

Act No. 8 of 1940**BRITISH COLONIAL HOTEL**

An Act in ratification and confirmation of the sale of the British Colonial Hotel and the Hotel Nassau to the Colonial Hotel Company Limited. *8 of 1940*

[Commencement 9th May, 1940]

1. This Act may be cited as The British Colonial Hotel Act. *Short title.*

2. In this Act: *Interpretation*

“Company” means The Colonial Hotel Company Limited.

“Properties” means:

- (a) The British Colonial Hotel and the furnishings thereof and the piece, parcel or lot of land set out and described in Schedule I of this Act.
- (b) The Nassau Hotel and the furnishings thereof and the piece, parcel or lot of land set out and described in Schedule II of this Act.

3. The two Indentures of Conveyance being Schedules I and II of this Act, the Indenture of Mortgage being Schedule III to this Act and the Agreement being Schedule IV to this Act are hereby approved, ratified and confirmed. *Approval of Deeds.*

4. It is hereby declared that the properties (described in the conveyances, mortgage and agreement referred to in section 3 hereof) shall be and the same are by this Act declared to be vested in the Company and their assigns in fee simple and absolutely. *Properties conveyed vested in purchaser.*

SCHEDULE I**BAHAMA ISLANDS,
NEW PROVIDENCE.**

THIS INDENTURE made the tenth day of December in the year of Our Lord One thousand Nine hundred and Thirty-seven BETWEEN His Excellency The Honourable Charles Cecil Farquharson Dundas, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief in and over the Bahama Islands, acting for and on behalf of the Government of the Bahama Islands (who and whose successors in office for the time being are intended to be included in the term “Bahamas Government”) of the first part, The Public Board of Works for New Providence (hereinafter called the “Board”) of the second part AND the Treasurer of the Bahama Islands acting for and on behalf of the Colony, a Corporation Sole by The Treasurer Corporation Act being Bahamas Statue Chapter 21 of the 1929 Revised Edition of the Statute Laws of the Bahama Islands (hereinafter called the Treasurer) of the third part AND The Colonial Hotel Company Limited, a Company incorporated under the Laws of and carrying on business within the Bahama Islands and having its registered office in the City of Nassau in the Island of New Providence (hereinafter called the Company) of the fourth part.

WHEREAS by Indenture of mortgage dated respectively the Fifteenth day of September in the year of Our Lord One Thousand Nine hundred and Twenty-five and the Thirtieth day of March in the year of Our Lord One thousand Nine Hundred and Thirty now of record in the Registry of Records in the City of Nassau in the said Island of New Providence in Book Z 11 pages 199 to 205 and in Book E 13 pages 44 to 48 and made between Bahamas Hotel Company Limited of the one part and the Treasurer of the Bahama Islands of the other part and by an Indenture dated the Thirtieth day of November in the year of Our Lord One Thousand Nine hundred and Thirty-four now of record in the said Registry of Records in Book P 13 pages 162 to 173 and made between the Receiver General and Treasurer of the Colony of the Bahamas of the first part Bahamas Hotel Company Limited of the second part and the Trustees of Munson Steamship Line of the third part expressed to be supplemental to the hereinbefore recited indenture of mortgage dated the Fifteenth day of September in the year of Our Lord One thousand Nine hundred and Twenty-five conveyed and assigned respectively to the Treasurer in fee simple absolutely all the right title claim and interest of Bahamas Hotel Company Limited in and to the New Colonial Hotel (now known as the British Colonial Hotel) and the equipment furnishings and accessories used in its operation subject to a proviso for redemption on payment to the Treasurer of the sum of Four hundred and

Thirteen thousand Three hundred and Forty-five pounds Fifteen shillings and Sixpence and interest thereon on the Thirtieth day of June in the year of Our Lord One thousand Nine hundred and Thirty-seven;

AND WHEREAS by virtue of the provisions of the said indentures of mortgages and of The Conveyancing and Law of Property Act and in the events which have happened the Bahamas Government is now empowered to sell convey and assign the hereditament hereafter described and the contents of the British Colonial Hotel and to give a valid discharge for the purchase money in manner hereinafter expressed;

AND WHEREAS the Bahamas Government has agreed to sell to the Company the unincumbered fee simple of the said hereditaments and the contents of the British Colonial Hotel at the price of One hundred and Fifty thousand pounds;

NOW THIS INDENTURE WITNESSETH that in consideration of the sum of One hundred and Fifty thousand pounds paid by the Company to the Bahama Government (the receipt whereof the Bahamas Government hereby acknowledge) the Board of Trustees by the direction of the Bahamas Government hereby convey to the Treasurer as Mortgagee and the Bahamas Government as Beneficial Owners and as Mortgagees respectively and in exercise of the before mentioned power of sale and of all other enabling powers and estates (if any) hereby convey and confirm unto the Company ALL the hereditaments and premises more particularly described and set out in the Schedule hereto together with the appurtenances thereunto belonging TO HOLD the same unto and to the use of the Company and its assigns in fee simple freed from all right of redemption and from all claims whatsoever under the said indentures of mortgage or otherwise.

AND THIS INDENTURE ALSO WITNESSETH that for the consideration aforesaid The Treasurer as Mortgagee and the Bahamas Government as Beneficial Owners hereby assign to the Company ALL the furniture equipment accessories contents chattels goods and effects now in upon or about the British Colonial Hotel and Grounds TO HOLD the same unto and to the use of the Company and its assigns absolutely freed from all right of redemption and from all claims whatsoever under the said indentures of mortgage or otherwise.

THE SCHEDULE HEREINBEFORE REFERRED TO.

ALL that piece parcel or lot of land being the Site and Grounds of the British Colonial Hotel and situate in the City of Nassau in the Island of New Providence aforesaid and bounded on the North by the Harbour of Nassau on the East partly by a Public Street formerly the Navy Lion Yard partly by Bay Street partly by the Hotel Nassau and partly by land remaining vested in the Board on

the South partly by the side walks on the North side of Marlborough Street and partly by Bay Street and on the West partly by the side walk on the East side of West Street partly by Bay Street and partly by land vested in the Board now occupied by offices of Public Board of Works and other public offices which said piece parcel or lot of land hereby conveyed or intended so to be has such position shape boundaries marks and dimensions as are more particularly delineated and set out in those parts which are coloured Pink and Red of the Plan hereto attached.

IN WITNESS WHEREOF His Excellency the Honourable Charles Cecil Farquharson Dundas, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the Most Excellent Order of the British Empire, Governor and Commander-in-Chief in and over the Bahama Islands, hath hereunto set his hand and seal at the said City of Nassau, the Public Boards of Works for New Providence has caused its Common Seal to be hereunto affixed and The Treasurer acting for and on behalf of the Colony hath hereunto set his hand and seal.

(L.S.) (Sgd.) CHARLES DUNDAS,
Governor.

Signed, Sealed and Delivered by His Excellency the Honourable Charles Cecil Farquharson Dundas, C.M.G., O.B.E., on the tenth day of December in the year of Our Lord One thousand Nine hundred and Thirty-seven in the presence of,

(L.S.) (Sgd.) J. B. GRIFFIN.
(Sgd.) R. W. TAYLOR,
Chairman.
(Sgd.) R. W. SAWYER,
Member.
(Sgd.) JOHN BURNSIDE,
Member.

The Common Seal of the Public Board of Works for New Providence was affixed hereto by The Honourable Robert Walter Taylor, C.M.G., the Chairman of the Board and R. W. Sawyer and John Burnside members of the said Board who affixed their signatures hereto on the Tenth day of December in the year of Our Lord One thousand Nine hundred and Thirty-seven in the presence of,

(L.S.) (Sgd.) J. B. GRIFFIN.
(Sgd.) R. W. TAYLOR,

Signed, Sealed and Delivered by the said Honourable Robert Walter Taylor, C.M.G., the Treasure of the Bahama Islands on the Tenth day of December in the year of Our Lord One thousand Nine hundred and Thirty-seven in the presence of,

(Sgd.) J. B. GRIFFIN.

SCHEDULE II**BAHAMA ISLANDS,
NEW PROVIDENCE.**

THIS INDENTURE made the tenth day of December in the year of Our Lord One thousand Nine hundred and Thirty-seven BETWEEN His Excellency The Honourable Charles Cecil Farquharson Dundas, Companion of the Most Distinguished Order of Saint Michael and Saint George, Officer of the most Excellent Order of the British Empire, Governor and Commander-in-Chief in and over the Bahama Islands, acting for and on behalf of the Government of the Bahama Islands (who and whose successors in office for the time being are intended to be included in the terms the “Bahamas Government”) of the first part, The Treasurer of the Bahama Islands acting for and on behalf of the Colony, a Corporation Sole by The Treasurer Corporation Sole Act being Bahamas Statute Chapter 21 of the 1929 Revised Edition of the Statute Laws of the Bahama Islands (hereinafter called the Treasurer) of the second part AND the Colonial Hotel Company Limited, a Company incorporated under the Laws of and carrying on business within the Bahama Islands and having its registered office in the City of Nassau in the Island of New Providence (hereinafter called the Company) of the third part.

WHEREAS by an Indenture of Mortgage dated the First day of December in the year of Our Lord One thousand Nine hundred and Twenty-three now of record in the Registry of Records in the City of Nassau in the said Island of New Providence in Book Q 11 pages 593 to 600 and made between Bahamas Hotel Company Limited of the one part and Rodney McDonough President of the Firm of Francis T. Montell and Sons Incorporated of the other part, Bahamas Hotel Company Limited conveyed the freehold hereditaments hereinafter described to the said Rodney McDonough in fee simple subject to a Proviso for Redemption on payment of Sixty thousand dollars and interest thereon.

AND WHEREAS by an Indenture of Transfer of Mortgage (hereinafter referred to as the Transfer of Mortgage) dated the First day of December in the year of Our Lord One thousand Nine hundred and Twenty-eight now of record in the said Registry of Records in Book Y 13 pages 259 to 262 and made between the said Rodney McDonough President of the Firm of Francis T. Montell and Sons Incorporated of the one part and The Beaverson Corporation of the other part the said Rodney McDonough assigned to Beaverson Corporation ALL his right title and interest in the said Indenture of Mortgage.

AND WHEREAS by an Indenture dated the Twenty-eighth day of October in the year of Our Lord One thousand Nine hundred and Thirty-six now of record in the said Registry of Records in Book S 13 pages 78 to 81 and made between The