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# JOURNAL



OF THE

## FIRST SESSION

OF THE

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WITH THE LEGISLATIVE ENACTMENTS  
RELATING THERETO.

SAINT JOHN, N. B.  
PRINTED BY J. & A. McMELLAN,  
PRINCE WILLIAM STREET.  
1871.

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The Bishop, CL  
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Rev. William W.  
Rev. Dr. Jarvis,  
Rev. Nathaniel Al  
Rev. John Black,

\*See Appendix No.

May 22, 1969

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## JOURNAL OF SYNOD.

THURSDAY, 6th July, A. D. 1871.

The Bishop, Clergy, and Representatives of the laity of the Diocese of Fredericton, in the Province of New Brunswick, having on this day at two o'clock P. M. met at the Madras school house in the City of Fredericton, pursuant to a notice given by the Bishop of the Diocese, and according to the provisions of an Act of Assembly passed at the last session of the Provincial Legislature (34 Victoria, cap. 8\*) intituled "An Act relating to the Synod of the Church of England in the Diocese of Fredericton and Province of New Brunswick," and the said Act having been produced, the Bishop read the notice given by him, calling, at this time and place, the first meeting to be held as therein provided, as published in the *Royal Gazette* for four successive weeks, namely, on the 7th, 14th, 21st, and 28th days of June last.

The Lord Bishop in the Chair.

On motion, the Rev. John Pearson was requested to act as Secretary of the meeting.

On motion, the meeting adjourned to the Supreme Court Room in the Province Buildings.

The roll of the clergy was then called, and the following persons (except those whose names are printed in italics) were present and answered to their names:—

Rev. William W. Walker,  
Rev. Dr. Jarvis,  
Rev. Nathaniel Allan Coster,  
Rev. John Black,

*Rev. William Elias Scovil,*  
Rev. John Sedgfield Thomson,  
Rev. William Armstrong,  
Rev. Canon Harrison,

\* See Appendix No. I.



Rev. William Scovil,  
 Rev. George M. Armstrong,  
 Rev. James Neales,  
 Rev. Dr. Ketchum,  
 Rev. Henry William Tippet,  
 Rev. Richard Simonds,  
 Rev. William N. Boyer,  
 Rev. Alfred Horatio Weeks,  
 Rev. Simeon Jones Hanford,  
 Rev. William H. DeVeber,  
*Rev. George T. Carey,*  
 Rev. Edmund A. Warneford,  
 Rev. Dr. Coster,  
 Rev. Dr. Lee,  
 Rev. William Jaffrey,  
 Rev. Donald M. Bliss,  
 Rev. John Symes Williams,  
 Rev. John Pearson,  
 Rev. David Wetmore Pickett,  
 Rev. George Goodridge Roberts,  
 Rev. David I. Wetmore,  
 Rev. Edward S. Woodman,  
 Rev. William Cruden,  
 Rev. Maurice Swabey,  
 Rev. William Henry Street,

Rev. James J. Hill,  
 Rev. George Schofield,  
 Rev. Ranald E. Smith,  
 Rev. Charles S. Medley,  
 Rev. Walter Scott Covert,  
 Rev. Theodore Edward Dowling  
*Rev. George Rogers,*  
 Rev. Edward S. Medley,  
 Rev. Benjamin Shaw,  
 Rev. William LeB. McKiel,  
 Rev. James Paterson Sheraton,  
 Rev. William Stirling Neales,  
 Rev. Edward A. W. Hanington,  
 Rev. Charles R. Matthew,  
 Rev. William B. Armstrong,  
*Rev. William Harrison Tilley,*  
 Rev. James Henry Saturley,  
 Rev. Thomas Hartin,  
 Rev. Thomas Neales,  
 Rev. John Frederic Carr,  
 Rev. Francis Partridge,  
 Rev. Leopold A. Hoyt,  
 Rev. George H. Sterling,  
 Rev. Cuthbert Willis.

Chatham . . . . .  
 Dalhousie . . . . .  
 Dorchester . . . . .  
 Douglas . . . . .  
 Dumfries . . . . .  
 Fredericton . . . . .  
 Gagetown . . . . .  
 Greenwich . . . . .  
 Hampton . . . . .  
 Kingsclear . . . . .  
 Kingston . . . . .  
 Maugerville . . . . .  
 Moncton . . . . .  
 New Maryland . . . . .  
 Norton . . . . .  
 Pennfield . . . . .  
 Petersville . . . . .  
 Portland, (St. Luke) . . . . .  
 Portland, (St. Paul) . . . . .  
 Prince William . . . . .  
 Richibucto . . . . .  
 Richmond . . . . .  
 Rothesay . . . . .  
 St. Andrews . . . . .  
 St. David . . . . .  
 St. George . . . . .  
 St. John, (Trinity) . . . . .  
 " (St. Mark) . . . . .  
 " (St. James) . . . . .

The names of the several Parishes and Cures in the Diocese being then called over, it was, on motion, Resolved, that the Hon. Judge Allen and Mr. W. M. Jarvis be appointed a Committee to examine the certificates of the Lay Representatives elected to attend this meeting according to the provisions of the Act relating to the Synod.

His Honor Mr. Justice Allen, from the said Committee, reported that they had examined the several certificates produced of the election of Lay Representatives, and found that the following persons had been duly elected, according to the provisions of the said Act:—

PARISH.	NAMES.
Andover . . . . .	} <i>Mr. Samuel E. Flewelling,</i>
Burton . . . . .	} <i>Mr. Lewis Pickett.</i>
Cambridge . . . . .	} <i>Hon. Robert D. Wilmot.</i>
Campobello . . . . .	} <i>Mr. Thomas Orchard,</i>
Canterbury . . . . .	} <i>Mr. T. Lee Scovil.</i>
	} <i>Hon. Capt. J. J. Robinson-Owen.</i>
	} <i>Mr. Robert Robinson,</i>
	} <i>Mr. Edward Garden.</i>



Chatham . . . . .	}	Mr. William Wilkinson,
Dalhousie . . . . .		Mr. George A. Blair.
Dorchester . . . . .	}	<i>Mr. H. A. Johnson.</i>
Douglas . . . . .		<i>Hon. E. B. Chandler,</i>
Dumfries . . . . .	}	Mr. David Chapman.
Fredericton . . . . .		Mr. Edward Pidgeon,
Gagetown . . . . .	}	Mr. William McKeen.
Greenwich . . . . .		Mr. Frederick Clements.
Hampton . . . . .	}	Hon. Mr. Justice Allen,
Kingsclear . . . . .		Mr. William Carman.
Kingston . . . . .	}	Mr. Edward Dickie.
Maugerville . . . . .		<i>Mr. W. B. McKiel,</i>
Moncton . . . . .	}	Mr. John L. Wilmot.
New Maryland . . . . .		Mr. Charles J. Smith,
Norton . . . . .	}	Mr. George Otty.
Pennfield . . . . .		Mr. A. Rankin Bedell.
Petersville . . . . .	}	Mr. W. P. Flewelling,
Portland, (St. Luke's) . . . . .		<i>Mr. Samuel Foster.</i>
Portland, (St. Paul's) . . . . .	}	Mr. Archibald M. Sterling.
Prince William . . . . .		Mr. Ezekiel Taylor.
Richibucto . . . . .	}	Mr. Joseph Whittaker.
Richmond . . . . .		Mr. Charles Dixon,
Rothesay . . . . .	}	<i>Mr. James E. Fairweather.</i>
St. Andrews . . . . .		Mr. James McKay.
St. David . . . . .	}	Mr. Charles R. Bayard,
St. George . . . . .		Mr. Charles T. Perkins.
St. John, (Trinity) . . . . .	}	Mr. Matthias Hamm,
" (St. Mark's) . . . . .		Mr. Robert Middlemore.
" (St. James) . . . . .	}	Mr. W. Chipman Drury,
		Mr. William M. Jarvis.
	}	Mr. James Henry,
		Mr. George Ingraham.
	}	<i>Mr. Lestock P. W. DesBrisay.</i>
		Mr. Ellis Cunliffe,
	}	Mr. William Stokes.
		Hon. Chief Justice Ritchie,
	}	Mr. Charles H. Fairweather.
		Mr. George D. Street,
	}	Mr. J. S. Magee.
		Mr. William Towers,
	}	<i>Mr. Joseph Simpson.</i>
		Mr. James Vroom.
	}	Mr. John V. Thurgar,
		Mr. Edward Sears.
	}	Mr. James R. Ruel,
		Mr. Samuel D. Berton.
	}	Mr. Hurd Peters,
		<i>Mr. Robert W. Crookshank.</i>

St. John (St. George's) . . .	}	<i>Mr. William H. Craft,</i>
		<i>Mr. Isaac C. Perkins.</i>
“ (St. Jude's) . . .	}	<i>Mr. John C. Littlehale,</i>
		<i>Mr. Edwin J. Wetmore.</i>
St. Mary's . . . . .	}	<i>Mr. W. W. Belyea,</i>
		<i>Mr. George Byram.</i>
St. Stephen . . . . .	}	<i>Mr. P. M. Abbott,</i>
		<i>Mr. David Brown.</i>
St. Stephen (Trinity Mission)		<i>Mr. Henry Webber.</i>
Sackville . . . . .		<i>Mr. J. W. Grey.</i>
Shediac . . . . .	}	<i>Mr. E. George Harshman,</i>
		<i>Mr. John H. Bateman.</i>
Stanley . . . . .	}	<i>Mr. Thomas Seward,</i>
		<i>Mr. Thomas Douglas.</i>
Studholm . . . . .		<i>Mr. John Saunders.</i>
Waterborough . . . . .		<i>Mr. Vincent M. Wiggins.</i>
Westfield . . . . .	}	<i>Mr. William H. Nase,</i>
		<i>Mr. Alexander M. Woodman.</i>

The Roll of the Lay Representatives, so certified, having been called, the persons mentioned in the foregoing list (except those whose names are printed in italics) were present and answered to their names.

The meeting having been duly organized, special prayer for the Divine guidance and blessing was offered by the Bishop.

On motion of the Hon. Judge Allen, seconded by the Rev. Canon Harrison, it was unanimously resolved as follows: Whereas by an Act passed at the last Session of the Provincial Legislature, Cap. VIII, intituled “An Act relating to the Synod of the Church of England in the Diocese of Fredericton and Province of New Brunswick,” the Bishop, Clergy, and Laity, being members of the Church of England in this Province, are authorized to meet and frame a constitution, and make regulations for certain purposes mentioned in the said Act; that the Synod so constituted should be a body corporate by the name of “The Diocesan Synod of Fredericton,” and that the first meeting to be held under the said Act should be called by the Bishop, by notice to be published for four successive weeks in the Royal Gazette;

And whereas due notice of the first meeting under the said Act, to be held this day at Fredericton, has been given by the Bishop of the Diocese, as appears by the Royal Gazette now produced and read; and in pursuance of such notice the Clergy and

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the Laity, by their representatives, duly elected, have attended at the time appointed ;

Therefore Resolved, that we, the Bishop, Clergy, and Laity, members of the Church of England in this Province, do hereby accept the said Act of Incorporation, and agree to become incorporated thereunder.

His Honor the Chief Justice then read a draft of a Declaration of Principles, Constitution, Order of Proceedings, and Rules for the Preservation of Order in the Synod, and it was moved by his Honor the Chief Justice, seconded by the Rev. Dr. Jarvis, as follows : Resolved, that the Declaration, Constitution, Order of Proceedings, and Rules for the Preservation of Order, as now read, be adopted as the Declaration, Constitution, Order of Proceedings, and Rules for the Preservation of Order, of this Synod.

To which it was moved, as an amendment, by Mr. James R. Ruel, seconded by Mr. William M. Jarvis, That the proposed Constitution be taken up section by section ; and on the question being taken on the amendment, it passed in the affirmative.

The following " Declaration of Principles," having been submitted to and considered by the Synod, was then adopted :

#### DECLARATION.

We, the Bishop, Clergy, and Laity of the Diocese of Fredericton, in the Province of New Brunswick, assembled in Synod, and intending, under God's blessing and guidance, to consider and determine upon all such matters as shall appear necessary for the welfare of the Church in this Diocese, desire, in the first place, for the avoiding of all misunderstanding, to make a declaration of the principles upon which we propose to proceed.

We desire that the Church in this Diocese shall continue to be, as it has been, in full communion with the Churches of England and Ireland. We recognize the Canon of Holy Scripture, as received by those Churches, to be the Word of God. We acknowledge the Book of Common Prayer, together with the Thirty-nine Articles of religion, to be a true and faithful declaration of the doctrines contained in Holy Scripture. And we declare our firm and unanimous resolution, in dependence on Divine aid, to preserve those doctrines, and to transmit them, unimpaired, to our posterity.

The Synod then proceeded to consider the proposed Constitution, when the first article thereof being read as follows :

1. The Synod shall consist of the Bishop of the Diocese, of the



Priests and Deacons of the same, duly licensed by the Bishop, and lay representatives, to be elected as hereinafter provided :

It was moved in amendment thereto by the Rev. G. M. Armstrong, and seconded by the Rev. J. J. Hill, that the words "Presbyters" be inserted after the word Priests. On the question being taken on the amendment, it was decided in the negative. The first article, as proposed and read, was then passed.

The following articles of the proposed Constitution, having been considered by the Synod, were then agreed to :

2. The lay representatives shall be male communicants of at least one year's standing, and of the age of twenty-one years, and residents in the Parish for which they are elected, or stated attendants at some Church or Chapel-of-ease within the same. They shall present to the Secretary of the Synod a certificate of their election, signed by the Chairman of the meeting at which they were appointed, according to the following form : " Parish of \_\_\_\_\_. I hereby certify that at a meeting of the members of the Church in this Parish, held on \_\_\_\_\_, " Mr. \_\_\_\_\_ was duly elected a representative in Synod," (or, if two representatives are elected, " were duly elected representatives in Synod, and that the said Parish is entitled to elect two representatives.)

" Dated \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_ Chairman."

3. The lay representatives shall be elected every year at a meeting to be summoned by the Incumbent, or in case the Parish is vacant, or the Incumbent is absent, or unable to summon such meeting, then by the Church Wardens, or either of them ; and shall be held in each Parish, civil or ecclesiastical, upon Easter Monday, or within thirty days thereafter ; and they shall continue in office until other representatives are appointed.

4. In the case of a vacancy occurring in the representation of any Parish, by death, resignation, refusal to act, or otherwise, such vacancy may be filled at a special meeting called for that purpose by the Incumbent, or Church Wardens, as provided in the next preceding article.

5. The Rector or Incumbent shall preside at every such meeting ; but if he shall be unable to attend, or if there be no Rector or Incumbent, the persons qualified to vote may appoint a Chairman and proceed to the election.

6. Public notice of every such meeting, whether ordinary or special, shall be given at the next previous Sunday Service, and also by a notice, written or printed, affixed to the door of each Church or Chapel-of-ease in such Parish, at least ten days before the day of such meeting, specifying the time and place of such meeting.

7. All male persons, new-holders or stewards of the Church of England, in any parish for which the election of lay representatives is provided, shall be entitled to vote for any person shall be elected Chairman or any other officer of the Church of England, and for in the seventeenth year of the reign of King Edward the Sixth. Every parish, or cure, entitled to elect two lay representatives, shall elect two lay representatives, one of whom shall be the Chairman of the meeting for such parish or cure.

9. The quorum for the Synod shall consist of a majority of qualified members of lay representatives, and the Secretary of the Synod shall have power to adjourn from time to time.

The following Constitution :

10. No act or resolution shall be passed by the Synod, or by any of its committees, without the concurrence of a majority of the whole Synod, or of a majority of the lay representatives of the Synod, the vote of the Bishop, or of any other person, shall not be counted, and in this case a majority shall be a majority of the whole Synod.

Whereupon it was resolved, and seconded by the Rector, that the following :

" 10. No Act or Resolution shall be passed by the Synod, or by any of its committees, without the concurrence of a majority of the whole Synod, or of a majority of the lay representatives of the Synod, the vote of the Bishop, or of any other person, shall not be counted, and in this case a majority shall be a majority of the whole Synod."

7. All male persons of the age of twenty-one years, being either pew-holders or stated attendants at the public worship of the Church of England in some church or chapel-of-ease within the parish for which the election is held, for six months next preceding the election, and having been regular contributors to the funds of the Church in the said parish or mission, shall be entitled to vote for lay representatives: provided that before any person shall be entitled to vote, he shall, if required by the Chairman or any parishioner present, make and subscribe the following declaration: "I, A. B., do declare that I am a member of the Church of England, and belong to no other religious denomination, and that I am duly qualified to vote, as provided for in the seventh article of the Constitution of the Synod."

8. Every parish shall be entitled to elect one representative; but when the number of pew-holders or stated attendants in a parish, or cure, entitled to vote, shall exceed forty, such parish or cure shall elect two representatives; and in such case, the Chairman of the meeting at which they were elected shall certify that such parish or cure is entitled to elect two representatives.

9. The quorum required for the transaction of any business in the Synod shall consist of not less than one-fourth of the whole number of qualified clergymen of the Diocese, and of a like number of lay representatives whose election shall have been certified to the Secretary of the Synod; but any lesser number shall have power to adjourn from day to day until a quorum can be obtained.

The following was then proposed as the tenth Article of the Constitution:

10. No act or resolution of the Synod shall become valid without the concurrence of the Bishop and of a majority of the clergy and laity present: provided that, ordinarily, the votes of the whole Synod shall be taken collectively; but that at the desire of the Bishop, or at the request of any three other members of the Synod, the votes of both orders shall be taken separately, and in this case a majority of each shall concur.

Whereupon it was moved in amendment by Mr. James R. Ruel, seconded by the Rev. W. S. Covert, to substitute therefor the following:

"10. No Act or Resolution of the Synod shall become valid without the concurrence of a majority of the clergy and laity present; provided that ordinarily the votes of the whole Synod shall be taken collectively; but that at the desire of the Bishop, or at the request of any three other members of the Synod, the votes of both orders shall be taken separately, and in that case a majority of each shall concur. Provided also that the Bishop shall have power to suspend the operation of any vote of the Synod until the next meeting thereof; but if at the next meeting the

same matter be again brought before the Synod, it shall become valid if approved by a vote of two-thirds of the members present.

On motion, the Synod adjourned till Friday the 7th July, at ten o'clock, a. m.

FRIDAY, 7th July, A. D. 1871.

The Synod met pursuant to adjournment, the Lord Bishop in the Chair.

Prayers.

The Roll of the Clergy and Lay Representatives was called by the Secretary, and the following persons answered to their names

CLERGY.

The Rev. Messrs. W. W. Walker, Dr. Jarvis, N. A. Coster, J. Black, J. S. Thomson, W. Armstrong, Canon Harrison, W. Scoville, G. M. Armstrong, James Neales, Dr. Ketchum, H. W. Tippet, R. Simonds, W. N. Boyer, S. J. Hanford, W. H. DeVeber, E. A. Warneford, Dr. Coster, Dr. Lee, W. Jaffrey, J. S. Williams, John Pearson, D. W. Pickett, G. G. Roberts, E. S. Woodman, W. Cruden, M. Swabey, W. H. Street, J. J. Hill, G. Schofield, R. E. Smith, Charles S. Medley, W. S. Covert, T. E. Dowling, Edward S. Medley, B. Shaw, W. LeB. McKiel, J. P. Sheraton, W. S. Neales, C. R. Matthew, W. B. Armstrong, W. H. Tilley, J. H. Saturley, T. Hartin, T. Neales, F. Partridge, L. A. Hoy, G. H. Sterling, C. Willis.

LAITY.

Messrs. S. E. Flewelling, L. Pickett, W. Wilkinson, G. A. Blair, Edward Pidgeon, W. McKeen, F. Clements, W. Carman, E. Dickie, C. J. Smith, G. Otty, W. P. Flewelling, A. M. Sterling, E. Taylor, Joseph Whittaker, C. Dixon, C. R. Bayard, C. T. Perkins, M. Hamm, R. Middlemore, W. C. Drury, W. M. Jarvis, G. Ingraham, C. H. Fairweather, G. D. Street, J. S. Magee, W. Towers, J. Vroom, J. V. Thurgar, E. Sears, J. R. Ruel, S. D. Berton, Hurd Peters, E. J. Wetmore, D. Brown, H. Webber, J. W. Grey, E. G. Harshman, Honorables Chief Justice Ritchie, Mr. Justice Allen, Capt. Robinson-Owen.

The Secretary then read the minutes of the proceedings of the Synod of yesterday, which were approved.

Moved by the Rev. T. E. Dowling, seconded by Mr. W. M. Jarvis, and Resolved, that visitors be allowed to attend during the

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After debate, the  
Synod divided as  
Yeas :—Rev. M  
Armstrong, Jame  
Sheraton, Matthe  
E. Dickie, E. Tay  
R. Middlemore, C  
V. Thurgar, E. S  
Wetmore, H. Wel  
Nays :—Rev. M  
Black, Thomson, V  
Hanford, DeVeber  
Williams, Pearson  
Schofield, Smith,  
McKiel, W. S. Ne  
Partridge, Hoyt, S  
Pickett, T. Orchar  
Blair, E. Pidgeon,  
Carman, C. J. Sm  
A. M. Sterling, J  
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C. Brown, J. W. C  
It was therefore  
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shall become sessions of this Synod, and that a portion of this room be set apart for their use, until this Synod shall otherwise direct.

The Synod then proceeded with the consideration of the proposed tenth article of the Constitution, and the amendment thereto. After debate, the question being taken on the amendment, the Synod divided as follows:

Yeas:—Rev. Messrs. W. Armstrong, Canon Harrison, G. M. Armstrong, James Neales, Cruden, Swabey, Hill, Covert, Tilley, Sheraton, Matthew, W. B. Armstrong; Messrs. David Chapman, E. Dickie, E. Taylor, C. R. Bayard, C. T. Perkins, M. Hamm, R. Middlemore, C. H. Fairweather, J. S. Magee, W. Towers, John V. Thurgar, E. Sears, J. R. Ruel, S. D. Berton, H. Peters, E. J. Wetmore, H. Webber.

Nays:—Rev. Messrs. W. W. Walker, Dr. Jarvis, N. A. Coster, Black, Thomson, W. Scovil, Dr. Ketchum, Tippet, Simonds, Boyer, Hanford, DeVeber, Warneford, Dr. Coster, Dr. Lee, Jaffrey, Williams, Pearson, Pickett, Roberts, Wetmore, Woodman, Street, Schofield, Smith, C. S. Medley, Dowling, E. S. Medley, Shaw, McKiel, W. S. Neales, Hanington, Saturley, Hartin, T. Neales, Partridge, Hoyt, Sterling, Willis; Messrs. S. E. Flewelling, L. Pickett, T. Orchard, Capt. Robinson-Owen, W. Wilkinson, G. A. Blair, E. Pidgeon, W. McKeen, F. Clements, Judge Allen, W. Carman, C. J. Smith, G. Otty, A. R. Bedell, W. P. Flewelling, A. M. Sterling, J. Whittaker, C. Dixon, W. C. Drury, W. M. Jarvis, G. Ingraham, the Chief Justice, G. D. Street, J. Vroom, L. Brown, J. W. Grey, E. G. Harshman.

It was therefore decided in the negative.

The question was then taken on the original tenth Article, when the Synod divided,—yeas 66, nays 28; it was therefore decided in the affirmative.

The following articles of the Constitution were then considered and agreed to:—

11. The Synod shall meet once in every year, on a summons from the Bishop of the Diocese; and at such time and place as the Synod shall direct; and the Bishop, or, in case of his absence, of a vacancy in the See, the Archdeacon, or, if there be no Archdeacon, then the Bishop's Commissary at the time such absence or vacancy shall occur, or, if there shall be no such commissary, then any three clergymen acting as Rural Deans at the time such absence or vacancy shall occur, shall have power to call a special meeting, on any occasion when he or they may



On motion of his Honor the Chief Justice, seconded by Mr. W. Wilkinson,

Resolved, That the Order of Proceedings and Rules for the Preservation of Order now submitted, be agreed to and adopted as the Order of Proceedings and Rules of this Synod.\*

Mr. Wm. M. Jarvis submitted for the consideration of the Synod the following Draft of a Canon "Of the Election of a Bishop."

CANON : OF THE ELECTION OF A BISHOP.

Whereas it is desirable to provide for the succession of the Episcopate in the diocese of Fredericton, and whereas in accordance with the ancient usages of the Church, the election should be made by the Synod of the diocese, the form of election shall be as follows :—

1. The Archdeacon, or if there be no Archdeacon, the Commissary of the late Bishop, or if there be no Archdeacon or Commissary, or if they shall refuse, or shall neglect for thirty days or more after a vacancy in the See shall have occurred to act, then any three Rural Deans in Priest's orders within the Diocese for the time being, shall summon a special meeting of the Diocesan Synod for the election of a Bishop, to be held not less than sixty nor more than ninety days after such vacancy shall have occurred, at which meeting no other business but such election shall be proceeded with.

2. The person who shall be chosen by the votes, taken by ballot, of at least two-thirds of the clergy and two-thirds of the lay delegates present at such meeting, or some adjournment thereof, shall be deemed elected to the office of Bishop of this Diocese. And this election shall not be vitiated by the absence of any of the parties summoned, or by the failure of any parish to elect a representative.

3. Any question as to the validity of the election to the vacant See shall be submitted, prior to the consecration of the person elected, to the Metropolitan of the See of Fredericton for the time being, whose decision shall be final.

4. The Synod may at such meeting, by a like majority of clergy and lay delegates as hereinbefore mentioned, delegate to the Metropolitan of the See of Fredericton for the time being, the power of choosing a Bishop for the vacant See; and such choice shall thereupon be final.

5. The choice of the Synod, or the delegation of its choice, shall be notified in writing to the Metropolitan of the See of Fredericton for the time being, by the Chairman of the meeting and Secretary of the Synod, immediately after its decision.

\* See Appendix No. V.



6. The following declaration shall be made before the Metropolitan, or some person duly appointed by him, by the Bishop elect, before his consecration, or, if already consecrated, before exercising any episcopal functions in this diocese: "I, N., chosen bishop of the See of Fredericton, do promise that I will teach and maintain the doctrine and discipline of the Church of England and I also do declare that I consent to be bound by all the Rules and Regulations which have heretofore been made, and which may from time to time be made by the Synod of the Diocese of Fredericton; and in consideration of being appointed bishop of the said See of Fredericton, I hereby undertake immediately to resign the said appointment, together with all the rights and emoluments appertaining thereto, if sentence requiring such resignation should at any time be passed upon me, after due examination had, by the tribunal acknowledged or appointed by the Synod of the said Diocese for the trial of a bishop; saving the rights of appeal allowed by the said Synod."

7. The above declaration in writing, signed by the Bishop elect or a certified copy thereof, shall be filed with the Secretary of the Synod.

On motion of Mr. W. M. Jarvis, seconded by the Rev. W. Scovil,

Resolved, That the said Canon be approved and adopted.

On motion of Mr. W. Wilkinson, seconded by the Rev. J. Ketchum,

Resolved, That the Rev. John Pearson be appointed Secretary of this Synod.

On motion of the Rev. Dr. Lee, seconded by the Rev. Schofield,

Resolved, That the thanks of this Synod be given to the Rev. J. Pearson, for the courteous manner in which he has discharged the duties of Secretary.

On motion of the Rev. W. Scovil, seconded Mr. W. M. Jarvis,

Resolved, That the Secretary, with the assistance of the members to be appointed, be requested to prepare a Report of the proceedings of this meeting of the Synod, and that one thousand copies thereof be printed for the use of the Synod.

Ordered, That the Hon. Mr. Justice Allen, the Rev. W. Scovil and Mr. W. M. Jarvis be appointed for that purpose.

The Act of the Parliament of Canada, 34 Vic., Cap. 58, authorizing the union of the Synod of the Diocese of Fredericton with the Provincial Synod of Canada, having been brought under the consideration of the Synod;

\* See Appendix No. II.

On motion of the Chief Justice,

Resolved, That

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On motion of the Hon. Judge Allen, seconded by the Hon. Chief Justice,

Resolved, That it be referred to a Committee to enquire into any Acts of the Parliament of Canada in reference to the powers of the Provincial Synod, and of the Canons, Acts and Resolutions of the Provincial Synod, and the powers and authorities exercised thereunder, and the jurisdiction and power of any Courts established under the authority thereof; and to report fully thereon at the next meeting of this Synod.

The following Committee was thereupon named by the Synod for such purpose:—

The Lord Bishop, Revs. G. M. Armstrong, Dr. Ketchum and Dr. Lee, Hon. Judge Allen, Mr. W. Carman and Mr. S. D. Berton.

Moved by the Hon. Judge Allen, seconded by Mr. W. M. Jarvis,

Resolved, As the opinion of this Synod, that in case it should happen that the Bishop should withhold his assent to any Act or Resolution of the Synod, and on the same being again brought up at the next annual meeting, and passed by the Synod by a majority of two-thirds vote, and being again dissented from by the Bishop, such majority should have the right to appeal to the bench of Bishops in General Assembly in Canada, whose decision should be final; and that the Constitution of this Synod should be amended accordingly, in case of union with the Provincial Synod.

On motion of the Rev. Dr. Ketchum, seconded by the Rev. W. S. Covert,

Resolved, That the next annual meeting of the Synod be held at Saint John on the Wednesday before the first Thursday in July next.

On motion of the Hon. Judge Allen, seconded by the Rev. Dr. Ketchum,

Resolved, That the thanks of this meeting be tendered to the Lord Bishop for his able and impartial conduct in the Chair.

To which the Bishop briefly replied, congratulating the Synod on the results of the meeting; and then, after singing the Credo and receiving the Bishop's blessing, the Synod adjourned.

JOHN PEARSON,  
*Secretary.*

## APPENDIX.

## No. I.

ACT OF THE LEGISLATURE OF NEW BRUNSWICK, 34 VICT  
CHAP. 8.

An Act relating to the Synod of the Church of England, in the  
Diocese of Fredericton and Province of New Brunswick.

[Proclaimed June 7, 1871.]

Be it enacted by the Lieutenant Governor, Legislative Council  
and Assembly, as follows:—

1. The Bishop, Clergy, and Laity, members of the Church  
of England in this Province, may meet, and in such manner and by  
such proceedings as they shall adopt, frame a constitution, and  
make regulations for enforcing discipline in the Church, for the  
appointment, deposition, deprivation, or removal of any person  
bearing office therein, of whatever order or degree, any rights  
of the Crown to the contrary notwithstanding; and for the con-  
venient and orderly management of the property, affairs and  
interests of the Church, in matters relating to and affecting only  
the said Church, and the officers and members thereof, and not  
in any manner interfering with the rights, privileges or interests  
of other religious communities, or of any person or persons not  
being a member or members of the said Church of England;  
provided always, that nothing in this Act contained shall authorize  
the imposition of any rate or tax upon any person or persons  
whomsoever, whether belonging to the said Church or not, or the  
infliction of any punishment, fine or penalty upon any person  
other than his suspension or removal from an office in the said  
Church, or exclusion from the meetings or proceedings of the  
Synod; and provided also, that nothing herein contained shall  
be held to authorize any interference with the right of Presen-  
tation to Rectories, secured to the Parishioners by an Act passed  
in the thirty second year of the Reign of Her present Majesty  
intituled *An Act relating to Presentations to Rectories of the  
Church of England in the Province of New Brunswick*, or any  
interference whatever with the property, whether real or personal,  
which may now or which may hereafter belong to the several and  
respective Parishes or Church Corporations in this Diocese, or  
other rights secured to such Parishioners by the Revised Statute

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Title xxviii, Chapter 107, "Of the Church of England," or by any Acts of Assembly regulating the sale and disposal of Church or Glebe Lands of the Church of England in this Province.

2. For the purposes of this Act, the Laity shall meet by representation as shall from time to time be determined by the Synod, constituted as herein provided; and until otherwise determined as aforesaid, there shall be elected, at the annual Easter meeting in each Parish within this Diocese, held under the authority of Title xxviii, Chapter 107, of the Revised Statutes, or at meetings to be specially called for the purpose, by each Clergyman having a separate Cure of souls, one delegate or representative, but when the number of stated attendants in a Parish or Cure entitled to vote, shall exceed forty, such Parish or Cure shall elect two representatives, and in such case the Chairman of the meetings at which they were elected, shall certify that such Parish is entitled to elect two representatives; and all Laymen of the full age of twenty one years, being either pewholders or stated attendants of any Church or Chapel-of-Ease in such Parish, for six months next preceding the election, who shall declare themselves in writing at such meeting if required so to do by the Chairman thereof, to be members of the Church of England, and to belong to no other religious denomination, shall have the right to vote in the election of delegates or representatives at such meetings; and all delegates or representatives elected at such meetings, shall be communicants of the Church of England, and residents of the Parish for which they are elected, or stated attendants of some Church or Chapel-of-Ease within the same.

3. All elections of such representatives had at the annual Easter meeting in the present year, shall, so far as the same are in conformity to the provisions of this Act, be as valid and effectual, to all intents and purposes, as if the same had been made after the passing of this Act; provided that in any case where representatives shall not have been so elected, special meetings may be called for the election of representatives under the provisions of this Act hereinbefore provided.

4. The first meeting to be held under this Act shall be called by the Bishop of the said Diocese, by notice to be published for four successive weeks in the Royal Gazette, and shall be held at such time and place as he shall think fit.

5. The Synod constituted as aforesaid, consisting of the Bishop, Clergy, and representatives of the Laity of the Church of England within this Province, shall be a body politic and corporate, by the name of "The Diocesan Synod of Fredericton," and shall have the general powers and privileges incident to a Corporation, as provided by the Revised Statutes, Title xxxi, Chapter 119, or any other Act of Assembly of this province, so far as the same are applicable to the objects and purposes of the said Synod.

## ACT OF THE DOMINION LEGISLATURE, 34 VICT., CHAP. 58.

An Act to extend to the Province of New Brunswick, the operation of the Act of the Legislature of the late Province of Canada, concerning the Synod of the Church of England in Canada.

[Assented to 14th April, 1871.]

WHEREAS, an Act was passed by the Legislature of the late Province of Canada, in the Session thereof held in the Ninth and Twentieth years of Her Majesty's reign, chapters 141, intituled, "*An Act to enable the members of the United Church of England and Ireland, in Canada, to meet in Synod*;" And whereas application has been made for an Act to empower the Provincial Synod of Canada to admit the Representatives of the Diocese of Fredericton, in the Province of New Brunswick, and it is expedient to comply with the same and to enable the Members of the Church of England, throughout the Province of New Brunswick, if they shall see fit, to assimilate their laws and practice to those, and to manage their affairs under a system conform with that already in force and operation elsewhere in Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enact as follows:—

1. The Synod of the Church of England, now constituted which shall hereafter be constituted in conformity with the provisions of the said Act, in the Diocese of Fredericton, and Province of New Brunswick, may adopt the said Act, and, with the consent of the Synod of the United Church of England and Ireland, in Canada, may unite with the Members of the said Church in other Provinces of the Dominion of Canada, in General Assembly, by their Representatives, as fully and in the same manner, to all intents and purposes, as if they had been included in the Province of Canada at the time of the passing of the aforesaid Act; Provided always, that nothing herein contained shall be held to authorize any interference with the right of presentation to Rectories secured to the Parishioners by Act of the Assembly of the Province of New Brunswick, made and passed in the Thirty-second year of the reign of Her present Majesty intituled, "*An Act relating to presentations to Rectories of the Church of England in the Province of New Brunswick*," or any interference whatever with the property whether real or personal which may now, or which may hereafter belong to the several and respective Parishes or Church Corporations in the said Diocese, or other rights secured to such Parishioners by the Revised Statute

\* See Appendix No. III.

of New Brunswick, Title xxviii, chapter 107 "of the Church of England," or by any Acts of Assembly of the Province of New Brunswick regulating the sale and disposal of Church Glebe Lands of the Church of England in the said Province.

## No. III.

ACT OF THE LEGISLATURE OF CANADA, 19, 20 VICT., CHAP. 141.

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

[Proclaimed May 28th, 1857.]

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

I. The Bishops, Clergy and Laity, members of the United Church of England and Ireland in this Province, may meet in their several Dioceses which are now, or may be hereafter constituted in this Province, and in such manner, and by such proceedings as they shall adopt, frame constitutions, and make regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation or removal of any person bearing office therein, of whatever order or degree; any rights of the Crown to the contrary notwithstanding; and for the convenient and orderly management of the property, affairs, and interests of the Church in matters relating to, and affecting only the said Church, and the officers and members thereof, and not in any manner interfering with the rights, privileges, or interests of other religious communities, or of any person or persons not being a member or members of the said United Church of England and Ireland: provided always, that such constitutions and regulations shall apply only to the Diocese or Dioceses adopting the same.

II. The Bishops, Clergy, and Laity, members of the United Church of England and Ireland in this Province, may meet in General Assembly within this Province, by such representatives as shall be determined and declared by them in their several Dioceses; and such General Assembly frame a constitution and regulations for the general management and good government of the said Church in this Province; provided always, that nothing in this act contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said





ine, or penalty, or removal from any office, or any other penalties or provisions, or any other provisions, or hereafter in any Synod, and that the said Parish is entitled to elect two representatives.”)

Dated \_\_\_\_\_ day of \_\_\_\_\_ A. D. \_\_\_\_\_  
\_\_\_\_\_ Chairman.

3. The lay representatives shall be elected every year at a meeting to be summoned by the Incumbent, or in case the Parish is vacant, or the incumbent is absent, or unable to summon such meeting, then by the Church Wardens, or either of them; and shall be held in each Parish, civil or ecclesiastical, upon Easter Monday, or within thirty days thereafter; and they shall continue in office until other representatives are appointed.

CONSTITUTION  
ARTICLE  
SECTION

4. In the case of a vacancy occurring in the representation of any Parish, by death, resignation, refusal to act, or otherwise, such vacancy may be filled at a special meeting called for that purpose by the Incumbent, or Church Wardens, as provided in the next preceding article.

5. The Rector or Incumbent shall preside at every such meeting; but if he shall be unable to attend, or if there be no Rector or Incumbent, the persons qualified to vote may appoint a Chairman and proceed to the election.

6. Public notice of every such meeting, whether ordinary or special, shall be given at the next previous Sunday Service, and also by a notice, written or printed, affixed to the door of each Church or Chapel-of-ease in such Parish, at least ten days before the day of such meeting, specifying the time and place of such meeting.

7. All male persons of the age of twenty-one years, being either pew-holders or stated attendants at the public worship of the Church of England in some church or chapel-of-ease within the parish for which the election is held, for six months next preceding the election, and having been regular contributors to the funds of the Church in the said parish or mission, shall be entitled to vote for lay representatives: provided that before any person shall be entitled to vote, he shall, if required by the Chairman or any parishioner present, make and subscribe the following declaration: “I, A. B., do declare that I am a member of the Church of England, and belong to no other religious denomination, and that I am duly qualified to vote, as provided for in the seventh article of the Constitution of the Synod.”

8. Every parish shall be entitled to elect one representative; but when the number of pew-holders or stated attendants in a parish, or cure, entitled to vote, shall exceed forty, such parish or cure shall elect two representatives; and in such case, the Chairman of the meeting at which they were elected shall certify that such parish or cure is entitled to elect two representatives.

9. The quorum required for the transaction of any business in

the Synod shall consist of not less than one-fourth of the whole number of qualified clergymen of the Diocese, and of a like number of lay representatives whose election shall have been certified to the Secretary of the Synod; but any lesser number shall have power to adjourn from day to day until a quorum can be obtained.

10. No act or resolution of the Synod shall become valid without the concurrence of the Bishop and of a majority of the clergy and laity present: provided that, ordinarily, the votes of the whole Synod shall be taken collectively; but that at the desire of the Bishop, or at the request of any three other members of the Synod, the votes of both orders shall be taken separately, and in this case a majority of each shall concur.

11. The Synod shall meet once in every year, on a summons issued by the Bishop of the Diocese; and at such time and place as the Synod shall direct; and the Bishop, or, in case of his absence or of a vacancy in the See, the Archdeacon, or, if there be neither, the Archdeacon, then the Bishop's Commissary at the time of such absence or vacancy shall occur, or, if there shall be no such Commissary, then any three clergymen acting as Rural Deans at the time such absence or vacancy shall occur, shall have power to call a special meeting, on any occasion when he or they may deem it necessary for the welfare of the Diocese, at such time and place as he or they, in summoning such meeting, shall direct.

12. The Bishop, or in the case of his absence or of a vacancy in the See, then such Archdeacon, Commissary, or three clergymen acting as Rural Deans as aforesaid, shall summon a special meeting of the Synod at such time and place as he or they shall direct, in summoning such meeting, direct, on a requisition in writing signed by ten of the clerical and a like number of lay members of the Synod, specifying the object of the meeting; provided that no such meeting shall be held until at least six months after the last preceding meeting.

13. Notice of all meetings of the Synod shall be given by advertisement in the *Royal Gazette* for at least one month before such meeting.

14. When the Bishop is present he shall preside at all meetings of the Synod; when the Bishop is not present, the Archdeacon, or if there be no Archdeacon, the Bishop's Commissary shall preside; and in case of the absence of both the Archdeacon and the Bishop's Commissary, the clergy and lay representatives present shall elect a Chairman, who shall preside at the meeting.

15. A Secretary shall be chosen at any meeting of the Synod, and he shall remain in office during the pleasure of the Synod. It shall be his duty to keep regular minutes of all proceedings of the Synod, and to record them in a book provided for that purpose; to preserve all records, papers, and other documents; to certify the public acts of the Synod; and faithfully to deliver

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16. Any proposition  
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#### ORDER OF PROCEEDINGS

I. The business of the Synod shall be conducted under the Divine guidance and direction of the Bishop.

II. After prayer and the reading of the Book of Common Prayer, all of the Clergy, and a like number of lay members of those in attendance at the several parish meetings, shall be examined by the Bishop, or by the Archdeacon, or by the Commissary, or by three clergymen acting as Rural Deans, and the results shall be recorded, and certified to the Secretary.

III. The order of business shall be as follows:

1. Calling the roll.
2. Reading, correcting, and signing the minutes of the previous meeting.
3. Appointing the Clerks.
4. Presenting, reading, and signing the minutes of the previous meeting.
5. Presenting the reports of the Clergy and Lay members.
6. Giving notice of the business to be considered.
7. Taking up and considering the business.
8. Consideration of the business.

IV. An address from the Bishop shall be made.

V. Notices of motion shall be given, and the Synod shall proceed at a special meeting, and may be adjourned in any manner as if he were present.

#### RULES FOR THE CONDUCT OF THE SYNOD

When the Bishop is present, no member shall be admitted to the Synod, unless he shall have been examined by the Bishop, or by the Archdeacon, or by the Commissary, or by three clergymen acting as Rural Deans, and the results shall be recorded, and certified to the Secretary.



to the hands of his successor all property, books and papers relating to the concerns of the Synod which may be in his possession.

16. Any proposition for an alteration of the Constitution of the Synod, shall be introduced in writing, and considered at the meeting at which it is introduced; and if approved by a majority of the members, each order, shall lie over till the next meeting of the Synod, at which it may be finally adopted.

#### No. V.

### ORDER OF PROCEEDINGS AND RULES OF ORDER.

#### ORDER OF PROCEEDINGS.

I. The business of every day shall be preceded by special prayer for the Divine guidance and blessing, according to a form authorized by the Bishop.

II. After prayer the Secretary of the Synod shall call over the names of the Clergy, to be furnished by the Bishop, and mark the names of those in attendance, and shall then call over the names of the several parishes entitled to send lay representatives, when certificates of the representatives, having been presented, shall be examined by the Secretary, and a Committee of two to be appointed for the purpose; and where found satisfactory the names shall be recorded, and the attendance, if present, marked by the Secretary.

III. The order of business on each day shall be as follows:

1. Calling the Rolls.
2. Reading, correcting, and approving the Minutes of the previous Meeting.
3. Appointing Standing Committees.
4. Presenting, reading, and referring memorials and petitions.
5. Presenting Reports of Committees.
6. Giving notice of motions.
7. Taking up unfinished business.
8. Consideration of motions, and appointing Special Committees.

IV. An address from the Bishop shall be in order at any time. Notices of motion, if any, given by a member of the Synod, proceeding at a subsequent meeting, shall be read over at such meeting, and may be taken up by any member present, in the same manner as if he had himself given the notice.

#### RULES FOR THE PRESERVATION OF ORDER.

When the Bishop or other person presiding has taken the chair, no member shall continue standing.



17. All Committees shall be appointed by the Chair, unless named by the Synod, and the names shall be publicly announced while the Synod is in session.

18. The Reports of Committees shall be in writing signed by the members of the Committee or a majority thereof; and if such reports shall recommend any action or expression of opinion, they shall be accompanied by a resolution for the action of the Synod thereon.

19. No member of the Synod shall leave the place in which its meetings are held, during the time of its meetings, without permission from the Chair.

#### No VI.

### Prayers to be used by the Synod during its Session.

*President.* In the Name of the Father, and of the Son, and of the Holy Ghost. AMEN.

Let us humbly confess our sins before Almighty God.

*To be said by all, kneeling,*

O Almighty Father, Lord of Heaven and Earth, we have sinned against Thee in thought, word, and deed, through our own fault, our most grievous fault. Have mercy upon us, O Lord, have mercy upon us; according to Thy great goodness, blot out our transgressions, wash us thoroughly from our wickedness, and cleanse us from our sins, for Jesus Christ's sake, our Lord. AMEN.

*Then, all rising, the President shall say,*

The glorious Majesty of the Lord our God be upon us. Praised be the Lord daily.

*Synod.* Even the God who helpeth us, and poureth his benefits upon us.

*President.* He is the God that maketh men to be of one mind in a house.

*Synod.* And keepeth his promise for ever.

*President.* Give ear, Lord, unto our prayers.

*Synod.* And ponder the voice of our humble desires.

*President.* Arise, O Lord, and have mercy upon Zion.

*Synod.* For it is time that thou have mercy upon her; yea, the time is come.

*President.* Show some token upon us for good.

*Synod.* Because Thou, Lord, hast holpen us, and comforted us.

*All.* And the glorious majesty of the Lord our God be upon us; prosper Thou the work of our hands upon us, yea, prosper Thou our handy-work.



*President. Let us pray.*

O Lord, who didst inspire with wisdom the councils of Thy Holy Apostles, and hast promised to be with Thy Church days, even to the end of the world, vouchsafe Thine especial presence to us, now assembled in Thy Name, and make Thy strength perfect in our weakness. Direct and prosper all our consultations. Preserve us from all froward and rash judgments, all envy, strife, and vain-glory, and whatsoever else may hinder us from good union and concord, that we, being ordered by the governance of Thy Holy Spirit, having the same love, being of one accord, one mind, may perform a service acceptable in Thy sight, and may ever livest and reignest with the Father and the Holy Ghost, one God, one world without end. AMEN.

O everlasting God, who hast revealed Thy glory by Christ among all nations, grant that Thy Church, spread throughout the world, may persevere in the confession of Thy Holy Name. May all who love her abide in Thy Truth, and all who depart from her one day return to her embrace, that when all the diseases of souls are healed, and all sorrows ended, we may be refreshed with the joys of an eternal Resurrection, and be made partakers of Thy peace, world without end, through the merits and satisfaction of Jesus Christ, our only Lord and Saviour. AMEN.

Our Father which art in heaven, hallowed be Thy Name. Thy kingdom come. Thy will be done in earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses as we forgive them that trespass against us. And lead us not into temptation; but deliver us from evil. For Thine is the kingdom, the power, and the glory, for ever and ever. AMEN.

*At the close of the proceedings the President shall dismiss the Synod with  
Benediction.*