



SUPPLEMENT TO THE  
CEYLON GOVERNMENT  
GAZETTE

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**UNOFFICIAL ANNOUNCEMENT.**

THE CONSTITUTION AND THE FUNDAMENTAL PROVISIONS  
AND REGULATIONS NON-FUNDAMENTAL OF THE  
DIOCESAN COUNCIL OF THE CHURCH OF CEYLON.

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PREAMBLE

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In accordance with the Provisions of the Ordinance No. 6 of 1885 the following Constitution, Fundamental Provisions and Regulations Non-fundamental, first framed by the Synod called for the purpose in terms of the Ordinance and subsequently revised and added to from time to time by lawful authority and further revised and added to in accordance (a) with the provisions of the said Ordinance as amended, and (b) with the acceptance of the Constitution of the Church of India, Burma and Ceylon, are hereby declared to be binding on all persons as have either directly or indirectly assented thereto.

## CHAPTER I

### *Fundamental Provisions*

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#### THE DIOCESAN COUNCIL

1. The Diocesan Council of the Church of Ceylon hereinafter referred to in this and all succeeding chapters as the Council, shall consist of the Bishop, the Clergy, and the Representatives of the Laity.

2. Deacons may not in a vote by Orders cast a number of votes greater than one-tenth of the number of priests who are members of the Council.

3. The number of deacons summoned to a session of the Council called for the election of a Bishop under the provisions of Chapter XI shall be in accordance with the provisions laid down in Rule I of Appendix A I of the Provincial Constitution.

4. The Bishop shall prepare and keep revised and corrected a roll of the licensed clergy of the Diocese, showing their respective seniority from the date of priest's Orders.

5. In all cases in which any right or power is hereby vested in or any duty is made incumbent upon the Bishop, the same shall, in case of his absence, refusal, or inability from any cause to act, be vested in or exercised by his representative, (so far as such representative be qualified under the provisions of the Constitution of the Church of India, Burma and Ceylon), that is to say—in or by the Bishop's Commissary—or if there be no Commissary, or if the Commissary be absent, or refuse, or be unable from any cause to act, in or by the Metropolitan of the Province—or if the Metropolitan be absent, or refuse, or be unable from any cause to act, in or by his Commissary—or if there be no Commissary, or if the Commissary be absent, or refuse, or be unable from any cause to act, in or by the Archdeacon of the Diocese—or if there be more than one Archdeacon, in or by the Senior Archdeacon, who shall be able and ready to act—or if there be no Archdeacon, or if the Archdeacon be absent, or refuse, or be unable from any cause to act, in or by the licensed Clergyman who shall be senior from date of Priest's Orders on the roll of the Clergy of the Diocese and resident therein, and shall be willing, able and ready to exercise or perform the same.

6. The Council shall appoint a Standing Committee yearly from among its members to transact such business as may be assigned to it by the Council, which Committee shall continue in office until the election of a new Committee by the Council. The Secretary shall be appointed, suspended, or dismissed by the Standing Committee.

7. If any member of the Standing Committee shall cease to be a member of the Council, he shall be deemed to have thereupon vacated his place in the said Committee. Provided, however, that during any general election the members of the outgoing Committee shall continue to hold office till their successors shall have been appointed.

8. The Bishop shall be Chairman of the Standing Committee and may convene special meetings of the same.

9. The Council shall have an official seal.

10. The common seal, roll of the Clergy and Lay Representatives, books, accounts, muniments, and records of the Council shall be entrusted to the Standing Committee for safe keeping.

11. The Bishop, Clergy and Lay Representatives shall sit together in each session of the Council for the transaction of all business and shall debate all questions together.

12. Sessions shall be held in Colombo in August, September or October of each year at such time and place as the Bishop shall appoint.

13. The failure of one or more electoral bodies to return Lay Representatives in due time shall not prevent the Council from proceeding to the dispatch of business.

14. A special session of the Council may be convened at any time or place by the Bishop, and shall be convened at any time by the like authority, upon the written requisition of not less than one-third of the members of either order, or one-fourth of the members of both orders conjointly. No business shall be transacted at any special session save such as shall be expressed in the summons unless the Council, with the consent of the Bishop, shall otherwise determine.

15. The Standing Committee shall, before each session, prepare and publish in such manner as the Council shall from time to time direct, a list of the members of the Council and the said

list when signed by the Bishop shall be conclusive evidence that those named therein, and none others, are the members of the said Council ; but the same shall be subject to appeal or amendment as the Council shall direct.

16. Notice of every session, and of the business to be transacted thereat, shall be given by the Standing Committee at such time and in such manner as the Council shall determine.

17. The presence of the Bishop, of one-fourth of the Clergy, and of one-fourth of the Lay Representatives shall be necessary to constitute a session of the Council.

18. The Bishop shall preside at every session.

19. The Council may make Standing Orders for the regulation of its procedure not inconsistent with anything herein enacted, and may from time to time rescind or vary the same.

20. Notice of every motion which the proposer and seconder thereof shall intend to bring before any session of the Council shall be signed and delivered by them to the Standing Committee, at least one month previous to the date of the commencement of the session, and without such notice no motion shall be voted upon at any such session ; unless the Council, with the consent of the Bishop, shall otherwise determine.

21. If a division be called for on any question, all the members except the Bishop shall vote together, unless upon the division being called six members at least of either order present shall require the votes to be by orders, in which case they shall be so taken. Provided that after a division has been taken in the ordinary way it shall be lawful on such requisition for the votes to be taken by orders.

22. No act or resolution of the Council shall be valid which shall not have received the concurrent assent of the Bishop, the Clergy, and the Lay Representatives or, if the Bishop shall have refused his assent and an appeal shall have been made to the House of Bishops of the General Council, the assent of the majority of that House.

23. Each act or resolution of the Council shall be written or printed in duplicate under the direction of the Standing Committee, or any two members thereof ; and when so written or printed shall be compared and certified as correct by the Standing Committee, or any two members thereof, and shall be signed by the Bishop and sealed with the seal of the Council and the text of all such acts or resolutions shall be printed with the next following Report of the Standing Committee.

24. One of such duplicate copies of each such act or resolution shall be filed in a book and deposited in the muniment room of the Council, and the other shall be sent to the Registrar.

25. All copies of any resolution, or other act of the Council authenticated as correct by the Registrar or by at least two members of the Standing Committee, shall be *prima facie* evidence thereof without further proof, and as such shall be received in evidence in all the tribunals of the Church and in any legal proceedings.

26. The seal of the Council shall not be used to authenticate any resolution, or other act of the Council, or any copy thereof except in the presence and by the authority of at least two members of the Standing Committee, or such other persons as the Council shall from time to time appoint.

27. Parishes or electoral districts shall severally contribute to the expenses of the Council in such manner as from time to time may be fixed by the Council. And upon receipt of a notice in writing from the Secretary of the Diocese of the amount so fixed, it shall forthwith become due.

28. If a congregation shall after due notice fail to pay the assessment for the expenses of the Council fixed in accordance with the previous rule, the Lay Representatives for that congregation or parish shall not be entitled to take any part in the proceedings of the Council during such default.

29. During a vacancy in the See no Fundamental Provision shall be altered or repealed and no new Fundamental Provision be made.

30. The Council shall not alter or amend any Fundamental Provision without at least ninety clear days' notice of the proposed alteration or amendment being given to the Secretary of the Diocese, to be communicated forthwith by him to the Clergy and the Lay Representatives of the Council before the session of the Council at which it is to be proposed, and without the concurrent assent of the Bishop of Colombo for the time being, and also of two-thirds of the order of Clergy and two-thirds of the order of Lay Representatives, present in each case.

31. The Council recognises that the General Council has power to deal with matters of common interest to the whole Province and with those that affect the communion of the Dioceses with one another and with the rest of the Church ; and

that the normal duty of this Council is to deal with matters which concern only its own Diocese ; and that the ultimate decision of the question as to which of the above classes of matters any particular subject belongs to, rests with the General Council ; and that when a decision has been given that any matter is not within the competence of a Diocesan Council, this Council will not deal with the matter except either by way of address to the General Council, or of reply to a reference from the said Council.

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## CHAPTER II

### *Not Fundamental*

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## STANDING ORDERS

### PROCEEDINGS AT OPENING OF THE COUNCIL

1. The Council having met as provided for in Chapter I, Divine Service shall be held at such hour, at the discretion of the Bishop, as shall be likely to secure the fullest attendance of the Clergy and Lay Representatives.
2. The Council shall re-assemble for the despatch of business at the time and place appointed by the Bishop, when one-fourth of the Clergy and one-fourth of the Lay Representatives being present, the Bishop shall take the chair and prayers shall be read.
3. When the Bishop, or other person presiding, has taken the chair, no member shall continue standing.
4. It shall be the duty of the Standing Committee to make arrangements by which the attendance of members shall be marked as they enter the room, unless otherwise specially ordered.
5. No member can take his seat until he has signed the Consensual Compact, and (if a layman) the declaration contained in Schedule B, both of which shall be signed by Lay Representatives on election, or as soon after as possible.

6. The Bishop, if he sees fit, may then deliver a pastoral address containing a report of the general state of the Diocese, and such other matters as he may judge right.

7. Two Secretaries shall then be appointed to record the proceedings of the Council.

8. Statistical returns shall then be laid on the table.

9. Petitions and memorials shall be presented.

10. The Standing Committee shall deliver their report for the past year with statements of accounts duly audited.

11. The various reports and accounts shall be brought up.

12. The return of attendance of members of the Standing Committee during the past year shall be rendered.

13. The Standing Committee and the auditors shall be nominated.

14. Scrutineers shall be appointed.

15. The auditors and Standing Committee shall be elected by ballot.

16. The mode of ballot shall be as follows : Each nomination shall be duly proposed and seconded. Should more names be proposed than there are vacancies to be filled, printed slips shall be prepared, containing all the names so proposed. At the next sitting, or as soon as the slips can be printed, each member of the Council shall be given a slip, and shall be required to strike out the names—above the required number of those for whom he does not wish to vote. After the slips are distributed no member may leave the room until the vote is taken, and each member who receives a slip, shall be required to vote. The scrutineers shall then collect the slips, and shall as soon as possible report the result of the ballot to the Bishop.

17. If an ordinary Session of the General Council is to be held before the next Session of the Diocesan Council, the Council shall proceed to elect panels of names of Clergy and Laity from whom it desires its Representatives to the General Council to be chosen.

18. Panels of Clergy and Laity shall be elected from which the Bishop shall summon Assessors to sit in the Diocesan Court. The Laity shall be communicant members of the Church of the Province.

19. A Clerk of the Diocesan Court shall be appointed, and a substitute to act for him when he is unable to be present.

20. Notices of motion shall be given in writing, audibly read, and shall be numbered in the order in which they are handed in to the Chair. Such motions shall be placed on the agenda following the motions already received in accordance with the Fundamental Provision of Chapter I, section 20 and shall be considered in the order in which they have been received subject to the approval of the Council in each case.

21. In drawing up the agenda of the business to be transacted at every session of the Council required by section 9 of Chapter VII the Standing Committee shall not be obliged to follow the order prescribed in this Chapter in respect of the above orders, (seven to nineteen.).

#### CONDUCT OF BUSINESS SUBSEQUENT TO THE 1ST DAY OF MEETING

22. The chair shall be taken at the hour appointed for meeting, prayers shall be read, and if within half-an-hour after the time of meeting there be not present one-quarter of the whole body of those who have votes in the Council, the Council shall be adjourned till the next day of meeting, and if there be no quorum on that day, the Bishop shall adjourn the Council to such time as he may think fit.

23. The minutes of the previous day's meeting shall be read and confirmed.

24. Reports shall then be given in, and notices of motion given (and at no other time) which shall be numbered consecutively to those given the previous day, and taken into consideration in their order, subject to the conditions specified in Chapter I, section 20.

25. Motions shall then be considered in the order in which they stand, being read from the Chair as called on ; any not proceeded with when called on shall be put at the foot of the list ; if not then brought forward they shall absolutely lapse.

#### GENERAL CONDUCT OF BUSINESS

26. No motion shall be put from the Chair unless due notice has been given, except as before provided.

27. All notices of motion shall be signed by the intending mover and seconder.

28. On the presentation of any document, except a petition, a motion may be made without notice that it be printed and a day be appointed for its consideration.



29. If at any time after the hour of meeting, the attention of the Bishop be formally called to the fact that a quorum is not present, the Bishop shall, after waiting an interval of not more than ten minutes, adjourn the Council till the next day of meeting, when the business shall be taken up at the point at which it was interrupted.

30. A question, substantially identical with one already disposed of, shall not be brought forward for discussion during the same session of the Council.

31. The Council may order any notice of motion to be heard out of its proper turn.

32. The Council may require a motion of a complicated nature to be considered in sections.

#### RULES OF DEBATE

33. Every member shall address the Chair when speaking and shall speak standing.

34. When the Bishop rises in his place all other members shall be seated, and continue sitting until he resumes his seat.

35. A motion unless seconded shall fall to the ground, and the Council shall at once proceed to the next notice of motion.

36. No member shall speak twice (except in Committee of the whole Council) on the same question, unless in explanation of something he himself has said in the same debate on which he has been misrepresented, or misunderstood, and in such explanation he shall not introduce any new matter; provided that the mover of any original question (but not of an amendment) shall be allowed a reply, which reply shall close the debate, except as hereinafter provided.

Provided, also, that it shall be allowable for a member when he seconds a motion or amendment without speaking to it, to address the Council on the subject of such motion or amendment at any subsequent period of the debate.

37. The Bishop may, if he think fit, speak once to any motion at any period of the debate, and also if he think fit after the reply of the mover, and in this last-mentioned case the debate will of course be closed by the Bishop's address.

38. At any period of a debate, but so as not to interrupt a member speaking, or interfere with the right of the Bishop to speak as provided in the preceding rule, a motion to divide may be made, and if seconded shall at once be put from the Chair without discussion.

39. A motion may be made during any debate by any member who has not spoken, that the debate be now adjourned, and if seconded shall at once be put from the Chair without discussion ; if carried, the adjourned debate shall be the first business for the next day of meeting, and the member upon whose motion any debate shall be adjourned shall be entitled to pre-audience on the resumption of the debate.

40. Should a motion for division or adjournment be negatived, no new motion for division or adjournment shall be entertained within a quarter of an hour's interval of the preceding one being negatived.

41. If two or more members rise to speak at the same time, the Bishop shall decide which member is entitled to pre-audience.

42. If any point of order arise, the member speaking shall resume his seat till it is settled ; any member may speak once to that point of order confining himself strictly thereto ; and the Bishop shall decide such point before the general debate continues, subject to the ulterior decision of the Council.

43. Every member speaking, unless a point of order be raised, shall be entitled to be heard in silence till he resumes his seat.

44. The Bishop shall confine each speaker to the subject matter of debate, and it shall not be in order for a member to interrupt a speaker except through the Bishop.

45. The Bishop shall call to order any member who, in his opinion, is digressing from the subject matter of the question under discussion, or who shall make personal reflections on, or impute improper motives to, any member.

46. Deacons may not in a vote by Orders cast a number of votes greater than one-tenth of the number of Priests who are members of the Council.

47. The Standing Orders of the Council may at any time be suspended on motion with notice ; and the Standing Orders may also be suspended on motion without notice, with the consent of all the members present.

48. A motion may be withdrawn by the mover thereof with the consent of the seconder and by leave of a majority of those present in the Council.

#### SUPERSEDING QUESTIONS

49. If it is desired that a motion on the agenda should be superseded and not even discussed, a motion may be made " That the Council do pass to the next business." If the Bishop, having due regard to the rights of all the members of the

Council and to all the circumstances of the case, shall in his discretion think fit to put the motion "to pass to the next business," he may allow the mover of it to speak for two minutes in support of it and one other member to speak for two minutes against it, and shall thereafter forthwith put the question "That the Council do pass to the next business." If it be decided in the affirmative, the Council shall without further discussion or putting any further question, proceed to the next business; if it be rejected, it shall not be moved again in respect of the same motion.

50. If it is desired that a motion on the agenda should be superseded after it has been introduced, an amendment may be made at any point of the debate in the form "That the Council do now pass to the consideration of the next business," which when seconded, shall, subject to the right reserved to the Bishop by rule 35, at once be put from the Chair without discussion, and if carried, the motion shall drop. If it be rejected, it shall not be moved again in respect of the same motion.

51. If it is desired that a motion should be superseded and not voted upon though discussed, the amendment known as the "Previous Question" may be moved at the close of the debate and if seconded shall be put from the Chair in the following form:—"That this question (*i.e.*, the motion) be not now put." If it be resolved in the affirmative the motion shall drop, but if it be resolved in the negative the motion shall then be put forthwith without further amendment or debate.

52. If a motion be superseded either by the "Previous Question" or by a motion to pass to the next business, the motion shall not be again considered during the same session of the Council.

#### AMENDMENTS

53. An amendment to a question under discussion may be proposed at any time during the discussion, and when seconded shall be read from the Chair, but not more than one amendment shall be discussed at the same time.

54. An amendment may be withdrawn by the mover thereof with the consent of the seconder and by leave of a majority of the Council.

55. When an amendment is carried the original motion falls and the amendment becomes a substantive motion for discussion and as such shall be read from the Chair. To it an amendment may be moved, and when seconded the same procedure shall be followed as in the case of the first amendment.

56. When an amendment is lost the original question or substantive motion shall be put to the vote unless another amendment is moved and seconded, in which case a fresh discussion may take place and the procedure prescribed above shall be followed.

#### DIVISION

57. When a question has to be decided upon the votes of the Council the following procedure shall be followed. The Chairman shall read out the question and the votes for and against shall be indicated by a show of hands. The result shall be declared by the Chairman to the effect that the question, motion, or amendment, as the case may be, is "carried" or "lost".

58. If a division is called for, the number of votes for and against shall be counted separately and recorded, the Clergy and the Laity voting together.

59. If a division and voting by Orders be called for, which must be by at least six members of either Order standing up, the votes of the clergy and of the laity shall be taken separately by a show of hands and the numbers voting shall be counted and recorded under each head, always provided that a vote by Orders shall not be taken on questions regarding the appropriation of funds within the control of the Council ; or

60. The procedure adopted when a division and a vote by Orders is called for may be as follows : The members present shall divide themselves into their two Orders, clerical and lay ; the members of each Order shall then take their seats in separate groups, the " ayes " on the right and the " noes " on the left of the Bishop, respectively, and the Bishop shall appoint two tellers, one of each group, and shall declare which has the majority from written lists of each Order voting on each side to be handed to him by the tellers.

61. In the event of an equality of votes in any case whatsoever, the Chairman shall have a casting vote, save in the case of a division and vote by Orders when such casting vote shall be confined to the voting by the clergy.

#### CALL OF THE DIOCESAN COUNCIL

62. The Council or Standing Committee may order a Call of the Council on any question for any day not earlier than one week from the date of such order ; and the Secretary shall address circular letters to all members, giving information of the question to be debated at such Call, adding the following words : " Any member failing to attend must forward in writing an explanation of his absence which shall be satisfactory to the Council."

## COMMITTEE OF THE WHOLE COUNCIL

63. In Committee of the whole Council, the Bishop, or his Commissary, if present, shall be Chairman, but the Committee may sit in their absence, in which case any member may be elected to the Chair.

64. The Bishop, or Chairman, in Committee shall have a casting vote only.

65. The same rules as to quorum and order of debate shall be observed in Committee as in Council, except the rule which limits the number of times of speaking.

66. The " Previous Question " cannot be moved in Committee, but a motion may be made " That the Council do now resume " which, if seconded, must be at once put from the Chair *without discussion*.

67. The Chairman of Committee shall be invested with the same authority for the preservation of order as the Bishop when presiding in the Council.

68. The Committee of the whole Council may vote by Orders, except respecting the appropriation of funds within the control of the Council.

69. The report of the Committee of the whole Council shall at once be considered on Council resuming.

## BOARDS AND SELECT COMMITTEES

70. All Boards and Select Committees shall be elected annually by the Council, or in case of necessity by the Standing Committee, and (subject to rule 79) shall be elected by nomination, and consist of an unlimited number, who shall have the power to fill vacancies. The quorum of such Boards and Select Committees shall be fixed by the members thereof. All such Boards or Select Committees shall be instructed to report either to the Council or to the Standing Committee.

71. Any proceedings considered necessary on the receipt of the report of a Select Committee of the Council shall be initiated by a notice of motion given in the usual manner.

## PROCEDURE TO BE FOLLOWED IN MAKING, AMENDING, OR REPEALING ANY FUNDAMENTAL PROVISION OR REGULATION NOT FUNDAMENTAL

72. Leave of the Council shall be first obtained to bring in the Measure. Such leave shall not be granted if the Measure be concerned with the making, amending or repealing of a Fundamental Provision unless ninety clear days' notice in writing before the session of the Council shall have been given to the Secretary of the Diocese to be communicated forthwith by him to the Clergy and the then Representatives of the Laity.

73. Leave having been obtained the Council shall go into Committee at once and consider the Measure, or fix a day for that purpose.

74. The Measure having been considered in Committee, the Council shall resume and the Measure as recommended in Committee shall be discussed.

75. (a) In case the Measure has relation to a Non-Fundamental Provision, if the Measure be then passed, it shall take effect as a Regulation not Fundamental.

(b) In case the Measure has relation to a Fundamental Provision, if the Measure be passed, the Council shall then either fix a day for a Call of the Council after ninety clear days' notice of the business to be transacted or direct that the Measure be brought before the next ordinary session of the Council after like notice. The Measure if and as then passed shall take effect as a Fundamental Provision.

76. If leave be refused to bring in the Measure, or if on the Council resuming the Measure be rejected, the Measure shall not be discussed again unless it be brought up with the notice aforementioned at another session of the Council.

#### GENERAL RULES

77. No session shall be closed till the business thereof shall have been disposed of.

78. The discussions of the Council shall be always open to the lay members of the Church, and, except by a resolution of the Council, to the public.

79. Any of the Regulations not Fundamental may be suspended on motion duly seconded, made without notice, but with the consent of two-thirds of those present who have votes in the Council.

80. The words "the Bishop" in these Standing Orders shall (unless there be something in the subject or context repugnant to or inconsistent with such construction) include the Bishop's Commissary, as laid down in Fundamental Provision of Chapter I, section 5.

81. The Bishop or his Commissary shall be *ex officio* a member of all Boards, Select Committees and Sub-Committees of the Council or its Standing Committee.

## CHAPTER III

*Not Fundamental*ELECTION OF REPRESENTATIVES TO THE  
GENERAL COUNCIL

1. The Council shall hold a new election of Representatives for each ordinary session of the General Council and shall determine the date of such election. The Representatives so elected for any ordinary session shall hold office till the day before the first meeting of the next ordinary session, provided always that the agenda and other papers relating to the next session of the General Council shall be sent to the Representatives who will attend that session.

2. The Diocese is entitled to be represented on the General Council by four clergymen and four lay persons of either sex.

3. The qualification required of a Clerical Representative is that he must be a priest or a deacon holding the licence of the Bishop.

4. The qualifications required of a Lay Representative are :—

(a) he must be an adult communicant member of the Church of Ceylon, and

(b) he must be resident or have his home in the Diocese at the time of his election.

5. The Council shall elect by Orders, arranging the names in order of preference, a panel of not less than eight and not more than ten names of those from whom it desires the Clerical Representatives of the Diocese to the General Council to be chosen, and a panel of not less than eight and not more than ten names of those from whom it desires the Lay Representatives of the Diocese to the General Council to be chosen. The consent of each one of the proposed Clerical and proposed Lay Representatives shall previously be obtained for nomination for election on the panel.

6. In the event of a Representative resigning or being otherwise unable to attend any session, or ceasing to possess the qualifications necessary for a Representative as set forth above, his place shall be filled by the Standing Committee with the least possible delay. The one so elected shall serve as a Diocesan Representative on the General Council for the remainder of the ordinary session.

7. The names of the elected Representatives shall be forwarded to the Metropolitan together with a certification of election signed by the Bishop or his Commissary and by one of the Archdeacons or the Secretary of the Diocese. A similar certification shall be given with reference to substituted Representatives.

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## CHAPTER IV

### *Not Fundamental*

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## THE ELECTORAL ROLL

1. No member shall be qualified to speak or to vote at any General Meeting of a congregation unless his name appears on the Electoral Roll of that congregation.

2. The first Electoral Roll shall be compiled by the Incumbent with the assistance of the Lay Officers and shall consist of the names of those subscribers who are communicants and of the age of not less than twenty-one years and whose names do not appear on the Electoral Roll of any other congregation. No person who is not eligible for the post of Lay Officer under the provisions of section 9 of Chapter VI shall be qualified to have his name inserted in or to have his name remain on the Electoral Roll.

3. In case of doubt regarding the claim of any person to have his name inserted in the Electoral Roll, his name shall be inserted thereon if he makes and signs the Declaration given in Schedule A to Chapter V and the same is handed to the Incumbent, provided that he is not disqualified under any of the provisions of Chapter VI.

4. The Roll so compiled shall be signed and dated, as of the date it is posted, by the Incumbent and a Lay Officer, and posted in the Church not less than sixty days before the date of the next meeting for the election of Lay Officers and an auditor and Representatives to the Council. The Roll shall contain at the foot thereof a notification to the effect that objections to the inclusion of any names on the Roll and applications for the inclusion of the names of other duly qualified members will be considered and dealt with if made in writing to the Incumbent within fourteen days of the posting of the Roll.



5. Objections and applications duly made as provided in the preceding section shall be dealt with by the Incumbent and Lay Officers, and they may revise the said Roll, erasing or adding names as they shall deem necessary in consequence. The Roll so revised shall be signed by the Incumbent and one of the Lay Officers, and dated, as of the date when it was posted, and posted in the Church for not less than thirty days before the next meeting for the election of Lay Officers and an auditor and Representatives to the Council.

6. Any person aggrieved by any decision under the provisions of section 5 may prefer an appeal in writing to the Bishop within seven days of the decision setting out the grounds of his appeal, and the Bishop's decision thereon shall be final. The Incumbent and Lay Officers shall make any revision of the Roll which may be necessitated by the decision of any appeal.

7. The Roll thus revised shall be final and conclusive until it is revised as hereinafter provided, save and except that in the case of any extraordinary general meeting of the congregation it shall be competent for the Incumbent and Lay Officers to add to the said Roll the names of duly qualified persons up to within seven days of such meeting.

8. An extraordinary general meeting shall be presided over by the Incumbent (See Chapter VI, section 18) and shall be convened both by notice published orally in church during Divine Service on at least one Sunday preceding the day fixed for such meeting and by notice in writing posted in the church at least ten days before the day fixed for such meeting.

9. It shall be the duty of the Incumbent and the Lay Officers to revise the said Roll annually following the procedure laid down for the compilation and revision of the first Roll save and except that the objections and applications mentioned in section 4 of this Chapter shall be made in writing within 10 days of the date of the posting of the Roll. Persons aggrieved shall have the right of appeal as hereinbefore provided regarding the first Roll.

10. No objection raised at a meeting as to the qualifications of a voter to vote at a meeting shall be entertained save and except that his name is not on the Electoral Roll. The Chairman of a meeting shall decide all questions as to the qualifications of a person to vote and his decision shall be final. No question raised subsequent to a meeting as to the qualification of a voter to vote at a meeting shall be entertained.

## CHAPTER V

*Not Fundamental*

## ELECTION OF LAY REPRESENTATIVES

1. The words "Electoral Body" in this Chapter shall mean such congregation, or two or more congregations united for the time being for electoral purposes, as hereinafter provided by section 5, as shall consist of fifty or more accustomed members.

2. The word "congregation" in this Chapter shall mean a body of persons who meet regularly for public worship according to the rites of the Church of India, Burma and Ceylon, and have the Sacrament of the Lord's Supper periodically administered among them.

3. The words "accustomed member" in this Chapter shall mean any professing Christian of either sex of fifteen years of age or upwards, who attends regularly at the services of any particular Church or congregation, provided that any such person, who for any reasonable cause does not attend regularly, may nevertheless, with the consent of the clergyman of such particular Church or congregation, be deemed to be an accustomed member thereof.

4. The word "Church" in this Chapter shall include any place licensed by the Bishop for public worship.

5. A congregation shall be entitled to representation by itself as an electoral body according to the total number of its accustomed members; provided that any congregation may be united for electoral purposes to any other congregation, as to the Standing Committee, or to the Council on appeal, shall seem meet.

6. Every Electoral Body shall be entitled to return :—

One Lay Representative for	50	accustomed members.
Two Lay Representatives	„ 150	„ „
Three	„ 300	„ „
Four	„ 600	„ „ or more.

7. A list of the accustomed members of an Electoral Body shall be compiled by the Incumbent and the Lay Officers and revised annually. This list or a copy thereof certified by the Incumbent and one of the Lay Officers as correct to the best of their knowledge and belief shall be sent to the Secretary of the Diocese before the 1st day of November.

The number of Lay Representatives an Electoral Body shall be entitled to return in any year shall be determined according to the figures given in that list. Failure to furnish such a list duly shall entitle the Standing Committee to determine the number of Lay Representatives the Electoral Body shall be allowed to return.

8. Lay Representatives who may be of either sex shall be Communicant members of not less than twenty-one years of age of the Church of India, Burma and Ceylon, who are on the Electoral Roll of a Church in the Diocese of Colombo, and shall be elected at the annual general meeting of the congregation at which there shall be present not less than five members whose names appear on the Electoral Roll of the congregation.

9. The annual general meeting shall be held between November 30th and May 31st and shall be presided over by the clergyman (if present). It shall be convened for that purpose by notice published orally in Church during Divine Service and by written notice posted in the Church on at least two Sundays before the day fixed for such meeting, provided that where an Electoral Body consists of more than one congregation due notice as aforesaid shall be given to each such congregation.

10. At the time of publication of the date of the meeting there shall be published an agenda setting out the business to be considered at the meeting. Other items for the agenda may be submitted to the Incumbent in writing before the Friday following the first publication of the date of meeting. Other business may be considered at the meeting with the consent of a majority of those present but shall not form the subject of resolution or be voted on.

11. No person shall vote at the election of a Lay Representative of any congregation or Church unless the name of such person is included in the current Electoral Roll, as provided in Chapter IV, section 2. All questions of eligibility shall be governed by the Rules provided in that Chapter.

12. The method of voting for the election of Lay Representatives shall ordinarily be by a show of hands unless a secret ballot is demanded by any voter present in which case each voter shall be supplied with a list of the names of persons duly proposed and seconded and shall indicate on it by a mark the names of the person or persons for whom he wishes to vote.

13. The Chairman shall cause to be made and kept a record of the proceedings of the meeting. It shall contain all material particulars relating to the business brought before

the meeting and also the names of the persons voted for as Lay Representatives together with the number of votes obtained by each person.

14. The person or persons receiving the highest number of votes shall be declared to have been elected. If two or more persons obtain the same number of votes, the election shall be decided by lot.

15. In the event of a person elected as a Lay Representative refusing to act after election, the Chairman shall declare the person or persons who had received the next largest number of votes as having been elected.

16. In every case the certificate of election in the form of Schedule C shall forthwith be sent by the Chairman to the Secretary of the Diocese who shall report the election to the Standing Committee or to the Council.

17. The Lay Representatives elected at the annual general meeting of the congregation shall hold office from the annual session of the Council next ensuing to the annual session of the Council following thereafter.

18. A Lay Representative may at any time resign office by a written notice to the clergyman in charge. In case of the death, disqualification, or resignation of a Lay Representative, the clergyman shall give notice thereof to the Secretary of the Diocese and shall proceed as hereinbefore provided to elect a representative to fill the vacancy. It shall be the duty of the Chairman of the meeting called for that purpose to report the election in the manner hereinbefore provided, and of the Standing Committee to report all vacancies and elections to the Council. Absence of a Lay Representative from the Island for a longer period than six months shall *ipso facto* render his office vacant.

19. No person who has acted contrary to the law of the Church in respect of marriage, and continues to be an offender against such law, or who has been repelled from Holy Communion in accordance with the rubric prefixed to the Order for the Administration of the Lord's Supper, and whose repulsion has been reported to and confirmed by the Bishop, and who has not been reinstated by the Bishop, shall be eligible to exercise any office or function in connexion with the Council.

20. Lay Representatives shall, before performing the duties of their office, subscribe to a declaration according to the form contained in Schedule B.

21. In case of any question arising as to the validity of election of any Lay Representative, the matter shall be referred to the Standing Committee, who shall decide upon the question at issue ; and in the inquiry the Standing Committee shall be guided by the real justice and substantial merits of the case, without strict regard to legal requirements. An appeal shall lie to the Council from the decision of the Standing Committee ; and in case the Standing Committee, or the Council on appeal, shall decide that the election of any Lay Representative is invalid, the Electoral Body shall forthwith proceed to a new election.

22. For the purpose of this Chapter the word " clergyman " shall be deemed to mean the Incumbent, or, in his absence, the Assistant Priest, if there be one ; and in the event of there being more than one Assistant Priest, the senior Assistant Priest.

### *Schedule A*

#### Declaration to be signed by the Electors before recording their votes

I \_\_\_\_\_ of \_\_\_\_\_ do hereby solemnly declare that I am a communicant member of the Church of Ceylon, and that I have attained the age of 21 years. I further declare that I am an accustomed member of the congregation of \_\_\_\_\_ and that I have not voted as an elector of any other congregation since November 30th last, and that I am a subscriber to the funds of this church and that my subscription is not in arrears.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

*Declarant.*

*The following provisional definition of the word subscriber relating to Schedule A of Chapter V. be in force so long as the subscription qualification is retained in the Constitution.*

A subscriber shall be a regular contributor for at least six months of more than a nominal sum to the funds of the Parish or District to which he belongs and shall not be more than a month in arrears with his subscription at the date of the second posting of the revised Electoral Roll in any year. It shall lie with the Incumbent and the Lay Officers to decide in any particular case whether the subscription is " more than a nominal sum," and their decision shall be final.

The subscription of husband or wife shall entitle both to have their names on the Electoral Roll subject to their qualifying in other respects under Section 2 of Chapter IV.

*Schedule B*

I \_\_\_\_\_ of \_\_\_\_\_ chosen member of the Colombo Diocesan Council do solemnly declare that I am a communicant member of the Church of India, Burma and Ceylon and that I assent to the Constitution of the Church of this Province and I agree to be bound by the Canons and Rules of this Church and as a member of the Colombo Diocesan Council to act according to the constitution, rules, regulations and standing orders of that Council.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

*Declarant.*

*Schedule C*

Declaration to be signed by the Chairman.

I certify that at a meeting duly convened on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, held in \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ of \_\_\_\_\_ being communicants of the Church of Ceylon, were elected to serve as Lay Representatives for the congregation of \_\_\_\_\_ numbering as I believe \_\_\_\_\_ accustomed members.

Witness my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

*Chairman.*

## CHAPTER VI

*Not Fundamental*

## LAY OFFICERS OF CHURCHES

1. In Churches where there shall be Trustees appointed under Ordinance, or Churchwardens appointed under Trust Deed, these Trustees or Churchwardens shall be recognized by the Council as the Lay Officers of the congregations of such Churches.

2. In all other Churches the number of Churchwardens shall be not less than two, nor more than four, of whom one shall be appointed by the Incumbent and the other or others by the congregation; and they shall be recognized by the Council as the Lay Officers of the congregations of such Churches.

No change shall be made in the number of Churchwardens except by a resolution passed at a duly convened meeting of the congregation at least six months before the annual election.

3. Sidesmen may be appointed to assist the Lay Officers, and such appointment shall be made at a meeting of the congregation or at a meeting of the Incumbent and Lay Officers.

4. Lay Officers and Sidesmen of a Church shall be elected from the number of those whose names appear on the Electoral Roll of the Church.

5. A congregation shall elect its Lay Officers and an auditor at the annual general meeting at which not less than five members whose names appear on the Electoral Roll are present. This meeting shall be presided over by the Incumbent (if present) and shall be convened for that purpose both by notice published orally in Church during Divine Service, and by notice in writing posted in the Church at least two Sundays before the day fixed for such meeting. The Rules governing the election of Lay Officers shall be those set out in Chapters IV and V.

6. The method of voting for the election of Lay Officers shall ordinarily be by a show of hands unless a secret ballot is demanded by any voter present, in which case each voter shall be supplied with a list of names of persons duly proposed and seconded, and shall indicate on it by a mark the names of the person or persons for whom he wishes to vote.

7. It shall be the duty of the Chairman of such meeting to forward a report to the Archdeacon giving the names of the persons elected. Upon receiving this report, the Archdeacon shall after an interval of fourteen days decide—and his decision shall be final—whether any objection exists either to the election itself or to the appointment of any of the persons elected.

If no such objection exists he shall inform the Chairman of the meeting that the persons elected are entitled to enter on their office and that their names should be posted in the church.

If an objection exists either to the election itself or to the appointment of any of those elected, he shall

- (a) submit such objection to the Standing Committee for its decision, which shall be final.
- (b) inform the Chairman that he has referred such objection to the Standing Committee for its decision,
- (c) inform the Chairman in the case of an objection existing to the election itself that the admission to their office of those elected shall not take place pending the decision of the Standing Committee.

- (d) In the case of an objection existing to the appointment of any of those elected, inform such person through the Chairman that an objection (specifying what it is) connected with his election has been submitted to the Standing Committee and that he is not entitled to enter upon his office until the matter has been decided.
- 8 (a) The Chairman shall cause to be made and kept a record of the proceedings of the meeting. It shall contain all material particulars relating to the business brought before the meeting and also the names of the persons voted for as Lay Officers together with the number of votes obtained by each person.
- (b) The person or persons receiving the highest number of votes shall be declared to have been elected. If two or more persons obtain the same number of votes the election shall be decided by lot.
- (c) In the event of a person elected as a Lay Officer refusing to act after election, the Chairman shall declare the person or persons who had received the next largest number of votes as having been elected and shall forthwith send a certificate of his election to the Archdeacon of the District.

9. No person who has acted contrary to the law of the Church in respect of marriage, and continues to be an offender against such law, or who has been repelled from Holy Communion in accordance with the rubric prefixed to the Order for the Administration of the Lord's Supper, and whose repulsion has been reported to and confirmed by the Bishop, and who has not been reinstated by the Bishop shall be eligible for the post of Lay Officer or Sidesman or shall have his name placed or allowed to remain on the Electoral Roll.

10. Lay Officers shall hold office for a period not exceeding one year, but shall be eligible for re-election. In the case of gross misconduct by a Lay Officer, the Bishop may himself hold an enquiry, or refer the matter for enquiry and report to such person or persons as he may elect, always provided that the Officer concerned be first notified of the charge brought against him and be given opportunity of offering his defence. If after such enquiry the Officer is found guilty by the Bishop, the Bishop may, in the exercise of his discretion, remove him from his office, or suspend him, or make any other order as to the Bishop may seem expedient.



11. At the annual meeting for the election of Lay Officers the out-going Officers shall present their accounts for their year of office, duly audited, to be passed by the meeting ; and the newly-elected Officers shall then take over the accounts.

12. No Lay Officer may during the year resign office without first accounting to his fellow-officers and to the auditor for all sums of money received by him as Lay Officer. In the event of a vacancy among the Lay Officers an election of another Lay Officer shall take place as provided for in section 5. Should all the Lay Officers determine to resign *en bloc*, they shall, before their resignation can be accepted, hand over to the Incumbent an audited account of all moneys received by them as Lay Officers together with the moneys in their hands according to such audited account. The Incumbent shall then arrange for a fresh election as provided for in section 5, and shall hand over to the new Lay Officers the audited account and the moneys received by him from the retiring Officers.

13. At the meetings of the Lay Officers the Incumbent, if able to be present, shall be Chairman, and no meeting shall be held without notice having been first sent to him.

14. The Lay Officers and Sidesmen shall, on taking office, sign the following declaration :—

I, A. B. do hereby declare that I am a communicant member of the Church of Ceylon and that I am not less than 21 years of age and that my name appears on the Electoral Roll of the congregation of . . . . . and that I will to the best of my ability perform the duties of Churchwarden or Trustee or Sidesman entrusted to me.

(Signed) A. B.

15. These declarations, together with a declaration by the Chairman of the meeting, that these persons have been duly and rightly appointed, shall be forwarded by the Chairman to the Archdeacon of the district.

16. The duties of Lay Officers shall be :—

- (1) To preserve and maintain in good order the fabric, fixtures and all movable goods of the church, and, with the Incumbent, to provide for the safe-keeping, whether in the church, vestry or the vicarage, of the sacred vessels, registers, and all other valuable goods of the church, and to sign receipts and delivery forms for the same when taking up and laying down office.
- (2) To attend to the orderly seating of the congregation, and to see that Divine Service is not disturbed by any person within or without the Church.

- (3) To provide, with the Incumbent, the Bread and Wine for Holy Communion, and other necessities for Divine Service, at the charges of the Parish.
- (4) To take charge, through a Treasurer appointed by them, of the alms and of the other moneys collected in the Church at the ordinary services, and to expend them jointly with the Incumbent on the maintenance of the Church and of Divine Worship therein, the relief of the poor, and on such other uses as may be approved by the Incumbent and the Lay Officers ; provided that if these disagree, the Bishop shall decide.
- (5) To take charge, through their Treasurer, of all moneys subscribed or given for the stipends of the clergy of the Parish or District and of such other funds as are entrusted to them, and to expend all such moneys and funds for the purposes on account of which they were subscribed or given, provided that if at any time such purpose cannot be fulfilled, the money may be applied to some other object, with the approval of the Bishop.
- (6) During a vacancy in the Incumbency to provide, in consultation with the Bishop, for the maintenance of Divine Service.
- (7) To fix the fees for marriages and burials, and for monuments, certificates, &c., subject to revision by the Archdeacon ; and to put up a list of such fees in the Church ; provided that no change in any fees affecting the Incumbent be made without his consent during his tenure of office.
- (8) To carry out any sentence of the Diocesan Court which has reference to the Church for which they are Lay Officers.
- (9) Upon their election, and as often as a vacancy occurs, to elect from among their number a Chairman to preside at all meetings of the congregation at which the Incumbent is unable to be present.

17. These rules shall be binding on the congregations and Lay Officers of all the Churches in the Diocese so far as they are not inconsistent with the provision of any Ordinance or Trust Deed.

18. For the purpose of this Chapter the word " Incumbent " shall be deemed to mean the Incumbent, or, in his absence, the Assistant Priest, if there be one ; or, in the event of there being more than one Assistant Priest, the senior Assistant Priest.

## CHAPTER VII

*Not Fundamental*

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## THE STANDING COMMITTEE

1. The Standing Committee shall consist of the Bishop, the Archdeacons, seven other Clerical, and fifteen Lay Members ; seven members shall form a quorum.

2. The Clerical and Lay Members of the Standing Committee shall be elected at each ordinary session of the Council. Should more than the necessary number be proposed the election shall be by ballot.

3. The Standing Committee shall appoint the Secretary (as provided in Chapter I section 6) and the Treasurer of the Diocese, and the suspension or dismissal of these Officers shall lie with the Standing Committee.

4. The Standing Committee shall meet quarterly, or oftener. The Bishop may convene special meetings if necessary.

5. The Standing Committee shall have power to appoint sub-committees from its own number to facilitate the discharge of the several duties assigned to it by the Council.

6. The Standing Committee shall transact such business as shall be assigned to it by the Council, and shall hold office until the Committee for the following year is elected.

7. On the occurrence of a vacancy by the resignation, or death, or absence from the Island or any other cause of any member of the Committee, the remaining members shall elect from among the members of the Council a person to fill the vacancy.

8. The Standing Committee shall annually draw up a report of the business transacted by it during the past year, of the attendance of its members, and of the general condition of the Diocese, together with a statement of its accounts, including the accounts for the year of the Incorporated Trustees duly audited, and shall communicate such report to all members of the Council not less than fourteen days previous to the meeting of Council or immediately on receiving notice of the election of any member.

9. Notice of every session of the Council and of the business to be transacted thereat shall be given by the Standing Committee in the form of an agenda paper issued to each member of the Council at least fourteen days before the meeting of the Council, and a copy of the agenda shall be sent to the local papers for publication.

CHAPTER VIII  
*Fundamental*

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PATRONAGE

1. The responsibility of nominating to the Bishop in matters of Patronage shall rest with the " Diocesan Patronage Board " constituted as hereinafter provided.

2. The Board shall hold office for three years, and until its successor has been appointed in like manner. Vacancies occurring within this period shall be filled by the Standing Committee, the members voting by orders.

3. (a) In addition to the Board, two representatives shall be summoned from the parish to which an appointment is to be made. These representatives shall have the same rights as the members of the Board in discussing and voting concerning the nomination in connexion with which they have been summoned.

(b) Every parish shall elect annually its two representatives at the annual general meeting of the congregation irrespective of whether a vacancy is likely to occur during the year or not.

The qualifications and disqualifications of these representatives and their elections shall be governed by the provisions of Chapter VI of the Constitution of the Diocesan Council in regard to lay officers.

(c) In the case of two or more congregations or parishes served by one Incumbent, each such congregation or parish shall elect two representatives at its annual general meeting. Within fourteen days of an incumbency falling vacant or of notice being given that the incumbency will be vacated, the representatives of the several congregations or parishes shall meet together and shall elect two of their number to represent them at the Patronage Board. This meeting shall be convened and presided over by the Incumbent, or if there is no Incumbent, or if he is unable to act, by the Archdeacon of the district, or his deputy, and the Chairman of such meeting shall forthwith report the names of the two representatives to the Bishop.

Provided that at least one of the two finally elected persons shall represent the congregation or parish having the largest number of accustomed members.

4. The appointment to any incumbency shall be for such a period as the Bishop shall state in the licence issued to the Incumbent in each case.

5. When a vacancy occurs, or is about to occur, the Bishop shall summon a meeting of the Patronage Board and of the representatives of the parish concerned, to nominate to him a person to fill the vacancy, or to suggest a panel of names from which the selection may be made.

6. In no case shall the Bishop be bound to accept any nomination made to him. As often as the Bishop is unable to accept a nomination, he shall summon a meeting as in section 5 hereof is provided, but if within four months of the occurrence of the vacancy no nomination acceptable to the Bishop is made, the Bishop may exercise his right of appointment, provided that the Patronage Board with the representatives of the Parish had a reasonable opportunity of making a nomination.

7. The provisions of this Chapter shall apply only to Churches whose names appear on the authoritative list signed by the Bishop, at the time of the passing of these rules, and preserved at the Diocesan Office, and to Churches whose names shall in future be added to the list with the authority of the Bishop and the Standing Committee.

8. Nothing contained in this Chapter shall interfere with the rights of the Church Missionary Society or of any other patrons.

9. No new rights of patronage shall hereafter be created contrary to the provisions of this Chapter.

10. If any question hereafter arises not provided for by these rules it shall be referred to the Standing Committee whose decision shall be final.

#### *Not Fundamental*

11. The Diocesan Patronage Board shall consist of :—

- (a) The Bishop, and the Archdeacon or Archdeacons.
- (b) One priest, and one lay person, who is also a communicant, elected by the Standing Committee, the members voting by orders ; that is, the priest shall be elected by the votes of clergy only and the lay person by the votes of laity only.

12. The Bishop or in his absence any one of the Archdeacons shall take the chair at all meetings of the Board. Three members shall form a quorum.

13. When any clergyman has passed the age of 60, he shall be placed by the Bishop upon the list of retired clergy, unless the Bishop thinks fit to extend his period of active service. A clergyman whose name is on this list is not eligible to fill an incumbency, but he is not thereby precluded from taking temporary work as an assistant or as priest-in-charge.

Copy of the authoritative list signed by the Bishop at the time of the passing of these rules and preserved in the Diocesan Office. It relates to section 7 of Chapter VIII (Patronage).

Christ Church Cathedral—Including S. James', Kotahena,  
S. John's, Mattakuliya, S. Bartholomew's, Kohilawatte,  
S. Mary the Virgin, Kelaniya.

All Saints', Pettah.

S. Matthew's, Dematagoda.

S. Michael's, Polwatte.

S. Paul's Milagiriya with the Church of the Good Shepherd,  
Timbirigasyaya.

S. Paul's, Kynsey Road.

S. Peter's, Fort.

S. Thomas', Korteboam St.

S. Barnabas', Avisawella.

Christ Church, Galkissa.

S. Peter's, Korawela, including S. James', Egoda Uyana.

S. Mary's, Veyangoda (English and Sinhalese) including S. John  
the Baptist, Gampaha and S. Peter's, Mirigama.

Mirigama and Veyangoda Tamil.

Holy Emmanuel Moratuwa, including S. Matthias', Laxapatiya,  
St. Paul's, Moratumulla, St. Michael's, Willorawatte and  
St. Luke's, Sarikkalimulla.

Moratuwa Tamil.

S. John's, Kalutara.

S. John's, Panadura.

Christ Church, Horetuduwa.

S. Stephen's, Kandy.

S. Andrew's, Gampola.

S. Andrew's, Nawalapitiya.

Christ Church, Matale.

- All Saints', Galle, including the Church of the Transfiguration,  
Buona Vista and Kitulampitiya School Chapel.
- Church of the Ascension, Matara—with S. Thomas', Matara.
- Christ Church, Tangalla with Christ Church, Hambantota.
- S. Mark's, Badulla with S. Peter's, Lunugala.
- S. Luke's, Ratnapura with the Church of the Epiphany,  
Hiddelana.
- Christ Church, Jaffna.
- S. Andrew's, Batticaloa with S. Mary's, Navathkudah and  
St. John's, Valaichena.
- Christ Church, Kurunegala with Holy Emmanuel, Kurunegala.
- S. Clement's, Puttalam.
- S. James', Chilaw, including S. Luke's, Merewila, S. Thomas',  
Dummalasooriya.
- S. Stephen's, Negombo, including S. Stephen's, Marawila.
- S. Andrew's, Anuradhapura.
- Holy Trinity, Pussellawa.
- The Church of the Ascension, Bandarawela.
- S. Stephen's, Trincomalee.
- Holy Cross, Weligama.

**Note on St. Peter's Church, Fort.**

Since the inclusion of St. Peter's Church, Fort in this schedule has been questioned by the Trustees of that Church it must be recorded that the burden of proof for its exclusion must rest upon the said Trustees. If no proof is forthcoming by July 1st, 1938, St. Peter's Church will be reckoned as coming within the terms of this Chapter VIII of the Diocesan Constitution.

Sgd. + MARK COLOMBO.

17-12-1937.

## CHAPTER IX

*Fundamental*REVISION AND FORMATION OF PARISHES AND  
DISTRICTS

1. The Standing Committee shall be empowered to appoint a sub-committee consisting of two clergymen and four laymen with the Bishop as Chairman, five to form a quorum, for the purpose of forming new parishes or districts, and revising the boundaries of those which already exist provided that such a sub-committee shall have power to deal only with such revision or formation as is brought before them by promoters to be hereinafter described.

2. The clergyman (or all the clergymen), of the district (or districts) in question, and two laymen, members of the Church of Ceylon and communicants, chosen by the district (or two for each district) in question, shall have the right to appear before and state a case, and make an appeal to this sub-committee on the matters affecting their case.

3. The promoters of change shall be either :—

(a) The Bishop.

(b) The clergyman (or any of the clergymen) of the districts in question.

or (c) Ten enrolled members of the Church of Ceylon, members of and residing in the district (or districts) in question.

4. Any of these promoters other than the Bishop, shall in addition to their own statement of the facts and reasons why the change is desirable, present a list signed by one-third of the enrolled members of the district (or one of the districts) in question, and expressing their desire for the change.

5. The promoters shall enter into bonds to meet all pecuniary expenses in connexion with the change, and give proof that if any additional clergy or catechists be required by the change their stipend will be provided.

6. In case of new districts being formed the promoters may be

(a) The Bishop of the Diocese.

(b) Any person or persons who undertake to provide for the stipend of the clergyman and the necessary expenses of the district, as well as show the desirability of the new formation.



7. The Standing Committee shall report the decisions of the sub-committee to the Council. The Council in the event of an appeal shall review the case and its decision shall be final.

8. The foregoing rules for the formation of new parishes and districts and for revising the boundaries of those already formed shall be taken as applying only to Christian congregations within such parishes and districts and not as applying to direct Evangelistic Missionary work amongst heathen and Mohammedan populations which such parishes or districts may contain ; nor shall any of the foregoing rules be so interpreted or understood as to hinder or prevent either the Society for the Propagation of the Gospel in Foreign Parts or the Church Missionary Society, or any other directly Missionary organisation of the Church of England from carrying on as heretofore with the sanction and licence of the Bishop direct Evangelistic Missionary work amongst such heathen and Mohammedan populations.

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## CHAPTER X

### *Fundamental*

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#### THE INCORPORATED TRUSTEES

1. In accordance with the provisions of Ordinance 6 of 1885 section 9 the Synod having elected 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, now known as the Church of Ceylon, to receive, take, hold, or otherwise dispose of all description of property both real and personal, and to be 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 : and the Synod having by a resolution passed in February, 1927 fixed the number of such Trustees to be nine, the Diocesan Council, by which name the Synod is now called, shall at its annual session provide for the appointment of such Trustees in the manner hereafter set forth.

2. The three Trustees who have been longest in office on the last day appointed for the regular session of the Council in each year shall retire but shall be eligible for re-election if still duly qualified.

3. In case any question shall at any time arise as to which of the Trustees shall retire the same shall be decided by the general body of Trustees by ballot.

4. Should more than the requisite number of *duly qualified* persons be proposed and seconded for election as Trustees the election shall be by ballot.

5. In the event of any increase in the number of the Incorporated Trustees, or of any vacancy occurring among them by the death, resignation or absence from the Island for a period exceeding six months of any Trustee, or by the non-confirmation by the Council of any provisional appointment by the Standing Committee, or by the removal of any Trustees as hereinafter in this section respectively provided, the Standing Committee shall from time to time appoint provisionally some fit and proper person or persons, being a member or members of the Church of Ceylon to be a Trustee or Trustees, so as to make up the number of Trustees to the number fixed by any resolution of the Council, and every person so appointed shall be a Trustee until the session of the Council held next after the date of his appointment and no longer, unless his appointment be then confirmed by resolution of the Council; provided always that the Council shall have power by a majority of two-thirds of the Clergy and Lay Representatives present and voting together, to remove any or all of the members of the said Corporation.

6. *The Incorporated Trustees shall meet as often as they may think necessary, but it shall be imperative that they shall meet at least once a quarter, five to form a quorum.*

7. The Trustees shall have a claim upon the services of the Secretary of the Diocese.

8. The Trustees shall be bound to receive for investment any sum, (being not less than 500 Rupees), which shall be offered to them for investment for any Church of Ceylon purpose by the authorised Lay Officers of any congregation connected with the Council; and the Incorporated Trustees shall be bound, upon receiving nine months' previous notice in writing, requiring the return thereof, to return such moneys, with such interest as the Trustees may have been able to obtain for the same.

9. It shall be lawful for the Incorporated Trustees to receive any and all moneys, or immovable property notwithstanding that the same shall be of less value than 500 Rupees, which may be bequeathed or given, by will or otherwise, to the Church of Ceylon or to the said Incorporated Trustees for any Church of Ceylon purpose whatsoever, and such moneys, or immovable property, shall be held by them subject to the Trusts upon which such moneys shall be so bequeathed or given.

10. It shall be lawful for the Incorporated Trustees, should any property or moneys conveyed to them, under Trust Deed, for any particular purpose, be no longer applicable to the purpose for which it was conveyed to them, to dispose of the beneficial use of such property and moneys in such manner as the Council shall approve or direct.

11. Where moneys are paid to them under Ordinance No. 6 of 1885 or in respect or on account of any Fund or Funds or under any Trust or Trusts, not being the Bishopric Endowment Fund (in which is included the Jeronis Peiris Fund) the Clergy Endowment Fund and the Clergy Pension and Provident Fund, the Incorporated Trustees (as Custodian Trustees) are bound and are empowered (subject to any direction contained herein or in the instrument of trust) to invest the moneys on all or any of the following securities and no others :

- (i) In promissory notes, debentures, stock, or other securities of the Government of Ceylon, or of the Government of the United Kingdom, or of the Government of India ;
- (ii) In bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India ;
- (iii) In any Colonial Stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877, 1892 and 1900, or any amending act or statute ;
- (iv) In Indian or Ceylon Government Rupee securities or trust loans or Municipal loans the interest of which is guaranteed by the Indian Government or the Government of Ceylon ;
- (v) On a first mortgage of immovable property situated in Ceylon provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-half or if consisting wholly or mainly of buildings within the limits of the Municipalities of Colombo, Kandy or Galle or of the Board of Improvement of Nuwara Eliya exceeds by one-third the mortgage moneys ;
- (vi) On Fixed Deposits with any Bank or Banks for a term not exceeding twelve months at a time or in current account ;
- (vii) On any other security expressly authorized by the Instrument of Trust or by any rule which the Governor may from time to time prescribe in that behalf.

12. All moneys belonging to or paid to the Incorporated Trustees (as Managing Trustees) in augmentation in respect or on account of the Bishopric Endowment Fund (in which is included the Jeronis Peiris Fund) the Clergy Endowment Fund and the Clergy Pension and Provident Fund shall be, and the Incorporated Trustees (as Managing Trustees) are hereby empowered so to do, invested on all or any of the following securities and no others :—

- (i) In promissory notes, debentures, stock, or other securities of the Government of Ceylon, or of the Government of the United Kingdom, or of the Government of India ;
- (ii) In bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India ;
- (iii) In any Colonial Stock which is registered in the United Kingdom, in accordance with the provisions of the Colonial Stock Acts, 1877, 1892 and 1900, or any amending act or statute ;
- (iv) In Indian or Ceylon Government Rupee securities or trust loans or Municipal loans the interest of which is guaranteed by the Indian Government or the Government of Ceylon ;
- (v) On a first mortgage of immovable property situated in Ceylon provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-half or if consisting wholly or mainly of buildings within the limits of the Municipalities of Colombo, Kandy or Galle or of the Board of Improvement of Nuwara Eliya exceeds by one-third the mortgage moneys ;
- (vi) On Fixed Deposits with any Bank or Banks for a term not exceeding twelve months at a time or in current account ;
- (vii) On any other security expressly authorized by the Instrument of Trust or by any rule which the Governor may from time to time prescribe in that behalf.

13. Notwithstanding the provisions of Section 12, if and when duly and specially authorized so to do by a resolution of the Standing Committee it shall be lawful for the Incorporated Trustees to purchase immovable property within the limits of the Municipality of Colombo and for that purpose the Incorporated Trustees are empowered to utilize all or any portion of the

moneys belonging to the said Bishopric Endowment Fund (in which is included the Jeronis Peiris Fund) the Clergy Endowment Fund and the Clergy Pension and Provident Fund. And it shall be lawful for the Incorporated Trustees to sell any such immovable property or any part or parts thereof if and when duly authorized so to do by a resolution of the Council. But it shall not be lawful for the Incorporated Trustees :—

- (a) except with the authority of a resolution of the Standing Committee to lease any immovable property purchased in terms of the provisions of this section for a term expiring at a date later than the end of five years from the date of the commencement of the term of the lease. Any lease executed without the sanction of the Standing Committee as aforesaid for a term exceeding five years shall be void to the extent to which it so exceeds the said period of five years ;
- (b) except with the authority of a resolution of the Council to lease any immovable property purchased in terms of the provisions of this section for a term expiring at a date later than the end of ten years from the date of the commencement of the term of the lease. Any lease executed without the sanction of the Council as aforesaid for a term exceeding ten years shall be void to the extent to which it so exceeds the said period of ten years.

14. Notwithstanding the provisions of Sections 11 and 12 the Incorporated Trustees are empowered if they think fit and the interests of the property concerned warrant it to develop or improve any real and immovable property belonging to the Diocese and for these purposes either to apply such portions of the net rents, issues and income therefrom as they shall consider sufficient or with the consent of the Standing Committee first had and obtained to utilize any part of the cash portion of the funds of the Diocese of which the Incorporated Trustees act as Managing Trustees.

15. Nothing in Sections 11 and 12 shall apply to investments before the 23rd day of September, 1926.

16. Nothing in Sections 11 and 12 contained shall be deemed to preclude in any case in which the trust money does not exceed Rs. 3,000 a deposit thereof in the Ceylon Savings Bank by way of investment.

17. In connexion with the investment of moneys on mortgage the Incorporated Trustees shall before the money is invested (i) have the property offered as security appraised at the

cost and expense of the borrower or borrowers by a competent person or persons to be appointed by the Incorporated Trustees who shall submit to them a report in writing ; (ii) secure at the cost and expense of the borrower or borrowers a report from the legal advisers of the Incorporated Trustees that the title to the property has been examined by them and is good ; (iii) receive from the legal advisers of the Incorporated Trustees a duly registered primary mortgage bond made out in favour of the Incorporated Trustees and where considered necessary a warrant of attorney to confess judgment signed by the borrower or borrowers the cost of such mortgage bond and warrant of attorney to confess judgment being borne by the borrower or borrowers. Provided that all buildings mortgaged when such buildings comprise the greater proportion of the security shall be insured and kept insured in the name of the said Trustees up to their full appraised value by the borrower or borrowers at his or their own costs and charges ; that no such investment on mortgage shall be allowed to continue for a longer period than five years without a re-appraisal ; that on a re-appraisal the provisions of Sections 11 (v) or 12 (v) as the case may be shall be strictly observed ; and that such re-appraisal shall be made in the same manner as the appraisal aforesaid and at the cost and expense of the borrower or borrowers.

18. Notwithstanding anything in sections 11 and 12 contained it shall be lawful for the Incorporated Trustees at their discretion (a) to accept and take possession of any immovable property upon which any of the trust moneys or funds (whether they be those referred to in section 11 or in section 12) shall have been invested on mortgage in full or in part satisfaction of any debt due in respect thereof (b) to purchase in execution of any decree in their favour any immovable property upon which any of the trust moneys or funds (whether they be those referred to in section 11 or in section 12) shall have been invested on mortgage if at any such sale in execution the property forming the subject of such investment shall realise less than sufficient to satisfy the debt in respect of it and (c) to re-sell any immovable property so accepted and taken possession of or purchased in execution as aforesaid either by public auction or private contract for such price or prices, and at such time or times and upon such terms as they shall deem expedient ; with power to buy in any such property or any part or parts thereof at any public sale, or to rescind either on terms or gratuitously any contract, and to re-sell, without being answerable for any consequent loss, whether arising by reason of any purchase or of any sale or resale, and to convey and assign any property so sold to the purchaser or purchasers thereof.

19. Until any immovable property purchased by the Incorporated Trustees in terms of the provisions of section 18 shall be sold, the rents and income thereof, or of such part or parts thereof as shall remain unsold, shall after payment thereof of all rates, taxes, charges and insurances and of all costs and expenses incidental to the upkeep, repair and improvement of such property or otherwise be applied in the same manner as if the same were income or interest arising from the trust fund ; it being hereby declared that any immovable property which shall be purchased shall when purchased be considered as money and together with the net rents, income and profits thereof be subject to the same trusts in all respects to which the moneys represented by such property and the income of such moneys would for the time being have been subject. And until the said immovable property shall be sold it shall be lawful for the Incorporated Trustees at their discretion to let or demise the same or any part or parts thereof for such term or terms and at such rent or rents as to them shall seem expedient and proper.

20. The Incorporated Trustees shall be at liberty to apply for direction to the whole Council or to the Standing Committee of the Council on any question respecting the management or administration of the trust property upon which they may wish for such direction, and the Trustees acting upon the directions given by the Council, or the Standing Committee of the Council shall be deemed so far as regards their own responsibility to have discharged their duties as Trustees in the subject matter of the said application.

21. The receipts in writing of the Incorporated Trustees, or of any two of them in the exercise of any trusts or powers reposed or vested in them, shall be sufficient discharges for the money therein expressed to be received, and shall effectually exonerate the person paying such money from seeing to the application thereof or from being answerable for any loss or misapplication thereof.

22. The Incorporated Trustees shall not be answerable or accountable for any banker, broker or other person, with whom, or in whose hands, any part of the trust moneys shall or may be lodged, or deposited for sale, custody, or otherwise, in the execution of any of the aforesaid trusts ; neither shall they, the said Trustees, or any, or either of them, be answerable or accountable for the insufficiency or deficiency of any security or securities or funds in or upon which the said trust moneys, or any part thereof, shall or may be placed out, or invested, nor for any other loss, misfortune or damage, which shall or may happen in the exercise of the aforesaid trust, or in relation thereto, unless the same shall happen by or through their own wilful default respectively.

*Not Fundamental*

23. The Incorporated Trustees shall hold for ever for the sole purpose of the endowment of the clergy of the particular Church on account of which they were paid to the Incorporated Trustees the lapsed salaries paid over by Government ; the principal to be invested and the interest only to be paid to the Standing Committee, to be by them handed over to the Trustee or Trustees lawfully appointed, or if there be no Trustee then to the Churchwardens of the Churches, in title whereof such lapsed salaries were originally paid, and to be by such Trustees applied to the payment respectively of the stipends of the clergy duly licensed by the Bishop ; provided that in the absence of any directions to the contrary, the interest or so much thereof as shall remain unapplied shall be added to the principal.

24. The Incorporated Trustees shall hold for ever the Central Clergy Endowment Fund, in terms of the Trust Deed or Deeds relating thereto together with all moneys that may hereafter be added thereto, for the sole purpose of clergy endowment, the principal to be invested, and the interest only to be applied to the payment of the stipends of the clergy duly licensed by the Bishop, in such manner and in such proportion as the Standing Committee shall from time to time direct ; provided that any interest which shall remain unapplied shall be spent in the payment of the stipends of clergy connected with the poorer Churches and Mission Districts of the Diocese unless such appropriation be not permissible under the conditions of any Trust Deed relating to any part of the Fund.

25. The Incorporated Trustees shall hold for ever the money already received or to be hereafter received by them for or on behalf of any particular Church or congregation to be by the said Incorporated Trustees held for the sole purpose of the endowment of the clergy of such particular Church or congregation ; the principal to be invested, and the interest only to be paid over to the Standing Committee, to be by them handed to the Trustee or Trustees lawfully appointed, or if there be no such Trustees then to the Churchwardens of the particular Church or congregation, for the payment of the stipend of the clergyman of such particular Church or congregation, duly licensed by the Bishop ; provided that in the absence of any directions to the contrary the interest or so much thereof as may remain unapplied may be added to the principal.

26. The Incorporated Trustees shall hold for ever the money already received by them on account of the Bishopric Endowment Fund for the sole purpose of the endowment of the See of Colombo. The principal shall be invested, and the interest



or income shall be paid to the Standing Committee to be by them applied to and for all or any of the following purposes, that is to say :—

- (a) The payment of a salary to be from time to time paid to the Bishop of Colombo during active service and when on leave.
- (b) The payment of the salaries of Archdeacons and of the Chaplain or Chaplains to the Bishop.
- (c) The payment of the cost and maintenance of a motor car or other means of conveyance for the use of the Bishop.
- (d) The payment of the rent of a residence for the Bishop and the cost of furnishing and maintaining the same.
- (e) The payment of the salaries or pensions of clerks or other persons officially employed by the Bishop.
- (f) The payment of an entertainment allowance for the Bishop.
- (g) The payment of the expenses of any Bishop-elect incidental to his proceeding to enter upon his duties.
- (h) The payment of the salary and allowances, if any, to be paid to the Bishop's Commissary when the Bishop is on leave.
- (i) The payment of the salary of the Bishop to the Metropolitan during a voidance of the See to enable him to provide for the needs of the See pending the enthronement of the new Bishop.
- (j) The payment of pensions or an allowance to any Bishop retiring from the See of Colombo.
- (k) The payment of the cost of the return passage of the Bishop when he takes his long leave within the meaning of section 6 (b) of Chapter XI (not fundamental) relating to the election of Bishops.
- (l) The payment of the cost of the return passage of the Bishop when he proceeds to England to attend the Lambeth Conference.
- (m) The payment of the cost of a passage for the Bishop's Chaplain when taking up his appointment, if coming from overseas, as well as the cost of a return passage when he goes on leave, provided that the Standing Committee sanctions such payment.
- (n) The payment for any other purpose which the Diocesan Council shall at any time or from time to time declare as being a purpose of the endowment of the See of Colombo.

Provided always that any expenditure of a capital or of a non-recurring nature shall be subject to the confirmation of the Council. Provided also that any surplus income or interest in the hands of the Standing Committee at the end of any financial year shall be returned to the Incorporated Trustees with an instruction to add the same to the principal or capital of the fund after having deducted such sum as may be considered necessary by the Standing Committee to be placed in the Revenue Reserve Account to be available for any of the purposes of the fund. Provided also that it shall be competent for the Standing Committee to direct any sum in the Revenue Reserve Fund to be transferred to the principal or capital of the Fund.

27. The Incorporated Trustees shall receive and hold as aforesaid also all other moneys which may hereafter be given for the Bishopric Endowment Fund subject to such conditions as may be imposed by the givers thereof and the directions of the Council.

28. The meaning of the words "interest or income" in this Chapter shall be the net interest or income of the Bishopric Endowment Fund, that is to say, the interest or income of the said Fund after payment thereof of such disbursements as may be required for or be incidental to the maintenance, repair, alteration, improvement or insurance against fire or otherwise or the collection or recovery by process of law or otherwise of the rent or income of any immovable property which may be acquired by the Incorporated Trustees as an investment of any moneys of the said Fund or otherwise and for the payment of all rates, taxes and charges leviable on such immovable property, and also for the payment of the expenses of the collection or recovery by process of law or otherwise of the interest on investments.

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## CHAPTER XI

### *Fundamental*

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## ELECTION OF BISHOPS

1. On the voidance of the See the Standing Committee shall forthwith summon the Council to meet within two calendar months, but not within fourteen days from the date of summons, provided, however, that the Standing Committee may, on receiving notice of the resignation of the Bishop at a certain date, proceed as above.

2. The Council Roll having been called over, the following question shall be the first order of the day, " Shall this Council proceed to the election of a Bishop ? "

3. If election be negatived, the question shall then be put, " Shall this Council delegate the selection of a Bishop to the Metropolitan and his co-provincial Bishops ? " If this be affirmed, it shall be accepted as the decision of the Council, and the Standing Committee shall be authorized to communicate the decision to the Metropolitan.

4. If delegation, as above, be negatived, the question shall then be put, " Shall this Council delegate the selection of a Bishop to the Archbishops of Canterbury and York, the Bishop of London, and two other Bishops to be chosen by the Council ? " If this be affirmed, it shall be accepted as the decision of the Council, and the two Bishops as above shall be nominated and chosen. The Standing Committee shall thereupon be authorized to communicate the decision to the Archbishop of Canterbury.

5. If the question be affirmed, " That this Council do proceed to the election of a Bishop," the Clergy, in the exercise of their privilege, shall forthwith confer sitting by themselves and then through the Archdeacon or other Chairman appointed in his absence, place before the Council the name or names of some person or persons (not more than three in all) being in Priest's or Episcopal Orders.

6. The said name or names shall without delay be considered by the Lay Representatives in Committee sitting by themselves, who shall have the right of adding other names (not more than three in all) which they shall then through their Chairman place before the Council.

7. A conference, if requested by a majority of either Order on the whole list of names placed before the Council, shall then be held by Clerical and Lay delegates chosen by each Order separately and equal in number, the object of such conference being, if possible, to reduce the number of names finally to be balloted for by the Council.

8. On the re-assembling of the Council the names retained on the list shall be balloted for by the Clergy and Lay Representatives, and every name which shall fail to obtain one-fifth of the votes of the Clergy and Lay Representatives present, voting by Orders, shall be struck off.

9. If one of the names shall have obtained two-thirds of the votes of each Order, the person obtaining such number shall be the Bishop-elect.

10. Should no such proportion of votes have been given for any one of the names on the list, then a second ballot shall take place, and the person whose name shall secure three-fifths of the votes of each Order, shall be the Bishop-elect.

11. If none of the persons balloted for shall obtain such proportion of votes, then it shall be competent for the Clergy and the Lay Representatives, by a majority of those present and voting by Orders, to put in nomination a second time any person who shall have been already nominated by either Order, or any other qualified person.

12. If after the question has been affirmed, "That this Council do proceed to the election of a Bishop," the Council do not elect any person under sections 5 to 11, Question 2 as provided in section 3 shall be put to the Council, and if Question 2 be negatived, Question 3 as provided in section 4 shall be put.

13. If there has been an election by the Council and if the person elected decline the appointment, the Council may proceed *de novo* as provided in sections 1, 2, 3 and 4.

The Council may also immediately after the election resolve which of the methods under the aforesaid sections it will adopt should the person elected decline the appointment.

14. If a second election has been made by the Council, and the person elected decline the appointment, the selection of a Bishop shall *ipso facto* devolve on the Metropolitan and his co-provincial Bishops.

15. Failing an appointment by any of the methods provided above, the Bishops of the five primary Sees of England, namely the Archbishops of Canterbury and York, and the Bishops of London, Durham and Winchester shall be respectfully requested to select the Bishop.

16. In all cases the name of the Bishop-elect shall be reported to the Metropolitan for confirmation by the Bishops of the Episcopal Synod.

17. The consecration of the Bishop shall take place within the Province, preferably in Ceylon, unless the Metropolitan shall otherwise determine.

*Not Fundamental*

1. No person shall at any time be admitted to be Bishop of Colombo until he has taken and subscribed the oath of canonical obedience to the Metropolitan of the Province and has made and subscribed the Declaration concerning the Faith and Order of the Church in Chapter III Canon I of the Constitution, Canons and Rules of the Church of India, Burma and Ceylon.

2. The Bishop shall hold the See for life, unless he resign, or depart permanently from the Island, or be removed by lawful authority, or unless he shall be adjudged by lawful authority to have become mentally or physically incapable of discharging the duties of his office.

3. If and whenever the Bishop of Colombo shall desire to resign the See, he shall give to the Metropolitan and to the Standing Committee of the Council notice of his intention to do so. The resignation shall be of no effect until it has been accepted by the Metropolitan. The Metropolitan shall not have power finally to refuse to accept the resignation, but he may fix the date on which it becomes operative, provided that such date be within a year from the date of the Bishop's letter of resignation.

4. The Bishop shall be deemed to have permanently departed from the Island if he shall be absent from the Diocese for a consecutive period exceeding eighteen months, unless the Metropolitan shall have notified to the Standing Committee of the Council before expiry of the aforesaid period that he has extended the Bishop's leave. Provided that such extension shall not exceed a period of six months. If the Bishop shall not have returned to the Island before expiry of the extended period the Standing Committee shall report to the Metropolitan in order that he may proceed under Canon II of Chapter X of the Provincial Constitution. In the event of the Metropolitan declaring the See vacant, the Diocesan Council shall proceed to the election of a Bishop in manner provided in this Chapter.

5. Before at any time absenting himself from the Diocese the Bishop shall appoint the Archdeacon or some other licensed clergyman of the Diocese in priest's Orders to be his Commissary to administer the Diocese for him during his absence. If the Bishop shall be absent from the Diocese for a consecutive period longer than six weeks, the Commissary shall be remunerated by the Bishop; and for this purpose the Standing Committee of the Council shall from time to time be empowered and directed by the Bishop to pay to the Commissary during the period of such absence a remuneration at the rate of one-fourth of the salary of the Bishop for a similar period; and to deduct such remuneration from the said salary before paying any portion of the remainder to the Bishop.

6. Subject to the conditions of sections 4 and 5, and to the provisions of the Constitution of the Church of the Province the Bishop shall be entitled to leave of absence from the Diocese as follows :—

- (a) To two months' leave in every year of his Episcopate.
- (b) After not less than four years' residence in the Island and thereafter at intervals of not less than four years, the Bishop shall be entitled to long leave, to wit, for nine months ; provided that such intervals shall in each case be reckoned from the date of his last preceding return from long leave.
- (c) If in any year the Bishop do not avail himself of the leave to which he is entitled in that year, the leave may be added to the leave of the following year ; provided that such accumulated leave shall never exceed a consecutive period of eighteen months, unless extended by the Metropolitan as provided in section 4 : and provided further that the Bishop shall not receive any portion of the income or emoluments of the Bishopric for or in respect of any period during which he may be absent from the Diocese in contravention of these regulations, unless the Standing Committee, or on appeal by the Bishop, the Council shall otherwise determine.

7. Until otherwise enacted the salary of the Bishop of Colombo for the time being, inclusive of the income from the Jeronis Peiris Fund and from any and every other source, shall be Rs. 18,000 per annum, payable at the rate of Rs. 1,500 per month on the last day of every month.

8. On every occasion of the admission of any person to be Bishop of Colombo, the Standing Committee are empowered to pay out of the income of the Bishopric a sum not exceeding Rs. 1,500 for his passage money, if any, and for the expenses of or incidental to his proceeding to enter upon his duties.

9. During a vacancy in the See, the Diocese shall be administered by the Metropolitan through his Commissary, who shall be the Archdeacon or some other licensed clergyman of the Diocese in Priest's Orders ; or by his Vicar General ; the personal emoluments of the Bishop during such vacancy shall become payable and shall be paid by the Standing Committee to the Metropolitan and he shall apply them in accordance with the rules of the Province.

## CHAPTER XII

## OF DISCIPLINE OF THE CLERGY

*NOTE :—Chapter XXXIX of the Provincial Constitution has been adopted by Resolution of the Diocesan Council in place of Chapter V. of the 1927 Edition of the Constitution of the Church of Ceylon. The Canons of the Chapter are printed without alteration. The Rules of the Chapter are printed with such verbal modifications as are necessary for their application to this Diocese*

**Canon I.**—The Clergy are amenable to the discipline of the Church not only as baptized and confirmed members of the Church but as bound by the solemn vows made at the time of their ordination, and, if licensed in the Province, by the promises and declarations made at the time of receiving their licences.

**Canon II.**—For disciplinary purposes the Bishop of each Diocese and his Diocesan Court have jurisdiction over every clergyman who has received a licence to officiate from the former, in respect of the offences mentioned in the Rules of this Chapter, whether any such offence be committed within or without the Diocese; and the Bishop also has the right to take cognizance of any of the said offences which any other clergyman of this Church or of any Church in Communion therewith may commit within the Diocese.

**Canon III.**—When the Bishop of a Diocese or one of his predecessors has in the exercise of his authority as Bishop issued a licence to a clergyman to officiate in that Diocese, he may in the exercise of the same authority withdraw that licence for a period or completely, without formally specifying reasons for such withdrawal, provided always that a Bishop may not withdraw the licence of any clergyman unless he shall have given him opportunity to show cause why the licence should not be withdrawn, and that an appeal shall lie to the Metropolitan against any withdrawal of a licence, unless the licence be withdrawn under a sentence pronounced by a Bishop under the provisions of Canon IV of this Chapter, in which case an appeal shall lie as may be provided by Rules under that Canon.

**Canon IV.**—If any charge be brought against a clergyman, or the Bishop himself on receiving an evil report of a clergyman do not proceed under Canon III of this Chapter but determine that disciplinary proceedings be taken against him, action shall be taken as may be provided by Rule, provided that, except in cases where the clergyman concerned shall acknowledge his offence and submit himself to the decision of the Bishop, or in cases where both he and any persons bringing charges against him shall voluntarily submit themselves to the personal arbitration of the Bishop, the Bishop shall only pronounce sentence after investigation by a properly constituted Court.

*Offences Cognizable*

**Rule 1.**—Offences which are cognizable by the Bishop or his Court are as follows :—

(a) Teaching or preaching any doctrine which is contrary to the doctrine of the Catholic Church as it has been understood and accepted by the Church of this Province, whether such teaching be given orally or by means of books or other writings which inculcate such doctrine.

(b) Schism, that is separating himself from the communion of the Church or acquiring membership in a Christian body which is not in communion with the Church of this Province or supporting or assisting such a body in teachings or actions inconsistent with the tenets of the Church of this Province.

(c) Acquiring membership in any body which is engaged in the maintenance and propagation of tenets inconsistent with the tenets of the Church of this Province, or supporting or assisting such a body in teachings or actions inconsistent with the tenets of the Church of this Province.

(d) Any criminal, dishonest, immoral, or disorderly act, habit, or conduct

(e) Any act, habit, or conduct which has given just cause of scandal or offence to the faithful or which is unworthy of a clergyman and likely to bring the ministry of the Church into disrepute.

(f) Habitual irregularity or neglect in the performance of ecclesiastical duties.

The expression "ecclesiastical duties" in this Rule shall, in all respects, include the observance of all the promises as to conduct which every clergyman solemnly makes at the time of his ordination; and the expression "neglect" shall include wilful default in the performance of such duties.

(g) Unjustifiable non-residence or exercising any profession or occupation which is either in its own nature or in the manner in which he exercises it inconsistent with his sacred calling.

(h) Wilful or negligent violation of the Canons and Rules of the Church of this Province or of the Constitution or Rules of the Council of this Diocese.

(i) Contumacy, that is, persistence in disrespectful or disobedient conduct towards the Bishop of the Diocese in matters in which the Bishop is canonically entitled to require obedience.

(j) Officiating when suspended or inhibited or deprived of his charge, or officiating in any place in which his licence does not permit him to officiate or after his licence has been withdrawn.



(k) Any offence not mentioned above which under the Canons and Rules of the Church of this Province is a ground for suspension from Holy Communion or for excommunication.

A charge under paragraphs (a), (b) or (c) above may not be made on the ground that the teaching or action of the accused person is contrary to or inconsistent with a Determination of the Episcopal Synod which has not been incorporated by the General Council in a Canon or with a portion of such a Determination which has not been so incorporated.

*Rules 2 to 4. Proceedings in connexion with licence*

**Rule 2.**—Before the Bishop of the Diocese withdraws the licence of any clergyman, he shall inform that clergyman of the matters of complaint which he or others have against him, indicating these with sufficient definiteness to enable him to explain himself and to answer any charges that may have been made. Such explanation or answer to charges may be given in writing, or, if the clergyman concerned so desire or the Bishop so direct, in a personal interview.

If a reference be made to the Court of the Episcopal Synod for a declaratory judgement under Chapter XL, Rule 22, of the Provincial Constitution, the Bishop shall not withdraw the licence until he have received the answer of that Court to the reference and have communicated it to the clergyman.

**Rule 3.**—The withdrawal of a licence from a clergyman means that the Bishop withdraws from him either for a period or completely the permission and authorization to officiate as a clergyman within the Bishop's jurisdiction.

If a licence has been withdrawn completely from any clergyman, the Bishop may subsequently grant a fresh licence to that clergyman.

**Rule 4.**—If any clergyman appeal to the Metropolitan against the withdrawal of his licence, he may claim to be heard in person, and if he make that claim, the Metropolitan shall so hear him.

*Rules 5 to 7. General Rules for Proceedings under  
Canon I V*

**Rule 5.**—If an offence under Rule 1 be alleged to have been committed by a clergyman holding the licence of the Bishop within the Diocese of another Bishop, the latter Bishop shall give notice of this fact to the former, and the two Bishops shall agree on the action to be taken against the clergyman concerned. If the two Bishops are unable to agree, or if the former Bishop has taken no action within three months, the other Bishop may refer the matter to the Metropolitan.

**Rule 6.**—Reference shall be made to the Rules of the Procedure Committee of the Province for determining in what Diocese or Dioceses a priest or deacon may be tried who is alleged to have committed in more than one Diocese diverse acts or omissions which constitute one offence, and for enabling all charges against a priest or deacon to be disposed of before one Diocesan Court notwithstanding that such offences were committed in more than one Diocese.

**Rule 7.**—Any charge made against a clergyman shall be submitted to the Bishop in writing, whether it be made by a private person or persons, or by an Archdeacon on behalf of the Diocese.

**Rule 8.**—On receiving a charge against a clergyman in accordance with Rule 7, the Bishop shall consider whether he will take cognizance of it. He may refuse to take cognizance of it, if he regards it either as frivolous or factious or as insufficiently supported. Such refusal by the Bishop to take cognizance of a charge shall not be subject to appeal or review.

**Rule 9.**—When the Bishop under Rule 8 has taken cognizance of a charge against a clergyman he may either—

(a) proceed to take the steps described in Rules 2 to 4 of this Chapter, which have in view the withdrawal of the clergyman's licence ; or

(b) order a preliminary investigation to be made under Rule 10 below, after which he may at his discretion dismiss the charge or terminate the proceedings by an admonition, or proceed under Rules 2 to 4 of this Chapter, or cause proceedings to be commenced in the Diocesan Court under Rules 11 and following ; or

(c) if he shall deem a preliminary investigation unnecessary, immediately cause proceedings to be commenced in the Diocesan Court under Rules 11 and following ;

provided that it shall be competent to the Council to lay it down that if the charge be under paragraph (d) of Rule 1 of this Chapter, those who bring the charge may at any point in the proceedings under the present Rule demand that the charge be brought into the Diocesan Court, and if this demand be made, the Bishop shall comply with it whether he have ordered a preliminary investigation to be made or not ;

provided also that all proceedings under this or any subsequent Rule of this Chapter, save Rule 15, shall be stayed if a reference be made to the Court of the Episcopal Synod for a declaratory judgment in accordance with Chapter XL, Rule 22 of the Provincial Constitution until the answer of that Court to the reference is received by the Bishop.

**Rule 10.**—When the Bishop under Rule 8 has taken cognizance of a charge against a clergyman, he may cause the Archdeacon or such other person as he may think fit to hold a preliminary investigation with a view to determine whether the case is one which should go forward for trial in the Diocesan Court or one which can be dealt with in some other way with greater advantage to the interests of the Church and greater benefit to the members of the Church who are specially concerned.

The clergyman concerned must be given information by the Bishop that such investigation is being made or is about to be made, in order that if he so desire he may make a statement, whether verbal or written, to the person holding the investigation.

**Rule 11.**—When under any of the provisions of Rule 9 above a case is to be brought into the Bishop's Court, the Bishop shall cause the terms of the charge to be communicated in writing to the clergyman concerned, and shall require him to answer within fourteen days whether—

- (a) he wishes to plead guilty to the charge, or
- (b) he does not wish to plead guilty, but is willing to submit to the discretion of the Bishop without appeal, or
- (c) he wishes neither to plead guilty nor to submit to the discretion of the Bishop without appeal, or
- (d) he wishes to ask for a declaratory judgement from the Court of the Episcopal Synod under Chapter XL, Rule 22 of the Provincial Constitution.

and shall at the same time inform him that if the Bishop receives no reply from him within fourteen days, proceedings in the Bishop's Court will be commenced against him.

If the Bishop sanctions the reference to the Court of the Episcopal Synod under Chapter XL, Rule 22, he shall stay further proceedings (save any under Rule 15 of this Chapter) until he have received the answer of that Court to the reference.

**Rule 12.**—In case (a) of Rule 11, the Bishop may hear the matter in such manner as he shall think fit, or may, if he be satisfied of the guilt of the accused person, forthwith adjudge him to be guilty, and he shall award such punishment under these Rules as in his judgement and discretion he may think adequate to the offence, but no sentence shall be pronounced until the person accused has had an opportunity of submitting representations in mitigation of sentence.

The Clerk of the Court shall transmit to the clergyman concerned and the persons, if any, who brought charges against him, a copy of the Bishop's judgement and sentence.

**Rule 13.**—In case (b) of Rule 11, unless the person or persons who preferred the charge shall state in writing that they are not willing to submit to the discretion of the Bishop touching the matter of the said charge without appeal, the Bishop shall forthwith proceed to hear the matter in such a manner as he shall think fit, provided that the accused person shall always be given opportunity to be heard in his defence, and, if adjudged guilty, in mitigation of sentence, and shall pronounce judgement and pass sentence as he may think proper, and no appeal shall lie from such judgement or sentence.

**Rule 14.**—In case (c) of Rule 11, and in case (b) of that Rule if the person or persons who preferred the charge shall state in writing that they are not willing to submit to the discretion of the Bishop touching the matter of the said charge without appeal, the Bishop shall forthwith, after the expiration of such fourteen days, transmit to the Clerk of the Court the charge and denial, if any, and the names of the persons who should be summoned to constitute the Court, and the Clerk shall file the same on record and shall notify the members of the Court of the impending proceedings, who shall in due course proceed to try the matter in controversy.

**Rule 15.**—In every case in which from the nature of the offence charged, it shall appear to the Bishop that scandal is likely to arise from the clergyman accused continuing to perform the Services of the Church while such charge is under investigation, the Bishop shall cause a notice to be served on the accused at the same time as the notice prescribed in Rule 11, or at any subsequent stage of the proceedings, inhibiting him from performing any Services of the Church during the investigation or until the Bishop shall withdraw the inhibition.

When such a notice of inhibition has been served upon the accused, a charge or charges under Rule 1 (j) of this Chapter in respect of his failure to comply with it may be added to the charges already made against him and may be tried by the Court which tries such last-mentioned charges, provided that the accused shall have had not less than seven clear days' notice before the day of trial of all such additional charges and of the intention so to try them.

*Rules 16 to 19. Definition and composition of Court*

**Rule 16.**—Save as provided in Rule 24 in the Rules of this Chapter the term Court shall (save in respect to the pronouncement of sentence) include the President (whether the Bishop or another) and every member of the Court.

**Rule 17.**—The Diocesan Council shall at each ordinary session appoint a panel of clergy, elected by the House of Clergy, and a panel of laity, who shall be communicant members of the Church of this Province, elected by the House of Laity, from whom the Bishop shall summon assessors to sit as members of the Diocesan Court.

**Rule 18.**—The Diocesan Council shall appoint a suitable person to be Clerk of the Court and he shall, as such Clerk, perform such duties as may from time to time be defined by the Court : but he shall not be a member of the Court.

**Rule 19.**—(a) The Court shall be presided over by the Bishop of the Diocese if he so desire or by some person, being a communicant member of the Church of this Province, selected by him and such person shall be a priest when the Court is sitting to try a case concerning Faith or Order.

(b) The Bishop may at his discretion summon one of the Canons of the Cathedral (if any) or some other senior clergyman to be a member of the Court.

(c) The Bishop shall also summon two clergymen and two laymen from the panels chosen by the Diocesan Council, and these together with the President and the clergyman summoned under section (b) above shall constitute the Court. Three members exclusive of the Bishop shall form a quorum.

(d) The Bishop may direct some person learned in the law, other than his standing legal adviser, to sit with the Court and advise.

Provided that the Bishop shall cause to be sent by registered post to the parties twenty-one days before the hearing a list of the available persons from each panel and at the same time the parties shall be informed that the accused has the right to challenge a given number from the names in each of the panels and the preferrer and all the preferrers among themselves have the same right (if the charge has not been preferred at the direction of the Bishop). The Bishop shall fix the numbers to be allowed to be challenged so that if the right be exercised by both the accused and the preferred or preferrers, the number unchallenged shall be sufficient with the Assessor nominated under section (b) to constitute the Court. Every person challenged, if not less than fourteen days' notice of challenge be sent to the Bishop, shall not sit as a member of the court, and if by reason of any circumstances the court cannot be constituted for want of the requisite number of members the Bishop shall summon other persons having the requisite qualifications to form the court at any time before the commencement of the trial.

*Rules 20 to 23. The Hearing in Court*

**Rule 20.**—The procedure of the Court shall be that laid down in the rules of procedure and evidence and judicial forms as framed and from time to time amended by the Procedure Committee of the Province in accordance with the provisions of Chapter XXXVII of the Provincial Constitution and published by the Metropolitan, provided that if at any time any point of procedure shall not be provided for by those rules, it shall be competent for the Diocesan Court to decide that point, and the decision of the Court shall remain in force in that Diocese until the publication by the Metropolitan of a rule or amendment made by the Procedure Committee dealing with the point in question.

**Rule 21.**—If the accused person shall fail to submit an answer as prescribed in Rule II, or to appear before the Court, the Court, if satisfied that he has had notice of the charges and of the date of trial, shall proceed to hear the case in his absence and pronounce sentence.

The Court shall not be prevented from proceeding with the trial and passing any sentence otherwise competent by any of the following acts done or attempted by an accused person after notice of the charge, that is to say, resignation of his charge or office, surrender of his licence, abandoning the communion of the Church, or resigning his Orders.

**Rule 22.**—Either party may appear upon any application made to the Court or the President thereof, or at the hearing, by any counsel or pleader, being a baptized Christian, who has been duly admitted to practise in the Courts in Ceylon.

**Rule 23.**—It is the function of the Court to decide on the truth or otherwise of the charge or charges brought against the accused person and upon any point of law which arises in the course of the proceedings. The Court shall submit its decision to the Bishop in writing.

The decision of the Court shall be that of the majority of the members present ; and no person shall be pronounced guilty except by a majority of the votes of such members ; but on any other question than that of guilty or not guilty, the President shall in case of equality of votes have a casting vote in addition to his original vote.

If the accused be acquitted, the Court shall pronounce a judgement of acquittal ; and if he be found guilty, the Bishop shall pronounce judgement accordingly, and shall pass such sentence as to him may seem proper in accordance with the Rules governing judicial sentences.

The Court is at liberty, when submitting its decision of the facts of the case, to inform the Bishop what sentence it deems suitable.

The accused shall be entitled, if he so desire, to be heard by the Bishop himself in mitigation of sentence, whether the Bishop has presided at the trial or not.

**Rule 24.**—A case in a Diocesan Court shall be regarded as a case concerning Faith or Order if the offence of which the clergyman is accused is any of those defined in paragraphs (a) (b) or (c) of Rule 1 of this Chapter, and otherwise shall not be so regarded ; provided that if in the opinion of the President of the Court there be *prima facie* reason to consider that a case should be regarded as one concerning Faith or Order though the offence alleged be not any of those defined in the above-mentioned paragraphs, he shall refer the question to the Provincial Committee of Reference, and the case shall be dealt with according to their decision.

When a Diocesan Court is sitting to try a case concerning Faith or Order, the Court shall for the purpose of Rule 23 include the President and those members of the Court who are Priests, and the lay members of the Court shall sit as assessors with them, and shall be invited to give their opinion before the decision of the Court is framed.

**Rule 25.**—Whenever it is necessary for the purpose of deciding upon any charge to define the meaning of words used in the Constitution, Canons or Rules or in any document incorporated by reference therein, and extrinsic evidence is properly receivable in aid of such definition, a Determination of the Episcopal Synod or a part thereof which has not been incorporated by the General Council in a Canon shall be receivable in evidence in like manner as the writings of theologians or the decrees and other pronouncements of Councils, Synods or other bodies not in their nature binding upon the Church of this Province are receivable in aid of such definition.

The Diocesan Court shall not refuse to hear argument, if such be submitted, which may traverse the substance or the terms of a Determination of the Episcopal Synod which has not been incorporated by the General Council in a Canon, or of a portion of such a Determination which has not been so incorporated ;

and the Diocesan Court shall not regard such a Determination of the Episcopal Synod as a decision with which its judgement must in all respects agree, but it shall give weight to such a Determination as being the most authoritative evidence available in the Church of India, Burma and Ceylon in regard to the meaning of the teaching of the Church on the matter with which it deals.

**Rule 26.**—No action of the Diocesan Court taken erroneously in good faith shall be invalidated on account of merely technical and unsubstantial errors.

*Rules 27 to 34. Sentences*

**Rule 27.**—For the offences set forth in Rule 1 of this Chapter the following sentences may be passed and punishments imposed upon clergymen found guilty, *viz.*, admonition, whether private or public, inhibition from preaching, withdrawal of licence, whether temporary or complete, suspension, deprivation and deposition.

The Bishop may on the finding of the Court further pronounce sentence of suspension from Holy Communion or of excommunication if it seem to him appropriate to the offence.

The restoration of a clergyman to communion after excommunication or suspension shall rest with the Bishop as in the case of lay persons and may take place while any other sentence under this Rule is still in force.

**Rule 28.**—Suspension means the removal of a clergyman from a named charge or office for such period as may be determined in the sentence of suspension. No clergyman suspended has during the period of suspension any claim to any salary, pension or allowances which he received in virtue of such charge or office, and the sentence of suspension shall set forth whether he is deprived of all or any part of such salary, pension and allowances.

When sentence of suspension is pronounced, the Bishop shall cause such notice of it to be given to the clergy and laity of the Diocese as he shall think sufficient.

**Rule 29.**—Deprivation means the final removal of a clergyman from a named charge or office.

When sentence of deprivation is pronounced, the connexion between the clergyman so deprived and his congregation shall be *ipso facto* terminated: all appointments, rents, profits and emoluments which he may have held by virtue of such charge from which he has been removed shall wholly cease and determine, and he shall have no claim to any pension to which he might otherwise have been entitled, and the sentence shall set forth whether he is deprived of all or any part of such pension.

**Rule 30.**—The Bishop may at his discretion withdraw or not withdraw his licence from a clergyman who is suspended or deprived of his charge or office.



**Rule 31.**—Deposition or permanent inhibition means the withdrawal from a clergyman of all power to exercise his sacred calling either publicly or privately within the Church of the Province. A sentence of deposition shall of its own force cancel the licence of the deposed clergyman.

Whenever a clergyman is so deposed or permanently inhibited from exercising his sacred calling, the Bishop shall without delay cause notice of such deposition or inhibition to be given to the clergy of the Diocese and to the Metropolitan, who shall communicate it to the Bishops of the Province and to such Metropolitans of the Provinces of Churches in communion with the Church of this Province as he shall deem sufficient.

**Rule 32.**—It is not competent to the Bishop in his Diocesan Court to inflict the punishment of deposition solely on the ground of an offence falling under heads (c), (e), (f), (g), or (i) of Rule 1 of this Chapter.

**Rule 33.**—It is competent to the Bishop, in order to give time for consideration and repentance to a clergyman who has been found guilty of a serious offence, to impose a sentence of limited period with the condition that if he shall not before the end of that period have satisfied the Bishop that he has retracted his false teaching or repented of any other offence of which he has been found guilty, the Bishop will further consider his case and may either extend the period of the sentence already passed on him or impose other punishment upon him.

**Rule 34.**—In regard to offences which it is possible that a clergyman may have committed without a clear consciousness of their gravity, the severer sentences should usually not be imposed, unless the clergyman had, before the proceedings in the Bishop's Court were instituted, received from his then Diocesan Bishop or some other Bishop a warning, reproof or admonition, whether private or public, concerning the acts or omissions or course of conduct, of which in those proceedings he was found guilty.

*Rules 35 to 37. Miscellaneous*

**Rule 35.**—Subject to any rules made by the Procedure Committee under Chapter XXXVII of the Province, the Court shall define from time to time the duties of its Clerk, and shall likewise determine the remuneration payable out of the funds of the Diocesan Council to which he may be considered entitled for his services rendered as such Clerk, unless the Diocesan Council shall have otherwise ordered.

**Rule 36.**—The President of the Court shall determine at his discretion whether the public shall be admitted to any part of the hearing in Court or not.

**Rule 37.**—When the Bishop being absent from duty has appointed a Commissary and when the commission given to that Commissary does not explicitly exclude the judicial functions of the Bishop connected with the Diocesan Court, the Commissary shall, if need arises, take all such action as is enjoined or allowed to the Bishop under these rules of the Discipline of Clergy.

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CHAPTER XIII

*Not Fundamental*

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THE RULES OF THE CLERGY PENSION AND PROVIDENT FUND

1. These rules may be cited as the Clergy Pension and Provident Fund Rules of 1933.

2. In these rules unless the context otherwise requires—

- (a) the expressions the “ Auditors, ” “ the Bishop, ” “ the Diocesan Council, ” “ the Incorporated Trustees ” (or “ the Trustees ”), “ the Secretary of the Diocese ” (or “ the Secretary ”), the “ Standing Committee, ” and “ the Treasurer of the Diocese ” (or “ the Treasurer ”) shall have the meanings they bear in the other parts of the Constitution of the Diocesan Council.
- (b) “ Actuary ” means an Actuary who shall be an Associate of either the Institute of Actuaries or of the Faculty of Actuaries.
- (c) “ Contributor ” means a clergyman whose name is registered as a Contributor in the Register of Contributors hereinafter provided for.
- (d) “ Contributions ” means the sums paid under rule II hereof.
- (e) “ Original Contributor ” means a contributor to the Original Pension Fund which was merged in the Clergy Pension and Provident Fund at the creation of the latter.
- (f) “ Fund ” means the fund created by these rules and the Register means the Register of Contributors required to be kept under these rules.

- (g) " Retirement " means the formal relinquishment of his cure by a licenced Clergyman for the purpose of retirement from active work.
- (h) " Stipend " means the sum of money fixed to be paid to a clergyman as stipend irrespective of such sums as may be paid for house rent and by way of offerings or allowance or for any other specific purpose.
- (i) The expressions the " Clergy Pension and Provident Fund," and " the Clergy Pension and Provident Fund Register " mean the fund established and the Register kept under the Rules of the Chapter XIII repealed by this Chapter.

3. On and from the 1st day of January, 1934, a fund called the Clergy Pension and Provident Fund of 1933, hereinafter referred to as the Fund, shall be created as hereinafter provided.

4. The Fund shall be held by the Incorporated Trustees upon trust for the beneficiaries under these rules.

5. The Fund shall consist of four sections which shall be kept distinct and be styled as follows :—

- (a) The Deposit Account.
- (b) The Augmentation Account.
- (c) The Reserve Fund.
- (d) The Annuity Fund.

6. As from the 1st day of January, 1934, the Incorporated Trustees shall transfer to the Fund all the moneys in the three sections of the Clergy Pension and Provident Fund. The several sums appearing to the credit of Contributors in the Deposit Section and the Augmentation Section shall be transferred to the Deposit Account and the Augmentations Account hereof respectively and the amounts in the Reserve Fund to the Reserve Fund and the Annuity Fund hereof as hereinafter provided.

7. THE DEPOSIT ACCOUNT shall comprise—

- (a) Such sums as are transferred under the provision of rule 6 hereof.
- (b) Such sums as may from time to time thereafter be paid as Contributions.
- (c) Compound interest on the aggregate of the above sums calculated at the average rate of interest earned by the Fund as a whole for the half-year immediately preceding which shall be credited to this account as on June 30 and December 31 every year.

8. THE AUGMENTATION ACCOUNT shall comprise—
- (a) Such sums as are transferred under the provision of rules 6 and 15 hereof.
  - (b) Such sums as may from time to time thereafter be paid from Diocesan Funds or be received otherwise for the credit of this Account.
  - (c) Compound interest on the aggregate of the above sums calculated as in rule 7 hereof.
9. THE RESERVE FUND shall comprise—
- (a) The balance transferred by virtue of rule 6 hereof from the Reserve Fund of the Clergy Pension and Provident Fund as having been left after that portion of that Reserve Fund which is referred to in rule 10 hereof had been deducted.
  - (b) Such moneys as may be received or be paid thereafter specifically for the credit of this Fund.
  - (c) Such moneys as may accrue by the operation of rules 11 and 24 hereof.
  - (d) Compound interest on the aggregate of the above sums calculated as in rule 7 hereof.
10. THE ANNUITY FUND shall comprise—
- (a) All moneys transferred by virtue of rule 6 hereof : To wit : the sums appearing on the 31st day of December, 1933, in the Accounts of the Incorporated Trustees on the credit side of the " Pensioners' Capital Fund " and the " Pensioners' Annuity Fund."
  - (b) Such sums as may hereafter accrue to this Fund by virtue of the operation of rules 20 (b) and (c), 21 (b) and (c) and 22 hereof.
  - (c) Such sums of money as may from time to time be transferred to this Fund from the Reserve Fund as the Incorporated Trustees may consider necessary in order to pay annuities as they fall due.
  - (d) Compound interest on the aggregate of the above sums calculated as in rule 7 hereof.

11. Every clergyman upon being licensed for the first time to work in the Diocese or upon being licensed in any other Diocese of the Anglican Communion to work eventually in this Diocese shall forthwith sign, and forward the application and undertaking set forth in Schedule A hereof and shall pay thereafter his contributions according to these rules until he completes the age of 60 years or until his retirement before that age—Provided that the Bishop may at any time exempt from the provisions of this rule any clergyman whom he considers to be working temporarily in the Diocese, or any clergyman for whose retirement, provision adequate in his opinion, has been made. If the clergyman so exempted has been a contributor before such exemption the amount standing to his credit in the Deposit Section shall be paid to him and the amount in the Augmentation Section shall be transferred to the Reserve Fund. The Bishop shall notify all such exemptions to the Secretary of the Diocese.

12. Until the 30th of June after he has completed the age of 60 years, and at the end of each month, a clergyman who has made the said application and given the said undertaking, shall pay five per cent of his stipend as a contribution to the Secretary of the Diocese. In lieu of the said 5 per cent every original Contributor may pay monthly one-twelfth of such sum as he had to contribute annually to the original Pension Fund and such contributions shall entitle him to all the benefits of a Contributor who pays the said 5 per cent. But an original Contributor who has once waived his right to continue to contribute on the basis of his old payments cannot afterwards reclaim it. Provided, however, that it shall be competent for the Bishop to sanction 6 months' contributions due from a Contributor to be paid in one lump sum on or before the last day of every half year ending 31st day of December and 30th day of June.

13. When <sup>a</sup> a Church Officer who pays the stipend of a Contributor or the Treasurer of the Diocese has in his hands money sufficient for the payment of the Contribution due in respect of the stipend for any particular period he shall deduct the Contribution or Contributions due before payment of the stipend and remit the same to the Secretary of the Diocese. The omission by the Church Officer or the Treasurer so to deduct and remit shall not relieve the Contributor of his obligation to pay.

14. If any Contributor be in default of payment on the 30th day of June in any year of contributions due in respect of the year closing on that day and such default be not cured by payment of all arrears within 30 days thereof the Contributor so in default shall not be entitled to any Augmentation in respect of the period for which he is in default. Payments by a

Contributor in default subsequent to such 30th day of June will be applied to the payments of the Contributions in respect of which he was in default before such date, unless the Bishop for reasons which may appear to him sufficient shall exempt the defaulting Contributor from the payment of the Contributions in respect of which he was in default provided however that such exemption shall not exceed six consecutive months in any one year.

15. The interest on the Reserve Fund shall be utilised for paying the expenses in connexion with the administration of the Fund and of these rules and any balance left thereafter shall be utilised to increase the Augmentation payable to Contributors to the fund in addition to the Augmentation paid by the Diocese or received from any other source.

16. The Annuity Fund shall be utilised to pay the Annuities and Pensions which are now payable under the Clergy Pension and Provident Fund and such other Annuities as may hereafter become payable under these Rules.

17. For the purpose of these rules as soon as conveniently may be the Secretary shall compile and keep a Register of Contributors either by taking over the names of Contributors together with the amounts standing to the credit of each Contributor in the Deposit and in the Augmentation Sections from the Clergy Pension and Provident Fund Register or by adopting the latter Register and by adding thereto from time to time, the names of others who shall become Contributors thereafter. Such Register shall contain the following particulars :—

- (a) The full name of every Contributor denoting where necessary that he is an original Contributor.
- (b) The date of his birth.
- (c) The date of his registration as a Contributor.
- (d) The Contributions made by him in the Deposit Account.
- (e) The Augmentation credited to him in the Augmentation Account.
- (f) The date of his retirement or death, whichever shall first occur, and the manner in which the sums standing to his credit in the Deposit and Augmentation Accounts were disposed of.

18. Every Contributor shall, subject as hereinafter provided, be credited in the Accounts with—

- (a) the amounts paid as his contributions and the interest earned by him as hereinbefore provided,

- (b) the proportion of augmentation allotted to him on the footing that such augmentation is deemed to be divided annually on June 30th of each year between all the Contributors entitled thereto in proportion to the aggregate of the contributions made by each one of them during the period of the year preceding the said June 30th always provided that no Contributor shall receive any augmentation for any period over twelve months in any one year and that in no case except in regard to *Original Contributors* shall such augmentations exceed Rs. 360 for any year.

19. No augmentation shall be credited for any period during which a Contributor was not engaged in active work as a clergyman in the Diocese under the licence of the Bishop. Periods of absence on ordinary furlough, or for purpose of study, or on sick leave, or on special work temporarily outside the Diocese, shall be deemed for the purpose of this rule to be periods during which a Contributor will be credited with augmentations provided the absence was with the sanction and approval of the Bishop.

20. A Contributor who has worked temporarily in the Diocese and left the same with the approval of the Bishop shall upon sending to the Incorporated Trustees a notification of his having retired, duly signed by the Bishop of the Diocese in which he shall have been working up to the end of his retirement be entitled to receive from the Trustees such an Annuity for himself, or for himself and his wife jointly at his option payable during the lifetime of both and the survivor of either as can be purchased for the amount standing to his credit in the Deposit and Augmentation Accounts.

- (a) either from any Incorporated Life Assurance Company selected by him and approved by the Incorporated Trustees,
- (b) or from the Annuity Fund in accordance with the Annuity Table in Schedule B hereof in the case of any clergyman who was a contributor to the fund before October 1, 1936, or such augmented annuity, or additional benefits as may be provided under the Rules of the Fund at the date on which the amount of the Annuity has to be fixed. The amount standing to his credit in the Deposit Account and the Augmentation Account shall be transferred to the Annuity Fund.

- (c) or from the Annuity Fund in the case of those who shall become contributors after the said 1st day of October 1936 paid to the Standing Committee from the Reserve Fund at a rate not exceeding 25% more than can be secured from any Incorporated Life Office, in the event of the Incorporated Trustees with the consent of the Standing Committee agreeing to pay such annuity. In such cases, the amount standing to the credit of the beneficiary in the Augmentation Section shall be transferred to the Reserve Fund.

21. Upon retirement a Contributor shall be entitled to receive from the said Trustees such an Annuity for himself, or for himself and his wife jointly at his option payable during the lifetime of both and the survivor of either as can be purchased for the amount standing to his credit in the Deposit Account and in the Augmentation Account,

- (a) either from any Incorporated Life Assurance Company selected by him and approved by the Incorporated Trustees,
- (b) or from the Annuity Fund in accordance with the Annuity Table in Schedule B hereof in the case of any clergyman who was a contributor to the fund before October 1, 1936, or such augmented annuity, or additional benefits as may be provided under the rules of the Fund at the date on which the amount of the Annuity has to be fixed. In such case the amount standing to his credit in the Deposit Account and in the Augmentation Account shall be transferred to the Annuity Fund.
- (c) or from the Annuity Fund in the case of those who shall become contributors after the said 1st day of October, 1936, paid to the Standing Committee from the Reserve Fund at a rate not exceeding 25% more than can be secured from any Incorporated Life Office, in the event of the Incorporated Trustees with the consent of the Standing Committee agreeing to pay such annuity. In such cases, the amount standing to the credit of the beneficiary in the Augmentation Section shall be transferred to the Reserve Fund.

Provided, however, that he shall be entitled to withdraw the amount standing to his credit in the Deposit Account with the approval of the Bishop first obtained in which case only the amount to his credit in the Augmentation Account shall be transferred to the Annuity Fund or utilised for the purchase of an Annuity.



22. Upon the death of a Contributor before retirement leaving a widow, the amount standing to his credit in the Deposit Account and in the Augmentation Account shall be transferred to the Annuity fund and she shall be paid an annuity for life from that Fund in accordance with Rule 21 (b) hereof.

Provided, however, that the widow shall have the option of claiming payment to her of the amount in the Deposit Account in which case only the amount in the Augmentation Account shall be transferred and the annuity calculated accordingly.

If he shall not have left a widow the amount to his credit in the Deposit Account shall be paid to his children; if there be no children then to his heirs at law according to the law of intestate succession applicable in his case.

In case of a contributor being declared to be of unsound mind, the guardian appointed by Court to have charge of his estate, may withdraw the amount standing to his credit in the Deposit Account of the fund.

23. All moneys paid into the Fund shall be vested in the Incorporated Trustees upon trust for administration according to the Rules of the Fund.

Neither a Contributor nor his widow nor children nor his legal representatives shall have any claim to any sum appearing in the books of the Fund to his credit ; nor shall he or any of them be entitled to deal with any such sum by way of transfer or mortgage or in any manner whatsoever. A seizure under process of Law of any such sum or any benefit which has accrued shall operate to cause a forfeiture of the money or benefit so seized and the Incorporated Trustees will be entitled in consultation with the Bishop to apply such moneys and benefit to that portion of the fund as they may decide.

24. A Contributor who ceases to be in Communion with the Church of the Province of India, Burma and Ceylon or relinquishes his Orders shall *ipso facto* cease to be a Contributor and shall forfeit all rights to which he might otherwise have been entitled under these rules except the right to the payment of the amount standing to his credit in the Deposit Account while the amount standing to his credit in the Augmentation Account shall be transferred to the Reserve Fund.

The rights of a Contributor upon whom a sentence of suspension or deprivation or deposition shall have been pronounced by the Bishop shall be determined by such direction if any in that behalf as may be set forth in the sentence. In the absence of any such direction the Contributor so sentenced shall

cease to be a Contributor and forfeit all rights to which he might otherwise have been entitled except the right to the payment of the amount standing to his credit in the Deposit Account. The amount standing to his credit in the Augmentation Account shall be transferred to the Reserve Fund.

Nothing in this rule contained regarding the rights of a Contributor upon whom a sentence has been pronounced, shall be construed so as to preclude him from becoming once again a Contributor upon the sentence of suspension, or of deprivation ceasing to be operative, provided he satisfies the requirements of these rules necessary to be a Contributor.

25. Any dispute between a Contributor or his widow or children or other representative entitled to any benefit under these rules and the Incorporated Trustees may be referred to the Standing Committee whose decision shall be final and conclusive.

26. The Accounts of the Fund shall be audited annually by the Auditors and their report submitted to a meeting of the Diocesan Council.

27. At least once in every seven years the Incorporated Trustees shall have the accounts of the Funds examined and reported upon by an Actuary. The Trustees shall forward a copy of the Report to the Standing Committee.

(a) If the Actuary shall report that there is a surplus in the Annuity Fund it shall be competent for the Incorporated Trustees to create an Additional Fund to be called " The Annuity Reserve Fund " with such surplus. The interest on such Funds shall be utilized to provide additional augmentation to the Contributors governed by the Clergy Pension and Provident Fund Rules of 1933. The creation of this Fund shall be reported by the Trustees to the Standing Committee for the information of all Beneficiaries.

(b) As often as in the opinion of the Trustees the Annuity Fund shall be deemed to be insufficient to pay the Annuities which are a charge on it, it shall be competent for the Trustees to withdraw from the Annuity Reserve Fund such sums as are deemed to be necessary for the payment of Annuities.

28. These rules may be amended, repealed or added to by a Resolution of the Diocesan Council upon a motion brought before it by the Standing Committee.

Provided that any alteration which shall have the effect of withdrawing or diminishing any benefit to which a Contributor shall have become entitled shall require the written assent of not less than seventy-five per cent of the Contributors on the Register before such alteration shall take effect.

29. In so far as any benefit to which Contributors who were governed by the rules of the Clergy Pension and Provident Fund shall have become entitled under those rules they shall be governed by the two following rules of the Fund and not by the corresponding rules of the Clergy Pension and Provident Fund of 1933.

RULE 15.—Each Contributor upon retirement after reaching the age of 60 or earlier with the approval of the Bishop shall, subject as hereinafter provided, be entitled to receive from the Trustees out of the said Fund :—An annuity for himself or for himself and wife jointly in any Incorporated Life Office selected by him and approved by the Trustees, which can be purchased for the amount standing to his credit in the said register.

Provided that—

- (a) If any clergyman temporarily working in the Diocese retire or die without having been a Contributor for 10 years, he or in case of his death his legal representatives shall receive in cash the amount standing to his credit in the Deposit Section of the Register, his credit balance in the Augmentation Section being transferred to the Reserve Fund.
- (b) If any clergyman on such retirement has been a Contributor for not less than 10 years, he may with the approval of the Bishop, receive in cash the amount standing to his credit in the Deposit Section in the said Register, in which case the amount standing to his credit in the Augmentation Section shall be used to purchase an annuity for him in any Life Office selected by him and approved by the Trustees.
- (c) Notwithstanding anything in this rule to the contrary, the Incorporated Trustees may, if they think fit, with the consent of the Standing Committee and the Beneficiary concerned pay such annuities at a rate not exceeding 25 per cent more than can be secured from any Incorporated Life Office, from the Reserve Fund instead of purchasing an annuity. In such case the amount standing to the credit of the Beneficiary in the Augmentation Section shall be transferred to the Reserve Fund.

RULE 16.—Should a Contributor die before retirement the amount of his credit balances in the Deposit and Augmentation Sections of the said Register shall be paid to his widow ; if there be no widow, to his children ; if there be no widow or children it may be paid to one or more of his relations of the first or second degree, if nominated by him, otherwise it shall revert to the Fund.

Provided however that every such Contributor referred to in the first para of this Rule 29 may by a writing signed by him and lodged with the Secretary declare within 10 years of the 1st day of January, 1934, his election to be governed by the Clergy Pension and Provident Fund Rules of 1933 as regards his benefits and rights and liabilities instead of by the above two rules. As from the date of such declaration such Contributor shall thereupon be bound by the Clergy Pension and Provident Fund Rules of 1933 without the right of revocation of such declaration.

30. If any question or dispute shall hereafter arise relating to the interpretation and application of these Rules or to the matters which form the subject of these Rules and not herein expressly provided for, the same shall be referred to and decided by the Standing Committee whose decision shall be final and conclusive.

SCHEDULE A

*The Application and The Undertaking*

1. *Name in full*.....
2. *Date and year of birth*.....
3. *Present Cure or Office*.....
4. *Amount of Stipend (see definition in Rule 2 (h))*.....

N.B.—The Secretary of the Diocese should immediately be advised of any alteration in the Stipend.

I.....  
 hereby apply for admission as a Contributor to the Clergy Pension and Provident Fund and agree to be bound by the Rules thereof which are in force now or may be hereafter. I hereby authorize you to register me as a Contributor to the said Fund.

*Signature*.....

Dated.....day of.....19....

## SCHEDULE B

### The Clergy Pension and Provident Fund Annuity Rates

Amount of Annuity payable as indicated which Rs. 1,000-00  
will purchase

Age last Birthday.	MALES.						FEMALES.					
	Yearly.		Quarterly.		Monthly.		Yearly.		Quarterly.		Monthly.	
	R.	C.	R.	C.	R.	C.	R.	C.	R.	C.	R.	C.
30 ..	70	98	17	37	5	79	68	76	16	83	5	61
31 ..	71	63	17	52	5	84	69	25	16	95	5	65
32 ..	72	33	17	70	5	90	69	83	17	10	5	70
33 ..	73	06	17	86	5	95	70	42	17	23	5	74
34 ..	73	83	18	05	6	01	71	02	17	37	5	79
35 ..	74	62	18	23	6	07	71	67	17	53	5	84
36 ..	75	48	18	45	6	15	72	33	17	70	5	90
37 ..	76	36	18	66	6	22	73	01	17	86	5	95
38 ..	77	35	18	88	6	29	73	75	18	03	6	01
39 ..	78	32	19	12	6	37	74	53	18	22	6	07
40 ..	79	36	19	37	6	45	75	30	18	40	6	13
41 ..	80	48	19	63	6	54	76	12	18	60	6	20
42 ..	81	65	19	91	6	63	77	01	18	81	6	27
43 ..	82	88	20	21	6	73	77	88	19	02	6	34
44 ..	84	17	20	51	6	83	78	81	19	23	6	41
45 ..	85	50	20	83	6	94	79	77	19	47	6	49
46 ..	86	92	21	17	7	05	80	80	19	71	6	57
47 ..	88	40	21	52	7	17	81	86	19	96	6	65
48 ..	89	98	21	90	7	30	83	00	20	23	6	74
49 ..	91	63	22	28	7	42	84	17	20	51	6	83
50 ..	93	48	22	72	7	57	85	43	20	82	6	94
51 ..	95	42	23	18	7	72	86	80	21	13	7	04
52 ..	97	42	23	66	7	88	88	21	21	47	7	15
53 ..	99	52	24	15	8	05	89	73	21	83	7	27
54 ..	101	78	24	68	8	22	91	37	22	22	7	40
55 ..	104	25	25	26	8	42	93	07	22	62	7	54
56 ..	106	75	25	85	8	61	94	98	23	07	7	69
57 ..	109	46	26	48	8	82	96	97	23	55	7	85
58 ..	112	21	27	12	9	04	99	05	24	03	8	01
59 ..	115	31	27	85	9	28	101	30	24	56	8	18
60 ..	118	48	28	58	9	52	103	75	25	13	8	37
61 ..	121	83	29	37	9	79	106	38	25	76	8	58
62 ..	125	50	30	22	10	07	109	17	26	41	8	80
63 ..	129	26	31	10	10	36	112	21	27	12	9	04
64 ..	133	40	32	05	10	68	115	42	27	87	9	29
65 ..	137	81	33	07	11	02	118	93	28	70	9	56

No medical examination is required.

For each complete month elapsed since last birthday add one-twelfth of the difference between the rate for that age and the rate for one year older.

For ages over 65, the rates are the same as at the age of 65.

The rate for a joint annuity shall be based on the lower age of the two annuitants.

## CHAPTER XIV

*Fundamental*

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## TRANSFER OF CHURCHES TO THE INCORPORATED TRUSTEES

1. A meeting to consider whether any Church hitherto held under a Trust shall be vested in the Incorporated Trustees may be convened by the surviving Trustee or Trustees, if there be any resident in this land, or by the Incumbent, or by five persons qualified to vote at such meeting.
2. Those who are qualified to vote at such meeting must be members of the congregation concerned who are entitled to vote at the election of Lay Representatives of the Church under the Rules and Regulations for the time being of the Council.
3. Notice of such meeting shall have been given no less than twenty-one days before by a notice affixed to the Church door ; and further, such notice shall have been published during Divine Service on two Sundays.
4. The Incumbent if present shall preside, and if not, a Chairman elected by the meeting ; and such Chairman in addition to his own vote shall have a casting vote in case of equality.
5. The resolution passed at the meeting should declare the desire of the meeting that such Church and all immovable property belonging or appertaining to such Church shall absolutely vest in the Incorporated Trustees.
6. Provided that if there be any Trustee or Trustees of the said Church residing in this land, no such resolution can be put to the vote until such Trustee or Trustees have signified in writing to be produced at the meeting his or their desire to be relieved of the duties of the Trust.
7. If any existing churches, the tenure whereof is not at present legally provided for, shall be by the act and consent of the congregations and persons interested in them vested in the Incorporated Trustees, the affairs of such churches shall be regulated by regulations similar to those provided by the Ordinance No. 12 of 1846 as amended in 1890 ; and this Council shall secure to the clergy and congregations of such churches all the powers and privileges which are secured by the Ordinance No. 12 of 1846 to the clergy and congregations to which that Ordinance applies.

*Not Fundamental.*

8. It shall be the duty of the Chairman of the meeting at which such resolution referred to in sections 5 and 6 of this Chapter is passed, to preserve a record under his hand of the proceedings, including a statement of the particular circumstances under which it is claimed that the Church falls within the definition of " Church " in Ordinance No. 24 of 1892, and a list of the persons present and voting at such meeting ; and immediately thereafter it shall be his duty to transmit the said record to the Incorporated Trustees together with all deeds and documents and certified copies of the notices on which the said proceedings are founded, and a specific statement under his hand that all the requirements of the above fundamental provisions have been observed.