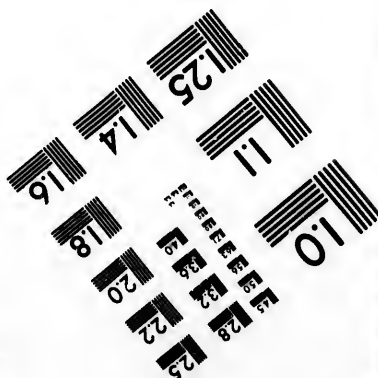
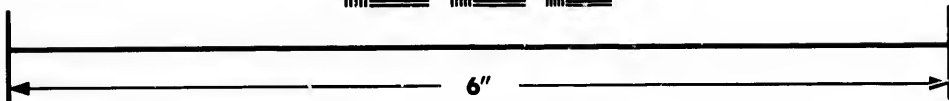
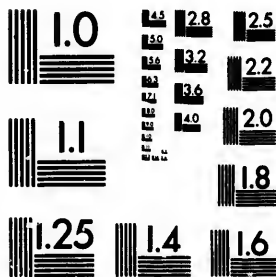


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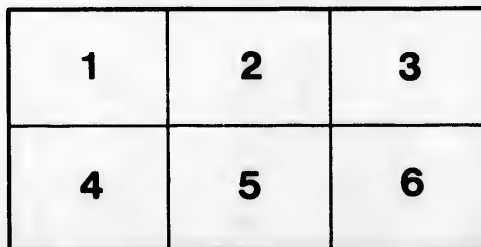
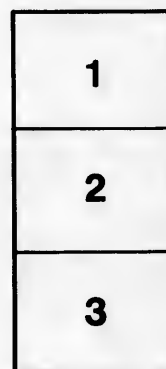
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THE REGULAR SYNOD COLLECTIONS

Are appointed 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 COLLECTION	- -	<i>Mission Fund.</i>
CHRISTMAS	- - - - -	<i>Special Offering to the Clergyman.</i>

COLLECTION AUTHORIZED BY THE BISHOP.

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

COLLECTIONS PRESCRIBED BY THE PROVINCIAL SYNOD.

EPIPHANY, - - - - - *Foreign Missions.*

ASCENSION-TIDE, - - - - - *Domestic Missions.*

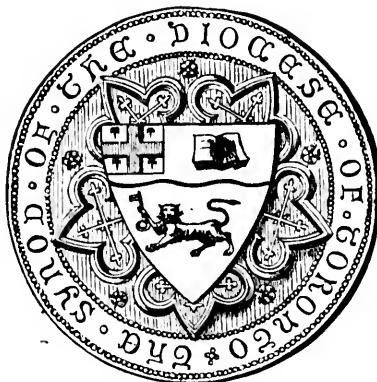
The Regular Quarterly Meetings of the Standing Committees are held on the Second Thursday or Friday of the months of February, May, August and November in each year, or on such other days as may be appointed by the Bishop, or by the Committees themselves. (See sec. 53 of the Constitution, p. 21 of this book.)

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

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CONSTITUTION,
CANONS, BY-LAWS & RESOLUTIONS
OF THE
INCORPORATED SYNOD
OF THE
DIOCESE OF TORONTO,

TOGETHER WITH
THE CONSTITUTION AND CANONS OF THE
PROVINCIAL SYNOD,
FORMS, DOCUMENTS OF IMPORTANCE,
AND
STATUTES AFFECTING THE DIOCESE OF TORONTO.



COMPILED BY THE EXECUTIVE COMMITTEE OF THE SYNOD.

TORONTO:
ROWSELL & HUTCHISON, PRINTERS.

1886.

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- Page 22, *last line*, for c. 32, read c. 51.
Page 27, *5th line from bottom*, for No. 6, read No. 5,
Page 28, *4th line from bottom*, for No. 8, read No. 7.
Page 28, *3rd line from bottom*, for p. 73, read p. 72.
Page 85, *14th line from bottom*, for Synod of the read Session of the.
Page 107, *9th line from bottom*, for tim read time.

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25.	An Act to authorize the Church Society of the Diocese of Toronto to sell certain parts of the Rectory Lands of Peterborough, &c. (27 Vict. cap. 87)	<i>Not reprinted.</i>
26.	An Act to amend the Act 27 Vict. cap. 87 (34 Vict. cap. 80) <i>Not reprinted.</i>	
27.	An Act to authorize the Church Society of the Diocese of Toronto to sell certain Glebe Lots in Darlington, &c. (28 Vict. cap. 57)	<i>Not reprinted.</i>
28.	An Act to vest certain lands in the Rector and Churchwardens of St. James' Church, Toronto (29-30 Vict. cap. 151) <i>Not reprinted.</i>	
29.	An Act to authorize the Churchwardens of St. James' Church, Toronto, to issue Debentures (37 Vict. cap. 92)....	<i>Not reprinted.</i>
30.	An Act to amend the Act 37 Vict. cap. 92 (42 Vict. cap. 92) <i>Not reprinted.</i>	
31.	An Act relating to St. James' Church, Orillia, and certain lands belonging thereto (38 Vict. cap. 84)	<i>Not reprinted.</i>
32.	An Act to authorize the Incorporated Synod of the Diocese of Toronto to sell certain Lands in the Town of Lindsay (39 Vict. cap. 110)	<i>Not reprinted.</i>
33.	An Act respecting St. Paul's Church, Newmarket (40 Vict. cap. 52.)	<i>Not reprinted.</i>
34.	An Act respecting St. Paul's Church, Toronto (40 Vict. cap. 53) <i>Not reprinted.</i>	
35.	An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario (39 Vict. cap. 109, ss. 1, 2, 3.)	
36.	An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto (41 Vict. cap. 69).....	
37.	An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto (47 Vict. cap. 90).....	
38.	An Act to incorporate the Dean and Chapter of the Cathedral of St. Alban the Martyr, Toronto (46 Vict. cap. 63) <i>Not reprinted.</i>	
39.	An Act to amend the Act Incorporating the Dean and Chapter of the Cathedral of St. Alban the Martyr, Toronto (48 Vict. cap. 93)	<i>Not reprinted.</i>
40.	An Act respecting Churchwardens in the Diocese of Toronto (47 Vict. cap. 89)	
41.	An Act respecting the Trusts of the Will of the late Samuel B. Smith, Esq. (47 Vict. cap. 96)	<i>Not reprinted</i>

LIST OF ALL THE CLERGY OF THE DIOCESE OF TORONTO
FROM ITS ERECTION, ARRANGED UNDER DATE OF ORDINATION OR ENTRANCE INTO THE DIOCESE.

[NOTE:—The earliest list of the Clergy extant is that of 1847. The authority for the dates is the Bishop's Register of Oaths and Subscriptions. The first seventy-seven names are gathered from other sources: they represent, for the most part, the Clergy who were in the Diocese at the time of its erection—a few entered subsequently, but all prior to 1845:]

Alexander, J. L.
Allen, J. A.
Anderson, John.
Armour, S.
Atkinson, A. F.
Bartlett, T. H. M.
Beaven, James.
Bethune, Alexander Neil.
Bettridge, William.
Blake, Dominick.
Blakey, R.
Boswell, E. J.
Bridges, G. W.
Brough, C. C.
Burnham, Mark.
Campbell, R. F.
Carey, J.
Cartwright, R. D.
Green, Thomas.
Cronyn, Benjamin.
Deacon, Job.
Denroche, Edward.
Elliott, Adam.
Elliott, F. G.
Evans, F.
Flood, Richard.
Fuller, Thomas Brock.
Geddes, J. Gamble.
Givins, Saltern.
Graham, George.
Grasett, Henry James.
Greene, Thomas.
Greig, William.
Grier, John.
Grout, E. R. F.
Gunning, W. H.
Hallen, George.
Harper, W. F. S.
Harris, Michael.

Herchmer, William M.
Hill, Bold Cudmore.
Kennedy, R. J.
Leeming, W.
Liddell, Dr.
Lindsay, J. G. D.
Macaulay, William.
Mack, F.
Magrath, James.
Matthews, Charles.
Mayerhoffer, V. P.
Maynard, George.
McCaul, J.
McGeorge, R. J.
Miller, F. W.
Morse, William.
Mortimer, George.
Nelles, Abraham.
O'Meara, Frederick A.
Osler, Featherstone L.
Padfield, J.
Palmer, A.
Patton, H.
Phillipps, Thomas.
Pope, T.
Procter, N.
Revell, Henry.
Rogers, R. V.
Rolph, Romaine.
Rothwell, John.
Salnon, George.
Scadding, Henry.
Shortt, Jonathan.
Stoneman, H.
Strong, S. S.
Stuart, G. O'Kill.
Thompson, J.
Usher, J. C.

- 1839, Nov. 18—Taylor, Robert J. C.
Gibson, John.
McMurray, William.
Kennedy, Thomas Smith.
Street, George Charles.
1840, April 11—Norris, William Henry.
Boomer, Michael.
Townley, Adam.
Mortimer, Arthur.

LIST OF CLERGY.

XI.

- 1840, May 17—Flood, John.
 Sept. 1—Wiggins, Charles Oliver.
 Oct. 24—Morris, Ebenezer.
 Welby, Thomas Earle.
 Armstrong, George Mortimer.
- 1841, March 22—Adamson W. Agar.
 April 24—Flanagan, John.
 Coleman, James.
 Hobson, William Henry.
 Mulkins, Hannibal.
 McIntyre, John.
 May 3—Pyne Alexander.
 Oct. 23—Cooper, Henry Cholwell.
 Oct. 23—Fidler, Thomas.
 Shaw, William Maw.
 Dec. 15—Pentland, John.
- 1842, May 8—Darling, W. Stewart.
 Sansou, Alexander.
 July 2—Stewart, James.
 Oct. 30—Jamieson, Andrew.
 Bartlett, Philip George.
 Ker, Mathew.
 Hickie, John.
 Read, Thomas Bolton.
 Warr, George Winter.
 Shirley, Paul.
 Nov. 30—Ardagh, Samuel Browne.
- 1843, July 2—Petrie, George.
 Hill, George Steven Joseph.
 Wilson, John.
 Ritchie, William.
 Oct. 28—Ripley, William Honywood.
 Osler, Henry Bath.
 Mockridge, James.
- 1844, June 29—Ruttan, Charles.
 Harding, Robert.
 July 26—Tremayne, Francis.
- 1845, June 28—McKenzie, John George Delhoste.
 Garrett, Richard.
 Gunn, John.
 McAlpin, Henry.
 Sandys, Francis William.
 Oct. 25—Shanklin, Robert.
 Muloock, John Augustus.
 Bourn, George.
 Fauquier, Frederick Dawson.
- 1846, June 27—Brent Henry.
 Nov. 4—Lundy, F. J.
- 1847, Aug. 21—Stennett, Walter.
 Worrell, John Bell.
 Aug. 21—Ingles, Charles Leycester.
 Sept. 16—Caulfield, Abraham St. George.
 Watkins, N.
 25—Salter, George J. R.
 Oct. 1—Fletcher, John.
 29—Murphy, Daniel.
 Nov. 6—Cox, Robert Gregory.
- 1848, July 29—Grasett, Elliott.
 Dixon, Alexander.

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 1845:]

- 1848, July 29—Allen, Thomas William.
 Marsh, Thomas William.
 Thomas, John Lloyd.
 Ples, Henry Edward.
 Barrett, Gilbert Carter.
 Kennedy, John
 Anderson, Gustavus Alexander.
 Arthurton, Samuel Lyons.
 Aug. 24—Bleasdel, William.
 Sept. 5—Ramsey, Septimus Fowler.
- 1849, April 24—Hill, Arthur.
 Clarke, William Colin.
 Aug. 6—Stewart, Edward Michael.
 18—Patterson, Ephraim.
 Tooke, John Reynolds.
 Ede, Joseph Henry.
 Jessopp, Henry Bath.
 Merritt, Robert Norris.
 Marsh, John Walker.
 Baldwin, Edmund.
 Boyer, Robert Charge.
 Brown, Charles.
 Mulholland, Arthur Hill Ringland.
 Bower, Edward Chambers.
 Stimson, Elam Rush.
 23—Lauder, William Bernard.
- 1850, Jan. 8—Lewis, John Travers.
 March 23—Macnab, Alexander.
 April 3—Mitchell, Richard.
 8—Lett, Stephen.
 Nov. 16—Belt, William.
 Bousfield, Thomas
 Lampman, Archibald.
 Logan, William.
 Edge, John.
- 1851, May 6—Elwood, E. L.
 Fraser, Donald.
 Nugent, Garrett.
 Holland, Henry.
 Oct. 25—Godfrey, James.
 Beck, John Walton Romeyn.
 Groves, Frederick John Stephen.
 Johnson, William Arthur.
 Bull, George Armstrong.
 Pettit, Charles Bigger.
 Harris, James.
 Dec. 23—Irving, George Clerk.
 Parry, Edward St. John.
- 1852, May 26—Tucker, William Guise.
 July 8—Smithurst, John.
 Oct. 9—Blackman, Thomas John Mark Willoughby.
 Armstrong, John Gilbert.
 Hayward, Henry.
 Tremayne, Francis, Jr.
- 1853, June 2—Dewar, Edward Henry.
 Oct. 1—Gibson, Joseph Chambers.
 Lauder, John Strutt.
 Hilton, John.
 Johnson, Colin Campbell.

LIST OF CLERGY.

XIII.

- 1853, Oct. 17—Stevenson, Richard L.
 1854, June 7—Dobbs, Francis William.
 Oct. 7—Robarts, Thomas Tempest.
 Carroll, John.
 Leech, Thomas.
 Smyth, James,
 Oct. 30.—Morris, John Alexander.
 1855, Jan. 24—Campbell, Thomas Swainston.
 Langtry, John.
 Heise, Frederik Theodor Lebrecht.
 Feb. 9—Phillipps, Horatio Nelson.
 Baker, Edward Hammond Massey.
 Preston, James Abraham.
 Oct. 20—Tane, Francis Richard.
 Williams, Alexander.
 Parnell, Thomas Alexander.
 Dec. 4—O'Neill, Henry Hugh.
 1856, March 12—Morgan, Edward.
 April 4—Reynolds, Henry Dunbar.
 26—Stewart, Alexander.
 June 28—Thomson, Charles Edward.
 Oct. 11—Drinkwater, Charles Henry.
 Jacobs, Peter.
 Chance, James.
 Nov. 6—Rally, William Buchanan.
 1857, Jan. 5—Kendall, Edward Ray.
 Ambery, John.
 Feb. 27—Checkley, William Francis.
 Aug. 2—McCollum, James Henry.
 Oct. 17—Broughall, Abraham James.
 Viner, George Barber Peregrine.
 White, George William.
 Davies, Henry William.
 Beaven, Edward William.
 30—Taylor, Thomas.
 Dec. 9—Carry, John.
 14—Davidson, John.
 1858, Jan. 23—Stewart, Henry William.
 28—Sharpe, Henry.
 29—Stannage, John.
 Feb. 25—Butler, John.
 Aug. 3—Briggs, Solomon.
 Sept. 22—Boddy, Samuel Johnson.
 Oct. 9—Cooper, William England.
 Phillipps, Thomas Dowell.
 Higginson, George Noel.
 Bogert, James John.
 Nov. 5—Vicars, John.
 Dec. 7—Loncks, Edwin.
 1859, March 30—Houston, Stewart.
 May 24—Hebden, John.
 June 16—Forest, Charles.
 Aug. 22—Grant William.
 Oct. 8—Fleming, William.
 1860, Feb. 6—Emery, Charles Philip.
 May 18—Disbrow, Noah.
 June 28—Cayley, John D'Arcy.
 July 26—Fenn, Nathaniel Vincent
 Oct. 13—McNeely, John.

XIV. CONSOLIDATED CANONS, ETC., 1886.

- 1860, Feb. 16—Grant, George William Geddes.
Harris, Richard Homan.
Fidler, Arthur John.
- 1861, July 13—Bethune, Charles James Stewart.
Oct. 12—Sanders, Richard.
MacLeod, Donald Iver Forbes.
Wood, John.
Carruthers, George Thomas.
Creighton, John.
Nesbitt, George.
Cooper, Horace David.
Henderson, Alexander.
- 1862, May 27—Farrar, Richard Andrews.
Oct. 20—McCleary, John.
- 1863, Jan. 20—Haines, Samuel Charles.
Feb. 13—Plowman, John Herbert.
27—Davies, Edmund Ryder.
Middleton, Isaac.
April 30—Greenham, Henry.
July 31—Johnson, Samuel.
Aug. 11—Wall, Henry.
Sept. 4—Neville, Edmund.
Oct. 14—Clementi, Vincent.
17—Johnstone, Richard Waller.
- 1864, April 13—Holeman, Francis Rader.
20—Gibson, James Davidson.
March 5—Jones, William.
Daniel, Charles Andrew.
Sept. 22—Sims, Jabez Waters.
Oct. 27—Forneri, Richard Sykes.
- 1865, March 24—Murphy, Edward William.
April 24—Harrison, Richard.
May 1—Burt, Frederick.
June 12—Wray, Henry Brooke.
15—Daizey, Joseph.
Oct. 24—Vicars, Johnstone.
31—Ballard, John McLean.
Cleary, Richard.
Westney, William Stephen.
Austin, Henry.
- 1866, Feb. 23—Alexander, Finlow.
July 24—Francis, John.
Aug. 14—Cartwright, Cornway Edward.
Sept. 7—Street, Charles Frederick.
13—Baker, John Stammers.
Oct. 31—Forster, William Rabbeth.
- 1867, April 13—Jones, Charles Garrett.
May 4—Cartwright, Thomas Skelton.
June 11—Ellerby, Thomas Scates.
Aug. 20—Webbe, Henry Cowperthwaite.
23—Trew, Archibald George Lister.
Bethune, Frederick Alexander.
Franch, John.
Hosken, Benjamin Samuel.
- 1868, Jan. 4—Starr, Reginald Heber.
Fletcher, Joseph.
June 5—Badgley, Charles H.
July 14—Smithett, William Thomas.
Oct. 3—MacKenzie, William James.

- 1868, Oct. 3—Taylor, George Irwin.
Hindes, Ralph William.
Carey, William Bonfield.
Tocque, Philip.
- 1869, Feb. 12—MacKenzie, Gaden Crawford.
Sept. 18—Paterson, Charles William,
Bates, William Whately.
Walker, Thaddeus.
Shaw, Alexander Croft.
Mussen, Ephraim Horace.
Hall, Thomas.
- Dec. 2—Jones, William Henry.
- 1870, April 27—Hill, Rowland.
30—Day, Edwin.
Denroche, Christopher Thomas.
Boulbee, Arthur.
Ball, Thomas.
Hasken, John Berriman.
Mosley, Robert.
- June 23—Fessenden, Elisha Joseph.
Oct. 8—Sutherland, Robert Gordon.
Clarke, William Hoyes.
Newton, William.
- Nov. 18—Jones, Septimus.
- 1871, Feb. 6—Machin, Charles John.
March 6—Jemmett, George.
20—Wright, Henry Skynner.
June 19—Macnab, Allan Napier.
Greene, Richard Waddilove Eustace.
July 22—Lumsden, William.
Oct. 7—Paterson, Thomas Wilson.
Massey, William.
- Nov. 15—Burgess, Henry Francis
20—DuMoulin, J. Philip.
- 1872, June 17—Baldwin, Arthur H.
24—Bell, Christopher Roles
28—Ford, Ogden Pulteney.
Dundas, Charles B.
Doherty, Robert.
Rolph, J. Widmer.
- Sept. 28—Wilson, Edward F.
Oct. 12—Foster, Stuart.
Swallow, William Francis.
- Oct. 12—Wadleigh, William Henry.
Nov. 11—Waters, Henry Harcourt.
Dec. 21—Cooper, Edwin.
Burkitt, John.
- 1873, Jan. 4—Everest, George John.
Rooney, Robert A.
Taylor, Edward Anstin.
- Feb. 13—Irwin, John.
April 3—Hodgkin, Thomas John.
4—Cole, Edmond Hearle.
16—Shortt, William.
- June 12—Owen, Henry Burnard.
14—Moxou, George Henry.
- Aug. 9—Green, William.
Oct. 17—Spencer, Percival Lawson.
Macnab, Alexander Wellesley.

- 1873, Oct. 17—Harris, James Homan.
Fletcher, John Haslam.
Fennell, Joseph.
Cole, Joseph Hinton.
- 1874, March 10—Martin, Nicholas C.
20—Clarke, William Murray Charles.
Woodburn, John.
Aug. 6—Cox, Joseph Churchill.
Oct. 10—Jupp, William.
Kirkby, Lawrence Holwell.
Grahame, William Edward.
Chafee, Alexander Burnside.
Tooke, William Macanley.
- Dec. 8—Richardson, James Banning.
28—Hooper, George Henry.
- 1875, March 17—Locke, Robert Shaw.
June 26—Bradshaw, William Charles.
Allen, William Cartwright.
Lee, Charles Russell.
July 27—Matthew, Charles Raymond.
Oct. 9—Horlock, George.
Ledingham, George.
18—Pearson, John.
Dec. 11—Maddock, Henry Edward.
31—Hanna, John Alexander.
- 1876, Feb. 10—Baylis, James Gilbert.
June 17—Mockridge, Charles Henry.
Oct. 14—Soward, Edward.
Cooper, John Edmund.
Harding, Philip.
Gander, Joseph.
- 1877, Jan. 6—Hart, Anthony.
Sills, Charles Edmund.
French, William Henry.
9—Stone, James Samuel.
March 17—Young, Samuel Wiklerspin.
May 1—Sheraton, James Paterson.
June 9—Tilley, W. Harrison.
30—Spragge, Albert Warburton.
Forster, John William.
Geoghegan, Thomas.
Oct. 13—Mills, Samuel.
Robinson, Herbert William.
Rainsford, William S.
- 1878, March 16—Warren, Edward.
June 3—Smith, Percival Clementi.
Boys, Algernon.
Oct. 12—Lewis, Joshua Pitt.
Dec. 21—Avant, Henry Charles.
- 1879, April 27—DesBarres, Thomas C.
June 7—Fletcher, Alfred.
Sept. 20—Farnecomb, John.
Ingles, Charles Leycester, Jr.
Dec. 20—Baldwin, Henry Grasett.
- 1880, March 2—Leslie, Henry Thurtell.
May 31—Ransford, Edward.
June 5—Kerr, Frederiek Warren.
Dobbs, Ogilvie Graham.
Ball, Clarence Widmer.

- 1880, June 5—Bryan, Bernard.
 June 19—Jowitt, Joseph Firth.
 Sept. 2—Darling, Charles Burroughes.
 25—Farnecomb, William.
 Wat' Arven Cruickshanks
- 1881, Jan. 6—Garner, George.
 16—Squire, Frederick Wilson.
 McCleary, John Wilson.
 July 1—Body, Charles William E.
 Sept. 24—Jones, Samuel Weston.
 Shortt, Charles Harper.
 White, Joseph Francis.
 Marsh, Charles Henry.
 Sibbald, Eleazer.
 Lindsay, John.
 Brydges, Ralph Lionel.
 Morley, George Benjamin.
 Oct. 1—Reiner, William.
 Nov. 1—Jones, John.
- 1882, March 26—McCarroll, John.
 June 11—Hague, Dyson.
 Crisp, John Orlebar.
 Daniel, Edwin.
 July 11—Nichol, Robert Thomas.
 Simpson, James.
 Aug. —Beaubien, J. B. C.
 Sept. 24—Howard, James Scott.
 Dec. 1—Clark, William.
 16—Sweeny, James Fielding.
 17—Roy, James.
- 1883, Jan. 3—Schneider, Gustavus Adolphus Schutt.
 Feb. 6—Mead, James B.
 May 23—Whitecombe, Charles Edward.
 June 18—Love, George.
 July 5—Carus-Wilson, Edward Litton.
 15—Wrong, George McKinnon.
 Gibson, John.
 James, Charles John.
 Nattress, George.
 Sept. 4—Campbell, William Francis
 10—Harper, Edward James.
 Oct. —Heaton, Henry.
 Nov. 1—Radcliffe, Reginald Shred.
 Softley, Henry.
- 1884, Feb. 25—Kingston, George Malcolm.
 May 28—Thompson, James Andrew.
 July 20—Angell, Thomas Barham.
 Davidson, John Cheyne.
 Armitage, William James.
 Gurney, Edward Tritton.
 Bilkey, Robert Anthony.
 Dec. 21—Haslam, George Edwin.
- 1885, March 23—Moore, Robert James.
 July 26—Oliver, Edward Alexander.
 Miles, Arthur Chipman.
 Hobson, Hugh Pooley.
 French, William Henry Alexander.
 Daniel, Allan Wilmot.
 Scadding, Charles.

XVIII. CONSOLIDATED CANONS, ETC., 1886.

1885. July 27—Armstrong, Francis Woodward.
Lloyd, George Exton.
Oct. 20—Jones, Frederick William Bayly.
Nov. 20—DuVernet, Frederick Herbert.
Dec. 20—Symonds, Herbert.
Farncomb, Frederick Edward.
Macklem, Thomas Clark Street.
1886. Jan. 1—Roper, John C.
March 21—Broughall, George Herbert.
Brent, Charles Henry.
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CLERGY OF THE DIOCESE OF TORONTO, 1886.

Lord Bishop.

The Right Reverend ARTHUR SWEATMAN, D.D., D.C.L., Toronto.

Archdeacons :

The Ven. S. J. BODDY, M.A., Archdeacon of York.
The Ven. JOHN WILSON, M.A., Archdeacon of Peterborough.

Bishop's Chaplains :

Rev. HENRY SCADDING, D.D. Rev. A. J. BROUGHALL, M.A. (Examining.)
Rev. WALTER STENNETT, M.A.

Canons :

Rev. HENRY BRENT, M.A.
" HENRY SCADDING, D.D.
" WALTER STENNETT, M.A.
" F. A. O'MEARA, LL.D.
" J. P. DU MOULIN, M.A.

Honorary Canons :

Rev. HENRY BATH OSLER.
" EDWARD MORGAN,
" FRANCIS TREMAYNE, M.A.

Rural Deans :

The Rev. H. B. OSLER.....	West York.
" JOHN FLETCHER, M.A.	East York.
" A. STEWART, M.A.	East Simcoc.
" T. W. ALLEN, M.A.	Durham.
" W. T. SMITHETT, D.D.	Haliburton.
" C. C. JOHNSON.....	Peel.
" W. R. FORSTER	West Simcoe.
" J. W. R. BECK, M.A.....	Northumberland.

NAME.	P. O. ADDRESS.
Allen, T. W., B.A., Rural Dean, Millbrook.	Burges, Henry F Bethany.
Allen, W. C., M. A.	Burt, Frederick..... West Hill.
Angell, T. B. Peterborough.	Carry, John, D.D. Port Perry.
Armitage, W. J. Orillia.	Cayley, J. D., M.A. Toronto.
Armstrong, F. W., (on leave)	Chafee, A. B., B.A. Garden Hill.
Baker, J. S. Port Hope.	Clark, W., M.A., Prof. Trinity
Baldwin, A. H., M.A. Toronto.	College..... Toronto.
Baldwin, H. G., M.A. Toronto.	Clark, W. H., M.A. Toronto.
Ball, Thomas Bondhead.	Clementi, Vincent, B.A. Peterborough.
Ballard, J. McLean, B.A. Toronto.	Cooper, H. D., B.A. Lloydtown.
Bates, W. W., B.A. Thornhill.	Cooper, J. E. Cambray.
Beck, J. W. R., M.A., Rural	Cooper, W. E., M.A. Port Hope.
Dean Peterborough.	Creighton, John, B.D. Cartwright.
Bell, C. R., Mus. Bac. Roach's Point.	Daniel, Edwin, B. A. Toronto.
Bethune, C. J. S., M. A., D. C. L. Port Hope.	Daniel, A. W. Craighurst.
Bilkey, R. A. Toronto.	Darling, Charles, B.A. Toronto.
Boddy, S. J., M.A., Arch. of York, Toronto.	Davidson, John, M.A. Uxbridge.
Body, C. W. E., M.A., D.C.L.,	Davies, H. W., D.D. Toronto.
Provost Trin. Col. Toronto.	DesBarres, T. C., M.A. Toronto.
Boys, A., M.A., Prof. T. Coll. Toronto.	DuMoulin, J. P., M.A., Canon, Toronto.
Bradshaw, W. C. Peterborough.	Farncomb, F. E., B.A. Bobcaygeon.
Brent, Henry, M.A., Canon. Newcastle.	Farncomb, John, M.A. Lakefield.
Brent, Charles Henry, B.A. on leave.	Farncomb, William, B.A. Bobcaygeon.
Broughall, A. J., M.A. Toronto.	Fidler, A. J., B.A. Whitby.
Broughall, Geo. Herbert, B.A., Tullamore.	
Bryan, Bernard Bradford.	

NAME.	P. O. ADDRESS.	NAME.	P. O. ADDRESS.
Fletcher, John, M.A., Rural Dean	Unionville.	Morley, George B.	Cardwell.
Fletcher, Joseph, M.A.	Cookstown.	Murphy, E. W., B.A.	Painswick.
Fletcher, Alfred, M.A.	(on leave.)	Mussen, E. H., M.A.	Aurora.
Ford, Ogden P., M.A.	Woodbridge.	Nattress, George, L. T.	Toronto.
Forster, W. R., Rural Dean.	Creemore.	Nesbitt, George, M.A.	Georgina.
French, W. H.	Coldwater.	Nichol, R.T., B.A.	Port Hope.
French, W. H. A.	Coboconk.		
Gibson, John, B.A.	Norwood.	Oliver, E. A., B.A.	Bolton.
Grant, William, M.A., B.D.	(on leave.)	O'Meara, F.A., L.L.D.	Canon, Port Hope.
Greene, R. W. E., L.T.	Weston.	Osler, H. B., Canon	York Mills.
Groves, F. J. S. (retired)	Toronto.	Patorson, T. W., M.A.	Deer Park.
		Pearson, J.	Toronto.
Haslam, G. E., M.A.	Toronto.	Reiner, Wm.	Barrie.
Hauna, J. A.	Midland.	Rooney, Robert A.	Whitfield.
Harding, Phillip	Apsley.	Robinson, H. W.	Atherly.
Harper, Edward J.	Grafton.	Roper, John C., B.A.	Trin. Coll., Toronto.
Harris, J. H.	Brooklin.	Roy, James, L.L.D.	Cobourng.
Harris, R. H., B.A.	Brighton.	Ruttan, C.	Norway.
Harrison, Richard, M.A.	Toronto.		
Hart, Anthony	Markham.	Sanson, Alexander	Toronto.
Heaton, H.	Haliburton.	Scadding, H., D.D., Canon	Toronto.
Hindes, R. W., B.A.	Credit.	Sheraton, J. P., D.D.	Toronto.
Hobson, H. P.	Toronto.	Shortt, Chas. Harper, B.A.	Woodbridge.
Hodgkin, T. J., M.D.	Colborne.	Sills, C. E., B.A.	Ivy.
Howard, J. Scott, M.A.	Toronto.	Simpson, James, M.A.	Port Hope.
		Smithett, W. T., D.D., Rural Dean	Omemece.
Ingles, Charles L., M.A.	Parkdale.	Softley, Henry	Peterborough.
		Soward, Edward	Kinmount.
Johnson, C. C., Rural Dean	Brampton.	Spragge, Albert W., B.A.	Newmarket.
Jones, F. W. Bayley, R. N.,	Toronto.	Squire, F. W.	Toronto.
Jones, John	Price's Corners.	Starr, R. H., B.D.	Toronto.
Jones, Septimus, M.A.	Toronto.	Stennett, W., M.A., Canon	Cobourng.
Jones, Wm., M.A., Prof. T. C.,	Toronto.	Stewart, A., M.A., Rural Dean	Orillia.
Jones, S. Weston	Lindsay.	Swallow, W. F.	Caledon East.
Jupp, William	Midland.	Sweeny, J. F., B.D.	Toronto.
		Symonds, Herbert, B.A.	Toronto.
Kirkby, L. H.	Collingwood.		
Kingston, G.M., M.A.	Penetanguishene.	Taylor, G. I., M.A.	Toronto.
		Thomson, C. E., M.A.	Toronto.
Lampman, A., B.A.	Toronto.	Thompson, J. A.	Cheddar.
Langtry, John, M.A.	Toronto.	Tocque, Philip (retired)	Toronto.
Ledingham, George	Gore's Landing.	Tremayne, F., M.A., Canon	Mimico.
Lewis, J. P.	Toronto.		
Logan, William, M.A.	Fenelon Falls.	Vicars, John, B.A.	Cannington.
Love, George	Beaverton.		
		Walker, T., B.A.	Campbellford.
Macnab, A., D.D.	Bowmanville.	Watt, A. C.	Mono Mills.
Macklem, T. C. S., B.A.	Toronto.	Westney, W. S., B.D.	Pickering.
Marsh, C. H.	Rosemont.	Whitcombe, C. E.	Toronto.
McCleary, John	Hastings.	White, Jos. Francis, B.A.	Shanty Bay.
McCleary, J. W.	Duntroon.	Williams, Alexander, M.A.	Toronto.
McCullum, J. H., M.A.	Seaton Village.	Wilson, John, M.A., Archdeacon	of Peterborough
Middleton, I., B.A.	Oshawa.		Grafton
Miles, A. C., B.A.	Elmvale.	Wright, George M., M.A.	Toronto
Moore, R. J., M.A.	Toronto.		
Morgan, E., Canon	Barrie.		

OFFICERS

OF THE

SYNOD AND DIOCESE

1851-1886.

BISHOP OF TORONTO.

The Hon. and Rt. Rev. John Strachan, D.D., (July 27, 1839-Nov. 1, 1867)
" Rt. Rev. Alex. Neil Bethune, D.D., D.C.L., (Nov. 1, 1867-Feb. 1, 1879).

THE RT. REV. ARTHUR SWEATMAN, D.D., D.C.L.; (May 1, 1879, to date).

DEAN OF TORONTO.

The Very Rev. Henry James Grasett, B.D., (Feb. 16, 1867-March 20, 1882)

ARCHDEACONS.

The Ven. Thomas Brock Fuller, D.D. (Toronto).
" " " (Niagara).
" A. N. Bethune, D.D. (York).
" George O'Kill Stuart, D.D. (Kingston).
" Arthur Palmer, M.A. (Toronto).
" George Whitaker, M.A. (York).
" JOHN WILSON, M.A. (Peterborough).
" SAMUEL J. BODDY, M.A. (York).

CHANCELLOR OF THE DIOCESE.

Hon. John Hillyard Cameron, Q.C., M.P., D.C.L. (1861-1877).
Samuel B. Harman, Esq., D.C.L. (1877-1883).
HON. EDWARD BLAKE, Q.C., M.P. (1883 to date).

REGISTRAR OF THE DIOCESE.

Samuel B. Harman, Esq., D.C.L. (1861-1877).
RICHARD SNELLING, LL.D. (1877 to date).

HONORARY SECRETARIES OF SYNOD.

See pp. XXIV, XXV.

TREASURER OF SYNOD.

Hon. George W. Allan (1854-1856).
Samuel B. Harman, Esq., D.C.L. (1856-1858).
James W. Brent, Esq. (1858-1868).

P. O. ADDRESS.
Carlswell.
Painswick.
Anrora.
Toronto.
Georgina.
Port Hope.
Bolton.
Canon. Port Hope.
York Mills.
Deer Park.
Toronto.
Barrie.
Whitfield.
Atherly.
Trin. Coll., Toronto.
Cobourg.
Norway.
Toronto.
Canon. Toronto.
Toronto.
r. B.A. Woodbridge.
Ivy.
Port Hope.
D., Rural
Omemece.
Peterborough.
Kinmount.
B.A. Newmarket.
Toronto.
Toronto.
Canon. Cobourg.
Rural Dean. Orillia.
Caledon East.
Toronto.
Toronto.
Toronto.
Toronto.
Cheddar.
Toronto.
Mimico.
Cannington.
Campbellford.
Mono Mills.
B.D. Pickering.
Toronto.
Shanty Bay.
Toronto.
Archdeacon
Grafton
Toronto

SECRETARY-TREASURER OF SYNOD.

W. P. Atkinson, Esq. (1869-1885).
 D. KEMP, Esq. (1885 to date).

AUDITORS OF SYNOD ACCOUNTS.

J. W. Brent and J. W. Gamble (1856-1857)
C. J. Campbell and Wm. M. Westmacott, (1857-1862).
Wm. M. Westmacott and Robt. B. Denison (1862-1867).
 " and *C. J. Campbell* (1868).
Wm. Gamble and James Browne (1869).
 " and *E. B. Osler* (1870).
 " and *James Sydney Crocker* (1871-1880).
 JAS. SYDNEY CROCKER and R. C. FITZGERALD (1881 to date)

PRECENTOR OF SYNOD.

Rev. James Beaven, D.D. (1862-1873).
 " J. D. CAYLEY, M.A. (1873 to date).

SUCCENTOR OF SYNOD.

Rev. Robert Shanklin (1865-1873).

ORGANIST OF SYNOD.

JOHN CARTER, Esq. (1865 to date).

PRINTERS TO THE SYNOD.

Henry Rowsell, (1851-1856).
Rowsell & Ellis (1857-1863).
Henry Rowsell (1864-1870).
James B. Cook (1871).
 ROWSELL & HUTCHISON (1872 to date).

362).
1867).

30).
(81 to date)

MEETINGS OF SYNOD, 1851-1885.

Session.	Year.	Date.	Place.	Members Present.		PRESIDENT.	SECRETARIES.		
				Clerical.	Lay.		Clerical.		Lay.
1	1851	May 1-2	Toronto	127	127	Hon. and Rt. Rev. Bishop Strachan	Rev. J. G. Geddes	Dr. Bovell	
2	1853	Oct. 12-18	"	120	105	"	" & Rev. T. S. Kennedy	"	& H. Gates.
3	1854	Oct. 25-27	"	96	114	"	"	"	"
4	1856	May 1-2	"	139	210	"	"	"	"
5	1857	June 17-18	"	119	155	"	" & Rev. T. S. Kennedy	"	"
6	"	.....	London*	42	69	"	"	"	"
7	1858	June 10-11	Toronto	89	88	"	Stephen Lett, D.D.	"	"
8	1859	Sep. 14-16	Kingston†	84	60	"	"	"	"
9	1860	June 7-16	Toronto	111	120	"	"	"	"
10	"	" 12-15	"	115	116	"	"	"	"
11	1861	Sep. 7-8	"	No list.		"	"	"	"
12	"	June 12-13	Kingston*	53	111	"	"	"	"
13	1862	" 25-27	Toronto	71	70	"	T. S. Kennedy	"	"
14	1863	" 9-12	"	69	84	"	"	"	"
15	1864	" 8-10	"	65	86	"	J. G. Geddes	"	"
16	1865	" 14-16	"	80	100	"	"	"	"
17	1866	Aug. 8-10	"	76	118	"	"	"	"
18	"	Sep. 19-21	"	80	163	"	Edmund Baldwin	"	S. B. Harman.
19	1867	June 11-16	"	70	87	Rt. Rev. A. N. Bethune (Coadjutor [Bishop])	J. G. Geddes	Dr. Bovell	
20	1868	" 9-12	"	93	182	" (Bishop)	A. J. Broughall	"	"
21	1869	" 15-22	"	104	160	"	C. J. S. Bethune	"	"
22	1870	" 21-28	"	115	171	"	"	Dr. Hodgins	
23	1871	" 20-24	"	116	151	"	"	"	"

14	1866	Aug. 8-10.	"	"	"	76	118	"	"	"	"
		Sep. 19-21.	"	"	"	80	163	"	"	"	"
15	1867	June 11-16.	"	"	Rt. Rev. A. N. Bethune (Coadjutor [Bishop])	70	87	"	Edmund Baldwin	"	S. B. Harman.
16	1868	" 9-12.	"	"	"	93	182	"	J. G. Geddes	"	Dr. Bovell.
17	1869	" 15-22.	"	"	"	104	160	"	A. J. Broughall	"	"
18	1870	" 21-28.	"	"	"	115	171	"	C. J. S. Bethune	"	"
19	1871	" 20-24.	"	"	"	116	151	"	"	"	Dr. Hodgins.

20	1872	June 18-21.	Toronto	119	140	Rt. Rev. A. N. Bethune (Bishop)	Rev. A. J. Broughall	Dr. Hodgins.
21	1873	" 17-21.	"	102	195	"	"	"
22	1874	" 16-19.	"	109	259	"	"	"
		Dec. 20.	"	No list.	"	"	"	"
23	1875	March 17.	Hamilton*	51	91	"	"	"
24	1876	June 22-25.	Toronto	64	164	"	"	"
25	1877	" 20-22.	"	76	195	"	"	"
25	1877	" 19-22.	"	85	181	"	"	"
25	1878	Feb. 12-14.	"	55	172	"	"	"
26	"	June 4-7.	"	92	218	"	"	"
		(Feb. 27.)	"	"	"	"	"	"
27	1879	(Mar. 6.)	"	116	258	Very Rev. H. J. Grasett (Dean)	"	C. H. Mockridge
28	"	June 10-13.	"	92	188	"	"	"
28	1880	" 8-11.	"	97	227	"	"	"
29	1881	Nov. 1-4.	"	101	169	"	John Pearson	"
30	1882	June 13-17.	"	93	176	"	"	"
31	1883	" 12-15.	"	86	169	"	"	"
32	1884	" 10-13.	"	95	161	"	"	"
33	1885	" 9-12.	"	89	135	"	"	"

* Special Sessions of Sections of the Synod for the Election of the Bishops of the new Dioceses of Huron, Ontario, and Niagara respectively.
 + Adjourned Session.
 * Special Session re Address to H. R. H. the Prince of Wales.
 § Special Sessions for the Election of a Coadjutor Bishop.
 ¶ Special Session re Endowment, &c., of Diocese of Niagara.
 ¶ Special Session for the Election of a Bishop of the Diocese of Toronto.

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Canons of the Incorporated Synod of the Diocese of Toronto.

I. CONSTITUTION OF THE SYNOD.

[N. B.—The Synod first adopted a Constitution in 1854. This was amended in 1856, wholly revised in 1857, 1858, and 1860, and further amended in 1862. On January 23rd, 1869, the Synod was incorporated by 32 Vic. (Ont.) chap. 51, and in the session of that year a Constitution founded upon the one theretofore in force was adopted, and a Committee appointed to consolidate all the Canons, By-laws, Regulations, &c., then in force. The report of this Committee was considered, amended and adopted in 1870, and the Constitution then adopted has since been amended in 1877-8-9 and 1880-1-2-3-4-5. In 1881 a new Constitution was adopted, but a motion to confirm it in 1882 was lost (p. 43.) The notes appended to each section show the year when it became law, and the pages of Synod Journals which refer to it. (a), means "adopted;" (c), "confirmed;" and (am'd) "amended."]

I. COMPOSITION OF THE SYNOD, SEAL, &C.

1. The Incorporated Synod of the Diocese of Toronto shall consist of the Bishop of the Diocese, who shall be the head of the Synod, and any Suffragan or Coadjutor Bishop thereof, the Priests and Deacons of the same licensed by the Bishop or Suffragan, and of Lay Representatives to be elected as hereinafter provided. [32 Vic. (Ont.) cap. 51, sec. 2; Synod Journals. 1869, pp. 45, 83; 1870, pp. 48, 86. See 1854, p. 31; 1857, p. 30; 1858, p. 66; 1874, p. 67; 1881, pp. 49, 55; 1882, p. 43.]

2. The Synod shall have a Common Seal, and the Bishop of the Diocese shall have the care and custody of the said Seal; and he is hereby authorized and empowered to execute all deeds and documents which from time to time may be required to be executed on behalf of the Synod, pursuant to any resolution of the Synod, or any of the Committees thereof where such resolution is passed within the authority of such Committee.

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Execution of Documents. (2.) The mode of execution of such deeds and documents shall be by the Bishop causing the said Common Seal to be affixed thereto, and by his signature attesting the same. [(a), 1869, pp. 52, 89; 1870, pp. 61, 97. See 1881, pp. 54, 63; 1882, p. 43.]

Powers of Synod. 3. The Synod may make such By-laws, and Regulations for the preservation of order, and the organization of Committees, as from time to time shall be considered expedient. [(a), 1869, pp. 35, 55, 90; 1870, pp. 63, 100.]

Resolutions and Acts of Synod. 4. No act or resolution of the Synod shall be valid without the concurrence of the Bishop and of a majority of the members of the Synod present, or of a majority of both orders, if a vote by orders be required; and if a difference should be found to subsist between the orders, after a vote is taken, then the subject under consideration shall stand over to the ensuing Synod. This rule is not to refer to the election of a Bishop. [(a), 1870, pp. 62, 98. See 1854, p. 32; 1857, p. 32; 1858, p. 66; 1860, pp. 146, 180; 1869, pp. 52, 89; 1881, p. 59; 1882, p. 43.]

II. HOW A BISHOP SHALL BE ELECTED.

Mode of Election. 5. In the election of a Bishop to a vacant See, or to a new See, the Clergy and Laity shall vote separately by ballot; the Clergy by individuals, and the Laity by parishes. A majority of votes in each order shall determine the choice, provided that two-thirds of the parishes entitled to vote be represented and vote; otherwise two-thirds of the votes of each order shall be necessary to determine the choice. [(a), 1870, pp. 63, 99. See 1857, pp. 16, 18, 21, 36; 1858, p. 66; 1860, pp. 150, 181; 1865, pp. 45, 47; 1866, pp. 42, 67; 1869, pp. 34, 54, 90.]

How Synod to be summoned. 6. On a vacancy in the See, the Dean, or the senior Archdeacon, or in his absence, the Archdeacon next in order of seniority, or in the absence of an Archdeacon, the senior Rural Dean, shall, within one week from the occurrence of such vacancy, summon a meeting of the Clergy and Lay Representatives, to be held at the expiration of twenty days from the date at which such meeting shall be summoned, to elect a successor in the See. [(a), 1869, pp. 34, 54, 90; 1870, pp. 63, 100. See 1854, p. 32; 1857, p. 31; 1860, pp. 150, 181.]

7. Any Clergyman elected to be a Bishop, and holding Bishop at the time of such election any preferment or benefice, shall resign such preferment or benefice prior to his consecration. [(a), 1869, pp. 34, 55, 90; 1870, pp. 63, 100. See references to sec. 6.] ^{elect to resign preferment.}

See Canon No. II. "Election of a Suffragan and Coadjutor Bishop." Printed post p. 39.

III. ELECTION OF LAY REPRESENTATIVES.

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

(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, 36, 37; 1881, pp. 49, 50, 51; 1882, p. 43; 1883, p. 57.] ^{If more than one congregation.}

9. 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.] ^{Qualification of.}

10. 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 Churchwarden); 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 ^{When to be elected.}

meeting within thirty days after Easter Monday) by the Churchwardens or Churchwarden. [(a) 1884, p. 60; (c) 1885, p. 54. See references to secs. 8 and 9.]

Who to
preside.

11. 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, p. 66, 115; 1879, pp. 60, and references to secs. 8 and 9.]

Mode of
election.

12. 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.]

Who may
vote.

13. All males of twenty-one years old and upwards, not in 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.]

Voters'
List.

14. 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.

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(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 Minister, 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.]

Synod dues to be sent with certificate of election.

15. 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 _____ (C. D. and E. P.) 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 :

To the Honorary Secretaries of the Synod, _____ Toronto, _____.

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*.]

*See Section 61 (3), and Resolution No. 75, *post* p. 31.

†See section 51 (2), *post* p. 19.

16. No Representative shall be entitled to take his seat in the Synod until the assessment upon his Parish or Mission shall have been paid. ^{Effect of omission to pay Synod dues.} [(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.]

17. 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:

"This is to certify, that _____ of _____ 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.]

18. 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.]

Certificate
to Dele-
gate.

19. 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*.]

Term of
office.

20. 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*.]

Resigna-
tion.

21. 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; (e), 1885, p. 54.]

Dual elec-
tion.

22. 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; (e), 1885, p. 54. See 1869, pp. 45, 84; 1870, pp. 53, 88; 1881, pp. 50, 57; 1882, p. 43.]

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"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.]

23. 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.]

IV. CONTESTED SEATS IN SYNOD.

24. It shall be the duty of the Secretary-Treasurer to keep a book in which shall be entered as soon as they are received by him, and whether the fees are paid or not, the names of all persons sent in as elected, for the use and reference of the Court on Contested Seats. [See references to sec. 25, *post.*]

25. It shall be competent for any member of the Church, resident in the Diocese, having a right to vote at the election complained of, to object to the claim of any person on the Synod list to take a seat in the Synod, provided always that said objection, together with the grounds thereof in writing, be transmitted to the Secretary-Treasurer within twenty days after the election, who shall within five days after such transmission to him, transmit a copy by registered letter to, or have personal service made of the same on the person whose seat is so moved against.

Provided always that the party raising the objection may, within one week before the meeting of the Court,

notify the Secretary-Treasurer of his intention to abandon the same, who shall at once communicate the same to the party objected to.

Provided also, that objection may be taken at any time during the Session of the Synod, to any person whose name shall not have been entered on said Synod Lists. [(a), 1880, pp. 52, 53; (c), 1881, p. 68. See 1869, pp. 33, 34, 69; 1870, pp. 63, 99; 1874, pp. 60, 61.]

Resolution No. 2.

"That it be an instruction to the Honorary Secretaries to provide a book, in which shall be entered a list of all Parishes or Missions, against the election of Lay Representatives of which a protest may be made in terms of the Canon in that behalf. That in addition to such list the names of the protesters shall be given, together with the objections, *in extenso*, which may be made against the election; and that this book, with full details of the protest, as herein required, be open to the inspection of any member of the Synod, at the Synod office, at least one week before the meeting of the Synod." [(a), 1878, pp. 51, 52.]

Court on Contested Seats.

26. The Chancellor of the Diocese for the time being, (or in his absence the Registrar of the Diocese for the time being), together with two Clerical and four Lay members, to be appointed by the Bishop, under his hand and seal, one week after the time for receiving protests has expired, shall be a Court to consider such protests, and to adjudicate thereon, and to them shall be referred for final adjudication all cases of doubtful certificates that may be mentioned in the Report of the Committee on the certificates of the Lay Representatives;* and the decision of the Court shall be final. [See references to sec. 25, *ante*.]

If any of them ineligible.

27. The persons appointed by the Bishop must be persons against whose seats no protests have been received; and in case the Chancellor or Registrar is ineligible from his seat being contested, the Bishop shall appoint another qualified person to act as a member of the Court, but whose right so to sit shall cease on the cessation of the ineligibility of the Chancellor or Registrar.

Names to be printed in convening circular.

(2) The names of the persons composing the Court shall be inserted in the Order of Proceedings issued prior to the meeting of Synod.†

* See Resolution No. 1, *ante*, p. 9.

† See section 51 (2), *post* p. 19.

(3) The Court shall meet for the adjudication of cases Meetings on such days in the week following their appointment as of Court. the Bishop may determine, and at any future time at the call of the Chairman; and shall remain in office until the Easter following their appointment. [See references to sec. 25, ante.]

V. OFFICERS OF THE SYNOD.

1. *Honorary Secretaries.*

28. There shall be two Honorary Secretaries of the Honorary Synod, one a Clergyman, the other a Layman, both mem- Secreta- bers of the Synod; the former to be elected by the Clergy, ries. and the latter by the Lay Representatives; and such election shall be held on the first business day of the Annual Meeting of the same. [(a), 1870, p. 90; (am'd), 1881, pp. 37, 43. See 1854, p. 32; 1857, p. 31; 1858, p. 66; 1860, pp. 145, 180; 1869, pp. 34, 85; 1881, pp. 50, 59; 1882, p. 43.]

29. It shall be the duty of the Honorary Secretaries to Their du- keep regular minutes of all proceedings of the Synod; to ties. record them in a book provided for that purpose; to preserve all papers, memorials, and other documents; to conduct the correspondence; to attest the public acts of the Synod; to deliver all records and documents to their successors in office, and to furnish daily, prefixed to the printed notices of motion, a summary statement or synopsis of the whole of the unfinished business before the Synod, in the order in which it is proposed to take it up. [(a), 1870, pp. 54, 90. See 1854, p. 32; 1857, pp. 16, 20, 31; 1858, p. 66; 1860, pp. 145, 180; 1869, pp. 34, 85; 1881, pp. 51, 60; 1882, p. 43.]

30. The Bishop shall furnish to the Honorary Secre- As to list taries of the Synod as soon after Easter as possible a list of of mem- the licensed Clergy of the Diocese: the Secretaries shall bers of Synod. prepare printed copies of said list together with the list of Lay Delegates whose names have been duly entered on the Synod list according to section 15, and they shall furnish a copy of said list to each such Clergyman and Lay Representative at the time when they are forwarding to them the circular mentioned in section 51. sub-sec. 2. [(a), 1870, pp. 63, 99. See 1869, pp. 33, 34.]

Minutes of Synod.

- Resolution No. 3. "That hereafter the proceedings of the Synod be copied in a book, and that such proceedings be authenticated by the signature of the Lord Bishop, as President of the Synod, and by the Honorary Secretaries of Synod for the time being, after the same have been read, adopted, and confirmed at the close of each Session of Synod, and that the reading thereof at the succeeding meeting of Synod be dispensed with, unless requested by a majority vote of the Synod." [(a), 1883, pp. 58, 59.]
- Resolution No. 4. "That hereafter the minutes of proceedings of this Diocesan Synod be uniformly printed by tender, in the same style as those of the Provincial and other Diocesan Synods in Canada, and that a table of contents and index be inserted with each year's proceedings." [(a), 1865, p. 55.]
- Resolution No. 5. "That it be an instruction to the Secretaries to employ a person to collect from the official minute-book, and append to the printed minutes for each year, a copy of each Canon or Resolution which has been duly passed, with an Index, &c." [(a), 1864, p. 20.]
- Resolution No. 6. "That the Honorary Secretaries be authorized to employ an assistant, whose duty it shall be to give special attention to the recording and printing of the daily minutes of proceedings." [(a), 1864, p. 27.]
- Resolution No. 7. "That the names of subscribers to the Mission Fund be printed in parallel columns with the amount subscribed by each person opposite the name, each page to contain three or four columns, as may be found convenient." [(a), 1880, pp. 49-94. See 1879, pp. 58, 108.]
- Resolution No. 8. "That no names of persons who have subscribed less than fifty cents be printed" [(a), 1884, pp. 47, 140.]
- Resolution No. 9. "That the number of votes received by the elected members of the Executive Committee and the Delegates to the Provincial Synod as also the substitutes, be entered in the Journal." [(a) 1877, p. 32.]
- Resolution No. 10. "That a detailed statement of all contributing Parishes to the London Society for promoting Christianity among the Jews shall be printed in the Appendix to the Synod Journal." [(a), 1883, p. 50.]
- Resolution No. 11. "That the collections made in the Chapel of Trinity College and of Trinity College School, and in any other places of worship which have not been assessed, and which have contributed to the Widows and Orphans Fund be printed in the Report of Synod Proceedings." [(a), 1883, p. 51.]

Printing of Synod.

- Resolution No. 12. "That the [Honorary Secretaries] of the Synod shall be responsible for the printing of all notices, documents, reports, and other matters, and shall see that the printing expenses of the Synod are kept within reasonable bounds.
- (2) "That no printing of Synod shall be done except by the order of the Synod, or of the [Honorary Secretaries;] nor shall any printing account be paid until passed by the said [Honorary Secretaries,] or by the Synod.

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(3) "That all printing for the Synod, its Officers and Committees, shall be by tender, addressed to and accepted by the [Honorary Secretaries.] Such tender to be publicly invited whenever it may seem expedient to the Honorary Secretaries and in any case as often at least as once in five years.

(4) "That all printing of the Synod, its Officers and Committees, shall be executed by a person chosen by the said [Honorary Secretaries] from those thus tendering, subject to a scale of charges to be adopted by the [Honorary Secretaries ;] and that the person so to be appointed shall provide a surety or sureties for the due performance of his work, according to the terms of the contract with him, and the prescribed regulations of the said [Honorary Secretaries.]

(5) "That a stated sum shall each year be voted by the Synod for defraying the printing expenses, and it shall be the duty of the [Honorary Secretaries] to state in an Annual Report the sum which they would recommend to be so appropriated.

(6) "That the [Honorary Secretaries] shall have power to frame any further rules which they may deem expedient for the more effectual carrying out of the above regulations : Provided always, that nothing be done contrary to any enactment or regulation of the Synod." [(a), 1875, p. 172; (am'd), 1885, p. 62.]

"That all matters to be printed be submitted to the Honorary Secretaries to determine the several details in connection therewith, and that nothing in connection with the Synod or Diocese be printed without the order of [one of the Secretaries.]" [(a), 1879, pp. 58, 108; (am'd), 1885, p. 62.]

Resolu-
tion
No. 13.

2. Secretary-Treasurer.

31. There shall be a Secretary-Treasurer to be appointed by vote of the Synod. He shall be under the control of the Executive Committee, who shall have power to direct his duties. [(a), 1881, p. 43. See 1869, pp. 45, 85; 1870, pp. 54, 90; 1881, p. 37, 50, 59; 1882, p. 43.]

32. It shall be the special office of the Secretary-Treasurer to attend to all the business of the Synod when not in session, under the direction of the Executive Committee. And it shall be the further duty of the said Secretary-Treasurer to receive all moneys paid to him under the authority of the Synod, to keep them safely, to enter them in books requisite for that purpose; and, under such regulations as may be made by the Executive Committee, to deposit all such sums as soon as they amount to \$100, to the credit of the said Synod, in such chartered bank or banks of the Dominion as may from time to time be approved by the said Executive Committee. [(a), 1870, pp. 55, 90, (am'd), 1881, p. 43. See 1869, p. 85; 1881, pp. 50, 59; 1882, p. 43.]

Duties of
Secretary-
Treasurer

Resolution No. 14. "That it be a standing instruction to the Secretary-Treasurer of the Synod to summon at their first meeting the Special as well as the Standing Committees." [(a), 1877, p. 36.]

Resolution No. 15. "That it be an instruction to the Secretary-Treasurer of the Synod to furnish from time to time to the Church papers published in this city the information formerly sent to the *Church Herald* and *Synod Gazette*." [(a), 1878, p. 50.]

Resolution No. 16. "That the resolution of the late Church Society, respecting the annual vacation of the Secretary-Treasurer, be adopted by this Synod." [(a), 1867, p. 78.]

Resolution No. 17. The resolution is as follows: "The Standing Committee having recommended that in future an annual vacation of four weeks subsequently to the August meeting, be granted to the Secretary of the Church Society, the recommendation was granted."

Security to be given by. **33.** The said Secretary-Treasurer shall, under such regulations as may be made by the said Executive Committee, give security for the proper performance of his duties, and for the safe custody and deposit of all such moneys as may come into his hands as Secretary-Treasurer. [(a), 1870, pp. 55, 91. See 1869, p. 85; 1881, pp. 50, 59; 1882, p. 43.]

Salary of. **34.** The Secretary-Treasurer shall receive a salary of \$1400 a year, which shall cover the remuneration to the said Secretary-Treasurer for all his services in respect to the various Trusts and Funds of the Synod; which salary shall be payable quarterly. [(a), 1870, pp. 55, 91. See 1869, p. 85; 1881, pp. 50, 59; 1882, p. 43.]

Resolution No. 18. "That the following sums be allowed for the discharge of the duties of the Synod office:

Secretary-Treasurer	\$1400 00
Accountant and Messenger	400 00
	\$1800 00."

[(a), 1876, p. 113; (am'd) 1877, pp. 28, 41.]

VI. MEETINGS OF THE SYNOD.

Time of meeting. **35.** The Synod shall meet annually on the first Tuesday in June, or at such other period as may be deemed expedient by the Bishop, who shall also appoint the place of meeting, and shall adjourn or dissolve the Synod, as may appear to him most conducive to the welfare of the Diocese. [(a), 1870, pp. 54, 88. See 1854, p. 32; 1857, p. 31; 1858, p. 36; 1860, pp. 140, 180; 1869, pp. 35, 38, 33; 1878, pp. 44, 51; 1879, pp. 49, 69; 1881, pp. 50, 58; 1882, p. 43.]

"That it is desirable that some central locality should be fixed upon for holding the annual meetings of the Synod." [(a), 1878, p. 47.] **Resolution No. 19.**

36. During one month previous to the meeting of the Synod, each Minister shall, at Morning and Evening Service, use the following Form of Prayer for the Divine blessing on the proceedings of the Synod: **Prayer to be used before and during Synod meeting.**

"ALMIGHTY FATHER, who in the beginning of the Gospel didst cause the Apostles and Elders to meet together under the guidance of Thy Holy Spirit; and hast promised, through Thy Son Jesus Christ, to be with Thy Church to the end of the world: Vouchsafe, we pray Thee, to be present with the Synod of this Diocese now about to assemble [for *now assembled*]; give unto them the spirit of wisdom, patience, love, and of a sound mind; and so direct, sanctify, and govern them, that they may seek truth and peace; and that through them the saving gospel of Christ may be more effectually preached and ministered, Thy dispersed sheep gathered into the fold, and Thy Holy Church established, strengthened, settled, united, and sanctified; through the merits and intercession of the same Jesus Christ, Thy Son our Lord.—*Amen.*"

[(a), 1860, p. 143. See 1869, pp. 38, 84; 1870, pp. 54, 89; 1881, pp. 50, 58; 1882, p. 43.]

"That in addition to the prayers heretofore used at the opening of the Synod, and in the several Churches previously to the meeting of the Synod, the following prayer from the "Accession Service" be also used: **Resolution No. 20.**

"O God, the Father of our Lord Jesus Christ, our only Saviour, the Prince of Peace: give us grace seriously to lay to heart the great dangers we are in by our unhappy divisions. Take away all hatred and prejudice, and whatsoever else may hinder us from Godly union and concord; that, as there is but one Body, and one Spirit, and one Hope of our Calling, one Lord, one Faith, one Baptism, one God and Father of us all, so we may henceforth be all of one heart and of one soul, united in one holy bond of Truth and Peace, of Faith and Charity, and may with one mind and one mouth glorify Thee, through Jesus Christ our Lord.—*Amen.*"

[(a), 1871, p. 65; (c), 1872, p. 61. See 1881, pp. 50, 58; 1882, p. 43.]

"That the Chairmen (or other representatives) of the Executive, General Purposes, and Printing Committees and the Honorary Secretaries, be a Committee to make all necessary arrangements for the Annual Session of this Synod: and that this Committee be allowed the sum of \$50 to cover the expenses of fitting up the room, printed cards of notices to hang up, and other contingencies." [(a), 1874, p. 69.] **Resolution No. 21.**

"That the Honorary Secretaries, under the direction of the Bishop, be authorized to procure such furniture as is required for the use of the Synod at its annual session." [(a), 1885, p. 65.] **Resolution No. 22.**

37. When the Bishop is not present, and has not appointed a deputy, then the Senior Dignitary or Clergyman of the Diocese present shall preside in his place. [(a), 1870, pp. 54, 90. See 1854, p. 32; 1857, p. 31; 1858, p. 66; 1860, pp. 145, 180; 1869, pp. 38, 85; 1881, pp. 50, 59; 1882, p. 43.] **Presiding officer of the Synod.**

Quorum of the Synod. **38.** A quorum of the Synod shall consist of not less than one-fourth of the whole number of the Clergy, and one-fourth of the Lay Representatives of the several parishes of the Diocese; and no business shall be transacted without a quorum. [(a), 1870, pp. 54, 90, See 1854, p. 32; 1857, p. 31; 1858, p. 66; 1860, pp. 145, 180; 1869, pp. 38, 85; 1881, pp. 50, 59; 1882, p. 43.]

Order of Proceedings.

Synod Services. **39.** The Annual Session of the Synod shall be preceded by a celebration of the Holy Communion at such place and hour as the Bishop shall appoint, and Evening Prayer (with Sermon) shall be held on the same day. The collection at the Offertory shall be devoted to Missionary or other purposes, on the recommendation of the Executive Committee. [(a), 1860, p. 147, 180; 1869, pp. 53, 89; 1870, pp. 62, 98; (am'd), 1884, p. 57; (c), 1885, p. 54. See 1854, p. 33; 1857, p. 32; 1858, pp. 66, 84.]

Resolution No. 23. "That at the meetings of the Synod it is desirable that the services of the Session should, as much as possible, resemble the Cathedral Services of the Mother Church; and for that purpose a Precentor of the Synod be appointed, who shall be charged from year to year with carrying out this order." [(a), 1862, p. 38.]

Resolution No. 24. "That the calling over of the Roll of the Clergy and Lay Representatives be discontinued, but that each Clergyman and Lay Representative sign his name in a book to be kept for that purpose." [(a), 1871, pp. 42, 75; (c), 1872, p. 54.]

Election of officers. **40.** The election of the Honorary Secretaries, and of the Secretary-Treasurer, shall then be proceeded with. [(a), 1870, pp. 62, 98; (am'd), 1881, p. 43. See 1854, p. 33; 1857, p. 32; 1858, pp. 66, 84; 1860, pp. 147, 180; 1869, pp. 53, 89; 1870, pp. 62, 98; 1881, p. 64; 1882, p. 43.]

Order of business. **41.** After this, on the first day, and on all other days after Morning Prayer, the order of business shall (subject to the provisions of the next section) be as follows:

1. Reading, Correcting, and Approving the Minutes of the Previous Meeting.
2. Appointing Committees.
3. Presenting, Reading, and Referring Memorials, and Petitions, and Correspondence.
4. Presenting Reports.

5. Reading and consideration of Reports in the order of their presentation.
6. Giving Notice of Motions.
7. Taking up Unfinished Business.
8. Consideration of Motions. [(a), 1869, pp. 53, 89; 1870, pp. 62, 98; (am'd), 1871, p. 75; (c), 1872, p. 54; 1873, p. 55. See references to sec. 40 of Constitution.]

42. On every day, after the first, the Synod shall meet at half-past Nine, A.M., and shall be opened with Prayers appointed by the Bishop for the occasion. [(a), 1870, pp. 62, 99. See references to sec. 40 of Constitution.]

43. Should an Evening Session of the Synod be desired, notice thereof shall be given not later than five o'clock, P.M., of the same day on which the Evening Session is desired. [(a), 1870, pp. 62, 99. See references to sec. 40 of Constitution.]

"That a Diocesan Missionary Meeting shall constitute a part of the annual proceedings of the Synod. [(c), 1870, p. 78. See Resol. No. 50.]

Election of Delegates to Provincial Synod, &c.

44. The election of Delegates to the Provincial Synod and of the Elective Members of the Executive Committee, shall take place between the hours of one and three o'clock on the second day of the Session, the ballot closing at three o'clock, and during that time no other business shall be transacted. [(a), 1875, p. 171; (c), 1876, p. 104. See 1875, p; 182, 183.]

45. There shall be elected triennially, by the individual Clerical and Lay members of the Synod, respectively then present, on the second day of the meeting of Synod, twelve Clerical and twelve Lay Delegates to the Provincial Synod. Twelve of each order thus elected, having the highest number of votes, shall be the Delegates to such Synod; and twelve other Clerical and twelve Lay Representatives whose names shall be next on the ballot, having the next highest number of votes, shall be Substitute-Delegates, to attend the Provincial Synod whenever, from sickness or other cause, the Delegates shall be unable to attend the

Provincial Synod. [(a), 1870, pp. 55, 91; (*am'd*) 1876, p. 109; (c) 1877, p. 26. See 1862, pp. 20, 21; 1863, pp. 16, 24; 1879, p. 61; 1880, pp. 31, 60; 1881, pp. 53, 62; 1882, p. 43.]

Scrutineers.

46. Two Clerical members and one Lay Representative, and two Lay Representatives and one Clerical member (to be appointed by the Synod), shall be the Scrutineers of the Clerical and Lay vote respectively. [(a), 1870, pp. 56, 91. See 1874, p. 68; 1881, pp. 54, 63; 1882, p. 43.]

Mode of election.

47. Ballot boxes shall be provided to receive the votes of the Clergy and Laity respectively. Upon each member of the Synod depositing his vote, a mark shall be placed opposite his name on the roll by the Secretary of the order to which he belongs, and upon the requisition of any three members of the Synod, the number of votes deposited shall be compared with the number of those who have voted upon the occasion. The scrutineers shall hand over the votes to the Honorary Secretaries of the Synod, whose duty it shall be to preserve them until the election of delegates shall be completed, and to destroy them at the end of the session. [(a), 1862, pp. 20, 21. See 1874, p. 68; 1875, pp. 166, 171, 192.]

When Substitute Delegates shall go to Provincial Synod.

48. Whenever any of the Delegates to the Provincial Synod shall be unable to attend its meetings, they shall be excused from such attendance upon notifying the Honorary-Secretaries of the Diocesan Synod of the fact at least a fortnight previous to the meeting of the Synod. The Secretaries shall thereupon notify the Substitutes, selecting them in the order in which their names stand upon the list, that they are required to attend the said meeting instead of the Delegates excused. [(a), 1870, pp. 56, 91. See 1863, pp. 16, 24; 1881, pp. 54, 63; 1882, p. 43.]

Term of office.

49. The delegates to the Provincial Synod shall hold office as such for three years, provided they so long continue members of this Synod. [(a), 1876, p. 109; (c), 1877, p. 26.]

Resolution No. 26.

“That it shall be the duty of the Honorary Secretaries at least a fortnight previous to the meeting of the Provincial Synod to notify each Delegate that he is expected to attend the meeting of the Synod, or to declare his inability to do so without delay, so as to enable the Secretaries to notify the Substitutes (as required by the Constitution) within a reasonable time, and to receive replies from them. [(a), 1874, p. 69.]

"That in publishing the list of Delegates to the Provincial Synod in Resolutions the beginning of the Report, (or Journal of Proceedings), the name of a dignitary of the Church should head the list, and the names of the rest No. 27. should be printed in alphabetical order." [(a), 1862, p. 40.]

VII. RULES FOR THE PRESERVATION OF ORDER.

[These are printed at p. 36, post.]

VIII. EXECUTIVE COMMITTEE OF SYNOD.

50. There shall be appointed annually, an Executive Appointment Committee, to consist of the Bishop of the Diocese, ten Clerical and ten Lay members of the Synod (one half of each order of whom shall be appointed by the Bishop, and the other half by a vote of the Synod), of whom seven shall form a quorum, and who shall continue in office until their successors are appointed, and shall be called together by the Chairman, Secretary, and Treasurer, or any three members of the Committee. [(a), 1869, pp. 35, 45, 56, 85; 1870, pp. 56, 57, 92; (am'd), 1875, p. 171; (c), 1876, p. 104. See 1856, p. 32; 1857, p. 35; 1858, p. 66; 1860, pp. 146, 180; 1875, p. 186; 1876, pp. 56, 57, 106; 1877, pp. 28, 42; 1881, pp. 51, 52, 60; 1882, p. 43.]

51. It shall be the duty of the Executive Committee to prepare in due form all such matters as the Bishop, or any member of the Synod, may desire to bring forward; to receive reports of all other Committees, and to submit such reports to the Synod; and said Committee shall prepare lists of all Standing Committees for the approval of the Synod. [(a), 1870, pp. 57, 92. See references to sec. 50 of the Constitution.]

(2.) It shall also be the duty of the said Committee to print the reports laid before them, or such parts of them as they may deem expedient, and to issue a circular under the Bishop's direction, stating the time and place of meeting, the business for the ensuing Synod, the order in which it shall be discussed, and the names of members of Synod, which circular shall be forwarded to each Clergyman and Lay Representative two weeks before the meeting of the Synod; and to pay out, or cause to be paid out all moneys of the Synod, except those which are placed under the control of other Committees. [(a), 1870, pp. 57, 92. See references to sec. 50 of the Constitution. See also sec. 30, ante, p. 11.]

- Notices and reports to be sent to Executive Committee. **52.** Notice of the business to be submitted to the Synod, to secure precedence in the order of proceedings, and all reports of Committees, shall be sent to the Executive Committee. [(a), 1870, pp. 58, 92. See 1857, p. 35; 1858, p. 66; 1859, p. 102; 1860, pp. 146, 180; 1869, pp. 35, 46, 86; 1881, p. 53, 60; 1883, p. 43.]
- Resolution No. 28. "That in future, when the Honorary Secretaries are preparing the programme of the Synod to be sent to the several members thereof, they do print in said programme the prayers to be used in the several Churches and Chapels of this Diocese previous to the meeting of the Synod." [(a), 1872, p. 61. See secs. 30 and 36 of the Constitution.]
- Resolution No. 29. "That in order to prevent, at future meetings of the Synod, the postponement, until a late period of the Sessions, of important matters affecting the interests of the Diocese, the consideration of reports of Committees, and of all motions in the judgment of the Executive Committee specially pertaining to the Diocese, shall take precedence of all other motions." [(a), 1868, p. 70.]
- Resolution No. 30. "That in the programme of the proceedings issued by the Executive Committee, for the guidance of members of the Synod, notices, other than those relating to Synod work, be omitted." [(a), 1873, p. 47.]
- Resolution No. 31. "That the rule of Synod that all reports of Standing Committees be handed in to the Executive Committee at their meeting in May be strictly enforced; that they be printed in the circular calling the Synod; and sent to the members as provided by the rules of Synod." [(a), 1883, p. 67.]
- Resolution No. 32. "That it shall, for the future, be the duty of the Executive Committee to present to the Synod, as a part of their report, a list of names recommended by them to serve on the several Standing Committees for the ensuing year." [(a), 1876, p. 110.]
- Resolution No. 33. "That it be an instruction to the Executive Committee that, as a general rule, in the selection of members of the Standing Committees, from two-thirds to three-fourths of the members of each Committee, who have attended its meetings most regularly, shall be eligible for re-nomination on each Committee. The remaining members shall be selected from members of Synod on the Secretaries' list, who were not on any of the Committees of the preceding year." [(a), 1872, p. 56.]
- Resolution No. 34. "That the Executive Committee be requested to make provision for the reception and entertainment of the members of Synod during future sessions." [(a), 1868, p. 66.]
- Resolution No. 35. "That the Executive Committee do in each year, forthwith after their appointment, appoint a Sub-committee for Receptions, whose duty it shall be to make arrangements in due season for the reception of members of Synod of both orders, and also of members of the Standing Committees during their attendance on duty." [(a), 1881, p. 71.]

NOTE.—1. The consent of the Executive Committee is requisite to the sale or mortgage of land held for religious purposes. (See Relig. Inst. Act, *post* p. 214).

2. It is also the duty of the Executive Committee to have a yearly valuation made of all Church property, and report to the Synod. (See Canon viii. sec. 4, *post* p. 49).

IX STANDING COMMITTEES OF THE SYNOD.

53. The Standing Committees of the Synod shall meet (quarterly) on the second Thursday, or following day, in the months of February, May, (August,) and November, or on such other days as may appear more desirable to his Lordship the Bishop, and at such other times as they may deem necessary.

(2) These Committees shall be as follows :

1. The Clergy Commutation Trust Committee.
2. The Endowment of the See, Rectory Lands, and Land and Investment Committee.
3. The Mission Board.
4. The Widows and Orphans' Fund, and Theological Students' Fund Committee.
5. The General Purposes, Statistics, and Assessment Committee.
6. The Sunday School, and Book and Tract Committee.
7. The Audit Committee.

[(a) 1870, pp. 58, 59, 93; (*am'd*), 1872, pp. 55, 58, 109; 1873, p. 55; 1883, pp. 54, 133; 1884, p. 37; 1885, p. 58. See 1869, pp. 52, 57, 86; 1871, p. 69; 1874, pp. 50, 77; 1875, pp. 172, 185; 1876, pp. 58, 106; 1877, pp. 28, 41, 42; 1878, pp. 37, 38; 1879, pp. 48, 67; 1881, pp. 54, 61; 1882, p. 43.

Resolutions of 1855, pp. 28, 58, if confirmed, will strike out the word "quarterly" in line 2, and the word "August" in line 3, and will insert the words printed in italics. Resolutions Nos. 36, 37.

"That all [Special] Committees, unless otherwise ordered, shall be named by the Chair." [(a), 1860, p. 150]. Resolution No. 38.

"That the Lord Bishop shall be *ex officio* a member of all Committees of the Synod." [(a), 1879, pp. 51, 67; (c), 1880, pp. 31, 60]. Resolution No. 39.

54. One-third of the members of any Standing or Special Committee of Synod, shall be a quorum for the transaction of business. General rules as to committees.

(2) The Secretary-Treasurer shall convene the quarterly and other meetings of each Committee.

[See Resolution No. 14, *ante*, p. 14.]

(3) Each Committee shall from time to time choose its own Chairman.

(4) All reports of Committees shall be in writing, signed by the Chairman.

(5) The Chairman of each Committee, or any person on his behalf, shall explain, when requested by the Synod, any facts or other portions of the report not understood. [(a), 1870, pp. 59, 93. See 1854, p. 36; 1857, p. 32; 1860, pp. 150, 180; 1863, p. 18].

Resolution No. 40. "That all reports of Committees recommending any action or expression of opinion shall be accompanied by a resolution for the action of the Synod thereon." [(a), 1860, p. 150.]

Resolution No. 41. "In the event of any vacancy occurring in a Committee of Synod during its recess, either by death, removal, or resignation of a member or members, or other cause, the Lord Bishop shall be notified thereof as early as possible by the Chairman of the Committee in which the vacancy occurs, and shall be requested to fill such vacancy." [(a), 1871, p. 66.]

Resolution No. 42. "That the first meeting of each Standing Committee shall be held at 2 o'clock p. m., on the day after the appointment of such Committee." [(a), 1885, p. 58.]

Resolution No. 43. "That it be an instruction to the Conveners of Committees that when practicable, no Committee on which are country members, be called for any hour of the day earlier than twenty minutes after their trains are due in Toronto, nor later than two hours before the said trains leave the City, according to time table." [(a), 1883, p. 87.]

1. Clergy Trust Committee.

Composition of. **55.** The Clergy Commutation Trust Committee of the Synod for the management of the Clergy Commutation Trust Fund of the Diocese, shall consist of sixteen members one-half of whom shall be Clergymen of the Diocese, who may, from time to time, be placed on said Fund, or from the twenty Clergymen whose names appear as the senior on the list of non-commuted Clergymen who will be benefited by the Fund, when the surplus permits, and the other half shall be nominated from among the Lay Representatives.

Property to be managed by. (2.) The said Committee shall manage* all real estate or personal securities held by the "Clergy Commutation Trust Committee" of the late Church Society of the Diocese, and all the proceeds accruing from the same, and shall administer the same as a distinct Fund, separate and distinct from all the other funds of the Diocese, and shall invest

* Authority to sell land given in Church Society Incorporation Act s. 2. See *post* p. 179, transferred to Synod by Synod Incorporation Act, 32 Vict. c. 32 (Ont.), s. 6. See *post* p. 224.

and take up and re-invest in Government Securities, City, County, Town or Township Municipal Debentures, or in first mortgages on real estate in the Province of Ontario (in such sums as the Synod may from time to time order by resolution*), or in the Debentures of Loan and Investment Companies in Ontario, all moneys coming into their hands for re-investment, and all surplus interest and dividends.

(3) They shall report to the Synod at its annual meeting a full and detailed statement of all investments and changes in investments, and of all moneys received and paid on account of the Fund during the previous year. They shall further report the actual state and condition of the Fund, at the time of their last quarterly meeting, shewing the nature of the different securities belonging to the Fund, and the incomes which they severally yield, and what arrears of interest may be due on any of the said securities, and the particular securities on which such interest may be over-due.

(4) The proceeds of the said Fund shall be administered in accordance with the provisions of the By-laws of the late Church Society of the Diocese of Toronto relating to the same, as they existed at the time of the Incorporation of the said Church Society with the Synod, or in accordance with any By-laws adopted subsequently by the Synod†.

(5) In case the surplus should at any time become insufficient to pay the amount of \$400 to each non-commuting Clergyman placed on the list of annuitants on the said fund in accordance with the By-law of the late Church Society, then a proportionate reduction shall be made from the annuities payable to all such non-commuting Clergymen. [(a), 1870, pp. 59, 93; (am'd), 1872, p. 50; (c), 1873, p. 44;—1881, p. 44; (c) 1882, p. 51;—1884, p. 44; (c), 1885, p. 53. See 1869, pp. 48, 86; 1873, p. 54; 1875, p. 187; 1876, pp. 58, 106; 1877, pp. 28, 42.]

*“That until further ordered the Clergy Commutation Trust Committee are authorized to invest and keep invested the funds of the trust in first mortgages on real estate in the Province of Ontario, to the extent of, No. 44. but not exceeding in all, at any one time, the sum of \$100,000.” [(a), 1885, p. 47.]

“That the Clergy Commutation Trust Committee be authorized to set apart such portion of the income each year, as will provide a Sinking Fund, wherewith to recoup the capital account, and prevent further diminution of the capital by the payment of premium on debentures purchased for investment.” [(a), 1883, p. 50.]

† See By-law (a) 1874; (c), 1875, printed *post* p. 51. (Canon X.)

2. *Rectory Lands, &c., Committee.*

Composition of. **56.** The Committee on the Endowment of the See, the Rectory Lands, and Land Investment, shall consist of six Clergymen, three of whom shall be Rectors of the original Government Rectories, and of six Laymen, members of the Synod.

Duties as to. (2) Their duties shall be:

1. Endowment of See. Firstly, to take charge of, and administer, and dispose of, any money or sums of money, or any securities for money, and all real estate and securities, which have already been, or which may hereafter be paid, given, assigned, or devised from or by any persons, or bodies corporate, for the endowment of the See;

2. Rectory Lands. Secondly, to dispose of the Rectory Lands of the Diocese, and to take charge of, and administer the proceeds arising from sales of the same, in accordance with the special By-law of the Church Society governing the administration of such funds,* or in accordance with any By-laws adopted, or that may be adopted subsequently by the Synod;

3. Other Lands. Thirdly, to manage† all other lands vested in the Synod, except those the management of which has been already placed under the control of the Clergy Commutation Trust Committee, and to invest the proceeds of all sales of land in Government Securities, City, County, or Township Debentures, or in first mortgages of real estate or in the Debentures of Loan and Investment Companies in Ontario.

4. On what trusts. (3) All real estate, securities, and moneys placed under the management and control of this Committee, shall be managed, held, and administered upon the same trusts on which they were held at the time of the incorporation of the late Church Society with the Synod of the Diocese. ‡ [(a), 1870, pp. 59, 94; (am'd), 1881, p. 48; (c), 1882, p. 51; (am'd), 1883, p. 50; (c), 1884, p. 37. See 1869, pp. 48, 49, 87; 1875, p. 187; 1876, pp. 58, 106; 1877, pp. 28, 42.]

Resolution No. 43. "That it be an instruction of this Synod to the Investment Committee to set apart the securities belonging to the Widows and Orphans' Fund to be administered by the Committee of the Widows and Orphans' Fund." [(a), 1881, p. 48.]

Resolution No. 47. "That for the future all amounts paid for premiums on debentures purchased, be charged to interest account proportionately during the whole term for which the investment has to run." [(a), 1883, pp. 49, 87.]

* See this By-law printed, *post* p. 67.

† Authority to sell land given in Church Society Incorporation Act, s. 2. See *post* p. 179, transferred to Synod by Synod Incorporation Act, s. 6. See *post* p. 224.

‡ Jan. 23rd, 1869. See the Act 32 Vic. (Ont.) c. 51, printed *post* p. 224.

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58. Fund from Diocce of all for M provi By-la contr the i sional shall with the s of th any the S

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"That owing to the difficulty of obtaining sufficient Government, Resolu- County, and Township Debentures, the Synod consents to the Rectory tion Lands Committee investing in first mortgages on real estate in the No. 48. Province of Ontario, in accordance with the terms of the Act 41 Vic. cap. 69. sec. 1, to the extent of one hundred thousand dollars, and the Consti- tution be amended accordingly." [(a), 1885, p. 48.]

"That in future all expenses of conveyancing shall be borne by the Resolu- purchaser; that such understanding shall be made a condition of sale; and tion that all deeds and other instruments, when completed, shall be submitted No. 49. by the Committee to the Solicitor." [(a), 1871, pp. 43, 87.]

3. *Mission Board.*

57. The Mission Board shall consist of two Arch-Composi- deacons, eleven Clergymen, and eleven Laymen, members tion of. of the Synod, one at least of each order from each Rural Deanery of the Diocese. [(a), 1870, pp. 60, 93. See 1869, pp. 50, 87; 1875, p. 187; 1876, pp. 59, 106; 1877, pp. 28, 42; 1881, pp. 53, 61, 62; 1882, p. 43.]

"That it be for the future an instruction to the Mission Board to make Resolu- arrangements for the Annual Diocesan Missionary Meeting in connection tion with the Synod." [(a), 1873, p. 68. See Resolution No. 25.] No. 50.

58. A Fund shall be established, to be called the Mission Mission Fund, which shall consist of all special collections made from time to time in the Churches and Chapels of the Diocese in aid of the same, of the interest on the legacies, of all donations and subscriptions, and of all collections for Missionary objects to be made annually, as hereinafter provided, in the Parishes and Missions of the Diocese, (any By-law or regulation of the late Church Society to the contrary notwithstanding,) and of the interest derived from the invested proceeds of the sales of lands given for Mis- sionary purposes; and the Fund so created and established shall be administered by the Mission Board in accordance with the By-laws of the late Church Society relating to the same, as they existed at the time of the incorporation of the said Society with the Synod, or in accordance with any By-laws that may at any future time be adopted by the Synod.* [(a), 1870, pp. 60, 93.]

"That this Synod gladly pledges the Diocese to contribute to our Resolu- Domestic Missions the sum of \$2,000 annually as requested by the Central tion Board of Missions of the Provincial Synod; and that the Mission Board No. 51. be instructed to pay this sum in quarterly amounts to the Central Board." [(a), 1881, p. 70. See Bishop's Charge, 1881, pp. 28, 29.]

* See Canon XI., *post* p. 55.

Annual
Parochial
Mission-
ary Meet-
ing.

59. It shall be the duty of every incumbent of a Parish or Mission in this Diocese to hold annually, in every Church, Chapel, or place in his Parish or Mission where Divine Service is held on Sundays, or in some other place within his Parish or Mission, a Missionary Meeting in aid of the Mission Fund of the Diocese, and to cause collections to be made for the same object, and to remit the same to the Secretary-Treasurer of the Synod not later than the last day of April in each and every year. [(a), 1870, pp. 60, 93. See references to sec. 57.]

Resolu-
tion
No. 52.

“That the Archdeacons and Rural Deans be a Committee to make arrangements for holding the Annual Missionary Meetings in the several Parishes of the Diocese; and for providing suitable deputations to address the same.” [(a), 1885, p. 182.]

Resolu-
tion
No. 53.

“That the Synod hereby resolves that special efforts be made to raise the annual income of the Mission Fund to at least \$50,000.

That in furtherance of this object both Clergymen and their Parishes be required to observe the regulations laid down in section [59] of the Constitution of the Incorporated Synod of the Diocese of Toronto, which provides that an Annual Missionary Meeting shall be held in every Church or School in which Divine Service is held on a Sunday, and to adopt such other means as may to them seem expedient. That it be recommended to every Clergyman and Parish to form a Parochial Missionary Association; to secure as far as practicable systematic offerings by weekly, monthly, or quarterly subscriptions; to employ Mission boxes among Sunday School children and other suitable persons, and to hold occasional meetings for the diffusion of Missionary intelligence and for stimulating Missionary zeal.” [(a), 1871, p. 61.]

Resolu-
tion
No. 54.

“That authority is hereby given to the Mission Board to have copies of the report of the Mission Board printed for distribution, together with such statistics as they deem desirable, subject to the sanction of the [Honorary Secretaries.]” [(a), 1879, p. 58; (am'd.) 1885, p. 62.]

4. *Widows and Orphans', and Theological Students' Fund Committee.*

Composi-
tion and
duties of.

60. The Widows and Orphans' Fund, and Theological Students' Fund Committee shall consist of six Clergymen and six Laymen, members of the Synod, who shall be charged with the care of the Widows and Orphans' Fund* of the late Church Society of the Diocese—to whom all claims for pensions to Widows or Orphans of the Clergy of the Diocese shall be referred, and by whom such claims shall be decided upon and paid, on approval of the Bishop, according to the By-law of the late Church Society

*[See Resolution No. 46, ante, p. 24.]

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governing the administration of the said Fund,* or according to any By-law adopted subsequently by the Synod.†

(2.) It shall also be the duty of the said Committee to make annually to the Synod a detailed report of the state of the Fund, specifying its several securities, the amount of income which they each and altogether yield, the number of Widows and Orphans on the Fund, and the amounts which they severally receive.

(3.) The same Committee shall also have charge of, and administer, the Theological Students' Fund, for the same objects and upon the same trusts, for and upon which it was held and administered by the late Church Society,‡ or according to any By-laws which may be adopted by the Synod for the administration of the same,|| and shall report annually to the Synod the condition of the said Fund and the mode in which it has been administered. [(a), 1870, pp. 61, 96. See references to sec. 58.]

"That the Lord Bishop be requested to direct that upon the death of any Clergyman in the Diocese leaving a widow or orphans entitled to assistance from the Widows and Orphans' Fund, a collection be taken in every Church in the Diocese as soon as conveniently may be, after such death, for the immediate benefit of such widow or orphans; such collection to be in addition to any annuity or payment they may be entitled to receive from the aforesaid Fund." [(a), 1875, p. 178.]

"That in consequence of the large falling off in the contributions for the support of the Widows and Orphans' Fund under the present system, and in order to secure the collection of the sum required to meet the demands upon the Fund, a special amount should be asked for from the various Parishes as nearly proportioned as possible to their respective means." [(a), 1884, p. 45.]

"That it be an instruction to the Widows and Orphans' Fund Committee to apply to the Churchwardens and Lay Representatives of the defaulting Parishes for the arrears still due to the Widows and Orphans' Fund, and that in future a notice be sent annually to the Churchwardens and Lay Representatives of the various congregations, informing them of the sum payable by their Parish to the Widows and Orphans' Fund, and calling their attention to the evil consequences of any failure to remit this amount." [(a), 1885, p. 49.]

"That in the case of non-payment or insufficient payment of any Resolvement ordered by the Synod, other than those for Synod expenses, the names of the defaulting Parishes be read out at the Synod and the Representatives be called upon to explain." [(a), 1885, p. 62.]

* See this By-law in the Church Society's minutes, 1865, p. 33.

† See Canon for Administration of Widows and Orphans' Fund, printed *post* p. 60, and By-law No. 6, *post* p. 69.]

‡ See Church Society's minutes, 1846, pp. 10, 15, 16, 32; 1847, pp. 16, 34; 1853, p. X. (s. xix.); 1854, p. X. (s. xix.)

|| See By-law respecting Theological Students Fund. [(a), 1870; (am'd), 1871; (c), printed *post*, p. 70.]

Resolu-
tion
No. 59. "That there be added to the report [of the Widows and Orphans' Fund Committee] a list of the Parishes contributing to the Widows and Orphans' Fund with the amount assessed on these Parishes and the amount paid by each." [(a), 1881, p. 48.]

Resolu-
tion
No. 60. "That the following be an instruction to the Theological Students' Fund Committee. That inasmuch as the report of the conduct of Students of Trinity College holding Synod Exhibitions is furnished to the Theological Students' Fund Committee solely for their information, and as the Committee have power under the By-law* to act upon such report, if necessary, by withdrawing an Exhibition: it is not in the opinion of the Synod either necessary or expedient that any unfavourable report of an Exhibitioner should be communicated by the Committee to the Synod, except in any case in which the Committee have found it necessary to withdraw an Exhibition." [(a), 1875, p. 188.]

5. *General Purposes, Statistics, and Assessment Committee.*

Composi-
tion. **61.** The General Purposes, Statistics, and Assessment Committee shall consist of six Clergymen and six Laymen, members of the Synod, whose duty it shall be:

As to Gen-
eral Pur-
poses
Fund. (1) To provide means for the collection of, and to collect the General Purposes Fund so far as they can in pursuance of the By-laws of the late Church Society, and to manage the said Fund of the Synod on the same trusts upon which it was held at the time of the incorporation of the said Church Society with the Synod, or in accordance with any By-law which may hereafter be adopted by the Synod.†

As to
statistics. (2) To prepare in tabular form the answers received from the Clergymen having cure of souls to the questions put to them by the Bishop of the Diocese relating to the statistics and condition of their several Cures, which shall afford (amongst other uses) a basis of an equitable assessment for the expenses of the Diocese, and to lay such table before the Synod in a convenient form for being printed as an appendix to the Annual Report.

As to
assess-
ment. (3) To assess the several Parishes and Missions of the Diocese for all expenses authorized by the Synod, and for all other purposes for which an assessment may be ordered by the Synod. [(a), 1870, pp. 60, 61, 96. See 1869, pp. 57, 58, 88; 1876, p. 106; 1877, pp. 28, 42; 1881, pp. 53, 61, 62; 1882, p. 43.]

* See the By-law (sec. 7), *post* p. 70.

† See By-law No. 8, adopted by Committee in May, 1874, and confirmed by Synod June 16th, 1874, (p. 51), printed *post* p. 73. Also Report of General Purposes Committee explaining origin and object of Fund, 1870, p. 172.

As to General Purposes Fund.

"That it be an instruction to the General Purposes Committee not here- Resolu-
after to pay from the Synod Funds the hotel expenses of any member of tion
this Synod, either clerical or lay, and that said instructions be inserted in No. 61.
the By-laws." [(a), 1879, p. 55.]

"That the payment by the General Purposes Committee of the expense Resolu-
of the late Sunday School Convention held in Toronto was unauthorized tion
and must not be held to be a precedent for the future." [(a) 1878, p. 49.] No. 62.

"That the expense of printing and forwarding the usual Annual Pas- Resolu-
toral Letter of the Bishop, respecting the Christmas Offering, together tion
with all similar papers, shall be borne by the Synod, instead of being No. 63.
made a charge on the Clergy." [(a), 1867, p. 67.]

"That the members of the General Purposes Fund Committee, the Resolu-
Clergy Commutation Trust Committee, the Endowment of the See Com- tion
mittee, and the Widows and Orphans' Fund Committee, be paid their No. 64.
travelling expenses in attending the meetings of such Committees from
the Funds administered by them respectively; and that the travelling
expenses of the members of the other Standing Committees be paid from
the General Purposes Fund." [(a), 1870, p. 60.]

"That the [above] resolution adopted at the Session in June, 1870, be Resolu-
rescinded, and that all such expenses (past and future) be charged against tion
the General Purposes Fund." [(a), 1872, 55, 56, 122. See 1881, p. 37.] No. 65.

"That it be an instruction to the General Purposes Committee to keep Resolu-
a separate account of the Burnside Bequest Fund, and to make a return tion
thereof in their report annually." [(a) 1883, p. 55.] No. 66.

"That it is expedient that provision should be made for creating and Resolu-
sustaining by regular collections or subscriptions, a General Purposes tion
Fund, as distinct from the Fund created by assessment for the annual No. 67.
working expenses of the Synod, and that the devising of ways and means
to carry out this resolution be referred to the Executive Committee."
[(a), 1883, p. 37.]

"That no grant out of the General Purposes, or any other Fund, be Resolu-
made by the Synod until it has been reported to that body by the proper tion
authorities that the means of paying such grant have been provided, over No. 68.
and above all ordinary and regular requirements." [(a), 1881, p. 37.]

As to Statistics.

"In future an annual report, duly authenticated, be made to the Synod Resolu-
giving an account of churches, parsonages and endowments in course of tion
erection or formation in the parishes or missions of the Diocese." [(a) No. 69.
1863, p. 17.]

"That it shall be the duty of every Incumbent of every Parish or Resolu-
Mission within the Diocese to furnish the Secretary of the Synod, at the tion
opening of the business of the Synod, with a Parochial report, giving the No. 70.
name of the Parish, the name of the Incumbent, and the name or names
of the assistant minister or ministers, if any, the number of families, of
individuals, the number of communicants on the Parish Roll, the number
added since last report, the number who have removed from the Parish,

the number who have ceased to be communicants ; how often Divine service has been performed on Sundays, on week days, the average attendance on Divine worship in the morning, in the evening, on week days ; the number of parochial visits paid by the clergy, the number of visits paid by his district visitors, or their lay assistants working in the parish ; the number attending the parochial School, if there be one in the parish, and the average attendance since last report, the number of teachers employed therein, the number of unpaid teachers who voluntarily assist in the work of the school, the number of Sunday Schools, the number of teachers (1 as male, 2 as female), the number of male children on the roll, number of female children, the average attendance since last report ; the number of males and the number of females confirmed ; what church and what parsonages are in the parish or mission, whether log, frame, brick or stone, whether they are clear of debt or not, if in debt, the amount of such debt, and whether insured or not. The amount of money raised in the parish since last report : 1st, for salary of incumbents and assistants ; 2nd, for the purpose of paying off the debt on the church and parsonage, and insurance on the same ; 3rd, for the poor of the parish ; 4th, for objects for which collections have been taken up under the direction of the Lord Bishop ; 5th, for Synod dues ; 6th, for extra-parochial and extra-Diocesan purposes, and whether the deeds for the property belonging to the parish and mission have been obtained, and whether such deeds have been registered or not. That such reports be read by the Secretary of the Synod, and that a committee be appointed to draw up a report on the state of the Diocese, based upon the information afforded by these parochial reports." [(a) 1862, pp. 42, 43. See 1873, pp. 49, 119 ; 1874, p. 22.]

Resolu-
tion
No. 71.

"That the General Purposes, Statistics, and Assessment Committee having revised and abbreviated the list of questions, (Parochial Statistics) and having considered that the enforcing of the answering of the same would be best effected by the Clergy being required to answer them but once in three years, and having resolved to submit such their opinion to the consideration of His Lordship the Bishop of the Diocese, and His Lordship having expressed his opinion as follows: 'I think a return every alternate year would be sufficient, but would not object to once in three years if it be the general recommendation of the Committee. I approve of the abbreviations.'

"*Be it therefore resolved*, that the suggestion of the Bishop be adopted, and that the statistical report from the Clergy and Churchwardens be required every third year, and that the Synod do appoint a Special Committee to devise some effective means of making the answering of such questions obligatory." [(a), 1876, p. 111.]

The Report of the above Committee (which was adopted by the Synod) recommended :

Resolu-
tion
No. 72.

"The infliction of some penalty, such as the forfeiture of the privileges of the Synod. At the same time, a distinction should be made between the answers which might be most properly required from the Clergy and from the Laity, and that the questions should be so distinguished in the printed form. In case of there being more than one Clergyman in the same Parish, the Rector or Incumbent be held to be the responsible party. That the names of Clergymen not complying be indicated in the printed notice of the meeting of Synod, and their cases referred to the Court on Contested Seats. That His Lordship should have the power of excusing non-compliance in cases which seem to him of an exceptional character." [(a), 1877, pp. 34, 84.]

Part I.

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"That whereas some of the Clergy of the Diocese have neglected to Resol-
make the returns called for by the Bishop, in pursuance of resolutions of tion
Synod, and returns of collections prescribed by this House, it is in the No. 73.
opinion of this Synod the duty of every Clergyman to make such returns,
or to assign satisfactory reasons for non-compliance, and that his Lordship
be respectfully asked to report annually to the Synod the names of Clergy-
men who neglect to conform to this resolution." [(a), 1885, p. 62.]

As to Assessments.

"That in future the expenses of the Synod be borne respectively by Resolu-
the several funds in equitable proportions." [(a), 1870, pp. 74, 107.] tionNo. 74.

"That it be an instruction to the General Purposes, Statistics, and Resolu-
Assessment Committee to make an annual estimate of the probable tion
expenses of Synod, and any charges authorized by it (including contri- No. 75.
butions to Provincial Synod when held) and any balance due former
Synods, and impose an assessment of the several Parishes and Missions in
the Diocese at least equal in amount to said estimate, so as not to allow
such expenses and charges to encroach upon any other funds of the
Synod." [(a), 1874, p. 51.]

[NOTE: The basis of assessment adopted in 1875, on report of General
Purposes Committee (pp. 166, 209) is the total income of the Parish or
Mission from Endowments, Pew Rents, Offertory, Contributions to Min-
isters' Stipend, Clerical Commutation and Mission Fund Grant.]

"That the Synod for this and every succeeding year shall order an Resolu-
assessment upon the various Parishes, *pro rata*, by the General Purposes, tion
Statistics, and Assessment Committee for an amount sufficient to provide No. 76.
for the sums voted to the Widows and Orphans less the sums accruing
to the Synod from other or invested sources applicable to this Fund, on
the [basis of] assessment proposed in the Report of the Executive Com-
mittee." [(a), 1878, p. 46. See 1879, pp. 57, 48; 1882, pp. 32, 34, 89;
1883, pp. 49, 73.]

[The basis of assessment referred to is that which is adopted as above
in the assessment for Synod purposes.]

"That it be an instruction to the General Purposes Committee to notify Resolu-
the Churchwardens of each Parish of the amount for which it is assessed tion
and the rate of per centage charged; and that a certain time be allowed No. 77.
for appeal." [(a), 1880, p. 49.]

6. *Sunday School and Book and Tract Committee.*

62 The Sunday School and Book and Tract Committee
shall consist of five Clergymen and five Laymen, members
of the Synod, whose duty it shall be:

(1) To obtain statistics, and to present a Report annually
to the Synod on the condition and progress of Sunday
Schools throughout the Diocese, to make suggestions for

their improvement as they shall judge expedient, and to consider what steps can from time to time be taken to secure the publication of books suited for libraries and for instruction in Sunday Schools.

(2) To manage the Book and Tract department as the same was conducted by a Special Committee of the late Church Society, or under any regulations which may hereafter be adopted by the Synod for the management of the same,* reporting annually to the Synod the condition of the said department both in relation to its stock of Books and Tracts, and the funds of the same. [(a), 1870, pp. 61, 97. See 1869, pp. 35, 45, 51, 88; 1875, p. 187; 1876, p. 106; 1877, pp. 28, 42; 1881, pp. 58, 62; 1882, p. 43.]

As to Statistics.

Resolu-
tion
No. 78.

"That a printed form of blank report, to be filled up and returned, be forwarded annually to each Rector, Incumbent, and Missionary in the Diocese, as follows:

Annual Report to the Committee of the Diocesan Synod of the state of the Sunday School in the Parish of _____ for the year _____:

1. The Church population of the Parish.
2. The average attendance at the Church.
3. The average attendance at the Holy Communion.
4. Number of pupils in Sunday School, _____ of boys, _____ of girls.
5. Average attendance, _____ of boys, _____ of girls.
6. Number of pupils confirmed during past year—of boys, _____ of girls.
7. Number of Teachers, _____ of males, _____ of females.
8. Number of School Classes, _____ of boys, _____ of girls, mixed.
9. What Instruction Books used?
10. Number of Volumes in Library.
11. Number of Library Books taken out during the year.
12. What description of Prizes given, if any, and for what object?
13. How are Library and other Expenses of School defrayed?
14. What amount has been collected for Sunday Schools?
15. Are any Missionary Collections taken in Sunday School?
16. What form of School Register is used?
17. What steps are taken, if any, to bring the subject of Sunday Schools before the Congregation?
18. What is the general condition of the School?
19. Any other information of interest to be added.
20. Are there any Bible Classes held on week-days?
21. What is the attendance at such Classes?

A. B.,
Clergyman.

B. C.
Superintendent.

[(a), 1864, pp. 16, 18, 30. See 1863, pp. 16, 18, 21.]

* See By-law No. 9, adopted by Committee, and confirmed by Synod 1872, pp. 51, 130, printed *post*, p. 77.

"That whenever statistics of the Sunday Schools of the Diocese are Resolved prepared for publication in a tabular form in the Journal of Synod, the information contained in such tables should be summarized and embodied No. 79. in the report of the Committee presented to the Synod at the annual meeting following the receipt of the statistics by the Secretary-Treasurer." [(a) 1878, pp. 45, 80.]

As to Management, &c.

The following recommendations by the Committee have been adopted by the Synod:

"That each School should be in charge of a Lay Superintendent, with Resolution a sufficient number of devoted and pious Teachers to help him. That the Clergyman should have a general and ever vigilant oversight of the School, No. 80. but the details of management, the order and discipline of the School, rest with the Lay Superintendent, who should be appointed by, and responsible to, the Clergyman. That in addition to the ordinary routine of the School the Clergyman should set apart specific periods for catechetical instruction, given by himself in the School, and at stated periods should preach a sermon specially addressed to Sunday School scholars." [1863, pp. 13, 19.]

"That the subject of Sunday Schools should frequently form the Resoluc- tion topic for discussion in rural deanery meetings, and, where found practi- cable, local Associations of Clergy and Teachers should be formed to pro- mote the Sunday School work in the several Rural Deaneries. No. 81.

"That the money required for the efficient maintenance and accommo- dation of the Sunday Schools should be furnished by the Congregations to whom they are attached, and the money contributed by the children and teachers devoted to the missionary or other work of the Church."

Uniform Lesson Scheme. It is a matter of considerable importance to induce the Schools to adopt a uniform Scheme of Lessons, so that the entire Diocese should, on the Sunday, take the same subject of instruction in the Sunday Schools, as we use the same Psalms and Collects in our Church service. The children should have their separate lessons according to their capacity and attainments, but there may be a uniform Scripture subject, and to a great extent uniform subjects for catechetical lessons.

[NOTE.—A Diocesan Scheme of Lessons for 1871-2, was accordingly submitted with the Report, and a similar scheme has since then been annually issued by the Committee. Since 1881, Scholars' Leaflets with questions on the prescribed lessons have also been issued under the authority of the Synod.]

Monthly Catechising. The class or Scripture lesson may be omitted or shortened once a month in order that the clergyman may take twenty minutes for the purpose of catechising the whole school.

Short Address each Sunday. It would add much to the value of lessons, where uniform lessons are given throughout the school, if the clergyman or superintendent would give them a practical application at the close of each Sunday's work in a very short address.

Liturgy and Hymns. The prayers used in the schools should be chiefly of the responsive character, both as being adapted to retain the attention of the children, and to accustom them to that feature of our church service. The 'Order of Prayers for the use of Sunday Schools,' authorized

by the Bishop and published by Rowsell, is well adapted to that purpose.* There should be at least three hymns or chants sung during the school session; one at the opening, another in the middle, at change of lesson, and one at the close.

Register Books. The following are recommended: 1. The Teachers' Roll Book. 2. General Class Book. 3. Sunday School Register. 4. Sunday School Minute Book.

Management of a Sunday School Library. The Committee suggest the following plan, which is found by actual experience as one of the best: There should be a printed catalogue in pamphlet form. Each volume is numbered, and has a separate compartment in the library numbered to correspond. Each scholar is provided with a catalogue and two library cards. Card No. 1, has the name of the scholar, number of class and name of teacher, and when handed in by the scholar occupies the compartment in the library from what the book given to him was taken. Card No. 2, has name of the scholar, number of class and name of teacher, with spaces left for numbers of books required for a year or shorter period. Card No. 2 always accompanies the book in possession of the scholar.

"Exchanging books is thus managed:—Each scholar gives in at the time appointed his book, with Card No. 2. During the school session, the Librarian sorts the books *by classes*, scoring out the number of the book given out on Card No. 2. Immediately before closing of the school, the Librarian leaves the books for each class with the teacher, who distributes them to the scholars." [(a) 1871, pp. 57, 141, 145.]

Resolu-
tion
No. 82.

"That if periodical examinations of children selected from the several classes by the teachers—were conducted either by the clergyman or by some well-qualified person, such examinations would act as a very wholesome spur to the studies of the children, more especially if prizes were given, awarded not only according to the results of the examinations, but also for regular attendance and good conduct. Such examinations should cover the lessons which have occupied the children in the Sunday School during the interval between it and the last." [(a) 1875, pp. 176, 213.]

As to Books and Tracts.

Resolu-
tion
No. 83.

"That the Sunday School and Book and Tract Committee be authorized to take such steps as they may deem necessary to establish a Depository for this Diocese." [(a) 1884, p. 46.]

Resolu-
tion
No. 84.

"That the Sunday School Committee be authorized to order publications for Sunday School purposes to the amount of \$500." [(a) 1884, p. 46.]

7. *Audit Committee.*

Composi-
tion and
duties of.

63. The Audit Committee shall consist of three Clergymen, and three Laymen, members of the Synod, whose duty it shall be to examine into the condition of all funds, moneys, and securities belonging to, and under the control of the Synod, and to lay before the Synod annually a

*A new edition of the "Order of Prayers for Sunday Schools," was reported and recommended by the Committee in 1885; (pp. 50, 98.)

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detailed statement of the results of their audit and examination of each separate fund—the Committee to have power to employ and pay an Auditor, or Auditors, for the purpose of making the regular audit. [(a), 1870, pp. 61, 97.]

“That the remuneration to be paid to the Auditors for their services shall be at the rate of \$200 per annum.” [(a), 1883, p. 67.] Resolu-
tion No. 85.

X. GENERAL PROVISIONS.

64. If any case or cases not provided for by this Constitution should arise, then the Canons, Rules, and Regulations of the Synod of this Diocese, as they existed at the time of the passing of the Act of Incorporation, shall be the rule of this Synod in such case or cases. [(a), 1869, pp. 34, 55, 58, 90; (a), 1870, pp. 63, 100. See the Act of Incorporation, 32 Vic. cap. 51, *post* p. 224.] In unpro-
vided
cases what
to prevail.

65. In the event of a subdivision of the Diocese, the portion intended to form the new Diocese shall be bound in all their public proceedings by the Constitution of the Diocese of which they form a part, until the said new Diocese shall be fully organized by the election and consecration of the Bishop. [(a), 1857, p. 36; (c), 1858, p. 66; (a2), 1869, pp. 34, 55, 90; (a3), 1870, pp. 63, 100.] In case of
sub-divi-
sion of
Diocese.

[NOTE.—It may be questioned whether the following section is in force, it having been designedly omitted from the Constitution adopted upon the incorporation of the Synod in 1869, and from the amended Constitution of 1870. It may, however, be still law by virtue of section 64, *supra*.]

66. Any proposition for an alteration of the Constitution, Rules of Order, or Canons, shall be sent to the Executive Committee, and by them laid before the Synod, to be considered at the ensuing meeting, and, if approved by a majority, shall lie over until the next meeting of the Synod; and if again approved by a majority, consisting of two-thirds of both Clergy and Laity, it shall be adopted. [(a), 1860, pp. 147, 180. See 1854, p. 33; 1857, p. 32; 1869, p. 38; 1870, p. 64; 1871, p. 34.] Alteration
of Consti-
tution, &c.

Rules for the Preservation of Order.

1. When the Bishop or other person presiding has taken the Chair, no member shall continue standing. [*o*], 1854, p. 33, 36; 1857, pp. 33, 34; 1858, pp. 85, 87; 1860, pp. 148, 149. See 1881, p. 65; 1882, p. 43.]

2. When any member is about to speak, for the information of the Synod, he shall rise and address himself to the Chair. [See references to Rule 1.]

3. No motion or amendment shall be considered as before the Synod (excepting such as may be proposed by the Bishop or Committee) unless seconded, and reduced to writing. To prevent surprise, no motion, except motions in course, shall be considered till the succeeding day of meeting. [See references to Rule 1.]

4. No member shall speak more than twice on the same question without asking and receiving permission from the Chair. [See references to Rule 1.]

5. When a question is under consideration, no other motion shall be received, unless to adjourn, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or to divide on it; and motions for any of these purposes shall have precedence in the order here named. [See references to Rule 1.]

6. Motions to adjourn, or to lay on the table, shall be decided without debate. [See references to Rule 1.]

7. When a motion has been read to the Synod by the Secretary, it cannot be withdrawn by the mover without the consent of the Chair. [See references to Rule 1.]

8. Each member shall have the right to require, at any period of the debate, that a question in discussion be read for his information. [See references to Rule 1.]

9. Any member called to order while speaking shall sit down, unless permitted to explain. [See references to Rule 1.]

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10. All questions of order shall be decided by the Chair. [See references to Rule 1.]

11. All amendments to a motion shall be considered in the order in which they are moved. [See references to Rule 1.]

12. When a proposed amendment is under consideration, a motion to amend the same may be made; but no after amendment to such second amendment shall be in order; yet a substitute to the whole matter may be proposed and received, provided it deals with the subject in hand. [See references to Rule 1.]

13. All amendments to any question or amendment shall be decided on before the question or motion on which they arise is proposed for decision. [See references to Rule 1.]

14. Whilst any question is being put from the Chair, the members shall continue in their seats, and shall not hold any private discourse; and when a motion is so put, no member shall retire until such motion is disposed of. [See references to Rule 1.]

15. When a division takes place, the votes of the Clergy and Laity shall be taken separately, if required by the Bishop, or by four members of each of the respective orders; and the Lay Representatives shall in all such cases vote by parishes, and when so voting, the majority shall be considered as the vote of the parish. [See references to Rule 1. (*Am'd*) 1858, p. 146; (*c*), 1859, p. 82.]

16. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative. [See references to Rule 1.]

17. A question being once determined, shall not again be brought into discussion in the same session, without the special sanction of the Bishop. [See references to Rule 1.]

18. No protest or dissent shall be entered on the minutes of the proceedings; but, when required by any one member the number of affirmative and negative votes shall be recorded. [See references to Rule 1.]

19. An address from the Bishop shall be in order at any time. [See references to Rule 1.]

20. When the Synod is about to rise, every member shall keep his seat until the Bishop, or other person presiding has left the Chair. [See references to Rule 1.]

21. That every speaker, except in moving and seconding any motion, be limited to ten minutes; and that all speakers be timed by an assessor, or assessors, to be appointed by the Bishop to aid in the maintenance of order and obedience to the rules of the Synod. [(a), 1871, pp. 36, 42, 75; (a), 1872, p. 54.]

22. That the Bishop be respectfully requested to appoint, at each Meeting of the Synod, two Assessors, one Clerical and one Lay, whose duty it shall be to assist the Bishop in maintaining the observance of the Rules of Order. [(a), 1875, p. 171; (c), 1876, p. 174. See 1873, p. 65; 1874, pp. 50, 78; 1879, p. 62.]

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CANON No. II.

ELECTION OF A SUFFRAGAN AND COADJUTOR BISHOP.

1. Whenever the Bishop of the Diocese shall, by writing ^{At annual} under his hand, signify to the Synod of the Diocese, through ^{meeting of} the Executive Committee thereof, that he is desirous of ^{Synod.} having a Suffragan and Coadjutor Bishop nominated by the Synod, if such signification be in time before the Annual Meeting of the Synod to give the usual notice thereof according to the rules of the Synod, the said Executive Committee shall give notice thereof; and that such election will be proceeded with at the next meeting of the Synod, immediately after the reading of the minutes of the last Synod, and before any of the business is proceeded with; and such election shall be proceeded with accordingly, under the same Canons and in the same manner as in the case of the election of a Bishop of the Diocese;* except that the Bishop of the Diocese, if present, shall preside at such election; and, if not present, the Synod shall be presided over as in the case of the election of a Bishop on a vacancy occurring in the See. [(a), 1865, p. 49; (c), 1866, p. 44. See 1864, pp. 19, 22.]

2. If such signification is made as in the first section ^{At special} mentioned, at such time as in the opinion of the Bishop ^{meeting.} renders it desirable that a special meeting of the Synod shall be held for such election as aforesaid, the Bishop of the Diocese shall call such special session for such election, and the Executive Committee shall forthwith give notice of such special session, and shall take charge of and conduct the proceedings at such election at the special session so called as aforesaid. [(a), 1865, p. 49; (c), 1866, p. 44.]

3. The Suffragan and Coadjutor Bishop so elected shall ^{Coadju-} become and be the Bishop of the Diocese whenever any ^{tor, when} vacancy occurs in the See, without any further election. ^{to succeed} Bishop. [(a), 1865, p. 50; (c), 1866, p. 44]

*This procedure is prescribed by secs. 5, 6 of the Constitution q. v. *ante* at p. 2.

Preliminary resolution. 4. Before the election of any such Suffragan and Coadjutor Bishop is proceeded with, the Synod shall resolve that the election of a Suffragan and Coadjutor Bishop is necessary. [(a), 1865, p. 50; (c), 1866, p. 44.]

Powers of Coadjutor Bishop. 5. When a Suffragan and Coadjutor Bishop is elected and consecrated he shall have the same powers, privileges, and authorities as the Bishop of the Diocese, but shall exercise them in subordination to the Bishop of the Diocese. [(a), 1885, p. 50; (c), 1866, p. 44.]

CANON No. III.

CHURCH DISCIPLINE—THE BISHOP'S COURT.

[NOTE.—In 1859 the Special Committee on Canons presented (p. 29) a Report which was adopted (p. 40) and of which the material portions are as follows:

“That by virtue of the Royal Prerogative exercised in granting the letters patent to the Lord Bishop of Toronto, his successors received authority to exercise jurisdiction within this Diocese over all persons in Holy Orders of the Church of England; to call them to account for offences concerning their morals or their behaviour in their office or station, and to remove, deprive, or suspend them, or inflict on them any other such ecclesiastical censure or correction as they may be liable to, according to the canons and laws ecclesiastical of that Church. That in the exercise of this jurisdiction the Bishop is required to be governed by the laws and canons of the Church of England, which are lawfully made and received in England, in the several matters and causes in which he is empowered to exercise jurisdiction. That in order thereto, the Bishop is empowered to appoint one or more Commissioners to act as his deputy or deputies in ecclesiastical matters, whom he may remove and change as he may deem fit; and that the Bishop or his Commissary or Commissaries when so appointed, constitute a Court empowered to call before him or them any person in Holy Orders within the Diocese, and to enquire into his conduct by witnesses, to whom they are empowered to administer oaths in due form of law, and to examine them under the sanction of the oath.

“That it is extremely difficult to decide what portion of the ecclesiastical laws of England is or is not in force in this Colony; but it may be stated that the Canons of 1603* are at present in force in regard to the Clergy; but not in regard to the Laity, except so far as they embody or contain ancient Canons having the nature of common law; and that the powers recited in the foregoing clauses are confined to the exercise of jurisdiction over the Clergy only.

This being the state of things before the passing of the Synod Act,†—by that Act the Synod is empowered “to 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,

* See these Canons printed, *post* p. 135.

† 19-20 Vict. cap. 141 secs. 1 and 2, *post* p. 187.

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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 nothing in the Act contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine or penalty upon any person, other than his suspension or removal from any office in the said Church, or exclusion from the meetings and proceedings of the Diocesan or General Synods; and provided also, nothing in the said Constitution or regulations, or any of them, shall be contrary to any law or statute now, or hereafter in force in this Province."

"That the Synod by this Act* is empowered to make any alterations in the Canons previously in force in regard to the Clergy, for carrying out the powers above recited; and with the same ends to make new Canons applicable to both Clergy and Laity, to suit the peculiar circumstances of this Diocese, and that its Canons so far as legally adopted, will be recognized and supported by the civil courts.

"That the Bishop be requested at an early day to erect his own Court under his Patent; and that, as the exercise of discipline may be required in regard to the Laity as well as the Clergy, the Synod should formally recognize the Bishop's Court as that which should exercise jurisdiction over both Clergy and Laity; and as it is requisite that the Bishop's Court should have some rules to govern it, (and it is doubtful whether the English Statutes on that subject are in force in this country) they further recommend that the English Church Discipline Act, 3 & 4 Vic., ch. 87† so far as its provisions are applicable to the circumstances of this country, should be adopted for the guidance of the Court in reference to the Clergy."

In accordance with the recommendations of this report the Synod passed the following resolution:

"That the Bishop be requested to erect his Court, under the authority conferred by his Patent, at an early day."‡ [(a), 1859, p. 90.]

Resolu-
tion
No. 86.

And they also adopted the following Canon:

I. The Synod declares the Bishop's Court to be the Court for the trial of all offences of the Laity as well as of the Clergy, against the provisions of the Act constituting the Synod, or against any of the Rules, Regulations or Canons passed by the Synod§ [(a), 1859, p. 90; (c), 1860, p. 178.]

*19-20 Vic., ch. 141, printed *post* p. 187.

†See this Act printed *post* p. 217.

‡See also Resolutions 1882, p. 37; 1863, p. 18; 1864, pp. 25, 31.; 1866, p. 63; 1867, p. 64; 1868, p. 65, by the last of which the whole question was referred to the Provincial Synod.

§ See *post* at p. 153, a proposed Canon to enforce Church Discipline, prescribing the procedure of this Court and declaring the limits of its jurisdiction in reference to the Clergy.

Rules for
guidance
thereof.

2. The Synod adopts the Imperial Statute 3 & 4 Vic., ch. 87, commonly called The Church Discipline Act,* with the exception of the 24th section of that Act, as the rule for guidance in the administration of the Bishop's Court in reference to the Clergy, so far as the same may be applicable to the circumstances of this Diocese. [(a), 1859, p. 90; (c) 1860, p. 178; (am'd), 1861, p. 278.]

CANON No. IV.

SUSTENTATION OF THE CLERGY.

Commis-
sion to
ascertain
resources
and liabil-
ities of
parish.

1. In all parishes, or missions, in which the stipend of the Clergyman is not wholly derived from local endowments, upon the application either of the Clergyman or any two Churchwardens of said Parish or Mission; and in every case when a Parish or Mission is vacant, the Bishop shall commission at least one Clergyman of the Diocese, and one Lay Member of the Synod, to visit the said Parish or Mission and to confer with the several congregations thereof, for the purpose of ascertaining its resources and liabilities, and thereupon to report to the Bishop in writing, the amount which the said Parish or Mission may be fairly expected (in proportion to its ability, as compared with other Parishes in the Diocese) to contribute towards its Clergyman's stipend. [(a) 1868, pp. 52, 54, 57. See 1863, p. 15; 1864, p. 16; 1865, p. 52; 1867, p. 67.]

Estimated
amount
subject to
revision.

2. Such arrangement shall be subject to revision by a commission, appointed as aforesaid, after a period of not less than three years, upon the application of either the Clergyman or any two Churchwardens, unless in case of a vacancy. [See references to sec. 1.]

No ap-
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to be made
until sti-
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assured.

3. No appointment shall be made to a vacant Parish or Mission until a satisfactory assurance shall have been given to the Lord Bishop, that the amount so determined upon will be annually contributed for the purpose aforesaid. [See references to sec. 1.]

Resolu-
tion
No. 87.

*That the offertory of the respective congregations of the Church throughout the Diocese, on Christmas Day every year shall be devoted to the sole use of the Incumbent of the Church in which the offertory is made. [(a) 1860, p. 181.]

*See this Act printed *post* p. 217.

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“That in view of the inadequate stipends received by many Clergymen in this Diocese, the Executive Committee be instructed to take immediate steps to increase the Sustentation Fund with the object of supplementing the stipends of those Clergymen of fifteen years standing whose clerical income may be under \$1000 per annum, and a house.” [(a), 1884, p. 54. See 1885, pp. 42, 56, 57, 69.]

CANON No. V.

ERECTION AND DIVISION OF PARISHES.

Whereas it is expedient that defined local bounds be assigned to each settled cure, duly organized within this Diocese, and also that provision be made for the division and sub-division of existing parishes. Be it therefore enacted by the Synod:

1. The Clergymen and Churchwardens of each settled cure, now or hereafter to be established, shall from time to time, hold a conference or conferences with the Clergymen and Churchwardens of the adjacent parishes, and report the same to the Lord Bishop for his consideration, and should his Lordship approve of the same, then the boundaries so arranged, approved, and declared, shall be the boundaries of the parishes or cures aforesaid; and that the expenses attending the commission shall be borne by the parishes interested, in such proportion as the commissioners may deem just. [(a) 1858, pp. 57, 87; (c) 1859, pp. 32, 33, 90; (*am'd*) 1862, pp. 40, 41. See 1853, p. 17; 1857, pp. 19, 25.]

2. In cases where the boundaries cannot be arranged by such mutual agreement, then that the Bishop be requested to issue a commission to two Clergymen, and to one Lay Representative, none of whom shall be locally connected with said parish or cure, directing and authorizing them to investigate the merits of the case, and to decide thereon and to report their decision to the Lord Bishop for his consideration, and should his Lordship approve of the same, then the boundaries so arranged, approved, and declared, shall be the boundaries of the parishes or cures aforesaid. [(a) 1858, pp. 58, 87; (c) 1859, pp. 32, 90.]

3. That the boundaries of a parish or cure being once defined, approved and declared, may not be disturbed within the space of five years, except in the case of new parishes;

for five years. and that every new and distinct parish that shall be erected as hereinafter provided, shall be deemed, and is hereby declared to be a parish or benefice with cure of souls, and that the right of presentation, upon avoidance, to the said benefices, unless legally vested in some other person or persons, shall vest in, and be exercised by the Bishop of the Diocese; and that after collation, institution, and induction by the Bishop, the person so appointed to any such benefice shall be styled, and to all intents and purposes deemed, the Rector of the said Parish. [(a) 1858, pp. 58, 87; (am'd) 1859, pp. 32, 33, 90.]

Setting apart new parishes.

4. When any of the parishioners residing in any parish, or in any adjoining parishes, desire the erection of a new and distinct parish, they shall present a memorial to the Lord Bishop of the Diocese, stating fully the reasons moving them thereto, and the proposed boundaries of the contemplated new parish. Notice of the said memorial shall be given by the Bishop to the Rector or Rectors, and to the Churchwardens of the parish or parishes whose boundaries would be affected by the proposed change, and if they consent to the erection of the new parish, or fail to state the grounds of objection thereto within the time hereinafter limited, and the Bishop is satisfied that the provisions of the 17th section of the "Church Temporalities Act"* have been complied with, or that proper means have been provided for the worship of God in such new parish, and that it is advisable to grant the prayer of the said memorial, he may thereupon set apart the same. If any of the parties notified as aforesaid object to the erection of the proposed new parish, he or they shall, within one month after receiving notice of the memorial aforesaid, state the grounds of his, or their objection in writing to the Lord Bishop, who shall decide upon the validity thereof and grant or refuse the prayer of the memorial. [(a) 1885, p. 57.]

Provided always that the Lord Bishop may appoint a commission to report on the sub-division of any parish or parishes, and the formation of a new parish or district, where he may think the establishment of such new parish or district desirable, notwithstanding that no application has been made by the inhabitants of the pro-

*See this Act printed *post* p. 169.

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posed parish or district; that the said commissioners shall notify the Clergymen and Churchwardens of the parishes, concerned of the proposed proceedings, and the report of the commissioners, if approved by the Bishop, shall be final. [(a) 1884, p. 55; (c) 1885, pp. 54, 55.]

5 That the boundaries of every parish erected under the authority of this canon, be entered and registered in a book to be kept by the Honorary Secretaries of the Synod for that purpose, and that a copy thereof be furnished to any person applying on payment of a fee of twenty cents. [(a) 1858, pp. 58, 88; (c) 1859, pp. 32 90. See 1863, pp. 15, 23; 1864, pp. 27, 31.]

CANON No. VI.

BUILDING OF CHURCHES AND PARSONAGES.

1. Before any Church or Parsonage shall be commenced in any Parish or Mission, it shall be the duty of the Clergyman and people interested to notify the Bishop.

2. When a Church is about to be built, to state the locality and reason for such Church and locality; and when a Parsonage is about to be built, its position with reference to the Church or Churches in the Mission; and also the cost of the proposed building, and the means of meeting such expenditure; and the consent of the Bishop, after consultation with his Archdeacons and the Rural Dean, shall be necessary before any such erection of Church or Parsonage shall take place.

"That in view of the missionary character of this Church, this Synod Resolves strongly recommends that, in all cases when it is practicable, the seats in Churches hereafter built in this Diocese should be free and unappropriated." (a) 1872, p. 43.)

[NOTE.— In 1873, a Special Committee on Church Architecture made the following recommendation, which was adopted by the Synod, and referred to the Executive Committee to carry out:]

"That the Secretary-Treasurer be authorized to obtain, at the cost of the General Purposes Fund, the volumes of the *Church Builder*, a small quarterly publication of great value, containing illustrations of new Churches, &c., and many hints as to Church arrangement and furniture." (a) 1874, pp. 54, 163.)

See as to Annual Report of Churches in course of erection, Resolution No. 69, ante p. 29.

CANON No. VII.

SECURITY AND PROTECTION OF CHURCH PROPERTY.

Repairs of church and premises to devolve on vestry. That the "Church Temporalities Act" having placed the Church and the churchyard under the immediate care of the parish, acting through its vestry, all repairs and expenses of, and attending the same, necessarily devolve on said vestry. [(a), 1868, p. 49.]

The erection and repairs of parsonage house, when to be borne by vestry. 2. 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. [(a), 1868, p. 49.]

Incumbent to bear expenses of repairs—appeal. 3. 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 one or 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 to the Bishop or Archdeacon, as the case may require; and such decision, when approved by the Bishop or Archdeacon, shall be final. [(a), 1868, p. 49, 50.]

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4. Should any extensive improvement 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 next 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. [(a), 1868, p. 50.]

5. 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. [(a), 1868, p. 51.]

6. 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 of taxes may from time to time accrue. [(a), 1865, p. 51.]

7. 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

Material
repair, by
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be borne.

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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. [(a), 1868, p. 51.]

State-
ments for
record.

8. That in accordance with the foregoing, 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. [(a) 1868, p. 51.]

Docu-
ments and
records to
be kept in
a strong
box.

9. That for the convenient safe-keeping of such record-book, 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. [(a) 1868, p. 49. See 1864, pp. 25, 31, 52.]

Duty of
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Deans and
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deacons as
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records.

10. That for the purpose of duly enforcing the foregoing regulations, it shall be the duty of the Rural Deans, each in his own Rural Deanery, acting under the authority of the Bishop or Archdeacon, carefully to examine into the same from time to time as he may be required, or have convenient opportunity, and to take such steps, in case of neglect and failure, as may be necessary therein, according to the authority with which he is clothed; also, that the Archdeacon shall, in his visitation, examine into all such matters, either approving of the manner in which such rules and regulations have been carried out, or otherwise if not so done, and in any case of neglect or non-compliance, to take such steps as may seem to him desirable in the premises; making an entry in the record-book of each Church, of such examination, and the result thereof. [(a) 1868, p. 52.]

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CANON No. VIII.

REGISTRATION OF DEEDS OF CHURCH PROPERTY.

1. That a registered list of all Church properties, whether held by the Synod or Trustees therefor, or forming the endowment of any Parish or Mission, Church, Parsonage, School House, or Burial Ground, and a statement of the trust or trusts on which such property is held, be kept in the Synod office by the Secretary-Treasurer of Synod. List of church property to be kept in Synod Office.
 [(a) 1881, p. 48; (c) 1882, p. 46.]

2. That such registration be compulsory, and that all parties holding real estate or other property in trust for any particular Church or Parish do forthwith, after request from the Secretary-Treasurer of Synod, send a statement of the same to him to be registered, as hereinbefore directed. Statement to be furnished to Secretary-Treasurer. [See references to sec. 1.]

3. That it shall be the duty of the Rural Deans, each in his rural deanery, acting under the authority of the Bishop, in cases of neglect or failure to take such steps, and according to the authority with which he is clothed, to enforce compliance with the regulations aforesaid. Rural Deans to enforce this Canon. [See references to sec. 1.]

4. That a yearly valuation of all such property be made under the authority of the Executive Committee, and be reported to the Synod in their annual report to that body, and after adoption it shall be binding on the Assessment Committee as a basis of assessment, on the various parishes. Annual valuation to be made by Executive Committee.
 [See references to sec. 1.]

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 who shall at the time be entitled to vote for Lay Representatives to the Synod of the parish. Composition of, where there is now a vestry.

(a) See 47 Vict. (Ont.) cap. 89, printed *post* p. 235.

or mission within which such church or place of worship shall be situated. [(a) 1884, pp. 52, 53; (c) 1885, p. 54.]

In new congregations.

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.]

Right of membership, how to be determined.

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 demery such church or place of worship is situate, whose decision shall be final. [See references to sec. 1.]

Subsequent vestries.

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.]

3 Vic. c. 74, to apply.

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.]

Appointment of churchwardens.

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

*See this Act, printed *post* p. 169.

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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, ^{Who} 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.]

8. And be it further enacted by the authority aforesaid, ^{Term of office.} 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 ^{Repeal of former} reference as to sec. 1.] ^{Canons.}

CANON No. X.

CLERGY COMMUTATION FUND SURPLUS.

1. That so much of the by-law of the Mission Board of 1860, as enacted that the Mission Fund do consist of the

annual surplus of the Commutation Fund, be repealed, and that the Commutation Fund shall be managed and administered as heretofore by the Clergy Trust Committee. [(a) 1874, pp. 54, 56; (c) 1875, p. 173.]

Amount to be retained before division of surplus.

2. That before there shall be any surplus declared by the Clergy Trust Committee, there shall always be held by said Trust Committee arising out of annual permanent income over and above the amount required to fulfil the covenants into which the Society or the Synod may have entered, sufficient to cover the expenses chargeable upon the Fund. [(a) 1874, pp. 54, 56; (c) 1875, p. 173.]

How surplus shall be applied.

3. That said surplus shall be appropriated to the maintenance of Clergy of the Diocese being in Priest's orders, according to length of service in the Diocese. [(a) 1874, pp. 54, 56; (c) 1875, p. 173.]

What constitutes service.

4. That such service shall consist of the time during which the Clergyman has been employed in *bona fide* parochial or missionary duty, whether in Deacon's or Priest's Orders in the Diocese, and that in case there has been any intermission in the time of such service, the length of such intermission shall be deducted from the term of service for which the Clergyman claims. [(a) 1874, pp. 54, 56; (c) 1875, p. 173.]

Who shall be senior claimant.

5. That when two or more persons are ordained in the Diocese, and their services commence at the same time, he shall be considered senior who is first upon the Bishop's ordination list. But when they have been ordained out of the Diocese their seniority shall be determined by the date of their licences from the Bishop of the Diocese. And if there shall be any question of seniority not provided for in this by-law [Canon] it shall be provided for by the Bishop of this Diocese. [(a) 1874, pp. 54, 56; (c) 1875, p. 173.]

When surplus shall be available.

6. That as soon as the Trust Committee shall report a surplus, as above provided, it shall be paid to the senior eligible Clergyman of the Diocese (as above defined) not being on the Commutation List, and so on in respect

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of each successive sum of surplus income. And it is hereby distinctly specified that this provision shall not interfere with any existing arrangement. No Clergyman shall receive from this Fund more than \$400 per annum [(a) 1874, pp. 54, 56; (c) 1875, p. 173.

7. That any Clergyman once placed on the list, shall remain thereon so long as he remains eligible in accordance with this Canon, continues to do duty in the Diocese, or on the Superannuated list thereof; but shall forfeit his claim by removing from it, not being superannuated, or for any time he may be under legal ecclesiastical censure. [(a) 1874, pp. 54, 56; (c) 1875, p. 173; (am'd) 1882, pp. 34, 61.

"That it be an instruction to the Commutation Trust Committee that Resolutions shall furnish next year in their Report to the Synod a list of the non-commuting clergy in order of seniority, together with the length of service No. 91. of each such Clergyman." [(a) 1882, p. 52.]

"That in the case of a Clergyman dying during the currency of a Resolution quarter his stipend shall be paid to his widow or children to the end of the quarter in which such death takes place, and that the Canon be amended accordingly." [(a) 1882, pp. 55, 61.]

"That all Clergymen who have removed or shall hereafter remove from this Diocese to the Missionary Diocese of Algoma, shall retain their right to participate in the benefits of the Commutation Fund as long as they continue to minister in said Missionary Diocese, and comply with the by-laws of the said Fund." [(a) 1885, p. 59.]

8. That no Clergyman enjoying an income from endowment, pew-rents, salary, and offerings, or from any other source whatsoever (private fortune, fees, and house-rent, only excepted), of \$1,200 per annum, shall be placed or retained upon the list of annuitants on the Commutation Fund. But any Clergyman eligible as aforesaid, with a less income than \$1,200 per annum, shall be entitled to be placed upon the list to be furnished by the Lord Bishop and to receive, upon being placed upon the annuitants' list, from time to time, such amount not exceeding \$400 per annum, as will suffice to bring up his income to \$1,200. [(a) 1874, pp. 54, 56; (c) 1875, p. 173. See 1879, pp. 51, 75.

[NOTE:—In the Session of 1875, resolutions were adopted by the Synod to amend the above clause of the Canon (1), by substituting for the words "\$1,200" in the last line of section 8, the words "\$1,400 in City and Town Parishes, and \$1,200 in country Parishes;" and (2.) by adding to section 8 the words "Provided that nothing in this Canon shall be held to effect in any way the rights of Clergymen now upon the Commutation Fund, whose claims shall be governed in accordance with the

Canon in force at the date when they were placed upon the list of annuitants." [(a) 1875, pp. 137, 188.]

A motion in the following year "to confirm section 8 of the above Canon as so amended" was lost. [1876, p. 106.] If, therefore, section 65 of the constitution (printed *ante* p. 35) is still law, the Canon remains as above.]

Certificate of claim.

9. That before being placed on the list of annuitants on the Fund, and on the 1st day of May in each year, each and every Clergyman claiming to receive an annuity, by virtue of this Canon, shall furnish to the Committee, through the Secretary-Treasurer, a certificate in the following terms :

"I, _____, do solemnly declare that I am entitled to an annuity of \$ _____, from the Commutation Trust Fund of the Synod of the Diocese of Toronto: that my whole income for the past twelve months, from all sources (private fortune, house-rent, fees, offerings, and annuity from this Fund excepted), has not exceeded \$ _____; and that in estimating the same, no deductions of any kind whatsoever, except as above, have been made."

And any Clergyman failing to forward such certificate by the time above named, shall be held to have ceased for the time being to claim upon the Fund. Any Clergyman who shall knowingly furnish an erroneous certificate, shall cease to have any claim on the Fund, and his name shall be struck off the list of annuitants. [(a) 1874, pp. 54, 56; (c) 1875: p. 1873. See 1879, pp. 51, 75.]

[NOTE.—Printed forms of the above certificate may be obtained on application to the Secretary-Treasurer of Synod.]

Not claiming not to forfeit rights.

10. That no Clergyman, by reason of his not claiming to be placed or retained on the list of annuitants, shall in any way forfeit or prejudice his position upon the Lord Bishop's Seniority list; and should such Clergyman, at any future time, being eligible and the senior Clergyman on the list when a vacancy occurs, desire to become an annuitant, his name shall be added to the list of annuitants on furnishing the certificate above mentioned. [(a) 1874, pp. 54, 56; (c) 1875, p. 173.]

List of clergymen to be furnished.

11. That as soon as a surplus arises in the Commutation Fund, it shall be the duty of the Commutation Trust Committee to request the Lord Bishop to furnish said Committee with a list, in the order of seniority, of those Clergymen who might be entitled to claim under this Canon; to notify said Clergymen, in order, to forward within fourteen days the certificate of claim above

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required; to consider and decide on the claims when received; and, when passed, to enter the names of the claimants on the list of annuitants for the amount to which each is entitled. [(a) 1874, pp. 54, 56; (c) 1875, p. 173.]

12. That at the Quarterly Meeting of the Committee in May, the certificates of claim for the ensuing year shall be examined, and the amount to which each claimant is entitled, ascertained, and entered on the list. [(a) 1874, pp. 54, 56; (c) 1875, p. 173.]

CANON No. XI.

MISSION FUND.

1. There shall henceforth be only one Mission Fund for maintaining all the missionary operations of this Diocese, whether Home, Domestic, or Foreign, which Fund shall be administered by the Mission Board, in accordance with the Constitution, Canons, and By-laws of the Synod. [(a), 1881, p. 69; (c), 1882, p. 33.]

2. Under the name—

- (1) "Home Missions" shall be included all Church of England missionary efforts within the Diocese of Toronto.
- (2) "Domestic Missions" shall include the North-West and Algoma.
- (3) "Foreign Missions" shall include all Missions of the Church of England, not falling under the name either of "Home" or "Domestic" Missions. [See references to sec. 1.]

3. All moneys contributed or bequeathed for missionary work shall be managed and distributed by the Mission Board, in accordance with the wishes of the donors when expressed as to the particular branch or branches of the missionary work, to which such money shall be applied. [See references to sec. 1.]

4. All moneys not so specially designated or appropriated, shall be proportionally divided among the several objects of the Missionary Fund, according to the best judgment of the Board. [See references to sec. 1.]

II. HOME MISSIONS.

1. It shall be the duty of the Rural Dean, after having sought the advice of the Clergy of his Rural Deanery, and of Laymen, one for each parish or mission, being communicants resident within his Rural Deanery, to be elected at the Easter Vestry, to prepare annually a report for the information of the Synod, setting forth the condition of the missions already existing, or reasons for the formation of new missions, or for the re-arrangement or re-grouping of mission stations within his Rural Deanery, such report to be sent in to the Secretary-Treasurer, on or before the 30th day of April; and it shall likewise be his duty, as occasions may arise, to visit any vacant missions, or new missions not included in his annual report, making a supplementary report thereon, to be laid before the next ensuing meeting of the Mission Board. [(a), 1881, pp. 47, 93; (c), 1882, p. 33.]

2. No grant shall be made by the Mission Board in aid of any mission, or continued after the expiration of the time agreed on, until the Rural Dean on visiting such mission and conferring with the several congregations thereof, shall have ascertained their resources and liabilities, and arranged with them as to the amounts which they will raise towards the stipend of the missionary, and shall have reported to the Mission Board the results of such inquiries together with the amount which he considers that they ought to contribute to the stipend of the missionary, the amount which they consent to contribute, and the action which he would recommend. [See references to subsec. 1.]

This provision shall not apply to the case of any missions where such a visit may be deemed unnecessary by his Lordship the Bishop, and three-fourths of the members present at any regular meeting of the Mission Board. [See 1873, pp. 45, 60; 1874, p. 62; (c), 1875, p. 172.]

3. On receiving this report, the Mission Board, at its next ensuing meeting, shall decide as to the amount to be granted towards the support of a missionary in said mission--which grant shall take effect from the date of the agreement with the several congregations of the mission, or in the case of new missions, or of the appointment of a

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new missionary, from the time, subsequent to the date of the agreement, at which the missionary shall enter upon his duties. [See references to sub-sec. 1.]

4. The regular stipend which the Board shall aim to secure for its missionaries, as a *minimum*, is \$800 for those in Priest's, and \$600 for those in Deacon's orders. [See references to sub-sec. 1.]

5. Whenever the Mission Board and the several congregations of any mission have agreed as to the amounts which they shall severally contribute towards the stipend of their missionary (which stipend never shall be *lower* than that fixed in sub-sec. 4, [except the Lord Bishop of the Diocese and three-fourths of the members of the Mission Board present agree to accept a smaller sum in lieu thereof], then it shall be the duty of the Secretary-Treasurer of the Synod to enter into a written agreement, in duplicate, with two or more members of such mission approved by the Mission Board, according to the accompanying form :

"Articles of Agreement between the Board of Missions of the Diocese of Toronto, and two or more members of the congregation of the mission of _____ witnesseth, that the undersigned members of said congregation do hereby undertake and agree, on behalf of said congregation, to have the annual sum of _____ dollars, lawful money of Canada, collected and paid quarterly to the Secretary-Treasurer of the Synod of said Diocese, so long as the ministrations hereafter agreed upon to be afforded to said congregation shall be continued.

The services referred to in the above paragraph shall be

and in consideration of the regular and punctual payment of the above mentioned sum, the Board of Missions aforesaid hereby undertake to maintain such ministrations of the Church, in the place and at the time mentioned above, so long as the said sum shall be paid.

The present agreement is for the term of three years, counting from the

(Signed in Duplicate.)

[See references to sub-sec. 1.]

6. These agreements having been thus entered into, it shall be the duty of the Secretary-Treasurer of the Synod to pay quarterly the stipends of the missionaries out of the General Mission Fund of the Diocese, according to a list furnished him by the Lord Bishop, but subject to the regulations contained in the subsequent clauses of this Canon. [See references to sub-sec. 1.]

7. Every engagement between the Board of Missions and the congregations of any mission shall be binding for three

years, unless otherwise agreed upon. [See references to sub-sec. 1.]

8. Whenever any congregation in any mission shall fail to remit the whole amount it has agreed to pay into the Mission Board, or any part thereof, then it shall be the duty of the Secretary-Treasurer of the Synod to suspend payment to the missionary of the amount in arrear from said congregation, and to report the said failure to the Lord Bishop, who shall direct the Archdeacon or Rural Dean to ascertain, as soon as practicable, the reason of such failure. [See references to sub-sec. 1.]

9. A full written report of all the evidence taken by the Archdeacon or Rural Dean, with his opinion on the merits of the case, shall be forwarded to the Lord Bishop within one week after the completion of his enquiry, authenticated by his signature; and on receiving this report, the Lord Bishop shall append thereto any remarks he may deem proper and communicate it to the Mission Board. [See references to sub-sec. 1.]

10. The Mission Board (or any Sub-Committee appointed by that Board) having considered the report, shall if they deem it necessary, order the Secretary-Treasurer to transmit to the missionary, and also to the Churchwardens of the congregations in arrears, a copy of the following notice:

“To the Churchwardens and Members of the Congregation of
GENTLEMEN,

I have been directed by the Mission Board of the Diocese, on day of _____ not having been paid, the services of the Church will, after Sunday next (or from this day), be suspended by order of the Bishop, in accordance with a standing rule of the Synod to that effect, until the payment as agreed upon is duly made.

This may seem to be a severe measure; but the Board of Missions has been unable to devise any other just and practicable course which might bring home to all parties the gravity of the occasion, and the imperative necessity of prompt and decisive action in the matter.

I am, Gentlemen,

Your obedient servant,

Secretary-Treasurer.”

This notice shall be read to the congregation in arrears on the two Sundays on which service is held, next thereafter after the receipt thereof. [See references to sub-sec. 1; (c) (*am'd*) 1881, p. 47.]

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11. In case the congregation shall continue in arrears after having received such notice, and shall still refuse or neglect to pay up such arrears, the Lord Bishop shall direct the Secretary-Treasurer of the Synod to pay to such missionary so much from the Mission Fund of the Diocese as will enable him to remain on the spot for a period not exceeding three months, at the discretion of the Lord Bishop; or, as will enable him to remove to some other Mission in the Diocese to which he may be appointed; and it shall be in the discretion of the Mission Board to withhold any grant to the said mission for a new missionary, until all arrears due from them for services performed, shall have been paid to the Secretary-Treasurer of the Synod by said congregation, and until they shall have also paid to the Secretary-Treasurer sufficient to repay the Mission Fund, the money advanced to the missionary, to bear the expenses of his removal. [See references to sub-sec. 1; (*am'd*) 1881, p. 47.]

12. The travelling expenses of the Archdeacon, or Rural Dean, incurred in carrying out the provisions of this Canon, shall be paid by the Secretary-Treasurer out of the General Mission Fund of the Diocese. [See references to sub-sec. 1.]

13. The by-laws of the late Church Society, and canons of Synod inconsistent with this canon for the management of the Fund of the Mission Board, are hereby repealed. [See references to sub-sec. 1; (*am'd*) 1881, p. 47.]

NOTE.—*The Mission Board deem it to be their duty to state that the contributions of the congregations for the support of the missionaries, may not be supplemented by the missionaries themselves, or by members of their families dependent on them; as the covenants between the Mission Board and the several missions would not, under such circumstances, be carried out in good faith.*

III. DOMESTIC MISSIONS.

The moneys allocated to Domestic Missions shall be remitted to the Committee appointed by the Provincial Synod to receive the same, and at such dates as may be agreed upon by said Committee. [See references to sec 1.]

And see, (as to the conditions on which grants are made from the Burnside Trust Fund to parishes or missions now outside the Diocese of Toronto), By-law No 3, *post* p. 76.

IV. FOREIGN MISSIONS.

The moneys allocated to Foreign Missions shall be remitted to the Committee appointed by the Provincial Synod to receive the same, and at such dates as may be agreed upon by such Committee. [See references to sec. 1.]

CANON No. XII.

ADMINISTRATION OF THE WIDOWS AND ORPHANS' FUND.

Whereas it is necessary to make better provision for the administration of the Clergy Widows and Orphans' Fund of the Diocese of Toronto, the existing Canon relating to that Fund is hereby repealed, and the Synod enacts as follows :

What constitutes Widows and Orphans' Fund.

1. The Clergy Widows and Orphans' Fund of the Diocese of Toronto shall consist, as heretofore, of the capital funded by the Synod for this special purpose, of all legacies, gifts, and other contributions, and also of all rents, issues, or profits of lands or tenements now held, or that may hereafter be held, for the relief of the widows and orphans of Clergymen ; and of all annual and other payments made under these rules ; and the interest only of the funded capital, together with so much of the annual collections, subscriptions, and payments as may be necessary, shall be applied to the relief of families of deceased Clergymen according to this Canon. Every surplus sum of \$200 shall be invested, and thenceforth be part of the funded capital. [(a), 1880, p. 40 ; (c), 1881, p. 68. See 1871, pp. 49, 125, 184 ; 1872, p. 44 ; 1878, pp. 45, 92 ; 1879, p. 86.]

Who entitled to benefit of

2. Every Clergyman, of any degree, who is duly and canonically exercising his ministry in the Diocese shall be entitled to the benefit of the Widows and Orphans' Fund on compliance with the conditions of this Canon. [(a), 1880, p. 40 ; (e), 1881, p. 68. See references to sec. 1.]

Condition of receiving such benefit.

3. Every Clergyman qualified, as in the preceding section, shall pay all arrears, at the rate of five dollars per annum, which may have accumulated since his ordination or admission to the Diocese, up to July 1st, 1881. Such

Part I.]

arrears must then paid, and be charged in event of a compliance with be deducted widow or references t

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5. Every shall mak Orphans' mission w unless ex provided their an through the abov p. 68. S

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arrears must be paid before April 30th, 1884; and, if not then paid, a fine, at the rate of 6 per cent. per annum, shall be charged on every such amount until paid; and in the event of a Clergyman dying in arrears, who has otherwise complied with this canon, the amount of such arrears shall be deducted from the first year's pension, payable to his widow or children. [(a), 1880, p. 40; (c), 1881, p. 68. See references to sec. 1.]

4. Every Clergyman now, (*i. e.*, June 9, 1880), labouring in the Diocese of Toronto, and qualified as in section 2, shall, within six months from July 1st, 1881, apply to the Secretary-Treasurer of the Synod for a certificate, as in Schedule B, and shall thenceforth pay annually the sum set opposite to his age on entering the Diocese or ordination therein, as in Schedule A.; and every Clergyman who shall be ordained in the Diocese, or admitted thereto after the passing of this canon, at an age not exceeding 55 years, shall be entitled to the benefit of the Widows and Orphans' Fund, on applying for such certificate within six months of his ordination or admission, and paying annually in like manner. Any applicant after such period of time shall only be permitted to receive a certificate on payment of all arrears, and the additional sum of \$25 as a fine. [(a), 1880, p. 40; (c), 1881, p. 68. See references to sec. 1.]

5. Every Clergyman, holding a certificate as above, shall make all authorized collections for the Widows and Orphans' Fund in every church or station in his parish or mission where Divine service is held on the Lord's day, unless excused by a written dispensation from the Bishop; provided that assistant Clergymen, who regularly forward their annual payment, shall not have their claim forfeited through the refusal or neglect of the Incumbent to make the above required collections. [(a), 1880, p. 40; (c), 1881, p. 68. See references to sec. 1.]

6. All payments shall become due on the first day of April in each year, and must be paid within thirty days; and if this rule is not complied with, the certificate shall be forfeited, but may be restored on the conditions specified in section 4. [(a), 1880, p. 40; (c), 1881, p. 68. See references to sec. 1.]

Scale of pensions.

7. Upon compliance with the present Canon, the Synod of the Diocese of Toronto will, on application, pay out of the Widows' and Orphans' Fund, so far as the state of the Fund will permit, a pension in accordance with the following scale :

<i>Length of service in Diocese.</i>	<i>Annuity to Widow.</i>
Under 5 years.....	\$100
5 to 10 ".....	125
10 to 15 ".....	150
15 to 20 ".....	175
Over 20 ".....	200

[(a), 1880, p. 40; (c) 1881, p. 68. See references to sec. 1.]

For children.

8. In addition to the sum named in the preceding section, there shall be paid the sum of twenty dollars per annum for every child under the age of eighteen years. [(a), 1880, p. 40; (c), 1881, p. 68. See references to sec. 1.]

In case of death or re-marriage of wife.

9. If a Clergyman's wife die before her husband, or if any Clergyman's widow die, or marry again, the pension due according to section 7, with the additional payments, as provided in section 8, shall be paid towards the support of such children as may be under the age of eighteen years, in equal portions. [(a), 1880, p. 40; (c), 1881, p. 68. See references to sec. 1.]

Marriage or re-marriage of clergyman.

10. If any Clergyman, who is not on the Superannuated List of the Diocese, marry the second time, he shall thenceforth pay the annual sum set opposite his age in Schedule A., at the time of such second marriage. If any Clergyman marry, while on such Superannuated List, and die leaving a widow or children of such marriage, such widow or children shall not derive any benefit from the Widows and Orphans' Fund. [(a), 1880, p. 40; (c), 1881, p. 68. See references to sec. 1.]

Disabled clergy.

11. If a Clergyman is unable to continue his public ministrations through old age, sickness, or accident, he may, with the written sanction of the Bishop, continue to hold a certificate on payment of his usual annual subscription. [(a) 1880, p. 40; (c) 1881, p. 68. See references to sec. 1.]

Clergy degraded or annuitants cease.

12. The widow and orphans of any Clergyman degraded from the ministry, or any widow or orphans who shall not continue members of the Church of England, shall be

entitled on Widows and such widows, being the age shall have p. 68. See

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entitled only to such payments as the Committee of the Widows and Orphans' Fund shall prescribe, provided that such widow or orphans shall not receive any sum exceeding the aggregate amount that her husband or their father shall have paid into the Fund. [(a) 1880, p. 40; (c) 1881, p. 68. See references to sec. I.]

13. The pension shall be paid quarterly, on the first day of January, April, July, and October of each year, commencing from the expiration of the quarter within which the death of the husband or parent occurs. [(a) 1880, p. 40; (c) 1881, p. 68. See references to sec. I.]

14. Permanent removal of any Clergyman from this Diocese shall entail the forfeiture of any claim whatever to an annuity from this Fund. [(a) 1880, p. 40; (c) 1881, p. 68. See references to sec. I.]

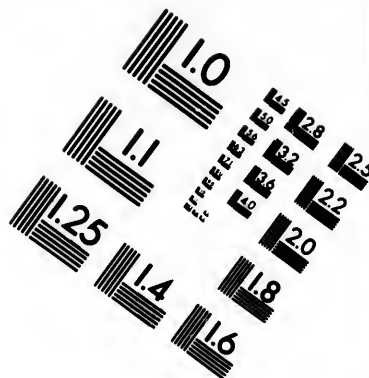
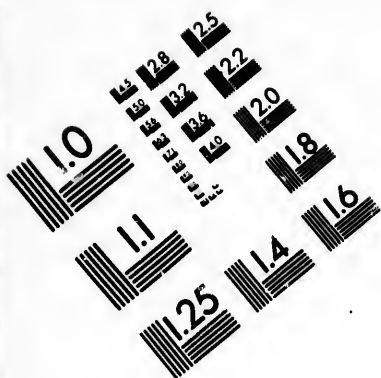
"That any Clergy now [June 14th, 1885,] serving as Missionaries in the Diocese of Algoma, who were connected with it at the date of its separation from the Diocese of Toronto, and who shall continue such service, be No. 94, allowed a claim on the Widows and Orphans' Fund of the latter, upon compliance with the customary regulations as to annual subscription,

2. That any Clergyman who shall hereafter remove from the Diocese of Toronto to that of Algoma, to take active duty there, shall be permitted to retain his claim on the Widows and Orphans' Fund of this Diocese, for eight years from the date of the Canon embodying this resolution, on compliance with the conditions prescribed by the Canon governing the Widows and Orphans' Fund." [(c) 1885, pp. 52, 123.]

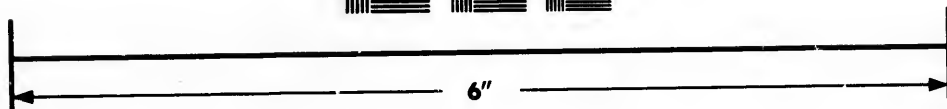
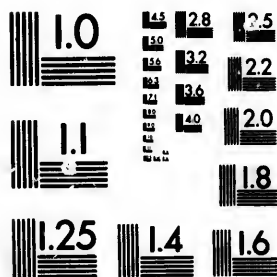
15. It shall be the duty of the Widows and Orphans' Committee, at their August meeting, to calculate the probable amount of the annuities payable from the Fund for the ensuing year, and contingent and other expenses attendant thereupon, and report the same to the Assessment Committee, in order that an equitable assessment may be made for this Fund on the various Parishes and Missions of the Diocese. [(a) 1880, p. 40; (c) 1881, p. 68. See references to sec. I.]

16. This Canon shall be held not to apply to cases of Clergymen who were on the Superannuated List of the Diocese on the 4th November, 1881. And as to Clergymen labouring in the Diocese on said date, of sixty years of age and upwards, who were ordained or who entered the Diocese at an advanced period in life, the Widows and Orphans' Fund Committee are authorized and empowered





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to deal with such cases in such manner as they may deem just and reasonable. [(a) 1882, p. 44: (c) 1883, p. 56.]

SCHEDULE A.

Scale of Annual payments referred to in Section 4 of this Canon.

Age.	Payment.	Age.	Payment.	Age.	Payment.	Age.	Payment.
23	\$7 20	35	\$ 9 80	47	\$14 42	59	\$25 00
24	7 38	36	10 27	48	14 92	60	26 00
25	7 62	37	10 56	49	15 53	61	28 00
26	7 82	38	10 92	50	16 17	62	30 00
27	8 05	39	11 25	51	17 00	63	32 00
28	8 25	40	11 60	52	18 00	64	34 00
29	8 50	41	11 95	53	19 00	65	36 00
30	8 75	42	12 30	54	20 00	66	39 00
31	8 93	43	12 67	55	21 00	67	42 00
32	9 17	44	13 08	56	22 00	68	45 00
33	9 42	45	13 48	57	23 00	69	48 00
34	9 68	46	13 92	58	24 00	70	50 00

SCHEDULE B.

FORM OF CERTIFICATE REQUIRED BY SECTION 4 OF THIS CANON.

The Diocesan Synod of Toronto hereby certifies that the Rev. _____ of _____, has this day paid the sum of \$____, being his first annual payment under the Canon. And the Diocesan Synod of Toronto will, out of the special fund called the Widows and Orphans' Fund, pay to the widow or children of the said Rev. _____, after his decease, a pension in proportion to his services in the Diocese, according to the rules and regulations which may be in force at the time of his decease, provided the state of the fund allows such payment to be made. Provided always, that the said Rev. _____ shall yearly and every year, on the first day of April, pay the annual subscription, and otherwise faithfully observe and comply with the rules and regulations from time to time in force, unless excused by the written dispensation of the Bishop.

Signed _____

Secretary-Treasurer.

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By-Laws and Regulations governing the Synod and its Standing Committees.

By-Law No.	1. Income of the Episcopate	65.
" "	2. Patronage of the Rectories.	66.
" "	3. Executive Committee—Regulations as to Sales and Mortgages of Church Property ..	66
" "	4. Rectory Lands Management By-Law.....	67
" "	5. Widows and Orphans' Fund Committee—Regulations	69
" "	6. Theological Students' Fund By-Law	70.
" "	7. General Purposes Committee—Regulations as to Grants	72.
" "	8. " Regulations as to Grants from Burnside Bequest	76.
" "	9. Sunday School and Book and Tract Committee—Regulations as to Grants	77

BY-LAW No. 1.

INCOME OF THE EPISCOPATE.

1. The future income of the Episcopate in the Diocese of Toronto, from whatever source derivable, shall not at any time exceed \$4,000 per annum, unless arising from donations specially given for the See of this Diocese hereafter. [(a) 1865, pp. 32, 52.]

2. Should any surplus at any time arise from increased value of land or other securities, or from any other source, such surplus shall be appropriated to the increase of the Episcopal office. [See references to sec. 1.]

3. Should any See House at any time be provided by the Diocese, the benefit of such house shall not be included in the above named income. [See references to sec. 1, and Resolutions Nos. 120 and 121, *post* p. 87.]

4. At any time it may become desirable to divide the Diocese of Toronto into two or more parts, and such division

shall be sanctioned by the Synod, each part so set off and intended to form a separate Diocese, shall be entitled to such part of the Episcopal Endowment Fund as was raised within its own bounds. [See references to sec. 1.]

5. Such division of the Fund shall not take place until a sufficient sum is funded in the Diocese of Toronto, to make up the sum of (\$4,000), four thousand dollars per annum. [See references to sec. 1.]

BY-LAW No. 2.

PATRONAGE OF THE RECTORIES.

The Incorporated Synod of the Diocese of Toronto enacts as follows:

On the vacancy of any Rectory, Incumbency, or Mission within the Diocese (with the exception of Missions sustained, in whole or in part, by the Mission Board, the mode of appointment to which missions shall continue as heretofore) the appointment to the vacancy shall rest in the Lord Bishop of the Diocese; it being, however, provided that, before making such appointment, the Bishop shall consult with the Churchwardens of the said Parish or Mission, and with the Lay Representatives of the same, provided that such Lay Representatives are resident within the said Parish or Mission. [(a) 1871, p. 57. See 1869, pp. 36, 38, 41, 43; 1870, p. 68; 1871, pp. 27-8; 1875, pp. 178, 180.]

See also as to the construction of this By-law: *Johnson v. Glen*, 26 U. C. Chy. p. 162.

BY-LAW No. 3.

REGULATION OF EXECUTIVE COMMITTEE AS TO SALES OR MORTGAGES OF CHURCH PROPERTY.

In all cases of application to the Executive Committee for permission to sell or mortgage Church property under the provisions of 41 Vic. cap. 25, (as amended by 42 Vic. cap. 37,*) full information of the necessity and desir-

*See these Acts printed *post* p. 214, and see also p. 215 for a synopsis of the procedure prescribed by these Statutes, and "The Religious Institutions Act," (*post* p. 205) upon an intended sale or mortgage of Church property thereunder.

ability (of the proposed sale or mortgage), with authenticated evidence of the assent and desire of the Vestry, must be presented to the satisfaction of the Committee. [(a) 1879, pp. 49, 69.]

BY-LAW No. 4.

RECTORY LANDS MANAGEMENT.

[NOTE.—This is a By-law adopted by the late Church Society in 1867, and amended by the Synod in 1875. See sec. 4.]

WHEREAS according to the provisions of the Act of Parliament (29-30 Vic. ch. 16),* the Church Society of the Diocese of Toronto is vested with power and authority to sell and dispose of any lands granted by the Crown as a glebe of, or as appurtenant to, or belonging to, or appropriated for, any Rectory in the said Diocese, by whatever name the same may be called and in whomsoever the title thereof may be vested, subject to the provisos in the said Act contained for protecting the interests of the existing Incumbents of said Rectories, in effecting such sales and dealing with the proceeds thereof,

And whereas it is necessary and expedient to create and appoint a Special Committee of the said Church Society to carry the said Act into effect and to lay down certain general rules for the guidance of such Committee.

Be it therefore enacted that under the authority of the Act incorporating the said Society, and with the consent of the Lord Bishop of the Diocese, as follows :

1. There shall be a Committee of the Church Society to be called "the Rectory Lands Committee," which shall be chosen every year at the Annual Meeting in June, and shall consist of six members, three being Rectors of Parishes, and three Laymen, and of this Committee three shall be a quorum. [Church Society Report 1867, p. 12.]

2. This Committee shall have the supervision of all the Rectory Lands within the Diocese, and shall make such rules and regulations for the sales of such lands, as they shall from time to time see fit, and shall report all such

* See this Act printed, *post* p. 189.

rules and regulations, and any change or alterations thereof at the next Quarterly Meeting of the Society, and the Society shall have full power and authority to alter or annul the same or any part thereof. [See references to sec. 1.]

3. This Committee shall also make, and have charge of, all investments arising out of the sales of the Rectory Lands, and shall keep separate accounts for each Rectory, both as to the principal and interest arising from sales, and of the investments thereof, and the payment of the Incumbent or Incumbents out of the income thereof. [See references to sec. 1.]

4. All charges of management shall be apportioned among the several Rectories in proportion to the income of such Rectory lands, or any part thereof, or the investments therefrom, and that in accordance with the opinion of counsel, a specific sum be [annually] assessed upon the incomes of the Rectors, said sum to be five per cent. upon said incomes. [See references to sec. 1, and Synod Journals, 1875, p. 45.]

5. All sales shall be carried out, and all securities and investments be taken, under the superintendence of the Solicitor of the Society. [See references to sec. 1.]

6. The Committee shall report to the Society whenever required, and always at the Annual Meeting in June, when their Report shall include all transactions up to the thirtieth April then last past, and shall shew the account of each Rectory for which any sales have been made for the past year, exhibiting the sum for which any sale has been made; the amount paid; the amount unpaid, and how secured; any investment made; the interest payable; the principal and interest, if any, in arrear; and the charges of management, and any other expenses incurred during the year, and which account shall be audited and verified by Auditors to be appointed by the Society for that purpose. [See references to sec. 1.]

BY-LAW No. 5.

REGULATIONS OF THE WIDOWS AND ORPHANS' FUND
COMMITTEE.

1. Every widow, being an annuitant on the Widow' and Orphans' Fund, shall quarterly, before receiving any portion of an annuity, make the following Declaration in the presence of a Clergyman or Magistrate, which Declaration shall be attested by the Clergyman or Magistrate before whom it is made :

" I, _____ do hereby declare that I am the widow of the late Reverend _____ ; that I am entitled to an annuity from the Widow' and Orphans' Fund of the Synod of the Diocese of Toronto ; that I am still a widow, and that my income for the past twelve months from all sources has been \$ _____ , not including my own earnings, or annuity from the W. & O. Fund."

SIGNED BEFORE ME,

Name,
Description,
Residence,
Date,

}

2. The Mother or Guardian of Orphans, annuitants on the Widows and Orphans' Fund, shall quarterly, before receiving any portion of an annuity, make the following declaration in the presence of a Clergyman or Magistrate, which declaration shall be attested by the Clergyman or Magistrate before whom it is made :

" I _____ hereby declare that I am the duly appointed guardian of the children of the late Reverend _____ whose names and ages are respectively written below ; that they are entitled to an annuity from the Widows and Orphans' Fund of the Synod of the Diocese of Toronto ; and that their income for the past twelve months, from all sources (not including wages earned by any of them, or annuity from W. & O. Fund), has been \$ _____ ."

NAMES OF CHILDREN.

AGE NEXT BIRTHDAY.

SIGNED BEFORE ME.

Name,
Description,
Residence,
Date,

}

3. The above declarations shall be furnished to the Secretary-Treasurer of Synod before any payment ever be made from the Fund in either of the cases aforesaid.

BY-LAW No. 6.

THEOLOGICAL STUDENTS' FUND.

1. A Committee of Synod shall be appointed annually, whose duty it shall be, immediately on their appointment, to enquire into the state of the Fund,* and to declare thereupon what number of Exhibitions in Trinity College, tenable for three years, and not exceeding \$200 per annum, will be open to applicants in that year, giving notice to this effect in the Church. [(a) 1870, pp. 64, 103, 149. (*am'd.*), 1884, p. 45 : (c) 1885, p. 53.]

2. It shall be the duty of the Committee, at the August Meeting, to receive and examine the testimonials of applicants, and to select as Exhibitioners such as they shall consider to be most deserving, notifying the Provost of Trinity College of such selection. [(c) 1870, pp. 64, 103, 149.]

[NOTE :—The following printed form of application has been adopted by the Committee, and may be obtained on application to the Secretary-Treasurer of Synod :

“ Application of a Candidate for a Divinity Exhibition in Trinity College,

To the Chairman of the Committee of the Divinity Students' Fund :—

The undersigned Applicant for a Divinity Exhibition in Trinity College desires to state :

1. That he is of the full age of _____ years.
2. That he has received his literary education at the following places and at the periods mentioned, viz :
3. That he is a Student of the _____ year in the Arts Course of Trinity College.
4. That he is at present a Communicant in good standing of the Church of England, and that he presents herewith a Certificate to that effect, and of moral and religious character, and a favourable opinion as to his probable ministerial ability signed by the Provost.
5. That he is desirous of pursuing his Divinity Studies in Trinity College, and presents herewith a written certificate from the Bishop of the Diocese to the effect that, after a personal interview, he considers the applicant a fit person to enter on a course of study for Holy Orders.
6. That he presents herewith a certificate from the Provost to the effect that he is eligible for admission to examination as a Divinity Student in Trinity College.

*See sec. 60 (3) of the Constitution printed *ante* p. 27, and notes thereto.

7. That if admitted as an Exhibitioner he will comply with the rules and regulations of the Synod and of the College relating to the Exhibition granted.

Dated at

Applicant for Exhibition."

NOTE :—The Committee desire it to be understood by the Applicant that no part of the Exhibition shall be paid to any Divinity Student until the Provost has certified that such Applicant has passed the required examination."

3. Persons nominated to Exhibitions shall be required to pass the Matriculation Examination with such credit as may satisfy the Examiners of their probable fitness to enter the Divinity Class at the expiration of their first year; and they shall forfeit their Exhibitions if they fail to satisfy the Examiners of their actual fitness in the ensuing June examination. [(c) 1870, pp. 64, 103, 149.]

4. Every Exhibitioner shall be required, at Matriculation, or on entering the Divinity Class, to subscribe a declaration of his purpose of completing his course of study, and of serving in the Diocese of Toronto for not less than five years. [(c) 1870, pp. 64, 103, 149.]

5. No exhibition shall be continued for more than three years, the first of which shall be passed in the Arts course, and the last two in the Divinity course. [(c) 1870, pp. 64, 103, 149.]

6. If any Exhibitioner, having satisfied the Examiners in the June Examination of his first year, shall (by the advice or with the consent of the Professors), remain for a further period in the Arts course, his Exhibition shall be suspended until he shall enter the Divinity Class. [(c) 1870, pp. 64, 103, 149.]

7. The College authorities shall furnish to the Committee at their August meeting, in each year, a tabular report of the conduct of the several Exhibitioners under the following heads: 1. General Conduct; 2. Attendance at Chapel; 3. Attendance at the Holy Communion; 3. Attendance at Lectures; 5. Application to Studies; 6. Progress in Studies; 7. Examinations; and any Exhibition shall be subject to withdrawal if such report be unfavourable, or if, for other reasons, the Committee shall be dissatisfied with

the conduct of the Exhibitioner. [(c) 1870, pp. 64, 103, 149.]

See as to this report Resolution No. 60. printed *ante* p. 28.

8. No person holding a Scholarship in Trinity College shall be allowed to receive or retain an Exhibition. [(c) 1870, pp. 64, 103, 149.]

9. No Student of Trinity College shall be admitted to an Exhibition except he present to the Examiners a certificate of conduct from the authorities of the College of the form above prescribed, and a certificate from the Provost that he is, in respect of any regulations before mentioned, eligible for election to an Exhibition. [(c) 1870, pp. 64, 103, 149.]

10. No applicant shall be eligible to receive an Exhibition, except he shall produce a written certificate from the Lord Bishop of the Diocese, stating that his Lordship after a personal interview, considers him a person well fitted to enter on a course of study for Holy Orders; and his Lordship is respectfully requested to cause to be printed in the Journal of the Synod, at the end of the Clergy List, the names and residences of gentlemen accepted by him as Divinity Students in this Diocese. [(a) 1871, p. 60: (c) 1872, p. 44.]

BY-LAW No. 7.

GENERAL REGULATIONS UNDER WHICH GRANTS WILL BE MADE BY THE GENERAL PURPOSES, STATISTICS, AND ASSESSMENT COMMITTEE.

I. GRANTS TOWARDS THE ERECTION OF CHURCHES.

I. Under this general regulation a free grant of fifty Dollars may be made to every newly erected church in any parish or mission, no part of which is within the boundaries of any city or town of over 4,000 inhabitants, on the following conditions, viz:—

(1.) The church must be in a parish or mission set apart by competent authority and in charge of a duly appointed and licensed Minister.

(2.) The parish or the Mission Board must have provided, to the satisfaction of the Committee, for the stipend of the Minister, as required by the Canons of the Synod in cases where such Canons apply.

(3.) The Parish or Mission must have paid its Synod assessments up to date, and have contributed to the Synod funds which are required by the Constitution and Canons to be contributed to.

(4.) The title to the church site must be vested in the proper church authorities.

(5.) The church must be so far finished as to admit of service being regularly held in it. [(a) 1874, pp. 51, 127.]

II. In all cases it shall be necessary, before aid can be granted to any church under these regulations, for the party applying on behalf of such church to fill up and transmit to the Synod Office a blank form, (see below) to be furnished by it, containing the information therein required. [(a) 1874, pp. 51, 127.]

III. No grant shall be made a second time to a Parish or Mission towards the re-erection of a church burned down, unless it is shown that the same was at the time of its destruction insured to a reasonable amount. [(a) 1874, pp. 51, 127.]

IV. These regulations, being general in their character, may in very special cases be varied at the discretion of the Committee, and then only with the consent of three-fourths of the members of the Committee. [(a) 1874, pp. 51, 127.]

NOTE :—The following form of application has been adopted by the Committee, and printed copies of it may be obtained from the Secretary-Treasurer of the Synod on application.

“Application from the Parish (or Mission) of _____ to the General Purposes, Statistics, and Assessment Committee of the Incorporated Synod, for a grant in aid of building a Church :

1. The area of the District for which a Church is required is
2. The distance of the next nearest Church in the Parish from the one proposed is
3. The distance of the next nearest Church in the adjoining Parish from the one proposed is
4. The name of the Congregation for which this grant is asked is
5. The estimated average attendance at Sunday Service (actual or probable) is about
6. The amount contributed by this Congregation for all the Church purposes of the Synod during the last twelve months, was \$
7. The additional amount contributed by this Congregation for local Church purposes during the last twelve months, was \$

8. The amount of the local contributions in aid of the proposed Church is
9. The following is a description of the Church for which aid is asked
 - (1) Dimensions
 - (2) Material
 - (3) Style
 - (4) Extent of accommodation
 - (5) Amount of Insurance \$
10. This Congregation was before aided by the Committee in 18
11. In regard to this application, I may remark that
12. State the estimated cost of the Church \$
13. Is it in a Parish or Mission set apart by competent authority, and in charge of a duly appointed and licensed Minister?
14. Has the Parish or Mission Board provided for the stipend of the Minister, as required by the Canons of the Synod?
15. Has the Parish or Mission paid its Synod assessments up to date, and contributed to the Synod Funds which are required by the Constitution and Canons to be contributed to?
16. Is the title to the Church vested in the proper Church authorities?
17. Is the Church so far finished as to admit of Service being regularly held in it?

Rector (Incumbent or Missionary.)

Dated at this day of 18 ."

2. GRANTS TOWARDS THE ERECTION OF PARSONAGES.

I. A free grant of fifty dollars may be made to every newly erected Parsonage in any Parish or Mission, no part of which is within the boundaries of any city or town or over 4,000 inhabitants, on the following conditions:

- (1.) The parsonage must be in a Parish or Mission set apart by competent authority and in charge of a duly appointed and licensed Minister.
- (2.) The Parish or Mission Board must have provided to the satisfaction of the Committee for the stipend of the minister, as required by the Canons of the Synod, where such Canons apply.
- (3.) The Parish or Mission must have paid its Synod assessments up to date, and have contributed to the Synod Funds which are required by the Constitution and Canons to be contributed to.
- (4.) The parsonage must be vested in the proper Church authorities.
- (5.) The parsonage must be so far finished as to admit of being occupied. [(a) 1874, pp. 51, 128.]

II. In all cases before aid can be granted towards the erection of a parsonage under these regulations it will be necessary for the parties applying for such aid to furnish the Committee with the information required in a form to be provided. [See form below.] [(a) 1874, pp. 51, 128.]

III. No grant will be made in aid of the erection of a parsonage, the cost of which exceeds three thousand dollars. [(a) 1874, pp. 51, 128.]

IV. No grant will be made a second time to a Parish or Mission towards the re-erection of a parsonage burned down unless it be shown that the same was at the time of its destruction insured to a reasonable amount. [(a) 1874, pp. 51, 128.]

V. These regulations, being general in their character, may be varied in very special cases, at the discretion of the Committee, and then only with the consent of three-fourths of the members of the Committee. [(a) 1874, pp. 51, 128.]

NOTE.—The following printed form of application has been adopted by the Committee, and may be obtained on application to the Secretary-Treasurer of Synod :

“Application from the Parish (or Mission) of _____ to the General Purposes, Statistics, and Assessment Committee of the Incorporated Synod, for a grant in aid of building a Parsonage :

1. The area of the District for which a parsonage is being built is
2. The distance of the proposed parsonage to the nearest Church in the Parish is
3. The name of the Parish or Mission for which this grant is asked is
4. The estimated average attendance at Sunday Service (actual or probable) is about
5. The amount contributed by this Congregation for all the Church purposes of the Synod and remitted to the Synod during the last twelve months, was \$
6. The additional amount contributed by this Congregation for local Church purposes during the last twelve months, was \$
7. The amount of the local contributions in aid of the proposed parsonage, is \$
8. The following is a description of the parsonage for which aid is asked :
 - (1) Dimensions
 - (2) Material
 - (3) Style
 - (4) Extent of accommodation
 - (5) Amount of Insurance \$
9. This Congregation was _____ before aided by the Committee in 18

10. In regard to this application, I may remark that
11. State the estimated cost of the parsonage? §
12. Is it in a Parish or Mission set apart by competent authority, and in charge of a duly appointed and licensed Minister?
13. Has the Parish or Mission Board provided for the stipend of the Minister, as required by the Canons of the Synod?
14. Has the Parish or Mission paid its Synod assessments up to date, and contributed to the Synod Funds which are required by the constitution and Canons to be contributed to?
15. Is the title to the parsonage vested in the proper Church authorities?
16. Is the parsonage so far finished as to admit of its being occupied?

(Rector, Incumbent, or Missionary.)

Dated at this day of 18 ."

BY-LAW No. 8.

REGULATION OF THE GENERAL PURPOSES COMMITTEE.

CONDITIONS ON WHICH GRANTS ARE MADE FROM THE BURNSIDE TRUST TO PARISHES OR MISSIONS OUTSIDE THE LIMITS OF THE DIOCESE OF TORONTO :

1. That the same shall be approved by the Bishop of the Diocese within which such Parish or Mission is situate.
2. That the title to the Church Building in respect of which the same is made, shall be vested in the Bishop of the Diocese or Incumbent of the Parish or Mission.
3. That the same shall not be paid over until the Church building in respect of which the same is made, has been sufficiently completed for use for Divine Worship.
4. That if the said condition be not complied with, and the Secretary-Treasurer of the Diocese notified thereof within a year, the grant shall lapse.
5. That upon any such grant being made, the Secretary-Treasurer shall notify the Incumbent of the Parish or Mission in respect of which the grant is made, and the Secretary-Treasurer of the Diocese within which the same is situate, and shall inform each of them of the conditions upon which the grant is made.
6. That upon the Secretary-Treasurer of this Diocese being notified by the Secretary-Treasurer, or other officer of such other Diocese that the said conditions are satisfied, he shall pay over the said grant.

BY-LAW NO. 9.

REGULATIONS AS TO GRANTS BY SUNDAY SCHOOL AND
BOOK AND TRACT COMMITTEES.

I. GRANTS TO SUNDAY SCHOOLS.

1. *A first free grant* of Bibles, Testaments, Prayer Books, Catechisms, and Library Books, from the Christian Knowledge Society Catalogues and other books circulated by the Committee since it was constituted, to the value of from \$2 to \$6 (at the discretion of the Committee), will be made to every newly-established Sunday school in any parish or mission in the Diocese. [(a) 1872, pp. 51, 130. See 1871, p. 147.]

2. *A second free grant* from the same lists, but not exceeding \$4 in value, will be made to Sunday Schools in new or poor neighbourhoods, at the discretion of the Committee. [(a), 1872, pp. 51, 130. See 1871, p. 147.]

3. Other subsequent grants will be made, not oftener than once a year, from the same lists to any such Sunday School, to the value of double the amount, in books, of any sum not exceeding ten dollars, which may be sent on behalf of such school for Bibles, Testaments, Prayer Books, and Library Books. [(a) 1872, pp. 51, 130. See 1871, p. 147.]

4. In all cases it will be necessary, before aid can be granted to any Sunday school under these regulations, for the party applying on behalf of such school to fill up and transmit to the Synod Office a blank form, to be furnished by it, containing, among other things, the following information :

(1.) The name of the school, parish, or mission; the name of the superintendent of the school, and the number of teachers, male and female, engaged therein.

(2.) The number of pupils enrolled in the school, of boys and girls, and the average attendance of both kinds of pupils each Sunday.

(3.) The amount which the school or congregation has contributed during the preceding twelve months towards

the expenses of the school, and in what way such sum has been raised.

(4.) The number and kind of Bibles, Testaments, Prayer Books, Catechisms, or Library Books which may be required in the school.

(5.) The time when the school was established, and whether it was before aided by the Committee. [(a) 1872, pp. 51, 130. See 1871, p. 147.]

5. No grant shall be made to any Sunday School which is not in actual operation at the time of making the application on its behalf. [(a) 1872, pp. 51, 130. See 1871, p. 147.]

6. These regulations being general in their character, may in special cases, be varied at the discretion of the Committee. [(a) 1872, pp. 51, 130. See 1871, p. 147.]

[NOTE.—The following is the form referred to in Regulation No. 4. Copies may be obtained on application to the Secretary-Treasurer of Synod.]

“ Application to the Book, Tract, and Sunday School Committee of the Diocesan Synod for a grant of books, &c., for the Sunday School connected with _____ Church, in the Parish (or Mission) of _____ for the year 188 _____

1. The Sunday School of this Parish was established in 18 _____
2. The name of its Lay Superintendent is _____
3. The number of classes in the school is _____
4. There are _____ male teachers in the school.
5. There are _____ female teachers in the school.
6. The number of boys enrolled in the school is _____ Average attendance _____
7. The number of girls enrolled in the school is _____ Average attendance _____
8. The number from the school at last Confirmation in 188 _____ was _____
9. The number of books in the Sunday School Library is _____
10. _____ prizes were given in the school during the last twelve months,
11. The amount contributed by the congregation for the support of the school during the last twelve months was \$ _____
12. This sum was raised in the following manner : _____
13. The amount of Missionary Collections taken up in the school during the last twelve months was \$ _____
14. The following are required for the use of the school, viz. : Library books, value \$ _____

Bibles (size named below).	Testaments (size named below).
Catechisms (kind named below).	Prayer books (size named below).
Lessons Schemes, &c.	S. S. Sheets Ten Commandments, &c.

15. The sizes of Bibles, &c., required are
16. The Catechisms required are
17. The school was before aided by the Committee in 18
18. In regard to this application, I may remark that

Lay Superintendent of the Sunday School.

Rector (Incumbent, or Missionary.)

Dated this day of 188

SPECIAL NOTICE.—While the Sunday School Committee is anxious to aid every newly established Sunday School in the Diocese at least once, and thus encourage the establishment of these schools, yet it relies upon the Christian judgment and good taste of the promoters of Sunday Schools in cities and towns not to press their applications except in cases where local aid has been sought and found inadequate.

2. In no case will a *second* grant be made, except to Sunday Schools “in new and poor neighbourhoods,” and then only to an amount not exceeding \$4.

3. Other subsequent grants not oftener than once a year will be made to Sunday Schools in new and poor neighbourhoods to the value of double the amount in Bibles, Testaments, and Prayer and Library Books, of any sums not exceeding \$10, which may be sent to the Synod office.”

II. GRANTS TO PARISHES OR MISSIONS.

1. A *first grant* of Service Books, Bibles, Prayer Books, and Tracts will be made to any new mission or congregation in the Diocese, to the value of from \$2 to \$6, at the discretion of the Committee. [(a) 1872, pp. 51, 130.]

2. A *second grant* will be made to any parish, mission or congregation, to the value of double the amount, in books, of any sum not exceeding ten dollars which may be received from such parish, mission, or congregation. [(a) 1872, pp. 51, 130.]

3. In all cases, before aid can be granted under these regulations, it will be necessary for the parties applying for such aid to furnish the Committee with the following, among other items of information, on a form to be provided, viz.:

(1.) The name of the parish, mission, &c., and of the officiating clergyman.

(2.) The estimated number of persons composing the congregation on behalf of which the application is made,

and the average number of such persons attending each service.

(3.) The amount contributed by such congregation for all Church purposes during the preceding twelve months.

(4.) The number and kind of Bibles, Prayer Books, and Tracts required.

(5.) The year in which the congregation was established, and whether the parish or mission was before aided by the Committee. [(a) 1872, pp. 51, 130.]

4. No grant shall be made to any parish, mission or congregation, which is not in actual existence at the time of making the application on its behalf. [(a) 1872, pp. 51, 130.]

5. These regulations, being general in their character, may be varied in special cases, at the discretion of the Committee. [(a) 1872, pp. 51, 130.]

NOTE.—The following is the form referred to in Regulation No. 4. Copies may be obtained on application to the Secretary-Treasurer of Synod :

“ Application from the Parish (or Mission) of _____ to the Book, Tract, and Sunday School Committee of the Incorporated Synod for a grant of books, &c.

1. The name of the congregation for which the grant is asked is
2. The name of the Rector (or Incumbent) is
3. The estimated number of persons composing the congregation is
4. The estimated average attendance at Sunday Service is
5. The estimated average attendance at the Holy Communion is
6. The amount of Missionary contributions sent from this congregation during the last twelve months was \$
7. The amount contributed by this congregation for all other church purposes during the last twelve months was \$
8. The following are required for the church of this congregation, viz. :
9. This congregation was _____ before aided by the committee in 18 _____
10. In regard to this application, I may remark that

Rector (Incumbent, or Missionary).

Dated at _____ *this* _____ *day of* _____ 18 _____ .

Resolutions of the Incorporated Synod of the Diocese of Toronto.

*Resolutions Nos. 1 to 94 are printed ante under the
Canons which relate to the same subjects :*

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APPOINTMENT OF DIGNITARIES.

- Resolution No. 95. "That this Synod recognizes the authority in the Lord Bishop to make the appointment of Archdeacons and other officers heretofore appointed by the Bishop; and in the event of being so advised by the Lord Bishop will be prepared to adopt such Canon as may be found necessary to establish that authority with technical legality." [(c), 1868, p. 63. See 1866, p. 82; 1868, pp. 59, 60.]

THE DIACONATE.

- Resolution No. 96. "That the revival of the Diaconate in its full efficiency, as a separate and permanent order, would be of great service to the Church." [(c), 1863, p. 17.]

- Resolution No. 97. "That in the opinion of this Synod, the enlargement of the Diaconate, making it a more real and permanent order in the Church than it is at present, and accepting in such lower and subordinate station, a cheaper course of education than is now usually required, offers a means, in some degree, of meeting our present needs. That the measure now generally sanctioned by our Bishops, and adopted in many Dioceses, viz., the employment of the gratuitous services of Laymen, willing to consecrate a portion of their time to the more immediate service of the Church, indicates another source from which much valuable assistance may be obtained.

2. "That it is advisable for the permanency and enlargement of the Order of Deacons, to substitute a sound English education for that competent knowledge of Latin, involving a College or University course, which is now required before admission to Orders. But this substitution shall not be held to extend to those who may be at the time, or shall afterwards become, candidates for admission to Priest's Orders.

3. "That it shall be imperative on every Deacon before admission to Priest's Orders, to declare himself a candidate for the same, and to undergo such further examination as may then be required. And, unless such candidate shall have already passed through such College course as

is now demanded, he may, after a lapse of not less than ——— years from passing such examination, and, after having gone through such additional course of reading as may be required of him during that time, be presented for admission to Priest's Orders; but should the candidate have passed through such College course and training, he may be presented for admission to a higher order, after a lapse of one year from entering the Diaconate.

4. "That in accordance with the principle pervading the "Form and Manner of making Deacons," and the "Form and Manner of Ordering Priests," no Deacon shall be placed in the independent cure of souls, but shall always be associated with a priest, as his assistant, to whom he shall be subordinate, and to whom he shall apply for the performance of those offices in the ministry forbidden to the Deacon.

5. "That the outward form for the admission of Laymen to read the Scriptures, and otherwise assist in the administrations of the Church as herein contemplated, together with the necessary declaration of obedience, is a matter to be decided by Episcopal authority; and, for the purpose of obtaining a uniform practice, it is desirable that the same be submitted to the House of Bishops." [(a), 1871, pp. 58 and 97.]

"That in the opinion of this Synod it would tend very materially to advance the interests, and promote the extension of the Church in this Diocese, were a system introduced by which Candidates for the Ministry No. 98. while at the same time they are gaining an insight into parochial work, might assist the Incumbent in large and extended Missions, and that this Synod humbly requests the Lord Bishop to take such steps as may bring about this end." [(a), 1872, p. 64.]

LAY READERS.

"That under the circumstances of the Diocese, with a scattered population in large Parishes and Missions, it is very desirable that Lay Readers should be more generally employed than is now the case; that such Lay Reader should be recommended to the Lord Bishop by the Incumbent of the Parish or Mission—should be entirely under his control and direction—and should be removed at his request; and that he should be publicly received as a co-worker in the Parish or Mission by the Lord Bishop, or by an official of the Diocese appointed by his Lordship." [(a) 1871, pp. 60, 69.]

MARRIAGES.

"That this Synod, with a view to maintaining in due honor and veneration the Ordinance of Holy Matrimony as a sacred rite of the Christian Church, express it as their solemn conviction that it is desirable that No. 100. marriages may not be solemnized except in Churches, nor between parties who are either one or both unbaptized." [(a) 1870, p. 67.]

"That this Synod affirms its deliberate conviction that no Clergyman of our Church is justified in celebrating marriage between persons standing within the prohibited degrees of consanguinity or affinity." [(a) 1871, No. 101. p. 34.]

[NOTE.—See Resolution No. 131, as to printed Table of Prohibited Degrees, *post* p. 90.]

TEMPERANCE.

Resolution No. 102. "That this Synod would express its approval of all proper means, adopted by members of the Church, individually and collectively, for the suppression of intemperance." [(a) 1871, pp. 24, 25.]

[NOTE.—See also 1873, pp. 50, 53, 164, and 1874, 61, 182, as to C. E. T. Union, 1875, p. 184, and 1878, p. 51, as to Diocesan Anti-Treating Societies. These are now superseded by the C. E. T. S., as to which see 1881, p. 68, and resolutions 103 to 105, *post*.]

Resolution No. 103. "That the several Delegates to this Synod, clerical and lay, adopt the principle of the Constitution of the Church of England Temperance Society of the Diocese of Toronto, approved by the Synod, and pledge themselves to use their utmost endeavours to establish branch societies in their several parishes." [(a) 1882, p. 46.]

Resolution No. 104. "That the Synod endorses the suggestion as to preaching an annual sermon on Temperance, on such day as may be arranged by his Lordship the Bishop with the Church of England Temperance Association." [(a) 1883, p. 58.]

[NOTE.—The Bishop has appointed for this purpose, the First Sunday in Lent.]

Resolution No. 105. "That his Lordship the Bishop be authorized and respectfully requested to appoint an organizing agent for the carrying out of its objects." [(a) 1883, p. 60.]

GIRLS' FRIENDLY SOCIETY.

Resolution No. 106. "That the suggestion of the Lord Bishop in his opening address to this Synod recommending the formation of a Diocesan Branch of the Girls' Friendly Society be adopted, and that he be requested to name a Committee to accomplish this desirable object." [(a) 1883, p. 64. See 1884, p. 63; 1885, pp. 53, 131.]

INCREASED MEANS FOR CHURCH PURPOSES.

Resolution No. 107. "That it is in an especial manner incumbent on the members of this Synod to consider and recommend such measures as may seem best calculated to secure by means of voluntary contribution, the efficient and continuous aid which the exigencies of the Church imperatively demand." [(a) 1853, p. 177. See also, 1854, p. 17; 1856, p. 37; 1858, pp. 16, 62, 65, 114, 120, 121, 144; 1859, pp. 71, 87, 99; 1860, pp. 141, 171; 1871, pp. 62, 63, and as to the "Society of the Treasury of God," 1885, pp. 30, 31 and 65.]

Resolution No. 108. "That whatever may be the cause, the offerings of our people for the enterprises of the Church are on the whole inadequate in amount, and too unsteady and uncertain in time and manner, and a reform is urgently needed. That the chief remedy for this evil would be to induce our people to follow the Apostolic injunction to lay aside systematically at stated periods, and if practicable on each Lord's Day, a part of their means in proportion as God has prospered them, thus forming a sacred fund for religious and charitable uses, from which fund certain definite sums, not from mere impulse, but from duty and upon a fixed principle, should be regularly appropriated to the several departments of Church work. That

at convenient periods, notably at the beginning of the ecclesiastical year, the Church should cause full and explicit information to be laid before her members as to the several works which she has to carry on, and the amount required for the year in each department; and without assuming the authority absolutely to assess the several parishes, it will be useful to indicate approximately how much would need to be done by each parish. That the direct responsibility of giving or refusing to give some definite amount or proportion of our means to every legitimate and deserving Church work having a reasonable claim upon us, should not be merely declared, but should, in some way or other, be distinctly laid before and brought home to each individual member of our congregations. That although a uniform system, based upon tried and approved principles, and administered from a centre, and with general recommendations by authority, would add largely to the efficiency of our operations; nevertheless each diocese, deanery, parish, congregation and pastor must be allowed its own discretion and choice as to the best method of gathering in the gifts of the people, whether by collectors, envelopes, pews, or offertory collections, weekly, monthly, or quarterly, as the case may be." [(a) 1873, pp. 53, 161, 162.]

"That this Synod regrets that it has ever been thought necessary to Resort to the use of lotteries, raffles, and such like practices, in order to raise means for the support of the Church and the Clergy, and hopes that in the future all members of this Church, lay as well as clerical, in this Diocese, will take every opportunity to manifest their strong disapprobation of all such proceedings; while it trusts the time is not far distant, when all funds for religious purposes will be raised by the system of free-will offering." [(a) 1870, p. 657.]

ALGOMA DIOCESE.

"That this Synod having separated and set apart a District as a Missionary Diocese, distinguished as the Northern and Missionary Diocese of Algoma, do hereby authorize the Provincial Synod to proceed to the election of a Bishop therefor, in accordance with the Canon in that case made and provided." [(a), 1873, p. 64.] See Canon of Provincial Synod, printed *post* p. 110.

"That this Synod having been assessed for the sum of \$800 per annum, Resolution towards making up the stipend of the Missionary Bishop, pledges itself to contribute the same, or such portion thereof as may be necessary." No. 111. [(a), 1873, p. 22. But see Bishop's charge, 1879, p. 35.]

[NOTE.—At the 11th (special) Synod of the Provincial Synod in 1882 (Provincial Synod Journal, p. 19), a scale of contributions to the Episcopal stipend of Algoma was adopted, by which Toronto was pledged to contribute \$1,000 as its quota.

See also Bishop's Address, and Report of Mission Board, 1882, pp. 28, 76.]

"That this Synod distinctly recognizes the moral claim of those Clergy who had been licensed to Missions within the Diocese of Algoma before the erection of that Diocese, to be regarded, in respect of any privileges connected with the Commutation Fund or the Widows and Orphans' Fund as Clergy of the Diocese of Toronto as it existed before the separation of the Diocese of Niagara." [(a) 1876, pp. 107, 108.]

[NOTE.—See as to Commutation Fund, Resolution No. 93, *ante*, p. 53; and as to the W. and O. Fund, Resolution No. 94, *ante*, p. 63.]

Resolution No. 113. "That it is advisable that all lands at present vested in this Synod upon trust for Church purposes within the Diocese of Algoma should be conveyed upon the same trusts to the Bishop of the Diocese of Algoma and his successors, and that the President and other proper officers of the Synod be empowered and authorized to attach the Corporate Seal of the Synod to, and execute all documents and conveyances necessary for the purpose of effecting such transfer, after the same have been approved by the Registrar." [(a) 1885, p. 57.]

DIOCESAN CATHEDRAL, SYNOD HALL AND SEE HOUSE.

Resolution No. 114. "That considering the long and valued services which were rendered to the Church and country by the late Right Reverend Dr. Strachan, first Bishop of the Diocese of Toronto, and the general and well-deserved estimation in which the character of his lordship is held, not only by the Church of this Diocese, but by the community at large, this Synod is of opinion that it will be a graceful tribute to his memory to erect some fitting memorial in which all the members of the Church and the public generally can unite; and that without reference to any scheme which may hitherto have been proposed, his Lordship the Bishop be respectfully requested to nominate a Committee, who shall immediately consider the subject with due regard to the claims of the venerable Prelate, and both the necessities and resources of the Diocese, and who shall report to the present Synod a practicable plan for performing this imperative and too long neglected duty; and that should the Synod concur in the report of the Committee, the plan recommended be forthwith carried into effect." [(a), 1871, p. 62.]

[NOTE.—In 1872, the Committee recommended and the Synod resolved:]

Resolution No. 115. "That the most appropriate mode of carrying into effect an object in which all the members of the Church in this Diocese, both lay and clerical, may justly claim a common and equal interest, is the purchase of a site, within the City of Toronto, containing from one to two acres, situated in a position regarded as being, in view of the probable future extension of the City, central and desirable, for the purpose of erecting thereon the following buildings, in the order in which they are enumerated:

"1st. A Church or Chapel, to be under the immediate direction of the Bishop of the Diocese, for the celebration of daily Cathedral Service, and for such other special purposes as may appear to the Bishop from time to time expedient: the dimensions of such Church or Chapel to be determined with a view to its being available at all seasons of the year, for the daily services of the Church.

"2nd. A Synod Hall and Offices, whereby the Church will be relieved from the burden imposed upon it by the necessity of renting a Synod Office.

"3rd. An Episcopal Residence or See House, an object in itself most desirable.

"According to the census of 1861, the members of the Church in this Diocese amounted to about 138,000; and, assuming their numbers to be no larger than this at the present time, a contribution averaging fifty cents each for every member of the Church, to be raised by two equal annual instalments, would go very far towards the accomplishment of the object proposed." [(a) 1872, pp. 51, 159].

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"That the Synod pledges itself to use its best endeavours to carry out Resolutions the proposals in the (above) Report, which has just been adopted, by raising within each parish or mission in the Diocese, by two yearly instalments, a sum averaging fifty cents for every member of the Church within that parish or mission, according to the census of 1871. [(a) 1872, p. 51.]

"That the Clergyman, Lay Representatives, and Churchwardens of each parish do constitute themselves a committee to collect the sum of fifty cents for each member of our Church, according to the census of 1871, No. 117. for the purpose of erecting the buildings proposed as a memorial to the late Bishop Strachan." [(a) 1872, p. 59.]

CATHEDRAL.

[See Bishop's Charge, 1881, p. 31, also p. 70; 1882, pp. 29, 58; 1883, pp. 32, 43, 50, 57; 1885, pp. 33, 40, 49, and]

"That this Synod highly approves of the suggestion made by the Lord Bishop in his opening address regarding the foundation of a Cathedral Establishment; and they recommend the subject to the attention of the Executive Committee, with authority to take any steps which may be necessary to secure the desired result." [(a), 1881, p. 71.]

"That the Cathedral Establishment Fund be transferred from the custody of this Synod to the Dean and Chapter of the Cathedral of St. Alban the Martyr." [(a) 1883, p. 67. See the Acts of Incorporation, No. 119. 46 Vict. cap. 63; 48 Vict. cap. 93.]

SYNOD HOUSE.

(1) "That, with a view to provide funds for the erection of a Synod House, an assessment, sufficient to produce \$500, be imposed, *pro rata* on the several parishes in this Diocese, *per annum*." No. 120.

(2) "That the proceeds of this assessment, together with all balances of Synod moneys left over each year, be invested in Provincial, County, City, or Township debentures, until a sufficient fund be accumulated to warrant the Synod in proceeding with the erection of the building, or in borrowing the sum necessary to enable it to do so.

(3) "That the Synod authorize the selection, as soon as practicable, of a suitable site in a convenient and central part of the city, for the proposed Synod House." [(a) 1871, p. 65.]

SEE HOUSE.

[NOTE.—See 1878, pp. 28, 51; 1879, pp. 48, 69.]

"That the sum of \$800 per annum be appropriated from the General Purposes Fund of the Synod for the purpose of covering the rent of a suitable residence for the Lord Bishop of the Diocese until a See House shall have been provided and ready to receive him." [(a) 1879, p. 62.]

[NOTE.—See Reports of progress as to the See House presented and adopted 1881, pp. 45, 46; 1883, p. 57; 1884, pp. 48, 49, 141; 1885, p. 124.]

Resolution No. 122. "That the See House Committee be authorized to proceed with the erection of a See House on the site in St. Alban's Park, at a cost not exceeding \$11,000." [(a) 1885, p. 53.]

ST. JAMES'S RECTORY SURPLUS.

Resolution No. 123. "That in accordance with a resolution passed at a meeting of the City of Toronto Rectors, the Synod hereby distribute the surplus of St. James's Rectory among the sixteen (16) Rectors of Toronto, and the five (5) Rectors resident in the Township of York, but that the last $\frac{5}{21}$ be not paid over to the Township Rectors until the legal decision as to the construction of the law be first had, and if such decision is adverse to the Township Rectors the $\frac{5}{21}$ reserved for them be and become the property of the sixteen City Clergymen." [(a) 1882, p. 50.]

[NOTE.—The Resolution of the City of Toronto Rectors provided that the \$14,451.51, should be distributed as follows :

(a)	{	Holy Trinity	$\frac{14}{396}$	=	\$518.77	}	=	$\frac{31}{90}$	=	\$1,148.67.
		Trinity East	$\frac{17}{390}$	=	629.90					
(b)	{	St. George,	1/18	=	802.88	}	-	1/6	=	2,408.64.
		St. Peter,	1/18	=	802.88					
		St. Paul,	1/18	=	802.88					
(c)	{	All Saints,	1/15	=	963.46	}	=	3/5	=	8,671.14
		Ascension,	1/15	=	963.46					
		Grace Church	1/15	=	963.46					
		St. Anne,	1/15	=	863.46					
		St. Luke,	1/15	=	963.46					
		St. John,	1/15	=	963.46					
		St. Philip,	1/15	=	963.46					
		St. Stephen,	1/15	=	963.46					
		St. Thomas,	1/15	=	963.46					
(d)	{	St. Matthias,	1/13	=	1111.68	}	=	2/13	=	2,223.36
		St. Bartholomew	1/13	=	1111.68					
Amount of Surplus										\$14,451.81
										\$14,451.81

Resolution No. 124. "That the scheme of proportional distribution submitted to, and adopted by the Synod of last year (June, 1882), be confirmed and adopted for the distribution of any surplus that shall be adjudged by the Court as accruing to this Synod from the Toronto Rectory up to the first of July next, 1883. But that any surplus which may accrue after the first of July next, 1883, shall be distributed as follows, that is to say, the incumbents of the following endowed churches, Trinity East and Holy Trinity, shall receive the following sums per annum : Trinity East, \$800, Holy Trinity, \$600; and the balance shall be distributed equally among the incumbents of the other Churches in the City; that is to say, among the incumbents of St. Paul's Church, St. George's, St. John's, St. Stephen's, St. Anne's, St. Peter's, St. Luke's, All Saints', St. Matthias's, St. Thomas's, St. Philip's, Grace Church, Church of the Ascension, St. Bartholomew's, and the Church of the Redeemer. Provided, that the sum divided shall not be greater or less than \$15,000, but should the said sum be greater or less than \$15,000, the above respective sums to be paid to Trinity Church and

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the Church of the Holy Trinity shall be proportionately increased or decreased as the sum to be divided shall be more or less than the sum of \$15,000 above mentioned ; provided, however, that a sufficient sum shall be reserved to increase the allowance by \$200 per annum additional to the three following Churches : Grace Church, St. Matthias's, and St. Bartholomew's, situated in the poorer parts of the city ; provided further, that 5-22 of the whole undivided surplus shall, as agreed upon last year, be reserved, and shall not be thus distributed until the claims of the Township rectors shall have been adjudicated. And the Synod hereby directs the Rectory Lands Committee thus to deal with such surplus so soon as the questions in litigation in regard to the same shall be finally determined." [(a) 1883, p. 65 ; (am'd) 1885, p. 59.]

"That the (above) resolution be amended so as to provide for the Resolu-
inclusion of St. Barnabas among the city parishes." [(a) 1884, tion
p. 59.] No. 125.

"That the (above) resolution be amended so as to provide for the Resolu-
inclusion of St. Barnabas among the city parishes, to share in the surplus tion
of the current year in proportion to the time it has been in existence." No. 126.
[(a) 1885, p. 59.]

PARISH REGISTERS.

"That the Lord Bishop be requested to prepare for the use of the Resolu-
Clergy a form of Parochial Registration, as described in his Lordship's tion
Address, and that this Synod pledges itself to take, at the instance of the No. 127.
Bishop, any such steps as may appear to be necessary in order to make the
system of registration according to that form, universal and available for
the information of the Diocese." [(a) 1880, p. 55.]

"That the Parish Register prepared by the Bishop, and recommended Resolu-
by him in his opening address be formally adopted by the Synod for use tion
in the several Parishes of the Diocese." [(a) 1881, p. 70.] No. 128.

"That all Clergymen having cure of souls, shall, on removing from Resolu-
their Parishes, deliver to the Churchwardens the Register of baptisms, tion
marriages, and burials of the said Parish, obtaining a receipt therefor, No. 129.
which receipt shall be exhibited to the Bishop before the issuing of a new
licence to him, or in the case of intended removal from this Diocese,
before the granting of a *bene decessit* : and that the non-production of such
receipt shall be a bar to the issuing of such licence or *bene decessit*, unless
for reasons satisfactory to the Bishop." [(a) 1876, p. 113.]

CONSOLIDATED CANONS (1851-1872).

Whereas, in the year 1869, a resolution was passed to consolidate all
the Canons, Resolutions, and By-laws of the Synod ;

And whereas subsequently, the Canons, Resolutions, and By-laws of Resolu-
the Synod were consolidated, and such consolidation was approved of tion
by the Synod ; No. 130.

And whereas the said Canons, Resolutions, and By-laws, as consolidated,
were under the authority and approved of by the Synod, printed in the
year 1873, in the form of a Book, and entitled, "Canons, By-laws, and
Resolutions adopted by the Synod of the Diocese of Toronto, with an
Historical Digest of the Proceedings from 1851 to 1872 inclusive, with an
Analytical Index of the whole prepared by a Committee under direction
of the Synod" ;

And whereas, such printed book has ever since been used and received by the Synod as containing the Canons, By-laws, and Resolutions of the said Synod up to and including the year 1872;

And whereas, the originals of such Canons, By-laws, and Resolutions, or some of them, are not now forthcoming, and it is expedient to remove any difficulty which has arisen, or can, or may arise in consequence:—

It is hereby Resolved and Declared, That the said printed book contains the Canons, By-laws, and Resolutions of the Synod up to and including the year 1873, and that the Bishop be and he is hereby authorized to affix the corporate seal of the Synod and his hand to such printed book, and that such printed book shall be received as evidence of such Canons, By-laws, and Resolutions, without proof that such seal is the corporate seal of the Synod, or the signature the signature of the said Bishop." [(a) 1883, pp. 63, 64.]

OFFICIAL MINUTES OF SYNOD (1875-1882).

Resolu-
tion
No. 131.

"That the proceedings of the Synod for the years 1875, 1876, 1877, 1878, 1879, 1880, and 1881, which have been duly read, adopted, and confirmed by the respective Synods held in the years aforesaid, at the close of each session thereof, which have been printed under the direction of the Honorary Secretaries, be copied in the minute books used for the purpose of recording the proceedings of Synod prior to the year 1875, and that his Lordship the Bishop of the Diocese be and he is hereby authorized to sign the same when so transcribed into such books as aforesaid, and that such entry and entries be deemed and taken as the official record of such proceedings of Synod for the year 1875, 1876, 1877, 1878, 1879, 1880, and 1881. [(a) 1883, p. 58.]

(2) "That the minutes for the last Session of Synod be copied in the aforesaid book, and certified as aforesaid, and when so certified the same be deemed and taken as the official record of such proceedings of Synod for the year 1882.

TABLE OF PROHIBITED DEGREES.

Resolu-
tion
No. 132.

"That in order to enable the Clergy to comply with the Canon of the Provincial Synod directing a printed copy of the Table of Prohibited Degrees in Marriage to be placed in the vestry room or near the entrance of their several Churches, the Synod direct the proper Committee to have printed, in appropriate style, such Table of Degrees, so that every Parish may provide itself with a copy." [(a), 1881, p. 71.]

TABLE OF FEES.

Resolu-
tion
No. 133.

"That with the sanction of the Lord Bishop, the following be adopted as the 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.
<i>beyond the accustomed offering prescribed by the Prayer Book.</i>		
Certificate of Baptism	.....	\$1 00
" Marriage	.....	1 00
" Burial	.....	1 00

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

*See the Statute as to Registration of Births, Marriages, and Deaths, printed *post* at p. 197.

PART II.

Dioceses Composing the Provincial Synod of Canada.

1. DIOCESE OF NOVA SCOTIA. Erected A.D., 1787.
THE RIGHT REV. HIBBERT BINNEY, D.D., 4th Bishop,
consecrated 1851 *Halifax, N. S.*
2. DIOCESE OF QUEBEC. Erected A.D. 1792.
THE RIGHT REV. J. W. WILLIAMS, D.D., 4th Bishop,
consecrated 1863 *Quebec, P. Q.*
3. DIOCESE OF TORONTO. Erected 1839.
THE RIGHT REV. ARTHUR SWEATMAN, D.D., D.C.L.,
3rd Bishop, consecrated 1879 *Toronto, Ont.*
4. DIOCESE OF FREDERICTON. Erected 1845.
THE RIGHT REV. JOHN MEDLEY, D.D., 1st Bishop,
consecrated 1845.
THE RIGHT REV. H. TULLY KINGDON, D. D.,
Coadjutor Bishop, consecrated 1881 *Fredericton, N.B.*
5. DIOCESE OF MONTREAL. Erected 1850.
THE RIGHT REV. WILLIAM B. BOND, D.D., LL.D.,
3rd Bishop, consecrated 1879 *Montreal, P.Q.*
6. DIOCESE OF HURON. Erected 1857.
THE RIGHT REV. MAURICE S. BALDWIN, D.D., 3rd
Bishop, consecrated 1884 *London, Ont.*
7. DIOCESE OF ONTARIO. Erected 1862.
THE RIGHT REV. J. TRAVERS LEWIS, D.D., LL.D.,
1st Bishop, consecrated 1862 *Ottawa, Ont.*
8. MISSIONARY DIOCESE OF ALGOMA. Erected 1873.
THE RIGHT REV. EDWARD SULLIVAN, D.D., D.C.L.,
2nd Bishop, consecrated 1882. *Sault Ste Marie, Ont.*
9. DIOCESE OF NIAGARA. Erected 1875.
THE RIGHT REV. CHARLES HAMILTON, D.D., D.C.L.,
2nd Bishop, consecrated 1884 *Hamilton, Ont.*

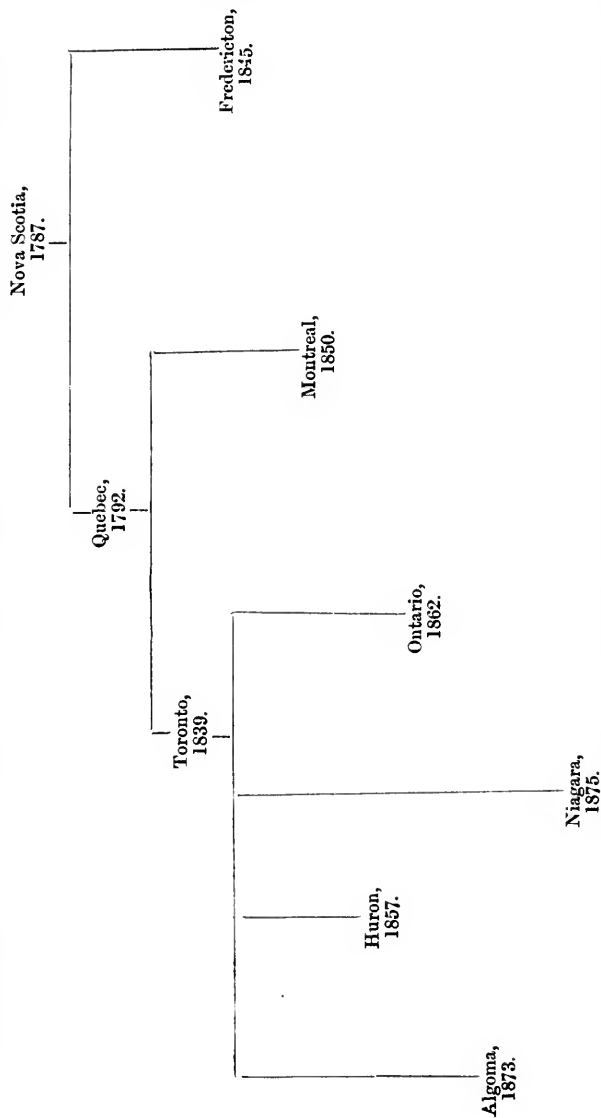
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CONSTITUTION.

1. The Provincial Synod shall consist of the Bishops of the Church of England in Canada, having Sees within the Ecclesiastical Province of Canada, presently composed of the Provinces of Ontario, Quebec, Nova Scotia, Prince Edward Island, and New Brunswick, or executing by due authority the Episcopate as assistant or Missionary Bishops therein, and of Delegates chosen from the Clergy and from the Laity.

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

Niagara,
1875.

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

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

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

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

7. The Metropolitan, or some Bishop appointed by him, shall be the President of the Upper House; and in the vacancy of the See, or in the event of the inability, from any cause, or on failure of the Metropolitan to appoint a Bishop as President, the House of Bishops shall elect one of their own number to preside.

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

9. Each House shall appoint a Secretary or Secretaries, who shall keep regular accounts of all proceedings in their own House, shall preserve memorials or other documents under the direction of the President and Prolocutor, shall attest all Public Acts of the Synod, and deliver over all records and documents to their successors. The printed Journal of each Session, certified by the signatures of the Prolocutor and the two secretaries of the Lower House, to a statement attached to one or more copies declaring the number of pages in the said Journal and the number of words corrected, with the words so corrected shall be held to be the true and authentic Record of the Proceedings of each Session.

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

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

12. The Upper House shall propose to the Lower any business they may desire to have treated of or decided; and it shall be incumbent on the Lower House to take up and dispose of such business immediately after the subject under consideration shall have been disposed of for the time being, provided always that it shall be the duty of the Prolocutor to read to the House the

message immediately on its receipt, and the House may by its vote, without discussion, decide on proceeding to its consideration at once.

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

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

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

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

17. It shall be competent to the Lower House to request a Joint Committee or Conference on any special object, beyond those submitted to it by the Upper House, or to propose for discussion any specific measure; to which request an answer shall be given; but it shall be at the option of the Upper House to accede to their request or not.

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

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

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

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

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

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

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

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

26. Each Meeting of the Synod shall be preceded or commenced by Morning Prayer and a Sermon, if so ordered by the Metropolitan, and on the first day of such meeting the Holy Communion shall be administered.

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

28. The election of the Clerical and Lay Delegates shall be certified under the hand and seal of the Bishop of the Diocese which they represent, or, in the absence of the Bishop, the Chairman of the Synod; and such certificate shall be final and conclusive: which certificate shall be forwarded by the Secretaries of the Diocesan Synod to the Secretaries of the Lower House of the Provincial Synod within fourteen days after said election; and in case any of the said Delegates mentioned in such certificate shall be unable to attend, a certificate signed by the Bishop, or in his absence by the Clerical Secretary of the Diocesan Synod, that (A. B.) being a Clerical or Lay Delegate from his Diocese is unable to attend, and that (C. D.) is authorized by vote of the Synod of that Diocese to fill his place as Delegate, shall be final and conclusive, whether presented before or during the Session of this Synod.

PERMANENT ORDER OF PROCEEDINGS, AS ADOPTED BY
BOTH HOUSES.

1. The Provincial Synod shall meet at the place of deliberation (notice being previously given by the Metropolitan or his deputy, of the time and place of meeting), the Bishops attired in their proper robes, and the Clergy in their gowns, cassocks, bands, and hoods; and shall proceed in procession to the Cathedral for Divine service, on which occasion the Holy Communion shall always be administered. The Litany shall be said by the junior Bishop; the preacher shall be appointed by the Metropolitan, and special prayer shall be made for the Synod. The collection shall be applied to the current expenses of the Synod, unless otherwise ordered by the Metropolitan.

2. At an appointed hour after Divine service the members of the Synod shall re-assemble at the place of deliberation, where, after the President has taken his seat, he shall inform the Lower House with regard to their place of meeting, and direct them to elect their Prolocutor.

3. When the Prolocutor has been elected, he shall be conducted to the Upper House by the Chairman, accompanied at discretion by any members of the Lower House, and his election announced to the President.

4. The President shall then state to him the business which the Upper House desire to engage the attention of the Lower House, specifying, when necessary, the order in which they desire it to be taken up.

5. On his return, the Prolocutor shall first nominate his own deputy (in case of his absence) and then introduce to the House the business on which the Upper House desire them to engage themselves.

6. On every day of meeting after the first, the Synod shall meet at 9 a.m., and shall proceed at once, before any business is announced, to Morning Prayers at the Cathedral, or the place appointed, and after Prayers proceed to Business.

7. Before the conclusion of the session, the President, with the consent of the House of Bishops, shall issue a Schedule, declaring the state in which each matter of Business now stands which has been brought before the Upper House, and promulgate it to the Lower House; reserving all unfinished Business to the next Session, and proroguing the Synod.

8. The Prolocutor, on receiving the Schedule of Prorogation, shall, at the first opportunity, communicate it to his House, which shall not prolong its sittings beyond that day.

ORDER OF PROCEEDINGS OF THE LOWER HOUSE.

1. After Prayer, the Clerical and Lay Secretaries shall call the roll of their respective orders.
2. The election of the new Secretaries shall be made by the Clergy and Laity respectively. A Treasurer and two Auditors shall also be appointed, all of whom shall hold their offices until their successors shall be appointed.
3. After this the Order of Business shall be as follows —
 - (1) Reading, correcting and approving the Minutes of previous meeting.
 - (2) Appointing Committees.
 - (3) Presenting, reading, and referring Memorials or Petitions.
 - (4) Presenting Reports of Committees, of Treasurer, of Auditors.
 - (5) Giving Notices of Motion.
 - (6) Taking up Unfinished Business.
 - (7) Consideration of Motions.
 - (8) Orders of the Day.
 - (9) Before the final adjournment of the Synod, reading, correcting and approving the Minutes of the last day's Proceedings.

RULES OF ORDER.

1. The Lower House shall meet on the day and at the hour and place appointed by the Metropolitan or President, and unless otherwise ordered by the House, on each succeeding day at ten o'clock; and the mid-day adjournment shall be from one o'clock to half-past two p.m.; and the business, except the work of the Committees, shall conclude at six p.m., at which hour the House shall proceed to the Cathedral for Evensong. The Clergy shall appear in gowns and bands. When the Prolocutor has taken the Chair, every member shall remain uncovered.
2. The Prolocutor shall preserve order and decorum, and shall have power to appoint Assessors to aid him in so doing, and he shall decide all questions of order, subject to an appeal to the House, to be decided without debate; and when called upon to decide a point of order, he shall state the rule applicable to the case, without argument or comment.
3. When any member wishes to speak, he shall rise and address the Chair.
4. When two or more members rise at the same time, the Prolocutor shall name the party first to speak.

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

6. No motion or amendment shall be considered as before the House, unless seconded and reduced to writing.

7. No member, save the mover of a resolution, who, as mover, is entitled to reply, shall speak more than once, except by the permission of the House.

8. A member may rise to explain, if permitted by the Chair.

9. No original motion, except motions of course, shall be received without notice, except by permission of the House.

10. When a resolution has been moved and seconded, any member may require the previous question to be put whether the motion so made shall be put or not, and that question shall be decided without debate.

11. When a motion has been read to the House by the Prolocutor, it cannot bewith drawn without the consent of the House.

12. When a question is under debate, no motion shall be received by the Chair, unless to amend it or postpone it, or to lay it on the table, or for adjournment, or for the previous question, and no more than one amendment to a proposed amendment of a question shall be in order.

13. A motion to adjourn shall always be in order.

14. Motions to adjourn or to lay on the table shall be decided without debate.

15. A motion to suspend a Rule of Order shall take precedence of all other motions, and shall be decided without debate; and no Rule of Order shall be suspended, except upon the vote of two-thirds of the Members present.

16. A Member, if not interrupting a speaker, may require any motion in discussion to be read for his information, at any time during the debate.

17. When amendments are made to any motion, the amendment and the original motion shall be put in order the reverse of that in which they were brought forward.

18. When a question is finally put by the Prolocutor, either an original motion or an amendment, no further debate shall be allowed; the Prolocutor first declaring that the question is finally put.

19. When the Prolocutor is putting a question, no Member shall rise from his seat; and every Member present, when a question is put, shall be required to vote on the same, unless excused by the House.

20. In voting, those who vote in the affirmative shall first rise, and then those who vote in the negative; and in case of an equality of votes the question shall be decided by the casting vote of the Prolocutor, who may also vote on the motion.

21. When required by two Clerical and two Lay Delegates, the vote of the House upon any question may be taken by orders voting separately; and in that case a majority of both orders shall be necessary to an affirmative vote.

22. On a division, the names of those who vote for or against a question shall be recorded in the Minutes, if required by three members.

23. A question being once determined shall not again be drawn into discussion in the same Session, without the unanimous consent of the House.

24. Committees shall not be appointed without notice, excepting Standing Committees, Committees of the Prolocutor to the Upper House and Committees of course, such as those which follow upon the adoption of a resolution, which requires a Committee.

25. When a separate Committee of this House has been named, whose function is deliberative, the Prolocutor shall direct what number of its members do form a quorum, unless the quorum is fixed by the resolution under which the Committee is appointed.

26. When a Committee is appointed, the Mover of the resolution asking for the Committee shall be the Chairman of the Committee, or when a resolution is referred to a Committee, the mover of the resolution shall be Chairman, unless the Committee has already been organized.

27. Reports of Committees shall be in writing, signed by the Chairman, and shall be received in course, but a motion may be made for re-committal.

28. Motions with reference to Reports from Committees shall take precedence of other motions on the paper.

29. Whenever it shall happen that members appointed on Committees are not re-elected to the Provincial Synod, the Prolocutor may appoint others from the same diocese or dioceses to fill their place; and in order thereto a copy of the certified lists of clerical and lay delegates sent to the Secretaries shall be sent by them to the Prolocutor.

30. It shall be the duty of the Secretaries to arrange a list of all unfinished business, and all notices of motion sent to them by members to be brought before the Provincial Synod, according to the order in which they are received; and, under the direction

of the Metropolitan, to cause a printed copy of the same to be sent to every member of the Synod twenty-one days before its meeting; which business and notices shall stand first on the order of the day.

31. A Standing Committee of three Clerical and three Lay members of the Synod shall be appointed on the first day of the meeting of the Synod, and such Committee shall arrange for each day the order of precedence of the several motions, of which notice has been given, and have them printed.

32. In any unprovided case resort shall be had to the Rules of Order of the House of Commons in Canada for guidance.

33. No Canon shall be enacted unless the same has been transmitted by the Secretaries of the Lower House to the Members of the Provincial Synod at least one month before the meeting of the Synod, or unless the same has been left over as unfinished business, and printed in the journal of the previous Session.

CANONS OF THE PROVINCIAL SYNOD.

CANON I.

OF THE ELECTION OF THE METROPOLITAN BISHOP.

1. From and after the day on which the See of Montreal shall next become vacant, the Bishop of Montreal shall not, by virtue of his office as such, be the Metropolitan of this Ecclesiastical Province.

2. After the expiration of three months, and not later than the expiration of six months after the next and every subsequent avoidance of the Metropolitan See, the Bishops of the said Province shall meet under the presidency of the senior Bishop, or in case of his inability to act, under the presidency of the Bishop next in order of seniority, and it shall be his duty to summon them to that end, at some place within the Ecclesiastical Province, by giving at least six weeks' notice of the time and place of meeting, and elect one of their number to be president of the House of Bishops, and the Bishop so elected shall thereupon *ipso facto* be the Metropolitan Bishop, and shall have, possess and exercise any prerogatives which the Metropolitan Bishop in the said Province now has, possesses and exercises, or may or can have, possess and exercise, any law, usage or custom of the said Province to the contrary in any wise notwithstanding.

3. The See of the said Bishop so elected as aforesaid, shall be the Metropolitan See, of the said Province, but the City of

Montreal shall be, as it presently is, the place of the Meeting of the Provincial Synod of the said Province.

4. Until the election of the said Metropolitan Bishop, the said senior Bishop shall, after each such avoidance aforesaid of the Metropolitan See, be vested with all the rights, powers, privileges, and prerogatives of Metropolitan Bishop aforesaid.

5. All rules, regulations, canons or other provisions of law of the said Province inconsistent with the foregoing provisions, shall be and the same are hereby repealed.

6. In such election of the Metropolitan Bishop, it shall be necessary that a majority of all the Bishops of the Dioceses in the Ecclesiastical Province of Canada concur either by actual vote at the meeting called for such election or else in writing under their hand and seal.

CANON II.

OF SUBMISSION OF CLERGY TO THE CANONS OF THE PROVINCIAL AND DIOCESAN SYNODS.

No Bishop within this Province shall hereafter grant his licence to any Clergyman to the cure of souls until such Clergyman has first subscribed and declared his submission to the Canons of the Provincial Synod, and of the Synod of the Diocese of such Bishop, in the following form :

I, (A. B.,) do willingly subscribe to and declare that I assent to and abide by the Canons which have been, or shall be, from time to time passed by the Provincial Synod, or the Synod of the Diocese of.....

CANON III.

ON THE POWERS OF THE METROPOLITAN.

1. The Metropolitan shall have precedence of all the other Bishops of the Canadian Dioceses, and the said other Bishops shall be his Suffragans.

2. The Metropolitan shall preside over the House of Bishops, and shall convene the Provincial Synod and be the President thereof.

3. Upon a memorial signed by two-thirds of the Clerical and Lay Members of any Diocesan Synod, certified to be such by the Clerical and Lay Secretaries of such Diocesan Synod, requesting the Metropolitan Bishop to exercise visitorial power in such Diocese, the said Metropolitan Bishop shall have full power and authority to visit such Diocese, and the Bishop thereof, and during such visitation to inhibit the exercise of all or such parts of the ordinary jurisdiction of such Bishop, as to him the Metropolitan Bishop shall seem expedient, and during the time of such

visitation to exercise by himself, or his commissaries, such powers, functions and jurisdiction in and over the said Diocese as the Bishop thereof might have exercised, if he had not been inhibited from exercising the same.

CANON IV.

ON THE TRIAL OF A BISHOP.

Offences for which a Bishop may be Tried.

1. Any Bishop of this Ecclesiastical Province may be tried, if charged with any of the following offences :

- (1.) Crime or immorality.
- (2.) Advisedly holding and teaching, whether publicly or privately, any doctrine contrary to that held by the Canadian branch of the Church of England.
- (3.) Wilful violation of the constitutions or canons of the Provincial Synod.
- (4.) Wilful violation of the constitution or canons of his Synod.

II. No charge against a Bishop shall be made except in writing, and it shall be signed either by a Bishop of this Church, or of one in communion therewith, not under suspension, deprivation or degradation ; or by seven male communicants of this Church in good standing, of whom at least three shall be priests.

Action on Rumors.

III. Whenever a Bishop of this Ecclesiastical Province shall have reason to believe that there are in circulation rumors, reports or charges affecting his moral or religious character, he may, if he please, acting in conformity with the written advice and consent of any two of his brother Bishops, demand of the Metropolitan, or if the Metropolitan be the Bishop affected by such rumor, then of the Bishop Senior by consecration, to convene a Board of Inquiry in the mode hereinafter set forth.

IV. Accusers may choose a lay advocate in preparing proof and charges, &c., or they may prepare such charges themselves, and in either case the grounds of accusation must be set forth with reasonable certainty of time, place, and circumstances.

Charges, to Whom to be Delivered.

V. Charges prepared in either of the modes mentioned shall be delivered to the Metropolitan, if he be not the accused ; if he be the accused, the charges shall be delivered to the Bishop Senior by consecration.

VI. Accusers must give security to the accused in a bond with sufficient sureties to be approved by the Registrar of the Court of Appeal of the Metropolitan in the penal sum of one thousand dollars, conditioned to secure the accused for his costs in case he be acquitted on the charge, or the charges be not proceeded with.

Board of Inquiry, How Constituted.

VII. The House of Bishops at each meeting of the Provincial Synod shall appoint a Board of preliminary inquiry, not exceeding nine persons, all being communicants of this Church, the majority of whom shall form a quorum who shall act as such, until the next meeting of the Synod, provided always that no person who has joined in making the charges shall act upon the Board.

Notice to Members.

VIII. The Metropolitan or Senior Bishop, as the case may be, shall on receipt of such charges give notice thereof to said Board, and direct them severally to attend at the time and place designated by him, and to organize the Board, and it shall be the duty of each member so notified to attend. The place of meeting must be within the Diocese of the accused.

The Metropolitan or Senior Bishop shall send at the same time a copy of the charges to each member of the Board and also to the accused.

IX. The sittings of the Board shall be private.

X. All evidence shall be taken down in writing and signed by the witnesses. Two witnesses shall be necessary to the proof of any charge, and the Bishop charged, and the person making the charge, may respectively give evidence before the Board.

Presentment.

XI. If the majority of the Board present shall be of opinion that there are sufficient grounds to put the accused Bishop on his trial, they shall direct the Chairman to prepare a presentment, to be signed by such of the Board as agree thereto.

XII. The chairman shall transmit to the Metropolitan or Senior Bishop from whom their charges were received, the presentment thus signed together with the evidence on which it is based; and the said Bishop shall send to the accused Bishop a copy of the same.

XIII. If a majority of the Board present shall be of opinion that there is not sufficient ground to put the accused Bishop on his trial, they shall report thereon in writing to the Metropolitan or senior Bishop, and in such case the charges, together with the

certificate of the Metropolitan, or Bishop senior by consecration, of the refusal of the board to make a presentment, shall be prepared in duplicate; one to be sent to the secretary of the Provincial Synod, to be deposited among the Archives of the Synod, and the other to the secretary or secretaries of the Diocesan Synod of the diocese where the Bishop has been so charged: no proceedings shall be had thereafter by way of presentment on such charges.

Limitations of Time.

XIV. No presentment shall be made in any case unless the alleged offence shall have been committed within two years next before the day on which the charges were delivered to the Metropolitan, or Bishop senior by consecration, except the charge be of such a nature that it would subject the accused to indictment before the criminal courts.

Trial.

XV. When a presentment shall have been made by the Board of Inquiry, or the majority thereof, it shall be the duty of the Bishops receiving it to make arrangements for the trial of the accused.

XVI. The Court shall be formed of the Bishops of the Ecclesiastical Province, the majority of whom, excluding the accuser if he be a Bishop, and the accused, must be present. And the rules of evidence to be followed on the trial shall be those of the Civil Courts of the Province within which the trial takes place; provided always that the accusers and accused may respectively give evidence.

XVII. The Bishop to whom the presentment is made shall summon all the Bishops of the Province, other than the accuser and accused, to attend at an appointed time and place, and it shall be the duty of every Bishop so summoned to attend, unless he be excused for reasonable cause to be approved by the Metropolitan, or by the Bishop senior by consecration.

He shall also within two weeks summon the accused Bishop, by written notice to be sent by mail within two weeks from the receipt of the presentment, addressed to his usual or last place of residence in his diocese, to appear and answer at the time and place so appointed, and shall also give the like notice to the complainants, requiring them to attend at the same time and place to substantiate their charges.

XVIII. The time appointed for trial shall be within three calendar months and not less than one month from the day on which the summons was mailed, and the place shall be within the diocese of the accused Bishop.

XIX. The Bishops shall appoint a legal assessor at the time of trial, but such assessor shall not vote in any case whatever.

XX. If the accused refuse or neglect to appear, then the court shall proceed *ex parte* to pronounce him in contumacy, and after hearing the evidence adduced pronounce judgment in the case.

XXI. The accused and the accusers may appear by counsel.

XXII. The decision of the Court on all the charges shall be reduced to writing, and signed by a majority of those members of the Court by whom the case has been heard.

XXIII. The sentence of the Court, if the accused be found guilty, shall be either admonition, suspension for a definite period, deposition or removal from office in the said Church, and in the case of deposition or removal from office, with a cessation of all rights to the temporalities of the see.

XXIV. The judgment of the Court shall be communicated to every Bishop of this Ecclesiastical Province, to the Provincial Synod and to the Synod of the Diocese of the accused Bishop, and the said Synods shall forthwith proceed to enter and record such judgment.

A full record of the proceedings of every such trial shall be kept by the House of Bishops.

CANON V.

COURT OF APPEAL OF THE METROPOLITAN.

How Constituted.

The House of Bishops, presided over by the Metropolitan, or President of the Upper House, or Senior Bishop in their absence, with three Assessors to be appointed as hereinafter enacted, shall be the Court of Appeal from the judgment of any Diocesan Court.

A majority of the House of Bishops shall constitute a quorum of the Court of Appeal, and the decision of the majority of the Bishops sitting in Appeal shall bind, and in the event of an equality of votes the decision of the Court appealed from shall stand affirmed.

The Bishop of any Diocese, who has given any judgment either alone in any Diocesan Court in, or is a party to, any case, shall not sit in Appeal in such case.

Of Assessors.

There shall be three Assessors, laymen, communicants of the Church of England, in good standing, and Judges of some Court

of Law in the Dominion, or else barristers of at least ten years' standing at the bar of any of the Provinces. At each regular session of the Provincial Synod, the Upper House shall send down the names of three persons (qualified as aforesaid) to the Lower House; if any or all of them be not accepted, the Upper House shall send down another name or other names, as may be required. Should this second nomination not be accepted, the Upper House alone shall appoint, provided that the said House may not appoint any person whose name has been rejected by the Lower House.

The Assessors so appointed shall be the Assessors of the Court until their successors be appointed, or themselves be reappointed at the next meeting of the Provincial Synod. Should a vacancy occur before that time, by death or resignation, or should any of the Assessors become disqualified from any cause, the Metropolitan shall fill up the vacancy.

The Assessors or a majority of them shall determine all questions of evidence and procedure, and the Assessors shall advise the Court upon such other questions before the Court, as the majority of the Court may in writing submit for their consideration.

All decisions and advice of the Assessors shall be in writing and shall be published together with the decisions of the Court.

When Appeal shall lie.

An appeal shall lie to the Court of Appeal, in all cases adjudged by any Diocesan Court, on behalf of any party to the case or proceeding in the Diocesan Court.

There shall be no appeal for any error or defect in form in any proceeding or judgment in a Diocesan Court.

An Appeal shall lie to the Court of Appeal from the judgment or decision of the Bishop of any Diocese.

Proceedings of the Court.

The Court of Appeal may sit in any Diocese, at such times and places as the Court shall, from time to time, order and direct.

The Appellant shall give notice of Appeal to the Respondent and the Bishop of the Diocese in the Court of which the judgment appealed from is given, within one calendar month after such judgment.

The Appellant shall give to the Respondent, within two calendar months after such judgment is given, a bond with sufficient secu-

rities, to be approved by the Registrar of the Court of Appeal, in the sum of \$400, to secure the Respondent for the costs of the appeal, in case the appeal is dismissed.

Every Appeal shall be prosecuted to a hearing by the Appellant within one year after such judgment is given; if the Court of Appeal shall not so sit, then at the first sitting of the Court of Appeal after such year shall have expired.

The Appellant shall, within three calendar months after such judgment, bring into the Court of Appeal and file with the Registrar thereof, a transcript of all the proceedings and judgments appealed from, certified to be correct by the Registrar of the Diocesan Court, or the Bishop of the Diocese whose judgment is appealed against.

If any of the proceedings in the next preceding four sections are not taken within the times respectively limited therefor, the appeal shall be considered dismissed, and the judgment appealed from shall stand.

The Appellant shall give the Respondent one calendar month's notice in writing of the hearing of the Appeal.

The Court of Appeal shall make such rules and orders as to the forms of procedure and practice, fees and costs, as such Court shall from time to time deem necessary.

CANON VI.

OF MINISTERING IN PARISHES.

1. No Clergyman shall absent himself from his charge, for more than four weeks at a time, without the written consent of the Bishop, or, in his absence, of his Commissary.

2. No person shall be permitted to celebrate Divine Service or perform any office of the Church, permanently or occasionally, except he shall have been Episcopally and Canonically ordained, and it shall be the duty of the Incumbent, or, in his absence, of the Church-wardens, to demand proof of such ordination and of the good standing of the Clergyman before permitting him to officiate.

No person shall perform the office of Lay reader except he shall hold the Bishop's licence.

This Canon shall not apply to the Students of any Theological College, so as to prevent them from reading the Lessons in the College Chapel, or to Laymen occasionally officiating when there is a necessity for it.

3. No Clergyman shall officiate in any Mission or Parish, either as a substitute for the Incumbent or his assistant, for more than

one month, without the written Licence of the Bishop, and no person who has availed himself of this implied permission shall be allowed to officiate again in the same Mission or Parish within a period of three months, unless he obtain the licence of the Bishop or the Bishop's commissary.

4. No Bishop of one Diocese shall perform any Episcopal functions in another without the sanction of the Bishop thereof, save in the case provided for by the Canon relating to the powers of the Metropolitan, nor shall any Bishop perform any such functions in any vacant Diocese except by instruction from the Metropolitan; or, in case of the voidance of his Diocese, from the Senior Bishop of the Province.

CANON VII.

OF LETTERS TESTIMONIAL.

When a Priest or Deacon in good standing is desirous of leaving a Diocese, it shall be the duty of the Bishop to give him, on his request, the usual "Letters Testimonial," but the Clergyman receiving the same shall continue subject to the Episcopal Jurisdiction of the Bishop till the Letters Testimonial shall have been presented according to their address, and accepted by the Bishop to whose Diocese the Clergyman wishes to be transferred; provided always, that if they be not presented within three months after their date, they may be considered as void by the authority whence they proceeded, and shall be void unless they be presented within six months.

CANON VIII.

OF EPISCOPAL RESIGNATIONS.

1. If a Bishop shall desire to resign his Diocese, he shall give in his resignation to the Metropolitan, in writing, or (if he be himself Metropolitan) to the Bishop senior by Consecration; but such resignation shall not be accepted except with the consent of two-thirds of the House of Bishops in Session assembled, provided that not less than a majority of the whole number of Bishops of the Province be present and voting.

2. Such Session of the House shall be held within three months of date of the receipt of the resignation by the Metropolitan.

3. The acceptance of any such resignation shall be signified in writing by the Metropolitan to the Bishop desiring to resign his See, and to the Secretaries of his Diocesan Synod, such notification to specify the date at which the resignation shall take effect, which shall not be later than three months from the date of the acceptance of such resignation.

CANON IX.

OF THE SUBDIVISION OF DIOCESES.

The House of Bishops shall have the power of subdividing existing Dioceses which may be contiguous, with the concurrence, or upon the application, of the Synod or Synods of the Dioceses affected, and it shall be the duty of such Synod or Synods to consider, without delay, any proposal for the subdivision of a Diocese which may emanate from the House of Bishops.

CANON X.

OF THE OFFICIATING OF STRANGE CLERGYMEN IN A DIOCESE.

When a Bishop is aware that a Clergyman not of his Diocese is officiating or about to officiate in his Diocese, and when the said Bishop shall have good reason to believe that doubts exist regarding the Clergyman's orthodoxy, canonical ordination, or good morals, then the Bishop may inhibit him from officiating within his Diocese, by a writing addressed to him, and to the clergy. And any Clergyman, after the receipt of the Bishop's inhibition, permitting such inhibited person to perform any clerical function in his Church, Mission or Chapel, shall be proceeded against by the Bishop for breach of Canonical obedience.

CANON XI.

OF MISSIONARY BISHOPS.

1. The Provincial Synod may elect a suitable Priest to be a Missionary Bishop over a district not within any organized Diocese or over a District which includes within the new Territory a part or parts of one or more existing Dioceses, and when the House of Bishops shall be satisfied that adequate provision has been made for the support of a Missionary Bishop, the Metropolitan or presiding Bishop may convene the Provincial Synod for the purpose of electing such Missionary Bishop, by the joint action of the Upper and Lower House, which election shall be conducted in the following manner:—The House of Bishops shall present to the Lower House one or more names for election by ballot, and if none of these names shall be accepted by the Lower House further names shall be presented by the Upper House until it shall signify that it has no other name to present. All names presented to the Lower House shall be before it for election until an election shall have been made. A majority of votes, Clerical and Lay, shall be necessary to an election.

2. In case a Missionary Bishop shall be appointed in the manner hereinbefore mentioned over a District which includes or

consists of a part or parts of one or more existing Dioceses, the Missionary Bishop shall exercise no jurisdiction over any part or parts of such other Diocese or Dioceses, until the Synod or Synods of the Diocese or Dioceses affected shall have consented to his so doing, and it shall be the duty of such Synod or Synods to consider without delay any such proposal.

3. The Bishop elected, as aforesaid, shall exercise his Episcopal functions in such Missionary District in conformity with the Constitution and Canons of this Province, so far as they can be made applicable to the condition of his District.

4. Every Missionary Bishop shall be entitled to a seat in the House of Bishops, and shall report to the Metropolitan, for the information of the Provincial Synod, at every meeting of the Synod, concerning the state and condition of the Church in his Missionary District.

5. In the event of a vacancy occurring in any Missionary Diocese, the Provincial Synod shall be summoned, within six months, to elect another Missionary Bishop; provided the regular meeting of the Provincial Synod shall not take place within twelve months after such vacancy, in which case the election shall be postponed until such regular meeting, and in the meantime, the duties of the late Bishop shall devolve, so far as they can be discharged by him, on a Commissary, whom it shall be the duty of every Missionary Bishop to appoint on his consecration, and from time to time, as the office shall become vacant.

6. Nothing contained in the first clause of this Canon shall prevent the election of a Missionary Bishop at this Session of the Synod, or at any adjourned session of the same.

7. Any Diocese of the Province may, if it desires so to do, separate and set apart any portion of its Territory as a District suitable for the establishment therein of a Missionary Bishopric, and such Territory so set apart may become a Missionary Diocese and a Bishop be appointed thereto in accordance with the foregoing Canon.

CANON XII.

FOR ALTERING THE ORDER OF THE PUBLIC SERVICE IN CERTAIN CASES.

Whereas the Convocations of Canterbury and York did introduce certain modifications into the order of the Public Service of the Church; and whereas the Imperial Parliament did by Act 35 & 36 Vic., cap. 35, sanction and authorize the same as amendments to the Act of Uniformity; and whereas it is expedient to extend such modifications to this Ecclesiastical Province:—

Be it, therefore, enacted, as follows :—

Use of Shortened Form of Morning and Evening Prayer.

The shortened Order for Morning Prayer, or for Evening Prayer, specified in the schedule of this Canon, may, on any day except Sunday, Christmas Day, Circumcision, Epiphany, Ash Wednesday, Good Friday and Ascension Day, be used in lieu of the Order for Morning or for Evening Prayer respectively prescribed by the Book of Common Prayer.

The permission hereby granted to use the shortened form of Morning and Evening Prayer specified in the Schedule of this Canon, is hereby extended to Sundays and Holy Days, when the Clergyman shall deem it desirable, either from the peculiar condition of his congregation or from the laborious nature of his ministrations. Such liberty, however, shall not be used without the written sanction and approval of the Bishop.

Special Service for Special Occasions.

Upon any special occasion approved by the Ordinary there may be used in any Cathedral or Church a special form of service approved by the Ordinary, so that there be not introduced into such service anything, except anthems or hymns, which does not form part of the Holy Scriptures or Book of Common Prayer.

Additional Service on Sundays and Holy-days.

An additional form of service, varied from any form prescribed by the book of Common Prayer, may be used at any hour, on any Sunday or Holy-day, in any Cathedral or Church in which there are duly read, said, or sung as required by law, on such Sunday or Holy-day, at some other hour or hours, the Order for Morning Prayer, the Litany, such part of the Order for the Administration of the Lord's Supper or Holy Communion as is required to be read on Sundays or Holy-days if there be no Communion, and the Order for Evening Prayer, so that there be not introduced into such additional service any portion of the Order for the Administration of the Lord's Supper or Holy Communion, or anything except anthems or hymns, which does not form part of the Holy Scriptures or Book of Common Prayer, and so that such form of service and the mode in which it is used, is for the time being, approved by the Ordinary.

Separation of Services.

Whereas doubts have arisen as to whether the following forms of service, that is to say: the Order for Morning Prayer, the Litany, and the Order for the Administration of the Lord's Supper or Holy Communion, may be used as separate services, and it is

expedient to remove such doubts ; Be it, therefore, enacted and declared, that any of such forms of service may be used together, or in varying order as separate services, or that the Litany may be said after the third Collect in the Order for Evening Prayer, either in lieu of or in addition to the use of the Litany in the Order for Morning Prayer, and any of the said forms of service may be used with or without the preaching of a sermon or lecture, or the reading of a homily.

Preaching a Sermon Without Previous Service.

Whereas doubts have arisen as to whether a sermon or lecture may be preached without the common prayers and services appointed by the Book of Common Prayer for the time of day being previously read, and it is expedient to remove such doubts ; Be it, therefore, enacted and declared, that a sermon or lecture may be preached without the common prayers or services appointed by the Book of Common Prayer being read before it is preached, so that such sermon or lecture be preceded by any service authorized by the Canon, or by the Bidding Prayer, or by a Collect taken from the Book of Common Prayer, with or without the Lord's Prayer.

SCHEDULE.

NOTE.—The Minister using the Shortened Order for Morning Prayer or for Evening Prayer in this Schedule may, in his discretion, add in its proper place any exhortation, prayer, canticle, hymn, psalm, or lesson contained in the Order for Morning Prayer or for Evening Prayer in the Book of Common Prayer, and omitted or authorized to be omitted from such shortened order.

SHORTENED FORM OF SERVICE FOR MORNING PRAYER, DAILY THROUGHOUT THE YEAR, EXCEPT SUNDAY, CHRISTMAS DAY, CIRCUMCISION, EPIPHANY, ASH WEDNESDAY, GOOD FRIDAY AND ASCENSION DAY.

At the beginning of Morning Prayer the Minister shall read with a loud voice one or more of these sentences of the Scriptures that follow :

“ When the wicked man,” &c.

A General Confession to be said of the whole Congregation after the Minister, all Kneeling :

“ Almighty and Most Merciful Father,” &c.

The Absolution or Remission of Sins, to be pronounced by the Priest alone, Standing, the People still Kneeling :

“ Almighty God, the Father,” &c.

The People shall answer here, and at the end of all other prayers,
 “ Amen.”

Then the Minister shall kneel and say the Lord's Prayer with an audible voice; the People also kneeling and repeating it with him:

“ Our Father which art in Heaven,” &c.

Then likewise he shall say:

“ O Lord, open Thou our lips,” &c.

Here all standing up, the Priest shall say:

“ Glory be to the Father,” &c.

Then shall follow the Psalms appointed. And at the end of every Psalm throughout the year, and likewise at the end of the Benedicite, Benedictus, Magnificat and Nunc Dimittis, shall be repeated:

“ Glory be to the Father,” &c.

Then shall be read distinctly, with an audible voice, either the First Lesson taken out of the Old Testament as is appointed in the Calendar, or the Second Lesson taken out of the New Testament, except there be a Proper Lesson assigned for that day, in which case the Proper Lesson shall be read, and if there are two Proper Lessons, each shall be read in its proper place; he that readeth so standing and turning himself as he may best be heard by all such as are present.

Note—That before every Lesson the Minister shall say:

“ Here beginneth” (such a chapter or such a verse of such a chapter of such a Book.)

After every Lesson.

“ Here endeth” the Lesson, or the First or the Second Lesson. And after the Lesson, shall be said or sung in English the following:

Either the Hymn called “ Te Deum Laudamus,”

“ We praise Thee, O God,” &c. ;

Or this Canticle,

Benedicite, omnia opera,

“ O all ye works of the Lord,” &c. ;

Or the Hymn following (except when that shall happen to be read in the Lesson for the day, or for the Gospel on Saint John the Baptist's Day) ;

Benedictus, St. Luke i., v. 68.

“ Blessed be the Lord God of Israel,” &c.

Or this Psalm,

Jubilate Deo,

“ O be joyful in the Lord all ye lands, &c. ;

Then shall be sung or said the Apostles' Creed by the Minister and the People Standing, except only on such days as the Creed of St. Athanasius is appointed to be read. After that, the people all devoutly Kneeling, the Minister shall pronounce with a loud voice :

“The Lord be with you.”

Answer.—“And with thy spirit.”

Minister.—“Let us pray.”

Then the Priest shall say :

“O Lord, shew Thy mercy upon us,” &c.

Then shall follow three Collects. The first of the Day, which shall be the same that is appointed at the Communion : the second for Peace : the third for Grace to live well : and the two last Collects shall never alter, but daily be said at Morning Prayer throughout all the year, as followeth, all Kneeling.

The second Collect, for Peace :

“O Lord, who art the author of Peace,” &c.

The third Collect, for Grace :

“O Lord, our heavenly Father,” &c.

Here may follow an Anthem or Hymn :

Then these two prayers following :

A Prayer of Saint Chrysostom.

“Almighty God, who hast given us grace,” &c.

2 Corinthians, xiii.:

“The grace of our Lord Jesus Christ,” &c.

Here endeth the Shortened Order of Morning Prayer.

THE SHORTENED ORDER FOR EVENING PRAYER DAILY THROUGHOUT THE YEAR, EXCEPT ON SUNDAY, CHRISTMAS DAY, CIRCUMCISION, EPIPHANY, ASH WEDNESDAY, GOOD FRIDAY, AND ASCENSION DAY.

At the beginning of Evening Prayer the Minister shall read with a loud voice some one or more of these sentences of the Scriptures that follow.

“When the wicked man,” &c.

A General Confession to be said by the whole Congregation after the Minister, all Kneeling.

“Almighty and most merciful Father,” &c.

The Absolution or Remission of sins, to be pronounced by the Priest alone Standing; the people still Kneeling.

“Almighty God, the Father,” &c.

Then the Minister shall Kneel and say the Lord's Prayer, the People also Kneeling and repeating it with him.

“Our Father, which art in Heaven,” &c.

Then likewise he shall say :

“O Lord, open Thou our lips.” &c.

Here all standing up, the Priest shall say :

“Glory be to the Father,” &c.

Then shall be said or sung one or more of the Psalms in order as they be appointed. Then either a lesson of the Old Testament, as it is appointed, or a lesson of the New Testament, as it is appointed, except there is a Proper Lesson assigned for that day, in which case the Proper Lesson shall be read, and if there are two Proper Lessons, each shall be read in its proper place; and after the Lesson or between the first and second Lessons, shall be said or sung in English one of the following :

Either the Magnificat, or the Song of the Blessed Virgin Mary, in English, as follows :

Magnificat. St. Luke i.;

“My soul doth magnify the Lord,” &c.

Or else this Psalm (except it be on the nineteenth day of the month, when it is read in the ordinary course of the Psalms.)

Cantate Domino, Psalm xcviii ;

“O Sing unto the Lord a new song,” &c.

Or Nunc Dimittis (or the Song of Simeon) as follows :

“Lord now lettest thou Thy servant,” &c.

Or else this Psalm (except it be on the twelfth day of the month.

Deus misereatur. Psalm lxxvii ;

God be merciful unto us and bless us,” &c.

Then shall be said or sung the Apostles' Creed, by the Minister and People Standing :

“I believe in God the Father Almighty,” &c.

And after that, the People devoutly Kneeling, the Minister shall pronounce with a loud voice :

“The Lord be with you.”

Answer.—"And with thy spirit."

Minister.—"Let us pray."

Then the Priest, Standing up shall say,

"O Lord, show thy mercy upon us," &c.

Then shall follow three Collects. The first of the Day ; the second for Peace ; the third for aid against all Perils, as hereafter followeth ; which two last Collects shall be daily said at Evening Prayer, without alteration.

The second Collect at Evening Prayer :

"O God, from whom all holy desires," &c.

The third Collect, for aid against all perils :

"Lighten our darkness," &c.

Here may follow an Anthem or Hymn.

A prayer of St. Chrysostom.

"Almighty God, who hast given us grace," &c.

2 Corinthians, xiii.

"The grace of our Lord Jesus Christ," &c.

Here endeth the Shortened Order of Evening Prayer.

CANON XIII.

OF ALTERATIONS OR ADDITIONS IN PRAYER BOOK AND VERSION OF SCRIPTURES.

No alteration or addition shall be made in the Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church, the Articles of Religion, or the Form and Manner of making, ordaining, and consecrating Bishops, Priests and Deacons, or the Version of the Scriptures authorized to be read in Churches, unless the same shall be enacted at one session of the Provincial Synod and confirmed at another session of the same ; provided that the confirmation be approved by two-thirds of the House of Bishops and two-thirds of each order of the Lower House.

Nevertheless, any alteration in or addition made to the Prayer Book or Articles by the Church of England in her Convocations, and authorized by Parliament, may be accepted for use in this Ecclesiastical Province by the Provincial Synod at one session only, without the necessity for further confirmation.

CANON XIV.

OF THE OATHS AND SUBSCRIPTION OF THE CLERGY.

Every person about to be ordained Priest or Deacon shall, before ordination, in the presence of the Bishop by whom he is to be ordained, and every person about to be licensed to any curacy, or to be instituted to any benefice, shall, before obtaining such licence or being so instituted, make and subscribe the following declarations and take the following oaths.

1. The "Declaration of Assent" so called :

"I, (A.B.,) do solemnly make the following declaration : I assent to the Thirty-nine Articles of Religion and to the Book of Common Prayer, and of the ordering of Bishops, Priests, and Deacons ; I believe the doctrine of the Church of England as therein set forth to be agreeable to the Word of God, and in Public Prayers and administration of the Sacraments I will use the Form in the said Book prescribed, and none other, except so far as shall be ordered by lawful authority."

2. The declaration of Submission to the Canons of the Provincial and Diocesan Synods as required by Canon II of the Canons of this Ecclesiastical Province in the following terms :

"I, (A.B.,) do willingly subscribe to and declare that I assent to and abide by the Canons which have been, or shall be, from time to time, passed by the Provincial Synod, or the Synod of the Diocese of....."

3. The Oath of Allegiance :

"I, (A.B.,) do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God."

4. The Oath of Canonical Obedience :

"I, (A.B.,) do swear that I will pay true and Canonical obedience to the Lord Bishop of..... and his successors in all legal and honest commands. So help me God."

[No oath shall be administered during the service for the ordering of Deacons, or during the service for the ordering of Priests, or during the service for the consecration of Bishops.]

Before institution to any Benefice, the persons to be instituted shall subscribe the following "Declaration against Simony" :

"I, (A.B.,) solemnly declare that I have not made by myself or by any other person any payment, contract, or promise of any kind whatsoever which, to the best of my knowledge or belief, is simoniacal, touching or concerning the obtaining the preferment of (.....), nor will I at any time hereafter perform or satisfy in whole or in part any such kind of payment, contract, or promise made by any other without my knowledge or consent."

CANON XV.

OF THE CONSECRATION OF A BISHOP.

1. Whenever an election is made by any Diocesan Synod within the Ecclesiastical Province of Canada of a person to fill the office of Bishop, the chairman, or in the case of his death, incapacity, absence, or refusal, the Clerical Secretary of the said Synod, shall transmit a certificate of such election to the Metropolitan, within seven days after the election.

2. Such certificate shall be in the following form .—

“ We, the Clergy and Lay Representatives of the Diocese of
in Synod assembled, do hereby certify that at on this
. day of A.D. (A. B.,) of the Diocese
of was duly elected, according to the Canons of this
Diocese, to be Bishop of

Signed, on behalf of the Synod,

. Chairman,
. Secretary or
. Secretaries.

3. On the receipt of this certificate, the Metropolitan shall, within seven days, send formal notice of such election to all the Bishops within his Ecclesiastical Province.

4. Should any of the said Bishops desire to object to the consecration of the person so elected, on the ground of canonical disability, as hereinafter defined, he shall make the objection in writing, delivered to the Metropolitan within fourteen days from the date of said notification to him of such election, setting forth the special grounds of his objection.

5. On the receipt of such objection in writing by the Metropolitan, or in case the Metropolitan himself object to such consecration, he shall summon the House of Bishops to meet within one month, to consider such objection, giving not less than fourteen days' notice of the time and place of meeting ; it shall be the duty of every Bishop so summoned to attend unless he be excused for reasonable cause to be approved by the Metropolitan ; and the Metropolitan shall send by post a true copy of such objection to the person so elected, at least twenty-one days previous to the meeting referred to in this section, and shall also notify him of the time and place of meeting.

6. The House of Bishops, having heard the person so elected, or having given him every reasonable facility for appearing before them in person, or by counsel, or by proxy, if he be so minded, as well as the Diocesan Synod by its representative duly appointed, if the said Diocesan Synod shall express its desire to be so heard ; and, having heard the reasons in support of the said objection, shall decide as to its validity or otherwise, and their decision,

with the reasons therefore, shall be communicated in writing without delay to the person so elected, and to the secretary of the Synod which elected him.

7. Thereupon, if the majority of the Bishops of the Ecclesiastical Province determine that the objection is canonical and has been sustained, the Synod of the Diocese aforesaid shall proceed to the election of another person to fill the office of Bishop.

8. Should no such objection be made within the period specified or after objection made, should the same not be sustained by the majority of the Bishops as aforesaid, the Metropolitan shall, with all convenient speed, proceed to the consecration of the said person so elected, and to that end shall summon two or more of the Bishops of this Ecclesiastical Province to assist him in such consecration; and it shall be the duty of such Bishops to attend at such time and place as he, the Metropolitan, shall appoint, and to assist in the consecration of the said person elected.

9. Before proceeding to consecrate, the Metropolitan shall cause to be read publicly in the church, where the consecration is held, a duly attested certificate of the election of said person to the office of Bishop, and that no canonical impediment to his consecration exists, which shall thereupon be given in for record.

10. No Bishop who shall have made any canonical objection as aforesaid, or who shall have voted in favour of such objection shall be required to take part in such consecration, and if the Metropolitan shall have made such objection, the Senior Bishop of the Ecclesiastical Province, not having so objected or so voted shall perform the duties of the Metropolitan referred to in section 8 of this Canon.

11. The following objections shall be considered canonical and none others—

1. That the person elected is not fully thirty years of age.
 2. That he is not a Priest in Holy Orders of the Church of England, or of some Branch of the Church in full communion therewith.
 3. That he is deficient in learning.
 4. That he has either directly or indirectly secured, or attempted to secure, the office by improper means.
 5. That he is guilty of any other crime or immorality.
 6. That he teaches or holds, or has within five years previous to the date of his election, taught or held anything contrary to the doctrine and discipline of the Church of England.
12. The Bishop elect shall, previous to his consecration, or if already a Bishop, previous to his installation, subscribe a declara-

tion of submission to the Canons of the Provincial Synod in the form prescribed by Canon II.

13. If a person shall be elected Bishop of a vacant Diocese who has been previously consecrated a Bishop of the Church of England or of any branch of the Church in full communion therewith, the said election shall be notified to the Metropolitan as hereinbefore provided, and the Metropolitan shall proceed, as in the case of the election of a person in Priests' Orders, except that when no canonical objection has been received within the period limited for entering such objections, or when such objections shall have been heard and rejected by the House of Bishops, the Metropolitan instead of proceeding to the consecration shall issue a certificate to the Bishop so elected, and to the secretaries of the electing Synod, that there is no canonical impediment to the installation of the said Bishop.

14. In all cases when the Bishop elected has been duly consecrated, or a certificate has been furnished by the Metropolitan, as before provided, the said Metropolitan shall, either by himself or by some person duly commissioned to act on his behalf, formally instal the said Bishop elect, inducting him into the actual possession of his See.

15. In case there shall be no Metropolitan, or in case he shall be incapable of performing the duty in this Canon assigned to the Metropolitan, this duty shall be performed by the Senior Bishop of the Province, and in case of his absence or incapacity by the next in seniority, and so forth.

16. A majority of the Bishops of the Ecclesiastical Province shall constitute a quorum for the hearing of objections to the consecration of a person elected to the office of Bishop.

CANON XVI.

ON MARRIAGE WITHIN THE PROHIBITED DEGREES.

Whereas the following Resolution was adopted by the Provincial Synod :

"No Clergyman of this Ecclesiastical Province shall knowingly solemnize a marriage forbidden by the 99th Canon of the year 1603 A. D., which is as follows : 'No person shall marry within the Degrees prohibited by the laws of God, and expressed in a Table set forth by authority in the year of our Lord God 1563'";

1. The Table of Degrees prohibiting certain marriages set forth by authority in the year of our Lord 1563, and usually annexed to the Book of Common Prayer, is hereby adopted by the Church of this Ecclesiastical Province of Canada.

II. No Clergyman of this Ecclesiastical Province shall knowingly solemnize a marriage within the degrees prohibited by such Table.

III. A printed copy of the Table of Prohibited Degrees shall be placed in the Vestry-room, or near the entrance of every Church in this Ecclesiastical Province, at the charge of the parish, in some place where it may conveniently be read.

[NOTE.—See Resolution Toronto Synod, (1881), *ante* p. 90.]

CANON XVII.

OF LAY-READERS.

Lay readers may be employed in any parish or mission under the following conditions :—The lay reader shall be selected by the Rector or missionary in charge, and shall be recommended by him to the Bishop for his licence.

The Bishop, having satisfied himself that such person is fitted by reason of his religious character and his knowledge of the Bible and Prayer Book for the office, may license him as lay reader in the form hereto subjoined, and shall, where practicable, admit him, in person or by deputy, to his office in the presence of the people among whom he is to serve.

We _____ by Divine permission, Bishop of _____ do by these presents grant unto you, our well-beloved in Christ, in whose good morals and sound doctrine we do confide, our Licence and Authority to perform the duties of Lay Reader and Catechist, in the Parish or Mission of _____, under the guidance and direction of the Reverend _____, the Minister in charge. This Licence to continue during our pleasure, or until the said Reverend _____ shall signify to us and to you in writing under his hand that he no longer desires to avail himself of your services, when it shall cease and determine.

Given under our Hand and Seal, this _____ day of _____ in the year one thousand eight hundred and eighty _____ and in the _____ year of our consecration.

CANON XVIII.

OF THE DIACONATE.

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

Every Deacon who shall, from necessity, be placed in charge of a parish or mission shall be under the direction of a neighbouring Priest until he be advanced to the Priesthood.

CANON XIX.

ON THE CONSTITUTION OF THE DOMESTIC AND FOREIGN
MISSIONARY SOCIETY OF THE CHURCH OF
ENGLAND IN CANADA.

ART. I. This Society shall be called The Domestic and Foreign Missionary Society of the Church of England in Canada.

ART. II. This Society shall consist of all persons who are members of this Church.

ART. III. The Society shall be under the control of a GENERAL BOARD OF MISSIONS, consisting of the Bishops of this Ecclesiastical Province, and the Clerical and Lay Delegates for the time being of the Provincial Synod, together with the Board of Management as hereinafter described.

On the third day of each triennial session of the Provincial Synod the business of the Synod shall be suspended to allow the business connected with this Society to be transacted.

ART. IV. There shall be a Board of Management which shall consist of all the Bishops of this Ecclesiastical Province and the Secretary and Treasurer of the Board, members *ex-officio*, together with two Clergymen and two Laymen from each Diocese, to be appointed by the General Board on the nomination of each Diocesan Synod, which nomination shall be made by such Synod at the meeting next preceding the triennial session of the Provincial Synod, and this Board shall have as far as possible the collection and administration of the General Missionary Funds of the Church (subject to the provisions hereinafter set forth), and shall remain in office until their successors are appointed, and shall have power to fill any vacancies that may occur in their number. Eight members shall constitute a quorum. This Board of Management shall, when the General Board is not in session, exercise all the powers of the General Board, and shall report to the General Board of Missions on or before the third day of such triennial session of the Provincial Synod. The Board shall meet at such times and places as they shall think fit.

ART. V.—The Board of Management is authorized to appoint such Committees, as it may deem desirable, and such officers as shall be needful for carrying on its work, and may frame such rules and regulations (not inconsistent with the Constitution and Canons of the Provincial Synod) as may be necessary for the transaction of its business.

ART. VI.—It is recommended that the funds collected in the several Dioceses for Mission work under this Canon be sent in to the Board, and the appropriations therefrom on behalf of Domestic Missions shall be made in gross to be disbursed by the local authorities of Dioceses to which such appropriations shall have been made.

Appropriations on behalf of Foreign Missions shall be made to the Great Missionary Societies of the Mother Church in England or in such other manner as the Board of Management may direct, provided that contributions specially appropriated shall be paid in strict accordance with the wishes of the donors. Nothing in this Canon, however, shall be held in any wise to interfere with or affect the several Diocesan Mission Funds or with any other existing agreements made by any Parish for special missionary aid.

ART. VII.—In connection with the Board of Management there shall be in each Diocese of the Province a Corresponding Committee, or Board of Missions, to be constituted as such Diocese may determine, who shall report all statistics and other information relating to the general purposes for which the Society is organized.

The Diocesan Board of Missions, as at present constituted, shall be the Corresponding Committee, or Boards, until other Committees, or Boards shall have been appointed under the provisions of this Canon.

The first Board of Management shall be appointed by the Provincial Synod at this Session.

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I. DECLARATION OF BRITISH NORTH AMERICAN BISHOPS.

(Being Minutes of a Conference of the Bishops of Quebec, Toronto, Newfoundland, Fredericton, and Montreal, holden at Quebec, from September 24th to October 1st, 1851.)

I. PRELIMINARY STATEMENT.

We, the undersigned Bishops of the North American Colonies in the Province of Canterbury, having had opportunity granted to us of meeting together, have thereupon conferred with each other respecting the trust and charge committed to our hands, and certain peculiar difficulties of a local nature which attach to the same.

We desire, therefore, in the first place, to record our thankfulness that we have been so permitted to assemble, and our sense of the responsibility lying upon us before God and the world to promote the glory of His great name, to advance the Kingdom of His Son, to seek the salvation of immortal souls, and, what we feel to be inseparably united with these objects, to establish and extend, whenever there is a demand for her services, the system, the teaching, the worship, and the ordinances of the United Church of England and Ireland.

We feel that, in the prosecution of this great work, we are surrounded by many discouragements, embarrassments and hind-

rances, which, by the grace of God, we are prepared patiently to encounter, and, while they may be appointed to continue, patiently to endure, but for which, nevertheless, it is our duty to seek all lawful remedy, if such remedy is to be found.

We have therefore prepared the statement which follows, of our views in relation to these subjects of our care and solicitude; and we desire to commend it to the favourable consideration of our Metropolitan, his Grace the Lord Archbishop of Canterbury, in the hope that he may be moved to assist us in obtaining relief from those evils of which we have to complain, as well as to counsel us in the disposal of questions which come before us in the exercise of our Episcopal duties.

II. CONVOCATION IN DIOCESAN AND PROVINCIAL SYNODS.

In consequence of the anomalous state of the Church of England in these Colonies, with reference to its general government, and the doubts entertained as to the validity of any code of Ecclesiastical Law, the Bishops of these Dioceses experience great difficulty in acting in accordance with their Episcopal commission and prerogatives, and their decisions are liable to misconstruction, as if emanating from their individual will, and not from the general body of the Church; we therefore consider it desirable, in the first place, that the Bishops, Clergy, and Laity of the Church of England in each Diocese should meet together in Synod, at such times and in such manner as may be agreed. Secondly, that the Laity in such Synod should meet by representation, and that their representatives be communicants. Thirdly, it is our opinion that, as questions will arise from time to time which will affect the welfare of the Church in these Colonies, it is desirable that the Bishops, Clergy, and Laity, should meet in council under a Provincial Metropolitan, with power to frame such rules and regulations for the better conduct of our ecclesiastical affairs as by the said council may be deemed expedient. Fourthly, that the said council should be divided into two houses, the one consisting of the Bishops of these several Dioceses under their Metropolitan, and the other of the presbyters and lay members of the Church assembled (as before mentioned) by representation.

III. CONDITIONS OF CHURCH MEMBERSHIP.

Doubts being entertained as to who are to be regarded as members of the Church of England in the Colonies, and as such, what are their special duties and rights, we are of opinion that Church membership requires (1) admission into the Christian covenant by Holy Baptism, as our Lord commanded, "in the name

of the Father, and of the Son, and of the Holy Ghost ;" (2) that all Church members are bound, according to their knowledge and opportunities, to consent and conform to the rules and ordinances of the Church, and (3) according to their ability, and as God hath blessed them, to contribute to the support of the Church, and especially of those who minister to them in holy things. Upon the fulfilment of these duties, they may, as Church members, claim at our hands, and at the hands of our Clergy generally, all customary services and ministrations.

We cheerfully recognise the duty and privilege of preaching the Gospel to the poor, and of allowing to those who can make us no worldly recompense the claim upon our services, in public and in private, which we grant to the more wealthy members of our flock.

We are further of opinion that Church members in full communion are those only who receive, with their brethren, the Sacrament of the Lord's Supper, at the hands of their lawful ministers as directed and enjoined by the Canons and Rubrics of our Prayer Book. Persons chosen as representatives of any parish or mission to attend any Synod or Convocation, should in every case be members of the Church in full communion.

IV. CANONS OF 1603-4.

Although it is confessedly impossible under existing circumstances to observe all these Canons, yet we are of opinion that they should be complied with so far as is lawful and practicable. But inasmuch as the retention of rules which cannot be obeyed is manifestly inexpedient, and tends to lessen the respect due to all laws, we hold that a revision of the Canons is highly desirable, provided it be done by competent authority.*

V. ARTICLES AND FORMULARIES—DOCTRINAL STANDARD.

Whereas the multiplication of sects, among those who profess and call themselves Christians, appealing to the same Scriptures in support of divers and conflicting doctrines, renders a fixed uniform standard and interpretation of Scripture more than ever necessary, we desire to express our thankfulness to Almighty God for the preservation of the Book of Common Prayer, our entire and cordial agreement with the Articles and Formularies of our Church, taken in their literal sense, and our earnest wish (as far as in us lies) faithfully to teach the doctrines and to use the offices of our Church in the manner prescribed in the said book. And we desire that all the members of our Church should accept the teaching of the Prayer Book, as, under the

* See report on Canons of 1603, *post* p. 135.

guidance of the Holy Spirit, their best help in the understanding of Holy Scripture, and as the ground-work of the religious education of their children.

VI. A BISHOP MAY AUTHORIZE DIVISION OF THE MORNING SERVICE.

We are of opinion that the Bishop, as ordinary, may authorize the division of the Morning Service, by the use of the Morning Prayer, Litany, or Communion Service, separately, as may be required; but that no private Clergyman has authority, at his own discretion, to abridge or alter the Services or Offices, or to change the Lessons of the Church.

VII. UNIFORMITY OF PSALMS AND HYMNS.

Whereas the multiplication in Churches of different Hymn Books, published without authority, is irregular in itself, and has a tendency to promote division among us, we are of opinion that a judicious selection of Psalms and Hymns by competent authority would tend much to the furtherance of devotion and to the edification of pious churchmen.

VIII. UNIFORMITY OF PRACTICE AT THE OFFERTORY.

We are of opinion that it is desirable and seemly, and would tend to a uniformity of practice among us, that whenever a collection is made after Sermon, in time of Morning Prayer, the offertory sentences should be read, and the prayer for the Church Militant should be used.

IX. HOLY COMMUNION—CERTIFICATES OF MEMBERSHIP ON REMOVAL.

We hold it to be of great importance that the Clergy should attend to the directions of the Rubric which precede the administration of the Holy Communion, respecting "open and notorious evil livers, and those who have done wrong to their neighbours by word or deed, and those also betwixt whom they perceive malice and hatred to reign," and that members of the Church should signify to the Minister their intention to present themselves at the Holy Table, especially when they arrive in any place as strangers, or when, being residents in such place, they are purposing to communicate for the first time. We conceive that it would greatly promote the welfare of the Church if our members, who may be travelling from one place to another, were furnished with a certificate of their membership and of their standing in the Church.

X. MARRIAGES WITHIN THE PROHIBITED DEGREES.

We hold that a Clergyman knowingly celebrating marriage between persons who are related to each other within the prohibited degrees set forth in a table of degrees published by our Church in the year of our Lord God, 1563, is acting in violation of the laws of God and of the Church, and is liable to censure and punishment; and that persons who contract such marriages should not be admitted to the Holy Communion, except upon repentance and putting away their sin. And we recommend that the aforesaid "Table of Prohibited Degrees" should be put up in every Church in our Dioceses.* We are further of opinion that injustice is done our Church in withholding from our Bishops the power of granting Marriage Licenses which is exercised by the Bishops of the Roman Catholic Church; and that in several Dioceses great irregularities, and grievous evils prevail, in consequence of the defective state of the Marriage Law. We also hold that the Clergy of our Church should abstain from celebrating a marriage between persons, both of whom professedly belong to another communion, except in cases where the services of no other minister can be procured.†

XI. PARISH REGISTERS SHOULD BE KEPT.

We would earnestly recommend to the Clergy of our Dioceses (even though it should not be required by the civil law) to keep accurate Registers of Marriages, Baptisms, and Burials, in their several Parishes or Missions.‡

XII. INTERCOMMUNION WITH THE REFORMED EPISCOPAL CHURCHES.

We are of opinion that it is much to be desired that there should be no let or hindrance to a full and free communion between ourselves and other Reformed Episcopal Churches; and therefore that where we derive our orders from the same source, hold the same doctrines, and are virtually united as members of the same body of Christ, these impediments which (as we are advised) are now in force through the operations of the civil law, ought to be removed.

XIII. EDUCATION.

(a) *General.*

Whereas systems of education are very generally introduced and supported in these Colonies, either (1) excluding religious

*See Canon XVI. of Provincial Synod, printed *ante* p. 121, and Resolution No. 132, *ante* p. 90.

†See Resolution No. 100, *ante* p. 83.

‡See Resolutions Nos. 126-128, *ante*, p. 89.

instruction altogether from the schools, or (2) recognizing no distinction between Roman Catholics and Protestants; whereby no opportunity is afforded us of bringing up the children of our communion in the special doctrines and duties of our faith, to the manifest deprivation of their religious principles, and with crying injustice to the Church of England, we desire to express our decided conviction:

1. That all education for the members of our Church should be distinctly based on the revealed religion of the Old and New Testaments, with special reference to their duties and privileges as by baptism regenerate, and made God's children by adoption and grace.

2. That all lawful and honourable methods should be adopted to move the Colonial Legislatures to make grants to the Church of England as well as the Roman Catholics, and other religious bodies, as they may require it, and according to their numbers respectively, for the education of the members of their own communion.

(b) *Sunday Schools.*

1. We desire to express our sense of the importance, in the existing state of the Church, of Sunday schools, especially in large towns, and we thankfully acknowledge the benefits which have resulted from the labours of pious teachers both to themselves and their scholars, under proper direction and superintendence. In every possible case, the Sunday school should be under the personal direction and superintendence of the Minister of the parish or district; or otherwise the Minister should appoint the teachers, choose the books, and regulate the course of instruction;* that there be no contradiction between the teaching of the school and the Church, all Sunday scholars should be instructed in the Church Catechism, and regularly taken to church.

2. We would carefully guard against the assumption that instruction in the Sunday school, even by the Minister of the parish, may be allowed to supersede the directions of the Rubrics and Canons, and the duty of catechizing in church; for we distinctly recognize and affirm as well the great importance, as the sacred obligation, of those directions.

(c) *Schools for the Higher Classes.*

Schools for the higher classes of both sexes are much required, with particular reference to assisting the Clergy in the education of their own children.

* See resolutions 80-82, *ante* pp. 33, 34.

(d) *One University for British North America.*

Although we consider it of great importance that each Bishop should connect with his Diocese some college or like institution for the special training and preparation of young men for the ministry of the Church; we believe that one University for the North American Provinces, with foundations for each Diocese, on the model of the two great Universities, will be required to complete an educational system, as well for lay students in every department of literature and science, as for the students in theology and candidates for the sacred Ministry.

(e) *Training for the Ministry.*

In addition to the general studies pursued in the College or University, we deem it highly desirable that candidates for the Ministry should apply themselves, under competent direction, to a systematic course of reading in theology for at least one whole year, or longer if possible, previous to their taking holy orders; and that they should likewise be instructed in the duties of the pastoral office, in correct reading and delivering of sermons, in church music, architecture, &c.

(f) *Diocesan and Parochial Libraries.*

We deem it very desirable also that libraries should be formed in every Diocese under the direction of the Clergy, both for the Clergy themselves and for their parishioners.

XIV. THE ORDER OF DEACONS.

We would wish to discontinue the practice which the necessities of the Church have sometimes forced upon us, of entrusting large independent spheres of duty to young and inexperienced men in Deacon's Orders, deeming it desirable that every Deacon should, if possible, be placed under the direction of an experienced Priest.

(See Canon XVIII. of Provincial Synod, *ante* p. 122, and Resolution No. 97, *ante* p. 82.)

XV. MAINTENANCE OF THE CLERGY BY THE PEOPLE.

While we hold it to be the duty of Christian governments to maintain inviolate whatever endowments have been lawfully and religiously made for the establishment, support, or extension of the Christian religion; and while we acknowledge, with heartfelt gratitude, the aid given to our missions by *The Venerable Society for the Propagation of the Gospel in Foreign Parts*, to whose fostering care and bounty the Church in these Colonies owes,

under God, its existence and means of usefulness, we desire to record our conviction that the ordinances of the Church will never be rightly valued, nor its strength fully developed, until the people, for whose benefit the Clergy minister in holy things, furnish a more adequate support to the institutions and to the clergy of their Church.

Further, as the Society, in consequence of numerous and increasing claims in all parts of the world, is compelled gradually to withdraw its aid, we desire to impress on all our flocks the duty of fulfilling their obligations in respect of the payment of their Ministers; and with a view to this object, we recommend that the Churchwardens in each parish or mission should furnish every year to the Bishop a written return, duly certified by themselves and the Clergyman, of the sums paid to his support for the current year.

XVI. CONCLUSION.

Lastly, while we acknowledge it to be the bounden duty of ourselves and our Clergy, by God's grace assisting us, in our several stations, to do the work of good evangelists, yet we desire to remember that we have most solemnly pledged ourselves to fulfil this work of our ministry according to the doctrine and discipline of the Church of England, and as faithful subjects of Her Most Gracious Majesty Queen Victoria, "unto whom the chief government of all estates of this realm, whether they be ecclesiastical or civil, in all causes doth appertain, and is not, nor ought to be, subject to any foreign jurisdiction." And we cannot forbear expressing our unfeigned thankfulness to Almighty God that he has preserved to us, in this branch of Christ's Holy Church, the assurance of an Apostolic commission for our ministerial calling; and together with it, a confession of pure and Catholic truth, and the fulness of sacramental grace. May He graciously be pleased to direct and guide us all in the use of these precious gifts, enable us to serve Him in unity of spirit, in the bond of peace, and in righteousness of life, and finally bring us to His Heavenly Kingdom, through Jesus Christ our Lord.

(Signed,) G. J. QUEBEC.
JOHN TORONTO.
EDWARD NEWFOUNDLAND.
JOHN FREDERICTON.
E. MONTREAL.

II. DECLARATION ADOPTED BY THE SYNOD OF
THE DIOCESE OF TORONTO, ON THE
26TH OCTOBER, 1854.

I. PRELIMINARY DECLARATION.

We, the Bishop, the Clergy and Representatives of the Laity of the United Church of England and Ireland, within the Diocese of Toronto, assembled in Synod, and intending, under God's blessing and guidance, to consider and determine upon such matters as shall appear necessary for the welfare of the Church in this Diocese, desire, in the first place, to make a declaration of the principles upon which we purpose to proceed.

II. UNITY OF THE CHURCH—HER DOCTRINAL STANDARDS.

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

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

In particular, we uphold the ancient doctrine of our Church, that the Queen is rightly possessed of the chief government or supremacy over all persons within her dominions, in all causes, whether ecclesiastical or civil; and we desire that such supremacy should continue unimpaired.

III. SUBJECTS FOR SYNODICAL ACTION.

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

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

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

2. To provide for the proper exercise of ecclesiastical discipline, in regard to both Clergy and Laity.

3. To provide for the extension and temporal well-being of the Church, and the support of the clergy and school-masters, for the maintenance of public worship, and the diffusion of a sound religious education.

4. To promote and regulate the building and consecration of Churches, and the erection of Parsonages and school-houses.

5. To provide for the division of the Diocese into parishes, with regulations for future sub-divisions.

6. To provide, with consent of the Crown, where needed, fit regulations for the appointment of Bishops, Priests, and Deacons.

7. To regulate the fees for marriages and other offices of the Church.

8. To provide, with the consent of the Crown, for the division of the Diocese into new Dioceses, either forthwith, or at a future period.

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

III. DECLARATION OF PROVINCIAL SYNOD.

Part II. of the foregoing Declaration was adopted by the first Provincial Synod in 1861, the following being adopted as:

PART III.

SUBJECTS OF SYNODICAL ACTION.

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

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

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

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

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

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

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

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

IV. REPORT ON CANONS OF 1603.

The following is the Report presented to the Synod in 1858 (p. 17) by a Special Committee appointed in 1857, (pp. 17-23,) to "examine into the existing Canons of the United Church of England and Ireland, and the laws of the United Kingdom applicable thereto; and to report on such Canons as, with or without change, it may be desirable that the Synod should declare to be in full force in this Diocese, and on such laws as appear to be in force at present, or may be desirable to be made as rules of order or discipline in the Diocese:"

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

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

1. The King's Supremacy over the Church of England, in causes ecclesiastical, to be maintained.
2. Of Divine Service and administration of the Sacraments.
3. Ministers, their ordination, function and charge.
4. School-masters.
5. Things appertaining to churches.
6. Churchwardens, or Questmen and Sidemen or Assistants.
7. Parish Clerks.
8. Ecclesiastical Courts, belonging to the Archbishop's jurisdiction.
9. Ecclesiastical Courts, belonging to the jurisdiction of Bishops and Archdeacons.
10. Judges ecclesiastical and their Surrogates.
11. Probates.
12. Registrars.
13. Apparitors.
14. Authority of Synods.

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

I. OF THE QUEEN'S SUPREMACY.

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

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

† This Canon was adopted by the Synod of Toronto in 1858 (p. 66). See p. 153, *post*.

II. OF DIVINE SERVICE AND ADMINISTRATION OF THE SACRAMENT.

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

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

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

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

5. (18.) In the time of Divine Service, and in every part thereof, all due reverence is to be used. No man shall cover his head in time of Divine Service, except he have some infirmity; *and then not with such a covering as he uses to wear in the open air*. All manner of persons then present shall reverently kneel upon their knees, when the general Confession, Litany, and other prayers are read; and shall stand up at the saying of the Belief, *and at the singing or saying of Psalms, Anthems, or Hymns, and Ascription of Glory to God at the end of sermons*; according to the rules in that behalf prescribed in the Book of Common

Prayer, and the devout ancient customs of the Church; and likewise when in the time of Divine Service the Lord Jesus shall be mentioned, due and lowly reverence shall be done by all persons present, as hath been accustomed; testifying by these outward ceremonies and gestures their inward humility, Christian resolution, and due acknowledgement that the Lord Jesus Christ, the true eternal Son of God, is the only Saviour of the world; in whom alone all the mercies, graces, and promises of God to mankind, for this life and the world to come, are fully and wholly comprised. None, either man, woman, or child, of what calling soever, shall be otherwise at such times busied in the church, than in quiet attendance to hear, mark, and understand that which is read, preached, and ministered; saying in their due places audibly with the minister, the Confession, the Lord's Prayer, and the Creed; and making such other answers to the public prayers, as are appointed in the Book of Common Prayer: neither shall they disturb the service or sermon, by walking or talking, or any other way; nor depart out of the church during the service or sermon, without some urgent or reasonable cause.

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

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

8. (21.) In every church and chapel, where Sacraments are administered by the licence of the Bishop, the Holy Communion shall be ministered so often, and at such times, as every parishioner may communicate at the least thrice in the year—whereof the Feast of Easter to be one.

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

10. (25.) In the time of Divine Service and Prayers, in the cathedral church, the clergy of the church shall wear surplices;

and those who are graduates sh^l daily, at the time both of prayer and preaching, wear with their Surplices such Hoods as are agreeable to their degrees.

11. (27.) No Minister, when he celebrateth the Communion, shall willingly administer the same to any but to such as kneel, *except in case of bodily infirmity*; nor to any that refuse to be present at public prayers, according to the order of the Church; nor to any that are common and notorious depravers of the Book of Common Prayer and administration of the Sacraments, and of the orders, rites and ceremonies therein prescribed, or of anything contained in the Book of ordering *Bishops, Priests, and Deacons*; except every such person shall first acknowledge to the Minister, before the Churchwardens, his repentance for the same. Provided, that every Minister, so repelling any, *shall signify the cause thereof to the Bishop*, and therein obey his order and direction.

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

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

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

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

3. (33.) It hath been long since provided by many decrees of the ancient Fathers, that none should be admitted either Deacon

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

4. (34.) No Bishop shall henceforth admit any person into sacred orders who is not of his own Diocese, unless he be either of *some University in connection with the United Church of England and Ireland,* or except he shall bring letters dimissory from the Bishop of whose Diocese he is; and desiring to be a Deacon, is three and twenty years old; and to be a Priest, four and twenty years complete; and hath taken some degree in either of the said Universities; or, at least, except he be able to yield an account of his faith in Latin, according to the *39 Articles of Religion,* and to confirm the same by sufficient testimonies out of Holy Scripture; and except moreover he shall then exhibit letters testimonial of his good life and conversation, under the seal of the *college where he studied,* or of three or four grave Ministers, who have known his life and conversation by the space of three years next before, together with a certificate that his intention to offer himself for holy orders hath been duly published in the church where he resideth, and that no objection was alleged.

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

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

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

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

III. That he alloweth the Book of Articles of Religion, agreed upon by the Archbishops and Bishops of both Provinces, and the whole Clergy, in the convocation holden in London in the year of our Lord God, one thousand five hundred and sixty-two; and that he acknowledgeth all and every the Articles therein contained, being in number nine and thirty, besides the Ratification, to be agreeable to the Word of God.

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

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

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

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

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

Of a Clergyman absenting himself from the Diocese.

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

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

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

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

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

16. (53.) If any Preacher shall, in the pulpit particularly, or namely of purpose, impugn or confute any doctrine delivered by any other Preacher in the same church, or in any church near adjoining, before he hath acquainted the Bishop of the Diocese

therewith, and received order from him what to do in that case ; (because, upon such public dissenting and contradicting, there may grow much offence and disquietness unto the people), the Churchwardens or party grieved shall forthwith signify the same to the said Bishop ; and the *Churchwardens* shall not suffer the said Preacher any more to occupy that place which he hath once abused, except he faithfully promise to forbear all such matter of contention in the Church, until the Bishop hath taken further order therein, that public satisfaction may be made in the congregation where the offence was given. Provided, that if either of the parties offending do appeal, he shall not be suffered to preach until the case is decided.

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

18. (58.) Every Minister, saying the public prayers, or ministering the sacraments or other rites of the Church, shall wear a decent and comely surplice with sleeves, to be provided at the charge of the parish. And if any question arise as to the matter, decency, or comeliness thereof, the same shall be decided by the discretion of the *Bishop or Archdeacon*. Furthermore, such Ministers as are graduates shall wear upon their surplices, at such times, such hoods as, by the orders of the Universities, are agreeable to their degrees ; which no Minister shall wear, not being a graduate ; and all Priests shall wear scarfs or stoles of black silk.

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

20. (60.) Forasmuch as it hath been a solemn, ancient, and laudable custom in the Church of God, continued from the Apostles' times, that all Bishops should lay their hands upon children baptized and instructed in the Catechism of the Christian Religion, praying over them, and blessing them, which we commonly call *Confirmation* ; and that this holy action hath been accus-

tomed in the Church in former ages, to be performed in the Bishop's visitation *at least* every third year; we will and appoint, that every Bishop in his accustomed visitation, do in his own person carefully observe the said custom. And if in that year, by reason of some infirmity, he be not able personally to visit, then he shall not omit the execution of that duty of Confirmation the next year after, as he may conveniently.

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

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

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

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

or to bury any corpse that is brought to the church or church-yard, (convenient warning being given to him thereof before) in such manner and form as is prescribed in the said book of Common Prayer.

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

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

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

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

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

* See Diocesan Canon No. vii. s. 8, *ante* p. 48; also, Resolution No. 128, *ante* p. 89.

IV. SCHOOLMASTERS.

1. (77.) No man shall teach in any Church Grammar School or Parochial School, but such as shall be licensed by the Bishop, being found meet, as well for his training and skill in teaching, as for sober and godly conversation, and also for right understanding of God's true religion; and also except he shall first subscribe to the first and third Articles of the 36th Canon, and to the two first clauses of the second Article.

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

V. THINGS APPERTAINING TO CHURCHES.

1. (80.) The Churchwardens of every church shall, at the charge of the parish, provide the Book of Common Prayer, the Bible, a book for the Communion Table, and a Book of Offices, of such kind as may be approved by the Minister.

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

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

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

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

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

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

VI. CHURCHWARDENS AND INFERIOR OFFICERS.

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

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

* See this Act printed, post p. 169.

VII. MARRIAGES.

1. (99.) No person shall marry within the degrees prohibited by the laws of God, and expressed in a table set forth by authority in the year of our Lord 1563; and all marriages so made shall be held to be incestuous and unlawful.

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

*VIII. ECCLESIASTICAL COURTS.

1. *Of a Diocesan Court.*

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

2. *Of the Trial of Clergymen.*

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

§ 2. The Bishop, or in his absence the Archdeacon or his Commissary shall, on receiving such presentment, nominate three members of the Court provided aforesaid, to make inquiry and ascertain whether there is a *prima facie* case against the accused, so as to warrant further proceedings; and they shall communicate to the Bishop without delay the result of such inquiry.

*The first part of this Canon (down to Part 2, § 7) was prepared by the Committee. See p. 136. *ante*.

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

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

§ 5. The Court having fully heard the allegations and testimony of the parties, and deliberately considered the same after the parties have withdrawn, shall declare respectively whether in their opinion the accused be guilty or not guilty of the charge or charges contained in the presentment; and the declaration of the majority of the Court being reduced to writing, and signed by those who assent thereto, shall be considered as the judgment of the said Court, and shall be transmitted forthwith to the Bishop of the Diocese; who shall pass sentence, and award the penalty of admonition, suspension, or deprivation, as to him the offence or offences proved may seem to deserve. In the absence of the Bishop, the judgment of the said Court shall be transmitted to the Archdeacon, or Commissary of the Bishop, and his sentence shall have the same force and effect as if pronounced by the Bishop: Provided, that if, upon the return of the Bishop, the accused shall shew satisfactory cause to induce belief that justice has not been done, the Bishop may, in his discretion, grant a re-hearing.

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

§ 7. The accused party may have the privilege of appearing by counsel, and in the case of the exercise of such privilege, but not otherwise, those presenting shall have the same privilege.

31. (109.) If any offend their brethren, either by adultery, whoredom, incest, drunkenness, profane swearing, *fraud*, or any other uncleanness and wickedness of life, the Churchwardens shall faithfully present all and every of the said offenders to the Bishop; and such notorious offenders shall not be admitted to the Holy Communion, *nor to be sponsors in baptism, nor to fill any office in the Church*, until they be reformed.

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

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

The Committee moreover beg to report that they have examined into the state of the English statute law, affecting eccles-

ecclesiastical affairs; and they find that almost the whole of the English Acts on this subject are so restricted in their own text or in their very nature, as not to apply to the Colonies; and that when, in an early period of the history of this Colony, the English statutes were adopted, the ecclesiastical portion was excepted.

The Act of Uniformity of 13 & 14 Charles II., ch. 4, by which the present Prayer Book is enforced, is expressly restricted in § 1, and in other parts, to the "kingdom of England, dominion of Wales, and town of Berwick on Tweed." It is true that the Act of Uniformity, 1 Eliz., ch. 2, § 3, enforced the use of the then Book of Common Prayer, not only "within the realm of England, Wales, and the marches of the same," but also in "other the Queen's dominions." But that is set aside by the more recent Act of Charles II., which, whilst enacting in § 24, that previous laws for uniformity shall apply to the revised Prayer Book, expressly makes the same restriction as in § 1, to the kingdom of England, dominion of Wales, and town of Berwick-upon-Tweed.

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

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

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

§ 3. And that no person shall hereafter be admitted to any benefice with cure, except he then be of the age of three and twenty years at the least and a Deacon, and shall first have subscribed the said Articles in presence of the Ordinary, and publicly read the same in the parish church of that benefice, with de-

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

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

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

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

This was the Act under which proceedings were taken against Archdeacon Denison, and therefore there is no doubt that it is still in force ; and consequently that its provisions in regard to admission to Holy Orders and to livings, and in regard to ecclesiastical persons maintaining doctrines contrary to the Thirty-nine Articles, are in force in this country ; and consequently that we must be careful in making enactments for our own guidance, not to come into conflict with it.

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

All of which is respectfully submitted.

(Signed,) JAMES BEAVEN, *Chairman*.

NOTE :—Canon No. 1, "on the Queen's Supremacy," (printed on p. 136 of the above report) was adopted in 1858 (p. 66.) The remaining Canons (except those under Title VIII., "Ecclesiastical Courts,") were adopted in 1859, (pp. 33-90), but when the matter came up for confirmation in 1860, it was deferred, to await the action of the Provincial Synod. (See Synod Journal, 1860, pp. 137, 181.)

V. PROPOSED CANON TO ENFORCE CHURCH DISCIPLINE.*

The following Canon was submitted in 1879 (p. 109), and referred (p. 58) to the Committee on Constitution, who seem never to have reported upon it. See 1875, pp. 122, 180; 1876, pp. 105, 146; 1877, pp. 32, 33, 72; 1878, pp. 49, 91.

CANON.

1. A Court, called the Bishop's Court, composed of the Bishop of this Diocese, and four Clerical and four Lay members of the Executive Committee of the Diocese, of whom five shall form a quorum, is hereby constituted and created.

2. The members of the Executive Committee, who are to constitute the Court for the ensuing year, shall be appointed by the Bishop within a week of the rising of the Synod, and shall continue in office until their successors are appointed.

3. Such Court shall be presided over by the Bishop of the Diocese, and in his absence from any cause, by some member of the Court, selected by him. The Secretary-Treasurer of the Synod shall be the Registrar of such Court, and he shall, as such Registrar, perform such duties as may from time to time be defined by such Court.

4. Every Priest and Deacon duly licensed by the Bishop, or holding any charge under or being in any way within the jurisdiction of the Bishop of this Diocese, or receiving any allowance whatever under the authority of the Synod, shall be amenable to such Court, and shall be liable to trial and subject to punishment in the manner hereinafter stated, in respect of any of the offences following, that is to say :

- (a) Disseminating any doctrine contrary to the Thirty-Nine Articles of Religion and the Book of Common Prayer, whether by preaching, or teaching, or by means of books which inculcate such doctrine.
- (b) Any criminal, dishonest, immoral, or disorderly conduct, scandal, or evil report, shall constitute a sufficient ground for trial.
- (c) Knowingly celebrating marriage between two persons within the degrees of affinity, as set forth in the Book of Common Prayer.
- (d) Contumacy, that is, persistence in disrespectful or disobedient conduct towards the Bishop of the Diocese, in matters in which the Bishop is legally and canonically entitled to exact obedience.

*See Canon No. III. *ante* pp. 40-41.

- (e) Wilful violation of the Constitution or Canons of the Synod of this Diocese, or of the Provincial Synod.
- (f) Habitual irregularity or neglect in the performance of the offices of the Church; or the introduction of innovations or novelties in the performance of Divine worship, opposed to the Book of Common Prayer; or to the "subscription required of such as are to be made ministers" by the 36th Canon; * knowingly permitting unauthorized persons to officiate in the Church; or habitually absenting himself from Divine Worship.
- (g) Schism, or separating himself from the communion of the Church.
- (h) Abandoning his charge without leave or exercising any lay profession or occupation, inconsistent with his sacred calling.

5. For the offences set forth in the next preceding section of this Canon, the following sentences shall be passed, and punishments imposed upon offending clergymen, viz.: Admonition, suspension from the exercise of his office; deprivation or removal from his office in the Church, otherwise called deposition; and degradation from the ministry. Admonition may be either public or private.

6. When the penalty of suspension is inflicted, the sentence shall specify on what terms, or at what time the suspension shall cease. During his suspension, the clergyman shall not exercise the functions of his ministry in his own congregation or elsewhere, on pain of such further punishment or extension of the term of his suspension as the Bishop may appoint; and during such suspension, the Bishop may appoint another clergyman to supply the place of the suspended clergyman. When sentence of suspension is pronounced, the Bishop shall cause such notice of it to be given to the Clergy and Laity of the Diocese as he shall think sufficient.

7. When sentence of deprivation or removal from office is pronounced, the connection between the clergyman so deposed and his congregation shall be *ipso facto* terminated; and all offices, rents, issues, profits, and emoluments which he may have held by virtue of such office or ministry, from which he has been removed, shall wholly cease and determine.

8. Whenever a clergyman is so deposed, or is degraded from the ministry, the Bishop shall, without delay, cause notice of such deposition or degradation to be given to the Clergy of the Diocese, and also to all the Bishops of British America, and to the presiding Bishop of the Protestant Episcopal Church in the United States.

9. In every case in which, from the nature of the offence charged, it shall appear to the Bishop that great scandal is likely to arise, from the clergyman accused continuing to perform the services of the Church while such charge is under investigation, the Bishop shall cause a notice to be served on the accused at the same time with the service of the copy of the charge, or at any time pending the proceeding, inhibiting him from performing any services of the Church during the investigation, or until the Bishop shall withdraw the inhibition.

10. A charge may be preferred against the persons set forth in the 4th section of this Canon for any of the offences therein mentioned, by any member of the Church, Provided that no charge in respect to preaching or teaching, or circulating erroneous doctrines, or the introduction of innovations or novelties in the performance of Divine Worship (other than such as may be brought by the Bishop) shall be entertained against any clergyman, unless the same shall be certified by at least three members of the Church, being communicants of at least one year's standing.

*See this Canon printed as part of the Report of Canons of 1603, ante pp. 140, 141.

11. Such charge shall be in writing, and, in case of the Bishop preferring it, shall be by him transmitted to the accused, and in case of the presentment being made by another or others, then the charge shall be by him or them transmitted to the Bishop, who shall forthwith transmit a copy of it to the accused.

12. If the party accused admit the truth of the charge, and request the Bishop to deal with the same in a summary way, the Bishop shall thereupon adjudge the party to be guilty, and shall award such punishment under this Canon, as in his judgment and discretion he may think adequate to the offence; and shall attach his sentence, and the answer of the party against whom the complaint is made, to the memorial, and file the same of record with the Registrar of the Court, who shall forthwith transmit to the complainant and the party charged, a copy of such decision or sentence.

13. If the party accused does not admit the charge, but he, and the person or persons preferring the same, state in writing that they are willing to submit to the direction of the Bishop touching the matter of the said charge, without appeal, the Bishop shall forthwith proceed to hear the matter in such manner as he shall think fit, and shall pronounce judgment, and shall issue such monition, if any, as he may think proper, and no appeal shall lie from such judgment or monition, provided that such judgment so pronounced by the Bishop shall be considered as finally deciding only the individual case, and not so determining any question as that it may not be again raised by other parties.

14. If the charge be not admitted within fourteen days after the same has been transmitted to the accused, the Bishop shall forthwith, after the expiration of such fourteen days, transmit to the Registrar of the Court the charge and denial, if any; and the Registrar shall file the same of record, and shall notify the members of the Court of such proceedings, who shall in due course proceed to try the matter in controversy. Whereupon if the accused be acquitted, a judgment of acquittal shall be pronounced; and if he be convicted, the Bishop shall, after consultation with the other members of the Court, pass such sentence, and impose such punishment as to him shall, under the circumstances, seem proper.

15. The Court may appoint two of its members to determine the sufficiency or insufficiency of the form in which the charge is presented, and of the answer thereto, and of any matter connected with the practice or procedure of the Court, subject to an appeal to the Court in all matters in which either party may be dissatisfied; provided, however, that the evidence to be taken on which the Court is to act, and the hearing and adjudication of the subject matter of the complaint, must be given, heard, and made before and by the Court.

16. The witnesses examined on any trial shall be examined *in voce* before the Court, and before their examination each witness shall make a declaration in the words, or to the effect following: "I,———, do most solemnly declare, in the presence of Almighty God, and as I shall answer to him at the great Day of Judgment, that the evidence I am about to give in this matter, shall be the truth, the whole truth, and nothing but the truth." The evidence given shall be reduced to writing, and shall be signed by the witnesses respectively.

17. Either party may appear upon any application made to the Court, or a Judge thereof, by any counsel duly admitted to practice in the Superior Courts of this Province.

18. The Court may, from time to time, make such rules and regulations as to the Court may seem expedient for regulating the practice and pro-

cedure of the Court, and every matter deemed expedient for carrying out the objects of this Canon; and the Court may, from time to time, suspend, repeal, vary, or revive any such rules and regulations, but no order made by the Court shall have the effect of altering any matter defined by this Canon. The said Court shall likewise define from time to time the duties of its Registrar, and shall likewise determine the remuneration payable out of the funds of the Synod to which he may be considered entitled for his services rendered as such Registrar.

19. The decision of the Court, and the sentence thereof, or of the Bishop, shall be in writing, and shall be entered in a book to be kept by such Registrar for that purpose.

20. An appeal from every finding, judgment, sentence, or decision of the Court, shall lie to the Metropolitan of the Province.*

21. Whereas it is desirable that any person in Holy Orders in this Diocese should not leave the same without authority from the Bishop of the Diocese; therefore, when any person in Holy Orders is about to leave the Diocese for the purpose of seeking employment in any other Diocese in communion with the Church of England, he shall communicate the same to the Bishop, and apply for a *Bene Decessit*, and if the person shall be of good standing, the Bishop shall grant the same. No Clerk in Holy Orders in this Diocese, shall be absent from his duties for more than one month, unless he obtain leave of absence from the Bishop, who on application may grant such leave, with letters of recommendation. If such *Bene Decessit*, or leave, or letters of recommendation, shall be refused, the Bishop shall assign his reasons therefor in writing, and deliver the same to the party applying.

VI. RULES RELATING TO DIVINITY STUDENTS WHO ARE CANDIDATES FOR HOLY ORDERS.

Adopted by the House of Bishops, at Montreal, Sept. 13th, 1880.

1. Every person desiring to be admitted a Candidate for Holy Orders shall, in the first instance, consult his spiritual Pastor.

2. If, after such consultation, he shall persevere in his intention, such person shall then apply to the Bishop of the Diocese, first stating whether he has ever applied for admission as a candidate in any other Diocese; and second, transmitting a Certificate of his Baptism and a medical certificate of soundness of health, together with the following Testimonials:—
"We whose names are hereunder written, testify from our personal knowledge and belief, that A. B. is pious, sober, and honest; that he is attached to the doctrine, discipline, and worship of the Church of England, and that he is a communicant of the said Church in good standing; and furthermore declare that, in our opinion, he possesses such qualifications as fit him for entrance on a course of preparation for the Holy Ministry."

3. Such testimonials shall be signed either by the Clergyman and Churchwardens of the parish or congregation to which the postulant may belong, or, in circumstances justifying such alternative, by at least one Presbyter and four respectable lay communicants of the said Church.

4. A Bishop may not receive such application from a person who has been refused admission as a Candidate in any other Diocese or who, having

*See Canon V. of Provincial Synod, printed *ante*, p. 106.

been admitted, has afterwards ceased to be a Candidate, until he shall have caused such a person to produce a certificate from the Bishop in whose Diocese he has been refused admission or has been a Candidate, declaring the cause of refusal or of cessation of Candidatship.

5. It is also at proper opportunities to be made known to every Candidate and enforced upon his consideration, that the Church expects of him — what can never be brought to the test of any outward standard—an inward fear and worship of Almighty God, a love of religion, a habit of devout affection, and in short, a cultivation of all those graces which are called in Scripture “the fruits of the Spirit,” and by which alone His sacred influences can be manifested.

6. After personal conference with the Candidate, the Bishop, if he desires to proceed further, shall examine him, or cause him to be examined as to his knowledge of Holy Scripture. And no person shall be admitted as a Candidate for Holy Orders who does not exhibit such knowledge of the Word of God as may fairly be expected from one of his age who aspires to be a teacher of it.

7. If thus satisfied of his fitness, the Bishop may admit him to be a Candidate for Holy Orders, and shall thereupon record his name, with the date of admission, and such other particulars as may be deemed expedient, in a book to be kept for that purpose.

8. When a person not having had Episcopal Ordination, but acknowledged as an ordained Minister or Licentiate in any other body of Christians, desires to become a Candidate for Holy Orders in this Church, he must give notice of his desire to the Bishop of the Diocese in which he seeks ordination, stating, 1st, whether he has applied for admission as Candidate in any other Diocese; and 2nd, the grounds and reasons of his desires; and 3rd, furnishing sufficient evidence of his standing in the denomination in which he has been Minister or Licentiate.

9. With the aforesaid notice of desire must be forwarded a written certificate from at least two Priests of this Church, stating that from personal knowledge they believe that his desire to leave the body to which he belonged, has not arisen from any circumstances unfavourable to his moral or religious character, or on account of which it may be inexpedient to admit him to the Ministry of the Church; and they shall also add what they know of the circumstances leading to the said desire.

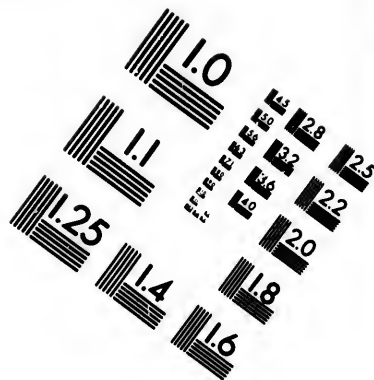
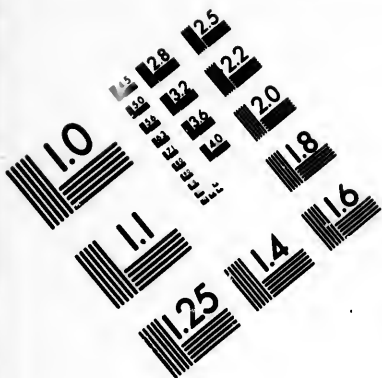
10. If, on receipt of such notice and certificate, the Bishop authorize further procedure, such Candidate must next produce to the Bishop: 1st, Certificates of his Baptism, Confirmation, and admission to Holy Communion; 2nd, a testimonial from members of the body from which he comes or of the Church or in part of each, satisfactory to the Bishop, certifying to the moral and religious character of the Candidate, and covering the space of three years last past; and 3rd, a Testimonial from at least two Priests of this Church, certifying that they believe the Candidate to be pious, sober, and honest, and sincerely attached to the doctrine, discipline, and worship of the Church; and that in their opinion he possesses such qualifications as fit him for usefulness in the Ministry of the Church.

11. The Bishop may then admit him as in section 7.

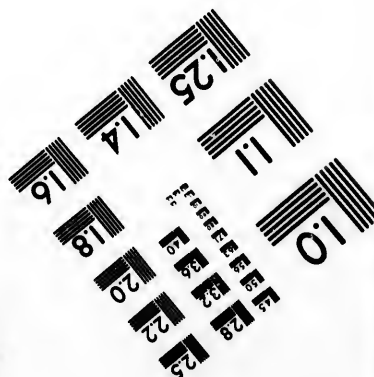
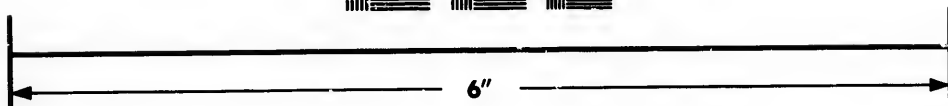
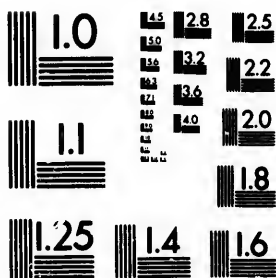
OF ADMITTED CANDIDATES.

12. The superintendence of Candidates for Holy Orders and direction of their Theological studies shall pertain to the Bishop of his Diocese.





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13. It shall be a necessary condition of the ordination of any one who has thus been admitted a Theological Student that he shall have remained in connexion with the Diocese. And it is to be understood that at any time the Bishop may give notice to any such Candidate that he will not be prepared to proceed any further when the time for Ordination shall arrive.

14. A Candidate may be licensed by the Bishop to act as a Lay Reader in his own Diocese, and without such Licence a Candidate may not take upon himself such function.

15. With the consent of his own Bishop a Candidate may receive such Licence for temporary use from any other Bishop, for the Diocese of such Bishop only.

16. A Candidate so licensed shall submit to all the regulations which the Bishop licensing him may prescribe.

VII. SUBJECTS APPOINTED BY THE LORD BISHOP FOR THE ORDINATION EXAMINATION IN THE CASE OF DEACONS.

1. *Old and New Testament History.*
2. *Greek Testament*—The Gospels of St. Luke and St. John, and the Epistle to the Philippians.
3. *Latin*—St. Augustine's Confessions. Books I. to IX. inclusive, or, St. Anselm's *Cur Deus Homo*.
4. *Hebrew Bible*—Joshua : First ten chapters.
5. *The Prayer Book : Its History and Contents.* Works recommended Procter, Evan Daniel, and the S. P. C. K. Teacher's Prayer Book.
6. *The Doctrines of Revealed Religion.* Text Books : Pearson on the Creed, Browne on the Thirty-nine Articles, Maclear on the Church Catechism.
7. *Ecclesiastical History*—*a.* History of the Christian Church to the Council of Nicæa. (Books recommended : Robertson or Wordsworth.) *b.* Bright's Early English Church. *c.* Hardwick's Reformation Period.
8. Paley's Evidences, Blunt's Undesigned Coincidences, Farrar on the Christian Ministry, Haddan's Apostolical Succession, and Hooker's Ecclesiastical Polity, Book V.
9. *Ordination Addresses by the Bishop of Oxford.*
10. *A Short Sermon or Essay.*

N. B.—Hebrew is optional ; but if taken, the marks obtained will count at the Examination. Paley's Evidences and Blunt's Undersigned Coincidences will be allowed on the *College* Examination. In such case it is requested that the marks obtained be forwarded by the College authorities to the Examining Chaplain.

VIII. SUBJECTS APPOINTED BY THE LORD BISHOP FOR THE ORDINATION EXAMINATION IN THE CASE OF PRIESTS.

1. *Ehler's Theology of the Old Testament*, (omitting the notes in smaller type.)
2. *Greek Testament*—The Pastoral Epistles—Hebrews—and the first nine chapters of The Revelation.
3. *Ecclesiastical History*—*a.* History of the Christian Church from the Council of Nicaea to that of Chalcedon. (Robertson or Wordsworth.)
b. Cutts' Turning Points of English Church History.
4. Butler's Analogy and Row's Bampton Lectures, Riehm's Messianic Prophecy, and either the Rev. J. J. Lias's "Are Miracles Credible?" or, Mansell's Essay on Miracles in "Aids to Faith."
5. Pastoral Work by the Bishop of Bedford and Blunt's Directorium Pastorale.
6. *A short Sermon or Essay.*

N. B.—Butler will be allowed on the College Examination. As regards Latin, and the subjects marked 3, 5, and 6 in the Deacon's Examination, Candidates will not be re-examined in these who have passed conspicuously well in them for the Diaconate.

the Churches and take order for the due maintenance or reparation thereof; you having before us made such subscription and taken such oaths as are in this case required to be subscribed and taken, and you are from time to time, with diligence and effort, duly to certify us concerning whatever you shall have transacted and done in subordination to our jurisdiction in the premises, by virtue of these presents.

And we do will and desire, that in executing the said office of Archdeacon, in virtue of this our Commission, you do in all respects act according to the instructions herewith or hereafter to be given.

In doing which things faithfully, you, the said Archdeacon, will very much assist us, your Bishop, in the discharge of the great duty incumbent upon us.

In Witness whereof, we have caused the seal which in this behalf we use, to be hereunto affixed, this day of in the year of our Lord one thousand eight hundred and and of our consecration the

INSTRUCTIONS TO ARCHDEACONS.

1. Archdeacons should visit every Parish or Mission in their respective Archdeaconries, at least once within two years.

2. The Archdeacon shall, as far as practicable, see that any plan or plans submitted to the Diocese by the Bishop, are faithfully carried out in every Parish and Mission.

3. The Archdeacons will carefully ascertain the amount of income and expenditure—the value of any real estate and amount invested—titles of real estate and nature and safety of investments, and, generally, everything that pertains to the temporalities of each and every Parish or Mission, and report the same annually to the Bishop.

4. The Archdeacons will direct the management of all Church temporalities within their respective Archdeaconries, subject to the Rules of the Synod of the Diocese.

5. The Archdeacons are to ascertain where new Missions should be opened and report the same to the Bishop.

6. But chiefly and earnestly the Archdeacons should make themselves acquainted with the working of the Synod, its Constitution, and all its objects, in order that they may be able to give full and satisfactory information of the same, and thereby secure the hearty co-operation of all the members of the Church.

7. The Archdeacons should at all times, and in every possible way, cooperate with the Rural Deans and Clergy in every effort to diffuse Missionary intelligence, and create a spirit for the extension of the Church.

II. COMMISSION TO RURAL DEANS.

..... BY DIVINE PERMISSION, BISHOP OF TORONTO.

[L. s.]

To our well beloved in Christ,

Greeting.

Whereas, we have thought fit upon mature consideration to appoint you Rural Deau of the Rural Deanery in our Diocese of Toronto, in order that we may be regularly and fully informed of the ecclesiastical condition of every Parish and Mission therein, and that other duties appertaining to the office may be properly discharged.

We therefore, confiding as well in your zeal for the glory of God and the good of His Church, as in your prudence and discretion, do by these presents constitute and appoint you to be Rural Dean of that part of our Diocese, consisting of the County of

And we will and desire that, in executing the said office of Rural Dean, in virtue of this our Commission, you do in all respects act according to the instructions herewith or hereafter to be given.

In doing all which things faithfully, you, the said Rural Dean, will very much assist us, your Bishop, in the discharge of the great duty incumbent upon us.

Given under our hand and seal this day of in the year of our Lord one thousand eight hundred and and of our consecration, the

INSTRUCTIONS TO THE RURAL DEANS.

1. The Rural Dean will be diligent to forward, as much as may be in his power, the various objects promoted by the Incorporated Synod of the Diocese, giving attendance, as far as possible, at the several Parochial Meetings held annually within the bounds of his Rural Deanery, arranging for the travel and accommodation of the visiting deputations, and using his best influence and endeavours to increase the contributions and benefactions to the various Funds of the Synod.

2. He will visit every Parish or Mission within his Rural Deanery, at least once in each year, to confer with the Clergy, Churchwardens, and other officers of the Church; examining into the condition of the Churches, Parsonages, and other Church edifices, as well as Burial Grounds and buildings belonging thereto, noting all additions, alterations, decays, and dilapidations that have occurred in the same, and ascertaining what amount of debt may lie upon any of them, and what steps are being taken for its liquidation.

3. He will inquire, at such visits, into the value and condition of any Endowments in land or otherwise that may be contained therein, and into the amount of Stipend which is contributed annually to each Clergyman, by voluntary offerings or otherwise, from his congregation; whether this is regularly paid, and if not, to what extent it is in arrears.

4. He will also, at the same time, inspect Parish Registers; ascertain what Public Services are performed within each Parish or Mission, and what is the average attendance at each; how often the Holy Communion is administered, the average attendance at each celebration, and the whole number of Communicants within the Cure; how often, and when, the Sacrament of Baptism is administered, with the number of adults and infants baptized during the year; what Sunday, or other Church Schools are in operation within each Parish or Mission, and the general condition of the same, as to Scholars, Teachers, &c.; and any other statistical information which may be required by the Bishop.

5. Of all these and other such like matters touching the well being of the Church in his Rural Deanery, as he may deem it advisable to bring to the notice of the Bishop, the Rural Dean will make a Report to him before the first day of May in each year.

6. On the appointment of any new Incumbent or Missionary within his Rural Deanery, whose stipend depends in any considerable degree upon the voluntary contributions of the people, the Rural Dean will accompany, if possible, and introduce such Incumbent or Missionary to his new charge, and advise and promote, as far as may be in his power, a suitable provi-

sion for his maintenance; and will further carry out the duties entailed upon the Rural Dean by the Mission Fund Canon of the Diocese.*

7. The Rural Dean is recommended to hold quarterly a Ruri-docanal Chapter of the Clergy resident within his Rural Deanery, at such time and place as he may deem most convenient, in order to take mutual counsel with them on subjects concerning Ministerial and Parochial work, and especially on matters connected with the welfare of the Church within the Rural Deanery.

III. LETTERS TESTIMONIAL FOR HOLY ORDERS.

TO BE SUBSCRIBED BY TWO OR MORE PRESBYTERS, AND (IF NOT OF THIS DIOCESE) COUNTER-SIGNED BY THE BISHOP OF THE DIOCESE IN WHICH THE SUBSCRIBERS RESIDE.

Whereas, our well beloved in Christ hath declared to us his intention of offering himself as a candidate for the Sacred Office of a Deacon (or Priest), and for that end hath requested of us letters testimonial of his good behaviour: We therefore, whose names are hereunto subscribed, do testify that the said having been personally known to us for the space of three years last past† we have had opportunities of observing his conduct; that during the whole time we believe that he hath lived piously, soberly, and honestly, nor hath he at any time (as far as we know or have heard), maintained or written anything contrary to the doctrine or discipline of the Church of England; and, moreover, we believe him, in our consciences, to be, as to his moral conduct, a person worthy to be admitted to the Sacred Order of Deacons (or Priests.)

In Testimony Whereof, we have hereunto subscribed our names this day of in the year of our Lord one thousand eight hundred and

To the Lord Bishop of Toronto.

IV. *SI QUIS* AND CERTIFICATE.

TO BE READ ON SOME SUNDAY, AT LEAST ONE MONTH BEFORE THE DAY OF ORDINATION.

Notice is hereby given that resident (in this Parish, or name the place of residence) intends to offer himself as a Candidate for the Holy Office of a Deacon (or Priest) at the ensuing ordination by the Bishop of Toronto, and if any person knows any just cause or impediment why he ought not to be admitted to the said office of Deacon (or Priest) he is hereby requested to declare the same to me, or to signify the same forthwith to the Bishop of Toronto.

We do hereby certify, that the above notice was publicly read by the undersigned during service in on Sunday the day of and that no impediment was alleged.

Officiating Minister.
Churchwarden.
Churchwarden.

*See this Canon printed ante p. 55.

†Or such shorter period as may have elapsed since the date of the College Testimonial or that the parties may have known him.

V. SUBSCRIPTION TO THE LITURGY.

I Clerk do declare that I will conform to the Liturgy of the Church of England, as it is now by law established

This Declaration was made and subscribed before us, by Divine Permission, Bishop of Toronto, by the said previous to his being in the County of within our diocese and jurisdiction, this day of in the year of our Lord one thousand eight hundred and and of our consecration the

[This paper to be read in Church during the time of Divine Service by Mr. within 3 months after he is Licensed.]

VI. LETTERS OF ORDERS—PRIESTS OR DEACONS.

By the tenor of these presents We by Divine permission Bishop of Toronto, do make it known unto all men, that on day, the day of , in the year of our Lord one thousand eight hundred and , we the Bishop before mentioned, solemnly administering Holy Orders under the protection of the Almighty in did admit our beloved in Christ

(of whose virtuous and pious life and conversation and competent learning and knowledge in the Holy Scriptures we were well assured) into the Holy Order of Priesthood (Deacons), according to the manner and form prescribed and used by the Church of England, and him the said did then and there rightly and canonically ordain Priest (Deacon); he having first in our presence freely and voluntarily subscribed to the thirty-nine Articles of Religion, and to the three Articles contained in the thirty-sixth Canon, and he likewise having taken the oaths appointed by law to be taken for and instead of the oath of supremacy.

In testimony whereof we have caused our Episcopal seal to be hereunto affixed the day and year above written, and in the year of our consecration.

VII. LICENCE.

..... BY DIVINE PERMISSION, BISHOP OF TORONTO,

To our beloved in Christ Clerk, Greeting;

We do by these presents give and grant unto you, in whose fidelity, morals, learning, sound doctrine, and diligence, We do fully confide, our licence and authority to perform the office of in the County of within our Diocese and jurisdiction, in preaching the word of God, and in reading the Common Prayers, and performing all other ecclesiastical duties belonging to the said office, according to the form prescribed in the Book of Common Prayer, and the Canons and Constitutions in that behalf lawfully established and promulged, and not otherwise, or in any other manner (you having first before us subscribed the Articles, taken the oaths, and made and subscribed the declaration, which in this case are required to be subscribed, made and taken):

In Witness Whereof, we have caused our seal, which we use in this case, to be hereto affixed:

Dated the day of in the year of our Lord, one thousand eight hundred and and in the year of our consecration.

VIII. LETTERS OF INSTITUTION.

..... BY DIVINE PERMISSION, LORD BISHOP OF TORONTO,

To my well-beloved in Christ Clerk, Greeting :

By virtue of the authority committed to me, I admit you to the Rectory or Incumbency of the Parish of _____ in the County of _____ to which you are presented by the Lord Bishop of Toronto, the true and undoubted patron thereof. And I do, truly and canonically, institute you to the said Rectory or Incumbency, and invest you with all and singular the rights, members, and appurtenances thereunto belonging (you have first, before me, subscribed the articles and taken the oaths which are in this case by law required to be subscribed and taken, and made the declarations required to be made.)

And I do, by these presents, commit unto you the cure and government of the souls of the inhabitants, members of the Church of England, within the limits of the said Rectory or Incumbency of the Parish of _____ saving always to the said Lord Bishop and his successors, Bishops of Toronto, the Episcopal rights.

Given under our seal, this _____ day of _____ in the year of our Lord one thousand eight hundred and _____ and of our consecration the _____

IX. MANDATE OF INDUCTION.

..... BY DIVINE PERMISSION LORD BISHOP OF TORONTO.

To all Rectors and Clerks whomsoever, wheresoever resident throughout that part of the Province of Ontario comprised in the present Diocese of Toronto, greeting :

Whereas, by virtue of the authority committed to me, I have admitted _____ Clerk, to the Rectory or Incumbency of the Parish of _____ in the County of _____ in the said part of the Province to which he was presented by the Lord Bishop of Toronto, the true and undoubted patron thereof, and have duly and canonically instituted him in and to the said Rectory or Incumbency, and invested him with all and singular the rights and appurtenances thereunto belonging ; you are therefore hereby desired, jointly and severally, to induct and cause the said Clerk, or his lawful Proctor, in his name and for him, to be inducted in the real, actual, and corporal possession of the said Rectory or Incumbency, of the Parish of _____ and of all and singular the rights, members, and appurtenances thereunto belonging, and to defend him so inducted ; and that you shall do in the premises, you, or whosoever o you that shall execute this present mandate, are duly to certify to the said Lord Bishop, his Suffragan, or Vicar General, or General Commissary or other competent judge or person in his behalf, when required so to do.

Given under our seal this _____ day of _____ in the year of our Lord one thousand eight hundred and _____ and of our consecration the _____

X. LAY READER'S LICENCE.

[See the form of this licence printed *ante* p. 122, under Canon XVII. of the Provincial Synod.]

XI. LETTERS TESTIMONIAL, OR OF *BENE DECESSIT*.

Whereas the Reverend _____ being about to leave this Diocese, has requested of us Letters Testimonial of his good life and conversation, we _____ Bishop of Toronto, do hereby testify that the said _____ during the time he has served as _____ in this Diocese, which was from _____ to the present date, did behave himself piously, soberly, and honestly, nor do we know that he believed or maintained any opinion contrary to the doctrine or discipline of the Church of England.

In Witness Whereof, we have hereunto subscribed our hand and affixed our seal.

Dated at Toronto, this _____ day of _____ in the year of our Lord one thousand eight hundred and _____ and in the _____ year of our consecration.

XII. LETTERS DIMISSORY FOR ORDINATION.

Whereas, our well beloved in Christ _____ hath offered himself to us _____ Bishop of _____ as a Candidate for ordination and admission into the Holy Order of Deacons (or Priests), and hath produced the requisite testimonials, and hath declared his readiness to make the subscriptions required by the Canons of the Church, and hath complied with the Canons of the Diocese with respect to Candidates for Ordination; and hath, moreover, been duly examined touching his knowledge of Holy Scripture and general learning, and hath been found sufficiently qualified for the Holy Office of a Deacon (or Priest), we, the Bishop aforesaid, being prevented by sundry and weighty causes from holding an Ordination at this time, and knowing that our Right Reverend Brother _____ Bishop of _____ is about to hold an ordination, do, by these presents, grant our Letters Dimissory, commending the said _____ to our said Right Reverend Brother, and earnestly requesting him to admit the said _____ into the Holy Order of Deacons (or Priests) in our stead.

In witness whereof, we have subscribed these presents at _____ on this _____ day of _____ in the year of our Lord _____ and in the _____ year of our consecration.

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I. THE CONSTITUTIONAL ACT.

[Imp Act. 1 Geo. III. cap. 31, 1791.]

Sec. 36. His Majesty may authorize the Governor to make allotments of lands for the support of a Protestant Clergy.

Sec. 38. His Majesty may authorize the Governor in Council to erect and endow parsonages.

Sec. 39. And to present incumbents thereto.

Sec. 40. Such presentations and the enjoyment of such Rectories to be subject to the authority of the Bishop of Nova Scotia, etc.

II. AN ACT RESPECTING TITHES.

[2 Geo. IV., c. 32, (1832); R. S. O. cap. 214.]

1 No tithes shall be claimed, demanded, or received by any ecclesiastical person, rector or vicar of the Protestant Church within Ontario. C. S. U. C. c. 66, s. 1.

III. 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 church-yards 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 purposes in this Act mentioned and declared.

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

* 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.

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 member 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 of office, be as a corporation † to represent the interest of such church, and of the members thereof, and shall sue and may sue and be sued, answer and be answered unto, in all manners of suits and actions whatsoever,‡ and may pro-

* 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. 235; *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.

secute 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.

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

*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.

sums of money by them received, and of all sums rated or assessed, or otherwise due and not received, and also of all goods, chattels, and other property of such church or parish in their hands as such churchwardens, and of all moneys paid by such churchwardens so accounting, and of all other things concerning their said office, and shall also pay and deliver over all sums of money, goods, chattels and other things, which shall be in their hands, unto such succeeding churchwardens ; which said account shall be verified by oath before one or more of Her Majesty's Justices of the Peace, who are hereby authorized to administer the same ; and the said book or books shall be carefully preserved by such churchwardens, and they shall and are hereby required to permit any member of such vestry as aforesaid, to inspect the same at all reasonable times, paying one shilling for such inspection, and in case such churchwardens make default in yielding such account as aforesaid, or in delivering over such money, goods or other things as aforesaid, it shall be in the power of the succeeding churchwardens to proceed against them at law for such default, or to file a bill in equity for discovery and relief ; and in case of the 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.

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, &c.

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, &c.

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.

[NOTE.—See Resolution No. 132, Toronto Synod, ante p. 90.]

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 management 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.

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 ap-

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

point, 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.

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.

* 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. Clark*, 7 U. C. Q. B. 44.

IV. 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 entitled: "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, etc.

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.

V. CHURCH SOCIETIES INCORPORATION ACT.

4. *An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto.*

[7 Vic., ch. 68 ; passed December, 1843 ; received Royal Assent June 27, 1844.]

Whereas it has been represented to the Legislature of this Province, that certain persons hereinafter named, and divers others, inhabitants of Lower Canada, and also certain other persons hereinafter named, and divers others, inhabitants of Upper Canada, have respectively established themselves together under a Constitution, Rules and Regulations, and have contributed, or engaged to contribute considerable sums of money, and have given or granted, or promised to give or grant, lands or real estate for the following objects, that is to say :—First, for the encouragement and support of Missionaries and Clergymen of the United Church of England and Ireland, severally within the Dioceses of Quebec and Toronto, and for creating a fund towards the augmentation of the Stipends of poor Clergymen, and towards making a provision for those who may be incapacitated by age or infirmity, and for the widows and orphans of the Clergy of the said Church, respectively, in the said Dioceses ; Secondly, for the encouragement of education and the support of Day Schools and Sunday Schools in the said Dioceses, respectively, in conformity with the principles of the said Church ; Thirdly, for granting assistance, where it may be necessary, to those who may be preparing for the Ministry of the Gospel in the said Church within the said Dioceses, respectively ; Fourthly, for circulating in the said Dioceses, respectively, the Holy Scriptures, the Book of Common Prayer of the said Church, and such other Books and Tracts as shall be approved by the several Central Boards or Managing Committees of the said Associations ; Fifthly, for ob-

taining and granting aid towards the erection, endowment, and maintenance of Churches according to the establishment of the said Church in the said Dioceses, respectively, the creation and maintenance of Parsonage Houses, the setting apart of Burial Grounds and Church Yards, the endowment and support of Parsonages and Rectories according to the said establishment, and the management of all matters relating to such endowments; And whereas it would tend greatly to facilitate and promote the purposes of the said Associations that they should severally be incorporated and empowered to hold property in mortmain without letters of licence and to manage, administer, alienate or dispose of the same, for the uses and purposes aforesaid, and to make and enforce rules and regulations, respectively, for the government of the said Associations, severally and for the better attaining of the purposes aforesaid : Therefore, etc.

The Lord Bishop of the said Diocese of Quebec, the Lord Bishop of Montreal, or the Bishop administering the said Diocese for the time being, and William Smith, Andrew W. Cochran, Henry Jessop, Henry J. Noad, John Racey, James H. Kerr, David Burnet, W. H. Leavercraft, John M. Fraser, the Reverend C. L. F. Haensel, George Hall, James Bolton, the Reverend George Mackie, the Reverend Edward Cusack, Robert Symes, the Reverend Edmund W. Sewell, William Price, Noah Freer, Edward Bowen, John G. Irvine, Hammond Gowen, Sir James Stuart, Baronet, Matthew Bell, William Phillips, Henry LeMesurier, Junior, Edward L. Montizambert, Thomas Trigge, Peter Patterson, George B. Hall, James Turnbull, William Stevenson, James B. Forsyth, Alexander D. Bell, James Dyke, William Dowes, R. M. Harrison, H. S. Dalkin, Edward Boxer, Archibald Campbell, Charles Secretan, James McKenzie, E. P. Woolrich, George H. Parke, Samuel McCauley, James J. Loundes, G. Newton, Charles Secretan, Thomas Daikers, H. W. Welch, and such other persons as are now Members of the said Association of the Diocese of Quebec, according to the existing Constitution, Rules, and Regulations thereof, and their successors, to be elected in the manner hereinafter provided, and such other persons as shall from time to time hereafter be elected to be Members of the said Association in the manner hereinafter provided, shall be and are hereby declared a Body Corporate and Politic, in name and in deed, by the name of "The Church Society of the Diocese of Quebec," and the Lord Bishop of Toronto, the Venerable George Okill Stuart, Robert Simpson Jameson, Levius Peter Sherwood, James B. Macaulay, Jonas Jones, Christopher Alexander Hagerman, Peter Boyle De Blaquiere, William Henry Draper, John Simcoe Macaulay, James Gordon, John Boulton, John Solomon Cartwright, D'Arcy Boulton, Mahion Burwell, John B. Askin, Thomas Mercer

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

Lands, Moneys, &c., vested in the Corporations.

2. All lands, messuages, tenements, hereditaments, or immovable property, and all rents, sum and sums of money, charged upon and issuing or payable out of any lands, messuages, tenements, hereditaments, or immovable property, as aforesaid, and all sums of money, goods, chattels, effects, or movable property, which have been or shall hereafter be paid, given, granted, purchased, appropriated, devised, or bequeathed in any manner or way whatsoever, to, for, or in favour of the said Corporations

*Therefore no licence to hold lands is necessary: *Church Society of Toronto v. Crandell*, 8 U. C. Chy. 34.

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

Corporations may make By-laws and transact business.

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

Quorum of Corporations.

4. The said Corporations, or the major part of those who shall be present at any of the meetings of the said Corporations to be held in manner aforesaid, shall and may, respectively, make and ordain any constitution, by-laws, rules, and regulations whatsoever, which to them or the major part of them then present, not

being fewer in number than six as aforesaid, shall seem meet, reasonable or requisite, touching and concerning the well ordering and governing of the affairs and business of the said Corporations and the due administering and improving the property thereof, and the more effectually promoting the purposes thereof, as aforesaid, and such constitution, by-laws, rules, and regulations in like manner from time to time to abrogate, repeal, change, or alter as may be found expedient, which constitution, by-laws, rules and regulations shall be binding upon, and shall be observed, performed and kept by the Members of the said Corporations respectively: Provided always, that the same shall not be repugnant or contrary to the aforesaid purposes of such Corporations,* or to the laws in force in this Province.

Written Consent of the Bishop necessary.

5. No such constitution, by-law, rule, or regulation, of either of the said Church Societies of the Dioceses of Quebec and Toronto, nor any abrogation, repeal, change, or alteration of the same, shall be of any force or effect until it shall have been sanctioned and confirmed by the Bishop of or administering such Diocese for the time being, under his hand.

Her Majesty's rights saved.

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

To be a Public Act.

7. This Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and other persons whatsoever, without being specially pleaded.

*An action will lie by a member of the Church Society on behalf of himself and the other members of the corporation to correct and prevent alleged breaches of trust by the corporation. To such an action the Attorney-General is not a necessary party. *Boulton v. Church Society of Toronto*, 14 U. C. Chy. 123; 15 U. C. Chy. 450.

VI. AN ACT TO AMEND THE ACT OF INCORPORATION OF THE CHURCH SOCIETY OF THE DIOCESE OF TORONTO.

[28 Vic., ch. 54 ; Assented to 18th March, 1865.]

Powers of Church Society of Diocese of Huron, and of the Synod of the Diocese of Ontario, conferred on Church Society of Diocese of Toronto.

1. The Church Society of the Diocese of Toronto shall have, and there is hereby conferred upon the said Church Society, all the rights, powers, authorities, and privileges that have been conferred upon or acquired by the Church Society of the Diocese of Huron,* and the incorporated Synod of the Diocese of Ontario,† by the several Acts of Incorporation of the said last mentioned Church Society and Incorporated Synod ; and all the clauses and provisions contained in the said Acts respectively intituled : *An Act to incorporate the Church Society of the Diocese of Huron*, and for other purposes therewith connected, passed in the twenty-second year of Her Majesty's Reign,* and *An Act incorporating the Synod of the Diocese of Ontario*, passed in twenty-fifth year of Her Majesty's Reign,† shall be read, taken, and applied, as far as the same may be applicable, to the Church Society of the Diocese of Toronto and the Bishop of the said Diocese of Toronto, as if the same had been especially enacted for the said Church Society of the Diocese of Toronto, and whenever in the said Acts the words "Church Society of the Diocese of Huron," or "Incorporated Synod," or "Bishop of the Diocese of Ontario," or "Bishop of the Diocese of Huron" occur, the same shall be read in reference to the Church Society of the Diocese of Toronto, as if the words "Church Society," or "Incorporated Synod," and "Bishop," were "Church Society of the Diocese of Toronto," and "Bishop of the Diocese of Toronto."

2. This Act shall be a Public Act.

VII AN ACT TO INCORPORATE THE CHURCH SOCIETY OF THE DIOCESE OF HURON, AND FOR OTHER PURPOSES THEREWITH CONNECTED.

[22 Vic. ch. 65 ; Assented to 24th July, 1858.]

Whereas Her Majesty, by Her Royal Letters Patent, bearing date at Westminster, on the second day of October, in the twenty-first year of Her Majesty's reign, was pleased to divide the Diocese of Toronto into two Dioceses, the one to be called the Diocese of Toronto, and the other the Diocese of Huron, in the manner and with the limits and boundaries in the said Letters Patent mentioned ; and by reason of such division it hath become expedient to incorporate a Church Society, in the Diocese of Huron ; and whereas a Society for the said Diocese of Huron hath been

recently formed, and hath prayed that the members thereof and their successors may hereafter form a separate society, with the corporate name and rights, and subject to the provisions hereinafter mentioned : Therefore, etc.

The said Church Society incorporated—Powers.

1. From and after the passing of this Act, there shall be and there is hereby constituted in and for the Church of England Diocese of Huron as now constituted, a corporation by the corporate name of the *Church Society of the Diocese of Huron*, which shall have and is hereby invested with the like corporate rights, powers and privileges, as by any Act or Acts of the Parliament of this Province, are conferred on any Church Society incorporated in any Diocese of the Church of England in this Province; and to the said corporation and to the members thereof, the several clauses and provisions of the said Acts shall apply as fully as they would have applied to any of the said Church Societies and to the members thereof, in so far as may not be inconsistent with this Act, and subject always to the provisions herein contained.

Of whom to consist.

2. The Church Society of the Diocese of Huron hereby incorporated, shall be composed and consist of the Lord Bishop of the Diocese of Huron for the time being, and of those members of the Church Society of the Diocese of Toronto, who shall at the time of the passing of this Act, be resident within the Diocese of Huron, unless and until it shall be otherwise provided by the By-laws of the said Church Society of the Diocese of Huron, and of such other persons as shall, from time to time, hereafter be elected members of the said Church Society, in manner provided by the Acts aforesaid.

Society may receive certain property.

3. The Church Society of the Diocese of Huron shall and may receive and take from any of the said Church Societies, any of the property held by such last-mentioned Societies, and discharge the trusts relating thereto, and such last mentioned Societies shall thereupon be discharged from such trusts.

Saving of her Majesty's rights.

4. Nothing herein contained shall be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted as are herein mentioned and provided for.

5. This Act shall be deemed a Public Act.

VIII. EXTRACTS FROM THE ACT INCORPORATING
THE SYNOD OF THE DIOCESE OF ONTARIO.

[25 Vic. ch. 86 ; Assented to 9th June, 1862.]

May hold certain Property.

3. The Incorporated Synod of the Diocese of Ontario shall and may receive and take from the Church Society of the Diocese of Toronto, or from the Lord Bishop of Toronto, or from any other person whomsoever,

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

Certain Lands vested in Synod.

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

Certain other Lands so vested.

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

Certain other property, and securities so' vested.

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

To be held on certain trusts.

7. All lands, moneys, mortgages, and securities which, under the authority of this Act, shall be vested in the Incorporated Synod of the Diocese of Ontario, shall, by the said Incorporated Synod, be held upon, to and for the uses, trusts, interests and purposes for which the same was heretofore held by the person or corporation holding the same; and the said Incorporated Synod may sell and dispose absolutely of any such lands, mortgages and securities as in this Act mentioned, or any other lands, mortgages and securities, which shall, after the passing of this Act, be received, held or acquired by the said Incorporated Synod, and shall have and hold the proceeds of such lands, mortgages and securities upon the same trust as the said lands, mortgages and securities had been before held, and no purchaser shall be liable for the application of any moneys paid by him or any sale under the provisions of this Act.

Bishop of Ontario to have the administration of such property.—How it may be alienated.—And if vested in any incumbent.—Proviso.—Proviso.—Proviso, as to Rectory Lands.

8. The Lord Bishop of the said Diocese of Ontario, for the time being, shall have the administration of all lands and personalties vested in him or conveyed to him for the endowment of his See, or for the general uses of the said church, or for the use of any particular church or chapel erected, or hereafter to be erected, or for the endowment of any parsonage, church, chapel erected, or hereafter to be erected, or for the endowment of any parsonage, church, chapel, living or for other uses or purposes appurtenant to such United Church in general, or to any particular church or parish, and shall, by and with the consent of the Incorporated Synod of the Diocese of Ontario, have power to sell, alien and transfer any lands or personalty vested in or conveyed to him for the general uses or purposes of the said See, or of the said Church, and shall also have power, by and with the consent and participation of the Rector or Incumbent, and the Corporation of the Parish wherein the same be situate, and by and with the consent of the Incorporated Synod of the Diocese of Ontario, to sell, alien, and transfer any land or personalty vested in or conveyed to him for the endowment of any parsonage, or living, or for the uses or purposes appurtenant to any particular church, chapel or parish; and the parson or other incumbent of any parsonage, church chapel or living, to whom any lands or personalty shall have been or may be hereafter conveyed for the endowment of such parsonage, church, chapel or living, shall have power to sell, alien and transfer the same, by and with the consent and participation of the Bishop of the said Church in the said Diocese for the time being, and by and with the consent of the said Synod of the said Diocese; Provided, always, that the price or consideration of such sale, alienation or transfer, be applied to the uses and purposes for which the land or personalty so sold, aliened or transferred, was conveyed; And provided also that such sales, alienation or transfer be not inconsistent with or contrary to the conditions, uses or purposes of the deed of conveyance to the said United Church, or to any Bishop thereof, or to such parson or incumbent, as the case may be, of the land or personalty so to be sold, aliened or transferred; And provided further that this clause shall not authorize the sale of any land granted by the Crown to any Rectory within the said Diocese for the endowment thereof.

IX. AN ACT RESPECTING RECTORIES.

[14-15 Viet. cap. 175, (1852); R. S. O. cap. 215.]

Whereas the recognition of legal equality among all religious denominations is an admitted principle of Colonial legislation; And whereas, in the state and condition of this Province, to which such a principle is peculiarly applicable, it is desirable that the same should receive the sanction of direct legislative authority, recognizing and declaring the same as a fundamental principle of our civil policy. Therefore, &c.

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

1. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, so as the same be

not made an excuse for acts of licentiousness, or a justification of practices inconsistent with the peace and safety of the Province, is by the constitution and laws of this Province allowed to all Her Majesty's subjects within the same. C. S. C. c. 74, s. 1.

No Rectories to be hereafter created.

2. No Letters Patent shall be hereafter issued in this Province by the Crown for the erection of any parsonages or rectories, according to the establishment of the Church of England, or for the endowment thereof, out of the Clergy Reserves or the public domain, or for the presentation of any incumbent or minister to any such parsonage or rectory. C. S. C. c. 74, s. 2.

Existing Rectories not to be affected by this Act.

3. Nothing herein contained shall in anywise affect any proceedings heretofore had, whereby certain parsonages or rectories were erected and endowed, or supposed to be erected and endowed by the authority of an Act of the Imperial Parliament passed in the thirty-first year of the reign of King George the Third, chapter thirty-one, intituled *An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled "An Act for making more effectual provision for the Government of the Province of Quebec, North America, and to make further provision for the Government of the said Province,"* or whereby certain incumbents or ministers were presented, under the same authority, to such parsonages or rectories or any of them, but the legality or illegality of all such proceedings shall be adjudicated upon and determined as if this Act had not been passed. C. S. C. c. 74, s. 4.

Presentation to such Rectories provided for.

4. The right of presenting an incumbent or minister to any such parsonage or rectory shall vest in and be exercised by the Church Society of the Church of England Diocese within which the same is situated, or in such other person or persons, bodies politic or corporate, as such Church Society, by any by-law or by-laws to be by them from time to time passed for that purpose, may think fit to direct or appoint in that behalf. C. S. C. c. 74, s. 4.

X. AN ACT RESPECTING THE CLERGY RESERVES,

[18 Vic. c. 2, 1854, C. S. C. cap. 25.]

(Not reprinted.)

XI. AN ACT TO ESTABLISH THE VALIDITY OF ACTS PERFORMED IN CANADA BY CERTAIN CLERGYMEN ORDAINED IN FOREIGN PARTS, AND FOR OTHER PURPOSES.

[28 Vic. ch. 7, Assented to 18th March, 1865.]

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

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

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

valid and effectual at law for all purposes whatever, as if such persons had been so admitted by a Bishop or Bishops of the United Church of England and Ireland.

Acts heretofore performed by them declared valid.

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

XII. AN ACT TO ENABLE THE MEMBERS OF THE UNITED CHURCH OF ENGLAND AND IRELAND, IN CANADA, TO MEET IN SYNOD.

[19-20 Vic. cap. 141. Passed 14th June, 1856 ; Assented to 28th May, 1857.]

Whereas doubts exist whether the members of the United Church of England and Ireland, in this Province, have the power of regulating the affairs of their Church in matters relating to discipline, and necessary to order and good government, and it is just that such doubts should be removed, in order that they may be permitted to exercise the same rights of self-government that are enjoyed by other religious communities : Therefore, etc.

The Bishops, Clergy, and Laity may meet in Diocesan Synod.

1. 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.

The Bishops, Clergy, and Laity may meet in Provincial Synod or General Assembly.

2. The Bishops, Clergy, and Laity, members of the United Church of England and Ireland, in this Province, may meet in General Assembly within this Province by such representatives as shall be determined and declared by them in their several Dioceses; and in such General Assembly frame a Constitution and regulations for the general management and good government of the said Church in this Province: provided always, that nothing in this Act contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said Church or not, or the infliction of any punishment, fine, or penalty upon any person, other than his suspension or removal from any office in the said Church, or exclusion from the meetings or proceedings of the Diocesan or General Synods; and provided also, nothing in the said Constitutions or regulations, or any of them, shall be contrary to any law or statute now, or hereafter, in force in this Province.—*Canada Gazette, 28th May, 1857.*

XIII. AN ACT TO EXPLAIN AND AMEND THE ACT INTITULED, "AN ACT TO ENABLE THE MEMBERS OF THE UNITED CHURCH OF ENGLAND AND IRELAND, IN CANADA, TO MEET IN SYNOD.

[22 Vic. c. 139; Assented to 16th August, 1858.]

Whereas doubts exist whether in the Act passed in the nineteenth and twentieth years of Her Majesty's reign, intituled, "An Act to enable the members of the United Church of England and Ireland, in Canada, to meet in Synod,"* sufficient provision is made for representation of the Laity of the United Church of England and Ireland in the Synods by the said Act authorized to be held, and it is expedient that such doubts should be removed: Therefore, etc.:

1. For all the purposes of the aforesaid Act, the Laity shall meet by representation; and until it shall be otherwise determined by the Synod in each Diocese, one or more delegates (not exceeding three in any case) may be elected at the annual Easter meetings in each Parish, Mission, or Cure within the Diocese, or in cases where there may be more than one congregation in any Parish, Mission or Cure, then in each such congregation, or at meetings to be specially called for the purpose by each Clergyman

* See page 187, *ante*.

having a separate Cure of souls; and all laymen within such Parish, Mission, or Cure, or belonging to such congregation, of the full age of twenty-one years, who shall declare themselves in writing, at such meetings, to be members of the United Church of England and Ireland, and to belong to no other religious denomination, shall have the right of voting at such election. Each delegate shall receive from the chairman of the meeting a certificate of his election, which he shall produce when called upon so to do at the Synod; and the first meeting of such Synod shall be called by the Bishop of the Diocese, at such time and place as he shall think fit; provided always, that no business shall be transacted by the Synod of any Diocese unless at least one-fourth of the Clergy of such Diocese shall be present, and at least one-fourth of the congregations within the same be represented by at least one delegate.

Former Acts of Synod Valid.

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

XIV. AN ACT TO PROVIDE FOR THE SALE OF RECTORY LANDS IN THIS PROVINCE.

[29-30 Vic., ch. 16, 17; Assented to 15th August, 1866.]

By what authority Glebe or Rectory Lands may be sold. Proviso, as to the then Incumbent.

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

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

Investment of proceeds of sale.

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

Applications of such proceeds.

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

Right of presentation not affected.

4. Nothing in this Act contained shall affect the right of presentation to any Rectory, but such right of presentation shall continue to be exercised as it was before this Act was passed.

Sales to be within ten years.

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

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To what lands the Act shall not apply.

6. This Act shall not apply to any lands granted by the Crown, as sites for Churches, Parsonages, or Burial Grounds, or now occupied as such.

7. This Act shall be deemed a Public Act.

XV. AN ACT TO AMEND THE ABOVE ACTS.

[39 Vict. cap. 108 ; Assented to 10th Feb. 1876.]

Whereas the time limited for the sale of the rectory lands under an Act of Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her Majesty Queen Victoria, and chaptered sixteen, will expire on the fifteenth day of August next, and it is expedient to extend the same ;

Therefore, etc.

1. The right to exercise the power of sale granted by the said Act may be exercised at any time within ten years from the fifteenth day of August next, [1876.]

XVI. AN ACT TO REGULATE THE MEANS OF EGRESS FROM PUBLIC BUILDINGS.

[29-30 Vic. cap. 22, R. S. O. 192.]

Doors of Churches, &c., to be hung so as to open outwards.

1. In all churches, theatres, halls, or other buildings constructed or used for holding public meetings, or for places of public resort or amusement, all the doors shall be so hinged that they may open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used, to facilitate the egress of people, in case of alarm from fire or other cause. 29-30 V. c. 22, s. 1.

Congregations incorporated and trustees, &c., and rectors, &c. liable for neglect.

2. Congregations possessing corporate powers, and all trustees holding churches or buildings used for churches under *The Act respecting the property of Religious Institutions*, and incumbents

and churchwardens holding churches, or buildings used for churches, under the Act of the Parliament of the late Province of Upper Canada, passed in the third year of the reign of Her Majesty, Queen Victoria, chapter seventy-four, 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 all others holding churches or buildings used for churches, under any other Act, shall be severally liable as trustees for such societies or congregations, to the provisions of this Act. 29-30 V. c. 22, s. 3 (2).

Penalty for Violation.

3. Individuals, companies, and corporations owning or possessing public halls, churches, or other buildings used for public meetings, who violate the provisions of this Act, shall be liable to fine not exceeding fifty dollars, recoverable on information before any two of her Majesty's Justices of the Peace, or before the Mayor or Police Magistrate of any City or Town; one moiety of such fine shall be paid to the party laying the information, and the other moiety to the Municipality within which the case may arise: and parties so complained against shall be liable to a further fine of five dollars for every week succeeding that in which the complaint is laid, if the necessary changes are not made. 29-30 Vic. c. 22, s. 3 (1).

XVII. AN ACT RESPECTING THE SOLEMNIZATION OF MARRIAGES.

[C. S. U. C. cap. 72; 37 Vic. cap. 6; 38 Vic. cap. 8; 39 Vic. cap. 3; R. S. O. cap. 124: (am'd) 46 Vic. cap. 11.]

Ministers of any denomination may solemnize marriage.

1. The ministers and clergymen of every church and religious denomination duly ordained or appointed according to the rites and ceremonies of the churches or denominations to which they respectively belong, and resident in Ontario, may, by virtue of such ordination or appointment, and according to the rites and usages of such churches or denominations respectively, solemnize the ceremony of marriage between any two persons not under a legal disqualification to contract such marriage. [R. S. O. c. 124, s. 1.

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

2. No minister or clergyman shall celebrate the ceremony of marriage between any two persons, unless duly authorized so to

do by licence under the hand and seal of the Lieutenant-Governor, or his Deputy duly authorized in that behalf, or by a certificate under this Act, or unless the intention of the two persons to intermarry has been proclaimed once, openly, and in an audible voice, either in the church, chapel, or meeting-house in which one of the parties has been in the habit of attending worship, or in some church, chapel, meeting-house, or place of public worship of the congregation or religious community with which the minister or clergyman who performs the ceremony is connected, in the local municipality, parish, circuit, or pastoral charge, where one of the parties has, for the space of fifteen days immediately preceding, had his or her usual place of abode; such proclamation to be on a Sunday, immediately before the service begins, or immediately after it ends, or at some intermediate part of the service. [R. S. O. c. 124, s. 2. See Rev. Stat. c. 13, s. 2.]

Certificate instead of licence.

3. A certificate in the form given in Schedule A or Schedule B to this Act (according to the circumstances of the case) may at the option of the applicant, be substituted for a marriage licence; and such certificate shall have the same legal effect as a licence. [R. S. O. c. 124, s. 3.]

Licences and certificates to be issued by Provincial Secretary.

4. Such licences or certificates shall be issued from the office of the Provincial Secretary, and shall be furnished to persons requiring the same by such persons as the Lieutenant-Governor in Council may name for that purpose. [R. S. O. c. 124, s. 4.]

Licences signed by official persons valid notwithstanding their offices vacated.

5. Every licence executed under the hand and seal of the Lieutenant-Governor, or his deputy duly authorized in that behalf, and every certificate signed by the Provincial Secretary, or Assistant Provincial Secretary, for the purpose of solemnizing a marriage, shall be and remain valid, notwithstanding, that the Lieutenant-Governor or deputy, or Provincial Secretary, or Assistant Provincial Secretary has ceased to hold office before the time of the issue of the licence or certificate. [R. S. O. c. 124, s. 5. See Rev. Stat. c. 13, s. 2.]

Unauthorized persons issuing licences to be subject to a fine.

6. If any person issues any licence or certificate for the solemnization of marriage without being authorized by the

Lieutenant-Governor in Council in that behalf, unless under the authority in the next section contained, he shall forfeit to Her Majesty the sum of \$100 for every licence or certificate so issued. [R. S. O. c. 124, s. 6.]

Deputy Issuers may be appointed.

7. (1) Any issuer of marriage licences or certificates may, with the approval, in writing, of the mayor or reeve of the city, town, township, or incorporated village wherein he resides, from time to time, when prevented from acting by illness or unavoidable accident, or where his temporary absence is contemplated, appoint, by writing under his hand, a deputy to act for him.

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

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

(4) In case it is necessary on account of illness, unavoidable accident, or contemplated temporary absence of any issuer of marriage licences, to appoint a deputy, and there is no Mayor or reeve to give the consent required by the provisions of sub-section 1 of this section, such issuer of marriage licences may in the manner in other respects required by said sub-section, but without such consent, appoint such deputy; and the licences or certificates issued by such deputy shall be deemed to authorize the solemnization of marriages at the same places as licences or certificates issued by the principal for whom such deputy acts; and no irregularity in the appointment of a deputy issuer shall affect the validity of a licence or certificate by him issued. [R. S. O. c. 124, s. 7.]

How Deputies to sign Licences.

8. Every deputy so appointed shall sign each licence and certificate issued by him, with the name of his principal as well as his own name in the following manner—"A. B., *Issuer of Marriage Licences, per C. D., Deputy Issuer,*" or to the like effect; but no irregularity in the issue of a licence or certificate issued by an issuer or deputy issuer to any person or persons obtaining the same, or acting thereon in good faith, shall invalidate a marriage solemnized in pursuance thereof. [R. S. O. c. 124, s. 8.]

Affidavit of party before Licence or Certificate is granted.

11. Before any licence or certificate is granted by any issuer or deputy issuer, one of the parties to the intended marriage shall personally make an affidavit which shall state

- (a) In what county or district it is intended that the marriage shall be solemnized, and in what town, village, or place in the county or district, and
- (b) That he or she believes that there is no affinity, consanguinity, precontract, or other lawful cause, or legal impediment, to bar or hinder the solemnization of the marriage ;
- (c) That one of the parties has for the space of fifteen days immediately preceding the issue of the licence or certificate had his or her usual place of abode within the county or judicial district in which (for either municipal or judicial purposes) the local municipality in which the marriage is to be solemnized lies ;

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

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

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

(4) The affidavit may be in the form set forth in Schedule C to this Act, and may be made before the issuer of licences or his deputy. [R. S. O. c. 124, s. 11.]

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

12. In case the person having authority to issue the licence or certificate has personal knowledge that the facts are not as section 11 of this Act requires, he shall not issue the licence or

certificate; and if he has any reason to believe or suspect that the facts are not as aforesaid, he shall, before issuing the licence or certificate, require further evidence to his satisfaction in addition to the said affidavit or deposition. [R. S. O. c. 124, s. 12.]

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

13. The father, if living, of any party under twenty-one years of age not being a widower or widow, or if the father is dead the guardian or guardians of the person of the party so under age, lawfully appointed, or one of the guardians, if there are more than one; or in case there is no such guardian, then the mother of the minor, if the mother is unmarried, shall have authority to give consent to the marriage. [R. S. O. c. 124, s. 13.]

Fees.

14. No fee shall be payable for any licence or certificate, except the sum of \$2, which the issuer of the licence or certificate shall be entitled to retain for his own use; but the Lieutenant-Governor in Council may from time to time reduce, the sum so payable. [R. S. O. c. 124, s. 14.]

No valid objection that it was not in a church or chapel, etc.

15. It shall not be a valid objection to the legality of a marriage that the same was not solemnized in a consecrated church or chapel, or within any particular hours. [R. S. O. c. 124, s. 15.]

Ministers marrying must give certificate if required.

16. Every clergyman or minister, who celebrates a marriage, shall, if required at the time of the marriage by either of the parties thereto, give a certificate of the marriage under his hand, specifying the names of the persons married, the time of the marriage, and the names of two or more persons who witnessed it, and specifying also whether the marriage was solemnized pursuant to licence or certificate under this Act, or after publication of banns; and the clergyman or minister may demand twenty-five cents for the certificate given by him from the person requiring it. [R. S. O. c. 124, s. 16.]

Ministers to enter marriages in a book, etc., Form of record.

Rev. Stat c. 36.

17. Every clergyman or minister shall, immediately after he has solemnized a marriage, enter in a book, to be kept by him for the purpose, a true record of the marriage; which record

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shall specify all the particulars, given in Schedule B to *The Act respecting the Registration of Births, Marriages, and Deaths* [R. S. O. c. 124, s. 17.]

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

18. The Clerk of the Peace of every County shall, at the expense of the county from time to time on demand, furnish all clergymen or ministers with the books to be kept; and such books shall have columns and headings printed on every page according to the form of said Schedule B; and the books shall be of such size and form as to admit of the necessary entries being conveniently made therein. [R. S. O. c. 124, s. 18.]

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

19. The book by whomsoever furnished shall be the property of the church or denomination to which the clergyman or minister, clerk or secretary belongs at the time of the first marriage which he records therein. [R. S. O. c. 124, s. 19.]

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

24. No minister who performs a marriage ceremony after banns published, or after a licence or a certificate under this Act issued, shall be subject to any action or liability for damages or otherwise by reason of there having been any legal impediment to the marriage, unless, at the time when he performed the ceremony, he was aware of the impediment. [R. S. O. c. 124, s. 21.]

XVIII. AN ACT RESPECTING THE REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS.

[39 Vic. cap. 22; R. S. O. c. 36; 42 Vic. cap. 12; 44 Vic. cap. 4; 48 Vic. cap. 12.]

Provincial Secretary to be Registrar-General.

2. The Provincial Secretary shall be, for the purposes of this Act, the Registrar-General of the Province. [R. S. O. c. 36, s. 2.]

Registration Divisions and Division Registrars.

3. For the purposes of this Act, each city, town, incorporated village, township or union of townships, shall be a Registration

*See this Act printed post.

Division ; and the clerks of such municipalities shall be Division Registrars ; but this section shall not apply to any municipality within any of the districts referred to in the next succeeding section. [R. S. O. c. 36, s. 3.]

Appointment of Registrars in Algoma and other districts.

4. The Lieutenant-Governor in Council may appoint such Division Registrars in the existing Districts of Algoma, Nipissing, Thunder Bay, Rainy River, Muskoka and Parry Sound, and also any Territorial Districts hereafter formed, and by Order in Council make such rules and regulations as may be necessary to secure a correct record of the births, marriages and deaths occurring therein, until municipal organizations are formed. [48 V. c. 12, s. 1.]

Books and forms for Registrars.

5. The Registrar-General shall procure the necessary books and forms for the Division Registrars, and the same shall be prepared according to Schedules A, B, and C, appended to this Act, with such additional columns as may from time to time be added thereto by the Lieutenant-Governor in Council, in order to the procurement of correct Statistical information ; and he shall distribute the same to the several Division Registrars, and the costs and expenses of such books and forms, and the expenses attendant upon the distribution thereof, shall be paid out of the Consolidated Revenue Fund of the Province. [R. S. O. c. 36, s. 5.]

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

7. Every clergyman, teacher, minister, or other person authorized by law to baptize, marry or perform the funeral service in Ontario, shall keep a registry shewing the persons whom he has baptized or married, or who have died within his cure and belonging to his congregation. [R. S. O. c. 36, s. 7.]

Particulars as to marriage to be reported—Registrar to furnish forms.

13. Every clergyman, minister, or other person authorized by law to celebrate marriages, shall be required to report each and every marriage he celebrates to the Registrar of the division within which such marriage is celebrated, within ninety days from the date of such marriage, with the particulars required by Schedule B, appended to this Act, and in order the better to

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enable the said clergyman, minister or other person to make such report as aforesaid, he shall be furnished by the Division Registrar of the Division in which he resides with blank forms containing the particulars required by the said Schedule B. [R. S. O. c. 36, s. 11.]

Particulars as to death to be furnished to Registrars.

14. The occupier of the house or tenement in which a death takes place, or, if the occupier be the person who has died, then some one of the persons residing in the house in which the death took place, or if such death has not taken place within a house, then any person present at the death or having any knowledge of the circumstances attending the same, or the coroner who attended any inquest held on such person, shall, before the interment of the body, supply to the Division Registrar of the division in which such death took place, according to his or her knowledge or belief, all the particulars required to be registered touching such death, by the form provided by this Act. [R. S. O. c. 36, s. 12.]

Certificate of registry of death.

15. Every Division Registrar shall immediately upon registering any death, or as soon thereafter as he is required so to do, without fee or reward, deliver to any person requiring the same for the purpose of burial, a certificate according to form of Schedule D. appended to this Act, that the particulars of such death have been duly registered. [R. S. O. c. 36, s. 13.]

Minister, etc., on burying to make return of death, except on receipt of certificate from Registrar.

16. Every minister or other person who buries or performs any funeral or religious service for the burial of any dead body, unless he has received a certificate under the hand of the Registrar of the division in which the death took place according to the Schedule D. to this Act annexed, that the particulars of such death have been duly registered, shall make a return of such death according to Schedule C to this Act annexed, to the Registrar of the division in which the death took place, within seven days after such burial. [R. S. O. c. 36, s. 14.]

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

17. Notwithstanding anything contained in the preceding section, where any minister or other person has occasion to bury or perform any funeral or religious service for the burial of any

dead body without having received the certificate of the Registrar of the division in which the death took place, that the particulars of such death have been duly registered, it shall be sufficient for such minister or other person (in lieu of the return by the said section required) to give to the Registrar, within seven days after the burial, a written notice under the hand of such minister or other person, stating, according to his knowledge, information and belief, the name and residence of the deceased, and the date and place at which the burial took place, or at which the service was performed, either without or with any of the other particulars mentioned in Schedule C to this Act. [42 V. c. 12, s. 1.]

Penalty for false statements.

28. Any person who knowingly or wilfully makes or causes to be made any false statement touching any of the particulars required to be reported and entered under this Act, shall, upon conviction thereof before any Justice of the Peace, forfeit the sum of \$40. [R. S. O. c. 36, s. 23.]

Penalty for neglect to report.

29. If any householder, head of a family, clergyman, physician, or other person or persons required by this Act to report births, marriages and deaths, refuses or wilfully neglects to do so within the time named, such person shall, for each and every offence, forfeit and pay a sum not less than \$1, nor more than \$20 and costs, in the discretion of the presiding Justice before whom the case is heard; and it shall be the duty of the Division Registrar to prosecute all such persons so neglecting or refusing to make the required reports; but if the return required by this Act to be made by more than one person is made by any one of such persons, the other of such persons shall not be liable to any penalty in respect of his default; and such prosecution shall be commenced within two years after the time allowed for reporting such birth, marriage or death. [R. S. O. c. 36, s. 24; 44 V. c. 4, s. 6.]

Procedure on complaints.

30. Any Justice of the Peace having jurisdiction within the locality where any offence against this Act has been committed may hear and determine such complaint, and shall have power, in case the penalty and costs awarded by him are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender, by warrant under his hand and seal; and, except as provided in section 22, the penalty

when recovered shall be paid over by such Justice, one-half to the person complaining and one half to the local municipality within which the offence is committed; and, in default of payment or sufficient distress, the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the Common Gaol for a period not less than one day nor more than twenty days, at the discretion of such Justice, unless such penalty, costs and charges of commitment are sooner paid. [R. S. O. c. 36, s. 25.]

SCHEDULE A.

(Section 3.)

FORM OF CERTIFICATE BEFORE MARRIAGE WITHOUT BANNES, WHERE ONE OF THE PARTIES HAS RESIDED FOR FIFTEEN DAYS NEXT PRECEDING THE ISSUE OF THE CERTIFICATE IN THE COUNTY.

These are to certify that A. B. of _____ and C. D. of _____ being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said A. B. (or C. D.) has made oath, as required by law, that he (or she) believes that there is no affinity, consanguinity, precontract, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage, and that said A. B. or C. D. (or both, as the case may be), has, (or have) had his (or her, or their) usual place of abode, for the space of fifteen days last past, within the City (County or District) of _____ namely, in the Township (Town or Village) of _____ in the said County (or District) of _____ and that the said A. B. and C. D. are of the full age of twenty-one years.

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

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

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

G. H.,

Issuer (or Deputy Issuer) of Licences.

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

K. L.,

Provincial Secretary.

R. S. O. c. 124, Sched. A.

SCHEDULE B.

(Section 3.)

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

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

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

G. H.,

Issuer (or Deputy Issuer) of Licences.

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

Provincial Secretary

[R. S. O. c. 124. Sched. B.]

SCHEDULE D.

(Sections 15 and 16.)

I, _____, Division Registrar of the municipality of _____ do hereby certify that the particulars of the death of _____ have been duly registered.

Division Registrar's office,
day of _____

18.

(Signature)

[R. S. O. c. 36, Sched. D.]

SCHEDULE B.—MARRIAGES. (Sections 5 and 13.)

County of		Division of	
BRIDEGROOM.		BRIDE.	
His name.	Age.	Her name.	Age.
Residence when married.	Place of birth.	Residence when married.	Place of birth.
Bachelor or widower. (B. or W.)	Rank or profession.	Spinster or widow. (S. or W.)	Name of parents.
Name of parents.	Names of witnesses.	Residence of witnesses.	Date of marriage.
	Religious denomination of bridegroom.	Religious denomination of bride.	By whom married.
	By whom married.	By licence.	By banns.
	Remarks.		

I hereby certify the foregoing to be the true and correct entries of all marriages returned to me for the half year ending the 18th day of _____, A. D. 18 .

Given under my hand this _____ day of _____, A. D. 18 .
 Division Registrar of
 R. S. O. 1877, c. 36, Sched. B.

SCHEDULE C.—DEATHS. (Sections 5 and 16.)

County of _____ Division of _____

No.	Name and surname of deceased.	When died.	Sex.	Age.	Rank or profession.	Where born.	Certified cause of death and duration of illness.	Name of physician, if any.	Signature, description, and residence of informant.	When registered.	Religious denomination.	Signature of Registrar.	Remarks.

I hereby certify the foregoing to be the true and correct entries of all deaths returned to me for the half year ending the 18 .

Given under my hand this _____ day of _____

A. D. 18 .

Division Registrar of _____

R. S. O. 1877, c. 36, Sched C.

XIX. THE RELIGIOUS INSTITUTIONS ACTS.

[R. S. O., cap. 216 (1877) as amended by 43 Vict. cap. 36 (11th March, 1879.)]

TRUSTEES—POWERS OF.

Conveyances for site of a Church, etc., may be made to Trustees.

1. Where any religious society or congregation of Christians in Ontario desires to take a conveyance of land for the site of a church, chapel, meeting-house, burial-ground, residence for a minister, book-store, printing or publishing-office, or for any other religious or congregational purpose whatever, such society or congregation may appoint trustees, to whom, and their successors, to be appointed in such manner as may be specified in the deed of conveyance, the land requisite for all or any of the purposes aforesaid may be conveyed; and such trustees and their successors in perpetual succession, by the name expressed in the deed, may take, hold and possess the land, and maintain and defend actions in Law or Equity for the protection thereof, and of their property therein. R. S. O., c. 216, s. 1.

NOTE:—The trustees are a corporation, and have power to purchase, sell and mortgage personal property: *Brown v. Sweet*, 7 U. C. App. Rep. 725. They may sue in their collective name. *Trustees Franklin Church v. Maguire*, 23 U. C. Chy. 102; *Trustees Ainleyville Congregation v. Grever*, 23 C. P. 533, *Berkeley St. Church v. Stevens*, 37 U. C. Q. B. 9. Or they may sue in their own names with the addition of "as trustees of, etc.": *Humphreys v. Hunter*, 20 U. C. C. P. 456. The appointment of the first trustees, and probably also the mode of succession should be declared by the deed of trust, and not by the conveyance from the grantor: *Doe v. Bain*, 3 U. C. Q. B. 198.

Number of Trustees may be varied.

2. Any congregation or society of Christians entitled to the benefit of any lands held under the provisions of the Statutes respecting the Property of Religious Institutions or otherwise may from time to time, by a resolution passed by a two-thirds vote of the persons entitled to vote in respect of the appointment of trustees, increase or decrease the number of trustees by the deed or otherwise to be appointed for the purpose of holding such lands; or may in like manner fix the number of trustees in case the deed makes no provision as to their number. 42 Vic. c. 36, s. 1.

Notice of Meeting required.

3. No such resolution shall be passed unless the said meeting has been duly notified in the same manner as a meeting for the election of trustees for such lands is required to be notified, or unless notice has been given at the time of such notification that

R. S. O. 1877, c. 36, Sched C.

a proposal for increasing (or decreasing or determining, as the case may be) the number of trustees, will be considered at such meeting. 42 V. c. 36, s. 2.

Time when variation to take effect.

4. In case the resolution passed provides for the appointment of more trustees than are authorized by the deed, or more than there are in fact (if the number is not limited by the deed) the same shall take effect forthwith; and the additional trustees to be appointed may be elected at the meeting at which the resolution is passed or at a subsequent meeting; if the resolution provides for a smaller number of trustees than the deed provides for, then such resolution shall not take effect until vacancies occur, by death or otherwise, reducing the number of trustees to the number provided for by such resolution; and no other trustees shall be appointed under the authority of this Act until the number of trustees has been reduced as aforesaid below the number authorized by the resolution. 42 V. c. 36, s. 3.

Record of proceedings.—Copy to be registered.

5. A record of the proceedings of such meeting shall be made out in writing, and entered and transcribed in the minute book or other official register of the acts and proceedings of such congregation or society, and shall be signed by the chairman and secretary thereof, and shall thereafter be deposited of record among the archives of the congregation or society, and a copy of such record, certified to be a true copy by the chairman or secretary, on oath (or affirmation); before a Justice of the Peace, may be recorded in the Registry Office of the county or other Registration Division in which the property is situate. 42 V. c. 36, s. 4.

Certified copy prima facie evidence.

6. A copy of such proceedings taken from the minute book or other official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the Registrar of the Registration Division wherein the same has been registered according to the preceding section, shall be *prima facie* evidence of the contents thereof. 42 V. c. 36, s. 5.

Special Acts not affected by preceding provisions.

7. The provisions hereinbefore contained in this Act shall not be construed so as in any way to repeal, alter, affect, or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province. 42 V. c. 36, s. 5.

MORTGAGES.

Mortgages allowed in certain cases.

8. Where a debt has heretofore been or is hereafter contracted for the building, repairing, extending or improving of a church, meeting-house, chapel, book-store, printing-office or other building, on land held by trustees for the benefit of any religious society in Ontario, or for the purchase of the land on which the same has been or is intended to be erected, the trustees, or a majority of them, may from time to time secure the debt or any part thereof by a mortgage upon the land, church, meeting-house, chapel, book-store, printing-office, or other building; or may borrow money to pay the debt or part thereof, and may secure the repayment of the loan and interest by like mortgage upon such terms as may be agreed upon. R. S. O. c. 216, s. 2.

Authority to mortgage.

9. The authority hereby conferred to mortgage land as security for a debt which has heretofore been or shall be hereafter contracted for the building, repairing, extending or improving of a church, meeting-house, chapel, book-store, printing-office or other building on land held for the benefit of any religious society, is extended to any land so held, although the church, or other building, in respect of which the debt is contracted, is not erected on the said land. 42 V. c. 36, s. 7.

LEASES.

Powers to Lease.

10. The grantees in trust named in any Letters Patent from the Crown, or the survivors or survivor of them, or the trustees for the time being appointed in manner prescribed in the Letters Patent, whereby lands are granted for the use of a congregation or religious body, and any other trustees for the time being entitled by law to hold lands in trust for the use of a congregation or religious body, may lease, for any term not exceeding twenty-one years, lands so held by them for the use of a congregation or religious body, at such rents and upon such terms as the trustees or a majority of them deem reasonable. R. S. O. c. 216, s. 6.

Powers to agree in leases to renew and pay for improvements by lessee.

11. In such lease they may covenant or agree for the renewal thereof at the expiration of any or every term of twenty-one years, for a further term of twenty-one years or a less period, at such rent and on such terms as may then by the trustees for the

time being agreed upon with the lessee, his heirs, executors, administrators or assigns, or may consent or agree for the payment to the lessee, his executors, administrators, or assigns, of the value of any buildings or other improvements which may at the expiration of any term be on the demised premises; and the mode of ascertaining the amount of such rents, or the value of such improvements may also be specified in the original lease. R. S. O. c. 216, s. 4.

Consent of cestuis que trustent requisite before leasing—How signified.

12. But the trustees shall not so lease without the consent of the congregation or religious body for whose use they hold the land in trust, and such consent shall be signified by the votes of a majority of the members present at a meeting of the congregation or body, duly called for the purpose; nor shall the trustees lease any land which, at the time of making the lease, is necessary for the purpose of erecting a church or place of worship or other building thereon, or for a burial-ground for the congregation for whose use the land is held. R. S. O. c. 216, s. 5.

Remedies to Trustees for rent in arrear.

13. The trustees for the time being entitled by law to hold land in trust for a congregation or religious body, may, in their own names, or by any name by which they hold the land, sue or distrain for rent in arrear, and may take all such means for the recovery thereof as landlords in other cases are entitled to take. R. S. O. c. 216, s. 6.

The trustees alone can exercise these powers. The congregation cannot authorize any other individuals or any committee to exercise them: *Irving v. McLachlan*. 5 U. C. Chy. 625. See notes to sec. 1, *ante*. p. 205.

SALES.

When and how Trustees may make.

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

vary any special powers or trusts for sale contained in any deed or instrument, and inconsistent herewith. R. S. O. c. 216, s. 7.

Land vested in trustees "for the use of and as a place of residence for a minister, and for such other purposes as the ministers of the religious body at their General Conference might from time to time approve of," is not land held by trustees for the use "of a congregation or religious body" within the meaning of this section: *In re Churchville, etc.*, 1 Chy. Cham. 305.

Private Sales.

15. The trustees may thereafter sell the land either by public or private sale; but a less sum shall not be accepted at private sale than was offered at public sale. R. S. O. c. 216, s. 8.

To effect a sale under this section it is essential that all the requirements of the preceding section should have been strictly complied with. *In re Second Congregational Church Property, Toronto*, 1 Chy. Cham. 349; *In re Baptist Church Property, Stratford*, 2 Chy. Cham. 388.

Cestuis que trustent to be notified, and sanction obtained.

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

Evidence of.

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

When County Judge may approve of deed.

(3) Instead of such assent of the congregation or religious body aforesaid, it shall be sufficient for the validity of any such deed of conveyance, that the sale be sanctioned and the deed approved of by the Judge of the County Court of the county in which the land sold is situate. R. S. O. c. 216, s. 9.

CONGREGATIONAL MEETINGS.

Power to convene.

17. It shall be lawful for any congregation or society of Christians of any denomination, on whose behalf lands in this

Province are now, have been, or hereafter may be held by a trustee or trustees, without the manner of appointing successors being set forth in the deed of grant, conveyance, will or devise of such lands, or who are or may be entitled to any lands without being a body corporate, at any time hereafter to assemble in a public meeting duly convened by notice in writing, signed by at least five members of such congregation or society, and affixed to the door of their place of worship, at least eight days previous to the day appointed for holding such meeting; and at such meeting, by the votes of a majority of the members of such congregation or society then and there present, to determine in what manner the successors to such trustee or trustees shall be appointed out of the members of the religious denomination on whose behalf such lands were originally granted, conveyed or conceded, or to appoint a trustee or trustees of any lands to which the said congregation or society is entitled, and their successors in the trust. R. S. O. c. 216, s. 10.

Record of proceedings.

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

Copy as evidence.

(2) A copy of such proceedings taken from the minute book or other official register of the congregation, and certified by the clerk or custodian of the records of the congregation, or a copy certified by the Registrar of the Registration Division wherein the same has been registered, according to this section, shall be *prima facie* evidence of the contents thereof. R. S. O. c. 216, s. 11.

Determination at meeting to have the effect of clause in deed of grant.

19. Such determination shall, in every such case, have the same effect as a clause in the deed of grant, concession or conveyance of the lands to which it relates, setting forth the manner of appointing successors to the trustee or trustees named would have; and any lands to which any religious congregation or society, not being incorporated, is entitled, shall from time to

time vest in and be held by the trustee or trustees to be appointed as hereinbefore mentioned, and in the successors in the trust, immediately upon the registration of the proceedings in the last preceding section mentioned, and without any or further conveyance or instrument whatsoever. R. S. O. c. 216, s. 12.

These sections only authorize the appointment of successors to trustees dead or removed, and do not empower the congregation to remove trustees competent or willing to act: *Lage v. Mackenson*, 40 U. C. Q. B. 338.

If the deed of trust contain a provision that any person ceasing to be a member of the society must cease to be a trustee, the vacancy so caused may be filled under these sections: *Everett v. Howell*, 5 Q. B. O. S. 592; See also *Coleman v. Moore*, 44 U. C. Q. B. 328; *Smallwood v. Abbott*, 18 U. C. Q. B. 564.

TWO SOCIETIES ACTING TOGETHER.

To build a house of worship.

20. Where members or adherents in any locality of two or more religious societies desire to build a house for public worship, it shall be lawful for each of the societies respectively to appoint from time to time one trustee in the manner and form prescribed in this Act, and the trustees of the religious bodies so united shall have the like powers as are conferred on trustees under this Act, and no others; and as to any act, deed or thing to be done or made by trustees under this Act which requires the sanction or assent of the congregation or religious body, the trustees under this section shall obtain the sanction or assent of each and every of the congregations or religious bodies so united, to be ascertained and signified in the manner hereinbefore mentioned. R. S. O. c. 226, s. 13.

REGISTRATION OF CONVEYANCES BEFORE MARCH, 1873.

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

Proviso as to certain cases of adverse right.

(2.) But in all cases where any such religious bodies had not erected any buildings or made improvements, and any person claiming to hold or to be entitled to any real estate or property

included in any such deed on account of the omission to register the same, had, in virtue of such claim, taken possession of such real estate before the said 29th day of March, 1873, and also in all cases where the persons claiming to hold or to be entitled to such real property, on account of such omission as aforesaid, had actually sold or departed with, or had actually contracted to sell or depart with such real estate before the said date, the provisions of this section shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not been passed. R. S. O. c. 216, s. 14.

Conveyances to be registered within twelve months.

22. The trustees of any lands to which the provisions of this Act apply, shall, within twelve months after the execution of the deed of conveyance, cause the deed to be registered in the office of the Registrar of the County or other Registration Division in which the land is situate, or otherwise the same shall be void; and further, such deed shall be subject to the law affecting priority of registration in the same manner as if made between private parties. R. S. O. c. 216, s. 15.

See *In re Baptist Church Property, Stratford*, 2 Chy. Cham. 388.

TRUSTEES TO EXHIBIT ACCOUNTS.

Trustees to exhibit accounts as to lands sold and leased.

23. Trustees selling or leasing land under the authority of this Act shall, on the first Monday in July in every year, have ready and open for the inspection of the congregation or religious body which they represent, or of any member thereof, a detailed statement showing the rents which accrued during the preceding year, and all sums of money whatever in their hands, for the use and benefit of the congregation or religious body, which were in any manner derived from the lands under their control or subject to their management, and also showing the application of any portion of the money which has been expended on behalf of the congregation or body. R. S. O. c. 216, s. 16.

ACT APPLIES TO ROMAN CATHOLICS.

24. All the rights and privileges conferred upon any religious society or congregation of Christians in section 1 of this Act mentioned, shall extend, in every respect, to the Roman Catholic Church, to be exercised according to the government of the said church. R. S. O. c. 216, s. 17.

ACT NOT TO AFFECT SPECIAL ACTS.

25. This Act shall not be construed so as in anywise to repeal, alter, affect or vary any of the provisions in any special Act contained with reference to any religious body or congregation of Christians in this Province, but, on the contrary, any of the said provisions, where differing from or inconsistent with any of the said provisions of this Act, shall prevail, and where any additional rights or privileges are conferred by this Act, these shall be construed as supplementary to the provisions contained in any such special Act; and in every case the special trusts or powers of trustees contained in any deed, conveyance, or other instrument, shall not be affected or varied by any of the provisions of this Act. R. S. O. c. 216, s. 18.

POWERS OF RELIGIOUS SOCIETIES AS TO HOLDING LANDS.

26. Any religious society or congregation of Christians in Ontario may, by the name thereof, or in that of trustees, from time to time take or hold, by gift, devise, or bequest, any lands or tenements, or interests therein, if such gift, devise, or bequest is made at least six months before the death of the person making the same, but the said religious society or congregation shall at no time take or hold by any gift, devise, or bequest, so that the annual value of any lands or tenements or interests therein, so to be taken or held by gift, devise or bequest, at any one time exceeds in the whole the sum of \$1,000; and no lands or tenements, or interests therein, acquired by gift, devise, or bequest, shall be held by the said religious society or congregation for a longer period than seven years after the acquisition thereof; and within such period they shall respectively be absolutely disposed of by the said religious society or congregation, which shall have power in the name thereof, or in that of the trustees for said society or congregation, to grant and convey the said lands to any purchaser, so that it no longer retains any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages, for the use of the said society or congregation; and such lands, tenements, or interests therein, or such thereof as have not, within the said period, been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators, or assigns. R. S. O. c. 216 s. 19.

XX. AN ACT TO EXTEND THE RELIGIOUS INSTITUTIONS' ACT TO THE CHURCH OF ENGLAND IN CANADA.

41 Vic. cap. 25, (7th March, 1878,) as amended by 42 Vic. c. 37, (11th March, 1879,) and 49 Vic. cap. 48. (March, 1886.)

See By-law No. 3, *ante* p. 66.

(1) All the rights, powers, and privileges, conferred upon any religious society or congregation of Christians by the Revised Statutes respecting the Property of Religious Institutions, are hereby declared to extend and apply to The Church of England in this Province, formerly or otherwise called The United Church of England and Ireland in Canada, or The United Church of England and Ireland in Upper Canada, or The Church of England in Upper Canada. 41 V. c. 25, s. 1.

(2) The Parson or other incumbent of the church for the time being, and the Churchwardens thereof, shall, for the purpose of this Act and of the said Revised Statutes, be deemed and taken to be trustees within the meaning of the said Revised Statutes, by whom the like rights and powers as trustees under the said statute may be exercised, subject, however, to the provisions contained in section 2 of this Act.

(3) In cases within section 16 of the Church Temporalities' Act,* the bishop, or parson, rector or incumbent, or any successor or other person in whom the legal title or estate is vested, by, from or under any of them, shall also be deemed and taken to be a trustee, by whom the like rights and powers of trustees, under the said Revised Statutes respecting Religious Institutions, may be exercised equally as in the case of such trustees, subject, however, to the provisions contained in section 2 of this Act. 42 V. c. 37, s. 1.

Property vested in the Bishop in trust.

(4) In cases of property vested in the Bishop of any Diocese in trust, and not covered by the preceding sub-section, the Bishop shall also be deemed and taken to be a Trustee by whom the like powers of Trustees under the said Revised Statute respecting Religious Institutions may be exercised equally as in the case of such Trustees; subject, however, to the provisions contained in section 2 of this Act. [49 Vict. cap. 48, sec. 1 (4).]

Property vested in the Synod in trust.

(5) In cases of property vested in the Synod of any Diocese within the Act passed in the 7th year of Her Majesty's reign,

* 3 Vic. cap. 74, printed; *ante* p. 169.

chapter 68, intituled "An Act to incorporate the Church Societies of the United Church of England and Ireland in the Dioceses of Quebec and Toronto," and the Act* passed in the 32nd year of Her Majesty's reign, chapter 51, intituled "An Act to incorporate the Synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto therewith," the Synod shall also be deemed and taken to be a Trustee, by whom the like rights and powers of Trustees under the said Revised Statute respecting Religious Institutions may be exercised equally as in the case of such Trustees; subject, however, to the provisions contained in section 2 of this Act; and the powers of the Synod under this sub-section may be exercised by and through such Boards and Committees as the Synod may, from time to time, by By-law appoint for that purpose. [49 Vict. cap. 48, s. 1 (5.)

Sales or Mortgages of Church Property.

2. Provided always, that land shall not be sold, mortgaged, leased, or otherwise encumbered, under the powers conferred by the said Act, as extended or declared by this Act, except with the consent of the Vestry of the church or congregation interested therein, and of the Bishop of the Diocese, and the Executive Committee of the Synod of the Diocese; and it is hereby declared, that the consent or assent of the Vestry, given in accordance with the rules and canons of the said church, shall be deemed to be the consent or assent of the congregation within the meaning of the said Act, and the execution of the deed by the Bishop, and by the Secretary or Secretaries of the Synod, or a memorandum of consent endorsed thereon and signed by them, shall, in favour of the grantee and his assigns, be conclusive evidence of the consent or assent of the Bishop and Executive Committee. 41 Vic. c. 25, s. 2.

MEMORANDUM AS TO PROCEDURE.

ON SALES OF CHURCH PROPERTY UNDER THE ABOVE ACTS.

The following synopsis of the procedure prescribed by the above Act, and the Religious Institutions Acts, (secs. 2 and 7 to 9,) upon an intended sale of Church Property, has been prepared by the Solicitors of the Synod:

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 for its use 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 their consent to the sale.

* See this Act printed *post* p. 224.

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 of the record should also 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 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 and Churchwardens may sell the lands by public or private sale, but a less sum shall not be accepted by private sale than was offered by public sale, (sec. 15.)

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 should be transmitted to the Secretary-Treasurer of Synod.

12. The deed should 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 should then be executed in the usual manner by the Synod by the Lord Bishop, and by the Honorary Secretaries of the Synod.

II. Statutes Relating only to the Diocese of Toronto.

IMPERIAL ACT.

XXI. AN ACT FOR BETTER ENFORCING CHURCH DISCIPLINE.

[Imp. Stat. 3 & 4 Vic. cap. 87. Assented to 7th August, 1840.]

[NOTE.—By Canon III., s. 2, (*ante* p. 40.) this Act, except s. 24 thereof, was adopted as the law governing the Bishop's Court when established in this Diocese.]

1. 4 Hen. VII., c. 1, repealed.

Interpretation.

2. Unless it shall otherwise appear from the context, the term "Preferment," when used in this Act, shall be construed to comprehend every Deanery, Archdeaconry, Prebend, Canonry, Office of Minion Canon, Priest, Vicar, or Vicar Choral in Holy Orders, and every Precentorship, Treasurership, Sub-Deanery, Chancellorship of the Church, and other Dignity and Office in any Cathedral or Collegiate Church, and every Mastership, Wardenship, and Fellowship in any Collegiate Church, and all Benefices with Cure of Souls, comprehending therein all Parishes, Perpetual Curacies, Donatives, endowed Public Chapels, Parochial Chapeltries, and Chapeltries or Districts belonging to or reputed to belong to, or annexed or reputed to be annexed to, any Church or Chapel, and every Curacy, Lectureship, Readership, Chaplaincy, Office or Place which requires the Discharge of any Spiritual Duty, and whether the same be or be not within any exempt or peculiar Jurisdiction; and the word "Bishop," when used in this Act, shall be construed to comprehend "Archbishop;" and the word "Diocese," when used in this Act, shall be construed to comprehend all places to which the jurisdiction of any Bishop extends under and for the purposes of an Act passed in the second year of the reign of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy.*

Bishop may issue a Commission of Enquiry—Notice to be previously given.

3. In every case of any Clerk in Holy Orders of the United Church of England and Ireland who may be charged with any offence against the Laws Ecclesiastical, or concerning whom there

may exist scandal, or evil report as having offended against the said laws, it shall be lawful for the Bishop of the Diocese within which the offence is alleged or reported to have been committed, on the application of any party complaining thereof, or if he shall think fit of his own mere motion, to issue a Commission under his hand and seal to five persons, of whom one shall be his Vicar-General, or an Archdeacon or Rural Dean within the Diocese, for the purpose of making enquiry as to the grounds of such charge or report : Provided always, that notice of the intention to issue such Commission under the hand of the Bishop, containing an intimation of the nature of the offence, together with the names, addition, and residence of the party on whose application or motion such Commission shall be about to issue, shall be sent by the Bishop to the party accused fourteen days at least before such Commission shall issue.

Proceedings of the Commissioners.

4. It shall be lawful for the said Commissioners, or any three of them, to examine upon oath, or upon solemn affirmation in cases where an affirmation or declaration is allowed by law instead of an oath, which oath or affirmation or declaration respectively shall be administered by them to all witnesses who shall be tendered to them for examination, as well by any party alleging the truth of the charge or report as by the party accused, and to all witnesses whom they may deem it necessary to summon for the purpose of fully prosecuting the enquiry, and ascertaining whether there be sufficient *prima facie* ground for instituting further proceedings ; and notice of the time when, and place where every such meeting of the Commissioners shall be holden shall be given in writing, under the hand of one of the said Commissioners, to the party accused, seven days at least before the meeting ; and it shall be lawful for the party accused, or his agent, to attend the proceedings of the Commission, and to examine any of the witnesses ; and all such preliminary proceedings shall be public, unless, on the special application of the party accused, the Commissioners shall direct that the same or any part thereof shall be private ; and when such preliminary proceedings, whether public or private, shall have been closed, one of the said Commissioners shall, after due consideration of the depositions taken before them, openly and publicly declare the opinion of the majority of the Commissioners present at such inquiry, whether there be or be not sufficient *prima facie* ground for instituting further proceedings.

Report of the Commissioners.

5. The said Commissioners, or any three of them, shall transmit to the Bishop, under their hands and seals, the depositions of

witnesses taken before them, and also a report of the opinion of the majority of the Commissioners present at such inquiry whether or not there be sufficient *prima facie* ground for instituting proceedings against the party accused; and such report shall be filed in the Registry of the Diocese; and if the party accused shall hold any preferment in any other Diocese or Dioceses, the Bishop to whom the report shall be made shall transmit a copy thereof, and of the depositions, to the Bishop or Bishops of such other Diocese or Dioceses, and shall also, upon the application of the party accused, cause to be delivered to such party a copy of the said report, and of the depositions, on payment of a reasonable sum for the same, not exceeding two-pence for each folio of ninety words.

Bishop may pronounce Sentence, by consent, without further Proceedings.

6. In all cases where proceedings shall have been commenced under this Act against any such Clerk, it shall be lawful for the Bishop of any Diocese within which such Clerk may hold any preferment, with the consent of such Clerk and of the party complaining, if any, first obtained in writing, to pronounce, without any further proceedings, such sentence as the said Bishop shall think fit, not exceeding the sentence which might be pronounced in due course of law; and all such sentences shall be good and effectual in law as if pronounced after a hearing according to the provision of this Act, and may be enforced by the like means.

Articles and Depositions to be Filed.

7. If the Commissioners shall report that there is sufficient *prima facie* ground for instituting proceedings, and if the Bishop of any Diocese within which the party accused may hold any preferment, or the party complaining, shall thereupon think fit to proceed against the party accused, articles shall be drawn up, and, when approved and signed by an Advocate practising in Doctors' Commons, shall, together with a copy of the depositions taken by the Commissioners, be filed in the Registry of the Diocese of such last-mentioned Bishop; and any such party, or any person on his behalf, shall be entitled to inspect without fee such copies, and to require and have, on demand, from the Registrar (who is hereby required to deliver the same), copies of such depositions, on payment of a reasonable sum for the same, not exceeding two-pence for each folio of ninety words.

Service of Copy of the Articles on the Party.

8. A copy of the articles so filed shall be forthwith served upon the party accused, by personally delivering the same to him,

or by leaving the same at the residence house belonging to any preferment holden by him, or if there be no such house, then at his usual or last known place of residence; and it shall not be lawful to proceed upon any such articles until after the expiration of fourteen days after the day on which a copy shall have been so served.

Bishop may require the Party to appear before him, and may pronounce Judgment on Admission.

9. It shall be lawful for the said last mentioned Bishop, by writing under his hand, to require the party to appear, either in person or by his agent duly appointed, as to the said party may seem fit, before him at any place within the Diocese, and at any time after the expiration of the said fourteen days, and to make answer to the said articles within such time as to the Bishop may seem reasonable; and if the party shall appear, and by his answer admit the truth of the articles, the Bishop, or his Commissary specially appointed for that purpose, shall forthwith proceed to pronounce sentence thereupon according to the Ecclesiastical Law.

How Notice and Requisition to be served.

10. Every notice and requisition to be given or made in pursuance of this Act, shall be served on the party to whom the same respectively relate in the same manner as is hereby directed with respect to the service of a copy of the articles on the person accused.

Proceedings on a Hearing before the Bishop.

11. If the party accused shall refuse or neglect to appear and make any answer to the said articles other than an unqualified admission of the truth thereof, the Bishop shall proceed to hear the cause, with the assistance of three Assessors, to be nominated by the Bishop, one of whom shall be an Advocate who shall have practised not less than five years in the Court of the Archbishop of the Province, or a Serjeant-at-Law, or a Barrister of not less than seven years' standing, and another shall be the Dean of his Cathedral Church, or of one of his Cathedral Churches, or one of his Archdeacons or his Chancellor; and upon the hearing of such cause the Bishop shall determine the same, and pronounce sentence thereupon according to the Ecclesiastical Law.

Sentence of Bishop to be effectual in Law.

12. All sentences which shall be pronounced by any Bishop or his Commissary in pursuance of this Act, shall be good and

effectual in law, and such sentences may be enforced by the like means as a sentence pronounced by an Ecclesiastical Court of competent jurisdiction.

Bishop may send the Cause to the Court of Appeal of the Province, and Judge of the Court may make Orders for expediting such Suits.

13. That it shall be lawful for the Bishop of any Diocese within which the offence is alleged to have been committed, in any case, if he shall think fit, either in the first instance or after the Commissioners shall have reported that there is sufficient *prima facie* ground for instituting proceedings, and before the filing of the articles, but not afterwards, to send the case by letters of request to the Court of Appeal of the Province,* to be there heard and determined according to the law and practice of such Court: Provided always, that the Judge of the said Court may and is hereby authorized and empowered from time to time, to make any order or orders of Court for the purpose of expediting such suits, or otherwise improving the practice of the said Court, and from time to time to alter and revoke the same: Provided also, that there shall be no appeal from any interlocutory decree or order not having the force or effect of a definitive sentence, and thereby ending the suit in the Court of Appeal of the Province, save by permission of the Judge of such Court.

Bishop empowered to inhibit Party accused from performing Services of the Church, &c.

14. In every case in which, from the nature of the offence charged, it shall appear to any Bishop within whose Diocese the party accused may hold any preferment, that great scandal is likely to arise from the party accused continuing to perform the services of the Church, while such charge is under investigation, or that his ministrations will be useless while such charge is pending, it shall be lawful for the Bishop to cause a notice to be served on such party at the same time with the service of a copy of the articles aforesaid, or at any time pending any proceedings before the Bishop or in any Ecclesiastical Court, inhibiting the said party from performing any Services of the Church within such Diocese from and after the expiration of fourteen days from the service of such notice, and until sentence shall have been given in the said cause: Provided that it shall be lawful for such party, being the Incumbent of a Benefice, within fourteen days after the service of the said notice, to nominate to the Bishop any fit person or persons to perform all such services of the Church during the period in which such party shall be so inhibited as aforesaid; and if the Bishop shall deem the person or persons.

*See Canon, No. V. of Provincial Synod, printed *ante* p. 106.

so nominated fit for the performance of such services, he shall grant his licence to him or them accordingly, or in case a fit person shall not be nominated the Bishop shall make such provision for the service of the Church as to him shall seem necessary; and in all such cases it shall be lawful for the Bishop to assign such stipend, not exceeding the stipend required by law for the Curacy of the Church belonging to the said party, nor exceeding a moiety of the net annual income of the benefice, as the Bishop may think fit, and to provide for the payment of such stipend, if necessary, by sequestration of the living: Provided also, that it shall be lawful for the said Bishop at any time to revoke such inhibition and licence respectively.

What Appeals may lie.

15. It shall be lawful for any party who shall think himself aggrieved by the judgment to appeal from such judgment; and such appeal shall be heard before the Judge of the Court of Appeal of the Province,* and shall be proceeded in in the said Court of Appeal in the same manner, and subject only to the same appeal as in this Act is provided with respect to cases sent by letters of request to the said Court.

16. [Not applicable to Canada.]

Attendance of Witnesses, and production of Papers, &c., may be compelled.

17. It shall be lawful in any such inquiry for any three or more of the Commissioners, or in any such proceeding for the Bishop, or for any assessor of the Bishop, or for the Judge of Court of Appeal of the Province, to require the attendance of such witnesses, and the production of such deeds, evidences, or writings, as may be necessary; and such Bishop, Judge, Assessor, and Commissioners respectively, shall have the same power for these purposes as now belong to the Consistorial Court and to the Court of Arches respectively.

Witnesses to be examined on Oath, and to be liable to punishment for Perjury.

18. Every witness who shall be examined in pursuance of this Act shall give his or her evidence upon oath, or upon solemn affirmation in cases where an affirmation is allowed by law instead of an oath, which oath or affirmation respectively, shall be administered by the Judge of the Court or his Surrogate, or by the Assessor of the Bishop, or by a Commissioner; and that every such witness who shall wilfully swear or affirm falsely shall be deemed guilty of perjury.

* See Canon V. of Provincial Synod, printed *ante* p. 106.

Provisions of Act not to interfere with Persons instituting suits to establish a Civil Right—23 H. S. c. 9.

19. Nothing hereinbefore contained shall prevent any person from instituting as voluntary promoter, or from prosecuting, in such form or manner, and in such Court as he might have done before the passing of this Act, any suit which, though in form criminal, shall have the effect of asserting, ascertaining, or establishing any civil right. [The rest of this section is not applicable to Canada.]

Suits to be commenced within two years—Proviso.

20. Every suit or proceeding against any such Clerk in Holy Orders for any offence against the Laws Ecclesiastical shall be commenced within two years after the commission of the offence in respect of which the suit or proceeding shall be instituted, and not afterwards: Provided always, that whenever any such suit or proceeding shall be brought in respect of an offence for which a conviction shall have been obtained in any Court of Common Law, such suit or proceeding may be brought against the person convicted at any time within six calendar months after such conviction, although more than two years shall have elapsed since the commission of the offence in respect of which such suit or proceeding shall be so brought.

21. 27 G. 3, c. 44. [*which limited the time for certain actions,*] *not to apply to suits against Spiritual Persons, &c.*

Power of Archbishops and Bishops as to exempt or peculiar Places or Preferments.

22. Every Archbishop and Bishop within the limit of whose Province or Diocese respectively, any place, district or preferment, exempt or peculiar, shall be locally situated, shall, except as herein otherwise provided, have, use, and exercise all the powers and authorities necessary for the due execution by them respectively of the provisions and purposes of this Act, and for enforcing the same with regard thereto respectively, as such Archbishop and Bishop respectively would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such Archbishop or Bishop; and where any place, district or preferment, exempt or peculiar, shall be locally situate between the limits of more than one Province or Diocese, or where the same, or any of them, shall be locally situate between the limits of the two Provinces, or between the limits of any two or more Dioceses, the Archbishop or Bishop of the Cathedral Church to whose Province or Diocese the Cathedral, Collegiate, or other Church or Chapel of the place, district,

or preferment respectively shall be nearest in local situation shall have, use, and exercise all the powers and authorities which are necessary for the due execution of the provisions of this Act, and enforcing the same with regard thereto respectively, as such Archbishop or Bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such Archbishop or Bishop respectively, and the same for all the purposes of this Act shall be deemed and taken to be within the limits of the Province or Diocese of such Archbishop or Bishop; provided that the peculiars belonging to any Archbishopric or Bishopric, though locally situate in another Diocese, shall continue subject to the Archbishop or Bishop to whom they belong, as well for the purpose of this Act as for all other purposes of Ecclesiastical Jurisdiction.

Limitation of Suits.

23. No criminal suit or proceeding against a Clerk in Holy Orders of the United Church of England and Ireland, for any offence against the Laws Ecclesiastical, shall be instituted in any Ecclesiastical Court otherwise than is hereinbefore enacted or provided.

24. *If a Bishop is Patron of the Preferment held by accused Party, Archbishop to act in his Stead.*

[This section was not adopted as the rule of the Bishop's Court in the Diocese of Toronto. See Canon III., s. 2, *ante* p. 42.]

XXII. AN ACT TO INCORPORATE THE SYNOD OF THE DIOCESE OF TORONTO, AND TO UNITE THE CHURCH SOCIETY OF THE DIOCESE OF TORONTO THEREWITH.

[32 Vic., ch. 51; Assented to 23rd January, 1869.]

Whereas the Synod of the United Church of England and Ireland, of the Diocese of Toronto, have petitioned for an Act for the Incorporation of the said Synod, and for union with the Church Society of the said Diocese; and the said Church Society have also petitioned for the same, and it will greatly facilitate the objects for which the said Synod and Church Society were established, to grant the prayer of the said petitioners.

Therefore, etc.

The Synod Incorporated.

1. The Synod of the United Church of England and Ireland of the Diocese of Toronto, shall be, and the same is hereby incor-

porated by the name of "The Incorporated Synod of the Diocese of Toronto."

Who shall constitute the Synod.

2. The said Synod shall consist of the Bishop of the said Diocese, who shall be the head of the Synod, and any Suffragan or Coadjutor Bishop thereof, the Priests and Deacons of the same licensed by the Bishop or Suffragan, and of Lay Representatives, to be elected according to the Constitution of the said Synod as the same exists at the time of the passing of this Act, or as it may, from time to time, be altered by the said Synod after the passing of this Act.*

The Corporate name of the Synod.

3. The Church Society of the Diocese of Toronto shall be and is hereby united to, and incorporated with, the said Synod of the Diocese of Toronto, and shall hereafter be called and known as "The Incorporated Synod of the Diocese of Toronto."

All property vested in the Synod.

4. All the property, of what nature or kind soever, now held by or vested in the said Church Society, shall be and is hereby declared to be vested in the Synod of the Diocese of Toronto, without any conveyance thereof by the said Church Society to the said Synod; and the name of the said Synod is and shall stand and be in the place of the name of the said Church Society in all deeds and other writings relating to the property and affairs of the said Church Society, and in all suits and proceedings, either at law or in equity, by or against the said Church Society.

Trusts and Liabilities of the Synod.

5. The said Synod shall be subject to all the liabilities of the said Church Society, and shall hold all property vested in trust in the said Society upon the same trusts as such property was heretofore held by the said Society, and shall administer the same according to such trusts; and all claims, rights, suits, actions, cause and causes of suit and action, which might but for this Act be brought, prosecuted, or enforced, by any person or persons, body or bodies corporate whatsoever, against the said Church Society of the Diocese of Toronto, may be brought, prosecuted and enforced against the said Synod, and against its funds, property and effects; and nothing herein contained shall relieve any officer or corporator of the said Church Society from any existing claim or liability at law or in equity, or take away any right of

*See sec. 1 of the Constitution of the Synod, *ante* p. 1.

action or suit of any corporator of the said Society or other person, or of the said Society, in respect of any of the affairs or property of the said Society.

Powers of the Synod.

6. The said Synod shall have all the powers, rights, privileges, and franchises conferred upon the said Synod under the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, entitled "An Act to enable Members of the United Church of England and Ireland to meet in Synod," as well as those conferred upon the Church Society by the several Acts of the Legislature of the Province relating to the said Church Society, and to enforce all rights and claims which either such Synod or Society could enforce against any person or persons whatsoever, body or bodies corporate, or otherwise howsoever.

Powers of the Synod continued.

7. The said Synod shall have full power and authority to make such canons, rules, regulations, and by-laws, as by the said Synod may be considered necessary, in the exercise of the powers conferred upon the said Synod under the said Acts in the next preceding clause mentioned, and also for the conduct of their proceedings, regulation of their members, and all such other matters as may pertain to the proper and orderly discharge of their business.

How the Powers of the Synod shall be exercised.

8. The said Synod may exercise all its powers by and through such Boards or Committees as the said Synod may from time to time appoint by by-law or by-laws, for the management of all or any of the affairs or property of the said Synod, but in accordance only with the trusts relating to any property to which any special trust is attached.

Appointment and removal of Officers.

9. The said Synod may appoint or remove all such officers as may be found necessary for the management of the affairs and business of the said Synod, and provide for their remuneration.

How Property and Funds are to be Managed.

10. Until other provision be made under this Act by the Synod, all the property and funds of the said Church Society shall continue to be managed by the committee and officers of the said Church Society, and under the by-laws thereof, but subject to the supervision and control of the Synod, to whom all reports respecting the same shall be made.

FORM OF DEVISE.

TO THE INCORPORATED SYNOD OF THE DIOCESE OF TORONTO.

I give, devise, and bequeath unto the Incorporated Synod of the Diocese of Toronto, all and singular that certain parcel or tract of Land and Premises situate and being in the

To have and to hold the said parcel or tract of Land and Premises, with their appurtenances, unto the said the Incorporated Synod of the Diocese of Toronto, aforesaid, and their assigns, for ever, to the uses and upon the trusts following, that is to say

A BEQUEST OF PERSONAL ESTATE.

I give and bequeath to the Incorporated Synod of the Diocese of Toronto, the sum of..... [or Stock in the Bank standing in my name in the Books of the said Bank,] and I direct that the said legacy be paid exclusively out of such part of my personal estate as may lawfully be appropriated to such purpose, and in preference to any other payment thereout.

NOTE.—Mortgages, although ordinarily treated as personalty, are regarded as realty in cases of bequests for charitable purposes. Those who wish to benefit the Synod, and whose estate consists of mortgage securities, must bear in mind that a will containing bequests for charitable uses of such property must be made six months prior to the death of the testator. (See 3 Vict. cap. 74, s. 16, ante p. 173.)

XXIII. AN ACT TO CONFER UPON THE BISHOP AND INCUMBENTS OF THE DIOCESE OF TORONTO, SIMILAR POWERS TO THOSE HELD BY THE BISHOP AND INCUMBENTS OF THE DIOCESE OF ONTARIO.

[34 Vic., ch. 79 ; assented to 15th February, 1871.]

Whereas by section eight of the Act passed in the twenty-fifth year of the reign of Her present Majesty, and chaptered eighty-six,* the Bishop, Rectors, and other Incumbents of the Diocese of Ontario have the power of alienating and transferring lands and personalty vested in them respectively for the uses and purposes of the said See and of the Churches, Parishes, and Livings therein ; and whereas, it was intended that by the Act passed in the twenty-eighth year of the reign of Her said Majesty, and chaptered fifty-four, similar powers should be conferred upon the Bishop, Rectors, and other Incumbents of the Diocese of Toronto, but doubts exist whether such powers were thereby conferred, and it is expedient that such doubts should be removed, and that the powers hereinafter granted should be conferred upon the last named Bishop and Incumbents.

Therefore, &c.

*See ante page 182.

The Bishop to have the administration of lands and personalty.

1. The Lord Bishop of the Diocese of Toronto for the time being shall have the administration of all lands and personalty which now are, or hereafter may be, vested in him or conveyed to him for the use or endowment of his See, or for the general use of the Anglican Church in his Diocese, or for the use or endowment of any particular Church, Chapel, Parsonage, Parish, Mission, or Living erected or established, or hereafter to be erected or established therein, or for other purposes appertaining to the said Church in his Diocese, or to any particular Parish therein.

*Alienation of Property.**

2. The said Bishop, by and with the consent of the Incorporated Synod of the said Diocese, shall have power to sell, alien, and transfer any lands or personalty, which now are, or may hereafter be vested in, or conveyed to him for the general uses and purposes of the said See or of the said Church, and by and with the consent of the said Synod and of the Rector or Incumbent of the Parish or Mission to which the same may pertain, or for the benefit of which the same may be held; shall also have power to sell, alien, and convey any lands or personalty which now are, or hereafter may be vested in or conveyed to, the said Bishop for the purposes, use, or endowment of, or pertaining to any Church, Chapel, Parsonage, Parish, Mission or Living.

If vested in the Incumbent.

3. The Parson, Rector or other Incumbent, of any Church, Chapel, Parsonage, Parish, Mission or Living for the time being, to whom any lands or personalty shall have been or hereafter may be vested for the purpose, use or endowment of such Church, Chapel, Parsonage, Parish, Mission or Living, shall, by and with the consent of the Bishop of the said Diocese and of the Synod thereof, have the power to sell, alien and convey such lands and personalty.

Application of the proceeds of Sales.

4. The price or consideration money of any such sale, alienation or transfer, shall be applied to the uses and purposes for which the land or personalty so sold, aliened, or transferred, was originally conveyed to, or became vested in, the said Bishop and Incumbents respectively.

Power to convey Glebe Lands.

5. The said Bishop, and any Rector, Parson, or other Incumbent in the said Diocese, in each case by and with such consent

*And see sec. 14 *et seq.* of the Religious Institutions Acts *ante* pp. 208, 209.

as is herein provided for in regard to such sales by them as aforesaid, shall have power to grant and convey any glebe, house, or lands, which now are or hereafter may be vested in them respectively, to any person or persons, body or bodies corporate, in exchange for any other house, buildings, or lands; and it shall be lawful for the said Bishop, Rectors, Parsons, or other Incumbents, with the like consent, to accept and take in exchange to him, them, and their respective successors forever, from any person or persons, or body corporate, any other house, buildings, or lands, in lieu of and exchange for such house or lands so granted and conveyed.

Consent of Synod, Bishop, or Incumbent, how signified.

6. The consent of the Synod, Bishop, or Incumbent, respectively, hereinbefore required, shall be testified by their respectively executing the deed or other assurance by which any lands or other premises shall be conveyed or assured.

This Act not to affect lands mentioned in 29 & 30 Vic. cap. 16.

7. Nothing in this Act shall extend or apply to the lands mentioned in the Act of Parliament of the late Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered sixteen, and intitled, "An Act to provide for the sale of Rectory Lands in this Province."

XXIV. AN ACT TO CONFIRM THE AGREEMENT BETWEEN THE CHURCH SOCIETIES OF THE DIOCESES OF TORONTO AND HURON RELATIVE TO CERTAIN CHURCH LANDS IN THE DIOCESE OF HURON.

(24 Vict. cap. 125.)

XXV. AN ACT TO AUTHORIZE THE CHURCH SOCIETY OF THE DIOCESE OF TORONTO TO SELL CERTAIN PARTS OF THE RECTORY LANDS OF PETERBOROUGH, &c.

(27 Vict. cap. 87.)

XXVI. AN ACT TO AMEND THE ACT 27 VIC. CAP. 87.

(34 Vict. cap. 80.)

* See this Act printed *ante*, p. 189.

XXVII. AN ACT TO AUTHORIZE THE CHURCH SOCIETY OF THE DIOCESE OF TORONTO TO SELL CERTAIN GLEBE LOTS OF LAND IN DARLINGTON AND FOR OTHER PURPOSES.

[28 Vic., ch. 57 ; Assented to 15th March, 1865.]

XXVIII. AN ACT TO VEST CERTAIN LANDS IN THE RECTOR AND CHURCHWARDENS OF ST. JAMES'S CHURCH, TORONTO.

(29-30 Vict. cap. 151.)

XXIX. AN ACT TO AUTHORIZE THE CHURCHWARDENS OF ST. JAMES'S CHURCH, TORONTO, TO ISSUE DEBENTURES.

(37 Vict. cap. 92.)

XXX. AN ACT TO AMEND THE ACT 37 VICT. CAP. 92.

(42 Vict. cap. 92.)

XXXI. AN ACT RELATING TO ST. JAMES'S CHURCH, ORILLIA, AND CERTAIN LANDS BELONGING THERETO.

(38 Vict. cap. 84.)

XXXII. AN ACT TO AUTHORIZE THE INCORPORATED SYNOD OF THE DIOCESE OF TORONTO TO SELL CERTAIN LANDS IN THE TOWN OF LINDSAY.

(39 Vict. cap. 110.)

XXXIII. AN ACT RESPECTING ST. PAUL'S CHURCH, NEWMARKET.

(40 Vict. cap. 52.)

XXXIV. AN ACT RESPECTING ST. PAUL'S CHURCH,
TORONTO.

(40 Vict. cap. 53.)

XXXV. AN ACT TO AMEND THE SYNOD AND
RECTORY SALES ACTS AFFECTING THE
DIOCESE OF ONTARIO.

[39 Vic., cap. 109 ss. 1, 2, 3; Assented to 10th February, 1877.]

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

Therefore, etc :

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

* See this Act printed *ante* p. 169.

for a church or parsonage or a school-house, and may from time to time, with the approval of their vestry, signified by a resolution passed at a meeting of such vestry, and with the consent and approval of the executive committee of the said incorporated synod, mortgage such real estate for the purpose of raising money to be expended in the erection thereon of a church or parsonage, or a school-house, as the case may be.

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

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

XXXVI. AN ACT TO AMEND THE SYNOD AND RECTORY SALES ACTS AFFECTING THE DIOCESE OF TORONTO.

[41 Vic. cap. 69, ss. 1, 2; Assented to 7th March, 1878.]

Whereas, the Incorporated Synod of the Diocese of Toronto have petitioned that the powers and provisions granted to the Diocese of Ontario by the Act passed in the thirty-ninth year of

* See this Act printed *ante*, p. 189.

the reign of Her Majesty, chaptered one hundred and nine, and intituled, "An Act to amend the Synod and Rectory Sales Act affecting the Diocese of Ontario,"* may, so far as the same may be applicable, be extended to the Diocese of Toronto, and whereas it is expedient to grant the prayer of the said petition :

Therefore, &c. :

1. The Incorporated Synod of the Diocese of Toronto shall have, in respect of matters within or relating to such Diocese, like powers and authorities as are vested in the Incorporated Synod of the Diocese of Ontario in respect to the said last mentioned Diocese under sections one, two and three of the said Act passed in the thirty-ninth year of the reign of Her Majesty, chaptered one hundred and nine, and intituled "An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Ontario."*

2. No incumbent of any Rectory in the Diocese of Toronto who may be inducted therein after the passing of this Act shall receive out of the proceeds of such sales, invested as in the said Rectory Act last mentioned, a sum larger than will, together with the rents, issues and profits of the lands of the said rectory of which he is Incumbent then remaining unsold, amount to the sums following, that is to say—as to the Rectory of St. James, in the city of Toronto, a sum of five thousand dollars a year : as to the rectories in towns to the extent of two thousand dollars a year ; and in other places the sum of one thousand six hundred dollars a year : Provided that such Incorporated Synod may from time to time by resolution, by-law or canon, alter or vary the aforesaid amounts, but so that the Incumbent of the said Rectory of St. James shall not receive less than the said sum of five thousand dollars a year ; and all and any excess of interest arising from the proceeds of such sales and of the rents, issues and profits of the lands of such rectory respectively remaining unsold beyond such annual payments aforesaid shall be apportioned to and divided among the incumbents of the other churches of the Church of England in the said city, and such other places in which the lands belonging to such rectory are situate or which to such rectory belong respectively, in such proportions as such Incorporated Synod shall by resolution, by-law or canon, from time to time order and direct.

* See this Act *ante* pp. 231-232.

XXXVII. AN ACT TO AMEND THE SYNOD AND RECTORY SALES ACTS AFFECTING THE DIOCESE OF TORONTO.

[47 Vic. cap. 90; Assented to 25th March, 1884.]

Whereas the Incorporated Synod of the Diocese of Toronto have, by their petition, represented that in order to enable them effectually to execute the rights, powers, duties, and trusts conferred upon and reposed in them by the Act passed in the 41st year of the reign of Her Majesty, chaptered 69, and intitled "An Act to amend the Synod and Rectory Sales Acts affecting the Diocese of Toronto," and the several Acts and parts of Acts dealt with or referred to in the said last mentioned Act, being the Act of the Legislature of this Province, passed in the 39th year of the reign of Her Majesty, chaptered 109, and the Act of the Province of Canada, passed in the 29th and 30th years of the reign of Her Majesty, chaptered 16, it is desirable and necessary that the lands dealt with in the said Acts should be vested in the said Incorporated Synod, and that further provisions should be made in regard thereto; and whereas it is expedient to grant the prayer of the said petition: Therefore, &c.

Lands over which Synod has power of Sale vested in Synod.

1. All lands over or in respect of which the said Incorporated Synod of the Diocese of Toronto have by law power of sale, or other disposition, shall be and the same are hereby vested in the said Incorporated Synod of the Diocese of Toronto and their successors, for all the estates and title respectively of the persons and corporations by whom the same have heretofore been or are now held; subject nevertheless to the same trusts concerning such lands to which the same are now subject.

Rents of unsold Lands of Rectories vacant since March 7, 1878, to be paid to Synod.

2. Whenever it has happened, or shall hereafter happen, that upon the death, retirement, or removal of any incumbent of any rectory in the Diocese of Toronto, who was on the 7th of March, 1878, holding any such incumbency, or who has since the said date been, or who may hereafter be inducted into any such incumbency, any lands of such rectory remain unsold, the rents, issues and profits of such unsold lands shall belong to and be paid over to and received by the said Incorporated Synod of the Diocese of Toronto, and shall be subject to the same trusts, and be dealt with by them in the same manner, as the produce of investments of the proceeds of sale of the lands when sold are now subject.

Rights of certain parties not affected.

3. Nothing in this Act shall affect the litigation now pending in an action of *Langtry v. DuMoulin*, in the High Court of Justice, or the rights of the parties in question therein.

Rights of Present and Future Rectors of Peterborough not affected.

4. This Act shall not in any manner affect whatever rights the present or any future Rector of Peterborough has, or may have, under and by virtue of the Act of the Legislature of the Province of Canada, passed in the session held in the 27th and 28th years of the reign of Her Majesty Queen Victoria, and chaptered 87,* or of the Act of this Province amending the same, passed in the 34th year of the same reign, and chaptered 30.†

Short Title.

5. This Act shall be known and may be cited as "*The Toronto Synod and Rectory Sales Act, 1884.*"

XXXVIII. AN ACT TO INCORPORATE THE DEAN AND CHAPTER OF THE CATHEDRAL OF ST. ALBAN THE MARTYR, TORONTO.

(46 Vict. cap. 63.)

XXXIX. AN ACT TO AMEND THE ACT INCORPORATING THE DEAN AND CHAPTER OF THE CATHEDRAL OF ST. ALBAN THE MARTYR, TORONTO.

(48 Vict. cap. 93.)

XL. AN ACT RESPECTING CHURCHWARDENS IN THE DIOCESE OF TORONTO.

[47 Vic. cap. 89.]

[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., *ante* p. 29.]

Whereas doubts have arisen as to the sufficiency of the Church Temporalities Act, passed in the 3rd year of Her Majesty's

* See Statute No. 25, *ante* p. 229.

† See Statute No. 26, *ante* p. 229.

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 of 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 matters 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.

XLI. AN ACT RESPECTING THE TRUSTS OF THE WILL OF THE LATE SAMUEL B. SMITH, Esq.

(47 Vict. cap. 96.)

* See this Act printed *ante* p. 169.

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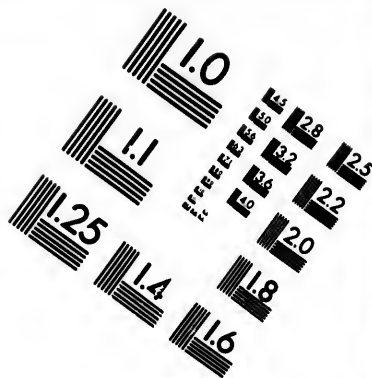
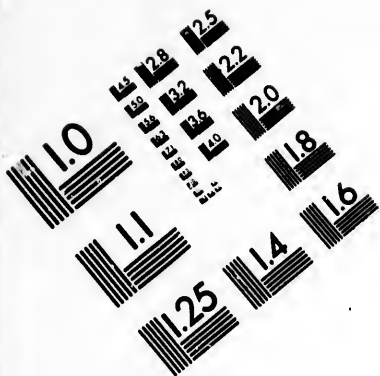
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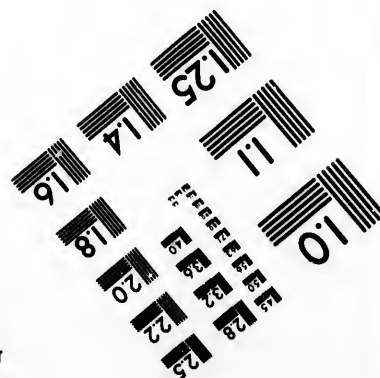
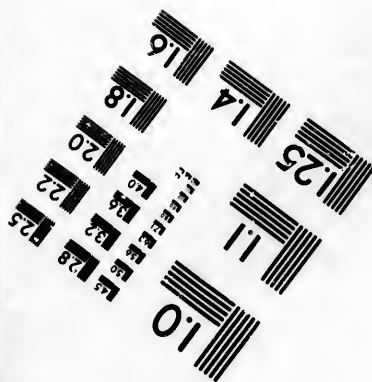
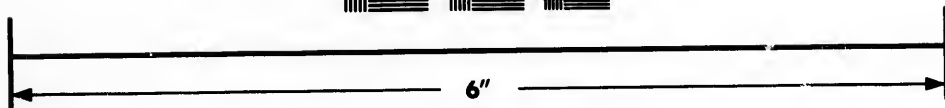
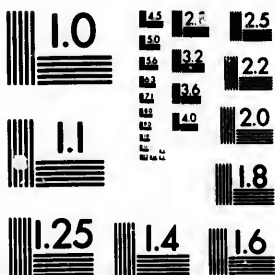
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