

WESTERN AUSTRALIA.



ANNO SEPTIMO

GEORGI QUINTI REGIS,

IV.

No. 4 of 1916.

AN ACT to further amend the Acts relating
to the Property of the Roman Catholic
Church.

[Assented to 17th November, 1916.]

WHEREAS the Diocese of Perth has been created into an Archdiocese; And whereas the Archbishop of the said Archdiocese is now carrying out the powers and duties formerly carried out by The Roman Catholic Bishop of Perth; And whereas it is necessary that the said Archbishop should be enabled to exercise the powers and duties in respect of all lands situated within his Archdiocese and belonging to the Roman Catholic Church to all intents and purposes as if he were the Roman Catholic Bishop of the Diocese of Perth: Be it therefore 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 Parliament assembled, and by the authority of the same, as follows:—

Preamble.

1. This Act may be cited as the *Roman Catholic Church Property Acts Amendment Act, 1916.* Short title.

2. The expression "Diocese of Perth," wherever mentioned in the Acts mentioned in the Schedule hereto, shall mean and include "The Archdiocese of Perth."

"Diocese" to be interpreted to mean Archdiocese.

Powers vested in the Roman Catholic Bishop of Perth to be exercised by Archbishop.

3. The title "Roman Catholic Bishop of the Diocese of Perth" shall mean and include "The Archbishop of the Archdiocese of Perth," and all acts, matters, and things that might or could be done and performed by the Roman Catholic Bishop of the Diocese of Perth may from time to time be done and performed by the Archbishop of the said Archdiocese for the time being, as a corporation sole by the name of "The Roman Catholic Bishop of Perth."

Power to sell, lease, and mortgage lands.

4. (1) Notwithstanding anything contained in the Acts mentioned in the schedule hereto, it shall be lawful for the Archbishop for the time being of the said Archdiocese, in his corporate name as "The Roman Catholic Bishop of Perth," with the consent in writing of the advisors, and subject to section seven of the Roman Catholic Church Lands Act, 1895—

- (a) to sell any lands granted by the Crown or otherwise acquired and held in trust for the said Church or for any of the purposes thereof, and transfer or otherwise assure the same to a purchaser freed and absolutely discharged from any trusts to which the said lands may be subject;
- (b) to mortgage such lands to secure moneys borrowed for the purpose of paying and discharging debts heretofore incurred and which are secured by existing mortgages on church lands, or to secure moneys which may hereafter be lawfully borrowed, and for the purpose of such security to assure such lands to the mortgagee and his assigns freed and discharged from any such trusts as aforesaid; and
- (c) notwithstanding any such trusts, to lease any such 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 said Archbishop may think fit.

(2) No purchaser, mortgagee, or lessee of any such lands shall be bound or concerned to inquire whether any power of sale, mortgage, or lease was duly and regularly made or exercised, or in anywise to see to the application of any purchase, mortgage, or other moneys, or to inquire into the necessity, regularity, or propriety of any such sale, mortgage, or lease, or be affected by notice that the same is or are irregular, unnecessary, or improper, subject, however, to the provisions of section seven of the Roman Catholic Church Lands Act, 1895, in respect of lands granted by the Crown.

Certain sales, etc., validated.

5. All sales, mortgages, leases, and assurances of any such lands as aforesaid heretofore made or intended to be made in good faith by the said Archbishop in the said corporate name are hereby validated and confirmed.

6. Subsection one of Section two of "The Roman Catholic Church Lands Act, 1895," is hereby amended by inserting after the words "improving the same," in the seventh line thereof, the words "and for any other purpose or purposes whatsoever that the said Archbishop in his corporate name, with the consent of the advisors, may deem necessary from time to time."

Amendment of Sec.
2 of R.C. Church
Lands Act, 1895.

(1) Section seven of the Roman Catholic Church Property Act, 1911, is hereby amended by inserting the words "or his attorney" after the word "Bishop," in the second line of the said section.

Amendment of ss.
7 and 9 of Act No.
36 of 1911.

(2) Section nine of the Roman Catholic Church Property Act, 1911, is hereby amended by inserting the words "or his attorney" after the word "Bishop," in the first line of the said section.

T H E S C H E D U L E.

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

The Roman Catholic Church Lands Act, 1895;
The Roman Catholic Church Lands Amendment Act, 1892;
The Roman Catholic Church Property Act, 1911;
The Roman Catholic Church Property Act Amendment Act, 1912.