

# THE RELIGIOUS EDUCATIONAL AND CHARITABLE INSTITUTIONS ACT OF 1861<sup>(1)</sup> (QUEENSLAND, ADOPTED) IN ITS APPLICATION TO THE TERRITORY OF PAPUA.

## An Act to Facilitate the Incorporation of Religious Educational and Charitable Institutions.

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**B**E it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled and by the authority of the same as follows:—

Preamble repealed by No. 3 of 1914, s. 2 and First Schedule.

1. It shall be lawful for the Governor with the advice of the Executive Council from time to time to issue Letters Patent under

Governor may incorporate Institution.

(1) *The Religious Educational and Charitable Institutions Act of 1861* of Queensland, in its application to the Territory of Papua, comprises the original *The Religious Educational and Charitable Institutions Act of 1861* of Queensland referred to in Part I of the following Table, as amended by the Ordinance of the Possession of British New Guinea referred to in Part II of the following Table and by the Ordinance of the Territory of Papua referred to in Part III of the following Table:—

TABLE.  
PART I.—ACT OF THE STATE OF QUEENSLAND.

Citation of Act.	Ordinance by which adopted.	Date on which adoption took effect.
<i>The Religious Educational and Charitable Institutions Act of 1861</i> (25 Vic. No. 19) <sup>(a)</sup>	<i>The Courts and Laws Adopting Ordinance (Amended) of 1889</i> (No. 6 of 1889)	23.11.1889 (Supplement to British N.G. Govt. Gaz. of 23.11.1889)

(a) Continued in force in the Territory of Papua by Section 6(1) of the *Papua Act 1905*.

PART II.—ORDINANCE OF THE LEGISLATIVE COUNCIL OF BRITISH NEW GUINEA.

Short title, number and year.	Date of assent by Administrator.	Date on which published in British N.G. Govt. Gaz.	Date on which took effect.
<i>The Courts and Laws Adopting Ordinance of 1901</i> (No. 2 of 1901) <sup>(a)</sup>	31.5.1901	8.6.1901	8.6.1901 (Supplement to British N.G. Govt. Gaz. of 8.6.1901)

(a) Continued in force in the Territory of Papua by Section 6 (1) of the *Papua Act 1905*.

PART III.—ORDINANCE OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council notified in Papua Govt. Gaz.	Date on which came into operation.
<i>Ordinances Revision Ordinance, 1913</i> (No. 3 of 1914)	14.8.1913	4.2.1914	4.2.1914 ( <i>Papua Govt. Gaz.</i> of 4.2.1914)

RELIGIOUS EDUCATIONAL AND CHARITABLE INSTITUTIONS—

the Seal of the Colony and therein to declare that any person or persons and their successors for ever holding any religious or secular office or preferment or exercising any religious or secular functions to which he or they shall have been duly called or appointed in accordance with the rights laws rules or usages of the community or institution to which such person or persons should belong shall be a body corporate by such name and style as may in and by the said Letters Patent be given to such Corporation and such person or persons shall by that name have perpetual succession and a common seal and shall by the same name from time to time and at all times thereafter be capable to receive purchase acquire and possess to them and their successors so called or appointed to and for the uses and purposes of the said Corporation and of the religious or secular institution by which such person or persons and their successors shall be so called or appointed any messuages lands tenements and hereditaments of what nature kind or quality soever within the said Colony and also to receive purchase acquire and possess to and for the same uses and purposes any goods chattels gifts or benefactions whatsoever and to mortgage charge or alienate all or any of the said messuages lands tenements hereditaments goods chattels gifts or benefactions provided such a mortgage charge or alienation be not contrary to the gift grant or dedication of the original donor and that the moneys to be raised thereby shall be applied to the same uses and purposes and such corporation shall and may by the same name be capable to sue and to be sued both at law and in equity in like manner as any other body politic or corporate or any persons capable to sue and be sued in law or in equity in any manner whatsoever.

Acts of such Corporations to be valid.

2. No defect irregularity or illegality in the calling or appointment of any such person or persons or their successors nor any want of title thereby or by any matter of form created shall invalidate prejudice or affect the right title or interest of any *bonâ fide* purchaser or mortgagee provided that the purchase or mortgage deed shall be under the common seal of the said corporation and that the consideration for making such deed shall be truly stated therein and no purchaser or mortgagee shall be obliged to see to the application or be accountable for the misapplication or non-application of his purchase or mortgage money

Provided nevertheless that it shall be proved that such person or persons were in fact holding such religious office or preferment.

Section 3 repealed by No. 2 of 1901, s. 2.

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(2) See Section 2 of *The Courts and Laws Adopting Ordinance of 1901.*

*The Religious Educational and Charitable Institutions Act of 1861.*

4. Any person or persons seeking for incorporation under the provisions of this Act and his or their successors shall file in the office of the Supreme Court with the Registrar thereof a copy of the documentary evidence of such person or persons, calling or appointment and of the calling or appointment of such successor or successors and such copy shall be verified by oath before a Judge of the Supreme Court who shall require the production before him of the original document.

Proof of succession.

5. This Act may be cited as "*The Religious Educational and Charitable Institutions Act of 1861.*"<sup>(1)</sup>

Short title.

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Section 6 repeated by No. 3 of 1914, s. 2 and First Schedule.

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(1) See footnote (1) printed on p. 3985.