

1957.] *Roman Catholic Vicariate of the* [No. 32.  
*Kimberleys Property.*

**ROMAN CATHOLIC VICARIATE  
OF THE KIMBERLEYS  
PROPERTY.**

6° Elizabeth II. No. XXXII.

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No. 32 of 1957.

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**AN ACT** to vest in the Roman Catholic Vicar Apostolic of the Kimberleys and his Successors in Office the Property belonging to or held in trust for or on behalf of the Roman Catholic Church within the Roman Catholic Vicariate of the Kimberleys, to make provision for the Vicar Apostolic to deal with that Property and for other incidental purposes.

[Assented to 5th November, 1957.]

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Roman Catholic Vicariate of the Kimberleys Property Act, 1957.* Short title.

Interpretation.  
(Cf. No. 28 of 1955, s. 2.)

2. In this Act,

“property” means property of every kind whatsoever including legal and equitable, real and personal property, and choses in action.

Roman Catholic Church property within the Vicariate of the Kimberleys vested in Vicar Apostolic.  
(Cf. No. 28 of 1955, s. 3.)  
First Schedule.

3. The lands comprised in the instruments of title set out in the First Schedule to this Act and which are vested—

- (a) as to the lands comprised in the instruments of title set out in Part I. of that Schedule, in the Roman Catholic Bishop of Perth, and
- (b) as to the lands comprised in the instruments of title set out in Part II. of that Schedule, in the Roman Catholic Bishop of Geraldton, and
- (c) as to the lands comprised in the instruments of title set out in Part III. of that Schedule, in the Pious Society of Missions Incorporated of Broome,

and all other property belonging to the Roman Catholic Church or held by any person in trust for or on behalf of that Church and situated within the Roman Catholic Vicariate of the Kimberleys, shall from the coming into operation of this Act, and without the execution of any formal deed of assurance or transfer, vest absolutely and indefeasibly in the Roman Catholic Vicar Apostolic for the time being of that Vicariate and his successors in office, subject to the trusts, encumbrances and dispositions respectively affecting the same.

Vicar Apostolic to be a corporation sole.  
(Cf. No. 28 of 1955, s. 4.)

4. The Roman Catholic Vicar Apostolic for the time being of the Vicariate of the Kimberleys is a corporation sole by the name of “The Roman Catholic Vicar Apostolic of the Kimberleys” with perpetual succession and a common seal, and by and in that name may sue and be sued, and has power to purchase, hold, and take property and, subject to the provisions of section five of this Act, to sell,

mortgage, lease or otherwise dispose of any property vested in him pursuant to the provisions of section three of this Act or acquired after the coming into operation of this Act, and in respect of any real property whether freehold or leasehold so vested or acquired, may also exercise all the powers conferred on the Bishop for the time being administering the ecclesiastical affairs of the Roman Catholic Church in Western Australia and his successors in office, by the Roman Catholic Church Lands Act, 1895.

5. (1) Notwithstanding anything contained in the Acts mentioned in the Second Schedule to this Act, it is lawful for the Vicar Apostolic of the Vicariate of the Kimberleys in his corporate name as "The Roman Catholic Vicar Apostolic of the Kimberleys" subject to any express trust or condition against alienation and to the provisions of section seven of the Roman Catholic Church Lands Act, 1895—

Power to sell,  
mortgage  
and lease  
lands.  
(Cf. No. 28 of  
1955, s. 5.)  
Second  
Schedule.

- (a) to sell any lands vested in him pursuant to the provisions of section three of this Act and transfer or otherwise assure the same to a purchaser freed and absolutely discharged from any trust or condition affecting the lands, not being an express trust or condition against alienation;
- (b) to mortgage the lands to secure moneys borrowed for the purpose of paying and discharging debts already incurred and secured by existing mortgages on lands belonging to the Roman Catholic Church. or to secure moneys which may be lawfully borrowed after the coming into operation of this Act and by way of security to assure to a mortgagee and his assigns the lands freed and discharged from any trust or condition affecting the lands, not being an express trust or condition against alienation; and
- (c) to lease the lands for any term with or without right of renewal and either by way of building lease or otherwise and

subject to such covenants, conditions, and agreements as the Vicar Apostolic thinks fit to impose, notwithstanding any trust or condition affecting the lands, not being an express trust or condition against leasing.

(2) For the purposes of this Act, a trust or condition expressed to be for the use or purposes or benefit of the Roman Catholic Church in general or the Roman Catholic Vicariate of the Kimberleys in particular or in words of like import is not an express trust or condition against alienation.

(3) No purchaser, mortgagee, or lessee of any lands sold, mortgaged or leased under the provisions of this section is bound or concerned to inquire whether the power of sale, mortgage or lease was duly and regularly exercised, or to see to the application of any purchase, mortgage or other moneys, or to inquire into the necessity, regularity, or propriety of any sale, mortgage or lease, or be affected by notice that a sale, mortgage or lease is irregular, unnecessary or improper.

Registration  
of vesting  
and remission  
of fees.  
(Cf. No. 28 of  
1955, s. 6.)

6. The vesting of any land by this Act in "The Roman Catholic Vicar Apostolic of the Kimberleys" shall on the application of the Vicar Apostolic or his attorney or attorneys be registered and noted in the Office of Titles, the Office of the Registrar of Deeds or the Department of Lands and Surveys, as the case may require, and on the respective instrument of title to that land, free of charge.

Power  
to appoint  
attorneys.  
(Cf. No. 28 of  
1955, s. 7.)

7. The Roman Catholic Vicar Apostolic of the Kimberleys may, from time to time, by an instrument in writing under his hand and seal, appoint one or more Priests of the Vicariate of the Kimberleys to be his attorney or attorneys to exercise all or any of the powers conferred upon the Vicar Apostolic by this Act, and it shall be lawful for the attorney or attorneys so appointed, in the name and on behalf of the Roman Catholic Vicar Apostolic of the Kimberleys, to exercise those powers accordingly, and to execute all documents required to give effect thereto.

8. Upon the death of a Roman Catholic Vicar Apostolic of the Vicariate of the Kimberleys the Pro-Vicar Apostolic duly elected by the consultors of that Vicariate shall be entitled to exercise the powers and be liable to perform the duties of the Vicar Apostolic until the appointment and consecration of his successor, and it shall be lawful for the Pro-Vicar Apostolic to exercise those powers and to perform those duties and to execute all documents required to give effect thereto and the documents so executed shall have the same force and effect as if they had been duly executed by The Roman Catholic Vicar Apostolic of the Kimberleys.

Pro-Vicar  
Apostolic  
to act on  
death of  
Vicar  
Apostolic  
until  
successor  
appointed.  
(Cf No. 28 of  
1955, s. 8.)

S. 3.

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FIRST SCHEDULE.

PART I.

*Certificates of Title*  
*Volume Folio.*

320	168
320	169

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PART II.

*Certificates of Title*  
*Volume Folio.*

34	31
34	32
34	33
179	125

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PART III.

*Certificates of Title*  
*Volume Folio.*

226	63
516	82
1063	363
1114	468

SECOND SCHEDULE.

An Ordinance for vesting Roman Catholic Church Lands in Western Australia in the Roman Catholic Bishop Administrator and his Successors (22 Vict., No. 4).

The Roman Catholic Church Lands Act, 1895 (59 Vict.,—Private).

Roman Catholic Church Lands Amendment Act, 1902 (1 and 2 Edw. VII.—Private).

Roman Catholic Church Property Act, 1911 (No. 36 of 1911).

Roman Catholic Church Property Act Amendment Act, 1912 (No. 32 of 1912).

Roman Catholic Church Property Acts Amendment Act, 1916 (No. 4 of 1916).

Roman Catholic Geraldton Church Property Act, 1925 (No. 9 of 1925).

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