

WESTERN AUSTRALIA.



ANNO PRIMO

GEORGHII QUINTI REGIS,

XLVII.

No. 36 of 1911.

AN ACT to vest in the Roman Catholic Bishop of the Diocese of Perth, and his successors in office, all property belonging to or held on account of the said Diocese, and to make further provision for disposing of such property, and for other purposes connected therewith.

[Assented to 16th February, 1911.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and 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 Church Property Act, 1911.*

Short title.

2. In this Act the word "Property" includes property of every kind whatsoever, both legal and equitable, real and personal, and choses in action.

Interpretation.

3. All property now or hereafter belonging to the Diocese of the Roman Catholic Church known as the Diocese of Perth, or vested in any person as trustee on account of the said Church in the said Diocese (including all lands mentioned in or

Vesting of Church property in Bishop of Roman Catholic Diocese of Perth.

affected by Act No. 4 of 1858, or the Roman Catholic Church Lands Act, 1895, excepting such lands as have been lawfully alienated or as are vested in the Bishop of any other Diocese under the Roman Catholic Lands Amendment Act, 1902), shall by virtue hereof (but subject to the last-mentioned Act) vest absolutely in the Roman Catholic Bishop for the time being of the said Diocese and his successors in office subject to all trusts and dispositions respectively affecting the same.

Bishop to be
corporation
sole.

4. For the purposes of this Act and of the Roman Catholic Church Lands Act, 1895, the said Bishop for the time being shall be a corporation sole, by the name of "The Roman Catholic Bishop of Perth," with perpetual succession, and by and in that name may sue and be sued and shall have power to purchase, take, and hold property and (subject as hereinafter provided, and to the trusts and dispositions aforesaid) to sell, mortgage, lease, or dispose of any property hereby vested, and may in respect of any real or leasehold property hereby vested exercise all powers conferred on the Bishop for the time being administering the Ecclesiastical affairs of the Roman Catholic Church of Western Australia, and his successors in office, by the Roman Catholic Church Lands Act, 1895.

Lands not to be
disposed of with-
out consent of
Advisers.

5. The said Bishop and his successors in office shall not have any power to sell, lease, mortgage, encumber, or otherwise dispose of any real or leasehold property so vested in him and his successors as aforesaid without the consent in writing of two persons, who shall be styled the "Advisers" and shall be appointed as hereinafter provided.

Preservation of
provisions of
Roman Catholic
Church Lands Act,
1895.

6. No such power as aforesaid shall be exercised by the Bishop or his successors in office in respect of any such real or leasehold property as aforesaid except with the consent aforesaid and in manner provided in the Roman Catholic Church Lands Act, 1895, and with the consent and subject to the conditions, restrictions, and exceptions therein set forth.

Appointment of
Advisers.

7. The Advisers aforesaid shall be appointed and may be removed from time to time by the Bishop of the said Diocese for the time being with the approval of the Diocesan Council of the said Diocese.

Vacation of office
of Adviser.

8. The office of an Adviser shall be vacated by his death or resignation or by such removal as aforesaid.

Evidence of
appointment of
Adviser.

9. A certificate under the hand of the said Bishop for the time being that any person is or was on a date named therein an Adviser under this Act shall be conclusive evidence of the fact.

10. All documents required for giving effect to any transaction or dealing with property to which the consent of such Advisers is required shall be under the hand of the said Bishop for the time being, and shall be attested and subscribed by the said Advisers.

Execution of documents.

11. The vesting of any land by this Act in "the Roman Catholic Bishop of Perth" shall 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 document of title of such land free of charge.

Remission of registration fees.