

No. 15.-1881.

J. R. LONGDEN,

Title.

An Ordinance for the appointment of Incorporated Trustees of the Church of England in Ceylon.

Preamble.

WHEREAS by an Ordinance passed in the present Session of the Legislative Council, intituled "*An Ordinance to amend the Ordinance No. 1 of 1870, intituled 'An Ordinance relating to the Fixed Civil Establishments of this Colony,'*" the salaries and allowances payable to the Bishop and other ecclesiastical persons of the Church of England out of the Colonial Treasury have been prospectively abolished, and provision has been made for payment from time to time to Trustees for the use of the said Church until the first day of July, 1886, of the salaries and allowances payable in respect of offices which may become vacant before that date :

And whereas in consequence of the prospective withdrawal of all State grants to the said Church it has been decided that all the right, title, interest, powers, and control of the Government held and exercised in and over all churches, the salaries and allowances in respect of which have been prospectively withdrawn, shall be trans-

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ferred to Trustees, save and except the right, title, and interest in the two churches hereinafter mentioned, subject, nevertheless, in all respects to the same uses, conditions, and limitations and for the same purposes as the same are now held and exercised by the said Government :

And whereas at a meeting of Clerical and Lay members of the Church of England held at Colombo on the 5th day of July, A.D. 1881, it was, amongst other things resolved, "That in view of the impending disestablishment of the said Church of England four Trustees be elected by the Assembly, to whom Government shall be asked to convey all the rights they now have in the churches to be disestablished, and to pay to them such moneys as shall fall due during the years of grace :"

And whereas in accordance with the said resolution, F. C. Loos, F. J. De Saram, W. F. Courthope, and R. Tatham were elected such Trustees :

And whereas it is necessary and convenient that the trustees so elected and their successors to be appointed as is hereinafter provided should be created a body corporate for the purposes aforesaid :

Be it enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

1. The said Frederick Charles Loos, the said Frederick John De Saram, the said William Francis Courthope, and the said Ralph Tatham, and their successors to be appointed in manner hereinafter provided, shall from and after the passing of this Ordinance be and become a Corporation with continuance for ever under the style of "The Incorporated Trustees of the Church of England in Ceylon," with full power and authority to have and use a common seal, and change and alter the same at their will and pleasure, and shall and may have, hold, receive, take, enjoy, and for the better fulfilment of the trusts of the said Corporation and for the benefit and advantage of the same, sell, grant, or otherwise dispose of all manner of moveable or immoveable property whatsoever, which may come to or be vested in them in trust for the said Church and by the name, style, and title aforesaid to sue and implead, be sued and impleaded, answer and be answered, in all courts in all actions and causes whatsoever for, touching or concerning any matter or thing appertaining to the said Corporation or the trusts thereof. Provided always that the change, succession, and renewal of the members of the said Corporation, and the constitution and government thereof, and the beneficial enjoyment and the uses and disposal of all property to come to or be held by them as such Incorporated Trustees shall be controlled, regulated, decided, and declared from time to time by such governing body as shall be duly authorized to represent the Church of England in Ceylon and to manage and control the affairs thereof.

2. If any vacancy shall occur among the members of the said Corporation by reason of death, resignation, or removal from the Colony, or by any member ceasing to be a member of the Church of England before the manner by which the succession to such vacancy shall be filled shall have been determined on by the governing body of the said Church, such vacancy shall be filled up by the remaining or continuing Trustees in such manner as may by any rule to be made by the remaining Trustees be provided :

Creation of a Corporation called "The Incorporated Trustees of the Church of England in Ceylon" with perpetual succession, and with full control over all trust property vested in the Corporation.

Subject always to control by such governing body as shall be duly authorized to represent the Church of England in Ceylon.

Manner of filling up vacancies in such Corporation.

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Provided always that no person who shall not be a member of the Church of England shall be eligible to be appointed one of the said Incorporated Trustees.

Corporation to take the place of Government in respect of such Churches (except two) as were heretofore benefited by Ordinance 1 of 1870.

3. All the right, title, interest, powers, and control of the Government heretofore held, enjoyed, or exercised in and over all churches with their appurtenances (save and except the church of St. Peter, Colombo, and St. Paul, Kandy), in respect of which salaries and allowances have been prospectively withdrawn, shall be transferred to and vested in "The Incorporated Trustees of the Church of England in Ceylon" aforesaid; in trust, nevertheless, and to and for the use of the Church in the same and in the like manner as the same have heretofore been held, exercised, and enjoyed by the Government; subject, nevertheless, in all respects to the proviso and condition contained in the first clause hereof, whereby the constitution of the said Incorporated Trustees and the beneficial enjoyment of all property which shall vest in them are to be regulated and controlled by the governing body of the said Church. Provided that until such governing body is appointed, the Trustees shall exercise all the rights, powers, and control hereby conveyed to them, subject to the sanction of the Bishop.

Such salaries as would be payable under Ordinance 1 of 1870, to be paid to Corporation until 1st July, 1886, in all cases where office falls vacant.

4. It shall be lawful for the Government to pay over to the said Trustees from time to time all and every sums and sum of money which may from time to time become due and payable before the first day of July A.D. 1886, under and by virtue of the hereinbefore recited Ordinance for the use of the said Church in consequence of a vacancy occurring in an ecclesiastical office in the said Church before the said first day of July, 1886, and the said Trustees shall take and receive all and every such sums or sum of money and shall hold the same in trust for the use of the said Church; subject, nevertheless, in all respects to the provision and conditions by the said first clause of this Ordinance imposed in respect of other property which shall come to or be vested in the said Trustees for the use of the said Church.

Provided however, that until a governing body duly authorized to represent the Church of England in Ceylon and to manage and control the affairs thereof, shall have been appointed, it shall be lawful for the said Trustees to deal with and dispose of the respective sum or sums of money which shall be paid to them under and by virtue of this clause, and of all increments thereof, to such uses and for such purposes of the particular church in respect of which such sum or sums respectively shall have been paid to them, as shall from time to time be sanctioned by the Bishop of Colombo. X

Passed in Council this Fifteenth day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, this Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,
Colonial Secretary.