

and the following 5 pages
 This is the annexure marked "B" referred to.
 in the AFFIDAVIT of GERARD MARK PHILLIPS
 SWORN before me at SYDNEY
 this 14th day of MARCH 1996
 Stephen Duns Solicitor

I N D E N T U R E .

HERBERT EDWARD BERSEY SMITH

A N D

THE CATHOLIC EPISCOPAL MIGRATION AND WELFARE
ASSOCIATION (INCORPORATED).

Bundoo

AN INDENTURE made this *28th* day of *January* 1948 between HERBERT EDWARD BERSEY SMITH of Cathedral Avenue Perth in the State of Western Australia Under Secretary for Lands and Immigration (acting herein in his official capacity and hereinafter with his successors in office referred to as "the Under Secretary") of the one part A N D THE CATHOLIC EPISCOPAL MIGRATION AND WELFARE ASSOCIATION (-INCORPORATED) (hereinafter with its successors and assigns referred to as "the Custodian") of the other part.

WHEREAS pursuant to the provisions of the Immigration (Guardianship of Children) Act 1946 of the Commonwealth of Australia the legal guardianship of immigrant children as defined by the said Act is vested in the Minister of State for Immigration.

AND WHEREAS under authority of the said Act and by virtue of an Instrument of delegation made the 19th day of December 1946 the said Minister of State for Immigration delegated his powers and functions of guardianship as aforesaid to the Under Secretary save and except in respect of Sections 5 and 11 of the said Act.

NOW THIS INDENTURE WITNESSETH as follows :-

1. The Custodian HEREBY ACKNOWLEDGES that it has received into its custody at Saint Joseph's Farm School Bindoon the immigrant children particulars of whom are set out in the schedule hereto.
2. The Custodian covenants with the Under Secretary that it (1) shall bear all responsibility for the care and welfare of such children (2) will not move such children from Saint Joseph's Farm School Bindoon without the written consent of the Under Secretary being first had and obtained and (3) will in all things comply with the provisions of its part relating to such children and contained in the said Act and the statutory rules and regulations made thereunder and the Child Welfare Act 1907-1941 Amendments and re-enactments thereto of the State of Western Australia and the regulations made thereunder and the amendments thereto.

THE SCHEDULE.

REDACTED

REDACTED

HENNESSY, Michael John

REDACTED

AS WITNESS the execution of these presents the day and year first hereinbefore written.

SIGNED SEALED AND DELIVERED by the said HERBERT EDWARD BERSEY SMITH Under Secretary for Lands and Immigration for the time being in the presence of :

H. E. Smith

H. E. Smith

ASSISTED OFFICER OF THE STATE PUBLIC SERVICE LANDS DEPT., PERTH.

SIGNED SEALED AND DELIVERED by the Trustees of the said CATHOLIC EPISCOPAL MIGRATION AND WELFARE ASSOCIATION (INCORPORATED) in the presence of :

M. J. Hennessey

M. J. Hennessey

