

Constitution
of the
Church of the Province of South Africa.

In the Name of GOD, the Father, the Son, and the Holy Ghost. Amen.

Whereas it is expedient that the members of a Church, not by Law established, should for the purpose of its due government, as well as for the management of its property and the ordering of its affairs, formally set forth the terms of the compact, under which it is associated; and whereas the Bishops of the Church of the Province of South Africa (otherwise known as the Church of England or the English Church or Church of the Anglican Communion in these parts), together with certain of the Clergy and Laity chosen as representatives of the said Church, have assembled in a Synod, convened at Capetown, in the year of our Lord 1870, in order to consider measures for the complete organization of the Church of this Province, and to frame such rules as may be necessary for the due order and government of the said Church, and have accordingly considered what rules should be determined, for the purposes aforesaid, according to the Order and Constitution of the Church of Christ and to the Laws and Usages of the Church of England, so far as such Laws and Usages are applicable to an unestablished Church in South Africa:—

Now, therefore, the said Bishops, Clergy, and Laity, in Synod assembled, do agree to establish and put forth in their own behalf, and in behalf of all whom they do or may represent now and hereafter, and in behalf of all who may now or hereafter expressly or implicitly assent thereto, the following Rules as the Constitution or Deed of Association of the Church of the Province of South Africa:— to wit:—

Articles of the Constitution.

i. The Church of the Province of South Africa receives the Doctrine, Sacraments, and Discipline of Christ as the same are contained and commanded in Holy Scripture, according as the Church of England has received and set forth the same in its Standards of Faith and Doctrine; and it receives the Book of Common Prayer, and of ordering of Bishops, Priests, and Deacons, to be used, according to the form therein prescribed, in public prayer and administration of the Sacraments and other Holy Offices; and it accepts the English version of the Holy Scriptures as appointed to be read in Churches; and, further, it disclaims for itself the right of altering any of the Standards of Faith and Doctrine now in use in the Church of England. **Provided** that nothing herein contained shall prevent the Church of this Province from accepting, if it shall so determine, any alteration in the Formularies of the Church (other than the Creeds) which may be adopted by the Church of England, or allowed by any General Synod, Council, Congress, or other Assembly of the Churches of the Anglican Communion; or from making at any time such adaptations and abridgments of, and additions to, the Services of the Church as may be required by the circumstances of this Province: **Provided** that all changes in, and additions to, the Services of the Church, made by the Church of this Province, shall be liable to revision by any Synod of the Anglican Communion to which this Province shall be invited to send representatives. **Provided**, also, that in the interpretation of the aforesaid Standards and Formularies the Church of this Province be not held to be bound, by decisions, in questions of Faith and Doctrine or in questions of Discipline relating to Faith and Doctrine, other than those of its own Ecclesiastical Tribunals, or of such other Tribunal as may be accepted by the Provincial Synod as a Tribunal of Appeal.

ii. The Provincial Synod of this Church, which shall be constituted as hereinafter declared, shall be the Legislative body of the Church of this Province; and every enactment of the said Provincial Synod shall be a Law and Rule of the Church of this Province in those matters to which it may pertain. **Provided** that the Provincial Synod of the Church of this Province shall be subordinate to the higher authority of a General Synod of the Churches of the Anglican Communion, to which this Province shall be invited to send representatives, whenever such General Synod shall be convened.

iii. The Provincial Synod shall hold ordinary meetings at such time and place as shall be determined in that behalf by the said Synod. But, in case there shall seem to be good cause for altering the time or place of such ordinary meeting as determined by the Synod, the Metropolitan (or, in the case of the incapacity of the Metropolitan to act in such behalf, the Bishop of the Province who is senior by consecration) shall have the power, with the consent of the majority of the Bishops of the Province, to appoint another time (not exceeding three months before or after the time fixed by the Synod itself), and another place, for the meeting of the said Synod.

iv. A special meeting of the Provincial Synod may be called by the Metropolitan, whenever the circumstances of the Church appear to him to require it. On the requisition of a majority of the Bishops it will always be the duty of the Metropolitan to convene the Provincial Synod. The time and place for the special meeting of the said Synod, shall be appointed by the Metropolitan.

v. All Bishops of the Province of South Africa shall have seats in the Provincial Synod.

vi. Every Diocese in the Province shall be entitled to send both Clerical and Lay representatives to every meeting of the Provincial Synod, all such Lay representatives being communicants of the Church of this Province, and of the full age of twenty one years. The number of representatives from each Diocese, and rules for the election of representatives, shall be determined from time to time by the Provincial Synod. **Provided**, however, that the failure or neglect on the part of any Diocese to send such representatives, or of such representatives to attend, shall not invalidate the proceedings or enactments of the Provincial Synod, which proceedings and enactments shall have the same force in that Diocese as if such representatives were present.

vii. Every enactment of the Provincial Synod must receive the assent of a majority of the members present at a duly constituted meeting of the said Synod; if voting by orders be required, then a majority of each order shall be necessary.

viii. The Diocesan Synod in each Diocese of this Province shall resemble, as far as possible, the Provincial Synod in its constitution and mode of procedure.

ix. The Provincial Synod shall have full power and authority to make all such regulations as shall be required for the order, good government, and efficiency of the Church of this Province; and no regulation of any Diocesan Synod shall have force in any Diocese of this Province, if it be contrary to, or conflict with any enactment of the Provincial Synod. **Provided** that the principle laid down in Report I. of the Lambeth Committee of 1867 be accepted, as ruling the relation between the Provincial Synod and the Diocesan Synods of this Province, viz.:— "That the Provincial Synod should deal with questions 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; whilst the Diocesan Synod should be left free to dispose of matters of local interest, and to manage the affairs of the Diocese." **Provided** further, that any act of a Diocesan Synod shall be liable to be reviewed by the Provincial Synod.

x. The Provincial Synod shall have the power to make such adaptations and abridgments of, and additions to, the Services of the Church as may be required by the circumstances of this Province; but all such adaptations, abridgments, and additions, shall be regarded as provisional, until they shall be confirmed at a subsequent meeting of the Provincial Synod as being consistent with the spirit and teaching of the Book of Common Prayer. All adaptations, abridgments, or additions, allowed or made by any Bishop of this Province for his own Diocese, whether in his Diocesan Synod or otherwise, shall be open to revision at the next meeting of the Provincial Synod.

xi. Rules for Ecclesiastical Discipline shall be framed by the Provincial Synod, but any rule which shall be made in that behalf by any Diocesan Synod shall have force in that Diocese until the next meeting of the Provincial Synod, unless it be contrary to any rule previously framed by the said Provincial Synod.

xii. The Provincial Synod shall determine the Constitution and Rules of procedure of the Diocesan Tribunals for the exercise of Ecclesiastical Discipline, and shall provide a Provincial Tribunal of Appeal. But, in default of Rules for Diocesan Tribunals being made by the Provincial Synod, the Diocesan Synod of any Diocese may establish provisional Rules.

xiii. Any Bishops of this Province, against whom a charge shall be brought, shall be tried by the other Bishops of the Province, according to Rules which shall be determined by the Provincial Synod.

xiv. The Provincial Synod shall have full power and authority to take all measures and establish all rules that may be necessary for the erection of a new Diocese within the bounds of any of the existing Dioceses of this Province, and for altering the bounds of any Diocese; and, further, for forming a new Diocese beyond the limits of the present Dioceses, or for associating with the Church of this Province any Missionary or other Dioceses in adjacent countries.

xv. In the case of the death, resignation, or removal from any cause, of a Bishop of any Diocese of this Province, the person who shall be appointed, according to rules which shall be prescribed, by the Provincial Synod shall, when consecrated, be recognized as the Bishop of that Diocese. **Provided** that every one so appointed shall declare, in writing, his assent to the Laws of the Church of this Province, according to terms prescribed by the Provincial Synod. **Provided**, however, that this Rule shall not apply to any Diocese in which a successor to the vacant See shall be appointed, by the Crown, under Letters Patent giving legal jurisdiction, but the person so appointed shall be entitled to exercise the rights of a Bishop of this Province, on his declaring in writing his assent to the Laws of the Church of this Province, so far as they may be applicable in his own Diocese.

xvi. The Provincial Synod shall frame such regulations as may be necessary from time to time, for the management of property held in Trust for the Church of this Province, and shall have full power and authority, except so far as the same shall be ordered by law, or prescribed by the terms of any special Trust, to determine, in what manner and upon what conditions, such property shall be used or occupied. It shall also have power, except such matters be otherwise ordered by law or by terms of any special Trust, to determine how and by whom Patronage shall be exercised, and what shall be the duties of Parochial Officers, and the rights and privileges of Parishioners in Church matters, and further, to frame rules as regards the division and boundaries of Parishes, and other such questions. **Provided**, however, that all rules and regulations as to the tenure, management, and use of Church property, and the other matters aforesaid, which have been hitherto made and shall be made hereafter by any Diocesan Synod, shall have force in that Diocese until other rules be made by the Provincial Synod, and except they be contrary to any rules previously made in that behalf by the Provincial Synod.

xvii. The Provincial Synod may delegate, to any Synod, Board, Committee, or other Body, either specifically, as the case may require, or under such general regulations as may from time to time be laid down by the Provincial Synod, any powers which may be required for the management of property.

xviii. All property, of what nature, or kind soever, whether moveable, or immovable, real or personal, which is or may be given, obtained, or held, for the benefit of the Church of this Province, shall, whenever it be practicable, be transferred to a Trustee or Trustees acting on behalf of the Provincial Synod; and all such property thus transferred shall be in Trust, that such Trustee or Trustees shall and do hold the same, or otherwise shall and do transfer the same, upon and according to such trusts, intents and purposes, whether Ecclesiastical, Missionary, Religious, Collegiate, Scholastic, or Charitable, as the Provincial Synod of the Church of this Province of South Africa shall from time to time direct or appoint, in writing, under the hand of any person or persons authorized by the Provincial Synod on that behalf, subject, however,

R. Capetown
Metropolitan

H. Grahamstown
D. Tennant
Rector of St. James

F. E. Stellenbosch
Anglican Mission

William Knott
Rector of Maritzburg

H. Badnall D. D.
Archdeacon of the Cape.
N. J. Morrison
Archdeacon of Grahamstown

Special Trusts imposed by any Founder, Donor, Testator, or other benefactor. But no property subject to any such special Trusts shall be held by any Trustee or Trustees acting on behalf of the Provincial Synod, unless the same shall have been accepted, in the terms of such Trusts, by the Provincial Synod, or by some Synod, Board, Committee, or other Body authorized by the Provincial Synod in that behalf. **Provided** that moveable property shall not, in any case, be vested in a sole Trustee, except it be so required by a particular Deed or Deed of Gift.

xix. Every Trustee in whom any property, whether moveable or immovable, real or personal, shall be vested, either solely or jointly with any other person or persons, for and on behalf of the Provincial Synod, shall hold the same, with the powers and subject to the limitations, restrictions, declarations, and provisos contained in the several Clauses of the Schedule hereunto annexed, so far as the same may be consistent with any special Trust affecting such property; and any Synod, Board, Committee, or other Body, appointed by the Provincial Synod for that purpose, shall possess and may exercise any such of the powers belonging to the Provincial Synod as shall be by the Provincial Synod in that behalf prescribed.

xx. Every Trustee appointed in the manner and for the purposes herein specified, shall be subject to all and singular the rules and directions which may from time to time be issued by or under the authority of the Provincial Synod, and shall be bound to obey and give effect to all decisions of the Tribunals for the exercise of Ecclesiastical Discipline, appointed by the said Provincial Synod.

xxi. No one shall be admitted to any office in the Church of this Province, or shall be entitled to receive any income, emolument, or benefit from or out of any property held under this Province relating to such office.

xxii. The Provincial Synod shall have full power and authority to make, from time to time, such rules, regulations, and bye-laws for giving effect to the provisions of this Constitution as to the said Provincial Synod shall seem fit, and further, from time to time, to amend, alter, and add to such rules, regulations, and bye-laws.

xxiii. It shall not be lawful to alter, amend, or repeal any of the provisions of this Constitution (after they shall have been confirmed at the next meeting of the Provincial Synod), except such alteration shall have been first proposed in one Provincial Synod, and made known to the several Diocesan Synods, and finally agreed to in the meeting of the Provincial Synod next ensuing.

xxiv. In the construction and for the purposes of this Constitution, and in the construction and for the purposes of all Acts, Canons, Resolutions, and proceedings of the Provincial Synod, the following words and expressions shall have the meanings hereby assigned to them respectively (unless there be something in the subject or context repugnant thereto):

- i. By "Church of the Province of South Africa," is meant the Community which is associated under the provisions hereon set forth.
- ii. By "Province of South Africa," is meant a combination under Metropolitan and Synodical authority, as herein defined, of several Dioceses, or Districts called Dioceses of South Africa and its dependencies; which Dioceses, until otherwise declared by the Provincial Synod, are, and shall be, the following, viz.:
 - (i) The Diocese of Capetown, being the Western Districts of the Colony of the Cape of Good Hope.
 - (ii) The Diocese of Graham's Town, being the Eastern Districts of the said Colony.
 - (iii) The Diocese of Maritzburg or Natal, being the Colony of Natal.
 - (iv) The Diocese of St. Helena, being the Islands of St. Helena, Ascension, and Tristan D'Acunha.
- iii. By "the Bishops of the said Dioceses" are meant: the Most Reverend Robert Gray, D.D., Bishop of Capetown and Metropolitan; the Right Reverend Henry Cottrell, D.D., Bishop of Graham's Town; the Right Reverend William Kenneth Macrorie, M.A., Bishop of Maritzburg; and the Right Reverend Thomas Earle Wilby, D.D., Bishop of St. Helena; (the Bishopric of Bloemfontein or the Orange Free State, being at present vacant); or those persons who shall hereafter hold these Bishoprics, according to Rules prescribed by the Provincial Synod for determining the succession and appointment to Bishoprics in this Province; and by "Bishops of this Province" are meant the Bishops of the said Dioceses, and all others who are and shall be recognized as Bishops of the Province, by the Provincial Synod.
- iv. By "Metropolitan of the said Province," shall be meant the Bishop of Capetown for the time being, unless it shall be otherwise determined by the Provincial Synod; and during the vacancy of the Metropolitan See, it shall mean and include the Bishop of the Province who is senior by consecration.
- v. By "Clergy of the Church of this Province," shall be meant all ordained persons who shall exercise spiritual functions, in any Diocese in this Province, under the authority and spiritual jurisdiction of the Bishop of that Diocese, according to the Laws, Rules, and Usages of the said Church.
- vi. By "Communicant of the Church of this Province," is meant a male person who shall have received the Holy Communion three times at least during the preceding year, at the hands of some Clergyman, either of the Church of this Province, or of some other Church in communion with the same.
- vii. By "Provincial Synod," shall be and is meant this present assembly of Bishops, Clergy, and other members of the Church of the Province of South Africa (being communicants), and every such assembly which shall be constituted, convened, and held according to rules laid down in this Constitution.
- viii. By "Diocesan Synod," shall be meant an Assembly consisting of the Bishop, Clergy, and other members of the aforesaid Church in the Diocese (being communicants), and constituted according to such rules as have been or shall be agreed upon in such Diocese, and allowed by the Provincial Synod, or such as shall be framed by the Provincial Synod.
- ix. By "Constitution of this Church," is and shall be meant the Constitution or Deed of Association, as now agreed to and set forth, with and subject to such (if any) alterations or additions as may be made from time to time, by the Provincial Synod of the Church of this Province, as therein provided.

Schedule referred to in Article XXIV.

i. The Provincial Synod, or any Synod, Board, Committee, or other Body, acting under its authority, may, from time to time, appoint a Trustee or Trustees, for the whole or any part of the property held in Trust; and may, from time to time, as often as it shall think proper, cancel and revoke every such appointment, and may appoint another Trustee, or Trustees, in the place of all or any one or more of the Trustees named in, or hereafter to be appointed by, or on behalf of, the said Provincial Synod.

ii. Any Trustee or Trustees may, under the authority of the Provincial Synod, as provided in the foregoing clause, sell, and absolutely dispose of, either together or in parcels, and either by public sale or private contract, all or any part of the said Trust property in respect of which no Trust shall have been created inconsistent with the exercise of this power; or, by the like direction may exchange the said property, or any part thereof, for any other freehold or quit-rent lands, tenements, or hereditaments; and give out of any money in the hands applicable to such purpose, or receive any money by way of equality of exchange, and may execute all such transfers as may be requisite for effectuating such sale or exchange.




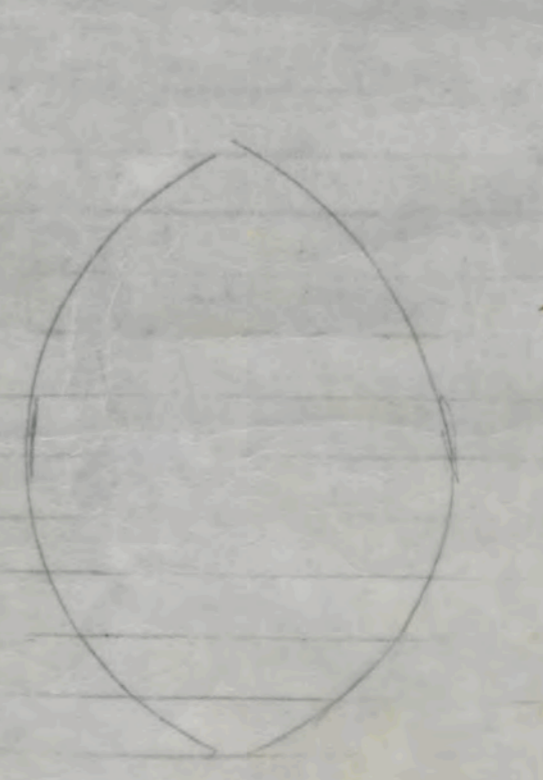
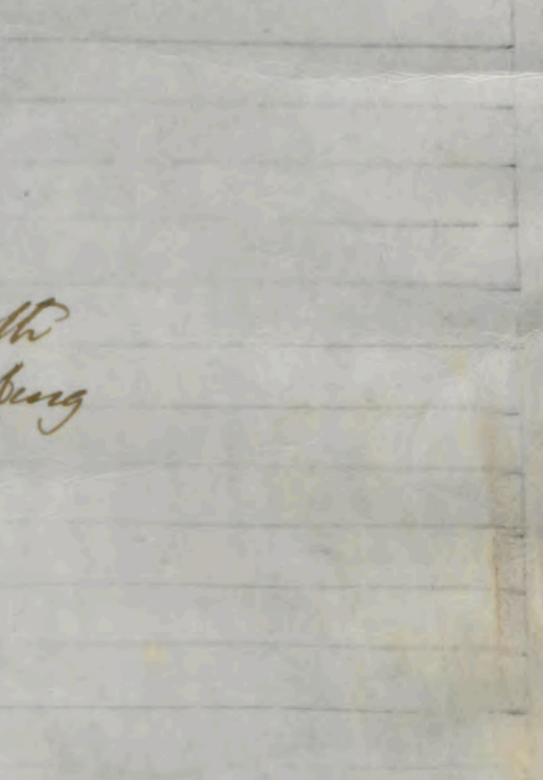
iii. **Provided** always that all money arising from such sale, or received by any Trustee or Trustees for equality of exchange, as aforesaid, after payment of the costs and expenses payable by such Trustee or Trustees in relation to such sale or exchange, shall be expended in the absolute purchase of other freehold or quit-rent lands, tenements, or hereditaments; or, failing such purchase, then, under the special leave and sanction of the said Provincial Synod, or of the Synod, Board, Committee, or other Body acting in its behalf, such Trustee or Trustees may invest and put out at interest, on good and sufficient security, any such moneys arising as aforesaid.

iv. All property which shall be so purchased, or received, in exchange, as aforesaid, and all such investments as are provided for in the foregoing clause, shall be held by the Trustee or Trustee, in whom it shall become vested, upon such Trusts as the property so to be sold or given in exchange, was held subject to.

v. **Provided**, nevertheless, that, subject to any provisions of the Trust to the contrary, the Provincial Synod itself may, in respect to the peculiar circumstances of any case, allocate any of the moneys mentioned in the two foregoing clauses to purposes in the same Diocese other than those provided in the said clauses, such purposes being always, as far as practicable, of the same nature as those which were contemplated in the original Trust.

vi. The receipt, in writing, of any Trustee or Trustee shall be a good and effectual discharge for all money paid to them, or him, under or by virtue of these presents, and shall exonerate the person or persons paying such money from all obligation of seeing to the application thereof, and from all liability on account of the loss, mis-application, or non-necessity for, or propriety of, such sale, exchange, or lease.

vii. Every Trustee shall be chargeable for such money only as he shall actually have received, although he shall have joined in any receipt for money received by any co-Trustee, and shall not be answerable for the act of any co-Trustee, nor for any loss which may arise by reason of any Trust money being deposited in the hands of any Banker or Agent, or from the insufficiency or deficiency of any security upon which the Trust money, or any part thereof, may be invested, nor for any loss in the execution of the Trust, unless the same shall happen through his own wilful neglect or default.

R. Capetown Metropolitan
 W. Kenneth Bp. of Maritzburg
 T. E. St. Helena
 H. Graham's Town
 N. J. Meriman Archdeacon of Graham's Town
 H. Badenak S.O. Archdeacon of the Cape
 D. Tennant Registrar
 H. A. Alden M.D.
 John J. Easton

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