

CHAPTER 435

ST. ANDREW'S CHURCH

Ordinance AN ORDINANCE TO INCORPORATE THE TRUSTEES OF ST. ANDREW'S CHURCH, COLOMBO,
 No. 16 of 1916. AND TO VEST IN THEM THE TITLE TO THE SAID CHURCH AND PREMISES.

[18th July. 1916.]

Preamble. Whereas by a grant dated the 9th day of May, 1843, the Governor of Ceylon, for and on behalf of Her late Majesty Queen Victoria, gave, granted, and assigned the piece of land lying within the Fort of Colombo, whereon a church called and known as " St. Andrew's Church " was built, together with the said church and the session house and the boundary fence thereon existing, to the Reverend the Moderator of the General Assembly of the Church of Scotland and his successors for the time being, to the Reverend David Welsh, Convener of the Colonial Committee of the said General Assembly, and his successors in the said office of Convener for the time being, to William Young, Writer to the Signet, Edinburgh, Secretary to the said committee, and his successors in the said office of secretary for the time being, to the Reverend John G. Macvicar, Colonial Chaplain of the Scotch Church in Colombo, and his successors in the said office, to the Honourable Philip Anstruther and James Laing, Elders of the Scotch Church in Colombo, and their successors in the said office and others who might thereafter be in the said Eldership for the time being, to Captain W. Gregory, Royal Engineers, to J. Read, Merchant, to H. Ritchie, Merchant, and to Lieutenant E. Maberly, Royal Artillery (who are hereinafter referred to as " the original grantees "), to the end and effect that they the said W. Gregory, J. Read, H. Ritchie, and E. Maberly during the term of their natural lives and residence in the Island of Ceylon; and they the said the Reverend the Moderator, David Welsh, William Young, John G. Macvicar, Philip Anstruther, and James Laing, and others who might thereafter be Elders of the said

church in Colombo, during their tenure and occupation of the said offices and their successors in perpetual succession should hold the same in trust for the civil, military, mercantile, and other inhabitants of Ceylon professing the doctrine and discipline of the Presbyterian Church as by law established in Scotland, as a place of worship in connexion with the Established Church of Scotland, for the celebration of public worship, the preaching of the Word of God, the administration of the sacraments, and whatever rites and uses the duly ordained minister and Elders of the congregation worshipping therein might appoint, and for the accommodation of the aforesaid inhabitants on the terms on which Her Majesty or Her successors in office might determine, consistently with the privileges of the Kirk Session or of any presbytery or synod that might at any time thereafter be established in this Island :

And whereas by the Ordinance No. 18 of 1906,* intituled " An Ordinance to vest title to St. Andrew's Church, Colombo, in certain trustees and to empower them to sell the same " (after reciting that the said land, church, and buildings had become unsuited for the purposes for which the same were granted as aforesaid, and that it was necessary and expedient to sell the same, and to apply the proceeds of such sale in the purchase of other land and in the erection of a new church and buildings thereon; that certain of the original grantees had died; that presently the Reverend James Mitford Mitchell, Doctor of Divinity, was the Convener of the Colonial Committee aforesaid, Alexander Yellowlees was the secretary of the said committee, the Reverend Alexander Dunn was the Chaplain of the Scotch Church in Colombo,

* Omitted from this Edition.

and Alexander Stevenson, William Somerville, John Paterson, John Kyle, John Eunson, David Kinloch Michie, Alexander Fairlie, Robert Farquhar Spottiswood Hardie, William Hunter, and Cosmo Moray Gordon were the Elders of the Scotch Church in Colombo, in succession to the said holders of the said respective offices, and that they in such official capacity and the said the Reverend the Moderator purported to hold the said land, church, and buildings in trust as aforesaid under and by virtue of the said grant; and that doubts had arisen as to the legal title of the said holders to the said land, church, buildings, and premises, and as to their power to sell the same), the said land, church, buildings, and premises conveyed by the said grant were vested in the Right Reverend the Moderator of the General Assembly of the Church of Scotland, the said Reverend James Mitford Mitchell, Doctor of Divinity, Convener of the Colonial Committee of the said General Assembly, the said Alexander Yellowlees, Secretary to the said committee, the said Reverend Alexander Dunn, Chaplain of the Scotch Church in Colombo, and the said Alexander Stevenson, William Somerville, John Paterson, John Kyle, John Eunson, David Kinloch Michie, Alexander Fairlie, Robert Farquhar Spottiswood Hardie, William Hunter, and Cosmo Moray Gordon, Elders of the Scotch Church in Colombo, in trust for the purposes and objects and subject to the terms and conditions in the said grant contained ; and it was declared that it should be lawful for, and the power was thereby granted to them as trustees as aforesaid to sell and transfer the said land, church, buildings, and premises, to apply the proceeds of such sale in the purchase of other suitable land and in the erection of a new church and buildings to be called St. Andrew's Church; and it was further declared that the land to be purchased and the new church and buildings to be erected as aforesaid should be held by the said the Right Reverend the Moderator of the General Assembly of the Church of Scotland, the said Reverend James Mitford Mitchell, Convener of the Colonial Committee of the said General Assembly, the said Alexander Yellowlees, Secretary to the said committee, the said Reverend Alexander Dunn, Chaplain of the Scotch Church in Colombo, and the said Alexander

Stevenson, William Somerville, John Paterson, John Kyle, John Eunson, David Kinloch Michie, Alexander Fairlie, Robert Farquhar Spottiswood Hardie, William Hunter, and Cosmo Moray Gordon, Elders of the Scotch Church in Colombo (hereinafter referred to as "the new trustees "), and by their successors in office, in trust for the purposes and objects and subject to the terms and conditions in the said grant contained:

And whereas in pursuance of the power so conferred the new trustees did sell and transfer the said land, and church, and buildings, and premises, and with the proceeds of sale purchased the three allotments of land in the Schedule hereto fully described (hereinafter called "the new land ", which new land was by deed No. 9,048, dated the 21st May, 1906, attested by Frederick John de Saram of Colombo, Notary Public, conveyed to them individually by name and to the survivors and survivor of them, and the heirs, executors, and administrators of such survivor, their or his assigns, subject to a certain right of way in the said Schedule hereto particularized), and erected thereon a new church and other buildings, all of which are known as St. Andrew's Church:

And whereas of the new trustees the Reverend James Mitford Mitchell, John Kyle, and John Eunson have since died, and the new land and the new church and other buildings thereon are now by virtue of the last-mentioned conveyance vested in the survivors of them, who have requested that by an Ordinance of the Legislature they may be incorporated, and that the new land, together with the new church and buildings erected thereon, may be vested by such Ordinance in such corporation in trust as in the said grant and the said Ordinance No. 18 of 1906* declared, and it is proper and expedient to accede to the said request:

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

1. This Ordinance may be cited as the Short title.
New St. Andrew's Church Ordinance.

* Omitted from this Edition.

Incorporation of trustees of St. Andrew's Church.

2. The trustees of the land described in the Schedule hereto and of the new church and buildings erected thereon, known as St. Andrew's Church and the " Manse " (such trustees being at present the Right Reverend the Moderator of the General Assembly of the Church of Scotland, the Convener of the Colonial Committee of the said General Assembly, the Secretary to the said committee, the Chaplain of the Scotch Church in Colombo, and the Elders of the Scotch Church in Colombo), and their respective successors in office, and the lawful holders for the time being of the said offices of Moderator, Convener, Secretary, Chaplain, and Elders, in their capacity of trustees of St. Andrew's Church, shall be a body corporate under the name of "The Incorporated Trustees of St. Andrew's Church ", and under the said name shall have perpetual succession, and shall have full power to acquire, purchase, take, hold, and enjoy movable and immovable property of every description, and to sell, mortgage, lease, exchange, or otherwise dispose of and deal with the same, and may sue and be sued in their corporate name in all Courts of Justice.

unsuited to the objects of their trust, or if for any other reason whatsoever it shall appear to them in their discretion expedient, from time to time, to sell, free from the trust hereinbefore mentioned, the said property or any part thereof, and invest the proceeds of the sale in the purchase of other land and in the erection of suitable buildings in the place of those so sold, and all land so purchased and all buildings so erected shall be subject to the trust in the said grant contained.

5. The said Incorporated Trustees of St. Andrew's Church shall have a common seal, with power to change and alter the same at their pleasure. The said seal shall not be affixed to any instrument whatsoever except in the presence of not less than five, and in the case of a conveyance in pursuance of a sale under section 4 not less than eight, of the members of the corporation, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing by any person as a witness.

Property declared vested in the corporation.

3. The three allotments of land adjoining each other and in the Schedule hereto described, together with the new church and buildings erected thereon known as St. Andrew's Church, and with all accessories and appurtenances thereunto belonging, subject to the right of way in the said Schedule also described, shall, anything contained in the said Ordinance No. 18 of 1906* to the contrary notwithstanding, be and are hereby vested in the said Incorporated Trustees of St. Andrew's Church, their successors and assigns, in trust for the purposes and objects and subject to the terms and conditions in the said grant contained.

6. (1) The said Incorporated Trustees of St. Andrew's Church may make rules regulating the methods by which the business of the corporation shall be conducted, the proceedings at meetings of the corporation, and the manner in which any difference of opinion arising at such meeting or otherwise may be determined.

(2) A copy of such rules purporting to be signed by the chaplain of the church for the time being shall be admissible in evidence in any Court of Justice, and all rules so authenticated shall be deemed to have been duly made until the contrary is proved.

Power of sale.

4. The said Incorporated Trustees of St. Andrew's Church shall have full power, if the property by section 3 vested in them or any property hereafter substituted in lieu thereof under this section shall become

7. Nothing in this Ordinance shall be deemed to affect the rights of the Republic, or of any persons or bodies corporate, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.

* Omitted from this Edition.

SCHEDULE

[Section 3.]

1. All that allotment of land situated in Kollupitiya, in Ward No. 9 within the Municipality of Colombo, in the District of Colombo, Western Province, in the Island of Ceylon; bounded on the east by Government reserve and the lake, south by land described in plan No. 105,596, south-west by reservation for a road, north-west by the Moratuwa railway line; containing in extent 1 acre and 28 perches according to the survey and description thereof No. 105,595, dated April 6, 1877, and authenticated by Lieutenant-Colonel A.B. Fyers, R.E., Surveyor-General.

2. All that allotment of land situated in Kollupitiya aforesaid; bounded on the north by reservation for a road, east by reservation for a road and land described in plan No. 105,596, south by the property of Messieurs George Steuart and Company, west by the Kollupitiya road; containing in extent 1 acre and 4 perches according to the survey and description thereof No. 105,599, dated April 6, 1877, and authenticated by the said A.B. Fyers, Surveyor-General.

3. All that allotment of land situated in Kollupitiya aforesaid; bounded on the north by reservation for a road and land described in plan No. 105,595, east by the lake, south by the property of Messieurs George Steuart and Company, west by land described in plan No. 105,599; containing in extent 1 acre and 2 perches according to the survey and description thereof No. 105,596, dated April 6, 1877, and authenticated by the said A. B. Fyers, Surveyor-General.

The foregoing three allotments of land are subject to the reservation in favour of William Anderson, Thomas Shuckforth Grigson, Edward Snape Grigson, and Cosmo Moray Gordon, as owners of the premises called Wekande Mills, and of the owner or owners for the time being of the said mills, and their and his tenants, servants and employees, of a right of way and passage over the said allotments, with or without horses and other cattle, carts, carriages, and other vehicles of every description between the points and along the course marked on a certain survey plan, dated May 18, 1906, made by George C. de Saram, Licensed Surveyor and Leveller, and attached to the conveyance of the said allotments of land by the said William Anderson, Thomas Shuckforth Grigson, Edward Snape Grigson, and Cosmo Moray Gordon, bearing No. 9,048, dated May 21, 1906, attested by Frederick John de Saram, Notary Public, and duly registered A 81/388 and A 86/333.