

CHURCH OF ENGLAND (NEW GUINEA) PROPERTY ORDINANCE 1935.⁽¹⁾

No. 33 of 1935.

An Ordinance Relating to Church of England Property in New Guinea.

BE it ordained by the Legislative Council for the Territory of New Guinea, in pursuance of the powers conferred by the *New Guinea Act 1920-1932*, as follows:—

1. This Ordinance may be cited as the *Church of England (New Guinea) Property Ordinance 1935.*⁽¹⁾ Short title.

2. In this Ordinance, unless the contrary intention appears— Definition.
 “Bishop of Melanesia” means the person for the time being holding the office of Bishop of the Church of England Diocese of Melanesia and his successors in that office.

3. The Bishop of Melanesia shall be a corporation sole with perpetual succession and a seal of office, with power to acquire, hold, manage, control, and, subject to this Ordinance, grant, transfer, mortgage, demise, sell, dispose of, create or reserve easements over, or otherwise deal with, any real or personal property, and capable of suing and being sued. Incorporation of Bishop of Melanesia.

4. All real and personal property from time to time vested in the Bishop of Melanesia shall, so far as it is not subject to any express trust, be held upon trust and dealt with for the purposes of carrying on or benefiting or advancing or extending or making more effectual the work and objects of the Church of England in the Diocese of Melanesia. Trust property how held.

5. The Bishop of Melanesia may, by writing under his seal, appoint any person as his attorney either generally or in respect of any specified matters and to act in any place. Appointment of attorney.

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

Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Governor-General in Council.	Date on which came into operation.
31.7.1935	15.2.1936	31.7.1935 (<i>Laws of T.N.G.</i> , Vol. XIII. p. 333)

CHURCH PROPERTY—

Protection of
persons dealing
with Bishop of
Melanesia.

6. Upon any sale, mortgage, lease, or other dealing by the Bishop of Melanesia of or with any real or personal property—

- (a) no purchaser, mortgagee, lessee, or other person dealing with the Bishop of Melanesia shall be in any way bound or concerned to inquire into the necessity or propriety of the sale, mortgage, lease, or other dealing or the purposes for or the circumstances under which the Bishop of Melanesia proposes to enter into, make, give, or execute any such sale, mortgage, lease, or other dealing;
- (b) no purchaser, mortgagee, lessee, or other person dealing with the Bishop of Melanesia shall be in any way bound or concerned to inquire into any matter or thing concerning the propriety or regularity of the sale, mortgage, lease, or other dealing;
- (c) notwithstanding any irregularity or impropriety in any such sale, mortgage, lease, or other dealing, every sale, mortgage, lease, or other dealing purporting to be made by the Bishop of Melanesia shall, as regards the purchaser, mortgagee, lessee, or other person dealing with the Bishop of Melanesia, be deemed to be within the powers of the Bishop of Melanesia and shall be valid accordingly; and
- (d) all persons paying money to the Bishop of Melanesia shall be exonerated from liability in respect of any non-application or misapplication of the money by him.