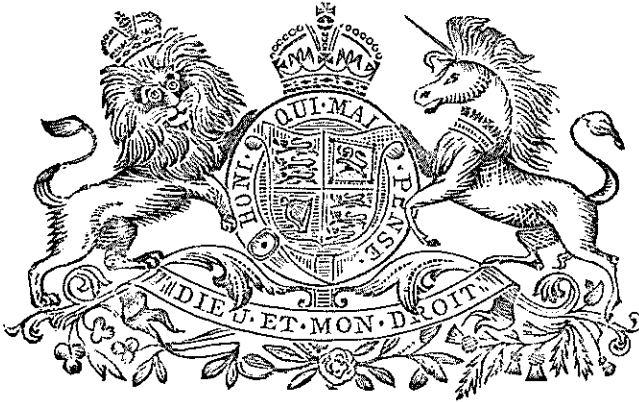


WESTERN AUSTRALIA.



ANNO PRIMO

GEORGII QUINTI REGIS,

PRIVATE ACT.

AN ACT to declare the ownership of Fremantle Lodge No. 2 of Freemasons in and to Fremantle Town Lot 870, and to facilitate the sale, mortgage, or other disposition thereof, and for other purposes connected with the said Lodge.

[Assented to 19th January, 1911.]

WHEREAS by a certain deed poll or grant dated the second day of December, One thousand eight hundred and seventy-five, All that piece of land in the Town of Fremantle, being Fremantle Town Lot 870, was granted by His Excellency the Governor to John Frederick Stone, Daniel Keen Congdon, and George Bland Humble, their heirs and assigns, and a Certificate of Title under the Transfer of Land Act, 1874, was issued to them of the said land: And whereas by a declaration of trust, dated the 7th day of December following, the said John Frederick Stone, Daniel Keen Congdon, and George Bland Humble declared that they held the said land in trust for the Fremantle Lodge No. 1033 of Freemasons, owing allegiance to the Grand Lodge of England: And whereas by an Act of the Parliament of Western Australia (39 Victoria, No. 16) certain powers and authorities were given to the said John Frederick Stone, Daniel Keen Congdon, and George Bland Humble to transfer, mortgage, and generally deal with the said land: And whereas on the second day of May, One thousand

nine hundred and five, the said John Frederick Stone, Daniel Keen Congdon, and George Bland Humble transferred the said land to Daniel Keen Congdon, George Bland Humble, and Michael Samson: And whereas on the twenty-third day of March, One thousand nine hundred and five, the said Daniel Keen Congdon, George Bland Humble, and Michael Samson, by Declaration of Trust, did declare that they, the said Daniel Keen Congdon, George Bland Humble, and Michael Samson, should stand possessed of and entitled to the said land as Trustees of the said The Fremantle Lodge, No. 1033: And whereas the said Daniel Keen Congdon died at Sydney, in the State of New South Wales, on the seventeenth day of January, One thousand nine hundred and seven, and the said Michael Samson, at Fremantle aforesaid, on the twenty-second day of September, One thousand nine hundred and seven: And whereas the Fremantle Lodge No. 1033 on the twenty-seventh day of February, One thousand nine hundred (up to and inclusive of which date such Lodge owed allegiance to the Grand Lodge of Freemasons of England), with the consent of the Grand Lodge of Freemasons of England, transferred its said allegiance to the Grand Lodge of Freemasons of Western Australia, and received from the said Grand Lodge of Western Australia a warrant or charter, under the name of Fremantle Lodge No. 2, and has ever since remained and been a lodge under the control and domination of the said Grand Lodge of Western Australia: And whereas at the time of its so transferring its said allegiance as aforesaid the said The Fremantle Lodge, No. 1033, omitted to pass any resolution authorising the transfer of the hereinbefore recited land or of other its moneys, goods, chattels, property, and effects to the said Fremantle Lodge No. 2, but the same have at all times since the said transfer of allegiance been held, used, occupied, and enjoyed by the said Fremantle Lodge No. 2 as its sole property: And whereas the said Fremantle Lodge No. 2, by resolution of its members on the fourteenth day of January, One thousand nine hundred and eight, resolved that William Alexander George, of Fremantle aforesaid, Gaol Governor, and Harry Ellington Wilson, of Fremantle aforesaid, Auctioneer, should be appointed trustees of the said land in lieu of the said Daniel Keen Congdon and Michael Samson, deceased: And whereas it is desirous that the ownership of the said Fremantle Lodge No. 2 in the said land and all other the moneys, goods, chattels, property, and effects of the said The Fremantle Lodge, No. 1033, should be declared and made good, and that the powers hereinafter contained should be conferred upon the said trustees: Be it therefore 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:—

1. It is hereby declared that Fremantle Town Lot No. 870, being the whole of the lands comprised and described in Certificate of Title, Volume 336, Folio 17, in the Books of the Registrar of Titles, Perth, and all other moneys, goods, chattels, property, and effects of The Fremantle Lodge, No. 1033, of Freemasons owing allegiance to the Grand Lodge of Freemasons, England, as from the twenty-seventh day of February, One thousand nine hundred, became and have ever since been the property of the members from time to time constituting Fremantle Lodge No. 2 owing allegiance to the Grand Lodge of Freemasons of Western Australia, and that as from the said twenty-seventh day of February, One thousand nine hundred, the right, title, and interest, if any, then existent of the said The Fremantle Lodge, No. 1033, of Freemasons, or of any then member or members of the said Fremantle Lodge, No. 1033, ceased to exist.

Real and personal property of Fremantle Lodge No. 1033 declared to be the property of Fremantle Lodge No. 2.

2. George Bland Humble, of Fremantle, in the State of Western Australia, gentleman, is hereby authorised and required to transfer the said Fremantle Town Lot 870 to himself and William Alexander George, of Fremantle, aforesaid, Gaol Governor, and Harry Ellington Wilson, of the same place, Auctioneer, as Trustees for and on behalf of the said Fremantle Lodge No. 2 of Freemasons (Western Australian Constitution), and the said land when so transferred shall be held by the said George Bland Humble, William Alexander George, and Harry Ellington Wilson, and their heirs and assigns, as such trustees as aforesaid, for the general purposes of the said Fremantle Lodge No. 2 and not for their private benefit and advantage, and subject at all time to the direction of the members from time to time constituting the said Fremantle Lodge No. 2 by resolution of a majority of the said members present at a meeting or meetings duly convened in accordance with the By-laws of the said Fremantle Lodge No. 2.

Authority to transfer.

3. On presentation to him by the said George Bland Humble of a conveyance or transfer of the said land to the said George Bland Humble, William Alexander George, and Harry Ellington Wilson as aforesaid, the Registrar of Titles, Perth, shall cause the same to be registered in the books of his office in the name of the said George Bland Humble, William Alexander George, and Harry Ellington Wilson as trustees for and on behalf of Fremantle Lodge No. 2 (Western Australian Constitution).

Registration of transfer.

4. On presentation to the Registrar by the Trustees for the time being of Fremantle Lodge No. 2 of any dealing with the said land for registration, together with a declaration by such Trustees or one of them that such dealing is for the general purposes of the said Lodge and not for their private benefit and advantage, and that the direction of the members of such Lodge has been duly

Registration of dealings with the land.

given under the provisions of Section two hereof, the Registrar may register such dealing, and it shall not be necessary for him to inquire whether or not such dealing is within the powers of the Trustees or whether the provisions of Clause two have been complied with.

Power to transfer
or mortgage.

5. On registration of such transfer as aforesaid it shall be lawful for the said George Bland Humble, William Alexander George, and Harry Ellington Wilson, the trustees aforesaid, and the survivors and survivor of them, and the heirs and assigns of each survivor, or other the person or persons for the time being in whom the said piece or parcel of land is or may from time to time be vested by any deed or deeds, instrument or instruments, document or documents, and either by way of mortgage or absolute transfer and either made under and by virtue of or in pursuance of the Transfer of Land Act, 1893, or otherwise from time to time to transfer, convey, or mortgage the same in fee simple for any sum of money and in such manner or form as he or they may think fit, and to assure the said land so to be transferred or mortgaged to the transferee or transferees, mortgagee or mortgagees, his, her, or their heirs and assigns, and with full power to execute any deed, document, or instrument giving such transferee or transferees, mortgagee or mortgagees, a power of sale and leasing respectively in case of default being made in payment of the principal and interest moneys at the time or times to be appointed for the payment thereof respectively, and with or without a power of distress and such other and accompanying powers, clauses, and provisions as shall be deemed expedient, and to give receipts for the money so to be advanced, and the said piece or parcel of land so to be transferred, conveyed, assured, or mortgaged shall henceforth be held and enjoyed by the transferee or transferees, mortgagee or mortgagees, his, her, or their heirs and assigns, freed and absolutely discharged from the trusts to which the same may for the time being be subject.

Transferee or
mortgagee not
obliged to see to
application of
money.

6. Nothing in this Act contained shall be deemed or construed to make it necessary for any transferee or transferees, mortgagee or mortgagees, purchaser or purchasers, to inquire whether the powers given by this Act are or were duly and regularly exercised, or in any wise to see to the application of any moneys raised under the authority of this Act, or to inquire into the necessity, regularity, or propriety of any such transfer or mortgage, or the exercise of any powers thereunder and hereby granted or conferred or to be effected by express notice that the same is or are irregular, unnecessary, or improper.

Repeal.

7. The Act 39 Victoria, No. 16, is hereby repealed.