferred, or
 5 delivered may sell, lease, mortgage, or otherwise deal with any such real or personal property: Provided that the receipt in writing of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees or a majority of them of any
 10 moneys receivable by them in the exercise of these powers shall exonerate the person paying the same to them from seeing to the application thereof and all liability as to the misapplication or non-application thereof, and no person shall be bound to inquire into
 15 the validity of any sale, conveyance, lease, or mortgage as aforesaid.

20. 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
 20 which he now has arising out of contract or tort and any such right which may at the time of the passing of this Act have been enforceable against the General or his predecessor in the office of General of the Salvation Army and in respect of which right the property hereby
 25 vested was liable may be enforced against the Trustees.

Preservation
of rights of
claimants.

21. Any rights, including choses in action, arising out of contract or tort relating in any wise to the real and personal property hereby vested in the Trustees which were at the time of his death in the said William
 30 Bramwell Booth or at the time of the passing of this Act are in the General are hereby vested in the Trustees and may be enforced by them.

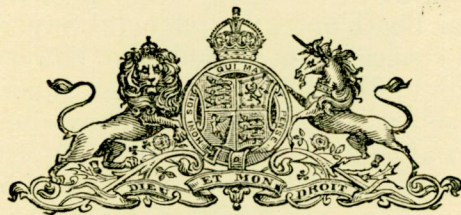
Vesting of
rights of the
General in
the Trustees.

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, 29th October, 1929.*

New South Wales.



ANNO VICESIMO

GEORGII V REGIS.

An Act to provide for the temporal affairs of The
Salvation Army in the State of New South
Wales.

WHEREAS by a Deed Poll hereinafter called the Preamble.
Deed of Constitution dated the seventh day of
August, one thousand eight hundred and seventy-eight,
and under the hand and seal of William Booth and
5 afterwards enrolled in the Chancery Division of the
High Court of Justice on the thirteenth day of August,
one thousand eight hundred and seventy-eight, the
origin and doctrines of the Christian Mission therein
referred to were recited and stated and it was by the
said

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said Deed Poll amongst other things provided that the said Christian Mission was and should always be thereafter under the oversight direction and control of some one person who should be the General Superintendent
5 thereof whose duty it should be to determine and enforce the discipline and laws and superintend the operations of the said Christian Mission and to conserve the same to and for the objects and purposes for which it was first originated and that the said General Superin-
10 tendent should have the powers therein mentioned that the said William Booth should continue to be for the term of his natural life the General Superintendent of the said Christian Mission unless he should resign such office that the said William Booth and other General Superin-
15 tendent who should succeed him should have power to appoint his successor to the office of General Superintendent and all the rights powers and authorities should vest in the person so appointed upon the decease of the said William Booth or other General Superintendent
20 appointing him or at such other period as might be named in the document appointing him and that it should be the duty of every General Superintendent to make in writing as soon as conveniently might be after his appointment a statement as to his successor and as
25 to the means which were to be taken for the appointment of the successor on the decease of the General Superintendent or upon his ceasing to perform the duties of the office such statement to be signed by the General Superintendent and delivered under seal to the
30 Solicitor for the time being of the said Christian Mission but such statement might be altered at will by the General Superintendent at any time during his continuance in office pending a new statement being signed by him and delivered as before mentioned to such Solicitor
35 as aforesaid And whereas by the said recited Deed Poll it was provided that the General Superintendent should have power to expend on behalf of the Christian Mission all moneys contributed for the general purposes of the said Christian Mission or for any of the special objects
40 of its operations but he should annually publish a balance-sheet duly audited of all such receipts and
expenditure

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expenditure and that the General Superintendent should have power to acquire by gift purchase or otherwise any hall or meeting-house school-room vestry land building and appurtenances and any seats fittings
5 furniture or other property whatsoever which might in his judgment be required for the purposes of the said Christian Mission and to build upon such land or alter or pull down any such buildings and to hire on lease or otherwise any land or buildings and
10 to lend give away and sell or otherwise dispose of any such properties lands or buildings as he might deem necessary in the interests of the said Christian Mission wherein all trustees should render him every assistance and that he might in all such cases as he
15 should deem it expedient so to do nominate trustees or a trustee of any part or parts thereof respectively of any such property and direct the conveyance and transfer thereof to such trustees or trustee with power for the General Superintendent to declare the trusts thereof
20 and from time to time if it should seem expedient to him so to do to revoke any such trusts or the appointment of any such trustees or trustee and pending such revocation the same property should be conveyed or transferred to such persons or person upon such trusts
25 as he might direct but only for the benefit of the said Christian Mission And whereas by a further Deed Poll under the hand of the said William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, and enrolled in the Supreme Court
30 of Judicature England on the twenty-seventh day of July, one thousand nine hundred and four, it was recited that on or about the first day of January, one thousand eight hundred and seventy-nine, the name of the said religious society or organization was changed
35 from "The Christian Mission" to "The Salvation Army" as appears by Memorandum under the hand of the said William Booth dated the twenty-fourth day of June, one thousand eight hundred and eighty, and endorsed on the said recited Deed Poll of the seventh
40 day of August, one thousand eight hundred and seventy-eight, and that the said society or organization
had

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had since been and was then known as it now is as The Salvation Army and that the title of the "General Superintendent" thereof had been altered and shortened into that of "General" and that the said William Booth
5 was then known and designated and it was expected that every successor of his would be thereafter known and designated as the "General" of The Salvation Army And whereas it was also recited by the lastly herein recited Deed Poll of the twenty-sixth day of
10 July, one thousand nine hundred and four, that in order to minimise the possibility of doubt dispute or litigation it was considered desirable to provide more fully and specifically than was done by the Deed of Constitution for the events in which the General for
15 the time being should cease to perform the duties of his office and also for the nomination and appointment of a successor to the General for the time being on his dying or ceasing to perform the duties of office and that the said William Booth had accordingly determined to
20 execute the said recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four And whereas the said Deed Poll now in recital sets forth more fully and effectually such events and makes provision inter alia that every General for the time
25 being of The Salvation Army should be deemed to cease to perform the duties of his office within the meaning of clause six of the said Deed of Constitution and to vacate such office upon the happening of any of the events therein referred to that is to say if inter alia the Commissioners of
30 The Salvation Army or a majority of such Commissioners amounting to at least four in five should declare in writing under their hands that they are satisfied that the General is inter alia permanently incapacitated by mental or physical infirmity from the adequate per-
35 formance of the duties of his office or if a resolution adjudicating the General unfit for office and removing him therefrom should be passed by a majority of not less than three-fourths of the members present and voting at a meeting of the High Council of The Salvation Army
40 as thereafter provided for And whereas by a Deed Poll under the hand and seal of William Bramwell

Booth

The Salvation Army (New South Wales) Property Trust.

Booth bearing date the first day of June, one thousand nine hundred and twenty, it was recited that the said William Booth had died on the twentieth day of August, one thousand nine hundred and twelve, having by Deed
5 Poll under his hand and seal dated the twenty-first day of August, one thousand eight hundred and ninety, in exercise of the power in that behalf vested in him by the said Deed of Constitution as aforesaid appointed the said William Bramwell Booth to be his successor in the
10 office of General of The Salvation Army and that the said William Bramwell Booth had by Deed Poll under his hand and seal dated the twenty-third day of August, one thousand nine hundred and twelve, duly accepted the said office. And whereas it was recited by the said
15 recited Deed Poll of the first day of June, one thousand nine hundred and twenty, that in connection with and as the outcome of the work teaching and experience of The Salvation Army in the United Kingdom and in Australia and other countries of the world the said
20 William Booth and the said William Bramwell Booth had evolved and promulgated various operations for the social temporal and moral welfare of the poorer and more needy classes of society and all persons who were destitute feeble-minded or vicious or suffering from
25 injuries or sickness or ill-health or orphans or for children needing care in orphanages or reformatories and for other charitable purposes which operations are generally known and described as the Social Work of The Salvation Army and which in relation to the Com-
30 monwealth of Australia (hereinafter called the said Commonwealth) are sometimes referred to as the Social Work and that in connection with the carrying out of the Social Work in the said Commonwealth the said William Booth and the said William Bramwell Booth as his
35 successor in office had acquired certain real and personal property particularised in the schedule thereto and other real and personal property would thereafter be acquired for the purposes of the Social Work and that it was thought desirable that the same respectively
40 should be kept distinct from the other or proper real and personal property of The Salvation Army and be
used

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used and devoted exclusively in and to the Social Work in and connected with the said Commonwealth and that the Social Work should be confined and regulated and the trusts of the said real and personal property already
5 acquired and thereafter to be acquired for or in connection therewith declared as hereinafter appearing. And whereas by the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, the said William Bramwell Booth declared that the real and
10 personal property particularised in the said schedule and all property real and personal which might thereafter be acquired by gift grant purchase or in any manner whatsoever for the purposes of the Social Work in or in connection with the said Commonwealth
15 and all real and personal property for the time being representing the same or any part thereof respectively and all which are sometimes thereafter collectively referred to as the trust property should at all times thereafter be held upon trust to use and apply the
20 same and the income thereof for the social temporal and moral welfare and the improvement of the poorer and more needy classes of society and all persons who were destitute or vicious or feeble-minded or suffering from injuries or sickness or ill-health or orphans or for
25 children needing care in orphanages or reformatories in the said Commonwealth and for other charitable purposes in connection with the said Commonwealth in such ways and by such means as the said William Bramwell Booth or other the Director as hereinafter
30 defined for the time being of the Social Work should at any time or from time to time think fit subject nevertheless to the provisos therein contained. And whereas by the said Deed Poll now in recital it was provided that the said Social Work should at all times thereafter
35 be under the oversight direction and control of the person who should for the time being be General of The Salvation Army and he should be called in relation to the Social Work the Director of the Social Work (hereinafter referred to as the said Director) and that
40 it should be his duty to determine and enforce the laws and to superintend the operations of the Social Work
and

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and to conserve the same and the trust property for the purpose of the trusts thereby declared And whereas it was provided that for the purpose of identifying or ear-marking the trust property and the income thereof
5 and of keeping the same distinct from all property of The Salvation Army full accounts of all moneys contributed collected or received for the Social Work and of the application thereof should be kept in such manner as to keep the same always distinct and
10 separate from the property of The Salvation Army and that all conveyances leases transfers assignments and assurances made to the Director for the time being for the purposes of the Social Work should be expressed to be made to him as such Director and should there-
15 upon become subject to the trusts of the presents now in recital and that whenever any property real or personal required for the purposes of the Social Work should be conveyed leased assigned transferred or assured to any trustees or trustee other than the
20 Director for the time being such trustees or trustee should in each case execute a sufficient declaration of trust so as in every case to enable the property so conveyed leased assigned transferred or assured to be sufficiently identified or ear-marked as being property
25 devoted to the purposes of the Social Work And whereas the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, set forth the powers which the Director should have over and on and concerning the said trust property And
30 whereas at a duly convened meeting of the High Council of The Salvation Army held at Sunbury in the United Kingdom on the thirteenth day of February, one thousand nine hundred and twenty-nine, the High Council of The Salvation Army referred to in the said
35 recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, duly and in accordance with the said Deed Poll adjudicated the said William Bramwell Booth unfit for office and removed him therefrom and by way of record declared that the said
40 adjudication was based upon the state of health of the said William Bramwell Booth and the said High Council

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Council in pursuance of the power vested in it by the said Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, elected Edward John Higgins a Commissioner of The Salvation Army as
5 successor in the office of General of The Salvation Army to the said William Bramwell Booth And whereas by Deed Poll under his hand and seal dated the thirteenth day of February, one thousand nine hundred and twenty-nine, the said Edward John Higgins duly
10 accepted the said office upon and subject to the terms of the said recited Deeds Poll dated the seventh day of August, one thousand eight hundred and seventy-eight, and the twenty-sixth day of July, one thousand nine hundred and four, respectively And whereas the said
15 William Bramwell Booth died on the sixteenth day of June, one thousand nine hundred and twenty-nine And whereas it is expedient to provide that the whole of the property real and personal of The Salvation Army in New South Wales which was at the time of his
20 death held and now stands in the name of the said William Bramwell Booth upon the trusts of the hereinbefore recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, and the twenty-sixth day of July, one thousand nine hundred
25 and four, and the first day of June, one thousand nine hundred and twenty, respectively, and also that all other property real and personal of or to which The Salvation Army in New South Wales is entitled held by and standing in the name of the said William Bramwell
30 Booth at the time of his death or now standing in the name or names of any other person or persons and which the General for the time being of The Salvation Army as such General and as Director of the said Social Work of The Salvation Army respectively is entitled to
35 have vested in him upon the trusts of the said recited Deeds Poll according to the nature of the same shall vest in a body of Trustees and the said Trustees shall be a body corporate with the powers and authorities hereinafter set forth: Be it therefore enacted by the
40 King's Most Excellent Majesty by and with the advice of the Legislative Council and the Legislative Assembly
of

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of the State of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as “The Salvation Army Short title.
5 (New South Wales) Property Trust Act, 1929.”

2. In this Act, unless the context or subject-matter Definitions
otherwise indicates or requires, the words—

- (a) “Trustees” or “Trust” mean “The Salvation Army (New South Wales) Property Trust”;
10 (b) “General” or “The General” shall mean the General of The Salvation Army under its Constitution or his Attorney for the time being in the State of New South Wales duly authorised in that behalf or such other person
15 or persons or body as shall for the time being have vested in him or them or it under the said Constitution general control and authority over the property in England of The Salvation Army.

20 **3.** The Trustees shall be a body corporate by the name Incorporation of Trustees :
of “The Salvation Army (New South Wales) Property Trust,” and shall have perpetual succession and a Power to hold real and personal property, &c.
common seal, and shall be capable of acquiring, holding, managing, controlling, and subject to this Act, granting,
25 mortgaging, demising, selling, disposing of or otherwise dealing with any property, real and/or personal, and of suing and being sued by the aforesaid name and doing and suffering all such other acts and things as bodies corporate may by law do or suffer.

30 **4.** The number of the Trustees shall be not less than Number and appointment of Trustees.
five and not more than seven, and shall consist of persons appointed by the General.

5. The Trustees for the time being shall have the Custody of common seal and quorum of Trustees.
custody of the common seal of the said corporate body,
35 and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the said corporate body, and three members for the time being of the said corporate body shall constitute a quorum.

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- 6.** Any deed or instrument executed or signed, and any other act, matter, or thing done by any three members of the corporate body aforesaid, and in pursuance of a resolution of the said corporate body and ^{Execution of deed.} under the common seal of the said corporate body shall be as effectual as if the same had been executed, signed, or done by all the members of the said corporate body.
- 7.** All lands, tenements, and hereditaments, including chattels real situate in the State of New South ^{Vesting of property in Trustees.} Wales, together with all rights, easements, and appurtenances relating thereto and all personal property which were at the time of his death held by and now stand in the name of the said William Bramwell Booth, as General of The Salvation Army or Director of the **15** Social Work of The Salvation Army respectively, upon the trusts of the said respective Deeds Poll, and all other lands, tenements, and hereditaments whatsoever, including chattels real situate as aforesaid, which at the time of the passing of this Act stand in the **20** name of the said William Bramwell Booth or in the name or names of any other person or persons in trust for The Salvation Army in New South Wales or for any of its funds or any auxiliary or department of its work or any corps or institution of The **25** Salvation Army in New South Wales or to which The Salvation Army in New South Wales is otherwise entitled save and except any property held by The Salvation Army Auxiliary Company of Australia Proprietary, Limited, shall without any conveyance or **30** transfer vest in the Trustees upon trust and with the powers, authorities, and discretions and subject to the terms, provisions, and conditions of the said recited Deed of Constitution, and the said Deed Poll of William Booth bearing date the twenty-sixth day of July, one **35** thousand nine hundred and four, or the Deed Poll under the hand and seal of William Bramwell Booth bearing date the first day of June, one thousand nine hundred and twenty, according to the particular trusts in each case upon which the same shall be held at the time of **40** the passing of this Act but subject and without prejudice to any special trusts if any upon which the same may be held

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held and subject also to any reservation, mortgage, charge, encumbrance, lien, or lease affecting the same respectively and subject and without prejudice to any resulting trust or any trust of any such lands, tenements, or hereditaments in favour of the donor or any person or corporation other than The Salvation Army and upon and subject to no other trusts or provisions whatsoever.

8. The Trustees shall be entitled at all times hereafter to exercise all the powers relating to the lands, tenements, and hereditaments and personal property hereby vested in them, and in respect of all lands, tenements, and hereditaments and personal property which may hereafter be acquired by them or which may become vested in them under this Act which are now vested in the General of The Salvation Army and the Director of the Social Work of The Salvation Army for the time being respectively under the said recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, the twenty-sixth day of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty, according as they shall and may hold the same upon one or the other of such trusts, and may exercise such powers and all or any of the powers by this Act conferred upon them, notwithstanding there shall be for the time being any vacancy in the office of General of The Salvation Army and/or the office of Director of the Social Work of The Salvation Army.

Powers of Trustees.

9. All property held by the Trustees shall, so far as the same is not subject to any express trust, be held and dealt with by them in accordance with and subject to the powers and provisions of the said recited Deeds Poll respectively, according to the trusts upon which the same shall respectively be held: Provided that no person dealing with the Trustees shall be bound to inquire into the propriety or necessity of any such dealing.

Trust property: how held.

10. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to mortgage and for that purpose to appoint, convey, and assure in fee or for any term of years all or any lands hereby

Power to mortgage.

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hereby vested in them and/or all or any lands which may hereafter be or become vested in them to any person or persons or company for securing such sum or sums of money as they may deem requisite or necessary
 5 for the purposes of The Salvation Army and/or the Social Work of The Salvation Army: Provided nevertheless that any moneys raised on any property which shall for the time being be held upon trust for the Social Work of The Salvation Army shall only be used for the
 10 purposes of the said Social Work.

11. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to sell
 any real and personal estate now hereby vested in them or which shall hereafter vest in them by public auction
 15 or private contract as they may deem expedient at such price as can be reasonably obtained for the same and when sold convey the same or any part thereof, and thereupon the same shall vest in the purchasers, their heirs, executors, administrators, or assigns according to
 20 the estate and interest of the Trustees therein absolutely freed and discharged from the trusts affecting the same.

Power to sell.

12. The receipt in writing of a majority of the Trustees or of any person or persons authorised by such majority in writing to receive the same for the mort-
 25 gage moneys raised on any property mortgaged by the Trustees or for the purchase money of any property sold under this Act or for any moneys which shall be payable to them when exercising any of the powers hereby conferred upon them or when exercising any of
 30 the powers for the time being vested in the General or the Director of the Social Work as the case may be under and by virtue of the said recited Deeds Poll shall exonerate the mortgagee and/or the purchaser and/or all other persons for the time being paying such moneys
 35 to the Trustees, or the person or persons authorised as aforesaid from seeing to the application of the same, and from all liability as to the misapplication or non-application thereof and from inquiring into the propriety or necessity of any mortgage or sale, lease, or other
 40 dealing whatsoever.

Receipts for mortgage and purchase moneys, &c.

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13. The proceeds of the sale of any lands held for the purpose of the said Social Work shall be devoted to the purposes of the Social Work, and the Trustees may for such purposes acquire therewith other lands and
 5 buildings for the purposes of such Work.

Proceeds of
 sale of lands
 held for Social
 Work

14. The Trustees shall have power to regulate the time and place of their meetings and of the procedure to be followed thereat. They shall hold regular meetings, and shall cause to be kept minutes of their proceedings
 10 and their resolutions, which shall at all times be open for inspection by the General, and the Trustees shall keep a register of all properties now or hereafter vested in them, and shall indicate in such register which properties are held for the general purposes of The
 15 Salvation Army and which are held for the Social Work of The Salvation Army: Provided nevertheless that the trusts upon which any of the said properties for the time being are held may with the consent of the General be enlarged, modified, varied, or altered from time to
 20 time: Provided that all such properties shall from time to time be held upon either one or the other of the trusts hereinbefore mentioned.

Meetings of
 Trustees,
 minutes, &c.

15. The General may from time to time by writing under his hand remove any person from the office of
 25 Trustee and appoint another person to be a Trustee in the place of the person so removed.

Removal of
 Trustees.

16. The continuing Trustees, provided there shall be not less than three Trustees, shall be empowered to act notwithstanding there shall be a vacancy or vacancies
 30 in the number of Trustees either by death, resignation, or removal, but each such vacancy shall be filled as soon as practicable after such vacancy occurs.

Power of
 continuing
 Trustees to
 act.

17. The Trustees may appoint officers of the Trust, and the New South Wales Government Gazette con-
 35 taining a notification, purporting to be signed by the attorney for the time being of the General, of the appointment of a secretary and/or other officer shall be sufficient evidence of his or their due appointment, and a certificate signed by the secretary for the time being
 40 of the Trust as to who are the persons for the time being

Appointment
 of officers:
 evidence of
 resolutions.

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being constituting the Trustees, and a certificate of such secretary certifying to any resolution of the Trustees shall be prima facie evidence as to who are the Trustees for the time being, and of any such resolution, as the
5 case may be, and such certificate shall be received and taken in all legal proceedings, and in all dealings with such lands before the Registrar-General or the Examiners of Title, and on all occasions whatsoever as sufficient evidence as to who are the Trustees, and of such
10 resolution having been duly passed, and judicial notice shall be taken of the signature of the secretary for the time being of every such certificate.

18. Whenever by any will, deed, or other instrument Construction of wills, &c. any property, real or personal, has been or shall be
15 devised, bequeathed, given, granted, released, conveyed, or appointed or has been or shall be declared or directed to be held upon trust to, or for the benefit of The Salvation Army or of any fund, institution, branch, or corps thereof or shall be or become recoverable by or payable to The
20 Salvation Army or by or to the said fund, institution, branch, or corps or be receivable by or payable to any officer thereof for the benefit of The Salvation Army or any of its funds, institutions, branches, or corps, or for its Social Work, the said will, deed, or instrument as afore-
25 said shall be construed and operate and take effect as though the Trustees were named therein, and the acknowledgment or receipt of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees, or a majority of them, for any such gift shall
30 be a sufficient discharge to the person or persons liable to deliver or transfer any such money or property under such will, deed, or instrument, and all property, real or personal, so devised, bequeathed, given, granted, released, conveyed, or appointed, or declared or directed to be
35 held upon trust as aforesaid shall, subject to the trusts of such will, deed, or other instrument, and subject to any direction to the contrary therein contained so far as the same are capable of taking effect, be under the direction and control of the Trustees, and
40 they may call for the transfer, conveyance, or delivery thereof.

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19. (a) Whenever by any will, deed, or other instrument, or by any gift or disposition of property made before but not taking effect until after the passing of this Act, or by any will or other instrument or by any gift or
 5 other disposition of property made after the passing of this Act any real or personal property has been or is devised, bequeathed, or given to or for the benefit of The Salvation Army or to or for the benefit of any fund, corps, institution, branch, or auxiliary thereof other
 10 than real or personal property devised, bequeathed, or given to specific trustees upon trust for The Salvation Army or for any such fund, corps, institution, branch, or auxiliary thereof all such real and personal property shall vest in the Trustees incorporated under the
 15 authority of this Act.

Vesting in Trustees of property given or devised, &c., for benefit of The Salvation Army.

(b) The Trustees shall hold any such real and personal property upon the trusts, if any, declared in respect thereof, and if no such trusts have been declared shall hold and deal with such real and personal property
 20 and the proceeds thereof in trust for The Salvation Army for such purposes and in such manner as they may deem expedient, and may convey, transfer, or deliver any such real or personal property to such persons and upon such trusts as they think fit, and the
 25 Trustees and any person to whom any such real or personal property is so conveyed, transferred, or delivered may sell, lease, mortgage, or otherwise deal with any such real or personal property: Provided that the receipt in writing of the Trustees or a majority
 30 of them or of any person or persons authorised in writing by the Trustees or a majority of them of any moneys receivable by them in the exercise of these powers shall exonerate the person paying the same to them from seeing to the application thereof and all
 35 liability as to the misapplication or non-application thereof, and no person shall be bound to inquire into the validity of any sale, conveyance, lease, or mortgage as aforesaid.

How vested property held.

20. 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

Preservation of rights of claimants.

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which he now has arising out of contract or tort and any such right which may at the time of the passing of this Act have been enforceable against the General or his predecessor in the office of General of the Salvation
5 Army and in respect of which right the property hereby vested was liable may be enforced against the Trustees.

21. Any rights, including choses in action, arising out of contract or tort relating in any wise to the real and personal property hereby vested in the Trustees
10 which were at the time of his death in the said William Bramwell Booth or at the time of the passing of this Act are in the General are hereby vested in the Trustees and may be enforced by them.

Vesting of
rights of the
General in
the Trustees.

Legislative Council.

1923.

A BILL

To provide for the temporal affairs of The
Salvation Army in the State of New South
Wales.

(As amended and agreed to in Select Committee.)

WHEREAS by a Deed Poll hereinafter called the Preamble.
Deed of Constitution dated the seventh day of
August, one thousand eight hundred and seventy-eight,
and under the hand and seal of William Booth and
5 afterwards enrolled in the Chancery Division of the
High Court of Justice on the thirteenth day of August,
one thousand eight hundred and seventy-eight, the
origin and doctrines of the Christian Mission therein
referred to were recited and stated and it was by the
said

4879 c 1—

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

said Deed Poll amongst other things provided that the said Christian Mission was and should always be thereafter under the oversight direction and control of some one person who should be the General Superintendent thereof whose duty it should be to determine and 5 enforce the discipline and laws and superintend the operations of the said Christian Mission and to conserve the same to and for the objects and purposes for which it was first originated and that the said General Superintendent should have the powers therein mentioned that 10 the said William Booth should continue to be for the term of his natural life the General Superintendent of the said Christian Mission unless he should resign such office that the said William Booth and other General Superintendent who should succeed him should have power to 15 appoint his successor to the office of General Superintendent and all the rights powers and authorities should vest in the person so appointed upon the decease of the said William Booth or other General Superintendent appointing him or at such other period as might be 20 named in the document appointing him and that it should be the duty of every General Superintendent to make in writing as soon as conveniently might be after his appointment a statement as to his successor and as to the means which were to be taken for the appoint- 25 ment of the successor on the decease of the General Superintendent or upon his ceasing to perform the duties of the office such statement to be signed by the General Superintendent and delivered under seal to the Solicitor for the time being of the said Christian Mission 30 but such statement might be altered at will by the General Superintendent at any time during his continuance in office pending a new statement being signed by him and delivered as before mentioned to such Solicitor as aforesaid And whereas by the said recited Deed Poll 35 it was provided that the General Superintendent should have power to expend on behalf of the Christian Mission all moneys contributed for the general purposes of the said Christian Mission or for any of the special objects of its operations but he should annually publish a 40 balance-sheet duly audited of all such receipts and expenditure

expenditure and that the General Superintendent should have power to acquire by gift purchase or otherwise any hall or meeting-house school-room vestry land building and appurtenances and any seats fittings
5 furniture or other property whatsoever which might in his judgment be required for the purposes of the said Christian Mission and to build upon such land or alter or pull down any such buildings and to hire on lease or otherwise any land or buildings and
10 to lend give away and sell or otherwise dispose of any such properties lands or buildings as he might deem necessary in the interests of the said Christian Mission wherein all trustees should render him every assistance and that he might in all such cases as he
15 should deem it expedient so to do nominate trustees or a trustee of any part or parts thereof respectively of any such property and direct the conveyance and transfer thereof to such trustees or trustee with power for the General Superintendent to declare the trusts thereof
20 and from time to time if it should seem expedient to him so to do to revoke any such trusts or the appointment of any such trustees or trustee and pending such revocation the same property should be conveyed or transferred to such persons or person upon such trusts
25 as he might direct but only for the benefit of the said Christian Mission And whereas by a further Deed Poll under the hand of the said William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, and enrolled in the Supreme Court
30 of Judicature England on the twenty-seventh day of July, one thousand nine hundred and four, it was recited that on or about the first day of January, one thousand eight hundred and seventy-nine, the name of the said religious society or organization was changed
35 from "The Christian Mission" to "The Salvation Army" as appears by Memorandum under the hand of the said William Booth dated the twenty-fourth day of June, one thousand eight hundred and eighty, and endorsed on the said recited Deed Poll of the seventh
40 day of August, one thousand eight hundred and seventy-eight, and that the said society or organization had

had since been and was then known as it now is as The Salvation Army and that the title of the "General Superintendent" thereof had been altered and shortened into that of "General" and that the said William Booth was then known and designated and it was expected 5 that every successor of his would be thereafter known and designated as the "General" of The Salvation Army. And whereas it was also recited by the lastly herein recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, that in 10 order to minimise the possibility of doubt dispute or litigation it was considered desirable to provide more fully and specifically than was done by the Deed of Constitution for the events in which the General for the time being should cease to perform the duties of his 15 office and also for the nomination and appointment of a successor to the General for the time being on his dying or ceasing to perform the duties of office and that the said William Booth had accordingly determined to execute the said recited Deed Poll of the twenty-sixth 20 day of July, one thousand nine hundred and four. And whereas the said Deed Poll now in recital sets forth more fully and effectually such events and makes provision inter alia that every General for the time being of The Salvation Army should be deemed to cease 25 to perform the duties of his office within the meaning of clause six of the said Deed of Constitution and to vacate such office upon the happening of any of the events therein referred to that is to say if inter alia the Commissioners of The Salvation Army or a majority of such Commissioners 30 amounting to at least four in five should declare in writing under their hands that they are satisfied that the General is inter alia permanently incapacitated by mental or physical infirmity from the adequate performance of the duties of his office or if a resolution 35 adjudicating the General unfit for office and removing him therefrom should be passed by a majority of not less than three-fourths of the members present and voting at a meeting of the High Council of The Salvation Army as thereafter provided for. And whereas by a Deed 40 Poll under the hand and seal of William Bramwell Booth

Booth bearing date the first day of June, one thousand nine hundred and twenty, it was recited that the said William Booth had died on the twentieth day of August, one thousand nine hundred and twelve, having by Deed
5 Poll under his hand and seal dated the twenty-first day of August, one thousand eight hundred and ninety, in exercise of the power in that behalf vested in him by the said Deed of Constitution as aforesaid appointed the said William Bramwell Booth to be his successor in the
10 office of General of The Salvation Army and that the said William Bramwell Booth had by Deed Poll under his hand and seal dated the twenty-third day of August, one thousand nine hundred and twelve, duly accepted the said office. And whereas it was recited by the said
15 recited Deed Poll of the first day of June, one thousand nine hundred and twenty, that in connection with and as the outcome of the work teaching and experience of The Salvation Army in the United Kingdom and in Australia and other countries of the world the said
20 William Booth and the said William Bramwell Booth had evolved and promulgated various operations for the social temporal and moral welfare of the poorer and more needy classes of society and all persons who were destitute feeble-minded or vicious or suffering from
25 injuries or sickness or ill-health or orphans or for children needing care in orphanages or reformatories and for other charitable purposes which operations are generally known and described as the Social Work of The Salvation Army and which in relation to the Com-
30 monwealth of Australia (thereinafter called the said Commonwealth) are sometimes referred to as the Social Work and that in connection with the carrying out of the Social Work in the said Commonwealth the said William Booth and the said William Bramwell Booth as his
35 successor in office had acquired certain real and personal property particularised in the schedule thereto and other real and personal property would thereafter be acquired for the purposes of the Social Work and that it was thought desirable that the same respectively
40 should be kept distinct from the other or proper real and personal property of The Salvation Army and be used

used and devoted exclusively in and to the Social Work in and connected with the said Commonwealth and that the Social Work should be confined and regulated and the trusts of the said real and personal property already acquired and thereafter to be acquired for or in connection therewith declared as hereinafter appearing And whereas by the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, the said William Bramwell Booth declared that the real and personal property particularised in the said schedule and all property real and personal which might thereafter be acquired by gift grant purchase or in any manner whatsoever for the purposes of the Social Work in or in connection with the said Commonwealth and all real and personal property for the time being representing the same or any part thereof respectively and all which are sometimes thereafter collectively referred to as the trust property should at all times thereafter be held upon trust to use and apply the same and the income thereof for the social temporal and moral welfare and the improvement of the poorer and more needy classes of society and all persons who were destitute or vicious or feeble-minded or suffering from injuries or sickness or ill-health or orphans or for children needing care in orphanages or reformatories in the said Commonwealth and for other charitable purposes in connection with the said Commonwealth in such ways and by such means as the said William Bramwell Booth or other the Director as hereinafter defined for the time being of the Social Work should at any time or from time to time think fit subject nevertheless to the provisos therein contained And whereas by the said Deed Poll now in recital it was provided that the said Social Work should at all times thereafter be under the oversight direction and control of the person who should for the time being be General of The Salvation Army and he should be called in relation to the Social Work the Director of the Social Work (hereinafter referred to as the said Director) and that it should be his duty to determine and enforce the laws and to superintend the operations of the Social Work and

and to conserve the same and the trust property for the purpose of the trusts thereby declared And whereas it was provided that for the purpose of identifying or ear-marking the trust property and the income thereof
5 and of keeping the same distinct from all property of The Salvation Army full accounts of all moneys contributed collected or received for the Social Work and of the application thereof should be kept in such manner as to keep the same always distinct and
10 separate from the property of The Salvation Army and that all conveyances leases transfers assignments and assurances made to the Director for the time being for the purposes of the Social Work should be expressed to be made to him as such Director and should there-
15 upon become subject to the trusts of the presents now in recital and that whenever any property real or personal required for the purposes of the Social Work should be conveyed leased assigned transferred or assured to any trustees or trustee other than the
20 Director for the time being such trustees or trustee should in each case execute a sufficient declaration of trust so as in every case to enable the property so conveyed leased assigned transferred or assured to be sufficiently identified or ear-marked as being property
25 devoted to the purposes of the Social Work And whereas the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, set forth the powers which the Director should have over and on and concerning the said trust property And
30 whereas at a duly convened meeting of the High Council of The Salvation Army held at Sunbury in the United Kingdom on the thirteenth day of February, one thousand nine hundred and twenty-nine, the High Council of The Salvation Army referred to in the said
35 recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, duly and in accordance with the said Deed Poll adjudicated the said William Bramwell Booth unfit for office and removed him therefrom and by way of record declared that the said
40 adjudication was based upon the state of health of the said William Bramwell Booth and the said High Council

Council in pursuance of the power vested in it by the said Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, elected Edward John Higgins a Commissioner of The Salvation Army as successor in the office of General of The Salvation Army to the said William Bramwell Booth **And whereas by Deed Poll under his hand and seal dated the thirteenth day of February, one thousand nine hundred and twenty-nine, the said Edward John Higgins duly accepted the said office upon and subject to the terms of the said recited Deeds Poll dated the seventh day of August, one thousand eight hundred and seventy-eight, and the twenty-sixth day of July, one thousand nine hundred and four, respectively** And whereas the said William Bramwell Booth died on the sixteenth day of June, one thousand nine hundred and twenty-nine And whereas it is expedient to provide that the whole of the property real and personal of The Salvation Army in New South Wales which was at the time of his death held and now stands in the name of the said William Bramwell Booth upon the trusts of the hereinbefore recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, and the twenty-sixth day of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty, respectively, and also that all other property real and personal of or to which The Salvation Army in New South Wales is entitled held by and standing in the name of the said William Bramwell Booth at the time of his death or now standing in the name or names of any other person or persons and which the General for the time being of The Salvation Army as such General and as Director of the said Social Work of The Salvation Army respectively is entitled to have vested in him upon the trusts of the said recited Deeds Poll according to the nature of the same shall vest in a body of Trustees and the said Trustees shall be a body corporate with the powers and authorities hereinafter set forth: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice of the Legislative Council and the Legislative Assembly

of

of the State of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as “The ~~New South~~ Short title.
5 ~~Wales~~ Salvation Army (New South Wales) Property Trust Act, 1929.”

2. In this Act, unless the context or subject-matter Definitions.
otherwise indicates or requires, the words—

10 (a) “Trustees” or “Trust” mean “The ~~New South Wales~~ Salvation Army (New South Wales) Property Trust”;

(b) “General” or “The General” shall mean the
15 General of The Salvation Army under its Constitution or his Attorney for the time being in the State of New South Wales duly authorised in that behalf or such other person or persons or body as shall for the time being have vested in him or them or it under the
20 said Constitution general control and authority over the property in England of The Salvation Army.

3. The Trustees shall be a body corporate by the name
of “The ~~New South Wales~~ Salvation Army (New South
25 ~~Wales~~) Property Trust,” and shall have perpetual succession and a common seal, and shall be capable of acquiring, holding, managing, controlling, and subject to this
Act, granting, mortgaging, demising, selling, disposing
of or otherwise dealing with any property, real and/or
personal, and of suing and being sued by the aforesaid
30 name and doing and suffering all such other acts and things as bodies corporate may by law do or suffer.

4. The number of the Trustees shall be not less than
five and not more than seven, and shall consist of
persons appointed by the General. Number and appointment of Trustees.

35 5. The Trustees for the time being shall have the custody of the common seal of the said corporate body, and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the said corporate body, and three members
40 for the time being of the said corporate body shall constitute a quorum. Custody of common seal and quorum of Trustees.

6.

Execution
of deed.

6. Any deed or instrument executed or signed, and any other act, matter, or thing done by any three members of the corporate body aforesaid, and in pursuance of a resolution of the said corporate body and under the common seal of the said corporate body shall be as effectual as if the same had been executed, signed, or done by all the members of the said corporate body. 5

Vesting of
property in
Trustees.

7. All lands, tenements, and hereditaments, including chattels real situate in the State of New South Wales, together with all rights, easements, and appurtenances relating thereto and all personal property which were at the time of his death held by and now stand in the name of the said William Bramwell Booth, as General of The Salvation Army or Director of the Social Work of The Salvation Army respectively, upon the trusts of the said respective Deeds Poll, and all other lands, tenements, and hereditaments whatsoever, including chattels real situate as aforesaid, which at the time of the passing of this Act stand in the name of the said William Bramwell Booth or in the name or names of any other person or persons in trust for The Salvation Army in New South Wales or for any of its funds or any auxiliary or department of its work or any corps or institution of The Salvation Army in New South Wales or to which The Salvation Army in New South Wales is otherwise entitled save and except any property held by The Salvation Army Auxiliary Company of Australia Proprietary, Limited, shall without any conveyance or transfer vest in the Trustees upon trust and with the powers, authorities, and discretions and subject to the terms, provisions, and conditions of the said recited Deed of Constitution, and the said Deed Poll of William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, or the Deed Poll under the hand and seal of William Bramwell Booth bearing date the first day of June, one thousand nine hundred and twenty, according to the particular trusts in each case upon which the same shall be held at the time of the passing of this Act but subject and without prejudice to any special trusts if any upon which the same may be held 40

held and subject also to any reservation, mortgage, charge, encumbrance, lien, or lease affecting the same respectively and subject and without prejudice to any resulting trust or any trust of any such lands, tenements, or hereditaments in favour of the donor or any person or corporation other than The Salvation Army and upon and subject to no other trusts or provisions whatsoever.

8. The Trustees shall be entitled at all times hereafter to exercise all the powers relating to the lands, tenements, and hereditaments and personal property hereby vested in them, and in respect of all lands, tenements, and hereditaments and personal property which may hereafter be acquired by them or which may become vested in them under this Act which are now vested in the General of The Salvation Army and the Director of the Social Work of The Salvation Army for the time being respectively under the said recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, the twenty-sixth day of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty, according as they shall and may hold the same upon one or the other of such trusts, and may exercise such powers and all or any of the powers by this Act conferred upon them, notwithstanding there shall be for the time being any vacancy in the office of General of The Salvation Army and/or the office of Director of the Social Work of The Salvation Army.

Powers of Trustees.

9. All property held by the Trustees shall, so far as the same is not subject to any express trust, be held and dealt with by them in accordance with and subject to the powers and provisions of the said recited Deeds Poll respectively, according to the trusts upon which the same shall respectively be held: Provided that no person dealing with the Trustees shall be bound to inquire into the propriety or necessity of any such dealing.

Trust property: how held.

10. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to mortgage and for that purpose to appoint, convey, and assure in fee or for any term of years all or any lands hereby

Power to mortgage.

hereby vested in them and/or all or any lands which may hereafter be or become vested in them to any person or persons or company for securing such sum or sums of money as they may deem requisite or necessary for the purposes of The Salvation Army and/or the Social Work of The Salvation Army: Provided nevertheless that any moneys raised on any property which shall for the time being be held upon trust for the Social Work of The Salvation Army shall only be used for the purposes of the said Social Work.

Power to sell, **11.** It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to sell any real and personal estate now hereby vested in them or which shall hereafter vest in them by public auction or private contract as they may deem expedient at such price as can be reasonably obtained for the same and when sold convey the same or any part thereof, and thereupon the same shall vest in the purchasers, their heirs, executors, administrators, or assigns according to the estate and interest of the Trustees therein absolutely freed and discharged from the trusts affecting the same.

Receipts for mortgage and purchase moneys, &c.

12. The receipt in writing of a majority of the Trustees or of any person or persons authorised by such majority in writing to receive the same for the mortgage moneys raised on any property mortgaged by the Trustees or for the purchase money of any property sold under this Act or for any moneys which shall be payable to them when exercising any of the powers hereby conferred upon them or when exercising any of the powers for the time being vested in the General or the Director of the Social Work as the case may be under and by virtue of the said recited Deeds Poll shall exonerate the mortgagee and/or the purchaser and/or all other persons for the time being paying such moneys to the Trustees, or the person or persons authorised as aforesaid from seeing to the application of the same, and from all liability as to the misapplication or non-application thereof and from inquiring into the propriety or necessity of any mortgage or sale, lease, or other dealing whatsoever.

13.

13. The proceeds of the sale of any lands held for the purpose of the said Social Work shall be devoted to the purposes of the Social Work, and the Trustees may for such purposes acquire therewith other lands and
5 buildings for the purposes of such Work.

Proceeds of
sale of land
held for the
Social Work.

14. The Trustees shall have power to regulate the time and place of their meetings and of the procedure to be followed thereat. They shall hold regular meetings, and shall cause to be kept minutes of their proceedings
10 and their resolutions, which shall at all times be open for inspection by the General, and the Trustees shall keep a register of all properties now or hereafter vested in them, and shall indicate in such register which properties are held for the general purposes of The
15 Salvation Army and which are held for the Social Work of The Salvation Army: Provided nevertheless that the trusts upon which any of the said properties for the time being are held may with the consent of the General be enlarged, modified, varied, or altered from time to
20 time: Provided that all such properties shall from time to time be held upon either one or the other of the trusts hereinbefore mentioned.

Meetings of
Trustees,
minutes, &c.

15. The General may from time to time by writing under his hand remove any person from the office of
25 Trustee and appoint another person to be a Trustee in the place of the person so removed.

Removal of
Trustees.

16. The continuing Trustees, provided there shall be not less than three Trustees, shall be empowered to act notwithstanding there shall be a vacancy or vacancies
30 in the number of Trustees either by death, resignation, or removal, but each such vacancy shall be filled as soon as practicable after such vacancy occurs.

Power of
continuing
Trustees to
act.

17. The Trustees may appoint officers of the Trust, and the New South Wales Government Gazette con-
35 taining a notification, purporting to be signed by the attorney for the time being of the General, of the appointment of a secretary and/or other officer shall be sufficient evidence of his or their due appointment, and a certificate signed by the secretary for the time being
40 of the Trust as to who are the persons for the time being

Appointment
of officers:
evidence of
resolutions.

being constituting the Trustees, and a certificate of such secretary certifying to any resolution of the Trustees shall be prima facie evidence as to who are the Trustees for the time being, and of any such resolution, as the case may be, and such certificate shall be received and taken in all legal proceedings, and in all dealings with such lands before the Registrar-General or the Examiners of Title, and on all occasions whatsoever as sufficient evidence as to who are the Trustees, and of such resolution having been duly passed, and judicial notice shall be taken of the signature of the secretary for the time being of every such certificate. 5 10

Construction
of wills, &c.

18. Whenever by any will, deed, or other instrument any property, real or personal, has been or shall be devised, bequeathed, given, granted, released, conveyed, or appointed or has been or shall be declared or directed to be held upon trust to or for the benefit of The Salvation Army or of any fund, institution, branch, or corps thereof or shall be or become recoverable by or payable to The Salvation Army or by or to the said fund, institution, branch, or corps or be receivable by or payable to any officer thereof for the benefit of The Salvation Army or any of its funds, institutions, branches, or corps, or for its Social Work, the said will, deed, or instrument as aforesaid shall be construed and operate and take effect as though the Trustees were named therein, and the acknowledgment or receipt of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees, or a majority of them, for any such gift shall be a sufficient discharge to the person or persons liable to deliver or transfer any such money or property under such will, deed, or instrument, and all property, real or personal, so devised, bequeathed, given, granted, released, conveyed, or appointed, or declared or directed to be held upon trust as aforesaid shall, subject to the trusts of such will, deed, or other instrument, and subject to any direction to the contrary therein contained so far as the same are capable of taking effect, be under the direction and control of the Trustees, and they may call for the transfer, conveyance, or delivery thereof. 15 20 25 30 35 40

19.

19. (a) Whenever by any will, deed, or other instrument, or by any gift or disposition of property made before but not taking effect until after the passing of this Act, or by any will or other instrument or by any gift or
5 other disposition of property made after the passing of this Act any real or personal property has been or is devised, bequeathed, or given to or for the benefit of The Salvation Army or to or for the benefit of any fund, corps, institution, branch, or auxiliary thereof other
10 than real or personal property devised, bequeathed, or given to specific trustees upon trust for The Salvation Army or for any such fund, corps, institution, branch, or auxiliary thereof all such real and personal property shall vest in the Trustees incorporated under the
15 authority of this Act.

Vesting in Trustees of property given or devised, &c., for benefit of The Salvation Army.

(b) The Trustees shall hold any such real and personal property upon the trusts, if any, declared in respect thereof, and if no such trusts have been declared shall hold and deal with such real and personal property
20 and the proceeds thereof in trust for The Salvation Army for such purposes and in such manner as they may deem expedient, and may convey, transfer, or deliver any such real or personal property to such persons and upon such trusts as they think fit, and the
25 Trustees and any person to whom any such real or personal property is so conveyed, transferred, or delivered may sell, lease, mortgage, or otherwise deal with any such real or personal property: Provided that the receipt in writing of the Trustees or a majority
30 of them or of any person or persons authorised in writing by the Trustees or a majority of them of any moneys receivable by them in the exercise of these powers shall exonerate the person paying the same to them from seeing to the application thereof and all
35 liability as to the misapplication or non-application thereof, and no person shall be bound to inquire into the validity of any sale, conveyance, lease, or mortgage as aforesaid.

How vested property held.

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

Preservation of rights of claimants.

which he now has arising out of contract or tort and any such right which may at the time of the passing of this Act have been enforceable against the General or his predecessor in the office of General of The Salvation Army and in respect of which right the property hereby vested was liable may be enforced against the Trustees. 5

Vesting of
rights of the
General in
the Trustees,

21. Any rights, including choses in action, arising out of contract or tort relating in any wise to the real and personal property hereby vested in the Trustees which were at the time of his death in the said William 10
Bramwell Booth or at the time of the passing of this Act are in the General are hereby vested in the Trustees and may be enforced by them.

Legislative Council.

1929.

A BILL

To provide for the temporal affairs of The
Salvation Army in the State of New South
Wales.

WHEREAS by a Deed Poll hereinafter called the Preamble.
Deed of Constitution dated the seventh day of
August, one thousand eight hundred and seventy-eight,
and under the hand and seal of William Booth and
5 afterwards enrolled in the Chancery Division of the
High Court of Justice on the thirteenth day of August,
one thousand eight hundred and seventy-eight, the
origin and doctrines of the Christian Mission therein
referred to were recited and stated and it was by the
said

said Deed Poll amongst other things provided that the said Christian Mission was and should always be thereafter under the oversight direction and control of some one person who should be the General Superintendent thereof whose duty it should be to determine and 5 enforce the discipline and laws and superintend the operations of the said Christian Mission and to conserve the same to and for the objects and purposes for which it was first originated and that the said General Superintendent should have the powers therein mentioned that 10 the said William Booth should continue to be for the term of his natural life the General Superintendent of the said Christian Mission unless he should resign such office that the said William Booth and other General Superintendent who should succeed him should have power to 15 appoint his successor to the office of General Superintendent and all the rights powers and authorities should vest in the person so appointed upon the decease of the said William Booth or other General Superintendent appointing him or at such other period as might be 20 named in the document appointing him and that it should be the duty of every General Superintendent to make in writing as soon as conveniently might be after his appointment a statement as to his successor and as to the means which were to be taken for the appoint- 25 ment of the successor on the decease of the General Superintendent or upon his ceasing to perform the duties of the office such statement to be signed by the General Superintendent and delivered under seal to the Solicitor for the time being of the said Christian Mission 30 but such statement might be altered at will by the General Superintendent at any time during his continuance in office pending a new statement being signed by him and delivered as before mentioned to such Solicitor as aforesaid And whereas by the said recited Deed Poll 35 it was provided that the General Superintendent should have power to expend on behalf of the Christian Mission all moneys contributed for the general purposes of the said Christian Mission or for any of the special objects of its operations but he should annually publish a 40 balance-sheet duly audited of all such receipts and expenditure

expenditure and that the General Superintendent should have power to acquire by gift purchase or otherwise any hall or meeting-house school-room vestry land building and appurtenances and any seats fittings
5 furniture or other property whatsoever which might in his judgment be required for the purposes of the said Christian Mission and to build upon such land or alter or pull down any such buildings and to hire on lease or otherwise any land or buildings and
10 to lend give away and sell or otherwise dispose of any such properties lands or buildings as he might deem necessary in the interests of the said Christian Mission wherein all trustees should render him every assistance and that he might in all such cases as he
15 should deem it expedient so to do nominate trustees or a trustee of any part or parts thereof respectively of any such property and direct the conveyance and transfer thereof to such trustees or trustee with power for the General Superintendent to declare the trusts thereof
20 and from time to time if it should seem expedient to him so to do to revoke any such trusts or the appointment of any such trustees or trustee and pending such revocation the same property should be conveyed or transferred to such persons or person upon such trusts
25 as he might direct but only for the benefit of the said Christian Mission. And whereas by a further Deed Poll under the hand of the said William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, and enrolled in the Supreme Court
30 of Judicature England on the twenty-seventh day of July, one thousand nine hundred and four, it was recited that on or about the first day of January, one thousand eight hundred and seventy-nine, the name of the said religious society or organization was changed
35 from "The Christian Mission" to "The Salvation Army" as appears by Memorandum under the hand of the said William Booth dated the twenty-fourth day of June, one thousand eight hundred and eighty, and endorsed on the said recited Deed Poll of the seventh
40 day of August, one thousand eight hundred and seventy-eight, and that the said society or organization had

had since been and was then known as it now is as The Salvation Army and that the title of the "General Superintendent" thereof had been altered and shortened into that of "General" and that the said William Booth was then known and designated and it was expected 5 that every successor of his would be thereafter known and designated as the "General" of The Salvation Army And whereas it was also recited by the lastly herein recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, that in 10 order to minimise the possibility of doubt dispute or litigation it was considered desirable to provide more fully and specifically than was done by the Deed of Constitution for the events in which the General for the time being should cease to perform the duties of his 15 office and also for the nomination and appointment of a successor to the General for the time being on his dying or ceasing to perform the duties of office and that the said William Booth had accordingly determined to execute the said recited Deed Poll of the twenty-sixth 20 day of July, one thousand nine hundred and four And whereas the said Deed Poll now in recital sets forth more fully and effectually such events and makes provision inter alia that every General for the time being of The Salvation Army should be deemed to cease 25 to perform the duties of his office within the meaning of clause six of the said Deed of Constitution and to vacate such office upon the happening of any of the events therein referred to that is to say if inter alia the Commissioners of The Salvation Army or a majority of such Commissioners 30 amounting to at least four in five should declare in writing under their hands that they are satisfied that the General is inter alia permanently incapacitated by mental or physical infirmity from the adequate performance of the duties of his office or if a resolution 35 adjudicating the General unfit for office and removing him therefrom should be passed by a majority of not less than three-fourths of the members present and voting at a meeting of the High Council of The Salvation Army as thereafter provided for And whereas by a Deed 40 Poll under the hand and seal of William Bramwell Booth

Booth bearing date the first day of June, one thousand nine hundred and twenty, it was recited that the said William Booth had died on the twentieth day of August, one thousand nine hundred and twelve, having by Deed
5 Poll under his hand and seal dated the twenty-first day of August, one thousand eight hundred and ninety, in exercise of the power in that behalf vested in him by the said Deed of Constitution as aforesaid appointed the said William Bramwell Booth to be his successor in the
10 office of General of The Salvation Army and that the said William Bramwell Booth had by Deed Poll under his hand and seal dated the twenty-third day of August, one thousand nine hundred and twelve, duly accepted the said office. And whereas it was recited by the said
15 recited Deed Poll of the first day of June, one thousand nine hundred and twenty, that in connection with and as the outcome of the work teaching and experience of The Salvation Army in the United Kingdom and in Australia and other countries of the world the said
20 William Booth and the said William Bramwell Booth had evolved and promulgated various operations for the social temporal and moral welfare of the poorer and more needy classes of society and all persons who were destitute feeble-minded or vicious or suffering from
25 injuries or sickness or ill-health or orphans or for children needing care in orphanages or reformatories and for other charitable purposes which operations are generally known and described as the Social Work of The Salvation Army and which in relation to the Com-
30 monwealth of Australia (thereinafter called the said Commonwealth) are sometimes referred to as the Social Work and that in connection with the carrying out of the Social Work in the said Commonwealth the said William Booth and the said William Bramwell Booth as his
35 successor in office had acquired certain real and personal property particularised in the schedule thereto and other real and personal property would thereafter be acquired for the purposes of the Social Work and that it was thought desirable that the same respectively
40 should be kept distinct from the other or proper real and personal property of The Salvation Army and be used

used and devoted exclusively in and to the Social Work in and connected with the said Commonwealth and that the Social Work should be confined and regulated and the trusts of the said real and personal property already acquired and thereafter to be acquired for or in connection therewith declared as thereafter appearing And whereas by the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, the said William Bramwell Booth declared that the real and personal property particularised in the said schedule and all property real and personal which might thereafter be acquired by gift grant purchase or in any manner whatsoever for the purposes of the Social Work in or in connection with the said Commonwealth and all real and personal property for the time being representing the same or any part thereof respectively and all which are sometimes thereafter collectively referred to as the trust property should at all times thereafter be held upon trust to use and apply the same and the income thereof for the social temporal and moral welfare and the improvement of the poorer and more needy classes of society and all persons who were destitute or vicious or feeble-minded or suffering from injuries or sickness or ill-health or orphans or for children needing care in orphanages or reformatories in the said Commonwealth and for other charitable purposes in connection with the said Commonwealth in such ways and by such means as the said William Bramwell Booth or other the Director as thereafter defined for the time being of the Social Work should at any time or from time to time think fit subject nevertheless to the provisos therein contained And whereas by the said Deed Poll now in recital it was provided that the said Social Work should at all times thereafter be under the oversight direction and control of the person who should for the time being be General of The Salvation Army and he should be called in relation to the Social Work the Director of the Social Work (thereinafter referred to as the said Director) and that it should be his duty to determine and enforce the laws and to superintend the operations of the Social Work and

and to conserve the same and the trust property for the purpose of the trusts thereby declared And whereas it was provided that for the purpose of identifying or ear-marking the trust property and the income thereof
5 and of keeping the same distinct from all property of The Salvation Army full accounts of all moneys contributed collected or received for the Social Work and of the application thereof should be kept in such manner as to keep the same always distinct and
10 separate from the property of The Salvation Army and that all conveyances leases transfers assignments and assurances made to the Director for the time being for the purposes of the Social Work should be expressed to be made to him as such Director and should there-
15 upon become subject to the trusts of the presents now in recital and that whenever any property real or personal required for the purposes of the Social Work should be conveyed leased assigned transferred or assured to any trustees or trustee other than the
20 Director for the time being such trustees or trustee should in each case execute a sufficient declaration of trust so as in every case to enable the property so conveyed leased assigned transferred or assured to be sufficiently identified or ear-marked as being property
25 devoted to the purposes of the Social Work And whereas the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, set forth the powers which the Director should have over and on and concerning the said trust property And
30 whereas at a duly convened meeting of the High Council of The Salvation Army held at Sunbury in the United Kingdom on the thirteenth day of February, one thousand nine hundred and twenty-nine, the High Council of The Salvation Army referred to in the said
35 recited Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, duly and in accordance with the said Deed Poll adjudicated the said William Bramwell Booth unfit for office and removed him therefrom and by way of record declared that the said
40 adjudication was based upon the state of health of the said William Bramwell Booth and the said High Council

Council in pursuance of the power vested in it by the said Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, elected Edward John Higgins a Commissioner of The Salvation Army as successor in the office of General of The Salvation Army 5 to the said William Bramwell Booth And whereas the said William Bramwell Booth died on the sixteenth day of June, one thousand nine hundred and twenty-nine And whereas it is expedient to provide that the whole of the property real and personal of The Salvation 10 Army in New South Wales which was at the time of his death held and now stands in the name of the said William Bramwell Booth upon the trusts of the hereinbefore recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, and the 15 twenty-sixth day of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty, respectively, and also that all other property real and personal of or to which The Salvation Army in New South Wales is entitled held by and 20 standing in the name of the said William Bramwell Booth at the time of his death or now standing in the name or names of any other person or persons and which the General for the time being of The Salvation Army as such General and as Director of the said Social Work 25 of The Salvation Army respectively is entitled to have vested in him upon the trusts of the said recited Deeds Poll according to the nature of the same shall vest in a body of Trustees and the said Trustees shall be a body corporate with the powers and authorities hereinafter 30 set forth: Be it therefore enacted by the King's Most Excellent Majesty by and with the advice of the Legislative Council and the Legislative Assembly of the State of New South Wales in Parliament assembled and by the authority of the same as follows:— 35

Short title.

1. This Act may be cited as "The New South Wales Salvation Army Property Trust Act, 1929."

Definitions.

2. In this Act, unless the context or subject-matter otherwise indicates or requires, the words—

(a) "Trustees" or "Trust" mean "The New 40 South Wales Salvation Army Property Trust";

(b)

(b) "General" or "The General" shall mean the General of The Salvation Army under its Constitution or his Attorney for the time being in the State of New South Wales duly authorised in that behalf or such other person or persons or body as shall for the time being have vested in him or them or it under the said Constitution general control and authority over the property in England of The Salvation Army.

3. The Trustees shall be a body corporate by the name of "The New South Wales Salvation Army Property Trust," and shall have perpetual succession and a common seal, and shall be capable of acquiring, holding, managing, controlling, and subject to this Act, granting, mortgaging, demising, selling, disposing of or otherwise dealing with any property, real and/or personal, and of suing and being sued by the aforesaid name and doing and suffering all such other acts and things as bodies corporate may by law do or suffer.

Incorporation of Trustees : Power to hold real and personal property, &c.

4. The number of the Trustees shall be not less than five and not more than seven, and shall consist of persons appointed by the General.

Number and appointment of Trustees.

5. The Trustees for the time being shall have the custody of the common seal of the said corporate body, and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the said corporate body, and three members for the time being of the said corporate body shall constitute a quorum.

Custody of common seal and quorum of Trustees.

6. Any deed or instrument executed or signed, and any other act, matter, or thing done by any three members of the corporate body aforesaid, and in pursuance of a resolution of the said corporate body and under the common seal of the said corporate body shall be as effectual as if the same had been executed, signed, or done by all the members of the said corporate body.

Execution of deed.

7. All lands, tenements, and hereditaments, including chattels real situate in the State of New South Wales, together with all rights, easements, and appurtenances relating thereto and all personal property which were

Vesting of property in Trustees.

were at the time of his death held by and now stand in the name of the said William Bramwell Booth, as General of The Salvation Army or Director of the Social Work of The Salvation Army respectively, upon the trusts of the said respective Deeds Poll, and all 5 other lands, tenements, and hereditaments whatsoever, including chattels real situate as aforesaid, which at the time of the passing of this Act stand in the name of the said William Bramwell Booth or in the name or names of any other person or persons in 10 trust for The Salvation Army in New South Wales or for any of its funds or any auxiliary or department of its work or any corps or institution of The Salvation Army in New South Wales or to which The Salvation Army in New South Wales is otherwise 15 entitled save and except any property held by The Salvation Army Auxiliary Company of Australia Proprietary, Limited, shall without any conveyance or transfer vest in the Trustees upon trust and with the powers, authorities, and discretions and subject to the 20 terms, provisions, and conditions of the said recited Deed of Constitution, and the said Deed Poll of William Booth bearing date the twenty-sixth day of July, one thousand nine hundred and four, or the Deed Poll under the hand and seal of William Bramwell Booth bearing 25 date the first day of June, one thousand nine hundred and twenty, according to the particular trusts in each case upon which the same shall be held at the time of the passing of this Act but subject and without prejudice to any special trusts if any upon which the same may be 30 held and subject also to any reservation, mortgage, charge, encumbrance, lien, or lease affecting the same respectively and subject and without prejudice to any resulting trust or any trust of any such lands, tenements, or hereditaments in favour of the donor or any person or corpora- 35 tion other than The Salvation Army and upon and subject to no other trusts or provisions whatsoever.

Powers of
Trustees.

8. The Trustees shall be entitled at all times hereafter to exercise all the powers relating to the lands, tenements, and hereditaments and personal property 40 hereby vested in them, and in respect of all lands, tenements,

tenements, and hereditaments and personal property which may hereafter be acquired by them or which may become vested in them under this Act which are now vested in the General of The Salvation Army and the
5 Director of the Social Work of The Salvation Army for the time being respectively under the said recited Deeds Poll of the seventh day of August, one thousand eight hundred and seventy-eight, the twenty-sixth day
10 of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty, according as they shall and may hold the same upon one or the other of such trusts, and may exercise such powers and all or any of the powers by this Act conferred upon them, notwithstanding there shall be
15 for the time being any vacancy in the office of General of The Salvation Army and/or the office of Director of the Social Work of The Salvation Army.

9. All property held by the Trustees shall, so far as the same is not subject to any express trust, be held
20 and dealt with by them in accordance with and subject to the powers and provisions of the said recited Deeds Poll respectively, according to the trusts upon which the same shall respectively be held: Provided that no person dealing with the Trustees shall be bound to inquire
25 into the propriety or necessity of any such dealing.

10. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to mortgage and for that purpose to appoint, convey, and assure in fee or for any term of years all or any lands
30 hereby vested in them and/or all or any lands which may hereafter be or become vested in them to any person or persons or company for securing such sum or sums of money as they may deem requisite or necessary for the purposes of The Salvation Army and/or the
35 Social Work of The Salvation Army: Provided nevertheless that any moneys raised on any property which shall for the time being be held upon trust for the Social Work of The Salvation Army shall only be used for the purposes of the said Social Work.

11. It shall and may be lawful to and for the Trustees from time to time and at all times hereafter to sell
any

any real and personal estate now hereby vested in them or which shall hereafter vest in them by public auction or private contract as they may deem expedient at such price as can be reasonably obtained for the same and when sold convey the same or any part thereof, and thereupon the same shall vest in the purchasers, their heirs, executors, administrators, or assigns according to the estate and interest of the Trustees therein absolutely freed and discharged from the trusts affecting the same. 5

Receipts for mortgage and purchase moneys, &c.

12. The receipt in writing of a majority of the Trustees or of any person or persons authorised by such majority in writing to receive the same for the mortgage moneys raised on any property mortgaged by the Trustees or for the purchase money of any property sold under this Act or for any moneys which shall be payable to them when exercising any of the powers hereby conferred upon them or when exercising any of the powers for the time being vested in the General or the Director of the Social Work as the case may be under and by virtue of the said recited Deeds Poll shall exonerate the mortgagee and/or the purchaser and/or all other persons for the time being paying such moneys to the Trustees, or the person or persons authorised as aforesaid from seeing to the application of the same, and from all liability as to the misapplication or non-application thereof and from inquiring into the propriety or necessity of any mortgage or sale, lease, or other dealing whatsoever. 10 15 20 25

Proceeds of sale of land held for the Social Work.

13. The proceeds of the sale of any lands held for the purpose of the said Social Work shall be devoted to the purposes of the Social Work, and the Trustees may for such purposes acquire therewith other lands and buildings for the purposes of such Work. 30

Meetings of Trustees, minutes, &c.

14. The Trustees shall have power to regulate the time and place of their meetings and of the procedure to be followed thereat. They shall hold regular meetings, and shall cause to be kept minutes of their proceedings and their resolutions, which shall at all times be open for inspection by the General, and the Trustees shall keep a register of all properties now or hereafter vested 40

in

in them, and shall indicate in such register which properties are held for the general purposes of The Salvation Army and which are held for the Social Work of The Salvation Army: Provided nevertheless that the 5 trusts upon which any of the said properties for the time being are held may with the consent of the General be enlarged, modified, varied, or altered from time to time: Provided that all such properties shall from time to time be held upon either one or the other of the 10 trusts hereinbefore mentioned.

15. The General may from time to time by writing under his hand remove any person from the office of Trustee and appoint another person to be a Trustee in the place of the person so removed. Removal of Trustees.

16. The continuing Trustees, provided there shall be not less than three Trustees, shall be empowered to act notwithstanding there shall be a vacancy or vacancies in the number of Trustees either by death, resignation, or removal, but each such vacancy shall be filled as soon 20 as practicable after such vacancy occurs. Power of continuing Trustees to act.

17. The Trustees may appoint officers of the Trust, and the New South Wales Government Gazette containing a notification, purporting to be signed by the attorney for the time being of the General, of the 25 appointment of a secretary and/or other officer shall be sufficient evidence of his or their due appointment, and a certificate signed by the secretary for the time being of the Trust as to who are the persons for the time being constituting the Trustees, and a certificate of such 30 secretary certifying to any resolution of the Trustees shall be prima facie evidence as to who are the Trustees for the time being, and of any such resolution, as the case may be, and such certificate shall be received and taken in all legal proceedings, and in all dealings with 35 such lands before the Registrar-General or the Examiners of Title, and on all occasions whatsoever as sufficient evidence as to who are the Trustees, and of such resolution having been duly passed, and judicial notice shall be taken of the signature of the secretary for the 40 time being of every such certificate. Appointment of officers: evidence of resolutions.

Construction
of wills, &c.

18. Whenever by any will, deed, or other instrument any property, real or personal, has been or shall be devised, bequeathed, given, granted, released, conveyed, or appointed or has been or shall be declared or directed to be held upon trust to or for the benefit of The Salvation Army or of any fund, institution, branch, or corps thereof or shall be or become recoverable by or payable to The Salvation Army or by or to the said fund, institution, branch, or corps or be receivable by or payable to any officer thereof for the benefit of The Salvation Army or any of its funds, institutions, branches, or corps, or for its Social Work, the said will, deed, or instrument as aforesaid shall be construed and operate and take effect as though the Trustees were named therein, and the acknowledgment or receipt of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees, or a majority of them, for any such gift shall be a sufficient discharge to the person or persons liable to deliver or transfer any such money or property under such will, deed, or instrument, and all property, real or personal, so devised, bequeathed, given, granted, released, conveyed, or appointed, or declared or directed to be held upon trust as aforesaid shall, subject to the trusts of such will, deed, or other instrument, and subject to any direction to the contrary therein contained so far as the same are capable of taking effect, be under the direction and control of the Trustees, and they may call for the transfer, conveyance, or delivery thereof.

Vesting in
Trustees of
property
given or
devised, &c.,
for benefit of
The Salvation
Army.

19. (a) Whenever by any will, deed, or other instrument, or by any gift or disposition of property made before but not taking effect until after the passing of this Act, or by any will or other instrument or by any gift or other disposition of property made after the passing of this Act any real or personal property has been or is devised, bequeathed, or given to or for the benefit of The Salvation Army or to or for the benefit of any fund, corps, institution, branch, or auxiliary thereof other than real or personal property devised, bequeathed, or given to specific trustees upon trust for The Salvation Army or for any such fund, corps, institution, branch,

or

or auxiliary thereof all such real and personal property shall vest in the Trustees incorporated under the authority of this Act.

(b) The Trustees shall hold any such real and personal property upon the trusts, if any, declared in respect thereof, and if no such trusts have been declared shall hold and deal with such real and personal property and the proceeds thereof in trust for The Salvation Army for such purposes and in such manner as they may deem expedient, and may convey, transfer, or deliver any such real or personal property to such persons and upon such trusts as they think fit, and the Trustees and any person to whom any such real or personal property is so conveyed, transferred, or delivered may sell, lease, mortgage, or otherwise deal with any such real or personal property: Provided that the receipt in writing of the Trustees or a majority of them or of any person or persons authorised in writing by the Trustees or a majority of them of any moneys receivable by them in the exercise of these powers shall exonerate the person paying the same to them from seeing to the application thereof and all liability as to the misapplication or non-application thereof, and no person shall be bound to inquire into the validity of any sale, conveyance, lease, or mortgage as aforesaid.

