

LONDON MISSIONARY SOCIETY CORPORATION LAND TRANSFER ORDINANCE, 1928. ⁽¹⁾

No. 3 of 1928.

An Ordinance to enable The London Missionary Society Corporation being the Trustees of six pieces of land in the Eastern Division granted for religious purposes to transfer the same.

WHEREAS by deed of grant under the hand of Francis Rickman Barton Esquire Administrator of the Possession of British New Guinea and the Seal of the said Possession dated the tenth day of August One thousand nine hundred and five and registered in the Register Book Volume 1 Folio 407 and numbered 407 a certain piece of land therein described and containing by admeasurement five acres one rood and twenty-four perches more or less situate at Hilimoi Milne Bay Eastern Division was granted unto The London Missionary Society Corporation upon trust for the appropriation thereof for religious purposes and for no other purpose whatsoever: **AND** WHEREAS by another deed of grant under the hand of the said Administrator and the Seal of the said Possession dated the tenth day of August One thousand nine hundred and five and registered in the Register Book Volume 1 Folio 408 and numbered 408 a certain other piece of land therein described and containing by admeasurement two roods twenty-eight and eight-tenths perches more or less situate at Lauyam Milne Bay aforesaid was granted unto the said The London Missionary Society Corporation upon trust for the appropriation thereof for religious purposes and for no other purpose whatsoever: **AND** WHEREAS by another deed of grant under the hand of the said Administrator and the Seal of the said Possession dated the fifteenth day of March One thousand nine hundred and six and registered in the Register Book Volume 1 Folio 460 and numbered 460 a certain other piece of land therein described and containing by admeasurement two acres and two roods more or less situate on the Island of Bonerua Hilihili Eastern Division was granted unto the said The London Missionary

Preamble.

(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. |
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| 7.6.1928 | 7.11.1928 | 7.6.1928 (<i>Ordinances etc. of Papua, 1928, p. 7</i>) |

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Society Corporation upon trust for the appropriation thereof for religious purposes and for no other purpose whatsoever: AND WHEREAS by another deed of grant under the hand of His Excellency Sir William MacGregor Knight Commander of the Most Distinguished Order of Saint Michael and Saint George Lieutenant-Governor of the said Possession and the Seal of the said Possession dated the twenty-sixth day of October One thousand eight hundred and ninety-six and registered in the Register Book Volume 1 Folio 107 and numbered 107 a certain other piece of land therein described and containing by admeasurement two acres two roods twenty-nine and four-tenths perches more or less situate at Lelehudi Milne Bay Eastern Division was granted unto George F. White Septimus R. Scott Arthur Marshall and Albert Spicer and the survivors and survivor of them and their heirs for ever but in trust for the London Missionary Society upon trust for the appropriation thereof for religious purposes and for no other purpose whatsoever: AND WHEREAS by another deed of grant under the hand of the said Lieutenant-Governor and the Seal of the said Possession dated the twenty-sixth day of October One thousand eight hundred and ninety-six and registered in the Register Book Volume 1 Folio 108 and numbered 108 a certain other piece of land therein described and containing by admeasurement five acres three roods twenty-eight perches and fifty-three-hundredths of a perch more or less situate at Walarai Milne Bay Eastern Division was granted unto George F. White Septimus R. Scott Arthur Marshall and Albert Spicer and the survivors and survivor of them and their heirs for ever but in trust for the said London Missionary Society upon trust for the appropriation thereof for religious purposes and for no other purpose whatsoever: AND WHEREAS by another deed of grant under the hand of the said Lieutenant-Governor and the Seal of the said Possession dated the twenty-sixth day of October One thousand eight hundred and ninety-six and registered in the Register Book Volume 1 Folio 109 and numbered 109 a certain other piece of land therein described and containing by admeasurement three acres one rood and fifteen perches more or less situate at Bou Milne Bay Eastern Division was granted unto George F. White Septimus R. Scott Arthur Marshall and Albert Spicer and the survivors and survivor of them and their heirs for ever but in trust for the said London Missionary Society upon trust for the appropriation thereof for religious purposes and for no other purpose whatsoever: AND WHEREAS the said three several pieces of land described respectively in the deeds of grant numbered 107 108 and 109 are now vested in the said The London Missionary Society Corporation as trustee as aforesaid: AND

WHEREAS the said The London Missionary Society Corporation is desirous of relinquishing the religious work hitherto carried on by it in a certain area or district in the said Eastern Division wherein the aforesaid lands are situate in order that such work may be carried on by another mission body formed for that purpose among other things and called The Incorporated Kwato Extension Association: AND WHEREAS a mission body called the Methodist Missionary Society of Australasia has with the knowledge and consent of the said The London Missionary Society Corporation for many years past occupied certain of the aforesaid lands and utilized such lands for religious purposes: AND WHEREAS it is expedient under the circumstances aforesaid that the said The London Missionary Society Corporation should be empowered to transfer the whole of the said lands as to one part thereof to the said The Incorporated Kwato Extension Association as trustee for the appropriation thereof to the use of the said The Incorporated Kwato Extension Association and as to the other part thereof to trustees in trust for the Methodist Missionary Society of Australasia but subject to the same trusts conditions and provisoes declared or imposed by the said grants. 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 *London Missionary Society Corporation Land Transfer Ordinance, 1928.*⁽¹⁾ Short title.

2. The said The London Missionary Society Corporation shall be empowered at any time after the passing of this Ordinance to transfer the three several pieces of land situated in the said Eastern Division described respectively in the deeds of grant numbered 407 408 and 460 and containing respectively five acres one rood and twenty-four perches, two roods twenty-eight and eight-tenths perches and two acres two roods to the said The Incorporated Kwato Extension Association as trustee for the appropriation thereof to the use of the said The Incorporated Kwato Extension Association and the three several pieces of land situated in the said Eastern Division described respectively in the deeds of grant numbered 107 108 and 109 and containing respectively two acres two roods twenty-nine and four-tenths perches five acres three roods twenty-eight perches and fifty-three-hundredths of a perch and three acres one rood and fifteen perches to trustees in trust for the Methodist Missionary Society of Australasia anything con-

Transfer of
lands.

(1) See footnote (1) printed on p. 247.

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tained in Section 31⁽²⁾ of *The Crown Lands Ordinance of 1890*⁽³⁾ or in Section 17⁽⁴⁾ of *The Land Ordinance of 1899*⁽⁵⁾ to the contrary notwithstanding but to be held by the said The Incorporated Kwato Extension Association and the trustees of the said The Methodist Missionary Society of Australasia respectively upon the same trusts conditions and provisos declared or imposed by the said grants.

(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*.

(4) Section 17 of *The Land Ordinance of 1899* read as follows:

"The Administrator in Council may grant to any corporation having for its objects the establishment of Christian missions or to any person in trust for any institution or body having such objects an estate in fee-simple for religious purposes of any Crown land. When land is so granted it shall be sold to the corporation or 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 corporation institution or body and when not used for religious purposes it shall revert to the Crown."

(5) *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*.