

WESTERN AUSTRALIA

ANNO TRIGESIMO NONO

VICTORIÆ REGINÆ

No. 16

An Act to enable the Trustees of 'The Fremantle Lodge
No. 1033' of Freemasons to raise Money on Fremantle
Town Lot 870. [*Assented to 31st December, 1875.*]

WHEREAS by a certain deed poll or grant from the Crown duly Preamble
executed and bearing date the second day of December, one
thousand eight hundred and seventy-five, in consideration of the sum of

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nine pounds, His Excellency William Cleaver Francis Robinson, Esquire, Governor of the Colony of Western Australia, did, under and by virtue and in pursuance of the power and authority in him vested, give and grant unto John Frederick Stone, of Fremantle, in the said Colony, Esquire; Daniel Kean Congdon, of the same place, merchant; and George Bland Humble, of the same place, schoolmaster, and their heirs, all that piece or parcel of land situate and being in the town of Fremantle, in the said Colony, containing twenty-five perches or thereabouts, being known as 'Fremantle Town Lot 870,' and bounded on the westward by one chain of Mount-street, on the southward by one chain eighty-two links of Marine-terrace, on the eastward by a north-westerly line seventy-five links in length parallel to the western boundary, and on the northward by a line one chain eighty-three links in length connecting the northern ends of the eastern and western boundaries: To hold the same unto the said John Frederick Stone, Daniel Kean Congdon, and George Bland Humble, their heirs and assigns for ever. And whereas on the third day of December following a certificate of title under 'The Transfer of Land Act, 1874,' and under the hand of the Commissioner of Land Titles and the seal of the Office of Titles, was duly issued to the said John Frederick Stone, Daniel Kean Congdon, and George Bland Humble, as joint proprietors of the same piece or parcel of land; and whereas by a paper writing or declaration of trust bearing date the seventh day of December following and under the hand of the said John Frederick Stone, Daniel Kean Congdon, and George Bland Humble, after reciting as hereinbefore recited and reciting that the said sum of nine pounds so paid for the purchase of the said piece or parcel of land as aforesaid, and which said sum of nine pounds was paid by the said John Frederick Stone, Daniel Kean Congdon, and George Bland Humble, was not the proper money of them the said John Frederick Stone, Daniel Kean Congdon, and George Bland Humble, or of either of them. but that it was a portion of the funds, and the grant aforesaid was made and certificate aforesaid issued to them as the Trustees of 'The Fremantle Lodge No. 1033' of Freemasons; they the said John Frederick Stone, Daniel Kean Congdon, and George Bland Humble did thereby severally declare that the grant and certificate aforesaid was so respectively made and issued to them as such Trustees as aforesaid and for the general purposes of the said Lodge as authorised and constituted by the warrant of their Grand Master, and not for their private benefit and advantage, and that they the said John Frederick Stone, Daniel Kean Congdon, and George Bland Humble would hold the said Fremantle Town Lot 870 for such purpose and for no other purpose whatever; and whereas the Master Wardens and Brethren of the said Lodge of Freemasons have agreed that a suitable building for the purposes of the said Lodge should be erected upon the said piece or parcel of land hereinbefore mentioned, and it would be beneficial to the public and tend to improve the general appearance of the neighbourhood if the said Lodge building was so erected, and for that purpose the said trustees are desirous of being empowered to raise money on a mortgage transfer or security of the same land, but the same cannot be effected without the aid and authority of an Act of His Excellency the Governor and the Legislative Council of the said Colony: Be it therefore enacted by His Excellency the

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

1. It shall be lawful for the said John Frederick Stone, Daniel Kean Congdon, and George Bland Humble, the trustees aforesaid and the survivors and survivor of them and the heirs and assigns of such 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 and in pursuance of 'The Transfer of Land Act, 1874,' or otherwise from time to time to transfer, convey or mortgage the same in fee simple for any sum or sums of money and in such manner and 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.

Trustees of Fremantle Lodge No. 1033 enabled to transfer or mortgage land to raise money

2. The powers by this Act conferred shall be exercisable only upon the consent and by the direction of the Master and Wardens for the time being of the said Lodge of Freemasons testified in writing under their hands.

Power exercisable on consent of Master and Wardens of Lodge

3. 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 officers of the said Lodge of Freemasons for the time being or any of them giving the aforesaid consent and directions were duly or regularly appointed, or 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 affected by express notice that the same is or are irregular, unnecessary, or improper.

Transferee, purchaser or mortgagee not bound to see to the application of money

WILLIAM C. F. ROBINSON,
GOVERNOR.