

DIOCESE OF NEW GUINEA PROPERTY ORDINANCE, 1938.⁽¹⁾

No. 6 of 1938.

An Ordinance to provide for the Vesting of the Property of the Diocese of New Guinea and for other Purposes.

BE it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

1. This Ordinance may be cited as the *Diocese of New Guinea Property Ordinance, 1938.*⁽¹⁾ Short title.

2. In the interpretation of this Ordinance unless the context otherwise requires:— Interpretation.

“The Bishop” means The Right Reverend Father in God Philip Nigel Warrington by Divine Permission Lord Bishop of New Guinea and his successors.

“Mission” means the Anglican Mission in Papua whether called by that name or any other name of similar import.

“Corporation” means the corporation constituted by this Ordinance.

“Mission property” includes all churches dwellings and other buildings and all freehold and leasehold lands and premises and all personal property in the Territory belonging to or used in connection with the Mission and now or at any time hereafter vested in any person as trustee thereof and also includes all real and personal property of the Church of England in the Territory and all real and personal property acquired by the corporation under the powers contained in this Ordinance.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Lieut.-Gov.	Date notified in <i>Papua Govt. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
27.7.1938	2.11.1938	27.7.1938 (<i>Ordinances etc. of Papua, 1938, p. 95</i>)

CHURCH PROPERTY—

Incorporation.

3. The Bishop and his successors shall be a body corporate under the name of The Bishop of New Guinea and having perpetual succession and a seal and with power to hold lands of any tenure and shall be capable of suing and being sued in the corporate name.

Vesting of property.

4. All the estate right title and interest legal and equitable in and to any mission property shall from and after the passing of this Ordinance by virtue thereof and without the necessity of any formal deed of assurance be divested from the trustee or trustees thereof and vest in the corporation upon the trusts mentioned in and contained in any grants deeds or other assurances in the law granting or conveying the same to such trustee or trustees and subject thereto for Church of England purposes and no other purposes whatever.

Declaration of trusts.

5. Subject to the provisions of the last preceding section and of Section 10 hereof the corporation shall hold all mission property upon trust to use and appropriate or permit the use and appropriation of the same for the purposes of the erection and maintenance of cathedrals churches chapels mission houses schools ministers' dwellings rest houses and other buildings and for any other purposes in connection with or for the benefit or maintenance of the Mission or the members thereof or for the benefit and advancement of the Church of England in the Diocese.

Powers of the corporation.

6. Subject as aforesaid the corporation shall have the following powers:—

- (a) From time to time to purchase or take on lease or acquire by gift devise exchange or otherwise any other real or personal property.
- (b) To sell the mission property or any part or parts thereof either together or in parcels by public auction or private contract for cash or on credit and on such terms and subject to such conditions as the corporation thinks fit and also to exchange the said lands or any part or parts thereof for other lands and to transfer and assure the same when sold or exchanged to the purchaser or purchasers thereof or to the person taking such exchange freed and discharged from the trusts affecting the same and for all or any of the purposes aforesaid to sign seal and execute all such contracts transfers and other deeds documents and instruments as may be necessary.
- (c) To raise such sum or sums of money when and on such terms as the corporation thinks fit by deposit of the deeds or by mortgage (with or without power

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of sale) of the mission property or any part or parts thereof and to execute all proper assurances for that purpose.

- (d) To demise and lease the mission property or any part or parts thereof for such periods at such rents and upon such terms and conditions as the corporation shall think fit.
- (e) To appoint any person as the attorney of the corporation either generally or in respect of any specified matters and to act in any place wheresoever and every deed signed by such attorney on behalf of the corporation and under his seal shall be binding on the corporation and have the same effect as if it were under the seal of the corporation.

7. No lessee mortgagee purchaser person taking on exchange or other person paying any rent or other money to the corporation shall be bound or concerned to see to the application thereof and the receipt of the corporation or of the Bishop shall be a sufficient discharge therefor. Protection of purchasers, etc.

8. The Episcopal seal of the Bishop shall be the seal of the corporation and every instrument to which the seal is affixed shall be signed by the Bishop. Seal.

9. So often as the office of the Bishop of New Guinea shall be vacant the person for the time being administering the affairs of the Diocese shall be empowered to act in the place and stead of the Bishop and during such vacancy shall be deemed to be the corporation constituted by this Ordinance. Vacancy in office of Bishop.

10. Nothing in this Ordinance shall affect or be deemed to affect the trusts conditions or restrictions declared or imposed by the original grant dedication or gift of any mission property nor the provisions of any Ordinance under which any lands forming part of the mission property have been granted or leased. Saving clause.

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