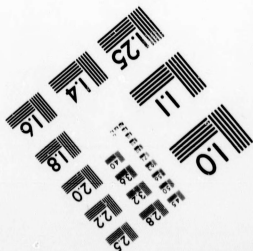
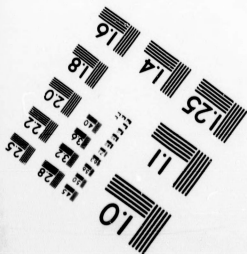
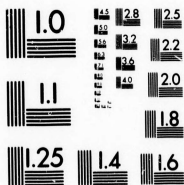


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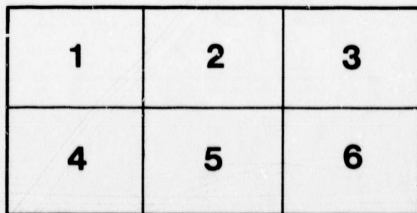
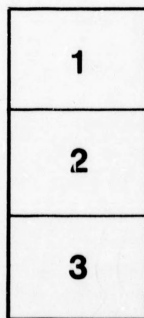
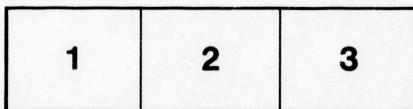
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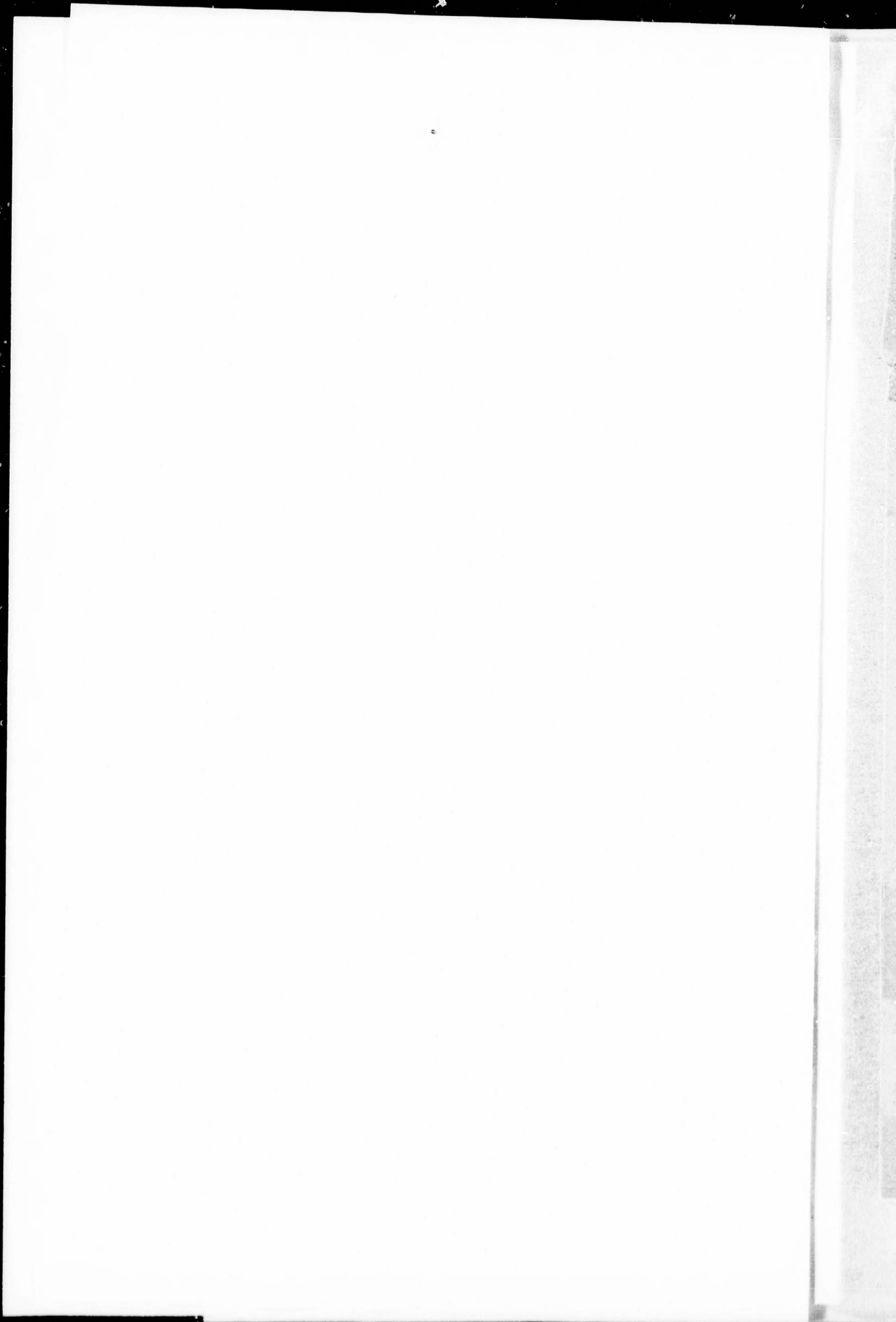
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DIOCESE OF ONTARIO

Book of Canons,

DIOCESAN AND PROVINCIAL,

—TOGETHER WITH—

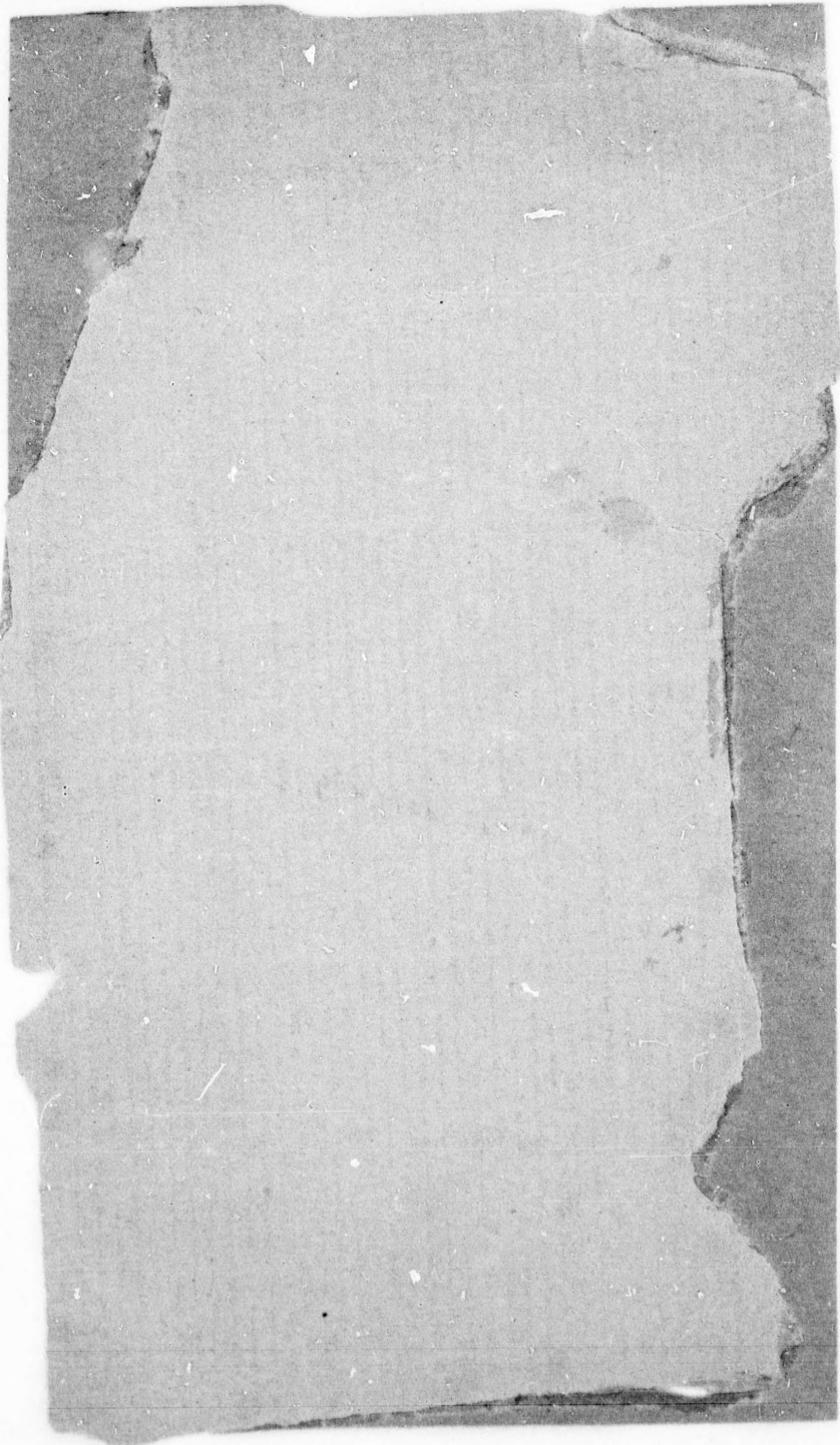
Statutes Affecting Ecclesiastical Rights.



KINGSTON :

PRINTED AT THE DAILY NEWS OFFICE.

1891.



3851
Church of England in Canada. Diocese of

CANONS *Ontario.*

—OF THE—

Synod of the Diocese of Ontario

—AND OF THE—

PROVINCIAL SYNOD OF CANADA

—WITH A COLLECTION OF—

Statutes Affecting Ecclesiastical Rights

—AND—

FORM OF GRANTS, BEQUESTS AND TRUSTS
FOR CHURCH PURPOSES

PUBLISHED BY THE AUTHORITY OF THE SYNOD

KINGSTON

PRINTED AT THE DAILY NEWS OFFICE

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PREFACE.

The work of revising and consolidating the Canons of the Diocese of Ontario had its origin in a resolution passed at the Twenty-Third Session of Synod, June 10th, 1885, when the Chancellor and Secretaries were "instructed to have printed a corrected edition of five hundred copies..... with all Acts of Parliament bearing upon the affairs of the Diocese, together with all resolutions of Synod now in force." (Session XXIII, p. 185.)

The Committee reported Oct. 18th 1887 (Session XXV., pp. 506 and 539), setting forth the "necessity of introducing certain amendments and alterations," asking for increased powers, and suggesting that the names of Mr. Walkem, Q.C., and Dr. Wilson, Q.C., be added to the Committee. The Report was adopted the following day (p. 515.)

The Committee reported progress May 15, 1888 (Session XXVI., pp. 21 and 53), and asked leave to sit again, which was granted by the adoption of the Report on the following day (p. 33).

On June 18th, 1889, the Committee submitted to the Synod for its approval a printed "Draft of the Revised Canons of the Diocese of Ontario," together with a printed sheet of *addenda* and *errata* (Session XXVII, p. 152). The consideration of the Report became the first order of business on the following day (p. 163), and it was finally adopted as amended on June 20th, 1889 (p. 169).

On June 19th, 1890, the Revised Canons as passed in 1889 were confirmed with a single amendment, and were signed and sealed by the Lord Bishop in the presence of the Synod. It was then ordered "that the said Canons, together with the Acts of Parliament which have any bearing on ecclesiastical matters in this Diocese, be printed and offered for sale at a price sufficient to cover the cost of publication" (Session XXVIII, pp. 341-2).

These instructions the surviving members of the Committee have at length been able to accomplish, and they now submit the result of their labours to their brethren of the clergy and laity. In doing so they desire to pay a well-deserved tribute to two of their number who have been called to their rest. To the late Chancellor of this Diocese, the lamented Dr. J. A. Henderson, Q.C., is due the present improved form of the Canons, on which he spent weeks of his valuable time, going over them sentence by sentence, omitting needless repetitions, and bringing all parts into complete harmony with each other. The draft thus prepared, after revision and amendment by the other members of the Committee, was handed over to the late Dr. Wm. Wilson, Q.C., Law Clerk of the House of Commons, by whom it was put through the press, first for submission to Synod, and again as corrected and amended by Synod at its Twenty-Seventh Session. Nor did his labours cease here; for having received from another member of the Committee a collection of the Statutes bearing upon the affairs of this Diocese, he prepared for the printer both these and the Canons themselves, supplying those marginal notes and references which add so much to the value of this work.

As instructed by the resolution under which this work

was commenced, the Committee have added such of the important Resolutions of Synod as appeared to them to be in actual force; and to make the volume complete as a Diocesan Manual, they have also included in it the By-laws of the Board of Diocesan Missions, the Instructions of the Lord Bishop to the Rural Deans, and the Canons of the Provincial Synod, completing the whole with a full Index; and in view of the amount of labour bestowed on the volume, the probability that many years will elapse before a new edition will become necessary, and the rapidly increasing membership of the Synod, they have issued an edition of fifteen hundred copies instead of five hundred only.

RICHARD T. WALKEM, *Chancellor.*

A. SPENCER, *Clerical Secretary.*

R. V. ROGERS, *Lay Secretary.*

Kingston, Epiphany, 1891.



TABLE OF CONTENTS.

Preface.....	iii
Table of Contents.....	v
Declaration of Synod	xiii

PART I.

CONSTITUTION.

<i>Canon.</i>	PAGE.
I. Membership	1
II. Organization.....	7
III. Order of Proceedings.....	8
IV. Rules of Order.....	10
V. Contested Seats in Synod.....	12
VI. Seal of Synod	14

PART II.

ADMINISTRATION.

VII. Duties of Officers	15
VIII. Committees	19
IX. The Executive Committee	20
X. The Audit and Accounts Committee.....	22
XI. The Assessment Fund	25
XII. The Diocesan Mission Fund	27
XIII. The Domestic and Foreign Mission Fund	28
XIV. The Episcopal Fund	30
XV. The Clergy Trust Fund	30
XVI. The Widows' and Orphans' Fund.....	34
XVII. The Clergy Superannuation Fund.....	37
XVIII. The Divinity Students' Fund.....	39

<i>Canon.</i>	<i>PAGE.</i>
XIX. The Rectory Lands Fund	40
XX. The Surplus Revenue of the Kingston Rectory	43
XXI. The General Purpose Fund	45
XXII. The Church Book Depository	46
XXIII. State of the Church	46

PART III.

MISCELLANEOUS.

XXIV. Election of a Bishop and Subdivision of the Diocese	48
XXV. The Patronage of the Rectories.....	50
XXVI. Delegates to the Provincial Synod	50
XXVII. The Diaconate	52
XXVIII. The Presiding Bishop	53
XXIX. Discipline	53
XXX. Vestries	61
XXXI. Custody of Deeds and Parish Registers.....	67
XXXII. Parsonages	67
XXXIII. Parishes and their Boundaries.....	70
XXXIV. Endowment of Parishes	72
XXXV. Erection of Church Buildings	73
XXXVI. Christmas Offertory	73
XXXVII. Unauthorized Collections	74
XXXVIII. Interpretation and Repeal of Existing Canons.....	74

PART IV.

Resolutions of Synod	77
Mission Board Rules, &c	85
Instructions to Rural Deans	90

PART V.

STATUTES RELATING TO THE CHURCH,
SYNODS, &c.

3 Vict. (U.C.) C. 74, The Church Temporalities Act	93
29-30 Vict. (Can.) C. 15, Preceding Act Amended.....	101
Trusts Authorized by the Church Temporalities Act	104
7 Vict. (Can.) C. 68, Church Societies in the Dioceses of Quebec and Toronto incorporated.....	106
Trusts authorized by the foregoing Act	113

PAGE.		PAGE.
40	19-20 Vict. (Can.) C. 141, Meeting in Synod authorized	114
43	22 Vict. (Can.) C. 139, Preceding Act amended	116
45	25 Vict. (Can.) C. 86, Synod of Ontario incorporated	117
46	R. S. O. (87) C. 236, Rectories	123
46	29-30 Vict. (Can.) c. 16, Sale of Rectory Lands	125
	29-30 Vict. (Can.) C. 17, Preceding Act Amended	127
	39 Vict. (Ont.) C. 109, Synod and Rectory Sales Acts of the Diocese of Ontario Amended	128
48	R. S. O. (87) C. 237, Property of Religious Institutions	131
50	52 Vict. (Ont.) C. 54, Preceding Act amended	144
50	R. S. O. (87) C. 40, Registration of Births, marriages and deaths.....	145
52	R. S. O. (87) C. 131, Solemnization of Marriage	153
53	51 Vict. (Ont.) C. 20, Preceding Act Amended	164
53	28 Vict. (Can.) C. 7, Validity of Acts of foreign ordained clergymen....	165
61	37-38 Vict. (Imperial) C. 77, Colonial and other clergy	167
67	List of other Acts affecting ecclesiastical rights in this Province	174
67	Forms of Conveyance.....	176
70	Forms of Bequests.....	183
72	Forms of Trusts	184

PART VI.

PROVINCIAL SYNOD.

	Declaration of Provincial Synod	191
	Constitution of Provincial Synod	193
77	Permanent Order of Proceedings	199
85	Order of Proceedings of Lower House.....	200
90	Rules of Order	201
	Canon I.—On Election of Metropolitan Bishop	207
	II.—Submission of Clergy to Canons	208
	III.—On the powers of the Metropolitan.....	209
	IV.—On the trial of a Bishop.....	210
93	V.—Court of Appeal of Metropolitan	215
101	VI.—Ministering in Parishes	219
104	VII.—Letters testimonial	220
	VIII.—Episcopal resignations	221
106	IX.—Subdivision of Dioceses.....	221
113	X.—Officiating of strange clergymen	222

	PAGE.
XI.—Missionary Bishops.....	222
XII.—Altering the order of public service.....	224
XIII.—Alterations or additions in Prayer Book and Version of Scriptures.....	233
XIV.—Of the oaths and subscriptions of the Clergy	234
XV.—Of the Consecration of a Bishop	235
XVI.—Of Marriage within the prohibited degrees	240
XVII.—Of lay readers	241
XVIII.—Of the Diaconate	242
XIX.—On the Constitution of the Domestic and Foreign Mission- ary Society	242
XX.—On the representation of the Missionary Diocese of Algoma	245
—————	
Index	251

PAGE.

222

224

233

234

235

240

241

242

242

245

251



THE DECLARATION OF THE SYNOD OF
THE DIOCESE OF ONTARIO.

As adopted April 9th, A.D. 1862.

DECLARATION.

We, the Bishop, the Clergy, and Representatives of the Laity of the United Church of England and Ireland, within the Diocese of Ontario, assembled in Synod, 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 Diocese, desire to make a declaration of the principles upon which we purpose to proceed.

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

As members of that Church, we recognize the true Canon of Holy Scripture, as received by that 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 the 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 Church government, and to transmit them to our posterity.

In particular, we uphold the ancient doctrine of our Church, that the Queen is rightfully possessed of the chief government or supremacy over all persons within her dominions, in all causes whether

ecclesiastical or civil; and we desire that such supremacy should continue unimpaired.

It is our earnest wish and determination to confine our deliberations and actions to matters of discipline, to the temporalities of the Church, and to such regulations of order 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 said Church.

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

1. To frame a Constitution for the Synod, and to regulate the time and place of its 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.
3. To provide for the extension and temporal well-being of the Church, and the support of the Clergy and schoolmasters, for the maintenance of public worship, and the diffusion of a sound religious education.
4. To promote and regulate the building and consecration of Churches, and the erection of Parsonages and school-houses.
5. To provide for the division of the Diocese into Parishes, with regulations for future sub-divisions.
6. To provide (with consent of the Crown, where needed) fit regulations for the appointment of Bishops, Priests, and Deacons.
7. To regulate the fees for marriages and other offices of the Church.
8. To provide (with the consent of the Crown) for the division of the Diocese into new Dioceses, either forthwith, or at any future period.

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

These are subjects which will supply abundant employment for our Synods, and they are such as the circumstances of the Church in this Province imperatively require the Clergy and Laity to deal with.

In conclusion, we humbly pray that the God of unity and peace may 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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Diocese of Ontario.

CANONS.

PART I.

CONSTITUTION.

CANON I.—MEMBERSHIP.

1. The Synod shall consist of the Lord Bishop of the Diocese and any coadjutor or assistant Bishop thereof, or the Bishop presiding under the Canon respecting the Presiding Bishop; of the Priests and Deacons of the Diocese licensed by the Bishop and those superannuated Clergymen of the Diocese who are in good standing; and of Lay representatives elected as hereinafter provided. Of whom the Synod shall consist.
2. The Clerical Secretary, under the direction of the Bishop, shall enter the names of those Clergymen who are entitled to seats in the Synod on the Synod list hereinafter mentioned. Entry of names on list.
3. The Lay representatives shall be male communicants of the full age of twenty-one years, who have communicated at least three times within the Qualification and election of Lay representatives.

previous year ; they shall be elected as hereinafter provided at the Easter meeting held by each Clergyman having a separate cure, or at any meeting specially called by him for that purpose by giving due notice thereof during Divine Service on the two Sundays next preceding the meeting. In case of a vacancy in the cure the Easter meeting shall be called by the churchwardens' affixing a notice of such meeting to the outside of the outer main entrance church door at least one week previous to such intended meeting.

Who may vote
at elections.

4. All lay persons within the cure, of twenty-one years of age and upwards, who, at the time of the election, have registered and declared themselves in writing in a book provided for that purpose by the Parish to be habitual worshippers with that congregation and members of the Church of England in Canada, and of no other religious body, shall be entitled to vote at the election : Provided, that no such person shall vote at the election of Lay representatives in more than one congregation in the Diocese within the year.

Proviso.

Who shall pre-
side.

5. The Incumbent, if present, or in his absence, the Curate, or, in case neither the Incumbent nor the Curate be present, or if there be a vacancy in the cure, a Chairman chosen by the majority of the electors present shall preside at the election.

Number and
seniority of
representatives.

6. Each separate cure shall be entitled to three Lay representatives who shall continue in office until their successors are appointed. Except in the case of a first election, in each such cure, the Lay representatives shall serve for three years. One of the representatives shall retire annually, but he may be re-elected. The Lay representatives shall be those who, being otherwise qualified, shall receive the highest number of votes at the meeting for their election. In the case of a first election in a cure the person having the highest number of votes shall be entitled to sit for three years, the next highest for

two years, and the next highest for one year. When there are two congregations in the same cure having churches, that which has the largest number of votes shall be entitled to two Lay representatives and the other to one. When there are three congregations having churches each shall be entitled to one Lay representative; and in case there are four or more congregations in a cure having churches, the largest and the next largest congregation shall each be entitled to one Lay representative, and the remaining congregations shall have the right to unite and elect the third Lay representative.

If there are more congregations than one.

7. No Lay representative of any Parish or Mission which has not paid its assessment and arrears (if any), shall sit or vote in the Synod until such assessment and arrears (if any), have been paid. When the cure is vacant from the inability or neglect of the Parish or Mission to support a Clergyman, the Lay representatives shall, after the expiration of one year from the vacancy caused by such inability or neglect, cease to have seats in the Synod.

Assessment must be paid.

No representation if parish is vacant.

8. The Chairman of the meeting shall, without delay after each election, send to the Clerical Secretary of the Synod the amount assessed on the Parish or Mission, together with a certificate according to the following form:—

Return to the Clerical Secretary.

“DIOCESE OF ONTARIO.

Form of return.

Parish of.....
 Congregation of.....

I HEREBY CERTIFY that at the meeting for the election of Lay representatives for this Parish held on the.....day of.....A.D. 18.....

 duly elected to represent the Congregation..... in the Synod of the Diocese for the next.....years.
 The following persons being of full age and who have communicated at least three times during the past year are the representatives of this Parish:

NAME. P.O. ADDRESS.

.....for the next three years.
..... " two "
..... " one "

.....
Chairman.

Date..

I also forward herewith the assessment of the Parish, \$.....

To the Clerical Secretary of the Synod.

N.B.—This Certificate should be sent to the Clerical Secretary immediately after the election of Lay representatives.

Names to be entered on list.

Note appended to list.

Certificate for representative.

Form of certificate.

9. On the receipt of such certificate the Clerical Secretary of the Synod shall enter the names of the Lay representatives on the Synod list to be prepared by him, which he shall cause to be printed and sent to each of the Clergy and the Lay representatives ten days before the meeting of the Synod; and at the foot of the list the Secretary shall place a note stating that the Lay representatives of any Parish or Mission, the assessment on which has not been paid, may not sit or vote until such assessment and arrears (if any), have been paid.

10. The Chairman of the meeting shall furnish each Lay representative with the following certificate:—

"DIOCESE OF ONTARIO.

Parish of Congregation of

I HEREBY CERTIFY that is a duly elected Lay representative of this Parish in the Synod of the Diocese [and that he has proved

to me by certificate from his Parish Clergyman that he has communicated three times within the past year].

.....
Chairman.

Date.....

N.B.—In case the Lay representative is a resident member of the Congregation for which he is elected the words in brackets are to be erased.
No Lay representative may sit or vote in Synod until the assessment due by his Parish is paid.

11. No Lay representative shall be permitted to take a seat in the Synod or act as a Lay representative until he has produced the certificate referred to in the preceding section, or has afforded sufficient proof of his qualification and election.

To be produced at Synod.

12. If any Lay representative is elected for more than one Parish, he shall, within one week after receiving notice thereof from the Clerical Secretary, (whose duty it shall be to send such notice) select the Parish which he intends to represent, and shall signify the same to the Clerical Secretary who shall at once notify the Incumbent or Incumbents or, in case of a vacancy, the churchwardens of the other Parish or Parishes for which such Lay representative has been elected; and thereupon such Incumbent or Incumbents or wardens shall proceed to call a meeting for a new election in the manner specified in section three of this Canon. Such new election shall take place within fifteen days from the receipt of the notification from the Clerical Secretary. In case such Lay representative fails to make such selection and to signify the same as hereinbefore required, his several elections shall be void and of no effect, and the Clerical Secretary shall within ten days after the expiration of the time allowed for making such selection notify the Incumbents, or, in case of vacancy, the wardens of the several Parishes requiring them to proceed to a new election to fill the vacancies so occasioned.

Double return selection of parish.

New election in such case.

If selection of parish is not made.

Vacancies, how filled.

13. In the event of a vacancy occurring in the Lay representation of any Parish or Mission, from any cause whatever, the Incumbent or, in case of a vacancy, the churchwardens of such Parish or Mission shall, in the manner and within the period specified in the next preceding section, proceed to hold a new election; and the voters at the last election shall be entitled to vote at such new election without further registration. The person elected to fill any vacancy shall serve for the unexpired term of the representative in whose stead he is elected.

When seat shall be deemed vacant.

14. If any Lay representative declines to serve, or at any time resigns his seat in the Synod, or removes from the Diocese, the said seat shall become vacant; and if any Lay representative secedes from the Church of England in Canada, or abstains from the Holy Communion for the space of one year, or wilfully absents himself for six calendar months from attendance at a place of worship of the Church of England in Canada, or is convicted of any indictable offence, he shall thereupon forfeit his seat; and the Incumbent or, in case of vacancy, the churchwardens of the Parish or Mission of which he was the Lay representative shall, within fifteen days after being made acquainted with such vacancy or forfeiture, proceed to hold a new election. If the Incumbent neglects or refuses to hold such new election after receiving a written application for a meeting for such purpose signed by three persons having the right to vote at the election of Lay representatives, and if a Sunday has passed without such meeting being called by him, any three such voters may call a meeting for such election by a notice affixed on the outside of the main entrance door of the church at least one week previous to such intended meeting.

New election in such case.

Proceedings in case of neglect.

Payment of expenses.

15. It is the duty of every Parish to provide for and pay the necessary expenses of its Clergy and Lay representatives incurred by attendance at Synod.

CANON II.—ORGANIZATION.

1. The Synod shall meet annually, or oftener at the discretion of the Bishop, who shall appoint the time and place of meeting, and shall adjourn or prorogue the Synod as appears to him expedient. Meetings of Synod.

2. To constitute a quorum of the Synod for the transaction of business one-fourth of the whole number of the Clergy on the Synod list must be present, and one-fourth of the Parishes on the said list must be represented. Each Parish may be represented by one Lay representative. Quorum.

3. No act or resolution of the Synod shall be valid without the concurrence of the Bishop and of a majority of the Clergy and of the Lay representatives present. This section, so far as it requires the concurrence of the Bishop, shall not apply to the election of a Bishop. Concurrence of orders.
Exception.

4. All Committees of Synod shall be named by the Bishop, unless their nomination be otherwise provided for. Appointments of committees.

5. Members of Standing Committees and the elective officers of Synod shall hold office until the appointment or election of their successors. The Bishop may fill up until the next meeting of Synod any vacancies among the officials of the Synod or in the Committees occurring from any cause whatsoever. Term of office of officials.

6. The officers of the Synod shall consist of a Clerical and a Lay Secretary, and a Treasurer, who shall be members of the Synod and shall be elected annually after the introduction and consideration of the report of the Audit and Accounts Committee. The Clerical Secretary shall be elected by a majority of the Clerical members of Synod present, and the Officers.
Their election.

Lay Secretary by a majority of the Lay representatives present. The Treasurer shall be elected by a majority of both orders present.

Alteration of
Canons.

7. No proposition for the alteration of any Canon shall be considered or voted on by the Synod unless the proposition has been first sent to the Executive Committee, who shall cause it to be printed and sent to the members of the Synod; and such proposition, if concurred in by the Synod, shall lie over until the next Session, and if approved at that Session by the Bishop and a majority consisting of two-thirds of both orders present, it shall be adopted and take effect.

Proceedings
after final pass-
in

8. On the final passing of a Canon it shall be engrossed in the book of Canons, and shall be read by one of the Secretaries in Synod, and the Common Seal of the Synod having been attached thereto, the Bishop shall by his signature attest the same.

CANON III.—ORDER OF PROCEEDINGS.

Divine service
before meeting.

1. The first meeting of the Synod in each session shall be preceded by public morning or evening prayer and a celebration of the Holy Communion together with a sermon; and the collection at the offertory shall be applied as the Bishop appoints.

Admission of
Lay representa-
tives.

2. After Divine Service on the first day of meeting for business the Lay Secretary shall attend at the place of meeting to receive the certificates of the Lay representatives, which shall be examined by him and a Committee of two Lay representatives previously appointed by the Bishop for that purpose.

3. The Synod shall be opened with prayer; the Clerical Secretary shall then from the Synod list call over the names of the Clergy entitled to sit, noting those who are in attendance; and the Lay Secretary shall from the said list call over the names of the several Parishes and Missions entitled to representation and of their Lay representatives, noting those in attendance.

Prayers; calling the roll.

4. The next order of proceedings shall be the introduction and consideration of the report of the Audit and Accounts Committee, after which the election of the officers and of the Audit and Accounts Committee shall be proceeded with.

Audit report and election of officers.

5. After these proceedings, and on all other days after Divine Service and the opening prayer, the order of business shall be as follows:

Order of business.

(a) Reading, correcting, and approving the minutes of the previous meeting.

Minutes.

(b) Appointing Committees.

Committees.

(c) Presenting, reading, and referring memorials and correspondence.

Communications.

(d) Presenting, reading, discussing, and, if deemed advisable, adopting reports of Committees in such order as the Bishop determines.

Reports.

(e) Giving notices of motions.

Notices.

(f) Taking up unfinished business.

Unfinished business.

(g) Consideration of motions.

Motions.

6. An address from the Bishop shall be in order at any time.

Address by Bishop.

7. The election of Delegates to the Provincial Synod and of the Board of Diocesan Missions shall take place at noon on the second day of the Synod on which a morning sitting is held.

Elections: Provincial Synod and Mission Board.

8. The minutes of the proceedings of the last day of each Session shall be read and confirmed before the close of the Session.

Last day's minutes.

CANON IV.—RULES OF ORDER.

- Members to sit. 1. When the Bishop or other person presiding has taken the Chair, no member shall continue standing.
- Addressing the Chair. 2. When any member is about to speak for the information of the Synod, he shall rise and address himself to the Chair.
- Motions to be in writing. Notice. 3. No motion or amendment shall be considered as before the Synod (excepting such as is proposed by the Bishop, or by a Committee), unless seconded and reduced to writing. To prevent surprise, no motion, except a motion in course, shall be considered until the succeeding day of meeting, notice thereof having been first given.
- Order of speaking. 4. No member shall speak more than twice on the same question, without permission from the Chair.
- Certain motions to have precedence. 5. When a question is under consideration, no other motion shall be received, unless to adjourn, to move the previous question, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or to divide on it; and motions for any of these purposes shall have precedence in the order here named.
- Decision without debate. 6. Motions to adjourn or to lay on the table shall be decided without debate.
- Withdrawal of motion. 7. When a motion has been read to the Synod by the Secretary, it may not be withdrawn by the mover, without the consent of the Chair.
- Motion to be read. 8. Any member may require, at any period of the debate, that the motion under discussion be read for his information.

9. A member called to order while speaking shall sit down, unless permitted to explain. Member called to order.

10. All questions of order shall be decided by the Chair. Questions of order.

11. An amendment to an original motion shall, in discussion, take precedence of such motion; an amendment to an amendment shall be first considered, then the amendment to the motion, and lastly the motion itself. Order of consideration.

12. No more than one amendment to a proposed amendment to a motion shall be in order; yet a substitute for the whole matter may be proposed and received, provided it deals directly with the subject in hand. Amendments.

13. Whilst any question is being put from the Chair, the members shall continue in their seats, and shall not hold any private discourse; and when a motion is so put, no member shall retire until such motion is disposed of. Order while question is put.

14. When a division takes place the votes of the Clergy and Laity shall be taken separately, if required by the Bishop or four members of each of the respective orders; and the Lay representatives shall in all such cases vote by Parishes, and when so voting, the vote of the majority present shall be considered as the vote of the Parish. Divisions and voting.

15. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative. Order of voting.

16. A question once determined shall not again be brought under discussion in the same Session without the special sanction of the Bishop or other person presiding. No re-consideration.

Recording votes 17. No protest or dissent shall be entered on the minutes of the proceedings; but, when required by any one member, the number of affirmative and negative votes shall be recorded, and when required by three of either the Clergy or Lay representatives, the names of the Clergy and Parishes voting on either side of the question shall be also recorded.

Reports of committees. 18. Every report of a Committee shall be in writing, shall be signed by the Chairman, and shall be received in course, unless a motion be made for its re-committal.

Explanation of reports. 19. The Chairman of the Committee, or some member deputed by him, shall explain to the Synod the bearing of any portion of the report, if requested by any member of the Synod.

Suspension of rules. 20. A motion to suspend the order of proceedings or the rules of order shall take precedence of all other motions, and shall be decided without debate; and no order of proceedings or rule of order shall be suspended, except upon the unanimous consent of the members present.

Adjournment. 21. When the Synod is about to adjourn, every member shall keep his seat until the Bishop or other person presiding has left the chair.

CANON V.—CONTESTED SEATS IN SYNOD.

Claim to seat may be contested and how. 1. Any member of the Synod or any person entitled to vote at the election of any Lay representative whose right to a seat is disputed, may object to the claim of any person on the Synod list to take a seat in the Synod, provided that

the objection, together with the grounds thereof, be transmitted by him in writing to the Clerical Secretary, and to the person so objected to, one week at least before the meeting of Synod; provided also, that objection may be taken and given during the session of the Synod to any person whose name has not been entered on the Synod list by the Clerical Secretary, as provided by the ninth section of the Canon respecting Membership; and any objection made shall be heard and decided upon forthwith by the Court hereinafter constituted.

2. The Chancellor of the Diocese or, in his absence or inability to act, any barrister-at-law, being a member of the Synod, who is appointed by the Bishop, together with two Clerical and two Lay members, also appointed by the Bishop on the first business day of the Synod previous to Divine Service, whose titles to seats are not disputed before the Synod, shall be a Court to consider such objection and to adjudicate thereon; and to this Court shall be referred for final adjudication all cases of doubtful certificates submitted by the Clerical Secretary or by the Committee appointed to examine the certificates of Lay representatives. The decision of the majority of the Court, which shall be accepted as the decision of the Court, shall be immediately reported to the Synod for its information, and shall be final.

Decision of contestation.

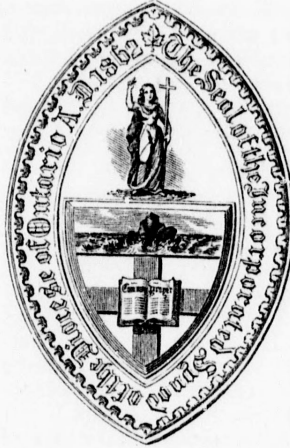
Doubtful certificates.

Decision to be reported.

Its effect.

CANON VI.—SEAL OF SYNOD.

Seal and
custody thereof.



Its use.

1. The Seal now used by the Incorporated Synod of the Diocese of Ontario, an impression whereof appears in the margin, is and shall be the common Seal thereof; and the Chancellor of the Diocese shall, on behalf of the Synod, have the care and custody of the said Seal.

2. The Bishop is hereby authorized to execute all deeds and documents which require to be sealed, and which, from time to time, are required to be executed on behalf of the Synod, pursuant to any resolution of the Synod, or of the Executive or any other Committee of the Synod.

Execution of
deeds.

3. The mode of execution of such deeds and documents of the Synod as require to be sealed, shall be by the Bishop causing the said common Seal to be affixed thereto and by his signature attesting the same.

Deeds attested
valid.

4. All deeds and documents heretofore attested by the Bishop, and sealed with the said Seal, are hereby acknowledged as the deeds of the Incorporated Synod of the Diocese of Ontario, and binding thereon.

PART II.

ADMINISTRATION.

CANON VII.—DUTIES OF OFFICERS.

1. The duties of the Clerical Secretary shall be:— Clerical Secretary.

(a) To preserve all papers, memorials, and other documents, to conduct correspondence, to attest the public acts of the Synod, and to deliver to his successor in office all records, books, and documents under his control; Documents and correspondence.

(b) To enter and record in separate books the minutes of the proceedings of the several Standing Committees; Entry of minutes.

(c) To cause the proceedings of each Session of Synod to be printed and distributed to its members within two months from the close of the Session; Printing proceedings.

(d) To receive all moneys paid to him under the authority of the Synod, to acknowledge the receipt of the same, to keep them safely, to enter the several amounts in books suitable for the purpose under such regulations as are made from time to time by the Synod, or the Executive Committee, or such other Committee as is appointed for the purpose, and to deposit such moneys to the credit of the Synod in such chartered bank or banks of Canada as are from time to time approved of by the Executive Committee; Receipt and deposit of moneys.

- Reporting funds for investment. (e) When there are funds requiring investment, to report such fact to the Investment Committee to the end that action may be taken thereon by them at their earliest convenience ;
- Care of securities. (f) To take charge of all mortgage securities, and to have joint custody, with the Treasurer and the chartered bank or banks aforesaid, of all other Synod securities ;
- Statement of financial affairs. (g) To submit annually to the Auditors a full statement of the transactions connected with each fund, together with a list of the securities belonging thereto, and a balance sheet, as provided in the Canon respecting the Audit and Accounts Committee ;
- Security to be given. (h) To give security, under such regulations as are made from time to time by the Executive Committee, for the proper performance of his duties and for the safe custody and deposit of all such moneys as come into his hands as Clerical Secretary ;
- Transaction of business. (i) To attend to all business of the Synod when not in session under the direction of the Bishop or of the Chairman for the time being of the Executive Committee ;
- Issue of circular and its contents. (j) To issue, under the direction of the Bishop, a circular ten days at least before the meeting of Synod to the Clerical and Lay members thereof, stating the time and place of meeting, such business as he is directed by the Executive Committee to specify, such notices of motions as have been previously sent to him, and the order in which such motions and the business of the Synod are to be considered ;
- General duties. (k) Generally to perform such functions as are assigned to him from time to time by Canon or by resolution of the Synod.
- Minutes and notices. 2. The Clerical Secretary and the Lay Secretary shall keep regular minutes of all proceedings of the Synod when in Session, record them in a book pro-

vided for that purpose, and have the notices of motions given on one day printed ready for distribution on the following morning.

3. The Treasurer shall, with the Clerical Secretary and the bank in which the deposit of the Synod moneys is made, have joint custody of all the securities other than mortgages, and shall see to the collection of the interest thereon, and shall report to the Synod at its annual Session and to the Executive Committee, if required, on the state of the securities; and he shall sign all proper cheques issued by the Clerical Secretary.

Joint custody
of securities.

4. (a) The Bishop of the Diocese shall nominate and appoint the Registrar, and if the office of Registrar becomes vacant from any cause whatever, his successor shall be forthwith nominated and appointed by the Bishop.

Appointment of
Registrar.

(b) The Registrar shall keep his office in such place as the Bishop selects, and shall keep suitable books, to be provided by the Synod from time to time as occasion requires, for the proper recording of such of the official acts of the Synod as require registration, and for the entry or recording of the election or appointment of Church Dignitaries and the appointment of Clergy in the Diocese.

His office and
books.

(c) The Registrar shall keep books to be provided for him by the Synod in which he shall enter the official acts of Synod requiring registration, and of the several Dignitaries and Clergy, and of the officers of Synod; also, a short description of the boundaries of the Diocese and of the several Archdeaconries, Rural Deaneries and Parishes therein; also, a list of Clergy of the Diocese from time to time, showing such changes as are made therein and giving a statement of the respective dates of the admission of the said Clergy into their different Orders, and a list of the different Parishes, Missions, or Stations in which they have served.

Entry of certain
matters.

Grants, conveyances, and wills.

(d) The Registrar shall enter in the books so provided the date of every such grant, conveyance, or will, as is hereinafter mentioned, and the names of the grantors or testators, and of the grantee or devisee; also, a short description of the property, and a memorandum of the trust or object of the grant or devise.

Custody of certain documents.

(e) The Registrar is and shall be the proper custodian of all grants, conveyances, probates or certified copies of wills or parts thereof, in any way relating to land or property granted, conveyed, or devised for the benefit or use of the Church of England in this Diocese. He is also, and shall continue to be, the proper custodian of all completed or filled up Parish Registers. He is and, so far as may be, shall be the historiographer of the Diocese, and the proper custodian of the archives of the Diocese and of the several Parishes therein.

Archives.

Record of ecclesiastical instruments.

(f) The Registrar shall keep a correct record of the Letters of Orders, the Licenses, Induction Mandates, and other legal instruments, issued by the Bishop to the Clergy of the Diocese from time to time; and on request the Registrar shall furnish certified copies of any such records; and for each such copy he shall be entitled to charge the following fees, viz:—

Fees for copies.

Certified copy of record of Priest's or
Deacon's Letters of Orders, or of
Induction Mandate..... 50 cents.
Certified copy of any document in full,
per folio 20 cents.

Extracts from registers.

(g) The Registrar, from time to time, on application being made therefor, shall give a certificate of any entry of Birth, Death, or Marriage entered in any Parish Register in his custody, and for every certificate he shall be entitled to charge and receive a fee of fifty cents.

Fee.

CANON VIII.—COMMITTEES.

1. The following Committees shall be the Standing Committees of the Synod:—The Executive Committee, the Audit and Accounts Committee, the Finance Committee, the Board of Diocesan Missions, the Committee on Domestic and Foreign Missions, the Episcopal Fund Committee, the Clergy Trust Fund Committee, the Widows and Orphans' Fund Committee, the Clergy Superannuation Fund Committee, the Divinity Students' Fund Committee, the Rectory Lands Fund Committee, the Committee on the Church Book Depository, the Committee on the State of the Church, and such additional Committees as are designated by the Synod from time to time.

Standing Committees of Synod.

2. The regular meetings of the Standing Committees shall be held in the city of Kingston in the months of May and November, during the week commencing on the Sunday which falls on or next after the eighteenth day of each of those months. The Board of Diocesan Missions shall meet at the hour of ten o'clock in the morning of Wednesday of the said week, and shall have precedence over all other Committees. The other Standing Committees shall meet during the said week according to a schedule to be from time to time prepared and issued by the Clerical Secretary, subject to such postponements as are rendered necessary by the precedence granted to the Board of Diocesan Missions. A special meeting of any Committee of Synod may be summoned by the Bishop at his discretion, at such time and place as he directs. In the absence of the Bishop from the Diocese, or in case of his illness, such special meetings may be summoned by his Commissary.

Meetings of Standing Committees.

Special meetings.

3. The mover of the resolution with reference to which any Provisional Committee has been appointed shall be the Chairman or Convener of such Committee unless and until other provision be made

Chairman of Provisional Committee.

either in the resolution itself, or by the Bishop, or by the said Committee.

Reports. 4. The Standing Committees shall report to the Executive Committee at its half yearly meetings, and to the Synod at its annual Session.

Chairman and rules. 5. Each Standing Committee shall at its first meeting elect a Chairman, and may make such rules and regulations as are requisite for the efficient performance of its duties.

Quorum. 6. When no other provision is made, one-third of the members of any Committee shall be sufficient for the transaction of business. The Clerical and Lay Secretaries and the Treasurer shall, by virtue of their offices, be members of all Standing Committees.

Ex-Officio members.

CANON IX.—EXECUTIVE COMMITTEE.

Constitution of Executive Committee. 1. There shall be an Executive Committee consisting of twenty members nominated by the Bishop at the annual session of the Synod, ten members being chosen from the Clergy and ten members from the Lay representatives. In addition to the twenty members so nominated, the Chancellor, the Registrar, the Lay and Clerical Secretaries, the Treasurer, and the Chairmen of the several Standing Committees shall be members of the Executive Committee. The Bishop shall preside, and in his absence from the Diocese and in the absence of his Commissary the Committee shall elect a Chairman for the time being. Seven members shall be sufficient for the transaction of business.

Who shall preside.

Quorum.

2. Immediately after the close of the annual Session of Synod, the Executive Committee shall meet for the purpose of appointing the two Official Auditors referred to in the Canon respecting the Audit and Accounts Committee ; such Auditors need not be members of the Synod.

Appointment of Auditors.

3. (a) In the event of any matter arising, when the Synod is not in Session, respecting the rights or property vested in or controlled by the Bishop or the Synod, which requires prompt action, the Executive Committee may institute or defend legal proceedings in relation thereto in the name of the Synod ; it may make or concur in any settlement or agreement made in relation thereto with other parties who are interested therein, and generally may do and perform all acts in respect thereto which the Synod might do or perform when in Session.

Action in case of emergency.

(b) The Executive Committee shall receive reports from all other Committees, and shall examine and confirm, or refer back the same with instructions for reconsideration ; and in the event of any such Committee reaffirming its report so referred back, the Chairman shall have power to decide the point or points in question.

Action upon reports.

(c) It shall submit to Synod at its annual Session a report of its proceedings since the last Session.

Report of its proceedings.

(d) The payment of all accounts and of such moneys as are properly payable by the Synod must be authorized or sanctioned by the Executive Committee.

Payment of accounts.

(e) It shall prescribe what matter shall be contained in the circular directed to be issued by the Clerical Secretary announcing the meeting of Synod, in addition to what is prescribed to be inserted in it.

Contents of circular.

(f) It may delegate any of its powers to a sub-committee.

Sub-committee.

Investment
Committee and
its duties.

Powers in sale
of Rectory lands

Statement.

Chairman and
quorum.

Discharges of
mortgages.

4. The Investment Committee shall be a Subcommittee of the Executive Committee, and shall consist of the Chancellor, the Registrar, the Clerical and Lay Secretaries, and the Treasurer. The duty of the Investment Committee shall be to invest, take up and re-invest such funds of the Synod as may be necessary in Government securities, municipal debentures, the stock of any permanent building society, or in first mortgages on real estate; and with the Rectors interested, may act for and represent the Executive Committee in all matters connected with the fourth, fifth, and eighth sections of the Canon on Rectory lands. The said Committee shall present to the Executive Committee at each of its regular meetings, or when required, a statement showing the nature of each investment and the amount invested. The Committee shall elect a Chairman and shall meet at the call of the Clerical Secretary. Three members of the Investment Committee shall be sufficient for the transaction of business. The Investment Committee may authorize the Bishop to execute, under the seal of the Synod, full or partial discharges of all mortgages which have been paid up in full or in part.

CANON X.—AUDIT AND ACCOUNTS COMMITTEE.

Constitution of
Audit Committee.

1. The accounts of the Synod shall be kept and audited under the direction and supervision of a Committee, to be called the Audit and Accounts Committee, which shall be composed of two Laymen and one Clergyman, members of the Synod, and shall be elected at each annual meeting of Synod, after the introduction and consideration of the report of the Audit and Accounts Committee.

2. The Executive Committee shall make some chartered bank of Canada the custodian, with the Clerical Secretary and the Treasurer, of the securities, other than mortgages, and funds of the Synod, on such terms as are agreed upon between such bank and the Executive Committee. The bank account of the Synod shall be kept in the name of the Incorporated Synod of the Diocese of Ontario, and no money shall be withdrawn from the bank, except by cheque signed by the Clerical Secretary and the Treasurer of the Synod, and countersigned by the Bishop or, in case of his absence from the Diocese or of his inability to act, by the Chancellor of the Diocese.

Bank to be selected.

Bank account, how kept.

Cheques.

3. The Audit and Accounts Committees shall, as occasion requires, frame rules respecting the keeping of the books and accounts by the officer charged with that duty, which rules shall, before coming into force, be submitted to and approved of by the Executive Committee.

Rules to be framed as to accounts.

4. The Audit and Accounts Committee shall frame rules respecting the acknowledgment of moneys received, the precautions to be taken to insure an effective audit of the accounts, and the mode in which the audit shall be conducted, which rules shall, before coming into force, be submitted to and approved of by the Executive Committee.

As to acknowledgments and audit.

5. The Audit and Accounts Committee shall receive the report of the Auditors appointed as hereinafter provided, examine the same and the statements submitted therewith, and examine all the securities belonging to the Synod, prior to the annual meeting thereof, and compare the same with the said statements, and shall submit the said Auditors' report, together with their own report on such examinations, and on the state of the accounts generally, to the Synod at its annual meeting. The said report shall be printed and ready for distribution at the opening of the Synod.

Report of the auditors to be received.

Statements for
auditors.

6. Full statements of the transactions in connection with each fund during the past year, with a list of the securities belonging thereto, and a balance sheet, shall be submitted by the Clerical Secretary to the Auditors immediately after the close of each financial year.

Audit of ac-
counts.

7. The accounts of the Synod shall be audited annually by two skilled Accountants, who shall be appointed annually by the Executive Committee at its first meeting after the meeting of Synod. They shall make a thorough examination of the accounts, and submit their report and statement to the Chairman of the Audit and Accounts Committee within three weeks after the close of the financial year.

Term of office.

8. No Auditor shall be eligible for more than two years in succession.

Payment and
attendance of
auditors.

9. Each Auditor shall receive for his services the sum of fifty dollars a year, or such sum as the Executive Committee from time to time determines, and he shall attend the meetings of the Audit and Accounts Committee and the meeting of Synod while the Auditors' report is under discussion.

Quorum.

10. Two members of the Audit and Accounts Committee shall be a quorum for all purposes.

Fiscal year.

11. Each fiscal year shall terminate on the thirtieth day of April, and the accounts, statements, and audit shall be made up to and cover that day, and all the Synod accounts shall be closed and balanced up to that date.

CANON XI.—ASSESSMENT FUND.

1. There shall be a Finance Committee composed of six members, in addition to the members by virtue of office, which Committee shall superintend the Fund hereinafter mentioned and the carrying into effect of the provisions of this Canon.

Constitution of Finance Committee.

2. The Assessment Fund shall consist of assessments levied on all the Parishes and Missions in the Diocese, and of a percentage upon the gross revenues of all the funds under the control of the Synod, except the Episcopal Fund; and such assessments and percentage shall be ascertained as hereinafter provided.

Assessment Fund.

3. The Finance Committee shall, if no such list already exists, prepare a list of Parishes and Missions and shall arrange them in seven classes, and in each case the assessment payable shall be that placed opposite the number of the class set forth hereunder, in which the Parish or Mission is included:—

Classification of Parishes.

Class 1	\$60	Class 5	\$15
“ 2	40	“ 6	10
“ 3	30	“ 7	5
“ 4	20		

Provided always that the Finance Committee, with the consent of the Synod, may for sufficient cause shewn, remit the assessment of any Parish or Mission.

Remission of assessment.

4. No Parish or Mission shall be transferred from one class to another, except upon report of the Finance Committee concurred in by the Synod.

Change of class.

5. Every such assessment shall be due and payable on or before the thirtieth day of April in each year.

When assessment is due.

Estimates to be prepared.

6. At the meeting of the Finance Committee in the month of May in each year, the Committee shall prepare an estimate for the coming year of the probable outlay chargeable on the Assessment Fund in accordance with the provisions of this Canon, and also an estimate of the revenue to be derived from the assessment of Parishes above mentioned, and shall strike a rate of assessment sufficient to meet the difference between such two estimates upon the gross revenue of the several funds under the control and management of the Synod.

Assessment on revenue of funds.

7. Such last mentioned assessment shall be based upon the gross revenue from each such fund for the next preceding financial year ; and in striking the rate the Committee shall take into account any surplus remaining, or any deficit existing, in the Assessment Fund at the termination of such financial year.

Charges on assessment fund.

8. Provision shall be made out of the Assessment Fund for the payment of the following : The salary of the Clerical Secretary ; attendance at the Synod offices and fuel ; remuneration of professional Auditors ; premium on guarantee policy of the Clerical Secretary ; postage and stationery ; printing ; rent, light, and taxes ; Provincial Synod assessment ; and any expenditure for the service of the Synod which the Synod or the Executive Committee considers fairly chargeable to the Fund.

Committee to report.

9. The Committee shall make a full report at each meeting of the Synod in relation to all matters under its control by virtue of this Canon.

CANON XII.—DIOCESAN MISSION FUND.

1. The Diocesan Mission Fund shall consist of all collections for Diocesan Missionary purposes made in Churches, Chapels, and Mission Stations throughout the Diocese, of the interest of the Sustentation Fund, and of all subscriptions, donations, and legacies for such purpose, regard being had to the direction of the donor or testator.

Of what the Mission Fund shall consist.

2. Four collections for the Diocesan Mission Fund as hereinafter provided, shall be made annually in every Church, Chapel, and Mission Station in which a regular Sunday service is held: on Trinity Sunday or one of the two following Sundays, and on the first Sunday in Advent or on one of the two following Sundays, a sermon on behalf of the Mission Fund shall be preached and a collection taken up, which collection shall within one month thereafter be remitted to the Clerical Secretary by the Clergyman; an annual missionary meeting shall be held in every Church, Chapel and Mission Station as aforesaid during the autumn or winter, and at such meeting a collection shall be taken up for the said Fund, and shall be remitted to the Clerical Secretary by the Convener of the deputation holding such meeting within one month thereafter; and a parochial collection shall be made annually in every Parish and Mission under the supervision of the Clergyman, who shall remit the proceeds of such collection to the Clerical Secretary on or before the twenty-fifth day of April.

Collections for the Fund.

3. The Board of Diocesan Missions shall consist of the Bishop, the Chancellor, the Dean, the Archdeacons, eight Clergymen elected by ballot at the annual meeting of the Synod by the Clergy, and eight Lay representatives elected at the same meeting by ballot by the Lay representatives, and four Clergymen and four Lay representatives appointed by the Bishop at the same meeting.

Constitution of Mission Board.

Classification
Committee.

4. At its first meeting the Board shall appoint a Sub-committee consisting of three Clergymen and three Lay representatives to be called the Classification Committee, which shall be convened by the Clerical Secretary and shall meet previous to the May meeting of the Board. It shall be duty of such Sub-committee to classify the Missions for the ensuing year and report thereon at the May meeting.

Classes of
Missions.

5. The Missions shall be divided into seven classes: Those in Class I shall each receive a grant not exceeding \$100; those in Class II a grant not exceeding \$150; those in Class III a grant not exceeding \$200; those in Class IV a grant not exceeding \$250; those in Class V a grant not exceeding \$300; those in Class VI a grant not exceeding \$400, and those in Class VII a grant not exceeding \$600.

Special grants.

6. The Board may in its discretion, on the recommendation of the Bishop, make a special grant not exceeding \$100 to any Parish or Mission, provided that two-thirds of the members present concur in voting for the grant.

Incapacitated
Clergymen.

7. When a Clergyman is incapacitated by illness or age from performing duty, the Board may in its discretion make a suitable provision for him out of the funds at its disposal.

CANON XIII.—THE DOMESTIC AND FOREIGN
MISSION FUND.

Interpretation.

1. The words " Domestic and Foreign Missions " used in this Canon shall have the same meaning as is attached to the same words in the Nineteenth Canon of the Provincial Synod.

2. A Committee on Domestic and Foreign Missions is hereby formed in connection with the Incorporated Synod of the Diocese of Ontario. Committee formed.

3. The business of the Committee shall be : Duties.

(a) To create and encourage an interest in the Domestic and Foreign Missionary work of the Church of England. Missionary work.

(b) To transmit all funds collected or received by the said Committee for Domestic or Foreign Missions to the Treasurer of the Board of Management of the Domestic and Foreign Missionary Society of the Church of England in Canada, to be disposed of by the said Board. Transmission of funds.

4. The Committee shall consist of six Clerical and six Lay members of the Synod. Constitution.

5. The funds collected by the Committee for Domestic or Foreign Missions shall be forwarded to the Treasurer of the Board of Management of the Domestic and Foreign Missionary Society, to be disposed of by the said Board. To whom funds shall be sent.

6. The Committee shall respect any specific appropriation made by any contributor to the said fund, and in transmitting the money to the Treasurer of the Board of Management shall specify such appropriation, or shall apply the money in the manner indicated, and duly report such appropriation and application to the Treasurer of the Board. Specific appropriations.

CANON XIV.—EPISCOPAL FUND.

Committee constituted.

1. There shall be a Committee for the management of the Episcopal Fund consisting of six Clergymen and six Lay representatives.

Application of income.

2. The income arising from the moneys and securities belonging to the Fund, after defraying incidental expenses, shall be paid to the Bishop in quarterly instalments.

CANON XV.—THE CLERGY TRUST FUND.

Committee constituted.

1. The Clergy Trust Fund shall be managed by a Committee consisting of six Clergymen and six Lay representatives.

Order of charges on the fund; commuting Clergymen.

2. The first charges on the income of the said Fund after the expenses of management shall be the quarterly payment of the stipends of such Clergymen of this Diocese as commuted with the Government, according to the covenants entered into with the said Clergymen, and also of the annual sum of four hundred dollars, to be equally apportioned in quarterly payments to such Archdeacons as the Bishop from time to time appoints.

Payment of annuitants.

3. The income of the Fund after the payment of the expenses of management shall be appropriated to the payment by quarterly instalments to the present annuitants on the Fund of the sums set opposite their respective names in the schedule hereto, and whenever the income permits, then pursuant to section six of this Canon to the next senior Clergyman of the Diocese in good standing.

4. The seniority of any Clergyman shall be determined by his length of service in the Diocese, which shall be reckoned from the date of his first appointment by the Bishop; but the time during which he has ceased to do clerical or synodical work in the Diocese, without being superannuated or having leave of absence from the Bishop, shall be excluded in reckoning such length of service. If a Clergyman has left the Diocese under a *bene decessit* or without leave of absence and is again admitted into the Diocese, his name shall be placed at the foot of the list.

Seniority, how determined.

5. Any question of seniority which may arise under this Canon shall, if the Committee deem it advisable, be decided by the Bishop.

Who to decide.

6. As soon as a surplus of four hundred dollars shall have arisen out of the income of the Fund over and above the annual sum required for the payment of the commuting Clergymen and other annuitants on the Fund, it shall be the duty of the Clerical Secretary to report the existence of such surplus to the Committee, who shall thereupon direct that the name of the next Clergyman entitled shall be placed on the list of annuitants which shall be made out and continued from time to time by the Clerical Secretary under the direction of the Committee, and shall be in force as finally approved by the Bishop: Should the income of the Fund however be found insufficient to meet the charges thereon, the payment or payments to the annuitant last placed on the list shall be diminished by such sum or sums as may be requisite to make good such deficiency.

Future annuitants.

Deduction if funds do not suffice.

7. Any Clergyman placed by the Committee with the approval of the Bishop on the list of annuitants shall continue to receive his annuity of four hundred dollars so long only as he continues to do duty in the Diocese, or is on the Superannuation list thereof, or has leave of absence from the Diocese, or holds office in the Synod; and he shall forfeit all claim to such annuity for any time during which he may be under ecclesiastical censure.

Duration of annuity.

Certain clergy-
men not
entitled.

8. No clergyman while in the possession of an endowed living yielding a clear income of twelve hundred dollars per annum shall be placed upon or remain on the list of annuitants. His right to such annuity shall be suspended during the time he may be in possession of such living, but shall revive on his ceasing to be in such possession ; and such suspension shall not affect his right of seniority.

Statement may
be called for.

If default is
made.

9. The Committee shall have power from time to time to require any annuitant, or Clergyman claiming to be an annuitant, to submit a statement to the Committee as to the amount of income derived from his parochial endowment. In case of non-compliance with such requirement within three months after being notified, in the case of an annuitant he shall forfeit all claim on the Fund until he makes such statement, and the arrears during the time he makes default shall not be paid him ; and in the case of an applicant, his name shall not be placed on the list, but be passed over in favor of the next in seniority until he makes such statement.

Payment sub-
sequent to de-
cease.

10. Upon the death of any annuitant, the amount of his annuity shall continue to be paid to his legal representatives for the quarter current at the time of his death, and also for the six months thereafter ensuing.

SCHEDULE.

Annuitants
under awards.

The annuitants under the award of Sir James Macaulay :

The Lord Bishop as Bishop	\$345 92
Archdeacon Lauder as Archdeacon	200 00
“ Bedford-Jones as Archdeacon.	200 00

Commuting
clergy.

THE COMMUTING CLERGY.

The Lord Bishop.....	600 00
Rev. G. A. Anderson	480 00
“ Canon Bleasdel*	486 64

*Since deceased.

Rev.	E. C. Bower.....	\$400 00
"	F. W. Dobbs	300 00
"	James Godfrey.....	400 00
"	R. Harding	486 64
Ven.	Archdeacon Lauder	400 00
Rev.	Rural Dean Lewis	480 00
"	J. A. Morris.....	480 00
"	Canon Mulock.....	400 00
"	" Pettit	400 00
"	R. L. Stephenson	480 00
"	Canon Worrell	400 00

THE BENEFICIARIES.

Beneficiaries.

Rev.	E. H. M. Baker	\$ 400 00
"	Canon Tane.....	400 00
"	Rural Dean Stanton	400 00
"	Canon White	400 00
"	E. W. Beaven.....	400 00
"	Rural Dean Bogert.....	400 00
"	" " Loucks.....	400 00
"	C. P. Emery	400 00
"	Wm. Fleming.....	400 00
"	Rural Dean Grout.....	400 00
Ven.	Archdeacon Bedford-Jones	400 00
Rev.	F. L. Stephenson*.....	400 00
"	Wm. Lewin.....	400 00
"	A. Spencer	400 00
"	A. W. Cooke	400 00
"	H. Auston.....	400 00
"	K. L. Jones.....	400 00
"	A. C. Nesbitt	400 00
"	J. H. Simpson†	400 00

*Since deceased.

†Added since the passing of the Canon.

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CANON XVI.—THE WIDOWS' AND ORPHANS'
FUND.

Committee con-
stituted.

1. There shall be a Committee, consisting of five Clerical and five Lay members of the Synod, to superintend and manage the widows' and Orphans' Fund.

Of what fund
shall consist.

2. The said Fund shall consist of the income from all property held or to be held by the Synod for the benefit of the widows and orphans of Clergymen of this Diocese.

Annual collec-
tion to be made.

3. A sermon shall be preached and a collection made annually by every Clergyman holding a cure in this Diocese (save and except in such cases of sickness or absence from his Parish or Mission as the Bishop allows as sufficient cause) on the fifth Sunday in Lent or one of the two following Sundays in every Church in which service is celebrated on that day, and in every other Church, Chapel or Mission Station in each cure in which Sunday services are held as soon after the said Sunday as the Incumbent of such Parish or Mission finds practicable; and the proceeds of such collection shall be sent by the Clergyman to the Clerical Secretary of the Synod immediately after the taking up of the same, and shall be placed by him to the credit of the said Fund.

Conditions of
right to partici-
pate.

4. The right of the widow and orphan children of a deceased Clergyman to participate in the benefit of the said Fund, shall be conditional upon such deceased Clergyman having during his lifetime complied with the requirements of this Canon, and paid annually into the said Fund the sum of five dollars with all arrears as herein provided, dating, if he were in this Diocese on the 25th March, A.D., 1862, from that date, or if admitted to or ordained in this Diocese since that date, then from the date of such

admission or ordination, unless he satisfies the Committee of his inability to pay such arrears, in which event he shall be excused from payment of such portion thereof as the Committee deems advisable.

5. Any Clergyman not in arrears to the said Fund may commute his annual subscription by one payment of fifty dollars, to be placed by the Clerical Secretary to the credit of the said Fund; and every Clergyman so commuting shall be released from any further subscriptions or payments.

Commutation of annual subscription.

6. In case a Clergyman neglects to pay his annual subscription for two years at any time, the Clerical Secretary shall notify him that he has forfeited all claim on the said Fund; if, however, he at any time afterwards pays to the Clerical Secretary the sum of five dollars for each year during which the same has remained unpaid, together with interest at the rate of six per centum per annum on each year's subscription in default, up to the time of payment, he shall be entitled to all the benefits of the Fund in the same manner as if the annual subscription had been paid regularly by him.

Forfeiture for failure to pay subscription.
Re-instatement.

7. Nothing herein contained shall be construed to prevent the widow or orphan children of a Clergyman holding an office in the Synod, or duly licensed or recognized by the Bishop as a Curate, from participating in the benefits of the Fund, although no annual collection has been made by him during such time.

Annual collection dispensed with in certain cases.

8. The widow and children of every Clergyman in good standing, who at the time of his death is duly licensed to the cure of souls in this Diocese, or holds office in the Synod, or is a Curate, or whose name is on the Synod list, and who has complied with the requirements of this Canon, shall be entitled to the annuities hereinafter in this Canon provided for.

Right to annuities.

Memorial to be presented.

9. Every widow or the guardian of the orphans of a Clergyman desiring an annuity from the Fund shall present to the Committee, through the Clerical Secretary, a memorial setting forth the date of the death of the Clergyman, the name of his widow, or of the guardian, as the case may be, and the names and ages of his children; and such memorial shall be taken into consideration by the Committee at its next meeting after the receipt thereof; and if it appears that the deceased Clergyman has complied with the requirements of this Canon, the Committee shall, if the Fund suffices, make a grant not exceeding the annual sum of \$200 to such widow, and the annual sum of \$40 to each orphan under the age of eighteen years and unmarried.

Annuity may be granted.

Annuities to orphan children.

10. In the event of a Clergyman leaving no widow, or in case of the widow dying leaving orphans under the age of eighteen years and unmarried, the annuities to the orphans shall be doubled, but in no case shall the sum granted to the orphans of any one family exceed the annual sum of \$160.

Dates when payable.

11. The several annuities shall be payable in equal quarterly payments on the first days of January, April, July and October to the widow or guardian, and the first of such payments shall include the arrears of annuity due from the day of the death of the Clergyman.

Declarations to be made.

12. Every annuitant on the Widows' and Orphans' Fund shall, before he or she may be paid his or her quarterly annuity, make one of the following declarations in the presence of a neighboring Clergyman, who shall duly attest the same:—

By a widow.

Declaration to be made by a Widow.

I.....(name).....(residence) do hereby solemnly declare that I am the widow of the late Rev.....of.....and that I am en-

titled to an annuity from the Widows' and Orphans' Fund of the Incorporated Synod of the Diocese of Ontario.

Signed and declared before me }
this.....day of.....,A.D. } (Signature.)
18 , at }
Signed..... C.D. (residence and addition.)

Declaration to be made by the Mother or Guardian of Orphans. By a guardian.

I.....(name).....(residence) do hereby solemnly declare that I am the mother (or the duly appointed guardian) of the children of the late Rev., of....., whose names and ages are respectively written below, and that they are entitled to an annuity from the Widows' and Orphans' Fund of the Incorporated Synod of the Diocese of Ontario.

Signed and declared before me }
this..... day of....., A.D. } (Signature.)
18 , at..... }
C. D. (residence and addition.)
Names..... Ages.....

CANON XVII.—THE CLERGY SUPERANNUATION FUND.

1. The Clergy Superannuation Fund shall be constituted by moneys received from the following sources : Of what fund shall consist.

(a) An annual collection which shall be made in each Church and Station of every Parish or Mission of the Diocese where there is an established Sunday service, on the thirteenth Sunday after Trinity, or on one of the two following Sundays.

(b) Benefactions and bequests.

Committee constituted.

2. The Fund shall be controlled and managed by a Committee, consisting of the Bishop and four Clerical and four Lay members of the Synod.

Allowance to superannuated Clergymen.

3. Any Clergyman of the Diocese who becomes incapable, by reason of age or infirmity, to minister beneficially to the Church may, should he so desire, but not otherwise, be placed by the Committee on the list of superannuated Clergy and awarded a superannuation allowance.

Amount.

4. The amount of such allowance shall be in the discretion of the Committee, but shall not exceed the sum of \$200 per annum for a Clergyman in receipt of an annuity from the Clergy Trust Fund, or \$400 per annum for a Clergyman not in receipt of such annuity.

No compensation for duty in such case.

Exception.

5. No Clergyman who receives an allowance from the Superannuation Fund shall, while receiving such allowance, be entitled to receive compensation as a Clergyman; except that any Clergyman receiving a superannuation allowance under this Canon may, with the consent of the Bishop granted at the request of the Incumbent of the Parish in which the duty is to be performed, undertake occasional duty and accept remuneration.

Allowance may be varied.

6. The Committee may in its discretion discontinue any superannuation allowance, or vary the same from time to time within the limits prescribed by section four.

CANON XVIII.—THE DIVINITY STUDENTS' FUND.

1. The Divinity Students' Fund shall be managed by a Committee consisting of four Clergymen and four Lay representatives. Committee constituted.

2. The said Fund shall consist of the existing Divinity Students' Fund and of all collections, subscriptions, donations and legacies given for assisting students in Divinity. Of what fund shall consist.

3. The Committee shall, in its discretion, when provided with the necessary funds, make a grant not exceeding the annual sum of one hundred and fifty dollars, to any student in Divinity on the following conditions: Conditions of grants.

(a) That the applicant shall declare in writing that he is actually in need of assistance. Necessity.

(b) That he shall furnish a bond with proper security, approved by the Chancellor, that he will serve as a Clergyman for five years in the Diocese of Ontario, and that in case of failure to offer himself for ordination or to procure the necessary testimonials within three years from the date of the bond, unless delayed from illness or other cause satisfactory to the Bishop, he will refund with interest the full amount which he has received from the Fund, and that in case of his removal from the Diocese before the expiration of five years of service therein, he will refund with interest an amount proportionate to the time of service left unfulfilled. Security to be given.

4. The words "students in divinity" shall mean all persons who are preparing to take either Deacon's or Priest's orders and have been accepted by the Bishop of the Diocese as candidates for the same. Interpretation.

CANON XIX.—THE RECTORY LANDS FUND.

Memorial if sale
is desired.

1. Whenever any Rector or Parish desires the sale of all or any of the Rectory lands appertaining to the Rectory or Parish he or they shall memorialize the Executive Committee for the sale of the said lands, setting forth the reasons for such sale. And if the Executive Committee deems it advisable that the prayer of the memorial should be complied with, the Clerical Secretary shall forthwith notify the Rector or Parish to proceed to appoint a valuator or valutors, as hereinafter mentioned.

Appointment of
valuators.

2. A valuator or valutors on behalf of the Synod, each to be known as the Synod valuator, shall be appointed by the Executive Committee, who shall receive their travelling expenses and \$5 for each day he or they are occupied in such valuation; and the Synod valuator, with a second and local valuator to be appointed and named in writing by the Rector, and with a third and local valuator to be appointed and named in like manner by the Vestry of the Mother or Parish Church at the Easter Vestery meeting or at a special meeting called for that purpose, shall, on receiving the notice of their appointment, as soon as possible examine and value the lands sought to be sold; and the said valutors shall report their joint or several valuations in writing to the Executive Committee.

Report to be
made.

Provision in
case of failure to
appoint.

3. Should the Rector or Vestry refuse or neglect to appoint their respective valutors within one month from receiving notice from the Executive Committee of the intention to sell the land, which notice shall be sent by the Clerical Secretary by post to the rector and Churchwardens, then the valuator appointed by the Executive Committee, together with the valuator appointed by the Rector or Vestry, as the case may be, shall select a third person as valuator. In the event of both the Rector and

Vestry failing to appoint within the time before limited, then the valuator appointed by the Executive Committee shall act alone and report.

4. The Clerical Secretary, on receiving such notification as aforesaid, shall forthwith communicate the same to the Synod valuator, who shall thereupon write to the local valuator or valutors appointing a time when he will, in conjunction with him or them, proceed to and value the lands proposed to be sold; and in case one only of the local valutors shall attend at the place and time appointed, the Synod valuator shall with such local valuator proceed to value the lands and report thereon; or in case both such local valutors fail to attend at the time and place appointed then the Synod valuator may, if he thinks it advisable, proceed to value alone and report. All the reports of the said valuator or valutors shall be made, as soon as possible after the value is ascertained, to the Executive Committee, who may approve or disapprove thereof, refer the same back, or adopt the valuation of either one or more of the said valutors.

Valuation to be made and reported.

Proceedings on report.

5. The lands so valued shall, in the first place, be offered to the tenant or tenants, if any, at the valuation approved of by the Executive Committee, but if there be no tenant, or if the tenant within fourteen days after being notified in writing by the Clerical Secretary of the valuation, refuses or neglects to purchase at such valuation, then the land may be sold by private contract to any intending purchaser at such price as the Executive Committee deems expedient, or after being advertised in the local papers once a week for four weeks next preceding the sale, and placards of the advertisement having been posted and circulated in the neighbourhood, the land shall be sold by public auction to the highest bidder at or above the valuation, there being a reserve bid to the amount of such valuation. And in case there shall be no bidder at or above the reserve bid when offered at such auction, the land shall be withdrawn, and it shall be left to the

Offer for sale.

Reserve price.

Executive Committee to dispose thereafter of the said land at such price as it deems most conducive to the interest of the parish.

Terms of payment.

6. The purchaser shall pay down not less than one-seventh of the purchase money at the time of the sale, and the remainder shall be secured by a mortgage on the premises payable in six yearly instalments, or as may be agreed on, with interest at seven per cent per annum.

Payment of expenses.

7. All expenses attending the valuation and sale of the land shall be borne in the first place by the person or persons applying for the sale, who shall with the memorial deposit the sum of twenty dollars with the Clerical Secretary. The expenses shall be refunded from the proceeds of the sale, and the expenses of the sale, surveys and management shall be a first charge on the proceeds.

Execution of deeds.

8. The Chancellor of the Diocese shall prepare the necessary deeds and mortgages. The expenses of conveyances, registration and Sheriff's certificates shall be paid to him by the purchaser; or, with the consent of the Rector interested, the expenses of the deed shall be defrayed from the proceeds of the land sold at the tariff to be settled by the Executive Committee. All deeds and mortgages shall be executed on behalf of the Synod by the Bishop under the seal of the Synod.

Application of proceeds.

9. The proceeds of the sale shall be remitted to the Clerical Secretary, who shall give receipts for the same, and pay all necessary charges and disbursements. The Clerical Secretary shall credit the amount so received to the capital of the Rectory interested, and the income of the investment, subject to the provisions of the statute, shall be paid at such time and in such manner as the Executive Committee appoints.

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10. The proceeds of such sales, after deducting Investment. the necessary expenses, shall be invested by the Investment Committee as provided for by the Act "To provide for the sale of the Rectory Lands in this Province."

11. The Clerical Secretary shall open and keep a Accounts to be kept. debtor and creditor account with each Parish or Rectory of all moneys received from time to time on account of sales, investments and interest and necessary expenditures and payments.

12. The Clerical Secretary shall file for future Reservation of documents. reference all memorials, valuations and other papers connected with the sale of the Rectory Lands.

13. The Executive Committee shall report Annual report. annually to the Synod all sales made, the terms of sale, and the mode in which the proceeds of such sales have been invested.

14. The valuations and sales of the Rectorial Valuations and sales confirmed. Lands heretofore made by the Executive Committee, and the conveyances thereof are hereby confirmed.

CANON XX.—SURPLUS INCOME OF THE
KINGSTON RECTORY.

1. Upon the next avoidance of the first Parsonage How surplus income of the Rectory shall be divided. or Rectory in the Township of Kingston, commonly called the Rectory of Kingston, the surplus of the yearly income thereof, arising as well from the investment of the proceeds of the sales of a portion of the lands of the Rectory as from the rents, issues

and profits of the unsold lands belonging to the Rectory—after the payment, firstly, of all annual charges for the insurances and repairs of the properties on the said lands, and for expenses incurred in the getting in, management and distribution of the said yearly income, secondly, of the sum of three thousand dollars per annum to the Rector of the said Rectory, shall be divided equally among the Incumbents of the following Churches: St. James', St. Paul's and All Saints', in the City of Kingston, and St. John's, in the Township of Kingston, and of such other Church or Churches of the Church of England in Canada as are from time to time established and set apart by the authority of the Bishop of this Diocese, either in the City of Kingston or in the Township of Kingston, and designated by him as a separate parochial charge entitled to share in such surplus: Provided that if any two of the Churches mentioned or referred to are by the Bishop at any time united and placed under one Incumbent, such Incumbent shall be entitled to only one share in the said surplus.

Proviso

Provision in case of vacancy in a Cure interested.

2. If a vacancy occurs in the Incumbency of any of the Churches mentioned or referred to in the first section of this Canon, its share of the said surplus accruing during the vacancy shall be first applied towards providing, with the sanction of the Bishop, for Divine Service in the Church during the vacancy, and then to making good any loss of capital; and the remainder, if any, shall be divided equally among the Incumbents of the other separate Churches in the City and Township of Kingston.

Committee to manage the property.

3. The property, real and personal, of the said Rectory shall, after the next avoidance thereof, be managed by a Committee known as the Kingston Rectory Committee, consisting of the Rector and the Incumbents of Churches entitled to share in the surplus, with the Chancellor, the Treasurer of the Synod, the Clerical and Lay Secretaries, and such Lay representative of each of the Churches mentioned or referred to in the first section of this Canon,

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not being interested directly or indirectly as a tenant, occupant, or intending purchaser of any of the said lands, as is annually chosen by his co-representatives within one week after the Easter Vestry meeting.

4. The Rector shall be the Chairman, and during his absence or a vacancy in the Rectory such member of the Committee as it selects. The Committee shall meet whenever called by the Rector or any three members of the Committee. Five members of the Committee shall form a quorum. The Committee shall have power to appoint all such officers as it deems necessary for the efficient management of its affairs, and to make such rules and regulations as are requisite to carry out the provisions of this Canon.

Chairman and meetings.

Quorum and powers.

5. The said Committee shall submit a report of its proceedings at each meeting of the Synod.

Report.

CANON XXI.—THE GENERAL PURPOSE FUND.

1. There shall be a Fund to be known as the General Purpose Fund for the granting of aid towards the erection and maintenance of Churches, Parsonages and Parochial Schools in this Diocese, for the purchasing of burial grounds, for defraying expenses connected with the management of the Synod and its trusts, and for aiding such general purposes and objects of the Church in this Diocese as are not under the special control of any Committee of the Synod.

Fund to be established.

2. Such Fund shall be formed from such donations and grants as are from time to time hereafter made for such General Purposes.

Of what to consist.

Management.

3. Such Fund shall be administered and managed by the Executive Committee of Synod, which shall have power to administer, sell, lease, and dispose of all lands pertaining to such Fund; to administer and dispose of any sum or sums of money, or any security or securities for money hereafter given, paid, assigned, or devised to the said Fund, and further, from the same resources to grant such aid and to make such payments to any of the objects above recited as the Committee in its discretion sees fit; and the Committee shall report at the annual meeting of Synod.

Rules may be made.

4. The said Executive Committee may make such rules and regulations as are requisite for the carrying out of the provisions of this Canon.

CANON XXII.—THE CHURCH BOOK DEPOSITORY.

Committee constituted; its duties.

1. A Committee shall be appointed annually consisting of three Clergymen and three Lay representatives for the management of the Church Book Depository; the Committee shall appoint a manager who shall make a full report to the Committee at its regular meetings and present his account books for inspection. The Committee shall make an annual report of the operations of the past year.

CANON XXIII.—STATE OF THE CHURCH.

Statements to be prepared by the Clergy.

1. Every Clergyman having a separate cure of souls shall annually, so far as his cure is concerned, prepare a correct statement of the number of church

families, individuals and communicants, of the number of baptisms, confirmations, marriages, burials and celebrations of the Holy Communion, of the number of Churches, Chapels and Mission Stations and of Public Services, of the number of Sunday and Parochial Schools, with the number of children attending the same respectively, of the amount contributed at the regular Sunday Services and by special collections, of the amounts expended for the Incumbent's stipend, for the Church, Parsonage and other parochial objects, and of all sums contributed for Church objects outside of the care; and he shall also report any other items of interest.

2. The Clerical Secretary shall send annually to every such Clergyman during the first week in April, a form prepared under the direction of the Executive Committee, which form properly filled up by the Clergyman for the year ending the twenty-fifth day of April, shall be returned by him on or before the first day of May to the Clerical Secretary.

Form to be sent out and returned.

3. A Committee shall be appointed annually on the state of the church, consisting of four Clergymen and four Lay representatives, who shall from the returns sent to the Clerical Secretary prepare a report on the matters mentioned in the first section of this Canon.

Committee constituted; its duties.

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PART III.

MISCELLANEOUS.

CANON XXIV.—THE ELECTION OF A BISHOP AND THE SUBDIVISION OF THE DIOCESE.

Proceedings in
case of a
vacancy in the
See.

1. In the event of a vacancy in the See, the Secretaries of the Synod shall within one week from the occurrence of such vacancy, or its announcement to this Diocese, memorialize the Metropolitan, or in the event of his absence, or refusal or neglect for twenty days to act, or of that office being vacant, then the senior Bishop of this Ecclesiastical Province who is willing to act, praying him to summon a meeting of the Clergy and Lay representatives of the Synod, at the Cathedral city of this Diocese, to elect a successor, such meeting to be held within thirty days of the receipt of the memorial, and to be presided over by the Bishop calling the meeting, or in case of his death, illness, or inability from other cause to preside, then by some other Canadian Bishop; and the said Metropolitan or other Bishop shall give at least fifteen days' notice of the time and place of such meeting.

And of a sub-
division of the
Diocese.

2. In the event of a subdivision of this Diocese, the Bishop shall summon the Clergy and Lay representatives, to be included within the new Diocese, to meet at such time and place as he appoints for the purpose of electing a Bishop, at which meeting

the Bishop, or the Bishop appointed by him under the Canon respecting the presiding Bishop, shall preside.

3. In the election to a vacant See, or to a new See, the Clergy and Lay representatives entitled to vote at meetings of Synod, shall vote separately by ballot; the Clergy as individuals, and the Lay representatives by Parishes. A majority of votes in each order shall determine the choice, provided that two-thirds of the Clergy entitled to vote be present and two-thirds of all the Parishes entitled to vote be represented; otherwise two thirds of the votes of each order present shall be necessary to determine the choice.

Ballot.

Number of votes required to elect.

4. Any Clergyman elected a Bishop, and holding at the time of such election any preferment or benefice, shall resign such preferment or benefice prior to his consecration. And in case the Bishop of this Diocese is elected bishop of another Diocese, and accepts, or in case of his resignation and the acceptance thereof by the Metropolitan, this See shall be *ipso facto* vacant.

Vacation of benefice.

And of office of Bishop.

5. In the event of the subdivision of this Diocese the portion intended to form the new Diocese shall be bound in all its proceedings by the Canons of this Diocese until altered by its Synod.

Canons in new Diocese.

6. The provisions of the Canon respecting contested seats in Synod shall apply to every contestation of the claim to a seat in the meeting hereinbefore referred to.

Contested seats.

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CANON XXV.—THE PATRONAGE OF THE
RECTORIES.

Appointment to
Rectories.

1. During the life or incumbency of the Right Reverend J. T. Lewis, Lord Bishop of the Diocese of Ontario, the appointment to all Rectories within his Diocese shall be vested in him as such Bishop; and such appointments to Rectories as have been made in this Diocese since the session of this Synod, in April, A.D., 1862, are hereby confirmed.

CANON XXVI.—ELECTION OF DELEGATES
TO THE PROVINCIAL SYNOD.

Scrutineers at
elections.

1. In the election of Delegates to the Provincial Synod two Clergymen and one Lay representative shall act as scrutineers of the votes of the Clergy, and two Lay representatives and one Clergyman as scrutineers of the votes of the Laity; the scrutineers for each order shall be previously appointed on motion by the members of each order respectively.

Mode of voting.

2. Two ballot boxes shall be provided to receive the votes of the Clergy and Laity respectively. Upon each member of the Synod depositing his vote, a mark shall be placed opposite his name on the roll by one of the scrutineers of the order to which he belongs; and upon the requisition of any three members of the Synod, the number of votes deposited shall be compared with the number of those who have voted. The scrutineers shall hand over the votes to the Secretaries of the Synod, whose duty it shall be to preserve them until the election of Delegates shall be completed, and to destroy them at the end of the Session.

Disposal of
ballot papers.

3. There shall be twenty four Delegates elected at each annual meeting of the Synod, viz: twelve Clergymen elected by the Clergy, and twelve Laymen by the Lay representatives, and the first twelve names in each order having the highest number of recorded votes shall be declared duly elected.

Delegates.

4. When the election of Delegates to the Provincial Synod takes place, the six Clergymen and the six Laymen whose names stand next highest in number in the counting of the ballots after those of the Delegates elected, shall be substitutes, to attend such Provincial Synod, whenever, from sickness or other cause, the Delegates are unable to be present.

Substitutes.

5. In the event of the scrutineers reporting that two or more persons have an equality of votes either as Delegates or substitutes, the Bishop shall determine his or their priority.

Equality of votes.

6. Whenever any Delegate is unable to attend as aforesaid, he shall be excused from such attendance upon notifying the Clerical Secretary of the Synod of the fact, at least a fortnight previous to the meeting of the Provincial Synod, and the Clerical Secretary shall then notify one of the substitutes in the order in which he stands on the list, that he is required to attend the said meeting instead of the Delegate excused.

Attendance of substitutes.

7. The election of the Clerical and Lay Delegates shall be certified under the hand and seal of the Bishop, and the certificate shall be forwarded by the Clerical Secretary of the Synod to the Secretaries of the Lower House of the Provincial Synod within fourteen days after such election; and in case any of the said Delegates mentioned in such certificate is unable to attend, a certificate signed by the Bishop or in his absence by the Clerical Secretary, "that A. B. being a Clerical (or Lay) Delegate from the Diocese of Ontario is unable to attend and C. D. is authorized by vote of the Synod to fill his place as Delegate," shall be sent to the Secretaries of the Lower House of the Provincial Synod.

Certificate of return of delegates.

And of substitutes.

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CANON XXVII.—THE DIACONATE.

Canon of Pro-
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cited.

1. When any person has been accepted and ordained by the Bishop as a Deacon under Canon eighteen of the Provincial Synod, which enacts :—

“A Deacon need not surrender his worldly calling or business (said calling being approved by the Bishop) unless he be a candidate for the office of a Priest, and he shall not be admitted to the Priesthood till he shall have passed a satisfactory examination in Latin and Greek, and have further complied with such other requirements as the Bishop of each Diocese may impose ;

“Every Deacon who shall from necessity be placed in charge of a Parish or Mission shall be under the direction of a neighbouring Priest until he be advanced to the Priesthood ;”

Right of deacon
to sit and vote.

He shall be entitled to sit and vote with the Clergy in the Synod of this Diocese as long as he holds the license of the Bishop.

No claim on
certain funds.

2. Such Deacons and their families shall have no claim whatsoever as beneficiaries on any of the various funds subscribed, collected or held in trust for the benefit of the Clergy or their families.

Claim if he is
advanced to the
priesthood.

3. When any such Deacons have, in accordance with the requirements of Canon eighteen of the Provincial Synod, been duly admitted to Priest's Orders by the Bishop of this Diocese, the claim of such Deacons or their families as beneficiaries of the funds and temporalities held in trust by the Synod for the benefit of the Clergy and their families shall date only from their ordination to the Priesthood.

CANON XXVIII.—THE PRESIDING BISHOP.

1. The Bishop of this Diocese may if occasion requires, appoint, with full or limited powers, another Bishop to preside at any meeting of the Synod during its session. Appointment of Bishop to preside.

2. Such Bishop so appointed shall be by virtue of his appointment a member of the Synod during its Session, subject to the powers granted him by the Bishop; and all business transacted and Canons passed or confirmed at such Session shall have the same effect and validity as if the Bishop of this Diocese had presided. His powers.

3. The Bishop of this Diocese, during the Session of the Synod, may, when he desires to leave the Chair temporarily, appoint one of the members of the Synod to preside during his absence. Temporary Chairman.

4. Wherever the words "the Bishop" occur in the "Order of Proceedings," or in "The Rules of Order," they shall be taken and read as meaning and including any Coadjutor or Assistant Bishop of this Diocese, or the Bishop appointed under this Canon. Interpretation.

CANON XXIX.—DISCIPLINE.

1. There shall be a Court of this Diocese, called "The Court of the Diocese of Ontario," for the prosecution, hearing and trial of all ecclesiastical causes within this Diocese, and of all offences of the Laity, as well as the Clergy, against the laws ecclesiastical, against the provisions of the statutes constituting and affecting the Synod, and the Canons, rules and regulations of the Synod. Court of the Diocese constituted.

Cognizance may
be taken of
offences speci-
fied.

2. Every Priest or Deacon holding the license of the Bishop of this Diocese or any office or charge under his jurisdiction who is charged with any of the offences hereinafter mentioned or concerning whom there exists scandal or evil report as having been guilty of any of such offences, shall be liable to trial and punishment as hereinafter provided; the offences referred to are as follows: Any crime or immorality; drunkenness, profane swearing, or any other scandalous, licentious or disorderly conduct; any wrong doing or wilful neglect in the discharge of the duties of any office or position of trust to which he has been appointed by the Bishop or the Synod; discontinuing the exercise of his Ministerial office without lawful cause or leave of the Bishop; ceasing, without permission of the Bishop, to perform Service in or at the Church or Churches within the Parish, Mission, or Charge to which he has been appointed; exercising any lay profession or occupation connected with his sacred calling, without the sanction of the Bishop; the disuse, after notice from the Bishop, of Public Worship or of the Holy Eucharist according to the offices of the Church; the infringement, after notice from the Bishop, of the rubrics of the Book of Common Prayer; schism, or separating himself from the Communion of the Church; heresy, or teaching or maintaining heretical doctrines, or teaching or maintaining doctrines contrary to those of the Church, such teaching or maintaining being by way of writing or printing, preaching or public teaching, or circulating books containing such doctrines; holding Service in any other Clergyman's Church or Parish, Mission or Charge, without such Clergyman's consent; permitting unauthorized persons to officiate in the Church; non-residence without leave of the Bishop; officiating at the services of religious bodies not in communion with the Church of England; any act which involves a breach of his Ordination Vows; any violation of the provisions of the Statutes constituting the Synod, or of the Constitution of the Synod, or of any of the Canons, Rules, Regulations or Resolutions of the Synod; incapacity or neglect in the discharge of his parochial duties

whereby his usefulness in his Parish or Mission appears to be gone.

In the following sections of this Canon the person complaining is called "the complainant," and the person against whom a complaint is made is called "the respondent."

Complainant and respondent defined.

3. The Bishop, on the application of any complainant, or, if he thinks fit, of his mere motion, may issue a Commission under his hand and seal to five Priests, of whom one shall be an Archdeacon or Rural Dean within this Diocese, or in case of the absence or sickness of the Archdeacon, should there be only one Archdeacon of this Diocese, then to any five Priests whom the Bishop appoints, for the purpose of making inquiry as to the grounds of such charge or scandal or evil report: provided always that notice of the intention to issue such Commission under the hand of the Bishop, containing an intimation of the nature of the offence together with the names, addition, and residence of the complainant (if any), shall be sent by the Bishop to the respondent fourteen days at least before such Commission shall issue: provided also, that no Commission shall issue on the application of any complainant until he has first given to the Bishop and his successors in office, a bond, to be approved of by the Bishop, in the penal sum of \$200, to pay all costs and expenses that the respondent may have incurred, in case he is acquitted of the complaint, or the complaint is dismissed for want of due prosecution.

Commissioners may be appointed to make inquiry.

Notice to person accused.

Security for costs.

4. The said Commissioners, or any three of them, may examine under the declaration allowed by law all witnesses who are tendered to them for examination, as well by any person alleging the truth of the charge or report as by the respondent, and all witnesses whom they deem it necessary to summon for the purpose of fully prosecuting the enquiry and ascertaining whether there is sufficient *prima facie* ground for instituting further proceedings.

Examination of witnesses.

Notice of meeting. 5. Notice of the time when, and place where, every such meeting of the Commissioners is to be holden shall be given in writing, under the hand of one of the said Commissioners, to the respondent, seven days at least before the meeting.

Right of person accused. 6. The respondent, or his agent, may attend the proceedings of the Commission, and may examine any of the witnesses.

Proceedings private. 7. All such preliminary proceedings shall be private; and when such preliminary proceedings have been closed, one of the said Commissioners shall, after due consideration by them of the depositions taken before them, openly and publicly declare the opinion of the majority of the Commissioners present at such inquiry, whether there is or is not sufficient *prima facie* ground for instituting further proceedings.

Declaration of result.

Report to the Bishop. 8. The said Commissioners, or any three of them, shall transmit to the Bishop, under their hands and seals, the depositions of witnesses taken before them, and also a report of the opinion of the majority of the Commissioners present at such inquiry, whether or not there is sufficient *prima facie* ground for instituting proceedings against the respondent; and such report shall be filed with the Registrar of this Diocese; and if the respondent holds any preferment in any other Diocese, the Bishop to whom the report is made shall transmit a copy thereof and of the depositions to the Bishop of such other Diocese, and shall also, upon the application of the respondent, cause to be delivered to him a copy of the said report and of the depositions, on payment of a reasonable sum for the same, not exceeding three cents for each folio of ninety words.

Copies to be furnished.

Judgment with out issue of commission. 9. Whenever a complaint has been made under this Canon against any Priest or Deacon, and the consent of such Priest or Deacon and of the complainant, has been first obtained in writing; or whenever a confession in writing by such Priest or

Deacon has anticipated any proceeding for the issuing of a Commission under this Canon, the Bishop of the Diocese may, without any further proceedings, pronounce such sentence as the said Bishop thinks fit, not exceeding the sentence which might be pronounced in due course of law; and all such sentences shall be as good and effectual in law as if pronounced after a hearing according to the provisions of this Canon, and may be enforced by the like means.

10. If the Commissioners report that there is sufficient *prima facie* ground for instituting proceedings, and if the Bishop of the Diocese or the complainant thereupon thinks fit to proceed against the respondent, articles shall be drawn up by the direction of the Bishop or at the instance of the complainant, which, when approved and signed by a barrister-at-law, shall, together with a copy of the depositions taken by the Commissioners, be filed with the Registrar of this Diocese; and the complainant or respondent or any person acting for either of them, shall be entitled to inspect without fee such copies, and to require and have, on demand from the Registrar (who is hereby required to deliver the same), copies of such depositions, on payment of a reasonable sum for the same, not exceeding three cents for each folio of ninety words.

Articles to be drawn up if there is cause.

Copies to be furnished.

11. A copy of the articles so filed shall be forthwith served upon the respondent by personally delivering the same to him, or by leaving the same at his usual or last known place of residence; and no such articles shall be proceeded upon until after the expiration of fourteen days from the day on which such copy has been so served.

Service of articles.

12. At any time after the expiration of the said fourteen days, the Bishop, by writing under his hand, may require the respondent to appear before him, either in person or by his agent duly appointed at any convenient place within this Diocese and to make answer to the said articles within such time as

Summons to accused.

If culpability is admitted. to the Bishop seems reasonable; and if the respondent appears, and by his answer admits the truth of the articles, the Bishop or his Commissary specially appointed for that purpose, shall forthwith proceed to pronounce sentence thereupon, according to the ecclesiastical law and the statute of the Province of Canada enabling the members of the United Church of England and Ireland to meet in Synod.

Service of process. 13. Every notice or requisition to be given or made in pursuance of this Canon shall be served on the person to whom the same respectively relates, in the same manner as is hereby directed with respect to the service of a copy of the articles on the respondent.

Hearing cause if there is default. 14. If the respondent refuses or neglects to appear and make answer to the said articles, or appears and makes any answer other than an unqualified admission of the truth thereof, the Bishop shall proceed to hear the cause, with the assistance of Assessors nominated by him, one of whom shall be his Chancellor, or a barrister of not less than seven years standing, and another the Dean of his Cathedral Church, or one of his Archdeacons; and upon the hearing of such cause the Bishop shall determine the same and pronounce sentence thereupon, according to the ecclesiastical law and the statute of the Province of Canada enabling the members of the United Church of England and Ireland to meet in Synod.

Sentences valid, and to what they may extend. 15. All sentences pronounced by the Bishop or his Commissary in pursuance of this Canon, shall be good and effectual, and binding on all persons concerned therein; and such sentences may extend to admonition, suspension, or to deposition or deprivation, as provided by the said statute of the Province of Canada in the preceding section mentioned. Should the sentence be admonition, it may be public or private, as the Bishop determines. When the penalty of suspension is inflicted, such sentence shall

specify the terms thereof and the period of duration. Removal of a Clerk in Holy Orders from office in the Church shall be considered to include deposition and deprivation. Upon such sentence being pronounced, the connection between the respondent and his Parish or Congregation shall be *ipso facto* severed, and all other offices, rents, issues, profits, and emoluments which he may have held by virtue of the office or ministry from which he has been removed shall wholly cease and determine. A copy of the sentence shall be sent to the respondent, and another to the Vestry or Vestries of the Parish or Parishes, Congregation or Congregations, with which he may be canonically connected, and such other publicity may be given to it as the Bishop or his Commissary may deem expedient.

Copies to be furnished.

16. It shall be within the power of the Bishop, by virtue of his office, and not inconsistent with or contrary to this Canon, to admonish those offending, which admonition, for any offence mentioned in the second section of this Canon not made a subject for judicial enquiry or presentment, shall be made in private; upon a subsequent offence, it shall be public or private at the discretion of the Bishop, and made in such manner as to the Bishop seems proper.

Bishop may admonish.

17. In every case in which from the nature of the offence charged, it appears to the Bishop that great scandal is likely to arise from the respondent continuing to perform the Services of the Church while such charge is under investigation, or that his ministrations will be useless while such charge is pending, the Bishop may cause a notice to be served on him, or at any time pending any proceedings under this Canon, inhibiting him from performing any Services of the Church within this Diocese, from and after the expiration of fourteen days from the service of such notice, and until sentence has been given in the said cause; provided that the respondent, being the incumbent of a benefice, may within fourteen days after the service of said notice, nominate to the Bishop any fit person

When person accused may be inhibited.

Provision for services of the church.

or persons to perform all such Services of the Church during the period for which he is so inhibited; and if the Bishop deems the person or persons so nominated fit for the performance of such Services, he shall grant his license to him or them accordingly; or in case a fit person is not nominated, the Bishop shall make such provision for the Service of the Church, and for such remuneration to the person performing the same, as to him seems necessary; and he shall provide for the payment of such remuneration, if necessary, by sequestration of the living; provided also, that the Bishop may at any time revoke such inhibition and license respectively.

Revocation.

18. Any person who thinks himself aggrieved by any judgment pronounced by the Bishop, may appeal from such judgment, and such appeal shall be to the Court of Appeal of the Metropolitan.

Appeal.

19. At any such enquiry, any three or more of the Commissioners, or in any such proceeding, the Bishop, or any Assessor of the Bishop, may require the attendance of such witnesses, and the production of such deeds, evidences, or writings, as are necessary.

Witnesses may be summoned.

20. Every witness examined in pursuance of this Canon, shall give his or her evidence upon solemn declaration, as provided for by "An Act respecting Extra-judicial oaths."

Evidence upon declaration.

21. Every suit or proceeding against any Priest or Deacon for any offence specified in this Canon, or against the provisions of the statute constituting the Synod, or against the Canons, Rules or Regulations of the Synod, shall be commenced within two years from the time that the commission of the offence, in respect of which the suit or proceeding is instituted shall have become publicly known, and not afterwards; provided always, that whenever any such suit or proceeding is brought in respect of an offence, for which a conviction has been obtained in any court of law,

Time for proceedings limited.

If there has been conviction in a court of law.

such suit or proceeding may be brought against the person convicted at any time within six calendar months after such conviction, although more than two years may have elapsed since the time that the commission of the offence, in respect of which such suit or proceeding is so brought shall have become publicly known.

CANON XXX.—VESTRIES.

1. All members of the Church of England in Canada, male and female, being pew holders or holding sittings and paying therefor such sums as the Vestry determines, shall form a Vestry for the purposes of this Canon; provided always, that no person shall be elected a Churchwarden or allowed to vote at any Vestry meeting who is not of the full age of twenty-one years; provided also, that any person before being elected or voting shall, if required by any member of the Vestry, declare in writing at the meeting, in a book to be kept for that purpose, that he is a member of the Church of England and of no other religious body, and that he has held a pew or sitting in the Church of which the Vestry is held for six months previously, and that he has paid all arrears of rent or dues that have been rated or assessed by the Vestry on his pew or sitting, and that he has been an habitual attendant at Public Worship in the Church of which the Vestry meeting is held for the space of six months previous to the meeting.

Constitution of Vestry where pews are rented.

2. If a Church has been destroyed by fire or otherwise rendered unfit for the holding of Divine Service, and the congregation of such Church assemble for Worship in some temporary place, the Vestry of the said Church shall be constituted under the provision regulating the Vestries of Free Churches during such occupancy; provided that no change shall be made

If Church has become unfit for use.

in the constitution of the Vestry, unless Divine Service in the said Church has been suspended for at least one year.

Constitution of Vestry where seats are free.

3. In any Church in which all the pews and sittings are free there shall be a Vestry for the purposes of this Canon, and the members thereof shall be of the full age of twenty-one years: and each such member shall declare himself in writing at the meeting, in a book to be kept for the purpose, to be a member of the Church of England and of no other religious body, and to be habitually attending Public Worship in the said Church of which the Vestry is held, for the space of six months previous to the meeting of the Vestry.

Vestry of newly formed congregation.

4. If a Congregation newly formed desires to organize a Vestry without delay, a meeting of the said Congregation shall be held for such purpose after notice thereof has been given during Divine Service on the previous Sunday; and the members of such Vestry shall consist of those who make the declaration required in the next preceding section as to age and Church membership, and also declare their intention to worship habitually in such Congregation. The Vestry so constituted shall be a lawful Vestry for all the purposes mentioned in this Canon for not longer than one year from the date of its formation.

Duration.

Chairman and Secretary.

5. At all Vestry meetings the Priest or Deacon in charge shall preside, and in his absence the Curate-Assistant, or in the absence of both, such member of the Vestry as the majority, duly qualified to vote and present at such Vestry meeting, name; and the Vestry Clerk, or in case there be no Vestry Clerk, then such person as the Chairman names shall be Secretary of such Vestry meeting; and the proceedings of such Vestry meeting shall be entered in a book kept for that purpose, and preserved in the custody of the Churchwardens.

Minutes.

Annual meeting and proceedings thereat.

6. An Annual Vestry meeting shall be held on Easter Monday, after notice thereof giving during

Divine Service on Easter Day, for the purpose of receiving the audited accounts of the Vestry, and subsequently of appointing Churchwardens and regulating the charges and rents on all pews and sittings for the ensuing year, and for the transaction of other business connected with the temporalities of the Church; provided, that in case there are more Churches than one in the Parish or Mission, Vestry meetings may be held for such Churches at any time during the Easter week, notice thereof having been given on a previous Sunday.

If there are more churches than one.

7. The Clergyman in charge may call a special Vestry meeting whenever he thinks proper to do so, giving notice thereof during Divine Service on the two Sundays next preceding on which Service is held in the Church; and also specifying the business for which such Vestry meeting is called. And he shall call such meeting upon application made to him in writing by at least six members of such Vestry aforesaid; and in case, upon such written application being made as aforesaid, such Clergyman refuses or neglects to call such meeting or to give such notice, then one week after such demand is made, the said six members may call the same by notice affixed to the main entrance Church doors at least one week previous to such intended meeting.

Special Vestry meetings, how called.

8. The members of Vestry, at such Vestry meetings as aforesaid, may pass resolutions or make by-laws for the regulation of their proceedings and for the management of the temporalities of the Church, Parish or Mission to which they belong, and may alter and repeal the same; provided that at special Vestry meetings no business shall be transacted other than that specified in the notice calling the same.

Business which may be transacted.

9. The fees for certificates from the Parish register shall be fifty cents for each such certificate; and the charges payable for burial plots and on breaking the ground in cemeteries and churchyards for the purpose of burying the dead, and all matters of like na-

Fees for certain services.

ture therewith connected, shall be regulated by the Vestry of the Church to which the cemetery or churchyard belongs.

Nomination and election of churchwardens.

10. At the annual Easter Vestry meeting, or any adjournment thereof, after the accounts of the past year have been audited and reported upon, one Churchwarden shall be nominated by the Clergyman in charge of the Rectory, Parish or Mission to which the said Church belongs, and one other shall be elected by a majority of those present and entitled to vote at such Vestry meetings as aforesaid. If the Clergyman being present at such Vestry meeting declines or neglects to nominate a Churchwarden, or if the said Clergyman being absent from such meeting neglects by writing under his hand to appoint a Churchwarden, then both the Churchwardens for the current year shall be elected by the members of the Vestry present; and if the members of such Vestry neglect at such Vestry meeting to elect a Churchwarden, both such Churchwardens for the current year shall be nominated by the Clergyman.

Qualification of churchwardens.

11. No person shall be eligible for the office of Churchwarden except a member of such Vestry and a duly qualified voter; and the Churchwardens shall hold their office for one year from the time of their appointment, or until the nomination or election of their successors.

Vacancies, how filled.

12. If any Churchwarden declines to accept office, or to act when called on by the Clergyman or Vestry, or is deprived of his office, or tenders his resignation in writing to the Clergyman, or changes his residence to ten or more miles from the Church of which he was chosen Churchwarden, or becomes incapable to act or is convicted of any indictable offence, or ceases to be a member of the Church of England, or of the Church or Congregation for which he has been elected, or ceases to attend public worship in such Church or Congregation for the space of six months, or dies, his office shall become vacant, and a Vestry meeting shall be called within one

month in the manner provided for in this Canon for the nomination by the Clergyman or for the election by the said Vestry, as the case may be, of a new Churchwarden in place of the one whose office was vacated from any of the causes aforesaid: provided always, that in any case of such new appointment by the Clergyman, such Clergyman may, if he thinks fit, instead of a Vestry meeting being called for the purpose, nominate and appoint another Churchwarden during Divine Service on any Sunday within the time specified for making such appointments.

Nomination
without meeting

13. The Churchwardens, in Churches other than free Churches, from time to time, may lease and rent pews and sittings in Churches where such pews and sittings are not held in freehold, upon such terms as are settled and appointed at Vestry meetings holden for that purpose as provided; and all pews and sittings shall be subject to such annual rent and other dues as shall from time to time be rated and assessed in respect thereof at such Vestry meetings.

Renting of pews
and sittings.

14. All Churchwardens shall yearly render in writing a just, true and perfect account at the annual Easter Vestry meeting, fairly entered in a book or books kept for that purpose, signed by the said Churchwardens (which book or books shall be the property of the Vestry) of all sums of money by them received and of all sums rated or assessed by the Vestry and remaining unpaid, or otherwise due and not received, and also of all goods, chattels and other property of such Church or Parish in their possession as such Churchwardens, and of all moneys paid by such Churchwardens so accounting, and of all other things concerning their said office, which said account and book or books shall have been referred to two or more auditors appointed by the annual Vestry meeting.

Account to be
rendered.

Audit.

15. In the case of the appointment of a new Churchwarden or Churchwardens, the Churchwardens then retiring from office shall pay and deliver

Retiring
wardens to
deliver over
property.

over unto such succeeding Churchwardens the book or books and all sums of money, goods, chattels and other things which are the property of the Church, and are in their possession; and the said book or books shall be carefully preserved by such Churchwardens, and they shall permit any member of such Vestry as aforesaid to inspect the same at all reasonable times. In case such Churchwardens make default in yielding such account as aforesaid, or in delivering over such moneys, goods or other things as aforesaid, the succeeding Churchwardens shall take measures to procure such account or to recover such moneys or property.

If there is default.

No unauthorized use of church.

16. No Churchwarden or Churchwardens shall permit the Church or Churches in any Parish or Mission to be used for Divine Service or any other public purpose, or the churchyard or burial ground to be used for the purposes of interment without the consent of the Bishop or of the Clergyman appointed by him.

No sale of pews.

17. No sales of pews by the Churchwardens shall take place in any Church in this Diocese.

Appointment of subordinates.

18. The organist shall be appointed by the Churchwardens with the concurrence of the Clergyman; the vestry clerk, the sexton, and other subordinate servants of the Church, shall be nominated and appointed by the Churchwardens for the time being; and their salary and wages as determined on by the Churchwardens, shall be brought into the general account to be rendered as aforesaid by such Churchwardens.

Certain provisions repealed.

19. The provisions of the Church Temporalities Act, and of all other Acts passed subsequently thereto, are hereby repealed, so far as the same are inconsistent with the provisions of this Canon.

CANON XXXI.—CUSTODY OF DEEDS AND
PARISH REGISTERS.

1. All Rectors, Incumbents, Churchwardens, Trustees, or other persons having legal custody of any grants, conveyances, or probates or certified copies of wills or parts thereof in any way relating to land or property granted, conveyed, or devised for the benefit or use of the Church of England in this Diocese, shall transmit the same to the Registrar, to be by him taken in charge as the proper custodian thereof, and placed in the Synod vault for proper and safe keeping.

Deeds to be delivered to the Registrar.

2. All Rectors, Incumbents and Churchwardens shall from time to time transmit to the Registrar all Parish Registers which have been completed or filled up, and the Registrar on receiving the same shall deposit the same in the Synod vault, and shall duly acknowledge the receipt of such Registers.

And parish registers when filled.

CANON XXXII.—PARSONAGES.

1. It shall be the duty of every Parish or Mission, where no Parsonage at present exists, to erect, as soon as possible, a suitable Parsonage, with out-houses, for the accommodation of the Clergyman; and until such buildings are erected it shall be the duty of the Parish or Mission to rent a suitable residence; and the Clergyman shall enjoy the same free of charge, and independent of any sum assigned for his salary.

Parsonage to be erected.

2. When the Parsonage and out-houses are erected and finished, or when, in the event of a change of incumbency they are put in the possession of the

Repairs at the charge of the incumbent.

Clergyman in a state of good repair, the Clergyman shall keep and maintain the same in as good repair and condition, ordinary wear and tear of the same excepted; but if the Incumbent by wilful negligence, by any act of commission or omission, suffers the said buildings to go out of repair, he shall be held responsible for the same, and it shall thereupon be the duty of the Churchwardens to point out such dilapidations to the Incumbent and request him to provide a remedy for the same; and should he decline or neglect to repair the same, the Churchwardens may, after a reasonable space, employ a suitable mechanic or mechanics to execute the necessary repairs, and they may deduct the expense thereof, certified by the bills of the contractors or workmen, from the Clergyman's annual salary paid by the Parish. But if the Clergyman feels himself aggrieved by such contemplated action of the Churchwardens, he may appeal to the Archdeacon having jurisdiction, who shall decide the matter or (if he sees fit) may appoint a committee to examine into the merits of the case, and report thereon to him; and in either case his decision shall be binding, pending which decision the Churchwardens shall suspend the contemplated action.

If he makes default.

Appeal to the Archdeacon.

Repairs at the charge of the parish.

3. If, however, any extensive improvements or repairs become necessary from the lapse of time or otherwise, such as new roofing, painting, or new fences, the expense of these and all similar improvements or repairs shall be borne by the Parish. And the Clergyman, when such repairs are required, shall lay a detailed statement of the same with an approximate estimate of the expense, before the annual Easter meeting of the Vestry, having previously given notice of his intention so to do, or before a Vestry meeting specially convened for the purpose; and if the members of the Vestry sanction the same, the Churchwardens shall forthwith proceed to effect the necessary repairs, providing for the expense thereof from the funds of the Church, by parochial subscriptions, or by any other mode determined upon by the Vestry; but the expense of such im-

rovements shall not be defrayed from any funds appropriated to or pertaining to the support of the Clergyman.

4. The Churchwardens shall keep the said buildings insured, to at least two-thirds of their value, in some responsible office, and in default of their doing so, the Incumbent may effect such insurance, and make the expense a charge against the Parish. Buildings to be insured.

5. The family of a deceased Clergyman shall be allowed to occupy the Parsonage and premises appurtenant thereto for three months from the date of his decease. Use by family.

6. In case an Incumbent, before his death, has caused any of the lands to be sown or planted at his own proper costs and charges, the crops shall belong to the legal representatives of the deceased. Right to crops.

7. The grass in a meadow, cut prior to the death of the Incumbent shall belong to his legal representatives, but the standing grass shall become the property of his successor. And to hay and grass.

8. The successor of a deceased Incumbent shall, within one month after receiving the year's rent of the glebe, or of any portion thereof, pay to the legal representatives of the deceased such part of the said rent so received as is proportionate to the portion of the year elapsed at the date of the Incumbent's death. Proportion of rent payable to family.

9. If the Incumbent of any Parish or cure is compelled to resign through age, sickness or infirmity, he shall be entitled to the privileges conferred by this Canon on the family of a deceased Clergyman. Right of incumbent resigning.

CANON XXXIII.—PARISHES AND THEIR
BOUNDARIES.

Definition of
of boundaries by
agreement.

1. The Incumbent and Churchwardens of any cure may, when necessary, hold a conference or conferences with the Incumbent and Churchwardens of an adjacent Parish or cure, and by mutual agreement arrange and define the boundary common to both, and shall make a report to the Archdeacon having jurisdiction, for his consideration, who shall submit the same to the Bishop, with his remarks thereon; and if the Bishop approves of the same, the boundaries so arranged and approved shall be the boundaries of the Parishes or cures aforesaid.

Commission if
there is no
agreement.

2. In cases where the boundary cannot be arranged by such mutual agreement, the Archdeacon shall issue a Commission to two Clergymen and one Lay representative, none of whom are connected with such Parishes or cures, authorizing them to investigate the matter and report their decision to the Archdeacon for his consideration, who shall submit the same to the Bishop, with his remarks thereon; and if the Bishop approves of the same, the boundary so arranged and approved, shall be the boundary common to the Parishes or cures aforesaid.

Duration.

New parishes.

Presentation
to benefices.

3. The boundary of a Parish or cure being once defined, approved, and declared, may not be disturbed within the space of five years, except in the case of the formation of new Parishes; and every new and distinct Parish erected as herein provided, shall be deemed, and is hereby declared, to be a Parish or benefice, with the cure of souls; and the right of presentation upon avoidance of the said benefices, unless legally vested in some other person or persons, shall vest in and be exercised by the Bishop of this Diocese,

4. When any of the parishioners residing in any Parish or adjoining Parishes, desire to have a new and distinct Parish erected, the said parishioners shall present a memorial to the Archdeacon having jurisdiction, stating fully the reasons moving them thereto, also the proposed boundaries of the contemplated new Parish, and whether the Rector or Incumbent, or Rectors or Incumbents, of the Parish or Parishes aforesaid consent thereto, and when the said Archdeacon is satisfied that the provisions of the seventeenth section of the Church Temporalities Act have been complied with, or that the means for the worship of God have been provided, then the Archdeacon shall report the same to the Bishop of this Diocese, who shall, on approval, declare the said portion of the Parish to be a new Parish. In cases where the Rector or Incumbent of any Parish affected withholds his consent from the preliminary memorial, he shall be required to state his reasons in writing within one month to the Archdeacon, who shall decide on their validity.

Proceedings for erection of new parish.

If rector or incumbent does not consent.

5. Any boundary defined and established under the authority of this Canon, shall be entered and registered in a book to be kept by the Registrar of this Diocese for that purpose, and a copy thereof shall be furnished to any person applying, on payment of a fee of one dollar.

Registration of boundaries.

6. In case the Archdeacon having jurisdiction is the Incumbent of the Parish or cure affected by the proposed division and settlement of boundaries, the proceedings under this Canon shall be taken before the other Archdeacon or such other Clergyman as the Bishop appoints.

If the Archdeacon is a party.

CANON XXXIV.—EDNOWMENT OF
PARISHES.

Formation of
endowment
fund.

1. The Incumbent of every Parish where no adequate endowment already exists, may commence "A Parochial Endowment Fund," by taking up in each year a collection for the purpose in each Church and Station within the same, and soliciting, moreover, subscriptions, donations, and bequests of lands or money for the promotion of the Fund, until a sufficient Endowment Fund shall have been secured.

Property to be
held in trust.

2. All gifts or bequests of real estate, and all lands otherwise acquired by any Parish for the purposes contemplated by this Canon, shall be held by the Bishop or the Synod, in trust for the benefit of the Incumbent of the Parish for the time being; and the said real estate shall be managed by the Incumbent of the Parish, as in the case of the present Rectors and their glebes.

Management.

Funds to ac-
cumulate.

3. All such subscriptions, donations, collections, and bequests of personal property shall be vested in the Bishop or the Synod, in trust as aforesaid and, with the interest, shall be allowed to accumulate until the sum of \$1,000 be thus secured, after which all new collections, subscriptions, donations and bequests of personalty shall be invested, and the interest shall be annually appropriated towards the Incumbent's support, and to that purpose only, and the management of such Fund shall be in the Incorporated Synod of the Diocese of Ontario.

Investment and
application.

Glebe may be
purchased.

4. Whenever it is deemed advisable by the Incumbent, Churchwardens and Congregation in Vestry assembled, the moneys and other personal property of the Fund may, with the consent in writing first had of the Bishop or Synod, as the case may require, be appropriated to the purchase of a glebe or piece of land adjacent or near to the Parsonage

for a glebe, as an endowment appurtenant to the same, and for the benefit of the Incumbent for the time being; and in such case section three, so far as it relates to the accumulation of the Fund, shall be dispensed with, so that the whole of the Fund may, if necessary, be applied to the said purchase; but with such exception, no portion of the Fund shall, under any pretext whatever, be alienated or appropriated to any other object than for the support of the Incumbent, as aforesaid: provided, however, that in the event of the future division of the Parish, the Endowment Fund so created shall likewise be subject to division, in accordance with the rules and regulations adopted from time to time by the Synod of the Diocese for the division of Parishes and of the endowments thereunto pertaining.

Provision in case of division of parish.

CANON XXXV.—ERECTION OF CHURCH BUILDINGS.

1. No Church, Parsonage, Parochial School or other Church building shall be erected, altered or purchased, unless the plans thereof are first submitted by the Incumbent and Churchwardens, or in case of a vacancy in the cure by the Churchwardens, to the Archdeacon having jurisdiction and are approved by him.

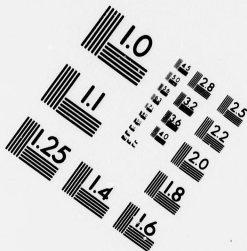
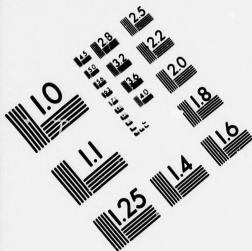
Plans of buildings subject to approval.

CANON XXXVI.—CHRISTMAS OFFERTORY.

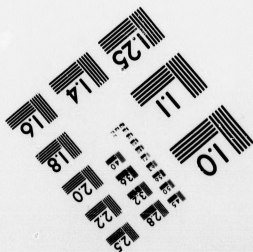
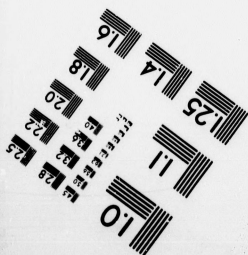
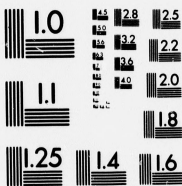
1. The offertory of the respective Congregations throughout this Diocese on Christmas day of every year, shall be devoted to the sole use of the Incumbent of the Church in which the offertory is made.

Christmas offertory.





**IMAGE EVALUATION
TEST TARGET (MT-3)**



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CANON XXXVII.—UNAUTHORIZED COLLECT-
TIONS.

No unauthor-
ized collection
by a person
residing in the
Diocese.

1. No Clergyman or Layman shall collect money for any Church purpose beyond the bounds of his own Parish or Mission, or proceed to any other Diocese for the same purpose without the sanction and approval of the Bishop, and such collector shall obtain the sanction of each Incumbent before he makes a collection in his Parish or cure, and he shall report to the Incumbent the result of such collection.

On coming from
another Dio-
cese.

2. No person from any other Diocese shall make collections within this Diocese without first obtaining the sanction of the Bishop.

CANON XXXVIII.—INTERPRETATION.—AND
REPEAL OF EXISTING CANONS.

"Shall" and
"may."

1. In all Canons passed by the Synod of the Diocese of Ontario the expression "shall" shall be construed as imperative, and the expression "may" as permissive.

Existing canons
repealed.

2. All Canons heretofore passed by the Incorporated Synod of the Diocese of Ontario, and in force at the time of the confirmation of the Canons herein contained, are hereby repealed, and the said Canons hereinbefore set forth and numbered from one to thirty-seven, both inclusive, are substituted in lieu thereof; but such substitution shall not revive any Canon or part thereof repealed by any Canon for which the foregoing are substituted; and the said

How new
canons shall be
construed.

substituted Canons shall not be held to operate as new laws, but as a consolidation and continuation of the said repealed Canons, subject to the amendments and new provisions incorporated with the said substituted Canons.

3. Any reference in any resolution or proceeding of the Synod, or in any deed, instrument or document to any Canon hereby repealed shall, after these substituted Canons take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactment in the said substituted Canons having the same effect as such repealed Canon.

As to references to canons in deeds and instruments.

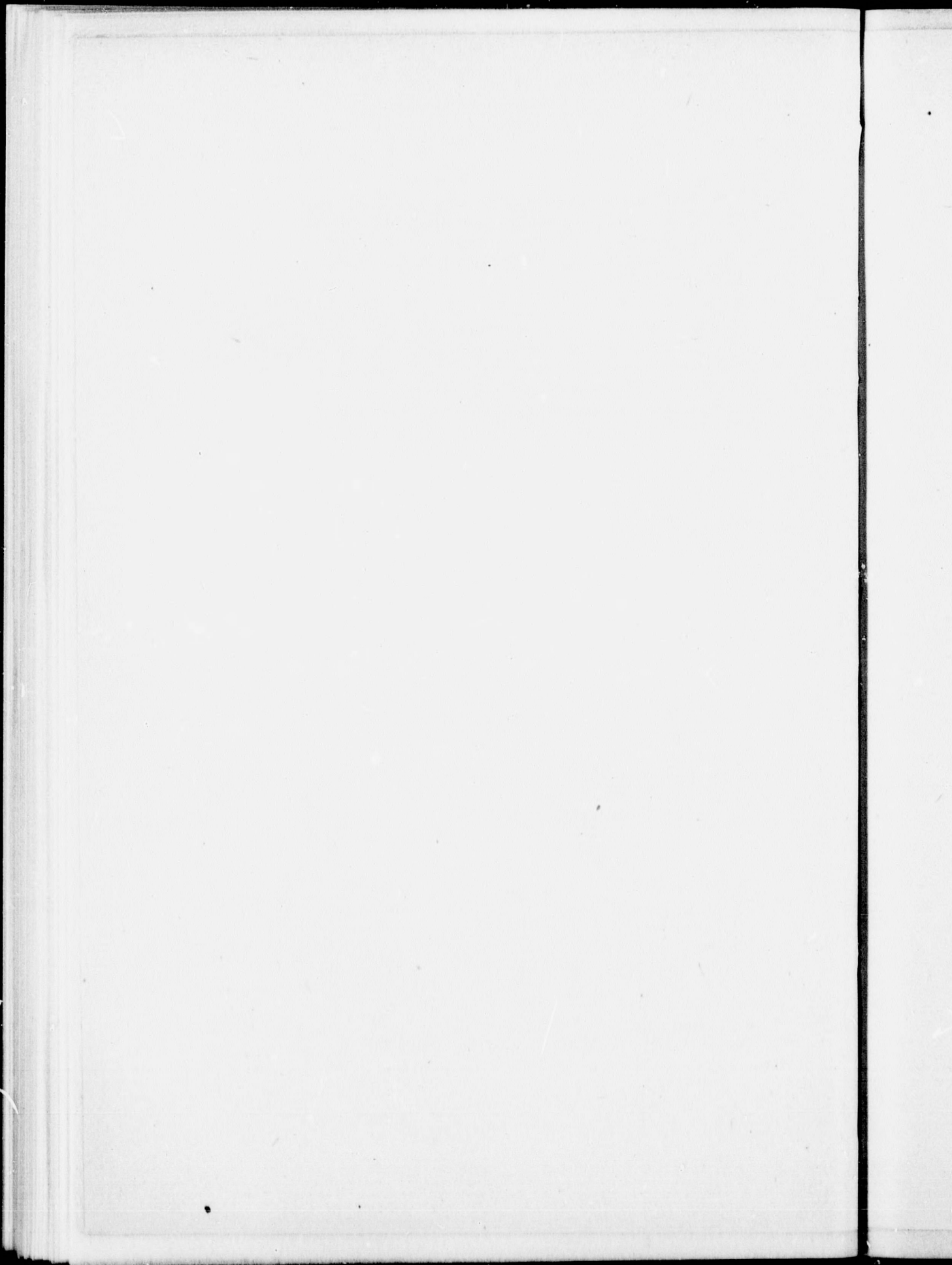
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Diocese of Ontario.

RESOLUTIONS OF SYNOD

SELECTED BY THE COMMITTEE FOR PUBLICATION.

The following resolutions relate to the subjects of the Canons mentioned in the margin.

UNFINISHED BUSINESS TO BE DROPPED FROM ORDER PAPER.

That all notices of motions remaining undisposed ^{Canon III.} of at the final adjournment of Synod be dropped from the order paper.—Sess. xxv, p. 522.

SALARIES OF OFFICIALS.

That the salary of each and every paid official of ^{Canon VII.} this Synod shall be fixed by the same, and that no committee shall have power to add to or diminish from it.—Sess. xi, p. 1003.

SECURITY TO BE FURNISHED BY CLERICAL
SECRETARY.

Canon VII.

That the Clerical Secretary be required to furnish security by the policy of a Guarantee Company: that the annual or other premiums shall be paid by the Synod; that the amount of such security shall not be less than \$5000; such security to be given to the satisfaction of the Executive Committee and within such time as they shall order; and that the premium be charged against the Assessment Fund annually, or be otherwise paid as the Executive Committee shall direct.—Sess. xviii, p. 1734.

CLERICAL SECRETARY'S SALARY.

Canon VII.

A Special Committee appointed May 15th, 1888, "to consider the whole question of the assessment of Parishes with a view to such Synodical action being had as (a) will result in securing payment of the amounts assessed, and (b) will result in specific provision being made as to the items of expenditure which shall be a charge upon the Assessment Fund" (Session xxvi, p. 26), recommended in their report to the Synod, which was adopted, that the salary to be paid to the Clerical Secretary in future should be \$1600 a year.—Sess. xxvii, pp. 170 and 192.

BOARD OF RURAL DEANS.

Canon VIII.

That the Rural Deans of the Diocese be a committee or Board of Rural Deans, and that through their chairman they make a report annually to the Synod on the condition of the Church in their several Deaneries, in particular informing the Synod of any neglect on the part of the Parishes or Missions in contributing to the maintenance of the clergy.—Sess. xxviii, p. 349.

SUNDAY SCHOOLS.

The Committee appointed at the last Synod on Canon VIII.
the subject of Sunday Schools beg to report :—

That considering the importance of the work of training the young, not only in the principles of the Church, but in the practice of helping in its work, they are of opinion that the Sunday Schools should be recognized in some way as an integral part of the Diocesan organization, seeing that one of the avowed subjects for the consideration and action of the Synod is the "diffusion of sound religious education." They, therefore, suggest that a Standing Committee of Synod, consisting of members, should be appointed annually by the Bishop, having the following and similar objects under their charge:—

I.—Collections for Missionary Work.

Already many Sunday Schools contribute to the Foreign Mission work of the Church, especially in Algoma, and although the amounts contributed appear in the Reports of Synod and of the Foreign Mission Committee, yet it would stimulate the efforts of these Schools and induce others to join in the work, if such Reports were grouped together under a Special Committee, and thus be more easily and particularly brought before the Sunday Schools of the Diocese.

II.—Statistics.

It is very important that proper statistics should be compiled for the information of the Church, as to the extent and progress of Sunday School work in the different Parishes, in order if possible, to stimulate to greater efforts.

III.—Instruction of Teachers.

The instruction of teachers can hardly come under the cognizance of the Synod, but it may very well

be a part of the work of a Committee on Sunday Schools, to act as a medium for organizing the machinery for the examination of teachers and of scholars, if necessary, after the example of the Church of England Sunday School Institute in England.

IV.—Sunday School Lesson Books.

As the diffusion of a “sound religious education” depends greatly upon the character of the manuals used, one of the objects aimed at should be to recommend or prepare such books as they may deem necessary, and to provide facilities for procuring them.—The above report was adopted.—Sess. xxi, p. 2153.

DECEASED MEMBERS OF SYNOD.

Canon VIII.

The Committee appointed by the Lord Bishop to report in reference to those members of the Synod who have been removed by death since the last sitting, * * * beg to recommend that a Standing Committee of Synod shall be named by the Lord Bishop whose duty shall be from year to year to report to the Synod at its annual meeting the names of those members who shall have died during the previous year, with some brief and appropriate notice.—The above report was adopted.—Sess. xxiii, pp. 194-5.

MOUNTAIN MEMORIAL CANONRY.

Canon VIII.

That the generous offer of the Rev. Dr. Mountain, as contained in his communication read in the report of the Committee on the Division of the Diocese, be thankfully accepted. Sess. xxvi, p. 37.

That his Lordship the Bishop be requested to appoint a Committee for the management of the property at Cornwall conveyed to the Synod by the Rev. Dr. Mountain to establish a Mission Canonry, to be called "the Committee on the Mountain Memorial Mission Canonry."—Sess. xxvii, pp. 155 and 171. Canon VIII.

DIOCESAN LIBRARY.

That the Lord Bishop be requested to appoint annually a Committee to take charge of, and arrange the Diocesan Library; and that such Committee be empowered to frame rules and regulations, subject to the approval of the Bishop, with a view to making this valuable Library available for the Clergy of the Diocese generally.—Sess. xxvii, p. 171. Canon VIII.

CHURCH OF ENGLAND TEMPERANCE
SOCIETY.

The Committee appointed on the question of the formation of a Church of England Temperance Society beg leave to report:— Canon VIII.

That they would advise the formation of a Diocesan Branch of the Church of England Temperance Society, and that for this purpose a Standing Committee of this Diocese be elected annually, to be called "the Committee on Temperance."—Sess. xxvii, p. 40.

REPORT OF COMMITTEE ON STIPEND OF
BISHOP OF ALGOMA.

- Canon XIII. The Committee named to consider and report upon the mode in which the sum of \$400 to be contributed annually by this Diocese towards the stipend of the Bishop of the Missionary Diocese of Algoma shall be provided, beg to report that in their opinion the duty of raising the required amount properly devolves on the Board of Foreign Missions, and the payment thereof should be a first charge upon its funds.—Sess. xx, p. 1997.

EXPENSES OF DIOCESAN REPRESENTA-
TIVE ON GENERAL BOARD OF
MISSIONS.

- Canon XIII. That in the opinion of this Synod it is desirable that the railway and steamboat fares of the Bishop and the two Clergymen and two Laymen nominated by this Synod as members of the Board of Management of the Domestic and Foreign Missionary Society of the Church of England in Canada, incurred in going to and returning from the meetings of the Board, be defrayed out of the Funds raised in this Diocese for that Society.—Sess. xxv. p. 521.
- Canon XVIII. That special offerings be asked for during Lent in each year from every parish in the Diocese for the Divinity Students Fund.—Sess. xxviii, p. 350.

DUTIES OF RURAL DEANS.

- Canon XXX. That in view of the inadequate stipends received by many Clergymen in this Diocese, the Lord

Bishop be requested to instruct the Rural Deans to visit every Parish or Mission in their Deaneries where the Clergyman in charge represents the stipend to be below the minimum fixed by Synod, viz: for Priests \$800 and house, Deacons \$600; and to endeavour to bring the income up to the required amount and report thereon at the next meeting of Rural Deans.—Sess. xxviii, p. 349.

NO DEDUCTION FROM COLLECTIONS.

That for the future no deduction shall be made from any collection ordered by this Synod.—Sess. ^{Canons XII, XIII, XVI, and XVII.} xviii, p. 908.

COLLECTIONS RECEIVED AFTER CLOSE OF FINANCIAL YEAR.

Canon XII.

That should the whole of the moneys collected for the Mission Fund not be sent in by the 30th of April in each year there be an additional column in the statement of collections in the Journal of Synod for the year, showing what further moneys of the Mission Fund have been sent in after 30th April and before the closing of the Session of the Synod.—Sess. xxvii, p. 1594.

MORTGAGING CHURCHES.

Canon XXX.

That in the opinion of this Synod it is inexpedient to grant permission to mortgage any Church edifice, or the land required therefor.—Sess. xix, p. 1849.

COMMENDATION OF SYSTEMATIC GIVING
AND DISAPPROVAL OF LOTTERIES, Etc.

This Synod hereby expresses its strong disapproval of Lotteries, Raffles, and other species of gambling in connection with Church work.—Sess. xii, p. 1095.

DIOCESAN CONFERENCE.

That at the meeting of the Executive Committee in May the Chairman do name an evening during the Session of Synod on which a meeting of the members of the Church may be held to deliberate on the best means for promoting the interests of the Church.—Sess. xxii, p. 40.

MISSION BOARD.

RULES OF ORDER AND BY-LAWS

ORDER OF PROCEEDINGS.

1. Reading, correcting, and approving the minutes of the previous meeting.
2. Presenting Reports.
3. Presenting and reading petitions and correspondence.
4. Taking up unfinished business.
5. Proceeding with general business.

The above order may be changed in any particular case on the vote of the majority of the members of the Board.

The meetings of the Board shall open and close with prayer.

BY-LAWS.

I. At each meeting of the Board, a financial statement of the Mission Fund shall be presented by the Clerical Secretary for the period which has elapsed since the closing date of the statement furnished at the previous meeting.

II. At each meeting of the Board a short statement showing the receipts and disbursements of the Mission Fund for the year preceding the meeting, together with a comparative statement for the corresponding period in the previous year, shall be distributed to the members.

III. All grants made by the Board shall be made to the Mission or Parish, and be subject to withdrawal upon any change taking place in the Incumbency.

IV. In case of clergymen not making all the collections appointed for missionary purposes, their cheques from the Mission Fund shall be withheld until such collections are made, unless the Board, on application of the clergyman in default, shall be satisfied that the failure to make the return is excusable. The Parochial Collections shall be forwarded to the Clerical Secretary before the 25th day of April in each year, and the other collections within one month of the time appointed for making the same.

V. After the expiration of one month from the time when any periodical collection should be made in any Parish or Church for the Mission Fund, the Clerical Secretary shall address a circular to the clergymen of such Parishes or Churches as have not remitted the collection, requesting to be informed of the reason of the default,

VI. The Clerical Secretary shall, on or before the fifteenth day of March in each and every year, send to the several Missionaries of the Board the following circular :

Reverend and Dear Sir :—

Will you have the kindness to furnish, for the information of the Board of Missions, answers to the following questions, which please send to the undersigned on or before the 25th day of April next.

Yours faithfully, A. SPENCER,
Clerical Secretary.

1. What is the extent of your Mission ?

2. What is the number of Church people in your Mission ?

State also the number connected with each Church or congregation.

3. How many Church families are there in your Mission ?

4. How many Churches and Stations have you in your Mission ?

Give the name of the Churches, and state of what material they are built, and state how often you have Divine Service therein.

5. What is the distance of each Church or Station from the principal Church ?

Give also the distance of the principal Church from Churches in neighboring Parishes or Missions.

6. How many Communicants are there in your Mission ? What is the average attendance for the year at Holy Communion ?

7. How many Baptisms, Marriages, and Burials are there during the year ?

8. Have you a Parsonage ?

If so, of what material is it built ?

How much land is there attached to it ?

9. Have you any Endowment ?

What is its nature and annual value ?

10. Is your Parish in debt ?

If so, to what amount ?

Why incurred ?

What means are there of payment ?

State particularly the nature and amount of any incumbrances on the Church property.

11. What was the stipend promised by the people for the past year ?

What did you receive from them ?

12. What amount do you consider your people should contribute towards the support of their clergyman ?

13. Give the number of Sunday Schools in your Mission, and of children attending them ?

14. Are the Church Buildings and Parsonage insured ?

If so, in what Company, and for how much ?

Until the report required by such circular shall be furnished, the grant to such Mission shall not be paid.

VII. When a clergyman who receives a grant from this Board is placed on the Commutation List, such grant shall at once cease.

VIII. Rural Deans and Conveners of Deputations shall invariably make their returns before April 30th in each year.

IX. Each clergyman shall send to his Rural Dean within one month after the date ordered for the Advent and Trinity sermons, and in the case of the Parochial Collections before the 30th day of April in each year, a certificate according to the form provided for the purpose.

X. The Archdeacons, or the Rural Deans under their instructions, shall, when required by the clergyman in charge of any Mission of which the grant has been reduced under the classification scheme, promptly visit such Mission and endeavour to induce the congregation to make good the amount withdrawn by the Board.

XI. By-Laws or Rules of Order, or amendments thereto, unless carried by a two-thirds vote, shall not come into effect until the following meeting.

Instructions to the Rural Deans issued by
the Lord Bishop on November 25th,
1890, to be in force until further order
be taken.

1. Inasmuch as the appointments of Rural Deans, their functions and jurisdiction, originate from the Bishop, it is understood that, within the limits of their commissions, they are acting by *his* authority.

2. As no coercive power is involved in that commission, all doubtful or disputed matters are open to appeal, and may be referred to him for adjudication.

3. Within their respective limits the Rural Deans shall take the oversight of all Mission work and shall advocate the interests of the Mission Fund of the Diocese.

4. They shall arrange, under the supervision of the Bishop, the list of deputations for the annual missionary meetings, in time for its publication in the Synod Journal, and see that said meetings are held.

5. On being apprised of a vacancy in any Parish or Mission within his Rural Deanery, where the stipend depends in any degree upon the voluntary contributions of the people, the Rural Dean with as little delay as possible shall visit such Parish or Mission, and secure, as far as may be in his power, suitable provision for the clergyman's maintenance, reporting forthwith to the Bishop.

6. They shall take note, in each Parish or Mission, of the sum pledged as stipend to the Missionary in charge; and when this stipend is insufficient, shall use every effort to get it increased; and especially shall see that the Missionary does not suffer *through default on the part of the people*. Every such case of default, if found irremediable by the Rural Dean, shall be by him reported to the Bishop.

7. They shall report annually to the Bishop, before the 1st of May, on the state of the Church in their respective Deaneries.

8. They shall inspect from time to time, the state and condition of the several Churches, Parsonages and other Church properties, and shall take such measures, with reference thereto, as may be deemed advisable.

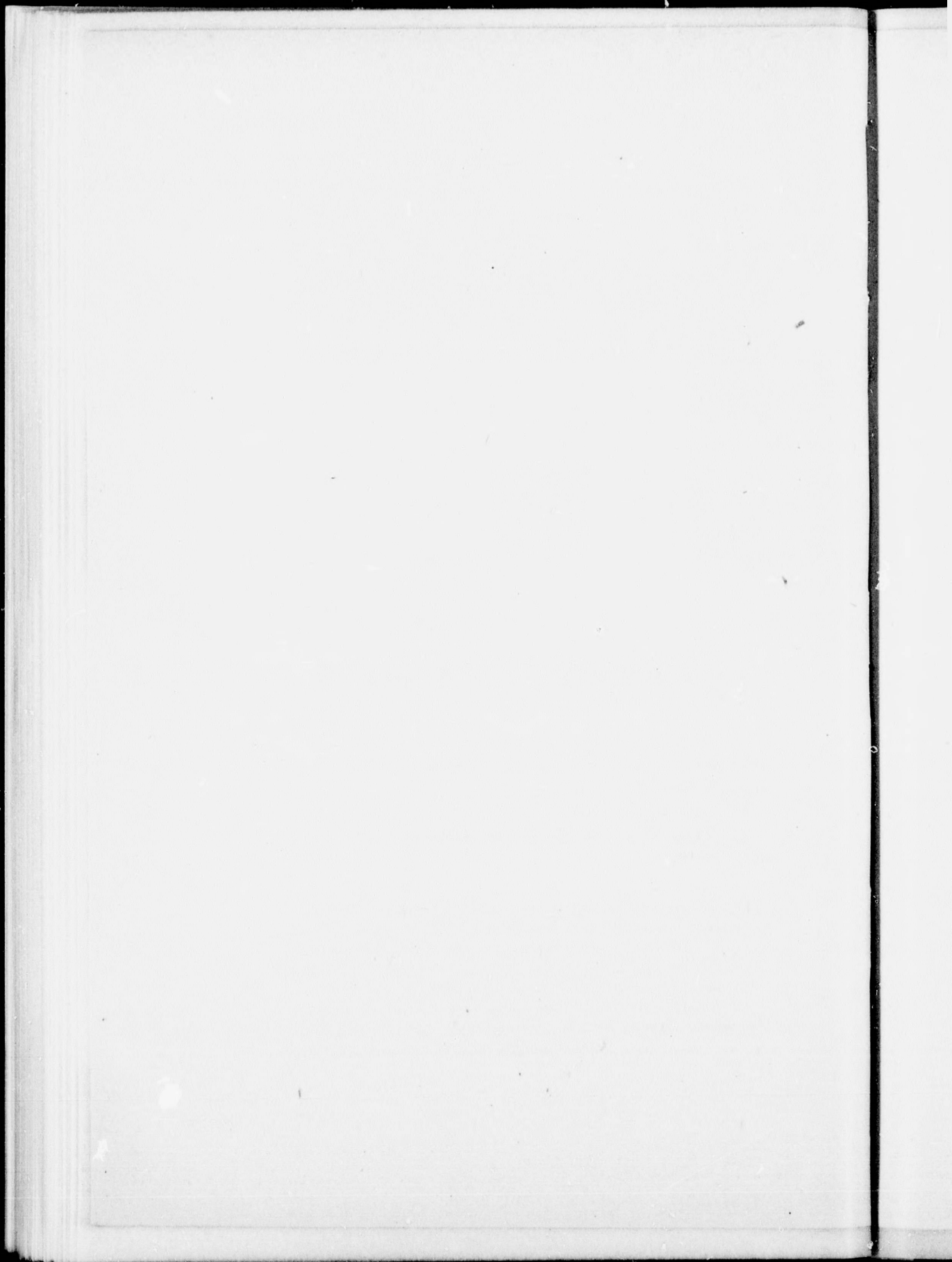
9. They shall inspect from time to time, and report upon, the condition of Parochial Registers.

10. They shall see that all Church buildings are properly insured.

11. They shall hold in each and every year in their respective Deaneries one or more meetings of the Ruri-Decanal Chapter.

12. They shall arrange for the Confirmations in each Deanery.

13. They shall keep records of their official acts in connection with each Parish or Mission.



STATUTES

RELATING TO THE CHURCH, SYNODS, &c.

3 VICTORIA (U. C.) C. 74.

CHURCH TEMPORALITIES ACT.

An Act to make provision for the management of the temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned.

Royal Assent promulgated 3rd December, 1841.

(This Act, known as "THE CHURCH TEMPORALITIES ACT," is varied as respects the Diocese of Ontario, by Canon XXX, relating to Vestries, under the powers conferred by the Act, 29-30 Vic., c. 15.)

Whereas it is desired on behalf of the United Church of England and Ireland, in the Province of Upper Canada, that provision should be made by law for the internal management by the members of the said Church of the temporalities thereof, and

Preamble.

also for allowing the endowment thereof, and it is just and expedient that such provision should be made, *Be it therefore enacted* by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, the soil and freehold of all Churches of the communion of the said United Church of England and Ireland, now erected or hereafter to be erected in the said Province, and of the Churchyards and Burying-grounds attached or belonging thereto, respectively, shall be in the Parson or other Incumbent thereof for the time being; and that the possession thereof shall be in the Incumbent for the time being, and the Churchwardens to be appointed as hereinafter is mentioned, by whatever title the same may now be held, whether vested in Trustees for the use of the Church, or whether the legal estate remains in the Crown, by reason of no Patent having been issued, though set apart for the purposes of such Church, Church-yard or Burying ground: *Provided always*, that nothing herein contained shall extend to affect the rights of any other Church or body of Christians to any landed property or Church now erected, but that the same shall remain as if this Act had not been passed.

Freehold of churches, &c., to vest in the Parson or Incumbent.

Proviso.

Pewholders to form a Vestry.

II. *And be it further enacted by the authority aforesaid*, That all pew-holders in such Churches, whether holding the same by purchase or lease, and all persons holding sittings therein by the same being let to them by Churchwardens, and holding a certificate from the Churchwardens, of such sitting, shall form a Vestry for the purposes in this Act mentioned and declared.

III. *And be it further enacted by the authority aforesaid*, That a meeting of such Vestry shall be holden on Monday in Easter week, in each and every year, after due notice thereof given during Divine Service on the morning of Easter Sunday, for the purpose of appointing Churchwardens for the ensuing year; and that at such meeting one Churchwarden shall be nominated by the Incumbent of the Parsonage or Rectory to which the said Church belongs, and the other shall be elected by a majority of those present and entitled to vote at such Vestry meeting, as aforesaid: *Provided nevertheless*, that in case of such Incumbent declining or neglecting to nominate a Churchwarden, then both of the said Churchwardens shall, for the current year, be elected in the manner aforesaid; and in case the members of such Vestry shall neglect to elect a Churchwarden, then both of such Churchwardens shall, for the current year, be nominated by the Incumbent: *Provided always*, that if from any cause a Vestry meeting shall not take place at the time aforesaid, such appointment of Churchwardens may take place at any subsequent Vestry meeting, to be called in manner hereinafter provided; and in case of the death or change of residence to twenty miles or more from any such Church, of either of the said Churchwardens, a Vestry meeting shall be thereupon called for the election, by the said Vestry, of a new Churchwarden, in case the one deceased or removed had been elected by the Vestry, or for the nomination of a new Churchwarden by the Incumbent, in case the one deceased or removed had been nominated by the Incumbent.

Ordinary meetings and proceedings of Vestry.

IV. *And be it further enacted by the authority aforesaid*, That no person shall be eligible to the office of Churchwarden except members of the said Church of the full age of twenty-one years, and who shall also be members of such Vestry.

Churchwardens.

V. *And be it further enacted by the authority aforesaid*, That such Churchwardens shall hold their office for one year from the time of their appointment, or

Churchwardens' term of office.

until the election of their successors, except in case of an appointment or nomination to fill up any vacancy occasioned by death or removal, as aforesaid, and in such case the person so appointed or nominated, shall hold the said office until the next annual election.

Powers of churchwardens.

VI. *And be it further enacted by the authority aforesaid,* That such Churchwardens so to be elected and appointed, as aforesaid, shall, during their term of office, be as a corporation to represent the interest of such Church and of the members thereof, and shall and may sue and be sued, answer and be answered unto in all manner of suits and actions whatsoever, and may prosecute indictments, presentments and other criminal proceedings, for and in respect of such Churches and Church-yards, and all matters and things appertaining thereto; and shall and may, in conjunction with the Rector or Incumbent, make and execute faculties or conveyances, or other proper assurances in the law, to all pewholders holding their pews by purchase, or leases to those holding the same by lease, and shall and may grant certificates to those who shall have rented sittings, such conveyances, leases, and certificates, to be given within a reasonable time after demand made, and at the charges of the person applying for the same; and further, it shall be the duty of such Churchwardens, from time to time, to sell, lease and rent pews and sittings, upon such terms as may be settled and appointed at Vestry meetings to be holden for that purpose as hereinafter provided: *Provided always,* that any such sale, lease, or renting, shall be subject to such rent charge, or other rent, as may from time to time be rated and assessed in respect thereof at such Vestry meetings.

Pews.

VII. *And be it further enacted by the authority aforesaid,* That in case of the absolute purchase of any pew in any such Church, as aforesaid, the same shall be construed as a Freehold of Inheritance, not subject to forfeiture by change of residence, or by discontinuing to frequent the same; and the same

may be bargained, sold and assigned to any purchaser thereof, being a member of the Church of England, and such purchaser, provided the same be duly assigned and conveyed to him, shall hold the same, with the same rights and subject to the same duties and charges as the original purchaser thereof.

VIII. *And be it further enacted by the authority aforesaid*, That any pew-holder, whether by purchase or lease, and any person renting a pew or sitting, shall and may during their rightful possession of such pew or sitting, have a right of action against any person injuring the same, or disturbing him or his family in the possession thereof.

Rights of pew-holders.

IX. *And be it further enacted by the authority aforesaid*, That such Churchwardens, so to be appointed as aforesaid, shall yearly and every year, within fourteen days after other Churchwardens shall be nominated and appointed to succeed them, deliver into such succeeding Churchwardens a just, true, and perfect account, in writing (fairly entered in a book or books to be kept for that purpose, and signed by the said Churchwardens) of all sums of money by them received, and of all sums rated or assessed, or otherwise due and not received; and also of all goods, chattels, and other property of such Church or Parish in their hands as such Churchwardens, and of all moneys paid by such Churchwardens so accounting, and of all other things concerning their said office; and shall also pay and deliver over all sums of money, goods, chattels, and other things, which shall be in their hands, unto such succeeding Churchwardens, which said account shall be verified by oath before one or more of Her Majesty's Justices of the Peace, who are hereby authorized to administer the same; and the said book or books shall be carefully preserved by such Churchwardens, and they shall and are hereby required to permit any member of such Vestry, as aforesaid, to inspect the same at all reasonable times, paying one shilling for such inspection; and in case such Churchwardens shall make default in yielding such account, as afore-

Churchwardens' accounts.

Open to inspection.

said, or in delivering over such money, goods, or other things, as aforesaid, it shall be in the power of the succeeding Churchwardens to proceed against them at law for such default, or to file a bill in Equity for discovery and relief; and in case of the reappointment of the same Churchwardens, then such account, as aforesaid, shall in like manner as aforesaid, be made and rendered before an adjourned meeting of such Vestry, fourteen days after such reappointment.

Extraordinary meetings of Vestry.

X. *And be it further enacted by the authority aforesaid,* That it shall be in the power of the Incumbent of any such Parsonage, Rectory or Parish, as aforesaid, or of the Churchwardens thereof, to call a Vestry meeting whenever he or they shall think proper so to do, and it shall be his and their duty so to do upon application being made for that purpose in writing, by six at least of the members of such Vestry, as aforesaid; and in case, upon such written application being made as aforesaid, such Incumbent and Churchwardens shall refuse to call such meeting, then one week after such demand made, it shall be in the power of any six of such members of the Vestry to call the same by notice, to be affixed on the outer Church door (or Church doors where more than one) at least one week previous to such intended meeting.

Chairman of Vestry meetings.

XI. *And be it further enacted by the authority aforesaid,* That in all Vestry meetings, the Rector or Incumbent of the Church shall preside as Chairman when present, and in his absence such person as the majority present at such meeting shall name; and the Vestry Clerk, when there is one, and present, or in case there be no Vestry Clerk, or he be absent, then such person as the Chairman shall name shall be Secretary of such Vestry meeting; and the proceedings of such Vestry meetings shall be entered in a book to be kept for that purpose, and preserved in the custody of the Churchwardens.

XII. *And be it further enacted by the authority aforesaid*, That the rent-charge to be paid upon pews holden in freehold, and the rent to be paid for pews and sittings in pews, leased or rented, shall be regulated from time to time at such Vestry meetings, as aforesaid; *Provided nevertheless*, that no alterations shall be made therein except at Vestry meetings called for such special purpose, and so expressed in the notice calling the same: and further, that the charges to be made in respect of such conveyances, leases, and certificates, shall in like manner be regulated at such Vestry meetings as aforesaid.

Regulation of
pew rents.

XIII. *And be it further enacted by the authority aforesaid*, That the Clerk of the Church, the Organist, the Vestry Clerk, the Sexton and other subordinate Servants of the Church, shall be nominated and appointed by the Churchwardens for the time being, and that their salary and wages shall be brought into the general account, to be rendered as aforesaid by such Churchwardens.

Appointment of
Clerk, Sexton,
&c.

XIV. *And be it further enacted by the authority aforesaid*, That the fees on marriages, baptisms and other services of the Church of the like nature, and the charges payable on breaking the ground in the cemeteries or Church-yards, and in the said Churches for burying the dead, shall be regulated by the Ordinary, or in case of their being no Ordinary, by the Bishop of the Diocese.

Fees.

XV. *And be it further enacted by the authority aforesaid*, That it shall be in the power of the members of such Vestries, at such Vestry meetings, as aforesaid, to make by-laws for the regulation of their proceedings, and the management of the temporalities of the Church or Parish to which they belong, so as the same be not repugnant to this Act, nor contrary to the canons of the said United Church of England and Ireland.

Vestry by-laws.

XVI. *And be it further enacted by the authority aforesaid*, That any deed or conveyance of land, or of personalty that may be made to any Bishop of the

Grants of lands,
&c., for Church
uses to be valid.

said Church, in the said Province, and to his successors, for the endowment of his See, or for the general uses of the said Church, as such Bishop may appoint or otherwise, or for the use of any particular Church then erected, or thereafter to be erected, or for the endowment of a Parsonage, Rectory, or Living, or for other uses or purposes appurtenant to such Church in general, or to any particular Church or Parish to be named in such deed, and any such deed or conveyance to any Parson or Rector, or other Incumbent and his successors, for the endowment of such Parsonage, Rectory or Living, or for other uses or purposes appurtenant thereto, shall be valid and effectual to the uses and purposes in such deed or conveyance to be mentioned and set forth, the Acts of Parliament commonly called the Statutes of Mortmain or other Acts, laws or usages, to the contrary thereof notwithstanding: *Provided always*, that in order to the validity of such deeds and conveyances, the same shall be made and executed six months at the least before the death of the person conveying the same, and shall be registered not later than six months after his decease.

Notwithstanding the Statutes of Mortmain, &c.

Church endowments.

Bishop's license.

XVII. *And be it further enacted by the authority aforesaid*, That in the event of any person or persons, bodies politic or corporate, desiring to erect and found a Church or Churches, and to endow the same with a sufficiency for the maintenance of such Church, and of Divine Service therein, according to the rites of the said Church of England and Ireland, it shall and may be lawful for him or them to do so, upon procuring the license of the Bishop under his hand and seal for that purpose; and thereupon, after the erection of a suitable Church, and the appropriation by the founder thereof of such Church so erected, and of lands and hereditaments, or other property adequate to the maintenance thereof, and of an Incumbent, and adequate to the usual and ordinary charges attendant upon such Church, such provision being made to the satisfaction of the Bishop, such founder, his heirs and assigns beings members of the said Church of England, or such body politic or

corporate, as the case may be, shall have the right of presentation to such Church as an advowson in fee presentative, according to the rules and canons of the said United Church of England and Ireland.

XVIII. *And be it further enacted by the authority aforesaid*, That nothing in this Act contained shall extend, or be construed to extend in any manner, to confer any Spiritual jurisdiction or Ecclesiastical rights whatsoever upon any Bishop or Bishops, or other Ecclesiastical person of the said Church, in the said Province of Upper Canada.

29-30 VICTORIA (CAN.) C. 15.

An Act to make further provision in relation to the temporalities of the United Church of England and Ireland in this Province.

Assented to 15th August, 1866.

Whereas it is desirable to provide that the Act passed by the Parliament of Upper Canada in the third year of Her Majesty's Reign, chaptered seventy-four, and intituled An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein mentioned, and also the Act passed in the sixth year of Her Majesty's Reign, chaptered thirty-two, and intituled An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Quebec, in this Province, and

14-15 V., c. 176. for other purposes therein mentioned; and also the Act of the Parliament of this Province, passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, chaptered one hundred and seventy-six, and intituled An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Montreal, and for other purposes therein mentioned; may be altered and amended from time to time, and the Provincial Synod of the United Church of England and Ireland, in Canada, have, by their petition, prayed that power may be given to the said Synod to make such alterations in the said Acts as may from time to time be found necessary for the better and more uniform regulation and management of the Temporalities of the said Church in this Province, and it is expedient that the prayer of the said Petition be granted; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

Provincial Synod or General Assembly under 19-20 V., c. 141 may amend the said Acts.

Except certain sections in each of them.

1. The Bishops, Clergy and Laity of the United Church of England and Ireland, in Canada, assembled in Provincial Synod or General Assembly, under the provisions of the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, chaptered one hundred and forty-one, section two, shall have power and authority from time to time, by any By-law or Canon by them adopted, to make such repeal, change, alteration and amendment of, and in all or any of the clauses or provisions in all or any of the said Acts in the Preamble of this Act mentioned, as they shall deem advisable and necessary for the better and more uniform regulation and management of all or any of the Temporalities of the said United Church of England and Ireland, in this Province, and every such Canon or By-law shall have effect accordingly; provided always, that the proviso to the eighteenth section of the Act firstly, and that the proviso to the eighteenth section of the Act thirdly in the Preamble of this Act mentioned; and also the eighteenth sec-

tions of the Acts firstly and secondly, and the twenty-second section of the Act thirdly in the Preamble of this Act mentioned, shall not, nor shall either of them be, in any manner varied, altered or repealed, by any such Canon or by-law, as aforesaid, and provided also that such Canon or By-law shall be approved by the Governor-in-Council, and before such approval, shall be published for three months in the *Official Gazette*.

2. This Act shall be a Public Act.

NOTE.—An attempt was made by the Provincial Synod in the year 1868 to alter the Church Temporalities Act under the powers conferred by the foregoing Statute. It was held by the Minister of Justice, however, that since confederation all laws relating to property and civil rights having become subject to the jurisdiction of the local legislatures, and the 65th Clause of the British North America Act 1867, having transferred to the Lieut.-Governors of the Provinces respectively the administration of all laws coming within their respective jurisdictions, the approval of the Governor-in-Council could not be given, and that in fact he had ceased to have any jurisdiction in the matter. The Act is therefore practically inoperative. The Synod of Ontario has secured from the local legislature the legislation necessary to enable it to alter the Church Temporalities Act.—See Journal Provincial Synod 4th Sess. 1868, pp. 76, 100; 5th Sess. 1871, p. 21; 39 V. O. c. 109, post.

TRUSTS

AUTHORIZED BY THE CHURCH TEMPORALITIES ACT.

The Church Temporalities Act in its 16th Section, makes valid any deed, devise, or conveyance of land, or of personalty made to any Bishop of the United Church of England and Ireland in Ontario, and to his successors, for any of the following purposes :

1st. For the Endowment of his See.

2nd. For the general uses of the Church in Ontario, as the Bishop to whom the deed is given, and his successors appoint ; or as is appointed otherwise in the deed (that is for the general uses of the Church in Ontario), to be applied under such particular direction as is given in the deed, and not in the general discretion of the Bishop.

3rd. For the use of any particular Church (in Ontario), erected at the time of the deed being made, —and this, it is conceived, may by reasonable and proper construction be divided, as the preceding head, into two; namely, to be applied towards the support of that Church in such manner as the Bishop to whom the deed is given directs ; or to be applied towards the support of such Church otherwise than at the discretion of the Bishop, and under such particular direction as is inserted in the deed.

4th. For the use of any particular Church to be *afterwards erected* in Ontario, to be applied towards

the support of such Church, as the Bishop to whom the deed is given and his successors direct ; or to be applied towards the support of such Church otherwise than at the discretion of the Bishop, and under such particular direction as is inserted in the deed.

5th. For the endowment of a parsonage, rectory, or living, to be applied (as it is conceived) to that object, under the direction of the Bishop, unless other provision for the appropriation of the rents and profits is made in the deed.

6th. For other uses or purposes appurtenant to the Church in Ontario, that is for some specified use or purpose, or uses or purposes, pertaining to the Church generally,—the proceeds to be applied in promoting that object, in the discretion of the Bishop, unless other provision is made in the deed.

7th. For other uses or purposes appurtenant to any particular Church (in Ontario), named in such deed ; that is, for some specified use or purpose, or uses or purposes, pertaining to such particular Church,—the proceeds to be applied in promoting such uses or purposes, according to the discretion of the Bishop, to whom the conveyance is made, unless other provisions are made in the deed.

8th. For some use or purpose appurtenant to some particular parish (in Ontario), which use or purpose should be specified in the deed, and should be some use or purpose connected with the Church in that parish,—the rents and profits to be applied in promoting such use or purpose in such manner as the Bishop to whom the deed is made, appoints, unless other provisions are made in the deed.

The same Act, in the same Section, makes valid any deed or conveyance of land, or of personalty made to any Parson or Rector, or other Incumbent and his successors :—

1st. For the endowment of such Parsonage, Rectory or Living.

2nd. For other uses or purposes appurtenant to such Parsonage, Rectory or Living, (which uses or purposes are to be expressed in the deed, or may be left to the discretion of the Incumbent, or left to be pointed out and promoted through the agency of some third party, as the deed directs.

NOTE.—In order to the validity of Deeds and Bequests, the same must be made and executed six months at least before the death of the grantor or devisor, and must be registered not later than six months after his decease.

7 VICTORIA (CAN.) C. 68.

Act to incorporate the Church Societies of the United Church of England and Ireland in the Diocese of Quebec and Toronto.

*Reserved for signification of Her Majesty's pleasure, 9th
December, 1843; assented to by proclamation
27th June, 1844.*

Preamble.

Whereas it has been represented to the Legislature of this Province, that certain persons hereinafter named, and divers others, inhabitants of Lower Canada, and also certain other persons hereinafter named, and divers others, inhabitants of Upper Canada, have respectively established themselves together under a Constitution, Rules and Regulations, and have contributed, or engaged to contribute, con-

siderable sums of money, and have given or granted, or promised to give or grant, lands or real estate for the following objects, that is to say:—First, for the encouragement and support of Missionaries and Clergymen of the United Church of England and Ireland, severally within the Dioceses of Quebec and Toronto, and for creating a fund towards the augmentation of the Stipends of poor Clergymen and towards making a provision for those who may be incapacitated by age or infirmity, and for the widows and orphans of the Clergymen of the said Church, respectively, in the said Dioceses; Secondly, for the encouragement of education and the support of Day Schools and Sunday Schools in the said Dioceses respectively, in conformity with the principles of the said Church; Thirdly, for granting assistance, where it may be necessary, to those who may be preparing for the Ministry of the Gospel in the said Church within the said Dioceses, respectively; Fourthly, for circulating in the said Dioceses, respectively, the Holy Scriptures, the Book of Common Prayer of the said Church, and such other Books and Tracts as shall be approved by the several Central Boards or Managing Committees of the said Associations; Fifthly, for obtaining and granting aid towards the erection, endowment and maintenance of Churches according to the establishment of the said Church in the said Dioceses, respectively, the creation and maintenance of Parsonage Houses, the setting apart of Burial Grounds and Churchyards, the endowment and support of Parsonages and Rectories according to the said establishment, and the management of all matters relating to such endowments: And whereas it would tend greatly to facilitate and promote the purposes of the said Associations that they should severally be incorporated and empowered to hold property in mortmain without letters of license, and to manage, administer, alienate or dispose of the same, for the uses and purposes aforesaid, and to make and enforce rules and regulations, respectively, for the government of the said Associations severally, and for better attaining the purposes aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent

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of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Lord Bishop of the said Diocese of Quebec, the Lord Bishop of Montreal, or the Bishop administering the said Diocese for the time being, and William Smith, Andrew W. Cochran, Henry Jessop, Henry J. Noad, John Racey, James H. Kerr, David Burnet, W. H. Leaycraft, John M. Frazer, the Reverend C. L. F. Haensel, George Hall, James Bolton, the Reverend George Mackie, the Reverend Edward Cusack, Robert Symes, the Reverend Edmund W. Sewell, William Price, Noah Freer, Edward Bowen, John G. Irvine, Hammond Gowen, Sir James Stuart, Baronet; Matthew Bell, William Phillips, Henry Le Mesurier, Jnnior, Edward L. Montizambert, Thomas Trigge, Peter Patterson, George B. Hall, James Turnbull, William Stevenson, James B. Forsyth, Alexander D. Bell, James Dyke, William Bowes, R. M Harrison, H. S. Dalkin, Edward Boxer, Archibald Campbell, Chas. Secretan, James McKenzie, E. P. Woolrich, George H. Parke, Samuel McCaulay, James J. Loundes, G. Newton, Charles Secretan, Thomas Glover, Robert Daikers, H. W. Welch, and such other persons as are now members of the said Association of the Diocese of Quebec, according to the existing Constitution, Rules and Regulations thereof, and their successors, to be elected in the manner hereinafter provided, and such other persons as shall from time to time hereafter be elected to be members of the said Association in the manner hereinafter provided, shall be and are hereby declared to be a Body Corporate and Politic, in name and in deed, by the name of "The Church Society of the Diocese of Quebec;" and that the Lord Bishop of Toronto, the Venerable George O'Kill Stuart, Robert Simpson Jameson, Levius Peter Sherwood, James B. Macaulay, Jonas Jones, Christopher Alexander Hagerman, Peter Boyle De Blaquiere, William Henry Draper, John

Certain persons
incorporated:
Church Society
of Quebec.

Church Society
of Toronto.

Simcoe Macaulay, James Gordon, John Boulton, John Solomon Cartwright, D'Arcy Boulton, Mahlon Burwell, John B. Askin, Thomas Mercer Jones, Frederick Widder, William B. Jarvis, Henry Ruttan, Joseph Wells, Walter Boswell, Zaccheus Burnham, T. A. Stewart, William Dickson, James Kerby, William Allan, George Crookshank, R. C. Wilkins, Philip Vankoughnet, Gerrard Lloyd, John Macaulay, Sir Allan Napier McNab, Guy C. Wood, Geo. Salmon, Henry Sherwood, and such other persons as are now members of the said Association of the Diocese of Toronto, according to the existing Constitution, Rules and Regulations thereof, and their successors, to be elected in the manner hereinafter provided, and such other persons as shall from time to time hereafter be elected to be members of the said Association in the manner hereinafter provided, shall be and are hereby declared to be a Body Corporate and Politic, in name and in deed, by the name of "The Church Society of the Diocese of Toronto," and that by the same names the said Associations shall have each perpetual succession and a Common Seal, with power to change, alter, break, or make new the same, as often as they shall judge expedient, and that they and their successors by the same names, respectively, may sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Record, or other place of Judicature within this Province; and that they, and their successors, by the names aforesaid, shall be able and capable in law, respectively, to purchase, take, have, hold, receive, enjoy, possess, and retain, without license in Mortmain, or *Lettres d' Amortissement*, all messuages, lands, tenements, and immovable property, money, goods, chattels, and movable property, which have been or hereafter shall be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever, to, for, and in favor of the said Church Societies, respectively, to and for the uses and purposes aforesaid, or any of them, and to do, perform, and execute all and every lawful act and thing useful and necessary for the purposes aforesaid, in as full and ample a manner, to all in-

Common Seal
and perpetual
succession.

tents, constructions, and purposes, as any other Body Politic or Corporate by law may or ought to do.

Property vested in said corporations.

May exercise all the rights of ownership.

Proviso.

II. And be it enacted, that all lands, messuages, tenements, hereditaments, or immovable property, and all rents, sum and sums of money, charged upon and issuing or payable out of any lands, messuages, tenement, hereditaments, or immovable property, as aforesaid, and all sums of money, goods, chattels, effects, or movable property, which have been or shall hereafter be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever, to, for, or in favor of the said Corporations, respectively, to and for the uses and purposes aforesaid, shall be and the same are hereby vested in the said Corporations, respectively, to and for the uses and purposes aforesaid, in such manner and form, and subject to such by-laws, rules and regulations, as may be made and passed by the said Corporations, respectively, concerning the same, in the manner hereinafter provided : And that the said Corporations, or the Central Boards thereof, or such other Executive and Managing Committees thereof as shall from time to time be appointed and authorized for this purpose by the by-laws, rules and regulations, which may be made and passed in the manner hereinafter mentioned, for the government of the said Corporations, shall, respectively have power and authority to alienate or exchange, and to demise, let and lease for any terms of years, such messuages, lands, tenements, hereditaments, and immovable property, as shall be so as aforesaid given, granted, purchased, appropriated, devised, or bequeathed to the said Corporations, respectively, for all or any of the purposes aforesaid, and to have, receive and take the purchase money, consideration or price, rents, issues, or profits thereof : Provided always, that the said Corporations, or Central Boards thereof, or such other Executive or Managing Committee, as aforesaid, shall, respectively, have, receive, take and hold, such purchase money, consideration or price, rents, issues, or profits, for the uses and purposes hereinbefore mentioned and set forth, or some or one of them, and for none other.

III. And be it enacted, that the said Corporations, ^{Business meet- ings of Corpora- tions,} and their successors, shall and may, respectively, from time to time, hold assemblies and meetings of the said Corporations, which shall be called together in such manner and at such times and places as shall be directed and appointed by the by-laws, rules and regulations of the same, to transact the business of the said Corporations, and shall and may at any such meeting elect such persons to be members of the said Corporations, respectively, as they or the major part of them then present shall think fit: ^{Proviso.} Provided always, that no act done in any such assembly or meeting of the said Corporations shall be valid or effectual, unless six persons of such Corporations, at the least, shall be present, and the major part of them consenting thereto.

IV. And be it enacted, that the said Corporations, ^{By-laws, rules, and regulation.} or the major part of those who shall be present at any of the meetings of the said Corporations to be held in manner aforesaid, shall and may, respectively, make and ordain any constitution, by-laws, rules, and regulations, whatsoever, which to them or the major part of them then present, not being fewer in number than six, as aforesaid, shall seem meet, reasonable or requisite, touching and concerning the well ordering and governing of the affairs and business of the said Corporations, and the due administering and improving the property thereof, and the more effectually promoting the purposes thereof, as aforesaid, and such constitution, by-laws, rules, and regulations, in like manner from time to time to abrogate, repeal, change or alter, as may be found expedient, which constitution, by-laws, rules, and regulations, shall be binding upon and shall be observed, performed and kept by the members of the said Corporations, respectively: Provided always, that the same shall not be repugnant or contrary to the aforesaid purposes of such Corporations or to the laws in force in this Province.

V. Provided always, nevertheless, and be it ^{Written sanction of Bishop to By-laws, &c.} enacted, that no such constitution, by-law, rule, or regulation, of either of the said Church Societies of

the Dioceses of Quebec and Toronto, nor any abrogation, repeal, change or alteration of the same, shall be of any force or effect until it shall have been sanctioned and confirmed by the Bishop of or administering such Diocese for the time being, by writing under his hand.

Rights of the
crown saved

VI. And be it enacted, that nothing herein contained shall affect or be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any Body Politic or Corporate, such only excepted as are hereinbefore mentioned and provided for.

Public Act.

VII. And be it enacted, that this Act shall be deemed a Public Act and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and other persons whatsoever, without being specially pleaded.

TRUSTS

AUTHORIZED BY THE FOREGOING STATUTE.

(Extended to the Synod of Ontario, by 25 Victoria, Chap. 86.)

First—For the encouragement and support of Missionaries and Clergymen of the United Church of England and Ireland within the Diocese of Ontario, and for creating a fund towards the augmentation of the stipends of poor Clergymen, and towards making provision for those incapacitated by age and infirmity, and for the Widows and Orphans of the Gospel of the said Church, in the said Diocese.

Secondly—For the encouragement of Education, and for the support of Day Schools and Sunday Schools in the said Diocese, in conformity with the principles of the said Church.

Thirdly—For granting assistance, where necessary, to those who are preparing for the Ministry of the Gospel in the said Church, within the said Diocese.

Fourthly—For circulating in the said Diocese the Holy Scriptures, the Book of Common Prayer of the said Church, and such other Books and Tracts as are approved by the Synod.

Fifthly—For obtaining and granting aid towards the erection, endowment and maintenance of Churches, according to the establishment of the said Church in the said Diocese ; the erection and maintenance of Parsonage houses ; the setting apart of Burial Grounds and Church-yards ; the endowment and support of Parsonages and Rectories, according to the same establishment, and the management of all matters relating to such endowments.

19-20 VICTORIA (CAN.) C. 141.

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

*Reserved for signification of Her Majesty's pleasure
19th June, 1856 ; assented to by proclamation
28th May, 1857.*

Preamble.

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 :

Bishops, Clergy
and Laity of the
Church of Eng-
land in each
Diocese may
meet and frame
constitutions
and regulations
for the govern-
ment of the said
Church in such
Diocese.

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, deprivation, 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. Proviso.

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 any office in the said Church, or exclusion from the meetings or proceedings of the Diocesan or General Synods ; and provided also, 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. They may meet in general assembly by their representatives from each Diocese and frame a constitution and regulations for the said Church in this Province. Proviso ; they shall impose no tax. Proviso.

This Act was extended to Nova Scotia by 33 V. Dom. c. 57, and to New Brunswick by 34 V. Dom. c. 58.

22 VICTORIA (CAN.) C. 139.

An Act to explain and amend the Act
intituled " An Act to enable the Mem-
bers of the United Church of England
and Ireland in Canada to meet in Synod.

Assented to 16th August, 1858.

Preamble. 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 Eng-
land and Ireland in Canada to meet in Synod,"
sufficient provision is made for the representation of
the Laity of the United Church of England and
Ireland in the Synods by the said Act authorized 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:

Lay delegates to
be chosen at
annual Easter
meetings, or at
special meetings
called by the
Clergymen in
each parish or
cure.

Who may vote.

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.

Credentials of delegates.

Proviso: quorum for Diocesan Synod

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.

Proceedings heretofore had in conformity with this Act legalized.

25 VICTORIA (CAN.) C. 86.

An Act Incorporating the Synod of the Diocese of Ontario.

Assented to 9th June, 1862.

Whereas Her Majesty, by Her Royal Letters Patent, bearing date at Westminster, on the eighteenth day of February, in the twenty-fifth year of Her Majesty's Reign, was pleased to divide the Diocese of Toronto into two Dioceses, the one to be called the Diocese of Toronto, and the other the Diocese of Ontario, in the manner and with the limits and boundaries in the said Letters Patent

Preamble.

Act 19-20 V.,
c. 141 cited.

mentioned; and whereas by an 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 to meet in Synod,*" it is enacted as follows: "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 hereafter be 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, deprivation, 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 whereas a Synod of the Diocese of Ontario hath recently been constituted, and hath prayed that the Bishop, Clergy, and Laity, members of the United Church of England and Ireland, within the said Diocese of Ontario, be incorporated as hereinafter mentioned; And whereas it would tend greatly to facilitate and promote the purposes of the said Synod, as set forth in the above recited Act, that the said Corporation should be created with the powers hereinafter mentioned, subject to the provisions hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Synod incorpor-
ated.

Powers.

I. From and after the passing of this Act, the Bishop, Clergy, and Laity, members of the said United Church of England and Ireland, within the Diocese of Ontario, shall be and are hereby declared to be a body corporate and politic in name and in deed, by the name of "The Incorporated Synod of the Diocese of Ontario," and shall have and are hereby invested with the like corporate rights, powers, patronage, and privileges, as by any Act or Acts of the Parliament of this Province are conferred

on any Church Society incorporated in any Diocese of the United Church of England and Ireland in this Province; and to the said Corporation and to the members thereof, the several clauses and provisions of the said Acts shall apply in so far as may not be inconsistent with this Act.

II. The Synod of the Diocese of Ontario shall be composed and consist of the Lord Bishop of the Diocese, for the time being, the Priests and Deacons of the same, licensed by the Lord Bishop, and of Lay Representatives, to be elected as provided for by such Constitution and Regulations as the Synod has heretofore adopted, or shall from time to time enact; provided always, that the Chancellor and Registrar of the said Diocese may, with the consent of the Synod, be *ex-officio* members of the said Synod.

Of whom the Synod shall consist.

Proviso.

III. The Incorporated Synod of the Diocese of Ontario shall and may receive and take from the Church Society of the Diocese of Toronto, or from the Lord Bishop of Toronto, or from any other person whomsoever, any of the property, real or personal, held by them and of right belonging to the said Diocese of Ontario, and shall discharge the Trusts relating thereto, and such Church Society, Lord Bishop of Toronto, and other person, shall thereupon be discharged from such Trusts.

May hold certain property.

IV. All lands situate within the limits of the Diocese of Ontario and the Diocese of Toronto, or elsewhere, and held by the Church Society of the Diocese of Toronto, or by the Lord Bishop of Toronto, upon any special Trust or purpose for the benefit or advantage of any Church, Parsonage, Rectory, person, or party, or otherwise howsoever, of the United Church of England and Ireland, within the limits of the Diocese of Ontario, shall be and are hereby vested in the Incorporated Synod of the Diocese of Ontario.

Certain lands vested in Synod.

Certain other lands so vested.

V. All lands situate within the limits of the Diocese of Ontario, and now lawfully held by any person or corporation, upon any special use, trust, or purpose, for the benefit or advantage of any church, burying-ground, parsonage or rectory, or otherwise howsoever, of the United Church of England and Ireland, within the limits of the Diocese of Ontario, may, by such person or corporation, with the consent of the party beneficially interested, be transferred to the Incorporated Synod of the Diocese of Ontario.

Certain other property and securities so vested.

VI. All lands, moneys, mortgages, or securities heretofore conveyed, paid, or assigned to the Church Society of the Diocese of Toronto, or to any other person for the benefit of the fund called the Episcopal Trust Fund, to be applied towards the support and maintenance of the Lord Bishop of the Diocese of Ontario, for the time being, shall be and the same are hereby vested in the Incorporated Synod of the Diocese of Ontario, and shall, by the said Incorporated Synod, be held upon, to and for the use, trust and purposes for which the same were heretofore held by the person or corporation holding the same; and the Incorporated Synod may take, have, hold and receive any and all moneys, mortgages, lands, and securities which shall hereafter be given, paid, devised or bequeathed to or otherwise acquired by said Incorporated Synod, for the benefit of said Episcopal Trust Fund.

To be held on certain Trusts.

VII. All lands, moneys, mortgages, and securities which, under the authority of this Act, shall be vested in the Incorporated Synod of the Diocese of Ontario, shall, by the said Incorporated Synod, be held upon, to and for the uses, trusts, interests, and purposes for which the same was heretofore held by the person or Corporation holding the same; and the said Incorporated Synod may sell and dispose absolutely of any such lands, mortgages, and securities as in this Act mentioned, or any other lands, mortgages, and securities, which shall, after the passing of this Act, be received, held or acquired by the said Incorporated Synod, and shall have and

hold the proceeds of such lands, mortgages, and securities upon the same trust as the said lands, mortgages, and securities had been before held, and no purchaser shall be liable for the application of any moneys paid by him or any sale under the provisions of this Act.

VIII. The Lord Bishop of the said Diocese of Ontario, for the time being, shall have the administration of all lands and personalties vested in him or conveyed to him for the endowment of his See, or for the general uses of the said church, or for the use of any particular church or chapel erected, or hereafter to be erected, or for the endowment of any parsonage, church, chapel, living, or for other uses or purposes appurtenant to such United Church in general, or to any particular church or parish, and shall, by and with the consent of the Incorporated Synod of the Diocese of Ontario, have power to sell, alien and transfer any lands or personalty vested in or conveyed to him for the general uses or purposes of the said See, or of the said Church, and shall also have power, by and with the consent and participation of the Rector or Incumbent, and the Corporation of the parish wherein the same be situate, and by and with the consent of the Incorporated Synod of the Diocese of Ontario, to sell, alien and transfer any land or personalty vested in or conveyed to him for the endowment of any parsonage, or living, or for the uses or purposes appurtenant to any particular church, chapel or parish; and the parson or other incumbent of any parsonage, church, chapel, or living, to whom any lands or personalty shall have been or may be hereafter conveyed for the endowment of such parsonage, church, chapel, or living, shall have power to sell, alien and transfer the same, by and with the consent and participation of the Bishop of the said Church in the said Diocese for the time being, and by and with the consent of the said Synod of the said Diocese; Provido. Provided always, that the price or consideration of such sale, alienation, or transfer be applied to the uses and purposes for which the land or personalty so sold, aliened, or

Bishop of Ontario to have the administration of such property.

How it may be alienated.

And it vested in any Incumbent.

Proviso.

transferred, was conveyed; And provided also that such sales, alienation or transfer be not inconsistent with or contrary to the conditions, uses or purposes of the deed of conveyance to the said United Church, or to any Bishop thereof, or to such parson or incumbent, as the case may be, of the land or personalty so to be sold, aliened, or transferred; And provided further, that this clause shall not authorize the sale of any land granted by the Crown to any Rectory within the said Diocese for the endowment thereof.

Proviso; as to Rectory lands.

How the powers of the Corporation shall be exercised.

IX. All the powers of the said incorporated Synod shall be exercised by and through the Synod of the said Diocese, and by such Boards and Committees as may, from time to time, be created by the said Synod, and the said Synod shall have the power of forming, dissolving and reforming, at pleasure, such Boards and Committees, temporary or permanent, for the management of all or any of the affairs and property of the said Incorporated Synod by any By-law or By-laws from time to time to be passed, with such delegated powers of the said Synod as may be thereby, or by any other By-law or By-laws of the Synod, conferred upon such Boards or Committees; the appointment of the members of said Committees to be made by the Lord Bishop, unless otherwise ordered; and by the same or other By-laws to appoint and remove at pleasure, or provide for the appointment and removal of such and so many officers as may be required for any of the purposes aforesaid, and to define their duties and remuneration; and the production of any By-law of the Synod for all or any of the purposes aforesaid, under the Seal of the Incorporated Synod, or of any copy thereof certified by the Clerical or Lay Secretary under the said Seal, shall be evidence in all Courts of Justice of the due passage of said By-law, and of the contents thereof, without further or other proof.

Proof of By-laws

Head of Corporation.

X. The Lord Bishop of the Diocese of Ontario, for the time being, shall be the head of the said

Incorporated Synod, and the words "Incorporated Synod," when used in this Act, shall mean "The Incorporated Synod of the Diocese of Ontario," and the word "Synod," when used alone in this Act, or without the word "Incorporated," shall mean the "Synod of the Diocese of Ontario," referred to in the second Clause of this Act.

Interpretation.

XI. This Act shall be a Public Act.

Public Act.

R. S. O. (1887) C. 236.

An Act respecting Rectories.

Whereas the recognition of legal equality among all religious denominations is an admitted principle of colonial legislation; And whereas in the state and condition of this Province, to which such principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct legislative authority, recognizing and declaring the same as a fundamental principle of the civil policy of this Province: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

1. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, provided the same be not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the peace and safety of the Province, is by the constitution and laws of this Province assured to all Her Majesty's subjects within the same.

The free exercise of religious profession, &c., guaranteed.

No rectories to be hereafter created.

2. No letters patent shall be hereafter issued in this Province by the Crown for the erection of any parsonages or rectories, according to the establishment of the Church of England, or for the endowment thereof, out of the Clergy Reserves or the public domain, or for the presentation of any incumbent or minister to any such parsonage or rectory.

Certain rectories not to be affected by this Act.

31 Geo. III. c. 31.

3. Nothing herein contained shall in anywise affect any proceedings heretofore had, whereby certain parsonages or rectories were erected and endowed, or supposed to be erected and endowed by the authority of an Act of the Imperial Parliament passed in the thirty-first year of the reign of King George the Third, chapter thirty-one, intituled "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" or whereby certain incumbents or ministers were presented, under the same authority, to such parsonages or rectories or any of them, but the legality or illegality of all such proceedings shall be adjudicated upon and determined as if this Act had not been passed.

Presentation to such rectories provided for

4. The right of presenting an incumbent or minister to any such parsonage or rectory shall vest in and be exercised by the Synod of the Church of England Diocese within which the same is situated, or in such other person or persons, bodies politic or corporate, as such Synod, by any by-law or by-laws to be by them from time to time passed for that purpose, may think fit to direct or appoint in that behalf.

29-30 VICTORIA (CAN.) C. 16.

An Act to provide for the sale of the
Rectory Lands in this Province.

Assented to 15th August, 1866.

Whereas the Provincial Synod of the United Church of England and Ireland, in Canada, have by their petition prayed for the passing of an Act to give permission to the Incorporated Synods and Church Societies of the different Dioceses of the said Church in this Province, to sell the Rectory Lands held in such Dioceses, by grant from the Crown; and whereas it is desirable to grant the prayer of such petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:—

1. The Incorporated Synod of any Diocese of the United Church of England and Ireland, in Canada, or the Church Society of any Diocese, with the consent of the Synod of such Diocese, where such Synod is not incorporated, shall have full power and authority to sell and absolutely dispose of any lands granted by the Crown in such Diocese, as a glebe of, or as appurtenant or belonging to, or appropriated for, any Rectory of the said Church in such Diocese, by whatever name the same may be called, or in whomsoever the title thereto may be vested; and any deed executed by such Incorporated Synod, or by such Church Society, shall vest in the purchaser a full, clear, and absolute title to the said lands, subject only to any leases thereof or rights granted therein, by competent authority prior to such sale, and also to any mortgage that may be executed thereof to secure all or any of the purchase money thereof; provided always, that such sale shall not affect the estate or interest of the Incumbent of such

Preamble, †

By what authority glebe or rectory lands may be sold.

Proviso: as to interest of the then Incumbent.

Rectory at the time of such sale, unless the consent in writing of such Incumbent to such sale be first given, and that without such consent the title vested in the purchasers by virtue of such deed, shall be subject to the estate and interest of the then Incumbent, in the lands so sold.

Investment of proceeds of sale.

2. The proceeds of such sales, as the same may be from time to time paid, or as the same may come in from any investment, shall be invested in Government securities or county municipal debentures, and the interest arising from the said proceeds shall be paid to the Incumbent of the Rectory to which such lands belonged at the time of such sale, during the term of his Incumbency.

Application of such proceeds.

3. The proceeds of such sale shall be held by such Incorporated Synod or Church Society in trust, first to pay all expenses attending the management thereof; secondly to pay the interest of the moneys arising from such sale to the Incumbent of the Rectory to which such lands belonged at the time of such sale, during the term of his incumbency, if he has consented to such sale as aforesaid; and thirdly, after the death, retirement or removal of such Incumbent, to pay such interest, if the amount be sufficient therefor, to the Incumbent of such Rectory for the time being, as follows: In cities, to the extent of seven hundred and fifty pounds a year; in towns to the extent of five hundred pounds a year, and in townships to the extent of four hundred pounds a year; and any excess of interest beyond such annual payments shall be apportioned to and divided among the incumbents of the other churches of the said Church in the city, town or township in which said lands are situate, or to which such Rectory belonged, in such proportion as such Incorporated Synod or Church Society, with the consent of such Synod, where not incorporated, shall by resolution, by-law, or canon, from time to time order and direct.

4. Nothing in this Act contained shall affect the right of presentation to any Rectory, but such right of presentation shall continue to be exercised as it was before this Act was passed. Right of presentation not affected.

*5. The right to exercise the power of sale granted by this Act must be exercised within ten years from the passing thereof. Sales to be within ten years.

*This section is repealed, as respects the Diocese of Ontario, by the Act of the Legislature of Ontario, 39 Vic., c. 109, S. 5.

6. This Act shall apply only to those rectories and rectorial lands which come within the provisions of the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, chaptered one hundred and seventy-five. To what rectories the Act shall apply.

7. This Act shall be deemed a Public Act. Public Act.

29-30 VICTORIA (CAN.) C. 17.

An Act to amend the Act of the present Session intituled an Act to provide for the sale of the Rectory Lands in this Province.

Assented to 15th August, 1866.

Whereas it is expedient to amend the Act of the present Session hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:— Preamble.

S. 6 of c. 16
repealed

1. The sixth section of the Act passed in the present Session of the Parliament of this Province, intituled An Act to provide for the sale of the Rectory Lands in this Province is hereby repealed, and the following section shall be and is hereby substituted in lieu of the said section hereby repealed, and shall be taken and read as the sixth section of the said Act.

New section
substituted.

“6. This Act shall not apply to any lands granted by the Crown as sites for churches, parsonages, or burial-grounds, or now occupied as such.”

39 VICTORIA (ONT.) C. 109.

An Act to amend the Synod and Rectory
Sales Acts affecting the Diocese of
Ontario.

Assented to 10th February 1876.

Preamble.

Whereas the Incorporated Synod of the Diocese of Ontario have petitioned that the said Act may be amended and extended, and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Additional
powers to Synod

1. The Incorporated Synod of the Diocese of Ontario shall have full power and authority to make,

and from time to time to amend, such canons, rules, regulations and by-laws as by the said Synod may be considered necessary in the exercise of the powers conferred upon the said Synod under the said Act incorporating the Synod of the Diocese of Ontario, and also for the conduct of their proceedings, regulation of their members and all such other matters as may pertain to the proper and orderly discharge of their business; and the canons, rules, regulations and by-laws of the said Synod are hereby confirmed: And also, notwithstanding anything contained to the contrary in an Act of Parliament of the Province of Upper Canada, passed in the third year of the reign of Her Majesty Queen Victoria, chaptered seventy-four and known as "The Church Temporalities Act," or of an Act of the Parliament of the Province of Canada passed in the session held in the twenty-ninth and thirtieth years of the reign of her said Majesty, chaptered fifteen, and known as "The Church Temporalities Amendment Act," the said Synod shall have full power and authority to make by-laws or canons regulating existing vestries and their organization, and the duties of the churchwardens, and providing for the formation and organization of a vestry in every church erected or to be erected in the said Diocese, and also declaring and defining the duties and powers of vestries and of the churchwardens; and vestries and the churchwardens for the time being of any church erected or to be erected shall, until changed or modified by the by-laws or canons of the Synod, be subject to the provisions of the said "The Church Temporalities Act," and they and their successors may, as a corporation, hold such real estate as may be given, granted or devised to them for the use of their church as a site for a church or parsonage or a schoolhouse, and may from time to time, with the approval of their vestry, signified by a resolution passed at a meeting of such vestry, and with the consent and approval of the executive committee of the said Incorporated Synod, mortgage such real estate for the purpose of raising money to be expended in the erection thereon of a church or parsonage, or a schoolhouse, as the case may be.

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Investment of funds.

2. The said incorporated Synod may invest all or any of the funds entrusted to its care, including those derived from the sale of rectory lands, notwithstanding the Act passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered sixteen, and intituled "An Act to provide for the sale of Rectory Lands in this Province," in government securities, municipal debentures, the stocks of any permanent building society or in first mortgages of real estate; but nothing in this Act contained shall be construed to give the said Incorporated Synod power or authority to apply the income derived from any such investments otherwise than in strict accordance with the special trusts relating to such funds respectively.

Sale of Rectory lands.

3. Upon the death, retirement or removal of any incumbent of any rectory of the United Church of England and Ireland, in the Diocese of Ontario, the Incorporated Synod of the said Diocese shall have full power and authority to sell and absolutely dispose of any of the lands referred to in the said Rectory Act, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty Queen Victoria, and chaptered sixteen, and belonging to any of the said Rectories, and any deed executed by such Incorporated Synod shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any leases thereof, or rights granted therein, by competent authority prior to such sale, and also to any mortgage that may be executed thereon to secure all or any of the purchase money thereof.

Rights of incoming incumbents.

4. No incumbent of any such Rectories in the said Diocese, who may be inducted therein after the passing of this Act, shall receive, out of the proceeds of such sales, invested as in the said Rectory Act last mentioned, a sum larger than will, together with the rents, issues and profits of the lands of the said Rectory of which he is incumbent, then remaining unsold, amount to the sums following, that is to say: as to the Rectory of Kingston, the sum of three

thousand dollars a year ; as to the Rectory of Belleville, the sum of two thousand dollars a year ; and as to the rectories in other townships, the sum of one thousand six hundred dollars ; and all and any excess of interest arising from the proceeds of such sales and of the rents, issues and profits of the lands of such rectory respectively remaining unsold, beyond such annual payments aforesaid, shall be apportioned to and divided among the incumbents of the other churches of the said Church, in the city, town or townships in which the lands belonging to such rectory are situate, or which to such rectory belongs respectively, in such proportions as such Incorporated Synod, shall, by resolution, by-law or canon, from time to time order and direct.

5. Section five of said Rectory Act last mentioned is hereby repealed, so far as relates to the said Diocese of Ontario.

29-30 V., c. 16
O. S., repealed
as far as relates
to Diocese of
Ontario.

R. S. O. (1887) C. 237.

An Act respecting the Property of Religious Institutions.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Where any religious society or congregation of Christians in Ontario desires to take a conveyance of land for the site of a church, chapel, meeting-house, burial-ground, residence for a minister, bookstore, printing or publishing-office, or for any other religious or congregational purpose whatever, such

When religious societies desire to take conveyances for site of a church, etc., conveyance may be made to trustees.

Powers of trustees.

society or congregation may appoint trustees, to whom, and their successors, to be appointed in such manner as may be specified in the deed of conveyance, the land requisite for all or any of the purposes aforesaid may be conveyed; and such trustees and their successors in perpetual succession, by the name expressed in the deed, may take, hold and possess the land, and maintain and defend actions for the protection thereof, and of their property therein.

Number of trustees may be varied.

2. Any congregation or society of Christians entitled to the benefit of any lands held under the provisions of this Act, or otherwise, may from time to time, by a resolution passed by a two-thirds vote of the persons entitled to vote in respect of the appointment of trustees, increase or decrease the number of trustees by the deed or otherwise to be appointed for the purpose of holding such lands: or may in like manner fix the number of trustees in case the deed makes no provision as to their number.

Notice of meeting required.

3. No such resolution shall be passed unless the said meeting has been duly notified in the same manner as a meeting for the election of trustees for such lands is required to be notified, or unless notice has been given at the time of such notification that a proposal for increasing (or decreasing or determining, as the case may be) the number of the trustees, will be considered at the meeting.

Time when variation to take effect.

4. In case the resolution passed provides for the appointment of more trustees than are authorized by the deed, or more than there are in fact if the number is not limited by the deed, the same shall take effect forthwith; and the additional trustees to be appointed may be elected at the meeting at which the resolution is passed or at a subsequent meeting: if the resolution provides for a smaller number of trustees than the deed provides for, then the resolution shall not take effect until vacancies occur, by death or otherwise, reducing the number of trustees

to the number provided for by the resolution ; and no other trustees shall be appointed under the authority of this Act until the number of trustees has been reduced as aforesaid below the number authorized by the resolution.

5. A record of the proceedings of the meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of the congregation or society, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and a copy of such record, certified to be a true copy by the chairman or secretary, on oath (or affirmation) before a Justice of the Peace, may be recorded in the Registry Office of the Registry Division in which the property is situate.

Record of proceedings.

Copy to be registered.

6. A copy of such proceedings taken from the minute book or other official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the Registrar of the Registry Division wherein the same has been registered under the preceding section, shall be *prima facie* evidence of the contents thereof.

Certified copy *prima facie* evidence.

7. The provisions contained in the preceding five sections in this Act shall not be construed so as in any way to repeal, alter, affect, or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province.

Special Acts not affected by preceding provisions.

8.—(1) Where a debt has heretofore been or is hereafter contracted for the building, repairing, extending or improving of a church, meeting-house, chapel, book-store, printing-office or other building, on land held by trustees for the benefit of any religious society in Ontario, or for the purchase of the land on which the same has been or is intended to

Mortgages allowed in certain cases.

be erected, the trustees, or a majority of them, may from time to time secure the debt or any part thereof, by a mortgage upon the land, church, meeting-house, chapel, book-store, printing-office or other building ; or may borrow money to pay the debt or part thereof, and may secure the repayment of the loan and interest by a like mortgage upon such terms as may be agreed upon.

(2) The authority conferred by this section to mortgage land as security for a debt contracted for the building, repairing, extending or improving of a church, meeting-house, chapel, book-store, printing-office or other building on land held for the benefit of the society, shall extend to any land so held, although the church or other building, in respect of which the debt is contracted, is not erected on the said land.

Power to lease. 9. The grantees in trust named in any Letters Patent from the Crown, or the survivors or survivor of them, or the trustees for the time being appointed in manner prescribed in the Letters Patent, whereby lands are granted for the use of a congregation or religious body, and any other trustees for the time being entitled by law to hold lands in trust for the use of a congregation or religious body, may lease, for any term not exceeding twenty-one years, lands so held by them for the use of a congregation or religious body, at such rents and upon such terms as the trustees or a majority of them deem reasonable.

Power to agree
in leases to
renew and pay
for improve-
ments by lessee.

10. In such lease the trustees may covenant or agree for the renewal thereof at the expiration of any or every term of years, for a further term of twenty-one years or a less period, at such rent and on such terms as may then, by the trustees for the time being, be agreed upon with the lessee, his heirs, executors, administrators or assigns, or may consent or agree for the payment to the lessee, his executors, administrators or assigns, of the value of any buildings or other improvements which may at

the expiration of any term be on the demised premises; and the mode of ascertaining the amount of such rents or the value of such improvements may also be specified in the original lease.

11. The trustees shall not so lease without the consent of the congregation or religious body for whose use they hold the land in trust, and such consent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body, duly called for the purpose: nor shall the trustees lease any land which, at the time of making the lease, is necessary for the purpose of erecting a church or place of worship or other building thereon, or for a burial ground for the congregation for whose use the land is held.

Consent of trustee requisite before leasing—consent, how signified.

12. The trustees for the time being entitled by law to hold land in trust for a congregation or religious body, may, in their own names, or by any name by which they hold the land, sue or distrain for rent in arrear, and may take all such means for the recovery thereof as landlords in other cases are entitled to take.

Remedies of trustees for rent in arrear.

13.—(1) Where land held by trustees for the use of a congregation or religious body becomes unnecessary to be retained for such use, and it is deemed advantageous to sell the land, the trustees for the time being may give public notice of an intended sale specifying the premises to be sold and the time and terms of sale; and after publication of the notice for four successive weeks in a weekly paper published in or near the place where the lands are situated, they may sell the land at public auction according to the notice; but the trustees shall not be obliged to complete or carry a sale into effect, if in their judgment an adequate price is not offered for the land; but this provision shall not affect or vary any special powers or trusts for sale contained in any deed or instrument, and inconsistent herewith.

Sales by trustees.

Special powers not affected.

Private sales (2) The trustees may thereafter sell the land either by public or private sale; but a less sum shall not be accepted at private sale than was offered at public sale.

Before conveyance *cestuis que trustent* to be notified, and sanction obtained.

14.—(1) Before any conveyance is executed in pursuance of a public or private sale, the congregation or religious body for whose use the lands are held shall be duly notified thereof, and its assent obtained to the execution of the said deed, and such assent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body duly called for the purpose.

Evidence of.

(2) Such assent shall be held in favour of the grantee and his assigns to be conclusively testified by the execution of the deed by the chairman at such meeting, or by the official head of such religious body, or by some person appointed at such meeting for the purpose; and the person assuming to execute the deed as chairman, official head or appointee, shall be presumed to be such chairman, official head or appointee, as the case may be.

When County Judge may approve of deed.

(3) Instead of such assent of the congregation or religious body aforesaid, it shall be sufficient for the validity of any such conveyance, that the sale be sanctioned and the deed approved of by the Judge of the County Court of the county in which the land sold is situate.

Power to convene public meeting.

15. It shall be lawful for any congregation or society of Christians of any denomination, on whose behalf lands in this Province are now, have been, or hereafter may be held by a trustee or trustees, without the manner of appointing successors being set forth in the grant, conveyance, will or devise of such lands, or who are or may be entitled to any lands without being a body corporate, at any time hereafter to assemble in a public meeting duly convened by notice in writing, signed by at least five members of such congregation or society, and affixed

to the door of their place of worship, at least eight days previous to the day appointed for holding such meeting; and at such meeting by the votes of a majority of the members of such congregation or society then and there present, to determine in what manner the successors to such trustee or trustees shall be appointed out of the members of the religious denomination on whose behalf such lands were originally granted, conveyed or conceded, or to appoint a trustee or trustees of any lands to which the said congregation or society is entitled, and their successors in the trust.

and determine how successors to trustees are to be appointed, or to appoint trustees.

16.—(1) A record of the proceedings of the meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of the congregation or society, and shall be signed by the Chairman and Secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and a copy of such record, certified to be a true copy by the Chairman or Secretary, on oath (or affirmation) before a Justice of the Peace, shall be recorded in the Registry Office of the Registry Division in which the property is situate;

Record of proceedings.

Deposit and registry thereof.

(2) A copy of the proceedings taken from the minute book or other official register of the congregation, and certified by the Clerk or custodian of the records of the congregation, or a copy certified by the Registrar of the Registry Division wherein the same has been registered, according to this section, shall be *prima facie* evidence of the contents thereof.

Copy as evidence.

17. Such determination shall, in every such case, have the same effect as a clause in the grant, concession or conveyance of the lands to which it relates, setting forth the manner of appointing successors to the trustee or trustees named, would have; and any lands to which any religious congre-

The determination at the meeting to have the effect of a clause in the grant.

Upon registration lands of unincorporated bodies to vest in the trustees appointed.

gation or society, not being incorporated, is entitled, shall from time to time vest in and be held by the trustee or trustees to be appointed as hereinbefore mentioned, and in the successors in the trust, immediately upon the registration of the proceedings in the last preceding section mentioned, and without any or further conveyance or instrument whatsoever.

The case of two societies desirous to build a house of worship.

18. Where members or adherents in any locality of two or more religious societies desire to build a house for public worship, it shall be lawful for each of the societies respectively to appoint from time to time one trustee in the manner and form prescribed in this Act, and the trustees of the religious bodies so united shall have the like powers as are conferred on trustees under this Act, and no others; and as to any act, deed or thing to be done or made by trustees under this Act which requires the sanction or assent of the congregation or religious body, the trustees under this section shall obtain the sanction or assent of each and every of the congregations or religious bodies so united, to be ascertained and signified in the manner hereinbefore mentioned.

Registration of deeds executed before 29th March, 1873.

19.—(1) All deeds of conveyance executed before the 29th day of March, 1873, for any of the uses, interests or purposes enumerated therein, if the same were registered before the 30th of March, 1874, shall be as valid and effectual as if registered within twelve months after the execution thereof respectively, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the same lands respectively.

Proviso as to certain cases of adverse right.

(2) But in all cases where any such religious bodies had not erected any buildings or made improvements, and any person claiming to hold or to be entitled to any real estate or property included in any such deed on account of the omission to register the same, had, in virtue of such claim, taken possession of such real estate before the said 29th day of March, 1873, and also in all cases where

the persons claiming to hold or to be entitled to such real property, on account of such omission as aforesaid, had actually sold or departed with, or had actually contracted to sell or depart with such real estate before the said date, the provisions of this section shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not been passed.

20. The trustees of any lands to which the provisions of this Act apply, shall, within twelve months after the execution of the conveyance, cause the deed to be registered in the office of the Registrar of the Registry Division in which the land is situate, or otherwise the same shall be void; and further, the deed shall be subject to the law affecting priority of registration in the same manner as if made between private parties.

Conveyances to be registered within twelve months after execution.

21. Trustees selling or leasing land under the authority of this Act shall, on the first Monday in July in every year, have ready and open for the inspection of the congregation or religious body which they represent, or of any member thereof, a detailed statement showing the rents which accrued during the preceding year, and all sums of money whatever in their hands, for the use and benefit of the congregation or religious body, which were in any manner derived from the lands under their control or subject to their management, and also showing the application of any portion of the money which has been expended on behalf of the congregation or body.

Trustees to exhibit accounts as to lands sold and leased.

22. This Act shall not be construed so as in anywise to repeal, alter, affect or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province, but, on the contrary, any of the said provisions, while differing from or inconsistent with any of the provisions of this Act, shall prevail, and where any additional rights or privileges are conferred by this Act, these shall be construed as

This Act not to affect special Acts as to religious bodies.

supplementary to the provisions contained in any such special Act; and in every case the special trusts or powers of trustees contained in any deed, conveyance, or other instrument, shall not be affected or varied by any of the provisions of this Act.

Powers of religious societies as to holding lands.

23. Any religious society or congregation of Christians in Ontario may, by the name thereof, or in that of trustees, from time to time take or hold, by gift, devise or bequest, any lands or tenements, or interests therein, if such gift, devise or bequest is made at least six months before the death of the person making the same, but the said religious society or congregation shall at no time take or hold by any gift, devise or bequest, so that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, at any one time exceeds in the whole the sum of \$1,000; and no lands or tenements, or interests therein (other than land used for any purpose specially mentioned in section one of this Act) acquired by gift, devise or bequest, shall be held by the said religious society or congregation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said religious society or congregation, which shall have power in the name thereof, or in that of the trustees for said society or congregation, to grant and convey the said lands to any purchaser, so that it no longer retains any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said society or congregation; and such lands, tenements, or interests therein, or such thereof as have not, within the said period, been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

Power to appoint joint trustees for two or more burial grounds which adjoin each other.

24. Whenever any two or more different parcels of land adjoining each other, or in the same neighbourhood, are held as sites for burial grounds by different bodies of trustees, whether of the same de-

nomination, society, or congregation, or of different denominations, societies or congregations of Christians, and such trustees think it desirable that for purposes of economic management, or any other reason, such parcels should be vested in one body of trustees, such two or more bodies of trustees, or the majority of each of such bodies, may, by deed under their hands, appoint trustees to whom and their successors, to be appointed in such manner as may be specified in such deed, all or any of the lands vested in such appointing bodies of trustees as sites for burial grounds may be conveyed; and such trustees so by such deed appointed, and their successors in perpetual succession by the name expressed in the deed, may take, hold and possess the lands thereby or thereafter conveyed to them as a site or sites for a burial ground, and maintain and defend actions for the protection thereof and of their property therein, and the said several appointing bodies of trustees may, in or by the same deed of appointment, or by any other deed or deeds, convey and assure all or any of the parcels of land so as aforesaid vested in them respectively to such trustees so appointed and their successors upon, with and subject to such trusts, powers, limitations and provisions not inconsistent with the purposes of a burial ground, as shall by the parties thereto be deemed proper.

25.--(1) No such deed of appointment of trustees, and no such conveyance or assurance, shall be made or executed by any body, or the majority of any body, of trustees, unless or until the congregation or religious body for whose use the lands are held shall be duly notified thereof, and its assent obtained for the execution of such deed of appointment, or of such conveyance or assurance, and such assent shall be signified by the votes of a majority of the members present at a meeting of the congregation of body duly called for the purpose.

Assent of congregation or religious body required.

(2) Such assent shall be held in favour of such new trustees and their successors to be testified by

the execution of said deed by the chairman at such meeting, or by the official head of such religious body, or by some person appointed at such meeting for the purpose; and the person assuming to execute said deed as chairman, official head, or appointee, shall be presumed to be such chairman, official head, or appointee, as the case may be.

Rights extended to the Church of England.

26.—(1) All the rights, powers, and privileges, conferred upon any religious society or congregation of Christians by this Act, shall extend and apply to the Church of England in this Province, formerly or otherwise called the United Church of England and Ireland in Canada, or the United Church of England and Ireland in Upper Canada, or the Church of England in Upper Canada.

Incumbent and churchwardens to be trustees within the meaning of Act.

(2) The Parson or other Incumbent of the church for the time being and the Churchwardens thereof, shall, for the purpose of this Act, be deemed and taken to be trustees within the meaning thereof.

Bishop, etc., to be trustees under 3 V. c. 74, s. 16.

(3) In cases within section 16 of the Act passed in the third year of Her Majesty's reign, chapter 74, and intituled *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, etc.*, the Bishop, or Parson, Rector or Incumbent, or any successor or other person in whom the legal title or estate is vested, by, from, or under any of them, shall also be deemed and taken to be a trustee, by whom the like rights and powers of trustees, may be exercised equally as in the case of such trustees.

Property vested in the Bishop in trust.

(4) In cases of property vested in the Bishop of any Diocese in trust, not covered by the preceding subsection, the Bishop shall also be deemed and taken to be a trustee by whom the like powers of trustees under this Act may be exercised equally, as in the case of such trustees.

(5) In cases of property vested in the Synod of any Diocese within the Act passed in the 7th year of Her Majesty's reign, chapter 68, intituled *An Act to incorporate the Church Societies of the United Church of England and Ireland in the Dioceses of Quebec and Toronto*, and the Act passed in the 32nd year of Her Majesty's reign, chapter 51, intituled *An Act to incorporate the Synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto therewith*, the Synod shall also be deemed and taken to be a trustee, by whom the like rights and powers of trustees under this Act may be exercised equally, as in the case of such trustees; and the powers of the Synod under this subsection may be exercised by and through such boards and committees as the Synod may, from time to time, by by-law appoint for that purpose.

Property vested in the Synod in trust.

(6) Provided always, that land shall not be sold, mortgaged, leased, or otherwise encumbered, under the powers conferred by this Act, except with the consent of the vestry of the church or congregation interested therein, and of the Bishop of the Diocese, and the Executive Committee of the Synod of the Diocese; and it is hereby declared, that the consent or assent of the vestry, given in accordance with the rules and canons of the said Church, shall be deemed to be the consent or assent of the congregation within the meaning of this Act, and the execution of the deed by the Bishop, and by the Secretary or Secretaries of the Synod, or a memorandum of consent endorsed thereon and signed by them, shall, in favour of the grantee and his assigns, be conclusive evidence of the consent or assent of the Bishop and Executive Committee.

How land may be sold or encumbered; consent requisite.

27. All the rights and privileges conferred upon any religious society or congregation of Christians in section 1 of this Act mentioned, shall extend, in every respect, to the Roman Catholic Church, to be exercised according to the government of the said Church.

Rights extended to Roman Catholic Church

52 VICTORIA (ONT.) C. 54.

An Act to make further provision respecting the property of Religious Institutions.

Assented to 23rd March, 1889.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Description of trustees in conveyances under Rev. Stat. c. 237.

1. Conveyances made to the trustees of any religious society or congregation for any of the purposes authorized by *The Act respecting the property of Religious Institutions*, being chapter 237 of the Revised Statutes of Ontario, 1887, may be made to such trustees under a collective name, and it shall not be necessary to set out the individual names of the trustees in such deed as parties thereto or as grantees therein, provided such names be set out or appear by recital or otherwise in the said deed. This section shall apply to conveyances heretofore made as well as to those hereafter to be made to such trustees.

Change of name under which lands have been held.

2. In case the name by which any religious society or congregation as aforesaid, or trustees therefor, have heretofore held or shall hereafter hold lands under and pursuant to the powers of the said Act has been or shall be changed by such religious society or congregation by by-law or resolution, such change of name shall not prejudice or affect the title of the society or congregation or their trustees to the said lands.

3. In the case of separate but contiguous parcels of land held under separate conveyances by trustees for the same religious society or congregation under the said Act, if such parcels of land be so used, occupied or built upon as to become indivisible except by the removal, alteration or destruction, in whole or in part, of such user, occupation or building, the trustees of such parcels may join in any mortgage authorized by section eight of the said Act.

Power to join in mortgage of lands held under separate conveyances.

R. S. O. (1887) C. 40.

An Act respecting the Registration of Births, Marriages, and Deaths.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The term "occupier," used in sections 8 and 14 of this Act, shall be construed to include the Master, Governor, Keeper, Warden or Superintendent of a gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital or other public or private charitable institution.

Interpretation.
"Occupier."

2. For the purposes of this Act the Provincial Secretary shall be the Registrar-General of the Province.

Prov. Secretary to be Registrar-General.

3. For the purposes of this Act, every City, Town, incorporated Village, Township or Union of Townships, shall be a registration Division; and the Clerks of such Municipalities shall be Division

Registration Divisions and Division Registrars.

Registrars; but this section shall not apply to any Municipality within any of the Districts referred to in the next succeeding section.

Appointment of Registrars in Algoma and other districts.

4. The Lieutenant-Governor in Council may appoint such Division Registrars in the existing Districts of Algoma, Nipissing, Thunder Bay, Rainy River, Muskoka and Parry Sound, and also any Territorial Districts hereafter formed, and by Order in Council make such rules and regulations as may be necessary to secure a correct record of the births, marriages and deaths occurring therein, until municipal organizations are formed.

Forms for Registrars.

5. The Registrar General shall procure the necessary forms for the Division Registrars, and the same shall be prepared according to Schedules A, B and C, appended to this Act, with such additional columns as may from time to time be added thereto by the Lieutenant-Governor in Council, in order to the procurement of correct statistical information; and he shall distribute the same to the several Division Registrars, and the costs and expenses of such forms, and the expenses attendant upon the distribution thereof, shall be paid out of the Consolidated Revenue fund of the Province.

Returns of entries.

6. Every Division Registrar shall receive the forms sent by the Registrar-General, and keep the same in a place of safety; make all entries therein as hereinafter required in this Act; and shall on or before the 15th days of January and July in each and every year, make returns to the Registrar-General of the forms containing the original entries, certified under his hand, of the births, marriages and deaths of the previous six months.

Clergymen, etc., to keep a registry of baptisms, marriages and deaths.

7. Every [clergyman, teacher, minister or other person authorized by law to baptize, marry or perform the funeral service in Ontario, shall keep a registry shewing the persons whom he has baptised or married, or who have died within his cure and belonging to his congregation.

8. The father of any child born in this Province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or if there is no such person, then the occupier of the house or tenement in which to his knowledge the child was born, or the nurse present at the birth, shall, within thirty days from the date of the birth, give notice thereof to the Registrar of the Division in which the child was born, giving as far as possible the particulars required in Schedule A, with such additional information as may be required by the Registrar-General from time to time, which particulars shall be entered by the Division Registrar in his book.

Notice of birth to be given.

9. In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father unless at the joint request of the mother and of the person acknowledging himself to be the father; and in all cases of the registration of the birth of illegitimate children, the Division Registrar shall write the word "*Illegitimate*" in the column set apart for the name of the child, and immediately under the name, if any.

Registry of births of illegitimate children.

10. Every registration of a birth shall be made within the time aforesaid; but nothing herein contained shall prevent the subsequent registration of such birth within the period of two years.

Time for registration.

11. After the expiration of two years next after the birth of a child, the birth shall not be registered except with the written authority of the Registrar-General, and the fact of such authority having been given shall be entered in the column set apart for remarks in Schedule A.

Provision for registration of birth after expiration of two years.

12. When the birth of any child has been registered, and the name, if any, by which it was registered, has been altered, or if it was registered without a name, when a name is given to it, the parent or guardian of the child or other person procuring

Alteration of name after registration, how made.

the name to be altered or given, may, within two years next after the registration of the birth, deliver to the Registrar-General a certificate signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or if the child is not baptised, signed by the father, mother or guardian of the child, or other person procuring the name of the child to be given or altered, and the Registrar-General shall upon the receipt of the certificate make the necessary alteration in the margin of the schedule containing the original entry, without making any alteration in the entry.

Particulars as to marriage to be furnished.

Registrar to furnish forms.

Particulars as to death to be furnished to Registrars.

Certificate of registry of death.

13. Every clergyman, minister or other person authorized by law to celebrate marriages, shall be required to report every marriage he celebrates to the Registrar of the Division within which the marriage is celebrated, within ninety days from the date of the marriage, with the particulars required by Schedule B, appended to this Act, and in order to better enable the clergyman, minister or other person to make the report as aforesaid, he shall be furnished by the Division Registrar of the Division in which he resides with blank forms containing the particulars required by Schedule B.

14. The occupier of the house or tenement in which a death takes place, or, if the occupier be the person who has died, then some one of the persons residing in the house in which the death took place, or if the death has not taken place within a house, then any person present at the death or having any knowledge of the circumstances attending the same, or the Coroner who attended any inquest held on such person, shall, before the interment of the body, supply to the Division Registrar of the Division in which the death took place, according to his or her knowledge or belief, all the particulars required to be registered touching such death, by the form provided by this Act.

15. Every Division Registrar shall, immediately upon registering any death, or as soon thereafter as

he is required so to do, without fee or reward, deliver to any person requiring the same for the purpose of burial, a certificate according to the form of Schedule D appended to this Act, that the particulars of such death have been duly registered.

16. Every minister or other person who buries or performs any funeral or religious service for the burial of any dead body, unless he has received a certificate under the hand of the Registrar of the Division in which the death took place, according to the Schedule D to this Act annexed, that the particulars of the death have been duly registered, shall make a return of the death according to Schedule C to this Act annexed, to the Registrar of the Division in which the death took place, within seven days after the burial, unless within the time aforesaid the minister or other person gives to the Registrar a written notice under his hand stating, according to his knowledge, information and belief, the name and residence of the deceased, and the date and place at which the burial took place, or at which the service was performed, either without or with any of the other particulars mentioned in the said Schedule C.

Return to be made by minister, etc., officiating at funeral unless he has received certificate of Registrar of deaths.

17. Every duly qualified medical practitioner, who was last in attendance during the last illness of any person, shall, within ten days after having notice or knowledge of the death of such person, transmit to the Division Registrar of the Division in which the death took place, a certificate under his signature of the cause of death, according to the form of Schedule E appended to this Act, to be provided by the said Division Registrar, who shall be furnished with such forms; and it shall be the duty of every such medical practitioner to apply to the said Division Registrar for blank forms for that purpose, and upon the receipt of the certificate from the medical practitioner, by the Division Registrar, he shall make the entry as to the cause of death of such person according to the fact stated in the certificate.

Medical practitioners to certify to Registrar as to death.

Provision for registration of death after expiration of two years.

18. After the expiration of two years next after any death, or after the finding of any dead body elsewhere than in a house, that death shall not be registered except with the written authority of the Registrar-General, and the fact of such authority being given shall be entered in the column set apart for remarks in Schedule C.

Superintendent, etc., of cemetery to notify Registrar in certain cases.

19. Every superintendent or caretaker of any cemetery or burial ground, whether public or private, permitting any dead body to be interred in the grounds over which he has charge, unless he receives a certificate under the hand of the Division Registrar of the Division in which the death took place, that the particulars of the death have been duly registered, shall give to the Division Registrar within seven days after the burial a written notice under his hand, stating according to his knowledge, information and belief, the name and residence of the deceased and the date and place at which the death and burial took place.

Correction of errors—Report to Registrar-General.

20. If within one year after the entry of any birth, marriage or death, it is discovered that any error has been made in the entry, then upon the same being reported to the proper Division Registrar within the time aforesaid, it shall be his duty to inquire into the same, and if satisfied that an error has been committed in any such entry, it shall be lawful for him to correct the erroneous entry, according to the truth of the case, by entry in the margin, without any alteration in the original entry; and having made the correction, he shall, if the original entry of the birth, marriage or death so corrected has been returned as hereinbefore provided, report the same, according to the facts of the case, to the Registrar-General, whose duty it shall be to correct the erroneous entry in the margin of the book or form containing the original entry.

Penalty on Registrar for neglect of duty.

21. If any Division Registrar refuses or neglects to perform the duties required of him by this Act

as Division Registrar, he shall, for every offence, upon conviction thereof before any Justice of the Peace, forfeit the sum of \$50 to Her Majesty, and it shall be the duty of the County Crown Attorney in each county to prosecute such officials for any refusal or neglect to perform the duties required by this Act, when notified by the Registrar-General, Inspector or other parties.

22. The Registrar-General shall cause the original returns of the births, marriages and deaths in each Division, together with all the particulars communicated to him by the Division Registrars, to be arranged, indexed, bound and kept in the office of the Registrar-General.

Registrar-General to keep and arrange, etc., returns.

23. All persons shall be entitled, at all reasonable hours, to search these records, and to require and receive extracts duly certified by the Registrar-General or Inspector; which extracts shall be evidence of the entry certified, and *prima facie* evidence in any Court in this Province, of the facts therein stated; and for every such certificate the person so requiring the same shall pay a fee of fifty cents.

Search of, and extracts from records—evidence—fees.

24. The Registrar-General shall, on or before the first day of July in each year, collate, publish and distribute, for the use of the Legislature, a full report of the births, marriages, and deaths of the preceding year, giving such details, statistics and information as the Lieutenant-Governor in Council may think necessary.

Registrar-General to publish reports.

25. The Lieutenant-Governor in Council may, from time to time, make such further rules, orders and regulations as may be required, for the purpose of effectually obtaining the information required by this Act.

Power to make rules for obtaining information.

26. The Lieutenant-Governor in Council may appoint an Inspector, whose duty it shall be to inspect

Inspector of registration offices.

the different Registration Offices throughout the Province, and carefully examine the different Schedules, to see that the entries and registrations are made therein in a proper manner and in legible handwriting.

Penalty for false statements.

27. Any person who knowingly or wilfully makes or causes to be made a false statement touching any of the particulars required to be reported and entered under this Act, shall, upon conviction thereof before any Justice of the Peace, forfeit the sum of \$40.

Penalty for neglect to report

28. If any person required by this Act to report births, marriages, deaths or burials, refuses or wilfully neglects to do so within the time named, such person shall, for each and every offence, forfeit and pay a sum not less than \$1, nor more than \$20 and costs, in the discretion of the presiding Justice before whom the case is heard; and it shall be the duty of the Division Registrar to prosecute all such persons so neglecting or refusing to make the required reports; but if the return required by this Act to be made by more than one person is made by any one of such persons, the other of such persons shall not be liable to any penalty in respect of his default; and such prosecution shall be commenced within two years after the time allowed for reporting the birth, marriage, death or burial.

Procedure on complaints.

29. Any Justice of the Peace having jurisdiction within the locality where any offence against this Act has been committed may hear and determine the complaint, and shall have power, in case the penalty and costs awarded by him are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender, by warrant under his hand and seal; and, except as provided in section 21, the penalty when recovered shall be paid over by the Justice, one-half to the person complaining and one-half to the local municipality within which the offence is committed; and, in default of payment or sufficient distress, the offender may, by warrant signed and seal-

ed as aforesaid, be imprisoned in the Common Gaol for a period not less than one day nor more than twenty days, at the discretion of the Justice, unless the penalty, costs and charges of commitment are sooner paid.

30. Every Municipality throughout the Province of Ontario shall pay annually to the Division Registrar appointed under this Act, a fee of ten cents for each birth, marriage and death registered by him under the provisions of this Act, upon receiving from the Inspector a certificate of the number of registrations made by such Registrar.

Fees to Registrars.

NOTE.—Copies of the forms set forth in the Schedules to this Act may be obtained by any person interested from the proper Division Registrar.

R. S. O. (1887) C. 131.

An Act respecting the Solemnization of Marriages.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The ministers and clergymen of every church and religious denomination duly ordained or appointed according to the rites and ceremonies of the churches or denominations to which they respectively belong, and resident in Ontario, may, by virtue of such ordination or appointment, and according to the rites and usages of such churches or denominations respectively, solemnize the ceremony of marriage between any two persons not under a legal disqualification to contract such marriage.

Minister of any denomination may solemnize marriage.

No minister to solemnize marriage unless authorized by license or certificate or after publication of banns.

2. No minister or clergyman shall celebrate the ceremony of marriage between any two persons, unless duly authorized so to do by license under the hand and seal of the Lieutenant-Governor, or his Deputy duly authorized in that behalf, or by a certificate under this Act, or unless the intention of the two persons to intermarry has been proclaimed once, openly, and in an audible voice, either in the church, chapel or meeting-house in which one of the parties has been in the habit of attending worship, or in some church, chapel, meeting-house, or place of public worship of the congregation or religious community with which the minister or clergyman who performs the ceremony is connected, in the local municipality, parish, circuit or pastoral charge, where one of the parties has, for the space of fifteen days immediately preceding, had his or her usual place of abode; such proclamation to be on a Sunday, immediately before the service begins, or immediately after it ends, or at some intermediate part of the service.

Certificate instead of license.

3. A certificate in the form given in Schedule A or Schedule B to this Act (according to the circumstances of the case) may at the option of the applicant, be substituted for a marriage license; and such certificate shall have the same legal effect as a license.

Licenses and certificates to be issued by Prov. Secretary.

4. Such licenses or certificates shall be issued from the office of the Provincial Secretary, and shall be furnished to persons requiring the same by such persons as the Lieutenant-Governor in Council may name for that purpose.

Licenses signed by official persons valid notwithstanding their offices vacated.

5. Every license executed under the hand and seal of the Lieutenant-Governor, or his Deputy duly authorized in that behalf, and every certificate signed by the Provincial Secretary, or Assistant Provincial Secretary, for the purpose of solemnizing a marriage, shall be and remain valid, notwithstanding that the Lieutenant-Governor or Deputy, or

Provincial Secretary, or Assistant Provincial Secretary has ceased to hold office before the time of the issue of the license or certificate.

6. If any person issues any license or certificate for the solemnization of marriage without being authorized by the Lieutenant-Governor in Council in that behalf, unless under the authority in the next section contained, he shall forfeit to Her Majesty the sum of \$100 for every license or certificate so issued.

Unauthorized persons issuing licenses to be subject to a fine.

7.—(1) Any Issuer of marriage licenses or certificates may, with the approval, in writing, of the Mayor or Reeve of the City, Town, Township or incorporated Village wherein he resides, from time to time, when prevented from acting by illness or unavoidable accident, or where his temporary absence is contemplated, appoint, by writing under his hand, a Deputy to act for him.

Deputy issuers may be appointed.

(2) The said Deputy shall, while so acting at the residence or office or place of business of the said Issuer for whom the Deputy acts, possess the powers and privileges (as to administering necessary oaths and otherwise) of the Issuer appointing him.

Powers.

(3) The Issuer shall, upon appointing a Deputy, forthwith transmit to the Provincial Secretary a notice of the appointment, and of the cause thereof, and of the name and official position of the person by whom the appointment has been approved, and the Lieutenant-Governor may at any time annul the appointment.

Appointment of Deputy to be certified to Prov. Sec.

(4) In case it is necessary on account of illness, unavoidable accident, or contemplated temporary absence of any Issuer of marriage licenses, to appoint a Deputy, and there is no Mayor or Reeve to give the consent required by the provisions of subsection 1 of this section, such Issuer of marriage

Where no Mayor, etc.

licenses may, in the manner in other respects required by said sub-section, but without such consent, appoint such Deputy; and the licenses or certificates issued by such Deputy shall be deemed to authorize the solemnization of marriages at the same places as licenses or certificates issued by the principal for whom such Deputy acts; and no irregularity in the appointment of a Deputy Issuer shall affect the validity of a license or certificate by him issued.

How Deputies
to sign licenses.

8. Every Deputy so appointed shall sign each license and certificate issued by him, with the name of his principal as well as his own name, in the following manner—"A. B., *Issuer of Marriage Licenses, per C. D., Deputy Issuer,*" or to the like effect; but no irregularity in the issue of a license or certificate issued by an Issuer or Deputy Issuer to any person or persons obtaining the same, or acting thereon in good faith, shall invalidate a marriage solemnized in pursuance thereof.

Unissued
licenses to be
returned when
required.

9. Every issuer of licenses or certificates aforesaid, or any other person having unissued licenses or certificates in his possession, power, custody or control, shall whenever required so to do, transmit to the Provincial Secretary every such license or certificate; and the property in all unissued licenses and certificates shall be and remain in Her Majesty.

Expenses of
providing
licenses.

10. All expenses incident to providing licenses and certificates, shall be paid by the Issuer of the licenses and certificates.

Affidavit of
party before
license or
certificate is
granted.

11.—(1) Before any license or certificate is granted by any Issuer or Deputy Issuer, one of the parties to the intended marriage shall personally make an affidavit which shall state

(a) In what County or District it is intended that the marriage shall be solemnized, and in what Town, Village or place in the County or District, and

(b) That he or she believes that there is no affinity, consanguinity, precontract, or other lawful cause, or legal impediment, to bar or hinder the solemnization of the marriage ;

(c) That one of the parties has for the space of fifteen days immediately preceding the issue of the license or certificate had his or her usual place of abode within the County or judicial district in which (for either municipal or judicial purposes) the local Municipality in which the marriage is to be solemnized lies ;

Or (if the County or District in which it is intended that the marriage shall be solemnized is not that in which either of the parties has, for the space of fifteen days immediately preceding the issue of the license or certificate, had his or her usual place of abode), that the reason of procuring the marriage to be solemnized in such place is not in order to evade due publicity or for any other improper purpose.

(2) In case either of the parties, not being a widower or widow, is under the age of twenty-one years, the affidavit shall further state that the consent of the person whose consent to the marriage is required by law has been obtained thereto.

(3) If there is no person having authority to give such consent, then, upon oath made to that effect by the party requiring the license or certificate, it shall be lawful to grant the license or certificate notwithstanding the want of any such consent.

(4) The affidavit may be in the form set forth in Schedule C to this Act, and may be made before the Issuer of Licenses or his Deputy.

12. In case the person having authority to issue the license or certificate has personal knowledge that the facts are not as section 11 of this Act re-

Issuer having personal knowledge or reason to suspect that affidavit is untrue.

quires, he shall not issue the license or certificate ; and if he has any reason to believe or suspect that the facts are not as aforesaid, he shall, before issuing the license or certificate, require further evidence to his satisfaction in addition to the said affidavit or deposition.

Persons whose consent to marriage of a minor is to be obtained

13. The father, if living, of any party under twenty-one years of age (not being a widower or widow), or if the father is dead the guardian or guardians of the person of the party so under age, lawfully appointed, or one of the guardians, if there are more than one ; or in case there is no such guardian, then the mother of the minor, if the mother is unmarried, shall have authority to give consent to the marriage.

Fees.

14. No fee shall be payable for any license or certificate, except the sum of \$2, which the Issuer of the license or certificate shall be entitled to retain for his own use ; but the Lieutenant-Governor in Council may from time to time reduce the sum so payable.

No valid objection that marriage was not solemnized in a church, etc.

15. It shall not be a valid objection to the legality of a marriage that the same was not solemnized in a consecrated church or chapel, or within any particular hours.

Ministers to give certificate if required.

16. Every clergyman or minister, who celebrates a marriage, shall, if required at the time of the marriage by either of the parties thereto, give a certificate of the marriage under his hand, specifying the names of the persons married, the time of the marriage, and the names of two or more persons who witnessed it, and specifying also whether the marriage was solemnized pursuant to license or certificate under this Act, or after publication of banns ; and the clergyman or minister may demand twenty-five cents for the certificate given by him from the person requiring it.

Fee for certificate.

17. Every clergyman or minister shall, immediately after he has solemnized a marriage, enter in a book, to be kept by him for the purpose, a true record of the marriage; which record shall specify all the particulars, given in Schedule B to *The Act respecting the Registration of Births, Marriages and Deaths*.

Ministers to enter marriages in a book, etc.

Form of record.
Rev. Stat. c. 40.

18. The Clerk of the Peace of every County shall, at the expense of the County from time to time on demand, furnish all clergymen or ministers with the books to be kept; and such books shall have columns and headings printed on every page according to the form of said Schedule B; and the books shall be of such size and form as to admit of the necessary entries being conveniently made therein.

Clerks of the Peace to furnish books and printed forms at the expense of the County.

19. The book by whomsoever furnished shall be the property of the church or denomination to which the clergyman or minister, clerk or secretary belongs at the time of the first marriage which he records therein.

Said books, etc., to be property of the church to which clergyman belongs.

20. Every marriage duly solemnized between members of the Religious Society of Friends, commonly called Quakers, according to the rites and usages thereof, shall be valid; and all the duties imposed by this Act, or by *The Act respecting the Registration of Births, Marriages and Deaths*, upon a minister and clergyman, shall with regard to such marriage, be performed by the clerk or secretary of the Society, or of the meeting at which the marriage is solemnized.

Quakers' marriages declared valid.

Rev. Stat. c. 40.

21.—(1) This Act shall be deemed to apply to the churches or congregations of religious people commonly called or known congregationally as "Congregations of God," or of Christ, and individually as "Disciples of Christ"; and any elder, evangelist or missionary, for the time being, of any such church or congregation, who, from time to time is chosen by any such congregation, for the purpose of the

Marriages of "Disciples of Christ."

solemnization of marriages, shall be deemed to have, for the time being, the authority of a minister or a clergyman under this Act, and within the meaning thereof.

Rev. Stat., c. 40. (2) All the duties imposed upon and rights given to ministers and clergymen by this Act, or by *The Act respecting the Registration of Births, Marriages and Deaths*, are hereby imposed upon and given to such elders, evangelists, or missionaries, as aforesaid.

License to protect minister from damages where he is unaware of the impediment.

22. No minister who performs a marriage ceremony after banns published, or after a license or a certificate under this Act issued, shall be subject to any action or liability for damages or otherwise by reason of there having been any legal impediment to the marriage, unless, at the time when he performed the ceremony, he was aware of the impediment.

SCHEDULE A.

(Section 3.)

FORM OF CERTIFICATE BEFORE MARRIAGE WITHOUT
BANNS, WHERE ONE OF THE PARTIES HAS RE-
SIDED FOR FIFTEEN DAYS NEXT PRECEDING
THE ISSUE OF THE CERTIFICATE IN THE COUNTY.

THESE are to certify that A. B. of
and C. D. of being minded, as it is
said, to enter into the contract of marriage, and
being desirous of having the same duly solemnized,
the said A. B. (or C. D.) has made oath, as required
by law, that he (or she) believes that there is no affinity,
consanguinity, precontract, or any other lawful cause

or legal impediment to bar or hinder the solemnization of the said marriage, and that said A. B. or C. D. (or both, as the case may be), has, (or have), had his (or her, or their) usual place of abode, for the space of fifteen days last past, within the City (County or District) of _____ namely, in the Township (Town or Village) of _____ in the said County (or District) of _____ and that the said A. B. and C. D. are of the full age of twenty-one years.

[Or that A. B. or C. D. is a widower or widow; or is under the age of twenty-one years, and that the consent of E. F., whose consent to said marriage is required by law, has been obtained; or that the father of the said (party under age) is dead, no guardian of the person of said (party) has been appointed, and the mother of said (party) is dead (or married), and there is no person having authority to give consent to said marriage (as the case may be).]

And these are therefore to certify that the requirements of *The Act respecting the Solemnization of Marriages* have been complied with.

Given under my hand and seal at this _____ day of _____ in the year of our Lord 18 _____, and in the _____ year of Her Majesty's reign.

G. H.,
Issuer (or Deputy Issuer) of Licenses.

Issued from the office of the Provincial }
Secretary for the Province of Ontario, }
this _____ day of _____ 18 _____ }
K. L.,
Provincial Secretary.

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SCHEDULE B.

(Section 3.)

FORM OF CERTIFICATE FOR A MARRIAGE WITHOUT
BANS WHERE NEITHER OF THE PARTIES HAS
RESIDED FOR FIFTEEN DAYS NEXT PRECEDING
IN THE COUNTY.

THESE are to certify that A.B. of
and C. D. of being minded, as it is
said, to enter into the contract of marriage, and
being desirous of having the same duly solemnized,
the said A. B. (or C. D.) has made oath that he (or she)
believes that there is no affinity, consanguinity, precontract,
or any other lawful cause or legal impedient to
bar or hinder the solemnization of the said marriage,
and having also otherwise made oath as required by
law. These are therefore to certify that the re-
quirements of *The Act respecting the Solemnization of
Marriages* have been complied with.

Given under my hand and seal at, etc., (as in pre-
ceding form).

G. H.,
Issuer (or Deputy Issuer) of Licenses.

Issued, etc.

K. L.,
Provincial Secretary.

SCHEDULE C.

(Section 11.)

FORM OF AFFIDAVIT.

I, A. B. (or C. D. of _____) { Bachelor (or widower), or
 make oath and say as follows: { Spinster (or widow).
 1. I, and C. D. of _____) { Spinster (or widow), or
 { Bachelor (or widower).

_____ are desirous of entering into the contract of marriage, and of having our marriage duly solemnized at the Town (or Village, etc.), of _____ in the County (or District) of _____

2. According to the best of my knowledge and belief, there is no affinity, consanguinity, precontract, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

[3. I, or the said C. D. (or both, as the case may be) have (or has) had since the _____ day of _____ my (or his, or her, or our) usual place of abode within the municipality of _____ in the said County (or District). (Or if neither of the parties has, for the space of fifteen days immediately preceding the issue of the certificate or license, had his or her usual place of abode in the County or District in which it is intended that the marriage shall be solemnized; The reason of procuring the marriage to be solemnized in _____ is not in order to evade due publicity, or for any other improper purpose.)]

4. I am of the age of _____ years, and the said C. D. is over the age of twenty-one years.

5. (In case of one or both of the parties being under the age of twenty one years) I am a { widower } or the
 { widow }
 said C. D. (or A. B.) is a { widow }
 { widower }

[Or E. F. of _____ is the person whose consent to said marriage is required by law, and the said E. F. consents to the said marriage.]

AGE WITHOUT
 PARTIES HAS
 IT PRECEDING

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H.,
 Issuer) of Licenses.

[Or The father of the said (*party under age*) is dead, no guardian of the person of the said (*party under age*) has been appointed, and the mother of the said (*party under age*) is dead (*or married*), and there is no person having authority to give consent to said marriage (*as the case may be.*)]

(Signed) A. B.
or C. D.

Sworn before me, etc.

G. H.,
(*Issuer of Licenses, or*
Deputy Issuer of Licenses.)

51 VICTORIA (ONT.) C. 20.

An Act to Amend the Act respecting the
Solemnization of Marriages.

Assented to 23rd March, 1888.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c. 131
s. 1, amended.

1. *The Act respecting the Solemnization of Marriages* is amended by substituting the word "Canada" for the word "Ontario" in section 1 of the said Act.

Certain mar-
riages confirm-
ed.

2. Any marriages which, before the passing of this Act, have been solemnized in this Province by clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the churches to which they belong, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have

been and to be lawful and valid marriages, so far as respects the civil rights in this Province of the parties or their issue and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the clergyman or minister was not at the time a resident of this Province;

Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage has not hitherto been questioned in any suit or action, and Proviso.

Provided further that nothing in this Act shall make valid any such marriage in case either of the parties thereto has since contracted matrimony according to law; and in such a case the validity of the marriage by a non-resident clergyman or minister shall be determined as if this Act had not been passed. Proviso.

28 VICTORIA (CAN.) C. 7.

An Act to establish the validity of acts performed in Canada by certain Clergymen ordained in Foreign Parts, and for other purposes.

Assented to 18th March, 1865.

Whereas, by the Third Section of an Act of the Imperial Parliament, passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, intituled: "An Act to empower the Archbishop of Canterbury or the Archbishop of York, for the time being, to consecrate to the office Preamble.

of Bishop persons being subjects or citizens of countries out of His Majesty's dominions," it was, in effect, enacted that no person or persons admitted to the order of Deacon or Priest, by any Bishop or Bishops so consecrated, or by the successor or successors of any Bishop or Bishops so consecrated, should be thereby enabled to exercise his or their respective office or offices within His Majesty's dominions; and whereas, from its having been apprehended that divers persons so admitted to such order of Deacon or Priest, had exercised their respective offices within divers British Colonies, and that the validity of their acts so performed, and even the power of Colonial Legislatures to give validity thereto, were doubtful, it was afterwards, in effect, enacted by another Act of the Imperial Parliament, passed in the Session held in the twenty-sixth and twenty-seventh years of Her Majesty's Reign, intituled: "An Act to establish the validity of acts performed in Her Majesty's possessions abroad, by certain clergymen ordained in Foreign Parts, and to extend the powers of Colonial Legislatures with respect to such Clergymen," that the Legislature of any such Colony might authorize any such persons to exercise their respective offices therein, anything in the aforesaid Act to the contrary notwithstanding; and that all acts theretofore performed in any British Colony by any person having been admitted to the office of Priest or Deacon by any of such Bishops as aforesaid, or of their successors, should be as valid and effectual at law, for all purposes whatever, as if such person had been so admitted by a Bishop or Bishops of the United Church of England and Ireland: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts of persons
ordained by
Bishops in
Foreign Parts
and who have
obtained licenses
from
Bishops in the
Province, to be
valid.

1. Any persons admitted to the order of Priest or Deacon by any of such Bishops as are mentioned in the said first recited Act, and having obtained the license to that end of the Bishop of any Diocese within this Province, of the United Church of England and Ireland, may exercise their respective offices

as such within this Province ; and their acts so performed shall be as valid and effectual at law for all purposes whatever, as if such persons had been so admitted by a Bishop or Bishops of the United Church of England and Ireland.

2. All acts heretofore performed within this Province by any person having been admitted to the order of Priest or Deacon by any of such Bishops as are mentioned in the said first recited Act, shall be as valid and effectual at law for all purposes whatever, as if such person had been so admitted by a Bishop or Bishops of the United Church of England and Ireland.

Acts heretofore performed by them declared valid.

37-38 VICTORIA (IMPERIAL) C. 77.

Assented to 7th August, 1875.

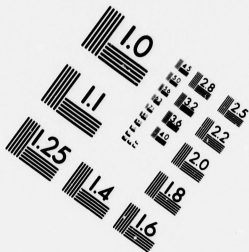
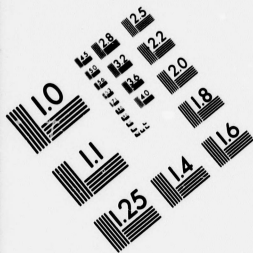
Whereas, by divers Acts of Parliament, certain disabilities are imposed on persons ordained by Bishops, not being Bishops of the United Church of England and Ireland ;

Preamble.

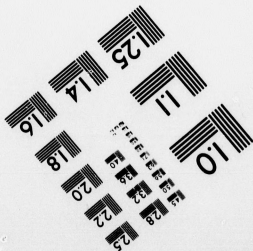
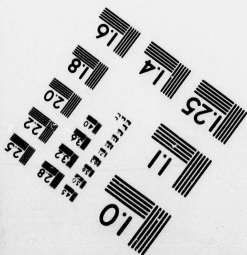
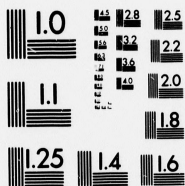
And whereas, by an Act passed in the thirty-second and thirty-third years of Her present Majesty, chapter forty-two, it is enacted that the Union created by Act of Parliament, between the Churches of England and Ireland, shall be dissolved, and that enactments relating to the said United Church shall be read distributively in respect of the Church of England and the Church of Ireland ;

And whereas it is desirable to amend the law respecting persons having been ordained by Bishops,





**IMAGE EVALUATION
TEST TARGET (MT-3)**



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not being Bishops of either of the said Separate Churches or of the said Church hereinafter collectively called "The Churches aforesaid ;"

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, as follows :—

Short title. I. This Act may be cited as, "The Colonial Clergy Act, 1874."

Repeal of enactments in Sch. A. II. The enactments enumerated in Schedule A annexed to this Act, are repealed, but not so as to render invalid anything lawfully done in conformity with any of them.

Colonial and certain other clergy not to officiate without permission from the Archbishop. III. Except as hereinafter mentioned no person who has been or shall be ordained Priest or Deacon, as the case may be, by any Bishop other than a Bishop of a Diocese in one of the Churches aforesaid, shall, unless he shall hold or have previously held preferment of a curacy in England, officiate as such Priest or Deacon in any Church or Chapel in England, without written permission from the Archbishop of the Province in which he proposes to officiate, and without also making and subscribing so much of the Declaration contained in "The Clerical Subscription Act, 1865," as follows, that is to say: "I assent to the thirty-nine Articles of Religion and to the Book of Common Prayer, and of "the ordering of Bishops, Priests, and Deacons. I "believe the doctrine of the Church of England as "therein set forth to be agreeable to the Word of "God ; and in Public Prayer and Administration of "the Sacraments, I, whilst ministering in England, "will use the form in the said Book prescribed and "none other, except so far as shall be ordered by "lawful authority."

IV. Except as hereinbefore mentioned, no person who has been or shall be ordained Priest or Deacon, as the case may be, by any Bishop other than a Bishop of a Diocese in one of the Churches aforesaid, shall be entitled as such Priest or Deacon to be admitted or instituted to any benefice or other ecclesiastical preferment in England, or to act as curate therein, without the previous consent in writing of the Bishop of the Diocese in which such preferment or curacy may be situate.

Nor to hold preferment nor to act as curates without consent of bishop.

V. Any person holding ecclesiastical preferment, or acting as curate in any Diocese in England, under the provisions of this Act, may, with the written consent of the Bishop of such Diocese, request the Archbishop of the Province to give him a license in writing under his hand and seal in the following form, that is to say :

As to license.

“ To the Rev. A. B.

“ We, C., by Divine Providence, Archbishop of D., do hereby give you the said A. B. authority to exercise your office of Priest (or Deacon), according to the provisions of an Act of the thirty-seventh and thirty-eighth years of Her present Majesty, intituled, ‘An Act respecting Colonial and certain other Clergy.’”

“ Given under our hand and seal on the day of.....

C. (L. S.), D.

And if the Archbishop shall think fit to issue such license, the same shall be registered in the Registry of the Province, and the person receiving the license shall thenceforth possess all such rights and advantages, and be subject to all such duties and liabilities, as he would have possessed and been subject to, if he had been ordained by the Bishop of a Diocese in England; Provided that no such license shall be issued to any person, who has not held ecclesiastical preferment, or acted as curate for a period or periods exceeding in the aggregate two years.

Appointments,
etc., contrary to
Act void.

VI. All appointments, admissions, institutions, or inductions to ecclesiastical preferment in England, and all appointments to act as curate therein, which shall hereafter be made, contrary to the provisions of this Act, shall be null and void.

Penalty for
officiating con-
trary to Act.

VII. If any person shall officiate as Priest or Deacon in any Church or Chapel in England contrary to the provisions of this Act, or if any Bishop, not being Bishop of a Diocese in England, shall perform episcopal functions in any such Church or Chapel, without the consent in writing of the Bishop of the Diocese, in which such Church or Chapel is situate, he shall, for every such offence, forfeit and pay the sum of ten pounds, to the Governors of Queen Anne's Bounty, to be recovered by action brought within six months after the commission of such offence by the Treasurer of the said Bounty in one of Her Majesty's Superior Courts of Common Law, and the incumbent or curate of any Church or Chapel, who shall knowingly allow such offence to be committed therein, shall be subject to a like penalty, to be recovered in the same manner.

Persons ordain-
ed under 15-16
V., c. 52 exempt.

VIII. Any person ordained a Priest or Deacon, in pursuance of such request and commission as are mentioned in an Act of the fifteenth and sixteenth years of Her present Majesty, chapter fifty-two, shall, for the purposes of this Act, be deemed to have been so ordained by the Bishop of a Diocese in England, and it shall not be necessary that the Bishop, to whom such commission shall have been given, should have exercised his office within Her Majesty's dominions, or by virtue of Her Majesty's Royal Letters Patent; Provided that such Bishop be a Bishop in communion with the Church of England, and such commission shall not become void by the death of the grantor until after seven days; Provided always that any such act of ordination by any such Bishop, as aforeaid, shall be subject to the same laws and provisions as to the titles, and as to the oaths and subscriptions of the persons to be ordained, and as to the registration of such Act, as

if it had been performed by the Bishop of the Diocese, and that the letters of orders of any persons so ordained by any such Bishop shall be issued in the name of, and be subscribed with the signature of such Bishop as Commissary of the Bishop of the Diocese, and shall be sealed with the seal of the Bishop of such Diocese.

IX. Any person ordained a Deacon or Priest, under the provisions of an Act of the second session of the twenty-fourth year of King George the Third, chapter thirty-five, or under the first section of an Act of the fifty-ninth year of King George the Third, chapter sixty, shall be subject to the provisions contained in this Act.

Those under 24 G. 3 (2) c. 35 or 59 G. 3, c. 60, s. 1, subject to Act.

X. No admission, institution, induction or appointment to any benefice or other ecclesiastical preferment within Her Majesty's dominions, nor any appointment to act as curate therein, nor any ministerial act performed by any person as Priest or Deacon of any of the Churches aforesaid, shall be or be deemed to have been invalid at law by reason of its contrariety to any of the enactments set forth in Schedule B to this Act annexed, unless its validity shall be inconsistent with the validity of some Act, matter or thing lawfully done before the passing of this Act.

Contrariety to certain enactments not to invalidate admissions to ecclesiastical preferments, etc.

XI. Nothing in this Act contained shall alter or affect any of the provisions of an Act of the twenty-seventh and twenty-eighth years of Her present Majesty, chapter ninety-four, intituled "An Act to remove disabilities affecting the Bishops and Clergy of the Protestant Episcopal Church in Scotland."

Saving of 27-28 Vic., c. 94.

XII. It shall be lawful for the Archbishop of Canterbury or the Archbishop of York, for the time being, in consecrating any person to the office of Bishop, for the purpose of exercising episcopal functions elsewhere than in England, to dispense, if he think fit, with the oath of due obedience to the Archbishop.

Archbishops may dispense with oath of due obedience.

Indian bishops XIII. Nothing contained in an Act of the fifty-third year of King George the Third, chapter one hundred and fifty-five, or in an Act of the third and fourth years of King William the Fourth, chapter eighty-five, or in any letters-patent issued as mentioned in the said Acts or either of them, shall prevent any person, who shall be or shall have been Bishop of any Diocese in India, from performing episcopal functions not extending to the exercise of jurisdiction in any Diocese or reputed Diocese at the request of the Bishop thereof.

Interpretation of terms. XIV. In this Act, the word "bishop" shall, when not inconsistent with the context, include Archbishop; the words "bishop" and "archbishop," in the matter of "permission" and "consent," and of "consent and license," shall include the lawful commissary of a Bishop or an Archbishop; the word "England" shall include the Isle of Man and the Channel Islands; and the term "church or chapel" shall mean Church or Chapel subject to the ecclesiastical law of the Church of England.

SCHEDULE A.

<i>Date of Act.</i>	<i>Nature of Act.</i>	<i>Extent of repeal.</i>
24 G. 3, Sess. 2, c. 35.	Empowering Bishop of London, etc., to admit aliens to orders.	Sec. 2.
26 G. 3, c. 84.	Empowering Archbishops of Canterbury and York to consecrate aliens as bishops.	So far as the same is in force in any part of Her Majesty's dominions out of the United Kingdom.
59 G. 3, c. 60.	Permitting Archbishops of Canterbury and York, etc., to ordain specially for the colonies.	Secs. 2, 3, 4 and 5
3-4 V., c. 33.	Making provisions and regulations in respect to bishops and clergy other than those of the United Church of England and Ireland.	The whole.
5 V., c. 6.	Amending Act empowering Archbishops of Canterbury and York to consecrate aliens as bishops.	Sec. 4.

SCHEDULE B.

ENACTMENTS REFERRED TO IN CLAUSE 10 OF THIS ACT.

<i>Date of Act.</i>	<i>Nature of Act.</i>	<i>Section.</i>
24 G. 3, Sess. 2, c. 35.	Empowering Bis'op of London, etc., to admit aliens to orders.	Sec. 2.
26 G. 3, c. 84.	Empowering Archbishops of Canterbury and York to consecrate aliens as bishops.	Sec. .
59 G. 3, c. 60.	Permitting Archbishops of Canterbury and York, etc., to ordain specially for the colonies.	Secs. 2, 3, 4 and 5
3-4 V., c. 33.	Making provisions and regulations in respect to bishops and clergy other than those of the United Church of England and Ireland.	Secs. 6 and 7.
5 V., c. 6.	Amending Act empowering Archbishops of Canterbury and York to consecrate aliens as bishops.	Sec. 4.

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THE FOLLOWING STATUTES ALSO AFFECT ECCLESIASTICAL RIGHTS AND CHURCH PROPERTIES IN THIS PROVINCE.

The Imperial Act 31 George III, chap. 31, known as the Constitutional Act—Sections 36, 38, 39, and 40.

The Imperial Act, 30 and 31 Victoria, chap. 3, known as "The British North America Act, 1867, sec. 92," conferring upon the Provincial Legislature the exclusive power of making laws as to "The Solemnization of Marriage in the Province," and as to "Property and Civil Rights in the Province."

The Act introducing the English Law as the rule of decision in all matters of controversy relating to Property and Civil Rights—32 George III, chap. 1, sec. 6 (U. C.)

The Act Incorporating the Church Society of the Diocese of Huron—22 Victoria, chap. 65 (Can.)

The Act to confirm and legalize a certain agreement entered into between the Church Societies of the Dioceses of Toronto and Huron—24 Victoria, chap. 125 (Can.)

The Act to amend the Act Incorporating the Church Society of the Diocese of Toronto—28 Victoria, c. 54 (Can.)

The Act to extend the operation of the Synod Acts to the Province of Nova Scotia—33 Victoria, chap. 57 (Dom. of Can.)

The Act to extend the operation of the Synod Acts to the Province of New Brunswick—34 Victoria, chap. 58 (Dom. of Can.)

The Railway Act of Canada—51 Victoria, chap. 29, Sections 138, 142 and 143 (Dom. of Can.)

Chapter 30 of the Revised Statutes of Ontario (1887) respecting the Clergy Reserves.

Chapter 170 of the Revised Statutes of Ontario respecting Railways, Sections 13, 14 and 17.

The Act Incorporating the Synod of the Diocese of Toronto, and to unite the Church Society therewith—32 Victoria, chap. 51 (Ont.)

The Act to confer on the Bishop and Incumbent of the Diocese of Toronto similar powers to those held by the Bishop and Incumbent of the Diocese of Ontario—34 Victoria, chap. 79 (Ont.)

The Act to incorporate the Synod of the Diocese of Huron, and to unite the Church Society of the Diocese of Huron therewith—38 Victoria, chap. 74 (Ont.)

The Act to incorporate the Synod of the Diocese of Niagara—39 Victoria, chap. 107 (Ont.)

The Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto—41 Victoria, chap. 69 (Ont.)

The Act respecting the Synod of the Diocese of Huron—47 Victoria, chap. 86 (Ont.)

The Act respecting Churchwardens in the Diocese of Toronto—47 Victoria, chap. 89 (Ont.)

The Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto—47 Victoria, chap. 90 (Ont.)

The Act to incorporate the Bishop of the Diocese of Algoma—48 Victoria, chap. 88 (Ont.)

The Act to simplify the sales of Property held in trust for the Church of England in the Diocese of Toronto—52 Victoria, chap. 97 (Ont.)

FORMS OF CONVEYANCE.

TO THE BISHOP.

WITH BAR OF DOWER.

THIS INDENTURE, made in duplicate the..... day of..... in the year of Our Lord one thousand eight hundred and..... in pursuance of the Act respecting Short Forms of Conveyances, BETWEEN..... of the..... of..... in the County of..... in the Province of Ontario, of the first part *his wife*, of the second part; and the Right Reverend Lord Bishop of Ontario, in the said Province of Ontario, of the third part: WITNESSETH, that whereas the said..... *is* desirous of conveying the *parcel or tract* of land and premises hereinafter particularly described, to the said Lord Bishop of Ontario, and to his successors, to the uses and upon the trusts hereinafter declared, according to the provisions of an Act of the Parliament of the Province of Upper Canada, passed in the third year of the reign of Her Majesty Queen Victoria, intituled "An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned."

Therefore, in consideration of of lawful money of Canada now paid by the said party of the third part to the said *party* of the first

part, the receipt whereof is hereby acknowledged, the said *party* of the first part, for the purposes aforesaid, *doth* grant unto the said Lord Bishop of Ontario, and to his successors, in fee simple, all and singular that certain parcel and tract of land and premises situate and being in the..... of.....in the County ofin the said Province of Ontario, containing..... be the same more or less, and being composed of which said parcel or tract of land is bounded and described as follows, that is to say : (*describe the land*) To the uses and upon the trusts following, and subject to the provisions of "The Act incorporating the Synod of the Diocese of Ontario,".....

(*Here insert the Trusts*).

The said *party* of the first part *covenants* with the said *party* of the third part, That *he* has the right to convey the said *land* to the said *party* of the third part notwithstanding any act of the said *party* of the first part.

And that the said *party* of the third part shall have quiet possession of the said *land*, free from all incumbrances.

And that the said *party* of the first part will execute such further assurances of the said *land* as may be requisite.

And that the said *party* of the first part *has* done no act to incumber the said *land*.

And the said *party* of the first part *releases* to the said *party* of the third part all *his* claims upon the said *land*.

And the said *party* of the second part, *wife* of the said *party* of the first part, hereby *bars* her dower in the said *land*.

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In witness whereof, the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered
in the presence of

.....	[L.S.]
.....	[L.S.]
.....	[L.S.]

TO THE SYNOD OF THE DIOCESE OF ONTARIO.

WITH BAR OF DOWER.

THIS INDENTURE, made in duplicate the.....
 day of.....in the year of Our Lord one
 thousand eight hundred and....., in pursuance
 of the Act respecting Short Forms of Conveyances,
 BETWEEN.....of the first part,
 The Incorporated Synod of the Diocese of Ontario,
 of the second part, and.....
wife of the said party of the first part,
 of the third part :

WITNESSETH, that whereas the said.....
is desirous of conveying the *parcel* or
tract of land and premises hereinafter particularly
 described, to "*The Incorporated Synod of the Diocese
 of Ontario*," aforesaid, to the uses and upon the trusts
 hereinafter declared :

THEREFORE, in consideration of
of lawful money of Canada,
 now paid by the said parties of the second part to
 the said party of the first part, the receipt whereof is
 hereby by *him* acknowledged, *he* the said party of
 the first part *doth* grant unto the said parties of the
 second part in fee simple, all and singular *that* cer-
 tain *parcel* or *tract* of *land* and premises situate, lying
 and being in the.....

..... (*describe the land*).....
 to the uses and upon the trusts following and sub-
 ject to the provisions of the Act incorporating the
 Synod of the Diocese of Ontario,—upon trust, etc.
 (*Here insert the trusts.*)

The said *party* of the first part *covenants* with the said parties of the second part That *he* has the right to convey the said *land* to the said parties of the second part, notwithstanding any act of the said *party* of the first part.

And that the said parties of the second part shall have quiet possession of the said *land*, free from all incumbrances.

And that the said *party* of the first part will execute such further assurances of the said *land* as may be requisite.

And that the said *party* of the first part *has* done no act to incumber the said *land*.

And the said *party* of the first part *releases* to the said party of the second part all *his* claims upon the said *land*.

And the said *party* of the third part, *wife* of the said *party* of the first part, hereby *bars her* dower in the said *land*.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals.

Signed, sealed and delivered,
in the presence of

..... [L.S.]
..... [L.S.]
..... [L.S.]

TO A RECTOR OR INCUMBENT OF A LIVING.

WITH BAR OF DOWER.

THIS INDENTURE, made in duplicate the..... day of.....in the year of our Lord one thousand eight hundred and, in pursuance of the Act respecting Short Forms of Conveyances, BETWEEN.....of the Township of..... in the County of.....in the Province ofof the first part*his wife*, of the second part; And the Reverend..... of the.....in the County of..... in the said Province, Clerk, Rector (*or* Incumbent)

here-

[L.S.]
[L.S.]
[L.S.]

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ofin the said.....and within the Diocese of Ontario, in the said Province of Ontario of the third part: [*describing the Rectory carefully in accordance with the Patent constituting the Rectory; or, where the Church is not the Church of a Rectory or Parish, say—a Clergyman in holy orders of the Church of England in Canada, serving and doing duty in the Church called.....(where the Church can be described by a particular name) situated upon Lot number.....in the..... Concession of the Township of.....in the said County of.....within the Diocese of Ontario.*]

WITNESSETH, that whereas the said.....
.....is desirous of conveying the parcel or tract of land and premises hereinafter particularly described, to the said.....
.....and to his successors in the said Rectory [*Church, Mission, or Living*], to the uses and upon the trusts hereinafter declared, according to the provisions of the Act of the Parliament of the Province of Upper Canada passed in the third year of the Reign of Her Majesty Queen Victoria, intituled "An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned," and "The Act Incorporating the Synod of the Diocese of Ontario."

THEREFORE, in consideration of the sum ofof lawful money of Canada now paid by the said party of the third part to the said party of the first part, the receipt whereof is hereby acknowledged, and for the purposes aforesaid, he, the said party of the first part doth grant unto the said.....
..... Rector of the said Rectory of [*describing it in full as before; or, if it be not a Rectory, serving and doing duty as aforesaid in the Church called.....situated upon Lot number.....in the..... Concession of the Township of.....in the said County of.....within the Diocese of Ontario, and to his successors, being Incumbents of the said Rectory, or (if it be not a Rectory) of the said*

Church, Mission, or Living, and in full communion with the Church of England in Canada, and serving therein in accordance with the doctrines and discipline of the said Church of England in Canada], all and singular that certain *parcel* or *tract* of land and premises situate and being in the Township ofin the County of.....
in the said Province of.....
containing.....be the same more or less, and being composed of Lot numberin the.....Concession of the said Township of.....which said *parcel* or *tract* of land is bounded and described as follows, that is to say.....
 (describe the land).....
 To the uses and upon the trusts following, and subject to the provisions of "The Act Incorporating the Synod of the Diocese of Ontario."

[Here insert the trusts.]

The said *party* of the first part *covenants* with the said *party* of the third part, That *he* has the right to convey the said land to the said *party* of the third part, notwithstanding any act of the said *party* of the first part.

And that the said *party* of the third part shall have quiet possession of the said *land* free from all incumbrances.

And that the said *party* of the first part will execute such further assurances of the said *land* as may be requisite.

And that the said *party* of the first part has done no act to incumber the said *land*.

And the said *party* of the first part *releases* to the said *party* of the third part all *his* claims upon the *land*.

And the said *party* of the second part, *wife* of the said *party* of the first part, hereby *bars her* Dower in the said *land*.

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In witness whereof, the parties hereto have hereunto set their hands and seals.

Signed, sealed, and delivered,
in the presence of

..... L.S.
..... L.S.
..... L.S.

FORM OF AFFIDAVIT OF WITNESS TO ANY OF THE
[FOREGOING CONVEYANCES.

NOTE.—The name, residence and occupation of the witness should be set out in full in the affidavit.

PROVINCE OF ONTARIO, } I ... (name in full) ... of
COUNTY OF } the of
To Wit: } in the
County of (occupation)
make oath and say:

1. That I was personally present and did see the within instrument, and a duplicate thereof, duly signed, sealed and executed by the parties thereto.
2. That the said instrument and duplicate thereof were executed at the of in the County of
3. That I know the said
4. That I am a subscribing witness to the said instrument and duplicate thereof.

Sworn before me at the
..... of
in the County of
..... this
day of in the
year of Our Lord 18 .

A Commissioner for taking affidavits in H. C. J., etc.

BEQUESTS

OF REAL ESTATE TO THE SYNOD OF THE DIOCESE OF ONTARIO, OR TO THE BISHOP.

I give, devise and bequeath unto "The Incorporated Synod of the Diocese of Ontario," (or Lord Bishop of the Diocese of Ontario, and his successors) all and singular that certain parcel or tract of land and premises situate and being in the To have and to hold the said parcel or tract of land and premises and appurtenances unto "The Incorporated Synod of the Diocese of Ontario" aforesaid (or Lord Bishop of the Diocese of Ontario, and his successors) and their assigns forever, to the uses and upon the trusts following, that is to say :

(State the trusts).

OF PERSONAL ESTATE.

I give and bequeath to The Incorporated Synod of the Diocese of Ontario (or Lord Bishop of the Diocese of Ontario, and his successors) the sum of [or Shares of stock in the Bank standing in my name in the Books of the said Bank, (if debentures, briefly describe them)] upon trust, to be by the Incorporated Synod of the Diocese of Ontario (or Lord Bishop of the Diocese of Ontario, and his successors), aforesaid applied to

(State the trust).

FORMS OF TRUSTS

TO BE USED WITH FORMS OF GRANTS OR BEQUESTS.

FOR ENDOWMENT OF THE SEE.

Upon trust to hold the same for ever hereafter,
for the endowment of the See or Bishopric of
Ontario.

ENDOWMENT OF PARSONAGE.

Upon trust to hold the same for ever hereafter,
for the endowment of the Parsonage [*Rectory or
Living, as the case may be*] in the Township of.....
.....in the said County of.....
within the said Diocese of Ontario [*describing the
same either by its name or boundaries, in such manner as
may sufficiently and accurately distinguish it*] to the
intent and upon the trust that the rents, issues and
profits of the said land and premises shall be from
time to time appropriated and applied, under the
direction of the saidLord Bishop of
Ontario, and his successors (*or of the Incorporated
Synod of the Diocese of Ontario*) to the support of
the Incumbent of the said Parsonage [*Rectory or
Living, as the case may be*] for the time being.

FOR GENERAL PURPOSES.

Upon trust to hold the for ever hereafter, to the
intent and upon the trust that the rents, issues, and
profits thereof, may be appropriated and applied to
the general purposes of "The Incorporated Synod
of the Diocese of Ontario" aforesaid, as set forth
in the Statutes incorporating the Church Society of
the Diocese of Toronto and the said Synod.

FOR THE SUPPORT OF MISSIONS.

Upon trust to hold the same for ever hereafter, to the intent and upon the trust that the rents, issues, and profits thereof,—after deducting all such charges and disbursements as may be incurred in the care and management of the said property, and in the execution of the said Trust,—may be appropriated and applied for the encouragement and support of Missionaries and clergymen of the Church of England in Canada within the Diocese of Ontario, and for creating a fund towards the augmentation of the stipends of poor Clergymen.

WIDOWS AND ORPHANS FUND.

Upon trust to hold the same for ever hereafter, to the intent and upon the trust that the rents, issues, and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of the said property and in the execution of the said trust, may be appropriated and applied towards the fund for making provision for the Widows and Orphans of the Clergy of the Church of England in Canada, within the Diocese of Ontario.

SCHOOLS.

Upon trust to hold the same for ever hereafter, to the intent and upon the trust that the rents, issues, and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of the said property and in the execution of the said trust, may be appropriated and applied for the encouragement of Education, and for the support of Day Schools and Sunday Schools within the Diocese of Ontario, in conformity with the principles of the Church of England in Canada.

PARTICULAR SCHOOL.

Upon trust to hold the same for ever hereafter, to the intent and upon the trust that the rents, issues,

and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of the said property and in the execution of the said trust, may be appropriated and applied for the support of Day Schools and Sunday Schools [or Day Schools or Sunday Schools] in the Township of..... [or for the support of a School which hath been established on Lot. No. in the..... Concession of the Township of] within the Diocese of Ontario, in conformity with the principles of the Church of England in Canada.

CIRCULATION OF BIBLES, PRAYER BOOKS, AND RELIGIOUS BOOKS AND TRACTS.

Upon trust to hold the same for ever hereafter, to the intent and upon the trust that the rents, issues, and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of the said property and in the execution of the said trust, may be appropriated and applied towards the circulating, within the Diocese of Ontario, the Holy Scriptures, the Book of Common Prayer of the Church of England in Canada, and such other Books and Tracts as shall be approved by the Synod of the Diocese of Ontario aforesaid.

DIVINITY STUDENTS.

Upon trust to hold the same for ever hereafter, to the intent and upon the trust that the rents, issues, and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of the said property and in the execution of the said trust, may be appropriated and applied towards a fund for granting assistance, where it may be necessary, to those who may be preparing for the Ministry of the Gospel in the Church of England in Canada, within the Diocese of Ontario.

ERECTION AND ENDOWMENT OF CHURCHES AND
PARSONAGES.

Upon trust to hold the same for ever hereafter, to the intent and upon the trust that the rents, issues, and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of the said property and in the execution of the said trust, may be appropriated and applied towards the erection, endowment, and maintenance of Churches, according to the establishment of the Church of England in Canada within the Diocese of Ontario, the creation and maintenance of Parsonage-houses, the setting apart of Burial-grounds and Church-yards, and the endowment and support of Parsonages and Rectories according to the same Establishment.

FOR A PARTICULAR CHURCH.

Upon trust to hold the same for ever hereafter, for the use of that certain Church of the Church of England in Canada, situated in the Township of in the County of..... within the said Diocese of Ontario, called..... Church, [or if the Church cannot be otherwise distinctly and accurately described, insert after the words "Diocese of Ontario,"—" which hath been erected, or is to be hereafter erected, upon Lot number in the Concession of the said Township,"] to the intent and upon the trust that the rents, issues, and profits of the said land and premises may be appropriated and applied to the use of the said Church, in such manner as the said..... Lord Bishop of Ontario, and his successors, (or the Incorporated Synod of the Diocese of Ontario), shall from time to time appoint.

SITE OF A CHURCH.

Upon trust to hold the same for ever hereafter, for the use of a Church of the Church of England in

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Canada, to be erected upon the said parcel or tract of land, and for a burial-ground in connection therewith.

SITE OF A CHURCH AND PURPOSES APPURTENANT
THERE TO.

Upon trust to hold the same for ever hereafter, for the site or ground-plot of a Church of the Church of England in Canada, and for such other uses or purposes appurtenant to the said Church as the Lord Bishop of the Diocese (*or* the Synod of the Diocese, shall from time to time appoint.

SUPPORT OF INCUMBENT.

Upon trust to hold the same for ever hereafter, to the intent and upon the trust that the rents, issues, and profits thereof, after deducting all such charges and disbursements as may be incurred in the care and management of the said property and in the execution of the said trust, may be appropriated and applied to the support of the Incumbent of that certain Church of the Church of England in Canada, situated in.....called

SITE FOR A PARSONAGE HOUSE.

Upon trust to hold the same for ever hereafter, as a site for a Parsonage-house, for the use of the Clergyman of the Church of England in Canada, doing duty at.....

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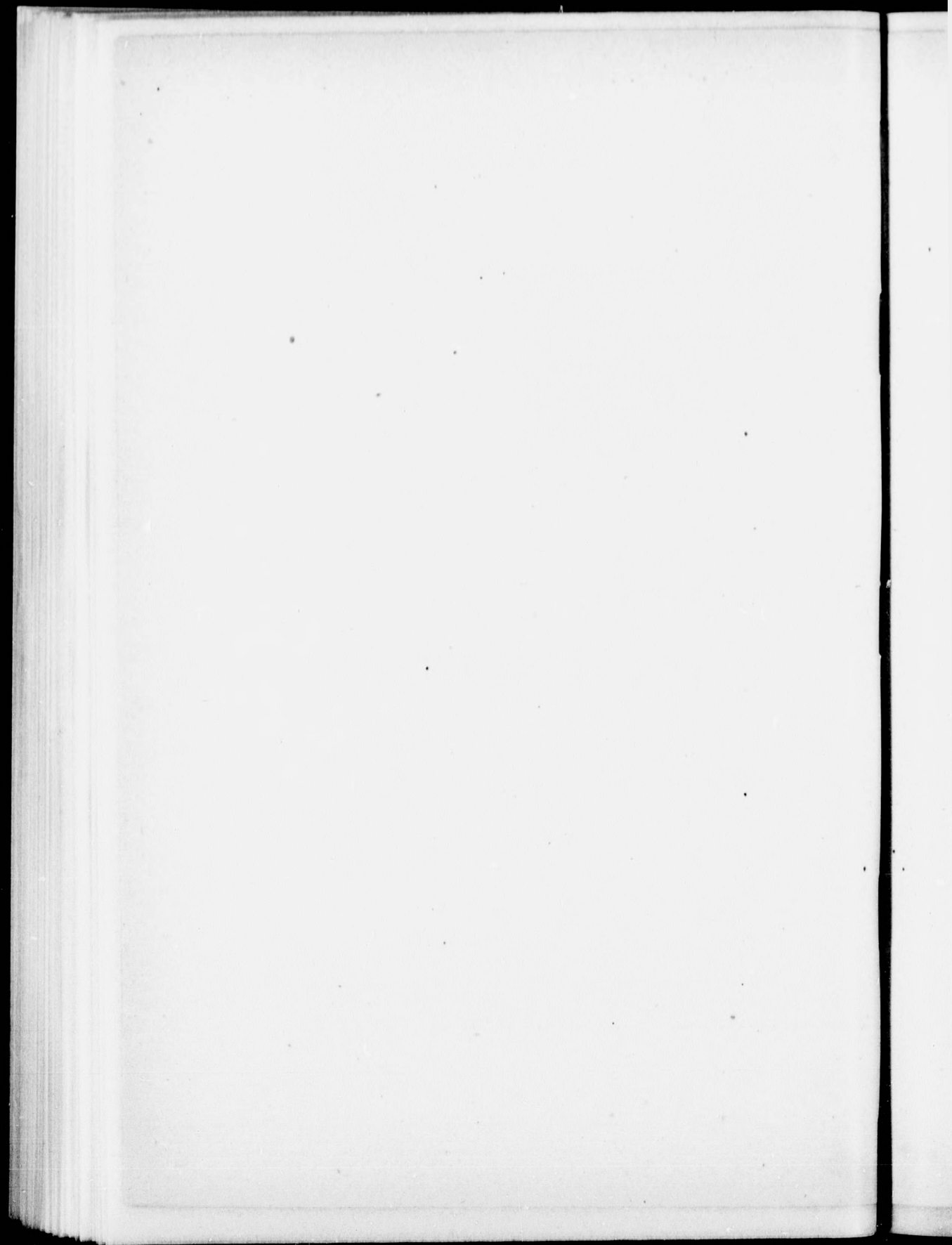
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CONSTITUTION AND CANONS

—OF THE—

PROVINCIAL SYNOD.



Provincial Synod.

DECLARATION OF PROVINCIAL SYNOD.

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, and 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 on 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 recognize 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 rightly 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 deliberations 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 or 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 the 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 modification of laws which the circumstances of the Church may require.

6. To promote the further consolidation and united action of the whole of the Dioceses 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.

CONSTITUTION OF THE PROVINCIAL
SYNOD.

1. The Provincial Synod shall consist of the Bishops of the Church of England in Canada, having Sees within the Ecclesiastical Province of Canada,

presently composed of the Provinces of Ontario, Quebec, Nova Scotia, Prince Edward Island and New Brunswick, 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 second Wednesday in 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 Ecclesiastical Province of 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, or in the event of the inability, from any cause, or on failure of the Metropolitan to appoint a Bishop as President, 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 the House.

9. Each House shall appoint a Secretary or Secretaries, who shall keep regular accounts of all proceedings in their own House, shall preserve memorials or 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. The printed Journal of each Session, certified by the signatures of the Prolocutor and the two secretaries of the Lower House, to a statement attached to one or more copies declaring the number of pages in the said Journal and the number of words corrected, with the words so corrected, shall be held to be the true and authentic Record of the Proceedings of each Session.

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 proceedings 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 immediately after the subject under consideration shall have been disposed of for the time being, provided always that it shall be the duty of the Prolocutor to read to the House the message immediately on its receipt, and the House may by its vote, without discussion, decide on proceeding to its consideration at once.

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 a 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 submitted 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 reason; and may either propose an amendment, or request the Upper House to suggest an amendment to meet their reason, or request a conference.

21. If the Upper House should not concur in a resolution or decision of the Lower House, 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 Constitutions 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 Synod to the Secretaries of the Lower House of the Provincial Synod within fourteen days after said election; and in case any of the said Delegates mentioned in such certificate shall be unable to attend, a certificate signed by the Bishop, or in his absence by the Clerical Secretary of the Diocesan Synod, that (A.B.) being a Clerical or Lay Delegate from his Diocese is unable to attend, and that (C. D.) is authorized by vote of the Synod of that Diocese to fill his place as Delegate, shall be final and conclusive, whether presented before or during the Session of this Synod.

PERMANENT ORDER OF PROCEEDINGS AS
ADOPTED BY BOTH HOUSES.

1. The Provincial Synod shall meet at the place of deliberation (notice being previously given by the Metropolitan or his deputy, of the time and place of meeting), the Bishops attired in their proper robes, and the Clergy in their gowns, cassocks, bands and hoods; and shall proceed in procession to the cathedral for Divine service, on which occasion the Holy Communion shall always be administered. The Litany shall be said by the junior Bishop; the preacher shall be appointed by the Metropolitan, and special prayer shall be made for the Synod. The collection shall be applied to the current expenses of the Synod, unless otherwise ordered by the Metropolitan.

2. At an appointed hour after Divine service the members of the Synod shall re-assemble at the place of deliberation, where, after the President has taken his seat, he shall inform the Lower House with regard to their place of meeting, and direct them to elect their Prolocutor.

3. When the Prolocutor has been elected, he shall be conducted to the Upper House by the Chairman, accompanied, at discretion, by any members of the Lower House, and his election announced to the President.

4. The President shall then state to him the business which the Upper House desire to engage the attention of the Lower House, specifying, when necessary, the order in which they desire it to be taken up.

5. On his return, the Prolocutor shall first nominate his own deputy (in case of his absence) and then

introduce to the House the business on which the Upper House desire them to engage themselves.

6. On every day of meeting after the first, the Synod shall meet at 9 a.m., and shall proceed at once, before any business is announced, to Morning Prayers at the Cathedral, or the place appointed, and after Prayers proceed to Business.

7. Before the conclusion of the session, the President, with the consent of the House of Bishops, shall issue a Schedule, declaring the state in which each matter of Business now stands which has been brought before the Upper House, and promulgate it to the Lower House; reserving all unfinished business to the next Session, and proroguing the Synod.

8. The Prolocutor, on receiving the schedule of prorogation, shall, at the first opportunity, communicate it to his House, which shall not prolong its sittings beyond that day.

ORDER OF PROCEEDINGS OF THE LOWER HOUSE.

1. On the first day of meeting, after Prayer, the Clerical and Lay Secretaries shall call the roll of their respective orders.

2. A quorum being present, the Prolocutor shall then be elected by the Lower House, and on his return from the Upper House two secretaries shall be elected, one Clerical and one Lay, by the Clergy and Laity respectively. The Lower House shall then proceed to the election of a Treasurer and two

Auditors who shall hold these offices until their successors shall be appointed, and in case of a vacancy occurring in any of said offices by death or otherwise, when the Lower House is not in Session, such vacancy shall be filled by the Prolocutor, and the person so appointed shall hold office until his successor is duly elected by the Lower House.

3. After this, the Daily Order of Business shall be as follows:—

- (1) Reading, correcting and approving the Minutes of previous meeting.
- (2) Appointing Committees.
- (3) Presenting, reading, and referring Memorials or Petitions.
- (4) Presenting Reports of Committees, of Treasurer, or Auditors.
- (5) Giving Notices of Motion.
- (6) Taking up Unfinished Business.
- (7) Consideration of Motions.
- (8) Orders of the Day.
- (9) Before the final adjournment of the Synod, reading, correcting and approving the Minutes of the last day's Proceedings.

RULES OF ORDER.

1. The Lower House shall meet on the day and at the hour and place appointed by the Metropolitan or President, and unless otherwise ordered by the House, on each succeeding day at ten o'clock; and

the mid-day adjournment shall be from one o'clock to half-past two p.m.; and the business, except the work of the Committees, shall conclude at six p.m., at which hour the House shall proceed to the Cathedral for Evensong. When the Prolocutor has taken the Chair, every member shall remain uncovered.

2. The Prolocutor shall preserve order and decorum, and shall have power to appoint Assessors to aid him in so doing, and he shall decide all questions of order, subject to an appeal to the House, to be decided without debate; and when called upon to decide a point of order, he shall state the rule applicable to the case, without argument or comment.

3. As soon as conveniently may be after the calling of the Rolls and election of Officers, the following Standing Committees shall be appointed :—

1. On the state of the Church.
2. On amendments to the Constitution.
3. On Canons.
4. On Rules of Order.
5. On Elections.
6. On Expenses.
7. On Memorials of Deceased Members.
8. On Unfinished Business and Printing.

Such Standing Committees shall be appointed upon the recommendation of a Nominating Committee to consist of one Clerical and one Lay Delegate from each Diocese, named by the Prolocutor; and any matter having any relation to the work of such Standing Committee may, upon its coming be-

fore the House, be referred without debate to the proper Committee for consideration and report.

4. When any member wishes to speak, he shall rise and address the Chair.

5. When two or more members rise at the same time, the Prolocutor shall name the party first to speak.

6. A member called to order while speaking shall sit down, unless permitted to explain.

7. No motion or amendment shall be considered as before the House, unless seconded and reduced to writing.

8. No member, save the mover of a resolution, who, as mover, is entitled to reply, shall speak more than once, except by permission of the House.

9. A member may rise to explain, if permitted by the Chair.

10. No original motion, except motions of course, shall be received without notice, except by permission of the House.

11. When a resolution has been moved and seconded, any member may require the previous question to be put, whether the motion so made shall be put or not, and that question shall be decided without debate.

12. When a motion has been read to the House by the Prolocutor, it cannot be withdrawn without the consent of the House.

13. When a question is under consideration no

other motion shall be received, except to adjourn; to lay it on the table, to consider it clause by clause, to postpone it to a certain time, to postpone it indefinitely, to refer it to a Committee, to amend it or to divide upon it, and motions for any of these purposes shall have precedence in the order named. No more than one amendment to a proposed amendment of a question shall be in order.

14. A motion to adjourn shall always be in order.

15. Motions to adjourn or to lay on the table shall be decided without debate.

16. A motion to suspend a Rule of Order shall take precedence of all other motions, and shall be decided without debate; and no Rule of Order shall be suspended, except upon the vote of two-thirds of the members present.

17. A Member, if not interrupting a speaker, may require any motion in discussion to be read for his information, at any time during the debate.

18. When amendments are made to any motion, the amendment and the original motion shall be put in order the reverse of that in which they were brought forward.

19. When a question is finally put by the Prolocutor, either an original motion or an amendment, no further debate shall be allowed; the Prolocutor first declaring that the question is finally put.

20. When the Prolocutor is putting a question, no Member shall rise from his seat; and every Member present, when a question is put, shall be required to vote on the same, unless excused by the House.

21. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative; and in case of an equality of votes the question shall be decided by the casting vote of the Prolocutor, who may also vote on the motion.

22. When required by two Clerical and two Lay Delegates, the vote of the House upon any question may be taken by orders voting separately; and in that case a majority of both orders shall be necessary to an affirmative vote.

23. On a division, the names of those who vote for or against a question shall be recorded in the Minutes, if required by three members.

24. A question being once determined shall not again be drawn into discussion in the same Session, without the unanimous consent of the House.

25. Committees shall not be appointed without notice, excepting Standing Committees, Committees of the Prolocutor to the Upper House and Committees of course, such as those which follow upon the adoption of a resolution, which requires a Committee.

26. When a separate Committee of this House has been named, whose function is deliberative, the Prolocutor shall direct what number of its members do form a quorum, unless the quorum is fixed by the resolution under which the Committee is appointed.

27. When a Committee is appointed, the Mover of the resolution asking for the Committee, shall be the Chairman of the Committee, or when a resolution is referred to a Committee, the mover of the resolution shall be Chairman, unless the Committee has already been organized.

28. Reports of Committees shall be in writing, signed by the Chairman, and shall be received in course, but a motion may be made for re-committal.

29. Motions with reference to Reports from Committees shall take precedence of other motions on the paper.

30. Whenever it shall happen that members appointed on Committees are not re-elected to the Provincial Synod, the Prolocutor may appoint others from the same diocese or dioceses to fill their place; and in order thereto a copy of the certified lists of clerical and lay delegates sent to the Secretaries shall be sent by them to the Prolocutor, within ten days after they shall have received the same.

31. It shall be the duty of the Secretaries to arrange a list of all business, and all notices of motions sent to them by members to be brought before the Provincial Synod, according to the order in which they are received; and under the direction of the Metropolitan, to cause a printed copy of the same to be sent to every member of the Synod twenty-one days before its meeting; which business and notices shall stand first on the order of the day.

32. A Standing Committee of three Clerical and three Lay members of the Synod shall be appointed on the first day of the meeting of the Synod, and such Committee shall arrange for each day the order of precedence of the several motions, of which notice has been given, and have them printed.

33. In any unprovided case resort shall be had to the Rules of Order of the House of Commons in Canada for guidance.

34. No Canon shall be enacted unless the same has been transmitted by the Secretaries of the

Lower House to the Members of the Provincial Synod at least one month before the meeting of the Synod, or unless the same has been left over as unfinished business, and printed in the Journal of the previous Session.

CANON I.—CANON OF THE ELECTION OF
THE METROPOLITAN BISHOP.

Passed.	3rd Session, 1865.
Confirmed	4th " 1868.
Amended	5th " 1871.
Confirmed as amended	8th " 1874.

1. From and after the day on which the See of Montreal shall next become vacant, the Bishop of Montreal shall not, by virtue of his office as such, be the Metropolitan of this Ecclesiastical Province.

2. After the expiration of three months, and not later than the expiration of six months after the next and every subsequent avoidance of the Metropolitan See, the Bishops of the said Province shall meet under the presidency of the senior Bishop, or in case of his inability to act, under the Presidency of the Bishop next in order of seniority, and it shall be his duty to summon them to that end, at some place within the Ecclesiastical Province, by giving at least six weeks' notice of the time and place of meeting, and elect one of their number to be president of the House of Bishops, and the Bishop so elected shall thereupon *ipso facto* be the Metropolitan Bishop, and shall have, possess and exercise any prerogatives which the Metropolitan Bishop in the said Province now has, possesses and exercises, or may or can

have, possess and exercise, any law, usage or custom of the said Province to the contrary in any wise notwithstanding.

3. The see of the said Bishop so elected as aforesaid, shall be the Metropolitan See of the said Province, but the City of Montreal shall be, as it presently is, the place of the Meeting of the Provincial Synod of the said Province.

4. Until the election of the said Metropolitan Bishop, the said Senior Bishop shall, after each such avoidance aforesaid of the Metropolitan See, be vested with all the rights, powers, privileges, and prerogatives of Metropolitan Bishop aforesaid.

5. All rules, regulations, canons or other provisions of law of the said Province inconsistent with the foregoing provisions, shall be and the same are hereby repealed.

6. In such election of the Metropolitan Bishop, it shall be necessary that a majority of all the Bishops of the Dioceses in the Ecclesiastical Province of Canada concur either by actual vote at the meeting called for such election or else in writing under their hand and seal.

CANON II.—OF SUBMISSION OF CLERGY TO
THE CANONS OF THE PROVINCIAL AND
DIOCESAN SYNODS.

Passed 3rd Session, 1865.

No Bishop within this Province shall hereafter grant his license to any Clergyman to the cure of

souls until such clergyman has first subscribed and declared his submission to the Canons of the Provincial Synod, and of the Synod of the Diocese of such Bishop, in the following form :

I, (A.B.,) do willingly subscribe to and declare that I assent to and abide by the Canons which have been, or shall be, from time to time passed by the Provincial Synod, or the Synod of the Diocese of.....

CANON III.—ON THE POWERS OF THE METROPOLITAN.

Passed 3rd Session, 1865.

1. The Metropolitan shall have precedence of all the other Bishops of the Canadian Dioceses, and the said other Bishops shall be his Suffragans.

2. The Metropolitan shall preside over the House of Bishops, and shall convene the Provincial Synod and be the President thereof.

3. Upon a memorial signed by two-thirds of the Clerical and Lay Members of any Diocesan Synod, certified to be such by the Clerical and Lay Secretaries of such Diocesan Synod, requesting the Metropolitan Bishop to exercise visitatorial power in such Diocese, the said Metropolitan Bishop shall have full power and authority to visit such Diocese and the Bishop thereof, and during such visitation to inhibit the exercise of all or such parts of the ordinary jurisdiction of such Bishop, as to him the Metropolitan Bishop shall seem expedient, and dur-

ing the time of such visitation to exercise by himself or his commissaries, such powers, functions and jurisdiction in and over the said Diocese as the Bishop thereof might have exercised, if he had not been inhibited from exercising the same.

CANON IV.—ON THE TRIAL OF A BISHOP.

OFFENCES FOR WHICH A BISHOP MAY BE TRIED.

Passed	3rd Session, 1865.
Amended	9th " 1877.
Confirmed as amended	10th " 1880.

I. Any Bishop of this Ecclesiastical Province may be tried, if charged with any of the following offences :—

- (1). Crime or immorality.
- (2). Advisedly holding and teaching, whether publicly or privately, any doctrine contrary to that held by the Canadian branch of the Church of England.
- (3). Wilful violation of the constitution or canons of the Provincial Synod.
- (4). Wilful violation of the constitution or canons of his Synod.

II. No charge against a Bishop shall be made except in writing, and it shall be signed either by a Bishop of this Church, or of one in communion therewith, not under suspension, deprivation or degradation; or by seven male communicants of this Church in good standing, of whom at least three shall be priests.

ACTION ON RUMORS.

III. Whenever a Bishop of this Ecclesiastical Province 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, demand of the Metropolitan, or if the Metropolitan be the Bishop affected by such rumor, then of the Bishop Senior by consecration, to convene a Board of Inquiry in the mode hereinafter set forth.

IV. Accusers may choose a lay advocate in preparing proofs and charges, &c., or they may prepare such charges themselves, and in either case the grounds of accusation must be set forth with reasonable certainty of time, place and circumstances.

CHARGES, TO WHOM TO BE DELIVERED.

V. Charges prepared in either of the modes mentioned shall be delivered to the Metropolitan, if he be not the accused; if he be the accused, the charges shall be delivered to the Bishop Senior by consecration.

VI. Accusers must give security to the accused in a bond with sufficient sureties to be approved by the Registrar of the Court of appeal of the Metropolitan in the penal sum of one thousand dollars, conditioned to secure the accused for his costs in case he be acquitted on the charge, or the charges be not proceeded with.

BOARD OF INQUIRY, HOW CONSTITUTED.

VII. The House of Bishops at each meeting of

the Provincial Synod shall appoint a Board of preliminary inquiry, not exceeding nine persons, all being communicants of this Church, the majority of whom shall form a quorum who shall act as such, until the next meeting of the Synod, provided always that no person who has joined in making the charges shall act upon the Board.

NOTICE TO MEMBERS.

VIII. The Metropolitan or Senior Bishop, as the case may be, shall on receipt of such charges give notice thereof to said Board, and direct them severally to attend at the time and place designated by him, and to organize the Board, and it shall be the duty of each member so notified to attend. The place of meeting must be within the Diocese of the accused.

The Metropolitan or Senior Bishop shall send at the same time a copy of the charges to each member of the Board and also to the accused.

IX. The sittings of the Board shall be private.

X. All evidence shall be taken down in writing and signed by the witnesses. Two witnesses shall be necessary to the proof of any charge, and the Bishop charged, and the person making the charge, may respectively give evidence before the Board.

PRESENTMENT.

XI. If the majority of the Board present shall be of opinion that there are sufficient grounds to put the accused Bishop on his trial, they shall direct the Chairman to prepare a presentment, to be signed by such of the Board as agree thereto.

XII. The Chairman shall transmit to the Metropolitan or Senior Bishop from whom their charges

were received, the presentment thus signed, together with the evidence on which it is based; and the said Bishop shall send to the accused Bishop a copy of the same.

XIII. If a majority of the board present shall be of opinion that there is not sufficient ground to put the accused Bishop on his trial, they shall report thereon in writing to the Metropolitan or senior Bishop, and in such case the charges, together with the certificate of the Metropolitan, or Bishop senior by consecration, of the refusal of the board to make a presentment, shall be prepared in duplicate; one to be sent to the secretary of the Provincial Synod, to be deposited among the Archives of the Synod, and the other to the secretary or secretaries of the Diocesan Synod, of the diocese where the Bishop has been so charged; no proceedings shall be had thereafter by way of presentment on such charges.

LIMITATIONS OF TIME.

XIV. No presentment shall be made in any case unless the alleged offence shall have been committed within two years next before the day on which the charges were delivered to the Metropolitan, or Bishop senior by consecration, except the charge be of such a nature that it would subject the accused to indictment before the criminal courts.

TRIAL.

XV. When a presentment shall have been made by the Board of Inquiry, or the majority thereof, it shall be the duty of the Bishops receiving it to make arrangements for the trial of the accused.

XVI. The Court shall be formed of the Bishops of the Ecclesiastical Province, the majority of whom, excluding the accuser if he be a Bishop, and the ac-

cused, must be present. And the rules of evidence to be followed on the trial shall be those of the Civil Courts of the Province within which the trial takes place; provided always that the accusers and accused may respectively give evidence.

XVII. The Bishop to whom the presentment is made shall summon all the Bishops of the Province, other than the accuser and accused, to attend at an appointed time and place, and it shall be the duty of every Bishop so summoned to attend, unless he be excused for reasonable cause to be approved by the Metropolitan, or by the Bishop senior by consecration.

He shall also within two weeks summon the accused Bishop, by written notice to be sent by mail within two weeks from the receipt of the presentment, addressed to his usual or last place of residence in his diocese, to appear and answer at the time and place so appointed, and shall also give the like notice to the complainants, requiring them to attend at the same time and place to substantiate their charges.

XVIII. The time appointed for trial shall be within three calendar months, and not less than one month from the day on which the summons was mailed, and the place shall be within the diocese of the accused Bishop.

XIX. The Bishops shall appoint a legal assessor at the time of trial, but such assessor shall not vote in any case whatever.

XX. If the accused refuse or neglect to appear, then the Court shall proceed *ex parte* to pronounce him in contumacy, and after hearing the evidence adduced pronounce judgment in the case.

XXI. The accused and the accusers may appear by counsel.

XXII. The decision of the Court on all the charges shall be reduced to writing and signed by a majority of those members of the Court by whom the case has been heard.

XXIII. The sentence of the Court, if the accused be found guilty, shall be either admonition, suspension for a definite period, deposition or removal from office in the said Church, and in the case of deposition or removal from office, with a cessation of all rights to the temporalities of the see.

XXIV. The judgment of the Court shall be communicated to every Bishop of this Ecclesiastical Province, to the Provincial Synod and to the Synod of the Diocese of the accused Bishop, and the said Synods shall forthwith proceed to enter and record such judgment.

A full record of the proceedings of every such trial shall be kept by the House of Bishops.

CANON V.—COURT OF APPEAL OF THE
METROPOLITAN.

Passed	2nd Session,	1862.
Confirmed	3rd "	1865.
Amended	10th "	1880.
Confirmed as amended	12th "	1883

HOW CONSTITUTED.

The House of Bishops, presided over by the Metropolitan, or President of the Upper House, or Senior Bishop in their absence, with three Assessors

to be appointed as hereinafter enacted, shall be the Court of Appeal from the judgment of any Diocesan Court.

A majority of the House of Bishops shall constitute a quorum of the Court of Appeal, and the decision of the majority of the Bishops sitting in Appeal shall bind, and in the event of an equality of votes the decision of the Court appealed from shall stand affirmed.

The Bishop of any Diocese, who has given any judgment either alone or in any Diocesan Court in, or is a party to, any case, shall not sit in Appeal in such case.

OF ASSESSORS.

There shall be three Assessors, laymen, communicants of the Church of England in good standing, and Judges of some Court of Law in the Dominion, or else barristers of at least ten years' standing at the bar of any of the Provinces. At each regular session of the Provincial Synod, the Upper House shall send down the names of three persons (qualified as aforesaid) to the Lower House; if any or all of them be not accepted, the Upper House shall send down another name or other names, as may be required. Should this second nomination not be accepted, the Upper House alone shall appoint, provided that the said House may not appoint any person whose name has been rejected by the Lower House.

The Assessors so appointed shall be the Assessors of the Court until their successors be appointed, or themselves be reappointed at the next meeting of the Provincial Session. Should a vacancy occur before that time, by death or resignation, or should any of the Assessors become disqualified from any cause, the Metropolitan shall fill up the vacancy.

The Assessors or a majority of them shall determine all questions of evidence and procedure, and the Assessors shall advise the Court upon such other questions before the Court, as the majority of the Court may in writing submit for their consideration.

All decisions and advice of the Assessors shall be in writing and shall be published together with the decisions of the Court.

WHEN APPEAL SHALL LIE.

An appeal shall lie to the Court of Appeal, in all cases adjudged by any Diocesan Court, on behalf of any party to the case or proceeding in the Diocesan Court.

There shall be no appeal for any error or defect in form in any proceeding or judgment in a Diocesan Court.

An appeal shall lie to the Court of Appeal from the judgment or decision of the Bishop of any Diocese.

PROCEEDINGS OF THE COURT.

The Court of Appeal may sit in any Diocese, at such times and places as the Court shall, from time to time, order and direct.

The Appellant shall give notice of Appeal to the Respondent and the Bishop of the Diocese in the Court of which the judgment appealed from is given, within one calendar month after such judgment.

The Appellant shall give to the Respondent, within two calendar months after such judgment is given, a bond with sufficient securities, to be ap-

proved by the Registrar of the Court of Appeal, in the sum of \$400, to secure the Respondent for the costs of the appeal, in case the appeal is dismissed.

Every Appeal shall be prosecuted to a hearing by the Appellant within one year after such judgment is given; if the Court of Appeal shall not so sit, then at the first sitting of the Court of Appeal after such year shall have expired.

The Appellant shall, within three calendar months after such judgment, bring into the Court of Appeal and file with the Registrar thereof, a transcript of all the proceedings and judgments appealed from, certified to be correct by the Registrar of the Diocesan Court, or the Bishop of the Diocese whose judgment is appealed against.

If any of the proceedings in the next preceding four sections are not taken within the times respectively limited therefor, the Appeal shall be considered dismissed, and the judgment appealed from shall stand.

The Appellant shall give the Respondent one calendar month's notice in writing of the hearing of the Appeal.

The Court of Appeal shall make such rules and orders as to the forms of procedure and practice, fees and costs, as such Court shall, from time to time, deem necessary.

CANON VI.—OF MINISTERING IN PARISHES.

Passed 5th Session, 1871.

1. No Clergyman shall absent himself from his charge for more than four weeks at a time, without the written consent of the Bishop or, in his absence, of his Commissary.

2. No person shall be permitted to celebrate Divine Service or perform any office of the Church, permanently or occasionally, except he shall have been Episcopally and Canonically ordained, and it shall be the duty of the Incumbent, or, in his absence, of the Churchwardens, to demand proof of such ordination and of the good standing of the Clergyman before permitting him to officiate.

No person shall perform the office of Lay Reader except he shall hold the Bishop's license.

This Canon shall not apply to the students of any Theological College, so as to prevent them from reading the Lessons in the College Chapel, or to Laymen occasionally officiating when there is a necessity for it.

3. No Clergyman shall officiate in any Mission or Parish, either as a substitute for the incumbent or his assistant, for more than one month, without the written License of the Bishop, and no person who has availed himself of this implied permission shall be allowed to officiate again in the same Mission or Parish within a period of three months, unless he obtains the License of the Bishop or the Bishop's commissary.

4. No Bishop of one Diocese shall perform any Episcopal functions in another without the sanc-

tion of the Bishop thereof, save in the case provided for by the Canon relating to the powers of the Metropolitan, nor shall any Bishop perform any such functions in any vacant Diocese except by instruction from the Metropolitan; or, in case of the voidance of his Diocese, from the Senior Bishop of the Province.

CANON VII.—OF LETTERS TESTIMONIAL.

Passed 5th Session, 1871.

When a Priest or Deacon in good standing is desirous of leaving a Diocese, it shall be the duty of the Bishop to give him, on his request, the usual "Letters Testimonial," but the Clergyman receiving the same shall continue subject to the Episcopal Jurisdiction of the Bishop till the Letters Testimonial shall have been presented according to their address, and accepted by the Bishop to whose Diocese the Clergyman wishes to be transferred; provided always, that if they be not presented within three months after their date, they may be considered as void by the authority whence they proceeded, and shall be void unless they be presented within six months.

CANON VIII.—OF EPISCOPAL RESIGNATIONS.

Passed	5th Session, 1871.
Amended	" 1883.
Amendments confirmed	" 1886.

1. If a Bishop shall desire to resign his Diocese,

he shall give in his resignation to the Metropolitan, in writing, or (if he be himself Metropolitan) to the Bishop senior by Consecration; but such resignation shall not be accepted, except with the consent of two-thirds of the House of Bishops in Session assembled, provided that not less than a majority of the whole number of Bishops of the Province be present and voting.

2. Such Session of the House shall be held within three months of date of the receipt of the resignation by the Metropolitan.

3. The acceptance of any such resignation shall be signified in writing by the Metropolitan to the Bishop desiring to resign his See, and to the Secretaries of his Diocesan Synod, such notification to specify the date at which the resignation shall take effect, which shall not be later than three months from the date of the acceptance of such resignation.

CANON IX.—OF THE SUBDIVISION OF DIOCESES.

Passed 5th Session, 1871.

The House of Bishops shall have the power of subdividing existing Dioceses which may be contiguous, with the concurrence, or upon the application of the Synod or Synods of the Dioceses affected, and it shall be the duty of such Synod or Synods to consider, without delay, any proposal for the subdivision of a Diocese which may emanate from the House of Bishops.

CANON X.—OF THE OFFICIATING OF
STRANGE CLERGYMEN IN A DIOCESE.

Passed 5th Session, 1871.

When a Bishop is aware that a Clergyman not of his Diocese is officiating or about to officiate in his Diocese, and when the said Bishop shall have good reason to believe that doubts exist regarding the Clergyman's orthodoxy, canonical ordination, or good morals, then the Bishop may inhibit him from officiating within his Diocese, by a writing addressed to him, and to the clergy. And any Clergyman, after the receipt of the Bishop's inhibition, permitting such inhibited person to perform any clerical function in his Church, Mission or Chapel, shall be proceeded against by the Bishop for breach of canonical obedience.

CANON XI.—ON MISSIONARY BISHOPS.

Passed 6th Session, 1872.

1. The Provincial Synod may elect a suitable Priest to be a Missionary Bishop over a District not within any organized Diocese, or over a District which includes within the new Territory a part or parts of one or more existing Dioceses, and when the House of Bishops shall be satisfied that adequate provision has been made for the support of a Missionary Bishop, the Metropolitan or presiding Bishop may convene the Provincial Synod for the purpose of electing such Missionary Bishop, by the joint action of the Upper and Lower House, which elec-

tion shall be conducted in the following manner:—
The House of Bishops shall present to the Lower House one or more names for election by ballot, and if none of these names shall be accepted by the Lower House further names shall be presented by the Upper House until it shall signify that it has no other name to present. All names presented to the Lower House shall be before it for election until an election shall have been made. A majority of votes, Clerical and Lay, shall be necessary to an election.

2. In case a Missionary Bishop shall be appointed in the manner hereinbefore mentioned over a District which includes or consists of a part or parts of one or more existing Dioceses, the Missionary Bishop shall exercise no jurisdiction over any part or parts of such other Diocese or Dioceses, until the Synod or Synods of the Diocese or Dioceses affected shall have consented to his so doing, and it shall be the duty of such Synod or Synods to consider without delay any such proposal.

3. The Bishop elected, as aforesaid, shall exercise his Episcopal functions in such Missionary District in conformity with the Constitution and Canons of this Province, so far as they can be made applicable to the condition of his District.

4. Every Missionary Bishop shall be entitled to a seat in the House of Bishops, and shall report to the Metropolitan, for the information of the Provincial Synod, at every meeting of the Synod, concerning the state and condition of the Church in his Missionary District.

5. In the event of a vacancy occurring in any Missionary Diocese, the Provincial Synod shall be summoned, within six months, to elect another Missionary Bishop; provided the regular meeting of the Provincial Synod shall not take place within twelve months after such vacancy, in which case the elec-

tion shall be postponed until such regular meeting, and in the meantime, the duties of the late Bishop shall devolve, so far as they can be discharged by him, on a Commissary, whom it shall be the duty of every Missionary Bishop to appoint on his consecration, and from time to time, as the office shall become vacant.

6. Nothing contained in the first clause of this Canon shall prevent the election of a Missionary Bishop at this Session of the Synod, or at any adjourned Session of the same.

7. Any Diocese of the Province may, if it desires so to do, separate and set apart any portion of its Territory as a District suitable for the establishment therein of a Missionary Bishopric, and such Territory so set apart may become a Missionary Diocese and a Bishop be appointed thereto in accordance with the foregoing Canon.

CANON XII.—FOR ALTERING THE ORDER
OF THE PUBLIC SERVICE IN CER-
TAIN CASES.

Adopted	8th Session, 1874.
Amended	9th " 1877.
Amendments confirmed	10th " 1880.

Whereas the Convocations of Canterbury and York did introduce certain modifications into the order of the Public Service of the Church; and whereas the Imperial Parliament did by Act 35 and 36 Vic., Cap. 35, sanction and authorize the same as amendments to the Act of Uniformity; and

whereas it is expedient to extend such modifications to this Ecclesiastical Province:—

Be it, therefore, enacted as follows:—

USE OF SHORTENED FORM OF MORNING AND
EVENING PRAYER.

The shortened Order for Morning Prayer, or for Evening Prayer, specified in the schedule of this Canon, may, on any day except Sunday, Christmas Day, Circumcision, Epiphany, Ash Wednesday, Good Friday and Ascension Day, be used in lieu of the Order for Morning or Evening Prayer respectively prescribed by the Book of Common Prayer.

The permission hereby granted to use the shortened form of Morning and Evening Prayer specified in the Schedule of this Canon, is hereby extended to Sundays and Holy Days, when the Clergyman shall deem it desirable, either from the peculiar condition of his congregation or from the laborious nature of his ministrations. Such liberty, however, shall not be used without the written sanction and approval of the Bishop.

SPECIAL SERVICE FOR SPECIAL OCCASIONS.

Upon any special occasion approved by the Ordinary there may be used in any Cathedral or Church a special form of service approved by the Ordinary, so that there be not introduced into such service anything, except anthems or hymns, which does not form part of the Holy Scriptures or Book of Common Prayer.

ADDITIONAL SERVICE ON SUNDAYS AND HOLY-DAYS.

An additional form of service, varied from any form prescribed by the Book of Common Prayer,

may be used at any hour, on any Sunday or Holy-day, in any Cathedral or Church in which there are duly read, said, or sung as required by law, on such Sunday or Holy-day, at some other hour or hours, the Order for Morning Prayer, the Litany, such part of the Order for the Administration of the Lord's Supper or Holy Communion as is required to be read on Sundays or Holy-days if there be no Communion, and the Order for Evening Prayer, so that there be not introduced into such additional service any portion of the Order for the Administration of the Lord's Supper or Holy Communion, or anything except anthems or hymns, which does not form part of the Holy Scriptures, or Book of Common Prayer, and so that such form of service and the mode in which it is used is, for the time being, approved by the Ordinary.

SEPARATION OF SERVICES.

Whereas doubts have arisen as to whether the following forms of service, that is to say: the Order for Morning Prayer, the Litany, and the Order for the Administration of the Lord's Supper or Holy Communion, may be used as separate services, and it is expedient to remove such doubts; Be it, therefore, enacted and declared, that any of such forms of service may be used together, or in varying order as separate services, or that the Litany may be said after the third Collect in the Order for Evening Prayer, either in lieu of or in addition to the use of the Litany in the Order for Morning Prayer, and any of the said forms of service may be used with or without the preaching of a sermon or lecture, or the reading of a homily.

PREACHING A SERMON WITHOUT PREVIOUS SERVICE.

Whereas doubts have arisen as to whether a sermon or lecture may be preached without the com-

mon prayers and services appointed by the Book of Common Prayer for the time of day being previously read, and it is expedient to remove such doubts; Be it, therefore, enacted and declared, that a sermon or lecture may be preached without the common prayers or services appointed by the Book of Common Prayer being read before it is preached, so that such sermon or lecture be preceded by any service authorized by the Canon, or by the Bidding Prayer, or by a Collect taken from the Book of Common Prayer, with or without the Lord's Prayer.

SCHEDULE.

NOTE.—The Minister using the Shortened Order for Morning Prayer or for Evening Prayer in this Schedule may, in his discretion, add in its proper place any exhortation, prayer, canticle, hymn, psalm, or lesson contained in the Order for Morning Prayer or for Evening Prayer in the Book of Common Prayer, and omitted, or authorized to be omitted, from such shortened order.

SHORTENED FORM OF SERVICE FOR MORNING
PRAYER, DAILY THROUGHOUT THE YEAR, EX-
CEPT SUNDAY, CHRISTMAS DAY, CIRCUM-
CISION, EPIPHANY, ASH WEDNESDAY,
GOOD FRIDAY AND ASCENSION
DAY.

At the beginning of Morning Prayer the Minister shall read with a loud voice one or more of these sentences of the Scriptures that follow :

“When the wicked man,” &c.

A General Confession, to be said of the whole Congregation after the Minister, all Kneeling :

“Almighty and Most Merciful Father,” &c.

The Absolution or Remission of Sins, to be pronounced by the Priest alone, Standing, the People still Kneeling ;

“Almighty God, the Father,” &c.

The People shall answer here, and at the end of all other prayers, “Amen.”

Then the Minister shall Kneel and say the Lord's Prayer with an audible voice ; the People also Kneeling and repeating it with him ;

“Our Father which art in Heaven,” &c.

Then likewise he shall say :

“O Lord, open thou our lips,” &c.

Here all Standing up, the Priest shall say :

“Glory be to the Father,” &c.

Then shall follow the Psalms appointed. And at the end of every Psalm throughout the year, and likewise at the end of the Benedicite, Benedictus, Magnificat and Nunc Dimittis, shall be repeated :

“Glory be to the Father,” &c.

Then shall be read distinctly, with an audible voice, either the First Lesson taken out of the Old Testament as is appointed in the Calendar, or the Second Lesson taken out of the New Testament, except there be a Proper Lesson assigned for that day, in which case the proper Lesson shall be read, and if there are two Proper Lessons, each shall be read in its proper place ; he that readeth so Standing and turning himself as he may best be heard by all such as are present.

Note.—That before every Lesson the Minister shall say :

“Here beginneth” (such a chapter or such a verse of such a chapter of such a Book.)

After every Lesson.

“Here endeth” the Lesson, *or* the First *or* the Second Lesson.

And after the Lesson, shall be said or sung in English the following :

Either the Hymn called “Te Deum Laudamus,”

“We praise Thee, O God,” &c. ;

Or this Canticle,

Benedicite, omnia opera.

“O all ye works of the Lord,” &c. ;

Or the Hymn following (except when that shall happen to be read in the Lesson for the day, or for the Gospel on Saint John the Baptist's Day) ;

Benedictus, St. Luke 1, v. 68.

“Blessed be the Lord God of Israel,” &c.

Or this Psalm.

Jubilate Deo,

“O be joyful in the Lord all ye lands,” &c.

Then shall be sung or said the Apostles' Creed by the Minister and the People standing, except only on such days as the Creed of St. Athanasius is appointed to be read. After that, the people all devoutly kneeling, the Minister shall pronounce with a loud voice :

“The Lord be with you.”

Answer.—“And with Thy spirit.”

Minister.—Let us pray.

Then the Priest shall say :

“O Lord, shew Thy mercy upon us,” &c.

Then shall follow three Collects. The first of the Day, which shall be the same that is appointed at the Communion: the second for Peace: the third for Grace to live well: and the two last Collects shall never alter, but daily be said at Morning Prayer throughout all the year, as followeth, all kneeling.

The second Collect, for Peace.

“O Lord, who art the author of Peace,” &c.

The third Collect, for Grace:

“O Lord our heavenly Father,” &c.

Here may follow an Anthem or Hymn:

Then these two prayers following:

A Prayer of Saint Chrysostom.

“Almighty God, who hast given us grace,” &c.

2 Corinthians, xiii, v. 14.

“The grace of our Lord Jesus Christ,” &c.

Here endeth the Shortened Order of Morning Prayer.

THE SHORTENED ORDER FOR EVENING PRAYER
DAILY THROUGHOUT THE YEAR, EXCEPT ON
SUNDAY, CHRISTMAS DAY, CIRCUMCISION,
EPIPHANY, ASH WEDNESDAY, GOOD
FRIDAY AND ASCENSION DAY.

At the beginning of Evening Prayer the Minister shall read with a loud voice some one or more of these sentences of the Scriptures that follow:

“When the wicked man,” &c.

A General Confession to be said of the whole Congregation after the Minister, all Kneeling.

“Almighty and most merciful Father,” &c.

The Absolution or Remission of sins, to be pronounced by the Priest alone Standing ; the people still Kneeling.

“Almighty God, the Father,” &c.

Then the Minister shall Kneel and say the Lord's Prayer, the People also Kneeling and repeating it with him :

“Our Father, which art in Heaven,” &c.

Then likewise he shall say :

“O Lord, open Thou our lips,” &c.

Here all standing up, the Priest shall say :

“Glory be to the Father,” &c.

Then shall be said or sung one or more of the Psalms in order as they be appointed. Then either a lesson of the Old Testament, as it is appointed, or a lesson of the New Testament, as it is appointed, except there is a Proper Lesson assigned for that day, in which case the Proper Lesson shall be read, and if there are two Proper Lessons, each shall be read in its proper place ; and after the Lesson or between the first and second Lessons, shall be said or sung in English one of the following :

Either the Magnificat, or the Song of the Blessed Virgin Mary, in English, as follows :

Magnificat. St. Luke 1, v. 46.

“My soul doth magnify the Lord,” &c.

Or else this Psalm (except it be on the nineteenth day of the month when it is read in the ordinary course of the Psalms.)

Cantate Domino, Psalm xcviij ;

“O sing unto the Lord a new song,” &c.

Or Nunc Dimittis (or the song of Simeon) as follows:

“Lord now lettest thou Thy servant,” &c.

Or else this Psalm (except it be on the twelfth day of the month.)

Deus misereatur. Psalm lxxvii ;

“God be merciful unto us and bless us,” &c.

Then shall be said or sung the Apostle's Creed by the Minister and People Standing :

“I believe in God the Father Almighty,” &c.

And after that, the People devoutly Kneeling, the Minister shall pronounce with a loud voice :

“The Lord be with you.”

Answer.—“And with Thy spirit.”

Minister.—“Let us pray.”

Then the Priest, Standing up, shall say :

“O Lord, shew Thy mercy upon us,” &c.

Then shall follow three Collects. The first of the Day; the second for Peace; the third for aid against all Perils, as hereinafter followeth; which two last Collects shall be daily said at Evening Prayer, without alteration.

The Second Collect at Evening Prayer :

“O God, from whom all holy desires,” &c.

The third Collect, for aid against all perils :

“Lighten our darkness,” &c.

Here may follow an Anthem or Hymn.

A prayer of St. Chrysostom.

"Almighty God, who hast given us grace," &c.

2 *Corinthians*, *xiii*, v. 14,

"The grace of our Lord Jesus Christ," &c.

Here endeth the Shortened Order of Evening Prayer.

CANON XIII.—OF ALTERATIONS OR ADDI-
TIONS IN PRAYER BOOK AND VER-
SION OF SCRIPTURES.

Adopted 8th Session, 1874.

No alteration or addition shall be made in the Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, the Articles of Religion, or the Form and Manner of making, ordaining and consecrating Bishops, Priests and Deacons, or the Version of the Scriptures authorized to be read in Churches, unless the same shall be enacted at one session of the Provincial Synod and confirmed at another session of the same; provided that the confirmation be approved by two-thirds of the House of Bishops and two-thirds of each order of the Lower House.

Nevertheless, any alteration in or addition made to the Prayer Book or Articles by the Church of England in her convocations, and authorized by Parliament, may be accepted for use in this Ecclesiastical Province by the Provincial Synod at one session only, without the necessity for further confirmation.

CANON XIV.—OF THE OATHS AND SUBSCRIPTION OF THE CLERGY.

Adopted 9th Session, 1877.

Every person about to be ordained Priest or Deacon shall, before ordination, in the presence of the Bishop by whom he is to be ordained, and every person about to be licensed to any curacy, or to be instituted to any benefice, shall, before obtaining such license or being so instituted, make and subscribe the following declarations and take the following oaths:

1. The "Declaration of Assent" so called:

"I, (A.B.) do solemnly make the following declaration: I assent to the Thirty-nine Articles of Religion and to the Book of Common Prayer, and the ordering of Bishops, Priests and Deacons; I believe the doctrine of the Church of England as therein set forth to be agreeable to the Word of God, and in Public Prayers and administration of the Sacraments I will use the Form in the said Book prescribed, and none other, except so far as shall be ordered by lawful authority."

2. The declaration of Submission to the Canons of the Provincial and Diocesan Synods as required by Canon II of the Canons of this Ecclesiastical Province in the following terms:

"I, (A.B.) do willingly subscribe to and declare that I assent to and abide by the Canons which have been, or shall be, from time to time, passed by the Provincial Synod, or the Synod of the Diocese of....."

3. The Oath of Allegiance:

"I, (A.B.,) do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God."

4. The Oath of Canonical Obedience :

"I, (A.B.,) do swear that I will pay true and Canonical obedience to the Lord Bishop of..... and his successors in all legal and honest commands. So help me God."

[No oath shall be administered during the service for the ordering of Deacons, or during the service for the ordering of Priests, or during the service for the consecration of Bishops.]

Before institution to any Benefice, the persons to be instituted shall subscribe the following Declaration against Simony :

"I, (A.B.,) solemnly declare that I have not made by myself or by any other person any payment, contract or promise of any kind whatsoever which, to the best of my knowledge or belief, is simoniacal, touching or concerning the obtaining the preferment of (.....), nor will I at any time hereafter perform or satisfy in whole or in part any such kind of payment, contract or promise made by any other without my knowledge or consent.

CANON XV.—OF THE CONSECRATION OF A
BISHOP.

Adopted 9th Session, 1877.

Amended 14th " 1889.

1. Whenever an election is made by any Diocesan Synod within the Ecclesiastical Province of Canada

of a person to fill the office of Bishop, the chairman, or in the case of his death, incapacity, absence, or refusal, the clerical secretary of the said Synod shall transmit a certificate of such election to the Metropolitan, within seven days after the election.

2. Such certificate shall be in the following form :

“ We, the Clergy and Lay Representatives of the Diocese of.....in Synod assembled, do hereby certify that at..... on this.....day of..... A.D..... (A.B.,) of the Diocese of.....was duly elected, according to the Canons of this Diocese, to be Bishop of.....

Signed on behalf of the Synod,
.....Chairman.
.....Secretary or
.....Secretaries.

3. On the receipt of this certificate, the Metropolitan shall, within seven days, send formal notice of such election to all the Bishops within his Ecclesiastical Province.

4. Should any of the said Bishops desire to object to the consecration of the person so elected, on the ground of canonical disability, as hereinafter defined, he shall make the objection in writing, delivered to the Metropolitan within fourteen days from the date of said notification to him of such election, setting forth the special grounds of his objection.

5. On the receipt of such objection in writing by the Metropolitan, or in case the Metropolitan himself object to such consecration, he shall summon the House of Bishops to meet within one month to consider such objection, giving not less than fourteen days' notice of the time and place of meeting ; it shall be the duty of every Bishop so summoned to attend unless he be excused for reasonable cause, to

be approved by the Metropolitan ; and the Metropolitan shall send by post a true copy of such objection to the person so elected, at least twenty-one days previous to the meeting referred to in this section, and shall also notify him of the time and place of meeting.

6. The House of Bishops, having heard the person so elected, or having given him every reasonable facility for appearing before them in person, or by counsel, or by proxy, if he be so minded, as well as the Diocesan Synod by its representative duly appointed, if the said Diocesan Synod shall express its desire to be so heard ; and, having heard the reasons in support of the said objection, shall decide as to its validity or otherwise, and their decision, with the reasons therefor, shall be communicated in writing without delay to the person so elected, and to the secretary of the Synod which elected him.

7. Thereupon, if the majority of the Bishops of the Ecclesiastical Province determine that the objection is canonical and has been sustained, the Synod of the Diocese aforesaid shall proceed to the election of another person to fill the office of Bishop.

8. Should no such objection be made within the period specified or after objection made, should the same not be sustained by the majority of the Bishops as aforesaid, the Metropolitan shall, with all convenient speed, proceed to the consecration of the said person so elected, and to that end shall summon two or more of the Bishops of this Ecclesiastical Province to assist him in such consecration ; and it shall be the duty of such Bishops to attend at such time and place as he, the Metropolitan, shall appoint, and to assist in the consecration of the said person elected.

9. Before proceeding to consecrate, the Metropolitan shall cause to be read publicly in the church,

where the consecration is held, a duly attested certificate of the election of said person to the office of Bishop, and that no canonical impediment to his consecration exists, which shall thereupon be given in for record.

10. No Bishop who shall have made any Canonical objection as aforesaid, or who shall have voted in favour of such objection, shall be required to take part in such consecration, and if the Metropolitan shall have made such objection, the Senior Bishop of the Ecclesiastical Province, not having so objected or so voted, shall perform the duties of the Metropolitan referred to in section 8 of this Canon.

11. The following objections shall be considered canonical and none others:—

1. That the person elected is not fully thirty years of age.

2. That he is not a Priest in Holy Orders of the Church of England, or of some Branch of the Church in full communion therewith.

3. That he is deficient in learning.

4. That he has either directly or indirectly secured, or attempted to secure, the office by improper means.

5. That he is guilty of any other crime or immorality.

6. That he teaches or holds, or has within five years previous to the date of his election, taught or held anything contrary to the doctrine and discipline of the Church of England.

12. The Bishop elect shall, previous to his consecration, or if already a Bishop, previous to his installation, subscribe a declaration of submission to

the Canons of the Provincial Synod in the form prescribed by Canon II.

13. If a person shall be elected Bishop of a vacant Diocese who has been previously consecrated a Bishop of the Church of England or of any branch of the Church in full communion therewith, the said election shall be notified to the Metropolitan as hereinbefore provided, and the Metropolitan shall proceed, as in the case of the election of a person in Priest's Orders, except that when no canonical objection has been received within the period limited for entering such objections, or when such objections shall have been heard and rejected by the House of Bishops, the Metropolitan, instead of proceeding to the consecration, shall issue a certificate to the Bishop so elected, and to the secretaries of the electing Synod, that there is no canonical impediment to the installation of the said Bishop.

14. In all cases when the Bishop elected has been duly consecrated, or a certificate has been furnished by the Metropolitan, as before provided, the said Metropolitan shall, either by himself or by some person duly commissioned to act on his behalf, formally instal the said Bishop elect, inducting him into the actual possession of his See.

15. In case there shall be no Metropolitan, or in case he shall be incapable of performing the duty in this Canon assigned to the Metropolitan, this duty shall be performed by the Senior Bishop of the Province, and in case of his absence or incapacity by the next in seniority, and so forth.

16. A majority of the Bishops of the Ecclesiastical Province shall constitute a quorum for the hearing of objections to the consecration of a person elected to the office of Bishop.

CANON XVI.—ON MARRIAGE WITHIN THE
PROHIBITED DEGREES.

Adopted 10th Session, 1880.

Whereas the following Resolution was adopted by the Provincial Synod :

“No clergyman of this Ecclesiastical Province shall knowingly solemnize a marriage forbidden by the 99th Canon of the year 1603 A.D., which is as follows: ‘No person shall marry within the Degrees prohibited by the laws of God, and expressed in a Table set forth by authority in the year of our Lord God 1563’ ” ;

I. The Table of Degrees prohibiting certain marriages set forth by authority in the year of our Lord 1563, and usually annexed to the Book of Common Prayer, is hereby adopted by the Church of this Ecclesiastical Province of Canada.

II. No clergyman of this Ecclesiastical Province shall knowingly solemnize a marriage within the degrees prohibited by such Table.

III. A printed copy of the Table of Prohibited Degrees shall be placed in the Vestry-room, or near the entrance of every Church in this Ecclesiastical Province, at the charge of the parish, in some place where it may conveniently be read.

CANON XVII.—OF LAY-READERS.

Adopted 10th Session, 1886.

Lay readers may be employed in any parish or mission under the following conditions:—The lay reader shall be selected by the Rector or missionary in charge, and shall be recommended by him to the Bishop for his license.

The Bishop, having satisfied himself that such person is fitted by reason of his religious character and his knowledge of the Bible and Prayer Book for the office, may license him as lay reader in the form hereto subjoined, and shall, where practicable, admit him, in person or by deputy, to his office in the presence of the people among whom he is to serve.

WE, _____ by Divine permission, Bishop of _____ do by these presents grant unto you, our well beloved in Christ, _____ in whose good morals and sound doctrine we do confide, our License and Authority to perform the duties of Lay Reader and Catechist, in the Parish or Mission of _____, under the guidance and direction of the Reverend _____, the Minister in charge. This License to continue during our pleasure, or until the said Reverend _____ shall signify to us and to you in writing under his hand that he no longer desires to avail himself of your services, when it shall cease and determine.

Given under our Hand and Seal, this day of _____ in the year one thousand eight hundred and _____ and in the year of our consecration.

CANON XVIII.—OF THE DIACONATE.

Adopted 10th Session, 1880.

A Deacon need not surrender his worldly calling or business, (said calling being approved by the Bishop,) unless he be a candidate for the office of a Priest, and he shall not be admitted to the Priesthood till he shall have passed a satisfactory examination in Latin and Greek, and have further complied with such other requirements as the Bishop of each Diocese may impose.

Every Deacon who shall, from necessity, be placed in charge of a parish or mission shall be under the direction of a neighbouring Priest until he be advanced to the Priesthood.

CANON XIX.—ON THE CONSTITUTION OF
THE DOMESTIC AND FOREIGN MIS-
SIONARY SOCIETY OF THE CHURCH
OF ENGLAND IN CANADA.

Adopted 12th Session, 1883.

ART. I.—This Society shall be called The Domestic and Foreign Missionary Society of the Church of England in Canada.

ART. II.—This Society shall consist of all persons who are members of this Church.

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ART. III.—The Society shall be under the control of a GENERAL BOARD OF MISSIONS, consisting of the Bishops of this Ecclesiastical Province, and the Clerical and Lay Delegates for the time being of the Provincial Synod, together with the Board of Management as hereinafter described.

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On the third day of each triennial session of the Provincial Synod the business of the Synod shall be suspended to allow the business connected with this Society to be transacted.

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ART. IV.—There shall be a Board of Management which shall consist of all the Bishops of this Ecclesiastical Province and the Secretary and Treasurer of the Board, members *ex-officio*, together with two clergymen and two laymen from each Diocese, to be appointed by the General Board on the nomination of each Diocesan Synod, which nomination shall be made by such Synod at the meeting next preceding the triennial session of the Provincial Synod, and this Board shall have as far as possible the collection and administration of the General Missionary Funds of the Church (subject to the provisions hereinafter set forth), and shall remain in office until their successors are appointed, and shall have power to fill any vacancies that may occur in their number. Eight members shall constitute a quorum. This Board of Management shall, when the General Board is not in session, exercise all the powers of the General Board, and shall report to the General Board of Missions on or before the third day of such triennial session of the Provincial Synod. The Board shall meet at such times and places as they shall think fit.

ART. V.—The Board of Management is authorized to appoint such Committees as it may deem desirable, and such officers as shall be needful for carrying on its work, and may frame such rules and regulations (not inconsistent with the Constitution

and Canons of the Provincial Synod) as may be necessary for the transaction of its business.

ART. VI.—It is recommended that the funds collected in the several Dioceses for Mission work under this Canon be sent in to the Board, and the appropriations therefrom on behalf of Domestic Missions shall be made in gross to be disbursed by the local authorities of Dioceses to which such appropriations shall have been made.

Appropriations on behalf of Foreign Missions shall be to the Great Missionary Societies of the Mother Church in England, or in such other manner as the Board of Management may direct, provided that contributions specially appropriated shall be paid in strict accordance with the wishes of the donors. Nothing in this Canon, however, shall be held in any wise to interfere with or affect the several Diocesan Mission Funds or with any other existing agreements made by any Parish for special missionary aid.

ART. VII.—In connection with the Board of Management there shall be in each Diocese of the Province a Corresponding Committee, or Board of Missions, to be constituted as such Diocese may determine, who shall report all statistics and other information relating to the general purpose for which the Society is organized.

The Diocesan Boards of Missions, as at present constituted, shall be the Corresponding Committees or Boards, until other Committees or Boards shall have been appointed under the provisions of this Canon.

The first Board of Management shall be appointed by the Provincial Synod at this Session.

CANON XX.—ON THE REPRESENTATION
OF THE MISSIONARY DIOCESE OF
ALGOMA.

Adopted 13th Session, 1886.

Confirmed 14th " 1889.

The Missionary Diocese of Algoma shall be represented in the Provincial Synod by two Clerical and two Lay Delegates, and for the purpose of electing such Delegates, the following regulations shall be adopted:—

1. On or before the first day of May, in the year 1891, and in each third year thereafter, the Bishop of Algoma shall appoint two scrutineers, one of whom shall be a priest having a cure of souls in the said Diocese, and the other of whom shall be a layman resident therein and a communicant, and such scrutineers shall hold office until their successors are appointed.

2. The scrutineers shall, at as early a date as possible after their appointment, issue voting papers, one for the election of two Clerical Delegates, to be sent to each Clergyman in charge of a Parish or Mission in the Diocese, and one for the election of two Lay Delegates, to be sent to each Parish or Mission in the Diocese regularly constituted by the Bishop, such last mentioned voting paper to be transmitted to the Clergyman in charge of the Parish or Mission.

3. Each Clergyman, who is so qualified to vote, may enter on his voting paper the names of any two Clergymen resident in the Diocese, whose election as Clerical Delegates he desires, and may transmit

his voting paper so filled up and after he has signed it, to the scrutineers, at such time as will be sufficient to allow of its receipt by them on or before the first day of September in the year of its issue.

4. Each Clergyman to whom a voting paper or voting papers are transmitted for the Parish or Mission, or Parishes or Missions of which he is in charge, shall call a meeting of the Lay communicants of each Parish or Mission for which he has received a voting paper at such time as he deems most convenient in each case and best adapted to ensure as large an attendance as possible of those who are entitled to take part in the proceedings, but so, nevertheless, as to admit of the receipt of the voting paper by the scrutineers, as hereinbefore provided in respect of voting papers for Clerical Delegates. In case of the absence of a Clergyman from any cause, the Bishop shall be empowered to make such arrangements as may be necessary to give effect to this clause.

5. The Clergyman shall preside at the meeting, but shall not have any vote thereat. In the absence of the Clergyman, a Chairman shall be elected by the meeting.

6. The meeting shall proceed to select, by a majority of the votes of those present, and entitled to vote, the names of two Laymen whose election as Delegates they desire, and the Chairman shall fill up the voting paper accordingly. He and at least two of the persons present at the meeting shall then sign the voting paper, which shall forthwith be sent by the Chairman to the scrutineers.

7. Every voting paper shall be sent to the scrutineers in a sealed envelope.

8. As soon as possible after the first day of September in the year of election, the scrutineers shall

together examine the voting papers which they have received, and shall prepare a list according to the number of votes cast of the four Clergymen who have received the highest number of votes according to the voting papers for Clerical Delegates, and a similar list of the four Laymen who have received the highest number of votes according to the voting papers received from Parishes or Missions. The two persons whose names are the highest on each list shall be Clerical and Lay Delegates respectively to the Provincial Synod, and the remaining two shall be substitutes to attend, in their order, in the event of inability on the part of any Clerical or Lay Delegate to attend, as the case may be.

9. In the event of an equality of votes, the Clerical Scrutineer as respects Clerical Delegates, and the Lay scrutineer as respects Lay Delegates, shall have a casting vote.

10. The Bishop of Algoma may, if he thinks fit, be present at the examination of the voting papers.

11. Immediately after the voting papers have been examined by the Scrutineers, they shall draw up and sign a report certifying the names of the Clerical and Lay Delegates and Substitutes elected. Such report shall be countersigned by the Bishop of Algoma, and shall be by him transmitted to the Secretaries of the Provincial Synod. The Scrutineers shall also transmit to each Delegate and to each Substitute called upon to act, a certificate under their hands, of his election.

12. The Delegates, and in their absence, the Substitutes who are so certified as elected, shall have the like right to sit and vote at meetings of the Provincial Synod as Clerical and Lay Delegates from Dioceses other than that of Algoma.

13. Each Delegate and Substitute shall remain in office for three years from the date of his election.

14. Any vacancy in the office of a Scrutineer may be filled for the unexpired part of the term in the manner hereinbefore provided for an original appointment.

15. Voting papers may be in the forms hereto subjoined, or in any other form to the like effect :

DIocese OF ALGOMA—PROVINCIAL SYNOD.
Election of Clerical Delegate.

No.	Names of persons for whom vote is given.
1
2
3
4

.....
Date.
.....
Signature.

DIocese OF ALGOMA—PROVINCIAL SYNOD.
Election of Lay Delegate.

No.	Names of persons for whom vote is given.
1
2
3
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Date.
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Signature of Clergyman.

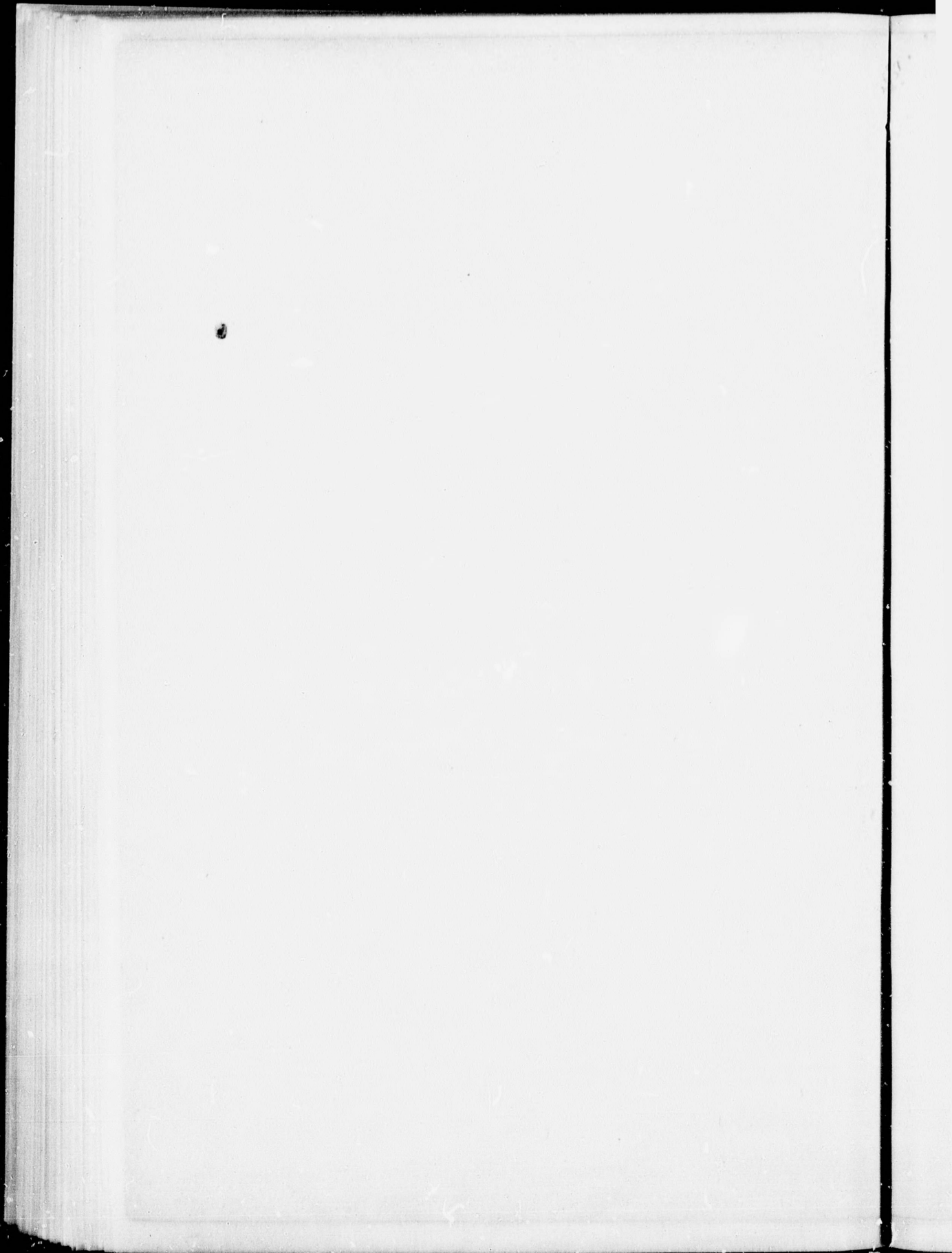
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s hereto effect :



INDEX.

A.

	PAGE.
Accounts of Synod—Mode of Keeping.....	15, 22, 23, 24
Algoma—Bishop of.....	82
“ —Stipend of.....	82
“ Diocese—Representation of in Provincial Synod.....	243
Alteration of Canon—Proceedings for.....	8
“ of Services of Church.....	224
“ in Prayer Book and Scriptures.....	233
Amendment of Canon—How Effected.....	8
“ to Montion—Rules as to.....	11
Appeal from Diocesan Court.....	60
Appeal—Metropolitan Court of.....	215
Assessment of Parish—Payment of.....	3, 4
“ of Provincial Synod—How Paid.....	26
Assessment Fund—Provisions as to.....	25, 26
Auditors of Synod—Appointment of.....	21, 24
“ “ —Qualifications of.....	21
“ “ —Statements to be given to by Clerical Secretary..	16
“ “ —Report of.....	23, 24
“ “ —Payment of.....	24
Audit and Accounts Committee—Duties of.....	22
“ “ “ —Election of.....	22
“ “ “ —Quorum of.....	24

B.

Bank for deposit of Synod moneys.....	15, 23
Bequests—Forms of.....	183
Births—Registration of.....	145
Bishop—Election of.....	48, 49
“ —Member of Synod.....	1
“ —Concurrence of required in Act or Resolution of Synod.....	7
“ Appoints Committees.....	7
“ Fills Vacancies.....	7
“ Is Head of Synod.....	122
“ —Trial of.....	210
“ —Consecration of.....	234
“ —Missionary.....	222
“ Presiding—Canon Respecting.....	53

	PAGE.
Board of Missions—Expenses of Delegates to.....	82
Board of Rural Deans.....	78
Burying Grounds—Title of in Whom Vested	94
" " —Possession of	94
Business of Synod—Order of.....	8, 9

C.

Cannons of Synod—Alteration of	8
" " —Final Passing of	8
" " —Engrossment of.....	8
" " —Sealing of.....	8
" " —Signature of	8
" " —Interpretation of	74
" " —Repeal of Existing	74
" " —Construction of.....	75
Certificates of Election of Lay Representatives.....	3, 4
" " — Examination of same.....	8
Chairman of Meeting to Elect Lay Representatives.....	2
" of Committee—Duties of in connection with Report.....	12
" " Must Sign Report.....	12
Chancellor of Diocese—Member of Certain Committees.....	13, 20
Cheques of Synod—How Drawn	17
" " —How Signed.....	17, 23
Christmas Offertory—How Disposed of	73
Church Book Depository	46
Church Buildings—Erection of.....	73
" " —Mortgaging of.....	83
" " —Title of, in whom vested.....	94
" " —Possession of	94
" " —Endowment of.....	100
Church Societies—Quebec and Toronto—Incorporation of.....	106
" " —Power Given to	106 et seq
" " —Trusts Authorized by Act.....	113
Church Temporalities Act	93
" " " —Act Amending	101, 102
" " " —Trusts Authorized by.....	104
" " " —Powers Given to Synod of Ontario to Amend	128, 129
" " " —Alteration of by Canon on Vestries.....	61, 66
Church Wardens—Appointment of.....	64
" " —Tenure of Office of.....	64
" " —Refusal to act.....	64
" " —Resignation of.....	64
" " —Disqualification of.....	64
" " —New Election of.....	64

4

PAGE.		PAGE.
82	Church Wardens—Powers and Duties of.....	65
78	" " —Accounts of.....	65
94	" " —Provisions of Church Temporalities Act Respecting	
94	ing	94 et seq
8, 9	Classification of Missions.....	28
	Clergy—Act respecting—Ordained in Foreign Parts, 28 Vic. Can. ch. 7	165
	" —Colonial—Act respecting, 37, 38 Vic. Imp. ch. 77.....	167
	" —Oaths and Subscriptions of.....	234
	" —Submission of to Canons	208
	Clergy Trust Fund—Committee on	30
	" " —Management of.....	30, 31, 32
	" " —List of Annuitants on.....	32, 33
	Clerical Secretary—Officer of Synod.....	7
	" " —How Elected.....	7
	" " —Duties of.....	I, 9, 15
	" " to Take Charge of Securities.....	16
	" " to Call Roll of Clergy.....	9
	" " —Security to be Given by.....	16, 78
	" " —Salary of, whence payable.....	26
	" " —Salary of, amount of.....	26, 78
	Co-Adjutor Bishop—Member of Synod	1
	Collections at Opening of Synod.....	8
	" —Unauthorized.....	74
	" —Deductions from forbidden	83
	" —Received after close of year.....	83
	Committees—How Appointed.....	7, 9
	" —Standing	7
	" —Members of to continue until successors appointed.....	7
	" —Vacancies to be filled by Bishop.....	7
	" on Certificates of Delegates.....	8
	" —Reports of	9
	" —Proceedings of to be recorded.....	15
	" —List of.....	19
	" —Meetings of.....	19
	" —Duties of.....	19, 20
	" to Elect Chairman	20
	" to Make Rules and Regulations.....	20
	" —Quorum of, for business.....	20
	" —Ex-Officio Members of.....	20
	" on Domestic and Foreign Missions.....	29
	" on Episcopal Fund.....	30
	" on Clergy Trust Fund.....	30
	" on Widows' and Orphans' Fund.....	34
	" on Superannuation Fund.....	38
	" on Divinity Students' Fund.....	39

	PAGE.
Committees on Kingston Rectory	44
" on Depository	46
" on State of Church.....	47
" —Provisional—Chairmanship of.....	19, 20
Commissioners for Trial of Clergymen—Duty of.....	55
Conference—Resolution of Respecting Diocesan.....	84
Consecration of Bishop.....	234
Consideration of Motions.....	9
Constitution of Synod	1
" of Provincial Synod	193
Contested Seats in Synod.....	12, 13
Conveyances—Forms of	176
Correspondence—Reading of	9
Costs—Security for.....	55
Court of the Diocese.....	53
Court for Trial of Right to Seats in Synod.....	13
Custody of Deeds.....	18, 66
" of Parish Registers	67

D.

Deacons Licensed Members of Synod.....	1
" —Canon on.....	52
Deaths—Registration of	145
Deeds of Synod—Mode of Executing.....	14
Deeds of Church Property—Custody of.....	18, 67
Deceased Members of Synod—Resolution Respecting.....	80
Deductions from Collections not allowed.....	83
Delegates to Provincial Synod—When Elected.....	9
" " " " 	50, 51
Delegation of Powers of Executive.....	21
" " of Synod to Committee Authorized.....	122
Depository—Church Book	46
Diaconate—Canon on.....	52, 242
Diocesan Synod—Act Authorizing.....	114
" " —Court of.....	53
Dioceses—Sub-division of	48, 49, 221
Discipline—Canon on	53
Divinity Students' Fund—Canon on.....	39
" " " —Conditions of Grant.....	39
" " " —Collections for	82
Domestic and Foreign Mission Funds.....	28, 29
Domestic and Foreign Missionary Society—Canon on.....	242
Duties of Officers of Synod.....	15*

PAGE.

... 44
... 46
... 47
... 19, 20
... 55
... 84
... 234
... 9
... 1
... 193
... 12, 13
... 176
... 9
... 55
... 53
... 13
... 18, 66
... 67

... 1
... 52
... 145
... 14
... 18, 67
... 80
... 83
... 9
... 50, 51
... 21
... 122
... 46
... 52, 242
... 114
... 53
... 49, 221
... 53
... 39
... 39
... 82
... 28, 29
... 242
... 15*

E.

PAGE.

Election of Delegates to Provincial Synod.....	9, 50, 51
" of Members of Mission Board.....	9
" of Bishop.....	48, 49
" of Metropolitan Bishop.....	207
Endowment of Parishes.....	72
Episcopal Fund.....	30
" " —Committee on.....	30
Erection of Church Buildings.....	73
Evidence on Trial of Clergyman—How Taken.....	60
Execution of Deeds of Synod—Mode of.....	14
Executive Committee—Constitution of.....	20
" " —Quorum of.....	20
" " —Auditors Appointed by.....	21
" " —Powers and Duties of.....	21
" " —Delegation of Powers of.....	21
Expenses of Delegates to Synod to be borne by Parish.....	6
" " to Board of Missions.....	82
" of Synod—Provision for.....	25, 26

F.

Fees of Registrar.....	18
" for Certificate of Parish Register.....	63
" for Burial Plots.....	63, 99
" on Marriages.....	99
" on Baptisms.....	99
Finance Committee—Appointment and Duties of.....	25, 26
Fiscal Year—Termination of.....	24
Forms of Conveyances.....	176
" of Bequests.....	183
" of Trusts.....	184
Free Churches—Vestries of.....	62

G.

General Purpose Fund.....	45, 46
" " to be managed by Executive.....	46
Guarantee of Clerical Secretary—Premium on—How paid.....	26

I.

Income of Rectors limited.....	130, 131
Incorporation of Church Societies—Quebec and Toronto.....	106
" of Synod of Ontario.....	117
Insurance of Parsonage.....	69

	PAGE.
Interpretation of Canon	74
Investment of Synod Funds.....	22
Investment Committee—Duties of.....	16, 22
" " —Appointment of.....	22
" " —Quorum of.....	22

J.

Journal of Synod—Publication of	15
---------------------------------------	----

K.

Kingston Rectory—Surplus Income of.....	43-45
" " —Fund Committee on.....	44, 45

L.

Lay Readers—Canon on	247
Lay Representatives—Members of Synod	1
" " —Qualifications of	1, 2
" " —Election of.....	2
" " —Number for Each Cure.....	2
" " —Term of Service	2
" " —Disqualification of by Non-Payment of Parish Assessment	3
" " —Certificate of Election of.....	3, 4
" " —Seat of, How Vacated.....	3
" " Must Produce Certificate of Election.....	5
" " Must Elect Which Parish They will Represent....	5
" " —Consequence of Resignation of.....	6
" " —New Election for.....	6
" " —Expenses of to be Borne by Parish.....	6
" " —One Sufficient for Each Parish.....	7
Lay Secretary Officer of Synod.....	7
" " —How Elected.....	7, 8
" " —Attendance of at Synod	8
" " —Duties of at Synod.....	8
" " To call Roll of Laity.....	9
Leases of Church Lands Authorized.....	134, 142
Letters—Testimonial!.....	220
Library of Diocese—Resolution Respecting.....	81
Limitation of Proceedings Against Clergy.....	60
List of Members of Synod to be Prepared by Clerical Secretary.....	1, 4
" " " —Contents of.....	1, 4
Lotteries—Resolution Condemning.....	84

M.

PAGE.

Majority of Clergy and Lay Representatives Required to Validate Act or Resolution of Synod.....	7
Majority of Clergy and Lay Representatives Required to Alter or Amend Canon.....	8
Marriages—Act Respecting.....	153, 164
" —Registration of.....	145
" Within Prohibited degrees.....	240
Meeting for Election of Lay Representatives....	2
Meeting of Synod—Notice of.....	16
Members of Synod—Conduct of while in Session.....	11
Memorials—Presentation of.....	9
Metropolitan Bishop—Election of.....	207
" " —Powers of.....	209
" " —Court of Appeal.....	215
Ministering in Parishes—Canon on.....	219
Minutes of Proceedings of Synod—How Kept.....	16, 17
" " " —Reading of.....	9
" " " on Last Day—How Confirmed.....	9
Minutes of Sitzings of Committees.....	15
Mission Board—Members of, when Elected.....	9
" " —Constitution of.....	27
" " —Rules of Order and By-Laws of.....	85
Mission Fund—Diocesan—How Constituted.....	27
" " " —Collections for.....	27
" " " —Domestic and Foreign.....	28, 29
Missions—Classification of.....	28
Missionary Bishops.....	222
Moneys of Synod—By whom to be received.....	15
" " —How Dealt With.....	15
" " —Account of.....	15
" " —Deposit of in Bank.....	15
" " —Investment of.....	16
Mortgages of Synod—Custody of.....	16
Mortgaging Church Lands Authorized.....	129, 133, 134, 142
Mortgaging Churches—Resolution Respecting.....	83
Mortmain Acts —Provisions of Church Temporalities Act Respecting.....	99, 100
Motions to Suspend Rules of Order.....	12
" —Notices of.....	9
" —Consideration of.....	9
Mountain Memorial Canonry—Resolution Respecting.....	80, 81

N.

Notice of Motion—Giving of.....	9
Notice of Meeting of Synod.....	16
" " " —Contents of.....	16, 21

PAGE.

....	74
....	22
....	16, 22
....	22
....	22
....	15
....	43-45
....	44, 45
....	247
....	I
....	I, 2
....	2
....	2
....	2
ish	
....	3
....	3, 4
....	3
....	5
....	5
....	6
....	6
....	6
....	6
....	7
....	7
....	7, 8
....	8
....	8
....	8
....	9
....	134, 142
....	220
....	81
....	60
....	I, 4
....	I, 4
....	84

O.

	PAGE.
Oaths and Subscriptions of Clergy	234
Offences for which Clergymen are Triable.....	54
Offertory at Christmas.....	73
Officers of Synod—Who are.....	7
“ “ —How Elected.....	7, 8
“ “ —Qualification of.....	7
“ “ —Vacancies Filled up by Bishop.....	7
“ “ —Duties of.....	15
Opening of Synod.....	8
Order of Proceedings at Synod.....	8
“ of Business at Synod.....	9
“ —Rules of.....	10
“ —Questions of, how decided.....	11
“ of Proceedings at Provincial Synod.....	199, 200
Organist—How Appointed	66, 99
Organization of Synod.....	77

P.

Parishes—Assessment of.....	25, 26
“ —Formation of.....	70
“ —Boundaries of.....	70
“ —Division of.....	71
“ —Endowment of.....	72
Parish Registers—Custody of.....	67
Parsonages—Canon Respecting	67
“ —Repair of.....	68
“ —Improvement of.....	68
“ —Insurance of.....	69
“ —Occupation of.....	69
Patronage of Rectories.....	50
Payments of Synod—Must be Authorized by Executive.....	21
“ “ —How made.....	23
Pews—How to be Leased.....	65
“ —Sale of Prohibited.....	66
“ —Rents of Fixed by Vestry.....	65
Pew-Holders—Rights of.....	96, 97
Powers of Metropolitan	209
Prayer Book—Alterations in	233
Priests Licensed by Bishop Members of Synod.....	1
Proceedings—Order of.....	8
“ for Trial of Clergyman.....	55
Prohibited Degrees—Marriage within.....	240
Protest not Allowed on Minutes of Proceedings.....	12

PAGE.		PAGE.
234	Provincial Synod—Delegates to—When Elected.....	9
54	" " —Election, of Delegates to.....	50, 51
73	" " —Act Authorizing Formation of.....	114
7	" " —Declaration of.....	191
7, 8	" " —Constitution of.....	193
7	" " —Order of Proceedings of.....	199, 200
7	" " —Rules of Order of.....	201
15	" " —Assessment of—How Paid.....	26
8	Punishment of Clergy.....	58
8		
9		
10		
11		
200		
56, 99		
77		
	Q.	
	Quorum of Synod for Business.....	7
	" of Committees for Transaction of Business.....	20
	" of Executive Committee.....	20
	" of Investment Committee.....	22
	" of Audit and Accounts Committee.....	24
	R.	
25, 26	Rectors—Appointment of Confirmed.....	124
70	Rectories—Act Respecting.....	123
70	" —Endowment of Discontinued.....	124
71	" —Patronage of.....	50, 124
72	Rectory Lands Fund.....	40-43
67	Rectory Lands—Sale of.....	40, 125, 130
67	" " " —Proceedings for.....	40
68	" " " —Appointment of Valuers.....	40
68	" " " —Valuation of.....	41
69	" " " —Mode of Sale.....	41, 42
50	" " " —Expenses of Sale.....	42
21	" " " —Account of.....	42, 43, 126
23	" " " —Investment of Proceeds.....	126
65	" " " —Disposition of Surplus Income.....	126
66	" " " —Extension of Act Respecting.....	128
65	Registrar of Diocese—How Appointed.....	17
96, 97	" " —Duties of.....	17
209	" " to have Custody of Deeds.....	18
233	" " to keep Record of Clergy.....	18
1	" " to issue Certificates.....	18
8	Registration of Births—Act Respecting.....	145
55	" of Marriages—Act Respecting.....	145
240	" of Deaths—Act Respecting.....	145
12	Religious Equality Provided for.....	123
	" Institutions—Property of—Act Respecting.....	131
	Repeal of Existing Canons.....	74

	PAGE.
Reports of Committees—Presentation and Discussion of.....	9
" " Must be in Writing.....	12
" " Signed by Chairman.....	12
" " —Reception of.....	12
Representation of Diocese of Algoma.....	243
Resignation—Episcopal.....	220
Resolution of Synod.....	77
Rules of Order.....	10
" " —Suspension of.....	12
" " of Provincial Synod.....	201
Rural Deans—Board of.....	78
" " —Duties of.....	82
" " —Instructions to.....	90

S.

Salaries of Officials.....	77
Salary of Clerical Secretary.....	78
Sale of Church Lands Authorized.....	121, 135, 142
Scandal in Connection with Clergymen.....	54
Scriptures—Alterations in.....	233
Seal of Synod.....	14
Seats in Synod—How Contested.....	13
Securities of Synod—Custody of.....	16
Security to be Given by Clerical Secretary.....	16, 78
Service of Church—Alteration of.....	224
Service—Short Form of.....	225 et seq
Sexton—How Appointed.....	66, 99
Short Form of Service.....	225 et seq
Sittings in Church—How Leased.....	65
Statistics—Canon on.....	46, 47
Statutes—See Table of Contents where a list of them appears in full..	
Statutes Affecting Ecclesiastical Rights—List of.....	174
Strange Clergymen—Officiating.....	222
Sub-Division of Diocese.....	48, 49
Submission of Clergy to Canons.....	208
Superannuated Clergy Members of Synod.....	1
Superannuation Fund.....	37, 38
" " —Administration of.....	38
Sunday Schools—Resolution Respecting.....	79
Suspending Rules of Order—Motion for.....	12
Sustentation Fund—Interest of goes to Mission Fund.....	27
Synod of Ontario—Constitution of.....	1
" " —Membership of.....	1
" " —Organization of.....	7
" " —Time and Place of Meetings of.....	7

PAGE.
9
12
12
12
243
220
77
10
12
201
78
82
90

77
78
35, 142
54
233
14
13
16
16, 78
224
et seq
66, 99
et seq
65
46, 47
174
222
48, 49
208
1
37, 38
38
79
12
27
1
1
7
7

PAGE.

Synod of Ontario—Meetings of Called by Bishop.....	7
“ “ —Quorum of for Business	7
“ “ —Opening of.....	8
“ “ —Collection at.....	8
“ “ to be Opened with Prayer.....	9
“ “ —Act Incorporating	117
“ “ —Powers Given to	117 et seq
“ “ —Delegation of Powers of Provided for.....	122
“ “ —Act Extending Powers	128
“ “ —Seal of	14

T.

Temperance Society—Resolution Respecting.....	81
“ “ —Committee on.....	81
Testimonial Letters.....	220
Title of Church Property—How Vested.....	94
Treasurer of Synod—Officer of Synod.....	7
“ “ —How Elected	8
“ “ —Custody of Securities.....	16
“ “ —Duties of	17
“ “ —Ex-Officio Member of Executive Committee, to Sign Cheques	17
Trial of Bishop	210
Trial of Clergymen.....	54 to 61
Trusts Authorized by Church Temporalities Act.....	104
“ “ by Act Incorporating Church Societies.....	113
“ —Forms of	184

U.

Unauthorized Collections	74
Unfinished Business—Taking up.....	9
“ “ Dropped from Order Papers.....	77

V.

Vacancies in Committees or Officials to be Filled up by Bishop.....	7
Vestries—Canon on	61
“ —Who are members of	61
“ of Free Churches.....	62
“ —Organization of.....	62
“ —Chairman of.....	62
“ —Clerk of.....	62
“ Held on Easter Monday.....	62
“ —Notice of Meeting of.....	62, 63
“ —Duties of.....	63

	PAGE.
Vestries—Special Meeting of	63
“ —Powers of	63
“ —Appointment of Churchwardens at	64
Vestry—Provisions of Church Temporalities Act Respecting	94, 95
Vestry Clerk—How Appointed	66, 99
Votes for or against Motion may be Recorded	12
Voters for Lay Representatives—Qualification of	2
“ “ “ —Registration of	2
“ “ “ —Declaration by	2
“ “ “ to Vote Only in one Congregation	2
Voting on Motion in Synod—How Conducted	11

W.

Widows and Orphans Fund	34-37
-------------------------------	-------

Y.

Year—Fiscal—Termination of	24
----------------------------------	----

PAGE.

..... 63
..... 63
..... 64
..... 94, 95
..... 66, 99
..... 12
..... 2
..... 2
..... 2
..... 2
..... 2
..... 11

..... 34-37

..... 24

