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# VICTORIÆ REGINÆ.

A.D. 1876.

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## No. 39.

*An Act to amend Act No. 7 of 1875, "The Public Charities Act, 1875."*

[Assented to, 27th October, 1876.]

**W**HEREAS it is expedient to amend "The Public Charities Act, 1875"—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited for all purposes as "The Public Charities Act, 1876." Short Title.

2. In this Act "the said Commissioners" shall mean the Commissioners to be appointed under this Act; and the words "Public Charitable Institutions" and "Institutions," "Board of Management," "gifts," shall be read and construed according to the interpretation contained in section 1 of "The Public Charities Act, 1875." Interpretation.

3. The Governor may, from time to time, on the application of the "Board of Management" of any particular Public Charitable Institution, appoint three or more persons to be Commissioners of the charitable funds of such Public Charitable Institution; and until any such appointment shall be made, the Auditor-General, Under Secretary, and Under Treasurer shall continue to act as Commissioners in the manner provided by "The Public Charities Act, 1875." Appointment of Commissioners.

4. The said Commissioners and their successors so to be appointed shall be a body politic and corporate, by the name of "The Commissioners" Commissioners to be body politic and corporate with powers.

*The Public Charities Act.—1876.*

sioners of (such blank being filled up with the distinctive name of the institution), and by such name shall have perpetual succession and a common seal, and by that name may sue and be sued in all Courts of Law, and shall be capable to take, purchase, and hold, and to sell, demise, exchange, and otherwise dispose of all gifts whatsoever which may be made to the particular Public Charitable Institution, of which they shall have been appointed the Commissioners, and they shall stand possessed of the said gifts in trust for the particular institution to which they shall belong.

Gifts, how to vest in trusts.

5. All gifts which shall hereafter be made to any Public Charitable Institution shall at once vest in the said Commissioners of the particular Public Charitable Institution for the purposes of this Act without any conveyance or assignment whatever; and in the event of any gift being made in trust for any such institution by any will or deed, it shall be a sufficient compliance with the trusts of such will or deed in that behalf, if the executors, trustees, or other persons in whom the immediate property or possession of such gift is vested, pay over, convey, or transfer the same (as they are hereby required to do) to the said Commissioners in their corporate name, whose receipt or release therefor shall be a sufficient discharge for such executors, trustees, or other persons as aforesaid.

Commissioners under Act of 1875 to pay over gifts to Commissioners under this Act.

6. The persons authorized to act as the Commissioners of charitable funds, under "The Public Charities Act, 1875," shall, immediately after the appointment of the said Commissioners, pay over, convey, or transfer to them in their corporate name any gift held in trust by them for the particular Public Charitable Institution which the said Commissioners represent.

Certain sections of Act of 1875 to apply to Commissioners under this Act.

7. Sections 5, 6, 7, 8, 9, 11, 13 of "The Public Charities Act, 1875," shall alike apply to the said Commissioners for the purposes of this Act (so far as the same may be applicable thereto).

Books of account to be kept and delivered to Auditor-General.

8. The said Commissioners shall keep proper books of account, showing the moneys received and held by them on account of the particular Public Charitable Institution they represent, and such account shall be balanced on the first day of July in every year, and they, the said Commissioners, shall procure their accounts to be delivered into the office of the Auditor-General, and shall attend at or within such time as shall be appointed, and have such accounts taken and passed, and in taking and passing such accounts all just allowances, including all charges and expenses incurred by them in the exercise of their duties under this Act, and of passing the accounts, shall be defrayed out of the moneys which shall come to their hands.

Payment of expenses.

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

A. MUSGRAVE. Governor.