

## **CHAPTER 47**

# **CHURCH OF ENGLAND DISESTABLISHMENT ACT**

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### **ACT**

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## **CHAPTER 47**

# **CHURCH OF ENGLAND DISESTABLISHMENT ACT**

**An Act to regulate and provide for the disestablishment and disendowment of the Church of England in Grenada.**

[13th February, 1874.]

### **1. Short title**

This Act may be cited as the Church of England Disestablishment Act.

### **2. Church of England disestablished and ecclesiastical offices abolished**

Subject to the provisions of this Act, and notwithstanding the provisions of any other Act to the contrary, the Church of England as an established church shall cease as such to exist, and the division of Grenada into parishes, cures, and districts for ecclesiastical purposes, shall in like manner cease and determine, and the offices of rector, curate or officiating minister, parish clerk, sexton, and organist are hereby abolished, together with the stipends, salaries, and fees attendant thereon or annexed thereto, and the minor offices of churchwarden and vestryman, together with the duties incident thereto, as heretofore regulated and defined by law, shall in like manner be abolished; and the Anglican body shall as hereinafter provided, be free to reconstruct their church upon a voluntary system, and upon such basis and under and subject to such conditions as to their internal government or otherwise, as shall be deemed necessary or advisable. And the Anglican body shall from and after its reconstruction, be entirely exempted from any Government supervision, but on the contrary shall enjoy all rights, privileges, and immunities heretofore held or enjoyed by any other denomination of Christians within this Government.

### **3. Church lands revenue to be paid to Treasury**

All rents or sums of money arising from sales or leases of what are known as the "Church Lands" shall be paid to the Treasury by the Receiver for payment into the Consolidated Fund.

### **4. Public burial grounds to be vested in trustees**

The cemetery known as the St. George's burial ground and all other burial grounds which have been heretofore used in common alike by all religious denominations shall be public burial grounds, and the same shall be vested in three trustees to be appointed by the Governor-General, and any vacancy which may occur from time to time either by death, absence from Grenada or any other disability, shall in like manner be filled:

Provided always, that any trustee who shall be guilty of any misconduct may be removed, and his or her appointment cancelled at any time by the Governor-General in like manner.

### **5. Trustees to appoint keeper of burial grounds and Governor-General to draw up tariff of fees for interment**

The trustees so appointed shall appoint a keeper for each public burial ground, who shall see and maintain such burial grounds in repair and good order, with due regard to cleanliness; and to defray the expenses incident thereto, it shall be lawful for the Governor-General to draw up a tariff of fees to be charged by the trustees for every interment:

Provided always that no such payment shall be enforced in the case of the burial of any actual pauper or destitute person.

### **6. Clergy and laity may hold assemblies, synods, etc.**

It shall be lawful, any law or custom to the contrary notwithstanding, for the clergy and laity of the communion of the Church of England in Grenada to hold assemblies, synods, or conventions, and to elect representatives thereto for the purpose of appointing ecclesiastical officers and framing constitutions and regulations for the general management, discipline, and good government of the said communion, for holding the property and administering the affairs thereof in synod or otherwise, and generally to do all other acts and deeds which may be deemed necessary or expedient:

Provided always that nothing in this Act contained shall authorise the imposition of any rate or tax upon any person, whether belonging to the said church or not, or the infliction of any temporal punishment, fine, or penalty, upon any person other than his or her suspension or removal from an office in the said church or exclusion from the meetings or proceedings of the synods:

And provided also, that nothing in the said constitutions or regulations or any of them shall be contrary to any written law.

### **7. Ecclesiastical law to be binding on members of the Anglican Church**

The ecclesiastical law which was in force in this Government on the 1st January, 1874, and the several articles, doctrines, rules, rites, discipline, and ordinances of the Anglican Church in Grenada, with and subject to such, if any, modifications or alterations as may hereafter be duly made therein according to the constitution of the said Church for the time being, shall be deemed to be binding on the members for the time being thereof in the same manner as if such members had severally agreed to abide by and observe the same, and shall be capable of being enforced in the temporal courts in relation to any property to be enjoyed by the said Church or any members thereof, in the same manner and to the same extent as if such property had been expressly given, granted, or conveyed upon trust to be held, occupied, and enjoyed by persons who shall observe and keep and be in all respects bound by the said ecclesiastical law and the said articles, doctrines, rites, rules, discipline, and

ordinances of the said Church subject as aforesaid; but nothing herein contained shall be construed to confer on the Bishop or any other ecclesiastical person any coercive jurisdiction whatsoever.

#### **8. Duty to invest moneys arising from the sale of devises or bequests for use of parish for which same were made**

Whenever it shall become necessary to sell or dispose of any real or personal property devised or bequeathed for the use or benefit of any parish for church purposes (such devise or bequest having reference to the ecclesiastical subdivision of this Government abolished by this Act), the moneys to arise from such sale shall be invested for the sole use and benefit of the parish for which the property was so devised or bequeathed for church purposes and for no other use or purpose whatsoever, and shall not merge into or form part of the general funds or moneys of the Anglican Church in Grenada.

#### **9. Construction of terms**

The words "Church of England" shall be construed to mean the clergy and laity of or attached to the Church of England in Grenada and such Church shall be deemed to be represented by a body to be called "the Church Council".

#### **10. Church Council to have entire control**

The Church Council shall have the entire control, direction, supervision, and management of the affairs of the Church of England.

#### **11. Constitution of Church Council**

The Church Council shall consist of the following persons, namely: the Bishop, the several Clergy of the Rural Deanery of Grenada holding his Lordship's licence, the Honourable Charles Henry Major, Henry Sharpe, Alexander Aberdein, John Michael Gay, Henry Nanton Murray, William Edward Killikelly, William Peter Sinclair and William Lang, M.D., Esquires, who shall have full power to add to their number if they think fit so to do, and to frame all regulations for their internal guidance and control, and for their succession in office:

Provided that such Church Council shall be deemed complete for the purposes of this Act, notwithstanding any vacancy in the office of Bishop.

#### **12. Appointment of trustees and their powers**

The Bishop, the Reverend Robert Fitzhardinge Berkeley, Rector of St. John's and St. Mark's, the Reverend James Alexander Anton, Rector of St. George's, and the Reverend George William Sisnett, Rector of St. Andrew's and St. David's, the Honourable William Wells, M.D., the Honourable Charles Henry Major, and William Edward Killikelly, Esquire, and their successors in office to be appointed as hereinafter mentioned, are hereby created a body corporate under the name of the "Incorporated Trustees of the Church of England in Grenada", and by that name shall have perpetual succession, and may sue or be sued, and shall have a Common Seal and, subject to the regulations and control of the Church Council, shall have full power to acquire for the Church of England by purchase, devise, or otherwise, lands in perpetuity or for any term of years, and also any moneys, goods or chattels, to be holden and employed, subject to the aforesaid regulations and control.

#### **13. Power to sell or dispose of lands, etc.**

It shall be lawful for the said body corporate, subject to such regulations and control as aforesaid, from time to time to sell or demise, grant or convey or otherwise dispose of any lands, by this Act vested or which may hereafter be vested in such body corporate, upon such terms as the body corporate, with the consent of the Church Council, may see fit.

#### **14. Vacancy in body of trustees, how supplied**

Any vacancy in the body of trustees caused by voluntary resignation, death, incapacity to act, whether bodily, mental, or legal, by absence from the government for a period exceeding one year, or by absence from any three consecutive meetings of the said body shall be filled by the said body by the co-optation of a clergyman for a clerical vacancy, and of a layman for a lay vacancy:

Provided that all the acts and deeds of the said body shall be deemed valid, notwithstanding the absence of the Bishop from Grenada or from any meeting thereof and notwithstanding any vacancy in the office of Bishop.

#### **15. Incorporation of trustees**

For any of the purposes of this Act the said body of trustees shall be deemed to be incorporated as fully to all intents and purposes as if their incorporation had been effected by Royal Charter.

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#### **SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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