

THE RELIGIOUS EDUCATIONAL AND CHARITABLE INSTITUTIONS ACT OF 1861 AMENDMENT ACT OF 1895⁽¹⁾ (QUEENSLAND, ADOPTED) IN ITS APPLICATION TO THE TERRITORY OF PAPUA.

An Act to amend "The Religious Educational and Charitable Institutions Act of 1861."

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Preamble repealed by No. 3 of 1914, s. 2 and First Schedule.

BE 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:—

Short title and construction.

1. This Act may be cited as "*The Religious Educational and Charitable Institutions Act of 1861 Amendment Act of 1895*" and shall be read and construed with and as an amendment of "*The Religious Educational and Charitable Institutions Act of 1861*" hereinafter called "the Principal Act."

* * * * * (2)

(1) *The Religious Educational and Charitable Institutions Act of 1861 Amendment Act of 1895* of Queensland, in its application to the Territory of Papua, comprises the original *The Religious Educational and Charitable Institutions Act of 1861 Amendment Act of 1895* of Queensland referred to in Part I of the following Table, as amended by the Ordinance of the Territory of Papua referred to in Part II 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 Amendment Act of 1895</i> (59 Vic. No. 4) ^(a)	<i>The Courts and Laws Adopting Ordinance of 1901</i> (No. 2 of 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 II.—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)

(2) Section 2 of *The Religious Educational and Charitable Institutions Act of 1861 Amendment Act of 1895* (Queensland, adopted) was not adopted: see Section 1 of *The Courts and Laws Adopting Ordinance of 1901*.

The Religious etc. Institutions Act of 1861 Amendment Act of 1895.

3. The term "community" or "institution" as used in the Principal Act shall include and shall be deemed to have always included as well any integral part as the whole of such community or institution to the intent that any person or persons holding any religious or secular office or preferment with reference to any integral part of a community or institution shall be and shall be deemed to have always been capable of being and remaining incorporated under the provisions of the Principal Act notwithstanding the incorporation thereunder of any person or persons holding any religious or secular office or preferment with reference to the whole or any other integral part of such community or institution.

Incorporation of integral parts of a community or institution.

Provided that nothing in this section contained shall extend to give effect to any deed of grant gift benefaction or testamentary disposition heretofore made which has before the passing of this Act been avoided in any action or proceeding or to prejudice any action or proceeding which has been commenced before the passing of this Act or to affect any property held or enjoyed beneficially by any person at the time of the passing of this Act adversely to any such deed of grant gift benefaction or testamentary disposition.

Saving of past or pending proceedings or adverse possession.

4. It shall be lawful for the Governor by Order in Council⁽³⁾ to cancel any Letters Patent issued under the provisions of the Principal Act and upon publication in the *Gazette* of such Order in Council the Corporation existing under such Letters Patent shall be dissolved.

Cancellation of Letters Patent, and dissolution of Corporations.

Provided that no such cancellation or dissolution shall be made without the consent of the community or institution affected thereby.

5.—(1.) The Order in Council by which any Letters Patent are cancelled under the provisions of this Act shall direct that all property of the corporation thereby dissolved shall vest in some person or persons, or body corporate, therein specified.

Vesting of property belonging to dissolved Corporations.

(2.) The Order in Council shall when published in the *Gazette* operate to vest the property of the corporation thereby dissolved in the person or persons or body corporate therein specified without any conveyance transfer or other assurance, and for the purposes of "*The Real Property Act of 1861*"⁽⁴⁾ and "*The Real Property Act of 1877*"⁽⁴⁾ shall be as effective as a transfer duly executed by the corporation immediately before its dissolution.

(3.) All property vested under the provisions of this Act shall be vested for the same estate and interest and to the same uses and

(3) No Order in Council has been published in British N.G. *Govt. Gaz.* or Papua *Govt. Gaz.*

(4) *The Real Property Act of 1861* of Queensland and *The Real Property Act of 1877* of Queensland were adopted as laws of the Territory by *The Courts and Laws Adopting Ordinance (Amended)* of 1889. Both of these adopted Acts were repealed and replaced in the Territory by the *Real Property Ordinance, 1913-1939*.

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upon the same trusts and subject to the same powers provisions encumbrances and liabilities for to upon and subject to which such property was held immediately before the same became so vested.

No abatement of action or proceeding by or against a dissolved Corporation.

6. No action or proceeding by or against any previously existing corporation or any member thereof shall be affected prejudiced or abated by reason of the dissolution of such corporation under the provisions of this Act.

Regulations.

7.—(1.) The Governor in Council may from time to time make and when made revoke and vary regulations⁽⁵⁾ respecting the manner and conditions in and under which the cancellation of Letters Patent and the dissolution of Corporations and the vesting of property under the provisions of this Act are to be made and effected, and respecting the particulars to be furnished in connection therewith and the verification of such particulars and generally respecting all matters and things necessary to give effect to the provisions of this Act.

(2.) All such Regulations shall be published in the *Gazette*, and when so published shall have the force of law.

(5) No regulations have been made.