

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1027.

*Roman Catholic Missionaries of the Sacred Heart (American Province).*

GENERAL ANNOTATION.

ADMINISTRATION.

Since this Act is really of the nature of a private Act, and since, for example, no need was seen in the fairly comprehensive allocation of responsibilities for the administration of legislation published in National Gazette No. G15 of 13 February 1976 to allocate responsibility for this and similar Acts, there seems to be no point in attempting to discuss the administration of this Chapter. Under Section 148(2) of the Constitution, political responsibility would seem to be vested in the Prime Minister.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER No. 1027.

*Roman Catholic Missionaries of the Sacred Heart (American Province)*  
Act.

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ARRANGEMENT OF SECTIONS.

1. Interpretation—
  - "the corporation"
  - "Head of the Mission"
  - "Mission"
  - "Mission property".
2. Incorporation.
3. Holding of Mission property.
4. Power of corporation.
5. Rents, etc.
6. Seal of corporation.
7. Conditions of grant, etc.
8. Dealings with Head of Mission.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 1027.

***Roman Catholic Missionaries of the Sacred Heart  
(American Province) Act.***

Being an Act to incorporate the American Province of the Missionaries of the Sacred Heart.

**1. Interpretation.**

In this Act, unless the contrary intention appears—

“the corporation” means the corporation constituted by this Act;

“Head of the Mission” means the person for the time being holding the office of Provincial Superior of the American Province of the Missionaries of the Sacred Heart and his successors in office, and includes a person acting for the time being in that office;

“Mission” means the American Province of the Missionaries of the Sacred Heart whether called by that name or any other similar name;

“Mission property includes—

- (a) all churches, dwellings and other buildings; and
- (b) all freehold and leasehold lands and premises; and
- (c) all personal property,

in the country belonging to or used in connexion with the Mission, vested in any person as trustee, and all property acquired by the corporation under this Act but does not include any such property belonging to the Roman Catholic Mission, Kavieng Property Trust as incorporated by the *Roman Catholic Mission, Kavieng Property Trust Act*.

**2. Incorporation.**

(1) The Head of the Mission is a corporation by the name of the “American Province of the Missionaries of the Sacred Heart”.

(2) The corporation—

- (a) has perpetual succession; and
- (b) shall have a seal; and
- (c) has power to acquire, hold, manage and control, and may grant, transfer, mortgage, demise, sell, dispose of, create or reserve easements in or over or otherwise deal with, property of any kind; and
- (d) may sue and be sued in its corporate name.

**3. Holding of Mission property.**

The corporation shall hold all Mission property on trust to use and appropriate it, or permit the use and appropriation of it, for the purposes of the erection and maintenance of Mission houses, schools, convents, presbyteries, rest-houses and other buildings, and in connexion with or for the benefit or maintenance of the Mission or the members of the Mission.

**4. Power of corporation.**

Subject to Section 2, the corporation has power—

- (a) to purchase, take on lease or acquire by gift, devise, exchange or otherwise, property in the country; and
- (b) to sell the Mission property or any part of it, together or in parcels, by public auction or private contract for cash or on credit, on such terms and subject to such conditions as the corporation thinks proper; and
- (c) to exchange the property or any part of it for other property; and
- (d) to transfer and assure the property when sold or exchanged to the purchaser or purchasers or to the person taking the exchange, freed and discharged from any trusts affecting it; and
- (e) for all or any of the purposes referred to in Paragraphs (a), (b), (c) and (d), to sign, seal and execute all such contracts, transfers and other deeds, documents and instruments as are necessary; and
- (f) to raise sums of money when and on such terms as the corporation thinks proper, by deposit of the deeds or by mortgage, with or without power of sale, of the Mission property or any part of it, and to execute all proper assurances for that purpose; and
- (g) to demise and lease the Mission property or any part of it for such periods, at such rents and on such terms and conditions as the corporation thinks proper; and
- (h) to appoint by instrument under the seal of the corporation any person as the attorney of the corporation, generally or in respect of specified matters, and to act in any place, and all deeds signed by the attorney on behalf of the corporation and under his seal are binding on the corporation and have the same effect as if they were under the seal of the corporation.

**5. Rents, etc.**

A lessee, mortgagee, purchaser, person taking on exchange or other person paying rent or other money to the corporation is not bound to see to the application of the rent or other money, and the receipt of the corporation or of the Head of the Mission is a sufficient discharge.

**6. Seal of corporation.**

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—

- (a) the Head of the Mission; or
- (b) a person authorized in writing for the purpose by the Head of the Mission.

**7. Conditions of grant, etc.**

This Act does not affect—

- (a) the trusts, conditions or restrictions declared or imposed by the original grant, dedication or gift of any Mission property; or
- (b) the provisions of any law under which any land forming part of the Mission property has been granted or leased.

**8. Dealings with Head of Mission.**

(1) On the sale, mortgage, lease or other dealing by the Head of the Mission of or with any property, a purchaser, mortgagee, lessee or other person dealing with the Head of the Mission is not bound in any way to inquire into the necessity or propriety of the sale, mortgage, lease or other dealing or the purposes for or the circumstances in which the Head of the Mission proposes to enter into, make, give or execute a sale, mortgage, lease or other dealing.

(2) A purchaser, mortgagee, lessee or other person dealing with the Head of the Mission is not bound in any way to inquire into the regularity of the sale, mortgage, lease or other dealing.

(3) Notwithstanding any irregularity or impropriety in a sale, mortgage, lease or other dealing, a sale, mortgage, lease or other dealing purporting to be made by the Head of the Mission shall, as regards the purchaser, mortgagee, lessee or other person dealing with the Head of the Mission, be deemed to be within the powers of the Head of the Mission, and is valid accordingly.

