

**CIHM
Microfiche
Series
(Monographs)**

**ICMH
Collection de
microfiches
(monographies)**



Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques

© 1995

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

Coloured covers/
Couverture de couleur

Coloured pages/
Pages de couleur

Covers damaged/
Couverture endommagée

Pages damaged/
Pages endommagées

Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée

Pages restored and/or laminated/
Pages restaurées et/ou pelliculées

Cover title missing/
Le titre de couverture manque

Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées

Coloured maps/
Cartes géographiques en couleur

Pages detached/
Pages détachées

Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)

Showthrough/
Transparence

Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur

Quality of print varies/
Qualité inégale de l'impression

Bound with other material/
Relié avec d'autres documents

Continuous pagination/
Pagination continue

Tight binding may cause shadows or distortion along interior margin/
La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure

Includes index(es)/
Comprend un (des) index

Title on header taken from: /
Le titre de l'en-tête provient:

Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/
Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.

Title page of issue/
Page de titre de la livraison

Caption of issue/
Titre de départ de la livraison

Masthead/
Générique (périodiques) de la livraison

Additional comments: /
Commentaires supplémentaires:

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

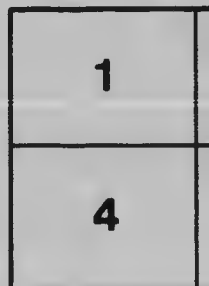
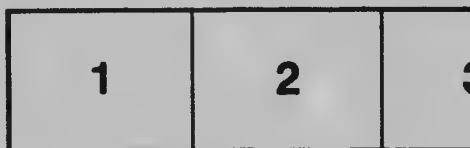
Anglican Church of Canada
General Synod Archives

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shell contain the symbol \rightarrow (meaning "CONTINUED"), or the symbol ∇ (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



ed thanks

L'exemplaire filmé fut reproduit grâce à la générosité de:

Anglican Church of Canada
General Synod Archives

quality
gibility
the

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

re filmed
ng on
l impres-
e. All
g on the
pres-
printed

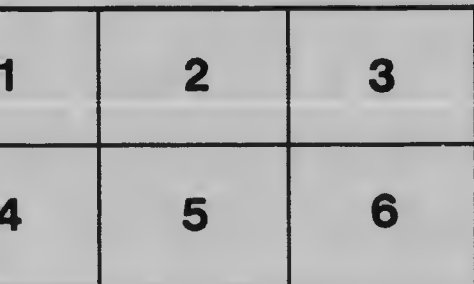
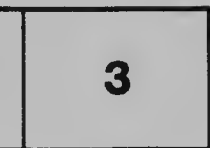
Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

che
"CON-
END").

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole → signifie "A SUIVRE", le symbole ∇ signifie "FIN".

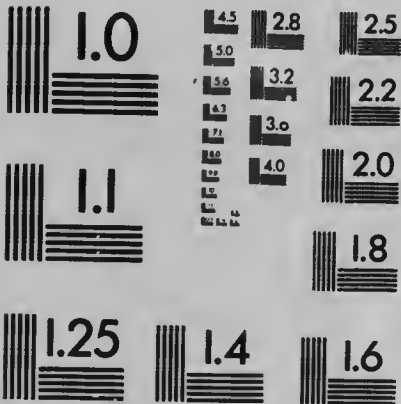
d et
e to be
ned
left to
s as
te the

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent le méthode.



MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482 - 0300 - Phone
(716) 288 - 5989 - Fax

UE39

, L123

THE PARISH GUIDE

FOR THE USE OF

CHURCHWARDENS, SIDESMEN, AND OTHERS
CONCERNED IN THE ADMINISTRATION
OF THE AFFAIRS OF A PARISH

IN THE

DIOCESE OF TORONTO.

BY

THOMAS LANGTON, M.A., LL.B.

ONE OF HIS MAJESTY'S COUNSEL

1 Cor. xiv. 40.

THE CHURCH RECORD S. S. PUBLICATIONS
CONFEDERATION LIFE BUILDING
TORONTO

ANGLICAN CHURCH OF CANADA
GENERAL SYNOD, ARCHIVES



U1E39

L123

THE PARISH GUIDE

FOR THE USE OF

CHURCHWARDENS, SIDESMEN, AND OTHERS
CONCERNED IN THE ADMINISTRATION
OF THE AFFAIRS OF A PARISH

IN THE

DIOCESE OF TORONTO.

BY

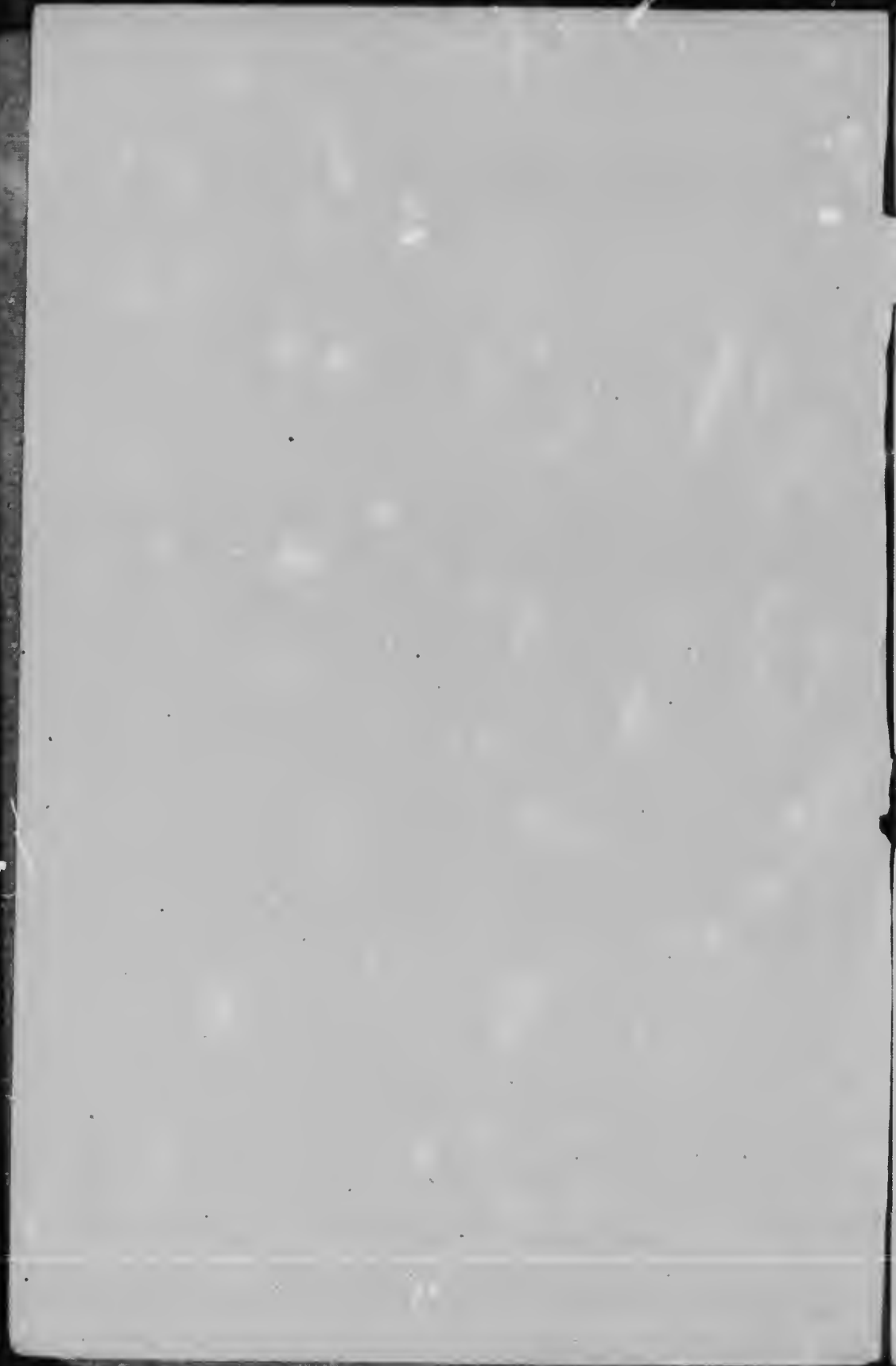
THOMAS LANGTON, M.A., LL.B.

ONE OF HIS MAJESTY'S COUNSEL

1 Cor. xiv. 40.

THE CHURCH RECORD S. S. PUBLICATIONS
CONFEDERATION LIFE BUILDING
TORONTO

ANGLICAN CHURCH OF CANADA
GENERAL SYNOD, ARCHIVES



PREFACE

The intention in this Manual is to make a collection and arrangement in convenient form of all the provisions of Statutes and Canons in force in the Diocese of Toronto, which may have to be referred to in the administration of the temporal affairs of a Parish, more especially by Churchwardens in whose hands mainly such administration has been placed.

With that object in view, therefore, the Church Temporalities Act, the Canons of the Diocese and of the Provincial and General Synods, and several statutes of the Province of Ontario, so far as they relate to the affairs of a Parish, have been digested.

Whether in doctrines and rites, and in matters of discipline and Church government, the Church of England in Canada is bound at all, and if so, how far it is bound, by the doctrines, rites, rules and ordinances of the Church of England, are questions upon which differences of opinion exist, and the solution of them need not be attempted in this compilation. Reference, however, may be made to the Declaration of B. N. A. Bishops in conference in 1851¹; the Declarations adopted by the Synod of the Diocese of Toronto, by the Provincial Synod, and by the General Synod of the Church of England in Canada;² *Phillimore Eccl. Law* (2nd ed.), pp. 1769, 1782; *Re Bishop of Natal v. Gladstone*, L.R. 3 Eq. 1, 36, 37; *Long v. Bishop of Capetown*, 1 Moo. P.C. (N.S.) 411; *Re Bishop of Natal*, 2 Moo. P.C. (N.S.) 115; and *Merriman v. Williams*, 7 A.C. 484; also the report of Chief Justice Draper to the Provincial Synod on the

¹ See Rev. Canons of Diocese of Toronto, 1907, pp. 204, *et seq.*

² See Rev. Canons of Diocese of Toronto, 1907, pp. 211, 213, and 214.

status of the clergy (Journals of Prov. Synod, Vol. 6, pp. 13, 31.)

Any Ecclesiastical Law binding on the Church of England that may be applicable is to be found mainly in the Canons of 1603-4; and in judicial decisions. Those Canons were never assented to by the laity, nor were they ever made binding by Act of Parliament. For this reason they were held by Lord Hardwicke, in *Middleton v. Crofts*, 2 Atk. 650 ; 2 Str. 1056 (see also *Bishop of Exeter v. Marshall*, L.R. 3 E. & I. App. 17), not to be binding *proprio vigore* on the laity; but as they contain many provisions which are only declaratory of long-established usage and law of the Church, they have in such matters been held to be binding on the laity : see *Reg. v. Allen*, L.R. 8 Q.B. 69, 75.

Such of the Canons of 1603-4 as in 1858 seemed to be applicable to the Church of England in Canada were in that year collected and revised by a special committee of the Synod of the Diocese of Toronto ;¹ but the revision generally has never been considered or dealt with by the Provincial or the General Synod.²

Many of those Canons have since been embodied, with modifications, in Canons of the Synod of the Diocese of Toronto. These and a few others which have reference to the administration of the affairs of a Parish, have been referred to in this compilation.

¹ See Rev. Canons, 1907, pp. 215 *et seq.*

² See Rev. Canons, 1907, p. 235 (note).

CONTENTS

CHAPTER	PAGE
I.—PARISH ORGANIZATION.	
1. Generally - - - - -	9
2. Missions and Parishes - - - - -	9
3. Parish Rights - - - - -	10
4. Erection of Churches and Parsonages - - - - -	12
II.—ERECTION AND DIVISION OF PARISHES.	
1. Formation of New Parishes - - - - -	12
2. Rearrangement of Boundaries - - - - -	13
3. Register of Parishes - - - - -	14
III.—VESTRIES - - - - -	14
IV.—CHURCHWARDENS.	
Qualification and Election - - - - -	22
Corporate Nature - - - - -	23
Powers and Duties	
1. <i>In regard to the Church Buildings and Property</i> 25	
Generally - - - - -	25
Repairs and Improvements - - - - -	27
Insurance - - - - -	28
Taxes - - - - -	28
Record Book of Church Property - - - - -	29
Registration of Property in Synod Office - - - - -	29
2. <i>In regard to the Services of the Church</i> - - - - -	30
Providing of things necessary for services	30
Preserving of due reverence and decorum	33
3. <i>In regard to Pew-holders, Seat-holders, and Strangers</i> - - - - -	33
4. <i>In regard to appointment of Officers</i> - - - - -	36
5. <i>In regard to Financial Matters</i> - - - - -	36
Generally - - - - -	36
Collections - - - - -	37
Accounts - - - - -	39
Estimates - - - - -	41
Auditing of Accounts - - - - -	41
Safety of Books, Documents and Records	42
6. <i>Miscellaneous Duties</i> - - - - -	42

CHAPTER	PAGE
V.—SIDESMEN	44
VI.—LAYMEN'S BOARD	46
VII.—LAY REPRESENTATIVES TO THE SYNOD	47
VIII.—PARISH ASSESSMENTS	58
IX.—CHURCH LANDS	60
1. Acquisition and Holding of,	60
2. Sales : (1) Under 52 Vict. c. 97 (O.)	62
(2) Under The Religious Institutions Act, 2 Geo. V. c. 81	65
Trustees	65
Sales	67
3. Mortgaging of Church Lands	71
4. Leasing of Church Lands	73
X.—SETTLEMENT OF DIFFERENCES IN PARISHES, ETC.	74
XI.—VACANCY IN THE INCUMBENCY	78
XII.—DISESTABLISHMENT OF PARISHES	80

CALENDAR

JANUARY.

Epiphany-tide Collection for Foreign Missions.—Canons, p. 113.

FEBRUARY.

Collection for Diocesan Mission Fund.—Canons, p. 113.

ASH-WEDNESDAY.—List of voters for Lay Representatives to be prepared by this day.—Canons, p. 5. On, or within a week from, Ash Wednesday the list to be posted up.—Canons, p. 5.

1ST SUNDAY IN LENT.—Temperance Sunday.—Canons, p. 116.

Notice of posting up list of voters for Lay Representatives to be given on one or more of the *first three Sundays in Lent*.—Canons, p. 5.

MARCH.

Collection for Superannuation Fund.—Canons, p. 113.

15th March—Accounts to be closed for purpose of Parish Financial Statistics.—Synod Jour., 1909, p. 102a.

31st March—Moneys received on account of allotments to be sent to Synod Office within 10 days.—Synod Journal, 1909, pp. 98-9.

APRIL.

4TH SUNDAY IN LENT.—Last day for receiving applications to revise list of voters for Lay Representatives.—Canons, pp. 5, 95.

Collection for Divinity Students' Fund.—Canons, p. 113;

GOOD FRIDAY.—Collection for Jewish Missions.

EASTER MONDAY.—Vestry-meeting : Accounts to be sworn, ready to be presented; Churchwardens to be appointed. Parochial Tribunal to be appointed ; Lay Representatives to be elected.—Canons, pp. 91, 93, 6.

14 days after Easter Monday.—Adjourned Vestry-meeting, if necessary.—Canons, pp 94. and 255.

Within 20 days after Easter Monday.—Allotment for Synod expenses to be handed to Chairman of meeting at which Lay Representatives were elected, to be forwarded to Secretary-Treasurer of Synod.—Canons, p. 7.

MAY.

1ST SUNDAY AFTER EASTER.—Lord's Day Sunday.—
Canons, p. 117.

1st May.—Last day to appeal from Parish Assessment.—
Canons, p. 86.

Ascension-tide Collection for Domestic Missions.—Canons,
p. 113.

Remit to Secretary-Treasurer of the Synod the April
collection for the Divinity Students' Fund within 30
days after the collection was taken up.—Canons,
p. 113.

JUNE.

30th June.—Moneys received on account of allotments to
be sent to Synod Office within 10 days.—Synod Jour.
1909, pp. 98-9.

JULY

Collection for Church Extension and General Purposes
Fund.—Canons p. 113.

AUGUST.

SEPTEMBER.

30th September.—Moneys on account of allotments to be
sent to Synod Office within 10 days.—Synod Jour.,
1909, pp. 98-9.

OCTOBER.

Collection for Widows' and Orphans' Fund.—Canons, p. 113.

3rd Sunday in October.—Children's Day.—Synod Jour.,
1909, p. 76.

NOVEMBER.

Thanksgiving Day.—Collection for Diocesan Missions.—
Canons, p. 113.

Remit to Secretary-Treasurer of the Synod the Children's
Day Collection.

DECEMBER.

Christmas Day.—Offertory Collection for the Incumbent.—
Canons, p. 43.

31st December.—Moneys received on account of allotments
to be sent to Synod Office within 10 days.—Synod
Jour., 1909, pp. 98-9.

PARISH GUIDE

FOR CHURCHWARDENS AND OTHERS.

CHAPTER I.

PARISH ORGANIZATION.

GENERALLY.

The establishment of Parishes is now in Ontario wholly an ecclesiastical matter. The Parish system is adhered to by the Church of England in Canada for the sake of convenience in ministering to the spiritual needs of the inhabitants, in the care of the poor, and in the administration of the temporal affairs of the Parish and of the Diocese. Parishes.

There may be one or more congregations and places of worship in a parish ¹.

MISSIONS AND PARISHES.

In the Diocese of Toronto boundaries are set to districts which are called either Parishes or Missions. Defined
Districts.

A "Mission" is a district, so delimited, to which one or more Ministers are appointed for limited periods. It has not necessarily a Parish Church. The stipends of its Ministers, whether wholly or in part only paid out of the Diocesan Mission Fund, are paid through the Mission Board, to which, under an agreement, are paid sums guaranteed by members of the congregation. Where a Mission is wholly or in part sustained by the Mission Board, the appointment of its Ministers is wholly in the hands of the Bishop, without the con- Mission.

¹ See Rev. Canons, 1907, Constitution, s. 9.

sultation which in Parishes is necessary under Canon III.¹

Parish.

A "Parish" is a self-supporting district in which provision has been made for a sufficient church; and all the expenses of its maintenance, including the stipend of the Incumbent, are met by endowments, or by the voluntary contributions of the parishioners.

A Benefice with cure of souls.

Whenever a Parish has been erected under the provisions of Canon v. ² it is declared by that Canon to be "a benefice with cure of souls," and the right of presentation to it, unless legally vested in some other person or persons, vests in the Bishop, and is to be exercised by him in accordance with Canon III.¹

Rector.

After collation or institution, ³ and induction by the Bishop, the person appointed to any such benefice is entitled to be styled "Rector" of the Parish.⁴

Vicar.

With the consent of the Bishop and of the Parish, and where rendered necessary owing to the age or ill-health of the Rector, or for other good reason, the Rector may entrust the charge of the Parish to some other Minister, who may be styled the "Vicar" of the Parish.

PARISH RIGHTS.

Parish Rights.

The limits of the Parish or Mission constitute the sphere within which the Minister in charge is entitled

¹ See Rev. Canons, 1907, Canon III., p. 42.

² See *infra*, pp. 12-14.

³ "Admission" is the term used when the Bishop approves of a fit person (*persona idonea*) to serve a cure or benefice;

"Institution" is the formality by which the Bishop commits to a *persona idonea* (presented by some other person having the right of presentation) the cure of souls of the living or district.

Where the Bishop has the gift of the living or right of presentation he does not present, but institutes at once, and this is called "Collation."

By the ceremony termed "Induction" the Bishop confers the temporalities of the benefice. After induction the Clergyman inducted has a *status* recognizable by the Civil Courts, and may become entitled to civil rights or rights of property for the enforcement of which resort may be had to the Civil Courts. See *Long v. Bishop of Capetown*, 1 Moo. P.C., N.S. 466.

⁴ Rev. Canons, 1907, Canon v., s. 3, p. 44.

to exercise ecclesiastical functions. In England it is Parish rights. a breach of Ecclesiastical Law for any other clergyman of the Church of England to officiate in any church or chapel in a Parish without the leave of the Incumbent of that Parish.¹ The foundation upon which this provision of the Ecclesiastical Law rests seems to be the fact that, by the terms of his institution, the Incumbent has had committed to him the care of the souls of the inhabitants of the parish ; so that, except by his consent, no person can exercise any of the functions so committed to him.² The Bishop of the Diocese, even, cannot, against the will of the Incumbent, license any other Minister to perform any of such functions. ³ Whether or not the Ecclesiastical Law of England on this subject is *proprio vigore* binding on the Church of England in Canada,⁴ the ground upon which the above provision of the Ecclesiastical Law rests exists in Canada, though not, perhaps, to the same ample extent. In the Diocese of Toronto the Bishop, by collation or institution, commits to the Incumbent "the cure and government of the souls of the inhabitants, *members of the Church of England*, within the limits, etc." ⁵; so that, as far at least as the services or ministrations of the Church for its members are concerned, a Minister would seem to have no warrant, by the rules of the Church of England in Canada, for exercising any ecclesiastical functions in a Parish of which there is an Incumbent, without the latter's consent.⁶ The ministration by a Minister, however, to a member of his own congregation residing in another Parish is not considered to be a breach of any rule of Church law.

¹ Phillimore, *Eccl. Law* (2nd ed.), p. 907.

² *Molyneux v. Bagshaw*, 9 Jur. N.S. 553.

³ *Richards v. Fincher*, L.R. 4, A. & E. 253; *Carr v. Marsh*, 2 Phill. (Eccl.) 198.

⁴ As to which see *Re Colenso*, 3 Moo. P.C. (N.S.), pp. 116 and 152; and *Re Bishop of Natal v. Gladstone*, L.R. 3 Eq. 1, 36, 37; and 3 Vict. c. 74, s. 18; 29-3 Vict. c. 15, s. 1.

⁵ Rev. Canons, 1907, p. 245, Form VIII.

⁶ Whether by so doing an offence cognizable by any Church Tribunal is committed, is another question upon which opinion is not unanimous. See note 4.

ERECTION OF CHURCHES AND PARSONAGES.

**Erection of
Parish
Churches and
Parsonages.**

Before the erection of any Church or Parsonage is begun in any Parish or Mission, it is the duty of the Clergyman and the people interested to notify the Bishop of the locality and of the reason for building the Church or Parsonage in that locality ; and to submit to him the plans of the proposed building for approval.¹

In the case of a proposed Parsonage, there must also be shown to the Bishop its position with reference to the Church or Churches in the [Parish or] Mission ; also the cost of the proposed building and the means of meeting the expense.¹

Before the erection of the Church or Parsonage the consent of the Bishop (after consultation with his Archdeacons and the Rural Dean) is necessary.²

CHAPTER II.

ERECTION AND DIVISION OF PARISHES

I. FORMATION OF NEW PARISHES

**On memorial
from parish-
ioners.**

Where any of the parishioners residing in any Parish or in an adjoining Parish desire the formation of a distinct Parish they may apply to the Bishop by presenting to him a memorial, stating fully their reasons therefor, and stating also the proposed boundaries of the contemplated new Parish.³

**Notice of
memorial to
Parishes con-
cerned.**

The Bishop then gives notice of the memorial to the Rector or Rectors and to the Churchwardens of the Parish or Parishes whose boundaries would be affected by the proposed change.³

**If no objections
are made.**

If they consent or fail to state grounds of objection within one month after receiving notice of the memorial, the Bishop may, if he deems it advisable, set apart the

¹ Rev. Canons, 1907, Canon vi., s. 1, p. 46.

² Rev. Canons, 1907, Canon vi., s. 2, p. 46.

³ Rev. Canons, 1907, Canon v., s. 4, p. 44.

new Parish. Before doing so, however, he requires to be satisfied either that a Rectory has been sufficiently established and endowed under the 17th section of the Church Temporalities Act, and a sufficient church erected for the new Parish, or that in some other way proper means have been provided for the worship of God.¹

If any of those so notified object to the erection of the new Parish they must state their objections to the Bishop in writing, within one month after receiving their notice of the memorial, and the Bishop is empowered to decide the matter and to grant or refuse the prayer of the memorial. If objections are made.

Even where no memorial has been presented the Bishop may himself take action by appointing a Commission to report on the subdivision of any Parish or Parishes where he may think the establishment of a new Parish or district desirable. Without memorial upon the initiative of the Bishop.

The Commissioners in such case notify the Clergymen and Churchwardens of the Parishes concerned of the proposed proceedings, examine into the matter and make a report to the Bishop.

The report of the Commissioners if approved by the Bishop, is final, and, if it is in favour of the proposed new Parish or district, the Bishop may set it apart accordingly.³

2. RE-ARRANGEMENT OF BOUNDARIES OF PARISHES.

If the Clergymen and Churchwardens of adjacent established Parishes come to an agreement for a new arrangement and definition of the boundaries of their Parishes, they may do so and report the agreement to the Bishop. Upon the approval of the agreement by the Bishop, the arrangement agreed to takes effect.⁴ By Agreement.

¹ Rev. Canons, 1907, Canon v., s. 4, p. 44.

² Rev. Canons, 1907, Canon v., s. 4 (a).

³ Rev. Canons, 1907, Canon v., s. 4 *provisio*.

⁴ Rev. Canons, 1907, Canon v., s. 1.

Upon Report of
an Investigat-
ing Commission

Where such an agreement cannot be arrived at, and some new arrangement is considered desirable, the Bishop may issue a Commission to investigate the case, and report its decision. The Commission is to consist of two Clergymen and one Lay Representative to the Synod, who must be persons not locally connected with the Parishes. The decision of the Commission, if approved by the Bishop, thereupon takes effect.¹

The expenses of the Commission are to be borne by the Parishes in such proportions as the Commissioners decide to be just.¹

Boundaries to
remain for five
years.

Boundaries of established Parishes, when once defined, approved, and declared, are not to be disturbed for five years.²

3. REGISTER OF PARISHES.

Record of
Parish
Boundaries.

The boundaries of every Parish are to be kept, entered and registered in a book to be kept for the purpose by the Registrar of the Synod; and a copy of the registration may be had by any person applying for it upon payment of a fee of twenty cents.³

CHAPTER III.

THE VESTRY.

Vestry.

The congregation of each Church in a Parish gives legal expression to its wishes, in regard to the government of the Church, through the Vestry.

Members.

(x) Under the
Pew System.

Where the Pew system has been adopted, the members of the Vestry of a Church comprise, (1) all pewholders of the Church, whether holding their pews by purchase or lease, and (2) all persons holding sittings in the Church and holding a certificate from the

¹ Rev. Canons, 1907, Canon v., s. 2.

² Rev. Canons, 1907, Canon v., s. 3.

³ Rev. Canons, 1907, Canon v., s. 5; Synod Journal, 1910, p. 97.

Churchwardens that their sittings have been let to them by the Churchwardens.¹

Female as well as male holders of pews and sittings are members of the Vestry.²

A verbal lease of a pew suffices, but holders of sittings only are required to be able to produce a certificate from the Churchwarden that their sittings have been let to them by the Churchwardens. No particular form of certificate is necessary; a receipt from the Churchwardens for rent would be sufficient.³

Where the Free Sittings system has been adopted⁴ (2) the members of the Vestry of a Church, after its first organization of a Vestry, comprise all persons who are entitled to vote for Lay Representatives in the Synod of the Parish or Mission within which the Church or place of worship is situated.⁵

The persons, therefore, entitled to vote are: All males of 21 years of age and upwards, not in Holy Orders, members of and habitual worshippers with the congregation, whose names appear on the last list settled and signed pursuant to the Synod Constitution, sec. 14.⁵ Such persons must also as an additional condition of qualification, sign, if required, the declaration mentioned in sec. 14, for which see *infra* p. 48.

Such voters being, by the express provisions of sec. 13 of the Synod Constitution, limited to males, it would seem that women cannot be members of the Vestry of a Free Sittings Church.

The first or organizing Vestry of a new Parish or Mission in which the sittings are to be free consists

Women.

Certificates
of Sittings.

Under the
Free Sit-
tings
System.

As to Women.

First Vestry of
a New Church.

¹ Church Temp. Act, 3 Vict. c. 74, s. 2. It would seem, therefore, that if a pew-holder sublet sittings in his pew, the seat-holders, his sublessees, not holding from the Churchwardens, could not produce the certificate which is required as part of the qualification of a seat-holder as a member of the Vestry.

² *Tully v. Farrell*, 23 U.C. Chy. 49; and see *Gordon v. Hayward* (1903) 21 Times L.R. 298.

³ *Tully v. Farrell*, at p. 56.

⁴ The Synod has recommended that in all cases where it is practicable, the seats in new churches shall be free and unappropriated. See Rev. Canons, 1907, Can. VI., s. 3.

⁵ Rev. Canons, 1907, Can. IX. s. 1; Constitution, s. 13.

of all the male members of the congregation of the Church or place of worship who are of the full age of 21 years, are members¹ of the Church of England and 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 that I am of the full age of twenty-one years."²

Disputes as to
Membership of
First Vestry.

In case of dispute as to the right of a person to be a member of the first or organizing Vestry, the dispute is to be determined by three persons, members¹ of the Church of England, to be named by the Rural Dean within whose deanery the Church or place of worship is situate, and his decision is to be final.³

By-laws of
Vestry.

The Vestry may make by-laws (not repugnant to any Statute or Canon in force) for the regulation of their proceedings and the management of the temporalities of the Church or Parish in which they belong.⁴

It would seem to be expedient to have such by-laws passed in special cases, for instance (1) to make provision in regard to any special financial year which the Parish may adopt, differing from the usual one comprising the period between Easter Monday and Easter Monday of the following year ; and (2) where there is any land held⁵ for the benefit of the congregation, to regulate the management thereof, the receipt of revenue therefrom, the payment of taxes and other expenses, the remuneration of persons employed in the care of the property, and the appropriation of any surplus revenue.

Church
Property.

The Church and the churchyard are under the immediate care of the Parish, acting through its Vestry.⁵

¹ "Members" would seem to mean baptized persons. Communicants are termed "Church members in full communion." See the Declaration of B.N.A., Bishops of 1851, Rev. Canons, 1907, p. 204.

² Rev. Canons, 1907, Can. IX., s. 2.

³ Rev. Canons, 1907, Canon IX. s. 3.

⁴ Church Temp. Act (3 Vict. c. 74), s. 15.

⁵ Rev. Canons, 1907, Can. XXIII., s. 4 (1), p. 96.

However the Church property may as a matter of title, be vested, and however it may by Statute or Canon be placed in the possession and under the care and control of the Churchwardens, it is held for the use and benefit of the congregation. Through the Vestry the congregation expresses its wishes at meetings duly called ; and, except in regard to a few matters expressly placed in the sole right and power of the Churchwardens, they are subject to the directions of the Vestry in the management and disposal of the funds and other property of the Church and should follow any lawful directions contained in resolutions passed at Vestry meetings.¹ Powers Generally.

The customs of Vestries in regard to some matters differ. Some appoint Churchwardens only ; some Churchwardens and Sidesmen ;² some appoint, in addition, a consulting committee, sometimes (not very aptly) called an Executive Committee, sometimes (more properly) an Advisory Committee. Such a Committee has no actual power. It is only a selection out of the congregation of fit persons whom the Churchwardens may from time to time call together in order to consult with them, as to matters affecting the welfare of the Church, or as to what course to pursue in any emergency. The Churchwardens may find consultation with the Committee sufficient to enable them to decide upon what action to take in a matter which is within their powers without reference to the Vestry, or, before taking action, they may consider it necessary or advisable to call a Vestry-meeting to consider the matter. Officers and Committees.

The Vestry Clerk, if any permanent Clerk is required, is to be appointed by the Churchwardens.³ He is the proper secretary of all meetings at which he is present.⁴ In his absence a secretary should be Vestry Clerk.

¹ See *infra*, p. 25, and Rev. Canons, 1907, Canon XXIII., s. 3 (13).

² Sidesmen are not necessarily to be appointed. See Rev. Canons, 1907, Canon XXIII. s. 7 (1).

³ Rev. Canons, 1907, Canon XXIII., s. 3 (2). In practice the Vestry Clerk is often appointed by the Vestry.

⁴ Church Temp. Act (3 Vict., c. 74) s. 11.

appointed by the Chairman for that particular meeting.¹

Record of Meetings.

The Vestry Clerk should record in the proper book the minutes of all meetings. The secretary of a meeting at which the Vestry Clerk is not present should keep the minutes of the meeting, and hand them to the Vestry Clerk to be recorded. The Churchwardens should provide and preserve in their custody a proper book in which to have recorded the minutes of all Vestry-meetings and meetings of the congregation.¹

If no Vestry Clerk is appointed, the Churchwardens should arrange that minutes of all meetings be recorded by one of themselves, or otherwise, in the proper book.

The record of Vestry-meetings is an important one. Matters of which legal evidence may be wanted are required to be recorded in it, such as resolutions relating to the appointment of trustees of Church property, to the mortgaging or sale of land, and to other matters.²

Calling of Meetings.

Easter Meeting.

Notice of the Vestry-meeting required to be held on Easter Monday in each year is to be given during divine service on Easter Sunday.³ This meeting is primarily for the purpose of appointing Churchwardens for the coming year ;³ but other business of the Vestry may also be transacted.

Special Vestry Meetings.

Other Vestry-meetings may be called by the Incumbent or the Churchwardens whenever he or they think proper ;⁴ and may be called by notice given during divine service, upon reasonable notice. Though less than one week's notice of the intended

¹ Church Temp. Act (3 Vict., c. 74) s. 11, and Rev. Canons, 1907, Canon xxiii., s. 3a (1).

² See Geo. V., c. 81, s. 18, and *infra*, pp. 64, 67, 68 and 72.

³ Rev. Canons 1907, Can. ix. s. 6, which applies in the case of Free Sittings Churches ; and see Church Temp. Act (3 Vict. c. 74) s. 3, which strictly applies to Pew Churches only and speaks of the notice being given during the " morning " service. In country places where one Minister officiates in several churches and where a service is not necessarily held in the morning, notification of the Easter Monday Vestry-meeting may no doubt properly be given during the Easter-day service, at whatever hour it may chance to be held.

⁴ Church Temp. Act (3 Vict. c. 74), s. 10 ; Rev. Canons, 1907, Canon xxiii., s. 3 (3).

meeting may possibly in some special circumstances be reasonable and sufficient, as a rule at least one week's notice should be given as in the case specially provided for (and mentioned in the next paragraph) of a meeting called at the request of six members of the Vestry.¹ In the unlikely contingency of the Incumbent refusing to call the meeting by notice during divine service, the Churchwardens would not be justified in interrupting the service by doing so ; but they may probably sufficiently call the meeting by a notice affixed to the Church doors as mentioned below.

It is the duty of the Incumbent and Churchwardens to call a meeting upon application being made for that purpose in writing by six at least of the members of the Vestry. Such a meeting will be called by the Incumbent by notice in the usual way during divine service. If he refuses to do this the Churchwardens, if notified to call the meeting, may properly call it by notice affixed to the Church door (or Church doors where more than one), at least one week² previous to such intended meeting. If the Incumbent and the Churchwardens upon such application refuse to call the meeting, then one week after the making of such application any six members of the Vestry may call a meeting by notice affixed to the doors as above mentioned.³

The following form of notice may be used :

NOTICE OF VESTRY MEETING.

Notice is hereby given that a Vestry meeting will be held [in the schoolroom of the Church of *(naming it)* or other place where Vestry meetings are usually held] on --- day the --- day of ---, 19---, at the hour of [8 o'clock p.m.] to [elect a Churchwarden in the place of --- Esq., deceased, or otherwise stating any particular business to be brought forward at the meeting], and for the transaction of such other business as may lawfully be brought before the meeting.

Dated this day of 19 [Signatures]

¹ Notice given during a service on a Sunday for any day after the following Sunday will always be sufficient.

² This means that a full week of seven days must elapse, exclusive of the day on which the notice is affixed to the Church doors, and also exclusive of the day of the meeting.

³ Church Temp. Act (3 Vict. c. 74) s. 10.

Chairman.

In all Vestry-meetings the Rector or Incumbent of the Church, when present, and in his absence such person as the majority of those present at the meeting may name, presides.¹

Proceedings at Meetings.

At Vestry-meetings the order of business is as follows :

(1) Appointment by the Chairman² of a Secretary (if there is no Vestry Clerk), whose duty it will be to take minutes of the proceedings.

(2) Reading and approval by the meeting of the minutes of the last meeting. The Chairman signs a note at the foot of the minutes, "approved," or "confirmed."

(3) If the meeting be the annual Easter Vestry-meeting, one of the Churchwardens should, on their behalf, submit the report, if any, of the Churchwardens for the past year and a sworn statement of the Church accounts for the year.³

Where the Vestry has passed a by-law for the laying of estimates of the expenses for the coming year⁴ before the Vestry, the Churchwardens should also have these estimates prepared and should present them with their accounts for the past year.

(4) At the Easter or other Vestry-meeting held for the appointment of Churchwardens, the Rector or Incumbent announces his nomination of a Churchwarden who, if accepting the office, thereby becomes appointed. The Chairman then asks for nominations of a People's Churchwarden. Each nomination should be duly proposed and seconded. If more than one person is so nominated the meeting proceeds to vote on the nominating motions in the order in which they were made.⁵ By resolution to that effect duly carried or pursuant to any by-law of the Vestry⁶ the voting

¹ Church Temp. Act (3 Vict. c. 74) s. 11.

² Church Temp. Act (3 Vict. c. 74) s. 11.

³ As to the accounts see *infra*, p. 39.

⁴ See page 41.

⁵ As to the persons entitled to vote, see *supra*, pp. 14, 15. The election is by a majority of those present and entitled to vote at a Vestry-meeting : see Rev. Canons, 1907, Can. ix. s. 6 ; Church Temp. Act (3 Vict. c. 74) s. 3.

⁶ See Church Temp. Act (3 Vict. c. 74) s. 15.

may be by ballot ; otherwise voting is open as on any other motion. If there is a tie the Chairman has a casting vote ; otherwise he does not vote.

(5) At a Special Vestry meeting—Transaction of the business for which the meeting was called.

(6) Transaction of any other business which may lawfully be transacted at the meeting.

Subject to the control of the Chairman, any matter Discussion. affecting the welfare of the Church may be introduced for discussion ; but no determination can be reached unless a resolution duly moved and seconded be carried. The Chairman may, at his discretion, interfere and require that some resolution be moved and seconded, and that discussion be confined to the terms of the resolution.

It is desirable that the mover of any resolution Resolutions. should, before moving it, put it in writing. If he does not the Secretary should do so ; and the Chairman should, as a rule, not ask for a vote upon a motion until it has been put in writing in a form approved by the mover.

The Rules of Order and Procedure of the Synod ¹ so far as they are applicable may be used for guidance in the orderly conduct of meetings ; or the Vestry may pass a by-law of its own relating to the conduct of meetings.²

CHAPTER IV.

CHURCHWARDENS

The office of Churchwarden is an ancient and Office of Churchwarden honourable one, involving at one time, and to some extent still in England, the performance of some arduous and responsible civil duties which in Canada are matters of governmental administration or are amongst the duties of municipalities and their officers. In Canada Churchwardens have more nearly the

¹ See Rev. Canons, 1907, p. 30.

² See Church Temp. Act (3 Vict. c. 74) s. 15.

functions of the original officers of whom they are the descendants; their duties being largely confined to the care of the Church and its property, and the providing of all things necessary for the holding of decent services in the Church and the due administration of the Sacraments.

Qualification.

A Churchwarden must be of the full age of 21 years, a member ¹ of the Church of England and of the Vestry of the Church of which he ² is to be a Churchwarden.³ He must also, at the time of becoming Churchwarden, be resident in or near the city, town, village, or township in which the Church is situate.⁴ If he changes his residence afterwards he may continue to hold office if residing less than 20 miles from the Church, otherwise the office becomes *ipso facto* vacant.⁴

Number Appointed.

Two Churchwardens are to be appointed for each Church, one by nomination by the Rector or Incumbent, and one by election by the Vestry at the annual Easter Vestry-meeting.⁵ If a Vestry-meeting is not held in Easter week the appointment and election should be made at a subsequent Vestry-meeting, as soon as possible.⁶

For the procedure at an election see *supra*, p. 20. In case of neglect to appoint, at the proper time.

¹ See note 1, *supra*, p. 16.

² Except so far as the masculine pronoun used in Canon XXIII. s. 1 (1) (2) can be considered to disqualify women for the office of Churchwarden, there is no disqualification of women expressly imposed in the case of Pew Sittings Churches. In the case of such a Church it seems to have been the opinion of the judge who decided *Tully v. Farrell*, 23 U.C. Chy. 49, 62, that women who are members of the Vestry would be eligible for election. The pronoun "he" was considered to be clearly generic and to include females. See also *Gordon v. Hayward*, 1905, 21 Times L.R. 298. In the case of Free Sittings Churches, as women cannot be members of the Vestry they are not eligible for election as Churchwardens. See *supra*, p. 15.

³ Rev. Canons, 1907, Can. XXIII. s. 1 (1); Can. IX. s. 7; Church Temp. Act (3 Vict. c. 74) s. 4.

⁴ Rev. Canons, 1907, Can. XXIII. s. 1 (2); Church Temp. Act s. 3.

⁵ Rev. Canons, 1907, Can. XXIII. s. 2 (1); Can. IX. s. 6; Church Temp. Act (3 Vict. c. 74) s. 3.

⁶ Rev. Canons, 1907, Can. XXIII. s. 2 (2); Can. IX. s. 6; Church Temp. Act (3 Vict. c. 74) s. 3.

by the Incumbent, then the Vestry, or, if the neglect is that of the Vestry, then the Incumbent, may appoint a Churchwarden to fill the vacant office for the current year.¹

At a Vestry-meeting specially called for the purpose (see *supra*, pp. 18, 19), vacancies in the office, by death or change of residence of either Churchwarden to 20 miles or more from the Church, may be filled by appointment by the Incumbent or the Vestry, according to the manner of the appointment of the person who has vacated the office.²

Vacancies :
How Filled.

No provision has been made for the resignation of his office by a Churchwarden ; and it would seem that having accepted the office he cannot vacate it by resignation.

Churchwardens hold office for one year or until their successors are appointed.³ Persons appointed to fill a vacancy hold office until the next annual election.³

Term of
Office.

Churchwardens are a corporation⁴ with perpetual succession under the name of "The Churchwardens of the Church of, etc., in, etc.," and they may sue and be sued under that name. They may also under their corporate name prosecute criminal proceedings in respect of their church, churchyard, and all matters and things appertaining thereto.⁵ In respect of all rights accruing to them as Churchwardens they should sue in their corporate names as above ; or they may sue by their individual names with the addition of their name of office⁶ ; but they should not sue using

Churchwardens
a Corporation.

¹ Rev. Canons, 1907, Can. XXIII. s. 2 (1); Can. IX. s. 6 ; Church Temp. Act (3 Vict. c. 74) s. 3.

² Rev. Canons, 1907, Can. XXIII. s. 2 (4); Can. IX. s. 6 ; Church Temp. Act (3 Vict. c. 74) s. 3.

³ Rev. Canons, 1907, Can. XXIII. s. 2 (3); Can. IX. s. 8.

⁴ Church Temp. Act (3 Vict. c. 74) s. 6 ; 47 Vict. c. 59 (O.). See also 39 Vict. c. 109 (O.) and 41 Vict. c. 69 (O.).

⁵ Rev. Canons, 1907, Can. XXIII. s. 3 (1); Church Temp. Act (3 Vict. c. 74) s. 6 ; and see *Re Kirkby and All Saints' Church*, 8 O.L.R. 385.

⁶ See *Withnell v. Gartham*, 6 T.R. 396 ; *McFeeters v. Dixon*, 3 Ch. Ch. 84 ; *Maynard v. Gamble*, 13 U.C.C.P. 56, 467 ; *McCleneghan v. Grey*, 4 Ont. 329 ; *Kirkby v. All Saints' Church*, 8 O.L.R. 385.

their individual names only.¹ Actions against them as Churchwardens should also be brought against them in their corporate name, and any damages awarded against them as a corporation will be recoverable out of their corporate estate and property.¹ If they are sued in their individual names it must be for something for which they are individually liable.¹

Actions brought by or against them in their corporate capacity may be continued by or against their successors. It will be otherwise in the case of actions by or against them in their individual names.¹

Similarly in all corporate business transactions, such as the signing of bills or notes or entering into bonds, covenants or agreements, the corporate name should be used. If their individual names are used they may be held to be liable personally.²

In their corporate capacity they may make reasonable agreements beneficial to the Parish and thereby bind the parishioners and their successors and succeeding Churchwardens.³

Where they only have as assets voluntary contributions of the congregation they are only liable to the Incumbent for his salary to the extent of the contributions received by them applicable for that purpose.⁴

Their corporate powers should be exercised by both Churchwardens in consultation; they cannot be exercised by one without the concurrence of his colleague.⁵ If therefore in an emergency one Churchwarden acts in or uses the corporate name he should lose no time in acquainting his colleague with the transaction and obtain his concurrence or ratification.

Except where they must act together in the exercise

¹ See *Withnell v. Gartham*, 6 T.R. 396; *McFeeters v. Dixon*, 3 Chy. Ch. 84; *Maynard v. Gamble*, 13 U.C.C.P. 56, 467; *McCleneghan v. Grey*, 4 Ont. 329; *Kirkby v. All Saints' Church*, 8 O.L.R. 385.

² See *Furnivall v. Coombs*, 5 M. & G. 736.

³ See *Re Kirkby and All Saints' Church*, 8 O.L.R. 385.

⁴ *Dav v. Ackeril*, 28 Ont. 452; 25 A.R. 37.

⁵ Rev. Canons, 1907, Can. xxiii. s. 3 (7); *Ritchings v. Cordingley*, L.R. 3 A. & E. III, 119, 120; *Batten v. Gedeye*, 4 Ch. D. 516.

of their corporate powers, Churchwardens, by arrangement between themselves, may divide their administrative duties between them.

There is no legal precedence or seniority as between the so-called Incumbent's Churchwarden and People's Churchwarden. The Churchwarden appointed by the Incumbent is as much bound to act in regard to any powers conferred or duties imposed by Statute or Canon, and is as responsible to, and as subject to the lawful directions of, the Vestry¹, as is the Churchwarden elected by the Vestry; and it is as much the duty of the one as of the other to keep and have knowledge of the accounts of the Church and perform the other duties of the office.

No distinction
between the
Churchwardens

POWERS AND DUTIES.

It will be seen that some powers are given to, and duties laid upon, Churchwardens directly by Statute or Canon; but in all matters not lying solely in the right and power of the Churchwardens, it is their duty to carry out any lawful regulations or directions laid down for their guidance from time to time by the Vestry.¹

Subject to
Directions of
the Vestry.

1. *In regard to the Church Building and Property.*

The Church and Churchyard are under the immediate care of the Parish acting through its Vestry (of which for that purpose the Churchwardens are the officers), and all repairs and expenses of and attending the same devolve upon the Vestry.²

Care of the
Church.

The possession of the Church and Churchyard, if any, and burying ground, belonging to the Church, is vested in the Parson or other Incumbent for the time being, and in the Churchwardens for the purposes of the duties of the latter as custodians.³ The Churchwardens thus have the care of the Church and things affixed thereto. In its movable property, such as the organ, bells, ropes, plate, books, vestments, ornaments, money given to it, and other goods and chattels,

Custody of its
Movable
Property.

¹ See Rev. Canons, 1907, Can. XXIII. s. 3 (13).

² Rev. Canons, 1907, Can. XXIII. s. 4 (1).

³ Rev. Canons, 1907; Can. XXIII. s. 3 (1); Church Temp. Act (3 Vict. c. 74) s. 1.

they have a special property, in contradistinction to the mere charge and care as a corporation, for the benefit of the Parish, and they are entitled to the custody thereof.¹ Money coming to the Churchwardens is usually in the form of pew rents, offerings made in church, and special donations sent to them; but revenue arising from property of the Church, and fees (other than any payable to the parson), *e.g.*, fees for "breaking ground in the cemeteries or churchyards and in the said churches for burying the dead,"² would, unless the subject of any special trust, also seem to form part of the Parish funds, for the receipt and giving an account of which the Churchwardens are responsible; at any rate where the care and maintenance of such property is by the Parish through the Churchwardens.

In any such case however, it would be expedient that a by-law to which the Incumbent will consent, be passed by the Vestry to regulate the management of the property and the disposition of the revenue derived from it.³

Access to the
Church
Buildings.

As the possession of the Church, etc., is (under 3 Vict. c. 74) in the Incumbent and the Churchwardens for the performance of their respective duties in that regard,⁴ neither is entitled to the possession of the Church keys, to the exclusion of the other; each is entitled to access to the Church on fitting occasions.⁵

Use of Church.

The Churchwardens are not to allow the Church to be used for feasts, plays, entertainments or any profane purpose.⁶

¹ *Sec R. v. Hickman*, 2 East, Pleas of the Crown, 593; *Atty. Gen. v. Ruper*, 2 P.W. 125; *Re Kirkby and All Saints' Church*, 8 O.L.R., at p. 389; Phillimore *Eccl. Law*, 2nd ed., 1484; *Prideaux Churchwarden's Guide*, 15th ed., 55, 423; *Jackson v. Adams*, 2 Bing. N.C. 403.

² See Church Temp. Act (3 Vict. c. 74) s. 14. The words "breaking ground in cemeteries, etc.," would seem to include payments for burying plots in cemeteries.

³ See *supra*, p. 16.

⁴ Rev. Canons, 1907, Can. XXIII. s. 3 (4).

⁵ Rev. Canons, 1907, Can. XXIII., s. 3 (4). See *Lee v. Matthews*, 3 Hagg. Eccl. 169, 173.

⁶ Rev. Canons, 1907, Can. XXIII. s. 6 (5).

REPAIRS.

Repairs.

The responsibility for the repairs necessary to the Church and buildings in the Churchyard is with the Parish through the Vestry ; and all such repairs and expenses of and attending the same devolve upon the Vestry.¹

The Parish also bears the expense of the erection of, and material repairs to, the parsonage house and buildings, including painting inside and outside ; also all expenses of the erection and maintenance of fences and gates ; and is responsible to the Incumbent on his induction to the Parish for their efficient order and repair at the time of the induction. Thereafter it is the duty of the Incumbent to keep them in like efficient order and repair according to the standard of repair required by the municipal rule and law, if there is any, otherwise by the ordinary custom and rule between landlord and tenant.²

Provision is made in the Canons for settlement of disputes between the Incumbent and the Church wardens as to repairs.³

By-laws might be passed by the Vestry under their powers in that behalf⁴, on the subject, and the consent of the Incumbent thereto being given at the meeting at which the by-law is passed, or otherwise, such a by-law would be a convenient form of agreement on the subject.

Where extensive improvements or repairs become necessary or expedient, it is the duty of the Clergyman to lay a detailed statement in regard to them and their expense before the Vestry. If the Vestry sanctions the expenditure it becomes the duty of the Churchwardens to proceed with the work sanctioned. The mode of meeting the expense should be determined by the Vestry. But in no case is the property of the Church, for the purpose of meeting such expense, to be incumbered by a debt or mortgage to a greater

Extensive
Repairs to
Parsonage.

Restrictions as
to debts to be
incurred for
improvements
or repairs.

¹ Rev. Canons, 1907, Can. VII. s. 1 ; Can. XXIII. s. 4 (1).

² Rev. Canons, 1907, Can. VII. s. 2.

³ Rev. Canons, 1907, Canon VII. s. 3.

⁴ Church Temp. Act (3 Vict. c. 74) s. 15.

amount than one-fifth of the value of the property ; nor is the expense to be defrayed from any funds appropriated to or pertaining to the support of the Clergyman.¹

Where the mortgaging of any Church property for such purpose is brought before the Executive Committee of the Synod² (the consent of which is always necessary before a mortgage either of land or chattels can be made), it is the duty of the Committee to consider the necessity and desirability of the proposed mortgage and to give effect to the above restrictions of Canon VII. s. 4,³ limiting as above mentioned the debt to be incurred for repairs to one-fifth of the value of the property.

INSURANCE.

Insurance.

It is the duty of the Churchwardens to keep the Church buildings constantly insured in some responsible office.⁴

TAXES.

Extent of exemption of Church property.

Every place of worship and land used in connection therewith, churchyard or burying ground, is exempt from ordinary municipal taxation ; but land on which a church or place of worship is erected, or which is used in connection therewith, is subject to taxation for local improvements.⁵

All taxes levied on or in respect to Church property should be paid by the Churchwardens as an expense of the Parish.

On wild land.

In the case of taxes on wild land held under any endowment where the land is unproductive and the Incumbent derives no benefit from it, the expense of maintaining the land, including the taxes, is an expense for the Parish to meet ; but where any benefit or

¹ Rev. Canons, 1907, Canon VII. s. 4.

² See The Religious Institutions Act, 2 Geo. V., c. 81, s. 22 (6); Rev. Canons, 1907, p. 103.

³ Rev. Canons, 1907, By-law I, first paragraph, p. 102.

⁴ Rev. Canons, 1907, Can. VII. s. 5.

⁵ See 4 Ed. VII. c. 23, s. 5 (2) (O.), and 1 Geo. v. c. 58 s. 47 (O.)

emolument is derived from any land by the Incumbent, the payment of the taxes on the land devolves on him.¹

RECORD BOOK OF CHURCH PROPERTY.

A book of record is required to be kept² in every Record Book. Church by the Churchwardens in which is to be recorded a sufficient abstract of all titles and deeds by which the lands of the Church are held, shewing :

- (a) Date of deed.
- (b) By whom given.
- (c) Quantity and situation of land.
- (d) Conditions of trust or gift.
- (e) When and where registered.
- (f) If wild or unoccupied land, whether any provision, and if so what, has been made for payment of taxes, when taxes have been paid and arrears if any, and

(g) Any other information necessary to be known.

The book should be kept in the strong box referred to, *infra*, p. 42.³

All persons holding land or property for the Church are required to send a statement thereof to be so recorded.⁴

It is one of the duties of the Rural Dean to see that the above requirements are observed ; and of the Archdeacon in his visitation to make inquiries on the subject and to take such steps as seem to him desirable in the matter.⁵

REGISTRATION OF PROPERTY IN SYNOD OFFICE.

A registration of all Church properties in the Synod Office is provided for by Canon VIII.;⁶ also a yearly valuation of all Church property under the authority of the Executive Committee, to be reported

Registration in
Synod Office.

¹ Rev. Canons, 1907, Can. VII. s. 7.

² Rev. Canons, 1907, Can. VII. s. 6.

³ Rev. Canons, 1907, Can. VII. s. 9.

⁴ Rev. Canons, 1907, Can. VII. s. 8.

⁵ Rev. Canons, 1907, Can. VII. s. 10.

⁶ Rev. Canons, 1907, Can. VIII. ss. 1-3.

to the Synod in the annual report of the Executive Committee.¹

2. *In regard to the Services of the Church.*

Ordering and
Conduct of
Services.

The ordering of the Services, including the musical part thereof, the use of the organ, the ringing of the bell, and the like matters, are not in the hands of the Churchwardens, but are under the control of the Rector or other Incumbent, as is also the fixing of the hour of Service (in Parishes not receiving aid from the Mission Fund).²

Irregularities
or Novelties in
the Service.

In case of any irregularity or novelty contrary to or unauthorized by the Book of Common Prayer, it is the duty of the Churchwardens privately to remonstrate with the Minister, and, if need be, to report the matter to the Bishop; but they have no right to take the law into their own hands.³

Providing of
things neces-
sary for Ser-
vices.

It is the duty of the Churchwardens to see that all things are provided which are necessary to the decent performance of the Church Services, such as the following enumerated in Canon XXIII., s. 6 (1):⁴

(1) A decent Communion Table with cover or covers, and a fair Linen Cloth.⁵

(2) A flagon for the Wine to be used at the Holy Communion, and a Chalice or Cup or more than one Cup, if necessary; also a Paten or Plate.⁶

(3) A decent Bason or Alms Dish, and necessary Collection Plates or Bags to receive the offerings.

(4) A decent Font, if possible of stone.⁷

(5) A Reading Desk.

(6) A Pulpit.⁸

(7) One or more Surplices.

¹ Rev. Canons, 1907, Can. VIII. s. 4.

² Rev. Canons, 1907, Can. XXIII., s. 3 (5).

³ Rev. Canons, 1907, Can. XXIII. s. 3 (6); Canon 53 of 1603; see also *Hutchins v. Denziloe & Lovelnd*, 1 Hagg. Con., 170, 173, where the office of Churchwarden in respect of the services of the Church is described as one of "observation and complaint but not of control."

⁴ Rev. Canons, 1907, pp. 96, 97.

⁵ See also Canon 82 of 1603 (Rev. Canons, 1907, p. 228).

⁶ See also Canon 20 of 1603 (see Rev. Canons, 1907, p. 219).

⁷ See also Canon 81 of 1603 (Rev. Canons, 1907, p. 228).

⁸ See also Canon 83 of 1603 (Rev. Canons, 1907, p. 228).

Providing things necessary for services.

- (8) A Bible of large volume.
- (9) A Book of Common Prayer containing the Communion Office, Book of Offices.¹

(10) To be set up where the people may best see the same: A notice of the Periodical Collections² and Table of Fees³ approved by the Synod.

(11) One or more Church Bells.

(12) A Register Book of Baptisms, Weddings, Burials and Confirmations to be kept in a secure chest or safe under the charge of the Minister.⁴

(13) A Preacher's Book in which are to be entered the dates and hours of services held, names of officiating Ministers, number of persons present, number communicating, etc.; also the names and licenses of all Preachers who come to the Church from any other place.

(14) And to provide, with the advice and assistance of the Minister, a sufficient quantity of the best and purest wheat Bread that conveniently may be pro-

¹ See also Canon 80 of 1603 (Rev. Canons, 1907, p. 228).

² Rev. Canons, 1907, p. 113; and see *infra*, pp. 37 and 58.

³ Resolution 10 of the Synod (see Rev. Canons, 1907, p. 118) fixes the following as the fees to be taken by Clergymen for the following services:—

Marrriages (including registration*).....	\$4.00
Burials (including registration*).....	2.00
Burials at a distance.....	3.00
Calling of Banns (payable in advance).....	1.00
Baptisms (including registration*).....	No fee
Churchings.....	No fee

beyond the accustomed offering prescribed by the Prayer Book.

Certificate of Baptism.....	1.00
Certificate of Marriage.....	1.00
Certificate of Burial.....	1.00

* See the Statute as to Registration of Births, Marriages and Deaths, 8 Ed. VII c. 28 (O.)

⁴ A Form of this Parish Register has been adopted by the Synod for use in the several Parishes of the Diocesc. See Rev. Canons, 1907, p. 117. It is also provided that every Clergyman, on removing from a Parish, shall deliver to the Churchwardens the Register of baptisms, marriages, and burials, obtaining a receipt therefor, which receipt shall be exhibited to the Bishop before the issuing of a new licence to the Clergyman, or before the granting of a *bene decéssit* (*Ib.*)

cured, and of good wholesome Wine for the Communicants.¹

(15) To see that the Church is clean, lighted, and warmed and ventilated during divine service, and that the Linen be clean and in decent repair.

Table of
prohibited
marriages

By the Canons of the General Synod and of the Provincial Synod, ²a copy of the Table of Prohibited Degrees is required to be placed in the Vestry-room and near the entrance of every Church in some place where it may conveniently be read. The Synod of the Diocese of Toronto has made provision for the printing of the Table so that every Parish may provide itself with a copy.³

As to Clergy-
man officiating.

The Churchwardens, in the absence of the Incumbent, are to demand proof of the proper ordination and good standing of any clergyman before permitting him to officiate.⁴

Canon vi. of the Provincial Synod provides that no person shall be permitted to officiate at Divine Service, or perform any office of the Ministry permanently or occasionally except he shall have been episcopally and canonically ordained; and it shall be the duty of the Incumbent or, in his absence, of the Churchwardens to demand proof of such ordination and of the good standing of the clergyman before permitting him to officiate. This, however, does not apply to students of a Theological College so as to prevent them from reading lessons in the College Chapel, or to laymen occasionally officiating when there is a necessity for it.⁵

It is desirable that the Churchwardens or one of them, or one or more of the Sidesmen, should be in the Vestry a few minutes before the service, in order to give the Minister an opportunity of communicating with them in regard to anything connected with the services, or as to any notices to be given, requests for

¹ See also Canon 20 of 1603 (Rev. Canons, 1907, p. 219).

² See Rev. Canons, 1907, p. 145 (Can. III. s. 3); and p. 187 Prov. Synod, Can. XVI s. 3.

³ See Rev. Canons, 1907, Resolution No. 5, p. 116.

⁴ Rev. Canons, 1907, Can. XXIII. s. 3a (5), p. 96.

⁵ Prov. Canon VI. s. 2; Rev. Canons, 1907, p. 170.

prayer, etc.; also in order that in the absence of the Parochial Clergy they may receive any strange clergyman who is going to hold a service, and afford him any necessary help or direction.¹

PRESERVING DUE REVERENCE AND DECORUM.

It is the duty of the Churchwardens to take care that due reverence is observed within the church during service; and they are not to permit loiterers in either the churchyard or porch, but are to cause them either to enter the church or depart.² They are also to deal with all who unlawfully disturb the service either in or around the building.³ They may remove (using no unnecessary force) persons who intrude on seats appropriated to others.⁴ They may lay hands on and turn out of the Church (using no unnecessary force) any who disturb divine service.⁵ They may also repress all indecent interruption of the service.⁶

Preserving
Decorum in
Church.

3.—*In regard to Pew-holders, Seat-holders and Strangers.*

Churchwardens are to see that holders of pews and sittings are secured in the undisturbed possession of their seats⁶; to take notice of the absence of members and to notify the Minister thereof;⁷ also at once to communicate to the Minister the name and address

Pew-and Seat-
holders.

Absentees.

¹ Rev. Canons, 1907, Can. XXIII. s. 6 (8).

² Rev. Canons, 1907, Can. XXIII. s. 6 (4); see also Can. 19 of 1603, Rev. Canons, 1907, p. 219; see also Prideaux on Churchwardens, p. 408.

³ *Reynolds v. Monkton*, 2 Moo. & Rob. 384.

⁴ *Hawe v. Plummer*, 1 Saund. 13.

⁵ See *Hutchins v. Denziloe*, 1 Hagg. Con. at p. 173 (quoted in *Ritchings v. Cordingley*, L.R. 3 A. & E., at pp. 119, 120), where Lord Stowell says: "Even if the preacher himself were guilty of any act grossly offensive either from natural infirmity or from disorderly habits, I will not say that the Churchwardens and even private persons, might not interfere to preserve the decorum of public worship. But this is a case of overbearing necessity that supersedes all rules."

⁶ Rev. Canons, 1907, Can. XXIII. s. 6 (6); Church Temp. Act (3 Vict. c. 74) s. 8.

⁷ Rev. Canons, 1907, Can. XXIII. s. 6 (7).

Newcomers and Persons leaving the Church. of any person renting or giving up a sitting in the Church.¹

Strangers.

They are to receive and welcome strangers and provide them as far as possible with seats ;² and to observe any strangers who frequently attend the Church, to ascertain their names and addresses and communicate them to the Minister.¹

The terms upon which pews are to be sold or leased or rented are to be determined by the Vestry at meetings specially called and duly holden for that purpose ;³ and any sale, lease or renting is to 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.³ Alterations in pew rents are only to be made at Vestry-meetings called for that special purpose, and the purpose is to be expressed in the notice calling the meeting.⁴

Pews and Pew-rents.

The distribution of seats rests with the Churchwardens. Neither the Minister nor the Vestry has a right to interfere with the Churchwardens in seating the parishioners ; at the same time the advice of either may fitly be invoked and to a certain extent may reasonably be deferred to. ⁵

Grants or leases of pews and certificates of rented sittings are to be executed by the Rector or Incumbent and the Churchwardens, within reasonable time after being required to do so, and at the charge of the person applying.⁶ The charges for conveyances, leases, and certificates are to be regulated at Vestry-meetings in the same way as pew rents.⁷

A few pews are still held by virtue of a purchase ;

¹ Rev. Canons, 1907, Can. XXIII. s. 6 (7).

² Rev. Canons, 1907, Can. XXIII. s. 6 (6); Church Temp. Act (3 Vict. c. 74) s. 8.

³ Rev. Canons, 1907, Can. XXIII. s. 3 (1); Church Temp. Act s. 6.

⁴ Church Temp. Act (3 Vict. c. 74) s. 12.

⁵ *Fuller v. Lane*, 2 Addams, 419, 425.

⁶ Rev. Canons, 1907, Can. XXIII. s. 3 (1); Church Temp. Act, s. 6.

⁷ Church Temp. Act, s. 12.

but probably no further absolute sales will be made. **Pews and pew-rents.** An absolute purchase¹ of a pew is to be construed as "a freehold of inheritance¹ 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."²

A pew so owned may be apportioned by the owner into sittings amongst several grantees or assignees, either for value or without consideration ; each of the grantees or assignees will be a member of the Vestry.³ The owner may also devise the pew ; and in case of intestacy, his interest will descend, as in the case of other freeholds of inheritance.³ The owner may also authorize the Churchwardens to lease the pew or rent sittings, and the lessees or occupiers will be members of the Vestry.³

Pew-holders, whether by purchase or lease, and persons renting sittings, have during their rightful possession of their pews or sittings a right of action for damages or an injunction⁴ against any person injuring the same or disturbing them or their families in the possession thereof.⁵ The pew-holder or sitting-holder is not entitled to exclusive possession of a pew at all times ; his right of possession is limited to the special purpose of attending divine service, at which time alone he has the right to enter. His right of action is therefore confined to the disturbance of such easement or limited right of possession.⁶

¹ See *Ridout v. Harris*, 17 U.C.C. p. 88 ; *Tully v. Farrell*, 23 U.C. Chy. 49, 56 ; A "freehold of inheritance" means a fee simple : *Tully v. Farrell*, p. 57.

² Church Temp. Act (3 Vict. c. 74) s. 7.

³ *Tully v. Farrell*, 23 U.C. Chy. p. 56 ; and see *supra*, p. 15.

⁴ See *Ridout v. Harris*, 17 U.C.C.P. 88.

⁵ Church Temp. Act, s. 8.

⁶ *Ridout v. Harris*, 17 U.C.C.P. 88 ; *Brunskill v. Harris*, 1 E. & A. 322.

Up to the time of the commencement of a service, pews and seats allotted cannot legally be occupied by other persons against the will of the allottees. This applies at all ordinary services, whether on weekdays or Sundays. After the commencement of services it would seem, however, that the Churchwardens have the right to put other persons in pews and seats ; but this right should be exercised in a reasonable and considerate manner.¹

4.—*In regard to the Appointment of Officers*

Officers
Appointed by
Church-
wardens.

The Clerk of the Church, if any, the Organist, the Vestry-Clerk, the Sexton, and other subordinate officers of the Church, are appointed by the Churchwardens for the time being ; and their salary and wages are brought into the general accounts of the Church.²

5.—*In regard to Financial Matters.*

GENERALLY.

Funds of the
Church
generally.

Generally speaking, the funds of the Church raised by pew-rents, collections (not specially designated) or otherwise, are at the disposal, and subject to the direction, of the Vestry ;³ and it is the duty of the Churchwardens to receive and account for all such funds (as well as donations specially designated) and to carry out any lawful regulations or directions of the Vestry in regard thereto.⁴

In places where there is a chartered bank or loan or savings company, the Churchwardens are required to deposit with the bank or company, to the credit of the Church, all moneys coming to their hands ; and to make all payments in sums not less than \$5 by cheque on the bank or company.⁵

¹ *Re Claverley Parish, Gatacre and Legh v. Vicar, etc., of Claverley*, 1909, P. 195.

² Rev. Canons, 1907, Can. XXIII. s. 3 (2); Church Temp. Act (3 Vict. c. 74) s. 13.

³ See Rev. Canons, 1907, Can. XXIII. s. 6 (3).

⁴ See Rev. Canons, 1907, Can. XXIII. s. 3 (13).

⁵ Rev. Canons, 1907, p. 94, Can. XXIII. s. 3 (14).

COLLECTIONS.

All offertory collections, open or otherwise, form ^{Offertory.} part of the Church funds, which are to be received by the Churchwardens and accounted for by them.

The Churchwardens, assisted, if necessary, by the Sidesmen, are to collect the alms and other offerings of the congregation at the offertory.¹ They or their substitutes for the time being, immediately after any service at which a collection has been made, should proceed to the Vestry-room of the Church and there, in the presence of the Incumbent or other officiating clergyman, carefully count the collection and enter the amount, with the date and their initials in the Preacher's Book.¹

All sums placed in the offertory collection with special designation of the purpose to which they are to be applied, must of course be applied accordingly; but subject thereto the offertory collections are to be applied:

- (1) To any special purpose previously announced.
- (2) As may be directed by the Vestry.
- (3) For the benefit of the poor.
- (4) And for such other pious and charitable uses

as the Minister and the Churchwardens shall think fit; any disagreement between them on the subject is to be referred to the Bishop.²

Certain collections are required to be taken up for particular purposes. ^{Collections prescribed by Diocesan Synod.}

The Periodical Collections, so prescribed by the Diocesan Synod, are as follows:

*Epiphanytide	For Foreign Missions.
February	“ Diocesan Mission Fund.
March	“ Superannuation Fund.
April	“ Divinity Students' Fund.
*Ascensiontide	“ Domestic Missions.
July	“ Church Extension and General Purposes Fund
October	“ Widows' and Orphans' Fund
Thanksgiving Day	“ Diocesan Mission Fund.

*These collections are for the M.S.C.C. and are also prescribed by the General Synod. See *Rev. Canons, 1907, p. 144.*

¹ Rev. Canons, 1907, Can. XXIII. s. 6 (2).

² Rev. Canons, 1907, Canon XXIII. s. 6 (3).

³ Rev. Canons, p. 113, By-law VI. s. 1.

Special collections.

The following collections not for funds of the Synod or M.S.C.C. are also authorized :

Good Friday : For the London Society for Promoting Christianity among the Jews ¹, or for Bishop Blyth's Fund; (to be forwarded to the Secretary-Treasurer of the Synod.)

Children's Day : (3rd Sunday in October. for the Sunday School Commission ² (to be forwarded to the Secretary-Treasurer of the Synod).)

Christmas Day : For the sole use of the Incumbent (to be paid over to the Incumbent. ³

Modes of raising.

The practice in regard to the making of the prescribed collections for Missions or for Synod Funds differs in different Parishes. In some they are taken up at the times above mentioned. In others, especially where the Duplex Envelope system is used, a weekly contribution is made in one of the envelopes applicable to all the special purposes for which the periodical collections are required ; of the fund so formed a special account is kept by the Churchwardens and proportional payments are made out of it to the Secretary-Treasurer of the Synod at the proper times.⁴ In still other

¹ See Rev. Canons, 1907, p. 15, and inside the cover.

² Journ. of Gen. Synod (5th Sess. 1908), Canon VII., p. 368. The Sunday School Commission, pursuant to the Canon of the General Synod, makes an apportionment amongst the Parishes of an amount to be raised by the collection at the service held on Children's Day, and notifies each Parish of its allotment. Churchwardens should adopt all means in their power to have this allotment made known in the Parish, so that the offerings on that day may meet the amount allotted to the Parish.

³ Rev. Canons, 1907, p. 43.

⁴ By-law No. 6 (Rev. Canons, p. 113) enumerates the Collections prescribed by the Synod set out, *supra*, p. 37; but a standing order of the Synod (Journal, 1909, pp. 98-9) which provides for the allotment to Parishes of the amount which they should contribute to each of the Funds mentioned, provides as follows : "(4) The amounts so allotted to be raised, notwithstanding any previous Rule, Canon, or Order to the contrary, may be collected in such proper way as may be deemed by the Vestry of the Parish, or Mission, most efficient, and either by collections in church at such time or times as may be most expedient, or by house to house collections, or by both of such ways, or in any other legitimate way." See also *infra*, p. 59.

Parishes regular quarterly collections are made, the proceeds of which are applied proportionally to the special purposes. All these methods are authorized.¹ Special collections.

In every Parish, however, whatever the method adopted, the amount applicable to each special purpose should be remitted to the Secretary-Treasurer of the Synod within the times limited for that purpose.

The collection in April for the Divinity Students' Fund, should be remitted not later than 30 days after the end of the month in which the Synod has ordered the collection to be made.² Those made on Good Friday and Children's Day should be remitted at once. For these collections no allotment is made of a sum to be made up by the Parish. In regard to the other funds mentioned, an allotment is made of the amount expected to be contributed by the Parish, (See Parish Assessments, *infra* p. 58), and the times for remitting to the Secretary-Treasurer the amounts collected are quarterly, within ten days after 31st March, 30th June, 30th September, and 31st December.³

ACCOUNTS.

Churchwardens should keep, in a book or books to be carefully preserved with the other records of the Church,⁴ proper accounts of all moneys dealt with by them. Both Churchwardens are responsible for such moneys and for the accounts relating to them; and although as between themselves they may arrange for the keeping of the accounts by one of them, or by the Vestry-Clerk or other subordinate officer appointed by them, they should both keep themselves acquainted with the manner of keeping the accounts and of their condition from time to time. Accounts of the Church.

The Church Accounts are to be open to inspection;⁵ and the Churchwardens are required to permit any member of the Vestry to inspect the book or books Open to Inspection.

¹ See note 4 on p. 38.

² See Rev. Canons, 1907, By-law vi. (2), p. 113.

³ See Synod Journal, 1909, pp. 98-9.

⁴ Church Temp. Act (3 Vict. c. 74) s. 9; Rev. Canons, 1907, Can. XXIII. s. 5.

⁵ Church Temp. Act (3 Vict. c. 74) s. 9, and Rev. Canons, 1907, Can. XXIII. s. 3 (8).

in which they are kept at all reasonable times, he paying twenty cents for such inspection.¹

Financial Year.

Some churches have a fixed financial year commencing on a date some time prior to Easter Monday (such as 1st March), so as to enable the accounts to be made up, verified, audited, and with a report by the Churchwardens to be printed and distributed by Easter Sunday. In such case at the Easter Vestry-meeting the Vestry is able to consider the accounts, take action, and pass any resolutions that may be necessary in regard to matters arising out of them. No doubt it is within the powers of the Vestry, so to regulate their financial affairs.²

A convenient date to fix for the commencement of the financial year would seem to be 15th March, which would make the Parish books accord with the returns of financial statistics to be made for assessment purposes.³

Usual course of procedure.

The general course of procedure contemplated by The Church Temporalities Act and the Canons to secure correct accounts is that the accounts shall be made up to Easter Monday, shall be presented on that day at the annual Easter Vestry-meeting, signed and verified by oath or statutory declaration,⁴ with any report that the Churchwardens think fit to make, and shall be delivered by the Churchwardens, entered in proper book, to their successors (if any) within 14 days after their successors are appointed,⁵ or if the same Churchwardens are appointed, then to an adjourned meeting.⁶ The Vestry then, after the transaction of any other business of the annual meeting, adjourns for 14 days. During that time the accounts may be printed (if need be); if auditors are appointed

¹ Church Temp. Act (3 Vict. c. 74) s. 9. This fee in the Act is "one shilling," meaning one shilling Halifax or provincial currency (at five shillings to the dollar), which had been adopted in U.C. by the Act 2 Geo. IV., c. 13. It corresponds to 20 cents of the present currency.

² See Church Temp. Act (3 Vict. c. 74) s. 15.

³ See Synod Journal, 1909, p. 102a.

⁴ See *infra*, p. 41.

⁵ See Rev. Canons, 1907, Can. XXIII. s. 3 (8); Church Temp. Act s. 9.

⁶ Church Temp. Act (3 Vict. c. 74) s. 9, last clause; Rev. Canons, 1907, Can. XXIII. s. 3 (11).

the accounts are audited, and are then submitted to the adjourned Vestry-meeting, which considers and deals, as may be necessary, with questions arising out of them, and with questions of finance generally.

Whether an audit is provided for or not (see *infra* Verification. pp. 41, 42), the accounts are to be verified by oath before a Justice of the Peace, or in the case of a Free Sittings Church, by statutory declaration.¹

If new Churchwardens are appointed, the old Churchwardens are also required to deliver over to their successors all sums of money, goods, chattels and other things in their hands as Churchwardens.² Delivery up of money and property of the Church.

Default in delivering such accounts renders the retiring Churchwardens liable to an action at the suit of their successors, and at the suit of any member of the Vestry.³ Default.

ESTIMATES OF EXPENDITURE OF CURRENT YEAR. Estimates.

The Vestry may pass a by-law making it the duty of outgoing Churchwardens to lay before the Easter Vestry-meeting, for its adoption, an estimate of the sums required for carrying on the work of the Church during the ensuing year; and also a statement of the sources from which the means are to be derived. Where such an estimate is adopted by the Vestry, the expenditure of the Churchwardens must be controlled so as to fall within the estimate and no further expense will be justified except by the authority of the Vestry.⁴

AUDITING OF ACCOUNTS.

Auditors, if any, are appointed by the Vestry. Auditors.

The Vestry is empowered to pass a by-law requiring an audit of accounts in addition to the verification of them by the Churchwardens.⁵

¹ See Rev. Canons, 1907, Can. XXIII. s. 3 (8); Church Temp. Act s. 9.

² Rev. Canons, 1907, Can. XXIII. s. 3 (8); Church Temp. Act (3 Vict. c. 74) s. 9. See also Canons 89 of 1603 (Rev. Canons, 1907, p. 229.)

³ Rev. Canons, 1907, Can. XXIII. s. 3 (10); Church Temp. Act, s. 9.

⁴ Rev. Canons, 1907, Can. XXIII. s. 3 (12).

⁵ Rev. Canons, 1907, Can. XXIII. s. 3 (9).

Where the custom of the Parish is to have a fixed financial year, auditors are usually appointed at each Easter Vestry-meeting to act for the ensuing year ; so that the accounts are audited up to the end of the financial year by auditors appointed at the preceding Easter Vestry-meeting.

Where the practice is to submit the accounts unaudited (but verified by oath or declaration as before mentioned) at the Easter Vestry-meeting, and to hold an adjourned meeting to consider them, auditors, if any, will (under the power conferred on the Vestry as above mentioned), be appointed at the Easter Vestry-meeting to audit the accounts before the adjourned meeting is held.

It is the duty of the auditors to report not only as to the correctness of the accounts, but also as to whether all the expenditures have been duly authorized.¹

SAFETY OF BOOKS, DOCUMENTS AND RECORDS.

Strong Box
for Records.

For the convenient safekeeping of the books, documents, papers and records of the Church, a sufficient strong-box, with lock and key, should be provided by the Churchwardens, and kept in the Vestry of the Church.² It is required at all times, under such ordinary and convenient regulations as may be adopted by the Vestry, to be open to inspection for the information of the Parish, as well as for the information of any duly authorized officer of the Church.³

6.—Miscellaneous Duties.

As to Election
of Lay Repre-
sentatives.

As to the duties of Churchwardens in regard to providing for the due election of Lay Representatives to the Synod, see "Lay Representatives," *infra* pp. 48-52.

The principal of these duties may be here enumerated.

(1) To prepare, before Ash-Wednesday, an alphabetical list of the lay persons of the congregation qualified to vote at an election of Lay Representatives.

¹ Rev. Canons, 1907, Can. XXIII. s. 3 (9).

² If not safe in the Vestry from fire or theft, the Churchwardens will be justified in keeping the books and records in a secure place elsewhere.

³ Rev. Canons, 1907, Can. XXIII. s. 5 ; Can. VII. s. 9.

(2) To post up the list on Ash-Wednesday (or within a week thereafter in each year).

(3) To receive applications to revise the list up to the fourth Sunday in Lent.

(4) To see that two members of the Parochial Tribunal are elected at the Easter Vestry-meeting or other Vestry-meeting specially called for that purpose.

(5) To act as members of the Parochial Tribunal in settling the list.¹

In regard to proceedings for the alteration of boundaries of Parishes² see Parish Boundaries, *supra* pp. 13, 14. Definition or Alteration of Parish Boundaries.

In regard to proceedings in the case of the sale or mortgage of Church property,³ see *infra* pp. 64, 68. Sale or Mortgage of Church Property.

Churchwardens are to render to the Rural Dean on 7th April in each year, when required, a detailed statement of the Church property in the Parish.⁴ Return to Rural Dean.

They are also to furnish to the Bishop annually such Parochial Statistics as may be required.⁴ Parochial Returns to the Bishop.

For duties when the appointment of an Incumbent is to be made, see *infra* p. 78. As to Appointment of Incumbent.

It is the duty of the Churchwardens of a Mission Church to appear before the Committee on Missions when notified by the Chairman thereof of the time and place of their meeting according to the Canon of Synod in this behalf (presumably Rev. Canon XI.)⁵ Attendance before the Committee on Missions.

Churchwardens are liable for any breach of the Act to regulate the means of egress from public buildings. It is therefore their duty to see that the doors of the church buildings and the gates of outer fences are so hinged that they may open freely outwards; or, if the gates are not so hinged, to see that they are kept open by proper fastenings during the time that such buildings are publicly used, to facilitate the egress of people in case of alarm from fire or other cause.⁷ Under Egress from Public Buildings Act.

¹ Rev. Canons, 1907, Can. XXIII. s. 3a (3).

² Rev. Canon, 1907, Can. XXIII. s. 3a (6); and Can. v.

³ Rev. Canons, 1907, Can. XXIII. s. 3a (4); 2 Geo. V. c. 81. ss. 8, 9, 22.

⁴ Rev. Canons, 1907, Can. XXIII. s. 3a (7).

⁵ Rev. Canons, 1907, Can. XXIII. s. 3a (9).

⁶ See 9 Ed. VII. c. 87 (O.), ss. 1 and 2.

CHAPTER V.

SIDESMEN.

History.

The office of Sidesman is an ancient ecclesiastical office not recognized except by Canon Law. Originally called Synodsmen or Questmen, their duties were to make quest or inquiry as to the orderly conduct of the clergy and people in Parishes and report to the Bishop and the Synods of the clergy. From their attesting the result of their quest they were called *testes synodales*, which became converted in English into Sidemen and finally Sidesmen.

In course of time the duties of Churchwardens and Sidesmen became less distinct; some of the visitation duties of Sidesmen became duties of Churchwardens. In the Canons of 1603¹ the two sets of officers are referred to as "Churchwardens or Questmen" and "Sidesmen or Assistants." Thus the Sidesmen have developed into assistants of the Churchwardens. In the Diocese of Toronto their *status* is that of assistants to the Minister and Churchwardens, and their duties are defined by Canon XXIII. s. 7.

Number.

The number of Sidesmen is not limited by any Canon. In some Parishes there may be perhaps as many as twenty. Others find a small number sufficient. It is not essential that there be any.²

Election.

If any are desired, they are to be chosen for the year at the annual Easter Vestry-meeting, one half of the number by the Rector or Incumbent and the other half by election by the Vestry.³

Vacancies.

Vacancies during the year owing to death, removal, or neglect or refusal to act may be filled by the Rector or Incumbent, in the case of those who had been appointed by him, and by the Churchwardens, in the case of those who had been elected by the Vestry.³

Duties.

The duties of Sidesmen are specially⁴ to assist the Minister and Churchwardens in the performance

¹ See Rev. Canons, 1907, p. 216.

² Rev. Canons, 1907, Can. XXIII. s. 7 (1), p. 99.

³ Rev. Canons, 1907, Can. XXIII. s. 7 (2).

⁴ Rev. Canons, 1907, Can. XXIII. s. 7 (3).

of their duties, and to discharge such offices as may ^{Duties.} be assigned to them by the Vestry, by by-law or otherwise : In particular :

(1) To assist the Churchwardens.

- (a) In receiving and seating strangers in the church.¹
- (b) In maintaining order in and about the church during divine service, in preventing persons from loitering in the churchyard or porch, and in dealing with all who unlawfully disturb the service either in or about the building.²
- (c) In seeing that the church is not used for feasts, plays, entertainments, or any profane purpose.³
- (d) In seeing that holders of pews or sittings are secured in undisturbed possession of their seats.⁴
- (e) In communicating to the Minister the name and address of any persons renting or giving up a sitting in the church.⁵
- (f) In ascertaining the names and addresses of persons attending the church, though not pew-holders, and in communicating the same to the Minister.⁵
- (g) In noticing the absence of members and notifying the Minister thereof.⁵
- (h) In giving necessary information to the Minister in the Vestry before services.⁶
- (i) In receiving in the Vestry, in the absence of the parochial clergy, any strange clergyman, and in affording him necessary help or direction.⁶

¹ Rev. Canons, 1907, Can. xxiii. s. 7 (3), p. 99.

² Rev. Canons, 1907, Can. xxiii. s. 7 (3); and s. 6 (4).

³ Rev. Canons, 1907, Can. xxiii. s. 7 (3); and s. 6 (5).

⁴ Rev. Canons, 1907, Can. xxiii. s. 7 (3); and s. 6 (6).

⁵ Rev. Canons, 1907, Can. xxiii. s. 7 (3); and s. 6 (7).

⁶ Rev. Canons, 1907, Can. xxiii. s. 7 (3); and s. 6 (8).

Duties.

- (j) In taking up the offertory collection, and, if necessary, in counting the collection in the Vestry, and in entering the amount in the Preacher's Book.¹
 - (k) In soliciting and collecting subscriptions and donations for Church objects.²
- (2) To seek out and report to the Minister the names of strangers and of sick and poor residing in the Parish, and of persons habitually neglecting divine worship.²

CHAPTER VI.

LAYMEN'S BOARD.

Laymen's Board.

At the annual Easter Vestry-meeting it is required that there shall be elected a Board to be known as the "Laymen's Board," to consist of three or more members of the Vestry.³

Duties.

The duties of this Board are :

(a) To take charge, under the direction of the Incumbent, of the benevolent, missionary, and extra-parochial work of the Parish;

(b) To stimulate interest therein;

(c) To endeavour to encourage giving therefor, and to induce members of the congregation to give systematically to all funds for which contributions are required from Parishes or Missions (see *infra*, p. 58), and to see that all proper steps are taken to collect at least the amount of the allotments for the said funds, and that the amounts so collected are duly forwarded to the Secretary-Treasurer, as required by the Standing Order of the Synod on the subject⁴; and

(d) To report to the Secretary-Treasurer, for the

¹ Rev. Canons, 1907, Can. XXIII. s. 7 (3); and s. 6 (2).

² Rev. Canons, 1907, s. 7 (3).

³ Synod Journal, 1909, p. 98: Standing Order, clause 7.

⁴ Synod Journal, 1909, p. 95: Standing Order, clauses 5-7.

information of the Synod, any recommendations which they may deem proper respecting the amounts of the allotments and their collection.

The Board is to elect a Chairman whose name and address is to be communicated to the Secretary-Treasurer of the Synod.¹

CHAPTER VII.

LAY REPRESENTATIVES TO THE SYNOD.

A Representative or Delegate, or more than one, **Number.** but not exceeding three, may be elected to represent each Parish or Mission in the Diocese.²

If there are two congregations in the Parish or Mission, the larger may elect two Representatives and the smaller one Representative. If there are three congregations, each may elect one Representative. If there are four or more congregations, the two largest may each elect one Representative and the remaining congregations may together elect the third Representative.³

A Lay Representative must not have been in Holy Orders, and must be a male, 21 years of age, a communicant for at least a twelvemonth immediately preceding the election, and during such twelvemonth must have communicated at least three times.⁴ **Qualification.**

Lay Representatives should be elected annually **Election.** at a meeting of the congregation (not the Vestry)⁵ on Easter Monday.⁶

¹ Synod Journal, 1909, p. 98 : Standing Order, clause 7.

² Rev. Canons, 1907, Const. s. 9, p. 4; 22 Vict. c. 139, s. 1 (Rev. Canons, p. 271).

³ Rev. Canons, 1907, Const. s. 9 (a).

⁴ Rev. Canons 1907, Const. s. 9.

⁵ In Free Sitting Churches the persons who may vote are also the members of the Vestry (see *supra*, p. 15). In Pew Churches persons who have not leased or rented a pew or sitting (and so are not members of the Vestry) may, if males, and otherwise qualified as above mentioned, vote at this election. It will also be seen that, as males only may vote, women who may be pew- or sitting-holders, and so are members of the Vestry, are not qualified to vote at the election of Lay Representatives.

⁶ Rev. Canons, 1907, Const. s. 10, p. 4.

Calling of Meeting for Election.

The meeting should be called by notice at the same time that notice is given of the annual Easter Vestry-meeting (to be held on Easter Monday), and it will be most conveniently called to take place immediately after the Vestry-meeting. If, however, there has been no election on Easter Monday, a meeting specially called for the purpose may be held thereafter.¹

The meeting will usually be called by the Minister during divine service ; but if there be no Minister, or there be a vacancy in the incumbency, or if the Minister omits to call a meeting within 30 days after Easter Monday, it will be the duty of the Churchwardens to call a special meeting for the election.²

No special manner of calling such special meeting is prescribed ; the Churchwardens will, doubtless, correctly call the meeting in the same manner as they may call a special Vestry-meeting.³

Qualification of Voters.

The persons entitled to vote at such congregational meeting are : All males of 21 years of age or upwards, not in Holy Orders, who are members⁴ of and habitual worshippers with the congregation, whose names appear on a list duly settled and signed as hereafter mentioned, and who, if required, sign the declaration following :—

Declaration.

" I solemnly declare that I am a member⁴ of the Church of England in Canada and of the congregation of _____ Church (*naming it*) ; that I am of the full age of 21 years ; that I am an habitual worshipper with the said congregation and have been so since the first day of January last ; that I am not registered as a member of any other congregation ; and that since the said date I have not voted, nor do I intend to vote as a member of any other congregation, at an election of Lay Representatives to the next Synod."⁵

The list of persons entitled to vote is prepared as follows :

List of Voters. On or before Ash-Wednesday in each year, the

¹ Rev. Canons, 1907, Const. s. 10 ; Canon XXIII. s. 3a (2).

² Rev. Canons, 1907, Const. s. 10 ; Canon XXIII. s. 3a (2).

³ See *supra*, p. 18, and Church Temp. Act (3 Vict. c. 74) s. 10; Can. XXIII. 3 (3).

⁴ " Member " means baptized person. See note (1) *supra*, p. 16.

⁵ Rev. Canons, 1907, Const. ss. 13, 14 (e); and see 22 Vict. c. 139 s. 1 (Rev. Canons, p. 271).

Churchwardens are required to prepare an alphabetical list of the persons who are male members of, and habitual worshippers with, the congregation and are of the full age of 21 years.¹ A copy of the list is to be posted up on or before Ash-Wednesday in the Vestry or other convenient place, and also on Ash-Wednesday or within a week thereafter, on the door of the Church and in one or more conspicuous places in the vestibule of the Church or place of worship with the following notice appended :

" The above list is prepared in accordance with the Canon of the Synod, of the adult male members of, and habitual worshippers with, this congregation. All applications to have any names struck off, or inserted in, the said list must be made in writing to the Churchwardens not later than the fourth Sunday in Lent. No person whose name does not appear in the list as settled by the Parochial Tribunal shall be entitled to vote for the election of Lay Representative to the Synod.

A. B.

C. D.

Churchwardens."²

Notice of the list is to be given in the church or place of worship during divine service at least once on any of the first three Sundays in Lent.¹

If no applications are made to add names to, or strike off names from, the list, the persons whose names there appear are those alone who are entitled to vote, subject to their making, if required, the prescribed declaration at the meeting to elect Lay Representatives,³ or to alterations made on special application of any person to have his name added after Easter Monday.⁴

Until the fourth Sunday in Lent (inclusive) the Churchwardens may receive applications for the striking off of names from the list and for the insertion of names in it ; but they do not adjudicate upon the matter of any application. That is the function of the Parochial Tribunal, which consists of the Minister

¹ Rev. Canons, 1907, Const. s. 14a, p. 5.

² Rev. Canons, 1907, Const. ss. 14a, 14b.

³ Rev. Canons, 1907, Const. s. 14e. See *supra*, p. 48, and *infra*, p. 53.

⁴ Rev. Canons, 1907, Const. s. 14i, p. 7; and see *infra*, p. 51.

(or in his absence the Assistant Minister), the Churchwardens and two other members of the congregation who should be elected at each annual Easter Vestry-meeting to act for the ensuing year.¹ If no such election has taken place an election may be held at a Vestry-meeting specially called for the purpose;¹ but if no such special meeting has been held, the Minister and the Churchwardens may nevertheless validly perform the duties of the Parochial Tribunal.¹

Consideration
of applications
for changes in
the list.

The Parochial Tribunal which acts is that whose formation has been completed by the election of its two members at the *last* Easter Vestry-meeting or at a Vestry-meeting specially called for the purpose.¹ In other words, at any time when its services are required the last constituted Tribunal acts. Where, after the fourth Sunday in Lent² in any year, there is such a Tribunal constituted at the last Easter Vestry-meeting, that body may act at any time between that date and the approaching Easter Vestry-meeting;¹ but where the meeting for the election of Lay Representatives is to be held (as is usually the case) immediately after the approaching Easter Vestry-meeting, it would seem that if the list has not at that time been settled by the Parochial Tribunal, the new Tribunal, constituted at the Vestry-meeting just held, should meet immediately and settle the list for use at the meeting then about to be held for the election. So, if there has been a failure at the previous Easter Vestry-meeting to appoint members of the Tribunal, the Minister and Churchwardens, instead of acting without two elected members, can see that two members are elected at the approaching Easter Vestry-meeting, and the Tribunal properly constituted can thus meet immediately and settle the list for use at the meeting of the congregation for the election of Lay Representatives.

Before the meeting, all applications which have been duly made before the fourth Sunday in Lent

¹ Rev. Canons, 1907, Const. s. 14 (c), p. 6.

² The date beyond which no further applications to change the list can be received by the Churchwardens. See Const. s. 14 (b).

are to be adjudicated upon by the Parochial Tribunal on notice to the parties affected.¹ The decision of a majority of the Tribunal determines the matter.¹ List to be signed when settled.

The list when so finally settled is to be signed by the members of the Parochial Tribunal or a majority thereof adjudicating on the matter.²

The list so settled remains in force for one year from the date of settlement or until a new list is settled.³ As this is also the list of members of the Vestry in a Free Sitting Church⁴ it is important that it be carefully preserved by the Churchwardens for use, if necessary, at any meetings of the Vestry.

If at any time after Easter Monday, any person who has been an habitual worshipper with the congregation for three months and upwards, and possesses the other qualifications above mentioned⁵, desires to have his name placed upon the list, he may apply therefor to the Churchwardens. They are thereupon required to put up the following notice on the door or in one or more conspicuous places in the vestibule of the Church or place of worship — Insertion of other names after Easter Monday.

"Application has been made by ——— to have his name added to the list of persons entitled to vote for Lay Representatives in the Synod. Any objections thereto must be made in writing to the Churchwardens within 10 days hereafter.⁶

Dated ——— A.D. 19—

A. B.

C. D.

Churchwardens."

If no objections are made it would seem that the Churchwardens may add the name to the list.

If any objections are made a meeting of the Parochial Tribunal must be held to deal with them. The

¹ Rev. Canons, 1907, Const. s. 14 (c), and see Forms of Notices, *infra*, p. 52.

² Rev. Canons, 1907, Const. s. 14 (d).

³ Rev. Canons, 1907, Const. s. 14 (g).

⁴ See *supra*, p. 15.

⁵ See *supra*, p. 48.

⁶ Rev. Canons, 1907, Const. s. 14 (i).

Churchwardens must give notice of the objections to both the applicants and the objectors, as well as notice of the time of meeting of the Parochial Tribunal to deal with the objections.¹

The following forms of notice to the applicant and objector respectively will be sufficient :—

Notice to Applicant.

“ You are hereby notified that objection has been made to your name being added to the list of persons entitled to vote for Lay Representatives to the Synod on the ground that (*state the objections.*)

“ The Parochial Tribunal will hold a meeting at _____ on _____ day, the _____ day of _____, 19____, to consider the objections and adjudicate upon the matter, at which time and place you are required to attend, otherwise the matter may be adjudicated upon in your absence.

(Date)

A. B.

C. D.

To Mr. _____
(*The applicant*)

Churchwardens.”

Notice to Objector.

“ You are hereby notified that the objection which you have made to the addition of the name of Mr. _____ (*the applicant*) to the list of persons entitled to vote for Lay Representatives to the Synod, will be considered by the Parochial Tribunal and adjudication by it will be made at a meeting for that purpose to be held at _____, on _____ day, the _____ day of _____, 19____, at which time and place you are required to attend, otherwise the matter may be adjudicated upon in your absence.

(Date)

A. B.

C. D.

To Mr. _____
(*The objector*)

Churchwardens.”

Adjudication.

After hearing the parties the Tribunal will overrule or allow the objections, and add or not add the name accordingly.¹

Proceedings at meeting for election.

At the meeting for the election of Lay Representatives, the Minister, if present, presides ; if he is not present the Assistant Minister ; if neither is present, a Chairman is to be elected by the qualified voters present.²

¹ Rev. Canons, 1907, Const. s. 14 (i).

² Rev. Canons, 1907, Const. s. 11.

The Chairman has only a casting vote.¹

At the opening of the meeting the names on the settled list are to be called and any one who is on the list may, on the name of any other person on the list being called (but not afterwards), require that such person make the declaration above mentioned,² Declaration. and, in the event of his refusal to make the declaration when so required, his name is to be struck off the list by the Chairman.³

By a unanimous vote the meeting may dispense with the calling of the list and may proceed at once to the election.³

When the list has been settled only those persons whose names appear in it are entitled to vote.

The mode of election may be by motion made and seconded that qualified persons (naming them), either the whole number to be elected or one or more, be elected. Or nominations by motion may be of one person only at a time. ^{(1) Open voting.}

Motions in amendment may be made, and the various motions may be put in the usual way to the meeting until the required number of Representatives has been elected. A majority of the qualified voters present, and voting, is sufficient to carry a motion.⁴

The votes may be taken by ballot, if required by ^{(2) Voting by ballot.} a majority of the qualified voters present at the meeting.⁴ A motion to that effect should be made. Where the voting is to be ballot, the best course is for the Chairman to ask for nominations (by motions moved and seconded), and, when no more nominations are made, a ballot may be had for the number required to be elected from the names of those who have been nominated. Two scrutineers for the purpose of taking up and counting the ballots may be appointed on motion.

¹ Rev. Canons, 1907, Const. s. 11.

² For the declaration see *supra*, p. 48, and Rev. Canons, 1907, p. 6.

³ Rev. Canons, 1907, Const. s. 14 (e).

⁴ Rev. Canons, 1907, Const. s. 12.

Transmission
of result to the
Sec.-Treas. of
the Synod.

Within 20 days after the election, the Chairman of the meeting is required to send to the Secretary-Treasurer of the Synod a certificate of the election, to the following effect :—

" This is to certify that at a meeting held on the — day of —, 19—, for the purpose of electing a Lay Representative (or Lay Representatives) in the Synod for the Parish (or Mission) of —, A. B. (C. D. and E. F.) being a communicant (or communicants) of at least one year's standing, of the full age of 21 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 the Parish (or Mission) as a Lay Representative (or Representatives) in the Synod of the Parish (or Mission) of (naming it) by the laymen entitled to vote at such election, according to Section 13 of the Revised Constitution of The Incorporated Synod of the Diocese of Toronto.

Dated this — day of —, 19—.

Chairman."

I also forward herewith the assessment of the Parish (or Mission) being — dollars.

On the certificate is to be endorsed the following :

To the Honorary Secretaries of the Synod.

GENTLEMEN,—I have received the Synod dues of the within named Parish or Cure ; you may, therefore, enter the names of the Lay Representatives on the Synod list.

Your obedient servant,

Secretary-Treasurer.¹

As the Chairman is thus required to forward the amount of the assessment of the Parish or Mission for Synod expenses, it becomes the duty of the Churchwardens to furnish him with the necessary cheque within 20 days from the date of the election.¹

Any clergyman who as Chairman fails to forward to the Secretary-Treasurer of the Synod the above-mentioned certificate and the amount of the Synod Assessment, becomes thereby ineligible for appointment as a member of any Committee of the Synod ;²

Penalty to
enforce the
above.

¹ Rev. Canons, 1907, Const. s. 15 (1).

² Rev. Canons, 1907, Const. s. 15 (2).

and no Representative is entitled to take his seat in the Synod until the assessment has been paid.¹

Provision is made in the Revised Constitution of the Synod for the case of a Chairman not being able to certify as to qualifications of a Representative in regard to his being a communicant or to his communicating during the twelve months preceding the election.²

The Chairman is also required to furnish each Lay Representative with a certificate similar to that forwarded to the Secretary-Treasurer of the Synod. Without such a certificate the Representative may be required to give proof of his identity before taking his seat.³

A Lay Representative, except in cases of death, resignation, or removal from the Diocese, continues in office until the next meeting of Synod after the election of his successor.⁴

A Representative may resign at any time by giving notice to that effect to the Secretary-Treasurer of the Synod, who is required forthwith to communicate the resignation to the Chairman of the meeting at which the Representative was elected.⁵

In case of a vacancy by death, resignation, or removal from the Diocese, a meeting for a new election is forthwith to be held to fill the vacancy in manner following:—The Minister (or if there be no Minister, or if he omits to call the meeting within 30 days after the vacancy occurs) the Churchwardens or Churchwarden must call a special meeting for the election of a successor to the late Representative. Notice of the

¹ Rev. Canons, 1907, Const. s. 16.

² Rev. Canons, 1907, Const. ss. 17, 18.

³ Rev. Canons, 1907, Const. s. 19; and see 22 Vict. c. 139 (Rev. Canons, p. 271).

⁴ Rev. Canons, 1907, Const. s. 20.

⁵ Rev. Canons, 1907, Const. s. 21.

⁶ No express provision seems to be made for the filling of a vacancy caused by the Synod Court on Contested Seats having determined that a Representative is not entitled to take his seat in the Synod by reason of his not being duly qualified or not having been duly elected.

meeting is to be given during divine service on the two Sundays next before the time of the meeting. The procedure at the meeting is then to be the same as at same an ordinary meeting for the election of Representatives.¹

Dual Election.

If any Representative be elected for more than one Parish, it is the duty of the Secretary-Treasurer of the Synod to send him notice to that effect; and the Representative must within one week from the receipt of such notice select the Parish for which he intends to sit and vote, and must signify his decision to the Secretary-Treasurer, whose duty it then is at once to notify the Minister or Ministers of the other Parish or Parishes. If the Representative does not so signify his decision all his elections become void, and the Secretary-Treasurer is required within 10 days after the time allowed for making the selection to notify the Parishes to proceed to a new election.²

In either case the Minister or Ministers of the Parish or Parishes which have so become without a Representative proceed to call a meeting for a new election by giving notice thereof on either of the two Sundays next following the notification to him of the vacancy, and the new election is required to take place within 21 days from the receipt of the notification from the Secretary-Treasurer.³

Contested Seats in the Synod.

After the election and transmission of certificate thereof it is still open to any member of the Church resident in the Diocese and having a right to vote at the election to object to the claim of any person whose name appears on the Synod list, to take a seat in the Synod; and provision is made by the Constitution of the Synod in such case for the making of the objection and for its consideration by the Court on Contested Seats.³

It is provided that the Court on Contested Seats shall not disallow an election either (1) on account of

¹ Rev. Canon, 1907, Const. s. 23.

² Rev. Canons, 1907, Const. s. 22.

³ Rev. Canons, 1907, Const. ss. 24-27.

any of the formalities prescribed by the Constitution for the preparation, signing, and settling of the list of voters having been omitted, or (2) on account of any irregularity in connection therewith or with the meeting at which the election took place : Provided that the majority of the Court are of opinion that the omission or irregularity complained of has not materially affected the result of the election, and that the election was fairly conducted.¹

The office of Lay Representative confers only an ecclesiastical, not a civil, *status*, so that resort cannot be had to the civil courts by a person who feels aggrieved by any election, or any decision in regard to the validity of any election of a Lay Representative.² His remedy is by application as above mentioned to the Court on Contested Seats, in cases within its jurisdiction.

Status of representative ecclesiastical only.

PAROCHIAL DUTIES OF LAY REPRESENTATIVES.

Besides representing the Parish at meetings of the Synod, the Lay Representatives have certain parochial and other duties :

Parochial Duties.

1. If residing in the Parish they have the duty of attending the Bishop with the Churchwardens on the consultation made requisite before an appointment of a Minister to fill a vacancy in the incumbency of the Parish.³

2. A Lay Representative may be required to act on a Commission to investigate the merits in the case of a proposed re-arrangement of the boundaries of adjacent Parishes,⁴ or to ascertain the resources and liabilities of a Parish or Mission, and to report to the Bishop in writing the amount which the Parish or Mission may be fairly expected to contribute towards the Clergyman's stipend.⁵

¹ Rev. Canons, 1907, Const. s. 14 (k).

² See *Dunnell v. Forneri*, 25 U. C. Chy. 199, 218.

³ Rev. Canons, 1907, Canon xxiii s. 3a (8). See also *infra*, p. 78.

⁴ Rev. Canons, 1907, Canon v. s. 2.

⁵ Rev. Canons, 1907, Canon iv. s. 1.

CHAPTER VIII.

PARISH ASSESSMENTS.

**Assessment of
Parishes.**

For the purpose of making allotments to Parishes of the amounts contributable by them for various Diocesan and other Funds, an assessment of the Parish is made by the Church Extension General Purposes Statistics and Assessment Committee of the Synod.¹

**Funds for
which allot-
ments made.**

The Funds for which contributions are required from Parishes and Missions are as follows :

- (a) M.S.C.C. Fund. (See p. 37).
- (b) Diocesan Mission Fund.
- (c) Widows' and Orphans' Fund.
- (d) Superannuation Fund.
- (e) General Purposes Fund.
- (f) Synod Expenses.
- (g) Any Special Fund.¹

**Basis of
Assessment.**

The basis of assessment acted upon is that provided in Canon xx. (Rev. Canons, p. 87) by the standing order as to assessments applicable to assessments for the expenses of the Synod, viz. : the total annual income of the Parish actually received from all sources, but excluding fees, special donations, private income of the clergy, and sums contributed for Diocesan or extra-Diocesan objects ; excluding also all sums spent on parochial charities, parish buildings, extensive or extraordinary repairs, or for the payment of interest or principal of mortgage or other debt on fabrics.²

For assessment purposes Parishes are classified according to the amount of their assessable incomes, and the percentage of assessment varies according to the class in which the Parish is so placed.³

**Notice of
assessment.**

The Secretary-Treasurer of the Synod should notify

¹ See Synod Journal, 1909, p. 98.

² See Rev. Canons, 1907, p. 87, and Synod Journal, 1909, p. 102a, the form of return for assessment purposes issued by the Assessment Committee, and to be made to it by the Churchwardens of Parishes.

³ See Rev. Canons, 1907, p. 88, Standing Order, Clause 2.

the Churchwardens and Lay Representatives of the amount of the assessment of their Parish, and of the percentage charged, by such date as will leave time for an appeal.¹

The form of statistical return sent annually to the Parish should contain a special notice that the Parish may, not later than May 1st, lodge with the Secretary-Treasurer of the Synod, an appeal from its assessment stating the reasons therefor.²

The Churchwardens on receiving the notice should consider it, and, if necessary, should lodge an appeal before 1st May.

Appeals are heard by the Assessment Committee at its May meeting.³

Allotments are made having regard to the assessment based on the last annual return from the Parish.³

The amounts allotted may be collected in such proper way as may be deemed by the Vestry most efficient, and either by collections in church periodically or weekly by the duplex envelope system, or by house to house collections or by all or any of such ways or in any other legitimate way.⁴

The Churchwardens are required to forward to the Secretary-Treasurer of the Synod, within 10 days after the 31st March, 30th June, 30th Sept., and 31st Dec., all moneys received by them on account of any of the allotments within the previous three months designating the fund or funds (if any) to which the moneys are to be applied. If they send money without a designation, the Secretary-Treasurer of the Synod apportions the amounts received, for which no designation is sent, rateably among all the funds included in the allotment to be raised in the Parish or Mission.⁵

¹ See Rev. Canons, 1907, p. 89, Standing Order, Clause 4. In practice it would seem that notice of the assessment is not given, but only notice of the allotment made. It is difficult, therefore, to see how Churchwardens can tell whether or not an appeal should be lodged.

² See Rev. Canons, 1907, p. 86, Standing Order as to Statistics. The form in use does not contain such a special notice.

³ Journal, 1909, p. 93, Standing Order, s. 2.

⁴ See note (4), *supra*, p. 38.

⁵ See Synod Journal, 1909, p. 98, Standing Order, Clause 5.

CHAPTER IX.

CHURCH LANDS, ACQUISITION, SALE, MORTGAGE AND LEASING THEREOF.

I. Acquisition and Holding of Land.

Land may be held in the Diocese of Toronto for the benefit of the congregation of a church in several ways.

Endowment of Rectories by private persons.

(1) A rectory may be established and endowed by gift of land or personalty, by deed or will¹ executed, in the case of a gift of land, at least six months before the death of the donor and registered not later than six months after his death.² When a rectory has been so endowed by a private person or body politic or corporate, a church has been erected, and its maintenance has been provided for to the satisfaction of the Bishop, the founder, his heirs and assigns, being members of the Church of England or the body politic or corporate becomes entitled to an advowson in fee presentative or right of presentation to the church.³

No new Rectories can be established by the Crown.

No new rectories can be established by the Crown or endowed out of the public domain, but rectories already so established and endowed (and some few still exist) continue in the enjoyment of their endowment, and their lands continue to be held according to the original grants subject to Acts of the Legislature since passed.⁴

The right of presentation to such rectories is in the Synod of the Diocese subject to any by-laws by it passed for that purpose.⁵

Other modes of holding land for congregations.

The remaining modes in which lands may be held for the benefit of the congregation of a church are

¹ See *Doe dem Baker v. Clark*, 7 U.C.Q.B. 44.

² Church Temp. Act (3 Vict. c. 74) s. 16.

³ Church Temp. Act (3 Vict. c. 74) s. 17.

⁴ See 14 and 15 Vict. c. 175 (1852), ss. 2, 3; 29-30 Vict. cc. 16 and 17; 39 Vict. c. 109; 41 Vict. c. 69, and 47 Vict. c. 90.

⁵ See 14 and 15 Vict. c. 175 (1852), s. 4; Rev. Canons, 1907, p. 286.

probably all specified in the Ontario Act of 1880 (52 Vict. c. 97)¹ and are as follows :²

(2) Lands may be vested in the Incorporated Synod of the Diocese.³

(3) Lands may be vested in the Bishop, by his individual name or official title, and either alone or with others.

(4) Lands may be vested in the Rector, Parson or Incumbent, or Missionary for the time being, by his individual name or official title, either alone or with the Churchwardens for the time being, or with trustees or others.

(5) Lands may be vested in the Churchwardens for the time being, by their individual names or corporate title.

(6) Lands may be vested in certain persons named as trustees,

(a) For the Church, Rectory, Parish, Mission, congregation, or living.

(b) For the Rector, Parson, Incumbent, or Missionary.

(7) Lands may be vested in any other corporation or person under any other trust or designation, in trust,

(a) For the general or special use or benefit of the members of the Church of England in the Diocese ; or

(b) For or in connection with any Church, Rectory, Parish, Mission, congregation, locality, living, or Rectory (other than Rectories in clause (1) above mentioned) in the Diocese ; or

(c) For the use, benefit, or endowment of any Church, Parson, Mission, living or Rectory (other than as aforesaid); or

¹ See Rev. Canons, 1907, p. 294. This Act was passed to simplify sales of property held for the benefit of the Church of England in the Diocese of Toronto.

² See 52 Vict. c. 97, s. 1 (O.), Rev. Canons, 1907, p. 294.

³ In such case see Rev. Canons, 1907, pp. 102-3.

- (d) For the use, benefit, support, or endowment of any Parson, Incumbent, Missionary, or Rector (other than as aforesaid); or
- (e) For a Parsonage, School, or any other object or purpose or use in connection with any such Church, Parish, Mission, congregation, locality, living, or Rectory (other than as aforesaid).

II. Sales of Land.

1. Sales of land under 52 Vict. c. 97 (O.)

Sales under
52 V.c. 197.

Any lands so held may be sold, and probably may most conveniently be sold, under the provisions of the Church Lands Sales Act 52 Vict. c. 97.

That Act provides that the land may be sold by the persons in whom the title is at the time so held or vested in trust;¹ but any sale must be:

(a) With the authorization and consent of the Vestry which has the right to dispose of the rents, issues, profits or income thereof, and

(b) With the approval of the Synod.²

If there be no such Vestry the sale may be made with the consent and approval of the Synod alone.²

The proceeds of sale must in either case be paid to the Synod which is to hold them,

(a) Upon the same trusts as those upon which the land was held, and apply them in accordance with the trust; or

(b) Apply them in the purchase of other lands to be held upon the same trusts; but this can only be done with the consent of the Vestry having the right above mentioned and with the approval of the Synod; or

Application of
the purchase
money.

¹ 52 Vict. c. 97, s. 1, last clause; Rev. Canons, 1907, p. 294.

² 52 Vict. c. 97, s. 2. The Synod gives its approval by its See Endowment and Land Committee: See s. 5 and Rev. Canons 1907, p. 84, Canon 19 *sixthly*. This canon was passed in 1897 presumably pursuant to section 5 of 52 Vict. c. 97, which authorizes the Synod to act through such Boards or Committees thereof as the Synod may from time to time appoint by resolution, by-law or by-laws. The appointment by Canon is doubtless as valid as by resolution or by-law. See also Rev. Canons, pp. 102-3.

(c) In case from change of circumstances it becomes impossible or inadvisable to carry out the original trust, use, endowment or purpose :—apply them for other Church purposes for the benefit of the Church, Parish, Mission, or congregation on whose behalf the trust was created ; but this can only be done with the consent of the Vestry having the right above mentioned and with the consent of any person who has a life interest in the trust property for the time being, and with the approval of the Synod first obtained. If there is no such Vestry the Synod may determine the other Church purposes to which the proceeds may be applied.¹

An exchange of lands so held in trust may be made for other lands by the persons who would be so authorized to sell, subject to the same conditions as to authorization and consent by the Vestry and approval by the Synod ; and the new land will be held upon the same trusts as the original land or may be taken to be held for other church purposes in the same way as the proceeds of a sale might be so applied, but subject to the same conditions.²

Exchange of
Lands.

The Vestry should manifest its authorization and consent by resolution passed for the purpose.³

Consent of
Vestry and of
Synod.

The Synod may exercise its powers as mentioned in sec. 5 of the Act 52 Vict. c. 97. Pursuant to Canon xix, presumably passed under the authority of that section, the Synod gives its consent by and through its See Endowment and Land Committee.⁴

The Committee is, by by-law of the Synod, directed (at any rate where the land is vested in the Synod) to refuse permission for the sale of Churches except under cases of extreme necessity, and if the building has been consecrated the Committee is directed to require that it be pulled down as a necessary condition of permission.⁴

¹ 52 Vict. c. 97, s. 3 ; Rev. Canons, 1907, p. 296. This power the Synod exercises through the See Endowment and Lands Committee : Canon XIX. sec. 2 (*sixthly*), Rev. Canons, 1907, p. 84.

² See 52 Vict. c. 97, s. 4 ; Rev. Canons, 1907, p. 296.

³ See 52 Vict. c. 97, s. 2 ; Rev. Canons, 1907, p. 296.

⁴ See Rev. Canons, 1907, p. 84 ; Canon XIX. sec. 2 (*sixthly*). See note 2, p. 62.

Wherever a sale is to be carried out under the provisions of the above Act the following steps are thus necessary :

(1) A special meeting of the Vestry interested, if any, must be called in the regular manner. (See *supra*, pp. 18, 19.)

(2) At that meeting a resolution must be passed, entered in the minutes of the meeting and recorded in the book provided for such purpose.

The resolution should recite the proposed sale of the lands (describing them) and that the Vestry has the right to dispose of the rents, issues, profits, or income, derived from the lands ; should authorize the persons in whom the title is vested (naming them and describing them according to the instrument under which and in the character in which they hold the land) to make the particular sale proposed to be made and to execute a conveyance to the purchaser ; should state that the Vestry consents to the sale ; and should authorize and direct the persons in whom the title is vested to apply to the Bishop of the Diocese and the Synod for the approval of the sale by the Synod and for the execution of the deed by the Bishop and by the Honorary Secretaries of the Synod.¹

A resolution passed by a majority of those present at the meeting will be valid ; but possibly a resolution passed at a small meeting and by but a bare majority may constitute a circumstance to be taken into consideration by the Synod in considering the giving of its approval.

(3) A copy of the entered record of the minutes, certified by the Incumbent and the Churchwardens or the Vestry-Clerk to be a true copy, should be forwarded to the Secretary-Treasurer of the Synod for the formal assent of the Synod to the sale.

(4) The Synod acts through its See Endowment and Lands Committee.² If that Committee approves of the sale on behalf of the Synod, a resolution should be passed by it to that effect.

(5) The deed (making parties the persons in whom

¹ 52 Vict. c. 97, ss. 2 and 5.

² See note 2, p. 62.

the title is vested and the Bishop and the Honorary Secretaries of the Synod and reciting the proceedings and the consent of the Vestry and approval by the Synod) executed by the persons in whom the title is vested, should be transmitted to the Secretary-Treasurer of the Synod with a request for its execution.

The deed before execution has to be submitted by the Synod to the solicitors for the Synod. This is done at the expense of the applicants.¹

(6) The deed should be executed by the Bishop as President of the Synod and by the Honorary Secretaries of the Synod² and the seal of the Synod should be affixed.

(7) A copy of the resolution of the See Endowment and Lands Committee, attested by the seal of the Synod, should, if required by the purchaser, be prepared, in order to be handed to the purchaser as one of the evidences of title. The execution of the deed as above mentioned, by the Bishop and the Honorary Secretaries, or a memorandum of consent endorsed on the deed and signed by them and attested by the seal of the Synod is, in favour of the purchaser and his heirs and assigns, conclusive evidence of the approval of the Synod.³

2. Acquisition and sale of land under *The Religious Institutions Act*.

TRUSTEES.

Under *The Religious Institutions Act*, a conveyance for the benefit of a congregation may be taken in the name of trustees for the site of a church, burial-ground, residence for a Minister, and for other religious or congregational purpose.³

For the purposes of the Act a special appointment of trustees would seem to be unnecessary, as the Parson or other Incumbent of a Church for the time being and the Churchwardens, by the terms of the Act,

Incumbent and Churchwardens may be trustees

¹ Rev. Canons, 1907, p. 103, By-law III., first clause.

² 52 Vict. c. 97, s. 5.

³ 2 Geo. V., c. 81, s. 2; and see *Re Churchville*, 1 Chy Ch. 205.

are for the purposes of the Act, to be deemed and taken to be trustees within the meaning thereof,¹ so that the conveyance may be taken in the name of "The Incumbent and Churchwardens of the Church of, etc., at present represented by (*naming them*)."

Or Special trustees may be appointed. It would seem, nevertheless, to be a valid proceeding to make a special appointment of trustees to take a conveyance of the land required.²

May have a collective name. The deed may be to the trustees in their individual names or may give a collective designation of the trustees without setting out their individual names; provided their names appear by recital or otherwise in the deed.³ It should also state how their successors are to be appointed,⁴ but where this has not been done provision is made for special meeting to determine the matter.⁵

Trustees a Corporation. The trustees are a corporation,⁶ and may purchase, sell and mortgage personal property.⁶ They may sue in their collective names, as *e.g.*, "The Incumbent and Churchwardens of the Church of, etc." or, in the case of trustees specially appointed, "The Trustees of the Church of, etc.,";⁷ or they may sue in their own names with the addition of "as Trustees of, etc." according to their designation in the instrument declaring the trust.⁸

Alteration of Number. The fixing and alteration of the number of the trustees are matters in the hands of the congregation at properly constituted meetings of "the persons entitled to vote in respect of the appointment of Trustees."⁹ It is not expressly declared in the Act,

¹ 2 Geo. V. c. 81, s. 22 (2).

² 2 Geo. V. c. 81, s. 2.

³ 2 Geo. V., c. 81, s. 2; and see *Re Churchville*, 1 Chy Ch. 205.

⁴ *Re Baptist Church of Stratford*, 2 Chy. Ch. 388. See *Doe v. Bain*, 3 U.C.Q.B. 198.

⁵ 2 Geo. V., c. 81, ss. 16-18.

⁶ *Brown v. Sweet*, 7 A. R. 725; *Re Wansley and Brown*, 21 Ont. 34.

⁷ *Trustees Franklin Church v. Maguire*, 23 U.C. Chy. 102; *Trustees Ainleyville etc. v. Grever*, 23 U.C.C.P. 533; *Berkeley Street Church v. Stevens*, 37 U.C.Q.B. 9.

⁸ *Humphreys v. Hunter*, 20 U.C.C.P. 456.

⁹ For the proceedings for that purpose, see 2 Geo. V. c. 81, ss. 7, 18.

and it is not clear, that the Vestry of the Church is constituted of the persons so entitled to vote.¹ It would seem to be the better course to call a meeting of the congregation, which will comprise all Church members who are pew or seat holders or are habitual worshippers in the church.

The congregation is not empowered to remove Trustees competent and willing to act.² The appointment is authorized only of successors to Trustees dead or removed or otherwise becoming disqualified under the provisions of the trust.³ It would seem that the settlement of the mode of appointing successors and the appointment of successors may be done at the same meeting.⁴

A proper record of the proceedings of all meetings of the congregation for the purposes of the Act should be kept in the minute book or other official register of the acts and proceedings of the congregation;⁵ and the record of each meeting held under the Act should be signed by the Chairman and Secretary of the meeting.⁶ A copy of this record verified by the affidavit of the Chairman or Secretary may be registered in the Registry Office for the registry division in which the land is situate.⁵

Records of
Meetings of
Congregation.

SALES.

A sale may be made under The Religious Institutions Act of land held for the use of a congregation by Trustees where it becomes unnecessary that such land be retained for such use, and it is deemed advantageous to sell the land.⁶

Sales under
R.S.O. 1897, c.
307.

The sale can be made only by the Trustees in

¹ See 2 Geo. V. c. 81, s. 22 (6), which in terms applies only to the assent to a sale, mortgage, or lease, of lands held by trustees.

² See *Lage v. Makenson*, 40 U.C.Q.B. 388.

³ See *Id.* and as to disqualification under the trust by ceasing to be a member of the Church, see *Everett v. Howell*, 5 Q.B. O.S. 592; *Smallwood v. Abbott*, 18 U.C.Q.B. 564; *Coleman v. Moore*, 44 U.C.Q.B. 328.

⁴ See *Dorland v. Jones*, 7 Ont. 17.

⁵ 2 Geo. V. c. 81, s. 18

⁶ 2 Geo. V. c. 81, s. 11.

whom the property is vested, with the consent of the Vestry interested. The sale cannot be made by other persons acting under a resolution of the Vestry.¹ The consent of the Executive Committee of the Synod is also necessary.

Consent of Vestry.

The proceedings to be taken are as follows :

(1) A special meeting of the Vestry² must be called in the regular and usual manner³ with an announcement of the purpose for which it is called.

(2) At the meeting a resolution must be passed (by a majority of the members present at the meeting),⁴ authorizing and directing the Incumbent and the Churchwardens, or other the Trustees in whom the lands vested, to effect a sale of the portion which it is unnecessary for the congregation to retain and which it is deemed advantageous to sell ;⁵ and authorizing and directing the Incumbent and Churchwardens, or other the Trustees, to apply to the Bishop and the Executive Committee of the Synod for consent to the sale.

(3) A record of the proceedings at 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 Chairman and the Secretary of the meeting.⁶

(4) A copy of the record certified to be a true copy by the Chairman and Secretary of the meeting should be forwarded to the Bishop with the application for his formal consent to the sale and a similar copy should be forwarded to the Secretary-Treasurer of the Synod to be laid before the Executive Committee, with an application for their consent.⁷

(5) After the consents have been obtained the Incumbent and Churchwardens, or other the Trustees, may give public notice of the intended sale at public

¹ See *Irving v. McLachlan*, 5 U.C. Chy. 625.

² Geo. V. c. 81, s. 22 (6).

³ See *supra*, pp. 18, 19.

⁴ 2 Geo. V. c. 81, s. 15 (1).

⁵ 2 Geo. V. c. 81, s. 11.

⁶ 2 Geo. V. c. 81, ss. 15, 18.

⁷ See Rev. Canons, 1907, pp. 102, 103, By-laws of Synod.

auction, specifying the premises to be sold and the time and terms of sale. Publication of the notice must be made once in each week for four successive weeks in a daily or weekly paper published in or near the place where the lands are situated; or, if there are any different terms in any special powers or trusts for sale contained in the instrument creating the trust, they must be complied with.¹

The advertisement of the sale should state that the lands will be sold subject to a reserved bid, which should be previously fixed by the Trustees at what they consider an adequate price. Advertisement
of Sale.

The reserved bid should be delivered to the auctioneer in a closed envelope with directions not to open it until the biddings are closed. If the reserved bid has not been reached the auctioneer declares that there is no sale.

(6) After such publication of the advertisement of sale, the Incumbent and Churchwardens, or other the Trustees, may sell the land by public auction according to the notice.¹ Public Sale.

(7) The vendors are not obliged to complete or carry a sale into effect if in their judgment an adequate price is not offered;¹ but to enable them to take that position without possibility of objection, the advertisement of sale should, as above-mentioned, state that the lands will be sold subject to a reserved bid.

(8) If the sale by public auction proves abortive, the Trustees may sell the lands by public or private sale, but a less sum must not be accepted by private sale than was offered at the public auction, without the consent of the Vestry;² and before a private sale can be made all the requirements respecting the previous holding of a public sale must have been strictly complied with.³ Any purchaser at a private sale would require evidence of the fulfilment of Private Sale.

¹ 2 Geo. V. c. 81, s. 11.

² 2 Geo. V. c. 81, s. 11 (2); 22 (6).

³ *Re Second Congregational Church Property, Toronto*, 1 Chy. Ch. 349; *Re Baptist Church Property, Stratford*, 2 Chy. Ch. 388.

all such preliminary proceedings. A properly authenticated record of them should therefore be kept, such as duly authenticated minutes of meetings and statutory declarations as to other matters.

Deed.

(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 a majority of the members present at a meeting duly called for that purpose.¹

(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 the Minute Book as above described.

(11) A duly authenticated copy of the record of proceedings must be transmitted to the Secretary-Treasurer of the Synod.² A copy certified by the Incumbent and Churchwardens or by the Vestry Clerk or other the Clerk or Custodian of the records of the congregation to be a true copy would seem to be sufficient authentication for this purpose.²

(12) The deed is then to be drawn, reciting the original purchase and the intention in so purchasing, the fact that it has become unnecessary to retain the land for such use and that it is deemed advantageous to sell the land; reciting also the proceedings as may be necessary according to whether the land is being sold at public auction or by private sale. It should make parties (besides as granting parties the persons in whom the title is vested) the Chairman of the meeting at which the assent of the Vestry was given, or the Incumbent, or some person appointed at the meeting for the purpose;³ also the Bishop and the

¹ 2 Geo. V. c. 81, s. 15 (1). Sec. 15 (3) provides that instead of the assent of the congregation it shall be sufficient for the validity of the conveyance that the sale be sanctioned and the deed approved by the Judge of the County Court of the County in which the land is situate. This provision may be useful when for any reason a Vestry-meeting cannot be held.

² Rev. Canons, 1907, p. 102, By-law No. 1., and sec 2 Geo. V. c. 81 s. 18 (2).

³ 2 Geo. V. c. 81, s. 15 (2).

Honorary Secretaries of the Synod to attest the consent of the Bishop and the Synod.¹

(13) The deed executed by the parties connected with the Church interested is then to be sent to the Secretary-Treasurer of the Synod for the approval of the Bishop and the Executive Committee and for execution by the Bishop and the Honorary Secretaries of the Synod.

Before the execution of the deed the Synod submits it to the solicitors of the Synod for their approval. This is done at the expense of the applicants.²

Compliance with the above requirements (taken from Secs. 11 and 15 of The Religious Institutions Act) will generally be sufficient ; but if the property is held upon any special trust containing a special power of sale which prescribes anything inconsistent with or in addition to the above requirements, the provisions of the special power should be followed.³

One of the By-laws of the Synod governing the Executive Committee in giving its assent to sales, is as follows :

“This Committee shall refuse permission for the sale of Churches in this Diocese except under cases of extreme necessity ; and should the building have been consecrated, shall require it to be pulled down as a necessary condition of permission.⁴

III. Mortgages of Church Lands.

The Act 52 Vict. c. 97, does not seem to provide for the case of a mortgage by trustees of Church land. ^{Mortgages by Trustees.} Where therefore a mortgage is necessary The Reli-

¹ 2 Geo. V. c. 81, s. 22 (6).

² See Rev. Canons, 1907, p. 103, By-law III.

³ 2 Geo. V. c. 81, s. 11 (3).

⁴ See Rev. Canons, 1907, p. 103, By-law II., last clause.

Under R.S.O.
1897, c. 307.
Conditions.

religious Institutions Act must be resorted to and its provisions complied with.¹

Amongst other things the Act provides that the land shall not be mortgaged or incumbered under the powers conferred except with the consent of (1) the Vestry of the Church or congregation interested therein, (2) the Bishop of the Diocese, and (3) the Executive Committee of the Synod of the Diocese.²

Consent of
Synod.

Before the consent of the Executive Committee is given to a mortgage of Parish property the Committee is required first to endeavour to satisfy itself as to the means available to pay off the mortgage, as well as any other mortgages on the land.³

In applying to the Executive Committee for its consent the Vestry is also required to have regard to Canon VII. s. 4, which provides that in no case shall the property of a Church be incumbered by a debt or mortgage to a greater amount than one-fifth of the value of the property where the debt incurred is for improvements or repairs.⁴

The steps necessary to be taken are as follows :

(1) As a preliminary condition there must be a debt incurred for the building, repairing, extending or improving of a church or other building, or for the purchase of the land in question ; and a mortgage is authorized for securing such debt or borrowing money to pay it off in whole or in part.⁵

Consent of
Vestry.

(2) The consent of the Vestry is to be given at a special meeting called in the usual way.⁶

(3) A minute of the resolution of the Vestry consenting to or authorizing the giving of a mortgage to secure the debt or raising the loan upon mortgage must be entered in the book or record of the proceedings of the Vestry.⁷

¹ 2 Geo. V. c. 81, ss. 8, 9, 22 (6).

² 2 Geo. V. c. 81, s. 22 (6).

³ Rev. Canons, 1907, p. 103, By-law III., second clause.

⁴ Rev. Canons, 1907, p. 47, Canon VII. s. 4 proviso.

⁵ See 2 Geo. V. c. 81, s. 8 (1).

⁶ See 2 Geo. V. c. 81, s. 22 (6), and *supra*, p. 18.

⁷ See Church Temp. Act. (3 Vict. c. 74), s. 11, and Rev. Canons 1907, Canon XXIII. s. 3a (1), and *supra*, p. 18.

(4) The consent of the Bishop and of the Synod ^{Of Synod.} must be procured. In order to procure this a copy of the minutes of the Vestry certified by the Vestry Clerk or if there is no Vestry Clerk, by the Churchwardens, or otherwise satisfactorily verified, should be forwarded (together with the proposed mortgage)¹ to the Secretary-Treasurer of the Synod for approval of the Bishop and the Executive Committee of the Synod, and for execution by the Bishop.

The Synod requires the mortgage to be approved by the solicitors of the Synod, and for this purpose submits it to them before execution on the part of the Synod. This is done at the expense of the applicants.²

(5) The consent may be evidenced by the execution of the mortgage deed by the Bishop and by the Honorary Secretaries of the Synod, or by a memorandum of consent endorsed upon it and signed by them.³

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

IV. Leasing of Church Lands.

The Trustees for the time being entitled to hold lands in trust for the use of a congregation may lease any land so held (other than 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 any term not exceeding 21 years, at such rent and upon such terms as the Trustees or a majority of them deem reasonable.⁴ Leases authorized.

A lease may be made renewable for a further term of 21 years or less period as may be agreed; or may contain an agreement to pay the lessee for buildings

¹ A form of mortgage has been settled by the Executive Committee and approved of by the Synod's solicitors. The form should be followed. Copies of it may be obtained from this Secretary-Treasurer of the Synod. See Rev. Canons, 1907, p. 103, By-law III., Note.

² See Rev. Canons, 1907, p. 103, By-law III., first clause.

³ 2 Geo. V. c. 81, s. 22 (6).

⁴ 2 Geo. V. c. 81, s. 10 (1) and (3), last clause.

and improvements which may at the expiration of the term be upon the demised premises. The mode of ascertaining the amount of the rent in a renewal lease or the value of improvements must be specified in the original lease.¹

Consent of Vestry.

Before any such lease can be made the consent of the Vestry of the Church or congregation must be obtained, which consent is to be signified by the votes of a majority of the members of the Vestry present at a meeting duly called in the usual way for the purpose.²

Remedies to recover rent.

The Trustees for the time being have the usual remedies of a landlord for the recovery of rent;³ but the exercise of the powers in that behalf conferred upon the Trustees must be by the Trustees themselves; the congregation cannot authorize other persons to exercise them.⁴

CHAPTER X.

DIFFERENCES BETWEEN CLERGYMEN AND THEIR PARISHIONERS.

Investigation of Differences.

(1) At the Instance of Parishioners.

(2) At the Instance of the Clergyman.

Differences arising in a Rectory, Parish or Mission between the Parishioners and their Clergyman may be brought before the Bishop in a regular way for investigation, either (1) on the part of the Parishioners, upon the petition or request in writing signed by five persons qualified to vote at an election of Lay Representatives of the Rectory, Parish, or Mission; or (2) at the instance of the Clergyman, by a request in writing signed by him.⁵

The Bishop is bound to take action upon receiving such a request unless he shall be of opinion after con-

¹ 2 Geo. V. c. 81, s. 10 (2).

² 2 Geo. V. c. 81, ss. 10 (3) and 22 (6).

³ 2 Geo. V. c. 81, ss. 10 (4).

⁴ *Irving v. McLachlan*, 5 U.C. Chy. 625; and see p. 57, Note.

⁵ Rev. Canons, 1907, p. 100. Can. XXIV. s. 1.

sidering the whole circumstances of the case that proceedings should not be taken (in which latter case he is required to state in writing to one of the petitioners, his reasons for not taking action.)¹

Or (3) the Bishop himself, without any petition or request, may institute the investigation whenever he believes—

(3) By the Bishop *proprio motu*.

(a) That differences have arisen between the Rector or other Clergyman in charge of any Rectory, Parish, or Mission, and communicants resident in the Rectory, Parish, or Mission; or

(b) That the condition of the Rectory, Parish, or Mission is in any respect such as to require investigation.¹

Where an investigation is determined upon in any of the above three cases, the Bishop takes action by appointing a Committee consisting of one Clerical and one Lay Member of the Synod, whose duty it thereupon becomes to proceed to the Rectory, Parish, or Mission and endeavour if possible to bring about, either a settlement of the differences existing, or a removal of the grievance or cause of scandal or other hindrance to the peace or prosperity of the Rectory, Parish, or Mission.¹

Appointment of Committee for Investigation.

Conciliation if possible and settlement of the trouble.

The Committee so appointed are required, within one month after their appointment, to report in writing to the Bishop.²

Report of Committee.

If they have effected a settlement they report accordingly.

If they have failed to bring about a settlement of the differences they must so declare, and they doubtless may make a special report in regard to the matter unless they recommend the issue of a Commission of Inquiry.

Commission of Inquiry.

If they consider it to be detrimental to the interests of the Church that the Rector or other Clergyman should longer remain in charge of the Rectory, Parish,

¹ Rev. Canons, 1907, p. 100. Can. XXIV. s. 1.

² Rev. Canons, 1907, p. 100. Can. XXIV. s. 2.

or Mission, the Committee must report the causes which make them of that opinion (not being subjects for investigation under the Canon on Church Discipline),¹ and recommend that a Commission of Inquiry be issued to inquire into the complaints made by communicants of the Church, resident in the Rectory, Parish, or Mission (reciting such complaints in the report).

The Bishop thereupon is to issue a Commission, and empower the Commissioners named in it to hold the investigation.

¹ Rev. Canons, 1907, p. 100, Can. XXIV., s. 2.

The Canon on Church Discipline is Can. II. (Rev. Canons, 1907, p. 36-41). Where the matters in difference are in the opinion of the Committee subjects for investigation under that Canon it is presumed that the Committee should make a report to that effect setting out in the report what the offences charged are. The offences enumerated in Canon II. are :

- (a) Disseminating any doctrine contrary to the 39 Articles and the Book of Common Prayer ;
- (b) Any criminal, dishonest, immoral, or disorderly conduct, scandal, or evil report ;
- (c) Knowingly celebrating marriage between two persons within the degrees of affinity ;
- (d) Contumacy, *i.e.* persistence in disrespectful or disobedient conduct towards the Bishop in matters in which the Bishop is legally and canonically entitled to exact obedience.
- (e) Wilful violation of the Constitution or Canons of the Synod or of the Diocese of the Provincial or the General Synod.
- (f) Habitual irregularity or neglect in the performance of the offices of the Church ;
- (g) Introduction of innovations or novel'ies 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 Canon 36 of 1603.
- (h) Knowingly permitting unauthorized persons to officiate in the Church.
- (i) Schism or separating himself from the communion of the Church.
- (j) Abandoning his charge without leave or exercising any lay profession or occupation inconsistent with his sacred calling.

The Commissioners are to be two Clergymen and one Layman, who is to be either the Chancellor of the Diocese or some member of the Synod who is a King's Counsel.

The Layman so appointed is to be the Chairman of the Commission.¹

Notice of the time and place of the Sittings of the Commissioners must be given by them to the Clergyman in charge of the Rectory, Parish, or Mission, and to the Churchwardens and Lay Representatives thereof, and to the persons who petitioned for the investigation.²

The proceedings are to be as nearly as possible to those provided in Canon II. respecting Church Discipline for the regulation of trial of complaints under that Canon.³

The Commissioners, or a majority of them, must report, with all convenient speed, to the Bishop, the result of their inquiry; and may report the action which they recommend and deem advisable to be taken.⁴

The Bishop is to take such action upon the report as may seem to him desirable and he is authorized to suspend or remove the Incumbent of the Rectory, Parish, or Mission from his benefice.⁵

Any Clergyman neglecting or refusing to obey any order so made by the Bishop becomes punishable, as for contumacy under Canon II. respecting Church Discipline.⁶

¹ Rev. Canons, 1907, p. 100. Can. XXIV. s. 2.

² Rev. Canons, 1907, p. 101. Can. XXIV., s. 3.

³ Rev. Canons, 1907, p. 101. Can. XXIV., s. 4.

⁴ Rev. Canons, 1907, p. 101. Can. XXIV., s. 5.

⁵ Rev. Canons, 1907, p. 101. Can. XXIV., s. 6; 62 Vict. c. III., ss. 12-14 (O.).

⁶ Rev. Canons, 1907, p. 101. Can. XXIV., s. 7., and see p. 37 Can. II., s. 5. (*d*). The punishments which may be imposed upon offending Clergymen under Canon II. are: Admonition (either public or private), Suspension from the exercise of his office, Deprivation or Deposition, *i.e.* removal from his office, and Degradation from the Ministry. See Rev. Canons, 1907, p. 38.

CHAPTER XI.

VACANCY IN THE INCUMBENCY.

Appointment of Incumbent.

The appointment of an Incumbent to fill a vacancy is with the Bishop ; but before making any appointment it is requisite that the Bishop consult with the Churchwardens of the Parish or Mission (except a Mission sustained in whole or in part by the Mission Board) and its Lay Representatives, provided that the Lay Representatives are resident within the Parish or Mission.¹ The consultation is intended to be a personal interview so as to afford opportunity of stating reasons for or against any nominee ; receiving suggestions of other names ; enabling the Bishop to understand the state of the congregation, its likings and dislikings ; and what would be for the advantage of the Parish or Mission in the circumstances of the locality ; in fact all the numberless particulars which might have or ought to have an influence in guiding the opinion of the Bishop in filling the vacancy. If no such consultation has been held before the appointment, it has been decided in *Johnston v. Glenn* that a nomination or appointment by the Bishop is invalid and relief may be had in a civil court.²

Consultation with Parish Representatives**Stipend of Clergyman to be assured.**

The stipend of a clergyman appointed to any self-sustaining Parish is fixed at \$800 as a *minimum*, and until satisfactory evidence has been given to the Bishop that such stipend will be paid no appointment will be made³ ; but the Bishop is to aim at securing a stipend of at least \$1,000 a year for the Clergy of all self-supporting Parishes.⁴

Churchwardens having only voluntary contributions of a congregation are only liable to the Incum-

¹ Rev. Canons, 1907, p. 42, Canon III.

² See *Johnston v. Glenn*, 26 U.C. Chy. 162.

³ Rev. Canons, 1907, p. 115.

⁴ Synod Jour. 1912, p. 66.

bent for his salary to the extent of the contributions received by them for the purpose.¹

In every case where a Parish or Mission is vacant a Commission may be appointed by the Bishop consisting of at least one clergyman of the Diocese and one lay member of the Synod to visit the Parish or Mission and confer with its congregation or congregations to ascertain its resources and liabilities, and to report to the Bishop in writing the amount which it may fairly be expected (in proportion to its ability as compared with other Parishes in the Diocese) to contribute towards its clergyman's stipend;² or the Bishop may refer the matter to the Committee of the Synod on the Sustentation of the Clergy to take such action as they think best and report to him accordingly.³

Procedure to ascertain proper contribution of Parish.

Before making an appointment to any such vacant Parish or Mission, the Bishop is required to be satisfactorily assured that the amount of the stipend so determined upon will be annually contributed; and until so assured no appointment is to be made for such vacant Parish or Mission.⁴

Such a Commission may be appointed, or such reference to the Committee on the Sustentation of the Clergy may be made, in any Parish or Mission in which the stipend of the clergyman is not wholly derived from local endowment (though the Parish or Mission is not vacant), upon the application either of the clergyman or of any two Churchwardens of the Parish or Mission⁵; and the arrangement arrived at in regard to the amount which the Parish or Mission should contribute towards the clergyman's stipend is subject to revision, by a Commission appointed as above-mentioned, after a period of not less than three years upon the application of either the Clergyman or any two Churchwardens of the Parish or Mission.⁶

¹ See *Kirkby v. All Saints*, 3 O.L.R. 387; *Daw v. Ackeril* (1898) 28 Ont. 452; 25 A.R. 37.

² Rev. Canons, 1907, p. 42, Canon IV. s. 1.

³ See Synod Journal, 1912, p. 66.

⁴ Rev. Canons, 1907, p. 43, Canon IV., s. 3.

⁵ Rev. Canons, 1907, p. 42, Canon IV., s. 1.

⁶ Rev. Canons, 1907, p. 42, Canon IV., s. 2.

CHAPTER XII.

DISESTABLISHMENT OF PARISHES.

Disestablishment and Winding-up of Affairs.

Provision is made by the Canons for the disestablishment of a Parish, the winding up of its affairs, and the allotment of its territory amongst adjacent Parishes.¹

¹ Rev. Canons, 1907, p. 45; Can. v. ss. 6—9; Synod Journ., 1909, p. 85; 1910, pp. 72, 85 and 97; 1911, p. 94.



INDEX

• ABSENTEES from Church, Churchwardens' duties as to	33
ACCOUNTS , of Churchwardens :	
keeping of	39
open to inspection	39
presentation to and consideration of by the Vestry . . .	40
verification of	40, 41
audit of	41
delivery to new Churchwardens	41
default in, liability to action for	41
ADMISSION of Clergyman to a Parish	10
ADMONITION of Clergyman	77n
ADVISORY COMMITTEE in Parishes	17
ALLOTMENTS :	
of Parish contributions to Synod Funds, etc.	59
remittance of Collections for, quarterly	59
dates of	59
BALLOT at elections of Churchwardens, etc.	20
at elections of Lay Representatives	52
BANNS :	
calling of	32
fees for	32
BAPTISMS :	
certificate of	31
register of	31
BELLS , Church :	
providing	31
regulation of ringing of	30
BENEFICE , with cure of souls :	
how created	10
right of presentation to	10
BOOK , Preacher's	21
BOUNDARIES OF PARISHES—See PARISH	14
BOX , strong, for safe-keeping of records	42
BREAD , providing for the Holy Communion	32
BURIALS , register of	31
fees for	31
certificate of	31
CANONS of 1603-4	4
CEMETERIES , breaking ground in, fees for, etc.	26
sale of burial plots in	26
CHALICE or CUP , for the Holy Communion	30
CHILDRENS' DAY , and collection thereon	38
CHRISTMAS DAY , collection for use of the Incumbent	38
CHURCH , erection of, approval of the Bishop	12
possession of, vested in Incumbent and Churchwardens	26

CHURCH—continued.	
care of by Churchwardens	25
not to be used for Entertainments, etc.	28
consecrated, if sold to be pulled down	71
CHURCHWARDENS :	
nature and history of office.	21, 22
qualification of	22
number of	22
term of office of	23
election of	20
ballot at	20
resignation no provision for	23
vacancies how filled	23
a corporation—corporate name, use of	23
exercise of powers as	24
no precedence between	25
agreements by, when binding on their successors ..	24
officers, appointment of, by	36
powers and duties	25
how far subject to directions of Vestry	17, 25, 27,
care of the Church by	25
powers in regard to Church buildings and property ..	25
possession of Church in them jointly with Incumbent	26
repairs of Church property, duties as to	27
insurance of Church buildings and property by	28
taxes, when payable by and when by Incumbent ..	28
services of the Church, duties as to	29
providing things necessary for	30
preserving decorum during	33
attendance in the Vestry before services	32
demanding proof of standing of strange	
Clergyman before he officiates	32
absentees, duties as to	33
new-comers, duties as to	34
pew-holders and seat-holders, duties as to	33
strangers, duties as to	34
powers and duties as to financial matters	36
limitation of liability for clergyman's stipend	24, 78,
collections—See COLLECTIONS	30
moneys of which they have charge	26
money deposit of in Bank	36
cheques for payments of over \$5	36
accounts of—See ACCOUNTS OF CHURCHWARDENS ..	39
estimates of expenses for current year	26
Lay Representatives, duties as to election of	42, 43
Parochial Tribunal, duties as to	43
statistics of Parish, duties as to	43
egress from public buildings, duties under Act re-	
specting	43
CHURCHYARDS and Burying-Grounds :	
Under care of the Parish	16
Exemption from ordinary municipal taxation	28
Fees for breaking ground in	26
CLERGYMAN officiating, proof of his due ordination	52

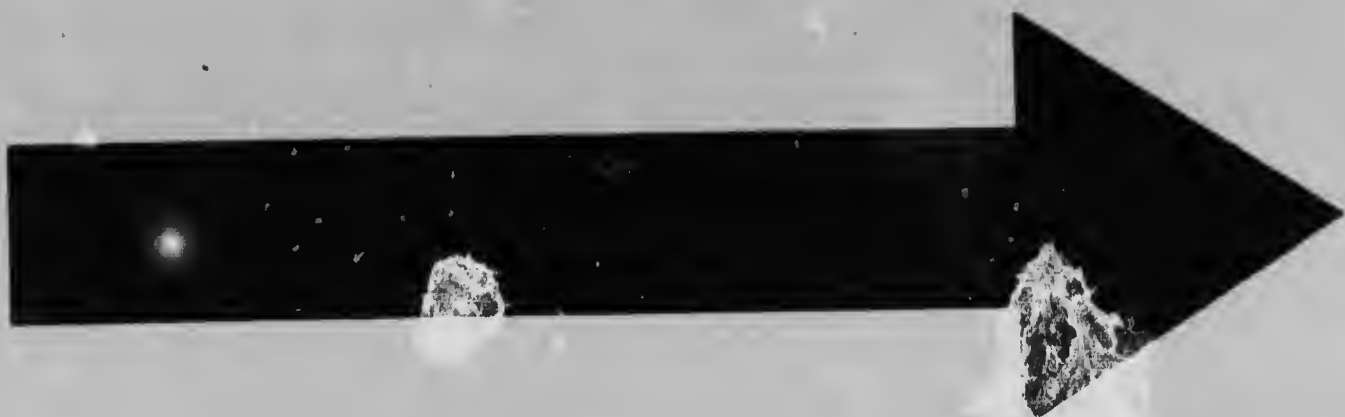
COLLATION.....	10
COLLECTIONS :	
alms-dish or Bason for, providing	30
plates or bags for, providing	30
churchwardens' responsibility in regard to	36
disposal of	37
special	37, 38
Periodical, of the Synod	31, 37, 38
COMMITTEE, Advisory or Executive, in Parishes	17
Executive, of Synod duties in regard to Sales, etc., of Church lands	68, 71, 72
COMMISSION OF INQUIRY :	
as to Parish boundaries	13, 14
into differences between Clergymen and Parishioners	70
into resources of Parish or Mission for payment of Clergyman's stipend	79
COMMISSION on subdivision of Parishes	13, 14
COMMUNION TABLE, cover and linen cloth for	30
CONFIRMATIONS, Register of	31
CONTESTED SEATS, Court of—See LAY REPRESENTATIVES..	56
DEATHS—See BURIALS, registration of	31
DECORUM in Church, Churchwardens to preserve	33
DEGRADATION from the Ministry	77 <i>n</i>
DEPRIVATION or DEPOSITION	77 <i>n</i>
DEGREES OF CONSANGUINITY, Table of prohibited	32
copies provided by Synod for Distribution	32
to be posted up in Vestry, etc.	32
DIFFERENCES between Clergy and Parishioners :	
procedure for settlement of	4
DIOCESAN MISSION FUND	37
DISCIPLINE, Canon on Church	76
offences triable under	76
penalties and punishments under	77
DISESTABLISHMENT OF Parishes	80
DISPUTES as to membership of first Vestry in Free Churches	16
between Clergy and Parishioners	76
between Incumbent and Churchwardens as to repairs	27
DISTURBANCE of Services	33
DIVINITY STUDENTS' FUND :	
April collection for	37
time for remitting collection to the Sec.-Treas. of Synod	39
DOCUMENTS and Records, strong box for	42
DOMESTIC MISSIONS :	
Ascension-time collection for	37
assessment of Parishes for	37, 58
collection by Parishes of their allotment, modes of	58
remittance of Parish contributions	39, 59
EASTLE VESTRY-MEETING, business and proceedings at	18, 20
ECCLESIASTICAL LAW of England, now far binding	3, 11

ELECTION of Churchwardens—see CHURCHWARDENS	20
of Lay Representatives—see LAY REPRESENTATIVES	60
ENDOWMENT of a Church	60
ERECTION OF CHURCHES and PARSONAGES	12
ERECTION and DIVISION OF PARISHES	12, 13
ESTIMATES of expenditure by Churchwardens, for current year	41
by-law of Vestry for	41
presentation of, to Vestry	41
EXECUTIVE COMMITTEE, in Parishes	17
EXECUTIVE COMMITTEE of the Synod :	
consent of to sales and mortgages under The Religious Institutions Act	68, 71, 72
FEEs, Table of :	
to be set up by Churchwardens	31
FEBRUARY COLLECTION for Diocesan Mission Fund	37
FINANCIAL YEAR of Parish	40
FLAGON for the Holy Communion	30
FONT	30
FOREIGN MISSIONS :	
Epiphany-tide collection for	37
assessment of Parishes for	58
FREE SITTINGS CHURCHES—see also VESTRY :	
recommended by the Synod for new Churches	16n
members of Vestry in	15
FRIDAY, GOOD, collection on	38
FUNERALS—see BURIALS	31
GOOD FRIDAY, collection on	38
INCUMBENCY, filling vacancy in	78
INCUMBENT, procedure to select new	11
rights of in his Parish to the cure of souls	11
stipend :	
minimum	78
how far Churchwardens liable for	24, 78
INDUCTION	10
INSTITUTION	10
INSURANCE of Church buildings and property	28
LANDS, modes of holding for a Church or Congregation	60-62
record of Church	28
registration of Church, in Synod Office	28
sale, mortgage, etc., of Church—see SALES, MORT- GAGES, LEASING.	
LAYMEN'S BOARD	45
LAY REPRESENTATIVES to the Synod :	
number in each Parish or Mission	47
qualification of	47
voters at election of :	
qualification of	48
preparation of list of	49-52
settlement of list by Parochial Tribunal	51, 52

LAY REPRESENTATIVES to the Synod—continued.	
election of :	
notice of	49
persons entitled to vote at	48
time of	50
proceedings at	52, 53
ballot at	52
certificate of, to be sent to Sec.-Treas. of Synod	54
to be given to persons elected	55
election to more than one Parish, procedure	56
term of office	55
resignation or death of,—new election	55
vacancies, filling	55
Contested seats, Court of, for deciding whether Lay Representatives are duly elected	56
parochial duties of	57
status of, ecclesiastical not civil.	57
LEASING of Church lands	73
consent of Vestry to	74
MARRIAGES, register of	31
table of, within prohibited degrees	32
fees on	31
certificates of	31
MEMBERSHIP, definition of Church	16 <i>n</i>
MINISTER officiating in Parish of another Clergyman	11
MINUTE BOOK of Vestry	18
MISSION, definition of	9
securing stipend of Missionary in	9
MISSION FUND, DIOCESAN	37
February and Thanksgiving Day collection for	37
payments by Parishes to	58
MORTGAGES of Church property :	
restrictions as to, when for repairs	27, 28
under The Religious Institutions Act	71
consent of Vestry and of Synod	72
procedure to be observed	72, 73
form of Mortgage prescribed	73 <i>n</i>
OCTOBER COLLECTION for Widows' and Orphans Fund	37
OFFENCES, under Canon on Church Discipline	76
Penalties and punishments for	77
OFFERTORY	37
OFFERTORY COLLECTIONS :	
responsibility of Churchwardens in regard to	30
disposal of	37
on Christmas Day for the Incumbent	38
ORGAN, nature of property of Churchwardens in	25
control of in Services	30
ORGANIST, appointment of	36
PARISH ASSESSMENTS—see ASSESSMENTS	58

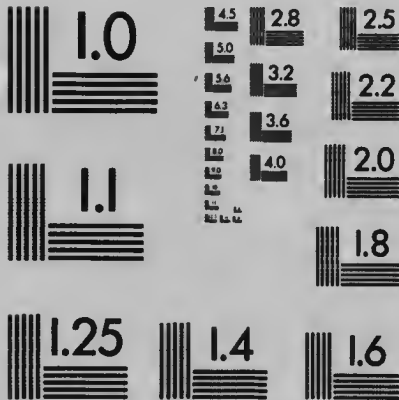
PARISH, organization in Canada	9
definition of	10
several congregations in	9
erection or formation of new	12
rearrangement of existing Parishes	13
a benefice with cure of souls	10
presentation to	10
boundaries, settlement and alteration of	14
when settled, remain for 5 years	14
register of, in Synod office	14
rights of Incumbent to cure of souls in	11
officiating in, without Incumbent's permission	11
disestablishment of	80
PAROCHIAL STATISTICS	43
PAROCHIAL ASSESSMENTS—see ASSESSMENT	58
PAROCHIAL TRIBUNAL, formation and duties of	43, 49, 50
PARSONAGES, erection of, approval of the Bishop, etc.	12
PATEN OF PLATE for the Holy Communion	30
PERIODICAL COLLECTIONS, prescribed by the Synod	31, 37, 38
PEW, absolute purchase of	35
leasing or renting of	34
allotment of by Churchwardens	34, 36
PEW-HOLDER :	
member of the Vestry	14, 15, 35
extent of his right of possession of Pew	35
disturbance of possession, right of action	35
PEW-RENTS, fixing and alteration of	34
PREACHERS' BOOK	31
PRESENTATION, right of to rectories or endowed Churches	60
PROHIBITED DEGREES, Table as to Marriages within	32
PUNISHMENTS for offences under Canon on Church Discipline	77
RECORD BOOK of Church property	28
RECTOR of a Parish, how constituted	10
status of after induction	10
RECTORIES, establishment and endowment of	60
presentation to	60
Crown, no new to be established by	60
presentation to Crown Rectories	60
REGISTER OF BAPTISMS, MARRIAGES AND BURIALS	31
REGISTRATION OF CHURCH PROPERTY, in Synod Office	28
RELIGIOUS INSTITUTIONS ACT :	
trustees to hold land under, appointment and conveyance of land to	65
sales of Church lands under	67
mortgages of Church lands under	71
RENT, remedies of Trustees for, when in arrear	74
REPAIRS to Church property	27
disputes between Incumbent and Churchwardens as to	27

SALES OF CHURCH LANDS :	
under Church Lands Sales Act (52 Vict. c. 97 (O.))	62
consent of Synod and Vestry	62, 63
under The Religious Institutions Act	67
consent of Synod and Vestry	70, 71
application of Proceeds :	
to purposes of original trusts	62
to other Church purposes	63
deeds on, approval by the Vestry and Synod	65, 70
SEAT-HOLDERS, disturbance of possession of their seats	33
SEE ENDOWMENT AND LAND COMMITTEE:	
consent of for Synod to sales under 52 Vict. c. 97 O.	64
SERVICES OF THE CHURCH :	
control of by the Incumbent	30
duties of Churchwardens as to	30
irregularities in	30
SEXTON, appointment of	36
SIDESMEN :	
history of	44
number	44
election	44
filling vacancies	44
duties, generally	44, 45
attendance in Vestry before services	32
SITTINGS in pew churches	34
STATISTICAL RETURNS	43, 59
STIPEND of Clergyman :	
minimum amount of	78
inquiry by Commission into resources of Parish for payment of	79
limitation of Churchwardens' liability for pay- ment of	24, 78, 79
STRONG BOX for safe-keeping of records	42
custody of	42
SUPERANNUATION FUND :	
March collection for	37
assessment and payments by Parishes to	59
basis of assessment	59
SUSPENSION OF CLERGYMAN	77r
SYNOD EXPENSES :	
assessment and allotment of proposition to Parishes for	54
payment of when transmitting certificate of Election of Lay Representatives	54
penalty for default in payment	54
TAXES :	
exemption of Churches, etc., from ordinary	28
for Local Improvements	28
on wild or waste Church lands :	
when borne by Incumbent	28
when borne by Churchwardens	28
TEMPERANCE SUNDAY, 1st Sunday in Lent	7



MICROCOPY RESOLUTION TEST CHART

(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482 - 0300 - Phone
(716) 288 - 5989 - Fax

TRUSTEES, of Church lands :	
appointment, etc., of	65
a corporation	66
collective name	66
alteration of number	66
conveyance of site of Church, etc., to	65
remedies for rent in arrear	74
sales of land by	67
VACANCY in Incumbency, filling	78
VESTRY :	
members of first or organizing Vestry in Free Sittings Churches	15, 16
disputes as to membership of first Vestry	16
members of, under Pew System	14, 15
" under Free Sittings System	15
by-laws of	16
officers and Committees of	17
meetings of :	
calling of	18, 19
form of notice of	19
proceedings at	20
discussion at	21
resolutions at	21
chairman at	21
secretary at	18
adjourned Easter Vestry meeting	41
special	18, 19
record of in minute book	18
election of Churchwardens at	20
ballot at	20
Easter Vestry meeting	18
collections, directions by as to disposal of	36, 37
VESTRY CLERK :	
appointment of by Churchwardens	36
record of meetings to be kept by	18
VICAR	10
WEDDINGS :	
register of	31
fees for	31
certificates of	31
WIDOWS' AND ORPHANS' FUND :	
October collection for	37
payments by Parishes to	58
WINE, for the Holy Communion	30, 32
WOMEN, when members of Vestry (note 5)	47
whether qualified to be elected Churchwardens	22

