

SOUTH AUSTRALIA

**SERVICES MEMORIAL HALL ACT, 1939**

**SERVICES MEMORIAL HALL ACT, 1939**

being

Sailors and Soldiers Memorial Hall Act, 1939, No. 17 of 1939  
[Assented to 22 November 1939]

as amended by

Sailors and Soldiers Memorial Hall Act Amendment Act, 1975, No. 79 of 1975 [Assented to 23 October 1975]

**An Act to provide for the transfer of certain land to the league formerly known as the Returned Sailors and Soldiers Imperial League of Australia (South Australian Branch) Incorporated for the purpose of erecting thereon a Memorial Hall and other buildings in memory of the members of the services who have fallen on active service in time of war, to empower the Treasurer to pay certain trust moneys to the said League to be used for the said purpose, and for other purposes incidental thereto.**

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

**Short title**

1. This Act may be cited as the *Services Memorial Hall Act, 1939*.

**Interpretation**

2. In this Act, unless the context otherwise requires, or some other meaning is clearly intended—

"the Indenture" means the Indenture of Agreement and Declaration of Trust set out in the schedule to this Act:

"the League" means the league formerly known as the Returned Sailors and Soldiers Imperial League of Australia (South Australian Branch) Incorporated and at the time of the passing of the *Sailors and Soldiers Memorial Hall Act Amendment Act, 1975*, known as the Returned Services' League (South Australian Branch) Incorporated:

"the Trustees" means the persons who for the time being are trustees under the Indenture of Agreement and Declaration of Trust set out in the Schedule to this Act.

**Transfer of land to the League**

3. (1) As soon as convenient after the passing of this Act the Commissioner of Public Works shall transfer to the League for an estate in fee simple the whole of the land and right of way described in the Certificate of Title registered under *The Real Property Act, 1886-1936*, in the Register Book, Volume 1318, Folio 84, being land and a right of way which at the time of the passing of this Act are vested in the said Commissioner of Public Works.

(2) The said land and right of way shall be held by the League subject to this Act and the trusts referred to in this Act.

**Payment of certain money to League**

4. (1) As soon as is convenient after the passing of this Act the Treasurer shall pay to the League the whole of the balance of the moneys then standing to the credit of the account kept in the books of the Treasurer under the name of The Soldiers Memorial Hall Fund.

(2) For the purpose of raising cash to make the payment required to be made under subsection (1) of this section the Treasurer may sell any securities in which money standing to the credit of the said fund has been invested.

(3) This section without any further or other appropriation shall be sufficient authority for the Treasurer to make the said payment.

(4) The League shall use the money paid to it under this section to defray the cost of constructing, equipping and furnishing the Memorial Hall and other buildings mentioned in the next following section.

**Erection of Memorial Hall**

5. The League shall erect or cause to be erected on the land transferred to it under section 3 of this Act a Memorial Hall and such other buildings as the League considers necessary or suitable in memory of those who fell in the Great War of the years 1914 to 1918 and of those who have fallen or fall thereafter while on active service in time of war and in time of like hostilities.

**Trusts affecting Memorial Hall**

6. Subject to this Act—

- (a) the League shall hold the said land and Memorial Hall and all other buildings and premises on the said land upon the same trusts as those upon which the Club House offices and furniture mentioned in the Indenture are expressed to be held by the Trustees pursuant to the terms of the Indenture; and
- (b) the Indenture shall be read as though the said land, Memorial Hall, buildings and premises formed part of the Club House, offices and furniture mentioned in the Indenture:
- (c) the League shall have in relation to the said Memorial Hall buildings and premises the like powers rights privileges duties obligations and liabilities as the Trustees and the League have under the Indenture in relation to the Club House offices and furniture therein mentioned:
- (d) the League shall permit any Minister of the Crown to deposit in the said Memorial Hall, buildings and premises a reasonable number of memorials and trophies relating to the Great War and to such other hostilities as such Minister of the Crown considers appropriate.

Provided that if at any time the number of members of the League whose subscriptions have been paid for the two years next preceding is less than two hundred and fifty the League shall thereupon transfer the said land memorial hall and other buildings and premises on the said land to the Minister of the Crown for the time being holding the office of Minister of Works, or to such other Minister as the Governor may direct, and the said Minister shall hold, deal with or dispose of the said land, memorial hall and other buildings and premises in accordance with directions to be given by the Governor.

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**Provision for League to be Trustee under the Indenture**

8. (1) As from the passing of this Act the League shall be deemed to be the sole trustee under the Indenture in lieu of the Trustees therein provided for and shall continue to be such sole trustee so long as the number of members of the League whose subscriptions have been paid for the two years next preceding is not less than two hundred and fifty, and thereafter until new trustees are appointed under subsection (2) of this section. As such sole trustee the League shall, as far as possible, have the same estates, interests, rights, powers, duties, and liabilities as the Trustees would have had under and pursuant to the Indenture if this section had not been enacted.

4.

(2) If at any time the number of members of the League whose subscriptions have been paid for the two years next preceding is less than two hundred and fifty, the then Attorney-General for the State shall as soon as practicable appoint three persons to be the trustees of the Indenture and thereupon the League shall cease to be the trustee and all trustees to be appointed thereafter shall be appointed under and in accordance with the Indenture.

(3) The trustees holding office under the Indenture at the passing of this Act shall at the request of the League execute all transfers and other instruments necessary for the purpose of vesting in the League all property held by the trustees under or for the purposes of the Indenture.

**Construction of the Indenture for purposes of this Act**

**8a.** For the purposes of this Act the Indenture shall be read and construed as if—

- (a) the League referred to therein were the League formerly known as the Returned Sailors and Soldiers' Imperial League of Australia (South Australian Branch) Incorporated and at the time of the passing of the *Sailors and Soldiers Memorial Hall Act Amendment Act, 1975*, known as the Returned Services' League (South Australian Branch) Incorporated;
- (b) any reference therein, whether directly or otherwise, to a member or to members of the League includes a reference to a person or to persons who is or are a member or members, as the case may be, of the League in accordance with the constitution of the League as in force from time to time;

and

- (c) any reference therein, whether directly or otherwise, to the Great War includes a reference to wars and like hostilities that have taken place, or that might take place, thereafter.

**Exemption from stamp duties**

**9.** No stamp duty and no fees under *The Real Property Act, 1886-1936*, shall be chargeable on or in respect of the registration of any instrument executed for the purpose of giving effect to section 3 or section 8 of this Act.

## THE SCHEDULE

### **Parties**

THIS INDENTURE made the twenty seventh day of July one thousand nine hundred and twenty two BETWEEN ARTHUR SEAFORTH BLACKBURN of Medindie in the State of South Australia Solicitor, WALTER DAVIES PRICE of Westbourne Park in the said State Civil Servant, STANLEY PRICE WEIR of St. Peters in the said State, Gentleman, AUBREY ROWLAND GROVE FEARBY of Unley Park in the said State, Company Secretary, RAYMOND LIONEL LEANE of Joslin in the said State, Commissioner of Police, and CHARLES PHILIP BUTLER of North Adelaide in the said State, Auctioneer (hereinafter called "the Plaintiffs") of the first part; SIR HENRY NEWMAN BARWELL, K.C.M.G., His Majesty's Attorney General for the State of South Australia (hereinafter called "His Majesty's Attorney General for the State of South Australia") of the second part; RETURNED SAILORS AND SOLDIERS' IMPERIAL LEAGUE (SOUTH AUSTRALIAN BRANCH) INCORPORATED (hereinafter called "the League") of the third part; and the abovenamed ARTHUR SEAFORTH BLACKBURN and CHARLES PHILIP BUTLER and WILLIAM FRANCIS JAMES McCANN of Harrow Street, Malvern in the said State, Articled Law Clerk, of the fourth part:

### **Recitals**

WHEREAS during the year one thousand nine hundred and eighteen the League raised by public subscription sums of money for the purposes of erecting a Club House for members of the League: AND WHEREAS during the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty the League raised by public subscription other sums of money for the purpose of erecting a Hall to be dedicated to the memory of the fallen in the recent Great War and for the purposes of erecting the abovementioned Club House for members of the League and Offices of the League: AND it was declared in the appeal to the public for the said moneys in the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty that the said Hall would be open for public use and inspection at all times: AND WHEREAS the whole of the moneys abovementioned are now represented by the moneys, investments and other assets, set forth in the Schedule hereunder written and are held by the Plaintiffs: AND WHEREAS by Writ of Summons in Action No. 648 of 1921 in the Supreme Court of South Australia in which Action the parties hereto of the first part are Plaintiffs and His Majesty's Attorney General for the State of South Australia and the League are Defendants the Plaintiffs claim a Declaration ascertaining and defining the trusts affecting certain sums of money provided by public contribution in the years one thousand nine hundred and eighteen, one thousand nine hundred and nineteen, and one thousand nine hundred and twenty, being the moneys referred to in the immediately preceding recitals, of which sums the Plaintiffs claim they are Trustees for the Defendant League, subject to any (if there are any) charitable trust or trusts for the public affecting the same: AND WHEREAS an Appearance to the said Writ of Summons was duly entered by His Majesty's Attorney General for the State of South Australia on the thirtieth day of November one thousand nine hundred and twenty one and by the League on the fifth day of July one thousand nine hundred and twenty two: AND WHEREAS with a view to the settlement of the said action the Plaintiffs, His Majesty's Attorney General for the State of South Australia and the League have agreed that out of the said moneys, and the investments and assets representing the same, Commonwealth Government Inscribed Stock 6% maturing fifteenth December one thousand nine hundred and thirty of a face value of Four Thousand Pounds (£4,000) shall be transferred by the Plaintiffs to His Majesty's Attorney General for the State of South Australia for the purpose of the said Inscribed Stock or the proceeds thereof being applied by the Government of the State of South Australia either alone or together with other moneys or funds to be provided by the said Government in such manner as such Government shall think fit, in erecting a Memorial Hall to the memory of the fallen in the said War and for the depositing exhibition and safe custody of memorials and trophies relating to the said War. And that the balance of the said moneys investments and assets shall be paid and transferred by the Plaintiffs to the parties hereto of the fourth part who have agreed to accept the same to be held by them upon and subject to the trusts in this Indenture hereinafter declared concerning the same AND that the Declaration claimed by the Plaintiffs in the said Action No. 648 of 1921 should be in the terms of these presents:

AND WHEREAS contemporaneously with the execution of these presents the Plaintiffs have transferred to His Majesty's Attorney General for the State of South Australia Commonwealth Government Inscribed Stock 6% maturing fifteenth December one thousand nine hundred and thirty of a face value of Four Thousand Pounds (£4,000) and have handed over to the parties hereto of the fourth part the rest and remainder of the said moneys investments and other assets: NOW THIS INDENTURE WITNESSETH that in pursuance of the said Agreement and in consideration of the premises IT IS HEREBY AGREED and DECLARED as follows:

### **To provide Club House and Offices and furnish same for League**

1. The parties to these presents of the fourth part the said Arthur Seaforth Blackburn, Charles Philip Butler and William Francis James McCann or other the Trustees or Trustee for the time being of these presents (all of whom are hereinafter included in the designation "the Trustees") shall STAND AND BE POSSESSED of the whole of the moneys investments and other assets particulars of which are set forth in the Schedule here under written and which contemporaneously with the execution of these presents have been handed over and transferred to the Trustees (hereinafter with all moneys investments and assets from time to time representing the same referred to as "the Trust Fund") UPON TRUST to provide for the League a Club House and Offices and to furnish and equip the same.

6.

**Situation of Club House**

2. The said Club House and Offices shall be situated at some place approved of by the League within that portion of the City which is south of the River Torrens.

**Trustees empowered to purchase freehold or leasehold land and to erect Club House and Offices thereon**

3. For the purpose of providing such Club House and Offices the Trustees may purchase or acquire an estate in free simple or of leasehold

- (a) in any vacant land and erect a Club House and Offices thereon and/or
- (b) any land on which there are erected buildings (including any hotel or public house licensed for the sale of liquor) which either with or without alteration are suitable for a Club House and Offices,

but no such purchase shall be made without the approval of the League thereof being first had and obtained in writing.

**Power to alter and rebuild**

4. The Trustees may from time to time and at any time demolish alter or enlarge any building which may be erected upon any land at the time of the Trustees purchasing or acquiring the same and the Trustees shall have the fullest power from time to time and at all times hereafter whenever it shall be necessary or convenient for the due accomplishment of the trusts declared or implied by these presents or of any of them to alter rebuild enlarge or repair any building or erection which may be built and erected by the Trustees or which may be purchased or acquired by the Trustees in such manner as the Trustees shall from time to time deem necessary or expedient.

**Power to purchase and acquire land to include premises licensed under the Licensing Act, 1917**

5. The Trustees may purchase and acquire land building and premises notwithstanding there may be granted in respect of such building and premises any licence or licences under the Licensing Act, 1917, or any Act amending the same or passed in substitution thereof and may accept the transfer and renewal of any such licence or licences and may surrender any such licence or licences and apply for and obtain any new licence or licences or any Certificate of Registration of any premises as a Club: And in consideration of the agreements on the part of the League herein contained the Trustees hereby irrevocably nominate constitute and appoint the League if and so long as it shall be entitled to the use and enjoyment of any lands building and premises in respect of which there is granted any licence or licences as aforesaid, the attorney and agent of the Trustees either in the name of the League or in the name of the Trustees to sign all applications and documents required to be signed and to give all necessary notices and to do all acts matters and things required of the Trustees under the said Acts or any of such Acts.

**Power to purchase and acquire furniture and to sell old furniture**

6. The Trustees shall purchase and acquire all such furniture chattels and effects as shall be necessary or in the opinion of the Trustees necessary for properly and efficiently furnishing and equipping the said Club House and Offices ready for use and occupation and the Trustees in furnishing and equipping the said Club House and Offices may use and enjoy any furniture which at the execution of these presents or at any time hereafter shall be the property of the Trustees or the Trustees may at any time sell the said furniture or any part thereof with the fullest power to the Trustees from time to time and at any time to replace and add to the said furniture chattels and effects of the said Club House and Offices by replacing and/or adding new furniture chattels and effects.

**Trustees to permit League to have free use and enjoyment of Club House, offices and furniture**

7. The Trustees shall stand and be possessed of any land purchased or acquired by them hereunder together with the Club House and Offices erected or built thereon, and the said furniture chattels and effects (hereinafter referred to as the "Club House offices and furniture") UPON TRUST to permit the League to have subject to these presents but free from the payment of any rent the sole free and unrestricted use and enjoyment thereof during the continuance of the trusts hereby declared and with the fullest power and authority for the League by itself alone to control and regulate the complete management of the said Club House and the admission of the Members of the League and others thereto: PROVIDED however that the League shall from time to time and at all times so long as the League shall be entitled to the use and enjoyment of the Club House offices and furniture at the cost and expense in all things of the League

- (a) bear, pay discharge and satisfy or cause to be paid discharged and satisfied all manner of rates taxes charges assessments duties impositions and outgoings of every kind whether Federal State Municipal or otherwise which at any time shall or may be rated taxed charged assessed or imposed or be or become payable upon or in respect of the Club House and Offices or the land on which such Club House and Offices shall be erected or on the Trustees or the League in respect thereof;

7.

- (b) well and substantially repair and keep in good and substantial repair the Club House Offices and furniture, including all fixtures and furniture which shall at any time be used or enjoyed by the League with the Club House and Offices;
- (c) at such time as the Trustees shall direct and failing any such direction once at least in every five years paint with three coats at the least of the best oil paint all such parts of the outside and inside woodwork and ironwork of the Club House and Offices as have been previously painted in a proper workmanlike manner and at the same times plaster wash stop and colour such parts of the outside and inside of the Club House and Offices as have been previously plastered or stuccoed and at the same time repaper such parts of the Club House and Offices as have been previously or are usually papered;
- (d) undertake and perform all the duties and obligations imposed upon the owner and occupier (as the expressions "owner" and "occupier" are respectively defined in the Acts hereinafter mentioned) by the Health Act, 1898, by the Municipal Corporations Acts, 1890 to 1914, or by any Act of the said State amending or repealing any of the said Acts or by any Act in the said State, whether in effect similar or not which shall impose any duty or obligation upon owners and occupiers and shall indemnify the Trustees as well against all impositions proceedings charges and expenses arising from the non-performance by the owner or occupier for the time being of any such duties and obligations as against all expenses chargeable by virtue of the said Acts or any of them or any Act of the said State upon or against the Trustees or owners or the League or occupier of the Club House and Offices and the land on which the same are erected or upon the Club House and Offices and such land;
- (e) insure and keep insured in the names of the Trustees the Club House and Offices in some Insurance Office to be approved by the Trustees in the full insurable value thereof and shall pay all premiums which shall become payable in respect of such insurance and shall forthwith deliver to the Trustees or the agent of the Trustees authorised in that behalf the policy or policies of such insurance and from time to time proper receipts for the current year's premiums due in respect of such insurance not less than three days before the same shall have respectively become due;
- (f) so long as any licence or licences or Certificate of Registration as a Club shall be in existence authorising the sale of liquor upon the Club House, carry on the Club House as a Club and conduct the same in an orderly manner in conformity with the provisions of the Licensing Act, 1917, and/or any Act amending that Act or substituted therefor and will apply for the renewal of any licence or Certificate of Registration from time to time granted to or in respect of the Club House; and
- (g) at the end of every financial year supply the Trustees with a list of the members of the League who have paid their subscriptions for that year.

**Powers of Trustees**

8. The Trustees upon the request and with the approval of the League if and so long as the League shall be entitled to the use and enjoyment of the Club House Offices and furniture and if and when the League shall cease to be entitled to such use and enjoyment at their absolute discretion shall have power—

**To sell Trust premises**

- (a) to sell the Club House Offices and furniture together with all property whatsoever which shall be subject to the trusts of these presents (hereinafter referred to as "the trust premises") or any part of the trust premises, either together or in parcels by public auction or private contract, and either for cash or on credit, or partly for cash and partly on credit, with liberty to the Trustees to make any special or other conditions as to title, or evidence of title, or as to the time or times of payment of the purchase money or as to any other matter relating to the sale, as the Trustees shall think expedient, and to fix reserved biddings and to buy in the trust premises or any part thereof at any sale by public auction, and to rescind or vary any contract for sale and to re-sell without being answerable for loss occasioned thereby; and to purchase such new Club House Offices and/or furniture as the League shall approve of;

**To exchange trust premises**

- (b) to exchange the trust premises or any part thereof upon such terms and in such manner as the Trustees shall think fit and upon any exchange to give or receive moneys for equality of exchange;

**To mortgage trust premises**

- (c) to raise money for any purpose whatsoever by Mortgage or Bill of Sale of the trust premises or any part thereof and for the purpose of securing the repayment of such moneys to execute all such securities as in the opinion of the Trustees shall be requisite; and



**To lease trust premises**

- (d) to let the trust premises from year to year or for any term less than a year or for any term or terms of years at such rent or rents and subject to the such covenants (which may include covenants to build) conditions rights (which may include rights of purchase) provisions and agreements as the Trustees shall think fit with power to receive surrenders of leases and vacation of tenancies.

**League to cease to be entitled to the use and enjoyment of the Club House, Offices and furniture on its members becoming less than 250 and in that event Trustees to sell trust furniture.**

9. The League shall cease to be entitled to the use and enjoyment of the Club House, Offices and furniture if and whenever at any time the number of the members of the League whose subscriptions are paid for the two years next preceding such time shall fall below two hundred and fifty, in which event the Trustees shall sell and convert into money the trust premises and invest the proceeds thereof in accordance with the provisions for investment hereinafter contained with power to vary any or all of such investments for any of a similar nature or shall let the trust premises AND shall stand and be possessed of the income of such investments or of the rents of the trust premises if the same be let and not sold UPON TRUST to apply the same for providing scholarships at High Schools or Colleges or at The School of Mines or other Schools for Secondary Education or The University of Adelaide for the descendants of men who served in the Australian Imperial Forces or the Australian Navy or the Armies or Navies of any part of the British Empire the recipients of such scholarships at the time of their respective scholarships being awarded to them to be resident in the said State of South Australia and the Trustees to have the sole and untrammelled discretion as to the selection of the persons to whom and the terms and conditions (if any) upon which such scholarships are to be awarded.

**Investment of moneys**

10. All moneys liable to be invested under these presents may be invested in or upon any of the public stocks funds or securities of Great Britain, the Commonwealth of Australia or any of the Australian States or in the purchase of or on first mortgage of any freehold land in the said State of South Australia or by depositing the same at interest with any Bank carrying on business in the said State of South Australia with power for the Trustees in their absolute and uncontrolled discretion to vary alter or transpose all or any of such investments for any other or others of the nature authorised hereby.

**Trust fund to be applied in carrying into effect these presents**

11. The Trust Fund and the moneys investments and assets from time to time representing the same shall be applicable for and shall be applied in carrying into effect the provisions of these presents to the full extent it shall be necessary to apply the same and subject to such application the Trustees shall stand and be possessed of the whole of the Trust Fund and all moneys investments and assets from time to time representing the same UPON TRUST if and so long as the League shall be entitled to the use and enjoyment of the Club House Offices and furniture to pay the annual income thereof to the League by half yearly payments at the end of each financial year and the receipt of the person or persons for the time being empowered to give receipts for and on behalf of the League shall be a sufficient and proper discharge to the Trustees for the amounts so paid and the Trustees shall be under no obligation to see to the application thereof.

**Trustees to exercise powers with consent and approval of League**

12. If and so long as the League shall be entitled to the use and enjoyment of the Club House Offices and furniture the Trustees shall not build erect rebuild enlarge or repair any building or erection apply for or surrender any licence or Certificate of Registration sell or otherwise dispose of, exchange or purchase any land furniture chattels or effects, or demise lease let mortgage or encumber any land, furniture chattels and effects or exercise or purport to exercise any power or authority or do or perform any act matter or thing which under the foregoing provisions of these presents the Trustees may exercise or do or perform except with the consent and approval of the League in writing in each instance first had and obtained.

**How consent and approval of League to be given**

13. For the purposes of these presents no consent and approval of the League in writing shall be valid so as to bind the League unless it shall be given under the seal of the League affixed thereto pursuant to a resolution of the Council of the League passed at a meeting of such Council called for the purpose of authorising the affixing of such seal.

**Trustees to furnish Attorney General with statement of Members of the League**

14. The Trustees shall if and whenever requested by His Majesty's Attorney General for the State of South Australia so to do forward to His Majesty's Attorney General for the State of South Australia a statement setting forth the full names and the addresses and occupations of the then members of the League and particulars of all moneys property and investments held by the Trustees and of the income thereof which shall have come to the hands of the Trustees.

**Power to Trustees to resign**

15. The Trustees or any of them shall have the power to resign from the trusts of these presents at any time upon executing a Deed to that effect.

**Power to League with consent of Attorney General to remove a Trustee**

16. The League with the consent first had and obtained in writing of His Majesty's Attorney General for the State of South Australia for the time being shall have power to remove the Trustees or any of them from the Trusts of these presents by notice in writing given to the Trustees or Trustee whom it is desired to remove and such notice may be signed for and on behalf of the League by the President thereof and shall have indorsed thereon the consent of His Majesty's Attorney-General for the State of South Australia and may be given either personally or sent through the post by registered letter addressed to the last known place of abode or business of the Trustee to which such notice is to be given and forthwith on the giving or posting of such notice the Trustee to which such notice is addressed shall absolutely cease to be a Trustee of these presents.

**Appointment of new Trustees**

17. If the Trustees hereby appointed or any of them or any future Trustee or Trustees of these presents shall die or under the power in that behalf hereinbefore contained be removed or go to reside abroad or shall desire to retire from or refuse or become incapable of acting in the trusts of these presents before the same shall be fully performed then and in any such case it shall be lawful—(a) whilst the number of the members of the League whose subscriptions have been paid for the two years next preceding shall not be less than two hundred and fifty (250) for the League and (b) if and whenever the number of such members shall be less than two hundred and fifty (250) then for His Majesty's Attorney General for the State of South Australia to appoint any other person or persons to be a Trustee or Trustees of these presents in the place of the Trustee or Trustees so dying or removed or going to reside abroad, or desiring to retire or becoming incapable of acting as aforesaid with liberty upon any appointment to alter the number of Trustees but so that immediately after each such appointment the number shall not be less than three AND UPON every such appointment the Trust Fund and the moneys investments and assets then representing the same shall be so transferred as to become vested in the new Trustee or Trustees either jointly with the continuing Trustees or Trustee or solely as the case may require. And every such new Trustee (as well before as after the said Trust Fund and premises shall have become vested in him) shall have all the powers and authorities of the Trustee for whom he shall be substituted.

**Remuneration of Trustees**

18. The Trustees as also any future Trustees or Trustee of these presents shall be paid such remuneration for their or his administration of the trusts of these presents as the League each year may determine, and the Trustees hereby expressly agree that they accept the trusts of these premises for such remuneration (if any) as from time to time may be determined by the League and the Trustees expressly waive and agree to waive any right the Trustees or any of them may have to apply to a Judge of the Supreme Court for remuneration for their administration of the trusts of these presents.

**Indemnity to the Trustees**

19. The Trustees shall not or shall any of them nor shall their or any of their heirs executors or administrators be chargeable or accountable for any loss whatsoever made or arising in the course of the administration of the trusts of these presents PROVIDED HOWEVER that any loss made or arising as the result of any wilful misconduct on the part of a Trustee shall be made good by the particular Trustee guilty of such wilful misconduct.

AND THIS INDENTURE ALSO WITNESSETH that in further pursuance of the said Agreement and in further consideration of the premises IT IS HEREBY MUTUALLY AGREED by and between all and each of the parties to these presents that—

**Power to alter and revoke Trusts**

(a) the trusts powers and authorities upon and subject to which it is declared by these presents that the Trustees shall stand and be possessed of the Trust Fund and premises may from time to time and at any time be added to varied or altered or may be wholly or in part revoked and new trusts powers and authorities substituted therefor in such manner as the League with the consent in writing of His Majesty's Attorney General for the State of South Australia shall think fit:

**Marginal notes not to affect construction**

(b) the notes appearing in the margin of these presents are for the purpose only of more convenient reference and shall not in any way affect the meaning or construction of these presents.

**Moneys paid to the Attorney General to be held by him for purposes of a Memorial Hall**

AND THIS INDENTURE LASTLY WITNESSETH that in further pursuance of the said Agreement and in further consideration of the premises HIS MAJESTY'S ATTORNEY GENERAL FOR THE STATE OF SOUTH AUSTRALIA DOTH HEREBY ACKNOWLEDGE that contemporaneously with the execution of these presents His Majesty's Attorney General for the State of South Australia has received from the Plaintiffs Commonwealth Government Inscribed Stock 6% maturing fifteenth December one thousand nine hundred and thirty of a face value of Four Thousand Pounds (£4,000) and AGREES and DECLARES that the said Inscribed Stock and the proceeds thereof shall be held and retained by His Majesty's Attorney-General for the State of South Australia for the purpose of the said Inscribed Stock and the proceeds

10.

thereof being applied by the Government of the State of South Australia either alone or together with other moneys or funds to be provided by the said Government in such manner as such Government shall think fit in erecting a Memorial Hall to the memory of the fallen in the Great War and for the depositing exhibition and safe custody of Memorials and Trophies relating to the said War.

IN WITNESS whereof the parties to these presents have hereunto set their hands and seals the day and year first before written.

SIGNED SEALED and DELIVERED by the abovenamed ARTHUR SEAFORTH BLACKBURN in the presence of H.B. PIPER, Solicitor, Adelaide.	} } } }	ARTHUR S. BLACKBURN. (L.S.)
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SIGNED SEALED and DELIVERED by the abovenamed WALTER DAVIES PRICE in the presence of H.B. PIPER.	} }	W.D. PRICE. (L.S.)
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SIGNED SEALED and DELIVERED by the abovenamed STANLEY PRICE WEIR in the presence of H.B. PIPER.	} }	S. PRICE WEIR. (L.S.)
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SIGNED SEALED and DELIVERED by the abovenamed AUBREY ROWLAND GROVE FEARBY in the presence of H.B. PIPER.	} }	A. FEARBY. (L.S.)
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SIGNED SEALED and DELIVERED by the abovenamed RAYMOND LIONEL LEANE in the presence of H.B. PIPER.	} }	RAYMOND L. LEANE. (L.S.)
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SIGNED SEALED and DELIVERED by the abovenamed CHARLES PHILIP BUTLER in the presence of R.W. BENNETT, Solicitor, Adelaide.	} } }	CHAS. P. BUTLER, (L.S.)
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SIGNED SEALED and DELIVERED by SIR HENRY NEWMAN BARWELL, K.C.M.G., His Majesty’s Attorney-General for the State of South Australia in the presence of FRED. W. RICHARDS, Crown Solicitor, Adelaide.	} } } } }	H.N. BARWELL. (L.S.)
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The Common Seal of RETURNED SAILORS and SOLDIERS’ IMPERIAL LEAGUE (SOUTH AUSTRALIAN BRANCH) INCORPORATED was on the 27th day of July, 1922, hereunto affixed by and in the presence of CHARLES PHILIP BUTLER and WILLIAM JAMES MIERISCH the President and Secretary respectively of the said League.	} } } } } } } }	CHAS. P. BUTLER, President.  W.J. MIERISCH, Secretary. (L.S.)
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SIGNED SEALED and DELIVERED by the abovenamed ARTHUR SEAFORTH BLACKBURN in the presence of H.B. PIPER.	} }	ARTHUR S. BLACKBURN. (L.S.)
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SIGNED SEALED and DELIVERED by the abovenamed CHARLES PHILIP BUTLER in the presence of R.W. BENNETT.	} }	CHAS. P. BUTLER. (L.S.)
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SIGNED SEALED and DELIVERED by the abovenamed WILLIAM FRANCIS JAMES McCANN in the presence of H.B. PIPER.	} }	WILLIAM F.J. McCANN. (L.S.)
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*Schedule Above Referred to of Moneys Investments and Other Assets*

Commonwealth Government Inscribed Stock @ 6% .....	£30	080	0	0
Cash in Commonwealth Bank, Current Account .....	1	838	14	0
Accrued Interest June 15th to June 30th, 1922 .....		74	0	0
Other Assets—Furniture, Fixtures and Fittings .....		105	10	0
	£32	198	16	1