

WESTERN AUSTRALIA

ANNO TRIGESIMO

VICTORIÆ REGINÆ

No. 11

An Ordinance to enable the Trustees of the Freemasons' Lodge of St. John, No. 485, to grant a mortgage on the 'Perth Building Lot B 15.'

[Assented to 25th September, 1866.]

Preamble

WHEREAS by a certain deed of grant duly executed and bearing date the eighteenth day of March, one thousand eight hundred and sixty-one, His Excellency Arthur Edward Kennedy, Governor of the said Colony, did under and by virtue and in pursuance of the power and authority in him vested, give and grant unto Nathaniel Howell, Walter Padbury and Benjamin Mason and to their heirs for ever a certain piece or parcel of land situate and being in the city of Perth, containing twenty-eight perches more or less and marked and distinguished in the maps and books of the Survey Office of the said Colony as 'Perth Building lot B 15'; bounded on the north by one chain forty links of Howick Street; on the east by Perth Building lot B 4, measuring one chain twenty-three links; on the south by a public reserve measuring one chain forty links; and on the west by one chain twenty-three links of Perth Building lot B 2: And whereas by a paper writing dated on or about the fourteenth day of December, one thousand eight hundred and sixty-five, purporting to be signed by the said Nathaniel Howell, Walter Padbury and Benjamin Mason, it was declared that the said grant was made to them as office-bearers of the Lodge of Freemasons No. 485, and for the general purposes of the Brethren of the Craft, as authorised and constituted by the warrant of their Grand Master and not for their private benefit and advantage; and whereas by indenture made on or about the fifteenth day of December, one thousand eight hundred and sixty-five, between the said Nathaniel Howell, Walter Padbury and Benjamin Mason and Frederick Palgrave Barlee for reasons therein particularly mentioned, the said Nathaniel Howell, Walter Padbury and Benjamin Mason did grant, bargain, sell and release to the said Frederick Palgrave Barlee and his heirs, the said land, hereditaments and premises nevertheless to the use of the said Walter Padbury and Benjamin Mason, their heirs and assigns for ever; and whereas the Master, Officers 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 land, hereditaments and premises hereinbefore mentioned; and whereas a large sum of money has already been expended in erecting the said building and it would be beneficial to the public and tend to improve the general appearance of the neighbourhood, if the said Lodge of Freemasons were enabled to complete the said building, and for that

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purpose that the said trustees should be empowered to grant a mortgage of the said lands, hereditaments and premises, but the same cannot be effected without the aid and authority of an Ordinance of His Excellency the Governor with the advice and consent of the Legislative Council: 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:—

1. It shall be lawful for the said Walter Padbury and Benjamin Mason, the trustees aforesaid and the survivor of them and the heirs and assigns of such survivor or the person or persons for the time being in whom the said lands, hereditaments and premises are vested by a deed or deeds, from time to time to mortgage the same in fee simple or for any term or terms of years for any sum or sums of money, and in such manner as he or they may think fit; and to assure the said lands, hereditaments and premises 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 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 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 to which the same may for the time being be subject.

Trustees of Freemasons' Lodge No. 485 enabled to raise money on lands

2. The powers by this Ordinance 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 of Lodge

3. Nothing in this Ordinance contained shall be deemed or construed to make it necessary for any purchaser or mortgagee to inquire whether the officers of the said Lodge of Freemasons for the time being, or any of them giving the aforesaid consent and direction, were duly or regularly appointed, 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 the said Ordinance, or to inquire into the necessity, regularity or propriety of any such mortgage or mortgages, or be affected by express notice that the same is or are irregular, unnecessary or improper.

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

J. S. HAMPTON,
GOVERNOR AND COMMANDER-IN-CHIEF.