



Western Australia.

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VICTORIÆ REGINÆ.

No. XI.

AN ACT to enable "The Governors of the High School, Perth," to raise Money on Mortgage.

[Assented to, 8th September, 1883.]

WHEREAS by "The High School Act, 1876," certain persons elected and appointed as therein provided were constituted a body politic and corporate, with perpetual succession, by the name or style of "The Governors of the High School, Perth," and empowered by the same name from time to time, and at all times thereafter, to receive, purchase, acquire, take, and hold to them and their successors, in trust for and to and for the purposes of such School, any messuages, lands, tenements, and hereditaments of what nature or kind soever, and to grant, demise, alien, or otherwise deal with all or any of the property, real or personal, belonging to the said School; And whereas by Deed Poll, bearing date the 22nd day of July, 1882, under the hand of the then Governor and the Public Seal of the Colony of Western Australia, all that piece or parcel of land situate and being in the city of Perth, containing one acre two roods and thirty-one perches, more or less, and known in the Survey Office as "Perth Town Lot H 54," was granted and assured to "The Governors of the High School, Perth," and their successors, in trust for and to and for the purposes of such School, and to permit

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the said premises and all buildings thereon erected or to be erected to be for ever thereafter appropriated and used as and for a High School for boys, as established by law ; And whereas the Governors for the time being of the said School have contracted for the erection upon the said land of certain buildings for the purposes of the said School, and are desirous of raising moneys by mortgage of the said land for the payment of the construction of the said buildings ; And whereas doubts have arisen as to whether the said Governors can legally mortgage the said land granted to them as aforesaid, or any other lands which they may hereafter acquire for the purposes of the said School, and it is deemed expedient to settle such doubts, and to empower the said Governors from time to time to grant mortgages of any lands, hereditaments, and tenements which may be vested in them : Be it therefore 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 :—

Governors empowered to mortgage.

1. IT shall be lawful for “The Governors of the High School, Perth,” and their successors, by a deed or deeds, from time to time to mortgage the said land and hereditaments or any part thereof, and any other lands and hereditaments which they may hereafter acquire or any part thereof, in fee simple or for any term or terms of years for any sum or sums of money and in such manner as the said Governors may think fit, and to assure the said lands and hereditaments so to be mortgaged to the mortgagee or mortgagees thereof, his, her, or their heirs or assigns, or to demise the same to such mortgagee or mortgagees for any term of years and either with or without a power of sale and leasing respectively in case of default being made in payment of the principal or 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 moneys so to be advanced ; and the lands and hereditaments so to be mortgaged and assured or demised 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 upon which the said Governors may theretofore have held the same. Provided always, that the said Governors shall not have power to grant, mortgage, demise, or alien the said piece of land known as “Perth Town Lot H 54,” or any part thereof, without first obtaining the consent in writing of the Governor of the said Colony acting with the advice of the Executive Council.

Execution of deeds.

2. THE corporate seal of the said Governors shall be affixed to every deed executed in exercise of the powers conferred by this Act. at a general meeting of the said Governors, by the chairman of such meeting, and in the presence of the secretary of the said Governors.

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and every such deed shall also be signed by three of the said Governors.

3. IT shall not be necessary for any mortgagee or purchaser to inquire whether the Governors or any or either of them signing any deed as aforesaid were or was duly or regularly appointed, or as to the due and proper appointment of the secretary of the Governors, or whether the said powers of mortgage or of sale 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 mortgage or mortgages, or be affected by notice that the same is or are in any wise irregular, unnecessary, or improper, except as hereinbefore provided.

Mortgagee or purchaser not affected by irregularities, &c.

4. THIS Act may be cited as "The High School, Perth, Mortgage Act, 1883." Short Title.

In the name and on behalf of the Queen I hereby assent to this Act.

F. NAPIER BROOME, Governor.