

WESTERN AUSTRALIA

ANNO QUADRAGESIMO OCTAVO

VICTORIÆ REGINÆ

No. 17

An Act to vest certain lands belonging to the Albany Mechanics' Institute in new Trustees, to enable the Trustees of the said Institute to raise Money on Mortgage of the same. [*Assented to 13th September, 1884.*]

WHEREAS by a certain Deed Poll or Grant from the Crown, duly executed, and bearing date the Twenty-first day of December One Thousand Eight Hundred and Sixty-nine, His Excellency Frederick Aloysius Weld, the then Governor of Western Australia, did give and grant unto Henry Camfield, George Edward Egerton Warburton, and the Reverend Alexander Kyle Macsorley, and to their heirs and assigns for ever, a certain piece of land in the town of Albany aforesaid, called and known as Albany Town Lot No. 187; And whereas such land was so granted to them as Trustees for the Albany Mechanics' Institute, and the building known as the Albany Mechanics' Institute has since been erected thereon; And whereas Henry Camfield, one of the said Trustees, is long since dead, and Alexander Kyle Macsorley, another of said Trustees, has since left the said Colony, and the said George Edward Egerton Warburton is desirous of being relieved of said Trusteeship; And whereas the members of the said Institute have duly passed certain rules and regulations for the conduct and government of the same, and under and by virtue of such rules and regulations Cecil Rogers, surgeon, George Hopkins Broomhall, district postmaster, and Frank Rawlings Dymes, barrister-at-law, all of Albany aforesaid, have been appointed Trustees of the said Institute, in place of the said Alexander Kyle Macsorley and George Edward Egerton Warburton, and it is desirable that the said land, hereditaments, and premises should be vested in the said Cecil Rogers, George Hopkins Broomhall, and Frank Rawlings Dymes as such Trustees as aforesaid, and that the Trustees of the said Institute should be empowered to raise money for the purposes hereafter mentioned by mortgage of the said land, hereditaments, and premises :

Albany Mechanics' Institute

Be it enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

1. The said land, hereditaments, and premises known as Albany Town Lot No. 187 shall, by virtue of this Act and from and after the passing thereof, vest in the said Cecil Rogers, George Hopkins Broomhall, and Frank Rawlings Dymes, their heirs and assigns for ever, in trust for the sole purposes of the said institute.

Land to vest in Trustees of Albany Mechanics' Institute

2. It shall be lawful for the said Cecil Rogers, George Hopkins Broomhall, and Frank Rawlings Dymes, the trustees aforesaid, and the survivors and survivor of them and the heirs and assigns of such survivor or the person or persons for the time being in whom the said land may be vested, with the concurrence of three-fourths of the members of the said institute present and voting at a properly constituted meeting of the members of the said institute, and with the consent in writing of the Governor for the time being of the said Colony, acting with the advice of the Executive Council, to borrow and take up at interest any sum or sums of money on security of the whole or any portion of the said land, hereditaments, and premises, for the purpose of additions or alterations to the said building or buildings for the time being thereon or for the erection of any new building or buildings, and, with the consent and concurrence aforesaid, by a deed or deeds from time to time, for the purposes aforesaid or any of them, to mortgage the said land, hereditaments, and premises, or any portion thereof, in fee simple or for any term or terms of years as security to the person or persons advancing the amount of such loan and either with or without a power of sale and leasing respectively in case of default being made in the payment of the principal and interest moneys, at the time or times therein 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 land, hereditaments, and premises so to be mortgaged shall thenceforth be held and enjoyed by the mortgagee or mortgagees thereof, his, her, or their heirs, executors, administrators, and assigns, freed and absolutely discharged from the trusts to which the same may for the time being be subject.

Trustees enabled to raise money on lands

3. No covenant, proviso, or other matter or thing contained in any such mortgage deed or deeds or in this Act shall be deemed or construed to impose on the mortgagor or mortgagors, his, her, or their heirs, executors, administrators, or assigns, any personal responsibility for the repayment of the moneys advanced or of any interest to accrue due thereon.

Liability of Mortgagors

4. Nothing hereinbefore contained shall be deemed or construed to make it necessary for any purchaser or mortgagee to inquire whether the concurrence of the members of the said institute as aforesaid in any such loan has been duly and regularly obtained, or whether the said power of sale and mortgage were duly and regularly exercised, or in anywise 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 mortgage or mortgages, or be affected by notice

Purchaser or Mortgagee not bound to see to the application of money advanced

Albany Mechanics' Institute

that the same is or are irregular, unnecessary, or improper; subject always to the provisions of the next following section.

Mortgage to be
countersigned by
the Governor

5. That no such mortgage shall be valid unless countersigned as approved by the Governor for the time being of the said Colony, with the advice of the Executive Council.

F. NAPIER BROOME,
GOVERNOR.
