

ORDINANCE OF SYNOD, SESSION 1869.

AN ORDINANCE FOR REGULATING THE APPOINTMENT OF
CLERGYMEN TO THE INCUMBENCY OF PARISHES
AND ECCLESIASTICAL DISTRICTS WITHIN THE
DIOCESE OF SYDNEY.

(Assented to 16th April, 1869.)

Preamble.

WHEREAS it is desirable to regulate the appointment of Clergymen to the Incumbency of Parishes and Ecclesiastical Districts within the Diocese of Sydney. The Synod of the Diocese of Sydney in pursuance of the powers in that behalf conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland within the Colony of New South Wales ordains and rules as follows :

Synod to elect Board of Nominators.

1. At the first Session of every new Synod of the Diocese three Clergymen and three Laymen being respectively residents in the Diocese shall be elected by the Clergy and Lay Representatives voting collectively to be a Board of Nominators for the purpose of this ordinance such Board to be called the Synod Board of Nominators and to continue in existence until a fresh Board shall be elected and any vacancy which may occur in the said Board shall within two months after the occurring of such vacancy be filled up either by the Synod if in Session or by the Standing Committee of the Synod in case the Synod shall not be in Session.

Parishes may determine in whom appointment of Clergyman to be vested.

2. At the Meeting which shall be held in any Parish or Ecclesiastical District except as hereinafter mentioned for the election of Representatives to a new Synod the electors present may if they desire so to do determine whether in the event of a vacancy occurring in the Incumbency of the Parish or District before the election of Representatives to the next Synod the appointment of the Clergyman shall vest absolutely in the Bishop or whether the Synod Board of Nominators or a Board of Nominators to be constituted by the Parish or District in manner hereinafter mentioned shall have the right of presentation to the Bishop as hereinafter provided. And the Chairman of the meeting shall communicate such determination to the Bishop and the said determination shall be binding on the Parish or District until the next Meeting for electing Representatives to a new Synod. But if the electors at any such Meeting shall not determine as aforesaid then the right of appointment in the event of a vacancy so occurring as aforesaid shall remain and be as it exists at time of the passing of this Ordinance.

*If in Board of Nominators to be constituted by the Parish election of
Nominators to take place.*

3. If the Electors at the said Meeting shall determine that the right of presentation of the Clergyman shall vest in a Board of Nominators to be constituted by the Parish or District the Electors shall at the said Meeting by a majority of votes elect not less than two nor more than four persons being communicants of the United Church of England and Ireland and resident within the Diocese who shall be designated Elected Nominators of the Parish or District and who when a vacancy in the Incumbency of the Parish or District shall occur as hereinbefore mentioned shall together with the Churchwardens in office at the time of such vacancy act as a Board of Nominators of the Parish or District for the purpose hereinafter specified. The Chairman of the said Meeting shall communicate to the Bishop the names of the Nominators so elected as aforesaid.

*Duration of office of elected Nominators of Parish and how vacancies to
be filled up.*

4. The elected Nominators of the said Parish or District shall continue in office until the next meeting for the election of Representatives to a new Synod and if in the meantime any vacancy or vacancies shall be caused among the said elected Nominators by death resignation or absence from the Colony (an absence from the Colony for six months being held to create a vacancy) the surviving or other elected Nominator or Nominators shall appoint some person or persons duly qualified as hereinbefore mentioned to fill up such vacancy or vacancies. But if any vacancy shall not be filled up within two months after the same shall occur the right of filling up such vacancy shall vest in and be exercised by the Standing Committee of the Synod.

In case of Vacancy in Incumbency who to present.

5. In the event of a vacancy occurring in the Incumbency of a Parish or District which has determined that the right of presentation of the Clergyman shall vest in the Synod Board of Nominators or of a vacancy occurring in a Parish or District which has determined that the right of presentation of a Clergyman shall vest in a Board of Nominators constituted by the Parish or District as hereinbefore mentioned the Bishop shall cause the Board of Nominators in which the right of presentation is vested to be informed of such vacancy and the said Board (a majority of the members of the Board being held to be the Board) shall thereupon without delay present to the Bishop a duly ordained Clergyman being in the Holy Order of Priesthood to be appointed by the Bishop to the said Incumbency and the Bishop shall appoint and license such Clergyman to the said Incumbency unless he shall be satisfied that there is good and sufficient reason for refusing to accept the presentation so made to him as aforesaid.

If the Bishop refuses to appoint Board may make fresh presentation or appeal.

6. If the Bishop shall deem it right to refuse to accept any presentation made to him by the said Board of Nominators he shall within fourteen days inform the said Board of such refusal and the said Board shall thereupon be entitled either to make another presentation or to appeal from such refusal in manner hereinafter mentioned. Provided that if the said Board shall not appeal and within three months from the time when the Bishop shall have informed the said Board of the vacancy of the said Incumbency or from the time when the Bishop shall have informed the Board of his refusal to appoint the clergyman nominated no first or further presentation respectively shall have been made the right of appointment shall be held to have lapsed to the Bishop.

Appeal by Board of Nominators and Clergyman.

7. In any case in which the Bishop shall deem it right to refuse to accept a presentation made to him by the said Board of Nominators it shall be lawful for the said Board or for the clergyman presented by the said Board to appeal to the Provincial Synod of the United Church of England and Ireland within the colony of New South Wales or to a Committee to be constituted by the said Synod for the purpose of hearing and determining appeals in such cases Provided that the said appeal shall be made within a fortnight after the Bishop shall have informed the said Board of his said refusal. And provided also that neither the Bishop nor any member of the said Board nor the said Clergyman shall under any circumstances sit or vote upon the hearing and decision of the said Appeal. And the Bishop shall state in writing to the said Provincial Synod or to the said Committee thereof the reasons of his said refusal. And in the event of the said Provincial Synod or the said Committee thereof disagreeing with the said reasons the Bishop shall forthwith appoint and license the said clergyman to the said Incumbency. But in the event of the said Provincial Synod or the said Committee thereof agreeing with the said reasons the said Board of Nominators shall be entitled to make another presentation Provided that if within three months from the time when the decision of the Provincial Synod or Committee agreeing with the Bishop shall be communicated to the Board no presentation shall have been made to the Bishop the right of appointment shall be held to have lapsed to the Bishop.

Right of presentation given to persons building and endowing Churches.

8. In any Parish or Ecclesiastical District in which a person being a Member of the United Church of England and Ireland shall at the cost of such person build a Church to the satisfaction of the Bishop or endow a Church with a stipend of at least £300 a-year and a residence for the Clergyman the right of the first presentation of a Clergyman to the incumbency of the said Church shall if such person so desire vest in the person so building or endowing as aforesaid. And if any such person shall both build and endow a Church as aforesaid the right of presentation so often as a vacancy may occur during the

life of such person shall if such person so desire vest in the person so building and endowing as aforesaid. Provided that the several provisions hereinbefore contained as to presentations by a Board of Nominators shall apply to presentations made by any person acting under the terms of this Section.

Cases to which this Ordinance shall apply.

9. The provisions of this Ordinance so far as they relate to the exercise of the right of presentation shall apply only and subject to any right acquired under the last preceding section to any Parish or Ecclesiastical District in which provision is made for securing to the Clergyman a stipend of at least £300 per annum together with a suitable residence and in all cases not falling within the provisions of this Ordinance and until the said provisions shall come into operation the right of appointment of Clergymen to the Incumbency of Parishes and Churches shall remain as at present.

Short Title.

10. This Ordinance may be cited as the "Presentation of Clergymen Ordinance of 1869."

I certify that this Ordinance as printed is in accordance with the Ordinance as reported.

WM. BARKER,
Chairman of Committee.

I certify that this Ordinance was passed by the Synod on the 16th day of April, 1869.

H. A. PALMER,
Secretary to the Synod.

I hereby signify my Assent to this Ordinance.

Assented to—April 16th, 1869.

F. SYDNEY.

