

*Church of England in Ceylon.***No. 6.—1885.**

An Ordinance to enable the Bishop, Clergy, and Laity of the Church of England in Ceylon to provide for the regulation of the affairs of the said Church.

ARTHUR GORDON.

WHEREAS by the Ordinance No. 14 of 1881, 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 1st day of July, 1886, of the salaries and allowances payable in respect of offices which may become vacant before that date :

Preamble.

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held and exercised in and over all churches, the salaries and allowances in respect of which have been prospectively withdrawn, shall be transferred to trustees, save and except the right, title and interest in the two Churches hereinafter mentioned, subject, nevertheless, in all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 by Ordinance No. 15 of 1881, entitled "An Ordinance for the appointment of Incorporated Trustees of the Church of England in Ceylon," all the right, title, interest, powers and control held and exercised by the Government in and over all churches, the salaries and allowances in respect of which had been prospectively withdrawn,—save and except as regards the Church of St. Peter, Colombo, and St. Paul, Kandy,—were transferred to certain trustees and their successors as a body corporate, pending the appointment of a governing body, to represent the said churches : And whereas it is expedient to repeal the said Ordinance No. 15 of 1881, and to make other provisions in lieu thereof, and to enable the Bishop, Clergy, and the Laity of the Church of England to make such arrangements for the management of their ecclesiastical property and affairs as they may think fit and necessary : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

1. Ordinance No. 15 of 1881, entitled "An Ordinance for the appointment of Incorporated Trustees of the Church of England in Ceylon," is hereby repealed.

Repeal of Ordinance No. 15 of 1881.

2. From and after the time when this Ordinance shall come into operation, it shall be lawful for the Bishop, Clergy, and Laity, being members of the Church of England in the Diocese of Colombo, to hold Synods, Assemblies or Conventions at such places, in such manner, and for such purposes in connection with their ecclesiastical affairs as to them shall seem fit, and to make and enforce regulations in connection therewith, which shall be binding

Authorization for Bishop, Clergy, and Laity of Church of England to hold Synods.

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upon such persons as have either directly or indirectly assented thereto : Provided that nothing herein contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said church or not, nor the infliction of any temporal punishment, fine, or penalty upon any person other than his suspension or removal from an office or privilege in or under the control of the said Synod, Assembly, or Convention, or the making of any rule or regulation contrary to the law of the Colony. Provided that nothing be done at variance with the doctrine and discipline of the Church of England, or that will sever this Diocese of Colombo from the said Church, and that any alteration which shall by mistake or otherwise effect such severance as aforesaid shall be null and void.

Bishop to fix time and place of first Synod.

3. It shall be lawful for the Bishop of Colombo, or his representative duly constituted, to fix the time and place for holding the first Synod, Assembly, or Convention.

Synod, Assembly or Convention to consist of Bishop, licensed Priests, and representatives of the laity. Baptized laymen of 21 years of age and subscribing to declaration to vote for representatives of laity.

4. The first Synod, Assembly, or Convention shall consist of the Bishop, the Clergy of the Church of England being in priests' orders and the representatives of the laity.

5. All baptized laymen of twenty-one years of age and upwards, who shall subscribe to a declaration substantially in the form given in the schedule A. hereunto annexed, shall, subject to the provisions of section 6 of this Ordinance, have the right of voting at the election of representatives to the first Synod, Assembly, or Convention upon being registered so to vote by the proper authority accordingly.

How laity to be represented.

6. At the first Synod, Assembly or Convention the laity shall be represented by one representative for every congregation or group of congregations according to the number of members thereof, there being one representative where the persons of over fifteen years of age forming a congregation or group of congregations number over 50 and under 150 ; two, where they number over 150 and under 300 ; three, where they number over 300 and under 600 ; four, where the number is above 600 : Provided that no congregation or group of congregations shall have more than four representatives. Every representative shall, before performing the duties of such, subscribe to a declaration according to the form contained in schedule B. to this Ordinance.

After first meeting Synod, &c., to give time and place of subsequent meetings.

7. And after the first meeting, the Synod, Assembly, or Convention shall have the power of determining the time when and place where, its subsequent meetings shall be held, and the qualifications necessary to entitle the clerical and lay members of the Church of England to vote thereat.

Synod, &c., may alter its constitution.

8. It shall be in the power of such Synod, Assembly, or Convention, having met as described above, afterwards to alter its constitution in any way, provided that no such change be made except with the consent of the Bishop of Colombo for the time being, and also of two-thirds of the whole order of clergy, and two-thirds of the whole order of lay representatives as above described, and provided that nothing be done at variance with the doctrine and discipline of the Church of England, or that will

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sever this Diocese of Colombo from the said Church; and that any alteration which shall by mistake or otherwise effect such severance as aforesaid shall be null and void.

9. It shall be lawful for the first or any subsequent Synod, Assembly, or Convention, held under the authority of this Ordinance, by any Statute, Ordinance, or resolution to be passed for such purpose, to nominate any number of persons, being members of the Church of England, to act as a corporation for the purposes hereinafter mentioned, and upon such Statute, Ordinance, or resolution being recorded in the Registry of the Supreme Court, such persons and their successors, to be appointed as hereinafter provided for, shall 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 as trustees for the said Church to receive, take, hold, or otherwise dispose of all description of property, both real and personal, and shall and may be able and capable in the law to sue and be sued, answer and be answered in any court or courts or elsewhere in all actions or causes whatsoever for, touching or concerning the same: Provided always that the change, succession and removal of the members of the said corporation and the constitution and government thereof, and the beneficial uses and disposal of the property to be held in trust by them as aforesaid, shall be regulated, decided, and declared from time to time by the said Synod, Assembly, or Convention, and shall be made subject to such regulations as may from time to time be made thereby in virtue of the powers conferred by this Ordinance.

10. All the right, title, interest, powers and control in and over all churches with their appurtenances (save and except the churches of St. Peter, Colombo, and St. Paul, Kandy,) which by Ordinance No. 15 of 1881 were proposed to be transferred to "The Incorporated Trustees of the Church of England," as referred to in that Ordinance, shall, upon such a Body Corporate as is referred to in this Ordinance coming into existence, forthwith become absolutely vested in such Body Corporate, as well as any other property which may in any manner or at any time hereafter devolve upon the said Trustees in their capacity of the Incorporated Trustees of the Church of England.

11. Until the first of such Synods, Assemblies or Conventions, as are referred to in the previous provisions of this Ordinance, shall have appointed the Incorporated Trustees of the Church of England in Ceylon in terms of section 9 of this Ordinance, the properties, rights, and powers to be vested in the said Incorporated Trustees of the Church of England in Ceylon as hereinbefore provided shall, in the meantime, be vested as follows:—

- (a) Relating to churches or congregations having trustees lawfully appointed thereto: in such trustees;
- (b) Relating to the churches of Kelaniya and Kohilawatta: in the Trustees of St. Thomas' College, Colombo;
- (c) Relating to the churches of Mauvár and Kalpitiya: in the Bishop of Colombo; and
- (d) Relating to any other churches than those mentioned in sub-sections (a), (b) and (c): in the Bishop of Colombo.

First Synod to appoint Incorporated Trustees.

Right, title, interest, power and control over all churches with appurtenances to be absolutely vested in Incorporated Trustees of the Church of England.

Provisions for vesting of property of Church of England pending appointment of Incorporated Trustees.

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Provided, however, that nothing herein contained shall prevent or delay such properties, rights and powers vesting in the Incorporated Trustees of the Church of England in Ceylon so soon as they shall have been appointed. And provided that no right, title, interest, power, and control which by Ordinance No. 12 of 1846 is or may hereafter be vested in Trustees appointed thereunder save and except such right, title, interest, power, and control as by Ordinance 15 of 1881, it was purport-d to convey to the Incorporated Trustees as therein bound, nor any right, title, interest, power, and control which by any deed or other instrument is or may hereafter be vested in the Bishop of Colombo, or his successors, or in any other Trustees, for the benefit of the said Church, shall vest in such Incorporated Trustees of the Church of England in Ceylon.

Death, retirement,
or removal.

12. It shall be lawful for the said Synod, Assembly or Convention to make provision for the appointment and resignation of Bishops, and to admit any persons to be Bishops of Colombo, and when vacancies in the See occur, generally to regulate their tenure of office and their retirement or removal therefrom, and the persons so admitted shall be Bishops of Colombo for the purpose of this Ordinance, Ordinance 11 of 1842, Ordinance 14 of 1881, and of Ordinance 12 of 1846, and shall be successors of the present Bishop of Colombo in all trusts now vested in the Bishop of Colombo and his successors, provided always, that nothing be done at variance with the rights of the Bishop of Calcutta, and provided that nothing be done at variance with the faith, doctrine and discipline of the Church of England.

Ordinance not to
come into
operation until
notified by
Proclamation.

13. This Ordinance shall not come into operation unless and until the Governor notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation.

SCHEDULE A.

I, _____, do hereby solemnly declare that I am a Member of the Church of England, and that I have for three calendar months last past been an accustomed member of the congregation of _____, and that I am not registered as an elector of any other congregation.

SCHEDULE B.

I, _____, of _____, do solemnly declare that I am a Member of the Church of England and a communicant of the said Church.

Passed in Council the Twelfth day of February, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fourteenth day of February, One thousand Eight hundred and Eighty-five.

JOHN F. DICKSON,
Acting Colonial Secretary.