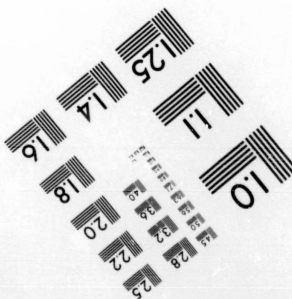
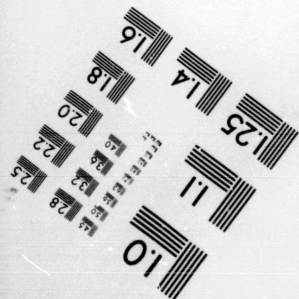
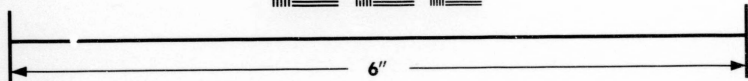
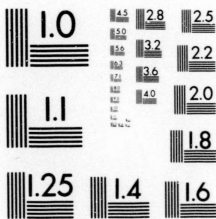


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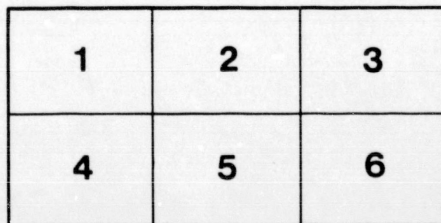
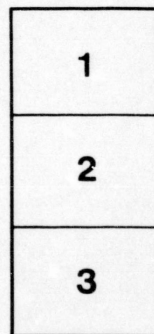
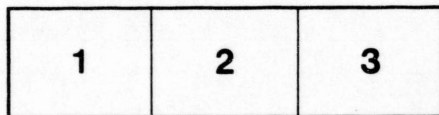
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CHURCHWARDENS' MANUAL.

CONCISE MEMORANDUM OF
LAWS, CANONS, RULES AND REGULATIONS
RESPECTING
CHURCHWARDENS AND SIDESMEN
IN THE
DIOCESE OF TORONTO,

ADOPTED BY THE SYNOD OF THE DIOCESE IN JUNE, 1886, FOR THE GUIDANCE OF
THESE CHURCH OFFICERS AND OTHERS CONCERNED.

TORONTO:
ROWSSELL & HUTCHISON, PRINTERS TO THE SYNOD.
1886.

NOTE—Copies of this Manual can be obtained at the Synod Office, at ten cents each.

QUARTERLY AND OTHER COLLECTIONS

Appointed by the Synod are to be taken up as follows in every Parish and Mission, and at every Station therein, where there is an established Sunday Service, viz.:—

JANUARY	- - - - -	<i>Mission Fund.</i>
APRIL	- - - - -	<i>Divinity Students' Fund.</i>
JULY	- - - - -	<i>Mission Fund.</i>
OCTOBER	- - - - -	<i>Widows' & Orphans' Fund.</i>
THANKSGIVING-DAY COLLECTION	-	<i>Mission Fund.</i>
CHRISTMAS-DAY	- - - - -	<i>Special Offering for the Clergyman.</i>

NOTE.—*The 59th Section of the Constitution of the Synod, 1886, and the 5th Section of Canon XII., and the Church Society Constitution, Section xix., 1854, make it the duty of every Incumbent of a Parish or Mission to make collections for the Mission Fund, Widows' and Orphans' Fund, and Divinity Students' Fund, respectively. See Pages 26 and 61 of the Consolidated Canons, etc., of 1886.*

COLLECTION AUTHORIZED BY THE BISHOP.

GOOD FRIDAY - - - - - *Jews' Society.*

COLLECTIONS PRESCRIBED BY THE PROVINCIAL SYNOD.

EPIPHANY - - - - - *Foreign Missions.*
ASCENSION TIDE - - - - - *Domestic Missions.*

The Regular Quarterly Meetings of the Standing Committees of the Synod are appointed to be held in the months of November, February and May; or at such other time as the Bishop may appoint. The first meeting for the organization of Standing Committees is to be held on the day after the appointment of such Committees, at 5:45 P.M.

NOTE.—*The Bishop of Toronto, when in Town, may be seen at his Room in the Synod Office, Merchants' Bank Chambers, 15 Wellington Street West, daily from 11 A.M. until 1 P.M.*

PREFATORY NOTE AND MEMORANDA FOR CHURCH- WARDENS.

THE ATTENTION OF CHURCHWARDENS IS SPECIALLY CALLED TO THE FOLLOWING :

1. Being a corporation, their corporate powers cannot be exercised by one of them without the consent of the other. See section 7, page 9 within.
2. The Church accounts are open to inspection by any member of the Vestry concerned. They should be verified upon oath to the Vestry, or audited, as provided in sections 8 and 9, page 9 within.
3. All receipts shall be deposited, as provided in section 14, page 10 within, and paid out by cheque in sums over \$5.
4. In matters not lying solely in the right and power of the Churchwardens, they are to be governed by the legal regulations, and directions of the Vestry. Section 13, page 9 within.
5. The offertory collections are to be disposed of as pointed out in section 5, page 12 within.
6. The Churchwardens are responsible for :—
 - (1.) Putting up in convenient place notice of Synod collections, and Table of Fees. Section 3, clause 10, page 11 within.
 - (2.) Furnishing Chairman of Parish Meeting within twenty days thereafter with Synod assessment, to be transmitted by him to the Secretary-Treasurer. Section 9, page 15 within.*
 - (3.) Prompt transmission to the Synod office of the assessment of the Widows and Orphans' Fund. Resolution of Synod, No. 57, in Canons and Resolutions, 1886, page 27.
 - (4.) Seeing that the quarterly and other Synod collections are sent to the Synod Office without unnecessary delay. Sections 4 and 5, page 12 within.

* By resolution of Synod, the Churchwardens of each Parish are notified the amount for which it is assessed and the rate of per centage charged (on the general income of the Parish from all sources). Should the Churchwardens, after careful calculation, think that the assessment is at variance with this basis (as fixed by the Synod) they can appeal; but this appeal, with reasons therefor, should be promptly made to the Committee, after receiving the notice, and sent without delay to the Synod Office. Should the Churchwardens fail to appeal and fail to provide the Chairman of the Parish Meeting with the amount of the assessment, the Parish cannot complain if its Lay Representatives are excluded from the Synod. See resolution No. 77, p. 21, and section 16 of the Constitution of the Synod, page 7, of the Consolidated Canons and Resolutions, 1886.

7. Dates to be observed :—

- (1) A meeting of Vestry shall be held in Easter week after notice thereof given at morning service on Easter Day. Church Temporalities Act, Appendix D, section 3, page 21 within.
- (2) Extra meetings of Vestry may be called by (a) incumbent, (b) by Churchwardens on request by six members, or in default, in either case, by any six members of Vestry, on giving one week's notice, to be posted on Church door or doors. *Ibid*, section 10, page 23 within.
- (3) Lay Representatives to the Synod are to be elected at the Annual Easter Meetings, which meetings are to be called by Incumbent in case of a vacancy by the Churchwardens. See section 4, Appendix A, page 13 within.
- (4) In case there be no election at such meeting, then a meeting for the election to be called by the Incumbent within thirty days after Easter Monday. In case no such notice is given, the Churchwardens should call the meeting. *Ibid*, section 4, page 13.
- (5) Synod electors, to be qualified, must first sign a declaration, within the first fifteen days of January, that they are members of the Church of England and congregation concerned, etc. See section 8 (a), Appendix A, page 14 within.
- (6) Notice to be given during Divine Service on the first and Second Sundays of January in each year, that a book for signature of Electors, is provided by the Churchwardens. Section 8 (b) within page 14.
- (7) Between the 15th and 22nd days of January in each year the Minister and Churchwardens are to prepare an alphabetical list of Synod electors. Section 8 (c) within page 14.
- (8) On or before the 22nd January in each year this alphabetical list should be put up in the vestibule or inner door of the Church, and shall remain there for inspection until the 15th February. Section 8 (d) within page 14.
- (9) Up to 15th February in each year any member may apply in writing to the Minister or either Churchwarden to be placed on such list, or to have any name struck off therefrom. Section 8 (e) within page 14.
- (10) A Parochial Tribunal for the settlement of these cases is to be appointed at the Easter meeting, or at an adjourned meeting. Section 8 (f) within page 14.
- (11) Within twenty days after election of Lay Representatives the certificate of such election and the Parish assessment should be sent by Chairman to the Secretary-Treasurer of the Synod. Section 9 within page 15.

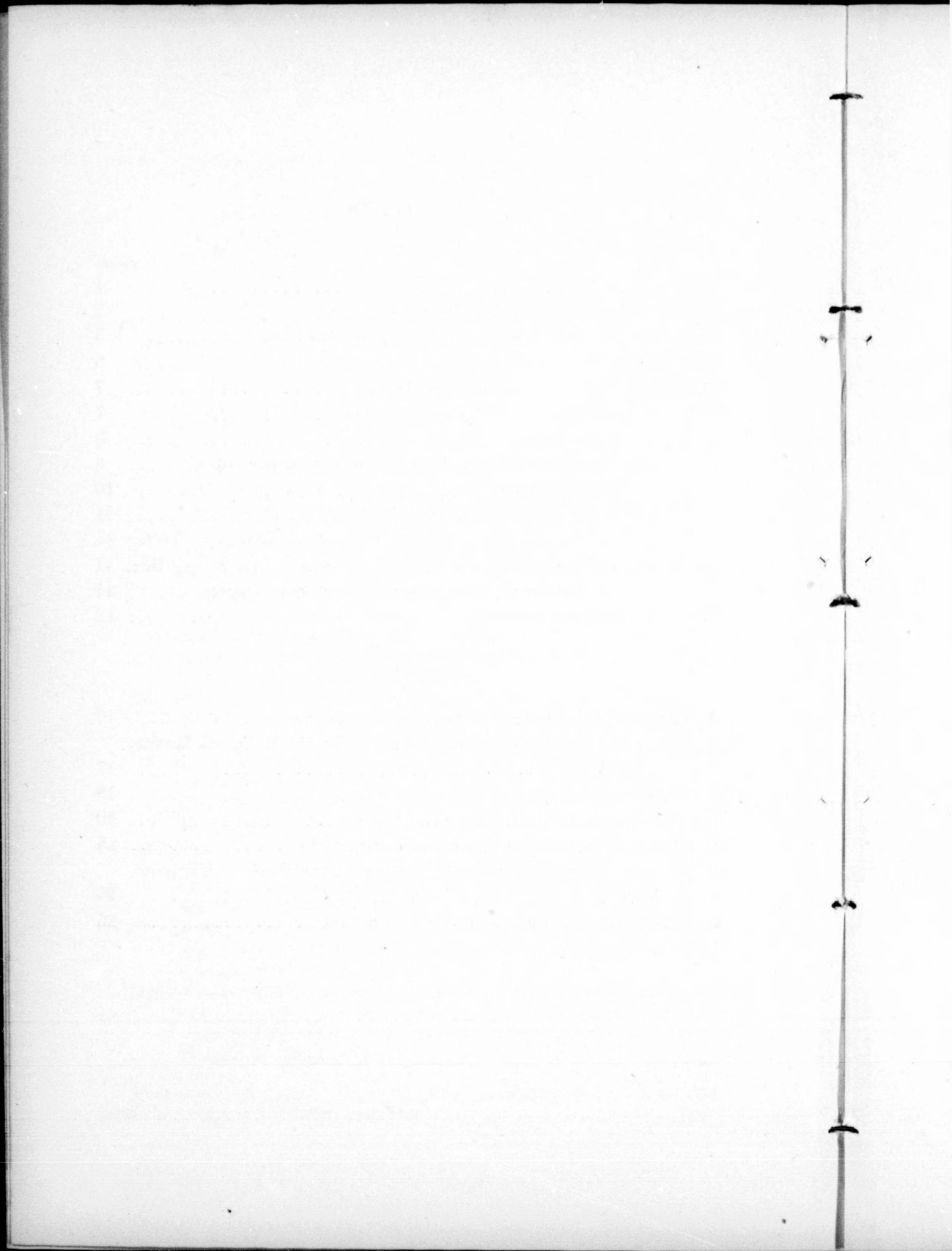
NOTE.—See also periods and dates to be observed under the Religious Institutions Act, Appendix B within, page 17.

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MANUAL FOR CHURCHWARDENS.*

INTRODUCTORY.

1. The office was originally devised about the 13th century to relieve Deacons of the care of donations in kind for repair of the church fabric. Next, Wardens became charged with the duty of disposing of these donations, applying proceeds to the repairs, and taking care generally of the church and its furniture. See Bingham, *Church Antiquities* I. 230; II. 15, 20, Robertson *Church History* I., 8, 57, 300; Johnson's *Canons*, II. 338 (Reynold's Constitution of 1332).

2. Subsequently, there devolved on them the duties (formerly discharged by "Testes Synodales,") of reporting offenders to the Bishop for ecclesiastical discipline. See Burns's *Ecclesiastical Law* I. 398, 408; Johnson as above;

3. As custodians of the fabric and furniture they have always been necessarily subordinate to the Incumbent: Brice's *Laws* relating to public worship, 267; Pinnock, 21; Burns, I. 398, Lord Stowell, (in Pinnock's *Church Keys*,) Cripp's *Law of Clergy*, 177.

4. In letting pews and assigning burial places, they acted independently: *Ibid.* but were subject to the Ordinary: Stevens' *Blackstone*, III. 9.

5. Their duties were confined to movable goods and Church fabric; they had nothing to do with lands: Cripps, 177; Lovesy's *Churchwarden's Guide*, p. 2; Blackstone, *In re*, &c.

I. QUALIFICATIONS OF CHURCHWARDENS.

1. 1. No person shall be eligible to the office of Churchwarden except he be a member of the Church of England, and of the Vestry of the Church of which a Warden is to be appointed, and be of the full age of twenty-one years. Church Temporalities Act, section 4.

2. The Warden must, at the time of his election, reside in or near the city, town, village, or township in which the Church is situate. In the case of his subsequent change of residence, he may continue to hold office, if residing less than twenty miles from the Church of which he is Warden. New and C. T. Act, sec. 3.

* Information as to this office is to be derived not only from Diocesan and Provincial Canons, and Canadian Acts of Parliament, but also (unless expressly varied or necessarily inapplicable) from the Law of England, chiefly embodied in the *Canons Ecclesiastical* of 1603, and expressed in judicial decisions or legal dicta. See *Long v. Bp. of Capetown*, Phil. Burns II. 2245; *Bp. Natal v. Gladstone*, also in *re Natal*; C. J. Draper's Report to Prov. Synod on Status of the Clergy, *Journal* vi. 13, 31; Hoffman's "Law of Church," pp. 14, 15; Pinnock's *Church Keys*, p. 18, &c.

II. APPOINTMENT, VACANCY, ETC.

1. At the annual Easter Vestry Meeting one Warden for the current year shall be appointed by the Rector or Incumbent and another shall be elected by the Vestry. In case either the Incumbent or Vestry shall decline or neglect to appoint a Warden, then the office for the current year shall be filled by the other party, *i. e.*, by the Vestry or incumbent, as the case may be. C. T. Act, sec. 3.

2. If the Vestry Meeting does not take place in Easter week, then such appointments shall be made at a subsequent Vestry Meeting. New and C. T. A. sec. 3.

3. The Churchwardens shall hold office for one year, or until their successors are appointed. Persons appointed to fill vacancies shall hold office until the time of next annual election. C. T. Act, sec. 3.

4. In case of the death or change of residence of either Warden to twenty miles or more from said Church, a Vestry Meeting shall be called for the purpose of filling such vacancy, to be called in the manner hereinafter provided in iii. of this Canon.

III. POWERS AND RIGHTS AND DUTIES OF WARDENS.

1. The Churchwardens are a corporation with perpetual succession under the name of "The Churchwardens of the Church of, &c., in, &c.," to represent the interests of the Church, and of the members thereof, 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 charge 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. C. T. Act sec. 6; 47 Vict. c. 89.

2. 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 their salary and wages shall be brought into the general account, to be rendered by such Churchwardens as hereinafter provided. C. T. A. sec. 13.

3. It shall be in the power of the Incumbent of any parsonage, rectory, or parish, or of the Churchwardens thereof, to call a meeting whenever he or they shall think proper to do so, 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 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. C. T. A. sec. 10.

4. The possession of the Church, and of the Church yard and burying ground attached or belonging thereto, is vested in the parson or other incumbent for the time being and the Churchwardens for the purposes of the duties of the latter as custodians. Pinnock, 12, 20, 21 ; Lovesy 77. C. T. A. sec. 1.

5. The ordering of the Services, including the musical part thereof, shall be under the control of the Rector or Incumbent ; also the fixing of the hour of service, (in parishes not receiving aid from the Mission Fund) the ringing of the Bell to summon the congregation to the same, and such like matters. Pinnock, 6, 11, 17, 23, 40.

6. In the case of any irregularity or novelty contrary to or unauthorized by the Book of Common Prayer, it shall be the duty of the Churchwardens privately to remonstrate with the minister, and if need be, to report him to the Bishop ; but they have no right to take the law into their own hands. Canon 53 of 1603 ; Lovesy, 26, 56 ; Pinnock, 8 and New.

7. The two Churchwardens being a corporation, their corporate powers cannot be exercised by one of them without the consent of the other. Pinnock, 11, 27 ; Lovesy, 80.

8. Churchwardens shall keep accounts, open to inspection, and shall yearly, and every year, within fourteen days after other Churchwardens shall be nominated and appointed to succeed them, deliver in to 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 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 the Church or Parish in their hands as such Churchwardens, and of all moneys paid by them, 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, or in the case of Free Churches, by statutory declaration. C. T. A. sec. 9 and New.

9. The Vestry may pass a by-law requiring an audit of the accounts in addition to such verification ; and it shall be the duty of such auditors to report not only as to the correctness of the accounts, but also as to whether all the expenditures have been duly authorized. New, and C. T. A. sec. 15.

10. Default to deliver such account renders the retiring Churchwardens liable to an action at the suit of their successors. A similar suit may be brought by any member of the Vestry. C. T. A. sec. 9.

11. In case of re-appointment of the same Churchwardens, such account shall be made and rendered before an adjourned meeting of the Vestry, fourteen days after such re-appointment. C. T. A. sec. 9.

12. The Vestry may pass a By-law making it the duty of the outgoing Wardens to lay before the Easter Vestry Meeting, for its adoption, an estimate of the sums required for carrying on the work of the Church during the ensuing year, and also a statement of the sources from which the means are to be derived. Such estimate as adopted by the Vestry shall control the expenditure of the Wardens, and no further expense shall be incurred unless by the authority of Vestry. C. T. A. sec. 15 and New.

13. In all matters not lying solely in the right and power of the Churchwardens, it shall also be their duty to carry out any legal regulations or directions laid down for their guidance from time to time by the Vestry. C. T. A. sec. 15 and New.

14. In places where there is a chartered bank, or Loan, or Savings' Company, the Churchwardens shall deposit in such bank or company to the credit of the Church, all moneys coming into their hands, and make all payments for sums not less than five dollars by cheques on said bank or company. New.

MISCELLANEOUS.

15. The proceedings of the Vestry shall be entered in a book to be kept for that purpose and preserved in the custody of the Churchwardens. C. T. A. 11.

16. In the case of Lay Representatives to the Diocesan Synod, if the Parish or Mission be vacant, or if the Incumbent thereof omit to call a meeting for their election within thirty days after Easter Monday, it becomes the duty of the Churchwardens or Churchwarden to call such meeting in the manner provided by the Canon on Constitution of Synod. See Appendix A.

17. They are to perform the following duties prescribed in the aforesaid Canon:

- (1) Keep a book for signature by voters for Lay Representatives to Synod 8 b.
- (2) Prepare a list of lay persons of the congregation qualified to vote at election of Lay Representatives. 8 c.
- (3) To post up an alphabetical list of voters, between the 15th and 22nd of January in each year. 8 d.
- (4) To receive applications to revise the list up to February 15th. 8 e.
- (5) In connection with Parochial Tribunal to settle such list. 8 f.
- (6) To call a meeting after vacancy. 16.

18. They are to act in case of Sale or Mortgage of Church Property, under the Religious Institutions Act. For particulars see Appendix B.

19. In the absence of the Incumbent they are to demand proof of the proper ordination and good standing of any Clergyman before permitting him to officiate. Provincial Synod Canon 6.

20. Churchwardens are to act in conference with representatives of adjacent Parishes to arrange boundaries, according to the Canon of Synod in this behalf. They are to receive notice of proposed new parishes and to act. Synod Journal, 1885, p. 57. Canon and By-laws, old edi., p. 278.

21. They are to render to the Rural Dean, on 7th April in each year, when required, a detailed statement of the Church Property in the Parish; and also to furnish to the Bishop annually such parochial statistics as may be required. C. & B. L., old edi., p. 282.

22. They, together with the Lay Representatives, are to be consulted by the Bishop as to the filling of any vacancy in the Rectory, Incumbency, or Mission (if not on the Mission Board pay list), according to the Canon of Synod in this behalf. C. & B. L., old edi., p. 284.

23. It is the duty of the Churchwardens to appear before the Committee on Missions when notified by the chairman thereof of the time and place of their meeting, (such place to be within the Mission), according to the Canon of Synod in this behalf. C. & B. L., old edi., p. 290-1.

24. To apply for aid to Minister's Stipend from Sustentation Fund C. C. B. and R., 1886; Canon R., pp. 42, 53, 27, 31 and to receive notice of arrears to Mission Fund, Widows and Orphans Fund.

IV. SECURITY AND PROTECTION OF CHURCH PROPERTY.

(a) REPAIRS OF CHURCH AND PREMISES TO DEVOLVE ON VESTRY.

1. The "Church Temporalities Act" has placed the church and the churchyard under the immediate care of the parish, acting through its vestry, and all repairs and expenses of, and attending the same, necessarily devolve on said vestry. For particulars, such as Erection and Repairs of Parsonage house—When to be borne by Vestry or by Incumbent—Appeals—Material repairs—Mortgages—Insurance—Payment of taxes, &c., see Appendix C.

(b) DOCUMENTS AND RECORDS TO BE KEPT IN A STRONG BOX.

2. That for the convenient safe-keeping of the record-book of Titles, &c., as well as other documents, papers or records, a sufficient strong box, with lock and key, shall be provided by the Churchwardens, and kept in the Vestry of said church; and shall be at all times under such ordinary and convenient regulations as may be adopted by the Vestry, open to the inspection and for the information of the Parish, as well as for any duly authorized officer of the Church. Canon 70 of 1603; Canon vii. of C. C. B. & R., 1886, p. 48.

(c) DECENT PERFORMANCE OF CHURCH SERVICES, ETC.

3. It is the duty of the Churchwardens to see that all things are provided which are necessary to the decent performance of the Church Services, such as

- (1) a decent Communion Table, with Cover or Covers, and a fair Linen Cloth. (Canon 2 of 1603.)
- (2) a Flagon for the Wine to be used at the Holy Communion, and a Chalice or Cup, or more than one Cup, if necessary; also a Paten or Plate. (Canon 20.)
- (3) a decent Bason or Alms Dish, and necessary Collection Plates or Bags to receive the Offerings. (Rubric of H. Com. and New.)
- (4) a decent Font; if possible, of stone. [Canon 81.]
- (5) a Reading Desk. (Canon 82.)
- (6) a Pulpit. (Canon 83.)
- (7) One or more Surplices. (Canon 58.)
- (8) a Bible of large volume. (Canon 80.)
- (9) Book of Common Prayer—Book containing Communion office—Book of Offices. (Canon 80.)
- (10) To be set up where the people may best see the same :
A notice of the Periodical Collections and Table of Fees approved of by Synod.
- (11) One or more Church Bells. (Canon 15, 67.)
(a) Register Book of Christenings, Weddings, Burials, and Confirmations to be kept in a secure chest or safe under the charge of the Minister. (Canon 70.)
- (12) a Preacher's Book, in which are to be entered the dates and hours of Services held, names of Officiating Ministers, number of Persons Present, number Communicating, &c.; also the Names and Licenses of all Preachers who come to the church from any other place. (Canon 52.)
- (13) And to provide, with the advice and direction of the Minister, a sufficient quantity of the best and purest wheat bread that conveniently may be gotten, and of good wholesome wine, for the communicants. (Canon 20.)
- (14) And to see that the church is clean, lighted, and warmed, and ventilated during Divine service, and that the Linen be clean, and in decent repair. (Canon 85.)

4. The Churchwardens, assisted, if necessary, by the Sidesmen, shall collect the alms and other offerings of the congregation at the offertory. They shall (if this duty be not performed by Deacons) reverently bring in a decent bason these alms and other offerings, to the Priest or chief officiating minister. The Churchwardens, or in their absence, their substitutes for the time being, shall immediately after any service at which a collection has been made, proceed to the Vestry-room of such church, and there in the presence of the Incumbent, or other officiating Clergyman, carefully count the collection, and enter the amount of the same with the date, and their initials in the preacher's book. (Com. Office and New.)

5. The Offertory Collections shall be applied

- (1) To any special purposes previously announced.
- (2) As may be directed by the Vestry.
- (3) For the benefit of the poor.
- (4) And for such other pious and charitable uses as the Minister and Wardens shall think fit, wherein if they disagree, it shall be referred to the Bishop. (New and Rubric Com. Service.]

6. The Wardens are to take care that due reverence be observed within the Church during service, and are not to permit loiterers either in the church yard or porch, but shall cause them either to enter or to depart. They are to deal also with all who unlawfully disturb the service either in or around about the building. (Canons 18, 19, 85, 90 of 1603.)

7. They are not to allow the Church to be used for feasts, plays, entertainments, or any profane purpose. (Canon 88 of 1603.)

8. It is the duty of the Wardens to see that holders of pews or sittings are secured in the undisturbed possession of their seats; also to receive and welcome strangers, and to provide them, so far as possible, with seats. (C. T. A. sec. 8 and New).

9. The Wardens should at once communicate to the Minister the name and address of any person renting or giving up a sitting in the Church; and also observe strangers frequently attending the Church, though not pewholders, and ascertain their names and addresses, and communicate the same to the Minister; and also take notice of the absence of members and notify the Minister thereof. (New.)

10. It is desirable that one or other of the Wardens or Sidesmen should appear in the Vestry a few minutes previous to the service, in order to give the Minister the opportunity of communicating with him, and also that, in the absence of the Parochial Clergy, he may receive any strange Clergyman, and afford him any necessary help or direction. (New.)

V. DUTIES OF SIDESMEN.

1. Sidesmen, if any, shall be chosen at the Annual Easter Vestry Meeting, one-half by the Rector or Incumbent, and the other half by the Vestry. (Canon 90 of 1603.)

2. Should vacancies occur owing to death, removal, or neglect or refusal to act, these may be filled by the Rector or Incumbent in case of Sidesmen dying, &c., having been appointed by him. In the other case, the new appointments may be made by the Wardens. (New.)

3. The duties of Sidesmen are specially to assist the Minister and Churchwardens in the performance of their duties, and to discharge such offices as shall be assigned to them by the Vestry, by by-law or otherwise. In particular :

- (1) To assist the Churchwardens in receiving and seating Strangers in the Church, and in carrying out the provisions of sec. IV., sub-secs. 4, 6, 7, 8, 9, 10, above.
- (2) In maintaining order in and about the Church during Divine Service.
- (3) In taking up the Offertory Collections.
- (4) In soliciting and collecting Subscriptions and Donations for Church objects.
- (5) To seek out and report to the Minister the names of Strangers, and of sick and poor, residing in the Parish; and of persons habitually neglecting Divine worship. (Canon 28, 112 of 1603 and New.)

APPENDIX A.

CANON ON THE ELECTION OF LAY REPRESENTATIVES.

1. The Lay Representatives of each Parish or Mission in Synod shall not exceed three in number, who shall be elected as herein provided. [(a), 1884, p. 60; (c) 1885, p. 34.]

2. In case there are two congregations in the Parish or Mission, the larger congregation shall have the right to elect two Lay Representatives and the smaller congregation one. In case there are three congregations in the Parish or Mission, each congregation shall have the right to elect one of the Lay Representatives. In case there are four or more congregations in the Parish or Mission, the two largest congregations shall each have the right to elect one of the Lay Representatives, and the remaining congregations together may elect the third. [(a), 1884, p. 65; (c), 1885, p. 34. See 1854, p. 31; 1857, p. 30; 1859, p. 101; 1860, pp. 142-180; 1869, pp. 45, 53; 1870, pp. 49, 86; 1877, pp. 35, 39, 37; 1881, pp. 49, 50, 51; 1882, p. 48; 1883, p. 57.]

3. Lay Representatives shall be males who have not been in Holy Orders, who, at the time of their election, have attained the age of twenty-one years, have been communicants for at least a twelvemonth immediately preceding their election, and during such twelvemonth have communicated at least three times. [(a), 1884, p. 60; (c), 1885, p. 54. See references to sec. 8. Also 1879, pp. 55, 113.]

4. They shall be elected at the Annual Easter Meeting of the congregation or congregations, (which meeting, in case of a vacancy in the Incumbency, shall be called by the Churchwardens or Churchwardens); or if there is no election at the Easter Meeting, then at a meeting held thereafter and specially called for such election by the Minister, or (if there is no Minister, or in case he omits to call such meeting within thirty days after Easter Monday) by the Churchwardens or Churchwarden. [(a), 1884, p. 60; (c) 1885, d. 54. See references to secs. 8 and 9.]

5. The Minister, if present, shall preside at the election; if he is not present, the Curate or Assistant Minister, if present, shall preside; if neither the Minister nor the Assistant Minister is present, a chairman to be elected by the qualified voters present shall preside, and shall have only a casting vote. [(a), 1884, p. 60; (c), 1885, p. 54. See 1858, pp. 66, 115; 1879, p. 60, and references to secs. 8 and 9.]

6. The Lay Representatives shall be elected by a majority of the persons qualified to vote, as herein provided and voting at the meeting. The votes shall be taken by ballot, if required by a majority of the qualified voters present at the meeting. [(a), 1884, p. 60; (c), 1885, p. 54. See references to secs. 8 and 9.]

7. All males of twenty-one years old and upwards, not in the Holy Orders, members of and habitual worshippers with the congregation, and whose names appear on the list settled and signed as herein provided, shall have the right to vote at the election of Lay Representatives. [(a), 1884, p. 60; (c), 1885, p. 54. See references to secs. 8 and 9.]

8. Such list shall be prepared as follows :

(a). Each layman who desires to vote at an election to be held in any year of Lay Representatives in Synod shall, within the first fifteen days of January in that year, sign and deliver to the Churchwardens of the congregation of which he is a member, a declaration to the following effect :

"I solemnly declare that I am a member of the Church of England, and of the congregation of _____ Church (*naming it*) : that I am of the full age of twenty-one years ; that I am an habitual worshipper with the said congregation, and have been so for three months next preceding the 1st day of January instant : that I am not registered as a member of any other congregation ; and that during the three months above mentioned, I have not voted, nor do I intend to vote, as a member of any other congregation, at an election of Lay Representatives in the next Synod."

Provided that the signing of said declaration [by any person] shall be unnecessary if his name appears upon the list of persons who were entitled to vote at the last such election.

(b) A book containing the declaration aforesaid, for signature by persons desirous to sign the same, shall be provided by the Churchwardens or Churchwarden for every congregation entitled to elect, or to join in electing, a Lay Representative or Lay Representatives. Such book shall be kept in the vestry of the Church or place of worship of the congregation, or in some other convenient place, and notice thereof, and of the period within which such declaration should be signed, shall be given in the Church or place of worship during Divine service on the first and second Sundays of January in each year.

(c) Between the 15th and 22nd days of January in each year, the Minister and the Churchwardens or Churchwarden of every congregation (or if there be no Minister, or the Minister be absent or omit so to do, the Churchwardens or Churchwarden) shall prepare an alphabetical list of the persons who, having signed such declaration, or appearing on such previous list, are admitted by them as entitled to vote at the next election of a Lay Representative (or Representatives) of the congregation in Synod.

(d) On or before the 22nd day of January in each year, such alphabetical list shall be put up in the vestibule or on the inner door of the Church, or place of worship of the congregation, and shall there remain for inspection until the 15th day of February in that year.

(e) Up to the said 15th day of February any member of the congregation may apply in writing to the Minister or to the Churchwardens (or to either of them) for leave to sign the declaration hereinbefore provided, and to have his name entered upon the list, or if there be no list, then upon a list to be made, or to have the name of any person or persons wrongly inserted in the list struck off the same.

(f) Before the meeting for the election of Lay Representatives of the congregation, all such applications shall, after notice to the parties affected, be determined, and the said list finally settled and signed by the majority of a Parochial Tribunal, composed of the Minister (if any) of the Parish or Mission, the Churchwardens, and two other members of the congregation who have been elected by the vestry at the last Easter vestry meeting, or at the adjourned meeting thereof, or at a meeting specially called therefor by the Minister, or (if there be no Minis-

ter, or in case of his absence or omission to call such a meeting(, by the Churchwardens or Churchwarden. [(a), 1884, p. 60, (c), 1885, p. 54. See references to sec. 8, *ante*. Also 1876, p. 112; 1877, p. 26; 1878, pp. 41, 50, 51, 57; 1879, pp. 55, 59, 60, 68; 1880, pp. 51, 55, 59; 1881, p. 50.]

9. Within twenty days after such election, the Chairman of the meeting shall send to the Secretary-Treasurer of the Synod, the amount assessed on the Parish or Mission as hereinafter provided,* together with a certificate of such election according to the following form :

“This is to certify that at a meeting held on the _____ day of _____ A.D. _____ for the purpose of electing a Lay Representative (or Lay Representatives) in Synod, for the Parish (or Mission) of _____ A. B. (C. D. and E. F.) being a Communicant (or Communicants) of at least one year's standing, of the full age of twenty-one years, and who has (or have) communicated at least three times during the twelve months previous to the election, was (or were) duly elected by the Laymen within this Parish (or Mission), as a Lay Representative (or Representatives) in Synod of the Parish (or Mission) of _____ (naming it) by the Laymen entitled to vote at such election according to section 13 of the Constitution of 'The Incorporated Synod of the Diocese of Toronto.'”

Dated this _____ day of _____, 18 .

Chairman.”

“I also forward herewith the assessment of the Parish (or Mission) being \$_____.”

And on such certificate shall be endorsed as follows :

Toronto, _____.

To the Honorary Secretaries of the Synod :

GENTLEMEN,—I have received the Synod dues of this Parish or Cure; you can therefore enter the names of the Lay Representatives on the Synod List.

Your obedient servant,

_____, Secretary-Treasurer.

The certificate so endorsed by the Secretary-Treasurer of the Synod, shall by him be forwarded to the Honorary Secretaries, who shall enter the names of the Lay Representatives on the Synod List, to be printed and sent to each member of the Synod by the Executive Committee with their order of proceedings.† [(a), 1884, p. 60; (c), 1885, p. 54. See references to sec. 8, *ante*.

10. No representative shall be entitled to take his seat in the Synod until the assessment upon his Parish or Mission shall have been paid. [(a), 1884, p. 60; (c) 1885, p. 54. See references to sec. 8, *ante*; also 1858, pp. 61, 137; 1860, p. 147; 1874, pp. 50, 51,]

11. In the event of the inability or refusal of the Chairman to certify that such Lay Representatives, or either of them, so duly elected, are communicants of at least one year's standing, and had communicated at least three times during the year previous to their election, he shall, forthwith after such election, require the Lay Representative (or Lay Representatives) as to whom he cannot so certify, to procure and furnish to him, within ten days after the same shall have been required of him (or them), a certificate (or certificates) from any Minister who is able to certify thereto, in the form or to the effect following

* See sec. 61, (3), and Resolution No. 75, pages 28 and 31 of the Consolidated Canons, etc., 1886.

† See sec. 51, (2), *Ibid.*, page 19.

“ This is to certify, that _____ cf _____ is a communicant of at least one year's standing, and has communicated at least three times during the twelve months immediately preceding Easter, 18 ____ .”

And thereupon, on such certificate being supplied, it shall be competent for the said Chairman to, and he shall certify, as hereinbefore required of him. Should such Lay Representative (or Lay Representatives) make default in furnishing such certificate within ten days after the same shall have been required of him (or them) the said Chairman shall forward the certificate of election required in section 15 to the said Secretary-Treasurer within the time aforesaid, omitting therefrom the words as to the Lay Representative (or Lay Representatives) communicating. [(a), 1884, p. 60 ; (c), 1885, p. 54.]

12. In the event of the inability or refusal of the Chairman to certify, as in the last preceding paragraph mentioned, by reason of the Minister of the Parish (or Mission) being in Deacon's orders, and the Church not affording an opportunity to the Lay Representative (or Lay Representatives), so elected as aforesaid, to communicate the number of times required as aforesaid, the Chairman shall certify accordingly, and he shall vary the certificate to be furnished by him by adding thereto under his signature :

“ This is to further certify that the Minister of the congregation having been in Deacon's orders during the year preceding the said election, the said _____, (*naming them*) communicated as often as opportunity offered.” (a), 1884, p. 60 ; (c), 1885, p. 54.]

13. The Chairman of the meeting shall furnish each Lay Representative with a certificate similar to that to be forwarded by him to the Secretary-Treasurer of the Synod ; without it any person presenting himself as a Lay Representative shall be required before taking his seat to afford sufficient proof of his identity. [(a), 1884, p. 60 ; 1885, p. 54. See references to sec. 8, *ante*.]

14. Except in cases of death, resignation, or removal from the Diocese, the Lay Representatives in Synod of each Parish or Mission shall continue in office until the next meeting of the Synod after the election of their successors. [(a), 1884, p. 60 ; 1885, p. 54. See references to sec. 8, *ante*.]

15. Any Lay Representative may resign his office by giving notice to that effect to the Secretary-Treasurer of the Synod, who shall forthwith communicate such resignation to the Chairman of the meeting at which such Lay Representative was elected, in order that a new election may be held as herein prescribed. [(a), 1884, p. 60 ; (c), 1885, p. 54.]

16. If any Representative be elected for more than one Parish, he shall, within one week of receiving notice thereof from the Secretary-Treasurer of the Synod, whose duty it shall be to send such notice, select the Parish for which he intends to sit and vote, and shall signify the same to the Secretary-Treasurer of the Synod who shall at once notify the Minister or Ministers of the other Parish or Parishes for which such Representative shall have been elected ; and thereupon such Minister or Ministers shall proceed to call a new election, by giving notice thereof on either of the two following Sundays ; such new election to take place within twenty-one days from the receipt of the notification from the Secretary-Treasurer of the Synod ; and in case such Representative shall fail to make such selection, and to signify the same as herein required, all his elections shall be void, and the Secretary-Treasurer shall, within ten-days after the expiration of the time allowed for making such selection, notify the Parishes concerned that they proceed to a new election. [(a), 1884, p. 60 ; (c), 1885, p. 54. See 1869, pp. 45, 84 ; 1870, pp. 53, 88 ; 1881, pp. 50, 57 ; 1882, p. 43.]

“ That a committee of two, to be appointed by the Executive Committee, shall meet at the Synod Office at least two days before the meeting of Synod, and

examine the certificates of the Lay Representatives sent in to the Secretary-Treasurer by the respective Clergymen in the Diocese, and shall prepare a report thereon, to be placed in the hands of the Honorary Lay Secretary on the opening of the Synod." [(a), 1871, p. 42 ; (c), 1871, p. 54. See also section 26 of this Constitution.]

17. In case any Lay Representative dies or removes from the Diocese or resigns his office, his seat shall be thereby vacated and a new election shall forthwith be held to fill such vacancy in manner following : The Minister or (if there be no Minister, or if he omits to call the meeting within thirty days after the vacancy occurs) the Churchwardens or Churchwarden of the congregation or congregations by whom the late Representative was elected, shall call a meeting for the election of his successor. Notice of the meeting shall be given during Divine Service in the church or place of worship of the congregation, on the two Sundays next before the meeting. The procedure at the meeting and the persons entitled to vote and to be elected thereat shall be the same as are respectively prescribed by sections 9, 11, 12, and 13 of the Constitution. [(a), 1884, p. 60 ; (c), 1885, p. 54.]

APPENDIX B.

DUTIES OF CHURCHWARDENS AND OTHERS UNDER THE RELIGIOUS INSTITUTIONS ACT.

Sale of Church Property.

I. When it is proposed to sell Church property under the authority of this Act, the following steps are necessary :

1. A meeting of the Vestry should be called in the regular manner.
2. At this meeting a resolution should be passed authorizing and directing the Incumbent and Churchwardens to effect a sale of the portion of land which it is unnecessary for the congregation to retain and which it is deemed advantageous to sell, and authorizing and directing the Incumbent and Churchwardens to apply to the Lord Bishop of the Diocese and the Executive Committee of the Synod for consent to the sale.
3. A record of the proceedings of the meeting should be made in writing and entered and transcribed in the official Minute Book or Register of the proceedings of the Vestry and should be signed by the Incumbent and Churchwardens.
4. A copy of such record certified to be true by the Incumbent and Churchwardens should be forwarded to the Lord Bishop for his formal consent to the sale, and a copy also of the record should be forwarded to the Secretary-Treasurer of the Synod to be laid before the Executive Committee for their formal assent to the sale.
5. After the consents mentioned have been obtained, the Incumbent and Churchwardens may give notice of the intended sale specifying the premises to be sold, and the time and terms of sale, and the advertisement of the sale should state that the Incumbent and Churchwardens reserve to themselves the right to bid, or should state that the lands will be sold subject to a reserve bid.
6. After this notice has been published for four successive weeks in a weekly paper published in or near the place where the lands are situate, the Incumbent and Churchwardens may sell the land by public auction according to the notice.
7. The Incumbent and Churchwardens are not obliged to complete or carry a sale into effect if in their judgment an adequate price is not offered for the land.
8. If the sale by public auction prove abortive, the Incumbent or Churchwardens may sell the lands by public or private sale, but a less sum shall not be accepted by private sale than was offered at public sale.

9. Before a conveyance is executed in pursuance of the sale, the Vestry must be duly notified thereof and its assent obtained to the execution of the deed, such assent to be signified by a vote of the majority of members present at the meeting duly called for that purpose.

10. A record of the proceedings of the meeting called to procure the assent to the execution of the deed must be made out and entered in a Minute Book as above described.

11. A duly authenticated copy of the last mentioned record of proceedings shall be transmitted to the Secretary-Treasurer of the Synod.

12. The deed shall then be drawn, reciting the proceedings and reciting the original purchase and the intention of the Vestry and Congregation in so purchasing.

13. The deed shall then be executed in the usual manner by the Synod, by the Lord Bishop and by the Honorary-Secretaries of the Synod.

Mortgaging of Church Property.

II. When it is proposed to mortgage Church property under the authority of the above Act, the following steps are necessary :

1. In the first place there must be a pre-existing debt for the building, repairing, extending or improving of a Church or other building, or for the purchase of the land in question, and the mortgage may be for securing such debt or borrowing money to pay it off in whole or in part.

2. The consent of the Vestry to be given at a meeting called in the usual way.

3. A minute of the resolution of the Vestry consenting to or authorizing the giving of a mortgage to secure the debt, or the raising of a loan upon mortgage, must be entered in the Book of Record of the proceedings of the Vestry.

4. The consent of the Bishop of the Diocese. In order to procure this a copy of the minute of the Vestry certified by the Vestry Clerk, or otherwise verified, should be forwarded to the Bishop together with the proposed mortgage.

5. The consent of the Executive Committee of the Synod, and in order to procure the same, a similar copy of the resolution should be sent to the Secretary-Treasurer of the Synod, together with the proposed mortgage.

6. The consent may be given by the execution of the mortgage deed by the Bishop and by the Honorary Secretaries of the Synod, or by a memorandum of consent endorsed thereon and signed by them,

7. The execution of the mortgage deed by the persons making the same before it is forwarded for the consent of the Bishop and Executive Committee of the Synod, although not necessary, is desirable.

APPENDIX C.

ERECTION AND REPAIRS OF PARSONAGE HOUSE—WHEN TO BE BORNE BY VESTRY.

1. That with respect to the parsonage house and buildings, the parish shall bear all expenses of erection and material repairs, including painting inside and out; the parish shall bear all expenses of original erection of parsonage, fences and gates; and shall further be responsible to the Incumbent, on his induction to the parish, for their efficient order and repair at the time of said induction: but

it shall then be the duty of the Incumbent to keep them at all times in like efficient order and repair, the standard of such efficient order and repairs as to gates and fences being the municipal rule or law, where such exists, or otherwise the ordinary custom and rule of landlord and tenant.

INCUMBENT TO BEAR EXPENSE OF REPAIR—APPEAL.

2. Should the Incumbent, by wilful negligence, or by any act of commission or omission, suffer the said buildings, gates, or fences, to get out of repair, it shall be the duty of the Churchwardens to point out such dilapidations to the Incumbent, and request him to remedy the same; and the Churchwardens may, after three months, and if there be no appeal to the Bishop, employ a suitable mechanic or mechanics to execute the necessary repairs; and the certified expenses thereof they may deduct from any funds in, or passing through, their hands, payable to the Incumbent. But should the Incumbent feel aggrieved by such contemplated action of the Churchwardens, he may appeal to the Bishop, who shall, if he sees fit, appoint a committee, consisting of the Rural Dean, and two or more neighbouring Clergymen and Laymen, to be named by the Bishop, or under his authority by the Archdeacon; which committee shall enquire into the same, reporting their decision, when approved by the Bishop or Archdeacon, as the case may require; and such decision, when approved by the Bishop or Archdeacon, shall be final.

MATERIAL REPAIRS, BY WHOM TO BE BORNE—MORTGAGES.

3. Should any extensive improvements or repairs become necessary, from lapse of time or otherwise, such as new roofing, painting or replacing of matters necessary to the stability or safety of the buildings, erection of new fences, or placing the same in efficient repair and order as pointed out in the foregoing section, it shall be the duty of the Clergyman to lay a detailed statement of the same, with an approximate estimate of the expense, before the usual Easter Meeting of the Vestry, having previously given notice of his intention to do so, or before a Vestry Meeting specially convened for that purpose, and should the members of the vestry sanction the same, the Churchwardens shall forthwith proceed to erect the necessary repairs, providing for the expenses thereof from the funds of the Church, by parochial subscriptions, or by any other mode determined by the Vestry; provided that in no case shall the property of the Church be so encumbered by a debt or mortgage to a greater amount than one-fifth of the value of the property, to be ascertained by competent valuation, nor shall the expense of such improvements or repairs be defrayed from any funds appropriated to or pertaining to the support of the Clergyman.

CHURCHWARDENS TO HAVE BUILDINGS INSURED.

4. That whereas no proper precaution should be omitted for the preservation of the property of the Church, it shall be the duty of the Churchwardens to keep all the buildings thereof constantly insured in some responsible office.

RECORD BOOK OF TITLES TO BE KEPT.

5. That a book of record be kept in every church by the wardens, in which shall be entered a sufficient abstract of all titles and deeds by which the lands of the said Church, whether site of church, burial ground, glebe, endowment, or whatsoever they may be, are held, showing their date, by whom given, situation, quantity of land, conditions of trust or gift, when and where registered, and any other information necessary to a full understanding of the same; also, if wild or unoccupied land, whether any or what provision is made for payment of taxes, when the taxes have been paid, and what arrears may from time to time accrue.

WHEN TAXES SHALL BE PAID BY INCUMBENT.

6. That whereas there is much valuable, though at the time unproductive, land held as endowments for Churches or Parishes, and much loss has been incurred by the sale of such lands for taxes, it is necessary to define on whom the responsibility of the payment of such taxes should rest. In all cases where wild land or waste lands are held, being unproductive, and the Incumbent deriving no benefit from them, the expense of maintaining such lands should be a charge on the Parish or Church, for the benefit of which they are given; and in all cases where any benefit or emolument is derived from any such piece or parcel of land by the Incumbent, or on his behalf, then the expenses of taxation should be borne by such Incumbent.

PARTIES HOLDING CHURCH PROPERTY TO SEND STATEMENT TO CHURCHWARDENS.

7. That in accordance with the foregoing, the Church Society, or other parties holding real estate or other property in trust for any particular Church or Parish, do send a statement of the same to the Churchwardens of such Church or Parish, to be recorded as hereinbefore directed.

APPENDIX D.

THE 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.

[3 Vict. cap. 74; Royal Assent promulgated 3rd December, 1841.]

1. 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 the possession thereof shall be in the Incumbent for the time being, and the Churchwardens to be appointed as hereinafter 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 purpose 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.

PEW HOLDERS TO FORM A VESTRY.

2. 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 sittings, shall form a vestry for the purpose in this Act mentioned and declared.

*This Act applies to all Churches in communion with the Church of England, not simply to Parish Churches: *Sanson v. Mitchell*, 6 U. C. Chy. 582.

ORDINARY MEETINGS AND PROCEEDINGS OF VESTRY.

3. A meeting of such vestry shall be holden on Monday, in Easter week, in each and every year, after due notice thereof given during the Divine Service on the morning of Easter Sunday, for the purpose of appointing Churchwardens for the coming year ; and 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 members of such vestry shall neglect to elect a Churchwarden, then both 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 specified, such appointment of Churchwardens may take place at any subsequent vestry meeting to be called in manner hereinafter provided ; and in the 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.

QUALIFICATION OF CHURCHWARDENS.

4. 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 a vestry.

CHURCHWARDENS' TERM OF OFFICE.

5. Such Churchwardens shall hold their office for one year from the time of their appointment, or 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.

6. Such Churchwardens, so to be elected and appointed as aforesaid, shall, during their term 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 manners 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 facilities 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

*See, as to election of Churchwardens and persons entitled to vote, *Tully v. Farrell*, 23 U. C. Chy. 49.

†See *Anderson v. Worters*, 32 U. C. C. P. p. 659 ; 47 Vict. cap. 89, *post p.* 26 ; *McCleneghan v. Grey*, 4 O. R. 329 ; *McFeeters v. Dixon*, 3 Chy. Chamb. 84.

‡See *Maynard v. Gamble*, 13 U. C. C. P. p. 56, 467 ; *McFeeters v. Dixon*, 3 Chy. Chamb. 84.

rented sittings; such conveyances, leases, and certificates, to be given within a reasonable time after demand made, and at the charge 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.

PURCHASE OF PEWS AS A FREEHOLD OF INHERITANCE.

7. 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.

RIGHTS OF PEW-HOLDERS.

8. 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.†

ACCOUNTS OF CHURCHWARDENS OPEN TO INSPECTION.

9. 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 in to 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 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 they 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 make default in yielding such account as aforesaid, or in delivering over such money, goods or 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 re-appointment of the same churchwardens, then such account as aforesaid shall, in like manner as is aforesaid, be made and rendered before an adjourned meeting of such vestry, fourteen days after such re-appointment.

*The words "absolute purchase" are considered and defined in *Ridout v. Harris*, 17 U. C. C. P. p. 88.

†Case, not ejectment, is the proper remedy for disturbance of a pew. *Ridout v. Harris*, 17 U. C. C. P. p. 88.

EXTRAORDINARY MEETINGS OF VESTRY.

10. 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 to do so, 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 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 AND CLERK OF VESTRY MEETINGS.

11. 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 meeting shall be entered in a book to be kept for that purpose, and preserved in the custody of the churchwardens.

REGULATION OF PEW RENTS.

12. 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 conveyance, leases and certificates, shall in like manner be regulated at such vestry meetings as aforesaid.

APPOINTMENT OF CLERK, ORGANIST, VESTRY CLERK, SEXTON, ETC.

13. 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 their salary and wages shall be brought into the general account, to be rendered as aforesaid by such churchwardens.

FEES FOR MARRIAGES, BAPTISMS, ETC.

14. 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 there be no Ordinary, by the Bishop of the Diocese.*

BY-LAWS OF THE VESTRY.

15. It shall be in the power of the members of such vestries, at such vestry meetings as aforesaid, to make such by-laws for the regulation of their proceedings and the managements of the temporalities of the church or parish in which they belong, so as the same may not be repugnant to this Act, nor contrary to the canons of the said United Church of England and Ireland.

* Rescution No. 133, in regard to Fees, passed by the Synod of the Diocese of Toronto, and approved by the Bishop, is as follows:

“That with the sanction of the Lord Bishop, the following be adopted as the

GRANTS OF LAND FOR CHURCH PURPOSES TO BE VALID.

16. Any deed or conveyance of land* or of personalty, that may be made to any Bishop of the said Church, in the said Provinces, 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 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 least before the death of the person conveying the same, and shall be registered not later than six months after his decease.

CHURCH ENDOWMENT—BISHOP'S LICENCE.

17. 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 licence 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, being 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.

Table of Fees to be taken by Clergymen of the Church in the Diocese of Toronto for the following services :

Marriages (including registration)‡	\$4 00
Burials, " " ‡	2 00
" at a distance	3 00
Calling of Banns (payable in advance)	1 00
Baptisms (including registration)‡	No fee.
Churchings	No fee.

beyond the accustomed offering prescribed by the Prayer Book.

Certificate of Baptism	\$1 00
" Marriage	1 00
" Burial	1 00

[(a), 1876, pp. 103, 151. See 1881, p. 70; 1875, p. 181.]

*This includes a will. *Doe dem Baker v. Clark*, 7 U. C. Q. B. 44 q. v.

†A devise to the Bishop and the Rector is good, though the Statute only speaks of a devise to the Bishop or the Rector. *Doe dem Baker v. Clarke*, 7 U. C. Q. B. 44.

‡See the Statute as to Registration of Births, Marriages, and Deaths, printed at page 197 of the Consolidated Canons, etc., 1886.

NO SPIRITUAL JURISDICTION CONFERRED BY THIS ACT.

18. 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.

APPENDIX E.

CHURCH TEMPORALITIES' AMENDMENT ACT.

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

[29-30 Vic. cap. 15. 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 of the Parliament of this Province, 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 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, &c.

THE PROVINCIAL SYNOD MAY CHANGE OR AMEND TEMPORALITIES ACT OF 1841.

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, chapter 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 sixteenth section of the Act firstly, and the proviso to the eighteenth section of the Act thirdly in the Preamble of this Act mentioned, and also the eighteenth sections of the Acts firstly and secondly and the twenty-second section of the 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.

APPENDIX F.

An Act respecting Churchwardens in the Diocese of Toronto.

[47 Vic. cap. 89: Assented to 25th March, 1884.]

[NOTE:—This Act was passed in consequence of the decision of the Common Pleas Division of the High Court of Justice (Ont.), in *Anderson v. Worters et al.*, 32 U. C. C. P. 657. See Canon ix., published as Appendix G below.

Whereas doubts have arisen as to the sufficiency of the Church Temporalities Act, passed in the 3rd year of Her Majesty's reign, and chaptered 74; and of the Diocesan and Provincial Synods' Act, passed in the session held in the 19th and 20th years of Her Majesty's reign, and chaptered 141; and the Incorporated Synod of the Diocese of Toronto have, by their petition, prayed for an Act to make further provision in the premises; and it is expedient to grant the prayer of the said petition. Therefore, etc.

CHURCHWARDENS OF FREE AS WELL AS PEWED CHURCHES TO BE A CORPORATION.

The Churchwardens for the time being of any Church in the Diocese of Toronto in the Province of Ontario, in communion with the Church of England in Canada, elected or appointed under the provisions of the Church Temporalities Act, passed in the third year of Her Majesty's reign, and chaptered 74,* or of any Canon passed or to be passed by the Incorporated Synod of the Diocese of Toronto, under the powers conferred on such Synod by any Act of the Legislature, shall, whether they be Churchwardens of pewed or of free churches, besides possessing the powers and authorities conferred upon such Churchwardens by any Act of the Legislature now in force, be a corporation with perpetual succession under the name of "The Churchwardens of the Church of _____, in the _____," to represent the interests of the church of which they are so elected or appointed, and of the members thereof, and shall and may sue and be sued, answer and be answered unto, in all manner of suits, actions and proceedings whatsoever, for and in respect of such churches and churchyards, and all matter and things appertaining thereto.

PROVISO.

Provided always, that nothing herein contained shall be so construed as to make the provisions of the Church Temporalities Act, as to the renting or sale of pews, apply to free churches so long as they continue free.

APPENDIX G.

CANON NO. IX.—VESTRIES IN FREE CHURCHES. (a)

1. That in all churches or places of worship of the Church of England within the Diocese of Toronto, in which the sittings shall be free, and in which a vestry shall have been organized before this Canon shall take effect, a vestry may hereafter be formed for all purposes mentioned in "The Church Temporalities Act," not inconsistent with the constitution of free churches, to be composed of all persons

*See this Act printed in Appendix D, herewith, page 20.

(a) See 47 Vict. (Ont.) cap. 89, printed as Appendix F, above.

who shall at the time be entitled to vote for Lay Representatives to the Synod of the parish or mission within which such church or place of worship shall be situated, [(a) 1884. pp. 52, 53; (c) 1885, p. 54.]

2. Whenever any new congregation of the said Church of England shall be organized hereafter in this Diocese, of which the church or place of worship shall be free, the first vestry thereof shall be formed of those male members of the congregation of such church or place of worship, who shall be of the full age of 21 years, who shall be members of the Church of England, and who shall subscribe the following declaration :

“I solemnly declare that I am a member of the Church of England, and of this congregation (*naming it*); and that I intend to be an habitual worshipper with this congregation during the ensuing year, and I do not intend to vote as a member of any other congregation during that period; and I am of the full age of 21 years.” [See references to sec. 1.]

3. In case of any dispute arising as to the right of any person to be a member of such vestry, in the case mentioned in the second clause, such dispute shall be determined by any three persons, members of the Church of England, to be named by the Rural Dean within whose deanery such church or place of worship is situate, whose decision shall be final. [See references to sec. 1.]

4. All subsequent vestries for such church or place of worship shall be constituted as prescribed in the first clause. [See references to sec. 1.]

5. The 9th, 10th, 11th, 13th, and 15th sections of “The Church Temporalities Act” * shall apply to vestries and churchwardens of free churches constituted, elected, and appointed under this Canon. [See references to sec. 1.]

6. 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 the Divine Service on Easter Sunday, for the purpose of appointing churchwardens for the coming 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 meetings 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 members of such vestry shall neglect to elect a churchwarden, then both of the said 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 specified, such appointment of churchwardens may take place at any subsequent vestry meeting to be called in manner hereinbefore 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. [See references to sec. 1.]

7. 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 a vestry. [See references to sec. 1.]

*See this Act, printed as Appendix D, page 20.

8. And be it further enacted by the authority aforesaid, that such churchwardens shall hold their office one year from the time of their appointment, or 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. [See references to sec. 1.]

9. All former canons respecting the vestries and churchwardens of free churches are hereby rescinded. [See references as to sec. 1.]

