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# CHURCH ORGANIZATION.

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## The Constitution of the Church

IN THE UNITED STATES OF AMERICA,  
IN CANADA,  
AND IN NEW ZEALAND.

&c.

WITH AN INTRODUCTION

BY THE

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## P R E F A C E .

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THERE are here offered to Irish Churchmen the official documents containing the Constitution and Canons of the General Convention of the American Church, the Constitution of the Provincial Synod of Canada, the Constitution of the Church in New Zealand, Report I. of the Lambeth Conference, &c. They are offered with the hope that, thus collected, they may be useful to those who have to deliberate about the affairs of the Church; and that they may also give information to many who are anxious and perplexed as to what can or may be done in the matter of ecclesiastical organization, should the Church in Ireland be disestablished and disendowed. It has been thought more satisfactory to print the official documents than a mere abstract of them, that so every one may read and form his own opinion upon them with confidence, not gathering his information at second-hand, but obtaining it from the original sources.

The anxiety for information upon the subject is natural and laudable; and it is truly important that the lay members of the Church, who, in the event of disestablishment, will occupy such a different position from what they now do, should be as far as possible prepared to play their new part by understanding something about it. Besides which, there is a feeling of distrust and suspicion engendered by ignorance, that can only be removed by giving information. There is a sort of fear that the organization of the Church, and the holding of Synods and making of Canons—things absolutely necessary if the State withdraw from union with the Church—will really be a revival of priestly tyranny, from which the Church is now happily free. Such a fear is only the product

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of ignorance as to the form that re-organization would take, and as to the constitution of Synods and their powers. But if fostered and deepened for want of explanation, it may prove a serious obstacle whenever the time comes for united action. Nothing would so damage the Church as a widespread fear of a revival of clerical domination; and it is far easier to prevent such a suspicion from springing up than to extirpate it when it has taken root. Any one who understands the organization of the American and Colonial Churches knows that clerical domination is simply impossible, *unless the laity voluntarily put themselves under it*; and for this reason, that the constitution of all these Churches is representative, and nothing can be enacted by any of the Synods without the consent of the Laity. And more than this, the representatives of the laity are not "clerically-minded men," selected and nominated by the Clergy or the Bishops, but are elected by the lay members of the Church; so that in the fullest sense of the word, the laity are represented and take part in all actions of the Synods. That explanation on this point is needed is shown by the fears expressed by Lord Harrowby, and also by the Rev. H. Wace in his article in "Macmillan" for this month, both of whom suppose that in the new organization there will be no safe-guard for the laity.

It is moreover to be observed, that lay-representation in Synods will not be the introduction of a new principle into our Church organization, but the adaptation of an old principle to new circumstances. Heretofore, in return for the advantages arising from the union of Church and State, the laity have been represented in Church matters by the Crown and by Parliament, and by Church patronage vested in the Crown and in lay-patrons.

If the present action of the laity in these matters be done away with by disestablishment, it will have to be restored in some other form. And the American and Colonial Churches, in organizing lay-representation in the Synods of the Church, have only followed the traditions and acted in the spirit of the Mother Church of England and Ireland.

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At the present crisis the American Church has special claims upon our attention, possessing an organization which has stood the test of upwards of eighty years of very varied experience, and numbering now forty-four Bishops and more than 2,500 clergy; and next to the Church of America, we may well turn our eyes to the Churches which in Canada and New Zealand have attempted to benefit by her history.

To the official documents here collected has been prefixed an Introduction, containing—1. A sketch of the organization of the American Church *from the Vestry upwards*, based on the Constitutions and Canons of the Diocesan and General Conventions. 2. Remarks suggested by Report I. of the Lambeth Conference, and a comparison of the American Ecclesiastical Organization with it, and with the Constitutions of the Canadian and New Zealand Churches. 3. Practical conclusions from the foregoing comparison.

For the many defects of this Introduction the indulgence of the reader is asked. The subject was new, the range wide, the time most limited. All that has been aimed at is to be useful.

The kindness of all who furnished assistance is gratefully acknowledged; and in particular, thanks are offered to the Rev. H. W. Stewart, for Reports of the Canadian Provincial and Diocesan Synods, and for other information; and to Fleetwood Churchill, Esq., M.D., President of the King and Queen's College of Physicians in Ireland, for the Report of the General Convention of the American Church in 1865, and also for Reports of many Diocesan Conventions.



# INTRODUCTION.

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## I.

“ It is not always remembered that the passing of an Act for our disestablishment would carry with it the dissolution of every legal bond by which the Church is held together. The jurisdiction of all our Ecclesiastical Courts would cease at once. There is not one of the obligations into which we have entered which would be capable henceforth of a legal enforcement. If we were not to have anarchy pure and simple, the whole scheme of self-government *would need before that time to have been framed and gotten into working order.* The relations of the laity to the clergy, of the clergy to the Bishops, of the whole Church to the sister Church of England, the manner of electing Bishops, the voice which the congregation ought to have in the choice of their clergy, the constitution of our Courts for the maintenance of discipline and of the pure doctrine of the Prayer-Book and Articles, . . . All this, and very much more than this, would need to have *been determined beforehand* . . . And behind all these, there is the entire scheme, which would need to be elaborated, for the sustentation of the Church, and for the averting from it, if possible, some of the worst evils of the Voluntary System.”\*

In these words are indicated some of the chief subjects which present themselves to the Irish Church at the present crisis.

But how is a Church, long deprived of the habits of deliberation and self-government, to meet and solve all these delicate and intricate questions? Undoubtedly, one of the first things required in such a case is to know how other Churches have organized themselves, and the practical working of the Constitutions they have

\* A Charge delivered by the Archbishop of Dublin at the Triennial Visitation, September, 1868, p. 62.

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adopted. Availing ourselves of their experience, and making just allowance for the difference between our circumstances and those of the Church in America and the Colonies, it may be possible to avoid some of the dangers of a first experiment.

The Church in America organized herself more than eighty years ago. The principles she then adopted have in the main been adopted by all the Churches in the British Colonies which have become self-governing; we therefore begin with the organization of the American Church.

### A SKETCH OF THE ORGANIZATION OF THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA.\*

In her first Canon the Protestant Episcopal Church of the United States declares:—"In this Church there shall always be *three orders* in the ministry—namely, Bishops, Priests, and Deacons." This is the first fundamental principle of her organization. The second is, that the Church in each Diocese shall be entitled to a *representation* of both the clergy and the laity.

In working out the details of the organization, the rule followed seems to have been that contained in a resolution of the clergy and the lay delegates of the State of Pennsylvania in May, 1784—That no powers be delegated to a General Ecclesiastical Government, except such as cannot be conveniently exercised by the clergy and laity in their respective congregations.

Beginning, therefore, with the congregation or parish, we shall trace the organization of the Church upwards, through the Vestry and the Diocesan Convention, to the General Convention or Council of the whole Church, having first stated that each parish accepts the Constitution and Canons of its Diocesan Convention, and every Diocesan Convention accedes to the Constitution and Canons of the General Convention.

#### I.—*The Vestry.*

1. *Its Constitution.*—On Easter-Monday all parishioners who have resided in the parish for a certain time, and contributed to the

\* A more detailed account will be found in the Paper read by F. Churchill, Esq., M D., at the late Church Congress in Dublin. This is here inserted for the purpose of comparison with the Constitution of other Churches.

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charges of the parish such a sum as the Vestry may have fixed, are entitled to vote in the election of Vestrymen out of their own body. The number of Vestrymen is generally six or eight, and from them are taken the Churchwardens. The minister of the parish acts *ex officio* as a member of the Vestry, and presides at its meetings.\*

2. *Its Powers.*—The Churchwardens preserve peace and order in the Church. In most cases they also provide the elements for the celebration of the Holy Communion. Upon the Vestry it devolves to give notice to the Bishop when the parish becomes vacant, to take care of the property and manage the finances of the parish, to exclude from the pulpit unauthorized ministrations, to choose ministers and contract with them for their salary, to raise money (generally by pew rents) for the expenses of the parish, and the assessment made by the Diocesan Convention.

In most cases the Vestry chooses lay delegates to represent the parish in the Diocesan Convention. But sometimes (as in New York) this is done by the parishioners. Parishes forfeit their connexion with the Diocesan Convention by non-compliance with certain terms, but may be re-admitted.

### II.—*The Diocesan Convention meets every year, or more frequently if necessary.*

1. *Its Constitution.*—The Bishop presides, or, in his absence, an Assistant Bishop or a President elected by the clergy and lay delegates.† Every clergyman who has been in charge of a parish in the Diocese for a given time is entitled to a seat in the Convention.‡ The number of lay deputies to represent each parish is regulated by the Diocesan Convention. The number of clergy and lay deputies necessary to form a quorum varies in different Dioceses. The mode of voting also varies; sometimes all the deputies voting together, and sometimes each order voting separately. In the latter

\* Practically, there is no difference between Parish Vestries and Congregational Vestries. The American is based on the model of the English Select Vestry. A *parish* consists of all the pew-holders attached to a particular congregation, with their families and dependents.—Caswall, p. 293.

† Sometimes the President of the Standing Committee.

‡ Also clergymen engaged in the Diocese as Missionaries, Chaplains, Presidents, Professors, &c., of Colleges, who perform clerical functions.

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case the lay deputies vote by parishes or congregations. In voting for the election of a Bishop, the clergy nominate and appoint by ballot, and the lay delegates afterwards confirm or reject their choice in the same way. The majority required for the election of a Bishop varies in different Dioceses.

2. *Its Powers.*—The Diocesan Convention elects the Bishop and Assistant Bishop of the Diocese upon a vacancy. It also elects from among its clerical members a Standing Committee to advise the Bishop, and to exercise the necessary discipline (where there is no Assistant Bishop) in the interval between the death of a Bishop and the consecration of his successor. It further elects clerical and lay delegates (not exceeding four of each order) to represent the Diocese in the General Convention. It also makes the Canons of the Diocese, appoints the mode of trying Presbyters and Deacons, incorporates churches, and admits new parishes; assesses the sum to be paid by each parish to the expenses of the Convention, and the amount demanded from the Dioceses by the General Convention; receives contributions to the Episcopal and other Diocesan Funds, and manages them by trustees holding office during pleasure; provides missionaries, looks after the religious education and interests of the people, &c.

The Diocesan Convention has a veto upon the proposal to subdivide the Diocese and form a new Diocese or part of a new Diocese out of its territory.

3. *The Power of the Bishop.*—In addition to the powers which the Bishop ordinarily exercises, he is *ex-officio* President of the Diocesan Convention, and summons its special meetings. He can make any motion that may seem advisable to him in the Convention. He delivers his opinion upon any proposed measure *after* it has been discussed, but takes no part in the discussion. He votes, but has not a veto.\* He selects clergy to supply any vacant parish until a new clergyman has been appointed. He institutes the clergyman who has been duly elected by the Vestry. He cites Priests and Deacons to trial, appoints the time for the meeting of the Court, and summons witnesses. Upon conviction, if he concurs, he re-

\* In the Diocese of Clermont, however, "the clergy and laity cannot, without Episcopal concurrence, enact, alter, or abrogate any law or Canon."



proves, suspends, degrades, in accordance with the recommendation of the Court; or if he thinks it necessary, has power to order a new trial which is final. He appoints persons to correct all new editions of the Bible and Book of Common Prayer, &c. When a Diocese has been divided, the Bishop has his choice as to which part he will have as his Diocese for the future.

4. *The Standing Committee* has been described as bearing to the Diocese a relation similar to that of the Vestry to the parish.† It is appointed by the Diocesan Convention, and serves for one year; appoints its own president and secretary. It advises the Bishop, and when the Episcopate is vacant issues dimissory letters, institutes ecclesiastical trials, &c. No Bishop can be consecrated without the consent of the majority of the Standing Committees of all the Dioceses, and of the Bishops, unless he has obtained the consent of the General Convention. The Standing Committee examines and signs the testimonials of candidates for Holy Orders.

III.—*The General Convention meets every three years, or whenever special occasion requires, at the summons of the Presiding Bishop of the Church.*

1. *Its Constitution.*—All the Bishops have seats. Three or more Bishops constitute a separate House; but if there should not be at least three Bishops present, there is no House of Bishops. The Lower House is composed of clerical and lay deputies in equal numbers not exceeding four of each order from each Diocese in the Convention. Representatives from a majority of the Dioceses in the Convention must be present, in order to constitute a quorum. The mode of voting is prescribed by Art. 2 of the Constitution.

The senior Bishop in point of consecration is President. If no House of Bishops should be formed, any Bishop present is an *ex-officio* member of the House of Deputies, and sits and votes with the clerical members; and in this case a Bishop presides over the General Convention.

2. *Its Powers.*—(1) The House of Bishops has a veto upon any

† Caswall, p. 74.

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proposed act of Convention. It has power to originate and propose acts for the consideration of the Convention. But if the House of Bishops does not signify its approval or disapproval (in the latter case with reasons in writing) of any proposed act within three days, the right of the veto is lost.\* The court for the trial of a Bishop is composed of Bishops only. (2) The General Convention frames Canons for the government of the Church; establishes or alters the Book of Common Prayer, the Articles, the order for the administration of the Sacraments, and other offices of the Church; prescribes rules for the admission of candidates for Holy Orders; admits new Dioceses into the Convention under certain conditions, and legislates on points touching the relation between the several Dioceses; and assesses upon the Diocesan Conventions the sum necessary for its expenses. The decisions of the General Convention are binding upon all Dioceses in the Convention, even though any of them may have neglected to send representatives to it. The General Convention also regulates the relation of the Church to foreign Episcopal Churches, appoints Missionary Bishops, &c.

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Such is the organization of the Protestant Episcopal Church in the United States of America, by which the wants of each part are provided for, and the unity and harmonious action of the whole secured. When we consider the circumstances under which the Constitution was framed, and the difficulties the Church had to contend with, we cannot but express our admiration and our thankfulness to Almighty God for the wisdom and moderation which guided her councils.

But the time has nearly come when some readjustment of the relation of Dioceses to each other and to the General Convention must take place in the American Church. This subject commanded the consideration of the Diocesan Convention of Maryland in the present year. And in the year 1865, from the Diocesan

\* Notice has been given to remove this restriction, and it will probably be struck out of the Constitution by the General Convention of the present year. At first, until 1808, the House of Bishops had a still more limited right of veto, the agreement of four-fifths of the Lower House forcing upon them any measures approved by the majority.-- *Vide* Wilberforce, p. 259.

Convention of New York the following resolution was presented to the General Convention :—

“RESOLVED—That it is the opinion of this Convention that a Provincial Synod, adapted to the present position of the Church in this country, should be established. It, therefore, prays the General Convention to make provision for the organization of the Protestant Episcopal Church in the United States of America into provinces.”

The Convention of Pennsylvania presented resolutions to the same effect, and the whole subject of the Provincial System was referred to a committee of thirteen. This committee, of which each member represented a different State, reported in favour of arranging the existing Dioceses and missionary jurisdictions into provinces, having their several Provincial Conventions, but were unanimous in the opinion that no change should be made in the General Convention. A Canon, giving effect to these views, was proposed and referred to the Committee on the Canons. This Canon was afterwards carried on a division, and a further Canon was proposed and referred to a committee of five. This last Canon was to the effect that the Church in the United States should be divided into six provinces, each presided over by the senior Bishop of the province; the Constitution of the Provincial Synod to resemble that of the General Convention, but no Provincial Synod to have authority to abolish or alter anything in the doctrine, worship, and discipline of the Church as set forth in its Liturgy. The formation and sub-division of provinces to be intrusted to the National Synod in General Convention.

This whole subject will probably be more fully discussed, and a decision arrived at by the General Convention now sitting in New York.\* Should the above proposals be carried out, then, when the great changes now impending over the United Church of England and Ireland have taken effect, and the State has severed its connexion with the Church in these countries, the grand idea suggested by the Lambeth Conference will cease to be a dream or an aspiration. Then, from many distant shores—from England, Ireland, and Scotland, from North and South America, from Africa and

\* This was written in October. Nothing was done in the matter, but as the sub-division of the original Dioceses proceeds, it cannot long be delayed.

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India, from Australia and New Zealand—the representatives of the Churches belonging to the great Anglican Communion may meet in solemn council, and proclaim, by act as well as speech, the closeness of the union wherewith they are bound to one another in the Lord Jesus.

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## II.

REMARKS SUGGESTED BY A COMPARISON OF REPORT I. OF THE LAMBETH CONFERENCE, AND THE CONSTITUTIONS OF THE CHURCHES OF CANADA AND NEW ZEALAND, WITH THE CONSTITUTION OF THE AMERICAN CHURCH.

The Constitution of the American Church was framed and developed under peculiar circumstances, being indeed a first experiment. It is therefore not to be wondered at that experience has pointed out several important errors and defects in its organization. These naturally attracted the attention of the men to whose lot it fell to draw up the Constitutions of the Churches of Canada and New Zealand. The result has been that in many respects these Churches possess organizations superior to that which served them as a model.

The grandest opportunity, however, for combining and systematizing the results of the experience gained both by the American and the Colonial Churches in their various attempts at self-organization, was that presented by the Conference of Bishops of the Anglican Communion at Lambeth in 1867. And the subject of the relations and functions of the Synods of the Church was a question which received special consideration from a committee, which discussed and reported on “the whole subject of Synods.” The Report of this committee is so important that it has been printed in full at the end of the American Constitution and Canons. Thus, in examining the organization of the Church in America, we can compare it—1. With the abstract principles laid down by the Lambeth Committee from an experience of the working of all similar organizations; and 2. With the actual machinery at

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work in Canada and New Zealand, where an attempt has been made to avoid its mistakes.\*

I. We begin with the principles laid down for Church organization in the Report I. But it will be necessary first to say a few words about the nature of the committees appointed by the Lambeth Conference.

The Archbishops and Bishops of the Anglo-Catholic Church who met in that Conference at the invitation of the late Archbishop of Canterbury, named committees, to which different questions affecting the general interests of the Church were referred. These committees were large, and composed of men of different parties and interests, and had also the assistance of many able men outside of their own body. Through several weeks meetings were constantly held, and in each committee questions were prepared and printed, and submitted to men of high legal standing, as well as to Divines and others, whose opinions were likely to be useful. The results of all their inquiries were embodied in Reports, which were submitted to the adjourned Conference, and by it commended to the careful consideration of the Bishops of the Anglican Communion.† It is with Report I. that we have now to do.

The first part of Report I. concerns the organization of Diocesan Synods; and here the committee lays down that the Diocesan Synod appears to be the primary and simplest form in the organization of Synodal order for the government of the Church. This follows from the fact that by the Diocesan Synod the co-operation of *all members* of the body is obtained in Church action, and so that acceptance of Church rules is secured, which, in the absence of other law, usage, or enactment, gives to these rules the force of laws "binding on those who, expressly or by implication, have consented to them." In the American Church, however, powers properly belonging to the Diocesan Synod have been given to the Vestry, or rather, the Vestry having, from the circumstances of the

\* The Bishop of Cape Town has also prepared the draft of a Constitution for the South African Church, but it does not seem necessary to print it, as it has not yet been amended or discussed. The Church of New South Wales adopted a Constitution similar in its main principles in 1866, of which see note further on.

† For this account of the Lambeth Committees, see the *Colonial Church Chronicle*, October 1, 1868.

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early history of the Church, exercised those powers at the beginning, *never resigned them when Diocesan Synods were constituted.*

The next point of importance is the recommendation of the Committee that "The Synod should consist of the Bishop and Clergy of the Diocese, with *representatives* of the laity." This is in accordance with the Constitutions of the American, Canadian, and New Zealand Churches, and with the proposed constitution of the South African Church. In England and Ireland, however, the laity can only be present in Synods on invitation, and hence are not strictly representatives. The Conferences begun in the Dioceses of Ely and Lichfield are not properly Diocesan Synods.

According to the present constitution, Convocation and Parliament sit at the same time, and representation of the whole Church is supposed to be secured thus. But Parliament has ceased to represent the laity of the Church of England exclusively, many of its members representing interests distinctly hostile to it.

The Committee further advises the adoption of the following general rules, viz. : That the Bishop, Clergy, and Laity, should sit together, the Bishop presiding; that votes should be taken by orders, whenever demanded; and *that the concurrent assent of Bishop, Clergy, and Laity, should be necessary to the validity of all acts of the Synod.*

The last rule here recommended remedies one of the most objectionable features in the constitution of the American Diocesan Conventions, in which the consent of the Bishop is not necessary to render the acts of the Synod valid, which is really a violation of the principle of representation. It also provides a security for the other orders, that *neither clergy nor laity* shall be called upon to obey Canons to which they have not given their consent, either in person or by their representatives. Thus a just balance of power is preserved, and the "co-operation of all members of the body is obtained in Church action."

The great usefulness of that balance of power has been fully proved within the last few weeks both in the American and the Canadian Churches. In the United States, the Convention had to consider the petition of the Oneida Indians praying for protection in their just rights. The House of Bishops endorsed the petition

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of the Indians to the Secretary of the Interior by expressing a belief that their frequent removals were perilous for them ; but the House of Clerical and Lay Deputies declined to concur in this action on the ground that it was against the interest of the Church for the Convention officially to interfere with questions of policy confided to the State.

In Canada, at the election of a Metropolitan, November 11th, when the House of Bishops unwisely endeavoured to restrict the choice of the Lower House by sending down a resolution to the effect that the interests of the Church required that the person to be elected to the Metropolitan See of Montreal should be of the Episcopal order, both Clerical and Lay Deputies stood firm in resisting this infringement on their constitutional rights.

The second and third portions of the Report concern the Provincial Synods in their constitution and relation to Diocesan Synods, and the question of a higher Synod of the Anglican Communion, with the relation of inferior Synods to it. To this last we need not here refer ; but on the subject of Provincial Synods and their relation to inferior Synods, the Committee affirmed a general principle which, as the Bishop of Grahamstown says, is the key to all the difficulties of the question. They recommend that, "In order to prevent any collision or misunderstanding, the spheres of action of the several Synods should be defined on the following principle, viz., that the Provincial Synod (which answers to the American General Convention) should deal with questions of common interest to the whole Province, and with those which affect the communion of the Dioceses with one another and the rest of the Church ; while the Diocesan Synod should be left free to dispose of matters of local interest, and to manage the affairs of the Diocese."

Guided by this principle, after a comparison of the history and experience of Synodical action in the United States and the British Colonies, the Committee drew the following conclusions :—

1. All alterations in the services of the Church, required by the circumstances in the Province, should be made or authorized by the Provincial Synod, and not merely by the Diocesan Synod.

2. The rule of discipline for the clergy of the Diocese should be framed by the Provincial Synod.

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3. Rules for the trial of the Clergy should be made by the Provincial Synod; but in default of such action on the part of that Synod, the Diocesan Synod should establish provisional rules for this purpose.

4. In questions relating to patronage, the tenure of Church property, parochial divisions, arrangements, officers, &c., there should be joint action of the Diocese and the Province, the former making such regulations as may be best suited to develop local resources; the latter providing against the admission of any principle inexpedient for the common interests of the Church.

5. The erection of a new Diocese within the limits of an existing Diocese should proceed by general rules established by the Provincial Synod.

6. The question of the election of a Bishop was submitted to another Committee, and the Report on that subject recommends that the election should be by the Clergy and Laity of the Diocese in Synod.

It will be seen from these conclusions how largely the Committee approved of the constitution of the American Church, and how nearly the federal system it contemplated approaches to that organization.

With respect to 1 and 2, the Services of the Church and the Rule of discipline for the Clergy, the General Convention in America exercises the powers recommended by the Committee; and on points 5 and 6, the Rules for the erection of new Dioceses, and the election of Bishops, the recommendation of the Committee also coincides with the system of the American Church. As to the Rules for the trial of the Clergy, which is the third subject on which the Committee pronounces an opinion, they have in America been left to the Diocesan Conventions. And the suggestion of the Committee has this obvious advantage over such a plan, that it would secure uniformity throughout the whole Church in the trial of Clergymen guilty of Canonical offences. The point in which the recommendations of the Committee differ most materially from the American Constitution is the fourth, respecting the joint action of the Diocese and the Province in questions relating to patronage, the tenure of Church property, &c. In most of these matters, over



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which the Committee assumes that the *Diocese* has control, the power in the American Church is wholly vested in the *Parish and the Vestry*; and the consequence is that it has been impossible for the Diocesan or the General Conventions to exercise a supervision that provides against the admission of principles harmful to the general interests of the Church. This is particularly the case with respect to the patronage of livings, and the payment of the Clergy.

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II. The defects in the constitution of the American Church will, however, be better brought out by a brief review of the actual machinery at work in the Colonial Churches, and especially with the Constitution<sup>e</sup> of the Church in New Zealand.\*

In 1853 Bishop Selwyn drew up a sketch of a Church Constitution, and submitted it to every Clergyman in the Colony, and through him to his parishioners. In 1857, at a Conference of the Bishops and delegates from the Clergy and Laity held in Auckland, this sketch and all proposed alterations were considered, and a Church Constitution agreed upon, of which the following is an outline:—

I. *The General Synod* has a constitution and powers similar to those of the General Convention of the American Church; the chief point of difference being that it may not alter the Prayer Book, or authorized English Version of the Bible, though it may accept alterations made by the proper authorities in England.

II. *Diocesan Synods* in New Zealand are similar to the Diocesan Conventions of the American Church, but they have important additional powers. They consist of the Bishop of the Diocese, its licensed Clergy, and Lay Representatives of its different districts. The consent of the *Bishop*, as well as of a majority of the Clergy and of the Laity, is necessary to all statutes and resolutions of a Diocesan Synod.

In giving to the Bishop a veto, the Constitution of the New

\* See a Paper read before the Clerical Association of the Rural Deanery of Whitney, Oxon., by the Rev. J. A. Fenton, M.A., as well as the Constitution printed in this Collection.

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Zealand Diocesan Councils (and of those of the Canadian Church, which in this respect resembles them) is much superior to that of the Diocesan Conventions in America.\*

The Synod in New Zealand has also a much greater control over the patronage and the financial affairs of the Diocese than the American Convention has. The Vestry of each parish is required to pay to the Synod a certain sum per annum for the support of its Clergyman, and also to provide for him a house or house-rent, and this stipend the Synod hands over to the Incumbent, with such addition as may be needful, and can be afforded out of the Diocesan General Maintenance Fund, which is derived from endowments, from subscriptions and donations, and from the offertory upon the first Sunday in every month in each Church in the Diocese. In this again, the system adopted in New Zealand is much better than that in the United States, which leaves each Vestry to contract with the Clergyman for his salary.

The Diocesan Synods of the New Zealand Church further limit the powers of the Vestry in the matter of patronage. Each parish appoints yearly two or more nominators. The Diocesan Synod appoints the same number for the whole Diocese. When a vacancy occurs in a parish cure, the Diocesan nominators and those of the vacant parish join in selecting and presenting to the Bishop a nominee.† The Bishop may reject that nominee; and if the nominators are dissatisfied, and still urge his appointment, they may appeal to the House of Bishops; and that House may either confirm the Bishop's rejection, or direct the nominee to be instituted. When, however, an individual Church member wholly or in part builds and endows a Church, he may be allowed by the Diocesan Synod, during his lifetime, to stand in the place of one or more

\* By the Constitution of the Church in New South Wales, which was agreed upon in April, 1866, the Bishop or President of the Diocesan Synod is not allowed to vote on any question or matter arising in the Synod; but no act of the Synod has force unless the Bishop signify his assent within a month after the passing of the same. If the Bishop do not assent, the matter may be referred to and determined by any Provincial Synod. This is the only point in the Constitution of the Church in New South Wales that calls for any special notice.

† It has been suggested that the Bishop ought, *ex-officio*, to be one of the nominators, and there are many reasons to be urged for this.

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nominators of that Parish, in conjunction with the Diocesan nominators.

The advantage of this regulation of the right of patronage is obvious. For while it gives the parish a due share in a choice so important for its welfare, it does not, like the American system, give the choice up altogether into the hands of persons who may be prejudiced by merely individual or local considerations, but recognizes that the whole Diocese has an interest in the welfare of each Parish, and that the Bishop, too, has a responsibility in committing the souls of men to those whom he believes to be faithful and wise pastors.

As to the necessity of giving the Bishop and the Diocesan Council greater powers than they have at present in the American Church, bestowing upon the former the right to a veto upon any proposed act of the Diocesan Convention, and upon the latter the power of paying the Parish Clergy, and a voice in their election, as in the New Zealand Constitution, I would call attention to the very out-spoken report of a Committee of the Diocesan Convention of Minnesota in 1866. In this report we read :—

“The immediate dependency of the Clergy upon their own particular cures is itself an evil, and productive of evil. It places the Clergyman in a false position before his flock. It becomes sometimes an obstacle to an independent and impartial administration of discipline. It is the source of the instability of the pastoral relation. . . . One great difficulty which underlies all these evils, so far as our system is concerned, is, in practice, the *congregational independence of our parishes*. Every parish is felt to be an individual unit, and therefore feels bound first of all to take care of itself, and too often remains content when it succeeds in so doing. The Diocese is regarded too much as merely an aggregation of parishes, independent of each other, sufficient in extent for the jurisdiction and support of a Bishop, whose principal office is to ordain, and to perform for each parish by occasional visitations such functions as the Presbyters are not competent to perform. The truer and more primitive idea of the Diocese is almost lost sight of, viz., that it is an organic and corporate unity, the currents of life, sympathy, and support, in all the parts and members, flowing to and from, and feeling the beating of one heart, and the guidance of one central intelligence. The

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Bishop is the chief Pastor of one flock, the Diocese his parish, the Clergy his assistants, and all having one common interest in the welfare of the whole, and an undivided share of its responsibilities and benefits."

Such words prove that even in America the defects of the present Diocesan system are making themselves felt, and we hope before long will find a remedy.

On these points it is interesting to compare the somewhat similar rights of the Diocesan Synod in the Canadian Church:—

1. By Act of the Provincial Legislature, in every Parish, the Clergyman and the Churchwardens are a corporation.

In every Diocese there is either an Incorporated Church Society, or the Diocesan Synod is incorporated. In one or other of these corporations all the Church property is vested.

2. Then, as to patronage: by Act of Provincial Legislature, all patronage, including Rectories, is vested in the Diocesan Synod. The Synods, however, have always given this power to the Bishop for his life. In this respect the New Zealand system seems better to surmount the difficulties of patronage, and meets the objection raised by Mr. Hatch in *Macmillan's Magazine*, October, 1868. By a recent Canon, also, the system of lay-patronage has been introduced, and it remains to be seen how it will work.\*

III. In the New Zealand Church there are also meetings of Rural Deaneries, with powers regulated by the Diocesan Synod. These are being introduced with good effect in several American Dioceses.

The Churchwardens and Vestrymen are elected by registered adult male parishioners; and of all parochial and vestry meetings the Clergyman is an *ex-officio* chairman, with an original and also a casting vote. It would seem better if communicants alone were allowed to elect.

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We have now glanced at the Constitution of the American Church, and compared with it the conclusions laid down in Report I. of the Lambeth Conference, and also the Constitution of the Churches of Canada and New Zealand in points where they differ from it.

\* See Appendix I., Canon vi.

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The most prominent defects that we have noticed are :—

1. That the Bishop has no veto in the Diocesan Convention.
2. That the rules for the trial of clerical offenders are not uniform, but made by each Diocese for itself.
3. That the power of the congregation has been developed at the expense of that of the Diocese, so that the Vestry has absolute power in the patronage of livings and the payment of the Clergy.

The first and third of these are errors of very serious importance, and very much affect the well-being of the Church. This has been so clearly recognized, that every Church that has been organized since that of America has endeavoured to remedy these mistakes. And even in America, experience has gradually proved the necessity of restoring to the Episcopate and to the Diocesan Synod the powers usurped by the congregation. Unwilling as men are to give up power when once they have enjoyed it, the right of veto has been conceded to the House of Bishops; and there is a widespread conviction that the Church must return to the ancient relations between the Parish and the Diocese.

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### III.

#### PRACTICAL CONCLUSIONS.

If we regard the disestablishment of the Church in Ireland as probable, one of the first questions that suggests itself is as to the position which she would occupy in the eye of the law, and her power of enforcing discipline within her body under her new circumstances. It is to be supposed that the disestablishment will be complete, and that we shall not be submitted to “the restrictions and draw-backs of a State Church, without the dignity, position, or vantage-ground of the same.” Assuming this, therefore, the decision of the Judicial Committee of the Privy Council seems to answer the question exactly :—

“The Church of England, in places where there is no Church established by law, is *in the same situation with any other religious body, in no better but in no worse position, and the members may adopt, as the members of*

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*any other communion may adopt, rules for enforcing discipline within their body which will be binding on those who expressly or by implication have assented to them.*

“It may be further laid down, that where any religious or other lawful association has not only agreed on the terms of its union, but has also constituted a tribunal to determine whether the rules of the association have been violated by any of its members or not, and what shall be the consequence of such violation, then the decision of such tribunal shall be binding when it has acted within the scope of its authority, has observed such forms as the rules require, if any forms be prescribed, and, if not, has proceeded in a manner consonant with the principles of justice.

“In such cases the tribunals so constituted are not in any sense Courts; they derive no authority from the Crown; they have no power of their own to enforce their sentences; they must apply for that purpose to the courts established by law, and *such courts will give effect to their decision* as they give effect to the decisions of arbitrators, whose jurisdiction rests entirely upon the agreement of the parties.”

So much for the position of the Irish Church if disestablished. *But this supposes her provided with an organization*, for otherwise when an Act of Disestablishment passed, she would legally fall to pieces; and whenever it falls to her lot to begin the work of re-organization, there seem to be a few conclusions based on the experience of the American and Colonial Churches, important to be remembered and acted upon.

1. The first of these is that the new organization should be thoroughly *representative*. On no other basis can the confidence and co-operation of all parts of the Church be secured. “Peace and justice are maintained by preserving unto every order their rights, and by keeping all estates, as it were, in an even balance. . . . When all which the wisdom of all sorts can do is done for devising of laws in the Church, it is the general consent of all that giveth them the form and vigour of laws, without which they could be no more unto us than the councils of physicians to the sick—well might they seem as wholesome admonitions and instructions; but laws they could never be without consent of the whole Church, which is the only thing that bindeth each member of the Church, to be guided by them.”\*

\* Hooker, Eccles. Pol. VIII. c. vi.

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It is a consequence of this principle of representation that a concurrence of all orders is necessary for any action of the Church. The Clergy can do nothing without consent of the Laity, nor the Laity without consent of the Clergy, nor the Clergy and Laity without consent of the Bishops, who, in their turn, cannot enact anything without consent of the other orders.

Nor would this be innovation in the Constitution of the United Church. The Bishop of Oxford has shown that the earliest records of the Church of England bear witness to the part taken by Laymen in her councils. And the Conference of the Bishops, Clergy, and Laity of the New Zealand Church, speaking in their Report of the representative organization adopted by them, declared that “the Constitution proposed was similar, so far as the circumstances of a Colonial Church would allow, to that of the Church of England, *under which the formularies of the Church were ratified by the Laity as represented by the Crown and the Houses of Parliament, by the Bishops in the Upper House of Convocation, and by the Clergy in the Nether House. Every one of these orders or estates having a veto upon all the rest.*” In theory this is the present Constitution of the United Church; but in fact, the admission of Non-conformists of every persuasion into Parliament prevents it from truly reflecting the opinions of Laymen of the Church. In seeking a representative organization, we should therefore be only seeking to restore the Church to its ancient form adapted to present circumstances. To all of which considerations we may add the conclusion of the Lambeth Conference:—

“Your Committee consider that it is not at variance with the ancient principles of the Church, that both Clergy and Laity should attend the Diocesan Synod, and that it is expedient that the Synod should consist of the Bishop and Clergy of the Diocese, *with Representatives of the Laity.*”

The great success of the American organization is, under God, due to the adoption of this principle of representation, and some of its most material errors arose from only accepting this principle in part. For the refusal of the right of veto to the Bishop, which the other orders enjoy in the Diocesan Convention, is a denial of this principle. So is the arrogation to the Parish or Vestry of all rights of patronage and of the power of paying the Clergy.

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With respect to the admission of lay representatives to the Councils of the Church, the wisdom and even the necessity of such a measure has of late been repeatedly acknowledged, even in England, and that not only by the Lambeth Committee, but by individual clergymen and laymen of different parties. In the Bampton Lectures for this year considerable prominence is given to this subject, and the following words apply not to Colonial Bishops only:—"Unless the Colonial Bishop so supports himself and his clergy by the real, proportionate aid and consent of the lay members of his flock, . . . he deprives himself of one of the best hopes of lasting and wide influence, of free and powerful united action, and endangers the loss of a great amount of sympathy and practical help which he cannot spare or supply otherwise."\* And we may add, that they who have least experience of lay representation dread it, while others who know its working are its warmest advocates. Thus the Bishop of New York writes:—"Both the Diocesan and General Conventions include a large number of the ablest laymen in the country, and these laymen have always proved themselves cautious and conservative in their action, the great majority of them earnest and sound in their Church feelings and principles."†

As to how this power of representation may be obtained, this is for statesmen and others to consider. Neither party can decently pretend that the demand for it is unreasonable; both ought to be willing to help towards its attainment. The advocates of disestablishment must allow that it is only fair to set the Church free to deliberate and to organize.‡ Their opponents ought to grant her no less boon. It seems that it might be done by a short Act repealing the Convention Act and any other legal impediments. Or by such an Act as was passed by the Provincial Legislature of Canada respecting the Church in that Colony.¶

2. A second point of vital importance to the Church in Ireland is that the Diocesan Synods should not only be thoroughly repre-

\* Bampton Lectures for 1868, p. 168.

† Ibid. p. 335

‡ See the letters which have recently appeared in the *Times* from Mr. Bonamy Price and Lord Harrowby as to the effect of disestablishment.

¶ See the Acts printed in this Collection with the Constitution of the Canadian Church.



sentative, but should be incorporated and given the power of holding and managing property for the whole body which they represent, as is the case with the Diocesan Synods of Canada. So that whatever property is handed over to the Church after disendowment—such as churches, glebe-houses, &c.—be not vested in the parishioners, or in the vestries, but in the Diocesan Synods, which represent the Church. And the Diocesan Synods should have power to deal with this property in whatever way appears most for the benefit of the Church. As the management of the property, so the payment of the Clergy, should be in the hands of the Synod on the Canadian or New Zealand plan.

3. The patronage of the livings should neither be given to the Vestry, as in America, nor to the Synod or Bishop, as in Canada, but jointly to the Bishop and nominators elected by the Vestry and the Synod, which is the New Zealand plan with a slight modification, and respects the responsibilities and secures the rights of all parties, at the same time avoiding the evils inherent in other systems of patronage. The retention of lay-patronage, as on the scheme lately proposed by a lay-patron, and that recently adopted in Canada, seems very undesirable.

4. The election of Bishops should not be by nomination, otherwise the evils of canvassing will be introduced. The example of the New York Diocesan Synod might here be followed:—The voting should be by ballot, each person voting for whomsoever he likes, the tellers collecting the votes, which are written on slips of paper, and the balloting to continue until some one candidate have a clear majority of both orders; the election being also subject to the approval of a majority of the Bishops. If this plan were adopted, it would prevent the occurrence of such scandals as have taken place on the election of Bishops in the Church of Canada, and also the disagreement that occurred between the two Houses at the election of a Metropolitan this month. There being no nomination, canvassing would not take place, nor would the newly-elected Bishop be under any temptation to favour particular individuals who had been his supporters.\*

\* The Lambeth Committee on the Election of Bishops came to the following conclusion:—“The election, as a general rule, should be made by the Diocese, and the

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5. The election of lay delegates to the Diocesan Synods would be better given to the whole body of communicants in each parish than, as it is in America and Canada (?), to the Vestry. For thus the danger of which Mr. Hatch speaks—"that the Laity and their so-called representatives in the Synods entertain, on most points of importance, radically different opinions"—will be completely avoided; the influences that might be brought to bear in a small elective body like the Vestry, will be deprived of their power when the electors consist of the whole body of communicants.

6. On another subject, viz.—the future financial resources of the Church—we may take a lesson from the history of the Canadian Church. From it we shall learn to unite all our efforts to obtain the power of commuting the life interests of the Clergy for a capital sum, to form a fund for the endowment of the Church; this, of course, to be done with fullest security against injustice or constraint being inflicted on any individual. To understand this, it will be necessary to notice briefly the financial arrangements of the Church in Canada, which seem to afford the best example for the imitation of the Church in Ireland. The American Church is, for the most part, dependent upon the system of pew rents, though it is not altogether without funds derived from other sources. But, while out of the Diocesan Funds the annual income of the Bishop is provided, and in many cases also the money for the support of ecclesiastical colleges, &c., yet the Clergy are universally paid by the Vestry.

This, as we have seen, is a state of things which the Americans themselves deplore, but which is far easier to deplore than to remedy. In Canada,\* on the other hand, the payment of the Bishops of the Province should confirm the election." They suggest the following modes of carrying the election out:—

1. That the Diocese should nominate two or more clergymen from whom the Bishops of the Province should select one to be Bishop of the vacant See.

2. That the Diocese should delegate to some person or body the power of choosing.

3. That the Diocese should nominate two or more clergymen from whom the Diocese should make choice.

They observe, however, that the right of *selecting* the Bishop belongs to the clergy, while the right to accept or reject belongs to the laity.

\* This account is taken chiefly from a letter of the late lamented Metropolitane of Canada.

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Clergy is derived from the Church Society, or from the Diocesan Synod. This has been brought about in the following way:—In the reign of George the Third a grant was made, called the Clergy Reserve Lands, for the endowment of the Church of England in Canada. These reserves were for a long period applied only for the benefit of the Church of England; but, owing to some ambiguity in the terms of the grant, the Presbyterian Church put in a claim, grounding it upon the plea that they were acknowledged as “a Church established by law” by the Crown. This was resisted as untenable ground by the Church of England. The controversy waxed warm, and then the members of the Free Kirk and others opposed the claims of both, and demanded the absolute secularization of the Reserve Lands, and all funds derived from them. This party gained strength. The Roman Catholics joined them. Addresses were brought into the Provincial Parliament, and at last passed both Houses, requiring the Imperial Parliament to grant authority to them to deal with the Reserves. For, although a responsible Government had been conceded to Canada, this one question of the Church had been excepted, and no act affecting the discipline or property of the Clergy could become law, until it had been sent home, and received the assent of the Sovereign in Council. At last, it became evident that the people were so determined to have this power conceded, that no Government could stand in Canada that was opposed to it. And, in fine, the Home Government, in 1853, brought in a Bill conceding to the Provincial Legislature authority to deal with the Clergy Reserves as they pleased, saving the vested rights of all Clergy then receiving any incomes from that source.

In the next session of the Provincial Legislature a Bill was brought in, absolutely secularizing the whole present or prospective proceeds of the Reserves, excepting what was protected by the terms of the Imperial Act—the vested interests of the then Incumbents. While the Bill was passing through the House, the leader of the anti-Church party complained of this reservation, on the ground that the Clergy would be annuitants for life, and so the payments would continue for a great number of years. Upon this, the leader of the Church party suggested that perhaps it would be

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better to buy up their claims for a capital sum paid down. A clause was accordingly introduced to give effect to this.

The leader of the Church party accordingly set to work to carry this into effect. The clause was so worded that no clergyman could commute without "the consent of the parties and bodies severally interested;" so he had a power of attorney drawn up to be signed by the Bishop as representing the Church, and by the commuting clergyman, by which authority was given to effect the commutation of the life interest of the said clergyman for a fixed capital sum, provided the same was at once paid over to the treasurer of the Incorporated Church Society of that Diocese, to be invested for the benefit of the Church, and provided the said Church Society guaranteed to the said clergyman the same annual amount of income so long as he should continue to officiate in that Diocese, or when disabled from age and infirmity.

The result of this was that the whole body of the Clergy gave up the Government guarantee of their stipends, and accepted instead the guarantee of the Church Society—an act, which, though it did not actually involve a pecuniary loss to them, yet was at the time an act of great faith and self-devotion. The whole sum payable to all existing Incumbents was received by certain trustees, and re-invested so profitably that, after paying all the stipends chargeable upon it, a surplus was left, while the capital sum remained as the permanent property of the Church, and an endowment for all future Clergy.

In addition to this, all sums raised by voluntary effort for the support of the Church are paid into the hands of the Church Society, which is either identical with the Diocesan Synod or works in harmony with it, and through whose agency the Clergy receive their stipends.

The conclusion to which this history of the financial affairs of the Canadian Church points is, that in case of the disendowment of the Church in Ireland, every effort should be made to obtain the power to commute the life interests of the Clergy for a capital sum, as in Canada. This capital sum in each Diocese to be handed over to the Diocesan Synod, or to trustees appointed by it, upon its guaranteeing to each clergyman commuting the full amount of his stipend.

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Nearly all would continue to officiate in the Church in Ireland, until they were disabled by age and infirmity. In addition to this, there might be formed a general Church Society, to collect funds to enable the various Diocesan Synods to fulfil their guarantee without encroaching on the capital. With the interest on the capital granted for the commuted life interests, and the voluntary weekly offerings of each parish paid into the Diocesan Synod, aided by the general fund raised by the Church Society, there can be little doubt that present wants would be fully met, and a comparatively large sum be saved for the permanent endowment of the Church.

In arranging for such a commutation, the following details would be required:—1. The names of the clergy. 2. Their stipends. 3. Their ages. 4. Their expectation of life. 5. The present value of their vested interests. 6. The total sum given in commutation. Exact information on the first five points is greatly needed, and should be procured at the earliest moment. The Tables given under the second head by the Irish Church Commissioners are not altogether to be depended on; and there is no return of the age of each clergyman: hence we cannot even guess at the other points. In estimating the number of years during which the payments of life interests would continue, if we take the present number of clergy in Ireland to be 2,281, there would be alive of these at the end of ten years, 1,707; at the end of twenty years, 1,188; at the end of fifty years, 128.\* But although we can thus estimate the number of deaths in each year, we cannot tell what life interests

\* Taking the number of Clergy at present to be 2,281, the following table gives the natural rate of decrease by death:—

A. D.							Number of Clergy Living.
1868	...	...	...	...	...	...	2,281
1878	...	...	...	...	...	...	1,707
1885	...	...	...	...	...	...	1,440
1888	...	...	...	...	...	...	1,188
1893	...	...	...	...	...	...	954
1898	..	...	...	...	...	...	739
1903	...	...	...	...	...	...	543
1908	...	..	...	...	...	...	372
1913	...	...	..	...	...	...	233
1918	...	...	...	...	...	...	128

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will fall in, without the details mentioned above to help in the calculation.

The friends of the Church should not allow all their energies to be absorbed in the political struggle, but should be prepared, as the Church in Canada was prepared, with an organization ready to meet the financial difficulty whenever it presents itself. The formation of a Church Society for this purpose, to raise funds by a systematic appeal to Churchmen throughout the kingdom, in order to aid the Diocesan Synods in guaranteeing the life interests of the clergy, and thus *to secure the capital sum for permanent endowment*, is much to be desired; and there is little reason to fear that it would not be most successful in warding off the danger most to be dreaded by the Irish Church—gradual extinction, dying by inches.

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Before the solution of any great question there must be consideration and discussion. To promote these in some small way, these suggestions have been made at a time when it appears incumbent on every one to try and awaken Churchmen to a sense of the new responsibilities that seem to await them.

The American, Canadian, and New Zealand Churches, in spite of difficulties and errors, have proved that the Church can live and do her work when severed from the State, so long as she continues faithful to her principles and to her Divine Head; and if she forsakes them, no union with the State can preserve her. It is true that time and experience have pointed out defects in their organization, which those who follow in their steps should mark and avoid; but yet from their history we may learn many a lesson of faith, and gather many an example of zeal and charity and obedience to God. And we believe that the Church in Ireland, when called to undertake the same task that they have accomplished, setting forth in her new and untried course, and gathering strength with every step, will pass unscathed through every danger: so realizing the truth of the promise—“When thou passest through the waters I will be with thee, and through the rivers they shall not overflow thee; when thou walkest through the fire thou shalt not be burned; neither shall the flame kindle upon thee.”

# The Constitution

OF

THE PROTESTANT EPISCOPAL CHURCH IN THE  
UNITED STATES OF AMERICA,

ADOPTED IN GENERAL CONVENTION,

IN PHILADELPHIA, OCTOBER, 1789.\*

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## ARTICLE 1.

THERE shall be a General Convention of the Protestant Episcopal Church in the United States of America, on the first Wednesday in October, in every third year, from the year of our Lord one thousand eight hundred and forty-one, and in such place as shall be determined by the Convention; and in case there shall be an epidemic disease, or any other good cause to render it necessary to alter the place fixed on for any such meeting of the Convention, the Presiding Bishop shall have it in his power to appoint another convenient place (as near as may be to the place so fixed on,) for the holding of such Convention; and special meetings may be called at other times, in the manner hereafter to be provided for; and this Church, in a majority of the Dioceses which shall have adopted this Constitution, shall be represented before they proceed to business; except that the representation from two Dioceses shall be sufficient to adjourn; and in all business of the Convention freedom of debate shall be allowed.

## ARTICLE 2.

The Church in each Diocese shall be entitled to a representation of both the Clergy and the Laity. Such representation shall con-

\* For a history of alterations subsequently introduced, see note p. 5.—ED.

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sist of not more than four Clergymen and four Laymen communicants in this Church, residents in the Diocese, and chosen in the manner prescribed by the Convention thereof; and in all questions when required by the clerical and lay representation from any Diocese, each Order shall have one vote; and the majority of suffrages by Dioceses shall be conclusive in each Order, provided such majority comprehend a majority of the Dioceses represented in that Order. The concurrence of both Orders shall be necessary to constitute a vote of the Convention. If the Convention of any Diocese should neglect or decline to appoint clerical Deputies, or if they should neglect or decline to appoint lay Deputies, or if any of those of either Order appointed should neglect to attend, or be prevented by sickness or any other accident, such Diocese shall nevertheless be considered as duly represented by such Deputy or Deputies as may attend, whether lay or clerical. And if, through the neglect of the Convention of any of the Churches which shall have adopted or may hereafter adopt this Constitution, no Deputies, either lay or Clerical, should attend at any General Convention, the Church in such Diocese shall nevertheless be bound by the acts of such Convention.

### ARTICLE 3.

The Bishops of this Church, when there shall be three or more, shall, whenever General Conventions are held, form a separate House, with a right to originate and propose acts for the concurrence of the House of Deputies composed of Clergy and Laity; and when any proposed act shall have passed the House of Deputies, the same shall be transmitted to the House of Bishops, who shall have a negative thereupon; and all acts of the Convention shall be authenticated by both Houses. And in all cases the House of Bishops shall signify to the Convention their approbation or disapprobation (the latter with their reasons in writing,) within three days after the proposed act shall have been reported to them for concurrence: and in failure thereof, it shall have the operation of a law. But until there shall be three or more Bishops, as aforesaid, any Bishop attending a General Convention shall be a member *ex officio*, and shall vote with the clerical Deputies of the Diocese to which he belongs; and a Bishop shall then preside.



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### ARTICLE 4.

The Bishop or Bishops in every Diocese shall be chosen agreeably to such rules as shall be fixed by the Convention of that Diocese ; and every Bishop of this Church shall confine the exercise of his Episcopal Office to his proper Diocese, unless requested to ordain or confirm, or perform any other act of the Episcopal Office, by any Church destitute of a Bishop.

### ARTICLE 5.

A Protestant Episcopal Church in any of the United States, or any Territory thereof, not now represented, may, at any time hereafter, be admitted on acceding to this Constitution ; and a new Diocese, to be formed from one or more existing Dioceses, may be admitted under the following restrictions.

No new Diocese shall be formed or erected within the limits of any other Diocese, nor shall any Diocese be formed by the junction of two or more Dioceses, or parts of Dioceses, unless with the consent of the Bishop and Convention of each of the Dioceses concerned, as well as of the General Convention.

No such new Diocese shall be formed which shall contain less than fifteen self-supporting Parishes, or less than fifteen Presbyters who have been for at least one year canonically resident within the bounds of such new Diocese, regularly settled in a Parish or Congregation, and qualified to vote for a Bishop. Nor shall such new Diocese be formed if thereby any existing Diocese shall be so reduced as to contain less than thirty self-supporting Parishes, or less than twenty Presbyters who have been residing therein, and settled and qualified as above mentioned : *Provided* that no city shall form more than one Diocese.

In case one Diocese shall be divided into two Dioceses, the Diocesan of the Diocese divided may elect the one to which he will be attached, and shall thereupon become the Diocesan thereof. And the Assistant Bishop, if there be one, may elect the one to which he will be attached ; and if it be not the one elected by the Bishop, he shall be the Diocesan thereof.

Whenever the division of a Diocese into two Dioceses shall be ratified by the General Convention, each of the two Dioceses shall

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be subject to the Constitution and Canons of the Diocese so divided, except as local circumstances may prevent, until the same may be altered in either Diocese by the Convention thereof. And whenever a Diocese shall be formed out of two or more existing Dioceses, the new Diocese shall be subject to the Constitution and Canons of that one of the said existing Dioceses to which the greater number of Clergymen shall have belonged prior to the erection of such new Diocese, until the same may be altered by the Convention of the new Diocese.

### ARTICLE 6.

The mode of trying Bishops shall be provided by the General Convention. The Court appointed for that purpose shall be composed of Bishops only. In every Diocese, the mode of trying Presbyters and Deacons may be instituted by the Convention of the Diocese. None but a Bishop shall pronounce sentence of admonition, suspension, or degradation from the Ministry, on any Clergyman, whether Bishop, Presbyter, or Deacon.

### ARTICLE 7.

No person shall be admitted to Holy Orders, until he shall have been examined by the Bishop, and by two Presbyters, and shall have exhibited such testimonials and other requisites as the Canons, in that case provided, may direct. Nor shall any person be ordained until he shall have subscribed the following Declaration:—

“I do believe the Holy Scriptures of the Old and New Testament to be the Word of God, and to contain all things necessary to salvation; and I do solemnly engage to conform to the Doctrines and Worship of the Protestant Episcopal Church in the United States.”

No person ordained by a foreign Bishop shall be permitted to officiate as a Minister of this Church, until he shall have complied with the Canon or Canons in that case provided, and have also subscribed the aforesaid Declaration.

### ARTICLE 8.

A Book of Common Prayer, Administration of the Sacraments, and other Rites and Ceremonies of the Church, Articles of Religion,

## CONSTITUTION.

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and a Form and Manner of making, ordaining, and consecrating Bishops, Priests, and Deacons, when established by this or a future General Convention, shall be used in the Protestant Episcopal Church in those Dioceses which shall have adopted this Constitution. No alteration or addition shall be made in the Book of Common Prayer, or other Offices of the Church, or the Articles of Religion, unless the same shall be proposed in one General Convention, and by a resolve thereof made known to the Convention of every Diocese, and adopted at the subsequent General Convention.

### ARTICLE 9.

This Constitution shall be unalterable, unless in General Convention, by the Church, in a majority of the Dioceses which may have adopted the same ; and all alterations shall be first proposed in one General Convention, and made known to the several Diocesan Conventions before they shall be finally agreed to, or ratified, in the ensuing General Convention.

### ARTICLE 10.

Bishops for foreign countries, on due application therefrom, may be consecrated, with the approbation of the Bishops of this Church, or a majority of them, signified to the Presiding Bishop ; he thereupon taking order for the same, and they being satisfied that the person designated for the Office has been duly chosen, and properly qualified : the Order of Consecration to be conformed, as nearly as may be, in the judgment of the Bishops, to the one used in this Church. Such Bishops, so consecrated, shall not be eligible to the Office of Diocesan, or Assistant Bishop, in any Diocese in the United States, nor be entitled to a seat in the House of Bishops, nor exercise any Episcopal authority in said States.

*Done in the General Convention of the Bishops,  
Clergy, and Laity of the Church, the 2nd day  
of October, 1789.*

NOTE.—When the Constitution was originally adopted, in August, 1789, the first Article provided that the Triennial Convention

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should be held on the first Tuesday in August. At the adjourned meeting of the Convention, held in October of the same year, it was provided that the second Tuesday in September, in every third year, should be the time of meeting. The time was again changed to the third Tuesday in May, by the General Convention of 1804. See Bioren's edition of the Journals of the General Convention, 1817, pp. 61, 75, and 216.

The first Article was put into its present form at the General Convention of 1841.

The third Article was so altered by the General Convention of 1808, as to give the House of Bishops a full Veto upon the proceedings of the other House.—See Journals of General Convention, pp. 248, 249.

The second sentence of the eighth Article was adopted at the General Convention of 1811.—See Journals of General Convention, p. 274.

The words "or the Articles of Religion" were added to the eighth Article by the General Convention of 1829.

The fifth Article was put into its present form at the General Convention of 1838.

The same Convention adopted the following alterations.—See Journal of General Convention of 1838, p. 24.

Strike out the word "States" wherever it occurs in the first and second Articles, except where it follows the word "United" in the first part of the first Article, and insert in lieu of the word "States" the word "Dioceses." Strike out the word "States" wherever it occurs in the second, third, and fourth Articles, and insert in lieu thereof the word "Dioceses."

Strike out the words "or district" in the fourth Article.

Strike out the word "State" in the sixth Article, and insert the word "Diocese."

Strike out the word "States" in the eighth Article, and insert the word "Dioceses"; and in the eighth Article strike out the words "or State" after the words "every Diocese."

Strike out the word "States" in the ninth Article, and insert the word "Dioceses." Strike out the word "State" in the ninth Article, and insert the word "Diocesan."

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The sixth Article was put into its present form at the General Convention of 1841.

Article 10 was finally agreed to, and ratified, in the General Convention of 1844.

Articles 2 and 5 were put into their present form at the General Convention of 1856.



# Digest of the Canons.

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## TITLE I.

### OF THE ORDERS IN THE MINISTRY, AND OF THE DOCTRINE AND WORSHIP OF THE CHURCH.

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#### CANON 1.

*Of the Orders of Ministry in this Church.*

IN this Church there shall always be three Orders in the ministry, namely: Bishops, Priests, and Deacons.\*

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#### CANON 2.

*Of the Admission of Persons as Candidates for Holy Orders.*

§ I. All persons seeking admission to the ministry of this Church, are to be regarded as candidates for Holy Orders.†

§ II. Every person who desires to become a candidate for Holy Orders in this Church, shall, in the first instance, give notice of his intention to the Bishop of the Diocese in which he intends to apply; or, if there be no Bishop, to the Standing Committee; in which notice he shall declare whether he has ever applied for admission as a candidate in any other Diocese. No person who has previously applied for admission as a candidate in any Diocese, and has been refused admission, or, having been admitted, has afterward ceased to be a candidate, shall be admitted as a candidate in any other Diocese, until he shall have produced from the Bishop, or,

\* Adopted in 1789. Canon i., 1832.

† § 1, Canon iii, 1856.

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*Of the Admission of Candidates for Holy Orders.*

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if there be no Bishop, from the Standing Committee of the former Diocese, a certificate, declaring the cause for which he was refused admission, or for which he ceased to be a candidate.\*

§ III. A person desirous of becoming a candidate for Holy Orders, shall apply to the Bishop, or, if there be no Bishop, to the Standing Committee, of the Diocese in which he resides, unless the said Bishop or ecclesiastical authority shall give their consent to his application in some other Diocese.†

§ IV. No person shall be considered as a candidate for Holy Orders in this Church, unless he shall have produced to the Bishop to whom he intends to apply for Orders, a certificate from the Standing Committee of the Diocese of the said Bishop, that, from personal knowledge, or from testimonials laid before them, they believe that he is pious, sober, and honest; that he is attached to the doctrine, discipline, and worship of the Protestant Episcopal Church; a communicant of the same; and, in their opinion, possesses such qualifications as will render him apt and meet to exercise the ministry, to the glory of God and the edifying of the Church. And when the Standing Committee do not certify as above from personal knowledge, the testimonials laid before them shall be of the same purport, and as full as the certificate above required, and shall be signed by at least one Presbyter and four respectable laymen of the Protestant Episcopal Church.‡

§ V. It is also to be made known to every candidate, for whatever order of the ministry, that the Church expects of him what never can be brought to the test of any outward standard,—an inward fear and worship of Almighty God, a love of religion, and a sensibility to its holy influences, a habit of devout affection, and, in short, a cultivation of all those graces which are called in Scripture the fruits of the Spirit, and by which alone His sacred influences can be manifested.¶

\* § 2, Canon iii., 1856

† § 4, Canon iii., 1856.

‡ § 3, Canon iii., 1856.

¶ § 5, Canon iii., 1856.



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*Of the Admission of Candidates for Holy Orders.*

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§ VI. The requisitions of this Canon being fulfilled, the Bishop may admit the person as a candidate for Holy Orders, and shall record the same in a book to be kept for that purpose, and notify the candidate of such record: and in any diocese where there is no Bishop, the Standing Committee may, on the same conditions, admit the person as a candidate, and shall make record and notification in the same manner.\*

§ VII. The Canons of this Church which respect candidates for Holy Orders, shall affect as well those coming from places in the United States in which the Constitution of this Church has not been acceded to, as those residing in States or Territories in which it has been adopted; and, in such cases, every candidate shall produce to the Bishop to whom he may apply for Holy Orders, the requisite testimonials, subscribed by the Standing Committee of the Diocese into which he has come.†

§ VIII. [1.] When a person, who, not having had Episcopal Ordination, has been acknowledged as an ordained minister or licentiate in any other denomination of Christians, shall desire to be ordained in this Church, he shall give notice thereof to the Bishop; or, if there be no Bishop, to the Standing Committee of the Diocese in which he resides; or, if he reside in a State or Territory in which there is no organized Diocese, to the Missionary Bishop within whose jurisdiction he resides; which notice shall be accompanied by a written certificate from at least two Presbyters of this Church, stating that, from personal knowledge of the party, or satisfactory evidence laid before them, they believe that his desire to leave the denomination to which he belonged, has not arisen from any circumstance unfavorable to his moral or religious character, or on account of which it may be inexpedient to admit him to the exercise of the ministry in this Church; and they may also add what they know or believe, on good authority, of the circumstances leading to the said desire.‡

\* § 6, Canon iii., 1856.

† § 7, Canon iii., 1856.

‡ § 8, Canon iii., 1856.

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*Of the Admission of Candidates for Holy Orders.*

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[2.] If the Bishop or Standing Committee shall think proper to proceed, the party applying to be received as a candidate shall produce to the Standing Committee a testimonial from at least twelve members of the denomination from which he came, or twelve members of the Protestant Episcopal Church, or twelve persons in part of the denomination from which he came and in part Episcopalians, satisfactory to the Committee, that the applicant has, for three years last past, lived piously, soberly, and honestly; and also a testimonial from at least two Presbyters of this Church, that they believe him to be pious, sober, and honest, and sincerely attached to the doctrine, discipline, and worship of the Church. The Standing Committee, being satisfied on these points, may recommend him to the Bishop, to be received as a candidate for Orders in this Church; or, in a vacant Diocese, the Standing Committee may so receive him.\*

§ IX. When a person, not a citizen of the United States, who has been acknowledged as an ordained minister in any other denomination of Christians, shall apply to become a candidate for Orders in this Church, the Bishop to whom application is made shall require of him (in addition to the above qualifications) satisfactory evidence that he has resided at least one year in the United States, previous to his application.†

§ X. When a person, not a citizen of the United States, who has been acknowledged as an ordained minister in any other denomination of Christians, shall apply for Orders in this Church, on the ground of a call to a church in which divine service is celebrated in a foreign language, the Standing Committee of the Diocese to which such church belongs, may, on sufficient evidence of fitness according to the Canons, and by a unanimous vote at a meeting duly convened, recommend him to the Bishop for Orders, and the Bishop may then ordain him, and he may be settled, and instituted into the said church, without his producing a testimonial to his character by a clergyman from his personal knowledge of him for one year,

\* § 9, Canon iii., 1856.

† § 10, Canon iii., 1856.

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*Of Admitted Candidates.*

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and without his having been a year resident in this country, anything in any other Canon of this Church to the contrary notwithstanding. *Provided* that, in both of the above cases, the person applying produce a certificate, signed by at least four respectable members of this Church, that they have satisfactory reason to believe the testimonials to his religious, moral, and literary qualifications to be entitled to full credit.\*

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**CANON 3.***Of Admitted Candidates.*

§ I. The Bishop, or other ecclesiastical authority who may have the superintendence of candidates for Holy Orders, shall take care that they pursue their studies diligently and under proper direction, and that they do not indulge in any vain or trifling conduct, or in any amusements most likely to be abused to licentiousness, or unfavorable to that seriousness, and to those pious and studious habits, which become those who are preparing for the Holy Ministry.†

§ II. No candidate for Holy Orders shall take upon himself to perform the service of the Church but by a license from the Bishop, or, if there be no Bishop, from the clerical members of the Standing Committee, of the Diocese in which such candidate may wish to perform the service. And such candidate shall submit to all the regulations which the Bishop, or said clerical members, may prescribe. He shall not use the absolution or benediction; he shall not assume the dress appropriate to clergymen ministering in the congregation; he shall conform to the directions of the Bishop, or said clerical members, as to the sermons or homilies to be read, nor shall any Lay Reader deliver sermons of his own composition; nor, except in case of extraordinary emergency or very peculiar

\* Last paragraph of Canon xxiv., of 1832.

† § 11, Canon iii., 1856.

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*General Provisions and Requisites for Ordination.*

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expediency, perform any part of the service, when a clergyman is present in the congregation.\*

§ III. No person, who is a candidate for Holy Orders in this Church, shall be permitted to accept from any Diocesan Convention an appointment as a Lay Deputy to the House of Clerical and Lay Deputies of the General Convention.†

§ IV. A candidate for Holy Orders may, on letters of dismissal from the Bishop or Standing Committee of the Diocese in which he was admitted a candidate, be transferred to the jurisdiction of any Bishop in this Church; and if there be a Bishop within the Diocese where the candidate resides, he shall apply to no other Bishop for ordination without the permission of the former.‡

§ V. Candidates shall not change their canonical residence but for *bonâ fide* causes, requiring the same to be judged of by the Bishop; or, if there be no Bishop, the Standing Committee; and they shall not be dismissed from the Dioceses in which they were admitted, or to which they have been duly transferred, for the convenience of attending any theological or other seminary.∥

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CANON 4.

*General Provisions and Requisites for Ordination.*

§ I. No Bishop shall ordain any candidate until he has inquired of him whether he has ever directly or indirectly applied for Holy Orders in any other diocese; and if the Bishop has reason to believe that the candidate has been refused Holy Orders in any other Diocese, he shall write to the Bishop of such Diocese, or, if there be no Bishop, to the Standing Committee, to know whether any just cause exists why the candidate should not be ordained. When

\* § 12, Canon iii., 1856.

† § 13, Canon iii., 1856.

‡ § 14, Canon iii., 1856.

∥ Last clause of § 15, Canon iii., 1856.

*General Provisions and Requisites for Ordination.*

any Bishop rejects the application of any candidate for Holy Orders, he shall immediately give notice to the Bishop of every Diocese, or, where there is no Bishop, to the Standing Committee.\*

§ II. Deacon's Orders shall not be conferred on any person until he shall be twenty-one years old, nor Priest's Orders until he shall be twenty-four years old. No Deacon shall be ordained Priest unless he shall have been a Deacon one year, except, for reasonable causes, it shall otherwise seem good to the Bishop.†

§ III. Every candidate for Holy Orders who may be recommended by the Standing Committee of any Diocese destitute of a Bishop, if he have resided for the greater part of three years last past within the Diocese of a Bishop, shall apply to such Bishop for ordination. And such candidate shall produce the usual testimonials, as well from the Committee of the Diocese in which he has resided, as from the Committee of the Diocese for which he is to be ordained.‡

§ IV. No Bishop of this Church shall ordain any person to officiate as a Priest in any congregation or Church destitute of a Bishop, situated without the jurisdiction of these United States, until the usual testimony from the Standing Committee, founded upon sufficient evidence of his soundness in the faith, and of his pious and moral character, has been obtained, nor until the candidate has been examined on the studies prescribed by the Canons of this Church; and should any clergyman, so ordained, wish to settle in any congregation of this Church, he must obtain a special license therefor from the Bishop, and officiate as a probationer for at least one year.¶

§ V. A clergyman who presents a person to the Bishop for Holy Orders, as specified in the Office for Ordination, without having good grounds to believe that the requisitions of the Canons have been complied with, shall be liable to ecclesiastical censure.\*\*

\* § 16, Canon, iii., 1856.

† § 1, Canon v., 1856; Canon viii., 1832.

‡ § 7, Canon iv., 1856.

¶ § 15, Canon v., 1856.

\*\* § 12, Canon iv., 1856.

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*Examination, etc., for Deacon's Orders.*

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§ VI. Agreeably to the practice of the primitive Church, the stated times of ordination shall be on the Sundays following the Ember Weeks, namely, the Second Sunday in Lent, the Feast of Trinity, and the Sundays after the Wednesdays following the 14th day of September and the 13th of December. Occasional ordinations may be held at such other times as the Bishop shall appoint.\*

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**CANON 5.***Examination and Testimonials for Deacon's Orders, and Ordination.*

§ I. Every person hereafter to be ordained Deacon in this Church, shall be examined by the Bishop and two Presbyters, whose duty it shall be to ascertain that he is well acquainted with the Holy Scriptures and the Book of Common Prayer, and who shall inquire into his fitness for the ministrations declared in the Ordinal to appertain to the office of a Deacon, and be satisfied thereof.†

§ II. [1.] A person admitted as a candidate for Deacon's Orders shall remain a candidate for the term of three years before his ordination, unless the Bishop, with the consent of the Standing Committee, shall deem it expedient to ordain the candidate after the expiration of a shorter period, not less than one year; but this provision shall not apply to candidates under Section VI. of this Canon.

[2.] Before his examination, the candidate shall present to the Bishop a testimonial from at least one Rector of a Parish, signifying a belief that he is well qualified to minister in the office of a Deacon, to the glory of God and the edification of the Church.‡

\* Canon xx., 1832. In 1789 the Canon was passed without the last clause. In 1808 this was added, and the Canon has continued unchanged since then.

† § 1, Canon iv., 1856.

‡ § 2, Canon iv., 1856. Amended in 1862.

*Examination, etc., for Deacon's Orders.*

§ III. No person shall be ordained Deacon in this Church unless he exhibit to the Bishop testimonials from the Standing Committee of the Diocese for which he is to be ordained, which shall be signed by the names of a majority of all the Committee, the Committee being duly convened, and which shall be in the following words:—

“We, whose names are hereunder written, testify that A. B. hath laid before us satisfactory testimonials, that for the space of three years last past he hath lived piously, soberly, and honestly, and hath not written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and, moreover, we think him a person worthy to be admitted to the sacred Order of Deacons. In witness whereof, we have hereunto set our hands this —— day of ——, in the year of our Lord ——.”\*

§ IV. But before a Standing Committee shall proceed to recommend any candidate, as aforesaid, to the Bishop, such candidate shall produce from the Minister and Vestry of the parish where he resides, or from the Vestry alone if the parish be vacant; or, if there be no vestry, from at least twelve respectable persons of the Protestant Episcopal Church, testimonials of his piety, good morals, and orderly conduct, in the following words:—

“We, whose names are hereunder written, do testify from evidence satisfactory to us, that A. B., for the space of three years last past, hath lived piously, soberly, and honestly, and hath not, so far as we know or believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and, moreover, we think him a person worthy to be admitted to the sacred Order of Deacons. In witness whereof, we have hereunto set our hands this —— day of ——, in the year of our Lord ——.”

He shall also lay before the Standing Committee testimonials signed by at least one respectable Presbyter of the Protestant Episcopal Church in the United States, in the following words:—

“I do certify, that A. B., for the space of three years last past, hath lived piously, soberly, and honestly, and hath not, so far as I know or believe, written, taught, or held anything contrary to the doctrine or discipline of the Protestant Episcopal Church; and, moreover, I think him a person worthy to be admitted to the sacred Order of Deacons. This testimonial is founded on my personal knowledge of the said A. B. for one year last past, and for the residue of the said time upon evidence that is satisfactory to me. In witness whereof, I have hereunto set my hand this —— day of —— in the year of our Lord, ——.”†

\* § 4, Canon iv., 1856.

† § 5, Canon iv., 1856.

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*Examination, etc., for Deacon's Orders.*

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§ V. But in case a candidate, from some peculiar circumstances not affecting his pious or moral character, shall be unable to procure testimonials from the Minister and Vestry of the parish where he resides, the Standing Committee may accept testimonials of the purport above stated, from at least twelve respectable members of the Protestant Episcopal Church, and from at least one respectable Presbyterian of the said Church, who has been personally acquainted with the candidate for at least one year.\*

§ VI. Candidates, who, not having Episcopal ordination, have been acknowledged as ordained or licensed ministers in any other denomination of Christians, may, at the expiration of not less than six months from their admission as Candidates, be ordained Deacons, on their passing the same examinations as other candidates for Deacon's Orders; and, in the examinations, special regard shall be had to those points in which the denomination whence they come differs from this Church, with a view of testing their information and soundness in the same; and also of ascertaining that they are adequately acquainted with the Liturgy and Offices of this Church; provided, that in their case the testimonials shall be required to cover only the time since their admission as candidates for Holy Orders.†

§ VII. When any person, not a citizen of the United States, who has been acknowledged as an ordained or licensed minister in any other denomination of Christians, shall apply for Orders in this Church, the Bishop, to whom application is made, shall require of him (in addition to the above qualifications,) satisfactory evidence that he has resided at least one year in the United States previous to his application.‡

\* § 6, Canon iv., 1856.

† § 3, Canon iv., 1856.

‡ § 8, Canon iv., 1856



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*Of Deacons.*

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## CANON 6.

*Of Deacons.*

§ I. Every Deacon shall be subject to the regulation of the Bishop, or, if there be no Bishop, of the clerical members of the Standing Committee of the Diocese for which he is ordained, until he receive letters of dismission therefrom to the Bishop or ecclesiastical authority of some other Diocese, and be thereupon received as a clergyman of such other Diocese; and he shall officiate in such places as the Bishop, or the said clerical members, may direct.\*

§ II. [1.] No Deacon shall be settled over a parish, or congregation, or permitted to accept of a chaplaincy in the United States Army or Navy,† until he shall have satisfactorily passed the three examinations required for Priest's Orders.

[2.] No Deacon shall officiate in any parish, or congregation, without the express consent of the Rector for the time being, where there is a Rector, nor in any case without the assent of the Bishop; and when officiating in the parish or congregation of a Rector, he shall be entirely subject to the direction of such Rector in all his ministrations.‡

§ III. No Deacon, who shall not have passed the examinations required for Priest's Orders, shall be transferred to another Diocese without the written request of the Bishop to whose jurisdiction he is to be transferred.||

\* § 11, Canon iv., 1856.

† This phrase touching Chaplaincies was added in 1862.

‡ § 9, Canon iv., 1856.

|| § 10, Canon iv., 1856.

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*Of Candidates for Priest's Orders, etc.*

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## CANON 7.

*Of Candidates for Priest's Orders, and their Ordination.*

§ I. If any candidate for Priest's Orders shall not, within three years after his admission, apply to have the first and second examinations held as hereinafter prescribed, or if he shall not, within five years from his admission, apply to have the third examination held (unless the Bishop, for satisfactory reasons to him assigned, shall allow him further time), the said person shall, in either case, cease to be a candidate.\*

§ II. [1.] Every Deacon of this Church may be admitted, by the Bishop of the Diocese to which he belongs, on the recommendation of the Standing Committee (or, where there is no Bishop, by the Standing Committee), a candidate for Priest's Orders, provided he have the qualifications hereinafter required.

[2.] A candidate for Deacon's Orders may, in like manner, and upon the same terms, be admitted a candidate for Priest's Orders, provided he do not require the dispensation hereafter allowed.†

§ III. Every person wishing to become a candidate for Priest's Orders, must lay before the Standing Committee a satisfactory diploma, or other satisfactory evidence that he is a graduate of some University, or College; or a certificate from two Presbyters appointed by the Bishop (or, where there is no Bishop, by the clerical members of the Standing Committee) to examine him, of his having satisfactorily sustained an examination in Natural Philosophy, Moral Philosophy, and Rhetoric, and in the Greek Testament and the Latin tongue.‡

§ IV. When a Deacon, applying to be admitted a candidate for Priest's Orders, wishes a knowledge of the Latin, Greek, and Hebrew languages, and other branches of learning not strictly ecclesiastical, to be dispensed with, the Standing Committee shall

\* § 14, Canon v., 1856.    † § 1, Canon v., 1856.    ‡ § 3, Canon v., 1856.

*Of Candidates for Priest's Orders, etc.*

not recommend him as a candidate, until he shall have laid before them a testimonial signed by at least two Presbyters of this Church, stating that, in their opinion, he possesses extraordinary strength of natural understanding, a peculiar aptitude to teach, and a large share of prudence; and the Bishop, with the consent of the Standing Committee, shall have granted the dispensation. But in regard to a knowledge of the Hebrew language, in all cases the Bishop shall have the sole discretion of dispensation.\*

§ V.† [Repealed in 1862. See Section II. of Canon 5, of this Title.]

§ VI. Every person who has been a candidate for the ministry of any other denomination, and has been received as a candidate for Priest's Orders in this Church, may be allowed by the Bishop, with the consent of the members of the Standing Committee, the period of time during which he has been a student of theology or candidate in such other denomination, provided the time so allowed does not exceed two years.‡

§ VII. [1.] There shall be assigned to every candidate for Priest's Orders three different examinations, at such times and places as the Bishop to whom he applies for Holy Orders shall appoint. The examination shall take place in the presence of the Bishop or two or more Presbyters, on the following studies prescribed by the Canons, and by the course of study established by the House of Bishops. The first examination shall be on the books of Scripture, the candidate being required to give an account of the different books, to translate from the original Greek and Hebrew, and to explain such passages as may be proposed to him. The second examination shall be on the Evidences of Christianity and Systematic Divinity; and the last examination shall be on Church History, Ecclesiastical Polity, the Book of Common Prayer, and the Constitution and Canons of the Church, and of the Diocese for which he is to be ordained. In the choice of books on the above

\* § 4, Canon v., 1856.

† § 5, Canon v., 1856.

‡ § 6, Canon v., 1856.

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*Of Candidates for Priest's Orders. etc.*

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subjects, the candidate is to be guided by the course of study established by the House of Bishops. At each of the forementioned examinations, he shall produce and read a sermon or discourse, composed by himself, on some passage of Scripture previously assigned to him, which, together with two other sermons or discourses on some passage or passages of Scripture selected by himself, shall be submitted to the criticisms of the Bishop and clergy present: and before his ordination he shall be required to perform such exercises in reading, in the presence of the Bishop and clergy, as may enable them to give him such advice and instructions as may aid him in performing the services of the Church, and delivering his sermons with propriety and devotion.

[2.] Such examinations may take place either before or after the admission of the candidate to Deacon's Orders. Nothing in this Canon shall be construed to require any person who has already passed any examination to repeat the same.\*

§ VIII. The Bishop may appoint some of his Presbyters to conduct the above examinations, and a certificate from these Presbyters, that the prescribed examinations have been held accordingly, and satisfaction given, shall be required of the candidate: provided that, in this case, the candidate shall, before his ordination, be examined by the Bishop, and two or more Presbyters, on the above studies.†

§, IX. In a Diocese where there is no Bishop, the Standing Committee shall act in his place, in appointing the examining Presbyters required by this Canon. And in this case, the candidate shall again be examined by the Bishop to whom he applies for Holy Orders, and two or more Presbyters, on the studies prescribed by the Canons.‡

§ X. No person shall be ordained a Priest unless he shall produce to the Bishop a satisfactory certificate from some Church, Parish, or Congregation, that he is engaged with them, and that

\* § 11, Canon v., 1856.

† § 12, Canon v., 1856.

‡ § 13, Canon v., 1856.

*Of Candidates for Priest's Orders, etc.*

they will receive him as their minister: or, unless he be a missionary under the ecclesiastical authority of the Diocese to which he belongs, or in the employment of some Missionary Society recognized by the General Convention; or unless he be engaged as a professor, tutor, or instructor of youth in some college, academy, or other seminary of learning duly incorporated,\* or as a chaplain in the Army or Navy of the United States.†

§ XI. No person shall be ordained a Priest in this Church until he shall have satisfied the Bishop and Presbyters by whom he shall be examined, that he is well acquainted with the Holy Scriptures, can read the Old Testament in the Hebrew language, and the New Testament in the original Greek; is adequately acquainted with the Latin tongue, and that he hath a competent knowledge of natural and moral philosophy, and of Church history, and hath paid attention to composition and pulpit eloquence, as a means of giving additional efficiency to his labours; unless the Bishop, with the consent of the Standing Committee of his Diocese, shall have dispensed with the knowledge of the Latin and Greek languages, and other branches of knowledge not strictly ecclesiastical, in consideration of such other qualifications for the Gospel ministry as are set forth in Section IV. of this Canon: the dispensation with the knowledge of the Hebrew language to be regarded as in that Section.‡

§ XII. No person shall be ordained a Priest in this Church until he shall have exhibited to the Bishop testimonials from the Standing Committee of the Diocese for which he is to be ordained, which shall be signed by the names of a majority of all the Committee, the Committee being duly convened, and shall be in the following words:—||

“We, whose names are underwritten, members of the Standing Committee of the Diocese of———, do testify that A. B. hath laid before us satisfactory testimonials,

\* § 10, Canon v., 1856.

† The phrase touching Chaplaincies was added in 1862.

‡ § 2, Canon v., 1856.

|| § 7, Canon v., 1856.

*Of Candidates for Priest's Orders, etc.*

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that, for the space of three years last past, he hath lived piously, soberly and honestly, and hath not written, taught or held any thing contrary to the doctrine or discipline of the Protestant Episcopal Church; and, moreover, we think him a person worthy to be admitted to the sacred Order of Priests. In witness whereof, we have hereunto set our hands this ——— day of ———, in the year of our Lord———.”

§ XIII. But before the Standing Committee shall proceed to recommend any candidate, as aforesaid, to the Bishop, such candidate shall produce from the Minister and Vestry of the parish where he resides, or, if the parish be vacant, or if the applicant be the minister of the parish, (a Deacon desirous of Priest's Orders,) from the Vestry alone, testimonials of his piety, good morals and orderly conduct, in the following words:—

“ We, whose names are hereunder written, do testify that A. B., for the space of three years last past, hath lived piously, soberly and honestly, and hath not, so far as we know or believe, written, taught or held any thing contrary to the doctrine or discipline of the Protestant Episcopal Church; and, moreover, we think him a person worthy to be admitted to the sacred Order of Priests. In witness whereof, we have hereunto set our hands this ——— day of ———, in the year of our Lord ——.”

He shall also lay before the Standing Committee testimonials signed by at least one respectable Presbyter of the Protestant Episcopal Church in the United States, in the following form:—

I do certify, that A. B., for the space of three years last past, has lived piously, soberly and honestly, and has not, so far as I know or believe, written, taught or held any thing contrary to the doctrine or discipline of the Protestant Episcopal Church; and, moreover, I think him a person worthy to be admitted to the sacred Order of Priests.\* This testimonial is founded on my personal knowledge of the said A. B. for one year last past, and for the residue of the said time upon evidence that is satisfactory to me. In witness whereof I have hereunto set my hand this —— day of ——, in the year of our Lord ——.”†

Under the circumstances mentioned in Section V. of said Canon 5, or if there should be no Vestry, the certificate provided for in that Section may be substituted for the one above mentioned.‡

\* Typographical error [*Deacons*] corrected in 1862.

† § 5, Canon iv., 1856.

‡ § 8, Canon v., 1856.

## CANONS 8, 9.

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### *Of the Admission of Ministers, etc.*

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§ XIV. In the case of a candidate for Priest's Orders, who has been ordained a Deacon within three years preceding, the testimonials may be so altered as to extend to such portion only of the three years preceding his application for Priest's Orders, as have elapsed since his ordination as Deacon; and the Standing Committee shall allow the testimonials so altered the same effect as if in the form prescribed, and shall sign their own testimonial, in such altered form, with the same effect as if in the form prescribed, unless some circumstance shall have occurred that tends to invalidate the force of the evidence on which the candidate was ordained Deacon.\*

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### CANON 8.

#### *Of Ministers Officiating in a Foreign Language.*

When a clergyman, coming from a foreign country, and professing to be regularly ordained, shall be called to a Church of this communion in which Divine Service is celebrated in a foreign language, he may, with the approbation of the Bishop of the Diocese in which such Church is situated, acting with the advice and consent of the Standing Committee, or with the unanimous consent of the Standing Committee if there be no Bishop, and, on complying with the other requisitions of the Canons, settle in the said Church, as the minister thereof, without having resided one year in the United States, any thing in these Canons to the contrary notwithstanding.†

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### CANON 9.

#### *Of the Admission of Ministers ordained by Bishops not in Communion with this Church.*

When a Deacon or Priest ordained by a Bishop not in communion with this Church, shall apply to a Bishop for admission into the

\* § 9, Canon v., 1856

† Canon xxiv., 1832.

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*Of Ministers ordained in Foreign Countries, etc.*

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same as a minister thereof, he shall produce a written certificate from at least two Presbyters of this Church stating that, from personal knowledge of the party, or satisfactory evidence laid before them, they believe that his desire to leave the communion to which he has belonged, has not arisen from any circumstance unfavorable to his moral or religious character, or on account of which it may be inexpedient to admit him to the exercise of the ministry in this Church; and he shall also, not less than six months after his application, in the presence of the Bishop and two or more Presbyters, subscribe the declaration contained in Article 7 of the Constitution; which being done, the Bishop, being satisfied of his theological acquirements, may receive him as such minister.\*

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**CANON 10.***Of Ministers ordained in Foreign Countries by Bishops in Communion with this Church.*

§ I. A clergyman coming from a foreign country, and professing to have been ordained out of the United States by a foreign Bishop in communion with this Church, or by a Bishop consecrated for a foreign country by Bishops of this Church under Article 10 of the Constitution, or by a Missionary Bishop elected to exercise Episcopal functions in any place or places out of the United States, shall, before he be permitted to officiate in any parish or congregation, exhibit to the minister, or if there be no minister to the Vestry thereof, a certificate signed by the Bishop of the Diocese, or if there be no Bishop by the Standing Committee duly convened, that his letters of Holy Orders are authentic, and given by some Bishop in communion with this Church, and whose authority is acknowledged by this Church; and also that he has exhibited to the Bishop or Standing Committee satisfactory evidence of his pious and moral character, and of his theological acquirements; and in any case, before he shall be permitted to settle in any Church or Parish, or be received into union with any Diocese of this Church as a

\* Canon x., 1841.



*Of Persons not Ministers officiating.*

minister thereof, he shall produce to the Bishop, or if there be no Bishop to the Standing Committee thereof, a letter of dismissal from under the hand and seal of the Bishop with whose Diocese he has been last connected; which letter shall be, in substance, that provided for in Section VII. of Canon 12 of this Title, and shall be delivered within six months from the date thereof; and when such clergyman shall have been so received, he shall be considered as having passed entirely from the jurisdiction of the Bishop from whom the letter of dismissal was brought, to the full jurisdiction of the Bishop or other ecclesiastical authority by whom it shall have been accepted, and become thereby subject to all the canonical provisions of this Church; *Provided*, that no such clergyman shall be so received into union with any Diocese until he shall have subscribed, in the presence of the Bishop of the Diocese in which he applies for reception, and of two or more Presbyters, the declaration contained in Article 7 of the Constitution; which being done, said Bishop or Standing Committee, being satisfied of his theological acquirements, may receive him into union with this Church as a minister of the same; *Provided, also*, that such minister shall not be entitled to settle in any Parish or Church, as canonically in charge of the same, until he shall have resided one year in the United States subsequent to the acceptance of his letter of dismissal.

§ II. And if such foreign clergyman be a Deacon, he shall reside in this country at least three years, and obtain in this country the requisite testimonials of character, before he be ordained a Priest.\*

## CANON 11.

*Of Persons not Ministers officiating.*

§ I. No person shall be permitted to officiate in any congregation of this Church without first producing the evidence of his being a Minister thereof to the Minister, or, in case of vacancy or absence,

\* Canon ix., 1844.

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*General Regulations of Ministers, etc.*

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to the Church Wardens, Vestrymen, or Trustees of the Congregation.\*

§ II. No Minister shall officiate transiently in a Vacant Parish, or in one the Rector or Minister of which is sick or absent, unless the Wardens or Vestry are satisfied that he is at the time a Minister in good and regular Standing. When from another Diocese, letters commendatory from the ecclesiastical authority thereof may be required.†

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CANON 12.

*General Regulations of Ministers and their Duties.*

§ I. [1.] It is hereby required, that on the election of a Minister into any Church or Parish, the Vestry shall deliver, or cause to be delivered, to the Bishop, or where there is no Bishop, to the Standing Committee of the Diocese, notice of the same, in the following form, or to this effect:—

“ We, the Churchwardens (*or, in case of an Assistant Minister, We, the Rector and Churchwardens*) do certify to the Right Rev. (*naming the Bishop*), or to the Rev. (*naming the President of the Standing Committee*) that (*naming the person*) has been duly chosen Rector (*or, Assistant Minister, as the case may be*) of (*naming the Parish or Church.*)

Which certificate shall be signed by the names of those who certify.

[2.] If the Bishop or the Standing Committee be satisfied that the person so chosen is a qualified Minister of this Church, the Bishop, or the President of the Standing Committee, shall transmit the said certificate to the Secretary of the Convention, who shall record it in a book to be kept by him for that purpose.‡

[3.] And if the Minister be a Presbyter, the Bishop, or President of the Standing Committee, may, at the instance of the Vestry,

\* Canon xxxvi., 1832.

† § 5, Canon vii., 1856.

‡ § 2, Canon vii., 1856.

*General Regulations of Ministers, etc.*

proceed to have him instituted according to the Office established by this Church, if that Office be used in the Diocese. But if he be a Deacon, the act of Institution shall not take place until after he shall have received Priest's Orders. This provision, concerning the use of the Office of Institution, is not to be considered as applying to any congregation destitute of a house of worship.\*

§ II. No Minister, removing from one Diocese or Missionary District to another, shall officiate as the Rector, Stated Minister, or Assistant Minister of any Parish or Congregation of the Diocese or District to which he removes, until he shall have obtained from the ecclesiastical authority a certificate in the words following:—

“I hereby certify that the Rev. A. B. has been canonically transferred to my jurisdiction, and is a Minister in regular standing.”\*

§ III. The Alms and Contributions at the Administration of the Holy Communion shall be deposited with the Minister of the Parish, or with such Church officer as shall be appointed by him, to be applied by the Minister, or under his superintendence, to such pious and charitable uses as shall by him be thought fit.†

§ IV. [1.] It shall be the duty of Ministers to prepare young persons and others for the holy ordinance of Confirmation. And on notice being received from the Bishop of his intention to visit any Church, which notice shall be at least one month before the intended visitation, the Minister shall give immediate notice to his parishioners, individually, as opportunity may offer, and also to the congregation on the first occasion of public worship after the receipt of said notice. And he shall be ready to present for Confirmation such persons as he shall think properly qualified, and shall deliver to the Bishop a list of the names of those confirmed.

[2.] And at every visitation it shall be the duty of the Minister, and of the Church Wardens or Vestry, to give information to the

\* § 3, Canon vii., 1856.

† § 4, Canon vii., 1856.

‡ Canon lii., 1832.

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*General Regulations of Ministers, etc.*

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Bishop of the state of the congregation, under such heads as shall have been committed to them in the notice given as aforesaid.

[3.] And further, the Ministers and Church Wardens of such congregations as cannot be conveniently visited in any year, shall bring or send to the Bishop, at the stated meeting of the Convention of the Diocese, information of the state of the congregation, under such heads as shall have been committed to them at least one month before the meeting of the Convention.\*

§ V. [1.] Every Minister of this Church shall keep a Register of baptisms, confirmations, communicants, marriages, and funerals, within his cure, agreeably to such rules as may be provided by the Convention of the Diocese where his cure lies; and if none such be provided, then in such manner as in his discretion he shall think best suited to the uses of such a register.

[2.] The intention of the Register of Baptisms is hereby declared to be, as for other good uses, so especially for the proving of the right of the Church-membership of those who may have been admitted into this Church by the holy ordinance of Baptism.

[3.] Every Minister of this Church shall make out and continue, as far as practicable, a list of all families and adult persons within his cure, to remain for the use of his successor, to be continued by him, and by every future Minister in the same parish.†

§ VI. [1.] No Minister belonging to this Church shall officiate, either by preaching, reading prayers, or otherwise, in the parish, or within the parochial cure, of another clergyman, unless he have received express permission for that purpose from the Minister of the parish or cure, or, in his absence, from the Church Wardens and Vestrymen, or Trustees of the Congregation, or a majority of them.

[2.] Where parish boundaries are not defined by law, or settled by Diocesan authority under the second Section of Canon V. of Title III. of this Digest, or are not otherwise settled, they shall, for the purposes of this Section, be defined by the civil divisions of the State, as follows:

\* Canon xxvi., 1832.

† § Canon xxix., 1832.

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*General Regulations of Ministers, etc.*

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Parochial boundaries shall be the limits, as now fixed by law, of any village, town, township, incorporated borough, city, or the limits of some division thereof which may have been recognized by the Bishop, acting with the advice and consent of the Standing Committee, as constituting the boundaries of a parish.

If there be but one Church or congregation within the limits of such village, town, township, borough, city, or such division of a city or town as herein provided, the same shall be deemed the parochial cure of the Minister having charge thereof. If there be two or more congregations or Churches therein, it shall be deemed the cure of the Ministers thereof; and the assent of a majority of such Ministers shall be necessary.

When, under Diocesan authority, a new parish is constituted, and its boundaries defined, this Section shall be applicable to the same as so established.

[3.] If any Minister of the Church, from inability or any other cause, neglect to perform the regular services in his Congregation, and refuse, without good cause, his consent to any other Minister of the Church to officiate within his cure, the Church Wardens, Vestrymen, or Trustees of such Congregation shall, on proof of such neglect or refusal before the Bishop of the Diocese, or if there be no Bishop, before the Standing Committee, or before such persons as may be deputed by him or them, or before such persons as may be, by the regulations of this Church in any Diocese, vested with the power of hearing and deciding on complaints against Clergymen, have power, with the written consent of the before-mentioned authority, to open the doors of their Church to any regular Minister of the Protestant Episcopal Church.

[4.] This Canon shall not affect any legal rights of property of any parish.\*

§ VII. [1.] A Minister of this Church removing within the jurisdiction of any Bishop or other ecclesiastical authority, shall, in order to gain canonical residence with the same, present to said ecclesiastical authority a testimonial from the ecclesiastical authority

\* Canon as amended in 1859.

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*General Regulations of Ministers, etc.*

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of the Diocese or Missionary District in which he last resided, which testimonial shall set forth his true standing and character. The testimonial may be in the following words:—

“I hereby certify that A. B., who has signified to me his desire to be transferred to the ecclesiastical authority of ———, is a Presbyter (or Deacon) of ———, in regular standing, and has not, so far as I know or believe, been justly liable to evil report, for error in religion or viciousness of life, for three years last past.”

[2.] All such testimonials shall be called Letters Dimissory. No such letter shall affect a Minister's canonical residence, until, after having been presented according to its address, it shall have been accepted, and notification of such acceptance given to the authority whence it proceeded. The residence of the Minister so transferred shall date from the acceptance of his letter of transfer. If not presented within three months after its date, it may be considered as void by the authority whence it proceeded; and shall be so considered, unless it be presented within six months.

[3.] If a Minister, removing into another Diocese, who has been called to take charge of a parish or congregation, shall present a testimonial in the form aforesaid, it shall be the duty of the ecclesiastical authority of the Diocese to which he has removed, to accept it, unless the Bishop or Standing Committee should have heard rumours, that he or they believe to be well founded, against the character of the Minister concerned, which would form a proper ground of canonical inquiry and presentment; in which case the ecclesiastical authority shall communicate the same to the Bishop or Standing Committee of the Diocese to whose jurisdiction the said Minister belongs; and, in such case, it shall not be the duty of the ecclesiastical authority to accept the testimonial, unless, and until, the Minister shall be exculpated from the said charges.

[4.] It shall be the duty of all ministers, except professors in the General Theological Seminary, officers of the Board of Missions, and chaplains in the Army and Navy, to obtain and present letters of transfer as above described, whenever they remove from one Diocese or Missionary District to any other Diocese or

*Of Bishops.*

Missionary District, whether Domestic or Foreign, and remain there for the space of six months.\*

## CANON 13.

*Of Bishops.*

§ I. [1.] To entitle a Diocese to the choice of a Bishop, by the Convention thereof, there must be, at the time of such choice, and have been during the year previous, at least six officiating Presbyters therein, regularly settled in a parish, or Church, and qualified to vote for a Bishop, and six or more parishes represented in the Convention electing. But two or more adjoining Dioceses, not having respectively the requisite number of Presbyters to entitle either to the choice of a Bishop, may associate and proceed to the choice of a Bishop, to exercise jurisdiction alike in each of the associated Dioceses, if there be at the time of such choice, and have been during the year previous, nine or more such Presbyters residing in any part of such associated Dioceses, qualified as aforesaid; and the Bishop, so elected, shall exercise Episcopal jurisdiction over each of the associated Dioceses, until such time as some one of such Dioceses, having six or more Presbyters canonically qualified to elect a Bishop, shall elect him, and he shall have accepted the office as its own exclusive Diocesan; whereupon, his connection with the other associated Diocese or Dioceses shall cease and determine: *Provided*, always, that the Dioceses thus associated in the election of a common Bishop, and the Conventions thereof, shall, in all other respects, remain as before, unconnected and independent of each other; and *Provided*, also, that such association shall be dissolved on the demise of the Bishop, if not before.

[2.] A Minister is settled, for all purposes here or elsewhere mentioned in these Canons, who has been engaged permanently by any parish, according to the rules of said Diocese, or for any term not less than one year.†

\* Canon vi., of 1856.

† Canon ii., 1844.

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*Of Bishops.*

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§ II. [1.] Every Bishop elect, before his consecration, shall produce to the House of Bishops, from the Convention by whom he is elected, evidence of such election; and from the House of Clerical and Lay Deputies in General Convention, evidence of their approbation of his testimonials, and of their assent to his consecration: and also certificates, respectively, in the following words; such certificates, in both cases, to be signed by a constitutional majority of the members of the Diocesan Convention, or of the House of Clerical and Lay Deputies, as the case may be. The same evidence of election by, and the same certificate from, the members of the Diocesan Convention, shall be presented to the House of Clerical and Lay Deputies in General Convention.

*Testimony from the Members of the Convention in the Diocese from whence the Person is recommended for Consecration.*

“We, whose names are underwritten, fully sensible how important it is that the sacred office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion, without partiality or affection, do, in the presence of Almighty God, testify that A. B. is not, so far as we are informed, justly liable to evil report, either for error in religion, or for viciousness in life, and that we do not know or believe there is any impediment, on account of which he ought not to be consecrated to that holy Office. We do, moreover, jointly and severally, declare that we do, in our conscience, believe him to be of such sufficiency in good learning, such soundness in the faith, and of such virtuous and pure manners, and godly conversation, that he is apt and meet to exercise the Office of a Bishop to the honour of God, and the edifying of His Church, and to be a wholesome example to the flock of Christ.”

The above certificate shall be presented to the House of Clerical and Lay Deputies in General Convention.

*Testimony from the House of Clerical and Lay Deputies in General Convention.*

“We, whose names are underwritten, fully sensible how important it is that the sacred Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony, on this solemn occasion, without partiality or affection, do, in the presence of Almighty God, testify that A. B. is not, so far as we are informed, justly liable to evil report, either for error in religion, or for viciousness of life; and that we do not know or believe there is any impediment, on account of which he ought not to be consecrated to that holy Office, but that he hath, as we believe, led his life, for three years last past, piously, soberly, and honestly.”



*Of Bishops.*

[2.] If the House of Bishops consent to the consecration, the Presiding Bishop, with any two Bishops, may proceed to perform the same, or any three Bishops to whom he may communicate the testimonials.\*

§ III. [1.] If, during the recess of the General Convention, the Church in any Diocese should be desirous of the consecration of a Bishop elect, the Standing Committee of the Church in such Diocese may, by their president, or by some person or persons specially appointed, communicate the desire to the Standing Committees of the Churches in the different Dioceses, together with copies of the necessary testimonials; and if the major number of the Standing Committees shall consent to the proposed consecration, the Standing Committee of the Diocese concerned shall forward the evidence of such consent, together with other testimonials, to the Presiding Bishop of the House of Bishops, or, in case of his death, to the Bishop who, according to the rules of the House of Bishops, is to preside at the next General Convention, who shall communicate the same to all the Bishops of this Church in the United States; and if a majority of the Bishops consent to the consecration, the Presiding Bishop or Bishop aforesaid, with any two Bishops, may proceed to perform the same, or any three Bishops to whom he may communicate the testimonials.

[2.] The evidence of the consent of the different Standing Committees shall be in the form prescribed for the House of Clerical and Lay Deputies in General Convention; and, without the aforesaid requisites, no consecration shall take place during the recess of the General Convention; but in case the election of a Bishop shall take place within six months before the meeting of the General Convention, all matters relative to the consecration shall be deferred until the said meeting.†

§ IV. No man shall be consecrated a Bishop of this Church until he shall be thirty years old.‡

\* Canon iii., 1832.

‡ Canon viii., 1832.

† Canon v., 1832.

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*Of Bishops.*

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§ V. When a Bishop of a Diocese is unable, by reason of old age, or other permanent cause of infirmity, to discharge his Episcopal duties, one Assistant Bishop may be elected by and for the said Diocese, who shall, in all cases, succeed the Bishop in case of surviving him. The Assistant Bishop shall perform such Episcopal duties, and exercise such Episcopal authority in the Diocese, as the Bishop shall assign to him; and, in case of the Bishop's inability to assign such duties, declared by the Convention of the Diocese, the Assistant Bishop shall, during such inability, perform all the duties, and exercise all the authorities which appertain to the office of a Bishop. No person shall be elected or consecrated a Suffragan Bishop, nor shall there be more than one Assistant Bishop in a Diocese at the same time.\*

§ VI. A Diocese deprived of the services of its Bishop by a sentence of suspension without a precise limitation of time, may proceed to the election of a Provisional Bishop, who, when duly consecrated, shall exercise all the powers and authority of the Bishop of the Diocese during the suspension of such Bishop; and who, in case of the remission of the sentence of the Bishop, and his restoration to the exercise of his jurisdiction, shall perform the duties of Assistant Bishop prescribed by the fifth Section of this Canon; and who in all cases shall succeed to the Bishop on his death or resignation.†

§ VII. [1.] The House of Clerical and Lay Deputies may, from time to time, on nomination by the House of Bishops, elect a suitable person or persons to be a Bishop or Bishops of this Church, to exercise Episcopal functions in States or Territories not organised into Dioceses. The evidence of such election shall be a certificate, to be subscribed by a constitutional majority of said House of Clerical and Lay Deputies, in the form required by the second Section of this Canon to be given by the members of Diocesan Conventions on the recommendation of Bishops elect for consecration, which certificate shall be produced to the House of

\* Canon vi., 1832.

† Canon iii., 1850.

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*Of Bishops.*

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Bishops ; and if the House of Bishops shall consent to the consecration, they may take order for that purpose.

[2.] The Bishop or Bishops so elected and consecrated, shall exercise Episcopal functions in such States and Territories, in conformity with the Constitution and Canons of the Church, and under such regulations and instructions, not inconsistent therewith, as the House of Bishops may prescribe ; and the House of Bishops may at any time increase or diminish the number of States or Territories over which the said Bishop or Bishops shall exercise Episcopal functions.

[3.] In case of the death or resignation of a Missionary Bishop, or of a vacancy by other cause, the charge of the vacant Missionary Episcopate shall devolve on the senior Bishop of this Church, with the power of appointing some other Bishop as his substitute in said charge.

[4.] The jurisdiction of this Church extending in right, though not always in form, to all persons belonging to it within the United States, it is hereby enacted, that each Missionary Bishop shall have jurisdiction over the clergy in the district assigned him, and may, in case a presentment and trial of a clergyman become proper, request the action of any Presbyters and Standing Committee, in any Diocese sufficiently near, and the presentment and trial shall be according to the Constitution and Canons of said Diocese. Or, if there be such a Standing Committee appointed by the Missionary Bishop as is hereinafter provided for, the clerical members thereof may make presentment, and the trial shall take place according to the Constitution and Canons of any Diocese of this Church which may have been selected at the time of the appointment of such Standing Committee ; *Provided*, that the Court shall be composed of at least three Presbyters, excluding the members of the Standing Committee and the accused.

[5.] Any Bishop or Bishops elected and consecrated under this Section, shall be entitled to a seat in the House of Bishops, and shall be eligible to the office of Diocesan Bishop in any organized Diocese within the United States. And whenever a Diocese shall have been organized within the jurisdiction of such Missionary

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Bishop, if he shall be chosen Bishop of such Diocese, he may accept the office without vacating his Missionary appointment; *Provided*, that he continue to discharge the duties of Missionary Bishop within the residue of his original jurisdiction, if there be such residue.

[6.] Every such Bishop may yearly appoint two Presbyters, and two Laymen communicants of this Church, resident within his missionary jurisdiction, to perform the duties of a Standing Committee for such jurisdiction; *Provided*, that no Standing Committee constituted under this Section shall have power to give or refuse assent to the consecration of a Bishop.

[7.] Every such Bishop shall report to each General Convention his proceedings, and the state and condition of the Church in said States and Territories of the United States; and, at least once a year, make a report to the Board of Missions.\*

§ VIII. [1.] The House of Clerical and Lay Deputies may, from time to time, on nomination by the House of Bishops, elect a suitable person or persons to be a Bishop or Bishops of this Church, to exercise Episcopal functions in any Missionary station or stations of this Church out of the Territory of the United States, which the House of Bishops, with the concurrence of the House of Clerical and Lay Deputies, may have designated. The evidence of such election shall be a certificate, to be subscribed by a constitutional majority of said House of Clerical and Lay Deputies, expressing their assent to the said nomination, which certificate shall be produced to the House of Bishops; and if the House of Bishops shall consent to the consecration, they may take order for that purpose.

[2.] Any Bishop elected and consecrated under this Section, or any foreign Missionary Bishop heretofore consecrated to exercise Episcopal functions in any place or country which may have been thus designated, shall have no jurisdiction, except in the place or country for which he has been elected and consecrated. He shall † be entitled to a seat in the House of Bishops, but † shall not †

\* Canon x., 1856.

† These words were thus altered in 1865.

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become a Diocesan Bishop in any organized Diocese within the United States, unless with the consent of three-fourths of all the Bishops entitled to seats in the House of Bishops, and also of three-fourths of the Clerical and Lay Deputies present at the Session of the General Convention, or, in the recess of the General Convention, with the consent of the Standing Committees of three-fourths of the Dioceses.

[3.] Any Bishop or Bishops consecrated under this Section, or any Foreign Missionary Bishop heretofore consecrated, shall, on presentment by two-thirds of the Missionaries under his charge, for immorality or heresy, or for a violation of the Constitution or Canons of this Church, be tried, and, if found guilty, sentenced, in all particulars as if he were actually resident within the limits of the United States, except that the trial may be within any Diocese in the United States.

[4.] Any Bishop or Bishops elected and consecrated under this Section, or any Foreign Missionary Bishop heretofore consecrated, or any Bishop to whom the exercise of Episcopal powers and functions in a foreign Church or Congregation shall have been assigned by the Presiding Bishop, may ordain as Deacons or Presbyters, to officiate within the limits of their respective Missions, or in such foreign Church or Congregation, any persons, of the age required by the Canons of this Church, who shall exhibit to him or them the testimonials required by Canons 5 and 7 of this Title, signed by not less than two of the ordained Missionaries of this Church who may be subject to his or their charge, or by two Presbyters of this Church, in good standing, connected with such foreign Church or Congregation.

*Provided, nevertheless,* that if there be only one ordained Missionary attached to the Mission, or only one Presbyter of this Church connected with such foreign Church or Congregation, and capable of acting at the time, the signature of a Presbyter in good standing under the jurisdiction of any Bishop in communion with this Church may be admitted to supply the deficiency.\*

[5.] Any Foreign Missionary Bishop consecrated under this

\* This Section was thus amended in 1865.

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*Of Bishops.*

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Section, or heretofore consecrated, may, by and with the advice of two Presbyters, one of whom, if necessity require, shall be a Presbyter in good standing under the jurisdiction of any Bishop in communion with this Church, dispense with those studies required from a candidate for Deacon's Orders by the Canons of this Church; *Provided*, that no person shall be ordained by him who has not passed a satisfactory examination, in the presence of two Presbyters, as to his theological learning and aptitude to teach: and *Provided, further*, that no person shall be ordained by him until he shall have been a candidate for at least three years. Nor shall any Deacon, so ordained, be advanced to the Order of Presbyters, who has not been in Deacon's Orders for at least one year. Nor shall any Deacon or Priest, who shall have been ordained under this Section, be allowed to hold any cure, or officiate in the Church in these United States, until he shall have complied with existing Canons relating to the learning of persons to be ordained.

[6.] Any Foreign Missionary Bishop or Bishops elected and consecrated under this Section, or any Foreign Missionary Bishop heretofore consecrated, shall have jurisdiction and government according to the Canons of this Church over all Missionaries or Clergymen of this Church, resident in the district or country for which he or they may have been consecrated.

[7.] Every such Bishop may yearly appoint not less than two nor more than five Presbyters, resident within his missionary jurisdiction, and acting under the appointment of the Board of Missions, to act as a Standing Committee in such missionary jurisdiction, upon all questions pertaining to the interests of such missionary jurisdiction; and, in case of the absence of the Bishop from his jurisdiction, or of a vacancy in the Episcopate, said Standing Committee shall be the ecclesiastical authority of such missionary jurisdiction.

[8.] If any Minister of this Church, acting under a Foreign Missionary appointment, and within the jurisdiction of a Foreign Missionary Bishop of this Church, shall commit any offence which comes within the provisions of Canon 2 of Title II., *Of Offences for which Ministers may be tried and punished*; or shall refuse

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obedience to the lawful authority of the Missionary Bishop ; such clergyman shall be proceeded against according to the Constitution and Canons of any Diocese of this Church which may have been selected at the time of the appointment of the Standing Committee of such missionary jurisdiction : *Provided*, that a presentment shall first be made by the members of said Standing Committee, or, if the accused party be a member of the Standing Committee, by the other member or members thereof.

[9.] The Court for the trial of such Minister shall consist of five Presbyters, excluding the members of the Standing Committee ; or, if there be not five, then of all the members of such missionary jurisdiction. If there be more than five, then shall the Standing Committee select, by lot, the five who shall compose the Court, which Court shall proceed in the trial, according to the Canons of the General Convention of the Protestant Episcopal Church, so far as the same may be applicable to such a case ; and where no provision is made adequate to the exigency, the Court shall consider and adjudge the case according to the principles of law and equity.

[10.] The sentence of the Court shall be rendered to the Bishop of such missionary jurisdiction, who shall have power to revise and modify the same, and the decision of the Bishop shall be final and conclusive.

[11.] Every Bishop elected and consecrated under this Section, or Foreign Missionary Bishop heretofore consecrated, shall report to each General Convention his proceedings and acts, and the state of the Mission under his supervision. He shall also make a similar report at least once a year to the Board of Missions of this Church.\*

§ IX. [1.] When a Diocese, entitled to the choice of a Bishop, shall elect as its Diocesan a Missionary Bishop of this Church, if such election shall have taken place within three months before a meeting of the General Convention, evidence thereof shall be laid before each House of the General Convention, and the concurrence of each House, and its express consent, shall be necessary to the validity of the said election, and shall complete the same ; so that

\* Canon i, 1850.

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the Bishop thus elected shall be thereafter the Bishop of the Diocese which has elected him.

[2.] If the said election have taken place more than three months before a meeting of the General Convention, the above process may be adopted, or the following instead thereof, viz.: The Standing Committee of the Diocese electing shall give duly certified evidence of the election to every Bishop of this Church, and to the Standing Committee of every Diocese. On receiving notice of the concurrence of a majority of the Bishops and of the Standing Committees in the election, and their express consent thereto, the Standing Committee of the Diocese concerned shall transmit notice thereof to every Bishop of this Church, and to the Standing Committee of each vacant Diocese, which notice shall state what Bishops and what Standing Committees have consented to the election. And the same Committee shall transmit to every Congregation in the Diocese concerned, to be publicly read therein, a notice of the election to the Episcopate thereof of the Bishop thus elected, and also cause public notice thereof to be given in such other way as they may think proper.\*

§ X. It is deemed proper that every Bishop of this Church shall deliver, at least once in three years, a charge to the clergy of his Diocese, unless prevented by reasonable cause. And it is also deemed proper that, from time to time, he shall address to the people of his Diocese Pastoral Letters on some points of Christian doctrine, worship, or manners.†

§ XI. [1.] Every Bishop in this Church shall visit the churches within his Diocese at least once in three years, for the purpose of examining the state of his Church, inspecting the behaviour of his Clergy, administering the Apostolic rite of Confirmation, ministering the Word, and, if he think fit, administering the Sacrament of the Lord's Supper, to the people committed to his charge. And if a Bishop shall decline, for more than three years, to visit a Parish or Congregation, for reasons which to him shall seem sufficient, it

\* Canon ix., 1856.

† Canon xxvi., 1832.



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shall be the duty of the Rector or Minister, and Vestry, or of one of them, to apply to the Presiding Bishop, to appoint the five Bishops in charge of Dioceses, who live nearest to the Diocese in which such Church or Congregation may be situated, to act as a Council of Conciliation, who shall amicably determine all matters of difference between the parties, and each party shall conform to the decision of the Council in the premises. If the Presiding Bishop shall be the party within whose jurisdiction the Parish or Congregation may be, then the application shall be made to the Bishop next in seniority. And in any such case as is above mentioned, the Bishop within whose jurisdiction the Parish or Congregation may be, may, at any time, if he please, apply himself to the Presiding Bishop, for a Council of Conciliation; *Provided*, that if, by the action of the General Convention, any Canon shall hereafter be made for the establishment of a Council or Councils of Conciliation, for the general purpose of amicably reconciling differences of this or any other kind, then such a case as is above named shall be referred to such general Council of Conciliation, and the parties shall abide by its decision.

[2.] To enable the Bishop, who may be Rector of a Church, to make his official visitation, it shall be the duty of the Clergy, in such reasonable rotation as may be devised, to officiate for him in the performance of his parochial duties, provision being made for the payment of their expenses.

[3.] It is left to each Diocese to make provision, in such way as it may deem proper, for defraying the necessary expenses of the Bishop's visitation.

[4.] The Bishop shall keep a register of his proceedings at every visitation of his Diocese.\*

§ XII. It is the duty of every Bishop of this Church to reside within his Diocese.†

§ XIII. It shall be lawful for any Bishop of a Diocese who is about to leave, or has left, his Diocese, with the intention of going

\* Canon ii., 1856.

† Canon i., 1856.

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out of the limits of the United States, or, if remaining out of his Diocese for the space of three calendar months although without leaving the United States, to authorize, by writing under his hand and seal, the Assistant Bishop, or, should there be none, the Standing Committee of such Diocese, to act as the ecclesiastical authority thereof. The Assistant Bishop or Standing Committee so authorized, shall thereupon become the ecclesiastical authority of such Diocese, to all intents and purposes, until such writing shall be revoked, or the Bishop shall return within the Diocese; *Provided*, that nothing in this Canon shall be so construed as to prevent any Bishop who may have signed such writing, from exercising his jurisdiction himself, so far as the same may be practicable, during his absence from his Diocese, or from permitting and authorizing any other Bishop to perform Episcopal offices for him.\*

§ XIV. The Bishop of each Diocese may compose forms of prayer or thanksgiving, as the case may require, for extraordinary occasions, and transmit them to each Clergyman within his Diocese, whose duty it shall be to use such forms in his Church on such occasions. And the Clergy in those States or Dioceses or other places within the bounds of this Church in which there is no Bishop, may use the form of prayer or thanksgiving composed by the Bishop of any Diocese. The Bishop in each Diocese may also compose forms of prayer to be used before legislative and other public bodies.†

§ XV. [1.] Any Bishop, Assistant Bishop, or Missionary Bishop may, on the invitation of the Convention or the Standing Committee of any Diocese where there is no Bishop, or where the Bishop is for the time under a disability to perform Episcopal offices by reason of a judicial sentence, visit and perform Episcopal offices in that Diocese, or in any part thereof; and this invitation may be temporary, and it may at any time be revoked.

[2.] A Diocese without a Bishop, or of which the Bishop is for the time under a disability by reason of a judicial sentence, may,

\* Canon iii., 1853.

† Canon xlvii. 1832.

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by its Convention, be placed under the full Episcopal charge and authority of the Bishop of another Diocese, or of a Missionary Bishop, who shall by that act be authorized to perform all the duties and offices of the Bishop of the Diocese so vacant or having the Bishop disabled: until, in the case of a vacant Diocese, a Bishop be duly elected and consecrated for the same; and, in the case of a Diocese whose Bishop is disqualified as aforesaid, until the disqualification be removed; or until, in either case, the said act of the Convention be revoked.

[3.] No Diocese thus placed under the full charge and authority of the Bishop of another Diocese, or of a Missionary Bishop, shall invite a second Bishop to perform any Episcopal duty, or exercise authority, till its connection with the first Bishop has expired or is revoked.\*

§ XVI. [1.] If, during the session of the General Convention, or within six calendar months before the meeting of any such Convention, a Bishop shall desire to resign his jurisdiction, he shall make known in writing to the House of Bishops such his desire, together with the reasons moving him thereto, whereupon the House of Bishops may investigate the whole case of the proposed resignation, including not only the facts and reasons that may be set forth in the application for the proposed resignation, but any other facts and circumstances bearing upon it, so that the whole subject of the propriety or necessity of such resignation may be placed fully before the House of Bishops.

[2.] An investigation having thus been made, the House of Bishops may decide on the application; and, by the vote of a majority of those present, accept or refuse to accept such resignation; and in all cases of a proposed resignation, the Bishops shall cause their proceedings to be recorded on their journal; and in case of acceptance, the resignation shall be complete when thus recorded; and notice thereof shall be given to the House of Clerical and Lay Deputies.

[3.] In case a Bishop should desire to resign at any period not

\* Canon iv., 1847.

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within six calendar months before the meeting of a General Convention, he shall make known to the Presiding Bishop such his desire, with the reasons moving him thereunto; whereupon the Presiding Bishop shall communicate, without delay, a copy of the same to every Bishop of this Church having ecclesiastical jurisdiction, and also to the Standing Committee of the Diocese to which the Bishop desiring to resign may belong; and, at the same time, summon said Bishops to meet him in person, at a place to be by him designated, and at a time not less than three calendar months from the date of his summons; and should a number not less than a majority of all the said Bishops meet at the time and place designated, they shall then have all the powers given by the previous clauses of this Section to the House of Bishops; and should a number less than a majority assemble, they shall have power to adjourn from time to time, until they can secure the attendance of a majority of all the said Bishops. Should a proposed resignation of a Bishop be accepted at any meeting of the Bishops for that purpose held during a recess, then it shall be the duty of the senior Bishop present to pronounce such resignation complete, and to communicate the same to the ecclesiastical authority of each Diocese, who shall cause the same to be communicated to the several clergymen in charge of congregations therein. And it shall be the further duty of the Presiding Bishop to cause such resignation to be formally recorded on the journal of the House of Bishops that may meet in General Convention next thereafter. If the Bishop desirous of resigning should be the Presiding Bishop, then all the duties directed in this Section to be performed by the Presiding Bishop shall devolve upon the Bishop next in seniority.

[4.] No Bishop whose resignation of the Episcopal jurisdiction of a Diocese has been consummated pursuant to this Section, shall, under any circumstances, be eligible to any Diocese now in union, or which may hereafter be admitted into union, with this Church; nor shall he have a seat in the House of Bishops; but he may perform Episcopal acts at the request of any Bishop of this Church having ecclesiastical jurisdiction, within the limits of this Diocese.

[5.] A Bishop who ceases to have the Episcopal charge of a

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Diocese shall still be subject in all matters to the Canons and authority of the General Convention.

[6.] In case a suspended Bishop of this Church should desire to resign at any period not within six calendar months before the meeting of a General Convention, he shall make known by letter to the Presiding Bishop such desire; whereupon the Presiding Bishop shall communicate a copy of the same to each Bishop of this Church having jurisdiction; and, in case a majority of such Bishops shall return to the Presiding Bishop their written assent to such resignation, the same shall be deemed valid and final; and written information of the said resignation shall at once be communicated by the Presiding Bishop to the Bishop and Diocese concerned, and to each Bishop of this Church.\*

§ XVII. [1.] If during the recess of the General Convention, and more than six months previous to its session, any vacancy arise, either by death, resignation, or other cause, in the office of any Missionary Bishop of this Church (whether Domestic or Foreign), the House of Bishops shall be convened by the Presiding Bishop, or, in case of his death, by the Bishop who, according to the rules of the House of Bishops, is to preside at the next General Convention; and thereupon may proceed to fill any and every such vacancy that may then exist, by electing a suitable person or persons to be a Bishop or Bishops of this Church, to exercise Episcopal functions within the district, place, country, territory, station, or jurisdiction, where such vacancy or vacancies may exist; and in case of such election, they shall, by the Presiding Bishop, or by some person or persons specially appointed, communicate the fact of such election to the Standing Committees of the Churches in the different Dioceses; and each Standing Committee that shall consent to the proposed consecration shall forward the evidence of such consent to the Presiding Bishop, or Bishop aforesaid. And if the major number of the Standing Committee shall consent to the proposed consecration, the Presiding or other Bishop as aforesaid shall forward copies of the evidence of such consent to each

\* Canon ii., 1850.

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*Of a List of the Ministers of this Church.*

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Bishop of this Church then within the limits of the United States ; and if a majority of such Bishops consent to the consecration, the Presiding Bishop or Bishop aforesaid, with any two Bishops, or any three Bishops to whom he may communicate the testimonials, may proceed to perform the same.

[2.] The evidence of the consent of the different Standing Committees shall be in the form prescribed for the House of Clerical and Lay Deputies in General Convention ; and without the aforesaid requisites no consecration shall take place of any Missionary Bishop elected during the recess of the General Convention.

[3.] Every Bishop elected and consecrated under this Section shall have the several functions, jurisdiction, powers and rights, granted by any Canon or Canons of this Church to Missionary Bishops, whether Domestic or Foreign, according as such Bishop shall be elected to be a Domestic or a Foreign Missionary Bishop ; and shall in all matters be subject to the Canons and authority of the General Convention.\*

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**CANON 14.***Of a List of the Ministers of this Church.*

§ I. The Secretary of the House of Clerical and Lay Deputies shall keep a register of all the Clergy of this Church, whose names shall be delivered to him in the following manner, that is to say : Every Bishop of this Church, or where there is no Bishop the Standing Committee of the Diocese, shall, at the time of every General Convention, deliver, or cause to be delivered, to the said Secretary, a list of the names of all the Ministers of this Church in their proper Diocese, annexing the names of their respective cures, or of their stations in any colleges, or other seminaries of learning ; or, in regard to those who have not any cures or other stations, their places of residence only ; and the said list shall, from

\* This Section was added in 1865.

*Mode of Securing an Accurate View, etc.*

time to time, be published in the journals of the General Convention.

§ II. And, further, it is recommended to the several Bishops of this Church, and to the several Standing Committees, that, during the intervals between the meetings of the General Convention, they take such means of notifying the admission of Ministers among them as, in their discretion respectively, they shall think effectual to the purpose of preventing ignorant and unwary people from being imposed on by persons pretending to be authorized Ministers of this Church.\*

## CANON 15.

*Of the Mode of securing an accurate View of the State of the Church.*

§ I. As a full and accurate view of the state of the Church, from time to time, is highly useful and necessary, it is hereby ordered that every Minister of this Church, or if the parish be vacant the Wardens, shall present, or cause to be delivered, on or before the first day of every Annual Convention, to the Bishop of the Diocese, or where there is no Bishop to the President of the Convention, a statement of the number of baptisms, confirmations, marriages and funerals, and of the number of communicants, in his parish or church, also the state and condition of the Sunday Schools in his parish, also of the amount of the Communion alms, the contributions for missions, diocesan, domestic, and foreign, for parochial schools, for Church purposes in general, and of all other matters that may throw light on the state of the same. And every clergyman, not regularly settled in any parish or church, shall also report the occasional services he may have performed; and, if he have performed no such service, the causes or reasons which have prevented the same. And these reports, or such parts

\* Canon xlvi.iii., 1832.

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*Mode of Securing an Accurate View, etc.*

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of them as the Bishop shall think fit, may be read in Convention, and shall be entered on the journals thereof.

§ II. At every annual Diocesan Convention, the Bishop shall deliver an address, stating the affairs of the Diocese since the last meeting of the Convention; the names of the churches which he has visited; the number of persons confirmed; the names of those who have been received as candidates for Orders, and of those who have been ordained, suspended, or degraded; the changes by death, removal, or otherwise, which have taken place among the Clergy; and, in general, all matters tending to throw light on the affairs of the Diocese; which address shall be inserted on the journals.

§ III. At every General Convention, the journals of the different Diocesan Conventions since the last General Convention, together with such other papers, viz.: Episcopal charges, addresses, and pastoral letters, as may tend to throw light on the state of the Church in each Diocese, shall be presented to the House of Clerical and Lay Deputies. A Committee shall then be appointed to draw up a view of the state of the Church, and to make report to the House of Clerical and Lay Deputies; which report, when agreed to by the said House, shall be sent to the House of Bishops, with a request that they will draw up, and cause to be published, a Pastoral Letter to the members of the Church. And it is hereby made the duty of every clergyman having a pastoral charge, when any such Letter is published, to read the said Pastoral Letter to his congregation on some occasion of public worship.

§ IV. It shall be the duty of the Secretary of the Convention of every Diocese, or of the person or persons with whom the journals or other ecclesiastical papers are lodged, to forward to the House of Clerical and Lay Deputies, at every General Convention, the documents and papers specified in this Canon.

§ V. It is recommended that the Bishop and Standing Committee of the Church in every Diocese, or if there be no Bishop the



## CANON 16.

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### *Of the Mode of Publishing authorized Editions of the Standard Bible of this Church.*

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Standing Committee only, prepare, previously to the meeting of every General Convention, a condensed report, and a tabular view of the state of the Church in their Diocese, comprising therein a summary of the statistics from the parochial reports, and from the Bishop's addresses, specifying the capital and proceeds of the Episcopal fund, and of all benevolent and missionary associations of Churchmen within the Diocese, for the purpose of aiding the Committee on the State of the Church, appointed by the House of Clerical and Lay Deputies, in drafting their reports.\*

§ VI. All incorporated schools, all parochial schools, all academies and colleges, and all hospitals, asylums for orphans or other children of either sex, maintained at the expense or conducted under the management of members of this Church, are expected to report annually to the Bishop of the Diocese at the annual Convention, such reports to be disposed of as the parochial reports; and at every General Convention the tabular view of the state of the Church in each Diocese, and the report of the Committee on the State of the Church, shall include the results of such reports.†

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## CANON 16.

### *Of the Mode of Publishing authorized Editions of the Standard Bible of this Church.*

The Bishop of this Church in any Diocese, or where there is no Bishop the Standing Committee, is authorized to appoint, from time to time, some suitable person or persons, to compare and correct all new editions of the Bible by the standard edition agreed upon by the General Convention, and a certificate of their having been so compared and corrected shall be published with said book.‡

\* Canon xii., 1853.

† This Section was added in 1862.

‡ Canon xlv., 1832.

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*Of the due Celebration of Sundays.*

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## CANON 17.

*Of Publishing Editions of the Book of Common Prayer.*

§ I. The Bishop of this Church in any Diocese, or where there is no Bishop the Standing Committee thereof, shall appoint one or more Presbyters of the Diocese, who shall compare and correct all new editions of the Common Prayer-Book, the Articles, Offices, Metre Psalms and Hymns, by a copy of the standard edition; and a certificate of said editions having been so compared and corrected, shall be published with the same. And in case any edition shall be published without such correction, it shall be the duty of the Bishop, or where there is no Bishop of the Standing Committee, to give public notice that such edition is not authorized by the Church.

§ II. The octavo edition of the Book of Common Prayer, the Articles, Offices, Metre Psalms and Hymns, set forth by the General Convention of 1844, and published by the New York Bible and Common Prayer-Book Society, and by Harper & Brothers, in 1845, is hereby declared to be the standard edition.\*

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CANON 18.*Of the due Celebration of Sundays.*

All persons within this Church shall celebrate and keep the Lord's Day, commonly called Sunday, in hearing the Word of God read and taught, in private and public prayer, in other exercises of devotion, and in acts of charity, using all godly and sober conversation.†

\* Canon vii., 1847.

† § Canon xli., 1832.

## CANON 20.

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*Of the Use of the Book of Common Prayer.*

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## CANON 19.

*Of Parochial Instruction.*

The Ministers of this Church who have charge of parishes or cures, shall not only be diligent in instructing the children in the Catechism, but shall also, by stated catechetical lectures and instruction, be diligent in informing the youth and others in the Doctrine, Constitution, and Liturgy of the Church.\*

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## CANON 20.

*Of the Use of the Book of Common Prayer.*

Every minister shall, before all sermons and lectures, and on all other occasions of public worship, use the Book of Common Prayer, as the same is or may be established by the authority of the General Convention of this Church; and in performing such service, no other prayers shall be used than those prescribed by the said Book.†

\* Canon xxviii., 1832.

† Canon xlv., 1832.

## TITLE II.

## OF DISCIPLINE.

## CANON 1.

*Of Amenability and Citations.*

§ I. Every Minister shall be amenable, for offences committed by him, to the Bishop, and if there be no Bishop to the clerical members of the Standing Committee, of the Diocese in which he is canonically resident at the time of the charge.

§ II. Unless a Diocesan Convention shall otherwise provide, a citation to any Minister to appear, at a certain time and place, for the trial of an offence, shall be deemed to be duly served upon him if a copy thereof be left at his last place of abode within the United States, sixty days before the day of appearance named therein; and in case such Minister has departed from the United States, by also publishing, six months before the said day of appearance, a copy of such citation in some newspaper printed at the seat of government of the State in which the Minister is cited to appear.\*

§ III. A notice or citation required by any Canon of this Church, when no other mode of service is provided, may be served by leaving a copy with the party, or at his last place of abode within the United States; and if he shall have left the United States, by also publishing a copy thereof in some newspaper printed at the seat of government of the State or Territory where such party last resided.†

\* Canon v., 1835.

† Added, 1859.

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*Of a Clergyman in one Diocese chargeable with Misdemeanor, etc.*

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CANON 2.

*Of Offences for which Ministers may be Tried and Punished.*

§ I. Every minister shall be liable to presentment and trial, for any crime or gross immorality, for disorderly conduct, for drunkenness, for profane swearing, for frequenting places most liable to be abused to licentiousness, and for violation of the Constitution or Canons of this Church, or of the Diocese to which he belongs; and, on being found guilty, he shall be admonished, suspended, or degraded, according to the Canons of the Diocese in which the trial takes place, until otherwise provided for by the General Convention.

§ II. If a Minister of this Church shall be accused, by public rumour, of discontinuing all exercise of the ministerial office without lawful cause, or of living in the habitual disuse of public worship or of the Holy Eucharist according to the offices of this Church, or of being guilty of scandalous, immoral, or disorderly conduct, or of violating the Canons, or preaching or inculcating heretical doctrine, it shall be the duty of the Bishop, or if there be no Bishop of the clerical members of the Standing Committee, to see that an inquiry be instituted as to the truth of such public rumour. And in case of the individual being proceeded against and convicted according to such rules or process as may be provided by the Conventions of the respective Dioceses, he shall be admonished, suspended, or degraded, as the nature of the case may require, in conformity with their respective Constitutions and Canons.\*

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CANON 3.

*Of a Clergyman in one Diocese or Missionary District chargeable with Misdemeanor in another.*

§ I. If a clergyman of this Church, belonging to any Diocese or Missionary District, shall, in any other Diocese or Missionary

\* Canon xxxvii., 1832.

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*Of a Clergyman in one Diocese chargeable with Misdemeanor, etc.*

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District, conduct himself in such a way as is contrary to the rules of this Church and disgraceful to his office, the Ecclesiastical Authority thereof shall give notice of the same to the Ecclesiastical Authority where he is canonically resident, exhibiting, with the information given, reasonable ground for presuming its correctness. If the Ecclesiastical Authority, when thus notified, shall omit, for the space of three months, to proceed against the offending clergyman, it shall be within the power of the Ecclesiastical Authority of the Diocese or Missionary District within which the alleged offence or offences were committed, to institute proceedings, and the decision given shall be conclusive.

§ II. If a clergyman shall come temporarily into any Diocese, under the imputation of having elsewhere been guilty of any crime or misdemeanor, by violation of the Canons or otherwise, or if any clergyman, while sojourning in any Diocese, shall misbehave in any of these respects, the Bishop, upon probable cause, may admonish such clergyman, and forbid him to officiate in said Diocese. And if, after such prohibition, the said clergyman so officiate, the Bishop shall give notice to all the clergy and congregations in said Diocese, that the officiating of the said clergyman is, under any and all circumstances, prohibited; and like notice shall be given to the Bishop, or if there be no Bishop to the Standing Committee, of the Diocese to which the said clergyman belongs. And such prohibition shall continue in force until the Bishop of the first-named Diocese be satisfied of the innocence of the said clergyman, or until he be acquitted on trial.

§ III. The provisions of the last Section shall apply to clergymen ordained in foreign countries by Bishops in communion with this Church. *Provided*, that in such case notice of the prohibition shall be given to the Bishop under whose jurisdiction the clergyman shall appear to have last been, and also to all the Bishops exercising jurisdiction in this Church.\*

\* Canon vi., 1850.

*Of the Dissolution of a Pastoral Connection.*

## CANON 4.

*Of the Dissolution of a Pastoral Connection.*

§ I. In case a Minister who has been regularly instituted or settled in a Parish or Church, be dismissed by such Parish or Church without the concurrence of the Ecclesiastical Authority of the Diocese, the Vestry or Congregation of such Parish or Church shall have no right to a representation in the Convention of the Diocese, until they have made such satisfaction as the Convention may require ; but the Minister thus dismissed shall retain his right to a seat in the Convention, subject to the approval of the Ecclesiastical Authority of the Diocese. And no Minister shall leave his Congregation against their will, without the concurrence of the Ecclesiastical Authority aforesaid ; and if he shall leave them without such concurrence, he shall not be allowed to take his seat in any Convention of this Church, or be eligible into any Church or Parish, until he shall have made such satisfaction as the Ecclesiastical Authority of the Diocese may require ; but the Vestry or Congregation of such Parish or Church shall not be thereby deprived of its right to a representation in the Convention of the Diocese.\*

§ II. In case of the regular and canonical dissolution of the connection between a Minister and his congregation, the Bishop, or if there be no Bishop the Standing Committee, shall direct the Secretary of the Convention to record the same. But if the dissolution of the connection between a Minister and his congregation be not regular or canonical, the Bishop or Standing Committee shall lay the same before the Convention of the Diocese, in order that the above-mentioned penalties may take effect.

This Canon shall not be obligatory in those Dioceses with whose Canons, laws, or charters, it may interfere.†

\* This Section was thus amended in 1865.

† Canon xxxiii., 1832. The last paragraph was altered slightly in 1865.

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*Of Renunciation of the Ministry.*

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## CANON 5.

*Of Renunciation of the Ministry.*

§ I. If any Minister of this Church, against whom there is no ecclesiastical proceeding instituted, shall declare, in writing, to the Bishop of the Diocese to which he belongs, or to any Ecclesiastical Authority for the trial of a clergyman, or where there no Bishop to the Standing Committee, his renunciation of the Ministry, and his design not to officiate in future in any of the offices thereof, it shall be the duty of the Bishop, or where there is no Bishop of the Standing Committee, to record the declarations so made; and it shall be the duty of the Bishop to depose him from the Ministry, and to pronounce and record, in the presence of two or more clergymen, that the person so declaring has been deposed from the Ministry of this Church.

§ II. In any Diocese in which there is no Bishop, the same sentence may be pronounced by the Bishop of any other Diocese invited by the Standing Committee to attend for that purpose.

§ III. If the Bishop, to whom such declaration renouncing the Ministry is made, shall have reason to believe that the party has acted unadvisedly and hastily, he may forbear all action thereupon for the space of not more than six months, during which time the party may withdraw his application.

§ IV. If the Bishop shall have ground to suppose the party to be liable to presentment for any canonical offence, he may, in his discretion, and with the consent of the Standing Committee, proceed to have the applicant put upon his trial, notwithstanding his having made the aforesaid declaration; and the same discretion is allowed to the Standing Committee, in case the Diocese should be without a Bishop.

§ V. In the case of deposition from the Ministry, as above pro-



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*Of the Abandonment of the Communion of this Church, etc.*

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vided for, it shall be the duty of the Bishop to give notice thereof to every Bishop of this Church, and to the Standing Committee of every Diocese wherein there is no Bishop.\*

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CANON 6.

*Of the Abandonment of the Communion of this Church by a  
Presbyter or Deacon.*

§ I. If any Presbyter or Deacon shall, without availing himself of the provisions of Canon 5 of this Title, abandon the Communion of this Church, either by an open renunciation of the doctrine, discipline, and worship of this Church, or by a formal admission into any religious body not in communion with the same, it shall be the duty of the Standing Committee of the Diocese to make certificate of the fact to the Bishop of the Diocese, or if there be no Bishop to the Bishop of an adjacent Diocese; which certificate shall be recorded, and shall be taken and deemed by the ecclesiastical authority as equivalent to a renunciation of the Ministry by the Minister himself. Notice shall then be given to the said Minister, by the said Bishop receiving the certificate, that unless he shall, within six months, make declaration that the facts alleged in said certificate are false, he will be deposed from the Ministry of this Church.

§ II. And if such declaration be not made within six months as aforesaid, it shall be the duty of the Bishop to depose said Minister from the Ministry, and to pronounce and record, in the presence of two or more Presbyters, that he has been so deposed.

*Provided*, nevertheless, that if the Minister so renouncing shall transmit to the Bishop receiving the certificate a retraction of the acts or declarations constituting his offence, the Bishop may, at his discretion, abstain from any further proceedings.†

\* Canon v., 1850.

† Canon of 1859.

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*Of a Clergyman absenting himself from his Diocese.*

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*And provided also*, that such Minister, after having renounced the Ministry and having been deposed, should he desire restoration thereto, may address a memorial to the Bishop of the Church in the Diocese wherein he resides, in which memorial he shall express such his desire, accompanied by a statement that he has abandoned the ministry or communion of any other Church or Society to which he may have attached himself, from an honest conviction of the errors in doctrine or discipline of such Church or Society, and also all doctrine, discipline and worship inconsistent with those of the Protestant Episcopal Church in the United States; and that for the space of three years immediately preceding his memorial, he has been living in lay communion with the Protestant Episcopal Church, to whose Ministry he now asks restoration. Whereupon, the Bishop to whom such memorial shall be addressed, together with two Bishops, to be selected by him by lot for that purpose from the six nearest Bishops, and by and with the advice and consent of the Standing Committee of his Diocese, shall fully investigate all the facts connected with the case of the memorialist; and the Bishop shall have power, with the approbation of one or both of the Bishops assisting him in the case, and by and with the advice and consent of the aforementioned Standing Committee, to restore the memorialist to the Ministry of this Church, if he and they are satisfied that such restoration will be for the glory of God and the edifying of the Church.\*

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## CANON 7.

*Of a Clergyman absenting himself from his Diocese.*

When a clergyman has been absent from the Diocese to which he belongs during five† years, without reasons satisfactory to the Bishop thereof, he shall be required by the Bishop to declare the cause or causes thereof in writing; and if he refuse to give his

\* This second *Proviso* was added in 1862.

† This word was changed from *two* to *five* in 1862.

## CANON 8.

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### *Abandonment by a Bishop.*

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reasons, or if they be deemed insufficient by the Bishop, the Bishop may, with the advice and consent of the clerical members of the Standing Committee, suspend him from the Ministry; which suspension shall continue until he shall give, in writing, sufficient reasons for his absence; or until he shall renew his residence in his Diocese; or until he shall renounce the Ministry according to Canon 5 of this Title. In the case of such suspension as above provided for, it shall be the duty of the Bishop to give notice thereof to every Bishop of this Church, and to the Standing Committee of every Diocese wherein there is no Bishop.\*

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## CANON 8.

### *Of the Abandonment of the Communion of the Church by a Bishop.*

If any Bishop, without availing himself of the provisions of Section XVI. of Canon 13 of Title I., abandon the Communion of this Church, either by an open renunciation of the doctrine, discipline, and worship of this Church, or by a formal admission into any religious body not in communion with the same, it shall be the duty of the Standing Committee of the Diocese to make certificate of the fact to the senior Bishop, which certificate shall be recorded, and shall be taken and deemed as equivalent to a renunciation of the Ministry by the Bishop himself.

Notice shall then be given to said Bishop by the said Bishop receiving the certificate, that unless he shall, within six months, make declaration that the facts alleged in said certificate are false, he will be deposed from the Ministry of this Church.

And if such declaration be not made within six months as aforesaid, it shall be the duty of the senior Bishop, with the consent of the majority of the House of Bishops, to depose from the Ministry the Bishop so certified as abandoning, and to pronounce and record, in the presence of two or more Bishops, that he has been so deposed.

\* Canon ii., 1841.

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*Of the Trial of a Bishop.*

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*Provided*, nevertheless, that if the Bishop so certified as abandoning, shall transmit to the senior Bishop a retraction of the acts or declarations constituting his offence, the Bishop may, at his discretion, abstain from any further proceedings.\*

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## CANON 9.

*Of the Trial of a Bishop.*

§ I. Any Bishop of this Church may be presented for trial on charges for the following offences, viz.: 1. Crime or immorality. 2. Holding and teaching publicly, or privately and advisedly, any doctrine contrary to that held by the Protestant Episcopal Church in the United States. 3. Violation of the Constitution or Canons of the General Convention. 4. Violation of the Constitution or Canons of the Diocese to which he belongs. 5. Any act which involves a breach of his Ordination or Consecration vows.

§ II. [1.] The proceedings shall commence by charges in writing; and, except when the charge is holding and teaching doctrine contrary to that held by this Church, shall be signed by either

Five male communicants of this Church, in good standing, belonging to the Diocese of the accused, of whom two at least must be Presbyters; or,

By seven male communicants of this Church, in good standing, of whom two at least shall be Presbyters, and three of which seven shall belong to the Diocese of the accused.

[2.] Whenever a Bishop of this Church shall have reason to believe that there are in circulation rumors, reports, or charges affecting his moral or religious character, he may, if he please, acting in conformity with the written advice and consent of any two of his brother Bishops whom he may select, demand of the Presiding Bishop of the House of Bishops, or if he be the Bishop affected by such rumors, or if he be related to him within the

\* Canon of 1859.

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*Of the Trial of a Bishop.*

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degrees hereinafter mentioned, then to the Bishop next in seniority not so related, to convene a Board of Inquiry in the mode hereinafter set forth, to investigate such rumors, reports, and charges, and to proceed, in all respects, according to the provisions of this Canon, as if charges had been formally made in either of the two modes first mentioned in this Section.

[3.] Whenever charges are formally made in either of the modes first above mentioned, the accusers may, if they choose, select a lay communicant of this Church, of the profession of the law, to act as their adviser, advocate, and agent, in preparing the accusation, proofs, etc., until such time as a Board of Inquiry is convened in such manner as is hereinafter provided for; or they may prepare such charges themselves, without regard to any particular form; and, in either case, the grounds of accusation must be set forth with reasonable certainty of time, place, and circumstance.

§ III. The charges, having been prepared in either of the modes first above mentioned, shall then be delivered to the Presiding Bishop of this Church, if he be not the accused, nor related to the accused in any degree mentioned hereinafter in this Canon; in either of which cases, the charges shall be delivered to the next Bishop in seniority not so related.

§ IV. A Board for making a preliminary inquiry into charges thus preferred, shall be constituted as follows, whenever such Board shall be necessary, viz. :

[1.] The Presiding Bishop, or senior Bishop, as the case may be, to whom such charges are delivered, shall take the list of Clerical and Lay Deputies to the last General Convention that was held before such charges were presented, and from that list shall choose by lot two Presbyters and two laymen from the deputation of the Diocese of the accused, and two Presbyters and two laymen from each of the respective deputations of the three Dioceses adjoining that of the accused; and if there be not three adjoining, of the three nearest thereto; and if more than three Dioceses adjoin that of the accused, those three that have the largest number of

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*Of the Trial of a Bishop.*

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canonically-resident Presbyters in them shall be accounted adjoining, for the purposes of this Canon ; and the sixteen individuals thus selected by lot shall constitute the Board of Inquiry, a majority of whom shall form a quorum for doing business.

[2.] The Presiding Bishop, or next in seniority as the case may be, immediately after thus selecting by lot the Board of Inquiry, shall give notice thereof to each member of said Board, and direct him to attend at a time and place designated by him, and organize the Board ; and it shall be the duty of each member so to attend. The place must be within the Diocese of the accused. The Presiding Bishop shall, at the same time, send a copy of the charges to the senior Presbyter of those thus selected by lot from the four Dioceses.

[3.] On assembling, the Board shall organize by choosing from among themselves a President and Secretary, and shall also appoint a Church Advocate, who must be a lay communicant of this Church, and of the profession of the law, and who thenceforward shall, in all stages of the proceedings, if a trial be ordered, represent the Church, and be the party on the one hand, while the accused is the party on the other. The sittings of the Board shall be private ; the Church Advocate shall not attend as prosecuting counsel, but shall be at all times at hand and in readiness to give his advice in all questions submitted to him by the Board.

[4.] In conducting the investigation, the Board shall hear the accusations and such proof as the accusers may produce, and shall determine whether, upon matters of law and of fact, as presented to them, there is sufficient ground to put the accused Bishop upon his trial ; and in such investigation, as well as in all cases of trial by an Ecclesiastical Court now authorized, or hereafter to be authorized, by the Constitution or Canons of the General Convention, the laws of the State in which such investigation or trial is had, so far as they relate to the law of evidence, shall be adopted and taken as the rules by which the said Board or Court shall be governed. If a majority of the Board present on such investigation shall be of opinion that there are sufficient grounds to put the accused Bishop upon his trial, they shall direct the Church Advocate to prepare a

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*Of the Trial of a Bishop.*

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presentment, to be signed by such of the Board as agree thereto; and to that end, shall place in his hands all the charges, together with the testimony that has been laid before the Board.

[5.] The Board shall then direct the Church Advocate to transmit to the Bishop from whom they received the charges, the presentment thus signed; and shall cause him also, without delay, to send to the accused Bishop a copy of the same, certified by the Church Advocate to be correct.

[6.] If a majority of the Board present shall be of opinion that there is not sufficient ground to put the accused Bishop upon his trial, in such case the charges, together with a certificate of the President of the Board of its refusal to make a presentment, shall be sent to the Secretary of the House of Bishops, to be deposited among the archives of that House. And no proceedings shall thereafter be had by way of presentment on such charges, except upon the affidavit of a respectable communicant of the Church, of the discovery of new testimony as to the facts charged, and setting forth what such testimony is.

[7.] No presentment shall be found in any case, unless the alleged offence shall have been committed within five years next before the day on which the charges were delivered to the Presiding or senior Bishop. But if the accused shall have been convicted of the alleged offence in a State court, notwithstanding five years may have elapsed since its commission, a presentment may be founded on charges delivered to the Presiding or senior Bishop at any time within one year after such conviction.

§ V. [1.] When a presentment has been made by the Board of Inquiry, or a majority thereof, to the Bishop from whom they received the charges, it shall be the duty of such Bishop forthwith to give to the accused written notice to attend, at some place not more than one hundred miles from the place of residence of the accused Bishop, and at some time not less than twenty days after the time of serving such notice, either personally, or by some agent authorized by him in writing to act for him in the premises, for the purpose of selecting the Bishops who shall form the Court for the

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*Of the Trial of a Bishop.*

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trial of the said accused Bishop upon the said presentment. He shall also give notice to the Church Advocate of the time and place appointed for such selection.

[2.] At the time and place appointed in the notices, the Bishop who has given the notices shall attend ; and, in the presence of the accused Bishop or of his agent authorized as aforesaid, and also in the presence of the Church Advocate or of such person or persons as may attend in his behalf, or, if no person shall attend on behalf of one or both, of two Presbyters named by himself, the said Bishop shall cause to be placed in a vessel the names of all the Bishops of this Church entitled to seats in the House of Bishops, then being within the territory of the United States, except the accused and those Bishops who may be related to him either by consanguinity or affinity, in the direct ascending or descending line, or as brother, uncle, or nephew. He shall then cause eleven of the said names to be drawn. The names so drawn shall be entered upon a list as they are drawn, and the accused or his agent may strike off the list one name, and the said Church Advocate or his agent another name, and so on alternately, until the number be reduced to seven. If it shall happen that either party shall neglect or refuse to strike, then the Bishop who has given the notices shall reduce the number to seven, by striking off so many of the last drawn names as will reduce the list to that number. The seven Bishops whose names remain, or a majority of them, when assembled, shall constitute the Court for the trial of the accused upon the presentment.

[3.] The Court having been thus constituted, the Bishop to whom the presentment was made shall immediately communicate to each Bishop who has thus been by lot designated as one of the triers, the fact that he is a member of the Court. He shall also appoint a time and place for the assembling of the Court. The time shall not be less than two nor more than six calendar months from the day on which the notice should arrive at the most distant Diocese, in the ordinary course of the public mail. The place shall be within the Diocese or Missionary field of the accused Bishop, unless where the same may be of such difficult access, in the judgment of the Presiding or senior Bishop, that reasonable convenience may



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*Of the Trial of a Bishop.*

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require the appointment of another location. And the said senior Bishop shall cause the Church Advocate to send certified copies of the said presentment to all the Bishops who constitute the Court.

[4.] The Bishop to whom the presentment has been made shall also immediately communicate to the accused the names of the members of the Court, and inform him of the time and place appointed for its meeting, and summon him then and there to appear and answer. He or any other Bishop of this Church having charge of a Diocese, shall have power, until the Court assembles, upon the application of either the Church Advocate or the accused, to issue a summons for witnesses.

§ VI. The Bishops who constitute the Court, or a majority of them, having assembled according to the notice given them, which notice it is hereby made their duty to obey, shall proceed as follows, viz. :

[1.] They shall elect a President out of their own number, and appoint a Presbyter of the Church as Clerk, and if necessary, another Presbyter as Assistant Clerk; and when thus organized, the President shall direct the Clerk to call the names of the Church Advocate and the accused; and if both appear, he shall then cause the Clerk to read the presentment which was delivered to the Presiding or senior Bishop, whose duty it is hereby made to deliver the same to the Court upon its organization.

[2.] The accused shall then be called upon by the Court to say whether he is guilty or not guilty of the offence or offences charged against him, and his plea shall be duly recorded; and on his neglect or refusal to plead, the plea of not guilty shall be entered for him, and the trial shall proceed; *Provided*, that, for sufficient cause, the Court may adjourn from time to time: and, *Provided also*, that the accused shall, at all times during the trial, have liberty to be present, and in due time and order produce his testimony, and to make his defence.

[3.] If the accused neglect or refuse to appear in person, according to the notice served on him as aforesaid, except for some reasonable

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*Of the Trial of a Bishop.*

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cause to be allowed by the Court, they shall proceed to pronounce him in contumacy, and notify him that sentence of suspension or degradation will be pronounced against him by the Court at the expiration of three months, unless within that time he tender himself ready, and accordingly appear and take his trial on the presentment. But if the accused shall not tender himself before the expiration of the said three months, sentence of suspension or degradation from the Ministry may be pronounced against him by the Court.

[4.] The accused being present, and the trial proceeding, it shall be conducted according to the principles of the Common Law, as the same are generally administered in the United States; nor shall any testimony be received at the trial, except from witnesses who have signed a declaration in the following words, to be read aloud before the witness testifies, and to be filed with the records of the Court :

“I, A. B., a witness summoned to testify on the trial of a presentment against the Right Rev. —, a Bishop of the Protestant Episcopal Church in the United States, now pending, do most solemnly call God to witness that the evidence I am about to give shall be the truth, the whole truth, and nothing but the truth; so help me God !”

And if it be necessary to take the testimony of an absent witness on a commisson, such testimony shall be preceded by a similar written declaration of the witness, which shall be filed and transmitted with his or her deposition to the Court. The testimony of each witness shall be reduced to writing. And in case there is ground to suppose that the attendance of any witness on the trial cannot be obtained, it shall be lawful for either party to apply to the Court if in session, or if not, to any member thereof, who shall thereupon appoint a commissary to take the deposition of such witness; and such party so desiring to take the deposition, shall give to the other party reasonable notice of the time and place of taking such deposition, accompanying such notice with the interrogatories to be propounded to the witness; whereupon it shall be lawful for the other party, within six days after such notice, to propound cross-interrogatories; and such interrogatories and cross-

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*Of the Trial of a Bishop.*

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interrogatories, if any be propounded, shall be sent to the commissary, who shall thereupon proceed to take the testimony of such witness, upon oath or affirmation, and transmit it under seal to the Court. But no deposition shall be read at the trial, unless the Court have reasonable assurance that the attendance of the witness cannot be procured, or unless both parties shall consent that it may be read. *Provided*, that in any Diocese in which the civil government has authorized the ecclesiastical courts therein to issue summons for witnesses, or to administer an oath, the Court shall act in conformity to such laws.

[5.] All notices and papers may be served by a summoner or summoners, to be appointed by the Court when the same is in session, or by a member thereof; and the certificate of any such summoner shall be evidence of the due service of a notice or paper. In case of service by any other person, the fact may be proved by the affidavit of such person. The delivery of a written notice or paper to the accused party, or to the Church Advocate, or leaving it or a copy thereof at the residence, or last known residence, of either, shall be deemed sufficient service of such notice or paper on the Church Advocate and accused respectively. If the person to be served with any notice or paper shall have left the United States, it shall be a sufficient service thereof to leave a copy of such notice or paper at his last place of abode within the United States, sixty days before the day on which the appearance, or other act required by the said notice or paper, is to be performed.

[6.] The accused party may, if he think proper, have the aid of counsel; and if he should choose to have more than one counsel, the Church Advocate may have assistant advocates, to be named by the accusers: but in every case the Court may regulate the number of counsel who shall address the Court or examine witnesses. The Church Advocate shall be considered the party on one side, and the accused on the other. All counsel must be communicants of the Church.

[7.] The Court, having fully heard the allegations and proofs of the parties, and deliberately considered the same, after the parties have withdrawn, shall declare respectively, whether, in their opi-

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*Of the Trial of a Bishop.*

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nion, the accused is guilty or not guilty of each particular charge and specification contained in the presentment, in the order in which they are set forth; and the accused shall be considered as not guilty of every charge and specification of which he shall not be pronounced guilty by a majority of the members of the Court.

[8.] The decision of the Court as to all the charges and specifications of which a majority of the members of the Court have found him guilty, shall be reduced to writing, and signed by those who assent to it; and a decision pronouncing him not guilty of all those charges and specifications of which a majority shall not have pronounced him guilty, shall also be drawn up, and signed by those who assent to it: and the decision thus signed shall be regarded as the judgment of the Court, and shall be pronounced in the presence of the parties, if they shall think proper to attend.

[9.] If the accused shall be found guilty of any charge or specification, the Court shall proceed to ask him whether he has anything to say before the sentence is passed, and may, in their discretion, give him time to prepare what he wishes to say, and appoint a time for passing the sentence; and before passing sentence, the Court may adjourn from time to time, and give the accused reasonable opportunity of showing cause to induce a belief that justice has not been done, or that he has discovered new testimony: and the Court, or a majority of its members, may, according to a sound discretion, grant him a new trial; but, in such new trial, no Bishop shall sit who has already been a trier. Before passing sentence, the accused shall always have the opportunity of being heard, if he have aught to say in excuse or palliation.

[10.] The accused having been heard, or not desiring to be heard, the sentence of the Court shall then be pronounced, and shall be either admonition, suspension as defined by the existing Canons of this Church, or degradation, as the offence or offences adjudged to be proved shall seem to deserve. It shall be the duty of the Court, whenever sentence has been pronounced, whether it be upon a trial, or for contumacy, to communicate such sentence to the Ecclesiastical Authority of every Diocese of this Church;

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*Of the Trial of a Bishop.*

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and it shall be the duty of such Authority to cause such sentence to be made known to every clergyman under his jurisdiction.

[11.] Every Court shall keep a full record of its proceedings, including the whole evidence given before it. Should any Court refuse to insert in its record a statement of any testimony which has been received, or of any decision which the Court has made, or of any fact which has occurred in Court, or any paper which either party has produced, it shall be the right of either party to file an exception in writing, containing a statement of such evidence, decision, or fact, or referring to or describing such paper, which paper shall also be filed with the exception. All exceptions and papers so filed shall become parts of the record.

[12.] Such records shall be kept by the Clerk, and inserted in a book, to be attested by the signatures of the President and Clerk. Every such book, and all papers connected with any trial, shall be deposited with the Registrar of the General Convention. Such books and papers shall be open to the inspection of every member of this Church.

[13.] Every Court, constituted under the authority of this Canon, may be attended by one or more lay advisers, who shall be communicants of this Church, and of the profession of the law. Such advisers may be present at all the proceedings of the Court, but they shall have no vote in any case whatever: it shall be their duty to give in person to the Court an opinion on any question not theological, upon which the Court, or any member thereof, or either party, shall desire an opinion. If a dispute shall arise whether any question be or be not theological, it shall be decided by the Court by a majority of votes. The Court may always, by unanimous consent, appoint an adviser or advisers. If they are not unanimous, each member of the Court may name a candidate; if not more than three are named, they all shall be advisers; if more than three are named, the Court shall reduce them to three by lot.

§ VII. [1.] Any Bishop of this Church may be presented for holding and teaching doctrine inconsistent with that of this Church, by any Bishop in communion with this Church and not under

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*Of Sentences.*


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suspension or degradation. No Bishop shall be presented in any other mode for this offence; and it shall not be lawful for two or more persons to unite in any such presentment. The Bishop making such presentment shall appoint a Church Advocate.

[2.] Every presentment for alleged erroneous doctrine shall be signed by the person making it, and shall be addressed to the Bishops of the Protestant Episcopal Church in the United States, and delivered to the senior Bishop entitled to a seat in the House of Bishops, and not being the accused or the accuser, whose duty it shall be to convene a Court for the trial of the accused. The Court shall be composed of all the Bishops entitled to seats in the House of Bishops, except the accuser and the accused. Three-fourths of such Bishops shall constitute a quorum; but the consent of two-thirds of all the Bishops entitled to seats in the House of Bishops shall be necessary to a conviction.

§ VIII. [1.] If charges be preferred against a Missionary Bishop who is not a Diocesan, such Missionary Bishop shall be required by the Presiding or senior Bishop to name some one of the three Dioceses nearest to his District or Missionary field; and such selection having been made, the proceedings shall then be precisely such as under this Canon they would be were he the Diocesan of the Diocese named by him. Should the Missionary Bishop refuse to name a Diocese, then the Presiding Bishop may name any one of the three above designated, and the effect shall be the same as if the nomination had been made by the accused Missionary Bishop.

[2.] If charges be preferred against a Bishop having no jurisdiction, he shall be proceeded against precisely as if he were the Diocesan of the Diocese in which he has his civil residence.\*

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**CANON 10.**
*Of Sentences.†*

§ I. Whenever the penalty of suspension shall be inflicted on a

\* Canon xi., 1856.

† See the Constitution, Article VI.

## CANON 11.

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### *Of the Remission or Modification of Judicial Sentences.*

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Bishop, Priest, or Deacon in this Church, the sentence shall specify on what terms, or at what time, said penalty shall cease.\*

§ II. [1.] When any Minister is degraded from the Holy Ministry, he is degraded therefrom entirely, and not from a higher to a lower Order of the same. Deposition, displacing, and all like expressions, are the same as degradation. No deposed Minister shall be restored to the Ministry, except in cases provided for in the second *Proviso* of Section II. of Canon 6 of Title II. of the Digest.†

[2.] Whenever a Clergyman shall be degraded, the Bishop who pronounces sentence shall, without delay, give notice thereof to every Minister and Vestry in the Diocese, and also to all the Bishops of this Church, and where there is no Bishop, to the Standing Committee.‡

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## CANON 11.

### *Of the Remission or Modification of Judicial Sentences.*

The Bishops of this Church, who are entitled to seats in the House of Bishops, may altogether remit and terminate any judicial sentence which may have been imposed, or may hereafter be imposed, by Bishops acting collectively as a judicial tribunal; or modify the same so far as to designate a precise period of time, or other specific contingency, on the occurrence of which such sentence shall utterly cease, and be of no further force or effect. *Provided*, that no such remission or modification shall be made except at a meeting of the House of Bishops, during the session of some General Convention, or at a special meeting of the said Bishops, which shall be convened by the Presiding Bishop on the application of any five Bishops; three months' notice, in writing, of the time, place, and object of the meeting, being given personally to each

\* Canon iii., 1847.

† This paragraph was thus amended in 1862.

‡ Canon xxxix., 1832.

*Regulations respecting the Laity.*

Bishop, or left at his usual place of abode. *Provided*, also, that such remission or modification be assented to by a number of said Bishops not less than a majority of the whole number entitled at the time to seats in the House of Bishops; and *Provided*, that nothing herein shall be construed to repeal or alter Canon 10 of this Title.\*

## CANON 12.

*Regulations respecting the Laity.*

§ I. A communicant removing from one parish to another, shall procure from the Rector (if any) of the Parish of his last residence, or, if there be no Rector, from one of the Wardens, a certificate stating that he or she is a communicant in good standing; and the Rector of the Parish or Congregation to which he or she removes shall not be required to receive him or her as a communicant until such letter be produced.†

§ II. [1.] If any persons within this Church offend their brethren by any wickedness of life, such persons shall be repelled from the Holy Communion, agreeably to the rubric.

[2.] There being the provision in the second rubric before the Communion Service requiring that every Minister repelling from the Communion shall give an account of the same to the Ordinary, it is hereby provided, that, on the information to the effect stated being laid before the Ordinary, that is the Bishop, it shall not be his duty to institute an inquiry, unless there be a complaint made to him in writing by the repelled party, within three months from such repulsion. But, on receiving complaint, it shall be the duty of the Bishop, unless he think fit to restore him from the insufficiency of the cause assigned by the Minister, to institute an inquiry as may be directed by the Canons of the Diocese in which the event has taken place. And should no such Canon exist, the

\* Canon ii., 1847.

† Canon xiii., 1853.



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*Regulations respecting the Laity.*

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Bishop shall proceed according to such principles of law and equity as will insure an impartial decision. And the notice, given as above by the Minister, shall be a sufficient presentation of the party repelled.\*

[3.] In case of great heinousness of offence on the part of members of this Church, they may be proceeded against to the depriving them of all privileges of Church membership, according to such rules or process as may be provided by the General Convention; and until such rules or process shall be provided, by such as may be provided by the different Diocesan Conventions.†

\* This clause was thus amended in 1865.

† Canon xlii., 1832.

## TITLE III.

OF THE ORGANIZED BODIES AND OFFICERS OF THE  
CHURCH.

## CANON 1.

*Of the General Convention.\**

§ I. [1.] The right of calling special meetings of the General Convention shall be in the Bishops. This right shall be exercised by the Presiding Bishop, or, in case of his death, by the Bishop who, according to the rules of the House of Bishops, is to preside at the next General Convention; *Provided*, that the summons shall be with the consent, or on the requisition of, a majority of the Bishops, expressed to him in writing.

[2.] The place of holding any Special Convention shall be that fixed on by the preceding General Convention for the meeting of the General Convention, unless circumstances shall render a meeting at such a place unsafe; in which case, the Presiding Bishop may appoint some other place.

[3.] The Deputies elected to the preceding General Convention shall be the Deputies at such special Convention, unless in those cases in which other Deputies shall have been chosen in the mean time by any of the Diocesan Conventions, and then such other Deputies shall represent in the Special Convention the Church of the Diocese in which they have been chosen.†

§ II. [1.] The journals, files, papers, reports, and other documents, which, under Canon 15 of Title I., entitled, *Of Securing an Accurate View of the State of the Church*, or in any other manner, shall become the property of either House of the General Con-

\* See Constitution, Articles I., II., and III.

† Canon xlix., 1832.

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*Of the General Convention.*

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vention of this Church, shall be committed to the keeping of a Presbyter to be elected by the House of Clerical and Lay Deputies, upon nomination of the House of Bishops, who shall be known as the Registrar of the General Convention.

[2.] It shall be the duty of the said Registrar to procure all such journals, files, papers, reports, and other documents now in existence; to arrange, label, file, index, and otherwise put in order, and provide for the safe keeping of, the same, and all such others as may hereafter come into his possession, in fire-proof box or boxes, in some safe and accessible place of deposit, and to hold the same under such regulations and restrictions as the General Convention may from time to time provide.

[3.] It shall be the duty of the said Registrar to procure a proper and sufficient book of record, and to enter therein a record of the consecrations of all the Bishops of this Church, designating accurately the time and place of the same, with the names of the consecrating Bishops, and of others present and assisting; to have the same authenticated in the fullest manner now practicable; and to take care for the similar record and authentication of all future consecrations in this Church.

[4.] The expenses necessary for the purposes contemplated by this Section shall be provided for by vote of the General Convention, and defrayed by the Treasurer of the same.\*

§ III. It shall be the duty of the Secretary of the House of Clerical and Lay Deputies, whenever any alteration of the Constitution is proposed, or any other subject submitted to the consideration of the several Diocesan Conventions, to give a particular notice thereof to the Ecclesiastical Authority of this Church in every Diocese.†

§ IV. At every triennial meeting of the General Convention, a Treasurer shall be chosen, who shall remain in office until the next stated Convention, and until a successor be appointed. It shall be his duty to receive and disburse all moneys collected under the

\* Canon, iv., 1853.

† Canon i., 1832.

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*Of Standing Committees.*

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authority of the Convention, and of which the collection and disbursement shall not otherwise be regulated; and to invest, from time to time, for the benefit of the Convention, such surplus funds as he may have on hand. His account shall be rendered triennially to the Convention, and shall be examined by a Committee acting under its authority. In case of a vacancy in the office of Treasurer, it shall be supplied by an appointment to be made by the Ecclesiastical Authority of the Diocese to which he belonged; and the person so appointed shall continue to act until an appointment be made by the Convention.\*

§ V. In order that the contingent expenses of the General Convention may be defrayed, it shall be the duty of the several Diocesan Conventions to forward to the Treasurer of the General Convention, two dollars for each clergyman within such Diocese.†

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**CANON 2.***Of Standing Committees.*

§ I. In every Diocese there shall be a Standing Committee, to be appointed by the Convention thereof, whose duties, except so far as provided for by the Canons of the General Convention, may be prescribed by the Canons of the respective Dioceses. They shall elect from their own body a President and a Secretary. They may meet on their own adjournment from time to time; and the President shall have power to summon special meetings whenever he shall deem it necessary.

§ II. In every Diocese where there is a Bishop, the Standing Committee shall be a Council of Advice to the Bishop. They shall be summoned on the requisition of the Bishop, whenever he shall wish for their advice. And they may meet of their own accord, and

\* Canon i., 1841.

† Canon viii., 1856.

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*Of the Trustees of the Missionary Bishops' Fund.*

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agreeably to their own rules, when they may be disposed to advise the Bishop.

§ III. When there is no Bishop, the Standing Committee is the Ecclesiastical Authority for all purposes declared in these Canons.\*

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CANON 3.

*Of the Trustees of the Missionary Bishops' Fund.*

§ I. It shall be the duty of the General Convention, at each triennial session, on the nomination of the Standing Committee on the State of the Church, to appoint five laymen of this Church to constitute a Board of Trustees of the Missionary Bishops' Fund.

§ II. It shall be the duty of such Trustees to take charge of all contributions of money or real estate which may be made to them, and accompanied by designation from the donors thereof, for any or either of the purposes herein specified, viz. :—

[1.] For the present support of any Missionary Bishop of this Church.

[2.] For investment, the interest or proceeds to be applied to such present support.

[3.] For the support of Bishops of this Church in new Dioceses, or in regions in which the Church is not yet organized.

[4.] For the endowment of the Episcopate in new Dioceses, or in regions in which the Church is not organized.

§ III. All contributions, the disposition of which may not have been designated by the donors, shall be applied by the said Board of Trustees according to their discretion, for the above-named objects, until the direction of the General Convention in the premises.

\* Canon iv., 1832.

*Of the Trustees of the General Theological Seminary.*

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§ IV. All moneys received by either of the Missionary Committees of the Board of Missions specifically for either of the purposes designated in this Canon, shall be paid over to the Treasurer of the Board of Trustees hereby constituted, accompanied by a statement of the directions of the donors.

§ V. The Board of Trustees, hereby constituted, shall appoint a Treasurer, who shall keep fair accounts of all the receipts and expenditures of the Board. These accounts shall at all times be open to the inspection of any Bishop of this Church, or of any accountant appointed for the purpose by any three Bishops of this Church. The Board shall have power to make all necessary disbursements in the discharge of their trust.

§ VI. The Board shall make a triennial report to the House of Clerical and Lay Deputies on the third day of the session of the General Convention; and shall accompany their report with an account of their receipts and disbursements during the last three years. It shall be the duty of the House to refer such account to a committee to be audited.

§ VII. Such Trustees are hereby empowered to procure an act of incorporation for the purposes and objects specified in this Canon.\*

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## CANON 4.

*Of the Trustees of the Général Theological Seminary.*

It shall be the duty of the Secretary of the Convention of every Diocese to forward to the House of Clerical and Lay Deputies, at every General Convention, a certificate of the nomination, by the Diocese, of a Trustee or Trustees for the General Theological Seminary; and without such certificate the nomination shall not be confirmed.†

\* Canon ii., 1853.

† Canon i., 1847.

*Of Congregations and Parishes.*

## CANON 5.

*Of Congregations and Parishes.*

§ I. Whereas a question may arise whether a Congregation within the Diocese of any Bishop, or within any Diocese in which there is not yet any Bishop settled, may unite themselves with the Church in any other Diocese, it is hereby determined and declared, that all such unions shall be considered as irregular and void; and that every congregation of this Church shall be considered as belonging to the body of the Church of the Diocese within the limits of which they dwell, or within which there is seated a Church to which they belong. And no Clergyman, having a Parish or Cure in more than one Diocese, shall have a seat in the Convention of any Diocese other than that in which he resides.\*

§ II. [1.] The ascertainment and defining of the boundaries of existing Parishes or Parochial Cures, as well as the establishment of a new Church or Congregation, and forming a new Parish within the limits of any other Parish, is left to the action of the several Diocesan Conventions, for the Dioceses respectively.

[2.] Until a Canon or other regulation of a Diocesan Convention shall have been adopted, the formation of new Parishes, or establishment of new Churches or Congregations within the limits of other Parishes, shall be vested in the Bishop of the Diocese acting by and with the advice and consent of the Standing Committee thereof; and in case of there being no Bishop, in the ecclesiastical authority.

[3.] Nothing contained in this Section shall affect any legal rights of property of any Parish.†

§ III. [1.] It shall be lawful for persons belonging to this Church, but resident in any foreign country (other than Great Britain and Ireland and the Colonies and dependencies thereof),

\* Canon xliii., 1832.

† Canon of 1859.

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*Of the Organization of New Dioceses.*

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not within the limits of any Foreign Missionary Bishop of this Church, to organize as a Church or Congregation.

[2.] Such Church or Congregation shall be required, in its constitution, or plan, or articles of organization, to recognize and accede to the Constitution, Canons, Doctrine, Discipline and Worship of the Protestant Episcopal Church in the United States of America, in order to its being received under the direction of the General Convention of this Church.

[3.] In order to such reception, it shall be required to declare its desire therefor, duly certified by the Minister, one Church Warden, and two Vestrymen or Trustees of said Church or Congregation.

[4.] Such certificate and the constitution, plan or articles of organization shall be submitted to the General Convention during its session, or to the Presiding Bishop of the House of Bishops at any other time; and in case the same are found satisfactory, a certificate thereof shall be forwarded to and filed by the Registrar of the Church, and such Church or Congregation shall thereupon become subject to and placed under the Episcopal government and jurisdiction of such Presiding Bishop for the time being.

[5.] Such Presiding Bishop may from time to time assign to any other Bishop of this Church having jurisdiction in the United States, the exercise of any Episcopal power or functions, in relation to such Church or Congregation, for such period of time as he may deem expedient.

[6.] The Clergyman settled in such Church or Congregation shall, in all respects, be subject to the jurisdiction of the Presiding Bishop, while in charge of such Church or Congregation.\*

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**CANON 6.***Of the Organization of New Dioceses.†*

§ I. Whenever any new Diocese shall be formed within the

\* Canon of 1859.

† See the Constitution, Article V., 1856.



## CANON 7.

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### *Of the Requisites of a Quorum.*

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limits of any other Diocese, or by the junction of two or more Dioceses, or parts of Dioceses, and the same shall have been ratified by the General Convention, the Bishop of the Diocese within the limits of which another is formed, or in case of the junction of two or more Dioceses or parts of Dioceses, the Bishop of eldest consecration over the Dioceses furnishing portions of such new Diocese, shall thereupon call the Primary Convention of the new Diocese, for the purpose of enabling it to organize, and shall fix the time and place of holding the same, such place being within the territorial limits of the new Diocese.

§ II. In case there should be no Bishop who can call such Primary Convention pursuant to the foregoing provisions, then the duty of calling such Convention for the purpose of organizing, and the duty of fixing the time and place of its meeting, shall be vested in the Standing Committee of the eldest of the Dioceses by the junction of which, or parts of which, the new Diocese may be formed. And such Standing Committee shall make such call immediately after the ratification of a division by the General Convention.

§ III. Whenever one Diocese is about to be divided into two Dioceses, the Convention of such Diocese shall declare which portion thereof is to be the new Diocese, and shall make the same known to the General Convention before the ratification of such division.\*

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## CANON 7.

### *Of the Requisites of a Quorum.*

In all cases in which a Canon of the General Convention directs a duty to be performed, or a power to be exercised, by a Standing

\* Canon viii., 1838.

*Of the Requisites of a Quorum.*

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Committee, or by the Clerical Members thereof, or by any other body consisting of several members, a majority of the said members, the whole having been duly cited to meet, shall be a quorum; and a majority of the quorum so convened shall be competent to act, unless the contrary is expressly required by the Canon.\*

\* Canon of 1865.

## TITLE IV.

### MISCELLANEOUS PROVISIONS.

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#### CANON 1.

##### *Of Repealed Canons.*

Whenever there shall be a repealing clause in any Canon, and the said Canon shall be repealed, such repeal shall not be a re-enactment of the Canon or Canons repealed by the said repealing clause.\*

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#### CANON 2.

##### *Of the Repeal, Amendment, and Enactment of New Canons.*

In all cases of future enactment, the same, if by way of amendment of an existing provision, shall be in the following form: "Canon — (or Section — of Canon —, or Clause — of Section — of Canon —) of Title —, is hereby amended so as to read as follows." And if the enactment is of an additional Clause, Section, or Canon, it shall be designated as the next Canon, or next Section, or next Clause, of a Canon, or Section, in the order of numbering, of the Title to which the subject properly belongs; and if a Canon or Section or Clause be stricken out, the existing numbering shall be retained, until a new edition of the Canons be directed.

The Committee on Canons of each House of the General Convention shall, at the close of each Session of the General Convention, appoint two of their number to certify the changes, if any,

\* Canon xi., 1838.

*Of the Time of these Canons taking Effect.*

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made in the Canons, and to report the same, with the proper arrangement thereof, to the Secretary, who shall print the same in the Journal.\*

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## CANON 3.

*Of the Time of these Canons taking Effect.*

These Canons shall take effect on the first day of January, in the year of our Lord 1860; from and after which day all other Canons of this Church are hereby, and shall be deemed to be, repealed; *Provided*, that such repeal shall not affect any case of a violation of existing Canons committed before that date; but such case shall be governed by the same law as if no such repeal had taken place.†

\* Canon of 1859.

† Canon of 1859.

Attestation for 1859.

WILLIAM MEADE, D.D., *Presiding in the House of Bishops.*

*Attest, L. P. W. BALCH, D.D., Secretary.*

WILLIAM CREIGHTON, D.D., *President of the House of Clerical and Lay Deputies.*

*Attest, M. A. DE WOLFE HOWE, D.D., Secretary.*

Attestation for 1862.

JOHN H. HOPKINS, D.D., LL.D., *Presiding in the House of Bishops.*

*Attest, L. P. W. BALCH, D.D., Secretary.*

JAMES CRAIK, D.D., *President of the House of Clerical and Lay Deputies.*

*Attest, GEORGE M. RANDALL, D.D., Secretary.*

Attestation for 1865.

JOHN H. HOPKINS, D.D., LL.D., *Presiding Bishop.*

*Attest, L. P. W. BALCH, D.D., Secretary.*

JAMES CRAIK, D.D., *President of the House of Clerical and Lay Deputies.*

*Attest, GEORGE M. RANDALL, D.D., Secretary.*

Appendix.\*

*Joint Resolution of the Two Houses of General Convention on the duty of the Clergy of this Church in the matter of bearing arms:—*

*Resolved*, That it is the sense of the Protestant Episcopal Church in the United States of America, that it is incompatible with the duty, position, and sacred calling of the Clergy of this Church, to bear arms.

*Explanatory Note, by the House of Clerical and Lay Deputies:—*

The spirit and intent of this Resolution do not extend to the office of Chaplain in either branch of the Military Service, nor to that of Professor or Instructor in any Military or Naval Academy. The duties of these offices are civil, and entirely compatible with the duties of the Sacred Ministry.

\* *Appendix and Explanatory Note* ordered in 1865.

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END OF INDEX TO THE DIGEST.

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# REPORT I.

OF

## The Lambeth Conference.

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*Report of the Committee appointed under Resolution V. by the Conference of Bishops of the Anglican Communion, held at Lambeth Palace, September 24-27th, 1867.\**

THE subject of the functions and relations of the several Synods on which the Committee is appointed to report appears to them to be necessarily connected with questions as to the constitution of these bodies. The following Report, therefore, embraces the whole subject of Synods. In discussing it, your Committee deem it necessary to deal with the question in the abstract, without reference to existing laws and usages in the several branches of the Anglican Communion, and to lay down general principles, the adoption or application of which must depend on circumstances, such, for example, as the laws which any Church may have inherited or already established.

I.—In the organization of Synodal order for the government of the Church, the Diocesan Synod appears to be the primary and simplest form of such organization.

By the Diocesan Synod the co-operation of all members of the body is obtained in Church action; and that acceptance of Church rules is secured, which, in the absence of other law, usage, or

\* Resolution IV.—“That, in the opinion of this Conference, unity in faith and discipline will be best maintained among the several branches of the Anglican Communion by due and canonical subordination of the Synods of the several branches to the higher authority of a Synod or Synods above them.”

Resolution V.—“That a Committee of seven members (with power to add to their number, and to obtain the assistance of men learned in ecclesiastical and canon law) be appointed to inquire into and report upon the subject of the relations and functions of such Synods, and that such Report be forwarded to his Grace the Lord Archbishop of Canterbury, with a request that, if possible, it may be communicated to any adjourned meeting of this Conference.”

## THE LAMBETH CONFERENCE, REPORT I.

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enactment, gives to these rules the force of laws "binding on those who, expressly or by imputation, have consented to them."\*

For this reason, wherever the Church is not established by law, it is, in the judgment of your Committee, essential to order and good government that the Diocese should be organized by a Synod.

Your Committee consider that it is not at variance with the ancient principles of the Church, that both Clergy and Laity should attend the Diocesan Synod, and that it is expedient that the Synod should consist of the Bishop and Clergy of the Diocese, with Representatives of the Laity.

The constitution of the Diocesan Synod may be determined either by rules for that branch of the Church established by the Synod of the Province, or by general consent in the Diocese itself, its rules being sanctioned afterwards by the Provincial Synod.

Your Committee, however, recommend that the following general rules should be adopted: viz., that the Bishop, Clergy, and Laity should sit together, the Bishop presiding; that votes should be taken by orders, whenever demanded; and that the concurrent assent of Bishop, Clergy, and Laity should be necessary to the validity of all acts of the Synod.

They consider that the Clerical members of the Synod should be those Clergy who are recognised by the Bishop, according to the rules of the Church in that Diocese, as being under his jurisdiction. Whether in large Dioceses, when the Clergy are very numerous, they might appear by representation, is a difficult question, and on which your Committee are not prepared to express an opinion.

The Lay Representatives in the Synod ought, in the judgment of your Committee, to be Male Communicants of at least one year's standing in the Diocese, and of the full age of twenty-one. It should be required that the electors should be Members of the Church in that Diocese, and belong to the parish in which they claim to vote. It appears desirable that the regular meetings of the Synod should be fixed and periodical; but that the right of convening special meetings whenever they may be required should be reserved to the Bishop.

The office of the Diocesan Synod is, generally, to make regulations, not repugnant to those of higher Synods, for the order and

\* "Judgment of the Judicial Committee of Privy Council in case of Long v. Bishop of Capetown." (1 Moore, P. C. C. N.S. 461.)

## THE LAMBETH CONFERENCE, REPORT I.

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good government of the Church within the Diocese, and to promulgate the decisions of the Provincial Synod.

II.—The Provincial Synod—or, as it is called in New Zealand and Scotland, the General Synod, and in the United States the General Convention—is formed, whenever it does not exist already by law and usage, through the voluntary association of Dioceses for united legislation and common action. The Provincial Synod not only provides a method for security amongst the Dioceses which are thus associated, but also forms the link between these Dioceses and other Churches of the Anglican Communion.

Without questioning the right of the Bishops of any Province to meet in Synod by themselves, and without affirming that the presence of others is essential to a Provincial Synod, your Committee recommend that, whenever no law or usage to the contrary already exists, it should consist of the Bishops of the Province, and of Representatives both of the Clergy and of the Laity in each Diocese.

Your Committee need not define the method in which a Provincial Synod may be first constituted, but they assume that its constitution and rules will be determined by the concurrence of the several Dioceses duly represented.

Your Committee consider that it must be left to each Province to decide whether, and under what circumstances, the Bishops, Clergy, and Laity in a Provincial Synod should sit and discuss questions in the same chamber or separately; but, in the judgment of the Committee, the votes should in either case be taken by orders; and the concurrent assent of Bishops, Clergy, and Laity should be necessary for any legislative action, wherever the Clergy and Laity form part of the constitution of a Provincial Synod; such powers and functions not involving legislation being reserved as belong to the Bishops by virtue of their office.

The number, qualification, and mode of election of the Clerical and Lay Representatives from each Diocese must be determined by the Synods in the several Provinces.

It is the office of the Provincial Synod, generally, to exercise, within the limits of the Province, powers in regard to Provincial questions similar to those which the Diocesan Synod exercises within the Diocese in regard to Diocesan questions.

As to the relation between these two Synods, your Committee

## THE LAMBETH CONFERENCE, REPORT I.

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are of opinion that the Diocese is bound to accept positive enactments of a Provincial Synod in which it is duly represented, and that no Diocesan regulations have force, if contrary to the decisions of a higher Synod; but that, in order to prevent any collision or misunderstanding, the spheres of action of the several Synods should be defined on the following principle—viz., that the Provincial Synod should deal with questions of common interest to the whole Province, and with those which 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.

From this principle your Committee draw the following conclusions:—

1. All alterations in the Services of the Church, required by circumstances in the Province, should be made or authorized by the Provincial Synod, and not merely by the Diocesan.

2. The rule of discipline for the Clergy of the Province should be framed by the Provincial Synod.

3. Rules for the trial of Clergy should be made by the Provincial Synod; but, in default of such action on the part of that Synod, the Diocesan Synod should establish provisional rules for this purpose. The Provincial Tribunal of Appeal should be established by the Provincial Synod.

4. In questions relating to Patronage, the tenure of Church property, Parochial divisions, arrangements, officers, &c., there should be joint action of the Diocese and the Province; the former making such regulations as may be best suited to develop local resources, the latter providing against the admission of any principle inexpedient for the common interests of the Church.

5. The erection of a new Diocese within the limits of an existing Diocese should proceed by general rules established by the Provincial Synod.

6. The question of the election of a Bishop it is unnecessary here to consider, as it is submitted to another Committee.

III.—The question of a higher Synod of the Anglican Communion, and of the relation which the inferior Synods should hold towards it, whenever it might assemble, is one, your Committee are aware, of much greater difficulty than those which have been previously considered.

## THE LAMBETH CONFERENCE, REPORT I.

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The fact, however, that a Conference of Bishops of the whole Anglican Communion has already met together, is of itself an indication of the need which is generally felt of some united counsels in a sphere more extensive than that of a Provincial Synod. Indeed, the Resolutions under which this Committee was appointed contemplate the possibility at least of some Synod being established superior to the Provincial. It is also implied in Resolution VIII. of this Conference, that some such Assembly may be required, in order to preserve Colonial and Missionary Churches in close union with the Church of England, since it is provided that all changes in the Services of the Church made by one of their Provincial Synods should "be liable to revision by any Synod of the Anglican Communion in which the said Province should be represented."

The objections that may be urged against the united action of Churches which are more or less free to act independently, and other Churches whose constitution is fixed, not only by ancient ecclesiastical laws and usages, but by the law of the State, are obvious; but it appears to your Committee that the action of this Conference has proved that the difficulties which are anticipated are not insuperable, and suggests the method by which they may be overcome. Under present circumstances, indeed, no Assembly that might be convened would be competent to enact canons of binding ecclesiastical authority on these different bodies, or to frame definitions of faith which it would be obligatory on the Churches of the Anglican Communion to accept. It would be necessary, therefore, in the judgment of your Committee, to avoid all terms respecting this Assembly that might imply authority of this nature, and to call it a Congress, if even the term Council should be considered open to objection. Its decisions could only possess the authority which might be derived from the moral weight of such united councils and judgments, and from the voluntary acceptance of its conclusions by any of the Churches there represented.

Your Committee consider that his Grace the Archbishop of Canterbury, as occupying the See from which the Colonial and American Churches derive their Succession, should be the convener of such an Assembly. That it should differ from the present Conference in being attended by both Clerical and Lay Representatives of the several Churches, as consultees and advisers, each Diocese being

## THE LAMBETH CONFERENCE, REPORT I.

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allowed to send, besides its Bishop, a presbyter and a lay member of the Church, if they should desire to be thus represented; and further, in the proceedings being more formal and, in part at least, public. The question when for the first time, and at what periods, this Congress or Council should be called, your Committee deem it more respectful to leave for the consideration of his Grace the Archbishop of Canterbury and of the present Conference.

G. A. NEW ZEALAND, *Chairman.*

H. GRAHAMSTOWN, *Secretary.*



# The Church in Canada.

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## I.

### CONSTITUTION OF THE PROVINCIAL SYNOD, AS ADOPTED BY THE LOWER HOUSE, WITH AMENDMENTS AGREED UPON BY THE UPPER HOUSE.

1. The Provincial Synod shall consist of the Bishops of the United Church of England and Ireland, having Sees within the Province of Canada, or executing by due authority the Episcopate as Assistant or Missionary Bishops therein, and of Delegates chosen from the Clergy and from the Laity.

2. The Bishops shall deliberate in one House, and the Delegates from the Clergy and Laity in another; and each House shall hold its sittings either in public or in private, at its own discretion.

3. The Clerical and Lay Delegates shall consist of twelve of each Order from each Diocese.

4. The Synod shall meet on the 3rd Wednesday of September in every third year, or oftener at the discretion of the Metropolitan; or, on the requisition of any two Bishops, or of the Bishop and half the Delegates of each Order in any Diocese.

5. In a vacancy of the Metropolitan See, a meeting may be called at the appointed period, or on either of the above requisitions, by the senior Bishop of the Church in Canada.

6. A quorum of the Synod shall consist of not less than a majority of the Bishops, and not less than one-fourth of the members of each Order of the Lower House.

7. The Metropolitan, or some Bishop appointed by him, shall be the President of the Upper House; and in the vacancy of the See the House of Bishops shall elect one of their own number to preside.

8. The Lower House shall be presided over by their Prolocutor, to be chosen *viva voce* on motion of any member of that House.

9. Each House shall appoint a Secretary or Secretaries, who shall keep regular accounts of all proceedings in their own House, shall record them in books provided for the purpose, shall preserve memorials and other documents under the direction of the President and Prolocutor, shall attest all public acts of the Synod, and deliver over all records and documents to their successors.

10. The expenses of the Synod shall be provided for, and its financial concerns managed by a Committee of the Lower House after a manner to be approved by both Houses.

11. Each House shall establish its own order of proceeding and rules of order, and may publish such of its proceedings as may appear advisable.

12. The Upper House shall propose to the Lower any business they may desire to have treated of or decided; and it shall be incumbent on the Lower House to take up and dispose of such business in preference to any other.

13. The Upper House may direct the Lower to appoint a Committee to report to the Upper on any subject, on which they may desire the judgment of the Lower, or to appoint their portion of a joint-committee; or may summon the Lower to a conference.

14. Messages from the Upper House shall be delivered by an Officer of the Upper to the Secretary of the Lower, by whom they shall be communicated to the Prolocutor, who shall communicate them to the House.

15. The Lower House may present to the Upper any matter which they conceive to be a grievance or to require amendment, even when they have no proposition to make on the same; and the Upper House shall thereupon place it in order for consideration with the view of providing a remedy; and shall, before the conclusion of the session, declare to the Lower House the result.

16. The Prolocutor shall have the right of admission personally or by Committee to the Upper House, to communicate the desire or decisions of his House; and in such case he shall ascertain by message when he or the Committee can conveniently be received in the Upper House, and act accordingly.

17. It shall be competent to the Lower House to request a joint-committee or conference on any special object, beyond those sub-

mitted to it by the Upper House, or to propose for discussion any specific measure; to which request an answer shall be given: but it shall be at the option of the Upper House to accede to their request or not.

18. When either house shall desire a conference with the other, or a joint-committee, the reason for either shall be agreed to by the House desiring it, and communicated in writing to the other; the Prolocutor personally or by committee in either case proceeding to the Upper House, either to deliver or to receive such reasons.

19. When either House shall have come to a decision upon any subject in which the other House is concerned, it shall communicate its decision to the other.

20. If the Lower House should not concur in a decision of the Upper, they shall, in stating their non-concurrence, state their reasons; and may either propose an amendment, or request the Upper House to suggest an amendment to meet their reasons, or request a conference.

21. If the Upper should not concur in a resolution or decision of the Lower, they may, in stating their non-concurrence, either state their reasons or not; and may either propose an amendment, or request the Lower House to prepare an amendment, or appoint a conference, to which the Lower House shall always give attention.

22. The conference may be either by deputation from both Houses, or by deputation from the Lower House, or by open conference, as the Upper House may think fit; and the place shall be appointed by the President.

23. No proposition shall be considered as sanctioned by the Provincial Synod, until it has received the separate sanction of both Houses, which shall be declared by the President in writing.

24. Committees, whether of either House, or of the two Houses, may hold their meetings either during recesses in the session, or during the prorogation of the Synod.

25. No alteration of the Constitution or Canons shall come into operation, until it has been confirmed at a second session of the Provincial Synod.

26. Each meeting of the Synod shall be preceded, or commenced

by Morning Prayer and a Sermon, if so ordered by the Metropolitan, and on the first day of such meeting the Holy Communion shall be administered.

27. The business of each day shall be commenced by prayer for the Divine guidance and blessing, according to a form authorized by the House of Bishops.

28. The election of the Clerical and Lay Delegates shall be certified under the hand and seal of the Bishop of the Diocese which they represent, or, in the absence of the Bishop, the Chairman of the Synod, and such certificate shall be final and conclusive, which certificate shall be forwarded by the Secretaries of the Diocesan Synods to the Secretaries of the Lower House of the Provincial Synod, within fourteen days after said election.

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## II.

### DECLARATION.

We, the Bishops of the United Church of England and Ireland within the Province of Canada, together with the Delegates from the Clergy and Laity of the Diocesan Synods, now assembled in the first Provincial Synod under Royal and constitutional authority, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Province, desire to express our most humble and hearty thanks to Almighty God, that it has pleased Him in His Providence to set over us a Metropolitan, and thus to enable us, as in the ancient days, to assemble as one body, under the direction of His Holy Spirit, whose aid we now invoke, in the name of His only begotten Son, for the consolidation and advancement of His kingdom in this Province.

Before entering on the business for which we are at present assembled, we desire publicly to declare the principles upon which we propose to proceed.

We desire the Church in this Province to continue as it has been, an integral portion of the United Church of England and Ireland.

As members of that Church, we recognise the true Canon of Holy Scripture, as set forth by that Church, on the testimony of the Primitive Catholic Church, to be the rule and standard of Faith: we acknowledge the Book of Common Prayer and Sacraments together with the Thirty-nine Articles of Religion, to be a true and faithful declaration of the doctrines contained in Holy Scripture: we maintain the form of Church government by Bishops, Priests, and Deacons, as Scriptural and Apostolical; and we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve those doctrines and that form of government and to transmit them to our posterity.

In particular we maintain the ancient doctrine of our Church, that the Queen is rightfully possessed of the chief government and supremacy over all persons within her dominions, whether ecclesiastical or civil, as set forth in the 37th of the Articles of Religion: and we desire that such supremacy should continue unimpaired.

It is our earnest desire and determination to confine our deliberation to matters of discipline, to the temporalities of the Church, and to such regulations of order or modes of operation, as may tend to her efficiency and extension; and we desire no control or authority over any but those who are or shall be members of the same Church.

We conceive that the following or such like objects may fitly come under our consideration and lead to action on our part:

1. To form a Constitution for this Synod, and to regulate the time and place of the meetings, and the order and manner of its proceedings.

2. To provide for the proper exercise of ecclesiastical discipline in regard to both Clergy and Laity, by modifying and enacting Canons, and by establishing and ordering a Court of Appeal.

3. To provide (with consent of the Crown, when needed) fit regulations for the appointment of Bishops, Priests, and Deacons, in accordance with the Canons of the Universal Church.

4. To provide, with the consent of the Crown, for the division of the Province into new Dioceses, as occasion may require.

5. To procure from the Colonial Legislature any laws or modifications of laws, which the circumstances of the Church may require.

6. To promote the further consolidation and united action of the whole of the Diocese of British North America.

Proceeding upon these principles, which, as we humbly thank God, were, under His good guidance, first among the Colonial Churches, publicly set forth amongst ourselves, and have been sustained by the acceptance of our brethren through a large part of the Colonial Dominions of our beloved Queen, we firmly rely and depend upon His continued blessing and guidance; and we humbly pray that He, who is the God of unity and peace, may ever be with us, and so chasten our affections, purify our motives, and guide our judgment, that we may be enabled to contribute to the efficiency, concord, and stability of the Church in this land.

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### III.

#### ACTS OF THE PROVINCIAL LEGISLATURE, RESPECTING THE CHURCH IN CANADA.

19-20 VICT., CH. 121.

*An Act to enable Members of the United Church of England and Ireland in Canada to meet in Synod.*

Proclaimed, May 28th, 1857.

WHEREAS doubts exist whether the members of the United Church of England and Ireland in this Province have the power of regulating the affairs of their Church, in matters relating to discipline, and necessary to order and good government, and it is just that such doubts should be removed, in order that they may be permitted to exercise the same rights of self-government that are enjoyed by other religious communities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The Bishops, Clergy and Laity, members of the United Church of England and Ireland in this Province, may meet in their several Dioceses, which are now, or may be hereafter constituted in this Province, and in such manner and by such proceedings as they shall adopt, frame constitutions and make regulations for enforcing discipline in the Church, for the appointment, deposition, depriva-

tion, or removal of any person bearing office therein, of whatever order or degree, any rights of the Crown to the contrary notwithstanding, and for the convenient and orderly management of the property, affairs and interests of the Church in matters relating to and affecting only the said Church and the officers and members thereof, and not in any manner interfering with the rights, privileges or interests of other religious communities, or of any person or persons not being a member or members of the said United Church of England and Ireland; Provided always, that such constitutions and regulations shall apply only to the Diocese or Dioceses adopting the same.

II. The Bishops, Clergy, and Laity, members of the United Church of England and Ireland in this Province, may meet in General Assembly within this Province, by such Representatives as shall be determined and declared by them in their several Dioceses; and in such General Assembly frame a Constitution and Regulations for the general management and good government of the said Church in this Province; Provided always, that nothing in this Act contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine or penalty upon any person other than his suspension or removal from an office in the said Church, or exclusion from the meetings or proceedings of the Diocesan or General Synods; And provided also, that nothing in the said constitutions or regulations, or any of them, shall be contrary to any law or statute now or hereafter in force in this Province.

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22 VICT., CH. 139.

*An Act to explain and amend the Act, intituled, 'An Act to enable the Members of the United Church of England and Ireland in Canada to meet in Synod.'*

Assented to August 16th, 1858.

WHEREAS doubts exist whether in the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled, "An Act to enable the Members of the United Church of England and Ireland in Canada, to meet in Synod," sufficient pro-

vision is made for the representation of the Laity of the United Church of England and Ireland in the Synods by the said Act authorised to be held, and it is expedient that such doubts should be removed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. For all the purposes of the aforesaid Act, the Laity shall meet by representation; and until it shall be otherwise determined by the Synod in each Diocese, one or more delegates (not exceeding three in any case,) may be elected at the annual Easter meetings in each parish, mission or cure within the Diocese, or in cases where there may be more than one congregation in any parish, mission, or cure, then, in each such congregation, or at meetings to be specially called for the purpose by each Clergyman having a separate cure of souls; and all laymen within such parish, mission, or cure, or belonging to such congregation of the full age of twenty-one years, who shall declare themselves, in writing, at such meetings, to be members of the United Church of England and Ireland, and to belong to no other religious denomination, shall have the right of voting at such election. Each delegate shall receive from the Chairman of the meeting a certificate of his election, which he shall produce when called upon so to do, at the Synod; and the first meeting of such Synod shall be called by the Bishop of the Diocese at such time and place as he shall think fit; Provided always, that no business shall be transacted by the Synod of any Diocese unless at least one-fourth of the Clergy of such Diocese shall be present, and at least one-fourth of the Congregations within the same be represented by at least one delegate.

II. All proceedings heretofore had in any Diocese under the aforesaid Act, which have been conformable to the provisions of this Act, shall be held to be valid, as if the same had taken place after the passing of this Act.



# The Constitution

OF THE

## BRANCH OF THE UNITED CHURCH OF ENGLAND AND IRELAND IN NEW ZEALAND.

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*In the Name of God.—Amen.* Whereas it is desirable that the members of the United Church of England and Ireland in the Colony of New Zealand, should be associated together by voluntary compact as a branch of the said United Church for the ordering of the affairs, the management of the property, the promotion of the discipline of the members thereof, and for the inculcation and maintenance of sound Doctrine and true Religion throughout the Colony to the glory of ALMIGHTY GOD, and the edification and increase of the Church of CHRIST: *And whereas*, at a General Conference, held at Auckland, on the Thirteenth day of June, in the year of our Lord 1857, the Bishops and certain of the Clergy and Laity representing a numerous body of the members of the said United Church, agreed to a Constitution for the purposes aforesaid: *And whereas* the said Constitution has now been revised at a Session of the General Synod, held at Christ Church, in the year of our Lord, 1865.

Now, therefore, the Bishops, Clergy, and Laity, in General Synod assembled, *do solemnly declare and establish* as follows:—

### I.—FUNDAMENTAL PROVISIONS.

1. This branch of the United Church of England and Ireland in New Zealand doth hold and maintain the Doctrine and Sacraments of Christ as the Lord hath commanded in His Holy Word, and as the United Church of England and Ireland hath received and

explained the same in the Book of Common prayer, in the form and manner of making, ordaining, and consecrating of Bishops, Priests, and Deacons, and in the Thirty-nine Articles of Religion. And the General Synod hereinafter constituted for the government of this Branch of the said Church shall also hold and maintain the said Doctrine and Sacraments of Christ, and shall have no power to make any alteration in the authorized version of the Holy Scriptures, or in the above-named Formularies of the Church.

2. *Provided that* nothing herein contained shall prevent the General Synod from accepting any alteration of the above-named Formularies, and version of the Bible, as may from time to time be adopted by the United Church of England and Ireland, with the consent of the Crown and Convocation.

3. *Provided also that* in case a Licence be granted by the Crown to this branch of the Church of England to frame new and modify existing rules (not affecting doctrine) with the view of meeting the peculiar circumstances of this Colony and the native people, it shall be lawful for this Branch of the said Church to avail itself of that liberty.

4. *And whereas* opinions have been expressed by eminent legal authorities in England, that the property of the Church in New Zealand might be placed in jeopardy, unless provision were made for the contingency of a separation of New Zealand from the Mother Country, and for that of an alteration in the existing relations between Church and State; it is hereby further declared that, in the event of a separation of New Zealand from the Mother Country, or of a separation of the Church from the State in England and Ireland, the General Synod shall have full power to make such alterations in the Articles, Services, and Ceremonies of this Branch of the United Church of England and Ireland in New Zealand as its altered circumstances may require, or to make such alterations as it may think fit in the authorised version of the Bible.

And the said Bishops, Clergy, and Laity *do further declare and establish* as follows:—

5. There shall be a Representative Governing Body for the management of the affairs of the Church, to be called the General Synod of the Branch of the United Church of England and Ireland in the Colony of New Zealand, which shall consist of three distinct Orders—viz., the Bishops, the Clergy, and the Laity, the consent

## THE CHURCH IN NEW ZEALAND.

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of all of which Orders shall be necessary to all Acts binding upon the Synod, and upon all persons recognising its authority.

6. The above Provisions shall be deemed FUNDAMENTAL, and it shall not be within the power of the General Synod, or of any Diocesan Synod, *to alter, revoke, add to, or diminish any of the same.*

### II.—PROVISIONS NOT FUNDAMENTAL.

7. There shall be a Meeting of the General Synod in every third year, dating from the year of our Lord 1859, at such time and place as shall from time to time be prescribed in that behalf by the said General Synod.

8. A fresh Election shall take place before each triennial meeting of the General Synod in such manner as may be prescribed from time to time in that behalf by the General Synod.

9. Every Diocese shall be entitled to an equal number of Clerical Representatives, and an equal number of Lay Representatives, all such Representatives being communicants of the said Church: the numbers of each order to be determined from time to time by the General Synod.

10. Every Act of the General Synod shall be assented to by a majority of members of each of the three Orders, present in person at a duly constituted meeting.

11. The General Synod shall fix the standard of qualification, and shall appoint the mode of registration, for the purpose of determining what persons are admissible to take part in the proceedings of any General or Diocesan Synod, or of any Archdeaconry or Rural Deanery Board, whether as Electors, Representatives, or Synodsmen, or in any other manner whatsoever.

*Provided that* no person shall be qualified to be elected as a Lay Representative for any District in any Diocese, or as a Synodsmen, or as a member of any Archdeaconry or Rural Deanery Board, unless he be a Communicant, and of the age of twenty-one years or upwards.

12. No person shall take any part in the proceeding of any General or Diocesan Synod, or of any Archdeaconry or Rural Deanery Board, or in the Elections thereto, in any manner whatsoever, who shall have been declared incompetent by any tribunal

## THE CHURCH IN NEW ZEALAND.

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acting under the authority of the General Synod, or who shall have declined, when required by the same authority, to sign a declaration of his adhesion and submission to the authority of the General Synod.

13. The General Synod shall have full power to determine how and by whom all Patronage shall be exercised, and generally to make all such regulations as shall be necessary for the order, good government, and efficiency of the said Branch of the United Church of England and Ireland.

14. The General Synod shall frame such regulations as shall be found necessary from time to time for the management of the property held in trust for the General Synod, and for the government of all persons holding office under or receiving emolument from the General Synod, and shall determine in what manner and upon what conditions every Clergyman, Trustee, Catechist, Churchwarden, Schoolmaster, or other office-bearer or agent, whether Clerical or Lay, shall enter upon the use and occupation of any portion of the Church property held in Trust for the General Synod, and in what manner and upon what conditions all such office-bearers, whether Clerical or Lay, shall receive their respective appointments, and the General Synod shall have full power to fix the amount of all salaries, dues, fees, and other emoluments, payable to any person out of the proceeds of any property held in Trust for the General Synod.

15. All Clergymen, Trustees, Catechists, Churchwardens, Schoolmasters, or other office-bearers or agents who shall be so appointed, or who shall receive any income or emolument from or out of the said Trust property, and all office-bearers who, whether receiving any emolument therefrom or not, shall have consented to hold their appointments under the General Synod, shall be liable to be deposed, removed, or suspended from their respective appointments by the General Synod, if from any cause whatever the General Synod shall deem it expedient and proper to exercise such power; and whenever any Clergyman, Trustee, Catechist, Churchwarden Schoolmaster, or other office-bearer or agent, whether Clerical or Lay, shall be deposed, removed, or suspended from his appointment, he shall *ipso facto* immediately cease to have or exercise any function or office under the General Synod, and shall be absolutely deprived of all the rights, emoluments, stipend, or salary, to which, by

## THE CHURCH IN NEW ZEALAND.

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virtue of his appointment, he would have been entitled, but for such deposition, removal, or suspension, and shall forthwith deliver up to the General Synod, or to Trustees appointed by them, all such Trust property, and all such deeds, books, papers, money, and effects belonging and relating thereto, as may then be in his occupation, possession, or power.

*Provided always*, that whenever a competent Tribunal shall have been established in any Diocese, no such person shall be removed from his cure, charge, trust, or office, upon the ground of any offence alleged to have been committed by him, and recognizable by such Tribunal, except upon a decision of such Tribunal, unless it shall have been expressly provided that he may be so removed by the terms of his appointment.

16. The General Synod shall establish a Tribunal or Tribunals in New Zealand, for the purpose of deciding all questions of Doctrine and Discipline ; and also may establish a Court or Courts of Appeal from the decision of any such Tribunals.

17. The General Synod may delegate to any Synod, Board, or Commission, either specifically as the case may require, or under such general regulations as shall from time to time be laid down by the General Synod, any of the powers conferred upon the General Synod by these Presents.

18. The General Synod of this Branch of the United Church of England and Ireland may associate with itself any Missionary Dioceses which may be formed among the other Islands of the Pacific Ocean.

19. The Synod in each Diocese shall consist of the Bishop, Clergy, and Laity, and shall be similar, as far as possible, to the General Synod in constitution and mode of procedure.

20. Every such Diocesan Synod may, within the limits of the Diocese, exercise all such powers, and make all such Regulations (not repugnant to any regulation of the General Synod) as may be necessary for the order and good government of the Church in such Diocese.

*Provided always*, that any person or persons who may deem himself or themselves aggrieved by any act or decision of the Diocesan Synod either in the case of property held under or administered by the Diocesan Synod, or in any other matter, may appeal to the General Synod, or to any Board or Court of Appeal

## THE CHURCH IN NEW ZEALAND.

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established by the General Synod in that behalf; and the General Synod or such Court of Appeal shall finally decide such appeals.

21. Any regulation assented to by all the Diocesan Synods, with a view to its acquiring the force of a Regulation of the General Synod, shall be taken and deemed to be, and shall have the force of, a Regulation of the General Synod.

Provided always, that no such Regulation shall repeal or alter any of the Provisions of these Presents.

22. The General Synod shall have power to make any Regulation controlling, altering, repealing, or superseding any Regulation which may have been made by any Diocesan Synod.

23. The nomination of a Bishop shall proceed from the Diocesan Synod, and if such nomination be sanctioned by the General Synod, or, if the General Synod be not in Session, by the majority of the Standing Committees of the several Dioceses, the senior Bishop shall take the necessary steps for giving effect to the nomination.

Provided, that every such nomination shall be made upon condition that the person so nominated shall, before accepting the nomination, declare in writing his assent to this Constitution.

24. All property, real or personal, to be conveyed to Trustees on behalf of the General Synod, shall be held upon Trust, that such Trustees shall and do stand seised and possessed of and interested in the same, or otherwise shall and do convey, settle, assure, or assign the same upon and for or according to such trusts, intents, and purposes, and under and subject to such powers, provisoes, declarations, and agreements, and in such manner and for such objects and purposes, whether Religious, Missionary, Ecclesiastical, Collegiate, or Charitable, as the General Synod of this Branch of the United Church of England and Ireland in New Zealand shall from time to time direct or appoint in writing under the hand of any person authorized by the General Synod in that behalf, subject, however, to any special covenants and declarations of Trust imposed by any Founder, Donor, Testator, or other Benefactor, attaching to any property, which property shall have been accepted by the General Synod, or by any board or other person authorized by the General Synod in that behalf.

25. The General Synod, or any Board or Commission constituted by the General Synod in that behalf, shall, for the purposes of "The Religious, Charitable, and Educational Trusts'

Act, 1856," be deemed to be a body duly constituted to represent the Branch of the United Church of England and Ireland referred to in these Presents.

26. Every Trustee in whom any property, real or personal, shall be vested, either solely or jointly with any other persons or person for or on behalf of the General 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, and any Board or Commission appointed by the General Synod for that purpose shall possess and may exercise such of the powers vested in the General Synod as shall be by the General Synod in that behalf prescribed.

27. No Doctrines which are repugnant to the Doctrines of the United Church of England and Ireland as the same are explained and contained in the Thirty-nine Articles and in the Book of Common Prayer, and in the Form and Manner of Ordaining Bishops, Priests, and Deacons, may be taught or inculcated by the Bishops, Clergy, Catechists, Schoolmasters, and others, wholly or partially endowed or maintained by the proceeds of property held in trust for the General Synod; nor may any such Doctrine so repugnant be taught or inculcated in any churches or chapels, whether cathedral, parochial, collegiate, or missionary, or in any colleges and schools, which shall be either wholly or partially built out of funds derived from the property held in trust for the General Synod, or upon sites held by Trustees appointed in the manner herein specified, and it shall be the duty of all such Trustees to obey all instructions issued to them by or on behalf of the General Synod, for the purpose of guarding, as far as possible, against any Trust property, or proceeds therefrom, being so applied or disposed of as to promote the teaching or inculcation of any Doctrine repugnant to that of the United Church of England and Ireland as so explained.

28. No Clergyman, Trustee, Catechist, Churchwarden, Schoolmaster, or other Office-bearer or Agent, shall be admitted to any office under the authority of the General Synod, or be entitled to receive any income, emolument, or benefit from or out of any property held under the same, unless or until he shall have signed a declaration of his adhesion and submission to the authority of the General Synod in the form following:—

## THE CHURCH IN NEW ZEALAND.

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I, A. B., do declare my submission to the authority of the General Synod of the Branch of the United Church of England and Ireland in New Zealand, established by a Constitution agreed to on the 13th day of June, 1857, and to all the provisions of the Constitution. And I further consent to be bound by all the regulations which may from time to time be issued by the authority of the said General Synod; and I hereby undertake in consideration of being appointed immediately to resign my appointment, together with all the rights and emoluments appertaining thereto, whenever I shall be called on so to do by the General Synod, or by any person or persons lawfully acting under the authority of the General Synod in that behalf,

Given under my hand this                      day of                      18  
in the presence of

29. Any doubt which shall arise in the interpretation of these Presents, or of the Constitution for the time being of this Branch of the said Church, shall be submitted for final decision to the General Synod, or to some Tribunal to be established by the General Synod in that behalf.

30. It shall be lawful for the General Synod to alter, amend, or repeal all or any of the Provisions of these Presents, save and except the Provisions which have been hereinbefore declared to be Fundamental.

Provided always, that no such alteration shall be made until it shall have been first proposed in one General Synod, and made known to the several Diocesan Synods, and finally agreed to in the meeting of the General Synod next ensuing.



# Appendix.

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## I.

### ABSTRACT OF THE CANONS OF THE PROVINCIAL SYNOD OF THE CHURCH IN CANADA.

I. *For the Nomination and Election of a Bishop of Montreal and Metropolitan.*—The fact of the vacancy of the See having been notified to the senior Bishop, he shall convene a special meeting of the House of Bishops at Montreal to nominate two or more persons to be presented to the Diocesan Synod of Montreal, for their choice of one of them as Bishop of the Diocese; and the House of Bishops shall continue such nominations until a Bishop be elected.

Should however the Diocesan Synod of Montreal refuse to allow the House of Bishops the right of nomination, the House of Bishops may proceed to the election of a Metropolitan, who need not be the Bishop of Montreal.

II. No clergyman shall be licensed to the cure of souls until he has subscribed and declared his submission to the Canons of the Provincial Synod, and of the Synod of the Diocese in which he is to be licensed.

III. *Of the powers of the Metropolitan.*—The Metropolitan shall have precedence of all the other Bishops of the Canadian Dioceses, shall preside over the House of Bishops, and convene the Provincial Synod, and be President thereof. Upon a memorial signed by two-thirds of the clerical and lay members of any Diocesan Synod, he shall have full power and authority to exercise visitatorial powers in such Diocese.

IV. *On the Trial of a Bishop.*—This Canon is very similar to that of the American Church on the same subject.

V. This Canon constitutes a Court of Appeal of the Metropolitan,

consisting of the House of Bishops, presided over by the Metropolitan or senior Bishop. Appeal to be in all cases adjudged by any Diocesan Court; and for any error or defect in form in such cases; and also from the judgment or decision of the Bishops of the Court.

VI. *Of the Temporalities of the Church.*—The Provincial Synod having power under an Act of the Provincial Legislature, chap. 15, 29-39 Vict., to repeal, change, alter, and amend, by Canon or by-law, the Acts previously passed relating to the Church Temporalities, subject to certain reservations, the following Canon is substituted for the said Acts from and after the approval by the Governor in Council.

1. *The soil and freehold of all Churches* shall be in the Parson or Incumbent thereof, but the soil and freehold of the churchyards and burial grounds belonging thereto shall be in the Incumbent and the Churchwardens. The possession of the said churches, churchyards, and burial grounds shall be in the Incumbent and Churchwardens. The Churchwardens shall not permit church or churchyard to be used for Divine Service or for interment without the consent of the Incumbent thereof.

2. *Members of Vestry.*—All pew-owners and pew-holders being members of the United Church of England and Ireland, and all such members holding sittings under the authority of the Incumbent and Churchwardens in writing, shall form a Vestry. They shall not vote, however, unless they have held pews or sittings in the church for six months previously, and have paid all arrears of rent or dues assessed by the Vestry on their pews.

3. The Incumbent of any Church which has never had a Vestry, may appoint two Churchwardens.

4. On Easter Monday in each year the Vestry shall meet, and the Incumbent shall nominate one Churchwarden, and the Vestry elect the other.

5. No person may be Churchwarden unless a member of the United Church of England and Ireland, of the full age of 21 years, and a member of the Vestry.

6. Vacancies in the office of Churchwarden may be filled up in a special Vestry meeting.

7. Churchwardens shall hold office for one year, or until the appointment of their successors.

## APPENDIX I.

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8. The Incumbent and Churchwardens being a corporation, may sue or be sued for in respect of such Church and the members thereof whose interests they represent, and may execute leases and grant certificates to pew-holders.

9. In Churches in which the pews and sittings are free, the Vestry shall consist of such members of the congregations being of the age of 21 years, as shall declare themselves in writing on or before Ash Wednesday in each year to be members of the United Church of England and Ireland, habitually attending worship there, contributors to the Church funds, and not in arrears with respect to such contribution.

10. The Incumbent and Churchwardens shall from time to time lease and rent pews and sittings in Church, subject to such annual rent as may be assessed at the meetings of the Vestry.

11. From the passing of this Canon no sales of pews shall take place; but pews already freehold may be sold and assigned to any purchaser being a member of the Church of England, subject to the annual rent-charge or other dues.

12. Pew-holders, during their rightful possession, have a right of action against any one disturbing their possession.

13. Churchwardens shall account to the Vestry for all moneys received and for all payments made by them, and for all sums rated by the Vestry and remaining unpaid; and their account shall be referred to two or more Auditors appointed by the annual Vestry meeting.

14. Special Vestry meetings may be called by the Incumbent when he sees fit, or upon application to him by the Churchwardens, or by at least six members of the Vestry; and if he refuse to call a meeting, then the Churchwardens or such six members may call the same by notice.

15. The Rector, or Incumbent, or Assistant Minister of the Church, shall preside at all Vestry meetings, and in their absence such person as the majority present shall name, and the minutes of the meetings shall be kept by a secretary in books preserved in custody of the Churchwarden.

16. The rent-charge and rent of pews and sittings shall be regulated by the majority of the members present at any lawful Vestry meeting; and no alteration shall be made without the consent of two-thirds of the members present.

17. The Clerk, Organist, Sexton, and other subordinates shall be nominated, removed, and appointed by the Incumbent and Churchwardens. Choristers shall be appointed and removed by the Incumbent.

18. Fees for registration of baptisms, and fees on marriages, burials, &c., shall be regulated by the Diocesan Synods. Charges for burial plots, &c., shall be regulated by the Vestry.

19. Subject to the Canons of the Provincial Synods, and to those of the Synod of the Diocese in which it is situated, the Vestry may make by-laws for the regulation of their proceedings, and for the management of the temporalities of the Church or parish to which it belongs.

20. Any devise, bequest, deed, or conveyance of land or property to any Bishop, Rector, or Incumbent, for Church purposes, shall be valid and effectual, provided it be made and executed at least six months before the death of the person devising, &c. In case of real estate, it shall be registered not later than six months after his decease.

21. When any person or persons have by licence of the Bishop erected a Church and endowed it to his satisfaction, such founder, his heirs or assigns, being members of the Church of England, shall have the right to presentation to such Church according to the rules and Canons of the Provincial and Diocesan Synods; but upon their ceasing to be members of the Church of England, the right of presentation shall lapse to the Bishop of the Diocese.

22. Synods may fix Synod-dues payable by Parishes.

23. No spiritual jurisdiction or rights are conferred by this Canon.

24. The Bishops, by and with the consent of the Synod or Church Society of the Dioceses, and by and with the consent and participation of the Incumbents and Churchwardens of the Parishes interested, shall have power to sell, alienate, and transfer any lands or personalty vested in them respectively for the endowment of the See, or for Church purposes generally, or for the use of any particular Church or Parish; provided always that the price or consideration of such sale or transfer be applied to the uses and purposes for which the property was conveyed to them; and provided also that such sale, alienation, or transfer be not inconsistent with or contrary to the conditions of the deed of conveyance.

25. The word "Church" in this Canon shall be held to include every description of Church or Chapel.

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II.

ABSTRACT OF THE STATUTES OF THE GENERAL  
SYNOD OF NEW ZEALAND.

1. *For organizing the General Synod.*—The General Synod shall consist of the Bishops for the time being, and of not less than three Clerical and four Lay Representatives for each Diocese. Every clergyman, whose name shall have been certified in a list kept by the Synod of the Diocese in which he resides, shall be entitled to vote at the election of Clerical Representatives, and to be elected as a Clerical Representative. Every layman of the age of 21 years and upwards who shall have signed a declaration that he is a member of the Church, shall be qualified to vote, and if he be also a communicant shall be eligible to be elected as a lay representative. Any Missionary Bishop duly associated with the General Synod may bring to the General Synod two Clergymen and two Laymen. For the purpose of the election of Lay Representatives, each Diocese shall be divided by its Synod into Districts. The Synod also makes Regulations for conduct of Elections. Since March 1, 1862, the presence of at least two Bishops, six Clerical Representatives, and nine Lay Representatives, have been necessary to constitute a meeting of the General Synod for the due exercise of the powers vested in it. Provision is made for filling up vacancies, and no representative can serve for more than one District. The Metropolitan, or in his absence, the senior Bishop present, shall preside over the General Synod.

2. *For organizing the Diocesan Synods.*—The Diocesan Synod shall meet every year, and consist of the Bishop, the licensed Clergy, and of not less than one Synodsmen for every Parish of the Diocese. The qualifications of Electors and Synodsmen shall be the same for the Diocesan and the General Synods. The Synod shall regulate the number of Synodsmen, and the conduct of Elections. The presence of the Bishop, of one-fourth of the Clergy of the Diocese, not being less than four in number, and of one-

fourth of the Lay-Synodsmen, not being less than seven in number, shall be necessary to constitute a quorum. The concurrence of a majority of each order shall be necessary to every act of the Synod. In case of the absence, death, or resignation of the Bishop, his Commissary shall convene and preside over the Synod.

3. *For the organization of Archdeaconry and Rural Deanery Boards.*—These shall be constituted and their power prescribed by the Diocesan Synod, and shall consist of the Bishop and the licensed Clergy, and of not less than one lay representative for each Parish within the limits of the Archdeaconry or Rural Deanery. The clergy and laity shall vote as one body, but the assent of the Bishop shall be necessary to every act or resolution.

4. *For the formation of Parishes, and defining duties of Parish offices.*—The Diocesan Synod shall constitute the Parish, define its boundaries, and when expedient alter them. Two Churchwardens shall be taken yearly out of the communicants of the Parish; one appointed by the Minister, and the other elected by the Parishioners. The Vestry shall consist of the two Churchwardens, and of not less than three or more than ten communicants elected yearly by the Parishioners. The Minister, or if there be no Minister, one of the Churchwardens, shall convene and shall be Chairman of all meetings of the Parishioners or Vestry needful for the purpose of this Statute, with a substantive as well as a casting vote. The Diocesan Synod shall define the powers and duties of the Vestrymen and Churchwardens. The term "Parishioner," shall mean every man of the age of 21 years or upwards resident in the Parish, and who has signed a declaration in the Churchwarden's book that he is a member of the United Church of England and Ireland.

5. *To provide for the appointment of Pastors to Parishes.*—The Trust of selecting a Clergyman and nominating him to the Bishop for institution to a vacant cure of souls, shall be vested in nominators chosen annually by the Diocesan Synod and by the Vestry of the Parish respectively. The number of nominators, and the time and manner of election, is determined by the Diocesan Synod. If either party fail to elect nominators, this may be done by the Standing Committee. A majority of not less than two-thirds of the nominators is necessary. The Synod may enable any Board of nominators to delegate their trust, or may vest a limited right of nomination in a private benefactor for the first presentation. The

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Bishop, having first ascertained the means available for the support of the clergyman, shall institute him when duly nominated, if he be satisfied of his fitness, as prescribed by Can. 39, 1603; but if not so satisfied, he shall give notice to the nominators, and communicate in writing his reasons for so doing to the Clergyman rejected. Two-thirds of the nominators or the Clergyman rejected may appeal to the House of Bishops, if the appeal be lodged with the Standing Committee of the Diocese within two months after such rejection; and if the Bishop's grounds of objection appear insufficient either to the Standing Committee in the first instance, or afterwards to two-thirds of the House of Bishops, institution shall be given. Where no nomination shall be certified, or not certified to the Bishop within eighteen months after the notification of the vacancy, the nomination lapses to the Bishop. Every Clergyman wishing to resign his cure must send a formal written notice to the Bishop of his intention, and if the Bishop accepts this, he shall send a notice to the nominators to seek for a successor. The Bishop shall appoint the clergyman or lay reader, who is to officiate during any vacancy in the cure. A clergyman duly instituted, cannot be removed without his consent, unless upon decision by some competent tribunal.

6. *For delegating certain of the powers vested in the General Synod.*—A Standing Commission of not fewer than seven shall be appointed by the General Synod to act for it in accepting special covenants, and to appoint and remove trustees; and to tender a declaration of adhesion and submission to any member of any Synod or Archdeaconry of Rural Deanery Board; and on the application of any two Bishops, to convene special meetings of the General Synod, and to ascertain the assent of all the Diocesan Synods to any regulation with a view to its acquiring the force of a regulation of the General Synod.

7. All doubts which may arise in the interpretation of the Statutes of the General or Diocesan Synods are to be submitted for final decision to the Standing Commission of the General Synod.

8. *Appoints a Board of Trusts* for the Rural Deanery of Otago and Southland.

9. This Statute was passed in 1865, and *establishes Diocesan Courts and Courts of Appeal* for the maintenance of sound doctrine and discipline. 1. The Bishop's Court shall hear and determine all

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cases in which any Clergyman, Office-bearer, or Trustee of the Church, residing in the Diocese and subject to the jurisdiction of the Court, is charged with any ecclesiastical offence. The Bishop shall appoint a Chancellor of the Diocese to preside, a Church Advocate to conduct proceedings for the Church, and a Registrar of the Diocese. He may only remove these by the consent of the Diocesan Synod. With the concurrence of the Synod the Bishop shall also appoint not less than four Clergymen and four Laymen to be Assessors of the Bishop's Court, and to hold office for three years. II. The second part of this Statute regulates the proceedings before trial, and in cases where no trial is needed. III. The third part of the Statute arranges the proceedings at and after trial. IV. The fourth part consists of miscellaneous provisions.

10. This Statute defines Ecclesiastical Offences, and the punishments thereof.













