



CHAPTER iii.

An Act to extend the objects and powers of the Jewish Colonization Association and for other purposes.

[26th April 1944]

WHEREAS the Jewish Colonization Association (hereinafter referred to as "the Association.") was founded by Baron Maurice de Hirsch de Gereuth (commonly known as "Baron de Hirsch" and hereinafter referred to as "the donor") and was registered on the tenth day of September one thousand eight hundred and ninety-one as a limited company without the addition of the word "limited" to its name under the Companies Acts 1862 to 1890 with a nominal capital of two million pounds divided into twenty thousand shares of one hundred pounds each:

And whereas the objects of the Association are declared by its memorandum of association as varied by the Jewish Colonization Act 1903 and by subsequent special resolutions confirmed by orders of the High Court to be as follows:—

"(a) To assist and promote the emigration of poor and needy Jews from any parts of Europe or Asia and principally from countries in which they may for the time being be subjected to any special taxes or political or other disabilities to any other parts of the world and to form and establish colonies in various parts of North and South America and other countries for agricultural commercial and other purposes in connection with the settlement of poor and needy Jews;

(aa) To establish and maintain or contribute to the establishment and maintenance in any part of the world of educational and training institutions model farms

loan-banks industries factories and any other institutions or associations which in the judgment of the council may be calculated to fit poor and needy Jews for emigration and assist their settlement in various parts of the world except in Europe with power to contribute to the funds of any association or society already existing or hereafter formed and having objects which in the opinion of the council may assist or promote the carrying out of the objects of the Association;

- (b) To purchase and acquire by donation or otherwise from any governments states municipal or local authorities corporations firms or persons any territories lands or other property or interests in or rights over territories lands or other property in any parts of the world and all concessions powers and privileges which may be necessary or convenient for developing the resources of the same and rendering the same available for purposes of such colonies as aforesaid;
- (c) To accept gifts donations and bequests of money and other property on the terms of the same being applied for all or some one or more of the purposes of the company or for any other charitable purposes specified by the donor or testator for the benefit of Jewish communities or individuals either in Europe or in America or on such other terms as may be consistent with the objects of the company;
- (d) To establish commercial agricultural and other settlements for the benefit of poor and needy Jews in any territories or land so acquired except Europe or in which the company are interested and to develop the same by clearing draining fencing planting and otherwise;
- (e) To construct establish maintain and develop or assist by pecuniary aid or otherwise in the construction establishment maintenance and development of all such roads ways tramways railways bridges harbours reservoirs watercourses wharves embankments fortifications telegraphs telephones mills factories stores synagogues and other places of worship baths wash-houses places of recreation and other works of a public or private character which may be considered conducive to the material or moral welfare of the colonies or settlements from time to time established or projected;
- (f) To establish and subsidize any institutions clubs and associations for the benefit of the colonists and to

- provide for their religious sanitary and educational needs and to grant money for all or any of these purposes;
- (g) To obtain any Acts of Parliament decrees charters and orders of any government or state or municipal or local authority for the purpose of strengthening or extending the company's powers and to procure the company to be registered or incorporated in any foreign country or colony by its own or other suitable name for the purpose of facilitating any of the operations of the company and to make any arrangements with and give any guarantees to any such governments states or authorities as may be considered expedient for promoting the objects of the company;
- (h) This sub-clause deleted by special resolution passed the fifth day of June one thousand nine hundred and twenty-four and confirmed the twentieth day of June one thousand nine hundred and twenty-four;
- (i) To promote form or assist in forming in any parts of the world subsidiary companies or associations for carrying out the objects of the company And to transfer any parts of the company's property to any such companies or associations upon any trusts and for any purposes or considerations consistent with the general scope of the company's operations;
- (j) To acquire and hold in or transfer into the names of any person or persons or corporate bodies all or any of the lands and property which may be acquired or held by the company;
- (k) To establish emigration agencies in various parts of Europe Asia and other parts of the world and to construct hire charter and equip steamships and other vessels for the transport of the colonists and to provide all necessaries for the purpose of facilitating their emigration;
- (l) To make or procure grants of land concessions of mining and other rights or other privileges to the colonists on such terms and conditions as may from time to time be prescribed by the regulations of the company and to assist them by supplying tools and materials seeds live and dead stock and other things required to enable them to commence agricultural or other operations and to make them pecuniary advances for building farming and other purposes and to guarantee the performance of contracts by them;

- (m) To purchase take on lease hire or acquire any real or personal property rights or privileges;
- (n) To invest and deal with the moneys of the company not immediately required for expenditure or the operations of the company in any of the public stocks or funds or government securities of the United Kingdom or India or any colony (which expression shall mean any British colony or dependency or any province or state having a separate local legislature and forming part of such colony or dependency) or of any foreign government or state or any securities the interest on which is or shall be guaranteed by Parliament or upon mortgage of freehold or copyhold hereditaments in Great Britain but not in Ireland or in stock of the Bank of England or the Bank of Ireland or Metropolitan stock or London County stock or in or upon the debentures debenture stock or rentcharge guaranteed or preference stock or shares of any company incorporated by special Act or by or under any public general Act or Acts of the Imperial Parliament or the legislature of any colony or by royal charter or in or upon the ordinary stock or shares of any such company a fixed or minimum rate of interest or dividend on which is guaranteed by the Government of the United Kingdom or India or any colony or any foreign government or state or in or upon the debentures debenture stock obligations or securities of any foreign railway company or in or upon the stocks funds debentures or securities of any public municipal or local body or authority in the United Kingdom or India or any colony or any foreign country;
- (o) and (p) These two sub-clauses deleted by special resolution passed the fifth day of June one thousand nine hundred and twenty-four and confirmed the twentieth day of June one thousand nine hundred and twenty-four;
- (q) To make accept endorse and execute promissory notes bills of exchange and other negotiable securities;
- (r) To sell let or transfer or grant rights in or over all or any of the property of the company or any interests therein on any terms and for any consideration;
- (s) To do all such other lawful things as are incidental or conducive to the attainment of the aforesaid objects or any of them. Provided that the company shall observe the provisions of the twenty-first section of the Companies Act of 1862 where applicable

and that in case the company shall accept any gift on such special trusts as to be subject to the jurisdiction of the Charity Commissioners the company shall if required by the Charity Commissioners vest the same in special trustees thereof Provided further that none of the objects above set forth shall be undertaken except for charitable purposes in connection with the relief or benefit of poor and needy Jews or in connection with the education of Jews ”:

And whereas by a declaration and deed of covenant made the twenty-sixth day of August one thousand eight hundred and ninety-two between the donor of the one part and the Association of the other part the donor made a gift to the Association of the sum of approximately seven million pounds to be applied for the benefit of the Russian Jews generally and principally for the promotion of the emigration of Russian Jews from Europe and the settlement of such Russian Jews in various parts of North and South America and other countries outside the limits of Europe such settlement to be made preferentially and as far as possible in agricultural colonies:

And whereas the donor died in the month of April one thousand eight hundred and ninety-six:

And whereas by the Jewish Colonization Association Act 1903 the objects set forth in the said memorandum of association were extended to include the establishment of educational and training institutions in any part of the world to fit Jews for emigration and assist their settlement in various parts of the world except in Europe:

And whereas by a deed poll executed by the Association and dated the fifteenth day of July one thousand nine hundred and twenty-four and expressed to be supplemental to the hereinbefore recited declaration and deed of covenant the Association declared that it would thenceforth apply the property vested in it under or by virtue of or subject to the provisions of the said declaration and deed of covenant and the income thereof for charitable purposes in connection with the relief or benefit of poor and needy Russian Jews or in connection with the education of Russian Jews but for no other purposes whatsoever:

And whereas the expression “ Russian Jews ” has by reason of changes in the circumstances of Jews in Russia and territorial changes and other circumstances acquired a less precise and extensive meaning than it had at the date of the said declaration and deed of covenant:

And whereas for the reason aforesaid and owing to the changed and changing circumstances since the year one thousand eight hundred and ninety-one the objects for which the Association was established and the objects specified in the said declaration and deed of covenant have become too restricted to enable the donor's charitable purposes to be given the full effect which he desired and intended and future changes may still further limit and possibly prevent the proper fulfilment of his desires and intentions:

And whereas for the reasons aforesaid it is expedient that the objects and powers of the Association and of the council of administration of the Association and the objects of the said declaration and deed of covenant should be extended or strengthened to enable the Association and its council of administration to minister to the needs of poor and needy Jews generally in such manner as may be most effective in each case:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Jewish Colonization Association Act 1944.

Interpretation.

2. In this Act—

“ the Association ” means the Jewish Colonization Association;

“ the council ” means the council of administration of the Association;

“ the declaration of 1892 ” means the declaration and deed of covenant made the twenty-sixth day of August one thousand eight hundred and ninety-two between Baron Maurice de Hirsch de Gereuth of the one part and the Association of the other part;

“ the deed poll of 1924 ” means the deed poll dated the fifteenth day of July one thousand nine hundred and twenty-four under the seal of the Association;

“ the Act of 1903 ” means the Jewish Colonization Association Act 1903.

Alteration of Memorandum of Association.

3.—(1) Clause 3 of the memorandum of association of the Association as varied by the Act of 1903 and by subsequent special resolutions confirmed by orders of the High Court is

hereby rescinded and the following clause substituted therefor:—

“ 3.—(i) The objects for which the Association is established are—

- (a) To engage in charitable work of any kind in connection with the relief or otherwise for the benefit of poor and needy Jews in any part of the world and in connection with the education of Jews in any part of the world;
- (b) To promote and assist the emigration of poor and needy Jews from and to any parts of the world and the settlement of poor and needy Jews in any part of the world;
- (c) To promote establish carry on maintain or support or contribute to or take part in the promotion establishment carrying on maintenance or support in any part of the world of educational and training institutions synagogues hospitals farms loan and other banks industries factories and any other institutions associations works operations or activities which in the opinion of the council may be calculated to advance the moral or material welfare of poor and needy Jews or the education of Jews with power to contribute to the funds of or otherwise assist or co-operate with any association society institution or body corporate or unincorporate already existing or hereafter formed and having objects which in the opinion of the council may assist or promote the carrying out in whole or in part of the objects of the Association;
- (d) To purchase and acquire by donation or otherwise from any governments states municipal or local authorities corporations firms or persons any territories lands or other property or interests in or rights over territories lands or other property in any part of the world (subject nevertheless to the provisions of section 14 of the Companies Act 1929) and all concessions powers and privileges which may be necessary or convenient for developing the resources of the same and rendering the same available for any of the purposes of the Association;
- (e) To accept gifts donations and bequests of money and other property on the terms of the same being applied for all or some one or more of the purposes of the Association or for any other

charitable purposes specified by the donor or testator for the benefit of Jewish communities or bodies or classes of Jews in any part of the world or on such other terms as may be consistent with the objects of the Association;

- (f) To establish and maintain or assist in any way in the establishment and maintenance of agricultural and other settlements and colonies for the benefit of poor and needy Jews in any territories or land in any part of the world whether belonging to the Association or not and to develop or assist in developing the same by clearing draining fencing planting cultivating building and otherwise;
- (g) To construct establish maintain and develop or assist in any way in the construction establishment maintenance and development of all such buildings works and amenities whether public or private in any part of the world as may in the opinion of the council be calculated to advance the moral or material welfare of poor and needy Jews or the education of Jews;
- (h) To make or procure grants of money or other property on such terms and conditions as the council shall think fit and whether by way of gifts scholarships or in any other way to or for the benefit of poor and needy Jewish individuals or communities (including bodies or classes of Jews) or for the education of Jews in any part of the world or to any association society institution or body corporate or unincorporate in any part of the world already existing or hereafter formed whose activities are in the opinion of the council calculated to advance the moral or material welfare of poor and needy Jews or the education of Jews;
- (i) To advance money to or for the benefit of poor and needy Jews either with or without security and either at interest or free of interest and to guarantee the performance of contracts for the benefit of such Jews;
- (j) To obtain any Acts of Parliament decrees charters and orders of any government or state or municipal or local authority for the purpose of strengthening or extending the powers of the Association and to procure the Association to be registered or incorporated in any foreign

- country or British dominion colony dependency or mandated territory by its own or other suitable name for the purpose of facilitating any of the operations of the Association and to make any arrangement with and give any guarantees to such governments states or authorities as may in the opinion of the council be expedient for promoting or furthering the objects or interests of the Association and to oppose watch or (subject to the laws relating to champerty and maintenance) take such other lawful action as may seem expedient in respect of any applications proceedings or litigation which may seem calculated directly or indirectly to prejudice or otherwise affect such objects or interests;
- (k) To promote form or assist in forming in any part of the world subsidiary companies or associations for carrying out the objects of the Association and to transfer any part of the property of the Association to any such companies or associations upon any trusts terms or conditions and for any purposes or considerations consistent with the objects of the Association;
- (l) To acquire and hold in or transfer into the names of any person or persons or corporate bodies all or any of the lands and other property which may be acquired or held by the Association;
- (m) To establish emigration agencies in any part or parts of the world for the benefit of poor and needy Jews and to construct hire charter and equip ships or aircraft or other means of conveyance for the transport of emigrants being poor and needy Jews and to provide all necessaries for the purpose of facilitating their emigration;
- (n) To make or procure grants of lands concessions of mining and other rights or other privileges to poor and needy Jews in any part of the world whether to individuals classes or bodies or communities thereof;
- (o) To purchase take on lease hire or acquire any real or personal property rights or privileges;
- (p) To invest and deal with the moneys of the Association not immediately required for expenditure or the operations of the Association in any of the public stocks or funds or government securities of the United Kingdom or India or any colony

(which expression shall mean any British dominion colony dependency or mandated territory or any province or state having a separate local legislature and forming part of such dominion colony dependency or mandated territory) or of any foreign government or state or any securities the interest on which is or shall be guaranteed by Parliament or upon mortgage of freehold hereditaments or leasehold hereditaments having a term of at least sixty years unexpired in Great Britain but not in Ireland or in stock of the Bank of England or the Bank of Ireland or Metropolitan stock or London County stock or in or upon the debentures debenture stock or rentcharge guaranteed or preference stock or shares of any company incorporated by special Act or by or under any public general Act or Acts of the Imperial Parliament or the legislature of any colony or by royal charter or in or upon the ordinary stock or shares of any such company a fixed or minimum rate of interest or dividend on which is guaranteed by the government of the United Kingdom or India or any colony or any foreign government or state or in or upon the debentures debenture stock obligations or securities of any foreign railway company or in or upon the stocks funds debentures or securities of any public municipal or local body or authority in the United Kingdom or India or any colony or any foreign country or in any manner authorised by law for the investment of trust funds or by placing the same on deposit with any bank;

- (q) To make accept endorse and execute cheques promissory notes bills of exchange and other negotiable instruments;
- (r) To sell let or transfer or grant rights in or over all or any of the property of the Association or any interests therein;
- (s) To borrow or raise any money that may be required by the Association upon such terms as may in the opinion of the council be advisable and in particular by the issue of bonds debentures bills of exchange promissory notes or other obligations or securities of the Association or by mortgage or charge of all or any part or parts of the property of the Association provided that the borrowing powers of the Associa-

tion shall not be exercised without the consent in writing of three-fourths of the members of the Association for the time being except to such extent as may be necessary to provide for current administrative purposes;

- (t) To establish and support or aid in the establishment and support of associations institutions funds trusts and conveniences calculated to benefit the employees or former employees of the Association or their dependants and connections and to grant pensions and allowances to and to make payments towards the insurance of such persons;
- (u) To do all such other lawful things as are incidental or conducive to the attainment of the aforesaid objects or any of them.

(ii) None of the objects above set forth shall be undertaken except for charitable purposes in connection with the relief or benefit of poor and needy Jews or in connection with the education of Jews.

(iii) In case the Association shall take or hold any property subject to the jurisdiction of the Charity Commissioners for England and Wales or the Board of Education or any authority exercising corresponding jurisdiction outside England and Wales the Association shall not sell mortgage charge or lease the same without such authority approval or consent as may be required by law and as regards any such property the council or directors or trustees of the Association shall be chargeable for such property as may come into their hands and shall be answerable and accountable for their own acts receipts neglects and defaults and for the due administration of such property in the same manner and to the same extent as they would as such council directors or trustees have been if no incorporation had been effected and the incorporation of the Association shall not diminish or impair any control or authority exerciseable by the Chancery Division the Charity Commissioners or the Board of Education or any such other authority as aforesaid over such council directors or trustees but they shall as regards any such property be subject jointly and separately to such control or authority as if the Association were not incorporated In case the Association shall take or hold any property which may be subject to any trusts the Association shall only deal with the same in such manner as allowed by law having regard to such trusts.

(2) The Act of 1903 is hereby repealed.

As to future alteration of memorandum of association. 19 & 20 Geo. 5. c. 23.

Enlargement of scope of trusts.

Copy of Act to be registered.

Costs of Act.

4. Nothing in this Act contained shall prevent the Association from exercising the powers conferred by the Companies Act, 1929 for altering the provisions of its memorandum of association as varied by this Act or shall prevent the High Court from confirming any such alteration.

5. The declaration of 1892 and the deed poll of 1924 shall be read and have effect as if the capital and income of the funds for the time being subject to the provisions thereof were applicable to the objects set forth in the memorandum of association of the Association as varied by this Act or as further varied from time to time.

6.—(1) The Association shall deliver to the Registrar of Companies a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Association shall incur a penalty not exceeding two pounds for every day after the expiration of the said three months during which the default continues and any member of the council who knowingly and wilfully authorises such default shall incur the like penalty. Every penalty under this section shall be recoverable summarily.

(2) There shall be paid to the registrar by the Association on such copy being registered the fee of five shillings.

7. The costs charges and expenses preliminary to and of and incidental to the procuring obtaining and passing of this Act or otherwise in relation thereto shall be borne and paid by the Association.

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