



Roman Catholic Church (Corporation of the Sisters of Mercy of the Diocese of Cairns) Lands Vesting Act 1945

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Queensland

Roman Catholic Church (Corporation of the Sisters of Mercy of the Diocese of Cairns) Lands Vesting Act 1945

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Roman Catholic Church (Corporation of the Sisters of Mercy of the Diocese of Cairns) Lands Vesting Act 1945

An Act to enable the vesting of certain real and personal property in a body corporate constituted pursuant to the *Religious Educational and Charitable Institutions Act 1861* in the name and style of ‘The Corporation of the Sisters of Mercy of the Diocese of Cairns’ and for other purposes

Preamble

- 1 Pursuant to letters patent dated 3 June 1943, issued under the hand of His Excellency the Governor of Queensland and the Public Seal of the said State, by virtue of the provisions of the *Religious Educational and Charitable Institutions Act 1861*, Catherine Mooney, Margaret Meagher, Margaret Power, and Julianne Wall, being persons holding and exercising certain offices in the Roman Catholic Church of the Congregation of the Sisters of Mercy of the Diocese of Cairns, in the said State, were constituted a body corporate by the name and style of ‘The Corporation of the Sisters of Mercy of the Diocese of Cairns’ (the *corporation*).
- 2 It is desired that certain lands being freehold land in the names of various registered proprietors shall be vested in the corporation.

Sch 1

- 3 Such freehold lands are more particularly described in schedule 1.
- 4 It is desired that certain leasehold land in the names of certain lessees shall be vested in the said corporation.

Sch 2

- 5 The said lease is more particularly described in schedule 2.
- 6 It is desirable to give effect to such vesting as hereinbefore referred to.

1 Short title

This Act may be cited as the *Roman Catholic Church (Corporation of the Sisters of Mercy of the Diocese of Cairns) Lands Vesting Act 1945*.

2 Vesting of lands in the Corporation of the Sisters of Mercy of the Diocese of Cairns—schs 1 and 2

All lands, tenements, hereditaments, and lease, being the lands, tenements, hereditaments, and lease more particularly described in schedules 1 and 2, together with all rights, easements, interests, and appurtenances thereto shall without any conveyance or assignment or transfer or other assurance other than the authority of this Act be divested from the persons who at the passing of this Act are the registered proprietors or lessees, as the case may be, and shall be conveyed and transferred to and shall vest in the corporation (being *The Corporation of the Sisters of Mercy of the Diocese of Cairns*) as registered proprietor for an estate in fee simple in possession or as lessee, as the case may be, completely freed and discharged from the trusts (if any) under which at the passing of this Act the same are held, but subject to any encumbrances, leases, or other interests affecting the same and for the purposes of the corporation; and all personal property of whatsoever description being improvements on the said lands, tenements, hereditaments, and lease, shall without any conveyance or transfer other than the authority of this Act vest in the corporation as owner thereof absolutely.

3 Powers of the corporation—schs 1 and 2

The corporation shall be entitled at all times to exercise as registered proprietor in respect of the lands referred to in schedule 1 so conveyed, transferred, and vested in the corporation, and as registered lessee in respect of the lease

referred to in schedule 2, and as owner of the personal property conveyed to and vested in the corporation such powers, rights, and remedies as shall be permitted and allowed by the *Religious Educational and Charitable Institutions Act 1861* and the *Religious Educational, and Charitable Institutions Act 1861 Amendment Act 1895*, and the *Land Title Act 1994*, and the *Sugar Works Act 1911*, and by the constitution and rules for the time being of the corporation.

4 Power to mortgage

- (1) In addition to such powers it shall and may be lawful for the corporation from time to time and at all times hereafter to borrow moneys upon the security of all or any of the lands, tenements, hereditaments, and lease, and other property hereby conveyed or transferred to and vested in the corporation, and for such purposes to execute in such form as the corporation may deem fit such mortgages, bills of sale, and other securities as the corporation may deem necessary.
- (2) Every mortgage made or given in pursuance of the powers aforesaid may contain a power of sale by the mortgagees their executors, administrators, or assigns in case of default in payment of any principal or interest moneys secured by such mortgage or of breach of any of the conditions therein contained.

5 Power to lease

- (1) It shall be lawful for the corporation in respect of any of the lands by this Act vested in the corporation from time to time to lease or sublet the said lands or any portion or portions thereof for any term not exceeding 21 years upon such terms and conditions as it deems proper.
- (2) Every lease or sublease granted in pursuance of the powers aforesaid may be surrendered and a new lease or sublease of the whole or any portion of the land comprised in any surrendered lease or sublease may be granted subject to the provisions of this Act with regard to the granting of a lease or sublease.

6 Power to sublease in case of sugar works lease—sch 2

It shall be lawful for the corporation in respect of the lease under the *Sugar Works Act 1911* referred to in schedule 2 to sublease all or part of any of such lease and the provisions of the *Sugar Works Act 1911* shall, mutatis mutandis, where necessary apply and extend accordingly.

7 Power to sell

In addition to the powers, rights, and remedies conferred by this Act it shall and may be lawful for the corporation from time to time and at all times hereafter to sell by public auction or private contract any of the property real or personal vested by this Act in the corporation as it may deem expedient and at such prices and upon such terms and conditions as the corporation may deem fit and when sold to convey the same or any part thereof, and thereupon the same shall vest in the purchasers their heirs, executors, administrators, or assigns according to the estate and interest of the corporation therein absolutely freed and discharged from any trusts affecting the same.

8 Receipts for mortgage and purchase

The receipt in writing of the corporation or of any person or persons authorised by the corporation in writing to receive the same for the moneys borrowed on the security of any property mortgaged, or for the purchase-money of any property sold, under this Act, by the corporation, or for rents in respect of leases, or for any moneys which shall be payable to the corporation when exercising its powers conferred by this Act shall exonerate the mortgagee and all other persons for the time being paying such moneys to the corporation, and he, she or they shall not be bound or required to see to the application thereof or be affected by the misapplication or non-application thereof.

9 Income and profits

The income, rents, profits, and proceeds of sale and moneys borrowed as aforesaid shall be applied by the corporation to and for such uses as the corporation shall in its discretion and in accordance with the constitution, rules, and practice of the corporation as the case may seem fit.

10 Preservation of rights

- (1) Nothing in this Act contained or that may be done under this Act shall be deemed prejudicially to affect or to deprive any person of any right or interest whatsoever to which the person at the passing of this Act is entitled, whether arising out of contract or tort and any such right or interest which may at the time of the passing of this Act be enforceable against the corporation, or any person in whom the lands or property have heretofore been vested, and in respect of which right or interest the property hereby conveyed transferred and vested has heretofore been liable may be enforced against the corporation.
- (2) However, no such right or interest shall be enforceable against the members of the corporation or any of them personally.

11 Duty of registrar of titles in respect of corporation—sch 1

The registrar of titles shall on application made by or on behalf of the corporation in respect of the lands under the *Real Property Act 1861*, conveyed transferred to and vested in such corporation by virtue of this Act (and described in schedule 1) register such corporation as registered proprietor of the lands concerned, and for that purpose shall issue any certificate of title or deed of grant and make such endorsement or endorsements and make any such entry in the registers as may be necessary and proper for the purposes of this Act.

12 Duty of registration officer in respect of sugar works lease and other registration officers

- (1) The proper officer in respect of the *Sugar Works Act 1911* on application made by or on behalf of the corporation shall respectively by virtue of this Act register the corporation as lessee or cause it to be so registered in respect of the lease so conveyed or transferred to or vested in the corporation (being the lease described in schedule 2) and shall respectively issue any document or documents necessary for that purpose and make such endorsement or endorsements and make any such entry in the registers as may be necessary and proper for the purposes of this Act.
- (2) Any other proper officer of any other registry concerned shall, in like manner, observe, *mutatis mutandis*, the provisions of this section.

Schedule 1

C/T or D/G.	No.	Vol.	Fol.	County.	Parish.	Town.	Description of Property.	Area.	Registered Proprietors.
C/T	54666	19	144	Banks	Cooktown	Cooktown	Allot. 2 of sec. 5	A. P. 0 1 0	James Dominick Murray and John Patrick Crane, as Devises in Trust
C/T	54067	19	145	Banks	Cooktown	Cooktown	Allot. 1 of sec. 5	0 0 24	James Dominick Murray and John Patrick Crane, as Devises in Trust
C/T	N504	81	125	Banks	Cook	Cooktown	Allot. 8 of sec. 8	0 2 16	Annie Sullivan (wife of John Sullivan)
C/T	42821	289	73	Banks	Cooktown	Cooktown	Allot. 4 of sec. 8	0 2 16	Annie Sullivan (wife of John Sullivan)
C/T	55605	375	95	Banks	Cooktown	Cooktown	Allot. 3 of sec. 8	0 2 16	Annie Sullivan (wife of John Sullivan)
D/G	27149	159	232	Banks	Cooktown	Cooktown	Allot. 3 of sec. 5	0 1 0	John Hutchinson, William Francis O'Byrne, and Edmund Bellord Power, as Joint Tenants
D/G	27178	188	232	Banks	Cooktown	Cooktown	Allot. 5 of sec. 5	0 1 0	John Cani
D/G	27180	190	232	Banks	Cooktown	Cooktown	Allot. 4 of sec. 5	0 1 0	John Cani
C/T	N33536	260	246	Cardwell	Herberton	Herberton	Allot. 11 of sec. 11	0 1 0	Margaret Gertrude Power, Mary Canice Leahy, Mary Patrick Meagher, and Mary Enda Mansfield, spinsters, as Joint Tenants

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C/T	N45294	315	94	Cardwell..	Herberton ..	Herberton ..	Allots. 1, 2, 3, 4, 5, 6, 7, 8, 12, 13, 14 and 15 and sub. 1 of allots. 9, 10 and 11 of sec. 12	4	0	37	Mary Evangelist Morrissey, Mary Gertrude Power, Mary Patrick Meagher, Mary Canice Leahy, Mary Enda Mansfield, Mary Ann Harney, and Mary Oliver O'Halloran, spinsters, as Joint Tenants
D/G	N11754	261	109	Nares ..	Barron ..	Atherton ..	Allots. 3, 4, 17 and 18 of sec. 9	1	0	0	Mary Evangelist Morrissey, Margaret Gertrude Power, Mary Ignatius McGrath, Mary Patrick Meagher, Mary Canice Leahy, and Mary de Sales Hoey, spinsters, as Joint Tenants
C/T	N3061	103	12	Nares ..	Cairns ..	..	Sub. 1 of por. Sv	1	3	10	Mary Ignatius McGrath and Mary Margaret Cahill, as Joint Tenants
C/T	N6831	132	49	Nares ..	Cairns ..	..	Sub. 1 of por. 9v	20	0	0	Bridget Morrissey, Margaret Power, and Bridget Cahill, spinsters, as Joint Tenants
C/T	N13249	168	220	Nares ..	Cairns ..	Cairns ..	Allot. 4 of sec. 19	0	1	0	John Heavey and Patrick Bernard Doyle, as Joint Tenants
D/G	55386	40	90	Nares ..	Cairns ..	Cairns ..	Allot. 5 of sec. 19	0	1	0	Mary Brigit Mooney and Mary Anthony Gough, spinsters, as Joint Tenants
D/G	55387	41	91	Nares ..	Cairns ..	Cairns ..	Allot. 6 of sec. 19	0	1	0	Mary Mechtild Bolger, Mary Anthony Gough, and Mary Columba Wall, spinsters, as Joint Tenants

C/T or D/G.	No.	Vol.	Fol.	County.	Parish.	Town.	Description of Property.	Area.	Registered Proprietors.
C/T	N4360	114	12	Cardwell	Herberton ..	Herberton ..	Allot. 14 of sec. 11	A. R. P. 0 1 0	Mary Evangelist Morrissey, Mary Patrick Meagher, Mary Catherine Kelly, Mary de Sales Hoey, sisters, Sisters of Mercy, The Convent, Herberton, as Joint Tenants
C/T	N4362	114	14	Cardwell	Herberton ..	Herberton ..	Allot. 12 of sec. 11	0 1 0	Mary Evangelist Morrissey, Mary Patrick Meagher, Mary Catherine Kelly, Mary de Sales Hoey, sisters, Sisters of Mercy, The Convent, Herberton, as Joint Tenants
C/T	N4364	114	16	Cardwell	Herberton ..	Herberton ..	Allot. 15 of sec. 11	0 0 33	Mary Evangelist Morrissey, Mary Patrick Meagher, Mary Catherine Kelly, Mary de Sales Hoey, sisters, Sisters of Mercy, The Convent, Herberton, as Joint Tenants
C/T	N4335	113	237	Cardwell..	Herberton ..	Herberton ..	Allot. 13 of sec. 11	0 1 0	Mary Evangelist Morrissey, Mary Patrick Meagher, Mary Catherine Kelly, Mary de Sales Hoey, sisters, Sisters of Mercy, The Convent, Herberton, as Joint Tenants

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D/G	N5288	121	239	Nares	..	Grafton	..	Nelson	..	Allot. 2 of sec. 6.	0	3	15-6	Margaret Power, Mary Evangelist Morrissey, Mary Ignatius McGrath, Mary Patrick Meagher, Mary Bridget Mooney, and Mary Columba Wall, Sisters of Mercy, as Joint Tenants
D/G	N5287	121	238	Nares	..	Grafton	..	Nelson	..	Allot. 3 of sec. 6	0	3	15-6	Margaret Power, Mary Evangelist Morrissey, Mary Ignatius McGrath, Mary Patrick Meagher, Mary Bridget Mooney, and Mary Columba Wall, spinsters, as Joint Tenants
C/T	N27088	235	148	Nares	..	Grafton	..	..	..	Resub. 6 of sub. 2 of por. 11	0	1	0	The Roman Catholic Trust Corporation for the Diocese of Cairns
C/T	N38445	283	245	Nares	..	Malanda	..	..	..	Resubs. 63, 64, 76, and 77 of sub. 2 of por. 129	0	3	39-5	Mary Patrick Meagher, Margaret Gertrude Power, Mary Canice Leahy, and Mary Enda Mansfield, spinsters, as Joint Tenants
Part of D/G	N4159	109	117	Nares	..	Tinaroo	..	Mareeba	..	Sub. 1 of allot 5 of suburban sec. 2 as per Plan of D. C. Hollingsworth, dated 28-9-1944	0	2	32	The Vicar Provincial of the Order of the Hermits of Saint Augustine in Queensland

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C/T or D/G.	No.	Vol.	Fol.	County.	Parish.	Town.	Description of Property.	Area.	Registered Proprietors.
C/T	86718	51	106	Nares ..	Cairns ..	Cairns ..	Allot. 15 of sec. 19	A. R. P. 0 1 0	Catherine Mechtilde Bolger, Margaret Dominic Whelan, and Julia Joseph O'Dwyer, spinsters, as Joint Tenants
D/G	55354	40	62	Nares ..	Cairns ..	Cairns ..	Allot. 16 of sec. 19	0 1 0	Nora Anthony Gough and Julianne Columba Wall, Sisters of Mercy, as Joint Tenants
D/G	55356	40	63	Nares ..	Cairns ..	Cairns ..	Allot. 14 of sec. 19	0 1 0	Mary Evangelist Morrissey, Mary Gertrude Power, Mary Ignatius McGrath, and Mary Patrick Meagher, spinsters, as Trustees
D/G	55357	40	64	Nares ..	Cairns ..	Cairns ..	Allot. 13 of sec. 19	0 1 0	Mary Evangelist Morrissey, Mary Gertrude Power, Mary Ignatius McGrath, and Mary Patrick Meagher, spinsters, as Trustees
C/T	N14365	174	84	Nares ..	East Barron..	..	Sub. 2 of por. 17	1 0 0	Mary Aloysius Kelly, one undivided half part
C/T	N14366	174	85	Nares ..	East Barron	..	Sub. 2 of por. 17	1 0 0	Mary Carthage Frawley, one undivided half part

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C/T or D/G	No.	Vol.	Fol.	County.	Parish.	Town.	Description of Property.	Area.	Registered Proprietors.
C/T	N34628	266	178	Solander	Victory	..	Resubs. 1 and 2 of sub. 1 of resub. 31 of sub. 4 of por. 35	A. R. P. 0 3 11.7	The Vicar Apostolic of the Vicariate Apostolic of Cooktown
Part of C/T	N34659	266	209	Solander..	Victory.	..	Resubs. 3 and 4 of sub. 1 of resub. 31 of sub. 4 of por. 35	0 3 11.6	Brigid Mooney, Gabriel Hickey, Augustine Breen, and Finbarr O'Connell, spinsters, as Joint Tenants

Schedule 2

Lease no. N81302 under the *Sugar Works Act 1911*, county of Nares, parish of Bellenden-Ker, town of Babinda, allotment 15 of section 2 of portion 129, described in deed of grant no. N9151, volume 233, folio 177, containing 1 rd in the names of Mary Evangelist Morrissey, Mary Brigid Mooney, and Mary Stanislaus Hickey, as tenants in common.