

W. G. A. A. A. A. A.

REPORT OF COMMITTEE
ON
CANONS.

REV. DR. BEAVEN, CHAIRMAN.

[Ordered by the Synod to be printed and distributed among the Members; to be taken into consideration next Session of Synod.]

The Committee appointed to examine into the existing Canons of the United Church of England and Ireland, and the Laws of the United Kingdom applicable to the said Church, and to report on such canons as, with or without change, it may be desirable that the Synod should declare to be in full force in this Diocese, and on such laws as appear to be in force at present, or may be desirable to be enacted as rules of order or discipline in this Diocese, beg leave to report as follows :

They have examined the Canons of the Province of Canterbury of the year 1603, which is the body of Canons generally accepted by the Bishops and Clergy of the United Church, and quoted as of authority in the English Ecclesiastical Courts; and they find them divided into the following heads :

1. The King's Supremacy over the Church of England, in causes ecclesiastical, to be maintained.
2. Of Divine Service and administration of the Sacraments.
3. Ministers, their ordination, function and charge.
4. School-masters.
5. Things appertaining to churches.

6. Churchwardens, or Questmen and Sidemen or Assistants,
7. Parish Clerks.
8. Ecclesiastical Courts, belonging to the Archbishop's jurisdiction.
9. Ecclesiastical Courts, belonging to the jurisdiction of Bishops and Archdeacons.
10. Judges ecclesiastical and their surrogates.
11. Probates.
12. Registrars.
13. Apparitors.
14. Authority of Synods.

Of these the 10th, 11th, 12th, 13th and 14th consist wholly of matter, which is either inapplicable in this Colony, or with which a Diocesan Synod has nothing to do. The rest contains more or less matter, which it may be advisable to re-adopt and declare to be in force in this Diocese, either wholly or in part, or with modifications. The committee have examined the canons contained in them with great care, and beg leave to present them for the adoption of the Synod in the following form. They have likewise added three canons of ecclesiastical discipline, derived chiefly from existing canons of the Church in the United States, with modifications in order to adapt them to our own circumstances.

I.—OF THE QUEEN'S SUPREMACY.

(1*.) All foreign *ecclesiastical* power (forasmuch as the same hath no establishment or ground by the law of God) is for most just causes taken away and abolished: and therefore no manner of obedience or subjection, within her Majesty's realms and dominions, is due unto any such foreign power; but the Queen's power, within her realms of England, Scotland and Ireland and all other her dominions or countries, is the highest power under God; to whom all

* The numbers in brackets are those of the original Canons. The words and pages printed in italics are alterations or additions to the original Canons. The omissions are not noted.

men, as well inhabitants as born within the same, do by God's laws owe most loyalty and obedience, afore and above all other powers and potentates in earth.

II.—OF DIVINE SERVICE AND ADMINISTRATION OF THE SACRAMENTS.

1. (13.) All manner of persons within the Church *in this Diocese*, shall from henceforth celebrate and keep the Lord's Day, commonly called Sunday, and other Holy-days, according to God's holy will and pleasure, and the order of the Church of England prescribed in that behalf; that is, in hearing the word of God read and taught; in private and public prayers; in acknowledging their offences to God, and amendment of the same; in reconciling themselves charitably to their neighbours, where displeasure hath been; in oftentimes receiving the communion of the body and blood of Christ; in visiting of the poor and sick; using all godly and sober conversation.

2. (14.) The Common Prayer shall be said or sung distinctly and reverently, upon such days as are appointed to be kept holy by the Book of Common Prayer, and their Eves; and at convenient and usual times of those days; and in such place of every Church as the Bishop shall think meet, so as the people may be most edified. All Ministers likewise shall observe the Orders, Rites and Ceremonies, prescribed in the Book of Common Prayer, as well in reading the Holy Scriptures, and saying of prayers, as in the administration of the Sacraments; without either diminishing, in regard of preaching, or in any other respect, or adding any thing in the matter or form thereof, *without the sanction of the Bishop*.

3. (16.) In the whole Divine Service, and administration of the Holy Communion, in *Trinity College, or in any other College under the jurisdiction of the Bishop*, the Order, Form and Ceremonies shall be duly observed, as they are set down in the Book of Common Prayer, without any omission or alteration.

4. (17.) All *Members* of Colleges shall, in their chapels, upon all Sundays, Holy-days, and their Eves, at the time of Divine Service, wear surplices, according to the order of the Church of England: and such as are graduates shall agreeably wear with their surplices such hoods as do severally appertain to their degrees; *and all Priests shall wear a scarf or stole of black silk.*

5. (18.) In the time of Divine Service, and in every part thereof, all due reverence is to be used. No man shall cover his head in time of Divine Service, except he have some infirmity; *and then not with such a covering as he uses to wear in the open air.* All manner of persons then present shall reverently kneel upon their knees, when the general Confession, Litany and other prayers are read; and shall stand up at the saying of the Belief, *and at the singing or saying of Psalms, Anthems or Hymns, and the Ascription of Glory to God at the end of sermons;* according to the rules in that behalf prescribed in the Book of Common Prayer, *and the devout and ancient customs of the Church;* and likewise when in the time of Divine Service the Lord Jesus shall be mentioned, due and lowly reverence shall be done by all persons present, as hath been accustomed; testifying by these outward ceremonies and gestures their inward humility, Christian resolution, and due acknowledgment that the Lord Jesus Christ, the true eternal Son of God, is the only Saviour of the world; in whom alone all the mercies, graces and promises of God to mankind, for this life and the world to come, are fully and wholly comprised. None, either man, woman, or child, of what calling soever, shall be otherwise at such times busied in the Church, than in quiet attendance to hear, mark, and understand that which is read, preached, and ministered; saying in their due places audibly with the minister the Confession, the Lord's Prayer, and the Creed; and making such other answers to the public prayers, as are appointed in the Book of Common Prayer: neither shall they disturb the service or sermon, by walking or talking, or

any other way; nor depart out of the Church during the service or sermon, without some urgent or reasonable cause.

6. (19.) The Churchwardens, and their assistants, shall not suffer any idle person to abide, either in the Church-yard or Church porch, during the time of Divine Service, or Preaching; but shall cause them either to come in, or to depart.

7. (20.) The Churchwardens, against the time of every Communion, shall, at the charge of the Parish, with the advice and direction of the Minister, provide a sufficient quantity of fine white Bread, and of good and wholesome *red* Wine, for the number of Communicants which shall from time to time receive there.

8. (21.) In every Church and Chapel, where Sacraments are administered *by the license of the Bishop*, the holy Communion shall be ministered so often, and at such times, as every parishioner may communicate at the least thrice in the year—whereof the feast of Easter to be one.

9. (22.) Whereas every Lay-person is bound to receive the Holy Communion thrice every year, and many notwithstanding do not receive that Sacrament once in a year; we do require every Minister to give warning to his Parishioners publicly in the Church *from time to time, and at least four times in every year*, on the Sunday before the time of his administering that Holy Sacrament, for their better preparation of themselves; which said warning we enjoin the said parishioners to accept and obey.

10. (25.) In the *time of Divine Service and Prayers, in the Cathedral Church*, the Clergy of the Church shall wear Surplices; and those who are graduates shall daily, at the time both of prayer and preaching, wear with their Surplices such Hoods as are agreeable to their degrees.

11. (27.) No Minister, when he celebrateth the Communion, shall willingly administer the same to any but to such as kneel, *except in case of bodily infirmity*; nor to any that refuse to be present at public prayers, according to the order of the Church; nor to any that are common and notorious depra-

vers of the Book of Common Prayer and administration of the Sacraments, and of the orders, rites and ceremonies therein prescribed, or of any thing contained in the Book of ordering *Bishops, Priests, and Deacons*; except every such person shall first acknowledge to the Minister, before the Churchwardens, his repentance for the same. Provided, that every Minister, so repelling any, *shall signify the cause thereof to the Bishop*, and therein obey his order and direction.

12. (29.) Ministers shall take care that Godfathers and Godmothers be persons of good conversation, and (as far as may be) communicants of the Church.

III.—MINISTERS, THEIR ORDINATION, FUNCTION AND CHARGE.

1. (31) Forasmuch as the ancient Fathers of the Church, led by the example of the Apostles, appointed prayers and fasts to be used at the solemn Ordering of Ministers; and to that purpose allotted certain times, in which only sacred orders might be given or conferred: we, following their holy and religious example, do constitute and decree, that no Deacons or Priests be made and ordained, but only upon the Sundays immediately following the Ember weeks, appointed in ancient time for prayers and fasting, purposely for this cause; and that this be done in the Cathedral Church, and in the time of Divine Service, in the presence of the Archdeacon, and of three or four Ministers to be chosen by the Bishop.

2. (32.) The office of Deacon being a step or degree to the Ministry, according to the judgment of the ancient Fathers, and the practice of the primitive Church, no Bishop shall make any person, of what qualities or gifts soever, a Deacon and a Minister both together in one day; but that the order in that behalf prescribed in the Book of making and consecrating Bishops, Priests, and Deacons, *shall* be strictly observed. Not that always every Deacon should be kept from the Ministry a whole year, when the Bishop shall find

good cause to the contrary; but that there may ever be some time of trial of their behaviour in the office of Deacon, before they be admitted to the order of Priesthood.

3. (33.) It hath been long since provided by many decrees of the ancient Fathers, that none should be admitted either Deacon or Priest, who had not first some certain place where he might use his function. According to which examples we do ordain, that henceforth no person shall be admitted into sacred orders, except he shall at that time exhibit to the Bishop a presentation of himself to some ecclesiastical preferment then void, or a certificate that he is provided of some church where he may attend the cure of souls, or that he is a Fellow or in right as a Fellow, in some college in Cambridge or Oxford; or except by the Bishop himself, that doth ordain him Minister, he be shortly after to be admitted to some Benefice or Curateship then void, or *except he be a Professor in Trinity College, or some other College, under the jurisdiction of the Bishop, or a Missionary in the Diocese, or in the employment of some Missionary Society approved by the Bishop.* And if the Bishop shall admit any person into the Ministry, that hath none of these titles aforesaid, then he shall keep and maintain him in all things necessary, *till he be provided with some sufficient cure.*

4. (34.) No Bishop shall henceforth admit any person into sacred orders, who is not of his own Diocese, unless he be either of *some University in connexion with the United Church of England and Ireland*, or except he shall bring letters dimissory from the Bishop of whose Diocese he is; and desiring to be a Deacon, is three and twenty years old; and to be a Priest, four and twenty years complete; and hath taken some degree in either of the said Universities; or at least, except he be able to yield an account of his faith in Latin, according to the *39 Articles of Religion*, and to confirm the same by sufficient testimonies out of Holy Scripture; and except moreover he shall then exhibit letters testimonial of his good life and conversation, under

the seal of the *College where he studied*, or of three or four grave Ministers, who have known his life and conversation by the space of three years next before, together with a certificate that his intention to offer himself for holy orders hath been duly published in the Church where he resideth, and that no objection was alleged.

5. (35.) The Bishop, before he admit any one to holy orders, shall diligently examine him, *either himself, or by such well qualified Ministers as he shall appoint, of whom the Archdeacon to be one, in his knowledge of the Holy Scriptures, and of the Doctrines, Discipline, Constitution and History of the Church.*

6. (36.) No person shall hereafter be admitted into the Ministry, nor to any Ecclesiastical Living, nor suffered to preach, except he be licensed, either by the Archbishop or by the Bishop of the Diocese, under their hands and seals; and except he shall first subscribe to these three Articles following, in such manner and sort as we have here appointed :

I. That the Queen's Majesty, under God, is the only Supreme Governor of this realm, and of all other her Highness's dominions and countries, as well in all spiritual or ecclesiastical things or causes, as temporal: and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within her Majesty's said realms, dominions and countries.

II. That the Book of Common Prayer, and of Ordering of Bishops, Priests and Deacons, containeth in it nothing contrary to the word of God; and that it may lawfully so be used; and that he himself will use the form in the said book prescribed, in public prayer and administration of the sacraments, and none other.

III. That he alloweth the Book of Articles of Religion, agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy, in the convocation holden in London in the year of our Lord God, one thousand five

hundred and sixty two; and that he acknowledgeth all and every the Articles therein contained, being in number nine and thirty, besides the Ratification, to be agreeable to the Word of God,

To these three Articles whosoever will subscribe, he shall, for the avoiding of all ambiguities, subscribe in this order and form of words, setting down both his Christian and Surname, viz.: *I, N. N., do willingly and ex animo subscribe to these three Articles above mentioned, and to all things that are contained in them.*

7. (37.) None licensed as is aforesaid, to preach, read lecture, or catechise, coming to reside in *this* diocese, shall be permitted to preach, read lecture, catechise, or minister the sacraments, or to execute any other ecclesiastical function, unless he first consent and subscribe to the three Articles before mentioned in the presence of the Bishop of the Diocese.

8. (38.) If any Minister, after he hath once subscribed to the said three Articles, shall omit to use the form of Prayer, or of any of the orders or ceremonies prescribed in the *Book above mentioned*, let him be suspended; and if, after a month, he do not reform and submit himself, let him be excommunicated; and then if he should not submit himself in the space of another month, let him be deposed from the ministry.

9. (39.) No Bishop shall institute any to a benefice, who hath been ordained by any other Bishop, except he first show unto him his Letters of Orders, and bring him a sufficient testimony of his former good life and behaviour, if the Bishop shall require it; and lastly, shall appear, upon due examination, to be worthy of his ministry.

10. (47.) Every Minister, having cure of souls, and being constrained upon urgent occasion to be absent from his cure, shall provide that his place be supplied by one who has been approved by the Bishop; *unless this Canon shall in any special case be dispensed with by the Bishop or his Commissary.*

Of a Clergyman absenting himself from the Diocese.

11. When a Clergyman has been absent from the Diocese during twelve months, without reasons satisfactory to the Bishop thereof, he shall be required by the Bishop to declare in writing the cause or causes of his absence; and if he refuse to give his reasons, or if these be deemed insufficient by the Bishop, the Bishop may suspend him from the ministry; which suspension shall continue, until he give in writing sufficient reasons for his absence, or until he shall renew his residence in the Diocese.

12. (48.) No Curate or Minister shall be permitted to serve in any place without examination and admission of the Bishop; *nor shall any coming from another diocese be admitted to serve without testimony in writing of the Bishop of the Diocese* whence they come, of their honesty, ability, and conformity to the *doctrine and discipline* of the Church.

13. (49.) No person whatever, not examined and approved by the Bishop of the diocese, or not already licensed for a Preacher, shall take upon him to expound any scripture or matter of doctrine; but shall only study to read plainly and aptly the Homilies set forth by lawful authority, *or such other sermons as may be approved by the Bishop or Curate.*

14. (50.) *No Minister shall suffer any person to preach in his Church or Church-yard, whom he does not believe on sufficient ground to be in Holy Orders in the United Church of England and Ireland, or some Church in communion with the same, and not under ecclesiastical censure; and any Churchwarden, having doubts thereof, may require any stranger to exhibit his license.*

15. (52.) That the Bishop may understand (if occasion so require) what sermons are made in every church of his Diocese, and who presume to preach without License, the Churchwardens shall see that the names of all preachers which come to their Church from any other place be noted in a book, which they shall have ready for that purpose;

wherein every Preacher shall subscribe his name, the day when he preached, and the name of the Bishop of whom he had license to preach.

16. (53.) If any Preacher shall, in the pulpit particularly, or namely of purpose, impugn or confute any doctrine delivered by any other Preacher in the same Church, or in any Church near adjoining, before he hath acquainted the Bishop of the Diocese therewith, and received order from him what to do in that case; (because, upon such public dissenting and contradicting there may grow much offence and disquietness unto the people), the Churchwardens or party grieved shall forthwith signify the same to the said Bishop: *and the Churchwardens* shall not suffer the said Preacher any more to occupy that place which he hath once abused, except he faithfully promise to forbear all such matter of contention in the Church, until the Bishop hath taken further order therein; who shall with all convenient speed so proceed therein, that public satisfaction may be made in the congregation where the offence was given. Provided, that if either of the parties offending do appeal, he shall not be suffered to preach until the case is decided.

17. (54.) If any man licensed heretofore to preach, shall at any time from henceforth refuse to conform himself to the Laws, Ordinances, and Rites Ecclesiastical, established in *this Diocese*, he shall be admonished by the Bishop or *his Commissary*; and if, after such admonition, he do not conform himself within the space of one month, we determine and decree, that the license of every such Preacher shall be utterly void and of no effect.

18. (58.) Every Minister, saying the public Prayers, or ministering the Sacraments or other Rites of the Church, shall wear a decent and comely surplice with sleeves, to be provided at the charge of the parish. And if any question arise as to the matter, decency or comeliness thereof, the same shall be decided by the discretion of the *Bishop or Archdeacon*. Furthermore, such Ministers as are Graduates

shall wear upon their surplices, at such times, such hoods as, by the orders of the Universities, are agreeable to their degrees; which no Minister shall wear, not being a Graduate; and all Priests shall wear scarfs or stoles of black silk.

19. (59.) Every Parson or Curate, upon every Sunday or Holy-day, after the second lesson of Evening Prayer, or at any time before Morning or Evening Prayer, shall, for half an hour or more, examine and instruct the youth of his Parish, either by himself or by some other person or persons, in the Church Catechism. And all parents, masters and mistresses shall cause their children, servants and apprentices, which have not learned the Catechism, to come to the Church at the time appointed, obediently to hear and to be ordered by the Minister, until they have learned the same.

20. (60.) Forasmuch as it hath been a solemn, ancient, and laudable custom in the Church of God, continued from the Apostles' times, that all Bishops should lay their hands upon children baptized and instructed in the Catechism of Christian Religion, praying over them, and blessing them, which we commonly call Confirmation; and that this holy action hath been accustomed in the Church in former ages, to be performed in the Bishop's visitation at least every third year; we will and appoint, That every Bishop in his accustomed visitation, do in his own person carefully observe the said custom. And if in that year, by reason of some infirmity, he be not able personally to visit, then he shall not omit the execution of that duty of Confirmation the next year after, as he may conveniently.

21. (61.) Every Minister that hath the cure and charge of souls, for the better accomplishing of the orders prescribed in the Book of Common Prayer concerning Confirmation, shall take especial care that none shall be presented to the Bishop for him to lay his hands on, but such as can render an account of their faith according to the Catechism in the said book contained. And when the Bishop shall assign any time for the performance of that part of his duty, every such

Minister shall use his best endeavour to prepare and make able, and likewise to procure as many as can, to be then brought, and by the Bishop to be confirmed.

22. (62.) No Minister, upon pain of suspension *for three years*, shall celebrate Matrimony between any persons, without a faculty or license, granted by some *person having legal authority to grant licenses*; except the Banns of Matrimony have been first published three several Sundays or Holy-days, in the time of Divine Service, in the *Church* where the said parties dwell, (*if there be such in the Cure*); and if not, in the place where *Divine Service is held*, according to the Book of Common Prayer. Neither shall any Minister, upon the like pain, under any pretence whatever, join any persons so licensed at any unreasonable times, but only between the hours of *six* in the morning and *six* in the evening, nor in any private place, but in either of the said Churches where one of them dwelleth, *if there be such*; nor when Banns are thrice asked, before the parents or governors of the parties to be married, being under the age of twenty and one years, shall either personally, or by sufficient testimony, signify to him their consents given to the said marriage.

23. (67.) When any person is dangerously sick in any parish or *cure*, the Minister or Curate, having knowledge thereof, shall resort unto him or her (if the disease be not known or probably suspected to be infectious; *in which case he may use his discretion*) to instruct and comfort them in their distress; according to the order of the book of Common Prayer, if he be a *Deacon*; or if he be a *Priest*, then as he shall think most needful and convenient.

24. (68.) No Minister shall refuse or delay to christen any child according to the form of the Book of Common Prayer, that is brought to the Church to him to be christened upon Sundays or Holy-days, *or on such days as are appointed for that purpose*; or to bury any corpse that is brought to the Church or Church-yard, (convenient warning being

given to him thereof before) in such manner and form as is prescribed in the said book of Common Prayer.

25. (69.) If any Minister, being duly *and correctly*, without any manner of collusion, informed of the weakness and danger of death of any infant unbaptized in his parish, and thereupon desired to go or come to the place where the said infant remaineth, to baptize the same, shall either wilfully refuse so to do, or of purpose or of gross negligence shall so defer the time, as, when he might conveniently have resorted to the place, and have baptized the said infant, it dieth, through such his default, unbaptized; the said Minister shall be *liable to such censure as to the Bishop shall appear just*. Provided that where there is a Curate or substitute, this constitution shall not extend to the Parson himself, *if he hath remitted to the Curate or substitute the performance of that duty*.

26. (70.) In every Church shall be provided one book at the charge of the Parish wherein shall be written the day and year of every Christening, Wedding or Burial. And for the safe keeping of the said book the Churchwardens shall provide, at the charge of the parish, *a secure chest, to be under the direction of the Minister*.

27. (71.) No Minister shall preach or administer the Holy Communion in any *other than a public congregation*; except when any, being either so impotent that he cannot go to the Church, or very dangerously sick, are desirous to be partakers of the Holy Sacrament.

29. (75.) No ecclesiastical person shall at any time, other than for their honest necessities, resort to any tavern; neither shall they *without urgent cause* board or lodge in any such places. Furthermore, they shall not spend their time idly by day or by night; but at all times convenient they shall hear or read somewhat of the Holy Scriptures, or shall occupy themselves with some other honest study or exercise, always doing the things which shall appertain to honesty, and endeavouring to profit the Church of God; having

always in mind, that they ought to excel all others in purity of life, and should be examples to the people to live well and christianly.

30. (76.) No man being admitted a Deacon or Priest shall from thenceforth voluntarily relinquish the same, nor afterwards use himself in the course of his life as a layman. And the names of all such men, so forsaking their calling, the Churchwardens of the Parish where they shall dwell shall present to the Bishop.

IV.—SCHOOLMASTERS.

1. (77.) No man shall teach *in any Church Grammar School or Parochial School*, but such as shall be licensed by the Bishop, being found meet, as well for his training and skill in teaching, as for sober and godly conversation, and also for right understanding of God's true religion; and also except he shall first subscribe to the first and third Articles of the 38th Canon, and to the two first clauses of the second Article.

2. (79.) All such Schoolmasters shall teach the children *the Church Catechism, and such other Catechism as shall be approved by the Bishop*. And, as often as Divine Service shall be upon holy and festival days within the parish where they teach, they shall bring their scholars to the Church, and there see them quietly and soberly behave themselves; and shall examine them after their return, what they have borne away of any sermon then made, *and instruct them in the nature and ends of the holy day*. Upon other days they shall train them up in such *knowledge* of Holy Scripture as shall be most expedient to *draw them on* to all godliness. And if any schoolmaster, being duly licensed, shall offend in any of the premises, or either speak, write or teach against any thing whereunto he hath formerly subscribed, if upon admonition by the *Bishop* he do not amend and reform himself, let him be suspended from teaching *any such school*.

V.—THINGS APPERTAINING TO CHURCHES.

1. (80.) The Churchwardens of every Church shall, at

the charge of the parish, provide the Book of Common Prayer, the Bible, a book for the Communion Table, and a Book of Offices, of such kind as may be approved by the Minister.

2. (81.) There shall be a Font of stone in every Church, so soon as can be conveniently provided; the same to be set in the ancient usual places; in which only Font the Minister shall baptize publicly.

3. (82.) A convenient and seemly Table shall be provided in every Church for the celebration of the Holy Communion; and covered in time of Divine Service, with a covering of silk or other decent stuff, such as shall be thought fit by the Bishop, if any question be made of it, and with a fair linen cloth at the time of the Ministration, as becometh that Table: and the Ten Commandments shall be set up at the east end of every Church, where the people may best see and read the same; and other chosen sentences written upon the walls of the said Churches; and likewise a convenient seat for the Minister to read service in. All these to be done at the charge of the parish.

4. (83.) The Churchwardens, at the common charge of the parishoners in every Church, shall provide a comely and decent Pulpit, to be set in a convenient place within the same, by the discretion of the Bishop or Archdeacon, (if any question do arise); and to be there seemly kept for the preaching of God's Word.

5. (85.) The Churchwardens shall take care and provide that the Churches be well and sufficiently repaired, and so from time to time kept and maintained, that the windows be well glazed, and that the floors be kept plain and even, and all things there in such orderly and decent sort, without dust, or any thing that may be either noisome or unseemly, as best becometh the House of God. The like care they shall take that the Church-yards be well and sufficiently repaired, fenced and maintained with walls, rails or pales, at the common charge of the parishoners.

6. (86.) Every Dean of a Cathedral Church or Archdeacon shall survey the Churches of his or their jurisdiction once in every three years in his own person, or cause the same to be done; and *signify to the Churchwardens or to the Bishop what repairs they think necessary.*

7. (88.) The Churchwardens shall suffer no meetings for worldly business or amusement to be held in the Church or Church-yard; neither the bells to be rung without good cause, to be allowed by the Minister of the Parish and by themselves.

VI.—CHURCHWARDENS AND INFERIOR OFFICERS.

1. (89.) All Churchwardens shall be chosen yearly in Easter week, by the joint consent of the Minister and the Parishoners, if it may be: *but if they cannot agree upon such a choice, then according to the provisions of the Act 3 & 4 Vict., commonly called the Church Temporalities Act.* And all Churchwardens, at the end of their year, or within *fourteen days after their successors have been appointed,* shall before the Minister and Parishoners give up a just account of such money as they have received, and expended.

2. (91.) *No Sexton or other subordinate officer of the Church shall be appointed by the Churchwardens without the consent of the Minister of the Parish; and the Sexton, when chosen, shall be under the direction of the Minister and Churchwardens, to ring the bell for Divine Service, to attend upon them, to take due care of the books and other things pertaining to Divine Service, to keep the Church clean, and to keep order therein. And the said Sexton and other officers shall receive their wages from the Churchwardens.*

VII.—MARRIAGES.

1. (99.) 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 1563; and all marriages so made shall be held to be incestuous and unlawful.

2. (100.) No children under the age of one and twenty years complete shall contract themselves or marry, without the consent of their parents, or of their guardians and governors, if their parents be deceased; and any Minister knowingly marrying such children without such consent shall be liable to suspension at the discretion of the Bishop.

VIII.—ECCLESIASTICAL COURTS.

I.—Of a Diocesan Court.

There shall be a Court of this Diocese, for the trial of Clergymen, which shall consist of six Clergymen, being in Priests' Orders and actually officiating in the Diocese. The Archdeacon, or if there be more than one, the two senior Archdeacons of the Diocese, shall ex-officio be members of the said Court; and the residue shall be chosen by the Synod whilst in session by ballot. Two members so chosen shall annually retire from office by rotation, and their successors be elected by ballot. Retiring members may be re-elected.

II.—Of the Trial of Clergymen.

§ 1.—The trial of a Minister, whether Priest or Deacon, shall be on presentment in writing, specifying the offence of which he is alleged to be guilty, with reasonable certainty as to the time, place, and circumstances. Such presentment may be made for any crime or immorality, for heresy, or for violation of the constitution or canons of this Church. Said presentment may be made to the Bishop of the Diocese by the Churchwardens of the parish or cure of the said Minister; or by not less than three others of his parishioners being communicants; or by two Clergymen being priests and officiating in this Diocese.

§ 2.—The Bishop, or in his absence the Archdeacon or his Commissary shall, on receiving such presentment, nominate three members of the Court provided aforesaid, to make inquiry and ascertain whether there is a *prima facie* case against the accused, so as to warrant further proceedings;

and they shall communicate to the Bishop without delay the result of such inquiry.

§ 3.—If it be represented to the Bishop, or in his absence to his Commissary, that there does exist such *prima facie* case, then the Bishop, or in his absence the Archdeacon or his Commissary, shall without delay cause a copy of the presentment to be served on the accused, and shall give notice with all convenient speed to the members of the Court as provided aforesaid, appointing a time and place for their assembling together; there being not less than three members of said Court necessary for such trial, besides the Archdeacon of the archdeaconary to which the accused belongs. He shall also at the same time cause at least thirty days' notice of the time and place of meeting to be given, both to the accused and to the parties presenting him, and shall also call on the accused by a written summons to appear and answer. If the Clergyman accused appear, he shall, before proceeding to trial, be called upon by the Court to say whether he is guilty or not guilty of the offence, or offences, charged against him; and on his neglect or refusal, the plea of *Not guilty* shall be entered for him, and his trial shall proceed: Provided, that for sufficient cause the Court may adjourn from time to time; and provided also, that the accused shall at all times during the trial have liberty to be present, to produce his testimony and make his defence.

§ 4.—When the Court proceeds to trial, some officer authorised by law to administer oaths, may, at the desire of either party, be requested to administer an oath to the witnesses that they will testify the truth concerning the matters charged in the presentment; and the evidence of such witnesses shall be reduced to writing.

§ 5.—The Court having fully heard the allegations and testimony of the parties, and deliberately considered the same after the parties have withdrawn, shall declare respectively whether in their opinion the accused be guilty or not guilty of the charge or charges contained in the pre-

sentment; and the declaration of the majority of the Court being reduced to writing, and signed by those who assent thereto, shall be considered as the judgment of the said Court, and shall be transmitted forthwith to the Bishop of the Diocese; who shall pass sentence, and award the penalty of admonition, suspension or deprivation, as to him the offence or offences proved may seem to deserve. In the absence of the Bishop, the judgment of the said Court shall be transmitted to the Archdeacon, or Commissary of the Bishop, and his sentence shall have the same force and effect as if pronounced by the Bishop: Provided, that if, upon the return of the Bishop, the accused shall shew satisfactory cause to induce belief that justice has not been done, the Bishop may, in his discretion, grant a re-hearing.

§ 6.—If the Clergyman accused neglect or refuse to appear, according to the summons of the Bishop or Court, notice having been served on him as aforesaid, except for some sufficient or reasonable cause, the Bishop, or in his absence, the Court, shall pronounce him to be in contumacy; and sentence of suspension from the Ministry shall be pronounced against him for contumacy by the Bishop or Court: but the sentence shall be reversed if, within three calendar months, he shall tender himself ready, and accordingly appear and take his trial on the presentment. But if the clergyman accused shall not so tender himself before the expiration of the said three months, the sentence of deposition from the ministry shall be pronounced against him by the Bishop: and the Bishop shall cause such sentence to be publicly read to the several congregations of the Diocese by the respective ministers thereof.

§ 7.—The accused party may have the privilege of appearing by counsel; and in the case of the exercise of such privilege, but not otherwise, those present^{ing} shall have the same privilege.

31. (109.) If any offend their brethren, either by adultery, whoredom, incest, drunkenness, profane swearing, *fraud*, or

any other uncleanness and wickedness of life, the Churchwardens shall faithfully present all and every of the said offenders to the Bishop; and such notorious offenders shall not be admitted to the Holy Communion, *nor to be sponsors in baptism, nor to fill any office in the Church*, until they be reformed.

4. (110). If the Churchwardens shall neglect to present any such notorious offenders as aforesaid, then every Parson, or, in his absence, his Curate or Substitute, may themselves present such offenders as come to their knowledge. Provided always, that if any man confess his hidden and secret sins to the Minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him, we do straitly charge and admonish him, that he do not at any time reveal and make known to any person whatever any crime or offence so committed to his trust and secrecy, except they be such crimes as by the laws his own life may be called into question for concealing the same.

4. (134.) Every Parson or Curate shall, at the Bishop's first visitation, or at the next visitation *at farthest*, exhibit unto him his letters of orders, institution or induction and license, to be by the said Bishop either allowed, or (if there be just cause) disallowed and rejected; and being by him approved, to be signed by *him or* his Registrar.

The Committee moreover beg to report that they have examined into the state of the English statute law, affecting ecclesiastical affairs; and they find that almost the whole of the English Acts on this subject are so restricted in their own text or in their very nature, as not to apply to the Colonies: and that when, in an early period of the history of this Colony, the English statutes were adopted, the ecclesiastical portion was excepted.

The Act of Uniformity of 13 & 14 Charles II, ch. 4, by which the present Prayer Book is enforced, is expressly restricted in § 1, and in other parts, to the "kingdom of

England, dominion of Wales, and town of Berwick on Tweed." It is true that the Act of Uniformity, 1 Eliz., ch. 2, § 3, enforced the use of the then book of Common Prayer, not only "within the realm of England, Wales, and the marches of the same," but also in "other the Queen's dominions." But that is set aside by the more recent Act of Charles the II., which, whilst enacting in § 24, that previous laws for uniformity shall apply to the revised Prayer Book, expressly makes the same restriction as in § 1, to the kingdom of England, dominion of Wales, and town of Berwick upon Tweed.

The only Acts therefore affecting the Colonies, are those which regulate the appointment of Colonial Bishops, the Act 13 Eliz., ch. 12, and the Act 31 George III., ch. 31.

The former of these two Acts, §§ 1 & 2, declares that its object is—"That the Churches of the Queen Majesty's dominions may be served with Pastors of sound religion;" and it therefore applies in its provisions to the Colonies. The provisions of it which affect ourselves are as follows:—

§ 2. And that if any person ecclesiastical, or which shall have ecclesiastical living, shall advisedly maintain or affirm any doctrine directly contrary or repugnant to any of the said Articles, and being convented before the Bishop of the diocese or the Ordinary, or before the Queen's Highness' Commissioners in causes ecclesiastical, shall persist therein, or not revoke his error, or after such revocation eftsoon affirm such untrue doctrine; such maintaining or affirming and persisting, or such eftsoon affirming, shall be just cause to deprive such person of his ecclesiastical promotions: and it shall be lawful to the Bishop of the diocese, or the Ordinary, or the said Commissioners, to deprive such person so persisting, or lawfully convicted of such eftsoons affirming; and upon such sentence of deprivation pronounced he shall be indeed deprived.

§ 3. And that no person shall hereafter be admitted to any benefice with cure, except he then be of the age of three

and twenty years at the least and a Deacon, and shall first have subscribed the said Articles in presence of the Ordinary, and publicly read the same in the parish church of that benefice, with declaration of his unfeigned assent to the same: and that every person after the end of this session of Parliament, to be admitted to a benefice with cure, except that within two months after his introduction he do publicly read the said Articles in the same Church whereof he shall have cure, in the time of common prayer there, with declaration of his unfeigned assent thereunto, and be admitted to minister the Sacraments within one year after his induction, if he be not so admitted before, shall be upon every such default, *ipso facto*, immediately deprived.

§ 5. And that none shall be made Minister, or admitted to preach or administer the Sacraments, being under the age of four and twenty years; nor unless he first bring to the Bishop of that diocese, from men known to the Bishop to be of sound religion, a testimonial both of his honest life and of his professing the doctrine expressed in the said Articles: nor unless he shall be able to answer and render to the Ordinary an account of his faith, in Latin, according to the said Articles, or have special gift or ability to be a Preacher; nor shall be admitted to the Order of Deacon or Ministry, unless he shall first subscribe to the said Articles.

§ 7. And that all admissions to benefices, institutions, and induction, to be made of any person contrary to the form or any provision of this Act, and all tolerations, dispensations, qualifications, and licenses whatsoever to be made to the contrary hereof, shall be merely void in law as if they never were.

§ 8. Provided always, That no title to confer or present by lapse shall accrue upon any deprivation *ipso facto*, but after six months after notice of such deprivation given by the Ordinary to the Patron. 1 Roll. 155.

This was the act under which proceedings were taken against Archdeacon Denison, and therefore there is no

doubt that it is still in force; and consequently that its provisions in regard to admission to Holy Orders and to livings, and in regard to ecclesiastical persons maintaining doctrines contrary to the Thirty-nine Articles, are in force in this country; and consequently that we must be careful in making enactments for our own guidance, not to come into conflict with it.

The provisions in the latter of these Acts, affecting the Church in this Colony, have been for the most part set aside by subsequent Acts, either of the Imperial or of the Provincial Parliament; and the Committee do not venture to pronounce any opinion what part may be still in force.

All which is respectfully submitted.
