

TASMANIA.

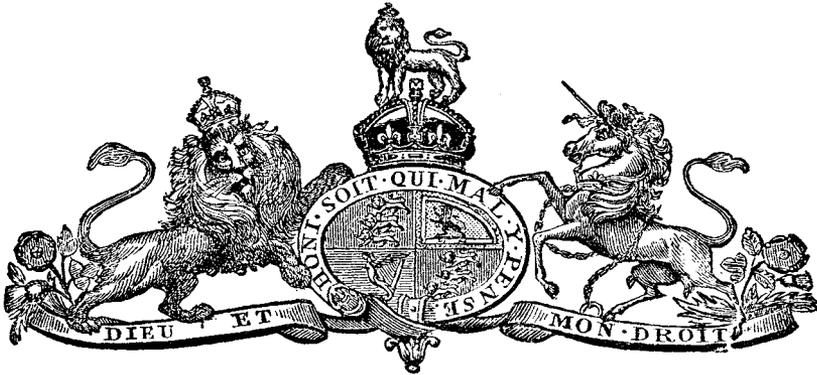
**THE SALVATION ARMY (TASMANIA)
PROPERTY TRUST ACT, 1930.**

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1s. 6d.]

T A S M A N I A.



1930.

ANNO VICESIMO PRIMO

GEORGII V. REGIS.

No. 48.

AN ACT to provide for the Temporal Affairs
of the Salvation Army in the State of
Tasmania. [23 December, 1930.]

A.D.
1930.
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WHEREAS by a Deed Poll (hereinafter called "the 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, England, 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 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

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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; 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

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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: A.D. 1930.

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 organisation 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 organisation 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

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of any of the events therein referred to; that is to say, *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* 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 (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 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 respect-

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ively should be kept distinct from the other, or proper, real and personal property of the Salvation Army, and be used and devoted exclusively in and to the Social Work in and connected with the said Commonwealth, and that the Social Work should be defined 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 thereinafter appearing: A.D. 1930

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 thereinafter defined for the time being of the Social Work, should at any time, or from time to time, think fit, subject, nevertheless, to the provisoes 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 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 earmarking 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,

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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 Deed Poll 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 earmarked 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 eighth day of January and 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, by resolution, a copy of which (*inter alia*) was enrolled in the Supreme Court of Judicature, England, on the twentieth day of February, one thousand nine hundred and twenty-nine, adjudicated the said *William Bramwell Booth* unfit for office as General of the Salvation Army, 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, 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 and appointed *Edward John Higgins*, of number one hundred and one Queen Victoria-street, London, to be the General of the Salvation Army:

And whereas by Deed Poll under his hand and seal, dated the thirteenth day of February, one thousand nine hundred and twenty-nine, and enrolled in the Supreme Court of Judicature, England, on the twentieth 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 Deed 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:

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And whereas the said *William Bramwell Booth* died on the sixteenth day of June, one thousand nine hundred and twenty-nine: A.D. 1930.

And whereas it is expedient to provide that the whole of the property, real and personal, of the Salvation Army in Tasmania which was at the time of his death held by, 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 Tasmania is entitled, whether 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, and all choses in action and other property subject to the hereinbefore recited trusts, or any of them, or any interest in respect thereof, shall, with the exception of property held by, and shares in, the Salvation Army Auxiliary Company of Australia Proprietary Limited, 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 His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Salvation Army (Tasmania) Property Trust Act, 1930,” and shall come into operation on the publication in the Gazette of the names of the first Trustees appointed under Section Four of this Act. Short title and commencement.

2 In this Act, unless inconsistent with the context or subject-matter— Interpretation.

“Body corporate” means “The Salvation Army (Tasmania) Property Trust” as incorporated by this Act. Body corporate.

“Deed of Constitution” means the hereinbefore recited Deed Poll of the Seventh day of August, one thousand eight hundred and seventy-eight: Deed of Constitution.

“General” means the General (formerly called General Superintendent) for the time being of the Salvation Army under its Constitution: General.

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Said recited Deeds Poll.	“Said recited Deeds Poll” means the Deed of Constitution and the hereinbefore recited Deeds Poll of the twenty-sixth day of July, one thousand nine hundred and four, and the first day of June, one thousand nine hundred and twenty:
Salvation Army.	“Salvation Army” means the religious society or organisation referred to in the said recited Deeds Poll:
Trustees.	“Trustees” means the persons for the time being constituting the body corporate:
Will.	“Will” includes codicil and every other testamentary disposition.

3 The Trustees for the time being shall be a body corporate by the name of “The Salvation Army (Tasmania) Property Trust,” and shall have perpetual succession, and a common seal, and shall be capable of purchasing or otherwise acquiring, holding, managing, controlling, and, subject to this Act, granting, transferring, mortgaging, demising, selling, disposing of, creating, or reserving easements over, or otherwise dealing with, any property, real 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.

4—(1) 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, in writing, from time to time, whether before or after the passing of this Act.

(2) The names of the first Trustees shall be published in the Gazette as soon as may be after the passing of this Act.

5—(1) The Trustees for the time being shall have the custody of the common seal of the body corporate, and the form of such seal and all other matters relating thereto shall from time to time be determined at a meeting of the Trustees.

(2) The Trustees, or any three of them acting in pursuance of a resolution of the Trustees, may exercise any power conferred by this Act on the Trustees or the body corporate.

(3) At a meeting of the Trustees three shall form a quorum.

6—(1) The common seal of the body corporate shall not be affixed to any document except by the authority of a resolution of the Trustees, and the affixing of the seal shall be attested by at least two Trustees, or in such other way as the Trustees may from time to time appoint, and such attestation shall be sufficient evidence of the authority to affix the seal.

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(2) Contracts on behalf of the body corporate may be made as follows:— A.D. 1930.

- Contracts.
- I. Any contract which if made between private persons would be by law required to be in writing under seal, may be made on behalf of the body corporate, in writing, under its common seal, affixed as provided in Subsection (1) of this section, and may in the same manner be varied or discharged:
 - II. Any contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the body corporate, in writing, signed by any person acting under the authority of the trustees, and may in the same manner be varied or discharged:
 - III. Any contract which if made between private persons would by law be valid, although made by parol only and not reduced to writing, may be made by parol on behalf of the body corporate by any person acting under the authority of the Trustees, and may in the same manner be varied or discharged.

(3) All contracts made according to Subsection (2) of this section shall be effectual in law, and shall bind the body corporate and its successors and all other parties thereto, their heirs, executors, or administrators (as the case may be).

(4) The production of a document which purports to be executed in accordance with the requirements of Subsection (1) of this section shall be *primâ facie* evidence, and, in favour of the Crown, the Registrar of Deeds, the Recorder of Titles, and every person who deals for value with the Trustees, conclusive evidence, that such document was executed in accordance with the requirements of the said Subsection (1).

7 All lands, tenements, and hereditaments (including chattels real), situate in the State of Tasmania, together with all rights, easements, and appurtenances relating thereto, and all personal property situate as aforesaid, which were at the time of his death held by, and immediately before the commencement of this Act stood 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 recited Deeds Poll or any of them, or which were at the time of his death held by, and immediately before the commencement of this Act stood in the name of, the said *William Bramwell Booth*, or are held by, and stand in the name or names of, any other person or persons in trust for the Salvation Army, or for any of its funds, or any department of its work, or any branch, Vesting of property in the body corporate.

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corps, auxiliary, or institution of the Salvation Army, or to which the Salvation Army is otherwise entitled, and all choses in action and other property in Tasmania subject to the hereinbefore recited trusts or any trusts declared pursuant to the said recited Deeds Poll, or any of them, and all other property, real and personal, which immediately before the commencement of this Act was held in trust for the Salvation Army in Tasmania, or for any of its funds, or for any department of its work, or any branch, corps, auxiliary, or institution thereof, or to which immediately before the commencement of this Act the Salvation Army in Tasmania was entitled (save and except any property held by, and any shares in, the Salvation Army Auxiliary Company of Australia Proprietary Limited), shall (subject to the provisions of Sections Nineteen and Twenty-two of this Act), from and after the commencement of this Act, vest in the body corporate without any conveyance or transfer, upon the trusts and with the powers, authorities, and discretions, and subject to the terms, provisions, and conditions of this Act and of the 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 of the said Deed Poll 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 were held immediately before the commencement of this Act, but subject and without prejudice to the special trusts, if any, upon which the same were so 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; and such body corporate shall thenceforth be deemed the registered proprietor of such portions of the said lands, tenements, and hereditaments (including chattels real) as shall be under the Real Property Acts subject to the provisions of the said Acts.

Powers of trustees.

8 The Trustees shall be entitled at all times after the commencement of this Act to exercise all the powers relating to the lands, tenements, and hereditaments, (including chattels real), rights, easements, and appurtenances and personal property and choses in action hereby vested in the body corporate, or which may hereafter be acquired by the body corporate, or which may become vested in the body corporate under this Act or otherwise, which were immediately before the commencement of this Act exercisable by the General of the Salvation Army and the Director of the Social Work of the

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Salvation Army for the time being respectively under the said recited Deed of Constitution and Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, and under the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty, according as the Trustees hold the same upon the trusts of such Deed of Constitution and first-mentioned Deed Poll, or of such second-mentioned Deed Poll (as the case may be), and may exercise all or any of such powers, and all or any of the powers by this Act conferred upon them, notwithstanding there is for the time being any vacancy in the office of General of the Salvation Army or the office of Director of the Social Work of the Salvation Army: Provided that such trusts shall not be enlarged, modified, varied, or altered save as provided in the next succeeding section.

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9—(1) All property from time to time vested in the body corporate shall, so far as the same is not subject to any express trust (other than the said recited Deeds Poll), be held and dealt with as follows:—

Trust property, how held.

- I. Property so held for the general purposes of the Salvation Army shall be held and dealt with in accordance with, and subject to, such of the trusts, powers, and provisions of the Deed of Constitution and the Deed Poll of the twenty-sixth day of July, one thousand nine hundred and four, as are applicable to such general purposes:
- II. Property so held for the Social Work of the Salvation Army shall be held and dealt with in accordance with, and subject to, the said recited Deed Poll of the first day of June, one thousand nine hundred and twenty:

Provided that no person dealing with the Trustees shall be bound to inquire into the propriety or necessity of any such dealing.

(2)—

- I. The Trustees may from time to time, with the consent of the General, enlarge, modify, vary, or alter the trusts upon which for the time being any of the said property is held: Provided that all such property shall, subject to any such enlargement, modification, variation, or alteration from time to time be held upon either one or other of the trusts mentioned in the last preceding subsection:
- II. This subsection shall apply to property the subject of any express trust (other than the said recited Deeds Poll) only to the extent (if any) and subject to the conditions (if any) in accordance with which such trust could have been altered if this Act had not been passed.

Power to vary trusts.

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Power to mortgage.

10 The body corporate may from time to time borrow any sum or sums of money, with or without security, and may secure the payment of any sum or sums of money by mortgage or charge of or over all or any real or personal property for the time being vested in it:

Provided that no debt incurred for the general purposes of the Salvation Army shall be secured upon any property which is for the time being held upon trust for the Social Work of the Salvation Army, and that any moneys raised on any property which is for the time being 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 The body corporate may from time to time sell any real or personal property for the time being vested in it by public auction or private contract as the Trustees may deem expedient, at such price and upon such terms as to payment of purchase-money, and on such conditions, and generally in such manner, as they think fit, and may convey, transfer, or assign the same or any part thereof to the purchaser or purchasers thereof, or as he or they may direct; and the property so conveyed, transferred, or assigned shall thereupon be absolutely freed and discharged from the trusts affecting the same.

Protection of mortgagees and purchasers.

12—(1) The receipt, in writing, of the Trustees, or of the body corporate, or of any person or persons authorised by them or it, in writing, to receive the same, for the mortgage moneys raised on any property mortgaged by the body corporate, or for the purchase-money of any property sold under this Act, or for any other moneys payable to the trustees or the body corporate, shall exonerate the mortgagee, the purchaser, and any other person paying such moneys 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.

(2) This section shall be read in aid of, and not in derogation from, any other protection afforded to any such mortgagee, purchaser, or person by any other Act now or hereafter in force.

Proceeds of sale of property held for the Social Work.

13 The proceeds of the sale of any property, real or personal, held for the purpose of the said Social Work shall be devoted to the purposes of the said Social Work, and the body corporate may for such purposes purchase or otherwise acquire therewith any property, real or personal.

Meetings of trustees, minutes, &c.

14—(1) The Trustees may regulate the time and place of their meetings and the procedure to be followed thereat.

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(2) The Trustees 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 or any person appointed by him. A.D. 1930.

(3) The Trustees shall keep a register of all lands vested in the body corporate, 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. Register of lands.

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 any person so removed, or whose office has for any other reason become vacant; and, if the number of Trustees is less than seven, may appoint additional Trustees, so that the total number of Trustees does not exceed seven. Removal of trustees.

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

17—(1) The Trustees may appoint officers of the body corporate, and a certificate under the seal of the body corporate of the appointment of a secretary or other officer shall be *primâ facie* evidence, and, in favour of the Crown, the Registrar of Deeds, the Recorder of Titles, and every person who deals for value with the Trustees, conclusive evidence, of his or their due appointment. Appointment of officers.

(2) A certificate, signed by the secretary for the time being of the body corporate, as to who are the persons for the time being constituting the body corporate, and a certificate of such secretary certifying to any resolutions of the Trustees, shall be *primâ facie* evidence, and, in favour of the Crown, the Registrar of Deeds, and the Recorder of Titles, 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 appearing on every such certificate. Evidence of resolutions.

18 Whenever by any will, deed, or other instrument, or by any gift or disposition of property, any property, real or personal, has been or is devised, bequeathed, given, granted, released, conveyed, transferred, assigned, or appointed to, or has been, or is declared or directed to be, held upon trust for the benefit of the Salvation Army in Tasmania, or of any of Construction of wills &c.

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its funds, or any department of its work, or of any branch, corps, auxiliary, or institution thereof, or shall be or become receivable by, or payable to or for the benefit of, the Salvation Army in Tasmania, or by, to, or for the benefit of any such fund, department, branch, corps, auxiliary, or institution—

- I. The said will, deed, or other instrument, gift, or disposition aforesaid shall be construed, and operate and take effect, as though the body corporate were named therein:
- II The acknowledgment or receipt of the Trustees, or of any person or persons authorised, in writing, by the Trustees, for any such property shall be a sufficient discharge therefor: and
- III. All property, real or personal, so devised, bequeathed, given, granted, released, conveyed, transferred, assigned, 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, gift, or disposition, and subject to any direction to the contrary therein contained or declared thereby, 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, assignment, or delivery thereof to the body corporate.

vesting in the body corporate of property given or devised, &c., for the benefit of the Salvation Army.

19 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 commencement of this Act, or by any will, deed, or other instrument, or by any gift or other disposition of property made after the commencement 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 in Tasmania, or to or for the benefit of any of its funds, or of any department of its work, or of any branch, corps, auxiliary, or institution 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, department, branch, corps, auxiliary, or institution thereof), all such real and personal property shall vest in the body corporate.

Saving of rights.

20 Nothing contained in or done under this Act shall be deemed to affect prejudicially or to deprive any person of any right whatsoever which if this Act had not been passed might have been enforceable against the General or his predecessors in office; and such right, so far as it relates to any property vested in the body corporate pursuant to this Act, may be enforced against the body corporate.

Salvation Army (Tasmania) Property Trust.

- 21** Any rights, however arising, relating in any wise to the real and personal property held in trust for, or pursuant to this Act vested in, the body corporate which were at the time of his death in the said *William Bramwell Booth*, or immediately before the commencement of this Act were in the General, are hereby vested in the body corporate, and may be enforced by it in the same manner as the said *William Bramwell Booth*, if he were still living, or the General (as the case may be) might have enforced the same if this Act had not been passed.
- 22** The Recorder of Titles, upon application; in writing, under the seal of the said body corporate, and upon proof to his satisfaction of the identity of any property affected under the Real Property Acts shall issue to the body corporate such instrument or instruments of title as are by the said Acts provided for.
- 23** The General may from time to time delegate to any person or persons the exercise of all or any of the powers conferred upon him by this Act, and may from time to time revoke any such delegation, and for the purposes aforesaid may execute such powers of attorney and other instruments as he may think fit.

A.D. 1930.

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Vesting of
rights of
the General
in the body
corporate.

Recorder of
Titles to
register body
corporate.

Delegation of
powers by the
General.

