

CHAPTER 225.

**EVANGELICAL LUTHERAN CHURCH
(INCORPORATION).**

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title.
2. Interpretation.
3. Incorporation of the Executive Committee of the Evangelical Lutheran Church in British Guiana.
4. General powers of the body corporate.
5. Property of the Lutheran Church in the Colony vested in the Executive Committee.
6. Property acquired for the use of the Lutheran Church in the Colony to be conveyed to the Executive Committee.
7. No licence required for the Executive Committee to hold land.
8. Executive Committee to hold property for the use of the Church.
9. Immovable property not to be dealt with except by resolution of the Executive Committee.
10. Evidence of membership of the Executive Committee.
11. Use of common seal.
12. Service of process.
13. Assets and obligations of the trustees of the Berbice Lutheran Fund transferred to the Executive Committee.
14. Saving the rights of Her Majesty.

SCHEDULE.

CHAPTER 225.

**EVANGELICAL LUTHERAN CHURCH
(INCORPORATION).**

An Ordinance to incorporate the Executive Committee of the Evangelical Lutheran Church in British Guiana and for purposes connected therewith. 1 of 1948.

[13TH MARCH, 1948.]

1. This Ordinance may be cited as the Evangelical Lutheran Church (Incorporation) Ordinance. Short title.

2. In this Ordinance—

“the Church” means the Evangelical Lutheran Church in British Guiana;

Interpreta-
tion.

“ Executive Committee ” means the Executive Committee of the Church appointed or elected in conformity with the constitution and by-laws for the time being in force of the Church;

“ successors in office ” means the persons from time to time appointed or elected in conformity with the constitution and by-laws for the time being in force of the Church.

Incorporation of the Executive Committee of the Evangelical Lutheran Church in British Guiana.

3. The persons who are now members of the Executive Committee, namely—

- (a) the Reverend Patrick Andrew Magalee, President;
- (b) the Reverend Wallace Julius Wolff, Vice-President;
- (c) William Alexander Blair, Secretary;
- (d) the Reverend Wallace Julius Wolff, Treasurer;
- (e) the Reverend Aubrey Roy Bowen;
- (f) the Reverend Edward Frank Rohlfing;
- (g) Alfred A. Bone;
- (h) Cyril Sylvanus Chu,—

and their successors in office shall be a body corporate and shall have the name of The Executive Committee of the Evangelical Lutheran Church in British Guiana, with perpetual succession and a common seal and power to sue and be sued.

General powers of the body corporate.

4. The Executive Committee of the Evangelical Lutheran Church in British Guiana shall, subject to the provisions of this Ordinance, have full power to purchase, accept by way of gift, legacy or devise, take, hold, enjoy, sell, transport, mortgage, lease, invest and otherwise deal with and dispose of all property movable and immovable of what nature or kind soever.

Property of the Lutheran Church in the Colony vested in the Executive Committee. Cap. 236 of the 1929 Ed.

5. (1) All movable or immovable property (including therein any church, school or other building) in the Colony which, at the commencement of this Ordinance, is held by or is vested in—

- (a) the trustees of the Berbice Lutheran Fund under the Berbice Lutheran Fund Ordinance; or
- (b) Howard Rinker Kunkle or Luther Walter Slifer on behalf of or for the use or benefit of the Church; or
- (c) any person or body of persons on behalf of or for the use or benefit of the Lutheran Church in the county of Berbice, of the Lutheran Church in the Colony, or of the Church;

shall vest in the Executive Committee for the interest therein of the persons referred to in paragraphs (a), (b) and (c) of this subsection.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section there shall vest in the Executive Committee for the interest therein of the persons referred to in paragraphs (a) and (b) of subsection (1) of this section, the property respectively described in Parts I and II of the schedule to this Ordinance. Schedule.

6. Where movable or immovable property in the Colony is conveyed or assigned, by any instrument, to or for the use or benefit of the Lutheran Church, in any part of the Colony, it shall be expressed in the instrument that the property is conveyed or assigned in favour of The Executive Committee of the Evangelical Church in British Guiana, and, if not so expressed, the conveyance or assignment shall be deemed to have been so made. Property acquired for the use of the Lutheran Church in the Colony to be conveyed to the Executive Committee.

7. The Executive Committee shall have the power to hold land without the licence of the Governor in Council. No licence required for the Executive Committee to hold land.

8. All movable or immovable property in the Colony, which is vested in the Executive Committee by virtue of this Ordinance or which is acquired by the Executive Committee after the commencement of this Ordinance, shall be held by the Executive Committee for the use of the Church in accordance with the special trusts, if any, relating to the property: Executive Committee to hold property for the use of the Church.

Provided that no person who purchases or leases or who lends money on the security of, any such property shall be affected by any such trust unless he has, prior to the purchase, lease or loan as the case may be, received express notice of the trust.

9. No immovable property held by the Executive Committee by virtue of this Ordinance shall be transported, leased, mortgaged or otherwise disposed of except by the authority of a resolution of the Executive Committee. Immovable property not to be dealt with except by resolution of the Executive Committee.

10. A statement that any person named therein has been appointed or elected president, vice-president, treasurer, secretary, or a member of the Executive Committee, purporting to be signed by the president or vice-president and by the secretary, shall be *prima facie* evidence of the fact. Evidence of membership of the Executive Committee.

11. The seal of the Executive Committee shall not be affixed to any transport, mortgage, cancellation of mortgage, lease, transfer, agreement or other document except— Use of common seal.

(a) by the authority of a resolution of the Executive Committee; and

(b) in the presence of the president or vice-president and of the treasurer of the Executive Committee, or in the presence of any two persons appointed by resolution of the Executive Committee.

Service of
process.

12. All process which is required to be served on the Executive Committee shall be deemed to be sufficiently served—

(a) if a copy thereof is left with the president at any place within the Colony, or with an adult inmate at the place of residence in the Colony of the president; or

(b) if a copy thereof is published in the Gazette.

Assets and
obligations
of the
Trustees of
the Berbice
Lutheran
Fund
transferred
to the
Executive
Committee.

13. (1) The Executive Committee shall be vested with all the assets, and shall discharge and perform all the obligations, of the trustees of the Berbice Lutheran Fund.

(2) The trustees of the Berbice Lutheran Fund shall hand over and transfer to the Executive Committee—

(a) all movable property in their possession, custody or control as such trustees;

(b) all documents of title in their possession, custody or control as such trustees, to immovable and movable property which immediately before the commencement of this Ordinance is vested in the said trustees.

Saving the
rights of
Her Majesty.

14. Nothing in this Ordinance shall be deemed to affect any right of Her Majesty the Queen, her heirs and successors or of any body politic or corporate or of any other person or persons except such as are mentioned in this Ordinance and those claiming by, from, through or under them.

SCHEDULE.

PART I.

(Property now held by or vested in the Trustees of the Berbice Lutheran Fund, formerly belonging to the Lutheran Church Establishment in Berbice.)

1. The front half of Lot No. 9 (nine) situate in that part of the town of New Amsterdam called Smythtown in the county of Berbice with the church and manse and all the other buildings and erections thereon, the said front half being bounded on the west by Water Street or Strand and on the east by Main Street or Middle Road,—acquired by the Lutheran Body by grant dated the 16th January, 1795, No. 275.

2. Part of the northern back quarter of Lot No. 9 (nine) situate in that part of the town of New Amsterdam called Smythtown in the county of

Berbice, with all the buildings and erections on the said part but save and except the buildings and erections thereon the property of the Incorporated Trustees of the Church in the Diocese of Guiana, the said part having the ordinary width of a quarter lot and extending westward from the drain along Savannah Road for a distance of 205 (two hundred and five) feet on the southern boundary of the northern back quarter of Lot No. 9 (nine) and 195 (one hundred and ninety-five) feet on the northern boundary of the northern back quarter of the said Lot No. 9 (nine) acquired by the Lutheran Body by grant dated the 16th January, 1795, No. 275.

PART II.

(Property held by Howard Rinker Kunkle and Luther Walter Slifer on behalf of, or for the use or benefit of, the Evangelical Lutheran Church in British Guiana).

3. East half of Lot No. 68, Hunter Street, Albouystown, Georgetown, in the county of Demerara with the buildings and erections thereon transported to Howard Rinker Kunkle on the 18th November, 1940, No. 1352.

4. Lots Nos. 28 and 29, North Road and Alexander Street, Lacytown, Georgetown, in the county of Demerara, with all the buildings and erections thereon, subject to the lien of the Financial Secretary of British Guiana, transported to Luther Walter Slifer on the 4th December, 1944, No. 1372.

5. East half of Lot No. 10, section A, Friendship in the Buxton and Friendship village district, east coast, in the county of Demerara, with the building and erections thereon, transported to Luther Walter Slifer on the 10th September, 1945, No. 954.

6. West half of Lot No. 50, section A, Buxton in the Buxton and Friendship village district, east coast, in the county of Demerara, with the building thereon, transported to Luther Walter Slifer on the 17th September, 1945, No. 974.
