

CITY NIGHT REFUGE AND SOUP KITCHEN INCORPORATION ACT.

An Act to incorporate the General Committee of the City Night Refuge and Soup Kitchen, a charitable society operating in Sydney; to confer and impose upon that body certain powers, duties, rights and liabilities; to vest in it the property of the said body in New South Wales; and for purposes connected therewith. [Assented to, 29th December, 1932.] George V.

WHEREAS in the year one thousand eight hundred and sixty-eight an Association known as the City Night Refuge and Soup Kitchen was formed by certain persons at Sydney, in the State of New South Wales, for the purpose of supplying assistance and protection to destitute persons requiring sustenance and accommodation, and for such other charitable objects as might be deemed expedient by the Association: And whereas certain real and personal property is vested in certain trustees upon trust for the said Association: And whereas the said Association is composed of a number of executive officers, committees and members: And whereas it is expedient that the said Association should be incorporated and should be invested with the powers and authorities hereinafter set forth and that the real and personal property so vested in various persons as trustees upon trust for the said Association should be vested in the said Association when incorporated: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same, as follows:— Preamble.

1. This Act may be cited as the "City Night Refuge and Soup Kitchen Incorporation Act, 1932." Short title.

2A

2.

**City Night Refuge and Soup Kitchen
Incorporation Act.**

Interpreta-
tion.

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

“ Association ” means the City Night Refuge and Soup Kitchen hereby incorporated.

“ Corporation ” means the body incorporated by this Act.

“ General Committee ” means the General Committee for the time being appointed under the rules.

“ Property ” includes real and personal property and any estate or interest of any description or tenure in any property, real or personal, and any debt and any thing in action, and any right or interest.

“ Rules ” means rules for the time being of the said City Night Refuge and Soup Kitchen.

Incorporation.

3. The persons whose names are set forth in the Schedule hereto and/or other the members from time to time of the General Committee of the City Night Refuge and Soup Kitchen are hereby incorporated under the name of the City Night Refuge and Soup Kitchen, and by that name shall have perpetual succession and a Common Seal, and shall and may enter into contracts and may sue and be sued or otherwise appear and answer and be answered, or proceed or be proceeded against in all courts. The said Committee shall continue in office until the next election of a General Committee shall take place as provided in the rules of the said Association.

Objects.

4. The objects of the Corporation shall be—

(a) Those recited in the preamble of this Act.

(b) Such further or other objects as may be contained in the constitution and rules of the Association for the time being.

Existing rule
to apply.

5. The present rules of the said Association shall, until new rules have been made under the provisions hereinafter mentioned, be deemed to be and shall be the rules of the said Corporation, save and except in so far as they are or may be inconsistent or incompatible with or repugnant to any of the provisions of this Act or any of the laws now or hereafter to be in force in the said State.

6.

**City Night Refuge and Soup Kitchen
Incorporation Act.**

739

6. All property in New South Wales which is now vested in or held by or which hereafter at any time may be given, devised or bequeathed to any person in trust for or on behalf of or for the benefit of the Association or any branch of the Association in New South Wales shall, by virtue of this Act, vest in the Corporation, subject to the conditions or trusts upon which it is now held or may hereafter be given, devised or bequeathed; and all other persons are hereby divested of all such property of which they are seised or possessed.

All rights accrued or accruing to any person in New South Wales on behalf of the Association or any branch of the Association are hereby vested in and may be enforced by the Corporation, and all liabilities of the Association or any branch, or any person in New South Wales on behalf of the Association, may be enforced against the Corporation.

7. The said Corporation shall have power to purchase, acquire and hold lands and other property, real and personal, and any estate or interest therein, and also to sell, mortgage, lease or otherwise dispose of the said lands and other property, real and personal, or any interest therein, and to apply the property proceeds and funds for the time being vested in or under the control of the Corporation in the furtherance of any of the objects or powers of the Corporation.

8. It shall be lawful for the General Committee or any other committee that may be substituted therefor under the rules for the time being of the Association at any time to design and to change or alter the Common Seal of the Corporation. Such Seal shall be in the custody of the Secretary of the Corporation, and shall not be affixed to any document except pursuant to a resolution of the General Committee or such committee as may be subsequently substituted therefor.

The execution of any document to which the Common Seal is affixed shall not be complete without the signature of two members of the General Committee or such other committee as may be substituted as aforesaid: Provided that no defect in the appointment or qualification of any person purporting to sign as aforesaid upon

**City Night Refuge and Soup Kitchen
Incorporation Act.**

upon the fixing of the Common Seal shall affect any person dealing with the Corporation bona-fide and for value without notice of such defect but in favour of such person, and any person taking through or under him such fixing shall be deemed complete notwithstanding such defect: Provided also that it shall not be necessary to require such Seal to be affixed as evidence of the appointment by the Corporation of an attorney, solicitor or proctor in or for the prosecution or defence of any action, suit or other proceeding.

**Executive
Committee.**

9. The persons constituting the present General Committee of the said Association shall be the Executive Committee of the said Corporation, and the present honorary officers of the said Association shall be the honorary officers of the said Corporation until they or any of them shall retire or be changed or shall otherwise cease to be members of the General Committee or officers of the said Association in pursuance of the rules for the time being of the said Corporation.

New Rules.

10. The General Committee for the time being of the said Corporation shall have power to make rules for the conduct of the affairs of the said Corporation and the furtherance of the objects for which the said Corporation was originally formed as hereinbefore mentioned, and in such rules provisions may be made respecting the following matters, that is to say:—

- (a) The calling of meetings of members of the Corporation and the number, change, retirement, election and appointment of members of the General Committee of the said Corporation and of the president, secretary, treasurer and other officers of the said Corporation and the rights, powers, duties and obligations of the members of such committee, the secretary, treasurer and other officers of the said Corporation;
- (b) The appointment of such other working or temporary committees as shall from time to time be required for the furtherance of the objects for which the said Association was originally formed as hereinbefore mentioned;

(c)

**City Night Refuge and Soup Kitchen
Incorporation Act.**

741

- (c) the mode of altering or repealing the rules of the said Corporation, and of making others; and
- (d) the efficient management of the affairs and business of the said Corporation generally, and the promotion of the objects for which the said Association was formed as hereinbefore mentioned.

11. The rules of the said Corporation or any of them may from time to time be altered or repealed and new rules may be made in accordance with any provisions in the then existing rules: Provided that any alteration or repeal of any rule and every new rule shall be first approved of by a majority of the votes of the General Committee of the Corporation.

**Alteration
or repeal
of Rules.**

12. It shall be lawful for the General Committee of the said Corporation from time to time to invest any funds of the Corporation and any moneys given or bequeathed to or arising from any donation of real or personal property to the Corporation at the absolute discretion of such General Committee, subject to any provisions or direction in the instrument creating such bequest or donation in any of the securities for the time being authorised by the law of the said State for the investment of trust funds or in the purchase of land of freehold tenure in the said State, and from time to time to vary any investment.

**Power to
invest
funds.**

13. Notice to or service upon the Secretary or acting-Secretary for the time being of the Association shall be deemed to be a notice to or service upon the Corporation.

Service.

THE SCHEDULE.

Edward Stedman, J.P.
Captain T. McLellan, J.P.
W. D. B. Creagh.
Walter Dickson, Solicitor.
Ernest Ede.
Canon R. B. S. Hammond.

V. W. Longford.
A. H. Love.
E. Playfair, J.P.
W. J. Cryer, J.P.
Leo Rogaly.