

CHAPTER 236.

BERBICE LUTHERAN FUND.

[No. VII of 1888.]

[1st December, 1888.]

Short title.

1. This Ordinance may be cited as the Berbice Lutheran Fund Ordinance.

Interpretation.

2. In this Ordinance,—
“the Establishment” means the Lutheran Church Establishment in Berbice.

Property of establishment invested in trustees. Schedule.

3.—(1) The property specified in the schedule hereto, and all property, both movable and immovable, belonging to or held for the support of the establishment in Berbice and for the benefit of the members thereof, or to or in which the establishment or the members thereof may be entitled or interested, in whomsoever vested, and all debts, obligations, and things in action, and every description of estate and interest in the establishment are hereby vested in trustees, who shall consist of three members of the Legislative council (one being an official member) whom the Governor may from time to time appoint, and notice of whose appointment shall be published in the Gazette.

(2) Any trustee may resign his appointment, and the Governor shall thereupon appoint another member of the Legislative Council to be trustee in his stead.

(3) The Governor, by notice in the Gazette, may cancel the appointment of any trustee.

Style of trustees.

4. The trustees shall be styled the trustees of the Berbice Lutheran Fund, and may sue or be sued in that name.

Acting notwithstanding vacancy.

5. The trustees may act notwithstanding any vacancy in their body, or in the absence of one of them from the colony, or during the illness or other incapacity of one of them, or on the refusal of one of them to discharge any duty of the trusteeship, and all acts shall be valid if performed by two trustees.

6. The trustees shall have the following powers, that is to say, they may— Powers of the trustees.

- (a) sue for and recover all property and effects belonging to the establishment, and for all sums of money due thereto, and may require all persons to account for all property or money received by them for or on account thereof;
- (b) require and enforce possession from any person of all deeds, books, documents, and other writings in any way pertaining to the affairs of the establishment, and may, in case of refusal or neglect to deliver up those deeds, books, documents, or other writings, apply by motion to the Supreme Court for an order for the delivery, and on the hearing of the motion, they may summon and produce witnesses in the same manner as in a suit in that Court;
- (c) pass and receive transports, receive mortgages, cancel or assign mortgages, and execute all contracts, transfers, assignments, or other deeds whatsoever touching or concerning the estate, whether real or personal, of the establishment, and also all powers of attorney and powers ad lites;
- (d) withdraw moneys deposited in the registry of the Supreme Court or elsewhere belonging to the establishment, and give receipts and acquittances therefor;
- (e) sell the immovable property hereby vested in them, except the church and the land conveniently occupied therewith, and invest the proceeds thereof and all other sums coming to their hands in securities of or guaranteed by the government of Great Britain or the government of any British colony;
- (f) pay and discharge all the liabilities, debts, and obligations of the establishment; and
- (g) employ any necessary agents, clerks, and servants.

7. The trustees shall keep proper books of account and enter therein all expenditure and all receipts. Accounts.

8.—(1) An account shall be opened at one of the banks in the colony in the name of the trustees, to which all moneys paid to the trustees under this Ordinance shall be lodged. Account at bank.

(2) All payments to be made under this Ordinance shall be made by cheque payable to order, and shall be signed by all the trustees.

Application
of income :

9.—(1) The income arising from the property of the establishment shall be applied, under the supervision and control of the trustees, in the maintenance of the establishment and in carrying out the objects for which it was established, by the person or persons from time to time duly appointed for that purpose in accordance with the rules and regulations thereof :

Proviso.

Provided that, if at any time it appears to the trustees that that income is being improperly applied, they shall suspend the payment of it and forthwith report to the Governor and Legislative Council their reasons for so doing; and the Governor and Legislative Council shall decide thereon, and that decision shall be final.

Annual
statement of
income and
expenditure.

(2) The person or persons so appointed, in the month of January in each year, shall lay before the trustees a full statement of their income and expenditure during the previous year, and shall also, whenever so required, furnish the trustees with a report of any expenditure incurred or contemplated.

Annual
report by
the trustees.

10. The trustees shall report annually to the Legislative Council, and shall lay before the Council all statements furnished to the trustees under the last preceding section.

SCHEDULE.

(Section 3.)

PROPERTY OF LUTHERAN CHURCH ESTABLISHMENT.

1. Plantation Vryberg, situated on the Canje creek, in the county of Berbice.
 2. Two lots of land, situated on plantation Plegtanker, in the river Berbice in the county of Berbice.
 3. Lot no. 9 (mud lot), situated in the town of New Amsterdam, in the county of Berbice.
 4. Lot no. 9, situate in the town of New Amsterdam aforesaid, bounded on the west by Water Street and on the east by Main Street or Middle Road, together with the church and manse, and all the other buildings and erections thereon.
 5. Lot no. 9, situate in the town of New Amsterdam aforesaid, bounded on the west by Main Street or Middle Road, and on the east by the back dam, together with all the buildings and erections thereon, save and except the building used and known as the Chinese church.
 6. Ten shares in the British Guiana bank, fully paid up.
 7. One hundred and fifty-nine shares in the British Guiana bank, sixty per centum paid up.
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