

WESTERN AUSTRALIA

ANNO TRIGESIMO TERTIO

VICTORIÆ REGINÆ

No. 7

An Ordinance to enable the Oddfellows' Lodge at Fremantle to raise money on mortgage.

*[Assented to 12th July, 1869.]*

**W**HEREAS by a certain indenture of conveyance, bearing date Preamble the fifteenth day of August one thousand eight hundred and sixty-six, and made between Tom William Oakley of the first part,

*Friendly Societies (Oddfellows)*

Mary Ann Oakley of the second part, and John Shipton of Fremantle, Assistant Colonial Surgeon, Joshua Josiah Harwood of the same place, auctioneer, and William Robert Fauntleroy of Perth, chief clerk in the Convict Department, the Fremantle building lot No. 380 was in consideration of sixty-five pounds sterling expressed to be paid by them to the said Tom William Oakley, conveyed and assured to them, their heirs and assigns for ever; And whereas by a paper writing dated on or about the tenth day of September one thousand eight hundred and sixty-six, signed by the said John Shipton, Joshua Josiah Harwood, and William Robert Fauntleroy, after reciting the lastly recited indenture, and also reciting that the said sum of sixty-five pounds was not the proper money of them or either of them, but was portion of the funds of the New Swan Lodge No. 4406, of the Independent Order of Odd-fellows, Manchester Unity, they the said John Shipton, Joshua Josiah Harwood, and William Robert Fauntleroy did amongst other things declare that they and each and every of them would hold the said Fremantle lot No. 380 for all the purposes of the said Lodge, as by the rules of their Order they and their heirs were and might be from time to time bound to do, and for no other purposes whatever; And whereas the officers and brethren of the said Lodge 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 were enabled to complete the said building, and for that 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:—

Trustees of  
Lodge No. 4406  
enabled to raise  
money on lands

1. It shall be lawful for the said John Shipton, Joshua Josiah Harwood, and William Robert Fauntleroy, 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 lands, hereditaments and premises are or may be from time to time 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 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

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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.

2. The powers by this Ordinance conferred shall be exercisable only upon the consent and by the direction of the Treasurer for the time being of the said Lodge testified in writing under his hand.

Power exercisable on consent of Treasurer 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 Treasurer of the said Lodge for the time being giving the aforesaid consent and direction was 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.

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

4. This Ordinance may be cited as 'The Oddfellows' Mortgage Ordinance, 1869.'

Short title

J. BRUCE,  
GOVERNOR.

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