

CHAPTER 431

NON-EPISCOPALIAN CHURCHES

Ordinances
Nos. 5 of 1864,
3 of 1883.

AN ORDINANCE TO REGULATE THE TEMPORAL AFFAIRS OF CHURCHES, NOT PROVIDED FOR IN THE EPISCOPAL CHURCHES ORDINANCE.

[24th October, 1864.]

Preamble. Whereas the Episcopal Churches Ordinance makes provision for regulating the temporal affairs of certain Episcopal Churches, and it is expedient that like provision should be made for and in respect of churches other than those referred to in that enactment:

Provided that if the church belong to or be vested in any person, society, or corporation, no proceedings can be taken to bring the same within the operation of this Ordinance without the consent, previously obtained, of such person, society, or corporation; any proceeding taken without such consent shall be null and void.

It is enacted as follows :—

Short title. **1.** This Ordinance may be cited as the Non-Episcopalian Churches Ordinance.

4. Every meeting so convened shall be held at the time and place appointed, and at every such meeting it shall be lawful for the subscribers to any church not completed and used for public worship at the time such meeting is held, or for the seatholders or members of the congregation of the church, if the same shall then have been completed and used, to determine whether such church is to be brought within the provisions of this Ordinance, and, if this be decided in the affirmative, to elect three trustees :

Interpretation. **2.** For the purposes of this Ordinance, except when otherwise provided—

the word " church " shall be construed to mean any place set apart for the purposes of Christian worship other than those referred to in the Episcopal Churches Ordinance;

" the trustees " shall mean the trustees elected or appointed under the provisions of this Ordinance; and

" the minister " shall mean the person usually officiating in such church and conducting the public worship therein.

Provided that no subscriber or seatholder or member of the congregation shall be entitled to give more than one vote or to give any vote except in person, and that no person shall be entitled to vote who shall not be twenty-one years of age; and the person or persons who shall have convened such meeting shall record the names of the voters, and (if the meeting proceed to the election of trustees) of the persons for whom their votes shall have been given, and shall at the close of the meeting declare the determination of the voters and (if any election shall have taken place) the names of the three persons elected to be trustees by the greatest number of votes, and shall grant to such persons certificates under their hands of such election.

Notice of election of trustees.

3. It shall be lawful for the minister or ministers of any church already erected, or for any five or more persons who shall have subscribed for the erection thereof, or who attend it for purposes of worship, or for the building committee or persons in charge of the building of any church proposed to be erected, or whilst the same is in course of erection, to fix a place and a day for holding a general meeting in manner hereinafter appointed, giving notice thereof in three successive Gazettes:

5. In case of the death, incapacity, resignation, or departure of any trustee, or

in case any such trustee shall become a person of unsound mind, or otherwise disqualified to act, the remaining trustees shall fix a place and a day for holding an election of a new trustee and shall give notice thereof in the three successive Gazettes published next immediately preceding such day; and the election shall be held by the said trustees according to the forms hereinbefore prescribed for election of trustees.

Trustee resigning to render account.

6. No trustee shall be permitted to resign his office until he shall have duly accounted, to the satisfaction of his co-trustees, for all sums of money at any time received by him in his trust.

Annual election of trustees.

7. No trustee shall, unless re-elected, continue in office beyond the thirty-first day of December next after his election or appointment. A general meeting shall be held on the first Monday in the month of December in every year, for the election of three new trustees for the year commencing on the first of January next ensuing; and such election shall be held according to the forms hereinbefore prescribed for the election of trustees.

First Monday in December.

Proceeding where no meeting is fixed.

8. If the trustees shall for the period of one month neglect to fix a place and a day for holding an election of a trustee, in the room of one who may have vacated his office, then any six of the subscribers or seatholders, as the case may be, may fix the place and day, and give notice of the same in manner hereinbefore appointed; and the election shall be held before the minister or ministers of the church. If no election shall be held within two months from the time above prescribed, it shall be lawful for the minister or ministers, or should the minister or ministers fail to do so, or disagree, for the trustees of the preceding year to appoint one or more persons as trustees, and every such trustee so appointed shall continue in office until the thirty-first day of December next ensuing.

Chairman of trustees.

9. The Minister shall, whenever present at any meeting of the trustees, be ex officio chairman of such meeting, and if more ministers than one usually officiate at such church, each shall be chairman in turn. When no minister is present the trustees

shall elect their own chairman. All matters before the trustees, in cases where they differ, shall be decided by a majority of their votes, each trustee having one vote on each matter or case, and in the event of an equality of votes the chairman shall have the casting vote. Three trustees, or two trustees with the ex officio chairman, shall form a quorum.

Quorum.

10. The trustees shall have power from time to time to make by-laws (not inconsistent with this Ordinance) for their general guidance, which laws shall be equally binding on their successors until repealed or altered.

Trustees may make by-laws

11. The meetings of the trustees shall take place on days agreed to by a majority, for the transaction of ordinary business, and if the meeting be extraordinary or special, seven days' notice thereof, and of its object, shall be given in writing to each of the trustees and to the minister, and two trustees may at any time convene a special meeting.

Meetings of trustees.

12. The real estate and property in the church, and in the minister's dwelling or burial ground attached to the church, and their appurtenances respectively, and in all lands, moneys, and chattels belonging thereto, shall be vested in the trustees, for the purposes of their trust.

Property vested in trustees.

13. The trustees may make and execute and compel the performance and execution of all contracts, agreements, matters, and things, and may commence and maintain all suits necessary to their trust. All contracts and agreements shall and may be entered into and enforced, and all suits be brought by them in the name of the trustees, specifying the name of the church without specifying the trustees; and no suit shall abate by the death or vacancy in the office of any trustee. All suits, the cause of which shall accrue to any person from any contract, agreement, or other matter made, executed, done, or performed by the trustees, as such, shall be brought against the trustees under the name and title aforesaid.

Trustees to make arguments.

14. The trustees may from time to time set out and apportion the sittings in the church, and fix a rent for such sittings, and make agreements with any person desirous to engage the same.

Trustees to appoint sittings-

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Subscribers entitled to sittings.

15. Where seats are apportioned, every subscriber to the church bona fide resident within twenty miles of the same shall be entitled to engage the number of sittings therein which he may require for the use of himself and family, and the priority of choice amongst the subscribers shall be determined by the trustees.

ground round about it, or digging or making any vault in the burial ground, by and with the permission aforesaid, shall have a right to maintain and keep up such monument or vault, according to the terms of the permission, to and for the sole and separate use of the said person, and his heirs for ever:

Trustees to collect moneys.

16. The trustees shall collect, or shall cause to be collected, the rents due for sittings, and all subscriptions and donations to the church, and all other revenues arising out of any land or other property belonging to the church, and all fees and payments for vaults and tombstones; and shall appoint, suspend, and remove all officers and servants of the church, and manage the temporalities of the church, and provide the articles necessary for Divine worship therein; and shall fix the salaries or wages of the officers and servants, and shall pay the said salaries or wages, as well as other expenses incident to the church or its property, from the rents and fees and other funds arising out of the property of the church.

Provided always that it shall not be lawful to bury any body within the church or within the enclosed ground round about it.

No burial.

18. One person, not being a trustee, shall be elected at the general meeting for the election of trustees, to be an auditor of the accounts of the trustees for the year succeeding his appointment.

Appointment of auditor.

19. The trustees shall keep a written account of all moneys received and paid by them, which account the auditor may inspect at all reasonable times, and the account, together with any report of the auditor thereon, shall be open to the inspection of the seatholders or members of the congregation at all reasonable times.

Trustees to keep account

Erection of monuments, &c.

17. The trustees may, with the previous consent of the ministers, and with their approval of any proposed epitaph or inscription, permit any monument to be erected or placed in a convenient part of the church, or of the enclosed ground round about it, or of the burial ground belonging to it, or may permit vaults to be dug and made in the burial ground, upon payment to the trustees, for such permission, of such charges as the trustees shall appoint, provided that the same shall in no case exceed the charges set forth in the Schedule. Any person erecting or placing any monument in the church or the enclosed

20. The trustees may accept and take from private persons, or from the State, gifts or grants of land for the site of a minister's dwelling, with a garden and other appurtenances, or for a burial ground, or any lands for the maintenance of the church, or of the ministers; and the land so given or granted shall be for ever vested in the trustees, in trust for the purpose for which it is given or granted.

Trustees may accept lands.

21. Nothing in this Ordinance contained shall be construed to affect the Presbyterian Church (Kandy) Ordinance, but the same shall be of full force, anything in this Ordinance to the contrary notwithstanding.

The Presbyterian Church (Kandy) Ordinance.

SCHEDULE

[Section 17.]

Erecting a tablet or monument in the church, not less than fifty nor more than two hundred rupees.

Erecting a monument in the gound adjoining the church, not being a burial ground, any sum not less than thirty rupees.

Burial in brick or stone grave in the burial ground, ten rupees.

Headstone or footstone (each), five rupees.

A stone covering over such grave, ten rupees.

A vault, for each person it is capable of containing, ten rupees; and on every occasion of its being opened, ten rupees.

A raised tomb over a vault, for each person it is capable of containing, fifteen rupees.