

## **Reserve (Port Denison Suburban Lots 6 and 6a) Act 1980**

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Western Australia

## **Reserve (Port Denison Suburban Lots 6 and 6a) Act 1980**

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### **NOTES**



## **Reserve (Port Denison Suburban Lots 6 and 6a) Act 1980**

**An Act to cancel Reserve No 269 and to revest Port Denison Suburban Lot 6a and the unresumed portion of Port Denison Suburban Lot 6 in Her Majesty as of her former estate and to remove the said lands from the operation of the *Transfer of Land Act 1893* to enable a Crown Grant of the said lands to be made to the West Australian Temperance Alliance Incorporated in trust for a site for a temperance institution and for incidental purposes.**

*[Assented to 26 November 1980.]*

**WHEREAS:**

- (a) by notice in the *Government Gazette* published on 28 August 1877, certain land then known as Denison Suburban Lot 6a, containing 4 047 square metres, was set apart as Reserve No. 269 for the purpose of “Good Templar Lodge”;
- (b) by virtue of a grant made on 31 March 1880 under the provisions of the Land Regulations of 22 May 1873 and 17 April 1874, the said land was given and granted to Samuel Fortescue Moore, Merchant and Henry Fletcher Waldeck, Farmer both of Dongara, in trust for the Society or Order called Good Templars at Dongara for the purpose of promoting the objects of such Society in the cause of temperance only;

**s. 1**

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- (c) by virtue of a grant made on 3 November 1880 under the provisions of the aforesaid Land Regulations, certain land then known as Denison Suburban Lot 6, containing 6 651.9 square metres and adjoining the said Denison Suburban Lot 6a, was given and granted to the aforesaid Samuel Fortescue Moore and Henry Fletcher Waldeck in consideration of the sum of two pounds, thirteen shillings and threepence sterling, and although no trust was disclosed on the said grant, the Register of the Department of Lands and Surveys records the land as having been granted to “S. F. Moore and H. F. Waldeck Trustees Good Templars”;
- (d) on 25 August 1880 the said Denison Suburban Lot 6a was registered under the provisions of the *Transfer of Land Act 1874* in the names of the said Samuel Fortescue Moore and Henry Fletcher Waldeck as Trustees for the Society of Good Templars at Dongara and is now the whole of the land comprised in Certificate of Title Volume VII Folio 96, which said land was on 31 August 1973 re-designated as Port Denison Suburban Lot 6a;
- (e) on 18 August 1881 the said Denison Suburban Lot 6 was registered under the provisions of the *Transfer of Land Act 1874* in the names of the said Samuel Fortescue Moore and Henry Fletcher Waldeck and is now the whole of the land comprised in Certificate of Title Volume VIII Folio 84, which said land was on 31 August 1973 re-designated as Port Denison Suburban Lot 6 and portion of which said land, amounting to 994 square metres, was on 15 September 1972 resumed pursuant to the provisions of the *Public Works Act 1902*;
- (f) the said Henry Fletcher Waldeck died on 17 June 1883 and the said Samuel Fortescue Moore died on 9 May 1921, since when no other trustees have been appointed in their stead and no other proprietor of the aforesaid lands has been registered by way of transmission or otherwise;

- (g) the Society or Order called Good Templars at Dongara was never incorporated, no records or minutes of its meetings can be found, the duplicates of the aforesaid Certificates of Title have been lost without trace and no direct link can be established between the said defunct Society or Order and any other institution formed for the purpose of promoting the cause of temperance;
- (h) the cause of temperance in Western Australia is now conducted by the West Australian Temperance Alliance Incorporated, an association incorporated under the *Associations Incorporation Act 1895* on 19 October 1904 as the City Band of Hope & Temperance League, which name was changed on 26 November 1906 to the West Australian Alliance Incorporated and again on 13 February 1953 to its present name; and
- (i) the Western Australian Temperance Alliance Incorporated desires and it is deemed proper and fitting in the circumstances, that Reserve No. 269 be cancelled and that Port Denison Suburban Lot 6a and the unresumed portion of Port Denison Suburban Lot 6 be revested in Her Majesty as of her former estate and removed from the operation of the *Transfer of Land Act 1893* to enable a Crown Grant of the said lands to be made to the said West Australian Temperance Alliance Incorporated in trust for a site for a temperance institution.

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

**1. Short title**

This Act may be cited as the *Reserve (Port Denison Suburban Lots 6 and 6a) Act 1980*.

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**2. Reserve No. 269 cancelled**

Reserve No. 269, comprising Port Denison Suburban Lot 6a, containing 4 047 square metres and set apart for “Good Templar Lodge”, is hereby cancelled.

**3. Land revested in Her Majesty**

All that land being firstly Port Denison Suburban Lot 6a and being the whole of the land comprised in Certificate of Title Volume VII Folio 96 and secondly the unresumed portion of Port Denison Suburban Lot 6 and being part of the land comprised in Certificate of Title Volume VIII Folio 84, is revested in Her Majesty as of Her former estate and removed from the operation of the *Transfer of Land Act 1893*, and shall be reserved for the purpose of “Site for Temperance Institution”, with the intention that it shall be conveyed by way of Crown Grant in fee simple to the West Australian Temperance Alliance Incorporated, in trust for the aforesaid purpose.

**4. Saving**

- (1) Nothing in this Act shall preclude the West Australian Temperance Alliance Incorporated from applying pursuant to section 37 of the *Land Act 1933*, to the Minister for Lands for the cancellation of any reserve made under section 3 of this Act.
- (2) In the event of the said reserve being so cancelled, the West Australian Temperance Alliance Incorporated may sell, exchange, mortgage or lease the land referred to in section 3 of this Act, but no sale, exchange or mortgage of the said land shall be made without the consent of the Governor in Council and subject to such conditions as he may impose.

**Notes**

- <sup>1.</sup> This is a compilation of the *Reserve (Port Denison Suburban Lots 6 and 6a) Act 1980* and includes all amendments effected by the other Acts referred to in the following Table.

**Table of Acts**

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Act	Number and Assent Year	Commencement	Miscellaneous
<i>Reserve (Port Denison Suburban Lots 6 and 6a) Act 1980</i>	69 of 1980 26 November 1980	26 November 1980	

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