



WESTERN AUSTRALIA  
ANNO VICESIMO SEPTIMO  
VICTORIÆ REGINÆ.

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No. XVIII.

AN ORDINANCE to regulate the Pensioners Benevolent Society.

[15th July, 1863.]

**W**HEREAS a certain Friendly or Benevolent Society known as the Pensioners' Benevolent Society has been established for some time past, for purposes of a provident and benevolent nature and it is expedient to enact provisions for the regulation thereof: 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:—

Preamble.

**1.** THAT the said Society shall be and is hereby enabled to hold lands tenements and hereditaments of inheritance; which shall be

Society may hold lands.

vested in their Treasurer for the time being for the purpose of promoting the objects of the said Society.

Lands vested in Treasurer

2. THAT all legal and equitable estate right and title in and to any lands hereditaments and premises, belonging to the said Society, and vested in any person or persons in trust for and on behalf of the said Society, shall immediately after the registration of the certificate hereinafter mentioned, by virtue hereof, be divested from such person or persons, and shall vest in the Treasurer for the time being of such Society, upon the trusts upon which such person or persons shall hold the same. And all estate in any lands hereditaments and premises hereafter granted or otherwise conveyed for the purpose of such Society, shall be vested in the Treasurer thereof for the time being.

Treasurer ceasing to hold Office, Lands to vest in his Successor.

3. THAT when and as often as the said Treasurer, for the time being, and any succeeding Treasurer, shall cease to hold such office, the lands hereditaments and premises, whether heretofore or hereafter acquired, or hereby vested or hereafter to be vested in the said Treasurer for the time being, shall by virtue of this Ordinance, be absolutely divested out of such Treasurer, so ceasing to hold such office as aforesaid, and, shall, by virtue of this Ordinance be transferred to and vested in his successor in the said office, immediately upon his entry in the said office absolutely, in the same manner as if the fee simple thereof had been originally conveyed to such Treasurer as a corporation sole and his successors, and so from time to time.

Attorney General to certify that lands belong to the Society.

4. THAT it shall be lawful for the Attorney General, on the written application of the person or persons in whom any lands hereditaments and premises belonging to the said Society are vested, on the production of the conveyance and declaration of trust relating to such lands hereditaments and premises, and on being satisfied the same are the bonâ fide property of the said Society, to endorse on such conveyance a certificate under his hand to that effect, and on such certificate being duly registered, it shall be received, for all purposes of this Ordinance, in all Courts of Justice, as evidence that the lands hereditaments and premises therein alluded to are the property of such Society.

Power to lease and sell, &c.

5. THAT the said Society shall be and is hereby enabled by and in the name of their Treasurer for the time being, in whom any estate or estates in lands hereditaments and premises may be vested, at any time or times to lease at a rack rent for any term not exceeding ten years, upon and subject to such covenants provisoes and conditions

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as he shall deem proper; any of the said lands hereditaments and premises and to dispose of either by way of sale or in exchange for other lands hereditaments and premises in the said Colony, all or any of the said lands hereditaments and premises for such price or prices upon such terms and under such conditions as the said Treasurer for the time being with the Consent of the Committees of Management of such Society shall think fit, with power to buy in or rescind any contract for sale or exchange of all or any of the said lands hereditaments and premises and to resell or exchange the same without being responsible for any loss which may be occasioned thereby, and the receipt of the said Treasurer for the time being for any money paid to him upon any sale or exchange, shall effectually discharge the person or persons paying the same from seeing to the application thereof or being accountable for the nonapplication or misapplication thereof.

6. THAT the said Treasurer, with the consent of the Committees of management of such Society, shall and may lay out the money received upon any such sale or for equality of exchange, in the purchase of freehold hereditaments of inheritance in the said Colony, or by investing the same in Government Securities, and shall accept and take the same hereditaments and securities upon trust for promoting the objects of the said Society.

Proceeds to be laid out in the purchase of other lands.

7. THAT the Officer for the time being commanding the Enrolled Pensioner Force, if he shall consent thereto, shall be *ex officio* the Treasurer, but in case he shall refuse to accept such office, it shall be lawful for the Governor by notice in the Government Gazette to nominate and appoint some other fit and proper person to discharge the same in the meantime.

Treasurer, how appointed.

8. THAT the said Society shall make or adopt rules for the government and guidance thereof, and from time to time alter amend or repeal the same, and make others in their stead, and form Committees and Officers of Management. Provided that such rules or a copy thereof and any alteration amendment or repeal of the same, shall be submitted to the Governor, for his approval and after such approval shall be deposited in the office of the Colonial Secretary: Provided also that all disputes concerning the said Society between the officers and members thereof, shall be referred through the Officer commanding the Enrolled Pensioner Force to the Governor, whose decision shall be final.

Society may make Rules, &c.

9. THAT it shall not be lawful to dissolve such Society at any

Provisions for dissolution.

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time except by a vote of at least nine-tenths of the members thereof, signifying their desire to dissolve the same, such votes to be taken in writing by the Treasurer, and each member shall be entitled to one vote for every three years he has been a subscriber to such Society.

J. S. HAMPTON,

GOVERNOR AND COMMANDER-IN-CHIEF.

*Passed the Legislative Council,  
this 15th day of July, 1863.*

G. E. HAMPTON.

*Clerk of the Council.*