

ROMAN CATHOLIC MISSION PROPERTY ORDINANCE, 1919. ⁽¹⁾

No. 2 of 1919.

An Ordinance to Incorporate the Roman Catholic Mission in Papua and for other purposes.

WHEREAS a Mission of the Roman Catholic Church known Preamble.
by the name of "The Sacred Heart Mission" and "The Roman Catholic Mission" and by other titles has for many years past carried on religious work in the Territory: AND WHEREAS by divers deeds of grant under the Seal of the Possession of British New Guinea certain lands within the said Possession were granted under Section 31 ⁽²⁾ of *The Crown Lands Ordinance of 1890* ⁽³⁾ to the Most Reverend Louis Andre Navarre Archbishop of Cyr in trust for the said mission for religious purposes: AND WHEREAS by divers other grants and purchases other lands within the Territory both freehold and leasehold have been acquired on behalf of the said mission and all of such lands are now vested in divers persons as trustees thereof: AND WHEREAS the said Archbishop Navarre has departed this life and others of the said trustees are now residing out of the Territory: AND WHEREAS it is advisable to constitute a permanent corporation to hold the said lands in trust for the said Mission. BE IT ENACTED by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Roman Catholic Mission Property Ordinance, 1919.* ⁽¹⁾ Short title.

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

Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
30.6.1919	7.1.1920	30.6.1919 (<i>Ordinances, etc. of Papua, 1919, p. 5</i>)

(2) Section 31 of *The Crown Lands Ordinance of 1890* read as follows:
"When the Administrator in Council is satisfied that any Crown land is required by any mission body in any part of the Possession for religious purposes such land may be granted in fee-simple to any person in trust for such mission body for religious purposes. When land is so granted it shall be sold to the trustee at the price (if any) at which it was purchased from the vendors to the Crown but land so alienated cannot be transferred by the grantee except in trust for the same mission body and when not used for religious purposes it shall revert to the Crown."

(3) *The Crown Lands Ordinance of 1890* was repealed and replaced by *The Land Ordinance of 1899*. *The Land Ordinance of 1899* was repealed and replaced by *The Land Ordinance of 1906*, and *The Land Ordinance of 1906* was repealed and replaced by *The Land Ordinance, 1911-1940*.

CHURCH PROPERTY—

Interpretation.

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

“Head of the Mission” means the person for the time being administering the ecclesiastical affairs of the Roman Catholic Mission in the Territory and his successors in the said office and includes the person for the time being acting in such office.

“Mission” means the Roman Catholic Mission in Papua whether called by that name or by the name of “The Sacred Heart Mission” “The Roman Catholic Mission at Yule Island” or by 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 connexion 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 acquired by the corporation under the powers contained in this Ordinance.

Incorporation of the Mission.

3. The Head of the Mission and his successors shall be a body corporate by the name of “The Roman Catholic Mission in Papua” 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 lands.

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 upon the trusts herein contained.

Declaration of trusts.

5. Subject to the provisions of the last preceding section and of Section 9 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 mission houses schools convents presbyteries rest houses and other buildings and for any other purposes in connexion with or for the benefit or maintenance of the mission or the members thereof.

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

- (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 in the Territory.
- (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 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 by instrument in writing under the common seal 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 Head of the Mission shall be a sufficient discharge therefor. Protection of purchasers, etc.

8. The Head of the Mission shall provide for the safe custody of the seal of the corporation and every instrument to which the seal is affixed shall be signed by the Head of the Mission. Custody of seal.

CHURCH PROPERTY—

Saving clause.

9. 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.