

WHEAT POOL.

23° GEO. V., No. LIV.

No. 54 of 1932.

AN ACT to constitute and incorporate the Trustees of the Wheat Pool of Western Australia ; to regulate the appointment of the Trustees ; to define their powers and authorities ; and for other purposes incidental thereto.

[Assented to 30th December, 1932.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows :—

Short title and commencement.

1. This Act may be cited as the *Wheat Pool Act, 1932*, and shall come into force on a day to be fixed by proclamation.

Interpretation.

2. In this Act the following words shall have the meanings stated, unless the contrary intention appears :—

“ Corporation ” means the Trustees of the Wheat Pool of Western Australia constituted and incorporated as hereinafter provided.

“ Firm ” means the firm registered under the Registration of Firms Act, 1897, under the style of “ The Trustees of the Wheat Pool of Western Australia.”

“ Growers ” means growers of wheat in Western Australia.

“Growers’ Council” means the Growers’ Council referred to in and as from time to time constituted in accordance with the rules in the Schedule to this Act.

“Trustees” means the persons who shall for the time being be members of the corporation hereby constituted.

3. (1) Alexander Joseph Monger, of York, farmer ; Charles Walter Harper, of Guildford, farmer ; John Smith Teasdale, of Belka, farmer, and Thomas Henry Bath, of Tammin, farmer, and their successors appointed from time to time in manner hereinafter provided shall be a body corporate named “The Trustees of the Wheat Pool of Western Australia,” with perpetual succession and a common seal. incorporation and general powers.

(2) The Corporation may sue and be sued, submit to arbitration, own, hold, and dispose of all kinds of property, and enter into and carry out such contracts and do, exercise, and suffer such other acts, powers, and things as may be necessary or convenient for the purposes hereinafter mentioned.

(3) Excepting as hereinafter provided the Corporation shall always consist of four Trustees, but shall not be in any way incapacitated from exercising its rights and powers by reason of there being at any time less than four Trustees.

Proceedings of Trustees.

4. (1) The Trustees shall meet together for the transaction of business at such times and places as they may from time to time determine. Meetings of Trustees.

(2) Any two Trustees (present personally or by proxy) shall constitute a quorum at any meeting of the Trustees.

(3) The Trustees shall cause to be kept correct minutes of all their meetings.

(4) The Trustees may from time to time appoint one of their number to be chairman.

(5) The chairman, when present, shall preside at any meeting of the Trustees. In the absence of the

chairman the Trustees present shall appoint a deputy chairman, who shall preside at that particular meeting of the Trustees.

(6) All questions arising at any meeting of the Trustees shall be decided by the votes of the majority of those present in person or by proxy; but, in the case of equality of voting, the person presiding for the time being shall have a casting as well as a deliberative vote.

Validation of acts
of Trustees.

5. (1) No act or proceeding of the Trustees shall be invalid or illegal in consequence only of the number of the Trustees not being complete at the time of such act or proceeding.

(2) All acts and proceedings of the Trustees shall, notwithstanding the discovery of any defect in the appointment of any Trustee, or that any Trustee was disqualified or dis-entitled to act, be as valid as if every such Trustee had been duly elected or appointed and was qualified and entitled to act and had acted as a Trustee, and as if the Corporation had been properly and fully constituted.

Trustees' power of
delegation.

6. Any Trustee who shall be about to absent himself from the place at which meetings of the Trustees are usually held or who shall, through illness or any cause whatsoever, be unable to act, shall be entitled by writing under his hand to delegate to any other of the Trustees as his proxy Trustee, all powers, rights, and discretions vested in him as a Trustee. Such delegation shall cease and determine on the return of the said Trustee, or at the cessation of his disability, notwithstanding that the period for which the proxy was appointed shall not have expired. Any such appointment may be renewed from time to time, or any fresh appointment may be made, and any such appointment may be revoked at pleasure and a fresh appointment made.

Election and Retirement of Trustees.

New Trustees.

7. On the thirtieth day of September in each year, commencing on the thirtieth day of September, 1933, one Trustee shall retire from office and his place shall be filled by a person elected by the Growers' Council at its meeting in the month of July in the year of such retirement. The new Trustee so elected shall take office from the date of the retirement of the retiring Trustee. If for any reason the Growers' Council does not elect a new Trustee, or if any

new Trustee, having been elected, is unable to take office for any reason, the Trustee whose turn it is to retire shall retain his office until a new Trustee has been elected and assumes office.

8. The Trustee to retire in the years 1933, 1934, and 1935 shall be such of the original Trustees as may be agreed upon amongst themselves or otherwise be decided by lot. After the year 1935 the Trustee to retire shall be the Trustee who has been longest in office since the date of his appointment or election, or, if he has been re-elected, since the date of his re-election. Retiring Trustees.

9. Any retiring Trustee shall be eligible for election or re-election. Trustees' re-eligibility.

10. The office of any Trustee shall become vacant by reason of :— Trustee vacating office.

- (a) his absence from more than two consecutive regular meetings of the Trustees, unless he shall obtain the consent of the remaining Trustees to absent himself therefrom ;
- (b) his becoming of unsound mind or being declared under any law for the time being relating to lunacy, incapable of managing his affairs ;
- (c) his becoming bankrupt or taking the benefit of any Act for the relief of bankrupt or insolvent debtors ;
- (d) his resignation,

and the Governor may remove a Trustee on the ground of misbehaviour or incapacity.

11. In the event of any Trustee dying or for any reason ceasing to be a Trustee, the surviving or remaining Trustees may in their discretion appoint some other person to be approved of by the Growers' Council, to act in the place of the Trustee so dying or ceasing to be a Trustee, and any person so appointed shall be deemed to be one of the Trustees and shall have all the powers and authorities of the Trustee in whose place he shall have been appointed, and shall hold office for such period as the Trustee so dying or ceasing to be a Trustee as aforesaid would have held office had such office not become vacant. A certificate by the secretary or acting secretary of the Corporation as to such appointment shall be deemed sufficient evidence to Procedure on death or retirement of Trustees.

all persons and in all courts that such appointment has been duly made and that the person named therein is one of the Trustees. Provided further, that so long as there are three Trustees in office it shall not be necessary to make any temporary appointment of a Trustee pending a meeting of the Growers' Council, but such three Trustees shall be deemed competent to act for all purposes.

Remuneration of Trustees.

Growers' Council
to fix Trustees'
remuneration.

12. The Trustees shall be entitled to such remuneration as shall from time to time be fixed by the Growers' Council. Any sum so fixed shall be exclusive of payments to which the Trustees may be respectively entitled for expenses incurred by them or any of them in and about the performance of their duties.

Indemnity of Trustees and others.

Officers of Cor-
poration Indemni-
fied from losses,
etc.

13. (1) Every Trustee, secretary and other officer or servant of the Corporation shall be indemnified by the Corporation against all costs, losses, and expenses which any such Trustee, secretary, officer or servant may incur, pay, or become liable for by reason of any contract entered into or act or thing done by him in the discharge of his duties, and the Corporation shall pay all such costs, losses, and expenses out of the assets and funds in its possession.

Liability of
officers of Corpora-
tion limited to
own acts and
defaults.

(2) A Trustee, secretary or other officer of the Corporation shall be chargeable only for moneys, securities, and property actually received by him notwithstanding his signing any receipt for the sake of conformity, and shall be answerable and accountable only for his own acts, receipts, neglects, or defaults, and not for those of any other Trustee, secretary, or officer of the Corporation, nor for those of any banker, broker, or other person with whom any moneys, securities, or property vested in or held by the Corporation may be deposited, nor for the insufficiency or deficiency of any securities, nor for any other loss, unless the same happens through his own wilful default.

Vesting of Property.

Firm's property
and existing
reserve fund vested
in Corporation.

14. (1) All property of whatsoever nature or kind of or belonging to or held by the firm, including the reserve fund established by the firm at the request or by the authority of growers, who in the past have delivered wheat to the firm, and all accumulations thereof, and all investments

representing the same shall, without any conveyance, transfer, or assignment, by force of this Act, be vested in and held and possessed by the Corporation; and all liabilities and engagements of the firm at the commencement of this Act shall become the liabilities and engagements of the Corporation, and all uncompleted contracts or engagements heretofore entered into by any person or persons with the firm shall hereafter, to the extent that the same are uncompleted, be deemed to have been entered into with the Corporation.

(2) Subject to the provisions of this Act, and the borrowing and other powers herein contained, the Corporation shall hold the said reserve fund, and all accumulations thereof, and all investments representing the same upon the trusts for which the said reserve fund was held by the firm.

Corporation to hold reserve fund upon trust.

Powers and Duties of the Corporation.

15. (1) The Corporation may establish and maintain each year one or more separate voluntary wheat pools for the reception, handling, sale, and disposal of wheat in continuity of the business heretofore conducted by the firm, and may do, exercise and perform all such acts and powers as may be necessary or convenient in relation thereto.

To establish and maintain wheat pools.

(2) The Corporation may make and enter into contracts and arrangements with wheat growers for or in relation to the pooling of wheat, and thereby reserve to the Corporation all such rights, powers, and authorities as the Trustees may consider incidental or conducive to the business of wheat pooling, and the Corporation is hereby empowered to exercise and carry out all such rights, powers, and authorities.

To contract with wheat growers.

(3) The Corporation may establish, maintain, and conduct any scheme or system for the handling of wheat and/or other grain in bulk, and to provide, construct, and/or equip buildings, elevators, plant, and machinery to that end, and to deduct and retain from the proceeds of the sale of pooled wheat such uniform handling and storage charges as the Corporation may be entitled to make in connection with such scheme or system for and in respect of the reception, storage, and handling of wheat. Provided that the powers of the Corporation shall extend only to voluntary schemes and systems and to such as the Corporation may be specifically authorised, by or under Statute,

To establish and maintain bulk handling scheme.

to engage in, and the provisions of this Act shall be subject to any relative general or special restrictions or qualifications imposed by any Statute relating to bulk handling passed during the present session of Parliament, or thereafter.

To undertake other business transactions.

(4) The Corporation may undertake and carry on any business transactions which may seem to the Trustees capable of being conveniently carried on in conjunction with the objects of the Corporation.

Special powers.

(5) Without in any way limiting the general powers of the Corporation hereby given or by law implied, the Corporation shall have the following subsidiary powers :—

To act as agent and warehouseman.

(a) To act as agent or broker for any person or persons, and to carry on the business of warehousing in all its branches ;

To open and operate on bank accounts.

(b) To open and operate upon banking accounts, and to delegate to any person or persons power to sign and endorse in the name or on behalf of the Corporation cheques, bills, of exchange and other negotiable instruments.

To contract.

(c) To enter into all contracts whatsoever which the Trustees may deem necessary or expedient in the exercising of the powers or performance of the duties by this Act conferred or imposed upon the Corporation ;

To acquire and deal in property.

(d) To purchase, take on lease or otherwise acquire and sell, dispose of, or otherwise deal with real and personal property of all kinds ;

To act as Trustee of reserve fund.

(e) To act as Trustee of the reserve fund mentioned in section fourteen of this Act, and of any future reserve fund or reserve funds created by the Corporation and/or by persons who deliver wheat to any pool established by the Corporation and/or by any other growers of wheat in Western Australia and to amalgamate all or any of such reserve funds if the Trustees in their discretion shall deem it necessary or expedient so to do ;

(f) To accept contributions to any of such reserve funds from any person or persons who deliver wheat to any pool established by the Corporation and/or from other growers of wheat in Western Australia, whether such contributions are made in cash or by delivery of wheat or by pre-arranged deductions made by the Corporation of fractional portions of the proceeds of sale of wheat delivered to the Corporation for sale by any of such persons or growers or otherwise howsoever ;

To accept contributions to reserve fund.

(g) To apply all such reserve funds, and the accumulations thereof, and the investments representing the same, in such manner as the Trustees may in their absolute discretion consider beneficial to the system of co-operative wheat pooling and/or to growers of wheat in Western Australia, and in such other manner as the Corporation may be authorised to do by contracts made with contributors to any fund or funds, for purchase of shares in any company the activities of which relate to the handling, shipping, delivering, marketing, or treating of wheat, or which is in any way connected therewith, whether in Australia or elsewhere ; for purchase or acquirement of plant and machinery for handling, re-conditioning, storing and/or treating wheat ; and for the establishment and maintenance of any scheme or system as aforesaid for the handling of wheat and/or other grain in bulk.

To use reserve funds for various purposes.

(6) The Corporation shall perform and observe and may enforce all contracts made by the firm with growers, millers, purchasers, ship owners, and all other persons whomsoever.

To perform and enforce contracts made by firm.

(7) (a) The Corporation may borrow or raise money in such manner and on such terms as the Trustees may think fit for the purpose of marketing wheat, and for other purposes, if so authorised by growers who may deliver wheat to be marketed by the Corporation, and also to enable the Corporation to make interim payments to growers and other persons on account of wheat so delivered

To borrow money for wheat marketing and advances.

to the Corporation, and, in order to secure moneys so borrowed or raised and interest thereon, may execute such securities as may be required by lenders of money, and, in particular, subject to any contract made by it with growers, may mortgage, charge, hypothecate, or pledge pooled wheat and negotiate any contracts, drafts, bills of exchange, bills of lading, notes, acceptances, orders, warehouse receipts, storage warrants, and other documents relating thereto ;

(b) The Corporation may for all or any other objects or purposes for which it has been constituted, or which it may by statutory authority or otherwise be legally empowered to undertake or effect, borrow or raise money in such manner and on such terms as the Trustees may think fit, and secure the repayment thereof and all interest thereon by debentures or debenture stock, mortgage, charge, sub-charge or lien upon the whole or any part of the property, assets, or rights of the Corporation (excepting pooled wheat), whether present or future, and upon any reserve fund or reserve funds held or to be held by the Corporation, and upon all accumulations thereof and the investments for the time being representing the same ;

(c) No person or persons lending money or otherwise granting monetary accommodation to the Corporation shall be concerned to see or inquire as to the application thereof, or be affected by or accountable in respect of the loss or mis-application thereof.

Application of Companies Act, 1893.

16. The Corporation may make and enter into, vary, or discharge contracts in such manner as it would be by law entitled if it were a Company registered under the Companies Act, 1893, and the Corporation shall be deemed to be an unregistered company for the purposes of Part VI. of that Act, and shall be liable to be wound up under such Act accordingly ; provided that, if the Corporation shall be the Bulk Handling Trust for the purposes of any Statute relating to bulk handling, then the winding up or dissolution of the Corporation under the Companies Act, 1893, shall not terminate the existence of such Trust or prejudice or affect the capacities, powers, rights or obligations thereof.

Seal.

17. The seal of the Corporation shall be in the custody or control of the Trustees, and the fixing of the seal to any

To borrow money for general purposes.

Protection to persons lending money to Corporation.

Application of Companies Act regarding contracts and winding up.

Custody of seal.

document shall be attested by one of the Trustees and the secretary, or any person appointed by the Trustees in that behalf, and such attestation shall be sufficient evidence of the authority to affix the seal.

Miscellaneous.

18. No wheat received by the Corporation from any grower or other person whomsoever for sale, nor the gristed products of such wheat, nor the proceeds of the sale thereof, shall be liable to seizure or attachment by or on behalf of any creditor of the Corporation, except only for the purposes or on account of any security over such wheat or the documents of title thereto held by any creditor from whom the Corporation has borrowed money under the powers by this Act conferred upon it.

Wheat not liable to seizure or attachment.

19. All wheat delivered to the Corporation for sale shall be sold as provided in the contract made by the Corporation with the grower or person delivering the same, notwithstanding that he may have given security over such wheat or become bankrupt or taken advantage of any statutory provision for the relief of debtors, or that any of his creditors may have seized or attempted to seize the same under any process of law.

Corporation not to be prevented from selling wheat] according to contract.

20. The Corporation shall not attempt to make or make any profit out of the wheat delivered to it for sale, and no dividend shall be declared to any person from the funds or assets of the Corporation. Contributions to any reserve fund from time to time received by the Corporation shall not be income in the hands of the Corporation, nor taxable as such, but the income derived from the investment of any reserve fund or portion thereof shall be taxable to the same extent and in the same manner as if the Corporation were a private individual.

Corporation not to make profit out of pooled wheat.

21. (1) The Rules of the Schedule to this Act shall take effect from the date on which this Act comes into force.

Rules in Schedule.

(2) The Trustees may, subject to the approval of the Growers' Council, from time to time by resolution, vary, amend, or add to such rules and may make other rules not contrary to or inconsistent with the provisions of this Act for the regulation of the affairs of the Corporation.

Amendments and additions to Rules.

Certificate of resolution amending or adding to Rules to be filed.

(3) When such resolution has been passed by the Trustees and approved by the Growers' Council, a copy thereof shall be printed and shall be forwarded to the Registrar of Companies, accompanied by a certificate under the hand of the chairman of the meeting of the Trustees, in such form as the Registrar may require, to the effect that the resolution has been duly passed in accordance with this Act and also accompanied by a Certificate under the hand of the chairman of the Growers' Council certifying that the resolution has been approved by the Growers' Council. Such copy resolution when received by the Registrar shall be recorded by him, whereupon the variation, amendment, or addition to the said Rules or the new rule as contained in such resolution shall take effect and be as valid and effectual as if it had been contained in the Schedule to this Act.

(4) Section thirty-six of the Interpretation Act, 1918, shall not apply to rules made under this section.

THE SCHEDULE.

Rules for Constitution of Growers' Council.

Wheat areas to be divided into 20 districts.

1. The wheat growing areas of Western Australia shall be divided into twenty districts. Such districts shall, for the purpose of the first election of the Growers' Council, be defined by the Trustees, and thereafter shall be from time to time defined by the Trustees, with the approval of the Growers' Council, and the boundaries may be changed from time to time, as the Trustees and the Growers' Council may think fit.

Election of councillors.

2. One councillor shall be elected for each district by Pool members (hereinafter defined), in such district, in manner hereinafter appearing, and the councillors so elected shall constitute the Growers' Council.

Qualification of Pool member.

3. For the purpose of the first election of councillors, a Pool member shall be a wheat grower in any district, who has himself, or through any agent or mortgagee, delivered to the Wheat Pool (hereinafter called "the Pool," which term shall also have reference to any Wheat Pool to be hereafter conducted by the Corporation) conducted by the firm during any one of the seasons 1929-30, 1930-31, or 1931-32, not less than 50% of his marketable crop, and has signed and delivered to the firm or to the Corporation a promise form for the 1932-33 season in the form prescribed.

After the first election of councillors a Pool member shall be :—

- (a) a grower in any district who has himself or through any agent or mortgagee delivered to the Pool not less than 50% of his previous year's marketable crop, and has signed a promise form for the forthcoming season in the form prescribed ; or

- (b) any person who, whilst not an actual grower of wheat, shall satisfy the Trustees that he is financing any of his family or relations in the working and development of a wheat farm ; such person or persons so financed being himself, herself, or themselves qualified for membership. Provided, however, that it shall be a condition precedent to the membership of such person that the approval of the actual grower or growers in writing to such membership shall be lodged with the Trustees prior to such person exercising any right as a member, and the actual grower or growers shall not, until such approval has been in writing withdrawn, be entitled to exercise any rights of membership. Any person qualified to be a member under this subclause shall for the purpose of these Rules be deemed to be a wheat grower.

The term " marketable crop " shall be deemed to mean the whole of the wheat crop, after deducting what in the opinion of the Trustees is a reasonable quantity of grain for seeding purposes and domestic and farm use.

4. Qualification for a councillor shall be that he has pooled at least 50% of his marketable crop during the season immediately preceding the year of his election and during one other previous season. Provided, however, that any person qualified as a member under Rule 2 (b) shall also be qualified to be elected as a councillor, if he or the grower by whom he shall have been approved as a member shall have complied with such of the conditions of qualification hereinbefore prescribed as may be applicable.

Qualification of councillor.

5. The seat of any councillor shall be declared vacant in any of the following cases :—

Vacancy in office of councillor.

- (a) If he shall not during any one season whilst he is a councillor have delivered at least 75% of his marketable wheat to the Pool ;
- (b) If he shall become bankrupt or be declared of unsound mind ;
- (c) If he shall die or resign or be appointed a Trustee ;
- (d) If he shall cease to grow wheat in the State of Western Australia ;
- (e) If he shall be absent without leave of the Growers' Council from two consecutive meetings ;
- (f) If, being an approved member of the Pool under Rule 2 (b), he shall cease to retain any substantial financial interest in his relative's farm.

The Trustees shall alone be entitled to decide on the facts submitted to them by the grower or by any Pool member as to whether in the last-mentioned case such councillor retains a substantial financial interest or not, and their decision shall not be liable to be questioned.

6. A candidate for the Growers' Council must be nominated by five persons who have been Pool members for the two preceding years, and have wheat growing interests in the district for which the candidate is nominated, and such nomination shall be lodged with the Corporation not later than the thirtieth day of September in each year. Nomination papers shall be in such form as may be prescribed by the Trustees, and shall contain a declaration by each nominator that he has delivered to the Pool at least 50% of his marketable wheat during each of the preceding two seasons.

Nomination of candidates for council.

7. If only one candidate is nominated for any district the Trustees shall declare him elected.

Provision where only one candidate.

Method of voting
for council.

8. The Trustees shall during the month of October in each year post to each Pool member in the various districts where, in each case more than one candidate is nominated, a voting form containing the names of the persons so nominated as councillors for the district in which such member is entitled to vote, and such voting form shall contain instructions as to the mode of voting, and shall contain also a declaration to be signed by the Pool member verifying his right to vote on the basis of having delivered the proper quantity of wheat to the Pool during the previous season. Such voting form, duly signed by the Pool member, and with such declaration as aforesaid, and accompanied or preceded by a promise form for delivery to the Pool of at least 50% of his ensuing season's marketable crop, shall be enclosed in an envelope addressed to the Corporation, and on the face of such envelope shall be endorsed the words "Voting Form." Such envelope shall be delivered to the Corporation or posted so as to reach the Corporation not later than the fifteenth day of November in each year, and, when received, shall be placed in a box or receptacle, unopened, until such day, not being later than the thirtieth day of November, as the Trustees shall appoint for the opening of such envelopes. The Corporation shall notify its auditor of the date, time, and place fixed for the counting of such voting forms, and at the time so appointed, and in the presence of the auditor or his representative, such envelope shall be opened, and the voting for each district ascertained. Where only two persons are nominated the person who on such counting shall receive the greatest number of votes shall be declared to be elected and, in the case of an equality of votes, the councillor to be appointed shall be decided by lot in accordance with such conditions as the Growers' Council may prescribe. Where more than two persons are nominated the voting and counting shall be carried out on such preferential basis as the Trustees may determine.

Only one vote for
each member.

9. No member shall be entitled to more than one vote notwithstanding that he may be a grower of wheat in more than one district, and such member shall, before becoming entitled to vote for any councillor, deposit with the Corporation a notification in writing duly signed by him signifying the district in respect of which he desires to exercise his right of voting.

Retirement of
councillors.

10. Councillors so elected shall, subject to a proportionate retirement as hereinafter provided, hold office for a period of two years from the thirtieth day of November in the year during which they are elected. Provided, however, that on the thirtieth day of November in each year, the ten councillors who have been longest in office shall retire. Provided further that the councillors who are to retire in the year 1933 shall be decided by lot at the meeting of the Council to be held in the month of July preceding. All retiring councillors shall be eligible for re-election.

Meetings of
Growers' Council.

11. The Growers' Council shall meet as and when necessary, at such times and at such place or places, not less than three times each year, and such meetings shall be convened on such notice and in such manner as the Trustees and the Growers' Council shall from time to time decide. Provided that one of such meetings shall be held in the month of July in each year, at which meeting a chairman for the following year shall be elected. Ten councillors present shall constitute a quorum at any meeting, and all votes shall be given and taken either by a show of hands or ballot, as the meeting may decide. If there be an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

12. Any casual vacancy occurring in such Council may be filled at any meeting of the Council by a majority vote of those present thereat, provided that the person to be so appointed shall be a member of the Pool in the district in respect of which such appointment is made, and, provided further, that such person so appointed shall only hold office until the thirtieth day of November next following the date of his appointment. The vacancy thus created shall then be filled in manner prescribed in Rule 7 hereof, the conditions of which rule and of Rule 6 shall be applicable to such election.

Casual vacancy in council.

13. Notwithstanding that this Act may not come into force until after the firm and/or the Trustees have wholly or partly conducted the election of councillors for the period commencing on the thirtieth day of November One thousand nine hundred and thirty-two such election shall be deemed to be the first election of councillors for the purposes of these rules and the councillors elected thereat shall be deemed to have been duly elected in accordance with these rules. The provisions of rule 1 shall be deemed to have been complied with in regard to such first election if the twenty districts therein referred to shall have been defined by the Trustees prior to their becoming incorporated under this Act.